

Agenda Item No.:	E
Work Plan:	State Forests
Topic:	Nehalem River Scenic Waterway
Presentation Title:	Nehalem River Scenic Waterway Designation and Rulemaking Process
Date of Presentation:	September 4, 2019
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SUMMARY

This is an information item to provide background on an upcoming rulemaking process for the recently designated Nehalem River State Scenic Waterway.

CONTEXT

The Nehalem River was designated as a Scenic Waterway by Governor Brown in June, 2019. As such, general rules that apply to all Scenic Waterways now apply to this stretch of the Nehalem River. Those general rules require written notification to the Oregon Parks and Recreation Department (OPRD) for a variety of development impacts or land uses such as road building, minerals and aggregate extraction, timber harvesting, or other similar projects. Additionally, OPRD is required to adopt specific rules in accordance with Oregon Revised Statute (ORS) chapter 183. Such rules shall reflect management principles, standards and plans applicable to scenic waterways, their shore lines and related adjacent land and, if necessary, establish varying intensities of protection or development based on special attributes of each area.

ORS 390.845 requires consultation with the Board of Forestry on rules governing the management of state scenic waterways and related adjacent lands. Approximately 75 percent of the designated scenic waterway is on Board of Forestry lands, with the remainder being industrial forestland and scattered private parcels.

BACKGROUND AND ANALYSIS

Oregon Parks and Recreation Department (OPRD) is responsible for administering the State Scenic Waterways Program, designed to protect the existing scenic, natural and recreation values of the designated Scenic Waterways throughout the state. OPRD is directed by statute (ORS 390.855) to periodically study new waterways for potential inclusion in the program.

OPRD conducted a two-year study of a 17.5 mile stretch of the Nehalem River (Attachment 1) for potential inclusion in Oregon’s Scenic Waterway program. The study process included consulting with and involving key stakeholders and the local community, gathering existing river data, conducting a field evaluation of the segment of river being studied, and drafting a report for public comment. OPRD worked closely with state- and federal- agency staff, tribes, local governments, landowners, natural resource groups, and other stakeholders to evaluate the river for potential inclusion in the State Scenic Waterway system using the statutorily defined criteria. As a part of this study

process, OPRD also developed a draft management plan in cooperation with an advisory committee. This management plan contains guidance on potential draft rule language and other management recommendations.

The complete study report and recommendations were approved by the Oregon Parks and Recreation Commission and concurrence was given by the Water Resources Commission in February 2019. The study segment was designated by Governor Brown in June 2019 through Executive Order 19-05 (Attachment 2).

ALTERNATIVES CONSIDERED

Rulemaking, including consultation with the Board of Forestry, is required by statute now that the scenic waterway has been designated by Governor Brown.

RECOMMENDATION

This is an information item only – consultation on draft rules will occur at a future Board meeting.

NEXT STEPS

- OPRD staff will convene a Rules Advisory Committee (RAC) and hold meeting(s). They will return to present more detailed information to the Board-likely at the November meeting.
- More information, including the study report and draft management plan, is available online on the scenic waterway program website at bit.ly/scenicwaterways.

ATTACHMENTS

1. Map of Nehalem Scenic Waterway Study Segment
2. Executive Order 19-05