

**DIVISION 1**

**PROCEDURAL RULES**

<b>250-001-0000</b>	Notice of Proposed Rule
<b>250-001-0005</b>	Model Rules of Practice and Procedure
<b>250-001-0010</b>	Availability of the Rules
<b>250-001-0020</b>	Fees for Furnishing Information
<b>250-001-0030</b>	Hearings Authorized

**DIVISION 10**

**STATEWIDE RULES**

<b>250-010-0010</b>	Definitions
<b>250-010-0025</b>	Basic Rule for “Slow–No Wake”
<b>250-010-0030</b>	Application for Certificate of Number and Title
<b>250-010-0040</b>	Oregon Boat Numbering System
<b>250-010-0051</b>	Definition of “Operate” and “Otherwise Use a Boat on Water”
<b>250-010-0053</b>	Safety Inspections
<b>250-010-0055</b>	Certificates of Boat Title
<b>250-010-0057</b>	Issuance and Duplication Fees
<b>250-010-0058</b>	Refunds
<b>250-010-0059</b>	Reinstatement Fee
<b>250-010-0060</b>	Report of Transfer, Abandonment or Wrecking of a Boat, Change of Address, Late Penalty Fees
<b>250-010-0065</b>	County Use Permit Programs
<b>250-010-0085</b>	Capacity Plates
<b>250-010-0095</b>	Application for Marine Events
<b>250-010-0097</b>	Application for Special Use Device Permits
<b>250-010-0110</b>	Investigation of Accidents
<b>250-010-0121</b>	Mufflers
<b>250-010-0122</b>	Carburetors
<b>250-010-0125</b>	Ventilation
<b>250-010-0150</b>	Exemptions
<b>250-010-0152</b>	Use of Sirens Prohibited by Other Than Expressly Authorized Peace Officers
<b>250-010-0154</b>	Personal Flotation Devices
<b>250-010-0155</b>	Fire Extinguishers
<b>250-010-0156</b>	Sound Signaling Appliances
<b>250-010-0160</b>	Board Not to Approve Products of Manufacturers

**Uniform Waterway Marking System**

<b>250-010-0175</b>	Definitions
<b>250-010-0180</b>	Waterway Markers Used on the Waters of This State Shall be as Follows
<b>250-010-0185</b>	Buoys
<b>250-010-0190</b>	Signs
<b>250-010-0195</b>	Letter or Numeral Elements of Marker
<b>250-010-0200</b>	Specifications for Water Markers
<b>250-010-0205</b>	Mooring Buoys
<b>250-010-0210</b>	The “Divers” Flag

**Floating Home/Boathouse Registration and Titling System**

<b>250-010-0300</b>	Definitions
<b>250-010-0310</b>	Certificate of Registration and Title for a Floating Home or Boathouse
<b>250-010-0315</b>	Issuance and Duplication Fees
<b>250-010-0320</b>	Oregon Floating Home/Boathouse Registration Numbering System
<b>250-010-0325</b>	Report of Transfer, Abandonment, or Wrecking of Floating Home/Boathouse or Change of Address

**Boating Under the Influence of Intoxicants**

<b>250-010-0400</b>	Boating Under the Influence of Intoxicants
<b>250-010-0410</b>	Definitions
<b>250-010-0420</b>	Officer Report
<b>250-010-0430</b>	Chemical Analyses

<b>250-010-0440</b>	Qualifications of Breath Test Equipment Operators
<b>250-010-0450</b>	Training for Operators of Breath Test Equipment
<b>250-010-0460</b>	Certification of Accuracy of Breath Test Equipment
<b>250-010-0470</b>	Breath Testing Equipment Approval

**Offender Education Program Administration**

<b>250-010-0500</b>	Offender Education Program Administration
<b>250-010-0510</b>	Definitions
<b>250-010-0520</b>	Content
<b>250-010-0530</b>	Implementation
<b>250-010-0540</b>	Fees
<b>250-010-0550</b>	Qualified Courses
<b>250-010-0560</b>	Completion Certificate

**DIVISION 11**

**RULES OF RIGHT-OF-WAY**

<b>250-011-0005</b>	Conduct of Vessels in Any Condition of Visibility
<b>250-011-0010</b>	Conduct of Vessels in Sight of One Another
<b>250-011-0015</b>	Conduct of Vessels in Restricted Visibility

**DIVISION 12**

**LIGHTS AND SHAPES**

<b>250-012-0001</b>	Definitions
<b>250-012-0003</b>	Visibility of Lights
<b>250-012-0005</b>	Application
<b>250-012-0010</b>	Power-Driven Vessels Underway
<b>250-012-0015</b>	Towing and Pushing
<b>250-012-0020</b>	Sailing Vessels Underway and Vessels Manually Propelled
<b>250-012-0025</b>	Fishing Vessels
<b>250-012-0030</b>	Vessels Not Under Command or Restricted in Their Ability to Maneuver
<b>250-012-0035</b>	Pilot Vessels
<b>250-012-0040</b>	Anchored Vessels and Vessels Aground
<b>250-012-0045</b>	Law Enforcement Vessels
<b>250-012-0050</b>	Public Safety Activities

**DIVISION 13**

**SOUND AND LIGHT SIGNALS**

<b>250-013-0001</b>	Definitions
<b>250-013-0005</b>	Equipment for Sound Signals
<b>250-013-0010</b>	Maneuvering and Warning Signals
<b>250-013-0015</b>	Sound Signals in Restricted Visibility
<b>250-013-0020</b>	Signals to Attract Attention

**DIVISION 14**

**MARINE FACILITY PROGRAM RULES**

<b>250-014-0001</b>	Definitions
<b>250-014-0002</b>	Eligibility
<b>250-014-0003</b>	Boating Facility Grant Program
<b>250-014-0004</b>	Maintenance Assistance Program
<b>250-014-0005</b>	Vessel Waste Collection and Boating Infrastructure Grant Program

**Floatation Encapsulation Rules**

<b>250-014-0010</b>	Definitions
<b>250-014-0020</b>	Purpose and Scope
<b>250-014-0030</b>	Materials and Methods of Encapsulation — New Construction
<b>250-014-0040</b>	Pre-Certification Encapsulation Form
<b>250-014-0041</b>	Post Certification Encapsulation Log

## Chapter 250 Oregon State Marine Board

<b>250-014-0050</b>	Maintenance or Repair of Existing Structures
<b>250-014-0060</b>	Alteration or Addition of Existing Facilities
<b>250-014-0070</b>	Buoys and Other Floating Devices
<b>250-014-0080</b>	Exemptions
<b>250-014-0090</b>	Inspection and Penalties

### DIVISION 15

#### OCEAN CHARTER VESSELS

<b>250-015-0001</b>	Definitions
<b>250-015-0002</b>	Applicability
<b>250-015-0005</b>	License Application and Fees
<b>250-015-0006</b>	Reciprocity Provisions for Charter Vessels on the Columbia River
<b>250-015-0008</b>	License Transfer, Cancellation or Suspension
<b>250-015-0010</b>	Equipment Requirements
<b>250-015-0011</b>	Exemptions
<b>250-015-0015</b>	Safety Equipment Specifications
<b>250-015-0016</b>	First Aid Kit
<b>250-015-0017</b>	Bilge High Water Warning System
<b>250-015-0018</b>	Depth Finder
<b>250-015-0019</b>	Power/Hand Operated Bilge Pump/Bailing Bucket
<b>250-015-0020</b>	Anchor and Anchor Chain or Line
<b>250-015-0021</b>	Magnetic Compass
<b>250-015-0022</b>	Loran C or Radar Navigation Equipment
<b>250-015-0023</b>	Emergency Position Indicating Radio Beacon (EPIRB)
<b>250-015-0024</b>	Navigational Charts
<b>250-015-0025</b>	Life Jackets/Life Ring
<b>250-015-0026</b>	Light/Smoke Flares
<b>250-015-0027</b>	VHF Radio
<b>250-015-0028</b>	Running Lights
<b>250-015-0029</b>	U.S.C.G. Operator's License
<b>250-015-0031</b>	Engine Room Ventilation Blower System, Backfire Flame
<b>250-015-0032</b>	Fire Extinguisher
<b>250-015-0033</b>	Additional Equipment

### DIVISION 16

#### OUTFITTER/GUIDE REGISTRATION

<b>250-016-0001</b>	Definitions
<b>250-016-0002</b>	Registration Instructions
<b>250-016-0003</b>	Proof of Registration Compliance
<b>250-016-0004</b>	Employee Agent or Party of Interest
<b>250-016-0005</b>	Cancellation of Registration
<b>250-016-0006</b>	Reinstatement of Registration
<b>250-016-0007</b>	Registration Renewal
<b>250-016-0008</b>	Board's Authority to Reprimand an Outfitter/ Guide or Suspend, Revoke, or Deny a Registration
<b>250-016-0009</b>	Contested Case Hearings
<b>250-016-0010</b>	Outfitter/Guide Ethical and Professional Standards
<b>250-016-0011</b>	Surety Bond
<b>250-016-0012</b>	Personal Flotation Device Requirements for Outfitters and Guides
<b>250-016-0014</b>	Reciprocity Provisions for Outfitters and Guides on the lower Columbia River downstream of the bridge at Longview–Rainier
<b>250-016-0015</b>	Reciprocity Provisions for Outfitters and Guides on the Columbia River upstream of the bridge at Longview–Rainier

### DIVISION 17

#### ADOPT-A-RIVER PROGRAM

<b>250-017-0000</b>	Purpose
<b>250-017-0010</b>	Scope
<b>250-017-0020</b>	Definitions

<b>250-017-0030</b>	General Requirements
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### Specific Requirements

<b>250-017-0040</b>	Applicant Organization and Participant Responsibilities
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### DIVISION 18

#### PROCEDURES FOR IMPLEMENTING MANDATORY BOATING SAFETY EDUCATION PROGRAM

<b>250-018-0010</b>	Definitions
<b>250-018-0020</b>	Minimum Standards for Boating Safety Education Competency
<b>250-018-0030</b>	Boater Education Card
<b>250-018-0040</b>	Replacement Boater Education Card
<b>250-018-0050</b>	Temporary Boater Education Card
<b>250-018-0060</b>	Dockside Checklist
<b>250-018-0070</b>	Program Phase In
<b>250-018-0080</b>	Exemptions
<b>250-018-0090</b>	Fees
<b>250-018-0100</b>	Approved Course Providers
<b>250-018-0110</b>	Approved Internet Course Providers

### DIVISION 19

#### PROCEDURES FOR ADOPTING, AMENDING, AND REPEALING LOCAL AND SPECIAL RULES

<b>250-019-0010</b>	Policy
<b>250-019-0020</b>	Definitions
<b>250-019-0030</b>	Statutory Authority
<b>250-019-0040</b>	Scope
<b>250-019-0050</b>	Existing Laws
<b>250-019-0060</b>	Types or Methods of Regulations Used
<b>250-019-0070</b>	Procedures for Submitting and Accepting Requests to Adopt, Amend or Repeal Local Boating Regulations
<b>250-019-0080</b>	Procedures for Considering Requests to Adopt, Amend, or Repeal Local Boating Regulations

### DIVISION 20

#### LOCAL AND SPECIAL RULES

<b>250-020-0005</b>	Applicability of Terms
<b>250-020-0013</b>	Boat Operations in Baker County
<b>250-020-0014</b>	Boat Operations on Phillips Lake in Baker County
<b>250-020-0026</b>	Boat Operations in Benton County
<b>250-020-0031</b>	Boat Operations and Water Skiing on Lake Oswego in Clackamas County
<b>250-020-0032</b>	Boat Operations on the Willamette River in Clackamas County
<b>250-020-0033</b>	Boat Operations in Clackamas County
<b>250-020-0041</b>	Boat Operations in Clatsop County
<b>250-020-0042</b>	Boat Operations on the Nehalem River in Clatsop and Tillamook Counties
<b>250-020-0043</b>	Boat Operations on the Necanicum River in Clatsop County
<b>250-020-0051</b>	Boat Operations in Columbia County
<b>250-020-0053</b>	Boat Operations in Columbia and Multnomah Counties
<b>250-020-0061</b>	Boat Operations on Eel Lake in Coos and Douglas Counties
<b>250-020-0062</b>	Boat Operations on North Ten Mile Lake, Ten Mile Lake, and Ten Mile Creek in Coos County
<b>250-020-0063</b>	Boat Operations in Coos County
<b>250-020-0064</b>	Boat Operations on the Coquille and Millicoma Rivers in Coos County
<b>250-020-0065</b>	Boat Operations on the South Slough Estuarine Sanctuary in Coos County

## Chapter 250 Oregon State Marine Board

<b>250-020-0073</b>	Boat Operations on Ochoco and Prineville Reservoirs in Crook County
<b>250-020-0074</b>	Boat Operations in Crook County
<b>250-020-0082</b>	Boat Operations in Curry County
<b>250-020-0091</b>	Boat Operations in Deschutes County
<b>250-020-0101</b>	Boat Operations on Eel Lake in Douglas and Coos Counties
<b>250-020-0102</b>	Boat Operations in Douglas County
<b>250-020-0105</b>	Boat Operations on Cooper Creek Reservoir in Douglas County
<b>250-020-0121</b>	Boat Operations in Gilliam County
<b>250-020-0125</b>	Boat Operations in Grant County
<b>250-020-0132</b>	Boat Operations in Harney County
<b>250-020-0141</b>	Boat Operations in Hood River County
<b>250-020-0151</b>	Boat Operations in Jackson County
<b>250-020-0161</b>	Boat Operations in Jefferson County
<b>250-020-0171</b>	Boat Operations in Josephine County
<b>250-020-0201</b>	Boating and Water Skiing on Lake of the Woods in Klamath County
<b>250-020-0202</b>	Boat Operations on Miller Lake in Klamath County
<b>250-020-0203</b>	Boat Operations on Klamath Lake in the Vicinity of Moore Park Marina
<b>250-020-0204</b>	Boat Operations in Klamath County
<b>250-020-0205</b>	Regulations — Klamath County
<b>250-020-0211</b>	Boat Operations in Lake County
<b>250-020-0221</b>	Boat Operations on Certain Waters in Lane County
<b>250-020-0231</b>	Boat Operations in Lincoln County
<b>250-020-0239</b>	Boat Operations in Linn County on Big Lake
<b>250-020-0240</b>	Boat Operations in Linn County
<b>250-020-0241</b>	Boat Operations on Foster Reservoir in Linn County
<b>250-020-0242</b>	Boat Operations on Green Peter Reservoir in Linn County
<b>250-020-0243</b>	Boat Operations and Water Skiing on Detroit Dam Reservoir and Tributaries in Linn and Marion Counties
<b>250-020-0245</b>	Boat Operations in Linn and Marion Counties
<b>250-020-0250</b>	Boat Operations in Malheur County
<b>250-020-0259</b>	Boat Operations in Marion County
<b>250-020-0260</b>	Boat Operations and Water Skiing on Detroit Dam Reservoir and Tributaries in Marion and Linn Counties
<b>250-020-0261</b>	Boat Operations on the Willamette River in Marion and Polk Counties
<b>250-020-0263</b>	Boat Operations in Marion and Yamhill Counties
<b>250-020-0270</b>	Boat Operations in Morrow County
<b>250-020-0280</b>	Boat Operations in Multnomah County
<b>250-020-0281</b>	Boat Operations in Multnomah County
<b>250-020-0282</b>	Boat Operations in Multnomah County on Multnomah Channel
<b>250-020-0285</b>	Boat Operations in Multnomah and Columbia Counties
<b>250-020-0290</b>	Boat Operations on the Willamette River in Polk and Marion Counties
<b>250-020-0295</b>	Boat Operations in Sherman County
<b>250-020-0300</b>	Boat Operations on the Nehalem River in Tillamook and Clatsop Counties
<b>250-020-0308</b>	Boat Operations on Certain Waters in Tillamook County
<b>250-020-0309</b>	Boat Operations at Three Arch Rocks National Wildlife Refuge, Pacific Ocean, Tillamook County
<b>250-020-0310</b>	Boat Operations on Certain Waters in Tillamook County
<b>250-020-0311</b>	Boat Operations on the Nehalem River in Tillamook County
<b>250-020-0312</b>	Boat Operations on the Big Nestucca River in Tillamook County
<b>250-020-0323</b>	Boat Operations in Umatilla County

<b>250-020-0330</b>	Boat Operations in Union County
<b>250-020-0340</b>	Boat Operations in Wallowa County
<b>250-020-0350</b>	Boat Operations in Wasco County
<b>250-020-0360</b>	Boat Operations on Henry Hagg Lake in Washington County
<b>250-020-0370</b>	Boat Operations in Washington County
<b>250-020-0385</b>	Boat Operations in Yamhill and Marion Counties

### DIVISION 21

#### PERSONAL WATERCRAFT RULES

<b>250-021-0010</b>	Scope
<b>250-021-0020</b>	Definitions
<b>250-021-0030</b>	Operating Rules
<b>250-021-0040</b>	Special Local Restrictions — Applicability
<b>250-021-0100</b>	Personal Watercraft Livery Operations

### DIVISION 22

#### KLAMATH LAKE PLANKTON HARVEST VESSEL RULES

<b>250-022-0010</b>	Purpose
<b>250-022-0020</b>	Scope
<b>250-022-0030</b>	Definitions
<b>250-022-0040</b>	Title and Registration Requirements
<b>250-022-0050</b>	Equipment Requirements
<b>250-022-0060</b>	Operating Requirements

### DIVISION 25

#### TEMPORARY BOATING RULES

<b>250-025-0010</b>	Purpose
<b>250-025-0020</b>	Scope

### DIVISION 30

#### SCENIC WATERWAYS

<b>250-030-0010</b>	Definitions
<b>250-030-0020</b>	General Provisions
<b>250-030-0030</b>	Regulations
<b>250-030-0041</b>	Special Regulation — Manner of Operation

### DIVISION 1

#### PROCEDURAL RULES

##### 250-001-0000

##### Notice of Proposed Rule

Prior to the adoption, amendment or repeal of any rule, the State Marine Board shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date.

(2) By mailing notice to persons on the State Marine Board's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule.

(3) By mailing notice to the following persons, organizations, or publications:

- (a) Associated Press;
- (b) Capitol Press Room;
- (c) State agencies affected;
- (d) Port and park and recreation districts in the area affected;
- (e) City and/or county officials in the area affected;
- (f) Newspapers of general circulation and broadcast media in the political subdivision affected.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 72, f. & ef. 11-4-75; MB 2-1985, f. & ef. 1-29-85; MB 7-1994, f. & cert. ef. 6-1-94

**250-001-0005**

**Model Rules of Practice and Procedure**

The effective edition of the Oregon Attorney General's Model Rules and Uniform Rules of Procedure are by this reference adopted as the rules of practice and procedure of the Marine Board.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Marine Board.]

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110(1)

Hist.: MB 68, f. 5-19-75, ef. 6-11-75; MB 78, f. & ef. 8-27-76; MB 3-1978, f. & ef. 4-5-78; MB 1-1982, f. & ef. 3-1-82; MB 4-1984, f. & ef. 1-19-84; MB 4-1986, f. 4-15-86, ef. 4-18-86

**250-001-0010**

**Availability of the Rules**

Pursuant to ORS 830.110(11), the laws and rules of the Marine Board shall be available at the office of the State Marine Board.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 1, f. 2-4-60; Renumbered from 250-010-0020

**250-001-0020**

**Fees for Furnishing Information**

The Marine Board may charge reasonable fees to cover those costs resulting from requests for reproduction of agency records.

(1) Individuals or firms requesting an alphabetical or numerical listing of boat owners, and information concerning their boats, will be charged a fee as follows:

(a) Labels or printouts are \$250 for up to 1,000 names printed on labels and/or print-out, plus \$25 for each 1,000 additional names or portion thereof. This fee includes the cost of data processing, labels, administrative expense and shipping;

(b) Electronic format — \$165 including actual cost of computer generated media, electronic files, staff time involved in research, file review, compiling and duplication, and shipping costs;

(c) An advance deposit to cover the anticipated cost will be required.

(2) The Board may recover actual costs for supplies and staff time for research, file review, compiling and duplication required to provide copies of material, whether printed, computerized or in other media, that was produced by Marine Board or by a vendor under contract to the Marine Board and which is not intended for general distribution. That includes but is not limited to items such as internal reports, studies, engineering drawings, CAD files, maps, computer diskettes, tapes, computer generated media, electronic files, transcripts, or mailing lists. Generally, information is available only in the means (paper, computer program or otherwise) it was created.

**Exempt:** Brochures, booklets and other mass-produced items intended for general distribution are not included as "documents" under this rule.

(a) The standard charge for single page reproduction shall not exceed \$.25 per standard 8-1/2 x 11" page, \$.35 per 11x17" page, \$1.00 per 24x36" drawing sheet (blueprint), \$.50 per 24x36" drawing sheet (bond paper). Double-sided copies count as two pages. Mailing costs include postage fees and actual cost of special mailers required.

(b) The standard charge for duplication of audio and/or video tapes shall be the actual cost of the tapes, staff time involved in research, file review, compiling and duplication, and shipping costs;

(c) The charge for computer diskettes will be actual cost plus staff time required for copying requested files, the actual cost of special mailers and postage;

(d) There will be no charge for an individual request of five or fewer copies of a single 8-1/2 X 11" page;

(e) An advance deposit of up to 50 percent of the estimated total charge may be required for those people or organizations who require a considerable number of reproduced copies.

(3) The Director may reduce or waive the fee for non-profit organizations and government agencies requesting lists or documents in the interest of boating access, safety programs or law enforcement purposes.

(4) For outfitter/guide listings the fees shall be as follows:

(a) Machine reproductions — \$.25 per standard 8-1/2 x 11" page. There will be no charge for an individual request of five or fewer copies of a single page;

(b) Machine generated labels or listings — \$50 for up to 1,000 names plus \$10 for each 1,000 additional names or portion thereof;

(c) Machine generated labels, listings or printouts in other than the standard format — Actual cost of programming, processing and administrative expenses, but not less than \$75 for up to 1,000 names, plus \$20 for each 1,000 additional names or portion thereof;

(d) The fees charged will be actual cost of electronic media or files, computer diskettes, cost of staff time required for copying requested files, plus actual cost of special mailers and postage.

Stat. Auth.: ORS 195, 283 & 830

Stats. Implemented: ORS 830.110

Hist.: MB 12, f. 3-27-62; MB 8-1978(Temp), f. & ef. 10-5-78; MB 10-1978, f. & ef. 12-21-78; Renumbered from 250-010-0165; MB 16-1984, f. & ef. 12-3-84; MB 2-1986, f. & ef. 1-30-86; MB 1-1997, f. & cert. ef. 4-4-97; OSMB 1-2003, f. & cert. ef. 1-14-03

**250-001-0030**

**Hearings Authorized**

The Director, or a designated agent, upon the order of the Board or any member of the Board, with the approval of the Board, may conduct public hearings for the purpose of promulgating special regulations consistent with the safety of the public relating to the operation of boats, when a request for such hearing is received from the governing body of a political subdivision.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 5, f. 7-13-60; MB 88(Temp), f. & ef. 11-4-77; MB 4-1978, f. & ef. 4-5-78; Renumbered from 250-010-0170

**DIVISION 10**

**STATEWIDE RULES**

**250-010-0010**

**Definitions**

As used in OAR chapter 250, unless otherwise required by context:

(1) "Board" means the Oregon State Marine Board.

(2) "Boat Livery" means a person, persons, or a business establishment engaged in renting or hiring out boats for profit.

(3) "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.

(4) "Operator" means the person who operates or who has charge of the navigation or use of a boat.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(6) "Person on Board" means every person being carried on board or being towed by a vessel.

(7) "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.

(8) "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.

(9) "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.

(10) "Underway" means when a boat is not at anchor, or moored, or made fast to the shore, or aground.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 1, f. 2-4-60; MB 10, f. 11-14-61; MB 24, f. 3-13-64; MB 4-1982, f. & ef. 6-1-82; MB 21-1983, f. 11-29-83, ef. 12-1-83; MB 1-1992, f. & cert. ef. 3-13-92; MB 2-1996, f. & cert. ef. 2-13-96; MB 4-1996, f. & cert. ef. 4-12-96



**250-010-0025**

**Basic Rule for “Slow–No Wake”**

(1) No person shall operate a boat on the waters of this state in excess of a “Slow–No Wake,” maximum 5 MPH speed within 200 feet of a boat launch ramp, marina with a capacity for six or more moored vessels, floating home/boathouse moorage with six or more contiguous structures, and locations where persons are working at water level on floats, logs or waterway construction.

(2) Section (1) of this rule does not apply to commercial vessels or vessels engaged in navigation on rivers where a speed in excess of 5 MPH is needed to ensure safe passage.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 9-1988, f. & cert. ef. 1-27-88; MB 1-1996, f. & cert. ef. 2-13-96

**250-010-0030**

**Application for Certificate of Number and Title**

(1) The application shall be made on a form furnished by the Board and mailed direct to the Board or presented to an appointed agent of the Board, together with the required fee.

(2) The application shall be available at the office of the Board, appointed agents of the Board, boat dealers, sheriffs, and Motor Vehicle Licensing offices.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 1, f. 2-4-60; MB 24, f. 3-13-64

**250-010-0040**

**Oregon Boat Numbering System**

(1) The numbering system adopted for use in the State of Oregon shall consist of the State Designator (OR) followed by the maximum of three digits and three letters. The letters “O,” “I,” and “Q” and offensive combinations shall not be used.

**Examples:** -1- OR-1-AA through OR-999-AA

-2- OR-1-AB through OR-999-AB

-3- OR-1-AAA through OR-999-AAA

(2) Significant numbers are as follows:

(a) State-owned Boats: OR-1-XX through OR-999-XX;

(b) County-owned Boats: OR-1-XC through OR-999-XC;

(c) County-owned Law Enforcement Boats: OR-1-XCX through OR-999-XCX;

(d) Eleemosynary organizations Boats: OR-1-XE to OR-999-XE;

(e) Municipality-owned Boats: OR-1-XM through OR-999-XM;

(f) Dealers numbers: OR-1-DR through OR-999-DR.

(3) These numbers shall be placed on each side of the forward half of the vessel in such a position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than three inches in height. The numbers shall be of a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark letters on a light background, or light letter on a dark background.

(4) With each Certificate of Number issued by the Board there shall be issued a set of 3” by 3” validation decals. The decals shall be placed on each side of the vessel, three inches aft (towards the stern) and directly in line with the registration numbers.

(5) Documented vessels issued a certificate of registration and validation decal under ORS 830.775, shall display the decals on both sides of the aftermost part of the hull in the upper, square foot, below the deckline.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 1, f. 2-4-60; MB 10, f. 11-14-61; MB 24, f. 3-13-64; MB 20-1985, f. & ef. 11-22-85; MB 1-1992, f. & cert. ef. 3-13-92; OSMB 4-2002, f. & cert. ef. 7-5-02

**250-010-0051**

**Definition of “Operate” and “Otherwise Use a Boat on Water”**

(1) For the purpose of ORS 830.700(5), the term “operate” means to navigate or otherwise use a boat on water:

(2) The term “otherwise use” includes, but is not limited to, being at anchor, adrift, moored on the water, use as live-a-board residence on water or otherwise being afloat on the waters of this state.

(3) A boat does not have to be “underway” to be in use for the purpose of titling and registration requirements as provided in ORS 830.070 to 830.830.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: OSMB 5-2002, f. 10-15-02, cert. ef. 11-1-02

**250-010-0053**

**Safety Inspections**

The sheriff of each county and all other police officers responsible for enforcement of Oregon Revised Statutes, Chapter 704 and 830 and the amplifying Oregon Administrative Rules Chapter 250, are authorized to “signal boat operator to bring the boat to a stop” to conduct safety inspections:

(1) With the owner or operator’s consent; or

(2) If a sheriff or other police officer confirms that a safety violation has occurred the sheriff or officer shall conduct a complete safety inspection to determine compliance with all other applicable safety laws.

Stat. Auth.: ORS 830.110 & 830

Stats. Implemented:

Hist.: OSMB 1-2004, f. & cert. ef. 5-11-04

**250-010-0055**

**Certificates of Boat Title**

(1) When the owner of a boat submits an application for Certificate of Boat Title only, and under normal circumstances the boat would require in addition to the title, a certificate of number, the Director shall not issue the title until first obtaining from the owner a signed statement that the boat will not be used on any waters over which this state has jurisdiction until all registration requirements have been complied with.

(2) Before issuing a Certificate of Title for a boat the Director shall require “Proof of Ownership” which may include a notarized transfer of title by the previous title owners, a Manufacturer’s Statement of Origin (MSO) properly executed by the manufacturer, a Homemade Boat Builders Certificate properly executed by the builder, a Certificate of Boat Title issued by another state or an original certificate of number for boats previously registered in another state that does not issue a Certificate of Title for a Boat.

(a) When an application is made for an initial Oregon title, the following boats must be inspected by the Oregon State Police, an Oregon county sheriff’s representative, or Marine Board staff:

(A) Homemade boats; and

(B) Boats not titled and/or registered in Oregon or another state with the exception of new boats when a manufacturer’s statement of origin has been submitted.

(C) When a boat is currently unavailable for inspection or when it is evident that a typographical error or misinterpretation of a number or letter has occurred, a title and registration may be issued after a pencil tracing (rubbing) or digital photo is submitted, provided:

(i) The boat has a title or out of state registration;

(ii) There are no stolen records or red flags; and,

(iii) The boat is more than 20 years old and/or has an estimated value less than \$2,000.

(b) The Board at its discretion may inspect any boat before issuing an Oregon title.

(3) When an application for a certificate of boat title indicates that the legal owner of the boat is other than the principal owner, the title must be mailed to the legal owner.

(4) An application to replace a lost boat title may be made to the Board. A lost boat title must be issued to the title owners indicated in the Board’s records, unless a notarized transfer of title signed by the previous title owners has been submitted in connection with the lost title application.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 1, f. 2-4-60; MB 8, f. 6-30-61; MB 10, f. 11-14-61; MB 12, f. 3-27-62; MB 24, f. 3-13-64; Suspended by MB 9-1983(Temp), f. 11-29-83, ef. 12-1-83; MB 3-1984, f. & ef. 1-5-84; MB 5-1997, f. & cert. ef. 5-30-9; OSMB 4-2006, f. & cert. ef. 7-3-06; OSMB 9-2007, f. & cert. ef. 7-2-07

**250-010-0057**

**Issuance and Duplication Fees**

- (1) Fees for the title issuance and duplication fee shall be:
  - (a) Title original issuance — \$30;
  - (b) Title duplication without change when original has been lost, mutilated, destroyed or stolen — \$15;
  - (c) Title reissued with change of ownership — \$30.
- (2) Fees for duplication of certificate of number, certificate or registration and/or duplication of validation stickers — \$10. The agency shall waive the fee for duplicate decal if the original decal issued is found to be defective.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.820

Hist.: MB 19-1983, f. 11-29-83, ef. 12-1-83; OSMB 1-2002, f. 4-15-02 cert. ef. 6-1-02; OSMB 6-2002, f. & cert. 10-15-02; OSMB 1-2005, f. & cert. ef. 1-20-05

**250-010-0058**

**Refunds**

- (1) Pursuant to ORS 293.445(4), the Board will refund amounts more than \$7 when it determines that moneys have been received in excess of the amount legally due the Board.
- (2) If the refund amount owed is \$7 or less, a refund shall be paid upon receipt of a written request from the person who paid the money or their legal representative.

Stat. Auth.: ORS 293 & 830

Stats. Implemented: ORS 830.110

Hist.: MB 9-1986, f. 7-28-86, ef. 8-1-86; OSMB 1-2002, f. 4-15-02 cert. ef. 6-1-02

**250-010-0059**

**Reinstatement Fee**

A fee of \$25 shall be charged to reinstate a Certificate of Number for owners of boats who have had a certificate cancelled for failure to appear or failure to comply with a court judgement as provided in ORS 830.815.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110 & 830.815

Hist.: MB 1-1992, f. & cert. ef. 3-13-92

**250-010-0060**

**Report of Transfer, Abandonment or Wrecking of a Boat, Change of Address, Late Penalty Fees**

- (1) The owner of a boat for which a valid identifying number has been awarded by this state shall notify the Board within 30 days of the transfer, abandonment, or destruction of the boat.
- (2) Within 30 days after any change in address, the owner of a boat with a valid identifying number shall report the change to the Board.
- (3) Title transfers received for processing 31 or more days after transfer, abandonment or destruction shall be assessed a late penalty of \$25. All late penalty fees shall be in addition to the prescribed original issuance title fee.
- (4) The Board will waive the penalty fee for the following reasons:
  - (a) The applicant did not have possession of the title or replacement title form; or
  - (b) The person became physically or mentally incapacitated following the purchase of the vessel, directly preventing or making it impractical for the person to meet requirements for delivery of documents.
- (5) Examples of situations the Board shall consider to be beyond a person's control include but shall not be limited to where:
  - (a) The person is involved in an accident or suffers a debilitating illness, condition or occurrence immediately following the purchase of the vessel that prevents this person from conducting business for an extended time period following vessel purchase;
  - (b) The vessel is purchased from a person who fails to provide the purchaser with the title or replacement title.
- (6) Examples of situations the Board would not consider to be beyond a person's control include but shall not be limited to situations where the:
  - (a) Applicant purchases a vessel and the seller provides the title or replacement title to the purchaser within 25 days of the sale;

(b) The applicant made no attempt to obtain the title or replacement title from the seller;

(c) Applicant sustained minor injury, or incurred a short-term hospital stay which did not directly affect their ability to conduct business or to otherwise comply with requirements for delivery of documents.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110 & 830.905

Hist.: MB 1, f. 2-4-60; MB 17-1987, f. 11-4-87, ef. 1-1-88; MB 8-1992, f. & cert. ef. 6-16-92

**250-010-0065**

**County Use Permit Programs**

- (1) This rule establishes standards for review of county use permit programs as authorized by ORS 830.172(2).
- (2) Applicability. The Board will only consider use permit programs from counties bordering a state that allows imposition of a boat use permit fee.
- (3) Use of funds. All funds collected by a county from out-of-state residents for a boat use permit shall be dedicated to the maintenance, improvement and/or development of boating facilities and services for boating recreation on waters within the county. The enforcement of boating laws, rules, and use permits is an allowable use of county boat use permit revenues.
- (4) Amount of fee. Fees should be commensurate with those fees charged to Oregon residents visiting states with boat use permits. Maximum fees shall not exceed the following:
  - (a) Daily permit: \$1 per day, 4 days (\$4) maximum;
  - (b) Annual permits: Less than 12 feet: \$5; 12 feet and over: \$5 plus \$2 for each foot over 12;
  - (c) A vendor fee/commission not to exceed \$2 is allowable.
- (5) Administration. The proposed ordinance shall also prescribe where permits will be available, proper display of permits, exemptions to permits as set forth in ORS 830.172, permit expiration, and transferability of permits.
- (6) Enforcement. The county ordinance shall contain a penalty section for violations, and shall state that county sheriffs and other peace officers are authorized to enforce the provisions of the use permit system.
- (7) The permit system shall clearly identify that Oregon residents with current Oregon registrations are exempt from the county use permit. Manually propelled vessels are also exempt. The permit system shall exempt the Snake River and its reservoirs where such waters form a common border with the State of Idaho, provided that Idaho provides reciprocity on these waters and exempts Oregon vessels on those common waters.
- (8) The county permit system ordinance shall provide reciprocity with other Oregon counties that require out-of-state boat use permits.

(4) Amount of fee. Fees should be commensurate with those fees charged to Oregon residents visiting states with boat use permits. Maximum fees shall not exceed the following:

(a) Daily permit: \$1 per day, 4 days (\$4) maximum;

(b) Annual permits: Less than 12 feet: \$5; 12 feet and over: \$5 plus \$2 for each foot over 12;

(c) A vendor fee/commission not to exceed \$2 is allowable.

(5) Administration. The proposed ordinance shall also prescribe where permits will be available, proper display of permits, exemptions to permits as set forth in ORS 830.172, permit expiration, and transferability of permits.

(6) Enforcement. The county ordinance shall contain a penalty section for violations, and shall state that county sheriffs and other peace officers are authorized to enforce the provisions of the use permit system.

(7) The permit system shall clearly identify that Oregon residents with current Oregon registrations are exempt from the county use permit. Manually propelled vessels are also exempt. The permit system shall exempt the Snake River and its reservoirs where such waters form a common border with the State of Idaho, provided that Idaho provides reciprocity on these waters and exempts Oregon vessels on those common waters.

(8) The county permit system ordinance shall provide reciprocity with other Oregon counties that require out-of-state boat use permits.

Stat. Auth.: ORS 830.110 & 830.172

Stats. Implemented: ORS 830.172 & 830.200

Hist.: MB 1-1993, f. & cert. ef. 1-15-93

**250-010-0085**

**Capacity Plates**

This rule applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, inflatable boats, and other boats exempted by the U.S. Coast Guard. Each boat must display a capacity plate which shall meet the following specifications:

(1) The information relating to maximum capacity required to appear thereon shall be determined in accordance with methods and formulas recognized by the United States Coast Guard, as published in 33 CFR 183.23.

(2) The plate shall be of a form and size prescribed by 33 CFR 183.25.

[Publications: Publications referenced are available from the agency.]

Stat. Auth: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 38, f. 1-18-68; MB 13-1997, f. & cert. ef. 12-5-97

**250-010-0095**

**Application for Marine Events**

(1) For the purpose of this rule the term Marine Event includes Regattas, Boat Races, Marine Parades, Tournaments or Exhibitions

which are organized boating water events of limited duration conducted according to a prearranged schedule. Predicted log races, cruises and/or other marine events conducted by individual groups, which do not introduce extra or unusual water safety hazards are exempted from the provisions of this rule.

(2) An individual or organization planning to sponsor or conduct a marine event which, by its nature, circumstances or location, will introduce extra or unusual hazards to water safety on waters of this state, shall submit a completed application to the State Marine Board at least 30 days prior to the event. Examples of conditions which are deemed to introduce extra or unusual hazards include, but are not limited to: an inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction to navigation which may result, and/or the expected accumulation of spectators or spectator craft. A completed application contains the signatures of the federal, state and/or local agencies specified on the application.

(3) The sponsor shall submit an advance copy of the application as soon as the event date(s) and location(s) have been determined by the sponsor. This copy will be without endorsements and serves to reserve the date(s) and location(s) until the completed application is received. Marine Event date(s) and location(s) are reserved on a first come, first serve basis.

(4) If the sponsoring organization is requesting Coast Guard Auxiliary assistance a "Request for Coast Guard Auxiliary Safety Patrol Services" application shall be completed and filed with the Marine Board after the sponsoring organization has made arrangements with the local Coast Guard flotilla.

(5) The agency shall authorize or deny the permit and so notify the sponsor and other interested agencies.

(6) The agency, in authorizing an event, may condition the authorization subject to meeting certain requirements as specified by responsible federal, state or local agencies.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.375

Hist.: MB 7-1982, f. 10-13-82, ef. 10-15-82

#### 250-010-0097

##### Application for Special Use Device Permits

(1) For the purpose of this rule the term Special Use Device includes waterski courses, ski jumps, race buoys, kayak race gates and other floating devices used to mark water events. These rules apply to all of the waters of this state.

(2) An individual or organization planning to install a special use device on the waters of this state shall submit a completed application for a special use device permit to the Marine Board at least 30 days before an anticipated installation.

(3) Exemptions. Devices installed in conjunction with an authorized marine event do not require a separate permit other than the permit by ORS Chapter 830 and OAR 250-010-0095. Devices installed for private non-commercial use are permitted for a period up to 12 hours, between sunrise and sunset, without a permit, provided the device is removed before sunset.

(4) The application shall be in such form as required by the Board. The applicant must furnish information on the type of device, dates of installation and proposed use, a description of the location including maps sufficient to locate the planned placement of the device, information identifying adjacent property owners by name and address, and other information deemed necessary by the Board.

(5) The Marine Board will circulate a notice of the proposed installation for public comment and review. Particular notice will be provided to adjacent landowners, the county sheriff and other interested parties. A hearing on the proposed device installation may be held if requested.

(6) The State Marine Director shall evaluate the application and consider public comments in deciding whether to issue a permit. The Director shall consider the size of the waterbody, season of use, probable impacts to adjacent properties, potential for use conflicts and other factors related to the public health, safety and welfare.

(7) The Director may condition permits as to days and hours of operation, anchoring materials and methods, special lighting requirements if any, and other requirements as necessary.

(8) The applicant or other affected parties may appeal the decision of the Director to the Board. Requests for Board review must be in writing within 30 days of the Director's decision on a permit.

(9) A special use permit does not authorize Marine Events. A separate permit is required if a permitted special use device is to be used for a boat race, regatta, tournament or exhibition.

(10) A Marine Board special use permit does not relieve the applicant from other federal, state or local permits, licenses, or approval which may be required.

(11) Permits may be valid for a period up to three years. The permit may be revoked or cancelled for violation of permit conditions, complaints regarding use by the public or county sheriff, or a request by ten or more persons.

(12) The Permittee shall be responsible for ensuring the safety of the proposed device area and keep it clear of debris, obstructions and other elements that constitute a safety hazard. A special device permit shall not give the permittee exclusive use of the waters of the state in the permit area.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 3-1988, f. 4-21-88, cert. ef. 5-15-88

#### 250-010-0110

##### Investigation of Accidents

(1) The operator of any boat involved in an accident resulting in an injury or death to any person shall within 48 hours forward a complete written report of such accident to the Board on a State Marine Board Accident Report form.

(2) Accidents involving only property or equipment damage must be reported within ten days if the damage is in excess of \$2000. Forms may be obtained from the State Marine Board or the local sheriff.

(3) Upon receipt of an accident report indicating the death of any person as the result of the accident, the Director of the Board, or a person designated by him, may investigate the accident and prepare an accident report which will be for the confidential use of administrative and enforcement agencies only.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.475

Hist.: MB 8, f. 6-30-61; MB 7-1983, f. 11-29-83, ef. 12-1-83; MB 2-1989, f. & cert. ef. 7-6-89; MB 1-1990, f. & cert. ef. 1-23-90; MB 3-1991, f. & cert. ef. 10-15-91; OSMB 9-2001, f. & cert. ef. 10-29-01

#### 250-010-0121

##### Mufflers

(1) The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled at all times in accordance with ORS 830.260. The term "effectively muffled" shall mean the exhaust system contains a mechanical device or appliance, designed, constructed and so used as to reduce the exhaust noise emissions of a motorboat below the maximum noise levels established in section (2) of this rule. Such device or appliance must be integral to the motorboats' exhaust system. Water muffling systems which meet this standard are those which incorporate a marine exhaust manifold.

