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OSMB 9-2019
CHAPTER 250
OREGON STATE MARINE BOARD

FILING CAPTION: Implementation of the Waterway Access Permit

EFFECTIVE DATE: 11/26/2019

AGENCY APPROVED DATE: 10/24/2019

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RULES:
250-010-0010, 250-010-0650, 250-010-0760

AMEND: 250-010-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 07/25/2019

RULE SUMMARY: Defines Waterway Access Permits and updates this rule to include definitions previously located in the Aquatic Invasive Species rules.

RULE TEXT:
As used in OAR Chapter 250, unless otherwise required by context:
(1) "Aquatic Invasive Species Prevention Permit" is an authorization issued by the Oregon State Marine Board or through designated agents that certifies payment to the Aquatic Invasive Species Prevention Fund.
(2) "Black Waste" means human body wastes including feces, urine, other substances of bodily origin, and toilet paper.
(3) "Board" means the Oregon State Marine Board.
(4) "Boat Livery" means a person, persons, or a business establishment engaged in renting or hiring out boats for profit.
(5) "Eleemosynary" means an organization supported by gifts or charity which is operated primarily as a part of organized activities for the purpose of teaching youth's scout craft, camping, seamanship, self-reliance, patriotism, courage and kindred virtues.
(6) "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.
(7) "Non-motorized boat" means any watercraft as defined in ORS 830.005(2), but not a motorboat as defined in 830.005(6).
(8) "Operator" means the person who operates or who has charge of the navigation or use of a boat.
(9) "Person" means an individual, partnership, firm, corporation, association, or other entity.
(10) "Person on Board" means every person being carried on board or being towed by a vessel.

(11) “Portable Toilet” means all types of portable containers, hand carried potties, buckets or similar devices used to collect black waste into a small receptacle.
(12) "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.
(13) "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.
(14) "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.
(15) “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.
(16) “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.
(17) “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.
(18) “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.
(19) "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.
(20) "Underway" means when a boat is not at anchor, or moored, or made fast to the shore, or aground.
(21) “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.
(22) “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.
(23) "Waterway Access Permit" is an authorization issued by the Oregon State Marine Board or through designated agents that certifies payment to the Waterway Access Fund.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: ORS 830.110

AMEND: 250-010-0650

RULE TITLE: Aquatic Invasive Species Prevention Permit

NOTICE FILED DATE: 07/25/2019

RULE SUMMARY: Outlines Aquatic Invasive Species Prevention Permit carriage requirements.

RULE TEXT:

(1) The owner of a boat for which fees for a certificate of number or registration under ORS 830.790 are required will pay an aquatic invasive species prevention permit fee of $5 per biennium at the time of boat registration.

(a) The registration validation stickers are in lieu of an Aquatic Invasive Species Prevention Permit.

(b) The validation stickers are non-transferable.

(2) Out-of-state motorboats and out-of-state sailboats 12 feet in length or more that would be required to be registered in Oregon per ORS 830.790 shall carry an out-of-state aquatic invasive species prevention permit on board when in use on waters of the state. Out-of-state motorboat permits are transferrable between multiple motorized boats.

(a) Watercraft registered in Washington or Idaho that launch directly into waters that form a common interstate boundary, or launch in Oregon tributaries within one mile of these waters, that have a current boat registration, Coast Guard documentation, or an aquatic invasive species prevention permit issued by the States of Idaho or Washington, are exempt from this requirement.

(b) The name on the permit does not need to match the name of the person operating the boat.

(3) A $20 annual Aquatic Invasive Species Prevention Permit may be purchased for motorized race boats which are owned by Oregon residents but that are otherwise exempt from registration under OAR 250-010-0150(2).

(4) Boats required to carry permits must present their permit for inspection upon request by a law enforcement officer.

(5) A person is considered in violation of the provisions contained in this rule and subject to the penalties prescribed by law when they:

(a) Alter an aquatic invasive species prevention permit; or

(b) Produce or possess an unauthorized replica of an aquatic invasive species prevention permit; or

(c) Exhibit an altered Aquatic Invasive Species Prevention Permit to a peace officer.

(6) The following vessels or classifications are exempt from the requirement to carry an Aquatic Invasive Species Prevention Permit:

(a) Watercraft registered in Washington or Idaho that launch directly into waters that form a common interstate boundary, or launch in Oregon tributaries within one mile of these waters, that have a current boat registration, Coast Guard documentation, or an aquatic invasive species prevention permit issued by the States of Idaho or Washington.

(b) Boats owned by the federal government, or by a state, county, or municipal government.

(c) Eleemosynary-owned boats which a supervising adult can confirm through documentation are engaged in an organization-related activity.

(d) A ship's lifeboat used solely for lifesaving purposes.

(e) Seaplanes

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.580

STATUTES/OTHER IMPLEMENTED: ORS 830.565, ORS 830.570, ORS 830.575

ADOPT: 250-010-0760

RULE TITLE: Waterway Access Permit

NOTICE FILED DATE: 07/25/2019

RULE SUMMARY: Establishes guidelines for the Waterway Access Permit required for operators of non-motorized watercraft.

RULE TEXT:

(1) Boaters required to carry permits must present their permit for inspection upon request by a law enforcement officer.

(2) The following vessels or classifications are exempt from the requirement to carry a Waterway Access Permit:

(a) Eleemosynary-owned boats which a supervising adult can confirm through documentation are engaged in an organization-related activity.

(b) A ship's lifeboat used solely for lifesaving purposes.

(c) Surfboards, sailboards and kite boards.

(d) Boats owned and operated by liveries and those used for group-guided activities by Outfitters and Guides which have purchased discounted permits and have received a certificate of compliance from the Board.

(e) Boats that launch directly into waters that form a common interstate boundary, or launch in Oregon tributaries within one mile of these waters, that have a current boat registration, Coast Guard documentation, or an aquatic invasive species prevention permit issued by the States of Idaho or Washington.

(3) Clubs or organizations that possess or own boats for communal use by members, participants, racing teams, or for public educational purposes except as exempted under this rule, may purchase Waterway Access Permits under the name of the organization or the club's presiding officer or secretary.

(4) For non-motorized boats engaged in competitive events, Waterway Access Permits numbering not less than the maximum number of boats in use on the water at any given time may be held by the event organizer, coach or other designated person at the event site as long as the permits are readily available for inspection by a law enforcement officer.

(5) A person is considered in violation of the provisions contained in this rule and subject to the penalties prescribed by law when they:

(a) Alter a Waterway Access Permit; or

(b) Produce or possess an unauthorized replica of a Waterway Access Permit; or

(c) Exhibit an altered Waterway Access Permit to a peace officer.

(6) The Waterway Access Permit expires on December 31 of the year indicated on the permit.

STATUTORY/OTHER AUTHORITY: ORS 830

STATUTES/OTHER IMPLEMENTED: 2019 SB 47