

Oregon's Coastal Public Access Guide for Local Government Planners

Version 1 - 2024



OREGON

Department of
Land Conservation
& Development



OCMP

Oregon Coastal
Management Program

COQUILLE POINT TRAIL, CITY OF BANDON BEACH ACCESS.

Oregon's Coastal Public Access Guide

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Commonly Used Acronyms and Agency Names

ADA – Americans with Disabilities Act

DLCD – Oregon Department of Land Conservation and Development

DSL – Department of State Lands

LCDC – Land Conservation and Development Commission

LCIS – Legislative Commission on Indian Services

NOAA – National Oceanic and Atmospheric Administration

OCMP – Oregon Coastal Management Program

OCVA – Oregon Coast Visitors Association

ODFW – Oregon Department of Fish and Wildlife

ODOT – Oregon Department of Transportation

OPRD – Oregon Parks and Recreation Department

OSMB – Oregon State Marine Board

SHPO – State Historic Preservation Office

SLR – Sea level rise

USFWS – U.S. Fish and Wildlife Service



I. Introduction



OCEAN BEACH PICNIC AREA, SIUSLAW NATIONAL FOREST.

I. Introduction

The state of Oregon has 362 miles of coastline and many additional miles of other shorelines (estuary, and coastal lakes) within its coastal zone. These shores support a variety of outdoor recreation opportunities, cultural practices, environmental education, and tourism opportunities along with other community, housing, and industry uses. Oregon communities near and far from the coast benefit in many ways from the availability of public access to nature and waters, including intrinsic benefits, economic benefits, improved health outcomes, and an increased stewardship ethic for the coast. In 2022, the Oregon coast was the second most common region for visitation, second only to the Portland region. Outdoor recreation was the second most common activity for visitors after food and drink (Travel Oregon, Oregon Visitor Profile Statewide Report 2021-2022). Public access to coastal shorelines is an important economic driver for local communities and should be carefully managed to balance recreation and tourism needs with the protection of coastal habitats.

Various governments (federal, state, local and Tribal) contribute to the ownership, management, and planning that is necessary to maintain effective, inclusive, and accessible public access sites. Native

American Tribes have actively been stewarding the coast since time immemorial and maintain important interests in coastal public access as part of their reserved treaty rights associated with collecting, hunting and other cultural practices. The Oregon Coastal Management Program (OCMP), administered by the Oregon Department of Land Conservation

DLCD

The Oregon Department of Land Conservation and Development (DLCD) works in partnership with local governments, state and federal agencies, Tribal governments, community and non-profit organizations, to address the land use needs of the public, communities, regions, Oregon Tribes, and the state. The Land Conservation and Development Commission (LCDC) provides policy direction for the land use planning program and oversees DLCD operations.

DLCD helps carry out the vision and legacy of [Senate Bill 100](#), which for 50 years has contributed to the quality and character of the natural and built environment of the state. The program has been charged by the Legislature with managing urban growth; protecting farm and forest lands, coastal areas, and natural resource lands; and providing for safe, livable communities in concert with the vision of the local communities.

YAQUINA HEAD LIGHTHOUSE, NEWPORT.



and Development (DLCD), supports public access by coordinating planning and decision-making across these entities. Oregon's public access to coastal shorelines faces multiple challenges, including sea level rise impacts, coastal erosion, unbalanced use of sites (some sites experience overuse and others are underutilized), insufficient facilities (bathrooms/parking), lack of accessible infrastructure (for those experiencing a disability), and encroachment by other uses. Additionally, the delicate balance between increased public access and the negative environmental impacts that increased visitation may cause requires careful consideration. Striking this balance is crucial to preserving Oregon's coastal landscapes while protecting and increasing access sites, fostering community connection, and ensuring accessibility. Engaging effectively with Federally Recognized Tribes and acknowledging historical and current land uses by Native Americans is another aspect that should be considered by local governments when planning for public access to coastal shorelines. Navigating these issues requires informed planning, collaboration, and a proactive approach to safeguard Oregon's coastal public access for future generations.

This document is:

- ✓ guidance
- ✓ dynamic
- ✓ a menu of options

This document is NOT:

- ✗ regulatory
- ✗ static
- ✗ meant to be read cover-to-cover
- ✗ a checklist



Guidebook Purpose and Audience

This guide was crafted by OCMP staff with the purpose of providing local coastal governments in Oregon a framework for planning for a community's public access program. This Guide can be used by local coastal city and county jurisdictions and Tribal governments as guidance for maintaining and improving coastal public access programs. Local government and tribal staff, especially land use planners, public works, and parks staff can use this guide as a roadmap to make policy and on-the-ground improvements to a community's public access to coastal shorelines and waters.

This guide includes federal and state policy analysis, survey insights, planning guidance, strategies for meaningful tribal engagement, accessibility considerations, and mapping tools. OCMP's staff goal is to provide suggestions and tools for local leaders to assess and improve a community's coastal access, ensuring that public spaces remain welcoming, inclusive, accessible, and resilient.

OCMP

The Oregon Coastal Management Program (OCMP) was approved by the National Oceanic and Atmospheric Administration (NOAA) in 1977. The OCMP is the state of Oregon's implementation of the national program, which was initiated through the Coastal Zone Management Act of 1972. The program covers the Oregon coastal zone, running from the Columbia River to the Oregon-California border and generally bordered by the Coast Range to the east and the territorial sea to the west. Within this zone, the OCMP applies to both the land and water.

OCMP follows a networked model that consists of 11 state entities, 8 counties and 33 cities with authority in the coastal zone. The Department of Land Conservation and Development serves as the lead administrative agency, and NOAA's Office for Coastal Management provides funding and technical expertise. In addition, several federal agencies contribute to managing Oregon's coastal resources. Five federally recognized coastal tribes steward coastal resource lands and are critical partners in protecting the natural, cultural, and historic heritage of native people on the Oregon coast for all Oregonians.

II. Oregon's Coastal Access Policy Analysis



DEPOE BAY HARBOR, CITY OF DEPOE BAY BOAT ACCESS. PHOTO CREDIT: OREGON SHOREZONE

II. Oregon's Coastal Access Policy Analysis

Oregon's coast has been shaped during the state's history by a suite of federal and state laws, rules and plans that regulate how the coast is developed. Understanding federal and state policy frameworks that regulate and impact public access to Oregon's coastal beaches and waters, as well as understanding Tribal treaty rights and sovereignty, helps avoid conflicts, ensures compliance, and supports coordinated efforts in preserving coastal public access and ecosystems while meeting community needs.

DLCD recognizes that policies discussed in this handbook have contributed to the displacement of Native peoples, the disruption of traditional practices, the limitation of access to culturally significant areas, and the undermining of the well-being of tribes with longstanding connections to the Oregon coast since time immemorial. Acknowledging historical injustices, fostering collaboration with tribes, and creating policies that respect tribal rights and cultural heritage are critical steps towards addressing these injustices.

Federal Policy Framework

There is a suite of federal policies which collectively aim to ensure sustainable use, conservation, and public access to coastal waters and beaches, reflecting a commitment to the public trust doctrine and environmental stewardship. State and local regulations complement these federal efforts.

At the federal level, various laws and agencies regulate coastal areas and public access. Some of those include:

▶ **Coastal Zone Management Act (CZMA)**: CZMA provides a framework for coastal states to develop and implement plans for the sustainable use and protection of coastal resources. It encourages public participation and access considerations in coastal planning. The National Oceanic and Atmospheric Administration (NOAA) administers the National Coastal Zone Management Program (CZMP) which supports state coastal management efforts. It encourages states to balance economic development with conservation, including provisions for public access to coastal waters.

▶ **Public Trust Doctrine**: Rooted in common law, the Public Trust Doctrine asserts that certain resources, including navigable waters and shorelines, are held in trust by the government for public use. This doctrine influences federal policy decisions regarding coastal access.

▶ **National Environmental Policy Act (NEPA)**: NEPA

requires federal agencies to assess the environmental impact of proposed actions, including those affecting coastal areas. Public input is integral during the NEPA review process, ensuring consideration of public access concerns.

▶ **Clean Water Act (CWA)**: CWA regulates discharges into navigable waters, aiming to protect water quality. Its provisions contribute to the overall health and accessibility of coastal areas for public use.

▶ **Marine Protected Areas (MPAs)**: Federal initiatives established MPAs to conserve marine ecosystems. While not exclusive to coastal access, these areas often consider public enjoyment while emphasizing conservation goals. There are currently no federal MPAs in Oregon.



▶ **Endangered Species Act (ESA)**: The ESA provides a framework to conserve and protect endangered and threatened species and their habitats. ESA protections may limit certain aspects of coastal shoreline access such as timing, method, or location.

▶ **Marine Mammal Protection Act (MMPA)**: The MMPA is established national policy to prevent marine mammals from declining that has shared responsibility for implementation between NOAA Fisheries, U.S. Fish and Wildlife Service and the Marine Mammal Commission. MMPA protections may limit certain aspects of coastal shoreline access such as timing, method, or location.

► **Magnuson-Stevens Fishery and Conservation Act:** This legislation provides for the management of marine fisheries in U.S. waters.

► **Management of Federal Lands along Oregon's Coast:** Federal lands along the coast, managed by agencies like the U.S. Forest Service, Bureau of Land Management, and the U.S. Fish and Wildlife Service, provide recreational opportunities while preserving natural habitats and working landscapes.

► **Army Corps of Engineers (Corps):** This agency regulates activities affecting navigable waters and wetlands, considering public interests and environmental impacts. The Corps also implements civil works projects including those that improve navigable channels, reduce flood and storm damage, and restore aquatic ecosystems. These projects may impact public access.

► **Architectural Barriers Act (ABA):** Federal law that promotes accessibility for individuals with disabilities in facilities that are designed, constructed, altered, or funded by federal agencies. The ABA aims to eliminate architectural barriers and ensure that federally funded buildings and facilities are accessible to everyone, including those with disabilities.

► **Americans With Disabilities Act (ADA):** The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

State Policy Framework

Oregonians have a tradition of providing public access to the shore and have provided the legal means and improvements necessary for the public to enjoy beaches and coastal waters. This is not always the case elsewhere along our nation's coastlines. In many states, physical access to coastal waters is limited by private property rights laws, with little regard for the public interest. In Oregon, our laws require that access to beaches and coastal waters remain open to the public and to individuals that depend upon access to the water for their livelihood.

Oregonians have always enjoyed visiting the coast; a tradition that was officially protected in 1913 when Governor Oswald West and the Oregon legislature established the state's 362 miles of shoreline as a public highway. This designation only applied to the wet-sand portions of the beaches (Oregon Revised Statutes [390.605-770](#)).

Then, in the summer of 1966, the owner of a Cannon Beach hotel put down large driftwood logs to block off a section of the dry-sand beach to all but the hotel guests. In response, the State Highway Commission, with Governor Tom McCall's support, introduced two bills in the legislature. The bills recognized the public's continued use of private beach land as a permanent right. These bills came to be known as the Beach Bill, passed by Oregon's legislature in 1967, which declares that all "wet sand" belongs to the state of Oregon. It also established a permanent public easement for access and recreation along the ocean shore, including the dry sands up to the statutory vegetation line or to the line of established upland shore vegetation, whichever is further inland, regardless of ownership. The public has "free and uninterrupted use of the beaches," and property owners are required to seek state permits to construct any alteration of the ocean shore and for uses of the beach other than recreation, including alterations needed for the development and improvement of access. The public rights under the beach bill are protected by State laws, administered by the Oregon Parks and Recreation Department (OPRD).

Oregon's Statewide Land Use Planning Program is the second instrumental policy framework that protects coastal public access to beaches and coastal waters.

Oregon Beach Bill Resources

[Oregon Encyclopedia's digital history site about the Oregon Beach Bill](#) including narrative, oral history interviews, links to historical photos, and documents.

[Oregon Secretary of State's documentation of legislative history](#) and links to the Beach Bill legislation.

[Oregon Blue Book, Almanac and Fact Book web exhibit on Protecting Oregon Beaches Web Exhibit.](#)

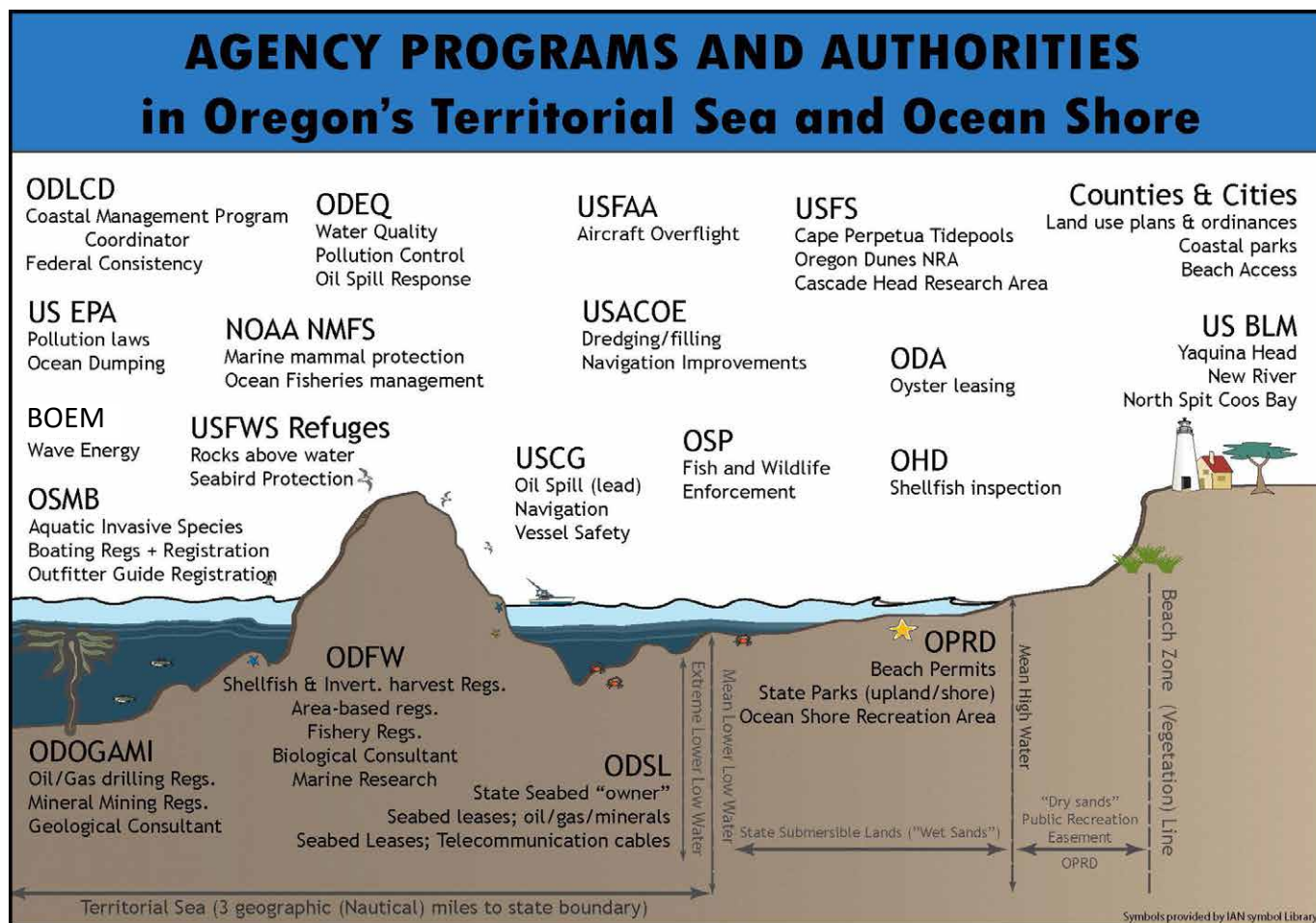
[Politics of Sand](#) – a two-hour documentary history video about Oregon's beaches focused on efforts to keep the Oregon coast accessible to the public. Directed by Tom Olsen and produced by the Cannon Beach History Center and Museum and Anchor Pictures, the video features archival footage and interviews with many of the history makers.

Coastal public access themes are addressed in several of Oregon's Statewide Land Use Planning Goals including Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 8 (Recreational Needs), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), and Goal 18 (Beaches and Dunes). However, key policies addressing protection of coastal public access are embedded primarily in Goal 17.

Oregon Statewide Land Use Planning Goal 17 covers Coastal Shorelands, and among other things, requires that cities and counties, in coordination with OPRD, develop a public access program and have plans to provide public access to the beach, estuaries and coastal lakes. The goal also requires local governments to protect those access sites and replace them if they are lost for any reason. Existing public ownerships, rights-of-way, and similar public easements in coastal shorelands that provide access to or along coastal waters (includes ocean, estuary, and coastal lakes) must be retained or replaced if sold, exchanged, or transferred. Rights-of-way may be removed to allow construction in shoreland areas, as long as public access across the site is maintained. See the Planning Guidance Chapter of this Guide for specific information

regarding guidance for local jurisdiction public access policy development and improvement.

The public's right to access shorelines within tidally influenced bays and estuaries, rivers and coastal lakes may be limited and are not protected under the beach bill but do have protections for those sites that occur within local jurisdictions under Oregon's Statewide Land Use Planning Goal 17. The Department of State Lands (DSL) oversees the public use of Oregon-owned tidally influenced bays and estuaries (Oregon-owned) tidally influenced waterways, subject to the ebb and flow of tides, typically are from the mouth (river mile 0) to the head of tide, lakes, and the territorial sea. The public has the right to use the beds and banks of Oregon-owned waterways for legal activities, including boating, swimming, sightseeing, and walking. Public users do not have the right to go on land above the banks (ordinary high-water line), except in emergency situations, unless they have permission from the property owner. The Oregon State Marine Board regulates recreational boating, including use of motorized boats and watercraft. Coastal shorelines not within the jurisdiction of OPRD or DSL may fall under other jurisdictions such as federal, Tribal, local



governments, or private ownership.

Overall, Oregon's policies addressing public access to coastal beaches and water (including estuaries and coastal lakes) reflect a commitment to preserving natural resources and sustainable development while recognizing the importance of public enjoyment of



the coastline. These legal frameworks, planning goals, and collaborative efforts have been instrumental in shaping the state's approach to managing its scenic and ecologically valuable coastline. Key aspects of state policies and programs that have helped shape coastal public access, in addition to the Beach Bill and Oregon's Statewide Land Use Planning Goals, include:

▶ **Oregon Coastal Management Program**

(OCMP): Administered by the Department of Land Conservation and Development (DLCD), OCMP is Oregon's implementation of the federal Coastal Zone Management Act. It supports coordinated planning efforts among state agencies, local governments, and the public, focusing on sustainable development, conservation, resilience, and public access.

▶ **Ocean Shore State Recreation Area:** The Ocean Shore State Recreation Area is the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line or the line of established vegetation, whichever is farther landward. The Oregon Parks and Recreation Department has the responsibility to protect and preserve the ocean shore's recreation, scenic, and natural resources. OPRD provides public access points and facilities. See OPRD information on the next page and references to Oregon Revised Statutes Chapter 390 and Oregon Administrative Rules Chapter 736.

▶ **Territorial Sea Plan (TSP):** Oregon implements Statewide Planning Goal 19: Ocean Resources through the Territorial Sea Plan, which provides detailed guidance to state and federal agencies to manage uses within the state's territorial sea, from shore to three nautical miles offshore. State ocean and shoreline resources are governed by a tapestry of authorities at multiple government scales, and the TSP acts as a coordinating framework from which individual agencies institute regulations and manage activities within the ocean. This ever-evolving plan documents the decision-making framework established by DLCD for ocean resource planning, protection, and development including specific chapters that address Oregon's rocky shore habitat management.

