

Oregon Parks and Recreation Commission

April 22, 2026

Agenda Item: 9b

Action

Public Comment Allowed: No

Topic: **Request to adopt UAS operation rules
OAR 736-010-0015, 736-010-0040,
OAR 736-021-0030, 736-021-0100, 736-021-0130**

Presented by: **Robert Ellison, Policy Advisor**

Background:

In 2021, the Oregon Legislature passed Senate Bill 109 (ORS 837.350), directing the Oregon State Parks and Recreation Commission to adopt rules governing the use of unmanned aircraft systems (UAS), commonly known as drones, within park properties. The legislation was adopted in response to the growing use of drones in state parks and on the ocean shore and their potential to impact park resources, wildlife, visitor safety, and the traditional park experience. Local governments or state agencies are prohibited from creating local-level regulations without legislative approval (ORS 837.385).

ORS 837.350 acknowledges a role for recreational use of UAS in state parks while focusing on the department's mission to protect natural, cultural, scenic, and recreational resources.

837.350 Restrictions; authorized use; rules. (1) *The State Parks and Recreation Commission shall adopt rules managing the use of unmanned aircraft systems by people in state parks to protect natural, cultural, scenic and recreational resources in a park property or adjacent areas while providing for enjoyment of recreational use of unmanned aircraft systems.*

(2) *Subject to ORS 837.300 to 837.390, rules adopted under this section may allow:*

(a) *The State Parks and Recreation Department and the department's agents and contractors to use unmanned aircraft systems in carrying out the duties of the department.*

(b) *The use of unmanned aircraft systems for the purpose of resource management, emergency operations or protection of property. [2021 c.172 §2]*

Following passage of SB 109 in 2021, OPRD began developing administrative rules to meet this directive, focusing on take-off and landing locations within park properties and the ocean shore. The Federal Aviation Administration (FAA) has authority to regulate flight operations once a UAS is in the air.

OPRD convened an initial Rule Advisory Committee (RAC) to develop rules for UAS use in state parks and held a public comment period. The process was later paused by the director to ensure greater representation from natural-resource experts, leading to the formation of a workgroup that refined classification criteria and implementation concepts. This workgroup, which included diverse internal and external subject matter experts, met over the course of a year in park locations across the state to study the impacts and develop criteria for guiding the time, place, and manner of UAS operations in parks and along the ocean shore. The group heard from representatives of tribes, recreational user groups, and park managers to help formulate the criteria. A statewide open house held in late 2023 generated more than 300 comments, reflecting strong and diverse perspectives related to resource protection, safety, enforcement, and visitor experience.

Building on that work, OPRD reconvened a new RAC in 2025 to review background information, discuss agency goals, and provide feedback on draft rule language. Two RAC meetings were held, followed by a formal public comment period from January 1 through February 15, 2026, and a public hearing to receive additional input. Staff reviewed comments from the RAC and the public and refined the draft rules accordingly in preparation for commission consideration.

Oregon's federally recognized tribes have been consulted throughout the process of rulemaking. Prior to convening the RAC in 2022 and 2025, tribes were contacted and offered an opportunity for formal consultation on this rulemaking. During the workgroup, tribal cultural resource staff shared their perspectives to help formulate development of the criteria. Throughout the process, regular updates on our rulemaking have been provided to tribal staff.

The commission is now asked to consider adoption of the proposed rules following completion of the development, public comment, and hearing phases of the rulemaking process. A summary of the comments and staff recommendations is provided as Attachment C.

Current Draft Rules

The current draft rules build on the strong foundation established in earlier versions, which took a broad and comprehensive approach to managing UAS operations in state parks. Those earlier drafts explored detailed classification and mapping across all park properties to ensure consistency and statewide clarity. The current framework retains those same goals but shifts to a simpler, phased approach that improves clarity, supports adaptive management, and aligns implementation with available staff capacity.

Under the proposed rules, UAS operation from park property is prohibited by default unless specifically authorized within a designated UAS operation area published on OPRD's website. These designations may be added, modified, or removed over time based on resource protection needs, visitor safety, and user conflict. The rules also preserve an existing permit pathway for authorized use outside designated areas and allow for the future use of optional management tools, such as a UAS pass system, to address seasonal or high-use conditions if needed. This version represents refinement and scaling of prior work rather than a replacement. It maintains the intent of protecting natural, cultural, scenic, and recreational resources while providing a clear, manageable framework for limited UAS operation where appropriate.

