

To: Oregon Parks and Recreation Department
From: Tim Palmer, Kalmiopsis Audubon Society
Re: Proposed drone use criteria and maps
Date: November 8, 2023

I am writing on behalf of the Kalmiopsis Audubon Society. Our group has more than 400 members in Curry County who care about habitat for birds and wildlife and who use, cherish, and enjoy Oregon State Parks for walking, hiking, storm watching, and quiet recreation including birding, botanizing, nature study, and wildlife watching.

Please consider the following comments regarding the Department's current proposal for addressing the takeoff and landing of drones in Oregon State Parks and seashore areas, described at Oregon.Gov under *Oregon State Parks Plans, Rules, Permits; Drone Map Classification Criteria Feedback*, Oct. 23, 2023. It is understood that the Department, at this time, can only regulate drone takeoff and landing, but for simplicity, I call this drone "use."

1) Public review of the criteria now available is extremely limited by the public's lack of information. We have no idea how our home parks, or any parks, will be zoned in the "prohibited-conditional-open" format being proposed by the Department.

Any review process claiming to be even remotely informed, accurate, or fair must ultimately (if not at this time) be based on the actual zoning maps that will be drawn up. Therefore, this current opportunity, which is limited to administrative procedures, needs to be followed by an opportunity to review draft maps for each park before those maps are finalized. Anything short of that offers little opportunity for meaningful public comment.

Such a shortcoming runs counter to a long and cherished Oregon tradition—applicable to land use laws and others—of engaging the public in decisions that are important to us all. To be left out of such a significant ruling that affects our use of state parks is a deep disappointment to many who have been lifelong supporters of the State Park system.

2) Rather than the three zones of classification (prohibited, conditional, and open), the Department should support the option of banning drone use in parks, except for safety, rescue, science, and official park management. Ample precedents for this can be found nationwide. Other states, including Texas, Florida, Arizona, and Colorado essentially ban drone use, as does the National Park Service in virtually the entire National Park System. With one of the nation's premier systems of state parks—and with many of our parks having National Park quality and prestige—Oregon could surely show the same commitment to protecting its parks and its wildlife, and also to respecting the experience and expectations of the great majority of park users who come for the serenity, the quiet, and the natural, non-mechanized qualities and opportunities for recreation that our parks offer.

3) If the Department does not ban drones (with qualifications listed above), it should require that all drone users formally register with the park manager before launching their drone. Much as drivers' licenses are required for the drivers of cars, only with an adequate registration system can drone use be properly managed and regulated. Registration is also needed simply to communicate both the essence and details of rules regarding drone use—especially when the rules and maps are as complex as these ones are destined to be, involving specific areas of each park, restricted times of year and day, and “best practices” that should be specified and required. A fee should be charged for each registration—much as campground fees are charged—to cover the extra costs of drone management to the state and its taxpayers. Without a registration requirement, drone users will appear at any time, at random, and in numbers uncontrollable and unknown to park managers, and violations of park regulations will be unreportable.

4) Assuming that the three mapping criteria of “prohibited, conditional, and open” are used, prohibited areas should cover the vast majority of State Park land and include all locations that pose any conflicts with wildlife—nesting, migrating, roosting, rearing, feeding—and not just those that are considered “threatened” or “endangered.” Since our State Parks—which almost by definition possess exceptional natural qualities—constitute excellent wildlife habitat, virtually all park land is valuable and even critical to wildlife. Drone use disturbs wildlife in many documented ways—for example, the 2021 drone intrusions that caused the total failure of 1,500 elegant tern nests (killing ~3,000 chicks) at Bolsa Chica National Wildlife Refuge. By allowing for conflicts with wildlife, the Department will be prioritizing drones over wildlife in our state parks—a tradeoff that few but a selected group of drone users are likely to support. In particular, the Department should also prohibit drone use in areas known to contain critical habitat for state of federally protected wildlife.

5) Likewise, drones should be prohibited from any areas of recreational conflict. According to Department data, our state parks receive 53 million visits per year. Most of these people come to the parks to enjoy and benefit from the parks' natural qualities. Visitors value the views unmarred by development, the quiet, the solitude, the lack of crowds, and the escape that the parks offer from traffic, noise, and the many annoying and threatening encroachments that we find on nature elsewhere. Some of the recreational activities that park users now enjoy, such as birding and wildlife watching, depend on quiet observation.

An extremely small percentage of park visitors are drone users, yet a single drone can degrade the experience of virtually everyone else who has no choice but to endure the noise and distraction that necessarily come with a drone flying overhead, potentially at very close range to both people and wildlife.

In addition, many drones carry cameras, which is an egregious invasion of privacy to other park users at our beaches, lakes, wild areas, and elsewhere. This is an unfair and unnecessary infringement on the rights of park users and a misuse of park land because it favors one extremely small minority group over the combined rights of all others. For a parallel example, very loud music is not allowed in campgrounds because amplified music by a few people

conflicts with the dominant use of all other campers and their right to a quiet night in a State Park. The point here is that a few people should not be allowed to ruin or degrade the experience of many others.

Thus, any place of potential conflict with other established recreational uses should be included in the Department's map of "prohibited" areas for drones. However, the proposed criteria include nothing to ensure that places for quiet recreational uses, such as birding or wildlife watching, are protected from the encroachment of noisy drone use.

6) Even within areas closed to drones, the Department's proposed maps show small green islands that allow for take-off and landing. These small drone use areas will completely negate the purpose and effectiveness of the drone zoning restrictions. What good is a zone where drone takeoff is prohibited if it is allowed within a 2-acre exception within that prohibited area? For these fast-flying objects, the 2-acre exception makes a farce out of any effort to establish even nominal control of where drones are used. Why would the Department so transparently propose to undermine its own efforts to establish what it alleges are off-limit-zones for drone takeoff and landing? The Department should not allow small, 2-acre drone use islands withing larger conditional and prohibited zones.

7) If the Department persists in allowing recreational drone use in the parks under the misguided belief that recreational drones must be permitted *somewhere* within the park system, then there should be no presumption that drones need to be permitted in every or even most parks. If the Department persists in allowing recreational drone use, a region-wide, rather than park-specific, approach should be taken. For example, if drones are not essentially banned in all parks, their use might be considered for one or a limited few areas per large geographic region (such as the North Coast) of the state.

8) It became evident in past efforts to solicit public opinion about drone use in State Parks that drone users and industry groups organized nationally to send comments to the Department, all with the explicit intent to make our cherished State Parks a haven for drone use and an example and precedent for unregulated use nationwide, admittedly with the intent to open up other states to unrestricted drone use as well. See documentation of this out-of-state effort in earlier correspondence and testimony to the Department: <https://dspalliance.org/call-to-action-oregon-state-parks/?fbclid=IwAR18ac-umKlpk7b4fNiP2mgOjtqhPjCj90UNWtrezPLQv8bAs6lhD4BTcOc> For that reason, I urge the Department to segregate comments originating outside Oregon and to consider them separate from comments sent by Oregon residents. This can easily be done by sensibly asking commenters to include their home address. Oregon State Parks are, after all, Oregonians' State Parks; we own them and we pay for them. People from other states can seek to influence their own parks departments in any ways they want.

In addition to the comments, above—explicitly directed at the Department's current proposal—consider the following background information and reflection on this vexing issue of park management:

The Department has reported that it has no estimate of the number of drone users in the park system, which receives a total of 53 million visits per year. Several thousand may be a reasonable if not greatly over-estimated guess at the number of drone users. But even assuming an extremely inflated number of drone users to be 50,000, that would be only 1 drone user for each 5,000 other park visits. Whatever the real number of drone users is, it surely amounts to a miniscule minority of visitors, and for those few, the department's current format appears to sacrifice the rights of all other users and also the needs of wildlife throughout the park system.

Those of us who go to our parks and beaches seek the natural world for quiet, for peace, and for escape from the racket of other places around us. But now we have drones being allowed in our parks, and unlike many other obstacles interfering with a pleasant trip to the park, drones can fly anywhere—overhead, out to sea, in the treetops, across our dunes, up and down our rivers, virtually in our faces. Allowing drone use is the air-space equivalent of allowing 4-wheel drive vehicles to go everywhere off-road, crisscrossing park land whether there are roads or trails there or not. That is something that the Department would surely not allow. So, why allow such unrestricted use of drones, which can go anywhere in our collective air-space?

There are other places where people can use drones—in fact, almost everywhere else across Oregon's 63 million acres. Our State Parks account for less than two-tenths of one percent (0.2%) of Oregon's land area. Why can't this tiny fraction of our natural estate be protected from these unnecessary recreational aircraft that are intrusive and used by such a small portion of the public? Especially when that limited area constitutes much of the best that Oregon's natural environment has to offer.

Following the route of permitting drone takeoff and landing except where explicitly banned, as proposed by the Department, puts us all on the endless path of fighting over our parks and beaches mile by mile, acre by acre, from now through the foreseeable future. This question will divert park staff from the jobs they need to do and will set our communities of users up for endless strife and conflict.

Likewise, enforcement of a drone policy as now proposed would be difficult if not impossible to implement. Are these the conflicts that park management wants to face every day into the future? Who, among the Department's current staff, will do this work? And what other essential tasks will be neglected in order to administer this ungainly system of drone regulation? Think now, because, like other intrusions into our parks, once the door is opened, it will be difficult to close it, even though the Department states a willingness to engage in "adaptive management." Regarding that topic, every effort should be made to get the issue of drone management right, now, rather than kicking this nettlesome can down the road and thinking that the best option is to create a problem now and plan to fix it later.

Furthermore, if the Department persists on a path to allow drones in the parks, I urge the Department to first arrange for an independent survey of the desires of Oregonians who

actually visit our parks. Even a nominal survey has, to my knowledge, not been done. Also, National Wildlife Refuges will be affected by drone use originating in our state parks, and the needs for wildlife in those neighboring refuges—which include state and federally listed endangered species—should be respected.

I urge the Department's leadership and ultimately the Oregon Parks and Recreation Commission to rise to the challenge in front of you and to take seriously your official mission "to provide and protect outstanding natural, scenic, cultural, historic and recreational sites for the enjoyment and education of present and future generations." Implicit in this goal is the need to protect the vast majority of park users and park wildlife from the noise, invasion of privacy, and annoying sight of unnecessary mechanical flying objects.

These are NOT "Drones"



- **Non-motorized** flying toys are not Drones
- Not problems, no cameras, make no noise

Drone Definition Is Too Inclusive

- Referenced Definition:

*ORS 837.300(4) “Unmanned aircraft system” means an **unmanned flying** machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.*

- **Unmanned** (kites, balloons, model gliders, frisbees are not manned)
- **Flying** (kites, balloons, model gliders, frisbees do fly)
- Neither the Parks Dept nor the Legislature intends to regulate these non-drone devices.
- These devices are not drones, are not problems

Drone Definition Should Only Include



- Drones
 - **Motorized** (Noisy, ability to hover, ability for sustained long-distance flying, often flown out of sight of operator. Often includes camera)

Proposed Drone Definition Language

736-010-0015 Definitions

(26) “Unmanned Aircraft System” means
motorized device defined under ORS 837.300(4).

736-021-0015 Definitions

(26) “Unmanned Aircraft System” means
motorized device defined under ORS 837.300(4).

Simple: Add the word "motorized" to definition.

