

July 13, 1967

Mrs. Gilbert Ulrich
5305 S.E. 44th Avenue
Portland, Oregon 97206

Dear Mrs. Ulrich:

The beach bill does not deprive anyone of his property. The bill declares that where the public has acquired ownership of or a right to use property either by prescription or otherwise, such property shall be administered as a public recreation area. The State Highway Commission is given the authority and duty to administer any such land belonging to the public. The bill authorizes the Highway Department to act as the agent of the state in any court contest where the title to the land is disputed.

In addition to declaring that public beaches are recreation areas, the bill also zones the entire beach within the 16 foot level. The bill does not interfere with any existing structures, and there will undoubtedly be many permits issued for new structures inside that area. You need have no fear that your home or any part thereof will be taken or interfered with. It may be that the actual beach area of your property is subject to public use but, if so, that was the case even before the passage of the beach bill. I suggest that you contact the Highway Department after it has had an opportunity to make its survey of the Oregon beaches and ascertain whether any question exists concerning the use of your beach.

Sincerely,

Governor

TM: bp

Mrs Gilbert Ulrich
5305 S.E. 44th Ave
Portland, Oregon 97206

Governor Tom McCall
State Capitol
Salem, Oregon

Dear Sir:

I'm writing because we are
deeply concerned as to the effects
of the 'Oregon Beach Bill'.

We are ocean front property
owners at Nedonna Beach, Oregon,
this is just North of Manhattan
We bought a 40'x100' lot first
then in a separate transaction
we bought the 40 ft. strip of
beach and the deed states —

(Westward to the Pacific Ocean)
no mention of a tide line or
any kind of line — We also
were issued a Title Ins. Policy.
This particular beach, we were

told was an old Land Grant. The deeds are recorded at the Tillamook County Court House. The newspapers say no dry sand has ever been sold, but all of us at Medonna Beach have the deeds that say we own - Westward to the Pacific Ocean. We bought this land in good faith, started building a house in 1948 - the goal to have a house to retire to when we reach retirement age. - It has never been a heavily used beach as it is a short beach which ends at the mouth of the Nehalem River. We don't understand how the Legislature and you can just come out and declare that it is Public Beach

Gilbert Ulrich
5305 S.E. 44th Avenue
Portland, Oregon 97206

while we have always been told it is a private beach - We paid for it and do pay taxes on it.

When the survey parties came along, I asked why they were surveying a private beach and they said they were instructed to survey the whole coast - Also some people say our whole area of Hedonum is under 16' elevation - That I wouldn't know, but we have had our house there since 1945 and have never had the ocean bother it.

A good many members of the Legislature are "inlanders" and I don't think they even took the time to visit the coast or even look into the matter. We, the ocean front owners are ^{the} Public too. They say they had a lot more letters wanting the beaches to be public than otherwise, but

4
there are a lot more non-beach
owners than there are beach owners.

When we have paid ~~separately~~
for the beach sand area I just
don't see how someone can come
and take it away. If this is
so I think all property owners
all over the state of Oregon had
better think hard about what
is happening - It could happen
to them also.

We have worked hard to
build this home for ourselves -
My husband and I together have
built all of it, and it is indeed
disturbing to have all this controversy.

I would appreciate a word
as to when we stand and what
rights we have -

Sincerely
Jean Ulrich
Mrs Gilbert Ulrich

Gilbert Ulrich
5305 S.E. 44th Avenue
Portland, Oregon 97206

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 (06). LOCAL TIME at point of destination

PRA034

PR GRA003 PD=GRANTS PASS ORG 6 900A PDT=

1967 JUL 6 AM 9

GOVERNOR TOM MCCALL=

SALEM ORG=

YOUR THOUGHTFULNESS IS VERY MUCH APPRECIATED IN SENDING THE AUTOGRAPHED PHOTOGRAPH AND DESIGNATING ME KEEPER OF THE BEACHES HOWEVER WE SHOULD KEEP THE RECORD STRAIGHT THAT HAD IT NOT BEEN THE RIGHT POINT IN HISTORY FOR OREGON TO HAVE AN UNDERSTANDING AND APPROACHABLE GOVERNOR WHO LOVES PEOPLE WE WOULD HAVE HAD NO BEACH BILL. AFFECTIONATE REGARDS=

REP SID BAZETT=

7-14



Tom -

Dick Wright requested letter
of commendation for "beach bill" editorial.

The station is entering network
awards contest for TV editorials -- your
letter would be submitted with their
presentation.

July 14, 1967

Mr. Ancil H. Payne
Vice President and General Manager
KGW-TV
1501 S. W. Jefferson
Portland, Oregon

Dear Ancil:

KGW-TV deserves to be singled-out and commended for the crucial role it played in focusing the attention of the entire State of Oregon on the beach bill. Without your concern, House Bill 1601 would certainly have died an ignominious death.

No other factor in the battle for our beaches equaled the impact of your editorial statements to the people of Oregon. They alerted Oregonians to the vital necessity to preserve our beaches--and generated an unprecedented blizzard of letters and telegrams from every quarter of the state.

The people of Oregon--and generations yet unborn--owe an immense debt of gratitude to the staff and management of KGW-TV. In the future, I hope that the entire broadcast industry will emulate KGW's zeal in identifying and promoting the public interest.

Sincerely,

Governor

TM/sb

June 7, 1967

Mr. and Mrs. Thomas V. Jones
3315 R Street, S. E. #3
Washington, D. C. 20020

Dear Mr. and Mrs. Jones:

The beach bill passed the Senate yesterday, and has been returned to the House for concurrence in Senate amendments. This will assure the public use of the beach and will still be fair to the property owners who are on the beachfront.

I am happy to report that when you return to Oregon, the beaches will still be available for your use.

Sincerely,

Governor

TM:mm

76 Jones
3915 R St SE #3 May 24, 1967
Wash D.C. 20020

Dear Senator McCull,

We have observed, with great interest, the current entanglement over the use of public beaches. As Oregonians, we wish the rights of complete public use of Oregon's beaches to be continued and enforced. As compensation to owners of beach front property, taxation of extra "beach" property should be eliminated and liability charges waived when injury occurs on the beaches.

We are temporarily stationed in Washington D.C. with ^{the} Air Force and have had an opportunity to observe "closed" beaches. We find

This practice unfair to the
General Public, who wish
to take advantage of one
of our Continent's most
beautiful natural areas,
our Coastline.

Although our letter
is but one, we emphatically
assure you that we
desire public usage of
the Oregon beaches, and
will take whatever steps
we can in preserving
this great asset of Oregon.

Thank you for the
attention to this matter.

Sincerely,
Mr. & Mrs. Thomas W. Jones

JUN 17 1964



BOX 113
COTTAGE GROVE, OREGON

COTTAGE GROVE Rod & Gun Club

DEDICATED TO THE PRESERVATION AND CONSERVATION
OF OUR WILDLIFE AND NATURAL RESOURCES



June 5th, 1967

Hon. Thomas McCall
Governor.
State of Oregon.
Salem, Oregon.

My Dear Governor;

I have been directed by the Members of the Cottage Grove Rod and Gun Club, to express our appreciation to you personally for your stand on the so called Beach Bill.

Very truly yours

Cottage Grove Rod and Gun Club

By: *Harry G. Rapp*
Harry G. Rapp
Secretary

JUN 8 1967

Post Office Box 392
Clatskanie, Oregon 97016
Monday, June 5, 1967

Tom McCall, Governor
Oregon State Capital
Salem, Oregon

Dear Sir:

We the undersigned students of Southern Oregon College, present the following proposal for your consideration.

We ask that some type of insurance measures be taken for the preservation of Oregon beaches. We request your consideration on the following:

1. That the best efforts be made to keep the coastal beaches of Oregon free from distracting litter.
2. That the destruction of beaches for unnecessary progress be limited.
3. That the beaches of Oregon be available for all the residents of Oregon, and any others who come to Oregon seeking recreational fun and enjoyment. And, that sectioned off areas of beach, in front of motels, hotels, and other such resorts be abolished.
4. That additional protective measures be taken to prevent beach erosion and water pollution.
5. That encouragement of tourist trade to the many beautiful beach-side parks of Oregon be further emphasized.

Respectfully Submitted,

Mark S. Poulsen

Mark S. Poulsen

Mark K. Murokani

Laurie D. Crume

Sue Miller

Pat Dune

Jean Buentark

Carlene Meyers

Mark Forrest

Clayton Spence

Shirley J. Peterson

Joan Sikes

H
41
PAUL C. PAULSEN
ATTORNEY AT LAW
1547 S. E. ELLIOTT AVENUE
PORTLAND, OREGON 97214

234-2620
235-7586

June 5, 1967


Governor Tom McCall
State Capital Bldg.
Salem, Oregon

Dear Governor McCall:

Enclosed is another petition circulated by the
Brush Busters Jeep Club in support of your stand of the
Oregon beaches.

