

Life *in the* Valley

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STATESMAN JOURNAL FILE

An idyllic view of the Oregon Dunes, which stretch approximately 40 miles from Florence to Coos Bay.

Ours forever 50 years ago, landmark legislation guaranteed free public access to Oregon's beaches

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STATESMAN JOURNAL

Imagine resorts carved into the coastline, fences blocking access to the beaches, and “no trespassing” signs posted on trails to the ocean.

We’ve never had to in Oregon because we have free unrestricted public access to all the state’s beaches.

Landmark legislation passed in 1967, known as the Beach Bill, guarantees us access that only Hawaii can match.

Our 362-mile coastline is a recreational playground, with hiking, camping, fishing and biking, surfing and beachcombing opportunities galore. It is one big viewing platform, with enchanting beaches, seductive headlands and glorious vistas at every single turn. And it is ours forever.

In honor of the 50th anniversary of the Beach Bill, here are 50 things to know:

The numbers

1601. The number of the House Bill introduced in the legislative session on Feb. 22, 1967, by the Oregon State Parks and Recreation Department. Sponsors were Representatives Sidney Bazett (R-Grants Pass) and W. Stan Ouder Kirk (R-Newport) and Senator Anthony Yturri (R-Ontario). The bill was assigned to the Highway Committee and quickly became known as the Beach Bill.

362. The official length in miles of the Oregon coastline, although the Oregon Parks and Recreation Department admits the more accurate number would be upwards of 380. Our coastline has not grown over the past five decades, but our mapping technology has improved. Much depends on how it is measured and whether jetties are included, for example.

16. The elevation in feet, or zone line, established in the bill. The legislature’s intent was that it would coincide with the vegetation line. In instances of low-lying areas, where the 16-foot line went through private homes and businesses, an alternate zone line would be established 300 feet inward from the ocean. The bill did not apply the zone line to bays or estuaries.

\$400,000. The estimated cost to administer the bill, as reported by The Oregon Statesman on May 23, 1967. In today’s dollars, that would be nearly \$3 million. Speaking for my generation and generations to come, it was worth every penny.

57-3. After 10 hearings, the bill passed by a vote of 57-3 in the House of Representatives.

27-0. The Senate unanimously approved the bill, with amendments.

36-20. The House passed the amended bill on June 7, 1967.

The players

Tom McCall, the 30th governor of Oregon, signed the Beach Bill into law on July 6, 1967. He described it as “one of the most far-reaching measures of its kind enacted by any legislative body in the nation.” McCall was one of our most influential governors, serving two terms from 1967 to 1975. He was known for his courage and conviction that led to progressive legislation like this bill, the Bottle Bill, and the SB 100 land-use law.

Oswald West set the stage when he became governor in 1913. He declared Oregon’s beaches to be a state highway, the legislature backed him up, and the first major protection of public access was on the books. When McCall signed the Beach Bill, he quoted West for protecting our beaches: “No local selfish interest should be permitted, through politics or otherwise, to destroy or even impair this great birthright of our people.” A state park south of Cannon Beach is named after Oswald West.

Bob Straub was state treasurer at the time and McCall’s political rival. The importance of securing free public access to beaches was one thing they could agree on. Straub, like McCall, was a noted environmentalist. He became the 31st governor of Oregon and helped strengthen the state’s energy and land-use laws during his tenure. Straub also has a state park named after him near Pacific City.

Loran L. “Stub” Stewart, chairman of the State Parks and Recreation Advisory Committee, deserves much of the credit for getting the legislation introduced. During committee testimony, he affirmed the legislative responsibility to provide outdoor recreation opportunities for Oregonians and visitors. “We have the finest beach recreation areas in the nation; and the Highway Commission, through this bill, wants to keep it that way for the public.” A state park between Portland and the coast is named after Stewart.

William Hay was a Portland real estate broker who owned the Surfsand Motel in Cannon Beach, where the controversy hit like a sneaker wave. Hay placed large driftwood logs to block off a section of the dry sand area in front of the motel, put up cabanas and tables for guests only, and installed private property signs on the perimeter. The moves exposed a loophole in the 1913 legislation, which technically protected only the wet sands. If not for Hay, the issue might not have been addressed until years later during a much different political climate.

Sidney Bazett, chairman of the House Highway Committee, was another advocate of public rights on our beaches. The bill nearly died in committee before the efforts of Bazett and concerned citizens revived it.

