



FINDINGS OF FACT STAFF REPORT

Date: May 4, 2006 OPRD Coastal Land Use Coordinator: Calum Stevenson

OPRD File Number: BA-600-05 County: Curry Applicant: Scott McKenzie

Project Location: Elk River Spit, Sixes Oregon
T32S R15W Sec18 & 19 TL 1806 & 1807

Brief Project Description: Project is to remove 88,500 cubic yards of sand from the fore dune to create habitat for the federal and state designated threatened Western snowy plover.

ADMINISTRATIVE RULE STANDARDS AND RELEVANT FACTS

I. GENERAL STANDARDS, OAR 736-020-0010

Project Need – There shall be adequate justification for a project to occur on and alter the ocean shore area. The sand alteration project is a cooperative effort between the private landowner and the U.S. Fish & Wildlife Service to create suitable habitat for the threatened Western snowy plover (WSP). According to the December 17, 2004 Federal Register (Vol.69, number 242) the Elk River spit is considered habitat essential for the conservation of the Pacific Coast Western snowy plover. The list of "Primary Constituent Elements" outlines primary elements for the WSP survival with Elk River qualifying under those guidelines. All areas that are deemed to be critical habitat as defined by the USFWS are sites that are currently occupied by WSP. Elk River is not occupied at the present time, but is considered a unit that is essential to the conservation of the population as outlined in the description in the Federal Registry.

The Elk River spit has also been identified by the USFWS in the 2001 Western Snowy Plover Pacific Coast Population Draft Recovery Plan as an area of WSP habitat restoration and management. As part of the decision to include the Elk River in the USFWS designated WSP habitat area it was deemed that it was the southerly most potential site that is closest to a known occupied area at New River/Flora Lake. The idea is to encourage WSP migration from present occupied sites to those unoccupied sites that are conducive to WSP nesting.

The Oregon Fish and Wildlife OAR 635-105-000 (3) defines suitable habitat for the Western snowy plover as flat, open areas on sandy coastal beaches, sand spits at coastal river outlets, dune-backed coastal beaches, coastal dredged-material disposal sites, and flats east of coastal fore dunes that become exposed as deflation plain dry ponds. The WSP is listed as a threatened species by the Oregon Threatened and Endangered Species Act.

In order for habitat to be suitable for the WSP the Elk River Spit needs to be returned to its original configuration before the introduction of European beach grass. The fore dune height in 1967 was 5.6 m which allowed for the natural Oregon coastal processes to over-wash the spit and keep dunes lower. Elk River does have small areas that are suitable for WSP habitat including the over wash area at the bend in the river. These areas, however, do not have sufficient acreage to attract WSP to nest. Since the WSP is a federal and state listed threatened species it has become the responsibility of state agencies that manage potential coastal habitat to assist in the recovery of the species. As a result of that legal responsibility there is adequate justification for the sand alteration project at Elk River Spit.

The return of the Elk River system to its original landscape would provide an additional justification for the sand alteration project. Jonathan Allan, Oregon Department of Geology and Mineral Industries (DOGAMI), stated in his report of the Elk River system that the mouth of the river has migrated northward by 3500 ft since the late 1920's for an average movement of 47.6 feet per year. In addition to the movement of the mouth in a northward direction, the fore-dune elevation has been increasing from an 18 ft height in 1967 to the present day height of 26-33ft. The introduction of European beach grass has been a major factor in the migration of the river mouth in a northward direction and the aggradations of the fore-dune (Allan p.4). Reducing the introduced European beach grass may prevent the continued northward migration of the river mouth and create a more dynamic river mouth system that will reflect its original Oregon coastal processes. An additional benefit to returning the system to its original landscape is the possibility that it may also prevent further bluff erosion (Allan p.27-28). As the Elk River has migrated north, the river has undercut the steep bluffs on the east bank resulting in severe erosion. Historically, the Oregon coastal river systems were bountiful areas for natural fish production and returning a system to the former processes may benefit more than one native species.

