

OFFICE OF THE SECRETARY OF STATE

TOBIAS READ

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ARCHIVES DIVISION

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## **NOTICE OF PROPOSED RULEMAKING** INCLUDING STATEMENT OF NEED & FISCAL IMPACT

### **CHAPTER 736 PARKS AND RECREATION DEPARTMENT**

**FILED**

12/23/2025 11:51 AM

ARCHIVES DIVISION

SECRETARY OF STATE

**FILING CAPTION:** UAS operation in park properties and along the ocean shore.

**LAST DAY AND TIME TO OFFER COMMENT TO AGENCY:** 02/15/2026 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

**CONTACT:** Robert Ellison

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Salem, OR 97301

**Filed By:**

Robert Ellison

Rules Coordinator

### **HEARING(S)**

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

**DATE:** 01/20/2026

**TIME:** 5:00 PM

**OFFICER:** Robert Ellison

### **REMOTE HEARING DETAILS**

**MEETING URL:** [Click here to join the meeting](#)

**PHONE NUMBER:** 971-304-4689

### **SPECIAL INSTRUCTIONS:**

Must Register to receive login info

### **NEED FOR THE RULE(S)**

Senate Bill 109 (2021) directed OPRD to adopt rules governing drone takeoff and landing on state park property and the ocean shore. These rules establish clear, enforceable standards to provide recreational opportunities while protecting natural, cultural, scenic, and recreational resources and minimizing visitor conflict.

### **DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

OPRD relied on: The proposed rules rely on Federal Aviation Administration (FAA) regulations governing unmanned aircraft systems, including 14 CFR Part 107. These regulations are publicly available on the Federal Aviation Administration's website. <https://www.faa.gov/uas>

### **STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

OPRD anticipates no disproportionate impact on specific racial or ethnic groups. The rules apply uniformly statewide and establish clear, publicly available locations and conditions for drone takeoff and landing on OPRD-managed property.

## FISCAL AND ECONOMIC IMPACT:

OPRD anticipates minimal fiscal impact to state government and local governments. Any workload impacts are expected to be limited and associated with implementation, public communication, and potential permit/pass administration as applicable.

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## COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Compliance costs for the public are expected to be minimal. Visitors may need to review OPRD's published drone operation area map and comply with site conditions; those seeking authorization outside designated areas or for commercial/research purposes may need to obtain a permit and meet associated requirements.

### (1) Likely economically affected entities

- State agencies: OPRD (implementation, communication, and administration); other public agencies may coordinate in limited circumstances for emergency or operational needs.
- Units of local government: minimal or none anticipated.
- Members of the public: recreational drone users; commercial drone operators/photographers/film crews; researchers seeking to operate drones on OPRD property.

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## DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

### (2) Effect on Small Businesses

#### (a) Number/type of small businesses:

Small businesses that may be affected include commercial photographers/videographers, drone service providers, film/media production firms, tourism/outdoor content creators, and research/consulting firms using drones. OPRD cannot reliably estimate the number.

#### (b) Reporting/record keeping/admin activities and cost:

If a permit is required, applicants may need to submit basic request information (e.g., location, dates, purpose, equipment, and operational plan) and comply with any conditions. Administrative time is expected to be minimal for most applicants.

#### (c) Cost of professional services/equipment/supplies/labor/admin:

No new equipment is required beyond what operators already use to conduct drone activities and comply with applicable FAA requirements. Potential costs are limited to staff time for application preparation and any permit/pass-related fees if established in the future.

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## WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

## RULES PROPOSED:

736-010-0015, 736-010-0040, 736-021-0030, 736-021-0100, 736-021-0130

AMEND: 736-010-0015

RULE SUMMARY: Adding definitions for UAS.

