

Should drone use in state parks be regulated?

Oregon Parks and Recreation considering input from drone advocates and critics before setting rules

By **COLE SINANIAN**
Columbia Insight

SALEM — It may soon be illegal to launch and land recreational and commercial drones in some areas of Oregon state parks.

After issuing a draft proposal earlier this year, the Oregon Parks and Recreation Department is convening a work group to decide where flying drones should be prohibited, where it should be allowed and where it would require a permit. Parks officials hope to have a draft proposal ready by next spring.

OPRD received approval from the state Legislature to regulate drone use in 2021 through Senate Bill 109, after which it convened a rule advisory committee that began meeting late last year.

The committee — which largely consisted of state parks officials and lacked representation from external wildlife biologists — ultimately settled on a proposal that would allow drones to take off anywhere unless otherwise specified.

The proposal was panned by conservation groups like the Portland Audubon Society and the Oregon Ocean Policy Advisory Council, who criticized its failure to consider sensitive coastal habitats, and generated hundreds of conflicting public comments.

“It was meant to be a transition point from where we are now,” says associate director of Oregon Parks and Recreation Department Chris Havel. “But it’s clear that we need more time to figure out the drone issue. The rules need to be specific enough for everyone to feel comfortable.”

After the backlash, state parks paused the rulemaking process in April and is in the process of convening another work group with broader representation. By next spring, park officials hope to draft a proposal that uses scientific input to designate specific areas where drones can fly.



David Rodriguez Martin/Contributed Photo

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Aerial disturbance

Much of Oregon’s coastal habitat is regulated by the state park system, so conservationists are concerned that allowing drones to fly within its limits could disrupt the coast’s 1.3 million nesting seabirds.

Drone interactions with seabirds are well documented.

In May 2021, a drone crash in the Bolsa Chica Ecological Reserve in Huntington Beach, California, caused an entire flock of elegant terns to abandon their nests, leaving behind as many as 2,000 eggs, the Orange County Register reported.

The birds never returned, meaning an entire season’s worth of the near-threatened tern was lost.

According to Portland Audubon staff scientist Joe Liebezeit, seabirds on the Oregon coast are highly territorial when nesting and will chase moving objects they perceive as living.

Drones — typically small, lightweight, multi-propellered craft equipped with high-resolution cameras — appear as predators to birds, prompting them to either fight the aircraft or flee. Repeated disturbances can leave nests vulnerable to predators and the elements, affecting the cohort’s long-term survival, Liebezeit says.

“If the birds are flushed from the nest repeatedly over time, they’re not able to incubate their eggs or take care of their young,” he says. “Then there’s an entire cohort of young, not able to be born and raised, and the adults lose a year of breeding.”

Portland Audubon monitors coastal populations of the black oystercatcher — a soot-colored bird with a bright orange beak that nests on rocky coastlines and is known to be highly territorial.

Trained volunteers go out in shifts at monitoring stations along the Oregon coast, where they count the eggs and watch the nests from a distance, documenting disturbances from humans and predators.

According to Liebezeit, recent data shows that volunteers record an average of three drone disturbances a week.

“And that’s only a small sampling of the entire lifetime of the nest,” Liebezeit says. “At a minimum, we’d want to have a seasonal closure.”

Parks for all

The role of state parks among Oregon’s public lands makes drone regulation a particularly contentious issue, Havel says.

Unlike national parks and wildlife refuges — which pro-

hibit drones entirely — state parks must balance conflicting interests and attempt to accommodate all forms of recreation, so long as they aren’t detrimental to the park’s longevity.

State parks are not meant to be wilderness areas, Havel says, so all types of recreation are welcome in Oregon state parks.

Activities are banned only once they’ve been shown to infringe on other park visitors’ right to recreate or cause significant damage to natural resources that negatively affects the park.

“Every form of recreation is consumptive,” Havel says. “Every human presence wears and tears at the park a little and requires management. The concern is whether drones are going to add something new to the disruption people always cause.”

In the coming months, the work group will develop maps for all 259 of Oregon’s state parks, detailing specific areas where drones can take off and land. Some parks may be completely off limits to drones, while others — like those on the coast — may restrict entire sections of beach during nesting seasons.

“It’s not about sacrificing natural resources versus limiting recreation,” Havel says. “There’s a lot of space in between.”

Drones club

Because drones are governed by the Federal Aviation Administration while in the air, the state can only regulate them on the ground.

Havel says that regardless of park rules, pilots can still launch their drones from outside park limits and fly them inside, so directing them to areas where they can fly is likely to be more effective than telling them where they can’t.

“If you simply say no drones at all, people are going to give you the finger,” says recreational drone flyer and policy advocate Kenji Sugahara. “But if you point them in the right direction, you’re going to get a much higher level of compliance.”

Havel invited Sugahara — an attorney who sits on the FAA’s drone advisory committee and the Oregon Department of Aviation board — to sit on the state parks’ initial rule advisory committee in 2021.

Sugahara is the president of the Drone Service Providers Alliance, an advocacy group for commercial drone users.

He also works as freelance commercial drone pilot, shooting footage for car companies like Cadillac and Nissan up and down the Oregon coast. He says that allowing drones in state parks would not only benefit recreators, but businesses as well.

“There’s a lot of economic value that’s created for Oregon coastal communities in drones,” he says. “Drones have become integral to the production of commercials and movies and such. So if production companies are unable to access those areas, they’ll simply go somewhere else.”