Protection of Public Rights – Public ownership of or use easement rights on the ocean shore shall be adequately protected.

The removal of sand from the fore dune will not, in itself, create a loss of public ownership or impair the public's easement rights to the Elk River or the ocean shore. The impact of the project will be as a result of restrictions that may be requested by USFWS for the recovery of the threatened Western snowy plover. During the WSP nesting period from March 15-September 15 the Elk River spit may have prohibitions on vehicle operation and restrictions for pedestrian traffic. The Snowy Plover Emphasis Area will extend from the south bank of the Elk River mouth to approximately 2.2 miles south of the mouth. The restrictions will only be implemented if a pair of Western snowy plovers show signs of nesting on the site.

The Elk River Spit is a popular sport fishing area and is open to registered "street legal" vehicles. Most recreation at the spit occurs during the salmon and steelhead season after the WSP nesting time period. No recreational impacts will occur to those fishing seasons as a result of beach restrictions. Perch fishing will be minimally impacted as that can occur during the nesting period. The wet sand will remain open to pedestrian traffic adjacent to the WSP Habitat Restoration Area and will still provide areas for surf fishing. All other surf perch fishing areas, outside the HRA, between Cape Blanco and Paradise Point will remain open to registered "street legal" vehicle and pedestrian traffic throughout the year. The major impact may occur to those individuals with disability drive-on-beach permits that require OHV access to surf perch fishing sites adjacent to the Habitat Restoration Area and that will take place only when a pair of WSP starts the nesting process at Elk River.

Public Laws – The applicant shall comply with federal, state, and local laws and regulations affecting the project. State of Oregon Ocean Shore laws and regulations are addressed within this permit review. The project has been reviewed by the Curry County Planning Department and is consistent with the local comprehensive plan and zoning ordinance. Curry County affidavit is enclosed in permit application file. Department of Land Conservation and Development (DLCD) Coastal Program reviewed the permit application and their certification that the project would not have an adverse effect is attached to the file.

Alterations and Project Modifications – There are no reasonable alternatives to the proposed activity or project modifications that would better protect the public rights, reduce or eliminate the detrimental affects on the ocean shore, or avoid long-term cost to the public.

The applicant has considered two alternatives for the project. "No action" would not provide for restoration of WSP habitat on the Elk River Spit reducing or eliminating the possibility of establishing breeding plovers at the site. The current landscape of Elk River provides limited WSP habitat at the bend of the river where in flood stage it has over-washed the dunes and created a temporary winter breach. There is also limited habitat at the natural mouth of the river. This project would expand those present natural habitat areas with mechanical lowering of the fore dune and removal of European beach grass. The present areas on the Elk River spit conducive to WSP habitat are not large enough to attract the bird.

The other alternative is to remove and control European beach grass by hand tools or herbicides. This option does not address the concerns of restricted public recreational use opportunities.

The Elk River site was proposed by the USFWS because of the opinion that the area is conducive to snowy plover habitat and will aid in the recovery of the threatened species. According to the USFWS, 2001, Western Snowy Plover Pacific Coast Population Draft Recovery Plan the Elk River Spit is an area of emphasis for the restoration of habitat and management of the species.

Public Costs – There are no reasonable special measures which might reduce or eliminate significant public costs. Prior to submission of the application, the applicant shall consider alternatives such as nonstructural solutions, provision for ultimate removal responsibility for structures when no longer needed, reclamation of excavation pits, mitigation of project damages to public interests, or a time limit on project life to allow for changes in public interest.

There are no significant Oregon State public costs as the project will be funded through the U.S. Fish and Wildlife Service.

Compliance with LCDC Goals – The proposed project shall be evaluated against the applicable criteria included within Statewide Planning Goals administered by the Department of Land Conservation and Development.

