

Department of Forests, Parks and Recreation Procedure	
Subject Title: Drone Usage on FPR State Lands	Date: January 29, 2025

PURPOSE

To establish a procedure for drone usage on Department of Forests, Parks and Recreation (FPR) Lands, and to specify when a Special Use Permit (SUP) or License 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 public has increased overall, and FPR staff have observed 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 without written approval specifically covers launching and landing a drone from FPR state lands.

Flying a drone within airspace regulated by the Federal Aviation Administration¹ over 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.

DEFINITIONS

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

- 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).

¹ FAA documents state that in general, one can only fly a drone in uncontrolled airspace below 400 feet above ground level, but there are site-specific exceptions. See here for more details:
https://www.faa.gov/uas/getting_started/where_can_i_fly/airspace_101

- **“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 FPR. 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 Commissioner.

No person shall operate or use a drone originating and terminating on 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](#). Please see the Agency of Natural Resources Uses of State Lands Policy.

- 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.
- Commercial use of drones originating and terminating on State Parks and Forest Lands is prohibited unless the operator has received a Special Use Permit or 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 originating and terminating 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 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 in the following situations:

- a. In emergencies or disaster response efforts led by federal, state, or municipal officials, such as after floods or wildland fires.
- b. The Commissioner may grant written permission via email or other writing to other State Agencies in Vermont.

- c. Agency of Natural Resources (ANR) staff possessing a Remote Pilot Certificate 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.

3. Process for Reviewing a Special Use Permit or License Application for Operation or Use of a Drone on State Lands

Applications for Special Use Permits (SUP) or Licenses for operation or use of a drone shall be reviewed on a case-by-case basis at the District / Region Level to determine if the required information has been submitted, including meeting the insurance and payment requirements. If all required information has been submitted, applications to operate a drone on state lands will then be reviewed using criteria from the Use of State Lands Policy to ensure that the proposed use:

1. Is within the missions, goals, and objectives of the Agency and Departments, as expressed in their strategic plans or state law.²
2. Is compatible with the overall management objectives for the particular parcels in question as outlined in a long range management plan.
3. Does not unreasonably exclude, eliminate, degrade, or conflict with other established and accepted public uses of an area.
4. Will not destroy, degrade, or adversely impact any natural, geological, historical, cultural, fisheries and wildlife, recreational, or visual resources, and will protect or avoid critical natural resources or other resource values.
5. Is not specifically prohibited by law, rule, regulation, or policy.

Other criteria used to evaluate applications may include the degree of incompatibility between drone use and other users of the area, effects on public liability, health and safety, and any previous performance of the applicant with a prior SUP or license. One possible approach to mitigate conflicts between drones and other users is to consider permitting drone use on days when there are fewer individuals involved in other uses of the same site (e.g., only permitting drone use at a popular recreational site on weekdays). District/Regional staff can propose time and day of week restrictions to reduce potential conflicts between use.

The US Forest Service's [Recreation Opportunity Spectrum](#) (ROS), a system for classifying and managing recreation opportunities based on defined criteria, may be used to determine if the proposed drone use is compatible with the defined recreation class at a given site or recreation setting; see Appendix I below for how the ROS can be applied to support review of drone applications. A SUP or license may be granted to provide a commercial profit-making opportunity if the proposed use is in found to be in alignment

² Examples of proposed drone use that may align with FPR's mission include tourism promotion or scientific research.

with the five elements listed above. Finally, FPR is not obligated to issue a SUP or license to accommodate the desire of an applicant.

4. Drones and Wildland Fire

As described in [a National Wildfire Coordinating Group webpage](#), incursions from drones that are not participating in a wildland fire response effort into the fire area can also pose a serious risk to firefighter and public safety and the effectiveness of incident operations. Therefore, drone use is prohibited in areas of active wildfire response. Furthermore, permits to operate drones on state lands may include language restricting their use near wildland fires if applicable, in line with relevant guidelines ([NWCG PMS 505](#) and [PMS 520](#)). Permits may also include language prohibiting drone use in the “Fire Traffic Area,” unless at the direction of the Incident Command.

5. Useful Information about Drone Use from Land Management Partners

The information below is a summary of key drone-related information from land management partners; more detail can be found on the FPR Website drone page.

- **VT Fish and Wildlife Department:** 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. There are two key regulations governing use of drones on VT Fish and Wildlife owned lands:
 - **Hunting:** The use of drones for [aerial hunting, aerial surveillance or harassment](#) of wildlife is prohibited.
 - **Recreation:** Use of drones for recreational purposes on Fish & Wildlife land is prohibited, 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 official and legal counsel.
- **U.S. Fish and Wildlife Service:** Launching, landing or disturbing wildlife by Uncrewed Aircraft Systems (drones) on national wildlife refuges is prohibited.
- **U.S. Forest Service Lands:** This [website](#) lists regulations about drone use on U.S. Forest Service lands:
 - Individuals and organizations may fly drones (Unmanned Aerial Systems or UAS) for hobby or recreational purposes in compliance w/ [Section 336 of Public Law 112-95](#).
 - UAS must be flown below 400 feet and remain clear of surrounding obstacles.
 - UAS are considered to be both “motorized equipment” and “mechanical transport” and, as such, they cannot take off from, land in, or be operated from congressionally designated wilderness areas.

