AN INVENTORY OF FILLED LANDS

IN THE

ALSEA RIVER

September 1972

ADVISORY COMMITTEE TO THE STATE LAND BOARD

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

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Staff Engineer
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The Alsea River, a very picturesque area of the central Oregon Coast discharges directly into the Pacific Ocean at Waldport, a small coastal town lying 18 miles south of Newport, Oregon. The river and its tributaries drain an area of 473 square miles[1] in Lincoln, Benton and Lane counties.

The total area of the Alsea River is 2227 acres[2] of which 1338 acres are tidelands[3] and 889 acres of submerged land. At the present time, 70 acres of tideland have been deeded to private owners by the State Land Board[4] and, according to the 1912 Railroad Survey, 1257 acres of tidelands were granted to the Corvallis and Eastern Railroad Co.[5] The navigable length of the Alsea River is 13.0 miles with the head of tidewater being 5.0 miles above Taylor Landing Bridge. The only tributary of significant size is Drift Creek with a navigable length of 1.5 miles above its mouth and the head of tidewater being 5.5 miles above its mouth.[6]

The economy of the Alsea River area is centered around forestry, agriculture and recreation. Industrial use in the bay is limited to log towing. Alsea Bay is an excellent sport fishing bay for salmon and cutthroat trout. Lint Slough on Alsea Bay is an Oregon Game Commission saline salmon rearing experimental station.

The purpose of this study was to determine the location, extent, history of ownership, owner of record and use of filled lands on the Alsea River. 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 Siuslaw River is shown below:

1) Obtain copies of all US 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 US Army Corps of Engineers, Oregon State Highway Dept.

3) 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.

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

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

6) 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 sketches and plate denote landfills.)

Table I shows ownership and other informative 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 Lincoln County Tax Lot 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/ Oregon State Water Resources Board
2/ Crisis in Oregon Estuaries
3/ Crisis in Oregon Estuaries (U.S.C. and 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/ 1912 survey by railroad (area between M.L.W. and M.H.W.)
6/ Army Corps of Engineers data

SUMMARY

There is a total of 24.75 acres of landfill on tidelands in Alsea Bay. All of the fill lies on submersible land -- in no instance was landfill found on submerged land. The majority of the filled land is marine oriented with heavy emphasis on recreation.

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 Historical Society, Portland, Oregon
Oregon State Water Resources Board
Oregon Division of State Lands
Lincoln County Assessor
Lincoln County Surveyor
The Port of Alsea

Maps and Charts Used in this Study

Lincoln County Assessors Maps
Department of Revenue Forest Cover Maps
U.S. Army Corps of Engineers Aerial Photos
1939 - 1961 - 1965
Oregon State Highway Department 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 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.

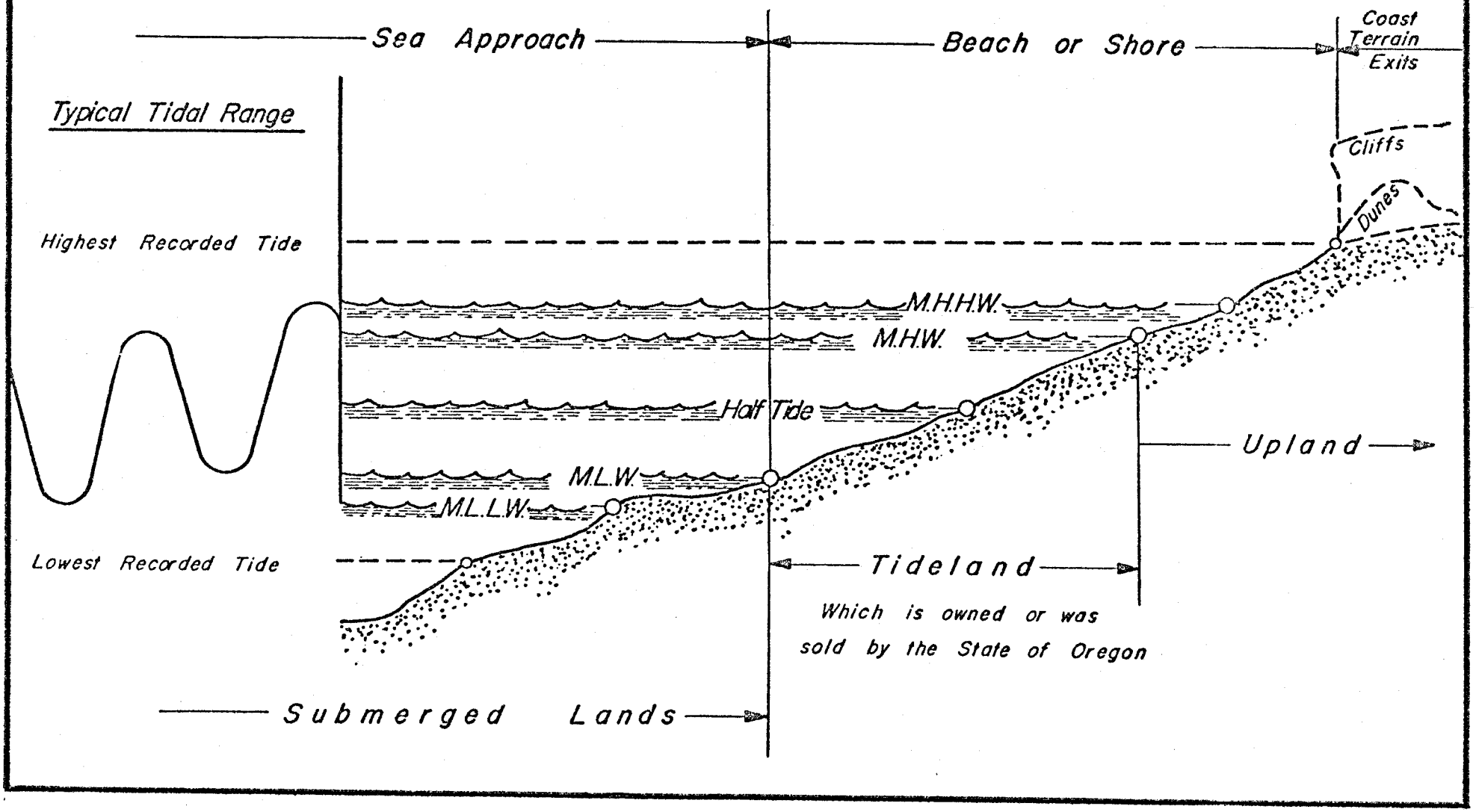
Diurnal Tide. - Tides having a period or cycle of approximately one tidal day. Such tides exhibit only one high and one low water during a tidal day; the predominant type of tide in the Gulf of Mexico.

