

# Chapter 390

## 1983 REPLACEMENT PART

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**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, archeology 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 Policy Review Board.

(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]

**INFRACTIONS**

**390.050 Park and recreation infractions; enforcement; disposition of fines and costs.** (1) The park and recreation infractions that are established by this chapter are infractions that are subject to ORS 8.665, 153.110 to 153.310 and 153.990. Except as otherwise specifically provided in this chapter any offense that is designated as a park and recreation infraction is subject to citation and enforcement as provided under ORS 8.665, 153.110 to 153.310 and 153.990.

(2) In addition to any other persons permitted to enforce infractions under ORS 8.665, 153.110 to 153.310 and 153.990, the Administrator of the Parks and Recreation Division and any employe of the Parks and Recreation Division specifically designated by the administrator have jurisdiction of and may enforce park and recreation infractions established under this chapter in the manner provided under ORS 8.665, 153.110 to 153.310 and 153.990 for the enforcement of infractions.

(3) All fines and court costs recovered from violations of park and recreation infractions shall be paid to the clerk of the court involved. The clerk, after deductions of court costs provided by law for the proceeding, shall pay the re-

mainder of the money to the Parks and Recreation Division of the Department of Transportation for deposit in the separate account established for the Parks and Recreation Division under ORS 366.512. Except as otherwise provided in this section the moneys shall be used as are other moneys in that account.

(4) Notwithstanding subsection (3) of this section, the moneys collected under ORS 390.990 for violation of any rule adopted under ORS 390.845 shall be used only for purposes of maintenance, enhancement or protection of the natural and scenic beauty of scenic waterways consistent with ORS 390.805 to 390.925. [1981 c.692 §2; 1981 c.798 §35]

### STATE PARKS AND RECREATION DIVISION

**390.110 Acquisition and development by Department of Transportation of scenic or historic places.** (1) The Department of Transportation may acquire by purchase, agreement, donation or by exercise of the power of eminent domain real property, or any right or interest therein, deemed necessary for the culture of trees and the preservation of scenic or historic places and other objects of attraction or scenic value adjacent to, along or in close proximity to state highways, or which may be conveniently reached from or by a public highway. The department may in like manner acquire land and ground necessary for the development and maintenance of parks, parking places, auto camps, campsites, roadside development, recreational grounds or resorts, forest or timbered areas or other places of attraction and scenic or historic value which in the judgment of the department are necessary for the convenience of the public, and which will contribute to the general welfare and pleasure of the motoring public or road user.

(2) The department may develop, construct, improve, operate and maintain the places named in subsection (1) of this section to such an extent and in such manner as will best afford to the motoring public and road users necessary conveniences and accommodations, and as will contribute to the general welfare of the people of the state or the members of the motoring public using the highways of the state.

(3) The department may acquire by purchase, agreement or donation real property, or any right or interest therein, deemed necessary for the culture of trees and the preservation of scenic or historic places and other objects of attraction or scenic value. The department may

in like manner acquire land and ground necessary for the development and maintenance of parks, campsites, recreational grounds or resorts, forest or timbered areas or other places of attraction and scenic or historic value which in the judgment of the department will contribute to the general welfare and pleasure of the public.

(4) The department may develop, construct, improve, operate and maintain the places named in subsection (3) of this section to such an extent and in such manner as will best afford to the public necessary conveniences and accommodations, and as will contribute to the general welfare of the public. [Formerly 366.345]

**390.120 Administrator of Parks and Recreation Division.** The chief administrative officer appointed to supervise the Parks and Recreation Division by the Director of the Department of Transportation under ORS 184.615 shall be called the Administrator of the Parks and Recreation Division. [Formerly 366.175; 1979 c.186 §17]

**390.130 State Recreation Director and assistants.** (1) The Department of Transportation shall appoint, upon the recommendation of the Administrator of the Parks and Recreation Division, a director of recreation, who shall be called State Recreation Director, and who shall hold office at the pleasure of the department.

(2) The State Recreation Director shall receive an annual salary to be fixed by the department, payable in monthly instalments, together with such actual traveling and other necessary expenses as may be incurred in the discharge of his official duties.

(3) The department may employ such engineers, landscape architects, technical assistants and such other help as, in its judgment, may be necessary for the proper and efficient administration of the parks and recreation division. The compensation, travel allowance and other expenses for such staff and other help shall be fixed by the department.

(4) This section is subject to any applicable provision of the State Personnel Relations Law. [Formerly 366.180; 1979 c.186 §18]

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

(a) Study and appraise the recreation needs of this state and assemble and disseminate infor-

mation 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. However, the director shall not make surveys of recreation facilities, personnel, activities and programs of counties, cities, districts and other local agencies, areas and communities except upon their request.

(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 Administrator of the Parks and Recreation Division, the State 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]

**390.150 Gifts and grants for Parks and Recreation Division.** The Department of Transportation 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 390.120 to 390.150 or to facilitate the carrying out of any of the functions of the State Recreation Director

under ORS 390.120 to 390.150. [Formerly 366.183]

**390.160 Park and recreation regulations and charges.** (1) The Department of Transportation may make rules and provisions for the use and administration of state parks and all recreational, historic, scenic and other places of attraction which are owned by or under the control of the state, acting by and through the department. Such rules shall be duly entered in the minutes and records of the department. The rules may provide reasonable charges for the use of accommodations provided in such parks and areas. The rules shall be posted within the main entrance of each of the areas. Nothing in this section or in ORS 390.130 or 390.990 shall impair, restrict or modify any of the powers of the department with reference to state parks and recreational, historic and scenic places.

(2) Notwithstanding subsection (1) of this section, in addition to the fees set under subsection (1) of this section for the use of accommodations provided in parks and areas, the rules of the department shall, except for state facilities located on federal lands for which such fees are contrary to federal policy or law, require from each party using a vehicle with an out-of-state license plate a \$2 daily charge for use of accommodations provided in parks and areas. The department shall use moneys collected from the additional fee charged under this subsection to help fund programs for park and area improvements.

(3) The department may make rules necessary to carry out the provisions of ORS 390.130 to 390.150. [Formerly 366.350; 1977 c.556 §1; 1979 c.134 §2; 1979 c.186 §20]

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

**390.180 Standards for recreational planning and fund disbursement; park master plans.** The Administrator of the State Parks and Recreation Division shall adopt rules that:

(1) Establish the standards the State Parks and Recreation Division shall use when that division:

(a) Performs comprehensive state-wide recreational planning; or

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

(2) 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 Division shall follow in its development and use of each park. [1979 c.637 §1]

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

(2) The fund shall be at the disposal of the Parks and Recreation Division and may be used by the division:

(a) To compensate employes 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 Administrator of the Parks and Recreation Division and audited by the fiscal officer of the Department of Transportation. When claims are so approved and audited, warrants covering them shall be drawn in favor of the administrator and shall be used by the administrator to reimburse the fund. [1983 c.443 §7]

**390.210 Arboretum and botanical garden.** (1) The Department of Transportation may establish, maintain, operate and control an arboretum and botanical garden which shall be a part of the system of parks, scenic places and recreational areas under the State Parks Division of the department.

(2) Upon the establishment of the garden, its management shall be placed under the direct supervision of the Administrator of the Parks and Recreation Division, who shall operate, maintain and supervise the garden under the direction and control of the department.

(3) The garden shall be located in and be the property of the State of Oregon. The site of the garden shall be selected by the Oregon Arboretum and Botanical Foundation and the department jointly, but shall be on a main or arterial highway, as near the population and education centers of the state as possible.

(4) The department may accept funds from any source for the establishment, maintenance and operation of the garden, but the department shall not contribute or use highway funds in connection with the garden. All funds received from any source shall immediately be paid by the department into the General Fund in the State Treasury and there maintained in an account designated as the Arboretum Botanical Garden

Account, which account hereby is appropriated solely for the purposes of this section. The department may accept property, both real or personal, in addition to funds, which shall be dedicated to and used for the garden by the department.

(5) The department may acquire at any time, by purchase or by exercise of the power of eminent domain, any interest in real property deemed necessary for the establishment, maintenance and operation of the garden. Property acquired by exercise of the power of eminent domain shall be acquired in the manner provided in ORS chapter 35, except that the defendant shall not be entitled to recover as costs and disbursements any sum taxed as attorney's fees.

