AN INVENTORY OF FILLED LANDS

IN

UMPOUA RIVER ESTUARY

June 1972

ADVISORY COMMITTEE TO THE STATE LAND BOARD

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The Umpqua River is located in the south-western section of Oregon and discharges directly into the Pacific Ocean a short distance west of Reedsport, Oregon.

The Umpqua River is 211 miles long and drains the major portion of Douglas County (4,560 square miles$^4$/).

Reedsport, located on the Umpqua River at River Mile 11, is the only major city in the coastal portion of Douglas County. Inland from the Pacific beach, the area consists of large sand dunes. Most of the shoreline is used extensively for recreational purposes.

The entire Umpqua River region is extremely popular as both a commercial and sportsman fishing area with Winchester Bay being very well facilitated with docks and marina for all types of boats.

The Umpqua River, one of the larger estuaries, is fed by three major tributaries and has a navigable length of 30.0 miles$^2$/ . The largest tributary feeding the Umpqua River is the Smith River of which 20.0$^2$/ miles is navigable. The remaining two tributaries feeding the Umpqua River are the North Fork of the Umpqua River with 1.0 miles$^2$/Navigable and Scholfield Creek with 6.0$^2$/miles navigable. The effects of the tidewater on the Umpqua River terminate at the lower end of Rock Island which lies 1.4 miles$^2$/ above the Scottsburg Highway bridge.

The total area of the Umpqua River is 5,712 acres$^3$/ of which approximately 1,548 acres$^4$/ are tidelands. The majority of these tidelands lie between the mouth of the Umpqua River and approximately one mile above Reedsport. A portion of these tidelands has been granted to the riparian owner if a patent was issued prior to October 18, 1879. At the time of this report, only the land locations had been determined and their area was yet to be calculated.

The purpose of this study was to determine the location, extent, ownership history, owner of record and use of filled lands in the Umpqua 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 or hereafter 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 landfills in the Umpqua River region 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.

All of the information collected during this study showing ownership data has been summarized in Table I. Detailed sketches of each landfill are shown in Appendix B, and a plat showing the location and relative size of each landfill is shown in Appendix C. (The shaded areas on the sketches and plat in Appendix B and C denote landfills.)

Table I shows ownership and 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 Douglas 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/ U.S. Army Corps of Engineers
3/ Crisis in Oregon Estuaries
4/ Crisis in Oregon Estuaries (U.S.C. and G.S. charts)
   (area between M.L.L.W. and M.H.H.W.)

* Extended navigability to an upriver point of 122.2 miles December 23, 1971.
SUMMARY

In the Umpqua Estuary, there are 106.04 acres of landfills located on submerged and submersible lands; 6.82 acres of the 106.04 acres are located on state-owned submerged lands, which are listed below:

<table>
<thead>
<tr>
<th>PARCEL</th>
<th>OCCUPANT</th>
<th>OWNER</th>
<th>LANDFILL AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1-2, 1-3</td>
<td>Douglas County</td>
<td>State of Oreg.</td>
<td>3.33 acres</td>
</tr>
<tr>
<td>3/4.0</td>
<td>First National Bank</td>
<td>&quot;</td>
<td>.64 &quot;</td>
</tr>
<tr>
<td>5/510</td>
<td>Umpqua River Nav. Co.</td>
<td>&quot;</td>
<td>.10 &quot;</td>
</tr>
<tr>
<td>5/511</td>
<td>Umpqua River Nav. Co.</td>
<td>&quot;</td>
<td>2.75 &quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Total</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>6.82</strong></td>
</tr>
</tbody>
</table>

Of the 106.04 total landfill acres in the Umpqua Estuary, 78.73 acres have been used to construct an extremely modern functional marina and harbor located in Winchester Bay. The majority of the remaining 27.31 acres are all marine oriented with heavy emphasis on deep water navigation and industry.

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 groups:

U.S. Army Corps of Engineers, Portland District
Oregon Historical Society, Portland, Oregon
Oregon State Water Resources Board
Oregon Division of State Lands
Douglas County Assessor
Douglas County Surveyor
Douglas County's helpful citizens
The Port of Umpqua
APPENDIX A

DEFINITIONS OF TERMS PERTAINING TO TIDELANDS AND TIDAL BOUNDARIES
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.
Umpqua River (T21S-R12W, T22S-R10, 11, 12, 12W)

Total area: 5712 acres 1/
Tidelands: 1548 acres 2/
Tidelands sold: 794 acres 3/
Tidelands granted: Uncalculated 4/
Navigable length: (a) Scholfield Cr. 6.0 miles 5/
(b) Smith River 20.0 miles
(c) North Fork 1.0 miles
(d) Umpqua River 30.0 miles

