Chapter 390

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GENERAL PROVISIONS

390.005 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Commission" means the State Parks and Recreation Commission.

(2) "Department" means the State Parks and Recreation Department.

(3) "Director" means the State Parks and Recreation Director. [1989 c.904 §2]

OUTDOOR RECREATION RESOURCES

390.010 Policy of state toward outdoor recreation resources. The Legislative Assembly recognizes and declares:

(1) It is desirable that all Oregonians of present and future generations and visitors who are lawfully present within the boundaries of this state be assured adequate outdoor recreation resources. It is desirable that all levels of government and private interests take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of all the people.

(2) The economy and well-being of the people are in large part dependent upon proper utilization of the state's outdoor recreation resources for the physical, spiritual, cultural, scientific and other benefits which such resources afford.

(3) It is in the public interest to increase outdoor recreation opportunities commensurate with the growth in need through necessary and appropriate actions, including, but not limited to, the following:

(a) Protection of existing and needed open spaces for appreciation, use and enjoyment of Oregon's scenic landscape.

(b) Provision of adequate land for outdoor recreation.

(c) Preservation and restoration for public enjoyment and education of structures, objects, facilities and resources which are examples of Oregon history, archaeology and natural science.

(d) Development of a system of scenic roads to enhance recreational travel and sightseeing.

(e) Encouragement of outdoor activities such as festivals, fairs, and events relating to music, dance, drama, art and sports.

(f) Expansion of facilities for camping, picnicking and lodging in or near recreational areas and along routes of travel.

(g) Provision of tourist hospitality centers, which may include informational services, sanitary facilities, camping and picnicking areas at points near major highway entrances into the state.

(h) Provision of trails for horseback riding, hiking, bicycling and motorized trail vehicle riding.

(i) Development of waterways, land and water facilities for recreational boating, hunting and fishing.

(j) Development of all recreation potentials of the several river basins, compatible with programs of water use enunciated by the Water Resources Commission.

(k) Provision for access to public lands and waters having recreational values.

(L) Encouragement of the development of winter sports facilities.

(m) Encouragement of programs for recreational enjoyment of mineral resources.

(4) It is in the public interest that all efforts be made through research, education and enforcement to the end that Oregon's outdoor recreation resources will be used under the highest standards of conduct.

(5) It shall be the policy of the State of Oregon to supply those outdoor recreation areas, facilities and opportunities which are clearly the responsibility of the state in meeting growing needs; and to encourage all agencies of government, voluntary and commercial organizations, citizen recreation groups and others to work cooperatively and in a coordinated manner to assist in meeting total recreation needs through exercise of their appropriate responsibilities. [Formerly 184.310]

VIOLATIONS ENFORCEMENT

390.050 Park and recreation violations; enforcement; disposition of fines and costs. (1) In addition to any other persons permitted to enforce violations, the State Parks and Recreation Department and any employee of the State Parks and Recreation Department specifically designated by the State Parks and Recreation Director may issue citations for park and recreation violations established under this chapter in the manner provided by ORS chapter 153.

(2) All fines and court costs recovered from park and recreation violations shall be paid to the clerk of the court involved. Such moneys shall be credited and distributed under ORS 137.290 and 137.295 as monetary obligations payable to the state. [1981 c.692 §2; 1981 c.798 §35; 1987 c.905 §21; 1999 c.1051 §98]

LOTTERY BONDS FOR STATE PARK PURPOSES

390.060 Definitions for ORS 390.060 to 390.067. As used in ORS 390.060 to 390.067, unless the context requires otherwise:

(1) "State park lottery bonds" means the bonds authorized to be issued under ORS 390.067 for the purpose of financing state park projects.

(2) "State park projects" means projects for the acquisition, development, improvement, upgrading, preservation and expansion of the capacity of facilities of the system of state parks, including but not limited to parks, park facilities, ocean shores, scenic waterways, trails and historic sites in the State of Oregon. [1997 c.800 §3; 1999 c.44 §21]

Note: 390.060 to 390.067 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 390 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

390.063 Lottery bonds for state park projects. The Legislative Assembly declares that the purpose of ORS 390.060 to 390.067 is to authorize lottery bonds for state park projects. The lottery bonds authorized by ORS 390.060 to 390.067 shall be issued pursuant to ORS 286A.560 to 286A.585. The obligation of the State of Oregon with respect to the bonds and with respect to any grant agreement or other commitment authorized by ORS 267.334, 285B.410, 285B.422, 285B.482, 285B.530 to 285B.548 and 390.060 to 390.067 shall at all times be restricted to the availability of unobligated net lottery proceeds, proceeds of lottery bonds and any other amounts specifically committed by ORS 286A.560 to 286A.585. Neither the faith and credit of the State of Oregon nor any of its taxing power shall be pledged or committed to the payment of lottery bonds or any other commitment of the State of Oregon authorized by ORS 390.060 to 390.067. [1997 c.800 §1; 1999 c.44 §22; 2005 c.835 §31; 2007 c.783 §178a]

Note: See note under 390.060.

390.065 Findings; use of Oregon State Lottery proceeds. The Legislative Assembly finds that:

(1) Expenditures by visitors to Oregon state parks and by employees of the State Parks and Recreation Department currently contribute approximately $549 million each year to local economies throughout Oregon. The acquisition, development, improvement, upgrading, preservation and expansion of the capacity of facilities of the system of state parks, including parks, park facilities, ocean shores, scenic waterways, trails and historic sites in the State of Oregon, do and will accomplish the purpose of creating jobs and furthering economic development in Oregon by:

(a) Increasing the capacity, usefulness and attractive qualities of public recreational facilities, thereby promoting travel and tourism in Oregon;

(b) Generating business for and supporting the operations and prosperity of businesses located in the areas of the public recreational facilities; and

(c) Creating employment opportunities within this state through the funding of development and improvement projects on which workers will be employed.

(2) Based on the findings made in this section, the use of the net proceeds from the operation of the Oregon State Lottery to fund state park projects and to pay state park lottery bonds described in ORS 390.063 is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution, and ORS 461.510. [1997 c.800 §2; 1999 c.44 §23]

Note: See note under 390.060.

390.067 Request for issuance of state park lottery bonds; Oregon Parks for the Future Fund; uses of fund. (1) State park lottery bonds shall be issued only at the request of the State Parks and Recreation Director. State park lottery bonds may be issued in an amount sufficient to provide no more than $105 million of net proceeds to pay costs of state park projects, plus the amounts required to pay bond-related costs.

(2) The Oregon Parks for the Future Fund is established in the State Treasury, separate and distinct from the General Fund. The net proceeds from the sale of the state park lottery bonds which are available to pay costs of state park projects shall be credited to the Oregon Parks for the Future Fund. Investment earnings on amounts in the Oregon Parks for the Future Fund shall be credited to the Oregon Parks for the Future Fund. All moneys from time to time credited to the Oregon Parks for the Future Fund, including any investment earnings, are appropriated continuously to the State Parks and Recreation Department only for payment of costs of state park projects and for payment of bond-related costs that are allocable to state park lottery bonds. Amounts in the Oregon Parks for the Future Fund shall be disbursed upon the written request of the State Parks and Recreation Director to pay for costs of state park projects pursuant to subsection (3) of this section, and upon the written request of the Director of the Oregon Department of Administrative Services to pay for bond-related costs that are allocable to state park lottery bonds.

(3) The State Parks and Recreation Director shall apply amounts in the Oregon Parks for the Future Fund to pay costs of

state park projects. The State Parks and Recreation Director may make and administer contracts to carry out state park projects. In addition, the director may enter into agreements with any state agency or local government that commits the State Parks and Recreation Department to pay anticipated funds from the Oregon Parks for the Future Fund to the agency or local government for state park projects. Agreements under this subsection may, subject to the provisions of this section, provide for the remittance of the moneys on such periodic basis, in such amounts, over such period of years and with such priority over other commitments of such funds as the director shall specify in the agreements. The obligation of the state and the department to provide funds under any such agreement shall be subject to the availability of amounts in the Oregon Parks for the Future Fund and any other amounts lawfully available to the State Parks and Recreation Department. The State Parks and Recreation Department and any agency or local government receiving proceeds of state park lottery bonds shall, if so directed by the Oregon Department of Administrative Services, take any action specified by the Oregon Department of Administrative Services which is necessary to maintain the excludability of lottery bond interest from gross income under the United States Internal Revenue Code. [1997 c.800 §4]

Note: See note under 390.060.

390.070 [1997 c.800 §5; repealed by 1999 c.44 §29]

390.073 [1997 c.800 §6; repealed by 1999 c.44 §29]

390.075 [1997 c.800 §7; repealed by 1999 c.44 §29]

390.077 [1997 c.800 §8; repealed by 1999 c.44 §29]

390.080 [1997 c.800 §8a; repealed by 1999 c.44 §29]

390.110 [Formerly 366.345; repealed by 1989 c.904 §48]

STATE PARKS AND RECREATION DEPARTMENT

(Generally)

390.111 Creation of department; jurisdiction and authority. (1) The State Parks and Recreation Department is created. The department consists of the State Parks and Recreation Commission, the State Parks and Recreation Director and all other officers and employees of the department.

(2) Except as may be provided by an agreement to the contrary between the State Parks and Recreation Commission and the county, city or political subdivision thereof which exercised jurisdiction and authority over the park, ground or place prior to acquisition by the state, the department has complete jurisdiction and authority over all state parks, waysides and scenic, historic or state recreation areas, recreational grounds or places acquired by the state for scenic, historic, natural, cultural or recreational purposes except as otherwise provided by law.

(3) The department shall manage and control the utilization of the grounds included within the State Capitol State Park under ORS 276.053. [1989 c.904 §3; 2007 c.892 §4]

390.112 Additional criteria for acquiring and developing new historic sites, parks and recreation areas. The State Parks and Recreation Department shall propose to the State Parks and Recreation Commission additional criteria for the acquisition and development of new historic sites, parks and recreation areas. The criteria shall include but need not be limited to:

(1) Criteria to address opportunities that may be lost to the department if acquisition is delayed, such as Whelan Island in Tillamook County and Cape Sebastian in Curry County;

(2) Criteria to protect significant cultural and historic properties, such as Thompson's Mills in Linn County, Fort Rock Cave in Lake County, Fort Yamhill in Polk County and Keil House in Marion County; and

(3) Criteria to satisfy the need for overnight and large group use facilities on the perimeter of urban population centers, such as Columbia and Washington Counties. [1999 c.1038 §4]

390.114 State Parks and Recreation Commission. (1) There is established a State Parks and Recreation Commission consisting of seven members appointed by the Governor.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) All appointments of members of the commission by the Governor are subject to confirmation by the Senate pursuant to ORS 171.562 and 171.565.

(4) The Governor shall appoint one member of the commission from each of the congressional districts referred to in ORS 188.135, one member from among individuals who reside west of the summit of the Coast Mountain Range and one member from among individuals who reside east of the summit of the Cascade Mountain Range.

(5) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495. [1989 c.904 §4; 1997 c.249 §123]

390.117 Commission officers; meetings; function; delegation of authority. (1) The Governor shall designate one member as chairperson, and the members shall select such other officers, for such terms and with such duties and powers necessary for the performance of such offices as the State Parks and Recreation Commission determines appropriate.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at least once every three months at a time and place determined by the commission. The commission also shall meet at such other times and places as are specified by the call of the chairperson or of a majority of the members of the commission.

(4) It is the function of the State Parks and Recreation Commission to promote the policy of this state toward outdoor recreation resources identified in ORS 390.010 and establish the policies for the operation of the State Parks and Recreation Department in a manner consistent with the policies and purposes of this chapter. In addition, the commission shall perform any other duty vested in it by law.

(5) Except for the commission's power to adopt rules, the commission may delegate to the State Parks and Recreation Director the exercise or discharge in the commission's name of any power, duty or function, of whatever character, vested in or imposed by law upon the commission, with the exception of the powers, duties and functions described in ORS 390.121 (1). The official act of the director acting in the commission's name and by the commission's authority shall be considered an official act of the commission. [1989 c.904 §6]

390.120 [Formerly 366.175; 1979 c.186 §17; repealed by 1989 c.904 §48]

390.121 Powers of commission. In carrying out its responsibilities, the State Parks and Recreation Commission may:

(1) Acquire by purchase, agreement, donation or by exercise of eminent domain, real property or any right or interest therein deemed necessary for the operation and development of state parks, roads, trails, campgrounds, picnic areas, boat ramps, nature study areas, waysides, relaxation areas, visitor and interpretive centers, department management facilities, such as shops, equipment sheds, office buildings, park ranger residences or other real property or any right or interest because of its natural, scenic, cultural, historic or recreational value, or any other places of attraction and scenic or historic value which in the judgment of the State Parks and Recreation Department will contribute to the general welfare, enjoyment and pleasure of the public.

(2) Construct, improve, develop, manage, operate and maintain facilities and areas, including but not limited to roads, trails, campgrounds, picnic areas, boat ramps and nature study areas named in subsection (1) of this section.

(3) Sell, lease, exchange or otherwise dispose or permit use of real or personal property, including equipment and materials acquired by the department, if in the opinion of the department it is no longer needed, required or useful for department purposes, except that:

(a) Real property may be leased when such real property will not be needed for department purposes during the leasing period.

(b) Real property used for park purposes may be donated to the United States Department of Interior for the purpose of establishing a national monument when in the judgment of the department such disposition would best serve the interests of this state.

(c) Proceeds from the sale of all surplus or unsuitable lands held for park purposes shall be deposited in the Parks Donation Trust Fund for use for park land acquisition or development. Proceeds from the sale of other property shall be paid by the department to the State Treasurer for credit to the State Parks and Recreation Department Fund, and any interest from this fund shall be credited to this fund.

(d)(A) Before offering forest products for sale, the department shall cause the forest products to be appraised.

(B) If the appraised value of the forest products exceeds $15,000, the department shall offer them for sale by competitive bid. Prior to such bid offering, the department shall give notice not less than once a week for three consecutive weeks by publication in one or more newspapers of general circulation in the county in which the forest products are located and by such other media of communication as the department deems advisable. The minimum bid price and a brief statement of the terms and conditions of the sale shall be in the notice.

(C) The notice and competitive bidding under subparagraph (B) of this paragraph shall not be required if the State Parks and Recreation Director declares an emergency to exist that requires the immediate removal of the timber. If an emergency has been so declared:

(i) The timber, regardless of value, may be sold by a negotiated price; and

(ii) The director shall make available for public inspection a written statement giving the reasons for declaring the emergency.

(e) In the case of real property acquired by eminent domain, the prior owner of real property for which sale, lease, exchange or other disposal is proposed must be given the first opportunity to reacquire the property in accordance with ORS chapter 35.

(4) Enter into contracts deemed necessary for the construction, maintenance, operation, improvement or betterment of parks or for the accomplishment of the purposes of chapter 904, Oregon Laws 1989. All contracts executed by the department shall be made in the name of this state, by and through the department.

(5) In carrying out its duties, functions and powers under this chapter, publish guides and other materials relating to recreational opportunities in this state or to any program or function administered by the department. The department may arrange for the sale of such publications. The price of such publications shall include the cost of publishing and distributing the materials. All moneys received by the department from the sale of publications shall be deposited in the State Parks and Recreation Department Fund. The department may contract for the publication of the materials described in this subsection, including the research, design and writing of the materials. The contract may include, among other matters, provisions for advance payment or reimbursement for services performed under the contract. [1989 c.904 §9]

Note: Legislative Counsel has substituted "chapter 904, Oregon Laws 1989," for the words "this 1989 Act" in section 9, chapter 904, Oregon Laws 1989, compiled as 390.121. Specific ORS references have not been substituted, pursuant to 173.160. These sections may be determined by referring to the 1989 Comparative Section Table located in Volume 20 of ORS.

390.122 Requirements for establishing priorities for acquisition. In establishing its priorities for acquisition, the State Parks and Recreation Commission shall:

(1) Consider the criteria and specific examples set forth in ORS 390.112; and

(2) Encourage public nominations of significant resources that meet the criteria established pursuant to ORS 390.112 and other criteria pertaining to the acquisition of historic sites, parks and recreation areas. [1999 c.1038 §5]

390.124 Commission rulemaking authority; charges for use of parks and other areas; exceptions. (1) In accordance with any applicable provision of ORS chapter 183, the State Parks and Recreation Commission may adopt rules necessary to carry out the duties, functions and powers imposed by law upon the commission and the State Parks and Recreation Department. Rules adopted pursuant to this section shall be duly entered in the minutes and records of the commission.

(2) The commission may adopt rules that assess reasonable charges, including fee reductions, waivers and exemptions, for the use of areas established and maintained by the department. However, the commission shall authorize the use of any state park, individual campsite or day use fee area without charge:

(a) Upon the showing of proper identification, by a person maintaining a foster home, as defined by ORS 418.625, and the person's children, when accompanied by a foster child residing in the home.

(b) Upon the showing of proper identification, by a person maintaining a developmental disability child foster home, as defined by ORS 443.830, and the person's children, when accompanied by a foster child residing in the home.

(c) If a deed to, lease of or contract to use the property used as a state park, campsite or day use fee area prohibits the charging of fees for use of the property.

(d) Upon the showing of proper identification, by either a disabled veteran or a person on leave from military active duty status on Memorial Day, Independence Day or Veterans Day.

(3) The commission shall report to an appropriate committee of the Legislative Assembly, no later than January 31 of each odd-numbered year, on the fee reductions, waivers and exemptions adopted by rule by the commission pursuant to subsection (2) of this section. [1989 c.904 §§10,10a; 1991 c.67 §93; 1999 c.316 §7; 2003 c.519 §1]

390.127 State Parks and Recreation Director; appointment; compensation. (1) The State Parks and Recreation Commission shall appoint as State Parks and Recreation Director an individual well qualified by training and experience to serve for a term of four years unless sooner removed by the commission.

(2) The director shall receive such salary as may be prescribed by law. In addition to salary, subject to applicable law regulating travel and expenses of state officers, the director shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties. [1989 c.904 §7]

390.130 [Formerly 366.180; 1979 c.186 §18; repealed by 1989 c.904 §48]

390.131 Duties of director. The State Parks and Recreation Director is the execu-

tive head of the State Parks and Recreation Department and shall:

(1) Be responsible to the State Parks and Recreation Commission for administration and enforcement of the duties, functions and powers imposed by law upon the commission and the department.

(2) Appoint, supervise and control all commission employees and, under policy direction of the commission, be responsible for all of the commission's functions and activities.

(3) Establish such administrative divisions as are necessary to carry out properly the commission's functions and activities.

(4) Contract with the Department of Transportation for the performance of such administrative services as the director considers appropriate. [1989 c.904 §8]

390.134 State Parks and Recreation Department Fund; sources; uses; advisory committee; rules; subaccounts. (1) As used in this section:

(a) "Camper" has the meaning given that term in ORS 801.180.

(b) "County" includes a metropolitan service district organized under ORS chapter 268, but only to the extent that the district has acquired, through title transfer, and is operating a park or recreation site of a county pursuant to an intergovernmental agreement.

(c) "Motor home" has the meaning given that term in ORS 801.350.

(d) "Travel trailer" has the meaning given that term in ORS 801.565.

(2) The State Parks and Recreation Department Fund is established separate and distinct from the General Fund. Moneys in the fund are continuously appropriated to the State Parks and Recreation Department for the purposes provided by law. The fund shall consist of the following:

(a) All moneys placed in the fund as provided by law. Any interest or other income derived from the depositing or other investing of the fund must be credited to the fund.

(b) All registration fees received by the Department of Transportation for campers, motor homes and travel trailers that are transferred to the fund under ORS 366.512. The funds must be deposited in a separate subaccount established under subsection (3) of this section.

(c) Revenue from fees and charges pursuant to ORS 390.124.

(3) Any moneys placed in the fund for a particular purpose may be placed in a separate subaccount within the fund. Each separate subaccount established under this subsection must be separately accounted for. Moneys placed in a subaccount must be used for the purposes for which they are deposited.

(4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6) or (7) of this section must be deposited in a separate subaccount within the fund and used by the State Parks and Recreation Department for the acquisition, development, maintenance, care and use of park and recreation sites and for the maintenance and operation of the Oregon State Fair. The moneys in the subaccount under this subsection must be accounted for separately and stated separately in the State Parks and Recreation Department's biennial budget.

(5)(a) Thirty-five percent of the amount transferred to the State Parks and Recreation Department under ORS 366.512 from the registration of travel trailers, campers and motor homes and under ORS 803.601 from recreational vehicle trip permits must be deposited in a separate subaccount within the fund to be distributed for the acquisition, development, maintenance, care and use of county park and recreation sites. The moneys in the subaccount under this paragraph must be accounted for separately. The following apply to the distribution of moneys under this paragraph:

(A) The moneys must be distributed among the several counties for the purposes described in this paragraph. The distribution shall be made at times determined by the State Parks and Recreation Department but must be made not less than once a year.

(B) The sums designated under this paragraph must be remitted to the county treasurers of the several counties by warrant.

(b) The department shall establish an advisory committee to advise the department in the performance of its duties under this subsection. The composition of the advisory committee under this subsection is as determined by the department by rule. In determining the composition of the advisory committee, the department shall attempt to provide reasonable representation for county officials or employees with responsibilities relating to county parks and recreation sites.

(c) The department, by rule, shall establish a program to provide moneys to counties for the acquisition, development, maintenance, care and use of county park and recreation sites. The rules under this paragraph shall provide for distribution of moneys based on use and need and, as the department determines necessary, on the need for the development and maintenance of facilities to provide camping sites for campers, motor homes and travel trailers.

(6) The department shall create a separate City and County Subaccount within the fund to be used to reimburse cities and counties as provided in ORS 390.290.

(7) The department shall create a separate rural Fire Protection District Subaccount to be used to provide funds for the fire protection districts as provided in ORS 390.290.

(8) On or before January 15 of each odd-numbered year, the State Parks and Recreation Director shall report to the Joint Committee on Ways and Means created by ORS 171.555 on the use of moneys deposited pursuant to ORS 805.256 in the fund. The director shall make the report in a form and manner as the committee may prescribe. [1989 c.904 §9a; 1993 c.662 §2; 1993 c.696 §16; 1997 c.421 §4; 1997 c.721 §1; subsection (7) of 2001 Edition enacted as 2001 c.110 §2; 2003 c.14 §166; 2003 c.655 §74; 2005 c.22 §§265,266; 2005 c.755 §29; 2005 c.777 §§46,47; 2007 c.792 §1; 2009 c.11 §46]

Note: The amendments to 390.134 by section 2, chapter 792, Oregon Laws 2007, become operative July 1, 2015. See section 3, chapter 792, Oregon Laws 2007. The text that is operative on and after July 1, 2015, including amendments by section 47, chapter 11, Oregon Laws 2009, is set forth for the user's convenience.

390.134. (1) As used in this section:

(a) "Camper" has the meaning given that term in ORS 801.180.

(b) "County" includes a metropolitan service district organized under ORS chapter 268, but only to the extent that the district has acquired, through title transfer, and is operating a park or recreation site of a county pursuant to an intergovernmental agreement.

(c) "Motor home" has the meaning given that term in ORS 801.350.

(d) "Travel trailer" has the meaning given that term in ORS 801.565.

(2) The State Parks and Recreation Department Fund is established separate and distinct from the General Fund. Moneys in the fund are continuously appropriated to the State Parks and Recreation Department for the purposes provided by law. The fund shall consist of the following:

(a) All moneys placed in the fund as provided by law. Any interest or other income derived from the depositing or other investing of the fund must be credited to the fund.

(b) All registration fees received by the Department of Transportation for campers, motor homes and travel trailers that are transferred to the fund under ORS 366.512. The funds must be deposited in a separate subaccount established under subsection (3) of this section.

(c) Revenue from fees and charges pursuant to ORS 390.124.

(3) Any moneys placed in the fund for a particular purpose may be placed in a separate subaccount within the fund. Each separate subaccount established under this subsection must be separately accounted for. Moneys placed in a subaccount must be used for the purposes for which they are deposited.

(4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6) or (7) of this section must be deposited in a separate subaccount within the fund and used by the State Parks and Recreation Department for the acquisition, development, maintenance, care and use of park and recreation sites and for the maintenance and operation of the Oregon State Fair. The moneys in the subaccount under this subsection must be accounted for separately and stated separately in the State Parks and Recreation Department's biennial budget.

(5)(a) Thirty percent of the amount transferred to the State Parks and Recreation Department under ORS 366.512 from the registration of travel trailers, campers and motor homes and under ORS 803.601 from recreational vehicle trip permits must be deposited in a separate subaccount within the fund to be distributed for the acquisition, development, maintenance, care and use of county park and recreation sites. The moneys in the subaccount under this paragraph must be accounted for separately. The following apply to the distribution of moneys under this paragraph:

(A) The moneys must be distributed among the several counties for the purposes described in this paragraph. The distribution shall be made at times determined by the State Parks and Recreation Department but must be made not less than once a year.

(B) The sums designated under this paragraph must be remitted to the county treasurers of the several counties by warrant.

(b) The department shall establish an advisory committee to advise the department in the performance of its duties under this subsection. The composition of the advisory committee under this subsection is as determined by the department by rule. In determining the composition of the advisory committee, the department shall attempt to provide reasonable representation for county officials or employees with responsibilities relating to county parks and recreation sites.

(c) The department, by rule, shall establish a program to provide moneys to counties for the acquisition, development, maintenance, care and use of county park and recreation sites. The rules under this paragraph shall provide for distribution of moneys based on use and need and, as the department determines necessary, on the need for the development and maintenance of facilities to provide camping sites for campers, motor homes and travel trailers.

(6) The department shall create a separate City and County Subaccount within the fund to be used to reimburse cities and counties as provided in ORS 390.290.

(7) The department shall create a separate rural Fire Protection District Subaccount to be used to provide funds for the fire protection districts as provided in ORS 390.290.

(8) On or before January 15 of each odd-numbered year, the State Parks and Recreation Director shall report to the Joint Committee on Ways and Means created by ORS 171.555 on the use of moneys deposited pursuant to ORS 805.256 in the fund. The director shall make the report in a form and manner as the committee may prescribe.

390.137 State Parks and Recreation Department Operating Fund. (1) There is established in the State Parks and Recreation Department a revolving fund known as the State Parks and Recreation Department Operating Fund. Moneys shall be transferred from the State Parks and Recreation Department Fund to the State Parks and Recreation Department Operating Fund as needed.

(2) Parks Donation Trust Fund moneys shall be transferred to the State Parks and Recreation Department Operating Fund for disbursement for purposes stated in ORS 390.153 (2).

(3) Disbursements may be made by check of the department upon the State Treasurer

signed by such officer or administrative head as the State Parks and Recreation Director appoints for that purpose. Disbursements shall be made only in payment of claims authorized by law for the ordinary expenditures of the State Parks and Recreation Department incurred in the operation of the department or any of its divisions. The department shall keep accurate account of the funds.

(4) Upon approval of the Oregon Department of Administrative Services and the State Treasurer, the State Parks and Recreation Department may contract to write checks upon the State Treasury to pay for claims and expenditures of the department. [1989 c.904 §9b]

390.139 Oregon Adopt-a-Park Program; funding; rules; agreement with volunteers. (1) The State Parks and Recreation Department shall administer a program designed to allow volunteers to assist in the operation and maintenance of Oregon's state parks. The program shall include public informational activities, but shall be directed primarily toward encouraging and facilitating involvement of volunteers in park operation and maintenance, assigning each volunteer to a specific state park. The program shall be called the Oregon Adopt-a-Park Program.

(2) Private landowners with parks adjacent to their property are vital to the success of the Oregon Adopt-a-Park Program. The State Parks and Recreation Department shall ensure that participants in the program comply with requirements to obtain permission from landowners for access across private property if necessary to perform the volunteers' duties.

(3) Program funding is an authorized use of the State Parks and Recreation Department Fund under ORS 390.134.

(4) The State Parks and Recreation Department may adopt any rules necessary for implementation of the Oregon Adopt-a-Park Program.

(5) An agreement entered into between the State Parks and Recreation Department and a volunteer under subsection (1) of this section shall include but need not be limited to:

(a) Identification of the designated state park. The volunteer may request a specific state park the volunteer wishes to adopt, but the assignment shall be at the discretion of the State Parks and Recreation Department. In assigning parks, the department shall coordinate and cooperate with affected federal, state and local management agencies and private landowners.

(b) Specification of the duties of the volunteer.

(c) Specification of the responsibilities of the volunteer. The volunteer shall agree to abide by all rules related to the program that are adopted by the State Parks and Recreation Department.

(d) Specification of the duration of the agreement. The volunteer shall contract to care for the designated state park for one year.

(6) The State Parks and Recreation Department shall create a recognition program to acknowledge the efforts of volunteers, agencies and businesses that participate in the Oregon Adopt-a-Park Program.

(7) The State Parks and Recreation Department may provide trash bags, supplies, equipment and safety information and assistance to the participating volunteers.

(8) As used in this section, "volunteer" may include an individual, a group of individuals, a volunteer group or service club, or any entity that is tax exempt under section 501(c)(3) of the Internal Revenue Code, as amended. [1997 c.718 §2; 1999 c.59 §103; 2003 c.14 §167]

390.140 Powers and duties of State Parks and Recreation Director. (1) Under the direction of the State Parks and Recreation Commission, the State Parks and Recreation Director shall:

(a) Study and appraise the recreation needs of this state and assemble and disseminate information relative to recreation, considering both tourist and local needs.

(b) Investigate the recreation facilities, personnel, activities and programs existing or needed in the various areas in this state and, by consultation with the appropriate public or private authorities in such areas, assist in the development and coordination of recreation facilities, activities and programs.

(c) Advise, cooperate with and encourage counties, cities, districts and other local agencies, areas and communities interested in the development and use of recreation facilities, activities and programs for the public benefit.

(d) Recommend and promote standards for recreation facilities, personnel, activities and programs.

(e) Aid in recruiting, training and placing recreation personnel.

(f) Promote recreation institutes and conferences.

(2) Under the direction of the commission, the State Parks and Recreation Director may:

(a) Encourage and render assistance in the promotion of training programs for volunteer and professional recreation leaders in cooperation with other public and private agencies, persons, groups, organizations and institutions interested in recreation, and encourage the establishment of standards for recreation personnel.

(b) Assist any state agency in rendering recreation services and carrying out recreation functions in conformity with the authorized powers and duties of such state agency, and encourage and assist in the coordination of federal, state and local recreation facilities, personnel, activities and programs. [Formerly 366.182; 1979 c.186 §19; 1989 c.904 §11]

390.143 Agreements to provide interpretive services to recreational facilities; authority under agreement; disposition of moneys. (1) In order to further the interpretive and educational functions of recreation facilities in Oregon, the State Parks and Recreation Director may enter into an agreement with a private, nonprofit scientific, historic or educational organization organized solely for the purpose of providing interpretive services to recreation facilities in Oregon.

(2) An organization entering into an agreement with the director under subsection (1) of this section may:

(a) Provide educational or interpretive material for sale at a recreation facility;

(b) Acquire display materials and equipment for exhibits at a recreation facility;

(c) Provide support for special recreation facility interpretive programs or environmental education programs;

(d) Support recreation facility libraries; or

(e) Provide support for other interpretive projects related to a specific recreation facility.

(3) If the director enters into an agreement with a private organization under subsection (1) of this section, the State Parks and Recreation Department may:

(a) Provide incidental personnel services to the organization's interpretive program; and

(b) Provide space at a recreation facility for the interpretive materials provided by the organization.

(4) Any money received from the sale of publications or other materials provided by an organization pursuant to an agreement entered into under this section shall be retained by the organization for use in the interpretive or educational services of the recreation facility for which the organization provides interpretive services.

(5) As used in this section, "recreation facility" includes but is not limited to state parks and all recreational, historical and scenic attractions owned or under the control of the State of Oregon and administered by the State Parks and Recreation Department. [1985 c.303 §2]

390.144 Rules for ORS 390.143. The State Parks and Recreation Director shall adopt rules to carry out the purpose of ORS 390.143. The rules shall include but need not be limited to:

(1) Procedures and forms to be used by an organization desiring to enter into an agreement with the director under ORS 390.143;

(2) Guidelines for approving the interpretive material an organization proposes to provide to a recreation facility; and

(3) Provisions for renewing or dissolving an agreement between an organization and the director. [1985 c.303 §3]

390.150 Gifts and grants for State Parks and Recreation Department. The State Parks and Recreation Department may accept and expend, use or dispose of moneys and property from any public or private source, including the federal government, made available to the department in the form of grants, gifts, devises, bequests or endowments for the purpose of carrying out any of the provisions and purposes of ORS 390.140 to 390.150 or to facilitate the carrying out of any of the functions of the State Parks and Recreation Director under ORS 390.140 to 390.150. [Formerly 366.183]

390.153 Parks Donation Trust Fund; sources; uses. (1) The Parks Donation Trust Fund is established as a fund in the State Treasury. All gifts or donations of money received by the State Parks and Recreation Department shall be deposited with the State Treasurer and credited by the treasurer to the fund. The treasurer may establish subaccounts in the fund established in this section if the treasurer determines that the terms of a gift or donation require a separate subaccount. Any interest or other income derived from the depositing or other investing of the fund shall be credited monthly to the fund except that interest or other income attributable to a subaccount shall be credited to that subaccount.

(2) Moneys in the Parks Donation Trust Fund and in any subaccount of the fund are continuously appropriated to the State Parks and Recreation Department for the purposes specified in the gift or donation or, if no specific purpose is specified, for park and recreation purposes determined by the State

Parks and Recreation Commission. [1987 c.181 §1; 1989 c.904 §12]

390.155 Authority for State Parks and Recreation Department to accept gifts or donations. The State Parks and Recreation Department may accept gifts or donations of moneys or property to be used for specific or general park and recreational purposes. Subject to the terms specified in a gift or donation, the State Parks and Recreation Commission may authorize use of gifts or donations in a manner that, in the commission's judgment, best carries out the intent of the gift or donation. [1987 c.181 §2]

390.160 [Formerly 366.350; 1977 c.556 §1; 1979 c.134 §2; 1979 c.186 §20; 1987 c.358 §1; 1989 c.550 §4; repealed by 1989 c.904 §48]

390.170 [Formerly 366.545; repealed by 1975 c.184 §1]

390.180 Standards for recreational planning and fund disbursement; rules; park master plans. (1) The State Parks and Recreation Director shall adopt rules that:

(a) Establish the standards the State Parks and Recreation Department shall use when that department:

(A) Performs comprehensive statewide recreational planning; or

(B) Disburses any moneys to local governments or other state agencies under programs established under state or federal law.

(b) Establish a process for the development of a master plan for each state park, including public participation and coordination with affected local governments.

(c) Establish a master plan for each state park, including an assessment of resources and a determination of the capacity for public use and enjoyment of each park, that the State Parks and Recreation Department shall follow in its development and use of each park.

(d) Make state funding assistance available to nonprofit veterans' organizations for the construction and restoration of memorials honoring veterans and war memorials located on public property.

(2) The State Parks and Recreation Director shall submit an adopted state park master plan to the local government with land use planning responsibility for the subject park. [1979 c.637 §1; 1987 c.158 §67; 1997 c.604 §1; 2005 c.398 §1]

390.190 Revolving fund. (1) A revolving fund not to exceed the aggregate amount of $100,000 may be established within the State Parks and Recreation Department Fund by a warrant drawn on any funds, other than General Fund, appropriated to or authorized for expenditure by the State Parks and Recreation Department.

(2) The fund shall be at the disposal of the State Parks and Recreation Department and may be used by the department:

(a) To compensate employees for salaries, travel expenses, relocation expenses and other work-related expenditures; and

(b) To pay for services, supplies and materials not to exceed $300 for any transaction.

(3) All vouchers for claims paid from the revolving fund shall be approved by the State Parks and Recreation Director. When claims are so approved and audited, warrants covering them shall be drawn in favor of the director and shall be used by the director to reimburse the fund. [1983 c.443 §7; 1989 c.904 §14]

390.195 Use of state correctional institution inmate labor for maintenance and improvement at state parks. (1) The State Parks and Recreation Department shall use state correctional institution inmate labor to improve, maintain and repair buildings and property at state parks and recreation areas whenever feasible. The provisions of ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C do not apply to the use of state correctional institution inmate labor under this section.

