

Governor Tom McCall
Salem, Oregon

May 6, 1967

Dear Governor McCall,

We are writing to you to urge you to continue your fight for House Bill 1601. We feel it is extremely important for all people to be able to enjoy one of the wonders of Oregon. We are frequent visitors to the coast and always stay at beach front motels. It would be terrible, however, if the use of such beaches would be limited to only patrons of those motels.

Continue your fine efforts in this as in all your other fine endeavors,

Sincerely,

Marvin C. Goldmann, M.D.
Muriel E. Goldmann
10734 S. E. Pardee
Portland, Oregon 97266

MAY 9 - 1967

Robert Wallace Utzinger
3215 S. W. Patton Road
Portland 1, Oregon

May 7, 1967

Governor Tom McCall
State Capitol,
Salem, Oregon

Dear Governor McCall,

Next to the pollution problem it
appears that this "dry sand beach"
item is the most important to
your administration so far.

It seems to me that if you
can preserve these white strands
of sand as a public playground,
with free access - that, you will
probably be remembered in Oregon history
as one of the true men who saved the
beaches for the people.

237 0 - 337

Sincerely yours,
Robert Wallace Utzinger

John Yeon

May 8, 1967

The Honorable Thomas L. McCall, Governor
State Capitol
Salem, Oregon

Dear Governor McCall:

All my life I have hoped that Oregon would have a governor who was concerned with the civilized conservation of environment, and not merely with the conservation of fish for fishing, trees for cutting, and other wise but usual concerns. So it is with the heaviest of hearts that, my hopes fulfilled, I find myself on the other side of the fence regarding the beach bill, H.B. 1601.

Not all on my side of the fence are there for the reasons I am, but neither am I the only one on this side concerned with conservation.

I have reason to believe that it was my writing on the subject of beach amenity which largely prompted the bill I oppose. This article, a few years ago, attempted to dispell the myth regarding the euphoric state of Oregon's beaches, and explain some of the problems which reality imposed. This article is yours for the asking; there will be enough enclosures in this letter without it.

The main target of the article was the shocking way the beaches have been allowed to be used, particularly in regard to motor traffic on them. The State Highway Department, charged with the custody of the public area, simply washed its hands of any responsibility, walked away, and left beach-use policy, if any, up to local governments.

I attended the first hearing on H.B. 1601. I have seldom seen such an upside-down show. All the champions of amenity zeroing in on one little area of sand marked off by a motel owner to keep his paying guests literally from being overrun by cars which swarm like ants on that stretch of sand. The cars were not mentioned. No pictures of them were shown. The amenity champions seemed oblivious of their existence. Their target for criticism was minute. The abuses they tolerated covered the length and breadth of the beach, a massive desecration of a beautiful shore.

Most of what I want to say to you is said in the enclosures. It would be more polite to rephrase and reorganize this for you alone, but I am slow witted, and ask indulgence for this expediency.

In the letters to David Talbot, the portions within quotes are from his preceding letters to me.

I do sincerely hope that in the future, in some less scrambled and ambiguous situation, we will be on the same side of the fence where I may help you all I can.

Best wishes,

John Yeon

MAY 9 - 1967

4305 S.W. 70th Avenue Portland 25, Oregon

John Yeon

March 27, 1967

Representative William Holmstrom
State Capitol
Salem, Oregon

Dear Representative Holmstrom:

I attended the hearing on H.B. 1601 and want to express my appreciation and gratitude for your point of view.

I too would like to see the dry sand area of the beaches unencumbered with buildings but I strongly disapprove of the methods proposed in 1601.

If public-use prescription can be used to legally justify 1601, it surely can be used to cope with any situation 1601 is intended to prevent, and this without changing existing boundary laws.

I dislike the employment of public-use prescription on principle. It rewards trespassing with a vested interest. It imperils the ownership of all kinds of land in addition to beaches, but particularly uplands along beaches and rivers where trespassing is a common problem. It is condemnation without compensation. It is condemnation without recourse to appeal as provided under ordinary exercise of the Right of Eminent Domain. If not a land grab, what is it?

Any line between public and private ownership on a beach is at best shadowy, but the average high tide line continually adapts to the natural contours of the beach and is, in effect, an elevation line like a line on a contour map and could be established with a transit. A vegetation line is not an elevation line and can't be established with a transit. It is effected by many factors other than the level of the sea. On rocky promontories it may be both high and well inland. Behind piles of driftwood it may be very low. It changes between summer and winter. In summer, certain species such as sand verbena grow far out on the flat sand. In winter, solid stands of beach grass which are luxuriant in summer may be temporarily buried completely under drifted sand. Tufts of beach grass growing seaward of the solid stands may develop from mounds into dunes isolated from the average line of vegetation. The growth line can change annually from varying intensities of wind or rainfall. The growth line can be changed wilfully by herbicides or fire, or accidentally by storms or tidal waves, or thoughtlessly by traffic erosion. It is such a nebulous boundary line that title insurance up and down the coast would be in continual chaos were it adopted as a legal description.

Proponents of legislation are to be excused a certain amount of exaggeration in stating their case. At the hearing, however, it seemed to me that Mr. Stewart, in his very responsible position, exceed-

ed these tolerances in several particulars.

Reporters from both Portland papers used headlines indicating 1601 was needed to save beach access. This was their deduction from the testimony. "Highway Advisors Warn Legislators Private Land-owners Could Block Beach Access" (Oregonian). "State Fears Public Losing Beach Access" (Journal). These inflammatory headlines have nothing to do with the case. 1601 does NOT affect access to the beach. Any existing access to the beach continues across the dry sand. It extends automatically across any accretions. New public access to the beaches can only be provided by public acquisition of beach front property or easements, and with these acquisitions would automatically go strips of the same width through the dry sand area.

Everyone is opposed to cutting off beach access. Any attempt to rally this opposition for support of 1601 is deliberate misrepresentation.

The exhibits Mr. Stewart used featured Tolovana Park. This is an area where a flat bench of land drops in one clean step to the beach and the vegetation line is stable, clearly defined, and by no means typical of usual coast conditions. The building shown on the overlay as a future possibility was positioned well below the average annual high tide line. Another witness pointed out that the mean high tide line meant the whole year's average which is considerably above the wet sand area of summer tides and so leaves in public ownership a wide strip of dry sand during the tourist season.

The exhibit showing Tolovana Park featured the beach access recently acquired by the State. I think this is a good project as far as providing toilet facilities is concerned. It is entirely inadequate as a parking area, the great need in this section of coast. Access to the beach here, as at Cannon Beach, already exists every several hundred feet, a block apart. This showed on the aerial view. But as I recall, the overlay showed a public swath through the dry sand in front of this new access area but did not show similar public strips through the dry sand in front of the access streets. Again misleading.

Mr. Stewart several times made comparisons between Oregon and California beaches, black and white. Perhaps he doesn't realize that there are easily as many miles of unencumbered beaches in California (mostly north of San Francisco) as there are in Oregon, and that the beach conditions in southern California are geographically so different that comparisons must be carefully qualified.

In Santa Monica, for instance, which he cited, the beaches are steep and narrow compared to most of ours, and the surf is mild. What can be constructed above the average high tide line at Santa Monica wouldn't survive a single winter's storms in Oregon. And the public portions of the beach are very much wider in Oregon than at Santa Monica. The tides here come far in and go far out over gradually

sloping sands. On steeper beaches the sand or gravel exposed between the tides is much less. Showing pictures of Santa Monica as a warning of what 1601 will prevent in Oregon is again misleading. The geography and climate are as different as chalk and cheese.

Much was made of a photograph showing signs in front of a motel at Cannon Beach reserving a section of dry sand for the use of guests. This was the only such example shown and the only one known to exist, or to ever have existed in Oregon as far as anyone knew. It was used to show the shape of things to come.

I am enclosing a photograph taken from near the same spot on a previous year but looking in a different direction. It shows the shape of things that have already come. The public portion of the beach resembles a vast used car lot or auto wrecking yard. The beach is made hazardous and unpleasant for pedestrians, unsafe for children and pets. The beach is visually as polluted by parked and moving cars as it would be by fences or buildings on the higher portions of the sand. This visual pollution extends at low tide to the very water line. It has depreciated residential property values along the beach and has reduced the income from tourist accommodations. Who wants to spend their vacation in a parking lot? This state of affairs is condoned by the administrators of the public beach, by Mr. Stewart as well, who is so alarmed by a private owner's attempt to keep this mess at arms length, by his attempt to keep an adjacent portion of sand free from beer cans, broken glass, the refuse of picnics and other nuisances which public beach administrators do not pretend to control.

Mr. Stewart's frequent comparisons of Oregon's beach blessings with sad conditions in other states is somewhat out of focus. Very few parts of the world, whether their beaches are public, private, or some of both, tolerate the uncivilized abuses of the beach which are commonplace in Oregon. There are lots of people who would rather walk the beach at Santa Monica without cars than dodge them on Oregon beaches which are naturally far more beautiful.

At the hearing I heard no explanation of why the 23 or so miles of beach sold by the state prior to the Os West law were excluded from the provisions of 1601. I do not know the character of these lands but I doubt if they have been maintained differently from adjacent areas and suspect that the public has used them as much and for as long as it has used adjacent areas. If this is true, their exclusion from the provisions of 1601 is entirely arbitrary and discriminatory. Their dry sand areas have no different status than any other dry sand area, and the wet sand area no longer state owned has surely been used by the public as much as any other. Sauce for the goose is sauce for the gander.