TERENCE C. GANNON

November 8, 2023

Oregon Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, Oregon
97301

To whom it may concern –

RE: FEEDBACK ON THE DRONE MAP CLASSIFICATION CRITERIA

Thank you for the opportunity to provide input on this important matter. Specifically I would like to establish a clear distinction between the notion of a 'drone' as opposed to a 'model sailplane' which, while sharing some of the same characteristics, is quite a different thing altogether. As a consequence, I feel model sailplanes deserve distinct recognition in your regulations and guidelines.



A model sailplane, while controlled from the ground much like a drone, has **no power** – it derives both its speed and altitude by working the air currents which are present as it flies. As it relates to the Oregon Coast, the primary mechanism is the prevailing wind blowing up the dunes and bluffs adjacent to the ocean. The upward motion of the wind at these locations in your parks provide prime conditions to fly, particularly in the summer months.

For my part, I have pursued this hobby during my vacations on your beautiful beaches since the late 1970s. This includes a wide variety of locations from Cape Kiwanda in the north to Cape Blanco in the south. I would be heartbroken – as would many other 'glider guiders' – if this distinct character and style of flying were lumped in with drones and consequently restricted in a similar manner.

I have provided links below for a couple of articles I wrote a few years ago. They contain more detailed descriptions of the hobby to help inform your decision.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Terence C. Gannon', with a large, stylized flourish at the end.

Terence C. Gannon

<https://terencecgannon.com/articles/2020/01/inspiration>

<https://terencecgannon.com/articles/2016/11/return-to-rocky-knoll>



**BACK COUNTRY
HORSEMEN**
OF OREGON
501(c)(3) Non-Profit

December 2, 2023

Oregon Parks & Recreation Department,

Regarding the use of Drones and the Landing and Take-off Criteria,

The use of Drones in areas where there are trails or camping used by equestrians would not be advised. Equines are 'fight or flight animals'. This means a man made object flying through the air could cause all manner of chaos.

1. A rider could be thrown or a horse could break out of its corral if a threat is perceived.
2. State Parks could be liable for any accidents involving equines and drones.

State Parks that have equestrian trails and camping would not be a good fit for the use of Drones.

Thank you for this opportunity to comment on this most important matter.

Sincerely,

Public Lands Director,

Joy Trevey Lowell

Sourdough Chapter Back Country Horsemen of Oregon



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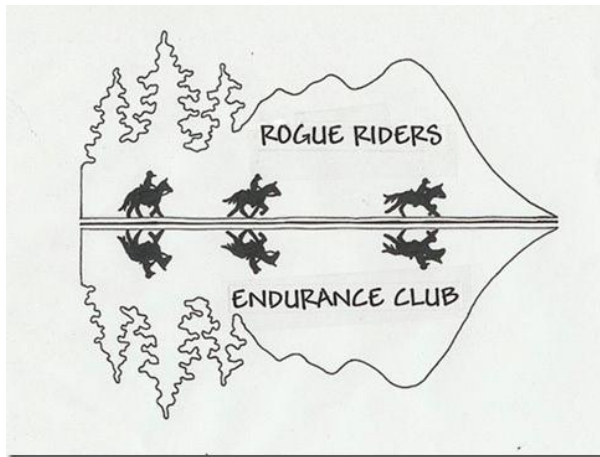
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The use of Drones in areas where there are trails or camping used by equestrians would not be advised. Equines are 'fight or flight animals'. This means a man made object flying through the air could cause all manner of chaos. State Parks could be liable for accidents involving drones and horses. The equine could be injured and or the rider/owner whether the horse was being ridden or camping.

I believe the best place for drones would be in State Parks that do not already have equestrian trails or camping.

Thank you for this opportunity to comment on this most important matter.

Sincerely,

Joy Trevey Lowell

Vice President

Rogue Riders Endurance Club

Members of;

American Endurance Ride Conference

Pacific Northwest Endurance Riders

RE: Proposed Drone Map Classification Criteria

In regard to the proposed Drone Map Classification Criteria, the following considerations should be addressed:

Importantly, it appears that critical habitat for birds and wildlife, including migratory, breeding, nesting and wintering populations have been listed as “conditional,” essentially giving this important conservation goal less protection from harassment and disruption from drone activity. Drone use should be absolutely prohibited in areas of critical habitat for species of either federal or state conservation concern. This includes eliminating any excluded acreage within these closed areas where drone take off and landing are permitted.

Before finalizing these proposed criteria and maps, the Oregon Park and Recreation Department must afford the opportunity to review and comment on every specific State Park proposed drone take off and landing area maps to address local concerns and knowledge. When taking into account comments, priority should be placed on those of Oregonians, who pay for these parks and use them frequently rather than on out of state comments provided by drone groups. To this end, the stakeholder workgroup should be reconvened to review public feedback and adjust mapping criteria based on these local comments.

Finally, my strong preference is for Oregon to outright ban all recreational drone use in our state parks, as many other states and the National Park Service already do. Other states, such as Texas, Florida, and Arizona, simply ban drone use in their State Parks, as does the National Park Service. OPRD should not cater to a small group of recreational drone users who seek unfettered access to our beautiful state parks, which should be natural sanctuaries for the wildlife and the public who enjoy peaceful, quiet, undisturbed natural parks.

Thank you for considering my comments,

Carol Moore

Dec. 20, 2023

Oregon Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, OR 97301

Re: Proposed criteria and maps for taking off and landing of drones

Dear Oregon Parks and Recreation Department:

The Oregon Audubon Council represents independent Audubon chapters throughout Oregon that have tens of thousands of members who cherish birds and wildlife and who regularly recreate in Oregon's state parks through activities such as walking, hiking, birdwatching, wildlife watching, photography, appreciating scenic beauty, and other types of nature study. Our members have volunteered in state parks and we've conducted community science projects in state parks, which has afforded us relevant experiences with drones. We appreciate the opportunity Oregon Parks and Recreation Department (OPRD) has provided to comment on proposed criteria and maps for taking off and landing of drones in state parks.

We remain concerned that OPRD's proposed classification criteria for drone take-off and landing do not afford sufficient protection for birds and wildlife and does not take into account public concern for impacts of drones on State Park visitors' experiences.

In this letter we urge OPRD to make specific changes in its "traffic-light" classifications and also to consider input on some broader themes.

DRONE MAP CLASSIFICATION CRITERIA TABLE

We remain concerned that OPRD's proposed classification criteria for drone take-off and landing do not afford sufficient protection for birds and wildlife:

Remove 2-acre "islands" for drone take-off and landing

We urge OPRD to remove take-off and landing areas that are located within larger prohibited or conditional areas. We are concerned that these smaller drone take-off and landing use areas will negate any protections for surrounding areas. Although we cannot speak to specific circumstances—since no specific maps are provided at this time— we can foresee many situations by which allowing a small island to take off and land drones directly adjacent to sensitive areas will increase the likelihood of impacts to wildlife.

Move critical habitat to prohibited category

The now "yellow" category of "[a]reas containing critical habitat for state or federally protected species that are negatively affected by drones" should be moved to the "red" prohibited classification. If habitat is truly considered to be "critical" for species— and we know that the species is "negatively affected" by drones (as the category specifies), that habitat should most certainly be in the prohibited for drone take-off and landing category—or else OPRD will be in

the position of actively encouraging harm to state and federally protected species that need special stewardship. Surely OPRD should not plan a policy that actively encourages harm of state and federal protected species, even on a “conditional” basis. Also, OPRD should aim to protect all birds and wildlife from harassment by drones, not just state or federal protected species. Also, Strategy Species¹ in Oregon Conservation Strategy should also be prioritized.

Move areas where wildlife concentrate to prohibited category

The now “yellow” category of “[a]reas where wildlife concentrate for migration, breeding, nesting, or wintering” should also be moved to the “red” prohibited category to ensure that drone use will not occur in habitat areas where wildlife congregates.

Use prohibited “red” category as widely as possible

We encourage OPRD to use the “red” prohibited category as widely as possible to reduce the risks drones pose to wildlife. For many species—not only threatened and endangered species—it is well-known that drones adversely affect their breeding, feeding, and other behaviors.²

For example, volunteers tracking the success of Black Oystercatcher nests on the coast in the 2021 observation season documented over three drone disturbances per week on active nest sites! Black oystercatchers are an Oregon Conservation Status species that has garnered focused attention, but many other species do not have the benefit of such careful observation and data collection and might also be experiencing disturbance from drones, on top of other environmental stresses. The fact that we have this one important source of data regarding drone impacts on wildlife needs to be underscored.

Moreover, it must be emphasized that birds are uniquely vulnerable to drone disturbance because they are likely to perceive drones as a predator or threat; as a result birds may attack drones or abandon their nests in fear. This has been documented with perilous result at Bolsa Chica Ecological Reserve, where in 2021 illegal drone use at an important colony of Elegant Terns (one of just four on the West Coast) caused parent birds to abandon ~1,500 nests /3,000 eggs, resulting in complete reproductive failure.³

Using the red category as widely as possible will also reduce conflicts between drone users and other park users.

¹ <https://oregonconservationstrategy.org/ocs-strategy-species/>

² See this small sampling of peer-reviewed scientific publications for more information on drone impacts to wildlife:

- 1) Reintsma, Kaitlyn, Peter C. McGowan, Carl R. Callahan, Tom Collier, David Gray, Jeffery D. Sullivan, and Diann J. Prosser “Preliminary evaluation of behavioral response of nesting waterbirds to small unmanned aircraft flight.” *Waterbirds* 41: 326-331. <https://doi.org/10.1675/063.041.0314>
- 2) Weston MA, O’Brien C, Kostoglou, KN, Symonds MRE. “Escape responses of terrestrial and aquatic birds to drones: Towards a code of practice to minimize disturbance,” *J Appl Ecol.* 2020;00:1–9. <https://doi.org/10.1111/1365-2664.13575>
- 3) Vas E, Lescroëil A, Duriez O, Boguszewski G, Gré millet D. 2015 “Approaching birds with drones: first experiments and ethical guidelines,” *Biol. Lett.* 11: 20140754. <http://dx.doi.org/10.1098/rsbl.2014.0754>

³ <https://www.audubon.org/news/a-drone-crash-caused-thousands-elegant-terns-abandon-their-nests>

BROADER CONSIDERATIONS

Beyond the specifics of the “traffic-light” criteria table, we want to provide some broader input regarding your process.

Provide for public comment for specific State Park maps before finalizing criteria and maps

We are concerned that only sample maps have been provided to date and that OPRD does not appear to be planning to provide a formal comment period regarding Park specific maps. If OPRD plans to move forward without any public input on park specific maps, it will preclude meaningful public input on what may prove to be one of the most impactful policies that OPRD has ever advanced regarding State Parks. The public has important insights to offer regarding park uses by birds and wildlife and by visitors. We urge OPRD to give the public an opportunity to review and comment on proposed drone take-off and landing area maps for every State Park—not just a generic sample— before finalizing criteria and maps through rule-making and formal adoption.

Identify clear adaptive management process to ensure that wildlife will not be disturbed.

OPRD must develop a formal adaptive management approach in advance of rule-making, with clear opportunities for public participation, to allow adjustments to take-off and landing areas as new issues arise. If there is no adaptive management process planned, then the public and wildlife will surely end up compelled to endure the impacts of drone use. This is the time to clarify what the process for adaptive management will be.

Recognize quiet recreation uses impacted by drone use.

