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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OSMB 12-2018
CHAPTER 250
OREGON STATE MARINE BOARD

FILED

08/03/2018 2:26 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Boating restriction on the Rogue River from Dunn Riffle to Galice Boat Ramp

EFFECTIVE DATE: 08/03/2018 THROUGH 01/25/2019

AGENCY APPROVED DATE: 08/03/2018

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Filed By:
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Rules Coordinator

NEED FOR THE RULE(S):

Wildfires are approaching the Rogue River in Josephine County and threatening transportation routes in the area, a temporary restriction on the operation of recreational boats on the river is needed to aid in the prevention of boating related emergencies.

JUSTIFICATION OF TEMPORARY FILING:

(1) Failure to adopt this temporary rule will result in serious prejudice to the boating public in the area because of an immediate safety risk to people boating on the Rogue River between Dunn Riffle and Galice boat ramp due to wildfires in the area. Nearby wildfires present an immediate hazard due to fire, smoke, and potential debris in the water. A road closure is also in place reducing transportation access. Rescue vehicles would be presented with difficulties accessing the area and this combined with the adverse conditions from the wildfire result in an increased risk to the boating public's safety. There is insufficient time to initiate the permanent rulemaking process. (2) The boating public in the Rogue River area would suffer the consequences from failing to adopt the temporary rule. (3) Failure to immediately prohibit boat operation on this stretch of the Rogue River could result in boaters risking their lives in hazardous conditions while rescue operations may be hampered. (4) Restricting boat operation on the river temporarily will aid in preventing boaters accessing the at risk stretch of the Rogue River.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Email dated August 3, 2018 referencing telephone conversation with Josephine County Sheriff Office.

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.

RULES:

250-020-0171, 250-030-0160

AMEND: 250-020-0171

SUSPEND: Temporary 250-020-0171 from OSMB 11-2018

RULE TITLE: Boat Operations in Josephine County

RULE SUMMARY: This temporary rule restricts boating on the Rogue River between Dunn Riffle and the Galice boat ramp.

RULE TEXT:

- (1) No person shall operate a motorboat at a speed in excess of 10 MPH on Lake Selmac.
- (2) The following areas are designated racing motorboat testing areas:
 - (a) On the Rogue River near Grants Pass:
 - (A) The primary testing area shall be one-half mile upstream from Findley Bend to a point approximately one mile above the mouth of the Applegate River;
 - (B) An alternate testing area shall be between Flannegan's Slough and Findley Bend.
 - (b) The primary testing area shall be used at all times except when low water creates a hazardous condition, at which time the alternate area will be used;
 - (c) Testing in the alternate area will be limited to Wednesdays between the hours of 6 p.m. and 8 p.m., and on Saturdays between the hours of 9 a.m. and 11 a.m.;
 - (d) When the water level measures 2.5 feet on the gauge at the City of Grants Pass Water Filtration Plant, use of the primary testing area will be considered hazardous and closed for testing high speed boats at which time the alternate testing area will be used.
- (3) Rogue River: A person must not operate a boat on the Rogue River in the area from Dunn Riffle to the Galice boat ramp. The Marine Board advises non-motorized boaters to take out at or before Hog Creek boat ramp due to the downstream restriction.

STATUTORY/OTHER AUTHORITY: ORS 830

STATUTES/OTHER IMPLEMENTED: ORS 830.110, ORS 830.175

AMEND: 250-030-0160

SUSPEND: Temporary 250-030-0160 from OSMB 11-2018

RULE TITLE: Restrictions for the Rogue River

RULE SUMMARY: This temporary rule restricts boating on the Rogue River between Dunn Riffle and the Galice boat ramp.

RULE TEXT:

(1) A person must not use a motor for propelling a boat for any purpose from Grave Creek downstream to the lowermost portion of Blossom Bar Rapids, approximately 250 feet upstream of the top of Devil's Staircase Rapids, as marked, between May 15 and November 15.

(2) A person must not anchor a boat, except within ten feet of the shoreline, in the following river segments, which are designated "anchoring prohibited" zones, during the period August 1 to September 30:

(a) From a point approximately 100 yards upstream of the confluence with the Applegate River to a point approximately 450 yards downstream of that confluence at River Mile (RM) 94.8 as marked;

(b) From RM 93.5 to 94.5, as marked.

(c) Highway Hole — A 200 foot segment located approximately 1/2 mile upstream of Robertson Bridge (RM 86.7), as marked;

(3) A person must not anchor, stop or otherwise hold their boat's position in such a manner as to impede the safe navigation of any other craft in the Brushy Chutes "pass through" zone, from a point approximately 200 feet upstream of the island at RM 88 to a point approximately 750 feet downstream of that island, as marked, during the period August 1 to September 30.

(4) A person must not operate a boat on the Rogue River in the area from Dunn Riffle to the Galice boat ramp. The Marine Board advises non-motorized boaters to take out at or before Hog Creek boat ramp due to the downstream restriction.

STATUTORY/OTHER AUTHORITY: ORS 830.110, 830.175

STATUTES/OTHER IMPLEMENTED: ORS 830.110