

DIVISION 21
GENERAL OCEAN SHORE STATE RECREATION
AREA RULES

736-021-0010

Scope of Rules

(1) ~~This divisionese rules~~ governs the use of all ocean shore areas, which is the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line as described by ORS 390.770 or the line of established upland shore vegetation, whichever is farther inland. ~~not bordering a state park area or wayside.~~

Stat. Auth.: [ORS 390.660](#)

Stats. Implemented: [ORS 390.660](#)

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0020

Statutory Authority

(1) This division is adopted pursuant to the following laws:

(a) [ORS 390.050](#), which authorizes the ~~park~~ director and the director's designees to enforce park and ocean shore area rules by citation authority.

~~(b)2) These rules are adopted pursuant to~~ [ORS 390.635](#) and [390.660](#), which grant the Oregon State Parks and Recreation Commission the following authority:

(Aa) Complete jurisdiction and authority to administer as state recreation areas, all ocean shore areas owned by the state and all other public easements or other rights of access that the state holds on the ocean shore;

(Bb) Authority to protect and maintain such areas in a manner which will contribute to the general welfare of the public and the natural and cultural resources thereon;

(Ce) Authority to make regulations and provisions as it deems necessary for the use and administration of such areas.

Stat. Auth.: [ORS 390.660](#)

Stats. Implemented: [ORS 390.124](#), [ORS 390.635](#) & [ORS 390.660](#)

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0030

Definitions

(1) "ATV stands for "All-Terrain Vehicle." There are several ATV classes, such as Class I, II, III and IV, which are described and defined in OAR 736-004-0015. ATV may also be referred to interchangeably as OHV, or Off-Highway Vehicle.

(~~224~~) "Commission" means the Oregon Parks and Recreation Commission.

(~~332~~) "Department" means the Oregon Parks and Recreation Department.

(~~443~~) "Director" means the director of the Oregon Parks and Recreation Department.

(~~55~~) "Domestic animal" means any animal whose food and shelter are provided by a human custodian.

(~~64~~) "Enforcement ~~o~~fficer" means a peace officer or park ~~department~~-employee specifically designated by the director according to ORS 390.050 ~~authorized by the department~~ to investigate observed or reported violations and to issue oral or written warnings ~~or and~~ citations to enforce ~~for violations of~~ the ocean shore recreation area rules.

(~~75~~) "Handler" means any person who brings a domestic animal into the ocean shore state recreation area.~~(84)~~

(8) "Occupied site" means a department-owned or leased areas that has one nesting Snowy Plover pair, privately or locally owned areas that has one nesting Snowy Plover pair or areas adjacent to federal lands with nesting Snowy Plovers, as identified by the department at the beginning of each nesting season.

(9) "Ocean ~~s~~Shore ~~r~~Recreation ~~a~~Area," also known as "ocean shore state recreation area" means the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line ~~established and described by ORS 390.770~~, except for those beach portions abutting ~~state~~ a park ~~property~~ area.

(~~1095~~) "Ocean ~~s~~Shore ~~r~~Resources" means ~~a~~ any natural or man-made property, material, product, feature or structure in the ocean shore recreation area.

(10) "OHV" means Off Highway Vehicle, also called ATV.

~~(11106)~~ "Park Property" means any state park, wayside, corridor, monument, historic, or recreation area, except ~~the portions of~~ ocean shore recreation areas not abutting a ~~state park or~~ wayside, under the jurisdiction of the Commission.

~~Park Property needs to be looked at for confusion.~~

~~(7) "Park Director" means the director of the department.~~

~~(11218)~~ "Park Employee" means ~~an~~ employees of the Oregon Parks and Recreation Department.

~~(13129)~~ "Park Manager" means the region manager, ~~district~~ ~~assistant area~~ manager, park ranger or designated employee in charge of a designated ocean shore recreation area.

~~(1413)~~ "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by the law.

~~(1514)~~ "Person" includes an individual, a public or private corporation, firm or other type of organization, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity. ~~See Exhibit 1.~~

Exhibit 1

~~Ocean Shore Management Jurisdiction Director.~~

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~~Columbia River to Tillamook Bay~~

~~AREA 1 OPRD~~

~~Fort Stevens State Park~~

~~Hammond OR 97121~~

~~(503) 861-3170~~

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~~Bayocean Spit to Nye Beach Wayside~~

~~AREA 2 OPRD~~

~~2505 Highway 101 N. Suite A~~

~~Tillamook OR 97141~~

~~(503) 842-5501~~

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~~Nye Beach to Umpqua Lighthouse Beach~~

~~AREA 3 OPRD~~

~~Honeyman State Park~~

~~84505 Hwy 101 S~~

~~Florence OR 97439~~

~~(541) 997-3851~~

-

~~Umpqua Lighthouse to California Border~~

~~AREA 4 OPRD~~

~~Sunset Bay State Park~~

~~10965 Cape Arago Hwy~~

~~Coos Bay OR 97420~~

~~(541) 888-3778~~

~~(16150)~~ “Unoccupied sites” means actively managed department-owned or leased areas, privately or locally owned areas or areas adjacent to federal lands that do not have nesting Snowy Plovers but have been identified as potential nesting sites for the Western Snowy Plover in the Western Snowy Plover Habitat Conservation Plan.