In its drone management plan, OPRD needs to recognize other recreational uses that would be impacted by drones to assure that there remain spaces where park visitors can enjoy quiet, birdwatching and wildlife viewing. A big reason our members, local residents, and many other people love to visit our State Parks, especially those on the coast—is specifically to watch birds and wildlife. Bird watching and wildlife viewing (watching whales, seals and sea lions) are extremely popular recreational activities that draw not only Oregonians but visitors from all over America to Oregon’s coastal parks.

The most recent studies⁴ related to the economic values of recreational watching wildlife determined that there are 46 million birders in America and an estimated 6.5 million birders made trips out-of-state to watch birds. Wildlife watching accounted for greater recreational expenditures than hunting and fishing, and in fact – it almost accounted for as much as those two combined. Over the 2010 to 2015 time period, there was a 28% increase in wildlife watching expenditures. These figures may well be continuing to grow, especially in the wake of the pandemic when so many people turned to the outdoors for refreshment and solace. The most recent economic data specifically for recreational watching Oregon wildlife is a little older

⁴ U.S. Fish and Wildlife Service, 2016, *National Survey of Fishing, Hunting and Wildlife-Related Recreation*. Available here: <https://www.fws.gov/program/national-survey-fishing-hunting-and-wildlife-associated-recreation-fhwar>

—a report commissioned by ODFW and Travel Oregon from 2009.⁵ At that time travel-generated expenditures for recreational wildlife viewing on Oregon’s Coast accounted for \$165 million. State Parks has provided no estimates on numbers of drone users or the economic value they generate for communities. Surely this use provides only a fraction of the personal, economic, and wildlife values afforded by recreational wildlife watching.

This is all to underscore recreationalists who watch birds and wildlife are a hugely important constituency for Oregon State Parks whose feedback has not been sufficiently surveyed nor considered in this process.

In the public information “open house” meeting regarding drones on November 8, 2023, OPRD staff suggested that citizens raising concerns about impacts of noisy drones to quiet recreation was akin to citizens asking for there to be no talking on trails because some hikers talk loudly. This is clearly not a fair comparison. The technology of drones is new and widely known to be noisy and pose concerns about privacy. This is clearly different from park visitors talking on the trail, and there are many reasons this view merits consideration rather than dismissal by OPRD drone policy staff.

Continue to consider the option of banning drones in most parks

OPRD should continue to consider the option of banning of drones to conserve what makes our State Parks so special. Drone users make up a very small portion of park visitors, but the noise and annoyance of drones can wreck the experience of all other visitors who come for beautiful scenery, wildlife watching, and quiet reflection. Many other states, including Texas, Colorado, Florida, and Arizona, have simply banned drone use in their State Parks, as does the National Park Service, to avoid conflicts with wildlife and the degradation of park visitors' experiences. Oregon should consider doing the same because there are plenty of other places around the state where recreational drones are already allowed. At the very least, OPRD should consider allowing drone use in just a handful of parks where impacts can be minimized rather than to allow some drone use everywhere.

Require permits with a fee to cover public costs

To properly monitor and enforce drone use requirements, OPRD should require permits for *all* recreational drones take offs and landings, regardless of type of drone and zone in which the drone will be used. Without a permit requirement, OPRD will have no information beyond anecdotal information concerning drone use in any area it manages. In the absence of solid information, it is not clear how OPRD would be able to move forward with its promise of adaptive management and how the agency would determine whether areas are “at capacity” or if permissible, prohibited, and conditional areas should be changed. A small fee should be charged to help cover the public costs of management and enforcement.

⁵ Dean Runyan Associates, *Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008 State and County Expenditure Estimates*. Available here: https://www.dfw.state.or.us/fish/CRP/docs/coastal_coho/economic_reports/Report_5_6_09.pdf

Already, OPRD requires permits for use of metal detectors ([OAR 736-010-0005\(1\)](#); [OAR 736-010-0040\(8\)\(d\)](#)), an activity with little likelihood to disturb wildlife and other park users, so the agency has a solid precedent to require a permit for the new technology of drones. Requiring permits makes good sense and is required by Washington State Parks system.

Require Best Management Practices

If OPRD will proceed to allow the proliferation of drones in our State Parks, best practices should be required and not just encouraged. This requirement could be instituted in tandem with a required permit.

Thank you for considering our input.

Sincerely,

Ann Vileisis, President
Kalmiopsis Audubon Society

Harve Schubothe, President
Cape Arago Audubon Society

Steve Griffiths, Conservation Chair
Lincoln City Audubon Society

Deborah Schenloff, Conservation Chair
Lane County Audubon Society

Ellen Porter, Conservation Chair
Umpqua Valley Audubon Society

Quinn Read, Conservation Director
Portland Audubon

David Harrison, Conservation Chair
Salem Audubon Society

Duke Tafty, President-elect
East Cascades Audubon Society

Dave Mellinger, Co-President
Karan Fairchild, Co-President
Audubon Society of Corvallis

Erin Ulrich, President
Rogue Valley Audubon Society

Kevin Spencer, President
Klamath Basin Audubon Society



Friends of Otter Rock Marine Reserve

Oregon Parks and Recreation Department
C/o Katie Gauthier, Legislative Coordinator
725 Summer St NE, Suite C
Salem, OR 97301

December 20, 2023

RE: Public comment on draft rules to guide take-off and landings of drones in state parks and ocean shore

Dear Ms. Gauthier,

On behalf of Friends of Otter Rock Marine Reserve, we appreciate this opportunity to comment on and submit recommendations to improve the draft rules regarding take-off and landings of unmanned aircraft systems (UAS), in state parks and on coastal areas managed by the Oregon Parks and Recreation Department (OPRD).

The mission of our group is to protect and preserve the rocky shore intertidal life, nesting and migrating sea birds, and marine mammals in and around the Otter Rock Marine Reserve and the National Islands Wildlife Refuge. To that end, we have launched an interpretive program designed to inspire stewardship on the part of residents and visitors to the area. In recent years our group and others volunteering for various community science projects have witnessed many instances of nest disturbance due to the presence of drones. The frequency of these observed disturbances is alarming. This past summer I joined our volunteers in taking on interpretive shifts at the Devil's Punchbowl where oystercatcher nests are being monitored. On half of my shifts, I witnessed drone use in the Park. *In all cases*, users were launching in a prohibited area posted with signs. *In all cases*, users were violating federal rules regarding distance from nesting birds. *In all cases*, users disturbed nesting birds. Nesting oystercatchers left their nest to ward off what they undoubtedly regarded as a predator. Their eggs and chicks were left vulnerable to actual predators and unfriendly weather conditions that threaten reproductive success. The pair were also at risk of injury from the drone blades. The Otter Rock Marine Gardens is also a (prohibited) site where drone launches are observed. The Marine Gardens provide critical pupping areas and haul-outs for Pacific harbor seals that are easily disturbed by the presence of humans and their motorized devices.

In addition to wildlife, the pleasure and safety of visitors need to be considered. Visitors come to the coast for many reasons as documented in OPRD and ODFW surveys (enjoy the beauty, experience nature, connect spiritually, etc.) most of which are compromised by the noisy, intrusive, and, to some, creepy nature of drones which often have cameras on board. A drone can completely spoil an activity and in some cases present dangerous conflict situations. *Creating designated fly zones for all users to reduce these recreational conflicts is essential to reduce the negative impacts on Oregon park users and wildlife, but it is also important to include elements and strategies that can increase compliance.*

Otter Rock is just one site, but we are one of many along the coast for which there are similar concerns. Every rocky habitat area and every other area with breeding wildlife, whether or not formally designated as a protected area, deserves to be free of drone disturbance, especially during nesting season.

We have the following observations and recommendations for the Map Classification Criteria and associated rules.

The OPRD Drone Rules Process

We have the following recommendations about the current and future process of rule development and modification.

- Re-convene the stakeholder advisory group to process the proposed maps and the recommendations from the recent public hearing.
- Consider providing a series of regional virtual meetings to present all the maps and receive comments.
- Establish a public/stakeholder oversight group to evaluate the success of the program over time and recommend appropriate adjustments

Drone Mapping structure and associated rules

Geographic areas covered

Virtually all coastal areas with rocky outcroppings and off-shore islands are sensitive areas for wildlife breeding. The remaining areas of sandy beaches are sites of migrating birds, and some of them are nesting areas for the endangered Snowy Plover. Prohibitions are therefore appropriate for the entire coast (not just state parks), at least during breeding and migratory seasons.

Drone range and mapping conflicts

The proposed mapping classifications include green launch areas in the middle of or adjacent to prohibited areas. If one of the purposes of drone launch restrictions is to avoid wildlife disturbance, this feature defeats the purpose of the maps. There should be a buffer zone around prohibited and restricted areas so that they are not within drone reach. This prohibition is especially critical during the nesting season of March 15 through September 15.

Protected species

OPRD should aim to protect all birds and wildlife from harassment by drones, not just state or federal protected species.

Enforcement

Local enforcement

As stated above, violations of current rules are rampant. Cooperation between some OPRD park managers and US Fish and Wildlife Service has resulted in the posting of signs prohibiting launch in areas where wildlife disturbance has been observed. Those signs have not deterred recreational users from launching in prohibited areas and the number of drone launches has continued to increase. Unless there is a mechanism for enforcement, it is predictable that the map designations will have no chance of fulfilling their intended purpose. The current mechanism for reporting violations rests with the Oregon State Police where there are one or two officers who cover the entire coast. If the program is to have any impact on violation reduction, parks restricting launch must have a nearby enforcement capability where rangers and the public alike can initiate a response.

Certification and coordination with federal rules

Title 14, Chapter 1, Subchapter F, Part 89 of FAA rules requires registration and onboard remote identification ID and location capabilities of all drones over 0.55 lbs. At the federal level, smaller drone operators who use drones for recreational purposes only are not required to register or have the onboard ID/location feature. Operators of small recreational drones are the most significant violators of wildlife disturbance so it is important for OPRD to fill this gap in some way that will ensure that recreational operators are at least made aware of the rules. OPRD can do two things in this regard:

- In addition to permits to operate in restricted areas, OPRD should implement simple registration systems for general use after drone acquisition. The State can defer to the federal process of certification and ID, if the operator presents evidence of federal certification.
- Within the processes of certification and issuing permits, OPRD should require that operators testify to having read and understood the state rules, the “best practices” document, and the federal rules concerning distances from nesting areas and the prohibition of wildlife disturbance. Operators presenting federal certification should be required to attest to understanding the state maps and associated rules.
- A small fee for state certification can contribute to the capacity of state parks to respond to violations.
- OPRD should consider requiring onboard GPS tracking capabilities for launches in the state. This would enable linking the drone to a registration number and/or verification of potential violations should an incident be reported. Given the low possibility of enforcement, the ability of an observer to find and record the drone’s identity and location would be a major deterrent to violations and would offset the need for more expensive enforcement personnel.

Thank you for your consideration of these recommendations.

Sincerely,

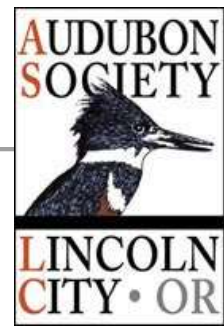
A handwritten signature in dark ink, appearing to read "D White", with a stylized flourish at the end.