## CHANGES TO RULE:

736-010-0015

Definitions 

As used in this division, unless the context requires otherwise:¶

- (1) "Bicycle" means a vehicle as defined in ORS 801.150.¶
- (2) "Boat" means all watercraft as defined in ORS 830.005 (2).¶
- (3) "Camping" means the setting up of a tent or shelter, preparing bedding for use, parking of a motor vehicle, recreational vehicle, or other similar equipment or mooring of a vessel for the purpose of overnight occupancy.¶
- (4) "Camping Unit" means a tent, camper, camping trailer, recreational vehicle, or other shelter designed to be used as a personal living space while camping.¶
- (5) "Closed Area" means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs at the park, notices placed on the state park website, or by verbal instruction from park staff.¶
- (6) "Criminal Trespass" means the crime of remaining or unlawfully re-entering a park property during the period of time in which a violator has been ordered to leave, or be excluded. Criminal trespass in the second degree, ORS 164.245, is a Class C misdemeanor, citable only by law enforcement.¶
- (7) "Commission" means the Oregon State Parks and Recreation Commission.¶
- (8) "Dawn" means 30 minutes prior to sunrise as calculated by the National Oceanic and Atmospheric Administration.¶
- (9) "Day Use" means those activities which are authorized to occur in an area between dawn and dusk.¶
- (10) "Day Use Area" is a park property or portion of a park property that the department has designated for day use only.¶
- (11) "Department" means the Oregon State Parks and Recreation Department.¶
- (12) "Designate" means administratively assigned and approve for a specific status or activity.¶
- (13) "Director" means the department director.¶
- (14) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.¶
- (15) "Domestic Animals" means an animal, other than livestock or equines, that is owned or possessed by a person.¶
- (16) "Dusk" means 30 minutes after sunset as calculated by the National Oceanic and Atmospheric Administration.¶
- (17) "Electric assisted bicycle" means class 1, class 2 and class 3 electric assisted bicycles as defined under ORS 801.258. Electric assisted bicycles that do not fit under the classifications as outlined under ORS 801.258 or have been modified out of the classification criteria, will be considered "Motor Vehicles" as defined below, and only allowed where motor vehicles are allowed.¶
- (18) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park rules.¶
- (19) "Exclusion" means the administrative action that prohibits a violator from entering a specific park property, or properties for a specific period of time of one month or more. The violator may appeal the exclusion.¶
- (20) "Handler" means any person who either brings a domestic animal or livestock into a park property or keeps a domestic animal at a park property.¶
- (21) "Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right, as described in ORS 801.305.¶
- (22) "Livestock" means birds, avians, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.¶
- (23) "Motor Vehicle" means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.¶
- (24) "Order to Leave" means the administrative action that orders a violator to leave a specific park property, or properties, for up to 72 hours (3 nights).¶
- (25) "Other power-driven mobility device" or "OPDMD" means any mobility device powered by batteries, liquid fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, e-assisted bicycles, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (42) below.¶
- (26) "Overnight facility" means everything within the campground including showers, campsites, cabins, yurts, parking areas associated with camping and other facilities for use by overnight visitors.¶
- (27) "Pack Animal" means equines, llamas, alpacas, and goats.¶
- (28) "Park Property" means any state park, natural area, greenway, wayside, corridor, scenic area, monument,

historic structure or area, trail, or recreation area under the jurisdiction of the department.¶

(29) "Park Employee" means an employee of the department while on duty.¶

(30) "Park Manager" means the supervisor or designated employee in charge of a park property.¶

(31) "Park Resource" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.¶

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

(33) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.¶

(34) "Public" includes all persons visiting or intending to visit a park property that are not park employees.¶

(35) "Public Indecency" has the meaning defined in ORS 163.465.¶

(36) "Recreational Vehicle (RV)" means motor vehicles, campers or trailers or similar type vehicles with living areas intending for temporary sleeping including vehicles converted to serve this purpose, such as sprinter vans, buses, and utility trailers.¶

(37) "Service Animal" means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.¶

(38) "State Park Rules" mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.¶

(39) "State Park Website" means the internet resource with the host name <http://www.oregonstateparks.org> and its associated links.¶

(40) "Violate" includes failure to comply.¶

(41) "Unmanned Aircraft System" means device defined under ORS 837.300(4).¶

(42) "UAS Operation Area" means a specific site or zone within a park property that the department has designated and shown on an official map published on the department's website, where an unmanned aircraft system may be operated from, subject to any conditions the department establishes.¶

(43) "UAS Pass" means a department authorization that allows one unmanned aircraft system to operate within a designated UAS Launch Area on a specific date stated on the pass.¶

(44) "Violator" means a person or visitor who violates any state park rule, federal, state, county, or city law; or court order while on state park property.¶

(425) "Visitor" means any member of the public who arrives at or is present at a park property.¶

(436) "Wildlife" means fish, shellfish, amphibians and reptiles, wild birds and other wild mammals.¶

(447) "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.¶

(458) "Other Agency" means local, state, federal or tribal government entity that provides mental health, law enforcement or human services.

