

October 26, 2011

Item A: Director's Report

Legislative Update

- .01 OSMB submitted a letter to the Legislative Fiscal Office and DAS Budget and Management requesting to testify before the November Interim Joint Ways and Means Committee to request additional limitation to cover special payments in Boating Facilities and Boating Safety. We have a number of Boating Facilities projects that were not completed last biennium, so the money carried over, but the limitation did not. Additionally, we are requesting additional limitation for law enforcement contracts to cover the shortfall for the second half of this biennium.
- .02 Looking toward the 13-15 biennium, we have more money in the Boating Safety, Law Enforcement and Facility Account than was reported on the state budgeting system (ORBITS). This money will allow us to operate at current levels through the next biennium without needing an additional fee increase. Our strategic planning process will identify how to move forward with identifying increased revenues for the 15-17 biennium.
- .03 Based on a budget note in the Legislative Session, OSMB will need to provide an update on Holgate Channel during the 2012 Session. Board Member Quinsey has agreed to join me in providing testimony.
- .04 Legislative Concepts that we are considering moving forward for the 13-15 session include an updated bail schedule for boating safety violations as requested by our law enforcement partners and changes to the outfitter and guide laws as requested by the Guide Advisory Committee. We will also likely have a request for changes to the Abandoned Boats, Floating Homes and Boathouses laws based on the work of the Derelict Vessels workgroup. These requests will be presented for approval at the January or April Board Meeting.
- .05 An all agency heads meeting was held on October 11. State Chief Operating Officer Michael Jordan provided information regarding the ongoing efforts to reinvent state government. I will share any relevant information at the Board Meeting.

National Association of State Boating Law Administrators

- .01 The annual meeting of NASBLA was held from September 11-14, 2011 in Milwaukee, WI. In addition to my attendance at the meeting, Randy Henry attended as did MariAnn Koloszar as a conference assistant. MariAnn's travel, room and conference fees were paid by the Association, so OSMB just had to pick up some miscellaneous items and per diem.

- .02 Randy Henry was presented with the Waterways Management Award from the Association. This was a very deserving award for Randy and represents the great work that he has been doing specifically related to boater conflict around the state.
- .03 Dusty McCoy, CEO of Brunswick Corp, the largest boat manufacturer in the world, provided his insights into the current status of the boating market and his thoughts on future trends.

Key Take Aways

- New boat sales are at historical lows
- Boats in use have started to decline after a 15 year up cycle
- Powerboat owner's average age is increasing
- Age of boats is increasing
- But – participation is up and growing
- Opportunity to convert 200 million people to boating participation
- Focus –
 - Attracting younger people
 - Remove reasons not to participate
 - All races and ethnic backgrounds

- .04 This was my final conference as the Boating Law Administrator (BLA) for Oregon. Beginning in 2012, Marty Law will serve in the capacity of BLA and will be our representative with the Western States and National Association. This change is reflective of the shift in responsibility by creating the Boating Safety Section and appointing a manager with responsibilities for enforcement and education. Most BLAs in the country serve in a similar role with programmatic oversight of the boating safety function in their state.

Outreach

- .01 Bill Sheretz and I made a trip to the Northeast part of the state from July 20-22. We spent a day underway with the Wallowa County SO on Wallowa Lake, and the following morning underway with the Union County SO on Wolf Creek Reservoir and then visited Pilcher Creek Reservoir and Thief Valley Reservoir. The following day I floated part of Section 1 of the Deschutes River with OSP and Bill spent the day with Jefferson County SO. On July 29, I spent the day with Clackamas County SO, patrolling both the Clackamas and Willamette Rivers. Both of these visits were excellent opportunities to see the great work that our law enforcement partners perform as well as look at the boating facilities at those locations. On the trip east, we also stopped in Boardman and Arlington to see those facilities, since both submitted grant requests this biennium.

- .02 Marty Law and I had meetings with the Benton County Sheriff and Lane County Sheriff to discuss their programs as well as a meeting with Oregon State Sheriff's Association representatives to discuss contracting issues. Marty Law will provide a more comprehensive brief on the status of those discussions.
- .03 I attended the Oregon Ports meeting hosted by Business Oregon. This meeting was primarily focused on the commercial side of port operations, but it was an opportunity for OSMB to stay connected with the ports and offer assistance to them on the recreational side. During the port roundtable, there were many positive comments about how OSMB Boating Facilities staff has done such a great job to support the ports.
- .04 On September 27, Board Member Quinsey and I met with Commissioner Nick Fish in Portland. Commissioner Fish oversees Portland Parks, which manages a number of boating access sites in the city. At the meeting we discussed our mutual interest to support all forms of boating in Portland and a desire to work closer together to help minimize miscommunication. We agreed to start holding regular meetings where the city can update us on issues and plans related to their boating facilities, and we can, in turn, provide input based on information we have received from boaters.
- .05 On October 6, I attended a briefing in Coos Bay on the LNG terminal, progress to date and upcoming plans. This meeting included the new Coast Guard Sector Commander, the Commanding Officer of MSU Portland, the Commanding Officer of Group/Airstation North Bend and representatives from Department of Energy, Coos County and Coos County SO.