Dennis White, President
Friends of Otter Rock Marine Reserve

Audubon Society of Lincoln City

PO Box 38 Lincoln City Oregon 97367

www.lincolncityaudubon.org



Oregon Parks and Recreation Department
C/o Katie Gauthier, Legislative Coordinator
725 Summer St NE, Suite C
Salem, OR 97301

December 29, 2023

On behalf of the Audubon Society of Lincoln City (ASLC), we thank you for providing an opportunity to comment on the draft rules regarding drone take-off and landings in state parks and areas managed by the Oregon Parks and Recreation Department (OPRD). We support your mission to “Provide and protect outstanding natural, scenic, cultural, historic and recreational sites for the enjoyment and education of present and future generations.” The word “protect” is a word we also use in our mission statement, which is to “Encourage residents and visitors to protect and enjoy the native birds, other wildlife, and habitats found on Oregon’s Central Coast.” Founded in 2005, ASLC’s service area comprises Lincoln and Tillamook counties. We have more than 200 members.

More than 43% of Oregon’s coastline consists of rocky habitat, most of it unprotected. The cliffs adjacent to the rocky habitats of Cape Lookout in Tillamook County and Cape Foulweather in Lincoln County are home to large nesting colonies of Common Murre and Pelagic Cormorants, and are also home to a variety of other avian species, including the Black Oystercatcher; a species of concern in Oregon because of its small population size and low nesting success rate.

Protecting these rocky habitats -- and others -- along the Oregon coast is essential to maintaining the health and well-being of seabird populations. These avian species are a major attraction for many, many visitors to our coastal state parks.

Once protected by the simple fact of their isolated and inaccessible nesting grounds, seabird populations are now vulnerable to a growing number of drones that frighten birds off their nests and make their fledglings vulnerable to prey. Evidence indicates that drone users are either not aware of, or choose not to follow, rules and regulations that determine the distance that drones are recommended to keep from nesting seabirds.

For this reason -- and the fact that drones are likely to be just the first in a line of new technology that gives humans access to isolated habitats key to the survival of wildlife -- we urge OPRD to take great caution in developing and approving rules and regulations for drone take-off and landing in state parks.

Please:

Our mission is to encourage residents and visitors to protect and enjoy the native birds, other wildlife, and habitats found on the Central Oregon Coast.

-
1. Prohibit drone take-off and landing in coastal state parks that support nesting sea and shorebirds during nesting season – from March 15th through September 15th.
 2. Provide a buffer zone on your maps around every prohibited and restricted area. Otherwise, restricted areas will be within drone reach.
 3. Change all areas on the maps that are yellow to red. Currently, these yellow areas represent critical habitat for state and/or federally protected species, as well as areas where wildlife gather for breeding, nesting, and migration. Wildlife in these areas deserve greater protection.
 4. Develop effective means of enforcement. Otherwise, any map designation regarding drone use will be ignored (as signs at state parks are currently).
 5. Consider prohibiting drone use at all state parks all year until effective enforcement means are in place.
 6. Work with other state agencies to assess the feasibility of implementing a permit process for drone operation. Urge that permit applicants familiarize themselves with state laws that govern drone use, much like car drivers are required to know the rules of the road before being issued a license.
 7. Provide educational pamphlets and signs in state parks that promote responsible drone use. Include methods that minimize disturbances to birds and other wildlife.
 8. Ensure that the public has the opportunity to comment on all proposed state park maps regarding drone use prior to the maps being finalized.
 9. Prepare for dealing with new issues that may arise regarding drone use by developing and employing an adaptive management process that will help ensure that wildlife are not disturbed.

Thank you for your consideration of our requests. We trust you will find them practical and useful in helping meet your mission to protect Oregon's outstanding natural areas.

Sincerely,
Steve Griffiths
Conservation Chair
Audubon Society of Lincoln City

Comments RE ODPR drone maps and criteria-Les Tumidaj

“The state parks system was a balm for body and mind. It was a silver lining in that awfulness. People have woken up to what state parks can do.”

Quote from Chris Havel, Deputy Director of the Oregon Parks and Recreation Department re: COVID period, Portland Monthly, Spring 2023

Overview:

The following are my comments on ODPR's Drone Map Classification Criteria. ODPR's proposal would be a radical change in the management of our State Parks and the experiences of Park users. Let us be clear about what ODPR is proposing; that is, to formally allow motorized aviation into our State Parks where, for generations, Oregonians were able to enjoy the healing powers of nature without intrusion or harassment by motorized vehicles and aircraft. Taking the sample maps at face value, unfettered drone use areas for all or most of the year would be carved out of existing parks and beaches that have been free of motorized vehicles and aircraft for generations.

During the time of COVID, millions of Oregonians and our out-of-state guests found healing and relief in our Oregon Parks, as so elegantly stated by Mr. Havel. Yet only a handful of these people are likely aware of ODPR's proposal and would oppose it with all their hearts, if they only knew. The imposition of motorized aviation into our Parks, previously free of such intrusion, will not be “a balm for body and mind” but rather a betrayal of public trust in the one state agency that Oregonians have long revered.

Personal Experience with our Parks

I first encountered Oregon's State Parks over 40 years – a visit to Honeyman SP cemented my love of this State. Since then, these Parks have been for us a source of play, recreation and wonder. They have also been the places we sought solace when mourning our parents; healing and recovery from my wife's stroke, and, most recently, “a balm for body and mind” for us and millions of other Oregonians during the difficult years of COVID. In addition, as much as we love the scenery, it's the magic of wildlife that makes all that scenery come to life. As a result, we have spent much of our past five years volunteering with the Oregon Parks and other groups in support of wildlife for the future. These are the values that we feel obligated to protect and pass on to the next generations.

Experience with drones

I fully appreciate the advantages that drones have brought to scientific research and personal recreation. I marvel at the new insights that wildlife biologists are deriving from their use and thoroughly enjoy the fantastic imagery that (responsible) drone hobbyists have provide. But I have also experienced many cases of irresponsible behavior in state and national parks and other public land both coastal and inland, including the harassment of wildlife (spooking birds, nest sites and deer), obnoxious intrusions on peoples' walks in nature, creepy hovering of drones “spying” on people including

ourselves, and intrusions onto Oregon's island national wildlife refuges. People have come to rightfully expect reasonable privacy in and enjoyment of our protected natural areas and that should be respected by ODSP's planners.

Fundamental flaws with ODPR's proposal:

There are a number of fundamental problems with ODPR's proposed approach for drone management:

- It is evident from the review of ODPR's materials that the entire process and proposed "solutions" are biased toward drone uses at the expense of all other long-standing uses in our parks; namely the peaceful enjoyment of our Parks without harassment and the protection of all our wildlife.
 - Implied in ODPR's materials is the presumption that Oregon is allowing drone use in all State Parks as some sort of State Policy. If this is the case, when and by whom was this policy adopted? What State legislation authorized this? Were hearings held, and by whom and when? Was there a broad-based public involvement process that ensured that the majority of Oregonians were aware of the proposal and allowed them adequate time to comment? This fundamental issue needs to be resolved (by referendum or initiative?) before major changes are made to Park management priorities.
 - Taking the maps at face value (e.g. Coast Maps 1 & 2), the ODPR proposes to reassign over 2/3's the existing and accessible non-motorized beaches to unpermitted drone usage. A small minority of beaches would remain for non-motorized recreation (if you can walk that far). Worse, the entire beach fronting the communities of Manzanita and Neahkahnie Beach would be open to drones, offering overwhelming opportunities for use conflicts and violations on this very popular beach. How does this area plausibly end up rating as "Areas that pose little to no negative threat to park resources or public safety"?
 - Presumably this would also be the case for our inland parks where our favorite trails, rivers, lakes, rafting/canoe routes, climbing sites, waterfalls and other natural features would also be subject to motorized aircraft intrusion. There is essentially no mention of, let alone priority made for, the dominant use of our State Parks over the generations – peaceful enjoyment and interaction with the natural world without harassment by motorized recreation. Rather this paramount use is not even recognized in ODPR's documents.
- The proposed regulatory approach (criteria and maps) is unworkable and fails to protect the experiences that the overwhelming majority of Oregonians and our guests seek from our Parks. The maps merely serve to "hand over" cherished, long-standing, non-motorized recreational areas to free fly drone use (as shown in the sample Maps). The areas designation for Open and "Conditional" use are so extensive and invasive that they merely serve as convenient launching pads into the remnant restricted areas, even the restricted headland areas. In addition, bizarre islands of drone launching sites within otherwise restricted areas

(i.e. “Trojan horses”) simply open up those areas for drone intrusions rendering their “protected” status meaningless.

- Protection of wildlife and natural systems, which is supposed to be a foundational value for our Oregon Parks, is inadequate. For example, there is virtually no recognition of the critical role that Oregon’s Parks play in supporting the endangered Pacific Flyway. It is not enough to simply refer to highly limited lists of federal/state protected species (on the verge of extinction) when Oregon’s entire wildlife populations are under well-documented threat. OPRD should aim to protect all birds and wildlife from harassment by drones, not just state or federal protected species, as part of its greater obligation to protect our wildlife for our children’s and their children’s enjoyment. Hiding behind these lists is simply dishonest.
- The proposal seems naively oblivious to the rapid pace of change in drone and other motorized recreational technologies in terms of size, range, sophisticated imaging, synchronization, not to mention other forms of motorized recreation threatening our Parks. Understand that future drones will be larger and noisier, and have better cameras, better internet connectivity to immediately post videos of users online (including minor children), greater range to travel outside the prescribed takeoff and landing areas, and allow for the synchronization of mass drone displays. The proposal also sets a terrible precedent for other motorized aircraft, such as paramotors, to bully their way into our Parks.
- The proposal, as weak as it is, provides no means to enforce any of its requirements nor keep up with emerging drone capabilities. No budget or funding sources for enforcement and education is mentioned. Presumably, this falls on the back of an understaffed agency with enforcement likely sacrificed to other pressing responsibilities.
- The public (non)involvement process may work for the well-funded industry groups but has failed to reach the general public; namely, the people who actually live here, use the State Parks and pay the taxes to support them. Systematic searches of Oregon’s print and electronic news media, social media sites for Oregon natural areas and recreation, and informal surveys with active, informed citizens throughout the State reveals virtually no mention or awareness of this radical proposal. The ODPR simply did not do its job in reaching out to the public on this important matter.

Recommendations and Comments

- The drone criteria should explicitly include the following priorities which would be grounds for prohibiting drone use:
 - "Areas where other users quiet enjoyment of nature and expectation of solitude and privacy could be compromised by the presence of drones." This is an essential core value that Oregonians have had for their Parks for literally generations, including native cultures long predating our State’s creation. Drone use should only be allowed where not in violation of this value.

- “Areas where wildlife concentrates for migration, breeding, feeding, nesting, sleeping or wintering, and areas that contain critical habitat for state or federally protected species that are negatively affected by drones.”
- OPRD should aim to protect all birds and wildlife from harassment by drones in all stages of their lifecycle, not just state or federal protected species. This should be a core criterium. It is inadequate and frankly disingenuous to simply refer to existing protected species lists given the extreme stresses that Oregon’s wildlife, both native and migrating, are undergoing. Such lists are for species on the verge of extinction – Oregon Parks should be doing better than this by playing its role in protecting and restoring our wildlife – all of which are now threatened. I can assure that we volunteers are highly motivated to help ODPR and more would join if a clear vision was laid out. In support of this core value OPRD should also prohibit drone use in the following two areas now listed as “conditional”:
 - Areas where wildlife concentrate for migration, breeding, nesting, or wintering.
 - Areas that contain critical habitat for state or federally protected species that are negatively affected by drones
- The best policy for Oregon is to ban drones in all state parks except in those cases where such usage would will not disturb other users, birds or wildlife (see recommended criteria). The proposed drone permit and mapping system is unworkable and inadequate in protecting the core values of Oregon Parks and needs to be remedied, if possible.