OPRD determines LCDC goal compliance using OAR 736-070-0040(3) (b) (A) Type II procedure requirements. This rule states the Department shall make its own compatibility determination based on information and findings supplied by the applicant confirming the affected local government has determined the Department's land use action is compatible with the local jurisdiction's acknowledged comprehensive plan and land use regulations. OPRD land use actions subject to the Type II Procedure include issuance of Ocean Shore Development Permits. The Curry County Planning Department reviewed the project and has certified the project as consistent with local comprehensive plan and zoning ordinance. This certification meets the Department's obligation to ensure compatibility with the Statewide Planning Goals.

II. SCENIC STANDARDS, OAR 736-020-0015

Projects on the ocean shore shall be designed to minimize damage to the scenic attraction of the ocean shore area.

Natural Features – The project shall retain the scenic attraction of key natural features, for example, beaches, headlands cliffs, sea stacks, streams, tide pools, bedrock formations, fossil beds and ancient forest remains.

The sand alteration project will create a localized scenic disturbance until the dunes stabilize by natural processes. The goal of the alteration is to return the Elk River Spit to its historic landscape of lower dunes that will be more conducive to the traditional nesting habitat of the WSP. The scenic values will be retained as the dune naturally stabilizes.

Shoreline Vegetation – The project shall retain or restore existing vegetation on the ocean shore when vital to scenic values.

The vegetation at the Elk River project site is non-native European beach grass introduced in the 1930's. Introduction of the European beach grass is a primary cause of loss of WSP habitat and responsible for successional changes in Oregon's coastal dune ecosystem which have severely modified landscape and scenic values. European beach grass has aggressively replaced the native American beach grass along virtually all dune-backed beaches on the Oregon coast. European beach grass is not considered vital to scenic values.

View Obstruction – The project shall avoid or minimize obstruction of existing views of the ocean and beaches from adjacent properties.

Project would enhance views of the ocean and beaches from upland areas

Compatibility with Surroundings – The project shall blend in with the existing shoreline scenery (type of construction, color, etc.).

Not applicable.

III. RECREATION USE STANDARDS, OAR 736-020-0020

Recreation Use – The project shall not be a detriment to public recreation use opportunities within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

The removal of sand from the fore dune will not, in itself, create a loss of public recreation or impair the public's easement rights to the Elk River or the ocean shore. The impact of the project on recreation will be as a result of restrictions that may be requested by USFWS for the recovery of the threatened Western snowy plover. The major recreational activity on the Elk River Spit is sport fishing for salmon, steelhead, and perch. The beach area is also open to registered "street legal" vehicle traffic year-around and is accessed from either Cape Blanco State Park or Paradise Point State Recreation Site. There are also approximately fifteen physical disability drive-on-beach OHV permits issued for the Cape Blanco to Paradise Point ocean shores area.

The usual practice for WSP Habitat Restoration Areas (HRA) is to prohibit vehicle traffic adjacent to these designated WSP restoration sites and to restrict pedestrians to the wet sand area only during the WSP nesting period of March 15 to September 15. At the present time, dogs are allowed on the wet sand of an area, adjacent to an HRA, if they are leashed and under physical control. During the nesting period, dry sand within the 2.2 miles of the HRA would be used solely for WSP nesting sites and is signed as a "Do Not Enter" area. The area of potential restrictions on the Elk River Spit would be regulated by the Habitat Conservation Plan currently under review by the USFWS.

The project is sponsored by the USFWS as a Western snowy plover habitat area that may be regarded as a sensitive biological resource for a state and federal listed species. As stated in OAR 736-020-0020 the "project shall not be a detriment to public recreation use opportunities within the ocean shore area except in those cases where it is determined necessary or legally required to protect sensitive biological resources such as state or federally listed species." The site is listed as a USFWS management goal for endangered species recovery in the 2001 USFWS Pacific Coast Population Draft Recovery Plan (B-9 & C-10), The Federal Registry (Doc 04-26877), and the proposed WSP Habitat Conservation Plan. The USFWS, however, has agreed to only request restrictions at Elk River spit when a pair of WSP is observed to start the process of nesting on the HRA. No restrictions would be implemented until that occurs.

