



## OCEAN SHORE ALTERATION PERMIT

Date of Issuance:	March 10, 2025	Expiration Date:	October 1, 2025
Permittee:	Linda Harris		
OPRD File Number:	3063-25	County:	Lincoln
Project Location:	The project is located within the Salishan Community in Gleneden Beach, Oregon, at: 241 Salishan Drive (Lincoln County Tax Map: 08-11-09-AA-00201).		
Project Description:	Construction of a continuous riprap shoreline protection structure, approximately 430 feet in length, along the ocean shore, fronting all properties from 241 to 247 Salishan Drive. The proposed structure will feature a top elevation of 33 feet NAVD88, with a 2H:1V slope, an average width of 70 feet, and an estimated total volume of 11,438 cubic yards of armor stone and backfill materials. Associated construction staging will occur on the upland within the subject properties.		

The Oregon Parks and Recreation Department (OPRD) has reviewed your application to construct a revetment on the ocean shore (ORS 390.605). OPRD has evaluated the request against the Ocean Shore Permit Standards (OAR-736-020-0005 through 736-020-0030) and found the project is consistent with those standards. OPRD is approving this permit for alteration on the ocean shore as described above and in the application; all work is subject to the following conditions:

1. Work proposed must be completed on or before the expiration date identified on page 1 above. If the project cannot be completed by the expiration date, the permittee may request a permit extension in writing, prior to expiration. An extension to the expiration date may be granted based on the submission of a revised construction schedule, and at the sole discretion of OPRD. Permit extensions are not guaranteed for approval.
2. By proceeding under this permit, the permittee, their agent, and contractor acting on behalf of the permittee agrees to comply with and fulfill all terms and conditions of this permit, unless the permit is officially transferred to another party as approved by OPRD. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.
3. Prior to construction, the permittee shall file with the Lincoln County Clerk, a Declaration of Conditions and Restrictions. A form is attached for use in satisfying this condition. The permittee shall pay any filing and recording costs. Upon recording, the permittee shall submit a certified copy to OPRD as proof of compliance with this permit condition. Failure to provide the certified Declaration of Conditions and Restrictions within 30 days of permit issuance shall nullify this permit and all authorizations contained herein, unless otherwise specified by OPRD in writing.

4. By performing work under this permit you acknowledge the following. Where a permit is issued under ORS 390.650, any person aggrieved by the issuance of the permit or conditions imposed on the permit, may request a hearing from the Director within 30 days of granting the permit. If the permit is modified or rescinded as a result of an appeal and the permittee has performed any alterations on the ocean shore, the permittee will be responsible for removing any materials and restoring the ocean shore to as natural a condition as possible at the sole expense of the permittee.
5. Prior to the placement of additional improvements or alterations to existing improvements other than those authorized by this permit, a modification/amendment of this permit will first be required.
6. OPRD's Ocean Shore Permit Coordinator shall have sole authority to determine whether the permittee's methods of construction, interim work, construction activity, or use of the ocean shore is in conformance with the permit authorization, including terms and conditions, the application, responses or statements made by the permittee during application processing, and supporting documents incorporated into the permit file.
7. Before construction begins, the permittee shall schedule and hold a preconstruction meeting with OPRD staff and the permittee's primary contractor(s) to discuss commencement of construction, construction planning, and communications during construction.
8. Immediately upon completion of the authorized work, the permittee shall contact the OPRD Ocean Shore Permit Coordinator so that a final inspection may be scheduled.
9. Within 30 days of project completion, the permittee must provide OPRD with one electronic and one hard copy of documentation of project completion. This documentation, certified by a licensed professional or other certified specialist relevant to the project, must verify that the work was completed according to approved project specifications, the horizontal and vertical location of the top and toe of the revetment, and the project completion date. In addition, this shall include notice of any remaining or unfinished activities, explanation of any problems or unexpected situations encountered during construction, and identification of, and explanation for, any deviations from the permit and approved design.
10. This permit does not authorize the permittee or agent to trespass on private property or to remove materials owned or controlled by others. Prior to any work associated with this permit (including access roads, staging, or other construction related activities) occurring on land not owned by the permittee, the permittee shall obtain an easement, license, or other written authorization from fee owner of such land.
11. Use of equipment or vehicles on the ocean shore requires a separate permit from OPRD. Use of public beach access points or temporary access routes and operations on the ocean shore are subject to the conditions of that permit.
  - a. Once a construction schedule is determined, the permittee or agent must submit a "Request to operate motor vehicle on ocean shore" at: <https://stateparks.oregon.gov/index.cfm?do=visit.dob-form> . OPRD requests that you work with OPRD staff to develop and submit the request at least two weeks prior to the start of construction activities.
  - b. At the end of each workweek and before each weekend, any ruts or travel paths that have formed from the haul route shall be restored to a natural condition. Similarly, any ruts that have formed in the haul route on the beach shall be back-bladed or restored to a natural condition before each weekend.
  - c. Authorizations to operate motor vehicles upon the ocean shore are at the sole discretion of OPRD. Authorization to operate a motor vehicle will not be extended beyond the expiration date on page 1 of this permit unless OPRD determines that the project:
    - i. Has been constructed in the most timely and efficient manner possible and that any delays are fully outside the control of the permittee or their agent.
    - ii. Has been conducted in a manner consistent with the alteration permit and drive on beach permit.
    - iii. The extension of time represents the least impact alternative to the ocean shore and that impacts are less than, or consistent with, the original application and permit findings.

