AN INVENTORY OF FILLED LANDS

IN THE

COQUILLE RIVER

November 1972

ADVISORY COMMITTEE TO THE STATE LAND BOARD

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This report was funded by the Advisory Committee to the State Land Board and a grant from the U.S. Department of Labor's Emergency Employment Act of 1971

The Coquille River is a medium-sized coastal stream draining a mountainous, heavily timbered area, and a narrow, lowland valley region some 1070 square miles in area.[1] The river discharges directly into the Pacific Ocean at the small community of Bandon, Oregon approximately 22 miles south of Coos Bay, Oregon.

The estuarine area of the Coquille River covers 703 acres[2] -- 350 acres are tidelands[3] and 353 acres are permanently submerged land. The State Land Board has deeded 302 acres of the tideland area to private owners[4], and, at the time of this report, an undetermined amount of tidelands vests in private ownership because of the tideland grant of 1878[5].

The navigable length of the Coquille River is 37.0 miles; the North Fork 2.0 miles; and the East Fork of the North Fork 2.0 miles.[1] The tidewater effect extends up to Reed's Ford which is 1.0 mile above Arago Road Bridge in Myrtle Point and to Cooper's Bridge 3.5 miles above the mouth on the North Fork.[1]

The Coquille River is one of the finest steelhead and salmon fishing streams on the Pacific Coast. However, a very narrow, shallow and dangerous bar at the mouth of the river has precluded the development of sport and commercial fisheries in this area. This condition has also hampered the expansion of the lumber and log shipments from the Coquille River. As a result, the Coquille River Estuary remains relatively undeveloped and still displays many pristine characteristics particularly in the large tideland area just below the 101 Bridge.

The purpose of this study was to determine the location, ownership history, owner of record and use of filled land in the Coquille River Estuary. Filled lands or "new lands" and related terms are defined by Oregon Statute Law which in many cases paraphrases English Common Law. A few of the more important definitions pertaining to filled land are shown below.

274.905 Definitions for ORS 274.905 to 274.940.

As used in ORS 274.905 to 274.940, unless the context requires otherwise:

(1) "New lands" means those lands, as distinguished from bridges, wharves, quays and similar structures,

protruding above the line of ordinary high water, whether or not connected with the adjoining or opposite upland or riparian lands on the same side of the thread of the stream, which have been created upon submersible or submerged lands by artificial fill or deposit.

(2) "Public body" means the State of Oregon or any port organized under the laws of this state or any dock commission of any city of this state.

ORS 274.005. (7) "Submerged lands," except as provided in ORS 274.705, means lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state as heretofore established, whether such waters are tidal or nontidal.

(8) "Submersible lands," except as provided in ORS 274.705, means lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable, within the boundaries of this state as heretofore or hereafter established, whether such waters or lands are tidal or nontidal.

Selected terms pertaining to tidelands and tidal boundaries are defined in Appendix A.

A brief summary of the procedure used to obtain information about the landfills in Coquille River is shown below:

1) Obtain copies of all U.S. Army Corps of Engineers (U.S.C.E.) permits for landfills or related projects in study area. Compile and tabulate data.

2) Obtain aerial photographs covering entire study area from U.S. Army Corps of Engineers, U.S. Forest Service, Oregon State Highway Dept., and other agencies.

3) Obtain reasonably complete set of U.S. Coast and Geodetic Survey (U.S.C.&G.S.) charts of study area.

4) Prepare a comparison overlay showing earliest and latest shorelines. Tentatively locate landfills on overlay using permit data, aerial photographs, and large changes in shoreline as shown by the overlay. The list of charts used is shown at the end of this report.

5) Visit estuary to verify location of landfills. Document size, location, and use of fills.

6) Visit County Courthouse to obtain ownership and assessment data if available.

7) Compile and complete report.

Information collected during this study which pertains to landfill ownership has been summarized in Table I. Detailed sketches of each landfill are shown in Appendix B, and a plate showing the location and relative size of each landfill is located at the end of this text. (The shaded areas on the sketch and plat denote landfills.)

Table I shows ownership and location data. Each landfill has been designated by a two-part number -- the first part being an arbitrary number assigned during this study and the second part being the Coos County Account number. In addition to ownership and location, this Table lists the area of the fill and indicates whether a Corps of Engineers' Permit was issued.

The relative size and location of each fill discussed in Table I are shown on Plate I at the back of this report. In addition, detailed drawings of each landfill parcel and a brief summary of pertinent data concerning the fill appears in Appendix B.

