

Oregon's Beach Bill celebrates 50th anniversary

By CAPI LYNN

(Salem) Statesman Journal

SALEM — 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, signed July 6, 1967, here are 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 Ouderkerk (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 upward 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.

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.



EO Media Group photo
Landmark legislation passed 50 years ago in 1967, known as the beach bill, guarantees Oregonians access to their state beaches.

\$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.

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.”

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.

BLOOMIN’ BLUES

Dogwood a favorite of wildlife

By BRUCE BARNES

For The East Oregonian

Common Name: Red osier dogwood
Scientific Name: *Cornus sericea*

This attractive shrub is found throughout most of North America except for the Southeast United States. It is the only native woody-stemmed dogwood in Northeast Oregon, where it generally grows at nearly all elevations. It can be found along the river parkway in Pendleton, and in wet soil along streams and springs throughout the Blue Mountains.

The name osier is believed to come from the French “osire,” meaning a plant growing in a river bed. Another common name for the shrub is red stem dogwood. The name *Cornus* is Latin for horn or antler, and likely refers to the hard wood. *Sericeus* means silky hair, possibly referring to the wavy hairs on the lower surface of the leaves.

The overall shrub stands out in both summer and winter, with white flowers and white berries in summer and its barren red stems in the winter against the snow. The plant usually will reach about 12 feet where there is plenty of moisture in the soil, though it can reach twice that height close to streams. The oval leaves have smooth edges, deeply grooved surfaces where the veins are, abruptly pointed tips, and are up to five inches long.



Photo by Bruce Barnes

Red osier dogwood, *Cornus sericea*, flowers

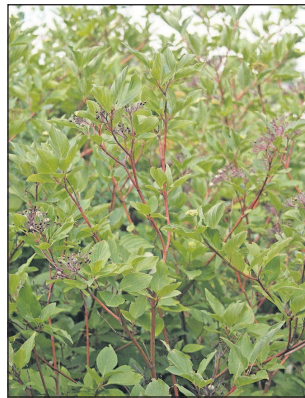


Photo by Bruce Barnes

Red osier dogwood, *Cornus sericea*

Most dogwood plants look like they have several large pink or white petals, however their “petals” are bracts which surround a cluster of many very small flowers in the center. Red osier dogwood does not have the bracts, just an impressive cluster of many small four-petaled flowers. The flowers are eventually replaced by small white berries about a quarter-inch wide. Though the berries are bitter, black bears eat them.

Many Indian tribes across North America had

a wide variety of uses for the sap, bark, stems, leaves and berries of the plant.

The only part used for food by a few tribes was the bitter berries, which were eaten fresh or dried, and sometimes mixed with other berries. The sap was put on arrowheads for the poison effect on animals. Stems were used for basket frames, snowshoes, arrows, bows, gill nets and fish hooks. Infusions of the bark were used as a tonic and to treat coughs, colds, fevers, sore throat, early stage tuberculosis, intestinal worms, diarrhea, sore eyes, sores, weakness or paralysis, poison ivy rash, headaches, and nose bleeds, and to induce vomiting for medicinal or ceremonial purposes. Leaves were sometimes dried and smoked.

Where to find: In addition to the river parkway, look for the shrub with red stems along any stream in the Blues. Don’t confuse this plant with others that have white berries but not red stems.

Second pack of gray wolves spotted in Northern California

By OLGA R. RODRIGUEZ

Associated Press

SAN FRANCISCO — A female gray wolf, her mate and at least three pups are the second pack of wolves spotted in Northern California since the species went extinct there in 1924, state wildlife officials said Wednesday.

The gray pups were born this spring in Lassen National Forest to a female wolf of unknown origins. Her mate is the son of OR7, a wolf with a tracking device that was the first of its kind in almost a century to migrate into California from Oregon, the Department of Fish and Wildlife said.

Biologists began surveying the Lassen National Forest area in May after they found evidence of wolf presence.

On June 30, they captured the 75-pound female gray wolf and fitted her with a tracking collar. An examination revealed she had recently given birth to pups.

A day later, Department of Fish and Wildlife biologists returned to the area for a follow-up check on the female and found that a nearby trail camera operated by the United States Forest Service had captured photos



U.S. Forest Service via AP

This June 30 remote camera image released by the U.S. Forest Service shows a female gray wolf and her mate with a pup born this year in the wilds of Lassen National Forest in Northern California.

of the mother and pups. The gray pups were also photographed playing in front of the camera.

While most of the pack’s known activity to date has been in western Lassen County, which is near the eastern state line, some tracks have also been confirmed in Plumas County, officials said.

These wolves, named the Lassen Pack by the U.S. Forest Service employee who first detected their location, are the second pack of gray wolves known to be in California since they were killed off in the 1920s, officials said.

The first confirmed breeding pair in California produced five pups in

Siskiyou County in 2015. The family of seven gray wolves, known as the Shasta Pack, hasn’t been spotted since May 2016, although one of the pups was detected in northwestern Nevada in November 2016, the department said.

State officials in 2014 granted the wolf protections under the state’s endangered species act, despite opposition from hunting and livestock groups who fear the predator will kill deer and valuable cattle. Under California’s protections, gray wolves can’t be killed or hunted.

They are also listed as endangered by the federal government.

Florida man dies after falling into Crater Lake caldera

CRATER LAKE NATIONAL PARK (AP) — A 20-year-old man from Florida is dead after tumbling up to 70 feet down a steep cliff in Crater Lake National Park in Oregon.

The Mail Tribune reports

the accident happened around 5:45 a.m. Tuesday when the man walked out onto a rocky point and the rocks broke loose.

He then tumbled 50 to 70 feet down the side of the collapsed volcano.

Rangers with the National Park Service rappelled down and confirmed the man was dead.

The Parks Service says hiking on the rim around the caldera is not allowed because it is extremely hazardous.