The other issue regarding potential recreation loss is the concern that the project will change the Elk River estuary system and impact the sport fishing opportunities. Since the introduction of European beach grass the river has migrated north approximately 3500 feet due to fore-dune build-up and is running parallel with the ocean beaches. This has created an estuary behind the fore-dune where significant Fall Chinook fishing occurs. This year (Fall 2005) the river naturally breached at the elbow where the river changes from running west to the north effectively bypassing the one mile of estuary that runs parallel to the beach. Sport fishing is substantially reduced on the lower Elk River because fish have a direct access into the upper reaches of the river. However, one of the key reasons the river breaches at the river bend is due to high river flows from increased watershed pressures after rain events. Increased water flows will also naturally release the fish from the lower estuary as they start their up-river migration. Sport fishing organizations have expressed concern that returning the Elk River to its natural Oregon coastal processes by removing European beach grass and lowering the fore-dune will have an adverse effect on fishing and the local economy. Most sport fishing impacts will be as a result of the seasonally high flow of the river after rain events which will reduce sport fishing in the lower estuary by either fish naturally migrating up-river, a breach at the bend, or both.

Historically, the Elk River would breach in different locations depending on annual natural conditions and would periodically change the estuary. The European beach grass dunes stabilized the estuary and may have created a more enduring sport fishery on the lower Elk River. The concern is that the reduction of the fore-dune and removal of the European beach grass will return the Elk River system to its natural Oregon coastal process and potentially destabilize the sport fishery in the present estuary. Unpredictable natural breaches along the spit may create uncertainty from year-to-year in the sport fishery. In turn this may mean an uncertain economic future in an area that relies on tourism and fishing. This year's natural breach that occurred at the bend of the Elk River is a good indication of the possible economic effects as it has drastically reduced sport fishing on the lower Elk River. An article in the Medford *Mail Tribune* titled "Mother Nature Fools with Elk River Fishermen" outlines the potential impacts. There is the real possibility that with a denuded and scalped fore-dune that during the summer with lowered river water levels and seasonally heavy north winds that the one-mile estuary may experience sand inundation. In combination with sand introduced to the ocean as a result of bulldozing the dune, the possibility exists that the north mouth of the river will close. Both events will add to the sand blockage and place more pressure on the weakened dune area at the bend when Fall rains occur. This will create a situation where the river will breach at the bend more frequently than it has in the recent past. The last observed breach at the bend in the river was made by Scott McKenzie in 1996. The present estuary has been stable for lower Elk River Fall sport fishing for the past 9 years because of the established European beach grass fore-dune. With the possibility of more frequent breaching at the bend due to summer sand inundation and river mouth closure the lower river sport fisheries will be impacted.

The Oregon Department of Fish and Wildlife states that the fish populations will not be affected by the natural breach at the bend because the fish are adapted to changes in the system. A more dynamic outlet, as experienced this year and in 1996 may have an effect on the lower river fishery, but that would be variable from year-to-year and is a natural process.

Recreation Access – The project shall avoid blocking off or obstructing public access routes within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

The proposed project will not block public access routes. The two public access points (Cape Blanco State Park and Paradise Point State Recreation Site) to the beach will remain open.

IV. SAFETY STANDARDS, OAR 736-020-0030

Structural Safety – The project shall not be a safety hazard to the public due to inadequate structural foundations, lack of bank stability, or the use of weak materials subject to rapid ocean damage.

Not Applicable

Obstructional Hazards – the project shall minimize obstructions to pedestrians or vehicles going onto or along the ocean shore area.

The project will create a temporary impediment to pedestrian and vehicle traffic when the bulldozers move dune material onto the wet sand area. This condition will exist until the sand is removed by tidal forces. At that time the obstruction to beach traffic will be non-existent. To minimize public use conflicts and reduce the potentially hazardous condition, the project should be performed outside of the major sport fishing season. This will reduce potential heavy equipment and sand obstruction conflicts with the major recreational activity along Elk River Spit.

Neighboring Properties – The project shall be designed to avoid or minimize ocean erosion or safety problems for neighboring properties.

