

HOUSE BILL 1045, 1969  
(Ore. Beach Bill)  
(Introduced by House Highways  
Committee at request of Interim  
Committee on Highways)\*

HOUSE HIGHWAYS COMMITTEE MINUTES:

Jan. 23: p. 1 & 2 (Page 1 is a general discussion, lead by Rep. Hanneman, member of Legis. Interim Comm. on Highways, re several pieces of legislation proposed introduced).  
(Also on Tape 2, side 1)

No separate exhibit file.

HOUSE JUDICIARY COMMITTEE MINUTES:

Feb. 5: p. 2, 3, 4 & 5 (Also on Tape 4)  
Feb. 24: p. 1, 2 & 3 (Also on Tape 9) (Blank)  
3PM

Exhibits attached:

1. Proposed amendments, undated, unsigned. 3 pages.
  2. Presentation schedule before committee, Feb. 24, 1969, lists those testifying. 1 page.
- Mar. 3: p. 3 (Also on Tape 11) (Blank)  
Mar. 17: p. 1, 2, 3 & 4 (Also on Tapes 16a & 16b)  
Mar. 19: p. 1 (Also on Tape 17)  
Mar. 26: p. 1 & 2 (Also on Tape 19)  
(Note: minutes indicate there was a special subcommittee working on this bill; Archives has no records of such).
- Apr. 14: p. 1 (Also on Tape 24)  
Apr. 16: p. 1 (Also on Tape 25)  
Apr. 17: p. 1 (Also on Tape 25)  
Apr. 23: p. 1 (Also on Tape 28)

Separate exhibit file contains:

- ✓1. Xerox copy of printed bill (part only). 95 pages.
- ✓2. Analysis of HB 1045, submitted April 30, 1969, prepared by Office of Majority Leader, House of Representatives. 29 pages.
- ✓3. Report listing conflicts with other bills, undated. 1 page.
- ✓4. House Judiciary Committee report, April 23, 1969, recommending do pass but with amendments as listed. 6 pages.
- ✓5. Proposed amendments, marked House Judiciary, Mar. 17, 1969. 10 pages.
- ✓6. Amendments Nos. 1, 2, 3, & 4, various dates. Marked "From desk of Paul A. Hanneman, State Rep., Tillamook County. 4 pages.
- ✓7. Proposed amendments, undated, unsigned. 7 pages.
- ✓8. Proposed amendments presented by Robert Straub, Feb. 24, 1969. 1 page.
- ✓9. Proposed amendments presented by Dan Dority, Lake Oswego, undated. 2 pages.
- ✓10. Proposed Constitutional amendment re ocean shore, undated, unsigned, marked "Recd. Aug. 13, 1968, by office of Secy. of State. 5 pages.
- ✓11. Ltr. from Robert W. Straub, State Treasurer, Mar. 31, 1969 to Rep. Wilson against removal of prohibition in law against construction on bays and estuaries, and requesting to testify. 1 page.
- ✓12. Ltr. from Forrest Cooper, State Highway Engineer, Dec. 26, 1968, to Gov. McCall re mapping of coastline per Chapt. 601, 1967, and recommending basic revisions to Chapt. 601. 3 pages.
- ✓13. Proposal by Gov. McCall on Ore. Beaches and Willamette River Park System, Dec. 27, 1968. 6 pages.

CONTINUED

- ✓14. Ore. State Highway Dept. report on 1967-68 Beach Survey, dated Dec. 23, 1968. 13 pages.
- ✓15. "Concerning Public and Private Rights on Oregon Beaches".. a paper prepared by members of Citizens to Save Oregon Beaches, undated. 9 pages.
- ✓16. "Brief Statement Relating to Amendments to HB 1045 Submitted Mar. 17, 1969", unsigned, marked from desk of Paul Hanneman. 7 pages.
- ✓17. Statement of Lincoln County Board of Realtors, Feb. 13, 1969, against further state ownership of beaches. 1 page.
- ✓18. Ltrs. from and replies to concerned citizens and organizations re HB 1045. 11 pages.
- ✓19. Publication No.892 of Soil Conservation Service, U. S. Dept. of Agriculture, Feb. 1962 entitled "Stabilizing Sand Dunes on the Pacific Coast With Woody Plants". 20 pages.
- ✓20. Capital Journal (Salem), April 14, 1969, p. 9, sec. 2, containing short article re beach bill (partially destroyed). 1 page.
- ✓21. Statesman (Salem), Apr. 15, 1969, re beach bill. 1 page. (p. 7, sec. 1)
- 22. Amendments submitted by Gordon Macpherson, Lincoln County. 2 pages

SENATE SPECIAL COMMITTEE ON OREGON BEACH BILL: records of this committee have not been received by Archives as of Mar. 28, 1972.

\*Archives has only minutes of Interim Highways Committee, 1967-69. Their published report should be available from the Readers Services Division of the State Library.

(Note: because of their complexity, Archives' staff cannot research in Interim Committee records; patrons must do own research in Archives)

21M

House Committee on Highways

January 23, 1969

1:15 p.m.

105 State Capitol

Members Present: Bazett, Chairman; Howard, Vice Chairman;  
Elliott, Eymann, Gwinn, Hanneman, McKenzie,  
Turner and Young

Witnesses: Rep. Hanneman  
Loren Stewart, Chrm. Park Advisory Board

Chairman Bazett called the meeting to order. He called on Rep. Hanneman, committee member, to give a report on the Oregon Legislative Interim Committee on Highways.

Rep. Hanneman began by saying that the Interim Committee had met almost every month and they held their meetings in different cities and locations throughout the state of Oregon. They were an extremely active committee and received much testimony throughout the state. The three primary areas of concern were: (1) safety; (2) financing on a long-range basis; and, (3) beaches and park situations. Transportation might be considered area (4), but not as much time was spent on that as the first three.

The priorities by the federal government have changed as compared by the priorities that originally existed in highway safety. In 1967 there were 53,000 persons killed on the nations highways which is more than ten times the number of deaths in 10 years of Vietnam fighting. Most programs considered would reduce accidents and all of them would cost money, (See pages 3 & 4 Interim Report). The Oregon Traffic Safety Commission has adopted the priority schedule to bring Oregon up to federal standards. The committee recognizes that there is a great deal of work to be done, he said, but where to start is the vital question and has to be answered each session. The public is not always receptive.

Rep. Hanneman continued with the area of financing and a brief explanation what the Transportation Research Institute and OSU has been doing toward legislative requests. The purpose of this institute was at the request of the legislative committee. The funds come from the state highway funds, dedicated user fund, as do the funds for the legislative interim committee itself. Both come from highway funds. Amount of money budgeted for 1966-68 is found on page 39 of the Interim Report. The ultimate purpose of the committee is to classify the primary needs in terms of providing the funds.

The last major facet of the Interim Committee was the Oregon Beach situation and what to do with HB 1601. He said that the hearings gathered in a good deal of public testimony, not only those hearings on the Oregon coast, but definite points of view from the Pendleton, Baker, Bend, Ontario, and far corners of eastern Oregon. After much discussion the committee came to the conclusion that the people did not understand HB 1601 very well, and he added, the committee shared their concern in a great many respects. So, a sub-committee was appointed with Rep. Hanneman as chairman. They endeavored to come up with workful solutions in a number of areas. (Pages 21 & 22 Interim Report). The areas were: (1) wet sand area; (2) white sand area; (3) uplands area.

The court decisions are listed on page 23 of the Interim Report. The committee was concerned about these decisions and were charged with the responsibility of looking over some of the areas on the Oregon coast that did not, perhaps, conform to the 16 foot elevation insofar as the intent of Bill 1601.

He added that the committee viewed many of the parks as they traveled around the state. (Pages 1-3, Interim Report).

Rep. Hanneman concluded at 1:45 p.m.

Chairman Bazett asked Rep. Howard to raise the question as to whether or not the Highway Committee wanted to introduce House Bills 1043, 1044, 1045 and HJR 5 as Committee Bills.

HOUSE BILL 1043 - Motor Vehicle Inspection. The bill will call for 50 new state policemen.

HOUSE BILL 1044 - Driver license re-examination.

HOUSE BILL 1045 - Revises "beach bill" to specifically describe zone line.

HJR 5 - To step up acquisition of parks along the ocean; to preserve the Oregon Coast Highway as a scenic and recreational route.

REP. MCKENZIE MOVED that the committee introduce HB 1043, HB 1044, HB 1045 and HJR 5 and enter them as Committee Bills at the request of the Interim Committee on Highways.

Roll call was taken and the motion passed unanimously.

At 2:15 p.m., Chairman Bazett introduced Mr. Loren Stewart, Chairman of the Parks Advisory Board, and Mr. Lloyd Shaw, state highway engineer, and Mr. David Talbot, State Parks Superintendent.

Mr. Stewart spoke to the House Highways Committee and explained the formation of the Parks Advisory Board. The parks division was split from the highway division separating the two. He said that the committee members are appointed by the highway commission with approval of the governor. There are five highway districts and one member is appointed from each district, and there are four-at-large appointed. They are appointed for four-year terms.

The state of Oregon Parks Division is divided into two parts. Preservation and recreation. Preservation is to preserve those areas and historic sites that are sacred and dear to our state. On the recreation side, one is camping and the other is the state recreation director. He deals with the local government, cities, counties, to help them design campgrounds and whatever help and assistance they might need. He administers state and federal aid.

A third class of the state parks department administers the green-way program. This does not come under the state parks advisory board committee, however.

He added, we have 217 parks in the state of Oregon. The park acreage is practically 80,000 acres. 24,000 acres of this has been donated to the state by companies, estates, etc., including an English company. About one-third of our land for parks has been donated. The Department of Interior has almost donated land to us by charging us \$2.50 per acre for land that may be worth

to sign the complaint against the defendant. The private citizen making the arrest should be the responsible party and should be required to sign the complaint which is filed with the court.

5) Referring to Section 8 (1), line 8, it was suggested that the wording should read "any place to a court within the jurisdictional unit....".

Representative Macpherson asked the witness if this bill might conflict with existing search and seizure laws. Answer, definitely there may be some conflict...the question would be whether a person is actually arrested in so far as the search and seizure laws are concerned when he is given a citation and not taken to the station. However, this factor is not as important in misdemeanor cases as in felonies, such as arrests under the dangerous drug act.

Considerable discussion followed by committee members regarding interpretation of ORS 133.110 and 133.310, re authority and discretion of the magistrate and police officer. No further questions of the witness.

#### HB 1045 - 'Beach Bill'

Representative Sidney Bazett, Chairman of the House Highways Committee, spoke extensively on the history of the so-called 'beach bill', beginning with the public beach concept in Oregon and the belief that the beaches of the Oregon coast constitute an important public recreational and scientific facility to which the public must not lose rights of access and use. Until 1967 there had been no state policy or law defining the landward limit of state ownership of the beaches under the name of "tidelands" as granted to the state by the federal government in the act establishing the state of Oregon. In 1967 a state law was enacted as a temporary emergency measure (HB 1601) which zoned the beaches below a point 16' in elevation above sea level.

The witness read major points from a position paper issued by the Citizens to Save Oregon Beaches. This study outlines the history of the "boundary" controversy and a concise history of the court decisions and interpretations as relating to the Oregon problem. A copy of this document is on file with the committee records. Also entered as exhibits for committee records as follows: "History of the Oregon State Parks, 1965, compiled by C. H. Armstrong; Oregon State Highway Department Report on the 1967-68 Beach Survey, and various copies of correspondence from the Governor's office relating to his comments on this issue. Witness discussed excerpts of the above.

The witness commented that this bill was drafted by one man, and there is a question whether this is acceptable. There are several things which do need amending, and there is a great degree of possibility of error in the present form. One of the suggestions of witness was to remove the 80 to 90 pages of coordination figures from the bill, and to file the land descriptions with the state highway department and/or the county recorders. He pointed out that if we enact the bill as it is printed, we are bound by any mistakes or errors which are printed therein. Also, suggestions were made regarding the terminology used within the bill... with particular reference to the use of 'high water mark' preferred to 'high tide'. Representative Bazett advised that there are upwards of 1000 owners on the coast who would be willing to give up title to any land on the beach if they were (1) assured of the actual property description lines, and (2) if they could there by avoid the liability inherent in this property ownership (injury by logs or tidal action, trucks, etc), and he suggested that a provision should be made for this type of quitclaiming. The witness also said that the term 'zoning line' should read 'permit line', in line with the interpretation of Judge Bohannon of Tillamook.

Representative Bazett then proposed the following to the committee, as originally stated by the Oregon Highway Department:

- 1) Recommend adoption of the Legislative Interim Committee's proposed amendments to HB 1610 which establishes a beach zoning line definition by coordinates;
- 2) Recommend repeal of Section 9, Chapter 601, a means to prevent perfection of public rights on the beaches;
- 3) Recommend repeal of Section 8, Chapter 601, which does not relieve the owners of the lands which are used by the public from liability;
- 4) Amend Section 5, Chapter 601 to include removal of material from the beach, placing of trash thereon, and placing structures or improvements thereon as being unlawful unless a permit has been granted by the highway engineer;
- 5) Amend the Bond Act of 1951 to provide a limiting of the interest rate commensurate with the current market.

The witness strongly urged the committee to invite Highway Engineer Lloyd Shaw who has been in charge of the photography for this project and Frank McKinney, legal counsel for the department, to answer questions of this committee.

The witness also suggested that the committee invite Governor McCall to address the first public hearing on this bill, and that Kess Cannon be appointed as a liaison for the committee, coordinating between all participating and interested groups. He pointed out that the Citizen's group in Portland stands ready to start an initiative petition should this bill not be passed to their satisfaction.

Questions were asked of the witness by several committee members, regarding clarification of several points of his testimony.

Paul Hanneman, Representative from Tillamook County, entered into the committee records copies of the Interim Committee report. This particular report is most complete and gives facts and ownerships which were not available at the last session and during the last controversy.

The witness again covered the background of HB 1601, commenting that the opposition during the last session was due to the fact that the bill was not a complete or comprehensive bill and that the people did not know where their exact boundary lines would lay. He added that the coordinates within this bill would be precise, and that with the use of a surveyor the exact property description could be ascertained by the private citizen.

Representative Hanneman defined and described the two parts of the present bill: prescriptive rights and the zone area. He pointed out to the committee that from his work with the Interim Committee and from his talks around the state he does not find people who disagree with the concept of public beaches...there may be some land developers who have less regard for the public use of the beach areas....but the actual problem is how far you can go into the basic rights of a private property owner to preserve for the public what you want preserved.

The witness did not make specific recommendations for any changes or amendments to the bill, but pointed out that some attention should be given to consistent terms and clarification of wording and definitions.

Representative Anunsen suggested that both witnesses should submit to the committee specific amendments or changes to this bill, and Chairman Wilson emphasized that this would help the committee's legal counsel if specific changes, repeals, deletions or amendments are known to the committee now before further hearing.

At the conclusion of the committee meeting, Chairman Wilson asked for an expression of opinion regarding Judge Jones' suggested amendment to HB 1074, regarding conclusive presumption.

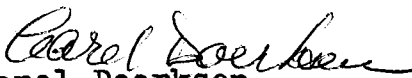
Page five  
2/5/69

The consensus was that this need not be added at this time.

Chairman Wilson advised that HB 1261 was introduced as a committee bill, with the approval of all committee members. He said that this committee has been asked to introduce the District Court Retirement bill, and all members present were in favor of the same.

There being no further business, the meeting was adjourned at 5:15 p.m.

Respectfully submitted,

  
Carol Doerksen,  
Committee Clerk.



HOUSE COMMITTEE ON JUDICIARY

FEBRUARY 24, 1969

3:00 P.M.

Room 20

Members Present: Chairman Wilson,  
Representatives Anunsen, Browne,  
Carson, Cole, Frost, Macpherson,  
Pynn, Skelton, Young;

Excused: Jena Schlegel, Committee Counsel  
Representative Haas

HB 1195

It was noted by the chairman that the Court of Appeals bill has no prior referral. After discussion by the committee it was unanimously agreed that Rep. Wilson should move that the bill be sent to Ways and Means.

HB 1060

The committee held short discussion relative to polling the Bar membership each time fees are changed. It was decided to have Mrs. Schlegel prepare amendments to conform with the committee's suggestions, and that the bill be referred back to committee from the House. (unanimous consensus)

HB 1045 - Beach Bill, 2nd hearing.

Kess Cannon, Assistant to the Governor and Executive Secretary of the Committee on Natural Resources, spoke briefly in introducing the following Highway Department witness.

Lloyd Shaw, Assistant State Highway Engineer, appeared before the committee, illustrating the lines of elevation which are referred to in Chapter 601 (the 16' line) and the coordinate lines proposed in HB 1045. He stated that the photometric procedures used in establishing the coordinate lines are more accurate and that by this method all control points are arrived at mathematically; the ground is photographed and the surveys are established therefrom. This means that the land is easily described and can be readily located by property owners. He pointed out that the 16' line used in Chapter 601 is subject to change (from wind and coastal elements). The witness then provided the committee with maps and photos illustrating both lines. There followed general questions by committee members. (Ralph Sipprell and Frank McKinney, of the State Highway Department, answering questions of the committee, with Mr. Shaw).

Robert Straub, speaking on his own behalf, urged the committee to consider an amendment to the bill which would provide a definite policy directive from the Legislature: that the coordinate line shall prevail unless the natural vegetation line is more easterly, then the natural vegetation line should prevail. He said that all interest groups have the same goal...that of preserving the Oregon Beaches for recreational activities, and that it is imperative that the Legislature establish a policy decision expressing it's intention regarding the line of public-private beach areas. Mr. Straub indicated he would support HB 1045 if such amendment were included.

Dr. Jeff Gonor, Oceanographer of OSU, talked at length defining the terms 'shore' and 'beach', stating that he considers this bill to be a zoning document and that the two terms as used within the bill should be more clearly understood. He stated that by scientific terms 'shore' means only the strip of ground bordering the water, and 'beach' implies the entire coastal strip to a point certain. He stated that in most places there is a natural or physical feature produced by a uniformity of forces which establishes such a point. This witness also urged the committee to include within the bill a Legislative directive as to how the line is to be established so that the statutes will not have to be changed through legislation each time natural forces change the natural vegetation line.

Dr. Bob Bacon, U of O Medical School, and representative of the "Citizens to Save Oregon Beaches" organization, stated that his group advocates the 'physical mark upon the land' concept and stated that in his opinion the State has not defined a mutually acceptable legal and scientific boundary line. He stated that it was his understanding that amendments were being prepared and submitted to the committee shortly.

Floyd Dority, speaking against HB 1045, advised the members of the committee that he and other opponents have not had a chance to speak before legislative committees, particularly last session. He said he had no amendments to offer, but urged the Legislature to make it mandatory for the Highway Department to declare what lands they plan on claiming. He stated that in his experience he has seen conflicts and discrepancies in how the department has taken and paid for lands...he advocated an impartial agency to oversee these purchases. He also stated that there are too many restrictions on the private owner...that he is not allowed to even build a wind break when he deems this necessary. The witness also stated that the State should mark each quarter of a mile the state owned property so the public can use state access roads rather than privately held lands.

There followed lengthy discussion by the committee relating to the various points of testimony. Chairman Wilson suggested that it would be well to have one more public hearing so all opponents could be heard before the committee makes any policy action on the bill.

There being no further business before the committee, the Chairman adjourned at 5:20 p.m.

Respectfully submitted,

*Carol Doerksen*

Carol Doerksen, Clerk.

HB 1045 ~~2-24-69~~

Date:

HB 1060

1045

Action:

re refer to  
the Com.  
Pynn

Name	Aye		No		Aye		No	
ANUNSEN ✓								
BROWNE ✓								
CARSON ✓								
COLE ✓								
FROST ✓								
HAAS								
MACPHERSON ✓								
PYNN ✓								
SKELTON								
YOUNG ✓								
Chr. WILSON ✓								

*man.*

To lead floor discussion: \_\_\_\_\_

*Not in book,  
per journal 2-24*

PROPOSED AMENDMENTS TO HOUSE BILL 1045

On page 2 of the printed bill, line 17, add:

"For the purposes of this sub-section, the land referred to is the land within the area described by section 8 of this 1969 Act and the land referred to in ORS 390.610.

On page 2 of the printed bill, delete lines 18 and 19.

On page 2 of the printed bill, line 20, delete:

"...means that part of the shore of the Pacific...."

On page 2 of the printed bill, line 21, delete:

"...ocean described in ORS 390.720."

Insert: "...means the area of land lying between extreme low tide and the line of ordinary high water. The line of ordinary high water is the line to which the water rises and where its presence is continued for such length of time as to mark upon the soil and vegetation a distinct character."

On page 2 of the printed bill, line 29, delete "...ordinary"

On page 2 of the printed bill, line 30, delete

"...high tide and extreme low tide".....

Insert: on lines 29 and 30: "extreme low tide and the line of ordinary high water as defined in ORS 390.710."

Delete the word "beach ~~of~~ beaches" wherever it appears in the printed bill, and insert: "shore".

On page 5 of the printed bill, line 22, delete:

"as follows:" and insert:

".....and contained in a printed document known as the 1968 Oregon Shore Permit Line Survey held and maintained by the Oregon State Highway Department in Salem, Oregon."

On page 97 of the printed bill, Section 23 needs to be amended to assure payment of a fee for sand, rock, etc. I would suggest adding the words following section in line 15: "and upon payment of just compensation by the grantee."

On page 97 of the printed bill, line 23, insert "Coastal" between "any" and "county", and delete "adjacent to any...."

On page 97 of the printed bill, line 24, delete:

"...portion of a state recreation area,"

On page 97 of the printed bill, line 26, following "locations" insert "on the shore".

On page 100 of the printed bill, insert a new (h):

Moneys received under Sections 22, 23, and 25  
of this Act".

On page 100 of the printed bill, designate the  
printed (h) as (i).

*DeWray*

PRESENTATION SCHEDULE BEFORE HOUSE JUDICIARY, FEBRUARY 24, 1969

- omit all  
H. B. 1045*
1. Mr. Lloyd Shaw and Mr. Ralph Sipprell, Oregon State Highway Commission showing the Oregon Coast: demonstrating the lines of elevation determined: showing the 16' line established by Chapter 601, Oregon Laws 1967: and showing the Coordinate Line proposed by H.B. 1045:
  2. Dr. Jeff Gonor, Oceanographer, OSU, Marine Sciences Laboratory, Newport, Oregon, explaining the "shore".
  3. Dr. Bob Bacon, U of O Medical School, "Citizens to Save Oregon Beaches", explaining the rationale of using "shore" as a definition of the coastal land about which the state is concerned.
  4. Highway Department explaining the reason for urging removal of the Coordinate Line designation from the statute.
  5. Kess Cannon, Administrative Assistant, Natural Resources, Office of the Governor, offering amendments to accomplish the above.



Narcotics Bills

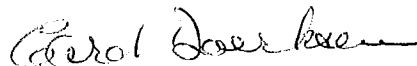
The chairman discussed with the committee the possibility of introducing as a committee bill a narcotics bill, rather than recommending any one of the four printed bills. He stated that the committee would have to adopt an agreed intent for the bill, and after discussion generally by members of the committee the chairman requested that the committee counsel draft a proposed bill for the committee's consideration.

HB 1045

Chairman Wilson advised the committee that there will be one more public hearing on this bill before the committee will have a work session on it. Representative Young, reporting from the Beach Subcommittee,, said that his committee will recommend tabling SJR 5 after the new amendments to HB 1045 are studied and approved. Mr. Kess Cannon is to have the new amendments before the committee shortly.

There being no further business before the committee, the meeting adjourned at 5:30 p.m.

Respectfully submitted,



Carol Doerksen,  
Committee Clerk

## HOUSE COMMITTEE ON JUDICIARY

March 17, 1969

3:00 p.m.

Room 20

Members present:

Chairman, Rep. Don Wilson  
Representatives Anunsen, Browne, Cole,  
Carson, Frost, Haas, Macpherson, Pynn,  
Skelton, Young.

Jena Schlegel, Legal Consultant

HB 1045

Chairman Don Wilson gave an introduction to the hearing, explaining that this meeting was to give an opportunity to the public to voice their opinions. No public agencies would be heard until the end of the meeting.

Rep. Paul Hanneman presented a prepared statement and the amendments which he suggested for the beach bill. These are attached as a part of these minutes. He explained that the amendments direct themselves to four problems which seem to be continuing in certain areas. In discussing the amendments with the governor's office very briefly and verbally, we discussed removing the coordinates from the bill and placing those in administrative code where they could be kept in courthouses. Because of the public interest in preserving the lines and the potential difficulty in altering the line, it should not be changed without legislative consent.

Rep. Don Wilson questioned how the highway department might police the beaches. Rep. Hanneman answered that the language at the bottom of line 27, page 94 states the state highway commission is authorized to police, protect and maintain. A lot of laymen have a difference of opinion as to what police means, but whether it is to clean the beach or to apprehend violators of the law, we have a problem either way.

Rep. Haas referred to amendment No. 3 and the question of whether the state would be obligated to follow the priorities and public lands would have a higher priority than private lands. Rep. Hanneman stated there are hundreds of city and county access points which we feel ought to be developed. I think these ought to be the primary attention for expansion in cooperation with those local government agencies, many of whom I know are willing to cooperate.

Rep. Pynn questioned whether an alternative was allowed in amendment No. 2. The reason for this amendment is that the Commission should go to the county court or the mayors of the city who have contiguous properties and talk to them about whether those lands are to be opened for vehicles or not. He suggested that more than 50% of them would recommend the beaches be restricted totally from vehicular traffic. However, there are situations where the department will look toward the local cities and counties in some of these matters only if they want supporting or gratifying view points from the local government and if they detect difficulty or disagreement they will not. Rep. Hanneman stated he would like the Commission to seek it and would like the law to require it.

Rep. Hanneman, in answering a question about amendment No. 3, stated a priority basis for access on a three mile basis does not allow enough flexibility. He believed there is public access in sufficient quality and quantity to last for the years to come without sticking too rigidly to the three mile basis. If there is a section of the beach which is bound by headlands, it ought to have public access.

Lisa Patterson, Portland, Ore. She made a request that a hearing be held before an impartial body when changes are planned at the mouth of an estuary. Oceanography is not an exact science, but they can fairly well predict the effects of making changes at the mouth of a river. She presented a large picture to show the Seaside sandspit before any work had been done on it, but after the tidal wave of 1964. She also presented a picture of the current situation after changes had been made by the city of Seaside in the banks of the river. These changes were made against the protest of the city of Gearhart. Due to the changes made in the river, there is now extensive erosion. She had studied the coordinates that were shown at the last meeting and felt they were reasonably satisfactory as they pertained to the mouths of estuaries. She feels the coordinates are a defensible position. Mrs. Patterson advised adding something to the bill which would safeguard estuaries, as an estuary should be considered as an entity and not as two separate parts.

There was extensive committee discussion and questioning regarding the effects of building and excavating, and the interpretation of the photographs she presented.

Kess Cannon, Secretary for the Committee of Natural Resources He presented a statement and some amendments to the committee which cover the following areas: An ocean shore is defined; the coordinates are removed from the bill and provides for its availability and change; removes from the bill any reference to the question of ownership; repeals from the law sections dealing with liability and prescription; makes permit authority more manageable and less time consuming; establishes guidelines for removal of material; clearly establishes a charge for removal under rule or permit and allocates such funds. A copy of the amendments are to be found in committee file.

Rep. Frost - questioned why the change of policy thinking away from the coordinate line. Mr. Cannon replied there had to be a state policy decision - whether or not the people of the state want to use the coordinate line as a line seaward of which they will defend their descriptive rights and use it as a permit line for any changes, improvements, or alterations. Or, whether on the coast there are areas that are landward of the permit line where the people of the state from long use, may also want to exercise prescriptive rights. This was the issue.

The actual vegetation line will change by providing that the permit line stay within the general area. Then we avoid having the permit line as a fixed line not moving after natural forces at the coast might cause the vegetation line to move. It would force the coordinate line to move with it because the intent of the act is to make sure that the permit line stays within the ocean shore and does not wander up sometime and get in the middle of some farmer's field.

Don di Bernardi, Lincoln City - He gave the opinion that the people from the inland have lost the right to use the beach. They want to be able to use the beach as they have for a long time.

In answer to a question about titles, previous to HB 1601, an exception was given to the right of the federal government, the State of Oregon and the public in and to any portion of the above described tracts of land lying below the high water mark of the Pacific Ocean. The people inland did not feel that this gave them enough use of the beach, so HB 1601 was passed. Since then the title reports include this exception: The right to the public in the State of Oregon is declared acquired under the provision of Chapter 601 Oregon Laws 1967 effective July 6, 1967. This moved it back to the 16 ft. There is serious question as to the lack of limits to government to continue to acquire property now in possession of private individuals. He suggested that a hearing be called for and held in the closest incorporated city. He is for the passage of 1045 if it does not take away any more of the rights of the present land owners.

Dan Dority, Lake Oswego. He made several suggestions to amend the bill, a copy of which is included in committee records. He quoted from different situations that have arisen between property owner and the State Highway Department. He also was concerned about the policing of the beaches as pertaining to the clean up and repair.

Mrs. Dan Dority, Lake Oswego. She had question regarding access roads. She felt the Highway Department has enough and should not be encouraged to acquire more. She also felt a study should be made of the present access roads before they were directed to acquire more.

Mr. Cannon returned to the witness chair.

Rep. Cole referred to the aerial maps used at the previous hearing with the coordinate line drawn in, showing an area between that line and what would be the established city boundaries. He was concerned about what would happen when these beaches start growing seaward as they have been for many years in Clatsop County, causing sand to build up between the city boundary lines and the ocean.

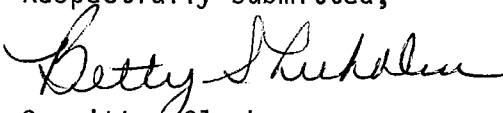
Mr. Cannon replied that the amendments have been written to take care of this type of problem.

Rep. Skelton stated that from -his experience of serving on a committee studying this problem, he came to the conclusion that the vegetation line was in many places unascertainable. The use of the vegetation line would lead to all kinds of litigation in areas where it is not ascertainable. He asked what considerations had gone into the recommendation to change to a vegetation line.

Mr. Cannon - The consideration was simply whether or not the permit line would serve two purposes and whether or not it should serve two purposes, which we previously explained. We are not looking for prescriptive rights that are landward of the vegetation line. There are large sand areas, large estuary areas, large areas limited to less than 5% of the Oregon coast where there is this question. The coordinate line may well be both the permit line as well as the line marking the definite line to which the state will attempt to claim prescriptive rights.

The meeting was adjourned.

Respectfully submitted,

  
Committee Clerk

HOUSE COMMITTEE ON JUDICIARY

March 19, 1969

3:00 P.M.

Room 20

Members Present: Chairman Wilson,  
Representatives Anunsen, Browne,  
Carson, Cole, Frost, Haas, Mac-  
pherson, Pynn, Skelton, and Young.  
  
Jena Schlegel, Committee Counsel.

HB 1045

Representatives Young and Macpherson, members of this committee, spoke at length and in detail on the bill. Copies of their proposed amendments and suggestions are on file in committee files. Each stressed clarification of the language of the bill, and legislative intent. Representative McKenzie spoke briefly to the committee, suggesting that reparian rights and donation land claims should be studied carefully as applied within the bill.

There followed, after testimony of the above, questions and general discussion as to certain legal requirements; particularly adverse possession, prescriptive rights and easements.

No action was taken on the bill by the committee, and Chairman Wilson appointed Representative Young as head of a sub-committee (members: Cole, Pynn and Macpherson) to study further the points of today's discussion and questions of the committee.

There being no further business before the committee, the meeting was adjourned at 4:45 p.m.

Respectfully submitted,

*Carol Doerksen*  
Carol Doerksen, Clerk

SB 188, 250, 251 = public hearings

HB 1459, 1045, 1100, 1520, 1631, 1635,

1755, 1209, 1789 = work session

HOUSE COMMITTEE ON JUDICIARY

March 26, 1969

3:00 p.m.

Room 20

Members present: Chairman Don Wilson,  
Representatives Anunsen, Browne, Carson,  
Cole, Frost, Macpherson, Pynn and Young

Jena Schlegel, Committee Counsel

excused: Representatives Haas and Skelton

SB 188

Frank J. Healy, Corporation Commissioner for the State of Oregon, briefly discussed the bill by each section. In supporting the bill, he stated that the purpose generally was to clarify regulations and to bring certain corporate procedures into a more realistic manner. General discussion followed, and no questions were asked of the witness.

SB 150

Ronald A. Watson, practicing attorney of Portland, and representative of the Oregon State Bar, stated that both SB 150 and SB 151 are "housekeeping" bills. He stated that the purpose of SB 150 was to eliminate specific reference to either counties outside Multnomah County or to Multnomah County, and thereby the bill accomplishes uniform requirements and deletes distinctions.

SB 151

The witness stated that the purpose of this bill was to revise the qualifications generally for district court judges to conform to those for circuit court judges. Discussion generally by committee members, with no questions asked of the witness.

WORK SESSION

HB 1045

Lengthy discussion was had by the committee relating to several policy decisions requested by the beach subcommittee within which they can work. It was the unanimous consensus that a coordinate line should be used, possibly with a re-adjustment of the coordination line within HB 1045 to follow more closely the actual vegetation line. Representative Macpherson explained and diagramed the problem of the bays and estuaries, and after discussion it was decided, without vote of the members, that these areas should be deleted from consideration within the bill. It was the general consensus of the members that the state, or possibly city government, should be required to provide reasonable maintenance

of the public beach areas. The subcommittee is to report back to full committee with proposed amendments to the bill.

HB 1100

Representative Frost reported from subcommittee, and after discussion recommended that the bill be tabled. The motion passed with a majority vote, with Representatives Cole and Pynn dissenting.

HB 1378

Representative Macpherson reported on the bill from subcommittee, and suggested that no action be taken until more information could be obtained from certain circuit court judges. Agreeable by consensus of the committee; committee counsel is to direct appropriate inquiries.

HB 1520

Representative Frost reported the bill from subcommittee, and discussed the proposed amendments. After discussion by the committee, Representative Frost moved that the amendments be adopted; motion unanimously passed by vote of the committee. Representative Frost then moved that the bill receive a do pass with amendment recommendation; motion passed with a majority vote, with Chairman Wilson dissenting. Representative Frost is to carry the bill to the House.

HB 1631

Representative Macpherson reported on the bill from subcommittee, and after discussion by the committee moved that the bill receive a do pass recommendation from the committee. Motion passed unanimously. Representative Browne is to carry the bill to the house.

HB 1635

Representative Young reported the bill from subcommittee, and after discussion moved that the bill receive the committee's do pass recommendation. Motion passed unanimously, and Representative Young will carry the bill to the House.

HB 1755

After general discussion by the committee, Representative Frost moved that the bill be tabled. Motion passed unanimously by vote of the members.



HB 1045 (beach bill) - public hearing  
HB 1215, 1310, 1459, 1516, 1519,  
1797, 1313, 1450, 1543, 1721 - work session

HOUSE COMMITTEE ON JUDICIARY

April 14, 1969

3:00 p.m.

Room 20

Members Present: Chairman Don Wilson,  
Representatives Anunson, Browne,  
Carson, Cole, Frost, Haas, Macpherson,  
Pynn, and Young. Skelton absent until  
(4:30 p.m.)

Jena Schlegel, Committee Counsel

HB 1045

Robert Straub, Treasurer for the State of Oregon, spoke again to the committee urging use of the natural vegetation line for purposes of zoning and future acquisition of Oregon beaches, and for protection of bays and estuaries from private encroachment. He also recommended the use of the wordage "compact natural vegetation line" in the land description. A copy of Mr. Straub's remarks are on file in the committee records. There followed Mr. Straub's testimony lengthy discussion with committee members regarding the placement of the zoning line and the actual amount of lands involved. Mr. Straub continued to emphasize that the Legislature should set the principle, not the legal description, of the line, i.e., that the coast line demarked by the compact vegetation line should be a shifting line and that the beach area will be preserved through wave action.

Mrs. Betty Marshall, Portland resident and owner of certain coastal property, spoke in favor of the use of the natural vegetation line. A copy of her remarks are on file in the committee records.

Representative Norman Howard spoke also to the committee, agreeing basically with Robert Straub's comments but preferring the use of the term "natural vegetation line" rather than "compact vegetation line" stating that the former was an oceanographic term and more acceptable scientifically. He also stated that he would advocate the State Highway department being given the right to protect prescriptive rights of bays and estuaries. General discussion by committee members followed Representative Howard's testimony.

The chairman handed out copies of a memo from Geo. Diehl relative to the beach bill, and noted also for the record that Fred Jeter and Lloyd P. Shaw were present from the Oregon Highway Commission for the hearing.

HOUSE COMMITTEE ON JUDICIARY

April 16, 1969

3:00 p.m.

Room 20

Members Present: Representatives Anunsen, Browne, Carson, Cole, Frost, Haas, Macpherson, Pynn, Young and Chairman Wilson.

Jena Schlegel, Committee Counsel

Excused: Representative Keith Skelton

HB 1045

The proposed engrossed HB 1045 were presented to each committee member, incorporating previous approved amendments to the bill. Extensive discussion followed, with Representative Young directing attention section by section through the bill. It was reported that the new coordinates would be prepared by the Highway department, and available in about one week. Representative Macpherson moved that the amendments, as verbally amended by the committee members, be adopted. Motion passed unanimously, with Representative Skelton excused.


Frank McKinney, Assistant Chief Counsel to the Highway Department discussed with the committee the litigation aspect of the proposed bill, stating that he has been and will be involved in 'beach cases' both at the circuit court and supreme court levels. He stated that the hearings are not adversary in nature, and explained the procedures that are now and will be followed under law. There followed lengthy discussion by the committee.

Representative Young moved that the word 'contour' be used rather than 'elevation' on page 5, line 2, after '16 feet', and that on page 93, with regards to the review procedure, certain language changes be made. Motion passed unanimously, with Representative Skelton excused and Representative Carson temporarily absent from the meeting.

The committee then adjourned recorded discussion and held informal meeting with Frank McKinney and Lloyd Shaw to review the maps and illustrations of the Highway department.

The meeting was adjourned at 4:45 p.m., with another called for Thursday, the 17th of April, 1969, at 9:30 a.m., Room 20 for final voting on the proposed engrossed bill.

Respectfully submitted,

  
Carol Doerksen, Clerk

HOUSE COMMITTEE ON JUDICIARY

April 17, 1969

9:30 a.m.

Room 20

Members Present: Representatives Anunsen, Browne, Carson, Cole, Frost, Haas, Macpherson, Pynn, Skelton, Young and Chairman Wilson.

Jena Schlegel, Committee Counsel

HB 1045

The Chairman inquired if there was any further discussion or questions by the committee before he heard the question. Representatives Browne and Haas asked if the coordinate line created ownership rights. Representative Young explained that the coordinate line was strictly a zoning line, and had nothing to do with ownership rights. He said that this was the intent of the 1967 legislation, of the subcommittee's proposed amendments and of HB 1045. Short committee discussion followed, with unanimous agreement to Representative Young's comments.

Representative Pynn moved that the committee give HB 1045 a do pass with amendment recommendation. Motion passed unanimously, with all members of the committee in attendance. Chairman Wilson appointed Representative Young to carry the bill to the House. It was noted that the third reading on the amended bill will be delayed at least one week until copies of the new coordinates are received from the Highway department. (a copy of the committee report is on file in the committee records.)

The meeting was adjourned at 9:50 a.m.

Respectfully submitted,



Carol Doerksen, Clerk

HOUSE COMMITTEE ON JUDICIARY

April 23, 1969

3:00 p.m.

Room 20

Members Present: Representatives Browne, Carson, Cole, Frost,  
Haas, Macpherson, Pynn, Young and Chairman  
Wilson.

Jena Schlegel, Committee Counsel

Excused: Representatives Anunsen and Skelton.

HB 1045

Chairman Wilson asked the committee's permission to request this bill to be printed engrossed, but that the amendments not be printed separately. Members voiced unanimous approval.

HB 1797

John Mishko, attorney and lobbyist, testified on the above bill, pointing particularly to a recent Supreme Court decision which he felt would affect lawyers as well as physicians. He stated that since the opinion says a suit does not need to commence until the plaintiff knows he has a cause of action that both lawyers and doctors are caught with a statute of limitations which will never run. The committee discussed with him several proposals of amendments. Representative Skelton suggested that on page 2, line 33 of the printed bill, after "years" insert "after the date of the occurrence of the act or omission on which the action is based." Representative Carson moved that the amendment be adopted; motion passed unanimously, with Anunsen and Skelton excused. Representative Pynn moved that the bill receive a do pass with amendments recommendation; motion passed unanimously, with Anunsen and Skelton excused. Representative Macpherson is to carry the bill to the House.

HB 1665

Representative Carson moved that the bill be taken from the table. Motion passed unanimously, with Anunsen and Skelton excused, and Frost and Pynn temporarily absent from the meeting. Representative Carson pointed out that there had been substantial testimony favoring the bill before the sub-committee, and after discussion with the committee moved that the bill receive a do pass recommendation. Motion passed by a majority vote; Browne, Carson, Cole, Young and Wilson voting Aye; Frost, Haas and Macpherson voting No; Anunsen and Skelton excused, and Pynn temporarily absent from the meeting. Representative Carson is to carry the bill to the House.

*ce to memo*

MRS. GREGG M. PATERSON  
3730 S.W. CHEHALEM AVENUE  
PORTLAND 1, OREGON

Dear Rep. Wilson,

I was very interested in the ground covered at the hearing of the new beach bill at the Judiciary Committee, particularly the explanation of the line at the mouths of estuaries.

The pictures I have to show your committee have a bearing on this point, and I would like to suggest an amendment to the bill as it now stands.