(2) The State Parks and Recreation Director shall assign and supervise the work of the state inmates who are performing the work described in subsection (1) of this section.

(3) Nothing in this section is intended to exempt the State Parks and Recreation Department from the provisions of ORS 279.835 to 279.855 for any purpose other than the use of state correctional institution inmate labor. [1997 c.533 §1; 1999 c.59 §104; 2003 c.794 §270]

Note: 390.195 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 390 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

390.200 Authority of department to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the State Parks and Recreation Department may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the department;

(b) Provides services or seeks to provide services to the department as a contractor or volunteer; or

(c) Is a licensee of the department or is applying for a license, or renewal of a license, that is issued by the department; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person has direct access to persons under 18 years of age, elderly persons or persons with disabilities;

(b) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(d) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions, for sales or distribution of tickets or other instruments that can be exchanged for goods, services or access to events on department property or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

(e) In which the person has responsibility for auditing agency financial transactions;

(f) In which the person has access to personal information about employees, licensees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information;

(g) In which the person has access to tax or financial information of individuals or business entities;

(h) In which the person provides security, design or construction services for government buildings, grounds or facilities;

(i) In which the person may issue citations under ORS 390.050; or

(j) In which a person has key access to buildings and grounds that contain private property belonging or entrusted to exhibitors, promoters, licensees or event coordinators. [2005 c.730 §55; 2009 c.542 §1]

Note: 390.200 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 390 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

390.210 [Formerly 366.355; 1971 c.741 §37; 1987 c.158 §68; repealed by 1989 c.904 §48]

390.215 [1979 c.792 §2; 1987 c.158 §69; repealed by 1989 c.904 §48]

390.220 [Formerly 358.520; repealed by 1989 c.904 §48]

390.230 Fort Stevens Military Reservation; Clatsop Spit. (1) The right, title and interest of all state agencies, other than the State Fish and Wildlife Commission and political subdivisions, in the lands described in subsection (2) of this section are hereby vested in the State or Oregon by and through its State Parks and Recreation Department.

(2) All of the lands, together with the accretions thereto lying westerly of the east line of section 7, township 8 north, range 10 west, Willamette Meridian, Clatsop County, State of Oregon, extending northerly to the main channel of the Columbia River as it existed on May 19, 1967; bounded on the south by the south line of said section 7 extended westerly to the low water of the Pacific Ocean; and bounded on the north by the main channel of said Columbia River extended downstream to the Pacific Ocean. [1967 c.288 §§1,2]

390.231 Development of Crissey Field as state park. Consistent with ORS 390.010 and 390.180, the State Parks and Recreation Department shall develop a plan to make Crissey Field in Brookings a state park. The department may jointly develop the park with the State of California. [1999 c.562 §1]

Note: 390.231 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 390 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

390.232 Tax on government camping and recreational vehicle spaces. (1) If a local government, as defined by ORS 174.116, imposes a tax on the rental of privately owned camping or recreational vehicle spaces, the local government shall also impose that tax on the rental of camping or recreational vehicle spaces that are owned by the state or a local government.

(2) Notwithstanding any timeline imposed by a local government for remitting tax receipts, a tax collected by the state or a local government pursuant to this section may be held by the collecting agency until the amount of money held by the agency equals or exceeds $100. Once the amount held by the collecting agency equals or exceeds $100, the agency shall remit the tax collected at the next following reporting period established by the local government for payment of the tax. A local government may not assess any penalty or interest against the state or a local government that withholds payments pursuant to this subsection. [1993 c.819 §1; 2005 c.610 §1]

Note: 390.232 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 390 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Archaeological Sites and Historical Material)

390.235 Permits and conditions for excavation or removal of archaeological or historical material; rules; criminal penalty. (1)(a) A person may not excavate or alter an archaeological site on public lands, make an exploratory excavation on public lands to determine the presence of an archaeological site or remove from public lands any material of an archaeological, historical, prehistorical or anthropological nature without first obtaining a permit issued by the State Parks and Recreation Department.

(b) If a person who obtains a permit under this section intends to curate or arrange for alternate curation of an archaeological object that is uncovered during an archaeological investigation, the person must submit evidence to the State Historic Preservation Officer that the Oregon State Museum of Anthropology and the appropriate Indian tribe have approved the applicant's curatorial facilities.

(c) No permit shall be effective without the approval of the state agency or local governing body charged with management of the public land on which the excavation is to be made, and without the approval of the appropriate Indian tribe.

(d) The State Parks and Recreation Director, with the advice of the Oregon Indian tribes and Executive Officer of the Commission on Indian Services, shall adopt rules governing the issuance of permits.

(e) Disputes under paragraphs (b) and (c) of this subsection shall be resolved in accordance with ORS 390.240.

(f) Before issuing a permit, the State Parks and Recreation Director shall consult with:

(A) The landowning or land managing agency; and

(B) If the archaeological site in question is associated with a prehistoric or historic native Indian culture:

(i) The Commission on Indian Services; and

(ii) The most appropriate Indian tribe.

(2) The State Parks and Recreation Department may issue a permit under subsection (1) of this section under the following circumstances:

(a) To a person conducting an excavation, examination or gathering of such material for the benefit of a recognized scientific or educational institution with a view to promoting the knowledge of archaeology or anthropology;

(b) To a qualified archaeologist to salvage such material from unavoidable destruction; or

(c) To a qualified archaeologist sponsored by a recognized institution of higher learning, private firm or an Indian tribe as defined in ORS 97.740.

(3) Any archaeological materials, with the exception of Indian human remains, funerary objects, sacred objects and objects of cultural patrimony, recovered by a person granted a permit under subsection (2) of this section shall be under the stewardship of the State of Oregon to be curated by the Oregon State Museum of Anthropology unless:

(a) The Oregon State Museum of Anthropology with the approval from the appropriate Indian tribe approves the alternate curatorial facilities selected by the permittee;

(b) The materials are made available for nondestructive research by scholars; and

(c)(A) The material is retained by a recognized scientific, educational or Indian tribal institution for whose benefit a permit was issued under subsection (2)(a) of this section;

(B) The State Board of Higher Education with the concurrence of the appropriate Indian tribe grants approval for material to be curated by an educational facility other than the institution that collected the material pursuant to a permit issued under subsection (2)(a) of this section; or

(C) The sponsoring institution or firm under subsection (2)(c) of this section furnishes the Oregon State Museum of Anthropology with a complete catalog of the material within six months after the material is collected.

(4) The Oregon State Museum of Anthropology shall have the authority to transfer permanent possessory rights in subject material to an appropriate Indian tribe.

(5) Except for sites containing human remains, funerary objects and objects of cultural patrimony as defined in ORS 358.905, or objects associated with a prehistoric Indian tribal culture, the permit required by subsection (1) of this section or by ORS 358.920 shall not be required for forestry operations on private lands for which notice has been filed with the State Forester under ORS 527.670.

(6) As used in this section:

(a) "Private firm" means any legal entity that:

(A) Has as a member of its staff a qualified archaeologist; or

(B) Contracts with a qualified archaeologist who acts as a consultant to the entity

and provides the entity with archaeological expertise.

(b) "Qualified archaeologist" means a person who has the following qualifications:

(A) A post-graduate degree in archaeology, anthropology, history, classics or other germane discipline with a specialization in archaeology, or a documented equivalency of such a degree;

(B) Twelve weeks of supervised experience in basic archaeological field research, including both survey and excavation and four weeks of laboratory analysis or curating; and

(C) Has designed and executed an archaeological study, as evidenced by a Master of Arts or Master of Science thesis, or report equivalent in scope and quality, dealing with archaeological field research.

(7) Violation of the provisions of subsection (1)(a) of this section is a Class B misdemeanor. [Formerly 273.705; 1993 c.459 §12; 1995 c.543 §7; 1995 c.588 §2]

390.237 Removal without permit; exceptions. In addition to the provisions of ORS 273.241, if any individual or institution excavates or removes from the land designated in ORS 390.235 any materials of archaeological, historical, prehistorical or anthropological nature without obtaining the permit required in ORS 390.235, all materials and collections removed from such lands, with the exception of native Indian human remains, funerary goods, sacred objects and objects of cultural patrimony, which shall go directly to the appropriate Indian tribe, are under the stewardship of the State of Oregon and shall be assigned to the Oregon State Museum of Anthropology with the expressed approval of the appropriate Indian tribe. [Formerly 273.711; 1993 c.459 §13; 1995 c.543 §10]

390.240 Mediation and arbitration of disputes; rules. (1) The following disputes shall be submitted to mediation and if mediation is not successful to arbitration as described in this section:

(a) A dispute with regard to the issuance of an archaeological permit under ORS 390.235; or

(b) A dispute over the disposition of human skeletal remains or burial goods under ORS 97.750.

(2) The State Parks and Recreation Commission in consultation with the Mark O. Hatfield School of Government and the governing bodies of the Oregon Indian tribes shall adopt rules to establish mediation and arbitration procedures. [1993 c.459 §15; 2001 c.104 §129; 2003 c.598 §42; 2003 c.791 §§32,32a; 2005 c.817 §9]

COMMEMORATIVE COINS

390.245 Commemorative coins authorized; sale; use of proceeds. (1) The State Treasurer may issue commemorative coins for sale to the public. Such coins shall commemorate Oregon history, people or resources and shall not constitute legal tender and may include the use of the state seal of Oregon under ORS 186.023. If the State Treasurer decides to issue commemorative coins using the state seal, no private entity shall be authorized to use the state seal on any commemorative coins.

(2) All moneys received by the State Treasurer from the sale of commemorative coins shall be paid into the State Treasury and credited to a separate Commemorative Coin Account established within the State Parks and Recreation Department Fund. The State Treasurer is authorized to charge the account the reasonable expenses incurred in the design, production and sale of the coins.

(3) All moneys in the account, net of expenses charged, are appropriated continuously to the State Parks and Recreation Department for park land acquisition and development and for historical observances related to historical areas and sites. [1991 c.582 §2]

390.247 Design; contracted services. (1) The State Treasurer shall select or provide for the selection of the design of the commemorative coins described in ORS 390.245 and shall make such arrangements as the State Treasurer considers appropriate for the production and sale of the coins and shall provide for the production of coins in such numbers considered appropriate.

(2) In carrying out the State Treasurer's duties, functions and powers with regard to the commemorative coins, the State Treasurer may contract for the performance of those duties, functions and powers. The contract may include, among other matters, provisions for advance payment or reimbursement for services performed pursuant to any such contract. All costs and expenses incurred pursuant to this section shall be paid from the Commemorative Coin Account established in ORS 390.245. [1991 c.582 §3]

LOCAL PARKS AND RECREATION SERVICES

(Jackson County)

390.250 Development of recreational use of lands by Jackson County; application for state funds. (1) In furtherance of the state policy declared in ORS 390.010, the governing body of Jackson County, Oregon, may prepare and adopt a plan to promote the public scenic, park and recreational use of

lands along Bear Creek that lie within the boundaries of Jackson County. The county governing body may, in preparing any such plan, designate lands or interest in such lands situated within the county that the county and all cities described in subsection (2) of this section consider necessary for immediate or future acquisition for public use for scenic, park or recreational purposes.

(2) Each plan adopted under subsection (1) of this section shall be prepared in cooperation with and with the concurrence of all cities within the county that have lands within their respective boundaries that are adjacent or contiguous to Bear Creek.

(3) After the adoption of a plan under subsection (1) of this section, the governing body of a city in Jackson County or of Jackson County may apply to the State Parks and Recreation Department under ORS 390.255 for grants of money to be used by the city or county in the acquisition of lands or any interests therein to carry out any such plan. [1973 c.668 §1; 1989 c.904 §15]

390.255 Use of funds to acquire land interests; conditions of grants. (1) The State Parks and Recreation Department may enter into agreements with cities in Jackson County and with Jackson County and make grants of money from such funds as may be available therefor to assist them in acquiring any lands or any interest therein for scenic, park and recreational purposes in accordance with a plan adopted by the governing body of Jackson County. The grants of money that may be made by the department for the acquisition of any lands or interests shall not be less than 50 percent of such acquisition cost subject to availability of funds therefor. All remaining costs, including but not limited to future operation and maintenance costs, shall be borne by the city or county in a manner satisfactory to the department. No grant of money shall be made by the department under this subsection for any lands or interests acquired by a city or county prior to July 22, 1973.

(2) The department may require such information, as it considers advisable, from a city or the county applying for a grant of money under ORS 390.250 (3). The department may impose such conditions on the agreements entered into under subsection (1) of this section and on the use of moneys granted pursuant thereto as the department considers necessary in carrying out the state policy declared in ORS 390.010. [1973 c.668 §2; 1989 c.904 §16]

390.260 Application to Willamette River Greenway; restriction on condemnation to acquire lands. (1) Nothing in ORS 390.250 to 390.260 applies to the Willamette River Greenway created pursuant to ORS 390.310 to 390.368.

(2) No land to which ORS 390.250 to 390.260 are applicable shall be acquired by the exercise of the power of eminent domain. [1973 c.668 §3]

(Ocean Shores Lifesaving Services)

390.270 Definitions for ORS 390.270 to 390.290. As used in ORS 390.270 to 390.290:

(1) "Ocean shore" has the meaning given that term in ORS 390.605.

(2) "Rural fire protection district" means a district organized under or subject to ORS chapter 478. [1973 c.673 §1; 1985 c.395 §1; 1989 c.904 §17; 2001 c.104 §130]

390.275 Purpose of ORS 390.270 to 390.290. (1) The purpose of ORS 390.270 to 390.290 is to encourage cities, counties and rural fire protection districts to provide lifesaving services along the ocean shore.

(2) Any city, county or rural fire protection district that provides lifesaving services along the ocean shore may qualify for a matching fund grant for services and capital acquisitions under ORS 390.270 to 390.290. [1973 c.673 §2; 1985 c.395 §2]

390.280 Duties of State Parks and Recreation Department; grants for lifesaving services; minimum standards; rules. In addition to the other duties of the State Parks and Recreation Department, the department shall:

(1) Make grants to cities, counties and rural fire protection districts to reimburse them for funds used to make capital acquisitions for and pay expenses incurred in providing lifesaving services along the ocean shore as provided in ORS 390.285 and 390.290.

(2) Determine the eligibility of a city, county or rural fire protection district for, and the amounts of, such matching fund grants.

(3) Establish and adopt minimum standards for lifesaving services at such places.

(4) Advise governing bodies how to acquire and qualify for matching fund grants.

(5) Adopt rules to carry out ORS 390.270 to 390.290. [1973 c.673 §3; 1985 c.395 §3]

390.285 Application by local governing body for reimbursement; report of activities required. (1) To obtain a grant for reimbursement of the expenses incurred in providing lifesaving services along the ocean shore, a governing body of a city, county or rural fire protection district shall file with the State Parks and Recreation Department a request for reimbursement of funds used during the prior fiscal year for capital ac-

quisitions made and to pay expenses incurred for direct program costs in providing such services. The request shall include:

(a) A detailed statement of the funds expended for such services or capital acquisitions during the prior fiscal year, and shall indicate the source of such funds; and

(b) Such other information as may be required by the department.

(2) To be entitled to continue to receive a grant for reimbursement as authorized by ORS 390.270 to 390.290, the city, county or rural fire protection district with its request to the department shall submit a report of the capital acquisitions made and the lifesaving services provided during the previous year. [1973 c.673 §4; 1985 c.395 §4]

390.290 Schedule for reimbursement of local governing bodies. (1) Expenditures made from city, county or rural fire protection district funds to provide lifesaving services along the ocean shore shall be reimbursed by the State Parks and Recreation Department in accordance with this section.

(2) Within the limit of the funds available therefor, there shall be paid to an applicant city, county or rural fire protection district, on account of expenditures subject to reimbursement, 75 percent of any amount in excess of $5,000 so expended from the funds of the applicant in the prior fiscal year.

(3) Upon approval of a request of a governing body, the department shall enter into a matching fund relationship to reimburse the funds used to pay expenses of providing such lifesaving services.

(4) When approved by the department, claims by a city or county for reimbursement under subsections (2) and (3) of this section shall be presented for payment and paid from the City and County Subaccount of the State Parks and Recreation Department Fund in the manner other claims against that account are paid; however, if in any fiscal year the aggregate amount of the grants approved exceeds the funds available in that subaccount for the purposes of ORS 390.270 to 390.290, the department shall prorate the available funds among the grants approved.

(5) When approved by the department, claims by a rural fire protection district under subsections (2) and (3) of this section shall be presented for payment and paid from the Fire Protection District Subaccount of the State Parks and Recreation Department Fund in the manner other claims against that account are paid. However, if in any fiscal year the aggregate amount of the grants approved exceeds the funds available in that subaccount for the purposes of ORS 390.270 to 390.290, the department shall prorate the available funds among the grants approved. [1973 c.673 §5; 1985 c.395 §5; 1989 c.904 §62]

(Tillamook State Forest Recreation Program)

390.295 Jurisdiction of State Forestry Department and State Parks and Recreation Department. The State Forestry Department shall retain primary responsibility for management of the Tillamook State Forest, provided, however, that the State Parks and Recreation Department is responsible for management of developed recreation facilities as identified in the recreation plan. [1991 c.889 §3]

Note: 390.295 and 390.300 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 390 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

390.300 Tillamook Forest Recreation Trust Account; sources; uses. (1) The Tillamook Forest Recreation Trust Account is established as a subaccount in the Parks Donation Trust Fund established pursuant to ORS 390.153. All gifts or donations of money received by the state for purposes of developing or implementing the recreation plan described in section 1, chapter 889, Oregon Laws 1991, shall be deposited with the State Treasurer and credited to the subaccount.

(2) Moneys in the Tillamook Forest Recreation Trust Account subaccount are continuously appropriated to the State Parks and Recreation Department for the purposes specified in the gift or donation or, if no purpose is specified, for purposes consistent with the recreation plan established under ORS 390.295 and this section. [1991 c.889 §5]

Note: See note under 390.295.

WILLAMETTE RIVER GREENWAY

(Generally)

390.310 Definitions for ORS 390.310 to 390.368. As used in ORS 390.310 to 390.368, unless the context requires otherwise:

(1) "Channel" includes any channel that flows water at ordinary low water.

(2) "Unit of local government" means an incorporated city, county or any other political subdivision of this state.

(3) "Willamette River" means that portion of the Willamette River, including all channels of the Willamette River, from its confluence with the Columbia River upstream to Dexter Dam and the Coast Fork of the Willamette River upstream to Cottage Grove Dam. [1967 c.551 §1; 1973 c.558 §2; 1989 c.904 §18; 2001 c.104 §131]

390.314 Legislative findings and policy. (1) The Legislative Assembly finds that, to protect and preserve the natural, scenic and

recreational qualities of lands along the Willamette River, to preserve and restore historical sites, structures, facilities and objects on lands along the Willamette River for public education and enjoyment and to further the state policy established under ORS 390.010, it is in the public interest to develop and maintain a natural, scenic, historical and recreational greenway upon lands along the Willamette River to be known as the Willamette River Greenway.

(2) In providing for the development and maintenance of the Willamette River Greenway, the Legislative Assembly:

(a) Recognizing the need for coordinated planning for such greenway, finds it necessary to provide for development and implementation of a plan for such greenway through the cooperative efforts of the state and units of local government.

(b) Recognizing the need of the people of this state for existing residential, commercial and agricultural use of lands along the Willamette River, finds it necessary to permit the continuation of existing uses of lands that are included within such greenway; but, for the benefit of the people of this state, also to limit the intensification and change in the use of such lands so that such uses shall remain, to the greatest possible degree, compatible with the preservation of the natural, scenic, historical and recreational qualities of such lands.

(c) Recognizing that the use of lands for farm use is compatible with the purposes of the Willamette River Greenway, finds that the use of lands for farm use should be continued within the greenway without restriction.

(d) Recognizing the need for central coordination of such greenway for the best interests of all the people of this state, finds it necessary to place the responsibility for the coordination of the development and maintenance of such greenway in the State Parks and Recreation Department.

(e) Recognizing the lack of need for the acquisition of fee title to all lands along the Willamette River for exclusive public use for recreational purposes in such greenway, finds it necessary to limit the area within such greenway that may be acquired for state parks and recreation areas and for public recreational use within the boundaries of units of local government along the Willamette River. [1973 c.558 §1]

390.318 Preparation of development and management plan; content of plan. (1) The State Parks and Recreation Department, in cooperation with units of local government that have lands along the Willamette River within their respective boundaries, shall prepare a plan for the development and management of the Willamette River Greenway as described in ORS 390.314. Such plan may be prepared for segments of the Willamette River and may be submitted as segments for approval under ORS 390.322. Such plan shall specify the boundaries of the Willamette River Greenway and the lands and interests in land situated within such boundaries to be acquired in the development of such greenway. There shall be included within the boundaries of the Willamette River Greenway all lands situated within 150 feet from the ordinary low water line on each side of each channel of the Willamette River and such other lands along the Willamette River as the department and units of local government consider necessary for the development of such greenway; however, the total area included within the boundaries of such greenway shall not exceed, on the average, 320 acres per river mile along the Willamette River. The Willamette River Greenway shall also include all islands and all state parks and recreation areas situated along the Willamette River; however, for the purposes of computing the maximum acreage of lands within such greenway, the acreage of lands situated on such islands and within such state parks and recreation areas shall be excluded.

(2) The plan prepared pursuant to subsection (1) of this section, shall depict, through the use of descriptions, maps, charts and other explanatory materials:

(a) The boundaries of the Willamette River Greenway.

(b) The boundaries of lands acquired or to be acquired as state parks and recreation areas under ORS 390.338.

(c) The lands and interests in lands acquired or to be acquired by units of local government under ORS 390.330 to 390.360.

(d) Lands within the Willamette River Greenway for which the acquisition of a scenic easement, as provided in ORS 390.332, is sufficient for the purposes of such greenway.

(3) The plan shall include the location of all known subsurface mineral aggregate deposits situated on lands within the boundaries of the Willamette River Greenway. [1973 c.558 §3; 1989 c.904 §19]

390.320 [1967 c.551 §2; 1973 c.87 §1; repealed by 1973 c.558 §17]

390.322 Submission of plan to Land Conservation and Development Commission; revision, approval and distribution of plan. (1) Following the preparation of the plan or any segment thereof under ORS 390.318, the State Parks and Recreation Department shall submit such plan or segment to the Land Conservation and Development

Commission. The commission shall investigate and review such plan or segment as it considers necessary. If the commission finds that the plan or segment complies with ORS 390.310 to 390.368, it shall approve the plan or segment. If the commission finds revision of any part of the submitted plan or segment to be necessary, it may revise the plan or segment itself or require such revision by the department and units of local government.

(2) Upon approval of the plan for the Willamette River Greenway or segment thereof, the commission shall cause copies of such plan or segment to be filed with the recording officer for each county having lands within the Willamette River Greenway situated within its boundaries. Such plan or segment filed as required by this subsection shall be retained in the office of the county recording officer open for public inspection during reasonable business hours.

(3) If the plan for the Willamette River Greenway is prepared and approved in segments, the total of all such approved segments shall constitute the plan for the Willamette River Greenway for the purposes of ORS 390.310 to 390.368. The department and units of local government, with the approval of the commission, may revise the plan for the Willamette River Greenway from time to time. [1973 c.558 §4]

390.330 Grants for acquisition of lands by local government units; acquisition of water rights or use of condemnation powers limited. (1) The State Parks and Recreation Department may enter into agreements with units of local government and make grants of money to assist units of local government in acquiring lands or any interest in lands situated within the boundaries of the Willamette River Greenway for exclusive public use for scenic and recreational purposes and to assist units of local government in preserving and restoring historical sites, structures, facilities and objects on lands along the Willamette River as may be determined by the department to be in accordance with the plan approved under ORS 390.322 and to further the purposes of the Willamette River Greenway as set forth in ORS 390.314. Each such agreement shall provide for the transfer by the department to the unit of local government of any scenic or public easement acquired by the department under ORS 390.310 to 390.368 with respect to lands acquired by the unit of local government under this section. The grants of money that may be made by the department for any property or property rights or for the initial preservation and restoration of historical sites, structures, facilities and objects shall not exceed 50 percent of the cost thereof. All remaining costs, including future operation and maintenance, shall be borne by the unit or units of local government in a manner satisfactory to the department. No grant of money shall be made by the department for property acquired by any unit of local government prior to June 30, 1967, or for costs incurred by any unit of local government prior to October 5, 1973, in the preservation and restoration of historical sites, structures, facilities and objects.

(2) Except as provided in subsection (3) of this section, a unit of local government is not authorized, for the purposes of this section, to acquire water rights or installations used in connection with such water rights or to acquire any property or property rights by condemnation.

(3) A city, in the acquisition of any property or property rights within the boundaries of the Willamette River Greenway with grants of money made under this section, may use any power of condemnation otherwise provided by law for use by the city in such acquisition. [1967 c.551 §3; 1973 c.87 §2; 1973 c.558 §10; 1989 c.904 §20]

(Land Acquisition)

390.332 Acquisition of scenic easements near Willamette River; nature of easement; restriction on use of condemnation. (1) Except as otherwise provided in subsection (4) of this section, the State Parks and Recreation Department may acquire scenic easements on any lands situated within 150 feet from the ordinary low water line on each side of each channel of the Willamette River and on any lands situated within 150 feet from the ordinary low water line of each island within the Willamette River. The department may acquire such easements by any method, including but not limited to the exercise of the power of eminent domain.

(2) Each scenic easement acquired under subsection (1) of this section shall:

(a) Be designed to preserve the vegetation along the Willamette River and the natural and scenic qualities of the lands subject to such easements and authorize the department, at its own expense, to engage in natural vegetative landscaping on such lands to enhance the natural and scenic qualities of such lands.

(b) Require the owner of the lands subject to such easement to carry on the use of such lands in a manner to preserve the existing vegetation and natural and scenic qualities of such lands and require the repair by the department, at its own expense, of any damage resulting from natural causes to vegetation on such lands.

(c) Not provide for public access or use of the lands subject to such easement, if such

easement was acquired by the department through the exercise of the power of eminent domain.

(d) Provide that any subsequent farm use, as defined in ORS 215.203 (2), of the land subject to such easement is compatible with the purposes of the Willamette River Greenway and that any restrictions on the use of the land under such easement are suspended while such land is devoted to such farm use.

(e) Prevent the change in use of the lands subject to such easements except with the consent of the department and in accordance with the conditions imposed with such consent. The consent of the department and the conditions imposed therewith shall be in accordance with the intent and purposes of the Willamette River Greenway.

(3) Each scenic easement acquired under this section on lands that, on the date of the acquisition of such easement, were a part of a larger tract of land not subject to a scenic easement under ORS 390.310 to 390.368, shall provide for the right of the department to acquire fee title to the lands subject to such easement upon a change in the use of the lands in the remainder of such tract that is inconsistent with such scenic easement under ORS 390.310 to 390.368.

(4) The department may not acquire, through the exercise of the power of eminent domain, scenic easements under subsection (1) of this section on any lands that on October 5, 1973, were devoted to farm use, as defined in ORS 215.203 (2) or were a portion of a larger tract of land under single ownership that is devoted to such use. Upon a change in the use of any such lands from farm use, the department may acquire scenic easements in such lands as provided in ORS 390.334. Nothing in this subsection is intended to limit the power of the department to acquire, by any means other than the exercise of the power of eminent domain, a scenic easement on lands described in this subsection while such lands are devoted to such farm use. [1973 c.558 §5; 2003 c.14 §168]

390.334 Acquisition of scenic easements in lands subject to development plan; farmlands not to be acquired by condemnation; nature of easement; acquisition of other interests. (1) Except as otherwise provided in subsection (2) of this section, after the date of the approval of the plan for the Willamette River Greenway or any segment thereof under ORS 390.322, the State Parks and Recreation Department may acquire scenic easements in any lands described in such plan or segment pursuant to ORS 390.318 (2)(d). Each such easement may be acquired by any means, including but not limited to the exercise of the power of eminent domain.

(2) The department shall not acquire, through the exercise of the power of eminent domain, scenic easements in any lands situated within the boundaries of the Willamette River Greenway that are devoted to farm use on October 5, 1973, while such lands remain devoted to farm use. Upon a change in the use of any such lands from farm use, the department may acquire scenic easements in such lands as provided in subsection (1) of this section. Nothing in this subsection is intended to limit the power of the department to acquire, by any means other than the exercise of the power of eminent domain, a scenic easement on lands described in this subsection while such lands are devoted to such farm use. For the purpose of this subsection, "farm use" has the meaning given that term in ORS 215.203 (2).

(3) Each scenic easement acquired under subsection (1) of this section shall:

(a) Specify the use of the land existing on the date of the acquisition of the easement and permit the continuation of such use while the land is subject to such easement.

(b) With respect to scenic easements acquired through the exercise of the power of eminent domain, not provide for any rights of public access to or use of such lands under such easements.

(c) Provide that any subsequent farm use, as defined in ORS 215.203 (2), of the land subject to such easement is compatible with the purposes of the Willamette River Greenway and that any restrictions on the use of the land under such easement are suspended while such land is devoted to such farm use.

(d) Prevent the change in use of the lands subject to such easements except with the consent of the department and in accordance with the conditions imposed with such consent. The consent of the department and the conditions imposed therewith shall be in accordance with the intent and purposes of the Willamette River Greenway.

(4) In addition to a scenic easement acquired by the department under this section, the department may acquire, by any means other than the exercise of the power of eminent domain, a public easement providing for public access and use of such lands.

(5) At any time after the approval of the plan for the Willamette River Greenway or any segment thereof under ORS 390.322, the department may acquire, by any means other than the exercise of the power of eminent domain, lands or interests therein that are situated outside the boundaries of the Willamette River Greenway or the segment thereof as approved. Each such acquisition shall be designed to preserve the natural or

scenic character of such lands in conjunction with the lands within the boundaries of the Willamette River Greenway. [1973 c.558 §6]

390.338 Limitations on use of condemnation power; acquisition of certain farmlands; disposition of acquired lands; compensation for acquired lands. (1) Notwithstanding ORS 390.121, the State Parks and Recreation Department may only exercise the power of eminent domain in the acquisition of lands or interests therein that are situated within the boundaries of the Willamette River Greenway for state parks or recreation areas in the parcels of land described in section 8a, chapter 558, Oregon Laws 1973.

(2) If any land acquired by the department under subsection (1) or (4) of this section is a part of a larger tract of land devoted to farm use on the date of the acquisition of such portion of the tract and such acquisition would render uneconomic an otherwise economic farming unit on the whole tract of land, upon the request of the owner of such tract of land, the department shall purchase the entire tract of land. The department shall, whenever practicable, acquire the remainder of any such tract of land with state funds so that the subsequent disposition of any such land will not be subject to restrictions imposed under agreements made for the receipt of nonstate funds otherwise available for the acquisition of such lands.

(3) The department may dispose of lands acquired pursuant to subsection (2) of this section that are located outside the boundaries of the Willamette River Greenway as it considers advisable. However, the disposition of any such lands must comply with the laws of this state and the applicable provisions of any agreement by which the department acquired funds for the purchase of such lands.

(4) Notwithstanding ORS 390.121, the department may only acquire, by any means other than the exercise of eminent domain, for state parks and recreation areas, lands and interests in lands that are situated within the boundaries of the Willamette River Greenway and that are situated outside the boundaries of the parcels of land described in section 8a, chapter 558, Oregon Laws 1973.

(5) In the acquisition of any lands pursuant to subsections (1), (2) and (4) of this section, the department shall include in the compensation and damages, if any, paid for such lands:

(a) As a part of the compensation, in valuing such lands as a whole, paid for any such lands acquired without condemnation proceedings initiated as provided in ORS 35.235, the estimated market value of economically extractable subsurface mineral aggregate deposits of reasonably foreseeable demand known to exist in such lands or shown by the owner to exist in such lands.

(b) As a part of the compensation and damages, if any, in valuing such lands as a whole, for the appropriation of any such lands, acquired by the department after the commencement of condemnation proceedings under ORS 35.235 but not pursuant to an award in a condemnation action initiated under ORS 35.245, the estimated market value of economically extractable subsurface mineral aggregate deposits of reasonably foreseeable demand agreed upon by the department and the owner of lands so acquired.

(c) As a part of the true value and damages, in valuing such lands as a whole, for the appropriation of such lands acquired by award in a condemnation action initiated under ORS 35.245, the estimated market value of economically extractable subsurface mineral aggregate deposits of reasonably foreseeable demand alleged in the answer of the defendant made pursuant to ORS 35.295 and proved by the defendant as a matter of defense to be a part of the true value of such lands so acquired.

(6) This section does not apply to the acquisition of any lands or interests therein acquired for state parks or recreation areas prior to October 5, 1973, and to any lands or interests in land subject to a legally enforceable option held by the state on October 5, 1973, for the purposes of the acquisition of such lands or interests for state parks and recreation areas. [1973 c.558 §8; 1989 c.904 §21]

(Miscellaneous)

390.340 Department rules. The State Parks and Recreation Department shall make and promulgate rules and regulations that it considers necessary in carrying out ORS 390.310 to 390.368. [1967 c.551 §4; 1973 c.558 §11]

390.350 Intergovernmental agreements; use of gifts and grants. Units of local government may enter into agreements with the State Parks and Recreation Department and with each other in carrying out the purposes of the Willamette River Greenway, and may accept and use gifts and grants from the department or others. [1967 c.551 §5; 1973 c.558 §12]

390.360 Title to, and use and disposition of, lands acquired by local governmental units. All lands or interests in lands acquired and all historical sites, structures, facilities and objects preserved and restored by the units of local government pursuant to ORS 390.330 with grants of money from the State Parks and Recreation Department, may

be used only for the purposes of the Willamette River Greenway as set forth in ORS 390.314, unless a different use is authorized by the department. Title to the lands or interest therein so acquired shall be held by the unit of local government acquiring the same. Such lands or interest therein and such historical sites, structures, facilities and objects preserved and restored shall never be disposed of or sold except upon the approval and consent of the department. [1967 c.551 §6; 1973 c.87 §3; 1973 c.558 §13; 1989 c.904 §22]

390.364 Taxation of lands subject to scenic easements. For ad valorem tax purposes, land that is subject to a scenic easement acquired under ORS 390.332 or a scenic or public easement acquired under ORS 390.334 shall be valued at its real market value, less any reduction in value caused by the easement, and assessed in accordance with ORS 308.232. The easements shall be exempt from assessment and taxation as any land owned by the state is so exempt. [1973 c.558 §7; 1981 c.804 §98; 1991 c.459 §393]

390.368 Authority to contract landscaping and repair of damage to lands subject to scenic easement. In carrying out the purposes of ORS 390.310 to 390.368 the State Parks and Recreation Department may enter into contracts with any agency of the United States, this state or a political subdivision thereof, or with any private person, agency or corporation to perform natural vegetative landscaping or to perform work to restore damage resulting from natural causes to vegetation on any land subject to a scenic easement within the boundaries of the Willamette River Greenway in accordance with the terms of the scenic easement acquired on such land. [1973 c.558 §9]

390.410 [Formerly 358.610; repealed by 1987 c.14 §12]

390.415 [1977 c.482 §2; repealed by 1987 c.14 §12]

390.420 [Formerly 358.615; 1969 c.314 §31; 1977 c.482 §4; repealed by 1987 c.14 §12]

390.430 [Formerly 358.620; 1977 c.482 §5; repealed by 1987 c.14 §12]

390.440 [Formerly 358.625; repealed by 1977 c.482 §6]

390.450 [Formerly 358.630; repealed by 1987 c.14 §12]

390.460 [1977 c.482 §3; repealed by 1987 c.14 §12]

390.500 [1987 c.14 §1; renumbered 196.150 in 1989]

390.505 [1987 c.14 §2; renumbered 196.155 in 1989]

390.510 [1987 c.14 §§3,4; 1989 c.171 §47; renumbered 196.160 in 1989]

390.515 [1987 c.14 §5; renumbered in 196.165 in 1989]

ALL-TERRAIN VEHICLES

390.550 Definitions. As used in this chapter:

(1) "Class I all-terrain vehicle" has the meaning given that term in ORS 801.190.

