



IN REPLY REFER TO:
L7615(YOSE-PM)

United States Department of the Interior

NATIONAL PARK SERVICE

Yosemite National Park
P. O. Box 577
Yosemite, California 95389

Memorandum

To: Michael Stansberry, Project Manager, Yosemite National Park

From: Superintendent, Yosemite National Park

Subject: NEPA and NHPA Clearance: 2014-027 Compendium Prohibition on the Use of Unmanned Aircraft (53454)

The Executive Leadership Team has reviewed the proposed project/action and completed its environmental assessment documentation, and we have determined the following:

- There will not be any effect on threatened, endangered, or rare species and/or their critical habitat.
- There will not be any effect on historical, cultural, or archeological resources.
- There will not be serious or long-term undesirable environmental or visual effects.

For the proposed project actions to be within compliance requirements during construction and/or project implementation, the following mitigations must be adhered to:

- No mitigations identified

The subject proposed project, therefore, is now cleared for all NEPA and NHPA compliance requirements as presented above. Project plans and specifications are approved and construction and/or project implementation can commence.

For complete compliance information see PEPC Project 53454.

//Don L. Neubacher//
Don L. Neubacher

Enclosure (with attachments)

cc: Statutory Compliance File

*The signed original of this document is on file at the
Environmental Planning and Compliance Office in
Yosemite National Park*

Letter of Compliance Completion - Compendium Prohibition on the Use of Unmanned Aircraft - PEPC
ID: 53454



Categorical Exclusion Form

Project: 2014-027 Compendium Prohibition on the Use of Unmanned Aircraft

PEPC Project Number: 53454

Project Description:

Unmanned Aircraft are any device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on 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.

Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Yosemite National Park and the El Portal Administrative site is prohibited except as approved in writing by the superintendent. 36 CFR § 1.5(a)(1); 36 CFR § 1.5(f)

This restriction is to protect the public from hazards and preserve the park's natural, aesthetic, and scenic values. The use of machine airborne or controlled devices, such as Unmanned Aircraft Systems (UAS) or drones, has the potential to interfere with public safety by posing an in-flight hazard to emergency helicopter use in the park. The use of these devices also has the potential to disrupt wildlife by interrupting migration, nesting, mating, and hunting activities to include, but not limited to, protected species such as the Peregrine Falcon. This restriction is in accordance with NPS Management Policy 8.2 which prohibits recreational uses that conflict with the scenic values and view sheds that the park was designated to protect and the associated activities in which individuals seek solitude and tranquility with an expectation of privacy. Furthermore, the use in designated Wilderness Areas violates the Wilderness Act, which prohibits motorized equipment. An interim measure may be put into place at a later date after the park administration evaluates the appropriateness of this new use on a long-term basis.

Project Locations:

Mariposa, Tuolumne, and Madera Counties, CA

Mitigation:

- No mitigations identified.

Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see Section 3-4 of DO-12):

D.2 Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances (e.g. all boxes in the ESF are marked "no") or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.

Superintendent: //Don L. Neubacher//

Date: 7/15/14

Don L. Neubacher

*The signed original of this document is on file at the
Environmental Planning and Compliance Office in
Yosemite National Park.*



ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: 07/01/2014

Updated May 2007 - per 2004 Departmental Manual revisions and proposed Director's Order 12 changes

A. PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: Compendium Prohibition on the Use of Unmanned Aircraft
PEPC Project Number: 53454
Project Type: Regulation (REG)
Project Location:
 County, State: Mariposa, California
 County, State: Madera, California
 County, State: Tuolumne, California
Project Leader: Michael Stansberry

B. Is project a hot topic (controversial or sensitive issues that should be brought to attention of Regional Director)? No

C. RESOURCE EFFECTS TO CONSIDER:

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc.	No				
2. From geohazards	No				
3. Air quality		Negligible			Unmanned aircraft produce temporary air emissions and potentially effect air quality.
4. Soundscapes		Negligible			Temporary engines noises are associated with unmanned aircraft systems.
5. Water quality or quantity		Negligible			This ban might prevent fuel spills or crashes that could impact water quality.

