

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 10/28/2014 **Approx Start Time:** 1:30pm

Approx Length: 1 hour

Presentation Title: Consideration of an Oregon Scenic Waterway Designation – Upper Molalla River

Department: Planning and Zoning Division, Mike McCallister

Presenters: Jim Morgan and Rocky Houston of the Oregon Parks and Recreation Department (OPRD)

Other Invitees: Barb Cartmill, DTD Director
Rick Gruen, County Parks
Danielle Cowan, County Tourism
John Atkins, Molalla River Alliance
Private Property Owners (along the proposed portion of the Molalla River)

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD? No action requested at this time. The Oregon Parks and Recreation Department is considering a State Scenic Waterway designation for a portion of the upper Molalla River. The OPRD will be giving a presentation on the assessment process and is interested in feedback from the BCC on the potential designation.

EXECUTIVE SUMMARY: The State Scenic Waterways Act was created to strike a balance between protecting the natural resources, scenic value and recreational uses of Oregon's rivers. The program is administered by OPRD. Under direction from the Oregon Legislature, OPRD is required to study new waterways for potential inclusion into the program. The feasibility of including waterways into the program will include evaluating public interest and support for each waterway.

The portion of the Molalla River being studied begins at the confluence of the Table Road Fork and ending at the Glen Avon Bridge. A map of the study area is attached. Most of the property in the study area is under federal ownership, however there are some commercial forestland holdings and other parcels under private ownership primarily near the north end of the study area and Glen Avon Bridge.

This area of the river is currently designated as a Principal River on the Clackamas County Comprehensive Plan. Generally, the Principal River designation is intended to protect the scenic and environmental qualities of the river. Implementing regulations in the Clackamas County ZDO include minimum setback standards of 100' – 150' for new structures, tree cutting regulations, etc. The ZDO standards do not apply to federal land. Commercial tree harvests are exempt from the Principal River standards and are subject to the requirements of the Oregon Forest Practices Act.

FINANCIAL IMPLICATIONS: None. This is an informational session only

LEGAL/POLICY REQUIREMENTS: None. This is an information session only

PUBLIC/GOVERNMENTAL PARTICIPATION: At the request of the BCC, the Planning and Zoning Division sent a letter on October 14, 2014 inviting property owners to attend the study session and hear the presentation from the OPRD on the potential designation.

The Molalla River Alliance has submitted comments and recommendations on the potential designation to the OPRD in a letter dated September 16, 2014. A copy of the letter is attached.

OPTIONS: No action is requested at this time.

RECOMMENDATION: None. This is an informational session only.

ATTACHMENTS:

1. Memo and maps from Mike McCallister dated September 24, 2014.
2. Letter from Molalla River Alliance letter dated September 16, 2014.
3. Letter to property owners within the study area dated October 14, 2014.
4. OPRD Power Point Presentation: 2014 Scenic Waterway Assessments: Molalla River

SUBMITTED BY:

Division Director/Head Approval Mike McCallister 10-21-14

Department Director/Head Approval R. B. Coakley 10-21-14

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Linda Preisz @ 503-742-4528

September 24, 2014

To: Don Krupp, County Administrator

From: Mike McCallister, Planning Director

cc: Barb Cartmill, DTD Director
Ellen Rogalin, PGA
BCC Policy Coordinators

RE: Consideration of an Oregon Scenic Waterway Designation / Upper Molalla River

I was recently contacted by Rocky Houston from the Oregon Parks and Recreation Department (OPRD) regarding a State Scenic Waterway Assessment of a portion of the Molalla River. He has expressed an interest in giving a short presentation (one- half hour to 45 minutes) to the BCC on the assessment process and feedback from the BCC.

The State Scenic Waterways Act was created to strike a balance between protecting the natural resources, scenic value, and recreational uses of Oregon's rivers. The program is administered by Oregon Parks and Recreation Department (OPRD). State Scenic Waterway designations are currently in place on approximately 1,150 miles on 20 waterways, including portions of the Clackamas River. Under direction from the Oregon Legislature (ORS 390.855), OPRD is required to periodically study new waterways for potential inclusion in the program. In 2013, the Governor instructed the OPRD to analyze at least three waterway segments during each biennium, depending on the availability of operational resources.

The evaluation process includes an assessment of the selected waterways. To assess the eligibility of waterways for inclusion in the program, the following general criteria will be utilized:

- Free-flowing nature of the waterway;
- Scenic quality, as viewed from the river; and
- Natural and recreational resources, including the ability of the waterway and its setting to sustain recreational use.