12. The permittee is required to provide a weekly status update on the project every Monday until condition 8 is completed. The update must be sent via email to the Ocean Shore Permit Coordinator and include the following information:
  - a. the amount of material placed during the previous week,
  - b. the amount of material remaining to be placed,
  - c. the expected time remaining for completion at the specified address/lot, and
  - d. reference to the permit number.
13. Photo documentation required: The permittee must provide OPRD with three sets of photos at different phases of the project: 1) before construction begins, 2) before covering the revetment with sand, and 3) after the revetment is completed. The permittee cannot commence the next phase of construction until OPRD has confirmed receipt of the photos in writing. Required vantage points include:
  - a. From just south of the property looking north and clearly showing the proposed work area, a portion of the adjacent property to the south, and a significant portion of the beach west of the proposed work area.
  - b. From just north of the property looking south and clearly showing the proposed work area, a portion of the adjacent property to the north, and a significant portion of the beach west of the proposed work area.
  - c. From west looking east and clearly showing the proposed work area and a significant portion of the beach.
14. Existing dune vegetation shall be protected and preserved during construction of the project for restoration of the foredune following installation of the revetment as described in the application materials.
15. The project shall include a 2-foot-thick vegetated sand covering planted with beach grass, using generally-accepted practices for beach grass planting project, as outlined in Figure 3 of the HGSA 2024 Addendum. Only sand removed from the toe trench may be used to cover the revetment. Beach scalping for sand is not authorized. The permittee shall contact OPRD staff prior to planting and provide details of the beach grass source and methodology proposed. The permittee shall provide a copy of a signed agreement with a licensed landscape contractor with experience in beach grass plantings, prior to initiating the planting component of the project.
16. The project shall be constructed in accordance with the submitted plans, specifications, and descriptions, and comply with the location, dimensions, and materials specified in the plans and descriptions. Only hard, durable, fresh angular basalt rock 3-7 feet in diameter from an upland source shall be used as riprap.
17. Any sand or rock temporarily placed on the beach adjacent to construction activities shall be placed in a manner that does not obstruct north or south travel by pedestrians or vehicles along the beach during mid to low tide.
18. For public safety, the active construction area must be signed and visibly demarcated, to clearly delineate the boundary of the active construction area for the public. All construction operations must occur within this boundary, except for travel to and from. All construction activity must conform to the specifications outlined in the Permittees submitted "Salishan Ocean Shores Construction Impacts, Staging, and Public Safety Plan", unless otherwise specified by the departments field representative.
19. Upon completion of the project, the beach shall be cleared of all rock debris, or other debris associated with the riprap construction, and the beach shall be returned to its pre-existing condition.
20. The permittee, and their successors, are responsible for maintaining the revetment for the life of the project. This includes, but is not limited to, retrieving, replacing, or both, any armor stones dislodged because of the ocean or any other cause, covering the revetment with sand, and vegetation on the revetment. Failure to maintain the revetment, where such failure causes a public safety hazard or detriment to ocean shore resources, may cause appropriate legal action to be pursued to ensure compliance with this provision. The permittee shall maintain the revetment to the satisfaction of OPRD.
21. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted project's design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS chapter 390 and related regulations.

