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AN INVENTORY OF FILLED LANDS
IN
SALMON RIVER ESTUARY
September 1972

ADVISORY COMMITTEE TO THE STATE LAND BOARD

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- Mr. Cecil L. Edwards, Executive Assistant

Prepared by the Advisory Committee's
Engineering Staff under the
direction of

Stanley F. Hamilton, P.E.
Staff Engineer
Oregon Division of State Lands

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to the State Land Board and a grant from the
U.S. Department of Labor's Emergency Employment
Act of 1971

Salmon River, one of the smaller estuaries in Oregon, is located in the extreme northwest corner of Lincoln County and discharges directly into the Pacific Ocean approximately six miles north of Lincoln City, Oregon.

The total area of this estuary is 204 acres^{1/} of which 126 acres are tidelands and 78 acres of submerged land.^{2/} At the present time, none of the tidelands have been deeded to private owners by the State Land Board.^{3/}

The Salmon River sub-basin comprises a drainage area of 78 square miles in Tillamook, Lincoln and Polk counties.^{4/} The navigable length of the Salmon River 3.0 miles and the tidewaters terminate at river mile 4.3 which is located at the old 101 State Highway bridge near Otis Junction.^{5/}

The estuary contains small quantities of softshell clams and supports a fishery for flounder, perch, salmon and cutthroat trout. A Nature Conservancy area, on the south side of Cascade Head, adjoins the estuary.

Salmon River still remains in a primitive state and should be considered as an estuarine natural area.

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- 1/ Oregon Division of State Lands
2/ Oregon Division of State Lands (Area between M.L.W. and M.H.W.)
3/ State Land Board
4/ Oregon State Water Resources Board
5/ U.S. Army Corps of Engineers

The purpose of this study was to determine the location, extent, ownership, history, owner of record and use of filled lands in the Salmon 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 lands 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 Salmon 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 and Oregon State Highway Department.

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

4) Compile and complete report.

Information collected during this study which pertains to landfill ownership will be found in the summary.

Plate I showing location and relative size of each landfill is located at the end of this text. In addition, a detailed drawing of the single landfill parcel and a brief summary of pertinent data concerning this fill appears in Appendix B.

SUMMARY

There is only one landfill in the Salmon River Estuary at the present time. This fill is located in township 6 south, range 11 west section 5 and abuts tax lot 200. This area is owned by the State of Oregon and was leased to Lincoln County in November of 1969 for a period of 20 years. Under the terms of this lease, the State of Oregon authorized Lincoln County to construct a parking area and boat launch on this property. A permit for the construction of these facilities was issued by the Army Corps of Engineers [1507-29 (Salmon River Fills)-1]. None of this fill lies on submerged land. The entire filled area (0.12 acres) lies on submersible lands. See Appendix B for details.

We wish to take this opportunity to thank all the people and 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 State Water Resources Board
Oregon Division of State Lands
Lincoln County Assessor
Lincoln County Surveyor
Port of Newport

Maps and Charts Used in this Study

1. Department of the Interior Geological Survey
2. Lincoln County Assessors Maps
3. State of Oregon, Department of Revenue
Forest Cover Maps
4. U.S. Army Corps of Engineers Aerial Photos 1962
5. Oregon State Highway Aerial photos 1971

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 semi-diurnal 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.