Environmental Screening Form (ESF) - Compendium Prohibition on the Use of Unmanned Aircraft -
PEPC ID: 53454

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
6. Streamflow characteristics	No				
7. Marine or estuarine resources	No				
8. Floodplains or wetlands	No				
9. Land use, including occupancy, income, values, ownership, type of use	No				
10. Rare or unusual vegetation – old growth timber, riparian, alpine	No				
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	No				
12. Unique ecosystems, biosphere reserves, World Heritage Sites	No				Yosemite National Park is a World Heritage Site.
13. Unique or important wildlife or wildlife habitat		Negligible			Yosemite is home to a variety of unique and important species; unmanned aircraft could potentially disrupt wildlife habitat.
14. Unique or important fish or fish habitat	No				
15. Introduce or promote non-native species (plant or animal)	No				
16. Recreation resources, including supply, demand, visitation, activities, etc.		Negligible			Recreation activities will be limited by banning unmanned aircraft from the park.
17. Visitor experience, aesthetic resources		Negligible			A ban on unmanned aircraft will protect the experience of visitors who prefer a

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
					undisturbed natural environment.
18. Archeological resources	No				
19. Prehistoric/historic structure	No				
20. Cultural landscapes		Negligible			By banning unmanned aircraft, this policy preserves aesthetic and scenic values.
21. Ethnographic resources	No				
22. Museum collections (objects, specimens, and archival and manuscript collections)	No				
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	No				
24. Minority and low income populations, ethnography, size, migration patterns, etc.	No				
25. Energy resources	No				
26. Other agency or tribal land use plans or policies	No				
27. Resource, including energy, conservation potential, sustainability	No				
28. Urban quality, gateway communities, etc.	No				
29. Long-term management of resources or land/resource productivity		Negligible			This interim policy allows for an in-depth evaluation of the appropriateness of this type of activity.

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				

D. MANDATORY CRITERIA

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		No		
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?		No		
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		No		
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		No		
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		No		
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		No		
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?		No		

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		No		
I. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		No		
J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		No		
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		No		
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		No		

E. OTHER INFORMATION

1. Are personnel preparing this form familiar with the site? Yes
- 1.A. Did personnel conduct a site visit? No
2. Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? No
3. Are there any interested or affected agencies or parties? Yes
- 3.A. Did you make a diligent effort to contact them? Yes, the park advised visitors that the use of Unmanned Aircraft Systems (UAS) is prohibited in a press release dated May 2, 2014.
4. Has consultation with all affected agencies or tribes been completed? No
5. Are there any connected, cumulative, or similar actions as part of the proposed action? (*e.g., other development projects in area or identified in GMP, adequate/available utilities to accomplish project*) No

F. INTERDISCIPLINARY TEAM SIGNATORIES

<u>Interdisciplinary Team</u>	<u>Field of Expertise</u>
Don L. Neubacher	Superintendent
Michael Gauthier	Chief of Staff
Kathleen Morse	Chief of Planning
Randy Fong	Chief of Project Management
Zach Allely	Acting Chief of Administration Management
Paul Laymon	Acting Chief of Facilities Management
Linda C. Mazzu	Chief of Resources Management & Science
Kris Kirby	Chief of Business and Revenue Management
Tom Medema	Chief of Interpretation and Education
Kevin Killian	Chief of Visitor and Resource Protection
Michael Stansberry	Project Leader
Lisa Acree	Acting Environmental Planning & Compliance Program Manager
Renea Kennec	NEPA Specialist

G. SUPERVISORY SIGNATORY

Recommended:

Compliance Specialists	Date
<u>//Renea Kennec//</u>	<u>7/10/14</u>
Compliance Specialist – Renea Kennec	
<u>//Renea Kennec// for</u>	<u>7/10/14</u>
Acting Compliance Program Manager – Lisa Acree	
<u>//Randy Fong//</u>	<u>7/14/14</u>
Chief, Project Management – Randy Fong	

Approved:

Superintendent	Date
<u>//Don L. Neubacher//</u>	<u>7/14/14</u>
Don L. Neubacher	

*The signed original of this document is on file at the
Environmental Planning and Compliance Office in
Yosemite National Park*



