



February 5, 2025

Chair Golden and Members of the Senate Committee on Natural Resources and Wildfire
900 Court Street, Salem OR

Re: SB 504 – Neutral

On behalf of our Oregon membership, local Chapters and statewide volunteer network, Surfrider Foundation appreciates the opportunity to share our interests and recommendations for SB 504. Overall, we believe the intention and direction around better defining guidance for non-structural alternatives is something we'd like DLCD (and OPRD) to better provide direction for, particularly on the ocean shore. However, as currently written we have concerns with some of the key terminology like “bioengineering” and some application challenges with developing a single definition across variety of habitats and land use applications. Attached to this testimony we have some offered some considerations for amendments that we feel could significantly improve the policy and rulemaking direction.

Surfrider Foundation is a grassroots, non-profit environmental organization dedicated to the protection and enjoyment of our world’s ocean, waves and beaches for all people. We operate through a powerful volunteer and chapter network in the state of Oregon with thousands of supporters engaged in our programs, outreach, environmental stewardship and grassroots organizing. A key initiative of our work is beach protection and as SB 504 has key implications for the management of Oregon’s beaches or ocean shore we have a significant interest. Much of our interest in and comments on the bill are ocean shore facing, but we want to recognize there are much broader land use applications and considerations for this bill beyond the ocean shore (i.e. estuaries, wetlands, riparian, etc.).

In Oregon, the beaches belong to the people. Our entirely public shoreline is one of the state’s most treasured features, a vital legacy we can leave to future generations. Yet our public beaches are at risk, caught in the “coastal squeeze,” between rising sea levels and coastal development. Beach erosion and current management responses are shrinking beaches in Oregon, leading to the eventual loss of public access and recreation along the shore.

Current management responses have been more and more landowners seeking to protect their property with shoreline armoring, such as seawalls and riprap revetments (structures made of boulders). In Oregon land use, these are defined as “structural” measures and only allowed for on certain properties under Goal 18. These hardened structures lead to increased beach erosion, both by deflecting waves onto adjoining shoreland and by causing scour at the front of the structure. At the same time, they deprive beaches of their natural sand supply – leading to the narrowing and loss of public beaches. Over time, this is a deadly combination for our public beaches with many areas along Oregon’s central coast now only accessible at low tide. Thus, Oregon’s land use law restricts these types of structural management measures under Goal 18 and further directs a preference for non-structural over structural measures within Goal 17 but without much criteria or guidance.

Part of the management solution may be to provide greater clarity and direction on “non-structural” management measures that provide nature-based solutions to erosion control while supporting preservation of the shoreline, natural habitat and recreational uses. Such measures along Oregon’s ocean

shore include “dynamic revetments” or cobble berms and “vegetative stabilization” strategies. These applications are highly place-based, specific to individual sites and come with a lot of what variability of what is and is not appropriate in different habitats and locations. Thus, defining non-structural management measures can be a challenge. Further, in some circumstances and locations, our most appropriate management measures may be less about controlling erosion and more about getting out of the way (i.e. moving infrastructure).

Despite this challenge, we do believe a rulemaking process which better defines the range of criteria and provides guidance for non-structural shoreline stabilization and erosion control projects on the ocean shore may be an important step in preserving Oregon’s beaches. Attached (Attachment A) are our full recommendations and considerations for amending SB 504, at a high level we believe key changes are needed to:

- A) Replace “bioengineering” with a broader more encompassing term that better implies intention and consistency with Oregon land use law – Our preference would be “non-structural nature-based solutions”. We believe this terminology better reflects a range of criteria and applications that may be necessary for considering management measures across a variety of landscapes and habitats.**
- B) Expand stakeholders for rulemaking process to include tribes and restoration professionals.**
- C) Better direct incentives for non-structural solutions that protect public uses and natural resources.**

A handwritten signature in cursive script that reads "Charlie Plybon". The signature is fluid and somewhat stylized, with a large initial 'C' and 'P'.

Charlie Plybon
Oregon Policy Manager
South Beach, OR

Suggested Amendments:

A BILL FOR AN ACT Relating to nature-based solutions for the protection of coastal ecosystems, ~~bioengineering for the protection of coastal resources~~. Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) On or before January 1, 2028, the Land Conservation and Development Commission shall adopt rules that incorporate guidance for non-structural nature based solutions ~~the allowance of soil bioengineering systems~~ for shoreline stabilization in estuaries, coastal shorelands and the ocean shore by, at a minimum:

(a) Adopting a definition and guidance of “non-structural nature-based solutions” ~~for the purpose of minimizing harmful impacts from flooding and erosion~~, ~~soil bioengineering systems.~~”

The definition:

(A) Must include natural materials that are dynamic and absorb wave energy and are meant to mimic natural systems, including but not limited to trees, plants, logs, rocks, and woody debris.

(B) Must include criteria for habitat for wildlife, improving water quality, cultural and recreational resources and where appropriate, public access.

(C) Must include provisions for monitoring, maintenance and reconstruction.

(DB) May not include structural methods of shoreline stabilization that are static and reflect wave energy.

(EC) Must be separate and distinct from existing rules and definitions for shoreline stabilization in estuaries, coastal shorelands and the ocean shore which include jetties, bulkheads, seawalls, riprap, beachfront protective structures and other similar protective structures.

(b) Requiring that non-structural nature-based solutions ~~soil bioengineering systems~~ conform with statewide land use planning goals and that land use management practices and that ecologically-focused land use management practices as nonstructural solutions are prioritized over structural solutions in addressing problems of erosion and flooding.

(2) In adopting rules under this section the commission:

- (a) Shall confer with the Department of State Lands, the Department of Transportation and the State Parks and Recreation Department;
- (b) Shall appoint an advisory committee under ORS 183.333 that must include members who are coastal engineering professionals, restoration professionals, representatives of environmental and recreational organizations, tribal representatives, fish and wildlife professionals and local government officials; and
- (c) May not substantively amend any process established by rule that allows the Department of Transportation to perform actions or undertake projects that use shoreline stabilization that includes structural methods, elements or solutions.