Since property on one arm of an estuary may be governed by an entirely different political body from that on the other arm, and since it is essential that improvements or developments will have a strong influence throughout the entire area, I would suggest something along the following lines:

In the case of development being proposed for one ~~arm~~ arm of an estuary, notice shall be given to all property owners, including public bodies, on the opposite arm, and to other owners within a mile radius who have property on the estuary.

A hearing before an impartial body shall be arranged, so that the probable effects of the proposed development may be discussed BEFORE any action is undertaken.

I will watch to see when you are having another hearing, or will come down with pictures if you wish to see them at a time you appoint.

Yours sincerely,

*Lisa G. Paterson*

*March 3, 1969*

MRS. GREGG M. PATERSON  
3730 S. W. CHEHALEM AVENUE  
PORTLAND 1, OREGON

1045

Dear Rep. Wilson,

I would like to make a few remarks at the meeting Monday of the House Judiciary Committee when the Beach bill is heard.

My concern lies with the definition of the line on the beach at the mouths of estuaries, and I have some photographs which should be interesting to your committee.

Thank you for your consideration. I will be brief. I would welcome the opportunity to answer questions, should there be any.

Yours sincerely,

*Lisa G. Paterson*

*Feb 20, 1969*

line extending across the mouth from a point nearest the ocean on the 5.7 foot contour and proceeding in a straight line to a similar point on the opposite side. All elevations and vertical measurements are referred to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947.

(2) This section does not apply to: [structures, including a 25-foot yard on all four sides of a single-family residence, existing on May 1, 1967, or to]

(a) Publicly-owned [appurtenances, structures or] improvements made with the approval of the State Highway Engineer for the safety or convenience of the public.

[ (3) This section and ORS 390.650 do not apply to appurtenances, structures or improvements subject to easement or license granted by the Division of State Lands under ORS 274.075 or to rule, regulation or permit of or from the Division of State Lands under ORS 274.080. ]

(b) Improvements subject to easement or license granted under section 22 of this 1969 Act, or subject to rule or permit issued under section 23 or 25 of this 1969 Act.

Section 8. Except for the areas described by section 9 of this 1969 Act, ORS 390.640 applies to all the land located along the Pacific Ocean between the Columbia River and the Oregon-California boundary between extreme low tide and a line inland therefrom described according to the Oregon Coordinate System, as defined by ORS 93.330, as follows:

Beginning near the south jetty of the Columbia River in section 35 of township 9 north , range 11 west of the Willamette Meridian in Clatsop County, Oregon, at a point on the Oregon Coordinate System, north zone, located at y-coordinate 951,340 and x-coordinate 1,112,374, hereby designated point number CI-7-1; thence from point number CI-7-1 southerly along the Pacific Coast by a series of straight lines connecting the following designated, numbered and described points in consecutive order to the Oregon-California boundary line near the section line between section 26 of township 41 south , range 13 west of the Willamette Meridian in Curry County, Oregon, and section 32 of township 19 north , range 1 west of the Humboldt Meridian in Del Norte County, California, at a point on the

Oregon Coordinate System, south zone, located at y-coordinate 143,339 and x-coordinate 991,832, hereby designated point number Cu-7-634.

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Cl-7-1	951,840	1,112,374
Cl-7-2	951,448	1,112,500
Cl-7-3	951,011	1,112,297
Cl-7-4	950,883	1,112,300
Cl-7-5	950,172	1,112,573
Cl-7-6	947,537	1,113,734

**Description of Location of Point Number Cl-7-6:** A point near the north boundary of Fort Stevens State Park located in section 1 of township 8 north , range 11 west of the Willamette Meridian in Clatsop County.

Cl-7-7	938,451	1,117,616
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**Description of Location of Point Number Cl-7-7:** A point near the south boundary of Fort Stevens State Park located in section 12 of township 8 north , range 11 west of the Willamette Meridian in Clatsop County.

Cl-7- 8	938,232	1,117,707
Cl-7- 9	936,446	1,118,379
Cl-7-10	934,923	1,118,944

**Description of Location of Point Number Cl-7-10:** A point near the north boundary of Fort Stevens State Park located in section 18 of township 8 north , range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-11	934,462	1,119,114
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**Description of Location of Point Number Cl-7-11:** A point near the south boundary of Fort Stevens State Park located in section 18 of township 8 north , range 10 west of the Willamette Meridian in Clatsop County.

Cl-7-12	928,335	1,121,309
Cl-7-13	924,266	1,122,688

**Description of Location of Point Number Cl-7-13:** A point near the



Point Oregon Coordinate System, north zone

Number y-coordinate x-coordinate

north boundary of Camp Rilea located in section 30 of township 8 north ,  
range 10 west of the Willamette Meridian in Clatsop County.

CI-7-14 907,691 1,127,287

Description of Location of Point Number CI-7-14: A point near the  
south boundary of Camp Rilea near the section line between sections 8  
and 9 of township 7 north , range 10 west of the Willamette Meridian in  
Clatsop County.

CI-7-14A	907,381	1,127,433
CI-7-14B	907,016	1,127,370
CI-7-14C	906,835	1,127,526
CI-7-15	905,439	1,127,761
CI-7-16	904,776	1,127,962
CI-7-17	903,245	1,128,184
CI-7-18	902,731	1,128,287
CI-7-19	901,368	1,128,474
CI-7-20	898,590	1,128,920
CI-7-21	896,168	1,129,206
CI-7-22	890,480	1,129,617
CI-7-23	887,910	1,129,729
CI-7-24	886,521	1,129,795
CI-7-25	884,198	1,129,862
CI-7-26	881,377	1,129,860
CI-7-26A	880,815	1,129,949
CI-7-27	880,455	1,129,849
CI-7-28	875,597	1,129,783
CI-7-29	875,155	1,129,814
CI-7-30	874,962	1,129,941
CI-7-31	874,833	1,130,075
CI-7-32	874,742	1,130,275
CI-7-33	871,379	1,129,723
CI-7-34	870,596	1,129,609

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
CI-7-35	869,710	1,129,493
CI-7-36	869,355	1,129,382
CI-7-37	868,555	1,129,147
CI-7-38	866,858	1,128,737
CI-7-38A	866,773	1,128,608
CI-7-39	866,671	1,128,687
CI-7-39A	865,842	1,128,515
CI-7-39B	865,648	1,128,349
CI-7-40	864,302	1,128,029
CI-7-41	861,388	1,127,089
CI-7-42	860,891	1,126,818
CI-7-43	860,700	1,126,612
CI-7-44	860,343	1,125,571
CI-7-45	860,321	1,125,395
CI-7-46	860,345	1,125,062
CI-7-47	860,402	1,124,721
CI-7-48	860,470	1,123,656
CI-7-49	860,541	1,122,956
CI-7-50	860,092	1,121,701
CI-7-51	859,879	1,120,816
CI-7-52	859,663	1,120,509

**Description of Location of Point Number CI-7-52:** A point about one mile southwest of the City of Seaside near the north boundary of Ecola State Park near the section line between sections 29 and 30 of township 6 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-53	837,531	1,117,635
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**Description of Location of Point Number CI-7-53:** A point on the south side of Tillamook Head near the south boundary of Ecola State Park and near the section line between sections 18 and 19 of township 5 north , range 10 west of the Willamette Meridian in Clatsop County.

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
CI-7-54	836,827	1,117,747
CI-7-55	836,688	1,117,698

**Description of Location of Point Number CI-7-55:** A point near the north end of the headlands at Chapman Point located in section 19 of township 5 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-56	836,403	1,118,094
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**Description of Location of Point Number CI-7-56:** A point near the southerly end of the headlands at Chapman Point located in section 19 of township 5 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-57	836,120	1,118,264
CI-7-58	835,661	1,118,331
CI-7-59	834,401	1,118,606
CI-7-60	834,031	1,118,861
CI-7-61	833,909	1,119,099
CI-7-61A	834,060	1,119,301
CI-7-61B	833,170	1,119,289
CI-7-61C	832,879	1,119,119
CI-7-62	832,264	1,118,827
CI-7-63	832,218	1,118,765
CI-7-64	832,149	1,118,742
CI-7-65	829,701	1,118,589
CI-7-66	829,700	1,118,517
CI-7-67	829,402	1,118,489
CI-7-68	829,269	1,118,565
CI-7-69	827,556	1,118,329
CI-7-70	827,311	1,118,328
CI-7-71	826,922	1,118,395
CI-7-72	826,854	1,118,402

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
CI-7-73	826,694	1,118,493
CI-7-73A	826,041	1,118,595
CI-7-74	825,540	1,118,654
CI-7-74A	825,033	1,118,704
CI-7-75	824,406	1,118,749
CI-7-75A	823,916	1,118,765
CI-7-76	823,394	1,118,783

**Description of Location of Point Number CI-7-76:** A point near the north boundary of Tolovana Beach State Wayside located in section 31 of township 5 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-77	823,162	1,118,834
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**Description of Location of Point Number CI-7-77:** A point near the south boundary of Tolovana Beach State Wayside located in section 31 of township 5 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-78	823,122	1,118,777
CI-7-79	821,713	1,118,737
CI-7-80	820,798	1,118,662
CI-7-81	820,616	1,118,628
CI-7-82	819,990	1,118,570
CI-7-83	818,487	1,118,346
CI-7-84	818,253	1,118,281
CI-7-85	818,178	1,118,235
CI-7-86	818,148	1,118,247
CI-7-87	817,898	1,118,169
CI-7-88	817,684	1,118,011
CI-7-89	817,465	1,117,948
CI-7-90	817,171	1,118,071
CI-7-91	815,636	1,118,331
CI-7-92	815,260	1,118,392
CI-7-93	814,848	1,118,435

Point	Oregon Coordinate System, north zone	
Number	y-coordinate	x-coordinate
CI-7-94	814,409	1,118,513
CI-7-94A	814,169	1,118,279
CI-7-95	814,083	1,118,612
CI-7-96	813,912	1,118,660
CI-7-97	812,767	1,118,680
CI-7-98	811,143	1,118,543
CI-7-99	810,457	1,118,473
CI-7-100	809,795	1,118,455
CI-7-101	809,529	1,118,398
CI-7-102	809,522	1,118,298
CI-7-103	809,366	1,118,376
CI-7-104	809,342	1,118,314
CI-7-105	809,254	1,118,366
CI-7-106	808,991	1,118,326
CI-7-107	808,579	1,118,341
CI-7-108	808,559	1,118,262
CI-7-109	808,368	1,118,263
CI-7-110	808,288	1,118,189
CI-7-111	808,212	1,118,226
CI-7-112	808,168	1,118,031
CI-7-112A	808,319	1,117,849
CI-7-112B	808,236	1,117,789
CI-7-112C	808,036	1,117,904
CI-7-112D	808,021	1,118,029
CI-7-113	807,723	1,117,985
CI-7-114	807,577	1,118,182
CI-7-114A	807,492	1,118,167
CI-7-114B	807,302	1,117,900
CI-7-114C	807,197	1,117,960
CI-7-114D	807,246	1,118,131

**Oregon Coordinate System, north zone**

Point Number	y-coordinate	x-coordinate
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CI-7-115	806,972	1,118,108
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**Description of Location of Point Number CI-7-115:** A point near the north boundary of Hug Point Park located in section 18 of township 4 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-116	806,841	1,118,094
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**Description of Location of Point Number CI-7-116:** A point near the south boundary of Hug Point Park located near the section line between sections 18 and 19 of township 4 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-117	806,272	1,118,031
CI-7-118	806,178	1,117,848
CI-7-118A	806,026	1,117,849
CI-7-119	805,789	1,118,058
CI-7-120	805,431	1,117,949
CI-7-120A	805,367	1,117,779
CI-7-121	805,296	1,117,776
CI-7-122	805,158	1,117,930
CI-7-123	805,092	1,117,892
CI-7-124	802,212	1,117,559
CI-7-125	802,079	1,117,577
CI-7-126	801,380	1,117,374
CI-7-127	801,289	1,117,358
CI-7-128	801,274	1,117,370
CI-7-129	799,987	1,117,070
CI-7-130	798,430	1,116,632
CI-7-131	797,966	1,116,576
CI-7-132	797,940	1,116,740
CI-7-133	797,778	1,116,650
CI-7-134	797,699	1,116,278

**Description of Location of Point Number CI-7-134:** A point at the north end of the headlands at Arch Cape located near the section line between section 25 of township 4 north , range 11 west of the Willamette Meridian

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
and section 30 of township 4 north , range 10 west of the Willamette Meridian in Clatsop County.		
CI-7-135	795,909	1,116,145

**Description of Location of Point Number CI-7-135:** A point near the south boundary of Oswald West State Park located near the section corner common to sections 25 and 36 of township 4 north , range 11 west of the Willamette Meridian and sections 30 and 31 of township 4 north , range 10 west of the Willamette Meridian in Clatsop County.

CI-7-136	794,385	1,115,979
CI-7-137	793,087	1,115,939
CI-7-138	792,118	1,115,833
CI-7-139	790,613	1,115,650

**Description of Location of Point Number CI-7-139:** A point near the Clatsop-Tillamook County line.

Ti-7-1	790,200	1,115,606
Ti-7-2	789,633	1,115,579
Ti-7-3	789,412	1,115,471

**Description of Location of Point Number Ti-7-3:** A point at the south end of Cove Beach at the north end of the headlands on the north side of Cape Falcon located in section 1 of township 3 north , range 11 west of Willamette Meridian in Tillamook County.

Ti-7-4	788,172	1,114,325
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**Description of Location of Point Number Ti-7-4:** A point on the north side of Cape Falcon located in section 1 of township 3 north , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-4A	787,945	1,114,326
Ti-7-5	787,735	1,114,247
Ti-7-6	787,429	1,113,987

**Description of Location of Point Number Ti-7-6:** A point on the north side of Cape Falcon located in section 1 of township 3 north , range 11 west of the Willamette Meridian in Tillamook County.

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-7	774,737	1,118,436

**Description of Location of Point Number Ti-7-7:** A point near the south boundary of Oswald West State Park located near the section line between sections 18 and 19 of township 3 north , range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-7A	774,503	1,118,717
Ti-7- 8	774,092	1,119,050
Ti-7-8A	773,444	1,119,807
Ti-7-9	773,224	1,120,065
Ti-7-10	772,706	1,120,476
Ti-7-11	771,558	1,121,062
Ti-7-12	770,506	1,121,228
Ti-7-13	769,862	1,121,397
Ti-7-14	766,603	1,121,776
Ti-7-15	764,859	1,121,874
Ti-7-16	763,268	1,121,881
Ti-7-17	762,624	1,121,940
Ti-7-18	761,335	1,121,889

**Description of Location of Point Number Ti-7-18:** A point near the north boundary of Nehalem Bay Park located in section 32 of township 3 north , range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-19	745,172	1,122,047
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**Description of Location of Point Number Ti-7-19:** A point near the south boundary of Nehalem Bay Park near the south end of Nehalem Bay sand spit located in section 17 of township 2 north , range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-19A	743,930	1,122,166
Ti-7-20	743,294	1,121,234
Ti-7-21	742,843	1,120,931
Ti-7-22	742,511	1,120,795
Ti-7-23	737,706	1,120,158



Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-24	737,364	1,120,200
Ti-7-25	737,006	1,120,377
Ti-7-26	736,659	1,120,284
Ti-7-27	736,605	1,120,194
Ti-7-28	736,195	1,119,992
Ti-7-29	735,826	1,119,914
Ti-7-30	732,728	1,119,396
Ti-7-31	730,623	1,119,099
Ti-7-32	729,193	1,118,966
Ti-7-32A	728,795	1,119,058
Ti-7-33	728,495	1,119,026

**Description of Location of Point Number Ti-7-33:** A point near the north boundary of Rockaway State Wayside located in section 32 of township 2 north , range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-34	728,315	1,118,986
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**Description of Location of Point Number Ti-7-34:** A point near the south boundary of Rockaway State Wayside located in section 32 of township 2 north , range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-35	728,102	1,118,837
Ti-7-36	727,685	1,118,765
Ti-7-37	727,585	1,118,689
Ti-7-38	726,959	1,118,586
Ti-7-39	726,532	1,118,711
Ti-7-40	725,838	1,118,610
Ti-7-41	725,699	1,118,588
Ti-7-42	725,611	1,118,578
Ti-7-43	725,148	1,118,201
Ti-7-44	724,087	1,117,923
Ti-7-45	723,843	1,117,852

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-46	723,687	1,117,804
Ti-7-47	723,393	1,117,689
Ti-7-48	722,609	1,117,479
Ti-7-49	721,882	1,117,853
Ti-7-50	721,363	1,117,492
Ti-7-51	720,771	1,117,726
Ti-7-51A	720,313	1,117,712
Ti-7-52	719,839	1,117,130
Ti-7-53	717,383	1,116,446
Ti-7-54	716,779	1,116,324
Ti-7-55	715,094	1,115,787
Ti-7-56	714,694	1,115,710
Ti-7-57	713,732	1,115,426
Ti-7-58	713,010	1,115,320
Ti-7-59	706,624	1,117,487
Ti-7-60	706,305	1,117,368
Ti-7-61	705,591	1,117,212
Ti-7-62	702,813	1,116,623
Ti-7-63	701,988	1,116,474
Ti-7-64	700,758	1,116,213
Ti-7-65	700,641	1,116,216
Ti-7-66	698,359	1,115,831
Ti-7-67	698,018	1,115,766
Ti-7-68	697,730	1,115,742
Ti-7-69	695,285	1,115,488
Ti-7-70	694,014	1,115,269
Ti-7-71	693,995	1,115,417
Ti-7-72	693,046	1,115,096
Ti-7-73	691,876	1,114,912
Ti-7-74	691,096	1,114,625
Ti-7-75	689,408	1,114,216

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-76	689,446	1,114,088
Ti-7-77	689,181	1,113,946
Ti-7-78	688,875	1,113,877
Ti-7-78A	688,251	1,113,654
Ti-7-78B	688,240	1,113,576
Ti-7-79	688,088	1,113,584
Ti-7-80	688,103	1,113,499
Ti-7-81	686,504	1,112,939
Ti-7-82	686,060	1,112,666
Ti-7-83	685,568	1,112,260

**Description of Location of Point Number Ti-7-83:** A point near the north end of the headlands on the north side of Cape Meares located in section 7 of township 1 south , range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-84	679,993	1,110,563
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**Description of Location of Point Number Ti-7-84:** A point near the south boundary of Cape Meares Park and near the section line located between sections 13 and 24 of township 1 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-85	679,740	1,110,651
Ti-7-86	679,286	1,110,648
Ti-7-87	677,505	1,110,400
Ti-7-88	677,287	1,110,279

**Description of Location of Point Number Ti-7-88:** A point near the north end of the headlands at the south end of Short Beach located in section 24 of township 1 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-89	676,698	1,110,158
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**Description of Location of Point Number Ti-7-89:** A point near the south end of the headlands south of Short Beach located in section 24 of township 1 south , range 11 west of the Willamette Meridian in Tillamook County.

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-90	676,630	1,110,189
Ti-7-91	676,425	1,110,168
Ti-7-92	676,188	1,110,063
Ti-7-93	675,777	1,109,741
Ti-7-94	675,643	1,109,518

**Description of Location of Point Number Ti-7-94:** A point near the north end of the headlands on the north side of Maxwell Point located in section 24 of township 1 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-95	675,616	1,109,371
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**Description of Location of Point Number Ti-7-95:** A point near the south end of the headlands on the north side of Maxwell Point located in section 24 of township 1 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-96	675,441	1,109,359
Ti-7-97	675,010	1,109,250
Ti-7-98	674,787	1,109,383
Ti-7-99	673,979	1,109,562

**Description of Location of Point Number Ti-7-99:** A point near the north end of the first headlands north of Oceanside located in section 25 of township 1 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-100	673,842	1,109,669
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**Description of Location of Point Number Ti-7-100:** A point near the south end of the first headlands north of Oceanside located in section 25 of township 1 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-101	673,809	1,109,771
Ti-7-102	673,653	1,109,909
Ti-7-103	673,071	1,110,205
Ti-7-104	672,307	1,110,537

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-105	671,227	1,110,895
Ti-7-106	670,370	1,111,117
Ti-7-107	670,090	1,111,168
Ti-7-108	669,605	1,111,341
Ti-7-109	668,224	1,111,600
Ti-7-110	667,215	1,112,239
Ti-7-111	666,578	1,112,749
Ti-7-112	666,252	1,112,937
Ti-7-112A	665,808	1,113,364
Ti-7-112B	665,466	1,113,850
Ti-7-113	662,710	1,113,335

**Description of Location of Point Number Ti-7-113:** A point near the north end of the Netarts Bay sand spit located in section 6 of township 2 south , range 10 west of the Willamette Meridian in Tillamook County.

Ti-7-114	628,256	1,107,235
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**Description of Location of Point Number Ti-7-114:** A point near the south end of the headlands on the south side of Cape Lookout located in section 1 of township 3 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-115	628,048	1,107,599
Ti-7-116	627,769	1,107,736
Ti-7-117	623,918	1,108,889
Ti-7-118	623,459	1,108,997
Ti-7-119	622,032	1,109,287
Ti-7-120	621,511	1,109,345
Ti-7-121	620,938	1,109,441
Ti-7-122	619,547	1,109,539
Ti-7-123	618,468	1,109,563
Ti-7-124	617,144	1,109,557
Ti-7-125	616,033	1,109,533
Ti-7-126	615,652	1,109,506

Point	Oregon Coordinate System, north zone	
Number	y-coordinate	x-coordinate
Ti-7-127	613,316	1,109,441
Ti-7-128	611,375	1,109,312
Ti-7-129	611,076	1,109,287
Ti-7-130	610,497	1,109,309
Ti-7-131	610,236	1,109,255
Ti-7-132	608,446	1,109,185
Ti-7-133	607,963	1,109,235
Ti-7-134	607,726	1,109,270
Ti-7-135	607,570	1,109,326
Ti-7-136	607,363	1,109,441
Ti-7-137	607,271	1,109,574
Ti-7-138	607,215	1,109,756
Ti-7-138A	606,590	1,110,203
Ti-7-138B	605,488	1,110,094
Ti-7-139	605,446	1,109,729
Ti-7-140	605,357	1,109,499
Ti-7-141	604,728	1,108,965
Ti-7-142	603,187	1,108,572
Ti-7-143	601,827	1,108,353
Ti-7-144	601,528	1,108,275
Ti-7-145	600,384	1,108,160
Ti-7-146	597,511	1,107,747
Ti-7-147	596,001	1,107,589
Ti-7-148	595,439	1,107,538
Ti-7-149	595,111	1,107,567
Ti-7-150	594,576	1,107,360
Ti-7-151	593,266	1,107,033
Ti-7-152	592,923	1,106,907
Ti-7-153	592,375	1,106,812
Ti-7-154	592,043	1,106,723
Ti-7-155	591,495	1,106,642

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-156	591,069	1,106,555
Ti-7-157	590,917	1,106,452
Ti-7-158	590,692	1,106,577
Ti-7-159	589,950	1,106,387
Ti-7-160	589,555	1,106,357
Ti-7-161	589,508	1,106,294
Ti-7-162	588,511	1,106,271
Ti-7-163	588,166	1,106,184
Ti-7-164	587,443	1,105,946
Ti-7-165	586,940	1,105,880
Ti-7-166	586,541	1,105,690
Ti-7-167	586,307	1,105,425
Ti-7-168	586,275	1,105,303
<p><b>Description of Location of Point Number Ti-7-168:</b> A point near the north end of the headlands at Cape Kiwanda located in section 13 of township 4 south , range 11 west of the Willamette Meridian in Tillamook County.</p>		
Ti-7-169	584,879	1,105,024
<p><b>Description of Location of Point Number Ti-7-169:</b> A point near the south end of the headlands at Cape Kiwanda located in section 13 of township 4 south , range 11 west of the Willamette Meridian in Tillamook County.</p>		
Ti-7-170	584,943	1,105,176
Ti-7-171	584,920	1,105,306
Ti-7-172	584,785	1,105,489
Ti-7-173	584,486	1,105,725
Ti-7-174	584,067	1,105,949
Ti-7-175	583,794	1,106,060
Ti-7-176	582,447	1,106,291
Ti-7-177	581,986	1,106,320
Ti-7-178	580,712	1,106,517

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-179	579,529	1,106,630
Ti-7-180	578,628	1,106,654
Ti-7-181	577,896	1,106,615
Ti-7-182	577,310	1,106,645
Ti-7-183	576,545	1,106,588

**Description of Location of Point Number Ti-7-183:** A point near the north boundary of the Nestucca Spit Park located in section 25 of township 4 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-184	563,870	1,105,586
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**Description of Location of Point Number Ti-7-184:** A point near the south end of the Nestucca Bay sand spit located in section 1 of township 5 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-185	563,121	1,105,422
Ti-7-186	562,775	1,105,342
Ti-7-187	562,449	1,104,966
Ti-7-188	562,278	1,104,854
Ti-7-189	561,494	1,104,672
Ti-7-190	561,308	1,104,578
Ti-7-191	560,941	1,104,548
Ti-7-192	560,790	1,104,497
Ti-7-193	560,754	1,104,397
Ti-7-194	560,593	1,104,376
Ti-7-195	560,372	1,104,290
Ti-7-196	560,241	1,104,283
Ti-7-197	560,241	1,104,363
Ti-7-198	560,165	1,104,416
Ti-7-199	559,565	1,104,234
Ti-7-200	558,914	1,104,283
Ti-7-201	558,132	1,104,133
Ti-7-202	557,720	1,104,136



Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-203	557,416	1,104,200
Ti-7-204	557,271	1,104,163
Ti-7-205	557,145	1,104,234
Ti-7-206	556,767	1,104,137
Ti-7-207	556,598	1,103,953
Ti-7-208	556,495	1,103,660
Ti-7-209	556,206	1,103,587
Ti-7-210	555,796	1,103,647
Ti-7-210A	555,558	1,103,839
Ti-7-210B	555,399	1,103,485
Ti-7-211	555,268	1,103,430
Ti-7-212	555,080	1,103,479
Ti-7-213	554,132	1,103,160
Ti-7-214	553,822	1,103,024
Ti-7-215	552,907	1,103,002
Ti-7-216	552,509	1,102,822
Ti-7-217	552,330	1,102,906
Ti-7-218	552,144	1,102,790
Ti-7-219	551,268	1,102,583
Ti-7-220	550,789	1,102,443
Ti-7-221	550,365	1,102,446
Ti-7-222	550,132	1,102,342
Ti-7-223	549,616	1,102,223
Ti-7-224	549,021	1,102,086
Ti-7-225	548,515	1,102,174
Ti-7-226	548,045	1,101,928
Ti-7-227	547,650	1,101,841
Ti-7-228	547,137	1,101,762
Ti-7-229	546,721	1,101,592
Ti-7-230	546,598	1,101,590
Ti-7-231	546,179	1,101,457

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-232	545,927	1,101,496
Ti-7-233	545,736	1,101,282
Ti-7-234	545,227	1,101,182
Ti-7-234A	544,521	1,100,882
Ti-7-235	544,030	1,100,781
Ti-7-236	543,486	1,100,741
Ti-7-237	543,049	1,100,540
Ti-7-238	542,679	1,100,713
Ti-7-239	542,576	1,100,809
Ti-7-239A	542,571	1,100,910
Ti-7-239B	542,633	1,100,971
Ti-7-239C	542,222	1,101,135
Ti-7-240	541,526	1,100,550
Ti-7-241	541,447	1,100,496
Ti-7-242	541,422	1,100,430
Ti-7-243	540,945	1,100,110
Ti-7-244	540,457	1,100,012
Ti-7-245	540,099	1,099,832
Ti-7-246	539,845	1,099,625
Ti-7-247	539,847	1,099,586
Ti-7-248	539,744	1,099,482
Ti-7-249	539,703	1,099,466

**Description of Location of Point Number Ti-7-249:** A point near the north end of the headlands on the north side of Cascade Head located in section 35 of township 5 south , range 11 west of the Willamette Meridian in Tillamook County.

Ti-7-250	523,326	1,094,861
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**Description of Location of Point Number Ti-7-250:** A point near the east end of the headlands on the south side of Cascade Head located in section 14 of township 6 south , range 11 west of the Willamette Meridian in Tillamook County.

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Ti-7-250A	522,807	1,095,300
Ti-7-250B	522,247	1,095,417
Ti-7-251	522,189	1,095,089
Ti-7-252	521,960	1,094,886
Li-7-1	521,877	1,094,819

**Description of Location of Point Number Li-7-1:** A point near the Tillamook-Lincoln county line.

Li-7-2	519,691	1,094,773
Li-7-2A	519,502	1,094,647

**Description of Location of Point Number Li-7-2A:** A point near the north end of the headlands at the south end of the sand spit at the mouth of the Salmon River located in section 23 of township 6 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-3	519,537	1,094,519
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**Description of Location of Point Number Li-7-3:** A point near the southwest end of the headlands at the south end of the sand spit at the mouth of the Salmon River located in section 23 of township 6 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-4	519,263	1,094,410
Li-7-5	519,133	1,094,540
Li-7-6	518,997	1,094,408
Li-7-7	518,796	1,094,379
Li-7-8	518,587	1,094,221
Li-7-9	518,396	1,093,880
Li-7-10	518,408	1,093,725

**Description of Location of Point Number Li-7-10:** A point near the north end of the headlands northwest of Coon Lake located in section 22 of township 6 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-11	518,136	1,093,626
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Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate

Description of Location of Point Number Li-7-11: A point near the south end of the headlands northwest of Coon Lake located in section 22 of township 6 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-12	518,059	1,093,671
Li-7-13	517,822	1,093,636
Li-7-14	517,635	1,093,559
Li-7-15	517,461	1,093,343
Li-7-16	517,415	1,093,152
Li-7-17	517,434	1,092,979

Description of Location of Point Number Li-7-17: A point near the north end of the headlands north of the Town of Road's End located in section 22 of township 6 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-18	515,292	1,092,596
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Description of Location of Point Number Li-7-18: A point near the south end of the headlands north of the Town of Road's End located in section 27 of township 6 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-19	515,261	1,092,731
Li-7-20	515,117	1,092,921
Li-7-21	515,021	1,093,010
Li-7-22	514,830	1,093,127
Li-7-23	514,602	1,093,209
Li-7-24	514,370	1,093,270
Li-7-25	514,191	1,093,279
Li-7-26	513,830	1,093,339
Li-7-27	513,491	1,093,357
Li-7-28	512,314	1,093,322
Li-7-29	512,224	1,093,336
Li-7-30	510,514	1,093,245

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-31	509,812	1,093,179
Li-7-32	509,682	1,093,143
Li-7-33	509,435	1,093,101
Li-7-34	509,375	1,093,122
Li-7-35	509,069	1,093,034
Li-7-36	508,017	1,092,828
Li-7-37	506,696	1,092,542
Li-7-38	504,869	1,092,195
Li-7-39	504,734	1,092,146
Li-7-40	504,400	1,092,088
Li-7-41	504,271	1,092,007
Li-7-42	504,166	1,091,988
Li-7-43	504,008	1,092,005
Li-7-44	503,674	1,091,912
Li-7-45	503,312	1,091,872
Li-7-46	503,204	1,091,869
Li-7-47	502,847	1,091,774
Li-7-48	502,714	1,091,763
Li-7-49	502,386	1,091,756
Li-7-50	502,225	1,091,693
Li-7-51	502,143	1,091,693
Li-7-52	502,088	1,091,657
Li-7-53	501,988	1,091,631
Li-7-54	501,944	1,091,624
Li-7-55	501,722	1,091,592
Li-7-56	501,588	1,091,528
Li-7-57	501,497	1,091,503
Li-7-58	501,390	1,091,497
Li-7-59	501,365	1,091,486
Li-7-60	501,321	1,091,474
Li-7-61	501,298	1,091,463

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-62	500,850	1,091,391
Li-7-63	500,718	1,091,411
Li-7-64	499,879	1,091,274
Li-7-65	499,385	1,091,157
Li-7-66	498,670	1,091,061
Li-7-67	497,823	1,090,866
Li-7-68	497,233	1,090,690
Li-7-69	496,422	1,090,594
Li-7-70	495,945	1,090,488
Li-7-71	494,473	1,090,275
Li-7-72	494,420	1,090,363
Li-7-73	494,284	1,090,309

Description of Location of Point Number Li-7-73: A point near the north boundary of D River State Wayside located in section 15 of township 7 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-74	493,843	1,090,125
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Description of Location of Point Number Li-7-74: A point near the south boundary of D River State Wayside located in section 15 of township 7 south, range 11 west of the Willamette Meridian in Lincoln County.

Li-7-75	493,814	1,090,060
Li-7-76	492,402	1,089,616
Li-7-77	491,260	1,089,342
Li-7-78	491,166	1,089,322
Li-7-79	490,870	1,089,247
Li-7-80	489,928	1,089,005
Li-7-81	489,620	1,088,961
Li-7-82	488,669	1,088,949
Li-7-82A	488,637	1,088,889
Li-7-83	488,075	1,088,663
Li-7-84	487,626	1,088,428
Li-7-85	486,116	1,088,374

Point	Oregon Coordinate System, north zone	
Number	y-coordinate	x-coordinate
Li-7-86	485,659	1,088,303
Li-7-87	485,091	1,088,202
Li-7-88	484,395	1,088,116
Li-7-89	484,358	1,088,149
Li-7-90	484,251	1,088,115
Li-7-91	483,284	1,087,949
Li-7-92	482,954	1,087,979
Li-7-93	482,712	1,087,963
Li-7-94	482,628	1,087,904
Li-7-95	482,564	1,088,018
Li-7-96	482,139	1,088,011
Li-7-97	480,591	1,087,794
Li-7-98	480,279	1,087,846
Li-7-98A	480,081	1,087,939
Li-7-98B	479,857	1,088,114
Li-7-98C	479,781	1,088,257
Li-7-98D	479,611	1,088,768
Li-7-98E	478,500	1,088,109
Li-7-99	478,397	1,087,758
Li-7-100	478,143	1,087,509
Li-7-101	476,617	1,086,979
Li-7-102	475,960	1,086,770
Li-7-103	474,682	1,086,574
Li-7-104	472,997	1,086,230
Li-7-104A	471,682	1,085,904
Li-7-105	471,222	1,085,803
Li-7-106	469,714	1,085,429
Li-7-107	468,683	1,085,187
Li-7-108	467,756	1,084,910
Li-7-108A	466,950	1,084,728
Li-7-109	466,375	1,084,556

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-110	465,880	1,084,494
Li-7-111	464,770	1,084,177
Li-7-112	463,989	1,084,045
Li-7-113	463,900	1,084,075
Li-7-114	463,616	1,083,926
Li-7-115	463,441	1,083,928
Li-7-116	462,754	1,083,621
Li-7-117	461,686	1,083,458
Li-7-118	461,447	1,083,355

**Description of Location of Point Number Li-7-118:** A point near the north boundary of Gleneden Beach State Wayside located in section 16 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-119	460,819	1,083,224
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**Description of Location of Point Number Li-7-119:** A point near the south boundary of Gleneden Beach State Wayside located in section 16 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-120	460,676	1,083,165
Li-7-121	460,619	1,083,189
Li-7-122	460,479	1,083,124
Li-7-123	459,842	1,083,160
Li-7-124	459,810	1,083,056
Li-7-125	459,526	1,082,851
Li-7-126	458,278	1,082,499
Li-7-127	457,957	1,082,503
Li-7-128	457,823	1,082,373
Li-7-129	457,388	1,082,257
Li-7-130	457,345	1,082,264
Li-7-131	456,943	1,082,145
Li-7-132	456,756	1,082,195



Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-133	456,730	1,082,131
Li-7-134	456,340	1,081,936
Li-7-135	455,440	1,081,686
Li-7-136	455,234	1,081,688
Li-7-137	455,151	1,081,688
Li-7-138	454,875	1,081,542
Li-7-139	454,469	1,081,462
Li-7-140	454,339	1,081,439
Li-7-141	454,258	1,081,423
Li-7-142	453,718	1,081,178
Li-7-143	453,426	1,081,102
Li-7-144	452,947	1,081,025
Li-7-145	452,852	1,080,925
Li-7-146	451,855	1,080,644
Li-7-147	451,729	1,080,569
Li-7-148	451,344	1,080,438
Li-7-149	451,162	1,080,331
Li-7-150	451,005	1,080,288

**Description of Location of Point Number Li-7-150:** A point near the north boundary of Lincoln Beach State Wayside located in section 28 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-151	450,586	1,080,122
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**Description of Location of Point Number Li-7-151:** A point near the south boundary of Lincoln Beach State Wayside located in section 28 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-152	450,196	1,079,877
Li-7-153	450,126	1,079,731
Li-7-154	450,167	1,079,513

Point Oregon Coordinate System, north zone  
 Number y-coordinate x-coordinate

Description of Location of Point Number Li-7-154: A point near the north end of the headlands on the north side of Fishing Rock located in section 29 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-155 449,614 1,079,632

Description of Location of Point Number Li-7-155: A point near the south end of the headlands on the south side of Fishing Rock located in section 29 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-156 449,234 1,079,367

Li-7-157 448,636 1,079,264

Li-7-158 448,598 1,079,333

Li-7-159 448,314 1,079,308

Li-7-160 448,214 1,079,373

Li-7-161 448,095 1,079,385

Description of Location of Point Number Li-7-161: A point near the north boundary of Fogarty Creek State Park located in section 32 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-162 447,462 1,079,064

Description of Location of Point Number Li-7-162: A point near the south boundary of Fogarty Creek State Park located in section 32 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-163 447,359 1,078,881

Li-7-164 447,289 1,078,862

Li-7-165 447,192 1,078,622

Description of Location of Point Number Li-7-165: A point near the north end of the headlands on the north side of Boiler Bay located in section 32 of township 8 south , range 11 west of the Willamette Meridian in Lincoln County.

