AN INVENTORY OF FILLED LANDS
IN THE
SILETZ RIVER
October 1972

ADVISORY COMMITTEE TO THE STATE LAND BOARD

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

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

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 Siletz River watershed covers an area of 308 square miles—mainly in Lincoln County (its headwaters lie in Polk and Benton Counties) and discharges directly into the Pacific Ocean at Taft, Oregon. Taft, a relatively small community, is located approximately 20 miles north of Newport, Oregon.

The total area of the Siletz River estuary is 1,197 acres, of which 785 acres are tidelands and 412 acres are submerged land. At the present time, 2.5 acres of the tideland area are in private ownership.

The Siletz River has a navigable length of 22.0 miles. None of the tributaries to the Siletz River are navigable. The effect of the tidewater on the Siletz River extends 18.0 miles above highway U.S. 101, Schooner Creek, 2.0 miles above highway U.S. 101, and Drift Creek 2.0 miles above highway U.S. 101.

The Siletz River is probably one of the better known Rivers on the Oregon Coast because of its excellent coho salmon, chinook salmon, cutthroat trout, flounder and perch sport fisheries. Softshell clams are also harvested on the mud flats between Kernville and Cutler City.

The purpose of this study was to determine the location, extent, ownership history, owner of record and use of filled land in the Siletz 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 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 by virtue of her sovereignty, wherever applicable, within the boundaries of this state as here-fore 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 Siletz 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. (None available for the Siletz River)

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 plate 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 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/ Oregon Division of State Lands  
3/ Oregon Division of State Lands (area between M.L.W. and M.H.W.)  
4/ Total acreage deeded to private owners by State Land Board  
5/ U.S. Army Corps of Engineers
SUMMARY

There are 2.29 acres of landfill on submerged and submersible lands in the Siletz River estuary. Approximately 0.86 acres of landfill are located on state-owned submerged land with the remaining 1.43 acres being located on submersible lands.

The major portion of the landfills are residential and commercial oriented with no particular emphasis toward navigation.

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 State Water Resources Board
Oregon Division of State Lands
Lincoln County Assessor
Port of Newport
Maps and Charts Used in this Study

U.S.C. & G.S. charts
None available for the Siletz River

Lincoln County Assessors Maps
Department of Revenue Forest Cover Maps
U.S. Army Corps of Engineers' Aerial Photos
1939-1949-1962-1971

Oregon State Highway Aerial Photos
1971

Division of State Lands Aerial Photos
1971

U.S. Geological Survey Cape Foulweather and Euchre Mountain Quadrangle sheets 1957 series
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

Typical Tidal Range

Highest Recorded Tide

Lowest Recorded Tide

Submerged Lands

Upland

Tidelands

Which is owned or was sold by the State of Oregon
Siletz Bay (T7,8S-R11W)

Total Area: 1197 acres
Tidelands: 785 acres
Tidelands Sold: 2.5 acres
Navigable Length: Siletz River - 22.0 miles
Tidewater:
   (a) Drift Creek - 2.0 miles above U.S. 101
   (b) Schooner Creek - 2.0 miles above U.S. 101
   (c) Siletz River - 18.0 miles above U.S. 101

Tide Data

<table>
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<tr>
<th>Stage</th>
<th>Taft M.L.L.W.</th>
<th>Taft M.S.L.</th>
<th>Kernville M.L.L.W.</th>
<th>Kernville M.S.L.</th>
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<td>M.H.W.</td>
<td>+5.9</td>
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<td>-2.46</td>
<td>0.0</td>
<td>-2.09</td>
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</tbody>
</table>

Port District: Port of Newport

1/ At one time it was thought that Siletz Bay was included in the Railroad Grant. Railroad Survey of 1912 computed tidelands at 800 acres. The Attorney General has ruled that Siletz Bay was not part of the Railroad Grant (Opinion of the Attorney General December 4, 1926, page 49)
APPENDIX B
SKETCH PLATES OF LANDFILL PARCELS
T7S R11W SEC. 34

S. 51st St.

PINE

MHW

MLW

SILETZ BAY

SUBMERSIBLE

SUBMERGED

TOTAL FILLED AREA: 0.43 AC.
4900: 0.09 AC.
4902: 0.34 AC.

Parcel #1 Tax Lots 4900-4902
Owners: Port of Newport 4900-4902
Construction Dates: 1949-1950
Construction for Use: 4900
Recreational: 4902 Commercial

TOTAL FILLED AREA: 0.36 AC.
2100: 0.01 AC.
2200: 0.07 AC.
2300: 0.20 AC.
CITY STREET: 0.07 AC.

Parcel #2 Tax Lots 2100-2200-2300
City Streets
Owners: Francis & Kim Jennings 2100-2200
Francis & Gladys Hasselbring
2300 Culver City - City Street
Construction Date: 1967
Construction for use: 2100-2200-2300
Residential & City street
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<td>Dock</td>
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<tr>
<td>1-4902</td>
<td>Port of Newport</td>
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<td>Dock</td>
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<td>2-2100</td>
<td>Francis &amp; Kim Jennings Lyle &amp; Gladys</td>
<td>1967</td>
<td>Residential</td>
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<td>2-1200</td>
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<td>1967</td>
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<td>Residential</td>
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<td>Francis &amp; Gladys Hasselbrink</td>
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<td>3-900A-1</td>
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1/ abutting tax Lot 400
2/ Oregon State Highway Contract Number