Rules and Laws

- .01 As requested by a Board member, we did some additional research into OSMB authority over commercial vessels. We received a preliminary opinion from the Attorney General's Office and we are waiting for a final opinion to present to the Board. Once we receive this opinion, we will share it with the Board and discuss how to move forward on existing rules that may be impacted by this opinion.
- .02 Through the process of interpreting the statutes, we have found that we may need to write additional rules pertaining to exclusions for titling and registering commercial vessels. The AG's office will be proposing some ideas for our consideration.

Public Affairs

Distributed News Releases:

October 2011

10/03/2011

[Columbia County Officers Honored for their Life Saving Efforts](#)

[Curry County Marine Patrol Honored for Life Saving Efforts on the Chetco River](#)

[OSP Trooper Honored for Life Saving Efforts](#)

September 2011

9/30/2011

[Marine Board Recognizes Sr. Deputy with Top Honor](#)

[Marine Board Honors Lane County Deputy with Top Recognition](#)

[Josephine County Boat Ramp Receives Small Access Project Award from SOBA](#)

9/29/2011

[Marine Board Recognizes Marion County Volunteer](#)

[Marine Board Recognizes Klamath County Volunteers](#)

[Marine Board Recognizes Trooper with Top Honor](#)

[Marine Board Honors Jefferson County Marine Patrol Captain](#)

9/27/11

[Kayakers, Rafters Urged to Avoid North Santiam Construction Site](#)

9/19/11

[Marine Board to Hold Public Meeting for Proposed Outfitter/Guide Rules in Bend](#)

9/15/11

[Marine Board Analyst Receives Waterways Management Award](#)

August 2011

8/30/11

[Gold Beach Offers Top Training Conditions for Marine Law Enforcement](#)

[Marine Board Considers Revising Maintenance Assistance Program Rules](#)

[Labor Day Weekend on the Water -Wet Fun & Sun](#)

8/25/11

[Mandatory Boat Inspections Begin in Oregon](#)

8/19/2011

[Marine Board Seeks Public Comment on Proposed Outfitter and Guide Rules](#)

8/16/11

[Adopt-A-River Does a Waterbody Good](#)

8/5/11

[Marine Board Lifts Closure of Willamette near I-5 Bridge Construction](#)

8/2/11

[Drift Boat Training Set for Improved Patrols on the Rogue](#)

8/1/11

[Marine Board Approves Grant to Replace Dump Stations on Hagg Lake](#)

[Marine Board Approves Grant for Pumpout and Dump Station on Foster Reservoir](#)

[Marine Board Approves Grant for Floating Restroom on Timothy Lake](#)

July 2011

July 27, 2011

[Marine Board Approves Grant for ODFW Boating Access Site on Siletz River](#)

[Marine Board Approves Grant for Clearwater Park Boat Ramp](#)

[Marine Board Approves Grant for Canal Dredging on Tenmile Lake](#)

[Marine Board Approves Grant for Santiam Rest Area Ramp Replacement](#)

[Marine Board Approves Grant for Hyatt Lake Boat Ramp Improvements](#)

[Marine Board Approves Grant for Bradley Lake in Coos County](#)

[Marine Board Approves Grant for Final Phase of the M. James Gleason Boat Ramp](#)

July 26, 2011

[Marine Board Approves Grant for Marshall Island Boat Ramp Replacement](#)

[Marine Board Approves Grant to Replace Dock on Olive Lake in Grant County](#)

[Marine Board Approves Grant for New Boating Facility at Nichols Park](#)

July 14, 2011

[Milestone Reached in Marine Board's Clean Marina Program](#)

July 11, 2011

[Marine Board Approves Grant for Port of Arlington](#)

[Marine Board Approves Grant to City of Keizer](#)

[Marine Board Approves Grant to City of Independence](#)

July 7, 2011

[Marine Board Approves Grant for Wallowa Lake Boating Facility Improvements](#)

Website Transition

The Marine Board has been selected as a pilot transition agency with the new web host/provider, NIC USA, and will begin transitioning in November. A project manager will be assigned to work with agency staff to ensure our content is migrated correctly and smoothly. This process also includes migrating embedded code for YouTube videos, interactive maps, and other programs.

Boat Shows

01. A new Boat Show Committee has been convened to develop and coordinate the logistics of family-friendly boating safety activities. The committee has met twice to discuss new ideas and will next work on implementation of those ideas.
02. Some of highlights include:
 - a. Using an interactive Wii boating game to engage kids, after answering a boating safety question.
 - b. Paddlecraft station –complete with a kayak and what a paddler needs to take with them out on the water to be properly prepared
 - c. Power-loading interactive display using a fish tank, gravel, a toy boat and a “ramp.” With the help of a mechanical aerator, show how the wash from a transom can undercut the toe of a launch ramp. The display will also include pictures of damaged ramp toes and damaged boat trailers. This would be located near the aquatic invasive species display to also tie in why boaters should not put into practice, “fresh water back-flushing.”

