



June 11, 2026

To: Land Conservation and Development Commission

From: Brenda Ortigoza Bateman, Ph.D., Director
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Subject: **Agenda Item 5, June 25-26, 2026, LCDC Meeting**

Rulemaking Initiation: Coastal Shoreline Stabilization

I. Agenda Item Summary

Department of Land Conservation and Development (DLCD or the department) is asking the Land Conservation and Development Commission (LCDC or commission) to initiate a rulemaking process to develop new rules under Goal 16: Estuarine Resources, Goal 17: Coastal Shorelands, and Goal 18: Beaches and Dunes related to the use of coastal shoreline stabilization measures as directed by [Senate Bill \(SB\) 504](#) in the 2025 Legislative Session. As a next step, department staff request that the commission approve a rulemaking charge and the list of proposed interests to be represented on the Rules Advisory Committee (RAC).

a. Purpose

DLCD staff request that the commission initiate rulemaking to create rules that define and guide the use of different types of shoreline stabilization methods across coastal landscapes. The purpose of the rules is to provide clarity for what constitutes a nonstructural nature-based solution. Additionally, staff recommend that the rule address other types of shoreline stabilization and require that nonstructural nature-based solutions and land use management practices are prioritized over structural shoreline stabilization methods in addressing problems of erosion and flooding.

b. Objective

The commission considers the charge, reviews and comments on the list of interests to be represented on the RAC, and initiates rulemaking.

For further information about this report, please contact Meg Reed, Senior Coastal Policy Specialist at 541-514-0091 or meg.reed@dlcd.oregon.gov and Rhiannon Bezore, Coastal Shores Specialist at 971-375-7336 or rhiannon.bezore@dlcd.oregon.gov.

II. Background

Staff provide a summary of the geographical, legislative, and policy coordination context of this rulemaking below.

a. Coastal Goals

The Oregon Coast is highly dynamic, both within estuaries and along the open coast. The built and natural environments within Oregon's coastal zone are exposed to constant and ongoing natural processes such as erosion, accretion, storm and wave activity, and changes in sea level. A frequent tactic for mitigating the impacts of coastal processes on human development is the construction of shoreline stabilization structures designed to reduce erosion, wave attack, and flooding. There are various types of shoreline stabilization methods. Some methods mimic natural processes and have limited impacts on the landscape. Other methods are considered structural, are engineered to remain in place, and can have severe negative impacts on surrounding landscapes, ecosystems, and properties.

Statewide Planning Goals 16 (Estuarine Resources), 17 (Coastal Shorelands), and 18 (Beaches and Dunes) have provisions limiting the use of structural shoreline stabilization solutions due to their potential for negative impacts to the surrounding landscape. The most common structural shoreland stabilization methods on the Oregon coast are seawalls or large boulders stacked at an angle known as riprap. The use of nonstructural nature-based solutions, such as vegetative stabilization, dune enhancement, and cobble beaches, is allowable and preferred under Goals 16, 17, and 18. However, none of the coastal goals contains a definition for either structural shoreline stabilization or nonstructural nature-based solutions. Likewise, the coastal goals do not currently provide detailed guidance for how and when these methods should be used instead of structural solutions. As provided in SB 504, staff anticipate this rulemaking effort would seek to address the current gaps in the coastal goals around nonstructural nature-based solutions within Oregon's coastal zone.

b. Legislative Direction

The legislature passed SB 504 in 2025. The bill directs LCDC to adopt rules by January 1, 2028, that allow, define, and provide guidance on nonstructural, nature-based solutions for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore. Staff have included a copy of the bill as Attachment A. The department is directed to, at a minimum:

- Define "nonstructural, nature-based solutions"
- Provide guidance for the use of nonstructural, nature-based solutions to minimize harmful impacts from flooding and erosion
- Require that nonstructural, nature-based solutions conform with statewide land use planning goals and are prioritized over structural solutions to address erosion and flooding and
- Not change rules allowing the Oregon Department of Transportation to use structural shoreline stabilization methods.

Additionally, staff are seeking to further expand upon the legislatively directed rulemaking effort by including definitions to also address structural and hybrid shoreline stabilization methods to complement the nonstructural nature-based solution definitions.