(2) "Class II all-terrain vehicle" has the meaning given that term in ORS 801.193.

(3) "Class III all-terrain vehicle" has the meaning given that term in ORS 801.194. [1999 c.977 §2]

390.555 All-Terrain Vehicle Account; sources. The All-Terrain Vehicle Account is established as a separate account in the State Parks and Recreation Department Fund, to be accounted for separately. Interest earned by the All-Terrain Vehicle Account shall be credited to the account. After deduction of expenses of collection, transfer and administration, including the expenses of establishment and operation of Class I all-terrain vehicle safety education courses and examinations under ORS 390.570 and Class III all-terrain vehicle safety education courses and examinations under ORS 390.575, the following moneys shall be transferred to the account:

(1) Fees collected by the State Parks and Recreation Department for issuance of operating permits for all-terrain vehicles under ORS 390.580 and 390.590.

(2) Fees collected by the department from participants in the Class I and Class III all-terrain vehicle safety education courses under ORS 390.570 and 390.575.

(3) The moneys transferred from the Department of Transportation under ORS 802.125 that represent unrefunded fuel tax. [1999 c.977 §3; 2007 c.887 §10]

390.560 Uses of All-Terrain Vehicle Account. Moneys in the All-Terrain Vehicle Account established under ORS 390.555 shall be used for the following purposes only:

(1) In each 12-month period, no less than 10 percent of the moneys described in ORS 390.555 that are attributable to Class I all-terrain vehicles shall be transferred to the Department of Transportation for the development and maintenance of snowmobile facilities as provided in ORS 802.110;

(2) Planning, promoting and implementing a statewide all-terrain vehicle program, including the acquisition, development and maintenance of all-terrain vehicle recreation areas;

(3) Education and safety training for all-terrain vehicle operators;

(4) Provision of first aid and police services related to all-terrain vehicle recreation;

(5) Paying the costs of instigating, developing or promoting new programs for all-terrain vehicle users and of advising people of possible usage areas for all-terrain vehicles;

(6) Paying the costs of coordinating between all-terrain vehicle user groups and the managers of public lands;

(7) Paying the costs of providing consultation and guidance to all-terrain vehicle user programs;

(8) Paying the costs of administration of the all-terrain vehicle programs, including staff support provided under ORS 390.565 as requested by the All-Terrain Vehicle Advisory Committee;

(9) Paying the costs of law enforcement activities related to the operation of Class I and Class III all-terrain vehicles. The State Parks and Recreation Department shall determine the amount required for law enforcement activities and the intervals at which the moneys shall be distributed. The funds available shall be apportioned according to the terms of an intergovernmental agreement entered into between the State Parks and Recreation Department and a city, the Department of State Police or the sheriff of a county; and

(10) Control and eradication of invasive species related to all-terrain vehicle recreation. [1999 c.977 §4; 2005 c.22 §267; 2007 c.887 §9; 2009 c.812 §1; 2009 c.825 §5]

390.565 All-Terrain Vehicle Advisory Committee; appointment; term; duties. (1) The All-Terrain Vehicle Advisory Committee is established. The committee shall consist of eleven voting members and one nonvoting member appointed by the State Parks and Recreation Commission for a term of four years. Members are eligible for reappointment for a second term and vacancies may be filled by the commission. A majority of members constitutes a quorum for the transaction of business. Recommendations under subsection (4)(a) of this section on allocation of moneys in the All-Terrain Vehicle Account must receive an affirmative vote from at least six of the voting members of the committee.

(2) Of the voting members of the committee:

(a) One shall be a representative of a Class I all-terrain vehicle user organization.

(b) One shall be a representative of a Class II all-terrain vehicle user organization.

(c) One shall be an all-terrain vehicle dealer.

(d) One shall be an at-large all-terrain vehicle user.

(e) One shall be a representative of a Class III all-terrain vehicle user organization.

(f) One shall be a representative of the United States Forest Service.

(g) One shall be a representative of the Bureau of Land Management.

(h) One shall be a representative of the Department of Transportation who is knowledgeable about transportation safety.

(i) One shall be a representative of the State Forestry Department who is knowledgeable about all-terrain vehicle recreation areas on state lands.

(j) One shall be a representative of the Department of Human Services who is knowledgeable about public health and safety.

(k) One shall be a representative of a law enforcement agency.

(3) One representative from the State Parks and Recreation Department shall be a nonvoting member of the committee.

(4) The committee shall:

(a) Advise the State Parks and Recreation Department on the allocation of moneys in the All-Terrain Vehicle Account established by ORS 390.555.

(b) Review accidents and fatalities resulting from all-terrain vehicle recreation and make recommendations to the State Parks and Recreation Commission.

(c) Review changes to statutory vehicle classifications as necessary for safety considerations and make recommendations to the commission.

(d) Review safety features of all classes of off-highway vehicles and make recommendations to the commission.

(e) Recommend appropriate safety requirements to protect child operators and riders of off-highway vehicles to the commission.

(5)(a) A subcommittee shall be established consisting of the following voting members:

(A) The representative of a Class I all-terrain vehicle user organization.

(B) The representative of a Class II all-terrain vehicle user organization.

(C) The representative of a Class III all-terrain vehicle user organization.

(D) The at-large all-terrain vehicle user.

(E) The representative of a law enforcement agency.

(b) The subcommittee shall review grant proposals and make recommendations to the commission as to which projects should receive grant funding.

(c) Recommendations under this subsection on grant proposals must receive an affirmative vote from at least three of the members of the subcommittee.

(6) The State Parks and Recreation Department shall provide staff support for the committee and shall provide for expansion of

programs for all-terrain vehicle users. [1999 c.977 §5; 2009 c.812 §2]

Note: Section 4, chapter 812, Oregon Laws 2009, provides:

Sec. 4. (1) On January 1, 2010, the term of office of members of the All-Terrain Vehicle Account Allocation Committee then holding office shall cease. However, a member whose term of office has been terminated by this subsection is eligible for appointment to the All-Terrain Vehicle Advisory Committee.

(2) Notwithstanding the term of office specified by ORS 390.565, of the members first appointed to the board:

(a) Four shall serve for terms ending January 1, 2012.

(b) Four shall serve for terms ending January 1, 2013.

(c) Four shall serve for terms ending January 1, 2014. [2009 c.812 §4]

390.570 Class I all-terrain vehicle operator permits; issuance; safety education courses; rules; fee. (1) The State Parks and Recreation Department shall issue or provide for issuance of a Class I all-terrain vehicle operator permit to any person who:

(a) Has taken a Class I all-terrain vehicle safety education course established under this section and has been found qualified to operate a Class I all-terrain vehicle; or

(b) Is at least 16 years of age, has five or more years of experience operating a Class I all-terrain vehicle and passes an equivalency examination.

(2) The department shall adopt rules to provide for Class I all-terrain vehicle safety education courses, equivalency examinations and the issuance of Class I all-terrain vehicle operator permits consistent with this section. The rules adopted by the department shall be consistent with the following:

(a) The courses must be given by instructors designated by the department as qualified to conduct the courses and issue the permits.

(b) The instructors may be provided and permits issued through public or private local and state organizations meeting qualifications established by the department.

(c) The department may collect a fee of not more than $5 from each participant in a course established under this section. [1999 c.977 §6; 2007 c.887 §11]

390.575 Class III all-terrain vehicle operator permits; issuance; safety education courses; rules; fee. (1) The State Parks and Recreation Department shall issue or provide for issuance of a Class III all-terrain vehicle operator permit to any person who:

(a) Has taken a Class III all-terrain vehicle safety education course established under this section and has been found qualified to operate a Class III all-terrain vehicle; or

(b) Is at least 16 years of age, has five or more years of experience operating a Class III all-terrain vehicle and passes an equivalency examination.

(2) The department shall adopt rules to provide for Class III all-terrain vehicle safety education courses, equivalency examinations and the issuance of Class III all-terrain vehicle operator permits consistent with this section. The rules adopted by the department shall be consistent with the following:

(a) The courses must be given by instructors designated by the department as qualified to conduct the courses and issue the permits.

(b) The instructors may be provided and permits issued through public or private local and state organizations meeting qualifications established by the department.

(c) The department may collect a fee of not more than $5 from each participant in a course established under this section. [1999 c.977 §7; 2007 c.887 §12]

390.580 All-terrain vehicle operating permit; rules; application; fees; renewal. (1)(a) An all-terrain vehicle off-road operating permit issued under this section is a decal that authorizes use of the all-terrain vehicle for which it is issued on trails and in areas designated for such use by the appropriate authority.

(b) An all-terrain vehicle decal issued under this section must be permanently affixed to the vehicle and displayed in a clearly visible manner. The State Parks and Recreation Department shall prescribe by rule the manner in which the decal shall be displayed.

(2) The department shall issue an all-terrain vehicle off-road operating permit to any person who completes the application described in subsection (4) of this section and pays the fee specified in subsection (5) of this section.

(3) The department shall specify by rule the form of the permit and the information to be contained on the permit.

(4) Application for an all-terrain vehicle off-road operating permit for a Class I, Class II or Class III all-terrain vehicle shall be in a form furnished by the department. The application shall include:

(a) The name and address of the owner of the all-terrain vehicle; and

(b) The make and body style of the all-terrain vehicle for which application is made.

(5) The department shall establish by rule a fee for a permit issued or renewed under this section. The fee shall be designed to cover the costs to the department for issuing

or renewing permits under this section but shall not exceed $10.

(6) Permits issued under this section are valid for two years. A permit may be renewed upon submission of an application that contains the information specified in subsection (4) of this section and payment of the renewal fee specified in subsection (5) of this section.

(7) The department may appoint agents to issue permits for all-terrain vehicles. The department shall prescribe the procedure for the issuance of the permits. Agents appointed under this subsection shall issue permits in accordance with the prescribed procedure and shall charge and collect the fees prescribed in this section for the permits. [1999 c.977 §8]

390.585 Rules. (1) The State Parks and Recreation Department may adopt rules necessary for carrying out the duties imposed by ORS 390.550 to 390.590.

(2) The department shall adopt rules establishing rider fit guidelines to ensure that an all-terrain vehicle properly fits the operator of the vehicle. [1999 c.977 §9; 2007 c.887 §8]

390.590 Out-of-state all-terrain vehicle permit; qualifications; duration; application; fee. (1) An out-of-state all-terrain vehicle operating permit is a vehicle permit that is issued as evidence of a grant of authority to operate in this state an all-terrain vehicle that is owned by a resident of another state.

(2) The State Parks and Recreation Department shall establish a program for the issuance of out-of-state all-terrain vehicle permits under this section. The program established by the department shall comply with all of the following:

(a) A permit may only be issued for all-terrain vehicles owned by the resident of another state where registration is not required by law.

(b) A permit is valid for not more than two years.

(c) Application for a permit shall state the name and address of each owner.

(d) The fee for issuance of a permit shall be $10. [1999 c.977 §10]

OCEAN SHORES; STATE RECREATION AREAS

(General Provisions)

390.605 Definitions. As used in ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770, unless the context requires otherwise:

(1) "Improvement" includes filling a portion of the ocean shore, removal of material from the ocean shore or a structure, appurtenance or other addition, modification or alteration constructed, placed or made on or to the land.

(2) "Ocean shore" means 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. "Ocean shore" does not include an estuary as defined in ORS 196.800.

(3) "State recreation area" means a land or water area, or combination thereof, under the jurisdiction of the State Parks and Recreation Department used by the public for recreational purposes. [Formerly 274.065 and then 390.710; 1989 c.904 §23; 1999 c.373 §2]

390.610 Policy. (1) The Legislative Assembly hereby declares it is the public policy of the State of Oregon to forever preserve and maintain the sovereignty of the state heretofore legally existing over the ocean shore of the state from the Columbia River on the north to the Oregon-California line on the south so that the public may have the free and uninterrupted use thereof.

(2) The Legislative Assembly recognizes that over the years the public has made frequent and uninterrupted use of the ocean shore and recognizes, further, that where such use has been legally sufficient to create rights or easements in the public through dedication, prescription, grant or otherwise, that it is in the public interest to protect and preserve such public rights or easements as a permanent part of Oregon's recreational resources.

(3) Accordingly, the Legislative Assembly hereby declares that all public rights or easements legally acquired in those lands described in subsection (2) of this section are confirmed and declared vested exclusively in the State of Oregon and shall be held and administered as state recreation areas.

(4) The Legislative Assembly further declares that it is in the public interest to do whatever is necessary to preserve and protect scenic and recreational use of Oregon's ocean shore. [1967 c.601 §§1,2(1),(2),(3); 1969 c.601 §4]

390.615 Ownership of Pacific shore; declaration as state recreation area. Ownership of the shore of the Pacific Ocean between ordinary high tide and extreme low tide, and from the Oregon and Washington state line on the north to the Oregon and California state line on the south, excepting such portions as may have been disposed of by the state prior to July 5, 1947, is vested in the State of Oregon, and is declared to be a state recreation area. No portion of such ocean shore shall be alienated by any of the agencies of the state except as provided by law. [Formerly 274.070 and then 390.720]

390.620 Pacific shore not to be alienated; judicial confirmation. (1) No portion of the lands described by ORS 390.610 or any interest either therein now or hereafter acquired by the State of Oregon or any political subdivision thereof shall be alienated except as expressly provided by state law. The State Parks and Recreation Department and the State Land Board shall have concurrent jurisdiction to undertake appropriate court proceedings, when necessary, to protect, settle and confirm all such public rights and easements in the State of Oregon.

(2) No portion of the ocean shore declared a state recreation area by ORS 390.610 shall be alienated by any of the agencies of the state except as provided by law.

(3) In carrying out its duties under subsection (1) of this section with respect to lands and interests in land within the ocean shore, the State Land Board shall act with respect to the portion of the tidal submerged lands, as defined in ORS 274.705 (7), and the submersible lands, as defined in ORS 274.005 (8), that are situated within the ocean shore as it does with respect to other state-owned submerged and submersible lands within navigable waters of this state.

(4) In carrying out its duties under subsection (1) of this section with respect to lands and interests in land within the ocean shore, the State Parks and Recreation Department shall act with respect to such lands and interests as it does with respect to other lands and interests within state recreation areas. [1967 c.601 §§2(4),3; 1969 c.601 §5; 1973 c.364 §1]

390.630 Acquisition along ocean shore for state recreation areas or access. The State Parks and Recreation Department, in accordance with ORS 390.121, may acquire ownership of or interests in the ocean shore or lands abutting, adjacent or contiguous to the ocean shore as may be appropriate for state recreation areas or access to such areas where such lands are held in private ownership. However, when acquiring ownership of or interests in lands abutting, adjacent or contiguous to the ocean shore for such recreation areas or access where such lands are held in private ownership, the department shall consider the following:

(1) The availability of other public lands in the vicinity for such recreational use or access.

(2) The land uses, improvements, and density of development in the vicinity.

(3) Existing public recreation areas and accesses in the vicinity.

(4) Any local zoning or use restrictions affecting the area in question. [1967 c.601 §4; 1969 c.601 §6; 1989 c.904 §24]

390.632 Public access to coastal shorelands. (1) In order to further the policy established in ORS 390.610 and to preserve the right of public access to the ocean shore, the State Parks and Recreation Department shall coordinate with affected local governments to provide increased public access to the coastal shorelands.

(2) The State Parks and Recreation Department may:

(a) Ensure that beach access sites are posted for public use;

(b) Maintain parking and trash disposal facilities at beach access sites; and

(c) Maintain beach access sites in a safe and litter-free manner. [1999 c.872 §2]

(Regulating Use of Ocean Shore)

390.635 Jurisdiction of department over recreation areas. Except as provided by ORS 273.551, 274.710 and 390.620, the State Parks and Recreation Department has jurisdiction over the land and interests in land acquired under ORS 390.610, 390.615, 390.620 or 390.630 in order to carry out the purposes of ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770. [1969 c.601 §21; 1973 c.364 §2]

390.640 Permit required for improvements on ocean shore; exceptions. (1) In order to promote the public health, safety and welfare, to protect the state recreation areas recognized and declared by ORS 390.610 and 390.615, to protect the safety of the public using such areas, and to preserve values adjacent to and adjoining such areas, the natural beauty of the ocean shore and the public recreational benefit derived therefrom, it is necessary to control and regulate improvements on the ocean shore. Unless a permit therefor is granted as provided by ORS 390.650, no person shall make an improvement on any property that is within the ocean shore.

(2) This section does not apply to permits granted pursuant to ORS 390.715, or to rules adopted or permits granted under ORS 390.725.

(3) This section does not apply to continuous extensions of densely vegetated land areas that were, as of August 22, 1969, both seaward of the line established by ORS 390.770 and above the 16-foot contour. The elevation mentioned in this subsection refers to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947.

(4) This section does not apply to the removal, filling or alteration of material on the ocean shore where those activities are regu-

lated under a state-assumed permit program as provided in 33 U.S.C. 1344(g) of the Federal Water Pollution Control Act, as amended. [1967 c.601 §5; 1969 c.601 §7; 1973 c.642 §14; 1999 c.373 §3]

390.650 Improvement permit procedure; fee; waiver or reduction. (1) Any person who desires a permit to make an improvement on any property subject to ORS 390.640 shall apply in writing to the State Parks and Recreation Department on a form and in a manner prescribed by the department, stating the kind of and reason for the improvement.

(2) Upon receipt of a properly completed application, the State Parks and Recreation Department shall provide notice of the proposal by causing notice of the application to be posted at or near the location of the proposed improvement. The notice shall include the name of the applicant, a description of the proposed improvement and its location and a statement of the time within which interested persons may file a request with the department for a hearing on the application. The department shall give notice of any application, hearing or decision to any person who files a written request with the department for such notice.

(3) Within 30 days after the date of posting the notice required in subsection (2) of this section, the applicant or 10 or more other interested persons may file a written request with the State Parks and Recreation Department for a hearing on the application. If such a request is filed, the department shall set a time for a hearing to be held by the department. The department shall cause notice of the hearing to be posted in the manner provided in subsection (2) of this section. The notice shall include the time and place of the hearing. After the hearing on an application or, if a hearing is not requested, after the time for requesting a hearing has expired, the department shall grant the permit if approval would not be adverse to the public interest. ORS chapter 183 does not apply to a hearing or decision under this section.

(4) In acting on an application, the State Parks and Recreation Department shall take into consideration the matters described by ORS 390.655. The department shall act on an application within 60 days after the date of receipt or, if a hearing is held, within 45 days after the date of the hearing.

(a) The decision of the department shall include written findings setting forth the specific reasons for the approval or denial and, if the application is approved, any conditions the department considers necessary to maintain the standards established under ORS 390.655.

(b) A copy of the written findings shall be furnished to the applicant at the time of approval or denial of the application by the department as provided in this subsection.

(5) Subsections (2) and (3) of this section do not apply to an application for a permit for the repair, replacement or restoration, in the same location, of an authorized improvement or improvement existing on or before May 1, 1967, if the repair, replacement or restoration is commenced within three years after the damage to or destruction of the improvement being repaired, replaced or restored occurs.

(6) The State Parks and Recreation Department may, upon application therefor, either written or oral, grant an emergency permit for a new improvement, dike, revetment, or for the repair, replacement or restoration of an existing, or authorized improvement where property or property boundaries are in imminent peril of being destroyed or damaged by action of the Pacific Ocean or the waters of any bay or river of this state. Said permit may be granted by the department without regard to the provisions of subsections (1), (2), (3), (4) and (5) of this section. Any emergency permit granted hereunder shall be reduced to writing by the department within 10 days after granting the same with a copy thereof furnished to the applicant.

(7) Except as provided by subsection (8) of this section, each application under subsection (1) of this section shall be accompanied by a fee to cover, in part, the expenses of the department in investigating, reviewing and issuing the improvement permits. The application fee for each permit shall be:

(a) $400 for any project for which the construction value is less than $2,500.

(b) $400 for any project for which the construction value is equal to or greater than $2,500, plus an additional amount equal to three percent of the construction value over $2,500.

(8) The department may waive or reduce the fee required by subsection (7) of this section for an application submitted by a public body, as that term is defined by ORS 174.109, or tribal government if the primary purpose of the improvement is:

(a) Restoring, conserving or protecting the natural, resource, scenic, recreational, cultural or economic values of the ocean shore;

(b) Restoring native beach or dune habitat contributing to the recovery of sensitive species, including state and federally listed threatened or endangered species; or

(c) Improving native biological values of the ocean shore.

(9) Fees received under this section shall be deposited into a subaccount of the State Parks and Recreation Department Fund. Such fees are continuously appropriated to the department for the purpose of carrying out the ocean shore program.

(10) As used in this section, "construction value" includes but is not limited to the costs of labor and equipment rental. For a project involving only the movement of sand or similar material on the ocean shore, "construction value" shall equal the costs of labor, fees and equipment rental. [1967 c.601 §6; 1969 c.601 §10; 1979 c.186 §21; 1999 c.373 §4; 2003 c.25 §1]

390.655 Standards for improvement permits. The State Parks and Recreation Department shall consider applications and issue permits under ORS 390.650 in accordance with standards designed to promote the public health, safety and welfare and carry out the policy of ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770. The standards shall be based on the following considerations, among others:

(1) The public need for healthful, safe, aesthetic surroundings and conditions; the natural scenic, recreational and other resources of the area; and the present and prospective need for conservation and development of those resources.

(2) The physical characteristics or the changes in the physical characteristics of the area and suitability of the area for particular uses and improvements.

(3) The land uses, including public recreational use if any, and the improvements in the area, the trends in land uses and improvements, the density of development and the property values in the area.

(4) The need for recreation and other facilities and enterprises in the future development of the area and the need for access to particular sites in the area. [1969 c.601 §11; 1979 c.186 §22]

390.658 [1969 c.601 §12; 1979 c.186 §23; repealed by 1999 c.373 §5 (390.659 enacted in lieu of 390.658)]

390.659 Hearing before director regarding department action on improvement permit; appeal of director's order; suspension of permit during appeal. (1) Any applicant whose application for a permit under ORS 390.650 has been denied or who objects to any condition imposed on the permit or any person aggrieved or adversely affected by the granting of a permit may, within 30 days after the denial of the permit or the imposition of the condition, request a hearing from the State Parks and Recreation Director.

(2) Upon receipt of a request for hearing from the applicant or if the director finds that the person other than the applicant making the request has a legally protected interest that is adversely affected by the grant of the permit, the director shall set the matter down for hearing within 30 days after receipt of the request. 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. The applicant shall be a party to any contested case hearing requested by a person other than the applicant.

(3) Within 45 days after the hearing the director shall enter an order containing findings of fact and conclusions of law. The order shall rescind, affirm or modify the director's original order. Appeals from the director's final order may be taken to the Court of Appeals in the manner provided by ORS 183.482.

(4) A permit granted by the director may be suspended by the director during the pendency of the proceedings before the director and any appeal. The director shall not suspend the permit unless the person aggrieved or adversely affected by grant of permit makes a showing before the director by clear and convincing evidence that commencement or continuation of the improvement would cause irremediable damage and would be inconsistent with ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770. [1999 c.373 §6 (enacted in lieu of 390.658)]

390.660 Regulation of use of lands adjoining ocean shores; rules. The State Parks and Recreation Department is hereby directed to protect, to maintain and to promulgate rules governing use of the public of property that is subject to ORS 390.640, property subject to public rights or easements declared by ORS 390.610 and property abutting, adjacent or contiguous to those lands described by ORS 390.615 that is available for public use, whether such public right or easement to use is obtained by dedication, prescription, grant, state-ownership, permission of a private owner or otherwise. [1967 c.601 §7; 1969 c.601 §16]

390.661 Improvement without permit or contrary to permit conditions as public nuisance. The improvement on any property within the ocean shore without a permit issued under ORS 390.650, or in a manner contrary to the conditions set out in the permit, is a public nuisance. [1999 c.373 §12]

390.663 Investigation of violation within ocean shore; cease and desist order; enforcement of order by state and local police. (1) If the State Parks and Recreation Director determines that any improvement is being made on property within the ocean shore without a permit issued under ORS 390.650, or in a manner contrary to

the conditions set out in the permit, the director may:

(a) Investigate, hold hearings, make orders and take action, as provided in ORS 390.620 to 390.676, as soon as possible.

(b) For the purpose of investigating conditions relating to such improvements, through the employees or the duly authorized representatives of the State Parks and Recreation Department, enter at reasonable times upon any private or public property.

(c) Conduct public hearings in accordance with ORS chapter 183.

(d) Publish findings and recommendations as they are developed relative to public policies and procedures necessary for the correction of conditions or violations of ORS 390.620 to 390.676.

(e) Give notice of any proposed order relating to a violation by personal service or by mailing the notice by registered or certified mail to the person or governmental body affected. Any person aggrieved by a proposed order of the director may request a hearing within 20 days of the date of personal service or mailing of the notice. Hearings shall be conducted under the provisions of ORS chapter 183 applicable to contested cases, and judicial review of final orders shall be conducted in the Court of Appeals according to ORS 183.482. If no hearing is requested or if the party fails to appear, a final order shall be issued upon a prima facie case on the record of the department.

(f) Take appropriate action for the enforcement of any rules or final orders. Any violation of ORS 390.620 to 390.676 or of any rule or final order of the director under ORS 390.620 to 390.676 may be enjoined in civil abatement proceedings brought in the name of the State of Oregon. In any such proceedings, the director may seek and the court may award a sum of money sufficient to compensate the public for any destruction or infringement of any public right of navigation, fishery or recreation resulting from such violation. Proceedings brought by the director shall set forth, if applicable, the dates of notice and hearing and the specific rule or order of the director, together with the facts of noncompliance, the facts giving rise to the public nuisance and a statement of the damages to any public right of navigation, fishery or recreation, if any, resulting from such violation.

(2) In addition to the administrative action the director may take under subsection (1) of this section, the director may enter an order requiring any person to cease and desist from any violation if the director determines that such violation presents an imminent and substantial risk of injury, loss or damage to the ocean shore.

(3) An order under subsection (2) of this section:

(a) May be entered without prior notice or hearing.

(b) Shall be served upon the person by personal service or by registered or certified mail.

(c) Shall state that a hearing will be held on the order if a written request for hearing is filed by the person subject to the order within 10 days after receipt of the order.

(d) Shall not be stayed during the pendency of a hearing conducted under subsection (4) of this section.

(4) If a person subject to an order under subsection (2) of this section files a timely demand for hearing, the director shall hold a contested case hearing according to the applicable provisions of ORS chapter 183. If the person fails to request a hearing, the order shall be entered as a final order upon prima facie case made on the record of the department.

(5) Neither the director nor any duly authorized representative of the department shall be liable for any damages a person may sustain as a result of a cease and desist order issued under subsection (2) of this section.

(6) The state and local police shall cooperate in the enforcement of any order issued under subsection (2) of this section and shall require no further authority or warrant in executing or enforcing such order. If any person fails to comply with an order issued under subsection (2) of this section, the circuit court of the county in which the violation occurred or is threatened shall compel compliance with the director's order in the same manner as with an order of that court.

(7) As used in this section, "violation" means making an improvement on property within the ocean shore without a permit or in a manner contrary to the conditions set out in a permit issued under ORS 390.650. [1999 c.373 §13]

390.665 [Formerly 274.100 and then 390.740; repealed by 1971 c.743 §432]

390.666 Revocation, suspension or nonrenewal of improvement permit. If the State Parks and Recreation Director finds that a person or governmental body holding a permit issued under ORS 390.650 is making an improvement on property within the ocean shore contrary to the conditions set out in the permit, the director may revoke, suspend or refuse to renew such permit. The director may revoke a 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. [1999 c.373 §14]

390.668 [Formerly 274.090 and then 390.730; renumbered 390.678 in 1999]

390.669 Action by state or any person to abate public nuisance; temporary restraining order or preliminary injunction; compensation to public. (1) In addition to any enforcement action taken under ORS 390.663, civil proceedings to abate alleged public nuisances under ORS 390.661 may be instituted in the name of the State of Oregon upon relation of the State Parks and Recreation Director or by any person in the person's name.

(2) Before beginning any action under subsection (1) of this section, a person other than the director shall provide to the director 60 days' notice of the intended action. A person other than the director may not begin an action under subsection (1) of this section if the director has commenced and is diligently prosecuting civil, criminal or administrative proceedings in the same matter.

(3) The director may institute an action in the name of the State of Oregon for a temporary restraining order or preliminary injunction if a threatened or existing public nuisance under ORS 390.661 creates an emergency that requires immediate action to protect the public health, safety or welfare. The director shall not be required to furnish a bond in such proceeding.

(4) The State Parks and Recreation Commission, the State Parks and Recreation Director and the employees or duly authorized representatives of the State Parks and Recreation Department shall not be liable for any damages a defendant may sustain as a result of an injunction, restraining order or abatement order issued under this section.

(5) A case filed under this section shall be given preference on the docket over all other civil cases except those given an equal preference by statute.

(6) In any action brought under this section, the plaintiff may seek and the court may award a sum of money sufficient to compensate the public for any destruction or infringement of any public right of navigation, fishery or recreation resulting from an existing public nuisance under ORS 390.661. Any money received by the plaintiff under this subsection shall be deposited in an account of the State Parks and Recreation Department for use by the department in administering the ocean shore program. [1999 c.373 §15]

390.670 [1967 c.601 §8; 1969 c.601 §13; repealed by 1971 c.780 §7]

390.672 Damages for destruction or infringement of public right of navigation, fishery or recreation; treble damages. (1) If any person or governmental body, through negligence, violates ORS 390.640, the State Parks and Recreation Director, in a proceeding brought pursuant to ORS 390.669, may seek and the court may award double a sum of money sufficient to compensate the public for any destruction or infringement of any public right of navigation, fishery or recreation resulting from such violation.

(2) If any person or governmental body intentionally violates ORS 390.640, the director, in a proceeding brought pursuant to ORS 390.669, may seek and the court may award treble a sum of money sufficient to compensate the public for any destruction or infringement of any public right of navigation, fishery or recreation resulting from such violation.

(3) An award made pursuant to this section shall be in addition to and not in lieu of any criminal penalties imposed for a violation of ORS 390.640.

(4) In any action brought under ORS 390.669, the court shall award to the prevailing party the costs of suit and reasonable attorney fees at trial and on appeal. Subject to the provisions of ORS 20.140, any costs and attorney fees so awarded to the director shall be deposited in an account of the State Parks and Recreation Department to offset the director's expenses of bringing such action. [1999 c.373 §16]

390.674 Imposition of civil penalties. (1) Civil penalties under ORS 390.992 shall be imposed as provided in ORS 183.745.

(2) The provisions of this section are in addition to and not in lieu of any other penalty or sanction provided by law. An action taken by the State Parks and Recreation Director under this section may be joined by the director with any other action taken against the same person under ORS 390.995 (1).

(3) Any civil penalty recovered under this section shall be deposited into an account of the State Parks and Recreation Department for use by the department in administration of the ocean shore program. [1999 c.373 §10]

390.676 Schedule of civil penalties; factors to determine amount; rules. (1) The State Parks and Recreation Director shall adopt by rule the amount of civil penalty that may be imposed for a particular violation under ORS 390.992.

(2) In imposing a penalty under the schedule adopted under subsection (1) of this section, the director shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of statutes, rules, orders and permits pertaining to waters of this state.

(c) The impact of the violation on public interests in navigation, fishery and recreation.

(d) Any other factors determined by the director to be relevant and consistent with the policy of ORS 390.610.

(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the director determines to be proper and consistent with the policy of ORS 390.610. Upon the request of the person incurring the penalty, the director shall consider evidence of the economic and financial condition of the person in determining whether a penalty shall be remitted or mitigated. [1999 c.373 §11]

390.678 Motor vehicle and aircraft use regulated in certain zones; zone markers; proceedings to establish zones. (1) The State Parks and Recreation Department may establish zones on the ocean shore where travel by motor vehicles or landing of any aircraft except for an emergency shall be restricted or prohibited. After the establishment of a zone and the erection of signs or markers thereon, no such use shall be made of such areas except in conformity with the rules of the department.

(2) Proceedings to establish a zone:

(a) May be initiated by the department on its own motion; or

(b) Shall be initiated upon the request of 20 or more landowners or residents or upon request of the governing body of a county or city contiguous to the proposed zone.

(3) A zone shall not be established unless the department first holds a public hearing in the vicinity of the proposed zone. The department shall cause notice of the hearing to be given by publication, not less than seven days prior to the hearing, by at least one insertion in a newspaper of general circulation in the vicinity of the zone.

(4) Before establishing a zone, the department shall seek the approval of the local government whose lands are adjacent or contiguous to the proposed zone. [Formerly 390.668]

390.680 [1967 c.601 §9; 1969 c.601 §17; repealed by 1973 c.732 §5]

390.685 Effect of ORS 390.605, 390.615, 390.678 and 390.685. Nothing in ORS 390.605, 390.615, 390.678 and 390.685 is intended to repeal ORS 836.510 to 836.525. [Formerly 274.110 and then 390.750]

390.690 Title and rights of state unimpaired. Nothing in ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770 shall be construed to relinquish, impair or limit the sovereign title or rights of the State of Oregon in the shores of the Pacific Ocean as the same may exist before or after July 6, 1967. [1967 c.601 §10]

(Special Permits)

390.705 Prohibition against placing certain conduits across recreation area and against removal of natural products. No person shall:

(1) Place any pipeline, cable line or other conduit across and under the state recreation areas described by ORS 390.635 or the submerged lands adjacent to the ocean shore, except as provided by ORS 390.715.

(2) Remove any natural product from the ocean shore, other than fish or wildlife, agates or souvenirs, except as provided by ORS 390.725. [1969 c.601 §20]

390.710 [Formerly 274.065; 1969 c.601 §2; renumbered 390.605]

390.715 Permits for pipe, cable or conduit across ocean shore, state recreation areas and submerged lands. (1) The State Parks and Recreation Department may issue permits under ORS 390.650 to 390.659 for pipelines, cable lines and other conduits across and under the ocean shore, state recreation areas and the submerged lands adjacent to the ocean shore, upon payment of just compensation by the permittee. A permit issued under this subsection is not a sale or lease of tide and overflow lands within the scope of ORS 274.040.

(2) Whenever the issuance of a permit under subsection (1) of this section will affect lands owned privately, the State Parks and Recreation Department shall withhold the issuance of the permit until the permittee obtains from the private owner an easement, license or other written authorization that meets the approval of the State Parks and Recreation Department, except as to the compensation to be paid to the private owner.

(3) All permits issued under this section are subject to conditions that will ensure safety of the public and the preservation of economic, scenic and recreational values and to rules promulgated by state agencies having jurisdiction over the activities of the grantee or permittee. [1969 c.601 §22; 2005 c.300 §1; 2007 c.71 §101]

390.720 [Formerly 274.070; renumbered 390.615]

390.725 Permits for removal of products along ocean shore; rules. (1) Removal of natural products such as fish or wildlife, agates or small amounts of driftwood from a state recreation area as defined in ORS 390.605 for personal, noncommercial use is not subject to the provisions of ORS 390.650.

(2) The collection of natural products for the purpose of trade, sale or resale shall be subject to the permit provisions and standards of ORS 390.650 and 390.655. Permits shall provide for the payment of just compensation by the permittee as provided by rule adopted under subsection (4) of this section.

(3) No archaeological object associated with an archaeological site, as those terms are defined in ORS 358.905, shall be removed from the ocean shore except as provided in ORS 358.920 and 390.235.

(4) Rules or permits shall be made or granted by the State Parks and Recreation Department only after consultation with the State Fish and Wildlife Commission, the State Department of Geology and Mineral Industries and the Department of State Lands. Rules and permits shall contain provisions necessary to protect the areas from any use, activity or practice inimicable to the conservation of natural resources or public recreation.

