Shorefront Access

DESCRIPTION OF EXISTING OREGON PROGRAMS AND POLICIES FOR SHOREFRONT ACCESS AND PROTECTION

Local Plan

COASTAL ZONE
INFORMATION CENTER

PREPARED FOR
DEPARTMENT OF LAND CONSERVATION
& DEVELOPMENT
BY
DMIC CONSULTANTS OREGON, LTD.
OPERATION WITH
& RECREATION BRANCH,
ITMENT OF TRANSPORTATION

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STATE OF OREGON

SHOREFRONT ACCESS AND PRESERVATION

PLANNING PROCESS

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Description of Existing Programs and Policies for Shorefront Access and Protection

prepared for

Department of Land Conservation and Development

by

Economic Consultants Oregon, Ltd.
in cooperation with
Parks and Recreation Branch, Department of Transportation

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FEB 11 1997

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Peter Watt is a former coastal planner with the Oregon Coastal Conservation and Development Commission. Julie Friedman is a natural resource and energy economist and former visiting professor at the Economics Department, University of Oregon.

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Dick McCosh and Cheryl Rhodes, Parks and Recreation Branch, Oregon Department of Transportation;
Jon Christenson and Neal Coenen, Department of Land Conservation and Development.

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*Only single copies of the material listed in the Appendices have been compiled and delivered to the Department of Land Conservation and Development. If the reader wishes to obtain or review copies of any or all materials he should direct a request to DLCD or the original source of the documents.

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Appendices to this report are available at the library of the Department of Land Conservation & Development, 1175 Court St., N. E., Salem, Oregon 97310.

INTRODUCTION

This report includes a description of the existing policies and programs for providing public access to and protection of public beaches and other public coastal areas. The description is organized by level of government (state, local and federal), by agency or organization and by specific programs or policies administered by the agency or organization. Copies of statutes, policies and program planning documents are included as Appendices to the report to the extent they were available at time of writing. A preliminary evaluation of the policies and programs is provided in the descriptive material whenever there is sufficient information available to make evaluative conclusions.

The descriptive material is summarized in matrix form to provide a quick reference as to existing programs (provider and type), public coastal areas affected and program effectiveness. In order to condense the descriptive material into a matrix summary it is necessary to make interpretations regarding the type of program provided and whether or not it is meeting its objectives. In those cases where there was insufficient information from which to evaluate a program, no evaluative symbol is shown. Funding limitations are indicated ($) and programs providing only visual access (V) are noted.

PUBLIC BEACHES

In order to correctly identify existing access and protection programs affecting Oregon's public beaches it is necessary to define and describe the area considered to be public beaches. Basically public beaches are:

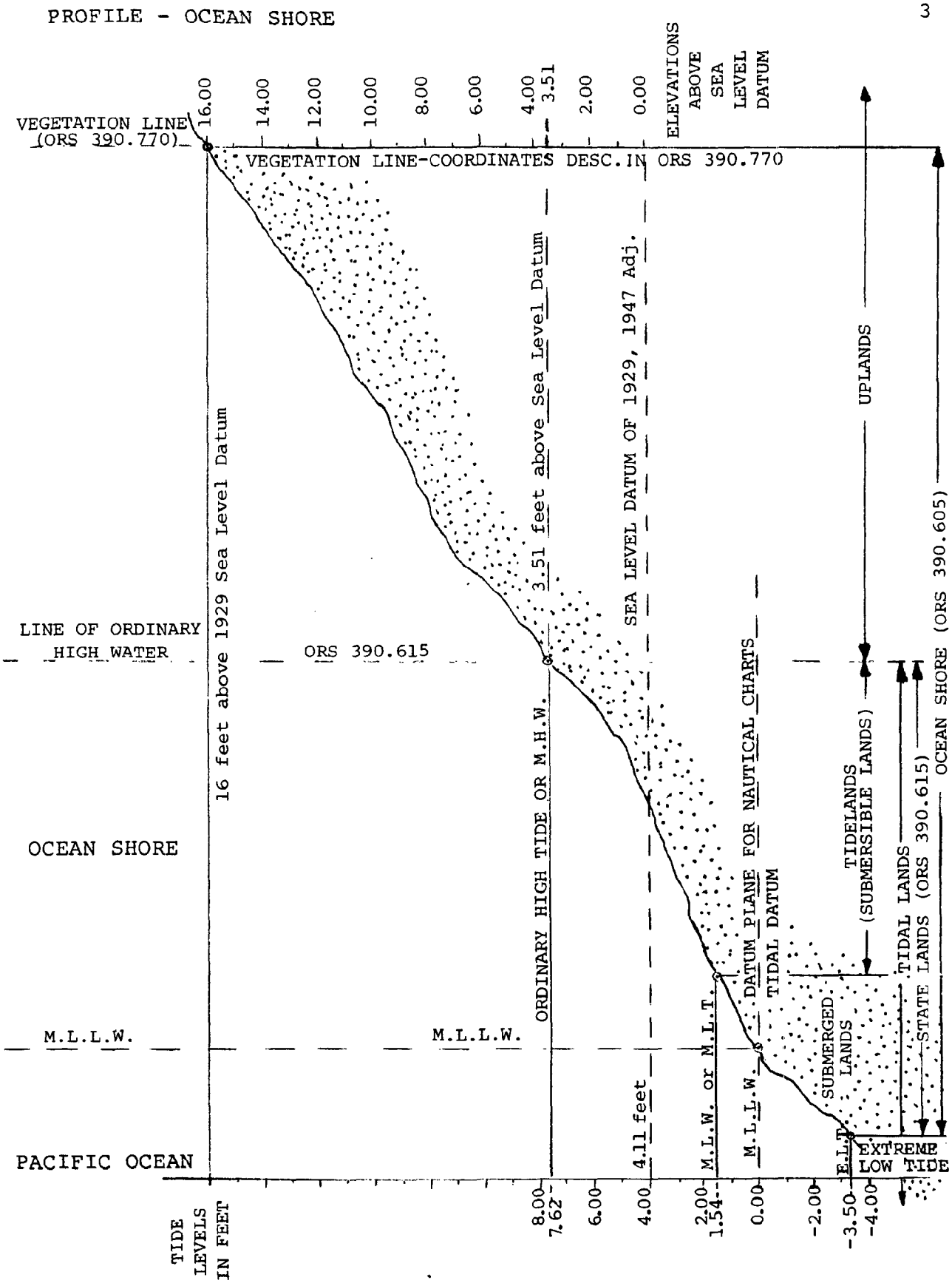
> "gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in material type or landform, or to the line of vegetation"

and are held in public ownership or with a public right of access. In Oregon public beaches include the "Ocean Shore." This is the land lying between extreme low tide of the Pacific Ocean and the line of vegetation as established and described by Oregon Revised Statute 390.770. The Ocean Shore area is completely mapped with the eastern most zone line approximating the vegetation and 16-foot elevation line.

Although only approximately half of the Ocean Shore area is in public ownership, all of it is open to public access by statute (see description under Beach Access Program). The extent of public ownership of the Ocean Shore is shown on Department of Transportation maps. Ownership of the portion of the beach between ordinary high tide and extreme low tide with few exceptions is vested in the State of Oregon and is declared a state recreation area (ORS 390.615).

A diagram of the public beach area as defined is shown on the following page.

PROFILE - OCEAN SHORE



SOURCE: Oregon Department of Revenue

OVERALL STATE POLICY REGARDING SHOREFRONT ACCESS AND PROTECTION

Under ORS 197 the Land Conservation and Development Commission was given the authority and responsibility to develop statewide planning goals. The composite of the adopted goals provide the overall state policy direction regarding shorefront access and protection. Specifically, Goal 8, Recreational Needs, requires that governmental agencies having responsibility for recreation areas, facilities and opportunities plan to meet "the recreational needs of the citizens of the state and visitors." Guidelines associated with Goal 8 encourage inventories of recreation needs and opportunities and a "higher (planning) priority to enhancing recreation opportunities on the public waters and shorelands of the state."

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, requires the provision of programs that will "(1) insure open space, (2) protect scenic and historic areas and natural resources for future generations. . . ." Additional requirements for protection of coastal resources are included in Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, and Goal 18, Beaches and Dunes.

The estuarine resources goal requires appropriate local, state and federal agencies to develop comprehensive management programs

> "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."

Comprehensive plans for each estuary are to provide for appropriate uses "with as much diversity as is consistent with the . . . biological, economic, recreational and aesthetic benefits of the estuary." Further policy direction on shorefront access and protection is provided in Goal 17, Coastal Shorelands.

Goal 17 directs appropriate local, state and federal agencies to develop programs

> "to conserve, protect, where appropriate develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, and recreation and aesthetics."

Comprehensive plans must establish policies and uses of coastal shorelands in accordance with specified standards that require protection of "major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources and historic and archaeological sites" and use of these and other shorelands for water-dependent recreational activities. Guidelines associated with Goal 17, encourage an inventory of areas of aesthetic and scenic importance, recreational importance and present public access and recreational use. Also, plans for coastal shorelands are encouraged to provide for "appropriate public access to and recreational use of coastal waters."

Goal 17, Beaches and Dunes, requires that comprehensive plans and implementing actions "provide for diverse and appropriate use of beach and dune areas consistent with" their values and natural limitations. Another goal requirement is

that the Oregon Department of Transportation develop criteria "for issuing permits for construction of beach front protective structures" which provide that "visual impacts are minimized" and "necessary access to the beach is maintained." A guideline under the goal specifically addresses public access. It states that

> "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 . . . should be controlled or designed to maintain the stability of the area, protect scenic values and avoid fire hazards."

Other goals add to the state's policy regarding public access and resource protection. Goal 4, Forest Lands, calls for the conservation of forest lands for forest uses. Forest lands include "forested lands needed for recreation" and forest use include "outdoor recreational activities and related support services and wilderness values compatible with these uses." Goal 12, Transportation, requires planning for a transportation system that is based on identified need, and a consideration of all modes including bicycle and pedestrian. Such a system will provide the major access facilities to coastal shorefront areas.

These statewide planning goals establish the state's overall policy regarding shorefront access and protection. This overall policy is supplemented by the state and local programs described in the following pages. In particular, the State's Beach Access and Parks Acquisition and Development Programs, the Department of Fish & Wildlife's Angler Access Program, the Marine Board's Marine Facility Grant Program and local

government's acquisition and development of recreation facilities add considerably to the State's efforts regarding shorefront access. These programs, and related plans, policies and actions as well as others described below must be consistent with the policy direction set forth in the statewide planning goals. In addition, they must be coordinated with each other.

SUMMARY OF EXISTING ACCESS AND PROTECTION PROGRAMS

	State Agencies and Organizations					
	State Parks Branch, Dept. of Transportation					
	Beach Access Program	Park Acquisition and Development	Historic Preservation	Scenic Waterways	Recreation Trails	Grants-in-Aid
1. Public Beaches	A_1; + $	A_1; + $	--	--	A_1; + $	B $
2. Public Coastal Areas						
a. Estuaries and Contiguous Lands	A_1; + $	A_1; + $	--	--	A_1; + $	B $
b. Rivers and Contiguous Lands	--	A_1; + $	--	A_1	A_1; + $	B $
c. Lakes and Contiguous Lands	--	A_1; + $	--	--	A_1; + $	B $
d. Wetlands	--	--	--	--	--	B $
e. Headlands	--	A_1; + $	--	--	A_1; + $	B $
f. Offshore Islands	A_2; + $V	A_1; + $V	--	--	A_1; + V$	B $V
g. Historic Areas	--	A_1; + $	C	--	--	B $
h. Scenic Areas	A_1; + $	A_1; + $	--	A_1	A_1; +	B $
i. Natural Resource Areas	--	A_1; $	--	--	--	B $
j. Recreational Areas	A_1; + $	A_1; + $	--	A_1	A_1; + $	B $
k. Forest Lands	--	A_1; + $	--	--	A_1; + $	B $

KEY:

Program Purpose/Function

A_1 - The purpose and function of the program is to acquire and develop public access to public lands and waters.

A_2 - The program has a secondary function of providing public access to public lands and waters.

B - The program supports the provision of public access to or protection of public lands and waters through funding, policy direction or legal incentive.

C - The purpose and function of the program is to protect the resources of public lands and waters. Public access may be restricted.

Evaluation

+ - The program appears to be satisfying the need for public access and/or resource protection within funding constraints.

- - The program does not appear to be satisfying the need for public access and/or resource protection.

$ - The program lacks sufficient funding to satisfy all identified needs for access and/or protection.

V - The program provides only visual access to the resource area.

SUMMARY OF EXISTING ACCESS AND PROTECTION PROGRAMS (Continued)

State Agencies and Organizations (Continued)

	Highway Division, ODOT		Dept. of Fish and Wildlife			Nature Conservancy
	Bikeways	Rights-of-Way and Viewpoints	Angler Access Program	Wildlife Mgt. Areas	Wildlife Refuges	Natural Heritage
1. Public Beaches	A_2; - $	A_2; + $	--	--	--	B ; +
2. Public Coastal Areas						
a. Estuaries and Contiguous Lands	A_2; - $	A_2; + $	A_1; + $	A_2	C; -	B ; +
b. Rivers and Contiguous Lands	A_2; - $	A_2; + $	A_1; + $	A_2	C; -	B; +
c. Lakes and Contiguous Lands	A_2; -	--	A_1; + $	A_2	C; -	B; +
d. Wetlands	--	--	--	--	C; -	B; +
e. Headlands	A_2; - $	A_2; + $	--	--	C; -	B; +
f. Offshore Islands	--	A_2; + V$	--	--	--	B; +
g. Historic Areas	--	--	--	--	--	--
h. Scenic Areas	A_2; - $	A_2; + $	--	--	--	B; +
i. Natural Resource Areas	--	--	--	--	C; -	B; +
j. Recreational Areas	A_2; - $	A_2; + $	A_1; + $	A_2	C; -	--
k. Forest Lands	A_2; - $	A_2; + $	--	A_2	C; -	B; +

KEY:

Program Purpose/Function

A_1 - The purpose and function of the program is to acquire and develop public access to public lands and waters.