1/ U.S. Army Corps of Engineers
2/ Crisis in Oregon Estuaries
3/ Crisis in Oregon Estuaries (U.S.C.&G.S. Charts) (Area between M.L.L.W. and M.H.H.W.)
4/ Total acreage deeded to private owners by State Land Board
5/ Tideland Grant of 1878 (Oregon Legislative Act of October 24, 1876 Page 70)

SUMMARY

There are 54.76 acres of landfill on submerged and submersible lands in the Coquille River Estuary. Approximately 1.54 acres of landfill are located on state-owned submerged land; the remaining 53.22 acres of landfill are located on privately owned submersible lands.

The majority of these fills have been under construction for many years because the primary source of material has been the Army Engineers dredging program. These filled areas are currently being used for industrial and commercially oriented businesses with no particular emphasis on navigation or marine-oriented uses.

We wish to take this opportunity to thank all the agencies which provided portions of the necessary information enabling the completion of this report. In particular, we wish to extend our gratitude to the following agencies:

U.S. Army Corps of Engineers, Portland District
Oregon Division of State Lands
Oregon State Highway Department
Coos County Assessor
Port of Bandon

Maps and Charts Used in this Study

U.S.C. & G.S. Charts for the Years

1888	1968
1917	1972
1936	

U.S. Army Corps of Engineers' Aerial Photos

1939	1964
1956	1968
1957	1972

Oregon State Highway Department Aerial Photos

1971

Coos County Assessor's Maps
Department of Revenue Forest Cover Maps

APPENDIX A

DEFINITIONS OF TERMS PERTAINING TO TIDELANDS AND TIDAL BOUNDARIES

Definitions Used by

U. S. Coast and Geodetic Survey

from

Shore and Sea Boundaries

by

Aaron L. Shalowitz

Mean Higher High Tide. - Same as Mean Higher High Water.

Mean Higher-High-Tide line. - Same as Mean Higher-High-Water line.

Mean Higher High Water. - The average height of the higher high waters over a 19-year period. See Higher High Water, Nineteen-year Tidal Cycle.

Mean Higher High Water Line. - The intersection of the tidal plane of mean higher high water with the shore. See Mean Higher High Water.

Mean High Tide. - Same as Mean High Water.

Mean High Water. - The average height of the high waters over a 19-year period. All high waters are included in the average where the tide is either semidiurnal or mixed. Where the type of tide is predominantly diurnal, only the higher high-water heights are included in the average on those days when the tide is semidiurnal. See mixed tides, semidiurnal tides, diurnal tides, Nineteen-year Tidal Cycle.

Mean High-Water Line. - The intersection of the tidal plane of mean high water with the shore.

Mean High-Water Mark. - Same as Mean High-Water Line.

Mean Lower Low Water. - The average height of the lower low waters over a 19-year period. The tidal plane used on the Pacific Coast as a datum for soundings on the hydrographic surveys and nautical charts of the Coast and Geodetic Survey.

Mean Low Water. - The average height of the low waters over a 19-year period. All low water heights are included in the average where the type of tide is either semidiurnal or mixed. Where the type of tide is predominantly diurnal, only the lower low water heights are included in the average on those days when the tide becomes semidiurnal.

Mean Low-Water Line. - The intersection of the tidal plane of mean low water with the shore.

Mean Sea Level. - The average height of the surface of the sea for all stages of the tide over a 19-year period, usually determined from hourly height readings. A determination of mean sea level that has been adopted as a standard for heights is called a sea level datum.

Mean Tide Level. - Same as Half-tide Level. A tidal datum midway between Mean High Water and Mean Low Water.

Ordinary High Water. - A nontechnical term considered by the Coast and Geodetic Survey to be the same as the tidal plane of mean high water.

Ordinary Low Water. - A nontechnical term considered by the Coast and Geodetic Survey to be the same as the tidal plane of mean low water.