(6) The foundation and the department shall confer and cooperate at all times in all matters pertaining to the garden to the end that the purpose and public values contemplated by this section may be accomplished and the public interest best served. [Formerly 366.355; 1971 c.741 §37]

**390.215 Crabtree Valley State Park.**

(1) Lands described in subsection (2) of this section that are acquired by the State of Oregon and held by and through the Department of Transportation shall be held and used for state park purposes.

(2) Subsection (1) of this section applies to all lands located within section 16, township 11 south, range 3 east, Willamette Meridian, Linn County, State of Oregon. Lands described in this subsection shall be known as the Crabtree Valley State Park.

(3) The state park described in this section shall be managed by the State Parks and Recreation Division of the Department of Transportation in a manner that will:

(a) Retain the primitive character of the area;

(b) Preserve the trees in the park; and

(c) Preserve, in a natural state, the ecosystems related to the trees in the park. [1979 c.792 §2]

**390.220 Provisional Government Park at Champoeg.** All jurisdiction over the Provisional Government Park at Champoeg, Oregon, the buildings and museum therein, and all other assets of the park or the Provisional Government Park board, including unexpended appropriations therefor, hereby are transferred to the Department of Transportation. [Formerly 358.520]

**390.230 Fort Stevens Military Reservation; Clatsop Spit.** The right, title and interest of all state agencies, other than the State Fish and Wildlife Commission and political subdivisions, in the lands described as follows are hereby vested in the State or Oregon by and through its Department of Transportation:

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]

**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 Department of Transportation 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]

**390.255 Use of funds to acquire land interests; conditions of grants.** (1) The Department of Transportation may enter into agreements with cities in Jackson County and

with Jackson County and make grants of money from the State Highway Fund 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]

**390.260 Application of Willamette River Greenway laws; 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) "Department" means the Department of Transportation.

(2) "County court" includes board of county commissioners.

(3) "Governing body" means:

(a) The city council or other governing body of a city; or

(b) The county court of a county.

(4) "Ocean shore" has the meaning given that term by ORS 390.605. [1973 c.673 §1]

**390.275 Purpose of ORS 390.270 to 390.290.** (1) The purpose of ORS 390.270 to 390.290 is to encourage cities and counties to provide lifesaving services to people using recreational places along the ocean shore.

(2) Any city or county that provides lifesaving services at recreational places along the ocean shore may qualify for a matching fund grant. [1973 c.673 §2]

**390.280 Duties of Department of Transportation in encouraging use of lifesaving services.** In addition to the other duties of the Department of Transportation, the department shall:

(1) Make grants to cities and counties to reimburse cities and counties for funds used to pay expenses incurred in providing lifesaving services in recreational places along the ocean shore.

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

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

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

(5) Adopt regulations to carry out ORS 390.270 to 390.290. [1973 c.673 §3]

**390.285 Application by local governing body for reimbursement of cost; report of activities required.** (1) To obtain a grant for reimbursement of the expenses incurred in providing lifesaving services at recreational places along the ocean shore, a governing body shall file with the department a request for reimbursement of funds used during the prior fiscal year to pay expenses incurred for direct program costs in providing such services. The request shall include a detailed statement of the funds expended for such services during the prior fiscal year, and shall indicate the source of such funds. The request shall include 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 or county with its request to the department shall submit a report of the lifesaving services provided by the city or county during the previous year. [1973 c.673 §4]

**390.290 Schedule for reimbursement of local governing bodies.** (1) Expenditures made from city or county funds to provide lifesaving services at recreational places along the

ocean shore shall be reimbursed by the department in accordance with this section.

(2) Within the limit of the funds available therefor, there shall be paid to an applicant, 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 city or county 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 for reimbursement shall be presented for payment and paid in the manner other claims against the State Highway Fund are paid; however, if in any fiscal year the aggregate amount of the grants approved exceeds the funds available 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]

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

(2) "Department" means the Department of Transportation.

(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.

(4) "Channel" includes any channel that flows water at ordinary low water. [1967 c.551 §1; 1973 c.558 §2]

**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 Department of Transportation.

(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) Within one year after October 5, 1973, the Department of Transportation, 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]

**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 Department of Transportation 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 Department of Transportation may enter into agreements with units of local government and make grants of money from a state highway fund 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]

#### (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, immediately after October 5, 1973, the Department of Transportation 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, are devoted to farm use, as defined in ORS 215.203 (2) or are 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]

**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 Department of Transportation 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 390.110, the Department of Transportation 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 390.110, 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]

#### (Miscellaneous)

**390.340 Department rules.** The Department of Transportation 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 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 Department of Transportation, 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]

**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 true cash 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]

**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 Department of Transportation 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]

## COLUMBIA RIVER GORGE

**390.410 Definitions for ORS 390.410 to 390.460.** As used in ORS 390.410 to 390.460, unless the context requires otherwise, "commission" means the Columbia River Gorge Commission. [Formerly 358.610]

**390.415 Declaration of policy.** The Legislative Assembly hereby declares it is the public policy of the State of Oregon to maintain

the scenic splendor of the Columbia River Gorge and in furtherance thereof:

(1) To protect and enhance the scenic and other unique qualities of the Columbia River Gorge for public use and enjoyment;

(2) To preserve and protect areas within the Columbia River Gorge that are of significant geologic and ecologic interest for scientific study and public education;

(3) To preserve and restore historical and archaeological sites, structures, facilities and objects on lands adjacent to the Columbia River; and

(4) To preserve and maintain the Columbia River Gorge as a major transportation corridor. [1977 c.482 §2]

**390.420 Columbia River Gorge Commission; compensation and expenses.** (1) For the purpose of furthering the public policy of this state relating to the Columbia River Gorge, there hereby is created the Columbia River Gorge Commission. The commission shall consist of five members who are residents of this state and shall be appointed by the Governor on a nonpartisan basis. In making the appointments under this subsection the Governor shall select one member from Hood River County, one member from Multnomah County, one member from Wasco County and the remaining members from the state at large. Except for the members first appointed, each member of the commission shall hold office for a term of four years commencing on April 1 of the year in which he is appointed. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made.

(2) The first members of the commission shall be appointed for the following terms:

(a) One member for two years.

(b) Two members for three years.

(c) Two members for four years.

(3) Members are entitled to compensation and expenses as provided in ORS 292.495.

[Formerly 358.615; 1969 c.314 §31; 1977 c.482 §4]

**390.430 General duties and powers of gorge commission.** (1) The commission has the following duties and powers:

(a) To acquire and dispose of land in the name of the state by purchase, exchange, transfer, gift or devise.

(b) To enter into such contracts as are necessary to carry out the provisions of ORS 390.410 to 390.460.

(c) To assist and cooperate with other agencies and political subdivisions of the state, state agencies, the State of Washington, the Federal Government, special purpose districts, private organizations and individuals to the extent necessary to carry out the provisions of ORS 390.410 to 390.450.

(2) In carrying out the functions provided in subsection (1) of this section, the commission shall serve as an advisory body to interested local, state and federal agencies acting within the scope of their comprehensive land use planning and other responsibilities. [Formerly 358.620; 1977 c.482 §5]

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

**390.450 Disposition of moneys received by gorge commission; Columbia River Gorge Fund.** All moneys from whatever source received by the commission, including moneys received by gift, bequest or contribution, shall be paid into the State Treasury for deposit to the credit of the Columbia River Gorge Fund which fund hereby is created. Notwithstanding the provisions of ORS 291.238, the moneys placed in this fund are appropriated continuously for the purposes set forth in ORS 390.410 to 390.460. The expenditures of the commission shall be made from this fund upon vouchers approved by the commission. Moneys received from gifts may be expended in accordance with the terms thereof. [Formerly 358.630]