(2) No person shall operate a motorboat on the waters of this state that exceeds a noise level as follows:

(a) For engines manufactured before January 1, 1993, a maximum noise level of 90 dBA when subjected to a stationary test as prescribed by **SAE J-2005**;

(b) For engines manufactured after January 1, 1993, a maximum noise level of 88 dBA when subjected to a stationary test as prescribed by **SAE J-2005**.

(3) This regulation shall not apply to motor-boats competing, under a permit issued by the State Marine Board pursuant to ORS 830.375 or a United States Coast Guard permit, in a regatta, a boat race, or while on official trials for speed records during the time and in a designated area authorized by the permit; and those boats testing in areas designated by the State Marine Board pursuant to ORS 830.350.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110, 830.250 & 830.260

Stats. Implemented: ORS 830.260

Hist.: MB 51, f. 5-3-73, ef. 5-15-73; MB 2-1980, f. 4-23-80, ef. 5-1-80; MB 9-1981, f. & ef. 11-16-81; MB 14-1992, f. & cert. ef. 11-24-92



**250-010-0122****Carburetors**

(1) All gasoline engines, except outboard motors, must be equipped with an acceptable means of backfire flame control. Installations consisting of backfire flame arresters approved by the U.S. Coast Guard under **46 CFR Parts 25 and 58** are acceptable.

(2) A Coast Guard Approved Flame Arrester bearing basic Approval Nos. 162.016 or 162.041 or engine air and fuel induction systems bearing basic Approval Nos. 162.015 or 162.042 may be continued in use as long as they are serviceable and in good condition. New installations or replacements must meet the applicable requirements of section (3) of this rule.

(3) The following are acceptable means of backfire flame control for gasoline engines:

(a) A backfire flame arrester complying with **SAE J-1928** or **UL 1111** and marked accordingly. The flame arrester must be suitably secured to the air intake with a flamtight connection;

(b) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an acceptable backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester, must either include a reed valve assembly or be installed in accordance with **SAE J-1928**;

(c) An arrangement of the carburetor or engine air induction system that will disperse any flames caused by engine backfire. The flames must be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine air induction system. All attachments shall be of metallic construction with flamtight connections and firmly secured to withstand vibration, shock, and engine backfire. Such installations do not require formal approval and labeling, but must comply with this rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110, 830.235 & 830.250

Stats. Implemented: ORS 830.110 & 830.235

Hist.: MB 52, f. 8-17-73, ef. 9-1-73; MB 15-1992, f. & cert. ef. 11-24-92

**250-010-0125****Ventilation**

Pursuant to ORS 830.240, the following ventilation system standards shall apply to all boats:

(1) Powered ventilation (applicable to boats constructed after July 31, 1980 that utilize a gasoline engine for electrical generation, mechanical power or propulsion):

(a) Each compartment in a boat that has a permanently installed gasoline engine with a cranking motor must:

(A) Be open to the atmosphere; or

(B) Be ventilated by an exhaust blower system.

(b) Each exhaust blower or combination of blowers must be rated at an air flow capacity not less than that computed by the formulas given in **Table 1 — Column 2**. Blower rating must be determined according to **AMCA Standard 210-74, Figure 12, dated 1974**, or **UL Standard 1128 dated August 23, 1977**;

(c) Each exhaust blower system required by paragraph (1)(a)(B) of this rule must exhaust air from the boat at a rate which meets the requirements of **Table 1 — Column 3** when the engine is not operating;

(d) Each intake duct for an exhaust blower must be in the lower one-third of the compartment and above the normal level of accumulated bilge water;

(e) More than one exhaust blower may be used in combination to meet these requirements;

(f) Each boat that is required to have an exhaust blower must have a label that:

(A) Is located as close as practicable to each ignition switch;

(B) Is in plain view of the operator; and

(C) Has at least the following information:

WARNING — GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS.

(2) Natural ventilation system:

(a) Except for compartments open to the atmosphere, a natural ventilation system that meets the requirements of paragraphs (2)(c)(A) and (B) of this rule must be provided for each compartment in a boat that:

(A) Contains a permanently installed gasoline engine;

(B) Has openings between it and a compartment that requires ventilation where the aggregate area of those openings exceeds two percent of the area between the compartments;

(C) Contains a permanently installed fuel tank and an electrical component that is not ignition protected in accordance with existing U.S. Coast Guard regulations;

(D) Contains a fuel tank that vents into that compartment; or

(E) Contains a non-metallic fuel tank with an aggregate permeability rate of more than the greater of 1.2 grams of fuel loss in 24 hours, or 1.2 grams of fuel loss in 24 hours per cubic foot of net compartment volume (Permeability Rate — reference: fuel “C” at 40° C. plus or minus 2° C. from **ASTM Standard D-241, dated April 1975**).

(b) Each natural ventilation system must be constructed so that:

(A) Each supply opening required is forward facing and located on the exterior surface of a boat; or

(B) Air flow will occur into or out of the supply or exhaust openings when the boat is in a wind flowing from bow to stern at a velocity of ten miles per hour (boat’s engine not operating).

(c) For the purpose of this section “natural ventilation” means an airflow in a boat compartment achieved by having:

(A) A supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere; and

(B) An exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere.

(d) Each exhaust opening or exhaust duct must originate in the lower third of the compartment;

(e) Each supply opening or supply duct and each exhaust opening or exhaust duct in a compartment must be located above the normal accumulation of bilge water.

**NOTE:** Except as provided in subsection (f) of this section, supply openings or supply ducts and exhaust opening or exhaust ducts must each have a minimum aggregate internal cross-sectional area calculated as follows:  $A = 5 \text{ in. (V/5)}$ ; where:

(A) “A” is the minimum aggregate internal cross-sectional area of the openings or ducts in square inches;

(B) “V” is the net compartment volume in cubic feet, including the net volume of other compartments connected by openings that exceed two percent of the area between the compartments; and

(C)  $\ln (V/5)$  is the natural logarithm of the quantity (V/5).

(f) The minimum internal cross-sectional area of each supply opening or duct and exhaust opening or duct must exceed 3.0 square inches;

(g) The minimum internal cross-sectional area of terminal fittings for flexible ventilation ducts installed to meet the requirements of subsection (2)(d) of this rule must not be less than 80 percent of the required internal cross-sectional area of the flexible ventilation duct.

(3) Nothing in this rule shall apply to:

(a) Boats of open construction having at least 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume;

(b) An accommodation compartment above a compartment requiring ventilation that is separated from the compartment requiring ventilation by a deck or other structure.

[ED. NOTE: Tables & Publications referenced are available from the agency]

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.240

Hist.: MB 37, f. 1-16-68; MB 1-1981, f. & ef. 3-3-81

**250-010-0150****Exemptions**

(1) Undocumented vessels used exclusively for racing shall be exempt from the numbering and title requirements of ORS 830.770 and 830.810.



(2) The provisions of ORS 830.220 and 830.230 shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(3) Boats classified as "University or College" racing shells which compete in intercollegiate crew races shall be exempt from the requirements of carrying life-saving devices.

(4) The Lightship Columbia shall be exempt from the numbering and titling requirements of ORS Chapter 830.

Stat. Auth.: ORS 830

Stats. Implemented:

Hist.: MB 7, f. 8-19-60; MB 8, f. 6-30-61; MB 11, f. 11-14-61; MB 24, f. 3-13-64; MB 33, f. 3-30-67; MB 10-1984, f. 8-13-84, ef. 8-14-84

## 250-010-0152

### Use of Sirens Prohibited by Other Than Expressly Authorized Peace Officers

Only law enforcement boats are allowed to use a siren on the waters over which this state has jurisdiction.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.035

Hist.: MB 8, f. 6-30-61

## 250-010-0154

### Personal Flotation Devices

(1) No person shall operate a boat on the waters of this state unless at least one Personal Flotation Device (PFD) of the following types is on board for each person:

(a) Type I PFD;

(b) Type II PFD;

(c) Type III PFD.

(2) No person shall operate a boat 16 feet or more in length unless one Type IV PFD is on board in addition to the total number of PFDs required in section (1) of this rule.

(3) No person shall operate a boat on the waters of this state with a child age 12 and under, unless the child is wearing a U.S. Coast Guard approved personal flotation device, of the appropriate size, while the boat is underway. For the purpose of ORS 830.215, a personal flotation device shall not be considered "readily accessible" for children age 12 and under unless the device is worn while the boat is underway. The PFD must be worn at all times by a child age 12 and under whenever the boat is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

(a) While the child is below deck, or in the cabin of a boat with enclosed cabin.

(b) While a child is on a sailboat and tethered by means of a lifeline or harness attached to the sailboat.

(c) While a child is on a U.S. Coast Guard inspected passenger-carrying vessel operating on the navigable waters of the United States.

(4) A Type V PFD may be carried in lieu of any PFD required in section (1) of this rule provided:

(a) The approval label on the Type V PFD indicates that it is approved for the activity in which the vessel is being used, or that it is approved as a substitute for a PFD of the Type required on the vessel in use;

(b) The PFD is used in accordance with any requirements on the approval label; and

(c) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

(5) Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD.

(6) Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD. Racing shells, rowing sculls, racing canoes, and racing kayaks are manually propelled vessels that are recognized by national or international racing associations for use in competitive racing in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and are not designed to carry and do not carry any equipment not solely for competitive racing.

(7) PFD is defined as follows:

(a) Type I — A Type I PFD is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position, and to have more than 20 pounds of buoyancy;

(b) Type II — A Type II PFD is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy;

(c) Type III — A Type III PFD is an approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy;

(d) Type IV — A Type IV PFD is an approved device designed to be thrown to a person in the water and not worn. It is designed to have at least 16.5 pounds of buoyancy;

(e) Type V — A Type V PFD is an approved device for restricted use. A Type V PFD may be carried in lieu of any PFD, but only if that Type V PFD is approved for that activity in which the recreational boat is being used.

(8) No person shall operate a personal watercraft, as defined in OAR 250-021-0020, unless each person operating or riding on the vessel is wearing an inherently buoyant Coast Guard approved Type I, II or III PFD, (see OAR 250-021-00030(1)).

(9) Exemptions:

(a) Sailboards are exempted from the requirements for carriage of any Type PFD.

(b) Float tubes as defined in OAR 250-010-0010 are exempted from the requirements for carriage of any Type PFD.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830

Hist.: MB 8, f. 6-30-61; MB 18, f. 2-5-63; MB 54, f. 10-29-73, ef. 11-25-73; Suspended by MB 11-1983(Temp), f. 11-29-83, ef. 12-1-83; MB 2-1984, f. & ef. 1-5-84; MB 12-1988, f. 12-28-98, cert. ef. 1-1-89; MB 1-1995, f. 3-21-95, cert. ef. 5-1-95; MB 2-1996, f. & cert. ef. 2-13-96; MB 9-1997, f. & cert. ef. 10-8-97; MB 1-1998, f. 1-15-98, cert. ef. 2-14-98

## 250-010-0155

### Fire Extinguishers

(1) Every motorboat, except outboard motorboats less than 26 feet in length of open construction, shall carry on board, fully charged and in serviceable condition the following hand portable marine approved fire extinguishers:

(a) Motorboats with no fixed fire extinguishing system in the machinery space and which are:

(A) Less than 26 feet in length — One extinguisher;

(B) Twenty-six feet but less than 40 feet in length — Two extinguishers;

(C) Forty feet or longer in length — Three extinguishers.

(b) Motorboats with a fixed extinguishing system in the machinery space and which are:

(A) Less than 26 feet — No hand portable extinguisher required;

(B) Twenty-six feet or longer in length, but less than forty feet in length — One extinguisher;

(C) Forty feet or longer in length — Two extinguishers.

(2) The fire extinguishers required by this section are Class B-I as described in **Title 46, Code of Federal Regulation, 25.30**, however, one Class B-II described in that regulation may be substituted for two Class B-I extinguishers.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.220

Hist.: MB 17-1983, f. 11-29-83, ef. 12-1-83

## 250-010-0156

### Sound Signaling Appliances

(1) A vessel of less than 39 feet 4 inches (12 meters) shall not be obliged to carry sound signaling appliances prescribed in section (2) of this rule, but if no such appliance is aboard then some other means of making an efficient sound signal shall be provided.

(2) A vessel of 39 feet 4 inches (12 meters) in length but less than 65 feet 6 inches (20 meters) shall be provided with a whistle and

a bell. The whistle and the bell shall comply with the existing Federal specifications.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.230  
Hist.: MB 18-1983, f. 11-29-83, ef. 12-1-83

#### 250-010-0160

##### Board Not to Approve Products of Manufacturers

The Marine Board will not endorse or approve the products of any individual or firm.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110  
Hist.: MB 5, f. 7-13-60

#### Uniform Waterway Marking System

#### 250-010-0175

##### Definitions

(1) "Waterway Marker" is any device (except devices of the U.S. or an agency of the U.S.) designed to be placed in, or near water to convey an official message to a boat operator. The term "waterway marker" includes within its meaning the terms "buoy" and "sign."

(2) "Buoy" is any device designed to float and to be held in a fixed position in a water area and which is used to convey an official message.

(3) "Sign" is any device for carrying a message which is attached to another object such as a piling, buoy, pier, or the land itself.

(4) "Display Area" the area needed for display of a waterway marker symbol such as a diamond, circle, or square.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110  
Hist.: MB 19, f. 2-20-63

#### 250-010-0180

##### Waterway Markers Used on the Waters of This State Shall be as Follows

(1) A solid red marker shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body.

(2) A solid green marker shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body.

(3) A red and white vertically striped marker shall indicate the center of a navigable channel.

(4) Markers indicated in sections (1), (2), and (3) of this rule shall be used only to mark a clearly defined channel.

(5) A diamond shape of international orange with white center shall be used to indicate danger from natural or man-made hazard. The nature of the hazard may be indicated by words or well-known abbreviations in black letters inside the diamond shape, or above and/or below it on white background.

(6) A diamond shape of international orange with a cross of the same color within it against a white center shall be used to indicate a water zone where vessels may not enter. Any vessels to be permitted within the zoned area must be specifically designated on such markers in words or well-known abbreviations in black letters above and/or below the shape on white background.

(7) A circle of international orange with white center shall be used to indicate water zone within which a control or restriction is imposed upon operation of vessels and/or use of the zoned area. The nature of the control shall be indicated by words, numerals, or well-known abbreviations in black letters inside the circular shape, or above and/or below it.

(8) A rectangular shape of international orange with white center may be used to convey other information of an official nature which will contribute to the health, safety, and well being of boaters using the state's waters. The message will be presented within the shape in black letters.

(9) Markers may be numbered for identification. In the case of channel markers, red markers will be identified with even numbers and green markers with odd numbers. All numbers used to identify markers will be preceded by letters "OR."

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110  
Hist.: MB 19, f. 2-20-63; MB 7-1984, f. 2-14-84, ef. 2-15-84

#### 250-010-0185

##### Buoys

(1) Signs may be mounted on the buoy as in the case of a fixed support, or the symbol may be placed on the face of the buoy itself.

(2) When a buoy is used to carry a marker symbol on its surface, it will be white, with bands of international orange at the top and bottom, above the water line. Each orange band will occupy approximately one fifth of the total area of the buoy above the water line.

(3) When a buoy is used to carry a sign above it, it will be marked with alternating bands of international orange and white, each band occupying approximately one fifth of the total area of the buoy above the water line, except where the sign itself incorporates these bands.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110  
Hist.: MB 19, f. 2-20-63

#### 250-010-0190

##### Signs

When marker symbols are placed on signs, a white background may be used outside the symbol.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110  
Hist.: MB 19, f. 2-20-63

#### 250-010-0195

##### Letter or Numeral Elements of Marker

Letters, numerals, or figures used with the marker symbol shall be black, and in block characters of good proportion, and spaced in a manner which will provide maximum legibility.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110  
Hist.: MB 19, f. 2-20-63

#### 250-010-0200

##### Specifications for Water Markers

(1) The size of a display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. The size shall increase in increments of six inches; provided, however, that this specification for increase in increments shall not apply to markers in existence prior to enactment of this regulation.

(2) The thickness of the symbol outline shall be one tenth of the height of the display area.

(3) The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside width of a square shall be two thirds of the display area height.

(4) The sides of the diamond shall slope at a 35 angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

(5) Materials: Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility, and position.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110  
Hist.: MB 19, f. 2-20-63

#### 250-010-0205

##### Mooring Buoys

In order that mooring buoys shall not be mistaken for navigational aids, they shall be white with a blue band clearly visible above the water line, except those in officially designated mooring areas.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110  
Hist.: MB 19, f. 2-20-63

#### 250-010-0210

##### The "Divers" Flag

(1) A red flag with a white diagonal running from the upper left hand corner to the lower right hand corner (from mast head to lower outside corner) and know as the "Diver Flag" shall, when displayed

on the water, indicate the presence of a diver submerged in the immediate area.

(2) Recognition of this flag by regulation will not be construed as conferring any rights or privileges on its users, and its presence in a water area will not be construed in itself as restricting the use of the water area so marked.

(3) Operators of support vessels shall comply with OAR 250-012-0030 as required.

(4) Operators of transiting vessels shall exercise caution commensurate with conditions indicated when in the vicinity of indicated diving operations.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 19, f. 2-20-63; MB 8-1983, f. 11-29-83, ef. 12-1-83; MB 11-1984, f. 8-13-84, ef. 8-14-84

### Floating Home/Boathouse Registration and Titling System

#### 250-010-0300

##### Definitions

(1) "Board" means the Oregon State Marine Board.

(2) "Boathouse" means a covered structure on floats or piles used for the protected moorage of boats.

(3) "Floating Home" means a moored structure that is secured to a pier or pilings and is used primarily as a domicile and not as a boat.

(4) "Owner" means a person or persons who have a property interest other than a security interest in a floating home or boathouse, and the right of use or possession of the floating home or boathouse, but does not include a lessee.

(5) "Ownership" means a property interest other than a security interest.

(6) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(7) "Security Interest" means an interest reserved or created by agreement which secures payment or performance of an obligation as more particularly defined by subsection (37) of ORS 71.2010.

(8) "Waters of This State" means all waters within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to and from the shore of this state.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.850

Hist.: MB 1-1978, f. & ef. 4-5-78; OSMB 9-2007, f. & cert. ef. 7-2-07

#### 250-010-0310

##### Certificate of Registration and Title for a Floating Home or Boathouse

(1) The application shall be made on a form furnished by the Board and mailed directly to the Oregon State Marine Board or presented in person with the required fee.

(2) Application forms shall be available at the office of the Board.

(3) The Certificate of Registration shall contain ownership data, location, and property description. The certificate of title shall contain ownership data, transfer of ownership data, location, and property description.

(4) With each Certificate of Registration issued by the Board, there shall be issued one registration plate. The plate shall be placed on the structure near the electric meter, to be clearly visible from the access walkway. If a meter is not on the premises, or if it is located in an area that is not accessible, the registration plate shall be placed on the structure in an area that is clearly visible from the access walkway.

(5) The numbers on the plate will correspond with the registration serial number issued by the Board on the original application. The plate color will be white background with green numbers and so maintained to be clearly visible and legible at all times.

(6) When an application for a Certificate of Title indicates that the legal owner of the Floating Home/Boathouse is other than the principal owner, the title will be mailed to the legal owner.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.855

Hist.: MB 1-1978, f. & ef. 4-5-78; Suspended by MB 10-1983(Temp), f. 11-29-83, ef. 12-1-83; MB 1-1984, f. & ef. 1-5-84

#### 250-010-0315

##### Issuance and Duplication Fees

(1) Fees for title issuance and duplication shall be: Title original issuance, title change (requires reissuance) and title duplication with or *without* change when original has been lost, mutilated, destroyed or stolen (requires reissuance) — \$20.

(2) Fees for duplicate registration plate — \$20.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.870

Hist.: MB 20-1983, f. 11-29-83, ef. 12-1-83; MB 17-1987, f. 11-4-87, ef. 1-1-88

#### 250-010-0320

##### Oregon Floating Home/Boathouse Registration Numbering System

(1) The Floating Home/Boathouse numbering system adopted for use in the State of Oregon shall consist of the designator FH (Floating Home), BH (Boathouse), or C (Combination Floating Home/Boathouse). The assigned number will correspond to the identifying registration plate issued with the initial title or the replacement plate if applicable. NUMBERING EXAMPLES:

(a) FH0001 through FH9999

(b) BH0001 through BH9999

(c) C0001 through C9999

(2) The title number will contain seven numeric characters preceded by an alpha letter upon issuance of the second title, beginning with the letter A and continuing through Z as subsequent titles are issued. TITLE NUMBERING EXAMPLES: Initial title 0000001 then A0000001 through Z9999999.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.870

Hist.: MB 1-1978, f. & ef. 4-5-78; OSMB 9-2007, f. & cert. ef. 7-2-07

#### 250-010-0325

##### Report of Transfer, Abandonment, or Wrecking of Floating Home/Boathouse or Change of Address

(1) The owner of a Floating Home/Boathouse for which a valid identifying number has been awarded by this state shall notify the Board within 30 days of transfer of ownership. Abandonment or destruction of the structure also requires mailing the title to the Board within 30 days for cancellation.

(2) Within 30 days after any change of address, the owner of a Floating Home or Boathouse shall report the change of location to the Board.

(3) Title transfers received for processing 31 or more days after transfer, abandonment or destruction shall be assessed a late penalty fee of \$25. All late penalty fees shall be in addition to the prescribed original issuance title fee.

(4) The Board will waive the penalty fee for the following reasons:

(a) The applicant did not have possession of the title or replacement title form; or

(b) The person became physically or mentally incapacitated following the purchase of the vessel, directly preventing or making it impractical for the person to meet requirements for delivery of documents.

(5) Examples of situations the Board shall consider to be beyond a person's control include but shall not be limited to where:

(a) The person is involved in an accident or suffers a debilitating illness, condition or occurrence immediately following the purchase of the vessel that prevents this person from conducting business for an extended time period following vessel purchase;

(b) The vessel is purchased from a person who fails to provide the purchaser with the title or replacement title.

(6) Examples of situations the Board would not consider to be beyond a person's control include but shall not be limited to situations where the:

(a) Applicant purchases a vessel and the seller provides the title or replacement title to the purchaser within 25 days of the sale;

(b) The applicant made no attempt to obtain the title or replacement title from the seller;



(c) Applicant sustained minor injury, or incurred a short-term hospital stay which did not directly affect their ability to conduct business or to otherwise comply with requirements for delivery of documents.

Stat. Auth.: ORS 830.110  
Stats. Implemented: ORS 830.710  
Hist.: MB 1-1978, f. & ef. 4-5-78; MB 17-1987, f. 11-4-87, ef. 1-1-88; MB 8-1992, f. & cert. ef. 6-16-92

### Boating Under the Influence of Intoxicants

#### 250-010-0400

##### Boating Under the Influence of Intoxicants

The following rules are in addition to and support of all other applicable laws and rules.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550  
Stats. Implemented:  
Hist.: MB 2-1992, f. & cert. ef. 3-13-92

#### 250-010-0410

##### Definitions

"Chemical Test/Chemical Analysis" means a quantitative analysis for alcohol by means of direct or indirect measurement of physiochemical technique performed on a sample of breath.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550  
Stats. Implemented: ORS 830.505  
Hist.: MB 2-1992, f. & cert. ef. 3-13-92; MB 4-1995, f. & cert. ef. 7-14-95

#### 250-010-0420

##### Officer Report

(1) The arresting officer shall, within ten days of the arrest of an operator for operating a boat while under the influence of intoxicants, complete and submit to the Board the following:

- (a) Operating Under the Influence Report;
- (b) Consent Report.

(2) The Board shall publish and distribute in such form and content as required, report forms specified in subsections (1)(a) and (b) of this rule.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550  
Stats. Implemented: ORS 830.520  
Hist.: MB 2-1992, f. & cert. ef. 3-13-92; MB 4-1995, f. & cert. ef. 7-14-95

#### 250-010-0430

##### Chemical Analyses

(1) In accordance with ORS 830.535 the chemical analyses of a person's blood shall be performed according to approved methods as contained in OAR 333, division 13 of the Health Division, Department of Human Resources.

(2) The chemical analysis of a person's breath shall be performed by an individual possessing a valid permit to perform such analyses issued by the Department of State Police under ORS 813.160 as contained in OAR 257, division 30 or as approved by the Board in OAR 250-010-0440.

(3) The chemical analysis of a person's breath for alcohol can be performed using the Intoxilyzer 5000 or the Intoxilyzer 1400 as approved under OAR 257-030-0040. The Board also approves the use of the Drager Alcotest EPAS (Evidential Portable Alcohol System) 7410 Plus for arrests made under ORS 830.325.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550  
Stats. Implemented: ORS 830.535  
Hist.: MB 2-1992, f. & cert. ef. 3-13-92; OSMB 3-2001, f. & cert. ef. 3-29-01

#### 250-010-0440

##### Qualifications of Breath Test Equipment Operators

(1) No individual shall operate approved breath testing equipment to determine the alcohol content of the blood of a person in accordance with the provisions of ORS 830.535 unless that individual has been issued a permit to operate such equipment by the Oregon State Police or the Board.

(2) To qualify for training in the operation of approved breath testing equipment, an individual must be a police officer as defined under ORS 181.610 or a technician of the Marine Board, or a technician of the Oregon State Police:

(a) An exception to the above rule may be granted by the Board in the case of sworn reserve officers if a written request for such

exemption is submitted by the administrative head of the law enforcement unit of which the officer is a member;

(b) An exception may also be granted by the Board in the case of sworn city or county corrections officers employed by a city or county law enforcement unit, as defined in ORS 181.610, and written request for exception is submitted by the administrative head of the law enforcement unit employing that corrections officer.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550  
Stats. Implemented: ORS 830.535  
Hist.: MB 2-1992, f. & cert. ef. 3-13-92; MB 4-1995, f. & cert. ef. 7-14-95

#### 250-010-0450

##### Training for Operators of Breath Test Equipment

(1) Upon request of the administrative head of a city, port or county law enforcement unit, as defined in ORS 181.610, the Oregon State Police, or the Board will provide training in the operation of approved breath test equipment for individuals qualified under OAR 250-010-0440.

(2) The Oregon State Police or the Board will provide a course of instruction covering the chemical analysis of a person's breath to determine the alcohol content thereof, which instruction shall include, but not be limited to:

- (a) Approved methods and techniques of chemical analyses;
- (b) Use of approved equipment;
- (c) Interpretation of test results.

(3) Upon completion of the course of instruction, a written examination will be given and a passing grade of 80 percent or above will be required.

(4) Upon receipt of a passing grade, a permit shall be issued by the Oregon State Police or the Board to the officer stating the methods and equipment the officer is qualified to use.

(5) The Board shall issue policy for the use and testing procedures of the Drager Alcotest EPAS 7410 Plus.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550  
Stats. Implemented: ORS 830.535  
Hist.: MB 2-1992, f. & cert. ef. 3-13-92; MB 4-1995, f. & cert. ef. 7-14-95; OSMB 3-2001, f. & cert. ef. 3-29-01

#### 250-010-0460

##### Certification of Accuracy of Breath Test Equipment

(1) Accuracy testing of approved breath testing equipment shall be performed by qualified personnel of:

- (a) The Oregon State Police Forensic Services Division; or
- (b) A state agency with appropriate laboratory facilities and personnel trained in testing such equipment; or
- (c) An independent laboratory facility with personnel trained in testing such equipment.

(2) The testing facility shall certify the accuracy of the instrument if accuracy test performance is within a range of 0.01 high to 0.02 low from the expected value of a reference sample provided by the laboratory.

(3) Instrument testing may be accomplished either by remote telephone modem or by on-site evaluation.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550  
Stats. Implemented: ORS 830.535  
Hist.: MB 2-1992, f. & cert. ef. 3-13-92; MB 4-1995, f. & cert. ef. 7-14-95

#### 250-010-0470

##### Breath Testing Equipment Approval

Approval of any instrument or equipment to be used for the testing of a person's breath to determine the alcohol content of the blood may be issued by Department of State Police under ORS 813.160 as contained in OAR 257 division 30 or as approved by the Board. The Board may use one of the following means:

(1) Submission by the manufacturer or distributor of the instrument of at least two reports of studies correlating blood analyses and breath tests performed with this instrument, conducted by two separate laboratories of governmental health or law enforcement agencies, or independent organizations, financially unrelated to the manufacturer or distributor of such instruments.

(2) Provision of a production model of the instrument by the manufacturer or distributor to the Board for a sufficient period of time to allow technicians to conduct sufficient investigation and laboratory tests to adequately ascertain its accuracy and reproducibility.

(3) Those instruments which have been found to conform to the model specifications for evidential breath testing devices set by the National Highway Traffic Safety Administration.

(4) Subsequent series of above instruments, so long as the subsequent changes and series do not diminish the instrument's ability to accurately determine blood alcohol content.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550

Stats. Implemented: ORS 830.535

Hist.: MB 2-1992, f. & cert. ef. 3-13-92; MB 4-1995, f. & cert. ef. 7-14-95

### Offender Education Program Administration

#### 250-010-0500

##### Offender Education Program Administration

(1) The following rules support the offender education program specified in ORS 830.110.

(2) The primary purposes of this program are:

(a) To provide information to the student concerning state and federal laws and regulations as they pertain to boat operation;

(b) To increase student awareness of basic boating safety considerations;

(c) To suggest reasons for the student to modify his/her attitude so as to decrease the probability of future violations or boating accidents.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1992, f. & cert. ef. 3-13-92

#### 250-010-0510

##### Definitions

As used in OAR 250-010-0520 through 250-010-0550:

(1) "NASBLA" means National Association of State Boating Law Administrators.

(2) "Board" means the State Marine Board.

(3) "Sponsoring Organization/Agency" means name of organization or agency that provides course and examination.

(4) "Official" means individual representing the organization which sponsors the course.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1992, f. & cert. ef. 3-13-92

#### 250-010-0520

##### Content

Content for boating offender education course must meet NASBLA education standards. This shall include but not be limited to courses taught by the United States Power Squadrons, United States Coast Guard Auxiliary and the State Marine Board.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1992, f. & cert. ef. 3-13-92

#### 250-010-0530

##### Implementation

The Board shall, upon agreement, make available a boating education course through those law enforcement agencies which are already under contract to the Board for law enforcement services.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1992, f. & cert. ef. 3-13-92

#### 250-010-0540

##### Fees

Fees for the course shall not exceed the expenses associated with providing the course.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1992, f. & cert. ef. 3-13-92

#### 250-010-0550

##### Qualified Courses

In order that the court may inform a student of the availability of boating education courses, the Board shall compile and maintain a list of qualified courses.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1992, f. & cert. ef. 3-13-92

#### 250-010-0560

##### Completion Certificate

(1) The certificate format will be made available by the Board to the organization sponsoring the course.

(2) Certificate for successful completion of the course shall include the name of the person passing the course, name of the sponsoring organization, official's name, date of completion, and the court case number.

(3) Upon successful completion of the course, the defendant is responsible for sending the original copy of his/her certificate to the sentencing court.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1992, f. & cert. ef. 3-13-92

## DIVISION 11

### RULES OF RIGHT-OF-WAY

#### 250-011-0005

##### Conduct of Vessels in Any Condition of Visibility

(1) Every vessel shall at all times maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

(2) Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed the following factors shall be among those taken into account by all vessels:

(a) The state of visibility;

(b) The traffic density including concentration of fishing vessels or any other vessels;

(c) The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(d) At night the presence of background light such as from shore lights or from back scatter of her own lights;

(e) The state of wind, sea, and current, and the proximity of navigational hazards;

(f) The draft in relation to the available depth of water;

(g) The characteristics, efficiency and limitations of the radar equipment;

(h) Any constraints imposed by the radar range scale in use;

(i) The effect on radar detection of the sea state, weather, and other sources of interference;

(j) The possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

(k) The number, location, and movement of vessels detected by radar; and

(l) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

(3) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist. Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects. Assumptions shall not be made on the basis of scanty information, especially scanty radar information. In determining if risk of collision exists the following considerations shall be among those taken into account:

(a) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change; and

(b) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

(4) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship. Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel

observing visually or by radar; a succession of small alterations of course or speed should be avoided. If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation. Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear. If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(5) A vessel proceeding along the course of a narrow channel of a fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable:

(a) Notwithstanding section (5) of this rule and OAR 250-011-0010(3), a powerdriven vessel operating in narrow channels or fairways on waters of this state, and proceeding downbound with a following current shall have the right-of-way over an upbound vessel, shall propose the manner and place of passage, and shall initiate the maneuvering signals prescribed by OAR 250-013-0010(1)(a), as appropriate. The vessel proceeding upbound against the current shall hold as necessary to permit safe passing;

(b) A vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway;

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway;

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in OAR 250-013-0010(4) if in doubt as to the intention of the crossing vessel;

(e) In a narrow channel or fairway when overtaking, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in OAR 250-013-0010(3)(a) and (b), and take steps to permit safe passing. The overtaken vessel, if in agreement, shall sound the same signal. If in doubt she shall sound the danger signal prescribed in OAR 250-013-0010(4). This does not relieve the overtaking vessel of her obligation under OAR 250-011-0010(2);

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessel may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in OAR 250-013-0010(5);

(g) Every vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(6) Any vessel approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated flashing blue light, or any vessel approaching a stationary law enforcement vessel displaying an illuminated blue light, shall:

(a) Immediately slow to a speed sufficient to maintain steerage only, shall alter its course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel, and shall proceed, unless otherwise directed by the operator of the law enforcement vessel, at the reduced speed until beyond the area of operation of the law enforcement vessel;

(b) Notwithstanding the operational requirements of subsection (a) of this section, vessels shall not be required to operate in a manner that would endanger or be likely to endanger that craft, other nearby watercraft, or other persons or property.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.335 & 830.340

Hist.: MB 14-1983, f. 11-29-83, ef. 12-1-83; MB 4-1993, f. & cert. ef. 3-16-93

## 250-011-0010

### Conduct of Vessels in Sight of One Another

(1) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(a) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(b) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward; and

(c) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other;

(d) For the purpose of this section the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

(2) Notwithstanding anything contained in OAR 250-011-0005 through 250-011-0010 any vessel overtaking any other shall keep out of the way of the vessel being overtaken. A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam; that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights. When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly. Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(3) Unless otherwise agreed, when two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other. Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day she observes the corresponding aspect of the other vessel. When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(4) Notwithstanding section (3) of this rule, a power-driven vessel operating on waters of this state, and proceeding down-bound with a following current shall have the right-of-way over an upbound vessel, shall propose the manner of passage, and shall initiate the maneuvering signals prescribed by OAR 250-013-0010(1)(a), (2)(a), or (3)(a), as appropriate.

(5) When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel. Notwithstanding this section on the waters of this state, a vessel crossing a river shall keep out of the way of a power-driven vessel ascending or descending the river.

(6) Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

(7) Where one of two vessels is to keep out of the way, the other shall keep her course and speed:

(a) The latter vessel may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these rules;

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision. A power-driven vessel which takes action in a crossing situation in accordance with subsection (7)(a) of this rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side. This rule does not relieve the give-way vessel of her obligation to keep out of the way.

(8) Except where OAR 250-011-0005(5) and section (2) of this rule otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:



- (A) A vessel not under command;
- (B) A vessel restricted in her ability to maneuver;
- (C) A vessel engaged in fishing; and
- (D) A sailing vessel.
- (b) A sailing vessel underway shall keep out of the way of:
  - (A) A vessel not under command;
  - (B) A vessel restricted in her ability to maneuver; and
  - (C) A vessel engaged in fishing.
- (c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

- (A) A vessel not under command; and
- (B) A vessel restricted in her ability to maneuver.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 14-1983, f. 11-29-83, ef. 12-1-83; MB 1-1985, f. & ef. 1-29-85

## 250-011-0015

### Conduct of Vessels in Restricted Visibility

Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver:

(1) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with OAR 250-011-0005.

(2) A vessel which detect by radar alone the presence of another vessel shall determine if a close-quarters situation is developing or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(a) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken; and

(b) An alteration of course toward a vessel abeam or abaft the beam.

(3) Except where it has been determined that a risk of collision does not exist, every vessel which hears, apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on course. She shall if necessary take all her way off and, in any event, navigate with extreme caution until danger of collision is over.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110

Hist.: MB 14-1983, f. 11-29-83, ef. 12-1-83; MB 1-1985, f. & ef. 1-29-85

## DIVISION 12

### LIGHTS AND SHAPES

## 250-012-0001

### Definitions

As used in this Division unless the context otherwise requires:

(1) "All-Round Light" means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(2) "Flashing Light" means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

(3) "Masthead Light" means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel, except that on a vessel of less than 12 meters in length the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

(4) "Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a vessel of less than 20 meters in length the sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel, except that on a vessel of less than 12 meters in length the sidelights when combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

(5) "Special Flashing Light" means a yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180 degrees nor more than 225 degrees and so fixed as to show the light from right ahead to abeam and no more than 22.5 degrees abaft the beam on either side of the vessel.

(6) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(7) "Towing Light" means a yellow light having the same characteristics as the "sternlight" defined in section (6) of this rule.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.225

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

## 250-012-0003

### Visibility of Lights

The lights herein prescribed shall have an intensity so as to be visible at the following minimum ranges:

(1) In a vessel of 50 meters or more in length:

(a) A masthead light, six miles;

(b) A sidelight, three miles;

(c) A sternlight, three miles;

(d) A towing light, three miles;

(e) A white, red, green or yellow all-round light, three miles; and a special flashing light, two miles.

(2) In a vessel of 12 meters or more in length but less than 50 meters in length:

(a) A masthead light, five miles; except that where the length of the vessel is less than 20 meters, three miles;

(b) A sidelight, two miles;

(c) A sternlight, two miles;

(d) A towing light, two miles;

(e) A white, red, green or yellow all-round light, two miles; and a special flashing light, two miles.

(3) In a vessel of less than 12 meters in length:

(a) A masthead light, two miles;

(b) A sidelight, one mile;

(c) A sternlight, two miles;

(d) A towing light, two miles;

(e) A white, red, green or yellow all-round light, two miles; and a special flashing light, two miles.

(4) In an inconspicuous, partly submerged vessel or object being towed: A white all-round light, three miles.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.225

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

## 250-012-0005

### Application

(1) The requirements concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for lights herein specified, or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

(2) The lights herein prescribed shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(3) When specified, shapes shall be complied with by day.

Stat. Auth.: ORS 830.110 & 830.220

Stats. Implemented: ORS 830.225

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83; MB 16-1992, f. & cert. ef. 11-24-92

## 250-012-0010

### Power-Driven Vessels Underway

(1) A power-driven vessel underway shall exhibit:

(a) A masthead light forward; except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;

(b) A second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 meters in length shall not be obliged to exhibit such light but may do so;

(c) Sidelights; and

(d) A sternlight.

(2) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in section (1) of this rule, exhibit an all-round flashing yellow light where it can best be seen.

(3) A power-driven vessel of less than 12 meters in length may, in lieu of the lights prescribed in section (1) of this rule, exhibit an all-round white light and sidelights.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.225 & 830.250

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

## 250-012-0015

### Towing and Pushing

(1) A power-driven vessel when towing astern shall exhibit:

(a) Instead of the light prescribed either in OAR 250-012-0010(1)(a) or (b), two masthead lights in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 meters, three such lights in a vertical line;

(b) Sidelights;

(c) A sternlight;

(d) A towing light in a vertical line above the sternlight; and

(e) When the length of the tow exceeds 200 meters, a diamond shape where it can best be seen.

(2) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in OAR 250-012-0010.

(3) A power-driven vessel when pushing ahead or towing alongside, except as required by sections (2) and (9) of this rule, shall exhibit:

(a) Instead of the light prescribed either in OAR 250-012-0010(1)(a) or (b), two masthead lights in a vertical line;

(b) Sidelights; and

(c) Two towing lights in a vertical line.

(4) A power-driven vessel to which sections (1) and (3) of this rule apply shall also comply with OAR 250-012-0010(1)(a) and (b).

(5) A vessel or object other than those referred to in section (7) of this rule being towed shall exhibit:

(a) Sidelights;

(b) A sternlight; and

(c) When the length of the tow exceeds 200 meters, a diamond shape where it can best be seen.

(6) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:

(a) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights, and a special flashing light; and

(b) A vessel being towed alongside shall exhibit a sternlight and at the forward end sidelights.

(7) An inconspicuous, partly, submerged vessel or object being towed shall exhibit:

(a) If it is less than 25 meters in breadth, one all-round white light at or near each end;

(b) If it is 25 meters or more in breadth, four all-round white lights to mark its length and breadth;

(c) If it exceeds 100 meters in length, additional all-round white lights between the lights prescribed in subsections (7)(a) and (b) of this rule so that the distance between the lights shall not exceed 100 meters: Provided, that any vessels or objects being towed alongside each other shall be lighted as one vessel or object;

(d) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and

(e) The towing vessel may direct a searchlight in the direction of the tow to indicate its presence to an approaching vessel.

(8) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in sections

(5) and (7) of this rule, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

(9) Notwithstanding section (3) of this rule, on the Western Rivers and on waters specified by the U.S. Secretary of Transportation, a power-driven vessel when pushing ahead or towing alongside, except as section (2) of this rule applies, shall exhibit:

(a) Sidelights; and

(b) Two towing lights in a vertical line.

(10) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed by sections (1), (3) and (9) of this rule, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being assisted. The searchlight authorized by OAR 250-013-0020 may be used to illuminate the tow.

Stat. Auth.: ORS 830.110 & 830.250

Stats. Implemented: ORS 830.250

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83; MB 16-1992, f. & cert. ef. 11-24-92

## 250-012-0020

### Sailing Vessels Underway and Vessels Manually Propelled

(1) A sailing vessel underway shall exhibit:

(a) Sidelights; and

(b) A sternlight.

(2) In a sailing vessel of less than 20 meters in length the lights prescribed in section (1) of this rule may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(3) A sailing vessel underway may, in addition to the lights prescribed in section (1) of this rule, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by section (2) of this rule.

(4)(a) A sailing vessel of less than seven meters in length shall, if practicable, exhibit the lights prescribed in section (1) or (2) of this rule, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision;

(b) A vessel under oars may exhibit the lights prescribed in this rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(5) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward. A vessel of less than 12 meters in length is not required to exhibit this shape, but may do so.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.250

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

## 250-012-0025

### Fishing Vessels

(1) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this rule.