Within the TSP, the Rocky Habitat Management Strategy and Management Designations (Marine Research Area, Marine Garden, Marine Conservation Area) aims to be a coordination and adaptive planning framework focused on the long-term protection of ecological resources and coastal biodiversity within and among Oregon's marine rocky habitats, while allowing appropriate use. The Strategy provides for establishment of specific management designations (Marine Research Areas, Marine Gardens and Marine Conservation Areas) to protect marine ecosystems and enhance scientific

understanding. These areas often have specific regulations to balance conservation goals with public access for non-extractive recreational activities.

► **Marine Reserves:** There are five Marine Reserves along Oregon’s coast established by a collaborative effort between local communities and state officials. These reserves, with specific regulations to protect marine ecosystems, also consider non-extractive recreational activities, ensuring a balance between conservation and public enjoyment of ocean waters.

► **Public Trust Doctrine Influence:** Oregon’s commitment to the Public Trust Doctrine, which considers certain natural resources as held in trust for public use, has been a guiding principle. This doctrine has influenced court decisions and policies, reinforcing the public’s right to access coastal areas.

► **Oregon’s Statewide Comprehensive Outdoor Recreation Plan (SCORP):** OPRD prepares a SCORP every five years to remain qualified for the Land and Water Conservation Fund (LWCF) and for guidance for other OPRD-administered grant programs including the Local Grant, County Opportunity Grant, Recreational Trails, and All-Terrain Vehicle Programs (See Appendix A-Funding Resources). Coastal public access policies, aligned with SCORP, work to provide diverse and sustainable recreational options, ensuring that the public can enjoy the coastal environment. Both SCORP and coastal access policies emphasize conservation and stewardship of natural resources. They seek to balance recreational use with the protection of coastal ecosystems, contributing to the overall health and sustainability of Oregon’s outdoor spaces. Like coastal public access policies, SCORP encourages public input in shaping outdoor recreation priorities to address the needs and preferences of communities, ensuring that coastal areas remain accessible and enjoyable for all. Both SCORP and coastal access policies strive for inclusivity, aiming to provide recreational opportunities for diverse communities and ensuring that coastal areas are accessible to people of all backgrounds and abilities.

How Can We Help To Ensure Federal Decisions Comply With State Law?

Federal Consistency in the Coastal Zone

The CZMA requires that federal agency activities and federal permits affecting any use or resource of a state’s coastal zone must be consistent with the enforceable policies of the State’s federally approved coastal management program before they can move forward.

Oregon Parks & Recreation

The Oregon Parks and Recreation Department (OPRD), among multiple roles, is the steward of the public beach and the ocean shore. OPRD has the responsibility to protect and preserve the ocean shore’s recreation, scenic and natural resources and regulates ocean shore activities as outlined in [Oregon Administrative Rules Chapter 736](#).

OPRD regulates activities through a permitting program for ocean shore alterations, including reviews of applications for special events, such as large group gatherings, commercial filming and scientific research. Ocean shore alterations include a range of activities including the construction of shoreline protective structures, beach access ways, dune grading and sand alterations, repair, and replacement or restoration of previous improvements.

Local jurisdictions working on coastal public access development, management, or improvements should contact OPRD ocean shore permit staff early and regularly during project development. Applications for ocean shore permits should be submitted at least 6 months in advance to allow for permit review, processing and a public comment period. For more information and a list of OPRD ocean shore staff please visit [OPRD’s Ocean Shores Permits webpage](#).

OPRD developed an [Ocean Shore Management Plan](#) as a comprehensive review of their responsibilities and the effects of management decisions past, present and future. The purpose of the plan is to guide future decision-making by the department and their Parks and Recreation Commission. Ocean Shore Management Goals include (1) to strike a balance between recreation and protecting resources, (2) provide for the public’s enjoyment and understanding of the beaches, and (3) to collaborate with both local communities and beachgoers at large.

OPRD also has standards for ocean shore signage that local jurisdictions could use as a standard approach to signage across the coastal landscape. In addition, in 2023 OPRD produced an [Accessibility Design Standards for All Future Projects](#) document that could be a resource for local governments (see Disability Accessibility Guidance Chapter).

Oregon's federally approved program, the OCMP, is a "networked" program that integrates authorities of local governments and other state agencies. To be consistent with the OCMP, a proposed federal project or permit must be consistent with policies contained in three program components:

- The local government comprehensive plan and land use regulations
- The Statewide Planning Goals
- Specific state agency authorities, such as fill and removal, water quality and fish and wildlife protection

Federal consistency with local government comprehensive plans and land use regulations could aid in protection of public access to coastal shorelands when the state is evaluating federal agency activities and permits.

Oregon's Recreational Immunity Law

Oregon's Recreational Immunity Law ([ORS 105.668-105.700](#)) provides that a public or private landowner (includes lands and access provided by local jurisdictions) is not liable for injury, death, or property damage when their land is used for recreational purposes when there is no/nominal fee to enter.

Government-to-Government Tribal Engagement Policy

Understanding the history and policies surrounding tribal coastal access in Oregon requires recognizing the importance of tribal sovereignty, historical treaties, modern day government-to-government agreements and ongoing efforts to foster collaboration between tribes, state agencies, and other entities. Tribal access to coastal areas has been impacted by broader public policies, including those related to land ownership and resource management. These policies have led to the restriction of tribal access to traditional territories and the ability to hunt, fish and gather plant materials.

Oregon was the first state to pass a state-tribal government-to-government relations law. In 2001, Senate Bill 770 established a framework for communication between state agencies and tribes. Effective government-to-government communication increases our understanding of tribal and agency structures, policies, programs, and history. These state and tribe relations inform decision-makers in both governments and provide an opportunity to work together on shared interests.

Even though this government-to-government law only applies to the state, local governments are encouraged to engage with tribes regarding development and implementation of coastal public access policy. See Planning Guidance and Tribal Engagement Chapters for additional recommendations.

SEAL ROCK, CENTRAL COAST.



Summary of Statewide Planning Goals Related to Coastal Public Access

The list provides a high-level summary of the relevant statewide planning goals that touch on public access. See Public Access Planning Guidance Chapter for additional information.

Goal 5 (Natural Resources, Scenic & Historic Areas, & Open Spaces)

Goal 5 is a broad statewide planning goal that covers more than a dozen natural, cultural, and scenic resources, ranging from wildlife habitat to historic places, and State Scenic Waterways. Some Goal 5 resource sites are integral to places reached through protected coastal public access. Local governments create or reference state inventories of resource categories and place limits on development that conflict with the objective of preserving the functions and values of significant sites. Implementation of Goal 5 and related administrative rules may impact how areas that include public access are managed, however, administrative rules give precedence to local protections for natural resources adopted under the coastal goals. This allows local jurisdictions to manage estuaries and coastal shorelands with consideration of all the policy objectives for these areas.

Goal 8 (Recreational Needs)

Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.

Goal 16 (Estuarine Resources)

Goal 16 provides the principal guidance for the planning and management of Oregon's estuaries. The overall objective is to recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands. The goal also seeks to protect, maintain, where appropriate develop, and where appropriate restore the long term environmental, economic and social values, diversity and benefits of Oregon's estuaries. To accomplish this, the goal establishes detailed requirements for the preparation of plans and for the review of individual development projects and calls for coordinated management by local, state, and federal agencies that regulate or have an interest in activities in Oregon's estuaries. Most Goal 16 requirements are implemented through locally adopted and state

acknowledged estuary management plans, but some are applied by state agencies through their review of various permit applications. Local jurisdictions should consider and understand estuarine features included in the inventory guidelines in this goal, including social and economic characteristics, location, description, impacts from sea level rise, natural hazards, and climate change, and extent of public access. Themes and policies addressing public access embedded in this goal can also benefit coastal public access to other shorelines and waterbodies.

Goal 17 (Coastal Shorelands)

See description of Goal 17 in the Planning Guidance Chapter of this document.

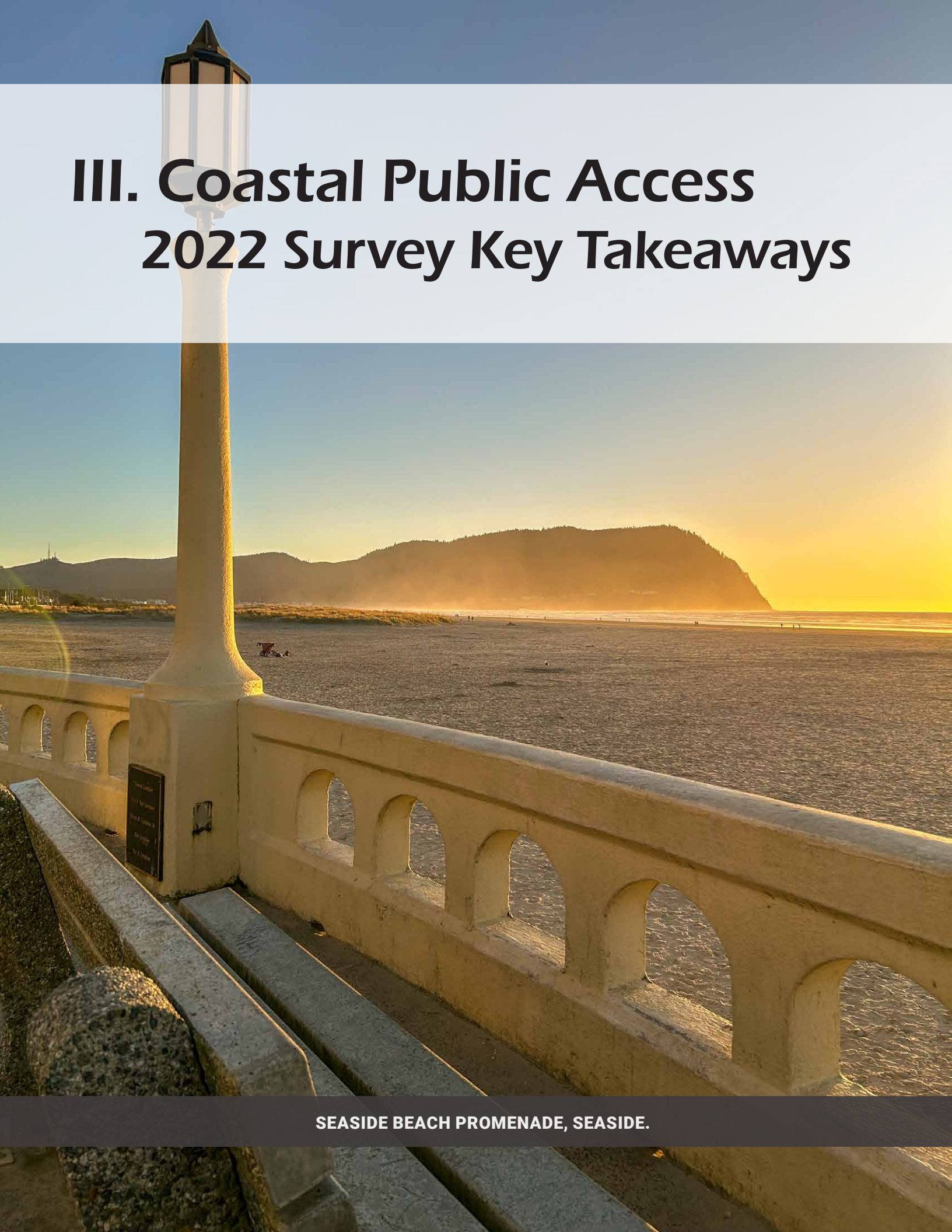
Goal 18 (Beaches and Dunes)

Goal 18 focuses on conserving and protecting Oregon's beach and dune resources, and on recognizing and reducing exposure to hazards in this dynamic environment. Local governments are required to inventory beaches and dunes and describe the stability, movement, groundwater resources, hazards and values of the beach, dune, and interdune areas. Local governments must then apply appropriate beach and dune policies for use in these areas. This Goal also requires local governments to prohibit development on the most sensitive and hazardous landforms, limits the placement of beachfront protective structures (i.e. shoreline armoring such as riprap and seawalls), and dictates requirements for foredune grading (lowering of the dunes for views).

Addressing intersections of policies in Goal 18 and coastal public access is included in the inventory requirements for Goal 17, along with the implementation requirement in Goal 18 to include in the criteria for review of beachfront protective structures that necessary access to the beach is maintained. The guidelines for Goal 18 also include:

Public Access: Where appropriate, local government should require new developments to dedicate easements for public access to public beaches, dunes and associated waters. Access into or through dune areas, particularly conditionally stable dunes and dune complexes, should be controlled or designed to maintain the stability of the area, protect scenic values and avoid fire hazards.

Foredune Grading Plans: Plans should address in detail, the findings specified in the Implementation Requirement of this Goal with special emphasis placed on identifying appropriate sites for public and emergency access to the beach.



III. Coastal Public Access 2022 Survey Key Takeaways

SEASIDE BEACH PROMENADE, SEASIDE.

III. Coastal Access 2022 Public Survey Key Themes

In 2022, DLCD conducted a public survey with over 400 responses and held three community listening sessions. DLCD wanted to hear from and engage a diverse segment of both coastal communities and visitors to the Oregon coast to investigate views on public access to coastal shorelines. Key themes from the survey and listening sessions provided community-centered priorities for development of this handbook and the model comprehensive plan language guidance (see Planning Guidance Chapter).

These themes are echoed throughout communications from organizations such as the [Oregon Coast Visitors Association](#) (OCVA) and through accessibility improvements coastal communities are working towards (see Accessibility Chapter). Listening to and responding to community and visitor input in policy development helps shape an inclusive and community-centered approach.

Survey Key Themes

Oregonians highly value access to the coast for its intrinsic connection to nature, recreational opportunities, and cultural significance. The coastal environment offers stunning landscapes, diverse ecosystems, and outdoor activities like hiking, fishing, and beachcombing. Additionally, the coast holds historical and cultural importance, contributing to a sense of identity for communities. The value placed on coastal access reflects a deep appreciation for the state's natural beauty and the role it plays in enhancing the quality of life for Oregonians.

Key themes for what people value most about Oregon's coast include:

- Beauty of the natural environment
- Ruggedness and undeveloped scenery
- Access to public beaches

“There is something medicinal about the beach...the waves, the seabirds, the sea life, the air...just makes me calm and brings me joy.”

OCMP's 2022 Public Access Survey response.

Key Theme: Protect Oregon's Public Access to Coastal Shorelines and Waters

Oregonians are resoundingly concerned about the future of coastal public access. Survey respondents overwhelmingly voiced concern that development pressures are the biggest threat to the future of Oregon's coastal public access. Respondents expressed the desire for continued protection of existing access sites, and an increase of access site locations, especially in stretches of private development areas, but not at the expense of protecting the environment.

Places Participants Would Like to See More Access to:

- Where there are gaps in current/existing access sites
- Specific sites of personal interest (ex: specific beaches, hiking trails)
- Where development and/or privatization has occurred with no public access options

Places Participants Would Like to See Less Access to:

- Ecologically sensitive areas
- Unsanctioned access to Indigenous/Tribal cultural sites
- Access to shorelines by motorized vehicles
- Sites with seasonal overcrowding

“The fact that [the Oregon coast] isn't over developed and commercialized and is publicly accessible as all ocean shorelines should be, allows for the preservation and conservation of the natural environment.”

OCMP's 2022 Public Access Survey response.

Key Theme: Balance Increased Public Access and Environmental Protections

The survey results emphasized the sense that too little is being done to protect the unique environments along the coast. The key theme of balancing increasing public access with environmental protections for sensitive habitats and species was evident in survey responses. 64% of respondents concluded that it is more important to protect the natural environment than increase access sites to the public.

Overwhelmingly responses highlighted concerns for Oregon's coast which include:

- Climate change
- Impacts from coastal hazards
- Increased impacts from development
- Degradation of the natural environment and undeveloped nature of the coast
- Loss and degradation of public access

Key Theme: Create A Welcoming and Accessible Coast

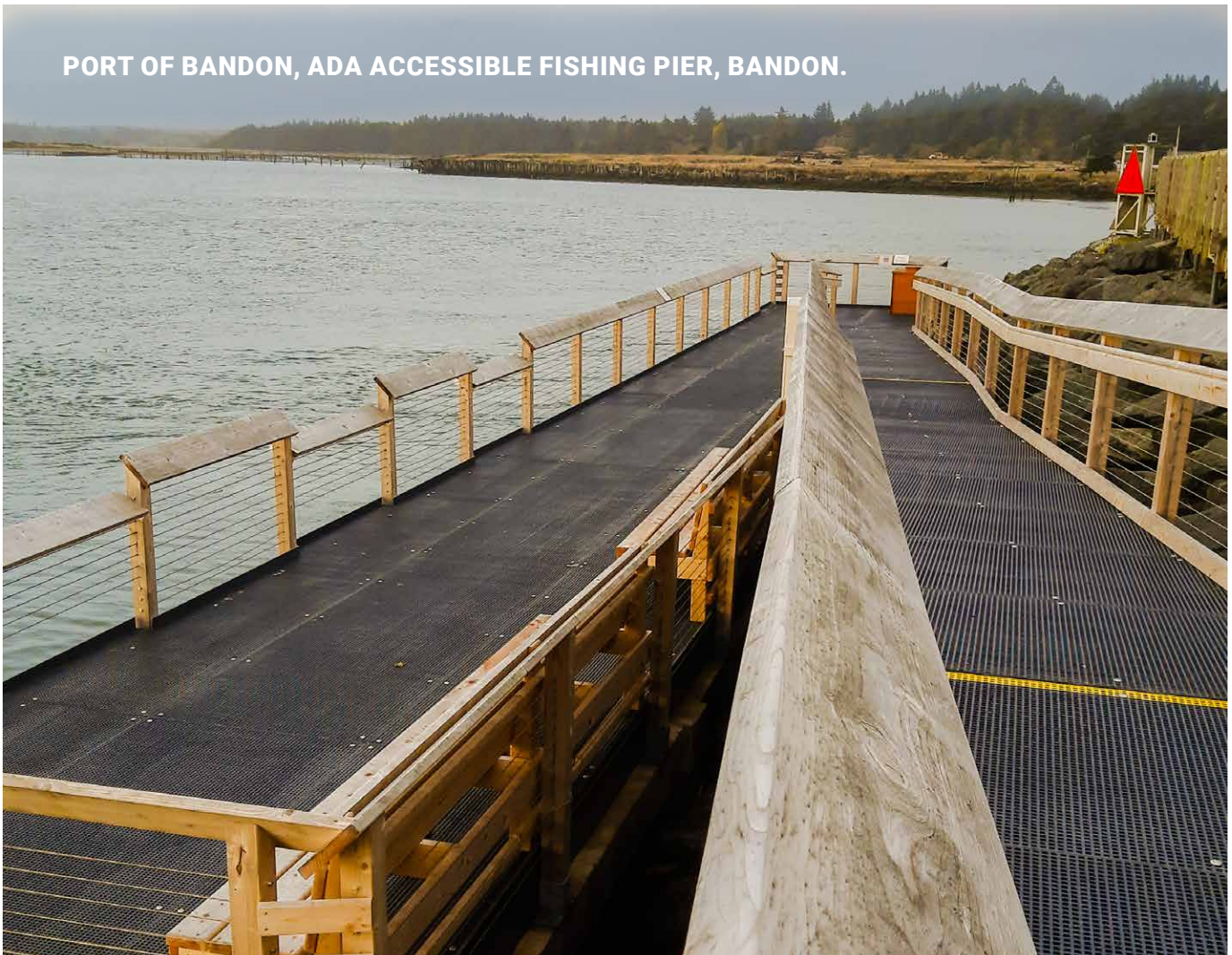
Survey respondents expressed barriers they experience while accessing the coast and ideas to consider when creating coastal access that is welcoming to all residents and visitors. Those ideas include:

- Increase accessibility features and infrastructure for those with varying abilities
- Improve signage to include more information

about accessibility and provide signage in multiple languages

- Increase communications and general information in different modalities
- Build connection to the significance of tribal connections to the land through story telling/signage/education opportunities at coastal access locations
- Provide enhanced facilities like ADA parking and ADA bathrooms
- Add horse trailer accommodations/access points for equestrians
- Foster improved interactions with residents and other visitors and their pets
- Work with diverse community members to build an increased sense of personal safety
- Increase public transportation to coastal access sites both regionally and within communities
- Mandate stricter regulations for driving on beaches/ and allow vehicles on beaches for accessibility.

