

SUPPLEMENTARY REPORT TO
AN INVENTORY OF FILLED LANDS
IN

YAQUINA BAY

August 1972

ADVISORY COMMITTEE TO THE STATE LAND BOARD

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Newport, located on the right bank of the Yaquina Bay, downstream from Yaquina and across the Bay from South Beach, has been a commercial and recreational center since about 1880. Sports fishing, commercial fishing, and lumbering are included among the most important industries. Newport, which was the main recreational outlet for valley residents via rail and the port of entry for Broadway Shows played in Oregon, was also a cultural center. Up to ten thousand people would gather for salmon bakes and other activities, many of them camping in tents. In this atmosphere Newport grew while Yaquina and South Beach declined.

Growth was in another direction too -- Newport grew physically into Yaquina Bay. First, buildings on pilings appeared; then retaining walls and fills were constructed, in an easterly direction for the most part, beginning near the Ocean House which is now a Coast Guard Station.

The purpose of this study was to determine the location, extent, ownership history, owner of record, and use of filled lands in the Yaquina Estuary at Newport from the Coast Guard Station eastward to Bay Blvd. and S.E. Eads St. The 1972 mean high-water line follows the retaining wall and fills that jut out from it. There has been essentially no change in the natural mean high-water line since 1880. The same is true of the mean low-water line. For convenience, 1880, 1885, 1892, 1912, 1923 and 1972 mean water lines are used interchangeably in Appendix B and plate 1 depending upon the time period the retaining wall was constructed.

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 the landfills in Newport, Oregon is shown below.

1. 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.
2. Obtain reasonably complete set of U.S. Coast and Geodetic Survey (U.S.C. & G.S.) charts of study area.
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 maps and 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.

All of the information pertaining to landfill ownership collected during this study has been summarized in Table 1. Each landfill has been designated by a two-part number -- the first part being a Lincoln County Assessor's Map suffix 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 each fill. Detailed sketches of each landfill are shown in Appendix B, and plate 1 located at the back of this report shows the location and relative size of each landfill. (The shaded area on the sketches in Appendix B and the crosshatched area in plate 1 denote landfills.)

SUMMARY

There are 4.12 acres of landfill on submerged and submersible lands. In the Yaquina Estuary at Newport between the Coast Guard Station and Bay Blvd. and S.E. Eads St., approximately 0.06 acres of this acreage are on state-owned submerged land. Of the 4.12 acres of landfills constructed on submersible land, 0.97 acres are on private land; 0.20 acres are on Port of Newport land; 2.64 acres are Newport city streets, primarily Bay Blvd.; 0.24 acres are on City of Newport land other than streets; and 0.07 acres are on Federal land. All of the fills are marine oriented with heavy emphasis on commercial and sport fishing.

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
Lincoln County Assessor
City of Newport
The Port of Newport
Lincoln County Historical Museum
Lincoln County's helpful citizens

Maps and Charts used in this Study

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

1880	1885
1892	1923

City of Newport

Special ordinances 14 & 15
Resolutions 755 & 821
Front St. Renewal extension for
Improvement Dist. No. 53

Corvallis & Eastern Railroad Co. Survey

1912

U.S. Army Corps of Engineers aerial photos

1939	1944
1958	1961
1962	

Oregon State Highway Department aerial photos

1961	1965
1966	

Agricultural Stabilization and Conservation Service
aerial photo

1952

Oregon State Division of State Lands aerial photos

1969

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 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.

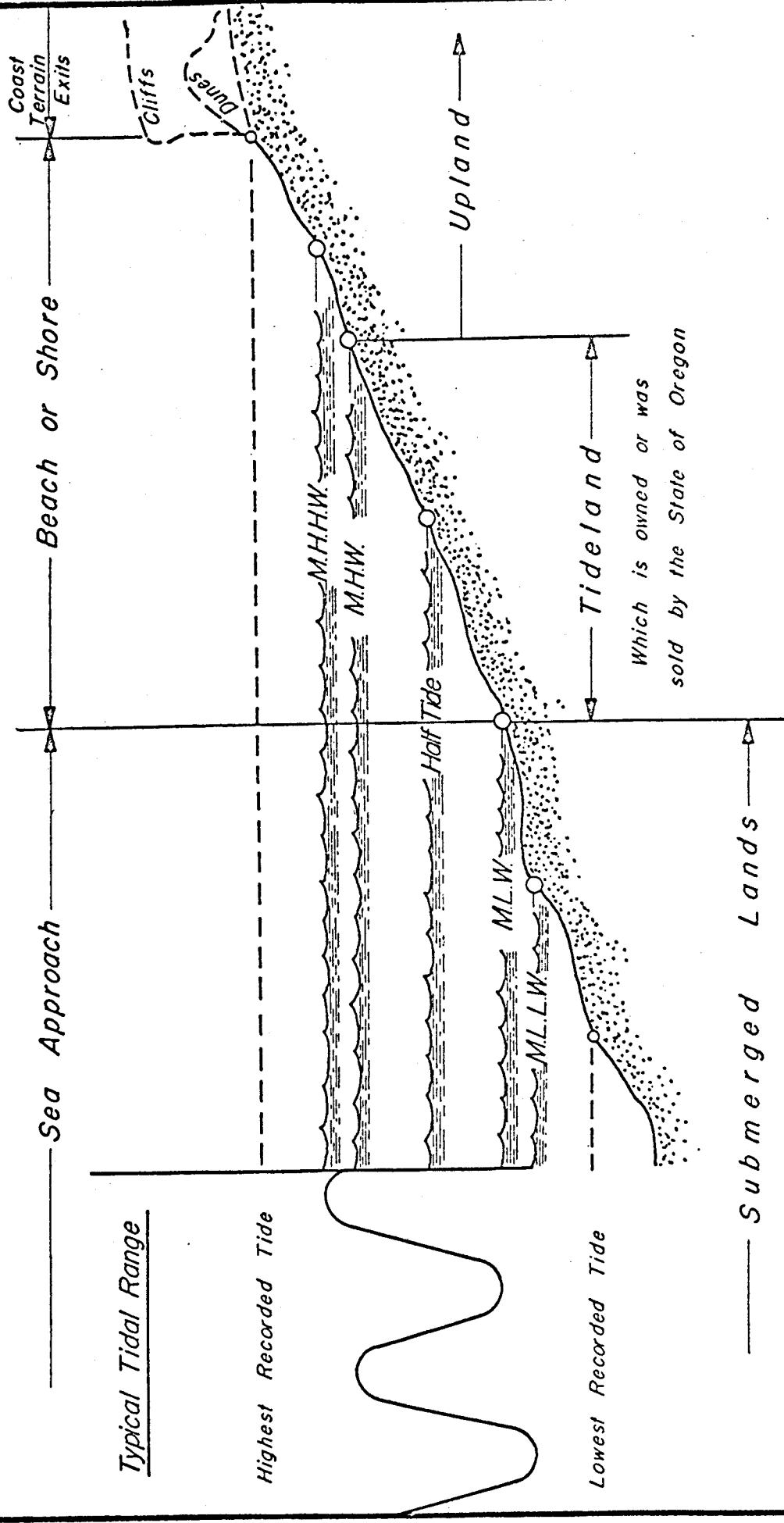
Diurnal Tide. - Tides having a period or cycle of approximately one tidal day. Such tides exhibit only one high and one low water during a tidal day; the predominant type of tide in the Gulf of Mexico.