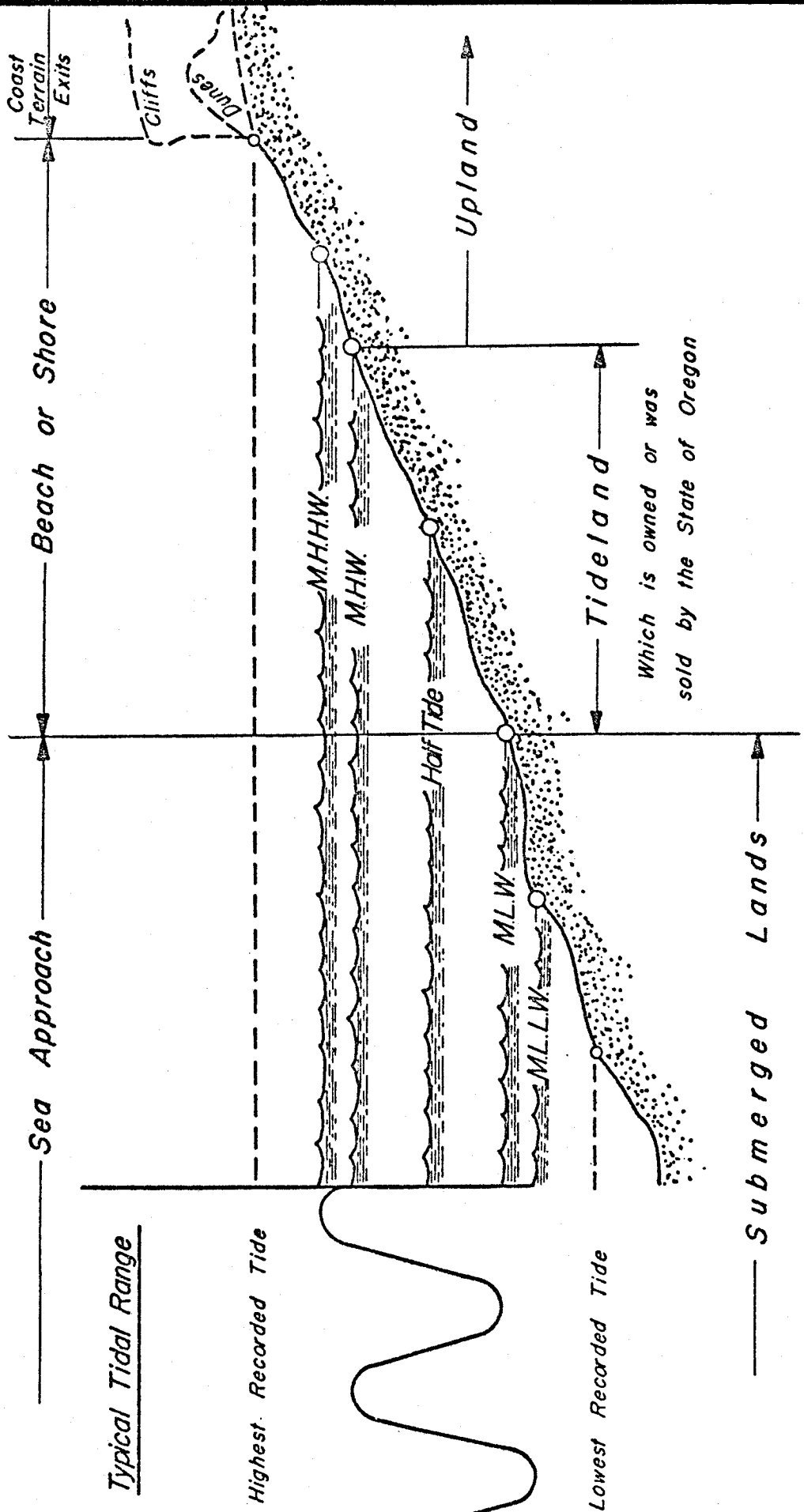
Diurnal Tide. - Tides having a period or cycle of approximately one tidal day. Such tides exhibit only one high and one low water during a tidal day; the predominant type of tide in the Gulf of Mexico.

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.

