

CP-71 / Acquisition and Use of Unmanned Aircraft

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Basil Seggos, Commissioner

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I. SUMMARY

This policy provides guidance to Department of Environmental Conservation (Department or DEC) personnel for the acquisition and use of unmanned aircraft systems (UAS) to fulfill the environmental policy of the State set forth in Environmental Conservation Law (ECL) §1-0101, in addition to cooperative agreements, routine DEC contracts that include UAS work, contracts for UAS services, privacy protection for the public, retention of data, and Freedom of Information Law (FOIL) requests.

This policy further provides guidance to DEC personnel regarding the take-off, operation, and landing of UAS on State Lands, by the public, which are owned, managed or maintained by the Department, for non-administrative commercial use, non-administrative recreational use, and non-administrative scientific research and/or game management.

This policy does not apply to lands owned/managed by New York State Office of Parks, Recreation and Historic Preservation, which has its own regulations, policy and permitting procedure.

Due to advancements in technology and the changing needs of the Department, this policy will be reviewed on an annual basis to ensure the direction in the policy is current and compliant with any new legal requirements. This policy is for the purpose of guidance and is not intended to operate as law.

II. POLICY

This policy will provide guidance to Department personnel for the following: acquisition of UAS and related equipment and software; obtaining UAS services through cooperative agreements; routine DEC contracts that include UAS work; contracts for UAS services; privacy protection, data retention, and responding to FOIL; and obtaining all necessary approvals and conducting missions with uniformity.

Divisions that would like to request a UAS mission to fulfill a programmatic need must follow the mission request procedure set forth in this policy. This procedure will ensure proper approvals have been obtained and appropriate individuals are aware of missions occurring throughout the State.

The policy will also provide guidance to DEC personnel regarding the public's use of UAS on State Lands owned, managed or maintained by the Department. Such UAS uses may include non-administrative commercial use, non-administrative recreational use, and non-administrative research and/or game management use on State Lands and conservation easements.

A. DEFINITIONS APPLICABLE TO THIS POLICY

1. "Administrative Use" means any UAS use by DEC personnel, or contractor or cooperator acting on behalf of the Department.
2. "Aviation Coordinator" means the individual responsible for all UAS program functions, including: administration, reviews and authorizations of UAS operations, assignments and tracking of equipment, UAS repairs, audits and quality control reviews, UAS training, pilot proficiency reviews, and flight records for crew members. Additional functions may be added or removed at the Commissioner's request.
3. "Certificate of Waiver or Authorization (COA)" means an authorization issued by the Federal Aviation Administration (FAA) to a public operator ¹for a specific UAS. After a complete application is submitted, the FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users.
4. "Commercial Use" means any UAS work performed for compensation or hire or furtherance of business.
5. "Conservation Easement" means an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in section ECL §49-0301, provided that no such easement shall be acquired or held by the state which is subject to the provisions of article fourteen of the constitution.
6. "Department Certified UAS Operator" means a permanent, seasonal, contract or volunteer employee authorized by the Department to operate an unmanned aircraft as Remote Pilot in Command, has completed an agency-approved training program, and meets all conditions of the COA and/or FAA Part 107.
7. "Emergency" means a sudden or unexpected event which causes or threatens imminent harm or injury to a person, or there is the possibility of loss of life, endangerments to the public at large, the environment and/or the State's natural resources, and/or which requires an immediate response

¹ Public Operator is defined as an organization that operates under Title 49 USC §40102(a)(41) and §40125(a)(2)

and/or remedial action. Emergency also includes the collection of data that is time sensitive. This relates to the emergency both during and after the event.