22. The permittee shall agree to save and hold harmless the State of Oregon, the Oregon Parks and Recreation Commission, and its members, and all officers, agents and employees of the Oregon Parks and Recreation Department, from any claim, suit or action whatsoever for damages to property, or injury or death to any person or persons due to negligence of permittee(s), their officers, agents or employees, and arising out of the performance of any work or project covered by the granting of a permit.
23. The permittee and their agent assume full responsibility and liability for damages or injury to any member of the public arising out of the activity or use, including personal injury and property damage, and for any damage to park property, including natural and cultural resources.
24. OPRD may stop the work authorized under this permit and require the permittee and agent to vacate the ocean shore, in the event of any emergency, non-compliance issue, threat to public safety or park resources, or a violation of ocean shore rules arising out of or related to the activity or use. Once notified by OPRD to stop work, vacate the ocean shore, or both, , the permittee is required to comply within 24 hours of receipt of written notice, and will not resume activity until OPRD has provided written notice to authorize return.
25. The permittee shall terminate the activity or use immediately upon receipt of notice from OPRD that the permit has been cancelled and shall thereupon be responsible for the immediate cleanup and restoration of the Ocean Shore.
26. OPRD retains the right to enter onto any park land or lands administered under OPRD at any time for purposes of inspection or management.
27. The permittee shall dispose of all solid and liquid waste in an OPRD approved manner and shall not allow debris, garbage or other refuse (including fuel or oil) to accumulate or be discharged into any waterway or ocean shore area. Fueling, lubrication, or other fluid change must occur in an upland area or on an appropriate spill containment mat. A spill kit must be kept readily available on-site at the project area.
28. The permittee must keep a copy of the permit package at the project site until completion of all phases of construction and acceptance of the project and restoration of the ocean shore by OPRD.
29. The permittee is responsible for the removal of all construction materials and debris from the ocean shore; and for all costs associated with the repair, replacement, and restoration of any sections of the ocean shore damaged or disturbed as a result of the activity authorized by this permit. Restoration shall be to the satisfaction of OPRD.
30. The permittee shall not cut, destroy, remove, or permit to be cut, destroyed or removed any vegetation on park land except with the written permission of the department.
31. The permittee shall conduct all operations within the permit area in a manner which protects natural and cultural resources, protects water quality, and does not contribute to soil erosion or growth of noxious weeds.
32. The permittee shall be responsible for adhering to permit approvals and permit requirements from the U.S. Army Corps of Engineers, the Oregon Department of State Lands, Oregon Department of Environmental Quality, and State Historic Preservation Office, which are applicable to this project.
33. In no event shall the issuance of the permit be construed as a sale, lease, granting of easement or any form of conveyance of the state recreational area, ocean shore or submerged lands.
34. It is the responsibility of the permittee to make prospective bidders aware of the terms and conditions of this permit. It shall be the responsibility of the permittee's contractors to understand the terms and conditions of this permit and govern themselves accordingly.
35. This approval does not affect any obligation the permittee might have to other persons or agencies, local, state or federal.

36. Protection of cultural resources required; extreme caution should be exercised during ground-disturbing activities:
- The permittee shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.955 and OAR 736-051-0060 through 736-051-0090 as these statutes and rules affect the discovery, excavation, salvage, removal and disposition of archaeological resources and the permitting requirements for these activities as they affect archaeological sites on public and private land. If archeological objects are encountered during the project, all work must stop immediately, and work may not proceed until an archeological permit is issued under ORS 390.235.
  - If the project has a federal nexus (*i.e.* federal funding, permitting, or oversight), the permittee shall coordinate the project with the federal agency representative to ensure compliance with Section 6 of the National Historic Preservation Act of 1966.
  - Prior to the start of any construction, the permittee is responsible to develop an Inadvertent Discovery Plan (IDP) and then have it available on-site during construction. A template is available at <https://www.oregon.gov/oprd/OH/pages/projectreviewresources.aspx> . The template and IDP explains what to do in the event of a discovery and provides examples of archaeological materials. Furthermore, if archaeological and/or cultural resources are identified during project activities, that the appropriate tribe be contacted immediately by phone.
37. If the permittee fails to comply with the conditions provided herein and otherwise imposed by OPRD, OPRD shall exercise its authority under Oregon Revised Statutes 390.661 through 390.676; 390.990 through 390.995; and the provisions of OAR 736-020-0200 to cease any further activity by the permittee on the ocean shore except as directed by OPRD. In such circumstances OPRD may assess a civil penalty according to the provisions of OAR 736-080-0005 through 736-080-0070.

