



OCEAN SHORE
ALTERATION PERMIT

Application Approved with Conditions:

Application Denied:

Date: April 30, 2007

Applicant: MFS Globenet, Inc.

OPRD File Number: BA--618-07

County: Tillamook

Project Location: West end of Lake Street, Nedonna Beach, near Rockaway Beach
Tillamook County Assessor's Map T2N, R10, Section 20SE

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.

Additional Oregon Administrative Rules and Revised Statutes Apply: OAR 736-020-0040

Project Description:

Installation of fiber optic telecommunications cable landing at Nedonna Beach near Rockaway Beach.

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 _____)

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

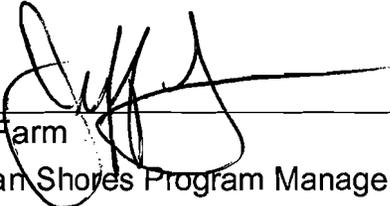
denies

for installation of the fiber optic cable landing.

Conditions:

1. The project shall be completed in accordance with the submitted plans. As described in the permit application materials, the cable and conduit will be directional-bored beneath the beach and foredune, so that no visible alteration, or excavation will be required within the ocean shore boundaries.
2. The permittee shall be responsible for obtaining permit approvals and/or easements from the U.S. Army Corps of Engineers, Division of State Lands, and State Land Board for cable installation on the ocean seafloor.
3. The permittee shall comply with all permit requirements of the City of Rockaway Beach for use of City right-of-ways and utility installation.
4. The contractor or applicant shall notify OPRD prior to commencing work and when the project is completed. Contact Tony Stein (541 265-9871).
5. This permit is only valid upon receipt of \$10,000 dollars to OPRD for just compensation for use of the ocean shore.
6. The permit shall expire on May 11, 2008. Prior to that date the permittee or authorized representative may request a permit extension if it appears that, due to unforeseen circumstances the project cannot be accomplished by the expiration date.
7. If an unforeseen erosion event or other phenomena occurs that causes the cable or additional conduits 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 or subsequent owner of the cable and related facilities shall, at the request of the Department, re-install the cable to an adequate depth to eliminate such exposure, hazard or detrimental condition.
8. In no event shall the issuance of this 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 shall fail to comply with the conditions provided herein and otherwise imposed by the Oregon Parks and Recreation Department, the subject permit may be revoked without any liability on the part of the Oregon Parks and Recreation Department.

10. The permittee shall save and hold harmless the State of Oregon, the State Parks and Recreation Commission and its members, and all officers, agents and employees of the State Parks 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, their officers, agents or employees, and arising out of the performance of any work or project covered by the granting of a permit.

 5/7/07

Jeff Farm
Ocean Shores Program Manager
Oregon Parks and Recreation Department

Cc: Floyd Holcom, IBIS Group LLC
Sabrina Norberg, City of Rockaway Beach
Steve Williams, Department of Land Conservation and Development
Joy Freibaum, Division of State Lands
Kathryn Harris, US Army Corps of Engineers

Appeal Process, OPRD Review

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