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.

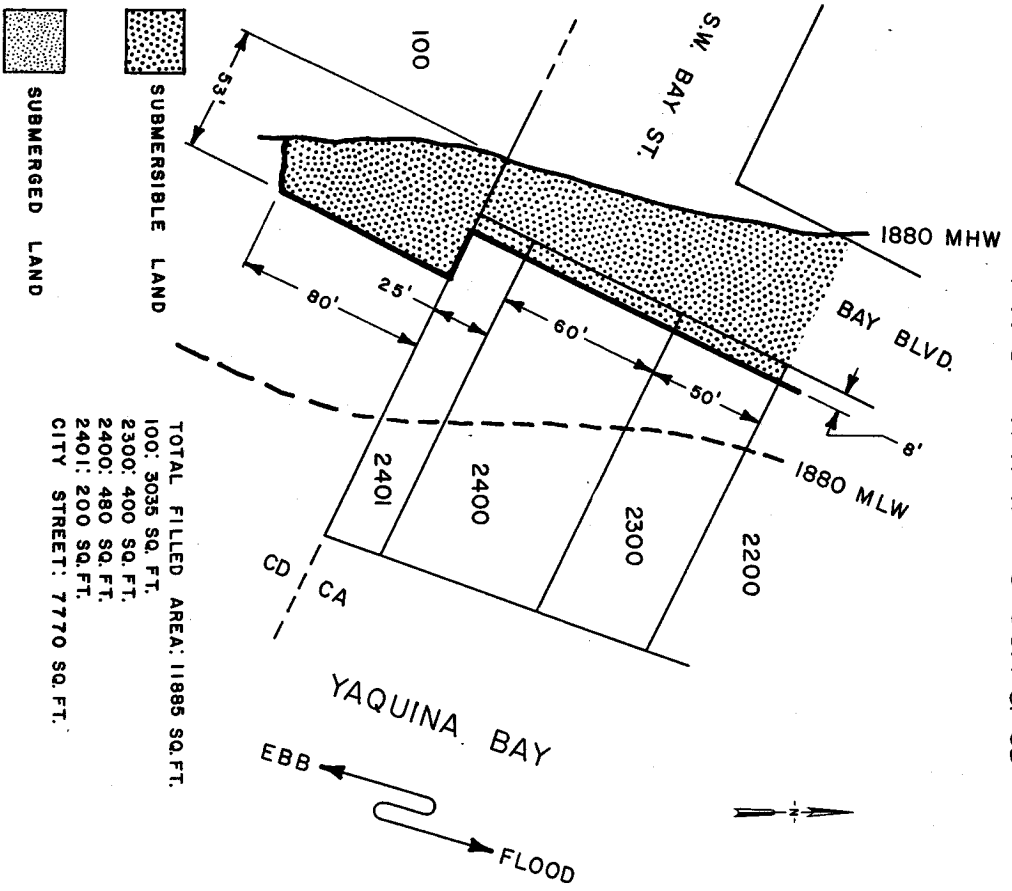
General Shore Profile Relationship to Tidal Range



APPENDIX B
SKETCH PLATES OF LANDFILL PARCELS

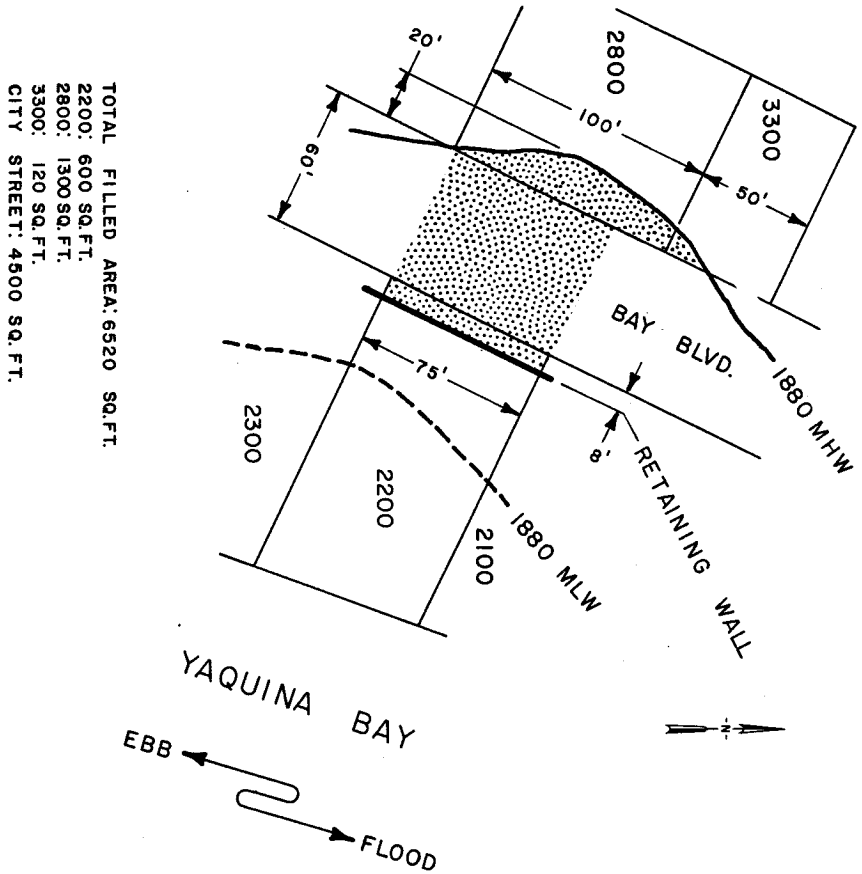
T I I S R I I W S 8 C A & C D

T I I S R I I W S 8 C A



PARCEL CA
Owners by tax lot:
2300, R.W. & H.R. Brown
2400, City of Newport
2401, City of Newport

Construction dates: Between 1880 & 1892
Constructed for use as street and lot frontage
PARCEL CD - Construction Dates: Between 1944 & 1958
Tax lot 100 owned by Federal Government
Construction dates: Between 1880 & 1892

