

OREGON BULLETIN

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NOTICES OF PROPOSED RULEMAKING

Oregon State Marine Board
Chapter 250

Rule Caption: Corrects alleged procedural irregularities related to rules prohibiting internal combustion motorboats/floatplanes on Waldo Lake.

Date:	Time:	Location:
4-10-12	6 p.m.	Willamalane Park & Recreation District, Willamalane Center Ken Long Rm. 250 S 32nd St. Springfield, OR

Hearing Officer: Randy Henry

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Proposed Amendments: 250-020-0221, 250-030-0030

Last Date for Comment: 4-10-12, Close of Hearing

Summary: The agency proposes to re-adopt OAR 250-020-0221 and 250-030-0030 in order to correct alleged procedural irregularities related to their previous adoption. Those rules implement the Oregon Scenic Waterway Act by prohibiting internal combustion motorboats and floatplanes on Waldo Lake, a statutorily designated state scenic waterway, in order to preserve the natural setting of Waldo Lake, minimize disturbance of its natural beauty, protect its aesthetic values, and provide an unimpaired quality of recreational experience. An exception is provided in the rules for official governmental use and emergency landings of floatplanes.

In a rule challenge pending in the Oregon Court of Appeals, Columbia Seaplane Pilots Assoc. v. State Marine Board, Oregon Court of Appeals Case No. A148192, certain procedural irregularities have been alleged, including the assertion that the fiscal impact statements for the challenged rules were inadequate. In order to provide an opportunity to correct the alleged procedural irregularities related to the previous rule adoption, the agency is initiating further rulemaking to enable the Board to take action on the basis of new fiscal impact statements and other relevant information. Such action could potentially take the form of re-adopting the rules, amending the rules to modify the prohibition of internal combustion motorboats and floatplanes on Waldo Lake, or repealing the rules.

Rules Coordinator: June LeTarte

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Marine Board Seeks Public Comment on Waldo Lake Rules

The Oregon State Marine Board seeks comment on OAR 250-020-0221 and OAR 250-030-0030, prohibiting internal combustion motorboats and floatplanes on Waldo Lake in Lane County. These rules are open to correct alleged procedural irregularities related to their previous adoption.

The public is invited to provide written comment beginning March 1 through the end of a public hearing scheduled for April 10, where the Board will have the opportunity to listen to public comment. At the meeting's conclusion, the Board may make a motion regarding the rules. The Board may re-adopt the rules, repeal the rules, or amend the rules with new language. The existing rules implement the Oregon Scenic Waterway Act by prohibiting internal combustion motorboats and floatplanes on Waldo Lake, a statutorily designated state scenic waterway, in order to preserve the natural setting of Waldo Lake, minimize disturbance of its natural beauty, protect its aesthetic values, and provide an unimpaired quality of recreational experience. An exception is provided in the rules for official governmental use and emergency landings of floatplanes.

The public meeting will be held at the Willamalane Center (Ken Long Room), 250 South 32nd Street, in Springfield. The meeting will begin promptly at 6 p.m.

Written comments can be submitted via email to osmb.rulemaking@state.or.us or by U.S. mail to June LeTarte, Rules Coordinator, 435 Commercial Street NE, Suite 400, P.O. Box 14145, Salem, OR 97309-5056. Comments via telephone cannot be accepted.

To review the existing rules, visit
http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_250/250_020.html and
http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_250/250_030.html.