The feasibility of including waterways in the program will include evaluating public interest and support for each waterway. This evaluation will include public input stakeholder interviews,

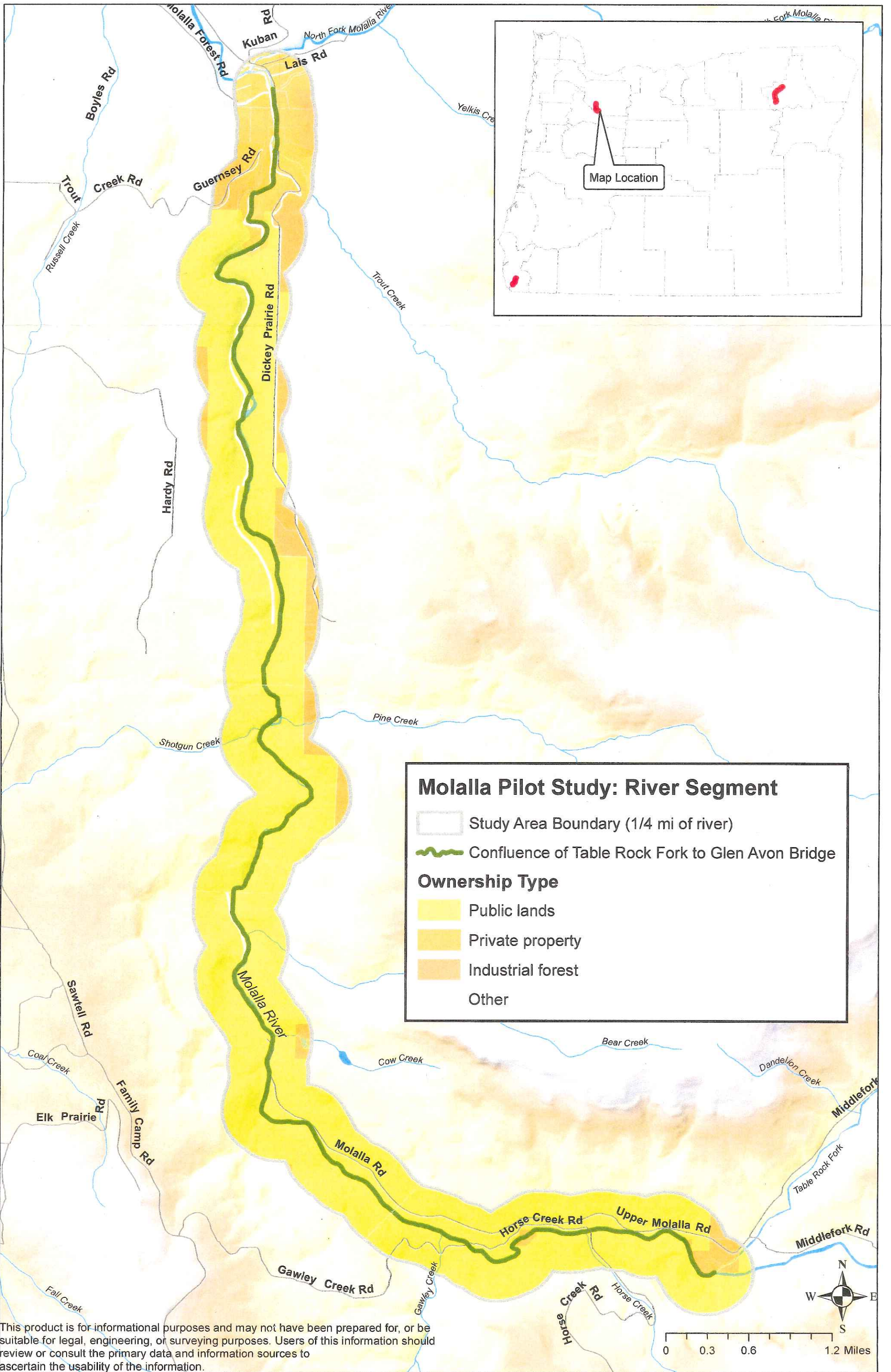
holding public meetings in the counties that could be affected by the designation, and surveying adjacent property owners and the general public regarding the potential designation. A final report from OPRD will recommend for or against designating each waterway. A final report will be submitted to the Governor.

The Molalla River has its headwaters in the Table Rock Wilderness Area in rural Clackamas County and eventually flows into the Willamette River near Canby. This free-flowing river provides drinking water for the cities of Molalla and Canby, is home to native fish runs and a variety of other wildlife, and attracts a wide range of recreational users. A general vicinity map and detailed map of the portion of the Molalla River being considered for a State Scenic Waterway Designation is attached. The upper river segment being studied begins at the confluence of the Table Rock Fork and ending at Glen Avon Bridge, near the city of Molalla. Most of the property located within the study area is under federal ownership; however there are some commercial timberland holdings and other parcels under private ownership.



The following is a general schedule for the evaluation process of the Molalla River segment and two other rivers (Chetco River and Grand Rhode River) under consideration:

- May-July 2014: Waterway eligibility assessments for studied river areas;
- August-September 2014: Stakeholder interviews for studied waterways;
- Mid-Late September 2014: Community meetings to review eligibility and feasibility findings and to obtain public input;
- Early October 2014: Three online surveys to obtain public input for the studied waterways will be available until October 15th;
- Late October-Early November 2014: Presentation of findings at County Commissioner meetings;
- November 2014: Presentation of draft eligibility and suitability report to the Oregon Parks and Recreation Commission; and
- January 2015: Presentation of final report to the Governor's Office for review.





At this time, I would like to know if the BCC is interested in a presentation from the OPRD staff on this issue and if so in what forum (Issues, Study Session, Business Meeting). I would be happy to facilitate coordination of the meeting at your request.



