

Staff Contact: Letha Crawford
1645 N.E. Forbes Road, Suite112
Bend, OR 97701

(541) 388-6073 Phone
(541) 388-6391 Fax
letha.crawford@state.or.us

These rules are specific to the Klamath 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) 736-040-0053

Klamath River Scenic Waterway

Accessible Natural River Area:

(1) That segment of scenic waterway beginning at the J.C. Boyle Dam Powerhouse to the California border (11 miles) is classified as an Accessible Natural River Area.

(2) This Accessible Natural River Area shall be administered consistent with the standards set by Oregon Administrative Rules 736-040-0035 and Oregon Administrative Rules 736-040-0040(1)(e)(B). In addition to these standards, all new development in resource zones (i.e., forest-related dwellings) shall comply with Klamath County land use regulations.

(3) New structures and associated improvements shall be totally screened from view from the river by topography and/or vegetation, except as provided under Oregon Administrative Rules 736-040-0030(5), and except those minimal facilities needed for public outdoor recreation or resource protection. If inadequate topographic or vegetative screening exists on the site, the structure or improvement may be permitted if native vegetation can be established to provide total screening of the proposed structure or improvement within a reasonable time (4-5 years). The condition of "total screening," as used in this rule, shall consist of adequate topography and/or density and mixture of native evergreen and deciduous vegetation to totally (100 percent) obscure the improvement.

(4) Commercial public service facilities, including resorts, motels, lodges, and trailer parks that are visible from the river shall not be permitted.

(5) New mining operations, except recreational placer mining and recreational prospecting, as those terms are defined and used in Oregon Revised Statutes 390.835, and similar improvements, shall be permitted only when they are totally screened from view from the river by topography and/or vegetation. The condition of "total screening," as used in this rule, shall consist of adequate topography and/or density and mixture of native evergreen and deciduous vegetation to totally (100 percent) obscure the new mining operation. If inadequate topographic or vegetative screening exists to totally screen the proposed mining site, the mining operation may be permitted if native vegetation can be established to provide total screening of the proposed mining site within a reasonable time (4-5 years).

(6) New roads may be permitted only when totally screened from view from the river by topography and/or vegetation. The condition of "total screening," as used in this rule, shall consist of adequate topography and/or density and mixture of native evergreen and deciduous vegetation to totally (100 percent) obscure the new road. If inadequate topographic or vegetative screening exists to totally screen the proposed road, the road may be permitted if acceptable topography can be created, or road design techniques used, to totally (100 percent) screen the road at the time of construction or native vegetation can be established to provide total screening of the proposed road within a reasonable time (4-5 years).

(7) Where existing roads are visible from the river, major extensions, realignments, or upgrades to existing roads shall be totally screened from view from the river. The condition of "total screening," as used in this rule, shall consist of adequate topography and/or density and mixture of native evergreen and deciduous vegetation to totally (100 percent) obscure the subject improvement. Necessary minor road improvements shall be substantially screened from view from the river. The condition of "substantial screening," as used in this rule, shall consist of adequate topography and/or density and mixture of native, evergreen and deciduous vegetation to substantially obscure (at least 75 percent) the minor road improvement. If inadequate topography or vegetation exists to substantially screen the road improvement, it may be permitted if acceptable topography can be created, or road design techniques used, to substantially screen the road at the time of construction; or native vegetation can be established to provide substantial screening of the road improvement within a reasonable time (4-5 years). When an existing road is regraded, no side cast into or visible from the river shall be permitted. Excess material shall be hauled to locations out of view from the river and placed in a manner that the excess material will not reach the waters of the scenic waterway due to wind, water or other means of erosion or transport.

(8) Visible tree harvest or other vegetation management may be permitted provided that:

(a) The operation complies with relevant Forest Practices Act rules;

(b) Harvest and management methods with low visual impact are used; and

(c) Harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5-10 years). Within this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

(9) Improvements needed for public recreation use or resource protection may be visible from the river, but shall be primitive in character and designed to blend with the natural character of the landscape.

(10) Proposed utility facilities shall share existing utility corridors, minimize any ground and vegetation disturbance, and employ non-visible alternatives when reasonably possible.

(11) Whenever standards of Oregon Administrative Rules 736-040-0035 and 736-040-0053 section (1), subsections (b) through (j) are more restrictive than Klamath County's land use and development ordinances, scenic waterway regulations shall apply.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.845(2)

Hist.: PRD 9-2002, f. & cert. ef. 10-3-02