

OFFICE OF THE SECRETARY OF STATE
DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OSMB 7-2018
CHAPTER 250
OREGON STATE MARINE BOARD

FILED

07/06/2018 11:01 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Temporary boat operation rules on North Turner Lake in the City of Turner.

EFFECTIVE DATE: 07/06/2018 THROUGH 01/01/2019

AGENCY APPROVED DATE: 07/06/2018

CONTACT: June LeTarte
503-378-2617
june.letarte@oregon.gov

435 Commercial St NE #400
PO Box 14145
Salem, OR 97301

Filed By:
Jennifer Peterson
Rules Coordinator

NEED FOR THE RULE(S):

A lake safety committee formed by the City of Turner's Council determined that boat operation restrictions are needed to promote safety on North Turner Lake. Infrastructure providing access to the lake has only been constructed in the past couple of years and the City of Turner is requesting a temporary rule be put in place for the summer to improve safety. The availability of public access to the lake has just been brought to the Marine Board's attention and no established pattern of law enforcement is present on the lake. The City does not have the necessary expertise and equipment to perform water rescue operations if required. Due to the size of the waterbody (70 acres) the Board sees the need to put in place temporary boat operation regulations for the summer of 2018.

JUSTIFICATION OF TEMPORARY FILING:

(1) Failure to adopt these temporary rules will result in serious prejudice to the public boating on North Turner Lake. Due to the size of the waterbody and upon statements from the City of Turner a lack of regulations could cause safety issues for boaters. (2) The public operating a boat on North Turner Lake would suffer the consequences from a lack of appropriate local regulations on the lake. (3) With no local area rules in place and the lake being newly accessible to motorboats, there is a risk that a boat is operated in an unsafe manner or at an unsafe speed for the size of the waterbody. (4) A temporary rule allows local boat operation restrictions to be put in place during the summer of 2018, a potentially busy period during the boating season. This would give time for the City of Turner, should they wish, to consider petitioning the Marine Board for a permanent rulemaking process to be conducted for the waterbody, while reducing risk to boater safety on North Turner Lake in the meantime.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

City of Turner Guidance Packet for Lake Safety Committee Process
Request for Temporary Rulemaking from Turner Policy Department 07/03/18

Rulemaking documents are available for public inspection at the Oregon State Marine Board's Director's office between 8:30 am - 4:00 pm on regular work days, Monday-Friday.

AMEND: 250-020-0259

RULE TITLE: Boat Operations in Marion County

RULE SUMMARY: The amendment to OAR 250-020-0259 Boat Operations in Marion County would add a temporary restriction on North Turner Lake (located east of Turner Rd SE and south of Ahrens Rd SE), that would prohibit a person from propelling a boat with a motor, except an electric motor, and limit the speed of boats propelled by electric motors to 5 MPH.

RULE TEXT:

(1) No person shall operate a motorboat except those propelled by electric motors on the following lakes: Mission or Goose Lake; Silverton Reservoir; Walter Wirth Lake; and Elk Lake.

(2) No person shall operate a boat on the North Santiam River from Niagara Park to Packsaddle Park, effective January 1, 2011. This rule provision will sunset on April 30, 2013.

(3) North Turner Lake:

(a) A person must not use a motor, except an electric motor, to propel a boat on North Turner Lake.

(b) A person must not operate a boat propelled by an electric motor in excess of 5 MPH on North Turner Lake.

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.175

STATUTES/OTHER IMPLEMENTED: ORS 830.110, ORS 830.175