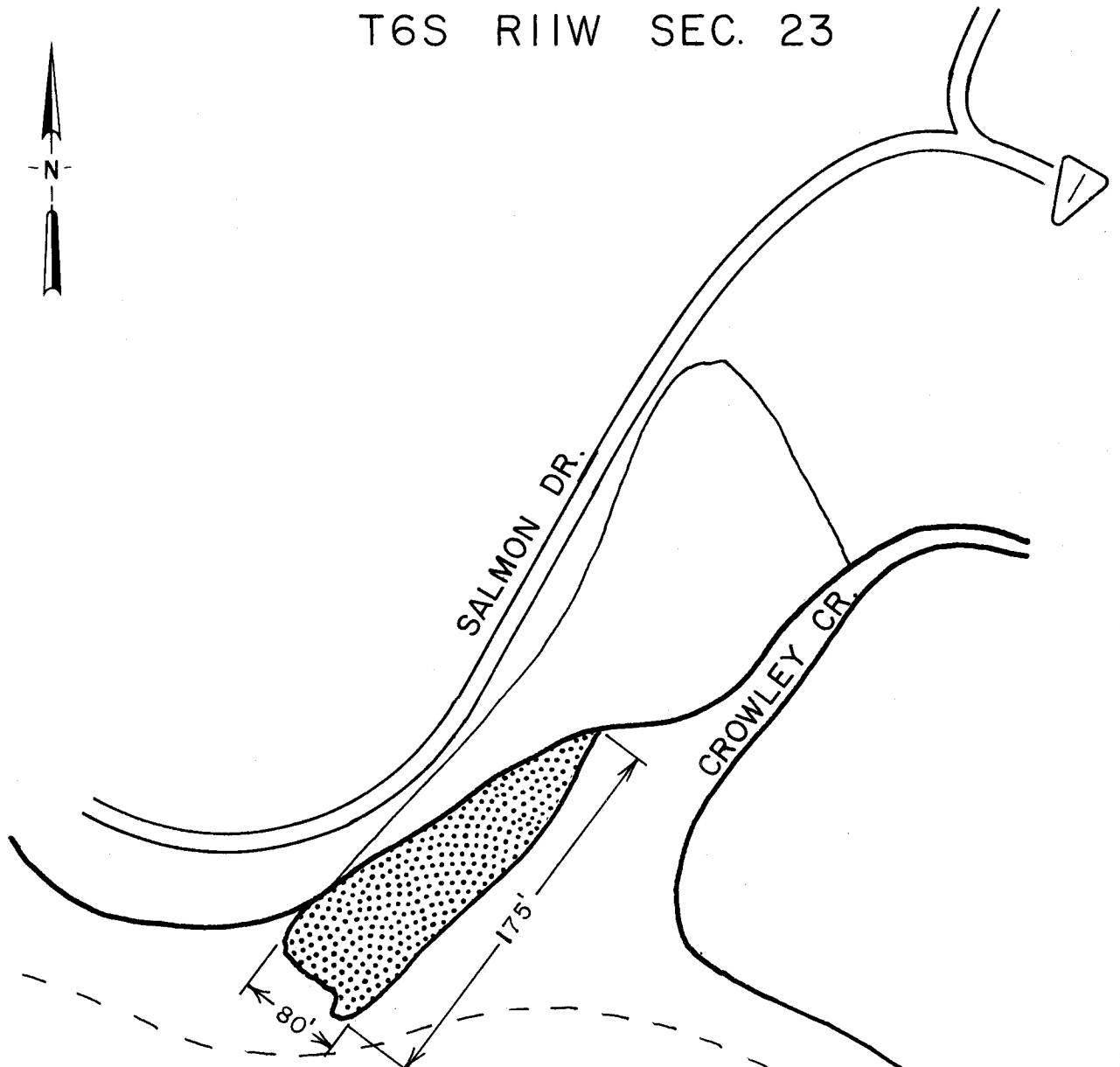
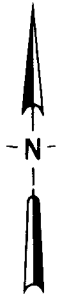
Tidelands. - The land that is covered and uncovered by the daily rise and fall of the tide. More specifically, it is the zone between the mean high-water line and the mean low-water line along a coast, and is commonly known as the "shore" or "beach." Referred to in legal decisions as between ordinary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



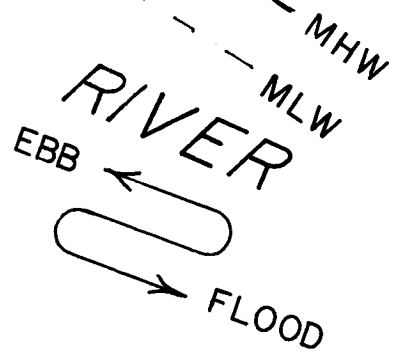
APPENDIX B
SKETCH PLATES OF LANDFILL PARCELS