Other states, such as Texas, Florida, and Arizona, simply ban drone use in their State Parks, as does the National Park Service. OPRD should consider this option if the criteria/mapping cannot be remedied to be consistent our Parks’ core values. In the meantime, there are plenty of places in the state where recreational drones are already allowed.

 - ODPR could consider further park acquisition and easements that would allow for drone use, albeit with strict operating requirements, as it has done for other motorized recreation. Oregonian has wisely set aside separate areas for such motorized recreation while preserving the natural crown jewels of our Parks. ODPR could do the same for drones, acquire more parks if necessary, not degrade the natural experience available from our existing parks. Also, areas where motorized recreation is already allowed should be considered first for permitted drone recreation before considering any existing, non-motorized Park area.
 - OPRD should require permits for all recreational drones use (not just for use in the Prohibited and Conditional areas), including a small permit fee to cover public costs. Preferably by special use permit only as in Washington State. This would provide valuable consistency for the Pacific Northwest. Drone operators must be held accountable for their behavior, as is the case with all other operators of land and air craft, and they should bear the primary financial responsibility for enforcement and education. The drone using community needs to take on the responsibility and costs

- of educating itself on proper drone operation and not make this an additional public burden on an under-funded Parks Department.
 - Only consider allowing drone take off and landings in existing parks where the drones will not disturb either other users, birds or wildlife. Even in these cases, test out this management approach in one or two coastal and inland parks to determine if it is even workable and that drone users will conform to appropriate behavior. These sites could be used as test cases to test ODPR's management approach and to see how well drone users follow the rules, respect privacy, avoid wildlife and nesting areas, and are considerate of other users (i.e., they don't take photos of users, don't post photos online, don't harass users or wildlife, don't scare birds off nests or from feeding areas).
 - A separate photography permit should be required if a drone will take any photos of other park users and especially children, and posting photos of other identifiable park users should be prohibited and grounds for revoking the permit.
 - Accompanying drone permitting, ODPR should set-up and drone violation hot-line/website so that Park users can easily report violations and conflicts and, importantly, the State Parks can respond promptly.
- Given the radical nature of this proposal, OPRD needs to improved its public involvement process to ensure that the public is actually involved, not just special interest groups. So far, only a handful of the millions of Oregonians who found refuge in our State Parks during the worst COVID years are aware of this proposal – this needs to be remedied.
 - Steps that OPRD should take include a serious and honestly conducted media and social media campaign to engage Oregonians (that is go where they are, don't expect them to come to you), state-wide and local public surveys to gauge the public's genuine interests, meeting/consultations for all communities adjoining or near a State Park, public information sessions (before any rulemaking) in the major communities around the state, etc.
 - OPRD should reassemble the stakeholder workgroup to review public feedback and adjust mapping criteria accordingly. In addition, these group meetings should publicly accessible through web streaming and NO decisions should be made without full transparency to the public.
 - When considering comments, OPRD should give greater weight to input from Oregonians versus out-of-state respondents organized by the drone user groups. Oregonians recreate in Parks every day of the year and are the people who pay for these parks. Park planning staff should spend at least as much time talking to Oregonians as they do outside interest groups.
- OPRD needs to give the public an opportunity to review and comment on proposed drone takeoff and landing area maps for every State Park—not just a generic sample— before finalizing criteria and maps through formal rulemaking and adoption. OPRD needs to seriously reach out to the communities that would be impacted these maps before any final rulemaking is made. This will ensure that local knowledge is integrated and reduce the potential for future conflicts.

- For the long-term, OPRD needs to include in its drone policy a formal adaptive management plan, with adequate public participation, to allow adjustments to take-off and landing areas as new issues arise. But adaptive management should allow for timely necessary adjustment should problems or conflicts occur, before damage to Park users experience or wildlife activity occurs, not bogged down by bureaucratic procedures.
- Any Parks or access areas that are within a mile of the Oregon Coast National Wildlife Refuge Complex, including all islands and islets, should be simply closed to drone use. This is the only way to ensure that migrating and nesting sea and shore birds (such as murre, puffins, oystercatchers, etc.) as well as marine mammals will not be harassed by drones, whether unintentional or otherwise.

Comments on the Drone Mapping Criteria

The Criteria do not make any reference to the two primary values that underly the creation of Oregon's State Parks; namely,

- a) The peaceful enjoyment of the natural world without harassment. Why is this core value of the State Parks totally ignored in this planning process? It's certainly not reflected in the drone criteria.
- b) The protection and restoration of wildlife and natural areas (for without healthy wildlife, our Parks are merely sterile postcards). ODPR's documents and proceedings have barely acknowledged this core value

Or as Sam Boardman would have said, (our Parks are) jewels tasked with healing our wounds, delighting our senses, and connecting us with forces greater than ourselves. Without these values, our State Parks have no meaning.

Additional Comments on Oregon's Wildlife

Oregon's wildlife, and for that matter the world's, is in a literal state of crisis. For example, Oregon's parks and beaches are an essential link in the Pacific Flyway encompassing millions of birds. Yet, according to the US Fish and Wildlife Service, migrating shorebirds, in particular, have declined by over 37 percent. In addition, we are seeing escalating erosion of bird nesting activity including among our most iconic birds, such as common murre, black oystercatchers, snowy plovers, our nearly extinct puffins and so on. For the inland, the same erosion is at play for our golden eagles and other raptors and sage grouse. This is occurring even before we consider the looming and increasing impacts of Global Climate Change. The Oregon Parks and Recreation Department should be an ally in the mitigation of these impacts and a leader in species and habitat restoration (citizen engagement in these efforts is also a valuable and economic form of recreation), and not aid and abet further degradations on this magical chain of life.

Comments on the Sample Drone Maps - Overview

These comments reflect why these maps and criteria are ineffective in protecting existing user rights and wildlife. Note that none of these maps provided the name of the State Park, its location nor the land uses and activities in the surrounding areas. This

renders any comments about these maps generic and meaningless. In addition, no rationale whatsoever is provided for the management allocations on the map, again, rendering these maps incomprehensible for comment purposes. Where I could I identified sites on Google maps, I was able to provide some informed comments. Any such maps developed for drone management purposes need to provide transparent information about the State Park in question and any adjoining areas. And a detailed explanation of how the criteria are applied must be provided for the proposed designations. All this should be provided before any rulemaking for review by all interested Oregonians and especially the local community that would be affected by these maps

The maps, especially Coast Maps 1 & 2 (i.e., Nehalem SP) graphically show the fundamental problem with ODPR's approach: at least 2/3's of the walkable beaches in the map, which have been enjoyed by generations of Oregonians for peaceful, non-motorized recreation would now be assigned to drone users (both Open and "Conditional"). This effectively takes away every current and future Oregonian's right to a peaceful experience with nature. In fact, any such designation takes an existing and valued right and assigns it to a special interest group at the expense of all Oregonians. This proposal represents a radical redefinition of what our Oregon Parks are supposed to be about and a radical change in the Parks experiences of the vast majority of Oregonians.

Even worse, most of the drone free fly zone is directly in front of the communities of Manzanita and Neahkahnie Beach, the most popular part of the beach and directly accessible to entire residential areas, commercial areas, playgrounds, etc. (have these residents been informed of this proposal?). The only way that beach users (such as beach walkers, frisbee players, family gatherings, wedding parties, dog walkers, etc.) can recreate without the presence of motorized aircraft is trudge all the way down to the end of the spit (red zone). This would be imposition on any beach user desiring a peaceful experience but especially for the handicapped, families with children, the elderly, picnickers, everybody with their little tow wagons, beach volleyballers, etc. etc. In other words, the vast majority of park users would be relegated to second class status.

Relegating the "protected" zone to the bottom portion of Nehalem Spit means that anyone who is seeking a natural experience free from motorized aircraft has to walk long, difficult distances. This includes physically handicapped and elderly persons, families with young children (especially if they don't want their kids exposed to prying eyes), kite flyers and other recreationalists wishing to avoid low flying drones and so on. To make it worse, these "restricted areas" aren't really protected since the abutting drone areas provide easy flight access to these areas.

Where else does ODFR proposed to carve out for priority use by unmanned aircraft? Our favored walks or hikes at Beverly Beach or Hobbit Beach or Yachats or Oceanside or Silver Falls or Smith Rocks or Cottonwood Canyon or Pilot Butte or any other of our Park gems? Which other of our favorite areas does ODFR proposed to convert to motorized aircraft use?

Coastal Region Sample map 1 & 2

Site = Nehalem Beach SP

Synopsis of Site Specific Issues:

- Overall: Note that the ENTIRE beach is critical feeding and resting habitat for migrating shorebirds and key nesting birds, including Western Snowy Plovers. This applies to essentially all Oregon beaches, since they are essential stopover points for the Pacific Flyway. In addition, this is an extremely popular park and the entire beach area is well used for natural, non-motorized recreation
- Open and Conditional Areas claim over 2/3's of the walkable beach, less than a 1/3 of walkable beach is protected from drones
 - o Again, these areas are key habitat for migrating shorebirds and nesting WSPs (a threatened species)
- The Open Area and the adjacent Conditional Area abut the communities of Manzanita and Neahkahnie Beach which contain residential property that is highly used and very popular for recreational rentals. This portion of the beach is HEAVILY used by these residents and guests.
 - o Drones could easily violate the privacy of people in their own back yards, not to mention easily fly over their personal spaces.
 - o Have/will these residential/owners be informed about this and have an opportunity to comment before any rule-making? They absolutely should.
- Northern CA and north half of OA are easily accessible to Oswald West SP, key nesting, feeding and roosting area. The PA status of OWSP is undermined by this. Even Short Sand Beach would be readily accessible by newer, more powerful and sophisticated drones. In addition, CA on the north of OWSP is problematical for the same reasons.
- The Northern CA also provides convenient drone access to intrude on hiking on Neahkahnie Mountain.
- Conditional use area is less than 3,000 feet from the Nehalem Bay State Airport which is simply too close.
- Conditional use area is also within easy flying distance of the NBSP campgrounds with potential to violate their privacy with noisy intrusions. Plus, these camps provide the most direct access to the beach for traditional recreation which was previously non-motorized.
- Prohibited Area: This portion of the beach is important for migrating & nesting birds but has the farthest access from the parking lot, too long for elderly, impaired, families w children etc. who want a traditional beach experience free of motor noise and with reasonable privacy. Where can people go for this experience?

December 3, 2023

Terry Canavello
7865 N. Applegate road
Grants Pass, OR 97527

Oregon Parks and Recreation Department

Regarding the use of drones in state parks:

Permitting the use of drones in areas used by equestrians is a recipe for disaster. Horses react to perceived danger by “spooking”, spinning, running, bucking or all of the above. Having a man made object fly above their heads is sure to spook most horses. When horses spook, riders get hurt way too often.; setting up a liability issue that is extreme and needless.

I am an avid horse camper and rider of Oregon's State Parks. I am careful to be a good citizen to all other users and follow the rules of the campsites I visit. I would feel threatened by having drones fly over me while I was on my horse or leading my horse. Parks are to be a place where all users can enjoy the outdoors and drones would threaten that peace and safety.

