

Oregon Parks and Recreation Commission

September 23, 2015

Agenda Item: 10a

Information

Topic: Ocean Shore Permit Update

Presented by: Trevor Taylor, Stewardship Manager & Jay Sennewald, Ocean Shores Permit Coordinator

Background:

June 22, 2015, an Ocean Shore Alteration Permit request by Tai Dang was denied (BA-697-15).

The project is a proposal to install riprap shorefront protective structure on the ocean shore to protect a single family dwelling in Rockaway Beach. The basis for the denial was a determination by the City of Rockaway Beach that the home does not appear to be located in accordance with the City's Ocean Setback Line, and is not located in the area to which Rockaway Beach has taken a Goal 18 exception.

The denial was appealed by the property owner and has been referred to the Oregon Office of Administrative Hearings for further consideration. A hearing date of September 21, 2015 has been scheduled to consider the matter before an administrative law judge. Staff will provide an update on the matter at the September 23 meeting.

The property is located at 211 S. 6th Street, Rockaway Beach, Tillamook County, Oregon. 1N-10W-5BC TL05100 SW1/4, NW1/4. GPS coordinates Lat. 45.361804N Long. 123.564664W.

Prior Action by Commission: None

Action Requested: None

Prepared by: Jay Sennewald, Ocean Shores Permit Coordinator

Oregon Parks and Recreation Commission

September 23, 2015

Agenda Item: 10b

Information

Topic: State Scenic Waterways Update

Presented by: Trevor Taylor, Stewardship Manager

Background: The Scenic Waterways Act was passed in 1970 by a popular vote with a 2:1 margin. The Act attempts to strike a balance between protecting natural resources and scenic diversity of Oregon's waterways while supporting the needs of riverbank property owners. The goal of the system is to preserve and protect selected rivers "in a free-flowing condition" along with their "...natural setting and water quality...and fulfill other conservation purposes." The system currently includes approximately 1,150 miles on 19 rivers and Waldo Lake.

As directed by the Oregon Legislature (ORS 390.855), OPRD is expected to study waterways for inclusion in the State Scenic Waterways program and submit periodic reports to the governor, and with the concurrence of the State Parks Commission and Water Resources Commission, can recommend the designation of additional rivers or segments of rivers to the governor as State Scenic Waterways. The governor directed the Department, in his letter dated September 23, 2013, to conduct analysis and study on a minimum of three waterway segments per biennium, depending on the availability of operational resources.

At previous commission meetings (December 2013, February 2014, November 2014, April 2015, June 2015), staff presented information about the State Scenic Waterway Program, and provided updates on recent eligibility studies and management planning efforts. Of the three potentially eligible waterways studied, the Molalla and Chetco River study areas were found to qualify as state scenic waterways. The commission recommended referring the eligibility reports to the Governor's Office and Water Resources Division and asked staff to come back with draft management plans developed in coordination with advisory committees.

Update on Current Initiatives: In April, OPRD and Water Resources Department (WRD) held the first collaborative meeting with the advisory groups for each river. These groups, made up of local landowners, community leaders, recreation users and land managers, met again in late June to finalize the Draft Management Plan and Draft Scenic Waterway Flow Recommendation documents. The resulting documents were presented in an open-house style public meeting on July 14th (Brookings) and July 20th (Molalla). Both meetings were well attended by the public. Although only written comments were collected at these meetings due to the nature of the open-house style (designed to facilitate discussion), staff noticed two main areas of interest throughout the sessions: 1) interest in the impacts of the designation to private property rights, and 2) interest in the types and levels of protection for the rivers themselves. Generally, verbal feedback

from the meetings and during the comment period supported the draft management plan and Scenic Waterway designation for both rivers. The public meetings kicked off 30-day OPRD public comment periods for the Draft Management Plan and Draft Scenic Waterway Flow Recommendation documents. A brief summary of the public comments received during the 2015 comment period is presented below. A detailed overview along with all comments received to date will be presented to the commission in November.

Molalla	Written Comment Type	Oppose plan/designation	Support plan/designation
	Individual emails and letters	5	21
	Public meeting comment forms	0	2
	Email form letters-both rivers	0	112
	Total written comments (2015)	5	135
Chetco			
	Individual emails and letters	1	27
	Public meeting comment forms	0	8
	Email form letters-Chetco only	0	636
	Email form letters-both rivers	0	110
	Total written comments (2015)	1	781

Next Steps:

- Staff will append the draft management plan reports to the existing scenic waterway qualification reports for Oregon Parks and Recreation Commission review on November 18, 2015, and Water Resources Commission review on November 19th.
- Staff will submit the scenic waterway reports, recommendations of the Oregon Parks and Recreation Commission, and concurrence, if any, of the Water Resources Commission to the Office of the Governor no later than December 31, 2015.
- The governor can elect to designate or not. If she chooses to designate either waterway, the legislature has an opportunity to overturn the designation before the end of its next session. OPRD would begin rulemaking only if the designation is still in place when the legislature adjourns.
- In concert with Water Resources Department, Oregon Parks and Recreation Department staff will return to the Oregon Parks and Recreation Commission no later than June 2016 with an evaluation of the scenic waterway study process, and an optional request to open rulemaking or pursue legislative concepts changing the scenic waterway designation process to make it more effective or sustainable.

Prior Action by Commission: Approval of agenda item 11b. “Scenic Waterways amended designation recommendation” by the Oregon State Parks and Recreation Commission April 15, 2015, which replaces approval of item 10a in November 2014.

Action Requested: None

Prepared by: Rocky Houston and Laurel Hillmann