



State of New Hampshire
DEPARTMENT OF NATURAL & CULTURAL RESOURCES
DIVISION OF PARKS & RECREATION

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February 5, 2025

The Honorable Robert Harb
and the Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 644-FN relative to flying drones in state parks.

Dear Chair Harb and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources, Division of Parks and Recreation (the "DNCR") regarding HB 644-FN relative to flying drones in state parks. We respectfully provide you with the following information.

When reviewing new or competing uses of state park lands, the DNCR considers the recreational experience of our visitors in state parks, campgrounds and trails. Protecting the quality of that experience is one of the purposes of our administrative rules.

Impact of drones on other recreationists. What potential impact will drone use have on 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. The bill also prohibits the use of drones "with the intent to conduct video surveillance of private citizens in state parks without prior written

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consent of the persons being surveilled.” We believe that this provision is also unenforceable and that a visitor’s privacy could be unintentionally impacted.

Commercial Use. 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. In 2024, the Department issued 9 permits for film projects that used a drone. Permits enable the Department to effectively manage the use of drones while protecting the visitor experience and privacy of citizens.

Institution	Event Name	Type	Location
Mt Washington Observatory	Seek the Peak	Sports	Mt Washington SP
Southwest Antennas	Earth Day Commercial	Film	Monadnock SP
Vidarr Inc.	Filming	Film	Fort Stark HS
Yul Never Roam Alone	Tourism New Hampshire	Film	Multiple Locations
Hi Tech Inc.	Filming	Film	Mt Washington SP
UNH	Eelgrass study	Research	Odiorne Point SP
University of Nevada, Reno	Geological Research	Research	Multiple Locations
National Geographic Society	Documentary	Film	Echo Lake SP
Haybro Media	Television	Film	Multiple Locations

Drone Use Fees. The bill authorizes the Department to charge a retrieval fee of not more than \$100. This fee may not fully cover the cost of staff time and would take staff away from their regular duties and responsibilities for our park visitors. Additionally, staff should not be held liable for damage of the drone during retrieval.

The bill authorizes the Department to charge a drone operator \$25 per day for flights that occur in state parks. The Division of Parks and Recreation is operationally self-funded. As such, the Department is authorized to set its fees pursuant to RSA 216-A:3-g, so as to provide the Department with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Fees are approved by the Fiscal Committee of the General Court. This bill circumvents the Department’s established procedures to set fees for access to and use of the state park system.

We respectfully request that rules related to recreational drone use in state parks be established under the administrative rules procedure of RSA 541-A. We also request that any fees related to drone use is established under RSA 216-A:3-g, that includes review and approval by the Fiscal Committee.

Thank you for the opportunity to provide testimony on this bill. Please feel free to contact us should you have any questions.

Sincerely,



Brian J. Wilson
Director

Cc: Sarah L. Stewart, DNCR Commissioner