Statutory/Other Authority: 390.124, 496.004

Statutes/Other Implemented: ORS 390.050, 390.111, 390.124

RULE SUMMARY: Adding UAS use regulations.

CHANGES TO RULE:

736-010-0040

Visitor Conduct ¶

(1) Violations to this rule are a Class D violation, unless otherwise specified below or park resources are damaged resulting in a Class A violation. Peace officers may cite for criminal trespass in the second degree, a Class C misdemeanor, under ORS 164.245.¶

(2) A person shall cause, build, maintain, or accelerate a fire at a park property only in:¶

(a) Park camp stoves or fireplaces provided for such purpose;¶

(b) Portions of beach areas designated as permissible for campfires; or¶

(c) Portable gas or charcoal stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.¶

(3) A person who has caused, built, maintained or accelerated an allowed fire shall:¶

(a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;¶

(b) Burn wood no longer than 24 inches in length;¶

(c) Build fires no larger than two feet by two feet by two feet in dimension. A person may apply for a special use permit under division 16 for larger fires. ¶

(d) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;¶

(e) Use no gasoline, diesel or any other petroleum-based products outside of camp stoves to start or maintain a fire; and¶

(f) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.¶

(4) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions. Failure to follow restrictions is a Class A violation.¶

(5) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.¶

(6) When available, a person must stay on designated trails and may not damage park resources by going off trails or creating unauthorized trails.¶

(7) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, animals, animal parts, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:¶

(a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;¶

(b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.¶

(8) Offensive littering or leaving materials near waterways will be cited as a Class C misdemeanor, ORS 164.805.¶

(9) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.¶

(10) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.¶

(11) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:¶

(a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors or wildlife except as allowed in section (12) below;¶

(b) Using a public address system or similar device without written permission of the park manager;¶

(c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee; punishable as a Class A violation;¶

(d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the "Detecting Allowed" list, published on the state park website;¶

(e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;¶

(f) Entering or occupying any building, facility or portion of a park property that has been closed to public access;

punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;¶

(g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;¶

(h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class A violation or could be cited by peace officers as a Class C misdemeanor pursuant to ORS 164.245;¶

(i) Harassing, fighting, intimidating; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the personal safety of any person at the park property;¶

(j) Using tobacco products except: ¶

(A) In motor vehicles and personal camping units where allowed in accordance with all applicable laws governing smoking in vehicles;¶

(B) In designated campsites in developed overnight camping areas, unless temporarily suspended by the park manager due to high fire hazard conditions;¶

(C) In day use areas managed as Safety Rest Areas through agreements with the Oregon Department of Transportation; and¶

(D) For personal use by a member of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other customary cultural heritage practices;¶

(k) Activities or conduct which constitutes a public nuisance or hazard;¶

(l) Public indecency; ¶

(m) Take-off or landing base-jumping, hang gliding, paragliding or similar activities without a special use permit ¶

(n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(11); punishable as a Class A violation;¶

(o) Placing a sign, memorial, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;¶

(12) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.¶

(13) A person may only operate an unmanned aircraft system from park property wholly within a UAS Operation Area designated under subsection (b). The person must comply with all conditions set by the department, including any UAS Pass requirements under subsection (e). ¶

(a) A person must operate an unmanned aircraft system in compliance with applicable federal aviation laws and regulations and in a manner that is reasonable and prudent relative to terrain, prevailing conditions, equipment, personal capabilities, and the safety of all park users and wildlife. Harassment of wildlife is prohibited under OAR/736-010-0055. ¶

(b) The director or their designee may designate, modify, suspend, or rescind a UAS Operation Area at any time based on visitor safety, resource protection, user conflict, operational constraints, or other management objectives. ¶

(c) UAS Operation Area designations may cover an entire park property or any sub-area and may be year-round or limited by season, time of day, or other conditions. ¶

(d) The department will publish a map of each UAS Operation Area and its conditions on its website at least 30 days before the designation becomes effective, except when immediate action is required in an emergency. UAS operation areas may also be identified through signage or other public communication methods. ¶

(A) Designations may be added, modified, suspended, or rescinded on a temporary or long-term basis based on visitor safety, resource protection, seasonal conditions, or operational needs. ¶