Partnership Opportunities

01. The Portland Yacht Club extended an invitation to the Marine Board, members of local angling groups, the Department of Fish and Wildlife, and the U.S. Coast Guard to hear a compelling presentation by Columbia River Bar Pilot, Paul Amos about near-misses with boaters who are anchoring in the main commercial shipping channels. Their next meeting is scheduled for October 17 at the Portland Yacht Club. Several years ago the Marine Board partnered with the Coast Guard to produce a brochure about boater’s responsibilities, and the Coast Guard conducts annual campaigns on the subject, with little impact. The Portland Yacht Club wants to start the dialog again and develop an outreach plan to improve education to this select population of boaters before tragedy strikes.
02. During this meeting, the Marine Board would like to open up dialog with the Yacht Clubs to solicit their input in helping create a “Cruising Page” for the Marine Board website that can be shared through their respective clubs as well.

October 26, 2011

Item B Business Services Program Report

2009-11 Biennium

01. Performance to the Budget

The Agency is approximately 98.5% through closing out the 2009-11 biennium as of September 30th with approximately \$412,000 more expenditures and \$1,025,000 more revenue to collect. The revenue is attributed to the finish up of the USCG's Recreational Boating Safety Grant fourth quarter invoice collection.

02. Cash Management

The legislatively adopted budget for 09-11 authorized the agency to spend down ending balance by \$1.6 million and reduced the agency ending balance on paper from \$3.4 to \$1.8 million. This budget also was based on a continued upward trend in revenue. As a result of agency efforts to reduce expenditures, 2009-11 ended with a net loss of only \$538,000, which positioned us well for a shift in legislative direction to keep approximately \$4 million in ending balance. After reconciling the budget system to our State Treasury account, we identified a discrepancy in a past revenue timing recognition from previous biennia. Likely, this was related to the timing of fuel tax revenue. At this time, the treasury balance remains strong, exceeding \$8 million.

03. Savings

This biennium will spend approximately 7% less than the 2007-09 biennium.

2011-13 Biennium

01. As of this writing, the formal budget is through the first of two audits. Senate Bill 5008 impacted virtually all state agencies and reduces OSMB's budget limitation by approximately \$12,000 due to reductions in central government charges from the Department of Administrative Services and the Secretary of State's Audit Division. After the second audit is completed, work on the budget book will start.

02. First Steps in Budget Implementation

- a. The new budget codes are in place and the first budget reports will be issued after the section budget requests are summarized.
- b. A meeting will be held to project the USCG grant budget for the new budget period and the future budget period. The Coast Guard has indicated they want states to apply before December 31st, rather than the traditional April/May schedule.
- c. October 17th was the deadline to propose budget adjustments to the Interim Joint Ways & Means Committee. This is essential if the agency wishes budget adjustments in the February 2012 Legislative Session.

03. Expenditures from State funds in this biennium compared to the same time past biennium are 51% less.

Agency Operations

01. Financial Management

- a. County Law Enforcement payments will be made first with Federal funds, then with state funds, in order to maintain a higher treasury balance for a longer period to earn more interest income.
- b. Financial reports from the state accounting system were reduced by 60% saving approximately \$65 per month. Many essential reports can be made from the desk of staff with reduced time-lag and fresher data. A subscription for Government Accounting Standards was cancelled saving \$460 per biennium. This information is publically available via Internet.
- c. The OSMB Trial Balances are now cleaned up. There was inaccurate relic data from before 2005. If OSMB had a financial audit, we would stand a better chance of passing it now.
- d. Managers are now approving most of their programs expenditures and applying accounting coding. Prior to this, there was little or no managerial review before expenditures were made except for payroll. Expenditure signature authorization levels will be reviewed in the coming months and documented centrally.
- e. Financial policies and procedures will be examined, summarized, and posted on shared drives in conjunction with a review of internal controls.

02. Staff

Business Services employees have been encouraged to seek and take appropriate and free or low cost training. Staff are involved in designing accounting requirements and reports for the new Marine Board Registration System. The Business Service Manager had grant administration training for USFWS and USCG grants.