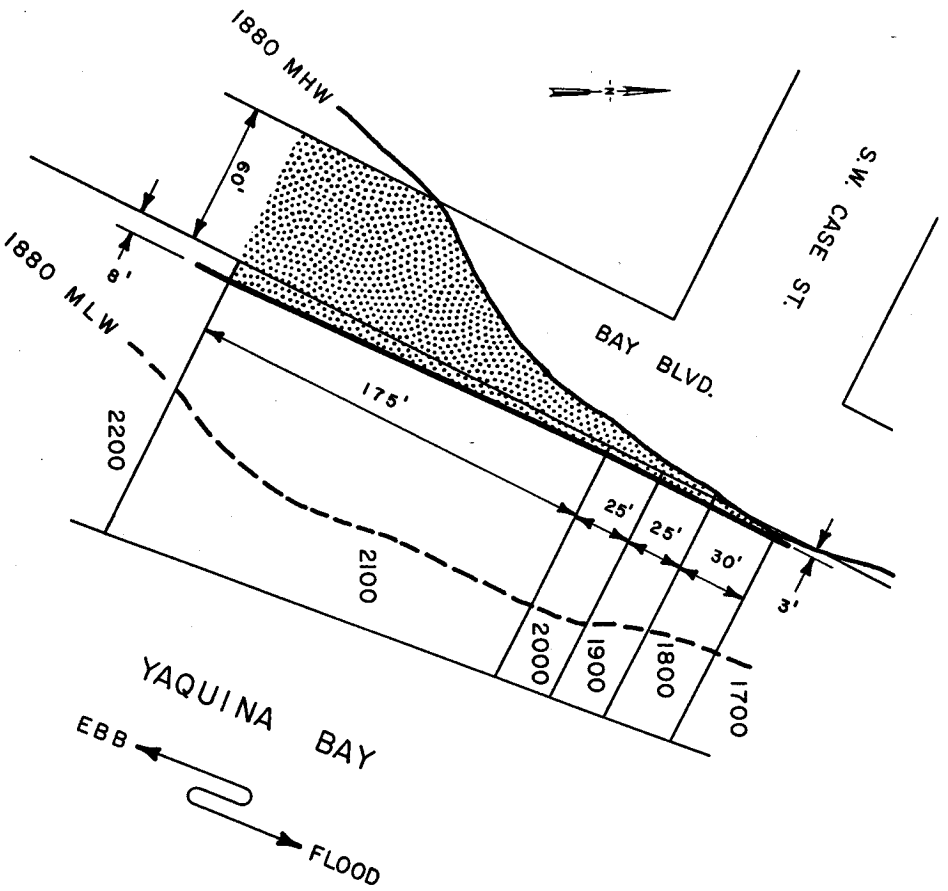


PARCEL CA
Owners by tax lot:
2200, R.W. & H.R. Brown
2800, Robert D. Stumpf
3300, O.T. & Camil Breedlove

Construction dates: between 1880 & 1892
Constructed for use as street & lot frontage

T I I S R I I W S 8 C A

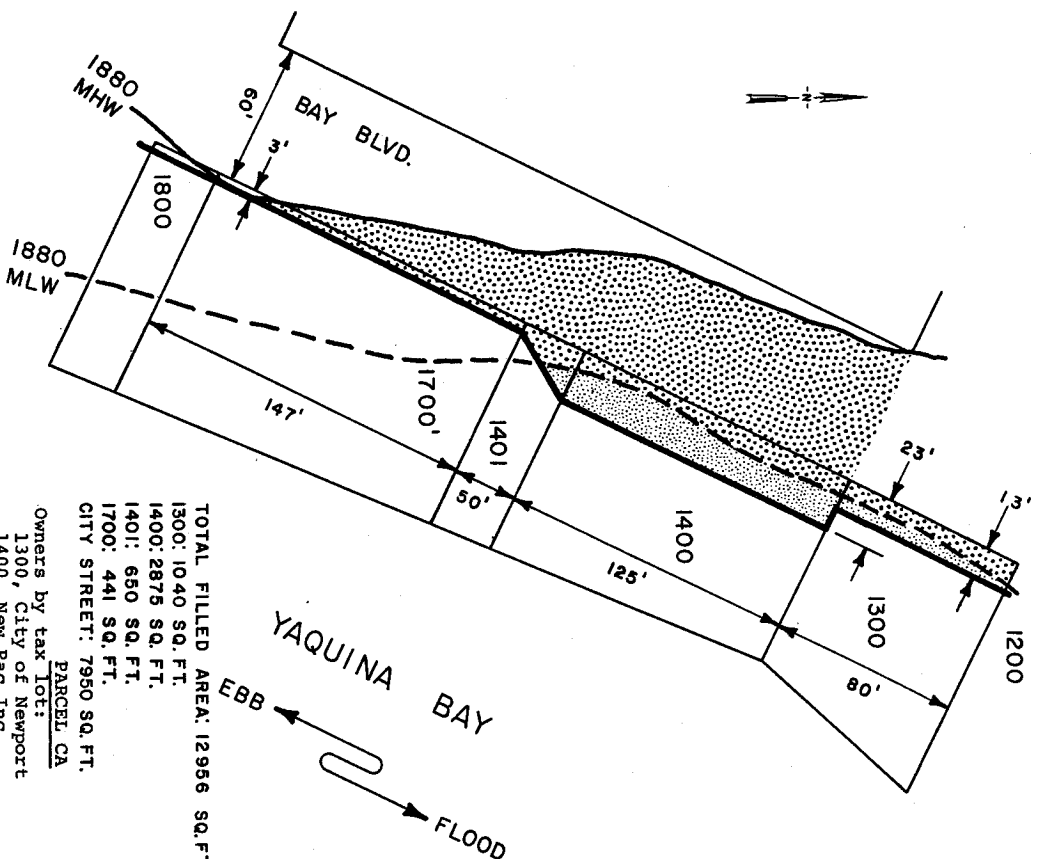
T I I S R I I W S 8 C A



PARCEL CA

TOTAL FILLED AREA: 8315 SQ. FT.
 1800: 80 SQ. FT.
 1900: 75 SQ. FT.
 2000: 75 SQ. FT.
 2100: 875 SQ. FT.
 CITY STREET: 7200 SQ. FT.

