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February 3, 2026

Via Electronic Mail
Oregon Parks and Recreation Department
Attn: Rules Coordinator
725 Summer Street NE, Suite C
Salem, OR 97301

Re: Comments Opposing Proposed OAR Chapter 736 Rules Governing UAS Operations

Dear Director and Commissioners:

Please accept these comments submitted on behalf of the Association for Uncrewed Vehicle Systems International, Cascade Chapter (AUVSI Cascade), concerning the proposed OAR Chapter 736 rules governing unmanned aircraft systems ("UAS") on Oregon Parks and Recreation Department ("OPRD") properties including the ocean shore. I am president of AUVSI Cascade, and we greatly appreciate the opportunity to comment. Please include these comments in the record of the above matter.

AUVSI Cascade consists of more than 450 members composed of professionals and companies from industry, government, and academia. AUVSI Cascade's members include commercial drone operators, photographers, surveyors, environmental consultants, media producers, technology companies, and manufacturers operating throughout Oregon and Washington. AUVSI Cascade members contribute millions of dollars in tax revenues to the state and local economy and are similarly responsible for millions of dollars in indirect investment in Oregon and Washington. Our members and member companies are responsible for significant family wage jobs in this growing technical sector. Respectfully, AUVSI Cascade objects to the proposed rules as harmful to those important interests. As explained in the conclusion to this letter, there are reasonable alternatives and AUVSI Cascade stands ready to work constructively with OPRD to craft them.

But, as proposed, the proposed rules exceed OPRD's statutory authority, conflict with federal law, reflect a policy choice that is inconsistent with Oregon policy choices to support the UAS industry and that unnecessarily and significantly suppresses lawful economic activity without adequate justification.

I. The Proposed Rules Improperly Regulate Where Drones May Fly, a Field Preempted by Federal Law

The proposed rules repeatedly frame UAS operations as prohibited unless affirmatively "designated," and condition lawful operation on specific OPRD approvals, operational limits,

and discretionary closures that with all due respect go far beyond the state's regulatory authority. In effect, the rules regulate where and when aircraft may operate in navigable airspace, imposing a preference for a default ban on flights over OPRD owned or managed lands.

However, the field of where and when aircraft may operate *in the navigable airspace* is a field that is exclusively governed by federal law. Congress has vested the Federal Aviation Administration (FAA) with sole authority over the national airspace system, including the operation of unmanned aircraft. States and land managers may *regulate ground operations*, but they may not impose de facto flight restrictions by imposing a default “no operations” rule, conditioning aircraft operations on discretionary location approvals, time-of-day limits, seasonal closures, or undefined “management objectives.”

Although the proposed rules recite that operators must comply with FAA regulations, it is respectfully submitted that that disclaimer does not cure the underlying preemption problem. A state agency may not do indirectly—through “operation areas,” passes, and permit conditions—what it is barred from doing directly.

AUVSI Cascade recognizes that it has long been recognized that state and local governments may regulate where *aircraft take off and land* and that States have a valid interest in choosing where aircraft may *operate while on the ground*. No one disputes that laws designating takeoff and landing locations have no direct effect on where UAS may operate in the air. But the proposed rules reach into operations in the navigable airspace and as such are preempted.

II. The Proposed Rules Start from the Incorrect and Harmful Premise That UAS Are Presumptively Prohibited on the Ocean Shore and Park Lands

The structure of the proposed rules assumes that UAS operations are inherently incompatible with Oregon's ocean shore and park system and, therefore, must be treated as an exception rather than a lawful recreational and commercial use.

AUVSI Cascade respectfully submits that premise is unsound policy.

Drones are widely used for tourism promotion, environmental monitoring, coastal erosion documentation, search-and-rescue support, mapping, and media production, all of which directly benefit the public and the State. Treating UAS activity as presumptively prohibited—subject only to narrow, discretionary and revocable carve-outs—unreasonably stifles innovation, small business activity, and economic development along the coast and in urban and rural communities.

Nothing in Oregon law declares that drones are incompatible with the ocean shore. To the contrary, the ocean shore has long been managed as a multiple-use public resource, and modern, low-impact aviation technology should not be singled out for disfavored treatment absent clear legislative direction. Similarly, nothing in Oregon law declares that drone flights are incompatible with state parks. They are often managed for multiple uses. A reasonable balance can and should be struck, that thoughtfully limits take off and landing sites to avoid specific

problems but that does not reach into lawful FAA governed airspace operations or otherwise unreasonably limit the technology.