**390.460 Columbia River Gorge Boundaries.** The Columbia River Gorge includes all islands and portions thereof lying within the Oregon portion of the Columbia River, as well as the mainland portion of the Oregon side of the Columbia River Gorge, beginning at a point where the projected center line of the Sandy River intersects the Oregon-Washington boundary, thence east along said boundary to the point of intersection with the east boundary of Wasco County in township 2 north, range 15 east, Willamette Meridian and Base Line, proceed south along the Wasco County boundary (Deschutes River) to the point where it intersects the east-west center line of section 26; thence west to the center, section 27; thence north to the north quarter corner, section 27; thence west to the northwest corner, section 27; thence north to the west quarter corner, section 22; thence west to the center of section 21; thence north to the north quarter corner, section 21; thence west to the northwest corner, section 21; thence south to the west quarter corner, section 21; thence west to the center of section 21, township 2 north, range 14 east;

thence south to the south quarter corner, section 21; thence west to the southwest corner, section 21; thence south to the east quarter corner, section 29; thence west to the center of section 29; thence south to the south quarter corner, section 29; thence west to the southwest corner, section 29; thence south to the southeast corner, section 31; thence west to the south quarter corner, section 31; thence south to the south quarter corner, section 6, township 1 north, range 14 east; thence west to the north sixteenth corner of the northwest quarter, section 7; thence south to the center sixteenth of the northwest quarter, section 7; thence west to the east sixteenth corner of the northwest quarter, section 12, township 1 north, range 13 east; thence south to the east sixteenth corner of the southwest quarter, section 12; thence west to the east sixteenth corner of the southeast quarter, section 9; thence north to the east quarter corner, section 9; thence west to the center of section 9; thence north to the north quarter corner, section 9; thence west to where it intersects donation land claim 42; thence north to the northeast corner, donation land claim 42; thence west to the point of intersection with the north-south center line, section 5; thence north to the center of section 5; thence west to the west quarter corner, section 5; thence north to the northwest corner, section 5; thence west to the southeast corner, section 31, township 2 north, range 13 east; thence north to the northeast corner, section 31; thence west to the north quarter corner, section 31; thence north to the north quarter corner, section 30; thence west to the southwest corner, section 19; thence north to the west quarter corner, section 19; thence west to the center of section 24, township 2 north, range 12 east; thence north to the center of section 13; thence west to the west quarter of section 13; thence north to the northwest corner, section 13; thence west to the south quarter corner, section 9; thence north to the center of section 9; thence west to the center of section 8; thence north to the north quarter corner, section 8; thence west to the north quarter corner, section 12, township 2 north, range 11 east; thence south to the center of section 12; thence west to the center of section 9; thence north to the center of section 4; thence west to the west quarter corner, section 4; thence north to the northwest corner, section 4; thence west to the northwest corner, section 5; thence north to the east quarter corner, section 31, township 3 north, range 11 east; thence west to the west quarter corner, section 31; thence north to the northeast corner, section 36, township 3 north, range 10 east; thence west to the northwest corner, section 34; thence south to the west quarter corner, section 34; thence west to the

west quarter corner, section 33; thence south to the southwest corner, section 33; thence west to the southwest corner, section 32; thence south to the east quarter corner, section 6, township 2 north, range 10 east; thence west to the west quarter corner, section 6; thence south to the east quarter corner, section 1, township 2 north, range 9 east; thence west to the center of section 1; thence south to the south quarter corner, section 1; thence west to the south quarter corner, section 2; thence north to the center of section 2; thence west to the west quarter corner, section 2; thence south to the center of section 10; thence west to the center of section 9; thence south to the south quarter corner, section 9; thence west to the southwest corner, section 9; thence north to the west quarter corner, section 9; thence west to the center of section 8; thence south to the south quarter corner, section 8; thence west to the southwest corner, section 8; thence south to the east quarter corner, section 18; thence west to the center of section 18; thence north to the center of section 7; thence west to the west quarter corner, section 7; thence south to the southwest corner, section 7; thence west to the north quarter corner, section 13, township 2 north, range 8 east; thence south to the center of section 13; thence west to the west quarter corner, section 13; thence north to the west quarter corner, section 12; thence west to the center of section 11; thence south to the south quarter corner, section 14; thence west to the southwest corner, section 15; thence north to the east quarter corner, section 16; thence west to the center of section 16; thence south to the south quarter corner, section 16; thence west to the southwest corner, section 16; thence south to the east quarter corner, section 20; thence west to the center of section 20; thence south to the south quarter corner, section 20; thence west to the southwest corner, section 20; thence south to the southeast corner, section 30; thence west to the southwest corner, section 30; thence north to the east quarter corner, section 25, township 2 north, range 7 east; thence west to the west quarter corner, section 25; thence south to the east quarter corner, section 35; thence west to the center of section 35; thence south to the south quarter corner, section 35; thence west to the northwest corner, section 2, township 1 north, range 7 east; thence south to the west quarter corner, section 11; thence west to the center of section 9; thence north to the north quarter corner, section 9; thence west to the northwest corner, section 8; thence south to the west quarter corner, section 8; thence west to the center of section 11, township 1 north, range 6 east; thence south to the center of section 14; thence west to the center of section 15; thence

south to the north quarter corner, section 22; thence east to the northeast corner, section 22; thence south to the east quarter corner, section 22; thence west to the center of section 22; thence south to the south quarter corner, section 22; thence west to the southwest corner of section 22; thence north to the west quarter corner, section 22; thence west to the center of section 21; thence north to the center of section 16; thence west to the west quarter corner, section 16; thence north to the northwest corner, section 16; thence west to the north quarter corner, section 17; thence south to the center of section 17; thence east to the east quarter corner, section 17; thence south to the southeast corner, section 17; thence west to the north quarter corner, section 24, township 1 north, range 5 east; thence south to the center of section 24; thence west to the center of section 23; thence south to the south quarter corner, section 23; thence east to the northeast corner of section 26; thence south to the east quarter corner, section 26; thence east to the center of section 25; thence south to the center of section 36; thence west to the west quarter corner, section 32; thence south to the southeast corner, section 31; thence west to the south quarter corner, section 31; thence north to the center of section 31; thence west to the west quarter corner, section 33, township 1 north, range 4 east; thence north to the northeast corner, section 32; thence west to the south quarter corner, section 30; thence north to the center of section 30; thence west to the center line of the Sandy River; thence northward up the center line of the Sandy River to the point of beginning. [1977 c.482 §3]

**OCEAN SHORES; STATE RECREATION AREAS (General Provisions)**

**390.605 "Improvement," "ocean shore," and "state recreation area" defined.** As used in ORS 390.610, 390.620 to 390.660, 390.690, and 390.705 to 390.770, unless the context requires otherwise:

(1) An "improvement" includes 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 line of vegetation as established and described by ORS 390.770.

(3) "State recreation area" means a land or water area, or combination thereof, under the jurisdiction of the Department of Transporta-

tion, pursuant to ORS 366.205 (3), used by the public for recreational purposes. [Formerly 274.065 and then 390.710]

**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 Department of Transportation and the State Land Board shall have concurrent jurisdiction to undertake appro-

priate 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 Department of Transportation 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 Department of Transportation, in accordance with ORS 390.110, 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]

### (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 Department of Transportation 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 390.660, 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 area described by ORS 390.770.

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

(3) This section does not apply to continuous extensions of densely vegetated land areas which are above the 16 foot contour and lying seaward of the line established by ORS 390.770 as of August 22, 1969. 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. [1967 c.601 §5; 1969 c.601 §7; 1973 c.642 §14]

**390.650 Improvement permit procedure.** (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 Parks and Recreation Division on a form and in a manner prescribed by the division, stating the kind of and reason for the improvement.

(2) Upon receipt of a properly completed application, the Parks and Recreation Division shall cause 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 division for a hearing on the application. The division shall give notice of any application, hearing or decision to any person who files a written request with the division 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 inter-

ested persons may file a written request with the Parks and Recreation Division for a hearing on the application. If such a request is filed, the division shall set a time for a hearing to be held by the division. The division 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 division shall grant the permit if approval would not be adverse to the public interest. ORS 183.310 to 183.550 does not apply to a hearing or decision under this section.

(4) In acting on an application, the Parks and Recreation Division shall take into consideration the matters described by ORS 390.655. The division 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) If the permit is denied upon the grounds that the same would be adverse to the public interest the division shall make written findings setting forth the specific reasons for the denial.