The sand alteration project is located on a relatively isolated spit with ranch land abutting the project area. According to the geological report by Jonathan Allan of the Department of Geology and Mineral Industries (DOGAMI) the major impact to neighboring property will be minor flooding in low lying areas due to the occasional closure of the Elk River mouth from the re-introduction of sand from the dunes. This process is a normal natural occurrence without the sand alteration project. The backed-up river will eventually push its way out to the ocean and re-establish its natural outflow to the ocean.

The City of Port Orford has recently completed a sewer outfall that is located off the beach near Garrison Lake at approximately three to four miles south of the Elk River sand alteration project. There is concern that the introduction of sand from the dunes will inundate the sewer outfall and create maintenance issues for the City of Port Orford. The sewer outfall is 1800 feet from the beach at zero elevation as taken at mean low tide. The ocean depth where the diffuser and outlet is located is approximately 42 to 46 feet. The basic design of the Port Orford sewer system is pressurized to a wet well where it is gravity fed to the ocean outlet. It is not continuously in operation, but is only released on a need basis.

The outlet is located on the south side of a rock outcrop on a ledge that is 6+ foot above the ocean floor as measured at time of installation. Based on biological observations of the rock outcrop the area has periodically been inundated with sand up to 6 feet. The lower part of the rock has lower forms of plant and animal life that grow quickly suggesting that the bottom 6 feet of the outcrop is occasionally inundated with sand resulting in plant and animal removal. They return and quickly grow after the sand is periodically scoured away. The upper portion of the outcrop has gradually higher forms of life that are slower to grow indicating limited sand inundation and thus more stability for plants and animals to thrive. The height of the outfall from the ocean floor will reduce the likelihood of sand inundation and closure of the outlet.

In the study of the ocean processes completed before the outfall was designed, an aerial photograph of sand movement from Elk River was analyzed. The aerial photo is dated September 1998 and shows clearly a heavy plume of sediment coming from the Elk River. Once the plume makes contact with the ocean it is directed south toward Garrison Lake and Port Orford. The plume drifts no more than 2000 feet from the beach due to an offshore north/south canyon current that stops sediment from extending beyond that point. The sewer outfall is located at the outer limits (within 200') of that extensive sediment plume from the Elk River with the sand build-up at that distance from the beach minimized by the canyon currents.

Basically, the project engineer for SHN Engineering and Jonathan Allan from the Oregon Department of Geology and Mineral Industries concur that 88,500 cu. yds. of dune sand introduced in the littoral system over a period of several years is an extremely small amount as compared to the sediment input from many other natural sources (Elk River sediment, coastal bluff erosion, littoral cell sand movement).

Property Protection – Beachfront property protection projects shall be designed to accomplish a reasonable degree of increased safety for the on-shore property to be protected.

Not Applicable.

V. NATURAL AND CULTURAL RESOURCE STANDARDS, OAR 736-020-0030

Projects on the ocean shore shall avoid or minimize damage to the following natural resources, habitat, or ocean shore conditions, and where applicable, shall not violate state standards:

Fish and wildlife resources including rare, threatened or endangered species and fish and wildlife habitats.

Oregon Department of Fish and Wildlife has expressed an opinion that fish populations on the Elk River have historically experienced changes in the river system and have adapted. It is a bar bound river system that only allows fish passage after the Fall rains. Fish have adapted to low water levels over the bar and are able to make passage to the river even with very little water depth. During the summer, when water levels are low, there is a possibility that sand from the lowered dunes will encroach into the river during heavy seasonal north winds. The possibility exists that with increased summer sand fill in the one-mile estuary a winter breach will occur more frequently at the weak point at the bend. This will impact the sport fisheries on the lower Elk River, but will have limited effect on fish passage as the fish will adapt to the new outlet patterns. It is a more direct passage for the fish and the water tends to be deeper due to heavy scour action. Again limited effect to fish passage and it is a natural process.