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



Alsea Bay (T 13S - R 11W)

Total Area:	2227 acres
Tidelands:	1338 acres
Tidelands Sold:	70 acres
Tidelands Granted:	1257 acres 1/
Navigable Length:	(a) Alsea R. - 13.0 miles (b) Drift Cr. 1.5 miles
Tidewater:	(a) Alsea R. 5.0 miles above Taylor Landing Bridge (b) Drift Cr. 5.5 miles above mouth

Tide Data

	Waldport	
Stage	M.L.L.W.	M.S.L.
M.H.W.	+7.0	+3.53
M.L.W.	+1.2	-2.27
M.L.L.W.	0.0	-3.47

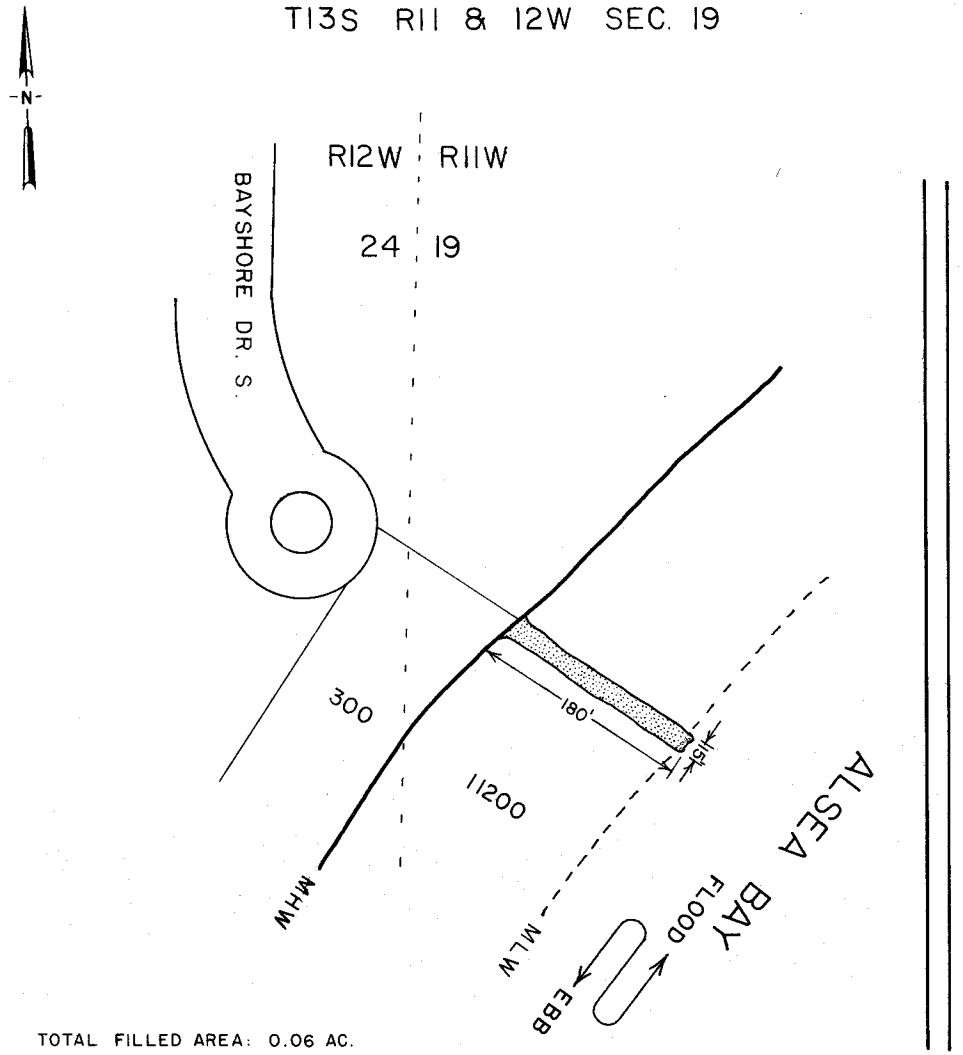
