



STATE OF NEW HAMPSHIRE  
DEPARTMENT of NATURAL and CULTURAL RESOURCES  
DIVISION of PARKS and RECREATION  
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January 18, 2023

The Honorable Andrew Renzullo  
and the Resources, Recreation and Development Committee  
Legislative Office Building, Rm 305  
Concord, New Hampshire 03301

**RE: HB 434 relative to flying drones in state parks**

Dear Chair Renzullo and the Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources (“Department”), Division of Parks and Recreation (“Division”) regarding HB 434 relative to drones in state parks. **We respectfully provide the Committee with the following information. We are very concerned with the impact that this bill would have on the recreational experience of our visitors in state parks, campgrounds and trails, including those trails that cross private land. Protecting the quality of that experience is one of the purposes of our administrative rules.**

Impact of drones on other recreationists. We are concerned that drone use on lands owned by the state will negatively impact other recreational users who are otherwise expecting to be able to enjoy a quiet experience in parks, campgrounds and trails. Our administrative rules governing the use of department lands state the following:

Res 7301.07 Restrictions in Public Use.

(b) DRED [now, DNCR] properties, or portions of a property, shall be closed or restricted for public access by posting and /or by public notification by authorized DRED personnel if...

(6) The quiet enjoyment of the recreational use of the property by other users or abutting landowners is being disturbed.

Res 7402.01 Definitions under Res 7400 RESERVED AND PRIVILEGED USE OF DRED LANDS, FACILITIES AND RESOURCES also addresses visitor experience:

(d) “Degradation of the visitor experience” means the event, activity or use disrupts traditional public park use or unduly inconveniences abutting landowners or the general public and causes or might cause any of the following conditions:

- (1) Impose on or conflict with the use of DRED lands, facilities and resources by the public at large; (note: resources would include wildlife)
- (2) Excessive noise so as to deny others their right to quiet enjoyment of their recreational use of DRED lands, facilities and resources; or
- (3) Multiple complaints from other visitors or parties, as determined by the department.

Although the bill prohibits flights that “**intentionally** interferes with the reasonable use and enjoyment of the park by other users,” the definition of this provision is unclear and unenforceable.

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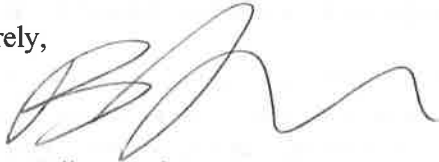
The bill also prohibits the use of drones “with the **intent** to conduct video surveillance of private citizens” and we believe that this provision is also unenforceable and that a visitor’s privacy could be unintentionally impacted.

Loss of recreational access. We are dependent on the willingness of private landowners to allow trails in the statewide trail system to cross their lands for public use. We are very concerned that those landowners would no longer permit the public use their property if they were required to allow drone use on trails they own. And, drone users would not know when they have crossed into privately owned lands.

Commercial Use. Lastly, we already have a process for granting commercial drone use by the issuance of a special use permit. Under administrative rule, Res 7402.01,(e) “Special use” means any event, activity or use that is beyond the normal or routine recreational use of a specific DRED property or an event, activity or use requiring a permit under Res 7403.01. Permits enable the Department to effectively manage the use of drones while protecting the concerns of private landowners who open their trails to the public, the visitor experience and privacy of citizens.

Thank you for the opportunity to provide testimony and pertinent information related to **HB434**. Please let me know if I can answer questions or provide any additional information.

Sincerely,



Brian J. Wilson, Director

Cc: Sarah L. Stewart, Commissioner, Department of Natural and Cultural Resources

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