



**OCEAN SHORE  
ALTERATION PERMIT**

Application Approved with Conditions:

Application Denied:

Date: September 22, 2013

Applicant: Lincoln County Public Works

OPRD File Number: BA# 688-13

County: Lincoln

Project Location: Bayshore Subdivision, Waldport, OR  
Oceania Drive and the western foredune of the Alsea River spit within Management Unit 5 of the Bayshore Foredune Management Plan.

OPRD's review included a staff inspection of the site and evaluation of the project against the Ocean Shore Permit Standards, OAR-736-020-0005 through 736-020-0030.

**Project Description:**

The project involves the transfer of 11,000 cubic yards of windblown and deposited sand on Oceania Drive and inundated Bayshore Subdivision roads with fill placement on the western foredune of the Alsea River Spit. Sand drifts will be removed from Oceania Drive and other adjacent roads located in the Bayshore Road District, and also from a temporary sand storage site located on Tax Lot 6600. The project complies with allowable foredune activities as described in the Bayshore Dune Management Plan (July 15, 2011), Management Unit 5.

Stabilization measures, as required in the plan, will include placement of jute matting over the sand fill area and the planting of beach grass.

*ORS.390.605 (2) defines the "ocean shore" to mean the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line as described by ORS 390.770 or the line of established upland shore vegetation, whichever is farther inland. In the location of the proposed project the statutory vegetation line is located farther inland.*

The project is proposed to be located



Seaward of the statutory vegetation line



Seaward of the line of established upland shore vegetation

and therefore within OPRD's jurisdiction to make a decision on your application.

Submitted plans: Attached  (See Condition 4)

Not Applicable

Based on the evaluation of the above standards, staff inspections of the site, and consideration of public and agency comments, the Oregon Parks and Recreation Department:



Approves your application for Sand Alteration.



Denies your application

Conditions:

1. Use of equipment or vehicles on the beach requires a separate permit from OPRD. Use of public beach access routes, construction of any roads or other temporary access improvements, and timing of inspections shall be subject to conditions of the Equipment Access Permit. Contact Tony Stein at (541) 265-9871 prior to construction for the necessary permit.
2. The project shall be constructed in accordance with the submitted plans and descriptions, and comply with the location and amount of sand transferred and placed on the ocean shore.
3. Sand used for fill placement must be clean and free of foreign debris and of invasive plant material. The project area shall be covered in jute matting and planted with European Beach Grass as prescribed in the application.
4. During construction activities, north and south beach access may not be blocked and shall allow for safe emergency or pedestrian travel onto to the ocean shore.
5. The project shall be completed prior to September 22, 2014. If it appears that, due to unforeseen circumstances, the project cannot be installed by the expiration date, the Permittees or authorized representative(s), may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule.
6. In no event shall the issuance of the permit be construed as a sale, lease, granting of easement or any form of conveyance of the state recreational area, ocean shore or submerged lands.
7. The Permittee shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.955 and OAR 736-051-0060 through 736-051-0090 as these statutes and rules affect the discovery, excavation, salvage, removal and disposition of archaeological resources and the permitting requirements for these activities as they affect archaeological sites on public and private land. If archeological objects are encountered during the project, all work must stop immediately, and work may not proceed until an archeological permit is issued under ORS 390.235
8. This approval does not affect any obligation the Permittee might have to other persons or agencies, local, state or federal. The Permittee shall be responsible for permission and any required private landowner agreements to move and transfer sand across Tax lot 6600 and onto the ocean shore
9. If the Permittee fails to comply with the conditions provided herein and otherwise imposed by OPRD, OPRD shall exercise its authority under Oregon Revised Statutes 390.661 through 390.676; 390.990 through 390.995; and the provisions of OAR 736-020-0200 to cease any further activity by the Permittees on the ocean shore except as directed by OPRD. In such circumstances OPRD may assess a civil penalty according to the provisions of OAR 736-080-0005 through 736-080-0070.
10. The Permittee shall agree to save and hold harmless the State of Oregon, the Oregon Parks and Recreation Commission, and its members, and all officers, agents and employees of the Oregon Parks and Recreation Department, from any claim, suit or action whatsoever for damages to property, or injury or death to any person or persons due to negligence of permittee(s), their officers, agents or employees, and arising out of the performance of any work or project covered by the granting of a permit.
11. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted sand alteration design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapter 390 and related regulations.

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Jim Morgan, Stewardship Program Manager  
Oregon Parks and Recreation Department

Cc: Onno Husing, Lincoln County  
Laren Woolley, DLCD  
Deborah Henry, U.S. Army Corps of Engineers

**Appeal Process**

*Any person aggrieved or adversely affected by the grant of a permit or the conditions imposed on the permit may file a written request for a hearing with the Parks and Recreation Director. The request must be received within 30 days of the date of the permit. The hearing shall be conducted as a contested case in accordance with ORS 183.415 to 183.430, 183.440 to 183.460 and 183.470*