PORT OF BANDON, ADA ACCESSIBLE FISHING PIER, BANDON.



Improving accessibility to coastal beaches and waters was an overarching theme of the survey with general support to ensure the benefits of visiting the coast are inclusive of all visitors and coastal communities. Participants identified priorities to increase accessibility features/infrastructure such as:

- Resting places/benches
- ADA bathrooms
- Accessible routes to the sand
- Information accessibility
- ADA parking

Key Theme: Connection to Community and Improved Communications

Survey respondents shared that they felt they did not have much influence or knowledge about public access policy decision making for Oregon coast shorelines. Survey respondents shared feelings of:

- Disfranchisement with government and public process
- That their individual voice is not heard
- Lack of knowledge on how to get engaged

Survey respondents shared in the desire for more information and signage about Oregon's coastal shoreline environment, protected species, and cultural resources. Suggestions for ways to improve information and access to information so all visitors and local communities can be invested as caretakers of Oregon's coast included:

- Use messaging to make an impact- don't just message about prohibitions.
- Develop a range of interpretive materials in multiple mediums to reach the most people and have the biggest impact.
- Create accessible signage and share accessibility features of access sites online for successful trip planning for those experiencing disabilities – accurate information is key to being able to access sites.
- Create messaging on how to be caretakers of the coast and why the 'rules' are needed to protect nature.
- Engage with a range of community organizations to share and enhance communication efforts (friends' groups, schools, ambassador programs, visitor centers, visitor associations, etc.)

Oregon Coast Visitors Association

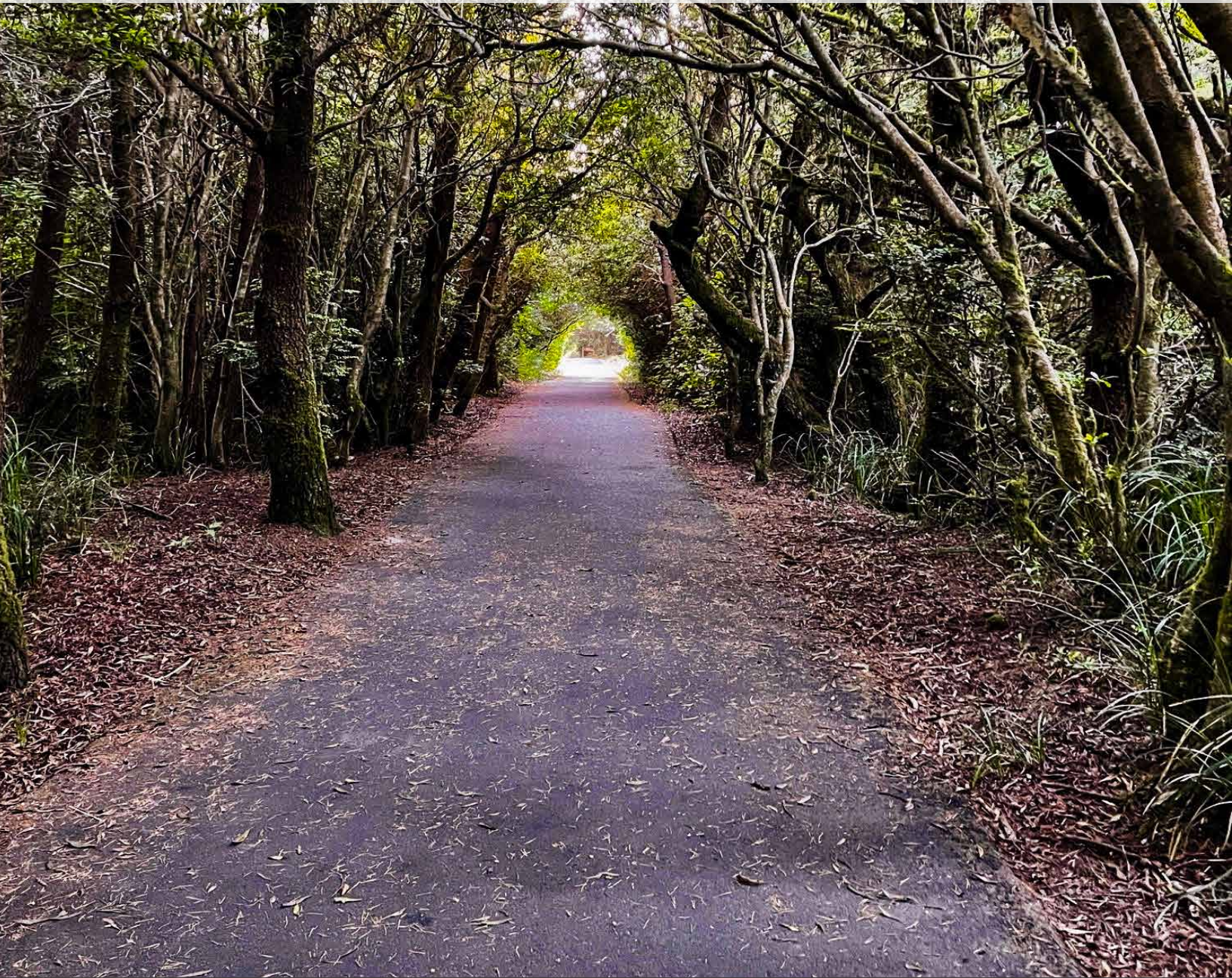
Oregon Coast Visitors Association: [The Oregon Code of the Coast](#)

The Oregon Coast Visitors Association (OCVA), in partnership with state and federal land management agencies, has identified the top 15 impacts that the Oregon Coast experiences year after year. This work led to a public campaign called "Code of the Coast" that promotes the top 15 things to keep in mind when the public visits the coast – 'wherever you're coming from, we're glad to welcome you, but to make sure your visit is safe and fun for everyone (including the plants and animals), it really helps to be familiar with these issues.' The 15 things to keep in mind include the following (fast facts and how visitors can help information is also include on OCVA's website):

1. Baby Seals
2. Snowy Plover Nesting
3. Driving and Biking Safety
4. Congestion and Parking
5. Tide Pool Etiquette
6. Islands and Sea Stacks
7. Garbage and Food Waste Removal
8. Protecting the Oregon Silver Spot Butterfly
9. Hunting
10. Removal of Natural Minerals, Plants and Beach Debris
11. Fishing, Clamming, and Crabbing
12. The Cost of Left Behind Garbage and Debris
13. Beach Safety
14. Drone Use
15. Dogs on the Coast



IV. Public Access Planning Guidance



SOUTH BEACH STATE PARK, NEWPORT.

IV. Public Access Planning Guidance

In the pursuit of fostering enhanced and inclusive public access policy, DLCD is providing local governments with guidance on policies your community could build into updates of your city or county's comprehensive plans addressing Goal 17. This chapter outlines:

- Components of Goal 17 (Coastal Shorelands) that intersect and define coastal access policy requirements for local jurisdictions
- Key recommendations for policy development through model comprehensive plan policy language
- Additional resources for local governments when developing and enhancing a public access program

By crafting this model comprehensive plan policy language, DLCD anticipates local government planners will be able to establish a framework of equitable, resilient, and community-centric coastal access policies and strategies that also balances the need for conservation of important and sensitive habitats.

Coordination with key state agencies and Tribes is critical when local governments are working to develop and enhance their programs for public access to coastal shorelands and waters. Those primary agencies include OPRD and DSL but may include others depending on the issue or location of sites. For public access sites to and near ocean beaches, local governments should closely partner with staff from OPRD, as OPRD has direct

management and regulatory authority for Oregon's ocean shore resources (ORS 390 and OAR 736). See Policy Analysis Chapter for contact information for OPRD staff, and reference the Tribal Engagement Chapter of this document for recommendations on coordinating with Tribes.

Coastal Shorelands Goal 17:

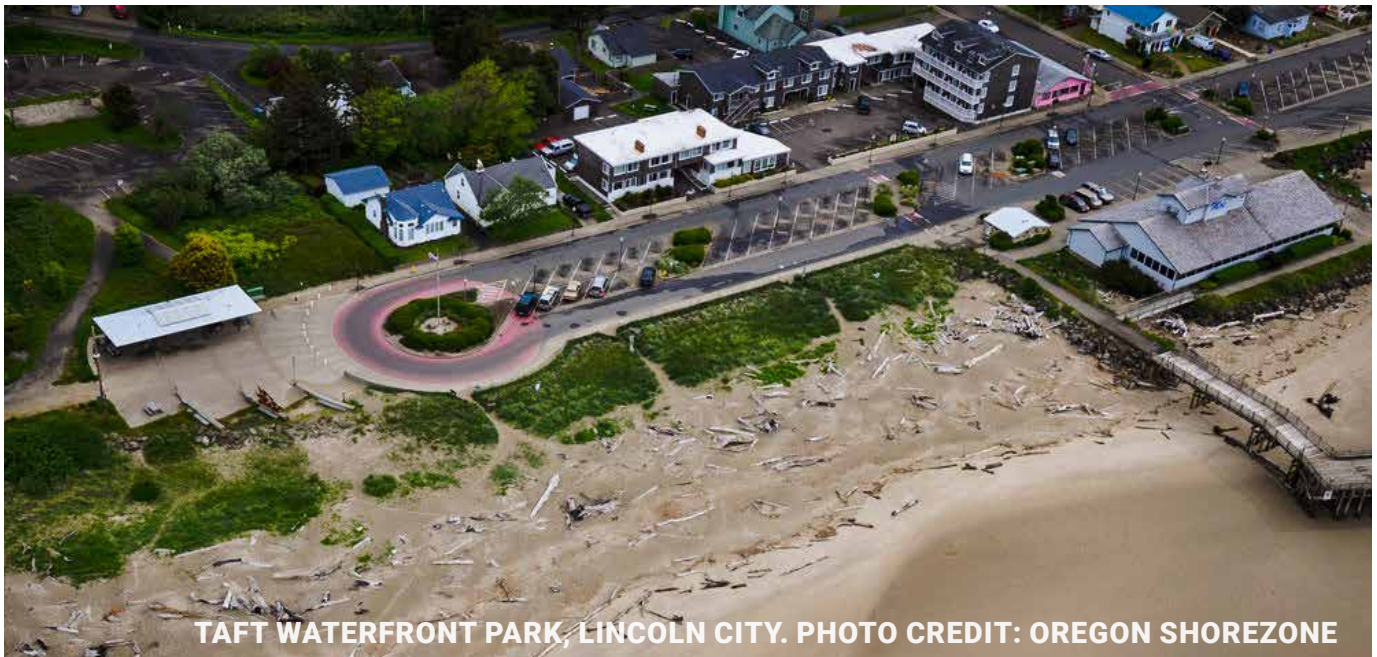
Summary:

Statewide Planning Goal 17 outlines planning and management requirements for the lands bordering estuaries, as well as lands bordering the ocean shore and coastal lakes. In general, the requirements of Goal 17 apply in combination with other planning goals to direct the appropriate use of shoreland areas. Provisions in Goal 17 specifically focus on the protection and management of resources unique to shoreland areas. Examples of such resources include areas of significant shoreland habitat, lands especially suited for water dependent uses, lands providing public access to coastal waters, and potential restoration or mitigation sites.

The Goal focuses on the management of shoreland areas and resources in a manner that is compatible with the characteristics of the adjacent coastal waters. Goal 17 requirements are implemented primarily through local comprehensive plans and zoning.

All inventories, policies, and planning efforts for coastal public access outlined below should be coordinated with the city's or county's policies for:

- Natural Resources, Scenic and Historic Areas,



TAFT WATERFRONT PARK, LINCOLN CITY. PHOTO CREDIT: OREGON SHOREZONE

- and Open Spaces (Goal 5)
- Air, Water and Land Resources Quality (Goal 6)
- Areas Subject to Natural Hazards (Goal 7)
- Recreational Needs (Goal 8)
- Economic Development (Goal 9)
- Estuarine Resources (Goal 16)
- Beaches and Dunes (Goal 18)

Implementation Requirements:

The specific requirement of Goal 17 related to public access is as follows: Local government in coordination with the Oregon Parks and Recreation Department (OPRD) shall develop and implement a program to provide increased public access. Existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to, or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

Most goals are accompanied by guidelines, which are suggestions about how a goal may be applied. Guidelines are not mandatory. Guidelines associated with Goal 17 related to public access include:

- ▶ In coastal shoreland areas the following inventory needs should be reviewed. The level of detail of information needed will differ depending on the needs.

- » Areas of aesthetic and scenic importance
- » Areas of recreational importance
- » Areas of present public access and recreational use

▶ Coastal Shorelands provide many areas of unique or exceptional value and benefit for open space, natural areas, and aesthetic and recreational use. The requirements of the Goals for Open Spaces, Scenic and Historic Areas, and Natural Resources (Goal 5) and Recreational Needs (Goal 8) should be carefully coordinated with the coastal shoreland planning effort. The plan should provide for appropriate public access to and recreational use of coastal waters. Public access through and the use of private property shall require the consent of the owner and is a trespass unless appropriate easements and access have been acquired in accordance with law.

▶ The requirements of the Transportation Goal (Goal 12) should be closely coordinated with the Coastal Shorelands Goal. Coastal transportation systems frequently utilize shoreland areas and may significantly affect the resources and values of coastal shorelands and adjacent waters; they should allow appropriate access to coastal shorelands and adjacent waters; and be planned in full recognition of the protection needs for the special resources and benefits which shorelands provide.



SOUTH JETTY PARK, CITY OF BANDON. PHOTO CREDIT: OREGON SHOREZONE

Inventoried Public Access Sites

DLCD/OCMP conducts a decadal inventory of access sites within the [OCMP coastal zone](#). These data and resources are regularly shared with local jurisdictions as a resource to use to update the inventory components of Goal 17 within Comprehensive plan documents. See Public Access Planning Mapping Tool chapter for additional information.

This data can be used to incorporate into a table to include as the required inventory, as well as in a map format to document individual locations of access sites. See Appendix C for an example of a Public Access Inventory Map and Appendix B for an example of an Inventoried Public Access Table to incorporate into a Comprehensive Plan update for Goal 17.

Tribal Consultation

Local jurisdictions should work proactively with appropriate Tribes to protect historical and archaeological sites during ground disturbing activities and permitting processes by developing policies to consult with appropriate Tribes as part of the process. See Tribal Engagement Chapter for additional guidance.

Several coastal jurisdictions have partnered with local tribes regarding review and consultation for ground disturbing activities as part of a permitting process. This type of review and consultation would include

any ground disturbing activities associated with public access site development or enhancements. These agreements to protect historical and archaeological sites within city or county boundaries have been embedded in policies such as Estuary Management Plans or as a Memorandum of Understanding between a tribe and a jurisdiction and incorporated as part of the planning process. See Appendix D for sample agreements. The location of archaeological sites is confidential information and can only be shared/ accessed by qualified Oregon archaeologists.

Equitable Coastal Public Access Policy Development and Community Engagement

Incorporating equitable policy development and community engagement is crucial in coastal public access planning to ensure that all members of the community have fair and inclusive opportunities to enjoy and benefit from access to the shoreline. This approach helps prevent disproportionate impacts on certain groups, promotes social justice, and fosters a sense of ownership and pride within the community. Community engagement ensures diverse perspectives are considered, leading to policies that better reflect the needs and values of the local population. See Accessibility Chapter and Tribal Engagement Chapter for additional resources.

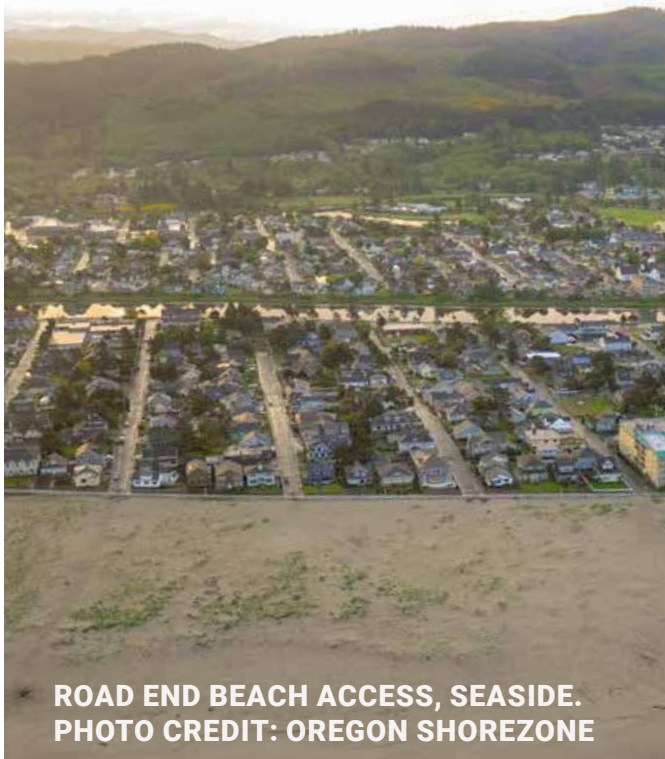
Here is a list of resources available to help build equitable policy development and engagement:

▶ **Planning for Equity Policy Guide (American Planning Association)**: This guide identifies policy recommendations for planners to include equity in all aspects of planning and provides specific and actionable policy guidance.

▶ **Equitable Community Engagement Guide (ODOT)**: This guide has fillable forms that help project teams to address gaps, barriers or opportunities to engage with partners.

▶ **Government Alliance on Race & Equity (GARE) Racial Equity Toolkit**: This toolkit is designed to integrate explicit consideration of racial equity in decisions, including policies, practices, programs, and budgets. Using this tool can help develop strategies and actions that reduce racial inequities and improve success for all groups.

▶ **Putting the People in Planning (DLCD)**: This publication is intended to be used as a tool by local government, public agencies, and members of the



ROAD END BEACH ACCESS, SEASIDE.
PHOTO CREDIT: OREGON SHOREZONE

public. It provides useful guidelines and resources for planning, executing and evaluating public outreach associated with land use planning projects.

► **Community Engagement Toolkit (Metro):**

The purpose of this toolkit is to create a shared understanding of community engagement as an ongoing cycle and provide a framework and resources to guide your planning and implementation.

Oregon Coast Trail Sample Language to Incorporate into Comprehensive Plans

The Oregon Coast Trail (OCT) is a unique trail system that runs the entire length of the Oregon coastline. The OCT Action Plan addresses gaps in the trail system. The plan will require teamwork and the dedicated support of local agencies, tribes, coastal communities, state government, advocates, and funders. The future of the trail depends on these partnerships to move this plan forward and realize the vision of the OCT as an iconic coastal shoreline trail. One way local governments could support the protection of public access to the OCT is to include language within its comprehensive plan, in chapters related to Goals 8 and/or 17.

Resources

Opportunity and Resources to Assist Local Governments with Increasing and Improving Coastal Access Sites

Local governments can tap into various opportunities and resources to enhance coastal public access sites. Collaborating with state agencies like OPRD can provide funding and expertise. Seeking grants to accomplish community goals for coastal access from local, state and federal grant opportunities will help fund and advance access projects and goals. Engaging with community organizations, leveraging public-private partnerships, and utilizing community input through equitable community engagement can enhance the planning process. Additionally, staying informed about state and federal coastal management programs and guidelines offers valuable insights for sustainable development for access to coastal shorelands and waters.