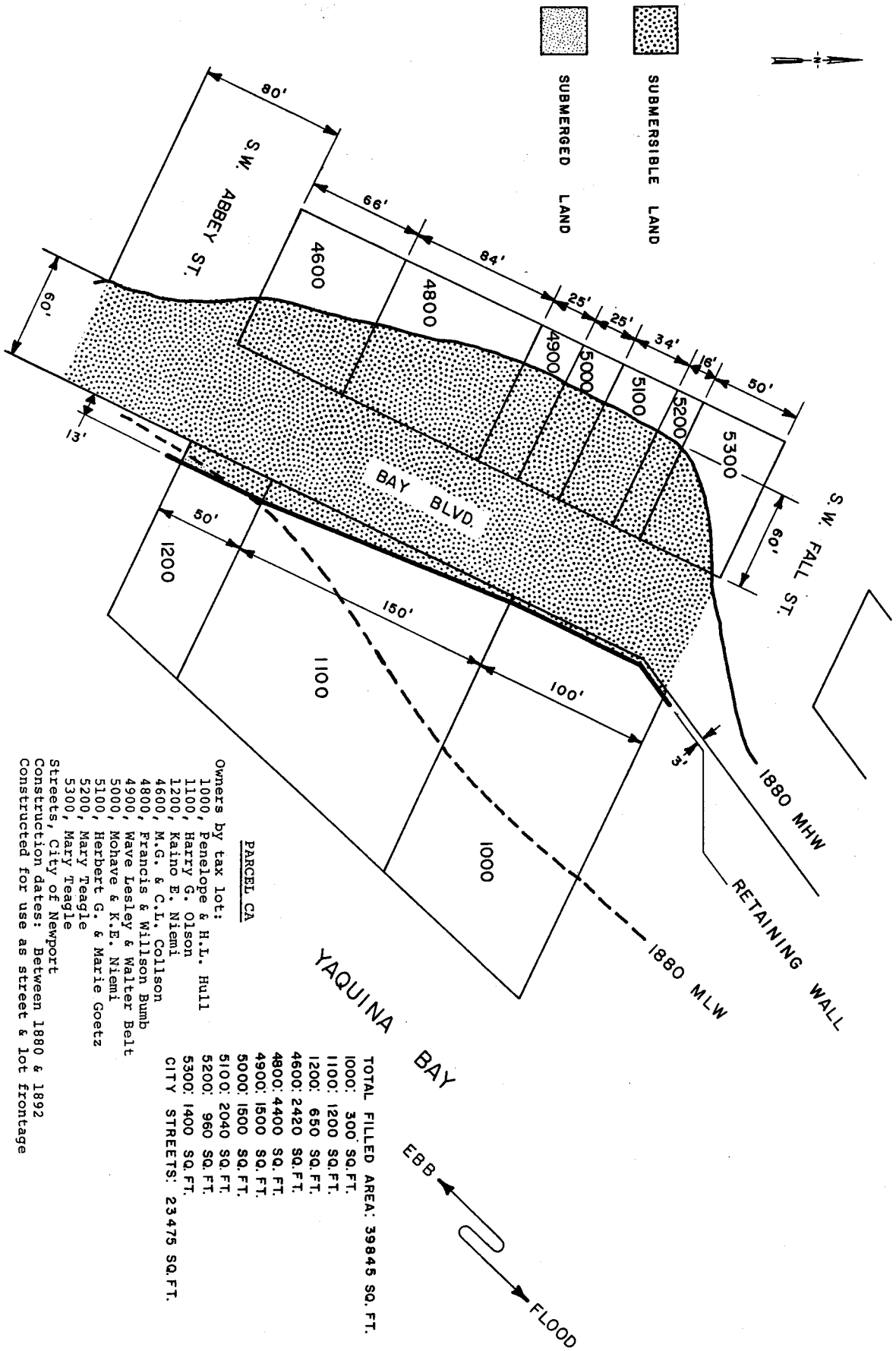
Owners by tax lot:
 1800, City of Newport
 1900, Castle, Cook Inc.
 2000, City of Newport
 2100, Port of Newport
 Street, City of Newport
 Construction Dates: Between 1880 & 1892
 Constructed for use as street & lot frontage



PARCEL CA

TOTAL FILLED AREA: 12956 SQ. FT.
 1300: 1040 SQ. FT.
 1400: 2875 SQ. FT.
 1401: 650 SQ. FT.
 1700: 441 SQ. FT.
 CITY STREET: 7950 SQ. FT.
 Owners by tax lot:
 1300, City of Newport
 1400, New Pac Inc.
 1401, New Pac Inc.
 1700, Castle & Cook Inc.
 Street, City of Newport
 Construction Dates: Between 1880 & 1892
 Constructed for use as street & lot frontage

T I I S R I I W S 8 C A



Owners by tax lot:

1000, Penelope & H.L. Hull
 1100, Harry G. Olson
 1200, Kaino E. Niemi
 4600, M.G. & C.L. Collison
 4800, Francis & Willson Bumb
 4900, Wave Lesley & Walter Belt
 5000, Mohave & K.E. Niemi
 5100, Herbert G. & Marie Goetz
 5200, Mary Teagle
 5300, Mary Teagle

Streets, City of Newport
 Construction dates: Between 1880 & 1892
 Constructed for use as street & lot frontage

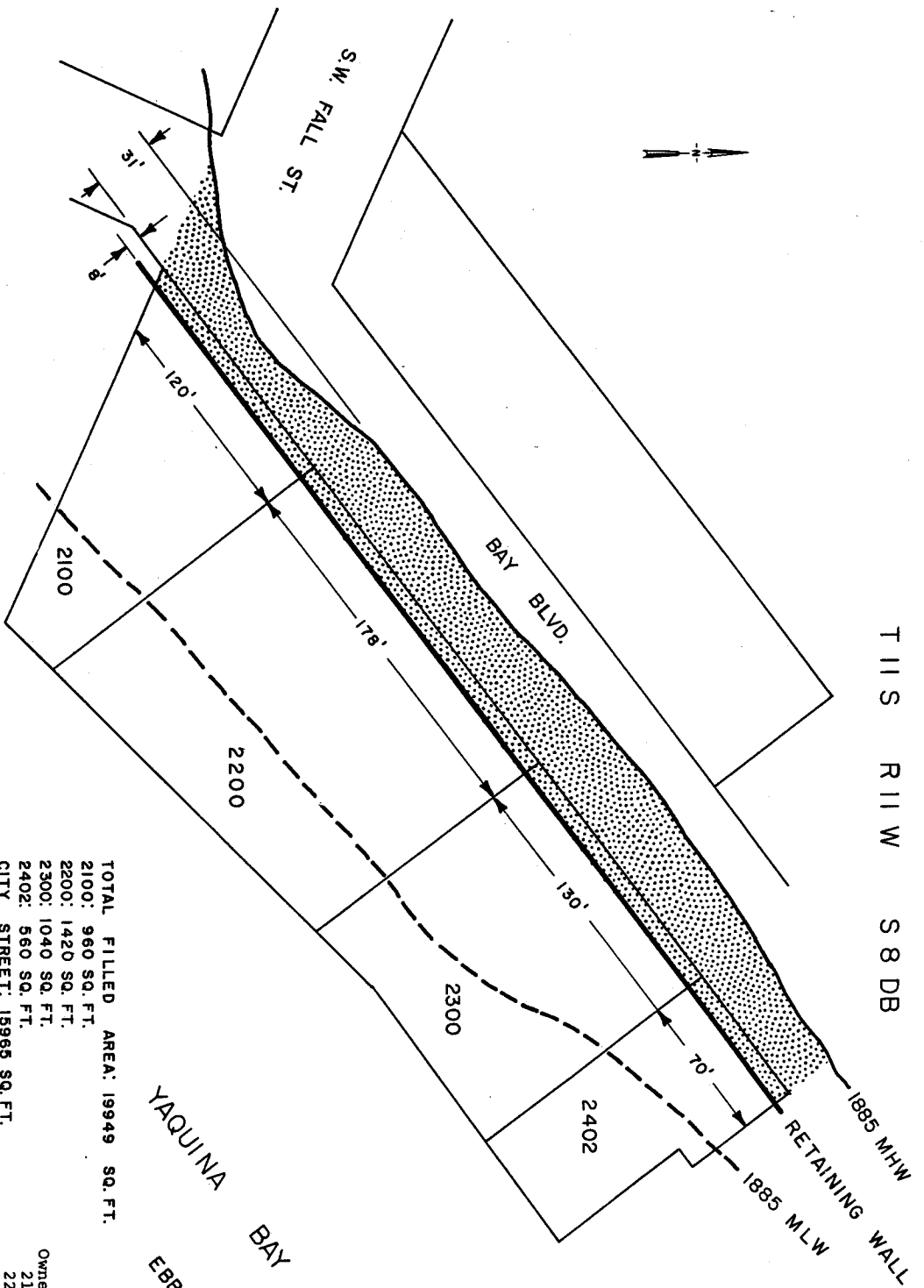
PARCEL CA

TOTAL FILLED AREA: 39845 SQ. FT.