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Evaluation

+ The program appears to be satisfying the need for public access and/or resource protection within funding constraints.

- The program does not appear to be satisfying the need for public access and/or resource protection.

$ The program lacks sufficient funding to satisfy all presently identified needs for access or protection.

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SUMMARY OF EXISTING ACCESS AND PROTECTION PROGRAMS (Continued)

	State Agencies and Organizations (Continued)				
	Division of State Lands		South Slough Estuarine Mgt. Comm.	State Marine Board	Dept. of Forestry
	Natural Area Preserves	Waterway Permits		Marine Facilities Grant Program	Forest Mgt.
1. Public Beaches	C	--	--	--	--
2. Public Coastal Areas					
a. Estuaries and Contiguous Lands	C	C; +	C; $	B; + $	--
b. Rivers and Contiguous Lands	C	C; +	--	B; + $	A_2; +
c. Lakes and Contiguous Lands	C	C; +	--	B; + $	A_2; +
d. Wetlands	C	C; +	C; $	--	--
e. Headlands	C	--	--	--	--
f. Offshore Islands	--	--	--	--	--
g. Historic Areas	--	--	--	--	--
h. Scenic Areas	C	C; +	C; $	B; + $	A_2; +
i. Natural Resource Areas	C	C; +	C; $	--	--
j. Recreational Areas	--	C; +	--	B; + $	A_2; +
k. Forest Lands	C	--	C; $	--	A_2; +

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SUMMARY OF EXISTING ACCESS AND PROTECTION PROGRAMS (Continued)

	State Agencies and Organizations (Continued)		Local Governments	
	Dept. of Economic Development	Dept. of Revenue	Counties	
	Port Revolving Fund	Tax Exemptions and Special Assessments	Planning and Regulation	Acquisition and Development
1. Public Beaches	--	--	B	A_1; - $
2. Public Coastal Areas				
a. Estuaries and Contiguous Lands	B, -	B; -	B	A_1; - $
b. Rivers and Contiguous Lands	B, -	B; -	B	A_1; - $
c. Lakes and Contiguous Lands	--	B; -	B	A_1; - $
d. Wetlands	--	B; -	B	
e. Headlands	--	B; -	B	A_1; - $
f. Offshore Islands	--	--	--	A_1; - $V
g. Historic Areas	--	B; -	B	A_1; - $
h. Scenic Areas	B, -	B; -	B	A_1; - $
i. Natural Resource Areas	--	B; -	B	A_1; - $
j. Recreational Areas	B, -	B; -	B	A_1; - $
k. Forest Lands	--	B; -	B	A_1; - $

KEY:

Program Purpose/Function

A_1 - The purpose and function of the program is to acquire and develop public access to public lands and waters.

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SUMMARY OF EXISTING ACCESS AND PROTECTION PROGRAMS (Continued)

	Local Governments (Continued)					Federal
	Cities		Port Districts		CREST	BLM
	Planning and Regulation	Acquisition and Development	Policies	Acquisition and Development	Planning	Forest Land Mgt.
1. Public Beaches	B	A_1; - $	--	--	B	--
2. Public Coastal Areas						
a. Estuaries and Contiguous Lands	B	A_1; - $	B; +	A_2	B	--
b. Rivers and Contiguous Lands	B	A_1; - $	B; +	A_2	--	--
c. Lakes and Contiguous Lands	B	A_1; - $	--	--	--	--
d. Wetlands	B	--	--	--	B	--
e. Headlands	B	--	--	--	--	--
f. Offshore Islands	--	--	--	--	--	--
g. Historic Areas	B	A_1; - $	--	--	B	--
h. Scenic Areas	B	A_1; - $	B; +	A_2	B	A_2; +
i. Natural Resource Areas	B	--	--	--	B	--
j. Recreational Areas	B	A_1; - $	B; +	A_2	B	A_2; +
k. Forest Lands	--	--	--	--	B	A_2; +

KEY:

Program Purpose/Function

A_1 - The purpose and function of the program is to acquire and develop public access to public lands and waters.

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SUMMARY OF EXISTING ACCESS AND PROTECTION PROGRAMS (Continued)

	Federal Agencies (Continued)						
	Army Corps of Engineers		Forest Service				Park Service
	Land Management	Cost Sharing	Dunes NRA	Cascade Head Scenic/Research	Wilderness	Forest Land Mgt.	
1. Public Beaches	A_2	B	A_1; +	A_2; +	--	A_1; +	--
2. Public Coastal Areas							
a. Estuaries and Contiguous Lands	A_2	B	A_1; +	A_2; +		A_2; +	--
b. Rivers and Contiguous Lands	--	--	A_1; +		C	A_2; +	--
c. Lakes and Contiguous Lands	--	--	A_1; +	--	C	A_2; +	--
d. Wetlands	--	--	--	A_2; +	--	--	--
e. Headlands	--	--	--	A_2; +	--	--	--
f. Offshore Islands	--	--	--	A_2; + V	--	--	--
g. Historic Areas	--	--	--	--	--	--	A_1; +
h. Scenic Areas	A_2	B	A_1; +	A_2; +	C	A_2; +	--
i. Natural Resource Areas	--	--	A_1; +	A_2; +	C	A_2; +	--
j. Recreational Areas	A_2	B	A_1; +	A_2; +	C	A_2; +	--
k. Forest Lands	--	--	A_1; +	A_2; +	C	A_2; +	--

KEY:

Program Purpose/Function

A_1 - The purpose and function of the program is to acquire and develop public access to public lands and waters.

A_2 - The program has a secondary function of providing public access to public lands and waters.

B - The program supports the provision of public access to or protection of public lands and waters through funding, policy direction or legal incentive.

C - The purpose and function of the program is to protect the resources of public lands and waters. Public access may be restricted.

Evaluation

+ The program appears to be satisfying the need for public access and/or resource protection within funding constraints.

- The program does not appear to be satisfying the need for public access and/or resource protection.

V The program provides only visual access to the resource area.

SUMMARY OF EXISTING ACCESS AND PROTECTION PROGRAMS (Continued)

	Federal Agencies (Continued)	
	Fish and Wildlife Service	Coast Guard
	National Wildlife Refuge System	Land Mgt.
1. Public Beaches	--	B
2. Public Coastal Areas		
a. Estuaries and Contiguous Lands	C; +	B
b. Rivers and Contiguous Lands	C; +	--
c. Lakes and Contiguous Lands	C; +	--
d. Wetlands	C	--
e. Headlands	C; +	B
f. Offshore Islands	C; +	B
g. Historic Areas	--	B
h. Scenic Areas	C; +	B
i. Natural Resource Areas	C; +	--
j. Recreational Areas	--	B
k. Forest Lands	C; +	--

KEY:

Program Purpose/Function

A_1 - The purpose and function of the program is to acquire and develop public access to public lands and waters.

A_2 - The program has a secondary function of providing public access to public lands and waters.

B - The program supports the provision of public access to or protection of public lands and waters through funding, policy direction or legal incentive.

C - The purpose and function of the program is to protect the resources of public lands and waters. Public access may be restricted.

Evaluation

\+ The program appears to be satisfying the need for public access and/or resource protection within funding constraints.

\- The program does not appear to be satisfying the need for public access and/or resource protection.

I. STATE AGENCIES AND ORGANIZATIONS

A. STATE PARKS AND RECREATION BRANCH, OREGON DEPARTMENT OF TRANSPORTATION

1. State Parks Beach Access Program

a. Statutory Authority: The 1967 Oregon Beach Bill (Chapter 601, Oregon Laws 1969) is the central law establishing public rights to dry sand beaches of the ocean shore in the State of Oregon. The law gives the State Transportation Commission the authority to police, protect, and maintain the beaches and stipulates that any improvements or alterations to the ocean shore seaward from the established beach zone line or 16-foot elevation require a permit from the State Highway Division. The Beach Bill establishes the right of public access and a commitment to public protection, of all beaches of the ocean shore regardless of prior ownership.

The essence of the Beach Bill is that "over the years the public has made frequent and uninterrupted use of the ocean shore . . . sufficient to create easements for the public through dedication, prescription, grant or other use . . . the Legislative Assembly hereby declares that all public rights . . . are vested exclusively in the State of Oregon." (ORS 390.610) [See Oregon's Beaches, A Birthright Preserved, Item 1, Appendix A]

Earlier legislation, ORS 390.615, had established state ownership of the wet sand as a state recreation area. The state recreation area is that between "ordinary high tide and

extreme low tide, and from the Columbia River on the north and the Oregon-California state line on the south, excepting such portions as may have been disposed of by the state prior to July 5, 1947 . . ." In sum, the wet and dry sand areas of state ownership over which the law establishes public rights includes "the land lying between extreme low tide of the Pacific Ocean and the line of vegetation as established and described in ORS 390.770." (ORS 390.605) In practice the beach line is defined as 16-foot elevation above sea level and 5.7 foot elevation plus 300 feet at estuaries.

Many other Oregon statutes address ownership and use of the Pacific shore. These are referenced below and contained in Item 2, Appendix A of this report.

(1) ORS 390.605 "Improvement," "Ocean Shore," and "State Recreation Area" defined

(2) ORS 390.615 Ownership of Pacific Shore, declaration of state recreation area

(3) ORS 390.620 Pacific Shore not to be alienated; judicial confirmation

(4) ORS 390.630 Acquisition along ocean shore for state recreation areas or access

(5) ORS 390.635 Jurisdiction of department over recreation areas

(6) ORS 390.640 Permit required for improvements on ocean shore; exceptions

(7) ORS 390.650 Improvement permit procedure

(8) ORS 390.655 Standards for improvement permits

(9) ORS 390.658 Judicial review of engineer's decision on improvement permit application

(10) ORS 390.660 Regulation of use of lands adjoining ocean shores

(11) ORS 390.668 Motor vehicles and aircraft use regulated in certain zones

(12) ORS 390.685 Effect of ORS 390.605, 390.615, 390.665, 390.668

(13) ORS 390.690 Title and rights of state unimpaired

(14) ORS 390.705 Prohibition against placing certain conduits across recreation areas and against removal of natural products

(15) ORS 390.715 Permits for pipe, cable or conduit across ocean shore and submerged lands

(16) ORS 390.725 Permits for removal of products along ocean shore

(17) ORS 390.755 Periodic reexamination of vegetation line by Highway Engineer; recommending adjustments

Several court cases have challenged the Beach Bill and, in each instance, the authority of the state has been reaffirmed. (See Oregon's Beaches, A Birthright Preserved.)

In State vs. Fultz,* Lester Fultz maintained that public use of unenclosed land is permissive and that his (Fultz') disputed property was sufficiently fenced by natural barriers and without public access. He further argued that the Beach Law was unconstitutional because it

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*State vs. Fultz and LEW Enigneering. 261 OR 289, .491 P2d 1171 (Tillamook, OR Cir. Ct., 1968). LEW Engineering vs. Cooper and State. 261 OR 289, .491 P2d 1171 (Tillamook, OR Cir. Ct., 1968).

"attempts to work a sudden change in established law and attempts to avoid eminent domain principles . . ."

The Hay Case* also argued that the Beach Law was unconstitutional and that the law could not apply to Hay's previously fenced beach property.

The State won both cases in circuit court and the appeal of both cases in the state Supreme Court. The Supreme Court's legal basis of finding for the state was the doctrine of custom which allows uniform treatment of all Oregon beaches as recreation land because custom, running far back in time, had so treated the land. The doctrine of custom hence establishes public recreational use of the entire beach and avoids potential tract-by-tract litigation.

Hay's challenge to the constitutionality of the Beach Law (Hay vs. Bruno) was settled in the U.S. Supreme Court in the State's favor. The U.S. Supreme Court found no unpredictable change in property law because the state had claimed an interest in both wet and dry sands for at least 80 years.

One final precedent established by litigation** denies

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* Hay vs. Bruno, 344 F. Supp. 286 (June 6, 1972) State ex rel Thornton vs. Hay. 254 OR 584; 462 P2d 671 (Clatsop, OR Cir. Ct., 1969).