National Marine Fisheries Service (NMFS) was consulted on the potential impact the sand alteration at Elk River would have on marine fisheries. The project can be covered under the Programmatic US Fish & Wildlife Service Restoration Program Activities in Oregon State and Portions of Washington State (2004/00155). This biological opinion provides coverage under the Endangered Species Act for Coho salmon in the Elk River system and that the proposed action is not likely to jeopardize the continued existence of OC or LCR Coho salmon.

Estuarine values and navigation interests.

The present Elk River estuary has been stabilized by the introduction of non-native European beach grass. Sand is captured in the rhizomes of the plant and retains it in the fore-dune. As the dune increases in height and width due to the growth of the European beach grass it continues to divert the Elk River flow to the north. The length of the Elk River estuary has been increasing as European beach grass stabilizes more dunes and pushes the river farther north. Natural breaches to the ocean are not as frequent since the dunes have effectively built a wall preventing their breach in some areas. The bend in the river is the primary location of present breaches as the dunes are lower, denuded of vegetation, and is a natural area for the river to push

straight out when conditions permit. The Elk River breached at the bend this year (2005) with the last breach occurring in 1996.

Removal of European beach grass and grading of dunes will return the Elk River estuary to pre-1967 conditions. More over-wash conditions will occur during the winter months of December and January introducing more ocean water and sand into the estuary system. Combined with the wind driven sand the estuary will see more sand introduced to the river system. High winter water discharges will, however, periodically clean-out the river of sand and transport it back to the beach (Allan, p. 40). The possibility exists that the river will breach more frequently and in more than one area. This will create a more dynamic estuary system and return the Elk River to its historic natural coastal river process.

Historic, cultural and archeological sites.

The State Historic Preservation Office reviewed the permit application and stated there have been no previous cultural resource surveys completed near the proposed project area. The project does lie within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. Extreme caution is recommended during future ground disturbing activities and if any cultural materials are discovered all work should stop immediately until a professional archeologist can assess the site.

Natural areas (vegetation or aquatic features).

The project site vegetation is dominated by European beach grass, a non-native plant species introduced in the early 20th century. Introduction of European beach grass is the primary cause of loss of Western snowy plover habitat and responsible for successional changes in the Oregon's coastal dune ecosystem. European beach grass has aggressively replaced the native American beach grass along virtually all dune-backed beaches on the Oregon coast. Removal of the European variety of grass may allow for native species such as pink verbena or American beach grass to become re-established.

Air and water quality of the ocean shore area.

No adverse effect on air and water quality of the ocean shore will result from the proposed project.

Areas of geologic interest, fossil beds, ancient forest remnants.

No areas of geologic interest, fossil beds, or ancient forest remnants are known to occur at the proposed project site.

When necessary to protect native plant communities or fish and wildlife habitat on the subject or adjacent properties, only native, non-invasive, plant species shall be used for revegetation.

If the European beach grass is substantially eradicated from the Elk River spit the reintroduction of native American beach grass and pink sand verbena would aid in reducing the wind and over-wash impact to the river. Since European beach grass is so pervasive in that area it may be a very long time before native plants will be able to survive without encroachment. Other methods of European beach grass removal would have to be instituted in the future if native plants were re-introduced.

VI. PUBLIC COMMENT

The 30- day public notice period of the proposed project was posted at the Paradise Point State Recreation Site and Cape Blanco State Park, both access points for the Elk River sand alteration proposal, in accordance with ORS 390.650. Individual notification and a copy of the application were mailed to government agencies and individuals on OPRD's ocean shore contact mailing list.

DLCD Coastal Program stated the project would not have an adverse effect and that the proposal will provide additional nesting habitat for the WSP. It will also assist in the re-introduction of sand into the littoral cell which will benefit Garrison Lake.

