



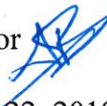
Oregon

Kate Brown, Governor

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MEMORANDUM

TO: Water Resources Commission

FROM: Thomas M. Byler, Director 

SUBJECT: Agenda Item L, February 22, 2019
Water Resources Commission Meeting

Recommendation to Designate a Section of the Nehalem River as a State Scenic Water Way

I. Introduction

During this agenda item, the Oregon Water Resources Commission (OWRC) will consider whether to concur with the Oregon Parks & Recreation Commission (OPRC) in recommending to Governor Brown designation of a portion of the Nehalem River as a scenic waterway. In addition, the OWRC may determine the scenic waterway flows that would be established for the proposed waterway, if designated by the Governor.

II. Background

The Oregon Parks and Recreation Department (OPRD) is responsible for administering the State Scenic Waterways Program, which is designed to protect the existing scenic, natural, and recreation values of the 22 currently designated waterways throughout the state. As directed by the Oregon Legislature (ORS 390.855), OPRD is expected to study additional waterways for inclusion in the State Scenic Waterways Program and submit periodic reports to the Governor. This process can also include recommendations to add additional rivers to the Scenic Waterways Program. If a river is to be included in the program, OWRC concurrence is statutorily required before the OPRC can submit its recommendation to the Governor. The OWRC has previously heard presentations about the history of scenic waterways in Oregon and methods for setting scenic waterway flows (see June 2018, Agenda Item J and November 2018, Agenda Item K).

The establishment of additional scenic waterways and setting of scenic flows supports Recommended Action 11B of the Integrated Water Resource Strategy.

III. Present Study

The Nehalem River Scenic Waterway Study serves as the first step in the process to designate a new Oregon Scenic Waterway. This study, covering approximately 17.5 miles of the Nehalem River, was done to accomplish three objectives:

- 1) Determine if the river segment meets the qualification criteria for designation as an Oregon Scenic Waterway (ORS 390.855).
- 2) If the qualification criteria are met, outline in general what type of management designation would be appropriate for the waterway.
- 3) Summarize the public comments received.

IV. Public Input

The public was notified of the study and given the opportunity to comment via letters sent to all affected landowners in the study area. Emails were sent to approximately 160 interested parties and a media release announcing the study and the upcoming public meeting was covered by several local newspapers. Approximately 40 people attended a public meeting on September 12, 2017 in Nehalem, Oregon. Comments received at the public meeting and through written responses indicate there is strong support for designation. A total of 1,409 written comments were received, of which 1,327 were form emails and 82 were unique letters. Ten were in opposition. There was general agreement that the study area did meet the criteria (i.e., free-flowing, scenic views from the river, outstanding recreational and natural values). Most indicated that the study area could sustain substantial recreation use without undue impairment, though a few commenters stated the study area could not sustain more recreation use than currently exists. The Clatsop County Board of Commissioners supports designation. The Tillamook County Board of Commissioners opposes designation.

An advisory committee was formed in the Spring of 2018 and met in May and July of 2018 to provide input for the Nehalem River draft management plan. The purpose of the draft management plan process is to gather public input for the development of a comprehensive and workable plan to manage the river. A draft management plan is an optional, nonbinding document that does not affect the OPRC decision to recommend the waterway for designation.

V. Draft Scenic Waterway Flow Recommendations

Given the intent of the Scenic Waterway program, OWRD developed a flow recommendation which would maintain the free-flowing nature of the river in necessary quantities, and protect natural values as well as the potential need for future water development. During summer months, it is recommended that the flow protection levels be set at 100 percent of the median natural streamflow. This same level of protection is also suggested for “shoulder” months (e.g. May and October). This should provide adequate instream flow protection during May through October ensuring sufficient streamflow is available to maintain flow functions important to the stream ecosystem, while also supporting highly-valued recreational flows. From November through April, OWRD recommends protecting 85 percent of the median natural streamflow.

Scientific studies have indicated that this flow recommendation would provide an adequate degree of protection for the aquatic ecosystem. Furthermore, this level of protection would allow for future allocation during high-flow months as potential storage.

Table 1 (attached) compares the median monthly natural streamflow with existing instream water rights and consumptive uses provide reference for the proposed flow recommendation. The proposed flow recommendation would ensure a higher degree of protection than current instream water rights, which currently protect against future water allocation during August through October. Comparing the current consumptive uses with the flow recommendation provides an indication that the protective mechanism would allow for future off-channel storage during winter months which would be sufficient to support future economic growth and development.

The Scenic Waterway flow recommendation was presented to the Nehalem River Advisory Council on July 18, 2018. The Advisory Council concurred with the recommendation.

VI. Conclusion

During February 2019, the OPRC will be asked to make a decision on whether to designate the Nehalem River study reach as a Scenic Waterway. If the OPRC approves the designation, OWRD will seek concurrence on the Scenic Waterway designation and approval of the proposed Scenic Waterway flow recommendation from the OWRC. If both OPRC and OWRC agree with the recommendation to designate as a Scenic Waterway, recommendations will be forwarded to the Governor's Office for consideration.

VII. Alternatives

The Commission may consider the following alternatives:

1. Concur with the OPRC on the designation of the Nehalem River as a State Scenic Waterway and approve the proposed flow recommendations in Table 1.
2. Concur with the OPRC on the designation of the Nehalem River as a State Scenic Waterway and defer setting flows at this time.
3. Do not concur with the OPRC on the designation of the Nehalem River as a State Scenic Waterway or the proposed flows.