We are interested in developing all the recreational
areas of the state but we do not want those areas restricted
entirely and only to hikers and horsemen. Our 4-wheel drive
vehicles are truly off the road vehicles and we want to enjoy
the outdoors as much as hikers and horsemen.

Yours truly,


Paul C. Paulsen

PCP:cg
enclosure

1000

Beach

June 5, 1967

Mr. Thomas H. Hoyt
Butler, Husk & Gleaves
Attorneys at Law
P. O. Box 1147
Eugene, Oregon 97401

Dear Tom:

Thanks for sending me a copy of the memorandum which you prepared regarding House Bill 1601. I agree with your analysis of the problem resulting from the language of Section 8 of the bill. All of us working on the bill had agreed upon different language for Section 8 but I think there must have been a misunderstanding on the part of Legislative Counsel with regard to the exact language. All of us were surprised when the bill was engrossed and we noted the way it was written. It was suggested to the Senate Judiciary Committee that the language be changed but when that committee amended the bill no change was made. In this office we believe that we should urge the House to concur in the bill without further amendment, because we are afraid that any additional amendment in the House might result in having the bill die in the closing days of the session. Attorneys for the Highway Department agree with me that while a change should be made, it is not as serious as it might be and the next session can undoubtedly make corrections before any problems arise. Some of the House members feel rather strongly about this point, however, so I do not know whether our view will prevail or whether the House will further amend. Whichever happens, I hope that the bill does not get trampled in the adjournment rush.

Adjournment rush? I wonder where I ever got the idea that the legislature was rushing toward adjournment.

Best personal wishes to you and your sweet wife.

Sincerely,

Edward Branchfield
Administrative Assistant

EB:lp

BUTLER, HUSK & GLEAVES

LAWRENCE T. HARRIS (1873-1960)
EDWARD A. BUTLER
RONALD W. HUSK
VERNON D. GLEAVES
ARLEN C. SWEARINGEN
HAROLD D. GILLIS
ERIC L. LARSEN
STAN G. POTTER
THOMAS H. HOYT

LAW OFFICES
EUGENE LEGAL CENTER
P. O. Box 1147
EUGENE, OREGON 97401

TELEPHONE
342-5981

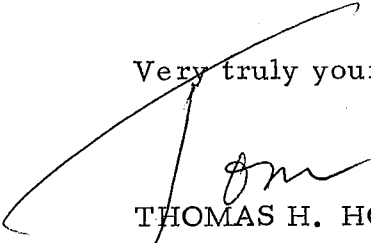
May 31, 1967

Mr. Edward Branchfield
Legal Advisor to the Governor
Governor's Office
Salem, Oregon

Dear Mr. Branchfield:

Please find enclosed memorandum which I prepared with
regard to House Bill 1601.

Very truly yours,



THOMAS H. HOYT

THH/pr
Enclosure

MEMORANDUM

TO: LANE COUNTY DELEGATION

Re: Sec. 8, HB 1601, liability of beachside landowner.

Section 8 of Re - engrossed House Bill 1601, including amendments
by the House (May 19) states:

"The owner or person in control of any property subject to a public easement declared a state recreation area by Section 2 of this Act or any property subject to Section 5 of this Act shall not be liable for any injury to another person or damage to property of another resulting from a condition of the property within the easement or within the area subject to Section 5 of this Act, unless the injury or damage results from a condition that he created or that he knew or, in the exercise of reasonable care, should have known was likely to cause injury to persons or damage to property."

A member of the public using that portion of a beachside landowner's property, subject to public easement, would, for the purposes of tort law, be classified as a licensee. Prosser on Torts - 3rd ed., Sec. 60.

Fleck vs. Nickerson, 239 Or 641, 399 P2d 353 (1965) involved a negligence action brought by a social guest - licensee against her host. The court stated at Or 644:

"A licensee must take his chances as to any defective condition unknown to the occupier, and is entitled at most to a warning of dangers that are known."

Thereafter, in response to a contention of the plaintiff that the Oregon Supreme Court in Burch vs. Peterson, 207 Or 232, 295 P2d 868 expanded the landowner's liability to include a duty to warn of known hazardous conditions or hazardous conditions which the landowner by the exercise of reasonable care could have known, the court expressly overruled the Burch opinion insofar as

neither the owner nor the person in possession of the land shall be liable for the injury, death or loss sustained by any person entering upon or using the land for recreational purposes, resulting from the condition, structures or activities on or uses of the land or as a result of an act or omission of the owner or person in possession of the land.

"(2) Subsection (1) of this section is not intended to limit the duty owed by or liability of an owner or person in possession of the land:

(a) When there has been a direct business benefit conferred to the owner or person in possession of the land as a substantial motivating factor in the grant of permission for entry or use of the land for recreational purposes.

(b) In cases of wilful or wanton misconduct of the owner or possessor of the land.

(c) Where an affirmative obligation exists dependent upon a relationship other than that arising from the entry or use of the land for recreational purposes.

"(3) This section is not intended to apply to or affect the so-called doctrine of attractive nuisance.

"(4) As used in this section, 'owner or person in possession' does not include a governmental body or political subdivision or a public corporation."

A beachside landowner who loses the private use of the white sands section of his property through prescription is obviously not a landowner under ORS 30.790 who is "granting permission to any person to enter upon or use the land for recreational purposes," since the state cannot obtain public prescriptive rights without first proving a non-permissive, adverse, hostile public user of the area under claim of right. Huggett vs. Moran,

" The owner or person in control of any property subject to a public easement declared a state recreation area by Section 2 of this Act or any property subject to Section 5 of this Act shall not be liable for any injury to another person or damage to property of another resulting from a condition of the property within the easement or within the area subject to Section 5 of this Act, unless the injury or damage results from a hazardous condition that the owner or person in control of the property created and of which he had knowledge. "

An additional amendment to the effect that in all cases where H. B. 1601 conflicts with ORS 30.790, 'H. B. 1601 shall be controlling, is also worthy of consideration.

THOMAS H. HOYT
P. O. Box 1147
Eugene, Oregon
May 29, 1967

PC
The Fosters
Box 487
Cannon Beach
Oregon 97110

June 6, 1967

Governor Tom McCall
State Capitol
Salem, Oregon

Dear Governor McCall:

At the city council meeting last night in Cannon Beach, your letter in reply to the council's letter to you regarding HB 1601 was read.

Your views were in disagreement with theirs and our mayor expounded that the next election would take care of you.

This is to let you know that at least one vote, mine, will cancel this way to thwart your efforts.

Please keep up the fight for the beaches for all the people!

Best wishes and come back to Cannon Beach again soon.

Sincerely,

Sam G. Foster

Sam G. Foster

JUN 7 1967

Beach

May 25, 1967

The Honorable Gerald R. Gower
Mayor, City of Cannon Beach
Cannon Beach, Oregon 97120

Dear Mayor Gower and Councilmen:

I can certainly appreciate the reasoning in your letter protesting House Bill 1601. It may well appear to you that the State is unnecessarily intruding in an area where you have already expended a great deal of money and effort.

House Bill 1601, as amended, will affect the beach area within your City. However, it has been made very clear to the Highway Commission by both the Legislative Committee and by this office, that under no circumstances is it to go beyond what we commonly refer to as the "dry sand". Procedures have been made available through variance and through a 300 foot limiting factor to insure that such intrusions will not occur.

Regarding the question of zoning, your zoning, of course, will be taken into account in action involving your City undertaken by the Highway Commission. I cannot concur with you, however, that Cities should not be included with this zoned strip along our Coast. We have a responsibility to all the citizens of this State and to future generations to do everything possible to preserve this natural area. The only way this can be done is through legislation such as House Bill 1601.

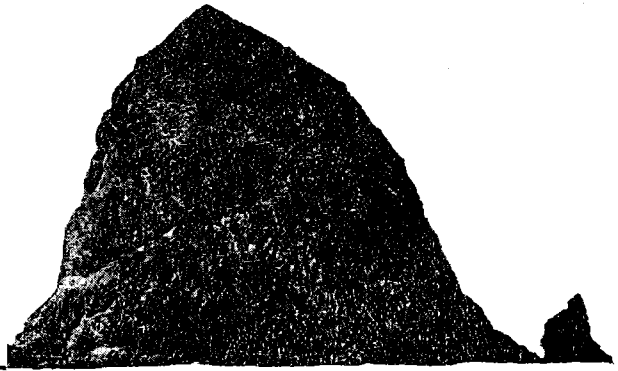
I am confident that any minor differences will be resolved during the two-year interim and look forward to working with you towards that end.