To address the conflict with nesting seabirds, Sugahara proposes a three-tiered permitting system, with different sections of the park requiring a different drone-flying permit.

More ecologically sensitive areas would require a more restrictive permit with more training, while permits for other areas would be relatively easy to get. Nesting grounds should remain off limits, Sugahara says.

New map classifies wildfire danger across Oregon

By **CASSANDRA PROFITA and BRADLEY W. PARKS**
Oregon Public Broadcasting

SALEM — Oregon’s new wildfire risk map was taking a long time to load on Thursday, June 30, as people across the state searched their addresses to find out whether their homes were in the red.

The Oregon Wildfire Risk Explorer places every single tax lot in Oregon in a risk category ranging from zero to extreme.

Large stretches of Central, Eastern and Southern Oregon landed in the red “extreme” wildfire risk category based on weather, climate topography, vegetation and nearby buildings.

About half of the 1.8 million tax lots in the state are now categorized as being part of the “wildland-urban interface,” also known as WUI. It’s a designation for homes and communities that are more vulnerable to wildfire because they are intermingled with forestland and wilderness areas.

Jackson County Fire Chief Bob Horton said the map will be helpful for identifying where to focus fire prevention work in Southern Oregon, where fire risk is very high in a lot of communities.

“The new map gives us granularity to explore the risk levels at neighborhood levels, at parcel levels, where prior to this we didn’t have the scientific backing to it,” Horton said. “We had hunches on where we thought the higher risk areas were.”

The map also could have expensive consequences for some property owners and developers because the state is also crafting new building codes and zoning requirements to help protect homes in high fire risk areas.

The new rules are still in the works and won’t be approved until later this year, but they will apply to about 120,000 properties — about 8% of all tax lots statewide — that are both inside the wildland-urban interface and labeled as having high or extreme fire risk. There is an appeal process for property owners who want to challenge the state’s wildfire risk classification of their tax lot.

The mapping process stems from a sweeping wildfire preparedness package lawmakers passed last year in response to the wildfires that burned 4,000 homes and more than a million acres of Oregon in 2020.

Defensible space

State Sen. Jeff Golden, D-Ashland, who led the effort to pass that legislation, said there is state funding to help property owners comply with new requirements to clear defensible space around homes in high fire risk areas and use fire-resistant materials for new construction.

“I really understand that people would be anxious about this,” he said. “We now have to live differently with wildfire. We were shown really clearly what the future looks like in the last couple of years and ... lot of people were badly hurt, but we survived.”

Now, he said, the state has a chance to prepare for future fires and better protect homes and communities.

“A whole lot of the most important work is relatively easy and relatively inexpensive,” he said.

Some of the protective measures that experts recommend are cleaning out gutters, cutting lower limbs off trees and removing invasive species from around

the home, like blackberry bushes.

The Oregon State Fire Marshal and the Oregon Department of Consumer and Business Services are developing rules for clearing defensible space around homes and applying wildfire hazard building code standards. The new wildfire risk map will determine where the upcoming rules will apply.

Brian Mulhollen, a property owner in Gold Hill in Southern Oregon, said he expected his home to be in the “extreme risk” category. He’s seen several wildfires near his property in recent years.

“Most of Southern Oregon, especially the Rogue Valley, is extreme,” he said.

As a former battalion chief for a firefighting unit and current manager of a helicopter company that helps fight fires, Mulhollen said he knew his home needs at least 100 feet of defensible space around it that is cleared of flammable vegetation.

But he worries about other homeowners who suddenly find themselves in the extreme fire risk category on the map.

“Most property owners don’t know what to do with that,” he said.

Mulhollen had help preparing his property for fire season from the Wildfire Protection Corps, a youth training group that has been deployed to limb trees and remove brush that could spread wildfires to people’s homes.

He said the state needed the push from Legislature to help property owners prepare.

“Oregon is way behind on wildfire risk analysis compared with other fire-prone Western states,” he said.

Insurance costs

Some property owners worried that the new risk assessment would affect their homeowner’s insurance.

Last month, Portland resident Dwayne Canfield got a letter from the insurance company that had been covering his vacation rental house in Sisters.

“They sent us a non-renewal notice saying we decided not to renew this policy because of the wildfire risk in the area,” he said. “I was shocked. We have seen fires within a mile and a half of here, but I didn’t see it as a huge risk. We’re four blocks from the city center.”

Canfield was able to find another insurance provider without spending more money on a policy, but he

expects to see more homeowners in the same situation he faced now that the state has put every property into a risk category.

Kenton Brine, president of the Northwest Insurance Council, said insurance companies across the region are already doing their own wildfire risk mapping, so a risk map from the state of Oregon won’t necessarily make a big difference in their policy decisions.

“It won’t come as a surprise to insurance companies that there is wildfire risk in those red areas,” he said.

As wildfire risk is growing in the region, Brine said some insurance companies are changing their approach.

“We have seen insurers

who have changed their risk appetite — even prior to the massive Labor Day fires in Oregon,” he said.

Brine said most homeowners should have no problem finding some insurance for their homes even in extreme fire risk areas.

Golden said he and officials with the Oregon Department of Forestry have been talking with Oregon Insurance Commissioner Andrew Stolfi about the effects wildfire risk mapping could have on people’s insurance policies.

“That is a real thing. We’re going to have to be looking at that,” he said. “The wildfires in the West, all over the West, not just Oregon have become a hazard. That really turns the insurance market upside down.”

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