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These rules are specific to the Upper Deschutes River Scenic Waterway. Other administrative rules apply to all state scenic waterways. For the complete set of regulations, please go to: <http://egov.oregon.gov/OPRD/RULES/waterways.shtml>

Oregon Administrative Rule (OAR) 736-040-0044

Interim Classification of State Scenic Waterways

Those segments of rivers under the scenic waterways program without a management plan will be assigned an interim river classification until such time a river management plan has been adopted by the State Parks and Recreation Commission with the concurrence of the Water Resources Board. Only one interim river classification will be assigned to each scenic waterway as indicated in the following list:

River -- Classification

(2) Deschutes River:

(a) Upper, that segment from Little Lava Lake to Crane Prairie Reservoir (8 miles) --
Recreational;

OAR 736-040-0040

Classification of Scenic Waterways and Segments Thereof

(1) OAR 736-040-0040 through 736-040-0075 supplement, but in no way alter, other provisions of these rules and regulations. Notification procedures set forth in OAR 736-040-0030, 736-040-0035 and 736-040-0080, relating to Land Management, are applicable to these rules. In order to establish varying intensities of protection or development based on special attributes of each area within the scenic waterways, the following classifications are established:

(c) Recreational River Areas:

(A) Those designated scenic waterways or segments thereof that are readily accessible by road or railroad, that may have some development along their shorelines and related adjacent lands, and that may have undergone some impoundment or diversion in the past;

(B) Recreational River Areas will be administered to allow continuance of compatible existing uses, while allowing a wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its esthetic, fish and wildlife, scientific and recreational values.

Oregon Administrative Rule (OAR) 736-040-0073

Upper Deschutes River Scenic Waterway

(1) Scenic River Areas:

(a) Two river segments are designated as Scenic River Areas:

(A) The segment of the scenic waterway beginning at the Wickiup Dam stream gauge at about river mile 226.4 and extending downstream about 28 miles to the General Patch Bridge (Deschutes County Road -- FAS 793) at about river mile 199 with the exception of the Wickiup (about river mile 226.4 to about river mile 224.5), Pringle Falls (about river mile 217.5 to about river mile 216.5) and General Patch Bridge (about river mile 204 to about river mile 199) River Community Areas as described in paragraphs (2)(a)(A), (B), and (C) of this rule is classified as a Scenic River area;

(B) The segment of the scenic waterway extending from the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 East, of the Willamette Meridian, (Section 20, T 19S, R 11E, W.M.) to the Bend Urban Growth Boundary at River Mile 172 is classified as a Scenic River Area.

(b) Within the Scenic River Areas described in subsection (1)(a), all new structures, improvements and development shall comply with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(b)(B) and be consistent with applicable Deschutes County land use and development regulations;

(c) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and a minimum of 20 feet from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structures, and applicable county setback requirements;

(d) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purposes of this rule, landscape includes indigenous vegetation, soils and rock material. Natural evergreen vegetation shall be maintained between the structures and improvements and the river. The establishment of additional vegetative screening (native vegetation) may be required to further mitigate the visual impact of the structures and improvements as seen from the river;

(e) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County land use and development regulations, and Oregon Department of State Lands regulations;

(f) New commercial public service facilities, including but not limited to resorts, hotels, motels, lodges, recreational vehicle parks, convenience stores and gas stations, shall be obscured from view from the river by topography;

(g) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing facilities will be permitted. New, above ground river crossings for new utility facilities will not be permitted;

(h) New, above ground river crossings shall not be permitted;

(i) Roads, mines and similar forms of development shall be obscured from view from the river by topography;

(j) Improvements needed for public outdoor recreation use or resource protection shall be designed to blend with the natural character of the landscape;

(k) Timber harvest activities, including thinning, shall not be visually evident after completion of the removal of the trees as viewed from the river, from developed recreation sites, or from trails adjacent to the river. Stumps shall be cut low, slash cleaned up promptly, and the remaining trees and brush protected. Reforestation shall occur within one year of the project's completion. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed.