One of my most serious objections to 1601 is that it would pave the way nicely to 1600 which in any form it may finally take would be ruinous to beach front property values in any dune area. I am sure you are well aware of the potential menace of this accretion bill.

Representative Holmstrom - 4

I did not see a copy of 1601 and know about it only from the hearing. If the vegetation line is fixed as of a certain date, then it might itself be an accretion bill in disguise. If the dry sand were to become public property, any accretion occurring on it would presumably be publicly owned. Beach front property would no longer be bounded by the beach but by a date line in the grass. Fencing would have to be continuous or even those not wishing to trespass would be confused. As public land built up, beach views might be obscured, with the eventual prospect of looking upon public parking lots instead. 1601 is a wolf in sheep's clothing whether it is a disguised accretion bill or a prelude to an undisguised one.

I think the traditional boundary line between public and private property along the beach should be retained because it adapts to sea-made changes in the beach and allows beach front property to remain beach front property indefinitely and not end up behind a Chinese Wall of accreted public lands.

I am a strong supporter of the State Park program. I am also much concerned with the preservation of beach amenity. And I believe in zoning. Zoning can establish set-back lines for building construction. I don't see why zoning couldn't establish a set-back line from existing seaward property lines. Complicated, of course, and not all Planning Commissions would bother. But still the proper approach.

I would not like to see ugly structures erected on the beach but they are not a lot less ugly if they are erected on higher ground on the edge of the beach. True preservation of beach landscapes can only be achieved by State Parks which include the uplands. And the overwhelming need now and for a long time to come is not more beach surface for the teeming masses but off-beach parking for their teeming cars.

Sincerely,

John Yeon

John Yeon

April 14, 1967

Mr. David G. Talbot
State Parks Superintendent
State Highway Building
Salem, Oregon 97310

Dear David:

Possibly you have seen a copy of the enclosed letter regarding H.B. 1601. In it I mention most of my objections to this bill, but not all.

I am afraid I haven't any suggestions to make for amendments which would make this bill and 1600 more acceptable since it is their objectives, quite apart from their methods, which I can't support. I wonder how I would feel if I didn't own beachfront property. Possibly indifferent, possibly enthusiastic. But alas I see things differently from the day tripper, and this conflict of opinion in one form or another is as common to shorelands as seagulls, regardless of what ocean.

I think you must expect formidable objections from property owners to any state attempt to obtain title to accretions which now accrue to uplands. This is not because upland owners want the accretions per se, but in order to retain their beachfront position on which their investment and taxes are predicated and on which their affections are impaled.

Since there is no better way of retaining the status quo regarding accretions than to retain the present water-line boundary which automatically adjusts to sea-made changes in the shore, there will be objections to changing this boundary line for the same reasons. 1601 really does appear to be an accretion bill in disguise, altho this may not have been its deceitful intent.

The overt intent is to take out of private ownership the strip of beach between uplands and average high tide line, lest it be put to use by its present owners. I think this possibility is correct, to what extent and how soon is unknown. I do not share forebodings for the future consequences, partially perhaps because I am so critical of the way the beaches are used, or abused, right now, the consequence of public custody.

The only example of alleged private intransigence to date was motivated by concern to keep a private portion of beach adjacent to a new motel clean of litter and safe from cars and for the exclusive use of guests of the motel. This was, in fact, an oasis of decorum surrounded by an unbelievable clutter of automobiles so thick on some days as to obscure views of the ocean from the private enclave. This visual pollution and metal barricade of the beach was all by

4305 S.W. 70th Avenue Portland 25, Oregon

permission of public beach administration. At the hearing on 1601 I saw the state, wearing wings, pointing a condemning finger at private ownership wearing horns. I can't tell you how I wanted to exchange these attributes of virtue and vice so that they appeared where they belonged.

I do not mean to suggest that the elimination of motor traffic on the beaches would permanently prevent everywhere seasonal reservations of private portions of the beach for private use. While cars are not allowed on the beaches of most civilized countries, the beach cabanas, umbrellas, and pavilions reserved for patrons of beachfront accommodations are a commonplace, expected, and colorful facility which, if banished from the beaches of Europe, for instance, would be sorely missed. It may seem odd to think of these as desirable adjuncts to Oregon beaches, especially where windswept trees or grassy dunes border the beach. But it is naive to suppose that the beach landscapes which we now admire will survive indefinitely outside State Parks or large private enclaves. When the beach is bordered by a wall of structures, it will matter little whether every inch of sand is available for Coney Island uses or whether a small portion of it is reserved for paying guests. I don't see this as a great amenity crusade. In fact, when beachfront developments have nothing more to offer than what is available to day-trippers or trailer campers, what incentive is there for competition or responsibility on any other level? It is not coincidence that Oregon, having no truly private beaches, has little indeed of the high class estate and resort developments which exist where private beaches are found. Nor is it coincidence that, with so much beach in public ownership, Oregon has so much coastal development in once beautiful areas which is as tawdry as any in the land. Seldom have natural environment and human talent been so dramatically mismatched. The assumption that total public ownership of Oregon's beaches will preserve beach amenity is false. In fact, it would more probably hasten the further degradation of flanking private land.

Oregon's experiment in beach ownership since the Os West law has not yet exposed all the problems of public ownership over such an extensive mileage of unpatrollable beach. Meanwhile the benefits of the experiment are not only well known, but exaggerated. The time may come, and come soon, when the state will welcome private participation and responsibility for custody of the buffer strip of private beach. And as the Coney Island uses of the beach increase, private owners may be compelled to concern themselves with the buffer strip here, as already elsewhere, in order to keep beer bottles off the lawn, to prevent gardens from becoming toilets, to keep fires out of the shrubbery, and all manner of nuisances at a safer distance.

In the conflict between day trippers and property owners, past administrators of the public beaches have been hand in glove with commercial interests concerned with the beaches only as bait for

David G. Talbot - 3

tourists who might want what they have to sell. Gas, beer, potato chips, free-for-all beaches, anything goes. Permission to drive and park on the beaches is considered a tourist attraction likely to swell the traffic count past stalls and stores. And of course it does. What happens to the beaches, or to the property along the beaches which pay the bulk of taxes, seems to be no concern of beach administration. It is hard, therefore, to visualize this administration in the role of Knight in Shining Armor out to save every grain of sacred sand. If I were to offer any advice on strategy for a crusade I cannot join, it would be that first and foremost there be some real evidence of good and capable custody of beaches already in public ownership before trying to annex by edict what is still privately owned, from owners whose interests have consistently been ignored in favor of the interests of the two-bit merchants.

End of soap box oration.

Thank you for your good letter.

Best wishes,



John Yeon

May 8, 1967

Mr. David G. Talbot
State Parks Superintendent
State Highway Building
Salem, Oregon 97310

Dear David:

In my last letter I asked for corrections, if in order, for my understanding of beach legislation as I have in the past interpreted it, and written about it. I mentioned that I had recently reread the laws. You sent me a copy of these same laws nevertheless. I am glad to have this on hand, but it does not alter my former understanding of the legislation, nor do your comments.

"You will notice that within the law there is a statement regarding consultation with the appropriate unit of local government. This was a compromise amendment by coastal representatives without which the bill might not have passed."

The italicised words, I assume, are the changes made in 1965 in the bill you enclosed. The only changes so indicated are that 'public highway' is scratched out and 'State Recreation Area' substituted. Since the bill was not otherwise altered, where is the compromise?

And where is the mandate for consultation with local government? The law clearly states that the Highway Commission "upon its own motion" may establish traffic free zones. Before this phrase is 'or' which separates it from the previous phrases stating that County Courts and City Councils can recommend such zones and the Highway Commission consequently may establish them. The word is 'may', not 'shall', and the Highway Commission remains the final authority. There is no section which gives the County Courts or City Councils authority over the Highway Commission's decisions, nor that there must be any 'consultation' explicit or implied.

"I believe that prior to 1965 the beaches were managed as highways for the simple reason that the commission did not have legal authority to manage them in any other way." From the above, and as stated in my previous letter, this simply isn't true.

Furthermore, since 1965 they continue to be managed as highways as far as cars are concerned. The scheduling of a "reconsideration of this policy within a year or two" extends such policy further, with no apparent sense or urgency.

It has finally occurred to me that you possibly consider driving and parking on the sand a proper useage of public beaches. Only this explains: "Your (my) criticism of Highway Commission's administration of the Oregon beaches is unwarranted." It is the tolerance of traffic on beaches that I have criticized; ergo, you think this is war-

4305 S.W. 70th Avenue Portland 25, Oregon

ranted.

Also "some may say they (the Commission) should have pushed their authority (suddenly they HAVE authority!) and banned cars from the beaches, many would also say that they were right in thinking it was not yet time for such action. I'm afraid that it's a matter of opinion based on one's own particular point of view." I know, and you know, what my point of view is. Yours is emerging and taking definite form as an apologist (in an unexpected place) for motor traffic on public beaches.

You consider this problem a "delicate" one deserving cautious kid glove handling, and you consider past mindless, spineless, beach policy as warranted. Yet your attitudes towards 1601 and 1600 are in emphatic contrast. It is not possible to interpret your apology of beach policy as a symptom of chronic lack of conviction.

