



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: 27 August 2008

Applicant: Oregon Parks & Recreation Department

OPRD File Number: BA-646-08

County: Curry

Project Location: T40S R14W Sec 36 TL 3 Harris Beach State Park

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: Project is to enhance the picnic/viewing and beach access to meet ADA accessibility standards. Existing asphalt walkways, shoreline protection and drinking fountain will be removed and new retaining walls, concrete walks, and railings will be installed.

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 with conditions..



Denies your application

Conditions:

1. The project shall be constructed in accordance with the submitted plans and descriptions provided in the permit application, and comply with the location, materials, and dimensions of the proposed beach access trail and shoreline protection structure.
2. OPRD will be required to obtain approval by the City of Brookings for compliance with Chapter 17.100 Hazardous building Site Protection/Hillside Development Standards.
3. OPRD ocean shore program shall be notified of start date of construction. Use of equipment or vehicles on the beach for construction or delivery of materials requires a separate permit from OPRD. Contact Calum Stevenson (541-888-9324) prior to construction for the necessary permit.
4. The project shall be completed prior to September 08, 2009. If it appears that, due to unforeseen circumstances, the project cannot be installed by the expiration date, the permittees or authorized representative(s), may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule.
5. Upon completion of the project, adjacent areas of the ocean shore shall be cleared of any debris remaining from the project, and ocean shore areas disturbed by construction activity shall be restored to pre-existing conditions.
6. An OPRD staff archaeologist will monitor project for potential cultural and/or historical material.
- 7.. The Permittee shall agree to save and hold harmless the State of Oregon, the Commission, and its members, and all officers, agents and employees of the 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, its or their officers, agents or employees, and arising out of the performance of any work or project covered by the granting of a permit.
8. In no event shall the issuance of any permit hereunder be construed as a sale, lease, or grant of easement, or any form of conveyance of the state recreational area, Ocean Shore or submerged lands.
9. The duration of any permit granted hereunder shall be solely within the discretion of the Department. The Director may revoke, suspend or not renew an Ocean Shore permit only after giving notice and opportunity for a hearing as provided in ORS 183.415 to 183.430, 183.440 to 183.460 and 183.470.
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 other 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
11. If, during the period covered by this permit, the Permittee shall fail to comply with the conditions provided herein and otherwise imposed by the Department, the Department shall exercise its authority under Oregon Revised Statutes 390.661 through 390.676; 390.990 through 390.995, and the provisions of OAR 736-020-0100 to cease any further activity by the Permittee on the ocean shore except as directed by the Department. In such circumstances, the Department may assess a civil penalty according to the provisions of OAR 736-080-0005 through 736-080-0070.

12. This approval does not affect any obligation the Permittee might have to other persons or agencies, local, state or federal. regulations.

Jeff Farm
Ocean Shore Manager
Oregon Parks and Recreation Department

Cc: Nancy Nelson, SHPO
Donna Colby-Hanks, City of Brookings Planning Dept.
Steve Williams, DLCD
Andy LaTomme, Region 3 Office
OPRD/Region 3 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