(b) A copy of the written findings shall be furnished to the applicant within 30 days following denial of the application 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 Parks and Recreation Division 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 division 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 division within 10 days after granting the same with a copy thereof furnished to the applicant. [1967 c.601 §6; 1969 c.601 §10; 1979 c.186 §21]

**390.655 Standards for improvement permits.** The Parks and Recreation Division 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 390.660, 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, esthetic 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 Judicial review of division action on improvement permit application.** Any person aggrieved by the decision of the Parks and Recreation Division under ORS 390.650 is entitled to petition the circuit court of the county where the property is located for a judicial review, de novo as in equity, of the action or failure to act by the division. A petition filed under this section shall be filed within 60 days after the entry of the findings provided for in ORS 390.650 (4) or after the expiration of the period prescribed for action, by the division under ORS 390.650. [1969 c.601 §12; 1979 c.186 §23]

**390.660 Regulation of use of lands adjoining ocean shores.** The Department of Transportation 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]

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

**390.668 Motor vehicles and aircraft use regulated in certain zones; zone markers; proceedings to establish zones.** (1) The Department of Transportation 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 274.090 and then 390.730]

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

**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, 390.668 and 390.685.** Nothing in ORS 390.605, 390.615, 390.668 and 390.685 is intended to repeal ORS 492.780 to 492.810. [Formerly 274.110 and then 390.750]

**390.690 Title and rights of state unimpaired.** Nothing in ORS 390.610, 390.620 to 390.660, 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 and submerged lands.** (1) The Department of Transportation may issue permits under ORS 390.650 to 390.658 for pipelines, cable lines and other conduits across and under the ocean shore and the submerged lands adjacent to the ocean shore, upon payment of just compensation by the permittee. Such permit 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) hereof will affect lands owned privately, the Department of Transportation 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 of Transportation, 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 assure 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]

**390.720** [Formerly 274.070; renumbered 390.615]

**390.725 Permits for removal of products along ocean shore.** (1) No sand, rock, mineral, marine growth or other natural product of the ocean shore, other than fish or wildlife, agates or souvenirs, shall be taken from the state recreation areas described by ORS 390.635, except in compliance with a rule of or permit from the Department of Transportation as provided by this section. Permits shall provide for

the payment of just compensation by the permittee as provided in subsection (5) of this section.

(2) Rules or permits shall be made or granted by the Department of Transportation only after consultation with the State Fish and Wildlife Commission, the State Department of Geology and Mineral Industries and the Division 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.

(3) On request of the governing body of any coastal city or county, the Department of Transportation may grant a permit for the removal of sand or rock from the area at designated locations on the ocean shore to supply the reasonable needs for essential construction uses in such localities if it appears sand and rock for such construction are not otherwise obtainable at reasonable cost, and if such removal will not materially alter the physical characteristics of the area or adjacent areas, nor lead to such changes in subsequent seasons. Before issuing a permit the department shall likewise take into consideration the standards described by ORS 390.655. The department may grant a permit to take and remove sand, rock, mineral or marine growth from the area at designated locations. The department shall also issue permits to coastal cities or counties to remove or authorize removal of sand from the ocean shore, under the standards provided by ORS 390.655, if the city or county determines that the sand accumulation on the ocean shore constitutes a hazard or maintenance problem to the city or county.

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

(5) Whenever the issuance of a permit under this section will affect lands owned privately, the Department of Transportation 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]

**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 Periodical reexamination of vegetation line; division recommendations for adjustment.**

(1) The Parks and Recreation Division 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 re-definition, if necessary, of such line so that the private and public rights and interest in the ocean shore shall be preserved.

(2) The Department of Transportation 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
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**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
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**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
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**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 south-west 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
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**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
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**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.			CI-7-95	814,083	1,118,612
CI-7-57	836,120	1,118,264	CI-7-96	813,912	1,118,660
CI-7-58	835,661	1,118,331	CI-7-97	812,767	1,118,680
CI-7-59	834,401	1,118,606	CI-7-98	811,143	1,118,543
CI-7-60	834,031	1,118,861	CI-7-99	810,457	1,118,473
CI-7-61	833,909	1,119,099	CI-7-100	809,795	1,118,455
CI-7-61A	834,060	1,119,301	CI-7-101	809,529	1,118,398
CI-7-61B	833,170	1,119,289	CI-7-102	809,522	1,118,298
CI-7-61C	832,879	1,119,119	CI-7-103	809,366	1,118,376
CI-7-62	832,264	1,118,827	CI-7-104	809,342	1,118,314
CI-7-63	832,218	1,118,765	CI-7-105	809,254	1,118,366
CI-7-64	832,149	1,118,742	CI-7-106	808,991	1,118,326
CI-7-65	829,701	1,118,589	CI-7-107	808,579	1,118,341
CI-7-66	829,700	1,118,517	CI-7-108	808,559	1,118,262
CI-7-67	829,402	1,118,489	CI-7-109	808,368	1,118,263
CI-7-68	829,269	1,118,565	CI-7-110	808,288	1,118,189
CI-7-69	827,556	1,118,329	CI-7-111	808,212	1,118,226
CI-7-70	827,311	1,118,328	CI-7-112	808,168	1,118,031
CI-7-71	826,952	1,118,395	CI-7-112A	808,319	1,117,849
CI-7-72	826,854	1,118,402	CI-7-112B	808,236	1,117,789
CI-7-73	826,694	1,118,493	CI-7-112C	808,036	1,117,904
CI-7-73A	826,041	1,118,595	CI-7-112D	808,021	1,118,029
CI-7-74	825,540	1,118,654	CI-7-113	807,723	1,117,985
CI-7-74A	825,033	1,118,704	CI-7-114	807,577	1,118,182
CI-7-75	824,406	1,118,749	CI-7-114A	807,492	1,118,167
CI-7-75A	823,916	1,118,765	CI-7-114B	807,302	1,117,900
CI-7-76	823,394	1,118,783	CI-7-114C	807,197	1,117,960
			CI-7-114D	807,246	1,118,131
			CI-7-115	806,972	1,118,108

**Description of Location of Point Number CI-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.

CI-7-77	823,162	1,118,834
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**Description of Location of Point Number CI-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.

CI-7-78	823,122	1,118,777
CI-7-79	821,713	1,118,737
CI-7-80	820,798	1,118,662
CI-7-81	820,616	1,118,628
CI-7-82	819,990	1,118,570
CI-7-83	818,487	1,118,346
CI-7-84	818,253	1,118,281
CI-7-85	818,178	1,118,235
CI-7-86	818,148	1,118,247
CI-7-87	817,898	1,118,169
CI-7-88	817,684	1,118,011
CI-7-89	817,465	1,117,948
CI-7-90	817,171	1,118,071
CI-7-91	815,636	1,118,331
CI-7-92	815,260	1,118,392
CI-7-93	814,848	1,118,435
CI-7-94	814,409	1,118,513
CI-7-94A	814,169	1,118,279

**Description of Location of Point Number CI-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.

CI-7-116	806,841	1,118,094
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**Description of Location of Point Number CI-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.

CI-7-117	806,272	1,118,031
CI-7-118	806,178	1,117,848
CI-7-118A	806,026	1,117,849
CI-7-119	805,789	1,118,058
CI-7-120	805,431	1,117,949
CI-7-120A	805,367	1,117,779
CI-7-121	805,296	1,117,776
CI-7-122	805,158	1,117,930
CI-7-123	805,092	1,117,892
CI-7-124	802,212	1,117,559
CI-7-125	802,079	1,117,577
CI-7-126	801,380	1,117,374
CI-7-127	801,289	1,117,358
CI-7-128	801,274	1,117,370
CI-7-129	799,987	1,117,070
CI-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
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**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
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**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
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**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
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**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
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**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
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**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
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**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
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**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
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**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
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**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
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**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
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**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-7-36	508,017	1,092,828
Li-7-4	519,263	1,094,410	Li-7-37	506,696	1,092,542
Li-7-5	519,133	1,094,540	Li-7-38	504,869	1,092,195
Li-7-6	518,997	1,094,408	Li-7-39	504,734	1,092,146
Li-7-7	518,796	1,094,379	Li-7-40	504,400	1,092,088
Li-7-8	518,587	1,094,221	Li-7-41	504,271	1,092,007
Li-7-9	518,396	1,093,880	Li-7-42	504,166	1,091,988
Li-7-10	518,408	1,093,725	Li-7-43	504,008	1,092,005

**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	Li-7-44	503,674	1,091,912
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**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-7-45	503,312	1,091,872
Li-7-13	517,822	1,093,636	Li-7-46	503,204	1,091,869
Li-7-14	517,635	1,093,559	Li-7-47	502,847	1,091,774
Li-7-15	517,461	1,093,343	Li-7-48	502,714	1,091,763
Li-7-16	517,415	1,093,152	Li-7-49	502,386	1,091,756
Li-7-17	517,434	1,092,979	Li-7-50	502,225	1,091,693

**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	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-7-18:** 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			