(2) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

(a) Two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than 20 meters in length may instead of this shape exhibit a basket;

(b) A masthead light abaft of and higher than the all-round green light; a vessel of less than 50 meters in length shall not be obliged to exhibit such a light but may do so; and

(c) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(3) A vessel engaged in fishing, other than trawling, shall exhibit:

(a) Two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than 20 meters in length may instead of this shape exhibit a basket;

(b) When there is outlying gear extending more than 150 meters horizontally from the vessel, an all-round white light or a cone apex upward in the direction of the gear; and

(c) When making way through the water, in addition to the lights prescribed in this section, sidelights and a sternlight.

(4) A trawler or purse seiner engaged in fishing in close proximity to other vessels engaged in fishing may exhibit such additional signals as may be promulgated by the U.S. Secretary of Transportation.

(5) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this rule, but only those prescribed for a vessel of her length.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.250

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

#### 250-012-0030

##### Vessels Not Under Command or Restricted in Their Ability to Maneuver

(1) A vessel not under command shall exhibit:

(a) Two all-round red lights in a vertical line where they can best be seen;

(b) Two balls or similar shapes in a vertical line where they can best be seen; and

(c) When making way through the water, in addition to the lights prescribed in this subsection, sidelights and a sternlight.

(2) A vessel restricted in her ability to maneuver, except a vessel engaged in mine-sweeping operations, shall exhibit:

(a) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(b) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(c) When making way through the water, masthead lights, sidelights and a sternlight, in addition to the lights prescribed in subsection (2)(a) of this rule; and

(d) When at anchor, in addition to the lights or shapes prescribed in subsections (2)(a) and (b) of this rule, the light, lights or shapes prescribed in OAR 250-012-0040.

(3) A vessel engaged in a towing operation which severely restricts the towing vessel and her tow in their ability to deviate from their course shall, in addition to the lights or shapes prescribed in subsections (2)(a) and (b) of this rule, exhibit the lights or shape prescribed in OAR 250-012-0015.

(4) A vessel engaged in dredging or underwater operations, when restricted in her ability to maneuver, shall exhibit the lights and shapes prescribed in subsections (2)(a), (b), and (c) of this rule and shall in addition, when an obstruction exists, exhibit:

(a) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(b) Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass; and

(c) When at anchor, the lights or shape prescribed by this subsection, instead of the lights or shapes prescribed in OAR 250-012-0040 for anchored vessels.

(5) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in section (4) of this rule, the following shall instead be exhibited:

(a) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(b) A rigid replica of the international code flag "A" not less than one meter in height. Measures shall be taken to insure its all-round visibility.

(6) A vessel engaged in minesweeping operations shall, in addition to the lights prescribed for a power-driven vessel in OAR 250-012-0010, exhibit three all-round green lights or three balls. One of

these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach closer than 1,000 meters a stern or 500 meters on either side of the minesweeper.

(7) A vessel of less than 12 meters in length, except when engaged in diving operations, is not required to exhibit the lights or shapes prescribed in this rule.

(8) The signals prescribed in this rule are not signals of vessels in distress and requiring assistance.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.250

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

#### 250-012-0035

##### Pilot Vessels

(1) A vessel engaged on pilotage duty shall exhibit:

(a) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(b) When underway, in addition, sidelights and a sternlight; and

(c) When at anchor, in addition to the lights prescribed in subsection (1)(a) of this rule, the anchor light, lights, or shape prescribed in OAR 250-012-0040 for anchored vessels.

(2) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a vessel of her length.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.250

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

#### 250-012-0040

##### Anchored Vessels and Vessels Aground

(1) A vessel at anchor shall exhibit where it can best be seen:

(a) In the fore part, an all-round white light or one ball; and

(b) At or near the stern and at a lower level than the light prescribed in subsection (1)(a) of this rule, an all-round white light.

(2) A vessel of less than 50 meters in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in section (1) of this rule.

(3) A vessel at anchor may, and a vessel of 100 meters or more in length shall, also use the available working or equivalent lights to illuminate her decks.

(4) A vessel aground shall exhibit the lights prescribed in section (1) or (2) of this rule and in addition, if practicable, where they can best be seen:

(a) Two all-round red lights in a vertical line; and

(b) Three balls in a vertical line.

(5) A vessel of less than seven meters in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in sections (1) and (2) of this rule.

(6) A vessel of less than 12 meters in length when aground shall not be required to exhibit the lights or shapes prescribed in subsections (4)(a) and (b) of this rule.

(7) A vessel of less than 20 meters in length, when at anchor in a special anchorage area designated by the United States Secretary of Transportation, shall not be required to exhibit the anchor lights and shapes required by this rule.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.250

Hist.: MB 15-1983, f. 11-29-83, ef. 12-1-83

#### 250-012-0045

##### Law Enforcement Vessels

(1) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement or public safety activities. This light must be located so that it does not interfere with the visibility of the vessel's navigation lights.

(2) The blue light described in this section may be displayed only by law enforcement vessels of the United States, Oregon and its political subdivisions.

Stat. Auth.: ORS 830.110 & 830.250

Stats. Implemented: ORS 830.035

Hist.: MB 16-1992, f. & cert. ef. 11-24-92



**250-012-0050****Public Safety Activities**

(1) Vessels engaged in government sanctioned public safety activities, and commercial vessels performing similar functions, may display an alternately flashing red and yellow light signal. This identification light signal must be located so that it does not interfere with the visibility of the vessel's navigation lights. The identification light signal may be used only as an identification signal and conveys no special privilege. Vessels using the identification light signal during public safety activities must abide by the Inland Navigation Rules and OAR 250, division 11, and must not presume that the light or the exigency gives them precedence or right of way.

(2) Public safety activities include but are not limited to patrolling marine parades, regattas, or special water celebrations; traffic control; salvage; firefighting; medical assistance; assisting disabled vessels; and search and rescue.

Stat. Auth.: ORS 830.110 & 830.250

Stats. Implemented: ORS 830.035

Hist.: MB 16-1992, f. & cert. ef. 11-24-92

**DIVISION 13****SOUND AND LIGHT SIGNALS****250-013-0001****Definitions**

(1) The word "whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with current U.S. Coast Guard specifications.

(2) The term "short blast" means a blast of about one second's duration.

(3) The term "prolonged blast" means a blast of from four to six second's duration.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.210, 830.230 & 830.250

Hist.: MB 16-1983, f. 11-29-83, ef. 12-1-83

**250-013-0005****Equipment for Sound Signals**

(1) A vessel of 12 meters or more in length shall be provided with a whistle and a bell and a vessel of 100 meters or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with current U.S. Coast Guard specifications. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(2) A vessel of less than 12 meters in length shall not be obliged to carry the sound signaling appliances prescribed in section (1) of this rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.230

Hist.: MB 16-1983, f. 11-29-83, ef. 12-1-83

**250-013-0010****Maneuvering and Warning Signals**

(1) When power-driven vessels are in sight of one another and meeting or crossing at a distance within half a mile of each other, each vessel underway, when maneuvering as authorized or required by these rules:

(a) Shall indicate that maneuver by the following signals on her whistle: one short blast to mean "I intend to leave you on my port side"; two short blasts to mean "I intend to leave you on my starboard side"; and three short blasts to mean "I am operating astern propulsion";

(b) Upon hearing the one or two blast signal the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in section (4) of this rule and each vessel shall take appropriate precautionary action until a safe passing agreement is made.

(2) A vessel may supplement the whistle signals prescribed in section (1) of this rule by light signals:

(a) These signals shall have the following significance: one flash to mean "I intend to leave you on my port side"; two flashes to mean "I intend to leave you on my starboard side"; three flashes to mean "I am operating astern propulsion";

(b) The duration of each flash shall be about one second; and

(c) The light used for this signal shall, if fitted, be one all-round white or yellow light, visible at a minimum range of two miles, synchronized with the whistle, and shall comply with current U.S. Coast Guard specifications.

(3) When in sight of one another:

(a) A power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle: one short blast to mean "I intend to overtake you on your starboard side"; two short blasts to mean "I intend to overtake you on your port side"; and

(b) The power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in section (4) of this rule.

(4) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.

(5) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. This signal shall be answered with a prolonged blast by an approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(6) If whistles are fitted on a vessel at a distance apart of more than 100 meters, one whistle only shall be used for giving maneuvering and warning signals.

(7) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.

(8) A vessel that reaches agreement with another vessel in a meeting, crossing, or overtaking situation by using the radio-telephone as prescribed by the **Federal Bridge-to-Bridge Radio-Telephone Act (85 Stat. 165; 33 U.S.C. 1207)**, is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.230 & 830.250

Hist.: MB 16-1983, f. 11-29-83, ef. 12-1-83

**250-013-0015****Sound Signals in Restricted Visibility**

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this rule shall be used as follows:

(1) A power-driven vessel making way through the water shall sound at intervals of not more than two minutes one prolonged blast.

(2) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than two minutes two prolonged blasts in succession with an interval of about two seconds between them.

(3) A vessel not under command; a vessel restricted in her ability to maneuver, whether underway or at anchor; a sailing vessel; a vessel engaged in fishing, whether underway or at anchor; and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in section (1) or (2) of this rule, sound at intervals of not more than two minutes, three blasts in succession; namely, one prolonged followed by two short blasts.

(4) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than two minutes sound four blasts in succession; namely, one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(5) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in section (1) or (2) of this rule.

(6) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds. In a vessel of 100 meters or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about five seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession; namely, one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(7) A vessel aground shall give the bell signal and if required the gong signal prescribed in section (6) of this rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(8) A vessel of less than 12 meters in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signals at intervals of not more than two minutes.

(9) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in section (1), (2) or (6) of this rule sound an identity signal consisting of four short blasts.

(10) The following vessels shall not be required to sound signals as prescribed in section (6) of this rule when anchored in a special anchorage area designated by the United States Secretary of Transportation:

- (a) A vessel of less than 20 meters in length; and
- (b) A barge, canal boat, scow, or other nondescript craft.

Stat. Auth: ORS 830

Stats. Implemented: ORS 830.230

Hist.: MB 16-1983, f. 11-29-83, ef. 12-1-83

## 250-013-0020

### Signals to Attract Attention

If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

Stat. Auth: ORS 830

Stats. Implemented: ORS 830.225, 830.230 & 830.250

Hist.: MB 16-1983, f. 11-29-83, ef. 12-1-83

## DIVISION 14

### MARINE FACILITY PROGRAM RULES

## 250-014-0001

### Definitions

For the purposes of OAR-250-14-001 to 250-14-005, the following definitions shall apply:

(1) "Annual Maintenance" means routine maintenance and operation activities performed on an annual basis when the facility is open to public use.

(2) "Biennium" means the 24-month period beginning July 1 of each odd numbered year and ending June 30 of the next odd numbered year.

(3) "Board" means the State Marine Board.

(4) "Boarding Float" means a floating structure on or adjacent to a launch ramp used for temporary short term use for loading or off loading from a boat. Floats are normally 6 to 8 ft. wide.

(5) "Boating Facility Grant Program" means the program authorized by ORS 830.150. Funds are available for the acquisition, development and rehabilitation of public boating facilities available to, and ordinarily used by, motorized boats.

(6) "Boat Ramp" means an inclined hard surface consisting of asphalt or concrete used to launch and retrieve boats. One lane normally is 15 to 20 ft wide.

(7) "Boating Infrastructure Grants Program" (BIG) means the federal program authorized by 50 CFR Part 80 and ORS 830.150. Funds are available for the development and rehabilitation of transient tie-up facilities at public and private facilities used principally by non-trailer recreational boats.

(8) "Clean Vessel Act (CVA) Grant Program" means the federal program authorized by 50 CFR Part 85 and ORS 830.150. Clean Vessel Act grants can be used to develop, refurbish, or maintain floating restrooms and vessel waste collection systems ordinarily used by recreational boats at public and private boating facilities.

(9) "Director" means the State Marine Board Director.

(10) "Emergency Maintenance Assistance Program" (E-MAP) means emergency funds provided to eligible facilities with extraordinary or emergency maintenance that occurs beyond routine or annual activities.

(11) "Fiscal Year" means the twelve-month period beginning July 1 of any year and ending June 30 of the next year.

(12) "Floating Restroom" means a floating structure moored in open water that provides toilet facilities to boaters.

(13) "Grounds" means the area at or immediately adjacent to an improved boating facility and includes garbage pickup and maintenance activities to include, turf, vegetation, trees/shrubs, bank stabilization and small picnic areas.

(14) "Improved Public Boating Facility" means improved public facilities with boat ramps, boarding floats, parking areas, access roads, restrooms, grounds, transient tie-up floats or vessel waste collection facilities.

(15) "Maintenance Assistance Program" (MAP), means funding assistance to eligible public participants for the routine maintenance and operations of improved public boating facilities. Funds are provided on an allocation basis.

(16) "Mixed Use Site" means a boating facility where annual use is mixed (31%–69%) between registered and non-registered boats.

(17) "Motorized Use Site" means a boating facility where annual use by registered boats is 70% or more of all boat use.

(18) "Non-Motorized Use Site" means a boating facility where the annual use by registered boats is 30% or less of all boat use.

(19) "Off-Season" means the six month period of lowest registered boat use generally the period from October 15 to April 15.

(20) "Parking Area" means a developed gravel and/or asphalt surface with a least 6 boat trailer spaces (10' x 40') and two single car spaces (10' x 20') associated with a boat ramp. This includes any required accessible parking spaces.

(21) "Peak Season" means the three month period of heaviest boat use generally the period from June 1 to August 31.

(22) "Public Boating Facility Grant Project" means a project to acquire property, or develop, improve, rehabilitate or replace public boating facilities.

(23) "Private Boating Facility Grant Project" means a project to develop, improve, rehabilitate or replace private marina facility vessel waste collection systems and transient tie-up facilities that are available/open for public use.

(24) "Public Boating Facility" or "Public Marine Facility" means public launch ramps, parking, boarding floats, transient tie-up facilities, restrooms, access roads, floating restrooms, vessel waste collection systems, signing and water markers, potable water systems and related facilities for the use and convenience of the boating public.

(25) "Private Marine Facility" or "Private Marina Facility" means private facilities that have the capability to provide vessel waste collection systems or transient tie-up facilities that are open and available for public use.

(26) "Public Project Sponsor," "Eligible Public Participants," or "Public Entity" means cities, counties, park and recreation districts, port districts and state agencies that own and or operate public marine facilities as specified in these rules.

(27) "Private Project Sponsor," "Eligible Private Participants," or "Private Entity" means any individual firm, corporation, association, partnership, consortium, joint venture, industry, or any other

nonpublic entity that operates a marina facility as specified in these rules.

(28) "Restroom" means all types of landside facilities used to collect human waste to include flush, vault, composting and portable toilets. A restroom may include one or more stalls (urinal and/or toilet).

(29) "Routine Maintenance" means all types of ordinary maintenance activities completed on a regular basis (daily, weekly or monthly).

(30) "Shoulder Season" means the three month period of moderate boat use generally the period from April 15 to May 31 and September 1 to October 15.

(31) "Transient Tie-Up" means a floating structure at least 100 feet used for short term boat tie-up and broadside tie-up or space for mooring at least 6 non-trailer boats. Transient tie-up does not include tenant based moorage or facilities that allow longer than a 10 consecutive day stay.

(32) "Use Fee" means any form of user fee charged to boaters for access or use of a boating facility. This includes day use, launch, parking, tie-up or any other general entrance or use fee.

(33) "Vessel Waste Collection System" means all types of stationary or portable systems that pump or remove human waste from a recreational boat holding tank or portable potties. This includes pumpouts, dump stations, related forward sewage lift stations, necessary floats, piles, and gangways, and related facilities.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110 & 830.150

Stats. Implemented: ORS 830.150

Hist.: MB 18-1985, f. & ef. 10-21-85; MB 11-1987, f. 5-20-87, ef. 6-1-87; MB 12-1987, f. & ef. 6-15-87; MB 7-1992, f. & cert. ef. 5-15-92; MB 8-1995, f. & cert. ef. 11-6-95; OSMB 6-1998, f. & cert. ef. 4-15-98; OSMB 8-2001, f. & cert. ef. 7-30-01; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## 250-014-0002

### Eligibility

(1) The Boating Facility Grant Program is available to eligible public project sponsors.

(2) The Clean Vessel Act and Boating Infrastructure Grant programs are available to eligible public and private project sponsors.

(3) The Maintenance Assistance Program is available to eligible public project sponsors.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110 & 830.150

Stats. Implemented: ORS 830.150

Hist.: MB 18-1985, f. & ef. 10-21-85; MB 11-1987, f. 5-20-87, ef. 6-1-87; MB 12-1987, f. & ef. 6-15-87; MB 7-1992, f. & cert. ef. 5-15-92; MB 8-1995, f. & cert. ef. 11-6-95; OSMB 6-1998, f. & cert. ef. 4-15-98; OSMB 8-2001, f. & cert. ef. 7-30-01; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## 250-014-0003

### Boating Facility Grant Program

#### (1) Program Description:

(a) The Board is authorized by ORS 830.150(2)(a) to provide funds for the construction, rehabilitation, and replacement of boating facilities. The program can provide for the acquisition of property and related development projects such as ramps, parking, potable water, sanitation, docks, and other facilities for the convenience and safety of recreational boaters. The Board may adopt other policies, guidelines, and procedure manuals as necessary to implement these rules. The funds are available to eligible participants on a full grant or matching basis. Applicants are strongly encouraged to provide some form of matching funds. This will enhance a project's potential for funding. The applicant's match may be a hard match of cash or a soft match of "in-kind" materials or services such as project administration, design, engineering, force-account labor and permit fees specifically related to the Boating Facility Grant as set forth in the Procedure Guide. Eligible permit fees include application fees for US Army Corps of Engineers and Department of State Lands section 404 and section 10 permits, other state and local government permit fees required for construction or other activities associated with the grant, but not system development charges, impact fees, and general government overhead charges, or waterway leases and licenses associated with ownership of property.

(b) In granting funds, ORS 830.150(2)(a), requires the Board to give first priority to applications for facilities designed to control water pollution or otherwise enhance water quality, including but not limited to, pumping stations for recreational boat holding tanks, and to those other facilities for which there appears the greatest public need. Funds may also be granted for removal of obsolete and abandoned dock or mooring facilities, if these constitute a boating or navigational hazard.

(c) Applications for grants may be submitted by:

(A) Cities;

(B) Counties;

(C) Park and Recreation Districts;

(D) Port Districts;

(E) State Agencies.

(F) In addition, Counties with consent of the County Commission may sponsor a Federal Agency participant such as U.S. Forest Service, Bureau of Land Management or Corps of Engineers.

(d) Prior to issuing any grant, the Board shall hold a public hearing in the area where a facility is to be constructed or land acquired if, in the judgment of the Board, use of the facility would stimulate significant change in the character of the recreational use of the waters.

(e) Cities, counties, park and recreation districts, port districts, and state or federal agencies that have developed long-range plans for development of boating facilities are encouraged to file a copy with the State Marine Board.

#### (2) Procedures:

(a) Pre-Application: Prior to submitting an application for a Marine Board boating facility grant, the applicant should contact the Marine Board for a pre-application conference to discuss the proposed project. This will provide applicants with an opportunity to ask any questions regarding the grant program, and will permit the Marine Board staff to assist the applicant in the early planning stages of a project. Requests for application forms, guidance, and assistance may be obtained from: Facilities Program, Oregon State Marine Board, PO Box 14145, 435 Commercial St. NE, Salem, OR 97309-5065, Phone: (503) 378-8587. [www.boatoregon.com](http://www.boatoregon.com)

(b) Application: When an applicant for a grant has completed the planning phase, application shall be made to the Board on such forms as described in the Procedure Guide. A complete application must include the following enclosures:

(A) Completed original application form, and five (5) copies, for a total of six (6) copies.

(B) A resolution or statement from the governing body authorizing the project.

(C) Certification from the local city or county planning agency that the project is in compliance with local comprehensive plans and zoning ordinances or not subject to local plans and ordinances.

(D) The following supporting documents must be submitted:

(i) Location map of the city or county, showing geographic reference location of the project.

(ii) A vicinity map showing the entire facility, boundaries, geographical features and land use adjacent to the project.

(iii) A site plan showing the area to be developed with this grant. All items should be clearly labeled on the plan as existing or proposed development. The plan should show appropriate dimensions to scale.

(iv) Photographs of the existing project site. These should be sufficient to show major site features and any special characteristics. (An aerial photo is desirable if available).

(v) A preliminary cost estimate, with calculations and quantities, including all proposed facilities and work tasks. Where marine facilities are only a portion of the total project cost, indicate the boating related facilities to be developed with Marine Board funds.

(vi) Preliminary Plans of all proposed structures, including a plan view (top) and elevation view (side) of each proposed structure.

(vii) Third Party Agreements including copies of leases, special use permits, or intergovernmental agreements if the applicant manages but does not own the project site. If applicable, a cooperative agreement between the eligible applicant and a third party participant outlining scope and nature of the project should be included.



(viii) A description and chronology of notice given to the public of the application or proposed project and the opportunities for public input and the comments received.

(E) If lands are to be acquired, complete information pertaining to description, present ownership, appraised value, etc. is required.

(F) For all applications, a brief Environmental Checklist describing the anticipated environmental impacts of the project is required.

(G) For certain projects, various regulatory permits, leases, licenses, certifications, and plan reviews must be obtained. It is the responsibility of the applicant to secure the necessary clearances prior to implementing any project. The applicant shall indicate to the Board the status of any such permits, etc., as part of its application.

(H) The Board will not consider incomplete applications.

(c) Notice to Applicants: Following Board consideration, the applicant shall be advised in writing of the Board's decision. If a denial is made based on the protection of water quality, specific notice shall be provided indicating the point or points of the plan which are inadequate ORS 830.150(4).

(d) Approval of Boating Facility Grant: In order to approve a Boating Facility Grant, the Board shall assure that the project complies with the statewide planning goals and is compatible with applicable acknowledged comprehensive plans by following the procedures set out in the Board's state agency coordination program adopted pursuant to ORS 197.180.

(e) Approved Boating Facility Grants: Following Board approval of a Boating Facility Grant, a special cooperative agreement shall be entered into between the applicant, the Board and any third party participant. This agreement shall describe the responsibilities of all party participants. Failure by the applicant or any third parties to execute the grant agreement within 90 calendar days of project approval by the Board may result in the cancellation of the Boating Facility Grant.

(f) Completion and Final Reimbursement: Upon completion of the project, the sponsor shall notify the Board. A final billing with cost documentation shall be provided to the Board. After a satisfactory review of billing documents and final inspection by Marine Board staff, final reimbursement will be authorized.

(g) Boating Facilities Grant Procedure Guide: The Procedure Guide, adopted by the Board shall set forth policies, application form, billing form and sample cooperative agreement for use by all eligible participants.

(h) Boating Facility Grant Availability: Boating Facility Grants are available each biennial period as prescribed by the Board. Large projects may be phased in over a period of years or bienniums to maximize leverage, distribution and availability of funds. Notice of grant fund availability will be given once to all interested applicants on or about February 15 for the ensuing new biennial period.

(3) Priorities:

(a) The Board shall provide grants for boating facilities as the need for facilities appear to the Board as authorized by ORS 830.150(1).

(b) Since funding for the program is derived from boat registration fees and state motorboat gas tax, the highest priorities will go to projects that serve registered motorboats and sailboats.

(c) When applications for grants exceed funds available, the Marine Board will, pursuant to ORS 830.150(2), consider the results of the Boating Survey conducted in accordance with ORS 830.115 in determining areas of greatest need. The Statewide Six Year Boating Facilities Plan, prepared under ORS 830.110(6), with input from cities, counties, park districts, port districts, state and federal agencies, shall also be used to guide the allocation of funds to priority needs.

(d) The Board in its Procedure Guide shall prescribe specific ranking criteria for grant applications. The Board may convene an advisory committee to assist in the review grant project requests.

(4) Policies:

(a) It is the policy of the Board to encourage applicants to make use of matching funds. As a part of this policy, applicants will be encouraged to seek other sources of matching monies and/or to provide some form of local matching contribution. This local matching

contribution may be a "hard" match of cash and/or a "soft" match of "in-kind" materials or services such as project administration, design, engineering, force account labor, and permit fees specifically related to the Boating Facility Grant. The Board recognizes that, in some instances, this local matching contribution may be beyond the applicant's capabilities. In such cases, the Board may provide a grant covering the full eligible costs. The availability of matching funds and/or local participation, while not the primary factor in considering a grant application, will be examined as one aspect of the project in the decision-making process. The Board in its Procedure Guides shall develop a general policy on applicant matching funds.

(b) Grants will be limited to actual certified expenditures for materials, equipment, labor, and services directly related to construction. Applicants are encouraged to supply "in-house" administration, design, labor, equipment and engineering services as a form of match to the Marine Board grant. "In-kind" participation shall be documented to the maximum extent possible.

(c) The Board requires project sponsors to place a credit sign at facilities developed with a Marine Board grant. This sign shall indicate that the facility was developed with assistance from the Marine Board. The credit sign shall also recognize grant funding received through the U.S. Fish & Wildlife Services Clean Vessel Act, Boating Infrastructure, or Sport Fish Restoration programs, or other funding sources as appropriate. The cost of design, fabrication and installation is an eligible cost and may be included in the construction contract. The sponsor shall place the required sign in a suitable location at the facility.

(d) In determining approval of the grants, the Board will give priority to those facilities providing free services to the general public.

(e) Marine Board staff will, within budgetary limitations, inspect each proposed facility site with the grant applicant prior to Board consideration of any grant. On-site visits shall be made to assure that the facts presented in the application are correct and to furnish Board members such additional data as may be desired. A final inspection will, within budgetary limitations, also be made prior to the final grant reimbursement.

(f) Grant applications must be received 30 calendar days or more prior to scheduled State Marine Board meetings to be considered by the Board. Applicants should contact the Facilities Program Manager concerning grant application deadlines and availability of funds.

(g) At the discretion and direction of the Board, the Director may be authorized each biennium to approve small grants up to \$10,000 for minor public boating facility improvements not to exceed \$20,000 in total cost. The Board may limit the total amount of funds available for small grants each biennium. Applicants eligible to receive Boating Facilities Grants may apply for small grants by letter from the governing body of the applicant, addressed to the Director and accompanied by appropriate supporting information sufficient to describe the proposed project, including a drawing or plan of the site and proposed improvements, photographs, and a cost estimate or written cost quote from a qualified contractor or vendor. Small grants may not be used for routine maintenance activities that are eligible under the Maintenance Assistance Program. The Director may waive all or part of the standard cooperative agreement for small grants. At each regularly scheduled Board meeting, the Director shall report on the status of all authorized small grants.

(h) It is the policy of the Board to require that projects be completed within a biennial budget period or less from the date of grant approval. Exceptions may be allowed by the Director if warranted by extraordinary circumstances. The Director is authorized to approve project time extensions up to 90 days, provided this is reported to the Board or as provided by state rule.

(i) Partial reimbursement can be made based upon percentage of project completion with submittal of appropriate documentation (invoices, receipts, photographs, etc.). Final reimbursement will be forwarded upon receipt and approval of appropriate final billing documentation, and a satisfactory final inspection by Board staff. Project sponsors must inform the staff of any alterations to the project, and should provide an early indication of any possible cost overruns or

delays which will necessitate a time extension beyond the two year limit.

(j) Except as provided in the Consent Agenda Grant Consideration Policy applicants shall attend the Marine Board meeting at which their facility grant request is being considered. The Marine Board staff shall inform applicants as to the date, time, and location of the Board meeting. Failure to appear at the meeting may result in a deferral of the grant request. The Director may waive this requirement for smaller projects or if special conditions prevent the applicant from being present.

(k) Reimbursement will not be made for projects initiated or completed prior to approval by the Board and federal granting agency. Recognizing that emergencies may arise necessitating quick action, applicants with emergencies should contact the Facilities Program Manager for instructions before initiating any improvements.

(l) Grants will not be approved for the routine maintenance of facilities (e.g., cleaning, litter pickup, lawn care, painting, etc.). These items may be eligible for funding through the Maintenance Assistance Program.

(m) The Director is authorized to approve minor cost overruns (less than \$10,000). Applicants must notify the Board of possible cost overruns prior to incurring them in order to be eligible for possible reimbursement.

(n) In submitting the Grant Application and by execution of the Cooperative Grant Agreement the Applicant certifies that all developments will occur on property owned, leased or controlled by Applicant during the term of the agreement. All property or facilities developed with Facilities Grant funds must be dedicated for public use and maintained for a period not less than twenty (20) years. In the event the applicant fails to maintain the facility, or converts the use of the facility, the applicant shall promptly reimburse the Board for all improvement costs provided by the Board.

(o) All projects must comply with "Uniform Sign Guidelines" as published by the Board. All launch ramp facilities developed with Marine Board funds must have at least one uniform boat ramp sign placed on roads leading to the facility in order to direct the public.

(p) All projects must be designed and engineered by a registered engineer or architect unless completed using force account labor or otherwise provided by law. This will assure the applicant and the Board that proper and necessary provisions are being met with respect to public health, life and safety through the best use of materials and labor at a minimal cost.

(q) A publication by the Board titled "Layout and Design Guidelines for Recreational Boat Facilities" provides basic technical specifications and design criteria for the development of facility grant projects. All projects must comply with these guidelines or other approved methods.

(r) Applicants shall forward one copy of the final plans and specifications to the Board for review, prior to procuring any contractor, material supplier or commencing any work at the project site. Marine Board staff will notify applicants of plan approval, at which time they may commence implementation of the approved plan.

(s) The Board has the capability to provide some design-engineering services for grant applicants. Requests for technical engineering assistance should be directed to the Facilities Program Manager.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110 & 830.150

Stats. Implemented: ORS 830.150

Hist.: MB 18-1985, f. & ef. 10-21-85; MB 11-1987, f. 5-20-87, ef. 6-1-87; MB 12-1987, f. & ef. 6-15-87; MB 4-1988, f. 4-21-88, cert. ef. 5-15-88; MB 7-1992, f. & cert. ef. 5-14-92; MB 9-1994, f. & cert. ef. 8-5-94; MB 8-1995, f. & cert. ef. 11-6-95; OSMB 6-1998, f. & cert. ef. 4-15-98; OSMB 8-2001, f. & cert. ef. 7-30-01; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## 250-014-0004

### Maintenance Assistance Program

#### (1) Program Description:

(a) The Board is authorized by ORS 830.150(2)(a) to provide funds for annual maintenance of improved public marine facilities.

(b) The Board is also authorized to provide federal Clean Vessel Act CFR 50 Part 85 funds made available through the U.S. Fish and Wildlife Service, to assist in the maintenance of vessel waste collection facilities, floating restrooms, and related support facilities.

(c) Federal Clean Vessel Act funds require at least a 25% non-federal match of funds, which is usually provided by the Board. All participants must agree to comply with any and all federal funding requirements.

(d) The intent of the Maintenance Assistance Program (MAP) is to augment existing levels of routine maintenance at improved public marine facilities provided by eligible participants throughout the state. Eligible participants are encouraged to use MAP funds to enhance their existing level of funding and to improve the quality of maintenance provided.

(e) This program is not intended to replace participant maintenance funds or be the sole source of funding for all boating facility maintenance. The Program is voluntary and by accepting MAP funds the participant agrees to comply with all program rules, policies and procedures.

(f) Eligible participants include cities, counties, park and recreation districts, port districts and state agencies.

(g) Eligible facilities include boat ramps, boarding floats, restrooms, parking areas, access roads, transient tie-up floats, floating restrooms, vessel waste collection systems and related facilities. To be eligible, a facility must be open at least during the peak season of use and, at a minimum, provide:

(A) A single-lane boat ramp with at least 6 vehicle/boat trailer and 2 single car parking spaces or at least 100 linear feet of transient tie-up floats; Vessel waste collection facilities; or floating restrooms.

(B) A single-stall restroom; and

(C) One garbage can.

(h) The MAP funds may be used for routine and ordinary maintenance of boating facilities to include but not limited to: cleaning boat ramps, docks, parking areas, restrooms, garbage and litter pick up, grounds keeping, and minor repairs to eligible facilities. Federal Clean Vessel Act funds may be used for routine and ordinary maintenance of vessel waste collection facilities and floating restrooms to include cleaning, septic disposal, minor repairs and deployment and winterization.

#### (2) Allocation:

(a) MAP funds are provided, on an allocation basis each fiscal year, to eligible participants who own or operate eligible facilities. The amount of MAP funds available in any fiscal year shall be one-half of the biennial amount approved by the Board.

(b) Federal Clean Vessel Act funds are provided to eligible participants contingent on availability and approval by the U.S. Fish and Wildlife Service.

(c) Prior to each biennial period the Board shall approve the MAP allocation formula and point system for site elements found at eligible facilities. The point system will establish the Board's share of the estimated level of effort necessary to meet the minimum level of maintenance expectations as established by the Board. Each point has a value of \$100. The MAP payment shall be made to eligible participants annually, on or about August 1, using the allocation methodology as follows:

(A) Determine the Base Allocation for each boating facility. Calculate the number of launch lanes, boat trailer parking spaces, restroom stalls, length of boarding floats, length of transient tie-up floats, grounds and garbage service by the point values as prescribed by the Board. Multi-site participants with facilities that are only accessible by boat or participants that provide four or more facilities will receive additional points as established by the Board.

(B) Determine the Boating Facility Allocation. Adjust the Gross Allocation with a 25% reduction for each \$1 facility fee charged by the participant in excess of \$2. Facility fees may be any day use, entry, launch, parking or other fee charged to users for a single use of the boating facility. The Board will use the highest of any single use fee paid by the boater. Any fee charged over \$5 will disqualify that facility from receiving any MAP funds. The Board may prescribe other fee reduction values for transient tie-up facilities based on local or regional market conditions. Facility Allocation = Gross - (.25 Gross)(Fee \$2).

(C) The Board may balance the number of launch lanes to the number of parking spaces in conformance with the "Design Guidelines." The Board may further make adjustments for restrooms that

clearly serve other developed activity areas besides boating, such as large day use areas, marinas, campgrounds and downtown areas. These facilities will assume to have joint use and points will be adjusted accordingly. The Board may further make adjustments for restrooms that have seasonal stall closures where the entire restroom facility is not open to public boating use.

(D) Adjust the Boating Facility Allocation for seasonal facility closures:

- (i) 50% MAP Allocation = 3 month peak season;
- (ii) 25% MAP Allocation = 3 month shoulder season;
- (iii) 25% MAP Allocation = 6 month off-season.

(E) Determine Total Eligible Boating Facility Participant Allocation. Participant's annual allocation is the sum total of each eligible facility. Total Allocation = (Facility 1 + Facility 2 +...).

(d) Determine the Base Allocation for each vessel waste collection facility. Calculate the number of pumpouts, dump stations and floating restrooms by the development point values as prescribed by the Board.

(A) Adjust the Vessel Waste Collection Systems Allocation for seasonal closures when the facility is not open for public use:

- (i) 50% Facility Allocation = 3 month peak season;
- (ii) 25% Facility Allocation = 3 month shoulder season;
- (iii) 25% Facility Allocation = 6 month off-season.

(B) Determine Total Eligible Vessel Waste Collection Systems Participant Allocation. Participant's annual allocation is the sum total of each eligible facility. Total Allocation = (Facility 1 + Facility 2 +...).

(C) Boat waste collection facilities built with Board grants are required to provide free use for the public. No user fees may be collected or charged. The facility must be open and available to the general boating public to include hoses, adapters, power and other necessary items for operation and use.

(D) The Board shall re-allocate any MAP funds remaining in the biennium to the Marine Facility Grant Program.

(3) Procedures:

(a) On or about May 15 of each year, the Board shall estimate the funds available for the next fiscal year, and shall use the point allocation in Section 2 of these rules to estimate each participant's allocation.

(b) Eligible participants shall be notified in writing of their estimated allocation for the ensuing fiscal year.

(c) For the fiscal year beginning July 1 and ending June 30, the participant shall certify by July 15 to the Board the following:

(A) The participant has adopted a budget that includes the estimated MAP allocation; and

(B) The number of eligible improved marine facilities and site elements maintained by the participant; and

(C) That the MAP funds will be spent only to maintain improved marine facilities in accordance with the MAP procedures and policies; and

(D) The season(s) of use that the improved marine facility will be open and maintained for public use; and

(E) The amount of any user fees to be charged during the fiscal year for use of the eligible boating facility by boaters. User fees include the highest of any entrance, day use, launch ramp, parking, transient moorage or other fees paid daily, monthly, or annually.

(d) Any participant that does not certify to the Board by July 15, as required above, shall be deemed to have waived participation in the MAP program.

(e) Participants allocated more than \$10,000 annually shall submit to the Board an estimated expenditure report at the end of each fiscal year period and an operations and maintenance budget outlining actual MAP and participant expenditures for labor, supplies, materials and services for all eligible sites individually. Reports shall be in the manner and form as required by the Board. Failure to submit this report within the specified time shall result in participant disqualification.

(4) Policies:

(a) It is the policy of the Board that the MAP program is designed to supplement funds expended by an eligible participant in the maintenance of improved boating facilities. The intent of the

Board is to assist in improving the quality of maintenance at improved boating facilities. MAP funds may not be used to match grant funds or other capital projects.

(b) Funding for the program may be denied to an eligible participant if the Board determines that a sponsor has expended MAP funds for purposes other than those allowed by these rules, failure to provide an adequate level of maintenance, or failure to provide additional funds beyond MAP or failure to report any changes in facility user fees or season of use.

(c) It is the policy of the Board to encourage eligible participants to develop and improve the quality of facilities using the Facility Grant Program in order to reduce the cost of maintenance and operations.

(d) It is the policy of the Board to encourage free public access to the waters of this state.

(e) It is the policy of the Board to allow MAP funds to be expended on small tools and equipment capital purchases not to exceed \$1,000 for each site, provided the applicant provides sufficient maintenance that complies with expectations as established by the Board.

(f) The Board requires that park maintenance expenditure records be available to the Board for inspection and audit upon request. The Board may establish certain operation and maintenance expectations based on use, seasons and/or level of site development.

(g) Restroom facilities at each site must be available and maintained for public use whenever the boating facility is available and open for public use, but in no instance may this be less than 3 months during peak season.

(h) Only motorized and mixed use facilities are eligible for MAP. It is the policy of the Board that facilities located on bodies of water that are principally non-motorized or where motorboat use is prohibited, are not eligible for MAP.

(i) The Board may require participants to report on the maintenance needs and activities performed. The report shall be in such form and detail as the Board may require.

(j) If a participant's actual annual maintenance expenditures or budget for marine facility maintenance is less than the MAP allocation, a maximum of 10% of the total annual MAP allocation may be carried forward to the next fiscal year. All carry-forward amounts must be fully expended within that period. The participant shall reimburse the Board for any excess MAP funds not expended within the fiscal year. Failure to notify the Board of unexpended MAP funds may result in disqualification from the program.

(k) The participant shall match any MAP funds received from the Board. Participant match may include cash and/or in-kind services directly relating to maintenance of boating facilities. Participant match may only include those items relating to boating facilities and shall not include any cash or in-kind activities expended on campgrounds, marinas, fuel stations, trails, picnic shelters, swim areas or other large day use components.

(l) It is the policy of the Board that MAP funds may not exceed 60% of a participants total maintenance expenditure on boating facilities.

(m) It is the policy of the Board not to increase a participants' allocation of MAP funds during any fiscal year.

(n) MAP participants are encouraged to document any percentage of estimated in-kind matching sources to include: fleet services, overhead, program administration, higher level supervision or other general service assessments/charges. MAP participants are encouraged to develop a cost accounting system that separates out MAP funds by line item revenue and expenditures. Expenditure detail should be sufficient to demonstrate that MAP funds provided are being appropriately expended.

(o) Participants shall identify any shared use of public boating facilities such as restrooms and parking areas with non-boating use such as campgrounds, sports fields, trails, etc. Where shared use occurs, participants shall estimate the percentage of use shared facilities that is attributable to boaters.

(p) MAP funds are principally targeted for labor, supplies, or contract services that will be expended at the site. Justification will be required for expenditures for overhead, program administration,



supervision or other general service assessments/charges that amount to 15% or more of MAP funds received.

(q) MAP participants that provide four or more sites may shift up to 25% of the individual MAP site allocation to other eligible MAP sites to accommodate changing use patterns, water conditions or maintenance needs, provided that minimum maintenance expectations are met at all sites.

(r) Any daily, monthly or annual use fees charged at MAP sites must be uniform for a specific class of users. No differential in-area or out-of-area annual, seasonal or day use fees may be charged at MAP sites.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110 & 830.150

Stats. Implemented: ORS 830.150

Hist.: MB 18-1985, f. & ef. 10-21-85; MB 11-1987, f. 5-20-87, ef. 6-1-87; MB 12-1987, f. & ef. 6-15-87; MB 7-1992, f. & cert. ef. 5-15-92; MB 9-1994, f. & cert. ef. 8-5-94; MB 8-1995, f. & cert. ef. 11-6-95; OSMB 6-1998, f. & cert. ef. 4-15-98; OSMB 8-2001, f. & cert. ef. 7-30-01; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## 250-014-0005

### Vessel Waste Collection and Boating Infrastructure Grant Program

#### (1) Program Descriptions:

(a) The Board is authorized to provide federal Clean Vessel Act and Boating Infrastructure Grant funds made available through the U.S. Fish and Wildlife Service, in the form of grants in accordance with ORS 830.150(2)(a), for the construction, rehabilitation or replacement of facilities, such as vessel waste collection systems, transient tie-ups and related support facilities.

(b) Federal Clean Vessel Act and Boating Infrastructure Grant funds are provided to the Board contingent on availability and approval by the U.S. Fish and Wildlife Service. Federal Clean Vessel Act and Boating Infrastructure Grant funds require at least a 25% non-federal match. For Clean Vessel Act projects, the required non-federal matching funds are generally provided by the Board. All participants must agree to comply with any and all federal funding requirements including but not limited to compliance with the Single Audit Act, federal OMB Circular A-133.

(c) Clean Vessel Act Grant Funds may be used for the construction/renovation of pumpouts, dump stations and floating restrooms.

(d) Clean Vessel Act Grant Funds may not be used for the construction/renovation of upland restroom facilities; or the construction/renovation, operation and maintenance of on site sewage treatment plants such as package treatment plants and septic systems, or municipal sewage treatment plants for primary and secondary treatment.