I urge the Parks Department to carefully consider the safety and enjoyment of all the other users of any park before authorizing the use of drones within our parks. Drones are fun to fly but should not infringe on the enjoyment and safety of all the other users of the park.

As a horse rider who enjoys exploring our parks and backcountry I ask you not allow drones in places where horses camp or recreate.

Thank you,
Terry Canavello
Grants Pass, Oregon



Friends of Haystack Rock
PO Box 1222
Cannon Beach, OR 97110

December 15, 2023

Oregon Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, OR 97301

Re: Proposed criteria and maps for taking off and landing of drones

Dear Oregon Parks and Recreation Department:

The Friends of Haystack Rock (FOHR) appreciates the opportunity to comment on the draft criteria for determining where drones — also known as unmanned aerial vehicles and unmanned aerial systems — are allowed to take off and land on properties managed by the Oregon Department of Parks and Recreation (OPRD). We are also grateful for the Virtual Open House that OPRD hosted on November 8, 2023, which allowed OPRD staff the opportunity to explain the process and answer questions from the public.

As FOHR is an organization focused on education and conservation of Haystack Rock and its associated marine garden, our comments focus on that area. Nonetheless, given the many common features of this area with other coastal properties managed by OPRD, our comments have broader applicability.

Drone Map Classification Criteria Table

Haystack Rock is one of the few remaining places in Oregon where tufted puffins continue to nest. Nonetheless, tufted populations throughout the state and at Haystack Rock continue to decline; at Haystack Rock, for example, breeding pairs have declined from 200 in 1978–1979 to 124 in 2016, before plummeting to just 66 in 2022¹ and 53 in 2023.² In fact, the U.S. Fish & Wildlife Service reports that tufted puffin populations in Oregon and Washington “have plummeted more than 95 percent” since the mid-1990s.³ As a consequence, “Haystack Rock is an important nesting site for Tufted Puffins and current data suggest Haystack Rock supports the second largest puffin colony in Oregon due to declines at other sites along the coast.”⁴

Haystack Rock is also home to black oystercatchers. The U.S. Fish and Wildlife Service has designated both species as species of conservation concern.⁵ These and other birds that nest on or near Haystack Rock are sensitive to disturbance and must be protected from noise and

¹ Shawn W. Stephensen, [TUFTED PUFFIN MONITORING STUDY AT HAYSTACK ROCK, CANNON BEACH, OREGON 2010-2022](#), 21 (Nov. 2022).

² Shawn W. Stephensen, [TUFTED PUFFIN MONITORING STUDY AT HAYSTACK ROCK, CANNON BEACH, OREGON 2010-2023](#), 21 (Oct. 2023) (on file with author).

³ U.S. Fish & Wildlife Service, [Tufted Puffin Monitoring at Haystack Rock](#) (undated)

⁴ Stephensen, *supra* note 1, at 27.

⁵ U.S. Fish & Wildlife Service, [BIRDS OF CONSERVATION CONCERN 2021](#) (2021).

disturbance that are inevitable if drone take off and landing are permitted anywhere near Haystack Rock.⁶

More generally, we note that National Geographic listed Cannon Beach as one of the 100 most beautiful places *in the world* in 2013⁷ and one of the 21 best beaches *in the world* in 2017.⁸ For this reason, Cannon Beach and Haystack Rock are among the most visited places in Oregon.⁹

For these reasons, we are very concerned about the potential application of OPRD's proposed classification criteria for drone take off and landing to the greater Cannon Beach area. OPRD manages the entire shoreline of Oregon thus making it eligible for the hodgepodge of classification areas proposed by OPRD. The sample map of Nehalem Beach, included as Coastal Region Sample Maps 1 and 2, shows a mosaic of areas prohibited for drone take off and landing, as well as conditional areas, and permissible areas. Such a variable matrix of classification areas applied to Haystack Rock could be devastating for tufted puffins and black oystercatchers. If a mix of classification areas is applied to the relatively small Cannon Beach area, drone operators could simply take off from, as an example, Surfsand Motel towards the north of Cannon Beach and fly their drone south to Haystack Rock, thereby disturbing birds using Haystack Rock for nesting, resting, and other critical life history functions.

In addition, given the heavy tourist use of Cannon Beach at all times of the year, tourists should not be confused about where and when they may be able to fly their drones. Given the similarity of this stretch of coast and its importance to wildlife, OPRD should establish a single prohibited area from Ecola State Park to the north southward down to Cape Falcon. This area, which encompasses the Cape Falcon Marine Reserve, includes many important breeding, nesting, and resting sites for birds and other wildlife.

In this regard, the possibility for two-acre "islands" of permissible areas among conditional or prohibited areas for drone take off and landing in the Cannon Beach area and the extended Ecola to Cape Falcon area would severely undermine the benefits of making other areas in the vicinity prohibited areas. It is simply too easy to reach these nearshore islands and other sensitive environments from any nearby area from which drones may take off and land.

⁶ T. Hanson et al., [TUFTED PUFFIN RECOVERY PLAN AND PERIODIC STATUS REVIEW](#) 4 (Washington Dept. Fish & Wildlife, 2019) ("Nesting Tufted Puffins are sensitive to disturbance, generally avoiding inhabited areas and have abandoned nests accessed for scientific observation."). Oregon Fish & Wildlife, Oregon Conservation Strategy, [Tufted Puffin](#) ("Tufted Puffins require sites with minimal human or mammalian disturbance."). Oregon Fish & Wildlife, Oregon Conservation Strategy, [Black Oystercatcher](#) ("[Black oystercatchers] require sites with minimal human disturbance, few ground predators, and sufficient intertidal invertebrate prey."); Julie A. Morse et al., [Productivity of Black Oystercatchers: Effects of Recreational Disturbance in a National Park](#), 108 THE CONDOR 623, 624 (Aug. 2006) (black oystercatchers are "vulnerable to human disturbance").

⁷ See Travel Oregon, Places to Go, [Cannon Beach](#) (undated) (emphasis added).

⁸ Kimberley Lovato, [21 Best Beaches in the World](#), NATIONAL GEOGRAPHIC (Jan. 18, 2017) (emphasis added).

⁹ See [Escape to Oregon's Cannon Beach: Haystack Rock and More](#), OREGON COAST WEEKEND (June 15, 2023) (calling Cannon Beach "[t]he most popular destination on the Oregon Coast").

Similarly, at least two of the factors for conditional use should be moved to the prohibited section to ensure wildlife is adequately protected. First, the category of “[a]reas containing critical habitat for state or federally protected species that are negatively affected by drones” should be moved to the prohibited classification. If habitat is critical for species and we know that the species is adversely affected by drones, that habitat is *exactly* the kind of habitat that should be prohibited for drone take off and landing. The category by its very definition recognizes that drone use will, in fact, adversely affect the species.

Moreover, to the extent that this category uses “critical habitat” within the meaning of the federal Endangered Species Act, then this habitat includes physical or biological features “essential to the conservation of the species and which may require special management considerations or protection” for a federally listed threatened or endangered species.¹⁰ By allowing drone take off and landing in such habitat with the knowledge that such drone use negatively affects a species already “in danger of extinction throughout all of a significant part of its range” or is likely to become so,¹¹ OPRD is facilitating the continued decline of federally protected threatened and endangered species. Surely that is something to be avoided at all times of the year and not on a conditional basis.

We also think that the category of “[a]reas where wildlife concentrate for migration, breeding, nesting, or wintering” should be moved from the conditional category to the prohibited category. Species already face significant obstacles to migration from the growing human populations of Oregon and Clatsop County, both which increased by more than 10.5% from 2010 to 2020.¹² Housing and other aspects of the built environment, as well as human presence alone, all act as barriers to migration, breeding, and nesting.¹³ In addition, climate change is increasing risks to species as they migrate, breed, nest, or winter in a rapidly changing environment.¹⁴ They do not need the added threat of disturbance from drones.

Lastly, we strongly encourage OPRD to use the prohibited category as widely as possible in light of the precautionary principle. The precautionary principle provides,

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.¹⁵

¹⁰ 16 U.S.C. § 1532(5)(A).

¹¹ 16 U.S.C. § 1532(6), (20).

¹² United States Census Bureau, [Oregon: 2020 Census](#) (Aug. 25, 2021).

¹³ See, e.g., U.S. Environmental Protection Agency, [Climate Change Impacts on Ecosystems](#) (“Development can break up lands into smaller segments that can isolate species, making it harder for them to migrate . . .”) (last updated Nov. 16, 2023).

¹⁴ See, e.g., *Shifting Habitats*, 20 [NATURE CLIMATE CHANGE](#) (377 2020) (“Climate change is altering environmental niches, causing species to shift their habitat range as they track their ecological niche.”).

¹⁵ Rio Declaration on Environment and Development, U.N. Doc. a/CONF.151/Rev. 1, Principle 15 (June 13, 1992).

For many species, not only threatened and endangered species, it is well-known that drones adversely affect their breeding, feeding, and other behaviors. Such use of the prohibited category would be consistent with the actions of many other agencies that have the dual purpose to conserve areas while also providing opportunities for the public. For example, the National Park Service (NPS) has a mission to conserve the resources of our national parks while promoting their use.¹⁶ Yet, NPS prohibits take offs and landings of drones in national parks. In establishing this ban, the NPS Director wrote, “When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.”¹⁷ In a statement that could be interpreted as implementing the precautionary principle, the NPS Director stated that the closures to drones were necessary “until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.”¹⁸

Similarly, Texas State Parks is charged with “protecting, interpreting and managing cultural and natural resources of statewide significance and providing outdoor recreation opportunities and opportunities to learn about Texas history and natural science.”¹⁹ Despite these competing goals, Texas State Parks bans all take off and landing of drones in all state parks except one of its 89 state parks or unless the drone use is for filming.²⁰

Florida State Parks also prohibits take off and landing of drones within Florida State Parks except in very rare circumstances ((i.e., mainly as a tool for rescue or reviewing areas impacted by natural disaster).²¹ Florida State Parks has taken this approach because “[i]t has been observed that nesting birds view drones as potential predators and are likely to abandon

¹⁶ The National Park Service Organic Act of 1916 provides

The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purposes of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

[National Park Service Organic Act](#), 16 U.S.C. § 1.

¹⁷ Policy Memorandum 14-05, [Unmanned Aircraft — Interim Policy](#), 2 (June 19, 2014).

¹⁸ *Id.* at 1.

¹⁹ Texas Parks and Wildlife, [State Parks](#) (undated)

²⁰ Texas Parks and Wildlife, [Park Rules](#) (undated).

²¹ Florida Administrative Code, [Chapter 62D-2.014, F.A.C.](#) provides;

(15) Aircraft. No person operating or responsible for any aircraft, glider, balloon, parachute or other aerial apparatus shall cause any such apparatus to take off from or land in any park except in an emergency when human life is endangered or where a designated landing facility may exist on park property.

Florida Park Service includes drones in the category of “other aerial apparatus.” See Florida State Parks, [Frequently Asked Questions](#) (undated).

nests or avoid otherwise ideal habitat areas if drones have been regularly spotted in those locations.”²² Arizona,²³ Indiana,²⁴ Minnesota,²⁵ and others ban drones from taking off and landing on state park lands. Minnesota, for example, banned drones in its state parks because “we don’t allow drones is that they may interfere with wildlife; they may create noise and visual disturbances that interfere with people’s natural enjoyment of a park; there are some privacy issues too . . .”²⁶

Like these states, OPRD should use its discretion to widely ban drone use along the Oregon coast with its many important nesting and other important habitat for birds and other wildlife. As these numerous examples show, a ban on take off and landing of drones in areas used by wildlife is entirely consistent with OPRD’s dual mandate to conserve resources and promote use within the properties it manages.

