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These rules are specific to the Nestucca 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) 736-040-0041

Nestucca River Scenic Waterway

(1) Recreational River Areas:

(a) That segment of the Nestucca River Scenic Waterway extending from the downstream end of the reservoir tailrace below McGuire Dam to its confluence with Ginger Creek (approximately RM 45.5);

(b) The Department will administer the Recreational Area described in subsection (1)(a) consistent with the purposes of OAR 736-040-0040(1)(c)(B). Within this area, the Department may permit mining operations, timber harvesting, other landscape alteration activities, new structures and improvements only when substantially screened from view from the river and from the boundary of Old Meadow Lake Wetland. The boundary of the Old Meadow Lake Wetland extends to the transition area at the edge of the wetland where hydric soils no longer occur. All landscape alteration activities (i.e., timber management) shall be carried out in this river segment in such a manner as to protect hydrological and biological functions of Old Meadow Lake wetlands. Timber harvest shall be conducted as prescribed by the Oregon Forest Practices Act and associated administrative rules. For other landscape alteration proposals, the project applicant shall provide methods by which hydrological and biological functions will be protected. Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene;

(c) For purposes relating to notification of intent within the Nestucca River Scenic Waterway, any maintenance, repair or expansion of McGuire Dam and its appurtenances (including pipes and pumping facilities) is exempt from notification review so long as said activity does not extend westerly of the north/south centerline of Section 15, Township 3 South, Range 6 West, Willamette Meridian, Yamhill County;

(d) That segment of the Nestucca River Scenic Waterway extending from the lower end of the Alder Glen Campground to its confluence with Moon Creek (approximately RM 24.5 in Blaine);

(e) The Department will administer the Recreational Area described in subsection (1)(d) consistent with the purposes of OAR 736-040-0040(1)(c)(B). Within this area, the Department may permit mining operations, timber harvesting and other landscape alteration activities only when substantially screened from view from the river by topography or vegetation. If inadequate

topographic or vegetative screening exists on a site, landscape alterations may be permitted if vegetation is established which will provide substantial screening of the affected area in a reasonable time (for example 4–5 years). The condition of "substantial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure, or allow only a highly filtered view of, the landscape alteration;

(f) New structures and improvements shall be permitted when partially screened from view from the river by topography or vegetation. If inadequate, topography or vegetative screening exist on a site, the structure or improvement may be permitted if vegetation is established to provide partial screening of the proposed structure or improvement in a reasonable time (for example 4–5 years);

(g) The condition of "partial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to partially obscure (at least one-half of the viewed improvement or structure), or allow a moderately filtered view (at least 50 percent filtering) of, the proposed structure or improvement;

(h) Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene.

(2) Scenic River Area:

(a) That segment of the Nestucca River Scenic Waterway extending from the river's confluence with Ginger Creek (approximately RM 45.5) downstream to the lower end of Alder Glen Campground;

(b) The Department will administer the Scenic Area described in subsection (2)(a) consistent with the purposes of OAR 736-040-0040(1)(b)(B). Within this area, the Department may permit new structures and improvements, mining operations and timber harvesting activities only when substantially screened from view from the river by topography or existing vegetation. If proposed structures, improvements, or landscape alterations are not adequately screened by topography or existing vegetation on a site, the Department may permit the project if vegetation is established which will substantially screen the project in a reasonable time (for example, 4–5 years). The condition of "substantial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements. Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but must blend into the natural scene.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PR 3-1992, f. & cert. ef. 7-29-92