Sincerely,

Governor

TM:wc

CITY OF CANNON BEACH



"The Beach of a Thousand Wonders"

CANNON BEACH,
OREGON 97110
May 20, 1967

Governor Tom McCall
Oregon State Capitol
Salem, Oregon 97310

Dear Governor McCall:

We, as a governing body of the City of Cannon Beach, wish to register a protest against House Bill No. 1601.

According to a survey made by a Portland firm, based on a Coast Geodetic Survey, the 10' marker in an alleyway by Sroufe's Grocery in Cannon Beach, is approximately on a level of the beach loop highway running in front of the store. This location is right in the center of the downtown area of the City of Cannon Beach, and is surrounded by several blocks of similar elevation. What does the proposed 16' line, or, in fact, the 300' lateral line measured inland from the 5.7 sea level datum line do to this area?

This city is in the process of completing a preliminary development plan which will result in a zoning ordinance. The city has spent \$4,000 on this plan which is a considerable amount for a city of 500 citizens. We believe this demonstrates our desire to develop the city in the best possible manner to serve not only our residents, but for the tourists who are essential to the economy of our area.

For more than 25 years, the people of Cannon Beach, through local subscription, have provided lifeguards to insure the safety of visitors to this community. The lifeguards, Boy Scouts, and other organizations have cooperated in keeping the beach clean.

During the past few years, the city has spent in excess of \$15,000 to provide and maintain public rest rooms easily accessible from the beach. We believe this is evidence of our desire to welcome the public to come and enjoy the beach.

We deem unjustifiable any zoning, other than that approved by the voters of the area; and that any threat to property titles which would be inescapable during the ensuing two years, at the very least, would devalue property extensively.

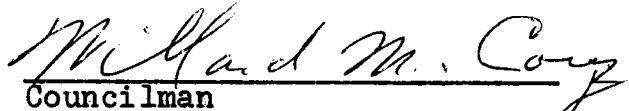
Therefore, it appears we are being deprived of our duly constituted rights as citizens and as a city; and we, as a Council, request that this protest be entered in the records of the Oregon State Legislature.

Very truly yours,

CITY OF CANNON BEACH




Mayor




Councilman



Councilman



Councilman



Councilman

mm

- c - Dan A. Thiel
- c - Paul A. Hanneman
- c - Wm. D. Holmstrom
- c - Rod McKenzie

JUL 22 1971

June 8, 1967

Mr. Edward I. Aiken
309 S. W. Third Avenue
Portland, Oregon 97204

Dear Mr. Aiken:

The Senate passed the beach bill yesterday and it has been returned to the House for concurrence in the Senate amendments.

You may be sure that the Highway Department will take every means possible to see that the beaches are policed and, although it may take a while to set up, I am sure you will be very pleased with the results.

I appreciate your interest in writing to me again.

Sincerely,

Governor

TM:mm

EDWARD I. AIKEN CO.

309 S.W. THIRD AVENUE • PORTLAND, OREGON 97204 • PHONES 222-7296, 222-9595

June 2, 1967

Honorable Tom McCall
Governor of the state of Oregon
Salem, Oregon

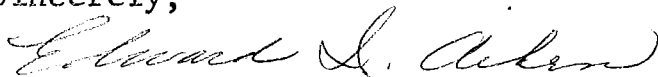
Dear Governor McCall:

I thank you for your reply to my letter stating you have my support on pollution and the "Dry Sands" beach measure.

Now that the "Dry Sands" beach measure is secured, I think it is imperative you get together with the Highway Department in order to determine adequate means of policing our beaches against autos, motorcycles, horses and picnickers who use our beaches as manure paths, race-ways and garbage dumps making it an absolute "hell" for property owners and vacationers alike.

How about an education program?

Sincerely,



Edward I. Aiken
EIA/ps

JUN 5 1967

June 7, 1967

Mrs. Margee Weber
955 Portland Ave.
Gladstone, Oregon

Dear Mrs. Weber:

I share your pleasure about the Legislature taking positive action to protect Oregon's beaches.

Regarding the several concerns noted:

(1) No transfer of private property would take place without due process and adequate compensation.

(2) Very little of this property is paying taxes now, and a specific provision in the bill provides that any property zoned for open use should not pay taxes.

(3) The bill also provides that the Highway Department assume the responsibility for policing these areas to curb debris and clutter.

A number of other safeguards have also been built into this bill. There is no doubt in my mind that its passage is in the best interest of this state as well as the individual property owners.

I do appreciate your concern and support.

Sincerely,

Governor

TM:we

w
5/23/67
955 Portland Ave
Governor McCall Gladstone - Or 9709

I was as frantic as anyone at the frightening prospect of loosing our Freedom of the beaches. However, now that we have secured this precious privilege, could not more that be given to the rights of the beach front property owner? Will they be directly, recompensed - as would I should any other property owner whose land has been deeded over to state use? Will they be released from paying continuing taxes on this amount of beach? also will these beaches be protected from the irresponsibilities of the "surf-nics"

and other just plain
"sloppy citizens"?

who would like to
have their front yard
used, free for the most
part, & then be forced
to endure the litter & mess
or clean it up themselves?

Is there any way of
policing or disciplining
this element of our
public? Any more it
seems the irresponsible
& destructive types, are
the ones that can do as
they please, with very
little chance of being
censured.

I would appreciate
hearing from you on this
matter.

Thank you

JUL 5 1971 Mrs. Margie Weber

Twin Rocks, Oregon
June 8, 1967

Honorable Tom McCall
Governor, State of Oregon
Salem, Oregon

Dear Governor McCall:

At the last meeting of our Twin Rocks Improvement Club of Twin Rocks, Oregon, a motion was made and seconded that I, as Secretary, write to you indicating our feelings toward "private ownership of the beaches" and we hasten to inform you this above mentioned Club is not in favor of privately owned beaches.

We ask that you consider this letter in making any recommendations to the Legislature.

Respectfully yours,

Hattie B Nelson,

Secretary
Twin Rocks Improvement Club
Twin Rocks, Oregon

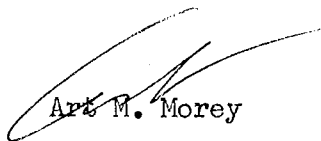
Art and Eileen Morey
10235 Southwest 62nd Avenue
Portland, Oregon 97219

Governor Tom L. McCall
State Capitol Building
Salem, Oregon

Dear Governor McCall:

Congratulations! You and your colleagues put a lot of good work into the Beach Bill. We want you to know we appreciate a good job well done.

Sincerely,



Art M. Morey

Thank-you
sent- 6/12
am

JEG 11 1977

PAUL C. PAULSEN
ATTORNEY AT LAW
1547 S. E. ELLIOTT AVENUE
PORTLAND, OREGON 97214

234-2620
235-7586

June 12, 1967

Tom McCall
State Capital Bldg.
Salem, Oregon

Dear Governor McCall:

The petition circulated by the Brush Busters Jeep Club in support of 1601 are still coming in to my office. Enclosed is another petition.

The Brush Busters Jeep Club met Thursday night and asked me to commend you on the magnificent scrap you put up to get a decent beach bill through. We hope the highway commission can now go ahead and do a good job of developing this, one of our most magnificent assets, for everyone to enjoy.

X (We are pleased with the attitude of all of our state officials regarding recreational development but we do hope that these areas will be open to our 4-Wheel Drive Jeeps so those of us that are getting too old to hike and ride horseback will be able to get out and enjoy these magnificent areas.

Yours truly,


Paul C. Paulsen

PCP:cg
enclosure



Mack Arch on the Curry Coast

COUNTY OF CURRY

OFFICE OF THE DISTRICT ATTORNEY
COURTHOUSE
GOLD BEACH, OREGON 97444

June 16, 1967

Honorable Tom L. McCall
Governor of the State of Oregon
State Capitol Building
Salem, Oregon 97310

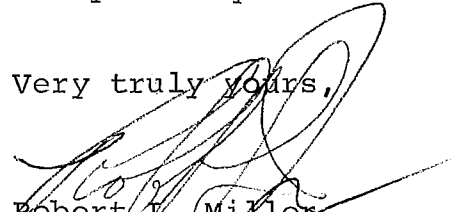
Dear Governor McCall:

re: Beach Sand Bill

Kindly find enclosed photocopies of the letters which I sent to Representative McKenzie and Senator Chapman concerning the beach sand bill.

