



## Status of UAS Activities in Oregon State Parks

Oregon Parks and Recreation Department

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### Current UAS Use within State Parks

There is no blanket park rule specific to drones. Drone operators in and around Oregon State Parks and the ocean shore must follow all local, state, and federal laws. At times, park staff may limit operators who are in a state park from taking off or landing drones to protect specific natural, cultural, scenic, or recreational resources in a park property or to resolve a specific visitor conflict.

Under existing administrative rules, park managers have the authority to restrict activities within a park to protect the safety of visitors or wildlife and resources (OAR 736-010-0020).

Under OAR 736-010-0020 (10) *a park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily: (a) Permit or limit specific activities or uses in designated portions of a park property; (b) Designate a location within a park for a single use to avoid conflicts between users; (c) Restrict access to or close an entire park property; (d) Restrict access to or close a portion of a park property.*

In general, drones (Unmanned Aircraft Systems; UAS) are allowed in Oregon State Parks, but usage may be limited and/or prohibited for the following reasons:

1. Endangering a natural or cultural resource. (This includes disturbance of sensitive wildlife.)
2. Posing a risk to people or property.
3. Interference with other, established forms of recreation.

Park rangers who encounter UAS operators in sensitive areas where drone operation have been prohibited will typically educate operators first and ask that they cease operations. Violation of a park rule may result in citation of up to a Class A violation. Class A violations have a presumptive fine of \$440.

### Why UAS-specific Park Rules are being considered

As unmanned aircraft activities have increased across the state with operations by both commercial pilots and recreational hobbyists, OPRD has faced increasing questions and conflicts among and between visitors. While serious conflicts are very rare, the agency goal is to acquire the management tools and set rules to get ahead of significant problems.

For drone pilots and hobbyists, it is often confusing to know where operations are allowed and appropriate. State Parks are often contacted with questions from drone enthusiasts about where they can fly. For some park visitors, there is a frustration that State Parks have not prohibited drone operations.

The flights of unmanned aircraft systems are regulated by the Federal Aviation Administration (FAA). However, after the passage of [SB 109](#) in 2021, Oregon Parks and Recreation Department

has approval to develop rules to manage the take-off and landing of UAS within park properties. Specific administrative rules will provide the clarity needed for drone pilots, hobbyists and the general public to know where drone take-off and landing is allowed and prohibited within a state park. There are places within Oregon State Parks where drone operations can be managed as any other recreational use. There are places that with a special use permit, drone operations may be appropriate. Finally, there are places that for the protection of natural, cultural or scenic resources drones are not appropriate some or all of the time.

### **Status of State Park UAS Rulemaking**

The agency began rulemaking in November 2021. After significant public comment on proposed rules, the Director has paused rulemaking as of April 2022 to allow for more time to conduct research and develop maps of proposed locations. A workgroup was formed with members who represent a wide range of interests and expertise, including conservation organizations, drone enthusiasts and other recreational users. The workgroup, which will report its results to Director Sumption, is first tasked with drafting criteria for where drone take-off and landing could be allowed and restricted. Then park managers will apply the criteria to create maps showing proposed drone take-off and landing locations in state parks and along the ocean shore.

Once the drone criteria and maps are drafted and delivered to the Director, OPRD expects to restart the process of amending Administrative Rules by reconvening a Rule Advisory Committee (RAC). The committee will be able to refer to the criteria and maps as part of the process of drafting rules for drone pilots, hobbyists and the general public. Amended rules must be approved by the Oregon State Parks and Recreation Commission.

We anticipate the additional research and rulemaking process will take until Spring 2023.