

Feb 2, 2017

Chris Spohrer, District Superintendent
Ca. State Park Santa Cruz District
303 Big Trees Park Road
Felton, CA 95018-9660

Re: Unmanned Aircraft Systems and Drones in State Parks

Dear Superintendent Spohrer,

The Santa Cruz Bird Club Board is pleased to know that the California State Parks has begun the process of drafting regulations to limit the use of unmanned aircraft systems (UAS) and drones in State Parks.

The presence of UAS has been problematic in Santa Cruz State Parks in regards to both bird habitats and the impacts to humans who are there to study and record bird presence and/or those enjoying the hobby of bird watching. (Thus, we strongly support the creation of these regulations).

Some of the impacts to birds that have been documented include:

- 1). UAS provoke raptors (e.g., hawks, falcons) and trigger an aggressive response. This has caused raptors to attack UAS as well as displace raptors from territories.
- 2). Most bird species flush from areas being used by UAS and ultimately lose out on opportunities for feeding, resting, breeding or raising young in those ideal locations.
- 3). The noise and presence from UAS impacts birds by causing them to flush from an area or take shelter from the threat of the UAS. *Continued use in an area can have long term impacts to some species which may not come back.* The presence of UAS also impacts both the professional and amateur birder from opportunities to study or simply enjoy observing bird species in those parks.

We, the Santa Cruz Bird Club, are submitting the following suggestions for consideration into the proposed document AB 2148 Sec. 5. Article 4. "Unmanned Aircraft Systems 5085."

We urge the Parks to consider that any "exemptions" which may be considered, be submitted "in writing" to the district Superintendent of that park. (This language is currently being used in the Ca. Department of Parks Recreation -Angeles District).

We also urge the parks to consider the use of the word "birds", along with the word "wildlife" in the final document. This specifically highlights the fact that "birds" and UAS systems are incompatible.

Our suggestions are highlighted in blue.

AB 2148

SEC. 5.

Article 4 (commencing with Section 5085) is added to Chapter 1.2 of Division 5 of the Public Resources Code, to read:

Article 4. Unmanned Aircraft Systems

5085.

(a) It shall be unlawful for any person to operate an unmanned aircraft system in, or fly an unmanned aircraft system over, Department of Parks and Recreation managed lands or waters, except as authorized by the department, or unless otherwise exempted from this article.

[Application for exemption shall be made by request in writing to the district superintendent.](#)

(b) The prohibition in subdivision (a) does not apply to the operation of an unmanned aircraft system by a state agency within or over department-managed lands or waters, or to any person whom the Federal Aviation Administration, whether by permit, license, rule, or regulation, authorizes to operate an unmanned aircraft system for a commercial purpose and that is operated in a manner that complies with that authorization and the applicable regulations of the department.

(c) The prohibition in subdivision (a) does not apply to legitimate news-gathering activity by a person described in Section 1070 of the Evidence Code. [Application for permission by news agencies will be made in writing to the district superintendent.](#)

(d) The department may draft regulations consistent with this section and the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). In drafting the regulations, the department shall maintain the authority to limit or revoke approved requests for the use of an unmanned aircraft system due to changing natural conditions or land management requirements.

(e) In reviewing a [written](#) request to use an unmanned aircraft system or in drafting the regulations authorized pursuant to subdivision (d), the department may consider any of the following:

(1) Protection of [wildlife, birds](#) and visitors from harassment or disturbance

(2) Harm to sensitive species, including those listed as threatened, those listed as ["special concern"](#) or endangered or that have other protected status.

(3) Disruption to [birds and other](#) wildlife at times of the year when incidents may have adverse effects, including, but not limited to, [resting, nesting, areas that have known Rookeries, foraging, breeding, gestation, and migratory stops.](#)

- (4) The natural, cultural and historic value of the department-managed lands.
- (5) The purpose of the department-managed lands.
- (6) Operation of an unmanned aircraft system in a careless or reckless manner, including an operator's failure to adhere to visual line-of-sight practices, [or excessively low or high altitudes that might interfere with birds or other wildlife.](#)
- (7) De minimis access by adjacent landowners for bona fide agricultural purposes.
- (8) The appropriate use of unmanned aircraft systems for conservation and scientific research purposes.
- (9) Other special purposes as approved by the department.
- (10) [Negative impacts to the special resources, park operations, and the unique visitor experiences afforded by the park, would also include disruptions from sound or visual impacts.](#)
- (f) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Respectfully Submitted,

Lisa Sheridan (Santa Cruz Bird Club President)

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