(e) Boating Infrastructure Grant funds may be used for the construction/renovation of docks and piers, gangways, fixed and floating breakwaters, debris booms, vessel waste collection systems, utilities and restrooms that principally support tie-up facilities serving non-trailer boats.

(f) Boating Infrastructure Grant funds may not be used for the construction/renovation of any trailer boat facilities, routine maintenance activities, dry stack storage, annual, seasonal or homeport moorage or other related facilities.

#### (g) Eligibility:

(A) Applications for grants may be submitted by:

(i) Cities;

(ii) Counties;

(iii) Park and Recreation Districts;

(iv) Port Districts;

(v) State Agencies; and

(vi) Private Project Sponsors;

(B) In addition, Counties with consent of the County Commission may sponsor a Federal Agency participant such as U.S. Forest Service, Bureau of Land Management or Corps of Engineers.

#### (2) Procedures:

##### (a) Pre Application:

(A) Cities, counties, park and recreation districts, port districts, state agencies and private project sponsors that have developed long-range plans for development of boating facilities are encouraged to file a copy with the State Marine Board.

(B) Prior to submitting an application for a Marine Board facility grant, the applicant should contact the Marine Board for a pre-application conference to discuss the proposed project. This will provide applicants with an opportunity to ask any questions regarding the grant program, and will permit the Marine Board staff to assist the applicant in the early planning stages of a project. Requests for application forms, guidance, and assistance may be obtained from: Facility Program, Oregon State, Marine Board, PO Box 14145, 435 Commercial St. NE, Salem, OR 97309-5065, Phone: 503-378-8587. [www.boatoregon.com](http://www.boatoregon.com)

(C) *The Public Boating Facility Grant Procedure Guide*, adopted by the Board shall set forth policies, application form and sample cooperative agreement for use by all eligible public participants.

(D) *The Private Grant Procedure Guide* shall set forth policies, application form and sample cooperative agreement for use by all eligible private participants.

(b) Application: When an applicant for a grant has completed the planning phase, application shall be made to the Board on such forms and manner as described in the *Public or Private Procedure Guide*. The application must include the following enclosures:

(A) A completed original application form and enclosures, and five (5) copies, for a total of six (6) copies.

(B) For Public Project Sponsors, a resolution or statement from the governing body authorizing the project.

(C) For Private Project Sponsors, a statement from the legal owner, corporation or entity authorizing the project.

#### (D) Permits and Environmental Assessment:

(i) Certification is from the local city or county planning agency that the project is in compliance with local comprehensive plans and zoning ordinances or statement that the project is not subject to these.

(ii) For certain projects, various regulatory permits, leases, licenses, certifications, and plan reviews must be obtained. It is the responsibility of the applicant to secure the necessary clearances prior to implementing any project. The applicant shall indicate to the Board the status of any such permits, etc., as part of its application.

(iii) For all projects, a brief Environmental Checklist describing the anticipated environmental impacts of the project is required.

#### (E) The following planning attachments must be submitted:

(i) Location map of the city or county, showing geographic reference location of the project.

(ii) Vicinity map showing entire facility, boundaries, geographical features and land use adjacent to the project.

(iii) Site Plan showing the area to be developed with the grant. All items should be clearly labeled on the plan as existing or proposed development including dimensions to scale.

(iv) Photographs of the existing project site. These should be sufficient to show major site features and any special characteristics. (An aerial photo is desirable if available).

(v) A preliminary cost estimate, with calculations and quantities, including all proposed facilities and work tasks. For projects where proposed boating facilities are only a portion of the total cost, the estimate must indicate the boating related facilities to be developed with Marine Board funds.

(vi) Preliminary Plans of all proposed structures, including a plan view (top) and elevation view (side) of each proposed structure.

(vii) Third Party Agreements including copy of leases, special use permits, or intergovernmental agreements if the applicant manages but does not own the project site. If applicable, a cooperative agreement between the eligible applicant and a third party participant outlining scope and nature of the project should be included.

(viii) A description and chronology of notice given to the public of the application or proposed project and the opportunities for public input and the comments received.

#### (c) Application Evaluation:

(A) Marine Board staff shall evaluate each and every complete grant application using evaluation criteria as established by the Board.

(B) Marine Board staff shall prepare a report and funding recommendation for the Board. A copy of this report will be forwarded to the applicant prior to the Board meeting when the application will be considered.

(C) Incomplete applications will not be considered by the Board.

(D) Board Consideration:

(a) Except as provided in the Consent Agenda Grant Consideration Policy applicants shall plan to attend the Marine Board meeting at which their facility grant request is being considered. The Marine Board staff shall inform applicants as to the date, time, and location of the Board meeting. Failure to appear at the meeting may result in a deferral of the grant request. The Director may waive this requirement for smaller projects or if special conditions prevent the applicant from being present.

(b) Following Board consideration, the applicant shall be advised in writing of the Board's decision. If a denial is made based on the protection of water quality, specific notice shall be provided indicating the point or points of the plan which are inadequate (ORS 830.150(4)).

(c) Prior to issuing any grant, the Board shall hold a public hearing in the area where a facility is to be constructed or land acquired if, in the judgment of the Board, use of the facility would stimulate significant change in the character of the recreational use of the waters.

(d) In order to approve a Facility Grant, the Board shall assure that the project complies with the statewide planning goals and is compatible with applicable acknowledged comprehensive plans by following the procedures set out in the Board's state agency coordination program adopted pursuant to ORS 197.180.

(E) Approved Projects:

(a) Following Board approval of a grant, a special cooperative agreement shall be entered into between the applicant, the Board and any third party participant. This agreement shall describe the responsibilities of all parties. Failure by the applicant or any third parties to execute the grant agreement within 90 calendar days of project approval by the Board may result in the cancellation of the grant.

(b) The Board requires that projects be completed within a biennial budget period or less from the date of grant approval. Exceptions may be allowed by the Director if warranted by extraordinary circumstances. The Director is authorized to approve project time extensions up to 90 days, provided this is reported to the Board.

(F) Project Closeouts:

(a) Upon completion of the project, the public or private project sponsor shall notify the Board. A final billing with cost documentation shall be provided to the Board. After a satisfactory review of billing documentation and final inspection by Marine Board staff, final reimbursement will be authorized.

(b) Upon final approval and inspection by the Marine Board staff, ownership of all facilities (and components) developed with partial or full grant funds shall remain with the public or private project sponsor subject to the terms of the Cooperative Agreement.

(3) Priorities:

(A) Funding:

(a) The funds are available to eligible participants on a full grant or matching basis.

(b) In granting funds, the Board shall give first priority to applications for public facilities and to those facilities which appear to have the greatest public need as determined by the Marine Board.

(c) Grant funds are available each biennial period as prescribed by the Board. Large projects may be phased in over a period of years or bienniums to maximize leverage, distribution and availability of funds.

(d) Notice of grant fund availability will be given once to all interested applicants on or about February 15 for the ensuing new biennial period.

(B) Need:

(a) The Board shall provide grants for Marine facilities as the need for facilities appear to the Board ORS 830.150(2).

(b) When applications for grants exceed funds available, the Marine Board will, pursuant to ORS 830.150(2), consider the results of the Boating Survey conducted in accordance with ORS 830.115 in determining areas of greatest need. The Statewide Six Year Boating Facilities Plan, prepared under ORS 830.110(6), and the Statewide Boat Waste Facility Plan prepared for the federal Clean

Vessel Act of 1992, with input from cities, counties, park districts, port districts, state and federal agencies, and private project sponsors, shall also be used to guide the allocation of funds for boat waste collection facilities.

(c) The Board's Public and Private Procedures Guides shall prescribe specific ranking criteria and project priorities.

(4) Policies:

(A) Matching Funds:

(a) It is the policy of the Board to encourage applicants to make use of matching funds. As a part of this policy, applicants will be encouraged to seek other sources of matching monies and/or to provide some form of matching contribution. This public or private matching contribution may be a "hard" match of cash and/or a "soft" match may consist of "in-kind" materials such as project administration, design, engineering, force account labor, permit fees exclusively related to the eligible grant component, and in the case of private participants long term maintenance costs. The Board recognizes that, in some instances, this matching contribution may be beyond the applicant's capabilities. In such cases, the Board may provide a grant covering the full eligible project costs.

(b) Grants will be limited to actual certified expenditures for materials, equipment, labor, and services directly related to construction. Applicants are encouraged to supply "in-house" administrative, design, labor, equipment and engineering services as a form of match to the Marine Board grant. "In-kind" participation shall be documented to the maximum extent possible.

(B) Fees:

(a) Since the Board intends to provide the majority of capital development costs in the form of grants, public and private project sponsors shall not charge any type of user fee for the use of vessel waste collection facilities during the term of the Agreement.

(b) To encourage public use, all public and private vessel waste collection facilities developed in whole or in part by grant funds shall be available free for public use during the term of the Agreement.

(c) Approval must be obtained by the Board prior to charging any user fees for all facilities funded by Boating Infrastructure Grant funds. Any fees charged shall be reasonable and based on the prevailing rate charged by other public and private facilities in the area.

(C) Signs:

(a) The Board requires public and private project sponsors to place a credit sign at facilities developed with a Marine Board grant. The use of any federal Clean Vessel Act or Boating Infrastructure Grant funds requires placement of a credit sign at the facility indicating use of federal funds.

(b) The sponsor shall place a standard logo pumpout and/or dump station sign at each facility developed with federal Clean Vessel Act grant funds.

(c) The cost of design, fabrication and installation of required signs is an eligible cost and may be included in the construction contract.

(D) Applications:

(a) Grant applications must be received 30 calendar days or more prior to scheduled State Marine Board meetings to be considered by the Board. Applicants should contact the Facilities Program Manager concerning grant application deadlines and availability of funds.

(b) Applications will be considered by the Board at regular or special meetings as determined by the Board. Funding periods (rounds) shall be established on or about February 15 for the ensuing new biennium period. Notice will be given to any interested applicant.

(E) Public Use and Access:

(a) All vessel waste collection and transient tie-up facilities developed with Facility Grant funds must be open and available for public use. Reasonable hours of operation may be prescribed if necessary. The facility may be closed for short periods to protect against cold weather damage.

(b) Public and private project sponsors shall agree to provide unrestricted and/or unencumbered access to the general public by either land or water to vessel waste collection facilities or Boating

Infrastructure Grant facilities developed in whole or part with Facility Grants and/or federal funds.

(F) Cooperative Agreements:

(a) Public and private project sponsors shall enter into an agreement with the Board in the manner and form prescribed by the Board. This agreement, which outlines the terms and conditions of funding and other obligations by all parties, must be executed by the Director and the project sponsor and any third party participant prior to commencing any project work. Failure by the applicant and any third party to execute the agreement within 90 calendar days of project approval by the Board may result in the cancellation of the grant.

(b) The term of the Cooperative agreement for Vessel Waste Collection Systems shall be 10 years and Boating Infrastructure Grant facilities shall be 20 years, the assumed average useful life span of these facilities.

(c) The public or private project sponsor or third party participant shall provide ordinary and routine maintenance activities during the term of this agreement.

(d) The public or private sponsor or third party participant shall agree to allow unencumbered facility access to the Board or its authorized agents during the term of the Cooperative Agreement.

(e) Funding recipients shall maintain accurate records on the expenditure of project funds, provide the Board with these records consistent with the agreement and upon request, and permit the Board to audit the use of grant funds in accordance with generally accepted audit practices and standards.

(f) Private project sponsors are not required to follow State of Oregon Public Contract Laws but must procure goods and/or services at reasonable cost and avoid any favoritism with contractors, vendors or suppliers.

(g) In the event the public or private project sponsor or third party participant fails to maintain the facility or converts the use of the facility, the public or private project sponsor shall reimburse the Board for all grant funds provided by the Board.

(G) Operation and Maintenance:

(a) Grants will not be approved for the routine maintenance of facilities.

(b) Private Project Sponsors — Since the Board intends to provide the majority of all capital development costs in the form of grants, the private project sponsor shall agree to furnish long term ordinary and routine operation and maintenance costs as “match” to the project. Annual usage reports will be submitted to the Marine Board in the manner and form described.

(H) Engineering and Design Criteria:

(a) All projects must be designed and engineered by a registered engineer or architect unless completed using force account labor or otherwise provided by law. This will assure the applicant and the Board that proper and necessary provisions are being met with respect to public health, life and safety through the best use of materials and labor at a minimal cost.

(b) Applicants shall forward one copy of the final plans and specifications to the Marine Board staff for review, prior to procuring any contractor or material supplier or commencing any work at the project site. Marine Board staff will notify applicants of plan approval, at which time they may commence implementation of the approved plan.

(c) The Marine Board staff has the capability to provide some design-engineering services for grant applicants. Requests for technical engineering assistance should be directed to the Facilities Program Manager.

(d) A publication by the Board titled **Vessel Waste Collection System Guidelines or Layout and Design Guidelines for Recreational Boat Launching and Transient Tie-up Facilities** provides basic technical specifications and design criteria for the development of facility grant projects. All projects must comply with these guidelines or other approved methods.

(I) Payments and Inspection:

(a) Partial reimbursement can be made monthly based upon percentage of project completion with submittal of appropriate documentation (invoices, receipts, photographs, etc.). Final reimbursement will be forwarded upon receipt and approval of appropriate

final billing documentation, and a satisfactory final inspection by Board staff;

(b) Project sponsors must inform the staff of any alterations to the project, and should provide an early indication of any possible cost overruns or delays which will necessitate a time extension beyond the two year limit;

(c) Reimbursement will not be made for projects initiated or completed prior to approval by the Board and federal granting agency. Recognizing that emergencies may arise, necessitating quick action, applicants with emergencies should contact the Facilities Program Manager for instructions before initiating any improvements;

(d) The Director is authorized to approve minor cost overruns (not to exceed \$10,000). Project sponsors must notify the Board of possible overruns prior to incurring them in order to be eligible for possible reimbursement;

(e) Marine Board staff will, within budgetary limitations, inspect each proposed facility site with the grant applicant prior to Board consideration of any grant. A final inspection will, within budgetary limitations, also be made by Marine Board staff prior to the final grant reimbursement;

(f) On-site visits by Marine Board staff shall be made to assure that the facts presented in the application are correct, to furnish Board members such additional data as may be desired, to inspect work in progress, and to perform final project inspections. The public or private project sponsor or third party participant shall agree to give the Board and its authorized agents unrestricted access to the project at all times during the term of the Cooperative Agreement.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110 & 830.150

Stats. Implemented: ORS 830.150

Hist.: MB 8-1995, f. & cert. ef. 11-6-95; OSMB 6-1998, f. & cert. ef. 4-15-98; OSMB 8-2001, f. & cert. ef. 7-30-01; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## Floitation Encapsulation Rules

### 250-014-0010

#### Definitions

For the purposes of OAR 250-014-0010 to 250-014-0090 the following definitions shall apply:

(1) “Addition or Alteration” — means any change or modification to existing floating structures.

(2) “Applicant” — means any person or contractor who is completing the pre certification or post event log.

(3) “Approved” — means the items accepted and formally approved for use in waterways or marine use.

(4) “Board” — means the State Marine Board.

(5) “Bonded” — means an effective and permanent means of physical or chemical adhesion.

(6) “Buoy” — means any public or private floating device used as a waterway marker or a sign for the purpose of a navigation aid.

(7) “Contractor” — means a business that performs ten (10) or more projects and is registered with the Oregon Construction Board.

(8) “Director” — means the State Marine Board Director.

(9) “Dock” — means the same as float or floating structure.

(10) “Encapsulated or Encapsulation” — means a protective covering or physical barrier between the polystyrene foam flotation and the water.

(11) “Floats or Floating Structure” — means a structure supported by polystyrene foam flotation and held in place by piling and mooring devices, including but not limited to bathhouses, floating homes, marinas, and walkways, boarding floats or combination thereof, representative of one defined project.

(12) “Fuel Floats” — means any floating structure used to dispense any form of fuel or any floating structure used to store, maintain or repair boat engines.

(13) “Mil(s)” — means one-one thousand of an inch of thickness or 0.001 of an inch.

(14) “Maintenance and Repair” — means the reconstruction or renewal of any part of an existing floating structure for the purpose of its maintenance.

(15) “New Construction” — means any new floating structure.



(16) "Person" — means an individual at least eighteen (18) years old, a political subdivision or public agency, or any corporation, association, firm, partnership, joint stock company, or quasi-public corporation except contractors as defined by this rule.

(17) "Polystyrene Foam Floatation" — means all products manufactured from expanded polystyrene foam beads with cell diameters of 0.125" or larger used as floatation.

(18) "Post Certification Log" — means the completion of an event log by contractors submitted monthly to the Board for review.

(19) "Pre-Certification Form" — means the certification form approved by the Board before construction by a person as defined by this rule.

(20) "Project" — means one floating structure or series of floats physically connected, which would be representative of one defined activity.

(21) "Submersible Polystyrene Device" — means any molded or expanded type of polystyrene foam used for floatation.

(22) "Treated Wood" — means dimensional wood or plywood that has been pressure treated by a commercial supplier with preservative, and is acceptable for use in waterways as specified by the EPA.

(23) "Waters of this state" — means all waters within the territorial limits of this state, the marginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to or from the shore of this state.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92; OSMB 3-1999, f. & cert. ef. 2-4-99; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## 250-014-0020

### Purpose and Scope

(1) The purpose of this rule is to protect Oregon's waterways, fish and wildlife from polystyrene foam floatation that may escape from floating structures. The intent of this rule is to require the use of appropriate encapsulation method(s) and material(s) that reduce or eliminate deterioration of polystyrene foam and resulting loss of particulate matter into waterways.

(2) These rules recognize that floating structures by their very nature are unique in design and construction methods from land structures. Nothing in this rule is intended to conflict or displace any other relevant local, state or federal; permits, regulations, or health, life and safety codes.

(3) The following rules shall govern the encapsulation of all submersible polystyrene devices placed on the waters of this state.

(4) As of January 1, 1992, no person shall install a submersible polystyrene device on a dock, buoy or float unless the device is encapsulated by a protective covering or is designed to prevent the polystyrene from disintegrating into the waters of this state.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## 250-014-0030

### Materials and Methods of Encapsulation — New Construction

(1) Effective methods of encapsulation shall completely cover or be a physical barrier between the polystyrene foam floatation and the water. Small gaps up to 0.75 inch diameter ballast holes are permitted in the physical barrier or covering provided they are 0.1% or less of the square footage of the floating structure.

(2) All materials and methods of encapsulation shall meet Environmental Protection Agency (EPA) or approved material testing requirements for use and placement in waterways and shall be effective for a period not less than ten (10) years. Any fasteners used to hold encapsulation materials together shall be effectively treated or be of such form as to reduce corrosion and decay.

(3) Any polystyrene foam floatation or part thereof installed, removed, replaced or repaired during construction or maintenance activities shall be effectively contained. All unused or replaced polystyrene foam shall be removed from the waters of this state and disposed of in an approved manner at an upland disposal site.

(4) The Board may approve other encapsulation materials, categories or methods, if based on their judgment the proposed alternatives meet or exceed the provision of this rule. The Board shall not approve or endorse specific products of any person or firm.

(5) The following materials or methods of encapsulation are approved:

(a) Treated dimensional wood, 1.5 inches (actual) or more in thickness. Non-Treated dimensional wood 4.0 inches or more in thickness and round wood logs are permitted.

(b) Treated plywood 0.5 inches or more in thickness. Non-Treated marine grade plywood 0.5 inches or more in thickness is permitted.

(c) Concrete 1.0 inch or more in thickness.

(d) Galvanized steel 0.065 inch or 16 gauge or more in thickness.

(e) Liquid coatings, 30 mils or more in thickness, chemically or securely bonded.

(f) Rigid (hard) plastics, 50 mils or more in thickness.

(g) Fiberglass and plastic resins, 30 mils or more in thickness, chemically or securely bonded.

(h) Pliable (soft) plastic sheets, 7 mils or more in thickness, chemically or securely bonded. Multiple layers of single plastic sheets less than 7 mils in thickness are not permitted. The process of using shrink-wrap is permitted.

(6) All fuel floats or floating structures used to store, maintain or repair boat engines shall be encapsulated with materials that are not subject to degradation by fuel oils or products.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92; OSMB 3-1999, f. & cert. ef. 2-4-99; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

## 250-014-0040

### Pre-Certification Encapsulation Form

(1) It is illegal to place any polystyrene foam floatation supporting a new construction project on the waters of the state without prior written approval by the Board.

(2) A Maintenance or Repair project is subject to provisions as specified in Section 250-014-0050. An Alteration or Addition project is subject to provisions as specified in Section 250-014-0060. Buoys and Other Floating Devices are subject to provisions as specified in Section 250-014-0070.

(3) The Applicant shall submit a completed Certification Form for each project to the Board for review and approval. The Certification Form shall be on such forms as required by the Board. Incomplete Certification Forms will not be considered.

(4) The Applicant shall furnish information on the method(s) and material(s) used to encapsulate a floating structure and include any other information deemed necessary by the Board to ascertain compliance with this rule.

(5) If the proposed project is found to be consistent with these rules, the Board shall give the person written approval.

(6) Each approved Certification shall be valid for a period of 20 years or the useful life expectancy of the floating structure.

(7) If the Board finds the proposed project to be inconsistent with these rules, the Board shall notify the person in writing of its findings. The person may alter, amend or modify the method(s) or material(s) used and resubmit an amended Certification Form to the Board.

(8) Any person failing to submit a required Certification Form and who places any non-encapsulated floating structure on the waters of this state shall be found in violation of this rule and be subject to a penalty as specified in Section 250-014-0090.

(9) An approved Encapsulation Certification does not relieve the person from obtaining any other federal, state or local permits, licenses or approval that may be required.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92; OSMB 3-1999, f. & cert. ef. 2-4-99; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

**250-014-0041**

**Post Certification Encapsulation Log**

(1) To qualify, for post certification reporting, a contractor must be licensed with the Oregon Contractors Construction Board and perform work at ten (10) or more projects within the State of Oregon each calendar year and report all work on the post certification encapsulation log monthly.

(2) If a contractor performs work at less than ten (10) different projects during a calendar year, the contractor is not eligible for post certification reporting and shall comply with the pre-certification process for persons.

(3) The contractor shall complete and submit a monthly event log listing all foam encapsulation activities. The log is due by the first of each month and shall be received no later than the tenth. The log shall be on the form prescribed by the Board.

(4) Maintenance or Repair projects are subject to provisions as specified in Section 250-014-0050. An Alteration or Addition project is subject to provisions as specified in Section 250-014-0060. Buoys and Other Floating Devices are subject to provisions as specified in Section 250-014-0070.

(5) The Post Certification Log shall be submitted and approved by the Board. The Board shall certify that the individual project listed on the log is in compliance with these rules. Board certification is valid for a period of 20 years or the useful life expectancy of the floating structure.

(6) If the Board finds any completed project listed on the log to be inconsistent with these rules, the Board shall notify the contractor in writing of its findings. The contractor shall perform any corrective actions(s) necessary to comply with these rules.

(7) Any contractor failing to submit a required Post Certification Encapsulation Log and placing any non-encapsulated floating structure on the waters of this state shall be found in violation of this rule and be subject to a penalty as specified in Section 250-014-0090 and shall not be eligible for Contractor Post Certification for one calendar year.

(8) The completion and submittal of a Post Certification Log does not relieve the contractor from obtaining any other federal, state or local permits, licenses or approval that may be required.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.950

Hist.: OSMB 3-1999, f. & cert. ef. 2-4-99; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

**250-014-0050**

**Maintenance or Repair of Existing Structures**

(1) A applicant may repair or maintain an existing floating structure placed on the waters of this state prior to January 1, 1992 with like materials in a like manner.

(2) All repair or maintenance construction activities shall comply with the provisions in Section 250-014-0030(3).

(3) Any repairs or maintenance requiring the replacement of more than ten percent (10%) in square footage of a floating structure shall comply to provisions as specified in the New Construction Section 250-014-0030.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92; OSMB 3-1999, f. & cert. ef. 2-4-99

**250-014-0060**

**Alteration or Addition of Existing Facilities**

Any Alteration or addition of an existing floating structure which leads to an increase in the square footage of that floating structure, must comply with the provisions as specified in the New Construction OAR 250-014-0030.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.110 & 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92

**250-014-0070**

**Buoys and Other Floating Devices**

(1) All polystyrene foam private or public buoys, markers, ski floats, bumpers, fish trap markers or similar devices shall be encapsulated in accordance with the New Construction OAR 250-014-0030.

(2) An Encapsulation Certification Form is not required for this section.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.110 & 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92

**250-014-0080**

**Exemptions**

(1) This rule does not apply to construction, maintenance or operation of boats or vessels.

(2) Any polystyrene foam device manufactured into extruded closed cell beads 0.125 inch or smaller, approved for marine use, is exempt.

(3) No exemptions shall apply to any polystyrene foam device used to support fuel floats, docks, or floating structures used to store, maintain or repair boat engines. These structures must comply with New Construction OAR 250-014-0030.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.110 & 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92; OSMB 10-2006, f. 11-22-06, cert. ef. 7-1-07

**250-014-0090**

**Inspection and Penalties**

(1) The Board and all peace officers shall be responsible for the enforcement of these rules and, upon proper and reasonable notification to the owner of any structure, float or like device, may board and conduct an inspection to ascertain compliance with these rules.

(2) The Director may order any person in violation of this rule to perform reasonable corrective actions in a timely manner.

(3) Any person who violates this rule commits a Class A misdemeanor, ORS 830.990.

Stat. Auth.: ORS 830.110 & 830.950

Stats. Implemented: ORS 830.110 & 830.950

Hist.: MB 4-1992, f. & cert. ef. 3-13-92

**DIVISION 15**

**OCEAN CHARTER VESSELS**

**250-015-0001**

**Definitions**

As used in this Division:

(1) "Approved" means those items accepted and formally approved for use by the U.S. Coast Guard.

(2) "Carrying Passengers for Hire" means the carriage of any person or persons by a vessel for a paid valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator or any other person interested in the vessel.

(3) "Nearest Port" means a straight line measurement between the vessel and either the closest point on the demarcation line of a port entrance or a harbor of refuge.

(4) "Port" means a coastal town or city where ocean charter vessels normally depart from and return to. As used in this Division the term "Nearest Port" shall also include beach sites where passenger carrying dory-styled craft normally depart from and return to.

(5) "Ocean" means those waters of the Pacific Ocean that are west of the demarcation lines described in the applicable sections of **Part 80, Title 33 of the Code of Federal Regulations**.

(6) "Ocean Charter Vessel" means a vessel used in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in the ocean.

(7) "Open Boat(s)" means motorboats with engine and fuel tank compartments and/or other spaces so constructed as to be open to the atmosphere thereby preventing entrapment of flammable gases.

(8) "Open to the Atmosphere" means an otherwise enclosed compartment/space containing at least 15 square inches of open area per cubic foot of the net compartment/space volume.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

**250-015-0002**

**Applicability**

(1) This division is applicable to all ocean charter vessels, carrying passengers for hire, on waters of this state.

(2) The specified safety equipments are considered minimum requirements.

(3) The rules herein are in addition to and not in lieu of any other applicable federal laws or regulations.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

**250-015-0005**

**License Application and Fees**

(1) An owner shall make application to the Board by completing and signing the Charter Vessel License application as provided by the Board.

(2) The applicant must certify in the space provided that the vessel complies with the equipment requirements established by the Board.

(3) The completed application must be accompanied by copies of the following required documents:

(a) Last U.S. Coast Guard "Certificate of Inspection" (if an inspected vessel);

(b) Certificate of insurance showing proof that the applicant has protection against liability imposed by law covering occurrences by the operator of the ocean charter vessel, and the employees of the operator, for the payment of damages for bodily injuries, including death resulting therefrom, in the minimum amount of \$300,000 per occurrence, at any time while engaging in carrying passengers for hire.

(4) The fees for an ocean charterboat license are:

(a) For vessels owned by residents of this state if the vessel has license, title and number issued pursuant to ORS Chapter 830, \$50;

(b) For vessels owned by residents of this state if the vessel has a valid marine document issued by an agency of the Federal Government, \$100;

(c) For vessels owned by persons who reside in a state that requires Oregon residents to pay a license fee to operate an ocean charter vessel in the waters of that state, such fee as is charged Oregon residents to operate an ocean charter vessel in the state where the nonresident applicant resides;

(d) For all vessels owned by nonresidents other than those described in subsection (c) of this section, \$100.

(5) Upon approval of the application an Oregon Ocean Charter Vessel license, decal and validation sticker shall be provided to the applicant:

(a) The Oregon Ocean Charter Vessel license issued shall identify the applicant, the vessel, whether or not the vessel operates within 20 or less miles from port, the license expiration and such other items as deemed appropriate by the Board. It shall be carried on board and made available upon demand of a peace officer;

(b) The Oregon Ocean Charter Vessel decal shall be of such size and color as designated by the Board and shall be displayed in any visually unobstructed location on the vessel's port and starboard cabin sides or windows, or in the case of an open boat, at or near the operator's position, port and starboard, in as highly visible a location as possible. The validation sticker shall be affixed to this decal in the space provided.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

**250-015-0006**

**Reciprocity Provisions for Charter Vessels on the Columbia River**

(1) The purpose of this rule is to implement reciprocity between Oregon and Washington regarding the licensing of charter vessels on the Columbia River downstream of the bridge at Longview, Washington. Reciprocity avoids the conflict, confusion and difficulty of attempting to find the exact location of the state boundary in or on the waters of the Columbia River when carrying passengers for hire

for angling, sightseeing or other recreational purposes on licensed charter vessels.

(2) Under ORS 830.435(3) an Ocean Charter Vessel License is in lieu of registration under Chapter 704 for carrying passengers for hire for angling, sightseeing or other recreational purposes in any navigable waters of Oregon, including the Columbia River.

(3) ORS 830.435(2) provides authority for the State Marine Board to adopt rules allowing persons with a license or registration issued by the State of Washington to engage in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in Oregon ocean waters south of Cape Falcon or in the Columbia River, if the State of Washington adopts provisions that allow vessels with an Oregon ocean charter vessel license to engage in these activities in Washington ocean waters south of Leadbetter Point and in the Columbia River.

(4) The Revised Code of Washington RCW 77.65.010(3) provides authority for reciprocity between Washington charter boat licenses and equivalent Oregon licenses on the Columbia River, if the director of the Washington Department of Fish and Wildlife identifies what Oregon licenses are equivalent to a Washington charter boat license, and if Oregon recognizes as valid the equivalent Washington license.

(5) The Washington Department of Fish and Wildlife has identified an Oregon ocean charter vessel license issued under ORS 830.435 as equivalent to a Washington charter license issued under RCW 77.65.150 in the concurrent waters of the Columbia River downstream of the bridge at Longview.

(6) The State Marine Board finds that a Washington charter boat license is equivalent to an Oregon Ocean Charter Vessel license and is valid for the carrying of passengers for hire for angling, sightseeing or other recreational purposes in Oregon waters on the Columbia River downstream of the bridge at Longview.

(7) The reciprocity provisions of this rule and the reciprocity provisions adopted by the State of Washington, do not authorize the launching, pick-up or discharge of passengers for any purpose in a state other than the state where the charter vessel is licensed.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 704.025 and ORS 830.435

Hist.: OSMB 3-2007, f. & cert. ef. 3-21-07

**250-015-0008**

**License Transfer, Cancellation or Suspension**

(1) When a licensed charter vessel is sold or otherwise transferred to new ownership the former owner(s) must notify the Board within 15 days of such ownership change by completing the reverse side of the Ocean Charter Vessel license and returning it to the Board.

(2) The reverse side shall contain such information as is needed to determine whether the valid Ocean Charter Vessel license:

(a) Is transferred to the new owner upon sale or transfer of the vessel;

(b) Remained with the former owner and is/will be assigned to a replacement vessel; and

(c) The identifying number of such replacement vessel.

(3) It shall be the responsibility of the former owner to remove or have removed the assigned Ocean Charter Vessel license decals and validation stickers when the license is not transferred with the vessel.

(4) Upon determination of the license disposition a new or replacement license will be issued the appropriate licensee.

(5) An Oregon Charter Vessel license may be suspended when a licensee fails to maintain, in full force and effect, the required liability protection.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

**250-015-0010**

**Equipment Requirements**

(1) The following Titles and Parts of the **Code of Federal Regulations (CFR)**, are by this reference hereby adopted and made part of this rule for all ocean charter vessels. Title 33 CFR Part 84; Title 46 CFR Parts 15.401, 15.605, 15.905; Title 46 CFR Parts 25.25-1, 25.25-5, 25.30(b), 25.30-10(d), 25.30-20(a) & (b)(1), 25.35-1 &



25.40; Title 46 CFR Part 26.20-1(a); Title 46 CFR Parts 28.145 & 28.400(b); Title 46 CFR Part 130.330; Title 46 CFR Part 160.054-4(b); Title 46 CFR Parts 180.15, 180.64 & 180.70; Title 46 CFR Parts 182.520, 182.520(a) & 180.530; Title 46 CFR Parts 184.300, 184.402, 184.404 & 184.410; Title 47 CFR Parts 80, 80.901, 80.905(a)(1) & (2), 80.933(b) & 80.1051.

(2) Specific safety equipment requirements are dependent upon a vessel's operational distance from the nearest port. All required equipment shall be in proper working order.

The Code of Federal Regulations is available online and in the Library [Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; OSMB 3-2005, f. & cert, ef, 1-24-05

#### 250-015-0011

##### Exemptions

(1) Open construction, dory-styled craft of less than 23 feet in length, departing from and returning to beach sites shall be exempt from requirement to carry an Anchor, Anchor Chain or Anchor Line as specified in 250-015-0020.

(2) Vessels carrying six or fewer passengers not required by federal law to carry an EPIRB are exempt from the requirement specified in 250-015-0023.

The Code of Federal Regulations is available online and in the Library [Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 - Title 33 CFR, Title 46 CFR, Title 47 CFR

Hist.: OSMB 3-2005, f. & cert, ef, 1-24-05

#### 250-015-0015

##### Safety Equipment Specifications

The adopted Code of Federal Regulations provides technical detail and specifications for safety equipment on certain passenger carrying vessels. Where equipment requirements and/or specifications for certain vessels are less than those required by this rule, are not addressed or are considered inappropriate for a class of vessels the following shall prevail.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

#### 250-015-0016

##### First Aid Kit

Each vessel shall carry on board a first aid kit containing at least the items specified in this section.

(1) The first aid kit shall be plainly marked and shall consist of a weatherproof container with individual sealed packages for each type of item.

(2) Contents of such kit shall contain a sufficient quantity of at least the following types of items:

(a) Bandage compress, 4 inch, (1pkg)

(b) Bandage compress, 2 inch, (4 pkgs)

(c) Waterproof adhesive compress, 1 inch, (16 pkgs)

(d) Eye dressing, 1/8th oz. ophthalmic ointment, adhesive strips, cotton pads, (3 pkgs)

(e) Bandage, gauze, compressed, 2 inches x6 yards, (2 pkgs)

(f) Tourniquet (1), forceps (1), scissors (1), safety pins (12)

(g) Wire splint (1 ea)

(h) Ammonia inhalants, (10 ea)

(i) Iodine applicators, (10 ea)

(j) Aspirin, phenacetin & caffeine compound, 61/2\ Gr. Tablets, vials of 20, (2 pkgs)

(j) Sterile petrolatum gauze, 3 inches by 18 inches, (4 pkgs)

(3) Contents of the first aid kit shall be checked before each trip and at least weekly to ensure the expended or expired items are replaced.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; OSMB 4-2001, f. & cert. ef. 3-29-01; OSMB 3-2005, f. & cert, ef, 1-24-05

#### 250-015-0017

##### Bilge High Water Warning System

(1) An automatically activated bilge high water warning system shall be installed which provides an audible warning signal. A visual warning indicator may also be installed. The warning indicator(s) shall be installed at each steering station. The audible warning may be provided with a disabling switch, provided there is a visual warning indicator which is incapable of deactivation until the high water condition is remedied.

(2) A bilge high water warning system shall not be required on dory style vessels of open construction where the bilge is readily visible to the operator.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

#### 250-015-0018

##### Depth Finder

An installed (not portable), functioning depth finding unit shall be at or near the vessel's primary steering station. The equipment shall provide an adequate range of depth scales allowing the operator to select scales that provide ample safety warning of abrupt ocean bottom contour changes.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

#### 250-015-0019

##### Power/Hand Operated Bilge Pump/Bailing Bucket

All vessels must comply with U.S.C.G. requirements as listed:

(1) Vessels less than 7.9 m (26 ft): One portable hand pump.

(2) Vessels 7.9 m (26 ft) up to 19.8 m (65 ft) not carrying more than 49 passengers:

(a) One — fixed power pump and one — portable hand pump, or;

(b) One — fixed hand pump and one — portable hand pump.

(3) Vessels not more than 19.8 m (65 ft), carrying more than 49 passengers: One — fixed power pump and one — portable hand pump.

(4) Vessels more than 19.8 m (65 ft): Two — fixed power pumps.

(5) Additionally, each must have, One — five gallon bucket.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; OSMB 3-2005, f. & cert, ef, 1-24-05

#### 250-015-0020

##### Anchor and Anchor Chain or Line

Each vessel shall carry on board an anchor of such design and construction; and, anchor line or chain of such size and length as to provide emergency anchoring capabilities for the vessel.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90

#### 250-015-0021

##### Magnetic Compass

An installed, marine style magnetic compass shall be located at the vessel's primary steering station. Uninspected vessels less than 26 feet of open construction can use a portable or hand-held compass as an alternative means of compliance.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; MB 5-1994, f. & cert. ef. 4-28-94

#### 250-015-0022

##### Loran C or Radar Navigation Equipment

Each vessel shall have installed either a LORAN C, a RADAR, or a GLOBAL POSITIONING SYSTEM (GPS) navigation system. It shall be capable of providing the operator with rapid, reliable vessel positioning information. Portable, or hand-held GPS is allowable

on uninspected vessels less than 26 feet of open construction as an alternative means of compliance.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; MB 5-1994, f. & cert. ef. 4-28-94

#### 250-015-0023

##### Emergency Position Indicating Radio Beacon (EPIRB)

A satellite 406 MHz EPIRB is required for all charter vessels operating at any distance offshore.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; MB 5-1994, f. & cert. ef. 4-28-94; OSMB 13-2007, f. & cert. ef. 10-1-07

#### 250-015-0024

##### Navigational Charts

Each vessel shall carry on board up-to-date National Oceanic and Atmospheric Administration navigation charts, for the area of operation and of appropriate scale to make safe navigation possible. Electronic charts are a suitable substitute.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; OSMB 3-2005, f. & cert. ef. 1-24-05

#### 250-015-0025

##### Life Jackets/Life Ring

Each vessel shall carry (as a minimum) the following:

(1) One U.S.C.G. approved life jacket (readily accessible, type I, II, III or V of suitable size for the intended wearer) for each person on board.

(2) One U.S.C.G. approved life ring, type IV, (immediately available).

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05

#### 250-015-0026

##### Light/Smoke Flares

Vessels operating in ocean or coastal waters and bays/river, with an opening to the seas of 2 miles or more, are required to carry light and or smoke flares as follows:

(1) Coastal, less than 3 miles from the coastline:

(a) One electronic distress light, or 3 approved flares; and

(b) One distress flag or 3 approved flares or 3 approved smoke signals.

(2) Ocean, more than 3 miles from the coastline:

(a) 3 parachute flares;

(b) 6 hand flares; and

(c) 3 smoke flares.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05

#### 250-015-0027

##### VHF Radio

A VHF Radio-telephone is required for all charter vessels operating at any distance offshore.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 47 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05; OSMB 13-2007, f. & cert. ef. 10-1-07

#### 250-015-0028

##### Running Lights

Vessels shall be equipped with lighting configurations as specified in a Navigation Rules for International and Inland waters.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 33 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05

#### 250-015-0029

##### U.S.C.G. Operator's License

Vessel operator must be in possession of a valid USCG Operators License appropriate for the area of operation.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05

#### 250-015-0031

##### Engine Room Ventilation Blower System, Backfire Flame

Boats using fuel having a flashpoint of 110 degrees F. must have installed in each engine space:

(1) Intake and exhaust cowls and ducting to exhaust fuel vapor;

(2) Power blower to exhaust fuel vapor;

(3) Backfire flame control properly installed on carburetor.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05

#### 250-015-0032

##### Fire Extinguisher

Boats using gasoline as a fuel must have on board fire extinguisher(s) USCG approved or UL listed for marine use. The minimum number and size of fire extinguishers is as follows:

(1) Vessels under 16 ft; 1 – B-I.

(2) Vessels 16 ft to less than 26 ft; 1 – B-I

(3) Vessels 26 ft to less than 40 ft; 2 – B-Is

(4) Vessels 40 ft to not more than 65 ft; 3 – B-Is

(5) Vessels not over 50 gross tons; 1 – B-II

(6) Vessels 50 to not over 100 gross tons; 2 – B-IIs

(7) A fixed system installed in the machinery space can substitute for 1 – B-I. Also, 2 – B-Is can be substituted for 1 B-II.

The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05

#### 250-015-0033

##### Additional Equipment

Vessels operating more than 20 miles from the nearest port, in addition to the equipment previously specified, must also carry:

(1) Single Sideband Radio (Title 47 CFR Parts 80.901 & 80.905 (a)(2)). Vessels must be equipped with a medium frequency transmitter capable of transmitting J3E emissions and a receiver capable of reception of J3E emissions within the band of 1710 to 2850 kHz and be capable of operation on 2670 kHz, or:

(2) All of the following:

(a) Satellite Telephone;

(A) Hard-wired for a constant charge, with charging indicator light;

(B) Portable, removable from charging base, able to operate independently;

(C) Mounted within reach of the boat operator, at the pilot station; and

(D) Programmable, emergency numbers programmed for speed-dial.

(b) 406 MHz Emergency Positioning Indicating Radio Beacon (EPIRB), and a

(c) VHF Radiotelephone

(3) Life Raft, Unsinkable Shore Boat (Title 46 CFR Part 180.15). Vessels must carry a life raft, unsinkable shore boat or buoyancy apparatus with a rated capacity sufficient for passengers and crew.

