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CHAPTER 250
OREGON STATE MARINE BOARD

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FILING CAPTION: Boat Operations on the Willamette River in the Newberg Pool

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RULES:

250-010-0010, 250-020-0032, 250-020-0263, 250-020-0385

AMEND: 250-010-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Adds definitions for the activities of wakeboarding and wake surfing.

RULE TEXT:

As used in OAR Chapter 250, unless otherwise required by context:

- (1) "Black Waste" means human body wastes including feces, urine, other substances of bodily origin, and toilet paper.
- (2) "Board" means the Oregon State Marine Board.
- (3) "Boat Livery" means a person, persons, or a business establishment engaged in renting or hiring out boats for profit.
- (4) "Float Tube" means a manufactured floating device constructed of canvas, nylon or other similar material encasing an inner tube capable of supporting one person sitting inside with their legs dangling below the vessel, used as a means of transportation on the water. Single float tubes are boats as defined in ORS 830.005(2) and if powered by machinery, single float tubes are motorboats as defined in ORS 830.005(5) and subject to numbering according to OAR 250-010-0040.
- (5) "Operator" means the person who operates or who has charge of the navigation or use of a boat.
- (6) "Person" means an individual, partnership, firm, corporation, association, or other entity.
- (7) "Person on Board" means every person being carried on board or being towed by a vessel.
- (8) "Portable Toilet" means all types of portable containers, hand carried potties, buckets or similar devices used to collect black waste into a small receptacle.
- (9) "Propel" means but is not limited to floating, rowing, paddling, sailing or otherwise operating a boat (as defined in ORS 830.005), a vessel or ship.
- (10) "Sewage" means water-carried human and animal wastes and may include but is not solely kitchen, bath, and laundry wastes from residences, buildings, boats or other places.
- (11) "Ship's Lifeboats" means lifeboats used solely for lifesaving purposes and does not include dinghies, tenders, speedboats, or other types of craft carried aboard a vessel and used for other than lifesaving purposes.

(12) "Slow-No Wake" means operating a boat at the slowest speed necessary to maintain steerage and that reduces or eliminates waves that appear as white water behind the boat.

(13) "Type I Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 ml and no visible floating solids.

(14) "Type II Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 ml and suspended solids not greater than 150 mg/L.

(15) "Type III Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. These include but are not limited to a holding tank with a means of pumping the sewage into a land based Oregon Department of Environmental Quality approved wastewater treatment system.

(16) "Undocumented Vessel" means any vessel which is not required to have, or does not have, a valid marine document issued by the U.S. Coast Guard.

(17) "Underway" means when a boat is not at anchor, or moored, or made fast to the shore, or aground.

(18) "Wakeboarding" means the activity of towing a person who is attached with two foot bindings on equipment similar to a short surfboard or snowboard. Equipment used in this activity may include but is not limited to wake boards.

(19) "Wake surfing" means the activity of propelling a person, on equipment similar to a surfboard, forward with a boat's wake. The person may be holding a rope or free riding. Equipment used in this activity may include but is not limited to wake surf boards, wake boards, stand up paddleboards, and hydrofoils.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: ORS 830.110

AMEND: 250-020-0032

RULE TITLE: Boat Operations on the Willamette River in Clackamas County

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Amendments replace the regulation on wake enhancing devices between RM 48.5 to RM 31.5 with new regulations between RM 30 and 50 specifying proximity certain motorboat operations can occur in relation to specific structures, along with motorboat operation regulations in specific areas and during specific times. Additional amendments for consistency of language and to remove 10 MPH restriction 100 ft from the western shore of the Willamette River between river mile 30 and 30.5.

RULE TEXT:

- (1) A person must not operate a motorboat in excess of 10 MPH between the southern shore of Hog Island and the mainland.
- (2) A person must not operate a boat:
 - (a) Downstream from Oregon City Falls in an area from the base of the falls to a line across the river between the northeast corner of the West Linn Paper Company Mill A Grinder Room on the west bank of the river to the southwest corner of the previous power plant associated with the previous Blue Heron Mill on the east bank of the river as marked;
 - (b) In the area commonly known as the "cul-de-sac" or the West Linn Paper Company tailrace; beginning at the mouth of the tailrace on the south bank then extending across the tailrace following the line established by the bridge across the tailrace to the north bank, then in a westerly, southerly, and easterly direction around the bank of the tailrace to the place of beginning.
- (c) Exceptions:
 - (A) Boats of any federal, state, county, or local governmental agency, Portland General Electric Sullivan Plant and West Linn Paper Company maintenance crews may operate in the closed area when on official business;
 - (B) Boats used in taking lamprey under a permit issued by the Oregon Department of Fish and Wildlife may operate in the closed area subject to the conditions specified in the permit.
 - (C) Holders of a Ceremonial Harvest Permit may operate a boat for activities conducted in accordance with OAR 635-041-0610 as adopted by the Oregon Department of Fish and Wildlife.
 - (D) To operate in the closed area under special permits as prescribed in sections (2)(c)(B) and (2)(c)(C), each operator must hold a valid Oregon Boater Education Card and each boat must pass an inspection by a Clackamas County Marine Law Enforcement officer for compliance with Oregon boating safety statutes and administrative rules.
- (3) A person must not operate a motorboat in excess of a "slow-no wake" speed on the following waters:
 - (a) Cedar Island lagoon;
 - (b) From the north point of the eastern spit of Cedar Island 100 yards due north and then due west to the shore line;
 - (c) Within 200 feet of a designated public launching ramp or marked swimming area;
 - (d) Within 200 feet of shore adjacent to George Rogers Park (Lake Oswego), from the southern bank of Sucker Creek north along the west bank of the Willamette, to a point 200 yards north of the boat ramp, as posted;
 - (e) From the I-5 Boones Bridge west approximately 1,700 feet to the Railroad Bridge.
- (4) A person must not operate a personal watercraft in continuous operation on the Willamette River between Hog Island and the Union Pacific Railroad Bridge during the period from May 1 through September 30, except to transit through this zone.
- (5) A person must not operate a motorboat between river mile 30 and river mile 50:
 - (a) In excess of "slow-no wake" speed within 100 feet of a private dock, boathouse or moorage legally permitted by the Oregon Department of State Lands.
 - (b) For the purposes of wakeboarding within 200 feet of a dock, boathouse, moorage or floating home legally permitted by the Oregon Department of State Lands, except as specified in (5)(e).
 - (c) For the purposes of wake surfing within 300 feet of a dock, boathouse, moorage or floating home legally permitted

