

**Record of Determination to Close
Rock Creek Park to the
Launching, Landing, or Operation of Unmanned Aircraft**

Authority: 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 Rock Creek 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 operation 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, quadcopters, drones,) that are used for any purpose, including for recreation or commerce.)

Justification: This restriction covers all areas within Rock Creek Park, including Reservation 339, Civil War Defenses of Washington, Glover Archbold Park, Dumbarton Oaks Park, Whitehaven Parkway, Normanstone Parkway, Montrose Park, Rock Creek and Potomac Parkway, Georgetown Waterfront Park, Old Stone House, Francis Scott Key Memorial Park, Miegs Park, Bryce Park, Potomac Palisades, Meridian Hill Park, Piney Branch Parkway, Little Forest Park, Pinehurst Parkway, and other administered reservations.

Rock Creek Park (United States Reservation 339) was founded in 1890 by the U.S. Congress as “a public park or pleasure ground for the benefit and enjoyment of the people of the United States.” The founding legislation also noted that the management of Rock Creek Park, which transferred to the National Park Service in 1933, “shall provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible.” Under NPS Management Policies, the impact of the use of unmanned aircraft over Rock Creek Park on soundscapes, vistas, cultural landscapes, migratory birds, critical migratory bird habitat and other features of the park that must remain in the condition mandated by Congress must be assessed before the park can contemplate their use.

Rock Creek Park currently administers over 3,000 acres in 99 federal reservations stretching across the northwest and northeast quadrants of Washington, DC. Unmanned aircraft use throughout these reservations is prohibited until NPS can make a determination of the security concerns and possible impacts from an unmanned aircraft launched from within Rock Creek Park on areas adjacent to or surrounded by National Park Service land. These include the Federal Aviation Administration’s Prohibited Area P-56B, adjacent to Dumbarton Oaks Park, Whitehaven Parkway, Normanstone Parkway, and sections of Rock Creek and Potomac Parkway; the 41 foreign missions that border these reservations along Reservation 339, Civil War Defenses of Washington, Whitehaven Parkway, Normanstone Parkway, Rock Creek and Potomac Parkway, Klinge Valley, Melvin Hazen Park, and Glover Archbold Park, among other reservations; the United States Department of Homeland Security Headquarters, which borders Glover Archbold Park and the Civil War Defenses of Washington; Federal Aviation Administration communications facilities, located on Civil War Defenses of Washington land; United States Army Corps of Engineers drinking water processing facilities and reservoirs adjacent to Potomac Palisades; and DC Water reservoir and drinking water processing facilities bounded by Civil War Defenses of Washington land.

The preservation of the reverential and contemplative atmosphere of Battleground National Cemetery, at which 41 Union veterans of the Civil War Battle of Fort Stevens are interred, must also be considered in the assessment of this new use.

The National Park Service has not had sufficient time to adequately determine the effect and impact of this use of unmanned aircraft in Rock Creek Park on the atmosphere of solemnity and reverence as well as scenic values of the memorials and monuments; the safety of visitors walking, bicycling and driving in and through the park; the expression of 1st Amendment views; the impact on wildlife and the safety and security of official aircraft that operate over and in the park.

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.



Superintendent, Rock Creek Park

August 26, 2014

Date