Molalla Pilot Study: River Segment

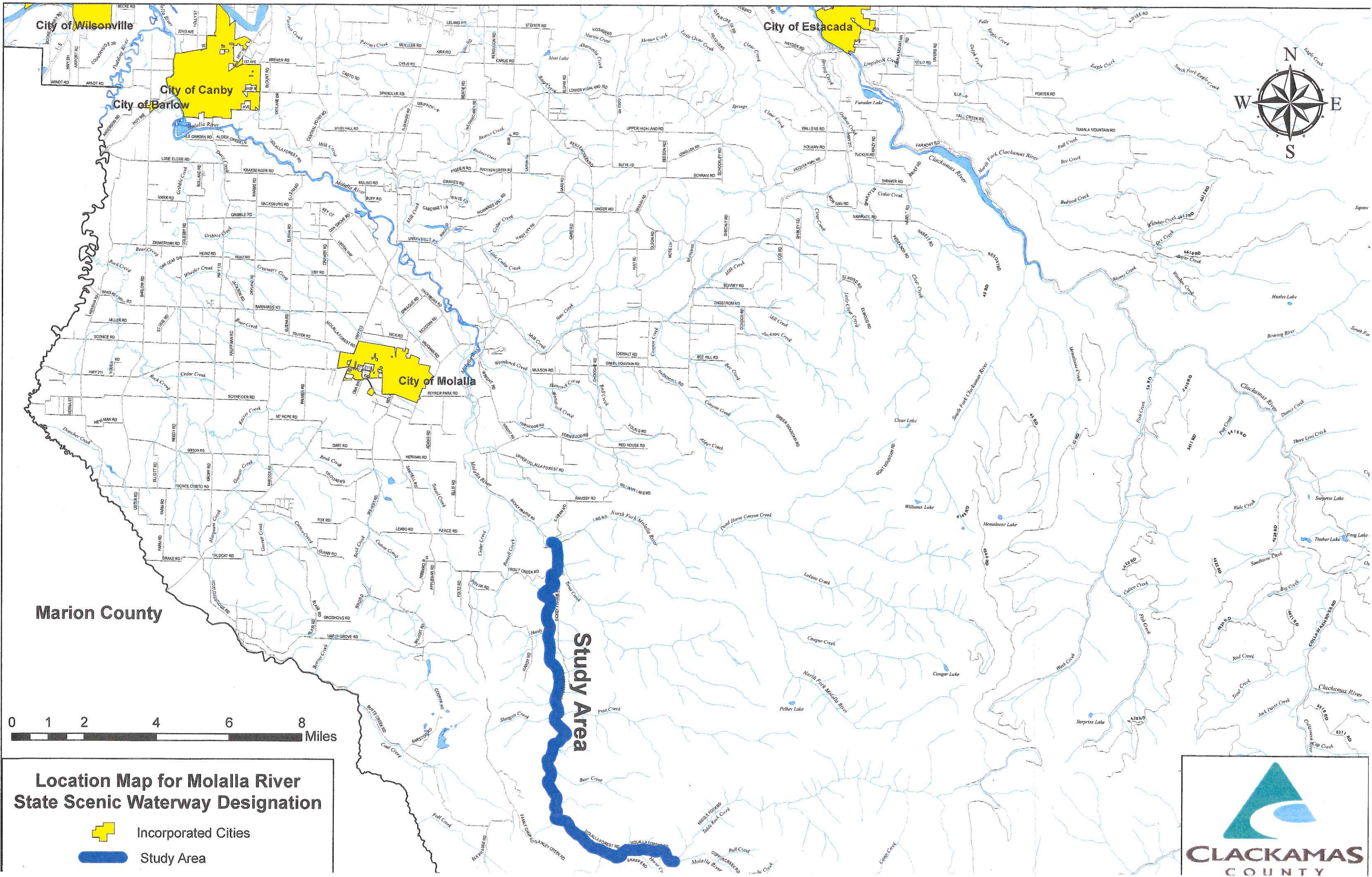
-  Study Area Boundary (1/4 mi of river)
-  Confluence of Table Rock Fork to Glen Avon Bridge

Ownership Type

-  Public lands
-  Private property
-  Industrial forest
-  Other

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 0.3 0.6 1.2 Miles



City of Wilsonville

City of Estacada

City of Canby
City of Barlow



City of Molalla

Marion County

Study Area

0 1 2 4 6 8 Miles

Location Map for Molalla River State Scenic Waterway Designation

-  Incorporated Cities
-  Study Area





Molalla River Alliance

www.molallariveralliance.org | PO Box 214, Molalla, OR 97038

Sept. 16, 2014

Jim Morgan, Stewardship Manager
Oregon Parks and Recreation Department
725 Summer Street NE, Ste C
Salem, OR 97301-1271

Subject: Molalla River Scenic Waterway Study

Dear Mr. Morgan,

As the principal nonprofit organization seeking to advance habitat protection, salmon recovery and family recreation opportunities on the Molalla River, the Molalla River Alliance appreciates the time you took recently to brief members of our board on the Molalla River Scenic Waterway Study. The MRA wholeheartedly supports designating the upper portion of the Molalla as one of Oregon's Scenic Waterways.