(B) The department will document the basis for designation or modification. ¶

(e) The department may require a UAS Pass as a condition of using a UAS Operation Area based on seasonal resource sensitivity, high visitation, user conflict, or operational capacity. The department may limit the number of UAS passes issued per day or impose other use limits as needed. Failure to obtain or comply with a required UAS Pass may result in enforcement action up to and including a Class A violation. ¶

(f) The following areas remain closed to UAS operations and may not be designated as UAS Operation Areas: ¶

(A) Overnight facilities as defined in OAR/736-010-0015(14); and ¶

(B) Any area explicitly closed to unmanned aircraft systems by statute or other rule. ¶

(g) Public safety agencies and other governmental entities acting within official duties may operate unmanned aircraft systems during emergencies without prior approval. ¶

(h) Operation of an unmanned aircraft system in violation of this section may result in enforcement action up to and including a Class A violation. ¶

(14) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:¶

(a) Is an organized group activity or event attended by over 50 people, outside of a traditional park use as defined in OAR 736-016-0012(14);¶

(b) Uses a portion of a park property to the exclusion of other persons or the department;¶

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;¶

(d) Uses public-address, amplification or lighting systems;¶

(e) Charges money for participation or admission;¶

(f) Involves the sale of products or services;¶

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;¶

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.¶

(14i) Involves the operation of an unmanned aircraft system outside a designated UAS Operation Area as provided in section (13).¶

(j) Involves the operation of an unmanned aircraft system for commercial or research purposes on any portion of park property.¶

(15) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.¶

(156) All money or goods, having a value of \$250 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.¶

(167) A Park Manager may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class A violation or could be cited by peace officers with a Class C misdemeanor as provided in subsection (11)(f).¶

(178) A Park Manager may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class A violation or could be cited by peace officers with a Class C misdemeanor as provided in subsection (11)(f).¶

(189) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

Statutory/Other Authority: OAR 390.124, 164.245, 164.805

Statutes/Other Implemented: ORS 390.111, 163.465, 433.835 - 433.875, 498.006

RULE SUMMARY: Adding definitions for UAS.

CHANGES TO RULE:

736-021-0030

Definitions ¶

For purposes of this division, the definitions in ORS 358.905 and ORS 390.605 shall apply. In addition, the following definitions apply, unless the context requires otherwise:¶

(1) "ATV" means All-Terrain Vehicle as described and defined in OAR 736-004-0015. ATV may also be referred to interchangeably as Off-Highway Vehicle (OHV).¶

(2) "Bicycle" means any vehicle as defined under ORS 801.150.¶

(3) "Cobble" means a rock fragment between about 2.5 inches and 10.2 inches wide, especially one that has been naturally rounded.¶

(4) "Commission" means the Oregon Parks and Recreation Commission.¶

(5) "Department" means the Oregon Parks and Recreation Department.¶

(6) "Director" means the director of the Oregon Parks and Recreation Department.¶

(7) "Domestic animal" means those animals whose food and shelter are provided by a human custodian.¶

(8) "Electric assisted bicycle" means any class 1, class 2 and class 3 electric assisted bicycles as defined under ORS 801.258. Electric assisted bicycles that do not fit under the classifications as outlined under ORS 801.258 or have been modified out of the classification criteria, will be considered "Motor Vehicles" as defined below, and only allowed where motor vehicles are allowed.¶

(9) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations and to issue oral or written warnings or citations to enforce the ocean shore state recreation area rules.¶

(10) "Habitat Conservation Plan for Western (Coastal) Snowy Plovers" is a multi-agency, multi-jurisdictional recovery effort for the Western Snowy Plover. The full text of the "Habitat Conservation Plan for Western (Coastal) Snowy Plovers" is available from the State Parks and Recreation Department.¶

(11) "Handler" means a person who brings a domestic animal onto the ocean shore state recreation area.¶

(12) "Holdfast" means the part of a seaweed by which it fastens to the surface on which it grows.¶

(13) "Marine Protected Area" means any area of the marine environment within Oregon's Territorial Sea that has been reserved by the state to provide lasting protection for part or all of the natural and cultural resources in it. A marine protected area is an area established by the State Land Board and identified in OAR chapter 141, division 142.¶