Previous work by the department and partners has highlighted the need for defining and addressing these terms and how these methods should be used. The rulemaking process would provide much needed clarity for local governments and state agencies with regulatory responsibilities within estuarine, coastal shorelands, and beach and dune areas on the definition and use of nonstructural nature-based solutions as well as other shoreline stabilization methods. As directed in SB 504, staff anticipate that the rules also will require the use of nonstructural nature-based solutions as the preferred method of shoreline stabilization within these coastal environments.

c. Related Policy Coordination

As the primary stewards of Oregon's public beaches, the Oregon Parks and Recreation Department (OPRD) requires permits for the construction of any alteration of the ocean shore and for uses of the beach other than recreation. Required permits include alterations needed for the development, maintenance, and repair of shoreline stabilization solutions, whether they are structural, non-structural, or a hybrid approach. Similarly, the Oregon Department of State Lands (DSL) requires permits for alterations to the estuarine environment, coastal lakes, and within wetlands, including permits for shoreline stabilization. Therefore, SB 504 provides for DSL and OPRD to adopt conforming rules or rules consistent with those adopted by LCDC by January 1, 2029. Finally, the legislation highlights the need to coordinate with the Oregon Department of Transportation (ODOT) as the agency does occasionally construct and repair shoreline stabilization projects to mitigate hazards that impact state highways in coastal environments.

Outside of the requirements of SB 504, OPRD is currently conducting an agency-led rulemaking effort to update its rules related to the ocean shore alteration permitting process. Rule updates will include new and updated language to implement recently adopted legislation, reorganization, modernization, and clarification of existing rules, and development of new sections to fill in areas of rules that are currently missing. DLCD staff are participating in the committees associated with this rulemaking effort. Staff will work to ensure consistency between overlapping rulemaking efforts.

III. Rulemaking Advisory Committee

Staff recommend a list of interests to be represented on the Rulemaking Advisory Committee (RAC) below. The list includes those likely to be impacted by a new coastal shoreline stabilization rule and community members who have a strong understanding and knowledge of the impacts and community needs regarding shoreline stabilization solutions. The RAC will be advisory to staff.

As directed by SB 504, the RAC must include the following interests:

- coastal engineering professionals
- restoration professionals

- environmental and recreational organization representatives
- tribal representatives
- landowners or managers
- fish and wildlife professionals
- local government officials.

Staff also recommend including representatives from:

- community-based organizations
- private coastal landowners
- realtors
- academic researchers
- local coastal planners.

In addition, staff recommend the following agency representatives as technical advisors to the RAC:

- Oregon Parks and Recreation Department (OPRD)
- Oregon Department of Transportation (ODOT)
- Oregon Department of State Lands (DSL)
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Department of Geology and Mineral Industries (DOGAMI)
- National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management.

IV. Draft Rulemaking Charge

The purpose of a rulemaking charge is to ask the commission to offer direction on project scope, as well as express its expectations. Staff and RAC members will rely on this guidance to resolve any questions on project direction.

Staff have included the draft charge as Attachment B.

V. Recommended Action

The Department of Land Conservation and Development recommends the commission initiate rulemaking as directed in SB 504 and further expanded upon in the draft charge to create new rules under Goals 16, 17, and 18 to define and provide guidance for the use of nonstructural, structural, and hybrid shoreline stabilization methods for local governments and state agencies to use in land use planning and permitting decisions. DLCD recommends the commission approve the draft charge, as included as Attachment B, and direct the department to appoint a RAC in the manner described in this staff report.

Proposed Motion: I move that the commission initiate rulemaking as directed in SB 504 and supplemented by the charge in Attachment B to create new rules under Goals 16, 17, and 18 to define and provide guidance for the use of nonstructural, structural, and hybrid stabilization methods for local governments and state agencies to use in land use planning and permitting

decisions; approve the charge included as Attachment B; and direct the department to appoint a RAC as described in this staff report.

Alternative Motion: I move that the commission initiate rulemaking as directed in SB 504 and supplemented by the charge in Attachment B to create new rules under Goals 16, 17, and 18 to define and provide guidance for the use of nonstructural, structural, and hybrid shoreline stabilization methods for local governments and state agencies to use in land use planning and permitting decisions; approve the charge included as Attachment B; and direct the department to appoint a RAC as described in this staff report, with the following revisions [specify revisions].

VI. Attachments

- a. Senate Bill 504
- b. Draft Rulemaking Charge

83rd OREGON LEGISLATIVE ASSEMBLY--2025 Regular Session

Enrolled
Senate Bill 504

Sponsored by Senator SMITH DB (Presession filed.)