I am an appreciative supporter of both State and National Parks but I can't get steamed up over sand per se. I am an advocate (and to my peril) of beach landscape conservation, but I am not what one might call a sand box conservationist. I just don't care how big the public sand box is. For this reason I dragged my feet on the Dunes Seashore for I equated it with dunes generally, be they in the desert or along Lake Michigan, and not a specialty, as are the coves and headlands, of the Oregon coast. Nevertheless, I was not silent against obstructions to the park.

There are some curious paradoxes in retrospect. Governor Hatfield contended, as a tactic of obstruction, that the Federal government should pay for State conservation holdings already preserved for the privilege of preserving more. I believe you were also an apologist for this. However, in regard to 1601 you advocate taking beach areas in private ownership by edict and with no payment at all.

Governor Reagan has followed Hatfield's example and contends that the Federal government should pay for Redwoods already saved for the privilege of saving more Redwoods. As a reflection on those of like mind, it may interest you to know that at one point Reagan proposed a reduction of the State Park budget by 81%, the highest for any state agency.

Senator Morse's obstruction to the Dunes Park was by insistence that the Right of Eminent Domain be denied the Federal government in park formation. I opposed this attitude vigorously as a crippling precedent for this and future parks on all levels. Yet he drummed up a lot of support for this attitude and none were able to overcome it. In H.B. 1601, condemnation was not advocated for State Recreation Area acquisitions. A far more drastic method was proposed: confiscation without any legal recourse, as in Eminent Domain, and without any compensation at all.

Compensation is not the issue with me; I have no sand for sale. Other objections I have previously explained. They include the desirability of retaining a buffer between private uplands and unlicensed (as

David G. Talbot - 3

of now, at least) Coney Island uses of the public beach. Including cars.

This, of course, was what prompted the single act of what you consider private intransigence which launched your whole campaign. A beach-front property owner acted to provide an area on the sand he owns which would be safe from cars and free from the litter which is dumped elsewhere on this beach. He also wanted to provide a facility for his motel guests pleasanter than the car-jammed areas of the beach available to any day tripper. He was, in a very real, if self-interested, way, preserving amenity against the encroachments you apparently think warranted, uses which make the beach look like a vast used car lot with people enjoying nature between bumpers and hub caps. The picture is all upside down.

The more I think about it, the more regrettable it seems that Oregon does not have both public and private beaches in the conventional way, complete segments side-by-side rather than divided into public and private strips lengthwise, beaches neither all public nor all private except where uplands are publicly owned. This is an academic regret, for in Oregon no totally private beaches (except in those 23 miles) are possible. You probably do not agree that private beaches in any form have any right to exist. I believe they do. The coast of New England, for instance, or the Monterey peninsula, are in far better shape than if all their beaches were public, and indeed in far better shape than the coastline of Oregon where totally private beaches are rare or non-existent. I maintain that it is possible to defend both public and private beaches without being in league with the devil. Admittedly Oregon's beaches are sliced in a very difficult way.

You say "Your thoughts closely parallel some of those of your old adversaries." I think, ah yes, but also some thoughts of people I proudly consider allies too. Theodore Roosevelt was largely responsible for half of Oregon being in public ownership and yet he had a house on a private beach and saw nothing inconsistent about that. Had you proposed his beach be made public, you would have felt that big stick. President Kennedy worked hard for the Cape Cod National Seashore and yet owned a home on a private beach nearby.

I counter with the proposition that public beach administration in Oregon closely implements the attitudes of some of my old adversaries. Fast buck tourist trappers and commercial clubs prevail through their alter-ego city councils, while property owners concerned with amenity, petition as they may, have no friends at court. The unlicensed abuses and degradations of Oregon's public beaches have few, if any, counterparts elsewhere in this country.

But we do agree that the "myth" is exploded, and forevermore. Little did I foresee that the explosion would make so much noise.

Sincerely,

John Young

CLASS OF SERVICE

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WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. MCFALL
PRESIDENT

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PRA076

PR LLA192 PD=PORTLAND ORG 8 1113A PDT=

1967 MAY 8 AM 11 32

GOVERNOR MCCALL=

SALEM OORG=

DON'T LET US DOWN. SAVE THE BEACHES FOR THE PUBLIC=

MR AND MRS ROCKY MOORE=

CLASS OF SERVICE

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PRA086

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1967 MAY 8 PM 12 18

=GOVERNOR MCCALL=

STATE CAPITOL BLDG SALEM ORG=

WE ARE BEHIND YOU SAVE THE BEACHES FOR OUR CHILDREN=

KEITH GUINN AND FAMILY=

MAY 8 - 1967

Summary
1926 S.E. Dind Ct
Portland, Ore. 4 1/2



5/6/67
Portland

Dear Governor McCall:

I Concede with your
statement to the legislature
RE: the Oregon Beach Property
SITUATION.

Maybe these children
will get off their dime
and think positive for a
change before spring turns
to winter. (And Oregon to Calif.)

Keep up the good fight

Sincerely

Wm. H. Murray

P.S. My wife's note paper -
don't tell her

Governor; Thank you
for your stand on the ^{Public}
freedom of the drug cards -

Here, hoping that you can
convince some of the local
boop - ^{"state"} this is not just
another state - but the
wonderful state of
Oregon - Sincerely

MAY 8 - 1967

Bill Brauer
2110 N. Everett St
Portland, OR. 97210

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WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. MCFALL
PRESIDENT

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1967 MAY 7 PM 7 23

GOV TOM MCCALL, STATE CAPITOL=

SALEM ORE=

CONGRATULATIONS ON YOUR BEACH ACCESS STAND BEACH
ACCESS IS ONE OF THE BEST THINGS IN OREGON EVEN
TAX ABATEMENT FOR THE FEW OWNERS INVOLVED IS WELL
WORTH PRESERVATION OF ACCESS=

GEORGE SASLOW MD=.

MAY 8 - 1967

CLASS OF SERVICE
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WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. MCFALL
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1967 MAY 7 AM 10 19

GOVERNOR TOM MCCALL=

SALEM ORG=

MAD AS HECK ABOUT SHELVING HB 1601 AND MAN FIGHTING
THIS ALSO SPONSORED BILL RAISING CAMP RATES IN
STATE PARKS TO TRY DRIVE BUSINESS TO PRIVATE RESORTS
THIS IS STRICTLY REAL ESTATE GRAB DONT LOSE ONE DARN
FOOT OF OUR BEACHES NEXT WOULD BE SOME RIVER RIGHTS=
JACK CRITES 6235 SE WOODSTOCK=

MAY 8 - 1967

May 6

Governor M. Coe

Your struggle with the "Give-a-way Our Beaches Committee" warms my heart.

I've talked to many people today that were unaware of the beach problem. I know we couldn't believe our eyes last weekend when we still saw the "No trespassing" sign standing on Cannon Beach. We thought it was some kind of nasty joke when we saw it last winter.

But ——— it wasn't.

Please help us save ALL our beaches. Of all the things that Oregon has left untouched my Messy Man, it's the miles & miles of beautiful God Man beaches. Lets keep them that way.

(over)

Mr. Frank Mayhew
Hillsboro, Oregon
MAY 8 - 1967

I lived in the Midwest until last
year — — And Oregon is
the most beautiful state
that I've or my family
have ever been in. And
we've traveled a great deal.
That's why we moved!

May 6, 1967.

Dear Governor McCall,

Thank you for upholding
our rights to the dry sand
at the beach and free
access to the beach.
Do help us to keep the
beach free. We, the people,
want the 350 miles for
all the people.

(over)

Sincerely,

Mrs Edward A. Perkins
15230 SE Lincoln
Portland, Ore.

These people are in
agreement with the above
statement.

Eringer W. Clarks

For Deposit Only
GENE'S BARBER SHOP
4021 S. E. Division St.
Portland, Oregon

Edward E. Davis
3550 S.E. Holgate Blvd
Portland Oregon 97202

Robert A. Elliott
2819 SE 62nd Ave
Portland Oreg 97206

MAY 8 - 1967

May 6, 1967

The Honorable Tom MCCAII
Governors' Office
Salem, Oregon

Dear Sir:

We support you for your stand
on H.B. 1601. WE feel as you do
that this is a must. Keep up the
good work.

yours very truly

Thomas L Cook
Lois J Cook
3335 NE 65TH
Portland, Oregon
97213

Dear Sir:

We are in complete accord
with you in your effort to keep
the beaches in public use.

Respectfully yours,
Ralph C. Conlee
Mary E. Conlee

REC-101

1760 N. E. Irving St.,
Portland, Oregon
May 6, 1967

Governor Tom McCall

State House

Salem, Oregon

Dear Governor McCall,

My husband and I want you to know how much we appreciate your stand on the present debate over HB 1601. We strongly support your point of view.

It has no effect on us personally one way or the other so far as we can see. The six to eight times we go to the beaches each year for a few days at a time, we rent motels. We love having nice beach at our disposal - but would resent very much having it cut off from the public's use. Many cannot, nor should have to, rent commercial property in order to enjoy the use of our wonderful beaches.

Many thanks for your speaking out on this measure and now.