I have been in the hospital for approximately 2 weeks and therefore was unable to respond to your request for these letters earlier.

Very truly yours,


Robert E. Miller
District Attorney

RLM:vjd
Enc. 2

May 18, 1967

Representative Rod McKenzie
House of Representatives
State Capitol
Salem, Oregon

Dear Representative McKenzie:

The Curry County Court has asked me to write you a letter setting forth their opinions on the controversial legislation regarding beach property. They feel that it would be wiser, in the first instance, if the legislature could wait until the next session to handle this problem and in the interim make further studies so that they would be more sure of what the effect of certain elevations would have on the properties involved.

They feel that the bill, if allowed to go through in a form containing a set elevation of 16 feet, would jeopardize property in Curry County. As an example in this regard, the Port of Brookings property in the main port area of Brookings is below 16 feet, Wilbur Moore's pasture in the Ophir area is below 16 feet, and Knox's subdivision at the mouth of the Rogue River is partially below 16 feet. Many other properties in the area would also be in the same condition. The properties we mentioned are not actually beach sand areas and possibly would not be included in the bill, but you should be sure that the bill clearly defines beach areas regardless of the elevation height so as to not include properties such as these and other low-lying ground adjacent to the ocean shore.

The County Court wishes to further indicate that they do not in principal oppose the bill but feel that further time is needed to study the impact of the proposed legislation before acting thereon.

Some data for your consideration on the effect of blanket elevations in Curry County has been furnished by the Curry County Surveyor and is included herein.

Very truly yours,

Robert L. Miller
District Attorney

RLMsvjd
Enc.

cc: Honorable Thom. L. McCall
Governor of the State of Oregon
State Capitol
Salem, Oregon

May 18, 1967

Senator Dick Chapman
Senate Chambers
State Capitol
Salem, Oregon

Dear Senator Chapman:

The Curry County Court has asked me to write you a letter setting forth their opinions on the controversial legislation regarding beach property. They feel that it would be wiser, in the first instance, if the legislature could wait until the next session to handle this problem and in the interim make further studies so that they would be more sure of what the effect of certain elevations would have on the properties involved.

They feel that the bill, if allowed to go through in a form containing a set elevation of 16 feet, would jeopardize property in Curry County. As an example in this regard, the Port of Brookings property in the main port area of Brookings is below 16 feet, Wilbur Moore's pasture in the Ophix area is below 16 feet, and Knox's subdivision at the mouth of the Rogue River is partially below 16 feet. Many other properties in the area would also be in the same condition. The properties we mentioned are not actually beach sand areas and possibly would not be included in the bill, but you should be sure that the bill clearly defines beach areas regardless of the elevation height so as to not include properties such as these and other low-lying ground adjacent to the ocean shore.

The County Court wishes to further indicate that they do not in principal oppose the bill but feel that further time is needed to study the impact of the proposed legislation before acting thereon.

Some data for your consideration on the effect of blanket elevations in Curry County has been furnished by the Curry County Surveyor and is included herein.

Very truly yours,

Robert L. Miller
District Attorney

RLM:vjd

Enc.

cc: Honorable Tom J. McCall
Governor of the State of Oregon
State Capitol
Salem, Oregon

P. O. Box 101
Roseburg, Ore.

June 21, 1967

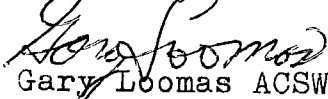
Hon, Governor Thomas McCall
Capitol Building
Salem, Oregon

Dear Governor McCall:

I am writing a note of appreciation for your diligence and promotion of the bill, protecting the public's access to Oregon's Beaches.

As a professional social worker, I am also pleased at your support of legislation in the mental health and corrections fields. I am very proud to be an Oregon taxpayer.

Sincerely


Gary Loomas ACSW

P. S.

What are the chances of passage,
of the Willamette Greenway Project?
this session?

JUN 23 1967

B. E. DAVIDSON
COMMISSIONER

DONALD G. MCGREGOR
COMMISSIONER

LOUIS D. RINGUETTE
COMMISSIONER



BOARD OF COUNTY COMMISSIONERS

JOSEPHINE COUNTY OREGON

COUNTY COURTHOUSE - GRANTS PASS, OREGON

July 5, 1967

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

Dear Governor McCall:

I regret that as a member of the State Parks Advisory Board I will not be able to attend the ceremony to be held in connection with your signing House Bill 1601, the Beach Bill.

I am sure that in the future when your administration is assessed for its accomplishments, history may well record this as one of the most outstanding events during your tenure.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

A handwritten signature in cursive script that reads "Donald G. McGregor".

Donald G. McGregor,
Chairman

DGM:nmw

Beach

July 7, 1967

Mrs. Fred M. Smith
Rockaway - P.O. Box 4116
Oregon

Dear Mrs. Smith:

Just a note to let you know that I signed
House Bill 1601 yesterday.

The reason I hadn't signed this bill before
yesterday is the fact that upon passage by the legislature, it
is sometimes as long as three weeks before a bill would appear
on the Governor's desk for his approval or veto. The amendments
must be inserted in the proper places and the bill must be signed
by the proper Senate and House officials before it comes to me.

Thank you for your interest in this vital
legislation.

Sincerely,

Governor

TM:mm

Rockaway, Ore.
June 29, 1967

Dear Gov. McCall:

Since the legislature has passed HB 1601 (the beach bill) I am wondering why you have not signed it.

Is it not a good bill?

I hope you are not waiting for some new buildings to be put up on the Lincoln County beaches before you sign it.

Sincerely yours
Eva Smith
Care of Fred W. Smith



File

Beach
5-24

Prime Minister
Wellington
New Zealand

AIR MAIL

12 July 1967

Dear Governor McCall,

You will no doubt recall writing to me on 22 May last advising me of the visit to New Zealand of Miss Dorothy D. Gage, the Chief Psychiatric Social Worker for the Division of Public Health of Multnomah County.

Miss Gage is now in New Zealand and has been in touch with my office. I regret, however, that due to the current sitting of our House of Representatives it has not been possible for me to see Miss Gage nor has it been practicable for any of my Ministers to meet her. Nevertheless, I have been able to arrange for her to see our Director of Mental Health, Dr S. Mirams, who will I know be of every possible assistance to her. In addition, Miss Gage is to see our Ombudsman, Sir Guy Powles, to discuss the functions of his office and I am sure she will find her discussion with Sir Guy interesting and valuable.

I understand that Miss Gage has had an opportunity of seeing some of our country during her visit and I sincerely hope that her stay with us has been enjoyable and beneficial to her in her career as a social worker.

With warmest good wishes,

Yours sincerely,

Governor T. McCall,
State of Oregon,
Office of the Governor,
Salem 97310,
Oregon,
UNITED STATES OF AMERICA.

JUL 17 1967

Beach

May 24, 1967

Miss Dorothy D. Gage, MSW, ACSW
8000 S. W. 54th Avenue
Portland, Oregon 97219

Dear Dorothy:

Enclosed is a copy of the travel letter that was sent Honorable Keith J. Holyoake. I am only sorry that you did not get to see the original letter bedecked with ribbon and the official Oregon gold seal. It was quite attractive.

I certainly want to thank you for your comments regarding HB 1601. It is good to know you concur with my judgment in this matter.

Have a wonderful journey this summer!

Sincerely,

Governor

TM:s
Enclosure

Dorothy D. Gage
8000 S. W. 54th Ave.
Portland, Oregon 97219

May 23, 1967

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

Dear Tom:

Congratulations on your statesmanship in regard to HB 1601. We and the subsequent generations will remember you warmly for this action to preserve Oregon's seashore for public use.

mt { If you recall from among your busy schedule, I wrote you asking for a letter of introduction to the Prime Minister of New Zealand who in turn might introduce me to the Ombudsman. I have learned that the man in this position is Sir Guy Powles. If you have no objection, would you send the letter directly to the Prime Minister in New Zealand with a carbon to me which I shall present there for an appointment. }

Thank you very much for your attention to this matter. I am aware of your innumerable commitments and responsibilities. Best personal regards to you and Audrey.

Sincerely yours,

Peg
Dorothy D. Gage, MSW, ACSW
Chief Psychiatric Social Worker

DDG:md

*P.S. I'm leaving Portland to begin my trek toward "Down Under" on June 17th.
Thanks again,
Peg*

MAY 24 1967

July 13, 1967

Mr. Lee P. Benton
1335 Laurel Street
Lake Oswego, Oregon 97034

Dear Mr. Benton:

Thank you for your timely letter and article published in The Oregonian on May 23, 1967 calling to our attention the littering of our beautiful beaches.

