

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

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

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 250
OREGON STATE MARINE BOARD

FILED

12/23/2024 11:54 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Places boating restrictions on the Upper Rogue River and its Tributaries.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/21/2025 11:55 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Jennifer Cooper
503-378-2617
jennifer.cooper@boat.oregon.gov

435 Commercial St NE, Suite 400
Salem, OR 97301

Filed By:
Jennifer Cooper
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/15/2025

TIME: 11:00 AM - 1:00 PM

OFFICER: Alan Hanson

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 137119861

SPECIAL INSTRUCTIONS:

Please see our website for additional information on the Rules Hearing:

<https://www.oregon.gov/osmb/info/Pages/Board-and-Public-Meetings.aspx>

NEED FOR THE RULE(S)

The rule preserves traditional boating uses along the Upper Rogue River. The rule places boating restriction on sections of the river based upon horsepower, river flows and dates

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Meeting materials of the Oregon State Marine Board from July 24, 2024, and October 23, 2024, Board Meetings; October 2, 2024, Work Session; December 4, 2024, Rules Hearing; and public comment.

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

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This amendment is not anticipated to impact racial equity in the state. The amendment places restriction on boating on sections of the upper Rogue River.

FISCAL AND ECONOMIC IMPACT:

The agency anticipates no significant fiscal/economic impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) No state agencies, units of local government, or members of the public will be economically affected by these rules. The Jackson County Sheriff's Office will be responsible for enforcing the motor restrictions. (2)(a) Approximately one small business will be directly impacted. (2)(b) Minimal administrative costs will be incurred by businesses to comply with the rule. (2)(c) No additional costs for equipment or labor will be incurred by businesses to comply with the rule.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were invited to provide comments through a public outreach process administered by Oregon's Kitchen Table Project. Small businesses were also invited to speak at the OSMB Work Session held on October 2 and were also able to provide public comments at the Work Session. The OSMB heard from a charter boat operation, boat manufactures, fishing and rafting guides, and fly shop owners.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A public engagement program was implemented to engage a wide range of community members who live in or visit Jackson County. This included public meetings, online and paper surveys, and approximately 2,600 people participated in the process. The OSMB also held a Work Session in Medford, OR with invited presenters and a public comment period. OSMB received hundreds of written comments.

AMEND: 250-020-0151

RULE SUMMARY: Provides boating restrictions on the Rogue River between Fishers Ferry County Park and the William L. Jess Dam.

CHANGES TO RULE:

250-020-0151

Boat Operations in Jackson County ¶¶

(1) Agate Reservoir: A person must not use an internal combustion engine to propel a boat.¶¶

(2) Applegate Reservoir: A person must not operate a motorboat in excess of 10 MPH.¶¶

(3) Emigrant Lake:¶¶

(a) A person must not operate a motorboat in excess of a slow-no wake 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 feet 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) A person must not operate a motorboat in excess of a slow-no wake 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.¶¶

(c) A person must not operate a motorboat in excess of a slow-no wake speed in the spillway cove area at the northwest end of the lake, which is designated as a moorage area. A person must not moor a boat outside of this

area for more than 48 hours without obtaining a permit from the Jackson County Parks Department.¶

(4) Fish Lake: A person must not operate a motorboat in excess of 10 MPH.¶

(5) Howard Prairie Lake: Howard Prairie Resort Marina and Klum Landing are designated as moorage areas. A person must not moor a boat outside of these areas for more than 48 hours without obtaining a permit from the Jackson County Parks Department.¶

(6) Hyatt Lake: A person must not operate a motorboat in excess of 10 MPH.¶

(7) Lost Creek Lake:¶

(a) A person must not use a motor to propel a boat between the breakwaters designating the Stewart State Park swimming area.¶

(b) A person must not operate a motorboat in excess of a 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) Willow Lake:¶

(a) A person must not operate a motorboat in excess of 10 MPH south of the line of uniform waterway marker buoys.¶

(b) A person must not operate a motorboat in excess of a slow-no wake speed in the southwest cove of the lake, which is designated as a moorage area. A person must not moor a boat outside of this area for more than 48 hours without obtaining a permit from the Jackson County Parks Department.¶

(9) Upper Rogue River and its Tributaries:¶

(a) No person shall use a motor in excess of 10 horsepower to propel a boat on the main stem of the Rogue River and its tributaries, between Fishers Ferry County Park and William L. Jess Dam, (Lost Creek Dam).¶

(b) Notwithstanding the above provision, the use of motors above 10 horsepower are allowed between the dates of May 8 and September 10, on the main stem of the Rogue River between Fishers Ferry County Park and Dodge Bridge County Park.¶

(c) Between the above dates, in the event that the river flow rate drops below a three day average flow of 1350 cubic feet per second, ("CFS"), or equivalent water level of 3.20 feet, as measured by the United State Geological Survey - USGS 14339000 Rogue River at Dodge Bridge, near Eagle Point, OR, all boating activities shall be restricted until the three day average flow increases above 1350 CFS.¶

(d) In addition to the above restrictions, ¶

(A) Charter boats may not operate upstream of Rattlesnake Rapids.¶

(B) Charter boats may operate between Table Rock Road Bridge and Rattlesnake Rapids, only:¶

(i) between the hours of 10 am and 5 pm, and ¶

(ii) if the total number of all charter boat trips is less than 300 trips per year, (for purposes of this section, a charter boat trip is one charter boat traveling upstream of Table Rock Road Bridge).

Statutory/Other Authority: ORS 830.110, ORS 830.175

Statutes/Other Implemented: ORS 830.110, ORS 830.175, ORS 830.195