1000: 300 SQ. FT.
 1100: 1200 SQ. FT.
 1200: 650 SQ. FT.
 4600: 2420 SQ. FT.
 4800: 4400 SQ. FT.
 4900: 1500 SQ. FT.
 5000: 1500 SQ. FT.
 5100: 2040 SQ. FT.
 5200: 960 SQ. FT.
 5300: 1400 SQ. FT.

CITY STREETS: 23475 SQ. FT.

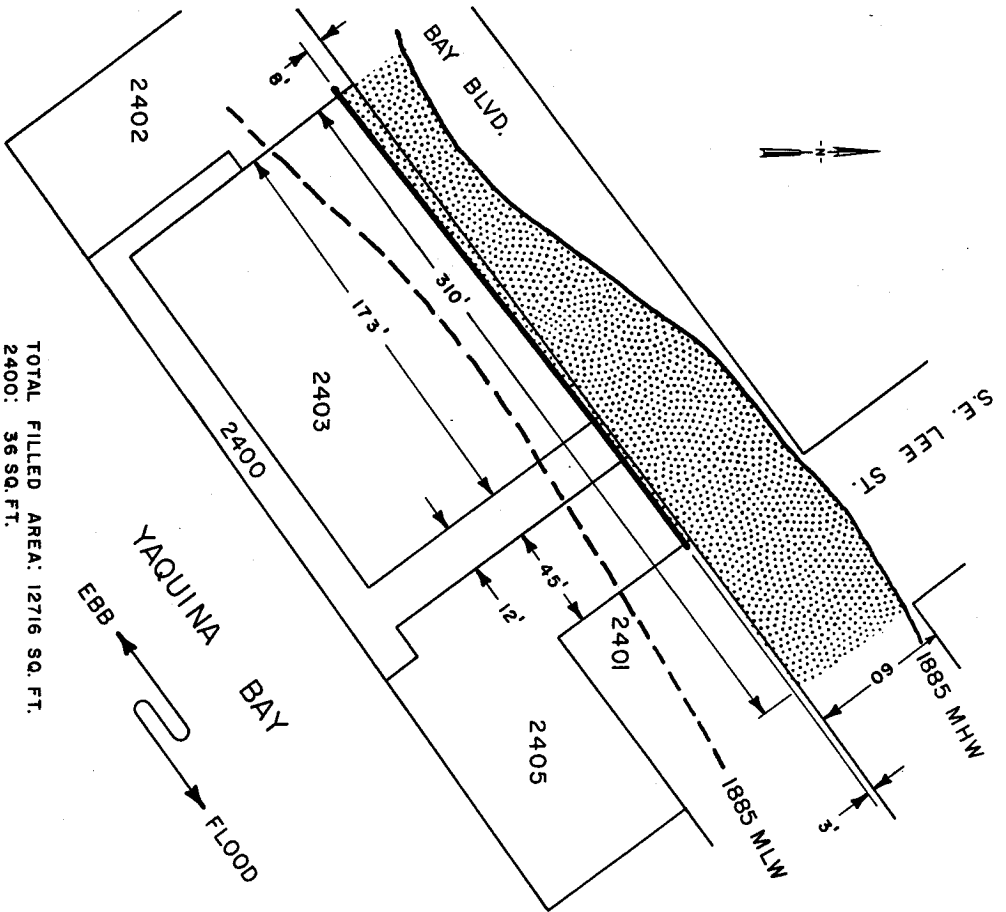
T I I S R I I W S 8 D B



TOTAL FILLED AREA: 19949 SQ. FT.
 2100: 960 SQ. FT.
 2200: 1420 SQ. FT.
 2300: 1040 SQ. FT.
 2402: 560 SQ. FT.
 CITY STREET: 15965 SQ. FT.

PARCEL DB
 Owners by tax lot:
 2100, City of Newport
 2200, City of Newport
 2300, Portland Fish Co.
 2402, Port of Newport
 Construction dates: Between 1885 & 1892
 Constructed for use as street & lot
 frontage

T 11 S R 11 W S 8 DB



PARCEL DB
 Owners by tax lot:
 2400, Port of Newport
 2403, Port of Newport
 2405, Port of Newport
 Street, City of Newport
 Construction dates: Between 1885 & 1928
 Constructed for use as street & lot frontage

TOTAL FILLED AREA: 12716 SQ. FT.

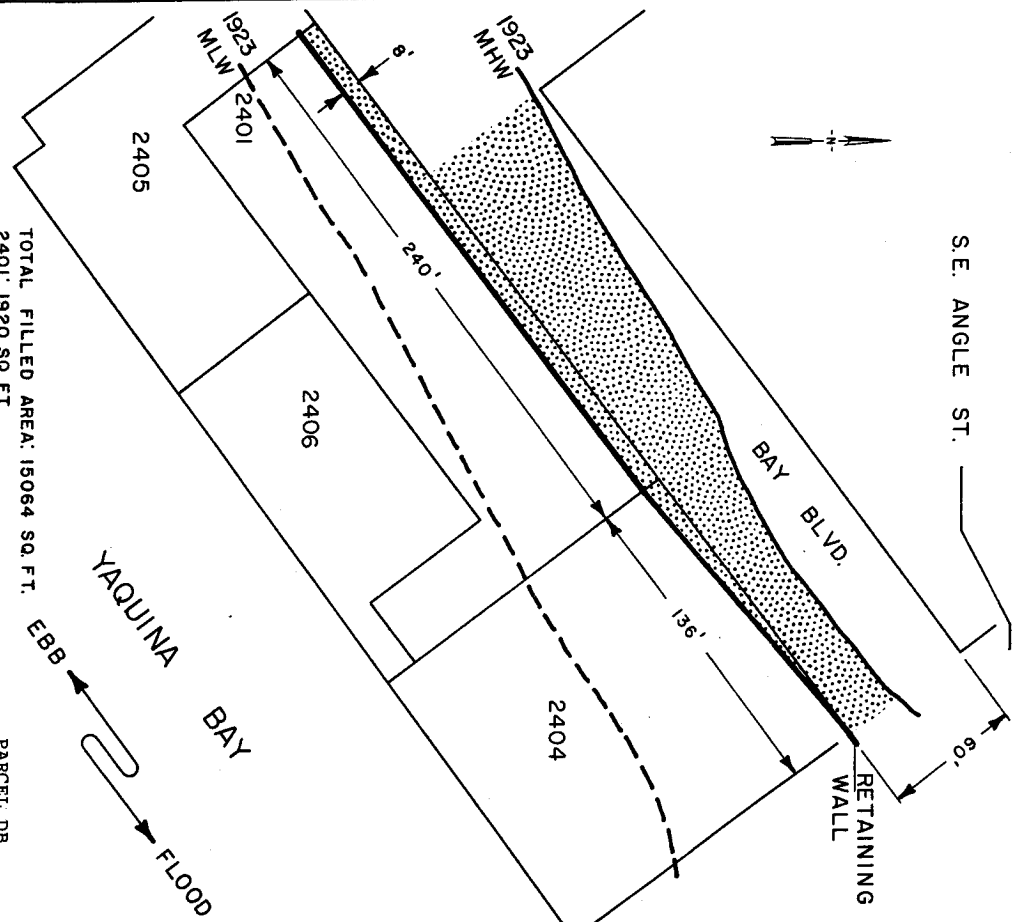
2400: 36 SQ. FT.

