



## FINDINGS OF FACT STAFF REPORT

---

Date: December 13, 2007 OPRD Coastal Land Use Coordinator: Calum R. Stevenson

OPRD File Number: BA-630-07 County: Coos Applicant: Bureau of Land Management

Project Location: North Spit BLM

Brief Project Description: Place four 'I' beam pilings on the beach to secure regulatory sign for seasonal restrictions.

---

### ADMINISTRATIVE RULE STANDARDS AND RELEVANT FACTS

---

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

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

The project will enhance regulatory information to the visiting public on beach restrictions for seasonal vehicle access and Western Snowy plover management on the North Spit. It is supported by the Interagency Snowy Plover Working Group and was a joint submittal for funds from the *New Carissa* Damage Assessment Restoration Plan.

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

The project will not impact the public ownership of the ocean shore or unduly restrict easement rights to the beach. The installation of the posts themselves will not have an effect on the public use of the ocean shore for recreational purposes. The signs will provide some regulatory restrictions and will limit the use of the beach for certain recreational activities (vehicle and Western Snowy plover restrictions). However, it is standard practice to regulate Oregon beaches for different visitor activities and this project does not unduly restrict or eliminate other types of recreational activities that are appropriate for this area.

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

State of Oregon Ocean Shore laws and regulations are addressed within this permit review. The project has been reviewed by the Coos County Planning Department and is not regulated by the local comprehensive plan and zoning ordinances. Coos County affidavit is enclosed in the permit application file. Department of Land Conservation and Development (DLCD) Coastal Program received a copy of the permit application for review and comment.

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

Alternatives considered would not provide the needed regulatory guidance to ocean shore visitors.

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

Project will not adversely impact the ocean shore as presented in the permit application.

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

OPRD determines LCDC goal compliance using OAR 736-070-0040(3) (b) (A) Type II procedure requirements. This rule states the Department shall make its own compatibility determination based on information and findings supplied by the applicant confirming the affected local government has determined the Department's land use action is compatible with the local jurisdiction's acknowledged comprehensive plan and land use regulations. OPRD land use actions subject to the Type II Procedure include issuance of Ocean Shore Development Permits. The Coos County Planning Department reviewed the project and has certified the project as not regulated by the local comprehensive plan and zoning ordinance.

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

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

The beams with signs will be placed to minimize damage to the scenic values of the beach on the North Spit, however, the purpose of the signs is to be visible to visitors at a certain distance to inform them of regulated areas for vehicle usage and Snowy plover management.

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

The project will have minimal scenic impact as the footprint of the posts and signs will be small and will be placed mid-beach between mean high tide and mean low tide with high fore-dunes in the background.

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

No existing vegetation on the ocean shore will be impacted by the project since the beams will be installed on sand beaches.

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

The signs will be located in an isolated area with high dunes to the east to minimize the visual impact of the project from upland adjacent properties. Upland areas are not developed and are owned by the Bureau of Land Management and U. S. Forest Service for recreation and natural resource management. The signs will be no more than 5' X 4' in size and will present a small visual impact and will present a minimal obstruction of existing views of the ocean and beaches.

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

The signs will be regulatory signs and the coloring and construction will follow Oregon Administrative Rules. The coloring of the sign will be cream background with black lettering. The 'I' beams will be approximately 12" wide by 12'-15' height. One 5' X 4' sign will be placed on each beam with 4 beams placed along a 6 mile stretch of beach. The project will present a small footprint and even though it will be noticeable the information provided to the public concerning beach rules will provide a benefit to ocean shore visitors.

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

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

The physical posts and signs will not be a detriment to public recreation as they present a small footprint that will not impact recreation. The regulatory signs will inform the public of the management and protection of sensitive biological resources and will restrict some public recreation for the recovery of the threatened Western Snowy plover.

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

The purpose of two of the four signs is to provide information to the public concerning the protection of sensitive biological resources (Western Snowy plover). All four signs, however, will not obstruct public access routes as they present a relatively small footprint and the public can easily maneuver around them.

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

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

The beams will be 30 foot HP 10X42 galvanized steel pilings that have been used in the past on the beach for similar purposes. Since 1997, beams with these specifications have been proven to survive the harsh conditions on the beach with little damage to them. The beams will be driven into the sand at a depth of 15'-18' which will provide sufficient holding power to withstand winter storm events.

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

The beams will be installed mid-beach between mean high tide and mean low tide and will not present an obstruction. There will be sufficient room to maneuver around the sign posts. Signs will be installed near the top of the beam and will have ground clearance to allow for pedestrian and vehicle traffic to maneuver under them without presenting an undue obstruction.

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

No beach erosion will be anticipated from the placement of the beams as they do not present a large enough surface area to change the structure of the ocean shores. The regulatory signs themselves will assist in alleviating safety problems for neighboring properties by informing the public on beach rules.

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

This project is not a beachfront property protection proposal.

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

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

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

The signs will assist with avoiding damage to threatened species (Western Snowy plover) by providing regulatory information to the public concerning plover nesting and beach restrictions.

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

N/A

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

In a statement from the State Historic Preservation Office (SHPO) the area has not had a previous cultural resource survey near the proposed project locations. However, the project is within an area that is perceived to have a high probability of having archaeological sites that will require a professional archaeologist to assess any cultural material discovered during construction activities. Upon discovery of cultural material all work will cease until a professional archaeologist can assess the site.

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

Project will be located on sandy beaches and will not impact vegetation or aquatic features.

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

None Noted

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

None noted.

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

N/A

**VI. PUBLIC COMMENT**

No public meeting was requested with two comments received during the notification period.

SHPO comment stated that the area has not been surveyed for archaeological sites, but the potential is there that they may be present. The project is to cease if cultural material is found and an analysis is made by a professional archaeologist.

United States Fish & Wildlife Service stated that they support the project to facilitate compliance with beach use regulations on the North Spit of Coos Bay.

**VII. Findings Summary**

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

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

**VIII. STAFF RECOMMENDATION:**

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

- Approval
- Approval with conditions
- Denial

Coastal Land Use Coordinator

Calum R. Stevenson