(5) The terms, royalty and duration of a permit under this section are at the discretion of the State Parks and Recreation Department. A permit is revocable at any time in the discretion of the department without liability to the permittee.

(6) Whenever the issuance of a permit under this section will affect lands owned privately, the State Parks and Recreation Department shall withhold the issuance of such permit until such time as the permittee shall have obtained an easement, license or other written authorization from the private owner, which easement, license or other written authority must meet the approval of the department, except as to the compensation to be paid to the private owner. [1969 c.601 §23; 1999 c.373 §7]

390.729 Permits for operation of all-terrain vehicles on ocean shore. (1) A person may not operate a Class I all-terrain vehicle on the ocean shore unless the person obtains a permit from the State Parks and Recreation Department as provided in this section.

(2) The department may issue a permit for the operation of a Class I all-terrain vehicle on the ocean shore if the operator of the vehicle holds a permit issued under ORS 390.570, if the vehicle has a current operating permit issued under ORS 390.580 and if the vehicle will be used to meet the transportation needs of:

(a) Individuals with disabilities;

(b) Emergency response or emergency aid workers; or

(c) Biologists, wildlife monitors or other natural resources workers.

(3) Application for a permit issued under this section shall be in a form determined by the department. The department shall specify the information to be contained in the application, the renewal period and the manner in which the permit must be displayed.

(4) The department may not charge for a permit issued under this section. [2005 c.300 §3]

390.730 [Formerly 274.090; 1969 c.601 §18; renumbered 390.668]

390.735 [1969 c.601 §25; repealed by 1973 c.642 §13]

390.740 [Formerly 274.100; renumbered 390.665]

390.750 [Formerly 274.110; 1969 c.601 §19; renumbered 390.685]

(Vegetation Line)

390.755 Periodic reexamination of vegetation line; department recommendations for adjustment. (1) The State Parks and Recreation Department is directed to periodically reexamine the line of vegetation as established and described by ORS 390.770 for the purpose of obtaining information and material suitable for a re-evaluation and redefinition, if necessary, of such line so that the private and public rights and interest in the ocean shore shall be preserved.

(2) The State Parks and Recreation Department may, from time to time, recommend to the Legislative Assembly adjustment of the line described in ORS 390.770. [1969 c.601 §27; 1979 c.186 §24]

390.760 Exceptions from vegetation line. ORS 390.640 does not apply to any state-owned land or to headlands and other lands located at an elevation of more than 16 feet and seaward of a line running between the following designated and numbered points which are more particularly described by ORS 390.770. The elevation mentioned in this section refers to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947.

Point Designation and Number		Point Designation and Number	
From	To	From	To
Cl-7-6	Cl-7-7	Cl-7-55	Cl-7-56
Cl-7-10	Cl-7-11	Cl-7-76	Cl-7-77
Cl-7-13	Cl-7-14	Cl-7-115	Cl-7-116
Cl-7-52	Cl-7-53	Cl-7-134	Cl-7-135
Ti-7-3	Ti-7-4	La-7-72	La-7-73
Ti-7-6	Ti-7-7	La-7-87	La-7-88

Ti-7-18	Ti-7-19	Do-8-78	Do-8-79
Ti-7-33	Ti-7-34	Co-7-82	Co-7-83
Ti-7-83	Ti-7-84	Co-7-111	Co-7-112
Ti-7-88	Ti-7-89	Co-7-146	Co-7-147
Ti-7-94	Ti-7-95	Co-7-178	Co-7-179
Ti-7-99	Ti-7-100	Co-7-200	Co-7-201
Ti-7-113	Ti-7-114	Co-7-229	Co-7-230
Ti-7-168	Ti-7-169	Cu-7-25	Cu-7-26
Ti-7-183	Ti-7-184	Cu-7-54	Cu-7-55
Ti-7-249	Ti-7-250	Cu-7-155	Cu-7-156
Li-7-2A	Li-7-3	Cu-7-167	Cu-7-167A
Li-7-10	Li-7-11	Cu-7-167E	Cu-7-168
Li-7-17	Li-7-18	Cu-7-174	Cu-7-175
Li-7-73	Li-7-74	Cu-7-196	Cu-7-197
Li-7-118	Li-7-119	Cu-7-201	Cu-7-202
Li-7-150	Li-7-151	Cu-7-219	Cu-7-220
Li-7-154	Li-7-155	Cu-7-225	Cu-7-226
Li-7-161	Li-7-162	Cu-7-236	Cu-7-237
Li-7-165	Li-7-166	Cu-7-258	Cu-7-259
Li-7-167A	Li-7-168	Cu-7-268	Cu-7-269
Li-7-170	Li-7-171	Cu-7-288	Cu-7-289
Li-7-176	Li-7-177	Cu-7-310	Cu-7-311
Li-7-182	Li-7-183	Cu-7-314	Cu-7-315
Li-7-215	Li-7-216	Cu-7-363	Cu-7-364
Li-7-269	Li-7-270	Cu-7-382	Cu-7-383
Li-7-293	Li-7-294	Cu-7-393	Cu-7-394
Li-7-296	Li-7-297	Cu-7-400	Cu-7-401
Li-7-314	Li-7-315	Cu-7-440	Cu-7-441
Li-7-325	Li-7-326	Cu-7-451	Cu-7-452
Li-7-357	Li-7-358	Cu-7-459	Cu-7-460
Li-7-377	Li-7-378	Cu-7-493	Cu-7-494
Li-7-439	La-7-1	Cu-7-513	Cu-7-514
La-7-9	La-7-10	Cu-7-516	Cu-7-517
La-7-19	La-7-20	Cu-7-538	Cu-7-539
La-7-44	La-7-45	Cu-7-557	Cu-7-558

[1969 c.601 §9]

390.770 Vegetation line described. Except for the areas described by ORS 390.760, ORS 390.640 applies to all the land located along the Pacific Ocean between the Columbia River and the Oregon-California boundary between extreme low tide and the lines of vegetation as established and described according to the Oregon Coordinate System, as defined by ORS 93.330, as follows:

Beginning near the south jetty of the Columbia River in section 35 of township 9 north, range 11 west of the Willamette Meridian in Clatsop County, Oregon, at a point on the Oregon Coordinate System, north zone, located at y-coordinate 951,840 and x-coordinate 1,112,374, hereby designated point number Cl-7-1; thence from point number Cl-7-1 southerly along the Pacific Coast by a series of straight lines connecting the following designated, numbered and described points in consecutive order to the Oregon-California boundary line near the section line between section 26 of township 41 south, range 13 west of the Willamette Meridian in Curry County, Oregon, and section 32 of township 19 north, range 1 west of the Humboldt Meridian in Del Norte County, California, at a point on the Oregon Coordinate System, south zone, located at y-coordinate 143,339 and x-coordinate 991,832, hereby designated point number Cu-7-634.

Point Number	Oregon Coordinate System, north zone y-coordinate	x-coordinate
Cl-7-1	951,840	1,112,374
Cl-7-2	951,448	1,112,500
Cl-7-3	951,011	1,112,297
Cl-7-4	950,883	1,112,300
Cl-7-5	950,172	1,112,573
Cl-7-6	947,537	1,113,734

Description of Location of Point Number Cl-7-6: A point near the north boundary of Fort Stevens State Park located in section 1 of township 8 north, range 11 west of the Willamette Meridian in Clatsop County.

Cl-7-7	938,451	1,117,616

Description of Location of Point Number Cl-7-7: A point near the south boundary of Fort Stevens State Park located in section 12 of township 8 north, range 11 west of the Willamette Meridian in Clatsop County.

Cl-7-8	938,232	1,117,707
Cl-7-9	936,446	1,118,379
Cl-7-10	934,923	1,118,944

Description of Location of Point Number Cl-7-10: A point near the north boundary of Fort Stevens State Park located in section 18 of township 8 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-11	934,462	1,119,114

Description of Location of Point Number Cl-7-11: A point near the south boundary of Fort Stevens State Park located in section 18 of township 8 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-12	928,335	1,121,309
Cl-7-13	924,266	1,122,688

Description of Location of Point Number Cl-7-13: A point near the north boundary of Camp Rilea located in section 30 of township 8 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-14	907,691	1,127,287

Description of Location of Point Number Cl-7-14: A point near the south boundary of Camp Rilea near the section line between sections 8 and 9 of township 7 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-14A	907,381	1,127,433
Cl-7-14B	907,016	1,127,370
Cl-7-14C	906,835	1,127,526
Cl-7-15	905,439	1,127,761
Cl-7-16	904,776	1,127,962
Cl-7-17	903,245	1,128,184
Cl-7-18	902,731	1,128,287
Cl-7-19	901,368	1,128,474
Cl-7-20	898,590	1,128,920
Cl-7-21	896,168	1,129,206
Cl-7-22	890,480	1,129,617
Cl-7-23	887,910	1,129,729
Cl-7-24	886,521	1,129,795

Cl-7-25	884,198	1,129,862
Cl-7-26	881,377	1,129,860
Cl-7-26A	880,815	1,129,949
Cl-7-27	880,455	1,129,849
Cl-7-28	875,597	1,129,783
Cl-7-29	875,155	1,129,814
Cl-7-30	874,962	1,129,941
Cl-7-31	874,833	1,130,075
Cl-7-32	874,742	1,130,275
Cl-7-33	871,379	1,129,723
Cl-7-34	870,596	1,129,609
Cl-7-35	869,710	1,129,493
Cl-7-36	869,355	1,129,382
Cl-7-37	868,555	1,129,147
Cl-7-38	866,858	1,128,737
Cl-7-38A	866,773	1,128,608
Cl-7-39	866,671	1,128,687
Cl-7-39A	865,842	1,128,515
Cl-7-39B	865,648	1,128,349
Cl-7-40	864,302	1,128,029
Cl-7-41	861,388	1,127,089
Cl-7-42	860,891	1,126,818
Cl-7-43	860,700	1,126,612
Cl-7-44	860,343	1,125,571
Cl-7-45	860,321	1,125,395
Cl-7-46	860,345	1,125,062
Cl-7-47	860,402	1,124,721
Cl-7-48	860,470	1,123,656
Cl-7-49	860,541	1,122,956
Cl-7-50	860,092	1,121,701
Cl-7-51	859,879	1,120,816
Cl-7-52	859,663	1,120,509

Description of Location of Point Number Cl-7-52: A point about one mile southwest of the City of Seaside near the north boundary of Ecola State Park near the section line between sections 29 and 30 of township 6 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-53	837,531	1,117,635

Description of Location of Point Number Cl-7-53: A point on the south side of Tillamook Head near the south boundary of Ecola State Park and near the section line between sections 18 and 19 of township 5 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-54	836,827	1,117,747
Cl-7-55	836,688	1,117,698

Description of Location of Point Number Cl-7-55: A point near the north end of the headlands at Chapman Point located in section 19 of township 5 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-56	836,403	1,118,094

Description of Location of Point Number Cl-7-56: A point near the southerly end of the headlands at Chapman Point located in section 19 of township 5 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-57	836,120	1,118,264
Cl-7-58	835,661	1,118,331
Cl-7-59	834,401	1,118,606
Cl-7-60	834,031	1,118,861
Cl-7-61	833,909	1,119,099
Cl-7-61A	834,060	1,119,301
Cl-7-61B	833,170	1,119,289
Cl-7-61C	832,879	1,119,119
Cl-7-62	832,264	1,118,827
Cl-7-63	832,218	1,118,765
Cl-7-64	832,149	1,118,742
Cl-7-65	829,701	1,118,589
Cl-7-66	829,700	1,118,517
Cl-7-67	829,402	1,118,489
Cl-7-68	829,269	1,118,565
Cl-7-69	827,556	1,118,329
Cl-7-70	827,311	1,118,328
Cl-7-71	826,952	1,118,395
Cl-7-72	826,854	1,118,402
Cl-7-73	826,694	1,118,493
Cl-7-73A	826,041	1,118,595
Cl-7-74	825,540	1,118,654
Cl-7-74A	825,033	1,118,704
Cl-7-75	824,406	1,118,749
Cl-7-75A	823,916	1,118,765
Cl-7-76	823,394	1,118,783

Description of Location of Point Number Cl-7-76: A point near the north boundary of Tolovana Beach State Wayside located in section 31 of township 5 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-77	823,162	1,118,834

Description of Location of Point Number Cl-7-77: A point near the south boundary of Tolovana Beach State Wayside located in section 31 of township 5 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-78	823,122	1,118,777
Cl-7-79	821,713	1,118,737
Cl-7-80	820,798	1,118,662
Cl-7-81	820,616	1,118,628
Cl-7-82	819,990	1,118,570
Cl-7-83	818,487	1,118,346
Cl-7-84	818,253	1,118,281
Cl-7-85	818,178	1,118,235
Cl-7-86	818,148	1,118,247
Cl-7-87	817,898	1,118,169
Cl-7-88	817,684	1,118,011
Cl-7-89	817,465	1,117,948
Cl-7-90	817,171	1,118,071
Cl-7-91	815,636	1,118,331
Cl-7-92	815,260	1,118,392
Cl-7-93	814,848	1,118,435
Cl-7-94	814,409	1,118,513
Cl-7-94A	814,169	1,118,279
Cl-7-95	814,083	1,118,612
Cl-7-96	813,912	1,118,660
Cl-7-97	812,767	1,118,680
Cl-7-98	811,143	1,118,543
Cl-7-99	810,457	1,118,473
Cl-7-100	809,795	1,118,455
Cl-7-101	809,529	1,118,398
Cl-7-102	809,522	1,118,298
Cl-7-103	809,366	1,118,376
Cl-7-104	809,342	1,118,314
Cl-7-105	809,254	1,118,366
Cl-7-106	808,991	1,118,326
Cl-7-107	808,579	1,118,341
Cl-7-108	808,559	1,118,262
Cl-7-109	808,368	1,118,263
Cl-7-110	808,288	1,118,189
Cl-7-111	808,212	1,118,226

Cl-7-112	808,168	1,118,031
Cl-7-112A	808,319	1,117,849
Cl-7-112B	808,236	1,117,789
Cl-7-112C	808,036	1,117,904
Cl-7-112D	808,021	1,118,029
Cl-7-113	807,723	1,117,985
Cl-7-114	807,577	1,118,182
Cl-7-114A	807,492	1,118,167
Cl-7-114B	807,302	1,117,900
Cl-7-114C	807,197	1,117,960
Cl-7-114D	807,246	1,118,131
Cl-7-115	806,972	1,118,108

Description of Location of Point Number Cl-7-115: A point near the north boundary of Hug Point Park located in section 18 of township 4 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-116	806,841	1,118,094

Description of Location of Point Number Cl-7-116: A point near the south boundary of Hug Point Park located near the section line between sections 18 and 19 of township 4 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-117	806,272	1,118,031
Cl-7-118	806,178	1,117,848
Cl-7-118A	806,026	1,117,849
Cl-7-119	805,789	1,118,058
Cl-7-120	805,431	1,117,949
Cl-7-120A	805,367	1,117,779
Cl-7-121	805,296	1,117,776
Cl-7-122	805,158	1,117,930
Cl-7-123	805,092	1,117,892
Cl-7-124	802,212	1,117,559
Cl-7-125	802,079	1,117,577
Cl-7-126	801,380	1,117,374
Cl-7-127	801,289	1,117,358
Cl-7-128	801,274	1,117,370
Cl-7-129	799,987	1,117,070
Cl-7-130	798,430	1,116,632
Cl-7-131	797,966	1,116,576
Cl-7-132	797,940	1,116,740
Cl-7-133	797,778	1,116,650
Cl-7-134	797,699	1,116,278

Description of Location of Point Number Cl-7-134: A point at the north end of the headlands at Arch Cape located near the section line between section 25 of township 4 north, range 11 west of the Willamette Meridian and section 30 of township 4 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-135	795,909	1,116,145

Description of Location of Point Number Cl-7-135: A point near the south boundary of Oswald West State Park located near the section corner common to sections 25 and 36 of township 4 north, range 11 west of the Willamette Meridian and sections 30 and 31 of township 4 north, range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-136	794,385	1,115,979
Cl-7-137	793,087	1,115,939
Cl-7-138	792,118	1,115,833
Cl-7-139	790,613	1,115,650

Description of Location of Point Number Cl-7-139: A point near the Clatsop-Tillamook county line.

Ti-7-1	790,200	1,115,606
Ti-7-2	789,633	1,115,579
Ti-7-3	789,412	1,115,471

Description of Location of Point Number Ti-7-3: A point at the south end of Cove Beach at the north end of the headlands on the north side of Cape Falcon located in section 1 of township 3 north, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-4	788,172	1,114,325

Description of Location of Point Number Ti-7-4: A point on the north side of Cape Falcon located in section 1 of township 3 north, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-4A	787,945	1,114,326
Ti-7-5	787,735	1,114,247
Ti-7-6	787,429	1,113,987

Description of Location of Point Number Ti-7-6: A point on the north side of Cape Falcon located in section 1 of township 3 north, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-7	774,737	1,118,436

Description of Location of Point Number Ti-7-7: A point near the south boundary of Oswald West State Park located near the section line between sections 18 and 19 of township 3 north, range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-7A	774,503	1,118,717
Ti-7-8	774,092	1,119,050
Ti-7-8A	773,444	1,119,807
Ti-7-9	773,224	1,120,065
Ti-7-10	772,706	1,120,476
Ti-7-11	771,558	1,121,062
Ti-7-12	770,506	1,121,228
Ti-7-13	769,862	1,121,397
Ti-7-14	766,603	1,121,776
Ti-7-15	764,859	1,121,874
Ti-7-16	763,268	1,121,881
Ti-7-17	762,624	1,121,940
Ti-7-18	761,335	1,121,889

Description of Location of Point Number Ti-7-18: A point near the north boundary of Nehalem Bay Park located in section 32 of township 3 north, range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-19	745,172	1,122,047

Description of Location of Point Number Ti-7-19: A point near the south boundary of Nehalem Bay Park near the south end of Nehalem Bay sand spit located in section 17 of township 2 north, range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-19A	743,930	1,122,166
Ti-7-20	743,294	1,121,234
Ti-7-21	742,843	1,120,931
Ti-7-22	742,511	1,120,795

Ti-7-23	737,706	1,120,158
Ti-7-24	737,364	1,120,200
Ti-7-25	737,006	1,120,377
Ti-7-26	736,659	1,120,284
Ti-7-27	736,605	1,120,194
Ti-7-28	736,195	1,119,992
Ti-7-29	735,826	1,119,914
Ti-7-30	732,728	1,119,396
Ti-7-31	730,623	1,119,099
Ti-7-32	729,193	1,118,966
Ti-7-32A	728,795	1,119,058
Ti-7-33	728,495	1,119,026

Description of Location of Point Number Ti-7-33: A point near the north boundary of Rockaway State Wayside located in section 32 of township 2 north, range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-34	728,315	1,118,986

Description of Location of Point Number Ti-7-34: A point near the south boundary of Rockaway State Wayside located in section 32 of township 2 north, range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-35	728,102	1,118,837
Ti-7-36	727,685	1,118,765
Ti-7-37	727,585	1,118,689
Ti-7-38	726,959	1,118,586
Ti-7-39	726,532	1,118,711
Ti-7-40	725,838	1,118,610
Ti-7-41	725,699	1,118,588
Ti-7-42	725,611	1,118,578
Ti-7-43	725,148	1,118,201
Ti-7-44	724,087	1,117,923
Ti-7-45	723,843	1,117,852
Ti-7-46	723,687	1,117,804
Ti-7-47	723,393	1,117,689
Ti-7-48	722,609	1,117,479
Ti-7-49	721,882	1,117,853
Ti-7-50	721,363	1,117,492
Ti-7-51	720,771	1,117,726
Ti-7-51A	720,313	1,117,712
Ti-7-52	719,839	1,117,130
Ti-7-53	717,383	1,116,446
Ti-7-54	716,779	1,116,324
Ti-7-55	715,094	1,115,787
Ti-7-56	714,694	1,115,710
Ti-7-57	713,732	1,115,426
Ti-7-58	713,010	1,115,320
Ti-7-59	706,624	1,117,487
Ti-7-60	706,305	1,117,368
Ti-7-61	705,591	1,117,212
Ti-7-62	702,813	1,116,623
Ti-7-63	701,988	1,116,474
Ti-7-64	700,758	1,116,213
Ti-7-65	700,641	1,116,216
Ti-7-66	698,359	1,115,831
Ti-7-67	698,018	1,115,766
Ti-7-68	697,730	1,115,742
Ti-7-69	695,285	1,115,488
Ti-7-70	694,014	1,115,269
Ti-7-71	693,995	1,115,417
Ti-7-72	693,046	1,115,096
Ti-7-73	691,876	1,114,912
Ti-7-74	691,096	1,114,625
Ti-7-75	689,408	1,114,216
Ti-7-76	689,446	1,114,088
Ti-7-77	689,181	1,113,946
Ti-7-78	688,875	1,113,877
Ti-7-78A	688,251	1,113,654
Ti-7-78B	688,240	1,113,576
Ti-7-79	688,088	1,113,584
Ti-7-80	688,103	1,113,499
Ti-7-81	686,504	1,112,939
Ti-7-82	686,060	1,112,666
Ti-7-83	685,568	1,112,260

Description of Location of Point Number Ti-7-83: A point near the north end of the headlands on the north side of Cape Meares located in section 7 of township 1 south, range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-84	679,993	1,110,563

Description of Location of Point Number Ti-7-84: A point near the south boundary of Cape Meares Park and near the section line located between sections 13 and 24 of township 1 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-85	679,740	1,110,651
Ti-7-86	679,286	1,110,648
Ti-7-87	677,505	1,110,400
Ti-7-88	677,287	1,110,279

Description of Location of Point Number Ti-7-88: A point near the north end of the headlands at the south end of Short Beach located in section 24 of township 1 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-89	676,698	1,110,158

Description of Location of Point Number Ti-7-89: A point near the south end of the headlands south of Short Beach located in section 24 of township 1 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-90	676,630	1,110,189
Ti-7-91	676,425	1,110,168
Ti-7-92	676,188	1,110,063
Ti-7-93	675,777	1,109,741
Ti-7-94	675,643	1,109,518

Description of Location of Point Number Ti-7-94: A point near the north end of the headlands on the north side of Maxwell Point located in section 24 of township 1 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-95	675,616	1,109,371

Description of Location of Point Number Ti-7-95: A point near the south end of the headlands on the north side of Maxwell Point located in section 24 of township 1 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-96	675,441	1,109,359
Ti-7-97	675,010	1,109,250
Ti-7-98	674,787	1,109,383
Ti-7-99	673,979	1,109,562

Description of Location of Point Number Ti-7-99: A point near the north end of the first headlands north of Oceanside located in section 25 of township 1 south,

range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-100	673,842	1,109,669

Description of Location of Point Number Ti-7-100: A point near the south end of the first headlands north of Oceanside located in section 25 of township 1 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-101	673,809	1,109,771
Ti-7-102	673,653	1,109,909
Ti-7-103	673,071	1,110,205
Ti-7-104	672,307	1,110,537
Ti-7-105	671,227	1,110,895
Ti-7-106	670,370	1,111,117
Ti-7-107	670,090	1,111,168
Ti-7-108	669,605	1,111,341
Ti-7-109	668,224	1,111,600
Ti-7-110	667,215	1,112,239
Ti-7-111	666,578	1,112,749
Ti-7-112	666,252	1,112,937
Ti-7-112A	665,808	1,113,364
Ti-7-112B	665,466	1,113,850
Ti-7-113	662,710	1,113,335

Description of Location of Point Number Ti-7-113: A point near the north end of the Netarts Bay sand spit located in section 6 of township 2 south, range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-114	628,256	1,107,235

Description of Location of Point Number Ti-7-114: A point near the south end of the headlands on the south side of Cape Lookout located in section 1 of township 3 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-115	628,048	1,107,599
Ti-7-116	627,769	1,107,736
Ti-7-117	623,918	1,108,889
Ti-7-118	623,459	1,108,997
Ti-7-119	622,032	1,109,287
Ti-7-120	621,511	1,109,345
Ti-7-121	620,938	1,109,441
Ti-7-122	619,547	1,109,539
Ti-7-123	618,468	1,109,563
Ti-7-124	617,144	1,109,557
Ti-7-125	616,033	1,109,533
Ti-7-126	615,652	1,109,506
Ti-7-127	613,316	1,109,441
Ti-7-128	611,375	1,109,312
Ti-7-129	611,076	1,109,287
Ti-7-130	610,497	1,109,309
Ti-7-131	610,236	1,109,255
Ti-7-132	608,446	1,109,185
Ti-7-133	607,963	1,109,235
Ti-7-134	607,726	1,109,270
Ti-7-135	607,570	1,109,326
Ti-7-136	607,363	1,109,441
Ti-7-137	607,271	1,109,574
Ti-7-138	607,215	1,109,756
Ti-7-138A	606,590	1,110,203
Ti-7-138B	605,488	1,110,094
Ti-7-139	605,446	1,109,729
Ti-7-140	605,357	1,109,499
Ti-7-141	604,728	1,108,965
Ti-7-142	603,187	1,108,572
Ti-7-143	601,827	1,108,353
Ti-7-144	601,528	1,108,275
Ti-7-145	600,384	1,108,160
Ti-7-146	597,511	1,107,747
Ti-7-147	596,001	1,107,589
Ti-7-148	595,439	1,107,538
Ti-7-149	595,111	1,107,567
Ti-7-150	594,576	1,107,360
Ti-7-151	593,266	1,107,033
Ti-7-152	592,923	1,106,907
Ti-7-153	592,375	1,106,812
Ti-7-154	592,043	1,106,723
Ti-7-155	591,495	1,106,642
Ti-7-156	591,069	1,106,555
Ti-7-157	590,917	1,106,452
Ti-7-158	590,692	1,106,577
Ti-7-159	589,950	1,106,387
Ti-7-160	589,555	1,106,357
Ti-7-161	589,508	1,106,294
Ti-7-162	588,511	1,106,271
Ti-7-163	588,166	1,106,184
Ti-7-164	587,443	1,105,946
Ti-7-165	586,940	1,105,880
Ti-7-166	586,541	1,105,690
Ti-7-167	586,307	1,105,425
Ti-7-168	586,275	1,105,303

Description of Location of Point Number Ti-7-168: A point near the north end of the headlands at Cape Kiwanda located in section 13 of township 4 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-169	584,879	1,105,024

Description of Location of Point Number Ti-7-169: A point near the south end of the headlands at Cape Kiwanda located in section 13 of township 4 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-170	584,943	1,105,176
Ti-7-171	584,920	1,105,306
Ti-7-172	584,785	1,105,489
Ti-7-173	584,486	1,105,725
Ti-7-174	584,067	1,105,949
Ti-7-175	583,794	1,106,060
Ti-7-176	582,447	1,106,291
Ti-7-177	581,986	1,106,320
Ti-7-178	580,712	1,106,517
Ti-7-179	579,529	1,106,630
Ti-7-180	578,628	1,106,654
Ti-7-181	577,896	1,106,615
Ti-7-182	577,310	1,106,645
Ti-7-183	576,545	1,106,588

Description of Location of Point Number Ti-7-183: A point near the north boundary of the Nestucca Spit Park located in section 25 of township 4 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-184	563,870	1,105,586

Description of Location of Point Number Ti-7-184: A point near the south end of the Nestucca Bay sand spit located in section 1 of township 5 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-185	563,121	1,105,422
Ti-7-186	562,775	1,105,342

Ti-7-187	562,449	1,104,966
Ti-7-188	562,278	1,104,854
Ti-7-189	561,494	1,104,672
Ti-7-190	561,308	1,104,578
Ti-7-191	560,941	1,104,548
Ti-7-192	560,790	1,104,497
Ti-7-193	560,754	1,104,397
Ti-7-194	560,593	1,104,376
Ti-7-195	560,372	1,104,290
Ti-7-196	560,241	1,104,283
Ti-7-197	560,241	1,104,363
Ti-7-198	560,165	1,104,416
Ti-7-199	559,565	1,104,234
Ti-7-200	558,914	1,104,283
Ti-7-201	558,132	1,104,133
Ti-7-202	557,720	1,104,136
Ti-7-203	557,416	1,104,200
Ti-7-204	557,271	1,104,163
Ti-7-205	557,145	1,104,234
Ti-7-206	556,767	1,104,137
Ti-7-207	556,598	1,103,953
Ti-7-208	556,495	1,103,660
Ti-7-209	556,206	1,103,587
Ti-7-210	555,796	1,103,647
Ti-7-210A	555,558	1,103,839
Ti-7-210B	555,399	1,103,485
Ti-7-211	555,268	1,103,430
Ti-7-212	555,080	1,103,479
Ti-7-213	554,132	1,103,160
Ti-7-214	553,822	1,103,024
Ti-7-215	552,907	1,103,002
Ti-7-216	552,509	1,102,822
Ti-7-217	552,330	1,102,906
Ti-7-218	552,144	1,102,790
Ti-7-219	551,268	1,102,583
Ti-7-220	550,789	1,102,443
Ti-7-221	550,365	1,102,446
Ti-7-222	550,132	1,102,342
Ti-7-223	549,616	1,102,223
Ti-7-224	549,021	1,102,086
Ti-7-225	548,515	1,102,174
Ti-7-226	548,045	1,101,928
Ti-7-227	547,650	1,101,841
Ti-7-228	547,137	1,101,762
Ti-7-229	546,721	1,101,592
Ti-7-230	546,598	1,101,590
Ti-7-231	546,179	1,101,457
Ti-7-232	545,927	1,101,496
Ti-7-233	545,736	1,101,282
Ti-7-234	545,227	1,101,182
Ti-7-234A	544,521	1,100,882
Ti-7-235	544,030	1,100,781
Ti-7-236	543,486	1,100,741
Ti-7-237	543,049	1,100,540
Ti-7-238	542,679	1,100,713
Ti-7-239	542,576	1,100,809
Ti-7-239A	542,571	1,100,910
Ti-7-239B	542,633	1,100,971
Ti-7-239C	542,222	1,101,135
Ti-7-240	541,526	1,100,550
Ti-7-241	541,447	1,100,496
Ti-7-242	541,422	1,100,430
Ti-7-243	540,945	1,100,110
Ti-7-244	540,457	1,100,012
Ti-7-245	540,099	1,099,832
Ti-7-246	539,845	1,099,625
Ti-7-247	539,847	1,099,586
Ti-7-248	539,744	1,099,482
Ti-7-249	539,703	1,099,466

Description of Location of Point Number Ti-7-249: A point near the north end of the headlands on the north side of Cascade Head located in section 35 of township 5 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-250	523,326	1,094,861

Description of Location of Point Number Ti-7-250: A point near the east end of the headlands on the south side of Cascade Head located in section 14 of township 6 south, range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-250A	522,807	1,095,300
Ti-7-250B	522,247	1,095,417
Ti-7-251	522,189	1,095,089
Ti-7-252	521,960	1,094,886
Li-7-1	521,877	1,094,819

Description of Location of Point Number Li-7-1: A point near the Tillamook-Lincoln county line.

Li-7-2	519,691	1,094,773
Li-7-2A	519,502	1,094,647

Description of Location of Point Number Li-7-2A: A point near the north end of the headlands at the south end of the sand spit at the mouth of the Salmon River located in section 23 of township 6 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-3	519,537	1,094,519

Description of Location of Point Number Li-7-3: A point near the southwest end of the headlands at the south end of the sand spit at the mouth of the Salmon River located in section 23 of township 6 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-4	519,263	1,094,410
Li-7-5	519,133	1,094,540
Li-7-6	518,997	1,094,408
Li-7-7	518,796	1,094,379
Li-7-8	518,587	1,094,221
Li-7-9	518,396	1,093,880
Li-7-10	518,408	1,093,725

Description of Location of Point Number Li-7-10: A point near the north end of the headlands northwest of Coon Lake located in section 22 of township 6 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-11	518,136	1,093,626

Description of Location of Point Number Li-7-11: A point near the south end of the headlands northwest of Coon Lake located in section 22 of township 6 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-12	518,059	1,093,671
Li-7-13	517,822	1,093,636
Li-7-14	517,635	1,093,559
Li-7-15	517,461	1,093,343
Li-7-16	517,415	1,093,152
Li-7-17	517,434	1,092,979

Description of Location of Point Number Li-7-17: A point near the north end of the headlands north of the Town of Road's End located in section 22 of township 6 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-18	515,292	1,092,596

Description of Location of Point Number Li-7-18: A point near the south end of the headlands north of the Town of Road's End located in section 27 of township 6 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-19	515,261	1,092,731
Li-7-20	515,117	1,092,921
Li-7-21	515,021	1,093,010
Li-7-22	514,830	1,093,127
Li-7-23	514,602	1,093,209
Li-7-24	514,370	1,093,270
Li-7-25	514,191	1,093,279
Li-7-26	513,830	1,093,339
Li-7-27	513,491	1,093,357
Li-7-28	512,314	1,093,322
Li-7-29	512,224	1,093,336
Li-7-30	510,514	1,093,245
Li-7-31	509,812	1,093,179
Li-7-32	509,682	1,093,143
Li-7-33	509,435	1,093,101
Li-7-34	509,375	1,093,122
Li-7-35	509,069	1,093,034
Li-7-36	508,017	1,092,828
Li-7-37	506,696	1,092,542
Li-7-38	504,869	1,092,195
Li-7-39	504,734	1,092,146
Li-7-40	504,400	1,092,088
Li-7-41	504,271	1,092,007
Li-7-42	504,166	1,091,988
Li-7-43	504,008	1,092,005
Li-7-44	503,674	1,091,912
Li-7-45	503,312	1,091,872
Li-7-46	503,204	1,091,869
Li-7-47	502,847	1,091,774
Li-7-48	502,714	1,091,763
Li-7-49	502,386	1,091,756
Li-7-50	502,225	1,091,693
Li-7-51	502,143	1,091,693
Li-7-52	502,088	1,091,657
Li-7-53	501,988	1,091,631
Li-7-54	501,944	1,091,624
Li-7-55	501,722	1,091,592
Li-7-56	501,588	1,091,528
Li-7-57	501,497	1,091,503
Li-7-58	501,390	1,091,497
Li-7-59	501,365	1,091,486
Li-7-60	501,321	1,091,474
Li-7-61	501,298	1,091,463
Li-7-62	500,850	1,091,391
Li-7-63	500,718	1,091,411
Li-7-64	499,879	1,091,274
Li-7-65	499,385	1,091,157
Li-7-66	498,670	1,091,061
Li-7-67	497,823	1,090,866
Li-7-68	497,233	1,090,690
Li-7-69	496,422	1,090,594
Li-7-70	495,945	1,090,488
Li-7-71	494,473	1,090,275
Li-7-72	494,420	1,090,363
Li-7-73	494,284	1,090,309

Description of Location of Point Number Li-7-73: A point near the north boundary of D River State Wayside located in section 15 of township 7 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-74	493,843	1,090,125

Description of Location of Point Number Li-7-74: A point near the south boundary of D River State Wayside located in section 15 of township 7 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-75	493,814	1,090,060
Li-7-76	492,402	1,089,616
Li-7-77	491,260	1,089,342
Li-7-78	491,166	1,089,322
Li-7-79	490,870	1,089,247
Li-7-80	489,928	1,089,005
Li-7-81	489,620	1,088,961
Li-7-82	488,669	1,088,949
Li-7-82A	488,637	1,088,889
Li-7-83	488,075	1,088,663
Li-7-84	487,626	1,088,428
Li-7-85	486,116	1,088,374
Li-7-86	485,659	1,088,303
Li-7-87	485,091	1,088,202
Li-7-88	484,395	1,088,116
Li-7-89	484,358	1,088,149
Li-7-90	484,251	1,088,115
Li-7-91	483,284	1,087,949
Li-7-92	482,954	1,087,979
Li-7-93	482,712	1,087,963
Li-7-94	482,628	1,087,904
Li-7-95	482,564	1,088,018
Li-7-96	482,139	1,088,011
Li-7-97	480,591	1,087,794
Li-7-98	480,279	1,087,846
Li-7-98A	480,081	1,087,939
Li-7-98B	479,857	1,088,114
Li-7-98C	479,781	1,088,257
Li-7-98D	479,611	1,088,768
Li-7-98E	478,500	1,088,109
Li-7-99	478,397	1,087,758
Li-7-100	478,143	1,087,509
Li-7-101	476,617	1,086,979
Li-7-102	475,960	1,086,770
Li-7-103	474,682	1,086,574
Li-7-104	472,997	1,086,230
Li-7-104A	471,682	1,085,904
Li-7-105	471,222	1,085,803
Li-7-106	469,714	1,085,429
Li-7-107	468,683	1,085,187
Li-7-108	467,756	1,084,910
Li-7-108A	466,950	1,084,728
Li-7-109	466,375	1,084,556
Li-7-110	465,880	1,084,494
Li-7-111	464,770	1,084,177
Li-7-112	463,989	1,084,045
Li-7-113	463,900	1,084,075
Li-7-114	463,616	1,083,926
Li-7-115	463,441	1,083,928
Li-7-116	462,754	1,083,621
Li-7-117	461,686	1,083,458
Li-7-118	461,447	1,083,355

Description of Location of Point Number Li-7-118: A point near the north boundary of Gleneden Beach State Wayside located in section 16 of township 8 south,

range 11 west of the Willamette Meridian in Lincoln County.