Very truly yours,

Dorothy D. Vincent (Mrs. Russic H.)
Mrs. Russic H. Vincent

cc: Mr. Ford Montgomery

MAY 8 - 1967

OREGON CITIZENS FOR EDUCATION
11608 S.E. Sherman Ct.
Portland, Oregon
97216

May 6, 1967

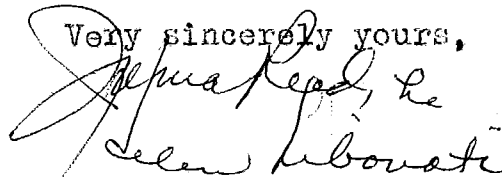
Mr. F.F. Montgomery
Speaker of the House
House of Representatives
State Capitol Building
Salem, Oregon 97310

Dear Mr. Montgomery:

We would appreciate your urging the Highway Committee to reconsider HB 1601 to make whatever changes or amendments are necessary in order to insure that the people of Oregon have continued and permanent ownership of the Oregon beaches - from the low tide line to the green area.

Thank you for your immediate attention in this matter.

Very sincerely yours,



Jana Reed
Helen Libonati
Co-Chairmen

cc: Governor McCall, ✓

MAY 10 1967

J. C. DINNEEN, M. D.
2841 N. E. 58TH AVENUE
PORTLAND, OREGON 97213

6 May 67

Dear Sir,

Please, preserve the
books for the public.

J. Dinneen

12360 S. W. hwy 217
Tigard, Oregon 97223

May 6, 1967

His Excellency, The Governor of Oregon
Salem, Oregon

Dear Tom Mc Call:

I am a registered Democrat, but I have Faith in you.
I am pleading with you to save the beaches in Oregon for
Oregonians. I have lived most of my life in Oregon, and
have always thought the beaches belonged to all of us.
I'm afraid if this legislation is not satisfactorily com-
pleted the Oregon beaches will be like Californias. Heaven
forbid. Also, I am afraid outside money will build big
motels and fence off our beautiful beaches.

I am trusting in you

Sincerely,

Mariana Zawaske

(Mrs.) Joe Zawaske

MAY 8 - 1967

May 6, 1967

Gov. McCall
State Capitol

Re. H.B. 1601

Sir;

I didn't think I'd be writing again so soon, but I am, to express my thanks for fighting for the public's beaches.

You have not only my support but that of a number of my friends who never use this form of expression.

If the private interests succeed, I will be intolerable.

Yours truly,

James R. Piland
2087 NW Overton
Portland, Ore.

MAY 8 - 1967

Thomas G. Vadnais
12115 N. W. Quarry Road
Portland, Oregon 97229

May 6, 1967

Governor Tom McCall
State Capitol Building
Salem, Oregon

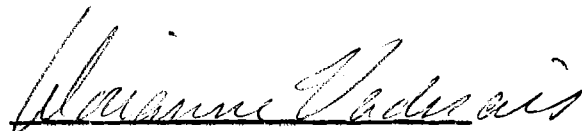
Dear Governor McCall:

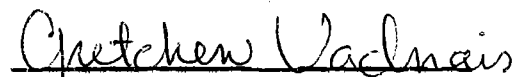
If you did nothing in your term in office other than nail down and secure for all time, beyond a doubt, the use of Oregon beaches per Governor West's intent, we would consider your term highly successful and meaningful.

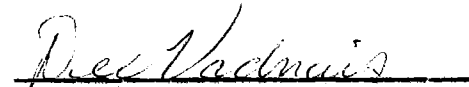
From reading the newspapers, I would understand the law as now written to provide for a day at the beach on wet sand until the tide came in; then leave the beach and go to some vantage point to watch the property owners frolic in the dry sand. How did Governor West's glorious democratic purpose get twisted to this ugly vision?

Yours very sincerely,


Thomas G. Vadnais


Mrs. Thomas G. Vadnais


Gretchen Vadnais


Dee Vadnais

MAY 5 - 1967

C. J. Carin
57625 N. G. Abbott
Portland, Oregon

May 6, 1967

Honorable Tom McCall
Governor of Oregon
State Capitol

Dear Sir:

In 1890, America's last frontier was declared closed; the west had been won. Now, in 1967 will Oregon's beaches be declared closed? If so, much will be lost.

I am in support of House Bill 1601 to support open beaches.

Cathleen J. Carin

MAY 8 - 1967

MAY 6, 1967
PORTLAND, OREGON

HONORABLE TOM Mc CALL
~~GOVERNOR~~,
STATE OF OREGON

DEAR SIR,
WHAT A JOY IT IS TO PACK UP A LUNCH, LOAD
THE KIDS IN THE CAR, AND ENJOY A TRIP TO THE BEACH
OF YOUR CHOICE. I WANT TO ADD MY SUPPORT TO
YOU AND KEEP THE OREGON BEACHES THAT WAY.

THANK YOU,
Fred Cavin
5725 NE ALBERTA ST.
PORTLAND, OREGON

MAY 8 - 1967

May 6, 1967

Honorable Tom McCall
Governor of Oregon
State Capitol.

Dear Sir,

We also, along with you,
want to stand up and be
counted. to support House
Bill 1601 to act for open
beaches. We appreciate your
concern and acute interest
in stopping this group of
selfish money grabbers from
making our beautiful, free
Oregon coast line another
California. There are sin
of us prepared to fight it
out - all the way. We will
not be dictated to where
and what we must pay to
enjoy a sunset at the coast.

Colleen M. Carvin
Jane M. Carvin
Cathleen J. Carvin
Carole Carvin

Fred Carvin
Connie Carvin
Mrs. Carvin

Wesley C. Heise
14245 SW. 103rd
Tigard 23, Oregon

Dear Mr. McCall:

The headline on tonight's paper says:
"Compromise Sought In Beach Dispute"

I urge you to do everything in
your power to protect our beaches
for public use.

Please work hard to have
House Bill #1601 passed out of the
Committee.

Sincerely
Wesley C. Heise

1385 Shady Lane N. E.
Salem, Oregon
May 8, 1967

The Honorable Tom McCall, Governor
State of Oregon
Salem, Oregon

Dear Governor McCall:

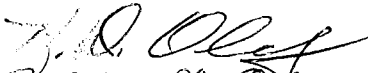
We heartily support your stand on HB 1601 regarding the Oregon beaches. We sincerely hope every effort will be made to preserve the Oregon beaches for the public.

For ten years we lived in Gold Beach in Curry County and for one and one-half years in Astoria. Mrs. Olney was born and raised in Tillamook County, and we still visit relatives in Tillamook and visit various parts of the coast. We feel the beaches are very important to the citizens of Oregon.

The coastal cities benefit even from those who are coming to the beach only for the day and who do not rent motels or hotel rooms. They buy gas, food, meals, souvenirs, etc. If access to beaches becomes so limited that only a few can enjoy the beaches, visitors will no longer go to the coast.

We strongly believe that the beautiful beaches, rivers, mountains belong to all the people, not to just a favored few.

Sincerely Yours,


H. D. Olney
Mr. and Mrs. H. D. Olney

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. MCFALL
PRESIDENT

SYMBOLS

DL=Day Letter

NL=Night Letter

LT=International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

PRA 038

1967 MAY 6 AM 8 58

PR LLF120 POM PD=PORTLAND ORG 6 NFT=

GOVERNOR MCCALL=

SALEM ORG=

SUPPORT YOUR STAND TO MAKE BEACHES PUBLIC=

MR AND MRS HARRY SHAICK 7707 SW LOCUST
ST PORTLAND OREGON=

WALDFORD REALTY CO.,
Waldport, Oregon,
97137.

R.W. Kelly,
Salesman

Dear Addressee:

This, our message, just a reminder of something you already may know. Our beautiful Oregon sea coast, the diversity of its scenic area, its mild climate, its beaches, scenic bays and streams, make it an ideal place to live. An ideal place for the person contemplating retirement, or a summer home, a vacation, the attractions for the sports fisherman, *OR* the person who just wants to be near the ocean.

You may ask "Why send this message to me?" We are sending it to you as you may be interested and because we believe you were selected for the position you hold, ^{due} both to your ability and experience as well as the place you have achieved in your community. Therefore, *any* friend you might pass this message on to, would give it due consideration coming from you. Thank you.

Our Oregon coast enjoys a mild climate, productive soil where flowers, shrubs, vegetables, berries of all kinds do well. The Oregon coast also has a history of investment in property doing well. Property of all kinds can be bought at reasonable prices and terms. For information contact Waldport Realty Co., or write R.W. Kelly, salesman, with above Agency advising what you are interested in.

Very Truly Yours,

R.W. Kelly,
PO Box 101
Waldport, Oregon
97137.

MAY 8 - 1967

May 7th 1967
Hermiston, Or.
97838

Dear Mr Governor:

After reading the Sunday paper this morning, my first reaction was to burst into tears. Then knowing tears would never solve the Oregon beach problem or any other beach problem of our Beautiful United States of America. This problem will take a lot of action from many people.

When I read this morning that ALL beaches from dry sand to sea did not belong to all people I was shocked, that these United States of America could have gotten into such a mess. If such a law holds that private citizens can and DO own from high tide dry sand? Low tide, then such a law should be taken from the books. This land ^{could be} bought back by Oregon or the government much in the same manner land is acquired, far Over passes, freeway, Clower leaf's or any other land the government wants for progress.

My husband & I are middle class retirees we would like to spend more time by

the ocean but at \$30.00 - \$50.00 asked
by private owners this is ridiculous.

The National ^{State} Parks were injured thoroughly
last summer by both of us - Why then
can't the Beaches be made into national
parks asking a modest fee of \$2.50 a day
I know the State of Oregon does have some
fine parks along the beaches of Oregon - But
with one million people in the near
future visiting the beaches ^{daily} How can we
all get to see and live & feel the Ocean
beaches that rightfully belong to all of us
and ~~NOT~~ just to a privileged
few.