PARK ESF ADDENDUM

PROJECT INFORMATION

Park Name: Yosemite National Park
Project Title: Compendium Prohibition on the Use of Unmanned Aircraft
PEPC Project Number: 53454
Project Type: Regulation (REG)
Project Location:
 County, State: Mariposa, California
 County, State: Madera, California
 County, State: Tuolumne, California
Project Leader: Michael Stansberry

PARK ESF ADDENDUM QUESTIONS & ANSWERS

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
SPECIAL STATUS SPECIES CHECKLIST				
Listed or proposed threatened or endangered species (Federal or State)?	Yes			Parkwide
Species of special concern (Federal or State)?	Yes			Parkwide
Park rare plants or vegetation?	Yes			Parkwide
Potential habitat for any special-status species listed above?	Yes			Parkwide
NATIONAL HISTORIC PRESERVATION ACT CHECKLIST				
Entail ground disturbance?		No		
Are any archeological or ethnographic sites located within the area of potential effect?		No		
Entail alteration of a historic structure or cultural landscape?	Yes			Potentially the unmanned aircraft will impact the park's cultural landscapes.
Has a National Register form been completed?	Yes			Parkwide
Are there any structures on the park's List of Classified Structures in the area of potential effect?	Yes			

ESF Addendum Questions	Yes	No	N/A	Data Needed to Determine/Notes
WILD AND SCENIC RIVERS ACT CHECKLIST				
Fall within a wild and scenic river corridor? (Name the river corridor)	Yes			Merced and Tuolumne Rivers
Fall within the bed and banks AND will affect the free-flow of the river?	Yes			Potentially
Have the possibility of affecting water quality of the area?	Yes			Potentially the unmanned aircraft could fall into a water resources and negatively affect water quality.
Remain consistent with its river segment classification?		No		
Fall on a tributary of a Wild and Scenic River?	Yes			
Will the project encroach or intrude upon the Wild and Scenic River corridor?		No		Without this policy the unmanned aircraft could intrude on the river corridors.
Will the project unreasonably diminish scenic, recreational, or fish and wildlife values		No		
WILDERNESS ACT CHECKLIST				
Within designated Wilderness?		No		Without this policy unmanned aircraft could potentially be flown in designated wilderness.
Within a Potential Wilderness Addition		No		Without this policy unmanned aircraft might be flown in potential wilderness additions.



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

JUN 19 2014

Policy Memorandum 14-05

To: Regional Directors
Superintendents

From: Director *Jennifer J. Garvin*

Subject: Unmanned Aircraft – Interim Policy

Introduction

There has been dramatic growth throughout the United States in the numbers and use of unmanned aircraft during recent years. The likely increase in the use of these devices in units of the National Park System will undoubtedly impact park resources, staff, and visitors in ways that have yet to be identified. Recent use of unmanned aircraft in several park areas has generated a number of questions by park managers regarding concerns about their compatibility with the National Park Service (NPS) mission.

As used in this Policy Memorandum and its exhibits, the term “park” means any unit of the National Park System.

Purpose

The purpose of this Policy Memorandum is to ensure that the use of unmanned aircraft is addressed in a consistent manner by the NPS before a significant level of such use occurs within the National Park System. Accordingly, I direct each superintendent to use the authority under 36 CFR 1.5 to close units of the National Park System to launching, landing, or operating unmanned aircraft, subject to the conditions and exceptions described below. This action must be taken by superintendents no later than August 20, 2014.

For purposes of this Policy Memorandum, the term “unmanned 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 on 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.

Background

The compendium closures required to implement this interim policy are necessary to maintain public health and safety in units of the National Park System and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values. These closures by the superintendents implement Section 1.5 of NPS Management Policies 2006, which provides that a new form of park use may be allowed within a park only after a determination has been

made in the professional judgment of the superintendent that it will not result in unacceptable impacts on park resources and values.¹ When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.

Except for the limited existing use of model aircraft in some parks, the use of unmanned aircraft on lands and waters administered by the NPS is a new park use. As unmanned aircraft have become more affordable and easier to operate, they have begun to appear in some park areas. Although their use remains relatively infrequent across the National Park System, this new use has the potential to cause unacceptable impacts such as harming visitors, interfering with rescue operations, causing excessive noise, impacting viewsheds, and disturbing wildlife.² Recent incidents at Grand Canyon National Park,³ Zion National Park,⁴ and Mount Rushmore National Memorial⁵ support the need for the required closures to enable a proper evaluation of this new use. These closures are a necessary, interim measure while this new use can be properly evaluated.

