



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:

Application Denied:

Date: August 25, 2004

Applicant: Tillamook County and U.S. Army Corps of Engineers,
co-applicants

OPRD File Number: BA-592-04

County: Tillamook

Project Location: Barview County Park, Tillamook Bay North Jetty
Tillamook County Assessor's Map #1N-10W, tax lot 4300.

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 construction of a riprap revetment along the shoreline, extending north from the jetty 210 to 370 feet; with additional cobble fill extending approximately 100 feet north of the riprap. Plans indicate the proposed revetment will be approximately 60 feet in width, with the visible portion of the revetment projecting out onto the ocean shore approximately 30 feet. Sand excavated from the toe trench, and additional sand hauled in from an upland site will be placed in front of the revetment, and maintained on an annual basis.

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 a riprap revetment.

Denies your application

Conditions:

1. This ocean shore permit is issued subject to this and the following conditions. Permittee the United States Army Corps of Engineers (USACE) has the primary responsibility for compliance with all of the conditions stated in this permit. This does not preclude OPRD, however, from holding both permittees, USACE and Tillamook County, jointly and severally responsible for performance of all conditions of this permit.
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. Permittees or their contractors shall contact Steve Williams at (541) 867-3340 prior to construction for the necessary permit.
3. The Permittees shall construct the project in accordance with the submitted plans and descriptions provided in the permit application, and comply with the location, dimensions of the riprap and cobble revetment, and materials specified in the plans and descriptions. (See attached plans.)
4. As proposed in the USACE Tillamook North Jetty Revetment Coastal Engineering Report, May 2004, The Permittees shall place sand brought in from off-site in front of the revetment, in addition to sand excavated from the toe trench. The off-site sand will be coarser than existing beach sand as specified (D50, 0.50mm). Sand quantities placed in front of the revetment will depend on the completed length of the revetment as follows:

	<u>Min. Revetment Length (210')</u>	<u>For Each Additional Foot in Revetment Length</u>
Off Site Sand Placement:	3,120 cubic yards	Additional 27.5 cubic yards
Toe Trench Sand Placement:	4,000 cubic yards	Additional 13.8 cubic yards

5. The Permittees shall place sand in front of the revetment to approximate a natural beach slope. Prior to construction, during the month of September 2004, the USACE or its contractor shall conduct a beach profile survey to document the existing beach grade in front of the revetment, and provide a copy of the beach profile survey to OPRD prior to construction and no later than October 31, 2004. The Permittees shall complete ongoing annual monitoring of the beach profile during the months of April through September, and provide copies of the annual monitoring to OPRD by October 31st of each year. If the monitoring report indicates that beach elevations have decreased from beach profile elevations established prior to construction (Sept. 2004), to maintain the structural integrity of the revetment the Permittees shall add additional sand from an off-site source as necessary to restore the beach profile to the original pre-construction elevations as established in the 2004 report. This sand replenishment, if necessary, shall take place no later than November 30, for each year, subject to required environmental clearances (ie: Section 401 Water Quality Certification).
6. A beach access route consisting of a smooth graded surface, accessible to pedestrians and emergency vehicle access shall be constructed by the Permittees and left in place north of the cobblestone portion of the revetment.
7. The Permittees shall complete construction prior to August 25, 2005. If it appears that, due to unforeseen circumstances, the project cannot be installed during this construction period, the Permittees 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.
8. Upon completion of the project, the Permittees shall clear the beach of all debris associated with the riprap construction.

9. The Permittees shall be responsible for maintaining the revetment, and complying with the beach sand maintenance required in Condition #4's and 5 above. "Maintaining the revetment" includes retrieving and replacing rocks or other materials moved or damaged because of the ocean or any other cause, with the exception of the dynamic cobble material. Failure to maintain the revetment or failure to provide annual monitoring and sand maintenance required in Condition #'s 4 and 5, may cause appropriate legal action, if any, to be pursued to ensure compliance with this provision.
10. 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.
11. The Permittees 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.
12. The Permittees shall comply with all requirements of the Section 401 Water Quality Certification issued by the Oregon Department of Environmental Quality on July 8, 2004.
13. This approval does not affect any obligation the Permittees might have to other persons or agencies, local, state or federal.
14. If the Permittees fail 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, to the extent permissible under federal law.
15. The Permittees 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.
16. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted revetment 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.

17. 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 permittees, 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.

/s/ Michael Carrier

Michael Carrier
Director
Oregon Parks and Recreation Department

Cc: Bill Campbell, Lincoln County
Dale Blanton, DLCD
Marci Cook, U.S. Army Corps of Engineers
OPRD/Area 1 Office

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