~~(17)~~ “Upland” means the land lying shoreward or easterly of the ocean shore Recreation Area.

~~(186)~~ “Violate” means failure to comply.

~~(19)~~ “Vegetation line” ...

~~(20)~~ Western Snowy Plover Habitat Conservation Plan: a multi-agency recovery effort at the state and federal levels for the Western Snowy Plover. The full text of the Western Snowy Plover Habitat Conservation Plan is available from the State Parks & Recreation Department.

(21) “Wet sand” area lies seaward of symbolic fencing (roping) and/ or signs placed on the dry sand area.

Stat. Auth.: ORS 390.660

Stats. Implemented: ORS 390.124, ORS 390.635 & ORS 390.660

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0040

General Regulations

(1) The director, by written agreement, may cooperatively exercise jurisdiction and authority over the ocean shore recreation area with a county, city, or political subdivision thereof for the purposes of enforcing ocean shore rules, and applicable state, county or city laws. -Local government regulations pertaining to the ocean shore area may be found at OAR 736 division 30.

~~(2) A The park manager employee has the authority to shall seek compliance from by the public with any the o Ocean s Shore r Recreation a Area rules. The park manager may order any person violating these rules to leave the ocean shore recreation area.~~

~~(2) No person shall obstruct, harass or interfere with a park employee’s the official duties of any park employee during enforcement of the ocean shore recreation area rules.~~

(3) A park manager or designated park employee may order any person that violates any ocean shore recreation area rule to leave an ocean shore area.

~~(4) Individuals are to comply with signs installed to seek compliance with said restrictions or the ocean shore recreation area rules.~~

A park manager or an enforcement officer may exclude a person that violates any ocean shore recreation area rule from the ocean shore area for a specified period of time.

(5) A peace officer, pursuant to a written agreement with the department, may seek compliance from the public with any ocean shore recreation area rule and may order a person who violates one or more ocean shore area rules to leave the ocean shore area.

(6) A peace officer, pursuant to a written agreement with the department, may exclude from an ocean shore area for a specified period of time a person who violates any of the following:

(a) Ocean shore recreation area

(b) Rule federal, state, county, or city law; or

(c) Court order.

(7) A park manager, natural resource specialist or designated park employee may take action to ~~To~~ protect ocean shore resources, protect public health and safety, provide security, ~~and~~ avoid user conflicts, or for other reasons deemed necessary. These actions include but are not limited to the following:

(a) Permitting or limiting specific activities or uses in designated portions of the ocean shore recreation area;

(b) Designating locations within the ocean shore recreation area for specific uses to avoid conflicts between users;

(c) Restricting access to or closing a portion of the ocean shore recreation area;

(d) Restricting access to or closing the entire ocean state recreation area; or

(e) Temporarily excluding a person from the ocean shore recreation area or a portion of it, ~~the park manager or enforcement officer may restrict access, impose use limits on a temporary basis, or close all or a portion of the ocean shore recreation area to a specific use or activity (e.g., due to natural disaster, hazardous spill, discovery of toxic dumping, or due to wildlife habitat needs).~~

(8) Any person adversely affected by enforcement of OAR chapter 736 division 21 may contest by filing an appeal within seven business days. The person must submit the appeal to the District Manager responsible for the park where the decision was made.

(a) The District Manager who receives the appeal, or a designee, must respond within seven business days of receiving the appeal, provide reason for decision and details on additional appeal process.

(b) If a person filing an appeal is not satisfied with the District Manager's decision or answer, the person may appeal in writing by certified mail to the Director within seven business days of receipt of the response from the responsible District Manager. The decision of the Director shall be a final order except for in contested cases that are subject to judicial review under ORS 183.484.

~~(4) Individuals are to comply with signs installed to seek compliance with said restrictions or the ocean shore recreation area rules.~~

Stat. Auth.: [ORS 390.660](#)
Stats. Implemented: [ORS 390.124](#), [ORS 390.635](#) & [ORS 390.660](#)
Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0050

Fines

- (1) Any person, ~~firm or corporation~~ violating any [ocean shore recreation area](#) rule commits a Class A [violation](#) ~~park and recreation infraction~~ punishable, upon conviction [at the current rate established by ORS 153.018](#), ~~by a fine not to exceed \$700.~~
- (2) Each occurrence of an ocean shore recreation area rule violation shall be considered a separate offense.