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-166	430,584	1,073,460

Description of Location of Point Number Li-7-166: A point near the northwest end of the headlands on the north side of Whale Cove located in section 18 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-166A	430,612	1,073,565
Li-7-166B	430,470	1,073,776
Li-7-166C	430,518	1,073,943
Li-7-167	430,432	1,074,035
Li-7-167A	430,274	1,074,000

Description of Location of Point Number Li-7-167A: A point near the southeast end of a short sand beach on the northeast side of Whale Cove located in section 17 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-168	416,791	1,074,778
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Description of Location of Point Number Li-7-168: A point near the south end of the headlands south of Otter Crest located in section 29 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-169	416,481	1,074,645
Li-7-170	416,355	1,074,507

Description of Location of Point Number Li-7-170: A point near the north end of the headlands north of Devil's Punch Bowl located in section 32 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-171	415,895	1,074,529
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Description of Location of Point Number Li-7-171: A point near the south end of the headlands north of Devil's Punch Bowl located in section 32 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-172	415,863	1,074,660
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Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-173	415,268	1,074,655
Li-7-174	414,849	1,074,703
Li-7-175	414,615	1,074,584
Li-7-176	414,600	1,074,476

**Description of Location of Point Number Li-7-176:** A point near the north end of the headlands at Otter Rock located in section 32 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-177	413,971	1,075,294
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**Description of Location of Point Number Li-7-177:** A point near the south end of the headlands at Otter Rock located in section 32 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-178	413,506	1,075,645
Li-7-179	412,961	1,075,950
Li-7-180	412,559	1,076,104
Li-7-181	411,922	1,076,232
Li-7-182	411,277	1,076,281

**Description of Location of Point Number Li-7-182:** A point near the north boundary of property owned through the Oregon State Highway Commission located in section 32 of township 9 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-183	398,161	1,074,515
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**Description of Location of Point Number Li-7-183:** A point near Moloch Creek located in section 17 of township 10 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-184	397,774	1,074,441
Li-7-185	397,597	1,074,358
Li-7-186	397,330	1,074,317
Li-7-187	397,266	1,074,257
Li-7-188	397,004	1,074,240

Point	Oregon Coordinate System, north zone	
Number	y-coordinate	x-coordinate
Li-7-189	396,996	1,074,177
Li-7-190	396,723	1,074,107
Li-7-191	396,479	1,074,084
Li-7-192	396,049	1,073,960
Li-7-193	396,026	1,073,913
Li-7-194	395,585	1,073,817
Li-7-195	395,339	1,073,746
Li-7-195A	395,290	1,073,652
Li-7-195B	395,205	1,073,696
Li-7-196	395,015	1,073,632
Li-7-197	394,516	1,073,514
Li-7-198	394,167	1,073,394
Li-7-199	393,827	1,073,198
Li-7-200	393,720	1,073,104
Li-7-201	393,129	1,073,076
Li-7-202	392,896	1,073,021
Li-7-203	392,787	1,072,999
Li-7-204	392,709	1,072,972
Li-7-205	392,212	1,072,892
Li-7-206	391,492	1,072,659
Li-7-207	391,328	1,072,630
Li-7-208	390,819	1,072,450
Li-7-209	390,258	1,072,167
Li-7-210	390,118	1,072,149
Li-7-211	389,984	1,072,013
Li-7-212	389,313	1,071,566
Li-7-213	389,069	1,071,264
Li-7-214	388,955	1,071,051
Li-7-215	388,946	1,070,768

Description of Location of Point Number Li-7-215: A point near the north end of the headlands on the north side of Yaquina Head located

Oregon Coordinate System, north zone

Point Number	y-coordinate	x-coordinate
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in section 30 of township 10 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-216	387,772	1,073,534
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**Description of Location of Point Number Li-7-216:** A point near the southeast end of the headlands on the south side of Yaquina Head located in section 29 of township 10 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-217	387,563	1,073,912
Li-7-218	387,386	1,074,085
Li-7-219	387,128	1,074,260
Li-7-220	386,676	1,074,440
Li-7-221	386,012	1,074,651
Li-7-222	385,108	1,074,857
Li-7-223	384,494	1,074,912
Li-7-223A	384,156	1,074,959
Li-7-224	383,966	1,075,015
Li-7-225	383,702	1,075,148
Li-7-226	383,577	1,075,050
Li-7-227	383,213	1,074,990
Li-7-228	382,719	1,074,996
Li-7-229	382,476	1,075,069
Li-7-230	382,105	1,075,222
Li-7-231	382,036	1,075,230
Li-7-232	381,708	1,074,913
Li-7-233	381,443	1,074,806
Li-7-234	380,262	1,074,523
Li-7-235	379,963	1,074,392
Li-7-236	379,795	1,074,402
Li-7-237	379,148	1,074,225
Li-7-238	378,944	1,074,198
Li-7-239	378,034	1,074,043

Point	Oregon Coordinate System, north zone	
Number	y-coordinate	x-coordinate
Li-7-240	377,914	1,073,941
Li-7-241	377,641	1,073,892
Li-7-242	377,310	1,073,746
Li-7-243	377,291	1,073,577
Li-7-243A	377,167	1,073,496
Li-7-243B	377,031	1,073,571
Li-7-244	376,880	1,073,574
Li-7-245	376,584	1,073,490
Li-7-246	375,537	1,073,472
Li-7-247	375,067	1,073,373
Li-7-248	375,072	1,073,290
Li-7-249	374,935	1,073,281
Li-7-250	374,920	1,073,300
Li-7-251	374,783	1,073,293
Li-7-252	374,324	1,073,158
Li-7-253	374,089	1,073,032
Li-7-254	374,016	1,072,856
Li-7-255	373,826	1,072,845
Li-7-256	373,821	1,072,880
Li-7-257	373,184	1,072,824
Li-7-258	373,116	1,072,886
Li-7-259	372,539	1,072,719
Li-7-260	372,411	1,072,706
Li-7-261	371,864	1,072,554
Li-7-262	371,541	1,072,396
Li-7-263	370,453	1,072,227
Li-7-264	369,991	1,072,262
Li-7-265	369,852	1,072,347
Li-7-266	369,368	1,072,602
Li-7-266A	368,949	1,073,035
Li-7-267	367,806	1,072,273

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-268	365,746	1,071,373
Li-7-269	365,649	1,071,378

Description of Location of Point Number Li-7-269: A point near the south jetty at the entrance to Yaquina Bay located in section 18 of township 11 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-270	360,495	1,071,556
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Description of Location of Point Number Li-7-270: A point near the south boundary of the South Newport Park located in section 19 of township 11 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-271	358,777	1,071,368
Li-7-272	357,591	1,071,246
Li-7-273	357,104	1,071,144
Li-7-274	356,080	1,071,008
Li-7-275	355,648	1,071,008
Li-7-276	354,873	1,070,907
Li-7-277	353,593	1,070,800
Li-7-278	353,505	1,070,756
Li-7-279	353,174	1,070,667
Li-7-280	352,967	1,070,584
Li-7-281	352,466	1,070,600
Li-7-282	351,458	1,070,441
Li-7-283	350,947	1,070,421
Li-7-284	350,775	1,070,438
Li-7-285	350,420	1,070,324
Li-7-286	350,027	1,070,278
Li-7-287	349,666	1,070,202
Li-7-288	348,278	1,070,067
Li-7-289	347,871	1,070,120
Li-7-290	347,063	1,069,889



Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-291	346,876	1,069,885
Li-7-292	346,841	1,069,757
Li-7-293	346,124	1,069,672

**Description of Location of Point Number Li-7-293:** A point near the north boundary of Lost Creek Park located in section 6 of township 12 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-294	339,166	1,068,589
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**Description of Location of Point Number Li-7-294:** A point near the south boundary of Lost Creek Park located in section 7 of township 12 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-295	337,635	1,068,437
Li-7-295A	337,344	1,068,375
Li-7-296	336,132	1,068,226

**Description of Location of Point Number Li-7-296:** A point near the north boundary of Ona Beach Park located in section 18 of township 12 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-297	333,385	1,068,450
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**Description of Location of Point Number Li-7-297:** A point near the south boundary of Ona Beach Park located in section 18 of township 12 south , range 11 west of the Willamette Meridian in Lincoln County.

Li-7-297A	333,092	1,068,723
Li-7-297B	332,550	1,068,009
Li-7-298	332,261	1,067,861
Li-7-299	331,651	1,067,607
Li-7-300	330,909	1,067,332
Li-7-301	330,212	1,067,169
Li-7-302	329,775	1,067,021
Li-7-303	329,055	1,066,830
Li-7-304	328,374	1,066,629
Li-7-305	327,559	1,066,454
Li-7-306	326,920	1,066,268

Point	Oregon Coordinate System, north zone	
Number	y-coordinate	x-coordinate
Li-7-307	326,218	1,066,154
Li-7-308	325,986	1,066,159
Li-7-309	325,483	1,066,088
Li-7-310	325,302	1,065,997
Li-7-311	324,853	1,065,953
Li-7-312	324,539	1,065,816
Li-7-313	324,277	1,065,641
Li-7-314	323,667	1,065,529

**Description of Location of Point Number Li-7-314:** A point near the north boundary of Seal Rock Wayside located in section 25 of township 12 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-315	322,726	1,065,519
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**Description of Location of Point Number Li-7-315:** A point near the south boundary of Seal Rock Wayside located in section 25 of township 12 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-316	322,532	1,065,529
Li-7-317	322,312	1,065,480
Li-7-318	321,532	1,065,461
Li-7-319	321,414	1,065,298
Li-7-320	321,226	1,065,448
Li-7-321	320,971	1,065,448
Li-7-321A	320,492	1,065,294
Li-7-322	320,154	1,065,308
Li-7-323	319,976	1,065,381
Li-7-324	319,830	1,065,333
Li-7-325	319,653	1,065,141

**Description of Location of Point Number Li-7-325:** A point near the north end of the headlands north of Squaw Creek located in section 36 of township 12 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-326	319,285	1,065,020
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Point Oregon Coordinate System, north zone  
 Number y-coordinate x-coordinate

Description of Location of Point Number Li-7-326: A point near the south end of the headlands, north of Squaw Creek located in section 36 of township 12 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-327	319,254	1,065,127
Li-7-328	319,017	1,065,300
Li-7-329	318,684	1,065,368
Li-7-330	318,039	1,065,567
Li-7-331	317,962	1,065,616
Li-7-332	317,553	1,065,733
Li-7-333	316,986	1,065,786
Li-7-334	316,190	1,065,631
Li-7-335	315,455	1,065,643
Li-7-336	313,346	1,065,757
Li-7-337	312,115	1,065,744
Li-7-338	310,799	1,065,676
Li-7-339	310,624	1,065,655
Li-7-340	307,274	1,065,368
Li-7-341	306,081	1,065,272
Li-7-342	303,876	1,065,014
Li-7-342A	302,717	1,064,861
Li-7-343	302,009	1,064,789
Li-7-344	300,597	1,064,626
Li-7-344A	299,559	1,064,546
Li-7-345	298,873	1,064,546
Li-7-346	298,361	1,064,661
Li-7-347	297,708	1,064,983
Li-7-348	297,499	1,065,264
Li-7-349	297,441	1,065,520
Li-7-350	297,481	1,065,745
Li-7-351	295,474	1,065,819

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-352	295,365	1,065,659
Li-7-353	295,135	1,065,187
Li-7-354	294,851	1,064,836
Li-7-355	294,333	1,064,433
Li-7-356	293,843	1,064,235
Li-7-357	293,610	1,064,140

**Description of Location of Point Number Li-7-357:** A point near the north boundary of Governor Patterson Memorial Park located in section 25 of township 13 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-358	289,703	1,063,527
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**Description of Location of Point Number Li-7-358:** A point near the south boundary of Governor Patterson Memorial Park located in section 25 of township 13 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-359	289,041	1,063,368
Li-7-360	288,797	1,063,355
Li-7-361	288,639	1,063,301
Li-7-362	288,337	1,063,295
Li-7-363	288,294	1,063,262
Li-7-364	287,261	1,063,041
Li-7-365	286,718	1,062,961
Li-7-366	286,312	1,062,836
Li-7-367	286,113	1,062,831
Li-7-368	286,084	1,062,893
Li-7-369	285,824	1,062,895
Li-7-370	285,212	1,062,781
Li-7-371	285,027	1,062,709
Li-7-372	284,609	1,062,608
Li-7-373	284,253	1,062,595
Li-7-374	283,650	1,062,426

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-375	283,530	1,062,418
Li-7-376	283,344	1,062,332
Li-7-377	283,033	1,062,340

**Description of Location of Point Number Li-7-377:** A point near the north boundary of Beachside State Park located in section 2 of township 14 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-378	280,579	1,062,025
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**Description of Location of Point Number Li-7-378:** A point near the south boundary of Beachside State Park located in section 2 of township 14 south , range 12 west of the Willamette Meridian in Lincoln County.

Li-7-379	280,316	1,061,896
Li-7-380	280,153	1,061,959
Li-7-381	279,897	1,062,221
Li-7-382	279,810	1,062,238
Li-7-383	279,471	1,062,184
Li-7-384	279,189	1,062,025
Li-7-385	279,000	1,061,989
Li-7-386	278,590	1,061,901
Li-7-387	278,530	1,061,890
Li-7-388	278,422	1,061,867
Li-7-389	278,397	1,061,861
Li-7-390	277,667	1,061,718
Li-7-391	277,519	1,061,667
Li-7-392	277,394	1,061,450
Li-7-393	277,109	1,061,300
Li-7-394	276,930	1,061,241
Li-7-395	276,633	1,061,214
Li-7-396	276,485	1,061,088
Li-7-396A	275,876	1,061,042
Li-7-397	275,149	1,060,896
Li-7-398	274,953	1,060,869

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-399	274,824	1,060,797
Li-7-400	274,004	1,060,607
Li-7-401	273,342	1,060,521
Li-7-402	273,123	1,060,462
Li-7-403	272,973	1,060,462
Li-7-403A	272,878	1,060,433
Li-7-403B	272,896	1,060,393
Li-7-403C	272,820	1,060,374
Li-7-403D	272,830	1,060,421
Li-7-404	272,651	1,060,364
Li-7-405	272,426	1,060,299
Li-7-406	272,203	1,060,283
Li-7-407	272,128	1,060,234
Li-7-408	271,948	1,060,204
Li-7-409	271,876	1,060,227
Li-7-410	271,776	1,060,205
Li-7-411	271,517	1,060,175
Li-7-412	271,384	1,060,219
Li-7-413	271,248	1,060,129
Li-7-414	271,079	1,060,107
Li-7-415	270,975	1,060,035
Li-7-416	270,235	1,059,912
Li-7-417	270,078	1,059,800
Li-7-418	269,654	1,059,845
Li-7-418A	269,628	1,059,780
Li-7-418B	269,456	1,059,849
Li-7-419	269,109	1,059,861
Li-7-420	268,340	1,059,611
Li-7-421	268,199	1,059,621
Li-7-422	267,680	1,059,493
Li-7-423	266,984	1,059,424

Point Number	Oregon Coordinate System, north zone	
	y-coordinate	x-coordinate
Li-7-424	266,886	1,059,446
Li-7-424A	266,752	1,059,348
Li-7-425	266,663	1,059,404
Li-7-426	266,507	1,059,260
Li-7-427	266,377	1,059,159
Li-7-428	266,168	1,059,124
Li-7-429	265,966	1,059,257
Li-7-430	265,666	1,059,094
Li-7-430A	265,602	1,058,965
Li-7-431	265,475	1,058,904
Li-7-432	264,325	1,058,737
Li-7-433	263,983	1,058,615
Li-7-434	263,577	1,058,506
Li-7-435	263,465	1,058,519
Li-7-436	263,387	1,058,531
Li-7-437	263,394	1,058,454
Li-7-438	262,996	1,058,341
Li-7-439	262,881	1,058,246

**Description of Location of Point Number Li-7-439:** A point near the north end of the headlands north of Yachats Park and near the section line located between sections 22 and 23 of township 14 south , range 12 west of the Willamette Meridian in Lincoln County.

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
La-7-1	960,236	1,053,478

**Description of Location of Point Number La-7-1:** A point near the south end of the headlands on the south side of Gwynn Knoll located in section 22 of township 15 south , range 12 west of the Willamette Meridian in Lane County.

La-7-2	960,110	1,053,668
La-7-3	960,163	1,053,738

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
La-7-4	960,041	1,053,854
La-7-5	959,932	1,053,768
La-7-6	959,694	1,053,879
La-7-7	959,392	1,053,887
La-7-8	959,274	1,053,935
La-7-9	959,124	1,053,946

**Description of Location of Point Number La-7-9:** A point near the north boundary of property owned through the Oregon State Highway Commission located in section 22 of township 15 south , range 12 west of the Willamette Meridian in Lane County.

La-7-10	956,771	1,054,162
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**Description of Location of Point Number La-7-10:** A point near the south boundary of property owned through the Oregon State Highway Commission located in section 27 of township 15 south , range 12 west of the Willamette Meridian in Lane County.

La-7-11	955,775	1,054,039
La-7-12	955,642	1,053,985
La-7-13	955,236	1,053,955
La-7-14	954,367	1,053,807
La-7-15	954,094	1,053,672
La-7-16	953,534	1,053,686
La-7-17	953,374	1,053,714
La-7-18	953,268	1,053,882
La-7-19	953,186	1,053,909

**Description of Location of Point Number La-7-19:** A point near the north boundary of the Rockwood Beach State Wayside located in section 27 of township 15 south , range 12 west of the Willamette Meridian in Lane County.

La-7-20	952,030	1,053,601
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**Description of Location of Point Number La-7-20:** A point near the south boundary of Rockwood Beach State Wayside near the section line



Point Oregon Coordinate System, south zone

Number y-coordinate x-coordinate

located between section 27 and section 34 of township 15 south , range  
12 west of the Willamette Meridian in Lane County.

La-7-21	951,780	1,053,530
La-7-22	951,633	1,053,395
La-7-23	951,613	1,053,308
La-7-24	951,555	1,053,229
La-7-25	951,461	1,053,170
La-7-26	951,160	1,053,170
La-7-27	950,892	1,053,104
La-7-28	950,751	1,053,055
La-7-29	950,531	1,052,931
La-7-30	950,352	1,052,890
La-7-31	949,988	1,052,937
La-7-32	949,786	1,052,942
La-7-33	949,469	1,052,898
La-7-34	949,213	1,052,750
La-7-35	949,177	1,052,806
La-7-36	949,010	1,052,702
La-7-37	949,004	1,052,837
La-7-38	948,807	1,052,897
La-7-38A	948,218	1,052,893
La-7-38B	948,227	1,052,797
La-7-38C	948,170	1,052,794
La-7-38D	948,159	1,052,893
La-7-39	948,074	1,052,893
La-7-39A	947,907	1,052,830
La-7-40	947,752	1,052,816
La-7-41	947,671	1,052,860
La-7-42	947,129	1,052,773
La-7-43	946,916	1,052,690
La-7-44	946,756	1,052,589

Point Oregon Coordinate System, south zone  
 Number y-coordinate x-coordinate

Description of Location of Point Number La-7-44: A point near the north boundary of property owned through the Oregon State Highway Commission located in section 3 of township 16 south , range 12 west of the Willamette Meridian in Lane County.

La-7-45 943,990 1,052,518

Description of Location of Point Number La-7-45: A point near the south boundary of property owned through the Oregon State Highway Commission located in section 3 of township 16 south , range 12 west of the Willamette Meridian in Lane County.

La-7-46	943,939	1,052,486
La-7-47	943,813	1,052,591
La-7-48	943,783	1,052,519
La-7-49	943,676	1,052,511
La-7-50	943,595	1,052,712
La-7-51	943,120	1,052,702
La-7-52	942,217	1,052,612
La-7-53	942,188	1,052,505
La-7-54	942,111	1,052,558
La-7-55	941,981	1,052,486
La-7-56	941,899	1,052,578
La-7-57	941,798	1,052,469
La-7-58	941,715	1,052,447
La-7-59	941,651	1,052,520
La-7-60	941,460	1,052,477
La-7-61	940,890	1,052,398
La-7-62	940,849	1,052,347
La-7-63	940,664	1,052,338
La-7-63A	940,377	1,052,331
La-7-63B	940,382	1,052,276
La-7-63C	940,284	1,052,268
La-7-63D	940,276	1,052,323

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
La-7-64	940,181	1,052,312
La-7-65	939,875	1,052,279
La-7-66	939,380	1,052,244
La-7-67	939,027	1,052,218
La-7-68	938,916	1,052,176
La-7-69	938,856	1,052,086
La-7-70	938,884	1,052,005
La-7-71	938,716	1,051,863
La-7-72	938,638	1,051,843

Description of Location of Point Number La-7-72: A point near the north boundary of property owned through the Oregon State Highway Commission located in section 10 of township 16 south, range 12 west of the Willamette Meridian in Lane County.

La-7-73	937,638	1,051,964
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Description of Location of Point Number La-7-73: A point near the south boundary of property owned through the Oregon State Highway Commission located in section 15 of township 16 south , range 12 west of the Willamette Meridian in Lane County.

La-7-74	937,203	1,051,900
La-7-75	937,051	1,051,863
La-7-76	936,879	1,051,895
La-7-77	935,785	1,051,799
La-7-78	935,426	1,051,813
La-7-79	935,075	1,052,056
La-7-80	934,880	1,052,081
La-7-81	934,647	1,052,020
La-7-82	934,455	1,051,950
La-7-83	934,615	1,051,784
La-7-84	934,604	1,051,729
La-7-85	934,316	1,051,650
La-7-86	933,430	1,051,561

Point Oregon Coordinate System, south zone

Number	y-coordinate	x-coordinate
La-7-87	933,065	1,051,551
Description of Location of Point Number La-7-87: A point near the north boundary of Muriel O. Ponsler Memorial Wayside near the section line located between section 15 and section 22 of township 16 south , range 12 west of the Willamette Meridian in Lane County.		
La-7-88	909,858	1,048,853
Description of Location of Point Number La-7-88: A point near the south end of the headlands south of Sea Lion Point located in section 10 of township 17 south , range 12 west of the Willamette Meridian in Lane County.		
La-7-89	909,719	1,048,996
La-7-90	909,664	1,048,883
La-7-91	909,526	1,048,892
La-7-91A	909,413	1,048,940
La-7-91B	909,303	1,048,919
La-7-91C	909,322	1,048,991
La-7-92	909,257	1,049,026
La-7-93	909,074	1,049,036
La-7-94	907,411	1,048,835
La-7-95	907,100	1,048,756
La-7-96	906,424	1,048,703
La-7-97	905,548	1,048,854
La-7-97A	905,279	1,048,958
La-7-98	905,035	1,048,753
La-7-99	904,794	1,048,582
La-7-100	904,606	1,048,539
La-7-101	903,666	1,048,343
La-7-102	902,600	1,048,245
La-7-103	900,865	1,047,986
La-7-104	900,172	1,048,219
La-7-105	900,135	1,048,025

## Point

## Oregon Coordinate System, south zone

Number	y-coordinate	x-coordinate
La-7-106	898,793	1,047,704
La-7-107	896,883	1,047,391
La-7-108	895,796	1,047,214
La-7-109	895,503	1,047,145
La-7-110	894,613	1,046,918
La-7-111	893,579	1,046,676
La-7-112	892,821	1,046,624
La-7-113	892,155	1,046,581
La-7-114	891,073	1,046,419
La-7-115	890,910	1,046,252
La-7-116	890,458	1,046,195
La-7-117	890,028	1,046,095
La-7-118	888,538	1,045,834
La-7-119	888,055	1,045,774
La-7-120	887,644	1,045,690
La-7-121	887,261	1,045,648
La-7-122	886,717	1,045,523
La-7-123	886,285	1,045,460
La-7-124	885,473	1,045,302
La-7-125	885,268	1,045,288
La-7-126	884,851	1,045,219
La-7-127	884,298	1,045,109
La-7-128	883,971	1,045,099
La-7-129	883,618	1,044,947
La-7-130	882,889	1,044,796
La-7-131	881,414	1,044,485
La-7-132	880,567	1,044,279
La-7-133	880,258	1,044,200
La-7-134	879,601	1,044,022
La-7-135	879,061	1,043,864
La-7-136	877,970	1,043,710

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate

Description of Location of Point Number La-7-136: A point near the north jetty of the mouth of the Siuslaw River.

La-7-137	876,020	1,044,784
La-7-138	875,946	1,044,582
La-7-139	875,798	1,044,454
La-7-140	875,347	1,044,280
La-7-141	874,460	1,044,140
La-7-142	873,380	1,044,014
La-7-143	871,882	1,043,709
La-7-144	870,976	1,043,613
La-7-145	869,960	1,043,487
La-7-146	868,997	1,043,351
La-7-146A	868,331	1,043,221
La-7-147	867,514	1,043,108
La-7-148	866,180	1,042,880
La-7-149	865,019	1,042,725
La-7-150	864,002	1,042,561
La-7-151	862,115	1,042,273
La-7-152	861,496	1,042,182
La-7-153	860,271	1,042,026
La-7-154	858,490	1,041,748
La-7-155	857,800	1,041,633
La-7-156	856,103	1,041,383
La-7-157	855,358	1,041,303
La-7-158	854,148	1,041,117
La-7-159	851,830	1,040,768
La-7-160	851,635	1,040,748
La-7-161	851,199	1,040,880
La-7-162	851,021	1,040,865
La-7-163	850,800	1,040,648
La-7-164	850,355	1,040,527

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
La-7-164A	849,124	1,040,339
La-7-165	848,907	1,040,274
La-7-166	848,749	1,040,273
La-7-167	846,808	1,039,954
La-7-168	846,243	1,039,937
La-7-169	845,809	1,040,006
La-7-170	845,602	1,039,776
La-7-171	844,723	1,039,621
La-7-172	843,639	1,039,444
La-7-173	842,820	1,039,311
La-7-174	842,031	1,039,177
La-7-175	841,270	1,039,078
La-7-176	840,452	1,038,871
La-7-176A	840,031	1,038,859
La-7-177	839,240	1,038,737
La-7-178	838,171	1,038,563
La-7-179	837,525	1,038,441
La-7-179A	836,715	1,038,307
La-7-180	835,043	1,038,003
La-7-181	834,753	1,037,958
La-7-182	833,479	1,037,720
La-7-183	832,528	1,037,580
La-7-184	831,085	1,037,370
La-7-185	829,836	1,037,172
La-7-186	828,519	1,037,020
La-8-187	828,149	1,037,039
La-8-188	828,028	1,037,333
La-8-189	827,347	1,038,019
La-8-190	827,070	1,037,974
La-8-191	826,655	1,037,788
La-8-191A	825,980	1,037,568

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
La-8-192	825,744	1,036,688
La-8-193	824,767	1,036,500
La-8-194	823,832	1,036,281
La-8-195	823,335	1,036,182
La-8-196	822,001	1,035,914
Do-8-1	821,695	1,035,859

**Description of Location of Point Number Do-8-1:** A point near the Lane-Douglas County line located in section 5 of township 20 south , range 12 west of the Willamette Meridian in Lane and Douglas Counties.

Do-8-2	820,707	1,035,660
Do-8-3	818,732	1,035,340
Do-8-4	817,872	1,035,166
Do-8-5	817,052	1,035,024
Do-8-6	816,253	1,034,884
Do-8-7	815,512	1,034,746
Do-8-8	814,959	1,034,666
Do-8-9	813,504	1,034,423
Do-8-10	812,595	1,034,229
Do-8-11	811,225	1,033,996
Do-8-12	810,555	1,033,850
Do-8-13	810,122	1,033,783
Do-8-14	808,867	1,033,554
Do-8-15	807,868	1,033,385
Do-8-16	807,337	1,033,283
Do-8-17	806,927	1,033,221
Do-8-18	806,152	1,033,077
Do-8-19	805,778	1,032,988
Do-8-20	804,851	1,032,861
Do-8-21	804,260	1,032,873
Do-8-22	803,681	1,032,658
Do-8-23	803,506	1,032,786



Point	Oregon Coordinate System, south zone	
Number	y-coordinate	x-coordinate
Do-8-23A	802,770	1,033,337
Do-8-23B	802,137	1,033,220
Do-8-23C	801,728	1,032,555
Do-8-24	801,155	1,032,391
Do-8-25	801,044	1,032,207
Do-8-26	800,846	1,032,132
Do-8-27	799,332	1,031,776
Do-8-28	798,240	1,031,548
Do-8-29	796,771	1,031,277
Do-8-30	795,799	1,031,068
Do-8-31	793,989	1,030,720
Do-8-32	793,169	1,030,524
Do-8-33	792,296	1,030,361
Do-8-34	791,423	1,030,178
Do-8-35	790,919	1,030,056
Do-8-36	789,882	1,029,848
Do-8-37	788,423	1,029,555
Do-8-38	787,010	1,029,259
Do-8-39	784,545	1,028,739
Do-8-40	784,212	1,028,670
Do-8-41	782,268	1,028,202
Do-8-42	781,537	1,028,084
Do-8-43	780,887	1,027,942
Do-8-44	780,531	1,028,022
Do-8-45	779,988	1,028,136
Do-8-46	778,886	1,027,543
Do-8-47	777,876	1,027,263
Do-8-48	777,208	1,027,140
Do-8-49	774,943	1,026,545
Do-8-50	774,246	1,026,386
Do-8-51	773,335	1,026,124

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Do-8-52	772,554	1,025,924
Do-8-52A	772,330	1,025,872
Do-8-53	771,860	1,025,808
Do-8-54	771,055	1,025,594
Do-8-55	770,024	1,025,340
Do-8-56	768,746	1,025,005
Do-8-57	766,998	1,024,590
Do-8-58	766,108	1,024,358
Do-8-59	765,636	1,024,230
Do-8-60	763,627	1,023,692
Do-8-61	762,742	1,023,429
Do-8-62	761,684	1,023,139
Do-8-63	758,957	1,022,333
Do-8-64	758,469	1,022,210
Do-8-65	758,121	1,022,053
Do-8-66	757,279	1,021,800
Do-8-67	757,020	1,021,839
Do-8-68	756,836	1,021,696
Do-8-69	755,763	1,021,249
Do-8-70	755,026	1,021,008
Do-8-71	754,298	1,020,903
Do-8-72	753,767	1,020,697
Do-8-73	753,439	1,020,545
Do-8-74	752,951	1,020,747
Do-8-75	751,017	1,020,655
Do-8-75A	750,243	1,021,078
Do-8-76	749,488	1,020,210
Do-8-77	748,443	1,019,383
Do-8-78	747,158	1,019,192

Description of Location of Point Number Do-8-78: A point near the north boundary of Umpqua Lighthouse State Park located in section 14

Oregon Coordinate System, south zone

Point Number	y-coordinate	x-coordinate
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of township 22 south , range 13 west of the Willamette Meridian in Douglas County.

Do-8-79	730,871	1,016,121
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**Description of Location of Point Number Do-8-79:** A point near the Douglas-Coos County line located near the south line of section 35 of township 22 south , range 13 west of the Willamette Meridian in Douglas County and near the north line of section 2 of township 23 south , range 13 west of the Willamette Meridian in Coos County.

Co-8-1	729,664	1,015,856
Co-8-2	728,936	1,015,655
Co-8-3	728,728	1,015,623
Co-8-4	727,826	1,015,377
Co-8-5	727,278	1,015,258
Co-8-6	724,915	1,014,674
Co-8-7	724,626	1,014,580
Co-8-8	723,853	1,014,368
Co-8-9	722,394	1,014,019
Co-8-10	721,343	1,013,724
Co-8-11	721,060	1,013,669
Co-8-12	719,776	1,013,295
Co-8-13	717,976	1,012,819
Co-8-14	715,485	1,012,136
Co-8-15	714,775	1,011,970
Co-8-16	713,885	1,011,759
Co-8-17	712,681	1,012,474
Co-8-17A	711,651	1,012,064
Co-8-18	711,490	1,011,380
Co-8-19	711,287	1,011,067
Co-8-20	710,228	1,010,672
Co-8-21	708,950	1,010,242
Co-8-22	707,341	1,009,727

Point Number	Oregon Coordinate System, south zone y-coordinate	x-coordinate
Co-8-23	705,667	1,009,233
Co-8-24	703,750	1,008,601
Co-8-25	702,084	1,008,068
Co-8-26	699,008	1,007,083
Co-8-27	697,448	1,006,514
Co-8-28	696,206	1,006,090
Co-8-29	694,708	1,005,610
Co-8-30	693,103	1,005,043
Co-8-31	692,077	1,004,650
Co-8-32	689,886	1,003,889
Co-8-33	688,877	1,003,573
Co-8-34	687,552	1,003,019
Co-8-35	686,230	1,002,532
Co-8-36	685,486	1,002,304
Co-8-37	683,518	1,001,517
Co-8-38	680,557	1,000,380
Co-8-39	679,698	1,000,075
Co-8-40	677,930	999,320
Co-8-41	674,944	998,128
Co-8-42	673,411	997,493
Co-8-43	672,373	997,031
Co-8-44	671,467	996,694
Co-8-45	669,759	995,885
Co-8-46	668,425	995,336
Co-8-47	667,825	995,122
Co-8-48	667,544	994,955
Co-8-49	666,205	994,292
Co-8-50	665,970	994,225
Co-8-51	663,013	992,854
Co-8-52	660,734	991,795
Co-8-53	660,069	991,533

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-8-54	659,389	991,150
Co-8-55	657,728	990,366
Co-8-56	655,235	989,141
Co-8-57	654,440	988,702
Co-8-58	653,488	988,250
Co-8-59	652,480	987,700
Co-8-60	651,099	986,981
Co-8-61	649,414	986,081
Co-8-62	646,358	984,352
Co-8-63	645,749	984,047
Co-8-64	644,099	983,026
Co-8-65	642,023	981,695
Co-8-66	640,681	980,828
Co-8-67	640,057	980,293
Co-8-68	639,692	980,219
Co-8-69	639,520	980,356
Co-7-70	636,896	979,344
Co-7-70A	636,614	978,908
Co-7-71	636,922	978,633
Co-7-72	636,010	977,777
Co-7-73	635,625	977,638
Co-7-74	635,393	977,275
Co-7-75	635,195	977,077
Co-7-76	634,936	976,733
Co-7-77	634,587	976,559
Co-7-77A	633,981	976,264
Co-7-77B	633,953	975,963
Co-7-77C	634,143	975,869
Co-7-78	634,233	975,610
Co-7-79	634,204	975,372
Co-7-79A	633,977	974,584

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-79B	634,194	974,479
Co-7-80	633,898	974,424
Co-7-81	633,817	974,344
Co-7-82	633,937	974,077

**Description of Location of Point Number Co-7-82:** A point near the southeast end of the headlands on the east side of Yoakam Point located in section 4 of township 26 south , range 14 west of the Willamette Meridian in Coos County.

Co-7-83	634,269	973,615
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**Description of Location of Point Number Co-7-83:** A point near the southwest end of the headlands, on the west side of Yoakam Point located in section 4 of township 26 south , range 14 west of the Willamette Meridian in Coos County.

Co-7-83A	634,082	973,601
Co-7-83B	634,289	973,472
Co-7-84	634,156	973,500
Co-7-84A	634,031	973,422
Co-7-84B	634,050	973,330
Co-7-85	633,855	973,285
Co-7-86	633,965	973,139
Co-7-87	633,851	973,103
Co-7-88	633,629	972,839
Co-7-89	633,570	972,661
Co-7-90	633,630	972,588
Co-7-91	633,486	972,500
Co-7-92	633,544	972,414
Co-7-93	633,427	972,406
Co-7-94	633,376	972,209
Co-7-95	633,447	972,128
Co-7-96	633,292	972,073
Co-7-97	633,295	971,922

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-97A	633,239	971,731
Co-7-98	633,169	971,619
Co-7-98A	633,192	971,580
Co-7-99	633,177	971,464
Co-7-100	633,123	971,298
Co-7-101	633,133	971,239
Co-7-102	633,087	971,152
Co-7-102A	633,117	971,076
Co-7-103	633,119	970,748
Co-7-103A	633,157	970,678
Co-7-104	633,149	970,563
Co-7-105	633,202	970,551
Co-7-106	633,180	970,465
Co-7-107	633,184	970,383
Co-7-108	633,262	970,330
Co-7-109	633,209	970,234
Co-7-110	633,279	970,284
Co-7-111	633,340	970,280

**Description of Location of Point Number Co-7-111:** A point near the southeast end of the headlands on the east side of Gregory Point located in section 4 of township 26 south , range 14 west of the Willamette Meridian in Coos County.

Co-7-112	608,676	966,967
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**Description of Location of Point Number Co-7-112:** A point near the headlands at the north end of Sacchi Beach located in section 32 of township 26 south , range 14 west of the Willamette Meridian in Coos County.

Co-7-113	608,553	967,076
Co-7-114	608,289	967,090
Co-7-115	608,179	967,050
Co-7-116	607,903	967,103
Co-7-117	607,628	963,995

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-118	607,410	966,934
Co-7-119	606,877	966,722
Co-7-120	606,760	966,652
Co-7-121	606,645	966,613
Co-7-122	606,027	966,290
Co-7-123	605,748	966,226
Co-7-124	605,182	966,033
Co-7-125	604,655	965,906
Co-7-126	604,515	965,555
Co-7-127	603,978	965,298
Co-7-128	603,724	965,369
Co-7-129	603,649	965,469
Co-7-130	603,508	965,465
Co-7-131	603,389	965,537
Co-7-132	603,221	965,503
Co-7-133	602,888	965,575
Co-7-134	602,650	965,425
Co-7-135	602,087	965,206
Co-7-136	601,893	965,185
Co-7-137	601,186	964,997
Co-7-138	601,067	964,893
Co-7-139	601,021	964,797
Co-7-140	600,922	964,740
Co-7-141	600,470	964,612
Co-7-142	600,455	964,661
Co-7-142A	600,071	964,652
Co-7-142B	599,897	964,617
Co-7-143	599,738	964,644
Co-7-144	598,717	964,387
Co-7-145	597,922	964,202
Co-7-146	596,609	963,901



**Point** Oregon Coordinate System, south zone

**Number** y-coordinate x-coordinate

**Description of Location of Point Number Co-7-146:** A point near the north boundary of Seven Devils Ocean Wayside located in section 17 of township 27 south , range 14 west of the Willamette Meridian in Coos County.

Co-7-147 595,213 963,487

**Description of Location of Point Number Co-7-147:** A point near the south boundary of Seven Devils Ocean Wayside located in section 17 of township 27 south , range 14 west of the Willamette Meridian in Coos County.

Co-7-148 594,314 963,289

Co-7-149 594,046 963,201

Co-7-150 593,895 963,182

Co-7-151 593,779 963,097

Co-7-152 593,565 963,103

Co-7-153 593,028 962,935

Co-7-154 592,633 962,887

Co-7-155 591,719 962,643

Co-7-156 590,974 962,354

Co-7-157 590,518 962,076

Co-7-158 590,387 961,812

Co-7-159 590,082 962,020

Co-7-160 589,739 962,163

Co-7-161 589,390 962,214

Co-7-162 589,181 962,122

Co-7-163 589,030 962,216

Co-7-164 588,994 962,326

Co-7-165 588,874 962,430

Co-7-166 588,522 962,518

Co-7-167 587,762 962,569

Co-7-168 587,311 962,505

Co-7-169 586,932 962,514

Co-7-170 584,508 962,011

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-171	584,006	961,931
Co-7-172	583,067	961,700
Co-7-173	581,949	961,437
Co-7-174	581,179	961,231
Co-7-175	580,403	961,047
Co-7-176	577,758	960,367
Co-7-177	577,356	960,253
Co-7-178	576,745	960,026

**Description of Location of Point Number Co-7-178:** A point near the north boundary of Bullards Beach State Park located near the section line between section 31 of township 27 south , range 14 west of the Willamette Meridian and section 6 of township 28 south , range 14 west of the Willamette Meridian in Coos County.

Co-7-179	555,762	952,779
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**Description of Location of Point Number Co-7-179:** A point near the north jetty at the mouth of the Coquille River located in section 25 of township 28 south , range 15 west of the Willamette Meridian in Coos County.

Co-7-180	555,175	951,991
Co-7-181	554,780	951,830
Co-7-182	553,788	951,192
Co-7-183	553,471	950,888
Co-7-184	553,041	950,429
Co-7-185	552,360	949,847
Co-7-186	552,218	949,659
Co-7-187	552,103	949,891
Co-7-188	551,837	950,159
Co-7-189	551,431	950,406
Co-7-190	551,116	950,464
Co-7-191	550,861	950,457
Co-7-192	550,604	950,437

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-193	550,337	950,321
Co-7-194	550,057	950,249
Co-7-195	549,837	950,092
Co-7-196	549,618	950,060
Co-7-197	549,516	949,955
Co-7-198	549,384	949,927
Co-7-199	549,282	949,968
Co-7-200	549,124	949,939

**Description of Location of Point Number Co-7-200:** A point near the north boundary of Bandon Ocean Wayside located near the section line between section 35 and section 36 of township 28 south , range 15 west of the Willamette Meridian in Coos County.

Co-7-201	548,632	950,177
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**Description of Location of Point Number Co-7-201:** A point near the south boundary of Bandon Ocean Wayside located in section 36 of township 28 south , range 15 west of the Willamette Meridian in Coos County.

Co-7-202	548,492	950,207
Co-7-203	548,380	950,151
Co-7-204	548,264	950,206
Co-7-205	548,254	950,325
Co-7-206	548,186	950,339
Co-7-207	548,009	950,528
Co-7-208	547,406	950,729
Co-7-209	547,161	950,718
Co-7-210	546,508	950,752
Co-7-211	546,006	950,673
Co-7-212	545,859	950,712
Co-7-213	545,715	950,683
Co-7-214	545,628	950,615
Co-7-215	545,217	950,577
Co-7-216	545,023	950,598

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-216A	544,709	950,664
Co-7-217	544,548	950,878
Co-7-218	544,373	950,554
Co-7-219	543,977	950,255
Co-7-220	543,175	949,972
Co-7-221	542,945	949,972
Co-7-222	542,866	949,909
Co-7-223	542,547	949,822
Co-7-224	542,416	949,831
Co-7-225	542,342	949,615
Co-7-226	542,282	949,710
Co-7-227	541,931	949,649
Co-7-228	541,758	949,563
Co-7-229	541,677	949,554

**Description of Location of Point Number Co-7-229:** A point near the north boundary of Bandon State Park located near the section line between section 1 and section 2 of township 29 south , range 15 west of the Willamette Meridian in Coos County.

Co-7-230	520,295	944,832
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**Description of Location of Point Number Co-7-230:** A point near the south boundary of Bandon State Park located in section 26 of township 29 south , range 15 west of the Willamette Meridian in Coos County.

Co-7-231	519,372	944,584
Co-7-232	519,139	944,554
Co-7-233	518,732	944,354
Co-7-234	518,351	944,228
Co-7-235	517,872	944,106
Co-7-236	517,379	944,081
Co-7-237	517,197	944,024
Co-7-238	516,932	943,828
Co-7-239	516,537	943,820

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-240	516,140	943,566
Co-7-241	515,878	943,482
Co-7-242	514,876	943,184
Co-7-243	513,787	943,654
Co-7-244	513,009	943,264
Co-7-245	512,191	942,822
Co-7-246	510,958	942,457
Co-7-247	510,505	942,237
Co-7-248	509,957	942,116
Co-7-249	509,541	942,146
Co-7-250	508,792	941,921
Co-7-251	508,381	941,799
Co-7-252	507,732	941,713
Co-7-253	506,891	941,505
Co-7-253A	506,462	941,413
Co-7-253B	506,246	941,247
Co-7-254	505,354	940,985
Co-7-255	504,775	940,629
Co-7-256	504,290	940,429
Co-7-257	503,786	940,333
Co-7-257A	502,977	940,049
Co-7-257B	502,502	939,827
Co-7-257C	501,568	939,701
Co-7-258	500,604	939,306
Co-7-258A	500,169	939,262
Co-7-258B	498,906	938,349
Co-7-258C	497,858	937,804
Co-7-259	497,372	937,629
Co-7-259A	496,995	937,388
Co-7-259B	496,704	937,274
Co-7-260	495,258	936,546

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Co-7-260A	494,866	936,458
Co-7-261	494,435	936,200

Description of Location of Point Number Co-7-261: A point near the Coos-Curry County line located near the section line between section 21 of township 30 south , range 15 west of the Willamette Meridian in Coos County and section 28 of township 30 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-1	494,269	936,197
Cu-7-1A	492,997	935,582
Cu-7-1B	492,724	935,524
Cu-7-1C	492,161	935,220
Cu-7-1D	491,652	935,056
Cu-7-2	491,102	934,739
Cu-7-3	490,807	934,692
Cu-7-3A	489,619	933,791
Cu-7-4	488,165	933,379
Cu-7-4A	487,538	933,092
Cu-7-5	486,942	932,870
Cu-7-6	486,037	932,272
Cu-7-6A	485,602	932,037
Cu-7-7	485,134	931,874
Cu-7-8	483,852	931,217
Cu-7-9	483,031	930,687
Cu-7-10	482,079	930,304
Cu-7-11	481,624	930,048
Cu-7-12	481,116	929,839
Cu-7-13	480,954	929,721
Cu-7-14	480,886	929,576
Cu-7-15	480,564	929,341
Cu-7-16	480,217	928,860
Cu-7-17	480,122	928,700

Point Oregon Coordinate System, south zone

Number	y-coordinate	x-coordinate
Cu-7-18	479,910	928,435
Cu-7-19	479,060	927,987
Cu-7-20	477,708	927,259
Cu-7-21	477,184	926,960
Cu-7-22	476,933	926,833
Cu-7-23	476,453	926,519
Cu-7-24	475,128	925,801
Cu-7-25	474,536	925,461

**Description of Location of Point Number Cu-7-25:** A point near the north boundary of Floras Lake State Park located near the section line between section 7 and section 18 of township 31 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-26	460,789	918,140
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**Description of Location of Point Number Cu-7-26:** A point near the south boundary of Floras Lake State Park located in section 25 of township 31 south , range 16 west of the Willamette Meridian in Curry County.