8. "Flight" means the take-off, in-flight, and landing part of the mission.
9. "Flight Training" means any flight performed for the specific purpose of developing pilot skills and knowledge for future missions, learning and understanding the UAS components and its limitations, and/or learning and understanding pilot limitations for a particular environment or condition.
10. "Forest Preserve" means the lands defined at Environmental Conservation Law §9-0101(6).
11. "Mission" means the entire operation from initiation to completion and includes, planning and coordination, site assessment, pre-flight, flight, and post-flight. The mission can occur on one day and include one flight or multiple flights, or can be multiple flights and span multiple days.
12. "Motorized Equipment" means machines not designed for transporting people, supplies or material, or for earth moving, but incorporating a motor, engine or other nonliving power source to accomplish a task, such as, but not limited to, chain saws, brush saws, rotary or other mowers, rock drills, cement mixers, and generators. (6 NYCRR 190.0(b)(9)).
13. "National Airspace System (NAS)" means the network of the United States airspace.
14. "Non-Administrative Use" means any UAS use by a member of the public not acting on behalf of DEC.
15. "Non- Emergency" means missions that are not defined as emergency and include, but are not limited to, flight training, aerial mapping, environmental protection and remediation, silviculture, fisheries and wildlife management, insect and disease control, and environmental monitoring.
16. "Operation" means the manipulation of the UAS flight controls, which includes autonomous flight by the pilot during the in-flight phase.
17. "Program Manager" means a designated manager in a regional or central office, to whom a given land parcel or facility is assigned for management, e.g., Regional Wildlife or Fisheries Manager, Regional Forester, Regional Marine Habitat Protection Manager (Tidal Wetlands), Fish Hatchery Manager, or Regional Operations Supervisor.
18. "Recreational Use" means any UAS work that is not performed for compensation or hire, or furtherance of business.
19. "Remote Pilot in Command (RPIC)" means a person who has the final authority and responsibility for the operation and safety of a flight; has been designated as RPIC before or during the flight; and holds the appropriate certificate, rating, and/or endorsement if appropriate, for the conduct of the flight.

20. "State Lands" means lands under the jurisdiction of the Department that are administered by the Division of Lands and Forests, the Division of Operations, and the Division of Fish and Wildlife, including but not limited to such lands as Wildlife Management Areas, Fish and Wildlife Management areas, unique areas, State forests, reforestation areas, multiple use areas, forest preserve, conservation areas, natural resource management areas, preserves, campgrounds and environmentally sensitive lands, and to those rights owned and managed by the State as conservation easements as defined in 6 NYCRR 190.12.
21. "UAS Program Representative" means the individual assigned to assist the Aviation Coordinator with UAS Division level needs, such as reviews, information and administrative reciprocity, assignments and tracking of equipment, overseeing needed UAS repairs, conducting audits and quality control reviews, organizing training, proficiency reviews, and flight records for crew members.
22. "Unmanned Aircraft Systems (UAS)" means an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the National Airspace System.

B. ACQUISITION OF UAS AND RELATED EQUIPMENT AND SOFTWARE

All UAS and related equipment and software purchase requests must be made following consultation with the Aviation Coordinator. Divisions should not purchase UAS and related equipment without prior approval from the Aviation Coordinator. All purchases must adhere to Division of Management and Budget guidelines, with all necessary approvals obtained prior to purchase.

C. POLICY AND PROCEDURES FOR ADMINISTRATIVE USE OF UAS

DEPARTMENT USE

All Department Certified UAS Operators must adhere to the procedures outlined in the UAS Program Binder document administrated by the Aviation Coordinator. Only Department Certified UAS Operators are permitted to operate UAS for emergency or non-emergency missions. Department staff interested in becoming a Certified UAS Operator should contact the Aviation Coordinator.

In addition, Department Certified UAS Operators must abide by the following to ensure compliance with the Department's UAS Program. Any deviation or refusal to abide by the requirements and procedures of the UAS Program will be documented and appropriate action may be taken.

- (1) The UAS Program Binder must be kept on-site and available to the RPIC for all UAS operations. The RPIC must keep his/her UAS Program Binder current with all necessary updates, additions, or deletions, as provided by the Aviation Coordinator.
- (2) Department issued drones should only be used by Department Certified UAS Operators in their official capacity as a DEC employee, unless otherwise approved in advance by Aviation Coordinator.

- (3) Department Certified UAS Operators may not use DEC issued drones for non-work-related purposes or for any purpose that is not authorized in advance by the Commissioner, or Aviation Coordinator or his/her designee, with the exception of emergency missions.
- (4) Department Certified UAS Operators shall not use personal drones for work-related purposes.