**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
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**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-7-122	460,479	1,083,124
Li-7-83	488,075	1,088,663	Li-7-123	459,842	1,083,160
Li-7-84	487,626	1,088,428	Li-7-124	459,810	1,083,056
Li-7-85	486,116	1,088,374	Li-7-125	459,526	1,082,851
Li-7-86	485,659	1,088,303	Li-7-126	458,278	1,082,499
Li-7-87	485,091	1,088,202	Li-7-127	457,957	1,082,503
Li-7-88	484,395	1,088,116	Li-7-128	457,823	1,082,373
Li-7-89	484,358	1,088,149	Li-7-129	457,388	1,082,257
Li-7-90	484,251	1,088,115	Li-7-130	457,345	1,082,264
Li-7-91	483,284	1,087,949	Li-7-131	456,943	1,082,145
Li-7-92	482,954	1,087,979	Li-7-132	456,756	1,082,195
Li-7-93	482,712	1,087,963	Li-7-133	456,730	1,082,131
Li-7-94	482,628	1,087,904	Li-7-134	456,340	1,081,936
Li-7-95	482,564	1,088,018	Li-7-135	455,440	1,081,686
Li-7-96	482,139	1,088,011	Li-7-136	455,234	1,081,688
Li-7-97	480,591	1,087,794	Li-7-137	455,151	1,081,688
Li-7-98	480,279	1,087,846	Li-7-138	454,875	1,081,542
Li-7-98A	480,081	1,087,939	Li-7-139	454,469	1,081,462
Li-7-98B	479,857	1,088,114	Li-7-140	454,339	1,081,439
Li-7-98C	479,781	1,088,257	Li-7-141	454,258	1,081,423
Li-7-98D	479,611	1,088,768	Li-7-142	453,718	1,081,178
Li-7-98E	478,500	1,088,109	Li-7-143	453,426	1,081,102
Li-7-99	478,397	1,087,758	Li-7-144	452,947	1,081,025
Li-7-100	478,143	1,087,509	Li-7-145	452,852	1,080,925
Li-7-101	476,617	1,086,979	Li-7-146	451,855	1,080,644
Li-7-102	475,960	1,086,770	Li-7-147	451,729	1,080,569
Li-7-103	474,682	1,086,574	Li-7-148	451,344	1,080,438
Li-7-104	472,997	1,086,230	Li-7-149	451,162	1,080,331
Li-7-104A	471,682	1,085,904	Li-7-150	451,005	1,080,288
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

**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
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**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
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**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
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**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
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**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
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**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 Oregon Department of Transportation 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
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**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-7-237	379,148	1,074,225
Li-7-195A	395,290	1,073,652	Li-7-238	378,944	1,074,198
Li-7-195B	395,205	1,073,696	Li-7-239	378,034	1,074,043
Li-7-196	395,015	1,073,632	Li-7-240	377,914	1,073,941
Li-7-197	394,516	1,073,514	Li-7-241	377,641	1,073,892
Li-7-198	394,167	1,073,394	Li-7-242	377,310	1,073,746
Li-7-199	393,827	1,073,198	Li-7-243	377,291	1,073,577
Li-7-200	393,720	1,073,104	Li-7-243A	377,167	1,073,496
Li-7-201	393,129	1,073,076	Li-7-243B	377,031	1,073,571
Li-7-202	392,896	1,073,021	Li-7-244	376,880	1,073,574
Li-7-203	392,787	1,072,999	Li-7-245	376,584	1,073,490
Li-7-204	392,709	1,072,972	Li-7-246	375,537	1,073,472
Li-7-205	392,212	1,072,892	Li-7-247	375,067	1,073,373
Li-7-206	391,492	1,072,659	Li-7-248	375,072	1,073,290
Li-7-207	391,328	1,072,630	Li-7-249	374,935	1,073,281
Li-7-208	390,819	1,072,450	Li-7-250	374,920	1,073,300
Li-7-209	390,258	1,072,167	Li-7-251	374,783	1,073,293
Li-7-210	390,118	1,072,149	Li-7-252	374,324	1,073,158
Li-7-211	389,984	1,072,013	Li-7-253	374,089	1,073,032
Li-7-212	389,313	1,071,566	Li-7-254	374,016	1,072,856
Li-7-213	389,069	1,071,264	Li-7-255	373,826	1,072,845
Li-7-214	388,955	1,071,051	Li-7-256	373,821	1,072,880
Li-7-215	388,946	1,070,768	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-7-215:** 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
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**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

**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
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**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
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**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
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**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
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**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
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**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
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**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-7-383	279,471	1,062,184
Li-7-348	297,499	1,065,264	Li-7-384	279,189	1,062,025
Li-7-349	297,441	1,065,520	Li-7-385	279,000	1,061,989
Li-7-350	297,481	1,065,745	Li-7-386	278,590	1,061,901
Li-7-351	295,474	1,065,819	Li-7-387	278,530	1,061,890
Li-7-352	295,365	1,065,659	Li-7-388	278,422	1,061,867
Li-7-353	295,135	1,065,187	Li-7-389	278,397	1,061,861
Li-7-354	294,851	1,064,836	Li-7-390	277,667	1,061,718
Li-7-355	294,333	1,064,433	Li-7-391	277,519	1,061,667
Li-7-356	293,843	1,064,235	Li-7-392	277,394	1,061,450
Li-7-357	293,610	1,064,140	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

**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-7-433	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 Oregon Department of Transportation 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
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**Description of Location of Point Number La-7-10:** A point near the south boundary of property owned through the Oregon Department of Transportation 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
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**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 Oregon Department of Transportation 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
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**Description of Location of Point Number La-7-45:** A point near the south boundary of property owned through the Oregon Department of Transportation 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 Oregon Department of Transportation 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
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**Description of Location of Point Number La-7-73:** A point near the south boundary of property owned through the Oregon Department of Transportation 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
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**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-7-186	828,519	1,037,020
La-7-136	877,970	1,043,710	La-8-187	828,149	1,037,039
<b>Description of Location of Point Number La-7-136:</b> A point near the north jetty of the mouth of the Siuslaw River.			La-8-188	828,028	1,037,333
			La-8-189	827,347	1,038,019
La-7-137	876,020	1,044,784	La-8-190	827,070	1,037,974
La-7-138	875,946	1,044,582	La-8-191	826,655	1,037,788
La-7-139	875,798	1,044,454	La-8-191A	825,980	1,037,568
La-7-140	875,347	1,044,280	La-8-192	825,744	1,036,688
La-7-141	874,460	1,044,140	La-8-193	824,767	1,036,500
La-7-142	873,380	1,044,014	La-8-194	823,832	1,036,281
La-7-143	871,882	1,043,709	La-8-195	823,335	1,036,182
La-7-144	870,976	1,043,613	La-8-196	822,001	1,035,914
La-7-145	869,960	1,043,487	Do-8-1	821,695	1,035,859
La-7-146	868,997	1,043,351	<b>Description of Location of Point Number Do-8-1:</b> 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.		
La-7-146A	868,331	1,043,221			
La-7-147	867,514	1,043,108	Do-8-2	820,707	1,035,660
La-7-148	866,180	1,042,880	Do-8-3	818,732	1,035,340
La-7-149	865,019	1,042,725	Do-8-4	817,872	1,035,166
La-7-150	864,002	1,042,561	Do-8-5	817,052	1,035,024
La-7-151	862,115	1,042,273	Do-8-6	816,253	1,034,884
La-7-152	861,496	1,042,182	Do-8-7	815,512	1,034,746
La-7-153	860,271	1,042,026	Do-8-8	814,959	1,034,666
La-7-154	858,490	1,041,748	Do-8-9	813,504	1,034,423
La-7-155	857,800	1,041,633	Do-8-10	812,595	1,034,229
La-7-156	856,103	1,041,383	Do-8-11	811,225	1,033,996
La-7-157	855,358	1,041,303	Do-8-12	810,555	1,033,850
La-7-158	854,148	1,041,117	Do-8-13	810,122	1,033,783
La-7-159	851,830	1,040,768	Do-8-14	808,867	1,033,554
La-7-160	851,635	1,040,748	Do-8-15	807,868	1,033,385
La-7-161	851,199	1,040,880	Do-8-16	807,337	1,033,283
La-7-162	851,021	1,040,865	Do-8-17	806,927	1,033,221
La-7-163	850,800	1,040,648	Do-8-18	806,152	1,033,077
La-7-164	850,355	1,040,527	Do-8-19	805,778	1,032,988
La-7-164A	849,124	1,040,339	Do-8-20	804,851	1,032,861
La-7-165	848,907	1,040,274	Do-8-21	804,260	1,032,873
La-7-166	848,749	1,040,273	Do-8-22	803,681	1,032,658
La-7-167	846,808	1,039,954	Do-8-23	803,506	1,032,786
La-7-168	846,243	1,039,937	Do-8-23A	802,770	1,033,337
La-7-169	845,809	1,040,006	Do-8-23B	802,137	1,033,220
La-7-170	845,602	1,039,776	Do-8-23C	801,728	1,032,555
La-7-171	844,723	1,039,621	Do-8-24	801,155	1,032,391
La-7-172	843,639	1,039,444	Do-8-25	801,044	1,032,207
La-7-173	842,820	1,039,311	Do-8-26	800,846	1,032,132
La-7-174	842,031	1,039,177	Do-8-27	799,332	1,031,776
La-7-175	841,270	1,039,078	Do-8-28	798,240	1,031,548
La-7-176	840,452	1,038,871	Do-8-29	796,771	1,031,277
La-7-176A	840,031	1,038,859	Do-8-30	795,799	1,031,068
La-7-177	839,240	1,038,737	Do-8-31	793,989	1,030,720
La-7-178	838,171	1,038,563	Do-8-32	793,169	1,030,524
La-7-179	837,525	1,038,441	Do-8-33	792,296	1,030,361
La-7-179A	836,715	1,038,307	Do-8-34	791,423	1,030,178
La-7-180	835,043	1,038,003	Do-8-35	790,919	1,030,056
La-7-181	834,753	1,037,958	Do-8-36	789,882	1,029,848
La-7-182	833,479	1,037,720	Do-8-37	788,423	1,029,555
La-7-183	832,528	1,037,580	Do-8-38	787,010	1,029,259
La-7-184	831,085	1,037,370			
La-7-185	829,836	1,037,172			