Li-7-119	460,819	1,083,224

Description of Location of Point Number Li-7-119: A point near the south boundary of Gleneden Beach State Wayside located in section 16 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-120	460,676	1,083,165
Li-7-121	460,619	1,083,189
Li-7-122	460,479	1,083,124
Li-7-123	459,842	1,083,160
Li-7-124	459,810	1,083,056
Li-7-125	459,526	1,082,851
Li-7-126	458,278	1,082,499
Li-7-127	457,957	1,082,503
Li-7-128	457,823	1,082,373
Li-7-129	457,388	1,082,257
Li-7-130	457,345	1,082,264
Li-7-131	456,943	1,082,145
Li-7-132	456,756	1,082,195
Li-7-133	456,730	1,082,131
Li-7-134	456,340	1,081,936
Li-7-135	455,440	1,081,686
Li-7-136	455,234	1,081,688
Li-7-137	455,151	1,081,688
Li-7-138	454,875	1,081,542
Li-7-139	454,469	1,081,462
Li-7-140	454,339	1,081,439
Li-7-141	454,258	1,081,423
Li-7-142	453,718	1,081,178
Li-7-143	453,426	1,081,102
Li-7-144	452,947	1,081,025
Li-7-145	452,852	1,080,925
Li-7-146	451,855	1,080,644
Li-7-147	451,729	1,080,569
Li-7-148	451,344	1,080,438
Li-7-149	451,162	1,080,331
Li-7-150	451,005	1,080,288

Description of Location of Point Number Li-7-150: A point near the north boundary of Lincoln Beach State Wayside located in section 28 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-151	450,586	1,080,122

Description of Location of Point Number Li-7-151: A point near the south boundary of Lincoln Beach State Wayside located in section 28 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-152	450,196	1,079,877
Li-7-153	450,126	1,079,731
Li-7-154	450,167	1,079,513

Description of Location of Point Number Li-7-154: A point near the north end of the headlands on the north side of Fishing Rock located in section 29 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-155	449,614	1,079,632

Description of Location of Point Number Li-7-155: A point near the south end of the headlands on the south side of Fishing Rock located in section 29 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-156	449,234	1,079,367
Li-7-157	448,636	1,079,264
Li-7-158	448,598	1,079,333
Li-7-159	448,314	1,079,308
Li-7-160	448,214	1,079,378
Li-7-161	448,095	1,079,385

Description of Location of Point Number Li-7-161: A point near the north boundary of Fogarty Creek State Park located in section 32 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-162	447,462	1,079,064

Description of Location of Point Number Li-7-162: A point near the south boundary of Fogarty Creek State Park located in section 32 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-163	447,359	1,078,881
Li-7-164	447,289	1,078,862
Li-7-165	447,192	1,078,622

Description of Location of Point Number Li-7-165: A point near the north end of the headlands on the north side of Boiler Bay located in section 32 of township 8 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-166	430,584	1,073,460

Description of Location of Point Number Li-7-166: A point near the northwest end of the headlands on the north side of Whale Cove located in section 18 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-166A	430,612	1,073,565
Li-7-166B	430,470	1,073,776
Li-7-166C	430,518	1,073,943
Li-7-167	430,432	1,074,035
Li-7-167A	430,274	1,074,000

Description of Location of Point Number Li-7-167A: A point near the southeast end of a short sand beach on the northeast side of Whale Cove located in section 17 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-168	416,791	1,074,778

Description of Location of Point Number Li-7-168: A point near the south end of the headlands south of Otter Crest located in section 29 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-169	416,481	1,074,645
Li-7-170	416,355	1,074,507

Description of Location of Point Number Li-7-170: A point near the north end of the headlands north of Devil's Punch Bowl located in section 32 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-171	415,895	1,074,529

Description of Location of Point Number Li-7-171: A point near the south end of the headlands north of Devil's Punch Bowl located in section 32 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-172	415,863	1,074,660
Li-7-173	415,268	1,074,655
Li-7-174	414,849	1,074,703
Li-7-175	414,615	1,074,584
Li-7-176	414,600	1,074,476

Description of Location of Point Number Li-7-176: A point near the north end of the headlands at Otter Rock located in section 32 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-177	413,971	1,075,294

Description of Location of Point Number Li-7-177: A point near the south end of the headlands at Otter Rock located in section 32 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-178	413,506	1,075,645
Li-7-179	412,961	1,075,950
Li-7-180	412,559	1,076,104
Li-7-181	411,922	1,076,232
Li-7-182	411,277	1,076,281

Description of Location of Point Number Li-7-182: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 32 of township 9 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-183	398,161	1,074,515

Description of Location of Point Number Li-7-183: A point near Moloch Creek located in section 17 of township 10 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-184	397,774	1,074,441
Li-7-185	397,597	1,074,358
Li-7-186	397,330	1,074,317
Li-7-187	397,266	1,074,257
Li-7-188	397,004	1,074,240
Li-7-189	396,996	1,074,177
Li-7-190	396,723	1,074,107
Li-7-191	396,479	1,074,084
Li-7-192	396,049	1,073,960
Li-7-193	396,026	1,073,913
Li-7-194	395,585	1,073,817
Li-7-195	395,339	1,073,746
Li-7-195A	395,290	1,073,652
Li-7-195B	395,205	1,073,696
Li-7-196	395,015	1,073,632
Li-7-197	394,516	1,073,514
Li-7-198	394,167	1,073,394
Li-7-199	393,827	1,073,198
Li-7-200	393,720	1,073,104
Li-7-201	393,129	1,073,076
Li-7-202	392,896	1,073,021
Li-7-203	392,787	1,072,999
Li-7-204	392,709	1,072,972
Li-7-205	392,212	1,072,892
Li-7-206	391,492	1,072,659
Li-7-207	391,328	1,072,630
Li-7-208	390,819	1,072,450
Li-7-209	390,258	1,072,167
Li-7-210	390,118	1,072,149
Li-7-211	389,984	1,072,013
Li-7-212	389,313	1,071,566
Li-7-213	389,069	1,071,264
Li-7-214	388,955	1,071,051
Li-7-215	388,946	1,070,768

Description of Location of Point Number Li-7-215: A point near the north end of the headlands on the north side of Yaquina Head located in section 30 of township 10 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-216	387,772	1,073,534

Description of Location of Point Number Li-7-216: A point near the southeast end of the headlands on the south side of Yaquina Head located in section 29 of township 10 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-217	387,563	1,073,912
Li-7-218	387,386	1,074,085
Li-7-219	387,128	1,074,260
Li-7-220	386,676	1,074,440
Li-7-221	386,012	1,074,651
Li-7-222	385,108	1,074,857
Li-7-223	384,494	1,074,912
Li-7-223A	384,156	1,074,959
Li-7-224	383,966	1,075,015
Li-7-225	383,702	1,075,148
Li-7-226	383,577	1,075,050
Li-7-227	383,213	1,074,990
Li-7-228	382,719	1,074,996
Li-7-229	382,476	1,075,069
Li-7-230	382,105	1,075,222
Li-7-231	382,036	1,075,230
Li-7-232	381,708	1,074,913
Li-7-233	381,443	1,074,806
Li-7-234	380,262	1,074,523
Li-7-235	379,963	1,074,392
Li-7-236	379,795	1,074,402
Li-7-237	379,148	1,074,225
Li-7-238	378,944	1,074,198
Li-7-239	378,034	1,074,043
Li-7-240	377,914	1,073,941
Li-7-241	377,641	1,073,892
Li-7-242	377,310	1,073,746
Li-7-243	377,291	1,073,577
Li-7-243A	377,167	1,073,496
Li-7-243B	377,031	1,073,571
Li-7-244	376,880	1,073,574
Li-7-245	376,584	1,073,490
Li-7-246	375,537	1,073,472
Li-7-247	375,067	1,073,373
Li-7-248	375,072	1,073,290
Li-7-249	374,935	1,073,281
Li-7-250	374,920	1,073,300
Li-7-251	374,783	1,073,293
Li-7-252	374,324	1,073,158
Li-7-253	374,089	1,073,032
Li-7-254	374,016	1,072,856
Li-7-255	373,826	1,072,845
Li-7-256	373,821	1,072,880
Li-7-257	373,184	1,072,824
Li-7-258	373,116	1,072,886

Li-7-259	372,539	1,072,719
Li-7-260	372,411	1,072,706
Li-7-261	371,864	1,072,554
Li-7-262	371,541	1,072,396
Li-7-263	370,453	1,072,227
Li-7-264	369,991	1,072,262
Li-7-265	369,852	1,072,347
Li-7-266	369,368	1,072,602
Li-7-266A	368,949	1,073,035
Li-7-267	367,806	1,072,273
Li-7-268	365,746	1,071,373
Li-7-269	365,649	1,071,378

Description of Location of Point Number Li-7-269: A point near the south jetty at the entrance to Yaquina Bay located in section 18 of township 11 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-270	360,495	1,071,556

Description of Location of Point Number Li-7-270: A point near the south boundary of the South Newport Park located in section 19 of township 11 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-271	358,777	1,071,368
Li-7-272	357,591	1,071,246
Li-7-273	357,104	1,071,144
Li-7-274	356,080	1,071,008
Li-7-275	355,648	1,071,008
Li-7-276	354,873	1,070,907
Li-7-277	353,593	1,070,800
Li-7-278	353,505	1,070,756
Li-7-279	353,174	1,070,667
Li-7-280	352,967	1,070,584
Li-7-281	352,466	1,070,600
Li-7-282	351,458	1,070,441
Li-7-283	350,947	1,070,421
Li-7-284	350,775	1,070,438
Li-7-285	350,420	1,070,324
Li-7-286	350,027	1,070,278
Li-7-287	349,666	1,070,202
Li-7-288	348,278	1,070,067
Li-7-289	347,871	1,070,120
Li-7-290	347,063	1,069,889
Li-7-291	346,876	1,069,885
Li-7-292	346,841	1,069,757
Li-7-293	346,124	1,069,672

Description of Location of Point Number Li-7-293: A point near the north boundary of Lost Creek Park located in section 6 of township 12 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-294	339,166	1,068,589

Description of Location of Point Number Li-7-294: A point near the south boundary of Lost Creek Park located in section 7 of township 12 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-295	337,635	1,068,437
Li-7-295A	337,344	1,068,375
Li-7-296	336,132	1,068,226

Description of Location of Point Number Li-7-296: A point near the north boundary of Ona Beach Park located in section 18 of township 12 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-297	333,385	1,068,450

Description of Location of Point Number Li-7-297: A point near the south boundary of Ona Beach Park located in section 18 of township 12 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-297A	333,092	1,068,723
Li-7-297B	332,550	1,068,009
Li-7-298	332,261	1,067,861
Li-7-299	331,651	1,067,607
Li-7-300	330,909	1,067,332
Li-7-301	330,212	1,067,169
Li-7-302	329,775	1,067,021
Li-7-303	329,055	1,066,830
Li-7-304	328,374	1,066,629
Li-7-305	327,559	1,066,454
Li-7-306	326,920	1,066,268
Li-7-307	326,218	1,066,154
Li-7-308	325,986	1,066,159
Li-7-309	325,483	1,066,088
Li-7-310	325,302	1,065,997
Li-7-311	324,853	1,065,953
Li-7-312	324,539	1,065,816
Li-7-313	324,277	1,065,641
Li-7-314	323,667	1,065,529

Description of Location of Point Number Li-7-314: A point near the north boundary of Seal Rock Wayside located in section 25 of township 12 south, range 12 west of the Willamette Meridian in Lincoln County.

Li-7-315	322,726	1,065,519

Description of Location of Point Number Li-7-315: A point near the south boundary of Seal Rock Wayside located in section 25 of township 12 south, range 12 west of the Willamette Meridian in Lincoln County.

Li-7-316	322,532	1,065,529
Li-7-317	322,312	1,065,480
Li-7-318	321,532	1,065,461
Li-7-319	321,414	1,065,298
Li-7-320	321,226	1,065,448
Li-7-321	320,971	1,065,448
Li-7-321A	320,492	1,065,294
Li-7-322	320,154	1,065,308
Li-7-323	319,976	1,065,381
Li-7-324	319,830	1,065,333
Li-7-325	319,653	1,065,141

Description of Location of Point Number Li-7-325: A point near the north end of the headlands north of Squaw Creek located in section 36 of township 12 south, range 12 west of the Willamette Meridian in Lincoln County.

Li-7-326	319,285	1,065,020

Description of Location of Point Number Li-7-326: A point near the south end of the headlands, north of Squaw Creek located in section 36 of township 12 south,

range 12 west of the Willamette Meridian in Lincoln County.

Li-7-327	319,254	1,065,127
Li-7-328	319,017	1,065,300
Li-7-329	318,684	1,065,368
Li-7-330	318,039	1,065,567
Li-7-331	317,962	1,065,616
Li-7-332	317,553	1,065,733
Li-7-333	316,986	1,065,786
Li-7-334	316,190	1,065,631
Li-7-335	315,455	1,065,643
Li-7-336	313,346	1,065,757
Li-7-337	312,115	1,065,744
Li-7-338	310,799	1,065,676
Li-7-339	310,624	1,065,655
Li-7-340	307,274	1,065,368
Li-7-341	306,081	1,065,272
Li-7-342	303,876	1,065,014
Li-7-342A	302,717	1,064,861
Li-7-343	302,009	1,064,789
Li-7-344	300,597	1,064,626
Li-7-344A	299,559	1,064,546
Li-7-345	298,873	1,064,546
Li-7-346	298,361	1,064,661
Li-7-347	297,708	1,064,983
Li-7-348	297,499	1,065,264
Li-7-349	297,441	1,065,520
Li-7-350	297,481	1,065,745
Li-7-351	295,474	1,065,819
Li-7-352	295,365	1,065,659
Li-7-353	295,135	1,065,187
Li-7-354	294,851	1,064,836
Li-7-355	294,333	1,064,433
Li-7-356	293,843	1,064,235
Li-7-357	293,610	1,064,140

Description of Location of Point Number Li-7-357: A point near the north boundary of Governor Patterson Memorial Park located in section 25 of township 13 south, range 12 west of the Willamette Meridian in Lincoln County.

Li-7-358	289,703	1,063,527

Description of Location of Point Number Li-7-358: A point near the south boundary of Governor Patterson Memorial Park located in section 25 of township 13 south, range 12 west of the Willamette Meridian in Lincoln County.

Li-7-359	289,041	1,063,368
Li-7-360	288,797	1,063,355
Li-7-361	288,639	1,063,301
Li-7-362	288,337	1,063,295
Li-7-363	288,294	1,063,262
Li-7-364	287,261	1,063,041
Li-7-365	286,718	1,062,961
Li-7-366	286,312	1,062,836
Li-7-367	286,113	1,062,831
Li-7-368	286,084	1,062,893
Li-7-369	285,824	1,062,895
Li-7-370	285,212	1,062,781
Li-7-371	285,027	1,062,709
Li-7-372	284,609	1,062,608
Li-7-373	284,253	1,062,595
Li-7-374	283,650	1,062,426
Li-7-375	283,530	1,062,418
Li-7-376	283,344	1,062,332
Li-7-377	283,033	1,062,340

Description of Location of Point Number Li-7-377: A point near the north boundary of Beachside State Park located in section 2 of township 14 south, range 12 west of the Willamette Meridian in Lincoln County.

Li-7-378	280,579	1,062,025

Description of Location of Point Number Li-7-378: A point near the south boundary of Beachside State Park located in section 2 of township 14 south, range 12 west of the Willamette Meridian in Lincoln County.

Li-7-379	280,316	1,061,896
Li-7-380	280,153	1,061,959
Li-7-381	279,897	1,062,221
Li-7-382	279,810	1,062,238
Li-7-383	279,471	1,062,184
Li-7-384	279,189	1,062,025
Li-7-385	279,000	1,061,989
Li-7-386	278,590	1,061,901
Li-7-387	278,530	1,061,890
Li-7-388	278,422	1,061,867
Li-7-389	278,397	1,061,861
Li-7-390	277,667	1,061,718
Li-7-391	277,519	1,061,667
Li-7-392	277,394	1,061,450
Li-7-393	277,109	1,061,300
Li-7-394	276,930	1,061,241
Li-7-395	276,633	1,061,214
Li-7-396	276,485	1,061,088
Li-7-396A	275,876	1,061,042
Li-7-397	275,149	1,060,896
Li-7-398	274,953	1,060,869
Li-7-399	274,824	1,060,797
Li-7-400	274,004	1,060,607
Li-7-401	273,342	1,060,521
Li-7-402	273,123	1,060,462
Li-7-403	272,973	1,060,462
Li-7-403A	272,878	1,060,433
Li-7-403B	272,896	1,060,393
Li-7-403C	272,820	1,060,374
Li-7-403D	272,830	1,060,421
Li-7-404	272,651	1,060,364
Li-7-405	272,426	1,060,299
Li-7-406	272,203	1,060,283
Li-7-407	272,128	1,060,234
Li-7-408	271,948	1,060,204
Li-7-409	271,876	1,060,227
Li-7-410	271,776	1,060,205
Li-7-411	271,517	1,060,175
Li-7-412	271,384	1,060,219
Li-7-413	271,248	1,060,129
Li-7-414	271,079	1,060,107
Li-7-415	270,975	1,060,035
Li-7-416	270,235	1,059,912
Li-7-417	270,078	1,059,800
Li-7-418	269,654	1,059,845
Li-7-418A	269,628	1,059,780
Li-7-418B	269,456	1,059,849
Li-7-419	269,109	1,059,861
Li-7-420	268,340	1,059,611
Li-7-421	268,199	1,059,621
Li-7-422	267,680	1,059,493
Li-7-423	266,984	1,059,424
Li-7-424	266,886	1,059,446
Li-7-424A	266,752	1,059,348
Li-7-425	266,663	1,059,404
Li-7-426	266,507	1,059,260

Li-7-427	266,377	1,059,159
Li-7-428	266,168	1,059,124
Li-7-429	265,966	1,059,257
Li-7-430	265,666	1,059,094
Li-7-430A	265,602	1,058,965
Li-7-431	265,475	1,058,904
Li-7-432	264,325	1,058,737
Li-7-433	263,983	1,058,615
Li-7-434	263,577	1,058,506
Li-7-435	263,465	1,058,519
Li-7-436	263,387	1,058,531
Li-7-437	263,394	1,058,454
Li-7-438	262,996	1,058,341
Li-7-439	262,881	1,058,246

Description of Location of Point Number Li-7-439: A point near the north end of the headlands north of Yachats Park and near the section line located between sections 22 and 23 of township 14 south, range 12 west of the Willamette Meridian in Lincoln County.

Point Number	Oregon Coordinate System, south zone y-coordinate	x-coordinate
La-7-1	960,236	1,053,478

Description of Location of Point Number La-7-1: A point near the south end of the headlands on the south side of Gwynn Knoll located in section 22 of township 15 south, range 12 west of the Willamette Meridian in Lane County.

La-7-2	960,110	1,053,668
La-7-3	960,163	1,053,738
La-7-4	960,041	1,053,854
La-7-5	959,932	1,053,768
La-7-6	959,694	1,053,879
La-7-7	959,392	1,053,887
La-7-8	959,274	1,053,935
La-7-9	959,124	1,053,946

Description of Location of Point Number La-7-9: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 22 of township 15 south, range 12 west of the Willamette Meridian in Lane County.

La-7-10	956,771	1,054,162

Description of Location of Point Number La-7-10: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 27 of township 15 south, range 12 west of the Willamette Meridian in Lane County.

La-7-11	955,775	1,054,039
La-7-12	955,642	1,053,985
La-7-13	955,236	1,053,955
La-7-14	954,367	1,053,807
La-7-15	954,094	1,053,672
La-7-16	953,534	1,053,686
La-7-17	953,374	1,053,714
La-7-18	953,268	1,053,882
La-7-19	953,186	1,053,909

Description of Location of Point Number La-7-19: A point near the north boundary of the Rockwood Beach State Wayside located in section 27 of township 15 south, range 12 west of the Willamette Meridian in Lane County.

La-7-20	952,030	1,053,601

Description of Location of Point Number La-7-20: A point near the south boundary of Rockwood Beach State Wayside near the section line located between section 27 and section 34 of township 15 south, range 12 west of the Willamette Meridian in Lane County.

La-7-21	951,780	1,053,530
La-7-22	951,633	1,053,395
La-7-23	951,613	1,053,308
La-7-24	951,555	1,053,229
La-7-25	951,461	1,053,170
La-7-26	951,160	1,053,170
La-7-27	950,892	1,053,104
La-7-28	950,751	1,053,055
La-7-29	950,531	1,052,931
La-7-30	950,352	1,052,890
La-7-31	949,988	1,052,937
La-7-32	949,786	1,052,942
La-7-33	949,469	1,052,898
La-7-34	949,213	1,052,750
La-7-35	949,177	1,052,806
La-7-36	949,010	1,052,702
La-7-37	949,004	1,052,837
La-7-38	948,807	1,052,897
La-7-38A	948,218	1,052,893
La-7-38B	948,227	1,052,797
La-7-38C	948,170	1,052,794
La-7-38D	948,159	1,052,893
La-7-39	948,074	1,052,893
La-7-39A	947,907	1,052,830
La-7-40	947,752	1,052,816
La-7-41	947,671	1,052,860
La-7-42	947,129	1,052,773
La-7-43	946,916	1,052,690
La-7-44	946,756	1,052,589

Description of Location of Point Number La-7-44: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 3 of township 16 south, range 12 west of the Willamette Meridian in Lane County.

La-7-45	943,990	1,052,518

Description of Location of Point Number La-7-45: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 3 of township 16 south, range 12 west of the Willamette Meridian in Lane County.

La-7-46	943,939	1,052,486
La-7-47	943,813	1,052,591
La-7-48	943,783	1,052,519
La-7-49	943,676	1,052,511
La-7-50	943,595	1,052,712
La-7-51	943,120	1,052,702
La-7-52	942,217	1,052,612
La-7-53	942,188	1,052,505
La-7-54	942,111	1,052,558
La-7-55	941,981	1,052,486
La-7-56	941,899	1,052,578
La-7-57	941,798	1,052,469

La-7-58	941,715	1,052,447
La-7-59	941,651	1,052,520
La-7-60	941,460	1,052,477
La-7-61	940,890	1,052,398
La-7-62	940,849	1,052,347
La-7-63	940,664	1,052,338
La-7-63A	940,377	1,052,331
La-7-63B	940,382	1,052,276
La-7-63C	940,284	1,052,268
La-7-63D	940,276	1,052,323
La-7-64	940,181	1,052,312
La-7-65	939,875	1,052,279
La-7-66	939,480	1,052,244
La-7-67	939,027	1,052,218
La-7-68	938,916	1,052,176
La-7-69	938,856	1,052,086
La-7-70	938,884	1,052,005
La-7-71	938,716	1,051,863
La-7-72	938,638	1,051,843

Description of Location of Point Number La-7-72: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 10 of township 16 south, range 12 west of the Willamette Meridian in Lane County.

La-7-73	937,638	1,051,964

Description of Location of Point Number La-7-73: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 15 of township 16 south, range 12 west of the Willamette Meridian in Lane County.

La-7-74	937,203	1,051,900
La-7-75	937,051	1,051,863
La-7-76	936,879	1,051,895
La-7-77	935,785	1,051,799
La-7-78	935,426	1,051,813
La-7-79	935,075	1,052,056
La-7-80	934,880	1,052,081
La-7-81	934,647	1,052,020
La-7-82	934,455	1,051,950
La-7-83	934,615	1,051,784
La-7-84	934,604	1,051,729
La-7-85	934,316	1,051,650
La-7-86	933,430	1,051,561
La-7-87	933,065	1,051,551

Description of Location of Point Number La-7-87: A point near the north boundary of Muriel O. Ponsler Memorial Wayside near the section line located between section 15 and section 22 of township 16 south, range 12 west of the Willamette Meridian in Lane County.

La-7-88	909,858	1,048,853

Description of Location of Point Number La-7-88: A point near the south end of the headlands south of Sea Lion Point located in section 10 of township 17 south, range 12 west of the Willamette Meridian in Lane County.

La-7-89	909,719	1,048,996
La-7-90	909,664	1,048,883
La-7-91	909,526	1,048,892
La-7-91A	909,413	1,048,940
La-7-91B	909,303	1,048,919
La-7-91C	909,322	1,048,991
La-7-92	909,257	1,049,026
La-7-93	909,074	1,049,036
La-7-94	907,411	1,048,835
La-7-95	907,100	1,048,756
La-7-96	906,424	1,048,703
La-7-97	905,548	1,048,854
La-7-97A	905,279	1,048,958
La-7-98	905,035	1,048,753
La-7-99	904,794	1,048,582
La-7-100	904,606	1,048,539
La-7-101	903,666	1,048,343
La-7-102	902,600	1,048,245
La-7-103	900,865	1,047,986
La-7-104	900,172	1,048,219
La-7-105	900,135	1,048,025
La-7-106	898,793	1,047,704
La-7-107	896,883	1,047,391
La-7-108	895,796	1,047,214
La-7-109	895,503	1,047,145
La-7-110	894,613	1,046,918
La-7-111	893,579	1,046,676
La-7-112	892,821	1,046,624
La-7-113	892,155	1,046,581
La-7-114	891,073	1,046,419
La-7-115	890,910	1,046,252
La-7-116	890,458	1,046,195
La-7-117	890,028	1,046,095
La-7-118	888,538	1,045,834
La-7-119	888,055	1,045,774
La-7-120	887,644	1,045,690
La-7-121	887,261	1,045,648
La-7-122	886,717	1,045,523
La-7-123	886,285	1,045,460
La-7-124	885,473	1,045,302
La-7-125	885,268	1,045,288
La-7-126	884,851	1,045,219
La-7-127	884,298	1,045,109
La-7-128	883,971	1,045,099
La-7-129	883,618	1,044,947
La-7-130	882,889	1,044,796
La-7-131	881,414	1,044,485
La-7-132	880,567	1,044,279
La-7-133	880,258	1,044,200
La-7-134	879,601	1,044,022
La-7-135	879,061	1,043,864
La-7-136	877,970	1,043,710

Description of Location of Point Number La-7-136: A point near the north jetty of the mouth of the Siuslaw River.

La-7-137	876,020	1,044,784
La-7-138	875,946	1,044,582
La-7-139	875,798	1,044,454
La-7-140	875,347	1,044,280
La-7-141	874,460	1,044,140
La-7-142	873,380	1,044,014
La-7-143	871,882	1,043,709
La-7-144	870,976	1,043,613
La-7-145	869,960	1,043,487
La-7-146	868,997	1,043,351
La-7-146A	868,331	1,043,221
La-7-147	867,514	1,043,108
La-7-148	866,180	1,042,880
La-7-149	865,019	1,042,725
La-7-150	864,002	1,042,561
La-7-151	862,115	1,042,273
La-7-152	861,496	1,042,182
La-7-153	860,271	1,042,026
La-7-154	858,490	1,041,748
La-7-155	857,800	1,041,633

La-7-156	856,103	1,041,383
La-7-157	855,358	1,041,303
La-7-158	854,148	1,041,117
La-7-159	851,830	1,040,768
La-7-160	851,635	1,040,748
La-7-161	851,199	1,040,880
La-7-162	851,021	1,040,865
La-7-163	850,800	1,040,648
La-7-164	850,355	1,040,527
La-7-164A	849,124	1,040,339
La-7-165	848,907	1,040,274
La-7-166	848,749	1,040,273
La-7-167	846,808	1,039,954
La-7-168	846,243	1,039,937
La-7-169	845,809	1,040,006
La-7-170	845,602	1,039,776
La-7-171	844,723	1,039,621
La-7-172	843,639	1,039,444
La-7-173	842,820	1,039,311
La-7-174	842,031	1,039,177
La-7-175	841,270	1,039,078
La-7-176	840,452	1,038,871
La-7-176A	840,031	1,038,859
La-7-177	839,240	1,038,737
La-7-178	838,171	1,038,563
La-7-179	837,525	1,038,441
La-7-179A	836,715	1,038,307
La-7-180	835,043	1,038,003
La-7-181	834,753	1,037,958
La-7-182	833,479	1,037,720
La-7-183	832,528	1,037,580
La-7-184	831,085	1,037,370
La-7-185	829,836	1,037,172
La-7-186	828,519	1,037,020
La-8-187	828,149	1,037,039
La-8-188	828,028	1,037,333
La-8-189	827,347	1,038,019
La-8-190	827,070	1,037,974
La-8-191	826,655	1,037,788
La-8-191A	825,980	1,037,568
La-8-192	825,744	1,036,688
La-8-193	824,767	1,036,500
La-8-194	823,832	1,036,281
La-8-195	823,335	1,036,182
La-8-196	822,001	1,035,914
Do-8-1	821,695	1,035,859

Description of Location of Point Number Do-8-1: A point near the Lane-Douglas County line located in section 5 of township 20 south, range 12 west of the Willamette Meridian in Lane and Douglas Counties.

Do-8-2	820,707	1,035,660
Do-8-3	818,732	1,035,340
Do-8-4	817,872	1,035,166
Do-8-5	817,052	1,035,024
Do-8-6	816,253	1,034,884
Do-8-7	815,512	1,034,746
Do-8-8	814,959	1,034,666
Do-8-9	813,504	1,034,423
Do-8-10	812,595	1,034,229
Do-8-11	811,225	1,033,996
Do-8-12	810,555	1,033,850
Do-8-13	810,122	1,033,783
Do-8-14	808,867	1,033,554
Do-8-15	807,868	1,033,385
Do-8-16	807,337	1,033,283
Do-8-17	806,927	1,033,221
Do-8-18	806,152	1,033,077
Do-8-19	805,778	1,032,988
Do-8-20	804,851	1,032,861
Do-8-21	804,260	1,032,873
Do-8-22	803,681	1,032,658
Do-8-23	803,506	1,032,786
Do-8-23A	802,770	1,033,337
Do-8-23B	802,137	1,033,220
Do-8-23C	801,728	1,032,555
Do-8-24	801,155	1,032,391
Do-8-25	801,044	1,032,207
Do-8-26	800,846	1,032,132
Do-8-27	799,332	1,031,776
Do-8-28	798,240	1,031,548
Do-8-29	796,771	1,031,277
Do-8-30	795,799	1,031,068
Do-8-31	793,989	1,030,720
Do-8-32	793,169	1,030,524
Do-8-33	792,296	1,030,361
Do-8-34	791,423	1,030,178
Do-8-35	790,919	1,030,056
Do-8-36	789,882	1,029,848
Do-8-37	788,423	1,029,555
Do-8-38	787,010	1,029,259
Do-8-39	784,545	1,028,739
Do-8-40	784,212	1,028,670
Do-8-41	782,268	1,028,202
Do-8-42	781,537	1,028,084
Do-8-43	780,887	1,027,942
Do-8-44	780,531	1,028,022
Do-8-45	779,988	1,028,136
Do-8-46	778,886	1,027,543
Do-8-47	777,876	1,027,263
Do-8-48	777,208	1,027,140
Do-8-49	774,943	1,026,545
Do-8-50	774,246	1,026,386
Do-8-51	773,335	1,026,124
Do-8-52	772,554	1,025,924
Do-8-52A	772,330	1,025,872
Do-8-53	771,860	1,025,808
Do-8-54	771,055	1,025,594
Do-8-55	770,024	1,025,340
Do-8-56	768,746	1,025,005
Do-8-57	766,998	1,024,590
Do-8-58	766,108	1,024,358
Do-8-59	765,636	1,024,230
Do-8-60	763,627	1,023,692
Do-8-61	762,742	1,023,429
Do-8-62	761,684	1,023,139
Do-8-63	758,957	1,022,333
Do-8-64	758,469	1,022,210
Do-8-65	758,121	1,022,053
Do-8-66	757,279	1,021,800
Do-8-67	757,020	1,021,839
Do-8-68	756,836	1,021,696
Do-8-69	755,763	1,021,249
Do-8-70	755,026	1,021,008
Do-8-71	754,298	1,020,903
Do-8-72	753,767	1,020,697
Do-8-73	753,439	1,020,545
Do-8-74	752,951	1,020,747
Do-8-75	751,017	1,020,655
Do-8-75A	750,243	1,021,078
Do-8-76	749,488	1,020,210
Do-8-77	748,443	1,019,383
Do-8-78	747,158	1,019,192

Description of Location of Point Number Do-8-78: A point near the north boundary of Umpqua Lighthouse State Park located in section 14 of township 22 south, range 13 west of the Willamette Meridian in Douglas County.

Do-8-79	730,871	1,016,121

Description of Location of Point Number Do-8-79: A point near the Douglas-Coos County line located near the south line of section 35 of township 22 south, range 13 west of the Willamette Meridian in Douglas County and near the north line of section 2 of township 23 south, range 13 west of the Willamette Meridian in Coos County.

Co-8-1	729,664	1,015,856
Co-8-2	728,936	1,015,655
Co-8-3	728,728	1,015,623
Co-8-4	727,826	1,015,377
Co-8-5	727,278	1,015,258
Co-8-6	724,915	1,014,674
Co-8-7	724,626	1,014,580
Co-8-8	723,853	1,014,368
Co-8-9	722,394	1,014,019
Co-8-10	721,343	1,013,724
Co-8-11	721,060	1,013,669
Co-8-12	719,776	1,013,295
Co-8-13	717,976	1,012,819
Co-8-14	715,485	1,012,136
Co-8-15	714,775	1,011,970
Co-8-16	713,885	1,011,759
Co-8-17	712,681	1,012,474
Co-8-17A	711,651	1,012,064
Co-8-18	711,490	1,011,380
Co-8-19	711,287	1,011,067
Co-8-20	710,228	1,010,672
Co-8-21	708,950	1,010,242
Co-8-22	707,341	1,009,727
Co-8-23	705,667	1,009,233
Co-8-24	703,750	1,008,601
Co-8-25	702,084	1,008,068
Co-8-26	699,008	1,007,083
Co-8-27	697,448	1,006,514
Co-8-28	696,206	1,006,090
Co-8-29	694,708	1,005,610
Co-8-30	693,103	1,005,043
Co-8-31	692,077	1,004,650
Co-8-32	689,886	1,003,889
Co-8-33	688,877	1,003,573
Co-8-34	687,552	1,003,019
Co-8-35	686,230	1,002,532
Co-8-36	685,486	1,002,304
Co-8-37	683,518	1,001,517
Co-8-38	680,557	1,000,380
Co-8-39	679,698	1,000,075
Co-8-40	677,930	999,320
Co-8-41	674,944	998,128
Co-8-42	673,411	997,493
Co-8-43	672,373	997,031
Co-8-44	671,467	996,694
Co-8-45	669,759	995,885
Co-8-46	668,425	995,336
Co-8-47	667,825	995,122
Co-8-48	667,544	994,955
Co-8-49	666,205	994,292
Co-8-50	665,970	994,225
Co-8-51	663,013	992,854
Co-8-52	660,734	991,795
Co-8-53	660,069	991,533
Co-8-54	659,389	991,150
Co-8-55	657,728	990,366
Co-8-56	655,235	989,141
Co-8-57	654,440	988,702
Co-8-58	653,488	988,250
Co-8-59	652,480	987,700
Co-8-60	651,099	986,981
Co-8-61	649,414	986,081
Co-8-62	646,358	984,352
Co-8-63	645,749	984,047
Co-8-64	644,099	983,026
Co-8-65	642,023	981,695
Co-8-66	640,681	980,828
Co-8-67	640,057	980,293
Co-8-68	639,692	980,219
Co-8-69	639,520	980,356
Co-7-70	636,896	979,344
Co-7-70A	636,614	978,908
Co-7-71	636,922	978,633
Co-7-72	636,010	977,777
Co-7-73	635,625	977,638
Co-7-74	635,393	977,275
Co-7-75	635,195	977,077
Co-7-76	634,936	976,733
Co-7-77	634,587	976,559
Co-7-77A	633,981	976,264
Co-7-77B	633,953	975,963
Co-7-77C	634,143	975,869
Co-7-78	634,233	975,610
Co-7-79	634,204	975,372
Co-7-79A	633,977	974,584
Co-7-79B	634,194	974,479
Co-7-80	633,898	974,424
Co-7-81	633,817	974,344
Co-7-82	633,937	974,077

Description of Location of Point Number Co-7-82: A point near the southeast end of the headlands on the east side of Yoakam Point located in section 4 of township 26 south, range 14 west of the Willamette Meridian in Coos County.

