

PURPOSE

To establish a procedure for drone usage on Department of Forests, Parks and Recreation (FPR) Lands, and to specify when a License or Special Use Permit is required.

PROCEDURE SUMMARY

Over the past several years, the availability and popularity of drones for recreational and filming use has significantly increased. As a result, drone usage by the general public has increased overall, and FPR staff have experienced increased use of drones on and over FPR lands, as well as increased requests from the public regarding rules governing drone use on these lands. This Procedure defines drones and explains relevant FPR Rules, State Statutes, and Federal Requirements concerning the use of drones by the public on and over state lands.

Drones (and other aircraft) are not allowed in State Parks and Forests facilities without the written approval of the Commissioner of Forests, Parks and Recreation, except in an emergency. For details, see the FPR Rule entitled [Visitor Conduct & Fees and Charges for State Park Services and Commercial Activities on Department Lands, CVR 12-020-009, I.17, Department of Forests, Parks and Recreation Rules and Regulations](#).

The prohibition on the use of drones in State Parks and Forests Facilities specifically covers launching and landing a drone from state lands **or** flying a drone below the limits of FAA jurisdiction over state lands, irrespective of where the drone has been launched from.

Flying a drone within the airspace regulated by the FAA (400 feet or more above the ground¹) above State Parks and Forests Facilities is not covered by this Procedure, but is subject to State and Federal laws, regulations and guidelines. See, 20 V.S.A. §4623 and 14 CFR Part 107. However, in [FAA Part 107 Fact Sheet](#), the FAA states that one cannot fly a drone over anyone who is not directly participating in the operation, not under a covered structure, or not inside a covered stationary vehicle. For the purposes of this Procedure, FPR interprets the FAA Fact Sheet as prohibiting the use, operation or flying of a drone over an established campsite or over persons using State Parks and Forest lands and facilities even if the drone is launched outside of state lands.

DEFINITIONS

For the purposes of this Procedure, the following definitions shall apply:

¹ https://www.faa.gov/uas/getting_started/where_can_i_fly/airspace_101

- The term “Aircraft” means a device that is intended to be used for flight in the air, including drones, as a drone is a type of unmanned aircraft system that is subject to FAA oversight and enforcement under 49 USC 40102.
- The term “Drone” means a powered aerial vehicle that does not carry a human operator and is able to fly autonomously or to be piloted remotely. See, 20 V.S.A. §4621(2).
- “Commissioner” means the Commissioner of the Department of Forests, Parks and Recreation unless otherwise specified.
- The term “facilities” means any area within a State Park or State Forest or other State Land under the jurisdiction of the Commissioner that is improved or developed or managed for the purpose of providing or facilitating public access, including parking areas, kiosks and trailheads, trails, roads, viewing platforms, fire towers, day use areas, campgrounds and all land, buildings, structures or infrastructure associated therewith. “Facilities” also includes all State Buildings and State Grounds under the jurisdiction of the Commissioner of the Department of Buildings and General Services that are located on lands owned by or are used by the Department of Forests, Parks and Recreation. See [Vermont State Facilities Rule](#).

PROCEDURE DETAILED INFORMATION

1. The use of drones is prohibited in State Park and State Forest lands and facilities, unless written permission is provided by the FPR Commissioner.

No person shall operate or use a drone in State Park and State Forest lands and facilities unless they have first received written permission from the Commissioner in the form of a Special Use Permit or a License. To request a Special Use Permit or a License (for extended periods or commercial operation) you must apply online [here](#). Please see the Agency of Natural Resources Uses of State Lands Policy at the link below for more information.

- In accordance with Federal Guidelines and FAA Fact Sheet 107, no person may use, fly or operate a drone over an established campsite or campground facility or over any person using a State Park or Forest land or facility, regardless of whether the drone is launched from within or outside of State Park or Forest lands or facilities.
- Any permitted use or operation of a drone shall comply with all Federal Rules and requirements, including but not limited to the FAA Rules for Recreational Flyers. See links below.
- Commercial use of drones on State Parks and Forest Lands is prohibited unless the operator has received a License from the Department.

2. Process for Obtaining a Special Use Permit or License for Operation or Use of a Drone

To request permission to use a drone on State Parks and Forests lands and facilities, please complete the [New Online Application](#). There are additional instructions available to help you through the process. In addition, each [Forestry District or Parks Regional Office](#) of the Department of Forests, Parks & Recreation has a License Coordinator who can assist you.