The upper Molalla ranks among the richest of Oregon rivers in recreational opportunities. Over 65,000 visitors a year flock to the Molalla for rafting and kayaking, hiking and picnicking, swimming and tubing, mountain biking, horseback riding, camping, and hunting and fishing. These diverse attractions, together with the outstanding natural features of the upper Molalla, more than satisfy the criteria identified by the Oregon Parks and Recreation Department for a scenic waterway designation.

The MRA suggests two modifications to the proposed boundaries of the Molalla Scenic Waterway, hoping that these will be embraced by the parks and recreation staff and be included in their recommendation to the Oregon Parks and Recreation Commission:

- Remove the lower portion of the proposed scenic study area, consisting of private property downstream from the Bureau of Land Management property line in T.6 S., R.3 E., sec.7, to the Glen Avon Bridge—a distance of approximately one mile.
- Add to the Molalla scenic waterway recommendation approximately 6.2 miles of the Table Rock Fork from the easternmost Bureau of Land Management boundary line in the NE ¼ sec. 4, T. 7 S., R. S., R. 4 E., downstream to the confluence with the Molalla River.
- Also add to the Molalla scenic waterway recommendation approximately 2.1 miles of the Copper Creek Fork, also known as the South Fork of the Molalla River, from the southern boundary line of T. 7 S., R. 4 E., Sec. 19 downstream to the confluence of the Table Rock and Copper Creek Forks at the Bee Ranch.

The MRA supports these modifications because:

- 1) All but the lower portion of the proposed study area as modified by the MRA recommendation (except for the Bee Ranch) is owned and managed by the BLM. The Bee Ranch at the confluence of the Table Rock and Copper Creek forks is not inhabited and is under consideration for possible acquisition as a conservation preserve. The owners of the Bee Ranch have consented to inclusion of their property in the Proposed Federal Wild and Scenic River designation. Deleting the private property holdings downstream (between the BLM property line and Glen Avon Bridge) will eliminate any risk of controversy that could arise over scenic waterway status of these properties. It was for this reason that those properties were not included in the Federal Wild and Scenic Molalla River boundaries proposed in legislation currently pending in Congress.

Since 2009, when Federal Wild and Scenic River status was first proposed for the Molalla, a Spring Chinook salmon fry acclimation facility has been constructed on private property at the confluence of Trout Creek and the Molalla River, just upstream from the Glen Avon Bridge. This acclimation pool has been in operation since 2012, releasing 100,000 smolt into the river each year. The acclimation facility was approved by the ODF&W Commission. There is no public access to the river through this property, nor from private property on the other side of the river. Eliminating these private property holdings from further consideration will have no effect on scenic waterway recreational values or opportunities.

- 2) Adding portions of the Table Rock and Copper Creek forks of the Molalla River, as shown on the accompanying map, and deleting the private holdings in the most downstream portion of the proposed study area will make the proposed scenic waterway boundaries coterminous with the Federal Wild and Scenic River boundaries contained in legislation currently pending in the U.S. House of Representatives and the United States Senate. Both forks of the river are popular recreation areas that meet essential criteria for state scenic waterway protection. The MRA believes that having identical boundaries for state scenic waterway and federal wild and scenic river designations on the upper Molalla reinforce each other as policy actions and eliminate inconsistencies that could become problematic in the future.


In testimony before the Senate Energy and Natural Resources Committee on April 25, 2013, BLM Acting Deputy Director Jamie Connell expressed the BLM's support for S. 353, the Oregon Treasures Act, sponsored by Sen. Ron Wyden.

"The bill (section 4) proposes to designate 15.1 miles of the Molalla River [including the Copper Creek fork] and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. The Department supports these designations. In earlier planning analyses, the BLM evaluated the Molalla River and the Table Rock Fork of the Molalla River and determined that most of these two rivers should be considered for designation as wild and scenic rivers. As a result, the designation called for would be largely consistent with management currently in place and would cause few changes to BLM's current administration of most of this area. The 5,700-acre Table Rock Wilderness, designated by Congress in 1984, is embraced by the Molalla and Table Rock Fork, and designation of these river segments would reinforce the protections in place for the wilderness area."

Since Federal Wild and Scenic River status was first proposed for the upper Molalla River six years ago, no opposition has ever been voiced. It is our hope that, by making the proposed state scenic waterway boundaries congruent with the federal ones, that the same outcome can be achieved.

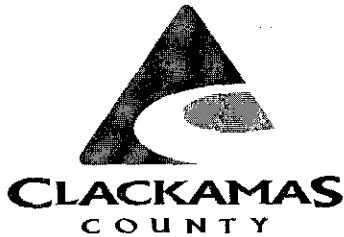
Thanks for the opportunity to weigh in on this important issue. Your consideration of the Molalla River for scenic waterway status boosts efforts by the Molalla River Alliance, local governments, state and federal agencies, and our elected representatives in Congress to preserve one of Oregon's natural jewels and a premier recreational destination.

Sincerely,



John H. Atkins, Jr., President
Molalla River Alliance

Encl: Molalla River map



MIKE McCALLISTER
PLANNING AND ZONING MANAGER

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

October 14, 2014

Molalla River Area Property Owners:

You are receiving this letter because you live along a portion of the Molalla River that is being considered for designation as a State Scenic Waterway by the Oregon Parks and Recreation Department (ORPD). The portion of the Molalla River being considered stretches from the confluence of the Table Rock Fork to Glen Avon Bridge.