COOPERATIVE AGREEMENTS

Cooperative Agreements, for the purpose of performing work for the Department, entered into by the Department with other states, other New York state agencies or entities, the federal government, foreign governments, municipal subdivisions of New York State or private individuals, with an intention to use UAS for work, including emergencies, under that agreement, must be vetted through the Aviation Coordinator. If the Department is aware that UAS will be used, the person or entity requesting UAS use must complete the Department's UAS Mission Planning Form.

The Aviation Coordinator will review the request within thirty (30) days and respond in writing to the Program Manager with any comments or changes. If the Program Manager does not receive a response within 30 days, the request is deemed approved. Once all comments and changes have been satisfactorily addressed by both the Aviation Coordinator and Program Manager, the Aviation Coordinator or his/her designee will advise the Program Manager in writing to proceed and seek any remaining approvals for execution of the Cooperative Agreement.

CONTRACTORS

Contractors performing work on DEC's behalf, at a site which has DEC oversight, may choose to utilize UAS to assist in completing the work. If the Department is aware that UAS will be used, the contractor must fill out the Department's UAS Mission Planning Form.

The Aviation Coordinator will review the request within thirty (30) days and respond in writing to the Program Manager with any comments or changes. If the Program Manager does not receive a response within 30 days, the request is deemed approved. Once all comments and changes have been satisfactorily addressed by both the Aviation Coordinator and Program Manager, the Aviation Coordinator or his/her designee will advise the Program Manager in writing to proceed.

D. CONTRACTING FOR UAS SERVICES

Any proposal or request to contract specifically for UAS services must first be vetted through the Aviation Coordinator. The proposal or request will first be evaluated to determine whether the UAS mission(s) can be accomplished by DEC's UAS Program. If the mission will ultimately be performed by an outside contractor, a UAS Mission Planning Form must be submitted to the Aviation Coordinator for review prior to any flight. The Aviation Coordinator will review the request within thirty (30) days and respond in writing to the Program Manager with any comments or changes. Once all comments and changes have been satisfactorily addressed by both the Aviation Coordinator and Program Manager, the Aviation Coordinator or his/her designee will advise the Program Manager in writing to proceed in accordance with DEC contracting requirements.

E. GUIDANCE FOR DEC PERSONNEL TO MANAGE PUBLIC'S NON-ADMINISTRATIVE USE OF UAS ON STATE LANDS

FOREST PRESERVE

The regulations of the Department of Environmental Conservation (6 NYCRR §196.8), the Adirondack Park State Land Master Plan, and the Catskill Park State Land Master Plan prohibit the recreational use of motorized equipment on lands classified as wilderness, primitive and canoe in the Adirondack Park, and lands classified as wilderness or primitive bicycle corridor in the Catskill Park, except at times and locations and for the purposes authorized by the Department or in the performance of activities authorized by an easement or use reservation on lands subject to such easement or use reservation. As noted above, motorized equipment is defined by both the regulations as well as the ASLMP and the CSLMP as “machines not designed for transporting people, supplies or material, or for earth moving but incorporating a motor, engine or other nonliving power source to accomplish a task, such as, but not limited to, chain saws, brush saws, rotary or other mowers, rock drills, cement mixers, and generators.” 6 NYCRR §190.0(b)(9).

As defined in this policy, UAS meet the definition of “motorized equipment.” Therefore, such public use of UAS shall be prohibited in wilderness, primitive, canoe and primitive bicycle corridors, except as permitted for administrative and/or emergency use by the Department.

DEPARTMENT CONSERVATION EASEMENTS

Any member of the public requesting non-administrative commercial use, non-administrative recreational use, or non-administrative research and/or game management use, on lands encumbered by a Department-held conservation easement, will be required to contact the appropriate DEC regional office to determine if the proposed use is in accordance with the terms set forth in the conservation easement. The regional office staff will, in consultation with the landowner, determine if such use is prohibited by the terms of the easement or whether the use of UAS conflicts with the existing use(s) of the land.

