

**Record of Determination to Close
Harpers Ferry National Historical Park to the
Launching, Landing, or Operation of Unmanned Aircraft**

36 CFR 1.5 (a)(1)-General Closures - Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Harpers Ferry National Historical Park is prohibited except as approved in writing by the Superintendent.

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, quad copters, drones) that are used for any purpose, including for recreation or commerce.

Justification: This restriction covers all areas within Harpers Ferry National Historical Park within West Virginia, Virginia and Maryland. Harpers Ferry National Historical Park (HAFE) was enabled by Congress in 1944. HAFE was created to protect and preserve the natural and cultural resources and provide for the public enjoyment of the same. HAFE commemorates the lives of historic figures such as former President Thomas Jefferson, and abolitionist John Brown. HAFE commemorates the historical battles of the Civil War as well as Storer College, the location at which Civil Rights leaders met to discuss freedom. HAFE is mandated to maintain these resources in a way that will leave them unimpaired for the enjoyment of future generations. The Lower Town historic area of HAFE is, at times, congested with pedestrian and vehicular traffic. The more remote areas of the park are valued for their quiet solitude and opportunities for quiet meditation.

The launching and retrieval of unmanned aircraft, as distinguished from that of the operation of model aircraft (prohibited under 36 CFR 7.96 without a permit), is a new use and subject to the requirements of the National Park Service *Management Policies 2006*, Sections 1.5 and 8.1, “Appropriate Use.” Before a new use can be allowed, it must be assessed to determine if it is “(1) appropriate to the purpose for which the park was established, and (2) can be sustained without causing unacceptable impacts.” (*Management Policies 2006*, Section 8.1.1) Since that required assessment and evaluation has not yet been done, less restrictive methods involving the launching and retrieval of unmanned aircraft are not appropriate.

Notice of this temporary and partial closure and public use limitation will be made through media advisories, maps and posting at conspicuous locations in the affected park areas as required by 36 CFR 1.7. This determination is available to the public upon request.

 Rebecca L. Harriott 8/12/14

Superintendent, Harpers Ferry National Historical Park