October 25, 2011

Item C: Registration Section Program Report

Registration Statistics

01. Boat registration renewals reached 70,058 as of the end of August. Renewals for registration expiring 12/31/2012 will continue until October 31, 2011.
02. The total count of actively registered boats as of October 3, 2011 is 168,971 compared to 174,356 October 4, 2010. The Monthly Registration Workflow statistics is attached to this report.
03. Online boat registration renewals equal approximately 29% which is considered very high by state e-commerce standards. Online renewals are the preferred option for customers because of the 24/7 availability and the printable temporary permit to allow use of the boat right away. The Marine Board absorbs credit card processing fees, and the upload to the database for accounting and order fulfillment is automated. The cost of opening letters and processing checks is about equal to credit card processing fees.
04. Registration specialists continue to review applications and process transactions. As shown on the Monthly Registration Workflow statistics, 5,994 documents were processed during the month of August. This equates to approximately 1000 transactions processed per registration specialist considering answering telephones, opening, batching and entering transactions into the database. Two of the registration team primarily open mail, enter transactions, print and mail decals and agency mail, and file. Two of the registration specialists cover the front desk answer calls for the entire agency, assist walk-in customers and work batches. Four plus one half-time registration specialists work boat title and registration transactions, floating property titles, outfitter/guide registrations and charter vessel licenses. The administrative specialist, Melinda Harrison serves as the team leader and agent liaison as well as backup to supervise the team.
05. The new 2013 registration decals have arrived and are acclimating before we begin issuing them on November 1st. Melinda Harrison is coordinating the approximate 90,000 renewal notices to be mailed this season. Melinda has received input on the form's primary information from other agency staff and has submitted job orders with DAS Printing & Distribution which includes ordering perforated stock for printing of primary information, ordering return envelopes, coordinating the postal service address updates and variable data test and final printing. She is working with the online vendor, the mainframe and online database programmers to prepare for the switchover in registration on November 1st to begin issuing decals expiring 12/31/2013.
06. Yearend statistics of Outfitter/Guide Registrations and Licensed Charter Vessels is attached to this report. The total number of actively registered outfitter/guides has declined slightly to 1,007 and the number of licensed charter vessels has increased slightly to 256.
07. The approximate 35 hunting guides participating in the Non-Resident Hunt Tag Allocation Program will have submitted their applications and been certified to ODFW at the time of this report. ODFW runs the tag lottery which enables outfitter/guides to sell guided hunts to non-residents through April 1, 2012 for the 2013 hunt season.

08. Amy Mateos and Melinda Harrison have ordered outfitter/guide, charter vessel and AISPP tags and decals in preparation for renewals due the end of December. Renewal notices for the Outfitter/Guide and Charter Vessels will be mailed mid-November.

Registration Agents

01. There are 87 Boat Registration Agents statewide.
 - a. Three agents, McCuddy's Boat Brokerage of Portland (July), Cycle Sports of Eugene and Salem (July), and Channel Marine Services of Scappoose (September), were cancelled due to their inability to submit transactions and fees in a timely manner.
 - b. Two agents, Swan Island Marine of Portland (August) and Fun Country of The Dalles (September), terminated their agreements due to the economy.
 - c. Two new agents, Union County Sheriff's Office (July) and Great Basin Sporting Goods of Hines (August), have signed an agreement to serve Oregon boaters.

Project Updates

01. The Outfitter/Guide Consideration for Adoption of Rules will be presented by Randy Henry. Additional legislative concepts may be presented at a later date in relation to the recommendations by the Guide Advisory Committee relating to fees and certification requirements to ODFW for the Non-resident Hunt Tag Allocation Program.
02. The new Marine Board Registration System (MBRS) contract negotiations with Iron Data have begun at DAS with our State Procurement Analyst, Mary Mattison. A draft of the Statement of Work and Project Milestone Chart will have been submitted to Mary at the time of this report. The contract should be finalized within the next month and more information will be shared at the January board meeting. The project components include:
 - a. Boat Titling & Registration Data Table Structure
 - b. Boat Titling & Registration Data Entry and Transaction Review/Completion
 - c. Accounting Daily Activity and Reconciliation Reports
 - d. Boat Titling & Registration Print File Generation
 - e. Search Capabilities, internal and external
 - f. Access for customers to update information
 - g. Generation of Annual Boat Registration Renewal Notices
 - h. Floating Home tables, screens, search capability, on-demand printing
 - i. Data Migration (Mapping)
 - j. Data Testing and Transition (Migration)
 - k. Documentation
 - l. Outfitter/Guide Registrations
 - m. Charter Vessel Licenses
 - n. Aquatic Invasive Species Program / Online Store
 - o. Mandatory Education Program / Online Store
 - p. Staff Training
 - q. Custom development not already included in the COTS software
 - r. Ongoing Technical Support
 - s. Hosting Services

October 26, 2011

**Item D: Rulemaking Consideration on the Aquatic Invasive Species (AIS) Program
OAR 250-010-0650 and OAR 250-010-0660**

Purpose

The purpose of this rulemaking consideration is to amend rule OAR 250-010-0650 to clarify the permit presentation requirement and to remove the violation language; and to adopt new permanent rule language, OAR 250-010-0660, which will allow inspections of recreational and commercial watercraft for the presence of aquatic invasive species at check stations.

Background

- .01 As a result of the 2011 Oregon Legislative session, House Bill 3121 lowered the AIS violation amount from \$142 to \$50 for motorboats and \$30 for non-motorized boats. Governor Kitzhaber signed House Bill 3121 on June 16, 2011.
- .02 The Marine Board adopted temporary rule language on August 18, 2011, OAR 250-010-0650, and removed the statutory Class D violation language (see attached). Prior to the expiration of the temporary rule, staff will recommend rule language which will require the boater to produce the AIS permit for inspection upon request from a law enforcement officer. Staff will report back to the Board in January 2012.
- .03 During the 2011 Oregon Legislative session, the state was granted the authority to require watercraft to stop at an open inspection station to look for the presence of aquatic invasive species. House Bill 3399 granted this authority to the state and Governor Kitzhaber signed House Bill 3399 on August 2, 2011.
- .04 With input from partner agencies and DOJ language approval, the Marine Board temporarily adopted a new rule on August 23, 2011, OAR 250-010-0660, Watercraft Inspection Stations (see attached). Prior to the expiration of the temporary rule, staff will review and recommend rule language detailing AIS inspection station requirements for OAR 250-010-0660 and report back to the Board in January 2012.