Stat. Auth.: [ORS 390.660](#)
Stats. Implemented: [ORS 390.050](#) & [ORS 390.124](#)
Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0060

Motor Vehicles [and Other Motorized Devices](#)

[General Provisions](#)

- (1) [A person operating a motorized vehicle or device on the ocean shore must do the following:](#)
 - [\(a\) observe all posted signs and operate vehicles and devices unless signs prohibit or conditionally restrict doing so; and](#)
 - [\(b\) restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other ocean shore users, natural resources, and wildlife.](#)
- (2) [A person operating a motorized vehicle or device on the ocean shore may not do the following:](#)
 - [\(a\) disturb or harass wildlife or other natural resources as provided in OAR 736-021-0090; or](#)
 - [\(b\) block access, use, or the safe and uninterrupted passage of others on the ocean shore.](#)

Motor Vehicle Provisions

(3) Motor vehicle use is prohibited on beaches unless otherwise posted as open. Beaches closed to vehicles may be accessed only by permit, which can be issued by a park manager, natural resources specialist or a designated department employee.

(4) To drive on a beach posted as open, motor vehicles ~~shall~~ must be registered to operate on public highways and roads, except on the beaches fronting the Oregon Dunes and Sand Lake National Recreation Areas, where all-terrain vehicle (ATV), also referred to as off-highway vehicle (OHV), use is allowed. Vehicles at those locations need only be equipped with minimum off-road vehicle safety equipment, as specified by the Department of Motor Vehicle in OAR 735-116-0000.

(a) Class I motor vehicles registered in states other than Oregon are not allowed on the ocean shore recreation area, except for at the Oregon Dunes and Sand Lake National Recreation Areas or if they meet the conditions of OAR 736-004-0062.

(5) Unless otherwise posted, motor vehicles shall not be operated within the ocean shore recreation area at speeds in excess of 25 miles per hour in open sections and 10 miles per hour in closed sections.

(6) Motorists shall comply with motor vehicle regulatory signs in the ocean shore recreation area. All provisions of motor vehicle laws of the State of Oregon are applicable and enforceable.

(7) A vehicle may be towed at the owner's expense if left unattended for more than 24 hours or immediately if it meets one or more of the following criteria:

(a) blocks a beach access;

(b) is owned by a person who has been excluded or who is in violation of criminal trespass; or

(c) poses harm to the beach environment or ocean shore resources, creates a hazard to humans or wildlife, is a nuisance or may become a navigational hazard if washed out to sea. ~~(3) Motor vehicle use is allowed on beaches unless otherwise posted. Beaches closed to vehicles may be accessed only by permit.~~

(8) Vehicle operators shall have a valid driver's license in their possession except at the Oregon Dunes ~~National Recreation Area~~ and at Sand Lake National Recreation Areas, as well as ~~and~~ on adjacent beaches open to ATV ~~to off-road vehicles~~ use.

(a) A person whose driving privilege has been suspended or revoked may not operate a vehicle, regardless of class, on the ocean shore, including in the areas adjacent to the Oregon Dunes and at Sand Lake National Recreation Areas.

(9) Vehicle use is prohibited in Western Snowy Plover-management areas 736-021-0090(8)

ATV-Specific Provisions

(10) ATV use on designated portions of the ocean shore recreation area is subject to the following conditions:

(a) **Flag:** All vehicles must display a highly visible red or orange flag when operating on the sand.

(A) The flag must be displayed at a height of at least nine feet from the ground level when the vehicle is under power; and

(B) The flag must have one side that is at least eight inches wide, and be at least twelve inches long.

(b) **Helmet:** Operators and passengers younger than 18-years-old in a Class I, III or IV ATV must wear a Department-of-Transportation-approved helmet with the chin strap fastened while operating an ATV. In addition, operators and passengers younger than 18-years-old must also wear a Department-of-Transportation-approved helmet with the chin strap fastened while operating a Class II vehicle not equipped with a roof or roll bar.

(c) **Fuel tank:** All fuel tanks must meet the following requirements:

(A) Must be securely mounted;

(B) Must be properly constructed of metal, plastic, or other industry safety approved material and be constructed for carrying fuel; and

(C) All connections must be secure and tight.

(D) All mechanical fluids and fuel must be securely contained to ensure no leakages that may impact the ocean shore state recreation area.

(d) **Muffler:** All vehicles must be equipped with a muffler that conforms to the current noise level and defect standards of the Department of Environmental Quality for vehicles operated off road.

(11) ATVs in use on designated portions of the ocean shore recreation area are subject to the following conditions:

(a) **ATV Operator Permit:** Operators of Class I, III and IV ATVs must obtain an ATV Safety Education Card, also known as an ATV operator permit, according to OAR 736-004-0085 and comply with all the provisions in OAR 736-004-0085.

(A) The Department shall honor an ATV permit issued by another state, as detailed in OAR 736-004-0070.

(B) A temporary ATV Safety Educations Card is valid for operation on the ocean shore provided the operator meets the provisions of OAR 736-004-0095.