As part of its review process, ORPD will present information to the Clackamas County Board of Commissioners at 1:30 p.m., Tuesday, Oct. 28. on the fourth floor of the County Public Services Building, 2051 Kaen Rd., Oregon City. You are invited to attend this meeting to listen and observe. Please note that this is not planned as a public hearing or opportunity for public comment, but as an opportunity for the County Commissioners to hear from and talk with representatives from ORPD.

The State Scenic Waterways Act was created to strike a balance between protecting the natural resources, scenic value and recreational uses of Oregon's rivers. ORPD's assessment is to ascertain the eligibility of the waterway for inclusion into the program using the following general criteria:

- Free-flowing nature of the waterway;
- Scenic quality, as viewed from the river; and
- Natural and recreational resources, including the ability of the airway and its setting to sustain recreational use.

More information about the State Scenic Waterways Program is available from the state at <http://www.oregon.gov/oprd/RULES/pages/waterways.aspx>. If you have questions about the Oct. 28 meeting or the County's role in this process, please feel free to contact me at 503-742-4528 or lindap@clackamas.us.

Respectfully yours,

Linda Preisz, Sr. Planner
503-742-4528
lindap@clackamas.us

ANDERSON JAMES O & LINDA J
18485 S WINNIFRED AVE
MOLALLA, OR 97038

BATTY THOMAS L & SHELLEY R
36125 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

CHANDLER JOHN D & ANGELIKA B
PO BOX 519
OREGON CITY, OR 97045

COULOMBE ROBERT A & SHANNON L
103 S COLE AVE
MOLALLA, OR 97038

FORZA RICHARD S
36137 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

HAWKINS DOUGLAS R
36130 S MEGAN AVE
MOLALLA, OR 97038

JACK ALAN R
5495 GROVE ST
WEST LINN, OR 97068

JACKSON DAVID A
36060 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

KERSICH CATRINA
195 LEFELLE ST S
SALEM, OR 97302

KOSIK OWEN J & SANDRA L
18465 SE WINNIFRED AVE
MOLALLA, OR 97038

LOUCKS BOB
PO BOX 943
MOLALLA, OR 97038

LOW BRET T & CONSTANCE M
36234 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

MAHLUM DAVID T & KELLI L
PO BOX 131
MOLALLA, OR 97038

MCBRIDE SCOTT
36119 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

MILLER RENEE L & GREGORY J
36004 S KUBAN RD
MOLALLA, OR 97038

MOLALLA RIVER RETREAT LLC
PO BOX 943
MOLALLA, OR 97038

NELSON TROY D
18491 S WINNIFRED AVE
MOLALLA, OR 97038

ROWAN WILLIAM LEHMAN
321 PEACON LN
KEY WEST, FL 33040

SCHMIDT MARK I
36111 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

SKEELE & SON RESOURCES LTD
5205 NE 14TH PL
PORTLAND, OR 97211

STATE OF OREGON
TRANSPORTATION BLDG
SALEM, OR 97310

STEINER RUTH ANN
PO BOX 84
MOLALLA, OR 97038

STEWART BRUCE W
36122 S MEGAN AVE
MOLALLA, OR 97038

UNITED STATES OF AMERICA
1717 FABRY RD SE
SALEM, OR 97306

VODJANSKY JOHN F
36106 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

WALDORF ILENE & LAMONT
PO BOX 214
MOLALLA, OR 97038

WELSCH PATRICK & SHARON G
36200 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

WEYERHAEUSER COMPANY
PO BOX 9777
FEDERAL WAY, WA 98063

BIXEL JUDY
39193 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

NIGHTINGALE PATRICIA
1520 N MONROE ST
LAFAYETTE, OR 97127

DENT JACK
5909 TOPAZ NE
SALEM, OR 97303

TIMMEL RODNEY
34748 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

DUVALL JEFFREY
73151 LOST CREEK RD
CLATSKANIE, OR 97016

HERITAGE TREE FARM
1517 NE 22ND AVE
PORTLAND, OR 97232

HARDY TIMBER CO
38826 S HARDY RD
MOLALLA, OR 97038

BANKS LUMBER
PO BOX 84
BANKS, OR 97106

FORMILLER AMY & ARTHUR
38490 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