Please Mr. Governor do something about
saving the beaches for All Americans

Sincerely

Thelma G. Kendall

3734 S.E. Market St.
Portland, Oregon 97214

4/6/67

Governor McCall
Salem, Oregon

Dear Governor McCall,

I would like to let you know that we strongly support your position on HRS-1001 regarding public use of beaches and we sincerely hope that you will be able to resolve this matter so that we won't lose out from the use of using the beaches at any time.

(2)
Please keep up the pressure
for retaining local usage as
in the past and be assured
of our cooperation.

Very truly yours

Carne Marshall
Bertram A. Marshall

MAY 9 - 1967

Office of the Governor
Salem, Oregon

3115 McKinley St.
Corvallis, Oregon
May 7, 1967

House Highways Committee
Statehouse
Salem, Oregon

Gentlemen:

I wish to enter a strong plea for passage of a measure such as HB 1601 to protect public access to the "dry sands" portion of the Oregon ocean beaches, and to protect both the wet and dry sands portions of the beaches themselves from destruction. This is in the interest of the public in general, property owners throughout Oregon, and particularly the owners of property near but not necessarily abutting the beach front.

My opinion is based on personal experience. In 1924 my parents bought a home a block from a beautiful shoreline near New Haven, Conn. The dry sand area was uncluttered by signs or fences. A few years later the shore front properties began to be fenced. Litigation restricted wire fencing below mean high tide, but wire was replaced by board "sand fences" that extended below mean high tide. These fences failed to preserve the beach and the "rights" of the adjacent property. Today that shore is a narrow strand, with a major portion of the sand gone, but with ugly, black piling and board fences extending into the water. The result was a loss to all concerned.

The beach has been public and should remain public. The placing of fill on a dry sand area is an infringement on the rights of others. It is an act for short-term individual profit at the long-term expense of everyone else. Don't let the beaches of Oregon become like the beaches of Connecticut.

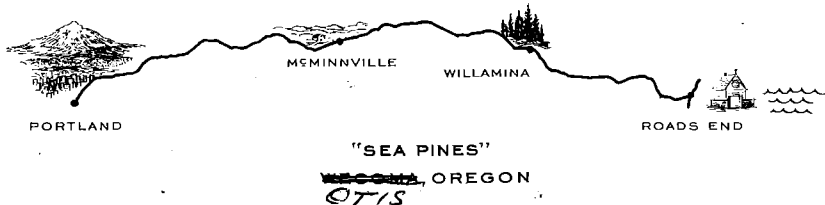
Sincerely

(sig)

M. M. Rogoff

The original copy of this letter was sent to the House Highways Committee. I appreciate the leadership of the Governor in pressing for passage of this bill.





May 7th, 1967

Governor Tom McCall
State of Oregon
Salem, Oregon

Dear Governor McCall:

I would like to express my support of your stand on House Bill 1601. Last month due to misinformation and lack of information I wrote Representative Odenkirk and the members of the House Highways Committee opposing the bill. I believe many of the letters they received stemmed from lack of in-

Formation:

I believe it is of paramount importance that the "dry sand area" of the Oregon beaches be kept for public use, and not fall into the present state of the California beaches. It might interest you that my home is on the beachfront at Loads End.

Sincerely,
Ruth S. Fowler
Loads End, Box 384
Otis, Oregon, 97368

NOV 9 - 1967

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. MCFALL
PRESIDENT

SYMBOLS

DL=Day Letter

NL=Night Letter

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PRA032 SPB001 SSB071

PR LLF086 PD=LINCOLN CITY ORG 6 638A PDT=
GOVERNOR TOM MCCALL= STATE CAPITOL BLDG
SALEM ORG=

57 MAY 6 AM 8 41

DEAR TOM REGARDING BEACHES I DONT OWN ANY BEACH FRONT
AND I SUPPORT YOUR STAND, BUT DONT STEAL IT, BUY IT.
RAISE MY TAXES IF NECESSARY TO PAY FOR IT.=
JERRY PARKS PIXIE KITCHENS

Hon. Tom McCall
Governor of Oregon
Salem.

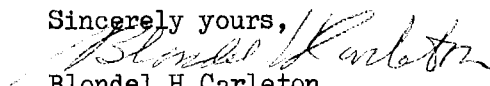
Dear Mr. McCall:

Thank you for your statement in regard to HB 1601.

Signs reading "Private Beach" from Gold Beach to Oceanlake have been noted by me and reported to the Highway Commission. They have replied very promptly and fully explaining some of the issues involved.

The 1947 bill is now twenty years old, therefore I feel that "study" time is running out and a bill is needed immediately to enable the Highway commission to rescue as much of the public beaches as possible. Since I was questioned about small rocks taken from even wet beaches at Gold Beach, I have myself reason for suit, but private actions are beyond the means of most of us. Instead, we must turn to public agencies to establish rights of the public to entry and use of the beaches. Therefore this bill is a good stop-gap until a firm law can be worked out and either presented by initiative petition, as some of us are considering, or preferably by our legislators.

Sincerely yours,


Blondel H Carleton
6705 N Wilbur Av
Portland Oregon

May 6 1967

200 9 - 103

14141 N.E. San Rafael
Portland, Oregon 97230
May 7, 1967

Governor Tom McCall
Salem, Oregon

Dear Sir:

I as a resident and land-owner in this state wish to commend you on your strong stand for public ownership and access to our Oregon beaches. It would be a shame if a few people would be allowed to gain control of them. I highly endorse HB 1601 or a new bill to protect the our beaches from becoming like those on the east coast and Californias.

Sincerely,

Arvis L. Linnis
(Mr. Rapp)

MAY 9 - 1967

TELEPHONE
DAY OR NIGHT
581-4612

THAD C. STANFORD, M.D.

PHYSICIAN AND SURGEON
ORTHOPEDIC SURGERY

873 MEDICAL CENTER DRIVE N.E.

SALEM, OREGON 97301

May 7, 1967

Dear Governor McCall;

This is just a quick note to tell you
that I am in full accord with
your stand concerning the Oregon beaches.

They must be protected.

In addition, I would hope to see
more positive action toward curbing
air & water pollution. This, I believe,
is our most pressing problem.

Thank you.

Sincerely,
Thad C. Stanford, M.D.

RECEIVED

Route 4, Box 434K
Albany, Oregon
May 8, 1967

Mr. Tom McCall, Governor
Salem, Oregon

Dear Sir:

I think something should be done so that the people of Oregon
may continue to use the "dry sand area" of the Oregon beaches.

Yours truly,



Donald Goodrich

1608 NE Halsey St
Portland, Oregon
May 8, 1967

The Honorable Tom McCall
State House
Salem, Oregon

Dear Governor,

I commend
your efforts concerning
HB 1601. Keep up the
good work!

Bonnie J Mentzer
Anna M Mentzer



Governor Tom McCall
State Capitol Building
Salem, Oregon
7 May 1967

Dear Governor McCall:

*cc to
for
7/2/69*

You are to be congratulated and given maximum public support in your recent stand on the Public's access and use of the Oregon beach zone. As you well appreciate, of the several thousands of miles of coastline on continental United States, the parcellation of land between private and public ownership has created an ungodly situation politically, has hacked up the land, and has made it virtually impossible for a sizeable group of American citizens to see or walk on anything but a Jones beach. The example of California is too painfully close to permit an extension of this kind of struggle and land use in Oregon.

As you appreciate, precedents for the State Highway Department proposal exist in many country (viz., England) whereby the "ownership" of a beach zone is an outmoded question, despite its almost hysterical defense by those who have speculated and invested. There, citizens maintain their right-of-access to such lands by simply walking and maintaining a continued presence. I think that one way of beginning an acceptable compromise from the Public's view, and to also deal with an unstated objection by the present landowners (the problem of bad manners, litter, and pollution) would be to:

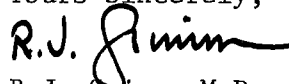
1. Permit the status quo to exist for public usage of beach zones as they have done in the past. At the same time, open a legislative strategy whereby property tax assessments for dry beach zones could be revised. A tax incentive, or a flat no tax on dry beach zones might lessen the resistance to public fief.
2. Develop adequate State machinery for regular cleaning of beaches whether under public or private control, with more attention to the control of nuisances, and especially the use of the beach zone by motorized vehicles. With regard to the latter point, the day is past when a single automobile should be permitted to monopolize a beach where small children play.
3. The establishment of a Beach Commission with adequate representation of various segments of the public and private interest. The purpose of the commission is twofold: The first is to recognize the public's

privileges to the sea, and the second is to permit the view of private ownership its legal due as well as its voice in management.

4. The development within the responsible state agency of a long term plan (if one doesn't already exist) on the procurement and development of the public land recreational and land resource within the state. With regard to the beaches, some public discussion of the question at regular intervals might be useful.
5. Finally, I would like to see the appointment of a commission to study and make recommendations on the establishment of off-shore tidal and underwater zones of supreme beauty, ecological uniqueness, or of scientific value. In the recent biennial Wilderness Conference (San Francisco, April 1967) held under the auspices of the Sierra Club, considerable discussion was given to the rapid loss of coastal waters to pollution, Marina development, and off-shore explorations for oil and minerals. Existing whale breeding areas, zones in which commercial fishing, unique ecologic zones for biologic study, and bird life should have some mechanism for achieving a protected status. The development of a commission to study and offer recommendations toward preserving these natural areas of the Oregon coastline is of growing importance.