(C) If the operator of a Class I, III or IV ATV is not an Oregon resident, the person must comply with requirements of OAR 736-004-0105 for ATV Safety Education Cards.

(D) To operate a Class I all-terrain vehicle on the ocean shore, the operator must meet one of the access needs and comply with all other conditions set forth in OAR 736-004-0062.

(b) **Placement of ATV Permit:** ATV operating permits must be displayed according to and follow the provisions of OAR 736-004-0065.

(c) **Rider Fit:** ATV operators younger than 16-years-old must meet the rider-fit criteria established in OAR 736-004-0115.

(A) Only disabled riders may use prosthetic devices, or modified or adaptive devices to achieve rider fit. ~~(85) At the Dunes NRA and at Sand Lake persons whose driving privilege has been suspended or revoked may not operate Class I all terrain vehicles on the ocean shore.~~

~~(86) Unless otherwise posted, motor vehicles shall not be operated within the ocean shore recreation area at speeds in excess of 25 miles per hour in open sections and 10 miles per hour in closed sections. Discussion on 25 mph may be too high.~~

~~(a) Driving on closed beaches requires approval through a permit issued by a park manager, natural resources specialist or department designee.~~

Other Vehicle Provisions

~~(12910) Powered aircraft, airborne vehicle or other aircraft may take off or land on the ocean shore in an emergency or by special-use permit according to OAR 736-016, which can be issued by a park manager, natural resources specialist or a designated department employee.~~

Stat. Auth.: ORS 390.660

Stats. Implemented: ORS 390.668 & ORS 390.660

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94; PR 12-1996, f. 12-23-96, cert. ef. 12-26-96

736-021-0065

Non-Motorized Vehicles, Cycles, Unpowered Aircraft, Sails and Other Similar Devices

(1) A person may operate a bicycle, skateboard, scooter, roller or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land according to OAR 736-021-0065 (3).

(2) A person may operate a wind-powered aircraft or vehicle, such as a land sail, kite-
buggy or other similar items on the ocean shore according to OAR 736-021-0065 (3).

(3) A person operating a non-motorized vehicle or wind-powered aircraft on the ocean shore must do the following:

(a) observe all posted signs and operate such vehicles, aircrafts and devices unless signs prohibit or conditionally restrict doing so; and

(b) restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other ocean shore users, natural resources, and wildlife.

(4) A person operating a non-motorized vehicle or wind-powered aircraft on the ocean shore may not do the following:

(a) disturb or harass wildlife or other natural resources as provided in OAR 736-021-0090; or

(b) block access, use, or the safe and uninterrupted passage of others on the ocean shore.

736-021-0070

Pets and Other Animals

(1) Domestic animals, including saddle or pack animals, are allowed in the ocean shore recreation area where not otherwise posted.

(2) The handler of any domestic ~~owner of any dog, cat, or other~~ animal brought into ~~or kept in~~ the ocean shore recreation area shall be responsible for the animal's behavior and exercise direct ~~physical~~ control over the animal while in the ocean shore recreation area.

(a) Direct control is considered when the animal is within the unobstructed sight of the handler and responds to voice commands or other methods of control.

(b) Domestic animal handlers must possess at all time a leash or restraining device while in the ocean shore recreation area.

(c) Domestic animal handlers must promptly leash animals at the request or order of a park employee.

(d) Handlers shall prevent their animals from harassing people, wildlife and other domestic animals.

(e) Animals may not be hitched or confined in a manner that may cause damage to any natural resources on the ocean shore.

(f) Handlers are responsible for the removal of the animal's waste while in the ocean shore state recreation area.

~~(2) Saddle animals such as horses, llamas, mules, etc. may be used on the ocean shore recreation area where not otherwise posted. No animal shall be hitched or confined in a manner that may cause damage to any natural resources on the ocean shore.~~

~~(3) A~~ The park manager, ocean shore natural resource specialist or designated park employee may take any measures deemed necessary, including ~~the removing~~ ingal of the animal from the area, to protect ocean shore resources and ~~to prevent~~ interference by the animal from interfering with the safety, comfort, and well-being of visitors.

~~(3) A p~~ Park managers, ocean shore natural resource specialist or designated park employee may seize any animal running at large in the ocean shore recreation area and release the animal to an animal control officer or shelter ~~pound~~.

(4) Dogs may be prohibited or required to be leashed at all times in Western Snowy Plover-management areas, according to 736-021-0090, provision (8).

Stat. Auth.: ORS 390.660

Stats. Implemented: ORS 390.635 & ORS 390.660

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0080

Livestock

(1) No person may ~~shall~~ harass livestock or interfere with farming activities and facilities, including fencing, when lawfully permitted on the ~~any~~ ocean shore recreation area.

