



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: January 20, 2008

Applicants: Oregon Parks and Recreation Department

OPRD File Number: BA-652-08

County: Tillamook

Project Location: Northwest of the vehicle turnaround at Cape Lookout State Park
Tillamook County Assessor's Map T2S, R10W, Section 31, Tax Lot 6100

OPRD 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 applicant is requesting the placement of a dynamic rock berm, approximately 740 foot long by 20 foot wide, using rock material imported from a local source. The dynamic rock will extend along the property line fronting tax lot 6100. The rock material consists of a total volume of 4,000 cubic yards of clean rock with 80% of the cobble consisting of 12" minus and 20% of the cobble ranging from 12" to 24" inches in diameter. This sizing of material reflects the existing cobble berm at this location and adjacent cobble fields along the ocean shore. The rock material will be placed on the ocean shore and blend into the adjacent cobble fields to the north and south of the project area. The system will have an estimated height of 10 feet against the base of the foredune and gradually slope down approximately 20 feet in a westward direction at a 2:1 slope.

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 1)

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



Denies your application

For a dynamic rock berm fronting Cape Lookout State Park

Conditions:

1. The project shall be constructed in accordance with the submitted plans and descriptions provided in the permit application, and comply with the location, dimensions of the proposed dynamic rock berm, as specified in the plans and descriptions.
2. 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.
3. The project shall be completed prior to February 1, 2010. If it appears that, due to unforeseen circumstances, the project cannot be installed by the expiration date, the Permittee or authorized representative(s), may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule.
4. Upon completion of the project, adjacent areas of the ocean shore shall be cleared of any debris remaining from the project, and ocean shore areas disturbed by construction activity shall be restored to pre-existing conditions.
5. The Permittee or subsequent owners (collectively, "Permittees") shall be responsible for maintaining the dynamic rock berm and the beach access ramp. If, due to damage or lack of maintenance, the dynamic rock berm and beach access ramp approved under this permit become a safety hazard, or cause a detriment to ocean shore resources, the Permittee shall be responsible for removal of the facility.
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. The Permittee shall receive a determination that the project is consistent with the local comprehensive plan and zoning ordinance as required by the Tillamook County Department of Community Development. A condition of approval will require that the County Development permit be finalized, and that a certification of plan consistency be received by OPRD.
9. This approval does not affect any obligation the Permittee might have to other persons or agencies, local, state or federal.
10. 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 Permittee 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.
11. 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.

12. In issuing this permit, OPRD recognizes the temporary and dynamic nature of this project makes no representation regarding the quality or adequacy of the permitted project 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.

Jeff Farm
Ocean Shores Program Manager
Oregon Parks and Recreation Department

Cc: Valerie Soilihi, Tillamook County Department of Community Development
Steve Williams, DLCD
John Potter, OPRD, Assistant Director of Operations
John Allen, OPRD, Region 1 Office
Pete Marvin, Cape Lookout State Park
Karla Ellis, USACE Portland District

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