The Public Comment Process Moving Forward

During the Drone Virtual Open House, OPRD staff reported that once OPRD finalizes the Drone Map Classification Criteria, they will be subject to rule making and its corresponding public notice and comment. We are thankful that OPRD has acknowledged the need for and importance of further public comment.

Yet, we are disappointed that OPRD will not have the maps with identified permissible, prohibited, and conditional areas for drone take off and landing prepared at that time. We appreciate that OPRD needs time to prepare the maps, but leaving the critical decision of the maps for informal review means that the most important part of the process — the actual maps — escapes the formal public comment process. We appreciate that the maps are part of an iterative process — what OPRD is calling adaptive management — and that we may learn more about drone use in certain areas and their impact on park resources and uses. Still, it seems a grave misjudgment to omit the maps from formal public comment. It is only at the time the maps are available that the public can provide the kind of site specific information that is valuable to the adaptive management process envisaged by OPRD. Thus, we strongly urge OPRD to reconsider its position and to produce the maps for formal public comment, even while recognizing that the maps will not become part of a formal rule.

In the alternative, or in addition to the formal public comment process that includes maps, we urge OPRD to establish a web platform that includes all relevant information about each OPRD property and its matrix of permissible, prohibited, and conditional areas for drone take off

²² *Id.*

²³ Arizona State Parks and Trails, [Frequently Asked Questions \(FAQ\) about Arizona State Parks & Trails](#) (“The current rule is all recreational drone use is prohibited in state parks.”) (undated).

²⁴ Indiana Administrative Code 312 8-2-8 (i), http://iac.iga.in.gov/iac/iac_title?iact=312&iaca=8.

²⁵ Minnesota Department of Natural Resources, [Minnesota Scientific and Natural Areas: Things to Do and Rules](#) (undated).

²⁶ Todd Nelson, [More Drones Roam Minnesota Sky, Raising Questions about Their Use. Here Are Some Answers](#), STARTRIBUNE (Feb. 23, 2018) (statement of Amy Barrett, Parks and Trails Division Information Officer, Minnesota Department of Natural Resources).

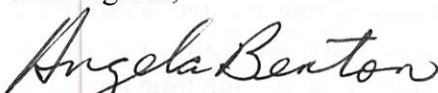
and landing. Moreover, this platform should include a mechanism for interested stakeholders to receive automatic updates of any proposed changes to the matrix of permissible, prohibited, and conditional areas for specific locations. Otherwise, the public will need to affirmatively and regularly visit OPRD's "drone website" to see if any changes are being proposed for OPRD properties that are of interest to members of the public. That is an unacceptable burden on the public on an issue that is of significant interest and concern to many members of the public.

Permit Requirements

To gather information on drone use and whether areas are seeing levels of drone use that may be of concern, OPRD must require permits for *all* recreational drones take offs and landings, regardless of type of drone and zone in which the drone will be used. Without a permit requirement, OPRD will have no information beyond anecdotal information concerning drone use in any area it manages. In the absence of information, it is not clear how OPRD would collect information to determine whether the matrix of permissible, prohibited, and conditional areas should be modified. It is inconceivable that OPRD would require permits for use of metal detectors²⁷ — an activity with minimal possibilities to disturb wildlife — but would not require one for take off and landing of drones, activities with a far greater likelihood of causing disturbance to wildlife and to other uses of OPRD properties.

FOHR, again, thanks OPRD for the opportunity to comment on OPRD's proposed criteria and maps for taking off and landing of drones. If you have any questions on our comments, do not hesitate to contact me at 571-455-3522.

Best regards,



Angela Benton
Chair, FOHR

²⁷ OPRD, in order to "upholds their scenic, historic, natural, cultural and recreational values" of OPRD properties, OPRD prohibits any person from "[u]sing 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." [OAR 736-010-0005\(1\)](#); [OAR 736-010-0040\(8\)\(d\)](#).

December 27, 2023

TO: Oregon State Parks And Recreation Department

Email: opr.d.publiccomment@opr.d.oregon.gov

RE: My comments on developing drone guidelines

The following are my comments regarding your proposed guidelines for drone take offs and landings within Oregon State Parks and the Ocean Shore State Recreation Area. Although my comments may also apply to inland parks, they focus on the coast.

I'm an Oregonian since 1984, now retired and living a block from the beach in unincorporated Bayshore just north of Waldport in Lincoln County, a long stretch of sandy beach on which threatened Western Snowy Plovers nest and winter, bordered on the north and south by rocky beaches and outcrops where Black Oystercatchers nest and winter. During 2020-2022, I spent hundreds of volunteer beach hours helping OPRD and U.S. Fish and Wildlife Service monitor and protect Western Snowy Plovers, and since 2022 I have been volunteering to help Portland Audubon monitor nesting Black Oystercatchers. In pre-drone days, my master's research and thesis was "Distribution, Abundance, and Breeding Status of Ospreys in Northwestern California." I have long been concerned about the welfare of birds, especially now when we are seeing rapid declines in many avian species.

Preliminarily, it's difficult to assess the significance of your current efforts regarding potential drone regulations when you state that your authority is restricted to drone take offs and landings while the FAA holds authority regarding actual drone flight. I believe that many people offering comments here may think they are commenting on drone *operations*, especially when some of your media releases state that you are working to develop clear guidelines for where people can *fly* their recreational drones safely. I would encourage you to make clear the narrow scope of your current efforts and to work with the FAA to develop a comprehensive multi-agency drone policy that applies to the entire drone experience--take offs, operation, and landings.

I believe that drone take offs and landings on the Oregon coast should be conditioned upon and be restricted to:

(a) Bona fide scientific research activities, conducted by government agencies or by educational institutions or private researchers whose research projects have been thoroughly vetted and approved by OPRD.

(b) Select commercial activities, again only after being thoroughly vetted and approved by OPRD.

(c) Recreational activities by private drone operators only in areas where motorized vehicles are currently allowed. Drones have motors and are vehicles, defined as a means by which someone travels or something is carried or conveyed, the "something" drones carry being cameras, which are estimated to be used by over 90% of drone users to capture aerial footage and images. Accordingly, I believe that drones, as motorized vehicles, should be restricted on the Oregon coast to take offs and landings only in restricted areas where other motorized vehicles (cars, dune buggies, ATVs) are allowed to operate.

(d) Effective buffer zones between Open Areas permitting drone take offs/landings and Conditional or Prohibited Areas should be much larger than the 100 meter buffers shown on your sample maps. For \$224.00, you can buy a recreational drone with a half-hour battery life that can travel 26 mph. Another couple of hundred dollars buys a more sophisticated model with greater battery life and range. It's not difficult to do the math and conclude that buffer zones should be much larger if they are to have any meaningful restrictive effect upon drone operation.

(e) Licensing of all drone operators, whether scientific, educational, commercial, or recreational. OPRD is currently spending taxpayer dollars because of drones and will undoubtedly continue to do so. Drone operators should be licensed and pay licensing and/or drone registration fees in order to fairly contribute to the regulatory costs of drone usage. I also believe that drone operators, like motor vehicle drivers, should be required to pass a licensing test in order to insure that they understand the restrictions regarding drone operation.

(e) Preparation, updating, and publication of take off and landing zone maps. Currently, you have offered a few sample, theoretical maps for public review. Hopefully, before this process goes much further, you will begin providing drafts of maps of actual proposed Open Areas, Conditional Areas, and Prohibited Areas so that the public can better understand the process and provide meaningful input.

(f) Enforcement. Procedures for enforcing any regulations regarding drone take offs and landings must be established and publicized so that they are understood by drone operators and non-drone users alike. Again, I believe that coordination between the state and FAA is absolutely essential if any new state regulations are to have consequence.

The reasons why I believe drone take offs and landings, and drone operation in general on the Oregon coast, should be substantially restricted are as follows:

1. Drones threaten seabirds and shorebirds.

The potential harm from drones to seabirds and shorebirds has been well documented, and I won't cite published studies or media reports here. Based on my own experience with the three species mentioned above--Western Snowy Plovers, Black Oystercatchers, and Ospreys--I believe that all three species are adversely affected during nesting season by avian predators or suspected predators, causing nesting birds to flush from their nest sites and sometimes even abandon them, endangering eggs or chicks.

I have seen that Western Snowy Plovers in particular, relying only on camouflage for protection, are especially sensitive to fly overs by potential predators, most notably crows here in central Lincoln County. Drones would undoubtedly be perceived by Snowy Plovers as potential predators, perhaps even more frightening than crows because of their "hive of angry bees" sound. I have seen nesting Snowy Plovers not only repeatedly flush from their nest scrapes in response to crow fly overs, but just recently I watched a flock of 12-15 wintering Snowy Plovers who were foraging the wrack line take flight and fly out of sight in response to a crow fly over. Drones could be disastrous to nesting and wintering Snowy Plovers and to other coastal birds.

I have been fortunate not to have encountered a drone being operated on the beach, but see #4 below regarding my observation of a drone/bird encounter and my resulting confrontation with the drone operator.

2. Accurately mapping Open Areas, Conditional Areas, and Prohibited areas will be extremely difficult.

Again regarding Western Snowy Plovers, after being listed as threatened under the Endangered Species Act in 1993, these birds have been staging a comeback and are now seen on our sandy beaches in Lincoln County where they haven't been known in decades, nesting and wintering even on beaches that are not specifically managed for Snowy Plovers. These nesting and wintering areas may change from year to year based on changes in suitable beach habitat due to storms, sand accretion or erosion, etc.

Your Coastal Region Sample Map #1 shows what appears to be 2-3 miles of apparent sandy beach that satisfies the minimum requirement for Snowy Plover nesting or wintering habitat--sandy beach. Given the increasing range of this still threatened bird, it's increasingly likely that any Oregon sandy beach may contain nesting or wintering Snowy Plovers. How, then, would the increasing numbers and range of this bird be protected? Certainly, drone operators wouldn't have a clue that they were flying over nesting Snowy Plovers and perhaps endangering the birds' nesting efforts or wintering survival. All sandy beaches should be Protected Areas unless they are conclusively demonstrated not to contain nesting or wintering habitat for threatened Snowy Plovers.

3. Seeing and hearing drones on the beach will negatively impact the beachgoing experience for non-drone beachgoers and residents.

It hardly needs to be said that one of the principal reasons people are drawn to Oregon's beaches is to enjoy the beauty of nature, solitude, a brief welcome escape from human creation, experiencing something larger than mankind. The supremely irritating sight and sound of drones would destroy that experience. Just because drones exist, it doesn't follow that drone operators should have the right to impinge on others' right to enjoy the beach.

4. Increased drone take offs, landings, and resulting overall drone usage on our beaches will result in increased conflicts between drone operators and non-drone beachgoers and residents.

As mentioned, I live a block from the beach. Recently, a man staying at my neighbors' house across the street began flying a drone, taking off from the house's glassed in back deck. I was outside and heard the drone's beehive buzzing, then I heard a gull's distressed cry overhead. Looking up, I saw a gull maybe a hundred feet overhead with this guy's drone maybe three feet away from it. I don't know if the drone had come after the gull or whether the gull was the aggressor, as sometimes happens between gulls and crows harassing Bald Eagles, but the gull was clearly distressed.