Another reason for the required closures is that current NPS regulations do not specifically address launching, landing, or operating unmanned aircraft. The prohibition on operating or using an aircraft in 36 CFR 2.17(a)(1) does not apply to unmanned aircraft because the definition of “aircraft” in 36 CFR 1.4 is limited to devices used or intended to be used for human flight. Further, section 2.17(a)(3) could be construed to apply only to unmanned aircraft when used to deliver or retrieve an object from NPS-administered lands. Exhibit A to this Policy Memorandum lists other regulations in 36 CFR that may apply to the use of unmanned aircraft under certain circumstances.

Because the existing NPS regulations can only be used to address unmanned aircraft in certain circumstances, the best way at this time for superintendents to address the use of unmanned aircraft is to exercise their authority pursuant to 36 CFR 1.5.

REQUIRED ACTIONS

All superintendents must take the following actions no later than August 20, 2014, except that actions 6 through 8 must be taken immediately upon the receipt of this Policy Memorandum. Regional directors will ensure that every park complies with this policy by the date required.

1. Insert the following closure language in the park compendium:

Authority: 36 CFR 1.5

¹ Similarly, with respect to recreational uses, Section 8.2.2 of NPS Management Policies 2006 states that a new form of recreational activity will not be allowed within a park until a superintendent has made a determination that it will be appropriate and not cause unacceptable impacts.

² See Section 8.2 of NPS Management Policies 2006 (defining unacceptable impacts).

³ On April 14, 2014, a park visitor reported that other visitors had launched an unmanned aircraft from the South Rim near Desert View Watchtower where a group of 40 visitors had gathered for the sunset. The operator lost control of the unmanned aircraft, which had been loudly flying back and forth over the canyon, and the device crashed into the canyon. Two park visitors who had launched the unmanned aircraft climbed into the canyon off-trail and, after more than one hour of searching, retrieved the device.

⁴ In late April 2014, NPS volunteers witnessed an unmanned aircraft disturbing a herd of bighorn sheep on the eastern side of the park. The presence of the unmanned aircraft caused the herd to scatter and separated several young sheep from the adults.

⁵ On September 8, 2013, visitors witnessed a quadcopter flying around the developed area of the park, above an amphitheater that contained over 1,000 visitors, and then up to and over the iconic sculpture.

Definition:

The term "unmanned 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 on 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.

Closure Language:

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of [insert name of park] is prohibited except as approved in writing by the superintendent.

Existing closures or restrictions related to unmanned aircraft in park compendiums must be replaced with the closure language stated above within the allotted timeframe. Superintendents should create a compendium and insert the closure language if their park does not have an existing compendium. Superintendents may not approve the use of unmanned aircraft under the closure language unless such use is approved pursuant to the procedures contained in this Policy Memorandum.

2. Provide adequate public notice of the required compendium closure in accordance with 36 CFR 1.7(a) by using one or more of the following methods: signs, maps, publication in a local or regional newspaper, electronic media, park brochures, or handouts.
3. Pursuant to 36 CFR 1.5(c), prepare a written determination justifying the closure.

The determination must explain why the action is necessary for one or more of the reasons set out in 36 CFR 1.5(a). These reasons include the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities. As appropriate, the explanation may address the protection of specific resources, such as wildlife, and endangered and threatened species in particular, incompatibility with areas that are eligible, studied, proposed, recommended, or officially designated as wilderness,⁶ unreasonable noise, or impacts to viewshed. Superintendents should consider the purposes for which the park was established when articulating the reasons for the closure. Superintendents may also cite the reasons explained in the **Background** section of this Policy Memorandum.

In addition, the determination must include a written explanation of why less restrictive measures will not suffice.