Tidewater: (a) Scholfield Cr. - Railroad trestle 3.0 miles above Highway 38
(b) Smith River - 1.0 miles above Spencer Cr.
(c) North Fork 3.4 miles above bridge on main Smith R. Road
(d) Umpqua - Lower end Rock Is. 1-4 miles above Scottsburg Highway Bridge

Port District: Port of Umpqua

Tide Data

<table>
<thead>
<tr>
<th>Stage</th>
<th>Winchester Bay</th>
<th>Gardiner</th>
<th>Reedsport</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M.L.L.W.</td>
<td>M.S.L.</td>
<td>M.L.L.W.</td>
</tr>
<tr>
<td>M.H.W.</td>
<td>+6.3</td>
<td>+2.34</td>
<td>+6.1</td>
</tr>
<tr>
<td>M.L.W.</td>
<td>+1.2</td>
<td>-2.76</td>
<td>+1.0</td>
</tr>
<tr>
<td>M.L.L.W.</td>
<td>0.0</td>
<td>-3.96</td>
<td>0.0</td>
</tr>
</tbody>
</table>

1/ Crisis in Oregon estuaries
2/ Crisis in Oregon estuaries (U.S.C. & G.S. Charts)
   (Area between M.L.L.W. & M.H.H.W.)
3/ Total acreage deeded to private owners by State Land Board.
4/ 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. These lands have been determined, but their area has not been calculated to date.
5/ U.S. Army Corps of Engineers Data.
APPENDIX B
SKETCH PLATES OF LANDFILL PARCELS
<table>
<thead>
<tr>
<th>PARCEL</th>
<th>OWNERSHIP</th>
<th>CONSTRUCTION DATES</th>
<th>USAGE</th>
<th>PERMIT</th>
</tr>
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<tr>
<td>1-1-2</td>
<td>Douglas County</td>
<td>Present</td>
<td>Morage and Bldgs.</td>
<td>1522-15-5/12/4,5/5</td>
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<td>1-1-31</td>
<td>Federal Gov.</td>
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<td>U.S. Coast Guard St.</td>
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<tr>
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<td>Federal Gov.</td>
<td>10/64</td>
<td>U.S. Coast Guard St.</td>
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<td>1-14-51</td>
<td>Winchester Bay Seafood</td>
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<td>1-14-52</td>
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<tr>
<td>2-8A</td>
<td>International Paper</td>
<td>1962</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>4-0</td>
<td>City of Reedsport</td>
<td>1942</td>
<td>See Note 1/4</td>
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</tr>
<tr>
<td>4-00</td>
<td>City of Reedsport</td>
<td>1925</td>
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</tr>
<tr>
<td>5-505</td>
<td>James Devitt</td>
<td>1972</td>
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<td>None</td>
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<tr>
<td>5-0</td>
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<td>5-506</td>
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<td>Bldgs. and Dock</td>
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<td>5-509</td>
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<td>Bldgs. and Dock</td>
<td>Bldgs. and Dock</td>
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<td>5-510</td>
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<td>1942</td>
<td>Comm. Sand &amp; Grav.</td>
<td>Comm. Sand &amp; Grav.</td>
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<td>5-511</td>
<td>Umpqua River Nw. Co.</td>
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<td>Comm. Sand &amp; Grav.</td>
<td>Comm. Sand &amp; Grav.</td>
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<td>6-53</td>
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<td>Dock</td>
<td>Dock</td>
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<tr>
<td>7-5-2</td>
<td>H. &amp; Margaret Burton</td>
<td>Prior To 1965</td>
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<td>Comm. Sand &amp; Grav.</td>
</tr>
<tr>
<td>8-Gov.</td>
<td>International Paper</td>
<td>Prior To 1965</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
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<td>8.50</td>
</tr>
</tbody>
</table>

**NOTE 1** The tidelands of Rainbow Slough were sold to W. P. Reed on March 3, 1916. In 1929, the city of Reedsport obtained an Army Corps of Eng. permit to fill this area. Today, this area is used as public ste., industrial and commercial businesses, and private residences. The tax lots involved are listed on the detail sketch of Parcel 4-0.

**NOTE 2** Rainbow Basin, the unsold submerged portion of Rainbow Slough, was filled at the same time the slough was filled. It is now used as a city street called Rainbow Avenue. The deed description on the sale of Rainbow Slough expressly omits the area of Rainbow Basin.
APPENDIX C
CHARTS AND MAPS
Maps and Charts Used in this Study

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1886</td>
<td>1923</td>
</tr>
<tr>
<td>1942</td>
<td>1917</td>
</tr>
<tr>
<td>1962</td>
<td>1972</td>
</tr>
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</table>

Douglas County Assessor's Maps

Department of Revenue Forest Cover Maps

U.S. Army Corps of Engineers Aerial Photos (1936-1965)