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These rules are specific to the Willowa 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)736-040-0048

Wallowa River Scenic Waterway

(1) Minam River Community Area:

(a) That segment of the Willowa River zoned Rural Service by Willowa County at Minam;

(b) This River Community Area shall be administered consistent with the standards set by OAR 736-040-0035 and 736-040-0040(1)(f). In addition to these standards, all new development shall comply with Willowa County land use regulations:

(A) New mining operations and similar improvements shall be permitted only when they are substantially screened from view from the river by topography and/or existing vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of development may be permitted if vegetation is established which would provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to totally obscure the altered improvement site;

(B) If land is to remain in forest use, visible timber harvest may be allowed provided that:

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

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

(iii) The effect of the harvest enhances the scenic view within a reasonable time (5-10 years). For the purposes of this rule, "enhance" means to improve timber stand health, including reducing stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management tree density patterns - Prior to 1920).

(C) New roads constructed for timber harvest, mining or any other purpose shall be partially screened, either with vegetation or topography. If inadequate topography or vegetative screening exists, the road may be permitted if vegetation (preferably native) is established to provide partial screening of the road within a reasonable time (4-5 years). The condition of "partial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to allow a partially filtered view (at least 30 percent filtering) of the road;

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

(E) Whenever the standards of OAR 736-040-0035 and the above rule are more restrictive than the applicable County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

(2) Recreational River Area:

(a) That segment of the Willowa River from the north boundary of the River Community Area to the north boundary of Minam State Park;

(B) This Recreational River Area shall be administered consistent with the standards set by OAR 736-040-0035 and 736-040-0040(1)(c)(B). In addition to these standards, all new development in resource zones (i.e., farm and forest related dwellings) shall comply with Willowa and Union County land use regulations:

(A) New structures and associated improvements (except as provided under OAR 736-040-0030(5)) shall be partially screened with native vegetation and/or existing topography. If inadequate topography or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation (preferably native) is established to provide partial screening of the proposed structure or improvement within a reasonable time (4-5 years);

(B) The condition of "partial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation to partially obscure (at least 30 percent) the viewed improvement or structure, or allow a partially filtered view (at least 30 percent filtering) of the proposed structure or improvement;

(C) New mining operations and similar improvements shall be permitted only when they are substantially screened from view from the river by topography and/or existing vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of development may be permitted if vegetation is established which would provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to totally obscure the altered improvement site;

(D) Visible tree harvest may be allowed provided that:

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

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

(iii) The effect of the harvest enhances the scenic view within a reasonable time (5-10 years). For the purposes of this rule, "enhance" means to improve timber stand health, including reducing stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management tree density patterns - Prior to 1920).

(E) New roads constructed for timber harvest, mining or any other purpose shall be moderately screened with vegetation and/or topography. If inadequate topography or vegetative screening exists, the road may be permitted if vegetation (preferably native) is established to provide moderate screening of the road within a reasonable time, (4-5 years);

(F) The condition of "moderate screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to allow moderately filtered view (at least 50 percent filtering) of the road;

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

(H) Whenever the standards of OAR 736-040-0035 and the above rule are more restrictive than the applicable County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

(3) Accessible Natural River Area:

(a) That segment of the Willamette River from the north boundary of the Recreational River Area to the Willamette's confluence with the Grande Ronde;

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

(A) New structures and associated improvements shall be totally obscured from view from the river by existing vegetation and/or topography except as provided under OAR 736-040-0030(5) and except minimal facilities needed for public outdoor recreation or resource protection;

(B) New mining operations and similar improvements shall be permitted only when they are substantially screened from view from the river by topography and/or existing vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of development may be permitted if vegetation is established which would provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to totally obscure the altered improvement site at all stages of its development;

(C) Visible tree harvest may be allowed provided that:

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

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

(iii) The effect of the harvest enhances the scenic view within a reasonable time (5-10 years). For the purposes of this rule, "enhance" means to improve timber stand health, including reducing

stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management tree density patterns - Prior to 1920).

(D) New roads may be permitted only when fully screened from the river by topography or existing vegetation;

(E) Existing visible roads may be upgraded when those roads are moderately screened or moderate screening is established. No side cast which would be visible from the river is permitted. Excess material shall be hauled to locations out of sight from the river. If inadequate screening exists, upgrading the road may be permitted if native vegetation is established to provide moderate screening of the road within a reasonable time (4-5 years). The condition of "moderate screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to allow a moderately filtered view (at least 50 percent filtering) of the road;

(F) Proposed utility facilities shall share existing utility corridors, and any vegetation disturbance shall be kept to a minimum;

(G) 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;

(H) Whenever the standards of OAR 736-040-0035 and the above rule are more restrictive than the applicable County Land Use and Development Ordinance, the above Administrative Rules shall apply.