See Appendix A for a list of funding opportunities for public access, accessibility, and trails.

Local governments can use the language here as inspiration to develop policies around how your community intersects with the OCT and how your jurisdiction can protect access to the OCT in policies and comprehensive plans.

Sample Comprehensive Plan Text:

The Oregon Coast Trail is a nationally recognized route that traverses the entire length of coastline in Oregon, primarily on the beach, through uplands, and along the highway and local streets of many coastal communities. The 2023 Oregon Coast Trail Action Plan identifies various gaps and alternate routes along the trail, which are priority initiatives for [City/County]. The [City/County] will support projects to enhance development and management of the Oregon Coast Trail through its jurisdiction, directly and in cooperation with local citizens and groups, state, tribal, and federal partners. Further, [City/County] will:

- Recognize the 2023 Oregon Coast Trail Action Plan in the local Comprehensive Plan
- Include the Oregon Coast Trail route in the local Transportation and Recreation System Plans
- Work with partners to secure funding for development and management initiatives along the Oregon Coast Trail
- Develop policies that will continue to protect and enhance the natural, scenic quality of the trail
- Support initiatives to improve accessibility and the visitor experience of the trail
- Encourage planning and development of local connections to the Oregon Coast Trail route
- Promote local economic development opportunities related to the Oregon Coast Trail



Model Coastal Shoreland Public Access Comprehensive Plan Policy Language

This 'Model Coastal Shorelands Public Access Comprehensive Plan Policies' is a guide for how local governments could include coastal shoreland public access language within their comprehensive plans. The policies outlined below can be reviewed, tailored, and used to support development code provisions identified for community use. The suggested policy concepts are intended to cover the entire spectrum of possible policy options, with the idea that communities can pick and choose from among these ideas based on their individual circumstances. Adopting higher standards is recommended and can provide benefits to your community. DLCDC recommends jurisdictions consult with their legal counsel in developing Comprehensive Plan policies and implementing ordinances.

Policy Language Legend:

- **Bold text:** Represents the minimum requirements based on state land use goal requirements to be included in your community's comprehensive plan to ensure compliance.
- **Brown colored text:** Represents language that must be replaced with community-specific information. Only include the appropriate language for your community.
- **Regular text:** Represents language that is recommended to enhance a community's public access policies but is not currently required.

Definitions:

For the purpose of this model policy, unless otherwise specifically provided, certain words are defined as follows:

ACCESSIBILITY: Access that specifically refers to disability related needs and barrier removal processes that meet and/or exceed ADA regulation within coastal access.

ACCESSIBILITY FEATURES FOR SIGNAGE: Include but are not limited to translation of messages into languages reflective of the site's visitor demographics; ADA color, font, and design guidelines; use of symbols; inclusion of braille and/or tactile (raised) letters, and navigation tools such as QR codes or NaviLens codes; and placement of signs on site.

ADA: The Americans with Disabilities Act of 1990 or ADA is a civil rights law that prohibits discrimination based on disability and sets a baseline standard for accessibility.

ARCHAEOLOGICAL RESOURCES: Those districts, sites, buildings, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past.

COASTAL SHORELINE PUBLIC ACCESS: The ability of the public to reach, touch, view, and enjoy coastal shorelines and waters and to have access along coastal waters of the State. Public access sites may include features such as paths, trails, stairs, ramps, boardwalks, boat ramps, piers, docks, fishing platforms, and other water access and viewing amenities. Generally, public access is provided along publicly owned property, road ends, road rights of way, and easements. Other amenities that may be associated with public access sites include parking, interpretive signage, emergency evacuation signage, restroom facilities, and accessibility features for people with disabilities ranging from mobility, cognitive and sensory.

COASTAL SHORELANDS: Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

COASTAL WATERS: Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.

Model Code

CULTURAL RESOURCE: *(Include your jurisdiction's definition of cultural resource here, or reference to your definition. ORS 358.905 definitions for "archaeological object" and "site of archaeological significance" can serve as a stand-in for a definition of cultural resource; however, jurisdictions are advised to consult with local tribes and other cultural groups with a connection to the area.)*

DUNE COMPLEX: Various patterns of small dunes with partially stabilized intervening areas.

DUNE, CONDITIONALLY STABLE: A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

PRIMARY ACCESS SITES: Physical or visual access points to or along coastal waters that are currently developed with access amenities.

SECONDARY ACCESS SITES: Sites to or along coastal waters that are in public ownership but not developed with trails and access infrastructure. Secondary access sites may include road ends and/or rights of way access locations. These secondary sites may be appropriate for improvements to meet coastal public access needs in a particular area.

If your jurisdiction has already adopted definitions for these terms, you can reference your own definitions, as long as they are not contrary to these provided definitions.

Model Coastal Shorelands Public Access Language

Goals

1. Develop a comprehensive public access program to **protect, maintain, and provide increased public access to coastal waters including ocean, estuaries, and lakes**, for current and future generations.
2. Balance the protection of cultural and natural resources with the need for public access and use of coastal waters.
3. Encourage equitable coastal shoreland access for all residents and visitors with a particular focus on including marginalized communities and accessibility to those with disabilities.
4. Consult with local tribal governments for protection of archaeological sites and cultural resources during planning, maintenance, and development of coastal shorelands public access sites.

Policies

1. (Coastal Shorelands) **The City/County in coordination with Oregon Parks and Recreation Department (OPRD) shall develop and implement a program to protect, maintain and provide increased public access to coastal waters.**
2. **Existing public ownerships, rights-of-way, and similar public easements in coastal (estuary, lake, and ocean) shorelands, which provide access to or along the estuary, ocean or lake, including secondary access sites, shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.**
3. (Coastal Shorelands) **An inventory of current public access sites to coastal waters (ocean, estuary, and lakes) will be maintained and is included in this Comprehensive Plan along with maps**

showing the location of the listed access sites (*include specific references*). The inventory shall contain both primary and secondary access sites.

4. (Coastal Shorelands, Estuary, Beaches and Dunes) Identify and increase public access sites to the beach, estuary and coastal lake shores by acquiring land and easements, when appropriate. Develop criteria to accept donations and dedications of land and easements for public access.
5. (Coastal Shorelands) Any new waterway, beach, dune, or shoreline access site must have necessary easements or private property access agreements in place, prior to *city/county* approval.
6. (Recreation) The following is a list of priority areas for increased and improved public access to coastal waters and shorelands for the *City/County*. *List out specific areas/sites within jurisdiction to prioritize increased and improved public access to coastal waters (ocean, estuary, lakes). If there is not a current list of sites to develop, include the following language:* Develop an access plan that includes a set of prioritized access points to improve or develop into established public access sites to coastal waters.
7. (Recreation) Development or improvements of access sites should include appropriate, adequate, and inclusive signage. Signage should be provided in languages reflective of the community and visitor demographics and include a spectrum of accessibility features for multiple disabilities and identities. Accessibility features for signage include, but are not limited to, ADA color, font, and design guidelines; use of symbols; inclusion of braille and/or tactile (raised) letters, and navigation tools such as QR codes or NaviLens codes; and placement of signage on site.
8. (Recreation) Collaborate with tribal governments when developing a public access plan to include consultation with tribes regarding developing new access sites, improvements to existing sites, and to highlight their traditional knowledge where appropriate, which may include archaeological and ecological expertise of the area in interpretive materials.
9. (Recreation) The development or improvement of public access sites shall (*may/encourage*) be designed to include accessible and equitable access features with the intent to meet and exceed ADA standards. Accessible and equitable access features strive to reduce barriers to people accessing coastal shorelands and may include features such as ADA accessible parking, restrooms, signage, pathways or docks, as well as offering seasonal mobility mats, beach wheelchairs, accessible boat ramps and fishing piers, and transportation to access sites. Accessible access features must also be provided with an accessible route to get to the feature.
10. (Recreation) A locally developed and approved coastal shoreland access plan shall detail how adequate parking, restroom, and accessibility infrastructure will be provided and maintained at appropriate access sites. These amenities shall be provided to the public at no or a nominal cost.
11. (Beaches and Dunes) **Criteria for review of all shoreline stabilization measures, shall require/ provide that necessary access to and along the beach is maintained.** Shoreline stabilization permits will require, in addition to other requirements, that the proposed project will not restrict existing primary or secondary public access sites. Shoreline stabilization projects that abut street ends and other public rights-of-way shall incorporate steps or paths or other improvements that protect or improve public access.
12. (Beaches and Dunes) Unless public access is deemed unsafe, or public access would damage cultural or natural resources, or is not consistent with management of the Ocean Shore in that area, new public and commercial development should be required to dedicate easements for public access to coastal shorelands.

13. (Beaches and Dunes) Access to or through dune areas, particularly conditionally stable dunes and dune complexes, shall be controlled and designed to maintain the integrity, vegetation and uniformity of the dunes. Dunes provide scenic value and protect development from hazards such as coastal erosion, flooding, and wildfire.
14. (Beaches and Dunes) Identify and maintain select public access points as emergency vehicle access and coordinate with local emergency service providers and OPRD on where these entry points are located.
15. (Beaches and Dunes) Foredune Grading Plans shall address in detail the findings specified in the Implementation Requirements of Goal 18 with special emphasis placed on 'identifying appropriate sites for public and emergency access to the beach'.
16. (Beaches and Dunes) Public beach access sites should be prioritized during approval of permanent structures on beach access locations. If adequate public access is provided nearby, developed private beach access should be discouraged.
17. (Natural Resources, Scenic and Historic Areas, and Open Spaces, Estuarine Resources, Coastal Shorelands, Beaches and Dunes) Public access programs shall consider and balance negative impacts of public access on cultural and natural resources along coastal shorelands. Coordinate with appropriate state or federal agencies to address impacts to natural resources, including but not limited to OPRD and *(add in specific agencies to coordinate with)*. Coordinate/consult with tribal governments including but not limited to *(add in specific tribal governments to coordinate/consult with relevant to your geography-tribal governments operate as sovereign nations and their geographic areas of interest often overlap so it is important to determine which tribal governments have interest in the local area you are working within)* to ensure that any negative impacts from public access to cultural and natural resources along coastal shorelands are mitigated, avoided, or both.
18. (Estuary, Coastal Shorelands) In the design of fill projects, port marina facilities, excavation projects, or development of waterfront areas, new public access to the estuary shall be mandatory to the extent compatible with the proposed use.
19. (Estuary) *Consider including this policy if it is not already included in your local jurisdiction Goal 16 language.* **Community and public docks or moorages are preferred. The City/County shall act to restrict the proliferation of private docks and piers by encouraging community facilities. The size and shape of a dock or pier shall be limited to that required for the intended use. Alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps shall be investigated and considered.**
20. (Transportation) *Reference City/County public transportation options to the beach, estuary, and coastal lakes.* Improvements to the City's/County's Transportation System Plan shall include a section that addresses equitable coastal shoreline access and accessibility through public transportation services to and from coastal shoreline access points.
21. (Transportation) Consider incorporating accessibility elements when improvements are made to any City/County public shoreline access sites for purposes of emergency evacuation.
22. (Transportation) The establishment of a private street shall not be allowed if it will deny the public access to public coastal shoreland areas.
23. (Natural Resources, Scenic and Historic Areas, and Open Spaces) Protect archaeological and historic

resources at or near coastal shoreland public access sites, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribal governments, and federal laws. Coordinate and consult with appropriate tribal governments on these issues (*list tribal governments to coordinate and consult with in your region*).

24. Adopt implementing ordinances to protect, maintain, and enhance public access to coastal waters.

Proposed Action

The *City/County* shall:

1. Develop a comprehensive public access program.
2. Maintain and update public access inventory map and data on a minimum of a decadal basis in partnership with DLCD's decadal statewide inventory.
3. Review and strengthen implementing ordinances to protect public access sites and align with updated public access policies.
4. Require all development to be consistent with the priorities and policies of the Comprehensive Plan and implementing ordinances as they relate to public access.
5. Update all forms, information sheets (for the public), and processes associated with the updated public access policies.

V. Tribal Engagement Guidance

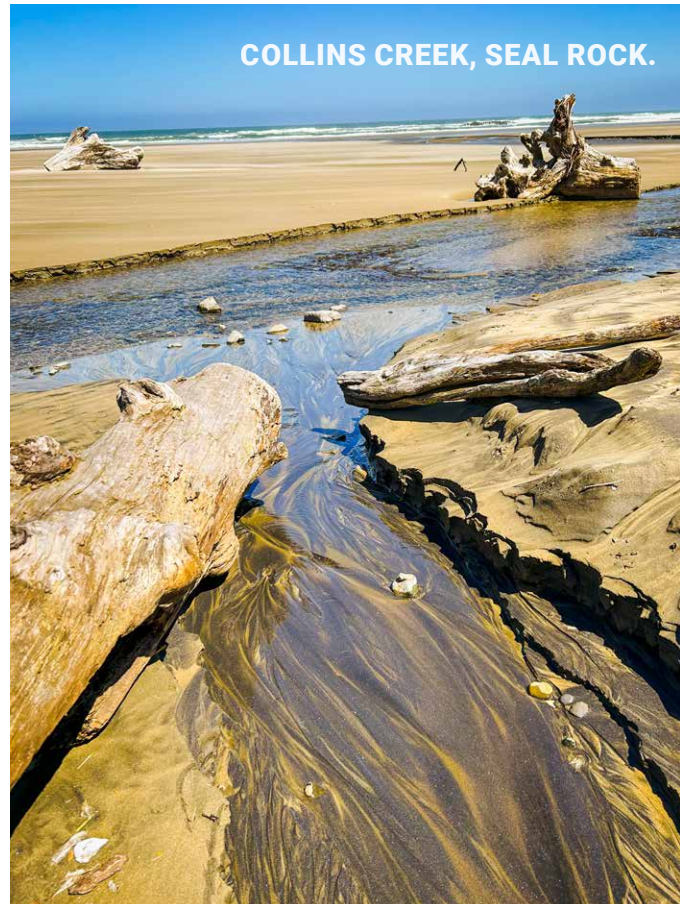


CAPE ARAGO LIGHTHOUSE, CHARLESTON.

V. Tribal Engagement Guidance

Tribal engagement is essential for Oregon's local governments and their coastal public access programs to respect Tribal sovereignty, preserve cultural heritage, promote stewardship of natural areas, meet legal obligations, and build stronger, more inclusive coastal communities. Tribal engagement should be a fundamental aspect of each local jurisdiction's coastal public access program and planning. Indigenous people have not only been stewards of Oregon's coastal resources since time immemorial but have also learned how to adapt to changing conditions and climate and may offer important considerations to western thinking about climate adaptation and how that impacts coastal access. Today's coastal zone includes lands and resources that are of significant cultural, historical, and economic importance to Tribes. Engaging with Tribal governments respects Tribal sovereignty and when done properly, allows Tribal interests and guidance to be considered in public decision-making processes, as well as in the protection and preservation of cultural heritage, ancestral lands, sacred sites, and traditional practices. Coastal public access policy intersects with Tribal interests on many different layers and issues.

While this handbook recommends themes to take into consideration when contacting and engaging with Tribes, it is not a full description of legally binding federal or state Tribal consultation or cultural resource archaeological site requirements, regulations or permits. Oregon's State Historic Preservation Office (SHPO) archaeologists provide education on cultural heritage issues, explain current state cultural resource laws and regulations and help resolve potential conflicts involving development, scientific research, and the respectful treatment of cultural resources. Formed by statute in 1975 to advise the Legislative Assembly and other Oregon officials and agencies on the needs of American Indian people in the state, Oregon's Legislative Commission on Indian Services (LCIS) is another important resource. To help improve understanding of how local governments engage with Tribes, DLCDC conducted a survey of local governments in 2022. The results showed that many local governments are interested in additional information on engaging with Tribal governments in Oregon. Due



to the Western Oregon Indian Termination Act of 1954 (Public Law 588), six of the nine federally recognized Tribes in Oregon were not in recognized status when local comprehensive plans were formed in the 1970's and early 1980's.

Key Themes to Consider When Engaging with Tribal Governments and Representatives

The foundation of engaging with Tribes is to enter that space with an openness for relationship building and a respect for Tribal sovereignty. Relationships are dependent on spending time together, listening to one another and developing an understanding of

Federally Recognized Tribes in Oregon

Burns Paiute Tribe
Confederated Tribes of Grand Ronde
Confederated Tribes of Siletz Indians
Coquille Indian Tribe
Klamath Tribes

Confederated Tribes of Coos, Lower Umpqua, and Siuslaw
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Cow Creek Band of the Umpqua Tribe of Indians

someone else's perspective and priorities. Be mindful of your own positionality to work together respectfully and reciprocally. When reaching out to engage with Tribes, contact LCIS to ensure you are contacting all the appropriate tribes in your region. Each Tribal government is unique and will have distinct opinions, preferences, policies, laws, and procedures. It is also important to remember that speaking to one Tribal member does not mean you have the perspective of the entire Tribe. It is important to know when someone is speaking on behalf of a Tribe, as a subject expert within the Tribe, or as an individual Tribal member. The following themes and recommended implementable actions include:

► **Respect Tribal Sovereignty:** Recognize and respect the sovereignty of Tribal governments. Unlike treaty rights, Tribal sovereignty was not bestowed on Tribes by the U.S. Government; tribes always possessed sovereignty rights and never gave them up. Understand that Tribal Nations have their own laws, regulations, and decision-making processes, and are caring for a diverse set of matters for their populations, including but not limited to emergency services, health care, education, and cultural and natural resource preservation. Engaging with Tribal governments and honoring Tribal sovereignty will help ensure that Tribal interests are properly taken into account in your process and fortify respect and relationship building.

► **Prioritize Relationship Building:** Get to

Tribal Sovereignty

What is Tribal Sovereignty?

Indian Tribes represent unique legal entities in the United States. Tribes are distinct political communities with extensive powers of self-government. Tribal sovereignty predates the United States, and the United States Constitution considers Indian Tribes as separate governments. Except as limited by federal law, Indian Tribes can legislate on matters of tribal concern and they can adjudicate civil and criminal matters under their laws. They have the authority to levy taxes and to regulate land uses. Many Tribes have extensive water rights, as well as hunting and fishing rights, both within and outside reservation boundaries. Unlike the Federal Government, most states do not have legal jurisdiction over Indian Tribes or their lands.

Legislative Commission on Indian Services. *Tribal Sovereignty and the Federal Trust Relationship*. Retrieved October 24, 2023, from <https://www.oregonlegislature.gov/cis/Pages/education.aspx>

know your local Tribal communities. Make time to build relationships with Tribal representatives. Before you go, educate yourself by reviewing Tribal web sites, newspapers, and information on the Legislative Commission on Indian Services site. While Tribal representatives may wish to speak to you about their Tribe's culture and history, there are many good resources available to review in advance to develop a solid foundation of important historical and current contexts. Attend events open to the public or when invited and work to learn about their priorities. Relationship building takes time and long-term engagement. Come to the table for relationship building and collaboration and not simply transactional outcomes.

► **Engage with Tribes Early and Often:** Talk with local Tribal representatives before you start planning a project and throughout the process. Plan your work in a way that supports Tribal involvement, decision making, and self-determination. Come to the table with an open mind and do not bring pre-conceived notions of Tribal perspectives. Be willing to be flexible with your timeline and definitions of success. Plan to offer to compensate project team members for their time and expertise, when appropriate and requested by the Tribes.

