

DLCD Rulemaking Comment Form

Form submitted at 3/31/2026

Name: Michael Rupp

Email Address: mjrupp@outlook.com

Organization or affiliation: citizen of Oregon

Rule: Goal 17: Coastal Public Access

Comment: While focusing on ensuring that the public has access to Oregon's beaches, it is not too early to begin contemplating how to maintain the public's access to our beaches after a Cascadia Subduction Zone earthquake. If portions of our coastline subside, as predicted, certain beaches will be consumed by the ocean. When combined with sea-rise, public access to many of Oregon's most popular beaches could disappear without legislative and LCDC action.

DLCD Rulemaking Comment Form

Form submitted at 5/4/2026

Name: Gale Payne

Email Address: gcpattorney@aol.com

Organization or affiliation: Interested Citizen

Rule: Goal 17: Coastal Public Access

Comment: The hours of public access to Oregon's beaches should be the same throughout the State. The Oregon Supreme Court has mandated that, "Ocean-front lands from the northern to the southern border of the state ought to be treated uniformly." State ex rel. Thornton v Hay, 254 Or 584, 595, 462 P. 2d 671, 676-77 (1969). Traditionally, Public access to Oregon's beaches has operated from one-half hour before sunrise until one-half hour after sunset. In accordance with such uniform hours of operation throughout Oregon, public access to Harris State Beach (in Curry County) is open from one-half hour before sunrise until one-half hour after sunset. Although public access to Mill Beach was traditionally open from one-half hour before sunrise until one-half hour after sunset, the sign currently posted states, "Mill Beach open 1/2 hour before sunrise to midnight," citing a municipal ordinance. The sign at the beach in Harbor (also in Curry County) posts beach access hours until 10:00 P.M. Such access hours run counter to the other Oregon beaches that traditionally and uniformly close at one-half hour after sunset. It is not within the jurisdiction of cities or counties to establish different, non-uniform hours of public access that vary from beach to beach and confuse the public as what access rights they are granted. All of Oregon's beach accesses should have the same, uniform hours of operation so that the public does not have to guess, and is aware of and granted the same beach access throughout Oregon. The state of Oregon, (not its cities and counties), is vested with the exclusive right and duty to impose such beach access hours uniformly along its coast. As such, we request that the proposed rulemaking by the state of Oregon establish uniform hours of public access to all Oregon beaches by setting the same hours of opening and closing for all public access points along Oregon's coastline.

Kimball Wallis
PO Box 404
St. Paul, OR 97137

April 30, 2026

Oregon Land Conservation and Development Dept.
635 Capitol Street NE, Suite 150
Salem, OR 97301

Via E-mail

Re: Comments regarding rulemaking describing
the requirements of Goal 17 regarding public access
to coastal shorelands.
(Rulemaking Notice dated March 23, 2026)

Dear Sir/Madam:

I am the owner of property in Newport, Lincoln County, Oregon that overlooks Starfish Cove north of Yaquina Bay. My property is one of many in that area that will be affected by the public coastal access rules proposed by the Department.

My property, and the majority of privately owned property in that area, would be considered "Coastal Shoreland" under the definition proposed in OAR 660-48-0005(5).

Generally, the proposed rules are helpful in that they do provide a mechanism for a coordinated and orderly strategy to manage public access to the coast. Nonetheless, the proposed rules do not sufficiently address the property rights of private landowners in coastal areas by failing to mandate State and local governments to notify and include private property owners concerning proposed or amended Coastal Access Programs or policies that will or may affect their property.

Further, the proposed rules are one-sided in favor of government (the typical 'we know best' attitude), with no attempt limit or minimize the negative impacts of coastal public access to private landowners.

The Department should address this issue by adding language to proposed rule OAR-048-0025 requiring State agencies and local governments when considering Coastal Access Plans to identify potential encroachment, trespass, and nuisance impacts to private property owners adjoining coastal public access sites, and include policies reasonable designed to prevent or minimize such negative impacts. The Department

should be reminded that State and local governments have a duty under Oregon law to ensure rules and policies they create do not, in fact, create private and public nuisances.

Sincerely,

/s/

Kimball Wallis



April 30th, 2026

To: Meg Reed, Coastal Policy Specialist, Amanda Macnab, Coastal Rules Coordinator, and Oregon Department of Land Conservation and Development

Re: RAC Comments on Draft Coastal Public Access Rule

Dear DLCD Coastal Policy Team,

As members of the Coastal Public Access Rulemaking Advisory Committee, we write on behalf of Oregon Shores and Surfrider Foundation regarding the revised draft Coastal Public Access Rule. We appreciate the opportunity to participate in this process and thank the DLCD staff for their thoughtful work in developing and refining the rule over the past couple of months.

We would like to celebrate DLCD and partners for facilitating this rulemaking process. Your organization and meaningful consideration of our, and other interest-holder, comments has resulted in a more thorough draft rule that reflects perspectives of parties engaged in the rulemaking process.

We appreciate several key improvements in the revised draft that meaningfully strengthen the rule. In particular, we applaud the clear establishment of a statewide “no net loss” policy for coastal public access, which provides an essential foundation for long-term protection. We also commend the inclusion of emotional, cultural, spiritual, and recreational values in the definition of coastal resources, reflecting a more holistic understanding of the coast. The clarification that vacation of rights-of-way constitutes a land use decision with required public notice and opportunity for comment is another important step toward transparency and accountability. Finally, we appreciate the rule’s recognition that access must be not only physically available but also visible and welcoming, addressing barriers that may otherwise discourage public use.

We offer the comments below, in order of sections of the draft rule, with the goal of strengthening the rule to ensure it meaningfully protects and enhances coastal public access. Suggested language changes and additions are shown in **red text**.