Stat. Auth.: ORS 390.660
Stats. Implemented: ORS 390.635 & ORS 390.660
Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0090

Cultural, Historic, Natural and Wildlife Resources ~~Vandalism and Litter~~

(1) No person may excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on the ocean shore recreation area unless that activity is authorized by a permit issued under ORS 390.235.

(2) No person ~~may~~**shall**, except with the written permission of the park manager, ocean shore natural resource specialist, designated park employee or as allowed by sections (3) or (4) of this rule ~~or designated park employee~~:

(a) Pick, c~~ut~~, mutilate, trim, uproot, or remove any living vegetation;

(b) Dig up or remove any sand, soil, rock, historical or fossil materials; ~~or Indian artifacts or burials, except in accordance with ORS Chapter 358 and OAR 736-020-0035.~~

(c) Place, remove, roll, move any stones, logs or other objects to gain beach access.

(3) Persons who are enrolled tribal members of a federally recognized Oregon Tribe may collect natural products, as part of their traditional cultural heritage in accordance with procedures established by the department and in state rules. Upon request, tribal members must present tribal enrollment identification or a department-issued Special Tribal Use Permit.

Removal for Personal Use

(4) A person may remove small quantities of natural products from the ocean shore for personal use without a permit as follows:

(a) Souvenirs that may serve as a reminder of an individual's ocean shore visit and may include a small quantity of agates, driftwood, and similar non-living items collected for non-commercial, personal use in accordance with ORS 390.705 and 390.725. Removal of natural products may be restricted to individual beach areas, quantities of material, and time of year. For items such as agates, sand and cobble, each collector must use individual containers. Multiple limits may not be combined in the same container. More specifically, the following quantities may be removed:

(A) Agates and other non-living items such as shells, stones, and fossils laying loose on the ground may be collected in small quantities defined as no more than a 1-gallon container per person per day, up to 3 gallons per person per year.

(B) Sand and cobble may be collected in small quantities as follows:

(i) For sand, no more than a 5-gallon container per person per day may be removed, up to 20 gallons per person per year.

(ii) For cobble, no more than a 5-gallon container per person per day may be removed, up to 10 gallons per person per year.

(C) Small quantities of driftwood for non-commercial purposes may be removed as follows:

(i) No more than 1 cubic yard (3 ft X 3 ft X 3 ft) per person per day, up to 3 cords per person per year.

(ii) Driftwood removal is restricted to wood that can be loaded by hand only. No mechanized loading or removal equipment may be used. Chainsaw use must be approved by a park manager, natural resources specialist or a designated department employee.

(iii) No wood imbedded in the beach or in sand dune banks may be removed from the ocean shore recreation area.

(iv) Ancient tree stumps may not be disturbed, cut, mutilated or removed, including but not limited to those found on the beach at the Neskowin “ghost forest.”

(b) **Living or non-living seaweed and marine plant** harvesting or collecting for an individual’s non-commercial, personal consumption is allowed as follows:

(i) Harvest of living seaweed and marine plants is allowed between March 1 and June 15. Harvest of non-living seaweed and marine plants is allowed year-round, except during seasonal closures (March 15-September 15) of Western Snowy Plover managed areas.

(ii) Removal of aquatic vegetation may be restricted to certain species, individual beach areas and quantities. No eel grass (*Zostera sp.*), surf grass (*Phyllospadix sp.*) or sea palm (*Postelia sp.*) may be cut or disturbed in any area.

(iii) Harvest quantities are limited to no more than a 1-gallon container per person per day, up to 3 gallons per person per year.

(iv) Each harvester must use individual container. Multiple limits may not be combined in the same container.

(v) Only hand harvesting is allowed using a knife or similar instrument. Live vegetation must be harvested by cutting or picking. Tearing the plant or using tined instruments, such as rakes or forks is prohibited. Loose or drift plants may be removed. No holdfast may be removed or disturbed.

(vi) It is strictly prohibited to pick, cut, mutilate, trip, uproot, remove or attempt to take or possess any living or non-living plants in marine gardens, research reserves, habitat refuges, marine reserves, or marine-protected areas.

(5) Removal of natural product in quantities exceeding the personal-use limits listed above requires a special-use permit application, available from a natural resource specialist.

Removal for Commercial Use

(6) Removal of natural products for commercial use requires a permit per OAR 736 division 20.

Other Activities that May Involve Product Removal

(7) **Fishing**, shellfishing, and crabbing are regulated by the Oregon Department of Fish and Wildlife Regulations (ODFW) rules, OAR Chapter 635.

(8) **Recreational prospecting** is allowed as follows:

(A) Small quantities of sand may be removed from the ocean shore for personal prospecting use, defined as a 5-gallon container per person per day, for up to 20 gallons per person per year.