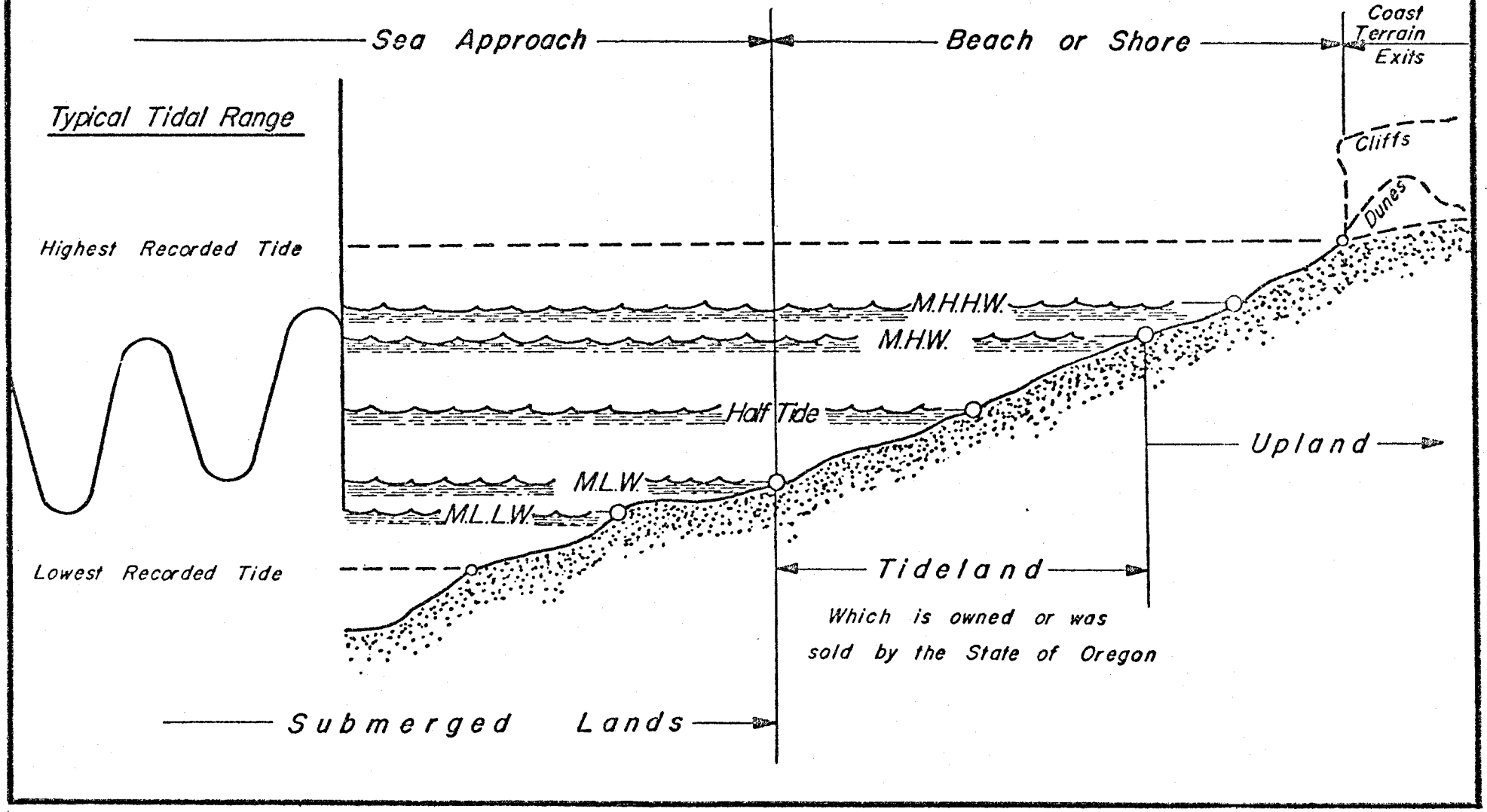
Diurnal Tide. - Tides having a period or cycle of approximately one tidal day. Such tides exhibit only one high and one low water during a tidal day; the predominant type of tide in the Gulf of Mexico.

Semidiurnal Tides. - Tides having a period of approximately one-half a tidal day; the type of tide that is predominant throughout the world, with two high waters and two low waters each tidal day. Tides along the Atlantic Coast are of this type.

Mixed Tides. - Tides in which the presence of a diurnal wave is conspicuous by a large inequality in either the high or low-water heights, or in both, with two high waters and two low waters occurring each tidal day. Tides along the California (and Oregon) Coast are of the mixed type.

Tidelands. - The land that is covered and uncovered by the daily rise and fall of the tide. More specifically, it is the zone between the mean high-water line and the mean low-water line along a coast, and is commonly known as the "shore" or "beach." Referred to in legal decisions as between ordinary high-water mark and ordinary low-water mark. Tidelands presuppose a high-water line as the upper boundary.

General Shore Profile
Relationship to Tidal Range



Coquille River (T28S-R14, 15W)

Total Area: 703 acres
Tidelands: 350 acres
Tidelands Sold: 302 acres
Tidelands Granted: Undetermined 1/
Navigable Length:
(a) Coquille R. - 35.0 miles
(b) North Fork - 2.0 miles
(c) East Fork of North Fork - 2.0 miles

Tidewater:
(a) Coquille R. - Reed's Ford - 1.0 mile above Arago Road Bridge in Myrtle Point
(b) North Fork - Cooper's Bridge - 3.5 miles above mouth
(c) East Fork of North Fork
None