Cu-7-27	459,979	917,628
Cu-7-27A	459,587	917,079
Cu-7-28	458,933	917,257
Cu-7-28A	458,345	916,603
Cu-7-29	458,318	916,281
Cu-7-30	457,743	916,020
Cu-7-31	457,243	915,713
Cu-7-32	456,847	915,413
Cu-7-33	456,546	915,235
Cu-7-34	455,650	914,957
Cu-7-35	455,367	914,795
Cu-7-36	454,864	914,510
Cu-7-37	454,408	914,160
Cu-7-38	454,311	914,127

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-39	454,138	913,983
Cu-7-40	453,926	913,695
Cu-7-41	453,771	913,579
Cu-7-42	453,663	913,416
Cu-7-43	453,523	913,219
Cu-7-44	453,473	913,101
Cu-7-45	453,421	912,999
Cu-7-46	453,397	912,848
Cu-7-47	453,307	912,762
Cu-7-48	453,310	912,692
Cu-7-49	453,253	912,591
Cu-7-50	453,180	912,165
Cu-7-51	453,152	911,780
Cu-7-52	453,254	911,495
Cu-7-53	453,326	911,275
Cu-7-54	453,460	911,156

**Description of Location of Point Number Cu-7-54:** A point near the east end of the headlands on the northeast side of Cape Blanco located in section 2 of township 32 south , range 16 west of the Willamette Meridian in Curry County.

Cu-7-55	452,117	910,664
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**Description of Location of Point Number Cu-7-55:** A point near the east end of the headlands on the southeast side of Cape Blanco located in section 2 of township 32 south , range 16 west of the Willamette Meridian in Curry County.

Cu-7-56	452,107	910,814
Cu-7-57	452,002	911,078
Cu-7-58	451,734	911,201
Cu-7-59	451,988	911,384
Cu-7-60	452,030	911,494
Cu-7-61	452,015	911,644



Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-62	451,734	912,301
Cu-7-63	451,615	912,450
Cu-7-64	451,576	912,565
Cu-7-65	451,492	912,683
Cu-7-66	451,264	912,951
Cu-7-67	450,946	913,303
Cu-7-68	450,721	913,517
Cu-7-69	450,608	913,599
Cu-7-70	450,540	913,682
Cu-7-71	450,162	913,972
Cu-7-72	449,475	914,516
Cu-7-73	449,417	914,584
Cu-7-74	449,147	914,805
Cu-7-75	448,724	915,150
Cu-7-76	448,634	915,187
Cu-7-77	448,533	915,272
Cu-7-78	448,435	915,325
Cu-7-79	448,362	915,436
Cu-7-80	448,183	915,529
Cu-7-81	448,239	915,612
Cu-7-82	448,020	915,796
Cu-7-83	447,281	916,347
Cu-7-84	447,226	916,415
Cu-7-85	447,003	916,569
Cu-7-86	446,798	916,723
Cu-7-87	446,483	916,915
Cu-7-88	445,956	917,175
Cu-7-89	445,494	917,383
Cu-7-90	444,827	917,614
Cu-7-91	444,440	917,838
Cu-7-92	444,271	917,881

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-93	444,145	918,032
Cu-7-94	443,659	918,220
Cu-7-95	443,409	918,340
Cu-7-96	443,151	918,543
Cu-7-97	443,003	918,630
Cu-7-98	442,763	918,949
Cu-7-99	442,510	919,118
Cu-7-100	442,270	919,228
Cu-7-101	441,914	919,360
Cu-7-102	441,670	919,431
Cu-7-103	441,460	919,429
Cu-7-104	441,310	919,539
Cu-7-105	440,732	919,662
Cu-7-106	440,669	919,708
Cu-7-107	440,538	919,741
Cu-7-108	440,220	919,912
Cu-7-109	439,753	920,115
Cu-7-110	439,262	920,242
Cu-7-111	438,471	920,351
Cu-7-112	438,351	920,385
Cu-7-113	437,983	920,477
Cu-7-114	437,654	920,618
Cu-7-115	437,160	920,983
Cu-7-115A	436,738	920,855
Cu-7-115B	436,393	920,841
Cu-7-115C	435,898	920,940
Cu-7-116	435,598	920,933
Cu-7-117	434,950	921,233
Cu-7-117A	434,721	921,074
Cu-7-118	434,425	921,091
Cu-7-119	432,881	920,925

Point	Oregon Coordinate System, south zone	
Number	y-coordinate	x-coordinate
Cu-7-120	432,240	920,985
Cu-7-121	431,820	921,030
Cu-7-122	431,222	921,095
Cu-7-123	430,698	921,141
Cu-7-124	429,964	921,198
Cu-7-125	429,404	921,250
Cu-7-126	429,064	921,277
Cu-7-127	428,608	921,329
Cu-7-128	427,876	921,437
Cu-7-129	427,588	921,493
Cu-7-130	427,138	921,552
Cu-7-131	426,625	921,618
Cu-7-132	426,249	921,697
Cu-7-133	425,467	921,779
Cu-7-134	425,094	921,840
Cu-7-135	423,993	922,034
Cu-7-136	422,788	922,252
Cu-7-137	421,853	922,429
Cu-7-138	420,941	922,654
Cu-7-139	420,101	922,802
Cu-7-140	419,416	922,851
Cu-7-141	418,960	922,865
Cu-7-142	418,592	922,781
Cu-7-143	418,496	922,860
Cu-7-144	418,385	922,891
Cu-7-145	418,349	922,984
Cu-7-146	418,367	923,067
Cu-7-147	418,201	923,092
Cu-7-148	418,115	923,013
Cu-7-149	418,111	922,632
Cu-7-150	418,049	922,580

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-151	417,545	922,553
Cu-7-152	417,411	922,632
Cu-7-153	417,264	922,485
Cu-7-154	417,166	922,469
Cu-7-155	417,174	922,401

**Description of Location of Point Number Cu-7-155:** A point near the north end of the headlands on the north side of The Heads at Port Orford located in section 6 of township 33 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-156	417,164	926,366
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**Description of Location of Point Number Cu-7-156:** A point near the east end of the headlands at Graveyard Point located in section 5 of township 33 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-157	417,377	926,537
Cu-7-158	417,522	926,867
Cu-7-159	417,575	927,163
Cu-7-160	417,534	927,457
Cu-7-161	417,280	927,591
Cu-7-162	417,293	927,687
Cu-7-163	417,496	927,929
Cu-7-164	417,663	928,027
Cu-7-165	417,684	928,143
Cu-7-166	417,693	928,354
Cu-7-167	417,677	928,529

**Description of Location of Point Number Cu-7-167:** A point near the north boundary of property owned through the Oregon State Highway Commission located in section 4 of township 33 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-167A	415,194	932,338
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**Description of Location of Point Number Cu-7-167A:** A point near the south boundary of property owned through the Oregon State Highway

**Oregon Coordinate System, south zone**

Point Number	y-coordinate	x-coordinate
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Commission and near Hubbard Creek located in section 9 of township 33 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-167B	414,837	932,459
Cu-7-167C	414,465	932,723
Cu-7-167D	414,393	932,841
Cu-7-167E	414,074	933,166

**Description of Location of Point Number Cu-7-167E:** A point near the north boundary of property owned through the Oregon State Highway Commission located near the section line between section 9 and section 10 of township 33 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-168	387,665	946,358
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**Description of Location of Point Number Cu-7-168:** A point near the south end of the headlands at Humbug Mountain located in section 1 of township 34 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-169	387,513	946,975
Cu-7-170	387,317	947,324
Cu-7-171	386,789	947,744
Cu-7-172	386,635	947,941
Cu-7-173	386,522	947,888
Cu-7-174	385,894	948,151

**Description of Location of Point Number Cu-7-174:** A point near the north boundary of property owned through the Oregon State Highway Commission located in section 6 of township 34 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-175	372,047	950,729
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**Description of Location of Point Number Cu-7-175:** A point near the south end of the first headlands south of Lookout Rock located in section 19 of township 34 south , range 14 west of the Willamette Meridian in Curry County.

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-176	372,002	950,847
Cu-7-177	371,704	951,058
Cu-7-178	371,593	951,098
Cu-7-179	371,013	951,190
Cu-7-180	371,011	951,243
Cu-7-181	370,627	951,250
Cu-7-182	370,015	951,386
Cu-7-182A	369,639	951,391
Cu-7-183	369,389	951,143
Cu-7-184	369,322	951,076
Cu-7-185	368,854	950,922
Cu-7-186	368,488	950,650
Cu-7-187	368,297	950,580
Cu-7-188	367,647	950,767
Cu-7-189	366,689	950,737
Cu-7-190	366,317	950,658
Cu-7-191	366,138	950,541
Cu-7-192	365,769	950,590
Cu-7-193	365,508	950,586
Cu-7-194	365,101	950,335
Cu-7-195	364,751	950,302
Cu-7-196	364,387	950,403

**Description of Location of Point Number Cu-7-196:** A point near the north boundary of property owned through the Oregon State Highway Commission located in section 30 of township 34 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-197	362,813	950,030
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**Description of Location of Point Number Cu-7-197:** A point near the south boundary of property owned through the Oregon State Highway Commission located in section 31 of township 34 south , range 14 west of the Willamette Meridian in Curry County.

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-198	362,702	949,975
Cu-7-199	362,664	949,867
Cu-7-200	362,399	949,498
Cu-7-201	362,444	949,369

**Description of Location of Point Number Cu-7-201:** A point near the north end of the headlands at Sisters Rocks located in section 31 of township 34 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-202	361,997	949,593
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**Description of Location of Point Number Cu-7-202:** A point near the east end of the headlands on the south side of Sisters Rocks located in section 31 of township 34 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-203	362,121	949,727
Cu-7-204	362,173	949,869
Cu-7-205	362,160	949,970
Cu-7-206	361,999	950,165
Cu-7-207	361,969	950,430
Cu-7-208	361,510	950,798
Cu-7-209	361,292	950,853
Cu-7-210	361,122	950,953
Cu-7-211	360,606	951,087
Cu-7-212	360,459	951,114
Cu-7-213	360,517	951,183
Cu-7-214	360,450	951,314
Cu-7-215	360,134	951,451
Cu-7-216	360,012	951,442
Cu-7-217	359,587	951,452
Cu-7-218	359,368	951,721
Cu-7-219	359,145	951,794

**Description of Location of Point Number Cu-7-219:** A point near the north boundary of property owned through the Oregon State Highway

Point Oregon Coordinate System, south zone  
Number y-coordinate x-coordinate

Commission located in section 32 of township 34 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-220 357,690 952,165

Description of Location of Point Number Cu-7-220: A point near the south boundary of property owned through the Oregon State Highway Commission located in section 5 of township 35 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-221 357,476 952,176

Cu-7-221A 357,111 952,003

Cu-7-221B 356,695 951,879

Cu-7-222 356,625 951,808

Cu-7-222A 356,493 951,585

Cu-7-222B 356,263 951,649

Cu-7-222C 356,323 951,775

Cu-7-223 356,455 951,847

Cu-7-224 356,487 952,018

Cu-7-225 356,391 952,207

Description of Location of Point Number Cu-7-225: A point near the north boundary of property owned through the Oregon State Highway Commission located in section 5 of township 35 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-226 354,226 952,943

Description of Location of Point Number Cu-7-226: A point near the south boundary of property owned through the Oregon State Highway Commission located in section 5 of township 35 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-226A 353,863 952,893

Cu-7-226B 353,626 952,933

Cu-7-227 353,146 952,852

Cu-7-228 353,058 952,718

Cu-7-229 352,840 952,706



Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-230	352,633	952,769
Cu-7-231	351,862	952,627
Cu-7-232	351,477	952,632
Cu-7-232A	350,538	952,721
Cu-7-232B	349,420	952,752
Cu-7-233	349,083	952,680
Cu-7-234	348,478	952,367
Cu-7-234A	348,283	952,216
Cu-7-234B	348,268	952,170
Cu-7-234C	348,210	952,173
Cu-7-234D	348,060	952,066
Cu-7-235	348,028	951,988
Cu-7-235A	347,971	951,987
Cu-7-235B	347,787	951,883
Cu-7-235C	347,785	951,844
Cu-7-235D	347,741	951,853
Cu-7-236	347,644	951,774

**Description of Location of Point Number Cu-7-236:** A point near the north boundary of property owned through the Oregon State Highway Commission and located near the section line between section 8 and section 17 of township 35 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-237	333,550	946,491
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**Description of Location of Point Number Cu-7-237:** A point near the south boundary of property owned through the Oregon State Highway Commission located in section 30 of township 35 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-237A	333,494	946,351
Cu-7-238	333,300	946,191
Cu-7-239	332,866	946,032
Cu-7-240	332,566	945,795

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-241	332,146	945,613
Cu-7-242	331,983	945,634
Cu-7-243	331,576	945,411
Cu-7-244	331,475	945,311
Cu-7-245	330,699	944,933
Cu-7-246	330,397	944,802
Cu-7-247	330,267	944,738
Cu-7-248	330,042	944,681
Cu-7-249	329,435	944,417
Cu-7-250	329,020	944,195
Cu-7-251	328,553	943,911
Cu-7-252	328,291	943,737
Cu-7-253	328,223	943,648
Cu-7-254	327,927	943,419
Cu-7-255	327,780	943,235
Cu-7-256	327,620	943,178
Cu-7-257	327,429	943,048
Cu-7-258	327,406	942,965

**Description of Location of Point Number Cu-7-258:** A point near the north end of the first headlands south of Nesika Beach located in section 36 of township 35 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-259	327,129	943,003
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**Description of Location of Point Number Cu-7-259:** A point near the south end of the first headlands south of Nesika Beach located in section 36 of township 35 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-260	327,142	943,114
Cu-7-261	327,108	943,217
Cu-7-262	326,970	943,331
Cu-7-263	326,722	943,382

Point Oregon Coordinate System, south zone

Number	y-coordinate	x-coordinate
Cu-7-264	326,467	943,198
Cu-7-265	326,241	943,072
Cu-7-266	325,990	943,172
Cu-7-267	325,794	943,124
Cu-7-268	325,798	943,026

Description of Location of Point Number Cu-7-268: A point near the north end of the headlands west of Geisel Monument State Park located in section 1 of township 36 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-269	325,323	943,307
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Description of Location of Point Number Cu-7-269: A point near the south end of the headlands west of Geisel Monument State Park located in section 1 of township 36 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-270	325,296	943,418
Cu-7-271	325,230	943,486
Cu-7-272	324,897	943,617
Cu-7-273	324,613	943,583
Cu-7-274	323,664	943,235
Cu-7-275	323,431	943,126
Cu-7-276	322,581	942,873
Cu-7-277	322,427	942,803
Cu-7-278	322,251	942,654
Cu-7-279	322,155	942,643
Cu-7-280	321,834	942,541
Cu-7-281	321,401	942,493
Cu-7-282	321,303	942,516
Cu-7-283	321,162	942,457
Cu-7-284	320,966	942,548
Cu-7-285	320,879	942,553
Cu-7-286	320,735	942,469

Point Oregon Coordinate System, south zone

Number y-coordinate x-coordinate

Cu-7-287	320,662	942,356
Cu-7-288	320,706	942,189

Description of Location of Point Number Cu-7-288: A point near the north end of the headlands on the north side of Hubbard Mound located in section 12 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-289	319,993	942,104
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Description of Location of Point Number Cu-7-289: A point near the south end of the headlands on the south side of Hubbard Mound located in section 12 of township 36 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-290	319,969	942,269
Cu-7-291	319,871	942,369
Cu-7-292	319,716	942,455
Cu-7-293	319,658	942,530
Cu-7-294	319,339	942,693
Cu-7-295	318,872	942,734
Cu-7-296	318,543	942,722
Cu-7-297	318,142	942,591
Cu-7-298	318,097	942,673
Cu-7-299	317,962	942,733
Cu-7-300	317,655	942,687
Cu-7-301	317,489	942,581
Cu-7-302	317,207	942,446
Cu-7-303	317,083	942,404
Cu-7-304	316,624	942,415
Cu-7-305	316,508	942,342
Cu-7-306	316,249	942,464
Cu-7-307	316,067	942,452
Cu-7-308	315,770	942,318
Cu-7-309	315,502	942,118

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-310	315,456	942,061

**Description of Location of Point Number Cu-7-310:** A point near the north end of the headlands on the north side of Otter Point located in section 13 of township 36 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-311	314,647	942,005
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**Description of Location of Point Number Cu-7-311:** A point near the south end of the headlands on the south side of Otter Point located in section 13 of township 36 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-312	314,646	942,186
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Cu-7-313	314,446	942,420
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Cu-7-314	314,281	942,516
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**Description of Location of Point Number Cu-7-314:** A point near the north boundary of property owned through the Oregon State Highway Commission located in section 13 of township 36 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-315	311,671	941,575
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**Description of Location of Point Number Cu-7-315:** A point near the south boundary of property owned through the Oregon State Highway Commission located in section 13 of township 36 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-316	311,148	941,107
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Cu-7-317	310,653	940,806
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Cu-7-318	310,462	940,576
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Cu-7-319	309,914	940,219
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Cu-7-320	309,762	940,223
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Cu-7-321	309,704	940,033
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Cu-7-322	309,061	939,705
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Cu-7-323	308,802	939,615
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Cu-7-324	308,759	939,502
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Point Oregon Coordinate System, south zone

Number	y-coordinate	x-coordinate
Cu-7-325	308,405	939,278
Cu-7-326	307,772	938,993
Cu-7-327	307,297	938,681
Cu-7-328	306,432	938,442
Cu-7-329	305,981	938,395
Cu-7-330	305,681	938,412
Cu-7-331	303,769	938,681
Cu-7-332	303,158	938,841
Cu-7-333	301,995	939,029
Cu-7-334	301,380	939,121
Cu-7-335	300,895	939,188
Cu-7-336	300,624	939,280
Cu-7-337	299,561	940,144
Cu-7-338	299,278	940,253
Cu-7-339	298,493	940,355
Cu-7-340	298,023	940,373
Cu-7-341	297,112	940,531
Cu-7-342	296,463	940,567
Cu-7-343	296,190	940,557
Cu-7-344	295,912	940,563
Cu-7-345	295,542	940,675
Cu-7-346	295,184	940,661
Cu-7-347	294,436	940,637
Cu-7-348	293,721	940,721
Cu-7-349	293,103	940,677
Cu-7-350	292,924	940,726
Cu-7-351	292,754	940,655
Cu-7-352	292,555	940,699
Cu-7-353	292,331	940,649
Cu-7-354	291,538	940,671
Cu-7-355	290,969	940,618

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-356	290,488	940,639
Cu-7-357	289,821	940,602
Cu-7-358	289,127	940,603
Cu-7-359	288,874	940,656
Cu-7-360	288,782	940,825
Cu-7-361	288,451	940,821
Cu-7-362	288,296	940,866
Cu-7-363	287,858	940,876

**Description of Location of Point Number Cu-7-363:** A point near the north boundary of property owned through the Oregon State Highway Commission located in section 12 of township 37 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-364	283,800	940,465
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**Description of Location of Point Number Cu-7-364:** A point near the south boundary of Buena Vista Ocean Wayside located in section 13 of township 37 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-365	282,516	940,370
Cu-7-366	282,438	940,462
Cu-7-367	282,176	940,320
Cu-7-368	282,064	940,292
Cu-7-369	281,788	940,445
Cu-7-370	281,665	940,291
Cu-7-371	281,395	940,250
Cu-7-372	281,221	940,363
Cu-7-373	281,096	940,249
Cu-7-374	280,653	940,150
Cu-7-375	280,355	940,255
Cu-7-376	280,226	940,089
Cu-7-377	279,929	940,062
Cu-7-378	279,622	940,290

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-379	279,513	940,014
Cu-7-380	279,232	939,978
Cu-7-381	278,950	940,192
Cu-7-382	278,891	940,095

**Description of Location of Point Number Cu-7-382:** A point near the north boundary of Cape Sebastian State Park located in section 24 of township 37 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-383	274,342	939,579
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**Description of Location of Point Number Cu-7-383:** A point near the south boundary of Cape Sebastian State Park located in section 25 of township 37 south, range 15 west of the Willamette Meridian in Curry County.

Cu-7-384	273,523	939,403
Cu-7-385	273,238	939,357
Cu-7-386	272,272	939,252
Cu-7-387	271,793	939,200
Cu-7-388	271,676	939,279
Cu-7-389	271,153	939,118
Cu-7-390	270,856	939,215
Cu-7-391	270,695	939,168
Cu-7-392	270,576	939,067
Cu-7-393	270,530	938,848

**Description of Location of Point Number Cu-7-393:** A point near the north end of the headlands on the north side of Cape Sebastian located in section 25 of township 37 south , range 15 west of the Willamette Meridian in Curry County.

Cu-7-394	252,193	943,857
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**Description of Location of Point Number Cu-7-394:** A point near the south boundary of Pistol River State Park located in the north half of section 18 of township 38 south , range 14 west of the Willamette Meridian in Curry County.



Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-395	251,337	943,988
Cu-7-396	250,834	943,982
Cu-7-397	250,150	943,917
Cu-7-398	249,456	943,857
Cu-7-399	249,221	943,848
Cu-7-400	248,941	943,837

**Description of Location of Point Number Cu-7-400:** A point near the north boundary of Pistol River State Park located in the south half of section 18 of township 38 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-401	237,990	941,097
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**Description of Location of Point Number Cu-7-401:** A point near the east end of the headlands on the southeast side of Crook Point located in section 30 of township 38 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-402	238,002	941,155
Cu-7-403	237,911	941,355
Cu-7-404	237,763	941,532
Cu-7-405	237,760	941,572
Cu-7-406	237,668	941,620
Cu-7-407	237,678	941,691
Cu-7-408	237,443	941,869
Cu-7-409	237,132	942,050
Cu-7-410	237,039	942,168
Cu-7-411	236,964	942,398
Cu-7-412	236,877	942,491
Cu-7-413	236,760	942,718
Cu-7-414	236,379	942,999
Cu-7-415	236,173	943,040
Cu-7-416	236,194	943,117
Cu-7-417	236,080	943,272

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-418	235,875	943,438
Cu-7-419	235,756	943,434
Cu-7-420	235,362	943,676
Cu-7-421	235,067	943,889
Cu-7-422	234,713	944,091
Cu-7-423	234,438	944,109
Cu-7-424	234,202	944,131
Cu-7-425	233,875	944,273
Cu-7-426	233,767	944,603
Cu-7-426A	233,796	944,765
Cu-7-427	233,751	944,956
Cu-7-428	233,658	945,132
Cu-7-429	233,426	945,412
Cu-7-430	233,190	945,531
Cu-7-431	232,977	945,586
Cu-7-432	232,849	945,773
Cu-7-433	232,791	945,872
Cu-7-434	232,500	946,110
Cu-7-435	232,162	946,219
Cu-7-436	231,955	946,251
Cu-7-437	231,935	946,363
Cu-7-438	231,796	946,495
Cu-7-439	231,567	946,582
Cu-7-440	231,481	946,552

**Description of Location of Point Number Cu-7-440:** A point near the north end of the headlands north of Burnt Hill Creek located in section 5 of township 39 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-441	230,977	947,008
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**Description of Location of Point Number Cu-7-441:** A point near the south end of the headlands north of Burnt Hill Creek located in section 5

Point Oregon Coordinate System, south zone

Number	y-coordinate	x-coordinate
of township 39 south , range 14 west of the Willamette Meridian in Curry County.		
Cu-7-442	231,019	947,130
Cu-7-443	230,972	947,316
Cu-7-444	230,895	947,402
Cu-7-445	230,752	947,520
Cu-7-446	230,697	947,583
Cu-7-447	230,628	947,614
Cu-7-448	230,477	947,633
Cu-7-449	230,135	947,791
Cu-7-450	229,994	947,781
Cu-7-451	229,919	947,725

Description of Location of Point Number Cu-7-451: A point near the north end of the headlands near the north boundary of Samuel H. Boardman State Park located in section 5 of township 39 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-452	177,049	960,075
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Description of Location of Point Number Cu-7-452: A point near the south end of the headlands near the south boundary of Samuel H. Boardman State Park located in section 26 of township 40 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-453	176,938	960,255
Cu-7-454	176,778	960,301
Cu-7-455	176,776	960,437
Cu-7-456	176,688	960,619
Cu-7-457	176,723	960,706
Cu-7-457A	176,616	960,798
Cu-7-458	176,725	960,970
Cu-7-459	176,621	961,227

Description of Location of Point Number Cu-7-459: A point near the north boundary of property owned through the Oregon State Highway

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate

Commission located in section 26 of township 40 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-460	175,617	962,284
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**Description of Location of Point Number Cu-7-460:** A point near the south boundary of property owned through the Oregon State Highway Commission located in section 26 of township 40 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-461	175,336	962,456
Cu-7-462	175,076	962,452
Cu-7-463	174,992	962,337
Cu-7-464	174,936	962,390
Cu-7-465	174,996	962,494
Cu-7-466	174,970	962,593
Cu-7-467	174,815	962,691
Cu-7-468	174,652	962,717
Cu-7-469	174,604	962,765
Cu-7-470	174,344	962,837
Cu-7-470A	174,254	962,835
Cu-7-471	174,119	962,857
Cu-7-472	173,877	963,022
Cu-7-473	173,421	963,236
Cu-7-474	173,343	963,406
Cu-7-475	172,855	963,444
Cu-7-476	172,833	963,492
Cu-7-477	172,571	963,517
Cu-7-478	172,417	963,455
Cu-7-479	172,156	963,399
Cu-7-480	171,905	963,355
Cu-7-481	171,841	963,486
Cu-7-482	171,808	963,616
Cu-7-483	171,692	963,608

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-484	171,548	963,525
Cu-7-485	171,508	963,583
Cu-7-486	171,466	963,796
Cu-7-487	171,338	963,936
Cu-7-488	171,006	963,958
Cu-7-489	170,889	964,062
Cu-7-490	170,615	964,243
Cu-7-490A	170,488	964,371
Cu-7-490B	170,355	964,425
Cu-7-490C	170,244	964,513
Cu-7-491	170,247	964,622
Cu-7-492	170,159	964,671
Cu-7-493	170,070	964,634

**Description of Location of Point Number Cu-7-493:** A point near the north boundary of Harris Beach State Park located in section 36 of township 40 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-494	167,853	967,675
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**Description of Location of Point Number Cu-7-494:** A point near the south boundary of Harris Beach State Park located in section 1 of township 41 south , range 14 west of the Willamette Meridian in Curry County.

Cu-7-495	167,343	967,740
Cu-7-496	167,165	967,873
Cu-7-497	167,182	968,104
Cu-7-498	167,085	968,102
Cu-7-499	166,970	967,980
Cu-7-500	166,890	968,034
Cu-7-501	166,964	968,161
Cu-7-502	166,670	968,413
Cu-7-503	166,255	968,316
Cu-7-504	166,208	968,417
Cu-7-505	166,058	968,514

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-506	165,819	968,568
Cu-7-507	165,408	968,579
Cu-7-508	165,297	968,503
Cu-7-509	165,316	968,399
Cu-7-510	165,020	968,444
Cu-7-511	165,071	968,490
Cu-7-512	165,053	968,567
Cu-7-513	164,962	968,643

**Description of Location of Point Number Cu-7-513:** A point at the north end of the headlands just west of Hub Street in the City of Brookings located in section 6 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-514	164,204	968,716
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**Description of Location of Point Number Cu-7-514:** A point near the south end of the headlands just west of Iris Street in the City of Brookings located in section 6 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-515	164,065	968,790
Cu-7-516	163,964	968,738

**Description of Location of Point Number Cu-7-516:** A point near the north end of the headlands west of Collis Lane in the City of Brookings located in section 6 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-517	163,616	969,413
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**Description of Location of Point Number Cu-7-517:** A point near the south end of the first headlands north of Chetco Point located in section 6 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-518	163,660	969,483
Cu-7-519	163,496	969,623
Cu-7-520	163,239	969,733

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-521	163,141	969,816
Cu-7-522	162,930	969,884
Cu-7-523	162,846	970,003
Cu-7-524	162,822	970,636
Cu-7-525	162,636	971,054
Cu-7-526	162,516	971,217
Cu-7-527	162,288	971,353
Cu-7-528	162,091	971,398
Cu-7-529	161,990	971,371
Cu-7-530	161,846	971,291
Cu-7-531	161,802	971,399
Cu-7-532	161,639	971,433
Cu-7-533	161,413	971,424
Cu-7-534	161,267	971,363
Cu-7-535	161,253	971,316
Cu-7-536	161,058	971,038
Cu-7-537	161,032	970,945
Cu-7-538	161,085	970,906

**Description of Location of Point Number Cu-7-538:** A point near the east end of the headlands on the north side of Chetco Point located in section 7 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-539	160,835	970,993
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**Description of Location of Point Number Cu-7-539:** A point near the southeast end of the headlands on the south side of Chetco Point located in section 7 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-540	160,877	970,982
Cu-7-541	160,984	971,113
Cu-7-542	161,056	971,337
Cu-7-543	161,327	971,526

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-544	161,346	971,624
Cu-7-545	161,442	971,619
Cu-7-546	161,543	971,869
Cu-7-547	161,541	972,098
Cu-7-548	161,476	972,284
Co-7-549	161,427	972,320
Cu-7-550	161,528	972,418
Cu-7-551	161,698	972,784
Cu-7-552	161,633	973,055
Cu-7-553	161,548	973,154
Cu-7-554	161,282	973,278
Cu-7-555	161,127	973,267
Cu-7-556	161,104	973,227
Cu-7-557	161,116	973,168

**Description of Location of Point Number Cu-7-557:** A point near the north end of the headlands on the north side of Chetco Cove located in section 7 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-558	161,504	974,502
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**Description of Location of Point Number Cu-7-558:** A point near the east end of the headlands on the north side of Chetco Cove located in section 8 of township 41 south , range 13 west of the Willamette Meridian in Curry County.

Cu-7-559	161,529	974,635
Cu-7-560	161,544	974,866
Cu-7-561	161,649	975,127
Cu-7-562	161,562	975,508
Cu-7-563	161,508	975,746
Cu-7-564	161,526	975,953
Cu-7-565	161,433	976,127
Cu-7-566	160,379	977,263



Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-567	160,031	977,584
Cu-7-568	159,387	978,208
Cu-7-569	158,715	978,406
Cu-7-570	158,434	978,624
Cu-7-571	158,159	978,719
Cu-7-572	158,032	978,847
Cu-7-573	157,479	978,988
Cu-7-574	157,462	979,134
Cu-7-575	157,198	979,298
Cu-7-576	156,876	979,630
Cu-7-577	156,780	979,674
Cu-7-578	156,637	980,008
Cu-7-579	156,570	979,994
Cu-7-580	156,547	980,077
Cu-7-581	155,833	980,413
Cu-7-582	155,518	980,627
Cu-7-583	155,145	980,715
Cu-7-584	155,047	980,689
Cu-7-585	155,067	980,612
Cu-7-586	154,825	980,572
Cu-7-587	154,813	980,617
Cu-7-588	154,921	980,757
Cu-7-589	154,852	980,881
Cu-7-590	154,945	980,926
Cu-7-591	154,890	981,077
Cu-7-592	154,457	981,657
Cu-7-593	154,205	981,833
Cu-7-594	153,898	982,094
Cu-7-595	154,197	982,374
Cu-7-596	154,187	982,498
Cu-7-597	153,956	982,999

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-598	153,474	983,252
Cu-7-599	153,305	983,531
Cu-7-600	153,286	983,807
Cu-7-601	153,013	984,447
Cu-7-602	152,765	984,652
Cu-7-603	152,662	984,708
Cu-7-604	152,633	984,751
Cu-7-605	151,850	985,113
Cu-7-606	151,497	985,195
Cu-7-607	151,277	985,196
Cu-7-608	150,861	985,540
Cu-7-609	150,632	985,569
Cu-7-610	150,504	985,688
Cu-7-611	150,030	986,310
Cu-7-612	149,534	986,461
Cu-7-613	149,266	986,445
Cu-7-614	149,132	986,537
Cu-7-615	149,047	986,629
Cu-7-616	149,098	986,767
Cu-7-617	148,936	986,896
Cu-7-618	148,797	986,890
Cu-7-619	149,033	987,119
Cu-7-620	149,030	987,307
Cu-7-621	148,949	987,399
Cu-7-622	147,977	988,656
Cu-7-623	147,740	989,001
Cu-7-624	147,212	989,610
Cu-7-625	146,900	989,883
Cu-7-626	146,614	990,134
Cu-7-626A	146,463	990,180
Cu-7-627	146,242	990,362

Point Number	Oregon Coordinate System, south zone	
	y-coordinate	x-coordinate
Cu-7-627A	146,106	990,481
Cu-7-628	146,007	990,676
Cu-7-628A	146,030	990,783
Cu-7-629	146,181	990,926
Cu-7-629A	146,439	991,778
Cu-7-629B	145,626	992,092
Cu-7-629C	145,317	991,861
Cu-7-630	145,288	991,314
Cu-7-631	145,176	991,095
Cu-7-632	144,723	991,295
Cu-7-633	143,886	991,657
Cu-7-634	143,339	991,832

**Description of Location of Point Number Cu-7-634:** A point near the Oregon-California Boundary and near the line located between section 26 of township 41 south , range 13 west of the Willamette Meridian in Curry County, Oregon, and section 32 of township 19 north , range 1 west of the Humboldt Meridian in Del Norte County, California.

**Section 9.** ORS 390.640 does not apply to any state-owned land or to headlands and other lands located at an elevation of more than 16 feet and seaward of a line running between the following designated and numbered points which are more particularly described by section 8 of this 1969 Act. The elevation mentioned in this section refers to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947.

Point Designation and Number		Point Designation and Number	
From	To	From	To
Cl-7-6	Cl-7-7	Cl-7-76	Cl-7-77
Cl-7-10	Cl-7-11	Cl-7-115	Cl-7-116
Cl-7-13	Cl-7-14	Cl-7-134	Cl-7-135
Cl-7-52	Cl-7-53	Ti-7-3	Ti-7-4
Cl-7-55	Cl-7-56	Ti-7-6	Ti-7-7

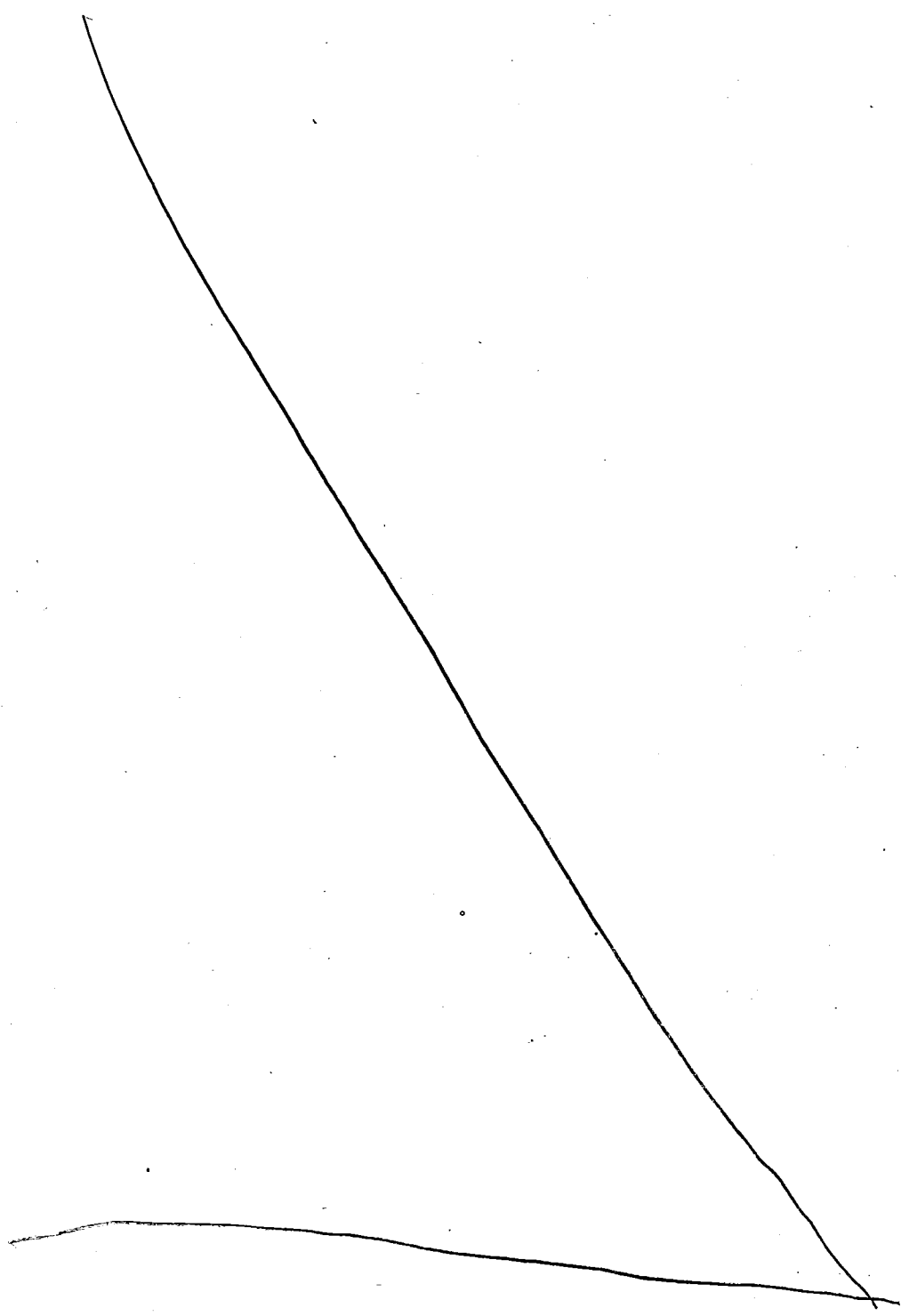
Point Designation and Number		Point Designation and Number	
From	To	From	To
Ti-7-18	Ti-7-19	Li-7-439	La-7-1
Ti-7-33	Ti-7-34	La-7-9	La-7-10
Ti-7-83	Ti-7-84	La-7-19	La-7-20
Ti-7-88	Ti-7-89	La-7-44	La-7-45
Ti-7-94	Ti-7-95	La-7-72	La-7-73
Ti-7-99	Ti-7-100	La-7-87	La-7-88
Ti-7-113	Ti-7-114	Do-8-78	Do-8-79
Ti-7-168	Ti-7-169	Co-7-82	Co-7-83
Ti-7-183	Ti-7-184	Co-7-111	Co-7-112
Ti-7-249	Ti-7-250	Co-7-146	Co-7-147
Li-7-2A	Li-7-3	Co-7-178	Co-7-179
Li-7-10	Li-7-11	Co-7-200	Co-7-201
Li-7-17	Li-7-18	Co-7-229	Co-7-230
Li-7-73	Li-7-74	Cu-7-25	Cu-7-26
Li-7-118	Li-7-119	Cu-7-54	Cu-7-55
Li-7-150	Li-7-151	Cu-7-155	Cu-7-156
Li-7-154	Li-7-155	Cu-7-167	Cu-7-167A
Li-7-161	Li-7-162	Cu-7-167E	Cu-7-168
Li-7-165	Li-7-166	Cu-7-174	Cu-7-175
Li-7-167A	Li-7-168	Cu-7-196	Cu-7-197
Li-7-170	Li-7-171	Cu-7-201	Cu-7-202
Li-7-176	Li-7-177	Cu-7-219	Cu-7-220
Li-7-182	Li-7-183	Cu-7-225	Cu-7-226
Li-7-215	Li-7-216	Cu-7-236	Cu-7-237
Li-7-269	Li-7-270	Cu-7-258	Cu-7-259
Li-7-293	Li-7-294	Cu-7-268	Cu-7-269
Li-7-296	Li-7-297	Cu-7-288	Cu-7-289
Li-7-314	Li-7-315	Cu-7-310	Cu-7-311
Li-7-325	Li-7-326	Cu-7-314	Cu-7-315
Li-7-357	Li-7-358	Cu-7-363	Cu-7-364
Li-7-377	Li-7-378	Cu-7-382	Cu-7-383

Point Designation and Number

From	To
Cu-7-393	Cu-7-394
Cu-7-400	Cu-7-401
Cu-7-440	Cu-7-441
Cu-7-451	Cu-7-452
Cu-7-459	Cu-7-460

Point Designation and Number

From	To
Cu-7-493	Cu-7-494
Cu-7-513	Cu-7-514
Cu-7-516	Cu-7-517
Cu-7-538	Cu-7-539
Cu-7-557	Cu-7-558



1969

BEACH BILL

(H. B. 1045)

55th Legislative Assembly

April 30, 1969

Prepared by:  
Office of the Majority Leader  
House of Representatives

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## DEFINITION OF TERMS

1. ESTUARY - an inlet or arm of an ocean; especially, the wide mouth of a river, where the tide meets the current.
2. FIXED COORDINATES - based on the Oregon Coordinate System, which are fixed points easily identified by surveyors from which property and zoning lines can be established.
3. HIGH TIDE - high tide in the bill is the average high water line over 18.6 years.
4. OCEAN SHORE - means the land lying between extreme low tide of the Pacific Ocean and the line of vegetation. (1969 beach bill.)
5. PRESCRIPTIVE RIGHT - as applied to the beach bill, establishes the public's right to the use of privately held property by virtue of the long and uninterrupted use of such property by the public.
6. SIXTEEN FOOT LINE - the mark 16 feet above the sea level datum established in 1947 by the United States Coast Guard and Geological Service.