Port District: Port of Alsea

1/ According to the Railroad Survey of 1912

APPENDIX B

SKETCH PLATES OF LANDFILL PARCELS

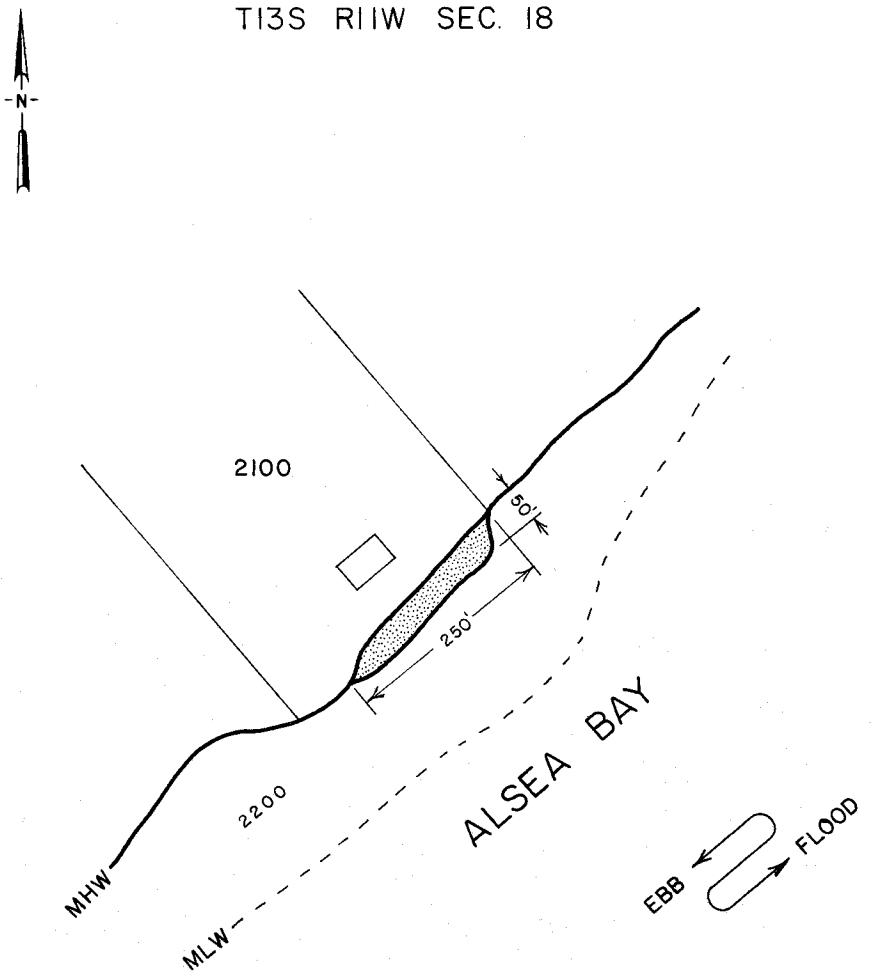
T13S R11 & 12W SEC. 19



TOTAL FILLED AREA: 0.06 AC.

Parcel #1 Tax Lot 11200
Owner: Port of Alsea
Construction Dates: 1965
Use: Public boat ramp

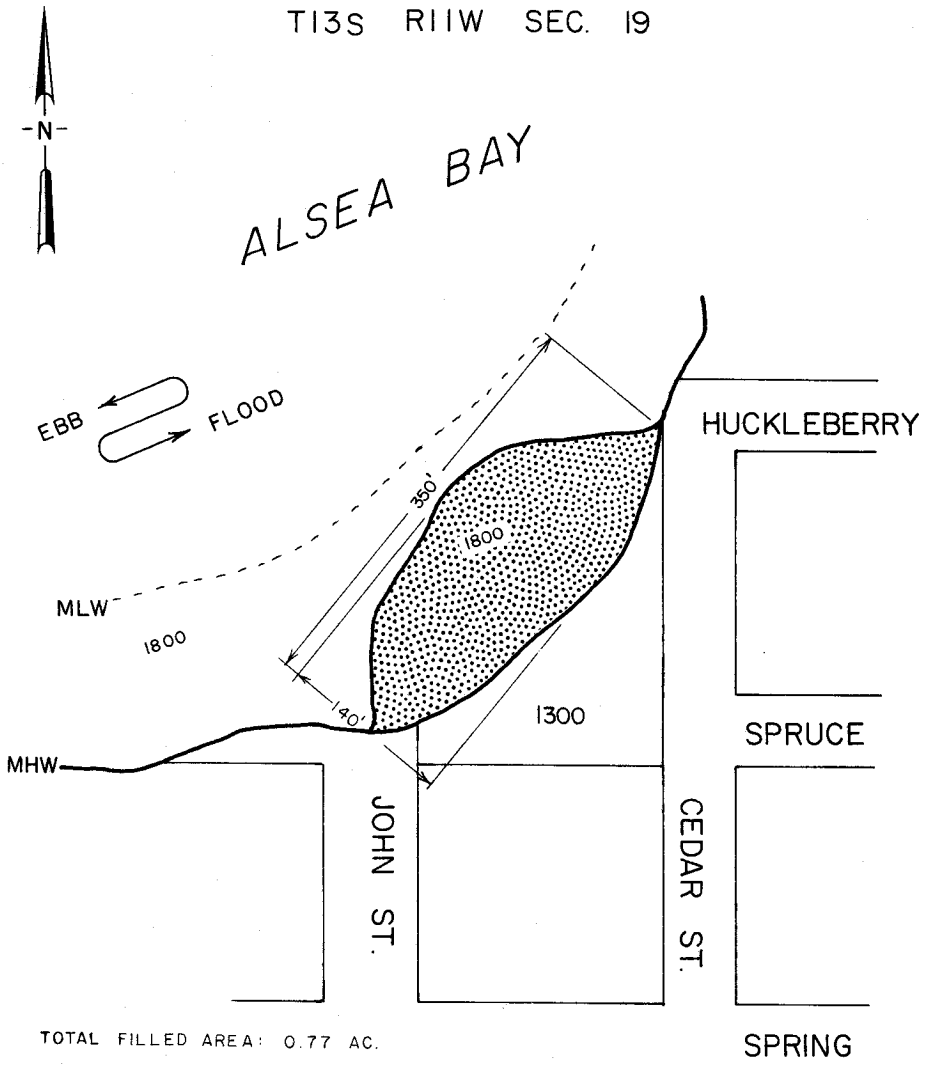
T13S R11W SEC. 18



TOTAL FILLED AREA: 0.30 AC.

Parcel #2 Tax Lot 2100
Owner: Charles E. Walker
Construction Dates: 1936 to 1939
Use: Private Residence