► **Formal Agreements:** Consider formalizing partnerships through binding agreements, such as Memorandum of Understanding (MOUs) or intergovernmental agreements (IGAs). These agreements can help to clarify roles and responsibilities. Several local governments have used MOUs or other agreements or policies as tools for protection of archaeological sites within their jurisdiction. The City of Bandon, on Oregon's south coast, has used an MOU to protect archaeological and cultural resources within the City of Bandon's jurisdiction by: (1) facilitating consultation between the City and the Tribe (Coquille Indian Tribe) on archaeological sites within the City's jurisdiction as part of the planning process, and (2) ensuring that archaeological sites within the City's jurisdiction are protected from ground-disturbing activities. See Appendix D for a copy of this MOU. Coos County includes policies for protection of historical, cultural and archaeological sites within coastal shorelands and estuary waters through the Coos Bay Estuary Management Plan. See Appendix D for a copy of an excerpt from the Coos Bay Estuary Management Plan related to Policy 18: Protection of Historical, Cultural, and Archaeological Sites.

► **Environmental Stewardship:** Support Tribal governments' efforts to be stewards of coastal lands and waters. The Oregon Coastal Management Program

(OCMP) emphasizes a balance of protection of coastal shoreline public access with environmental stewardship and protection from negative impacts of public access on sensitive species and habitats along Oregon's coast. These special places that may hold cultural significance for Tribes may also be experiencing overuse by visitors.

► **Emergency Response:** With the significant intersection between coastal shoreline public access sites and beach evacuation sites (tsunami and other emergencies), we ask that local governments consider coordinating emergency response and disaster preparedness plans with Tribal governments. Tribes may have their own Natural Hazard Mitigation Plans to reference. Ensure that Tribal communities are included in evacuation and disaster recovery planning.

► **Input Mechanisms:** Establish mechanisms that allow for Tribal input during projects and outreach. Communities, in general, want to know how their feedback is incorporated in projects, planning and policy development. Do not forget to close the feedback loop by sharing back to Tribes how their guidance was incorporated into your public access program and policy development.

► **Data Sharing/Indigenous Data Sovereignty:** Openly share relevant data and information with Tribal governments. Build understanding of Indigenous data sovereignty which is “the right of a nation to govern the collection, ownership, and application of its own data”¹ that derives from their Tribal Nations sovereignty. Be cognizant of requesting data from Tribes, their data sovereignty, and sensitivities around collecting or using information, language, or traditional knowledge from Tribes without explicit permission and transparency. Due to historic injustices, data sovereignty policies, or other reasons, there may be information Tribes are not comfortable sharing publicly. Personnel should ensure that the Tribe has granted appropriate permission before any data is shared. Consulting with a single Tribal staff member may not be adequate.¹ The University of Arizona Native Nations Institute. *Strengthening Indigenous Governance-Indigenous Data Sovereignty and Governance*. Retrieved November 3, 2023, from <https://nni.arizona.edu/our-work/research-policy-analysis/indigenous-data-sovereignty-governance>.

► **Include Tribal Voices in Interpretive Materials:** Engage with Tribes to include Tribal voices and stories in public access interpretive materials. Include Tribes in planning for interpretive materials associated with public access locations/trails early in the development and plan for enough time for meaningful engagement and review of materials by Tribes. Personnel should ensure that the Tribe has granted appropriate

“Data are not a foreign concept in the Indigenous world. Indigenous peoples have always been data creators, data users, and data stewards. Data were and are embedded in Indigenous instructional practices and cultural principles.”

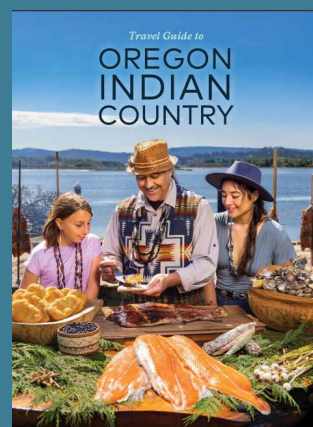
Stephanie Russo Carroll. The University of Arizona Native Nations Institute. *Strengthening Indigenous Governance-Indigenous Data Sovereignty and Governance*. Retrieved November 3, 2023, from <https://nni.arizona.edu/our-work/research-policy-analysis/indigenous-data-sovereignty-governance>

permission before any materials are published. Consulting with a single Tribal staff member may not be adequate. Also, keep in mind that multiple Tribes may have an interest in an area, and each Tribe may have different perspectives and experiences associated with a place or event.

► **Cultural Sensitivity:** Be culturally sensitive and aware of Tribal customs, traditions, and values. This includes respecting the importance of sacred sites, traditional knowledge, and the protection of natural and cultural resources. Seek out resources to educate yourself and your community and listen to guidance and requests made by Tribal partners.

Reading Recommendations

To learn more about Indian Tribes in Oregon these are two resources that provide additional information (click on image for link).



Land Acknowledgment in Oregon

Land acknowledgments have become more common recently, frequently taking place at the start of meetings, conferences, or other events and being included in introductions to documents/publications. The reasons to offer a land acknowledgment may vary and should be offered with the best of intentions. It is important to understand that response or reaction to land acknowledgments varies among Tribes and tribal members. LCIS provides guidance on Land Acknowledgments if you are considering developing or using one in a document, meeting or gathering. Please visit LCIS's website to find the [Land Acknowledgment Guidance](#).

The following is an example of land acknowledgment that has been developed by the Oregon Legislative Commission on Indian Services and is currently used by DLCD:

"Indigenous tribes and bands have been with the lands that we inhabit today throughout Oregon and the Northwest since time immemorial and continue to be a vibrant part of Oregon today. We would like to express our respect to the First Peoples of this land, the nine federally recognized tribes of Oregon: Burns Paiute Tribe, Confederated Tribes of Coos, Lower Umpqua &

Siuslaw Indians, Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation, Coquille Indian Tribe, Cow Creek Band of the Umpqua Tribe of Indians, and The Klamath Tribes. It is important that we recognize and honor the ongoing legal and spiritual relationship between the land, plants, animals, and people indigenous to this place we now call Oregon. The interconnectedness of the people, the land, and the natural environment cannot be overstated; the health of one is necessary for the health of all. We recognize the pre-existing and continued sovereignty of the nine federally recognized tribes who have ties to this place and thank them for continuing to share their traditional ecological knowledge and perspective on how we might care for one another and the land, so it can take care of us. We commit to engaging in a respectful and successful partnership as stewards of these lands." Legislative Commission on Indian Services. *Land Acknowledgment Guidance*. Retrieved October 26, 2023, from <https://www.oregonlegislature.gov/cis/Pages/education.aspx>.

Inadvertent Discovery Information

LCIS provides guidance regarding inadvertent discovery information and guidance if artifacts and/or ancestral human remains are inadvertently discovered during work activities (not as a part of expected archaeological survey or excavation). A template is available on the LCIS website that can be used as a guide for work stoppage and legally required notifications in these situations. The site also has policy and educational resources about the importance of Ancestral remains and burials and cultural resources.

"Native American burial sites are not simply artifacts of the Tribe's cultural past but are considered sacred and represent a continuing connection with their ancestors. Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740 to 97.994 and 358.905 to 358.961). The laws recognize and codify the Tribes' rights in the decision-making process regarding ancestral remains and associated objects. Therefore, both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved." Legislative Commission on Indian Services. *Inadvertent Discovery Information*. Retrieved October 10, 2023, from <https://www.oregonlegislature.gov/cis/Pages/archaeology.aspx>

LCIS

Legislative Commission on Indian Services

The Legislative Commission on Indian Services (LCIS) was created by statute in 1975 to improve services to Indians in Oregon. This program was the first in the nation to establish a forum for consideration of Tribal and state government relations and consultation. LCIS also serves as a resource by providing information and guidance about state government programs and Indian communities, permits and cultural resources, state agency and Tribal council/representative contact information, general educational materials, and laws and pending legislation that affects Tribes. LCIS's [education materials](#) includes additional recommendations for local governments to consider when working with Tribal nations.

To find up-to-date Tribal contact information for Tribal council members and key staff for all nine federally recognized Tribes visit LCIS website and click on the individual federally recognized Tribe name for a list of contacts and general information about that individual Tribal nation.

An aerial photograph showing a beach access point. A blue Mobi Mat ramp is deployed from a paved parking area onto the sand. In the background, there are buildings, parked cars, and a colorful mural on a wall. The ocean waves are visible at the bottom of the frame.

VI. Disability Accessibility Guidance

ACCESSIBLE BEACH ACCESS WITH MOBI MAT. PHOTO CREDIT: LINCOLN CITY PARKS & REC

VI. Disability Accessibility Guidance

Ensuring that public spaces and facilities are welcoming and accessible to everyone is fundamental to an inclusive coastal public access program. Local governments play a pivotal role in addressing the needs of individuals with disabilities and creating welcoming spaces for all. Extensive research has been conducted documenting the positive effects time spent outdoors has on the physical and mental health outcomes of a community. Prioritizing increased accessibility in local governments' public access programs is not merely an act of compliance with legal requirements but a reflection of the commitment to creating a more equitable, economically vibrant, and healthy community.

Guidance for Increasing Accessibility of Coastal Access

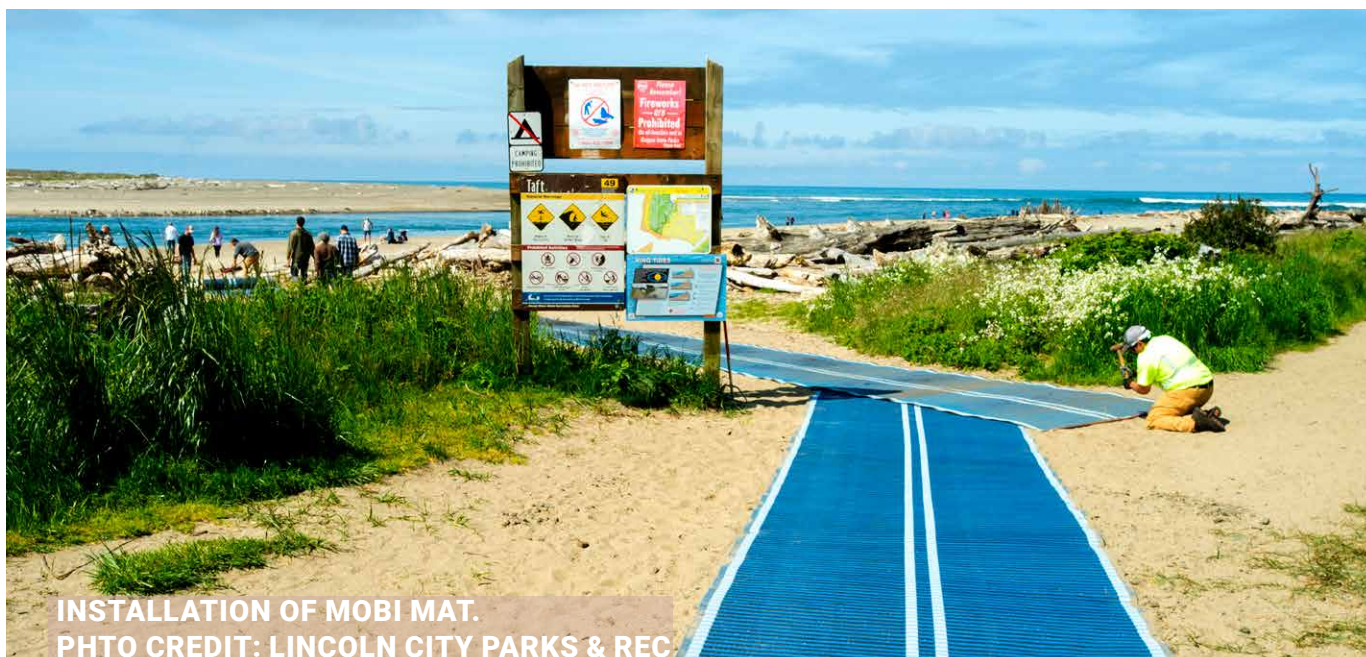
Local governments can make significant strides in enhancing the accessibility of coastal public access sites to ensure that these beautiful natural resources are open and welcoming to everyone in the community and empower all ability levels. Increasing accessibility features and infrastructure should encompass removing barriers not just in terms of mobility, but for those with low vision or blindness, hearing loss, sensory needs, neurodiversity and other ways in which accessibility might be challenging. In the 2022 Oregon Coastal Public Access Survey, participants responded that their most significant barriers to coastal access included a lack of information about the accessibility of a site, lack of ADA and other accessible features

(bathrooms, ramps, viewing decks, access to sandy beaches, docks/boat access), personal safety concerns and transportation limitations. Here are a few recommendations to consider when planning accessible public access to coastal shorelines and waters:

► **Engage diverse communities who also experience disabilities:** Involve the local community, Tribes (see Tribal Engagement Chapter), and those not typically involved in planning including individuals with disabilities, early in the planning process. Develop

Architectural Barriers Act

Architectural Barriers Act (ABA) is a federal law enacted in 1968, that promotes accessibility for individuals with disabilities in facilities that are designed, constructed, altered, or funded by federal agencies. The ABA aims to eliminate architectural barriers and ensure that federally funded buildings and facilities are accessible to everyone, including those with disabilities. It sets standards for the design and construction of facilities to accommodate individuals with varying mobility and provide equal access to government-funded spaces. In the context of Oregon's public access to coastal shorelines and waters, adherence to [ABA standards](#) involves designing infrastructure, such as trails, ramps, and facilities, to be inclusive and accessible. The standards address elements like path gradients, handrails, and signage. The [Access Board](#) provides technical assistance and training on the ABA Standards, as well as enforces the ABA Standards through the investigation of complaints.



INSTALLATION OF MOBI MAT.
PHOTO CREDIT: LINCOLN CITY PARKS & REC.

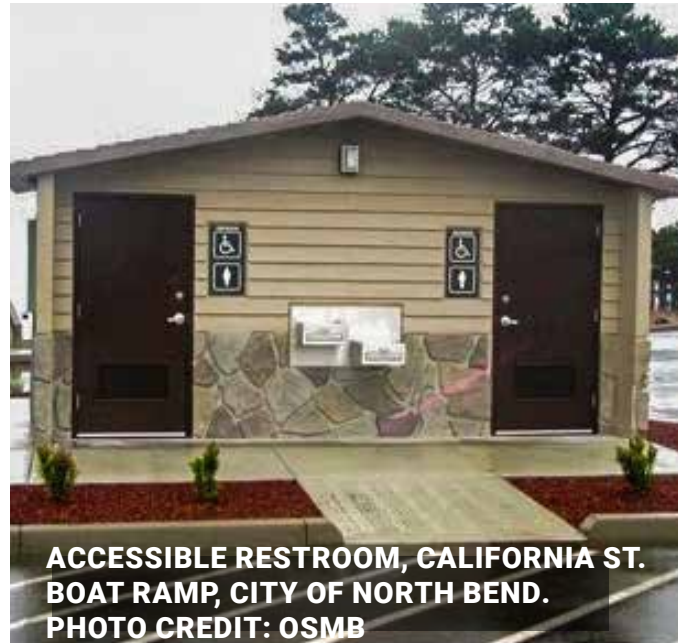
priorities for accessibility improvements with feedback from community members and those with lived experiences of barriers to access.

► **Conduct accessibility audits and workshops:** Begin with thorough accessibility audits to identify existing barriers and areas that need improvement. These audits should encompass parking, pathways, restroom facilities, recreational areas, and more. Use consultants with lived experience of having barriers to accessing natural spaces and public facilities. Their input can provide valuable insights into the specific needs and preferences of the community. Engage in workshops that give firsthand perspective broadening experience to leadership and site staff. Use results of Accessibility Audits to develop a prioritized list of improvements to implement and develop funding plans to address priority improvements.

► **Prioritize removing accessibility barriers:** Prioritize removing accessibility barriers within your local governments' coastal shoreline public access program and sites. Work to meet and exceed ADA standards and incorporate accessibility concepts into design, planning, implementation, maintenance, signage, and programming. "A primary goal of the ADA is to ensure equal participation in public life for all Americans with disabilities." (OPRD, 2021 ADA Transition Plan) Title II of the ADA covers programs, services, and activities of public entities, such as local governments. Implement universal design principles to create spaces and features that are accessible to people of all abilities without the need for specialized accommodations. This includes ramps, wide pathways, and sensory-friendly elements.

ADA

Americans With Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The [ADA National Network](#) is a resource that provides information, guidance, and training on how to implement the ADA.



**ACCESSIBLE RESTROOM, CALIFORNIA ST.
BOAT RAMP, CITY OF NORTH BEND.
PHOTO CREDIT: OSMB**

► **Improve accessible access to water:** Ensure that people with disabilities can safely access the water. This may involve the installation of accessible beach mats (Mobi Mat), accessible boat launch sites, or accessible fishing piers.

► **Increase availability of accessible restrooms:** Provide accessible restrooms with proper facilities and features, including grab bars, lower sinks, and adequate space for mobility device users. Use ADA portable toilets when permanent structures are not possible (see OPRD accessibility designs and standards for examples).

► **Develop accessible parking:** Designate accessible parking spaces close to the coastal access points and ensure that they meet ADA standards.

Universal Design

Universal design is a broader concept that is defined by [The Center for Universal Design](#) at North Carolina State University as "the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."

Sidewalks with curb cuts and doors that automatically open when a person moves near them are examples of universally designed products. They benefit people with disabilities, parents with baby strollers, delivery workers, and others. Human characteristics considered in universal designs may include age, gender, stature, race/ethnicity, culture, native language and learning preference.

► **Enhance availability of public transportation to coastal shoreline access sites:** During community transportation planning and development of locations for public transportation stops, include stops at public access sites and connections to regional transportation services. If public transportation is convenient and accessible, that may alleviate some existing parking pressures and provide more inclusive access to coastal shorelines. Planning and adequate communication must occur to ensure that accessible transportation offerings align with accessible shoreline access sites, so amenities are present for those individuals with disabilities.

► **Provide clear accessible signage:** Install clear, concise, and accessible signage that provides information on accessible routes, facilities, and any potential hazards. Meet accessibility standards for signage by incorporating features such as Braille dots, visual characters, raised or tactile characters, high contrast ratio sign colors, and pictograms. To meet ADA compliance sign standards, signs must meet specific design standards and must be posted at certain heights and places so that people with disabilities know where to find what they need in any public accommodation, no matter where they are. It is important to create signage that meets accessibility standards, so use a sign maker who specializes in ADA-compliant signage. (See ADA's Standards for Accessible Design, and example of accessible QR codes [NaviLens](#).)

► **Identify and share information about accessibility amenities:** "Lack of information about accessibility of a site" was ranked as the number one barrier when trying to

ACCESSIBLE FISHING PIER DESIGN, OPRD ACCESSIBILITY DESIGN STANDARDS DOCUMENT

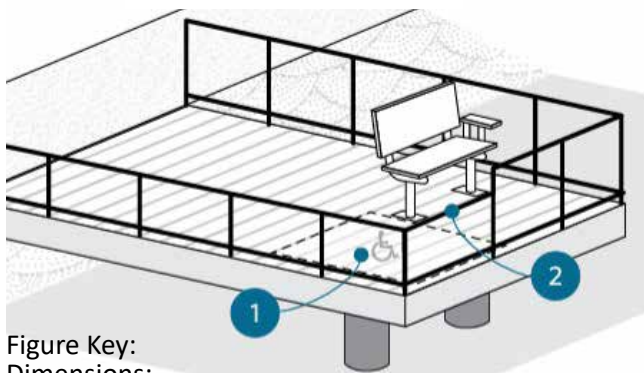


Figure Key:
Dimensions:

1. 52 inch x 48 inch wheelchair space.
2. Lowered railing for an individual in a wheelchair or a person of short stature to view and cast.



access or view Oregon's coastal shorelines by respondents of the 2022 public access survey. It is critical to provide accessible amenity information to the public through local government communication materials (website, print, maps). Share this information with partners that also list accessibility amenities and trails in Oregon, such as the Oregon Coast Visitors Association, DLCD, Travel Oregon, Accessible Travel PNW, OregonHikers.org and others. Ensure that websites and mobile apps related to coastal access are themselves, accessible and provide key information and standards for accessibility features. Keep in mind that word choice is important and the language you use to describe individuals with disabilities is important to be done in a respectful, 'person-forward' approach.

