

# Petition to Adopt a New Rule Marine Board of the State of Oregon

IN THE MATTER OF ESTABLISHING A NAVIGATION  
SAFETY ZONE AT CAPE KIWANDA

PETITION TO ADOPT A  
NEW RULE

1. PETITIONER'S NAME AND ADDRESS  
Leonard J. Leis

2. OTHER INTERESTED PARTIES  
Petitioners has previously submitted a list of signatures and addresses of interested parties.

3. PROPOSED NEW RULE  
Petitioner proposes that a navigation safety zone be established at Cape Kiwanda as follows:

- (1) The safety zone would extend from the shoreline at the South side of Cape Kiwanda, in the waters of the State, Southward to the beach ramp, a distance of approximately 1100 yards.
  - (2) The safety zone area would be demarcated by a sector light or LED navigation lanterns, or other means of delineation as determined to be proper by the Marine Board after consultation with other involved government agencies.
  - (3) Operating a surfboard within the navigation zone whenever dory rigs and trailers are parked on the beach would be prima facie evidence of violation of ORS 830.365 (1).
4. STATUTORY AUTHORITY
- (1) ORS 830.175 (1) gives the Oregon State Marine Board power to make special regulations, considering the body or water and congestion, consistent with safety and property rights of the public.
  - (2) ORS 830.365 (1) states that "No person shall ride or manipulate any water ski, surfboard, or similar device in a reckless or negligent manner so as to endanger any person or property".

Wherefore petitioner requests the State Marine Board to adopt the proposed new rule.

Dated April 3, 2015

  
Leonard J. Leis  
Petitioner