The establishment of such a program of directives toward the Oregon beaches will go a long way to create a public philosophy strong enough to maintain a political base and at the same time preserving both the tradition and character of the land in the face of the monumental real estate and land speculation interests now manifest in the coastal area. If I can be of service in the development of this public land question, I am certainly available for work. Again, let me congratulate you on this strong position.

Yours sincerely,



R.J. Grimm, M.D.

LAW OFFICE OF
EDWARD L. FITZGIBBON
~~1202-EQUITABLE-BUILDING~~
PORTLAND, OREGON
97204

TELEPHONE
226-4081

707 Failing Building

May 7, 1967

Rep. Sid Bazett,
Chairman, House Highway Committee,
House of Representatives,
State Capitol,
Salem, Oregon

Engrossed House Bill 1601

Dear Representative Bazett:

The following is respectfully submitted on behalf of Harry C. Blair, M. D., a resident, property-owner in Tillamook County, whose home lies upon affected property in Neskowin, Oregon.

From a close study of H. B. 1601 it seems fairly apparent that its purpose is merely to vest in the State Highway Commission the power to act in the preservation and protection of existing public easements along the sea-shore. Nevertheless, due to an irregular use of terms, a disquieting inference has been drawn that the Bill intends to appropriate private property for public purposes without just compensation. The enclosed proposed amendment of the Bill is respectfully tendered to eliminate the irregularity.

It seems apparent that the problem stems from the phrasing which states that "frequent and uninterrupted use of lands abutting on the shore * * * has been sufficient to create easements in the public through dedication, prescription, grant or otherwise", whereas, it is well known that such "use of land" gives rise only to an easement by prescription and not by grant or dedication.

Rep. Bazett,
May 7, 1967,
Page - 2

A prescriptive easement is obtained by the user in the same manner as title is obtained by adverse possession, Lamford Lbr. Co. v. Lemons et al, 206 Or. 140, 144-145, 289 P2d 684, 291 P2d 733:

"The necessary facts to be proven to establish an easement by adverse use are substantially the same as those which will pass the fee title to real estate. They must be adverse to the rights of the true owner under claim of right or color of title, continuous, and uninterrupted for the statutory period of time, with the knowledge and acquiescence of the owner. Permissive use no matter how long continued is not adverse, and if proven, denies a way by prescription. See Feldman et ux. v. Knapp et ux., 196 Or 453, 250 P2d 92; Parrott v. Stewart, 65 Or 254, 132 P 523."

User pursuant to grant or dedication obviously, therefore, cannot be "adverse."

Secondly, by avoiding a recognition of facts which appears to be a legislative determination of such facts, to-wit:

"that the public has made frequent and uninterrupted use of lands abutting on the shore * * * and that such use has been sufficient to create easements in the public through dedication, prescription, grant or otherwise"

the inference that the Bill would thereby sweepingly create public easements is also avoided. The mere recognition that public easements by prescription do exist, by definition, recognizes the requisite "frequent and uninterrupted use."

Thirdly, the mere fact of frequent and uninterrupted use does not by itself create an easement

Rep. Bazett,
May 7, 1967,
Page - 3

since, again by definition, it must be adverse to the owner's interests. Because permissive user is not adverse, "a prescriptive easement can never ripen out of mere permissive use no matter how long exercised," Baum v. Baum, 187 Or. 401, 211 P2d 478, 480. The Bill is silent on adverse user, however, by eliminating all references to such user you will more simply eliminate the objection.

Fourthly, the existing Bill clouds the fact that public easements do now exist from grant and dedication and it would be questionable whether Section 2 of the Engrossed Bill would authorize the State Highway Commission to act to preserve and to protect such easements. It is limited only to easements described in Section 1 which describes only easements obtained by user. Eliminating references to user expands the scope of the Bill to include easements created by grant and dedication as well as by prescription.

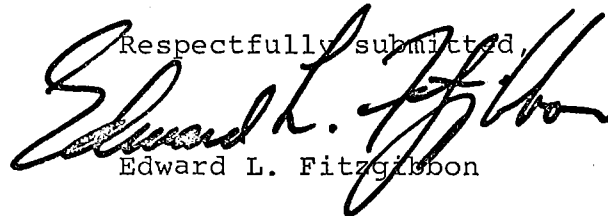
Lastly, the existing Bill would probably not be construed by the courts to create an "implied easement" as has been argued by some of the Bill's critics. Nevertheless, some inference can be drawn to that end and a danger exists that such a radical departure from the traditional concept of property law may involve some serious constitutional questions. Implied easements, of course, are strongly disfavored by the law, Dressler et al v. Isaacs et al, 217 Or. 586, 596, 343 P2d 714.

In conclusion, we respectfully urge that if the Engrossed House Bill 1601 is again considered by the House Highway Committee that the objectionable

Rep. Bazett,
May 7, 1967,
Page - 4

language be deleted therefrom and the proposed
amendment by Dr. Blair be adopted.

Respectfully submitted,



Edward L. Fitzgibbon

cc: Rep. Howard, Vice-Chairman
Rep. Anunsen
Rep. Elder
Rep. Hanneman
Rep. Holmstrom
Rep. Leiken
Rep. Meek
Rep. McKenzie
Rep. Smith
Rep. Turner

Rep. Ouderkirk
Sen. Yturri

Gov. McCall

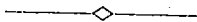
A BILL FOR
AN ACT

1 Relating to public rights in land.

2 Be It Enacted by the People of the State of Oregon:

3 SECTION 1. The Legislative Assembly recognizes that
4 over the years the public has acquired easements to
5 use ~~[of]~~ lands abutting on the shore of the Pacific Ocean, sea-
6 ward of the natural vegetation line, for recreational pur-
7 poses ~~[and that such use has been sufficient to create ease-~~
8 ~~ments in the public]~~ through dedication, prescription, grant
9 or otherwise. Accordingly, the Legislative Assembly de-
10 clares that it is in the interest of the public to protect
11 and preserve ^{such} public easements acquired through dedication,
12 prescription, grant or otherwise as a permanent part of
13 Oregon's public recreational resources and to recognize and
14 protect the rights of private owners to those lands that
15 are not subject to such public easements.

16 SECTION 2. The State Highway Commission shall have
17 authority to protect and preserve the rights of the public
18 in the lands described in section 1 of this Act.



May 8, 1967

Honorable Tom McCall
Governor of Oregon
Salem, Oregon

Dear Governor McCall:

My wife and I wish to tender our sincere
thanks for your efforts to preserve Oregon's
magnificent beaches for permanent public
enjoyment.

We know that you will see this issue through
to the end, as the people of Oregon are de-
pending on you and other forward-looking
leaders.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. B. Starrett". The signature is written in dark ink and is positioned to the right of the typed name.

R. B. Starrett
2606 S. E. 80th Avenue
Portland, Oregon 97206

2013 01

Mr & Mrs Leonard Jones
18121 S Pacific Hwy
Lake Oswego Oregon
May 8, 1967

Mr. Tom McCall
Governor, State of Oregon

Dear Sir:

Being life-time residents
of our great state of Oregon;
Mrs Jones and I are very
concerned about House Bill # 1601
and the matter of keeping our
Oregon beaches open for use
by the public.
We write you at this time
Mr. Governor and the hopes you
will do all in your power
to keep these sandy resorts
for our use & pleasure.
Thank you for all time &
consideration.

Sincerely yours.

Leonard & Carolyn
Jones

5/7/67

Dear Governor McCall:

I am a native Oregonian who hopes you will fight to keep our coastlines for all the people.

It is utterly horrifying to me that real estate interests may be able to deprive us of what is rightfully ours.

Sincerely,

Ruth Stovall
1474, Box 134
The Dalles, Oregon

3204 N. E. 25 Avenue

Portland, Oregon 97212

May 7, 1967

The Honorable Tom McCall
Governor of Oregon
State Capitol
Salem, Oregon 97310

Dear Sir:

I firmly believe that the citizens of Oregon have the right of free access to all the beaches along the Oregon coast; and if Measure HB1601 protects and affirms this right, I am in favor of the bill.

My reasons for believing in free access by the public are:

1) Important principles are at stake in this issue—

namely,

1) whether the right of the few at the expense of the general welfare will prevail; and whether the so-called right to private property takes precedence over the right of the people as a whole.

2) The health and welfare of the people in an expanding population would be seriously endangered by any cramping of recreation areas.

3) Recreation and the enjoyment of nature's beauties are a safeguard against the tensions arising from overcrowding; and the coast, by its very nature, gives a sense of openness, freedom, and grandeur which man needs more now than ever.

4) I think the public's free access right along the coast is much the same as the right of access to public streets and highways - the coast is in a sense a highway to the sea, and no one can deny man's right to see, to use, and to contemplate the ocean. (Imagine a private landowner purchasing Mount Hood and putting a high fence around it - a ridiculous idea, but no more ridiculous than a few people controlling an area which leads to the sea.)

5) Most important, God

created nature's resources, very obviously for all people, not just a few, and He expects us to share with one another justly.

I appreciate very much your standing up courageously for the people's rights, Governor McCall, and will keep you and your work in my prayers. God bless you.

Sincerely,

(Miss) Helen J. Hayes

3204 N.E. 25 Avenue
Portland, Oregon 97212

MAY 9 - 1967



BOTSFORD, CONSTANTINE & McCARTY, INC.