Tide Data

Bandon

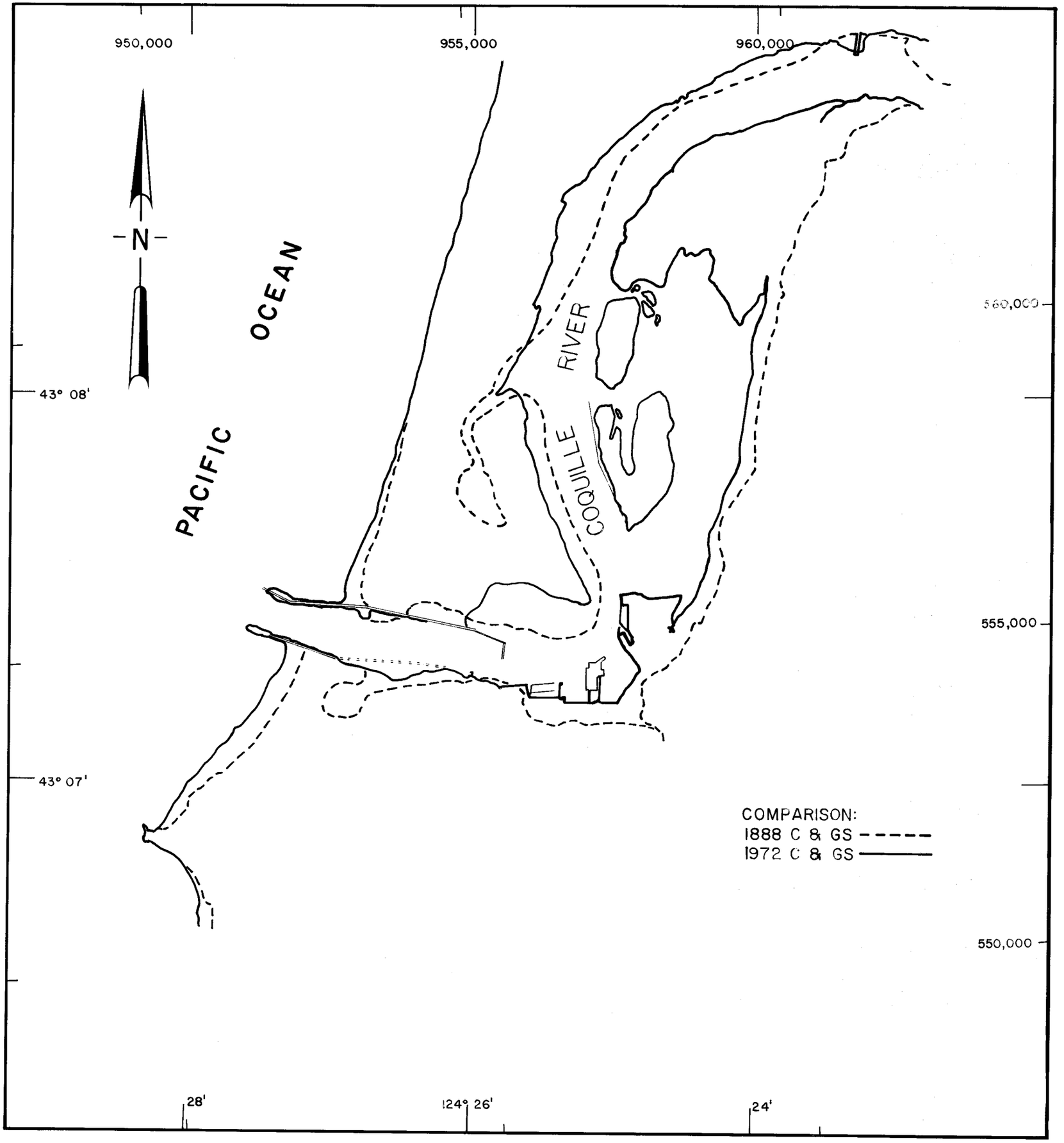
Stage	M.L.L.W.	M.S.L.
M.H.W.	+6.2	+2.61
M.L.W.	+1.1	-2.49
M.L.L.W.	0.0	-3.59

Port District: Port of Bandon
Port of Coquille River

1/ The land lying between the lines of ordinary high and low water was granted to the riparian owner if a patent was issued prior to October 18, 1878. We have never determined what lands were involved on the Coquille R. System.
(Oregon Legislative Act of October 21, 1876 Page 70)

APPENDIX B

SKETCH PLATES OF LANDFILL PARCELS


950,000
955,000
960,000
560,000
555,000
550,000
43° 08'
43° 07'
28'
124° 26'
24'
N
PACIFIC OCEAN
COQUILLE RIVER
COMPARISON:
1888 C & GS
1972 C & GS

950,000

955,000

960,000

565,000

560,000

555,000

N

PACIFIC OCEAN

COQUILLE RIVER

18

17

24

19

20

25

30

36

31

T28S R14W

T28S R15W

101

SIMPSON CREEK

Roosevelt Hwy

FERRY CREEK

COQUILLE PT.