(4) Water Lights (Title 46 CFR Part 25.25-1). Each life jacket must have a water light/life jacket light attached. The Code of Federal Regulations is available online and in the library. The Code of Federal Regulations is available online and in the Library

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 46 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05; OSMB 6-2007, f. & cert. ef. 7-2-07

## DIVISION 16

## OUTFITTER/GUIDE REGISTRATION

## 250-016-0001

## Definitions

- (1) "Board" means the State Marine Board.
- (2) "Employee" means an individual who, in exchange for compensation or other pecuniary gain, provides outfitting and guiding services exclusively under the direction, supervision and control of an outfitter and guide or an ocean guide.
- (3) "Ocean guide" means any individual who carries passengers for hire for outdoor recreational activities only on the waters of the Pacific Ocean over which the State of Oregon has jurisdiction and who possesses therefore a valid United States Coast Guard vessel operator license.
- (4) "Outdoor recreational activities" include, but are not limited to, boating, angling, hunting, jeep touring, backpacking, alpine mountain climbing, camping, trips utilizing pack animals, dog sled trips, helicopter skiing, whitewater float trips, rafting trips, drift boat trips, kayak trips, inflatable canoe trips, and canoe trips. The duration of any outdoor recreational activities may be for a few hours or for several days or weeks.
- (5) "Outfitter and guide" means any person:
  - (a) Who provides, or who offers to provide, for compensation or other pecuniary gain:
    - (A) Outfitting and guiding services in Oregon; or
    - (B) Outfitting and guiding services and either equipment, supplies, livestock, or materials for use in Oregon.
  - (b) Who holds one or more Federal permits for commercial outfitting and guiding services for use in any forest or wilderness or on any river in Oregon.
- (6) "Outfitter and guide" does not include:
  - (a) An ocean guide or an employee of an outfitter and guide or ocean guide; or
  - (b) An individual who, for compensation or other pecuniary gain, provides outfitting and guiding services for the conduct of outdoor recreational activities exclusively upon property owned or controlled by the individual.
- (7) "Outfitting and guiding services" include, but are not limited to, leading, protecting, instructing, training, cooking packing, guiding, transporting, supervising, interpreting, or otherwise assisting any person in the conduct of outdoor recreational activities. The rental of equipment alone does not constitute outfitting and guiding services.
- (8) Outfitting and guiding services are not offered or provided for compensation or pecuniary gain if:
  - (a) No individual receives any dues, fees, salary, commission, bonus, tip, compensation, equipment, materials, livestock, supplies, rental payment, amortization payment, depreciation payment, or other financial gain; and
  - (b) No money or other remuneration is in any manner paid or collected except as a sharing by trip participants of the costs or expenses for the trip.
- (9) Exclusions. The following activities and services do not constitute "outfitting and guiding services":
  - (a) Services supplied by governmental agencies which conduct outdoor recreational activities;
  - (b) Services supplied by private colleges and universities which teach outdoor recreational activities in the curriculum, provided these courses are open to enrolled students and faculty members only;
  - (c) Services supplied by non-profit organizations that meet the criteria of (8)(a) and (b) of this section;
  - (d) Services supplied by schools which teach outdoor recreational activity classes such as ski schools, horseback riding schools, swimming instructions, scuba instruction, sailing lessons, flying lessons, photography, nor such activities where being under the tutelage or instruction of a person is ancillary to the primary course of instruction or study. (This does not include fishing, hunting, backcountry, and whitewater schools.)
- (10) "Deposits" are any advance payments in excess of \$100 per person for a trip, including a credit card to hold a trip with a value.

(11) "Person" means an individual, partnership, corporation or non-profit organization.

Stat. Auth.: ORS 704

Stats. Implemented: ORS 704.500 & Ch. 704, OL 1995 - SB 2093

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86; MB 5-1996, f. & cert. ef. 4-12-96; MB 2-1997, f. & cert. ef. 4-4-97

## 250-016-0002

## Registration Instructions

Registration requirements are contained in ORS 704.020.

(1) Application forms are available from the State Marine Board, 435 Commercial Street, N.E., P.O. Box 14145, Salem, OR 97309-5065, (503) 378-8587, 8:00 a.m. to 5:00 p.m., Monday through Friday.

(2) The completed and signed application, with all required attachments, original first aid card if applicable, certificate of insurance, proof of surety bond or letter of credit if applicable, notarized copy of Coast Guard Operator's license if applicable, and the fee required by ORS 704.020 must be submitted to the Board at the address in section (1) of this rule. The required fee is non-refundable. Where an application is submitted for a partnership, one partner must sign the application and provide his/her proof of first aid. For a corporation or non-profit organization, the application must be signed by an authorized officer of the corporation or organization. The authorized officer of the corporation or organization must sign a statement certifying that all their employees possess in their name a current standard first aid card or a medical equivalent. The certificate of insurance shall be:

- (a) Provided direct by mail to the Marine Board;
  - (b) Be issued in the applicant's name;
  - (c) Reflect all insured business names;
  - (d) Reflect the lawfully required insurance minimum amounts.
- (3) Proof of first aid training shall consist of one of the following:
- (a) The original card or certificate issued by the American Red Cross showing completion of a standard or multimedia first aid course or equivalent. (Original card will be returned to the applicant.);
  - (b) Proof of training and certification as an Emergency Medical Technician I, II, or III (original card will be returned to applicant), or licensed or registered nurse or medical doctor (copy of license is acceptable). Should an outfitter/guide's first aid card or the equivalent expire, the outfitter/guide is responsible for submitting the original updated card to the Board. If there is a lapse of time between expiration and renewal, the outfitter/guide's registration is automatically suspended during that period of time.
- (4) An incomplete application shall, after twelve months from date of receipt and lacking any action on the applicants part to complete the application, be deemed inactive. Should the applicant desire to register, the instructions contained in section (3) of this rule shall apply.

Stat. Auth.: ORS 704 & 705

Stats. Implemented: ORS 704.500 & Ch. 704, OL 1995 - SB 2093

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86; MB 22-1987, f. 12-31-87, ef. 1-1-88; MB 5-1996, f. & cert. ef. 4-12-96; MB 2-1997, f. & cert. ef. 4-4-97

## 250-016-0003

## Proof of Registration Compliance

- (1) Outfitter/Guide certificate of registration:
- (a) Upon meeting the registration requirements of ORS 704.020, the Board shall issue to the applicant proof of compliance in the form of a laminated card containing the applicant's:
    - (A) Name and address;
    - (B) Registration number;
    - (C) Business name (if any); and
    - (D) Expiration date.
  - (b) When the registration is for a corporation or non-profit organization, the provided Outfitter/Guide certificate of registration shall contain:
    - (A) Registration number;
    - (B) Corporation or non-profit organization name and address;
    - (C) Expiration date; and



(D) The Statement "Corporation (or Non-Profit Organization) Identification Only — Not for personal identification."

(c) If the outfitter/guide uses boat(s) in his/her business, a decal will be issued with the following information:

(A) For motorized boats used on Federally navigable waters, the decal shall show the type of Coast Guard operator's license the outfitter/guide possesses, the area of operation, and the passenger carrying capacity.

(B) For motorized boats used on inland waters only, the decal shall show the passenger carrying capacity.

(C) Passenger carrying capacity information shall not be required on the decal for non-motorized boats.

(D) Non-motorized boats used in the outfitter/guide business that display identifying numbers, letters, or decal issued by another governmental agency and used only within that agency's area of operation, are exempt from display of an outfitter/guide decal.

(E) Boats not under the direct operation of an outfitter/guide or employee of an outfitter/guide are exempt from the decal requirement. Boats operated exclusively by the client of an outfitter/guide are exempt from the decal requirement.

(d) If an outfitter/guide wants to participate in Oregon Department of Fish & Wildlife Outfitter and Guides Hunting Tag Program established under ORS 496.151, they must obtain a Hunting Certification in addition to outfitter/guide registration. To be certified, an outfitter must:

(A) Certify that they have 3 years hunting experience working as a registered outfitter/guide in Oregon or another state, or working as an employee of an outfitter/guide registered or licensed in Oregon or another state. If the experience has been gained working as an employee, the outfitter/guide must submit a signed affidavit outlining the employee's experience. Outfitter/guides who participated in the Oregon Department of Fish and Wildlife Outfitter and Guides Hunting Tag Program in 1998 are exempt from the experience requirement.

(B) Pass a written and/or oral examination on the Outfitter/Guide program and Oregon Department of Fish and Wildlife laws and rules. If the applicant fails the test, he/she may retake it after a 30-day waiting period. If the applicant fails it a second time, the hunting certification for that year will be denied. The passing score is 75.

(C) Provide with outfitter/guide application proof that the outfitter/guide has the necessary federal government permits (U.S. Forest Service and/or Bureau of Land Management) or private land leases or authorizations for the area in which the Department of Fish and Wildlife hunting tags are to be requested. Proof shall be a notarized copy of the permit.

(D) Submit a \$75 certification fee. The renewal fee shall be \$25.

(2) Duplicates:

(a) A duly registered outfitter or guide may apply to the Board for a duplicate proof of compliance card when an original has been lost, stolen or mutilated;

(b) A duplication fee of \$5 shall be required for each replacement requested.

(3) The outfitter/guide identification card issued shall be carried at all times while providing outfitting or guiding services and shall be presented to any peace officer upon demand.

Stat. Auth.: ORS 704

Stats. Implemented: ORS 704.500 & OL 1995, SB 2093

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86; MB 5-1996, f. & cert. ef. 4-12-96; MB 2-1997, f. & cert. ef. 4-4-97; OSMB 2-1999, f. & cert. ef. 2-4-99; OSMB 4-1999, f. & cert. ef. 7-1-99

#### 250-016-0004

##### Employee Agent or Party of Interest

(1) Each outfitter/guide shall maintain a current record at the State Marine Board of all employees, agents, or parties of interest as denoted in ORS 704.020(1)(c).

(2) Notice of additions or deletions shall be immediately provided to the Board by telephone, FAX, or written, dated communication. The notification shall include:

(a) The outfitter/guide's name and address; and

(b) The added or deleted individual's full name.

Stat. Auth.: ORS 704

Stats. Implemented: ORS 704.500 & Ch. 704, OL 1995 - SB 2093

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86; MB 5-1996, f. & cert. ef. 4-12-96

#### 250-016-0005

##### Cancellation of Registration

(1) An outfitter/guide registration shall be cancelled upon notification from an insurance company that such outfitter or guide's required insurance has been suspended or cancelled.

(2) The Board shall give written notice to such outfitter or guide of the effective date of such insurance suspension or cancellation.

(3) The affected outfitter/guide shall, within ten working days of receipt of such registration suspension or cancellation notice, return to the Board the previously issued outfitter/guide identification card.

Stat. Auth.: ORS 704

Stats. Implemented: ORS 704.500 & 830.110

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

#### 250-016-0006

##### Reinstatement of Registration

(1) A previously cancelled outfitter/guide registration shall be reinstated immediately upon receipt of notification (certificate of insurance) from an insurance company of the outfitter or guide's procurement of the required insurance coverage.

(2) The Board shall return the previously surrendered outfitter/guide identification card, and it shall remain effective for the unexpired duration of its issuance.

Stat. Auth.: ORS 704

Sats. Implemented: ORS 704 & 830.110

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

#### 250-016-0007

##### Registration Renewal

(1) The Board shall notify a registered outfitter or guide in writing approximately 30 days in advance of the impending registration expiration.

(2) The notification shall include instructions for registration renewal and any appropriate forms for such renewal.

(3) An applicant must, in order to avoid an interrupted valid registration, return the completed application and all necessary documents and fees at least ten working days prior to the current registration expiration date.

Stat. Auth.: ORS 704

Stats. Implemented: ORS 704 & 830.110

Hist.: MB 7-1986, f. 7-28-86, ef. 8-1-86

#### 250-016-0008

##### Board's Authority to Reprimand an Outfitter/Guide or Suspend, Revoke, or Deny a Registration

(1) The marine Board may reprimand an outfitter and guide or suspend, revoke, or deny for a period of up to 24 months the registration of an outfitter and guide for:

(a) Any serious or repeated violation of ORS Chapter 477, 496, 497, 498, 501, 506, 508, 509, 511, or 704 or any rule adopted pursuant thereto;

(b) Any serious or repeated violation of the fish and wildlife laws or regulations of the Federal Government or of another state for committing or omitting acts which, if committed or omitted in this State, would be a violation of ethical or professional standards established by the Board. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof;

(c) Having an outfitter/guide registration, license, permit or certificate suspended, revoked, canceled, or denied by another state or by an agency of the United States for committing or omitting acts which, if committed or omitted in this State, would be a violation of ethical or professional standards established by the Board;

(d) Having a United States Coast Guard vessel operator license revoked, suspended, or canceled by the United States Coast guard for committing or omitting acts that if committed or omitted in this state would be a violation of standards established by the Board; or

(e) Engaging in fraudulent, untruthful, or seriously misleading advertising in the conduct of the outfitting and guiding services.

(2) Upon receipt of notice of conviction from the court of a certified copy of a record of suspension, revocation, or cancellation, it shall be the discretion of the Board to determine to reprimand an outfitter/guide or suspend, revoke, or deny the outfitter/guide registration based on the following criteria:

(a) Serious violation shall be conviction of a Class A or B misdemeanor or three Class A or B infractions in a three-year period;

(b) Repeated violations shall constitute two Class A or B misdemeanor convictions within a period of ten years.

(3) The Board may issue conditional registrations contingent on the outfitter/guide not having any violations or convictions as defined in this section for a period of 24 months from issue.

(4) The Board may reprimand an outfitter/guide for violations of the ethical and professional standards adopted under OAR 250-016-0010.

Stat. Auth.: ORS 704.500

Stats. Implemented: ORS 704.500, OL 1995 - SB 2093 & OL 1995 - SB 110

Hist.: MB 5-1996, f. & cert. ef. 4-12-96; MB 12-1997, f. & cert. ef. 12-5-97

#### 250-016-0009

##### Contested Case Hearings

The State Marine Board shall accord opportunity for a hearing as provided in ORS 183.310 to 183.550. The Marine Board has adopted the current edition of the Attorney General's Model Rules of Procedure in accordance with OAR 250, division 1.

Stat. Auth.: ORS 704.500

Stats. Implemented: ORS 704.500 & Ch. 704, OL 1995 - SB 2093

Hist.: MB 5-1996, f. & cert. ef. 4-12-96

#### 250-016-0010

##### Outfitter/Guide Ethical and Professional Standards

All outfitter/guides shall:

(1) Make every effort to operate with respect for the rights of others, private and public property, and provide for the health, safety, and well being of their clients, employees, and the general public;

(2) Provide services on public land in a manner such that they do not interfere with the general public access to public land or waterways or access to wildlife on public land;

(3) Leave clean camps, striving to maintain the environment in as good or better condition than before and dispose of all garbage, debris, and human waste in a proper, approved manner;

(4) Cooperate with Federal, State, and local fish and wildlife officials; advise clients of all applicable conservation standards, fish and game laws, license requirements, statutes and regulations and not condone their violation;

(5) Not use any illegal drug, or excessively use alcohol, or any other drug or substance, to the extent that the use impairs the user physically or mentally while engaged by a client;

(6) Not violate any law, rule, or policy of the Department of Fish and Wildlife concerning the certification of residents and non-residents for procuring hunting and fishing licenses;

(7) Not engage in fraud, deceit, misrepresentation, or concealment of any material fact in advertising, soliciting, or providing professional services to members of the public;

(8) Provide any animal used in the conduct of business with proper food, water, and shelter and not subject any animal to needless abuse or cruel and inhuman treatment;

(9) Not solicit clients or another outfitter/guide while client is engaging in an outfitting activity;

(10) Promptly refund deposits paid by participants upon request if such deposits are due to the participant in accordance with the outfitter/guide's written deposit refund policy;

(11) Not substantially breach a contract with any person using guiding services of the outfitter/guide;

(12) Treat clients, employees, and the general public in a fair and professional manner.

(13) It is unprofessional and unethical to have an outfitter/guide registration, license, permit or certificate suspended, revoked, canceled, or denied by another state or by an agency of the United States.

Stat. Auth.: ORS 704.500

Stats. Implemented: ORS 704.500 & Ch. 704, OL 1995 - SB 2093

Hist.: MB 5-1996, f. & cert. ef. 4-12-96

#### 250-016-0011

##### Surety Bond

(1) Outfitter/guides who collect deposits in excess of \$100 per person for a trip are required to furnish proof of a \$5,000 surety bond or a fully-executed Letter of Credit issued by a financial institution licensed to do business in Oregon in the amount of \$5,000.

(2) Proof shall consist of a fully executed Surety Bond or a Letter of Credit.

Stat. Auth.: ORS 704.500

Stats. Implemented: ORS 704.500 & Ch. 704, OL 1995 - SB 2093

Hist.: MB 5-1996, f. & cert. ef. 4-12-96

#### 250-016-0012

##### Personal Flotation Device Requirements for Outfitters and Guides

(1) Registered outfitters and guides who carry passengers for consideration on rivers rated as Class III or higher on a commonly accepted scale of river difficulty are required to have all employees and passengers wear a properly secured personal flotation device on those sections of river that are rated Class III or higher.

(2) The personal flotation devices used by outfitters and guides must:

(a) Be approved by the U.S. Coast Guard as a Type I, III, or V personal flotation device that is suitable for use on whitewater rivers.

(b) Not have a limitation or restriction on its approval that would prevent its use on whitewater rivers.

(c) Not be an inflatable personal flotation device, regardless of rating type.

Stat. Auth.: ORS 704, 830.110

Stats. Implemented:

Hist.: OSMB 6-2005, f. 12-29-05, cert. ef. 1-1-06

#### 250-016-0014

##### Reciprocity Provisions for Outfitters and Guides on the lower Columbia River downstream of the bridge at Longview-Rainier

(1) The purpose of this rule is to give outfitters and guides operating on the lower Columbia River downstream of the Lewis and Clark bridge at Longview-Rainier the opportunity to share in the reciprocity between Oregon and Washington regarding the licensing of charter vessels. Reciprocity avoids the conflict, confusion and difficulty of attempting to find the exact location of the state boundary in or on the waters of the Columbia River downstream of the bridge at Longview-Rainier while operating on the lower Columbia River.

(2) ORS 830.435(2) provides authority for the State Marine Board to adopt rules allowing persons with a license or registration issued by the State of Washington to engage in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in Oregon ocean waters north of Cape Falcon or in the Columbia River if the State of Washington adopts provisions that allow vessels with an Oregon ocean charter vessel license to engage in these activities in Washington ocean waters south of Leadbetter Point and in the Columbia River.

(3) The Revised Code of Washington RCW 77.65.010(3) provides authority for reciprocity between Washington charter boat licenses and equivalent Oregon licenses on the Columbia River, if the director of the Washington Department of Fish and Wildlife identifies what Oregon licenses are equivalent to a Washington charter boat license, and if Oregon recognizes as valid the equivalent Washington license.

(4) ORS 704.025(1) provides that the State Marine Board may adopt rules that exempt persons possessing a valid Washington license, permit or registration from the outfitter and guide registration required under Chapter 704, if the Board determines the license, permit or registration requirements of Washington are comparable to those of Oregon. Washington has decided to grant reciprocity to Oregon Ocean Charter boats on the lower Columbia River (WAC 220-20-005).

(5) The State Marine Board finds that a Washington charter license issued under RCW 77.65.150 is comparable to an Oregon Ocean Charter license for the carrying of passengers for hire for

angling purposes on the lower Columbia River downstream of the Lewis and Clark bridge at Longview–Rainier.

(6) Outfitters and Guides registered under ORS Chapter 704 may obtain an Ocean Charter Vessel license in addition to their outfitter and guide registration. As authorized by the Oregon Legislature, the Marine Board waives the fee for an Ocean Charter Vessel License for Oregon resident outfitters and guides who conduct activities on the Lower Columbia River downstream of the Lewis and Clark bridge.

(7) Oregon Outfitters and Guides who choose not to obtain an Ocean Charter Vessel License for operations on the Columbia downstream of the Lewis and Clark bridge at Longview–Rainier must ensure that their operations remain in Oregon waters at all times.

(8) The reciprocity provisions of this rule, and those of the State of Washington, do not authorize the launching, pick-up or discharge of passengers for any purpose in a state other than the state where the outfitter and guide is registered and/or charter vessel is licensed.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 704.025, ORS 830.435

Hist.: OSMB 8-2007, f. & cert. ef. 7-2-07

## 250-016-0015

### Reciprocity Provisions for Outfitters and Guides on the Columbia River upstream of the bridge at Longview–Rainier

(1) The purpose of this rule is to give outfitters and guides operating on the Columbia River upstream of the Lewis and Clark bridge at Longview–Rainier the opportunity to share in reciprocity between Oregon and Washington regarding the registration of outfitters and guides. Reciprocity avoids the conflict, confusion and difficulty of attempting to find the exact location of the state boundary in or on the waters of the Columbia River upstream of the bridge at Longview–Rainier while operating on the Columbia River.

(2) ORS 704.025(1) provides that the State Marine Board may adopt rules that exempt persons possessing a valid Washington license, permit or registration from the outfitter and guide registration required under Chapter 704, if the Board determines the license, permit or registration requirements of Washington are comparable to those of Oregon. Washington has decided to grant reciprocity to Oregon Outfitters and Guides on the upper Columbia River (WAC 220-20-005(3)).

(3) The State Marine Board finds that a Washington Professional Salmon Guide License under RCW 77.65.370 or a Washington Professional Game Fish License under RCW 77.65.480(3) is comparable to an Oregon Outfitter and Guide registration for the carrying of passengers for hire for angling purposes on the Columbia River upstream of the Lewis and Clark bridge at Longview–Rainier.

(4) Oregon grants reciprocity for Washington fishing guides on the Columbia River upstream of the Lewis and Clark bridge at Longview–Rainier, provided the Washington Department of Fish and Wildlife adopts regulations that provide the same reciprocity for Oregon Outfitters and Guides.

(5) The reciprocity provisions of this rule and those of the State of Washington do not authorize the launching, pick-up or discharge of passengers for any purpose in a state other than the state where the outfitter and guide is registered and/or licensed.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 704.025 & 830.435

Hist.: OSMB 11-2007, f. & cert. ef. 10-1-07

## DIVISION 17

### ADOPT-A-RIVER PROGRAM

## 250-017-0000

### Purpose

The purpose of this program is to provide citizens of Oregon an opportunity to control litter and improve the quality of the waters of this state in accordance with Chapter 54, Oregon Laws 1993.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.055

Hist.: MB 1-1994, f. & cert. ef. 2-23-94

## 250-017-0010

### Scope

Any person, as defined by ORS 174.100(4) and these rules, may adopt a section of the rivers and waterways of this state for the purpose of picking up and removing litter and trash.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.055

Hist.: MB 1-1994, f. & cert. ef. 2-23-94

## 250-017-0020

### Definitions

As used in these rules:

(1) A “person” is defined as including individuals, corporations, associations, firms, partnerships, and joint stock companies.

(2) An “applicant” is defined as the individual, group, or person adopting the section of river or waterway.

(3) A “spokesperson” is defined as the individual chosen by an applicant group to represent the group.

(4) A “participant” is defined as an individual or member of an applicant group actually performing work on the river or waterway under this program.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.055

Hist.: MB 1-1994, f. & cert. ef. 2-23-94

## 250-017-0030

### General Requirements

(1) The applicant’s spokesperson must apply in writing to the Director of the Marine Board for the river or waterway being adopted.

(2) An “Adopt-a-River” permit will be executed by the applicant’s spokesperson and the Marine Board. The permit will list the specific requirements and obligations of both the applicant and/or its participants and the Marine Board.

(3) For designated sections of rivers or waterways that flow through National Forests, BLM resource areas, or other specified state or federal lands, a three party cooperative agreement will be issued.

(4) The section of river or waterway being adopted shall be at least two miles in length for litter pickup work. (If there are unique or unusual situations or features having to do with litter pickup on a specific river or waterway section the Director may modify this minimum.)

(5) The term of the permit will be for a period of at least two years.

(6) If more than one applicant requests the same section of waterway, the Director may make the selection by earliest date of application or by a drawing.

(7) Assignment of a specific section of waterway shall be at the discretion of the Director.

(8) The Director may consider factors such as land ownership, sensitive resource values, congestion, and size of waterway in determining which rivers or waterway sections will be eligible for this program.

(9) Subcontracting or assigning the adopted section by the applicant is prohibited and will result in cancellation of the permit.

(10) The Director may cancel a permit for any reason including, but not limited to safety considerations, failure of the applicant to perform and failure of the applicant or its participants to comply with provisions of the permit. This cancellation will be issued in writing.

(11) The applicant may cancel the permit with 30 days written notice to the Marine Board.

(12) An applicant has the option of renewing the permit for subsequent terms, subject to the approval of the Director.

(13) The Director shall not issue a permit under this program to any applicant whose objectives and values are determined to be inconsistent with the public interest and the Marine Board’s charge and responsibilities under Oregon law. To make this determination, the Director will rely on:

(a) Oregon Marine Board published mission;

(b) All of the information provided in the application and any other information considered to be common knowledge of the



general public in the geographic area of the waterway section to be adopted;

(c) Information which may be requested of the applicant by the Director. This information may include bylaws, articles of incorporation, or literature of the applicant. Failure to provide such information upon request may be grounds for denial of a permit.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.055

Hist.: MB 1-1994, f. & cert. ef. 2-23-94

### Specific Requirements

#### 250-017-0040

##### Applicant Organization and Participant Responsibilities

(1) Each participant will be required to execute a liability release form reflecting the participant's awareness and acknowledgement of the potentially hazardous nature of the work involved.

(2) Each participant will be required to comply with and abide by all laws, rules, and regulations relating to safety and use of rivers and waterways, and such other terms and conditions as may be required by the Director for special conditions on a particular adopted waterway section. Individual participants may be excluded from participation or the permit cancelled, at the discretion of the Director for violation of this section.

(3) Adult supervision is required. Participation by or presence at the work site of individuals under 18 years of age without adult supervision is not permitted.

(4) Each applicant is required to conduct at least one safety meeting per year to inform each participant concerning personal, group, and water safety. Each participant is required to attend a safety briefing before participating in the actual work.

(5) Each applicant is required to pick up litter a minimum of once a year. More frequent pick up is permissible.

(6) Each applicant will be responsible for appointing or selecting a spokesperson. The spokesperson's responsibilities include assuring compliance by participants with safety procedures, proper participant clothing and footwear, proper parking of vehicle(s), providing a first-aid kit and adequate drinking water, and arranging transportation of the participants to and from the work site.

(7) Each group participant will be responsible for placing litter in trashbags furnished by the Board. The applicant will be responsible for removal of the filled bags and proper disposal. The applicant agrees to coordinate their litter pickup activity with the designated managing agency if another federal, state or local agency is party to the agreement.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.055

Hist.: MB 1-1994, f. & cert. ef. 2-23-94

### DIVISION 18

#### PROCEDURES FOR IMPLEMENTING MANDATORY BOATING SAFETY EDUCATION PROGRAM

#### 250-018-0010

##### Definitions

As used in this Division the following definitions apply:

(1) "Approved Course Provider" is any individual or organization who instructs or provides a National Association of State Boating Law Administrators (NASBLA) approved boating safety classroom or internet course and who has been approved by the Oregon State Marine Board.

(2) "Boater Education Card" is the boating safety certificate required by ORS 830.086 and 830.094. This document, issued by the Marine Board, certifies that the person named on the card has established proof of competency and is authorized to operate a boat in Oregon under ORS 830.082 to 830.096.

(3) "Boating Safety Course" is any NASBLA approved course of instruction that is offered by an approved course provider and concludes with an examination containing at least 50 questions including a minimum of 10 specific questions about Oregon boating laws.

(4) "Correspondence Course and Self Test" means a boating safety course and examination provided by the Marine Board that is

taken at home without a proctor. After, January 1, 2001, this correspondence course and self test will satisfy minimum standard of boating safety education competency only for those individuals who have qualified for hardship status.

(5) "Direct Supervision" occurs when a person maintains close visual and verbal contact with, provides adequate direction to, and can immediately assume control of a motorboat from the operator of a motorboat. A person who is water skiing, or is in the cabin of a boat is not considered to be in direct supervision. Direct supervision is referred to in ORS 830.090 and 830.088.

(6) "Dockside Safety Checklist" is a document provided by the Marine Board that consists of selected facts about Oregon boating laws that a rental or livery agent is required to present to renters/operators of motorboats and must be read and checked by the renter or operator of the motorboat before a motorboat can be rented and operated.

(7) "Equivalency Exam" is a comprehensive written examination created by the Marine Board containing at least 75 questions including a minimum of 15 specific questions about Oregon boating laws. The equivalency exam is intended to provide experienced boat operators the opportunity to meet the minimum standard of boating safety education competency without having to take a boating safety course.

(8) "Hardship" means a situation or condition that prevents an individual from attending a boating safety course or taking an equivalency exam in person within a reasonable amount of time or within reasonably close proximity to the individual's place of residence. The situation or condition must also keep the individual from taking an approved Internet course. A hardship situation may allow an individual to utilize a correspondence course and self test provided by the Marine Board to meet the minimum standard of boating safety education competency. An individual must submit a written request for hardship status. The Marine Board director or his designee has the authority to grant or deny hardship status.

(9) "Internet Course" is any NASBLA approved course of instruction that is offered through the Internet by an approved course provider and concludes with an examination containing at least 75 questions including a minimum of 15 specific questions about Oregon boating laws.

(10) "Minimum Standard of Boating Safety Education Competency" means a standard of proficiency established by the Marine Board based on the standards set by NASBLA that determines whether an applicant for a boater education card has met or exceeded the requirements of a boating safety course, equivalency exam, Internet course, or correspondence course and self test.

(11) "Proctor" is an individual who is a member of the U. S. Coast Guard Auxiliary, U.S. Power Squadron, Marine Patrol, or other public safety organization or whose organization has been approved by the Marine Board to administer an equivalency exam. A "proctor" may also be a public official such as a librarian or community college instructor who has been approved by the Marine Board to administer an equivalency exam.

(12) "Proof of Competency" is a document verifying that an individual has achieved the minimum standard for boating safety education competency as determined by the Marine Board.

(13) "Temporary Boater Education Card" is a document issued by the Marine Board or an approved course provider allowing the bearer to operate a motorboat in Oregon for a period of time not to exceed 60 days as provided in ORS 830.082 to 830.096.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01; OSMB 3-2003, f. & cert. ef. 3-31-03; OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07

#### 250-018-0020

##### Minimum Standards for Boating Safety Education Competency

(1) A person required to possess a boater education card in order to operate a motorboat in Oregon must meet the minimum standard for boating safety education competency as set by the Marine Board.

(2) The minimum standards for boating safety education competency required by the Marine Board are:

(a) Successful completion of a boating safety course in person and a passing score of at least 70 percent on a written test administered at the conclusion of the course by the instructor or a proctor; or

(b) A score of at least 70 percent on a proctored equivalency exam. Individuals may take the equivalency exam no more than once within any 30-day period; or

(c) A score of at least 80 percent on a correspondence course and self test provided by the Marine Board to individuals qualifying for hardship status; or

(d) A score of at least 80 percent on a self-test associated with a boating safety course offered over the Internet. For an Internet course to meet Marine Board standards, it must be NASBLA approved and contain at least 75 questions with at least 15 of the questions Oregon specific. Questions must be pulled randomly from a database of a 180 questions minimum, and questions must address each of the key areas of general boat information, national and Oregon specific boating laws, boat operation, preparation and trailering, legal requirements and boating emergencies; or

(e) Possession of a certificate, card, or other official document issued by another state or Canada that is equivalent to Oregon's boater education card as determined by the Marine Board; or

(f) Satisfactory completion of Marine Safety Law Enforcement Academy; or

(g) U.S. Coast Guard certification as Crewman or Coxswain or similar classification within other branches of the armed forces.

(3) Suitable evidence of achieving the minimum standard for boating safety education competency or "proof of competency" documents must contain the name of the individual applying for the boater education card and be signed or otherwise certified by the issuing organization. Proof of competency documents include:

(a) A certificate of completion issued by the U.S. Power Squadrons, U.S. Coast Guard Auxiliary, Marine Board or other approved course provider; or

(b) A certificate, card, or other official document issued by a proctor stating that the individual passed the equivalency exam with a score of 70 percent or better; or

(c) A certificate, card, or other official document issued by another state or Canada that is equivalent to Oregon's boater education card; or

(d) A U.S. Coast Guard operator's license either valid or expired. The following designations will be accepted: First Class Pilot; Master of Steam or Motor or Auxiliary Sail Vessels of not more than 25, 50, 100, 150, 200, 500, 1600 or any gross tons; Mate of Steam or Motor or Auxiliary Sail Vessels of not more than 25, 50, 100, 150, 200, 500, 1600 or any gross tons; Operator of Uninspected Towing Vessels Commercial Assistance Towing; Operator of Uninspected Passenger Vessels; or

(e) A certificate of completion or other official record or document stating that the individual successfully completed the Oregon Marine Safety Law Enforcement Academy; or

(f) A letter from the unit Commanding Officer/Officer in Charge stating that the individual has achieved certification as a U.S. Coast Guard Crewman or Coxswain or similar classification within other branches of the armed forces; or

(g) In the event the original document establishing proof of competency is not available, a signed statement from an approved-course provider of a boating safety course stating that the individual has successfully completed a boating safety course or equivalency exam will be accepted by the Marine Board.

(4) Correspondence course and self tests taken after January 1, 2001, except as stated in (2)(c), will not meet Marine Board standards.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01; OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07

## 250-018-0030

### Boater Education Card

(1) To obtain a boater education card a person must provide to the Marine Board:

(a) A completed application on a form provided by the Marine Board. The applicant shall provide the following information on the form: the applicant's name, address, date of birth, hair color, eye color and gender. The applicant must also sign a statement declaring that statements made on the form are true and correct and that all documents submitted with the form are true and correct copies of documents issued to the applicant. Incomplete applications will be returned to the applicant; and

(b) A copy of a proof of competency document. Proof of competency documents must contain the name of the individual applying for the boater education card. The Marine Board may require the applicant to provide the original document establishing proof of competency if the copy accompanying the application is illegible or the authenticity of the copy is not certain; and

(c) A \$10 fee for a boater education card paid in full in a manner determined by the Marine Board and stated on the application form.

(2) Boater education cards shall contain a unique number that corresponds to the individual named on the card. Boater education cards are not transferable.

(3) A person is considered in violation of the provisions contained in ORS 830.730 and subject to the penalties prescribed by law when they:

(a) Provide a false statement or information or assist another person in giving a false statement or information on any application, affidavit, document or statement used to obtain a boater education card, temporary education card, or replacement boater education card; or

(b) Exhibit an altered boater education card or any boating education card other than the one issued to them, to a peace officer; or

(c) Alter a boater education card, temporary education card, or replacement boater education card issued by the Marine Board or its authorized agent; or

(d) Produce or possess an unauthorized replica of a boater education card, temporary education card, or replacement boater education card.

(4) In addition to any penalties that may result from a violation of ORS 830.730, the boater education card of any person who provides a false statement or information or obtains a card to which he/she is not entitled is null and void.

(5) Violation of the provisions contained in ORS 830.730 is punishable as a Class A Misdemeanor.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01

## 250-018-0040

### Replacement Boater Education Card

(1) A person may apply for a replacement boater education card from the Marine Board if:

(a) They legally change their name; or

(b) The card is lost, stolen or destroyed; or

(c) Misinformation is printed on the card.

(2) To obtain a replacement boater education card, an applicant must provide the Marine Board with:

(a) A completed application on a form provided by the Marine Board which includes an affidavit signed by the applicant stating the circumstances that led to the replacement of the original boater education card; and

(b) A \$8 fee for a replacement card paid-in-full in a manner determined by the Marine Board and stated on the application form.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07

## 250-018-0050

### Temporary Boater Education Card

(1) The registered owner of a new motorboat who is otherwise required to possess a boater education card may use the temporary certificate of number issued by the Marine Board or its authorized agent as a temporary education card and may operate the new motor-

boat for no more than 60 days from the date of registration provided the temporary certificate of number is on board.

(2) A person who is required to possess a boater education card may use an original proof of competency (Certificate of Completion) as a temporary card and may operate a boat for no more than 60 days from date of issue provided the original proof of competency is on board.

(3) A person residing in Oregon who is otherwise required to possess a boater education card and has received a certificate, card, or other official document issued by another state or Canada that is equivalent to Oregon's boater education card may use that document as a temporary card and may operate a boat in Oregon for no more than 60 days from date of residency provided the document is on board.

(4) A person who legally rents a motorboat and is otherwise required to possess a boater education card may use the required dockside checklist as a temporary education card and may operate the rental motorboat in Oregon for the term of the rental agreement but not longer than 60 days.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07

## 250-018-0060

### Dockside Checklist

(1) Beginning May 1, 2002 any person who provides a motorboat for rent in Oregon must require that the renter or operator of the rental motorboat show proof of possession of a boater education card before renting the person a motorboat.

(2) If the renter or operator of the rented motorboat does not possess a boater education card, the rental agent must provide the renter or operator of the craft with a dockside checklist provided by the Marine Board.

(3) The renter or operator of a rental motorboat must review and mark the dockside checklist in the presence of the rental agent before they may operate the rental motorboat.

(4) The renter or operator of the rental motorboat must retain the dockside checklist on board when operating the boat.

(5) It is not required that every person who will operate the rented motorboat complete the checklist. A person over the age of 16 may operate the rented motorboat if they are accompanied and directly supervised by a person over the age of 16 (18 for personal watercraft) who is carrying a boater education card or proof of completing the dockside safety checklist.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 3-2003, f. & cert. ef. 3-31-03; OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07

## 250-018-0070

### Program Phase In

(1) After January 1, 2001, the Marine Board may issue boater education cards to anyone age 12 and older who submits a complete application, provides proof of competency, and pays the fee required in this Division. Possession of a boater education card is not required until January 1, 2003.

(2) Beginning January 1, 2003, all individuals age 12, 13, 14 or 15 are required to possess a boater education card to operate a motorboat having 10 horsepower or less. They may operate a motorboat having 10 horsepower or less without an adult on board.

(3) Beginning January 1, 2003, all individuals 12, 13, 14 or 15 are required to possess a boater education card and be under the direct supervision of an individual age 16 or older who possesses a boater education card when operating a motorboat having greater than 10 horsepower.

(4) Beginning January 1, 2003, all individuals age 11 or younger may not operate a boat with a motor of any size. They may not operate a motorboat whether alone or under direct supervision of a boater education card holding adult.

(5) By January 1, 2003, all individuals age 16 up to and including age 30 are required to possess a boater education card to operate

a motorboat having more than 10 horsepower. By January 1, 2004, all individuals age 16 up to and including age 40 are required to possess a boater education card to operate a motorboat having more than 10 horsepower.

(6) By January 1, 2005, all individuals age 16 up to and including age 45 are required to possess a boater education card to operate a motorboat having more than 10 horsepower. By January 1, 2006, all individuals age 16 up to and including age 50 are required to possess a boater education card to operate a motorboat having more than 10 horsepower.

(7) By January 1, 2007, all individuals age 16 up to and including age 60 are required to possess a boater education card to operate a motorboat having more than 10 horsepower. By January 1, 2008, all individuals age 16 up to and including age 70 are required to possess a boater education card to operate a motorboat having more than 10 horsepower.

(8) After January 1, 2009, all individuals age 16 and older must possess a boater education card to operate a motorboat having more than 10 horsepower.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00

## 250-018-0080

### Exemptions

(1) ORS 830.092 states that non-resident boaters will be exempt from carrying a card if operating in Oregon waters for less than 60 days. This exemption will apply only to non-residents age 12 and older. No one age 11 and under, whether a resident of this state or not, may operate a power boat of any horsepower after January 1, 2003.

(2) In addition to the exemptions granted in ORS 830.092:

(a) A person operating a seaplane with a valid license issued by the Federal Aviation Administration (FAA) and a seaplane endorsement is not required to carry a boater education card. Seaplane pilots must possess a boater education card to operate a recreational boat;

(b) A person operating a motorboat in an authorized competitive marine event on a course authorized by the Marine Board, or engaged in practicing for a competitive power boat race on a course authorized by the Marine Board is not required to carry a boater education card.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01; OSMB 3-2003, f. & cert. ef. 3-31-03; OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07

## 250-018-0090

### Fees

(1) The Boater Education Card fee is \$10.

(2) The Replacement Card fee is \$8. The fee is waived if replacement is necessary because of a Marine Board error. The same number will be assigned on any replacement card as was assigned on the original.

(3) Fees paid to the Marine Board for a boater education card or replacement are not refundable.

(4) Active duty marine officers will not have to pay the \$10 fee for the boater education card. Non-active marine officers will have to pay the \$10 fee.

(5) An approved course provider acting under the authority of the Marine Board may charge a reasonable fee to recover costs associated with providing a boating safety course or equivalency exam.

(6) The Agency of the State Marine Board may charge a reasonable fee to recover the cost of providing educational materials used in safe boating courses. The fee schedule for materials shall be approved by the five members of the Marine Board who have been appointed by the Governor of the State of Oregon.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01; OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07



**250-018-0100**

**Approved Course Providers**

(1) Individuals and organizations who teach their own NASBLA approved boating safety course (i.e. U.S. Coast Guard Auxiliary, U.S. Power Squadron, American Power Boating Association) are considered approved course providers and are not required to get authorization from the Marine Board to deliver their boating safety courses.

(2) Individuals or private organizations who would like to teach the Oregon State Marine Board's NASBLA approved boating safety course must apply with the Marine Board to become approved course providers. To apply each instructor must:

(a) Obtain an Oregon boater education card.

(b) Submit a resume outlining their teaching and boating experience to the Marine Board.

(c) Submit names and numbers of three references to the Marine Board.

(d) Submit a course outline or agree to use the outline provided by the Marine Board.

(e) Allow the Marine Board access to their classes for evaluation purposes.

(3) Public safety organizations or government agencies who would like to teach the Oregon State Marine Board's NASBLA approved boating safety course must apply with the Marine Board to become approved course providers. Public safety organizations or government agencies may be given approval to screen their own instructors, but must:

(a) Meet with the Marine Board to discuss course outline and materials.

(b) Allow the Marine Board access to their classes for evaluation purposes.

(4) The Marine Board will issue approved individuals and organizations an approved course provider number and place them in a database. A list of approved course providers and boating safety courses shall be kept by the Marine Board and made available to the public. This list does not constitute an endorsement of any course or course provider by the Marine Board.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00

**250-018-0110**

**Approved Internet Course Providers**

(1) Individuals and organizations who would like to provide an approved boating safety Internet course must apply to the Marine Board to become an approved Internet course provider. To apply, each Internet course provider must, in the following order:

(a) Obtain NASBLA approval prior to Oregon state approval;

(b) Complete and submit, for Marine Board review and approval, the Marine Board Internet Course provider application and boating safety course.