7. STATE RECREATION AREA - means land or water area, or combination thereof, under the jurisdiction of the State Highway Commission, used by the public for recreational purposes.
8. UPLANDS - that portion of the coastal lands lying between the line of vegetation and the coastal mountain range.
9. VEGETATION LINE - that portion of the beach where the beach grass and other vegetation meet the open sand or the change from flat sand to growing vegetation. There is no distinction made between artificial and natural vegetation.
10. WET SAND AREA - that portion of the coastal lands lying seaward of ordinary high tide.
11. DRY SAND AREA - that portion of coastal lands lying above ordinary high tide and below the line of vegetation.

## THE 1969 BEACH BILL

### INTRODUCTION

"So, I came up with a bright idea. And this was very much of a surprise, for I have enjoyed but few such in a lifetime. I drafted a simple short bill declaring the seashore from the Washington line to the California line a public highway. I pointed out that thus we would come into miles and miles of highway 'without cost to the taxpayer.' The Legislature and the public took the bait--hook, line and sinker. Thus came public ownership of our beaches."

Former Governor Oswald West  
Commenting on his 1913 "Beach Bill"  
Guest Editorial  
Oregon Daily Journal  
August 8, 1949

Fifty-six years have passed since Governor West introduced his "beach bill" to the Legislature and to the people of Oregon. In 1969, the 55th Legislative Assembly is struggling with the complexities of Governor West's "simple short bill" which preserved the use of the beaches for the people of Oregon.

The citizens of Oregon (both beach-goer and beach-owner), legislators, and the courts are finding that determining the respective rights and responsibilities of public use and private ownership of Oregon's beaches is neither a simple issue nor can

there be a "short bill" to determine a clear understanding of these issues. (The 1969 version of the Beach Bill, HB 1045, will be over 100 pages in length.)

Nevertheless, the people of Oregon should be grateful for the foresight that led to Governor West's "bright idea" which preserved the public's interest in one of Oregon's greatest natural resources. Extending from Washington to California, the 355 miles of Oregon's coastal shoreline consists of the finest recreational and scenic areas in the United States. Appropriately, all Oregonians are concerned that the natural beauty of the Oregon coast be preserved for generations to come.

#### A DEFINITION OF TERMS

What constitutes a "beach"? A definition of terms may provide some clarification in understanding the use of such terms throughout this paper.

##### "WET SAND AREA"

(Also referred to as tidelands.)

That portion of the coastal lands lying seaward of ordinary high tide. Ordinary or average high tide is generally regarded as the average high water line over a 20 year period.

"WHITE SAND AREA"

(Also referred to as Dry Sand Area.)

That portion of coastal lands lying above ordinary high tide and below the line of vegetation.

"VEGETATION LINE"

That portion of the beach where the beach grass and other vegetation meet the open sand or the change from flat sand to growing vegetation. There is no distinction made between artificial and natural vegetation.

"UPLANDS"

That portion of the coastal lands lying between the line of vegetation and the coastal mountain range.

1967-69 Interim Committee on  
Highways, page 21.

In applying these definitions to Governor West's "beach bill", it should be noted that the 1913 bill referred only to that portion of the beach regarded as "tidelands" or the wet sand area of the beach. Therefore, Governor West's designation that the "tidelands" be regarded as a "public highway" did not, by definition, include the dry sand area of the beach.

OREGON BEACHES: An Historical Perspective

Although the concern of most Oregonians is presently focused on the practical implications of the 1969 version of the beach bill, they should not overlook the historical perspective of Oregon's beaches. This history will provide a basis for discussion of the rights, responsibilities, ownership and use--both public and private--of Oregon's coastal shoreline.

In 1859, the Congressional Act by which Oregon was admitted to the Union fixed the western boundary of the State by the following language:

"Beginning one marine league (three miles) at sea, due west from the point where the forty-second parallel of north latitude intersects same; thence, northerly, at the same distance from the line of the coast lying west and opposite the state, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River..."

Section I of Admission Act;  
Vol. 9 OCLA, page 71.

In 1899, the Oregon Legislature first introduced the concept of a public highway on the Oregon Coast. By enactment of Section 4817 B and C, the 1899 Legislature declared that:

"The shore of the Pacific Ocean, between ordinary high and extreme low tides, and from the Columbia River on the north to the south boundary line of Clatsop county on the south, is hereby declared a public highway, and shall forever remain open as such to the public."

Laws of Oregon (1899), page 3.

Two significant factors should be noted about Section 4817. First, the law deals only with that portion of the beach regarded as "tidelands". Secondly, the law pertains only to the beach shoreline from the Columbia River to the south boundary of Clatsop County.

In 1913, Governor West introduced his beach bill, which amended the 1899 law. The amended law reads as follows:

"The shore of the Pacific Ocean, between ordinary high tide and extreme low tide, and from the Columbia River on the north to the Oregon and California State line on the south, excepting such portion or portions of such shore as may have heretofore been disposed of by the State, is hereby declared a public highway and shall forever remain open as such to the public."

General Laws of Oregon  
Chapter 47 (1913).

The amended law provided two changes. First, it extended the public highway concept of beach tidelands to the California border. Secondly, it recognized that the State had already disposed of "portions of such shore" to private owners.

The latter aspect of Governor West's beach bill requires further amplification as it is the basis of today's confusion surrounding private ownership of public beaches. In 1949, the Chief Counsel for the State Highway Department, Mr. J. W. Devers, made an extensive study of the property rights of Oregon's Coastal shoreline.

In his study, Mr. Devers indicates that the State Land Board began disposing of state-owned tidelands in 1874 through legislation enacted in 1872, providing for the alienation of portions of the ocean shore. The act enabled owners of property abutting or fronting the ocean shore to purchase from the State all tideland belonging to the State situated in front of such owners. It should be noted that this act not only included the white or dry sand area of the beach but extended to and encompassed the wet sand or tidelands as well.

The issue of the State's authority to dispose of tidelands was brought before the Oregon Supreme Court in the case of Bowlby vs. Shively (22 Or 410). The Court concluded that the title was vested in the State and "that the State has the right to dispose of them (the lands) in such manner as she might deem proper..." The U. S. Supreme Court, on appeal, sustained the Oregon Supreme Court's decision.

The first private sale of coastal tidelands occurred in 1874 and consisted of a 20 acre conveyance. Thirty-seven additional sales of coastal property were made to private owners until 1923 when the last sale took place. Mr. Devers concludes:

"In 1947, the legislature withdrew and repealed the law by which parts of the shore of the ocean might be disposed of by the State Land Board. However, prior to the removal of such authority there had resulted thirty-eight alienations... these disposals or alienations of title involved every county in the State bordering on the shore of the Ocean except Lane County."

"The Shore of the Ocean"  
Mr. J. W. Devers  
State Highway Commission

These thirty-eight conveyances of public land to private owners between 1874 and 1923 constituted 23 miles of Oregon coastline.

"...approximately 23 miles of wet sands are not in public ownership. The most significant portion not in State ownership are municipally-owned beach areas off Astoria, Seaside and Newport, and a few small parcels of privately owned wet sands on the northern and southern coasts."

1967-69 Interim Committee on  
Highways, page 22.

Although there have been minor modifications, there was no major legislation dealing specifically with Oregon's beaches from 1913 to 1967. Minor modifications included the 1947 Legislature's re-enactment of the 1913 Act for purposes of curing any defects that the prior legislation may have had; and in 1965 the Legislature modified the "public highway" concept of the tidelands part of the beach and declared such "to be a State Recreational Area." (ORS 390.270).

#### THE SUMMER OF 1966

In the fifty-six year span since Governor West first established the public's border to border right to the enjoyment of Oregon's beaches, Oregonians have traditionally regarded the entire beach area as their domain, available for public use. Beach-goers were



either unaware or unconcerned that there was a distinction, established by law, between the wet sand and the dry sand areas of the beach. To the beach-goer it was all "beach" and all for the public to enjoy.

So in the summer of 1966, beach-goers and the general public were amazed, perplexed and incensed by the sight of some barricades and signs on the beach indicating "No Trespassing", "Keep Out", and "Private Property."

Equally as perplexed were the private property owners and business operators who owned ocean-front property, which included the dry sand part of the beach. To some of these private citizens, who were asserting their rights as private property owners to exclude the general public from their property, the sight of the beach-goers disregarding their "No Trespassing" signs was as frustrating as the signs were to the beach-goers.

The dramatic change from public use of certain beach areas to posted private property resulted in a polarization of viewpoints revolving around the age-old concept of public use vs. private property. To many, one of the most important issues of the 1967 Legislature was clearly established by the end of the summer in 1966.

THE 1967 BEACH BILL (HB 1601)

Amid this growing controversy, the 54th Legislative Assembly convened in January of 1967, having as one of its major tasks the creation of a beach bill which would insure to those owning beach-front property the rights of private ownership and at the same time preserve for the public as much of the beach as possible for their use and enjoyment.

Persuasive arguments were expressed by both the property owner and the public.

Those interested in preserving all of the beach for public use argued that there was no question as to the wet sand area or tidelands; such was declared a "state recreational area" vested in the State of Oregon for the use and enjoyment of the public. However, this did not include the 23 miles of shoreline which the State had earlier sold to private citizens. In addition, they argued, the beach above average high tide, referred to as dry sand area, was also available for public use.

They contended that over a period of many years the public had enjoyed the uninterrupted use of the entire beach, both above and below the average high tide line, and such continuous use for recreational purposes established a legal right for continued use.

This argument was supported by the opinions of the Attorney General and the Counsel for the State Highway Commission, who argued that the State had acquired prescriptive rights to the privately held dry sand area by virtue of the public's continued and uninterrupted use over a long period of time.

The beach-front property owners argued that the dry sand area above the average high tide line was vested private ownership and therefore limited to private use. Cited was the legislation enacted by Governor West, and re-enacted in 1947 which established ownership by the State only in the wet sand area of the beach. In further support of this argument, the property owners contended that they were paying taxes on the private property despite the fact that such property was being used by the general public. Finally, the property owners argued that if such private property was desired for public use, the State Highway Commission must acquire it through normal acquisition procedures and pay to the property owners the true value of the property acquired.

THE AREA OF CONTROVERSY: The Dry Sand Area of the Beach

The dry sand area, that part of the beach between ordinary high tide and the vegetation line, has been the subject of the controversy and legislation in the 1967 and 1969 legislative sessions. It must be made clear that the State of Oregon does not own all of

the dry sand area of the beach. Because of continuous use by the public, there has developed the belief that the State holds the entire beach area for the public's use and enjoyment. Such is not the case; but it is a fact that the public ownership of the dry sand area of the beach extends to over one half of the usable beach area. Of the 250 miles of usable beach area along Oregon's 355 mile coastline, 131 miles is owned by the public and 119 miles is owned by private property owners.

State of Oregon	61	miles	
Federal Government	52	miles	
Local Government	<u>18.2</u>	<u>miles</u>	
Total Public Ownership	131.2	miles	(53%)
Total Private Ownership	<u>119.0</u>	<u>miles</u>	(47%)
Total <u>Usable Beach</u> Area	250.2	miles.	

1967-69 Interim Committee on  
Highways, page 22.

The 1967 Legislature studied the problems associated with public use and private ownership of Oregon's beaches and attempted to resolve these problems by incorporating the concept of "land use control" or "zoning" into HB 1601.

First, it should be made clear that the zoning provisions of the bill applied only to the use of the dry sand area of the beach and not to ownership. The 1967 Beach Bill, which was passed by the

Legislature and became law (ORS 390.610 - 690), made an important distinction between use and ownership. Under the land use control or zone line, the ownership of the privately held dry sand area of the beach would continue to remain with the private owner; however, the use of such portion of the beach would be preserved for the public's use and subject to the restrictions imposed on such property as defined by the statute.

The zone line then, as applied to the private property owner, was a line dividing the use of his property. Seaward of the line his property was subject to use by the public and also to restrictions established by the State; inland from the zone line the private owner could utilize his property for whatever purposes he wished.

There were many suggestions as to where to "draw the line." What was desired was a line which could be easily identified by the public and legally identified by survey. The "vegetation line" (where the beach grass meets the open sand) was suggested as a line of reference. The Legislature in 1967 rejected the vegetation line on the basis that in some areas it would be impossible to ascertain the exact location of the vegetation line. In addition, many argued that the vegetation line is in a constant state of change, placing both the private owner and public users of the beach in the untenable position of not knowing what portion of the beach was zoned and what was not. Therefore, this line failed to meet the constitutional requirements of being definite and certain.

Instead of the vegetation line, the 1967 Legislature enacted a zone line established by the U. S. Coast and Geodetic survey. The zone line was a contour line at the elevation of 16 feet. This line was "definite and certain" as to a specific date or time and could be located with reasonable accuracy by an engineer or land surveyor.

It was the Legislature's intent that the 16 foot elevation or zone line would coincide with the vegetation line. But in many low-lying areas with little elevation over the beach surface, the 16 foot elevation line went through private homes and businesses. In these instances, as an alternative to the 16 foot line, the Legislature provided that the zone line would be established 300 feet inward from the ocean. The bill as enacted did not apply the zone line to bays or estuaries.

"No person shall, except as provided by ORS 390.650, erect...any...structure or improvement on any property that is in the area along the Pacific Ocean located between the extreme low tide and the elevation of 16 feet following natural topographic contour lines... However, in low-elevation areas, including but not limited to sand spits and marshes and the mouth of streams, estuaries, rivers and creeks where the 16 foot contour nearest the ocean, in plain view, does not substantially parallel the shore line, the boundary is 300 feet (but not in excess of the 16 foot elevation) inland from the contour line nearest the ocean..."

ORS 390.650.

The creation of the zone line was the major provision of the 1967 beach bill and yet the House Highway Committee, in presenting the bill, recognized that such legislation was only an interim bill and that a more thorough study of the zoning line would be needed prior to the 1969 Legislature.

"Your Committee, therefore, is not satisfied with the zoning line we have adopted but rather within the time of the Legislative session that this is the only feasible solution. We believe that it is imperative that the State Highway Commission conduct a survey of the entire coast so that a more certain zoning line can be established."

House Highway Committee  
Report on HB 1601  
54th Legislative Assembly.

There were other important provisions in the 1967 beach bill which have now been incorporated in the 1969 beach bill. These provisions will be discussed later.

Realizing the need for further study of the zoning provisions of the beach bill, the 1967 Legislature established an Interim Committee on Highways. A sub-committee of the Interim Committee was charged with the responsibility of resolving some of the issues raised by HB 1601. This Interim Sub-Committee, chaired by Rep. Paul Hanneman (R-Cloverdale) reported their findings and recommendations to the 1969 Legislature in a very thorough report which was the basis for many of the provisions which have been incorporated into HB 1045, the 1969 beach bill.

THE 1969 BEACH BILL (HB 1045)

The 1969 version of the beach bill (HB 1045) was introduced in the 55th Legislative Assembly at the request of the Interim Committee on Highways on January 24, 1969. After the second reading, Speaker of the House Robert F. Smith referred the bill to the House Judiciary Committee.

Rep. Don Wilson (R-Eugene), chairman of the House Judiciary Committee, held numerous hearings and then assigned the bill to a sub-committee with the specific instructions that the sub-committee arrive at an equitable and identifiable zoning line for determining public use of private property. The sub-committee consisted of Rep. Gordon Macpherson (R-Waldport); Rep. Tom Young (R-Baker); Rep. George Cole (D-Seaside); and Rep. Allan Pynn (R-West Linn).

The House Judiciary Committee accepted the sub-committee's amendments to the zoning provisions of the bill and recommended to the House of Representatives that HB 1045 be passed as amended. On April 30, the 1969 beach bill was given the overwhelming support of the House by a vote of 56 to 3 and sent to the State Senate.

There are two major provisions included in HB 1045, as passed by the House, which pertain to aspects of the law mentioned earlier:

- (1) Zoning, which controls the use of the property by the owner.
- (2) Prescriptive Right, which establishes the public's right to the use of the property.



## IMPLICATIONS OF BEACH ZONING

What are the implications of zoning? Zoning refers to the use of property and has nothing to do with ownership. A city may zone property so that it may only be used for residential purposes. In the same manner, the State may zone the beaches of Oregon for only recreational and scenic purposes. Acting on this provision of the State's laws, the 1969 beach bill sets forth a zone line along the beaches of Oregon's coast. All beach land, public or private, that is seaward of the zone line must remain free to the public's access, use and enjoyment.

The zoning restrictions insure and protect the public's interest against the beach owner who fences off areas of the beach for exclusive use. Further, the bill prevents the private owner from constructing any building, fence or obstruction on the beach without first securing a permit from the State Highway Commission. Such permit applications are subject to a public hearing so that the positions of both the private owner and the public may be made known. If such permit is denied, the State Highway Engineer is required to make a written finding. This provision was also included in the 1967 beach bill and since its passage there have been eight permit applications; four have been approved, four denied.

The bill also provides for an emergency permit to be obtained and granted without hearing where there is an immediate threat of danger to person or property.

The zoned areas of the beach fall under the jurisdiction of the State Highway Commission and, as such, the Highway Commission is directed to preserve the beach lands for recreational use by the public, in much the same manner as they would any other state recreational areas. This would also include the regulation of traffic on the beaches, and the prevention of litter on the beaches.

#### THE ZONE LINE

The 1969 beach bill, as passed by the House, has as its major provision a new basis for determining the zone line. The zone line relates only to the use of the beach property, which may either be owned by the State or by private owners. The line cannot and does not determine ownership of the property or prescriptive rights either seaward or upland of the zone line of either public or private interests. If the beach property is privately owned, then the owner must conform to the zoning restrictions set out in the bill. The zone line may and often will pass through the middle of privately owned property. Under the provisions of the bill, the property owner is restricted in land usage seaward of the zone line; but this bill does not interfere with what the owner may do on the upland side of the zone line.

## BEACH SHORE ZONE LINE

The 1969 beach bill provides that the zone line be established by coordinates set out in the Oregon Coordinate System. It is not established by topographical lines, such as the 16 foot line created by the 1967 beach bill.

The new zone line is based on identifiable coordinates which approximately coincide with the vegetation line. Because of the difficulty in exactly following the vegetation line, the zone line will be a straight line which coincides as closely as possible with the vegetation line.

This re-definition of the zone line resulted in a moving of the line inland from the line established by the 1967 Legislature; it therefore protects additional beach acreage for public use and enjoyment. The House Judiciary Sub-Committee estimated that the State, and the public, will enjoy the use of approximately 700 acres by virtue of this modification of the zone line. It must be emphasized again that the public does not "own" this additional beach land because the zone line only refers to the use of such property. The zoning restrictions will allow the public the freedom of access and enjoyment to all beach land seaward of the vegetation line.

## THE ZONE LINE AS APPLIED TO BAYS AND ESTUARIES

Because of the unique nature of the bays and estuaries, the House Judiciary Sub-Committee revised the 1967 bill so that the zone line would include these natural assets along the coast and preserve as much of them as possible for public use.

The 1967 beach bill did not apply the zone line to the bays and estuaries. The 16 foot elevation line was drawn straight across the inlets with the result that these important recreational areas of the Oregon Coast were left without the benefit of zoning provisions which would preserve and protect them for the use of the public.

The 1969 bill applies the zone line to the low lying areas of each individual bay and estuary by allowing the line to trace around the inlet and by incorporating all traditional beach and recreational areas used by the public.

The House Judiciary Sub-Committee believed that by applying the zone line to the bays and estuaries, an additional 700 acres will be available for recreational use.

In summary, the 1969 beach bill incorporates a new zone line which has been established by coordinates and coincides with the vegetation line and which applies not only to the beach land but also to the bays and estuaries along the Oregon Coast. This line is easily identified, both by recognition of the vegetation line and by means of Oregon's Coordinate System.

So that the continuing rights of the private owner and the public will be preserved, Section 27 of the bill provides that:

- (1) "The State Highway Engineer is directed to periodically re-examine the line of vegetation as established and described by Section 8 of this 1969 Act for the purpose of obtaining information and material suitable for a re-evaluation and re-definition, if necessary, of such line so that the private and public rights and interest in the ocean shore shall be preserved."
- (2) "The State Highway Commission may, from time to time, recommend to the Legislative Assembly adjustments to the line described in this section."

#### PRESCRIPTIVE RIGHTS FOR PUBLIC USE

The second major provision of the 1969 beach bill is the authorization to the State Highway Commission to establish by legal determination in court, public rights in certain private property. As discussed earlier, the basis for such an assertion by the State was the law dealing with prescriptive easements. The state would contend that the public had acquired certain rights to parts of the beach, which were owned by private parties, on the basis of the public's continuous and uninterrupted use of the beach.

- "(2) The Legislative Assembly recognizes that over the years the public has made frequent and uninterrupted use of the ocean shore and recognizes, further, that where such use has been legally sufficient to create rights or easements in the public through dedication, prescription, grant or otherwise, that it is in the public interest to protect and preserve such public rights or easements as a permanent part of Oregon's recreational resources."

## ADDITIONAL PROVISIONS OF THE 1969 BEACH BILL

In addition to the major provisions of zoning and establishing the public's prescriptive right to use of the beaches, the 1969 beach bill incorporates many of the 1967 provisions, the recommendations by the Interim Committee and amendments provided by the House Judiciary Committee. The following is a list of additional provisions in the 1969 beach bill.

### Zoning Coordinates

The Oregon Coordinate System provides the reference for establishing the zone line. The coordinates for the zone line are set out in the bill and will allow easy access to any who are interested in the exact location of the zone line.

### Upland Acquisition by the State

The uplands have been defined as that part of the beach inland from the vegetation line. Such property is available for acquisition by the State. However, Section 7 of the 1969 beach bill requires that when the State takes land abutting, adjacent or contiguous to the ocean shore for recreational or access purposes, the State must consider: the availability of other public lands and existing recreational areas; the land uses and the density of development in the area; and any local zoning or use restrictions. Prior to this

bill, the State was not required to consider any alternatives or previous land usage prior to the acquisition of the privately owned uplands adjoining the ocean shore. Presently, 46% of the uplands adjoining the ocean shoreline are in private ownership.

#### Liability Exemption for Private Property Owners

The drafters of the bill were concerned with the unwarranted liability imposed on private beach-land owners. Accordingly, Section 13 of the bill provides that such private owners will not be held responsible for any injury to persons or damage to property resulting from conditions on his property. The exception provides that the private owner will be held responsible for those conditions on the beach which he created and should have known was likely to cause injury to persons or damage property.

#### Zoning Exemption

A specific exemption from the zoning of the ocean shore is spelled out for small areas of dense vegetation which extend into the area bounded by the coordinate line from easterly areas of dense vegetation. If this were not done and the line of vegetation were to be clearly followed, it would require numerous lines to be drawn around small juttings of vegetation.

### Control of Beach Traffic by Zoning

The 1969 beach bill provides that the State Highway Commission may establish zones on the beach where motor vehicles or landing of aircraft are either restricted or prohibited. The establishment of such a zone may be made upon request of the governing body or city contiguous or adjacent to the proposed zone or by the State Highway Commission. No zone will be established without notice, hearings and seeking the approval of the local government adjacent or contiguous to the proposed zone. Once the zone has been established, the State Highway Commission is directed to erect signs designating that portion of the beach is zoned against vehicular or aircraft use.

### Permit Required for Removal of Natural Products of the Shoreline

This legislation will require that before any natural products can be removed from the ocean shore, a permit must be obtained from the State Highway Commission. Natural products would include sand, rock and mineral growth, but would not include fish or wildlife, agates or souvenirs.

The bill also provides that upon request of the governing body of any coastal city or county, the Highway Commission may grant permits for the removal of sand or rock to supply the needs of construction for the local government, if such removal would not "materially alter the physical characteristics of the area." This



provision also recognizes the need for a coastal city to remove sand from the ocean shore when such accumulation of sand "constitutes a hazard or maintenance problem to the city or county."

#### Access Permits

The bill contains provisions by which the State Highway Commission may issue access permits for purposes of establishing pipelines, cablelines and other conduits across and under the ocean shore and the submerged lands adjacent to the ocean shore, upon payment of just compensation. When privately owned beach land is involved, those seeking access across such land must obtain authority from the private owner and such authority must meet the approval of the State Highway Commission. Section 22, subsection 3 stipulates that the foregoing provisions are "subject to conditions that will assure safety of the public and the preservation of economic, scenic and recreational values..."

HB 1045 - revised

HB 1045	may conflict with	HB 1042
	because HB 1045 repeals - HB 1042 amends ORS 274.075	

HB 1045	may conflict with	HB 1042 SB 421 E
	because HB 1045 and SB 421 E amends - HB 1042 <del>amends</del> LS ORS 273.105	

HB 1045	may conflict with	SB 538
	because both bills amend ORS 390.730	

# HOUSE COMMITTEE REPORT

Salem, Oregon, April 23, 1969

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill 1045, having had the same under consideration, respectfully report it back with the recommendation that it:

Do pass.

Do pass with the following amendments:

(Referred to Ways and Means by prior reference)

DO PASS WITH THE FOLLOWING AMENDMENTS AND THAT IT BE PRINTED ENGROSSED AND THAT THE AMENDMENTS NOT BE PRINTED:

On page 2 of the printed bill, line 2, delete ", including but not limited to".

In line 5, delete "390.720,".

Delete lines 18 through 33 and insert:

"(2) 'Ocean shore' means the land lying between extreme low tide of the Pacific Ocean and the line of vegetation as established and described by section 8 of this 1969 Act.

"(3) 'State recreation area' means a land or water area, or combination thereof, under the jurisdiction of the State Highway Commission, pursuant to ORS 336.205(3), used by the public for recreational purposes."

On page 3, delete lines 1 and 2 and insert:

"Note: Section 3 was deleted by amendment."

In line 6, after "heretofore" insert "legally".

In line 7, delete "beaches" and insert "shore".

In line 11, after "ocean" delete the rest of the line and insert "shore".

Delete line 12.

In line 13, delete "ocean beaches".

In line 14, after "been" insert "legally" and in the same line after "create" insert "rights or".

In line 16, after "public" insert "rights or".

In line 19, delete "and" and insert "or" and in the same line after "easements" insert "legally acquired".

Chairman

Submit: 2 copies if no amendments  
4 copies if amendments  
5 copies if to be printed engrossed

Retain: 1 copy for committee files

Rep. Tom Young will lead floor discussion on this measure.

In line 21, delete "in" and insert a period.

Delete line 22.

In line 24, delete "to acquire additional rights and".

In line 26, delete "beaches" and insert "shore".

In line 31, delete "may" and insert "shall".

On page 4, line 2, delete "390.720" and insert "390.610".

In line 6, delete "beaches" and insert "shore".

In line 10, after "ship." insert "However, when acquiring ownership of or interests in lands abutting, adjacent or contiguous to the ocean shore for such recreation areas or access where such lands are held in private ownership, the commission shall consider the following:

"(1) The availability of other public lands in the vicinity for such recreational use or access.

"(2) The land uses, improvements, and density of development in the vicinity.

"(3) Existing public recreation areas and accesses in the vicinity.

"(4) Any local zoning or use restrictions affecting the area in question."

In line 17, delete "seashore" and insert "ocean shore".

In line 19, delete "beaches" and insert "shore".

On page 5, delete lines 6 through 17 and insert"

"(2) This section does not apply to permits granted pursuant to section 22 of this 1969 Act, or to rules promulgated or permits granted under section 23 or 25 of this 1969 Act.

"(3) This section does not apply to continuous extensions of densely vegetated land areas which are above the 16 foot contour and lying seaward of the line established by section 8 of this 1969 Act as of the effective date of this 1969 Act. The elevation mentioned in this subsection refers to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947."

In line 21, delete "a line inland therefrom" and insert "the lines of vegetation as established and".

Delete lines 23 through 33 and pages 6 through 90 and insert:

On page 91, delete lines 1 through 20.

In line 30, after "improvement." delete the rest of the line and lines 31 and 32.

In line 33, delete "ment" and insert "The notice".

On page 92, line 6, after "of" delete the rest of the line and insert "posting the notice required in subsection (2) of this section".

In line 7, delete "the engineer announces the receipt of an application".

In line 12, delete "and announced".

In line 24, delete "90" and insert "60".

In line 25, delete "60" and insert "30".

After line 26, insert:

"(a) If the permit is denied upon the grounds that the same would be adverse to the public interest or the State Highway Engineer's failure to act, said engineer shall make written findings setting forth the specific reasons for the denial or inaction.

"(b) A copy of the written findings shall be furnished to the applicant within 30 days following denial of the application as provided in subsection (4) hereof."

In line 29, after "improvement" insert "or improvement existing on or before May 1, 1967".

In line 32, insert:

"(6) The engineer may, upon application therefor, either written or oral, grant an emergency permit for a new improvement, dike, revetment, or for the repair, replacement or restoration of an existing, or authorized improvement where property or property boundaries are in imminent peril of being destroyed or damaged by action of the Pacific Ocean or the waters of any bay or river of this state. Said permit may be granted by the engineer without regard to the provisions of subsections (1), (2), (3), (4) and (5) of this section. Any emergency permit granted hereunder shall be reduced to writing by the State Highway Engineer within 10 days after granting the same with a copy thereof furnished to the applicant."

On page 93, line 23, delete "appeal to" and insert "petition".

In line 25, delete "An appeal" and insert "A petition".

In line 26, delete "taken" and insert "filed" and in the same line delete "made" and insert "filed" and in the same line delete "date of".

In line 27, delete "the action," and insert "entry of the findings provided for in ORS 390.650 (4).".

On page 94, line 27, delete "authorized" and insert "directed" and in the same line delete "police,".

In line 28, delete "and" and insert ",to" and in the same line after "maintain" insert "and to promulgate rules governing use of the public of".

In line 29, after "to" insert "public rights or".

In line 31, delete "right" and insert "public right or easement".

In line 32, delete "easement" and insert "grant" and in the same line delete "or by" and insert a comma.

In line 33, after "owner" insert "or otherwise".

On page 95, line 30, delete "beaches" and insert "shore".

On page 96, after line 9, insert:

"(4) Before establishing a zone, the commission shall seek the approval of the local government whose lands are adjacent or contiguous to the proposed zone.".

In line 23, after "390.610," insert "390.620,".

Delete lines 25 through 34 and insert:

"Section 22. (1) The State Highway Commission may issue permits under sections 10 through 12 of this 1969 Act for pipe lines, cable lines and other conduits across and under the ocean shore and the submerged lands adjacent to the ocean shore, upon payment of just compensation by the permittee. Such permit is not a sale or lease of tide and overflow lands within the scope of ORS 274.040.

"(2) Whenever the issuance of a permit under subsection (1) hereof will affect lands owned privately, the State Highway Commission shall withhold the issuance of such permit until such time as the permittee shall have obtained an easement, license or other written authorization from the private owner, which easement, license or other written authority must meet the approval of the State Highway Commission, except as to

the compensation to be paid to the private owner.

"(3) All permits issued under this section are subject to conditions that will assure safety of the public and the preservation of economic, scenic and recreational values and to rules promulgated by state agencies having jurisdiction over the activities of the grantee or permittee."

On page 97, delete lines 1 through 10.

In line 15, after "section." insert "Permits shall provide for the payment of just compensation by the permittee as provided in subsection (5) of this section."

In line 16, delete "commission" and insert "State Highway Commission".

Delete lines 23 through 30 and insert"

"(3) On request of the governing body of any coastal city or county, the State Highway Commission may grant a permit for the removal of sand or rock from the area at designated locations on the ocean shore to supply the reasonable needs for essential construction uses in such localities if it appears sand and rock for such construction are not otherwise obtainable at reasonable cost, and if such removal will not materially alter the physical characteristics of the area or adjacent areas, nor lead to such changes in subsequent seasons. Before issuing a permit the commission shall likewise take into consideration the standards described by section 11 of this 1969 Act. The commission may grant a permit to take and remove sand, rock, mineral or marine growth from the area at designated locations. The commission shall also issue permits to coastal cities or counties to remove or authorize removal of sand from the ocean shore, under the standards provided by section 11 of this 1969 Act, if the city or county determines that the sand accumulation on the ocean shore constitutes a hazard or maintenance problem to the city or county."

After line 33, insert:

"(5) Whenever the issuance of a permit under this section will affect lands owned privately, the State Highway Commission shall withhold the issuance of such permit until such time as the permittee shall have obtained an easement, license or other written

authorization from the private owner, which easement, license or other written authority must meet the approval of the commission, except as to the compensation to be paid to the private owner."

In line 34, delete "29" and insert "30".

On page 98, line 11, after "rules" insert "and issue permits".

After line 27, insert:

"(3) Whenever the issuance of a permit under this section will affect lands owned privately, the State Highway Commission shall withhold the issuance of such permit until such time as the permittee shall have obtained an easement, license or other written authorization from the private owner, which easement, license or other written authority must meet the approval of the commission, except as to the compensation to be paid to the owner."

On page 99, after line 2, insert:

"Section 27. (1) The State Highway Engineer is directed to periodically re-examine the line of vegetation as established and described by section 8 of this 1969 Act for the purpose of obtaining information and material suitable for a re-evaluation and re-definition, if necessary, of such line so that the private and public rights and interest in the ocean shore shall be preserved.

"(2) The State Highway Commission may, from time to time, recommend to the Legislative Assembly adjustment of the line described in section 8 of this 1969 Act."

In line 3, delete "27" and insert "28".

In line 16, delete "28" and insert "29".

After line 34, insert"

"(h) Moneys received under sections 22, 23 and 24 of this 1969 Act after deducting the administrative costs of the commission."

On page 100, line 1, restore"(i)" and delete "(h)".

In line 15, delete "29" and insert "30".



## PROPOSED AMENDMENTS TO HB 1045: HOUSE JUDICIARY, MARCH 17, 1969

## 1. The proposed amendments:

- a. Defines ocean shore, in order that the shore area in which public rights to use will be acquired by prescription, dedication, grant, purchase or otherwise.
- b. Removes the coordinate line information from the bill, and provides for its availability, and change.
- c. Removes from the bill any reference to the question of ownership, but does not remove this statement of ownership from the law. The bill becomes an instrument setting state policy, defining the area of state public interest, outlining the permit area and line, setting up standards to be followed in allowing variances, defining improvements and alterations.
- d. Repeals from the law the sections dealing with liability, and prescription. A landowner, after allowing prescriptive rights, is not liable specifically under this act. Other liability laws of course remain. In the matter of prescriptive rights, repeal of this section allows prescriptive rights to be developed in the future as can be developed on any other lands in the state.
- e. Makes permit authority more manageable, and less time consuming. Allows for city-county-state cooperation in removal of material.
- f. Establishes guidelines for removal of material.
- g. Clearly establishes a charge for removal under rule or permit, and allocates such funds.

PROPOSED AMENDMENTS TO HOUSE BILL 1045

On page 2 of the printed bill, line 5, delete "390.720,".

On page 2 of the printed bill, line 10, delete "9".

Note: "Section 3 has been deleted by amendment."

On page 2 of the printed bill, line 5, delete "390.670,  
390.680,".

On page 2 of the printed bill, line 6, after "ORS 274.075"  
insert a comma and delete "and". After "274.080" delete  
the semicolon, insert a comma and add "390.670 and  
390.680;".

On page 2 of the printed bill delete lines 15 through 27 and  
insert:

"(1) "Commission" means the State Highway Commission."

"(2) "Engineer" means the State Highway Engineer or his  
designated representative."

"(3) "Improvement" means any structure, appurtenance or  
other addition, modification or alteration constructed,  
placed or made on or to the land, including but not  
limited to fences, barricades, filling or sand removal."

"(4) "Line of natural vegetation" means a line located  
easterly of the line of extreme low tide of the Pacific  
Ocean. The line of natural vegetation is established  
by the growth of natural vegetation which spreads con-  
tinuously inland. In any area along the Pacific Ocean  
where a line is not established by the growth of natural  
vegetation, then the general trend of the 16.00 foot con-  
tour line nearest the ocean, in plan view, shall constitute  
the line. At the mouth of a stream, estuary, river or creek  
where the line of natural vegetation or the 16.00 foot

contour line turns easterly and no longer substantially parallels the line of ordinary high tide of the Pacific Ocean, then the line shall be a straight line beginning at a point nearest the ocean on the line established by the growth of natural vegetation or the 16.00 foot contour, as the case may be, on one side, and then extended across the mouth of the stream, estuary, river or creek to a similar point on the opposite side. All contour elevations mentioned in this subsection refer to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947. The line of natural vegetation shall not include occasional sprigs of ocean beach grass upon mounds or dunes or oceanward therefrom."

"(5) "Ocean shore" means the land lying between the line of extreme low tide of the Pacific Ocean and the line of natural vegetation."

"(6) "State recreation area" means a land or water area, or combination thereof, under the jurisdiction of the commission, pursuant to ORS 366.205(3), used by the public for recreational purposes."

On page 2 of the printed bill delete lines 28 through 33.

On page 3 of the printed bill delete line 1.

On page 3 of the printed bill, line 7, delete "beaches" and insert "shore".

On page 3 of the printed bill, line 11, delete "beaches" and insert "shore" and delete the remainder of the line.

On page 3 of the printed bill delete line 12.

On page 3 of the printed bill, line 13, delete "ocean beaches".

On page 3 of the printed bill, line 14, after the word "create"  
insert "public rights or".

On page 3 of the printed bill, line 16, after the word "public"  
insert "rights or".

On page 3 of the printed bill, line 19, delete "and" and insert  
"or".

On page 3 of the printed bill, line 26, delete "beaches" and  
insert "shore".

On page 3 of the printed bill, line 31, delete "may" and insert  
"shall".

On page 3 of the printed bill, line 32, delete "State Highway  
Commission" and insert "commission".

On page 4 of the printed bill, line 1, after the word "shore"  
insert "herein" and after the word "area" insert "or".

On page 4, line 6, delete "beaches" and insert "shore".

On page 4 of the printed bill, line 8, delete "beaches" and  
insert "ocean shore".

On page 4 of the printed bill, line 17, delete "seashore" and  
insert "ocean shore".

On page 4 of the printed bill, line 19, delete "beaches" and  
insert "shore".

On page 5 of the printed bill, line 9, delete "State Highway  
Engineer" and insert "engineer".

On page 5 of the printed bill, delete lines 18 through 33 and  
insert:

"Section 8. (1) ORS 390.640 applies to all land located along the Pacific Ocean from the Columbia River on the north and the Oregon-California state line on the south between extreme low tide and a survey line inland and easterly therefrom defined according to the Oregon Coordinate System, as provided in ORS 93.330 and described in a document which is hereby approved by this 1969 Legislative Assembly, known as the 1969 Oregon Shore Inland Permit Line Survey."

"(2) The original of the "1969 Oregon Shore Inland Permit Line Survey" shall be placed in the custody of the secretary to the commission and shall be subject to public examination in the same manner as other public records as provided by ORS 192.030.

"The secretary to the commission shall certify copies of the said inland line survey and shall furnish a free copy of the said inland line survey to the Secretary of State, the governing body of each coastal county and the governing body of any other Oregon county desiring the same. Certified copies of the said inland line survey may be furnished by the secretary to private individuals upon the payment of a reasonable administrative fee.

"(3) The engineer is directed to periodically re-examine the said inland line survey described in this section for the purpose of obtaining information and material suitable for a re-evaluation and redefinition, if necessary, of such line so that the private and public rights and

interests in the ocean shore shall be preserved.

"(4) The commission may, from time to time, recommend to the Legislative Assembly adjustments of the said inland line survey described in this section."

On page 6 of the printed bill, starting with line 1 delete all of the material through line 20 on page 91.

On page 91 of the printed bill delete lines 1 through 20.

On page 91 of the printed bill, line 24, delete "State Highway Engineer" and insert "engineer".

On page 91 of the printed bill, line 30, after "improvement." delete the remainder of the line.

On page 91 of the printed bill delete line 31.

On page 91 of the printed bill, lines 32 and 33, delete "shall announce the receipt of the application." and "and announcement".

On page 92 of the printed bill, line 3, delete "State Highway Engineer" and insert "engineer".

On page 92 of the printed bill, line 6, delete "the regular meeting at which" and insert "posting the notice required in subsection (2) of this section".

On page 92 of the printed bill, line 7, delete "the engineer announces the receipt of an application,".

On page 92 of the printed bill, line 12, delete "and announced".

On page 92 of the printed bill, line 24, delete "90" and insert "60".

On page 92 of the printed bill, line 25, delete "60" and insert "30".

On page 93 of the printed bill, line 4, delete "State Highway Engineer" and insert "engineer".

On page 93 of the printed bill, after line 21 insert:

"(5) The effect, if any, on the natural state boundary at the line of ordinary high tide."

On page 93 of the printed bill, line 26, delete "60" and insert "30".

On page 93 of the printed bill delete lines 29 through 34.

On page 94 of the printed bill delete lines 1 through 4.

On page 94 of the printed bill, line 27, delete "State Highway Commission" and insert "commission".

On page 94 of the printed bill, line 28, after "protect" delete "and" and insert a comma; after the word "maintain" insert "and promulgate rules governing use by the public of".

On page 94 of the printed bill, line 29, after the word "to" and before "easements" insert "public rights or".

On page 94 of the printed bill, line 31, after "such" delete "right" and insert "public rights or easements".

On page 94 of the printed bill, line 32, delete "easement" and insert "grant or otherwise".

On page 95 of printed bill delete lines 1 through 24.

On page 95 of the printed bill, line 28, delete "State Highway Commission" and insert "commission".

On page 95 of the printed bill, line 30, delete "beaches" and insert "shore".

On page 96 of the printed bill, lines 21 and 22, delete "State Highway Commission" and insert "commission".