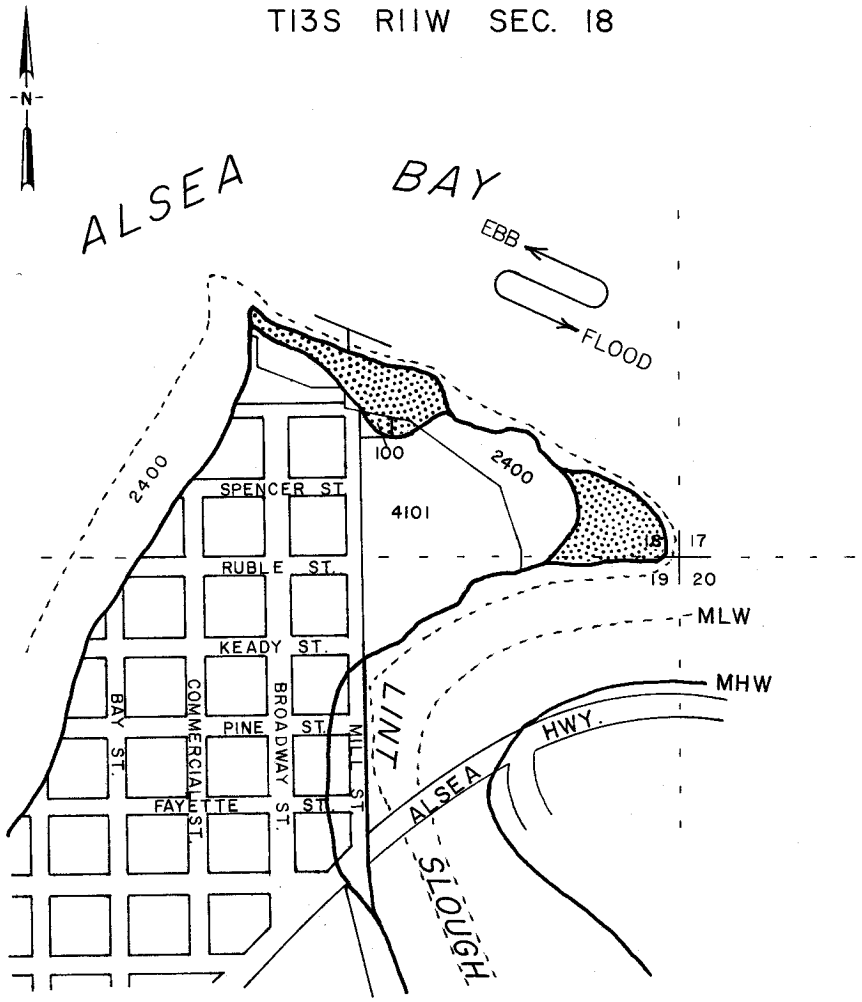
T13S R11W SEC. 19



TOTAL FILLED AREA: 0.77 AC.

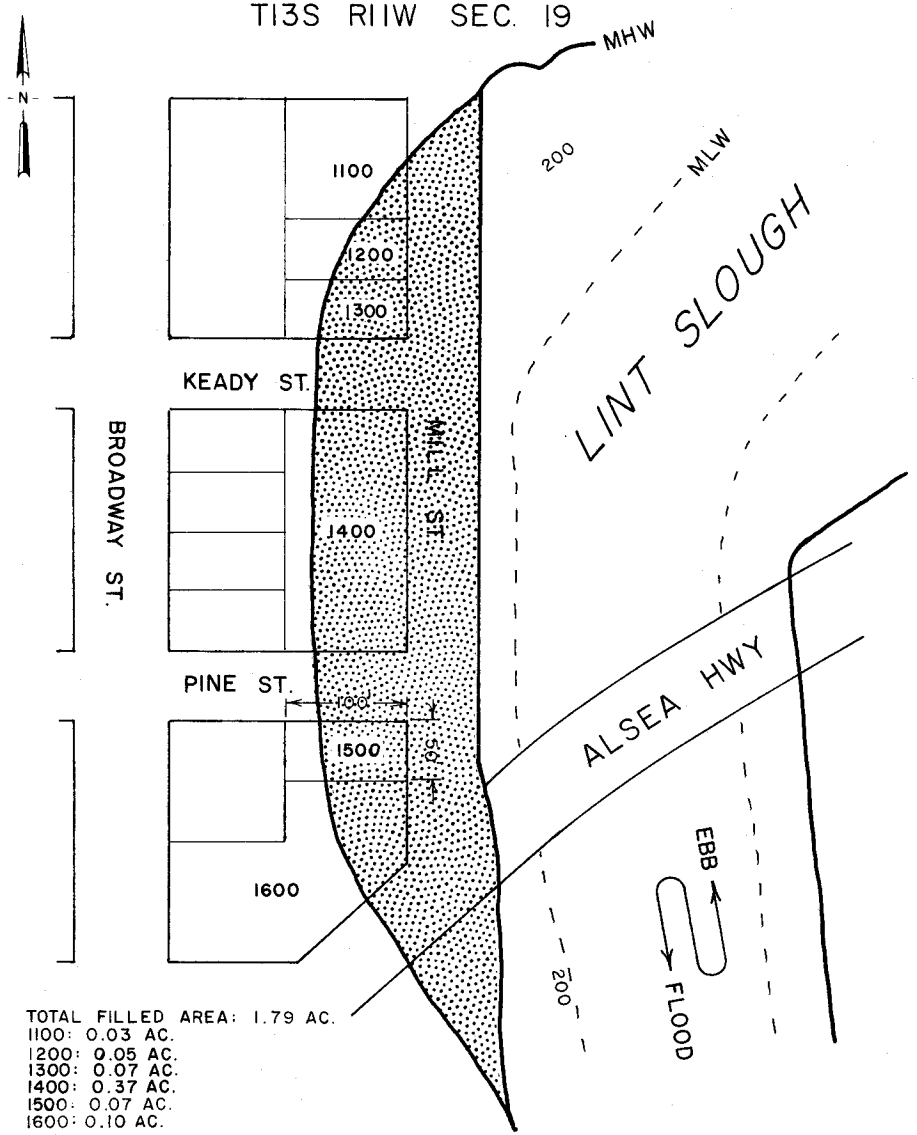
Parcel #3 Tax Lot 1800
Owner: Lincoln County School District
Construction Dates: 1956 to 1957
Use: Public School

T13S R11W SEC. 18



TOTAL FILLED AREA: 1.99 AC.
100: 0.03 AC.
2400: 1.94 AC.
4101: 0.02 AC.