(4) Public use of the Wallowa River Scenic Waterway:

(a) Policy: The lower ten miles of the Wallowa River is a state scenic waterway designated under ORS 390.805 to 390.925 and a federal wild and scenic river designated in accordance with section 2(a)(ii) of the Wild and Scenic Rivers Act of 1968. The State of Oregon requested section 2(a)(ii) wild and scenic designation for the lower ten miles of the Wallowa River and is therefore responsible for its administration. The Oregon Parks and Recreation Commission finds that in order to protect and enhance the Wallowa River Scenic Waterway/Wild and Scenic River's unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway and the Secretary of the Interior as a wild and scenic river, it is necessary to adopt rules for public recreation use of the lands and waters within this wild and scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845 and the Wild and Scenic Rivers Act of 1968, persons using the Wallowa River Scenic Waterway/Wild and Scenic River for recreation purposes shall comply with the following rules.

(b) Permits: Every boater or boating group shall obtain, prior to launch, a Wallowa-Grande Ronde River use permit. The permit shall be carried by the boater or group leader while within the river corridor and shall be readily available for inspection upon request by authorized agency and law enforcement personnel. Information requested on the permit shall be completely and accurately filled out and the permit shall be signed by the permit holder prior to launch in order to be valid. Permit holders shall abide by the requirements of the permit and the permit stipulations.

(c) Campfires, Fuel, Firepans:

(A) When not prohibited, fire shall be contained in a fireproof container with sides of a height sufficient to contain all ash and debris;

(B) When fire is prohibited, no open fires, including the use of charcoal, shall be permitted, but commercially manufactured metal camp stoves and lanterns shall be permissible for use when fueled with bottled liquified petroleum gas (e.g., propane) or liquid gas;

(C) No person shall leave a fire unattended;

(D) All fires shall be completely extinguished after use. The extinguished remains, including all ash, wood or charcoal residue, partially consumed briquets, and burned trash shall be taken out of the scenic waterway for disposal in a proper garbage receptacle provided at developed recreation sites or litter collection stations;

(E) Every person or group shall carry and keep reasonably accessible, one bucket of at least one-gallon capacity;

(F) No person shall chop, saw, break or gather wood or other combustible material from any live or standing tree, shrub or other vegetation.

(d) Litter and Personal Sanitation:

(A) Every person or group shall carry out all their refuse, scrap, trash and garbage and place it in proper receptacles provided for such purpose at developed recreation sites or litter collection stations. No such refuse, litter, scrap or garbage shall be buried or abandoned. When no approved receptacle or container is available, the material shall be taken out of the scenic waterway corridor for disposal;

(B) Every person or group shall use developed toilet facilities when provided at public recreation sites. A portable, containerized toilet shall be carried and used at all times when developed toilet facilities are not available. All persons who remain, intend to remain, or display intent to remain overnight in an undeveloped camp site shall set up a portable toilet, ready for use, as soon as practical upon landing at the camping site to be occupied. No person shall leave, deposit, or scatter human waste, toilet paper, or items used as toilet paper, on the ground. Portable toilets shall only be dumped at facilities developed and identified especially for that purpose. For purposes of this paragraph, the following definitions shall apply:

(i) "Remain overnight" means human presence in the Wallowa River Scenic Waterway for any period of time from one hour after legal sunset to one hour before legal sunrise;

(ii) "Display intent to remain overnight" includes, but is not limited to, any off-loading on to the river bank or preparing for use, common overnight camping equipment such as tents, sleeping bags or bedding, food, cooking or dining equipment, or lighting equipment, or to prepare common camping equipment for use in or on any boat;

(iii) "Developed camp site" means a motor vehicle accessible, fee site.

(e) Camping and group size: No person or group shall camp in any area posted as "Closed" to that use; No person or group shall stop on, occupy, or camp on private property posted as such or with "No Trespassing" signs; No group greater than 25 persons, including guides or trip leaders, shall launch, float together, stop or camp together at undeveloped campsites within the river corridor.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.805 - ORS 390.925

Hist.: PR 11-1993, f. & cert. ef. 6-24-93; PRD 8-2002, f. & cert. ef. 8-8-02