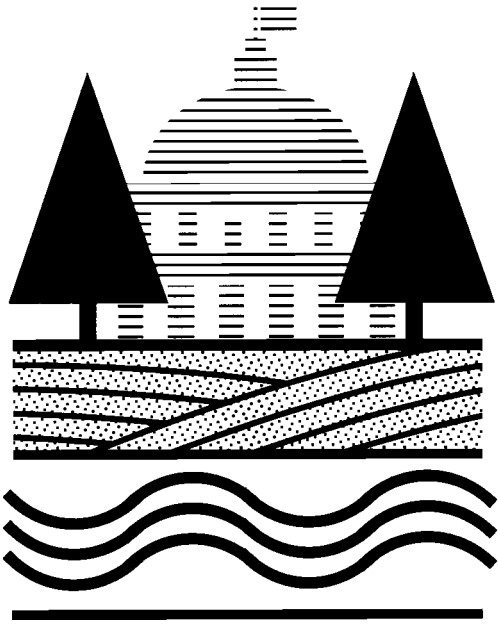


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THE STATE OF OREGON  
**SCENIC**  
**WATERWAYS**  
PROGRAM

EC 1346 / APRIL 1990

OREGON STATE PARKS AND RECREATION DEPARTMENT  
OREGON STATE UNIVERSITY EXTENSION SERVICE

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The State of Oregon scenic  
waterways program

This publication has two parts. Part 1, which begins below, provides brief answers to common questions about the State Scenic Waterways Program. Part 2, which begins on page 6, provides a map and locator description for each designated river segment. For more details, contact the State Parks and Recreation Department (the address is listed on page 5).

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# Part 1. Questions and answers

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## *State Scenic Waterways Act*

### **What is a State Scenic Waterway?**

It is a river, or river segment, that has been designated by the Oregon Legislature, by Governor's Declaration, or by voter referendum as a Scenic Waterway under the provisions of the Oregon Scenic Waterways Act of 1969.

### **What is the purpose of the Scenic Waterways Program?**

To provide a balance with water resource development by protecting the free-flowing character of designated rivers for fish, wildlife, and recreation. The Act does not restrict the use of existing water rights, allow public use of private property, or require removal of existing development or private property uses.

### **What did Ballot Measure 7 in 1988 add to the system?**

This voter initiative ballot measure had two results. It added new segments of four previously designated waterways (Clackamas, Deschutes, John Day, and Rogue). It also added segments of seven rivers that had not been previously designated (parts of Elk, Klamath, McKenzie, Metolius, Nestucca, Umpqua, and Willowa-Grand Ronde). In the locator descriptions (Part 2), all segments included by Ballot Measure 7 are indicated by an asterisk (\*).

### **What are the different types of river classifications under the Act?**

The Act lists six classifications: Natural River Area, Accessible Natural River Area, Scenic River Area, Natural Scenic River Area, Recreational River Area, and River Community Area. Each scenic waterway is designated as one or more of the six classifications.

### **What are the Federal Wild and Scenic Rivers Act and the 1988 Oregon Omnibus Wild and Scenic Rivers Act?**

The Federal Wild and Scenic Rivers Act was passed in 1968 by the U.S. Congress. Rivers designated under this Act are administered by a Federal agency, unless delegated to the State Parks and Recreation Department. The 1988 Omnibus Act added river segments to the 1968 Act. Some river segments are designated under both the Federal Act and the Oregon Scenic Waterways Act.

See the OSU Extension Service publication, *Federally Designated Wild and Scenic Rivers in Oregon* (EC 1347), for details on the national program.

### **How are river segments added under the Oregon Scenic Waterways Program?**

The Legislature may add a river. The people may add a river through the initiative process. The Governor may add a river after study by State Parks and favorable recommendation of the State Parks Commission and the Water Resources Commission.

### **When did the 1988 law take effect?**

December 8, 1988.

## *River management plans*

### **How are river corridor boundaries determined?**

The lateral boundaries are one-quarter mile from ordinary high water on each side of the river, as measured horizontally on a map. The scenic waterway also includes the river.

### **How will management plans be developed?**

The State Parks and Recreation Department will develop the plans aided by interested citizens, local government, and landowners. Public meetings, large and small, are essential to developing a workable plan.

### **When will management plans be completed?**

The goal is to have all plans completed by January 1, 1992.

### **What are the interim rules for development and resource practices?**

The State Scenic Waterways Program has general rules for Scenic Waterway management that will be used until more detailed, specific plans are agreed upon. These rules are generally described in *The Oregon Scenic Waterways Program: A Landowner's Guide*, available from State Parks.