I am calling the information contained in your correspondence to the attention of the Superintendent of State Police and you can rest assured that the State Police will do everything within their power to control this situation.

Sincerely,

Governor

TM:wc

bcc: Holly V. Holcomb

Wife

BENTON

Holcomb

JUL 11 1967

July 3, 1967

Governor Tom L. McCall
Salem, Oregon

Dear Governor McCall:

You may or may not remember me. You were at a party given by Mel Bailey in January of 1949 to welcome me to the State of Oregon. Mel and I, went to school at the University of Kansas.

I am enclosing an article of mine which appeared in The Oregonian on May 23. I have had twenty-two letters and many phone calls from people who read this article and all agreed with me 100%. I had letters from all parts of the State and even letters from people in Washington.

The reason I am writing this letter is to make the suggestion that the State Police furnish protection at our more widely used beaches during the late Spring, Summer and early Fall months.

This littering of our beautiful beaches continues. I visited the beach at Newport about three weeks ago and was shocked at the garbage, cans, bottles, etc.

Surely we can do something to stop this.

Sincerely,

Lee P. Benton

Lee P. Benton
1335 Laurel St.
Lake Oswego, Oregon 97034

44 10 11

'Filth And Scum'

To the Editor: I have been reading with a great deal of interest the controversy in regard to the public use of Oregon beaches.

I moved to Oregon from Massachusetts 18 years ago and I still shudder when I recall the torturous, bumper-to-bumper, stop-and-go driving from Boston to Cape Cod on Sundays to reach a pleasant beach. You can imagine my surprise and delight to find upon moving to Oregon that we, the public, owned the beaches and we had our choice of where to go whenever we wanted to go.

I do not own any beach property nor do I ever expect to, but I can certainly sympathize and agree with those people who do own such property, and allow me to say that there is a certain element of our public who do not deserve the privileges we have. If you will pardon me for using such strong language, I can only describe this element as scum and filth, and the age group is from approximately 16 to 30.

I have been shocked and saddened at the garbage, tin cans, broken bottles, newspapers, paper and plastic bags and other refuse littering our beautiful beaches—and it seems to be this age group who are the most irresponsible in this regard.

Last summer at Indian Beach, which is just north of Cannon Beach, I took it upon

myself to criticize a group of these people who walked away from an afternoon of surf boarding, leaving their fire burning and strewing the beach with broken beer bottles and garbage.

Three of the group, husky young men about 20 years of age, threatened me with bodily harm if I didn't shut my "big mouth". I had no one to help me so I made no further issue of the matter and cleaned up their mess myself.

Four or five years ago, at the beach in Newport, I had a similar experience with a gang of young toughs. Fortunately I had with me a guest from my home town in the Midwest who is a detective on the police force and always carries his service revolver with him. When the gang of toughs followed us to his car and continued to threaten us with sticks of driftwood and drawn knives my friend removed his revolver from the glove compartment of his car and needless to say this gang dispersed on the run.

This element has brought on this fencing by the owners and I, for one, do not blame them at all for their action. These filthy people do not deserve the use of our beaches.

If we are going to allow the public the unrestricted use of our beaches then I say it is high time that we furnish sufficient police protection to control what goes on.

LEE P. BENTON,
1335 Laurel St.,
Lake Oswego.

M E M O R A N D U M

*one
of
WII*

TO: Mr. E. G. Westerdahl, II

FROM: Oregon State Police

SUBJECT: Suggested answer to Lee P. Benton, 1335 Laurel Street, Lake Oswego, Oregon 97034; letter dated July 3, 1967.

Thank you for your timely letter and article published in The Oregonian on May 23, 1967 calling to our attention the littering of our beautiful beaches.

I am calling the information contained in your correspondence to the attention of the Superintendent of State Police and you can rest assured that the State Police will do everything within their power to control this situation.

HOLLY V. HOLCOMB, Superintendent

By

J. Eric Tucker
J. Eric Tucker,
Deputy Superintendent

JET:jb

Salem, Oregon
July 12, 1967

Mr. Westerdahl:

We find that the beach south from Beverly Beach to the Lane County line is under control of Lincoln County. Our office at Newport as well as the Newport City Police and Lincoln County Sheriff's Office have been advised of the content of Mr. Benton's letter.

Beach

July 17, 1967

Mrs. Wm. E. Anderson, Sr.
Route 1, Box 28
Tillamook, Oregon 97141

Dear Mrs. Anderson:

It is very warming to receive words of such complete endorsement. Your husband's contribution to Tillamook County must have been truly significant during his fifty year period with them.

Throughout my administration I will continue to make every effort to protect the public interest -- particularly the heritage of our great resources. Thank you again for making your support known.

Sincerely,

Governor

TN:ws

Route 1 - Box 28
Tillamook Oregon 97141

July 12 - 1967

Governor Tom McCall

State House

Salem, Oregon.

Dear Governor McCall;

I want to express to you how happy I am to know you have declared the Ocean Beaches to be free for the Public. God gave all of these Beaches for every one to enjoy — the wet sands as well as the dry sands.

I hope Oregon never goes the way California has regarding her Ocean Beaches.

My husband, William E. Anderson, who passed on last

JUL 13 1967

May, was Tillamook County
Surveyor and Engineer. He worked
for this County for Fifty years
and strongly supported that
all Ocean Beaches belonged to
the Public. He also supported
that the State Highway should
put the Highway at Pacific City
along the route when it is now
planned.

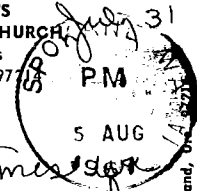
I thank you.

Very Sincerely

Mrs. Wm. E. Anderson Sr.

H138 D.E. Clinton Portland Ore.

COLONIAL HEIGHTS
UNITED PRESBYTERIAN CHURCH
2828 S. E. Stephens
PORTLAND, OREGON 97208
Tel. 236-2430



Post Card

Dear Sir,
So many times
criticize officials by
letter, but we wish
to thank you for your
stand to save Oregon
for the public use. We are
so proud of our Pacific
as a good place to live. Our
church is a Chinese-Causasian
combination and we
would like to have you and your family visit
some Sunday should you be in Portland.

Gov. Thomas McCall
Salem,
Ore.
Mrs C.L. Kill

20564-c

DEXTER PRESS, INC.
WEST BRANCH, NEW YORK

August 14, 1967

Dr. H. F. Frolander
Assistant Dean of Research
Oregon State University
Corvallis, Oregon

Dear Doctor Frolander:

I greatly appreciated receiving your letter concerning the review work your Oceanographers and Civil Engineer have done with the Highway Department, in regard to displaying for the public the beach information required under HE 1601. I am particularly pleased with your comment "...that the Highway Commission staff were doing a careful and good job....."

Your suggestion that "...an expanded study to include issues that are not spelled out in HE 1601... could best be conducted on a coordinated basis under a Governor's Committee...." is under consideration by my staff. Your complete letter is being forwarded to the Highway Department for their information.

Sincerely,

Governor

EN:cj

August 9, 1967

Governor Tom L. McCall
Office of the Governor
State Capitol Building
Salem, Oregon

Dear Governor McCall:

The photogrammetric section of the Oregon State Highway Department is using a unique and novel solution to the problem of displaying for the public the beach information which is currently being collected by aerial photographs and compiled with Kelsh stereoscopic plotting instruments. The technique being used is to make one information display sheet with an average scale of 1"=100' from a single distortion-free negative, the prints of which are rectified and enlarged.

Contours are placed on a manuscript in their true position in the Kelsh instrument which is oriented with an over abundance of ground control in the beach areas. These contours are traced directly on the information sheet which then contains both the contours and photographic detail. The product deviates from a true map in that images are not corrected for displacement due to perspective projection of the photographs. This is a theoretical problem which can be overcome at great increase in cost, but one that is not justified on this study. It is the opinion of the group of Oceanographers and Civil Engineer from Oregon State University who met on 3 August with members of the photogrammetric section of the Oregon State Highway Commission, that the Highway Commission staff were doing a careful and good job of displaying the public beach information.

One point in a study of this type which should not be overlooked is that the positions of the contours are entirely dependent upon the "Kelsh" operator's ability to operate his machine. This is a difficult job when viewing white or bright beach sections. It is recommended, therefore, that ground profiles across the beach be taken the day the photographs are obtained and used to check the operator's work to be sure that it meets national mapping standards. The profile plotted against the interpolated values should show the final product. A check at least every twenty miles would be recommended.