Co-7-83	634,269	973,615

Description of Location of Point Number Co-7-83: A point near the southwest end of the headlands, on the west side of Yoakam Point located in section 4 of township 26 south, range 14 west of the Willamette Meridian in Coos County.

Co-7-83A	634,082	973,601
Co-7-83B	634,289	973,472
Co-7-84	634,156	973,500
Co-7-84A	634,031	973,422
Co-7-84B	634,050	973,330
Co-7-85	633,855	973,285
Co-7-86	633,965	973,139
Co-7-87	633,851	973,103
Co-7-88	633,629	972,839
Co-7-89	633,570	972,661
Co-7-90	633,630	972,588
Co-7-91	633,486	972,500
Co-7-92	633,544	972,414
Co-7-93	633,427	972,406
Co-7-94	633,376	972,209
Co-7-95	633,447	972,128
Co-7-96	633,292	972,073
Co-7-97	633,295	971,922
Co-7-97A	633,239	971,731
Co-7-98	633,169	971,619
Co-7-98A	633,192	971,580
Co-7-99	633,177	971,464
Co-7-100	633,123	971,298
Co-7-101	633,133	971,239
Co-7-102	633,087	971,152
Co-7-102A	633,117	971,076
Co-7-103	633,119	970,748
Co-7-103A	633,157	970,678

Co-7-104	633,149	970,563
Co-7-105	633,202	970,551
Co-7-106	633,180	970,465
Co-7-107	633,184	970,383
Co-7-108	633,262	970,330
Co-7-109	633,209	970,234
Co-7-110	633,279	970,284
Co-7-111	633,340	970,280

Description of Location of Point Number Co-7-111: A point near the southeast end of the headlands on the east side of Gregory Point located in section 4 of township 26 south, range 14 west of the Willamette Meridian in Coos County.

Co-7-112	608,676	966,967

Description of Location of Point Number Co-7-112: A point near the headlands at the north end of Sacchi Beach located in section 32 of township 26 south, range 14 west of the Willamette Meridian in Coos County.

Co-7-113	608,553	967,076
Co-7-114	608,289	967,090
Co-7-115	608,179	967,050
Co-7-116	607,903	967,103
Co-7-117	607,628	966,995
Co-7-118	607,410	966,934
Co-7-119	606,877	966,722
Co-7-120	606,760	966,652
Co-7-121	606,645	966,613
Co-7-122	606,027	966,290
Co-7-123	605,748	966,226
Co-7-124	605,182	966,033
Co-7-125	604,655	965,906
Co-7-126	604,515	965,555
Co-7-127	603,978	965,298
Co-7-128	603,724	965,369
Co-7-129	603,649	965,469
Co-7-130	603,508	965,465
Co-7-131	603,389	965,537
Co-7-132	603,221	965,503
Co-7-133	602,888	965,575
Co-7-134	602,650	965,425
Co-7-135	602,087	965,206
Co-7-136	601,893	965,185
Co-7-137	601,186	964,997
Co-7-138	601,067	964,893
Co-7-139	601,021	964,797
Co-7-140	600,922	964,740
Co-7-141	600,470	964,612
Co-7-142	600,455	964,661
Co-7-142A	600,071	964,652
Co-7-142B	599,897	964,617
Co-7-143	599,738	964,644
Co-7-144	598,717	964,387
Co-7-145	597,922	964,202
Co-7-146	596,609	963,901

Description of Location of Point Number Co-7-146: A point near the north boundary of Seven Devils Ocean Wayside located in section 17 of township 27 south, range 14 west of the Willamette Meridian in Coos County.

Co-7-147	595,213	963,487

Description of Location of Point Number Co-7-147: A point near the south boundary of Seven Devils Ocean Wayside located in section 17 of township 27 south, range 14 west of the Willamette Meridian in Coos County.

Co-7-148	594,314	963,289
Co-7-149	594,046	963,201
Co-7-150	593,895	963,182
Co-7-151	593,779	963,097
Co-7-152	593,565	963,103
Co-7-153	593,028	962,935
Co-7-154	592,633	962,887
Co-7-155	591,719	962,643
Co-7-156	590,974	962,354
Co-7-157	590,518	962,076
Co-7-158	590,387	961,812
Co-7-159	590,082	962,020
Co-7-160	589,739	962,163
Co-7-161	589,390	962,214
Co-7-162	589,181	962,122
Co-7-163	589,030	962,216
Co-7-164	588,994	962,326
Co-7-165	588,874	962,430
Co-7-166	588,522	962,518
Co-7-167	587,762	962,569
Co-7-168	587,311	962,505
Co-7-169	586,932	962,514
Co-7-170	584,508	962,011
Co-7-171	584,006	961,931
Co-7-172	583,067	961,700
Co-7-173	581,949	961,437
Co-7-174	581,179	961,231
Co-7-175	580,403	961,047
Co-7-176	577,758	960,367
Co-7-177	577,356	960,253
Co-7-178	576,745	960,026

Description of Location of Point Number Co-7-178: A point near the north boundary of Bullards Beach State Park located near the section line between section 31 of township 27 south, range 14 west of the Willamette Meridian and section 6 of township 28 south, range 14 west of the Willamette Meridian in Coos County.

Co-7-179	555,762	952,779

Description of Location of Point Number Co-7-179: A point near the north jetty at the mouth of the Coquille River located in section 25 of township 28 south, range 15 west of the Willamette Meridian in Coos County.

Co-7-180	555,175	951,991
Co-7-181	554,780	951,830
Co-7-182	553,788	951,192
Co-7-183	553,471	950,888
Co-7-184	553,041	950,429
Co-7-185	552,360	949,847
Co-7-186	552,218	949,659
Co-7-187	552,103	949,891
Co-7-188	551,837	950,159
Co-7-189	551,431	950,406
Co-7-190	551,116	950,464
Co-7-191	550,861	950,457
Co-7-192	550,604	950,437
Co-7-193	550,337	950,321
Co-7-194	550,057	950,249
Co-7-195	549,837	950,092
Co-7-196	549,618	950,060
Co-7-197	549,516	949,955
Co-7-198	549,384	949,927

Co-7-199	549,282	949,968
Co-7-200	549,124	949,939

Description of Location of Point Number Co-7-200: A point near the north boundary of Bandon Ocean Wayside located near the section line between section 35 and section 36 of township 28 south, range 15 west of the Willamette Meridian in Coos County.

Co-7-201	548,632	950,177

Description of Location of Point Number Co-7-201: A point near the south boundary of Bandon Ocean Wayside located in section 36 of township 28 south, range 15 west of the Willamette Meridian in Coos County.

Co-7-202	548,492	950,207
Co-7-203	548,380	950,151
Co-7-204	548,264	950,206
Co-7-205	548,254	950,325
Co-7-206	548,186	950,339
Co-7-207	548,009	950,528
Co-7-208	547,406	950,729
Co-7-209	547,161	950,718
Co-7-210	546,508	950,752
Co-7-211	546,006	950,673
Co-7-212	545,859	950,712
Co-7-213	545,715	950,683
Co-7-214	545,628	950,615
Co-7-215	545,217	950,577
Co-7-216	545,023	950,598
Co-7-216A	544,709	950,664
Co-7-217	544,548	950,878
Co-7-218	544,373	950,554
Co-7-219	543,977	950,255
Co-7-220	543,175	949,972
Co-7-221	542,945	949,972
Co-7-222	542,866	949,909
Co-7-223	542,547	949,822
Co-7-224	542,416	949,831
Co-7-225	542,342	949,615
Co-7-226	542,282	949,710
Co-7-227	541,931	949,649
Co-7-228	541,758	949,563
Co-7-229	541,677	949,554

Description of Location of Point Number Co-7-229: A point near the north boundary of Bandon State Park located near the section line between section 1 and section 2 of township 29 south, range 15 west of the Willamette Meridian in Coos County.

Co-7-230	520,295	944,832

Description of Location of Point Number Co-7-230: A point near the south boundary of Bandon State Park located in section 26 of township 29 south, range 15 west of the Willamette Meridian in Coos County.

Co-7-231	519,372	944,584
Co-7-232	519,139	944,554
Co-7-233	518,732	944,354
Co-7-234	518,351	944,228
Co-7-235	517,872	944,106
Co-7-236	517,379	944,081
Co-7-237	517,197	944,024
Co-7-238	516,932	943,828
Co-7-239	516,537	943,820
Co-7-240	516,140	943,566
Co-7-241	515,878	943,482
Co-7-242	514,876	943,184
Co-7-243	513,787	943,654
Co-7-244	513,009	943,264
Co-7-245	512,191	942,822
Co-7-246	510,958	942,457
Co-7-247	510,505	942,237
Co-7-248	509,957	942,116
Co-7-249	509,541	942,146
Co-7-250	508,792	941,921
Co-7-251	508,381	941,799
Co-7-252	507,732	941,713
Co-7-253	506,891	941,505
Co-7-253A	506,462	941,413
Co-7-253B	506,246	941,247
Co-7-254	505,354	940,985
Co-7-255	504,775	940,629
Co-7-256	504,290	940,429
Co-7-257	503,786	940,333
Co-7-257A	502,977	940,049
Co-7-257B	502,502	939,827
Co-7-257C	501,568	939,701
Co-7-258	500,604	939,306
Co-7-258A	500,169	939,262
Co-7-258B	498,906	938,349
Co-7-258C	497,858	937,804
Co-7-259	497,372	937,629
Co-7-259A	496,995	937,388
Co-7-259B	496,704	937,274
Co-7-260	495,258	936,546
Co-7-260A	494,866	936,458
Co-7-261	494,435	936,200

Description of Location of Point Number Co-7-261: A point near the Coos-Curry County line located near the section line between section 21 of township 30 south, range 15 west of the Willamette Meridian in Coos County and section 28 of township 30 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-1	494,269	936,197
Cu-7-1A	492,997	935,582
Cu-7-1B	492,724	935,524
Cu-7-1C	492,161	935,220
Cu-7-1D	491,652	935,056
Cu-7-2	491,102	934,739
Cu-7-3	490,807	934,692
Cu-7-3A	489,619	933,791
Cu-7-4	488,165	933,379
Cu-7-4A	487,538	933,092
Cu-7-5	486,942	932,870
Cu-7-6	486,037	932,272
Cu-7-6A	485,602	932,037
Cu-7-7	485,134	931,874
Cu-7-8	483,852	931,217
Cu-7-9	483,031	930,687
Cu-7-10	482,079	930,304
Cu-7-11	481,624	930,048
Cu-7-12	481,116	929,839
Cu-7-13	480,954	929,721
Cu-7-14	480,886	929,576
Cu-7-15	480,564	929,341
Cu-7-16	480,217	928,860
Cu-7-17	480,122	928,700
Cu-7-18	479,910	928,435
Cu-7-19	479,060	927,987
Cu-7-20	477,708	927,259
Cu-7-21	477,184	926,960
Cu-7-22	476,933	926,833

Cu-7-23	476,453	926,519
Cu-7-24	475,128	925,801
Cu-7-25	474,536	925,461

Description of Location of Point Number Cu-7-25: A point near the north boundary of Floras Lake State Park located near the section line between section 7 and section 18 of township 31 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-26	460,789	918,140

Description of Location of Point Number Cu-7-26: A point near the south boundary of Floras Lake State Park located in section 25 of township 31 south, range 16 west of the Willamette Meridian in Curry County.

Cu-7-27	459,979	917,628
Cu-7-27A	459,587	917,079
Cu-7-28	458,933	917,257
Cu-7-28A	458,345	916,603
Cu-7-29	458,318	916,281
Cu-7-30	457,743	916,020
Cu-7-31	457,243	915,713
Cu-7-32	456,847	915,413
Cu-7-33	456,546	915,235
Cu-7-34	455,650	914,957
Cu-7-35	455,367	914,795
Cu-7-36	454,864	914,510
Cu-7-37	454,408	914,160
Cu-7-38	454,311	914,127
Cu-7-39	454,138	913,983
Cu-7-40	453,926	913,695
Cu-7-41	453,771	913,579
Cu-7-42	453,663	913,416
Cu-7-43	453,523	913,219
Cu-7-44	453,473	913,101
Cu-7-45	453,421	912,999
Cu-7-46	453,397	912,848
Cu-7-47	453,307	912,762
Cu-7-48	453,310	912,692
Cu-7-49	453,253	912,591
Cu-7-50	453,180	912,165
Cu-7-51	453,152	911,780
Cu-7-52	453,254	911,495
Cu-7-53	453,326	911,275
Cu-7-54	453,460	911,156

Description of Location of Point Number Cu-7-54: A point near the east end of the headlands on the northeast side of Cape Blanco located in section 2 of township 32 south, range 16 west of the Willamette Meridian in Curry County.

Cu-7-55	452,117	910,664

Description of Location of Point Number Cu-7-55: A point near the east end of the headlands on the southeast side of Cape Blanco located in section 2 of township 32 south, range 16 west of the Willamette Meridian in Curry County.

Cu-7-56	452,107	910,814
Cu-7-57	452,002	911,078
Cu-7-58	451,734	911,201
Cu-7-59	451,988	911,384
Cu-7-60	452,030	911,494
Cu-7-61	452,015	911,644
Cu-7-62	451,734	912,301
Cu-7-63	451,615	912,450
Cu-7-64	451,576	912,565
Cu-7-65	451,492	912,683
Cu-7-66	451,264	912,951
Cu-7-67	450,946	913,303
Cu-7-68	450,721	913,517
Cu-7-69	450,608	913,599
Cu-7-70	450,540	913,682
Cu-7-71	450,162	913,972
Cu-7-72	449,475	914,516
Cu-7-73	449,417	914,584
Cu-7-74	449,147	914,805
Cu-7-75	448,724	915,150
Cu-7-76	448,634	915,187
Cu-7-77	448,533	915,272
Cu-7-78	448,435	915,325
Cu-7-79	448,362	915,436
Cu-7-80	448,183	915,529
Cu-7-81	448,239	915,612
Cu-7-82	448,020	915,796
Cu-7-83	447,281	916,347
Cu-7-84	447,226	916,415
Cu-7-85	447,003	916,569
Cu-7-86	446,798	916,723
Cu-7-87	446,483	916,915
Cu-7-88	445,956	917,175
Cu-7-89	445,494	917,383
Cu-7-90	444,827	917,614
Cu-7-91	444,440	917,838
Cu-7-92	444,271	917,881
Cu-7-93	444,145	918,032
Cu-7-94	443,659	918,220
Cu-7-95	443,409	918,340
Cu-7-96	443,151	918,543
Cu-7-97	443,003	918,630
Cu-7-98	442,763	918,949
Cu-7-99	442,510	919,118
Cu-7-100	442,270	919,228
Cu-7-101	441,914	919,360
Cu-7-102	441,670	919,431
Cu-7-103	441,460	919,429
Cu-7-104	441,310	919,539
Cu-7-105	440,732	919,662
Cu-7-106	440,669	919,708
Cu-7-107	440,538	919,741
Cu-7-108	440,220	919,912
Cu-7-109	439,753	920,115
Cu-7-110	439,262	920,242
Cu-7-111	438,471	920,351
Cu-7-112	438,351	920,385
Cu-7-113	437,983	920,477
Cu-7-114	437,654	920,618
Cu-7-115	437,160	920,983
Cu-7-115A	436,738	920,855
Cu-7-115B	436,393	920,841
Cu-7-115C	435,898	920,940
Cu-7-116	435,598	920,933
Cu-7-117	434,950	921,233
Cu-7-117A	434,721	921,074
Cu-7-118	434,425	921,091
Cu-7-119	432,881	920,925
Cu-7-120	432,240	920,985
Cu-7-121	431,820	921,030
Cu-7-122	431,222	921,095
Cu-7-123	430,698	921,141
Cu-7-124	429,964	921,198
Cu-7-125	429,404	921,250
Cu-7-126	429,064	921,277
Cu-7-127	428,608	921,329
Cu-7-128	427,876	921,437
Cu-7-129	427,588	921,493

Cu-7-130	427,138	921,552
Cu-7-131	426,625	921,618
Cu-7-132	426,249	921,697
Cu-7-133	425,467	921,779
Cu-7-134	425,094	921,840
Cu-7-135	423,993	922,034
Cu-7-136	422,788	922,252
Cu-7-137	421,853	922,429
Cu-7-138	420,941	922,654
Cu-7-139	420,101	922,802
Cu-7-140	419,416	922,851
Cu-7-141	418,960	922,865
Cu-7-142	418,592	922,781
Cu-7-143	418,496	922,860
Cu-7-144	418,385	922,891
Cu-7-145	418,349	922,984
Cu-7-146	418,367	923,067
Cu-7-147	418,201	923,092
Cu-7-148	418,115	923,013
Cu-7-149	418,111	922,682
Cu-7-150	418,049	922,580
Cu-7-151	417,545	922,553
Cu-7-152	417,411	922,632
Cu-7-153	417,264	922,485
Cu-7-154	417,166	922,469
Cu-7-155	417,174	922,401

Description of Location of Point Number Cu-7-155: A point near the north end of the headlands on the north side of The Heads at Port Orford located in section 6 of township 33 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-156	417,164	926,366

Description of Location of Point Number Cu-7-156: A point near the east end of the headlands at Graveyard Point located in section 5 of township 33 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-157	417,377	926,537
Cu-7-158	417,522	926,867
Cu-7-159	417,575	927,163
Cu-7-160	417,534	927,457
Cu-7-161	417,280	927,591
Cu-7-162	417,293	927,687
Cu-7-163	417,496	927,929
Cu-7-164	417,663	928,027
Cu-7-165	417,684	928,143
Cu-7-166	417,693	928,354
Cu-7-167	417,677	928,529

Description of Location of Point Number Cu-7-167: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 4 of township 33 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-167A	415,194	932,338

Description of Location of Point Number Cu-7-167A: A point near the south boundary of property owned through the State Parks and Recreation Department and near Hubbard Creek located in section 9 of township 33 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-167B	414,837	932,459
Cu-7-167C	414,465	932,723
Cu-7-167D	414,393	932,841
Cu-7-167E	414,074	933,166

Description of Location of Point Number Cu-7-167E: A point near the north boundary of property owned through the State Parks and Recreation Department located near the section line between section 9 and section 10 of township 33 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-168	387,665	946,358

Description of Location of Point Number Cu-7-168: A point near the south end of the headlands at Humbug Mountain located in section 1 of township 34 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-169	387,513	946,975
Cu-7-170	387,317	947,324
Cu-7-171	386,789	947,744
Cu-7-172	386,635	947,941
Cu-7-173	386,522	947,888
Cu-7-174	385,894	948,151

Description of Location of Point Number Cu-7-174: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 6 of township 34 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-175	372,047	950,729

Description of Location of Point Number Cu-7-175: A point near the south end of the first headlands south of Lookout Rock located in section 19 of township 34 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-176	372,002	950,847
Cu-7-177	371,704	951,058
Cu-7-178	371,593	951,098
Cu-7-179	371,013	951,190
Cu-7-180	371,011	951,243
Cu-7-181	370,627	951,250
Cu-7-182	370,015	951,386
Cu-7-182A	369,639	951,391
Cu-7-183	369,389	951,143
Cu-7-184	369,322	951,076
Cu-7-185	368,854	950,922
Cu-7-186	368,488	950,650
Cu-7-187	368,297	950,580
Cu-7-188	367,647	950,767
Cu-7-189	366,689	950,737
Cu-7-190	366,317	950,658
Cu-7-191	366,138	950,541
Cu-7-192	365,769	950,590
Cu-7-193	365,508	950,586
Cu-7-194	365,101	950,335
Cu-7-195	364,751	950,302
Cu-7-196	364,387	950,403

Description of Location of Point Number Cu-7-196: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 30 of township 34 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-197	362,813	950,030

Description of Location of Point Number Cu-7-197: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 31 of township 34 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-198	362,702	949,975
Cu-7-199	362,664	949,867
Cu-7-200	362,399	949,498
Cu-7-201	362,444	949,369

Description of Location of Point Number Cu-7-201: A point near the north end of the headlands at Sisters Rocks located in section 31 of township 34 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-202	361,997	949,593

Description of Location of Point Number Cu-7-202: A point near the east end of the headlands on the south side of Sisters Rocks located in section 31 of township 34 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-203	362,121	949,727
Cu-7-204	362,173	949,869
Cu-7-205	362,160	949,970
Cu-7-206	361,999	950,165
Cu-7-207	361,969	950,430
Cu-7-208	361,510	950,798
Cu-7-209	361,292	950,853
Cu-7-210	361,122	950,953
Cu-7-211	360,606	951,087
Cu-7-212	360,459	951,114
Cu-7-213	360,517	951,183
Cu-7-214	360,450	951,314
Cu-7-215	360,134	951,451
Cu-7-216	360,012	951,442
Cu-7-217	359,587	951,452
Cu-7-218	359,368	951,721
Cu-7-219	359,145	951,794

Description of Location of Point Number Cu-7-219: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 32 of township 34 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-220	357,690	952,165

Description of Location of Point Number Cu-7-220: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 5 of township 35 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-221	357,476	952,176
Cu-7-221A	357,111	952,003
Cu-7-221B	356,695	951,879
Cu-7-222	356,625	951,808
Cu-7-222A	356,493	951,585
Cu-7-222B	356,263	951,649
Cu-7-222C	356,323	951,775
Cu-7-223	356,455	951,847
Cu-7-224	356,487	952,018
Cu-7-225	356,391	952,207

Description of Location of Point Number Cu-7-225: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 5 of township 35 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-226	354,226	952,943

Description of Location of Point Number Cu-7-226: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 5 of township 35 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-226A	353,863	952,893
Cu-7-226B	353,626	952,933
Cu-7-227	353,146	952,852
Cu-7-228	353,058	952,718
Cu-7-229	352,840	952,706
Cu-7-230	352,633	952,769
Cu-7-231	351,862	952,627
Cu-7-232	351,477	952,632
Cu-7-232A	350,538	952,721
Cu-7-232B	349,420	952,752
Cu-7-233	349,083	952,680
Cu-7-234	348,478	952,367
Cu-7-234A	348,283	952,216
Cu-7-234B	348,268	952,170
Cu-7-234C	348,210	952,173
Cu-7-234D	348,060	952,066
Cu-7-235	348,028	951,988
Cu-7-235A	347,971	951,987
Cu-7-235B	347,787	951,883
Cu-7-235C	347,785	951,844
Cu-7-235D	347,741	951,853
Cu-7-236	347,644	951,774

Description of Location of Point Number Cu-7-236: A point near the north boundary of property owned through the State Parks and Recreation Department and located near the section line between section 8 and section 17 of township 35 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-237	333,550	946,491

Description of Location of Point Number Cu-7-237: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 30 of township 35 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-237A	333,494	946,351
Cu-7-238	333,300	946,191
Cu-7-239	332,866	946,032
Cu-7-240	332,566	945,795
Cu-7-241	332,146	945,613
Cu-7-242	331,983	945,634
Cu-7-243	331,576	945,411
Cu-7-244	331,475	945,311
Cu-7-245	330,699	944,933
Cu-7-246	330,397	944,802
Cu-7-247	330,267	944,738
Cu-7-248	330,042	944,681

Cu-7-249	329,435	944,417
Cu-7-250	329,020	944,195
Cu-7-251	328,553	943,911
Cu-7-252	328,291	943,737
Cu-7-253	328,223	943,648
Cu-7-254	327,927	943,419
Cu-7-255	327,780	943,235
Cu-7-256	327,620	943,178
Cu-7-257	327,429	943,048
Cu-7-258	327,406	942,965

Description of Location of Point Number Cu-7-258: A point near the north end of the first headlands south of Nesika Beach located in section 36 of township 35 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-259	327,129	943,003

Description of Location of Point Number Cu-7-259: A point near the south end of the first headlands south of Nesika Beach located in section 36 of township 35 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-260	327,142	943,114
Cu-7-261	327,108	943,217
Cu-7-262	326,970	943,331
Cu-7-263	326,722	943,382
Cu-7-264	326,467	943,198
Cu-7-265	326,241	943,072
Cu-7-266	325,990	943,172
Cu-7-267	325,794	943,124
Cu-7-268	325,798	943,026

Description of Location of Point Number Cu-7-268: A point near the north end of the headlands west of Geisel Monument State Park located in section 1 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-269	325,323	943,307

Description of Location of Point Number Cu-7-269: A point near the south end of the headlands west of Geisel Monument State Park located in section 1 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-270	325,296	943,418
Cu-7-271	325,230	943,486
Cu-7-272	324,897	943,617
Cu-7-273	324,613	943,583
Cu-7-274	323,664	943,235
Cu-7-275	323,431	943,126
Cu-7-276	322,581	942,873
Cu-7-277	322,427	942,803
Cu-7-278	322,251	942,654
Cu-7-279	322,155	942,643
Cu-7-280	321,834	942,541
Cu-7-281	321,401	942,493
Cu-7-282	321,303	942,516
Cu-7-283	321,162	942,457
Cu-7-284	320,966	942,548
Cu-7-285	320,879	942,553
Cu-7-286	320,735	942,469
Cu-7-287	320,662	942,356
Cu-7-288	320,706	942,189

Description of Location of Point Number Cu-7-288: A point near the north end of the headlands on the north side of Hubbard Mound located in section 12 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-289	319,993	942,104

Description of Location of Point Number Cu-7-289: A point near the south end of the headlands on the south side of Hubbard Mound located in section 12 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-290	319,969	942,269
Cu-7-291	319,871	942,369
Cu-7-292	319,716	942,455
Cu-7-293	319,658	942,530
Cu-7-294	319,339	942,693
Cu-7-295	318,872	942,734
Cu-7-296	318,543	942,722
Cu-7-297	318,142	942,591
Cu-7-298	318,097	942,673
Cu-7-299	317,962	942,733
Cu-7-300	317,655	942,687
Cu-7-301	317,489	942,581
Cu-7-302	317,207	942,446
Cu-7-303	317,083	942,404
Cu-7-304	316,624	942,415
Cu-7-305	316,508	942,342
Cu-7-306	316,249	942,464
Cu-7-307	316,067	942,452
Cu-7-308	315,770	942,318
Cu-7-309	315,502	942,118
Cu-7-310	315,456	942,061

Description of Location of Point Number Cu-7-310: A point near the north end of the headlands on the north side of Otter Point located in section 13 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-311	314,647	942,005

Description of Location of Point Number Cu-7-311: A point near the south end of the headlands on the south side of Otter Point located in section 13 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-312	314,646	942,186
Cu-7-313	314,446	942,420
Cu-7-314	314,281	942,516

Description of Location of Point Number Cu-7-314: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 13 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-315	311,671	941,575

Description of Location of Point Number Cu-7-315: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 13 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-316	311,148	941,107
Cu-7-317	310,653	940,806
Cu-7-318	310,462	940,576

Cu-7-319	309,914	940,219
Cu-7-320	309,762	940,223
Cu-7-321	309,704	940,033
Cu-7-322	309,061	939,705
Cu-7-323	308,802	939,615
Cu-7-324	308,759	939,502
Cu-7-325	308,405	939,278
Cu-7-326	307,772	938,993
Cu-7-327	307,297	938,681
Cu-7-328	306,432	938,442
Cu-7-329	305,981	938,395
Cu-7-330	305,681	938,412
Cu-7-331	303,769	938,681
Cu-7-332	303,158	938,841
Cu-7-333	301,995	939,029
Cu-7-334	301,380	939,121
Cu-7-335	300,895	939,188
Cu-7-336	300,624	939,280
Cu-7-337	299,561	940,144
Cu-7-338	299,278	940,253
Cu-7-339	298,493	940,355
Cu-7-340	298,023	940,373
Cu-7-341	297,112	940,531
Cu-7-342	296,463	940,567
Cu-7-343	296,190	940,557
Cu-7-344	295,912	940,563
Cu-7-345	295,542	940,675
Cu-7-346	295,184	940,661
Cu-7-347	294,436	940,637
Cu-7-348	293,721	940,721
Cu-7-349	293,103	940,677
Cu-7-350	292,924	940,726
Cu-7-351	292,754	940,655
Cu-7-352	292,555	940,699
Cu-7-353	292,331	940,649
Cu-7-354	291,538	940,671
Cu-7-355	290,969	940,618
Cu-7-356	290,488	940,639
Cu-7-357	289,821	940,602
Cu-7-358	289,127	940,603
Cu-7-359	288,874	940,656
Cu-7-360	288,782	940,825
Cu-7-361	288,451	940,821
Cu-7-362	288,296	940,866
Cu-7-363	287,858	940,876

Description of Location of Point Number Cu-7-363: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 12 of township 37 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-364	283,800	940,465

Description of Location of Point Number Cu-7-364: A point near the south boundary of Buena Vista Ocean Wayside located in section 13 of township 37 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-365	282,516	940,370
Cu-7-366	282,438	940,462
Cu-7-367	282,176	940,320
Cu-7-368	282,064	940,292
Cu-7-369	281,788	940,445
Cu-7-370	281,665	940,291
Cu-7-371	281,395	940,250
Cu-7-372	281,221	940,363
Cu-7-373	281,096	940,249
Cu-7-374	280,653	940,150
Cu-7-375	280,355	940,255
Cu-7-376	280,226	940,089
Cu-7-377	279,929	940,062
Cu-7-378	279,622	940,290
Cu-7-379	279,513	940,014
Cu-7-380	279,232	939,978
Cu-7-381	278,950	940,192
Cu-7-382	278,891	940,095

Description of Location of Point Number Cu-7-382: A point near the north boundary of Cape Sebastian State Park located in section 24 of township 37 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-383	274,342	939,579

Description of Location of Point Number Cu-7-383: A point near the south boundary of Cape Sebastian State Park located in section 25 of township 37 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-384	273,523	939,403
Cu-7-385	273,238	939,357
Cu-7-386	272,272	939,252
Cu-7-387	271,793	939,200
Cu-7-388	271,676	939,279
Cu-7-389	271,153	939,118
Cu-7-390	270,856	939,215
Cu-7-391	270,695	939,168
Cu-7-392	270,576	939,067
Cu-7-393	270,530	938,848

Description of Location of Point Number Cu-7-393: A point near the north end of the headlands on the north side of Cape Sebastian located in section 25 of township 37 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-394	252,193	943,857

Description of Location of Point Number Cu-7-394: A point near the south boundary of Pistol River State Park located in the north half of section 18 of township 38 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-395	251,337	943,988
Cu-7-396	250,834	943,982
Cu-7-397	250,150	943,917
Cu-7-398	249,456	943,857
Cu-7-399	249,221	943,848
Cu-7-400	248,941	943,837

Description of Location of Point Number Cu-7-400: A point near the north boundary of Pistol River State Park located in the south half of section 18 of township 38 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-401	237,990	941,097

Description of Location of Point Number Cu-7-401: A point near the east end of the headlands on the southeast side of Crook Point located in section 30 of township 38 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-402	238,002	941,155
Cu-7-403	237,911	941,355

Cu-7-404	237,763	941,532
Cu-7-405	237,760	941,572
Cu-7-406	237,668	941,620
Cu-7-407	237,678	941,691
Cu-7-408	237,443	941,869
Cu-7-409	237,132	942,050
Cu-7-410	237,039	942,168
Cu-7-411	236,964	942,398
Cu-7-412	236,877	942,491
Cu-7-413	236,760	942,718
Cu-7-414	236,379	942,999
Cu-7-415	236,173	943,040
Cu-7-416	236,194	943,117
Cu-7-417	236,080	943,272
Cu-7-418	235,875	943,438
Cu-7-419	235,756	943,434
Cu-7-420	235,362	943,676
Cu-7-421	235,067	943,889
Cu-7-422	234,713	944,091
Cu-7-423	234,438	944,109
Cu-7-424	234,202	944,131
Cu-7-425	233,875	944,273
Cu-7-426	233,767	944,603
Cu-7-426A	233,796	944,765
Cu-7-427	233,751	944,956
Cu-7-428	233,658	945,132
Cu-7-429	233,426	945,412
Cu-7-430	233,190	945,531
Cu-7-431	232,977	945,586
Cu-7-432	232,849	945,773
Cu-7-433	232,791	945,872
Cu-7-434	232,500	946,110
Cu-7-435	232,162	946,219
Cu-7-436	231,955	946,251
Cu-7-437	231,935	946,363
Cu-7-438	231,796	946,495
Cu-7-439	231,567	946,582
Cu-7-440	231,481	946,552

Description of Location of Point Number Cu-7-440: A point near the north end of the headlands north of Burnt Hill Creek located in section 5 of township 39 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-441	230,977	947,008

Description of Location of Point Number Cu-7-441: A point near the south end of the headlands north of Burnt Hill Creek located in section 5 of township 39 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-442	231,019	947,130
Cu-7-443	230,972	947,316
Cu-7-444	230,895	947,402
Cu-7-445	230,752	947,520
Cu-7-446	230,697	947,583
Cu-7-447	230,628	947,614
Cu-7-448	230,477	947,633
Cu-7-449	230,135	947,791
Cu-7-450	229,994	947,781
Cu-7-451	229,919	947,725

Description of Location of Point Number Cu-7-451: A point near the north end of the headlands near the north boundary of Samuel H. Boardman State Park located in section 5 of township 39 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-452	177,049	960,075

Description of Location of Point Number Cu-7-452: A point near the south end of the headlands near the south boundary of Samuel H. Boardman State Park located in section 26 of township 40 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-453	176,938	960,255
Cu-7-454	176,778	960,301
Cu-7-455	176,776	960,437
Cu-7-456	176,688	960,619
Cu-7-457	176,723	960,706
Cu-7-457A	176,616	960,798
Cu-7-458	176,725	960,970
Cu-7-459	176,621	961,227

Description of Location of Point Number Cu-7-459: A point near the north boundary of property owned through the State Parks and Recreation Department located in section 26 of township 40 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-460	175,617	962,284

Description of Location of Point Number Cu-7-460: A point near the south boundary of property owned through the State Parks and Recreation Department located in section 26 of township 40 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-461	175,336	962,456
Cu-7-462	175,076	962,452
Cu-7-463	174,992	962,337
Cu-7-464	174,936	962,390
Cu-7-465	174,996	962,494
Cu-7-466	174,970	962,593
Cu-7-467	174,815	962,691
Cu-7-468	174,652	962,717
Cu-7-469	174,604	962,765
Cu-7-470	174,344	962,837
Cu-7-470A	174,254	962,835
Cu-7-471	174,119	962,857
Cu-7-472	173,877	963,022
Cu-7-473	173,421	963,236
Cu-7-474	173,343	963,406
Cu-7-475	172,855	963,444
Cu-7-476	172,833	963,492
Cu-7-477	172,571	963,517
Cu-7-478	172,417	963,455
Cu-7-479	172,156	963,399
Cu-7-480	171,905	963,355
Cu-7-481	171,841	963,486
Cu-7-482	171,808	963,616
Cu-7-483	171,692	963,608
Cu-7-484	171,548	963,525
Cu-7-485	171,508	963,583
Cu-7-486	171,466	963,796
Cu-7-487	171,338	963,936
Cu-7-488	171,006	963,958
Cu-7-489	170,889	964,062
Cu-7-490	170,615	964,243
Cu-7-490A	170,488	964,371
Cu-7-490B	170,355	964,425
Cu-7-490C	170,244	964,513
Cu-7-491	170,247	964,622
Cu-7-492	170,159	964,671
Cu-7-493	170,070	964,634

Description of Location of Point Number Cu-7-493: A point near the north boundary of Harris Beach State Park located in section 36 of township 40 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-494	167,853	967,675

Description of Location of Point Number Cu-7-494: A point near the south boundary of Harris Beach State Park located in section 1 of township 41 south, range 14 west of the Willamette Meridian in Curry County.