Superintendents may refer to Management Policies section 1.5 (stated above) which requires caution when a park is confronted with a new park use such as unmanned aircraft. In addition, the determination may explain that the compendium closure is a necessary, interim measure until the

⁶ Section 6.4.3.3 of NPS Management Policies 2006 prohibits visitor use of motorized equipment in eligible, study, proposed, recommended, and designated wilderness.

NPS considers how to address this new use on a long-term basis and that allowing the use of unmanned aircraft before the park has properly evaluated whether this use is appropriate could result in unacceptable impacts to park resources, park values, and visitor safety.

For parks that have existing closures or restrictions relating to unmanned aircraft, superintendents should review and supplement the written determinations justifying such closures or restrictions based upon the findings and direction of this Policy Memorandum. Superintendents must sign and date the written determination described in this section and should place it in the compendium.

4. Complete an Environmental Screening Form to evaluate the level of necessary compliance with the National Environmental Policy Act of 1969 (NEPA). The required compendium closure will ordinarily fall within the categorical exclusion under 516 DM 12.5(D)(2) ("Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.") or other provisions of the Departmental Manual or Director's Order #12 Handbook.
5. Comply with all other applicable laws, regulations, and policies such as, but not limited to, the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA). The required compendium closure will ordinarily result in a finding of no effect on listed species under the ESA and a finding of no effect on historic properties under the NHPA.
6. Except for existing permits for model aircraft described in paragraph 1(a) below (see **Conditions and Exceptions**), suspend all special use permits issued for the operation of unmanned aircraft until they have been reviewed and approved in writing by the Associate Director, Visitor and Resource Protection (ADVRP).
7. Not issue any new special use permits for the use of unmanned aircraft unless they have been approved by the ADVRP under paragraph 1(d) below (see **Conditions and Exceptions**).
8. Not authorize any business operations using unmanned aircraft under 36 CFR 5.3, except for activities conducted under special use permits approved by the ADVRP under paragraph 1(d) below (see **Conditions and Exceptions**).

Conditions and Exceptions

1. The required compendium closures do not apply to the following activities:
 - (a) The use, authorized in writing prior to the date of this Policy Memorandum, of model aircraft (as that term is used in Federal Aviation Administration (FAA) Advisory Circular 91-57 and section 336 of the FAA Reauthorization Act of 2012) for hobbyist and recreational use at locations and under conditions (i) established by the superintendent in the compendium; or (ii) issued under a special use permit. Continued activities under these existing authorities are allowed, but renewals and modifications of these compendium provisions or permits must be approved in writing by the ADVRP. Superintendents of these parks should state in their compendiums that

A separate guidance package will be provided for parks requesting approval for administrative use of unmanned aircraft.

- (c) Activities conducted under a Scientific Research and Collecting Permit that specifically authorizes launching, landing, or operating an unmanned aircraft and is approved in writing by the ADVRP in consultation with the Associate Director for Natural Resource Stewardship and Science.
 - (d) Activities conducted under a special use permit that specifically authorizes launching, landing, or operating an unmanned aircraft and is approved in writing by the ADVRP. Superintendents should refer to Exhibit B if they intend to seek approval for a special use permit under this exception.
- 2. The compendium closures required by this Policy Memorandum do not apply to launching, landing, or operating unmanned aircraft from or on non-federally owned lands located within the exterior boundaries of units of the National Park System. However, in accordance with 36 CFR 1.2(a)(3), the compendium closure applies to such activities conducted on waters subject to the jurisdiction of the United States located within the boundaries of the National Park System.
 - 3. Nothing in this Policy Memorandum will be construed as modifying any requirement imposed by the FAA on the use or operation of unmanned aircraft in the National Airspace System. The NPS will continue to coordinate with the FAA on national or other appropriate levels regarding the use of unmanned aircraft on lands and waters administered by the NPS.
 - 4. This Policy Memorandum will remain in effect until superseded or rescinded by the Director.

Exhibit C contains a list of Frequently Asked Questions about this Policy Memorandum. Questions about this Policy Memorandum may also be directed to the Associate Director, Visitor and Resource Protection at (202) 565-1020. Points of contact for specific issues related to this Policy Memorandum, such as media and external communications, are identified in the attached exhibits that provide additional information.