2403: 865 SQ. FT.

2405: 135 SQ. FT.

CITY STREET: 11680 SQ. FT.

T 11 S R 11 W S 8 DB



PARCEL DB
 Owners by tax lot:
 2401, Port of Newport
 2404, Port of Newport
 Street, City of Newport
 Construction dates: between 1923 & 1928
 Constructed for use as street & lot frontage

TOTAL FILLED AREA: 15064 SQ. FT.

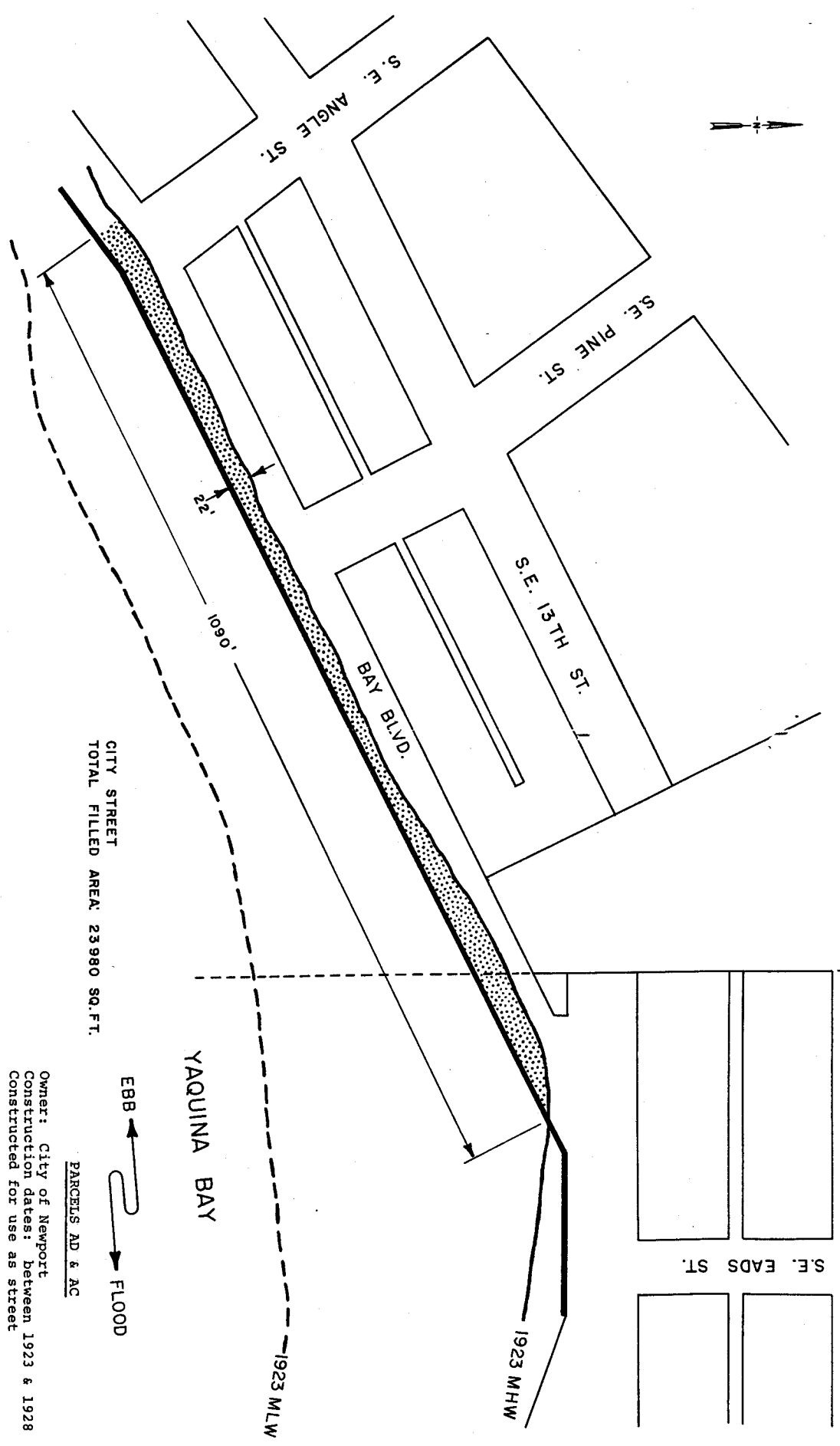
2401: 1920 SQ. FT.

2404: 544 SQ. FT.

CITY STREET: 12600 SQ. FT.

T I I S R I I W S 8 A D & A C

A D A C



CITY STREET
TOTAL FILLED AREA 23980 SQ.FT.

Y A Q U I N A B A Y

EBB → FLOOD

Owner: City of Newport
Construction dates: between 1923 & 1928
Constructed for use as street

PARCELS AD & AC

1923 MLW

1923 MHW

T11 S R11 W S 8 CA&DB

RETAINING WALL

S.W. FALL ST.

150'

BAY BLVD.

100'

1100

1000

2100

CA

DR

YAQUINA BAY

EBB

FLOOD

1972 MLW

2200

85'

