



**OCEAN SHORE  
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: September 8, 2012

Applicant: U.S. Coast Guard, David Stalters

OPRD File Number: BA-681-12

County: Coos

Project Location: 89092 Lighthouse Way,  
Coos Bay, OR 97420  
Coos County Assessor's Map #26S-14W-Section 04 CD, Tax Lot 600

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 proposed project involves the demolition and removal of the 40 foot tall and 375 feet long Cape Arago High Bridge wood structure that connects two parcels of land located at Gregory Point and the offshore Chief's Island. The State of Oregon owns the submerged and submersible (intertidal) land that separates the two properties. The subject properties are connected by a wood pedestrian bridge which has been condemned due to disrepair and structural damage.

The project also proposes to remove 6 concrete crossbeams and modify 11 concrete footings which support the upper wood bridge structure. The subject crossbeams and footings are located in the open intertidal channel between the mainland and offshore properties. The foundations of all the concrete footings and all concrete footings found above the Mean High Water Mark and outside of OPRD's jurisdictional boundaries will remain in place. The purpose of modifying the subject footings is to reduce safety risks to the public and improve the scenic value of the Cape Arago ocean shore area.

*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 3)

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 demolition and removal of the Cape Arago High Bridge  Denies your application

Conditions:

1. The Permittee shall conduct the demolition and removal project in accordance with the submitted plans and descriptions for Alternative #2, as noted in the project application.
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. The Permittee or their contractors shall contact Tony Stein at (541) 265-9871 prior to construction for the necessary permit.
3. The Permittee shall complete the demolition and removal project prior to September 8, 2013. If it appears that, due to unforeseen circumstances, the project cannot be completed during this period, the Permittee or authorized representative(s) may request a permit extension. OPRD may grant a time extension based on the Permittees' submission of a revised construction schedule.
4. Upon completion of the project, the Permittee shall clear the rocky shore intertidal area of all demolition and removal debris associated with the bridge removal.
5. 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.
6. The Permittee shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.961 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.
7. This approval does not affect any obligation the Permittee might have to other persons or agencies, local, state or federal.
8. If the Permittee fails to comply with the conditions provided herein and otherwise imposed by OPRD, OPRD shall exercise its authority under ORS 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.
9. 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.
10. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted Cape Arago High Bridge demolition and removal project, any equipment or materials used, except to approve the project's design and schedule, equipment 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.
11. Notwithstanding the expiration or any renewal of this ocean shore permit or its earlier relinquishment, abandonment or other termination, the provisions of this permit, to extent applicable, shall continue in effect and shall be binding on the permittee, successors, or assigns, until they have fully performed their respective obligations and liabilities accruing before or on account of the expiration, or prior termination, of the permit.

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Jim Morgan  
Stewardship Program Manager  
Oregon Parks and Recreation Department

Cc: Patty Evernden, Coos County  
Laren Woolley, DLCD  
Tyler Krug, 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*