Public Comment

The public comment period is open from January 1, 2026, to February 15, 2026. A virtual public hearing was held on January 20. Full comments are posted on the [agency rulemaking website](#).

A summary of public comments, staff response, and recommendations is provided as Attachment C.

Implementation

If proposed rules are adopted, educational information and best practices will be shared on the agency website. Staff will identify limited select park properties where UAS operations may occur. Operations will be closed in other areas without a permit. Information will be shared with UAS mapping apps as part of outreach to help inform operators. Adaptive management and additional permitting will be considered over time, based on agency need and operational capacity.

Prior Action by Commission: November 2021- Opened Rulemaking on UAS use in state parks and the ocean shore; Update on rulemaking last provided to commission November 2025.

Action Requested: Staff requests the commission adopt OAR 736-010-0015, 736-010-0040, OAR 736-021-0030, 736-021-0100, 736-021-0130 to guide UAS operation on park property and the ocean shore.

Attachments: Attachment A: Marked copy of draft rules
Attachment B: Clean copy of draft rules
Attachment C: Summary of comments and staff recommendation
Attachment D: UAS Operation Area Criteria

Prepared by: Robert Ellison, Policy Advisor

Park Area Rules

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

(2526) "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 (4248) below.

(2627) "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.

(2728) "Pack Animal" means equines, llamas, alpacas, and goats.

(2829) "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.

(2930) "Park Employee" means an employee of the department while on duty.

(3031) "Park Manager" means the supervisor or designated employee in charge of a park property.

(3132) "Park Resource" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.

(3233) "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.

(3334) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.

(3435) "Public" includes all persons visiting or intending to visit a park property that are not park employees.

(3536) "Public Indecency" has the meaning defined in ORS 163.465.

(3637) "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.

(3748) "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.

(3839) "State Park Rules" mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.

(3940) "State Park Website" means the internet resource with the host name <http://www.oregonstateparks.org> and its associated links.

(41) "UAS Operation Area" means a specific site or zone within a park property designated by the department and shown on an official map published on the department's website, where an unmanned aircraft system may be operated from, in accordance with conditions established by the department. In accordance with Federal Aviation Administration regulations, the department does not regulate UAS while in flight.

(42) "UAS Pass" means a department authorization allowing one unmanned aircraft system to operate within a designated UAS Operation Area on a specific date indicated on the pass.

(43) "Unmanned Aircraft System" has the meaning provided in ORS 837.300(4).

(4044) "Violate" includes failure to comply.

(4145) "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.

(4246) "Visitor" means any member of the public who arrives at or is present at a park property.

(4347) "Wildlife" means fish, shellfish, amphibians and reptiles, wild birds and other wild mammals.

(4448) "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.

~~(45) "Other Agency" means local, state, federal or tribal government entity that provides mental health, law enforcement or human services.~~

OAR 736-010-0040 Visitor Conduct

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 designee may designate, modify, suspend, or rescind a UAS Operation Area on a temporary or long-term basis based on visitor safety, resource protection, user conflict, seasonal conditions, operational constraints, or other management objectives. The department will document the basis for any designation, modification, suspension, or rescission.
- (c) UAS Operation Area designations may cover an entire park property or any section of a property 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.
- (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 allowed per day or impose other use limits. 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(27);
- (B) Within a half mile of a boundary to federally or state protected areas explicitly prohibiting UAS takeoff and landing, unless with permission from the adjacent land manager; and
- (C) Any area explicitly closed to unmanned aircraft systems by statute or other rule.
- (g) Public safety agencies, utility providers and other governmental entities acting within official duties may operate unmanned aircraft systems during emergencies without prior approval.
- (h) Public safety agencies and utility providers acting within their official capacity may operate an unmanned aircraft system for non-emergency purposes on park property, provided the agency or utility notifies OPRD in advance.
- (i) Operation of an unmanned aircraft system in violation of this section may result in enforcement action up to and including a Class A violation.

(143) 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.

(i) Involves the operation of an unmanned aircraft system from park property 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.

(154) 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.

(165) 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.

(176) 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).

(187) 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).