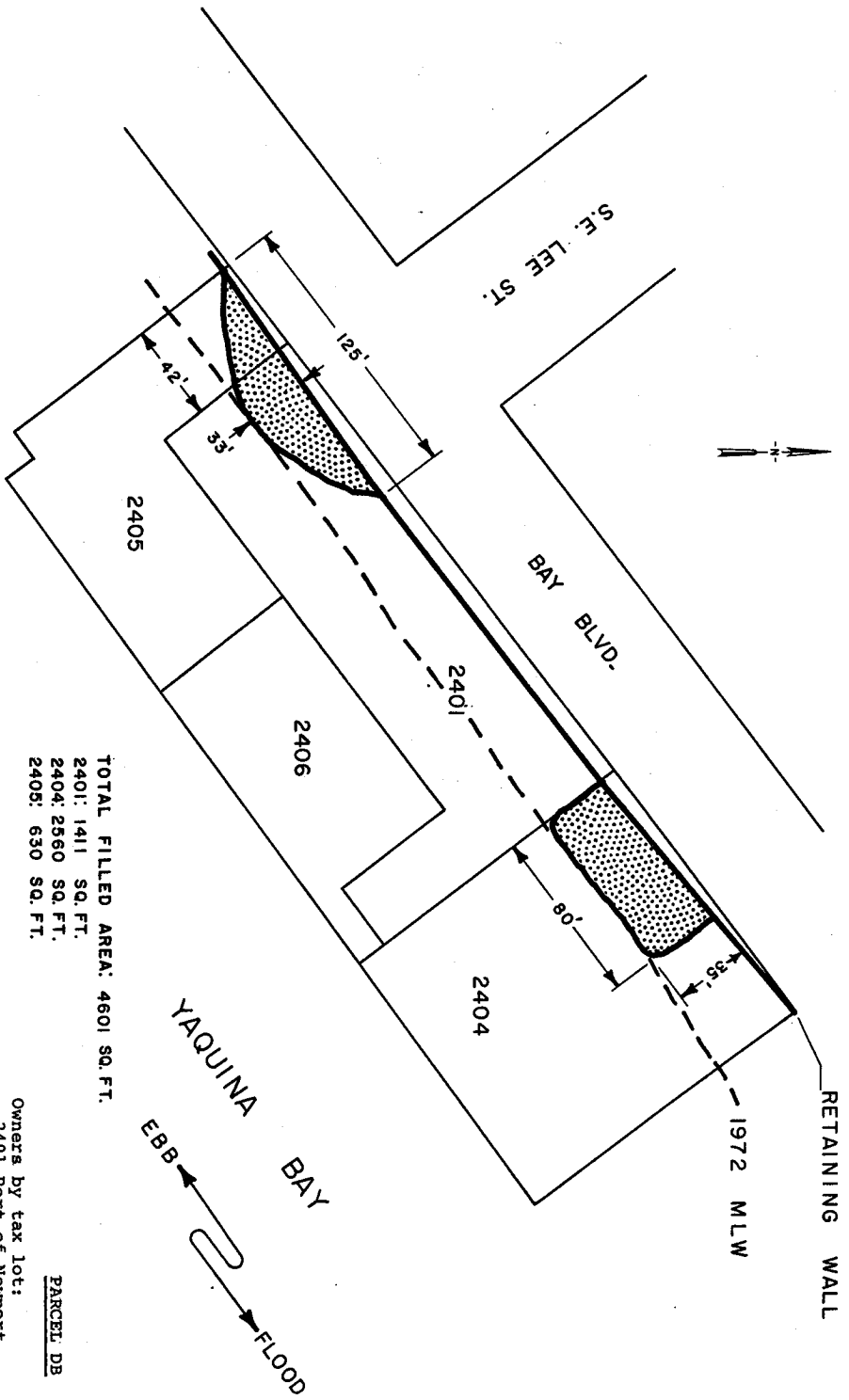
60'

PARCEL CA
Owners by tax lot:
1000, Penelope & H.L. Hull
1100, Harry G. Olson
Construction dates:
1000, Prior to 1966
1100, Between 1958 & 1966
Constructed for use as:
1000, Unknown
1100, Marina

PARCEL DB
Owners by tax lot:
2100, City of Newport
2200, Point Adams Packing
Construction dates:
2100, Between 1944 & 1952
2200, Between 1944 & 1952
Constructed for use as:
2100, Unknown
2200, Unknown

TOTAL FILLED AREA: 24148 SQ.FT.
1000: 4188 SQ.FT.
1100: 7050 SQ.FT.
2100: 7810 SQ.FT.
2200: 5100 SQ.FT.

T I I S R I I W S 8 D B



1,075,000

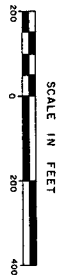
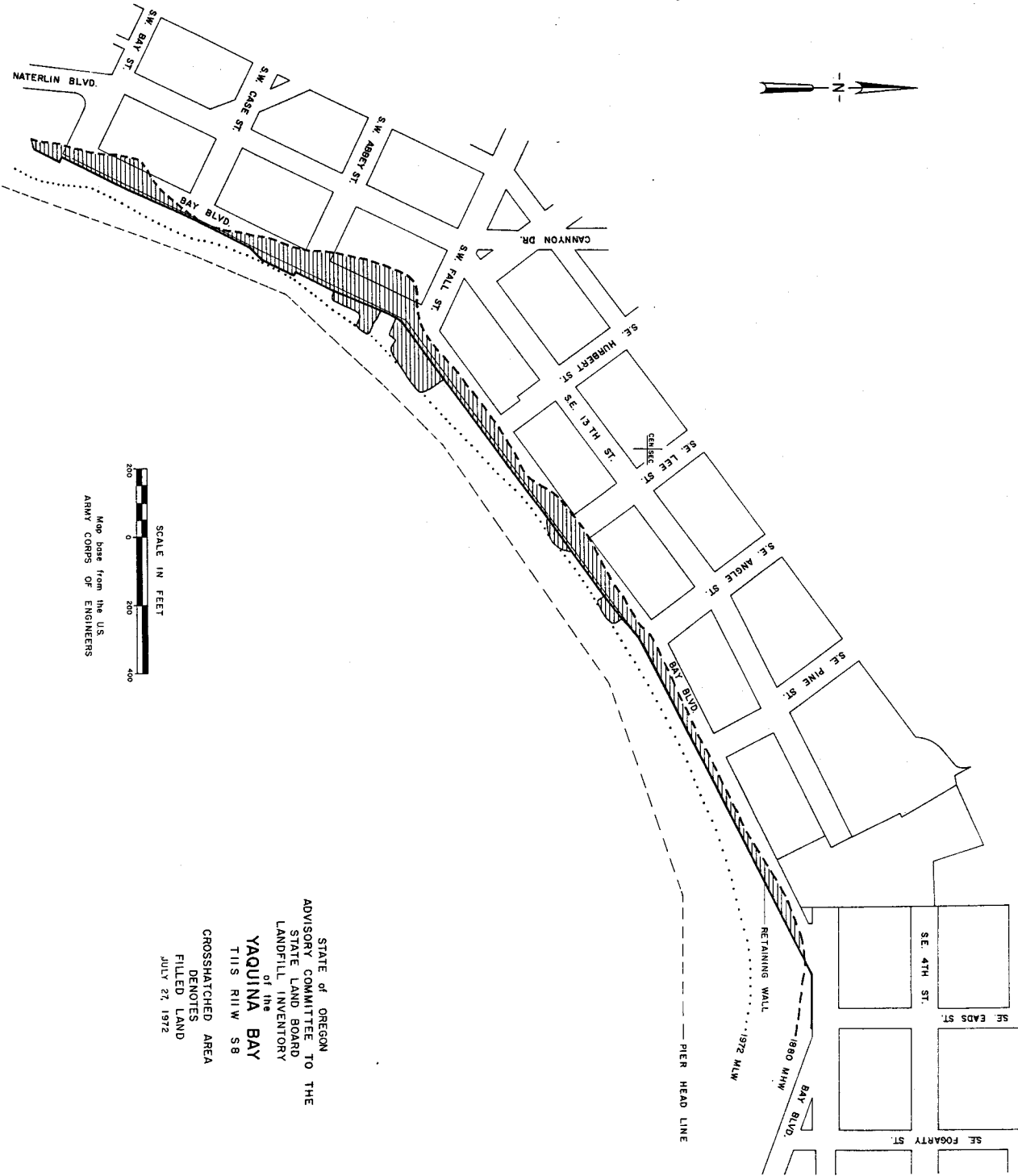
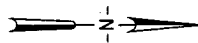
124° 03'