III. The Proposed Rules Exceed OPRD's Statutory Authority Under SB 109

The source of authority for the proposed rules is SB 109. As the notice for the proposed rulemaking recognizes “Senate Bill 109 (2021) directed OPRD to adopt rules governing drone takeoff and landing on state park property and the ocean shore.” The statutory text does not grant authority to regulate UAS operations in navigable airspace, including where drones may fly once airborne. However, the proposed rules do far more than “gover[n] drone takeoff and landing on state park property and the ocean shore”:

They:

- Condition flight in designated “UAS Operation Areas” that are not published on navigation maps but only on OPRD’s website and that may be modified or rescinded at any time;
- Imposes discretionary time-of-day, seasonal, and capacity-based limits untethered to takeoff or landing impacts;
- Require discretionary “UAS Passes” even where no physical impact to park property occurs;
- Effectively prohibit overflight of vast areas in Oregon traditionally used by UAS operators; and
- Authorizes enforcement and penalties for lawful flight operations occurring primarily in airspace, not on the ground.

It is respectfully submitted that the proposal is not a takeoff-and-landing rule. Rather, it is a comprehensive aircraft operations regime, and OPRD simply does not have statutory authority to create such a regime.

IV. The Allowance and Permit Framework Is Vague, Burdensome, and Invites Arbitrary Enforcement

Even if OPRD had authority to regulate as broadly as proposed (it is respectfully submitted that it does not), the rules fail basic standards of clarity and administrability.

Key terms—such as “user conflict,” “operational capacity,” and “management objectives”—are undefined and wholly discretionary. UAS Operation Areas may be created, modified, or rescinded with minimal notice, leaving operators unable to plan lawful activities with any certainty.

The pass and permit structure is also unnecessarily complex and duplicative, particularly for small businesses that already comply with FAA certification, insurance, and operational requirements. The rules offer no objective standards for approval, no timelines for agency action, and no meaningful constraints on discretionary denials.

This lack of clarity creates a strong risk of chilling lawful activity, deterring investment, and as well as exposing OPRD to claims of arbitrary and inconsistent enforcement.

V. The Proposed Rules Overstate Impacts While Minimizing Economic Harm

The fiscal and economic impact statement asserts that compliance costs will be “minimal.” It is respectfully submitted that assertion is unsupported.

For many small businesses, the inability to reliably access coastal and park navigable airspace locations for lawful aerial photography, surveying, or documentation is not a minor inconvenience—it is a business-ending restriction. The rules also undervalue the economic contribution of drone-enabled tourism marketing, media production, and environmental services that directly support local communities.

OPRD was expressly asked to consider alternatives that would reduce negative economic impacts. The current proposal does not meaningfully do so.

VI. First Responders

The proposed rules carve out an exception allowing for “public safety agencies and other governmental entities” to use uncrewed systems “during emergencies” without prior OPRD approval. Respectfully, that authorization is too narrow. The term “emergency” is undefined in the proposed rules, leaving a critical ambiguity that could cost lives. Moreover, as Fire Chief Jeff Pricher testified at the January 20, 2026 hearing, while an “emergency” (depending on how the term is defined), may be over, the required public safety work is not.

In real incidents, the immediate life-safety phase may wrap up quickly, but the highest-risk work often continues for days or weeks: damage assessment, hazard identification, stabilization, recovery operations, and ongoing protection of people and responders. Uncrewed systems are invaluable in that post-acute window because they reduce responder exposure, expand situational awareness, and speed decisions without putting a person into unstable terrain or structures. Examples: after a wildfire, drones are used well beyond the “emergency” to map burn severity, locate hot spots, identify snags and unstable slopes, and guide containment repair and re-entry decisions; after a flood or storm surge, they’re used to document washouts, inspect levees and bridges, locate debris jams, and spot downed lines and contaminated discharges; after an earthquake or major wind event, they’re used to inspect compromised buildings, chimneys, and rooflines before sending in inspectors; after a landslide, they’re used to monitor continued movement and identify secondary failures; after a hazardous materials spill, they’re used to monitor plumes and runoff pathways and to check containment integrity; and after a search-and-rescue “emergency” is declared over, they’re still used for follow-up grid searches, terrain documentation, and route planning for recovery teams.