(198) 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.

Ocean Shore Rules

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 (36) 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) "UAS Operation Area" means a specific site or zone within a park property designated by the department and shown on an official map published on the department's website, where an unmanned aircraft system may be operated from, in accordance with conditions established by the department. In accordance with Federal Aviation Administration regulations, the department does not regulate UAS while in flight.

(30) "UAS Pass" means a department authorization allowing one unmanned aircraft system to operate within a designated UAS Operation Area on a specific date indicated on the pass.

(31) "Unmanned Aircraft System" has the meaning provided in ORS 837.300(4).

~~(2932)~~ "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.

~~(3033)~~ "Upland" means the land lying shoreward or generally easterly of the ocean shore state recreation area.

~~(3134)~~ "Violate" includes failure to comply.

~~(3235)~~ "Wet sand" means the area seaward of symbolic fencing (roping), signs, or both that are placed on the dry sand area.

~~(3336)~~ "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.

OAR 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 will prohibit UAS use within a half mile of a boundary to federally or state protected areas explicitly prohibiting UAS takeoff and landing unless with permission from the adjacent land manager.

(g) 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 allowed per day or impose other use limits. Failure to obtain or comply with a required UAS Pass may result in enforcement action up to and including a Class A violation.

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

(i) Public safety agencies and utility providers acting within their official capacity may operate an unmanned aircraft system for non-emergency purposes on park property, provided the agency notifies OPRD in advance.

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

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.

For Reference: ORS 837.300(4) "Unmanned aircraft system" means an unmanned flying machine, commonly known as a UAS, and its associated elements, including communication links and the components that control the machine.

Park Area Rules

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 describe 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 Agency" means local, state, federal, or tribal government entity that provides mental health, law enforcement, or human services.
- (26) "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 (48) below.
- (27) "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.
- (28) "Pack Animal" means equines, llamas, alpacas, and goats.
- (29) "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.
- (30) "Park Employee" means an employee of the department while on duty.
- (31) "Park Manager" means the supervisor or designated employee in charge of a park property.
- (32) "Park Resource" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.
- (33) "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.
- (34) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.
- (35) "Public" includes all persons visiting or intending to visit a park property that are not park employees.
- (36) "Public Indecency" has the meaning defined in ORS 163.465.

(37) "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.

(48) "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.

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

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

(41) "UAS Operation Area" means a specific site or zone within a park property designated by the department and shown on an official map published on the department's website, where an unmanned aircraft system may be operated from, in accordance with conditions established by the department. In accordance with Federal Aviation Administration regulations, the department does not regulate UAS while in flight.

(42) "UAS Pass" means a department authorization allowing one unmanned aircraft system to operate within a designated UAS Operation Area on a specific date indicated on the pass.

(43) "Unmanned Aircraft System" has the meaning provided in ORS 837.300(4).

(44) "Violate" includes failure to comply.

(45) "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.

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

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

(48) "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.

OAR 736-010-0040 Visitor Conduct

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 designee may designate, modify, suspend, or rescind a UAS Operation Area on a temporary or long-term basis based on visitor safety, resource protection, user conflict, seasonal conditions, operational constraints, or other management objectives. The department will document the basis for any designation, modification, suspension, or rescission.

- (c) UAS Operation Area designations may cover an entire park property or any section of a property 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.
- (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 allowed per day or impose other use limits. 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(27);
 - (B) Within a half mile of a boundary to federally or state protected areas explicitly prohibiting UAS takeoff and landing, unless with permission from the adjacent land manager; and
 - (C) Any area explicitly closed to unmanned aircraft systems by statute or other rule.
- (g) Public safety agencies, utility providers and other governmental entities acting within official duties may operate unmanned aircraft systems during emergencies without prior approval.
- (h) Public safety agencies and utility providers acting within their official capacity may operate an unmanned aircraft system for non-emergency purposes on park property, provided the agency or utility notifies OPRD in advance.
- (i) 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.
- (i) Involves the operation of an unmanned aircraft system from park property 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.
- (16) 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.
- (17) 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).
- (18) 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).
- (19) 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.