(2) To meet the Marine Board's Internet standards, Internet course providers must:

(a) Be approved by NASBLA and have a signed Course Provider Contract with NASBLA;

(b) Meet the Oregon Internet Approval Standards provided by the Marine Board;

(c) Write state-specific information consistent with NASBLA Standard #8. A link to the Marine Board website will not be accepted;

(d) Provide 45 state-specific questions in accordance to NASBLA Testing Standards #1, #2, #3 and #4.

(3) An Internet course provider who offers boaters the option to obtain the Boater Education Card online must:

(a) Provide the Marine Board compatible electronic data files, as specified by the Marine Board, containing data of individuals who are eligible for their boater education card. Files will be transmitted once weekly on a day to be determined by the Marine Board. The files must contain specified information: name, date of birth, address, phone number, hair color, eye color, and gender;

(b) Provide the Marine Board weekly deposits, with deposit day and account number to be determined by the Marine Board;

(c) Provide the Marine Board accounting section weekly reports indicating the cost of the card for each application and the total amount to be paid to the Marine Board;

(d) Provide the students information regarding security measures that are in place for financial transactions before personal information is exchanged online. All transactions must follow industry security standards.

(4) All promotion materials and products to be used by the Internet course provider to promote their website must be approved by the Marine Board before publishing and distribution to the public.

(5) An Internet course provider may charge a testing fee. The fee amount is at the discretion of the Internet course provider. However, the testing fee must be clearly communicated to the test-taker prior to testing on the Internet course provider's website.

(6) The Marine Board may, upon evidence, place any approved Internet course provider on probation for a period for up to 24 months or remove an approved Internet course from the Marine Board website for any of the following reasons:

(a) Making false statements, misusing, or misrepresenting the Marine Board, its staff, or policies and procedures;

(b) Misinforming boaters in advertising, marketing, or publishing efforts;

(c) Generating and providing their own Boater Education Cards for the State of Oregon.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 – ORS 830.096

Hist.: OSMB 1-2007(Temp), f. & cert. ef. 1-9-07 thru 6-30-07; OSMB 2-2007, f. & cert. ef. 3-21-07

**DIVISION 19**

**PROCEDURES FOR ADOPTING, AMENDING AND REPEALING LOCAL AND SPECIAL RULES**

**250-019-0010**

**Policy**

(1) It is the policy of the State Marine Board to promote multiple use and enjoyment of waters of the state for a variety of boating activities. The Board recognizes and will uphold to the extent practicable the universal right of the public to navigate and use the waters of the state for boating.

(2) The Board is authorized to regulate through administrative rules boating in specific locations or on specific waterways in the interest of protecting public safety, property, water quality, fish and wildlife resources, or reducing excessive congestion and conflict between users, and promoting uniformity of laws pertaining to such use.

(3) The Board will seek to resolve problems arising from or between boating activities on a waterway by using a variety of management measures, including education, information, signing, voluntary restrictions and/or increased law enforcement of existing laws, before acting to restrict public use and enjoyment of boats.

(4) It is the policy of the Board to exercise its regulatory authority based upon sufficient information, public testimony or evidence that establishes a demonstrated need to enact administrative rules.

(5) The Board will seek the concurrence and recommendations of affected local jurisdictions and authorities before adopting regulations for local waterways.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96; OSMB 5-2004, f. & cert. ef. 10-14-04

**250-019-0020**

**Definitions**

For the purposes of 250-019-0010 to 250-019-0090, the following definitions shall apply:

(1) "Board" means the State Marine Board.

(2) "Local jurisdiction or authority" includes cities, counties, park and recreation districts, port districts, state agencies, tribal councils, and agencies of the federal government.

(3) "Outfitter and guide" is used as defined in OAR 250-016-0001(5)-(7).

(4) "Procedural Rules" means procedures for rulemaking as outlined in OAR 250-001-0000, 250-001-0005 Model Rules of practice and Procedure, and 250-001-0030.

(5) "Boat" means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

(6) "Waters of this state" means all waters within the territorial limits of this state, the marginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to or from the shore of this state.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96; OSMB 5-2004, f. & cert. ef. 10-14-04

### 250-019-0030

#### Statutory Authority

(1) The Board's authority to regulate boating through rulemaking is contained in Title 61, Chapter 830, Small Watercraft of Oregon Revised Statutes (ORS). General rulemaking authority is stated in 830.110 Powers and Duties of the Board, 830.175 Regulations for Specific Areas, and 830.195 Preventing User Conflicts.

(2) Additionally, 830.175(2) enables the governing bodies of political subdivisions of the state to apply to the Board for special regulations relating to the operation of boats on waters within the territorial limits of the political subdivision.

(3) State law (ORS 830.040) prohibits political subdivisions of the state from enacting or enforcing any laws contrary to the provisions of Chapter 830. This prohibition together with the provisions of 830.175(2) gives the Board exclusive authority to regulate boats and boating activities on the waters of the state.

(4) On federally navigable waterways and the territorial sea, the Board shares concurrent jurisdiction with the U.S. Coast Guard. Additionally, Oregon has entered into a Boating Offense Compact (ORS 830.080) with the states of Washington and Idaho establishing concurrent jurisdiction over boundary waters with these states.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96; OSMB 5-2004, f. & cert. ef. 10-14-04

### 250-019-0040

#### Scope

(1) The Board may regulate watercraft on all waters of this state. The Board's primary interest lies in waterways where public access for boating is provided, available, allowed, or reasonably accomplishable and is commonly or frequently used by the general boating public.

(2) The Board will not normally regulate waters of this state which are surrounded exclusively by privately owned lands, are sufficiently small so as to preclude access or severely limit public boating use, or are inaccessible to the general boating public by ordinary and usual means.

(3) Restrictions on boats and boat operations adopted pursuant to this rule shall apply to all watercraft, including boats used for commercial activities, such as guided trips.

(4) Rules adopted by the Board to restrict watercraft and their operation pursuant to this Division, shall not apply to:

(a) Watercraft used for the law enforcement activities of authorized public safety agencies;

(b) Search and rescue activities conducted by or under the direction of these agencies; and

(c) Watercraft used for administrative or management functions performed by public agencies with jurisdiction over the subject waters or adjacent lands.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96; OSMB 5-2004, f. & cert. ef. 10-14-04

### 250-019-0050

#### Existing Laws

Nothing in this division shall change, amend, or alter any duly established laws or rules contained in Title 61, Chapter 830 of the ORS or chapter 250 of Oregon Administrative Rules, except to add this division in its entirety.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96; OSMB 5-2004, f. & cert. ef. 10-14-04

### 250-019-0060

#### Types or Methods of Regulations Used

(1) The Board's regulatory authority accorded by Title 61, includes, but is not limited to the following:

(a) Establishment of designated speeds;

(b) Prohibition or the use of motorboats;

(c) Designation of areas and times for testing racing motorboats; and

(d) Designation of moorage areas.

(2) Historic regulatory actions by the Board have expanded this list to include administrative rule restrictions on:

(a) Motor type and/or horsepower;

(b) Type of watercraft allowed;

(c) Direction of watercraft travel;

(d) Time of day, day of week, or seasons of operation;

(e) Wave and wake;

(f) Anchoring;

(g) Water-skiing;

(h) Boat entry, and;

(i) Equipment required to be carried on a boat or persons using a boat.

(3) In addition to the types and methods of regulations described above, the Board may restrict watercraft and/or their operation in other lawful ways.

(4) Restrictions on watercraft and/or their operation which are adopted by the Board under the procedures contained in this section may consist of permanent, temporary, or emergency administrative rules.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96; OSMB 5-2004, f. & cert. ef. 10-14-04

### 250-019-0070

#### Procedures for Submitting and Accepting Requests to Adopt, Amend or Repeal Local Boating Regulations

(1) The Board may accept requests to adopt, amend, or repeal local boating regulations submitted by any interested person in accordance with the Attorney General's Uniform Rule 137-001-0070.

(2)(a) The Attorney General's Uniform Rules governing petitions for rulemaking require the petition to include the name and address of the petitioner and any other persons known to the petitioner to be interested in the rule; that the petitioner propose specific language for the rule, with proposed deletions shown in brackets and any proposed new language shown in boldface; that the petition contain a detailed statement to show the reasons for and the general effects of the proposed rule; and that the petition set forth all propositions of law the petitioner asserts.

(b) In addition to the requirements listed in subsection (a), requests from governmental bodies shall be made to the Board in writing and include the following items of information, when available and relevant, portrayed on a map or maps to the extent possible:

(A) Physical characteristics of the waterway such as size in acres during periods of normal use, length of shoreline, width, depth;

(B) Natural characteristics of the waterway including native or typical aquatic and terrestrial flora and fauna (both resident and migratory), soils, bottom sediment, turbidity, limnology, water quality, habitat of sensitive, threatened, or endangered species;

(C) Natural and artificial obstructions or hazards to navigation such as points, bars, shoals, rocks, stumps, logs, snags, strainers, sunken vessels, weed beds, docks, piers, pilings, dolphins, wharves, dams, spillways, weirs, intakes, outflows, diversions, rapids, water

falls, swimming and diving platforms, designated swimming areas, pipelines and utility lines;

(D) Public and private boating facilities such as boat ramps, floats, docks, piers, marinas, pump-outs, fuel docks, floating homes, boat houses, house boats, moorages, water-ski courses and jumps or docks, buoys, navigational markers;

(E) Publicly owned lands such as forests, parks, beaches, campgrounds, picnic areas, and other recreation sites of federal and state agencies, counties, cities, or special districts;

(F) Upland private ownership (individual, corporate, semi-public, public utility, non-profit) including names and addresses of all waterfront property owners;

(G) Existing and/or proposed government regulations or management plans and activities affecting public or private access and/or use of the waterway;

(H) A narrative or graphic depiction of boating and other recreation uses such as location of activities, timing of use (time of day, days of week, seasons of year), types and numbers of watercraft used on waterway, origin of watercraft (marinas, launches, private moorages/docks, rentals, etc.), traffic patterns, areas of congestion, results of surveys or questionnaires;

(I) A narrative description of known and suspected problems and/or conflicts;

(J) A narrative description of boating law enforcement and safety activities on the waterway such as placement and maintenance of navigational markers and regulatory buoys, patrol schedules, types and numbers of complaints received, type and nature of public contacts (excluding boat inspections, warnings and citations), consultations with other managing agencies, and an assessment of law enforcement issues on the subject waterway in the context of county-wide or regional boating issues;

(K) A base map or maps and/or aerial photographs showing the waterway, boating facilities, access points, safety hazards, regulated areas, locations of buoys, general land ownership patterns;

(L) A map of the waterway showing key information to support the request for rulemaking such as traffic patterns, problem or conflict areas, and the area to be subject to the proposed boating restriction;

(M) A description of public input received about the problem or conflict such as public meetings or hearings, advisory committees, letters and phone calls received, management plans prepared, and contacts received from other government agencies;

(N) An analysis of alternatives to the requested rule including law enforcement strategies, signs, publications, outreach or training/education, voluntary efforts, and facilities location and design;

(O) A suggested boating regulation or prescription to address the problems or conflicts described including the specific area to be regulated, when regulations should become effective, whether the regulation should be permanent or temporary, a recommendation on the location and timing and location of public hearings and whether public hearings should be held, a list of key groups, individuals or organizations that should be informed of the requested rules, together with mailing addresses;

(P) A written request on agency letterhead, signed by the responsible government official and addressed to the director or chair of the Board stating, in summary, the need for boating regulations, the suggested boating regulations the Board is requested to enact, and a request that the Board consider enacting administrative rules.

(c) In addition to the requirements listed in subsection (a), requests submitted to the Board by other interested persons shall:

(A) Be addressed to the director or chair of the Marine Board;

(B) Include a concise statement of the problem, conflict, or damage; and

(C) Include legibly printed or typewritten names and addresses of at least ten petitioners, with a straight line separating each name and address, and each name accompanied by a valid signature.

(d) Requests to adopt, amend or repeal local boating regulations made by Board staff in their official capacity shall only be made with prior approval of the director and concurrence of the chair and shall

be in the form of an agenda item and staff report presented at a regularly scheduled meeting of the Board.

(e) Requests to adopt, amend or repeal local boating regulations made by Board members shall be addressed to the chair who may direct Board staff to prepare an agenda item and staff report to be presented at a prescribed meeting of the Board.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96

## 250-019-0080

### Procedures for Considering Requests to Adopt, Amend or Repeal Local Boating Regulations

(1) Requests to adopt, amend or repeal local boating regulations shall be reviewed by board staff to determine whether they are complete, clear, and/or not in conflict or duplicative with existing state or federal boating laws.

(2) Staff will return incomplete or unclear requests to the initiator with a cover letter stating the deficiencies and asking for additional information.

(3) Requests which would conflict with or duplicate existing state or federal laws will not be referred to the Board and may be denied by the director or the director's designee, and returned with a cover letter explaining the conflict or duplication.

(4) The director may retain requests which are substantially complete or clear but lack certain items of information and may direct staff to contact the requesting agencies or individuals to obtain the lacking information.

(5) Within thirty days of receipt of a completed request, the director or the director's designee shall either deny the request in writing or initiate rulemaking proceedings in accordance with OAR 137-007-0070.

(6) Except as provided in subsection (10) and in the case of temporary and emergency rules, the Board may annually adopt, amend or repeal rules to regulate or restrict boating in local or specific waterways.

(7) In order to facilitate the incorporation of all available information relating to requests to adopt, amend or repeal boating regulations for local or specific waterways, and to reduce the costs associated with promulgating rules to establish regulations and making those regulations available to the public, the following procedures shall be followed by the Board:

(a) Prior to the first official business day in April of each year, the Board will accept proposals to adopt, amend or repeal boating regulations for local or specific waterways. Proposals must be submitted in a format prescribed by the Board;

(b) Absent extenuating circumstances only proposals received prior to the first official business day in April each year will be included in the process described in subsections (d) of this section;

(c) A summary of all proposed rule changes received prior to the first official business day in April each year will be publicized through the news media and sent to the persons and organizations identified in Section 250-001-0000(3)(a) through (f);

(d) Proposals received prior to the first official business day in April shall be reviewed by Board staff and marine law enforcement personnel. Proposals for the same waterbody may be grouped or consolidated;

(e) If necessary, public meetings will be held to allow opportunity for public comment on proposals to adopt, amend or repeal local boating regulations;

(f) A Board meeting will be held in September or a subsequent month each year at which time the Board will consider proposals to adopt, amend or repeal boating regulations for local and specific waterways. All proposals to adopt, amend or repeal local boating regulations properly submitted in compliance with subsections (a) and (b) of this section shall be considered by the Board. Other requests or proposals to adopt, amend or repeal boating regulations for local and specific waterways may be considered at the discretion of the Board;

(g) In determining the merits and necessity of a proposal to adopt, amend or repeal a local boating regulation and in making the



decision on adoption, the Board may consider one or all of the following factors:

(A) Staff analysis of the proposed rule change, such as alternative means of resolving the problem, conformance with existing state or federal boating laws, boating use data from Board surveys, law enforcement statistics and data, accident and fatality data, estimated costs of enforcement, an assessment of the adequacy of existing law enforcement efforts and resources, or other pertinent information;

(B) The endorsement or opposition of local affected jurisdictions and authorities;

(C) Alternatives to the proposed rule change including approaches such as education, information, signing, voluntary restrictions and/or increased law enforcement of existing laws;

(D) Whether or not the proposed rule change is supported by an adopted management plan of a local, state, tribal, or federal agency;

(E) The degree to which the proposed rule change, if accepted and adopted, would protect public safety, property, water quality, fish and wildlife resources, or reduce excessive congestion and conflict between users, or promote uniformity of boating laws;

(F) Whether or not the proposed rule change can be effectively enforced;

(G) The cost to implement and enforce the proposed rule change.

(h) The Board may adopt rules as proposed, adopt the rules as revised, deny the proposal, or defer the proposal to a subsequent meeting.

(8) Board staff will notify initiators of the proposals of the Board's action on the proposal within ten working days following Board action.

(9) Nothing in this section shall in any way limit any rights conferred under ORS 183.390 and OAR 137-010-0070.

(10) Nothing in this section shall in any way limit or restrict the Board's authority to adopt, amend or repeal boating regulations at times other than those prescribed.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Hist.: MB 11-1996, f. & cert. ef. 12-05-96

## DIVISION 20

### LOCAL AND SPECIAL RULES

#### 250-020-0005

##### Applicability of Terms

(1) Notwithstanding any other provision of this division, prohibitions and/or speed limitations, where provided, shall not apply to vessels operated by federal, state or local governments, or their agents having jurisdiction and when operating in the conduct of official business on an otherwise regulated body of water.

(2) The Director may issue special exemption permits to allow limited research, commercial or marine event boat operations in areas closed to motorboat use or otherwise regulated by OAR 250, divisions 20, 21, and 30. These permits shall not be issued for normal recreational boating activities or for operations that can reasonably be carried out without use of a motorboat or within existing motorized restrictions. The Director may condition the permits to minimize the impacts to the waterway and other users.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.175

Hist.: MB 5-1981, f. & ef. 8-31-81; MB 19-1985, f. & ef. 11-22-85; MB 6-1993, f. & cert. ef. 8-16-93

#### 250-020-0013

##### Boat Operations in Baker County

(1) No person shall operate a motorboat in excess of a "Slow — No Wake" speed in the following areas:

(a) Brownlee Reservoir;

(A) Farewell Bend State Park: Within 100 feet of a designated swimming area or within 200 feet of the boat moorage or launching ramp;

(B) Hewitt County Park: From a point 200 feet upstream of the west launching ramp to a point 200 feet downstream of the east launching ramp.

(b) Unity Reservoir: Within 200 feet of the launching ramp.

(c) Phillips Lake:

(A) Within 200 feet of a boat launching ramp or designated swimming area;

(B) That area known as the Union Creek Inlet, beginning at a point approximately 500 feet south of the Union Creek Boat Launching Ramp and proceeding easterly across the inlet to a point on the opposite shore as marked.

(2) No person shall operate a motorboat, except those propelled by electric motors on:

(a) Anthony Lake;

(b) Balm Creek Reservoir;

(c) Higgins Reservoir.

(3) No person shall operate a boat for any reason, on Unity Reservoir, below a buoy line near the spillway of Unity Dam.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.175

Hist.: MB 26, f. 7-20-64; MB 45, f. 8-25-69; MB 50, f. 4-2-73, ef. 4-15-73; MB 9-1978, f. & ef. 12-21-78; Renumbered from 250-020-0165; MB 5-1983, f. 9-13-83, ef. 9-16-83; MB 2-1987, f. 4-20-87, ef. 5-1-87; MB 3-1997, f. & cert. ef. 4-4-97; OSMB 1-2000, f. & cert. ef. 7-14-00; OSMB 5-2006, f. & cert. ef. 7-3-06

#### 250-020-0014

##### Boat Operations on Phillips Lake in Baker County

Marine Toilets: No person shall maintain or operate upon the following-named inland waters of this state any boat which is equipped with a toilet unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively sealed. "An approved device" is a marine toilet, or a marine toilet attachment, which has been approved by the State Board of Health and the Department of Environmental Quality: Phillips Lake.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 58, f. 7-2-74, ef. 7-2-74(Temp) & 7-25-74(Perm); Renumbered from 250-020-0166

#### 250-020-0026

##### Boat Operations in Benton County

The following area is designated a racing motorboat testing area on the Willamette River: From the Harrison Street Bridge downstream approximately .5 of a mile to the rip-rap protected NW bank corner. Testing shall be limited to between the hours of 7–9 p.m. (Daylight Saving Time) on Tuesdays and Thursdays and on Saturdays between the hours of 10 a.m. and 12 noon.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 52, f. 8-17-73, ef. 9-1-73; Renumbered from 250-020-0225; MB 3-1981, f. & ef. 3-3-81

#### 250-020-0031

##### Boat Operations and Water Skiing on Lake Oswego in Clackamas County

(1) Definitions as used in these regulations:

(a) "Lake" shall mean Lake Oswego;

(b) "Lake Warden" shall mean the Deputy Sheriff who acts as Lake Warden;

(c) "Corporation" shall mean Lake Oswego Corporation;

(d) "After Dark" shall mean 1/2 hour after sunset and 1/2 hour before sunrise.

(2) Mooring of Boats: No unoccupied boat shall be moored (other than fast to a dock) more than 20 feet from shore.

(3) Basic Rules:

(a) No boat shall exceed the following speeds on the Lake:

(A) When within 100 feet of a swimmer or from shore — 6 MPH;

(B) When within 100 feet of a canoe — 6 MPH;

(C) When within the areas marked by buoys — 6 MPH;

(D) Through channels, canals, and bridges at all time — 6 MPH;

(E) After dark in unrestricted areas — 8 MPH;

(F) During daylight hours in unrestricted areas — 40 MPH.

(b) No person shall operate a paddle board, inner tube, rubber raft, or other unlicensed device more than 100 feet from shore or under any bridge;

(c) No person shall moor a boat or raft to any navigation buoy or marker.

(4) Towed Equipment (applies to surfing and other types of towed equipment as well as to water skiing):

(a) When picking up or standing by a person in the water, the boat's motor must be completely stopped (not just idled or out of gear, but killed);

(b) Except on safe take-offs, boats with skiers under tow and skier must keep 100 feet or more from shore. A take-off will not be considered "safe" unless it can be accomplished without risk to any swimmers or craft. Skiers must be picked up by the boat before coming within the 100 foot from shore line, and brought to shore under the usual speed restrictions within 100 feet of shore; except, when safe, skier, but not boat, may ski inside the 100 foot from shore line, in the process of landing, only when entirely within the water area bounded by the extended property lines of the property from which he is skiing. Skiing is forbidden within the areas specified in subsection (4)(g) of this rule. The red buoys placed at intervals around the lake shall be deemed to mark a distance of 100 feet from shore;

(c) All boats towing skiers shall go in a counter clockwise pattern; i.e., west on the north side of the lake, and east on the south of the lake. All boats taking off with skiers from within 100 feet of the shore line shall take off as straight as practicable from shore. On both take-offs and landings, boats and skiers shall keep as far distant as possible from adjoining docks, floats, and shore line;

(d) If a skier falls when more than 50 feet from shore or a float, the towing boat shall return at once to the downed skier giving due regard to the safety of any other skiers it may be towing;

(e) No boat shall follow behind a skier closer than 300 feet, nor cross the towing boat's bow by less than 200 feet, nor alongside a skier closer than 100 feet;

(f) Any boat towing a skier must be manned by a competent observer or ski-tender, in addition to the operator;

(g) Skiing and other towed-equipment sports are prohibited:

(A) Under any bridge;

(B) South of the buoy at the entrance to, and within, Blue Heron Bay, except that families living on the Bay may tow surfboards or similar equipment at low speeds;

(C) West of the buoy at the entrance to, and within West Bay, except that families living on the Bay may tow surfboards or similar equipment at low speeds;

(D) On the inlet Canal;

(E) On the Canal leading from Main Lake to Lakewood Bay;

(F) At the east end of the Main Lake between buoy and the Swim Resort;

(G) On Kelok Bay (between Alder and Maple Circles) south-west of buoy at mouth of Bay;

(H) West of the buoy at the west end of Lakewood Bay.

(5) Marine Toilets: No person shall maintain or operate upon the waters of Lake Oswego any boat which is equipped with a toilet unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively sealed. "An approved device" is a marine toilet, or a marine toilet attachment, which has been approved by the State Board of Health and the Department of Environmental Quality.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 60, f. 7-2-74, ef. 7-2-74(Temp) & 7-25-74(Perm); Renumbered from 250-020-0012

#### 250-020-0032

##### Boat Operations on the Willamette River in Clackamas County

(1) No person shall operate a motorboat in excess of 10 MPH in the following areas:

(a) Between the southern shore of Hog Island and the mainland;

(b) Within 100 feet of the west shore, between RM 30.0 and 30.5.

(2) No person shall 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 Crown Zellerbach's Mill A Grinder Room on the west bank of the river to the southwest corner of Publisher's Paper Company Power Plant on the east bank of the river as marked;

(b) In the area commonly known as the "cul-de-sac" or the Simpson 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 and Portland General Electric Sullivan Plant and Crown Zellerbach Corporation Mill maintenance crews may operate in the closed area when on official business;

(B) Boats used in taking lamprey under a permit issued by the State Department of Fish and Wildlife may operate in the closed area subject to the conditions specified in the permit.

(3) No person shall operate a boat at a speed in excess of a "Slow — No Wake" maximum 5 MPH 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 thence due west to the shore line;

(c) Within 200 feet of a designated public launching ramp and/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) No person shall 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.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 26, f. 7-20-64; MB 80, f. & ef. 4-19-77; MB 83, f. & ef. 4-22-77; Renumbered from 250-020-0142; MB 9-1982, f. 10-13-82, ef. 10-15-82; MB 6-1986, f. & ef. 5-23-86; MB 1-1987, f. & ef. 2-4-87; MB 13-1987, f. & ef. 6-15-87; MB 3-1996, f. & cert. ef. 2-22-96; OSMB 5-2000, f. & cert. ef. 10-30-00; OSMB 5-2007(Temp), f. & cert. ef. 6-18-07 thru 12-13-07

#### 250-020-0033

##### Boat Operations in Clackamas County

(1) Clackamas River: No person shall operate a motorboat in excess of "Slow-No Wake" (5 MPH) from the Highway 99 Bridge downstream to the Willamette River, May 1st through October 15th.

(2) Molalla River: No person shall operate a motorboat with a jet pump drive upstream of the Highway 99 Bridge.

(3) Tualatin River: No person shall operate a motorboat for the purpose of towing a person on water skis, knee board, wake board, tube or similar device.

(4) North Fork Reservoir:

(a) No person shall operate a motorboat with a jet pump drive above a point 2.3 miles upstream of the North Fork Dam;

(b) No person shall operate a motorboat in excess of a 5 MPH slow no-wake speed on that portion of the reservoir north of Highway 224 known as North Arm or within 200 feet of the entrance to North Arm, as marked.

(5) Roslyn Lake: No person shall operate a boat with a motor.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 2-1978, f. & ef. 4-5-78; MB 6-1978, f. & ef. 7-31-78; Renumbered from 250-020-0143; MB 21-1987, f. 12-31-87, ef. 1-1-88; OSMB 7-2000, f. & cert. ef. 12-1-00; OSMB 11-2001, f. & cert. ef. 10-29-01; OSMB 3-2004(Temp), f. 7-14-04, cert. ef. 7-15-04 thru 8-31-04; Administrative correction 9-28-04

#### 250-020-0041

##### Boat Operations in Clatsop County

(1) No person shall operate a motorboat at a speed in excess of 5 MPH in the following areas:

(a) On the Skipanon Waterway and Warrenton Small Boat Basin;

- (b) On the John Day River within 200 feet of a houseboat;
- (c) On Knappa Slough within 200 feet of the Knappa Dock;
- (d) On Warren Slough;

(e) On Svensen Slough between the Svensen Island bridge and Bear Creek, as marked.

(2) No motorboat shall be operated at a speed in excess of 10 MPH in the following areas:

- (a) On Coffenbury Lake;
- (b) On Neacoxie (Sunset) Lake;
- (c) The north end of Cullaby Lake within the buoyed area.

(3) No motorboat shall be operated in excess of "Slow-No Wake" speed when within 200 feet of a boat launching ramp or designated swimming area in the following areas:

- (a) John Day River;
- (b) Cullaby Lake. (For purposes of this regulation "Slow-No Wake" speed means the speed of the boat shall not exceed 3 MPH.)

(4) All boats towing water skiers or other types of towed equipment on the following bodies of water shall proceed in a counter-clockwise pattern: Cullaby Lake.

(5) No person shall operate a motorboat in excess of a "Slow-No Wake" speed in the following areas:

- (a) Hammond Boat Basin;
- (b) Lewis and Clark River from its mouth at Youngs Bay to its confluence with Green Slough, a distance of approximately 1.8 statute miles;

(c) The East End and the West End Mooring Basins. (For the purposes of section (5) of this rule "Slow-No Wake" speed means the speed of a motorboat shall not exceed 5 MPH.)

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 25, f. 6-15-64; MB 43, f. 7-18-69; MB 62, f. 8-14-74, ef. 8-14-74(Temp) & 9-11-74(Perm); MB 63, f. 11-19-74, ef. 12-11-74; Renumbered from 250-020-0160; MB 8-1982, f. 10-13-82, ef. 10-15-82; MB 10-1990, f. & cert. ef. 12-14-90

#### 250-020-0042

##### Boat Operations on the Nehalem River in Clatsop and Tillamook Counties

(1) South Fork Nehalem. No person shall operate a boat with a motor rated in excess of 15 HP, from the mouth of Peterson Creek (RM 10.3) to Nehalem River Falls (RM 15.7), from September 1 through March 30.

(2) North Fork Nehalem. No person shall operate a motorboat above Aldervale.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 13-1985, f. & ef. 7-31-85

#### 250-020-0043

##### Boat Operations on the Necanicum River in Clatsop County

No person shall operate a motor-boat in excess of a "Slow-No Wake" maximum 5 MPH speed upstream of the First Avenue Bridge in Seaside.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 21-1987, f. 12-31-87, ef. 1-1-88; MB 13-1992, f. & cert. ef. 10-15-92

#### 250-020-0051

##### Boat Operations in Columbia County

(1) No person shall operate a boat in excess of 5 MPH, "Slow-No Wake" speed in the following areas:

(a) Columbia River. Between Sand Island and the City of St. Helens from a point 200 feet upstream of the Courthouse docks to a point 200 feet downstream of the public transient floats on Sand Island, as marked.

(b) Multnomah Chanel. Within 200 feet of the public transient moorage at Coon Island (J.J.Collins Park).

(c) Scappoose Bay. Within 200 feet of Bayport Marina and the public ramp.

(d) Gilbert River, Sauvie Island. Within 200 feet of Gilbert River Boat Ramp and boarding floats and the lower 0.5 mile of the Gilbert River, as posted.

(e) Clatskanie River. Upstream of a point approximately 100 yards north of Beaver Boat Ramp, as marked.

(2) No person shall operate a motorboat except those propelled by electric motors on Lake Vernonia.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 5-1986, f. & ef. 4-17-86; MB 7-1995, f. & cert. ef. 10-12-95; OSMB 9-1998, f. & cert. ef. 7-15-98; OSMB 7-2001, f. & cert. ef. 7-12-01

#### 250-020-0053

##### Boat Operations in Columbia and Multnomah Counties

Sauvie Island Wildlife Area:

(1) It is unlawful to operate a boat on any water within the Sauvie Island Wildlife Area from October 10 to January 20, with the following exceptions:

(a) Persons possessing a valid Sauvie Island Hunt Permit.

(b) The Gilbert River from its mouth upstream to a point 100 feet upstream of the Gilbert River Dock as marked.

(2) Except for the Gilbert River, it is unlawful to operate a motorboat in excess of a 5 mph "Slow-No Wake" speed limit on any waters within the Sauvie Island Wildlife Area.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 3-1987, f. 4-20-87, ef. 5-1-87; OSMB 2-2002, f. & cert. ef. 4-15-02

#### 250-020-0061

##### Boat Operations on Eel Lake in Coos and Douglas Counties

No motorboat shall operate at a speed in excess of 10 MPH on Eel Lake

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 14, f. 8-6-62; Renumbered from 250-020-0080

#### 250-020-0062

##### Boat Operations on North Ten Mile Lake, Ten Mile Lake, and Ten Mile Creek in Coos County

(1) No person shall operate a motorboat at a speed in excess of 5 MPH in the following areas:

(a) Within 200 feet of a marked swimming area;

(b) Within 200 feet of a designated public launching ramp.

(2) No person shall operate a motorboat in excess of idling speed in the following areas:

(a) Within 300 feet of the entrance to Ten Mile Creek;

(b) On Ten Mile Creek.

(3) No person shall operate a motorboat in excess of a "Slow-No Wake" speed on the waters of North Lake Canal, between North Ten Mile Lake and Ten Mile Lake, or within 200 feet of each entrance to the canal, as marked. For the purposes of this rule, "Slow-No Wake" shall mean idle speed only.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 20, f. 3-20-63; MB 28, f. 4-20-66; MB 67(Temp), f. & ef. 5-14-75; MB 70(Temp), f. & ef. 6-9-75; MB 71, f. 8-1-75, ef. 8-25-75; Renumbered from 250-020-0087; OSMB 10-1998, f. & cert. ef. 7-15-98

#### 250-020-0063

##### Boat Operations in Coos County

(1) No person shall operate a motorboat, except those propelled by electric motors on the following bodies of water:

(a) Fahy Lake;

(b) Upper Empire Lake;

(c) Middle Empire Lake;

(d) Lower Empire Lake.

(2) No person shall operate a motorboat at a speed in excess of 5 MPH on Bradley Lake.

(3) It is illegal to operate a boat with a motor, except for an electric motor, on the New River from March 1 to September 30. From October 1 to the end of February motors are not restricted.

Stat. Auth.: ORS 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 3-1983, f. & ef. 6-1-83; MB 10-1986, f. 7-29-86, ef. 8-1-86; MB 1-1991, f. & cert. ef. 3-22-91; OSMB 5-2001, f. & cert. ef. 3-29-01; OSMB 4-2004, f. & cert. ef. 7-14-04



**250-020-0064**

**Boat Operations on the Coquille and Millicoma Rivers in Coos County**

No person shall operate a motorboat with a jet pump drive on the:

- (1) East Fork Millicoma River above Allegany;
- (2) West Fork Millicoma River above Allegany.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 21-1987, f. 12-31-87, ef. 1-1-88

**250-020-0065**

**Boat Operations on the South Slough Estuarine Sanctuary in Coos County**

No person shall operate a motorboat in excess of "Slow-No Wake," maximum 5 MPH speed in the South Slough Estuarine Sanctuary.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 1-1989, f. 4-5-89, cert. ef. 4-15-89

**250-020-0073**

**Boat Operations on Ochoco and Prineville Reservoirs in Crook County**

**NOTE:** "Towed equipment" applies to surfboarding and other types of towed equipment, as well as water skiing.

(1) Except on safe take-offs and landings, boats with skiers and other types of towed equipment must keep 200 feet or more from shore. If a safe landing as defined in these rules is not possible, skiers must be picked up by the boat before coming within the 200-foot-from-shore line and brought to shore under the established speed restrictions (5 MPH within 200 feet of shore). Boats towing skiers may exceed 5 MPH to the extent necessary to maintain the skiers in a skiing position within 200 feet from the shore line only when taking off or landing under safe conditions as outlined in this section. However, boats may not exceed the 5 MPH speed restriction, including the take-off and landing of skiers in tow, in the areas listed in section (2) of this rule:

(a) A "safe" take-off or landing with a skier in tow is accomplished by leaving or approaching the take-off or landing site within an arc which has its center at the take-off or landing site and which is not closer than 45 degrees out from the shore on either side. It is not a "safe" landing to approach a landing site parallel to the shore line. Take-offs and landings should be made in a counter-clockwise pattern. A take-off or landing will not be considered safe unless it can be accomplished without risk to the safety of any swimmers or other watercraft;

(b) No boat shall follow behind a skier closer than 300 feet, nor cross the towing boat less than 200 feet, nor alongside a skier closer than 100 feet.

(2) No person shall operate a motorboat at a speed in excess of 5 MPH in the following areas:

(a) Within 200 feet of the shore line (except under conditions authorized in section (1) of this rule);

(b) Within 200 feet of a marked swimming area;

(c) Within 200 feet of a launching ramp;

(d) Within the cove located to the west of Ochoco State Park on Ochoco Reservoir, where the State Park Boat Launching Ramp and county floats are located;

(e) East of a line from the point east of the Ochoco Boat Rentals across Ochoco Reservoir to a spot marked on the south side. Markers are identified as orange-colored and tripod shaped.

(f) Within the cove area where the Ochoco Boat Rentals moorage is located and designated by a buoy south of the moorage and an orange-colored tripod marker on the point of land east of the moorage;

(g) East of a line between two markers across the Prineville Reservoir at a point approximately 1/2 mile west of the entrance of Owl Hollow Creek. The shore markers are identified by their orange color and tripod shape.

(h) South and west of a line extending across the mouth of Roberts Bay on Prineville Reservoir, as marked.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 16, f. 8-20-62; Renumbered from 250-020-0100; OSMB 12-2001, f. & cert. ef. 10-29-01

**250-020-0074**

**Boat Operations in Crook County**

Walton Lake. No person shall operate a motorboat, except those propelled by electric motors, on Walton Lake.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 8-1985, f. & ef. 4-24-85; OSMB 7-2002, f. & cert. ef. 10-15-02

**250-020-0082**

**Boat Operations in Curry County**

(1) No person shall operate a motorboat, except those propelled by electric motors, on:

- (a) Floras Creek;
- (b) Sixes River.

(2) No person shall operate a motorboat with a jet pump drive on the Pistol River.

(3) No person shall operate a motorboat on the Elk River, except:

(a) From the Ironhead ramp downstream motors 25 horsepower or less, other than those having a jet pump, are allowed;

(b) From the Ironhead ramp upstream persons who own land fronting both sides of the river may, by permit issued by the Marine Board, use a motorboat with a propeller-driven outboard motor 25 horsepower or less, and;

(c) Electric motors are allowed on the entire river.

(4) It is illegal to operate a boat with a motor, except for an electric motor, on the New River from March 1 to September 30. From October 1 to the end of February motors are not restricted.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 21-1987, f. 12-31-87, ef. 1-1-88; OSMB 1-2001, f. & cert. ef. 1-25-01; OSMB 6-2001, f. & cert. ef. 3-29-01; OSMB 3-2002(Temp), f. 6-27-02, cert. ef. 7-1-02 thru 10-31-02; Administrative correction 11-29-02; OSMB 5-2003(Temp), f. 6-12-03, cert. ef. 7-1-03 thru 10-31-03; Administrative correction 11-10-03; OSMB 4-2004, f. & cert. ef. 7-14-04

**250-020-0091**

**Boat Operations in Deschutes County**

(1) Marine Toilets: No person shall maintain or operate upon the following-named inland waters of this state any boat which is equipped with a toilet unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively seals. "An approved device" is a marine toilet, or marine toilet attachment, which has been approved by the State Board of Health and the State Sanitary Authority:

- (a) Paulina Lake;
- (b) East Lake;
- (c) Elk Lake;
- (d) Big Lava Lake;
- (e) Wickiup Reservoir;
- (f) Crane Prairie Reservoir;
- (g) Big Cultus Lake;
- (h) Little Cultus Lake.

(2) No person shall operate a motorboat in excess of 10 MPH on: Deschutes River and Davis Creek Arms of Wickiup Reservoir.

(3) No person shall operate a motorboat for any purpose on the following area: Torso Lake.

(4) No person shall operate a motorboat except with an electric motor on the following areas:

- (a) Meadow Lake;
- (b) Hosmer Lake.
- (5) Deschutes River:

(a) No person shall operate a motorboat for the purpose of towing a person on water skis, surfboard or similar device and no person shall engage in waterskiing or similar activities on the Deschutes River;

(b) No person shall operate jet ski type boats on the Deschutes River. For the purposes of this rule, jet ski type boat means any motorized vessel or other description of watercraft which is generally

less than ten feet in length and capable of exceeding a speed of 15 MPH, including but not limited to jetskis, wet bikes, and surf jets;

(c) No person shall operate a motorboat in excess of a "Slow-No Wake," 5 MPH speed limit between Wickiup Dam and the Deschutes National Forest Boundary in Sec. 14.T.18.S., R.11.E., W.M.;

(d) No person shall operate a motorboat between LaPine State Recreation area boat ramp and Pringle Falls;

(e) No person shall operate a motorboat between Aspen Camp boat ramp and the north end of Lava Island in Sec. 22.T.18.S., R.11.E., W.M.

(f) No person shall operate a motorboat between the Deschutes National Forest boundary in Sec. 14.T.18.S., R.11.E., W.M. and Mirror Pond Dam.

(g) No person shall operate a motorboat for any purpose between the Mirror Pond Dam and the Jefferson County Line.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 26, f. 7-20-64; MB 52, f. 8-17-73, ef. 9-1-73; MB 57, f. 7-2-74, ef. 7-2-74(Temp) & 7-25-74(Perm); Renumbered from 250-020-0170; MB 10-1988, f. & cert. ef. 6-28-88; MB 13-1988, f. 12-28-88, cert. ef. 1-1-89; MB 5-1993, f. & cert. ef. 7-14-93; MB 12-1996, f. & cert. ef. 12-4-96; MB 7-1997, f. & cert. ef. 7-17-97; OSMB 11-1998(Temp), f. & cert. ef. 7-15-98 thru 12-31-98; Administrative correction 8-5-99

#### 250-020-0101

##### Boat Operations on Eel Lake in Douglas and Coos Counties

No motorboat shall operate at a speed in excess of 10 MPH on Eel Lake.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 14, f. 8-6-62; Renumbered from 250-020-0080

#### 250-020-0102

##### Boat Operations in Douglas County

(1) No person shall operate a motorboat at a speed in excess of 10 MPH in the following areas:

- (a) On Carter Lake;
- (b) On Plat I Reservoir.

(2) No person shall operate a motorboat at a speed in excess of 5 MPH in the following areas:

(a) Within the Harbor limits of Salmon Harbor on Winchester Bay;

(b) On the Umpqua River in the vicinity of River Forks Park from a point 30 yards downstream (North) from the launching ramp to a point upstream 100 yards on each the North Fork and South Fork of the Umpqua River;

(c) On the Umpqua River within 300 feet of the boat launching ramp and designated swimming area at Scottsburg Park.

(3) Lemolo Lake:

(a) No person shall operate a motorboat in excess of a "Slow-No Wake" maximum 5 MPH speed within 150 feet of the shore or pier line in a zone extending from the launch ramp at Lemolo Lake Resort south to Pool Creek Inlet, and from a point 200 feet south of Pool Creek Inlet south to the small unnamed island, and thence south from the south tip of the island across to the nearest peninsula;

(b) Boats shall not exceed a "Slow-No Wake" maximum 5 MPH speed in the area from where U.S. Forest Service Road Number 2666 crosses the North Umpqua River, to a point 2,000 feet westward thereof;

(c) Boats shall not exceed a maximum speed of 40 MPH on all other waters of Lemolo Lake.