VIII. Recommendation

The Director recommends Alternative 1.

Attachments:

1. Table 1, Water Availability and Flow Recommendation
2. Nehalem River Study Area Map

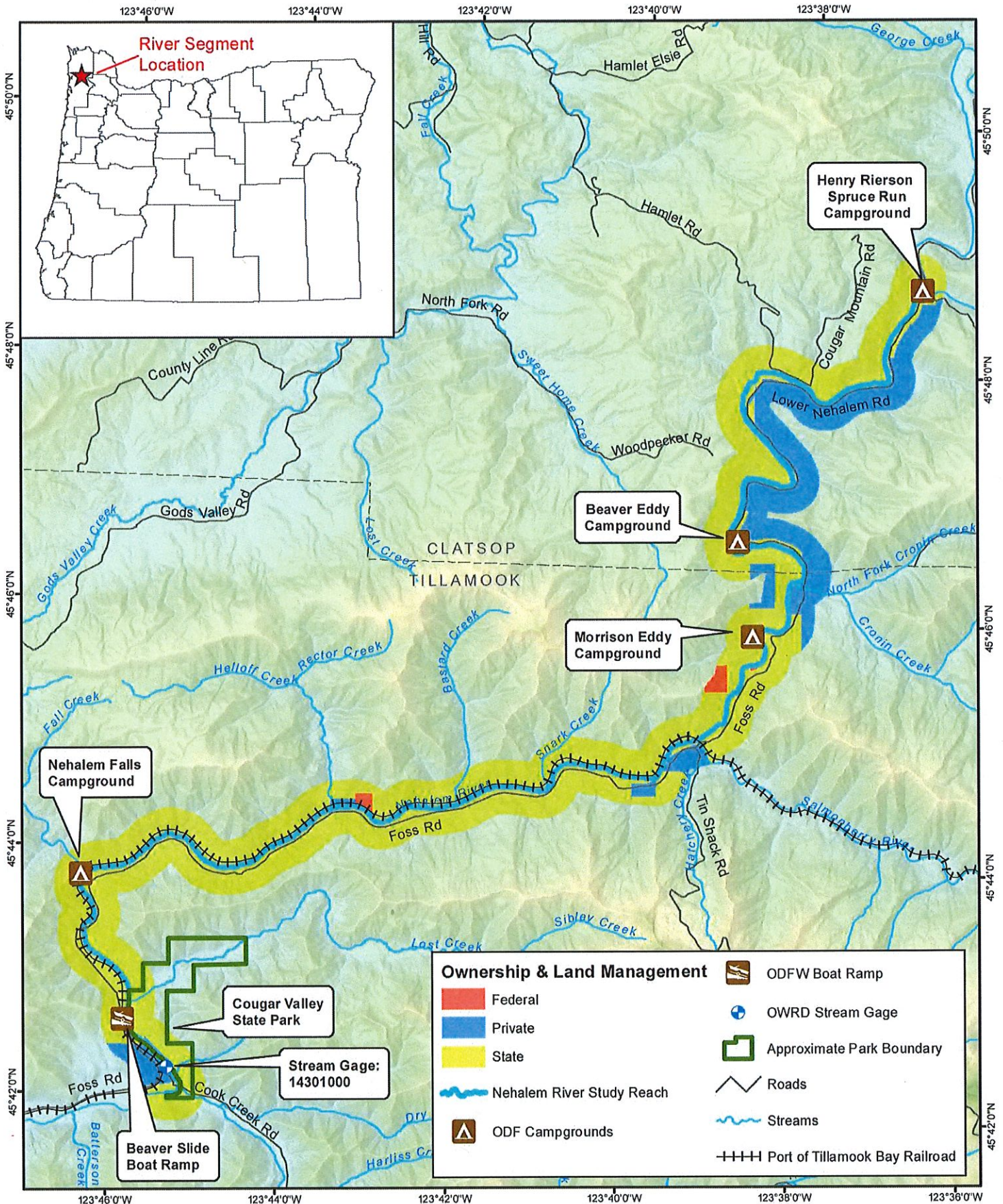
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Table 1: Comparison of current consumptive use within and upstream of the proposed Nehalem River Scenic Waterway to water availability that would remain following designation. The estimate of remaining water availability for instream and storage rights (50 percent exceedance flow) includes 100 percent protection of remaining water availability for May – October and 85 percent protection for November – April. *Annual values are displayed in terms of the total volume of water available using acre-feet (ac-ft).

Month	50 percent exceedance flow (cfs)	Consumptive use (cfs)	Existing instream water rights (cfs)	Scenic Waterway flow recommendation (cfs)	Remaining water availability at 50 percent exceedance following designation (cfs)
January	4720	2.43	270	4012	706
February	4130	2.40	270	3511	617
March	3290	2.35	270	2797	491
April	2040	2.42	270	1734	304
May	1010	2.87	200	1010	0
June	484	4.65	150	484	0
July	238	8.55	100	238	0
August	135	6.53	100	135	0
September	143	2.33	100	143	0
October	302	1.75	270	302	0
November	2420	2.22	270	2057	361
December	4420	2.40	270	3757	661
Annual*	1400000	2480	-	-	188312

Nehalem Scenic Waterway Study Segment

Oregon Parks and Recreation Dept.
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Salem OR, 97301



Ownership & Land Management	
■ Federal	ODFW Boat Ramp
■ Private	OWRD Stream Gage
■ State	Approximate Park Boundary
Nehalem River Study Reach	Roads
ODFW Campgrounds	Streams
	Port of Tillamook Bay Railroad

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