Governor Tom McCall
August 9, 1967
Page 2

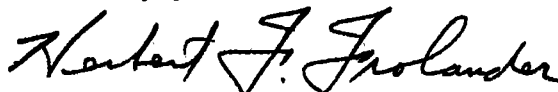
The interim study of the beach area as authorized by HB 1601 is for the most part, directed toward a study of physical description of land areas, access rights of the public and rights of the private land owner. It is quite possible that a number of important issues will be overlooked if the theme of the study is limited to these physical and legal issues. Since the beach is an extremely valuable but a definitely limited resource it is essential that a number of items be considered in addition to the above questions of land area, public rights and private ownership. A few of these considerations are the recreation potential in all its ramifications for both present and future generations; sports and commercial fisheries (both in fin fishes and shell fishes); the scientific and educational value of the beach area for students and research workers at all levels. Many other potential values can be cited.

Consideration of the above values will involve questions of marine biology, beach erosion, coastal hydraulics, oceanography and others during the next two years in addition to questions of land measurement, property ownership and public rights. It is extremely important to have information on all facets of the value of the beach including those discussed above in order that future legislatures will have good basic information upon which they can base their legislative decisions.

Needed information can be developed in the interim study directed by HB 1601. In order to accomplish this it will be necessary to expand the study to include issues that are not spelled out in HB 1601 but are implied by assigning great importance to preservation of the beach. Such an expanded study could best be conducted on a coordinated basis under a Governor's Committee or the information might possibly be developed through studies that are sponsored independently from the interim study. Whatever the mechanism, it is quite important that a body of knowledge be assembled prior to the 1969 meeting of the Oregon Legislature.

Please call if we may be of assistance in considering these or other matters related to the above issue.

Sincerely yours,



H. F. Frolander
Assistant Dean of Research

Staff members and co-authors visited on August 3: Dr. June Pattullo, Department of Oceanography; Dr. La Verne Kulm, Department of Oceanography; Professor Robert Schultz, Department of Civil Engineering, Dr. Herbert F. Frolander, Department of Oceanography. Additional co-author: Professor Frederick Burgess, Department of Civil Engineering.

AUG 11 1967

December 11, 1967

Mr. C. D. Holman, Jr.
Editor - Publisher
The Siuslaw News
148 Maple Street
Florence, Oregon 97439

Dear Mr. Holman:

I noted the excellent picture and coverage you gave to the stormy weather on the Oregon coast, and just wanted to complement you on it.

Here's hoping the blustery winter weather will subside and leave the coastal beaches uncluttered by debris.

Sincerely,

Kessler E. Cannon,
Executive Secretary

KRC:lj

XERO COPY XERO COPY XERO COPY XERO COPY

SALEM (Special)---The dry sands beach controversy is settled, Gov. Tom McCall announced Wednesday.

Spain owns the entire Oregon coast--not the Oregon public and not private land owners--the chief executive announced glumly.

The new development came to light, McCall said, as a result of ~~the~~ the latest ~~excavation~~ excavation by treasure-hunting Tony ~~the~~ Moreno on the ~~the~~ Oregon coast.

Moreno unearthed a document late Tuesday, McCall said. It was on centuries-old parchment and was found in a tin box buried--apparently by tidal action on the shifting sands--deep beneath Neahkanie Head.

McCall said the parchment was somewhat deteriorated but still substantially ~~is~~ legible.

It was signed by a "Vasco N. Balboa," presumably the same Balboa credited with discovering the Pacific Ocean.

The document, according to an Oregon State University professor of oceanography and romance ~~has~~ languages (hired by McCall as translator):

"I, Balboa, on behalf of the Queen of Spain, ~~renounce~~ claim ownership of this land and herewith plant the flag of Spain on the shore of this great ocean.

"On behalf of Her Majesty, I claim title to all land on this shore from a median point of 6.7 feet above sea level (the datum line established by the ~~USC&GS~~ USC&GS) to a point 2.6 feet above the driftwood line (or, where there is no driftwood line, to a point parallel to the natural vegetation line) in perpetuity.

MORE

XERO COPY XERO COPY XERO COPY XERO COPY

"This claim in no way waives Her Majesty's right to the lands herein described, even in the event the public attempts to obtain prescriptive rights to these shores.

"Her majesty, however, does not claim title to the wet sands area of the beach, unless the wet sand area exceeds a point 200 feet landward from median high tide, in which case all of said lands shall be deemed the property of Pablo Hanneman, ~~my~~ first mate aboard my flagship vessel."

The remainder of the document was still being deciphered Wednesday.

Premier ~~of~~ Franco of Spain could not be reached for comment immediately.

The Moreno discovery, however, prompted a quick reply from State Treasurer ~~of~~ Robert Straub, who said, "I think this is a tremendous opportunity for the people of Oregon to obtain a clear, unclouded title to these magnificent lands."

Straub said he was "positive" an agreement ~~could~~ could be reached with Franco which would include Straub, McCall, House Speaker F. F. Montgomery, Highways Committee Chairman Sid Bazett, Morrie the Xerox operator, the Grants Pass ~~of~~ Cavemen, the Medford High School football team, ~~of~~ Ancil Payne and Joe Bianco.

Montgomery said he would introduce the Balboa-Moreno document as an amendment to HB 1601, as soon as he could get Bazett to

Tom -
This is resolution that needs your support before
JC convention -

RESOLUTION

WHEREAS the State of Oregon and its people are in an area of great natural beauty;

WHEREAS the natural beauty and healthful environment of this state is in imminent danger from the acts of man in creating pollution of air and water through discharge into the air and water of substances which are dangerous to health and offensive to the senses of the people of Oregon;

AND WHEREAS the public statements of industrial, civic and governmental leaders in recognition of this growing problem are commendable, but nevertheless fail to move positively towards prevention of new pollution and abatement of existing health menaces;

NOW, THEREFORE, the Oregon Jaycees urge the prevention of future pollution and abatement of existing pollution as rapidly as technological standards in the area permit. The Oregon Jaycees recognize that industries which are presently polluting our air and water do nevertheless make a valuable contribution to the economy of the State of Oregon. The value of this contribution is no offsetting excuse for continued pollution by these industries, and they too must be required, if necessary, to abate pollution as rapidly as technological standards in the area permit.

In furtherance of this policy the Oregon Jaycees urge:

1. Enactment of strong anti-pollution legislation;
2. Strong public support for pollution control and abatement, and voluntary compliance by the public;
3. Exercise by the State Sanitary Authority of its full statutory power.

This resolution will be disseminated to public information media and to members of the Oregon Legislative Assembly.

Stan Carbaugh

Aug
1967

Nespelem

Called about fire on beach
in logs.

1 mile N. of Golf
Course

Complained about H 131601,
said Fireway Dept should put
fire out and police beach.
Said the local fire dept should
not be expected to put the fire
out.

Reported to Mr. Shaw.
He reported back "4 logs. Fire out."

②
This is resolution passed by Portland Jaycees.

EXTERNAL RESOLUTION

WHEREAS the State of Oregon and its people are in an area of great natural beauty;

WHEREAS the natural beauty and healthful environment of this state is in imminent danger from the acts of man in creating pollution of air and water through discharge into the air and water of substances which are dangerous to health and offensive to the senses of the people of Oregon;

AND WHEREAS the public statements of industrial, civic and governmental leaders in recognition of this growing problem are commendable, but nevertheless fail to move positively towards prevention of new pollution and abatement of existing health menaces;

NOW, THEREFORE, the Portland Jaycees urge the prevention of future pollution and abatement of existing pollution as rapidly as technological standards in the area permit. The Portland Jaycees recognize that industries which are presently polluting our air and water do nevertheless make a valuable contribution to the economy of the State of Oregon. The value of this contribution is no offsetting excuse for continued pollution by these industries, and they too must be required, if necessary, to abate pollution as rapidly as technological standards in the area permit.

In furtherance of this policy, the Americanism and Governmental Affairs Committee of the Portland Jaycees is authorized to:

1. Publicize this policy by letters to public information media and to members of the Oregon legislative assembly;

2. Express to the Oregon Legislative Assembly the support of the Portland Jaycees for the following measures now under consideration:

a. Senate Bill 26, as tentatively amended in committee, to provide that the Governor of Oregon shall have the power to appoint the members of the State Sanitary Authority without being restricted as he is under present law to designated state officials for some positions, and to constitute the State Sanitary Authority as a separate agency of the State of Oregon, removing it from the jurisdiction of the State Board of Health;

b. Senate Bill 36. *cleaner air - human*

c. Senate Bill 39. *air water*

all fine public members.