by the Oregon Department of State Lands, except in an area listed in (6) or as specified in (5)(e).

(d) In excess of "slow-no wake" speed for the purposes of towing an inflatable device within 200 feet of a dock, boathouse, moorage or floating home legally permitted by the Oregon Department of State Lands, except as specified in (5)(e).

(e) If the river is too narrow in a location for a motorboat to remain the specified distances in (5)(b-d) from a dock, boathouse, moorage or floating home on both sides of the river, then the person shall operate the motorboat no closer than the river centerline.

(6) A person must not operate a motorboat with a registered length of 18 feet or longer for the purpose of either wake surfing or maintaining a speed between "slow-no wake" and planing, where a motorboat operated at planing speed is riding on or near the water's surface as a result of the hydrodynamic forces on the motorboat's hull or other surface, within the following areas as marked:

(a) Between the Canby Ferry and river mile 35.6.

(b) Between river mile 37 and river mile 41.4.

(c) Between river mile 42.4 and river mile 46.

(d) Between river mile 48.6 and river mile 49.8.

(7) Except for the purposes of fishing, a person must not anchor a motorboat from May 15 to September 15 between river mile 30 and river mile 50 further than 100 feet from the shoreline during the following times:

(a) Between the hours of 3 p.m. and sunset Monday through Friday.

(b) Between the hours of 12 noon and sunset on Saturdays, Sundays, and legal holidays.

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.175

STATUTES/OTHER IMPLEMENTED: ORS 830.175, ORS 830.195

REPEAL: 250-020-0263

RULE TITLE: Boat Operations in Marion and Yamhill Counties

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Repeal removes the motorboat restriction during the historic Champoeg Pageant.

RULE TEXT:

No person shall operate a motorboat in excess of 5 MPH during July and August between river miles 44.5 and 45.0, as marked during the hours of 7–10 p.m. Thursdays through Sundays, during evenings on which the historic Champoeg Pageant is performed.

STATUTORY/OTHER AUTHORITY: ORS 830

STATUTES/OTHER IMPLEMENTED: ORS 830.110, 830.175

AMEND: 250-020-0385

RULE TITLE: Boat Operations in Yamhill and Marion Counties

NOTICE FILED DATE: 11/28/2018

RULE SUMMARY: Amendments replace the regulation on wake enhancing devices between RM 48.5 to RM 31.5 with new regulations between RM 30 and 50 specifying proximity certain motorboat operations can occur in relation to specific structures, along with motorboat operation regulations in specific areas and during specific times. Amendments also remove the restriction during the historic Champoeg Pageant and obsolete language.

RULE TEXT:

(1) A person must not operate a motorboat between river mile 30 and river mile 50:

(a) In excess of "slow-no wake" speed within 100 feet of a private dock, boathouse or moorage legally permitted by the Oregon Department of State Lands.

(b) For the purposes of wakeboarding within 200 feet of a dock, boathouse, moorage or floating home legally permitted by the Oregon Department of State Lands, except as specified in (1)(e).

(c) For the purposes of wake surfing within 300 feet of a dock, boathouse, moorage or floating home legally permitted by the Oregon Department of State Lands, except in an area listed in (2) or as specified in (1)(e).

(d) In excess of "slow-no wake" speed for the purposes of towing an inflatable device within 200 feet of a dock, boathouse, moorage or floating home legally permitted by the Oregon Department of State Lands, except as specified in (1)(e).

(e) If the river is too narrow in a location for a motorboat to remain the specified distances in (1)(b-d) from a dock, boathouse, moorage or floating home on both sides of the river, then the person shall operate the motorboat no closer than the river centerline.

(2) A person must not operate a motorboat with a registered length of 18 feet or longer for the purpose of either wake surfing or maintaining a speed between "slow-no wake" and planing, where a motorboat operated at planing speed is riding on or near the water's surface as a result of the hydrodynamic forces on the motorboat's hull or other surface, within the following areas as marked:

(a) Between the Canby Ferry and river mile 35.6.

(b) Between river mile 37 and river mile 41.4.

(c) Between river mile 42.4 and river mile 46.

(d) Between river mile 48.6 and river mile 49.8.

(3) Except for the purposes of fishing, a person must not anchor a motorboat from May 15 to September 15 between river mile 30 and river mile 50 further than 100 feet from the shoreline during the following times:

(a) Between the hours of 3 p.m. and sunset Monday through Friday.

(b) Between the hours of 12 noon and sunset on Saturdays, Sundays, and legal holidays.

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.175

STATUTES/OTHER IMPLEMENTED: ORS 830.175, ORS 830.195