1

2

3

4

43° 08'

43° 07'

124° 26'

124° 24'

STATE OF OREGON
ADVISORY COMMITTEE TO THE
STATE LAND BOARD
LANDFILL INVENTORY

COQUILLE RIVER

PACIFIC OCEAN TO 101 BRIDGE
SHADED AREA DENOTES FILLED LAND

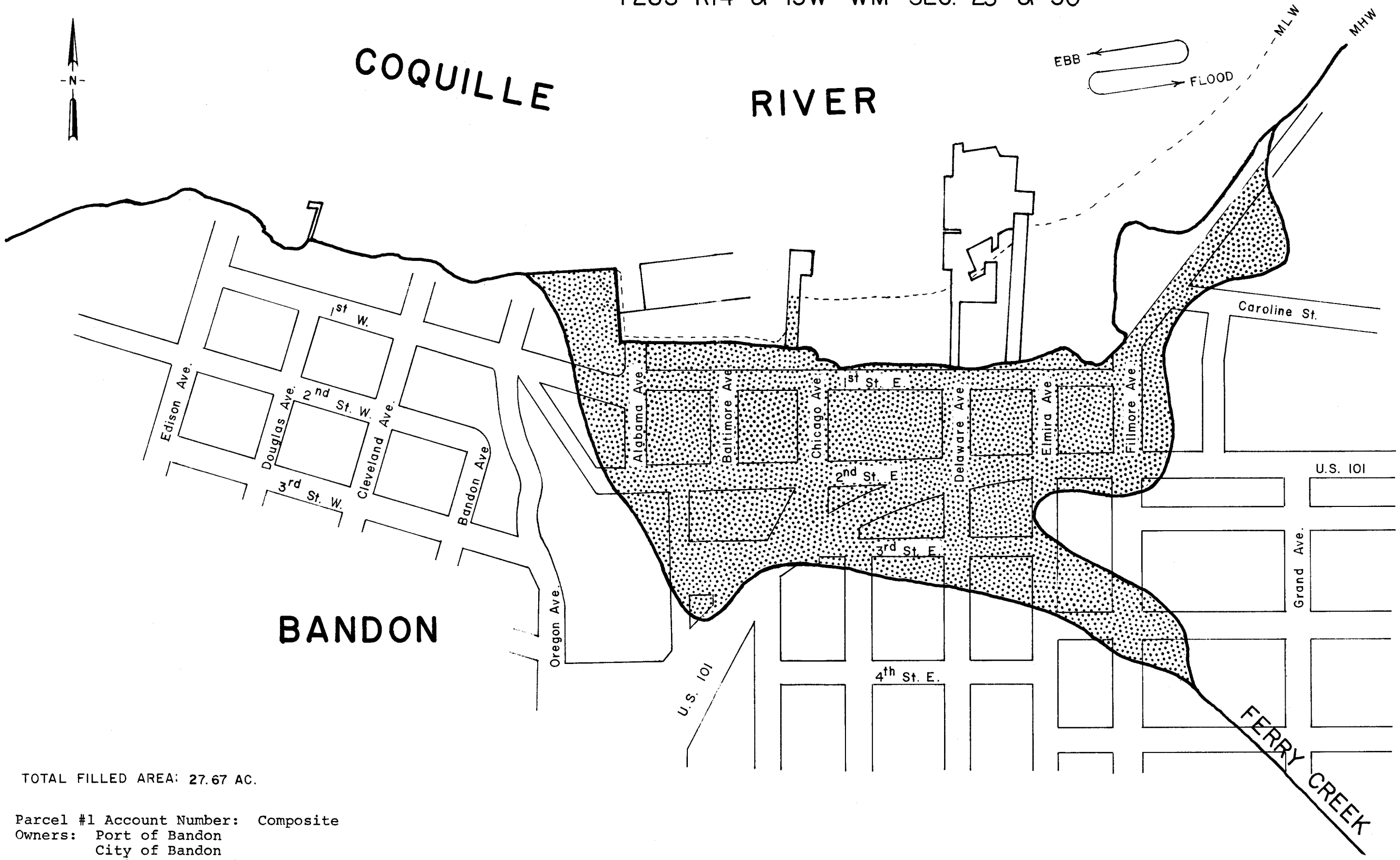
0 1000 3000 6000

FEET

1972

Drawn by: Bob Emerson