On page 96 of the printed bill, line 23, after "390.610," insert "390.620,".

On page 96 of the printed bill, line 25, delete "State Highway Commission" and insert "commission".

On page 97 of the printed bill, line 15, delete "State Highway Commission" and insert "commission; after "section." insert "Permits shall provide for the payment of just compensation by the grantee."

On page 97 of the printed bill, line 23, after "any" and before "county" insert "coastal/ city or county" and delete the remainder of the line after "county".

On page 97 of the printed bill, line 24, delete "portion of a state recreation area"; also delete "State Highway Commission" and insert "commission".

On page 97 of the printed bill, line 26, after "locations" and before "to" insert "on the ocean shore".

On page 97 of the printed bill, line 27, delete "as" and insert "if".

On page 97 of the printed bill, line 28, after "cost" delete

the period, insert a comma, and insert: "and if such removal will not materially alter the physical characteristics of the area or adjacent areas, nor lead to such changes in subsequent seasons. Before issuing a permit the commission shall likewise take into consideration the standards described in section 11 of this 1969

Act."

On page 97 of the printed bill, line 30, after "locations." insert (over

On page 98 of the printed bill, line 6, delete "State Highway Commission" and insert "commissior".

On page 98 of the printed bill, lines 9 and 10, delete "State Highway Commission" and insert "commission".

To 7A



7A

"The commission may also issue permits to coastal cities or counties to remove sand from the ocean shore, under the ] standards provided in section 11 of this 1969 Act, after determining that the sand accumulation on the ocean shore constitutes a hazard or maintenance problem to the city or county."

On page 98 of the printed bill, line 11, after "rules" insert  
"and issue permits".

On page 99 of the printed bill, line 2, delete "State Highway  
Commission" and insert "commission".

On page 99 of the printed bill, after line 34, insert:

"(h) Moneys received under sections 22, 23 and 24 of  
this Act after deducting the administrative costs of  
the commission."

March 17, 1969 6.

PROPOSED AMENDMENTS TO HB 1045

On page 94, line 27, in section 16, after the word "hereby",  
remove the word "authorized" and insert instead the word  
"directed".

FROM THE DESK OF  
PAUL A. HANNEMAN  
STATE REPRESENTATIVE  
TILLAMOOK COUNTY

February 24, 1969

PROPOSED AMENDMENTS TO HB 1045

On page 96, line 10, add to Section 18 the following  
as a new subsection:

(4) Before establishing a zone, the Commission  
shall seek the approval of the local governments whose  
lands are adjacent or contiguous to the proposed zone.

FROM THE DESK OF  
PAUL A. HANNEMAN  
STATE REPRESENTATIVE  
TILLAMOOK COUNTY

March 17, 1969

#3

PROPOSED AMENDMENTS TO HB 1045

On page 96, line 13, add a new section:

Section 20. The State Highway Commission is directed, in its program to acquire sites for park development, off-beach parking, and sanitary facilities, to place priorities for future sites on lands presently in public ownership by either the federal government and the agencies thereof, other state agencies, the counties, or the cities, and to expand and develop these lands on a priority basis and manner.

On page 96, line 13, remove "section 20" and insert "section 21".

On page 96, line 21, remove "Section 21" and insert "Section 22".

On page 96, line 25, remove "Section 22" and insert "Section 23".

On page 97, line 11, remove "Section 23" and insert "Section 24".

On page 97, line 34, remove "Section 24" and insert "Section 25".

On page 98, line 11, remove "Section 25" and insert "Section 26".

On page 98, line 28, remove "Section 26, and insert "Section 27".

On page 99, line 3, remove "Section 27, and insert "Section 28".

On page 99, line 16, remove "Section 28, and insert "Section 29".

On page 100, line 15, remove "Section 29, and insert "Section 30".

FROM THE DESK OF  
PAUL A. HANNEMA  
STATE REPRESENTATIVE  
TILLAMOOK COUNTY

AMENDMENTS # 4  
March 17, 1969

PROPOSED AMENDMENTS TO HB 1045

In section 25, on page 98, line 22, after the word "finder.",  
insert the following:

No power driven tools, or power driven equipment may  
be used by persons seeking treasure-trove under the provisions  
of this section.

FROM THE DESK OF  
PAUL A. HANNEMAN  
STATE REPRESENTATIVE  
TILLAMOOK COUNTY

7,

PROPOSED AMENDMENTS TO HOUSE BILL 1045

On page 2 of the printed bill, line 5, delete "390.670, 390.680," and in the same line delete "390.720,".

On page 2, line 6, after "274.075" delete "and" and insert a comma, and in the same line after "274.080" insert ", 390.670 and 390.680".

On page 2, line 10, delete "9,".

On page 2, delete lines 15 through 27 and insert:

"(1) 'Commission' means the State Highway Commission.

"(2) 'Engineer' means the State Highway Engineer or his designated representative.

"(3) 'Improvement' means any structure, appurtenance or other addition, modification or alteration constructed, placed or made on or to the land, including but not limited to fences, barricades, filling or sand removal.

"(4) 'Line of natural vegetation' means a line located easterly of the line of extreme low tide of the Pacific Ocean. The line of natural vegetation is established by the growth of natural vegetation which spreads continuously inland. In any area along the Pacific Ocean where a line is not established by the growth of natural vegetation, then the general trend of the 16.00 foot contour line nearest the ocean, in plan view, shall constitute the line. At the mouth of a stream, estuary, river or creek where the line of natural vegetation or the 16.00 foot contour line turns easterly and no longer substantially parallels the line of ordinary high tide of the Pacific Ocean, then the line shall be a straight line beginning

at a point nearest the ocean on the line established by the growth of natural vegetation or the 16.00 foot contour, as the case may be, on one side, and then extended across the mouth of the stream, estuary, river or creek to a similar point on the opposite side. All contour elevations mentioned in this subsection refer to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947. The line of natural vegetation shall not include occasional sprigs of ocean beach grass upon mounds or dunes or oceanward therefrom.

"(5) 'Ocean shore' means the land lying between the line of extreme low tide of the Pacific Ocean and the line of natural vegetation.

"(6) 'State recreation area' means a land or water area, or combination thereof, under the jurisdiction of the commission, pursuant to ORS 366.205(3), used by the public for recreational purposes."

On page 2 delete lines 28 through 33 and on page 3 delete line 1 and insert "Note: Section 3 was deleted by amendment."

On page 3, line 7, delete "beaches" and insert "shore".

On page 3, line 11, delete "beaches" and insert "shore" and after "shore" delete the rest of the line.

On page 3 delete line 12.

On page 3, line 13, delete "ocean beaches".

On page 3, line 14, after "create" insert "public rights or".

On page 3, line 16, after "public" insert "rights or".

On page 3, line 19, delete "and" and insert "or".



On page 3, line 26, delete "beaches" and insert "shore".

On page 3, line 31, delete "may" and insert "shall".

On page 3, line 32, delete "State Highway".

On page 4, line 2, delete "390.720" and insert "390.610".

On page 4, line 6, delete "beaches" and insert "shore".

On page 4, line 8, delete "beaches" and insert "ocean shore".

On page 4, line 17, delete "seashore" and insert "ocean shore".

On page 4, line 19, delete "beaches" and insert "shore".

On page 5, line 9, delete "State Highway".

On page 5 delete lines 18 through 33 and page 6 through 90, and on page 91, delete lines 1 through 20 and insert:

"Section 8. (1) ORS 390.640 applies to all land located along the Pacific Ocean from the Columbia River on the north and the Oregon-California state line on the south between extreme low tide and a survey line inland and easterly therefrom defined according to the Oregon Coordinate System, as provided in ORS 93.310 to 93.350 and described in a document which is hereby approved by this 1969 Legislative Assembly, known as the '1969 Oregon Shore Inland Permit Line Survey'.

"(2) The original of the '1969 Oregon Shore Inland Permit Line Survey' shall be placed in the custody of the secretary to the commission and shall be subject to public examination in the same manner as other public records as provided by ORS 192.030. The secretary to the commission shall certify copies of the said inland line survey and shall furnish a free

copy of the said inland line survey to the Secretary of State, the governing body of each coastal county and the governing body of any other Oregon county desiring the same. Certified copies of the said inland line survey may be furnished by the secretary to private individuals upon the payment of a reasonable administrative fee.

"(3) The engineer is directed to periodically re-examine the said inland line survey described in this section for the purpose of obtaining information and material suitable for a re-evaluation and redefinition, if necessary, of such line so that the private and public rights and interest in the ocean shore shall be preserved.

"(4) The commission may, from time to time, recommend to the Legislative Assembly adjustments of the said inland line survey described in this section."

On page 91, line 24, delete "State Highway".

On page 91, line 30, after "improvement." delete the rest of the line.

On page 91 delete line 31.

On page 91, line 32, delete "shall announce the receipt of the application." and in the same line and in line 33 delete "and announcement".

On page 92, line 3, delete "State Highway".

On page 92, line 6, delete "the regular meeting at which" and insert "posting the notice required in subsection (2) of this section".

On page 92, line 7, delete "the engineer announces the

receipt of an application".

On page 92, line 12, delete "and announced".

On page 92, line 24, delete "90" and insert "60".

On page 92, line 25, delete "60" and insert "30".

On page 93, line 4, delete "State Highway".

On page 93 after line 21 insert:

"(5) The effect, if any, on the natural state boundary at the line of ordinary high tide."

On page 93, line 26, delete "60" and insert "30".

On page 93 delete lines 29 through 34 and on page 94 delete lines 1 through 4.

On page 94, line 27, delete "State Highway".

On page 94, line 28, delete "and" and insert a comma, and in the same line after "maintain" insert "and promulgate rules governing use by the public of".

On page 94, line 29, after "to" insert "public rights or".

On page 94, line 31, delete "right" and insert "public right or easement".

On page 94, line 32, delete "easement" and insert "grant or otherwise".

On page 95 delete lines 1 through 24.

On page 95, line 28, delete "State Highway".

On page 95, line 30, delete "beaches" and insert "shore".

On page 96, line 21, delete "State Highway".

On page 96, line 23, after "390.610," insert "390.620,".

On page 96, line 25, delete "State Highway".

On page 97, line 15, delete "State Highway" and in the

same line, after the period insert "Permits shall provide for the payment of just compensation by the grantee."

On page 97, line 23, after the first "any" insert "coastal city or" and delete the rest of the line after "county".

On page 97, line 24, delete "portion of a state recreation area" and in the same line delete "State Highway".

On page 97, line 26, after "locations" insert "on the ocean shore".

On page 97, line 27, delete "as" and insert "if".

On page 97, line 28, after "cost" insert ", and if such removal will not materially alter the physical characteristics of the area or adjacent areas, nor lead to such changes in subsequent seasons. Before issuing a permit the commission shall likewise take into consideration the standards described by section 11 of this 1969 Act, "

On page 97, line 30 after the period insert: "The commission may also issue permits to coastal cities or counties to remove sand from the ocean shore, under the standards provided by section 11 of this 1969 Act, after determining that the sand accumulation on the ocean shore constitutes a hazard or maintenance problem to the city or county."

On page 98, line 6, delete "State Highway".

On page 98, lines 9 and 10, delete "State Highway".

On page 98, line 11, after "rules" insert "and issue permits".

On page 99, line 2, delete "State Highway".

On page 99, after line 34, insert:

"(h) Moneys received under sections 22, 23 and 24 of this

1969 Act after deducting the administrative costs of the  
commission."

On page 100, line 1, delete "h" and insert "i".

PROPOSED AMENDMENTS TO HB 1045

On page 2 of the printed bill, after line 27 insert:

(5) "Line of natural vegetation" means the line bordering the ocean marked by the growth of natural vegetation which spreads continuously inland, except if along any area of the ocean beaches, the line is not marked by the growth of natural vegetation, then the general trend of the line of 16-feet elevation above sea level shall constitute the line. However, at the mouth of a stream, estuary, river or creek the line shall be a straight line beginning at a point nearest the ocean on the line marked by the growth of natural vegetation or the line of 16-feet elevation above sea level, as the case may be, on one side, and extending across the mouth to a similar point on the opposite side. The elevation mentioned in this subsection refers to the United States Coast and Geodetic Survey Sea-Level Datum of 1929 through the Pacific Northwest Supplementary Adjustment of 1947.

On page 5, line 21, after "and" insert "the more easterly of the line of natural vegetation or" and in the same line delete "inland therefrom".

9.

Dan Dority  
P. O. Box 225  
Lake Oswego, Oregon

PROPOSED AMENDMENTS TO HB1045: For the welfare, safety, and protection of the citizens of Oregon.

On page 2 of the printed bill delete lines 2 through 6 and insert:

"Relating to land, but limited to areas along the Pacific Ocean Shores, and creating new provisions."

On page 2 of the printed bill delete lines 22 through 27.

On page 3 of the printed bill, line 9, after "uninterrupted use thereof" add: "excepting that part to which the state has not acquired title."

On page 3 of the printed bill, after line 34, add: "Should the state not prevail under section 2,3,4,5, or 8 of this act, the state shall pay from Highway Commission funds all attorneys fees and damages as the court may adjudge reasonable to any individual, group, or corporation."

NEW SECTIONS:

To encourage public use of beaches, beach accesses, and recreation areas the Highway Commission shall mark all government-owned (city, county, state, Federal) land: Signs or symbols shall be erected at each boundary along the highway and along the ocean front of said land. In places where ownership is longer than one-half mile, a sign or symbol shall be erected at each one-quarter mile, and shall be of sufficient size, and shape to be readily recognized from a moving vehicle.

The Highway Commission shall make a study of all access roads and easements, and shall not condemn any additional property

until this study is made and until the above indicated signs or symbols are erected. A report of the above shall be completed and presented to the 1971 session of the Legislature.

On pages 93 and 94, delete Section 13.

On page 94, line 27, delete "authorized" and insert "directed."

On page 94, after line 28, after "property," insert: "and for the health, welfare, and safety of the public at large, to remove from the beach all refuse and litter left by man, and to assume the duty and liability of extinguishing all fires in the driftwood at or near the 16 foot elevation,"



10

BALLOT TITLE

STATE ACQUISITION OF OCEAN SHORE

PURPOSE: Constitutional amendment. Defines "ocean shore" as shore between extreme low tide and vegetation line. Dedicates "ocean shore" as perpetual public park. Prohibits sale by state, political subdivisions. Allows leasing, easements and licenses in "ocean shore" if consistent with public use and enjoyment. Directs state identify and maintain public rights to "ocean shore." Requires state give written notice to claimants who may contest state's interest within one year thereafter. Confirms existing public rights in "ocean shore."

RECEIVED  
Aug 13 1 34 PM '58  
CLAY MYERS  
SECRETARY OF STATE

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

The Constitution of the State of Oregon is amended by creating a new section to be added to and made a part of Article XV and to read:

Section 10. (1) Ownership of the ocean shore, except any portions that may have been disposed of or not acquired by this state before the effective date of this section, is vested in the State of Oregon. Such ocean shore and all portions thereof acquired by the State of Oregon after the effective date of this section or the ownership of which is vested on or after the effective date of this section in a political subdivision within this state, shall be held forever as a park and recreational and scenic place, and shall not be alienated; however, leases, easements and licenses may be granted with respect thereto in a manner prescribed by state law for purposes consistent with the public use and enjoyment thereof.

(2) The state agency charged by law with administering parks and recreational and scenic places shall take appropriate action in a manner consistent with law to identify and maintain public rights heretofore or hereafter acquired by dedication, prescription, grant or otherwise to any portion of the ocean shore that may not be owned by the State of Oregon or a political subdivision within this state.

(3) (a) As to all persons claiming any right, estate, lien or interest in the ocean shore, it shall be conclusively presumed that from and after the date on which notice is served as provided in this subsection the State of Oregon is in actual, hostile, visible, notorious, exclusive and physical possession of the ocean shore. This presumption shall not apply to persons who were or hereafter shall be in actual physical possession of some portion of the ocean shore.

(b) Every action, suit or proceeding for the recovery of any right, estate, lien or interest in the ocean shore or to recover possession thereof shall be commenced within one year after the date the notice is served as provided in this subsection. For all purposes this subsection shall be construed as a statute of prescription as well as a statute of limitations.

(c) The state agency charged by law with administering parks and recreational and scenic places shall search the deed records of all counties in which ocean shore is located and shall give notice to any person, except the United States Government or an agency or department thereof, who appears from such records to claim any right, estate, lien or interest in the ocean shore. Notice given as provided in this subsection constitutes notice to all persons claiming, through unrecorded instruments, any right, estate, lien or interest in the ocean shore. The notice shall be served

personally or by registered or certified mail to the last-known address of the person to be served and shall include a copy of this subsection.

(d) It shall be considered the people's intent, in adopting this subsection, that if this subsection or any part thereof is held invalid under the Constitution of the United States, the remainder of this section shall continue in force.

(4) Nothing in this section divests the State of Oregon or a political subdivision within this state of its ownership of, or interest in, any real property, or limits any public rights heretofore or hereafter acquired by dedication, prescription, grant or otherwise.

(5) As used in this section, "ocean shore" means the shore of the Pacific Ocean between the line of extreme low tide and the line of natural vegetation, from the Columbia River to the southern boundary of the State of Oregon; except that if the line of natural vegetation along any area of the ocean shore cannot be determined, the general trend of the line of 16-foot elevation above sea level, as determined in a manner consistent with law, shall constitute the boundary of the ocean shore along that area instead of the line of natural vegetation. However, at the mouth of a stream, estuary, river or creek, the ocean shore is considered to be between

the line of extreme low tide and a straight line beginning at a point nearest the ocean on the line of natural vegetation or the line of 16-foot elevation above sea level, as the case may be, on one side, and extending across the mouth to a similar point on the opposite side. All elevations above sea level are referred to the United States Coast and Geodetic Survey Sea-Level Datum of 1929, as adjusted from time to time. The state agency charged by law with administering parks and recreational and scenic places shall determine the line of extreme low tide and the line of natural vegetation in a manner consistent with law.



## State of Oregon

Treasury Department  
Salem 97310

ROBERT W. STRAUB  
State Treasurer

March 31, 1969

The Honorable Don Wilson, Chairman  
House Judiciary Committee  
State Capitol  
Salem, Oregon

Dear Mr. Wilson:

News reports say your committee is planning to propose the removal of the prohibition in present law against construction on bays and estuaries of the Oregon Coast.

This would be a tragic backward step in the face of clear public demand for protection of the Oregon Coast beach playground area. It would invite exploitation and destruction of irreplaceable recreation areas and oceanographic laboratories.

I cannot urge you strongly enough to reconsider your recommendation and to turn back in the direction of making our beach protection laws more effective rather than less effective.

This is a matter in which I have a deep personal interest and I would appreciate an opportunity to testify in opposition to your proposed action.

Sincerely,

A handwritten signature in cursive script, appearing to read "RWS".

Robert W. Straub  
State Treasurer

RWS:jb

cc: Members of the Committee

RECEIVED  
DEC 31 1968

12,

FOR FILING

<i>Allen</i>
<i>Law &amp; Legal</i>
<i>Legis - 5th</i>

December 26, 1968

*1601*  
*Beach Survey*

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

*1-31*

Dear Governor McCall:

Section 11, Chapter 601, Oregon Laws 1967, directed the State Highway Commission to survey the land on the shore of the Pacific Ocean, from the Columbia River to the Oregon-California state line, to locate the boundary of an area zoned by Section 5 of the Act and to obtain information suitable for re-evaluation of such boundaries.

The Department has mapped the entire coast line on a scale of 1" = 100'. Horizontal control of the maps is the Oregon Coordinate System. Vertical control and reference is the 1947 Pacific Northwest Supplemental Adjustment of the 1929 U. S. Coast and Geodetic Survey Sea Level Datum. Beach contours have been superimposed on aerial photographs to provide easier orientation with adjacent development. A system of permanent monuments has been established on higher ground easterly of the contoured areas. Any point on the beach which can be seen on the maps (photographs) can be located or reestablished by ordinary survey methods using the permanent monuments as points of reference.

A zone line as defined by Chapter 601, Oregon Laws 1967, is also shown on the maps. In general, the zone line follows quite closely the line of vegetation except in low-lying areas. The alternate zone limit as set forth by Chapter 601 for use in low areas deviates in some instances from what we believe was the legislative intent in drafting the Act.

An alternate to the original zone limit has been proposed by the Legislative Interim Committee on Highways and is incorporated in revisions to Chapter 601 which the Committee will propose to the 1969 Legislative Assembly. This alternate line is shown in red on the Beach Survey maps.

The Beach Survey is presented in 14 groups of map sheets, numbering 543 in all. [A set of the maps and a written report on the Beach Survey are part of this transmittal. Included in the report are recommendations for basic revisions to Chapter 601. If you find the survey satisfactory, it is assumed you will present it to the Legislative Assembly.]

The Highway Department will present requests for legislation and support proposed legislation on beach matters which has been prepared by others. Subjects which will be covered are:

1. Recommended adoption of the Legislative Interim Committee on Highways' proposed amendment to Chapter 601, Oregon Laws 1967, which would establish a beach zoning line defined by coordinates.
2. Recommend repeal of Section 8, Chapter 601, which does not relieve the owner of beach lands (which are used by the public) from liability resulting from such hazards as floating logs, broken glass or sharp metal objects on the beach, and other situations not of his own creation.
3. Recommend repeal of Section 9, Chapter 601, which now provides a means to prevent perfection of public rights on beaches.
4. Amendment of Section 5, Chapter 601, to include removal of material from the beach, placing of trash thereon, and placing structures or improvements thereon as being unlawful unless a permit has been granted by the Highway Engineer.

*Call for Law  
Department*

*on*

*390 So  
W. 1st Ave  
Portland, OR*

*Ref: on  
div  
removal*



The Honorable Tom McCall  
Page 3  
December 26, 1968

5. Amendment of ORS 367.226 to 367.242 (Bond Act of 1951) to provide a limiting interest rate commensurate with the current market.

Very truly yours,

Forrest Cooper  
State Highway Engineer

Enclosures

cc: Oregon State Highway Commission

LPS:ajw lms

bc: R. L. Porter  
Lloyd P. Shaw  
Victor D. Wolfe  
David G. Talbot  
G. E. Rohde  
F. C. McKinney  
Ralph Sipprell

*Judge Bohannon says  
16' line is not zoning  
it is a Permit line.*

CITIZENS TO SAVE OREGON BEACHES

Paper prepared by:

Dr. Robert L. Bacon, Professor of Anatomy, U. of O. Medical School - President  
Laurence Bitte, Graduate Student in Bio-Chemistry, U. of O. Medical School, Treas.  
Jefferson Gonor, Professor of Oceanography, OSU, Marine Science Lab, Newport, Sec.

Concerning Public and Private Rights on Oregon Beaches.

As indicated by surveys conducted by a major television station and a professional survey group, and by the public response to legislative hearings during the last session, 87 to 89 percent of the people of the state of Oregon believe strongly that the beaches of the Oregon coast constitute an important public recreational and scientific facility to which the public must not lose rights of access and use. As will be pointed out, in spite of this feeling, it is apparent that the public rights and privileges are in fact being lost. As will also be indicated, the policy of the state with respect to public rights has not been defined; thus far the only action has been the passage of a bill concerned with zoning of the beaches below a survey line and directing a state agency to determine prescriptive rights. In this brief, we will attempt to present an overall picture of the situation according to the following outline:

- I. Historical and legal background.
  - A. History of the public beach concept in Oregon.
  - B. U.S. Supreme Court opinions related to the boundary between public and private rights.
- II. The problem of defining the state's rights.
  - A. Specific instances indicating uncertainty of western boundaries.
  - B. Technical arguments for high water mark versus mean high tide.
- III. The problem of the State Highway Department as defender of public rights.
  - A. Failure of the legislature to establish a high water mark.
  - B. The establishment of state policy as a matter outside of the jurisdiction of a state department.
- IV. Urgent need (amounting to an emergency) to establish state policy before court action.

I. Historical and legal background.

A. History of the public beach concept in Oregon.

Historically, the Oregon beaches have been freely and openly accessible to the public and this freedom has been accepted as one of our proudest traditions. In 1966 the Surfsand Motel at Cannon Beach fenced off an area of beach for the exclusive use of its guests. The sea destroyed the first structure, which has been replaced by one of piling jointed by an anchor chain. The public had felt prior to this time that their rights to use beaches had been guaranteed by the 1913 Oregon law of Governor Os West which actually concerns itself with insuring that an area between an undefined ordinary high tide and extreme low tide would be held forever open to the public for use as highways. Whether all of the beach area the public has used for recreation for years is included in this area is currently a matter of hot debate.

No state policy has been recorded in the form of law to define what the state will defend as the landward limit of state ownership under the name of the "tidelands" as granted to the state by the federal government in the act establishing the state of Oregon. In 1967 a state law was enacted as a temporary emergency measure which zoned the beaches below a point 16 feet in elevation above sea level.

B. U.S. Supreme Court opinions related to the boundary between public and private rights.

Regarding the legal aspects of the boundary between public and private rights, it must be remembered that the state cannot appropriate private property without just compensation. However, the state may forfeit its own rights by specific action where it states what it is giving to whom, or by taking an official position by declaring that it will lay claim to a certain area which may be short of its maximum rights. The boundary between public and private ownership is dictated by the terms of the federal land grants to the state and grants to individuals which vary and are at times contradictory.

Rather than attempt to go into a myriad of detail here, it is more fruitful to review the position of the U.S. Supreme Court regarding this boundary.

1. Hoboken versus Pennsylvania Railroad. 124 U.S. 656 (1888) "The lands below high water mark, constituting the shores and submerged lands of the navigable waters of the state, were according to its laws, property of the state as sovereign. Over these lands it had absolute and exclusive dominion, including the right to appropriate them to such uses as might best serve its views of the public interest."
2. Shively versus Bowlby. 152 U.S. (1894) "Lands under the tide waters are incapable of cultivation or improvement in the manner of lands above high water mark. They are of great value to the public for the purposes of commerce, navigation, and fishing. Their improvement by individuals, when permitted, is incidental or subordinate to the public use and right. Therefore, the title and control of them are vested in the sovereign for the benefit of the people".
3. Id at 57. "Grants by Congress of portions of the public lands within a territory to settlers thereon, thought bordering on or right below high water mark, and do not impair the title and dominion of the future state when created; but leave the question of the use of the shores by the owners of the uplands to the sovereign control of each state subject only to the rights\* vested by the Constitution in the United States".

\*These rights refer to the riparian rights of abutting landowners and the federal government's right to regulate commerce.

The U.S. Supreme Court, from these decisions leaves the states with the wording, "high water mark", as the boundary between state and private property based on federal grants to each.

## II. The problem of defining the state's rights.

### A. Specific instances indicating uncertainty of western boundaries.

In legal terminology the term "ordinary high water mark" is associated with the physical concept of "shore". The U.S. Supreme Court in the Borax Consolidated Ltd. vs. Los Angeles 296 U.S. 10.22 (1935) states that under common law, "The shore extends as far as the highest waves reach in winter". Ironically, however, it is this same case

of Borax vs. Los Angeles that jeopardizes the public use of the beaches in Oregon.

This case arises from a grant by the state of California to the city of Los Angeles of portions of the shore on Mormon Island in the inner harbor of San Pedro. When the state granted these tidelands to Los Angeles it used in the grant the term "mean high tide" as the landward limit of the grant. Historical precedence in California for this wording is derived from a California supreme court ruling, *Teschmacher vs. Thompson* 18 Cal 11 (1861) where the court adopted a definition of ordinary high water as being the limit of the neap tides, "that is, those tides which happen between the full and change of the moon twice in every twenty-four hours". The most that can be said for this decision is that the court was giving its own definition of neap tides. Although the language is confusing, there is an indication here that the court would use both the lower high and higher high water in determining "ordinary high water", excluding the word "mark". On the matter of the court's definition of neap tides, it should be noted that under the American system of dual sovereignty, it is within the competence of each state to establish its own laws relative to tidal boundaries, and the decisions of its highest court are part of that law, but to designate all the tides between the full and change of the moon, as "neap", cannot be reconciled scientifically and is contrary to long-established tidal terminology.

We specifically reject such a criteria for high water mark in Oregon since it does not reflect the actual reach of the tides upon the land. Charles E. Crocker, Professor of Law, U. of Washington, 42 Wash. Law Review 33-119 (October 1966), argues that a vegetation line rule is inherently reasonable for determining high water mark because "it most closely approximates the line one would draw if asked to divide the beach from the upland in terms of the uses to which each is put. Where nature has drawn this line by vegetation the burden is heavy on whoever asserts he can do it better. A line fixed by average high tides of a nonexistent waveless ocean is recommended only by greater universality and perhaps ease of application. If any choice is left to state courts, the vegetation line should be a permissible choice".

B. Technical arguments for high water mark versus mean high tide.

At the heart of the difficulties over public versus private ownership of upper beach lands lies a basic ambiguity in federal law. Under federal law entry into the union conferred ownership to the state of the tidelands. It has apparently been left up to the states, by direct action or by test cases, each to set what level it chooses to defend as the upper limit to the public beach.

The U.S. Supreme Court decisions quoted here indicate an opinion that the upper limit of the state-held beach is the "high water mark". While this term is somewhat lacking in precision, the court has apparently referred to the visible high water mark made upon the land by the action of the ocean. Such a mark upon the land is generally accepted by geologists, oceanographers and others in the scientific and oceanic engineering fields as the landward extent of beaches of all kinds. On open beaches this mark is the effect produced at a level above mean higher high water as recorded on tide gauges by the repeated action of waves of the size predominating in the area. In Oregon because of the normal differences between summer and winter tide and wave heights, this mark is principally due to the action of the average winter waves at the higher tides. Unusually severe storms, erratic and unpredictable in occurrence, have in the past occurred during times of extreme high tides and these storm surges have left indications of their reach far inland of the normal upper limit of the beach referred to here, and must be distinguished from it.

So well accepted is such a definition of the upper limits of beaches in informed technical circles that the Corps of Engineers, Department of the Army, use the following as their formal definition of a beach in their authoritative manual on shore protection, planning and design.

"BEACH (n). The zone of unconsolidated material that extends landward from the low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). The seaward limit of a beach is the mean low water line."

In Oregon, we believe that most of the beaches have a clearly distinguishable

mark upon the land as their upper limit. For long distances the shore line is either rising or has risen in the past and the sea has cut a sharply defined, vertical sea cliff at the upper reach of the beaches, forming a distinctive physiographic feature clearly produced by the action of the waves and tides. In other places, especially along shores where deposition or accretion is the dominant feature, the most prominent upper limit of the beach is the distinctive foredune produced just beyond the reach of the winter tides by the wind blowing sand deposited on the beach inland. This foredune is usually topped by the most seaward extent of land vegetation, in most cases marram grass. Such a vegetation line, whether it be formed of native or introduced vegetation, by artificial or natural propagation, is controlled at its seaward extension by natural forces, principally the mechanical and salt effect of the waves. It cannot be significantly forced seaward by action of man and will reestablish itself ultimately when it has been destroyed.

Much of the argument in Oregon about the upper boundary of the beaches concerns northern Oregon. These are low slope beaches along an accreting shore; there the mark of the sea upon the land may not be as obvious to the casual visitor in the summer because the winter berm of the beach is not repeatedly covered by waves at high tide as it is in winter. This has given rise to an unfortunate distinction between a "dry" sand area of the beach, in reality the summer appearance of the winter berm, and a "wet" sand area below which is within reach of summer tides and waves.

In our view, a definition of the high water mark based solely on tide levels determined from tide gauge records is not acceptable because these do not reflect the actual or effective tidal heights and it is this actual reach of the water which produces the marks which have been discussed above. Tide gauge measuring is done in such a fashion that wave action is almost eliminated from the record so that the true rise and fall of the sea is indicated. On the open shore there are always present waves adding their very variable height to the level of the rising or falling tide. It is for this reason that the upper limit of the shore demarked by the effect of waves is so often well above the extreme higher high water level predicted by tide tables. The natural

marks upon the land faithfully and automatically reflect the effective tidal range, composed of both the true tide range and the ordinary wave action at each place along the coast.

A definition of the extent of the public beach with an upper limit of mean high tide is not acceptable if the intent of the law, as reflected in the Supreme Court decisions, is to refer to the high tide mark upon the land rather than to tide gauge measurements. The backshore region of a beach is normally above even the tide gauge extreme high tide level, formed as it is by waves that regularly and normally occur, waves that normally are higher in winter than in summer, carving out of the land the intertidal slope we call beaches, and leaving at their upper reach a high tide mark in the form of the seaward extent of land vegetation existing under the control of natural forces.

In Oregon, these marks are at a level approximately 16 feet above USCGS sea level datum line. This 16 foot level can thus be used in places where the natural marks have become obscured.

### III. The problem of the State Highway Department as defender of public rights.

#### A. Failure of the legislature to establish a high water mark.

The 1967 Legislative Assembly under heavy pressure from the public passed HB 1601 as a form of stop-gap legislation to inhibit transgression against the public interest by private concerns in the area commonly referred to as the Oregon beaches. The initial bill as drawn up by the State Highway Department used the wording of vegetation line to define the landward limit of public concern. This wording was heavily attacked and subsequently omitted and replaced by a 16 foot elevation of sea level under the zoning section of the act which is administered by the State Highway Department. The State Highway Department is also authorized to claim rights in behalf of the public to lands within this area where the public has created easements through continued and uninterrupted use. Nowhere in this act is there any mention of what the State regards to be its land under the terms of the grant to the State by the Federal Government when statehood was granted.



B. The establishment of state policy as a matter outside of the jurisdiction of a state department.

The State Highway Department is the state agency directed by the legislature to defend the public interest in this matter. As mentioned earlier this state agency used the term "vegetation line" to define the landward limit of tidelands in keeping with the precedent of a natural high water mark. The omission of this wording has essentially tied their hands in this matter since a state agency cannot endeavor to establish state policy. They are presently pursuing a course of determining which beaches the public has created rights due to easements as specifically directed by the final version of HB 1601. This represents a weak position because it carries with it the assumption that the state does not already own at least a large portion of the beaches formed by tidal action. In other words, the State Highway Department cannot build a legal case based on a natural high water mark until the state officially takes that position. If this question were left up to the public, they would overwhelmingly support such a reasonable position of allowing nature to determine the effective landward reach of tidal action.

IV. Urgent need (amounting to an emergency) to establish state policy before court action

The extent to which the loss of the public rights to the California beaches is based upon local definition rather than basic rights can readily be seen by noting Borax Ltd.'s position in their supreme court case with Los Angeles when they stated, "Rights and interests in the tidelands, which is subject to the sovereignty of the State, are matters of local law", 296 U.S. at 22. Borax Ltd. then based its case on local precedence derived from the previously noted 1861 California Supreme Court's misguided concept of neap tides and the position taken by that state in granting to Los Angeles title with "mean high tide" as a landward limit. When this case went to the U.S. Supreme Court it became a question of defining mean high tide. Consequently, if California did not claim a higher line, there was no basis for a federal court to push one on her.

In 1958 when Texas resolved this issue in that state, it specifically rejected

the Borax rule. Oregon presently has no precedence concerning itself with ocean shores; however, in an inland water case predating Borax, the Oregon Supreme Court has declared a physical mark test expressly rejected by Borax. Pacific Milling and Elevator Co. vs. City of Portland 60 Or. 349, 133 Pac 72, 78-79 (1913) the court supplied this formula: "The line of ordinary high water is the line to which the water rises in the seasons of ordinary high water to the line at which the presence of water is continued for such length of time as to mark upon the soil and vegetation a distinct character".

In Oregon we need to extend this physical mark test in keeping with our traditional and legal precedence to cover the shores of the Pacific Ocean. In doing so, the ordinary seasonal high water becomes the winter tidal action and the mark upon the soil and vegetation the vegetation line. One must remember, however, that the state must not take a position that can be interpreted by the courts as accepting something other than the physical mark test to define tideland boundaries.



State of Oregon  
OFFICE OF THE GOVERNOR

12/27/68

PROPOSAL BY GOVERNOR TOM McCALL ON OREGON BEACHES AND  
WILLAMETTE RIVER PARK SYSTEM

I have called this gathering together this morning to seek a consensus on action we could take in a united way on two important issues: insuring Oregonians the use of our beaches in perpetuity, and providing added impetus and funds to the Willamette Greenway program.

Each of us has convictions as to how these should be done. we have one thing in common: these programs must be done.

Let me speak to the beach issue first. Defeat of Ballot Measure #6, rather than lessening our obligation to act, has, in my estimation, brought the need for a concerted program involving all Oregonians into sharp, demanding focus on this issue.

Because there is such strong feeling in relation to the beaches, we must make sure that our effort is not fragmented by elements that pull against, rather than with, each other for the common good.

-more-

It was my view all along, except for a short sidetrack, that the beach answer lay in legislation which could be enacted right in the Capitol, and form a backbone for a building program.

Today, I would suggest several major moves:

Parenthetically, most of these points are not unfamiliar to you, since I have stated them in the past. But now is the time to bring them to the fore and ready them for the pending meeting of the 55th Legislative Assembly.

I present these points not necessarily in order of importance. They are all significant parts of a vital package.

I again urge that the Legislature change the law which provides an inflexible and totally unrealistic 2 1/2 percent interest rate on highway bonds. The highway Commission should be authorized to sell bonds at the effective interest rate in the market at the time the bonds are offered. Specifically, consideration could be given to amending the 1951 Bonding Act of Highways.

In connection with this recommendation, my studies indicate that a maximum of \$15 million could be properly dedicated to serve the beach, the Greenway and Park needs, and the \$15 million figure I suggest is the outside figure we can consider without unduly jeopardizing the excellent highway program of the Commission.

It is extremely significant to emphasize at this point that the beach lands we may well have to buy are those areas which lie landward of the 16-foot line established in the Beach Bill of the 1967 Session. Court challenges of the 16-foot line are still underway. The lower courts have recognized the prescriptive rights, and ruled in favor of public use of the beaches seaward of the 16-foot line.

One of the most important decisions made in resolving the beach bill issue in the 1967 Session was that made by the Governor's office to bring in the experts, the Oceanographers from Oregon State University.

As provided in HB 1601, the Highway Department survey of the 16-foot line from California to Washington has confirmed the splendid judgment of the oceanographers, and does coincide remarkably with the "natural mark upon the land" which the ocean itself has made. I am informed by most reliable counsel that use of this "natural mark" to describe the public beach has been honored in countless court tests, and is legally defensible to withstand all challenges.

I therefore urge that the definition of the 16-foot zone line as proposed by the re-writing of HB 1601 by the Interim Committee on Highways be given careful study. It is a surveyor's line tied into the Oregon Coordinate System. On over 95 percent of the coast, this line coincides with the "natural" line of the ocean. In a few other areas, the line

was not sensible, nor seemed desirable. In these instances, an arbitrary line has been established, compatible with the purpose of the Act. But it has established the line from which we can work, clearly designating the public beach which we will defend.

Once this line is firmly established by the legislature, I am also confident that many public-spirited citizens will release to the state any claims they may have both landward and seaward of this line. Litigation can resolve the prescriptive rights that exist. As we progress in this area, beach lands that we may have to buy and will wish to buy both landward and seaward of the zone line will become evident.

I think it is important to mention that the Highway Department survey shows approximately 1429 acres of beach that now lie between the zone line and the "natural line of vegetation which spreads continuously inward" as described in Ballot Measure #6. The continuing program of the Highway Department in providing Beach access at least every three miles on the coast will, of course, continue, and can be strengthened by my proposal.

To give immediate protection to both the beach and the Greenway as this program develops, I think it is extremely important that we jointly approach the issue of land-use zoning on a statewide basis.

I urge this not only for the preservation of the character of the beach but also and equally important that we use this tool to maintain the character of the Greenway. By so doing it will define and protect property and allow for development, but do it in a manner that is compatible with the long-range objectives we associate with both the beaches and the Greenway.

With statewide land-use planning and zoning, a decision must be made as to the proper agency in state government to administer it. We may well wish to consider placing this responsibility in the Environmental Quality Control Commission, which I propose to supplant the State Sanitary Authority.

In connection with the Greenway, the absence of condemnation power in use of state funds under the Greenway act has seriously crippled the program. If we are to move with purpose in this area, this power must be utilized. It is a power, of course, existing currently in the state, the local governments and park recreation districts.

By making bond money available for the Greenway, I do not propose to eliminate or discourage local participation such as we have had. This, however, would make possible a stronger program of Greenway protection and development, and insure that desirable parcels of land and maintenance of the great characteristics of the river would not be so dependent on local property tax involvement.

I want all of you to know how greatly your interest and concern and work have been appreciated. The Interim Committee on Highways has done an exhaustive job on amending HB 1601. The oceanographers have diligently assisted in providing technical assistance. Each of the two citizen committees, prompted by commendable interest for the public, have alerted the citizens to the issues and the needs.

The Greenway Committee has labored splendidly to accomplish its task in the face of discouraging odds and formidable obstacles. Legislative leadership gave us the initial vehicle in HB 1601 that got us started on the beach problem and in preserving the Greenway. And in both areas, the State Highway Commission and the Highway Department have worked efficiently, cooperatively and purposefully in carrying out the existing programs.

Joint, concerted, bi-partisan action is mandatory if our proposals are to find favor with the Legislature.

I invite your comments.



14.

OREGON STATE HIGHWAY DEPARTMENT  
REPORT ON 1967-1968 BEACH SURVEY

The 1967 Legislative Assembly passed House Bill 1601 which became Chapter 601, Oregon Laws 1967, on July 7, 1967, following Governor McCall's signature. Pursuant thereto, the State Highway Commission was directed "to survey the land on the shore of the Pacific Ocean from the Columbia River on the north to the Oregon-California state line on the south for the purpose of locating the boundaries of the area zoned by Section 5 of this Act, and also for the purpose of obtaining information and material suitable for a re-evaluation and redefinition, if necessary, of such boundaries so that the public rights and interests in the lands along the shore of the Pacific Ocean shall be preserved."

