

DIVISION OF STATE LANDS

M E M O R A N D U M

TO: File DATE: June 16, 1976

FROM: Perry E. Lumley

SUBJECT: State Ownership, Yaquina Bay - Port of Newport North Shore
moorage basin and waterfront of Newport (Submerged and
Submersible Lands)

The area of the study represents buildings over the water, wharf facilities, filled lands, docks, seawalls, breakwaters, etc. Obviously, the character of this area has been changed extensively from its natural state.

All overlay material, maps, photos, and deeds mentioned in this report are attached for reference.

The following information on tideland sales, dredging, filling, etc., is a comprehensive picture of these changes from 1895 to the present in order to determine the state ownership of these lands.

Tideland Sales

The State parted with the tidelands of Yaquina Bay through the Railroad Grant of October 24, 1874, and the following sales.

Deed # V-240 March 1896

29-462 June 1904

29-463 June 1904

29-464 June 1904

29-465 June 1904

31-42 November 1905

36-310 September 1908

43-209 January 1932

56-224 June 1973 - Filled Lands

All above deeds have been plotted on the overlay series for this report and copies are attached.

Graphic Data and Aerial Photos

1895 USCE Map was the earliest graphic data used for this report. The high water line indicated on this map is mean high water and the low water line is actually lower low water. In particular, this map shows the extent of tidelands, including the apparent large bar located in the center of the bay or "middle ground", and

represents the character of this area at this point in time. As is also indicated on this map, the channel was located on the North side of the "middle ground" bar.

- 1912 Railroad survey plotted on an aerial photo has been included in the report for information only, due to obvious inaccuracy of this survey when compared to USC & GS charts, various USCE maps and aerial photos. Further information about this survey will be contained in a future report.
- 1939 and 1944 USCE aerial photos numbered 2845 and 44-150 respectfully, show the development of the tidelands along the northerly shoreline and the middle ground bar prior to the construction of the breakwater, which was installed along the middle ground bar and the Port fill which was created on the tidelands along the northerly shoreline.
- 1941 USC & GS Chart #6058 is significant in that besides indicating the mean high and lower low water lines, it shows the channel has been moved to the South side of the middle ground bar. This chart has also been used for the overlay series.
- 1947 USCE Maps #YB-1-229/1 and #YB-1-228 show the plan for the breakwater construction as well as soundings, proposed dredging and spoil sites prior to construction of the breakwater for the Port moorage facility.
- 1948 USCE Map #YB-1-236 shows soundings after the breakwater construction.
- 1948 USCE Map #YB-1-233 shows proposed dredging and spoil sites within the moorage basin.
- 1958 USCE Aerial Photo #58-241 shows the moorage basin, breakwater and docks prior to the extensive Port fill along the North shore line which was to extend South to the extent of the tidelands.
- 1965 USCE Aerial Photo #65-2277 shows that construction of the Port fill has begun and the location of this fill in relation to the adjacent tidelands. This photo indicates that the Port fill extended beyond the tidelands onto state-owned submerged lands.
- 1971 USC & GS chart shows how the Port fill has advanced and the construction of new docks. Note also how the apparent tidelands remain static adjoining the breakwater when compared with the 1965 photo.
- 1973 USCE Aerial Photo #73-3011 was used as the base for the overlay series and represents the character of the area in question at the present time.

Summary

From the aforementioned data and the overlay series provided for this determination, (1) the State owns to the present mean low waterline along the water front of Newport, (2) the State owns those lands indicated by the cross-hatched area on the overlay within the moorage basin, and (3) because of the dredging operations within the moorage basin these lines of ownership may not extend further upon the state-owned lands.