- UAS are not permitted to fly in areas that have Temporary Flight Restrictions (TFR) in place, such as wildfires. Search the Federal Aviation Administration (FAA) Web site for current TFRs at <http://tfr.faa.gov/tfr2/list.html>.
- **National Parks:** [Policy Memorandum 14-05](#), released by the National Park Service (NPS) director in June 2014, directed each superintendent to use the authority under 36 CFR 1.5 to prohibit the launching, landing, or operation of unmanned aircraft, subject to the certain conditions and exceptions set forth in this memo.
 - **Appalachian Trail:** The Appalachian National Scenic Trail is administered by the National Park Service, and therefore it is illegal to take off, land, or operate a drone from the trail itself. This prohibition is further explained in a [policy statement](#) issued by the Appalachian Trail Conservancy.
- **Federal Aviation Administration (FAA):** The Federal Aviation Administration (FAA) maintains a list of [rules, regulations, and safety guidelines](#) for operating drones and also provides a [map](#) listing temporary flight restrictions.
- **Green Mountain Club (GMC):** The GMC has issued a [policy statement](#) (that does not have the force of law) that opposes the use of drones on the Long Trail.

RECORDS and METRICS

Records of all Special Use Permits and Licenses 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

DocuSigned by:

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Danielle Fitzko, Commissioner

1/29/2025

Effective Date:

APPENDIX I: Recreation Opportunity Spectrum to Support Review of Drone Use Applications

The Recreation Opportunity Spectrum (ROS) provides a guide for land managers to define and allocate desired recreation settings and opportunities, as well as provide for sustainable recreation. There are six nationally defined ROS classes. Each class is defined by the physical, managerial, and social characteristics of a place that, when combined, provide distinct recreation opportunities for personal experiences and benefits, unique to each individual visitor. The two figures below, from the [2024 USDA USFS ROS Technical Guide \(FS-1240a\)](#), provide information about how the six ROS classes can be used to consider what types of different recreational opportunities are best suited for each class.



Figure 1. The components of recreation opportunities include the setting (physical, social, managerial characteristics of a place) where visitors choose to participate in particular activities. This combination results in opportunities for recreation experiences and the associated benefits.



Figure 2. In general, primitive settings occur primarily in designated wilderness, recommended wilderness areas, or other areas where the desire is to preserve a remote and more challenging experience. Semi-primitive settings reflect a desired condition for these areas to remain less developed and potentially allow for fewer encounters with others than the more developed “roaded” natural / rural settings. Semi-primitive nonmotorized settings reflect the unlikelihood of

future motorized routes or areas, while semi-primitive motorized settings reflect settings where future motorized route construction or use may be considered.

If a Special Use Permit or License application requests authorization for drone use in a State Park or State Forest that has an existing Long Range Management Plan with the Recreation Opportunity Spectrum mapped, the table below can be used to support the review of this application. This table, adapted from the [USFS ROS Primer](#), can help state lands managers determine if drones are advisable or not in a particular ROS Class. For the purposes of using the table below, a drone can be considered an object that is manmade that one can see and hear. This table is intended to provide a tool that can support decision making on an individual drone use application and should be considered along with other review criteria defined in Section 3 of this Procedure.

	Out of sight & sound of human activity	May see/hear human activity in distance. 1/2 hr. walk from any motorized travel	May see/hear human activity in distance	Minimum Distance to seeing/hearing human activity is of little importance
Primitive	Norm	Inconsistent	Avoid	Avoid
Semi-Primitive Non-Motorized	Compatible	Norm	Inconsistent	Avoid
Semi-Primitive Motorized	Compatible	Compatible	Norm	Inconsistent
Roaded Natural (*Semi-Developed Natural)	Compatible	Compatible	Compatible	Norm
Rural (*Developed Natural)	Compatible	Compatible	Compatible	Compatible
Urban (*Highly Developed)	Compatible	Compatible	Compatible	Compatible

Table 1: The matrix establishes limits of acceptable change for each indicator in each setting. The "norm" in the matrix describes normal conditions found in the setting. "Compatible" describes conditions that meet or exceed the norm. "Inconsistent" represents conditions that are not generally compatible with the norm but may be necessary under some circumstances to meet management objectives. "Avoid" defines conditions that, under any circumstance, do not permit the creation or maintenance of a given setting. Where "Avoid" conditions are unavoidable, a change in setting will often result.

These terms in Table 1 are derived from the U.S. Forest Service Publication: GTR-NE-309, Extending the Recreation Opportunity Spectrum to Non-Federal Lands in the Northeast: an Implementation Guide, S. Bulmer et al, 2001.