STATE LANDS GENERALLY

The Department has the authority to manage the various lands of the State under its jurisdiction and other natural resources of the State pursuant to Environmental Conservation Law §03-0301(1)(b)². For example, the Regulations of the Department of Environmental Conservation Part 190 set forth acceptable uses of certain State lands under the jurisdiction of the Division of Lands and Forests and the Division of Operations. Specifically, 6 NYCRR 190.8 provides that individuals seeking to conduct certain activities on such State lands must obtain a permit from the Department. As more fully set out below, and in accordance with 190.8(ac), 190.8(ad) and 190.8(ae), individuals seeking to sponsor,

² Environmental Conservation Law §03-0301(1) “It shall be the responsibility of the department, in accordance with such existing provisions and limitations as may be elsewhere set forth in law, by and through the commissioner to carry out the environmental policy of the state set forth in section 1-0101 of this chapter. In so doing, the commissioner shall have power to: (b) Promote and coordinate management of water, land, fish, wildlife and air resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state and take into account the cumulative impact upon all of such resources in making any determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or criterion;”

conduct or participate in an event of more than 20 people on state lands; individuals seeking to sponsor, conduct or participate in a research project on State lands; individuals seeking to sponsor, conduct or participate in: advertising, weddings, commercial film making activities or film making activities that exclude other public use of the area, and other similar events, must receive authorization from the Department.

F. GUIDANCE FOR DEC PERSONNEL TO MANAGE PUBLIC'S NON-ADMINISTRATIVE COMMERCIAL USE OF UAS ON STATE LANDS

In accordance with 6 NYCRR 190.8(ae), any member of the public requesting non-administrative commercial use of UAS on State Lands owned, managed or maintained by the Department,³ is required to apply for a Temporary Revocable Permit (TRP) before permission may be granted. All other non-administrative commercial use of UAS on State Lands owned, managed, or maintained by the Department is prohibited.

The Department issues TRPs in its sole discretion for the temporary use of State Lands only for activities that are in compliance with all constitutional, statutory and regulatory requirements; the Adirondack and Catskill State Land Master Plans; adopted Unit Management Plans and Recreation Management Plans; the Adirondack Park Agency/DEC MOU; Department policies; approved work plans and guidance documents; and that have negligible or no permanent impact on the environment. TRPs are subject to all other applicable state and federal requirements and subject to any required federal, state or local permit requirements.

1. Individuals seeking to conduct non-administrative commercial UAS use on State Lands must obtain a TRP in accordance with Environmental Conservation Law (ECL) Articles 3, 9, 11 and 51 and 6 NYCRR 190.8(ae)⁴. Such TRP application shall also include a UAS Mission Planning form. The UAS Mission Planning Form shall be submitted to the Aviation Coordinator for review and approval before a TRP can be issued.
2. The applicant must follow all Special Terms and Conditions for UAS operations on State Lands. Such Special Terms and Conditions shall include a UAS Mission Planning Form.

G. GUIDANCE FOR DEC PERSONNEL TO MANAGE PUBLIC'S NON-ADMINISTRATIVE RECREATIONAL USE OF UAS ON STATE LANDS

Any member of the public using UAS for recreational use on State Lands owned, managed or maintained by the Department must be in compliance with existing DEC statutes, regulations and policies and any other applicable Federal and/or State statutes. If required by existing statute, regulation or other legal requirement, the public will be required to obtain a TRP from the Department for the use of UAS on State Lands owned, managed, or maintained by the Department, unless otherwise prohibited.

Any member of the public proposing to use UAS on such State lands should contact the local DEC regional office to determine if any legal requirements apply. The Department issues TRPs in its sole

³ 6 NYCRR 190.8(ae) "On State lands, no person shall sponsor, conduct, or participate in: advertising, weddings, commercial film making activities or film making activities that exclude other public use of the area, and other similar events, except under permit from the Department."

⁴ Please refer to DEC Program Policy ONR-3 for additional guidance on how to submit an application for a TRP.

discretion for the temporary use of State Lands only for activities that are in compliance with all constitutional, statutory and regulatory requirements. Any DEC employee receiving such a request shall contact the Aviation Coordinator who shall coordinate with the applicable program(s) to determine the appropriate response.