► **Emergency response:** Develop and communicate emergency response plans (beach evacuation plans -for those on the beach that need to be evacuated to receive medical assistance, tsunami evacuation plans) that address the needs of people with disabilities, including evacuation procedures and accessible emergency alerts. Specialized groups should be used as a resource to develop adequate systems.

► **Institutionalize regular maintenance:** Establish a routine maintenance schedule to keep accessibility features in good condition, train staff on how to spot access barriers and how/when to address wear and tear promptly. If a jurisdiction does not have maintenance staff to do this maintenance, work with partners and 'Friends' organizations to conduct maintenance assessments and regular upkeep of sites. An accessible access site can quickly become inaccessible due to

deferred maintenance, sand encroachment, or other natural hazard impacts (storms, sea level rise, King Tides).

► **Approach coastal access planning with a balanced approach between increasing accessibility amenities and protecting the natural environment:** Over 61% of respondents of the 2022 DLCD public access survey thought too little was being done to protect and conserve Oregon's Coastal Shoreline ecosystems. Work to find a balance of protecting Oregon's critical ecosystems as well as improving accessibility to coastal shorelines. Improving accessibility to coastal shorelines includes many options that don't involve the addition of pavement and have little to no impact to coastal habitats and species. Many sites that have the most potential for improved accessibility are sites that already exist but lack certain accessible amenities or features. In such areas, accessibility should not be seen as a threat to resources but an enhancement of existing infrastructure that may lead to improved stewardship of an area.

► **Community education:** Educate the community about the importance of accessibility and responsible use of coastal areas, including keeping to designated pathways and facilities. See Oregon Coast Visitors Association website on "[Be Kind to the Coast: Visit Responsibly](#)" and their "[Travelability on the Oregon](#)

[Coast](#)" webpage.

► **Accessibility grants:** Seek funding opportunities and grants that can support accessibility initiatives for coastal public access sites. See Appendix A-Funding Resources Table of this Handbook for a list of possible funding opportunities.

► **Legal compliance:** Ensure compliance with local and national accessibility laws, such as the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA).

Mobi Mats: ADA Compliant Roll-up Pathways for Beach Access

Portable roll out/up pathways can be a lower cost accessibility feature communities can use to facilitate better access to sandy beaches and shorelines. These pathways create accessibility not only for those who use mobility devices, but for those who may find walking on loose sand a barrier due to limited mobility, balance challenges, or visual impairments (the lines on the mats provide visual guidelines for navigating on the mat). Depending on location, additional permitting may be required to install Mobi Mats within the Oregon ocean shores through OPRD (special use permits).



INSTALLATION OF MOBI MAT.
PHOTO CREDIT: LINCOLN CITY PARKS & REC

The Oregon Coast Visitors Association (OCVA) developed a step-by-step guide for [Bringing Mobi-Mats to Your Community \(March 2024\)](#). This toolkit is a comprehensive guide designed to empower organizations interested in fostering accessibility and inclusivity in outdoor spaces through the use of Mobi-mats.

Lincoln City has purchased 750 feet of the 6 ½ foot wide, ocean blue mobility mats to be installed at several locations within the City's 7 miles of ocean front beaches. The City installs the mat on a seasonal basis from Memorial Day through Labor Day, weather permitting.

"While Mobi-Mats were initially created to provide access for people who use mobility devices such as wheelchairs and walkers, people of all abilities will benefit, making Lincoln City's beaches more inclusive," said Kevin Mattias, ADA coordinator for Lincoln City. Reference Lincoln City Installation video: <https://youtu.be/BsUOS2igm8U>.

Beach Access Wheelchairs/ Adaptive Wheelchairs

A beach wheelchair provides individuals with limited mobility the chance to access and enjoy the beach, which might otherwise be difficult or impossible due to sand and uneven terrain. Having the ability to use a beach wheelchair provides the opportunity for all community members and visitors to participate in beach activities, enjoy the scenery, spend quality time outdoors, and experience Oregon's unique shorelines. Beach wheelchairs are designed to navigate sandy and pebbly surfaces, and can be found in a variety of designs including manual wheelchairs with large wheels, wheelchairs that can also enter the water and act as a flotation device, and electric all-terrain 'Action Trackchairs'.

Multiple Oregon coastal communities offer free rental of beach wheelchairs through a variety of rental processes from first come availability, to rental by calling a phone number of the location that stores the chairs (community centers, park facilities), to rental through an app on your phone (Movatic) that will reserve the chair and unlock the storage locker at the beach access location the chair can be used at.



BEACH WHEELCHAIRS. PHOTO CREDIT: LINCOLN CITY PARKS & REC

David's Chair is non-profit that provides free rental of electric all-terrain track chairs at different locations along Oregon's coast and a 'Tow and Go' program allowing their track chairs to be rented and towed to the destination of the user's choice. These track chairs are available for rental along the Oregon coast at Gold Beach, Florence, Netarts, Manzanita, Pacific City, and Seaside.

Recommendations:

- If your community offers rental and use of beach wheelchairs, make that information easily accessible on your website and outreach materials.
- Include a process for users to reserve a chair for a particular day and time.
- Maintain the chairs and ensure storage of the chairs prevents untimely degradation of the chair.
- Provide transportation of the chair to and from the beach access site, and/or provide storage of the chair at the beach access site – so transportation of the chair is not needed by the users.

Reach out to other coastal communities offering free rental of beach wheelchairs for their recommendations. Those communities include, but are not limited to, Cannon Beach, Seaside, Manzanita, Rockaway, Pacific City, and Lincoln City.

Common social barriers include:

- Not being invited to recreate
- Seeing only able-bodied people in marketing materials
- Unclear or incomplete information about the accessibility of parks and features
- "Accessible Features" being isolated from other parts of the park
- Historical exclusion and inaccessibility of public lands
- Tokenism
- Harassment from able-bodied recreators

Common physical barriers include:

- Gates blocking trails
- Loose-packed ground cover
- Bollards and boulders
- Inaccessible or incomplete signage
- Roots and rocks (sand) on a trail
- Railings at eye-level
- Steps and curb cuts
- Drop offs
- Lack of transportation
- Busy streets
- Trail and surface degradation
- Bathroom partitions

From Accessibility Toolkit for Land Managers



YAHACHTS STATE RECREATION AREA. PHOTO CREDIT: OREGON SHOREZONE

Accessibility Resources



Americans with Disabilities Act
and Architectural Barriers Act
Accessibility Guidelines
July 23, 2004

UNITED STATES ACCESS BOARD
A FEDERAL AGENCY COMMITTED TO ACCESSIBLE DESIGN

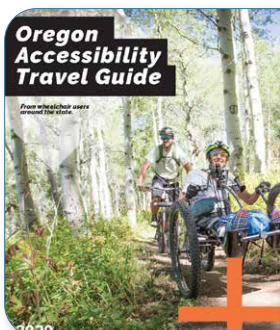
US Access Board - Guide to the ADA Accessibility Standards

This resource is a guide to understand ADA Standards, to be used alongside those Standards.



Accessibility Toolkit: for Land Managers

Willamette Partnership developed this toolkit to help understand how people with disabilities engage with the outdoors and includes recommendations & best practices.



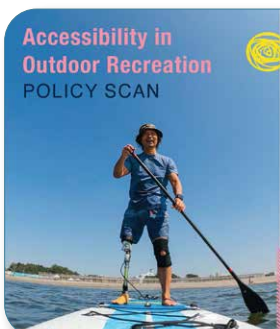
Oregon Accessibility Travel Guide

Willamette Partnership developed this guide to provide a list of accessible outdoor areas, to provide info on personal stories from people from the disabilities community.



Guidelines for Communicating Trail Information to People with Disabilities

Access Recreation developed these guidelines for the type of info to share regarding accessibility of a trail or recreation site.

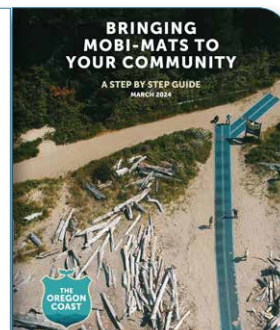


Accessibility in Outdoor Recreation - Policy Scan

Willamette Partnership developed this tool highlighting policy tools that state and local governments can use to make recreational spaces safe, healthy, and more inclusive.

Bringing Mobi-Mats to Your Community: A Step-by-Step Guide

OCVA developed this comprehensive guide to empower those interested in fostering accessibility & inclusivity in outdoor spaces by use of Mobi-Mats.



OPRD's Accessibility Design Standards for all Future Projects

OPRD developed this document to promote a consistent approach to improve accessibility in all future OPRD projects.



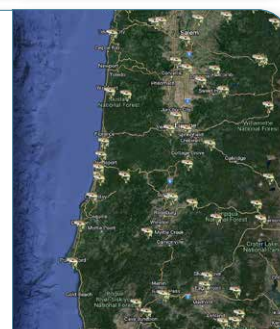
Guidelines for Writing about People with Disabilities

The ADA National Network developed these guidelines for writing about people with disabilities to support inclusive communication.



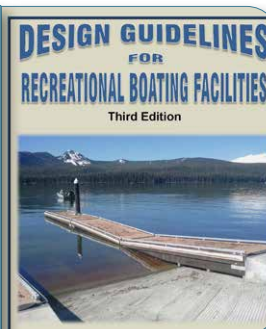
ODFW's Disabled Angler Access Mapping Tool

ODFW developed this on-line mapping tool as a guide to angling opportunities across the state that area accessible to anglers with disabilities.



3rd Edition of the Design Guidelines for Recreational Boating Facilities

OSMB developed these guidelines to assure consistent, quality design for all public recreational boat facilities.



VII. Public Access Mapping Tool

DLCD created an online mapping tool for local governments and tribes to better understand vulnerabilities of coastal access sites, aid in the planning for improvements to sites to increase accessibility and amenities, and to discover where gaps in access amenities may be located. This tool aims to provide critical data and information on specific access sites within a jurisdiction to better aid in informed decision-making in the preservation and enhancement of coastal shorelines.

Decadal Inventory of Coastal Public Access Sites

Within Goal 17 requirements and guidelines, an inventory of coastal access to shorelands and waters is integral. To assist with this requirement, the OCMP/ DLCD has funded an inventory of public access points every ten years since 1990. The inventory records developed and undeveloped sites that provide physical or visual access to the ocean coastline, estuaries, and coastal lakes. The data is intended to be incorporated into the Goal 17 inventories of local comprehensive

Mapping Tool

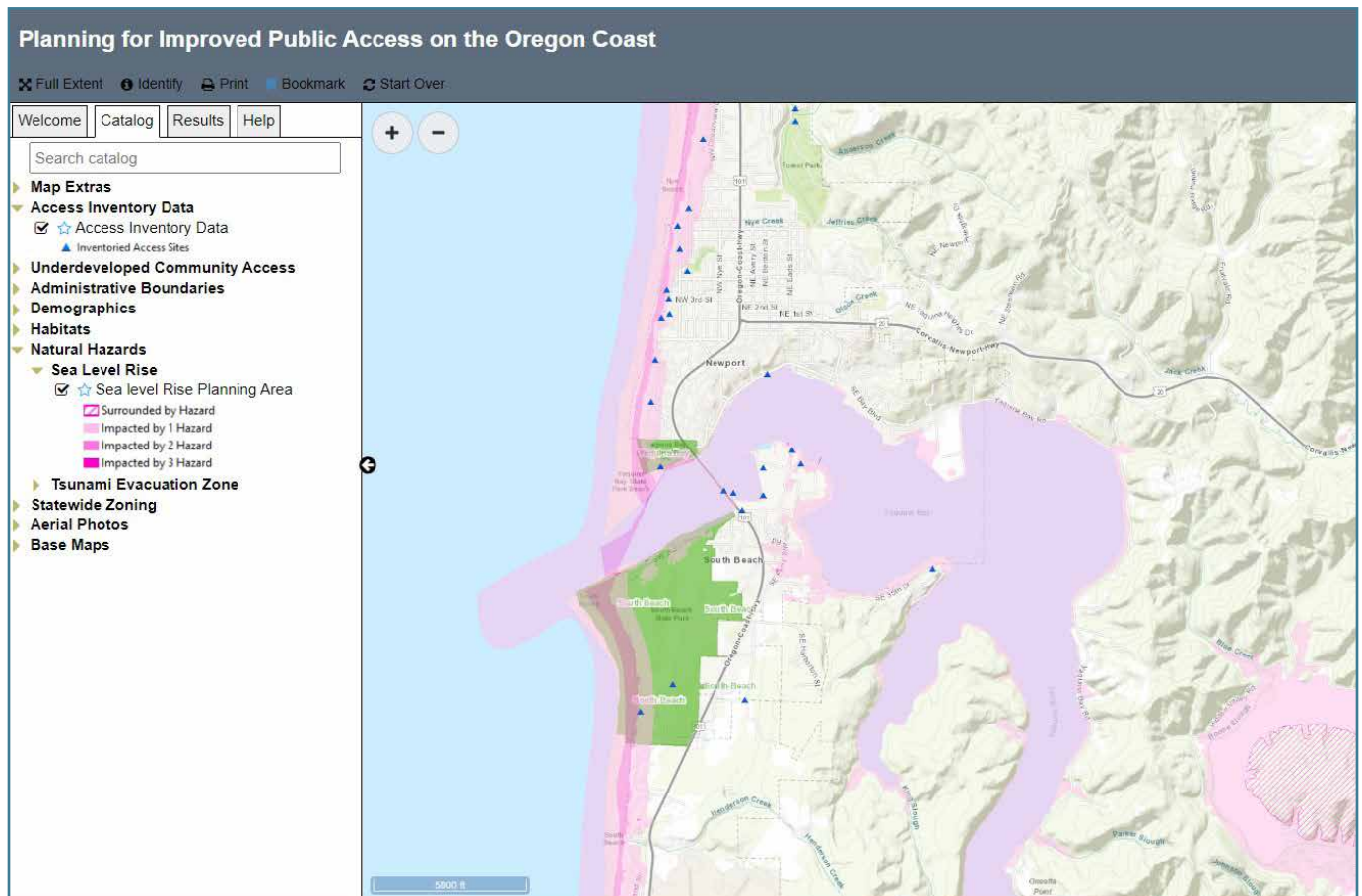
www.coastalatlasc.net/accessplanning/

plans. See Appendix B and C for sample inventory map and table. Reach out to DLCD staff ([Coastal Atlas Administrator](#)) to receive direct data collected for access sites within a particular jurisdiction. Also please contact DLCD if there are public access sites missing from the inventoried data sets or that include incorrect information.

OnLine Public Access Planning Tool for Local Governments

Purpose of tool

This tool was developed specifically to aid local jurisdictions in developing inventories, planning efforts associated with public access to coastal shorelands and waters, and meeting the needs of the community. The tool provides data from DLCD's decadal inventory and highlights intersections between public access sites



and a suite of data points that are critical to consider for statewide and local planning and funding purposes. It also highlights gaps in access sites and amenities such as accessibility features and parking. This tool can be used to help assess data that can be used to help develop information critical for local governments to apply for funding to increase coastal access sites and help improve coastal access amenities.

The tool and data highlight the intersections among shoreline access sites and the following data sets:

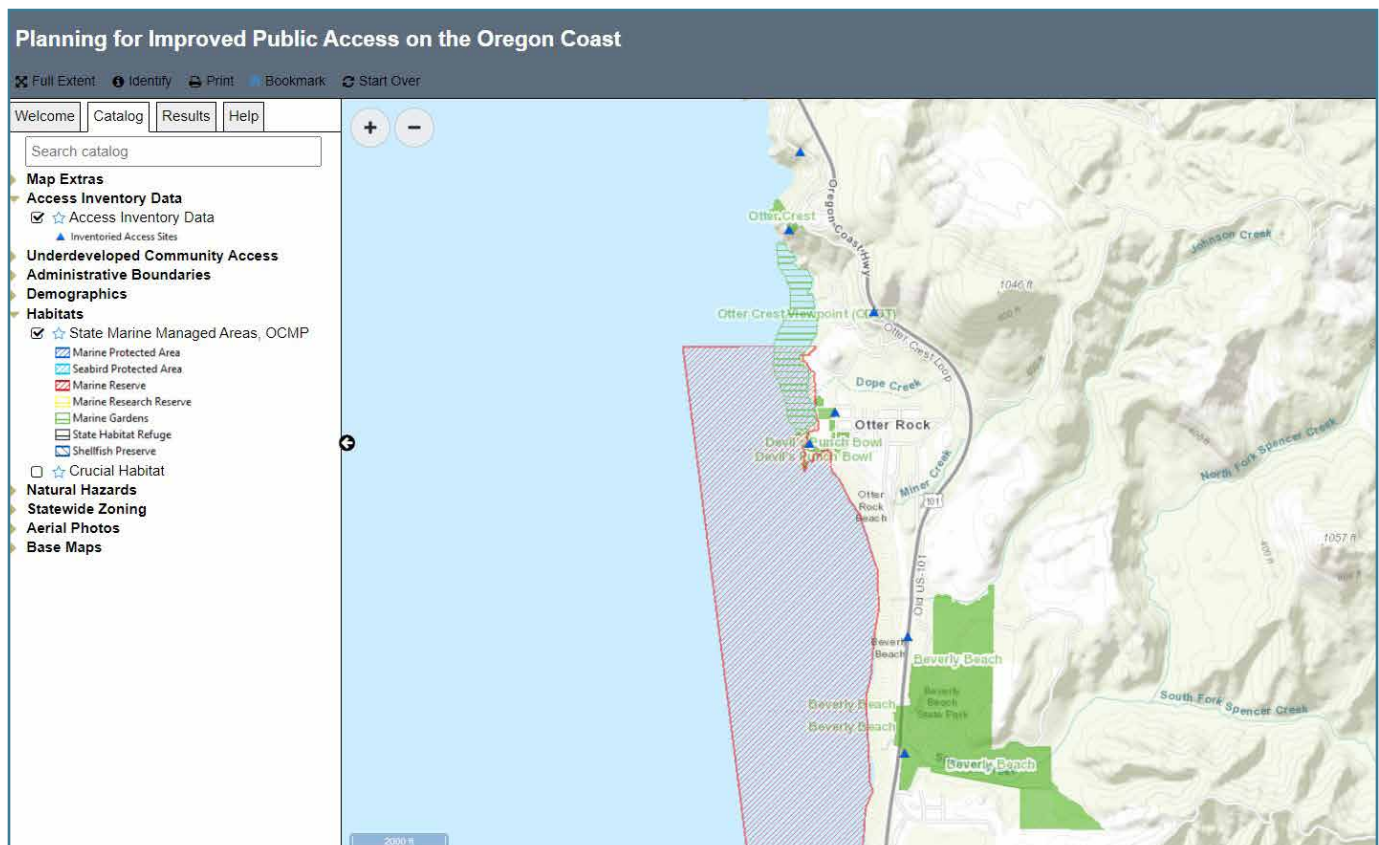
- Climate change planning data (e.g., sea level rise planning areas),
- Tsunami evacuation zones,
- Oregon Department of Fish and Wildlife's Crucial Habitat Data,
- Oregon Parks and Recreation Department's ocean shore jurisdiction line (i.e., statutory vegetation line),
- National Justice40 data (disadvantaged communities), and
- Other public health and census data including persons with disabilities data, health indicator data (low life expectancy, asthma, and heart disease), and socioeconomic indicator data (low income, limited English speaking, people of color, and over age 64).

