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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OSMB 5-2019
CHAPTER 250
OREGON STATE MARINE BOARD

FILED
05/08/2019 12:17 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Boating restriction on the Willamette River in the area of Sportcraft Marina, Oregon City

EFFECTIVE DATE: 05/08/2019 THROUGH 10/31/2019

AGENCY APPROVED DATE: 05/07/2019

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Filed By:
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Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to protect boaters and provide a safe work area for Oregon Department of Fish and Wildlife (ODFW) waterway activities.

JUSTIFICATION OF TEMPORARY FILING:

(1) Failure to adopt this temporary rule will result in serious prejudice to the boating public by creating a potential safety risk to people boating in the area of Sportcraft Marina. (2) The boating public on the Willamette River and ODFW personnel working in the river in this location will suffer the consequences from failing to adopt the temporary rule. (3) Failure to adopt this temporary rule will impede the work of ODFW and may place boaters at risk. (4) Restricting boating in this area will allow ODFW to safely work in the waterway.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Emails dated May 3, 2019 and May 6-7, 2019, between ODFW and the State Marine Board. Rulemaking documents are available for public inspection at the State Marine Board, Director's Office, between 8:30 am - 4:00 pm on regular work days, Monday-Friday.

AMEND: 250-020-0032

RULE SUMMARY: Temporary closure in the area to conduct a special project.

CHANGES TO RULE:

250-020-0032

Boat Operations on the Willamette River in Clackamas County ¶

(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.¶¶

(8) A person must not operate a boat within a 150 foot semi-circle extending outwards toward the river channel from the southernmost end of the Sportcraft Marina dock from May 8 through May 31, 2019 and from September 1 through October 31, 2019.

Statutory/Other Authority: ORS 830.110, ORS 830.175

Statutes/Other Implemented: ORS 830.175, ORS 830.195