Cu-7-495	167,343	967,740
Cu-7-496	167,165	967,873
Cu-7-497	167,182	968,104
Cu-7-498	167,085	968,102
Cu-7-499	166,970	967,980
Cu-7-500	166,890	968,034
Cu-7-501	166,964	968,161
Cu-7-502	166,670	968,413
Cu-7-503	166,255	968,316
Cu-7-504	166,208	968,417
Cu-7-505	166,058	968,514
Cu-7-506	165,819	968,568
Cu-7-507	165,408	968,579
Cu-7-508	165,297	968,503
Cu-7-509	165,316	968,399
Cu-7-510	165,020	968,444
Cu-7-511	165,071	968,490
Cu-7-512	165,053	968,567
Cu-7-513	164,962	968,643

Description of Location of Point Number Cu-7-513: A point at the north end of the headlands just west of Hub Street in the City of Brookings located in section 6 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-514	164,204	968,716

Description of Location of Point Number Cu-7-514: A point near the south end of the headlands just west of Iris Street in the City of Brookings located in section 6 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-515	164,065	968,790
Cu-7-516	163,964	968,738

Description of Location of Point Number Cu-7-516: A point near the north end of the headlands west of Collis Lane in the City of Brookings located in section 6 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-517	163,616	969,413

Description of Location of Point Number Cu-7-517: A point near the south end of the first headlands north of Chetco Point located in section 6 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-518	163,660	969,483
Cu-7-519	163,496	969,623
Cu-7-520	163,239	969,733
Cu-7-521	163,141	969,816
Cu-7-522	162,930	969,884
Cu-7-523	162,846	970,003
Cu-7-524	162,822	970,636
Cu-7-525	162,636	971,054
Cu-7-526	162,516	971,217
Cu-7-527	162,288	971,353
Cu-7-528	162,091	971,398
Cu-7-529	161,990	971,371
Cu-7-530	161,846	971,291
Cu-7-531	161,802	971,399
Cu-7-532	161,639	971,433
Cu-7-533	161,413	971,424
Cu-7-534	161,267	971,363
Cu-7-535	161,253	971,316
Cu-7-536	161,058	971,038
Cu-7-537	161,032	970,945
Cu-7-538	161,085	970,906

Description of Location of Point Number Cu-7-538: A point near the east end of the headlands on the north side of Chetco Point located in section 7 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-539	160,835	970,993

Description of Location of Point Number Cu-7-539: A point near the southeast end of the headlands on the south side of Chetco Point located in section 7 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-540	160,877	970,982
Cu-7-541	160,984	971,113
Cu-7-542	161,056	971,337
Cu-7-543	161,327	971,526
Cu-7-544	161,346	971,624
Cu-7-545	161,442	971,619
Cu-7-546	161,543	971,869
Cu-7-547	161,541	972,098
Cu-7-548	161,476	972,284
Cu-7-549	161,427	972,320
Cu-7-550	161,528	972,418
Cu-7-551	161,698	972,784
Cu-7-552	161,633	973,055
Cu-7-553	161,548	973,154
Cu-7-554	161,282	973,278
Cu-7-555	161,127	973,267
Cu-7-556	161,104	973,227
Cu-7-557	161,116	973,168

Description of Location of Point Number Cu-7-557: A point near the north end of the headlands on the north side of Chetco Cove located in section 7 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-558	161,504	974,502

Description of Location of Point Number Cu-7-558: A point near the east end of the headlands on the north side of Chetco Cove located in section 8 of township 41 south, range 13 west of the Willamette Meridian in Curry County.

Cu-7-559	161,529	974,635
Cu-7-560	161,544	974,866
Cu-7-561	161,649	975,127
Cu-7-562	161,562	975,508
Cu-7-563	161,508	975,746
Cu-7-564	161,526	975,953
Cu-7-565	161,433	976,127
Cu-7-566	160,379	977,263

Cu-7-567	160,031	977,584
Cu-7-568	159,387	978,208
Cu-7-569	158,715	978,406
Cu-7-570	158,434	978,624
Cu-7-571	158,159	978,719
Cu-7-572	158,032	978,847
Cu-7-573	157,479	978,988
Cu-7-574	157,462	979,134
Cu-7-575	157,198	979,298
Cu-7-576	156,876	979,630
Cu-7-577	156,780	979,674
Cu-7-578	156,637	980,008
Cu-7-579	156,570	979,994
Cu-7-580	156,547	980,077
Cu-7-581	155,833	980,413
Cu-7-582	155,518	980,627
Cu-7-583	155,145	980,715
Cu-7-584	155,047	980,689
Cu-7-585	155,067	980,612
Cu-7-586	154,825	980,572
Cu-7-587	154,813	980,617
Cu-7-588	154,921	980,757
Cu-7-589	154,852	980,881
Cu-7-590	154,945	980,926
Cu-7-591	154,890	981,077
Cu-7-592	154,457	981,657
Cu-7-593	154,205	981,833
Cu-7-594	153,898	982,094
Cu-7-595	154,197	982,374
Cu-7-596	154,187	982,498
Cu-7-597	153,956	982,999
Cu-7-598	153,474	983,252
Cu-7-599	153,305	983,531
Cu-7-600	153,286	983,807
Cu-7-601	153,013	984,447
Cu-7-602	152,765	984,652
Cu-7-603	152,662	984,708
Cu-7-604	152,633	984,751
Cu-7-605	151,850	985,113
Cu-7-606	151,497	985,195
Cu-7-607	151,277	985,196
Cu-7-608	150,861	985,540
Cu-7-609	150,632	985,569
Cu-7-610	150,504	985,688
Cu-7-611	150,030	986,310
Cu-7-612	149,534	986,461
Cu-7-613	149,266	986,445
Cu-7-614	149,132	986,537
Cu-7-615	149,047	986,629
Cu-7-616	149,098	986,767
Cu-7-617	148,936	986,896
Cu-7-618	148,797	986,890
Cu-7-619	149,033	987,119
Cu-7-620	149,030	987,307
Cu-7-621	148,949	987,399
Cu-7-622	147,977	988,656
Cu-7-623	147,740	989,001
Cu-7-624	147,212	989,610
Cu-7-625	146,900	989,883
Cu-7-626	146,614	990,134
Cu-7-626A	146,463	990,180
Cu-7-627	146,242	990,362
Cu-7-627A	146,106	990,481
Cu-7-628	146,007	990,676
Cu-7-628A	146,030	990,783
Cu-7-629	146,181	990,926
Cu-7-629A	146,439	991,778
Cu-7-629B	145,626	992,092
Cu-7-629C	145,317	991,861
Cu-7-630	145,288	991,314
Cu-7-631	145,176	991,095
Cu-7-632	144,723	991,295
Cu-7-633	143,886	991,657
Cu-7-634	143,339	991,832

Description of Location of Point Number Cu-7-634: A point near the Oregon-California boundary and near the line located between section 26 of township 41 south, range 13 west of the Willamette Meridian in Curry County, Oregon, and section 32 of township 19 north, range 1 west of the Humboldt Meridian in Del Norte County, California. [1969 c.601 §8]

390.775 [1977 c.263 §1; repealed by 1983 c.338 §978]

390.780 [1977 c.263 §2; 1981 c.239 §1; repealed by 1983 c.338 §978]

390.785 [1977 c.263 §3; 1979 c.819 §1; repealed by 1983 c.338 §978]

390.790 [1977 c.263 §4; 1979 c.819 §2; repealed by 1983 c.338 §978]

390.792 [1979 c.819 §4; 1983 c.335 §1; repealed by 1983 c.338 §978]

390.795 [1977 c.263 §5; 1983 c.335 §2; repealed by 1983 c.338 §978]

SCENIC WATERWAYS

390.805 Definitions for ORS 390.805 to 390.925. As used in ORS 390.805 to 390.925, unless the context requires otherwise:

(1) "Related adjacent land" means all land within one-fourth of one mile of the bank on the side of Waldo Lake, or a river or segment of river within a scenic waterway, except land that, in the State Parks and Recreation Department's judgment, does not affect the view from the waters within a scenic waterway.

(2) "Scenic easement" means the right to control the use of related adjacent land, including air space above such land, for the purpose of protecting the scenic view from waters within a scenic waterway; but such control does not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement, and the landowner retains the right to uses of the land not specifically restricted by the easement.

(3) "Scenic waterway" means Waldo Lake, or a river or segment of river that has been designated as such in accordance with ORS 390.805 to 390.925 or any subsequent Act, and includes related adjacent land. [1971 c.1 §2; 1981 c.787 §55; 1983 c.334 §1; 1983 c.642 §10; 1989 c.904 §25; 1995 c.79 §203; 2001 c.104 §132]

390.815 Policy; establishment of system. The people of Oregon find that many of the free-flowing rivers of Oregon and Waldo Lake and lands adjacent to such lake and rivers possess outstanding scenic, fish, wildlife, geological, botanical, historic, archaeologic, and outdoor recreation values of present and future benefit to the public. The people of Oregon also find that the pol-

icy of permitting construction of dams and other impoundment facilities at appropriate sections of the rivers of Oregon and Waldo Lake needs to be complemented by a policy that would preserve Waldo Lake and selected rivers or sections thereof in a free-flowing condition and would protect and preserve the natural setting and water quality of the lake and such rivers and fulfill other conservation purposes. It is therefore the policy of Oregon to preserve for the benefit of the public Waldo Lake and selected parts of the state's free-flowing rivers. For these purposes there is established an Oregon Scenic Waterways System to be composed of areas designated in accordance with ORS 390.805 to 390.925 and any subsequent Acts. [1971 c.1 §1; 1983 c.334 §2]

390.825 [1971 c.1 §3; 1975 c.612 §1; 1977 c.671 §1; 1983 c.334 §3; 1985 c.781 §§1,2; 1987 c.291 §1; repealed by 1989 c.2 §1 (390.826 enacted in lieu of 390.825)]

390.826 Designated scenic waterways. The following lakes and rivers, or segments of rivers, and related adjacent land are designated as scenic waterways:

(1) The Metolius Scenic Waterway which includes the Metolius River from Metolius Springs downstream to its confluence with Candle Creek.

(2) The Klamath Scenic Waterway which includes the Klamath River from the John Boyle Dam powerhouse downstream to the Oregon-California border.

(3) The Clackamas Scenic Waterway which includes:

(a) The segments of the Clackamas River from the boundary of the Olallie Lake Scenic Area, as constituted on December 8, 1988, downstream to the North Fork Reservoir, and from immediately below the River Mill Dam downstream to the bridge at Carver;

(b) The South Fork Clackamas River from its confluence with an unnamed tributary near the western boundary of Section 7, Township 5 South, Range 5 East, Willamette Meridian, downstream to the confluence of the South Fork Clackamas River with the Clackamas River; and

(c) The North Fork Clackamas River from its source downstream to the North Fork Reservoir.

(4) The McKenzie Scenic Waterway which includes:

(a) The segments of the McKenzie River from Clear Lake downstream to Carmen Reservoir, from Tamolitch Falls downstream to Trail Bridge Reservoir and from Trail Bridge Dam downstream to Paradise Campground; and

(b) The segments of the South Fork McKenzie River from the boundary of the Three Sisters Wilderness, as constituted on December 8, 1988, downstream to Cougar Reservoir, and from immediately below Cougar Dam downstream to its confluence with the McKenzie River.

(5) The Deschutes Scenic Waterway which includes the segments of the Deschutes River from Little Lava Lake downstream to Crane Prairie Reservoir, from the gaging station immediately below Wickiup Dam downstream to General Patch Bridge, from Harper Bridge downstream to the Central Oregon Irrigation District's diversion structure (near river mile 171), from Robert Sawyer Park downstream to Tumalo State Park, from Deschutes Market Road Bridge downstream to Lake Billy Chinook Reservoir (excluding the Cline Falls hydroelectric facility near river mile 145), and from immediately below the existing Pelton reregulating dam downstream to the confluence of the Deschutes River with the Columbia River, excluding the City of Maupin as its boundaries are constituted on October 4, 1977.

(6) The Santiam Scenic Waterway which includes the Little North Fork of the Santiam River from the confluence of Battle Ax Creek and Opal Creek downstream to the boundary of the Willamette National Forest, as constituted on September 20, 1985.

(7) The John Day Scenic Waterway which includes:

(a) The John Day River from its confluence with Parrish Creek downstream to Tumwater Falls;

(b) The North Fork John Day River from the boundary of the North Fork John Day Wilderness (near river mile 76), as constituted on December 8, 1988, downstream to the northern boundary of the south one-half of Section 20, Township 8 South, Range 28 East, Willamette Meridian;

(c) The Middle Fork John Day River from its confluence with Crawford Creek (near river mile 71) downstream to the confluence of the Middle Fork John Day River with the North Fork John Day River; and

(d) The South Fork John Day River from the Post-Paulina road crossing (near river mile 35) downstream to the northern boundary of the Murderer's Creek Wildlife Area, as constituted on December 8, 1988 (near river mile 6).

(8) The Illinois Scenic Waterway which includes the Illinois River from its confluence with Deer Creek downstream to its confluence with the Rogue River.

(9) The Rogue Scenic Waterway which includes the segments of the Rogue River from the boundary of Crater Lake National Park, as constituted on December 8, 1988, downstream to the boundary of the Rogue

River National Forest, as constituted on December 8, 1988 (near river mile 173), and from the confluence of the Rogue River with the Applegate River downstream to Lobster Creek Bridge.

(10) The Umpqua Scenic Waterway which includes the segments of the North Umpqua River from the boundary of the Mt. Thielsen Wilderness, as constituted on December 8, 1988, downstream to Lemolo Reservoir, and from the Soda Springs Dam powerhouse downstream to its confluence with Rock Creek (near Idleyld Park).

(11) The Nestucca Scenic Waterway which includes:

(a) The Nestucca River from immediately below the McGuire Dam downstream to its confluence with East Creek (near Blaine); and

(b) Walker Creek from its source downstream to its confluence with the Nestucca River.

(12) The Wallowa-Grande Ronde Scenic Waterway which includes:

(a) The Grande Ronde River from its confluence with the Wallowa River downstream to the Oregon-Washington border; and

(b) The Wallowa River from its confluence with the Minam River downstream to the confluence of the Wallowa River with the Grande Ronde River.

(13) The Minam Scenic Waterway which includes the Minam River from Minam Lake downstream to its confluence with the Wallowa River.

(14) The Elk Scenic Waterway which includes:

(a) The Elk River from the confluence of the North Fork Elk River and South Fork Elk River downstream to the Elk River fish hatchery;

(b) The North Fork Elk River from its source downstream to its confluence with the South Fork Elk River; and

(c) The South Fork Elk River from its source downstream to its confluence with the North Fork Elk River.

(15) The Owyhee Scenic Waterway which includes:

(a) The South Fork Owyhee River from the Oregon-Idaho border downstream to Three Forks; and

(b) The Owyhee River from Crooked Creek (near river mile 118) downstream to the mouth of Birch Creek (near river mile 76).

(16) The North Fork of the Middle Fork Willamette Scenic Waterway which includes the North Fork of the Middle Fork Willamette River from Waldo Lake downstream to a point one mile upstream from the railroad bridge near the town of Westfir.

(17) The Waldo Lake Scenic Waterway which includes Waldo Lake in Lane County. [1989 c.2 §2 (enacted in lieu of 390.825)]

390.827 Effect of ORS 390.826 on rights of Indian tribes. Nothing in ORS 390.826 shall:

(1) Affect or modify any treaty or other rights of any Indian tribe; or

(2) Affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes. [1989 c.2 §3]

Note: 390.827 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 390 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

390.835 Highest and best use of waters within scenic waterways; prohibitions; authority of various agencies; water rights; conditions; recreational prospecting; placer mining. (1) It is declared that the highest and best uses of the waters within scenic waterways are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. No dam, or reservoir, or other water impoundment facility shall be constructed on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as permitted by the Water Resources Commission, upon a finding that such diversion is necessary to uses designated in ORS 536.310 (12), and in a manner consistent with the policies set forth under ORS 390.805 to 390.925. The Water Resources Commission shall administer and enforce the provisions of this subsection.

(2) Filling of the beds or removal of material from or other alteration of the beds or banks of scenic waterways for purposes other than recreational prospecting not requiring a permit shall be prohibited, except as permitted by the Director of the Department of State Lands upon a finding that such activity would be consistent with the policies set forth under ORS 390.805 to 390.925 for scenic waterways and in a manner consistent with the policies set forth under ORS 196.800 to 196.825 and 196.845 to 196.870 for removal of material from the beds and banks and filling of any waters of this state. The Director of the Department of State Lands shall admin-

ister and enforce the provisions of this subsection.

(3)(a) Upon a finding of emergency circumstances, the Director of the Department of State Lands may issue a temporary permit for the removal, filling or alteration of the beds or banks within a scenic waterway. The temporary permit shall include conditions developed after consultation with the State Department of Fish and Wildlife and the State Parks and Recreation Department.

(b) As used in this subsection, "emergency circumstances" exist if prompt action is necessary to prevent irreparable harm, injury or damage to persons or property.

(4) Any person adversely affected or aggrieved by the grant or denial of a permit under subsection (2) or (3) of this section may appeal in accordance with the procedure set forth in ORS 196.835.

(5) Nothing in ORS 390.805 to 390.925 affects the authority of the State Fish and Wildlife Commission to construct facilities or make improvements to facilitate the passage or propagation of fish or to exercise other responsibilities in managing fish and wildlife resources. Nothing in ORS 390.805 to 390.925 affects the authority of the Water Resources Commission to construct and maintain stream gauge stations and other facilities related to the commission's duties in administration of the water laws.

(6) Upon a finding of necessity under subsection (1) of this section, the Water Resources Commission may issue a water right for human consumption not to exceed 0.005 cubic feet per second per household, or livestock consumption uses not to exceed one-tenth of one cubic foot per second per 1,000 head of livestock, as designated in ORS 536.310 (12) within or above a scenic waterway if the Water Resources Commission makes the following findings:

(a) That issuing the water right does not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(b) That issuing the water right is consistent with provisions pertaining to water appropriation and water rights under ORS chapters 536 and 537 and rules adopted thereunder.

(c) That construction, operation and maintenance of the diversion system will be carried out in a manner consistent with the purposes set forth in ORS 390.805 to 390.925.

(d) If the water right is for human consumption, an additional finding that:

(A) The applicant cannot reasonably obtain water from any other source;

(B) Denial of the water right would result in loss of reasonable expectations for use of the property; and

(C) The system installed to divert water shall include monitoring equipment to permit water use measurement and reporting.

(e) If the water right is for livestock consumption, an additional finding that:

(A) The right is necessary to prevent the livestock from watering in or along the stream bed;

(B) The applicant cannot reasonably obtain water from any other source; and

(C) The applicant has excluded livestock from the stream and its adjacent riparian zone.

(7) In making the findings required under subsection (6) of this section, the Water Resources Commission shall consider the existing or potential cumulative impacts of issuing the water right.

(8) The Water Resources Commission may not allow human consumption and livestock uses authorized under subsection (6) of this section in excess of a combined cumulative total of one percent of the average daily flow or one cubic foot per second, whichever is less, unless:

(a) The Water Resources Commission, the State Parks and Recreation Department, the State Department of Fish and Wildlife, the Department of Environmental Quality and the Department of State Lands unanimously agree to exceed that amount; and

(b) Exceeding that amount will not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(9)(a) The provisions of this section shall not apply to a water right application for the use of ground water as defined in ORS 537.515, except upon a finding by the Water Resources Director based on a preponderance of evidence that the use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

(b) The Water Resources Department shall review every application for the use of ground water to determine whether to make the finding specified in paragraph (a) of this subsection. The finding shall be based upon the application of generally accepted hydrogeologic methods using relevant and available field information concerning the proposed use.

(c) In making the determination required by paragraph (a) of this subsection, the Water Resources Department shall consider the timing of projected impacts of the proposed

use in relation to other factors, including but not limited to: Changing climate, recharge, incidental precipitation, out-of-stream appropriations and return flows.

(d) If the Water Resources Director makes the finding specified in paragraph (a) of this subsection, the Water Resources Director shall issue an order denying the application unless:

(A) Mitigation is provided in accordance with subsection (10) of this section; or

(B) The applicant submits evidence to overcome the finding under paragraph (a) of this subsection.

(e) Except as provided under subsection (13) of this section, if the Water Resources Director does not make the finding specified in paragraph (a) of this subsection, the Water Resources Director shall issue an order approving the application if the application otherwise meets the requirements of ORS 537.505 to 537.795.

(f) A protest of any order issued under this subsection may be filed in the same manner as a protest on any application for a right to appropriate ground water.

(g) Each water right permit and certificate for appropriation of ground water issued after July 19, 1995, for which a source of appropriation is within or above a scenic waterway shall be conditioned to allow the regulation of the use if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

(h) Nothing in this subsection shall limit the use of ground water for a use exempted under ORS 537.545.

(10) The Water Resources Commission or Water Resources Director shall consider mitigation measures and may include mitigation measures as conditions in any water right permit or certificate to ensure the maintenance of the free-flowing character of the scenic waterway in quantities necessary for recreation, fish and wildlife.

(11) The Water Resources Commission and the Water Resources Director shall carry out their responsibilities under ORS 536.220 to 536.590 with respect to the waters within scenic waterways in conformity with the provisions of this section.

(12) As used in this section, "measurably reduce" means that the use authorized under subsection (9) of this section will individually or cumulatively reduce surface water flows within the scenic waterway in excess of a combined cumulative total of one percent of the average daily flow or one cubic foot per second, whichever is less, unless:

(a) The Water Resources Department, the State Parks and Recreation Department, the State Department of Fish and Wildlife, the Department of Environmental Quality and the Department of State Lands unanimously agree to exceed that amount; and

(b) Exceeding that amount will not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(13) Before authorizing an appropriation that will reduce streamflows within a scenic waterway in amounts up to but not exceeding the amounts described in subsection (12) of this section, the Water Resources Director shall find:

(a) That the appropriation will not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(b) That the appropriation is consistent with provisions pertaining to water appropriations and water rights under ORS chapters 536 and 537 and the rules adopted thereunder.

(c) That construction, operation and maintenance of the appropriation will be carried out in a manner consistent with the purposes set forth in ORS 390.805 to 390.925.

(14) No placer mining shall be permitted on waters within scenic waterways other than recreational placer mining.

(15) No person shall be required to obtain a permit for recreational prospecting resulting in the fill, removal or other alteration of less than one cubic yard of material at any one individual site and, cumulatively, not more than five cubic yards of material from within the bed or wet perimeter of any single scenic waterway in a single year. Recreational prospecting shall not occur at any site where fish eggs are present.

(16) No provision of this section shall be construed to exempt recreational placer mining on a scenic waterway, other than recreational prospecting not requiring a permit, from compliance with the provisions of ORS 196.800 to 196.825 and 196.845 to 196.870 or rules adopted pursuant to ORS 196.800 to 196.825 and 196.845 to 196.870.

(17) Recreational placer mining, other than recreational prospecting not requiring a permit, shall not:

(a) Dam or divert a waterway or obstruct fish passage;

(b) Include nozzling, sluicing or digging outside the wet perimeter of the stream, nor extend the wet perimeter;

(c) Include movement of boulders, logs, stumps or other woody material from the wet perimeter other than movement by hand and nonmotorized equipment;

(d) Involve the disturbance of rooted or embedded woody plants, including trees and shrubs, regardless of their location;

(e) Include excavation from the streambank;

(f) Fail to level pits, piles, furrows or potholes outside the main channel of the waterway upon leaving the site;

(g) Include operation of a suction dredge without a suction dredge waste discharge permit from the Department of Environmental Quality including, but not limited to, a prohibition against dredging during periods when fish eggs could be in the dredging site gravel;

(h) Be conducted on federal lands except as allowed by agencies of the federal government;

(i) Impede boating;

(j) Include operation of a dredge between the hours of 6 p.m. and 8 a.m. within 500 feet of a residence or within 500 feet of a campground except within a federally designated recreational mining site; or

(k) Include operation of a dredge within the marked or posted swimming area of a designated campground or day use area except within a federally designated recreational mining site.

(18) As used in this section:

(a) "Bed" means the land within the wet perimeter and any adjacent nonvegetated dry gravel bar.

(b) "Prospecting" means to search or explore for samples of gold, silver or other precious minerals, using nonmotorized methods, from among small quantities of aggregate.

(c) "Recreational placer mining" includes, but is not limited to, the use of nonmotorized equipment and motorized surface dredges having an intake nozzle with an inside diameter not exceeding four inches, a motor no larger than 16 horsepower and a muffler meeting or exceeding factory-installed noise reduction standards. "Recreational placer mining" does not include recreational prospecting that does not require a permit.

(d) "Wet perimeter" means the area of the stream that is underwater, or is exposed as a nonvegetated dry gravel bar island surrounded on all sides by actively moving water at the time the activity occurs. [1971 c.1 §4; 1973 c.756 §1; 1977 c.671 §2; 1985 c.673 §177; 1989 c.320 §1; 1993 c.99 §1; 1995 c.223 §1; 1995 c.719 §1; 1997 c.223 §1; 1997 c.478 §1; 2001 c.499 §1]

Note: Operation of the amendments to 390.835 by section 8, chapter 516, Oregon Laws 2001, is dependent upon further approval by the Legislative Assembly. See section 11, chapter 516, Oregon Laws 2001. The text that is operative after that approval is set forth for the user's convenience.

390.835. (1) It is declared that the highest and best uses of the waters within scenic waterways are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. A dam, reservoir or other water impoundment facility may not be constructed on waters within scenic waterways. A water diversion facility may not be constructed or used except by right previously established or as permitted by the Water Resources Commission, upon a finding that such diversion is necessary to uses designated in ORS 536.310 (12), and in a manner consistent with the policies set forth under ORS 390.805 to 390.925. The Water Resources Commission shall administer and enforce the provisions of this subsection.

(2) Filling of the beds or removal of material from or other alteration of the beds or banks of scenic waterways for purposes other than recreational prospecting not requiring a permit shall be prohibited, except as permitted by the Director of the Department of State Lands upon a finding that such activity would be consistent with the policies set forth under ORS 390.805 to 390.925 for scenic waterways and in a manner consistent with the policies set forth under ORS 196.800 to 196.825 and 196.845 to 196.870 for removal of material from the beds and banks and filling of any waters of this state. The Director of the Department of State Lands shall administer and enforce the provisions of this subsection.

(3)(a) Upon a finding of emergency circumstances, the Director of the Department of State Lands may issue a temporary permit for the removal, filling or alteration of the beds or banks within a scenic waterway. The temporary permit shall include conditions developed after consultation with the State Department of Fish and Wildlife and the State Parks and Recreation Department.

(b) As used in this subsection, "emergency circumstances" exist if prompt action is necessary to prevent irreparable harm, injury or damage to persons or property.

(4) Any person adversely affected or aggrieved by the grant or denial of a permit under subsection (2) or (3) of this section may appeal in accordance with the procedure set forth in ORS 196.835.

(5) Nothing in ORS 390.805 to 390.925 affects the authority of the State Fish and Wildlife Commission to construct facilities or make improvements to facilitate the passage or propagation of fish or to exercise other responsibilities in managing fish and wildlife resources. Nothing in ORS 390.805 to 390.925 affects the authority of the Water Resources Commission to construct and maintain stream gauge stations and other facilities related to the commission's duties in administration of the water laws.

(6) Upon a finding of necessity under subsection (1) of this section, the Water Resources Commission may issue a water right for human consumption not to exceed 0.005 cubic feet per second per household, or livestock consumption uses not to exceed one-tenth of one cubic foot per second per 1,000 head of livestock, as designated in ORS 536.310 (12) within or above a scenic waterway if the Water Resources Commission makes the following findings:

(a) That issuing the water right does not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(b) That issuing the water right is consistent with provisions pertaining to water appropriation and water rights under ORS chapters 536 and 537 and rules adopted thereunder.

(c) That construction, operation and maintenance of the diversion system will be carried out in a manner consistent with the purposes set forth in ORS 390.805 to 390.925.

(d) If the water right is for human consumption, an additional finding that:

(A) The applicant cannot reasonably obtain water from any other source;

(B) Denial of the water right would result in loss of reasonable expectations for use of the property; and

(C) The system installed to divert water shall include monitoring equipment to permit water use measurement and reporting.

(e) If the water right is for livestock consumption, an additional finding that:

(A) The right is necessary to prevent the livestock from watering in or along the stream bed;

(B) The applicant cannot reasonably obtain water from any other source; and

(C) The applicant has excluded livestock from the stream and its adjacent riparian zone.

(7) In making the findings required under subsection (6) of this section, the Water Resources Commission shall consider the existing or potential cumulative impacts of issuing the water right.

(8) The Water Resources Commission may not allow human consumption and livestock uses authorized under subsection (6) of this section in excess of a combined cumulative total of one percent of the average daily flow or one cubic foot per second, whichever is less, unless:

(a) The Water Resources Commission, the State Parks and Recreation Department, the State Department of Fish and Wildlife, the Department of Environmental Quality and the Department of State Lands unanimously agree to exceed that amount; and

(b) Exceeding that amount will not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(9)(a) The provisions of this section do not apply to a water right application for the use of ground water as defined in ORS 537.515, except upon a finding by the Water Resources Director based on a preponderance of evidence that the use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

(b) The Water Resources Department shall review every application for the use of ground water to determine whether to make the finding specified in paragraph (a) of this subsection. The finding shall be based upon the application of generally accepted hydrogeologic methods using relevant and available field information concerning the proposed use.

(c) In making the determination required by paragraph (a) of this subsection, the Water Resources Department shall consider the timing of projected impacts of the proposed use in relation to other factors, including but not limited to: Changing climate, recharge, incidental precipitation, out-of-stream appropriations and return flows.

(d) If the Water Resources Director makes the finding specified in paragraph (a) of this subsection, the Water Resources Director shall issue an order denying the application unless:

(A) Mitigation is provided in accordance with subsection (10) of this section; or

(B) The applicant submits evidence to overcome the finding under paragraph (a) of this subsection.

(e) Except as provided under subsection (13) of this section, if the Water Resources Director does not make the finding specified in paragraph (a) of this subsection, the Water Resources Director shall issue an order approving the application if the application otherwise meets the requirements of ORS 537.505 to 537.795.

(f) A protest of any order issued under this subsection may be filed in the same manner as a protest on any application for a right to appropriate ground water.

(g) Each water right permit and certificate for appropriation of ground water issued after July 19, 1995, for which a source of appropriation is within or above a scenic waterway shall be conditioned to allow the regulation of the use if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

(h) This subsection does not limit the use of ground water for a use exempted under ORS 537.545.

(10) The Water Resources Commission or Water Resources Director shall consider mitigation measures and may include mitigation measures as conditions in any water right permit or certificate to ensure the maintenance of the free-flowing character of the scenic waterway in quantities necessary for recreation, fish and wildlife.

(11) The Water Resources Commission and the Water Resources Director shall carry out their responsibilities under ORS 536.220 to 536.590 with respect to the waters within scenic waterways in conformity with the provisions of this section.

(12) As used in this section, "measurably reduce" means that the use authorized under subsection (9) of this section will individually or cumulatively reduce surface water flows within the scenic waterway in excess of a combined cumulative total of one percent of the average daily flow or one cubic foot per second, whichever is less, unless:

(a) The Water Resources Department, the State Parks and Recreation Department, the State Department of Fish and Wildlife, the Department of Environmental Quality and the Department of State Lands unanimously agree to exceed that amount; and

(b) Exceeding that amount will not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(13) Before authorizing an appropriation that will reduce streamflows within a scenic waterway in amounts up to but not exceeding the amounts described in subsection (12) of this section, the Water Resources Director shall find:

(a) That the appropriation will not significantly impair the free-flowing character of these waters in quantities necessary for recreation, fish and wildlife.

(b) That the appropriation is consistent with provisions pertaining to water appropriations and water rights under ORS chapters 536 and 537 and the rules adopted thereunder.

(c) That construction, operation and maintenance of the appropriation will be carried out in a manner consistent with the purposes set forth in ORS 390.805 to 390.925.

(14) Placer mining is not permitted on waters within scenic waterways, other than recreational placer mining.

(15) A person may not be required to obtain a permit for recreational prospecting or other nonmotorized recreational activity resulting in the fill, removal or other alteration of less than one cubic yard of material at any one individual site and, cumulatively, not more than five cubic yards of material from within the bed or wet perimeter of any single scenic waterway in a single year. Recreational prospecting shall not occur at any site where fish eggs are present.

(16) This section does not exempt recreational placer mining on a scenic waterway, other than recreational prospecting not requiring a permit, from compliance with the provisions of ORS 196.800 to 196.825 and 196.845 to 196.870 or rules adopted pursuant to ORS 196.800 to 196.825 and 196.845 to 196.870.

(17) Recreational placer mining may not:

(a) Dam or divert a waterway or obstruct fish passage;

(b) Include nozzling, sluicing or digging outside the wet perimeter of the stream, nor extend the wet perimeter;

(c) Include movement of boulders, logs, stumps or other woody material from the wet perimeter other than movement by hand and nonmotorized equipment;

(d) Involve the disturbance of rooted or embedded woody plants, including trees and shrubs, regardless of their location;

(e) Include excavation from the streambank;

(f) Fail to level pits, piles, furrows or potholes outside the main channel of the waterway upon leaving the site;

(g) Include operation of a suction dredge without a suction dredge waste discharge permit from the Department of Environmental Quality including, but not limited to, a prohibition against dredging during periods when fish eggs could be in the dredging site gravel;

(h) Be conducted on federal lands except as allowed by agencies of the federal government;

(i) Impede boating;

(j) Include operation of a dredge between the hours of 6 p.m. and 8 a.m. within 500 feet of a residence or within 500 feet of a campground except within a federally designated recreational mining site; or

(k) Include operation of a dredge within the marked or posted swimming area of a designated campground or day use area except within a federally designated recreational mining site.

(18) As used in this section:

(a) "Bed" means the land within the wet perimeter and any adjacent nonvegetated dry gravel bar.

(b) "Prospecting" means to search or explore for samples of gold, silver or other precious minerals, using nonmotorized methods, from among small quantities of aggregate.

(c) "Recreational placer mining" includes, but is not limited to, the use of nonmotorized equipment and motorized surface dredges having an intake nozzle with an inside diameter not exceeding four inches, a motor no larger than 16 horsepower and a muffler meeting or exceeding factory-installed noise reduction standards. "Recreational placer mining" does not include recreational prospecting that does not require a permit.

(d) "Wet perimeter" means the area of the stream that is underwater, or is exposed as a nonvegetated dry gravel bar island surrounded on all sides by actively moving water at the time the activity occurs.