Do-8-39	784,545	1,028,739	Co-8-1	729,664	1,015,856
Do-8-40	784,212	1,028,670	Co-8-2	728,936	1,015,655
Do-8-41	782,268	1,028,202	Co-8-3	728,728	1,015,623
Do-8-42	781,537	1,028,084	Co-8-4	727,826	1,015,377
Do-8-43	780,887	1,027,942	Co-8-5	727,278	1,015,258
Do-8-44	780,531	1,028,022	Co-8-6	724,915	1,014,674
Do-8-45	779,988	1,028,136	Co-8-7	724,626	1,014,580
Do-8-46	778,886	1,027,543	Co-8-8	723,853	1,014,368
Do-8-47	777,876	1,027,263	Co-8-9	722,394	1,014,019
Do-8-48	777,208	1,027,140	Co-8-10	721,343	1,013,724
Do-8-49	774,943	1,026,545	Co-8-11	721,060	1,013,669
Do-8-50	774,246	1,026,386	Co-8-12	719,776	1,013,295
Do-8-51	773,335	1,026,124	Co-8-13	717,976	1,012,819
Do-8-52	772,554	1,025,924	Co-8-14	715,485	1,012,136
Do-8-52A	772,330	1,025,872	Co-8-15	714,775	1,011,970
Do-8-53	771,860	1,025,808	Co-8-16	713,885	1,011,759
Do-8-54	771,055	1,025,594	Co-8-17	712,681	1,012,474
Do-8-55	770,024	1,025,340	Co-8-17A	711,651	1,012,064
Do-8-56	768,746	1,025,005	Co-8-18	711,490	1,011,380
Do-8-57	766,998	1,024,590	Co-8-19	711,287	1,011,067
Do-8-58	766,108	1,024,358	Co-8-20	710,228	1,010,672
Do-8-59	765,636	1,024,230	Co-8-21	708,950	1,010,242
Do-8-60	763,627	1,023,692	Co-8-22	707,341	1,009,727
Do-8-61	762,742	1,023,429	Co-8-23	705,667	1,009,233
Do-8-62	761,684	1,023,139	Co-8-24	703,750	1,008,601
Do-8-63	758,957	1,022,333	Co-8-25	702,084	1,008,068
Do-8-64	758,469	1,022,210	Co-8-26	699,008	1,007,083
Do-8-65	758,121	1,022,053	Co-8-27	697,448	1,006,514
Do-8-66	757,279	1,021,800	Co-8-28	696,206	1,006,090
Do-8-67	757,020	1,021,839	Co-8-29	694,708	1,005,610
Do-8-68	756,836	1,021,696	Co-8-30	693,103	1,005,043
Do-8-69	755,763	1,021,249	Co-8-31	692,077	1,004,650
Do-8-70	755,026	1,021,008	Co-8-32	689,886	1,003,889
Do-8-71	754,298	1,020,903	Co-8-33	688,877	1,003,573
Do-8-72	753,767	1,020,697	Co-8-34	687,552	1,003,019
Do-8-73	753,439	1,020,545	Co-8-35	686,230	1,002,532
Do-8-74	752,951	1,020,747	Co-8-36	685,486	1,002,304
Do-8-75	751,017	1,020,655	Co-8-37	683,518	1,001,517
Do-8-75A	750,243	1,021,078	Co-8-38	680,557	1,000,380
Do-8-76	749,488	1,020,210	Co-8-39	679,698	1,000,075
Do-8-77	748,443	1,019,383	Co-8-40	677,930	999,320
Do-8-78	747,158	1,019,192	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
Do-8-79	730,871	1,016,121	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

**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.

**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-8-59	652,480	987,700	Co-7-94	633,376	972,209
Co-8-60	651,099	986,981	Co-7-95	633,447	972,128
Co-8-61	649,414	986,081	Co-7-96	633,292	972,073
Co-8-62	646,358	984,352	Co-7-97	633,295	971,922
Co-8-63	645,749	984,047	Co-7-97A	633,239	971,731
Co-8-64	644,099	983,026	Co-7-98	633,169	971,619
Co-8-65	642,023	981,695	Co-7-98A	633,192	971,580
Co-8-66	640,681	980,828	Co-7-99	633,177	971,464
Co-8-67	640,057	980,293	Co-7-100	633,123	971,298
Co-8-68	639,692	980,219	Co-7-101	633,133	971,239
Co-8-69	639,520	980,356	Co-7-102	633,087	971,152
Co-7-70	636,896	979,344	Co-7-102A	633,117	971,076
Co-7-70A	636,614	978,908	Co-7-103	633,119	970,748
Co-7-71	636,922	978,633	Co-7-103A	633,157	970,678
Co-7-72	636,010	977,777	Co-7-104	633,149	970,563
Co-7-73	635,625	977,638	Co-7-105	633,202	970,551
Co-7-74	635,393	977,275	Co-7-106	633,180	970,465
Co-7-75	635,195	977,077	Co-7-107	633,184	970,383
Co-7-76	634,936	976,733	Co-7-108	633,262	970,330
Co-7-77	634,587	976,559	Co-7-109	633,209	970,234
Co-7-77A	633,981	976,264	Co-7-110	633,279	970,284
Co-7-77B	633,953	975,963	Co-7-111	633,340	970,280
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
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**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

**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
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**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
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**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 bound-

ary 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
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**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
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**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-7-257	503,786	940,333
Co-7-215	545,217	950,577	Co-7-257A	502,977	940,049
Co-7-216	545,023	950,598	Co-7-257B	502,502	939,827
Co-7-216A	544,709	950,664	Co-7-257C	501,568	939,701
Co-7-217	544,548	950,878	Co-7-258	500,604	939,306
Co-7-218	544,373	950,554	Co-7-258A	500,169	939,262
Co-7-219	543,977	950,255	Co-7-258B	498,906	938,349
Co-7-220	543,175	949,972	Co-7-258C	497,858	937,804
Co-7-221	542,945	949,972	Co-7-259	497,372	937,629
Co-7-222	542,866	949,909	Co-7-259A	496,995	937,388
Co-7-223	542,547	949,822	Co-7-259B	496,704	937,274
Co-7-224	542,416	949,831	Co-7-260	495,258	936,546
Co-7-225	542,342	949,615	Co-7-260A	494,866	936,458
Co-7-226	542,282	949,710	Co-7-261	494,435	936,200
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
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**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