End of Permit Conditions.

Please contact Tyler Blanchette, Ocean Shore Permit Coordinator 503-510-6741 if you have any questions or need assistance with this permit.

  
Matt

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Matt Rippee  
Deputy Director of Field and Community Services  
Oregon Parks and Recreation Department

cc: Rhiannon Bezore, DLCD  
Megan Hoff, Lincoln County Planning

### **Appeal Process**

*Any person aggrieved or adversely affected by the grant of a permit or the conditions imposed on the permit may file a written request for a hearing with the Parks and Recreation Director. The request must be received within 30 days of the date of the permit. The hearing shall be conducted as a contested case in accordance with ORS 183.415 to 183.430, 183.440 to 183.460 and 183.470.*



## FINDINGS OF FACT STAFF REPORT

<b>Date:</b>	March 7, 2025	<b>Ocean Shore Permit Coordinator:</b>	Tyler Blanchette
<b>County:</b>	Lincoln		
<b>OPRD File Numbers:</b>	3063-25 3064-25 3065-25 3066-25 3067-25	<b>Applicant:</b>	Linda Harris Salishan Leaseholders Inc. (or "SLI") Karen J Garrison Co-Trustee & Anne M Thompson Co Trustee Mark, Christine, Roger & David Allen Shannon Jones, Greg Jones, Dima Sokolov, Jaqueline Givas

**Project Location:** The project is located on five (5) ocean shore fronting residential properties within the Salishan Community in Gleneden Beach, located at:

- 241 Salishan Drive (Lincoln County Tax Map: 08-11-09-AA-00201) – Harris
- "NO SITUS" Parkway (Lincoln County Tax Map: 08-11-09-AA-00235) – SLI
- 243 Salishan Drive (Lincoln County Tax Map: 08-11-09-AA-00210) – Garrison & Thompson
- 245 Salishan Drive (Lincoln County Tax Map: 08-11-09-AA-00206) – Allen
- 247 Salishan Drive (Lincoln County Tax Map: 08-11-09-AA-00204) – Jones, Jones, Sokolov, and Givas

**Brief Project Description:** Construction of a continuous riprap shoreline protection structure, approximately 430 feet in length, along the ocean shore, fronting all properties from 241 to 247 Salishan Drive. The proposed structure will feature a top elevation of 33 feet NAVD88, with a 2H:1V slope, an average width of 70 feet, and an estimated total volume of 11,438 cubic yards of armor stone and backfill materials. Associated construction staging will occur on the upland within the subject properties.

### Background:

During the 2023/2024 winter storm season, significant erosion events led to the issuance of emergency permits #3055, 3056, 3057, and 3058 by OPRD under ORS 390.650(6) for properties at 241, 243, 245, and 247 Salishan Drive. These permits authorized the repair of an existing shoreline protection structure, which included placing armor stone and backfill material on the ocean shore and constructing an access road along the top of the existing riprap structure. The current applications for ocean shore alteration permits aim to remove the previously existing riprap revetment (repaired as a temporary project approved under an emergency permit) and replace it with a permanent ocean shore alteration, as described in OAR 736-020-0070(3).

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## ADMINISTRATIVE RULE STANDARDS AND RELEVANT FACTS

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### I. GENERAL STANDARDS, OAR 736-020-0010

***Project Need – There shall be adequate justification for a project to occur on and alter the ocean shore area.***

The project site(s) consists of approximately 430 feet of riprap-stabilized, dune-backed shoreline, comprising five individual tax lots and four single-family residences. According to OPRD records, the project area has a history of shoreline armoring, with repairs authorized to the subject properties as recently as June 2020.

As described in the 2024 HGSA Addendum Y244741 and the others, “Several severe erosion events occurred over the winter of 2023/2024, when the combination of rip currents, king tides, storm surge, and large swells contributed to high water levels and waves that stripped sand from the beach, eroded the foredune, and overtopped and damaged the existing riprap revetment fronting the project area.” Moreover, the overtopping of the revetment resulted in seawater flooding the basement of the residence at 245 Salishan Drive.