(4) No person shall operate a motorboat for any purpose on the following bodies of water:

- (a) Amos and Andy Lakes;
- (b) June Lake;
- (c) Indigo Lake;
- (d) Maidu Lake;
- (e) Wolf Lake;
- (f) Skookum Lake;
- (g) Fish Lake;
- (h) Buckeye Lake;
- (i) Cliff Lake;

(j) Calamut Lake;

(k) Lucile Lake;

(l) Faller Lake;

(m) Lower Twin Lake;

(n) Upper Twin Lake;

(o) Lake in the Woods.

(5) Cooper Creek Reservoir: No person shall operate a motorboat in excess of:

(a) 40 MPH on the main body of the Reservoir;

(b) 5 MPH within the buoyed area of Rachelle Inlet; Pierce Canyon Inlet; Sutherlin Inlet and Douglas Inlet;

(c) 5 MPH within 200 feet of a boat launching ramp or designates swimming area.

(6) Ben Irving Reservoir: No person shall operate a motorboat in excess of:

(a) 35 MPH from the markers (identified by the letter "A") located where the reservoir narrows, downstream for approximately 1.2 miles to the dam;

(b) 5 MPH:

(A) From the markers (identified by the letter "A") located where the reservoir narrows, upstream for approximately one mile to the second set of markers (identified by the letter "B");

(B) Within 100 feet of the boat ramp as marked.

(c) No person shall operate a motorboat upstream from the second markers (identified by the letter "B") except that electric motors may be used;

(d) No boats shall be permitted within the log boomed area in the vicinity of the dam spillway.

(7) Galesville Reservoir: No person shall operate a motorboat in excess of:

(a) 40 MPH on the main body of the lake;

(b) 5 MPH along the north shore between the launch ramp and log boom, in the buoyed areas;

(c) 5 MPH between the buoy line at the upper end of the lake to the powerboat deadline as marked;

(d) Above the 5 MPH zone, as marked, no person shall operate a motorboat, except those propelled by electric motors;

(e) Persons operating a motorboat in excess of 5 MPH in the otherwise unrestricted portions of the lake shall proceed about the lake in a counter clockwise direction.

(8) No person shall operate a motorboat on the North Umpqua River between the boat ramp at Lone Rock Camp (approximate RM 32) upstream to Lemolo Lake.

(9) Loon Lake:

(a) Except for safe take-offs and landings, no person shall operate a motorboat in excess of a 5 MPH "Slow-No Wake" speed within 200 feet of the designated swimming area and boat mooring area at the BLM day use area, as marked. Boats towing skiers may exceed 5 MPH to extent necessary to maintain the skier in a skiing position, within 200 feet from the designated swimming area and boat mooring area only under safe conditions as outlined in this section. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from designated swimming area and boat mooring area. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within 200 feet from the designated swimming area and boat mooring area and brought to shore under usual speed restrictions (5 MPH within 200 feet of the designated swimming area and boat mooring area). Take-offs and landings are required to be made following the mandatory counter-clockwise pattern.

(b) Persons operating a motorboat in excess of 10 MPH shall proceed in a counter-clockwise direction in the otherwise unrestricted portions of the lake.

(c) No person shall operate a motorboat in excess of a 5 MPH "Slow-No Wake" speed within the buoyed area extending from the north shore of the cove at Fish Haven Resort in a southwest direction across the lake to the end of the prominent point of land on the south shore of the lake, as marked.

(10) Diamond Lake:

(a) No person shall operate a motorboat in excess of 45 MPH between the hours of 9 a.m. and 6 p.m.;

(b) No person shall operate a motorboat in excess of 10 MPH between 6 p.m. and 9 a.m.;

(c) No person shall operate a motorboat in excess of 10 MPH within 200 yards of any boat ramp, boat dock, swimming area, inlet or outlet of the lake, designated campground or summer home.

(d) No person shall operate a personal watercraft as defined in OAR 250-021-0020 at anytime;

(e) No person shall operate a motorboat that exceeds the noise levels specified in OAR 250-010-0121.

(11) Hemlock Lake: No person shall operate a motorboat, except those propelled by electric motors.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110, 830.175 & 830.185

Hist.: MB 20, f. 3-20-63; MB 29, f. 6-17-66; MB 32, f. 9-14-66; MB 34, f. & ef. 6-2-67; MB 41, f. 9-18-68; MB 47, f. 7-14-70, ef. 8-11-70; MB 74(Temp), f. 5-18-76, ef. 6-1-76 thru 9-28-76; MB 82, f. & ef. 4-19-77; Renumbered from 250-020-0083; MB 4-1981(Temp), f. & ef. 4-17-81; MB 7-1981, f. & ef. 11-16-81; MB 4-1987, f. 4-20-87, ef. 5-1-87; MB 21-1987, f. 12-31-87, ef. 1-1-88; MB 5-1995, f. & cert. ef. 7-14-95; OSMB 8-2000, f. & cert. ef. 12-1-00; OSMB 7-2002, f. & cert. ef. 10-15-02; OSMB 1-2006, f. & cert. ef. 3-28-06; OSMB 7-2006(Temp), f. 8-15-06, cert. ef. 9-5-06 thru 9-30-06; Administrative correction 10-16-06; OSMB 7-2007, f. & cert. ef. 7-2-07

#### 250-020-0105

##### Boat Operations on Cooper Creek Reservoir in Douglas County

The provisions of OAR 250-021-0030(7)(d) shall not apply on Cooper Creek Reservoir in Douglas County in the area between the existing 5 MPH zones at Douglas Inlet and Sutherlin Inlet. All other provisions of OAR 250, division 21 shall apply.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830

Hist.: MB 10-1996(Temp), f. & cert. ef. 7-15-96; MB 4-1997, f. & cert. ef. 4-4-97

#### 250-020-0121

##### Boat Operations in Gilliam County

No person shall operate a motorboat in the Earl Snell Memorial Park Lagoon, City of Arlington, South of the Union Pacific Railroad Bridge.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 18-1987, f. 11-4-87, ef. 11-15-87

#### 250-020-0125

##### Boat Operations in Grant County

No person shall operate a motorboat for any purpose on Bull Prairie Lake

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 6-1981, f. & ef. 8-31-81

#### 250-020-0132

##### Boat Operations in Harney County

(1) No motorboat shall operate at a speed in excess of 5 MPH in the following areas:

(a) On Delintment Lake;

(b) On the Burns Gravel Pond adjacent to Highway 78.

(2) No person shall operate a motorboat for any purpose on Fish Lake.

(3) No person shall operate a boat, except those propelled manually or by electric motors during Oregon trout season on Krumbo Reservoir.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 22, f. 8-20-63; MB 27, f. 6-3-65; MB 49, f. 8-14-72, ef. 9-1-72; Renumbered from 250-020-0150; MB 5-1987, f. 4-20-87, ef. 5-1-87

#### 250-020-0141

##### Boat Operations in Hood River County

(1) No person shall operate a motorboat at a speed in excess of 5 MPH on Green Point Reservoir.

(2) No person shall operate a motorboat for any purpose on Badger Lake.

(3) No person shall operate a motorboat except those propelled by electric motors on Laurance Lake.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 16, f. 8-20-62; MB 45, f. 8-25-69; MB 49, f. 8-14-72, ef. 9-1-72; Renumbered from 250-020-0110; MB 19-1987, f. 11-4-87, ef. 11-15-87; MB 5-1988, f. 4-21-88, cert. ef. 5-15-88

#### 250-020-0151

##### Boat Operations in Jackson County

(1) No person shall operate a motorboat, except those propelled by electric motors on Agate Reservoir.

(2) No person shall operate a motorboat in excess of 10 MPH on:

(a) Applegate Reservoir;

(b) Fish Lake;

(c) Hyatt Lake;

(d) Willow Lake — Southern portion as denoted by the Uniform Waterway Marker buoys.

(3) The following areas are “designated moorage areas”:

(a) Willow Lake — Southwest Cove;

(b) Howard Prairie Lake — Howard Prairie Resort Marina and Klum Landing;

(c) Emigrant Lake — Spillway Cove area at the northwest corner of the lake.

(4) No person shall operate a motorboat in excess of “Slow–No Wake” speed in the moorage areas designated in section (3) of this rule. (For the purposes of this rule “Slow–No Wake” speed means the speed of the boat shall not exceed 5 MPH.)

(5) No person shall moor a boat outside the designated moorage areas set forth in section (3) of this rule for more than 48 hours without obtaining a permit from the Jackson County Parks Department.

(6) Rogue River:

(a) No boat shall enter or be operated on the waters of the Rogue River from a buoyed line westerly to the up-river face of Savage Rapids Dam, a distance of approximately 300 feet;

(b) No person shall operate a motorboat in excess of 20 MPH, water ski or tow any recreational equipment on the Rogue River between Wards Creek and Evans Creek;

(c) No person shall operate a motorboat in excess of 30 MPH on the Rogue River between Evans Creek and the buoyed line cross the Rogue River approximately 300 feet east of Savage Rapids Dam.

(7) Lost Creek Lake:

(a) No person shall operate a motorboat between the breakwaters designating the Steward State Park swimming area;

(b) No person shall operate a motorboat in excess of a 5 MPH, “Slow–No Wake” speed:

(A) In the Lost Creek Arm upstream of the “narrows” as marked;

(B) Within the cove area of the Takelma Park Boat Ramp from the intake tower to shore as marked;

(C) Upstream of the Peyton Bridge.

(8) Emigrant Lake:

(a) No person shall operate a boat in excess of a “Slow–No Wake,” Maximum 5 MPH speed in the Hill Creek Arm upstream of a line beginning at a point on the west shore of the Arm that is approximately 1000’ southeast from the area of the point known as the Quarry and extending northeast across the arm to the nearest point of land on the east shore of the arm, as marked;

(b) No person shall operate a boat in excess of a “Slow–No Wake,” Maximum 5 MPH speed in the Emigrant Creek Arm upstream of a line extending north and south across the arm that approximately coincides with the meridian of longitude equal to 122° 37’ 34” North, as marked.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 30, f. 6-17-66; MB 39, f. 4-5-68; MB 84(Temp), f. & ef. 5-20-77; MB 86, f. & ef. 7-20-77; MB 87, f. & ef. 9-16-77; MB 5-1978, f. & ef. 6-15-78; Renumbered from 250-020-0175; MB 1-1980, f. 4-1-80, ef. 5-1-80; MB 2-1981, f. & ef. 3-3-81; MB 6-1984, f. 2-14-84, ef. 2-15-84; MB 2-1990, f. & cert. ef. 2-22-90; OSMB 5-1999, f. & cert. ef. 7-1-99; OSMB 7-2002, f. & cert. ef. 10-15-02



**250-020-0161**

**Boat Operations in Jefferson County**

(1) No person shall operate a motorboat for any purpose on the following lakes:

- (a) Scout;
- (b) Round;
- (c) Jack;
- (d) Island;
- (e) Cache;
- (f) Hand and
- (g) Link.

(2) Suttle Lake:

(a) No water skiing or motorboat operation in excess of 10 MPH to be permitted on Suttle Lake between the hours of 8 p.m. and 9 a.m., standard time, each day;

(b) No water skiing or motorboat operation in excess of 10 MPH to be permitted on Suttle Lake between the hours of 9 a.m. and 8 p.m., standard time, each day, except within the signed and designated fast boat area, water skier dropoff zone, and water skier take-off lanes, at the west end of the lake;

(c) Operating any boat which is equipped with a toilet is prohibited on Suttle Lake, unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively sealed.

(3) Lake Simtustus:

(a) No person shall operate a motorboat at a speed in excess of 5 MPH, a "Slow-No Wake" in the area within 300 feet of the moorage and extending to the opposite shore;

(b) No person shall operate a boat for any reason within the restricted tailrace area enclosed by the log boom approximately 1200 feet down-stream of Round Butte Dam;

(c) No person shall moor a boat to the log boom or operate a boat for any reason within the restricted intake area enclosed by the log boom located approximately 200 feet upstream of Pelton Dam;

(d) Boat access in the areas closed by subsections (b) and (c) of this section is permitted for federal, state, local and tribal government agencies and Portland General Electric employees or their agents for official business only.

(4) Lake Billy Chinook:

(a) No person shall operate motorboat in excess of 10 MPH in the following areas:

(A) On the Crooked River Arm above the Crooked River Bridge.

(B) On the Deschutes River Arm above the Deschutes River Bridge;

(C) On the Metolius River Arm from a point approximately 1,000 feet upstream of Street Creek, as marked.

(b) No person shall operate a motorboat in excess of "Slow-No Wake," maximum 5 MPH speed within the buoyed areas at:

(A) Cove Palisades State Park Marina;

(B) The Crooked River Launching Ramp;

(C) The Lower Deschutes River Day Use Area;

(D) The Upper Deschutes River Day Use Area;

(E) Within 300 feet of a designated swimming area;

(F) Within a cove at Chinook Island (Metolius Arm) as marked;

(G) Within the cove at Camp Perry South (Metolius Arm) as marked.

(c) No person shall operate a boat inside the log boom enclosure around Round Butte Dam.

(5) No person shall beach, anchor or moor a boat within 200 feet of shore in the following areas at Lake Billy Chinook between 10 p.m. and 5 a.m.

(a) Crooked River Arm:

(A) East shore — between a point approximately 1,000 feet north of the cove Marina, as marked, and the Crooked River Bridge;

(B) West Shore — From the State Park boundary north approximately 2,000 feet, as marked.

(b) Deschutes Arm: East Shore — Between a point approximately 2,000 feet north of the northernmost boat launch, as marked, and the Deschutes River Bridge;

(c) This prohibition shall not apply to any leased or rented space within established marinas or moorages.

(6) No person shall operate or provide for others to operate a boat on Lake Billy Chinook which is equipped with a marine toilet, unless the toilet has a holding tank or is rendered inoperative so as to prevent any overboard discharge.

(7) Haystack Reservoir. No person shall operate a boat in excess of 5 MPH in the following areas:

(a) In the western cove inside a buoy line approximately 500 feet from shore, as marked;

(b) In the southern cove inside a buoy line extending from south of the boat ramp on the east shore to a point south of the southeast peninsula, as marked.

Stat. Auth.: ORS 830.110, 830.175 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 43, f. 7-18-69; MB 58, f. 7-2-74, ef. 7-2-74(Temp) & 7-25-74(Perm); Renumbered from 250-020-0200; MB 16-1985, f. & ef. 10-21-85; MB 8-1986, f. & ef. 7-28-86; MB 11-1986, f. & ef. 10-30-86; MB 6-1987, f. 4-20-87, ef. 5-1-87; MB 4-1990, f. & cert. ef. 7-13-90; MB 10-1992, f. & cert. ef. 8-21-92; MB 7-1993, f. & cert. ef. 10-11-93; MB 8-1994(Temp), f. & cert. ef. 6-17-94 thru 12-17-94; MB 10-1994, f. & cert. ef. 9-28-94; OSMB 2-2004(Temp), f. & cert. ef. 5-20-04 thru 9-20-04; Administrative correction 10-25-04; OSMB 6-2006, f. & cert. ef. 7-3-06; OSMB 10-2007(Temp), f. & cert. ef. 9-4-07 thru 12-31-07; OSMB 12-2007, f. & cert. ef. 10-1-07

**250-020-0171**

**Boat Operations in Josephine County**

(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.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 10, f. 11-14-61; MB 43, f. 7-18-69; Renumbered from 250-020-0060; OSMB 6-2003(Temp), f. 6-30-03, cert. ef. 7-7-03 thru 8-31-03; Administrative correction, 9-2-05

**250-020-0201**

**Boating and Water Skiing on Lake of the Woods in Klamath County**

(1) No person shall operate a motorboat at a speed in excess of Slow—No Wake, maximum 5 MPH, or with a water skier under tow, while within Forest Service approved and marked swimming areas adjacent to summer camps and public campgrounds, or while within 200 feet of any dock or shore, except for a "safe" take-off or landing.

\*

**NOTE: (\*)** A safe take-off or landing is accomplished within an arc which has its center at the take-off or landing site and which is not closer than 45 degrees out from the shore line on either side. It is not a "safe" landing to approach a landing site parallel to the shore line. Take-offs and landings should be made in a counter clockwise pattern. A take-off or landing will not be considered safe unless it can be accomplished without risk to any swimmers or other watercraft. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within the 200 feet from the shore or dock line, and brought to shore under the usual speed restrictions. Boats towing skiers may exceed the 5 MPH speed limit to the extent necessary to maintain skier in a skiing position within the 200 feet from shore or dock, only when taking off or landing under "safe" conditions as outlined in this section.

(2) No person shall operate a motorboat in excess of 20 MPH between the hours of one hour after sunset and one hour before sunrise. Boats must show the proper lights during these hours.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110, 830.175 & 830.195

Hist.: MB 18, f. 2-5-63; Renumbered from 250-020-0021; MB 6-1996, f. & cert. ef. 4-12-96

#### 250-020-0202

##### Boat Operations on Miller Lake in Klamath County

(1) No person shall operate a motorboat in excess of 10 MPH within 100 feet of the shoreline except on the Northwest end of the lake designated "Water Ski Area."

(2) No person shall operate a motorboat in excess of "Slow-No Wake" speed within 100 feet of a boat launching ramp or designated swimming area. (For the purposes of this regulation "Slow-No Wake" speed means the speed of a boat shall not exceed 5 MPH.)

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 35, f. 1-16-68; Renumbered from 250-020-0022

#### 250-020-0203

##### Boat Operations on Klamath Lake in the Vicinity of Moore Park Marina

(1) No person shall operate a motorboat in excess of a "Slow-No Wake" speed within 100 feet of the entrance to or within Moore Park Marina. (For the purposes of this regulation "Slow-No Wake" speed means the speed of a boat shall not exceed 5 MPH.)

(2) No person shall operate a motorboat at a speed in excess of 10 MPH in the portion of Upper Klamath Lake and Link River that lies east of a line projected from the west side of the Moore Park pumphouse north to the west boundary line of the Pelican Marina.

(3) These regulations do not apply during such hours that authorized boat races are held.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 36, f. 1-16-68; Renumbered from 250-020-0023

#### 250-020-0204

##### Boat Operations in Klamath County

(1) No person shall operate a motorboat in excess of 10 mph on Fourmile Lake.

(2) No person shall operate a motorboat in excess of "Slow-No Wake" (Maximum 5 mph) on the following waters:

(a) Spring Creek, except within Collier State Park;

(b) Williamson River, within 200 feet of any dock or launch ramp from mouth to State Highway 97.

(3) No person shall operate a motorboat for any purpose on Spring Creek within the boundaries of Collier State Park.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 45, f. 8-25-69; Renumbered from 250-020-0024; OSMB 8-1998, f. & cert. ef. 5-21-98; OSMB 12-1998, f. 7-15-98, cert. ef. 8-1-98; OSMB 4-2003, f. & cert. ef. 6-12-03; OSMB 4-2005, f. & cert. ef. 8-4-05

#### 250-020-0205

##### Regulations — Klamath County

(1) In accordance with the provisions of ORS Chapter 830, the following area has been designated a "race boat test area on Upper Klamath Lake."

(2) The race boat testing area will encompass an area on Upper Klamath Lake between an east-west line from the south-east corner of Wocus Bay and 1/2 mile north of McCormack Point and west of Buck Island.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 56, f. 4-25-74, ef. 5-25-74; Renumbered from 250-020-0025

#### 250-020-0211

##### Boat Operations in Lake County

(1) No person shall operate a motorboat except those propelled by electric motors on the following:

(a) Campbell Lake;

(b) Cottonwood Meadows Lake;

(c) Heart Lake;

(d) Lofton Reservoir;

(e) Big Swamp Reservoir;

(f) Deadhorse Lake;

(g) Vee Lake;

(h) Mud Lake;

(i) Withers Lake;

(j) Holbrook Reservoir.

(2) No person shall operate a motorboat in excess of 10 MPH on Thompson Reservoir.

(3) No person shall operate a motorboat in excess of 5 MPH on Dog Lake.

(4) No person shall operate a motorboat in excess of a "Slow-No Wake" speed on Duncan Reservoir.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 49, f. 8-14-72, ef. 9-1-72; MB 81, f. & ef. 4-19-77; MB 4-1979, f. 7-31-79, ef. 8-1-79; Renumbered from 250-020-0215; MB 3-1982, f. & ef. 6-1-82; MB 2-1983, f. & ef. 6-1-83; MB 17-1985, f. & ef. 10-21-85; MB 3-1989, f. & cert. ef. 7-6-89

#### 250-020-0221

##### Boat Operations on Certain Waters in Lane County

(1) No person shall operate a motorboat in excess of 5 MPH ("Slow-No Wake") in the following areas:

(a) Triangle Lake: Within 200 feet of a marked swimming area or a designated public launching ramp;

(b) Fern Ridge Lake:

(A) Within 200 feet of a marked swimming area or a designated public launching ramp;

(B) In the Coyote Creek Channel;

(C) Between shore and buoy line which extends southerly from the north shore to a point approximately 200 feet of the northern most Eugene Yacht Club mooring dock thence generally south and west approximately 200 feet of the docks to a point approximately 200 feet south of the Tri Pass Club mooring dock thence generally west to the southern tip of the Tri Pass Club dock as buoyed except for the buoyed corridor immediately south of the Eugene Yacht Club southernmost dock;

(D) South of the buoy line which extends easterly from a point approximately 100 yards north of the Perkins Boat Ramp to the adjacent shoreline;

(E) In the Main Long Tom River Channel.

(c) Dexter Dam Reservoir:

(A) Within 200 feet of a marked swimming area or a designated public launching ramp;

(B) Within 50 feet of the causeway crossing the reservoir.

(d) Lookout Point Reservoir:

(A) Within 200 feet of a marked swimming area or a designated public launching ramp;

(B) East of the Southern Pacific Railroad bridge.

(e) Dorena Dam Reservoir

(A) Within 200 feet of a marked swimming area or a designated public launching ramp.

(B) Southeast of a line between markers on Humphrey Point and the northeast shore.

(f) Cottage Grove Reservoir:

(A) Within 200 feet of a marked swimming area or a designated public launching ramp;

(B) South of a line between a marker on the east shore, near the Wilson Creek area, and on the west shore near Cedar Creek.

(g) Hills Creek Reservoir:

(A) Within 200 feet of a marked swimming area or a designated public launching ramp;

(B) On Packard Creek arm west of Rigdon Road (USFS Road #21);

(C) On Hills Creek south of the Hills Creek Crossing Bridge;

(D) On the Middle Fork, Willamette River south of the Rigdon Road (USFS #21) (Upper Crossing) Bridge;

(E) No person shall operate a motorboat for any purpose on Larson Creek arm west of Rigdon Road (USFS Road #21).

(h) Collard Lakes;

(i) Picket Lake;

(j) Munsel Lake: West of the line of marker buoys;

(k) Fall Creek Lake:

(A) Within 200 feet of a designated public launching ramp or marked swimming area;

(B) On Fall Creek upriver from the buoys located approximately 200 feet downstream of the Big Fall Creek Road;

(C) On Winberry Creek upriver from the buoys located approximately 1800 feet downstream of the Winberry Creek Road Bridge.

(2) No person shall operate a motorboat in excess of 5 MPH on Leaburg Reservoir and the McKenzie River from the dam upstream to Good Pasture Bridge.

(3) No person shall operate a motorboat in excess of a "Slow-No Wake" speed within 300 feet of a boat launching ramp or a boat moorage on the following bodies of water (for purpose of this regulation, "Slow-No Wake" speed means the speed of a boat shall not exceed 5 MPH):

(a) Waldo Lake;

(b) Cougar Reservoir;

(c) Blue River Reservoir;

(d) Siuslaw River-between the river entrance and the highway bridge at Mapleton.

(4) No person shall operate a motorboat for any purpose on the following lakes: Scott, Melakwa, Hidden, Blair, Upper Erma Bell, Middle Erma Bell, Lower Erma Bell, Torrey, Whig, Wahanna, Rigdon, Lower Rigdon, Kiwa, Upper Eddeleo, Round, Betty, and Alameda.

(5) No person shall operate a motorboat for any purpose in excess of 10 MPH on Munsel Lake east of the line of marker buoys, except from June 1 through September 30, between the hours of 10 a.m. and 5 p.m.

(6) No person shall operate a motorboat on the McKenzie River above Good Pasture Bridge, except a representative of the Oregon State Police or the County Sheriff's Office pursuant to a criminal investigation or search and rescue operation.

(7) No person shall operate a motorboat, except with an electric motor:

(a) In the Old Long Tom River Channel;

(b) On Fern Ridge Reservoir south of State Highway 126;

(c) On Hult Reservoir.

(8) No person shall operate a propeller-driven airboat or non-displacement hull type hovercraft in the following areas on Fern Ridge Reservoir where there is emergent vegetation present:

(a) Coyote Creek area — east of a line beginning at the West Coyote Creek bridge at Highway 126 extending north approximately one mile to a point near the mouth of Coyote Creek, then extending north approximately 1.4 miles to a point located approximately 100 yards off shore of the northwest corner of Gibson Island;

(b) Amazon Bay area — east of a line beginning at a point located approximately 100 yards off shore of the northwest corner of Gibson Island extending northeast approximately one mile to the Shore Lane access;

(c) South Marsh area — west of a line extending from a point on the shoreline at the southern boundary of Zumwalt Park near the end of Vista Drive extending southeast approximately one mile to a point on the shoreline at the tip of Perkins Peninsula;

(d) Long Tom Area — southwest of a line beginning at a point on the shore line at the end of Moyer Lane extending southeast approximately 0.9 miles to a point on the west shoreline of the Jeans Peninsula at the north end of Winter Lane.

(9) No person shall operate a motorboat north and east of a line across the entrance of Bannister Cove on Lookout Point Reservoir, as marked.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.175

Hist.: MB 21, f. 8-23-63; MB 27, f. 6-3-65; MB 31, f. 6-20-66; MB 42, f. 12-3-68; MB 44, f. 8-21-69; MB 48, f. 6-28-71, ef. 7-25-71; MB 49, f. 8-14-72, ef. 9-1-72; MB 3-1979(Temp), f. & ef. 6-22-79; MB 5-1979, f. 7-31-79, ef. 8-1-79; Renumbered from 250-020-0131; MB 8-1981, f. & ef. 11-16-81; MB 5-1982, f. & ef. 6-1-82; MB 6-1982, f. & ef. 6-1-82; MB 15-1984, f. 11-30-84, ef. 12-1-84; MB 6-1995, f. & cert. ef. 7-14-95; MB 9-1996, f. & cert. ef. 5-29-96; OSMB 2-2000, f. & cert. ef. 7-14-00; OSMB 2-2001, f. & cert. ef. 1-25-01

## 250-020-0231

### Boat Operations in Lincoln County

(1) Depoe Bay. No person shall operate a motorboat in excess of 3 MPH on Depoe Bay, and the entrance channel east of the Highway 101 Bridge.

(2) Devils Lake and adjacent waters:

(a) No person shall operate a motorboat at a speed in excess of 3 MPH within 200 feet of the swimming area at "Sand Point Park" formerly known as "Viewpoint Park;"

(b) No person shall operate a motorboat at a speed in excess of 3 MPH on the water adjacent to the "D" River, known locally as Hostetters Canal;

(c) No person shall operate a motorboat at a speed in excess of 5 MPH on that part of the "D" River which is west of an established marker on the south bank of the river near the outlet from Devils Lake.

(3) No person shall operate a motorboat powered by a jet pump drive on the:

(a) Alsea River, upstream of Hatchery Creek (approximate RM 12);

(b) Siletz River, upstream of Morgan's Park boat ramp.

(4) No person shall operate a boat on the Alsea River in excess of a "Slow-No Wake," maximum 5 MPH speed within 200 feet of marinas, launch ramps and private docks.

(5) No person shall operate a motorboat, except those propelled by an electric motor, on Olalla Lake.

(6) No person shall operate a motorboat powered by an engine with greater than 15 horsepower on the Salmon River upstream of River Mile 3 a point approximately three-fourths mile west of the Highway 101 Bridge, as marked.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 15, f. 8-6-62; MB 16, f. 8-20-62; Renumbered from 250-020-0090; MB 22-1985(Temp), f. & ef. 12-3-85; MB 23-1985(Temp), f. & ef. 12-10-85; MB 21-1987, f. 12-31-87, ef. 1-1-88; MB 11-1988, f. & cert. ef. 6-28-88; OSMB 13-2001, f. & cert. ef. 10-29-01

## 250-020-0239

### Boat Operations in Linn County on Big Lake

No person shall operate a motorboat in excess of a "Slow-No Wake" speed in the following areas:

(1) Within 200 feet of the shore.

(2) Within 200 feet of any designated swimming area.

(3) Within the designated posted area surrounding the Big Lake boat landing and ramp.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 4-1980, f. & ef. 9-15-80

## 250-020-0240

### Boat Operations in Linn County

(1) No person shall operate a motorboat for any purpose in the following areas:

(a) On Lake Ann;

(b) On Carmen Reservoir.

(2) No person shall operate a motorboat in excess of 10 MPH in the following areas:

(a) On Lost Lake;

(b) On Smith Reservoir;

(c) On Trail Bridge Reservoir;

(d) On East, Middle, and West Freeway Lakes.

(3) No person shall operate a motorboat in excess of a "Slow-No Wake" speed within a distance of 50 feet of the boat dock and launching ramps at Bowman Park in the City of Albany.

(4) The following area is designated a racing motorboat testing area: On the Willamette River near Albany from the Southern Pacific Railroad Bridge to the east boundary of Bowman Park. Testing will be limited to Wednesdays between the hours of 8 a.m. and 12 noon.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 34, f. & ef. 6-2-67; MB 47, f. 7-14-70, ef. 8-11-70; MB 50, f. 4-2-73, ef. 4-15-73; Renumbered from 250-020-0180; MB 5-1980, f. & ef. 9-15-80; MB 12-1986, f. & ef. 12-8-86



**250-020-0241**

**Boat Operations on Foster Reservoir in Linn County**

(1) Except on safe take-offs and landings, boats with skiers under tow must keep 200 feet or more from shore. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from shore line. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within 200 feet from shore line and brought to shore under the usual speed restrictions (5 MPH within 200 feet of shore). Boats towing skiers may exceed 5 MPH to the extent necessary to maintain the skier in a skiing position, within the 200 feet from shore line only when taking off or landing as outlined in this section.

(2) All take-offs and landings shall be made at a 45° angle to the shore.

(3) No boat shall follow behind a skier closer than 300 feet nor cross the towing boat's bow less than 200 feet nor alongside a skier closer than 100 feet.

(4) All boats towing water skiers or other towed equipment shall proceed on a counter-clockwise course about the lake.

(5) No person shall operate a motorboat at speeds in excess of 5 MPH in the following areas:

(a) Within 200 feet of the shore, subject to section (1) of this rule;

(b) Upstream from the highway bridge crossing the Middle Santiam Arm;

(c) Upstream from the highway bridge crossing the South Santiam Arm;

(d) Within 200 feet of any designated swimming area;

(e) Within the posted areas surrounding the Gedney Creek and Lewis Creek Boat Landings.

(6) No person shall operate a boat in the area between the trash boom and the dam.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 43, f. 7-18-69; Renumbered from 250-020-0181

**250-020-0242**

**Boat Operations on Green Peter Reservoir in Linn County**

(1) Except on safe take-offs and landings, boats with skiers under tow must keep 200 feet or more from shore. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from shore line. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within 200 feet from shore line and brought to shore under the usual speed restrictions (10 MPH within 200 feet of shore). Boats towing skiers may exceed 10 MPH to the extent necessary to maintain the skiers in a skiing position, within the 200 feet from shore line only when taking off or landing as outlined in this section.

(2) All take-offs and landings shall be made at a 45° angle to the shore.

(3) No boat shall follow behind a skier closer than 300 feet nor cross the towing boat's bow less than 200 feet nor alongside a skier closer than 100 feet.

(4) All boats towing water skiers or other towed equipment shall proceed on a counter-clockwise course about the lake.

(5) No person shall operate a motorboat at speeds in excess of 10 MPH in the following areas:

(a) Within 200 feet of shore, subject to section (1) of this rule excluding the shore of Quartzville Arm from the south line of Section 20, T. 12S., T. 3E., W.M. upstream to Rocky Top Bridge;

(b) Within the Green Peter Creek Arm as posted;

(c) Within the posted area surrounding the boat launching ramp in Thistle Creek Arm;

(d) Within the Whitcomb Creek Arm upstream from the highway bridge or within the posted area surrounding the Whitcomb Creek Boat Launching Ramp;

(e) Within the Quartzville Creek Arm upstream from Rocky Top Bridge;

(f) Within the Middle Fork Santiam River Arm upstream from a point approximately one mile below the Weyerhaeuser Bridge;

(g) Within the Tally Creek Arm upstream from the Weyerhaeuser Bridge;

(h) Within the Rumbaugh Creek Arm as posted;

(i) Within 200 feet of any approved swimming area.

(6) No person shall operate a boat in the area between the trash boom and the dam.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 43, f. 7-18-69; Renumbered from 250-020-0182

**250-020-0243**

**Boat Operations and Water Skiing on Detroit Dam Reservoir and Tributaries in Linn and Marion counties**

(1) Towed Equipment (applies to surfboarding and other types of towed equipment as well as water skiing):

(a) Except on safe take-offs and landings, boats with skiers under tow must keep 200 feet or more from shore. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from shore line. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within 200 feet from shore line and brought to shore under the usual speed restrictions (5 MPH within 200 feet of shore). Boats towing skiers may exceed 5 MPH to the extent necessary to maintain the skier in a skiing position, within the 200 feet from shore line, only when taking off or landing under safe conditions as outlined in this subsection. However, water skiing, including take-off and landing, is prohibited in the areas listed in subsections (2)(b), (c), (d), (e) and (f) of this rule;

(b) All take-offs and landings will be made perpendicular to the shore line;

(c) No person shall operate a boat following behind a skier closer than 300 feet, nor cross the towing boat's bow less than 200 feet, nor alongside a skier closer than 100 feet.

(2) No person shall operate a motorboat at a speed in excess of "Slow-No Wake," maximum 5 MPH in the following areas;

(a) Within 200 feet of the shoreline (except under conditions authorized in subsection (1)(a) of this rule);

(b) Within 200 yards of the northwest shore of Piety Knob;

(c) In the Breitenbush River north of the Breitenbush River Highway 22 Bridge;

(d) Within 200 feet of an approved and marked swimming area;

(e) In the North Santiam River above a point 1,100 feet northwest of Hoover Rock, as marked;

(f) In the Breitenbush Arm between the Breitenbush River Highway 22 bridge and a point approximately 2000 feet downstream of the bridge, as marked.

(3) Water skiing, including takeoffs and landing is prohibited in areas listed in subsections (2)(b), (c), (d), (e) and (f) of this rule.

(4) No person shall operate a boat inside the log boom enclosure around Detroit Lake Dam and Big Cliff Dam.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110, 830.175 & 830.195

Hist.: MB 6, f. 8-19-60; Renumbered from 250-020-0040; MB 2-1994, f. & cert. ef. 3-23-94; MB 7-1996, f. 4-12-96, cert. ef. 5-1-96; OSMB 3-2000, f. & cert. ef. 7-14-00

**250-020-0245**

**Boat Operations in Linn and Marion Counties**

No person shall operate a motor-boat with a jet pump drive on the South Santiam River upstream of the Lebanon Dam (approximate RM 21).

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 21-1987, f. 12-31-87, ef. 1-1-88; Suspended by MB 1-1988(Temp), f. & cert. ef. 2-19-88; MB 6-1988, f. 4-21-88, cert. ef. 5-15-88

**250-020-0250**

**Boat Operations in Malheur County**

(1) Lake Owyhee: No person shall operate a motorboat in excess of a "Slow-No Wake" speed within:

(a) Cherry Creek Inlet;

(b) 200 feet of a marked swimming area or launching ramp.

(2) No person shall operate a motorboat in excess of 15 MPH on Lake Owyhee or the mainstem Owyhee River within the design-

nated boundary of the Owyhee Wild and Scenic River beginning at approximately RM 70 as marked.

(3) Bully Creek Reservoir: No person shall operate a motorboat in excess of a "Slow-No Wake" speed within 200 feet of a marked swimming area or launching ramp.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 45, f. 8-25-69; Renumbered from 250-020-0210; MB 21-1987, f. 12-31-87, ef. 1-1-88; MB 7-1988, f. 4-21-88, cert. ef. 5-15-88; MB 6-1997, f. & cert. ef. 5-30-97

#### 250-020-0259

##### Boat Operations in Marion County

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.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 6-1980, f. & ef. 9-15-80; MB 11-1982, f. 10-13-82, ef. 10-15-82; OSMB 7-2002, f. & cert. ef. 10-15-02; OSMB 9-2006, f. & cert. ef. 10-12-06

#### 250-020-0260

##### Boat Operations and Water Skiing on Detroit Dam Reservoir and Tributaries in Marion and Linn counties

(1) Towed Equipment (applies to surfboarding and other types of towed equipment as well as water skiing):

(a) Except on safe take-offs and landings, boats with skiers under tow must keep 200 feet or more from shore. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from shore line. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within 200 feet from shore line and brought to shore under the usual speed restrictions (5 MPH within 200 feet of shore). Boats towing skiers may exceed 5 MPH to the extent necessary to maintain the skier in a skiing position, within the 200 feet from shore line, only when taking off or landing under safe conditions as outlined in this subsection. However, water skiing, including take-off and landing, is prohibited in the areas listed in subsections (2) (b), (c), (d), (e) and (f) of this rule;

(b) All take-offs and landings will be made perpendicular to the shore line;

(c) No person shall operate a boat following behind a skier closer than 300 feet, nor cross the towing boat's bow less than 200 feet, nor alongside a skier closer than 100 feet.

(2) No person shall operate a motorboat at a speed in excess of Slow-No Wake, maximum 5 MPH in the following areas;

(a) Within 200 feet of the shoreline (except under conditions authorized in subsection (1)(a) of this rule;

(b) Within 200 yards of the northwest shore of Piety Knob;

(c) In the Breitenbush River north of the Breitenbush River Highway 22 Bridge;

(d) Within 200 feet of an approved and marked swimming area;

(e) In the North Santiam River above a point 1,100 feet northwest of Hoover Rock, as marked;

(f) In the Breitenbush Arm between the Breitenbush River Highway 22 bridge and a point approximately 2000 feet downstream of the bridge, as marked.

(3) Water skiing, including takeoffs and landing is prohibited in areas listed in subsections (2)(b), (c), (d), (e) and (f) of this rule.

(4) No person shall operate a boat inside the log boom enclosure around Detroit Lake Dam and Big Cliff Dam.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110, 830.175 & 830.195

Hist.: MB 6, f. 8-19-60; Renumbered from 250-020-0040; MB 2-1994, f. & cert. ef. 3-23-94; MB 7-1996, f. 4-12-96, cert. ef. 5-1-96; OSMB 4-2000, f. & cert. ef. 7-14-00

#### 250-020-0261

##### Boat Operations on the Willamette River in Marion and Polk Counties

No boat shall be operated at a speed in excess of 5 MPH on the Willamette River, in Polk and Marion Counties, in the following locations:

(1) Within 200 feet of a designated public launching ramp or designated swimming area.

(2) From a point 50 feet south of the Center Street Bridge between Salem and West Salem and a point 50 feet north of the railroad bridge on Marion Street between Salem and West Salem.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 17, f. 2-5-63; Renumbered from 250-020-0140; OSMB 4-2007(Temp), f. & cert. ef. 5-2-07 thru 10-28-07; Administrative correction 11-17-07

#### 250-020-0263

##### Boat Operations in Marion and Yamhill Counties

No person shall operate a motorboat in excess of 5 MPH during July and August between river miles 44.5 and 45.0, as marked during the hours of 7-10 p.m. Thursdays through Sundays, during evenings on which the historic Champoege Pageant is performed.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 10-1987, f. & ef. 5-5-87

#### 250-020-0270

##### Boat Operations in Morrow County

(1) Lake Penland. No person shall operate a motorboat except those propelled by electric motors on Lake Penland.

(2) Willow Creek Lake:

(a) No person shall operate a motorboat, except those propelled by electric motors on the Balm Fork Arm, upstream of a point approximately 1,000 feet downstream of the Balm Fork bridge, as marked;

(b) No person shall operate a motorboat in excess of a 5 MPH, "Slow-No Wake" speed within:

(A) Willow Creek Arm upstream of a point on the south shore approximately 1,000 feet east of the boat launching ramp, as marked;

(B) 200 feet of a launching ramp.

(c) No person shall operate a boat for any reason within the buoy line 100 feet from the dam;

(d) Persons operating in excess of 5 MPH in the otherwise unrestricted portions of the lake shall proceed about the lake in a counter clockwise direction.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 49, f. 8-14-72, ef. 9-1-72; Renumbered from 250-020-0220; MB 5-1985, f. & ef. 1-29-85; MB 9-1985, f. & ef. 4-24-85; MB 5-1992, f. & cert. ef. 3-18-92; OSMB 7-2002, f. & cert. ef. 10-15-02

#### 250-020-0280

##### Boat Operations in Multnomah County

(1) No person shall operate a boat in excess of 5 MPH:

(a) In North Portland Harbor (Oregon Slough):

(A) From the east end of North Portland Harbor (Oregon Slough) to a point 800 yards west of the Burlington Northern Railroad Bridge, as marked;

(B) Within 200 feet of a launching ramp, moorage or houseboat from the east end of North Portland Harbor (Oregon Slough) eastward along the south shore to the Lower Airport wing dike.

(b) Within 300 feet of the entrance to and in Rooster Rock boat channel;

(c) Within 200 feet of west shore, as buoyed, between the southern boundary of Willamette Park Launch Ramp and the northern boundary of the Willamette Sailing Club;

(d) Within Hayden Bay. The Bay is considered to be all waters south and west of a line 200 feet north of the Northeast point of Hayden Island and 200 feet north of the Northwest point of Tomahawk Island as marked;

(e) Within 200 feet of the Oregon Yacht Club floating home moorage as buoyed (a distance of approximately 1,500 feet);

(f) Within 200 feet of houseboat moorages in the Government Island South Channel;

(g) No person shall operate a boat in excess of a maximum 5 MPH, "Slow-No Wake" speed on the Columbia River south of the buoys along the northern shore of Government Island in the waters adjacent to the I-205 Bridge, commonly referred to as Commodore's Cove, as marked;

(h) Within 100 feet of the Landing Boat Club at RM 15, Willamette River.