Mapping Tool

www.coastalatlasc.net/accessplanning/

Assessment of this information can aid communities when evaluating the vulnerability of access sites, where access sites and amenities are located, and where different amenities are insufficient for community needs. This tool can also highlight ideal locations for additional access sites and how to avoid vulnerable locations where sensitive habitats and species may occur.

Intersections between public access locations and emergency evacuations sites help highlight information necessary for planning for and understanding a community's disaster preparedness. It also helps illuminate vulnerabilities and helps a community have a full suite of information available for planning for an enhanced public access program. Integrating this data helps ensure that coastal access planning aligns with emergency response strategies, promoting community safety and resilience in the face of natural disasters.



How to use tool

The online “Public Access Planning Tool for Local Governments” can be found on the [Oregon Coastal Atlas](https://www.coastalatlasc.net) which is a digital information center that provides background information for different coastal systems, access to interactive mapping, online geospatial analysis tools, and direct downloading of various planning and natural resources data sets. Visit the [Public Access Planning Tool for Local Governments](https://www.coastalatlasc.net/accessplanning/) at this location <https://www.coastalatlasc.net/accessplanning/>.

Users can click the different data layers on-and-off to view how access sites are located on the landscape along with other planning information (zoning, statutory vegetation line, and UGBs) as well as other information around hazards, community demographics and socio-economic information. Users will be able to access a suite of information about each specific access site and view where there are amenity gaps along the

coast. Visit the [Public Access Planning Tool for Local Governments](https://www.coastalatlasc.net/accessplanning/) for specific instructions on navigating the tool.

Climate Change Vulnerability and Sea Level Rise Impacts to Coastal Public Access

Oregon is experiencing the pervasive effects of changing climate and ocean conditions. Statewide, air temperatures are rising; winter snowpacks are decreasing; and ocean chemistry is shifting. These drivers have cascading impacts on both our communities and the environment on which we depend. Climate impacts do not affect all regions and communities equally. Underserved populations, rural communities, and ecosystems are already bearing the brunt of climate impacts.

Local governments and tribes are on the frontlines responding to these impacts. Cities and counties are confronting the perpetual challenge of balancing multiple competing public and private interests in coastal resources, made more acute by climate change. Jurisdictions will need to identify tools and options for mitigating harm to people, property, and coastal ecosystems. It is anticipated that sea level rise (SLR) will exacerbate existing erosion and flooding patterns in coastal regions.

Increased erosion due to rising sea levels, flooding, and king tides also can remove sediment that is rich with cultural material, including archaeological sites, locations of great significance to Tribes, and historic properties. These effects impact not only Oregon’s cultural resources, but recreational opportunities to experience this cultural heritage and the special places they represent.

Public access is one of the coastal resources most at risk from accelerating sea level rise. Beaches, accessways, recreational amenities (e.g., parking lots, bathrooms, signage), and even surfing resources may be dramatically impacted by rising seas. Public access to the coast is important to the economic viability, quality of life, and health and well-being of members of the community, including low-income and underserved populations. By providing low-cost outdoor recreational opportunities through public access to Oregon’s beaches and estuaries, communities can improve their overall economic and health outcomes. Where development already exists, and particularly where there is substantial shoreline armoring to protect this development, Oregon may lose significant recreational



beach areas. Additional shoreline armoring can decrease access to sandy recreational beaches, remove or impact public access locations to the water, diminish the ability to include accessibility features at public access sites, require increased costs and maintenance of public access amenities, and contribute to a general loss of public access locations. These places that are at increased risk provide economic, health, and environmental benefits for everyone. The potential loss of beach and shoreline recreation areas represents a significant potential impact on an important and treasured resource.

Protecting and Expanding Public Shoreline Access

Public shoreline access is an essential feature of the Oregon coast and protected under Statewide Planning Goal 17. Shoreline access is critical to the economic, health, and environmental wellbeing of coastal communities. These locations tend to be at low elevation and at risk during high tide, king tide, storm, or flood events. As such, these access points should be a high priority for adaptation planning and projects. Jurisdictions may consider adopting new comprehensive plan policies to address shoreline public access more comprehensively and in coordination with other relevant land use goals. See Public Access Planning Guidance Chapter for additional information.

Sea Level Rise Tools

Sea Level Rise Adaptation Planning Tools Oregon Coastal Atlas

DLCD developed a toolkit for local governments and communities to assess and address the impacts of sea level rise, which consists of three parts:

Sea Level Rise Impact Explorer:

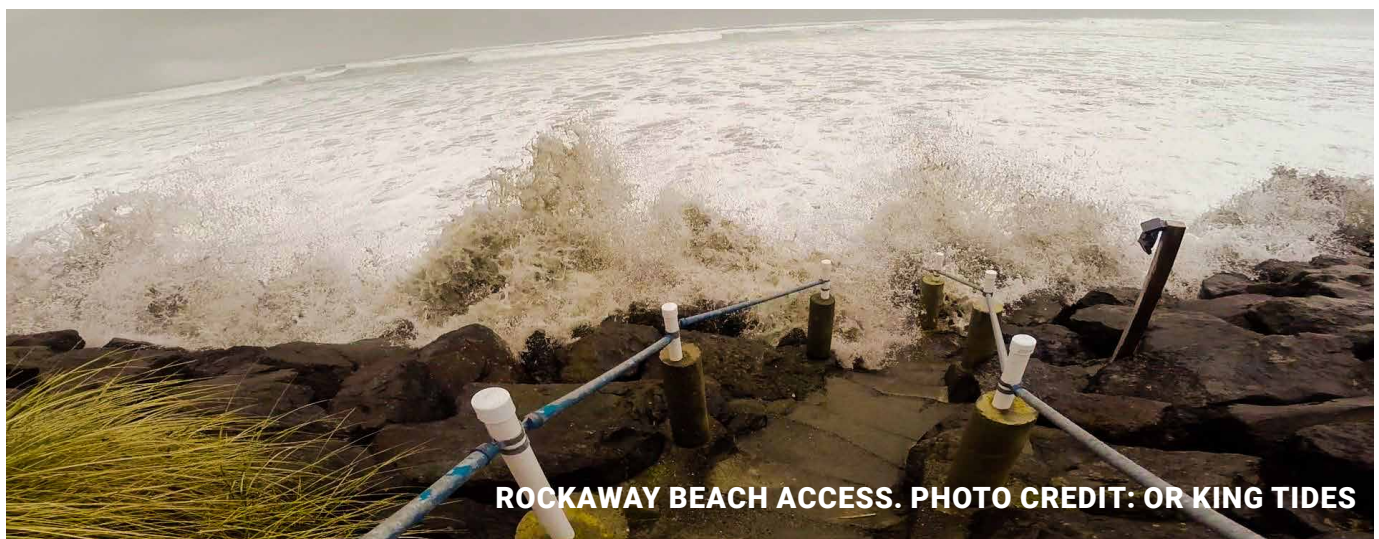
This data and mapping tool are meant to approximate the areas that will be impacted by sea level rise, using the current best data available. Inclusion of an area in the SLR planning area could mean permanent inundation or that the area will be impacted by high tide flooding, storm surge, or erosion events. This mapping tool and data set is also incorporated into the Public Access Tool.

Sea Level Rise Impact Assessment Tool (vulnerability assessment):

This set of spreadsheets is designed to help users inventory activities, such as public access, that take place within affected areas, assess the vulnerability to harm due to SLR, and prioritize further investigation into remedial and adaptive actions. A jurisdiction can assess the vulnerability of community assets such as public access sites and associated infrastructure (parking, restrooms). This can also aid in planning for future access sites and infrastructure.

Sea Level Rise Planning Guide for Coastal Oregon:

This guide provides a suggested approach to evaluate the assets at risk from the impacts of SLR and offers potential adaptation strategies to adapt to those impacts.



ROCKAWAY BEACH ACCESS. PHOTO CREDIT: OR KING TIDES

VIII. Appendices



ROCKY SHORE, FOGARTY CREEK BEACH.

VIII. Appendices

Appendix A – Funding Resources Table

Appendix B – Sample Public Access Site Inventory Table

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Appendix D – Sample Agreement for Protection of Archaeological Sites

1. Memorandum of Understanding Regarding Protection of Archaeological Sites within the City of Bandon, Oregon, Between Coquille Indian Tribe and City of Bandon, Oregon
2. Excerpt from the Coos Bay Estuary Management Plan as implemented by Coos County as Policy 18- Protection of Historical, Cultural and Archaeological Sites



Appendix A – Funding Resources Table

This table provides a list of possible funding opportunities for coastal public access. This is not intended to be an exhaustive list of all funding sources, but a starting point to understand various funding opportunities available.

Funding Opportunity	Description
LOCAL FUNDING	
System Development Charges (SDC's)/ Transportation Impact Fees	SDCs are a one-time fee on new developments (and redevelopment) to recover some of the costs from the impact of those developments (Oregon Revised Statutes 223). Transportation SDCs can be used for both on- and off-street facilities.
Local Improvement Districts (LIDs)	LIDs are used by cities or private property owners to fund and construct local projects such as streets, bike infrastructure, sidewalks, and stormwater management features (ORS 223). Using the LID process, area property owners share the cost of transportation improvements. LIDs have recently been used to install new sidewalks in Baker City and Portland, as well as bicycle facilities in Ashland.
Construction Excise Taxes (CETs)	Half of the revenue from CETs levied on new construction of industrial or commercial buildings can be used for non-housing purposes. Corvallis, Portland, Cannon Beach, Hood River, and Newport have CETs. There is some pressure to use all the revenues for housing.
Urban Renewal Areas (URAs)/Tax Increment Financing (TIF)	URAs are used to improve poorly or under-developed areas (ORS 457). A portion of property tax revenues from properties in the URA is earmarked to financing designated improvements within the urban renewal district. URAs have been used in Portland and Salem for transportation improvements.
Local Gas Taxes	Two counties (Multnomah and Washington) and 25 cities levy local gas taxes, ranging from 1 cent/gallon to 10 cents/gallon. Fourteen of these cities have their local gas tax administered by ODOT. Coquille specifically authorizes using funds for sidewalks.
Transportation Utility Fees (TUFs)	TUFs (also known as Street Utility, Road User, or Street Maintenance Fees) are monthly fees collected from residences and businesses via their water/sewer bills. Fees are assessed based on the expected number of trips for each land use. Funds are usually used primarily for road maintenance and sidewalks, but can cover capital improvements.
General Funds	Many Oregon cities use small amounts of their general funds for transportation maintenance or improvements. City general funds are the most flexible funds.

STATE FUNDING

<u>All-Terrain Vehicle Grant Program</u>	Administered by OPRD, for motorized trails including operations and maintenance, law enforcement, development, planning, emergency medical and land acquisition.
<u>Recreational Trails Program</u>	Administered by OPRD, for motorized and non-motorized trail development and restoration projects.
<u>Local Government Grant Program</u>	Administered by OPRD, for public outdoor facilities including trails, sports fields, playgrounds, picnic facilities, campgrounds, and park support facilities such as parking or restrooms.
<u>County Opportunity Grant Program</u>	Administered by OPRD, for funding to counties to develop, improve or plan county-operated camping facilities.
<u>Land and Water Conservation Fund</u>	Administered by OPRD for public outdoor facilities including trails, sports fields, playgrounds, picnic facilities, campgrounds, and park support facilities such as parking or restrooms.
<u>The Oregon Conservation & Recreation Fund</u>	Funding administered by Oregon Department of Fish and Wildlife to conserve habitat and enhance outdoor recreation
<u>Waterway Access Grant (WAG)</u>	Administered by OSMB, may be used to acquire property, improve, or renovate public recreational boating access, provide education and promote boating opportunities to communities with limited access. Nonmotorized boating being the highest priority.
<u>Boating Facility Grant (BFG)</u>	Administered by OSMB, may be used to acquire property, improve or renovate public recreational boating access facilities. Motorized boating is the highest priority.
<u>Boating Facility Small Grant</u>	Administered by OSMB, may be used for minor facility improvements, to provide boating and safety education, and to promote boating opportunities to communities with limited access.
<u>Maintenance Assistance Grant</u>	Administered by OSMB, may be used to augment existing operation and maintenance costs associated with eligible boating facilities.
<u>State Transportation Improvement Fund (STIF)</u>	Walking and biking connections to transit are eligible under ODOT's STIF Discretionary and Statewide Network Program.

Transportation and Growth Management (TGM) Funds

TGM offers grants for improving transportation system plans and planning efforts that integrate land use and transportation. TGM also offers Quick Response grants when pending development will impact the city's goals, Code Assistance to help with specific code questions, Transportation System Plan (TSP) Assessments to look at city TSPs, and Education and Outreach projects to move community conversations forward.

Oregon Community Paths Program

This program will fund development, construction, reconstruction, and other capital improvements for multiuse paths, bicycle paths and footpaths.

All Roads Transportation Safety (ARTS)

The ARTS Program is designed to address safety needs on all public roads in Oregon. The program is data-driven to achieve the greatest crash reduction, including addressing hot spots. A portion is dedicated to a few proven low-cost measures to implement widely, where there is evidence that they would be most useful. Local agencies can submit applications for bicycle and pedestrian projects.

Safe Routes to School

"Safe Routes to School" refers to efforts that improve, educate, or encourage children safely walking (by foot or mobility device) or biking to school. ODOT has two main types of Safe Routes to School programs: Construction and Education and technical assistance.

Statewide Transportation Improvement Program (STIP)

ODOT's main capital improvement program is the STIP, funded by various sources. The STIP is a three- or four-year document, but is amended often. Proposals can be made to the state via your local regional offices. Projects must be in a local adopted Transportation System Plan. The 2021-2024 STIP includes roughly \$115 million for walking and biking projects. Programs include **Active Transportation Leverage**, which adds walking or biking features to Fix-It projects, and **ADA Curb Ramps**, to boost accessibility of pedestrian infrastructure.

Innovative Mobility Program

The Innovative Mobility Program (IMP) is a new initiative from the Oregon Department of Transportation (ODOT) that aims to improve historically underserved communities' access to public and active transportation. Program goals also include reducing the number of trips Oregonians make by car and reducing greenhouse gas emissions. The IMP is funded by the Bipartisan Infrastructure Law passed by Congress in November 2021, as well as state of Oregon dollars. The program has a total of \$20 million for grants, contracts and program administration.

FEDERAL FUNDING

CZM BIL Habitat Protection & Restoration Funding

Administered by Oregon Coastal Management Program at Oregon Department of Land Conservation and Development for habitat and resilience acquisition- appropriate public access of these lands is a priority.

Surface Transportation Block Grant Program (STBG)

STBG funds are very flexible, funds can be used for projects such as bicycle and pedestrian infrastructure, planning, and traffic monitoring.

<u>Transportation Alternatives Program (TA funds)</u>	Transportation Alternatives is now a set-aside within STBG. Bike-ped projects including recreational trails and safe routes projects are eligible.
<u>Federal Lands Access Program (FLAP)/ Federal Lands Transportation Program (FLTP)</u>	This program works to improve transportation facilities that provide access to, are adjacent to, or are located within Federal and Tribal lands, with an emphasis on high-use recreation sites.
<u>Section 402 State and Community Highway Safety Grant Program</u>	A jointly run program of National Highway Traffic Safety Administration, the FHWA, and State Highway Safety offices, funds can be used for safety materials, training, and police patrols.
<u>Federal Transit Administration (FTA) Capital Funds</u>	FTA funds can fund many different types of pedestrian and bicycle improvements, from access to transit to curb cuts to transit-oriented development efforts.
<u>Recreational Economy for Rural Communities (EPA)</u>	This planning assistance program helps communities identify strategies to grow their outdoor recreation economy and revitalize their main streets.
<u>All Stations Accessibility Program</u>	Provides competitive funding to assist with financing of capital projects and planning for pursuing public transportation accessibility projects.
<u>Areas of Persistent Poverty Program</u>	This program provides competitive funding for planning studies or financial plans to improve transit services in areas experiencing long-term economic distress.
<u>Enhanced Mobility of Seniors & Individuals with Disabilities-Section 5310</u>	Formula funding to states for the purpose of assisting private nonprofit groups in meeting transportation needs of the elderly and persons with disabilities.
<u>US Economic Development Administration (EDA) Travel, Tourism, and Outdoor Recreation Program</u>	Competitive Grants: \$240 million to help communities that have been hardest hit by challenges facing the travel, tourism, and outdoor recreation sectors to invest in infrastructure, workforce, or other projects to support the recovery of the industry and economic resilience of the community in the future.
OTHER FUNDING	
<u>Travel Oregon's Oregon Trails Fund</u>	The Oregon Trails Fund (OTF) is a Travel Oregon program, developed and funded in partnership with the U.S Forest Service (USFS), that aims to bolster Oregon's competitive advantage as a world-class outdoor recreation destination and provide exceptional trail experiences.
<u>Travel Oregon's Competitive Grants Program</u>	Ten percent of Travel Oregon's budget is dedicated to a competitive grants program to award eligible applicants for projects that contribute to the development and improvement of local economies and communities throughout Oregon by means of the enhancement, expansion and promotion of the visitor industry.