Recommendation

Staff requests that the Board authorize rulemaking to adopt, open and amend OAR 250-010-0650 and OAR 250-010-0660.

Aquatic Invasive Species

250-010-0650

Aquatic Invasive Species Prevention Permit

(1) Definitions:

(a) "Manually powered boat" means any watercraft as defined in ORS 830.005(2), but not a motorboat as defined in 830.005(6).

(b) "Aquatic Invasive Species Prevention Permit" is an authorization issued by the Oregon State Marine Board (Board) or through designated agents that certifies payment to the Aquatic Invasive Species Prevention Fund.

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

(d) "Valid temporary permit" means a temporary aquatic invasive species prevention permit generated from a person purchasing a permit from a designated Internet agent.

(e) "Eleemosynary" means an organization supported by gifts or charity which is operated primarily as a part of organized activities for the purpose of teaching youth's scout craft, camping, seamanship, self-reliance, patriotism, courage and kindred virtues.

(2) Permit Rules:

(a) A person may not operate a manually powered boat that is 10 feet or more in length, or a motorboat of any length, or a sailboat 12 feet or more in length, on the waters of this state without first obtaining an aquatic invasive species prevention permit from the Board or designated agent.

(b) The aquatic invasive species prevention permit for manually powered boats may be issued as either an annual or biennial permit to be carried or otherwise displayed on the boat. The biennial permit is valid for two calendar years and will cost double the annual permit as described in ORS 830.570 and 830.575.

(c) The owner of a boat for which fees for a certificate of number or registration under ORS 830.790(1)(a)(b)(c) are required will pay an aquatic invasive species prevention permit surcharge of \$5 per biennium at the time of boat registration.

(A) The registration validation stickers are in lieu of an Aquatic Invasive Species Prevention Permit as described in (1)(c).

(B) The validation stickers are non-transferable.

(d) Persons age 14 and older operating manually powered boats that are 10 feet or more in length shall have a valid aquatic invasive species prevention permit or valid temporary permit on board when the boat is in use on the waters of this state.

(e) Out-of-state motorboats and out-of-state sailboats 12 feet in length or more shall carry a non-resident aquatic invasive species prevention permit on board when in use on waters of the state.

(A) Motor boats and sailboats 12 feet in length or more, registered in Washington or Idaho, that launch directly into waters that form a common interstate boundary, or launch in Oregon tributaries within one mile of these waters, that have a current boat registration, Coast Guard documentation, or an aquatic invasive species prevention permit issued by the States of Idaho or Washington, are exempt from the non-resident Oregon aquatic invasive species prevention permit.

(B) Manually powered boats from Idaho that are 10 feet or longer and affixed with an Idaho Aquatic Invasive Species Prevention sticker, and all manually powered boats from Washington, are exempt from Oregon aquatic invasive species permit carriage requirements when launching into waters that form a common interstate boundary, or when launching into Oregon tributaries within one mile of these waters.

(f) Non-motorized and out-of-state resident permits are transferrable. The name on the permit does not need to match the name of the person operating the boat. Persons may purchase multiple permits for use by family and friends.

(g) Operators of manually powered boat liveries, and guides using manually powered watercraft for group-guided activities, may qualify to purchase aquatic invasive species prevention permits at a discounted rate described in ORS 830.575. To qualify for the discounted rate:

(A) These operators shall register with the Board by documenting current business status as a livery.

(B) All boats rented by the livery must be clearly labeled with the livery name.

(h) Clubs or organizations that possess or own boats for communal use by members, participants, racing teams, or for public educational purposes except as exempted under this rule, may purchase aquatic invasive species prevention permits under the name of the organization or the club's presiding officer or secretary.

(A) For racing shells, dragon boats or resident boats exempt from registration under OAR 250-010-0150(2), aquatic invasive species prevention permits numbering not less than the maximum number of boats in use on the water at any given time during a planned event may be held by the event organizer, coach or other designated person at the event site as long as the permits are readily available for inspection by a peace officer.

(B) A \$5 annual or \$10 biennial aquatic invasive species permit may be held as described in (2)(h)(A) for events involving motorized race boats which are owned by Oregon residents but that are otherwise exempt from registration under OAR 250-010-0150(2).

(i) The Board or designated agent may issue a temporary aquatic invasive species prevention permit to an individual who pays for the permit using a Board designated Internet agent.

(A) The temporary aquatic invasive species prevention permit will be valid for 14 days from the date of issue listed on the temporary permit.