(14) "Marine Reserve" is an area within Oregon's Territorial Sea or adjacent rocky intertidal area that is protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors. A marine reserve is an area established by the State Land Board and identified in OAR chapter 141, division 142.¶

(15) "Motorized vehicle or device" means any self-propelled means moving on wheels, runners, tracks or the like by which a person could travel or carry something, whether or not designed exclusively to transport or typically used on roads. This definition includes but is not limited to a motor vehicle as defined in ORS 825.005(9), motorized bicycles, motor scooters, ATVs, OHVs, recreational vehicles, trailers, electric bicycles outside of the definition in ORS 801.258 and other mobile equipment.¶

(16) "Natural Product" means living and non-living natural products on the ocean shore, including but not limited to marine plants, minerals, shells, rocks, and sand.¶

(17) "Non-Traditional Park Use" means any organized activity, gathering or use conducted in whole or in part within the boundaries of the ocean shore state recreational area, that is not a recreational use allowed by the posted park regulations or permitted under the provisions of this rule or divisions 10, 15 and 20 and which requires a special use permit under division 16.¶

(18) "Occupied site" means a department-owned or leased area, a privately or locally-owned area or an area adjacent to federal lands that has at least one nest or nesting attempt as identified by the department at the beginning of each western snowy plover nesting season in accordance with the Habitat Conservation Plan for Western (Coastal) Snowy Plover.¶

(19) "Ocean shore state recreation area" means the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line or the line of established upland vegetation, whichever is farther inland, under the jurisdiction of the department that is used by the public for recreational purposes per ORS 390.605 (2) and (3).¶

(20) "Ocean shore resources" means any natural or human-made property, material, product, feature or structure

in the ocean shore state recreation area.¶

(21) "OHV" means Off Highway Vehicle, also called ATV, see definition (1).¶

(22) "Other power-driven mobility device" or "OPDMD" means any mobility device powered by batteries, liquid fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, e-assisted bicycles, or any mobility device designed to operate in areas without defined pedestrian routes , but that is not a wheelchair within the meaning defined in section (33) below.¶

(23) "Park Employee" means an employee of the department.¶

(24) "Park Manager" means the supervisor or designated employee in charge of an ocean shore state recreation area.¶

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

(26) "Person" includes an individual, a public or private corporation, an unincorporated association, a partnership, a government or a governmental unit, or a non-profit entity.¶

(27) "Personal Use" means use that is directly by the individual for purposes other than monetary reward and not involving sale, barter, resale, or exchange of money.¶

(28) "Territorial Sea" as defined in ORS 196.405(5) means the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law.¶

(29) "Unmanned Aircraft System" means device defined under ORS 837.300(4).¶

(30) "UAS Operation Area" means a specific site or zone within the ocean shore that the department has designated and shown on an official map published on the department's website, where an unmanned aircraft system may be operated from, subject to any conditions the department establishes.¶

(31) "UAS Pass" means a department authorization that allows one unmanned aircraft system to operate within a designated UAS Launch Area on a specific date stated on the pass.¶

(32) "Unoccupied sites" means actively managed department-owned or leased areas, privately or locally-owned areas or areas adjacent to federal lands that have been identified as potential nesting sites for western snowy plovers in concurrence with the Habitat Conservation Plan for Western (Coastal) Snowy Plover.¶

(303) "Upland" means the land lying shoreward or generally easterly of the ocean shore state recreation area.¶

(314) "Violate" includes failure to comply.¶

(325) "Wet sand" means the area seaward of symbolic fencing (roping), signs, or both that are placed on the dry sand area.¶

(336) "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Statutory/Other Authority: ORS 390.660

Statutes/Other Implemented: ORS 390.124, 390.635, 390.660

RULE SUMMARY: Adding rules for UAS operation.