ADVERTISING 317 S. W. ALDER STREET, PORTLAND, OREGON 97204—AREA CODE 503—226-6921

May 8, 1967

The Honorable Tom McCall
Governor of Oregon
Salem, Oregon.

Dear Sir:

We want you to know that we think your stand on this ridiculous beach controversy is most admirable. From your first day in office it has been obvious that "TOM McCALL IS A GREAT GOVERNOR".

Sincerely yours,

Mr. & Mrs. Donald W. Harris
600 Waverley Court
Portland, Oregon 97222

MC 5-100

May 8, 1967

Gov. Tom McCall,
State House,
Salem, Oregon.

Dear Gov. McCall,
Congratulations on your stand
on Oregon's beaches. It would
be a really dreadful thing if our
beaches, including the dry sand
areas, should be denied to the
public. I sincerely hope you will
also consider frequent access
roads to them as the land owners
can effectively block access by
owning all the cliff areas.

Yours very truly,

(Mrs. Paul) Virginia P. Kaspery
1330 N. W. Lake St.
Newport, Oregon 97365

May 8, 1967

Dear Governor McCall,

Please do all you can to keep Oregon beaches public. I am in favor of paying taxes to pay for the privately owned dry sand area or whatever measures it takes to acquire the land for public use.

If there is anyone else I should write in an effort to have something done now about keeping our beaches open to the public please advise me who it is.

Even as a beach owner I would not be happy to sit on my little stretch of sand & only be able to walk the beach at low tide.

Also I am in favor of buying land to provide access to the beach at frequent intervals.

Very truly yours,
Mrs Wm McRobert
3233 S.W. Nyssen Rd.
Beaverton, Ore 97005

MAY 9 1967

BEACH RIGHTS.

Thank goodness, Governor McCall, you have the guts to stand-up against House Highway Comm. for the rights of the people. . In Michigan where we had a cottage, the entire Lake Michigan shore from Indiana to Mackinac was open to the public up to the so-called Green-Line and even within some 50' of the private homes along the beach, and we never heard of the residence-owners being unfriendly to those occupying the beach in front of their home.

Stick to your guns, Governor! We want those beaches OPEN!

Thank,

9721NE 43rd.

211 NE 43rd Av.

97213 May 6, 1967.

MAY 8 - 1967

*Two year
2000 +
beyond*
Horace family.
Jim
Ray, Lou.

604 No. Holladay Drive
Seaside Oregon
May 8, 1967

Dear Governor McCall;

The enclosed clippings may give you some information you can use showing what can and will happen if Oregon does not save the beaches for everyone. These clippings are from a 1956 paper. We lived in Florida until 1958. We saw big motels built and how these motel owners appropriated the beaches for their private use. As soon as out of state developers hear that there is the slightest chance that they may be able to gobble up the Oregon beaches they will come and ruin Oregon. Take all the money they can skim off the top, then leave. We have seen this happen in Florida and Texas.

If a law should be passed giving the beaches to private owners, mostly from out of state, Oregon will lose it's large and important tourist trade. We have many friends living in Washington and California who come to Oregon every year just to go to the beach. They spend money here but cannot afford to stay in expensive motels. They work for Boeings and other large firms. They are not "Poor Trash". Oregon is noted for it's beaches and the pleasure ordinary people can have on our beaches. Why should this state throw away a real income of thousands of dollars just so a few selfish people can have snob appeal or a "Statis Symbol"?

I included the article about taxes because you do not believe a Sales Tax is proper. Out of state people buy things in Oregon to save the sales tax in their own state. Oregon should be proud that it does not have a sales tax. The cigarette tax was suppoed to help schools. Where is that money going? A sales tax would not reduce property taxes either. The spenders would find some other place to spend the money.

There are many retired people, who like ourselves, live in Oregon. We spend all our money in the town in which we live. If older people have an income of \$2500 or \$3000 a year, which most of us do, multiplied by several thousand older people it amounts to more money spent in this state than several manufacturing firms payroll would do. We are a respectable segment of society. Do not cause any trouble for police and do not ask for special privileges.

We are Republicans. If it is a choice between Governor ^{McCall} Senator Percy or President Johnson we do not intend to vote. What is the use? Oregons Senators voted for the Consular Treaty so they do not deserve any more votes from us. Congressman Wyatt is a good man although we do not know how he voted on giving the Russians a stronger foothold in the United States. We have sent for a list of how both houses of the United States Congress voted on the Consular Treaty. It seems more people are informing themselves about what their elected officials are doing for the good or detriment of our country. The phrase "Throw the rascals out" is repeated more often lately than in past years.

2/

Do not return these clippings. We have copies as well as many others relating to people who got disgusted with Florida and who left that state as we did.

Just a personal suggestion. We have only seen one picture of you smiling. Why not smile once in a while on TV? I wonder if you are a Taurus. I am and I do not smile as much as I should.

Sincerely,

Mrs. John R Craft

4528 N.E. 72nd

Portland, Oregon 97218

May 8, 1967

Republican Governor Tom McCall
of State Capitol Building
Salem, Oregon

Dear Sir,

My husband and I thoroughly support house bill number 1601, or beach bill. We hope you will do everything possible to help this bill pass.

We spend an awful lot of time on the coast. We want everyone to be able to enjoy it as we do. It would be a shame if Oregon public and government let happen, what has happened in California.

We also sent two telegrams in support of this bill. If there is anything else we can do, please let us know.

Sincerely,

Mr & Mrs David Weigand

MAY 10 1967

3214 Mt. Brazier
Portland, Ore.

May 8, 1967

Hon. Governor Thomas McCall

Dear Sir:

We support your efforts to bring about a "beach bill" which will protect the right of the public access and use of Oregon beaches— including "dry sand" areas.

We hope you will continue to inspire the public to cherish and preserve the beauty of the beaches and other recreation areas.

Many thanks and best wishes for your fine leadership!

Sincerely,

Mrs. Henry Fehrenbacher

MAY 9 - 1967

The Honorable Governor Tom McCall
State House
Salem, Oregon

Dear Sir;

As a private citizen I am extremely upset that the Bill 1601 which is so vitally important to the People of Oregon has been so under-handily shelved. The revised Bill is very weak but it at least would have given the People of Oregon a breathing spell to enact the Original Bill a chance to build up momentum for eventual passing. An investigation into the reason for trying to quietly shelve this most important Bill would certainly be in order, I would think.

Please, use every means possible to get this Bill 1601 passed to the floor with the recommendation of 'do pass'.

Yours sincerely

Ernest J. Page
1501 N Hayden Island Dr.
Portland, Ore.

MESSAGE

TO

Governor Tom McCall
Salem
Oregon

DATE

Dear Governor:
We are behind you,
100% on this
beach ownership policy.
I am heartily in
favor of your stand to
make HB 160 (or
a revised form) the
law.

BY

INSTRUCTIONS TO SENDER:

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

REPLY

DATE

The people of Oregon
have always felt that
the beaches are for
all the people.

Thanks,

Bob Moore RW
455 W. Broadway Ave.
Roseburg, Ore

SIGNED

INSTRUCTIONS TO RECEIVER:

1. WRITE REPLY. 2. DETACH STUB, KEEP WHITE COPY, RETURN PINK COPY TO SENDER.

450 N. W. Skyline Boulevard
Portland, Oregon 97229
May 8, 1967

Governor Tom McCall
State Capitol Building
Salem, Oregon

Dear Governor McCall,

We urge your continued support of legislation protecting the public's right to the use of the beaches of Oregon. After having lived and traveled in areas where public access to the beach is denied, we feel that it would be tragic for the State of Oregon to let this condition develop on our coast.

Sincerely,

Mr. and Mrs. John Daily

Mr. and Mrs. John Daily

5/13/67

MAY 10 1967

May 8, 1967
Route 2, Box 55
Sherwood, Oregon

Dear Governor McCall:

We are most concerned that the beaches of Oregon shall continue to be accessible to all people. We can honestly name and give addresses of at least forty people who talked with in the past week who feel as we do. I'm sure the great majority of Oregonians fear the encroachment of Californians and other real estate interests. Let's not let the same thing happen here that has happened to California's beaches. We'll support your stand in this any way we can.

Mr. + Mrs. Hal Moore

May 18 1867

Dear Mother
I received your kind letter of the 10th and
was glad to hear from you and that
you were all well. I am well at
present and hope these few lines will
find you all the same. I have not
heard from you since you left home.

No add.
P. M. Portland

RECEIVED
MAY 18 1867

I have not heard from you since
you left home. I hope you are
all well and happy. I have not
heard from you since you left home.

9000 N.E. Union Ave #148

Portland, Oregon 97211

May 8, 1967

Gov. Tom Lawson McCall

State Capitol

Salem, Oregon

Dear Gov. McCall:

Please save the
beaches for us, the Public.

Yours truly,

Vera P. Eckart

E R Eckart

MAY 10 1967

5-8-67

Dear Sir,

My wife & I applaud your efforts on H B 1601. I don't always agree with you on things, but your stand on this vital issue is very good & if necessary I hope you will lead a referendum drive to the people.

I thank You
Robert W. Pratt
Mill City, Oregon

Box 735

John M. Pelly Jr.

3023 S. E. Malcolm

Milwaukie, Oregon

97202

May 8, 1967

Governor McCall

Salem, Oregon

Dear Sir;

I am writing this letter in regard to bill H B 1601 which is in regard to protecting the public interest of our beaches.