HB 1322

*= \$3,000,000 to generate 9 m with Fed money
17m could fund 70 by 1971
need at least 90*

*- American Can Co ^{40m} okay a water - public hearing - since 7/21/68
Northwest Aluminum ^{140m} - *Meridian* - many no objection
- want not very large markets*

1929 datum

Tape colors:

High tide line
 Plus one foot
 Plus two feet
 Plus three feet
 Plus four feet
 Plus five feet

Blue
 Orange
 Yellow
 Red
 White

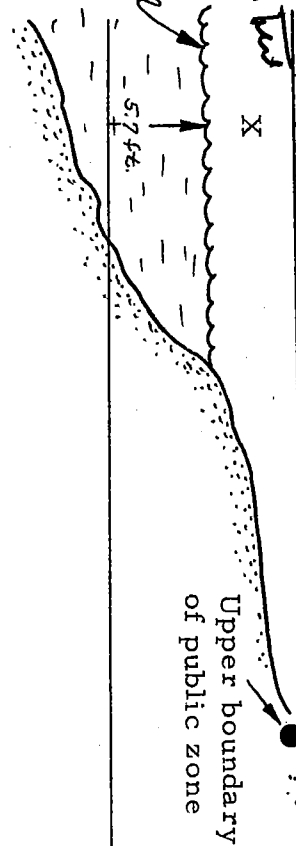
150
 50
 36
 53
 189

105
 196
 302
 372
 414

Best Standard - long line about 1 3/4 feet
30 feet - 2. H. Harvey
7.3 datum

Best Standard
14 feet

Average predicted winter high tide (USC&GS)



Surveyable Height

Upper boundary of public zone

Annals 478

Bench mark

Elevation of bench mark 1929 (1947) Datum (USC&GS)

1929 datum

USC&GS refers to United States Coast and Geodetic Survey

X to be determined by examination of representative beaches

Against Line 8,750 Miles East

Soviet Trawlers On This Bearing

Kelp Line Hip Line Detergent Line Dry Blanket Line

Where Norman The Howard Landed

The 12-16 Line

Hatfield Cut-Over Area

LOG and Driftwood Line
Sand Prescription (Rx) (Poison)

Posted For Customers
Chuck's Steak House

Where McCall's Helicopter Sucked Up Girl On Blanket

Therapine believed to be at 12 feet in many areas, 1980s
SEA LEVEL DATUM

Where Holmstrom Burned Mortgage

Or In the Western side of proboscis
Hammann's Hollow

SEA LEVEL DATUM
SEA LEVEL DATUM
SEA LEVEL DATUM

Ken's Liquid

Meek Undertow (where he got sucked in)

Where Monte the Mole Dug In

by Paul Hemmerson

A beach is considered to be the zone of unconsolidated material extending landward from the mean low water line to the place where there is a change in material or physiographic form as, for example, the zone of permanent vegetation, or a zone of dunes, or a sea cliff.

to which public prescriptive rights will be defended by
The beach owned by ~~the State~~ *to which the public has permanent*
the State ~~right of use~~ shall be defined as

(a) All lands that lie between the sea and the sea cliffs, ~~and/or~~
~~lands below the average highest high tide of the year as predicted by~~
~~the U. S. Coast and Geodetic Survey for the years 1955 to 1964, inclusive;~~

(b) In the absence of sea cliffs, all lands between the sea and the elevation _____ feet above the high tide level. High tide level is defined as the average of annual highest tide, predicted by the U. S. Coast and Geodetic Survey, averaged over the years 1955 through 1964. In determining the area belonging to the State of Oregon, natural contour lines, excluding bays and estuaries, shall be followed. The position of the landward boundary line ~~of the State owned land~~ shall be interpolated to follow natural contour lines whenever interrupted by manmade structures on the beach.

Nothing above shall be construed as *appropriate* permanent private structures existing on the ~~State owned~~ beach as of January 1, 1967, but no new structures shall be erected on the ~~State owned~~ beach without permission from the State of Oregon. *such*

Sahishan 10:00 AM

The people responsible for determining these definitions are:

- Dr. F. E. Burgess, Head, Civil Engineering Department
- Dr. H. C. Carl, Jr., Associate Professor, Oceanography Dept.
- Dr. H. H. Frolander, Professor, Oceanography Dept.
- Dr. D. H. Heinichs, Assistant Professor, Oceanography Dept.
- Dr. L. B. Kuhn, Assistant Professor, Oceanography Dept.
- Dr. J. E. McClure, Associate Professor, Oceanography Dept.
- Dr. Juna Pichlic, Professor, Oceanography Dept.
- Dr. Ivan Pratt, Professor, Zoology Dept.
- Dr. R. S. Salomon, Associate Professor, Civil Engineering Dept.

To: State Highway Commission

re: House Bill 1601

Gentlemen:

In adopting amendments to and recommending passage of the above bill, this committee is aware of individual problems which may result from the adoption of any fixed boundary line for the zoned area. If the line were set at too low an elevation, it would tend to interfere seriously with the right of the public to use the beaches. The line adopted by this committee, on the advice of civil engineers and oceanographers, generally follows the landward "log line".

It is the intent of the committee to preserve and protect the rights of the public without violating individual property and other rights.

We are not as convinced as are the experts that the line used in defining the zoned area will avoid all individual problems. The language of the bill as recommended permits you to grant variances. It is the desire of the committee that such variances be granted where the result will permit orderly development of private property without interfering with the basic right of the public to use what is commonly known as the "dry sand" area of the beaches.

HOUSE OF REPRESENTATIVES
COMMITTEE ON HIGHWAYS

Chairman

DISSENT AND QUESTIONABLES

Mrs. Marcella Mehl, 11870 SW Parkway, Portland 97225

Seems to object to bill as it would allow takeover of anyone's private land. Also too much now in government and off the tax rolls.

Dan Dority, Portland 636-2477

Bitterly opposed to HB 1601. I told him over the phone that if the bill got as far as the Governor's desk for signature to write the governor. He called May 5

Jerry Parks, Pixie Kitchens, Lincoln City

"Regarding beaches, I don't own any beach front and I support your stand, but don't steal it, buy it. Raise my taxes if necessary to pay for it." (He's former mayor of LC and owns much property)

Lester and Donna Filtz, Rt. 1, Box 79, Cloverdale

Interests of people not served by passage of hastily prepared or amended legislation which does not thoroughly consider all aspects of the matter. Strongly urge the subject bill be given extensive and unemotional study by an interim committee."

Patrick Ball, Broker, Waldport, Oregon

"House Bill 1601 if passed would be a legislated license to steal by the State of Oregon." Rest of his two page letter is similar comments. . . and suggests if Oregon needs control of dry sand area, to buy it, so property owners not required to pay taxes on property on which the state has placed an arbitrary public easement

MaryEl Zumwalt, Rt. 4, Box 385Z, Albany 97321

"I am surprised to find the Republicans and particularly a Rep. governor not only countenancing such a land grab but actively encouraging and fostering it. People who have paid property taxes on land . . . surely have some rights, too"

Mr. and Mrs. Austin Bowen, Dayton 97114

Owned beach property and sold it. "We expect you to prove that your interests are Oregon's interests as we felt they were when we voted for you." (Stand is unable to determine.)

Shirley Merz, (Mr.) Merz Logging & Construction, P. O. Box 177, Florence 97439

Bill unnecessary as people are not denied access to the beach in most of the area. In fact so much of the beach is government owned we fail to see much of a problem even if some access ways are blocked.

Mr. and Mrs. Francis E. Walsh, 222 S. W. Harrison St., 7 C, Portland

Introduce a bill forbidding the public to beach front property unless posted for public use. Many miles of beach for public use and they are so bold as to look right through windows of private homes now.

Mr. John Yeon, 4305 S. W. 70th Ave., Portland 25
Objects to HB 1601 because a mark against private ownership, cars on beaches and lack of good resorts because no private beach.

Dr. R. J. Grimm, Good Samaritan, 1015 NW 22nd Ave., Portland 97210
Gave several good suggestions for changing 1601 or other developments for our beaches.

Mrs. Joanna A. Sorensen, Edgewater Motel, Waldport
Hard to tell her stand.

Mr. and Mrs. Ralph C. Carlson, 9230 S. W. Whitford Lane, Portland 97223
Always had public on beaches and besides there are plenty of public parks, etc.

Paul W. Haviland, 1005 E. Main, Medford, 97501
Against constitution - would happen even on rivers if this is passed.

Roselyn J. Oliver, Purdy Cottages, Yachats
Public have always used beach and they have policed it but want the right to do so

Henry F. Baldwin, Hwy 101, South, Waldport and others
Form letter to press and legislature re trespassers and policing, etc.

