



OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:



Application Denied:



Date: February 25, 2008

Applicant: Netarts Oceanside Sanitary District

OPRD File Number: BA-635-07

County: Tillamook

Project Location: Ocean shore immediately west of 5390 Netarts Hwy NW, Netarts.
Tillamook County Assessor's Map #1S-10W-Section 30, tax lot 4400.

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 installation of an effluent outfall pipeline for the Netarts Oceanside Sanitary District (NOSD). A 14 inch high density polyethylene sewer outfall pipe will be installed beneath the ocean shore through a tunnel that is bored using a horizontal directional drilling method. The ocean outfall pipe will convey treated wastewater from the upland NOSD Wastewater Treatment Plant to a submerged rock outcrop located approximately 3, 900 feet offshore. The subject pipe will be fused together onshore and floated out to the discharge point, then pulled through the bore tunnel to the upland NOSD property, located east of Netarts Highway.

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.

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 an effluent outfall pipeline.



Denies your application

Conditions:

1. Prior to construction, the Netarts Oceanside Sanitary District or subsequent owners of the pipeline (collectively, "Permittee") shall obtain all required permit approvals and/or easements from the U.S. Army Corps of Engineers, Division of State Lands, and State Land Board for pipeline installation beneath the ocean seafloor, and submit copies of these permit approvals and/or easements to Oregon Parks and Recreation Department (Tony Stein, 401 SW 9th Street, Newport, OR 97369 (541) 265-9871).
2. Prior to construction, the Permittee shall obtain an easement, license or other written authorization from each owner of public or private property that may be included in the ocean shore project area, and submit copies of the easements, licenses or other written authorizations to Oregon Parks and Recreation Department.
3. The Permittee shall obtain all required pre-construction approvals from the Oregon Department of Environmental Quality and comply with the National Pollutant Discharge Elimination System permit issued to the Netarts Oceanside Sanitary District.
4. The project shall be completed in accordance with the submitted plans. As described in the permit application materials, the pipeline will be installed via directional-bore beneath the beach to a minimum depth of 35 feet.
5. The project shall be completed prior to February 25, 2009. If it appears that, due to unforeseen circumstances, the project cannot be installed by the expiration date, the Permittee, subsequent owner(s), 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. If an unforeseen erosion event or other phenomena occurs that causes the proposed pipeline to be exposed, constitutes a hazard to the public or is in any way detrimental to the preservation of the economic, scenic, and recreational value of the ocean shore, the Permittee shall, at the request of the Department, remove the pipeline from the ocean shore, or, to the satisfaction of the Department, re-install the pipeline to an adequate depth to eliminate such exposure, hazard or detrimental condition. The current 13 1/2 inch outfall pipeline was surface trenched on the ocean shore under OPRD permit BA# 121-77. If an unforeseen erosion event or other phenomena occurs that causes the existing pipeline to be exposed, constitutes a hazard to the public or is in any way detrimental to the preservation of the economic, scenic, and recreational value of the ocean shore, the Permittee shall, at the request of the Department, remove the pipeline from the ocean shore to the satisfaction of the Department.
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. The Permittee shall obtain and submit an approved Cultural Resource Survey Permit from the Confederated Tribes of the Grand Ronde Community of Oregon.
8. 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.
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 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.

10. In issuing this permit, OPRD 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 Shore Program Manager
Oregon Parks and Recreation Department

Cc: Steve Williams, DLCD
Lisa Phipps, Tillamook County
Joy Vaughn, Division of State Lands
Kathryn Harris, US 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.