** State ex rel Johnson vs. Bauman. 7 OR APP 489; 492 P2d 284 (1971).
State Highway Commission vs. Bauman, 16 OR APP 275; 517 P2d 1202 (1974).

to the state the right to encroach on privately owned dry sand areas above the vegetation lines. The state tried to gain public easement rights in the area of a private condominium; the Court of Appeals ruled the state had not established recreational rights on the basis of prescription, implied dedication, or custom.

b. Policies: Since passage of the 1967 Beach Law it has been general policy to provide, with the cooperation of other agencies, a public beach access site at intervals between 1-1/2 to 3 miles, or to major beach areas inaccessible from other access points because of intervening promontories or other barriers. (Oregon State Parks Systems Plan, pp. 45-46, Item 3, Appendix A)

The objectives of the beach access program are to preserve and protect the scenic qualities and recreational use of the ocean, and to provide adequate access for entrance onto the beach by the public, as well as provide off-street parking, restrooms, site enhancement and landscaping, and picnic opportunities where suitable. (Oregon State Highway Division, "Beach Access Program," 5/19/77, Item 4, Appendix A)

Several policy statements related to access are part of the State Comprehensive Outdoor Recreation Plan, SCORP (Item 5 in Appendix A). Resource Conservation and Economic Development Policy includes: "Federal, state, and local

agencies should strive to conserve and preserve those resources considered of highest value for public recreation . . ." (pp. 5-6) The policy for Access to Private Lands and Liability states:

> ". . . the state should seek legislation to provide for clear legal limitations on the liability of facility owners and operators. The alternative may be the closing of access to certain facilities and lands suitable for high-risk recreation activities, or the pricing of access . . . beyond the means of large segments of the recreation public" (pp. 6-8, 9)

Finally, application of needs determination includes the policy statement

> "High priority should be given to public access to inland waters and coastal zones to serve both general recreation demand and provide fishing opportunity." (pp. 6-9)

c. Planning Process/Assessment of Needs: As a general guide to public needs on the Oregon Coast, Parks Branch recommends one major park every 15 miles, one wayside every 5 miles, one major beach access every 3 miles, a minor beach access site every mile, a city street beach access every 1/2 mile, and a pedestrian way beach access each 1/4 mile. (See Public Recreation Parks and Beach Access Program, Item 6, Appendix A)

Specifically, the management of the Ocean Shore Program, which is the joint responsibility of the Parks Branch and the Highway Division, involves four major elements. (Systems Plan, pp. 45-46)

(1) Acquisition of lands or interest in lands for use as state parks or beach access.

(2) Issuance of permits for construction of improvement activities in the shore area.

(3) Issuance of permits for pipelines, cablelines, and other conduits across or under the shore or submerged lands adjacent to the shoreline.

(4) Establishment of rules regulating public use of the beaches.

The future beach program is aimed at four objectives (Systems Plan, p. 46):

(1) Continue acquiring programmed beach access points along the coast, recognizing specific opportunities for trades or exchanges where possible.

(2) Update the ocean shore management plan, including elements for protecting significant cultural and natural features, development permit processes, logging and sand removal, public use, automotive access, and proposed acquisition and development concepts.

(3) Continue beach program coordination with all agencies toward achieving a comprehensive direction of public and private roles along the coast shore.

(4) Provide off-street parking, restrooms, site enhancement and landscaping, and picnic opportunities where suitable.

The need for acquisition is assessed in the planning process according to the criteria of providing public access to the ocean shore (Systems Plan, p. 34), and providing protection for, or expanded development of, existing park resources (Systems Plan, p. 33). (Other criteria are also employed; see Acquisition Program, page 28 below.) A distinction is made between access needs primarily for local use and those which have a larger public. Provision

of access sites for predominantly local users is not part of the Parks Branch planning criteria.

The data base for the Statewide Comprehensive Outdoor Recreation Needs Plan (SCORP, 1978, Item 5, Appendix A) is provided in part by the Oregon Outdoor Recreation Needs Bulletin, 1977: Technical Document III. (Needs Bulletin, Item 7, Appendix A) The Needs Bulletin assesses the needs for park types, facilities, and special area needs. The model for assessment of need involves "first, determining demand for outdoor recreation activities; second, applying specific user recreation space standards to quantify demand; third, comparing quantified demand for each activity with existing supply inventories. This procedure yields needs based on user characteristics and demand projections." (p. 8) Demand is currently determined by visitor use counts, origins of visits, destinations of visits and the like. This data is published by the Oregon Outdoor Recreation Demand Bulletin, 1975: Technical Document I (Item 8, Appendix A). The standards were developed by survey of agencies and states with conditions similar to Oregon; the methodology is reported in the Needs Bulletin. Current supplies are inventoried in the Oregon Outdoor Recreation Supply Bulletin, 1976: Technical Document II (Item 9, Appendix A).

d. Program Management: The management of the Ocean Shores program includes acquisition and development of beach access sites, log removal restrictions, beach improvement (permit) standards, and regulation of vehicular use.

In 1964 the state owned 35 parks at the ocean shore which provided beach access. At that time acquisition of sites for additional access and development of public facilities began. Areas in danger of undesirable development were given priority in the acuisition program. Since that time 14 parks have been expanded to provide additional access and 28 new sites have been acquired, for a total of 63 state owned parks providing beach access. Five additional sites are currently judged feasible for future acquisition and development.

The Department of Transportation may acquire ownership or interests in sites adjacent to the beach for recreation or access. Acquisition is accomplished by exchanges, donation, agreement between willing buyers and willing sellers, or eminent domain. However, in acquiring sites the state must consider the availability of other public lands in the vicinity for access; land uses and density of development; existing accesses in the area; and any local zoning or restrictions on the area (ORS 390.630, Item 2, Appendix A).

While the State provides developed access to the beach at 71 places, the State does not own all the uplands adjoining

the approximate high water mark (including both the beach and the headlands and rocky shore). About 72 percent or 262 miles of the 361.9 miles of Oregon coast is usable beach of which 29 percent (76.3 miles) is in state ownership. In addition, 52.2 miles, or 52 percent, of the headlands are owned by the state. The remaining beaches and headlands are owned by the several coastal counties and local jurisdictions, by federal agencies, and by private parties. (Oregon Outdoor Recreation Supply Bulletin, 1976, pp. 323, 329-331, Item 9, Appendix A) In total, direct access over public land is available to 56 percent of the beach miles. The remaining mileage requires private access or use of other sections of beach for access. (SCORP, pp. 5-32)

Expected future park site purchases include 38 acres of beach access valued at $650,000. The Parks Branch hopes to acquire six additional sites in the coastal area by exchanging surplus park properties for these sites. The desired sites are basically buffers to existing parks, beach accesses, and scenic or natural areas. (See Systems Plan, pp. 31, 32, 51, 51)

Development expenditures in 1979 and 1980 will be directed at rehabilitation of existing facilities. In the four subsequent years, expenditures will emphasize new

development of Willamette Valley and coast parks and will stress trails and hike-in camp facilities. Beach access improvements and Waysides, Viewpoints, and Overlooks are projected for expenditures of nearly $3 million between 1979 and 1985. (See Systems Plan, pp. 51-52)

The coastal zone is contained in Parks Branch Administrative Planning Districts 1, 4, 5, 6, and 7. The Systems Plan, pp. 53-103, lists site specific projections for coastal site acquisition, rehabilitation and development, and operation and maintenance in each of these districts from 1979 to 1985.

A Beach Log Removal Policy was adopted by the Transportation Commission on March 30, 1976. The program intends to assure continued scenic and recreational access to the beach and to protect marine life and intertidal resources. In general, logging of the beach is prohibited unless such removal can be shown to provide a significant public benefit. Criteria related to beach log removal are stated in the Transportation Commission's document, "Beach Log Removal Policy," Item 10 in Appendix A. Logs <u>may</u> be (but not necessarily will be) removed to enhance physical or visual access to the beach.

Issuance of permits for beach improvements depends upon (among other criteria) the need to provide physical or visual access and the need for conservation and development

of natural or scenic resources. Any development permitted must minimize visual impacts and maintain beach access. A complete statement of permit standards is in the Transportation Commission document "Beach Improvement Standards," Item 11 in Appendix A.

Use of motor vehicles on the Oregon beaches is restricted by time and location. Specific Transportation Commission resolutions defining the limitations by county are in Appendix A as Item 12. County shoreline maps designating vehicle restrictions by area are included as Item 13. Restrictions on aircraft use of the beach are more severe; in general aircraft may not land except in emergencies.

e. Access and Protection Currently Provided: Table A-1 in Appendix A, Item 14, lists all state parks and waysides which provide access to the ocean beaches. Amount of area, facilities provided and annual use is shown. The table is keyed with site numbers which locate the beach sites on the beach access maps (Item 15). Each locational key also contains a code indicating if the site is developed or undeveloped.

Table A-2, Item 16, Appendix A, also lists all state parks and waysides in the coastal zone. This table indicates the kind of resource accessed (coastal river, public beach, lake, estuary, wetland, headland, public forest, historic, scenic, scare natural, fragile, and major recreational areas)

and references the kind of access provided (trail, path, restroom, viewpoint, parking) in some parks. Taken together, Tables A-1 and 2 and the beach access maps jointly describe the extent of state provided access facilities to public beaches and other coastal areas and the kind of access which is available.

Tables A-3, A-4, and A-5, Items 17, 18, and 19 in Appendix A, document the public's increasing use of state provided park and access facilities. Table A-3 indicates day visitor attendance at beach parks from 1972 to 1977. After a dip in attendance in 1973-74, probably due to the gasoline shortage, attendance has increased annually at most sites. Tables A-4 and A-5 show night occupancy rates at coastal camper parks. Coast parks show increasing use and generally heavier use than other State overnight camping parks.

f. Evaluation: According to staff of the Parks Branch, the State's beach access acquisition objectives largely have been met. Future acquisition of sites of State management responsibility, beyond that which is specifically recognized in the Systems Plan, will be minimal. Current State, Federal, and local access sites, given some funding for development and operations could, adequately provide for public beach access in the foreseeable future. The State's beach access program as planned through 1985 in combination with federal and local access areas, conforms as nearly as possible to the spirit of the one-site-every-three-miles policy.

2. State Parks Acquisition Program

a. Statutory Authority: The primary statutory authority for state park acquisition is ORS 390.110 which allows the Department of Transportation to "acquire by purchase, agreement, donation, or by exercise of the power of eminent domain real property, or any right or interest therein, . . . land and ground necessary for the development and maintenance of . . . places of attraction and scenic or historic value . . . for the convenience of the public, and which will contribute to the general welfare . . . "

The state acquisition of "ownership of or interests in the ocean shore or lands abutting, adjacent, or contiguous . . . for state recreation areas or access to such areas . . . " is permitted by ORS 390.630.

Other statutes related to park acquisition are:

390.150 Gifts and grants for park and recreation division

366.360 Taking fee simple

(See ORS 390.110, Item 2, Appendix A)

b. Policies: The acquisition program has a three-fold purpose: (1) to identify and acquire lands deemed suitable as a state park, (2) to dispose of properties considered surplus to the system, and (3) to manage existing holdings for special uses, permits, concessions,

or other activities (see Systems Plan, p. 27).

Policy statements in the State Outdoor Recreation Program address the need for access and protection (see SCORP, Item 5, Appendix A, pp. 6-9).

"High priority should be given to special resource acquisition and development. This should apply especially to wilderness and natural areas, cultural, historical, and archaeological resources."

c. Planning Process/Assessment of Need: The current emphasis of the acquisition program is directed, in part, toward access and protection. The areas of emphasis are:

(1) Scenic preservation, particularly along designated scenic waterways

(2) Natural area preservation

(3) Historically significant structures and areas

(4) Regional parks

(5) Greenway and trail systems

(See Systems Plan, p. 28)

The guidelines for recreational park site acquisition are derived from the three criteria of site significance, site suitability, and site feasibility. For each guideline, several variables will determine how fully a site satisfies acquisition criteria. The variables, as recognized in the Systems Plan, p. 29, are grouped as followed:

(1) Site Significance

Scenic values

Proximity to water

Unique natural features

Wildlife interest

Historical interest

Geological formations

Archeological values

Vegetation

Potential recreational experience

(2) Site Suitability

Land size and shape

Adjoining areas

Topography

Water supply

Exposure

Accessibility

Undesirable features, hazards, and annoyances

(3) Site Feasibility

Conformance with comprehensive plan

Area recreational needs

Current and zoned use

Development expense and maintenance costs.

While these guidelines determine the suitability of a site for acquisition, the <u>need</u> for acquisition will depend

on additional criteria including conformance to current emphasis of the acquisition program, conformance to the general beach access (one-in-three mile) policy, and whether the site is more appropriately provided by local government for local access.

d. Program Management: The primary policy of the acquisition program deals with new sites. The State Park Selection Process (Systems Plan, p. 30) involves several stages. A parks proposal arises from government agencies or private groups, foundations, or individuals. Site Evaluation by the Transportation Commission, State Parks Advisory Committee, and State Parks Branch follows. The site must be acquired by purchase, exchange, donation, or condemnation (seldom, if ever, used). Finally, the site is developed with technical planning assistance and citizen input.

The objectives for acquisition and park management during 1979-1985 (Systems Plan, pp. 33-34) include several specific measures for access and protection of beaches and coastal resources:

(1) Acquire by exchange or trade sites necessary for public access to the ocean shore.

(2) Acquire lands which contain unique natural qualities, scenery, water access, or park resources for specific recreational activities to meet special interest needs.

(3) Make a concerted attempt to acquire new park lands in locations that can be readily served by public transportation modes.

(4) Acquire lands adjacent to existing parks as necessary for protection of park resources or for expanded development.

The second major policy deals with disposal of surplus sites. Eight coastal sites are suggested to have 449.5 surplus acres which is appropriate for exchange, sales, or transfer to other agencies. (Systems Plan, p. 31)

The final major policy addresses management and the transfer of sites to other jurisdictions for management. Four coastal sites are recommended for transfer out of the State Parks System and to their respective county governments for management. (Systems Plan, p. 32)

e. Access and Protection Currently Provided: The state owns parkland which currently provides physical access to all types of public coastal areas and to public beaches. Tables A-1 and A-2; Items 14 and 16 in Appendix A, cross reference access type, resource type, and the state owned site.

f. Evaluation: The State Parks acquisition program is functioning well in terms of its policies (to acquire, dispose, and manage). In terms of SCORP policy and the parks Branch areas of emphasis, the evolving program is strong in scenic preservation, historic and archaeologic structures, greenway and trails, and regional parks. State Parks Branch does not yet have a natural areas program although an inventory of these areas is now

in progress. The Parks Branch anticipates a program starting as a result of the next session of the state legislature.