In response, OPRD issued four emergency permits to strengthen and repair the existing shoreline protection structures for the four residential properties. The existing riprap structures had been severely damaged and were not effective in providing safety to the on-shore properties. Staff determined that without repair, these properties were in a state of “imminent peril” at the time. According to OAR 736-20-0002(8), imminent peril is defined as “a situation in which property is likely to be severely damaged or destroyed by action of the Pacific Ocean or waters of a bay or river, or by landslide or other natural forces, and where such damage would be likely to occur prior to the time required for approval of an Ocean Shore Permit.”

To comply with OAR 736-20-0070(3), after receiving an emergency permit authorization, permittees must either remove all materials placed on the ocean shore and restore it or apply for an ocean shore alteration permit as specified in ORS 390.650 to convert the temporary project into a permanent one. These applications seek to convert their emergency permits into permanent riprap structures, as defined by rule and statute.

The applicants seek authorization to replace their existing riprap structure, which was repaired and expanded under an emergency, with a larger permanent riprap revetment. This new structure will connect to the existing riprap to the north (OS Permit 2969 – tax lot 00215) and south (OS Permit 3019 – tax lot 00224) of the project area. Staff finds that the applicants have established that, due to the site's vulnerability to erosion, increasing frequency of episodic erosion, and the inadequacy of the current shoreline armoring to provide a reasonable degree of safety for the on-shore property, a larger riprap revetment built to modern design standards is necessary and justified.

The proposed construction is supported by the H.G. Schlicker and Associates Reports Y174107 (2019 HGSA Report), Y244741 (2024 HGSA Addendum), Y244742 (2024 HGSA Addendum), Y244743 (2024 HGSA Addendum), Y244744 (2024 HGSA Addendum), Y244745 (2024 HGSA Addendum), and the project narrative.

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

The proposed structure will be located on private and publicly owned land that is subject to the public's customary use of the ocean shore recreation area.

The toe of the proposed riprap will extend approximately 50 feet west of the statutory vegetation line (Y244741 Figure 1 & 3), depending on the tax lot. The northern side of the proposed 430-foot structure will extend approximately 25 feet seaward of the west boundary line of the applicant's property (Jones - 247 Salishan Drive). With approximately 38 feet of the project extending beyond the approximate location of junction of emergency riprap and beach, or base of dune (HGSA Addendum Y244745, Figure 3).

The southern side of the proposed 430-foot structure will extend approximately 25 feet seaward of the west boundary line of the applicant's property (Harris - 241 Salishan Drive). With approximately 40 feet of the project extending beyond the approximate location of junction of emergency riprap and beach, or base of dune (HGSA Addendum Y244741, Figure 3).

The proposed encroachment onto the ocean shore is comparable to existing riprap revetments on nearby properties. The construction of this structure will reduce the amount of flat, sandy beach available for public use. However, in evaluating similar riprap projects along Siletz Spit and Gleneden Beach, OPRD has determined this level of encroachment to be acceptable for maintaining the alignment of the structure with neighboring properties, provided that the applicants have established that the project is justified and represents the alternative with the least impact on ocean shore resources. The presence of the shoreline armor will not affect public ownership or easement rights on the ocean shore.

***Public Laws – The applicant shall comply with federal, state, and local laws and regulations affecting the project.***

The Lincoln County Planning and Development Department has certified that the project complies with the Lincoln County Comprehensive Plan and Land Use Code, meaning each of the subject properties are eligible for a shoreline protective structure based on an exception to Oregon Planning Goal 18, Beaches and Dunes.

State of Oregon regulations are being addressed under the review of this permit. Federal regulations could potentially involve a U.S. Army Corps of Engineers permit; however, a Corps permit is usually not required for this type of project. A condition of the permit will require that the Permittee obtain any required permits from the Oregon Department of State Lands and the Army Corps of Engineers, if applicable.