The survey was made through the use of photogrammetry. Ground controls were established by State Highway Department crews; flying and camera work were done by commercial operators under contract; and actual mapping was done by Highway Department specialists in this work. The resulting contour lines which show the elevations along the beaches, were placed on enlarged prints of aerial photographs. Vertical accuracy exceeds national map accuracy standards and because of the pictorial coverage inland from the beaches, the viewer can more readily orient the section being examined than would be the case if a more conventional mapping procedure were used. All elevations are based on the 1947 Pacific Northwest Supplemental Adjustment of the 1929 U. S. Coast and Geodetic Survey Sea Level Datum, and horizontal control is by coordinates on the Oregon Grid Coordinate System. The horizontal scale is 1" = 100'.

For purposes of the survey the coast was divided into 14 mapping sections and the map sheets bound into volumes covering those sections. Sections and the number of sheets for each are:

1. Columbia River - Seaside	31 sheets
2. Seaside - Nehalem Bay	43 sheets
3. Nehalem Bay - Tillamook Bay	21 sheets
4. Tillamook Bay - Nestucca Bay	46 sheets
5. Nestucca Bay - Lincoln City	29 sheets
6. Lincoln City - Newport	39 sheets
7. Newport - Waldport	24 sheets
8. Waldport - Florence	47 sheets
9. Florence - Winchester Bay	40 sheets
10. Winchester Bay - Coos Bay	37 sheets
11. Coos Bay - Bandon	33 sheets
12. Bandon - Port Orford	50 sheets
13. Port Orford - Gold Beach	43 sheets
14. Gold Beach - California Line	60 sheets

Total 543 sheets

In general, all maps show contours on sand-beach areas except in State parks or other State-owned locations. However, in those publicly owned areas where change of title or change of use is considered a possibility, or where other problems exist (e.g. questionable title), contours have been shown.

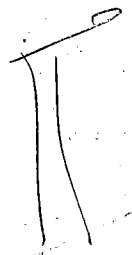
The ground control system which was established for the survey is monumented (by steel rods, concrete monuments, or other devices) above the beach areas where a substantial degree of permanence can be expected. Any point on the maps can be identified

accurately on the ground by ordinary survey methods using the monuments of the control system as points of reference.

Zone limits established by Chapter 601 and shown on the maps are dependent upon the formula set forth in the statute for accomplishment (16-foot elevation or an alternate line in low-lying areas). In most areas the intent of the Act appears to be met through the application of its directives. If the Act had included permission to exercise professional judgment to a limited extent, all problems which were encountered in determining the zone line could have been easily solved.

The position of the zone limit in some estuaries or indentations along the coast does not include all the sand-beach areas which have experienced heavy public use for many years. This is true, for instance, at South Beach at Neskowin where the zone line is several hundred feet seaward of the 16-foot contour, as well as the vegetation line. At the entrance to Siletz Bay, along the north beach of the bay and the adjoining ocean beach, approximately a half-mile of heavily used beach is not within zoned limits. Similar conditions exist in other areas.

Conversely, in several locations relatively low areas of considerable extent are separated from the ocean by a low, vegetated foredune, which is the apparent boundary between land and sea, but which is below 16 feet in elevation either in its entirety or in part. In this situation the provision that a zone line, 300 feet shoreward from the 5.7-elevation contour, be used in low areas probably does not consistently express the intent of the drafters of



*300 ft  
zone  
seaward*

**NESTUCA  
BAY**  
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Chapter 601. In those locations where there is also a narrow beach, the zone line so established falls a considerable distance east of the vegetation line. This condition is well illustrated on the Port Orford-Gold Beach section, sheets 40 and 41.

As a partial remedy for the situation typified by sheets 40 and 41 of the Port Orford-Gold Beach section, in instances where the foredune is above the 16-foot elevation much of its length, but where the crest elevation drops below the 16-foot contour for short distances, some liberty was taken in establishing the zone limit. In these instances where the crest of the foredune shows as being occasionally below the 16-foot contour but above the next lower contour (14-foot elevation), and where the length of dune which is below 16 feet in elevation is not great, the zone line has been shown connecting the 16-foot elevation contours.

That part of subsection (1) of Section 5 of Chapter 601 which requires "...in...estuaries...where the 16.00-foot contour... does not substantially parallel the shore line, the boundary line is 300 feet...from the...5.7-foot elevation" is subject to individual interpretation. The exact point where the contour ceases to parallel the shore line is not definite. Furthermore, there are literally miles where the 16-foot contour is not smoothly "substantially parallel" to anything, but wanders in convolutions of varying shapes, sometimes reversing direction completely, other times wandering at various angles to the general direction of the apparent shore. The same is true of the 5.7-foot contour. The zone line, as established on beach survey maps, honors the 16.0- and 5.7-foot

elevation contours so long as the sum total of local wanderings of those lines reasonably approximates the ocean front. Examples of this situation are to be found on the Waldport-Florence section, sheets 38 through 41.

Subsection (1) of Section 5, Chapter 601, also places "...the position of the landward boundary line...interpolated to follow natural topographic contour lines whenever interrupted by man-made structures." To follow natural contours, it is necessary to have evidence of their position prior to being "interrupted". In several cases this is impossible due to lack of any surveys earlier than the one just made. At Seaside, Cannon Beach, and Gold Beach there are areas where the existing 16-foot contour is governed by man-made embankments, walls, or cuts. The original "natural" ground surface, however, is unknown.

In the course of obtaining controlled aerial photographs for use in the plotters, it was necessary to rephotograph several areas. Storms and vandals had destroyed the ground control markers before the photographic work could be done. As a result of this repeat photography, we have a record of areas which have altered in elevation and shape within a few weeks' time. From this coverage it is apparent that in many places the 16-foot contour does not remain in a fixed location but shifts laterally, to some extent, within relatively short periods of time. The position of the 5.7 contour is even less stable and changes quite rapidly, sometimes within a few hours. Two outstanding examples of this lateral shift in contour lines and the resultant increase or decrease in sand-beach area are South Beach at Neskowin and the mouth of the Necanicum River near Seaside.

Acreage of sand-beach areas is a fluctuating thing and at best must be regarded as an approximation. Using the beach survey, the following acreages were determined to exist as of the date of that photography:

Acreage on Oregon Beaches  
(State Lands Excepted)

Between Mean High Tide and the Zone Line  
(16-foot Contour or its Alternate)

Private Lands	3,711 acres
Federal Lands	1,637 acres
County Lands	558 acres
City Lands	<u>69 acres</u>
Total	5,975 acres

Acreage Between the Zone Line and the Vegetation Line  
(State Lands Excepted)

Total Private, Federal, and City Lands 1,429 acres

(Privately owned beach approximately 555 acres)

Larger scale maps which provide greater detail of small indentations and prominences along the coast also indicate a slightly greater length of coast than did the smaller scale maps from which mileages were previously measured. The mileages, corrected to beach survey 1" = 100' scale maps, are as listed below:

Oregon Coast Mileage  
(Exclusive of Estuaries)

Entire Coast Line	361.6 miles
Usable Sand Beach	<u>261.5 miles</u>
Headlands or Rocky Areas	100.1 miles

Ownership of Upland Abutting the Ocean Shore

Federal Agencies	63.4 miles
State Agencies	114.3 miles
Local Agencies	19.2 miles
Private	<u>164.7 miles</u>
Total	361.6 miles

Ownership of Sand Beach  
(Between Mean High Tide and Vegetation Line)

Federal Agencies	52.0 miles
State Agencies	65.8 miles
Local Agencies	19.1 miles
Private	<u>124.6 miles</u>
Total	261.5 miles

The problems associated with the 16-foot and 5.7-foot contours have been studied by the Legislative Interim Committee on Highways, and a proposal to substitute a mathematically defined line has been drafted in the form of a bill being recommended to the coming Legislative Assembly by that Committee. The drafted bill would substitute a fixed line consisting of a series of straight lines connecting angle points on or near the 16-foot contour as of the date of the photography. For the most part, this angular line closely follows the 16-foot contour as of that date. In several low-lying areas this line is established somewhat inland from the alternate line provided in Chapter 601.

Such a line was placed on the beach survey maps as ordered by a subcommittee and was reviewed and approved by that subcommittee. The angle points of the line are described by reference to the Oregon

Coordinate System which is the basis of horizontal control of the beach survey itself. It can be located on the ground by use of ordinary surveying procedures.

The angular zone limit line would have the advantage of being in a definitely fixed location rather than shifting laterally with the winds and tides. The position of such a line would presumably be subject to change in the event that substantial alteration of the beach resulted from accretion or erosion of beach sands. Alterations in the line made under prescribed procedures would be described by coordinates in the same manner as the original line. A disadvantage in having a fixed line described by statute is that legislative action would be required to change it.

Enactment of Chapter 601 essentially resulted in the accomplishment of three things:

1. It established legislative (or public) policy in preserving and maintaining the State's sovereignty over the Pacific Ocean beaches;
2. It recognized the public rights in adjacent dry-sand areas, declaring such rights vested in the State, with such lands to be administered as State recreation areas, authorizing the Highway Commission to protect, settle and confirm such rights; and
3. It established a zoning line (generally along or near the line of vegetation) below which no person could place any improvement except under permit from the Highway Engineer, and it further provided that such permits were to be granted



only "if approval would not be adverse to the public interest in preserving the recreational and scenic resources".

There is little question, we believe, that the <sup>PERMIT</sup> [zoning] provision of Chapter 601 was the most important and far-reaching provision of the entire Act. Under it, the Highway Commission has been able to maintain the status quo. A weekly beach patrol, in addition to removing major accumulations of trash, reports apparent violations of Chapter 601. Reports are further checked by Division personnel and if it is determined that a violation has occurred, the violator is contacted by letter drafted by the Highway Department Legal Division. If necessary, litigation to enjoin the violation is commenced.

Since Chapter 601 became law, only three permits have been granted out of seven applications. In two instances (the Inn at Spanish Head near Taft and Driftwood Shores near Florence), minor areas of usable beach below the zoning line, amounting to 0.12 acre, are being utilized for commercial purposes, but the State will be the recipient of title to the remainder of the beach above ordinary high tide. In one instance (Driftwood Shores), this will result in State acquisition of 9.0 acres of what was formerly privately owned sand beach. In the other case (Spanish Head), an agreement is held for transfer of title to the State of 1.1 acres of similarly owned beach after completion of construction.

In the seven beach cases that have gone to litigation (actually, only five areas are involved since suits were filed both ways on two of them), two were settled out of court favorably to

the State and resulted in the State acquiring title to an additional area of 7.2 acres of sand beach that was in private ownership. Two others are still in litigation in Circuit Court, and the case involving the developer of a roadway on the beach at Neskowin was adjudged favorable to the State by the Circuit Court and is now on appeal to the Supreme Court.

Although it might be considered "second guessing", we have no reason to believe that the decision in the latter case (State vs. Fultz and L-E-W Engineering) will not be upheld by the Supreme Court, even to the extent of ruling favorably on the State's cross-appeal to establish the public right in that area of sand beach between the zoning line and the line of vegetation. Favorable rulings are likewise expected in the two cases that are still in Circuit Court.

From the recitals in the foregoing three paragraphs, we believe it can be stated that Chapter 601, and in particular its zoning provision, has been effective in the objective of preserving the beach for public use. <sup>PERMIT</sup> This view is supported by the findings of the Legislative Interim Committee on Highways which held several hearings on this issue and thoroughly looked into the manner in which Chapter 601 is being administered and to what extent its objectives were being attained.

The Interim Committee is making several recommendations for improving and strengthening Chapter 601, some of these having been suggested to the Committee by the Highway Department. Assuming enactment of these proposed amendments by the next session of the Legislature, and barring an unfavorable decision by the Supreme

Court in the case now on appeal, we see no reason why Chapter 601 should not continue to work well in protecting the public's interest in the beaches. Defense of public rights, coupled with administration and enforcement of the zoning provisions of Chapter 601, has placed an extremely heavy load on our Legal Division. Adjustments to a continuation or increase in that load can be made without recourse to change in basic financing or new legislation. This, together with continuation of the Highway Commission's program of acquiring additional accesses to the beach to ultimately provide accessibility on the average of three miles (together with existing public accesses), should preserve and make readily available for public use and enjoyment all portions of what is considered to be usable beach.

An unfavorable decision by the Supreme Court, however, would dictate a different course of action. It would be necessary to determine existing dedications or existing ownerships which, in effect, have been lost in the public records through failure to extend platted areas to the mean high water line. A thorough search and analysis would need to be made of the titles to approximately 125 miles of privately owned beach lands. This procedure would require adding to the Department's staff several persons experienced in this type of work. In addition, possible adjustments in the Legal Division would be the same as indicated in the preceding paragraph. A complete title search has not been undertaken by reason of the added work load imposed on the present staff by Chapter 601 and budgetary limitations.

It would be our recommendation that legislative action be taken to adopt an easily described zoning limit, such as that proposed by the Legislative Interim Committee on Highways, and clarification be made of Section 5 of Chapter 601. At present the Act requires a permit for placing any "appurtenance, structure, or improvement" on deeded property which is included in the zoned area. This leaves in question such items as removal of sand from the beach and placing sand, waste material, or refuse on the beach in the zoned areas.

Revision of the Act is needed to permit faster action to forestall objectionable construction in the zoned area and to permit more prompt action in granting construction permits where they are warranted.

We also believe that Section 8 of Chapter 601 should be amended to relieve the owner of property, referred to in said Section 8, from public liability not due to his direct action. For example, he would not be liable for damage or injury caused by a log thrown onto the beach by the action of the sea in such a manner as to crush a person occupying the beach for recreational purposes.

Section 9 of Chapter 601 provides a means for the holder of title to beach lands to forestall establishment of rights thereon by the public regardless of the extent of recreation use or the time involved. This section should be removed from the Act.

The Highway Commission has sufficient authority under existing statutes to continue the beach access program and to take

action to purchase beach areas in the event Chapter 601 should be found unconstitutional by the higher courts. Therefore, we do not recommend change in statutes controlling basic Highway financing other than to amend ORS 367.226 to 367.242 (Bond Act of 1951) to provide a limiting interest rate commensurate with the current market.

December 23, 1968

16

BRIEF STATEMENT RELATING TO  
AMENDMENTS TO HB 1045  
SUBMITTED MARCH 17, 1969

The following four amendments are not intended to do violence with the basic thrust of HB 1045. They do, however, attempt to address themselves to four problem situations which seem to be a continuing and trending area of concern.

AMENDMENT # 1

Acts of lawlessness and vandalism are widespread on the lands referred to in section 16. Speeding vehicles, excessive drinking, broken beverage containers, and poor sanitary facilities are the major concern of coastal residents, and beach visitors from other areas alike. We believe the word "authorized" is weak and does not portray the public's interest or legislative intent. The Highway Department introduced HB 1601 into the legislature, and therefor should be "directed" to "... police, protect and maintain..." it.

AMENDMENT # 2

This section strengthens vehicle control on Oregon's beaches. The addition of subsection (4), however, ties the new regulations to coastal local governments during the discussion stages. The public desires to have motor vehicles removed from many sections of beach. There are other areas where vehicles are traditional, and local governments can be helpful in assisting the Highway

Department to make wise choices as to which beaches should have vehicles removed.

AMENDMENT # 3

It is felt that the drive to acquire new public accesses to the beaches has been too heavily concentrated in the remaining private lands, and that the Highway Department has not exerted enough interest toward making other unproductive public ownerships into access points.

AMENDMENT # 4

Persons seeking buried treasure on Oregon's beaches have recently employed heavy equipment which has not been in the public interest or compatible with beach use. One operation involved rusting machinery, oil drums and temporary power lines. Local beach residents remain quite concerned.

REMOVING THE COORDINATE SYSTEM  
FROM PLACEMENT IN ORS

If the purpose for removing the Coordinate System from the bill and placing it within administrative publications is to allow the department to alter the coordinates without legislative approval, then certainly there would be great cause for concern. Because of the public interest in determining the line, and the potential

difficulties in altering the line, it would follow that the line should not be changed without legislative consent.

IN CONCLUSION

In conclusion may I say again, that I disagree with the concept of giving the State Highway Department the power to bring a prescriptive right suit against an individual property owner and use public funds and state attorneys to do it, but that bridge was crossed in the 1967 session.

These amendments provide some needed alterations for the next two years without complete revision of the entire beach situation.

Respectfully submitted,

Paul Hanneman

Third District



March 17, 1969

PROPOSED AMENDMENTS TO HB 1045

On page 94, line 27, in section 16, after the word "hereby",  
remove the word "authorized" and insert instead the word  
"directed".

FROM THE DESK OF  
PAUL A. HANNEMAN  
STATE REPRESENTATIVE  
TILLAMOOK COUNTY

February 24, 1969

PROPOSED AMENDMENTS TO HB 1045

On page 96, line 10, add to Section 18 the following  
as a new subsection:

(4) Before establishing a zone, the Commission shall seek the approval of the local governments whose lands are adjacent or contiguous to the proposed zone.

FROM THE DESK OF  
PAUL A. MANNEMAN  
STATE REPRESENTATIVE  
TILLAMOOK COUNTY

#3

March 17, 1969

PROPOSED AMENDMENTS TO HB 1045

On page 96, line 13, add a new section:

Section 20. The State Highway Commission is directed, in its program to acquire sites for park development, off-beach parking, and sanitary facilities, to place priorities for future sites on lands presently in public ownership by either the federal government and the agencies thereof, other state agencies, the counties, or the cities, and to expand and develop these lands on a priority basis and manner.

- On page 96, line 13, remove "section 20" and insert "section 21".
- On page 96, line 21, remove "Section 21" and insert "Section 22".
- On page 96, line 25, remove "Section 22" and insert "Section 23".
- On page 97, line 11, remove "Section 23" and insert "Section 24".
- On page 97, line 34, remove "Section 24" and insert "Sevtion 25".
- On page 98, line 11, remove "Section 25" and insert "Section 26".
- On page 98, line 28, remove "Section 26, and insert "Section 27".
- On page 99, line 3, removed "Section 27, and insert "Section 28".
- On page 99, line 16, remove "Section 28, and insert "Section 29".
- On page 100, line 15, remove "Section 29, and insert "Section 30".

FROM THE DESK OF  
PAUL A. HANNEM  
STATE REPRESENTATIVE  
THIRASOCK COUNTY

March 17, 1969

PROPOSED AMENDMENTS TO HB 1045

In section 25, on page 98, line 22, after the word "finder.",  
insert the following:

No power driven tools, or power driven equipment may  
be used by persons seeking treasure-trove under the provisions  
of this section.

FROM THE DESK OF  
PAUL A. HANNEMAN  
STATE REPRESENTATIVE  
TILLAMOOK COUNTY

File w/ HB 1045

February 13, 1969

Dear Legislator:

The attached study of the Oregon Coast Line, completed a year ago by the Lincoln County Board of Realtors, was presented in testimony before the State Highway Commission Interim Committee, presented to the various news media, and made available to the general public. Its negative effect on the legislature was shown by the passing of the 1967 "Beach Bill".

Now, another "Beach Bill", House Bill 1045, and the companion Resolution, House Joint Resolution 5, are being promoted in the legislature.

The Beaches have not changed, the facts have not changed, presently State-owned beach property alone, will accommodate 10 million people at one time! Why, why, are Willamette Valley promoters trying to take private property away from legitimate owners on the coast, and turn it over to the State? These are Police State tactics, the State does not need the property, and if it does, purchase or condemnation is always available.

We make only one request, before you vote to further reduce the rights of property ownership. Please go to Astoria and drive Highway #101 to the California border. With the knowledge that State, Federal and local governments, own over 54% of that long, lonely coast line, if you can go back to Salem and still vote for further seizure of private beach property, we will have no quarrel with your decision.

LINCOLN COUNTY BOARD OF REALTORS

February 24, 1969

Mr. George D. Dysart  
7010 S. W. Raleighwood Lane  
Portland, Oregon 97225

Dear Mr. Dysart:

Thank you for your comments and queries on House Bill 1045. I will circulate the letter amongst the committee members.

Yours very truly,

Don Wilson

DW:bjs

7010 S.W. Raleighwood Lane  
Portland, Oregon 97225  
February 17, 1969

Representative Don Wilson  
Chairman, House Committee on Judiciary  
State Capitol  
Salem, Oregon 97310

Re: HB 1045, Oregon Beach Bill

Dear Mr. Wilson:

I have read HB 1045 and I generally support the changes it makes in strengthening Oregon's beach protection laws. I have not seen a map depicting the areas described in sections 8 and 9 so I express no opinion as to their adequacy in describing the area over which the public already has or should acquire recreation use rights. Nor do I believe this bill is an adequate substitute for a necessary funding measure (such as 1968 Ballot Measure 6) for acquiring interests in those beach areas in which the public does not now have public use rights. I urge the legislature to act in that field also.

I do have a few questions or comments:

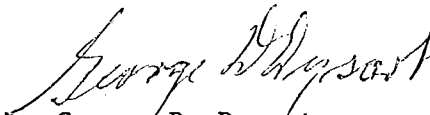
1. Are the nonalienation provisions (section 5) broad enough to encompass the lands disposed of prior to 1947 (page 2, lines 32 and 33) and now held (or hereafter acquired) by a public body? These lands are not "ocean shore" as that term is used in the bill and hence are not "ocean beaches" unless they are embraced within section 8.
2. Does the bill adequately assure that lands disposed of prior to 1947 which are subsequently acquired by the state (whether by dedication, purchase or otherwise) will thereupon become "ocean beaches" subject to the full protections of the bill? Maybe the definitions of "ocean beaches" and/or "ocean shore" need to be expanded to include lands acquired pursuant to ORS 390.630 (section 6).
3. Is section 12 broad enough to give a right of judicial review to the public or members thereof? In view of the purposes of the bill I suppose a public user of the beach is a "person aggrieved", but I'm not sure.
4. Unless ORS 390.160 is considered sufficiently applicable to cover the easement area, ORS 390.660 (section 16) could be improved by inserting after "maintain" in line 28 ", and promulgate rules governing use by the public of, \* \* \* ." This would apply to such things as beach fires, overnight camping, littering, nuisances, excessive noise, etc. ORS 390.990 (section 27) would then need to be appropriately amended. ORS 390.740 on littering might be amended by changing "ocean shore" to "ocean beaches" to encompass the dry sand area.
5. Amend section 20 to prohibit discharge of any waste water, sewage, etc., onto or so that it will flow onto the recreation lands. Perhaps allow permit for discharge of collected or diverted waste or runoff water (but not sewage).
6. Wouldn't it be desirable to add to section 23(2) (line 22) "and shall authorize free removal of limited amounts of sand for personal, noncommercial use." I'm thinking of sand for the family sandbox in Portland or for lining

paths of beach area property. I assume driftwood is not a "natural product of the ocean shore" and may be removed without a permit. (I wish you could prohibit my kids from bringing up smelly strands of sea weed, even as souvenirs.)

7. In section 23(3) isn't the reference in line 23 to a county "adjacent" to the recreation area wrong or too restrictive? Every portion of the state recreation area is "within" some county.

I also was interested in Governor McCall's remarks at the Portland City Club about bottles, cans and other litter on the beaches (and in other areas). I'd like to suggest an expanded program of litter barrels on the beaches themselves (not just on the upland parking areas or access points). Even if cans and bottles are returnable for a penny or two, many are going to be discarded. If a receptacle is handy most people will use it. Such a program, of course, requires frequent pickups as well as some provisions against barrels being tipped over by people, animals, tides or winds. And pickup may be difficult in soft sands. But surely there are many heavily-used areas where it could be done. If financial assistance is required for such a program, how about a modest dealers' or retailers' tax on bottled or canned beverages?

Sincerely yours,

  
George D. Dysart



April 30, 1969

Mr. Herbert Altstadt, Chairman  
Legislative Committee  
Oregon Land Title Association  
2444 S. W. Broadway Drive  
Portland, Oregon 97201

Dear Mr. Altstadt:

Thank you for your comments regarding HB 1045.  
As you are aware, the definite zone line was adopted  
by the Judiciary Committee and is incorporated in the  
amended bill as it will be passed on by the House.

Yours very truly,

Don Wilson

DW:bjs

# OREGON LAND TITLE ASSOCIATION

AFFILIATED WITH THE AMERICAN LAND TITLE ASSOCIATION

LOUIS C. LOMAX, PRESIDENT  
TRANSAMERICA TITLE INSURANCE COMPANY  
HILLSBORO, OREGON

JESSE L. YARDLEY, VICE-PRESIDENT  
BEND ABSTRACT COMPANY  
BEND, OREGON



STANTON W. ALLISON, EXECUTIVE SECRETARY  
2444 S.W. BROADWAY DRIVE  
PORTLAND, OREGON 97201  
PHONE 223-4739

April 17, 1969

The Honorable Don Wilson  
Chairman, Judiciary Committee  
House of Representatives  
Salem, Oregon

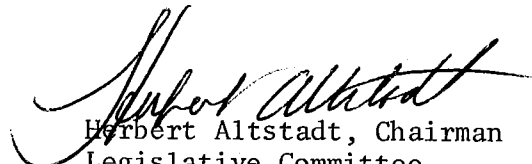
Dear Sir:

Members of the Oregon Land Title Association are interested in House Bill 1045 to the extent that a workable formula be devised to identify the proposed zoning line.

We feel that a description of this line through the use of the Oregon Coordinate System is more workable than by identifying the zoning line as being the natural vegetation line. If the line is identified as the natural vegetation line it will require a separate survey each time someone wishes to improve their property along the coast and probably would also require negotiating with the Oregon State Highway Department.

Through the use of a definite line this procedure would not be necessary and title companies would be able to reflect accurately upon their maps and maps furnished to their clients the location of the zoning line.

Very truly yours,

  
Herbert Altstadt, Chairman  
Legislative Committee

March 5, 1969.

Mr. J. J. Gonor  
Star Route South,  
South Beach, Oregon

Dear Mr. Gonor:

Thank you for your suggested amendments to House Bill 1045. I am making copies of your letter available to all Judiciary Committee members.

We are having a hearing for the public on Monday, March 17, 1969 at 3:00 p.m. You are welcome to attend.

Yours very truly,

Don Wilson, Chairman  
Committee on Judiciary

DW:bjf

*ce to me*

Star Rt. South,  
South Beach,  
Oregon 97366  
25 February 1969

Rep. Don Wilson  
Chairman, House Judiciary Committee  
State Capitol Building,  
Salem  
Oregon

Dear Rep. Wilson,

In response to your request yesterday for some wording from me, I submit that the following or something to its effect would enable the Highway Department to consider the effect of the removal of beach materials upon the sand supply to adjacent beaches when granting removal permits.

HB 1045, p. 97, Sect. 23 ¶ 3, line 28. Add after word cost: ,and if such removal will not materially alter the physical characteristics of the area or adjacent areas nor lead to such changes in subsequent seasons.

Yours sincerely,

*Jefferson J. Gonor*  
Jefferson J. Gonor

*Don -  
Belmont  
Receipts*

1045

March 5, 1969

Mrs. Lisa G. Paterson  
3730 S. W. Chehalem Avenue  
Portland 1, Oregon

Dear Mrs. Paterson:

Thank you for your letter. We are making copies of this available to all Judiciary Committee members.

We are having a hearing for the public on Monday, March 17, 1969 at 3:00 p.m. You are welcome to attend.

Yours very truly,

Don Wilson, Chairman  
Committee on Judiciary

DW:bjs

2

A few thoughts on HB 1045.....

Oregon public ownership of our coast should be designated from the vegetation line seaward. Research into the matter points this up as well as the use and understanding of the public. My father-in-law, civil engineer, Earl A. Marshall, 40 years co-owner of Marshall Brothers of Portland told his family Sam Boardman provided it this way. From a personal standpoint, he bought beach property -- which the family still owns between Waldport and Yachats -- and considered the vegetation line to be his property boundary. Mr. Marshall's word was continually sought in court cases for the high esteem of his surveying. <sup>natural</sup>

Where there is question involved due to the lack of <sup>natural</sup> vegetation, another determination may be necessary. <sup>Perhaps a contour line from the two vegetation points on each side or</sup> Perhaps the 16 foot line would provide for the best interest of the people of Oregon. The engineering coordinates I read about in the Tuesday, April 8 Oregonian, page 9 are not in the best interest of the people of Oregon.

Here too, in this bill belongs the thoughtful protection of Oregon estuaries. With great speed they are being piecemeal filled, dredged and in other ways destroyed in the name of housing, marinas, and other commercial developments. Once they disappear they are gone forever.

To point up the value of estuaries is this quote from page 6, of the January 1969 Outdoor America of the Izaak Walton League. "Dr. Stanley A. Kane, Assistant Secretary of the Interior for Fish and Wildlife made before the sub-committee on Fisheries and Wildlife Conservation during March 1967, he estimates that about ninety percent of the total harvest of seafood taken by American fishermen came from the Continental Shelf and that about two-thirds of these species depended, in one way or another on estuaries. Dr. Kane stated that many estuaries produce more harvestable human food per acre than the best mid-western farmland".

Another Outdoor America quote which was taken from Hay and Farb 1955, "Approximately ten thousand pounds of phytoplankton, the floating plants of the estuaries, are needed to produce one thousand pounds of minute crustaceans; they in turn are fed on by smelt, which in turn is fed on by tuna", etc. "Thus, the path that leads from the primary producers of energy to the final consumer shows the ultimate survival of only a tenth of a pound, out of the original resource at the beginning of the chain of ten thousand pounds." How much life there is in our estuaries."

Some of our wildlife are entirely dependent on the estuaries for their survival, such as the Brant is dependent on eelgrass.

Thus what this committee decides may be one of the most important items in the interest of the people of Oregon and of our nation. What we do today is not only for the enjoyment of those tomorrow who need the release and pleasure of our beautiful coastline, but it may directly affect their food supply.

Estuarian knowledge as you are aware, may be obtained from the director of the Oregon Marine Research Museum at Newport, Oregon and many other scientific sources. I do hope these thoughts may help you in some small way.

Thanks much.

Betty Marshall Poddal,

# STABILIZING SAND DUNES ON THE PACIFIC COAST WITH WOODY PLANTS

BEFORE



AFTER



Miscellaneous Publication No. 892  
Soil Conservation Service  
U.S. DEPARTMENT OF AGRICULTURE

**E**STABLISHING and maintaining permanent vegetation has proved to be the most effective and efficient means of stabilizing coastal sand dunes. The dune areas on the Pacific coast of North America are the result of accelerated erosion caused primarily by the destruction of a cover of native vegetation. In some areas the climax cover was herbaceous, in others it was woody, and in still others it was a combination of herbaceous and woody plants. The choice of plants for the reconstruction of a permanent cover depends on the inherent limitations of the site and the intended land use for the area.

Washington, D.C.

Issued February 1962



Growth Through Agricultural Progress

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# STABILIZING SAND DUNES ON THE PACIFIC COAST

## WITH WOODY PLANTS

By ROBERT L. BROWN, *Assistant State Conservationist (Oregon)*, and  
 A. L. HAFENRICHTER, *Plant Materials Technician (West)*, Soil Con-  
 servation Service

WOODY PLANTS have been used extensively for permanent stabiliza-  
 tion of coastal dunes in Europe. Brown (1878)<sup>1</sup> describes the  
 use and culture of trees under conditions of relatively mild maritime  
 climate on the coastal dunes of France. Minor timber products were  
 obtained from the plantings. Gerhardt (1900) reported on experi-  
 ments for stabilization of coastal dunes under more rigorous climatic  
 conditions in Germany. He concluded that woody plants were  
 essential to permanent stabilization.

Woody plants have been used for dune stabilization on the Pacific  
 coast in North America. McLaren (1899) discussed the use of trees  
 with intensive culture for dune control and recreational use on the  
 south Pacific coast. Kellogg (1915) described the trees that were  
 adapted for timber production on the coastal dunes of southern  
 Oregon. McLaughlin and Brown (1942) gave a detailed report on  
 the place and value of shrubs and trees in the permanent stabilization

<sup>1</sup> Literature Cited, p. 17.



ORE-75213

Figure 1.—Stabilized coastal sand dunes are used for recreation, provided pre-  
 caution is taken to preserve the permanent cover from damage.

of extensive areas of eroding dunes on the north Pacific coast. They pointed out that trees and shrubs were essential to erosion control on some sites, while on others the choice between herbaceous and woody perennials for permanent stabilization depended on the use of the area. The land capability and the economic and social considerations determine the use of the stabilized area.

Most of the dune areas on the Pacific coast of North America are in land-capability classes VII and VIII.<sup>2</sup> Such lands have severe limitation for use because of the erosion hazard, low fertility, or low water-supply capacity. Small areas of class VI land with slightly less erosion hazard and of excessively wet class V land are interspersed with the class VII and VIII land of the dunes. Small areas of class III and IV land occur on some coastal dunes. These may be used for cultivated crops or pasture, but they require large amounts of fertilizer and supplemental irrigation. If cultivated crops are grown, extreme precautions must be taken to prevent wind erosion.

The same conditions that preclude the use of stabilized dunes for cultivated crops or pasture also limit their use for the production of major forest products such as lumber, poles, or pulpwood. Minor forest products such as Christmas trees, charcoal, and florist greenery are possible with intensive culture when areas are near markets.

The use of coastal dunes for recreation is consistent with both their land capability and their location. Large centers of population are usually located near the coast, and improved highways make them readily accessible to vacationers. Recreational use of coastal dune areas is enhanced by the proper use of trees and shrubs for permanent stabilization (fig. 1). Precautions must be taken to preserve the permanent cover from damages by overuse, careless use, and fire.

### *Major Uses of Woody Plants in Dune Stabilization*

Woody plants have both direct and indirect conservation value when used for dune stabilization. Trees with an understory of shrubs can provide permanent stabilization. They are also used for topographical correction, for protection of areas against indiscriminate use, and for windbreaks. The permanent shrub understory provides ground cover, food and cover for wildlife, and food for human use.

The permanent cover of woody plants on coastal dunes is never established directly on eroding sites. Subclimax shrubs and trees prepare such sites for the permanent cover. The subclimax species are planted as an intermediate step between initial plantings of sand-stilling grasses and the permanent cover. Therefore, care is required when designing the steps needed for initial, intermediate, and permanent stabilization.

<sup>2</sup>The land-capability classification is an interpretive grouping of soils for agricultural purposes in which all soils are placed into eight broad classes. Soils having a large number of alternative uses are placed in land-capability class I and those with few are placed in class VIII, and considering all uses collectively the risks of soil damage or limitations in use become progressively greater from class I to class VIII. In this classification the individual units shown on a soil map are first grouped into capability units. The soils in one capability unit need similar management and have the same general suitability for use. Thus they are a basic management unit for common farm crops. Capability subclasses show the kind of management problem—risk of erosion, wetness or overflow, soil or rooting-zone limitation, or climatic limitation (Klingebiel and Montgomery, 1961).



Figure 2.—Normal topography to trees

**Permanent stabilization** having commercial value the site index on coastal dunes is the principal objective for erosion control. This may be achieved with recreational use, industrial sites, and recreation.

**Topographical correction** of dune areas. The normal dune area is often graded and excessive erosion occurs. The high tide line has been destroyed, wind erosion has occurred, and sections of this forested area have become smooth inland areas. Further destruction by wind can be used to create a permanent cover.

**Protection against erosion** for people frequent coastal dune areas. That areas permanently stabilized for roads, trails, and installations are provided with trees here can prevent erosion.

Dune areas stabilized for cultivated crops easy to grow and vegetables are of temporary profitable with intensive culture. Plants with poor erosion resistance are abandoned. Areas permanently stabilized for temporary cultivation.

the north Pacific coast. They are essential to erosion control on lands between herbaceous and woody vegetation. The use of the dunes depended on the use of the dunes and social considerations.

Coastal dunes of North America are of various classes. Such lands have severe erosion hazard, low fertility, or low productivity. Class VI land with slightly erodible class V land are interspersed with dunes. Small areas of class V land are interspersed with dunes. These may be used for agriculture. They require large amounts of water if cultivated crops are grown, and are subject to wind erosion.

The use of stabilized dunes for agriculture is for the production of forage, pulpwood. Minor industries are charcoal, and florist greenery. These areas are near markets.

Conservation is consistent with both agriculture and recreation. Large centers of population and improved highways make them important for recreational use of coastal dunes. Trees and shrubs for permanent stabilization can be taken to preserve the dunes, careless use, and fire.

### Dune Stabilization

The indirect conservation value of dunes with an understory of shrubs and trees are also used for topographic correction. A shrub understory provides shade, and food for human use. Conservation on coastal dunes is never complete. The subclimax species are never permanent. The subclimax species are never permanent. The subclimax species are never permanent.

Therefore, care is required in the initial plantings of sand-dunes, intermediate, and permanent.

Interpretive grouping of soils for classification into eight broad classes. Soils are placed in land-capability classes VIII, and considering all uses in use become progressively less suitable. The soils in one class have the same general suitability for common farm crops. The erosion problem—risk of erosion, soil salinization, or climatic limitation



ORE-75214

Figure 2.—Normal topography of a foredune restored by planting a blowout to trees and shrubs that will wind form.

**Permanent stabilization** with trees suggests a forest cover. Trees having commercial value for lumber or pulpwood can be grown, but the site index on coastal dunes is usually extremely low. Therefore, the principal objective of extensive plantings is permanent erosion control. This may be supplemented with secondary value associated with recreational use of the area and protection of harbors, highways, industrial sites, and residences.

**Topographical correction** helps in permanently stabilizing many dune areas. The normal topography of a naturally stabilized coastal dune area is often greatly altered after the vegetation is destroyed and excessive erosion occurs. For example, a normal foredune near the high tide line has smooth, even surfaces. After vegetation is destroyed, wind erosion causes large blowouts and may remove entire sections of this foredune and deposit the sand irregularly on once smooth inland areas. These irregular surfaces are then subject to further destruction by the wind. Shrubs, in combination with trees, can be used to create a more normal surface topography (fig. 2).

**Protection against indiscriminate use** is necessary where many people frequent coastal areas for recreation. Experience has shown that areas permanently stabilized with grass only are used indiscriminately for roads, trails, and bridle paths, even when permanent installations are provided for such traffic. The planting of shrubs and trees here can prevent this kind of trespass (fig. 3).

Dune areas stabilized with grass only make quick conversion to cultivated crops easy when markets are attractive. Bulbs, flowers, and vegetables are often grown here. Such enterprises may be temporarily profitable with proper attention to erosion-control practices and intensive culture. The erosion hazard, however, is high, and plants with poor erosion-control value invade the area when it is abandoned. Areas planted to shrubs and trees are seldom converted to temporary cultivation.



ORE-75201

Figure 3.—Trees and shrubs planted to control traffic. Slopes and rough areas are planted, and protected flats are left in grass.

**Protection for areas with several uses** is a major use for woody plants on coastal dunes.

Fresh-water lakes are common in dune areas near the coast. These are favorite recreational spots, and when the areas are under public administration they are often parts of a park system. They provide bathing, boating, water sports, and fishing and hence are intensively used. Tree plantings enhance the use of these areas, provide protection against the landward winds from the ocean, and tend to minimize the erosion hazard (fig. 4).



ORE-75205

Figure 4.—Tree and shrub plantings around an interdune recreational area provide protection from wind and erosion.

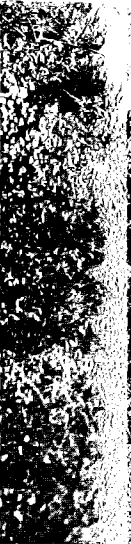


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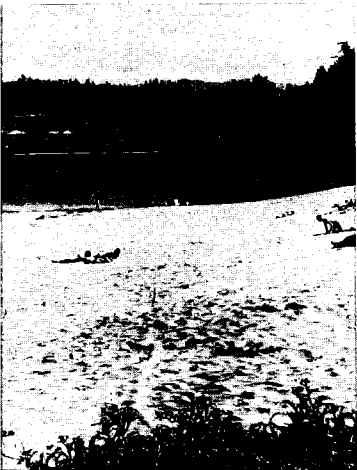
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ORE-75205

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ORE-75202

Figure 5.—Trees and shrubs protect this beach access road against erosion.

Principal highways parallel most coastal dune areas, and access roads to the beaches cross the dunes. Trees confine the traffic to the roads and provide additional protection from wind erosion (fig. 5). An understory of fruit-bearing shrubs and vines also enhances the public use of the area (fig. 6).

**Food and cover for wildlife** are provided in shrubs and trees. And when the proper species are planted there are more upland game birds, waterfowl, and game animals. One such area on the north Pacific coast has been declared a game refuge (fig. 7).



ORE-75204

Figure 6.—Planned roadside plantings provide protection, recreation, and food.



ORE-75208

Figure 7.—Shrubs and trees provide erosion control and food and cover for wildlife.

**Windbreaks**, properly placed, can protect small areas of specialty crops from the wind. These crops can be grown on small tracts of class III land some distance from the ocean front.

### *Planning for the Use of Woody Plants on the Dunes*

Permanent stabilization of dune areas on the Pacific coast with long-lived woody plants is not feasible by direct planting into the eroded sand areas. McLaughlin and Brown (1942) pointed out the steps that must be taken when the permanent cover is to be woody perennials.

The initial step is to still the sand with clonal plantings of beachgrass or dune grass this way: (1) Plant 3 to 5 clones of beachgrass in hills spaced 18 to 24 inches apart. The plantings are made during the late fall and winter. The severity of the conditions on the site determines the density of the planting. (2) Fertilize the plantings with 40 to 60 pounds of nitrogen per acre in the form of ammonium sulfate. Apply the fertilizer in the early spring just as the clones begin to grow. After the fertilized beachgrass plantings have grown for one season, the area is ready for the intermediate step in stabilization.