Exceptions: Use of a drone in State Park and State Forest lands and facilities does not require written permission / Special Use Permit in the following situations:

- a. In an emergency and when the drone use is part of an emergency or disaster response effort led by state or federal government officials, such as after a flood event
- b. The Commissioner may grant written permission via email or other writing to other State Agencies in Vermont
- c. ANR staff may use drones for official work purposes without specific written permission
- d. Use of drones by law enforcement agencies in accordance with Title 20, Chapter 205 of the Vermont Statutes Annotated is permitted.

VERMONT FISH AND WILDLIFE LANDS AND FACILITIES

VT Fish & Wildlife Department Regulations: Although this Procedure applies to lands and facilities owned and operated by the Department of Forests, Parks and Recreation, FPR staff are frequently asked about use of drones in lands managed by the Vermont Fish and Wildlife Department, including but not limited to Wildlife Management Areas. The following information addresses the use of drones on all Fish and Wildlife Department lands and facilities. For further information, please contact the Department of Fish and Wildlife.

- **Recreation:** use of drones for recreational purposes on Fish & Wildlife land is prohibited. This prohibition is based on both the [Rule Governing the Public Use of Fish and Wildlife Department Lands](#) and the [Fishing Access Area Rule](#), as they are interpreted by the Fish & Wildlife Lands & Facilities Administrator and the Land & Habit Program Manager.
- **Hunting:** use of drones for hunting is prohibited. See [Fish & Wildlife Regulations on Aerial Hunting](#) for more detailed information.
- **Research:** use of drones for research, wildlife filming, or other scientific purposes is strictly controlled, and must avoid hunting seasons, as well as minimize impact on bird breeding seasons and other wildlife. If a member of the public requests this use, they must apply online for a license or special use permit and fully document their needs; permission is not guaranteed.

ASSOCIATED INFORMATION

- **U.S. Fish and Wildlife Service:** prohibits the use of drones on national wildlife refuges.

- **[Appalachian Trail](#)**: Appalachian National Scenic Trail prohibits the use of drones on the AT corridor.
- **[Green Mountain Club](#)**: opposes the use of drones on the Long Trail System. In addition, the Appalachian Trail prohibition is in effect for 100 miles of the Long Trail that coincides with the Appalachian Trail in southern Vermont, and for over 45 miles east to the New Hampshire border.
- **[National Park Service](#)**: drones are highly regulated in National Parks; they are prohibited entirely in many of the Parks. See the National Park Service website to check restrictions for specific parks.

- **[Federal Aviation Administration \(FAA\)](#)**

The Federal Aviation Administration (FAA) rules, regulations, and safety guidelines for operating drones include but are not limited to:

- **FAA Rules for Recreational Flyers**

If you fly for fun and personal enjoyment or as an educational institution, you must:

- [Learn the rules for recreational flyers](#)
- See a list of [FAA-Recognized Community Based Organizations](#)
- [Take The Recreational UAS Safety Test \(TRUST\)](#)
- [Register drones greater than 0.55 pounds \(250 grams\) and less than 55 pounds at FAADroneZone](#)
- [Learn more about drone registration](#)
- [Where can I fly?](#)
- [Learn about educational users](#)
- [Voluntary Best Practices for UAS Privacy, Transparency, and Accountability](#)

- **FAA Rules for Certificated Remote Pilot**

If you fly for commercial, government, or any other non-recreational purposes you must:

- [Learn the regulations for certificated remote pilots](#)
- [Become a certificated remote pilot](#)
- [Register all drones less than 55 pounds at FAADroneZone](#)
- [Learn more about drone registration](#)
- [Where can I fly?](#)
- [Learn about Public Safety and Government Users](#)

Drone users or prospective users should check the FAA website for more detailed information.

ASSOCIATED DOCUMENTS AND LINKS

- [Department of Forests, Parks and Recreation Rules and Regulations](#)
- [Agency of Natural Resources Policy Uses of State Lands](#)
- [Federal Aviation Administration \(FAA\) Drones](#)
- [USFS Drone Guidelines](#)
- [National Park Service Drone Policy](#)
- [Appalachian Trail Management Policy Unmanned Aircraft](#)
- [Green Mountain Club Drone Guidelines](#)
- [Vermont Fish & Wildlife Regulations](#)
- [Vermont Fish & Wildlife Regulations: Aerial Hunting](#)
- [Vermont Fish & Wildlife Rule Governing the Public Use of Fish and Wildlife Department Lands](#)
- [Vermont Fish & Wildlife Fishing Access Area Rule](#)
- [U.S. Fish and Wildlife Service National Wildlife Refuge Drone Prohibition](#)

RECORDS and METRICS

Records of all Special Use Permits are kept in the [FPR - Special Use Permit & License Application database](#).

MONITORING

This procedure will be evaluated as Agency of Natural Resources policies evolve on drone usage on state lands.

SIGNATURE

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Print Name

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Signature

9/19/2024

Date