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

The 2019 HGSA report explores other protective measures that were evaluated but not implemented. These measures include improving stormwater control, vegetation stabilization, slope stabilization by re-grading, beach filling or nourishment, dynamic structures, and relocation of the existing homes. The subsequent 2024 HGSA addendum(s) recommends shifting the alignment east from the previous recommendation in 2019. As outlined on page 4 of the 2024 HGSA addendum (Y244741 and others), “Because of the severe erosion, the locations of the existing revetment, and to maintain the alignment with the existing adjacent revetments to the north and south, we recommend that the new riprap revetment’s alignment be adjust east of the alignment previously provided in our 2019 report. Our recommended approximate alignment of the top of the new revetment is shown on Figures 1 through 3 (attached).” The department finds that shifting the projects alignment east as a reasonable alternative that better protects [ocean shore resources].

The department finds that the applicants have established that construction of an expanded and more robust riprap revetment as shoreline protection constitutes the most reasonable option for controlling erosion as necessary to accomplish a reasonable degree of increased safety for the upland development at this site(s). This finding is based on the narrative and information provided by the applicant in the 2019 HGSA report and a series of updated address-specific addendums supplied by H.G. Schlicker & Associates: Y244741 (2024 HGSA Addendum), Y244742 (2024 HGSA Addendum), Y244743 (2024 HGSA Addendum), Y244744 (2024 HGSA Addendum), and Y244745 (2024 HGSA Addendum).

Furthermore, the proposed use of available upland staging at Beach Grass Lane makes the limited use of the beach the most reasonable alternative. Upland staging of back fill materials and equipment will be conditions of the permit upon issuance.

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

As mentioned above, alternative measures are outlined in the 2019 HGSA report. These alternatives are not considered reasonable measures, as they would likely fail to provide the needed long-term protection for the properties. Public costs of the riprap include the loss of some upper beach area, heavy equipment activity on the beach during construction, and the visual presence of additional riprap. These costs can be reduced through careful and efficient construction practices, combined with cosmetic treatment of the project with a sand cover that can be planted with beach grass to resemble a natural dune-backed beach environment. There will be no public costs to maintain the structure, as maintenance and needed repairs are the responsibility of the upland property owners and will be conditioned upon permit issuance.

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

The Lincoln County Planning Department has determined that the project complies with the Lincoln County Comprehensive Plan and Land Use Code, which are acknowledged by LCDC as meeting the Statewide Planning Goals including Goal #5: Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal #17: Coastal Shorelands; and Goal #18: Beaches and Dunes. Consistency with these goals is further but indirectly evaluated and addressed in the standards below.

## **II. SCENIC STANDARDS, OAR 736-020-0015**

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

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

The natural features of the beach in the general vicinity will remain intact, and no significant landforms or natural features such as headlands, cliffs, sea stacks, tide pools, streams, bedrock formations, fossil beds, or ancient forest remains will be affected.

Nearly the entire 2.7 miles of the Siletz Spit (Salishan) is fronted with riprap - including the project site. This area is heavily developed with minimal natural features remaining, except for vegetated dunes and bluffs above some of the revetments.

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

As noted in the natural features, the project site is located in a heavily developed and shoreline-protected area. As defined by rule, at this location, the landward boundary of the ocean shore is the “line of established upland shore vegetation” which is landward of the existing riprap shoreline protection and temporary haul road. The shoreline vegetation here consists of established vegetation between the project area and the homes.

The “Project Description” in the 2024 HGSA Addendums makes a recommendation to protect the shoreline vegetation: “Additionally, an effort should be made to preserve the established vegetation on the foredune west of the houses fronting the project area. The well-established vegetation increases the foredune stability and can reduce the erosive effects of waves overtopping the proposed revetment.”

Upon issuance, the department will condition the permit to require applicants to restore vegetation on the ocean shore by planting the project area with beach grass and restoring the foredune vegetation as described in the 2024 HGSA Addendums.

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

The proposed riprap structure exceeds the height of the existing dune elevation at the top of the wave-cut scarp along the entire project length. The top of the proposed armor stone elevation is proposed at 33 feet NAVD88, plus a 2-foot-thick vegetated sand covering. This design profile is consistent with the profile of the other revetments along Siletz Spit to the south of the project. This is shown in Figure 3 of the associated the 2024 HGSA Addendum report(s) for all addresses/site locations. This project is designed to accomplish a reasonable degree of increased safety for the onshore property while balancing the requirement to minimize obstruction of existing views of the ocean and beach from adjacent properties.

