



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: 28 January 2008

Applicant: ACS Cable Systems, Inc.

OPRD File Number: BA-632-07

County: Lane County

Project Location: Meares Street County Road Easement, Heceta Beach, Florence, Oregon

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:

Proposal to install a fiber optic telecommunications cable crossing from Homer, AK to Florence, OR. The purpose of the proposed project is to contribute to the upgrading of telecommunications between Alaska and the Lower 48 states in response to increasing demand.

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 for installation of a fiber optics cable.



Denies your application

Conditions:

1. This approval does not affect any obligation the Permittee might have to other persons or agencies, local, state or federal regulations. A proprietary easement agreement will be required by DSL before beginning work on the ocean shore portion of project.
2. Project will be completed in accordance with the submitted plans except where documented changes have been made. As per letter and attached map dated 14 January 2008 to Mr. Gary Brabham the beach manhole (BMH) will be moved eastward to accommodate the required minimum depth of cover under a shoreline protection structure and to obtain the proper drilling angle to achieve that depth. Minimum depth of cover will be 25 feet under shoreline protection structures.
3. As-built plans will be submitted to OPRD on completion of project with direction, depth and location of conduit. A copy of the drilling log with verification of depth of cover under shoreline protection structures will also need to be submitted for the record.
4. HDD contingency plans for drilling fluids outlined in the submitted application will be followed when frac-outs and other environmental issues require action. All appropriate equipment will be on-site to respond to a frac-out situation.
5. 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.
6. The project shall be completed prior to 28 February 2009. If it appears that, due to unforeseen circumstances, the project cannot be installed by the expiration date, the Permittee or authorized representative(s), may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule.
7. 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. Contact Calum Stevenson at (541) 888-9324 prior to construction for the necessary permit.
8. The contractor or applicant shall notify OPRD prior to commencing work and when the project is completed. Contact Calum Stevenson (541-888-9324).
9. In no event shall the issuance of the permit be construed as a sale, lease, granting of easement any form of conveyance of the state recreational area, ocean shore or submerged lands.
10. 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. 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
11. 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.

12. 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.
13. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the Permitted projects 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 Manager
Oregon Parks and Recreation Department

Cc: Ryan Binns, AMEC
Denise Toombs, AMEC
Todd Roper, LTS
Steve Gebert, ACS

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