3. State Park Development and Rehabilitation Program

a. Statutory Authority: According to ORS 390.110 the state may "develop, construct, improve, operate and maintain . . . " those parks which it can also acquire. (See ORS 390.110, Item 2, Appendix A).

b. Policies: The State Outdoor Recreation Program calls for special resource development including natural areas, and cultural, historic, and archaeological sites. (SCORP, pp. 6-9, Item 5, Appendix A).

Within the Parks Branch, as a general rule, state parks are developed to provide a wide range of active and passive recreational opportunities. (Systems Plan, p. 34, Item 3, Appendix A)

c. Planning Process/Assessment of Need: Priorities for new development and rehabilitation projects are largely determined on factors of demonstrated need, significance or importance of the action, potential use by the recreating public, and availability of budget funds. (Systems Plan, p. 34)

The determination of need for new development projects depends upon many factors all of which may incorporate

access and protection. These factors include:

(1) SCORP, and the demand, supply, and needs bulletins;

(2) Public meetings, review of Systems Plan 6-year objectives;

(3) Development goals and objectives for that biennium;

(4) Field personnel observations; and

(5) Visitor surveys.

d. Program Management: The parks design and engineering staff evaluates each project proposal to determine potential impacts on park land resources, carrying capacity of the facility, and economic and physical feasibility of the construction. (Systems Plan, p. 34)

The six year objectives for park development and rehabilitation (Systems Plan, pp. 35-36) include nine objectives which may be directly related to access and protection of coastal zone:

(1) Expand development of access to the ocean beaches.

(2) Recognize growing demand for dispersed recreational facilities, i.e., bicycle trails, hiking trails, nature trails, horse riding trails, nature observation centers, beach areas, and boating projects.

(3) Provide support facilities as necessary to make operations effective at each park, i.e, restrooms, parking, controlled access, underground utilities, and staff housing as appropriate.

(4) Continue to work the federal agencies on development of water resource programs.

(5) Design new parks in accord with determined use capacities to limit overcrowding and potential resource damage.

(6) Provide facilities attractive to young people, especially swimming beaches, play equipment, sports fields, and game areas.

(7) Design and develop additional self-guided trails and exhibits at appropriate park units.

(8) Continue to update existing recreation facilities in response to excessive use, aging, or expanded visitor interest.

(9) Rehabilitate structures and environmental systems in need of replacement.

The state anticipates capital expenditures for continued park development. Between fiscal '75 and fiscal '79, the Branch will spend $10.4 million on park development. The funds are to be used for General Day Use and Camp Improvements (38%), Historical and Interpretive Displays (21%), Environmental Systems (21%), Greenway Parks and Corridor Improvement (15%), Support Facilities (3%), Trail Development (1%), Scenic Waterways (0.5%) and Energy Conservation (0.5%). (Systems Plan, p. 35) All capital expenditure categories, except Greenway and Corridors, may have consequences for coastal resource access and protection.

e. Evaluation: As in the Acquisition Program (Section 2 above), the Parks Branch has a strong Development Program for meeting access and protection policy objectives with the exception of natural preservation areas.

4. Historic Preservation Program

a. Statutory Authority: The basic state legislation addressing cultural resources is ORS 390.010 which recognizes the public interest in increasing outdoor recreation opportunities including "preservation and restoration . . . of structures, objects, facilities and resources which are examples of Oregon history, archaeology, and natural science." (ORS 390.010, Item 2, Appendix A)

Other state and federal legislation related to historic preservation is briefly summarized in the Oregon State Parks, "Historic Preservation Plan," Item 20 in Appendix A, pages 6-8. These include:

(1) Act for the Preservation of American Antiquities - 1906

(2) Historic American Sites Act of 1935

(3) The National Survey of Historic Sites and Buildings

(4) National Historic Preservation Act of 1965

(5) Public Laws/Executive Orders

(6) Tax Reform Act of 1976

(7) State Antiquities Code (ORS 273.705)

(8) Oregon Museum of Anthropology (ORS 352.090)

(9) Museum Grants-in-Aid (ORS 352.090)

(10) Special Tax Assessment of Historic Properties (ORS 358.475)

(11) Oregon Antiquities Act (ORS 273.705)

(12) Indian Burial Act of 1977

The Oregon Outdoor Recreation Supply Bulletin, 1976 (Item 9 in Appendix A) identifies four additional federal laws and regulations dealing with cultural resource protection (p. 328).

(13) National Trust for Historic Preservation, 1949

(14) Transportation Act, 1966

(15) National Environmental Policy Act, 1969

(16) Executive Order 11593, 1971

Most of the State and Federal legislation pertaining to the protection of cultural resources is listed and briefly described in Item 21, Appendix A.

a. Policies: Historic Preservation, by its nature, is a form of resource protection and the process of preserving may well involve implications for access. Therefore all policies, as well as planning processes and management techniques, will have some relevance for coastal zone resource protection and access.

The Parks Branch interprets its role in historic preservation as protecting and enhancing "Oregon's cultural resources of outstanding historical value for public enjoyment and education now and in the future." (Oregon State Parks Historic Preservation Plan, p. 1)

The resources so protected and enhanced "consist of sites and areas from the prehistoric period which have significant association with mankind, as well as sites,

districts, buildings, strucutres, and objects which exemplify or illustrate noteworthy events or developments in the recorded history of the state." (Oregon State Parks Historic Preservation Plan, p. 1)

c. Planning Process/Assessment of Need: In keeping with the state role in historic preservation, the Historic Preservation Program has four primary objectives:

(1) To serve as a resource on historic preservation matters to the Legislative, Executive, and Judicial branches of State government.

(2) To serve as the Liaison agency with the Federal government in historic preservation, performing those tasks assigned to states by federal law including:

(a) Laws and legislation

(b) Planning

(c) Implementation

- survey
- nomination
- grants-in-aid
- federal protection measures

(3) To encourage historic preservation in local, state and federal agencies and the private sector through:

(a) Consultation--meetings, visits

(b) Grants-in-aid

(c) Technical assistance

(d) Coordinated planning

(e) Public information--publications, interpretation

(4) To protect and enhance significant historic properties when suitable and feasible through:

(a) Acquisition--fees, gifts, easements, exchanges, life estates, bequests

(b) Development--stabilization, restoration, renovation, interpretation, signing, adaptive use

(c) Operation and Maintenance. (Oregon State Parks Historic Preservation Plan, pp. 1-2)

The achievement of these objectives by the future actions of the Historic Preservation Program will result from emphasizing seven policies:

(1) Encourage balanced and sensitive preservation and development of the state's historic resources.

(2) Develop public awareness and understanding of the state's historic resources.

(3) Coordinate the State Historic Preservation program with statewide planning goals and guidelines and with county and local governments.

(4) Encourage local governments and societies to identify and develop local properties of historic value.

(5) Emphasize the exchange and dissemination of technical and scholarly information, and the establishment of better communication, among state colleges and universities, governmental agencies, professionals, institutions and private individuals with expertise in historic preservation and interpretation.

(6) Develop timely and efficient support services.

(7) Encourage development and dissemination of educational materials about various aspects of historic preservation. (Oregon State Parks Historic Preservation Plan, p. 19)

d. Program Management: The Historic Preservation Program consists of the following four facets:

(1) statewide survey and inventory of historic properties and processing of nominations to the National Register of Historic Places--to increase the potential for preservation among significant resources;

(2) a grants-in-aid program providing matching funds for the purchase or restoration of properties listed in the National Register--to encourage the conservation and appropriate development of noteworthy sites;

(3) an environmental review process for federal or federally-assisted projects to ensure protection of properties listed in or deemed eligible for the National Register--to ensure compliance with federal laws pertaining to conservation of cultural resources; and

(4) a state law enabling a special tax assessment for historic properties--to promote conservation and appropriate development of privately owned sites. (Oregon State Parks Historic Preservation Plan, pp. 10-14)

Access to historic areas is not covered by a general policy. All state owned historic areas which are currently slated for development by the Parks Branch are in existing state parks. The kinds of facilities to be provided include parking, restrooms, vehicular access, and interpretive signs or centers.

The Park Branch Acquisition Program emphasizes acquiring historic sites (Systems Plan, p. 28). Those sites proposed for state ownership are associated with significant state history or events and have the potential for future access.

Listing of a site in the National Register of Historic Places does not insure access. If federal grant money is spent on the exterior of a listed structure, then the public may view the exterior; if federal money is spent on the interior then the public must be permitted to view the interior.

Under Oregon law owners of privately owned property listed in the National Register are eligible for special tax assessments. This is conditioned on the structure being available for public viewing one day a year and on appropriate maintenance of the property.

Access is largely prohibited to archaeological sites in order to protect the resource. By legal precedent, it is illegal to disclose the location of an unexcavated site. Sites to be totally excavated <u>may</u> allow access but only when personnel are on the site. A partially excavated area may be closed to access, and to digging, for 10 or more years to await development of new archaeologic techniques.

The Oregon State Parks Historic Preservation Plan identifies twenty objectives to be accomplished in the future by the Historic Preservation Program (pp. 19-20). These all deal with administrative procedures for protection of

resources; none deals directly with providing access.

e. Access and Protection Currently Provided: A brief survey of Oregon coastal history is found in the OCC&DC Historic Resource Inventory on pp. 5-21. Listing of historic sites by county is found on pp. 22-30.

Eight developed historic parks and waysides are located in the coastal zone. (Oregon State Parks Historic Preservation Plan, pp. 21-27) Thirteen others are proposed or have the potential for historic development. (Plan, p. 28)

The National Register of Historic Places contains many coastal structures: Old Yaquina Bay Lighthouse, Fort Stevens, the Coquille River Lighthouse, and others (see Item 22, Appendix A).

5. Scenic Waterways Program

a. Statutory Authority: Establishment of the Scenic Waterways System is proclaimed in ORS 390.815. "It is therefore the policy of Oregon to preserve for the benefit of the public selected parts of the State's free-flowing rivers" . . . "To protect natural values and recreational opportunities along designated free-flowing rivers."

Other state legislation related to scenic waterways includes:

(1) ORS 390.805 Definitions for ORS 390.805 to 390.925.

(2) ORS 390.825 Designated scenic waterways.

(3) ORS 390.835 Highest and best use of waters within scenic waterways; authority of Fish and Wildlife commissions, State Engineer, Division of State Lands and State Land Board.

(4) ORS 390.845 Functions of the department.

(5) ORS 390.855 Designation of additional scenic waterways.

(6) ORS 390.865 Authority of legislature over designation of additional scenic waterways.

(7) ORS 390.875 Transfer of public lands in scenic waterways to department: administration of non-transferred lands.

(8) ORS 390.885 Exchange of property within scenic waterway for property outside waterway.

(9) ORS 390.895 Use of federal funds.

(10) ORS 390.905 Effect of ORS 390.805 to 390.925 on other state agencies.

(11) ORS 390.915 Determination of value of scenic easement for tax purposes; easement exempt.

(12) ORS 390.925 Enforcement.

b. Policies: The Transportation Commission intends to administer the scenic waterways act "in such a manner as to protect and enhance the values which caused a scenic waterway to be included in the system. Primary emphasis shall be given to protecting the scenic beauty, fish and wildlife, scientific and recreation features, based on the special attributes of each area." (Rules and Regulations Pertaining to the Oregon Scenic Waterways

System, 25 June 1974, p. 2, Item 23, Appendix A)

c. Planning Process/Assessment of Need: During the coming six years (1979-85) State Parks Branch has nine objectives with respect to planning the scenic waterways program. Three of these objectives deal directly with access and/or protection.

(1) Formulate development concepts for increasing public access to the rivers; specifically, locate areas for limited day use, boating entry, primitive camps, and appropriate markings.

(2) Identify sites which may require state acquisition for either protection or public recreation use.

(3) Develop ways to inform the public on the protective value of scenic waterways in Oregon.

And because the scenic waterways has inherent elements of both access and protection, the other six objectives are at least indirectly relevant.

(4) Complete management plans for all rivers within the system.

(5) Coordinate federal study initiatives on the Owyhee, North Umpqua, John Day, and Deschutes.

(6) Update the potential river classification map and study selected streams for inclusion in the system.

(7) Work with local government on defining specific long-term objectives for the waterways, including land use planning and mooring controls.

(8) Develop means of measuring public use on scenic waterways.

(9) Continue to develop and improve cooperative management agreement programs with other state and federal agencies.

Apparently any new designations of scenic waterways will depend partially on considerations of access and development. The determination by the Parks Branch of the need to designate a waterway is based on the river meeting the designation criteria (ORS 390.855) of possessing natural and recreation values of outstanding quality. Action is taken if there is an immediate need of management and protection to maintain those qualities. Functional criteria for a coastal river now being considered (a segment of the Nehalem) include natural beauty, location near a large population and being adjacent to a state owned corridor.

d. Program Management: The Transportation Commission may acquire the waterway or a scenic easement, by purchase, gift, exchange, or even condemnation. (Rules & Regulations, pp. 21, 22) Activities within a corridor extending 1/4 mile from each shoreline are subject to a land use permit issued by the Transportation Commission.