In accordance with 6 NYCRR section 196.8, the Adirondack Park State Land Master Plan, the Catskill Park State Land Master Plan, recreational use of motorized equipment is prohibited on lands classified as wilderness, primitive and canoe in the Adirondack Park and lands classified as wilderness or primitive bicycle corridor in the Catskill Park, except at times and locations and for the purposes authorized by the Department or in the performance of activities authorized by an easement or use reservation on lands subject to such easement or use reservation.

H. GUIDANCE FOR DEC PERSONNEL TO MANAGE THE PUBLIC'S NON-ADMINISTRATIVE RESEARCH AND/OR GAME MANAGEMENT USE OF UAS ON STATE LANDS

Any member of the public using UAS for non-administrative research and/or game management use on State Lands owned, managed or maintained by the Department must be in compliance with existing DEC statutes, regulations and policies. In accordance with 6 NYCRR 190.8(ad), prior to UAS use, an application for a TRP must be submitted to Central Office or the appropriate Regional Office and obtained prior to flight. It is within the Department's sole discretion regarding the issuance of such permit. The TRP application must also include a UAS Mission Planning Form. The UAS Mission Planning Form shall be submitted to the Aviation Coordinator for review and approval before a TRP can be issued.

I. ACCESS /PERMISSION FROM PRIVATE LANDOWNERS FOR DEC ADMINISTRATIVE USE

UAS are one of a number of tools the Department can utilize to fulfill its mission. Having the authority to fly in the National Airspace System does not in itself bestow any rights upon the Department, separate and apart from any existing legal authority, without prior landowner permission.

Non-Emergency Launching, Operation, or Landing on Private Property: Permission must be obtained from private landowners if DEC will launch, operate or land the UAS on private property. Program staff in each Division should obtain a signed copy of the UAS Notice and Access Agreement Form from the landowner.

Flying over Private Property: If upon review of the Mission Request Form by the Aviation Coordinator, it is determined that prior permission must be obtained to fly over private property, even if DEC will not launch, operate or land the UAS on private property, a Notice and Access Agreement Form must be signed by the landowner to obtain permission.

In the event an emergency exists, the Department may proceed with launching, operation, over-flight or landing on private property without a signed landowner consent.

J. PRIVACY PROTECTION, DATA RETENTION, AND FOIL

Department personnel must comply with any applicable statewide Privacy Protection Policies and DEC Policies when using UAS for State purposes.

Videos, pictures, data or any other information generated by, or gathered from, a UAS is considered a Department record and must be managed appropriately. Data shall be retained in accordance with the record retention schedule of each Division and/or the UAS data retention schedule, once developed. The UAS data retention schedule will be maintained by the Aviation Coordinator and Office of General Counsel.

Incidental images of identifiable individuals that are recorded will be deleted according to established procedures within 180 days, unless it has been determined that such information is either: (1) necessary to an authorized mission; or (2) necessary or relevant to an investigation into unlawful activity.

Request for Department records should be made pursuant to a Freedom of Information Law (FOIL) request and shall comply with Public Officers Law §87 (Access to Agency Records) and §94 (Personal Privacy Protection Law).

The Department may share data with project collaborators, without a FOIL request, when a proper data sharing agreement has been completed and signed by the requesting party, and the Aviation Coordinator has given written permission.

III. PURPOSE AND BACKGROUND

The Department is tasked with conserving, improving and protecting environmental quality, and will utilize UAS as a tool to further serve the people, lands, waters and natural resources of New York State. A UAS Task Force (Task Force), formed in February 2015, was comprised of representatives from several Divisions within the Department. The Task Force evaluated the different types of platforms, potential uses, costs and Federal Aviation Administration (FAA) regulatory requirements. Recognizing the benefit of acquiring UAS as a supplemental tool for fulfilling missions, the Department applied to the FAA for approval to operate UAS in the National Airspace System (NAS). A revised Certificate of Waiver or Authorization (COA) was obtained from the FAA on March 4, 2019 and is valid for two years, after which the Department will apply for a renewal. The COA is a blanket authorization allowing the Department to operate as a public aircraft anywhere in the Contiguous United States (CONUS), while adhering to specific limitations and provisions set forth in the COA.

