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CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILING CAPTION: Nehalem River Scenic Waterway Management Rules

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ADOPT: 736-040-0120

RULE TITLE: Nehalem River Scenic Waterway Management Rules

NOTICE FILED DATE: 09/26/2019

RULE SUMMARY: adds Nehalem Scenic Waterway rules.

RULE TEXT:

(1) Scenic River Area:

(a) That segment of the Nehalem River from the Henry Rierson Spruce Run Campground to the confluence with Cook Creek is classified as a Scenic River Area.

(b) The department shall administer this Scenic River Area as provided in OAR 736-040-0035 and 736-040-0040(1)(b)(B). In addition, all new improvement shall be consistent with applicable Federal and State law, and Tillamook and Clatsop County land use and development regulations.

(c) New improvements shall be finished in colors and tones that blend with the natural character of the landscape. For the purposes of this rule, landscape includes native vegetation, soils and rock material.

(d) Native evergreen vegetation shall be maintained between the improvements and the river. If proposed improvements are visible from the river, the department may allow the project to proceed if vegetation is established by the applicant that will substantially screen the project in a reasonable time (for example, 4–5 years). Revegetation shall be initiated within one year of a project's completion. The condition of "substantial vegetative screening" shall consist of an ample density and mixture of compatible native vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements as seen from the river year-round. Improvements necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but shall be designed to blend with the natural character of the landscape as much as possible.

(e) New roads, trails, driveways and similar linear forms of development shall be permitted when substantially screened from view of the river by topography, vegetation, or both. Any existing roads should not be extended or realigned unless substantially screened by topography or vegetation. Revegetation shall be initiated within one year of a project's completion. The condition of "substantial vegetative screening" is described in 736-040-0120 (1)(d).

(f) Any erosion control projects intended to protect structures such as roads, homes, or other existing structures, shall be designed to blend into the existing landscape. Natural products such as vegetation and rock shall be used.

(g) The Oregon Department of Fish and Wildlife will review applicable activities and provide the department with any additional considerations necessary to protect fish and wildlife resources in a manner consistent with the scenic waterway classification. The department will consult additional agencies and partners as subject matter experts when applicaple including for mangement of water and soil quality.
(h) Timber harvest activities, including thinning, or other vegetation management may be allowed provided that:
(A) The provisions of the Oregon Forest Practices Act are followed on all private forest land. The provisions of the State Forest Management Plan are followed on all state forest land.
(B) Any harvest or vegetation management within protected riparian buffers as described in the Oregon Forest Practices Act or State Forest Management Plan shall be designed to enhance the scenic view. “Enhance” means to benefit forest ecosystem function and vegetative health, and can for example include, but is not limited to, optimizing forest stand densities and vegetative composition, fostering forest landscape diversity, and promoting sustainable forest values.

STATUTORY/OTHER AUTHORITY: 390.124

STATUTES/OTHER IMPLEMENTED: 390.805-390.925