Management criteria for the Oregon Scenic Waterways System are detailed in the Rules and Regulations (Item 22). Access is addressed by Section III, Public Use of Scenic Waterways, which describes rules and regulations for users of the scenic waterways which deal with private property

rights, litter and pollution, fires, tree-cutting, collecting souvenirs and relics, and livestock (pp. 3-4).

Section IV, Land Management, requires that improvements or change on any adjacent land not impair the natural beauty of the waterway (p. 4). Any desired but damaging improvement or change must be stopped for at least one year during which negotiation with the Transportation Commission occurs. This negotiation may lead to a compromise on the proposed change, no change, or even condemnation proceedings (pp. 21-22).

e. Access and Protection Currently Provided: Four coastal zone rivers are now designated as scenic waterways. These are the Rogue River from confluence with Applegate River to downstream Lobster Creek Bridge (88 miles), and the Illinois River from confluence with Deer Creek downstream to confluence with Rogue River (46 miles) (Rules and Regulations, pp. 9-20).

The Nehalem, Nestucca, Siletz, Trask, Alsea, and Chetco Rivers, all in the coastal zone, are identified as potential scenic waterways (Systems Plan, p. 148).

The six-year expected expenditure on acquisitions (other than the Deschutes River) for Resource Protection is $475,000. Expected expenditure for scenic waterways development; including boat launching, day use sites signs, and access facilities, is $150,000. (Systems Plan, p. 147)

been designated by the Transportation Commission as part of the Recreational Trails System.

A bicycle touring route joining Portland, Astoria, Otis, and Salem was designated by the Bikecentennial Organization in 1977. (Trials Plan, pp. 12-15)

Recreational trails may be developed on abandoned railroad rights-of-way. Each city and county is being urged to designate recreational trails in its comprehensive land-use plan. (Trails Plan, pp. 15-18)

Connector trails will tie together urban recreation trails and scenic trails.

d. Program Management: In the period 1979-1985 the Parks Branch hopes to meet 12 objectives related to recreational trails. (System Plan, p. 43) Most of these address development either of plans or of actual trails. Since the trails program has no power of condemnation, trails or easements likely must be acquired from willing sellers or by exchange, lease, or donation. Other parks acquisition may use condemnation and this power might be tested for trails (Trails Plan, pp. 25-26). Abandoned railroad rights-of-way are a likely source of public easements and one of the six-year objectives is to inventory and examine these rights-of-way.

Trails do and will provide foot, horse, or bicycle access to all types of coastal zone resources. Protection of

coastal resources will partially be accomplished by trail location. For example, the coastal trail is proposed to use a ferry system to keep travelers on the ocean side of the spit at Netarts Bay in order to protect the spit.

e. Access and Protection Currently Provided: Of the entire proposed Oregon Recreation Trails System (Trails Plan, p. 20), 76 miles are now designated on the Coast Trail and 6 additional miles are completed. (The Oregon Coast Trail, 12/29/76, Item 28, Appendix A) To encourage access, the Parks Branch has prepared a "Hiker's Guide to the Oregon Coast Trail, Columbia River to Tillamook Bay."

7. Grants-in-Aid (Land and Water Conservation Fund and State Grants-in-Aid for Parks)

a. Program Management: The State Parks and Recreation Branch administers the federal Land and Water Conservation Fund money which is received by Oregon. 55% of the federal funds are retained for state parks and recreation facilities. 40% of the funds are distributed to cities and counties based on the State's interpretation of federal criteria and a formula. 5% of the funds are reserved for special project applications. In addition to this 5% of funds, any money distributed to local governments but not used and any of the state portion which is not used is also available to finance special project

requests. All federal funds have to be matched on a 50/50 basis with local or state funds.

The 1977 Legislature appropriated $500,000.00 for Grants-in-Aid for Parks for the 1977-79 period (SB 5537). Under this one-time program counties, cities, park and recreation districts and port districts can apply for and receive grants for construction and improvement of parks. Match may be either 25% state + 25% local + 50% federal or 50% state + 50% local.

b. Evaluation: The amount of funds available for park facilities is not adequate. Evidence of this fact is that thirty-one applicants asked for six times the amount of available funds at a recent special projects meeting.

B. HIGHWAY DIVISION, OREGON DEPARTMENT OF TRANSPORTATION

1. Bikeways Program

a. Statutory Authority: ORS 366.514 on footpaths and bicycle trails requires that 1 percent of net highway user revenues be spent by the Transportation Commission for footpaths and bicycle trails and that 1 percent of the user revenues which are transferred to local governments be spent by local governments on paths and trails.

b. Policies: The Transportation Commission has established the following priorities for expenditure of bikeway funds:

(1) construct bikeways in conjunction with new highway construction or the reconstruction of existing highways under State jurisdiction

(2) maintain existing bikeways under State jurisdiction

(3) construct bikeways within other State owned corridors

(4) financially assist counties and cities in the construction of footpaths and bikeways.

c. Planning Process/Assessment of Need: There is no formal procedure to identify need or demand for bikeways other than a review of bicycle sales and random user counts. Based on this review, demand is expected to increase.

d. Program Management: The State Advisory Committee on Bicycles advises the Transportation Commission on the priority system and construction projects. The Bicycle

Route Engineer of the Highway Division provides technical assistance and advice to cities and counties as well as financial assistance. State bikeway money can be used to match local money on an 80 percent State - 20 percent Local share. Criteria for rating local project applications are established by the Advisory Committee (see Appendix B).

e. Access and Protection Currently Provided: In the coastal area there is a concerted effort underway to improve shoulders of Highway 101 (emphasis on southbound lane due to prevailing winds). This effort is part of the State's designated coastal recreation trails system (see discussion in Section A). Approximately $100,000.00 is budgeted for this work during 1977-79. Other projects include a 7.3 mile bikeway at Fort Stevens State Park and a joint State/County project for a bikeway between Charleston and Coos Bay.

f. Evaluation: Apparently there is more demand for footpath and bikeway facilities than the present program can meet. The amount of funding available is limiting.

2. Highway Rights-of-Way and Scenic Viewpoints

a. Statutory Authority: ORS 366.215 - 366.485 authorizes acquisition of rights-of-way for highways and ORS 377.505 - 377.545 provides for a Scenic Area Review Board and designation of scenic areas and views.

b. Policies: If there is sufficient property available in excess of what is needed for actual highway

construction or reconstruction or other project requiring purchase of right-of-way, the policy is to use this property for establishment of a viewpoint or wayside. Also, consistent with the Transportation Commission's policy to provide access to the beach at frequent intervals, rights-of-way between Highway 101 and the beach are available for public access.

c. Planning Process/Assessment of Need: The Highway Division has no formal procedure for identifying need for access. However, Division staff assumes that there exists an unmet need for additional access facilities.

d. Program Management: The State Highway Division does not construct scenic viewpoints unless they are part of a right-of-way purchase required for a highway improvement project. The decision to construct a viewpoint or wayside is made by the Division's Regional Engineers. Advice is sought from Parks and Recreation Branch personnel and the statutory guidelines for scenic areas are considered. Development of existing rights-of-way for physical access to the beach or an overlook is the responsibility of the Parks and Recreation Branch under the Beach Access Program (see above). No right-of-way is disposed of until reviewed by the Parks and Recreation Branch and other state agencies to determine if it is usable for recreation and access.

e. Access and Protection Currently Provided: Many viewpoints and waysides which provide visual access to

bays and lakes as well as the ocean now exist in the coastal area (see Item 16, Appendix A). Highway rights-of-way that are available for access to shorefront areas are included in Highway Division maps.

f. Evaluation: In the opinion of Division staff, there is more demand for viewpoints and waysides than is being met by existing programs and policies.

3. Tourist Travel Program

This is mainly a tourist promotion program. However, it includes the distribution of information (brochures and maps) which show or describe the location of access to public coastal areas. Information centers are located in Brookings and Astoria near the state boundaries in the coastal zone. In addition, two information center gazebos are located along Highway 101.

C. DEPARTMENT OF FISH AND WILDLIFE

1. Angler Access Program

a. Statutory Authority: ORS 496.012 Wildlife Policy provides for the enhancement and public enjoyment of wildlife. ORS 506.201 - 506.211 authorizes the Department to acquire and develop property.

b. Policies: Any area acquired by the Department is open to the public. The Fish and Wildlife Management Plan establishes policies for management of the resource. The Master Plans for Angler Access serve as tools for implementing part of the Management Plan.

If a private facility is providing access which is available to everyone, then the Department will not attempt to acquire access which would compete or conflict with it.

c. Planning Process/Assessment of Need: The Master Plans for Angler Access are based on an evaluation of coastal streams and lakes for accessibility and include an identification of priority needs for access. These plans are updated by local/district Fish and Wildlife biologists as a result of their daily contact and familiarity with the streams and lakes within their districts (copies of sample plans are included as Items 1 and 2 of Appendix C).

d. Program Management: The Master Plans for Angler Access guide the district biologists and Department "Lands" staff in their efforts to locate and acquire additional access

sites. The Department may acquire sites in fee simple or easement from willing sellers. It has no power of condemnation. The Department also may enter into cooperative arrangements with private and public property owners.

The facilities provided may include boat launching ramps, bank area, docks for fishing, parking area and lake or reservoir construction. Normally, the Department enters into a cooperative agreement with County governments which provides for county maintenance of the facilities.

The suitability and capability of sites for angler access are evaluated on a case by case basis by district biologists with back-up assistance from Department central office staff.

e. Access and Protection Currently Provided: A listing of access sites is included as Item 3 of Appendix C. There are approximately 75 sites in the coastal area of the state.

f. Evaluation: The Master Plans do not address angler access to the ocean or bays due to the fact that funding for the program comes from fishing licenses which are not required for ocean species.

Department staff believe that the access program is meeting its objectives but only minimally. There is a steady increase in demand for access and many miles of stream and lake shorefront that are not accessible. Funding is limited and there appears to be a greater reluctance of landowners to sell

property for access and to support access on adjacent properties. In addition, prices of land are rising sharply and there is competition from the private sector for purchase of available property. And some local governments oppose additional public ownership.

2. Wildlife Management Areas

a. Statutory Authority: Same as for the Angler Access Program.

b. Policies: Any area acquired by the Department is open to the public. However, the Department may establish rules governing the use of wildlife management areas.

c. Planning Process/Assessment of Need: The Fish and Wildlife Management Plan establishes the need for management areas as part of management of the wildlife resource. District biologists are involved in identifying desirable locations for areas to best address the needs.

d. Program Management: Wildlife management areas are acquired to provide a place for waterfowl hunters to hunt and to provide wintering areas for big game. Areas are generally open to the public for hunting, boating, fishing, swimming, hiking and observation.

Acquisition is possible through purchase, lease, agreement or gift. There is no power of eminent domain. The Department pays counties upon receipt of a bill from the assessor a payment equal to property taxes that would be owed on the land

acquired by the Department for wildlife management areas if the land had been retained in private forest or agriculture use.

Facilities provided may include boat launching, parking area and viewpoints.

e. Access and Protection Currently Provided: There are five wildlife management areas in the coastal zone. The Department is just beginning to acquire additional areas along the coast for Elk wintering ranges. A listing of current holdings is included as Item 4 of Appendix C.

3. Wilflife Refuges

a. Statutory Authority: Same as for the Angler Access Program with the addition of ORS 501.005 - 501.045 which provides management criteria for refuges (copy included in OCMP).

b. Policies: Hunting or trapping of wildlife on a refuge is prohibited unless otherwise provided by the Fish and Wildlife Commission.

c. Program Management: In addition to the same methods of acquisition listed for wildlife management areas, the Department may enter into contracts with private owners of land for the purpose of establishing a wildlife refuge on the land.

d. Evaluation: The program was established primarily to manage wildlife. The Department is reluctant to

establish refuges because they restrict or eliminate recreational opportunity. However, refuges may be created by the State Legislature for public safety. Lake Lytle, a legislative refuge, is the only one existing on the coast.

D. DIVISION OF STATE LANDS

1. Natural Area Preserves Program

a. Statutory Authority: ORS 273.562-592 establishes the Natural Area Reserves Advisory Committee to identify state lands which due to their unique character should be set aside (preserved) for research and education.

b. Policies: OAR 141-50-950 provides management criteria for Natural Area Preserves. A general policy is to not encourage public use of Preserves. However, the basic policy is that lands are open to public access unless specifically closed (see ORS and Admin. Rules, Items 1 and 2, Appendix D).

c. Planning Process/Assessment of Need: The Natural Area Preserves Advisory Committee evaluates state owned lands that might fulfill the needs for certain types of natural areas. After this evaluation, suitable candidates are recommended to the State Land Board for possible designation as Natural Area Preserves.

d. Program Management: The Natural Area Preserves Advisory Committee with assistance of Division of State Lands staff and the guidance of OAR 141-50-950 prepares and recommends a specific management program for each Natural Area Preserve that is designated by the State Land Board. The management program identifies suitable, low intensity uses of the area. The statute provides the

State Lands Board with the authority to close a Natural Area to public access (see Item 3, Appendix D).

e. Access and Protection Currently Provided: Several state land areas are presently under consideration by the Natural Area Preserves Advisory Committee. The only coastal area set aside so far is the Winchuck Slope Natural Area Preserve, 189 acres in Curry County (see Items 4 and 5).