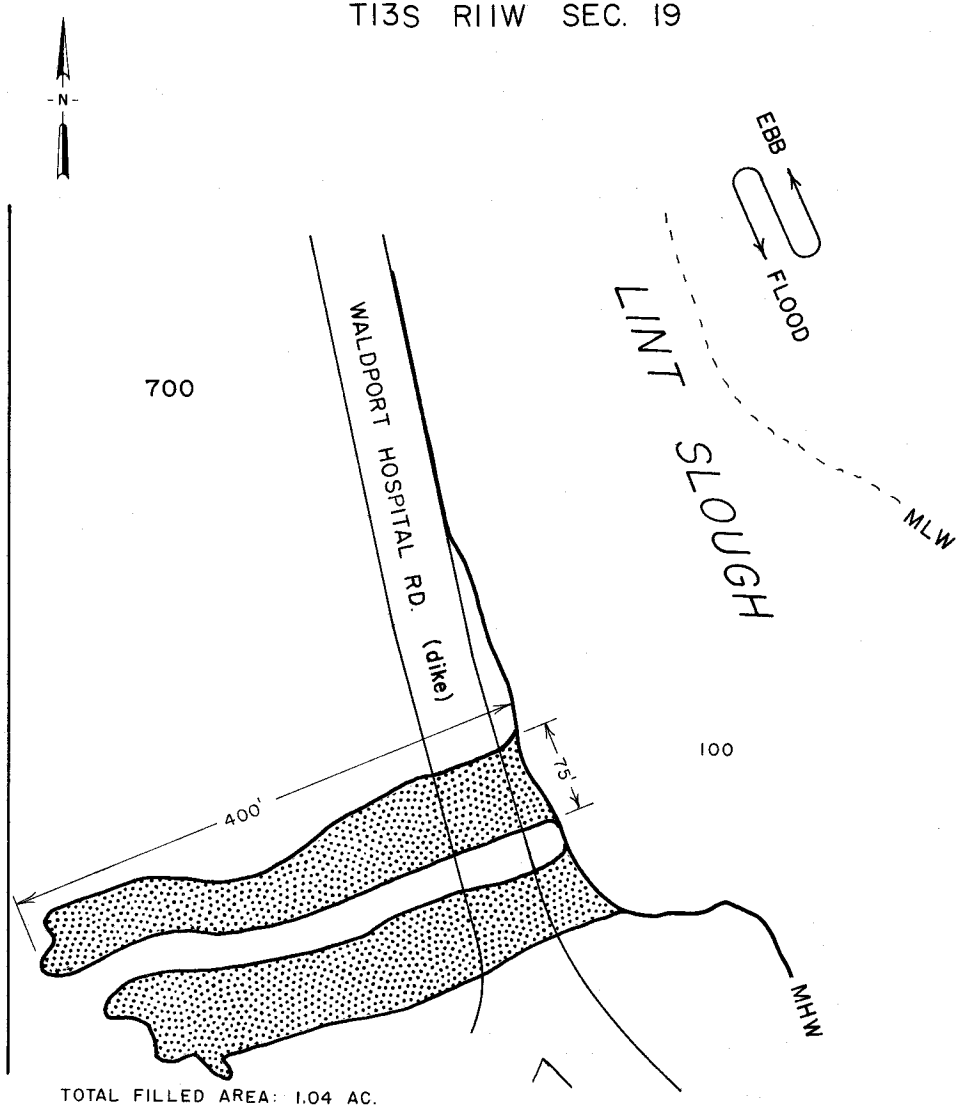
Parcel #4 Tax Lots 2400, 100, 4101
Owners: Port of Alsea (2400)
Perry York (100)
Gilman C. Bland (4101)
Construction Dates: See Table I
Use: See Table I



TOTAL FILLED AREA: 1.79 AC.
1100: 0.03 AC.
1200: 0.05 AC.
1300: 0.07 AC.
1400: 0.37 AC.
1500: 0.07 AC.
1600: 0.10 AC.
CITY STREET: 1.10 AC.

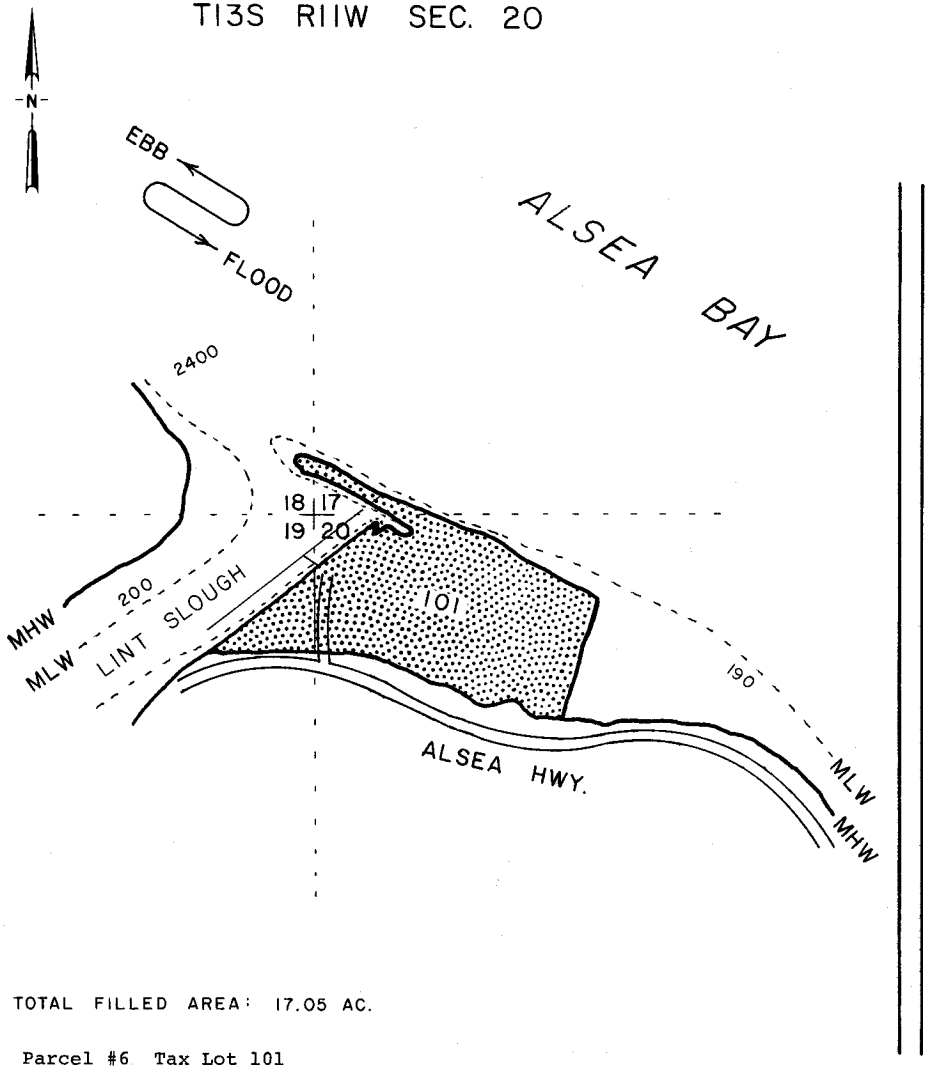
Parcel #5 Tax Lots #1100, 1200, 1300, 1400, 1500, 1600