(B) Each temporary permit shall contain a unique number that corresponds to the electronic record for the individual named on the permit and to the annual permit.

(j) A person is considered in violation of the provisions contained this rule and subject to the penalties prescribed by law when they:

(A) Alter an aquatic invasive species prevention permit; or

(B) Produce or possess an unauthorized replica of an aquatic invasive species prevention permit; or

(C) Exhibit an altered aquatic invasive species prevention permit to a peace officer.

(k) The aquatic invasive species prevention permit expires on December 31 of the year indicated on the permit.

(l) The following vessels or classifications are exempt from the requirement to carry an aquatic invasive species prevention permit:

(A) State-owned boats

(B) County-owned boats

(C) Municipality-owned boats

(D) Eleemosynary-owned boats which a supervising adult can confirm through documentation are engaged in an organization-related activity.

(E) A ship's lifeboat used solely for lifesaving purposes

(F) Seaplanes

(G) Federal government-owned boats

(H) Surfboards, sailboards and kite boards.

~~[(m) Violation of the provisions contained in this rule is punishable as a Class D Violation.]~~

Stat. Auth.: ORS 830 & HB 2220

Stats. Implemented: ORS 830.110

Hist.:

Watercraft Inspection Stations
250-010-0660

- (1) For the purpose of this rule, the following definitions apply:
- (a) “Check Station” is a location in Oregon that a watercraft inspection team has designated for conducting watercraft inspections for aquatic invasive species.
 - (b) “Decontamination” is the removal of aquatic invasive species from a watercraft.
 - (c) “Inspector” is an individual certified and authorized by the Oregon Department of Fish and Wildlife to conduct boat inspections for aquatic invasive species.
 - (d) “Inspection Certificate” is a form used by the inspector to conduct and record watercraft inspection information.
 - (e) “Seal” is a plastic zip tie or cable with a unique number that is affixed to the trailer or other device to carry or convey the watercraft.
 - (f) “Watercraft Inspection Team” is one or more inspectors authorized to inspect for aquatic invasive species on all types of watercraft being transported over roads.
 - (g) “Watercraft” are recreational or commercial, motorized and non-motorized boats, including canoes, kayaks and rafts, as provided in ORS 830.005, and any equipment used to transport a boat and any auxiliary equipment, as provided in ORS 570.850.
- (2) The watercraft inspection team will select Oregon locations to conduct mandatory watercraft inspections as described in the Oregon Department of Fish and Wildlife Aquatic Invasive Species Watercraft Inspection Handbook. Signs will be placed along roads, as prescribed by the Oregon Department of Transportation, directing motorists transporting a watercraft over roads to a designated inspection station.
- (3) The watercraft inspection team will inspect every watercraft that enters the check station for the presence of aquatic invasive species and may order decontamination of the watercraft. The inspection will include the hull, motor, propulsion system or component, anchor or other attached apparatus, trailer or other device used to transport the boat, and the bilge, live-well, motor-well and other interior locations that could harbor aquatic plants or animals.
- (4) The watercraft inspection team will complete, submit and file an inspection certificate with the Oregon Department of Fish and Wildlife for each watercraft inspection conducted.
- (5) The watercraft owner, operator or carrier must provide to the inspector, on request, his or her name and ZIP code. If an inspector determines that decontamination is required, the owner, operator or carrier must provide the additional information requested on the inspection certificate form including contact information.
- (a) The decontamination process will include the hull, motor, propulsion system or component, anchor or other attached apparatus, trailer or other device used to transport the watercraft, bilge, live-well, motor-well or other interior location that could harbor aquatic plants or animals.
 - (b) Means of decontamination include, but are not limited to, one or more of the following: hot water washing or flushing, high-pressure water jets, hand removal and chemical treatment as determined necessary by the watercraft inspection team.
- (6) The inspector will determine that the watercraft is a severe risk if the boat contains quagga or zebra mussels or other high risk aquatic invasive species, or is of a design that prevents or inhibits effective on-site decontamination. In such cases, the inspector will place a seal on the watercraft indicating potential contamination. Only the inspector may attach this seal. Tampered, broken or removed seals are void.
- (7) When the inspector determines the watercraft is clean or fully decontaminated, the inspector will attach a seal between the watercraft and trailer or other carriage device indicating a completed inspection. Only the inspector may attach this seal. Tampered, broken or removed seals are void.

Stat. Auth.: ORS 830.110

Stats. Implemented: HB3399 and ORS 570.855

Hist.:

October 26, 2011

**Item E Rulemaking Consideration of Changes to BUII Rules
 OAR 250-010-0400 thru 250-010-0460**

Background:

01. The purpose of the rule action is to modify and consolidate current BUII rules.
02. The proposed rule changes are attached.
03. At the June 2011 Board Meeting staff received permission from the board to initiate the permanent rulemaking process.

Comment Process:

Staff listed the proposed rules in the September 2011 Secretary of State *Oregon Bulletin* and requested public input. There were two comments received, both favorable (see attached).