PORT BLAKELY TREE FARM
8133 RIVER DR SE
TUMWATER, WA 98501

MILLER DALE & FRANCES
36036 S DICKEY PRAIRIE RD
MOLALLA, OR 97038

DONEGAN PAMELA
5665 SW MEADOWS RD, STE 200
LAKE OSWEGO, OR 97035

RAE JACK & RHONDA
18401 SE WINNIFRED AVE
MOLALLA, OR 97038

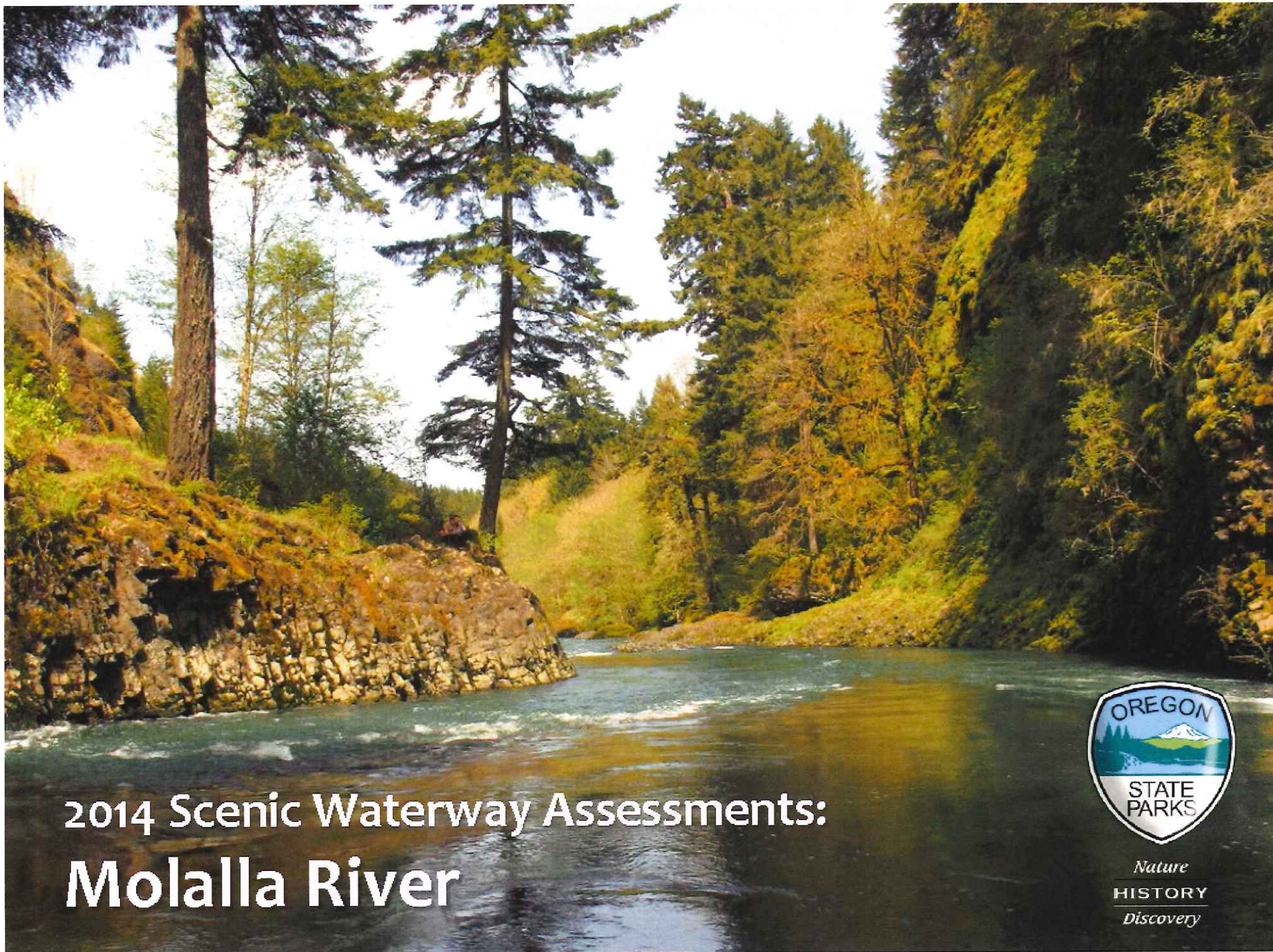
RAE JACK JR
18433 SE WINNIFRED AVE
MOLALLA, OR 97038

SMITH THOMAS & CINDY
PO BOX 1303
MOLALLA, OR 97038

DERRY THOMAS & CONNIE
PO BOX 627
MOLALLA, OR 97038

FERRELL LINDA & TONY
36136 S MEGAN AVE
MOLALLA, OR 97038

ZYP WILLIAM & KAREN
36155 S MEGAN AVE
MOLALLA, OR 97038



2014 Scenic Waterway Assessments: Molalla River



Nature
HISTORY
Discovery





Nature
HISTORY
Discovery



Scenic Waterways Program

Study Process

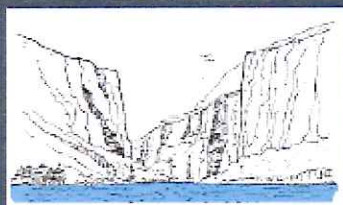
- ***Evaluation of the Waterway's Eligibility***
 - Free-flowing nature of the waterway
 - Scenic quality, as viewed from the river
 - Natural and recreation qualities
- ***Evaluation of the Feasibility of Including the Waterway in the Program***
 - Obtain feedback from stakeholders
 - Review findings at community and County Commission meetings
 - Review public comments
 - scenic.waterways@oregon.gov
 - Online survey (closed October 15th)

<http://tinyurl.com/scenicwaterwaysreview>



Nature
HISTORY
Discovery

Study Process: State Parks Role



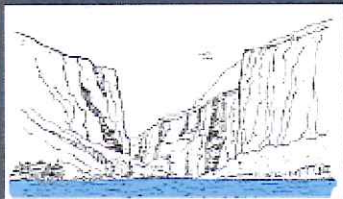
Scenic Waterways Program

- Not advocating for new scenic waterway designations
- Objectively evaluate eligibility based on Scenic Waterway criteria
- Provide multiple opportunities for public input
- Evaluate public interest, support, and concerns
- Report on whether the waterway is a good addition to the scenic waterway system