Owners:	B.C. Lamb & C.C. Morse	(1100)	Construction Dates:
	City of Waldport	(1200)	Mill St. diked 1939
	C.E. Olsen	(1300)	landfill 1954-56
	P.E. Smith	(1400)	Use: See Table I
	Archdiocese of Portland	(1500)	
	D. D. Grady	(1600)	



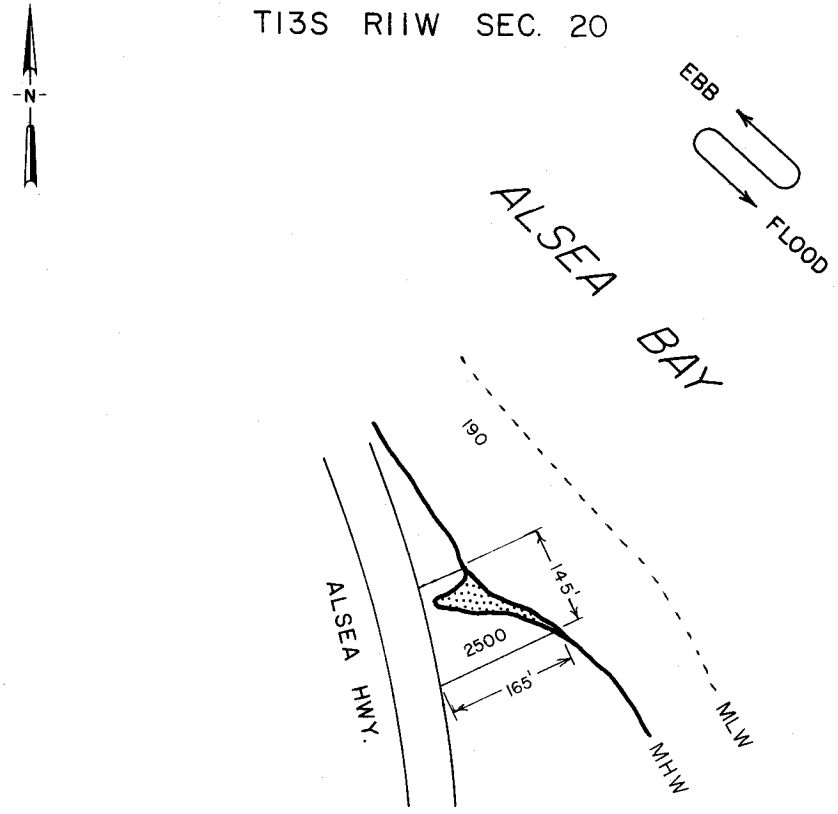
TOTAL FILLED AREA: 1.04 AC.

Parcel 5: Tax Lot 700
Owner: Lincoln County School District
Construction Dates: 1956
Use: Public School



TOTAL FILLED AREA: 17.05 AC.

Parcel #6 Tax Lot 101
Owner: Eugene McKinley
Construction Dates: 1965 to present
Use: Marina

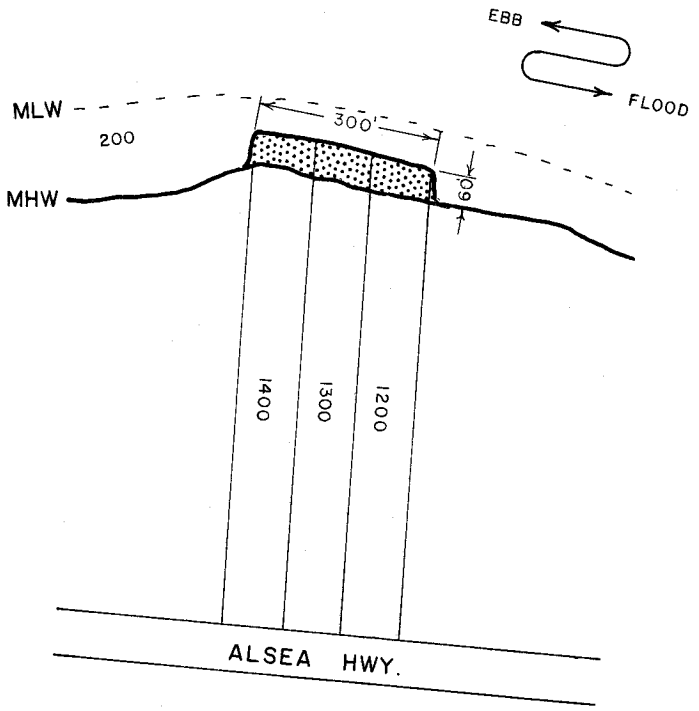


TOTAL FILLED AREA: 0.15 AC.

Parcel #7 Tax Lot #2500
Owner: John Wesley
Construction Dates: 1965 to 1966
Use: Private Residence

T13S R11W SEC. 27

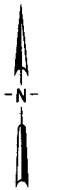
ALSEA BAY



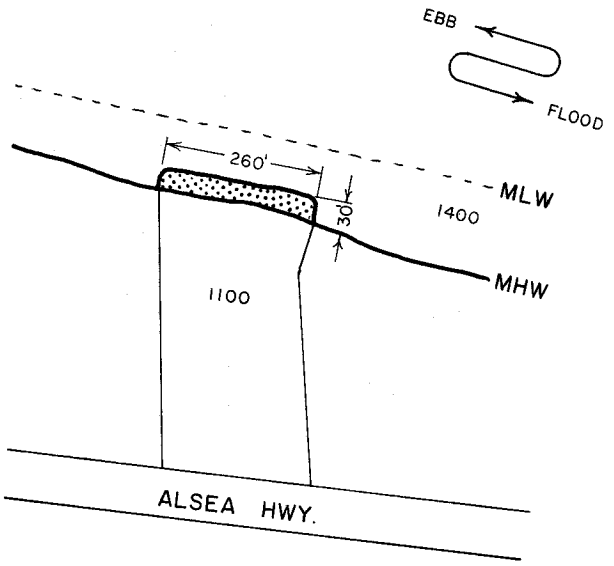
TOTAL FILLED ACRES: 0.39
1200: 0.13 AC.
1300: 0.13 AC.
1400: 0.13 AC.