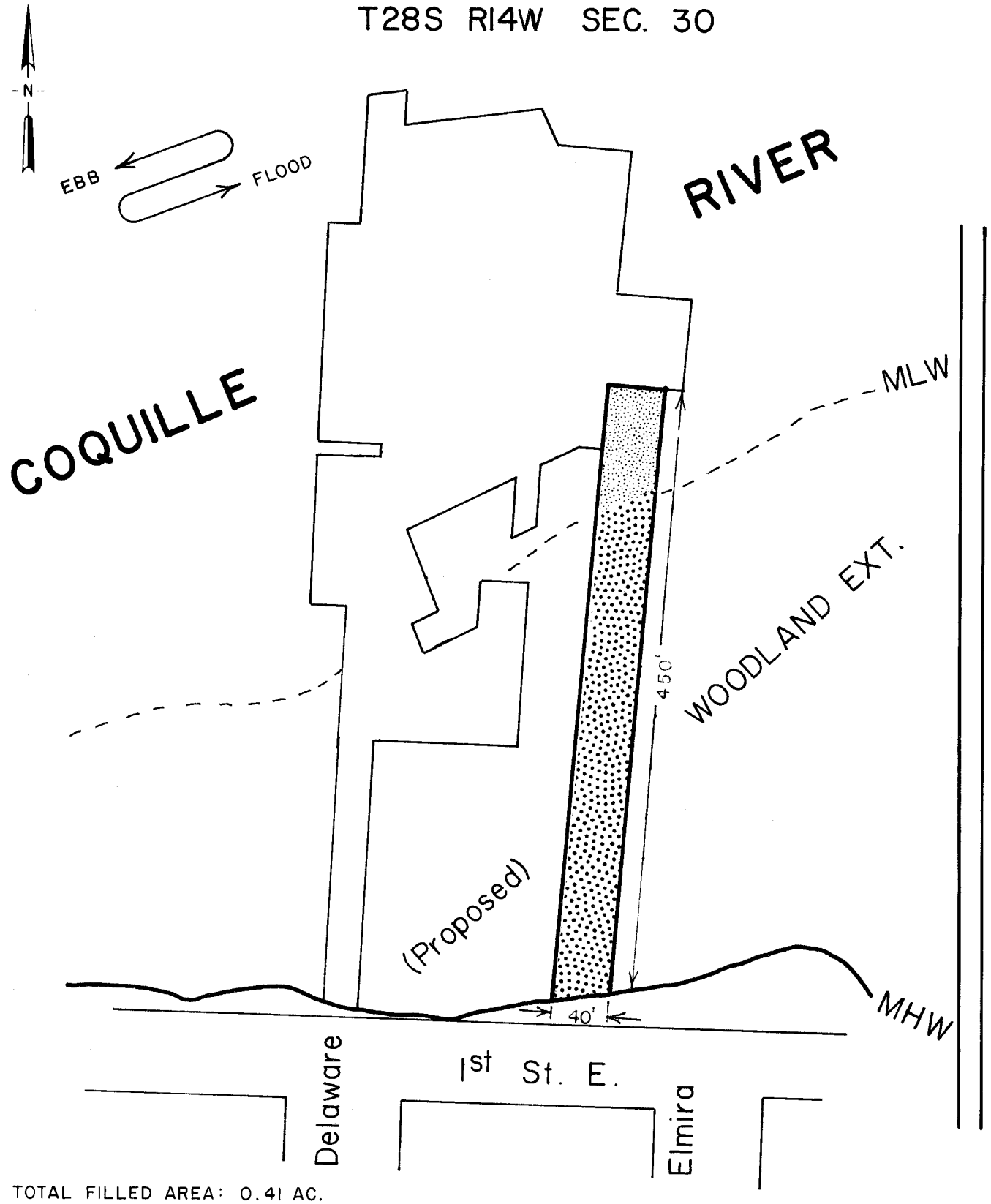
T28S R14 & 15W WM SEC. 25 & 30



TOTAL FILLED AREA: 27.67 AC.

Parcel #1 Account Number: Composite
Owners: Port of Bandon
City of Bandon
Various Commercial
Various Residential
Construction Dates: 1896 - 1916
Use: Dock Facility, City Streets
Commercial and Residential