Dr. Robert Bacon and **Laurence Bitte** led a group called Citizens to Save Oregon Beaches and threatened an initiative petition if the legislation

failed. Dr. Bacon was an anatomy professor at the University of Oregon Medical School. Bitte was a graduate student at the University of Oregon. They represented the spirit of all Oregonians who champion our natural resources and environmental causes.

Alfred “Ted” Goodwin, the Oregon Supreme Court judge who wrote the 1969 decision upholding the constitutionality of the Beach Bill and declaring that Oregon’s beaches should remain public property. He served on the court from 1960 to 1969 before being appointed by President Richard Nixon as a U.S. district judge and then to the 9th U.S. Circuit Court of Appeals.

Key moments

Media swell. When hearings for the Beach Bill began, few Oregonians were aware their beach access was in jeopardy, or that legislation was introduced to guarantee that access. Sponsors warned that without the public’s support, the bill would die in committee. After a reporter with The Associated Press wrote a series of articles that published in newspapers across the state, the committee was flooded with letters and telegrams, hearing from more than 10,000 people who supported the bill.

Local coverage. The Beach Bill dominated the headlines in The Oregon Statesman during the 1967 legislative session and showed just how heated a debate it was: “Beach Issue Explodes in Legislature” and “Latest Beach Bill Unveiled, Stirs Up Fire.” One of my favorite headlines from another publication was “This Sand is Your Sand, This Sand is My Sand.”

Strong statement. Grainy video footage of Straub, in the Oregon Historical Society archives, includes this comment about what to expect if the Beach Bill were to fail: “If the legislature turns its back on passing this needed legislation, you won’t recognize the Oregon Coast four years from now because it’ll be fenced and it’ll be built on, and it’ll look like the East coast, and it’ll look like much of the area down in California.”

Scientifically speaking. McCall enlisted a group of experts from Oregon State University, including engineers, oceanographers, biologists, and geologists, to develop a formula that would define the boundary for public beach access. When the bill was first introduced, the elevation line was 12 feet instead of 16.

PR stunt. A longtime journalist who knew a golden public relations opportunity when he saw it, McCall planned a trip to the Oregon coast to test the new formula. The governor was joined by a group of surveyors, scientists, and journalists for stops in several coastal communities, including Cannon Beach.

The myth. Despite countless reports, McCall did not swoop in on a helicopter

with his entourage and land at Cannon Beach. He did take a ride in a helicopter that day, but not to Cannon Beach. He arrived by limo, and the local museum has photos to prove it. While surveying was done at other locations, none took place there. Stakes were pounded into the sand for prop’s sake, but much of what has been written since has added to the legend. “It’s mostly true,” says Elaine Trucke, executive director of the Cannon Beach History Center and Museum. “But it’s been embellished over the years.”

Iconic image. Photographers captured McCall standing in front of the Surfsand Motel and glaring at the driftwood barriers. He wore a dark suit and dark sunglasses, and it was reported that he grumbled to motel guests about Hay’s audacity and at one point drew a line in the sand. Public support grew after that day. Some consider this moment the turning point for the bill.

The aftermath

The survey. The Beach Bill called for the state to survey the entire coast. Aerial photographs were taken during a project that spanned 1968 and 1969, and the zone line was marked. The Oregon Parks and Recreation Department has the black and white, grainy images in its archives. Some of the aerial shots also have been preserved in the Oregon State Library.

Measure 6. There were doubts the bill would withstand legal challenges related to property rights. Bob Straub, for one, wanted more protection. He and a citizens’ group, Beaches Forever, Inc., pushed a 1968 initiative proposing a temporary 1-cent-a-gallon gas tax for the state to buy privately owned beach land. The measure was defeated.

Challenges. Bill Hay, owner of the Surfsand Motel, and Lester Fultz, a Neskowin developer who started work on a private road which extended seaward past the vegetation line, challenged the public rights’ claims in court but lost. They appealed to the Oregon Supreme Court, where they also lost. The Beach Bill generated other lawsuits that were subsequently dropped.

Second signing. McCall signed into law in 1969 the amendments based on the aerial survey points called for in the original bill. That was the same year the organization originally called S.O.L.V. (Stop Oregon Litter and Vandalism) was created by the governor and other community leaders to address the need for community action. Today SOLVE is building on a vision to improve the environment in Oregon and build a legacy of stewardship.

The bounty

Sights. Haystack Rock in Cannon Beach is one of Oregon’s most recognizable.

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