



STATUTORY MINOR CORRECTION

PRD 5-2020
CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: correcting statutory reference

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule

AMEND: 736-020-0032

RULE SUMMARY: In (2)(f) a reference to 1999 Oregon law changed to the correct statutory reference. A extra space was also removed from a rule referenced in the same section.

CHANGES TO RULE:

736-020-0032

Permit Conditions ¶¶

(1) All permits issued under these division 20 rules may be conditioned to avoid, minimize or mitigate impact to the ocean shore, assure public safety, preserve the natural, scenic, recreational and economic values of the ocean shore and require the applicant to comply with the rules of other federal, state, and local agencies with jurisdiction over the permitted activity.¶¶

(2) The following conditions shall apply to any permit for a project authorized by the Department under ORS 390.640, 390.715, or 390.725.¶¶

(a) 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.¶¶

(b) In no event shall the issuance of any permit hereunder be construed as a sale, lease, granting of easement or any form of conveyance of the state recreational area, ocean shore or submerged lands.¶¶

(c) As a condition to the granting of a permit hereunder, the Department may, in its discretion, require the permittee to provide a cash or performance bond in an amount sufficient to assure full compliance with the terms of the permit.¶¶

(d) 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.¶¶

(e) The permittee shall comply with the provisions of ORS 390.235 through 390.240, 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.¶¶

(f) If, during the period covered by any 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 Laws 1999, Chapter 377~~ ~~RS 390.663~~, 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.¶¶

(3) In addition to the permit conditions listed in sections (1) and (2) of this rule, for any permit issued under ORS 390.640, the permittee shall file with the county clerk in the county where the permit applies, a Memorandum of Permit Issued, to be attached to the deed for the property where the permit applies. The permittee shall pay any and all filing and recording costs and shall supply to the Director a copy of the recorded instrument as proof of compliance with this permit condition.¶¶

(4) In addition to the permit conditions listed in sections (1) and (2) of this rule, the following conditions shall also apply to permits for projects authorized by the Department under ORS 390.715.¶¶

(a) If at any time subsequent to the installation of a pipeline, cable or conduit, the physical characteristics of the state recreation area, ocean shore or submerged lands shall change, whether due to natural or other causes, and by reason thereof the location of such pipeline, cable or conduit shall constitute a hazard to the public or is thereby detrimental to the preservation of the economic, scenic, and recreational value of the ocean shore, the permittee shall, at the request of the Department, make such changes in the location and installation thereof as will eliminate such hazard or detrimental condition. In any event, no permit shall be granted for the construction and installation of any pipeline, cable line, or other conduit, less than 2-1/2 feet below the lowest known surface elevation of the ocean shore, state recreational areas, or submerged lands.¶¶

(b) The Department may, where it deems necessary, require the permittee to agree to protect the state from any damages which might result from leaks, breaks or other malfunctions of the subject pipeline, cable or conduit.¶¶

(c) The permittee shall submit "as built" drawings following the completion of any pipeline, cable line, or conduit constructed on the ocean shore.¶¶

(d) The permittee shall notify the Department in writing at such time as any pipeline, cable line, conduit, or any portion of any pipeline, cable line or conduit authorized by an ocean shore permit and belonging to the permittee shall be sold or otherwise transferred to another party.

Statutory/Other Authority: ORS 183.545, 184, 390.605 et seq., 390.124

Statutes/Other Implemented: ORS 390.605 - 390.770, 390.990 - 390.995