AN INVENTORY OF FILLED LANDS
IN THE
ROGUE RIVER
November 1972

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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

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The Rogue River has the largest drainage basin of any coastal river in Oregon with the sole exception of the Columbia River. More than 2,500 streams combine to drain an area of 5,160 square miles.1/

The Rogue Basin includes nearly all of Jackson and Josephine Counties, a large part of Curry County, a lesser part of Klamath and Douglas Counties and very small portions of Coos, Siskiyou (California) and Del Norte (California) Counties. The river then discharges into the Pacific Ocean near the towns of Wedderburn and Gold Beach, Oregon.

The total estuarine area of the Rogue River is 830 acres2/ including 410 acres of tidelands3/ and 420 acres of permanently submerged land. At the time of this report, 409 acres of tideland has been deeded to private owners by the State Land Board.4/

The navigable length of the river is 33.0 miles5/ and the tidewater limit has been designated at 4.5 miles above U.S. 101 bridge or the power line crossing at the U.S. Plywood Plant.6/

Recreation, in particular the tourist industry, ranks high in the economy of the Basin. Recreational attractions are many and the Rogue is world-famous as a fishing stream for salmon, steelhead, cutthroat trout and trout.

Industry within the valley is varied, with the timber industry being largest and most important. Agriculture, mining and offshore commercial fishing are also a great contributing factor to the economy of the area. There are also vast amounts of sand and gravel being removed from the alluvial deposits in the lower reaches of the river.

The purpose of this study was to determine the location, ownership history, owner of record and use of filled land in the Rogue 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 land 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 Rogue 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) 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.
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 Curry 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/ U.S. Army Corps of Engineers
SUMMARY

There are 26.99 acres of landfill on submerged and submersible lands in the Rogue River estuary. Approximately 13.97 acres of landfill are located on state-owned submerged land with the remaining 13.02 acres being located on submersible lands.

The majority of these landfills were constructed during the past 14 years with heavy emphasis on recreational use and bank revetment. There has been particular emphasis toward filling for heavy navigation of marine-oriented business.

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
Curry County Assessor
Port of Gold Beach
Maps and Charts Used in this Study

Curry County Assessors Maps
Department of Revenue Forest Cover Maps
United States Department of the Interior Geological Survey (Gold Beach Quadrangle)

U.S. Army Corps of Engineers Aerial Photos
1939  1962
1956

Oregon State Highway Department Aerial Photos
1971

Oregon Division of State Lands Aerial Photos
1972
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 semi-diurnal.

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.
APPENDIX B
SKETCH PLATES OF LANDFILL PARCELS
General Shore Profile
Relationship to Tidal Range

Typical Tidal Range

Highest Recorded Tide

Lowest Recorded Tide

Sea Approach

Beach or Shore

Coast Terrain Exits

Cliffs

Dunes

Upland

Tidelands

Which is owned or was sold by the State of Oregon

Submerged Lands
Rogue River (T36S-R14, 15W)

Total Area: 830 acres
Tideland: 410 acres
Tideland Sold: 409 acres
Navigable Length: 33.0 miles
Tidewater: 4.5 miles above U.S. 101 Bridge
Power Line crossing at U.S. Plywood Plant

Tide Data

Wedderburn

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Port District: Port of Gold Beach
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**TOTAL** | **13.97** | **13.02** | **26.99**

1/ Fronting Tax Lots 100 - 900 - 1000 in T36R14 Sec. 31
Ownership: Champion International (U.S. Plywood) 100 & 1000
Harold Hopkins 900