-----End of Policy Memorandum-----

Exhibit A

List of 36 CFR Regulations

Policy Memorandum 14-05 (“Unmanned Aircraft – Interim Policy”) directs superintendents to address unmanned aircraft use through a compendium closure under 36 CFR 1.5. Under certain circumstances, however, the following existing 36 CFR regulations may also apply. These existing authorities should be used carefully to ensure that all elements of the cited offense are present.

- If the unmanned aircraft caused a take of wildlife (which includes pursuit or harassment) or an intentional disturbance of wildlife nesting, breeding, or other activities, the user could be cited for a violation of 36 CFR 2.2(a).
- If the user of the unmanned aircraft knowingly or recklessly created a risk of public alarm or nuisance by causing noise that was unreasonable under the circumstances or by creating a hazardous or physically offensive condition, the user could be cited for disorderly conduct under 36 CFR 2.34.
- 36 CFR 2.12(a)(3) prohibits, in nondeveloped areas, operating a device powered by a portable motor or engine, except pursuant to the terms and conditions of a permit. This provision does not apply in “developed areas,” which are defined in section 1.4 as “roads, parking areas, picnic areas, campgrounds, or other structures, facilities, or lands located within development and historic zones depicted on the park area land management and use map.”
- Other sections may apply on a case-by-case basis.
- Please contact Russ Wilson, Chief, Division of Jurisdiction, Regulations, and Special Park Uses (russ_wilson@nps.gov; 202-208-4206); or Jay Calhoun, Regulations Program Specialist, (john_calhoun@nps.gov; 202-208-2862), with any questions about existing 36 CFR regulations.

Exhibit B

Special Park Uses – Permitting Guidance for Unmanned Aircraft

Background

Policy Memorandum 14-05 (“Unmanned Aircraft – Interim Policy”) requires all superintendents 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), subject to the exceptions and conditions described in the Policy Memorandum.

One of those exceptions, listed in paragraph 1(d) of the Policy Memorandum (see **Conditions and Exceptions**), allows for activities under a special use permit (SUP) that specifically authorizes launching, landing, or operating an unmanned aircraft and that is approved in writing by the Associate Director, Visitor and Resource Protection (ADVRP).

As defined in the Policy Memorandum, “unmanned 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 on 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 guidance document is designed to help superintendents:

- Decide whether to request that the ADVRP approve an SUP allowing the use of unmanned aircraft.
- Determine appropriate terms and conditions in the SUP.

Decision Process— Whether to Request Approval for an SUP

Launching, landing, or operating unmanned aircraft may or may not be compatible within a park. If presented with a request to launch, land, or operate an unmanned 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 making this determination prior to submitting a request to the ADVRP for approval:

Will the activity:

- Violate Federal Aviation Administration (FAA) regulations for commercial use of unmanned 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, NPS Management Policies 2006, Director's Order #53, and RM-53 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 unmanned 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 ADVRP to issue an SUP that authorizes launching, landing, or operating unmanned aircraft in the park. Requests for approval should be submitted through the regional director to the ADVRP and contain the following materials:

- Memorandum of request referencing the Policy Memorandum.
- Briefing statement that, at minimum, explains (i) the activities that would be permitted by the SUP; (ii) why the permitted activities would be appropriate and compatible with the values and resources of the park; (iii) the potential for controversy; and (iv) contact information at the park for further questions.
- Copy of the proposed SUP with all of its terms and conditions.

SUP Terms and Conditions

SUPs that permit launching, landing, or operating unmanned 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 safe operation of unmanned aircraft and mitigate any unacceptable impacts to the resources and values of the park.

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

- Unmanned aircraft may not disturb or harass wildlife.
- Unmanned aircraft may not interfere with NPS search and rescue, law enforcement, or other emergency operations.
- Unmanned aircraft will not be flown in a reckless manner or outside the designated area(s).
- Operators may not operate unmanned aircraft while under the influence of alcohol or drugs.
- Inexperienced unmanned aircraft operators must be accompanied and assisted by an experienced operator.
- Operators must avoid flying directly over people, vessels, vehicles, or structures and must avoid endangering the life and property of others.
- Operators must report all accidents involving injury (even minor first aid) and any resource or property damage to the NPS immediately. Notification to the NPS does not relieve the operator from reporting requirements under 49 CFR 830 or under a Certificate of Authorization (COA) required by the FAA.
- Unmanned aircraft must be within visual sight, with no visual aids authorized, of the operator at all times during flight of the unmanned 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 upon individual park needs):