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

Most of the shoreline along the Siletz Spit can be characterized as a heavily developed residential area with nearly continuous riprap revetment. The proposed riprap revetment at the subject location is similar to those along this stretch of shoreline and does not represent a significant departure from the overall pattern of riprap and other shoreline modifications in place.

The proposed revetment should blend in with the existing neighboring adjacent revetments, to the north and south. Similarly, revetments are a part of the Siletz Spit beach and are consistent with the surroundings. Following construction of the revetment, the permit conditions requiring restoring the foredune with vegetation will help the completed project to more closely resemble a natural, dune-backed shoreline.

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

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

The beach in this area fluctuates in width seasonally and from year to year, and the riprap will occupy some beach area, but should not significantly affect public recreational use opportunities such as sunbathing, walking, or beachcombing, and therefore will not be a detriment to public recreation at this time.

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

As proposed, the project will extend approximately 70 feet onto the ocean shore, and in some cases, up to 88 feet west of the existing wave-cut scarp (Figure 3 – 2024 HGSA addendum(s)). However, in this area, the beach is often much wider than the proposed riprap structure. During storm events or winter high tides, wave run-up may reach the riprap structure. During normal conditions, the existence of the riprap will not cause an obstruction to north or south public access along the shoreline. An exception to this may happen during construction, however, the department will condition the permit in such a way that the contractors work activities must accommodate public recreation access and north-south travel.

#### **IV. SAFETY STANDARDS, OAR 736-020-0030**

***The project shall be designed to avoid or minimize safety hazards to the public and shoreline properties. The following safety standards shall be applied, where applicable, to each application for an ocean shore permit.***

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

A licensed engineering geologist designed the proposed project and if constructed according to the proposed design, the structure should not present a safety hazard or be susceptible to rapid damage under wave attack. As described in the 2019 HGSA report #Y174107, and the 2024 HGSA Addendum(s), the proposed riprap revetment includes several elements which are consistent with generally accepted riprap design. This includes filter fabric backing material, filter rock/bedding material, and armor stones consisting of hard, durable, fresh angular basalt 3-7 feet in diameter, interlocked with a minimum of 3 points of contact. The base of the structure will be embedded below the surface of the beach, with a maximum elevation of 6-foot NAVD88 (see Figure 3 of HGSA addendum(s)). The structure will have a slope of 2H:1V (horizontal: vertical). The proposed design is similar in design to other recently constructed riprap structures along Siletz Spit, intended to ensure that the riprap revetment will be structurally sound under typical ocean shore conditions.

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

The 2024 HGSA Addendums recommend a revised project alignment that is further landward compared to the alignment proposed in the 2019 HGSA report. As described in the 2024 addendum recommendations:

“Because of the severe erosion, the locations of the existing revetment, and to maintain the alignment with the existing adjacent revetments to the north and south, we recommend that the new riprap revetment’s alignment be adjusted east of the alignment previously provided in our 2019 report. Our recommended approximate alignment of the top of the new revetment is shown on Figures 1 through 3 (attached).”

The project will be approximately 64 to 88 feet wide, with much of the toe buried below beach level. This width is similar to the adjacent revetments and will infill between the neighboring permitted revetments to the north (OS Permit 2969 – tax lot 00215) and south (OS Permit 3019 – tax lot 00224).

The structure will not affect lateral beach access except during high water and winter storms when wave run-up reaches the riprap, as it already does at this site and the adjacent properties. During these extreme conditions, the riprap will not create a unique obstruction to pedestrians or permitted vehicles, as the wave run-up already consumes the beach, causing erosion to the bluff and threatening the upland properties.

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

According to the 2019 HGSA report the riprap revetment will increase the stability of the shoreline and will protect the properties from continued ocean wave erosion. The project design includes the placement of 3 to 7-foot diameter armor stones, densely interlocked and keyed into a deep toe trench to minimize the potential for their displacement or “plucking” while under wave attack during storm events.

The applicants seek authorization to replace their existing riprap structure, repaired and expanded under an emergency, with a larger permanent riprap revetment. This new structure will connect to the existing riprap to the north (OS Permit 2969 – tax lot 00215) and south (OS Permit 3019 – tax lot 00224) of the project area. To reduce potential wave energy redirection toward neighboring properties, the riprap will be constructed at a 2H:1V (horizontal to vertical) slope. By constructing the five properties as a single project, the proposed

structure should align with and tie into the existing adjacent revetments, creating a continuous revetment, and therefore will increase the protection to the neighboring properties and minimizing ocean erosion or safety problems.