1,077,400

44° 36'

372,000

370,000



Map base from the U.S.
ARMY CORPS OF ENGINEERS

STATE OF OREGON
ADVISORY COMMITTEE TO THE
STATE LAND BOARD
LANDFILL INVENTORY
of the
YAQUINA BAY
T11S R11W S8
CROSSHATCHED AREA
DENOTES
FILLED LAND
JULY 27, 1972

TABLE I

OWNERSHIP & LANDFILL DATA
YAQUINA BAY, OREGON

PARCEL	OWNERSHIP		DATES CONSTRUCTED		USE		FILL AREA (SQ. FT.)		
	PRESENT	WHEN FILLED	STARTED	COMPLETED	ORIGINAL	PRESENT	SUBMERGED	SUBMERSIBLE	TOTAL
CA - 1000	Penelope & H.L. Hull	Unknown	After 1880	Prior to 1892	Lot Frontage	Warehouse & Stor. Lot	None	300	300
CA - 1000	Penelope & H.L. Hull	Unknown	Before 1966	Prior to 1966	Unknown	Warehouse & Stor. Lot	None	4188	4188
CA - 1100	Harry G. Olson	Unknown	After 1880	Prior to 1892	Lot Frontage	Marina, Fish Store	None	1200	1200
CA - 1100	Harry G. Olson	Harry G. Olson	After 1958	Prior to 1966	Marina	Marina, Fish Store	None	7050	7050
CA - 1200	Kaino E. Niemi	Unknown	After 1880	Prior to 1892	Lot Frontage	Deep sea fishing	132	518	650
CA - 1300	City of Newport	Unknown	After 1880	Prior to 1892	Lot Frontage	Rental property	480	560	1040
CA - 1400	New Pac Inc.	Unknown	After 1880	Prior to 1939	Lot Frontage	Cafe, parking	1875	1000	2875
CA - 1401	New Pac Inc.	Unknown	After 1880	Prior to 1892	Lot Frontage	Fish cannery	150	500	650
CA - 1700	Castle & Cooke Inc.	Unknown	After 1880	Prior to 1892	Lot Frontage	Fish cannery	None	441	441
CA - 1800	City of Newport	Unknown	After 1880	Prior to 1892	Lot Frontage	Fish cannery	None	90	90
CA - 1900	Castle, Cook Inc.	Unknown	After 1880	Prior to 1892	Lot Frontage	Fish cannery	None	75	75
CA - 2000	City of Newport	Unknown	After 1880	Prior to 1892	Lot Frontage	Fish cannery	None	75	75
CA - 2100	Port of Newport	Unknown	After 1880	Prior to 1892	Lot Frontage	Fish cannery	None	875	875
CA - 2200	R.W. & H.R. Brown	Unknown	After 1880	Prior to 1892	Lot Frontage	Fish cannery	None	600	600
CA - 2300	R.W. & H.R. Brown	Unknown	After 1880	Prior to 1892	Lot Frontage	Vacant lot	None	400	400
CA - 2400	City of Newport	Unknown	After 1880	Prior to 1892	Lot Frontage	Dry Dock & Fish Co.	None	480	480
CA - 2401	City of Newport	Unknown	After 1880	Prior to 1892	Lot Frontage	Rental Property	None	200	200
CA - 2800	Robert D. Stumpf	Unknown	After 1880	Prior to 1892	Unknown	Rental Property	None	1300	1300
CA - 3300	O.T. & Camil Breedlove	Unknown	After 1880	Prior to 1892	Unknown	Restaurant	None	120	120
CA - 4600	M.G. & C.L. Collison	Unknown	After 1880	Prior to 1892	Unknown	Parking	None	2420	2420
CA - 4800	Francis & Wilson Bumb	Unknown	After 1880	Prior to 1892	Unknown	Parking	None	4400	4400
CA - 4900	Wave Lesley & Walter Belt	Unknown	After 1880	Prior to 1892	Unknown	Grocery store	None	1500	1500
CA - 5000	Mohave & K.E. Niemi	Unknown	After 1880	Prior to 1892	Unknown	Warehouse	None	1500	1500
CA - 5100	Herbert G. & Marie Goetz	Unknown	After 1880	Prior to 1892	Unknown	Restaurant	None	2040	2040
CA - 5200	Mary Teagle	Unknown	After 1880	Prior to 1892	Unknown	Pool hall	None	960	960
CA - 5300	Mary Teagle	Unknown	After 1880	Prior to 1892	Unknown	Vacant lot	None	1400	1400
CA - Abbey St.	City of Newport	Unknown	After 1880	Prior to 1892	Unknown	Tavern, laundromat	None	675	675
AC, AD, CA, DB - Bay Blvd.	City of Newport	Unknown	After 1880	Prior to 1928	Street	Street	None	114445	114445
CD - 100	Federal Government	Federal Government	After 1944	Prior to 1958	Parking	Parking lot	None	3035	3035
DB - 2100	City of Newport	Unknown	After 1885	Prior to 1892	Unknown	Storage	None	960	960
DB - 2100	City of Newport	Unknown	After 1944	Prior to 1952	Storage	Storage	None	7810	7810
DB - 2200	Point Adams Packing	Unknown	After 1885	Prior to 1892	Lot Frontage	Fish cannery	None	1424	1424
DB - 2200	Point Adams Packing	Unknown	After 1944	Prior to 1952	Unknown	Fish cannery	None	5100	5100
DB - 2300	Portland Fish Co.	Unknown	After 1885	Prior to 1892	Lot Frontage	Fish cannery	None	1040	1040
DB - 2000	Port of Newport	Unknown	After 1892	Prior to 1912	Lot Frontage	Dock access	None	36	36
DB - 2401	Port of Newport	Unknown	After 1923	Prior to 1928	Lot Frontage	Parking lot	None	1920	1920
DB - 2401	Port of Newport	Unknown	After 1965	Prior to 1966	Parking lot	Parking lot	None	768	768
DB - 2402	Port of Newport	Unknown	After 1885	Prior to 1892	Lot Frontage	Vacant lot	None	560	560
DB - 2403	Port of Newport	Unknown	After 1885	Prior to 1892	Lot Frontage	Property rental	None	865	865
DB - 2404	Port of Newport	Unknown	After 1923	Prior to 1928	Lot Frontage	Marina	None	544	544
DB - 2404	Port of Newport	Unknown	After 1968	Prior to 1969	Marina	Marina	None	2560	2560
DB - 2405	Port of Newport	Unknown	After 1923	Prior to 1928	Lot Frontage	Parking lot	None	135	135
DB - 2405	Port of Newport	Port of Newport	After 1965	Prior to 1966	Parking	Parking	None	630	630
TOTALS							2637 sq. ft. 0.06 acres	176699 sq. ft. 4.06 acres	179336 sq. ft. 4.12 acres