2. Waterway Permit Program

a. Statutory Authority: ORS 541.605-541.695 gives the State Land Board through the Division of State Lands permit control over the design and placement of structures and fill along navigable waterways. A copy of the statute is included in Oregon's Coastal Management Program.

b. Permit Process: All permit applications are circulated to state resource agencies and appropriate local governments for review and comment. The major objective of the review is environmental protection. Resource agencies and local governments review applications, evaluate suitability/capability of areas for certain activities and identify resource protection problems and needs. The Division and Board consider comments before establishing conditions for permit approval or before taking action to approve or disapprove the permit.

c. Evaluation: The program is working reasonably well. Some problems include lack of adequate staffing to deal with the permit process at each resource agency; the need to highly coordinate overlapping authorities of other state agencies and federal agencies and the time required to involve all legitimate interests.

3. Leasing of Submerged and Submersible Lands

a. Statutory Authority: ORS 274.705-274.860 provides the State Land Board with the authority to require leases for use of state and submerged and submersible lands.

b. Program Management: The leasing program is primarily for revenue production. However, it is likely to become more management oriented. Leases can be tailored to certain conditions and can be used to control the use. The State can terminate a lease if the use under the lease becomes intolerable. Lease applications for new uses and activities, which are not subject to the Waterway Permit Authority are reviewed by State resource agencies.

E. SOUTH SLOUGH ESTUARINE SANCTUARY MANAGEMENT COMMISSION

1. Management and Access Program

a. Statutory Authority: Chapter 496, Oregon Laws 1977 (HB 3269) provides for the management of the South Slough Estuarine Sanctuary to achieve the following objectives: (1) maintain integrity of the estuary, (2) protect the estuary from uses which may alter or affect the ecosystem and natural processes, and (3) preserve the estuarine area for long term scientific and educational use. The statute also establishes a Commission to set management policy.

b. Policies: The Commission is presently in the process of policy formulation. A basic policy set forth in the statute declares that the sanctuary shall be open to the public except as necessary to achieve the management objectives and to satisfy the rules and requirements of the Coastal Zone Management Act. To protect the estuarine ecosystem, public use of the sanctuary will be controlled and limited by the Commission. Policies included in the grant-in-aid restrict the use of motorboats and motorized vehicles.

c. Program Managment: Management of the estuary is guided by the policies of the statute and the grant-in-aid. A management plan for the South Slough

Estuary should be completed by the end of September, 1978. Under consideration will be the closing of additional roads within the sanctuary.

There are three tiers of management control for the South Slough Estuarine Sanctuary. The first tier is state management control under the State Commission (See ORS 496). The restriction of motorboat use applies only to areas under the control of this first tier. The second tier consists of special use agreements and the third tier includes Coos County forest agreements (Appendix E).

d. Evaluation: Enforcement of the restriction on motorboats and motorized vehicles is lax due to funding limitations and the absence of an adopted management plan. Current funding is one-half federal funds and one-half state and private matching funds. The federal contribution will terminate next year.

F. NATURE CONSERVANCY/STATE OF OREGON

1. Natural Areas/Natural Heritage Program

a. Program Objective: The objective is to identify the most important areas in the state to preserve as examples of significant natural ecosystems for scientific and educational purposes.

b. Program Management: The Natural Heritage Program staff have identified potential natural areas in each coastal county and have provided this information to county governing bodies (see Items 1 and 2 of Appendix F for examples). The information may be used in developing land use plans, writing and reviewing environmental impact statements, reviewing proposed developments, identifying possible land acquisitions for parks and establishing natural areas preserves. The Nature Conservancy may assist in the acquisition of the areas by private or public entities.

Once an area is obtained for a natural preserve it normally will be open to the public for low intensity uses such as hiking and photography which are consistent with education and research. However, the extent of public use for any one area will depend on the character of the area and the management objective--scientific or educational.

The staff make recommendations on management of each preserve. The actual protection and management of the preserve is the responsibility of the private or public owner/manager. However, the Nature Conservancy may be able to influence actual

management through deed restrictions or formal agreements. The Nature Conservancy will work out conservation easements with private entities/purchasers whenever possible.

c. Established Natural Preserves: There are at present nine preserves in the state. Two on the coast include Cascade Head and Cox Island at the mouth of the Siuslaw River.

G. STATE MARINE BOARD

1. Marine Facility Grant Program

a. Statutory Authority: ORS 488.875 provides for grants to cities, counties, parks and recreation districts and port districts for the construction and maintenance of boating facilities. Acquisition of property also is authorized. (A copy of the statute and program procedure guide is included as Items 1 and 2 in Appendix G). ORS 488.860(6) requires the Marine Board to prepare a Marine Facilities Plan. ORS 488.600(3) gives the Marine Board the authority to regulate boating on State Scenic Waterways by a permit system.

b. Planning Process/Assessment of Need: Distribution of funds has been upon application as the need for facilities appeared to the Board. Every three years a boater survey is completed to help evaluate the adequacy of existing boating facilities and user preferences. Survey results have been used to identify needs. A comprehensive statewide facilities plan has recently been completed (see draft plan, Item 3, Appendix G). The plan is based on 21 local workshops which were held to assess needs and priorities and on the 1978 boating survey. The plan will be updated every two years.

c. Program Management: Local government sponsors apply to the State Marine Board. No match is required but it is strongly encouraged (money or in-kind assistance). Projects costing more than $50,000.00 are normally recommended for phased funding.

The type of facilities eligible include those related to recreation boating particularly registered boats such as ramps, moorages, access roads, related parking and restrooms.

Since 1971, 200 projects have been funded at a cost of $2,500,000.

d. Evaluation: Facility needs identified in the development plan through fiscal year 1983 total approximately $8,000,000.00, thus exceeding the program's present financial resources. However, with the new policy of encouraging match, grant funds will be made to go further. Additional funds for the program from unrefunded marine fuel taxes will be sought in the 1979 session of the Legislature.

H. STATE DEPARTMENT OF FORESTRY

1. Management of State Owned Forests

a. Statutory Authority: ORS 530.010 - 530.490 authorizes the State Forester to manage, control and protect state owned lands for production of forest crops, recreation and other related uses. Management objectives include: to maximize growth and harvest of forest products consistent with the need to protect recreational opportunities and to control and manage recreational use of state forests.

b. Policies: A copy of the Recreation Policy recently adopted by the Board of Forestry is included as Item 1 in Appendix H. It basically encourages the development of outdoor recreation opportunities on the State lands. Rules controlling the use of motorized recreation vehicles on State forest lands is included as Item 2 in Appendix H.

In general, all roads constructed on State forest lands may be used by the public for access unless otherwise posted or gated. The Department also makes an effort to acquire public access across private lands if necessary to provide for public use of State forest lands. The Board of Forestry policy on "Right-of-Way" provides for this (Item 3, Appendix H).

c. Planning Process/Assessment of Need: The Department conducted a recreation study to determine demand and supply factors so that policy decisions could be made concerning recreation development. The conclusion of the study

was that dispersed/minimum development recreation facilities should be the only type provided. No demand or need for other types of facilities was found to exist.

d. Program Management: The Forestry Department has no programs specifically designed to provide public access to state owned forests. However, as stated in the Right-of-Way policy, public access will be provided whenever possible and consistent with forest management. The major state forests (Clatsop, Tillamook and Elliot) all have public access roads as well as hiking trails, forest camps (primitive), waysides, boat ramps, picnic areas and areas for off-road vehicles.

e. Evaluation: The present access program is meeting the Department's objectives. Most state forest lands are accessible. However, there is a question of future funding needed to maintain existing facilities and control use of accessed areas.

I. DEPARTMENT OF ECONOMIC DEVELOPMENT

1. Port Revolving Fund

a. Statutory Authority: The 1977 Legislature established the Port Revolving Fund. It enables the Department to provide loans of up to $250,000.00 each to port districts in Oregon for port development projects (Item 1, Appendix I).

b. Policies: In principal, the Fund could be used in the provision of public access. Since the loans may be used as match money with other state, local or federal funding programs, a project that provides public access may result. Because the Fund is revolving, loans granted to ports require repayment, usually on a ten-year term.

c. Program Management: Fund money has so far been dispursed on a first come, first serve basis. Because of the relative youth of the Fund, no priorities have yet been established as to the dispursement. The process of establishing priorities may be shortly forthcoming. Provision of public access and/or facilities probably will not be a high priority. Job creation and diversification of the employment base are likely to be criteria for the awarding of Fund monies.

d. Use of the Program: The Legislature awarded four million dollars from the State General Fund to the Port Revolving Fund. So far, approximately one million dollars has been committed to individual ports. The typical use of the Fund thus far has been for industrial development (Item 2, Appendix I).

e. Evaluation: The matching of loans with other funding programs for projects that would provide public access could present a problem. Loans from the Fund must be repaid and therefore projects need to generate revenues. Other government funding programs may require that financed projects be free or at minimal charge to the public.

J. DEPARTMENT OF REVENUE

1. Tax Exemptions for Recreational Land Owned by Non-Profit Corporations

a. Statutory Authority: ORS 307.115 allows for property tax exemption on property owned by a qualifying non-profit corporation and used exclusively for public park or public recreation purposes. A copy of the statute is included as Item 1 in Appendix J.

b. Use of the Program: The narrow definition of corporations authorized to apply for this exemption has by its nature restricted the use of the program. Corporations which have applied for the exemption include The Nature Conservancy, Parks Development Corporation and Cedar Bend Golf Course.

2. Open Space Lands

a. Statutory Authority: ORS 308.740 - 308.790 provides for special assessment of open space lands. Land which qualifies for designation as open space (see statute, Item 2 of Appendix J) will be assessed at the value of the use for which it is dedicated.

b. Use of the Program: There has been little demand for the program except from golf course owners. Apparently it has not served as an incentive to providing additional public access to coastal shorefront areas.

3. Conservation or Scenic Easements

a. Statutory Authority: ORS 271.710 - 271.750 authorizes public bodies to acquire scenic or conservation easements when in the public interest. The easements shall be exempt from assessment and taxation the same as any other property owned by a public body. The public body may establish rules and regulations for use and management of the easements. See copy of statute included as Item 3, Appendix J.

b. Use of the Program: This authority has been used to control land affecting the South Slough Estuarine Sanctuary by The Nature Conservancy.

II. LOCAL GOVERNMENTS

A. COASTAL COUNTIES

1. Comprehensive Planning and Land Use Regulation

a. Statutory Authority: County planning and land use regulation authorities and responsibilities are set forth in Oregon Laws Chapters 92, 215, and 197. In complying with these laws it is expected that coastal counties will determine the need for public access and resource protection; inventory existing access facilities; identify needed improvements and additions to access facilities and prepare and adopt policies and regulations directed at provision of access and protection of resources.

b. Policies: All coastal counties are in the process of developing comprehensive plans that will comply with the state's planning goals. One of the seven coastal counties has completed a first draft of land and water use policies for estuaries and shorelands. Many policies addressing public access and resource protection are included in this draft (see Item 1 of Appendix K). Two other counties have policies in draft form which are somewhat supportive of improving public access to public lands and waters (Item 2, Appendix K). Three counties have not yet begun to work on the access and recreation portion of their plans. One county has completed a draft plan which does not include policies directed at providing public access.

c. Land Use Regulations: Only one of the seven counties has an ordinance with specific provisions addressing shorefront access and protection. The ordinance requires an extra setback distance from lakes and streams and a reduced building height limit for buildings on ocean frontage lots (see Item 3, Appendix K).

d. Inventories: A coast-wide inventory of public recreational facilities including types of activities and access is included in Resource Analysis of Oregon's Coastal Uplands prepared for the Oregon Coastal Conservation and Development Commission in 1975. This publication indicates that there are over 235 public facilities providing access to coastal shorefront areas. In addition to this inventory, each coastal county has its own inventory of public recreation sites. The county inventories vary in age and comprehensiveness. Some do not identify need but only list existing facilities. Some of the inventories are included in recreation plans which also recommend acquisition and development. It is expected that this information will be updated with completion of the planning work now in progress. Examples of county inventories are included as Items 4-10, Appendix K.

Under the Nature Conservancy's "Natural Heritage Program" each coastal county has received a listing of areas that should be considered for designation and protection as natural area preserves. Examples of these listings are included in this

report as Items 1 and 2 of Appendix F. Action taken by one citizens advisory committee with respect to the Clatsop County listing is attached to Item 1.

e. Evaluation: It is difficult to evaluate the planning and land use regulation programs with respect to public access and protection provisions since at most they are in the early draft stages. However, it is apparent from the first drafts and the older inventory work that the planning products are likely to vary considerably in terms of specificity and comprehensiveness.

2. Capital Improvements (Acquisition and Development)

a. Statutory Authority: State enabling legislation authorizes county governments to acquire and develop land for public purposes.

b. Acquisition and Development: Coastal counties receive a portion of the Land and Water Conservation Funds provided to the state each year. In addition, the counties may apply for special project funds from the State Parks Branch (federal money). In 1977, most coastal counties did apply for special project funding. One of the approved applications involved the development of a beach access from a county fairgrounds. Also, the counties have consistently applied for funding from the State Marine Board. One pending application involves the development of a boat launching facility.

There appears to be a reluctance to acquire additional land. The two main reasons are the amount of land already in

public ownership and the lack of adequate funds for acquisition, development and maintenance.

c. Evaluation: None of the counties seems to have a capital improvement program which it is following to acquire and develop public access facilities. However, there is an apparent need for additional funding to finance improvements to existing facilities and respond to citizen requests.