Parcel #8 Tax Lots 1200, 1300, 1400
Owners: Author R. Nelson (1200)
Henry & Ellen Nelson (1300, 1400)
Construction Dates: 1970
Use: None

T13S R11W SEC. 27



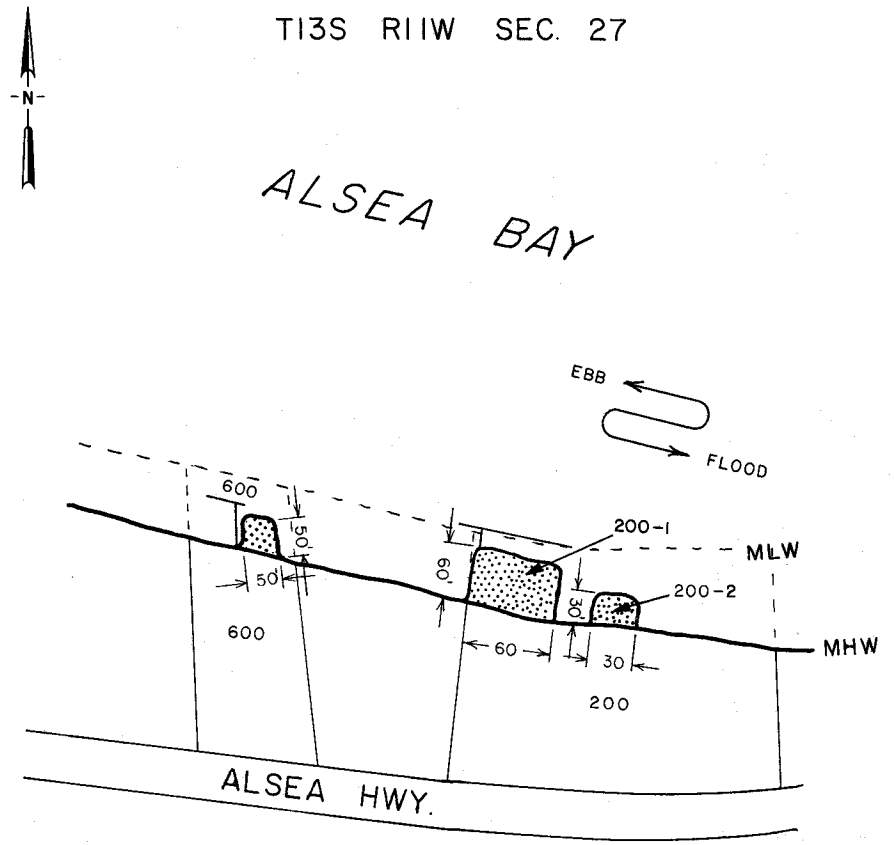
ALSEA BAY



TOTAL FILLED ACRES: 0.10 AC.

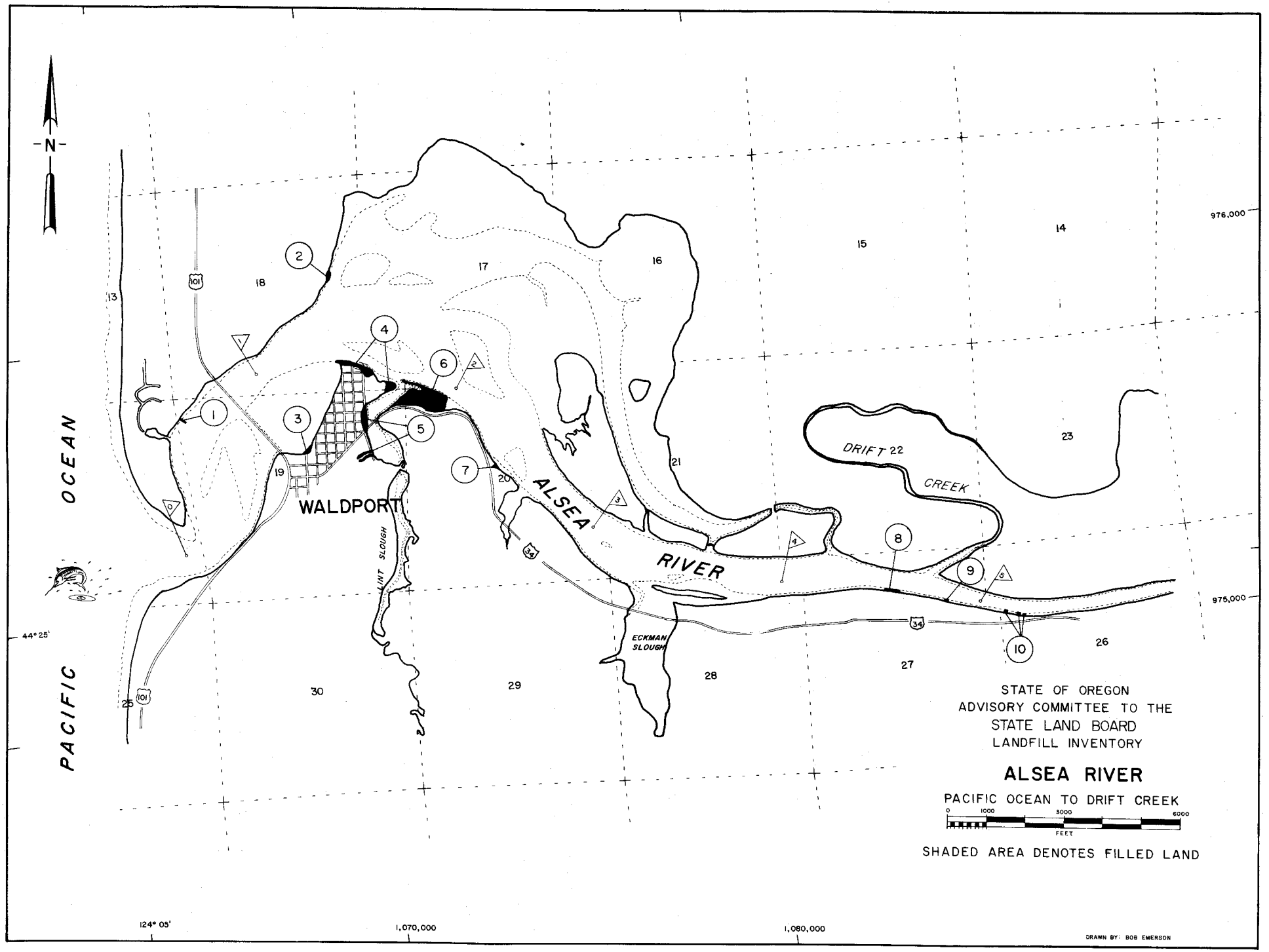
Parcel #9 Tax Lot 1100
Owners: Lloyd & Kate Young
Construction Date: 1966 to 1972
Use: Boat moorage & trailer park

T13S R11W SEC. 27



TOTAL FILLED ACRES: 0.18 AC.
200-1: 0.10 AC.
200-2: 0.05 AC.
600: 0.03 AC.

