



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: September 19, 2006

Applicant: Neskowin Community Association

OPRD File Number: BA-610-06

County: Tillamook

Project Location: Along the Ocean Shore State Recreation Area (OSSRA) between South Beach Road and Forest Grove Avenue, Neskowin. Tillamook County Assessor's Maps, 5S-11-36BC, 5S-11W-25CB, 5S-11W-25BC, 5S-11W-25CC

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 placement of 9 Life Ring Stations using 4" X 4" X 8' wood posts buried into the sand, approximately 300 feet apart along the ocean shore on Neskowin Beach. The Life Ring Stations will be placed in the dry sand area and provide a measure of public safety for swimmers and other beach users in distress.

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 the placement of (9) Life Ring Stations.



Denies your application

Conditions:

1. No cash bond will be required, but OPRD will pursue any legal remedies or enforcement action at its disposal to ensure that permit conditions are achieved.
2. The project shall be constructed in accordance with the submitted plans and descriptions provided in the permit application, and comply with the number, location and dimensions of the life ring stations.
3. If necessary, the project must comply with any Tillamook County Development permit requirements, and any other applicable County requirements.
4. Upon completion of the project each season, the beach shall be cleared of all wood posts, or other equipment or materials associated with the Life Ring Stations, and the beach shall be returned to its pre-existing condition.
5. The Permittee shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project. Prior to construction of the project, the Permittee shall submit documentation to OPRD that verifies that a Corps permit has been obtained, or that a Corps permit is not required for this project.
6. The NCA shall be responsible for maintaining the life rings. This includes retrieving and replacing life rings, rope or other materials moved or damaged because of ocean activity or any other cause. The NCA will maintain and inspect the life ring stations every two weeks. Each station will have one Coast Guard approved life ring, be immediately accessible, and hold 200 feet of floatable 3/8" nylon rescue rope. Any defective life ring equipment shall be corrected within 48 hours by the NCA. Failure to maintain the Life Ring Stations, where such failure causes a public safety hazard or detriment to ocean shore resources, may cause appropriate legal action to be pursued to ensure compliance with this provision.
7. 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.
8. The Permittees 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.
9. This approval does not affect any obligation the Permittees might have to other persons or agencies, local, state or federal.
10. If the Permittees fail 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. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted Life Ring Station 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.

12. The Neskowin Community Association agrees to indemnify, defend, save and hold harmless the State of Oregon, the Parks and Recreation Commission, OPRD, and their respective members, officers, agents and employees from any claim, suit or action taken by OPRD or its employees or agents to remove the life ring stations or other work undertaken by OPRD, or its employees or agents.

/s/ Tim Wood

Tim Wood
Director
Oregon Parks and Recreation Department

Cc: Lisa Phipps, Tillamook County
Steve Williams, DLCD
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