(B) No motorized equipment is used;

(C) Individual persons will use equipment limited to a pan, single shovel and hand-operated sluice box;

(D) No chemicals, heavy metals or other aids used to separate metals are permitted;

(E) No person shall prospect in waters of the state without permission from ODFW regarding in-stream work periods. Water flow must not be interrupted or diverted as to restrict the movement of fish or wildlife;

(F) Wildlife and other natural resources (including but not limited to rocks, boulders, and vegetation) shall not be disturbed, taken, or moved in the prospecting process;

(G) No person shall prospect during seasonal closures (March 15-September 15) of Western Snowy Plover-managed areas;

(H) No person shall disturb more than one cubic yard of materials at any individual site and accumulatively, more than five cubic yards at sites within ¼ mile. Disturbance of material may be restricted to individual beach areas, quantities of material, and time of year;

(I) No person may stake or file a mining claim or leasehold location.

(9) **Scientific research:** A person may not engage in scientific research, including product removal for research, without first obtaining a written permit from the department's Salem headquarters.

Additional Rules for Natural Resource Protection

~~(2) Persons shall not mutilate, deface, damage or remove any property, structure or facility of any kind in the ocean shore recreation area.~~

~~(103) Persons shall not place items such as logs, rocks, ropes, structural members or other objects; remove, bury, roll stones or other objects; or carve, dig caves or sculpture in sand dunes or sea cliffs, in a way which endangers visitors or damages ocean shore resources.~~

~~(4) No person shall deposit garbage, sewage, refuse or waste on any ocean shore recreation area.~~ (11) No person within the ocean shore recreation area shall do any of the following:

(a) Hunt, collect, pursue, trap, kill, injure, harass or molest any wildlife, disturb or damage their habitats, disturb tidal pools, gather eggs or other live material, except as allowed in OAR 736-021-0090 (4) (b) and OAR 736-021-0090 (7).

(b) Feed, give or offer food to wildlife;

(c) Discharge any firearm, pellet gun, bow and arrow, slingshot, paint-ball gun, or other weapon or device capable of injuring any person or wildlife, except as allowed by OAR 736-021-0090 (11);

(12) The director may authorize firearm and other predator control methods to be used by designated individuals for natural resource management purposes.

(13) In the Western Snowy Plover-management areas the following additional rules apply, which are adopted based on the department's Western Snowy Plover Habitat Conservation Plan:

(a) **Occupied Sites:** In areas designated by the department as occupied sites for Western Snowy Plovers, the following apply:

(A) All recreation is restricted within dry sand demarked areas between March 15 and September 15, except when restrictions may be declared to end on July 15 due to a discontinuation of nesting. The boundaries of “dry sand” areas are identified on the ground by the placement of symbolic fencing (roping) and/ or signs.

(B) All motorized and non-motorized vehicles (except for persons performing administrative, enforcement or scientific duties), motorized and non-motorized flying apparatus, and dogs are prohibited on the wet sand adjacent to demarked dry sand areas.

(C) Other recreational activities that could not normally occur on wet sand due to the presence of waves, such as camping and beach fires are also restricted.

(D) Walking and any other passive activity not otherwise mentioned here are allowed on the wet sand.

(E) Horse-back riding is allowed on the wet sand of beaches that otherwise allow horseback riding.

(b) **Unoccupied Sites:** In areas designated by the department as unoccupied sites for Western Snowy Plovers:

(A) Dogs must be leashed with a leash length of 6 feet or less and under physical control at all times.

(B) Motorized and non-motorized vehicles are prohibited, (except for persons performing administrative, enforcement or scientific duties), March 15 to September 15, except when restrictions may be declared to end on July 15 due to a lack of nesting.

(C) Restricted portions and duration of an unoccupied, actively managed area will be conveyed to visitors by signs placed at approaches to these restricted area.

(c) The department shall manage the restoration efforts for the Western Snowy Plover through implementing the following:

(A) the Western Snowy Plover Habitat Conservation Plan;

(B) specific site plans designed for each area identified in the Western Snowy Plover Habitat Conservation Plan;

(C) the rules detailed above department-owned, leased or managed properties, as well as areas owned privately or by local governments that have been identified in the conservation plan or the site plans, and areas adjacent to occupied or unoccupied federal land; and

(D) anything else deemed necessary.

Stat. Auth.: ORS 390.660

Stats. Implemented: ORS 164.775, ORS 390.635 & ORS 390.660

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0100

Visitor Conduct **Prohibited Activities**

(1) In addition to the rules in OAR 736-021-0090 Cultural, Historic, Natural and Wildlife Resources, no person may mutilate, deface, damage, or remove any property, structure or facility of any kind.

(2) No person may leave garbage, recyclables, sewage or waste on the ocean shore state recreation area.

(3) Glass products are strictly prohibited on the ocean shore recreation area.