Ocean Shore Rules

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 (36) 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) "UAS Operation Area" means a specific site or zone within a park property designated by the department and shown on an official map published on the department's website, where an unmanned aircraft system may be operated from, in accordance with conditions established by the department. In accordance with Federal Aviation Administration regulations, the department does not regulate UAS while in flight.
- (30) "UAS Pass" means a department authorization allowing one unmanned aircraft system to operate within a designated UAS Operation Area on a specific date indicated on the pass.
- (31) "Unmanned Aircraft System" has the meaning provided in ORS 837.300(4).
- (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.
- (33) "Upland" means the land lying shoreward or generally easterly of the ocean shore state recreation area.
- (34) "Violate" includes failure to comply.
- (35) "Wet sand" means the area seaward of symbolic fencing (roping), signs, or both that are placed on the dry sand area.
- (36) "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.

OAR 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 will prohibit UAS operation within a half mile of a boundary to federally or state protected areas explicitly prohibiting UAS takeoff and landing unless with permission from the adjacent land manager.

(g) 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 allowed per day or impose other use limits. Failure to obtain or comply with a required UAS Pass may result in enforcement action up to and including a Class A violation.

- (h) Public safety agencies, utility providers and other governmental entities acting within official duties may operate unmanned aircraft systems during emergencies without prior approval.
- (i) Public safety agencies and utility providers acting within their official capacity may operate an unmanned aircraft system for non-emergency purposes on park property, provided the agency notifies OPRD in advance.
- (j) Operating an unmanned aircraft system in violation of this section may result in enforcement action up to and including a Class A violation.

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.

For Reference: ORS 837.300(4) "Unmanned aircraft system" means an unmanned flying machine, commonly known as a UAS, and its associated elements, including communication links and the components that control the machine.

9b: Attachment C

Summary of comments, Agency response and Staff Recommendation

UAS Rule Summary of Comments

- 441 comments submitted
 - 431 written comments
 - 10 verbal comments

Summary of common themes from public comments:

Wildlife and Habitat Protection

- **Disturbance to Birds and Wildlife:** The most common theme is concern about drones disturbing nesting birds (especially Snowy Plovers, Black Oystercatchers, puffins, and other at-risk species), marine mammals, and other wildlife. Many cite scientific studies and personal observations of nest abandonment, increased predation, and stress caused by drones.
- **Support for Buffer Zones:** Many comments recommend a 0.5-mile buffer for drone takeoff/landing around wildlife refuges and sensitive habitats.
- **Expansion of No-Drone Zones:** Strong support for extending no-drone rules beyond Snowy Plover areas to all Rocky Habitat Management Areas, Marine Reserves, and Marine Protected Areas.

Visitor Experience and Public Enjoyment

- **Noise and Intrusion:** Drones are widely described as noisy, intrusive, and disruptive to the peace and quiet that visitors seek in parks.
- **Privacy Concerns:** Many visitors feel drones are an invasion of privacy, with some reporting feeling surveilled or harassed.
- **Preference for Natural Experiences:** Comments emphasize that the vast majority of park users do not use drones and visit parks for natural beauty, wildlife, and tranquility.

Enforcement and Implementation

- **Challenges with Enforcement:** Numerous comments express skepticism about the ability to enforce drone rules, citing limited staff and the difficulty of identifying operators.
- **Need for Clear Signage and Public Education:** Many recommend clear signage, public education, and a permit/pass system for drone operators.
- **Permit and Fee Suggestions:** Some support a permit system (with fees) to fund enforcement and education.

Equity and Accessibility

- **Accessibility Arguments:** A few comments note that drones can provide access to scenic views for people with disabilities.
- **Economic and Free Speech Arguments:** A handful of comments argue that drone photography is protected speech or that drones support tourism and economic activity.

Specific Policy Recommendations

- **Ban or Strictly Limit UAS:** Many commenters requested a total ban or strict limitation of drones in state parks, with exceptions only for emergencies, research, or official use.
- **Clarification of Definitions:** Multiple comments request that the definition of “drone” be clarified to exclude non-motorized objects like kites and model gliders.
- **Seasonal and Area-Based Restrictions:** Many support seasonal bans during nesting/migration and area-based restrictions focused on sensitive habitats.