CHANGES TO RULE:

736-021-0100

Visitor Conduct ¶

(1) A person may not mutilate, deface, damage, or remove any property, structure or facility of any kind in the ocean shore state recreation area, except as provided in OAR 736-021-0090.¶

(2) A person may not leave any material not found naturally on the ocean shore, including garbage, recyclables, sewage, or waste, on the ocean shore state recreation area.¶

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

(a) Possessing or using alcoholic beverage(s) if the person is under 21 years of age;¶

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

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

(d) Public indecency as defined in ORS 163.465;¶

(4) A person may only engage in the following activities on the ocean shore state recreation area as authorized in a special use permit that they obtain from the department pursuant to OAR chapter 736, division 16 or written permission from the park manager:¶

(a) Use or operation of any noise or light-producing machine, vehicle, device or instrument in a manner that may disturb persons or wildlife;¶

(b) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, or fireworks or other substances;¶

(c) Using a metal detector or similar device in any property not listed on the "Detecting Allowed" list, published on the department website;¶

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

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

(f) Entering or occupying any portion of the ocean shore state recreation area that has been closed to public access, including fenced areas; and¶

(g) Constructing a structure or sign.¶

(5) A person may only operate an unmanned aircraft system from the ocean shore within a UAS Operation Area designated under subsection (b). The person must meet any UAS Pass requirement under subsection (f).¶

(a) A person must operate an unmanned aircraft system in compliance with applicable federal aviation laws and regulations and in a manner that is reasonable and prudent relative to terrain, prevailing conditions, equipment, personal capabilities, and the safety of all park users and wildlife. Harassment of wildlife is prohibited under OAR/736-010-0055.¶

(b) The director or designee may designate, modify, suspend, or rescind a UAS Operation Area at any time based on visitor safety, resource protection, user conflict, operational constraints, or other management objectives.¶

(c) UAS Operation Area designations may cover an entire ocean shore area or any section and may be year-round or limited by season, time of day, or other conditions. Designations may be added, modified, suspended, or rescinded on a temporary or long-term basis based on visitor safety, resource protection, seasonal conditions, or operational needs.¶

(d) The department will publish a map of each UAS Operation Area and its conditions on its website at least 30 days before the designation becomes effective, except when immediate action is required in an emergency. UAS operation areas may also be identified through signage or other public communication methods.¶

(A) Designations may be added, modified, suspended, or rescinded on a temporary or long-term basis based on visitor safety, resource protection, seasonal conditions, or operational needs.¶

(B) The department will document the basis for designation or modification.¶

(e) Restrictions for Western Snowy Plover Management areas described in OAR 736-021-0090(15) apply to the operation of an unmanned aircraft system.¶

(f) The department may require a UAS Pass as a condition of using a UAS Operation Area based on seasonal resource sensitivity, high visitation, user conflict, or operational capacity. The department may limit the number of UAS passes issued per day or impose other use limits as needed. Failure to obtain or comply with a required UAS Pass may result in enforcement action up to and including a Class A violation.¶

(g) Public safety agencies and other governmental entities acting within official duties may operate unmanned aircraft systems during emergencies without prior approval.¶

(h) Operating an unmanned aircraft system in violation of this section may result in enforcement action up to and

including a Class A violation.

Statutory/Other Authority: ORS 390.660

Statutes/Other Implemented: ORS 390.635, 390.655, 390.660

RULE SUMMARY: Adding in permit and pass language for UAS operation.

CHANGES TO RULE:

736-021-0130

Commercial Activities and Non-Traditional Activities ¶

(1) A person may only engage in a commercial activity or non-traditional park use on the ocean shore state recreation area as authorized in a special use permit that they obtain from the department pursuant to OAR chapter 736, division 16.¶

(2) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within the ocean shore state recreation area that:¶

- (a) Is an organized group activity or event attended by over 50 persons;¶
- (b) Uses a portion of the ocean shore state recreation area to the exclusion of other persons or the department;¶
- (c) Modifies or embellishes the natural ocean shore state recreation area, or places structures, such as tents, chairs, arches, etc. on the ocean shore state recreation area in a manner outside of normal recreational use, as determined by the department;¶
- (d) Uses public-address, amplification or lighting systems, other than those designed for personal use;¶
- (e) Charges money for participation or admission, or they sell products or services;¶
- (f) Could disturb the natural, cultural, scenic and recreational resources in the ocean shore state recreation area or adjacent areas;¶
- (g) Could pose a safety or access concern for other ocean shore state recreation area users or for those involved in the event or activity.¶
- (h) Involves the operation of an unmanned aircraft system outside a designated UAS Operation Area as provided in OAR 736-021-0100(5).¶
- (i) involves the operation of an unmanned aircraft system for commercial or research purposes on any portion of the ocean shore.¶

(3) A person who obtains a special use permit under OAR 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

Statutory/Other Authority: ORS 390.660

Statutes/Other Implemented: ORS 390.635, 390.660