### **How and when will citizens be involved?**

Through meetings, mail, telephone, and face-to-face conversations with the agency staff. Each river plan process will have its own citizen involvement program tailored to its special needs.

### **What is the Citizen Advisory Committee?**

The Governor has had for a number of years a Scenic Waterway Advisory Committee made up of nine citizens from throughout the State. They advise State Parks on scenic waterway issues. Contact State Parks (the address is on page 5) for the membership list or more information.

**Will riparian protection programs be improved or new ones created to protect rivers from increased public use?**

Yes, if this is identified as a need in the management plan for the river.

**Will facilities—such as campsites, restrooms, or access ramps—be provided by Federal or State agencies?**

Yes, if identified as a need in the management plan and funds are available.

**Will camping be restricted within the corridors?**

**How is it to be enforced?**

This depends on whether or not camping is an issue in the management plan. If it is, then a program will be developed and appropriate resources identified to handle enforcement.

**Will designation lead to more river use and the need for a permit system?**

Unknown at this time. It depends on the management plan and what use levels are determined to be the best for the river. Use on a number of designated rivers has not increased.

## *Jurisdiction/administration*

**Is a map available to the public showing linear river segment end points and their termini descriptions?**

Yes. See Part 2 (page 6).

**Who administers the laws?**

The Oregon State Parks and Recreation Department is the lead agency. The Oregon Water Resources Department, the Oregon Division of State Lands, and the Oregon State Marine Board have special responsibilities as well.

**When agency jurisdiction overlaps (BLM, USFS, State Parks and Recreation, etc.), which takes precedence?**

On Federal lands, the Federal agency takes precedence though it must attempt to be compatible with State law. On private lands, within a designated State Scenic Waterway, State law is the most restrictive and therefore takes precedence.

**How will procedures under State/Federal designation be coordinated to avoid two sets of paperwork for a landowner submitting a proposal for change?**

The State and Federal agencies will develop cooperative programs to reduce management duplication on jointly managed rivers.

**Under what circumstances can land be condemned under the State program and purchased in fee simple or restricted by a scenic or recreation access easement?**

The State may condemn land in fee simple (purchase):

1. to back up a project denial,
2. to take title when the land is used in violation of the Scenic Waterway law or rules, or
3. to use for park and recreation purposes.

Under 1 and 2, both the Transportation Commission and the Water Resources Commission must approve. Only the Transportation Commission need approve under 3.

Only two Scenic Waterway condemnations have occurred in 19 years. The State, under the Scenic Waterway Law, may not condemn for a scenic easement.

**What are scenic easements and when can they be used?**

State Parks could purchase a scenic or use easement from the landowner for fair market value. Such a purchase would be entirely voluntary, and a price would be negotiated with the landowner. The easement could, for example, protect a certain visual quality while the landowner continues to own and use the land.

**Will trespass be permitted on private lands?**

No.

**How does easement acquisition affect trespass?**

State Parks does not usually acquire public use or access easements. Scenic easements do not provide for public use or access to private property.

**Will landowners be able to restrict, give permission, and otherwise control who is on the riverbanks?**

On navigable rivers, the bed and banks to the mean high water mark are State lands and are available under State laws for public use. Private landowners control public access to their property along the banks of nonnavigable rivers. The designation of a river into the State Scenic Waterway System has no bearing upon the determination of navigability.

**Can landowners continue to charge for fishing access?**

Yes, on their own lands, except where a public access easement exists. The designation of a river into the State Scenic Waterways does not change landowner rights unless all or a portion of these use rights are acquired from the landowner.

## *Land and water uses/compatibility*

**What restrictions apply to residences? To farm buildings (maintenance, expansion, new construction)? To other buildings (recreation, commercial, industrial)? Will landowners lose any use of development rights to their property?**

Under the Scenic Waterways Act, landowners wishing to develop, mine, build roads, cut timber, etc., must submit a notification to State Parks. The project will then be evaluated as to its effect as seen from the river in accordance with the management plan.

If there is no effect, State Parks advises the landowner, and the landowner is free to proceed. If there is an effect, State Parks and Recreation may make suggestions for change in the project design.

If the suggestions are accepted, the project can proceed. If they are not and the State Parks Commission disapproves the project, State Parks must purchase the property or allow the project to go ahead. All this must happen within one year.