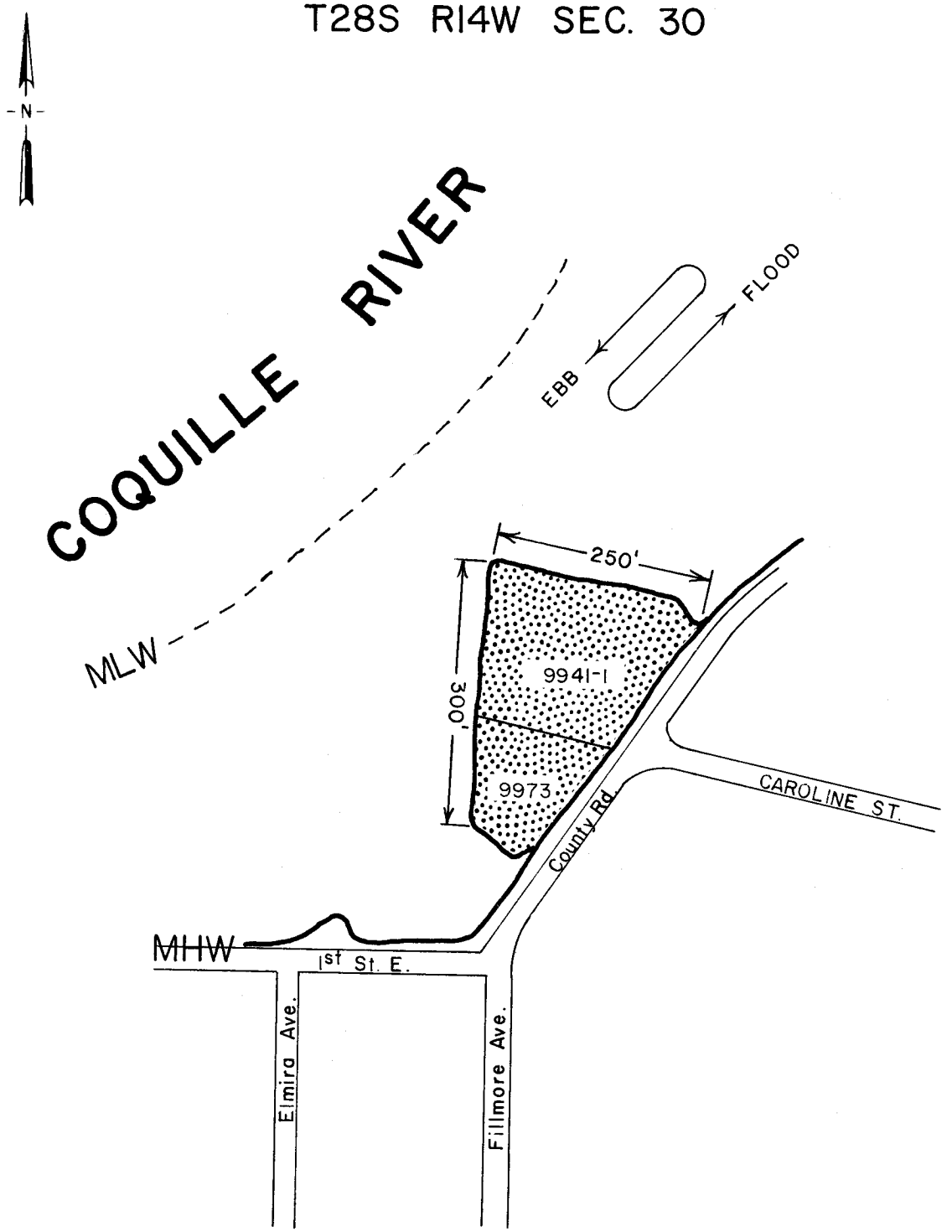
T28S R14W SEC. 30



TOTAL FILLED AREA: 0.41 AC.
SUBMERSIBLE: 0.34 AC.
SUBMERGED: 0.07 AC.

Parcel #2 Account Numbers
31767 thru 31772
31779 thru 31784
Owner: Moore Mill & Lumber Co.
Construction Dates: 1961 - 1962
Use: Access Road