(4) A person may not engage in the following activities on the ocean shore recreation area:

(a) Using or operating a noise or light-producing machine, vehicle, device or instrument in a manner that may disturb other people or wildlife;

(b) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, or fireworks without the written permission of the park manager, natural resource specialist or designated park employee;

(c) Using metal detectors or similar devices without a written permit from the department in any property not listed on the “Detecting Allowed” list, published on the OPRD website;

(d) Blocking, obstructing or interfering with pedestrian or vehicular traffic;

(e) Possessing or using alcoholic beverage(s) in the ocean shore state recreation area if the person is younger than 21 years old;

(f) Fighting or promoting, instigating or encouraging fighting or similar violent conduct that would threaten the physical well-being of any person;

(g) Activities or conduct that constitutes a public nuisance or hazard;

(h) Public indecency as defined in ORS 163.465;

(i) Descending, scaling or technical rock climbing on rock formations and cliffs;

(j) Entering fenced areas; and

~~The following activities are prohibited within the ocean shore recreation area:~~

~~(1) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar devices without the written permission of the park manager of the beach area in which the permittee wishes to discharge such devices. See ocean shore management jurisdiction directory for address and phone number. Fireworks are defined in OAR 837-012-0072(19);~~

(k) Constructing a structure or sign without a permit.

~~(3) Harassing wildlife, seabirds or nesting birds; disturbing tide pools; gathering eggs or other live material.~~

Stat. Auth.: ORS 390.660

Stats. Implemented: ORS 390.635, ORS 390.655 & ORS 390.660

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0110

Hunting and Firearms

~~No person within the ocean shore recreation area shall:~~

~~(1) Hunt, pursue, trap, kill, injure, or molest any wildlife or disturb their habitats;~~

~~(2) Discharge any firearm, pellet gun, bow and arrow, slingshot, paint ball gun, or other weapon capable of injuring any person or wildlife.~~

~~Stat. Auth.: ORS 390.660~~

~~Stats. Implemented: ORS 166.630, ORS 390.635 & ORS 390.660~~

~~Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94~~

736-021-0120

Fires

(1) ~~R~~Small recreational beach fires are allowed in the ocean shore recreation area under the following conditions:

(a) Fires are no larger than 3ft x 3ft x 3ft in size. Larger fires may be allowed only by special use permit according to OAR 736-016.

(b) Fires must be~~are allowed provided they are~~ located as follows:

(A) In the open~~dry~~ sands area;

(B) ,~~Downwind of any shoreline vegetation and and below beachgrass and the driftwood line; no fires are allowed in dunes or beach~~ log accumulations;

(C) Never in dunes or beach log accumulations;

(D) A minimum of 25 feet away from shoreline vegetation, log accumulations and seawalls constructed of wood or other combustible material, and beach access points.

(c) Fires must not be left unattended;

(d) Fires must not cause damage to facilities or natural resources;

(e) Fires may not be covered with sand; and

(f) Fires must be extinguished completely with water before its users leave the area. In addition, fires must be broken apart before its users leave the area.

(2) Only paper products and untreated natural wood free of attached metal, glass or plastic objects may be burnt in fires. Gasoline, diesel or any other petroleum-based products may not be used to start a fire.

(3) A park manager, natural resource specialist or designated park employee may restrict fires to individual beach areas, or temporarily prohibit fires due to high fire hazard conditions.

(4) Beach fires may be prohibited in Western Snowy Plover-management areas, according to 736-021-0090, provision (8).

~~(2) No fire shall be placed in driftwood, left unattended or be permitted to cause damage to facilities or natural resources. Every fire shall be extinguished before its users leave the area.~~

~~(3) No fire shall be permitted within 25 feet of a seawall that is constructed of wood or other combustible material.~~

~~(4) At the discretion of a park manager, fires normally permitted in the ocean shore recreation area may be restricted or prohibited due to high fire hazard conditions.~~

Stat. Auth.: ORS 390.660

Stats. Implemented: ORS 390.124 & ORS 390.660

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94; PR 3-1997, f. 11-5-97, cert. ef. 11-10-97

736-021-0130

Commercial and Other Special Activities

(1) Except as otherwise provided in this rule, no person shall conduct any commercial activity or special activity or event on the oOcean sShore rRecreation aArea without first obtaining a special-use permit issued by OPRD according to the provisions in OAR 736-016.

~~(2) Commercial a~~Activities require a permit if they meet any factor or characteristic including; but ~~are~~ not limited to the following: selling, renting, leasing or offering to sell, rent or lease any merchandise, food, beverage or service; operating a concession; advertising; monetary transactions or payments; and displaying or storing goods for sale or rent.

(a) It is an organized activity where the number of participants is more than 50 individuals;

(b) It uses a portion of the ocean shore recreation area at the exclusion of others;

(c) It is an activity or event that modifies or embellishes the natural ocean shore area, or places structures, such as tents, chairs, arches etc. on the ocean shore in a manner outside of normal recreational use as determined by a park manager, natural resource specialist or designated park employee;

(d) It uses public-address, amplification or lighting systems, other than those designed for personal use;

(e) Events charge money for participation or admission, or they sell products or services;

(e) Activities or events could potentially disturb the natural, cultural, scenic and recreational resources in the ocean shore area or in areas adjacent to the ocean shore;

(f) Activities or events could pose a safety or access concern for other ocean shore area users or for those involved in the activity.