(2) River Community Areas:

(a) Four areas are designated as River Community Areas:

(A) Those related adjacent lands made up of the residential tract of homes, cabins and similar dwellings along the river extending downstream of the Wickiup Dam stream gauge at about river mile 226.4 approximately two miles to about river mile 224.5 is classified as the Wickiup River Community Area;

(B) Those related adjacent lands made up of residential tracts along the river at approximately river mile 217.5 (known as Pringle Falls) within the northeast quarter of Section 23, Township 21 South, Range 9 East, of the Willamette Meridian (NE 1/4 Section 23, T 21S, R 9E, W.M.), extending downstream approximately seven-tenths of a mile (0.7) to approximately river mile 216.8 is classified as the Pringle Falls River Community Area;

(C) Those related adjacent lands within platted residential tracts known as Oregon Water Wonderland Unit 1, River Forest Acres and Deschutes River Homesites, Unit 8 Part 1 and Unit 6 situated along the river extending downstream approximately five miles from about river mile 204 to about river mile 199 or the General Patch Bridge (Deschutes County Road -- FAS 793) is classified as the General Patch Bridge River Community Area;

(D) Those related adjacent lands within the City of Bend Urban Growth Boundary beginning at about river mile 172 and extending downstream approximately one mile to the Central Oregon

Irrigation diversion at about river mile 171 is classified as the South Bend River Community Area.

(b) Within the River Community Areas described in subsection (2)(a), all new structures, improvements and development shall be in compliance with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations;

(c) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and a minimum of 20 feet from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(d) New structures and improvements shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material;

(e) Natural evergreen vegetation shall be maintained between the structures and improvements and the river. Additional vegetative screening may be required to be established and maintained;

(f) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County and City of Bend land use and development regulations, and Oregon Department of State Lands regulations;

(g) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

(h) New, above ground river crossing will not be permitted;

(i) New commercial public service facilities, including but not limited to resorts, hotels, motels, lodges, recreational vehicle parks, convenience stores and gas stations shall be screened from view from the river by topography and/or evergreen vegetation;

(j) Improvements needed for public outdoor recreation use or resource protection shall be designed to blend with the natural character of the landscape;

(k) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites within scenic waterways, and trails adjacent to the river. Riparian vegetation shall be protected. Stumps shall be kept low, slash cleaned up promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest.

(3) Recreational River Area:

- (a) One river segment shall be designated as a Recreational River Area:
- (b) The segment of the scenic waterway beginning at Harper Bridge (Deschutes County Road -- FAS 900) at approximately river mile 190.6 and extending downstream approximately five miles to the point at which the river intersects the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 East, of the Willamette Meridian, (Section 20, T 19S, R 11E, W.M.), at approximately river mile 184.8 is classified as a Recreational River Area;
- (c) Within these areas, all new structures, improvements and development shall comply with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(c)(B), and be consistent with applicable Deschutes County land use and development regulations;
- (d) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river and set back a minimum of 20 feet from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;
- (e) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material;
- (f) Natural evergreen vegetation shall be maintained between the structures and improvements and the river. The establishment of additional vegetative screening (native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;
- (g) Roads, mines and similar forms of development shall be set back from the river consistent with county zoning and land development requirements and be screened from view from the river by topography, or by existing or established evergreen vegetation;
- (h) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County land use and development regulations and Oregon Department of State Lands regulations;
- (i) New commercial public service facilities, including but not limited to resorts, hotels, motels, lodges, recreational vehicle parks, convenience stores and gas stations shall be screened from view from the river by topography;
- (j) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;
- (k) New, above ground river crossings will not be permitted;

(l) Improvements needed for public outdoor recreation use or resource protection shall be designed to blend with the natural character of the landscape;

(m) Timber harvest activities, including thinning, shall be screened by topography or vegetation when seen from the river, developed recreation sites with the scenic waterway, and trails adjacent to the river. Riparian areas shall be protected. Stumps shall be kept low, slash removed promptly and remaining trees and brush protected from damage during harvest. Reforestation shall occur within one year of completion of harvest. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 2-1988, f. & cert. ef. 3-25-88; PR 15-1992, f. & cert. ef. 11-12-92; PR 8-1994, f. & cert. ef. 7-11-94; PR 10-1996, f. & cert. ef. 10-9-96; Renumbered from 736-040-0079