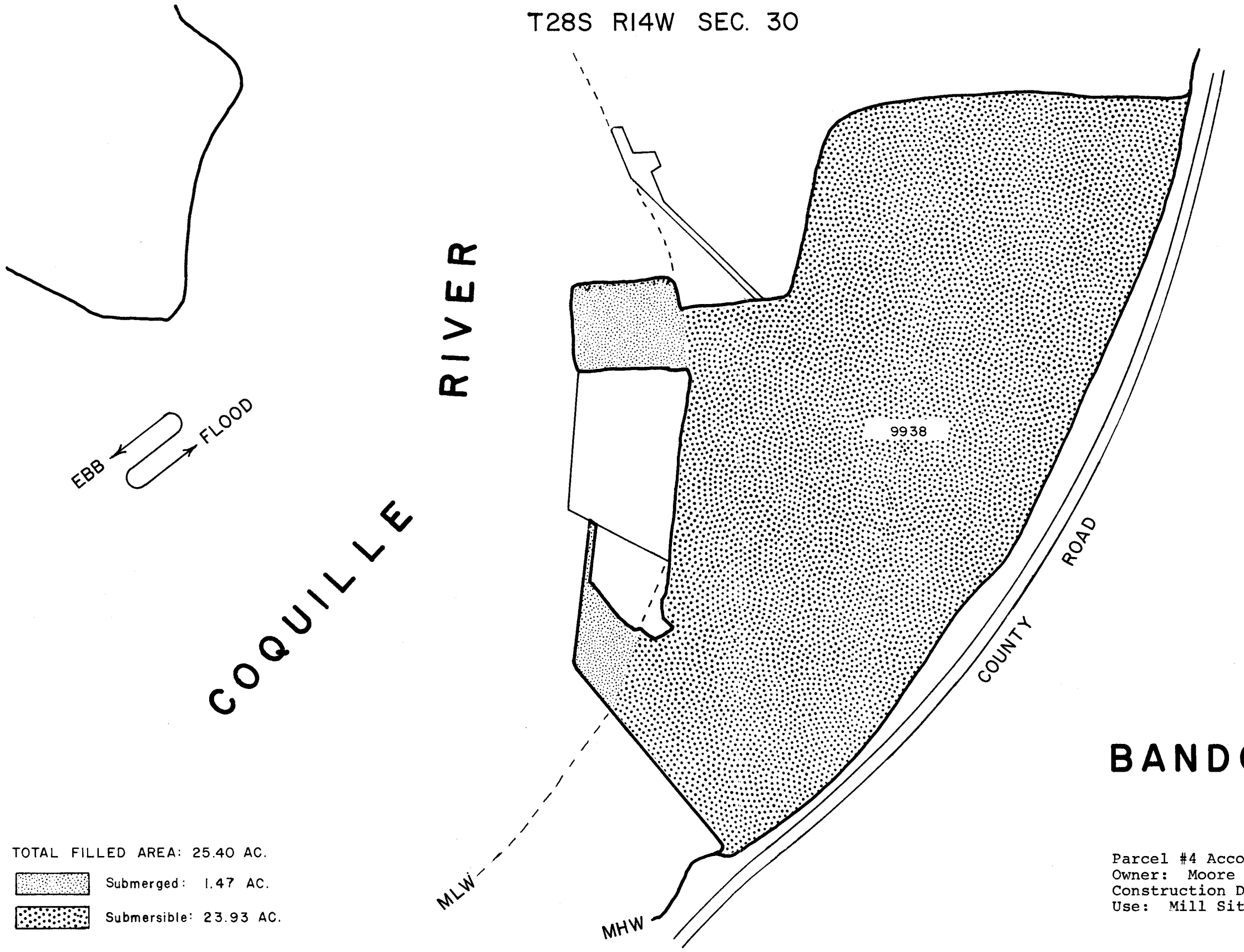
T28S R14W SEC. 30



TOTAL FILLED AREA: 1.28 AC.

Parcel #3 Account Numbers 9941-1
9973
Owner: City of Bandon
Construction Dates: 1967 - 1968
Use: Sewage Plant

T28S R14W SEC. 30



TOTAL FILLED AREA: 25.40 AC.

Submerged: 1.47 AC.

Submersible: 23.93 AC.

BANDON

Parcel #4 Account Number 9938
Owner: Moore Mill & Lumber Co.
Construction Dates: 1913 to Present
Use: Mill Site

TABLE I

OWNERSHIP AND LANDFILL DATA
COQUILLE RIVER, OREGON

	OWNERSHIP		DATES CONSTRUCTED		USE		PERMIT		FILL ACREAGE		
PARCEL	PRESENT	WHEN FILLED	START	COMPLETED	ORIGINAL	PRESENT	NUMBER	CLASS	SUBMERGED	SUBMERSIBLE	TOTAL
1 1/	Port of Bandon	Port of Bandon	1896	1916	Property Exten.	Dock Facility	None	None	--	2.62	2.62
1 1/	City of Bandon	City of Bandon	1896	1916	Property Exten.	City Streets	--	--	--	6.21	6.21
1 1/	Various Commercial	City of Bandon	1896	1916	Property Exten.	Commercial	--	--	--	8.52	8.52
1 1/	Various Residential	City of Bandon	1896	1916	Property Exten.	Residential	--	--	--	10.32	10.32
2 2/	Moore Mill & Lbr.Co.	Moore Mill&Lbr.Co.	1961	1962	Access Road	Access Road	NPP285-70C	Coquille R.-Gen.	0.07	0.34	0.41
3-9941-1 2nd 9973	City of Bandon	City of Bandon	1967	1968	Sewage Plant	Sewage Plant	None	None	--	1.28	1.28
4-9938	Moore Mill&Lbr.Co.	Various Owners	1913	Present	Spoils Area	Mill Site	--	--	1.47	23.93	25.40
								TOTAL	1.54	53.22	54.76

1/ A composite only was prepared for the City of Bandon due to the amount of account numbers involved.
2/ A portion of account numbers 31767 thru 31772 and 31779 thru 31784