More than ten written requests for a public meeting were made and added to the BA-600-05 file. A hearing was held on October 20, 2005 at the Port Orford Community Center with 52 registered people attending. Fred Seavey from the USFWS presented a PowerPoint program on the proposal and fielded questions from the audience. After the presentation the floor was opened for tape recorded public comments. Nine individuals made verbal statements. Five were opposed to the project and four in favor. Sixteen written comments were also submitted on the public meeting registration form. 11 were opposed and 5 were in favor. In addition to the public meeting oral and written comments, seven written comments were submitted by mail with 6 opposed and 1 in favor.

Comments in Opposition:

- Cost associated with the project for the benefit expected.
- No documented sighting of a WSP on Elk River spit.
- Continuous maintenance issues of the dunes. Will there be funding in the future?
- Enough "Critical Habitat" has been set aside for the WSP as stated in recent court decisions.
- Recreational restrictions including the fear of beach closures. Loss of fishing season for surf perch.
- Enforcement issues.
- No Environmental Impact or Economic Impact Statement.
- Loss of business from beach restrictions.
- Potential detrimental effects of changing the landscape of the Elk River area and introducing sand to the system.
- Increase of illegal activity due to the reduced number of people to keep an eye on the area.
- Destruction of the estuary from the bend in the river to the mouth resulting in reduced fishing.
- No guarantees as to the length of the partnership with the private landowner.
- Private landowner is receiving money to perform work on a public beach and is enriching a private citizen.
- Cost of certain litigation.
- There is already suitable habitat at Elk River where the river periodically breaches at the elbow and the mouth.
- Access from Cape Blanco is in extremely poor condition that vehicle access is virtually closed.
- Destruction of habitat for other species on the Elk River.
- Wet sand areas for recreation would be a hazard because of sneaker waves. People would be in danger if the safer dry sand was closed.
- Potential detrimental impacts to the new Port Orford sewer outfall located off Garrison Lake.

Comments in Favor:

- Returning the Elk River to its original and natural landscape of over-washed dunes and dynamic river mouth.
- Support for endangered species.
- Will enhance fisheries.
- Removal of non-native European beach grass.
- Cooperation between private landowners and government to benefit the environment.
- Private property rights.
- Sand accretion on the beach at Garrison Lake.

VII. Findings Summary

1. The sand alteration project is located in a complex river/estuarine system that has been altered in the past with the introduction of European beach grass. A gradual, systematic approach to returning the

system to its natural coastal process will need to be performed with an extensive geological and biological monitoring program in place for the duration of the sand alteration project.

2. Sport fishery and economic concerns should be considered with the possibility of project modification to balance the needs of the estuary system and sport fishing needs.
3. Adequate need exists to allow the sand alteration project because of potential endangered species needs and the benefits of returning the system to a natural Oregon coastal process.
4. Extensive research, comments and consultation with wildlife biologists, civil engineers, geologists, and others was instituted to analyze, with the best available resources, the impacts to various aspects of the Elk River and ocean systems.
5. Public comments and concerns were taken into consideration and researched. As is the case with many endangered species issues there is considerable opposition to the permit application.
6. Permit application is a sand alteration project with no endangered species beach restrictions until a pair of WSP is observed in the nesting process. There have been no historic documented sightings of Western snowy plovers at Elk River.

The following checklist summarizes whether the application satisfies the general, scenic, recreation, safety and natural and cultural resource standards as defined in OAR 736-020-0010 through 736-020-0030:

Standard	Yes	No	Standard	Yes	No
Project Need	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Structural Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protection of Public Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Obstructional Hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Laws	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neighboring Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alteration and Project Modifications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Costs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fish and Wildlife Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compliance with LCDC Goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Estuarine Values and Navigation Interests	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natural Features	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Historic, Cultural and Archeological Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shoreline Vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Natural Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
View Obstruction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Air and Water Quality of the ocean shore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compatibility with Surroundings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Areas of Geologic Interest	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use of Native Plant Species when Necessary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. STAFF RECOMMENDATION:

Based on an analysis of the facts and in consideration of the standards evaluated under OAR-736-020-0005 through OAR 736-020-0030, I recommend the following action:

- Approval
- Approval with conditions
- Denial

Calum Stevenson
South Coast Land Use Coordinator