CHAPTER

AN ACT

Relating to bioengineering for the protection of coastal resources.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) On or before January 1, 2028, the Land Conservation and Development Commission shall adopt rules that incorporate guidance for nonstructural, nature-based solutions for shoreline stabilization in estuaries, coastal shorelands and the ocean shore by, at a minimum:

(a) Adopting a definition of “nonstructural, nature-based solutions.” The definition:

(A) Must include natural materials that are dynamic and absorb wave energy and are meant to mimic natural systems, including but not limited to native organisms, such as shellfish, trees and plants, and locally sourced logs, rocks, sand, clay and woody debris.

(B) May not include structural methods of shoreline stabilization that are static and reflect wave energy.

(C) Must include criteria for habitat for wildlife, improving water quality, cultural and recreational resources and, where appropriate, public access.

(D) Must be separate and distinct from existing rules and definitions for shoreline stabilization in estuaries, coastal shorelands and the ocean shore that include jetties, bulkheads, seawalls, riprap, beachfront protective structures and other similar protective structures.

(b) Providing guidance for the use of nonstructural, nature-based solutions to minimize harmful impacts from flooding, and erosion, including through provisions for monitoring, maintenance and reconstruction.

(c) Requiring that nonstructural, nature-based solutions conform with statewide land use planning goals and that nonstructural, nature-based solutions and ecologically focused land use management practices are prioritized over structural solutions in addressing problems of erosion and flooding.

(2) In adopting rules under this section, the commission:

(a) Shall confer with the Department of State Lands, the Department of Transportation and the State Parks and Recreation Department;

(b) Shall appoint an advisory committee under ORS 183.333 that must include members who are coastal engineering professionals, restoration professionals, representatives of environmental and recreational organizations, tribal representatives, land owners or managers, fish and wildlife professionals and local government officials; and

(c) May not substantively amend any process established by rule that allows the Department of Transportation to perform actions or undertake projects that use shoreline stabilization that includes structural methods, elements or solutions.

SECTION 2. On or before January 1, 2029, the Department of State Lands and the State Parks and Recreation Department may adopt rules conforming or consistent with the rules adopted by the Land Conservation and Development Commission under section 1 of this 2025 Act.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2025, out of the General Fund, the amount of \$268,488, to develop rules related to nature-based shoreline stabilization methods.

Passed by Senate June 23, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 26, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State

Shoreline Stabilization – Rulemaking

Legislative Direction from Senate Bill 504: Nonstructural Nature-Based Shoreline Stabilization

Senate Bill (SB) 504 from the 2025 legislative session directs the Land Conservation and Development Commission (LCDC) to adopt rules by January 1, 2028 that allow, define, and provide guidance on nonstructural, nature-based solutions for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore. This rulemaking applies to Statewide Planning Goals 16 (Estuarine Resources), 17 (Coastal Shorelands), and 18 (Beaches and Dunes).

In addition to the directives from the legislation, DLCD staff are seeking permission from LCDC to include additional shoreline stabilization terms and provisions in the rulemaking effort to address this topic across coastal landscapes. Previous work and agency partners have highlighted the need for defining and addressing additional terms in rulemaking as the department has capacity and opportunity to do so. This legislatively directed rulemaking provides such an opportunity.

Rulemaking Advisory Committee Charge

The Land Conservation and Development Commission (LCDC or commission) charges the Department of Land Conservation and Development (DLCD or department) to appoint a committee and develop rules that will advance the following outcomes as directed by SB 504:

- Define “nonstructural, nature-based solutions”
- Require that nonstructural, nature-based solutions conform with statewide land use planning goals and are prioritized over structural solutions to address erosion and flooding.
- Provide minimum requirements and additional direction for the use of nonstructural, nature-based solutions to minimize harmful impacts from flooding and erosion.
- Not change rules allowing ODOT to use structural shoreline stabilization methods.

In addition, the commission charges the department to integrate related shoreline stabilization topics into the rulemaking to advance these outcomes:

- Define terms used in the coastal goals that are related to shoreline stabilization methods for erosion and flooding, including structural, hybrid, and land use management measures. Definitions may include grain sizes.
- Outline a mitigation hierarchy for all types of shoreline stabilization methods.
- Consider incentivizes within the planning and permitting processes for less impactful shoreline stabilization methods.

- Consider local government and state agency capacity constraints to achieve rule requirements.

The rulemaking effort will not address minor alterations to coastal shorelands and waters that are not shoreline stabilization, such as outfalls. The rulemaking effort also will not address anything that would require an amendment to Goals 16, 17, and 18.