Many Department uses of UAS were identified by the Task Force including Public Safety (search & rescues, dam breaks, wildfire migration and tracking, release of hazardous substances, natural disasters), Natural Resource Detection, Monitoring and Mitigation (detect patterns of insect and disease vectors, deterioration of wetland habitat, assess land use changes, radio signal tracking for wildlife, surface water vegetation and turbidity assessment for water quality, and geological mapping), and Conservation Easement and State Land Baseline Monitoring (monitor timber harvesting, document forest management activities, building encroachment and timber theft, and monitor trail and road networks for all-terrain

usage on public lands). This list is by no means limiting or exhaustive, and should be seen as examples, particularly given the current breadth and expanding responsibilities of the Department.

The UAS Program is focused on providing safe, efficient and legal ways of collecting and analyzing environmental conditions and concerns, by enhancing the Department's ability to detect and mitigate any threats more quickly and accurately, by using these new technologies. These necessary improvements will keep pace with a changing world, ensuring the health, safety and welfare of the people of the State of New York, and preserve their overall economic and social well-being.

IV. RESPONSIBILITY

It shall be the responsibility of all Department divisions, regions and staff to implement the guidelines and procedures set forth in this policy. The Aviation Coordinator, in conjunction with the Office of General Counsel, shall provide oversight of this Policy and review it at least annually to ensure compliance with existing requirements, any new FAA regulatory oversight requirements, and new and emerging technology. The Aviation Coordinator has the authority to administer and make decisions on behalf of the UAS Program, in consultation with the Office of General Counsel, Deputy Commissioner of Public Protection and Executive Staff. Any DEC staff dealing with a UAS matter should consult with the Aviation Coordinator in Central Office to ensure consistency.

V. PROCEDURE FOR ADMINISTRATIVE USE OF UAS

All UAS operations performed by Department Certified UAS Operators must adhere to the following mission request procedures.

A. EMERGENCY MISSION APPROVAL & PLANNING REQUIREMENTS

Emergency Mission Approval Process

1. Requestor shall contact a RPIC listed on the RPIC Agency List, for the proposed area of operation. Requestor shall select an appropriate RPIC from the list based on the RPIC's proximity to the location of the emergency.
2. The RPIC contacted for the emergency shall notify, via email, text or phone call, the Aviation Coordinator within 1 hour or as soon as practical, and provide:
 - a. County and Municipality,
 - b. Coordinates (if available), and
 - c. Brief description of mission.
3. If required, the RPIC contacted for the emergency shall organize and deploy additional pilot resources to the emergency or shall delegate the responsibility to the Aviation Coordinator or an authorized designee.
4. In the event of an emergency, UAS flight operations may be conducted without prior approval from the Aviation Coordinator or UAS Program Representative when the RPIC

has completed all requirements of the Standard Operating Procedures for emergency deployment of UAS. All emergency flights should be coordinated with the Emergency Management Unit, when feasible.

B. NON-EMERGENCY MISSION APPROVAL & PLANNING REQUIREMENTS

Non-Emergency Mission Approval Process

1. Requestor shall submit a written Unmanned Aircraft Mission Request, on the designated Department form, to a UAS Program Representative for all proposed non-emergency US missions.
2. Upon receipt, the UAS Program Representative shall perform an initial review of the Unmanned Aircraft Mission Request.
 - a. If the request is complete the UAS Program Representative shall send the request to the Aviation Coordinator for review.
 - b. If the request is incomplete, the UAS Program Representative will report to Requestor in writing the reason(s) for incompleteness and the necessary amendments to satisfactorily fulfill the requirements of the mission request.
 - c. If the necessary amendments are not received within 30 calendar days, the request will be deemed withdrawn.
3. Upon receipt of a completed request, the Aviation Coordinator shall review the Unmanned Aircraft Mission Request.
 - a. If the request is approved, the Aviation Coordinator shall assign the mission to a Department Certified UAS Operator for implementation. A mission ID will be assigned. The Operator should coordinate the assignment with his/her supervisor and day-to-day program needs.
 - b. If the request is incomplete, the Aviation Coordinator will report to the UAS Program Representative in writing the reason(s) for incompleteness or reasons for disapproval. The UAS Program Representative will then report to Requestor in writing the reason(s) for incompleteness and the necessary amendments to satisfactorily fulfill the requirements of the mission request, or reasons for disapproval.
 - c. If the necessary amendments are not received within 30 calendar days, the request is deemed withdrawn.
4. In the event the Aviation Coordinator is not available to review a request for flight authorization, a UAS Program Representative may be delegated proper authority by the

Aviation Coordinator or Deputy Commissioner of Public Protection to grant authorization(s) during a specific time period.