If we do not protect our public beaches as we know them today from private purchase we will have no excess to our beautiful beaches which I am sure God meant for everyone to enjoy not just a chosen financially few who can buy what every little man wishes he could. If we sit by and let this kind of thing happen where we can not enjoy even the feel of the ocean or the sands we are defeatist.

Governor Oswald West succeeded in establishing in 1913 for the protection of the area between high and low tide, so that it could not be owned privately. Why has this which the law specifies as having been used as a public thoroughfare for ten years or more, which the law does in fact state, not been set aside as public property, Why can someone who wishes it for private use be able to designate it as

9 May 61

Thomas Van Mearl
Capitol Building
Salem, Oregon

Dear Thomas Mearl,

Thank you for taking a
position that protects the
public on H.R. 1601.

I am a registered Democrat
but I voted for you and I
am proud of that.

Congratulations also for your
courageous position on regulation
of our Air + water.

Sincerely,
George Mearl
105 S.W. Stark
Tigard, Oregon

May 8, 1967

Governor McCall,

I would like to say a word in defense of those of us who pay taxes on beach front property.

My grandmother, Mrs. Byng whom you know from St. Stevens, has been paying taxes since 1927 in Lincoln County. For many years her property extended to the meander line until the state set the lines back to the high tide line. The highway department took a 15 foot strip when the highway was moved and now the state proposes to take even more. The designation vegetation line may take one entire lot which is nothing more than a sandy hillside now but can be used for building one day.

We do not feel any one has the right to deny access to public beaches but is it good legislation to penalize a few people in this manner? There are codes to cover every other thing a property owner may or may not do, so couldn't this problem be solved in the same manner. The public is not always considerate of property owners and we do need some protection.

My husband and I now own the property at the coast and plan to make our home there, and one day it will belong to Jill, therefore we are very interested that the Oregon Coast never becomes a commercial enterprise as California has. Please don't take any more of it away from us.

Sincerely
Mrs. Stan Byng

MAY 10 1967

Darrell W. Long
442 S.E. 33rd Ave
Portland, Oregon

Hon. Tom Lawson McCall
State Capital
Salem, Oregon

Governor McCall,

My family and I urge your support of the proposed legislation to retain our beaches for the public useage.

The tabling of House Bill 1601 serves no interest except possibly that of the real estate lobby.

We have for many years enjoyed our fine beaches and helped support the many businesses at the coast which are dependent on trade of this kind. Many times we go there for a one day visit, and drive home in the evening. I cannot afford a home at the beach or the luxury of a motel each time we want to enjoy ourselves. This is what appears to be the ultimate necessity if these bills are allowed to die in committee. I feel the majority of Oregonians have always respected the property and rights of home owners at the coast, but I cannot understand any action which will only hurt all cocerned.

Please express to the Legislature our concern as average Oregonians who want to see Oregon kept as an above average state.

Sincerely,

Darrell W Long

MAY 8 - 1967

Honorable Governor McCall

I feel very concerned about the attempt to make the Oregon Beaches private property. I feel they should remain the property of the state of Oregon.

In California and elsewhere, where I've visited an average person can not even get near the beaches.

I feel Oregon ~~has~~ still ^{has} a chance to remain unique in having the people enjoy the beaches, for all time, not just a few private corporations and people.

All my life I've lived here in Oregon thinking the beaches ~~was~~ belong to everyone. Now a few people claim they pay taxes and therefore own them. Ha, who had the right to sell them the land, how much

taxes (if actually any) do they
really pay and why do they have
the right to steal our land.

I would appreciate it, if you
could continue to press for a
bill which would give the people
they're rights.

Sincerely

Richard Buell
St Helens, Oregon

SEP 4 1967

no add.

9075 S. W. Woodside
Portland, Oregon
May 8, 1967

The Honorable Tom McCall
Governor of the State of Oregon
Salem, Oregon

Dear Mr. McCall,

To make our beaches the exclusive property of a select few would deprive Oregonians of a year around play area. I request action to be taken to relieve property owners of the financial responsibility and laws passed to ensure its use for the public. In our increasingly crowded state, space for family recreation is badly needed and will become more so in following years.

W-9 - 100

Susan L. Wilson



May 7, 1967

Dear Governor:

The three members of
this household wish to support
HB 1601 giving the State Highway
Department authority to administer
the public's rights to dry sand lands.
Private encroachment on such lands
should be discouraged if not prohibited.
Long ago I visited New London, Connecticut.
It was my first visit to the Atlantic
seaboard. To get to the beach I paid a
fee and was permitted passage to a
high, barb-wire topped, link fence
to a private beach. Our Oregon
beaches should be a public park,
which everyone - including my
grandchildren (now with their
father and mother on military duty
in Germany) can some day enjoy.
If I had not written you this
letter of support, I would have
to apologize to them for loss of the
Pacific Oregon beaches.

Please, feel you have our support to keep this bill alive so that Oregon beaches may remain a part of the public's park system.

Yours very truly,
Mrs. F. J. Kelton

840 S. College
Newberg, Oregon 97132

MAY 9 - 1967

House Bill 1600 & 1601 from the viewpoint of the property owner;

We are pleased that the present coverage is delving into both sides of the issue of Public versus Private Property Owners rights on the question of the lateral usage of our beaches. We are dismayed that our Governor and Treasurer would take sides on an issue without a full presentation of the rights of all concerned. Our Treasurer has publicized a meeting in his office for Tuesday, May 9, 1967 for only the proponents of the issue. Our officials must realize they carry the weight of their offices and should seek out complete information and be instrumental in arriving at a fair solution. Editorials and publicity in the past has led the public to believe they have all the rights of usage, but has not informed them of their responsibilities.

If as the State's lawyer maintained, the public has acquired prescription rights, how then can they rationalize a property owner risking any development or investment in the dry sand area which could be ordered removed by the courts? A change in our laws may be needed, but our representatives must be cautious, for if the property owners rights are not respected here, what then in all areas where people have had usage for hunting, hiking, fishing, boating, etc? Can the owners rights only be maintained by posting?

We are not denying that the public has gained some usage rights within the deeded area of our property, but we do expect proper treatment and protection against further enchoachment. If, under our present laws, it took ten years to establish these public easements, then all areas which have eroded from our banks since that time must be excluded from public use. Our properties can recede with the change of the ordinary high tide line due to erosion; then necessarily as under existing law, we must be allowed to advance with accretion. As an example, our State itself is in litigation with the Federal Government over the sand spit at the mouth of the Columbia River due to build-up of property caused by the Corp of Engineer's Works on the channel. If the government can build jetties and groins for channel improvement and artificially create accretion; in a period of years an owner could find himself with nothing more than ordinary inland real estate and public recreation facilities between him and what once was his frontage. South Beach at the mouth of the Yaquina River is another example of this build-up; and as the jetty is lengthened, it will continue to build seaward.

As the law stands the public is a trespasser on the dry sand area in question, and only if we create an attractive nuisance are we liable for damages due to accidents. What will our liability be if we are left our ownership rights but concede public usage? Do we under the existing laws have the right to build over the dry sand area so long as the public's rights to usage is maintained below? The drift of logs and stumps, such as littered our beaches after the floods of December, 1964 and January, 1965, has over the past years collected and built-up the dry sand area and slowed the erosion rate of our banks. Are we to be left any say as to the disposal of this drift? During one of the four hearings held by the Highway Committee, the State Recreational Division stated that the coastal strip has fifty per cent of the recreational potential in the State; why then did we only now since the hearings on HB 1601 get representation on the Parks and Recreation Advisory Committee? We are now given one representative out of I believe a seven man committee; Are these members appointed by the Governor with the recommendation of the Highway Department?

At present the property owners are doing what little policing is being done in the disputed area. What plans are being made by the Recreational Division to keep the broken bottles and litter out of our front yards? Could the Public's disregard for the property owners rights and privacy have some bearing on the few supported instances of ejection from the dry sand area? What is the price we are paying for the littering and vandalism in our recreational areas? Is the cost of acquisition and maintenance paid entirely by our state gas tax?

The question of rights and ownership is an involved one and cannot be determined without adequate study. In Lincoln County there is a number of miles of

property parallel to the Shore of the Pacific Ocean, between low tide and ordinary high tide which is owned by the county. In this area the County would have ownership between low tide and ordinary high tide, the State would control the Public's rights between ordinary high tide and the line that is drawn by any legislation limiting the private owner. As this is a complex issue we must recommend that there be no stop-gap legislation to confuse the issue further, but a complete study by the legislature to place a law on the books which would minimize the necessity of interpretation by the courts. An unnecessary legal burden should not be placed on our shoulders by the State.

Henry F. Baldwin, Jr.
Highway 101, South
Waldport, Oregon

CC.
State Governor
Treasurer
Sec. of State

Representatives
Ouderkirk
Bazett
Hanneman
Howard
Meek
Anunsen
Holmstrom
Leiken
McKenzie

House Speaker Montgomery
Oregon Journal, Editorial Page, Editor, Beadle
Oregonian, " " " Lundy
Capitol Journal, Editor
Eugene Register Guard, Editor
KGW T.V. - 8

Henry F. Baldwin, Jr.
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Frank Kelly
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Charles R. Fry
Lillian G. Smith
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Ernest H. Schum

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Lair Danson
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A. C. Blanchard
Frank Schwartz
Arnold W. Cullen

MAY 10 1967