<http://tinyurl.com/scenicwaterwaysreview>



Nature
HISTORY
Discovery



Scenic Waterways Program

Study Process: Eligibility Process

- *Course level screening process to identify potential study candidates*
 - Free-flowing, recreation and scenic values
- *Field Visit*
 - Documented river conditions
 - Assess scenic quality
 - Started to identify natural and recreational features
- *Discussions with experienced users, resource managers (ongoing)*
 - Natural Values
 - Scenic Values
 - Recreational Values



Nature
HISTORY
Discovery



Scenic Waterways Program

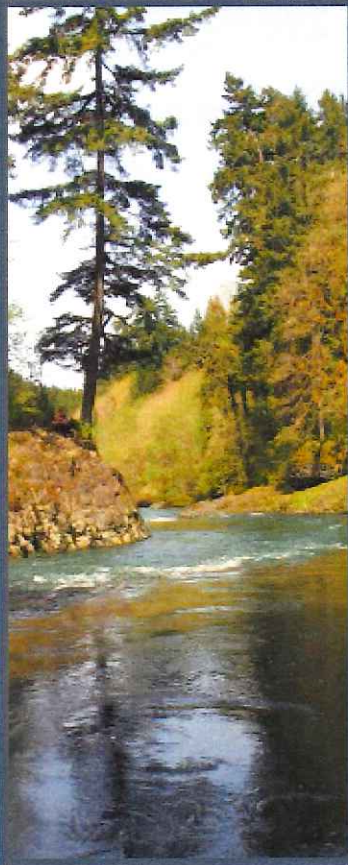
Study Process: Eligibility Criteria*

- Free flowing
- Scene from the river is pleasing
- Outstanding natural and recreational values
- Large enough to sustain recreation use without undue impairment of
 - Natural values
 - Quality recreation experience