5. In the event a UAS Program Representative is not available, Unmanned Aircraft Mission Requests should be sent directly to the Aviation Coordinator for approval.

C. ADDITIONAL APPROVALS NECESSARY FOR FOREST PRESERVE MISSIONS

1. A request for UAS access to the Forest Preserve by DEC staff for administrative uses other than those constituting an emergency, must be submitted to the Department's appropriate Regional Program Manager in writing at least ten (10) business days prior to the anticipated start date of the activity. A complete request must specifically identify the area within the Forest Preserve to be accessed, the purpose and need for such access, an assessment of the viability of non-UAS options, the type of UAS used, and the estimated frequency and duration of the activity, including desired dates for such access. The request should be submitted on the Work Plan for Administrative Access Form.
2. Upon receipt of such request, the Regional Program Manager shall review the request within five (5) business days and submit comments, if any, to the Aviation Coordinator, Regional Natural Resources Supervisor and the Director of the Division of Lands and Forests.
 - a. If the request is deemed satisfactory, the Regional Program Manager and the Natural Resource Supervisor shall both sign an approved request. The request will then be submitted to the Director of the Division of Lands and Forests or Deputy Commissioner of Natural Resources, or designee for signature within five (5) business days.
 - b. If the request is unsatisfactory, the Regional Program Manager will return the request to the requestor with a written explanation of denial, and request changes if applicable.
3. The Aviation Coordinator, Regional Director, Regional Natural Resources Supervisor and the Regional Program Managers for each Department Office or Division shall meet annually to review the past year's administrative UAS use within the Forest Preserve.
4. The Regional Natural Resource Supervisor or designee shall maintain documentation of administrative UAS use within the Forest Preserve for their Region.
5. Emergency UAS use is exempt from the written approval process for access to the Forest Preserve and will follow procedures set forth in Commissioner Policy-54. The Regional Director should be notified of the emergency mission prior to operation, when practical.

D. FOREST PRESERVE WINDOWS OF OPERATION

1. Non-emergency UAS use within Forest Preserve; Wilderness, Primitive, Canoe or Primitive Bicycle Corridors, is permitted only during the window period of “off peak” season, as used in the Adirondack Park State Land Master Plan to be a period from September 15 through May 24, unless authorized by the Commissioner or his/her designee.
2. Non-emergency UAS use within Forest Preserve other than Wilderness, Primitive, Canoe or Primitive Bicycle Corridors is permitted anytime and does not need to observe a window period for use.
3. Emergency use of UAS is permitted anytime and does not need to observe a window period for use.

E. RECORDKEEPING OF DEC ISSUANCE OF A TRP OR OTHER APPROVAL FOR PUBLIC USE OF UAS ON STATE LAND

For the purposes of ensuring consistency when issuing permits/approvals, monitoring the frequency of UAS use on State Lands, and responding to complaints from the public, regional and central office staff who issue TRP’s or other approvals for public use of UAS on State Lands in accordance with this policy must adhere to the following:

1. maintain a log of all TRP’s or approvals issued; and
2. email a copy of the TRP to the DEC UAS mailbox at NYSDECUAS@dec.ny.gov within 5 business days of issuance; or
3. email a copy of the approval letter to the DEC UAS mailbox at NYSDECUAS@dec.ny.gov within 5 business days of issuance.

VI. RELATED REFERENCES

FAA Part 107
DEC COA
Unmanned Aircraft Mission Request Form
Unmanned Aircraft Mission Planning Form
Data Sharing Agreement
Work Plan for Administrative Access
Notice and Access Agreement