T6S R11W SEC. 23

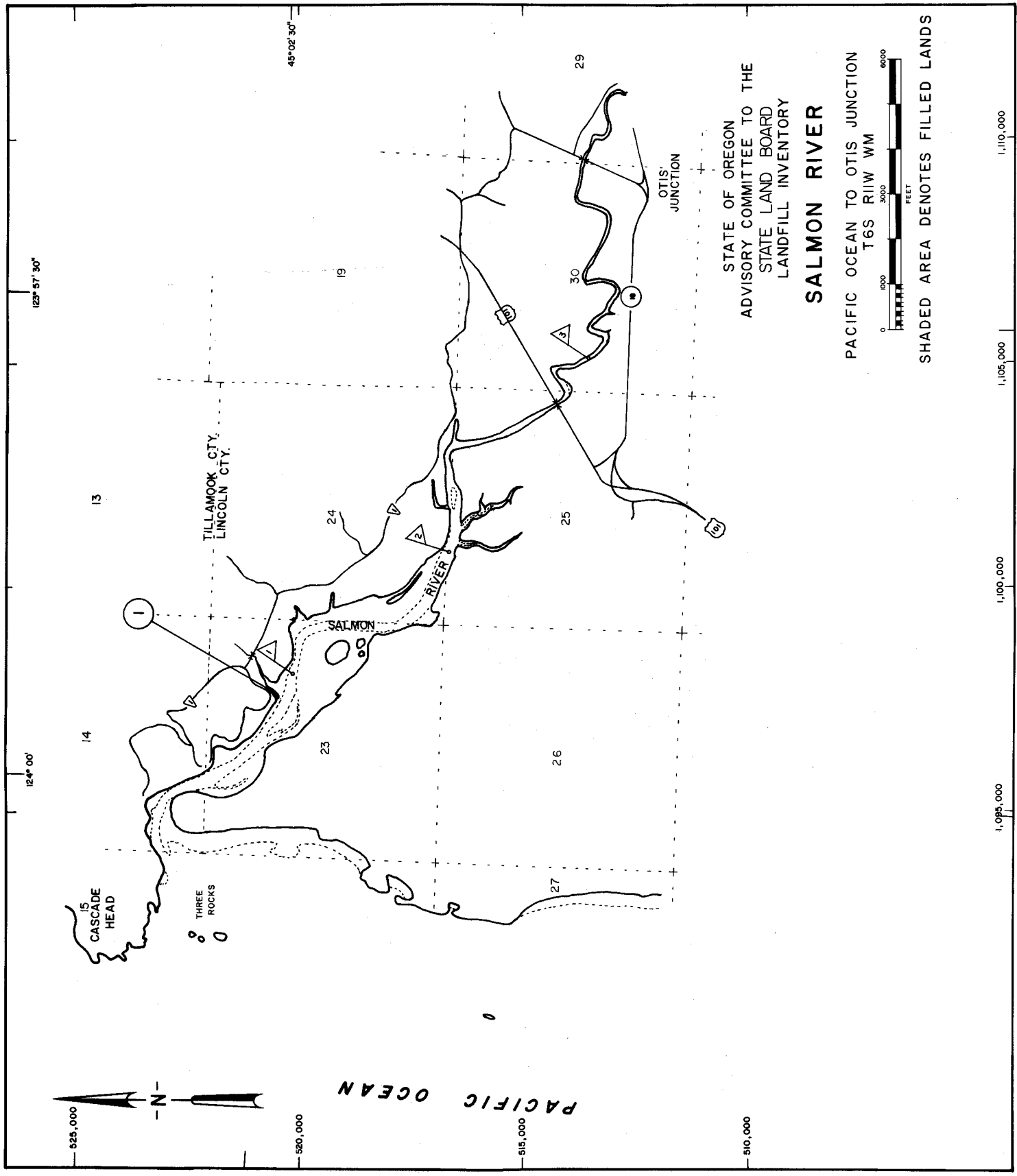


SALMON

TOTAL FILLED AREA: 0.12 AC.



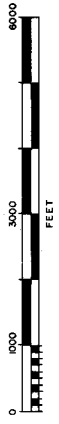
Owner: State of Oregon
Lessee: Lincoln County
Date of Construction: 1969-1970
Use: Public Boat launch



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

SALMON RIVER

PACIFIC OCEAN TO OTIS JUNCTION
 T6S R11W WM



SHADED AREA DENOTES FILLED LANDS

1,095,000 1,100,000 1,105,000 1,110,000