- Safety line(s) must be established. Only persons associated with flying the unmanned 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 unmanned aircraft. If the superintendent decides to allow flammable fuels, however, the following requirements should apply:
 - All flammable fuels will be stored in containers that are Underwriters Laboratories (UL) listed and approved.
 - No more than 5 gallons of all flammable liquid may be on site at any time.
 - A fully operational 10# 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.
- Unmanned 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 unmanned aircraft at the same time.

Note on FAA Guidelines and Requirements:

Unlike the NPS, which does not distinguish between types of unmanned aircraft, the FAA makes a distinction between model aircraft used by hobbyists for recreation and unmanned aircraft operated commercially. FAA guidance for model aircraft operation is found in Advisory Circular 91-57. This guidance may be useful when developing permit terms and conditions for unmanned aircraft that qualify as model aircraft as that term is used in Advisory Circular 91-57 and section 336 of the FAA Reauthorization Act of 2012.

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 unmanned 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 unmanned 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 unmanned aircraft activity unless the FAA has sanctioned the flight first. Thus, for the NPS to permit launching, landing, or

operating commercial unmanned 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 Lee Dickinson, Special Park Uses Program Manager (lee_dickinson@nps.gov; 202-513-7092) with any questions about SUPs.

Exhibit C

Unmanned Aircraft Interim Policy – Frequently Asked Questions

These Frequently Asked Questions are meant as a quick reference guide for superintendents about Policy Memorandum 14-05 (“Unmanned Aircraft – Interim Policy”). A press release, media talking points, and Frequently Asked Questions for external communications will be posted on InsideNPS. The Frequently Asked Questions do not supersede or replace any provision of the Policy Memorandum, which is the controlling document that provides direction to the field.

1. How does the NPS define “unmanned aircraft” in the Policy Memorandum?

"Unmanned 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 on 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 definition is controlling for purposes of the Policy Memorandum notwithstanding any other definition of unmanned aircraft system or model aircraft by the Federal Aviation Administration (FAA) or any other government agency or private entity.

2. What are superintendents required to do under the Policy Memorandum?

Superintendents must use their authority under 36 CFR 1.5 to close units of the National Park System to launching, landing, or operating unmanned aircraft from or on lands and waters administered by the National Park Service (NPS). The Policy Memorandum contains specific closure language that must be inserted into the compendium of each park. The Policy Memorandum contains a list of required actions that must be taken to implement this compendium closure. These include providing adequate notice to the public, preparing a written determination explaining the closure, and complying with applicable laws such as the National Environmental Policy Act and the Wilderness Act.

3. What is a compendium?

A compendium is a document containing park-specific regulations based upon the superintendent's authority under 36 CFR 1.5 to close all or a portion of a park or otherwise limit or restrict an activity to maintain public health and safety, protect environmental or scenic values, protect natural or cultural resources, aid scientific research, implement management responsibilities, equitably allocate and use facilities, or avoid conflict among visitor use activities. The compendium must be made available to the public and is typically posted on the park website.

4. Why can't the NPS use existing regulations in 36 CFR to prohibit the use of unmanned aircraft?

The prohibition on operating or using an aircraft in 36 CFR 2.17(a)(1) does not apply to unmanned aircraft because the definition of “aircraft” in 36 CFR 1.4 is limited to devices used or intended to be used for human flight. Further, section 2.17(a)(3) could be construed to apply only to unmanned aircraft when used to deliver or retrieve an object from NPS-administered lands. Exhibit B to this Policy Memorandum lists other regulations in 36 CFR that may apply to the use of unmanned aircraft under certain circumstances; however, none of these regulations directly address the use of unmanned aircraft.

5. When must superintendents complete the actions required by the Policy Memorandum?

Actions needed to implement the compendium closure must be taken no later than August 20, 2014. Other actions must be taken upon receipt of the Policy Memorandum.