**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
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**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 Oregon Department of Transportation 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
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**Description of Location of Point Number Cu-7-167A:** A point near the south boundary of property owned through the Oregon Department of Transportation 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 Oregon Department of Transportation 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
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**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 Oregon Department of Transportation 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
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**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-7-208	361,510	950,798
Cu-7-177	371,704	951,058	Cu-7-209	361,292	950,853
Cu-7-178	371,593	951,098	Cu-7-210	361,122	950,953
Cu-7-179	371,013	951,190	Cu-7-211	360,606	951,087
Cu-7-180	371,011	951,243	Cu-7-212	360,459	951,114
Cu-7-181	370,627	951,250	Cu-7-213	360,517	951,183
Cu-7-182	370,015	951,386	Cu-7-214	360,450	951,314
Cu-7-182A	369,639	951,391	Cu-7-215	360,134	951,451
Cu-7-183	369,389	951,143	Cu-7-216	360,012	951,442
Cu-7-184	369,322	951,076	Cu-7-217	359,587	951,452
Cu-7-185	368,854	950,922	Cu-7-218	359,368	951,721
Cu-7-186	368,488	950,650	Cu-7-219	359,145	951,794
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 Oregon Department of Transportation 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
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**Description of Location of Point Number Cu-7-197:** A point near the south boundary of property owned through the Oregon Department of Transportation 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
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**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

**Description of Location of Point Number Cu-7-219:** A point near the north boundary of property owned through the Oregon Department of Transportation 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
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**Description of Location of Point Number Cu-7-220:** A point near the south boundary of property owned through the Oregon Department of Transportation 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 Oregon Department of Transportation 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
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**Description of Location of Point Number Cu-7-226:** A point near the south boundary of property owned through the Oregon Department of Transportation 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 Oregon Department of Transportation 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
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**Description of Location of Point Number Cu-7-237:** A point near the south boundary of property owned through the Oregon Department of Transportation 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
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**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
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**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
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**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
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**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 Oregon Department of Transportation 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
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**Description of Location of Point Number Cu-7-315:** A point near the south boundary of property owned through the Oregon Department of Transportation 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 Oregon Department of Transportation 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
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**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
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**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
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**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
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**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 Oregon Department of Transportation 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 Oregon Department of Transportation 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
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**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
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**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
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**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
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**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-7-627	146,242	990,362
Cu-7-570	158,434	978,624	Cu-7-627A	146,106	990,481
Cu-7-571	158,159	978,719	Cu-7-628	146,007	990,676
Cu-7-572	158,032	978,847	Cu-7-628A	146,030	990,783
Cu-7-573	157,479	978,988	Cu-7-629	146,181	990,926
Cu-7-574	157,462	979,134	Cu-7-629A	146,439	991,778
Cu-7-575	157,198	979,298	Cu-7-629B	145,626	992,092
Cu-7-576	156,876	979,630	Cu-7-629C	145,317	991,861
Cu-7-577	156,780	979,674	Cu-7-630	145,288	991,314
Cu-7-578	156,637	980,008	Cu-7-631	145,176	991,095
Cu-7-579	156,570	979,994	Cu-7-632	144,723	991,295
Cu-7-580	156,547	980,077	Cu-7-633	143,886	991,657
Cu-7-581	155,833	980,413	Cu-7-634	143,339	991,832
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			

**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]

#### WINTER RECREATION PARKING

**390.775 Winter recreation parking locations to be designated by transportation commission.** As used in ORS 153.630, 390.775 to 390.795 and 481.805, winter recreation parking location means those areas redesignated by the Oregon Transportation Commission. The commission may identify access roads to winter recreation facilities, roadside plow-outs and other areas as winter recreation parking locations. [1977 c.263 §1]

**390.780 Winter Recreation Advisory Committee; members; meetings.** (1) There is created in the Department of Transportation a Winter Recreation Advisory Committee consisting of seven members to be appointed by the Oregon Transportation Commission to advise the commission regarding the removal of snow from winter recreation parking locations in this state. The committee shall consist of:

(a) Two persons representing ski area operators;

(b) One person representing the Pacific Northwest Ski Association;

(c) One member representing the Oregon Nordic Club;

(d) One member representing the Oregon State Snowmobile Association; and

(e) Two members from the general public interested in winter recreation in this state.

(2) Members of the advisory committee shall not receive compensation and expenses for their service on the committee.

(3) The members shall be appointed to serve for terms of two years each, except the members first appointed. The terms of the first appointed members shall be fixed so that the terms of three of the members shall commence on July 1, 1977, and expire in one year and the terms of the four remaining members shall commence on July 1, 1977, and expire in two years. Vacancies on the committee shall be filled by appointment by the commission for the unexpired term.

(4) The committee shall meet regularly four times a year, at times and places fixed by the chairman of the committee. The committee may meet at other times specified by the chairman or a majority of the members of the committee. The Department of Transportation shall provide assistance and space for meetings as requested by the chairman of the committee. The committee shall adopt rules to govern its proceedings and shall select a chairman and any other officers it considers necessary. [1977 c.263 §2; 1981 c.239 §1]

**390.785 Parking locations to be snow-plowed; priorities.** (1) The commission shall, after consultation with the committee and land management agencies managing adjacent lands, designate winter recreation parking locations throughout the state. The commission shall also, after consultation with the committee, establish priorities for plowing the designated parking locations.

(2) The Highway Division shall provide for the removal of snow accumulating on winter recreation parking locations designated by the commission according to the priorities established by the commission.

(3) The Highway Division shall remove snow from or contract with other persons for the removal of snow from winter recreation parking locations. If the division contracts with others for the removal of snow payments under such contracts shall be made from funds collected under ORS 390.790. [1977 c.263 §3; 1979 c.819 §1]

**390.790 Parking permits; exemptions; fees; fine; enforcement.** (1) Except as provided in this section, no person shall, from November 15 of any year to April 30 of the next year, park a vehicle in a winter recreation parking location designated by the commission unless the vehicle displays a parking permit issued by the Motor Vehicles Division.

(2) No parking permit shall be required under this section for:

(a) A vehicle owned and operated by the United States, another state or a political subdivision thereof;

(b) A vehicle owned and operated by this state or by any city, district or political subdivision thereof; or

(c) A vehicle owned by a resident of another state if the vehicle displays a winter area parking permit similar to the parking permit established by this section that is issued in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vehicles displaying a parking permit as established by this section.

(3) The fee for the issuance of the parking permits shall be:

(a) No more than \$2 for permits that shall be valid for a period of one day; or

(b) No more than \$10 for permits that shall be valid for a period of one year, beginning each November.

(4) The permits shall be transferable from vehicle to vehicle. The Oregon Transportation Commission shall set the fee for issuance of a parking permit by rule. The commission shall consider recommendations of the Winter Recreation Advisory Committee in setting the fees.

(5) A person who violates any provision of this section commits a violation of a motor vehicle parking law punishable by a fine of \$10. Unless the police officer issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle. If the parking of the vehicle is witnessed by the police officer, the operator of the vehicle is in violation of this section.

(6) The commission may, with the advice of the committee, enter into agreements with county or municipal law enforcement agencies or individual police officers, as defined in ORS 484.010, for the enforcement of the provisions of ORS 390.775 to 390.795. [1977 c.263 §4; 1979 c.819 §2]

**390.792 Rules of division on parking permits.** (1) To carry out the purposes of ORS 390.790, the Motor Vehicles Division shall adopt rules, pursuant to ORS 183.310 to 183.550, prescribing all of the following:

(a) The type of permit.

(b) The manner in which the permit is to be issued.

(c) Those parties who shall be eligible to issue the permit.

(d) The manner of displaying the permit on a vehicle.

(e) Any additional charge that the division determines may be collected and retained by issuers other than the division for permit issuance service.

(f) Procedures for issuance of permits by persons other than the division.

(2) The division may establish procedures to provide or require bonds for persons issuing permits other than the division. The division may pay the cost of any bond required by the division. [1979 c.819 §4; 1983 c.335 §1]

**390.795 Use of funds received under ORS 390.790.** Of the money collected by the Motor Vehicles Division under ORS 390.790:

(1) The Motor Vehicles Division shall retain an amount necessary to cover expenses incurred in the administration of ORS 390.790.

(2) The remainder shall be transferred to the State Highway Fund within 30 days after the end of the quarter to be expended only for the purposes of enforcing ORS 390.775 to 390.795, 481.805 and 484.250 and removing snow from winter recreation parking locations designated by the commission pursuant to ORS 390.785.