Recommendation:

Staff recommends that the Board adopt the amendments to OAR 250-010-0430 and 250-010-0440 and the repeal of OAR 250-010-0400, 250-010-0450 and 250-010-0460.

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](#) & [ORS 830.505](#) - [ORS 830.550](#)

Stats. Implemented:

Hist.:

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 chapter 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 chapter 257, division 30 or as approved by the Board in OAR 250-010-0440.]~~

~~(1) [(3)] The chemical analysis of a person's breath for alcohol can be performed using breath testing equipment as approved under OAR 257-030-0040~~

~~**(2) Accuracy testing of approved breath testing equipment shall be performed in accordance with OAR 257-030-0170.**~~

Stat. Auth.: ORS 830.110 & 830.505 - 830.550

Stats. Implemented: ORS 830.535

Hist.:

250-010-0440

Qualifications and Training 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]~~ **State Marine Director**.

(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.]~~

~~**(3) 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 State Marine Director will provide training in the operation of approved breath test equipment for individuals qualified under OAR 250-010-0440.**~~

~~**(4) The Oregon State Police or the State Marine Director will provide a course of instruction as outlined in OAR 257-030-0160.**~~

Stat. Auth.: [ORS 830.110](#) & [ORS 830.505](#) - [ORS 830.550](#)

Stats. Implemented: [ORS 830.535](#)

Hist.:

[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.]

Stat. Auth.: ORS 830.110 & 830.505 - 830.550

Stats. Implemented: ORS 830.535

Hist.:

[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](#) & [ORS 830.505](#) - [ORS 830.550](#)

Stats. Implemented: [ORS 830.535](#)

Hist.:

Boating Under the Influence of Intoxicants

250-010-0430

Chemical Analyses

- (1) The chemical analysis of a person's breath for alcohol can be performed using breath testing equipment as approved under OAR 257-030-0040
- (2) Accuracy testing of approved breath testing equipment shall be performed in accordance with OAR 257-030-0170.

Stat. Auth.: ORS 830.110 & 830.505 - 830.550

Stats. Implemented: ORS 830.535

Hist.:

250-010-0440

Qualifications and Training 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 State Marine Director.
- (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:
- (3) 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 State Marine Director will provide training in the operation of approved breath test equipment for individuals qualified under OAR 250-010-0440.
- (4) The Oregon State Police or the State Marine Director Board will provide a course of instruction as outlined in OAR 257-030-0160.

Stat. Auth.: [ORS 830.110](#) & [ORS 830.505](#) - [ORS 830.550](#)

Stats. Implemented: [ORS 830.535](#)

Hist.:

October 26, 2011

Item G Report on Advisory Committee Review of Maintenance Assistance Program

- .01 Staff conducted two training workshops for MAP Grant participants. The main purpose of the workshops was to provide consistent and thorough information about MAP grants, maintenance activities, and grant reporting.
- .02 The first workshop was held in Sunriver on September 7 in conjunction with the Oregon Parks Association annual conference. A total of 47 participants attended this workshop
- .03 The second workshop was held on October 19 in Salem at the Kroc Center. This workshop attracted 70 participants.
- .04 The training was a day-long event, which staff also elected to use as an opportunity to facilitate discussions relating to the Maintenance Assistance Program.
- .05 Janine Belleque, Grants and Contracts Coordinator, facilitated the meeting; Wayne Shuyler, Boating Facilities Section Manager, scribed the discussions for the group; and Jennifer Peterson, Administrative Specialist kept a written record.

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.

- .01 Staff proposed substituting MAP Participant match (actual labor and materials already being provided) for the 25% match provided by the Board. This would require a higher level of record keeping for MAP participants but would not change the amount of funds received for maintaining eligible facilities. The change would provide the Board more state funds to apply to other MAP grants or to Boating Facility Grants.
- .02 Several participants questioned whether the amount of record keeping or paperwork would increase. The question was also asked if providing match would trigger an audit.
- .03 As proposed, a rate for worker pay would be established with USFWS and participants would keep a separate log of worker maintenance activities in hourly increments to document match. Participants would also track other expenses such as utilities, supplies, etc., which could also serve as match. The difference is the documentation would have to be provided instead of being only subject to review as part of an audit.

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).

- .01 Proposed changes in this portion MAP program prompted the greatest amount of discussion. Staff presented the following as a possible alternative allocation schedule and solicited comments and alternatives:

Fee of \$0-\$3.00 - no change to allocation
\$3.01-\$4.00 - 33% reduction to allocation
\$4.01-\$5.00 - 66% reduction to allocation
\$5.01 plus - 100% of allocation eliminated

- .02 Most participants recognize fees are becoming more necessary, if not more acceptable to users – particularly if the user knows the funds are being used at the site they are using.
- .03 Another participant suggested a 25%, 50% and 100% factor instead of the one proposed.
- .04 One commenter whose agency does not charge fees suggested providing an incentive such as \$100 additional MAP funds per free site instead of penalizing agencies who must charge fees.
- .05 Another participant suggested revising the 60/40 ratio of MAP to local match to 50/50 instead.
- .06 One participant suggested providing MAP allocations linked more to inflation.