6. Are there any exceptions to the required closure of all parks to the use of unmanned aircraft?

Yes. Superintendents who have authorized, prior to the date of the Policy Memorandum, the use of model aircraft for hobbyist or recreational use, either in the park compendium or through special use permits, may allow continued activities under those existing authorities. Renewals and modifications of these authorities require approval from the Associate Director, Visitor and Resource Protection (ADVRP).

Administrative use of unmanned aircraft as approved in writing by the ADVRP for such purposes as scientific study, search and rescue operations, fire operations, and law enforcement may be conducted. Administrative use includes the use of unmanned aircraft by (i) NPS personnel as operators or crew; (ii) cooperators such as government agencies and universities that conduct unmanned aircraft operations for the NPS pursuant to a written agreement; and (iii) other entities, including commercial entities, conducting unmanned aircraft operations for the NPS, provided such entities are in compliance with all applicable FAA and Department of the Interior requirements. A separate guidance package will be provided for parks requesting approval for administrative use of unmanned aircraft.

Activities conducted under a Scientific Research and Collecting Permit that authorizes launching, landing, or operating an unmanned aircraft may be conducted after approval by the ADVRP in consultation with the Associate Director for Natural Resource Stewardship and Science.

Superintendents may request that the ADVRP approve a special use permit that authorizes launching, landing, or operating an unmanned aircraft after taking steps at the park level to determine and analyze the impacts of the activity. The procedures for making these requests are contained in Exhibit B to the Policy Memorandum.

7. Why has the approval level for administrative uses of unmanned aircraft been set at the WASO level?

Just as the impacts of unmanned aircraft use by the public have not been evaluated, the NPS has not evaluated what types of impacts could be caused by administrative uses of these devices. Additionally, the NPS does not currently have a policy framework in place to govern use by NPS employees (operating, purchasing, etc.). Moving forward, the NPS will be evaluating the potential mission types (e.g., wildlife monitoring, wildland fire operations, search and rescue) and also be looking at which types of unmanned aircraft may best be compatible to conduct these operations. Superintendents should understand that there are already stringent DOI and FAA policies relating to federal purchase and use of unmanned aircraft.

8. Does the Policy Memorandum affect the primary jurisdiction of the FAA over the National Airspace System?

No. Nothing in the Policy Memorandum will be construed as modifying any requirement imposed by the FAA on the use or operation of unmanned aircraft in the National Airspace System. A special use permit issued by the NPS does not exempt the operator from obtaining the appropriate authorization and permits from the FAA. For example, the NPS cannot issue a permit for a commercial unmanned aircraft activity unless the FAA has sanctioned the flight first. The NPS will continue to coordinate

with the FAA on national or other appropriate levels regarding the use of unmanned aircraft on lands and waters administered by the NPS.

9. Does it matter where an unmanned aircraft is used for the required closures to apply?

Yes. The NPS has the authority to regulate or prohibit the use of unmanned aircraft from or on lands and waters administered by the NPS. As a result, the compendium closures required by the Policy Memorandum only apply to launching, landing, or operating unmanned aircraft from or on lands and waters administered by the NPS within the boundaries of the park. The closures do not apply to launching, landing, or operating unmanned aircraft from or on non-federally (e.g., private or state) owned lands located within the exterior boundaries of the park. The closures do not apply to the flight of unmanned aircraft in the airspace above a park if the device is launched, landed, and operated from or on lands and waters that are not administered by the NPS.

10. The Policy Memorandum sets forth an “interim policy” – how does the NPS intend to address unmanned aircraft on a long-term basis?

The closures required by the Policy Memorandum are a necessary, interim measure while this new use can be properly evaluated. While the interim policy is in place, the NPS will consider promulgating a Service-wide regulation to be published in 36 CFR, a process that can take considerable time if the rule is complex.

11. Where can I obtain additional information about this Policy Memorandum?

Questions regarding ...	should be directed to ...
Compendium closure actions	Regional Chief Ranger
CFR interpretation	National Regulations Office (202) 208-2862
Administrative use of unmanned aircraft	National Aviation Manager (202) 387-5227
Special use permits	National Special Park Uses Program (202) 513-7092
Media and external communications	National Office of Communications (202) 208-6843