B. CITIES

1. Comprehensive Planning and Land Use Regulation

a. Statutory Authority: Oregon Laws Chapters 92, 197, and 227 give cities the authority and responsibility to develop and implement comprehensive plans and land use regulations consistent with statewide planning goals. In complying with the goals the coastal cities must address issues of public access to and protection of public lands and waters.

b. Policies: With the exception of the City of Port Orford, all coastal cities are in the process of preparing or revising comprehensive plans to be in compliance with the statewide planning goals. A great variety of efforts are being made with respect to developing policies for public access to and protection of public lands and waters. Examples of draft policies are included as Items 1-5 of Appendix L. The City of Port Orford's comprehensive plan which recently was acknowledged as being in compliance with ORS 197 and the statewide planning goals contains goals on public access and protection (see Item 6, Appendix L, pages 138-141, 145-146, 162-163). Port Orford's policies and the draft policies of other cities call for improved public access to public lands and waters.

c. Land Use Regulations: There is little evidence that city ordinances contain special provisions for public access or resource protection. However, with the

completion of plans that are consistent with the statewide planning goals ordinances are likely to be revised to address access and protection. With the funding support of the Department of Land Conservation and Development, a model ordinance is being developed. The second draft of the "Bay City Development Ordinance (Item 7 of Appendix L) contains density limits; common open space requirements; special shoreland zone which provides for waterfront access; standards for buffers, screening, setbacks, signs with particular application to shorefront areas.

d. Inventories: Many cities have not conducted inventories of need, but existing facilities are fairly well documented. Recommendations for specific improvements in public access and resource protection are for the most part absent. Some notable exceptions include the cities of Astoria, Cannon Beach, Depoe Bay, Bandon and Gold Beach (Items 6 and 8-14 of Appendix L). In Astoria a community survey found strong citizen support for additional scenic viewpoints, expansion of the Maritime Park, development of a use plan for the waterfront. A waterfront study was conducted with the objective of learning how to make the waterfront more accessible and usable by people. The city's draft recreation plan includes inventories of need/demand and existing facilities, states general policies and recommends improvements with particular interest on the "waterfront people place system."

e. Evaluation: Many cities have yet to prepare plans and regulations that address public access and protection of shorefront areas. Those that have completed inventories, developed policies and made improvement recommendations appear to be taking significant steps towards providing for public access to public lands and waters.

2. Capital Improvements (Acquisition and Development)

a. Statutory Authority: State enabling legislation authorizes city governments to acquire and develop land.

b. Acquisition and Development: Coastal cities are eligible for a share of the federal Land and Water Conservation Funds received by the state. In addition, they may apply for additional "Special Project Funds" (federal) to the State Parks Branch. Both of these sources require 50 percent local match. In 1977, several cities applied for and received Special Project Funding. Approved projects included fishing access to a river, boat access to a river, bay access and viewpoint, access to a natural area and miscellaneous development of city parks. In addition, some cities have applied for and received grants from the State Marine Board. However, most cities appear not to have active programs for acquisition and development of public access sites. Several cities, especially those that have streets running to the beach or bay, feel there is sufficient access to meet foreseeable needs. Also, the limited amount of available funds to

match grants and to maintain existing facilities apparently discourages some cities from actively acquiring and/or developing shorefront access sites. There is one case of a city deciding not to accept a State Marine Board grant because of "strings attached."

There are a few cities that are presently active in carrying out access improvement programs. The City of Nehalem is involved in a riverfront restoration program. The City recently received $60,000 from the State Marine Board and Land and Water Conservation Fund to construct a floating boat dock. Nehalem now is pursuing an EDA grant for $300,000 to carry out other elements of the Waterfront Restoration Plan (see Item 15 and 16 of Appendix L).

In Lincoln City most of the city streets run perpendicular to the beach and provide access. Some of the access is dangerous due to high bluffs. The City is beginning a program to better identify the safer access points and to block unsafe ones and provide overlooks instead. At the same time the City is seeking funds to improve bay access and to build boat launch facilities in city parks on Devils Lake.

The City of Newport completed a parks plan in 1972 which recommended ocean and bay front parks. The City is apparently actively carrying out most of the recommendations through its Community Development Program. Particular emphasis is on public access to the City's waterfront areas (see Items 17 and 18 of Appendix L).

c. Evaluation: As with coastal counties there is considerable variation among cities in terms of the efforts being made to improve shorefront access. Several cities feel constrained with respect to available funding for acquisition, development and maintenance. Nearly all the cities are reluctant to acquire additional land for public access because of the amount of land already in public ownership and the limitation on development and maintenance resources. There is also fear of duplicating existing facilities of other units of government. Some cities feel there is sufficient access already. The efforts of other cities to improve access indicates that there may not be consistent policy direction at the local or state level.

C. PORT DISTRICTS

1. Public Access Policies

a. Statutory Authority: Oregon Laws Chapter 777 establish authority and regulate activities of port districts (see excerpt in Appendix M).

b. Policies: Nearly all bays on the Oregon Coast have port districts which own land and provide commercial and recreational boating facilities. A few larger ports also provide industrial facilities. In general ports allow public access on port owned property including docks. Access to moorage docks is usually restricted to the daytime to deter theft and damage to boats. One of the two largest ports with the most commercial/industrial activity allows public access to commercial/industrial docks whereas the other restricts access. With the exception of providing moorage and boat launching facilities (for a fee) the provision of public access is incidental to the port districts' main objective of economic improvement.

2. Acquisition and Development

Port Districts own substantial shorefront property in most estuaries of the Oregon coast. Much of the property in several districts is undeveloped and provides unimproved access to the shorefront. However, most ports provide mooring basins and boat launching facilities which are open to the public for a minimal fee. Nearly all ports have desires, plans

or programs underway to expand the moorage basins and boating facilities to address an identified or perceived need.

In one case, Port of Newport, a large new moorage (South Beach Marina) is under construction. The marina development is one project recommended in the Yaquina Bay Development Plan, a comprehensive document which identified need for the facility. The marina project will provide recreational moorage, boat ramp, and fishing and picnic areas. The Port of Newport also is cooperating with Northwest Natural Gas Company on construction of a public fishing pier and is seeking funds from state and federal sources to rehabilitate a fishing pier.

Plans and efforts of other port disticts include:

(1) Port of Astoria's plans to construct public observation facilities when it expands its facility; and

(2) Port of Siuslaw plans to develop a commercial and recreational marina and a public fishing and crabbing dock.

The ports obtain funding from leases and fees and small tax base. Several ports have applied for and received funding from the Economic Development Administration, State Marine Board and Land and Water Conservation Fund. At least one port has obtained loans from the Port Revolving Fund.

D. COLUMBIA RIVER ESTUARY STUDY TASK FORCE (CREST)

1. Planning

a. Statutory Authority: ORS 190 permits the formation of regional units of government. CREST which is composed of Washington and Oregon local governments (cities, ports and counties) is responsible for developing an estuary management plan for the Lower Columbia River area. In Oregon, the plan will, when adopted by local governments, provide components for each jurisdiction's local comprehensive plan.

b. Policies: CREST has prepared regional policies which address public access to and protection of the estuary (see Item 1, Appendix N, pages 10, 11 and 34-36). The policies were adopted by the CREST Council in July, 1977 to be used as a guide to developing five area land and water use plans and to guide interim decisions by local governments.

c. Planning Process: CREST is presently preparing unit plans for various sections of the estuary. The "Land and Water Use Plan: Youngs Bay-Astoria Unit" draft is included as Item 2, Appendix N. The planning process for this unit as well as the others includes the use of citizen and technical advisory committees. Needs are identified through the committees and a public attitude survey (see pages 14-18 of Plan). Needs and concerns as well as recommended actions and their rationale for each of estuarine area are included in the plan. The plan supports Astoria's Waterfront "People Place" System. It states that there are adequate recreational

facilities to support the tourist industry but few waterfront parks and access to serve local residents.

The apparent demand for more recreational moorage facilities led CREST to conduct a Marina Study (see Item 3, Appendix N). Demand estimates in the study indicate a large demand for recreational moorage. Planning guidelines and criteria for marinas are recommended in the study.

c. Evaluation: The CREST program appears to be addressing public access and protection issues in a comprehensive and thorough manner consistent with statewide planning goals.

III. FEDERAL AGENCIES

A. ARMY CORPS OF ENGINEERS

1. Management of Lands

The Corps manages several thousands of acres of land within the coastal zone. Most of the parcels are relatively small and located adjacent to jetties. However, the Fort Stevens Area (1,321 acres), the Clatsop Spit Area (948 acres), and the Coos Bay North Spit Area (2,300 acres) are significant in size and recreation potential.

a. Policies: The use of the jetties themselves for public access is neither encouraged nor discouraged. They are gated against vehicle use and signed as a safety hazard. Policy direction for public access and resource protection for the major land holdings listed above is or will be provided in management plans. The Siuslaw south jetty area and the Umpqua jetty areas are managed consistent with the Dunes National Recreation Area.

b. Planning Process/Assessment of Need: The "Coastal Reconnaissance Study," completed in 1974, addresses all land area managed by the Corps in Oregon and Washington. It provides general recommendations for management and improvement of each area with apparent emphasis on recreation use. The "Master Plan for Columbia River at the Mouth" addresses Fort Stevens Area and Clatsop Spit Area with consideration of public need for access and resource suitability. The Plan

provides for all types of access within the limits of the resources. The "Coos Bay North Spit Land Use Study," now in progress, will provide management direction for that area.

2. Cost-Sharing

The Army Corps of Engineers will consider providing 50 percent of the cost of establishing public recreation uses on Corps managed land if requested by a local sponsor. However, lack of sufficient land area limits opportunities for cost-sharing activities. The only way recreation development can occur under cost sharing is when Corps managed land is included and there is a non-federal sponsor able and willing to put up 50 percent of the cost of the development and assume all responsibility for operation and maintenance.

B. BUREAU OF LAND MANAGEMENT

1. Management of Public Forest Lands

a. Policies: Any road on BLM managed land is open to the public. However, access to these public lands may require crossing private property. Whether or not the public can use roads across private land depends on the type of easement acquired by BLM. A "non-exclusive" easement is for timber management purposes only--public access is not allowed. An "exclusive easement" allows public access. BLM will seek an exclusive easement when the District Office feels there is recreation potential (normally only when entering large timber areas). Access is provided to BLM lands for timber management. Public access for recreation purposes is incidental and secondary. Criteria for easement acquisition are listed on page 1 of the BLM Manual excerpt in Appendix O.

b. Planning Process/Assessment of Need: There is no set process for determining need or demand for public access to BLM managed lands. At present, the decision to provide or not provide public access is based on the recreational potential of the area, its size and staff intuition. The decision is left to each District BLM Office. However, at present all Western Oregon BLM Districts are engaged in land use planning and will complete it by 1983. The plans when completed will include an evaluation of user data and recreational quality and identify need for public access.

c. Access and Protection Currently Provided: Approximately 85 percent of BLM managed lands are presently accessible. Of that land, 35 to 40 percent has public access for recreation purposes. BLM lands in lower elevations where there is the greatest demand for public access have the most access provided. The type of access included hunting, hiking, recreation sites, float boating, boat ramps and areas for off-road vehicles. The forest resource is protected against damage due to excessive access through a permit system. Off-road vehicles, commercial operators and user groups resulting in 50 or more vehicles entering an area are required to obtain a permit.

d. Evaluation: BLM assumes that it is meeting the demand for access since there is little pressure from recreationists for additional access.

C. FOREST SERVICE

1. Dunes National Recreation Area

a. Statutory Authority: Dunes Act, Public Law 92-260, March 23, 1972 (Item 1, Appendix P). The Dunes National Recreation Area is a strip of land on the central Oregon coast containing 32,150 acres and 38.25 miles of ocean beaches. The area lies within the boundaries of the Siuslaw National Forest between the communities of Florence and North Bend.

b. Policies: The policy of the Dunes NRA is to provide for public outdoor recreation use and enjoyment and conservation of scenic, scientific, historic and other values contributing to public enjoyment.

Until completion of a master management and development plan, the policy of the National Recreation Area is one of taking no action or minimum action. This includes barring the construction of new access roads or recreation facilities (maintaining existing facilities), discouragement of major private developments, administration sufficient for public safety and protection of existing values and resources, accommodation of recreation use within the constraint of existing facilities and funding, and evaluation of problems on a case by case basis, depending on urgency.*

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* Final Environmental Statement Oregon Dunes National Recreation Area, Management Plan, pp. 24-26.

c. Planning Process/Assessment of Need: The planning process leading to the master plan for the Dunes National Recreation Area has involved public input in at least two points in time. First, public meetings, presenting the alternatives for management of the NRA were held in August of 1973. Additionally, 6,000 brochures were distributed and over 600 written responses were received and analyzed. Second, in September 1974, over 4,000 brochures describing the proposed management plan were distributed, public meetings were held in November 1974 and over 500 written and oral comments were received and analyzed. In general, the proposed management plan was either supported or another proposal was offered. Specific disagreement with the proposed plan was most commonly directed towards the need for more ORV areas and the opposition to ORV closures and the reduction of ORV areas. Those supporting the plan listed limitations on ORV's and limited developments as the major reasons. Of the total reasons given by the public in support of their stands, 54 percent were anti-ORV and 46 percent were pro-ORV (Final Environmental Statement, Appendix VI).