These procedures may be affected by LCDC Goal 5 compliance requirements. Local jurisdictions will need to address uses and activities within Scenic Waterways corridors during their next comprehensive plan update.

**Can cropping patterns be changed (for example, allow for introduction of higher value crops) or rotated? What restrictions, if any, would apply to such changes or rotations?**

Yes, patterns can be changed, in almost all cases, except where a very primitive undeveloped area is proposed for cultivation. In that case, notice must be given, and the work must be evaluated for its impact on the view from the river. The procedures described under the previous question would be followed.

**What practices (such as pesticides, chemical fertilizers, ditch maintenance, brush removal, manure applications, number of cows per acre on dairy farms under SCS waste management plans, etc.) will be affected on lands inside or adjacent to river corridors?**

Scenic Waterway rules currently do not regulate these activities except for the widespread removal of brush. This activity may require notice; see “What restrictions apply to residences?” (page 3).

**What limitations or procedures apply to timber harvesting on private lands in the river corridors, other than those under the Oregon Forest Practices Act?**

Notification is required. Projects must not substantially impair the natural beauty of the Scenic Waterway as seen from the river. Procedures described under “What restrictions apply to residences?” (page 3) would apply.

**What effect will designation have on allowable cut on Federal lands?**

Unknown at this time for State Scenic Waterways. This will be determined in the management plan.

**What impact will there be on the place of use for existing valid water rights?**

None.

**What restrictions or procedures apply to water impoundments or diversion for hydropower development?**

No new dams, reservoirs, or impoundments. Diversions for hydroelectric may be permitted.

**What impact will there be on expansion of irrigated lands using existing or new diversion points under existing water rights?**

Most likely no impact if done with existing water rights. See “Can cropping patterns be changed?” (this page, above).

**What effects will there be on the placement or use of existing or new temporary irrigation diversion points or temporary pooling structures for irrigation pumps, all operated under existing water rights?**

Temporary or seasonal diversion structures, such as gravel embankments, will require State Lands Board/Division of State Lands approval. This requirement is for any amount of instream removal, fill, bed, or bank alteration to a Scenic Waterway.

**What effects will there be on obtaining new water diversion permits?**

New water rights can be issued where there is adequate water to meet fish, wildlife, and recreation needs.

**What restrictions and procedures apply to construction, improvement, or maintenance of private roads within the corridors?**

Notice and approval (as outlined under “What restrictions apply to residences?” page 3) is required of improvements to existing roads or the construction of new roads. No review and approval is needed for road maintenance.

**What effects will there be on mining operations under existing mining claims?**

Mining on existing claims may require notice and approval prior to surface disturbance of previously undisturbed areas. Placer mining is prohibited.

**Can new mining claims be filed in designated corridors?**

Yes, but their operation will be regulated.

## *Miscellaneous*

**What is the relationship to local land use planning programs?**

State land use requirements under Goal 5 require each local jurisdiction to address uses and activities within State Scenic Waterways corridors at its next comprehensive plan update. Such local planning may be carried out by comprehensive plan policies, zoning regulations, negotiations with landowners, setbacks, or other mechanisms.

**How is it determined which uses or activities are “grandfathered” in and which are not?**

Only existing developments are grandfathered. Some land uses, such as farming and grazing, are also grandfathered.

**What publications are available from various agencies or private organizations on the Federal or State programs?**

On the State program, *The Oregon Scenic Waterways Program: A Landowner’s Guide*, past studies, plans, laws, and rules are available from State Parks and Recreation.

On the Federal program, the Forest Service (USDA) and the Bureau of Land Management (USDI) have more information. See also “For further reading,” page 5.

**Will local governments bear any costs of the legislation, such as informational services, enforcement, recreation facilities, zoning or planning revisions, and special studies? If so, will grant monies be available to offset these costs, and how are they obtained?**

Yes, local governments may incur some costs. Some grant funds are available from State Parks and the Oregon State Marine Board for local governments for park facility development.

**Will designation likely cause changes in property values or property taxes?**

This is unknown at this time. State Parks’ perception is that designation has a positive impact on property values—particularly rural residential or recreational property.

## *For further reading*

### **OSU publications**

This publication is available from Publications Orders, Agricultural Communications, Oregon State University, Administrative Services Bldg. 422, Corvallis, OR 97331-2119. You may order up to 6 *no-charge* publications without shipping and handling fees. If you're interested in 7 or more copies, phone (503) 737-2513 for a price quote.