Shrubs are used for the intermediate step. They are planted in the grasses after the sand is stilled. They are not effective for direct sand



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### Plants on the Dunes

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ORE-75211

Figure 8.—Scotch broom and shore pine planted in sand-stilling grasses pre-  
pare eroded dune sites for climax woody plants.

stopping but function in two essential ways to make the site suitable  
for the trees that will serve as the final and permanent vegetation.  
Shrubs give additional protection to the growing trees against  
persistent desiccating winds because they are taller than the sand-  
stopping grasses, and they improve the fertility of the soil, which  
benefits survival and growth of the trees.

The final step is the planting of long-lived trees into the shrub  
plantings. Figure 8 illustrates the three steps—the sand-stopping  
grasses, the intermediate shrubs, and the trees.

Auxiliary plantings of woody shrubs and vines are often made in  
dune-control work. They provide additional ground cover, and many  
of them produce edible fruit and food for wildlife.

### Shrubs for Intermediate Stabilization

Shrubs used for intermediate stabilization must establish quickly,  
grow rapidly, withstand strong desiccating winds, and be intolerant  
of shade. Leguminous shrubs are preferred because the trials con-  
ducted on the Pacific coast showed that the nitrogen they provide  
from their leaves and nodules assists in the establishment of the  
permanent trees.

A total of 75 species of native, naturalized, and exotic shrubs were  
tested for suitability as intermediate stabilizers on the coastal dunes  
of Oregon. Three species met the requirements for this use.

**Scotch broom**<sup>3</sup> met all the essentials (fig. 8). Planting stock was easy to grow from seed in nurseries. The transplants grew to an optimum height of 6 feet in 3 years. Scotch broom was adapted to all but poorly drained sites on the dunes and sites where the wind carried sand. It withstood temperatures as low as 10° F. without damage. It was quickly shaded out by the permanent trees.

Scotch broom has other desirable qualities. It can be used alone for firebreaks in tree plantings because it is rather fire resistant. It produces an abundant crop of seeds that are used for food by upland game birds and it has limited use as a source of pharmaceutical alkaloids.

Scotch broom may volunteer when seeds are carried to open mineral soil. It never volunteers into good sod or full stands of trees. It is easily controlled by mowing, surface cultivation, and herbicides. It does not spread by rhizomes or sprout from the crown.<sup>4</sup>

**Tree lupine** (fig. 9) met the requirements for intermediate stabilization except that it could not be used on sites that were exposed to strong winds or were poorly drained. It winterkilled when temperatures fell below 17° F. It was easily established by direct seeding into stands of beachgrass and attained a height of 3½ to 4 feet by the second year. Tree lupine was short lived on the dunes, but the stands were maintained by volunteer seedlings. It did not show any weedy tendencies.

**Coyote brush** is a native, long-lived, hardy shrub that is easily grown from seed and can be transplanted readily. Growth is slow and 3 to 4 years are required for it to reach the height of 2½ to 3 feet. Coyote brush does not sprout from the crowns and is easy to control by mowing or cultivation. It is not a legume.

<sup>3</sup> See list of common and scientific names of plants, back page.

<sup>4</sup> Scotch broom is classed as a noxious weed in some States.



ORE-35167

Figure 9.—Tree lupine can be established by direct seeding into sand-stilling grasses.



Figure 10.—Gorse, a legume, is not to be used.

Gorse, a legume (fig. 10), has characteristic volatile oils in its crown when used for permanent shrub.

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**Figure 10.—Gorse, a leguminous shrub adapted to coastal dune areas, should not be used because it is a noxious weed and an extreme fire hazard.**

Gorse, a leguminous shrub widely naturalized to coastal conditions (fig. 10), meets some of the requirements but has several undesirable characteristics and should never be used. Its highly flammable volatile oils make it a fire hazard. It sprouts readily from the crown when mowed or burned. Gorse is intolerant of shade, but trees for permanent stabilization are hard to establish in stands of this shrub.

#### **Trees for Stabilization**

A total of 150 accessions of 80 species of trees were tested for adaptation to stabilization of dunes of the north Pacific coast. They represent most of the species recommended in the literature on dune control. Observations and some measurements were made for 10 years and some were continued for more than 20 years. The adapted species can be classified into two use groups.

#### ***Trees for semipermanent stabilization***

The species in this group are easy to propagate, establish quickly, and grow rapidly on immature sites on which the sand has been stilled. The adapted species are native subclimax trees that are gradually replaced by climax species as the sites mature.

**Shore pine** (fig. 11) is ideally suited for semipermanent stabilization on moderate and well-drained sites on the dunes. It is easy to establish in intermediate plantings of shrubs. The rate of growth is phenomenal, averaging 2 feet per year. When used for topographical correction it quickly becomes wind formed<sup>5</sup> and maintains this

<sup>5</sup> Wind forming is described by Braun-Blanquet *et al.* (1932). Continuity of wind action is the climatic factor that affects the form of vegetation.



ORE-75209

Figure 11.—Shore pine makes an ideal semipermanent dune planting when combined with Scotch broom.

condition. Shore pine plantings are an ideal medium for the natural establishment of climax species. As the climax species overtop the shore pine, it is shaded out.

**Red alder** is a widely distributed native tree especially well adapted to class V land in the dunes, which is intermittently wet or has a high water table. It volunteers naturally in such areas and hence does not require planting. It does not volunteer on well-drained sites. Red alder grows to a height of at least 30 feet unless it is exposed to high-velocity winds above the dunes that normally border the wet interdune areas; then it tipburns. As the site matures and drainage improves, climax trees may volunteer in stands of alder.

**Hooker willow** is native to the Pacific coast, particularly to the permanently wet areas (fig. 12). It volunteers readily on such sites after the surrounding areas are stabilized. It does not require planting. Hooker willow may be replaced by alder unless the site remains wet. Average height is 10 to 15 feet.

#### **Trees for permanent stabilization**

The species in this group require mature and well-protected sites. Of the many species in experimental plantings, only five are classed as successful and all are native. They are not established by planting but volunteer into stands of trees planted for semipermanent stabilization.

**Sitka spruce** is widely distributed along the north Pacific coast. Growing near the eroded dune areas, it volunteers readily into good stands of subclimax trees (fig. 13). It withstands strong winds after it is established and wind forms in exposed areas. A fast-growing, well-formed tree is produced in protected areas. This tree also yields commercial timber. Sitka spruce is long-lived and is one of the climax trees of coastal forests.

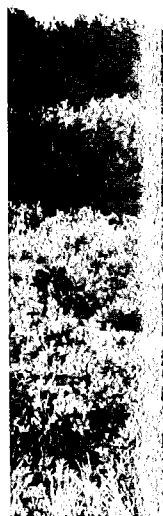


Figure 12.—Hooker willow in wet area in



Figure 13.—Sitka spruce



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ORE-75210

Figure 12.—Hooker willow volunteered and stabilized this small, permanently wet area in the dunes. Shore pine provides cover on well-drained sites.



ORE-75203

Figure 13.—Sitka spruce volunteers readily into stands of shore pine when the site is sufficiently matured.

**Western hemlock** is codominant with Sitka spruce in coastal forests. Like spruce, it volunteers on well-drained dune areas into established subclimax stands. It also is a long-lived tree. **Western redcedar** is also associated with spruce and hemlock and establishes by natural seeding from trees near the dune area. Both hemlock and cedar have commercial value.

**Oregon crabapple** is native to the north Pacific coast, where it is common on riverbanks and around the shores of lakes. It is a long-lived tree that reaches a maximum height of 15 to 20 feet. On the dunes it serves two major purposes. It is used for planting around the shores of interdune lakes and for topographical correction. In the latter case it becomes wind formed and may produce a dense mat near the ground. These attributes are ideal for stabilizing gaps in the dunes caused by blowouts. Oregon crabapple makes a well-formed tree when planted in protected places. The fruit is eaten by upland game birds, and the tree is browsed by deer. Seedlings are easy to grow and the transplants establish readily.

**Douglas-fir** occurs on some of the naturally stabilized dune areas of the north Pacific coast. It can be established from plantings with good nursery stock on the more mature and protected sites. It has no particular advantages over the other species in this use group, but it can be used on good sites where timber production is one of the objectives for the use of the area. Douglas-fir is damaged rather than "formed" by strong winds on exposed sites.

### Shrubs for Auxiliary Stabilization

Shrubs for permanent stabilization of coastal dune areas supplement the trees. They are especially important when the areas are used primarily for recreation. Shrubs protect the soil surface by restricting traffic to prescribed areas, and many of them reduce the fire hazard. In addition, they provide food and cover for wildlife and produce edible fruit for human use. More than 150 accessions, representing 50 species, were tested on the dunes of the north Pacific coast. The successful ones were divided into three major groups.

#### *Understory shrubs*

Shrubs in this group must be shade tolerant, evergreen, long lived, and rather fire resistant. Two species were found to be well adapted, and both are native to the area.

**Evergreen huckleberry** occurs naturally as an understory on stabilized dunes on the coast (fig. 14). It is easily established with nursery-grown stock and attains a height of 4 to 5 feet in about 5 years. Well-drained sites are required for good establishment and optimum growth. This shrub produces good crops of edible berries that are used both for human consumption and as food for wildlife.

**Waxmyrtle** can be used on sites that are intermittently wet or have a high water table. It is best adapted to the southern half of the north Pacific coast. It does not produce edible fruit.

#### *Ground-cover shrubs*

Shrub species in this group are decumbent, creeping, or low and dense. They are long lived and fire resistant. Many species were tested, and three are unusually well adapted to dune-control work. All of them are native.



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Figure 14.—Evergreen huckleberry is well adapted as an understory shrub in tree cover on stabilized dunes; and salal makes a dense ground cover under climax trees on coastal dune areas. Florist greenery and fruit are by-products.

**Salal** is a decumbent evergreen shrub that roots at the nodes, spreads rapidly, and forms a dense mat on the surface of the soil (fig. 14). It is widely distributed along the coast and grows in dense shade and partial sun. Salal grows best on well-drained sites but can be used where the soil is wet but not ponded. Seedlings are easy to grow from seed, and they transplant readily. Aside from making an ideal ground cover under climax trees, salal has utilitarian values. The fruit can be used for jelly and as food for game birds, and the foliage is valued for florist greenery.

**Bearberry** is a creeping evergreen shrub that roots at the nodes and makes a good ground cover in partial shade, especially at the edges of open areas in tree plantings (fig. 15). It requires well-drained sites but, once established, spreads rapidly. Planting stock can be grown from seed but is easily obtained from cuttings. The fruit of bearberry provides food for wildlife.

**Hardhack** makes a low, dense thicket on the poorly drained swampy areas on class V land within the dune area. It is a long-lived deciduous shrub, is very resistant to fire, and produces enough sprouts to completely cover the area. It will not tolerate shading. Plantings can be made with nursery-grown seedlings, but, as coastal dune areas become stabilized, it quickly volunteers on wet sites if plants are growing near the area.

### Border shrubs

These shrubs are either vines or erect plants that thrive at the edge of openings in the permanent tree cover used to stabilize dune areas.



ORE-75206

Figure 15.—Bearberry provides an excellent ground cover, especially in open areas at the edge of tree plantings.

The openings in the cover may be along highways, roads, and paths, or at the juncture between trees and permanent herbaceous plants. Border shrubs provide food and shelter for wildlife, and the fruits are often harvested for human food.

**Evergreen blackberry** is exceptionally well adapted to the dune areas along the north Pacific coast. It is a vigorous, spiny, decumbent evergreen shrub that produces abundant crops of edible fruit. Because of the growth characteristics and the spines, evergreen blackberry can be used to prevent indiscriminate traffic into areas planted to permanent trees. This plant is easy to establish from seedlings or crown divisions and is long lived.

**Salmonberry and thimbleberry** volunteer and grow naturally as erect border plants on both well-drained and poorly drained sites. They provide food and shelter for upland game birds and are lightly browsed by deer. **Twinberry honeysuckle** is similar to these two shrubs in adaptation, establishment, and use.

### *Other Trees and Shrubs Tested*

Many species of trees and shrubs are listed in the literature on dune stabilization, some highly recommended. Most of the species thought to be adapted to the temperate zone under maritime climatic conditions have been thoroughly tested on the dunes of the north Pacific coast. A few unsuccessful species that have been widely used elsewhere are listed here.

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**Species Tested**

listed in the literature on dunes. Most of the species tested under maritime climatic conditions on the dunes of the north that have been widely

**Monterey pine** gave high survival and grew more rapidly than other conifers until a sudden freeze in November of the eleventh growing season killed all but three out of a 1,000-tree plantation (fig. 16). The minimum temperature was 11° F.

**Scotch pine** was adapted and had a good rate of growth but the growth form was very unsatisfactory. Branches and needles were sparse and growth was deformed even when the plantings were on protected sites. Until a strain is obtained that grows rapidly and is uniformly well branched and needled, the species cannot be recommended.

**Austrian pine** was adapted and the trees were well branched, with a desirable growth form. However, the rate of growth during the first 5 or 6 years was especially slow.

**Cluster pine** had a low percentage of survival. Of the many strains tested all exhibited low survival even with good culture. The reason for low survival was attributed to the lack of a good root system on seedlings grown in nurseries and used as bare-root transplants. The root system was primarily a long taproot with few branches. Potted stock may have given better results but was deemed too expensive. The poor root system was more pronounced in cluster pine than in other pines. Low survival is undesirable in dune-control work where conditions of environment are rigorous.

**Red and Pitch pine** have been used in other parts of the United States for dune stabilization. Extensive trials on the coastal dunes had good survival but the rate of growth was exceptionally slow.

**Black locust** was not adapted to the climatic conditions of the north Pacific coast. Though survival was high, growth was slow and root sprouts formed a dense thicket. After 20 years' growth it did not exceed 10 to 15 feet even when grown in the lee of taller trees (fig. 17).



ORE-75212

Figure 16.—Monterey pine 11 years old completely killed by November 1955 freeze.



ORE-75216

Figure 17.—Survival of black locust was high, but growth has not exceeded 15 feet in 20 years.

**Beach plum** was not adapted to conditions on the north Pacific coast. It became established but grew slowly in the cool climate and was susceptible to blossom blight and other diseases.

**Sand cherry** is used on inland dunes but was not adapted to the low summer temperatures and cool wet winters of the Pacific coast. It was also susceptible to diseases.

**Wild rose** grew slowly and produced only an ineffective open growth. A few scattered plants of native rose occasionally volunteer in protected areas on the dunes.

**Tamarisk** in many places provides permanent stabilization on dune areas, but it grew slowly in summer and new wood was lost in the cool wet winters on the north Pacific coast.

**Rhododendron and azalea** are native to dune areas along the Pacific coast, but, when planted along with trees to provide permanent stabilization near recreational areas, they are quickly appropriated by vacationers. Plantings are therefore not successful or permanent.

### *Culture and Management of Woody Plantings*

For dune-control work, trees and shrubs must be carefully planted. Kind and quality of nursery stock, spacing, and date of planting are the important considerations.

Seedlings of Scotch broom and shore pine are easily grown in nurseries. The broom is ready for planting as 1-0 stock and the pine as 2-0 stock. Grades for planting stock are given by McLaughlin and Brown (1942). Plantings made from wildlings have never been successful. The broom is planted into the cover of sand-stilling grasses as soon as this cover has become fully effective. The best

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e fully effective. The best

spacing for broom has been 8 x 8 feet. The shore pine can be planted at the same time and at the same spacing, alternating with the broom. A better practice has been to plant the pine after the broom is 1 to 2 years old, especially on critical blow areas such as those where topographical correction is the objective.

Plantings of shrubs for understory and borders in or near stands of intermediate or climax species should be spaced no wider than 6 x 6 feet to get an effective ground cover. In most cases, 1-0 nursery stock of shrubs is satisfactory, but cut-2 stock is best for huckleberry, salal, and bearberry.

Climax species of trees are usually not planted because they volunteer readily in intermediate tree and shrub plantings.

The optimum time for planting shrub and tree stock on the dunes of the north Pacific coast has been from mid-November through January. At this time the stock is quite dormant, precipitation keeps the soil moist, and evaporation rates are low. Many trials showed that plantings made before or after this period resulted in low survival. Survival during this period was uniformly higher than 90 percent.

Protection is essential to the success of most tree and shrub plantings used for the stabilization of coastal dunes. This is especially important when the use of the area is recreation. Fire, rodents, and man are the principal hazards. Fire lanes in the tree plantations and provisions for fire prevention and control are essential. In dune areas the fire lanes must have a fire-resistant vegetative cover such as Scotch broom or Clatsop red fescue. Rodents such as mice, mountain beaver, and rabbits can easily damage young plantings. They are best controlled by poisoning. Vacationers and others frequenting the recreational area must be prevented from digging plants, from creating fire hazards, and from indiscriminate tramping and trailing.

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**COMMON AND SCIENTIFIC NAMES OF  
PLANTS MENTIONED**

alder, red	<i>Alnus rubra</i> Bong.
bearberry	<i>Arctostaphylos uva-ursi</i> (L.) Spreng.
blackberry, evergreen	<i>Rubus laciniatus</i> Willd.
broom, Scotch	<i>Cytisus scoparius</i> (L.) Link.
brush, coyote	<i>Baccharis pilularis</i> DC
cherry, sand	<i>Prunus pumila</i> L.
crabapple, Oregon	<i>Malus fusca</i> (Raf.) Schn.
douglas-fir	<i>Pseudotsuga menziesii</i> (Mirb.) Franco.
gorse	<i>Ulex europaeus</i> L.
hardhack	<i>Spiraea douglasii</i> Hook.
hemlock, western	<i>Tsuga heterophylla</i> (Raf.) Sarg.
honeysuckle, twin- berry.	<i>Lonicera involucrata</i> (Richards) Banks.
huckleberry ever- green.	<i>Vaccinium ovatum</i> Pursh.
locust, black	<i>Robinia pseudoacacia</i> L.
lupine, tree	<i>Lupinus arboreus</i> Sims.
pine, Austrian	<i>Pinus nigra</i> Arnold.
pine, cluster	<i>Pinus pinaster</i> Ait.
pine, Monterey	<i>Pinus radiata</i> Don.
pine, pitch	<i>Pinus rigida</i> Mill.
pine, red	<i>Pinus resinosa</i> Ait.
pine, Scotch	<i>Pinus sylvestris</i> L.
pine, shore	<i>Pinus contorta</i> Loud.
plum, beach	<i>Prunus maritima</i> Wang.
redcedar, western	<i>Thuja plicata</i> Donn.
rose, wild	<i>Rosa nutkana</i> Presl.
salal	<i>Gaultheria shallon</i> Pursh.
salmonberry	<i>Rubus spectabilis</i> Pursh.
spruce, Sitka	<i>Picea sitchensis</i> (Bong.) Carr.
tamarisk	<i>Tamarix gallica</i> L.
thimbleberry, western	<i>Rubus parviflorus</i> Nutt.
waxmyrtle, Pacific	<i>Myrica californica</i> Cham.
willow, Hooker	<i>Salix hookeriana</i> Barr.

HOUSE AMENDMENTS TO HOUSE BILL 1045

March 19, 1969

On page 3, delete lines 4 through 26 and insert the following:  
"390.610. (1) The Legislative Assembly hereby declares it is the public policy of the State of Oregon to forever preserve and maintain the sovereignty of the state heretofore existing over the ocean shore and so much of the ocean beaches not included in the ocean shore where the public use thereof has been legally sufficient to create easements in the public as described in subsection (2) hereof, from the Columbia River on the North to the Oregon-California line on the South so that the public may have the free and uninterrupted use thereof.

(2) The Legislative Assembly recognizes that over the years the public has made frequent, continuous, and uninterrupted use of certain of the ocean beaches not included in the ocean shore and lands abutting, adjacent, and contiguous to the ocean beaches and recognizes, further, that where such use has been legally sufficient to create rights and easements in the public through dedication, prescription, use, grant, or otherwise, that it is in the public interest to protect and preserve such easements as a permanent part of Oregon's recreational resources.

(3) Accordingly, the Legislative Assembly hereby declares that all such public rights and easements so acquired in those lands described in subsection(2) of this section are confirmed and declared vested exclusively in the State of Oregon and shall be held and administered as state recreation areas in the same manner as those lands described in ORS 390.720. To the full extent that the public may be legally entitled to such rights or easements, through dedication, prescription, use, grant, or otherwise, the State Highway Commission shall take whatever action may be necessary including appropriate court proceedings to acquire, preserve, protect, and vest the same in the State of Oregon."

On Page 3, line 31, delete "the".

On page 3, delete lines 32, 33, and 34.

On Page 4, line 10, after "ship" add the following: "However, when acquiring ownership of or interests in lands abutting, adjacent or contiguous to the ocean beaches for such recreation areas or access where such lands are held in private ownership, the commission shall consider the following:

(1) The availability of other public lands in the immediate vicinity for such recreational use, and if such lands are not owned by the state, the plans of the public owner with respect to the future development and use of such land and the feasibility of acquiring such land from said public owner, if the intended future development and use is not compatible with that of the commission.

(2) The land uses, including public recreational use, if any, and the improvements in the area, the trends in land uses and improvements, the density of development and the property values in the area.

(3) The need for additional recreation areas in the future development of the area, and presently existing public recreation areas and accesses in the immediate vicinity.

(4) Any local zoning or use restrictions affecting the area in question.

On Page 92, line 32, insert the following:

" (6) The engineer may, upon application therefor, either written or oral, grant a permit, in the case of an emergency for a new improvement, dike, revetment, or for the repair, replacement or restoration of an existing, or authorized improvement where property or property boundaries are in imminent peril of being destroyed or damaged by action of the Pacific Ocean or the waters of any bay or river of this state. Said permit may be granted by the engineer without regard to the provisions of subsections (1), (2), (3), (4), and (5) of this section."

On Page 94, line 27, delete "authorized" and insert "directed".

On Page 96, line 10, insert the following:

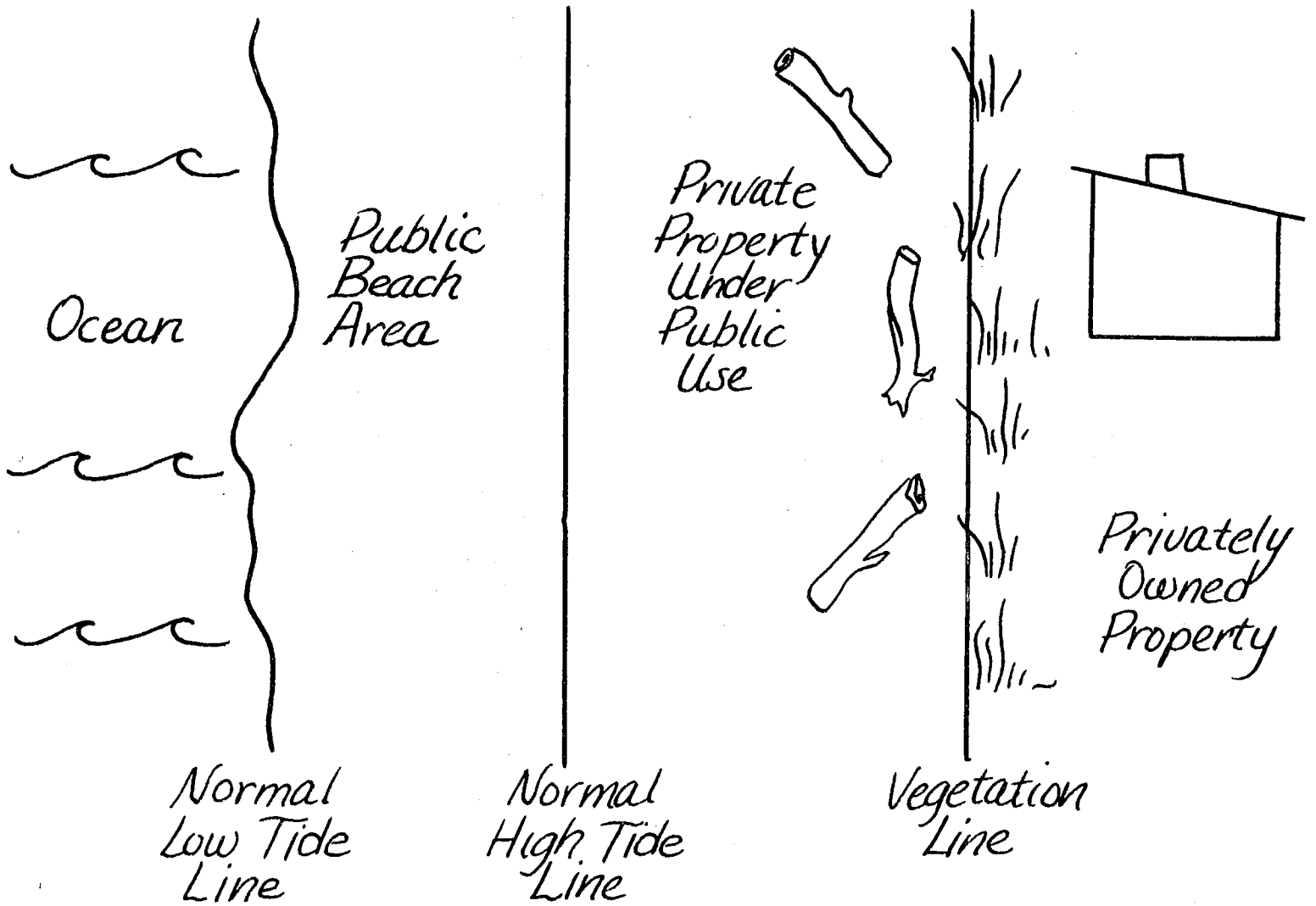
" (4) In establishing such a zone great weight shall be given to the recommendations, if any, of the governing bodies of any county or counties in which the zone is located and contiguous cities."

On Page 97, line 11, insert the following:

" (5) Whenever the granting of any easement or license under this section will affect lands owned privately, the commission shall withhold the granting of such easement or license until such time as the grantee shall have obtained an easement or license from the private owner, which easement or license must be satisfactory to the commission, except as to the compensation therefor."

Submitted by  
Gordon Macpherson  
Lincoln County

# NORTH-SOUTH VIEW



# Committee Expected to Decide Soon on Beach Boundary Line Issue

Pleas for establishment of the natural vegetation line as the boundary between public and private ownership on the Oregon beaches were heard Monday by the House Judiciary

Committee of the Oregon Legislature, and it looks as if Wednesday will be the committee's decision day on the controversial measure. State Treasurer Robert W.

Straub repeated his appeal for the vegetation line, rather than a list of surveyors' coordinates, as the division between public and private beach lands. He said coordinates in

the "beach bill" leave large segments of long-used beach lands in private ownership. Straub and Rep. Gordon MacPherson, R-Waldport, engaged in a long colloquy on the

proper line to determine public beach rights. MacPherson claims the vegetation line is too hard to determine, and will undermine private property rights on the Coast.

Straub said that even if the coordinate line were made equal to the vegetation line, he would prefer the lines not be established by coordinates. This would be too rigid a line, he said, and would not recognize shifts in the beach from tidal actions.

Mrs. Betty Marshall, a Portland woman who also owns beach property, said she would also prefer the vegetation line, even though it might mean a loss of some beach frontage for her property.

She and Rep. Norman Howard, D-Portland, also said they are fearful the beach measure before the Legislature doesn't adequately protect public access around bays and estuaries.

Judiciary Chairman Don Wilson, R-Eugene, said the committee will consider a number of alternatives to the beach zoning plan at a session Wednesday. It is expected that the bill will emerge from committee at that meeting.

## Flaws Seen in 'Penalty Tax' on Race Bias

By RON ABELL  
Associated Press Writer

Fraternal organizations which practice racial discrimination would have to pay 100 per cent of the property tax under a bill passed 43-11 Monday by the House.

The bill goes to the Senate.

The House voted last week to make churches, lodges and charitable organizations pay 25 per cent of the normal property tax. They now are exempt.

Monday's vote came after the House rejected a move by Rep. Carrol Howe, R-Klamath Falls, to send the bill to the Agriculture Committee.

Howe objected that tax measures shouldn't be used to bring about social reform.

"If this passes," he said, "maybe I can tax my way into the Sons of Italy or the Klamath Indian tribe."

Rep. Sam Johnson, R-Redmond, objected that the bill would take effect Jan. 1, 1971. He said Oregon lodges would need more time to urge their national organizations to remove their restrictions.

The penalty would apply to any lodge that limits its membership by reason of race, color, national origin or ethnic considerations.

The House rejected 30-27 a move to reconsider the bottle bill.

That bill, which the House sent back to committee Friday by a 33-27 vote, would require 5-cent deposit on each beer and pop bottle and can.

It is an anti-litter device. Rep. Roger Martin, R-Lake Oswego, chairman of the House State and Federal Affairs committee, promised his committee would bring back a bill to solve the litter problem caused by cans and bottles.

By a 45-11 vote, the House defeated a bill to permit coin-operated self-service gasoline stations.

Oregon is the only western state that doesn't allow them. Rep. Phil Lang, D-Portland, was the only speaker on the bill. He said it would reduce the price of gasoline.

On passage SB 73, single-member legislative districts (defeated 14-16). Yes: Elfstrom, Hoyt, Ireland; No: Bateson, Huston.

On passage HB 1300, repealing property tax exemption for fraternal orders that discriminate (passed 43-11). Yes: Anunsen, Carson, Crothers, Day, Galls, Meeker, Wilson; No: Tering, Gwinn, Rose.

On reconsideration



Rep. CARROL HOWE  
Italian or Klamath?

## How Valley Solons Voted

Here's how mid-Willamette Valley legislators voted Monday on measures in the Oregon Legislature.

On passage SB 73, single-member legislative districts (defeated 14-16). Yes: Elfstrom, Hoyt, Ireland; No: Bateson, Huston.

On passage HB 1300, repealing property tax exemption for fraternal orders that discriminate (passed 43-11). Yes: Anunsen, Carson, Crothers, Day, Galls, Meeker, Wilson; No: Tering, Gwinn, Rose.

On reconsideration

## Legislative Calendar

### Senate Committee Hearings Today

**AIR & WATER QUALITY CONTROL** — 9 a.m. — Room 6 — SB 153 — Requires Sanitary Authority to consult with Forestry and Agriculture Departments in setting burning regulations; HB 1228 — Relating to air pollution control.

**HEALTH & WELFARE** — 9 a.m. — Room 309 — SB 240 — Lab licensing; SB 264 and HB 1267 — Barber bills.

**HIGHWAYS** — 3 p.m. — Room 309 — SB 464 — Driving while under influence of dangerous drug; SB 511 — Relating to mobile home dealer licensing; SB 521 — Relating to materials used in highway construction.

**LOCAL GOVERNMENT** — 8:30 a.m. — Room 300 — SB 524 — SB 180 — HB 1661.

**STATE & FEDERAL AFFAIRS** — 2:30 p.m. — Room 319 — SB 238 — Relating to motor carriers.

**TAXATION** — 1:30 p.m. — Room 315 — SB 508 — Retirement homes.

### House Committee Hearings Today

**HIGHWAYS** — 1:15 p.m. — Room 105 — HB 1196 — Requires wrecker hired to move vehicles involved in accidents involving damage to public property or along highway to take reasonable steps to report accident to proper authority; HB 1751 — Relating to snowmobiles; HB 1843 — Amends provisions on trailer park facilities regarding toilet facilities.

**PUBLIC HEALTH** — 1 p.m. — HB 1807 — Employment; HB 1835 — Compensations; HB 1682 — Ad-

## At the Legislature Newbry Gives Plan On Education Board

By FLOYD McKAY  
Statesman Capitol Reporter

An alternative to "Superboard" was presented Monday to the Legislature's joint Ways & Means Committee, by its Senate co-chairman.

Sen. Lynn Newbry, R-Ashland, suggested that instead of a single board of education for Oregon, the existing Educational Coordinating Council be given a large, independent staff and membership consisting only of laymen.

### Challenged

The House co-chairman of Ways & Means, Rep. Stafford Hansell, R-Hermiston, favors the single board approach to governing public education in Oregon. When Newbry opposed Hansell's plan recently, Hansell challenged him to come up with an alternative.

The Newbry alternative includes three major

finned by the Legislature, so the public will know the public policy goals in this important field.

2. Statutory outlines of the duties of the Chancellor of Higher Education, clearly setting forth the duties of this chief officer of higher education.

3. Restructuring the Educational Coordinating Council, to include seven lay members, and four professional educators as advisory members without a vote. The present ECC has no definite number of members — the governor sets the number as he wishes — and it includes both professional educators and laymen.

Newbry sees the new ECC as studying such things as teacher pay, teacher-student ratios, and other areas where it might advise the Board of Education and Board of Higher Education. These boards now must rely on information

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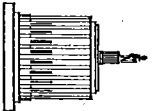
## DO YOU HAVE A QUESTION ?

### FRIENDS ASK US:

(Q) I would like to have your Funeral Home take care of my funeral, but I don't want to pay anything now and I don't want to make any funeral arrangements. What should I do?

### OUR ANSWER:

(A) It is only necessary that your request be in writing. The form below will serve the purpose. keep with your personal eff.



## Salem Pair Is Honored By Jaycees

Salem Jaycees have named Elliot Cummins and William C. McKinney as "Key Men" of the local chapter.

They were cited Saturday night at an annual banquet in Randall's restaurant at which officers also were installed.

McKinney, 1195 Madrona Ave. S., an attorney, was honored for work on projects such as the sports show and survey of Salem schools.

Cummins, 4874 Fir Dell Drive SE, a new director, was cited for being editor of the "Impeller," the club's publication.

Installed were William Ellering, president, succeeding Mike Cremerie; Len Hays, and Richard Seideman, vice-presidents.

## Beach Bill Measurement Plan Change

A subcommittee working on amendments to the beach bill will recommend using the natural vegetation line to define the ocean shore, United Press International learned today.

The judiciary subcommittee also has included beach and recreation land around bays and estuaries in the amended language, and provided for easements across private land to beaches.

Informed sources said today would mean a "substantial increase in land acquisition" at the present 16-foot elevation line defined in the 1967 legislation.

The sources said that in most cases, the 16-foot marker would hug the natural vegetation line but where it falls seaward the Highway Department has been instructed to move it inland.

The new language will define ocean shore as "from extreme low tide to the line of natural vegetation."

The Highway Department is currently working out changes in coordinates mapped during the interim to conform with the language. It probably will get them to the Judiciary Committee by Wednesday.

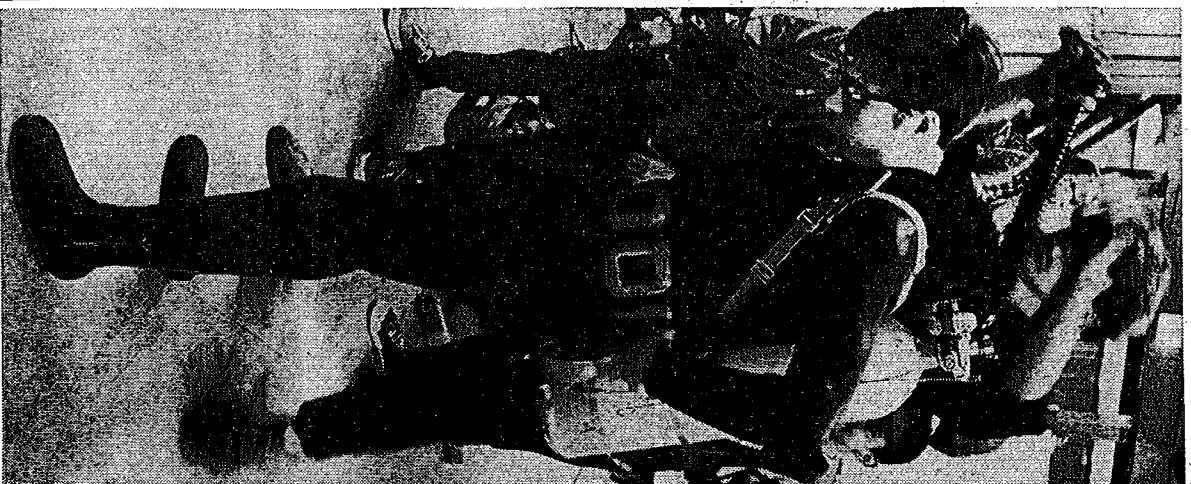
If so, it could mean that the committee will act on the controversial bill that day.

## Youth Freed

A Eugene youth has been released on a drug charge after the prosecution was not ready to present its case at a preliminary hearing. The charge of unlawful possession of marijuana against Jan Donnell Bingham, 18, was dismissed Friday in Marion County District Court. Bingham was arrested by state police while he was hitch-hiking on Interstate 5 south of Salem. Officers said they found marijuana in his possession.

## Fire Log

TODAY



## Dressed for the Occasion

Jerry Walton of Explorer Scout Post 336 gets help putting on his wet suit before diving into a tank to demonstrate his talents. Walton was among the boys participating in a Cascade Area Boy Scout Council Camporee Saturday at the State Fairgrounds. (Capital Journal Photo)

## Local Paragraphs

**CIRCUIT JUDGE DOUGLAS HAY** will speak at the meeting of the Salem Rotary Club at noon Wednesday in the Marion Motor Hotel.

**RED CROSS** services will be discussed by **WOODROW F. Woods**, manager of Willamette Chapter, American National Red Cross, and **Dan Ritter**, lodge chairman, at the meeting of the Salem Kiwanis Club at noon Tuesday in the Marion Motor Hotel.

**A MEETING** date has been changed for planning a Salem Christmas variety show. It will be at 7:30 p.m. April 21 instead of tonight and will be in the office of Credit Bureau Inc., 240 Cottage St. SE. Various interested organizations are to be represented.

**DR. JOHN ROSS**, Salem, has been elected as regional vice-president of the University of Oregon Medical School Alumni

## Judge Lifts Picket Limit

A temporary restraining order limiting the number of picketers and other strike activity at Salem's Boise Cascade pulp mill will be lifted Tuesday.

Marion County Circuit Judge Val D. Sloper made the decision today to discontinue the or-

der after both labor and management officials agreed to undisclosed strike terms.

Sloper issued the temporary order last Thursday afternoon. Boise Cascade officials sought the injunction after pickets interferred with the movement of traffic to and from the plant.

Members of Local 467 of the Association of Western Pulp and Paper Workers have been picketing the mill since negotiations over a wage increase dispute failed April 5 in Portland.

Salem police were called to the area Wednesday to keep pickets from halting the traffic flow. Four farmers have been made threefold of them of pickets, in comment with the dispute. Police officers were recalled from the area Friday after conditions reportedly improved.

## Moore Asks \$1-Million SFD Levy

A \$1-million program to improve Salem's fire department was proposed today by City Manager Robert S. Moore.

Moore recommended an annual tax levy of \$100,000 for 10 years to buy new fire equipment, fire stations and install an alarm box system in the high-value areas of the city.

This program, he said, would assure the city of moving from a Class 4 to a Class 3 fire insurance rating within two years. "I am certain of this," Moore said.

The change in rating would save residents of the city an estimated \$250,000 a year in fire insurance premiums.

The special levy would require taxes of 20 cents for each \$1,000 of the cash value of property.

In addition, Moore said the city will need a one-year property tax levy of \$623,000 to finance municipal government operations in the fiscal year starting July 1.

The operating levy, plus the fire levy, would require an additional \$1.45 per \$1,000 of the value of property in the next tax year.

The city budget now is \$665,000 out of balance. Because of discounts and uncollectible taxes, a total levy of \$733,000, including the fire levy for the first year, would be necessary, Moore said.

The council will act on the recommendation tonight.

**THOR LODGE** of Sons of Norway will host their Supreme Chapter, American National Lodge president, Hilman E. Korfle of Walnut Creek, Calif., at noon Thursday. It will be a potluck dinner in the Robert Hancock residence, 749 Liberty St. SE.

**NORTHEAST SALEM** Lions Club members will elect officers at their meeting at noon Tuesday in the Keg and Platter restaurant.

**SERRA HIGH SCHOOL** Parents Club will meet at the school Tuesday at 8 p.m. Dr. Charles Schmidt, superintendent of Salem schools will speak.

## Salem Sewer

A \$6.5-million expansion of Salem's Willow Lake sewage treatment plant was proposed today that got to the City Council.

Utilities Director John Geren said the recommendation of the Corvallis engineering firm of Cornell, Howard, Hayes and Merrillfield would require a 50 per cent boost in sewer user charges. That would mean that the cost to a residential user inside the city would be increased from \$2 to \$3 a month.

Geren said he thinks the city can get 50 per cent of the money needed for the expansion from the federal government, 20 per cent from the state and the stollen remaining \$1.6 million from a Utility bond issue. The bond issue would be repaid from the increased service charge.

He said the expansion would increase the capacity of the school plant and also add third stage streets

## Coast Wreck Hurts Three

**LINCOLN BRANCH** — Three persons received minor injuries in a two-car accident on U.S. 101 at Lincoln Beach at 2:20 p.m. Sunday.

Don Merritt Reynolds, 27, Salem, was driver of one car. His wife, Melaine Reynolds, 19, received head injuries.

The second car was operated by Gale Evans, 65, Logsdon, who received nose and forehead cuts. A passenger in his car, Juanita Lucy Evertly, 21, South 3165 River Road N. They suspect arson was involved in the fire in a woodpile stacked against the building.

A police officers spotted the fire alongside the building today at 5:18 a.m. while on a routine patrol in the area. The fire was quickly extinguished.

Investigating officers found an empty one-gallon can near the fire. The can was marked with a label indicating it had contained a flammable liquid.

## Pizza Parlor Arson Hinted

Salem firemen and police are investigating an early morning fire at Shakey's Pizza Parlor, 3165 River Road N. They suspect arson was involved in the fire in a woodpile stacked against the building.

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