If the proposed rule’s purpose is truly public safety, it should be written to **cover the full incident lifecycle**—response, stabilization, recovery, and post-incident hazard mitigation—not just the narrow moment when someone labels the situation an “emergency.”

VII. Response to Claims at OPRD’s Hearing

At OPRD’s January 20, 2026 hearing on the proposed rules, some speakers supported the proposed rules and asked for even more draconian regulation of uncrewed systems, claiming nesting or other vague bird and wildlife impacts. Respectfully, those assertions go too far and do not justify either the proposed rules or a more restrictive version of them.

A blanket prohibition on commercial or recreational drone operations over the ocean shore or other OPRD owned or managed land, based solely on the fact that birds nest there is not a tailored, evidence-based response and would unnecessarily foreclose a lawful use that can be managed with reasonable time, place, and manner limits. Drone activity is not a meaningful proxy for risk: a drone’s acoustic footprint and flight behavior are driven by FAA rules concerning altitude and operator practices and the aircraft used for the particular mission. Especially on an exposed shoreline, it is not reasonable to presume that a small UAS is categorically louder than ambient conditions like surf and wind, or categorically more disruptive than the many other uses the public is already allowed to engage in on the ocean shore (often at closer range and with more sustained presence).

If OPRD has a real, evidence-based concern about disturbance to nesting birds on the ocean shore or elsewhere, it should address that concern in a way that is both narrowly targeted and legally durable—which means avoiding state rules that function as “rules of flight” in navigable airspace (e.g., state-imposed minimum altitudes, flight-path restrictions, or airspace exclusion zones), because those are the types of operational airspace controls that are federally preempted. Instead, the state should regulate where it has lawful footing: seasonal, site-specific ground-based management tied to documented colonies—temporary closures or setbacks on state-managed beach access points and dunes; conditions on *launch/landing/recovery* from *state property* during nesting season; and neutral, enforceable prohibitions on harassing, flushing, or disturbing protected wildlife that apply to any activity (drones, kites, pets, people), backed by monitoring and clear enforcement triggers. This approach avoids an assumption-driven, categorical “drones off-limits” rule, while still protecting nesting habitat through evidence-based time/place controls that do not attempt to commandeer the FAA’s role in regulating navigable airspace.

VIII. A Lawful and Balanced Alternative Exists

If OPRD wishes to proceed, a lawful approach is available:

Limit regulation strictly to physical takeoff and landing locations;

Treat UAS activity as a lawful use by default, subject to narrowly tailored, site-specific *ground* restrictions where demonstrably necessary;

Use objective, clearly defined standards; and

Coordinate with, rather than duplicate or conflict with, FAA oversight.

It is respectfully submitted that anything broader exceeds OPRD's authority, chills this important and nascent industry and invites challenge.

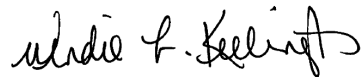
IX. Conclusion

Respectfully, as proposed, the rules lack lawful foundation, are economically harmful, are based on a fundamentally incorrect premise about drones and public lands, as well as reflect a misunderstanding of federal supremacy in regulating flight the National Airspace System.

We respectfully urge OPRD to withdraw the proposed rules and re-engage with stakeholders to develop a framework that is consistent with federal law, legislative intent, and Oregon's commitment to innovation and economic opportunity.

Thank you for the opportunity to comment. We are disappointed that OPRD did not include AUVSI in the development of the proposed rules. As the largest trade association in the world concerning these aircraft, and AUVSI Cascade serving as a knowledge repository for the Pacific Northwest, we welcome the opportunity to participate in further discussions concerning the proposed rules and any other rulemakings or advisory capacity if concerns arise in the future.

Very truly yours,



Wendie L. Kellington
President, AUVSI Cascade

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CC: AUVSI Cascade Board
AUVSI Cascade Advisory Board Chair, Paul Allen
AUVSI Cascade Board Advisory Committee Member Dan Fuller
AUVSI Cascade Board Advisory Committee Member Justin Shults
AUVSI Cascade Board Advisory Committee Member Tommy Gantz
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