Summary of Opinion percentages

Support allowing UAS with restrictions: 345 comments (78%)

- Value wildlife protection
- Support limiting use to specific areas
- Support permit / education system
- Protect visitor experience
- Support park-specific management

Oppose restriction of UAS: 53 comments (12%)

- Believe most users are responsible pilots
- Promotes drone photography and recreation
- Believes existing FAA regulations are enough
- Promotes tourism and promotion of parks through UAS operation
- Concerns about overregulation and discourages responsible pilots

Support banning UAS entirely: 43 comments (10%)

- Opposes the noise and disruption of UAS
- Believes UAS cause undue wildlife harm
- Promotes visitor privacy
- Concerned about safety of UAS flight
- Believes parks should be free of technology and machines

Of commenters supporting UAS operation with restrictions:

- 206 support maximum restrictions (60%)
 - Commenters in this group supported very limited drone access within state parks. These comments often emphasized protecting wildlife and maintaining quiet natural environments. Many recommended restricting UAS use to a very small number of locations or prohibiting drones in sensitive areas such as nesting bird

habitats, rocky shoreline areas, marine reserves, and other wildlife management areas.

- 122 support moderate restrictions (35%)
 - Commenters in this group supported regulated drone use with clear management controls. Common suggestions included designated drone areas, park-specific rules, permit systems, and restrictions in wildlife habitat or high-use visitor areas. These commenters generally supported allowing drone recreation while ensuring that impacts to wildlife and other park visitors are minimized.
- 17 support minimum restrictions (5%)
 - Commenters in this group supported allowing drone use with limited regulatory controls. These comments often emphasized pilot education, responsible operation, and existing FAA regulations. Rather than extensive restrictions, these commenters generally recommended guidelines or basic rules intended to encourage responsible use while maintaining broad access for recreational drone pilots.

Agency Response and Staff Recommendation

Since 2017, OPRD has been working to refine agency policies and rules around use of UAS in state parks and along the ocean shore. The proposed rules incorporate concerns raised about wildlife impacts, privacy, and recreational conflict.

In the 9 years it has taken to get to this point, recreational, commercial and scientific UAS operations have continued to occur in parks and along the ocean shore. The proposed rules provide a tool for staff to help guide appropriate recreational use but will not resolve all conflicts. Use of adaptive management and careful selection of appropriate areas for UAS operations are intended to address many of the concerns raised by commenters.

In response to comments provided, staff recommend the following changes to the proposed rules. The changes are included in Attachment A & B (UPDATED).

- Added clarification to definition of UAS Operation Area that in accordance with FAA regulations the department does not regulate UAS while in flight.
- Added language to prohibit UAS operation within a half mile of a boundary of a federally or state protected area that explicitly prohibits UAS take off or landing, except with permission of the adjacent landowner.
- Added language to allow public safety agencies and utility providers acting within their official capacity to operate for non-emergency purposes with notification of the agency.

Staff recommend adopting rules as presented. Staff will work to address concerns regarding wildlife impacts, noise and user conflicts during implementation of proposed rules and management of UAS operation areas.

9b Attachment D

UAS Operation Area Criteria

<p>Prohibited (Exceptions may be requested through Special Use Permit)</p>	<p>Conditional (Will require a site-specific daily permit)</p>	<p>Open (Permits are not required)</p>
<p>Areas that pose a negative impact to a cultural resource</p>	<p>Areas that contain environmental conditions that increase the risk of the loss of control or recovery</p>	<p>All areas that do not meet the conditions outlined in restricted or conditional</p>
<p>Overnight campgrounds</p>	<p>Areas where wildlife concentrate for migration, breeding, nesting, or wintering. <i>Guidance in the Oregon conservation strategy</i></p>	<p>Conditional areas that would provide a unique opportunity for drone recreation if the negative effects can be mitigated</p>
<p>Areas sharing a boundary to federally or state protected areas explicitly prohibiting drone takeoff and landing</p>	<p>Areas sharing a boundary to federally or state protected sites</p>	
<p>Areas where drone use creates a hazard or poses risk to another use</p>	<p>Areas that contain critical habitat for state or federally protected species that are negatively affected by drones</p>	
<p>Areas that contain state or federally protected species that are negatively affected by drones based on current research</p>	<p>Sites at or exceeding capacity</p>	
<p>Areas that have no recreational access (create trespass concerns, no trails/parking, etc.)</p>		
<p>Areas under lease from OPRD to external entities that do not explicitly allow drones</p>		