(3) Persons who obtain a permit under OAR 736-016 must comply with all the provisions of OAR 736-016 and with park manager, natural resource specialist or designated park employee instructions.

~~(2) In the sole discretion of the department a special permit may be granted by the department to a private party for a commercial activity in conjunction with a special event if all of the following conditions are met:~~

~~(a) No feasible alternative location is available at some off beach side;~~

~~(b) The permitted activity does not pose a threat to public health, safety or welfare, does not cause any lasting damage to any ocean shore resources, and does not interfere with public access to and along the beach.~~

~~(3) A special permit may be granted by the department to a local city or county government to allow specific commercial activities to be performed by a named private parties if the following conditions are met:~~

~~(a) The specific type of commercial activity exists at the specific ocean shore location on the effective date of these rules;~~

~~(b) There are no feasible alternative locations nearby at some off beach site;~~

~~(c) No money is exchanged or payment made on the beach;~~

~~(d) The permitted activity does not pose a threat to public health, safety or welfare, does not~~

~~cause any lasting damage to any ocean shore resources, and does not interfere with public access to and along the beach;~~

~~(e) The affected city or county government will be responsible for enforcing all terms of the permit.~~

~~(4) Special permits issued pursuant to this rule are not transferable. The department may require additional conditions on any special permit issued pursuant to this rule. Permits for commercial activities under section (2) of this rule are limited in duration to no more than the length of the special event. Permits for cities and counties under section (3) of this rule shall be limited to five years, and the city or county may further limit the time it allows the activity to continue. Issuance of a permit confers no right or expectation that the permit will be renewed or extended.~~

~~(5) Violation of terms or conditions of permits issued under sections (2) and (3) may cause the permits to be subject to immediate cancellation or revocation.~~

Stat. Auth.: [ORS 390.660](#)

Stats. Implemented: [ORS 390.635](#) & [ORS 390.660](#).

Hist.: PR 9-1984, f. & ef. 12-12-84; PR 8-1992, f. & cert. ef. 11-12-92; Renumbered from 736-020-0033; PR 9-1994, f. 11-29-94, cert. ef. 12-1-94; Renumbered from 736-021-0000

736-021-0140

Signs and Promotional Materials

(1) Unless approved through a permit obtained from a park manager, natural resource specialist or designated park employee in accordance with OAR 736-016, the following apply:

(a) No sign, marker, advertisement, or inscription ~~may of any kind shall~~ be placed or displayed within the ocean shore recreation area with the sole purpose of advertising a business or soliciting customers; and ~~without written permission from the park manager.~~

(b~~2~~) No person may place or distribute any circulars, notices, leaflets, pamphlets, ~~or~~ written or printed information, promotional materials, products or other similar items of any kind, within the ocean shore recreation area. ~~, unless they have first obtained permission from a park manager and reported their name, address and number of leaflets to be distributed to the park manager.~~

Stat. Auth.: [ORS 390.660](#)

Stats. Implemented: [ORS 390.635](#) & [ORS 390.660](#)

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0150

Lost Articles

~~All money or goods found in the ocean shore recreation area must be turned over to the park manager. All money or goods shall be disposed of according to department policy adopted in accordance with ORS Chapter 98.~~ (1) Any person who finds money or goods with a perceived value of \$100 or more in the ocean shore state recreation area is bound by ORS 164.065 and ORS 98.005 and must attempt to find the property's rightful owner in one of the following manners:

a) by directly following the provisions established in ORS 98.005; or

b) by turning the found property to a park official within 10 days of finding it, along with the details of when and where the property was found.

(2) Any person who finds money or goods valued at less than \$100 in the ocean shore state recreation may turn the property to a park official.

(3) OAR 736-021-0150 (1) and (2) apply to items found through the use of metal detectors but not to minerals discovered through recreational prospecting.

(4) Lost items in the department's custody may be disposed of as early as three months if not claimed.

(5) The department must have and follow a property disposition process that ensures compliance with applicable state laws and ethics standards.

Stat. Auth.: [ORS 390.660](#)

Stats. Implemented: [ORS 390.124](#), [ORS 390.635](#) & [ORS 390.660](#)

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

736-021-0160

Additional Rules

Additional administrative rules may apply ~~shall be posted in specific~~ to the ocean shore recreation area, ~~s to which they pertain. These including e~~ but are not limited to Divisions 4, 20, 223-30, 24, 25, 26, 27 and 2808.

Stat. Auth.: [ORS 390.660](#)

Stats. Implemented: [ORS 390.635](#) & [ORS 390.660](#)

Hist.: PR 9-1994, f. 11-29-94, cert. ef. 12-1-94