Policy (660-048-0001)

We support the inclusion of a clear statewide “no net loss” policy in section (2). To improve clarity and better align with the language and intent of Goal 17, we recommend revising this provision to explicitly reference access *to and along* coastal waters. The term “coastal public



access” alone may be interpreted inconsistently, whereas this phrasing more clearly captures both vertical access (to the water) and lateral access (along the shoreline), each of which is essential to meaningful public use of the coast.

We suggest revising section (2) as follows:

“As a matter of state policy, there is to be no net loss of ~~coastal~~ public access **to or along coastal waters.**”

While we support the inclusion of a clear statewide “no net loss” policy, we are concerned that the rule does not identify a mechanism for tracking or evaluating this standard across jurisdictions. Because coastal public access inventories are maintained at the local level, without a clear framework for coordination or aggregation, it is unclear how the state will assess whether Oregon is achieving or falling short of a “no net loss” outcome over time. To address this, we recommend clarifying that the “no net loss” standard must be applied at the level of each local jurisdiction’s coastal public access inventory. Establishing this requirement would ensure consistent implementation across jurisdictions and provide a more reliable basis for evaluating statewide trends in coastal public access.

We suggesting adding a new subsection under Policy (660-048-0001) that states:

“(4) For purposes of implementing subsection (2), the “no net loss” standard shall be applied at the level of each local government’s coastal public access inventory. Local governments shall ensure that losses of coastal public access sites within their jurisdiction are avoided, minimized, or replaced consistent with this standard.

Reporting (660-048-0015)

To support implementation of the “no net loss” standard established in the Policy section, it is essential that reporting requirements provide a clear mechanism for evaluating changes in coastal public access over time. Because the effectiveness of a jurisdiction-level “no net loss” approach depends on consistent tracking of gains and losses within each local inventory, the reporting framework serves as the primary tool for understanding whether this standard is being met in practice.

Accordingly, we recommend adding a new subsection to OAR 660-048-0015 (Reporting), as follows:

“(5) The department shall use information provided in these reports to evaluate trends in coastal



public access and assess compliance with the statewide “no net loss” policy.”

Coastal Public Access Program Coordination and Implementation (660-048-0035)

We appreciate the requirements outlined in section (4), which establish a strong foundation for local governments to protect and expand coastal public access. These provisions collectively advance a more consistent and equitable approach to access planning and implementation.

Section (5) currently identifies additional policies as optional. However, we recommend that provisions related to addressing coastal hazards and minimizing impacts from surrounding development are essential to long-term access protection and should be required. Accordingly, we suggest moving subsections (5)(a) and (5)(b) into section (4) as new subsections (g) and (h), respectively, to ensure these critical considerations are consistently incorporated into all local Coastal Public Access Programs. Coastal erosion and development pressures are among the most significant and growing threats to public access, and these challenges will intensify as climate change and sea level rise continue to reshape Oregon’s coastline in the coming decades. Incorporating these considerations into comprehensive planning is therefore critical to ensuring the meaningful protection and long-term viability of coastal public access sites.

With this amendment, Section (4) would read:

“(4) The local government must address the following in their comprehensive plan policies, implementing measures, or any combination thereof:

(a) Requirements to prevent coastal public access sites from being physically obstructed or from being designed, maintained, or presented in a manner that would deter, obscure, or discourage public use.

(b) Methods to avoid or minimize impacts from coastal public access to cultural areas or coastal resources.

(c) Criteria for replacing coastal public access sites if existing sites are lost. Criteria for replacing coastal public access must include factors related to location and vicinity, equivalence of access, timeline for replacement, accessibility components, mitigation hierarchy for addressing impacts to coastal resources or cultural areas, coastal hazards and safety, coordination, and equitable access to the coast.



(d) Strategies to increase coastal public access within the city or county over the time horizon identified in the local government's comprehensive plan. The city or county must set a baseline of existing coastal public access, a goal to pursue, and a way to measure increased public access over the time horizon identified in the local government's comprehensive plan.

(e) A plan for maintenance of inventoried primary access sites within the local government's ownership or management. The plan for maintenance must include routine inspections, strategies for repairs or cleaning, coordination with emergency services if applicable, and other needs specific to the management of each site. For primary access sites that have overlapping jurisdictional management, the local government must coordinate with the other entities involved in the management of that site to develop joint maintenance plans.

(f) A process to update the Coastal Public Access Program on a regular basis. At a minimum, the local government must update the Coastal Public Access Program every ten years, in alignment with the ten-year update to the coastwide public access database from the department.

(g) Reduce current and future impacts from coastal hazards and climate change, such as sea level rise, flooding, erosion, on coastal public access sites.

(h) Avoid or minimize impacts of potential development or redevelopment of areas surrounding coastal public access sites on those public access sites.”

In conclusion, we are grateful for the opportunity to participate in this rulemaking process and appreciate DLCDC's commitment to thoughtful, collaborative policymaking. We are encouraged by the evolution of this draft rule and the meaningful improvements that have been made throughout this process. We believe the suggestions outlined in this letter will further strengthen the rule and help ensure its effective and consistent implementation. This effort represents an important step toward securing the long-term protection, resilience, and accessibility of Oregon's coast for current and future generations. We look forward to continued partnership in advancing policies that support thriving coastal communities and meaningful public access.

A handwritten signature in black ink, appearing to be "M. J. ...".



Mandy Watson
Coastal Policy Manager
Oregon Shores

A handwritten signature in cursive script that reads "Charlie Plybon".

Charlie Plybon
Oregon Senior Policy Manager
Surfrider Foundation