I ran across the street and shouted to the guy, whose back was towards me, to take down his #@!&+##!! drone, which he did. He then came over, and without going into details, we had a very unpleasant conversation about his drone use. I can guarantee you that the operation of drones on our beaches will result in an explosion of similar extremely unpleasant encounters between beach goers and drone operators--and beachside residents as well, who may not enjoy the privacy of their homes being invaded.

Like buying drones, you can also buy mobile anti-drone jammer "guns" which interfere with the drone/operator's radio communications and may cause the drone to return to its operator or even crash. I'm not saying they're legal to use, only that you can buy them. Drones on our beaches will almost certainly result in a proliferation of things like anti-drone guns and their users. Many people hate drones with a rare passion, the results of which, in the absence of effective restrictions, may soon play out on our beaches.

5. Drones may even pose a threat to public safety.

The drone mentioned in #4 above buzzed a friend of mine who was walking her young, large, and very energetic rescue dog, Jack. My friend has had reconstructive knee surgery but is able to control Jack safely on leashed walks. Unfortunately, when Jack heard the drone's angry beehive buzzing he completely freaked and almost jerked my friend to the ground. This may sound like an odd concern, but I believe it illustrates how new technologies may have unexpected consequences.

CONCLUSION: Despite what may seem to be criticisms of the regulatory process, I really appreciate that you are beginning to take on this difficult issue. I hope you will continue to keep the public updated and informed throughout this process and that you will continue to allow for public input.

Thank you.

Jon French
2002 NW Corvette St.
Waldport OR 97394 (Bayshore)
Email: waldport44@gmail.com



OREGON SHORES
CONSERVATION COALITION

TO: OREGON PARKS AND RECREATION DEPARTMENT

Guy Rodrigue
Jo Niehaus
Katie Gauthier

RE: OPRD DRONE POLICY

The Oregon Shores Conservation Coalition participated in the advisory group that developed the policy on drone use in state parks and on the public shoreline which is now receiving public comment. We are committed to making the basic elements of the plan to which we contributed work. As we were involved in developing the policy framework on which public comment is sought, we don't consider it appropriate to comment on the criteria, maps, or guidelines at this time (while reserving the opportunity to respond to a subsequent draft reflecting public input).

However, we do wish to address three ancillary issues: two of omission, and one regarding a component of the plan offered to the public which we don't believe follows from the work of the advisory group.

First, we would argue that there should be another public comment period on the actual maps once they are available. We understand that the department intends to practice adaptive management, and remains open to altering the maps in the future based on feedback and experience in applying them. We applaud this, and look forward to engaging with department staff in honing the maps to reflect on-the-ground specifics. We understand that responding to public feedback on many dozens of maps at once would be daunting, and thus understand the department's reluctance to commit to considering feedback on every map before launching the new policy. But we think that an important point is being missed here. Giving the public the opportunity to view and comment on the actual maps could reveal a *pattern* that needs to be attended to. Adjusting each and every map at the outset could take an inordinate amount of time, but if there are consistent observations about particular problems—e.g., takeoff and landing sites too close to known wildlife areas, or to other recreational activities—this could prompt department staff to revisit the maps on a systematic basis. This would indeed take time and staff resources up front, but in the long run could save time and effort that would be spent in dealing with such public concerns piecemeal, map by map.

Second, we continue to argue as strenuously as possible that there should be a permit process for all drone users, including those operating in green zones. This would enable the department to better track drone use and gather data about drone users. It would also provide a nexus at which would-be drone operators would be directly provided with guidelines on best practices. There was strong consensus on the committee in support of this, cutting across what were otherwise

In Oregon, the beaches belong to the people

PO Box 5626, Coos Bay, Oregon 97420 • (503) 754-9303 • oregonshores.org

differing interests. To put it plainly, when Oregon Shores and Kenji Sugahara are saying the same thing, it would behoove the department to listen.

We would urge that this be taken a step farther, with a fee for all permits. This could be lower for drone use in green areas, higher for use in conditional areas, and higher still for commercial purposes. This could help to provide OPRD with the resources needed to actively manage the drone program.

Finally, we object to the inclusion of small green zones adjacent to or surrounded by yellow or red zones. It will be difficult enough to enforce the new drone regulations as it is. There is no way to prevent people operating zones in a small permitted space from flying them over areas zoned red because they are inappropriate for zone use, such as important wildlife areas. We all understand that OPRD can only regulate takeoff and landing, not where drones go in flight; we all understand that we are seeking to prevent drones from going where they don't belong by keeping takeoff and landing areas far enough away from problematic areas. Establishing small pockets where drones are allowed in areas where they are not otherwise permitted does not meet this goal. The advisory group did not discuss or support this approach, and we ask that such small permitted areas be removed from the maps.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Johnson", with a long horizontal flourish extending to the right.

Phillip Johnson, Shoreline and Land Manager
Oregon Shores Conservation Coalition
(503) 754-9303
phillip@oregonshores.org

Bruce E. Williams

601 Seabird Drive SW

Bandon, OR 97411

Oregon Parks and Recreation Department Drone Map Classification Criteria Feedback

Thank you for the opportunity to provide feedback on OPRD's proposed drone policy. Below, please find my comments.

*OPRD should take a precautionary approach to protecting wildlife. Areas should be zoned green only if there is a high degree of certainty that the approach of a drone won't disturb wildlife.

*Wildlife should be given stronger protection in the criteria. Suggest that two of the criteria currently listed for conditional (yellow) zones be shifted to prohibited (red) zones: Areas where wildlife concentrate for migration, breeding, nesting, or wintering; and areas that contain critical habitat for state or federally protected species that are negatively affected by drones. Important habitat for non-listed species could become a criterion for conditional uses.

*Public input on the maps themselves is absolutely critical to this process. The upcoming meeting and the current comment period are based on three sample maps. In order to understand the on-the-ground implications of the proposed drone rules, and offer meaningful feedback based on local knowledge, it is vital for members of the public to have the opportunity to see and comment on each of the individual maps. That will allow the public to comment of specific areas with which they are familiar. In addition, there should be a new public meeting and 60-day comment period once all the maps are available for consideration.

*As a case in point, I have had multiple experiences in Bandon with drones on the beach while I was monitoring Black Oystercatcher nests over a 3-year period for Portland Audubon. It is virtually impossible for drones to fly in this area without causing the extremely territorial Oystercatchers to give chase, leaving their eggs or young unprotected. Plain and simple, this constitutes wildlife harassment, which is a Federal offense. Locations near nesting Oystercatchers need to be no-fly zones during the nesting season at a minimum, and preferably all year to preserve the solitude for this stretch of beach for residents and visitors alike.

*I request that the maps not include small green zones where drones are permitted surrounded by or adjacent to red or yellow zones. OPRD seems inclined to allow for such special areas of particular interest to drone users for one reason or another, but once drones are in the air, they are sure to wander into areas where they don't belong.

*OPRD has indicated that once the new rules are formally adopted, the agency will take an "adaptive management" approach to administering them, allowing for adjustments once there has been a chance to see how they work in practice. I would urge OPRD to lay out a clear, formal process within this adaptive framework, that includes a petition process enabling members of the public to appeal to the relevant decision-maker for map adjustments.

*I would like to request a review after a year, with a public comment period, to garner input from the public on what is working and whether modifications are needed.

*I am in favor of OPRD being quite conservative regarding where drones will be allowed to fly. Our State Parks are places where people go to enjoy the peace and quiet of nature, not to hear intrusive and invasive drones buzzing around.

*I would strongly suggest that OPRD favor comments from Oregonians, rather than messages generated by out-of-state recreational drone user advocacy groups.

*Permits should be required for all drone use. Such permits will make it easier to gather data on drone use, and can be a nexus at which would-be users are provided with education about best practices. I would strongly recommend also that there be a fee for drone permits, which could help to fund OPRD's drone education and enforcement programs. Enforcement will clearly be an issue since OPRD obviously does not have an unlimited budget.

Regards.

Bruce E Williams

To: Oregon Parks and Recreation Department:

I am writing to request that you ban drones in Oregon State Parks to conserve what makes our parks so special, including the opportunity to enjoy quiet recreation and wildlife viewing.

I have been buzzed by drones twice in the last year and it was not just an unpleasant experience, but also frightening. The first time was on a public beach along the southern coast of Oregon, and the second on my own private land. Both times, the drones seemed to come out of nowhere and swooped low over me.

Other states, such as Texas, Colorado, Florida, and Arizona have banned drone use in their State Parks, as does the National Park Service, to avoid conflicts and degradation of park visitors' experiences. I believe that Oregon should ban drones in its State Parks too, with exemptions, when necessary, for public safety, scientific research, and specially permitted projects.

Drone users make up a very small portion of park visitors, but the noise and annoyance of drones can wreck the experience of all other visitors who come for beauty, wildlife watching, and quiet reflection. Allowing drones in our State Parks is a misuse of park land because it favors one extremely minority group over the combined rights of all others. Responsible park management should protect the interests of the vast majority of park users.

Please, when considering comments about drone use, give greater weight to input from Oregonians rather than out-of-state respondents organized by the drone-user groups. Oregonians own, pay for, and use these parks every day. It's not fair that out-of-state, special interest groups get equal say.

Again, I am requesting that OPRD ban all drone use in our State Parks, unless absolutely necessary for public safety.

Thank you for your attention.

Vicki Graham
Port Orford, OR

OPRD needs to give the public an opportunity to review and comment on proposed drone take-off and landing area maps for **EVERY** State Park—not just a generic sample— before finalizing criteria and maps through formal rulemaking and adoption. This will ensure that local knowledge is integrated and reduce the potential for future conflicts.

OPRD should require permits for all recreational drones use (not just for use in the Prohibited and Conditional areas), including a small permit fee to cover public costs.

To better protect the birds and wildlife that park viewers enjoy watching, OPRD should prohibit drone use in the following two areas now listed as “conditional”:

Areas where wildlife concentrate for migration, breeding, nesting, or wintering. Guidance in the Oregon Conservation Strategy

Areas that contain critical habitat for state or federally protected species that are negatively affected by drones

It should be assumed that areas that contain critical habitat for protected species may also contain the species themselves.

Even within areas closed to drones, OPRD now includes small 2-acre + “islands” that allow for take-off and landing. These smaller drone use areas will negate any protections for surrounding areas. OPRD should not allow small islands for drone use within larger prohibited and conditional zones.

OPRD should aim to protect all birds and wildlife from harassment by drones, not just state or federal protected species

OPRD should reassemble the stakeholder workgroup to review public feedback and adjust mapping criteria accordingly.

For the long-term, OPRD needs to include in its drone policy a formal adaptive management plan, with adequate public participation, to allow adjustments to take-off and landing areas as new issues arise.

Other states, such as Texas, Florida, and Arizona, simply ban drone use in their State Parks, as does the National Park Service. OPRD should continue to consider this option in Oregon as there are plenty of places in the state where recreational drones are already allowed. At a minimum, allow drone take off and landings at only a handful of parks per region to ensure there are sufficient spaces for park users to enjoy quiet recreation, including bird and wildlife viewing.

When considering comments, OPRD should give greater weight to input from Oregonians versus out-of-state respondents organized by the drone user groups. Oregonians recreate in Parks every day of the year and are the people who pay for these parks.

Thank you

Rick Sany

Portland, OR