Parcel #10 Tax Lots 600, 200-1, 200-2
Owners: W.O. Reil (600)
York Wyman, Jr. (200-1 & 200-2)
Construction dates: 1970/1971 (600)
1960/1962 (200-1 & 200-2)
Use: (600) Private Residence
(200-1 & 200-2) Marina


N
PACIFIC OCEAN
WALDPORT
ALSEA RIVER
DRIFT CREEK
FLINT SLOUGH
ECKMAN SLOUGH
101
34
976,000
975,000
44° 25'
124° 05'
1,070,000
1,080,000
STATE OF OREGON
ADVISORY COMMITTEE TO THE
STATE LAND BOARD
LANDFILL INVENTORY
ALSEA RIVER
PACIFIC OCEAN TO DRIFT CREEK
0 1000 3000 6000
FEET
SHADED AREA DENOTES FILLED LAND
DRAWN BY: BOB EMERSON

Parcel	Tax Lot No.		Ownership	Present	Ownership when Filled		Occupant	Party authorizing	Construction Dates		Use		Permit Data		Fill Acreage		
No.	Upland	Tideland	Upland	Tideland	Upland	Tideland	of Landfill	Landfill	Started	Completed	Original	Present	Number	Class	Submerged	Submersible	Total
1	300	11200	Public	Port of Alsea	Bayshore Inc.	Port of Alsea	Public	Bayshore Inc.	1965	1966	Boat Ramp	Same	None	--		0.06	0.06
2	2100	2200	Charles E. Walker	"	Claude Tackabery	"	Charles E. Walker	Claude Tackabery	prior 1920	--	Residence	"	"	--	--	0.30	0.30
3	1300	1800	Lincoln Co. School D.	"	Lincoln Co. Sch.D.	"	Lincoln Co.Sch.D.	Lincoln Co.Sch.D.	1956	1957	School Yard	"	"	--		0.77	0.77
4	2400	same	Port of Alsea	"	Port of Alsea	"	Port of Alsea	Same	1946	3/1947	Park.Lot&Marina	"	P.O. 800.6	Dikes -1		1.00	1.00
4	100	2400	Perry York	"	Unknown	"	Perry York	Port of Alsea	"	"	Vacant Lot	Same	"	"		0.03	0.03
4	4101	2400	Gilman C. Bland	"	Gilman C. Iland	"	Eugene McKinley	Eugene McKinley	1972	1972	"	"	None	--		0.94	0.94
5	City Sts.	200	City of Waldport	Ralph Rickard	City of Waldport	City of Waldport	City of Waldport	City of Waldport	1939	1940	City Streets	City Streets	None	--		1.10	1.10
5	1100	200	B. Lamb & C. Morse	Ralph Rickard	B. Lamb & C. Morse	Ralph Rickard	B. Lamb & C. Morse	B. Lamb & C. Morse	1/	1/	"	"	"	--		0.03	0.03
5	1200	"	City of Waldport	"	City of Waldport	"	City of Waldport	City of Waldport	"	"	City Jail	None	"	--		0.05	0.05
5	1300	"	C.E. Olsen	"	Blanche Holgate	"	C.E. Olsen	Blanche Holgate	"	"	Vacant Lot	Same	"	--		0.07	0.07
5	1400	"	P.E. Smith	"	Frank Lundy	"	P.E. Smith	Frank Lundy	"	"	"	"	"	--		0.37	0.37
5	1500	"	Archdiocese Ptld.	"	Archdiocese Ptld.	"	Archdiocese of Ptld	Archdiocese of Ptld	"	"	Church	"	"	--		0.07	0.07
5	1600	"	D.D. Grady	"	D.D. Grady	"	D.D. Grady	D.D. Grady	"	"	Market	"	"	--		0.10	0.10
5	700	100	Lincoln Co. Sch.D.	"	Lincoln Co. Sch.D.	"	Lincoln Co.Sch.D.	Lincoln Co.Sch. D.		"	School	"	"	--		1.04	1.04
6	101	102&190	Eugene McKinley	Port of Alsea	Eugene McKinley	Port of Alsea	Eugene McKinley	Eugene McKinley	1965	5/5/71	Marina	Same	"	--		17.05	17.05
6	"	"	"	"	"	"	"	"	5/5/71	Present	"	"	1507-24	Moorage-2	2/	--	--
7	2500	190	John Wesley	"	George Brown	"	John Wesley	George Brown	1965	1966	Residence	"	None	--		0.20	0.20
8	1200	200	Author R. Nelson	"	Author R. Nelson	"	Author R. Nelson	Author R. Nelson	1970	1970	None	"	1522-14	Dredging-1	3/	0.13	0.13
8	1300	"	Henry Nelson	"	Henry Nelson	"	Henry Nelson	Henry Nelson	"	"	"	"	"	"		0.13	0.13
8	1400	"	"	"	"	"	"	"	"	"	"	"	"	"		0.13	0.13
9	1100	1400	Lloyd Young	"	Clyde Highfill	"	Lloyd Young	Clyde Highfill	1966	1967	Moorage	"	None	--		1.00	1.00
10	600	600	W.O. Reil	W.O. Reil	W.O. Reil	John E. Oakland	W.O. Reil	W.O. Reil	1970	1971	Residence	"	"	--		0.03	0.03
10	200-1	200	York Wyman Jr.	York Wyman Jr.	York Wyman Jr.	York Wyman Jr.	York Wyman Jr.	York Wyman Jr.	3/60	9/62	Marina	"	"	--		0.10	0.10
10	200-2	"	"	"	"	"	"	"	"	"	"	"	"	--		0.05	0.05
															TOTAL	24.75	24.75

1/ Diked in 1939 by WPA, filled in 1954 to 1956

2/ State Material Removal Permit No. 561

3/ State Material Removal Permit No. 453