The proposed management plan reflects the comments of the public.

d. Program Management: The Siuslaw National Forest has completed the NEPA process for its Dunes National Recreation Area Management Plan and awaits the signature of the Chief of the Forest Service (see Item 2, Appendix P).

Within Dunes National Recreation Area is a buffer of land known as the Inland Sector, which comprises approximately 30 percent of the total lands within the NRA and which is approximately two-thirds privately owned. The NRA has the authority to restrict residential and commercial use of the land to its use as of December, 1970. Requests for further development and use of the land require Forest Service approval (Final Environmental Statement, pp. 40-45).

There are four classes of property within the Inland Sector where certain uses are protected from the Government's normal right of eminent domain. Acquisition, in the absence of non-compatible activity on the property may only occur with the consent of the owner. Further, additional use of commercial, industrial or private non-commercial recreational property may be certified by the Secretary of Agriculture where improvements are compatible with the Dunes Act.

The Dunes National Recreation Area provides campgrounds, picnic sites, boat ramps and parking lots as well as beach access, ORV access, foot and horse trails, and scenic vistas.

e. Access and Protection Currently Provided: The existing recreation facilities within the National Recreation Area are: twelve campground sites with a capacity (probable number of people at one time (rounded) of 1,000), one picnic area with a capacity of 30, four boat ramps and parking with a capacity of 100, eleven parking lots with a capacity of 1900. NRA road access to the beach is provided by four improved,

paved roads and one unimproved, graveled or sand road. Campgrounds include: Tyee, Siltcoos, Carter Lake, Tahkenitch Lake, Eel Creek, South Eel Creek and Bluebill as well as others identified in Items 3-5, Appendix P).

The proposed management plan calls for the campgrounds listed above to be retained and in addition for a large campground in the South Dunes area of Butterfield Lake. Also, four small hiker-boater camps are planned on the shores of Siltcoos Lake, Tahkenitch Lake and the Umpqua River. Two small campgrounds, Tyee and South Eel, may be converted to bicycle camps in the future if demand warrants it.

Protection of the Dunes NRA includes sand stabilization when necessary, the reduction of ORV areas from 91 percent to 47 percent of the NRA if the plan is adopted, the withdrawal from mineral entry within the NRA of lands subject to the mining and mineral leasing laws, and the prohibition of commercial grazing.

f. Evaluation of Adequacy: The U.S. Forest Service is generally evaluated by its local administrators to be powerful enough to effect the desired level of efficiency and provision. The land owned and/or administered by the U.S. Forest Service and designated as Dunes National Recreation Area constitutes a significant portion (38.25 miles) of the Oregon coast. Access to the Dunes NRA is, if the management plan is adopted, aimed at providing an area for dispersed use while providing for a broad spectrum of recreation activities.

Seemingly, the proposed plan will offer a variety of recreational activities while leaving the interior of the area in an undeveloped state. Such a plan does account for the interests and wishes that the public expressed in its 532 oral and written inputs.

2. Cascade Head

a. Statutory Authority: Public Law 93-535, December 22, 1974 (see Item 6, Appendix P). The Cascade Head Scenic-Research Area (CHSRA), located in the Hebo Ranger District, Siuslaw National Forest, contains 9,670 acres of land in Lincoln and Tillamook Counties on the central Oregon coast. Fifty-three percent is in private ownership, 41.49 percent in federal ownership, 5.4 percent in state ownership and 0.2 percent in county ownership.

b. Policies: The management objectives of the CHSRA as stated in the Act are to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries and forested areas, to protect and study areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment.

The CHSRA is divided into six subareas, each with a primary management objective. The six areas and their objectives are (1) the Estuary and Associated Wetlands Subarea, managed to protect the fish, wildlife, scenic and research-education

values while allowing dispersed recreation use, (2) the Lower Slope - Dispersed Residential Subarea, managed to maintain scenic, soil, watershed, fish and wildlife values while allowing dispersed residential occupancy, (3) Upper Timbered Slope and (4) Headlands Subareas, managed to protect scenic, soil and wildlife values while allowing selective recreation and extensive research-education activities, (5) Coastline and (6) Sand Dune-Spit Subareas, managed to protect scenic and wildlife values while allowing selective recreation and extensive research-education activities.

c. Planning Process/Assessment of Need: In general, the proposed management plan attempts to provide recreation and access to comply with the general management objective of providing use and enjoyment of the area without conflicting with the protection and study of research and scientific areas. An objective of the management plan is to "identify developments needed for the public to be able to use and enjoy the CHSRA." The Forest Service estimates visitor days (an aggregate of 12 hours of use) to determine the future needs and demands for recreation use within the CHSRA.

d. Program Management: The Siuslaw National Forest is preparing a land use plan for the entire Hebo Ranger District. The CHSRA will be a management unit within this land use plan. The provisions of this CHSRA management plan will be the basis for the administration of this management unit by the Hebo Ranger District.

There are two controls available to the Forest Service in implementing the management direction for the CHSRA: cooperation and land acquisition in fee or partial interest. Private land within all subareas, except the Estuary and Associated Wetlands Subarea, can only be acquired with the consent of the owner. The Siuslaw National Forest will work with BLM to transfer 128 acres of BLM land within the CHSRA to Forest Service administration. Land can also be purchased from a willing seller if necessary to carry out the purposes of the CHSRA. The land acquisition program is based on minimum needs. It is estimated that 60 to 70 percent of private lands within the Estuary and Associated Wetlands Subarea will be acquired. However, minimal use of condemnation is expected. Transfers with private paper companies will effect a significant portion of private land acquisition.

e. Access and Protection Currently Provided

(1) In the Coastline and Sand Dune-Spit Subareas access will be limited to foot travel. Research and scientific projects must come under review. Current public use is low except on the beaches at Roads End and near Camp Westwind (Final Environmental Statement for the Management Plan, Cascade Head Scenic Research Area, page 3).

(2) Upper Timbered Slope and Headlands Subareas: Two established, but undeveloped viewpoints exist: the South Viewpoint and the North Viewpoint. The plan calls for the viewpoints to be marked and the views maintained. Two trails are in these subareas: The Nature Conservancy Trail and the Heart's Cove Trail.

(3) Estuary and Associated Wetlands Subarea: Public use is very limited, because of private ownership, use is fishing and recreation in the Salmon River Estuary.

(4) Lower Slope--Dispersed Residential Subarea: The only areas open to public travel are the county roads and the Nature Conservancy Trail.

There are 5.8 miles of Forest Service roads and 4 miles of Forest Service trails within the CHSRA maintained for public use. Tillamook and Lincoln Counties have maintenance responsibilities on 5.2 miles of the Three Rocks Road within the CHSRA. Oregon Department of Transportation is responsible for the maintenance of 8.2 miles of highway.

Protection of the CHSRA will, upon plan adoption, take the form of land acquisition, limitation of motorized boating and boat speed control, encouragement of group size limitation (to 10 persons), restriction of motorized vehicle traffic to existing road system, and revitalization and restoration of the Salmon River Estuary.

3. Wilderness Areas

a. Statutory Authority: Wilderness Act, Public Law 88-577, September 3, 1964 (see Item 7, Appendix P). The Act was purposed ". . . to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no land designated for preservation and protection in their natural condition . . ."

b. Policies: Public Law 88-577.

> "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no permanent road within any wilderness area designated by this Act and . . ., there shall be no temporary road, no use of motor vehicles, motorized equipment or motorists, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

Special provisions are provided in the Act.

d. Access and Protection Provided: The only public access is via trails leading to and through the wilderness areas. Only non-motorized craft are permitted in the Wild Rogue Wilderness Area. No timber cutting, mining or associated road construction is allowed in the area. If there is a mineral or timber value great enough to necessitate a road out of the Wilderness Area, such a road may be approved after undergoing an Environmental Impact Statement. No roads are currently in use (or likely to be in use) in Siskiyou's Wilderness Areas.

Further acquisition of non-federal land is unlikely; most Wilderness Areas or RARE II Areas are merely re-designated from another forest designation.

4. Forest Land Management

This category refers to forest land that is not otherwise designated in Siuslaw and Siskiyou National Forests.

a. Statutory Authority: 1960 Multiple Use Act (Item 8, Appendix P), 1976 National Forest Management Act (Item 9, Appendix P), Range and the 1974 Renewable Resource Planning Act.

b. Policy: The general forests are managed under multiple use, including outdoor recreation, range, timber, watershed and wildlife and fish purposes. The policy of Siuslaw and Siskiyou Forest Services is to allow and provide public access to publicly owned land.

c. Planning Process/Assessment of Need: The Siskiyou and Siuslaw Forest Services estimate future demand for recreation and access by estimation of visitor usage of their current facilities.

d. Program Management: Both Siskiyou and Siuslaw National Forests have Multiple Use Plans, Timber Management Plans, Access Plans and Acquisition Plans.

Some Forest Service owned land is used by special use permit for power lines, electronic sites, commercial boating, sand mining, ACE port facilities, Coast Guard phone lines, and Coos Bay/North Bend Water (in the Dunes NRA).

e. Access and Protection Currently Provided: The general forests include campgrounds, boat launches, picnic sites, trails, and roads. Maps of Siskiyou and Siuslaw Forests (see Items 3 and 10, Appendix P) list campgrounds, picnic sites and boat launches and describe the characteristics of each. Included in the Siskiyou National Forest are two Botanical Areas: Baby Foot Lake Area and Big Craggies Botanical Area. These Botanical Areas have been set aside to protect species of plants, trees and shrubs which are rarely found elsewhere in a wild state. Most of these plants are protected

and collection of the plant parts is either forbidden or restricted. However, permits for the collection of plants for scientific purposes may be granted by the district ranger.

Siuslaw and Siskiyou Forests pay for local enforcement agencies to patrol forest areas for timber theft and vandalism. Fire protection may also be purchased by a local agency.

Reforestation, soil erosion control and slash removal in logging areas is at least partially provided by the sale of the timber itself.

D. FISH AND WILDLIFE SERVICE

1. National Wildlife Refuge System

The following refuges exist within Oregon's coastal area:

- Three Arch Rocks Refuge--established as a Wilderness Area in 1970;
- Oregon Islands Refuge--including 21-acre Goat Island which was established as a Wilderness Area in 1970 and 28 additional island groups;
- Cape Meares Refuge--Tillamook County;
- Lewis and Clark Refuge; and
- Columbia Whitetail Deer Refuge.

a. Policies: The basic policy is that National Wildlife Refuges are closed to the public unless otherwise stated as open for a specific use or purpose. The Lewis and Clark Refuge and Columbia Whitetail Deer Refuge are open to waterfowl hunting, fishing, boating and wildlife observation. Hunting is limited. Access to Cape Meares Refuge is limited to users of the state's coastal hiking trail and Cape Meares State Park as authorized by a permit issued to the State. No access is allowed to the Three Arch Rocks Refuge or Oregon Islands Refuge except for scientific study and that is severely limited to that which is beneficial to wildlife.

b. Program Management: Twenty-eight additional islands are proposed for inclusion in the Wilderness Preservation System. Two of the additional 28 are currently

administered by the Bureau of Sports Fisheries. The remaining 26 are being proposed for addition to the Oregon Islands Refuge. If added, they will be transferred from BLM management.

The islands which have refuge status are managed essentially as sanctuaries for wildlife, with emphasis on protection and preservation of those natural qualities inherent to their value to wildlife (see Appendix Q for information on Oregon Islands).

A three-year program will begin next year directed at the possible acquisition of some Oregon coastal wetlands for preservation for migratory waterfowl. The first year will include the identification of possible areas.

E. U.S. COAST GUARD

1. Management of Lands

(Coast Guard managed property is listed in the Coastal Management Program.)

a. Policies: The general policy of the Coast Guard regarding public access is to allow access on a "not to interfere" basis. Coast Guard stations and lighthouses may be available to the public on a guided tour basis, depending upon the availability of Coast Guard staff. The times during which Coast Guard facilities are open to the public is at the discretion of the unit commanding officer. Summers and weekends, peak periods for tourist activities, are also peak times for search and rescue missions, perhaps reducing availability of staff for tours.

Unmanned light stations (called lights) may have surrounding land available for licensing. Permits have been issued to allow use, as in the case of Oregon State University at Yaquina Head and Lane Community College at Heceta Head. Such permits constitute a revokable license: the agency to whom the permit is granted is usually responsible for maintenance and security. The issuance of a permit is on a case by case basis. The light station or complex itself is fenced off to restrict access and signs may also be used to control specific areas. The licensing of the additional land surrounding the light is usually for research purposes.

The General Service Administration requires that property not used by a federal agency for a period of three to five years be reported as excess and be disposed to another government agency. The transfer to other government agencies has as a first priority federal agencies, as a second priority municipal non-profit agencies, and as a last priority private interests. There has been no transfer to private use because invariably a government agency, such as a school district, will enter into the transfer.

b. Effect of Policies: There is currently an increase in licensing including the licensing of aids to navigation structures such as pilings. Such licensing may be done by environmental research companies for data collection for an environmental impact statement. The increase in licensing may increase public access to Coast Guard land depending upon the policies of the colleges or other licensees.

Licensees currently include Oregon Parks Division (Cape Meares), South Western Oregon Community College (Cape Arago), Oregon State University, Lane Community College, and NOAA.

F. NATIONAL PARK SERVICE

Fort Clatsop National Memorial, six miles southwest of Astoria, is the only facility in the Oregon coastal area administered by the National Park Service. The Park includes a replica of Fort Clatsop, a visitor center, picnic area, trails and canoe landing.

The Park Service both protects and provides public access to this historical site.

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