(2) No person shall operate a boat in excess of a maximum 5 MPH, "Slow-No Wake" speed on the Columbia River within 300 feet of shore between the Big Eddy Wing dike and the wing dike east of the entrance to the Chinook Landing boat Basin and within the Chinook Landing Boat Basin, as marked.

(3) A "pass-through" zone is established in the south channel of the Columbia River, adjacent to McGuire Island between the east end of Big Eddy Marina and the west end of McGuire Point Marina as marked.

(a) No person shall operate a motorboat pulling a water skier or towed device in this zone.

(b) No person shall operate a personal watercraft, as defined in OAR 250-21-020, in continuous operation above 5 MPH in this area, except to transit directly through this zone.

(c) No person shall operate any motorboat in excess of slow-no wake maximum 5 MPH speed within 200 feet of any houseboat moorage within the "pass-through" zone.

(4) No person shall operate a boat in excess of 3 MPH in Rooster Rock Boat Basin.

(5) The following locations are designated racing motorboat testing areas:

(a) On the Willamette River in Swan Island Lagoon. Testing is limited to the hours of 3-6 p.m. on Thursdays, Fridays, and Saturdays;

(b) On the Columbia River between the county launching ramp at 43rd Street and Buoy #18 (NOS Chart #18531). Testing is limited to the hours of 8 a.m. – 12 noon, Tuesday through Friday.

(6) No person shall operate a motorboat on Benson Lake.

(7) No person shall operate a boat for any reason within any restricted area at any time without first obtaining permission from the District Engineer, Corps of Engineers, U.S. Army, or his duly authorized representative.

(8) At Bonneville Dam.

(a) The Waters restricted to only Government vessels are described as all waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the powerhouse. The restricted areas will be designated by signs;

(b) No person shall operate a boat, including a commercial recreational tour boat subject to inspection and licensing by the U.S. Coast Guard, within the Boating Restricted Zone located below Bonneville lock and dam bounded by a line commencing from the westernmost tip of Robins Island on the Oregon side of the Columbia River and running at a South 65 degrees West direction a distance of approximately 2100 feet to a point 50 feet upstream of the Hamilton Island Boat Ramp on the Washington side of the Columbia River, as marked.

(9) No person shall operate or anchor a boat in the following described zone in Oregon Slough (North Portland Harbor):

(a) Commencing at the northwesterly corner of that tract of land described in a Bargain and Sale Deed to RHODIA, Inc., recorded as Document No. 98028586, Multnomah County Deed Records; Thence, along the northeasterly line of said tract, S 47o46' E, 513.54 feet to the northwest corner of the Alexander Brown Donation Land Claim; Thence, along the north line of said Claim S 48o30' E, 764.51 feet to the POINT OF BEGINNING of the SITE AREA being described herein; Thence, N 29o58'25" E, 133.84 feet; Thence, S 62o44'22" E, 461.47 feet; Thence, S 29o58'25" W, 227.76 feet to the northeasterly line of said tract; Thence, along said northeasterly line, N 61o15' W, 60.85 feet; Thence, along said northeasterly line, N 52o30' W, 115.5 feet; Thence, along said northeasterly line, N 48o30' W, 291.49 feet to the POINT OF BEGINNING as marked.

(b) This area of land contains 2.0 acres (87,008 sq. Ft.), more or less.

(c) The intent of this description is to describe a line that surrounds the limits of the sediment cap location, plus a buffer zone.

(d) Bearings based on Document No. 98028586, Multnomah County Deed Records.

(10) No person shall anchor a boat at approximately River Mile 7 of the Willamette River in Multnomah County described in Depart-

ment of State Lands Easement No. 31530-EA, Exhibit A — Legal Description — Permanent Easement.

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 23, f. 9-24-63; MB 26, f. 7-20-64; MB 51, f. 5-3-73, ef. 5-15-73; MB 61, f. 7-26-74, ef. 7-26-74(Temp) & 8-25-74(Perm); Renumbered from 250-020-0155; MB 10-1982, f. 10-13-82, ef. 10-15-82; MB 12-1982, f. 12-29-82, ef. 12-31-82; MB 6-1983, f. 9-28-83, ef. 10-3-83; MB 17-1984, f. & ef. 12-3-84; MB 6-1985, f. & ef. 2-5-85; MB 10-1985, f. & ef. 4-24-85; MB 15-1985, f. 10-18-85, ef. 10-21-85; MB 20-1987, f. 11-4-87, ef. 11-15-87; MB 5-1990, f. & cert. ef. 7-19-90; MB 11-1992, f. & cert. ef. 9-16-92; MB 2-1993, f. & cert. ef. 2-3-93; MB 13-1996, f. & cert. ef. 12-4-96; OSMB 7-1998(Temp), f. & cert. ef. 5-19-98 thru 11-15-98; OSMB 7-1999, f. & cert. ef. 6-18-99; OSMB 2-2005, f. & cert. ef. 1-20-05; OSMB 8-2006, f. & cert. ef. 10-12-06

## 250-020-0281

### Boat Operations in Multnomah County

No person shall use a motor except an electric motor to propel a boat on Smith and Bybee Lakes in Multnomah County.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 2-1993, f. & cert. ef. 2-3-93

## 250-020-0282

### Boat Operations in Multnomah County on Multnomah Channel

No person shall operate a motorboat in excess of "Slow-No Wake," maximum 5 MPH speed on Multnomah Channel within 200 feet of boat or floating home moorages located between Hadley's Landing (RM 17.5) dock and the main Willamette.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 14-1987, f. & ef. 6-15-87

## 250-020-0285

### Boat Operations in Multnomah and Columbia Counties

Sauvie Island Wildlife Area:

(1) It is unlawful to operate a boat on any water within the Sauvie Island Wildlife Area from October 10 to January 20, with the following exceptions:

(a) Persons possessing a valid Sauvie Island Hunt Permit.

(b) The Gilbert River from its mouth upstream to a point 100 feet upstream of the Gilbert River Dock as marked.

(2) Except for the Gilbert River, it is unlawful to operate a motorboat in excess of a 5 mph "Slow-No Wake" speed limit on any waters within the Sauvie Island Wildlife Area.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 7-1987, f. 4-20-87, ef. 5-1-87; OSMB 2-2002, f. & cert. ef. 4-15-02

## 250-020-0290

### Boat Operations on the Willamette River in Polk and Marion Counties

No boat shall be operated at a speed in excess of 5 MPH on the Willamette River, in Polk and Marion Counties, in the following locations:

(1) Within 200 feet of a designated public launching ramp or designated swimming area.

(2) From a point 50 feet south of the Center Street Bridge between Salem and West Salem and a point 50 feet north of the railroad bridge on Marion Street between Salem and West Salem.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 17, f. 2-5-63; Renumbered from 250-020-0140; Suspended by OSMB 4-2007(Temp), f. & cert. ef. 5-2-07 thru 10-28-07

## 250-020-0295

### Boat Operations in Sherman County

(1) No person shall operate any boat for any reason within any restricted area at any time without first obtaining permission from the District Engineer, Corps. of Engineers, U.S. Army, or his duly authorized representative.

(2) At the John Day Dam. The waters restricted to only government vessels are described as all of the waters within a distance of about 1,000 yards above the dam lying south of the navigation lock channel leading to the lock and bounded by a line commencing at the



upstream end of the guide wall, and running in a direction 54°01'37" true for a distance of 771 yards, thence 144°01'37" true across the river to the south shoreline, as marked. The downstream limit is marked by orange and white striped monuments on both the north and south shores. These monuments are signs placed very nearly at the boat fishing deadline of 3,000 feet below the dam.

Stat. Auth.: ORS 830.110, 830.175 & 830.195  
Stats. Implemented: ORS 830.110 & 830.175  
Hist.: MB 6-1990, f. & cert. ef. 7-19-90

#### 250-020-0300

##### Boat Operations on the Nehalem River in Tillamook and Clatsop Counties

(1) South Fork Nehalem. No person shall operate a boat with a motor rated in excess of 15 HP, from the mouth of Peterson Creek (RM 10.3) to Nehalem River Falls (RM 15.7), from September 1 through March 30.

(2) North Fork Nehalem. No person shall operate a motorboat above Aldervale.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110 & 830.175  
Hist.: MB 14-1985, f. & ef. 7-31-85

#### 250-020-0308

##### Boat Operations in Tillamook County

(1) No person shall operate a motorboat, except those propelled by electric motors on the:

(a) Kilchis River, upstream of the Highway 101 Bridge Parks Boat Ramp;

(b) Miami River, upstream of the Highway 101 Bridge;

(c) Wilson River, upstream of the Sollie Smith Bridge Boat Ramp;

(d) Trask River, upstream of the Highway 101 Bridge.

(2) No person shall operate a motorboat in excess of a "Slow-No Wake," maximum 5 MPH speed in the following areas;

(a) Kilchis River, from RM 0 (as marked) to the Parks Boat Ramp, upstream of Highway 101 Bridge;

(b) Wilson River, from a point 500 feet downstream from the confluence with Hall Slough (as marked) to the Sollie Smith Bridge Boat Ramp;

(c) Trask River, above RM 0, to the Highway 101 Bridge (as marked);

(d) Hoquarton Slough, entire length;

(e) Tillamook River, above the 3rd Street Bridge.

Stat. Auth.: ORS 830.110 & 830.175  
Stats. Implemented: ORS 830.110 & 830.175  
Hist.: MB 21-1987, f. 12-31-87, ef. 1-1-88; MB 12-1992, f. & cert. ef. 9-16-92; MB 8-1993, f. 12-27-93, cert. ef. 1-1-94

#### 250-020-0309

##### Boat Operations at Three Arch Rocks National Wildlife Refuge, Pacific Ocean, Tillamook County

(1) No person shall operate a boat for any purpose within 500 feet of the principal rocks at Three Arch Rocks National Wildlife Refuge during the period from May 1 to September 15. Vessel transit through the closed area, including the arches of the rocks is prohibited. Storm Rock, to the west of Shag Rock, is the westerly boundary of the seasonal closed area.

(2) Persons operating boats near Three Arch Rocks National Wildlife Refuge should exercise caution to avoid any disturbance of nesting birds and marine mammals. Harassment of birds and marine wildlife is strictly prohibited under federal and state law.

Stat. Auth.: ORS 830.110 & 830.175  
Stats. Implemented: ORS 830.110 & 830.175  
Hist.: MB 3-1994, f. 3-23-94, cert. ef. 5-1-94

#### 250-020-0310

##### Boat Operations on Certain Waters in Tillamook County

(1) No person shall operate a motorboat at a speed in excess of 3 MPH within the Bay City Boat Basin.

(2) No person shall operate a motorboat at a speed in excess of 3 MPH within the Garibaldi Boat Basin.

(3) No person shall operate a motorboat at a speed in excess of 5 MPH within the diked areas of the county boat landings on Bay Ocean Road and Netarts Bay.

(4) Following special rules apply to Lake Lytle:

(a) "Towed equipment" applies to surfboarding and other types of towed equipment, as well as water skiing;

(b) No person shall operate a motorboat at a speed in excess of 10 MPH between the hours of one hour after sunset and 8 a.m., official time of the State of Oregon;

(c) All boats towing water skiers or other types of towed equipment shall proceed on a counter-clockwise pattern south on the west shore, east on the south shore and north on the east shore, and west on the north shore;

(d) No motorboat shall follow behind a skier or other towed equipment closer than 200 feet, nor follow alongside a skier or towed equipment closer than 100 feet;

(e) No person shall operate a motorboat in excess of 5 MPH within 300 feet of the south end of the Lake nor within 100 feet of the east shore and the swimming area.

(5) No person shall operate a motorboat in excess of 5 MPH on:

(a) Smith Lake;

(b) Cape Meares Lake.

Stat. Auth.: ORS 830.110 & 830.175  
Stats. Implemented: ORS 830.110 & 830.175  
Hist.: MB 12, f. 3-27-62; MB 13, f. 8-6-62; Renumbered from 250-020-0070; MB 8-1987, f. 4-20-87, ef. 5-1-87; MB 12-1992, f. & cert. ef. 9-16-92; MB 14-1996, f. & cert. ef. 12-4-96

#### 250-020-0311

##### Boat Operations on the Nehalem River in Tillamook County

No motorboat shall be operated at a speed in excess of 5 MPH within a distance of 200 feet of a boat moorage or boat launching ramp except under the following conditions:

(1) A boat towing a water skier or other "towed equipment," when departing from a boat moorage may exceed 5 MPH to the extent necessary to maintain the skier in a skiing position when such departure can be made under the conditions defined in these regulations as a "safe take-off." The boat towing the skier or other towed equipment departing a boat moorage under these conditions will proceed directly out of the area where the five mile per hour speed restriction applies. The five mile per hour speed restriction applies to the boat's return to the boat moorage.

(2) Definitions:

(a) "Towed Equipment" applies to surfboarding and other types of towed equipment as well as to water skiing;

(b) A "Safe Take-Off" is a boat's departure from a site with towed equipment if such departure can be accomplished without risk of injury or damage to any person or property, including watercraft.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110 & 830.175  
Hist.: MB 16, f. 8-20-62; Renumbered from 250-020-0071

#### 250-020-0312

##### Boat Operations on the Big Nestucca River in Tillamook County

The following speed restrictions apply to motorboats operating in the Big Nestucca River above the Woods Bridge, "Up the River"; and below the Woods Bridge, "Down the River" in Tillamook County on Market Road 3A:

(1) Motorboats operating above the Woods Bridge will reduce speed to 5 MPH or less when within 200 feet of a boat moorage.

(2) Motorboats operating below the Woods Bridge will reduce speed to 5 MPH or less when within 100 feet of a boat moorage or boat launching ramp.

(3) No person shall operate a motorboat for any purpose on that part of the river above Cloverdale between November 1 and March 31.

Stat. Auth.: ORS 830  
Stats. Implemented: ORS 830.110 & 830.175  
Hist.: MB 16, f. 8-20-62; MB 42, f. 12-3-68; Renumbered from 250-020-0072

**250-020-0323****Boat Operations in Umatilla County**

(1) No person shall operate a motorboat in excess of a "Slow-No Wake" (5 MPH) speed within 200 feet of a designated public launching ramp and/or marked swimming area.

(2) All motorboats, including those towing waterskiers operating from the Cold Springs and Sand Station Recreation area's on the Columbia River shall maintain a counter clockwise traffic pattern, including launching and landing, as posted.

(3) No person shall operate a motorboat in excess of 5 MPH on Hat Rock Creek Inlet from 100 yards south of the inlet's confluence with the Columbia River.

(4) No person shall operate a motorboat in excess of a "Slow-No Wake" (5 MPH) speed on the Umatilla River between its confluence with the Columbia River and the Three Mile Irrigation Dam.

(5) No person shall operate any boat for any reason within any restricted area at any time without first obtaining permission from the District Engineer, Corps. of Engineers, U.S. Army, or his duly authorized representative.

(6) At McNary Dam. The waters restricted to all vessels except to Government vessels are described as all waters commencing at the upstream end of the Oregon fish ladder thence running in the direction of 39°28' true for a distance of 540 yards; thence 7°49' true for a distance of 1,078 yards; thence 277°10' for a distance of 468 yards to the upstream end of the navigation lock guidewall. The downstream limits commence at the downstream end of the navigation lock guidewall thence to the Oregon shore at right angles and parallel to the axis of the dam, as marked.

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 5-1984, f. 2-14-84, ef. 2-15-84; MB 16-1987, f. & ef. 6-15-87; MB 7-1990, f. & cert. ef. 7-19-90

**250-020-0330****Boat Operations in Union County**

(1) No person shall operate a motorboat for any purpose on:

(a) Grande Ronde Lake;

(b) Mud Lake;

(c) Little Morgan Lake;

(d) Morgan Lake; and

(e) Jubilee Lake except that on Jubilee Lake electric motors are permitted.

(2) No person shall operate a motorboat at a speed in excess of 5 MPH on Pilcher Creek Reservoir.

(3) No person shall operate a boat for any purpose within 700 feet of Thief Valley Dam as marked.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 40, f. 4-5-68; MB 7-1978, f. 10-3-78, ef. 10-5-78; Renumbered from 250-020-0190; MB 7-1980, f. & ef. 12-31-80; MB 11-1985, f. & ef. 4-24-85; MB 8-1988, f. 4-21-88, cert. ef. 5-15-88

**250-020-0340****Boat Operations in Wallowa County**

(1) Wallowa Lake. No person shall operate a boat in excess of 5 MPH within 200 feet from shore along the west side of Wallowa Lake in the area bounded by the county boat ramp on the north and the mouth of the Wallowa River on the south.

**EXCEPTION:** Boats towing water skiers may exceed 5 MPH on safe take offs and landings. A "safe" take-off or landing is one without risk to any swimmer or craft within 200 feet from shoreline.

(2) Snake River. No person, other than a member of the Department of State Policy, county sheriff, and governmental agencies of this state and the federal government having jurisdiction over the following described waters, shall use a motor for propelling a boat for any purpose on the Snake River between Wild Sheep Rapid and Kirkwood Historic Ranch without a valid permit from the Hells Canyon National Recreation Area or Wallowa-Whitman National forest.

(3) Grande Ronde River. No person, other than a member of the Oregon State Police, county sheriff, and governmental agencies of this state, and agencies of the federal government having jurisdiction over the following described waters, shall use a motor to propel a

boat for any purpose on the Grande Ronde River between the Umatilla National Forest Boundary (1.5 miles below the confluence with the Wallowa River at approximately RM 80) downstream to the Oregon/Washington state line; except for landowner access for land management activities.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 3-1985, f. & ef. 1-29-85; MB 3-1995, f. & cert. ef. 5-31-95

**250-020-0350****Boat Operations in Wasco County**

(1) No person shall operate a motorboat except those propelled by electric motors on Rock Creek Reservoir.

(2) No person shall operate a motorboat in excess of 10 MPH on Pine Hollow Reservoir, except between July 1 and the day following Labor Day, in the area west of a buoy line.

(3) No person shall operate a boat for any reason in any restricted area at any time without first obtaining permission from the District Engineer, Corps. of Engineers, U.S. Army, or his duly authorized representative.

(4) At The Dalles Dam. The waters restricted to only Government vessels are described as all downstream waters other than those of the navigation lock downstream approach channel which lie between the Wasco County Bridge and the project axis including those waters between the powerhouse and the Oregon shore and all upstream waters other than those of the navigation lock upstream approach channel which lie between the project axis and a line projected from the upstream end of the navigation lock upstream guide wall to the junction of the concrete structure with the earth fill section of the dam near the upstream end of the powerhouse as marked.

(5) On Lake Bonneville in Salisbury Slough at West Mayer State Park. No person shall operate a motorboat in excess of a 5 MPH slow no-wake speed between May 1 and September 30 west of a line originating at the east end of West Mayer State Park swimming beach and extending northeast across the slough to the east end of spit of land separating the slough from the main lake, as marked.

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 41, f. 9-18-68; MB 46, f. 4-15-70, ef. 4-17-70; Renumbered from 250-020-0195; MB 8-1990, f. & cert. ef. 7-19-90; OSMB 3-1998, f. & cert. ef. 4-3-98; OSMB 3-2006, f. & cert. ef. 3-28-06

**250-020-0360****Boat Operations on Henry Hagg Lake in Washington County**

(1) All boats shall be operated at a "Slow-No Wake" speed when within 200 feet of shore or marked swim area and on all waters of the lake lying westerly of a buoyed line located as follows: From a point on the north shore approximately 1,533 yards northwest of Scoggin Dam, to a point on the south shore approximately 2,465 yards northwest of Scoggin Dam.

(2) Motorboats being operated in the area east of the buoyed line and more than 200 feet from shore shall not exceed a speed of 35 MPH and shall at all times move in a counter-clockwise direction.

(3) No boats shall enter a buoyed or designated swim area except boats operated by lifeguards or official police boats during emergency operations.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 65, f. 4-17-75, ef. 4-17-75(Temp), 5-11-75(Perm); Renumbered from 250-020-0230

**250-020-0370****Boat Operations in Washington County**

No person shall operate a motorboat on the Tualatin River for the purpose of towing a person on water skis, knee board, wake board, tube or similar device.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: OSMB 7-2000, f. & cert. ef. 12-1-00

**250-020-0385****Boat Operations in Yamhill and Marion Counties**

No person shall operate a motorboat in excess of 5 MPH during July and August between river miles 44.5 and 45.0, as marked during

the hours of 7–10 p.m. Thursdays through Sundays, during evenings on which the historic Champoege Pageant is performed.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 9-1987, f. 4-20-87, ef. 5-1-87

## DIVISION 21

### PERSONAL WATERCRAFT RULES

#### 250-021-0010

##### Scope

The following rules shall govern the operation of personal watercraft operating on the waters of this state. These rules are in addition to all other applicable laws, rules and regulations governing personal watercraft.

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110

Hist.: MB 3-1990, f. 5-18-90, cert. ef. 6-1-90

#### 250-021-0020

##### Definitions

“Personal Watercraft” means a motorboat, less than 16 feet, propelled by machinery which:

(1) Uses an outboard motor or an inboard motor powering a water jet pump as its primary source of power;

(2) Is designed to be operated by a person sitting, standing or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Hist.: MB 3-1990, f. 5-18-90, cert. ef. 6-1-90; MB 8-1997, f. & cert. ef. 10-8-97

#### 250-021-0030

##### Operating Rules

(1) No person shall operate a personal watercraft unless each person operating or riding on such vessel is wearing an inherently buoyant Coast Guard approved Type I, II, or III personal flotation device (PFD) as defined by OAR 250-010-0154.

(2) A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to their person, clothing, or personal flotation device.

(3) No person shall operate a personal watercraft unless it is effectively muffled in accordance with OAR 250-010-0121.

(4) No person shall operate a personal watercraft at any time between sunset and sunrise unless equipped with lights as prescribed in OAR 250, division 12.

(5) Every personal watercraft shall at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including but not limited to weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to said vessel or when visibility around said vessel is obstructed, and swerving at the last possible moment to avoid collision shall constitute unsafe or reckless operation of a vessel, as provided in ORS 830.305 or 830.315.

(6) The provisions of section (5) of this rule do not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an officially sanctioned regatta, race, marine parade, tournament, or exhibition.

(7) No person shall operate a personal watercraft in excess of a “Slow–No Wake,” maximum 5 MPH speed:

(a) Within 200 feet of a boat launch ramp, dock, swim float, pier, marina or moorage, floating home or boathouse, or locations where persons are working at water levels on floats, logs or waterway construction;

(b) Within 200 feet of a swimmer, surfer, diving flag, bank or wading angler;

(c) Within 100 feet of any anchored or non-motorized vessel;

(d) Except on safe take-offs and landings, personal watercraft shall not operate in excess of a “Slow–No Wake,” maximum 5 MPH speed within 200 feet of shoreline on all lakes, bays and reservoirs. A safe take-off or landing will not be considered “safe” unless it can

be accomplished without risk to any swimmer or craft within 200 feet from shoreline.

(8) No person shall operate a personal watercraft in excess of 10 MPH when approaching within 100’ of another motorized or sail vessel underway.

(9) No person shall operate a personal watercraft within 200 feet directly behind a water skier being towed.

(10) No person shall tow a water skier or any floating device with a personal watercraft unless:

(a) Another person on the personal watercraft is continuously observing the person being towed; and

(b) The personal watercraft is large enough to carry operator, observer and the person being towed; and

(c) The personal watercraft is equipped with a “skier-down” flag to be held aloft when the skier or person being towed is down in the water; and

(d) The personal watercraft is being operated between sunrise and sunset.

(11) Personal watercraft may be used to tow another vessel when rendering assistance.

(12) No person under the age of 16 shall operate a personal watercraft on the waters of this state, unless accompanied by a person 18 years of age or over on board.

(13) No person who owns a personal watercraft or who has charge over or control of a personal watercraft shall authorize or knowingly permit that personal watercraft to be operated by a person under 16 years of age, unless accompanied by a person 18 years of age or over.

(14) No person shall rent a personal watercraft to a person under the age of 18.

(15) No person shall chase, harass, molest, worry or disturb any wildlife with a personal watercraft except while engaged in lawfully angling for, hunting or trapping such wildlife (ORS 498.006).

Stat. Auth.: ORS 830.110, 830.175, 830.195 & 830.250

Stats. Implemented: ORS 830.110

Hist.: MB 3-1990, f. 5-18-90, cert. ef. 6-1-90; MB 9-1990, f. & cert. ef. 11-16-90; MB 6-1994, f. & cert. ef. 4-28-94; MB 8-1996, f. 4-12-96, cert. ef. 7-1-96; MB 9-1997, f. & cert. ef. 10-8-97; OSMB 1-1999, f. & cert. ef. 1-26-99

#### 250-021-0040

##### Special Local Restrictions — Applicability

The following rules for personal watercraft are in addition to the local operating rules found in OAR 250, division 20:

(1) No person shall operate a personal watercraft on the following rivers, or sections of rivers, that flow to the Pacific Ocean, with the exception of the Columbia River which is open. This restriction does not apply to reservoir impoundments on these rivers, unless otherwise noted:

(a) Chetco, above the head of tide;

(b) Rogue, closed between mouth of Snout Creek and the Applegate River. Closed above Gold Rey Dam. All other areas open;

(c) Pistol, Sixes, Elk Rivers (use OAR 250-020-0082);

(d) Coos, above its confluence with the Millicoma River;

(e) Coquille, above the Highway 42S bridge in the City of Coquille;

(f) East and West Fork Millicoma (use OAR 250-020-0064);

(g) Umpqua, above Scottsburg Park, with exception of impoundments;

(h) Siuslaw, above Highway 126 bridge at Mapleton;

(i) Alose, Salmon, Siletz Rivers (use OAR 250-020-0231);

(j) Kilchis, Miami, Wilson, Tillamook, Trask (use OAR 250-020-0308);

(k) Nehalem (use OAR 250-020-0300);

(l) Necanicum (use OAR 250-020-0043);

(m) Yaquina River upstream of the Toledo Airport boat ramp at RM 9.5.

(2) No person shall operate a personal watercraft on the Willamette River above the Beltline Road overpass at RM 178. This does not apply to reservoir impoundments.

(3) No person shall operate a personal watercraft on the McKenzie River system. This does not apply to reservoir impoundments.



(4) No person shall operate a personal watercraft on any tributary stream or river entering the Willamette River.

**EXCEPTION:** Personal watercraft can use the Clackamas River downstream from Clackamette Lake (RM 0.7) to the Willamette. Clackamette Lake is open to personal watercraft.

(5) No person shall operate a personal watercraft on the Deschutes River above Heritage Landing boat ramp (RM 0.5).

(6) No person shall operate a personal watercraft on the John Day River (Sherman/Gilliam County) above Tumwater Falls (RM 10).

(7) No person shall operate a personal watercraft on the Snake River from the Washington border south to Hells Canyon Dam. Oxbow and Brown-lee Reservoirs are open. The Snake River above Brownlee Reservoir is open to personal watercraft.

(8) All other rivers of this state are closed to personal watercraft.

(9) Lakes and reservoirs are open to personal watercraft subject to local operating rules found in OAR 250, division 20.

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110, 830.175 & 830.195

Hist.: MB 3-1990, f. 5-18-90, cert. ef. 6-1-90; MB 9-1990, f. & cert. ef. 11-16-90; MB 6-1992, f. & cert. ef. 4-30-92

## 250-021-0100

### Personal Watercraft Livery Operations

No person shall rent, lease or charter a personal watercraft unless the following equipment is provided:

(1) All of the equipment required by ORS 830.210, 830.410 and 830.420.

(2) An inherently buoyant Type I or III personal flotation device (PFD) shall be provided for each person that will ride the personal watercraft to comply with ORS 830.215. The PFD must be worn to meet OAR 250-021-0030(1). A Type I PFD may be substituted for the Type III for rental operations. Fully inflatable PFDs are not acceptable for personal watercraft rentals.

(3) A decal explaining safe operation of personal watercraft shall be affixed to every rental personal watercraft and displayed so it is clearly visible to the operator while at the controls. The decal must, at a minimum, contain information regarding proper use of controls, steering, speed and distance rules, rules of the road and required PFD wearing.

(4) A written copy of the state personal watercraft rules shall be provided to the renter, and any person who will operate the personal watercraft while rented, leased or chartered. Personal watercraft form PWC-01 shall be reviewed by the livery operator with the rental customer and signed by both parties. Part I of **form PWC-01**, signed by the livery operator and renter, shall be carried on the personal watercraft as required equipment. Part II of **form PWC-01** shall be retained by the livery operator with the record of the rental required by ORS 830.415.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 830.110, 830.195 & 830.250

Stats. Implemented: ORS 830.110

Hist.: MB 10-1997, f. & cert. ef. 10-8-97; OSMB 13-1998, f. & cert. ef. 7-24-98

## DIVISION 22

### KLAMATH LAKE PLANKTON HARVEST VESSEL RULES

## 250-022-0010

### Purpose

This division prescribes minimum equipment and safety requirements for vessels engaged in the harvest of plankton from Klamath Lake. Authority for these rules is found in ORS 830.110 and Chapter 737, Oregon Laws 1997.

Stat. Auth.: ORS 830.110, 830.210 & 830.990

Stats. Implemented: ORS 830.990

Hist.: OSMB 4-1998, f. & cert. ef. 4-3-98

## 250-022-0020

### Scope

This division contains minimum requirements for boats and associated equipment, but does not relieve vessel owners and oper-

ators from the need to comply with other federal, state or local regulations that may apply.

Stat. Auth.: ORS 830.110, 830.210 & 830.990

Stats. Implemented: ORS 830.990

Hist.: OSMB 4-1998, f. & cert. ef. 4-3-98

## 250-022-0030

### Definitions

(1) For the purpose of this division and the applicability of ORS Chapter 830 and associated administrative rules found in OAR chapter 250, the terms “vessel” and “associated watercraft,” as used in Chapter 737, Oregon Laws 1997, have the same meaning as the term “boat” in ORS 830.005(2).

(2) For the purpose of this division and the applicability of ORS Chapter 830 and associated administrative rules found in OAR chapter 250, the terms “vessel” and “associated watercraft,” as used in Chapter 737, Oregon Laws 1997, have the same meaning as the term “motorboat” in ORS 830.005(4), if the vessel or associated watercraft is propelled, in whole, or in part, by machinery.

Stat. Auth.: ORS 830.110, 830.210 & 830.990

Stats. Implemented: ORS 830.990

Hist.: OSMB 4-1998, f. & cert. ef. 4-3-98

## 250-022-0040

### Title and Registration Requirements

Unless documented with the U.S. Coast Guard, all vessels engaged in plankton harvest that are powered by machinery must be titled and numbered in accordance with ORS Chapter 830, and must comply with proper display of number as provided in ORS 830.780.

Stat. Auth.: ORS 830.110, 830.210 & 830.990

Stats. Implemented: ORS 830.990

Hist.: OSMB 4-1998, f. & cert. ef. 4-3-98

## 250-022-0050

### Equipment Requirements

All vessels engaged in plankton harvest must comply with the provisions of the following statutes and related administrative rules: State Statute — Applicable to Klamath Plankton Harvest Vessels:

(1) ORS 830.210 — Yes — Operating improperly equipped boat prohibited.

(2) ORS 830.215 — Modified — Personal Flotation Devices. All vessels must carry one U.S. Coast Guard approved Type I Personal Flotation Devices for each crew member. In addition, there must be at least one U.S. Coast Guard approved throwable device (Type IV) in an accessible location on each vessel.

(3) ORS 830.220 — Modified — Fire Extinguishers. Must comply with U.S. Coast Guard standards for commercial vessels 46 CFR 28.160 and 46 CFR 25.30.

(4) ORS 830.225 — Modified — Lights. Must comply with U.S. Coast Guard regulations for inland navigation lights contained in 1972 COLREGS.

(5) ORS 830.230 — Modified — Sound signaling devices. Must comply with U.S. Coast Guard standards for sound signaling apparatus on inland waters.

(6) ORS 830.230 — Yes — Bell. Comply with requirements of 1972 COLREGS. Vessels less than 40 feet in length may in lieu of ringing a bell shall make some other efficient sound signal.

(7) ORS 830.235 — Yes — Carburetors. Must have approved backfire flame device.

(8) ORS 830.240 — Yes — Ventilation systems.

(9) ORS 830.260 — Yes — Muffling devices.

(10) ORS 830.250 — Yes — First aid kit (equivalent to requirement for ocean charter boats as per OAR 250-015-0016).

(11) OAR 830.250 — Yes — Communications. All vessels must have a VHF marine band radio, CB or cell phone on board when underway.

Stat. Auth.: ORS 830.110, 830.210 & 830.990

Stats. Implemented: ORS 830.990

Hist.: OSMB 4-1998, f. & cert. ef. 4-3-98

## 250-022-0060

### Operating Requirements

The provisions of ORS 830.300 to 830.370, and ORS 830.505 to 830.550 and any related administrative rules do apply to all vessels engaged in the harvest of plankton on Klamath Lake.

Stat. Auth.: ORS 830.110, 830.210 & 830.990  
 Stats. Implemented: ORS 830.990  
 Hist.: OSMB 4-1998, f. & cert. ef. 4-3-98

## DIVISION 25

### TEMPORARY BOATING RULES

#### 250-025-0010

##### Purpose

This division includes local and special temporary rules adopted to address immediate compelling needs where a failure to act promptly could result in serious prejudice to the safety of the boating public or significantly harm other public interests.

Stat. Auth.: ORS 830.110 & 830.175  
 Stats. Implemented:  
 Hist.: OSMB 6-2004, f. & cert. ef. 10-14-04

#### 250-025-0020

##### Scope

This division contains temporary rules for boat operation in areas where a specific event such as waterway construction may necessitate special restrictions or may require established rules to be amended for a period of time. When the need is ongoing a permanent rule will be adopted and incorporated into the applicable division of OAR chapter 250.

Stat. Auth.: ORS 830.110 & 830.175  
 Stats. Implemented: ORS 830.110 & 830.175  
 Hist.: OSMB 6-2004, f. & cert. ef. 10-14-04; OSMB 7-2004(Temp), f. & cert. ef. 11-8-04 thru 2-28-05; OSMB 8-2004(Temp), f. & cert. ef. 12-7-04 thru 2-28-05; Administrative correction, 3-17-05

## DIVISION 30

### SCENIC WATERWAYS

#### 250-030-0010

##### Definitions

As used in OAR 250-030-0020 and 250-030-0030:

(1) "Boat" means every description of watercraft used or capable of being used as a means of transportation on the water, but does not include aircraft equipped to land on the water.

(2) "Carrying Passengers for Hire" means carrying persons by boat for a valuable consideration, whether directly or indirectly given to or received by an owner, charterer, operator, agent, or other persons having an interest in such boat.

(3) "Emergency Circumstances" means a boat equipped with a motor and passing through an area where the use of motors is prohibited may, under emergency circumstances, use said motor. Emergency circumstances are deemed to exist when injury or illness occurs, or when a condition of imminent danger exists.

(4) "Float Boat" means any boat used primarily for drifting with the river current.

(5) "Motorboat" means any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable motors.

(6) "Operator" means any person who operates or is in charge of the operation of a boat.

(7) "Oregon Scenic Waterway Boat Permit" means a permit issued by the Oregon State Marine Board, or an agent of the Board, in accordance with ORS 830.175. The permit authorizes the holder to operate a boat on a specified river, or section of river, when such river has been designated a Scenic Waterway pursuant to ORS 390.805 to 390.925.

(8) "Party" means one or more persons traveling together.

(9) "Noncommercial Party Leader" means the person organizing a party and applying for a trip permit.

Stat. Auth.: ORS 830  
 Stats. Implemented: ORS 830.110  
 Hist.: MB 53, f. 9-26-73, ef. 10-15-73; MB 89, f. 12-27-77, ef. 1-1-78

#### 250-030-0020

##### General Provisions

(1) Types of Propulsion: Motorboats will be propelled by propeller or water jet. Permits will not be issued to hovercraft or airboats.

(2) Types of Construction: All boats will be of sturdy construction and capable of being operated safely in the currents and rapids which are encountered. Permits will not be issued to boats or rafts of haphazard construction.

(3) The Director may issue special exemption permits to allow limited research, commercial or marine event boat operations in areas closed to motorboat use or otherwise regulated by OAR 250, division 30. These permits shall not be issued for normal recreational boating activities or for operations that can reasonably be carried out without use of a motorboat or within existing motorized restrictions. The Director may condition the permit to minimize the impacts to the waterway and other users.

Stat. Auth.: ORS 830.110 & 830.175  
 Stats. Implemented: ORS 830.110  
 Hist.: MB 53, f. 9-26-73, ef. 10-15-73; MB 6-1993, f. & cert. ef. 8-16-93

#### 250-030-0030

##### Regulations

The State Marine Board is authorized to carry out the provisions of the Federal Wild and Scenic Rivers Act (PL 90-542) and the State Scenic Waterways Act (ORS 390.805 to 390.925) under ORS 830.175 by regulating boat use through a permit system initiated by the Board. Authority to limit or prohibit motorboat use is also granted by this statute. The specific regulations which follow are adopted in accordance with these statutory provisions:

(1) In order to met the goals and objectives of management and recreation plans for the subsequently named rivers, the State Marine Board will regulate commercial and noncommercial boat use, both for non-powered boats and for motorboats, by means of a permit system. On occasion the Board may find it necessary to establish interim boat use levels in order to protect the riverine environment and assure to the users a quality recreation experience. Such limits may be prescribed in those instances where, in the absence of river management or recreation plans, it finds it necessary to act to assure compliance with the objectives of appropriate federal and state laws.

(2) It is the policy of the State Marine Board to provide for equitable use of certain designated rivers by commercial and noncommercial boaters. A system of permits for all boaters, whether they plan to run a river as private individuals or as patrons of a commercial entrepreneur, may be initiated on controlled rivers when use approaches or exceeds approved levels or capacity.

(3) No person, other than a member of the Department of State Police, county sheriff, and governmental agencies of this state and the federal government having jurisdiction over the following described waters, shall use a motor for propelling a boat for any purpose on the following described waters, with the exceptions stated:

(a) Deschutes River:

(A) That portion bordering the Warm Springs Reservation, no motors year round. (ORS 830.180)

(B) Between the northern boundary of the Warm Springs Reservation and the mouth of Buckhollow Creek (downstream from Shersars Falls), no person shall operate a motorboat with the exception of ingress/egress by landowners under permit issued by the Board.

(C) Between the mouth of Buckhollow Creek and Macks Canyon Campground, no motors from June 15 to September 30, with the exception of ingress/egress by landowners under permit by the Board.

(D) Between Macks Canyon Campground and the Heritage Landing boat ramp, motors will be prohibited during alternating Thursday, Friday, Saturday and Sunday periods commencing with the first Thursday to Sunday period that falls on or after June 15, continuing until September 30. No daily restrictions on motorized use from October 1 to June 14.

(E) Between Heritage Landing boat ramp and the confluence with the Columbia River, no prohibitions on motors, except for OAR 250-030-0041 rule for "Slow-No Wake," maximum 5 MPH.

(b) Illinois River — From Deer Creek downstream to Nancy Creek, which is located in the area immediately upstream of Oak Flat.

(c) John Day River — From State Highway 218 bridge at Clarno downstream to Tumwater Falls between May 1 and October 1.

(d) Minam River — From Minam Lake downstream to the Wal-lowa River.

(e) Owyhee River System:

(A) West Little Owyhee;

(B) North Fork Owyhee; and

(C) The mainstem Owyhee River above approximately river mile 70 at Pinnacle Rock, as marked.

(f) Rogue River — from Grave Creek downstream to the low-ermost 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.

(g) Sandy River — From Dodge Park downstream to Dabney State Park.

(h) Waldo Lake — No person shall operate a boat with an out-board or inboard motor at a speed in excess of 10 miles per hour (ORS 830.185(2)); and no person shall operate a motorboat in excess of a "Slow-No Wake" speed within 300 feet of a boat launching ramp or boat moorage (for purposes of this regulation, "Slow-No Wake" speed means the speed of a boat shall not exceed 5 miles per hour) (OAR 250-020-0221(3)).

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 53, f. 9-25-73, ef. 1-1-74; MB 64, f. 2-18-75, ef. 3-11-75; MB 66, ef. 4-22-75(Temp), 5-11-75(Perm); MB 76, f. & ef. 5-27-76; MB 79, f. 1-20-77, ef. 5-27-77; MB 89, f. 12-27-77, ef. 1-1-78; MB 12-1984, f. 8-13-84, ef. 8-14-84; MB 12-1985, f. & ef. 7-31-85; MB 21-1985, f. & ef. 12-4-85; MB 3-1993, f. 2-4-93, cert. ef. 5-15-93; MB 4-1994, f. & cert. ef. 3-23-94; MB 15-1996, f. & cert. ef. 12-4-96; MB 6-1997, f. & cert. ef. 5-30-97; OSMB 5-1998, f. & cert. ef. 4-3-98

## 250-030-0041

### Special Regulation — Manner of Operation

(1) Deschutes River:

(a) No person shall operate a motorboat in excess of "Slow-No Wake," maximum 5 MPH, from the Columbia River upstream to a point approximately 1,500 feet (500 yards) as marked;

(b) No person shall operate more than two round trips from Her-itage Landing Boat Ramp or Macks Canyon Boat Ramp per day, except for emergencies;

(c) No person shall operate a motorboat with more than seven persons on board, including the operator, with the exception of one U.S. Coast Guard certified tour boat with a maximum of 16 persons operating under BLM Special Use Permit between the confluence with the Columbia River and Sherars Falls. This passenger capacity does not apply to persons operating while under landowner ingress/egress permit;

(d) A special "pass through" zone is established from the "Slow-No Wake," 5 MPH zone below Moody Rapids and the upstream end of Rattlesnake Rapids, as posted. No person shall stop or anchor any boat for the purpose of picking up or discharging pas-sengers in this zone, except in an emergency.

(2) Rogue River:

(a) No person shall 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 Septem-ber 30:

(A) From a point approximately 100 yards upstream of the con-fluence 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 approxi-mately 1/2 mile upstream of Robertson Bridge (RM 86.7), as marked.

(b) No person shall anchor, stop or otherwise hold their boats position in such a manner as to impede the safe navigation of any other craft in the following river segments, which are designated pass through zones, during the period August 1 to September 30;

(c) Brushy Chutes — 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.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 4-1989, f. & cert. ef. 7-6-89; MB 5-1989, f. & cert. ef. 7-6-89; MB 3-1993, f. 2-4-93, cert. ef. 5-15-93; MB 4-1994, f. & cert. ef. 3-23-94



