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These rules are specific to the Upper Rogue 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) 736-040-0052

Upper Rogue River Scenic Waterway

(1) Accessible Natural River Areas:

(a) That segment of the Upper Rogue River from the northern boundary of Rogue River National Forest with Crater Lake National Park to the Forest Service Road 6530 Bridge. The USFS Road 6530 Bridge is at approximately river mile 206 upstream from Hamaker Meadows.

(b) That segment of the Upper Rogue River on the west bank of the river from Forest Service Road 6510 Bridge (Stella Bridge) at approximately river mile 190 to the Natural Bridge Interpretive Site footbridge at approximately river mile 184.25. Any form of improvement, new development, new structures, change in existing land use and improvements associated with existing structures shall comply with the provisions of OAR 736-040-0035, OAR 736-040-0040(1)(e)(B) and applicable Jackson County land use regulations with regard to those lands within the Upper Rogue Scenic Waterway as described in subsections (1)(a) and (1)(b) of this rule.

(c) That segment of the Upper Rogue River from the Natural Bridge Interpretive Site footbridge at approximately river mile 184.25 to the southern boundary of Rogue River National Forest near the Prospect Ranger Station at approximately river mile 173.

(A) This Accessible Natural River Area shall be administered consistent with standards set by OAR 736-040-0035, OAR 736-040-0040(1)(e)(B) and applicable Jackson County land use regulations.

(B) In addition to the above standards, timber harvesting and thinning, except for those lands in Rogue River National Forest, new mining operations, road construction, and similar improvements shall be permitted only when totally screened from view from the river by topography and/or existing vegetation. If inadequate topographic or native vegetative screening exists on or near the site, timber harvesting, mining, road construction and similar improvements may be permitted if vegetation is established which will totally screen the affected area within 4–5 years. The condition of "total screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure the improvement from the river.

(C) Tree harvesting, thinning and other forest management activities on Rogue River National Forest lands are subject to review by the State Parks and Recreation Department for conformance

with the Rogue River National Forest Land and Resource Management Plan visual quality objectives associated with the area where the activity is proposed.

(D) New structures and associated improvements shall be permitted when totally screened from view from the river by topography or existing vegetation. If inadequate topographic or vegetative screening exist on or near a site of the proposed structure or improvement, it may be permitted if vegetation is established which will totally screen the affected area within a period of 4–5 years. The condition of "total screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure the proposed structure or improvement from the river.

(E) Improvements needed for public recreation use or resource protection may be visible from the river, if designed to blend with the natural character of the landscape.

(F) Wherever the standards of OAR 736-040-0035 and the above rules are more restrictive than the Jackson County land use regulations, the above Oregon Administrative Rules shall apply.

(2) Scenic River Area: That segment of the Upper Rogue River from Forest Service Road 6530 Bridge at approximately river mile 206 to the Forest Service Road 6510 Bridge (Stella Bridge) at approximately river mile 190. Any form of improvement, new development, new structures, change in existing land use and improvements associated with existing structures shall comply with the provisions of OAR 736-040-0035, OAR 736-040-0040(1)(b)(B), and applicable Jackson County land use regulations with regard to those lands within the Upper Rogue Scenic Waterway as described in subsection (2) of this rule.

(3) Recreation River Area: That segment of the Upper Rogue River on the east bank of the river from Forest Service Road 6510 Bridge (Stella Bridge) at approximately river mile 190 to the Natural Bridge Interpretive Site footbridge at approximately river mile 184.25.

(a) This "Recreation River Area" shall be administered consistent with standards set by OAR 736-040-0035, OAR 736-040-0040(1)(c)(B), and applicable Jackson County land use regulations.

(b) In addition to the above standards, timber harvesting and thinning, except for those lands in Rogue River National Forest, new mining operations, road construction, and similar improvements shall be permitted only when totally screened from view from the river by topography and/or existing vegetation. If inadequate topographic or native vegetative screening exists on or near the site, the proposed timber harvesting, mining, road construction and similar improvements may be permitted if vegetation is established which will totally screen the affected area within 4–5 years. The condition of "total screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure the improvement.

(c) Tree harvesting, thinning and other forest management activities on the Rogue River National Forest lands are subject to review by the State Parks and Recreation Department for conformance with the Rogue River National Forest Land and Resource Management Plan visual quality objectives associated with the area where the activity is proposed.

(d) New structures and associated improvements shall be permitted when moderately screened from view from the river by topography and/or existing vegetation. If inadequate topographic or vegetative screening exist on or near the site of the proposed structure or improvement, it may be permitted if vegetation is established to provide moderate screening of the affected area within a period of 4–5 years. The condition of "moderate screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to moderately obscure (at least 50%) the viewed structure or improvement, or allow a moderately filtered (at least 50% filtering) view of the proposed structure or improvement.

(e) Improvements needed for public recreation use or resource protection may be visible from the river if designed to blend with the natural character of the landscape.

(f) Wherever the standards of OAR 736-040-0035 and the above rules are more restrictive than applicable Jackson County land use regulations, the above Oregon Administrative Rules shall apply.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: PRD 8-1998, f. 6-15-98, cert. ef. 6-17-98