*Federally Designated Wild and Scenic Rivers in Oregon*, Oregon State University Extension publication EC 1347 (Corvallis, 1990). No charge for single copy.

### **Other publications**

*The Oregon Scenic Waterways Program: A Landowner's Guide*, State Parks and Recreation Department, Vick Bldg., 525 Trade St. SE, Salem, OR 97310.

Other publications and information are available from the Oregon Rivers Council (a private organization), P.O. Box 7771, Eugene, OR 97401. Phone (503) 688-5206.

## *More information?*

To learn more detailed information on a river designation or how to participate in the management plan, contact:

Scenic Waterways Program  
State Parks and Recreation Department  
Vick Bldg., 525 Trade St. SE  
Salem, OR 97310 (503) 378-5000

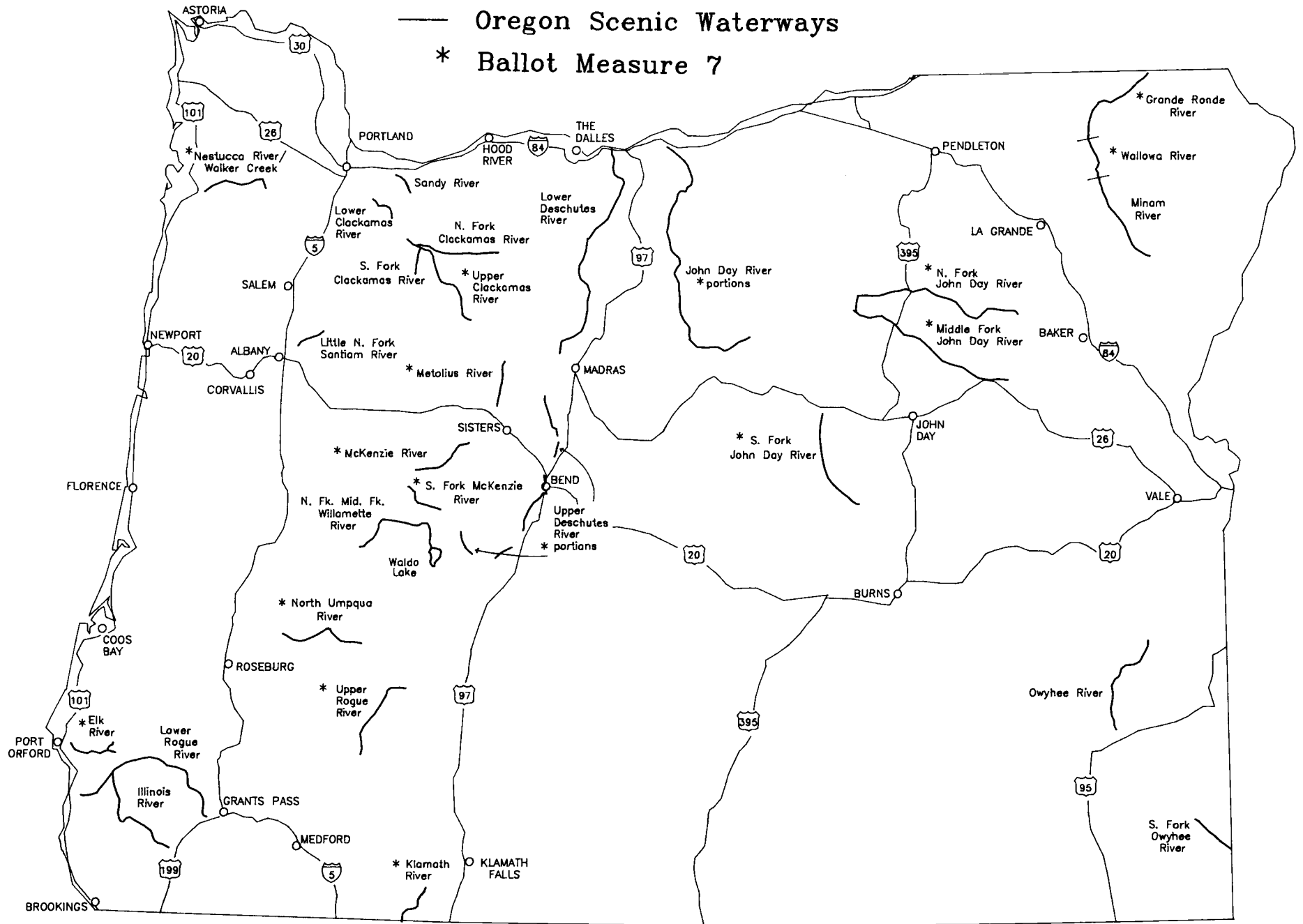


Figure 1.—Oregon State Scenic Waterways, showing river segment locations

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# Part 2. Map and locator descriptions

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## Map

Figure 1, a map showing general river segment locations, appears on page 6.

