



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OSMB 2-2022

CHAPTER 250

OREGON STATE MARINE BOARD

FILED

04/07/2022 3:46 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Restricts loud operation of personal watercraft on the Willamette River in Clackamas County.

EFFECTIVE DATE: 04/08/2022 THROUGH 10/03/2022

AGENCY APPROVED DATE: 04/07/2022

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Filed By:

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NEED FOR THE RULE(S):

This temporary rule is needed to suspend the disruptive activities of some personal watercraft operators in a populated section of the Willamette River. The repetitive use of excessively loud personal watercraft in this stretch are causing significant disturbance to the nearby residential areas. The temporary rule is needed to provide temporary relief as OSMB works with stakeholders on a permanent solution.

JUSTIFICATION OF TEMPORARY FILING:

(1) Failure to immediately amend the rules would result in continued disturbance to other river users and the surrounding populated areas. Frustration with the undesirable use in the community would continue to increase, potentially leading to escalation of conflict between users. (2) Residents in the communities of West Linn and Gladstone would be subject to noise disturbance associated with some personal watercraft operation. There are increasing concerns that homeowner frustration could lead to retaliatory measures against the personal watercraft operators. (3) This situation began to escalate over the past year and, despite nonregulatory efforts at mitigation, a solution has yet to be settled upon. A remedial temporary rule is needed to prevent further escalation before permanent rules can be considered and vetted. (4) A temporary rule will put a regulatory framework in place that stops the problematic activities for the upcoming boating season.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Meeting materials of the Oregon State Marine Board from their January, 2022 and April, 2022 Board Meetings. Email correspondence between OSMB staff, local authorities, and interested members of the public from December 2, 2021 through April 7, 2022.

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: 250-021-0040

RULE TITLE: Special Local Restrictions — Personal Watercraft Applicability

RULE SUMMARY: Restricts the operation of personal watercraft in a manner that exceeds 75 dBA on a portion of the Willamette River.

RULE TEXT:

- (1) Lakes and reservoirs (impoundments) are open to the operation of personal watercraft subject to local operating rules found in OAR chapter 250, division 20.
- (2) All rivers of this state including any tributary streams or rivers entering the Willamette River are closed to the operation of personal watercraft, except as noted:
 - (a) Columbia River is open.
 - (b) Clackamas River is open only between the Willamette River and the lagoon (RM 0.7). The lagoon is open.
 - (c) Willamette River is closed only in the area above the Beltline Road overpass at RM 178.
 - (d) Chetco is closed only in the area above the head of tide.
 - (e) Rogue is closed only in the area between mouth of Snout Creek and the Applegate River and the area above the former location of Gold Ray Dam.
 - (f) Yaquina River is closed only in the area upstream of the Toledo Airport boat ramp at RM 9.5.
 - (g) John Day River (Sherman/Gilliam County) is closed only in the area above Tumwater Falls (RM 10).
 - (h) Deschutes River is closed only in the area above Heritage Landing boat ramp (RM 0.5).
 - (i) Coos is closed only in the area above its confluence with the Millicoma River.
 - (j) Coquille is closed only in the area above the Highway 42S bridge in the City of Coquille.
 - (k) Umpqua is closed only in the area above Scottsburg Park.
 - (l) Siuslaw is closed only in the area above Highway 126 bridge at Mapleton.
 - (m) Pistol, Sixes, Elk Rivers as per OAR 250-020-0082.
 - (n) East and West Fork Millicoma as per OAR 250-020-0064.
 - (o) Alsea, Salmon and Siletz Rivers as per OAR 250-20-0231.
 - (p) Kilchis, Miami, Wilson, Tillamook, Trask Rivers as per OAR 250-020-0308.
 - (q) Nehalem as per OAR 250-020-0300.
 - (r) Necanicum as per OAR 250-020-0043.
 - (s) Snake River above Brownlee Reservoir is open.
- (3) Notwithstanding the provisions of OAR 250-010-0121(c), a person must not operate a personal watercraft in a manner that exceeds 75 dBA measured as specified in the shoreline sound level measurement procedure for recreational motorboats J1970_201102 on the Willamette River from Willamette Falls (River Mile 26.6) downstream to the Waverly Marina (River Mile 16.9).

STATUTORY/OTHER AUTHORITY: ORS 830.110, ORS 830.175, ORS 830.195

STATUTES/OTHER IMPLEMENTED: ORS 830.110, ORS 830.175, ORS 830.195