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

As indicated above and in the 2019 HGSA report (page 12), the design of the proposed riprap revetment is intended to provide long-term protection of the subject properties from further erosion and to provide shoreline stability. If constructed in conformance with the proposed design, the riprap should provide a reasonable degree of increased safety for the on-shore property.

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

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

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

The department provided the Oregon Department of Fish and Wildlife notice of the subject applications for the project. ODFW did not comment on any reported significant fish and wildlife resources that will be impacted by the proposed project.

***Estuarine values and navigation interests.***

The project is not adjacent to an estuary and currently does not affect navigable water on the ocean.

***Historic, cultural and archeological sites.***

The department provided notice of the application to the State Historic Preservation Office. SHPO responded that “[B]ased on the previously provided archeological testing report completed by Archaeological Investigations Northwest, Inc. (Report 35991), it does not appear that this project will affect historic properties. Oregon SHPO does not have any concerns with the project proceeding as planned”; and “if any archaeological artifacts are found during construction all activity in the area should cease and our office should be contacted. We also advise having an Inadvertent Discovery Plan (IDP) in place during construction.”

The department will require as conditions of permit approval:

- The Permittee to have an IDP in place during construction.
- The Permittee shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.955 and OAR 736-051-0060 through 736-051-0090 as these statutes and rules affect the discovery, excavation, salvage, removal and disposition of archaeological resources and the permitting requirements for these activities as they affect archaeological sites on public and private land. If archeological objects are encountered during the project, all work must stop immediately, and work may not proceed until an archeological permit is issued under ORS 390.235.
- If the project has a federal nexus (lands, funding, permitting, or oversight) coordinate with the lead federal agency to ensure compliance with Section 106 of the National Historic Preservation Act.

***Natural areas (vegetation or aquatic features).***

There are no existing aquatic features that will be impacted by the proposed riprap project. The department will condition the permit to require applicants to restore vegetation on the ocean shore (see “Shoreline Vegetation” above) that is disturbed because of the project.

***Air and water quality of the ocean shore area.***

The project will take place above the ordinary high tide line and will not cause foreign materials or pollutants to enter the water. Riprap placed at the site will be free of debris or foreign materials. The proposed project would not adversely affect water quality on the ocean shore. Air quality will not be affected, except for an exhaust from the use of heavy equipment during the construction period.

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

None of these features have been identified at the site.

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

The site is within a developed residential area, and there are no known protected native plant communities or fish and wildlife habitat on the subject property.

**VI. PUBLIC COMMENTS**

The department posted notice of the proposed project at the site for thirty (30) days in accordance with ORS 390.650. The department mailed individual notification and a copy of the application to government agencies, tribes, and individuals on OPRD's Ocean Shore mailing list. In addition, notice of the application including a complete copy of the application materials was placed on OPRD's website.

During the comment period, the department received one request for a public hearing among a total of five written comments. Of all written responses:

- 1 comment was from SHPO.
- 0 comments were in support of the permit application request.
- 1 comment was undeterminable.
- 3 comments were in opposition to the permit application request.

All public comment is included in the case file record and is available for review upon request.

**VII. FINDINGS SUMMARY**

- The applicants have established that there is a justifiable need for a permanent, more robust shoreline protection structure to address the ongoing erosion and protect the homes at 241, 243, 245, and 247 Salishan Drive.
- There is insufficient space on each property to relocate infrastructure far enough to avoid the threat of continued erosion. The project geologist has concluded that non-structural alternatives to riprap are unlikely to provide adequate protection for the properties and homes from the advancing erosion.
- Lincoln County has determined that the properties are eligible for shoreline protection, based on an exception to Statewide Planning Goal 18 provisions that limit eligibility to property where development existed prior to 1977.

Based on the above considerations and findings in this report, OPRD finds that there is adequate justification for the project to occur on and alter the ocean shore area.

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

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

**VIII. STAFF RECOMMENDATION:**

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

- Approval
- Approval with conditions
- Denial

Tyler Blanchette  
 Ocean Shore Permit Coordinator