## Locator descriptions

In the following river descriptions, an asterisk (\*) indicates a segment included by Ballot Measure 7, 1988. Some descriptions use the abbreviations for section (sec.), township (T), and range (R), plus the direction letters N, E, S, or W. (Maps that show section, township, and range are available in county assessors' offices.)

### Clackamas River

*South Fork*, river mile 4 to confluence with mainstream\*

*North Fork*, source to North Fork Reservoir\*

*Mainstem*, River Mill Dam to Carver

*Mainstem*, Olallie Lake Scenic Area Boundary to North Fork Reservoir\*

### Deschutes River

*Upper*, Little Lava Lake to Crane Prairie Reservoir\*

*Upper*, Wickiup Dam to General Patch Bridge

*Upper*, Harper Bridge to River Mile 172

*Upper*, Bend South Urban Growth Boundary to Central Oregon Irrigation (COI) diversion\*

*Upper*, Sawyer Park to Tumalo State Park\*

*Upper*, Twin Bridges to Lake Billy Chinook Reservoir

*Lower*, Pelton Reregulating Dam to Columbia River

### Elk River

*North Fork*, source to confluence with South Fork\*

*South Fork*, source to confluence with North Fork\*

*Mainstem*, confluence with North and South Forks to Elk River Fish Hatchery\*

### Grande Ronde River

*Grand Ronde*, confluence with Wallowa to Oregon/Washington border\*

### Illinois River

Deer Creek to Rogue River

### John Day River

*Mainstem*, Service Creek to Tumwater Falls

*Mainstem*, Parrish Creek to Service Creek\*

*North Fork*, North Fork John Day Wilderness boundary to north boundary of S 1/2 sec. 20, T8S, R28E, WM (3 miles above Monument)\*

*Middle Fork*, Crawford Bridge Crossing (near Bates) to confluence with North Fork\*

*South Fork*, Post-Paulina Road Crossing to Murderers Creek Wildlife Area\*

### Klamath River

*Mainstem*, John Boyle Dam powerhouse to California border\*

### McKenzie River

*South Fork*, Three Sisters Wilderness boundary to Cougar Reservoir; Cougar Dam to Mainstem\*

*Mainstem*, Clear Lake to Carmen Reservoir; Tamolitch Falls to Trail Bridge Reservoir; Trail Bridge Dam to Paradise Campground\*

### Metolius River

*Mainstem*, Metolius Springs to confluence with Candle Creek\*

### Minam River

Minam Lake to Wallowa River

### Nestucca River

*Walker Creek*, source to confluence with Nestucca\*

*Mainstem*, McGuire Dam to East Creek, near Blaine\*

### Owyhee River

*Lower*, Crooked Creek to Birch Creek

*Upper*, Oregon/Idaho border to Three Forks

### Rogue River

Crater Lake National Park to boundary of Rogue River National Forest (near Prospect)\*

Applegate River to Lobster Creek Bridge

### Sandy River

Dodge Park (Bull Run River) to Stark Street Bridge to Dabney State Park

### Santiam River, North

*Little North Fork*, confluence of Opal Creek and Battle Ax Creek to USFS boundary

### Umpqua River, North

*North Fork*, Mt. Thielsen Wilderness boundary to Lemolo Reservoir\*

*North Fork*, Soda Springs Dam powerhouse to confluence with Rock Creek\*

### Waldo Lake

Entire lake

### Wallowa River

*Wallowa*, confluence with Minam to confluence with Grand Ronde\*

### Willamette River

*Middle Fork*, North Fork of the Middle Fork from Waldo Lake to 1 mile upstream from railroad bridge near Westfir



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This publication was prepared through cooperation between the State Parks and Recreation Department and the OSU Extension Service. Peter S. Test, Grant County Extension agent, and John Williams, Tillamook County Extension agent, prepared the questions. John E. Lilly, assistant administrator, Oregon State Parks and Recreation Department, Salem, coordinated the answers. James R. Pease, Extension land resource management specialist, coordinated agency input and the overall publication. For more information, write the State Parks and Recreation Department, 525 Trade St. SE, Salem, OR 97310, or call (503) 378-5000.

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