

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

**FILED**  
9-23-16 8:29 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon State Marine Board

250

Agency and Division

Administrative Rules Chapter Number

Prohibit boating on the Deschutes River during Tetherow Road Bridge construction.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

250-020-0091 Deschutes River

**Statutory Authority:**

ORS 830.110 and ORS 830.175

**Other Authority:**

**Statutes Implemented:**

ORS 830.110 and ORS 830.175

**Need for the Temporary Rule(s):**

ODOT will be removing the Tetherow Road Bridge and subsequently installing a new bridge. There will be work boats and heavy construction equipment activity in an around the water. The rule is needed to prohibit boating in the area during the construction period.

**Documents Relied Upon, and where they are available:**

Email correspondence between ODOT and the Marine Board dated September 22, 2016.

Rule documents are available for public inspection at the Oregon State Marine Board, Director's Office between 8:30 am - 4:00 pm on normal working days, Monday-Friday.

**Justification of Temporary Rule(s):**

Construction in an around the river may result in unsafe navigational conditions. There is insufficient time to initiate permanent rulemaking to prohibit boating in the area. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that the construction project may create a dangerous safety issue to boaters on the water.

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