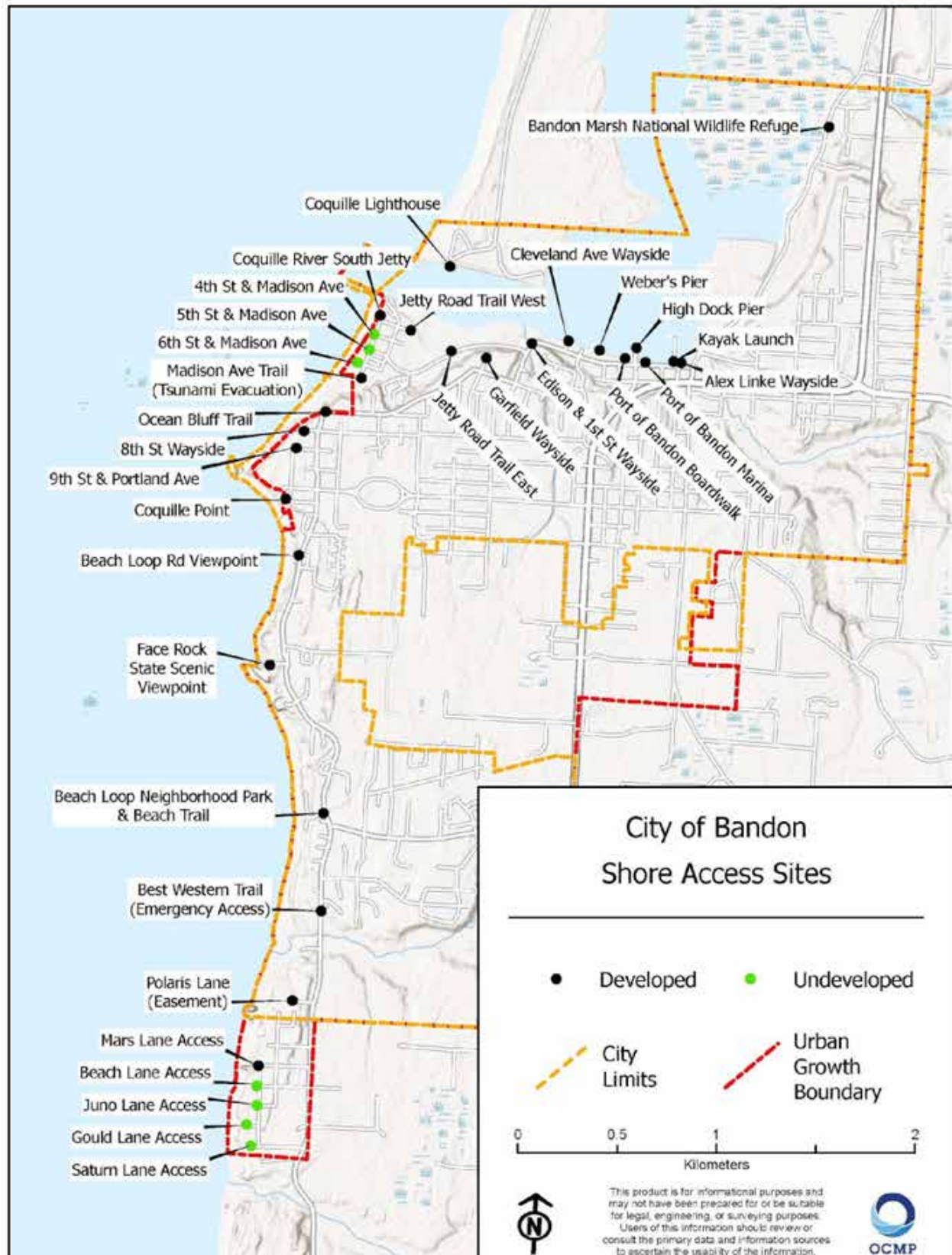
Appendix B – Sample Public Access Site Inventory Table

TABLE 1: CITY OF BANDON COASTAL SHORELAND PUBLIC ACCESS SITE INVENTORY

Site #	Site Name	Site Description	Primary/Secondary Access Site
1	Bandon Marsh National Wildlife Refuge	Part of the Oregon Coast National Wildlife Refuge Complex. Contains parking and trails. Managed by U.S. Fish & Wildlife	Primary
2	Alex Linke Wayside	Owned by Moore Mill & Lumber Co. Picnic table and river/mud flat viewing area.	Primary
3	Kayak Launch	Public kayak launch in Marina. Owned and managed by the Port of Bandon.	Primary
4	Port of Bandon Marina	78 slip Marina in Old Town Bandon. Owned and managed by the Port of Bandon.	Primary
5	High Dock Pier	Also known as the Chicago wayside. Contains an ADA accessible fishing pier. Owned and managed by the Port of Bandon.	Primary
6	Port of Bandon Boardwalk	The Riverwalk is a wooden boardwalk with benches, artwork, and amphitheater along the Coquille estuary waterfront. This area also contains ample parking and a glass picnic shelter. Owned and managed by the Port of Bandon.	Primary
7	Weber's Pier	Contains a floating crab dock as well as the boat launch. Owned and managed by the Port of Bandon.	Primary
8	Cleveland Ave Wayside	Public right-of-way road end with river viewing area.	Primary
9	Edison & 1st St Wayside	Start of Jetty trail. City right-of-way and river viewing area.	Primary
10	Garfield Wayside	Viewing area with bench of Coquille River and Lighthouse on road end. Owned and maintained by the City of Bandon.	Primary
11	Jetty Road Trail East	Access point for Redmon Pond viewing and sandy Coquille River shores. Future site of trail.	Primary
12	Jetty Road Trail West	End of 3rd St. Access point for Redmon Pond viewing and sandy Coquille River shores. Future site of trail.	Primary
13	Coquille Lighthouse	Located in Bullards Beach State Park. Owned by the US Army Corps of Engineers and managed by Oregon Parks & Recreation Department.	Primary
14	Coquille River South Jetty	Beach access and viewing area owned by the City of Bandon. Contains large parking lot and restrooms.	Primary
15	4th St & Madison Ave	Unopened City right-of-way road end designated for future access point (if needed).	Secondary

16	5th St & Madison Ave	Unopened City right-of-way road end designated for future access point (if needed).	Secondary
17	6th St & Madison Ave	Unopened City right-of-way road end designated for future access point (if needed).	Secondary
18	Madison Ave Trail (Tsunami Evacuation)	Tsunami evacuation route. Steep walking trail from Jetty to Ocean Bluff Trail.	Primary
19	Ocean Bluff Trail	Walking trail along the north side of 7th Street SW. Continues off-street along bluff and out to Coquille Point.	Primary
20	8th St Wayside	Road-end parking area with benches and access to Ocean Bluff trail. USFWS manages the paved trail and stairs down to the beach from 8 th St.	Primary
21	9th St & Portland Ave	Road-end parking area with benches and access to Ocean Bluff trail.	Primary
22	Coquille Point	Part of the Oregon Islands National Wildlife Refuge. Contains parking lot, stairs to the beach front, and interpretive signs. Connects to Ocean Bluff Trail. Managed by U.S. Fish & Wildlife.	Primary
23	Beach Loop Rd Viewpoint	Roadside parking area with expansive ocean view.	Primary
24	Face Rock State Scenic Viewpoint	Contains parking lot, stairs to the beach front, restrooms and picnic tables. Managed by Oregon Parks & Recreation Department.	Primary
25	Beach Loop Neighborhood Park & Beach Trail	Parking area on the east side of Beach Loop Drive, beach access trail on the west. Owned and managed by the City of Bandon.	Primary
26	Best Western Trail - Emergency Access	Privately owned and maintained. Not intended for public use but may be made available for emergency access. Should be retained as a potential future access site should it ever come up for sale.	Secondary
27	Polaris lane Easement	10-foot public pedestrian access easement centered on tax lots 1900, 1199, and 599, from Polaris Lane to the ocean shore. Undeveloped.	Secondary
28	Mars Lane Access	Mostly undeveloped beach access point on County right-of-way.	Primary
29	Beach Lane Access	Undeveloped beach access point on County right-of-way.	Secondary
30	Juno Lane Access	Undeveloped beach access point on County right-of-way.	Secondary
31	Gould Road Access	Undeveloped beach access point on County right-of-way.	Secondary
32	Saturn Lane Access	Undeveloped beach access point on County right-of-way.	Secondary

Appendix C – Sample Public Access Site Inventory Map



Appendix D – Sample Agreement for Protection of Archaeological Sites

1. Memorandum of Understanding Regarding Protection of Archaeological Sites within the City of Bandon, Oregon, Between Coquille Indian Tribe and City of Bandon, Oregon
 2. Excerpt from the Coos Bay Estuary Management Plan as implemented by Coos County; Policy 18- Protection of Historical, Cultural and Archaeological Sites
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**1. MEMORANDUM OF UNDERSTANDING REGARDING PROTECTION
OF ARCHEOLOGICAL SITES WITHIN THE CITY OF BANDON,
OREGON, BETWEEN COQUILLE INDIAN TRIBE AND CITY OF
BANDON, OREGON**

RECITALS:

1. The City of Bandon, acting by and through its duly elected City Council, (Hereafter City) and the Coquille Indian Tribe, acting by an through its duly elected Tribal Council (Hereafter Tribe) enter into this Memorandum of Understanding (Hereafter MOU) to protect archeological and cultural resources within the City of Bandon's jurisdiction by: (1) facilitating consultation between the City and the Tribe on archeological sites within the City's jurisdiction as part of the planning process, and (2) ensuring that archeological sites within the City's jurisdiction are protected from ground-disturbing activities. The sites shall be identified on the Bandon Cultural Resources Map as adopted in the Bandon Comprehensive Plan. The parties will work together to create and maintain the Cultural Resources Map in a format that facilitates meeting their obligations under this MOU and applicable state laws protecting archeological sites.
2. The parties acknowledge that the location of archeological sites is sensitive information and is exempt from public disclosure laws pursuant to ORS 192.501. Thus, the City agrees that it shall refrain from widespread dissemination of site-specific information about the areas of archeological concerns identified in the Cultural Resources Map.
3. This agreement is entered into as authorized pursuant to ORS 190.110 and is intended to meet the requirements of Goals 5 and 17 of the State Wide Planning Goals (pursuant to ORS 358.905 et seq. ORS 390.235, and ORS 97.745).
4. The parties recognize, for the purposes of this agreement, that Oregon state law provides protection for archeological sites and governs the permitting process for certain activities in relation to archeological sites. The parties intend this agreement to be enacted in accordance with state law. The parties further intend that, in carrying out this agreement, the parties will endeavor to coordinate the process set out in this agreement with the requirements of state law.

The parties agree as follows:

PUBLIC WORKS PROJECTS

1. **Notification of Tribe of Projects and Activities.** The City from time to time conducts or contracts for projects that are commonly referred to as

Public Works projects. These activities include, but are not limited to, those that the City undertakes under its own control and those that are conducted by others with the City's authorization under specific contracts.

Normally these projects have been planned for a period of time and include development plans or designs with information that is fairly detailed.

There are other City Public Works projects that are in the nature of maintenance or repair and are fairly minimal in background design or plan information. These might include replacing a signpost, repairing a pipe break, or clearing brush and vegetation.

Any of these activities in which there will be ground-disturbing activity on an archeological site will not be conducted until the Tribe is notified in writing of the Public Works project. The Tribe shall be given notice at least 30 days in advance of any planned Public Works project intended to be conducted in an archeological site, including sufficient information to allow the Tribe to understand the nature and extent of any proposed excavation, and the full extent of the project area.

2. **Public Safety Emergencies.** In the event an emergency arises within an area of archeological concern that affects the City's public works or infrastructure, or that threatens public safety, the City shall immediately notify the Tribe of the situation and the proposed action to address the emergency (by telephone and by written notice). This procedure does not alleviate or relieve the City from its responsibility to not disturb or destroy archeological sites regardless of the emergency.
3. **Inadvertent Disturbance of Archeological Sites.** During the course of any ground-disturbing activity under the City's direct control, if archeological materials are inadvertently disturbed, the City shall immediately cease to work in the area, cover the area, and notify the Tribe's Cultural Resources Program by telephone of the discovery of such materials. The City shall also provide written notice to the Tribe within three days of the incident.
4. **Consultation and Mitigation.** The parties agree that upon notification of a pending project under the City's jurisdiction, the Tribe shall have ten days to provide written comments on the proposed project, stating whether the project as proposed would impact the archeological site, and whether the Tribe proposes measures to either protect the site or to mitigate the impact to the site. The modifications proposed by the Tribe may include but shall not be limited to:

- a) Requiring mitigation of the site including (1) test excavation prior to the start of the project to determine the extent and nature of the archeological features, supervised by a qualified archeologist in accordance with the State Historic Preservation Office (SHPO) requirements; (2) the complete excavation and removal, prior to start of the project of all archeological features, artifacts, and/or materials at the site as permitted under state law, under the supervision of a qualified archaeologist; (3) excavation of the site and removal of any cultural and archeological materials, human remains, and burial objects, and re-interring the human remains and burial objects at the City's/developer's expense;
 - b) Removing any ground-disturbing activities from the project/development in order to avoid disturbing the site;
 - c) Using civil means to ensure adequate protection of the archeological resources such as acquisition of easements, public dedications or transfers of title; and
 - d) Requiring the Developer or City to hire a Tribal monitor to be on site during any ground-disturbing activities associated with the project to assist in the identification of archeological objects and sites.
 - e) Requiring reimbursement of the Tribe for all monitoring and/or mitigation costs incurred by the Tribe, provided that the Tribe may choose to waive all or part of its costs.
5. **Previously Unknown/Unrecorded Archeological Sites.** In the event that a previously unknown or unrecorded archeological site is encountered during any public works project or other ground-disturbing activity being conducted by the City or its agents or contractors, the City shall immediately cease work within that area and shall immediately provide notice to the Tribe as set forth in the notice provision regarding inadvertent disturbance of archeological site. The City shall also immediately cordon off and/or cover the exposed discovery and otherwise secure the site. In addition to immediately notifying the Tribe of the site, the City shall afford the Tribe an opportunity to consult on appropriate measures to avoid further impacts to the site including, but not limited to, those measures outlined above. Until the parties agree upon the necessary mitigation, the City shall insure that any work on the project that will further harm the archeological site will be halted and security measures will remain in place to protect the site.

PLANNING ACTIVITIES/DEVELOPMENT PERMITS/PRIVATE PROJECTS

1. **Background.** The City has responsibility for land use planning within its jurisdiction. Certain activities are initiated by the City: for example, comprehensive plan and zone changes and City-sponsored applications for development permits. Other matters are initiated by private property owners: for example, permits for conditional use activities, zoning clearance letters to allow issuance of building permits from the State, and legislative zone change requests. Further, the City is often contacted by property owners, or agents on behalf of property owners, who are interested in exploring options or getting information for consideration of presenting a development request to the City.

It is anticipated that formal project applications or planning activities - whether sponsored by the City or private property owners - that require a hearing, can be processed in a fairly straight forward manner if the activities include proposals for archeological sites.

The City will inform citizens or other persons who have submitted applications for review, or who have contacted the City informally to discuss a proposed development or planning activity, that the proposal will be subject to review for potential impacts on areas of archeological concerns. The City shall take steps necessary to facilitate contact by the applicant and the Tribe when in the course of the review of an application or proposed development if it is found that the scope of the project falls within an area of archeological concern. Additionally, in the event that an applicant requests a hearing with the Hearings Officer, the Planning Commission or City Council to address archeological concerns, the City will notify the Tribe of the hearing date and time and afford the Tribe the opportunity to appear at the hearing. The City will also notify the applicant that the Tribe will be appearing and providing its comments at the hearing.

2. **Application Consultation.** When the City receives an application for a development permit under its land use laws, the City will first review the application to determine if the subject property is located within an area of archeological concern (as identified on the Cultural Resources Map). If the proposed development is located within an area of archeological concern, the City shall take the following steps:
 - a) The City will immediately advise the applicant of the situation, and will also advise the applicant that the permit application is subject to further review by the Tribe.
 - b) The City will collect from the application all information pertinent to the development proposal, showing at a minimum: (1) the area(s) proposed for excavation and/or other ground-disturbing activities; (2)

a plan view of the proposed development on a map or drawing of the subject property; and (3) a location map indicating an address and street (road) access to the property.

- c) The City will then transmit a copy of the application to the Tribe for its review and response. Said transmittal shall be dated and shall be sent by both FAX and U.S. Postal Service.
- d) The Tribe will be allowed 10 working days from the date of transmittal to make comments on the application proposal. Said comments might include request(s) for certain conditions to be imposed on the application.
- e) If the Tribe does not respond to the City within 10 days, it is assumed that the Tribe has no comments or concerns pertinent to the application.

The Tribe is not responsible to consult or confer with private parties or their agents concerning any development proposal prior to an application being submitted to the City. In all instances where a proposed development requires City permits, it will be the City's responsibility to accept the application and to then communicate and consult with the Tribe to address any potential impacts to areas of archeological concern.

In the permit application review process, the Tribe may choose to contact the private property owner (or agent) for a visit to the subject property, or to discuss relevant details of the proposed development with the property owner or agent. However, all formal communications and comments from the Tribe about the application, and any recommendations the Tribe might make about an application will be addressed to the City, and it will be the City's responsibility to incorporate the Tribe's comments or concerns into the record of the application.

Any development or proposal under this section shall contain the site development plan showing, at a minimum, all areas proposed for excavation, clearing and construction and any other ground-disturbing activity.

3. **Tribe Status as Party.** The Tribe shall be considered a party with full standing to any application for a development permit that concerns property located within an area of archeological concern (as identified on the Cultural Resources Map). The Tribe shall receive the same notice required under the City's Code to surrounding property owners. In addition to the notice, the Tribe shall receive a full copy of the application from the City, and shall receive a request from the City to comment on the proposed project.

Thereafter, if the Tribe's concerns have not been addressed to the Tribe's satisfaction by the property owner, the Tribe shall have standing at the

hearing to present to the Hearings Officer, Planning Commission or the Council its concerns and to request modification of the proposal.

4. **Unresolved Issues for Hearing.** If the Tribe's issues have not been resolved pursuant to Section 2, the Planning Commission or the Hearings Officer may impose conditions requiring and including the recommendations for mitigation of the impact. In any event, the City shall not issue a permit without concurrence from the State Historic Preservation Office (SHPO) that the conditions satisfy SNPO's requirements under state law. In the hearings process, the Tribe must demonstrate to the Commission or Hearings Officer the significance of the archeological resource and the reasonableness of its requested conditions to protect the resource or mitigate potential impacts to the resource.
5. **Other Planning Matters.** On any planning activities which are not related to actual development projects but do concern or contain areas of archeological concern, the Tribe shall be notified and allowed to participate in the planning. These activities are anticipated to include projects or proposals for such things as amendments to the text or definitions of the City's Comprehensive Plan, land use zoning changes and long-range planning, and are not specific projects for activities that will immediately result in ground disturbance.
6. **Definitions.** For purposes of this Agreement, "archeological site" means a geographic location within the City of Bandon's boundaries including but not limited to submerged and submersible lands and the bed of the sea within the City's jurisdiction that contain archeological objects and the contextual associations of the archeological objects with:

(I) Each other; or

(ii) Biotic or geological remains or deposits.

Examples of archaeological sites described herein include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, shell middens, homesteads and town sites.

DISPUTE RESOLUTION

In the event that the parties cannot agree on the appropriate mitigation to avoid negative impacts to an archeological site, the parties shall submit the

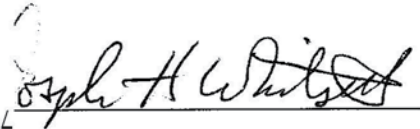
matter for mediation and arbitration pursuant to the provisions of ORS 390.240 and Oregon Administrative Rules 736-051-0000 to 951-0050 pertaining to disputes governing archeological permits.

AUTHORITY TO ENTER INTO AGREEMENT

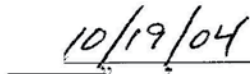
This Agreement shall become effective on the date it is signed by the last signatory. For purposes of this Agreement, the individual signing on behalf of a party certifies that he/she has the authority to act on behalf of that party.

SEVERABILITY

In the event that a court of competent jurisdiction invalidates a portion of this Agreement, the remaining provisions shall remain in full force and effect.



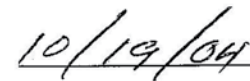
Joseph H. Whitsett, Mayor
On behalf of the City Council of the City of Bandon



Date



Ed Metcalf, Chairman
On behalf of the Coquille Indian Tribe



Date

CR4835

2. From the Coos Bay Estuary Management Plan as implemented by Coos County

Policy 18. PROTECTION OF HISTORICAL, CULTURAL AND ARCHAEOLOGICAL SITES

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site specific information about identified archaeological sites.

- I. This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological, or historical site to determine whether the project as proposed would protect the cultural, archaeological, and historical values of the site.
- II. The development proposal, when submitted, shall include a Site Plan Application, showing, at a minimum, all areas proposed for excavation, clearing, and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Site Plan Application. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical, and archaeological values of the site or, if not, whether the project could be modified by appropriate measures to protect those values.

“Appropriate measures” may include, but shall not be limited to the following:

- a. Retaining the prehistoric and/or historic structure in situ or moving it intact to another site; or
- b. Paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe(s); or
- c. Clustering development so as to avoid disturbing the site; or
- d. Setting the site aside for non-impacting activities, such as storage; or
- e. If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reintering the human remains at the developer's expense; or
- f. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.

If a previously unknown or unrecorded archaeological site is encountered in the development process, the above measures shall still apply. Land development activities which violate the intent of this strategy shall be subject to penalties prescribed in ORS 97.990.

- III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall conduct an administrative review of the Site Plan Application and shall:
 - a. Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical, and archaeological values of the site. If the property owner and the Tribe(s) cannot agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical, and archaeological values of the site.

- IV. Through the “overlay concept” of this policy and the Coastal Historical and Archaeological Sites Map (available at Coos County), unless an exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the cultural, historical and archaeological values or unless appropriate measures have been taken to protect the historic and archaeological values of the site.

This strategy recognizes that protection of cultural, historical, and archaeological sites is not only a community’s social responsibility; it is also legally required by ORS 97.745. It also recognizes that cultural, historical, and archaeological sites are non-renewable cultural resources.



OREGON

Department of
Land Conservation
& Development



OCMP

Oregon Coastal
Management Program

Oregon Coastal Management Program
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