Note: Sections 3 and 4, chapter 499, Oregon Laws 2001, provide:

Sec. 3. In order to make recommendations to better achieve the objectives and enhance the effectiveness of the Oregon Scenic Waterways System, the State Parks and Recreation Department shall complete a review of the system administered under ORS 390.805 to 390.925, including a review of the studies pertaining to the effects of recreational placer mining within scenic waterways. At the request of the State Parks and Recreation Department, the Department of State Lands, the Water Resources Department, the State Department of Fish and Wildlife, the State Marine Board and the Department of Environmental Quality shall assist in the review. The State Parks and Recreation Department may also request interested public parties to assist in the review. [2001 c.499 §3]

Sec. 4. Notwithstanding ORS 390.835, a permit or temporary permit for dredging issued by the Department of State Lands for the purpose of recreational placer mining within a scenic waterway is not valid after December 31, 2003, if the review described in section 3 of this 2001 Act has been completed and reported to the Seventy-second Legislative Assembly or, if the review has not been completed and reported to the Seventy-second Legislative Assembly, after December 31, 2005. [2001 c.499 §4]

Note: Sections 3 and 4, chapter 499, Oregon Laws 2001, include references to the Division of State Lands, which was renamed the Department of State Lands. See section 2, chapter 253, Oregon Laws 2003. The text of sections 3 and 4, chapter 499, Oregon Laws 2001, was not amended to reflect the name change. Editorial adjustment of sections 3 and 4, chapter 499, Oregon Laws 2001, for the name change has not been made.

390.845 Administration of scenic waterways and related adjacent lands; limitations on use; condemnation; rules. (1) Except as provided in ORS 390.835, scenic waterways shall be administered by the State Parks and Recreation Department, each in such manner as to protect and enhance the values which caused such scenic waterway to be included in the system. In such administration primary emphasis shall be given to protecting the aesthetic, scenic, fish and wildlife, scientific and recreation features, based on the special attributes of each area.

(2) After consultation with the State Board of Forestry, the State Department of Agriculture and the affected counties and with the concurrence of the Water Resources Commission, the department shall adopt rules governing the management of related adjacent land. Such rules shall be adopted in accordance with ORS chapter 183. Such rules shall reflect management principles, standards and plans applicable to scenic waterways, their shore lines and related adjacent land and, if necessary, establish varying intensities of protection or development based on special attributes of each area. Such management principles, standards and plans shall protect or enhance the aesthetic and scenic values of the scenic waterways and permit compatible agricultural, forestry and other land uses. Specifically, and not in limitation of the foregoing, such rules shall provide that:

(a) No roads, railroads or utilities shall be constructed within any scenic waterway

except where necessary to serve the permissible uses, as defined in subsection (2) of this section and in the rules of the department, of the related adjacent land or unless department approval of such use is obtained as provided in subsection (4) or (5) of this section. The department wherever practicable shall require the sharing of land and air space by such roads, railroads and utilities. All permissible roads, railroads and utilities shall be located in such a manner as to minimize the disturbance of the natural beauty of a scenic waterway;

(b) Forest crops shall be harvested in such manner as to maintain as nearly as reasonably is practicable the natural beauty of the scenic waterway;

(c) Occupants of related adjacent land shall avoid pollution of waters within a scenic waterway;

(d) The surface of related adjacent land shall not be disturbed for prospecting or mining unless the department's approval is obtained under subsection (4) or (5) of this section; and

(e) Unless department approval of the proposed use is obtained under subsection (4) or (5) of this section, no commercial, business or industrial structures or buildings other than structures or buildings erected in connection with an existing use shall be erected or placed on related adjacent land. All structures and buildings erected or placed on such land shall be in harmony with the natural beauty of the scenic waterway and shall be placed a sufficient distance from other structures or buildings so as not to impair substantially such natural beauty. No signs or other forms of outdoor advertising that are visible from waters within a scenic waterway shall be constructed or maintained.

(3) No person shall put related adjacent land to uses that violate ORS 390.805 to 390.925 or the rules of the department adopted under ORS 390.805 to 390.925 or to uses to which the land was not being put before December 3, 1970, or engage in the cutting of trees, or mining, or prospecting on such lands or construct roads, railroads, utilities, buildings or other structures on such lands, unless the owner of the land has given to the department written notice of such proposed use at least one year prior thereto and has submitted to the department with the notice a specific and detailed description of such proposed use or has entered into agreement for such use with the department under subsection (5) of this section. The owner may, however, act in emergencies without the notice required by ORS 390.805 to 390.925 when necessary in the interests of public safety.

(4) Upon receipt of the written notice provided in subsection (3) of this section, the department shall first determine whether in its judgment the proposed use would impair substantially the natural beauty of a scenic waterway. If the department determines that the proposal, if put into effect, would not impair substantially the natural beauty of the scenic waterway, the department shall notify in writing the owner of the related adjacent land that the owner may immediately proceed with the proposed use as described to the department. If the department determines that the proposal, if put into effect, would impair substantially the natural beauty of the scenic waterway, the department shall notify in writing the owner of the related adjacent land of such determination and no steps shall be taken to carry out such proposal until at least one year after the original notice to the department. During such period:

(a) The department and the owner of the land involved may agree upon modifications or alterations of the proposal so that implementation thereof would not in the judgment of the department impair substantially the natural beauty of the scenic waterway; or

(b) The department may acquire by purchase, gift or exchange, the land involved or interests therein, including scenic easements, for the purpose of preserving the natural beauty of the scenic waterway.

(5) The department, upon written request from an owner of related adjacent land, shall enter into negotiations and endeavor to reach agreement with such owner establishing for the use of such land a plan that would not impair substantially the natural beauty of the scenic waterway. At the time of such request for negotiations, the owner may submit a plan in writing setting forth in detail proposed uses. Three months after the owner makes such a request for negotiations with respect to use of land, either the department or the owner may give written notice that the negotiations are terminated without agreement. Nine months after the notice of termination of negotiations the owner may use land in conformity with any specific written plan submitted by the owner prior to or during negotiations. In the event the department and the owner reach agreement establishing a plan for land use, such agreement is terminable upon at least one year's written notice by either the department or the owner.

(6) With the concurrence of the Water Resources Commission, the department may institute condemnation proceedings and by condemnation acquire related adjacent land:

(a) At any time subsequent to nine months after the receipt of notice of a pro-

posal for the use of such land that the department determines would, if carried out, impair substantially the natural beauty of a scenic waterway unless the department and the owner of such land have entered into an agreement as contemplated by subsection (4) or (5) of this section or the owner shall have notified the department of the abandonment of such proposal; or

(b) At any time related adjacent land is used in a manner violating ORS 390.805 to 390.925, the rules of the department or any agreement entered into by the department pursuant to subsection (4) or (5) of this section; or

(c) At any time related adjacent land is used in a manner which, in the judgment of the department, impairs substantially the natural beauty of a scenic waterway, if the department has not been given at least one year's advance written notice of such use and if there is not in effect department approval of such use pursuant to subsection (4) or (5) of this section.

(7) In such condemnation the owner of the land shall not receive any award for the value of any structure, utility, road or other improvement constructed or erected upon the land after December 3, 1970, unless the department has received written notice of such proposed structure, utility, road or other improvement at least one year prior to commencement of construction or erection of such structure, utility, road or other improvement or unless the department has given approval for such improvement under subsection (4) or (5) of this section. If the person owned the land on December 3, 1970, and for a continuous period of not less than two years immediately prior thereto, the person shall receive no less for the land than its value on December 3, 1970. The department shall not acquire by condemnation a scenic easement in land. When the department acquires any related adjacent land that is located between a lake or river and other land that is owned by a person having the right to the beneficial use of waters in the river by virtue of ownership of the other land:

(a) The right to the beneficial use of such waters shall not be affected by such condemnation; and

(b) The owner of the other land shall retain a right of access to the lake or river necessary to use, store or divert such waters as the owner has a right to use, consistent with concurrent use of the land so condemned as a part of the Oregon Scenic Waterways System.

(8) Any owner of related adjacent land, upon written request to the department, shall be provided copies of rules then in effect or thereafter adopted by the department pursuant to ORS 390.805 to 390.925.

(9) The department shall furnish to any member of the public upon written request and at expense of the member a copy of any notice filed pursuant to subsection (3) of this section.

(10) If a scenic waterway contains lands or interests therein owned by or under the jurisdiction of an Indian tribe, the United States, another state agency or local governmental agency, the department may enter into agreement with the tribe or the federal, state or local agency for the administration of such lands or interests therein in furtherance of the purposes of ORS 390.805 to 390.925. [1971 c.1 §5; 1971 c.459 §1; 1973 c.756 §2; 1981 c.236 §3; 1983 c.334 §4]

390.848 Passes for use of parts of Deschutes River; rules; fee; exemption from fee; disposition of moneys. (1) The State Parks and Recreation Department shall establish, by rule, a system for issuing passes necessary to comply with the requirements under ORS 390.851. The department shall establish a reasonable fee for issuance of a pass under this section. The department may establish any form of proof of payment of the user fees that it deems appropriate.

(2) The system for issuance of passes established by the department under this section may include issuance of the passes by governmental entities or private persons who have entered into appropriate agreements with the department for issuance of the passes. Agreements under this subsection may include, but are not limited to, terms providing for locations for the collection of fees, methods the department determines appropriate to assure payment of moneys collected and provisions for the distribution of river-user information.

(3) The department shall issue, without charge, annual passes to comply with the requirements under ORS 390.851 to persons who own ranch, farm or residential property immediately abutting those portions of the Deschutes River designated as scenic waterways under ORS 390.826 and to members of the immediate family of such persons. This subsection does not authorize the issuance without charge of passes to persons holding less than a majority interest in a firm, corporation or cooperative organization which owns land immediately abutting the Deschutes River designated as scenic waterways under ORS 390.826.

(4) Moneys collected under this section shall be deposited in the separate fund established for the State Parks and Recreation Department under ORS 366.512 and, subject to the limitations under subsection (5) of this

section, are continually appropriated to that department to be used:

(a) For operation of the pass system established under this section;

(b) For providing river-user oriented law enforcement services;

(c) For providing river recreation information and education;

(d) For developing and maintaining river oriented recreation facilities; and

(e) For any other purposes the department considers appropriate for the maintenance, enhancement or protection of the natural and scenic beauty of the scenic waterway consistent with ORS 390.805 to 390.925.

(5) The use of moneys for purposes described under subsection (4) of this section is limited to the performance of those purposes for areas of the Deschutes River designated as scenic waterways under ORS 390.826. [1981 c.798 §2; 1985 c.606 §4; 1987 c.291 §2; 1987 c.624 §15]

390.851 Activities prohibited on parts of Deschutes River without pass; exceptions. (1) Unless the person has an appropriate pass issued under ORS 390.848, no person shall launch, operate or ride in any boat or engage in any camping, fishing or other activity in connection with being transported by a boat on those portions of the Deschutes River designated as scenic waterways under ORS 390.826.

(2) This section does not apply to:

(a) Peace officers, members or employees of a governmental body or their agents while engaged in the discharge of official duties; or

(b) Any member of the Confederated Tribes of the Warm Springs Indian Reservation.

(3) A person who violates this section commits a Class C violation. [1981 c.798 §3; 1987 c.291 §3; 1999 c.1051 §99]

390.855 Designation of additional scenic waterways. The State Parks and Recreation Department shall undertake a continuing study and submit periodic reports to the Governor, with the concurrence of the Water Resources Commission, recommending the designation of additional rivers or segments of rivers and related adjacent land by the Governor as scenic waterways subject to the provisions of ORS 390.805 to 390.925. Consistent with such recommendation, the Governor may designate any river or segment of a river and related adjacent land as a scenic waterway subject to the provisions of ORS 390.805 to 390.925. The department shall consult with the State Fish and Wildlife Commission, the State Department of Agriculture, the Environmental Quality Commission, the Department of State Lands, and such other persons or agencies as it considers appropriate. The State Parks and Recreation Department shall conduct hearings in the counties in which the proposed additional rivers or segments of rivers are located. The following criteria shall be considered in making such report:

(1) The river or segment of river is relatively free-flowing and the scene as viewed from the river and related adjacent land is pleasing, whether primitive or rural-pastoral, or these conditions are restorable.

(2) The river or segment of river and its setting possess natural and recreation values of outstanding quality.

(3) The river or segment of river and its setting are large enough to sustain substantial recreation use and to accommodate existing uses without undue impairment of the natural values of the resource or quality of the recreation experience. [1971 c.1 §6]

390.865 Authority of legislature over designation of additional scenic waterways. The designation of a river or segment of a river and related adjacent land, pursuant to ORS 390.855, shall not become effective until the day following the adjournment sine die of the regular session of the Legislative Assembly next following the date of the designation or that was in session when the designation was made. The Legislative Assembly by joint resolution may disapprove any such designation or a part thereof, and in that event the designation, or part thereof so disapproved, shall not become effective. [1971 c.1 §7]

390.875 Transfer of public lands in scenic waterways to department; administration of nontransferred lands. Any public land within or adjacent to a scenic waterway, with the consent of the governing body having jurisdiction thereof, may be transferred to the jurisdiction of the State Parks and Recreation Department with or without compensation. Any land so transferred shall become state recreational land and shall be administered as a part of the scenic waterway. Any such land within a scenic waterway which is not transferred to the jurisdiction of the department, to the fullest extent consistent with the purposes for which the land is held, shall be administered by the body having jurisdiction thereof in accordance with the provisions of ORS 390.805 to 390.925. [1971 c.1 §8]

390.885 Exchange of property within scenic waterway for property outside waterway. In acquiring related adjacent land by exchange, the State Parks and Recreation Department may accept title to any

property within a scenic waterway, and in exchange therefor, may convey to the grantor of such property any property under its jurisdiction that the department is not otherwise restricted from exchanging. In so far as practicable, the properties so exchanged shall be of approximately equal fair market value. If they are not of approximately equal fair market value, the department may accept cash or property from, or pay cash or grant property to, the grantor in order to equalize the values of the properties exchanged. [1971 c.1 §9]

390.895 Use of federal funds. In addition to State of Oregon funds available for the purposes of ORS 390.805 to 390.925, the State Parks and Recreation Department shall use such portion of moneys made available to it by the Bureau of Outdoor Recreation and other federal agencies, including matching funds, as the department determines are necessary and available to carry out the purposes of ORS 390.805 to 390.925. [1971 c.1 §10]

390.905 Effect of ORS 390.805 to 390.925 on other state agencies. Nothing in ORS 390.805 to 390.925 affects the jurisdiction or responsibility of other state agencies with respect to boating, fishing, hunting, water pollution, health or fire control; except that such state agencies shall endeavor to perform their responsibilities in a manner consistent with the purposes of ORS 390.805 to 390.925. [1971 c.1 §11]

390.910 Intergovernmental cooperation; county representative on management advisory committee. In carrying out the provisions of ORS 390.805 to 390.925, the State Parks and Recreation Department may enter into intergovernmental agreements to form committees to advise the various governmental agencies involved regarding management of the scenic waterways. Each such agreement must provide for membership on the committee of a representative of one of the governing bodies of the counties through which the scenic waterway flows. The county representative shall be chosen by the Governor from among those individuals recommended to the Governor by the county governing bodies. [1981 c.236 §2]

390.915 Determination of value of scenic easement for tax purposes; easement exempt. For ad valorem tax purposes, real property that is subject to a scenic easement shall be valued at its real market value, less any reduction in value caused by the scenic easement, and assessed in accordance with ORS 308.232. The easement shall be exempt from assessment and taxation the same as any other property owned by the state. [1971 c.1 §12; 1981 c.804 §99; 1991 c.459 §394]

390.925 Enforcement. In addition to any other penalties provided by law for violation of ORS 390.805 to 390.925 or rules adopted thereunder, the State Parks and Recreation Department is vested with power to obtain injunctions and other appropriate relief against violations of any provisions of ORS 390.805 to 390.925 and any rules adopted under ORS 390.805 to 390.925 and agreements made under ORS 390.805 to 390.925. [1971 c.1 §13; 1981 c.798 §6]

DESCHUTES RIVER SCENIC WATERWAY RECREATION AREA

390.930 Definitions for ORS 390.930 to 390.940. As used in ORS 390.930 to 390.940:

(1) "Managing agencies" includes:

(a) State Parks and Recreation Department;

(b) State Department of Fish and Wildlife;

(c) Confederated Tribes of the Warm Springs Indian Reservation;

(d) State Marine Board;

(e) Sherman, Wasco and Jefferson Counties;

(f) Oregon State Police;

(g) United States Bureau of Land Management;

(h) United States Bureau of Indian Affairs; and

(i) The City of Maupin.

(2) "Recreation area" means the Deschutes River Scenic Waterway Recreation Area created under ORS 390.932. [1987 c.624 §§1,18; 1989 c.904 §26; 2001 c.104 §133]

390.932 Creation of Deschutes River Scenic Waterway Recreation Area. There is created the Deschutes River Scenic Waterway Recreation Area consisting of the segment of the Deschutes River scenic waterway under ORS 390.825 that is designated as the segment from immediately below the existing Pelton reregulating dam downstream approximately 100 miles to its confluence with the Columbia River, excluding the City of Maupin as its boundaries are constituted on October 4, 1977. [1987 c.624 §17]

390.934 Management of Deschutes River Scenic Waterway Recreation Area; plan; rules; budget. (1) The State Parks and Recreation Department shall have primary management responsibility for the State of Oregon to manage the Deschutes River Scenic Waterway Recreation Area. In managing the recreation area, the department shall cooperate with other managing agencies having jurisdiction to manage all or part of the recreational area.

(2) The department shall adopt a management plan by rule. The department shall implement the plan and shall prepare a budget for implementation taking into consideration the provisions of the management plan. [1987 c.624 §§3,19]

390.936 Rules. In accordance with applicable provisions of ORS chapter 183, the State Parks and Recreation Department shall adopt rules necessary to carry out those provisions of ORS 390.930 to 390.940 that the department is charged with administering. [1987 c.624 §§12,22]

390.938 Guidelines for management and development. The Deschutes River Scenic Waterway Recreation Area shall be managed and developed in accordance with the following guidelines:

(1) To the extent allowed under ORS 390.805 to 390.925, the recreational area shall be administered to allow continuance of compatible existing uses, while allowing a wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its aesthetic, fish and wildlife, scientific and recreational values.

(2) The management plan shall stress a segment by segment design and shall include provisions for the development of appropriate facilities and services in the recreation area to meet resource needs for protection and preservation and user needs. This development may include but need not be limited to:

(a) River and car camp development;

(b) Sanitation stations for human waste and garbage;

(c) Parking and access road improvement;

(d) Signs indicating land ownership;

(e) Tree and riparian zone protection and restoration;

(f) Educational programs; and

(g) Initiation of additional volunteer programs.

(3) Before restricting access through the use of a permit system, all other management options shall be considered.

(4) Special emphasis shall be placed on protecting the recreation area and all adjacent property from recreationist-caused wildfires. This goal shall be equal in priority to the other primary goals set forth in this section. This protection shall include but not be limited to:

(a) Permanent adoption of a fire rule that provides the same protection as the fire rule in force during the 1986 fire season.

(b) Requiring boater passes to include the name of the group leader, date and section of river used.

(c) The establishment of information centers near major points of entry into the recreation area to provide users with information and education regarding the fire rules and general rules of the river.

(d) Conducting cadet patrols at the levels considered necessary to facilitate reasonable compliance with recreation area rules. [1987 c.624 §§4,20]

390.940 Relationship to other laws. The State Parks and Recreation Department and state and local managing agencies shall manage the Deschutes River Scenic Waterway Recreation Area according to the provisions of ORS 390.805 to 390.925 and 390.930 to 390.940 and rules adopted under ORS 390.805 to 390.925 and 390.930 to 390.940. Federal and tribal managing agencies with jurisdiction over their respective lands and waters shall be encouraged to manage their lands and waters in a manner consistent with the provisions of ORS 390.805 to 390.925 and 390.930 to 390.940. [1987 c.624 §§5,21]

RECREATION TRAILS

390.950 Short title. ORS 390.950 to 390.989 and 390.995 (2) may be cited as the Oregon Recreation Trails System Act. [1971 c.614 §1]

390.953 [1971 c.614 §2; 1989 c.904 §27; repealed by 2001 c.104 §134]

390.956 Policy. (1) In order to provide for the ever-increasing outdoor recreation needs of an expanding resident and tourist population and in order to promote public access to, travel within and enjoyment and appreciation of, the open-air, outdoor areas of Oregon, trails should be established both near the urban areas of this state and within, adjacent to or connecting highly scenic areas more remotely located.

(2) The purpose of ORS 390.950 to 390.989 and 390.995 (2) is to provide the means for attaining these objectives by instituting a system of recreation trails in this state, by designating certain trails as the initial components of that system, and by prescribing the methods of which, and standards according to which, additional components may be added to the system. [1971 c.614 §3]

390.959 Composition of trails system; establishment of markers. The system of Oregon recreation trails shall be composed of trails established as provided in ORS 390.962 and 390.965. The State Parks and Recreation Department, in consultation with appropriate federal, state and local governmental agencies and public and private or-

ganizations, shall establish a uniform marker for the system of Oregon recreation trails. [1971 c.614 §4]

390.962 Criteria for establishing trails; location; statutes authorizing trails for motorized vehicles unaffected. (1) Upon finding that such trails will meet the criteria established in ORS 390.950 to 390.989 and 390.995 (2) and such supplementary criteria as the State Parks and Recreation Department may prescribe, the department is encouraged and empowered to establish and designate Oregon recreation trails:

(a) Over lands owned by the State of Oregon, by the federal government or by any county, municipality or other local governmental body, with the consent of the state agency, federal agency, county, municipality or other local governmental body having jurisdiction over the lands involved; or

(b) Over lands owned by private persons, in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995 (2).

(2) In establishing such trails, the department shall give special recognition to the need for the establishment of recreation trails in or near, or reasonably accessible to, urban areas. Upon the establishment of any such trail, the department shall designate the primary kind of trail it is to be, based upon the mode or modes of travel to be permitted on such trail, including one or more of the following:

(a) Footpath.

(b) Horseback riding trail.

(c) Bicycle path.

(3) Nothing in ORS 390.950 to 390.989 and 390.995 (2) affects any other statute authorizing trails for motorized vehicles which is not inconsistent with ORS 390.950 to 390.989 and 390.995 (2). [1971 c.614 §5]

390.965 Hearing required; information to be considered. (1) The State Parks and Recreation Department may establish trails after public meetings in the areas of the state where trails are planned and only in accordance with the following criteria:

(a) Emphasis shall be given to the development of trails across public lands.

(b) No trails shall cross private land occupied by a residential dwelling, or upon which a residential dwelling is under construction, within 300 feet of such residential dwelling, without the consent of the owner.

(c) Trails shall be selected to minimize the adverse effects on adjacent landowners or users and their operations.

(d) Development and management of trails shall be designed to harmonize with and complement any established forest, agricultural, or other use plan that is compatible with the purposes of ORS 390.950 to 390.989 and 390.995 (2).

(2) Before establishing a trail the department shall consider at a public meeting the following information:

(a) The proposed route of such trail (including maps and illustrations) and the recommended mode or modes of travel to be permitted thereon;

(b) The areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural or developmental purposes;

(c) The characteristics that, in the judgment of the department, make the proposed trail suitable as an Oregon recreation trail;

(d) The current status of land ownership and current and potential use along the designated route;

(e) The estimated cost of acquisition of lands or interest in lands, if any;

(f) The plans for developing and maintaining the trail and the cost thereof;

(g) Any anticipated problems of policing the use of such trail and any anticipated hazards to the use of any privately owned lands adjacent to such trail; and

(h) The extent to which the state or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof. [1971 c.614 §6]

390.968 Selection of rights of way for trails. (1) The State Parks and Recreation Department shall select the rights of way for trails designated as Oregon Recreation Trails by ORS 390.962 (1)(a) and (b). Such rights of way shall be:

(a) Of sufficient width and so located as to protect natural conditions, scenic and historic features, and any primitive character of the trail area; to provide campsites, shelters, and related public-use facilities along trails in more remote areas; and to provide reasonable public access.

(b) Located to avoid, in so far as reasonably practicable, established highways, motor roads, mining areas, power transmission lines, existing commercial and industrial developments, range fences and improvements, private logging operations, and any other activities that would be incompatible with the protection of the trailside environment in its natural condition and the use of the trail for outdoor recreation.

(2) Notwithstanding subsection (1) of this section, it is recognized that in many instances (especially in urban areas and for

some types of trails across or near private land) it may be advisable to locate segments of trails in or near existing rights of way for roads, highways, public utilities or telecommunications utilities, excluding power transmission lines; and it is recognized that trail rights of way on occasion may be located, or from time to time relocated, through, or adjacent to, lands used for private timber (including logging), agriculture, commercial or industrial operations and that such location or relocation of a trail right of way, of itself, shall not impose any limitation upon an otherwise lawful use of the adjacent private land except to the extent of the terms of any agreement with the private landowner as provided in ORS 390.971 (1) and except as may be provided by any zoning ordinance, law or regulation.

(3) The location and width of an Oregon recreation trail right of way across federal lands under the jurisdiction of a federal agency shall be by agreement between that agency and the department.

(4) In selecting a right of way, the department shall endeavor to obtain the advice and assistance of the local governments, private organizations, landowners, the land users concerned, and the advisory council established under ORS 390.977.

(5) The department shall hold a public hearing in the area of the state where the selection of such right of way is to be made. Subject to ORS 390.971, after public hearing, the department may revise the location and width of a right of way from time to time as required by circumstances, with the consent of the head of any federal agency involved, and with such advice and assistance of the local governments, private organizations, landowners, land users, and the advisory council, as the department considers necessary or advisable. [1971 c.614 §7; 1987 c.447 §124]

390.971 Department duties and powers; rules. (1) Within the exterior boundaries of areas under its administration that are included in the right of way selected for an Oregon recreation trail as provided in ORS 390.950 to 390.989 and 390.995 (2), the State Parks and Recreation Department may do any of the following:

(a) Enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals in order to provide for the development, operation, maintenance, location and relocation of the trail. Where the trail crosses commercial forestland, such agreement shall make reasonable provision for temporary relocation reasonably required for commercial forest management.

(b) Subject to limitations set forth in ORS 390.950 to 390.989 and 390.995 (2), acquire lands or interests in lands by donation, purchase with donated or appropriated funds or exchange, or with funds obtained under ORS 390.980.

(2) The department, in the exercise of its exchange authority, may accept title to any nonstate-owned property within a trail right of way, and, in exchange therefor, the department may convey to the grantor of such property any state-owned property under its jurisdiction or the jurisdiction of any state agency consenting to such exchange that the department or the applicable consenting state agency classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the department or applicable consenting state agency as the circumstances require.

(3) If lands included in an Oregon recreation trail right of way are outside the exterior boundaries of state or federally administered areas, the department shall attempt, and any local governments involved shall be encouraged, to enter into written cooperative agreements with landowners, local government, private organizations and individuals in order to develop, administer and maintain the trails and to acquire, develop and administer such lands or interests therein. However, if the department or local governments fail or are unable to enter into such agreements or to acquire such lands or interests therein within one year after the selection of the right of way, the department may acquire private lands or interests therein by donation, exchange or purchase with donated or appropriated funds and may develop and administer such lands or interests therein. Exchanges shall be governed by the provisions of subsection (2) of this section.

(4) Oregon recreation trails shall be administered, protected, developed and maintained by the department, or as provided under subsection (1)(a) of this section, to retain their natural, scenic and historic features. Along trails in more remote areas, provision may be made for campsites, shelters and related public-use facilities. Other uses, including reasonable crossings for motor vehicles, public utilities and water pipes and ditches, that will not substantially interfere with the nature and purposes of the trails may be permitted or authorized, as appropriate. The use of motorized vehicles by the general public along any such Oregon recreation trail is prohibited. However, the department shall authorize the use of motor-

ized vehicles when, in its judgment, such vehicles are necessary to meet emergencies, trail construction and maintenance needs or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights. The fact that private lands are included in an Oregon recreation trail by cooperative agreement of a landowner does not preclude the owner of such lands or agents of the owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with such agreement. Except to the extent otherwise provided by law, the state laws, rules and regulations applicable to lands or areas included in any Oregon recreation trail shall continue to apply. Nothing in ORS 390.950 to 390.989 and 390.995 (2) prohibits the use of roads existing on private lands on September 9, 1971, which may cross or traverse portions of the trail right of way, nor shall ORS 390.950 to 390.989 and 390.995 (2) prevent trails from crossing such roads.

(5) The department shall endeavor to induce agreements with appropriate state and federal agencies to provide for youth work projects to assist in the construction and maintenance of trails that are part of the Oregon recreation trails system.

(6) The department shall endeavor, when it considers such to be appropriate, to develop and enhance the educational values and opportunities of Oregon recreation trails. In this connection the department shall cooperate with schools, educators and other interested persons or groups in developing and utilizing techniques and materials to demonstrate to and inform the trail-using public of various scenic and natural features visible along or from such trails, including geological, botanical, historical, zoological and similar features.

(7) The department shall place and endeavor to maintain signs at such places as it considers appropriate along Oregon recreation trails advising users of the Oregon laws of criminal trespass and encouraging users to protect the trails and the rights and property of adjacent landowners.

(8) The department, with the concurrence of any federal agency administering lands through which an Oregon recreation trail passes, and after consultation with the local governments, private organizations and landowners that the department knows or believes to be concerned, and the advisory council established under ORS 390.977, may adopt rules that may be revised from time to time governing protection, management, use, development and administration of an Oregon recreation trail.

(9) The department, on lands not within a forest protection district, upon recommendation of the State Forester, shall have the authority to close trails during periods of high fire danger. The department shall also have the authority to close trails if it deems it necessary to protect the safety of the public.

(10) Notwithstanding the provisions of ORS chapter 477, forestland on which a fire exists that was caused by a person using, for recreational purposes, a trail established pursuant to ORS 390.950 to 390.989, shall not be considered an operation area as defined by ORS 477.001, if the fire did not start within an operation. [1971 c.614 §9; 1973 c.46 §7; 1983 c.740 §123; 1997 c.274 §37; 2003 c.14 §169]

390.974 Intergovernmental cooperation to obtain property for use in trail system. The State Parks and Recreation Department is authorized and encouraged to consult and to cooperate with any state, federal or local governmental agency or body and with any privately owned utility having jurisdiction or control over or information concerning the use, abandonment or disposition of roadways, utility rights of way or other properties suitable for the purpose of improving or expanding the Oregon recreation trails system in order to assure, to the extent practicable, that any such properties having value for Oregon recreation trail purposes may be made available for such use. [1971 c.614 §11]

390.977 Oregon Recreation Trails Advisory Council; members; appointment; terms; duties; expenses; officers; quorum; meetings. (1) There is established an Oregon Recreation Trails Advisory Council consisting of seven members, at least one from each congressional district in the state. However, not less than two of such members shall be from separate counties bordering upon the ocean shore. Members of the council shall be appointed by the State Parks and Recreation Commission and shall serve at the pleasure of the commission for terms of four years. Before the expiration of the term of a member, the commission shall appoint a successor. A member shall be eligible for reappointment. If there is a vacancy for any cause, the commission shall make an appointment to become immediately effective for the unexpired term.

(2) The commission and the State Parks and Recreation Department shall consult with the council from time to time with respect to matters relating to Oregon recreation trails, including the designation and establishment of Oregon recreation trails, the selection of rights of way, the selection, erection and maintenance of markers along the trail routes and the administration of the trails.

(3) Members of the council shall serve without compensation, but the department may pay expenses as provided in ORS 292.495.

(4) The council shall select one of its members as chairperson.

(5) A majority of the members of the council constitutes a quorum for the transaction of business.

(6) The council shall meet at times and places specified by the call of the chairperson or a majority of the members of the council. [1971 c.614 §8; 1981 c.545 §7; 1991 c.257 §1]

390.980 Funds for purposes of ORS 390.950 to 390.989; acceptance and use of donated funds; indemnity to owners of land damaged by trail users. In addition to State of Oregon funds available for the purposes of ORS 390.950 to 390.989 and 390.995 (2), the State Parks and Recreation Department may use such portion of moneys made available to it by any federal agency which may be used for such purposes, including matching funds, as the department determines are necessary or desirable to carry out the purposes of ORS 390.950 to 390.989 and 390.995 (2). In addition to the foregoing, the department may receive and may encourage the receipt of donated funds or property from individuals, groups or organizations (including trail users) for specified or nonspecified uses in connection with the acquisition, development, maintenance and administration of Oregon recreation trails. The department if it considers it advisable, may provide under its rules and regulations, for the use of a portion of any such donated funds received for nonspecified purposes to grant to an owner of private land adjacent to an Oregon recreation trail, funds indemnifying such owner for damage clearly caused to the land of the owner, and property therein, by users of such trail and which such landowner has not been able to recover from the user causing such damage. [1971 c.614 §12]

390.983 Trail property tax assessment. For ad valorem tax purposes, real property that is subject to an easement, or a written cooperative agreement, for purposes of ORS 390.950 to 390.989 and 390.995 (2) shall be valued at its real market value, less any reduction in value caused by the easement or the written cooperative agreement, and assessed in accordance with ORS 308.232. The easement shall be exempt from assessment and taxation the same as any other property owned by the state. [1971 c.614 §13; 1981 c.804 §100; 1991 c.459 §395]

390.986 Injunctive relief for violation of ORS 390.950 to 390.989. The State Parks and Recreation Department has power to obtain injunctions against violations of any provisions of ORS 390.950 to 390.989 and any rules and regulations adopted under ORS 390.950 to 390.989 and agreements made under ORS 390.950 to 390.989. [1971 c.614 §14]

390.989 Eminent domain does not apply to department powers or duties under ORS 390.950 to 390.989. Any power of eminent domain otherwise vested in the State Parks and Recreation Department does not apply to any power or duty vested in the department by ORS 390.950 to 390.989. [1971 c.614 §16]

PENALTIES

390.990 Violations. (1) Subject to ORS 153.022, a person commits a Class A violation if the person violates:

(a) ORS 390.678.

(b) Any rule adopted under ORS 390.124.

(c) Any rule adopted under ORS 390.340.

(d) ORS 390.729.

(e) Any rule adopted under ORS 390.845.

(2) Notwithstanding any other provision of this section, violation of any rule adopted under this chapter for the regulation of vehicle speed in parks, including violations of rules relating to driving vehicles at a speed greater than a posted speed limit or greater than is reasonable and prudent, are subject to the same penalties as provided in ORS 811.109 for violation of a specific speed limit imposed under law or violation of a posted speed limit. [Subsection (1) formerly 366.990; subsection (2) formerly part of 274.990; 1969 c.601 §28; 1971 c.743 §362; subsection (4) enacted as 1971 c.614 §10; 1981 c.692 §3; 1981 c.798 §7; 1983 c.740 §124; 1989 c.904 §63; 1999 c.1051 §100; subsection (4) renumbered 390.995 (2) in 1999; 2005 c.300 §4]

390.992 Civil penalties. (1) Any person who violates any provision of ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770 or any rule, order or permit adopted or issued under ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770 shall be subject to a civil penalty in an amount to be determined by the State Parks and Recreation Director of not more than $10,000 per day of violation.

(2) In addition to any other penalties provided under subsection (1) of this section, the State Parks and Recreation Department is vested with power to obtain injunctions and other appropriate relief against a person who violates any provisions of ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770 or any rule, order or permit adopted or issued under ORS 390.610, 390.620 to 390.676, 390.690 and 390.705 to 390.770. [1999 c.373 §9]

390.995 Criminal penalties. (1) Violation of ORS 390.640 is a misdemeanor.

(2) Subject to ORS 153.022, any person who violates a rule adopted under ORS 390.950 to 390.989 is guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or both.

(3) Subject to ORS 153.022, violation of any provision of ORS 390.640 or 390.705, or any rule adopted to carry out the purposes of ORS 390.640 or 390.705, may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or both. Each day that a person violates ORS 390.640 or 390.705 shall be considered a separate offense. [Subsection (1) of 1999 Edition enacted as 1999 c.373 §17; subsection (2) of 1999 Edition formerly 390.990(4); 2005 c.300 §5]