*ORS 390.855



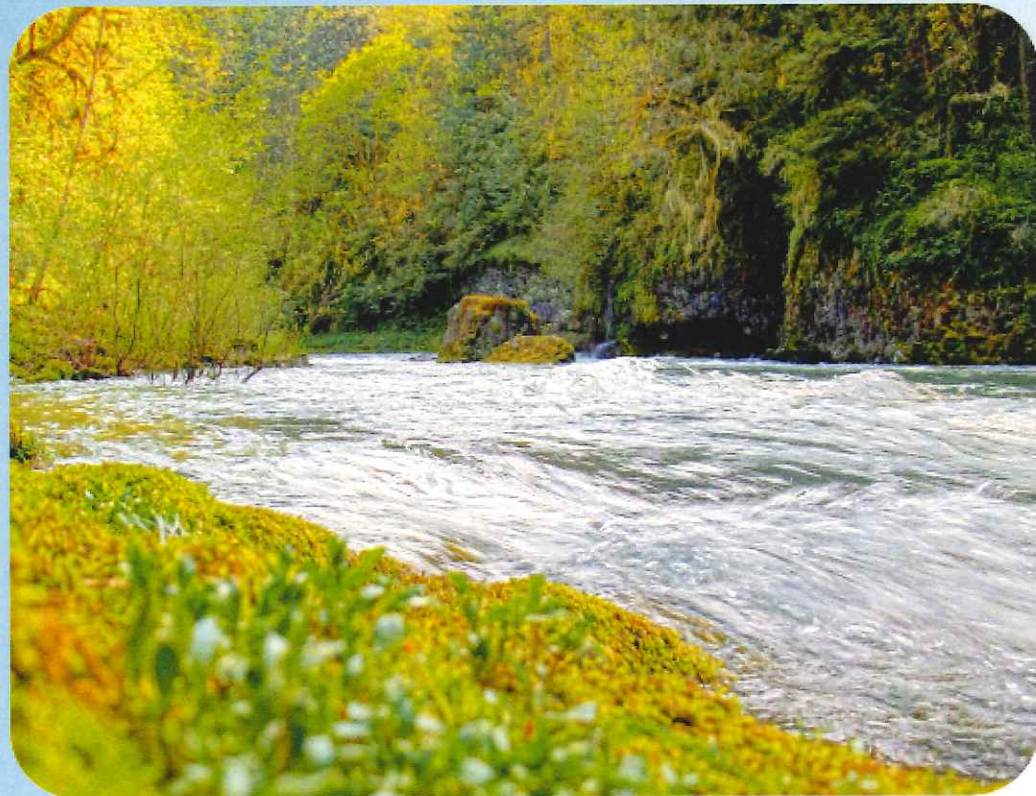
Nature
HISTORY
Discovery



Scenic Waterways Program

Study Process: Initial Eligibility Findings

- Free flowing
 - ✓ Molalla has no dams or major diversions



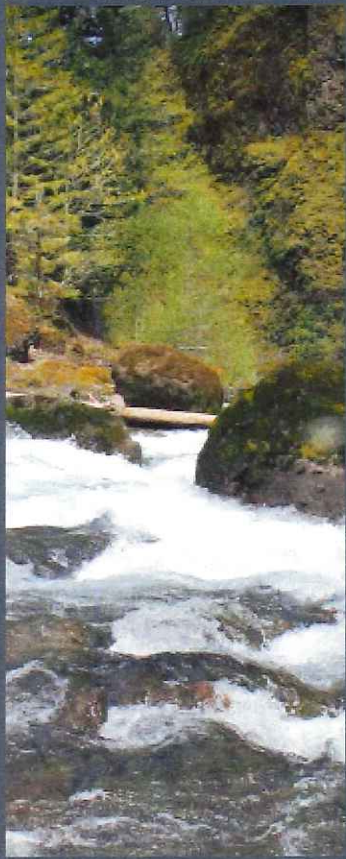








Nature
HISTORY
Discovery



Scenic Waterways Program

Management of the Program

- Designations provided to rivers which provide exceptional outdoor recreation experiences
- Benefits of the program
 - Protects existing natural, scenic and recreational values associated with the waterway
 - Promotes the waterway as a special place, enhancing tourism and economic development opportunities associated with outdoor recreation
- Obligations of the Program
 - Requires the development of a Management Plan to encourage the protection of existing natural, scenic and recreational values
 - Through the Management Plan, certain activities are regulated within a ¼ Mile of the Designated Waterway



Nature
HISTORY
Discovery



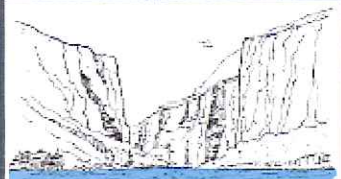
Scenic Waterways Program

Management of the Program

- **IF a new waterway is added...**
 - Re-engage with the community to develop a Management Plan
 - Address previously identified issues and concerns
 - Accommodate existing uses along the waterway
 - Encourage the protection of natural, scenic, and recreational values associated with the river



Nature
HISTORY
Discovery



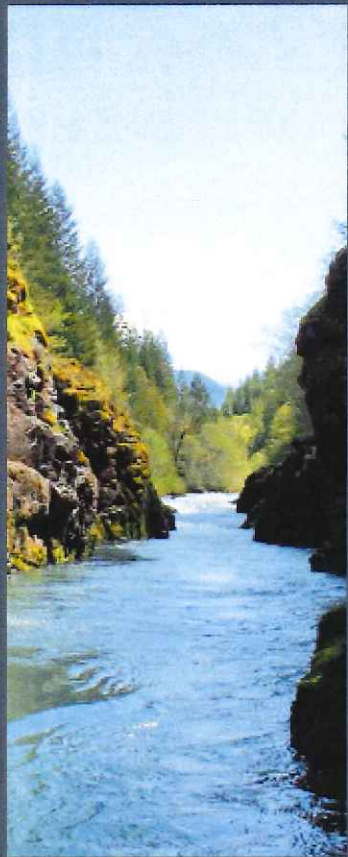
Scenic Waterways Program

Management of the Scenic Waterway Program

- *IF a New Waterway is Included into the Program . . .*
 - *The Oregon Water Resources Department will determine what flows should be protected when reviewing new water right applications:*
 - *Investigation of any related publications.*
 - *Coordination with OPRD staff.*
 - *Public meeting in effected basins.*
 - *Public comment period.*
 - *Recommendation to the Water Resources Commission.*
 - *WRC will approve/change/not approve.*
 - *Existing Water Rights are not effected.*



Nature
HISTORY
Discovery



Scenic Waterways Program

Concerns identified so far by stakeholders

- **Concern that scenic waterway designation could/would/may**
 - prohibit some existing development and activities
 - require additional permits, add costs, and add time to existing review process.
 - prohibit the removal of trees along the waterway
 - regulate recreation uses along the waterway



Nature
HISTORY
Discovery



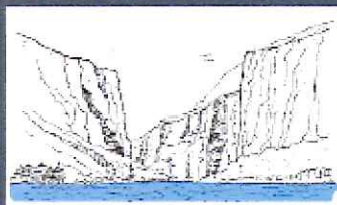
Scenic Waterways Program

Activities Excluded From Review

- Recreational activities
- Existing development/maintenance activities
- Grazing and farm uses
- Removal of hazard and firewood trees
- Land use activities on Federal lands
 - Federal agencies may ask for OPRD review for consistency with state laws
 - Activities and uses on federal lands managed by federal agencies



Nature
HISTORY
Discovery



Scenic Waterways Program

Activities Which Would Be Reviewed

- **New Development Proposals**
 - **County notifies State Parks during their land use review process**
 - Details worked out in management plan with stakeholders
 - May require planting of vegetation to provide screening
- **Review of Timber Harvest Proposals**
 - **Timber harvesters notify State Parks**
 - **Follow Oregon Forest Practices Act Rules (e.g., 100 foot riparian buffer along waterway)**
 - **Harvest or vegetation management would need to be designed to protect scenic views**

2014 Scenic Waterway Assessments: Molalla River

Questions and Comments?



Nature
HISTORY
Discovery

2014 Scenic Waterway Assessments: Molalla River



Nature
HISTORY
Discovery

Questions:
Rocky Houston
rocky.houston@oregon.gov
503-986-0750