Harold S. Hirsch, 1308 S. W. Wyndham Lane, Portland
Trespassers on property can now be put off. Can't if 1601 goes through

Mrs. Stan Raile, 2512 NE 50th, Portland
Highway Dept. took some of her grandmothers property on which she had been paying taxes for years.
Keep beach open for public but leave property owners some rights

Gladys Jones, Otter Rock, Oregon
Get help with putting out beach fires

C. E. Smith, 1239 SW morrison, Portland 97205
Any beach within 50 feet of high tide belongs to anyone that wants to use it according to his father,
a U. S. Marshal

Dr. Karl M. Rottluff, P. O. Box 1415, Newport
Bought property in good faith and should be paid for it

Hugh Jennings, Medford

Astounded at your action on this matter. Copy of letter to Sen. Newbry saying "The Governor's proposal to confiscate private property on our Oregon beaches can only be classed as Socialism, etc.)

Harvey Welch, 4155 S. W. Hillsdale Ave., Portland 1

It used to be that the property owners were the backbone of any state -- two sides of every question. How about cars and money property owners put into erosion.

J. A. Sanders, Route 3, Box 29, Lebanon

"Bill violates the right of privacy, makes the private property owners position more unbearable, and is an unnecessary approach and begins the road to communistic thinking."

R. G. Robbins, Wilcox Building, Portland 97204

Some solutions to the problem: Restrict fences, allow public use of one half distance high water to vegetation, abolish vehicle traffic, purchase of land by state for access, state owners and maintenance of access areas.

Bernard Kroner, 12619 S. E. Salmon Court, Portland

Feel dry sand area should be dedicated to public use. Would be happy to donate the use of this portion of our beach frontage.

Francis E. Walsh, 222 S. W. Harrison St., Portland

Asks questions regarding easements and the maintaining of such

Frank P. Bell, 2144 NE 25th Ave., Portland 97212

Owens property and people have no respect for property rights. Spent money for erosion.

Thos. M. Stevens, Box 35, Wheeler, Oregon 97147

Worried about 13.7 ft definition effecting many of businesses

Gordon Bennett, Beach Properties, P. O. Box 273, Oceanlake 97367

Sent clippings about man at Cannon Beach who fenced off his motel

Fred Buchwalter, Dennis Uniform Manufacturing Co., 135 S. E. Hawthorne Blvd., Portland 97214
State purchase land

Frank German, 31 NW 22nd Place, Portland 97210

Wheny you get mixed up with that Hwy Dept. etc.

Alex Eischen, Rt. 1, Box 213, Cornelius 97113

Has home at Roads End and feels homeowners developed beach

Dick Spomer, P. O. Box 579, Medford 97501

Very opposed to stand

SUMMARY OF AMENDMENTS TO HOUSE BILL 1601

After very careful consideration and deliberation with property owners, members of the public, geologists, and lawyers, the following amendments are being offered to the Highway Committee for their consideration on HB 1601.

The amendments are designed to accomplish two principal objectives.

I. Public Easements

It is clear under the common law that the public may have acquired beach and related property by grant, dedication or prescription. There should be little difficulty in ascertaining these easements that have been acquired by grant or dedication. The problem arises with respect to those easements that have been acquired by prescription. In general terms, an easement by prescription is acquired if the property has been used by the public for a period of ten years in an open, continuous and notorious manner adverse to the ownership rights of the person holding the fee simple title.

The proposed amendments provide:

1. Any public easements heretofore created and that are reasonably necessary for access to and the full use and enjoyment of the State-owned beaches are vested in the State and under the jurisdiction of the State Highway Commission.
2. The Commission is empowered to bring legal proceedings where necessary to establish that such easements have in fact been created.
3. A simple procedure is provided whereby either the landowner or the Commission may litigate the existence of the easement.
4. In accordance with common law principles the burden of proving the existence of any such easement is placed upon the Highway Commission.

5. If the landowner prevails, he will be reimbursed for his expenses including attorney fees.

6. The amendments specifically provide that by enactment of this bill the Legislature is not creating any presumptions regarding the existence of the easements. It is my belief this is a judicial question and not legislative. We are merely trying to provide an orderly procedure for ascertaining those public rights that have already been created and not to create any new rights either for the State or for the property owner. Let me reemphasize the purpose of these amendments is to preserve the status quo.

7. The amendments further provide that no new easements may be created as a result of adverse use by the public occurring after the effective date of the act. The purpose of this provision is to prevent the necessity of landowners erecting structures in order to preserve their property rights and to encourage them to permit public use of their property.

II. Zoning

The amendments provide that no structure or improvement may be erected within the area that is 200 feet from the mean high tide or 7 feet above mean sea level (whichever is the lesser) without a permit from the State Highway Commission. The only exceptions are for those structures erected prior to May 1, 1967, or structures within city boundaries.

The purpose of exempting cities from the provisions of this act is that, in my opinion, this is a question for the cities to determine themselves and not for the Legislature. I do not feel the Legislature should pass judgment on property that is currently taxed and zoned by the cities.

The suggested amendments would also provide that property that is under a public easement would not be subject to ad valorem taxation.

The gist of these amendments is:

1. to insure as much of Oregon's coast line for public use as possible;
2. to discourage the necessity of putting up barriers or obstacles by private landowners to prevent public use; indeed, to encourage landowners to permit public use;
3. to suggest to the Highway Commission that future use of those private-owned beach lands can be insured by common law condemnation proceedings;
4. to preserve that property which belongs to the public and to preserve that property which belongs to the landowners.

A BILL FOR
AN ACT

Relating to public rights in land

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

SECTION 1. The Legislative Assembly recognizes that over the years the public has acquired certain easements to the use of lands abutting on those lands described in ORS 274.070, for recreational purposes. Accordingly, the Legislative Assembly declares that it is in the interest of the public to protect and preserve such public easements acquired through dedication, prescription, grant or otherwise as a permanent part of Oregon's public recreational resources. The Legislative Assembly also declares it the public interest to acquire by payment of just compensation, such rights in such lands as may be necessary. The rights of private owners to those lands that are not subject to such public easements shall be protected.

SECTION 2. The State Highway Commission shall have authority to protect and preserve the rights of the public in the lands described in section 1 of this Act, and shall have the authority to acquire rights in land in such area.

SECTION 3. (1) In order to promote the public health, safety and welfare, to protect the state recreation areas declared by section 1 of this Act and ORS 274.070 and the safety of the public using such areas, and to preserve values adjacent to and adjoining such areas, the natural beauty of the seashore and the public recreational benefit derived therefrom, no person shall, except as provided by section 5 of this Act, erect or maintain any structure, barricade or other kind of improvement on any property that is within the area along the Pacific Ocean located:

(a) Within 200 feet inland of the line of mean high tide; and

(b) Not more than 7 feet above mean sea level.

(2) This section does not apply to improvements existing or under construction on May 1, 1967.

(3) This section does apply to barricades existing or under construction before or after May 1, 1967.

(1)

SECTION 4./ Any person who wishes a permit to erect or maintain a structure, barricade or improvement on property subject to this Act shall apply in writing to the highway commission, stating the reason for the improvement and the kind of improvement to be undertaken. The commission shall, after a hearing in accordance with ORS 183.310 to 183.510 if requested by the applicant or any other interested person, grant the permit if the improvement would not be adverse to the public interest in preserving the recreational and scenic resources.

(2) If the commission does not act on a request within 60 days after the request is mailed or delivered to the commission, the request shall be considered granted.

(3) If any person is aggrieved by the action of the commission under this section, he may appeal the decision of the commission to the circuit court.

SECTION 5. The owner or person in control of any property subject to a public easement or to section 4 of this Act shall not be liable for any injury to another person or damage to property of another resulting from a condition of the property within the easement or within the area subject to section 3 of this Act, unless the injury or damage results from a condition that he created and that he knew or, in the exercise of reasonable care, should have known was likely to cause injury to persons or damage to property.

SECTION 6. The absence of fences, barricades, signs, structures or improvements on lands subject to this Act shall not be deemed legal evidence of title, or lack thereof.

SECTION 7. The State Highway Commission shall police, protect and maintain, to the best of their ability, the lands made available for public use, whether such use is obtained by easement, condemnation or permission of a private owner.

SECTION 8. The commission may acquire property, or interests in property, suitable for use in connection with state recreation areas along the shores of the Pacific Coast. Such property or interests may be acquired by gift or purchase or by exercise of the power of eminent domain as provided by ORS 366.360 to 366.393.

SECTION 9. For purposes of assessment and ad valorem taxation, whenever real property is held subject to a public easement, the true cash value of the property shall be subject to deduction for the restricted use imposed on the servient property by the easement.

SECTION 10. Section 9 of this Act first is operative on January 1, 1968.

SECTION 11. Sections to of this Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and sections to of this Act shall take effect upon passage.