



**OCEAN SHORE  
ALTERATION PERMIT**

Application Approved with Conditions:

Application Denied:

Date: November 13, 2015

Applicant: Richard Figenshu

OPRD File Number: BA-700-15

County: Lincoln

Project Location: 13650 S. Coast Highway  
Newport, OR  
Lincoln County Assessor's Map #12S-11W-07 CB, tax lot 600

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 applicant seeks to convert the temporary Emergency Permit #BA-695-15, issued March 23, 2015, into a permanent shoreline protection structure. The proposed riprap revetment is approximately 105 feet long and 18 feet in height above beach level, and includes a 4-inch perforated pipe drain system. The riprap consists of basalt armor rock, 3.0 to 5.0 feet in diameter, keyed into the mudstone at the toe of the slope and placed in an interlocking state with a slope varying from approximately 1.5H to 1V to 2:H to 1V, and backed with geotextile fabric and pit-run fill material. The project includes an additional granular fill buttress, compacted sand, and two additional feet of feet of sand cover to an elevation of approximately 25 feet above beach level. The sand cover has been planted with beach grass to provide a more natural appearance than exposed riprap boulders.

*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 is 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 a riprap revetment.

Denies your application

Conditions:

1. Approval of the project requires that the Permittee or subsequent owners file with the Lincoln County Clerk, a Declaration of Conditions and Restrictions. A form is attached for your use in satisfying this condition. The Permittee shall pay any filing and recording costs. Upon recording, certified copies shall be submitted to OPRD as proof of compliance with this permit condition. Failure to provide OPRD with said certified Declarations of Conditions and Restrictions shall nullify this permit and all authorizations contained herein.
2. The project, including recording of the required Declaration of Conditions and Restrictions, shall be completed prior to November 13, 2016.
3. Successful completion of the project will result in a refund of the \$10,000 performance bond that was submitted with the emergency permit application. If the permit conditions are not complied with by the permit expiration date (November 13, 2016) OPRD may undertake action including riprap removal without further notice to the Permittee and may deduct any and all costs and expenses of accomplishing such work. Use of the cash bond or other security for such purposes does not preclude OPRD from pursuing any other legal remedies or enforcement action at its disposal to ensure that permit conditions are achieved.
4. The riprap project shall be constructed and maintained in accordance with the submitted plans and descriptions, and comply with the location, dimensions of the riprap revetment, and materials specified in the plans and descriptions. Only clean, erosion resistant rock from an upland source shall be used as riprap.
5. Upon completion of the project, the beach shall be cleared of all rock debris, or other debris associated with the riprap construction, and the beach shall be returned to its pre-existing condition.
6. The Permittee shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project.
7. The Permittee shall be responsible for maintaining the riprap revetment, or removing it, if in the opinion of OPRD, the structure becomes in disrepair, constitute a safety hazard, or in any other way deleterious to ocean shore resources. This includes retrieving and replacing rocks or other materials moved or damaged because of the ocean or any other cause. Failure to maintain the revetment, 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.
8. 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.
9. 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
10. This approval does not affect any obligation the Permittee might have to other persons or local, state, or federal agencies.
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 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.

---

Trevor Taylor, Stewardship Program Manager  
Oregon Parks and Recreation Department

Cc: Onno Husing, Lincoln County  
Laren Woolley, DLCD  
U.S. Army Corps of Engineers

**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*