(3) If any funds remain after snow is removed from designated parking locations, the funds may be used by the commission, with the advice of the advisory committee, as follows:

(a) For the maintenance of parking locations developed with moneys obtained under ORS 390.790 and snowmobile facilities that are parking lots developed with moneys as provided under ORS 481.805; and

(b) If any moneys remain after use for purposes described in paragraph (a) of this subsection, for the development of additional winter recreation parking locations in this state. [1977 c.263 §5; 1983 c.335 §2]

## 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) "Department" means the Department of Transportation.

(2) "Scenic waterway" means Waldo Lake, 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.

(3) "Related adjacent land" means all land within one-fourth of one mile of the bank on the side of Waldo Lake, river or segment of river within a scenic waterway, except land that, in the department's judgment, does not affect the view from the waters within a scenic waterway.

(4) "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. [1971 c.1 §2; 1981 c.787 §55; 1983 c.334 §1; 1983 c.642 §10]

**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, archeologic, and outdoor recreation values of present and future benefit to the public. The people of Oregon also find that the policy 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 Designated scenic waterways.** The following lakes or rivers, or segments of rivers, and related adjacent land, are designated as scenic waterways:

(1) The segment of the Rogue River extending from the confluence with the Applegate River downstream a distance of approximately 88 miles to Lobster Creek Bridge.

(2) The segment of the Illinois River from the confluence with Deer Creek downstream a distance of approximately 46 miles to its confluence with the Rogue River.

(3) The segment of the Deschutes River 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.

(4) The entire Minam River from Minam Lake downstream a distance of approximately 45 miles to its confluence with the Wallowa River.

(5) The segment of the South Fork Owyhee River in Malheur County from the Oregon-Idaho border downstream approximately 25 miles to Three Forks where the main stem of the Owyhee River is formed, and the segment of the main stem Owyhee River from Crooked Creek (six miles below Rome) downstream a distance of approximately 45 miles to the mouth of Birch Creek.

(6) The segment of the main stem of the John Day River from Service Creek Bridge (at river mile 157) downstream 147 miles to Tumwater Falls (at river mile 10).

(7) The segment of the Clackamas River from the River Mill Dam below Estacada downstream approximately 12 miles to the bridge at Carver, Oregon.

(8) Waldo Lake in Lane County and the segment of the North Fork of the Middle Fork of the Willamette River from Waldo Lake to a point one mile upstream from the railroad bridge that is near the town of Westfir. [1971 c.1 §3; 1975 c.612 §1; 1977 c.671 §1; 1983 c.334 §3]

**390.835 Highest and best use of waters within scenic waterways; authority of State Fish and Wildlife Commission, Water Resources Director, Division of State Lands and State Land Board.** (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 or placer mining permitted 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 Director, 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 Director 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 shall be prohibited, except as permitted by the Director of the Division 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 approved by the State Land Board and in a manner consistent with the policies set forth under ORS 541.605 to 541.625 and 541.630 to 541.660 for removal of material from the beds and banks and filling of any waters of this state. The Director of the Division of State Lands shall administer and enforce the provisions of this subsection.

(3) 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 Director to construct and maintain stream gauge stations and other facilities related to his duties in administration of the water laws.

(4) The Water Policy Review Board shall carry out its responsibilities under ORS 536.210 to 536.590 with respect to the waters within scenic waterways in conformity with the provisions of this section. [1971 c.1 §4; 1973 c.756 §1; 1977 c.671 §2]

**390.845 Functions of the department; use of adjacent lands.** (1) Except as provided in ORS 390.835, scenic waterways shall be administered by the 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 esthetic, 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 Policy Review Board, the department shall adopt rules governing the management of related adjacent land. Such rules shall be adopted in accordance with ORS 183.310 to 183.550. 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 esthetic 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 Policy Review Board, 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 proposal 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]

**Note:** Sections 2, 3 and 37, chapter 798, Oregon Laws 1981, provide:

**Sec. 2.** (1) The department shall establish, by rule, a system for issuing passes necessary to comply with the requirements under section 3 of this 1981 Act. 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 section 3 of this 1981 Act to persons who own ranch, farm or residential property immediately abutting those portions of the Deschutes River designated as scenic waterways under ORS 390.825 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 390.825.

(4) Moneys collected under this section shall be deposited in the separate account established for the Parks and Recreation Division under ORS 366.512 and, subject to the limitations under subsection (5) of this section, are continually appropriated to that division 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 390.825.

**Sec. 3.** (1) Unless the person has an appropriate pass issued under section 2 of this 1981 Act, 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 390.825.

(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 B parks and recreation infraction.

**Sec. 37.** Sections 2 and 3 of this Act are repealed on January 1, 1986.

**390.855 Designation of additional scenic waterways.** The department shall undertake a continuing study and submit periodic reports to the Governor, with the concurrence of the Water Policy Review Board, 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 Division of State Lands, and such other persons or agencies as it considers appropriate. The Department of Transportation 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 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 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 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 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 true cash 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]

**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 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]

## RECREATION TRAILS

**390.950 Short title.** ORS 390.950 to 390.989 and 390.990 (4) may be cited as the Oregon Recreation Trails System Act. [1971 c.614 §1]

**390.953 "Department" defined.** As used in ORS 390.950 to 390.989, unless the context requires otherwise, "department" means the Department of Transportation. [1971 c.614 §2]

**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 390.990 (4) 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 department, in consultation with appropriate federal, state and local governmental agencies and public and private organizations, 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 390.990 (4) and such supplementary criteria as the 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 gov-

ernmental 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 390.990 (4).

(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 390.990 (4) affects any other statute authorizing trails for motorized vehicles which is not inconsistent with ORS 390.950 to 390.989 and 390.990 (4). [1971 c.614 §5]

**390.965 Hearing required; information to be considered.** (1) The 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 390.990 (4).

(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 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, or public 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]

**390.971 Department duties and powers, generally.** (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 390.990 (4), the department may:

(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 forest land, such agreement shall make reasonable provision for temporary relocation reasonably required for commercial forest management; and

(b) Subject to limitations set forth in ORS 390.950 to 390.989 and 390.990 (4), 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 it 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) and which it (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:

(a) 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.

(b) 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 paragraph (a) of subsection (1) 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; and 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 motorized 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 390.990 (4) 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 390.990 (4) 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; and in this connection it 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 which 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, forest land on which a fire exists which 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 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]

**390.974 Intergovernmental cooperation to obtain property for use in trail system.** The 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; expenses.** (1) The department shall establish an Oregon Recreation Trails Advisory Council and shall consult with such 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. The council shall consist of eight 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, as defined in ORS 390.605 (2), having a population of less than 150,000. Members of the council shall be appointed by the Governor and shall serve for terms of three years. Any vacancy in the council shall be filled in the same manner as the original appointment.

(2) Members of the council shall serve without compensation, but the department may pay the expenses reasonably incurred by the council in the performance of its functions upon presentation of vouchers signed by the chairman of the council. [1971 c.614 §8; 1981 c.545 §7]

**390.980 Funds for purposes of ORS 390.950 to 390.989; acceptance, 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 390.990 (4), the 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 390.990 (4). 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 his land, 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 390.990 (4) shall be valued at its true cash 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]

**390.986 Injunctive relief for violation of ORS 390.950 to 390.989.** The department has power to obtain injunctions against violations of any provisions of ORS 390.950 to 390.989 and 390.990 (4) and any rules and regulations adopted under ORS 390.950 to 390.989 and 390.990 (4) and agreements made under ORS 390.950 to 390.989 and 390.990 (4). [1971 c.614 §14]

**390.989 Eminent domain does not apply to department powers or duties under ORS 390.950 to 390.989.** Any pow-

er of eminent domain otherwise vested in the Department of Transportation does not apply to any power or duty vested in the department by ORS 390.950 to 390.989 and 390.990 (4). [1971 c.614 §16]

## **PENALTIES**

**390.990 Penalties.** (1) Any person, firm or corporation violating any of the laws or rules described in this subsection commits a Class A park and recreation infraction. This subsection applies to a violation of the following:

- (a) ORS 390.668.
- (b) Any rule adopted under ORS 390.160.
- (c) Any rule adopted under ORS 390.340.

(2) Violation of any provision of ORS 390.640 or 390.705, or any rule adopted under such statutes, is punishable, upon conviction, by a fine not exceeding \$500 or imprisonment in the county jail for not more than six months, or both.

(3) Each day a violation of ORS 390.640 or 390.705 continues shall be considered a separate offense.

(4) 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.

(5) Violation of any rule adopted under ORS 390.845 is a Class A park and recreation infraction. [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]