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.

- .01 Staff asked participants if they took advantage of this provision and if the amount was too small or too large.
- .02 Few participants indicated they used MAP funds to purchase small tools. There was no interest in eliminating this provision either.

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.

- .01 Staff asked if this provision was appropriate. There was not an extensive amount of comment or concern for this.
- .02 One participant suggested the peak season could be nine months in some areas.

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.

- .01 Staff asked if participants utilize this provision. Some have and some have not. A few regularly do.
- .02 Staff suggested that the provision could be limited to only those participants that have multiple sites. There was very little concern either way – status quo or to change.

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

- .01 This provision has been in effect since 1999. Staff asked if it was still appropriate.
- .02 One participant suggested that 50/50 would be closer to the actual situation. Another participant recommended leaving it as is.

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.

- .01 Staff suggested reducing the allowable limit to 10%.
- .02 One commenter stated that the percentage should not be reduced if paperwork requirements increase.

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.

- .01 Staff clarified that funds received to maintain CVA-eligible item could not be shifted to non-eligible sites or facilities.
- .02 One participant stated they would like to have more flexibility, like up to 50%.
- .03 Another commenter suggested that participants should be allowed to shift funds but should have to justify any shift above 25%.
- .04 Another participant stated that the program should assess overall compliance and not be concerned about shifting funds. If sites are adequately maintained, why would it matter where funds are spent? If a site is not adequately maintained, participants should be given a year to correct the problem or face consequences.

Policy 93-03 Use of Facility Grant Funds or Maintenance Assistance Funds (MAP) to develop or maintain recreational fish cleaning stations, boat wash facilities, and on-water fuel stations.

- .01 Staff explained that this prohibition could be incorporated into rule and the Policy eliminated.
- .02 Participants asked if OSMB would provide funds for boat wash stations through the AIS Program.
- .03 One commenter expressed concern that boat wash stations built in parking areas might reduce the amount of MAP funds received for parking.

Policy 93-04 Use of Facility Grant Funds or Maintenance Assistance Funds (MAP) to develop or maintain recreational short term overnight moorage facilities associated with upland campgrounds.

- .01 Staff explained that this prohibition could be incorporated into rule and the Policy eliminated. Conversely, the Policy could be repealed and short-term overnight moorage allowed under the grant program and MAP. This could be limited to apply only to boat-in sites only.
- .02 There were a number of questions about this policy but no suggestions or positions expressed.

Policy 93-05 Use of Facility Grant Funds or Maintenance Assistance Funds (MAP) to develop or maintain recreational long term moorage/marina facilities.

One participant asked if this would impact funding for pumpouts at marinas. Staff replied that commercial marinas do not receive MAP assistance for pumpouts.

Policy 93-06 Use of public recreational boat launching facilities for commercial activities developed or maintained using Facility Grants Funds or Maintenance Assistance Funds (MAP).

There were a number of questions about this policy but no suggestions or positions expressed.

Economic Impact of the Potential MAP Program Changes

- .01 Staff asked participants to consider the economic impact of potential changes.
- .02 In general, participants indicated that changes in the fee formula for participation in the program would impact the amount of funds they receive through the program. Depending on the fee formula, participants could receive more or less funding through the program. For the majority of participants, the change would be minor.
- .03 Participants indicated that potential changes may result in a minor increase administrative or record-keeping costs.
- .04 None of the participants indicated that they used small businesses or contractors to help maintain sites and did not foresee any increase in costs to these businesses.

Next Steps in the MAP Program Review Process

- .01 Based on the input received at the workshop, staff will prepare draft rule language, and will file a Notice of Rulemaking for publication in the December 2011 Secretary of State's Bulletin.
- .02 A public hearing will be scheduled in January 2012 to solicit public comment. Staff will also send draft rules directly to all MAP participants for comment.
- .03 Staff will bring final rule language to the Board for consideration and adoption at the April 2012 meeting.

October 26, 2011

Item H Boating Facility Program Report

Interagency Agreement with Oregon Sea Grant

- .01 The Director has signed an Interagency Agreement with Oregon Sea Grant. The agreement essentially contracts with Sea Grant to “. . .enhance compliance with the federal Clean Vessel Act through a program consisting of outreach, education, and technical assistance targeted at recreational boaters and providers of recreational boating facilities located on the Oregon coast. . .”
- .02 Sea Grant has assigned Tania Siemens to be the lead on this project. Tania received her BS in Biology from the University of Oregon and a MS in the Ecology and Management of Invasive Species at Cornell University. In her position with Oregon Sea Grant Tania coordinated a multi-state collaborative effort to address the spread of aquatic invasive species through research on invasive species pathways and designing effective outreach campaigns. As the Clean Vessel Act Education coordinator, Tania will be coordinating and implementing a community-based social marketing campaign designed to increase boater awareness and use of pump out and dump stations.
- .03 Tania attended the September Oregon Ports Quarterly meeting with Director Brewen and will participate in the Pacific Coast Congress of Harbormasters and Port Managers in October. Due to scheduling conflicts, we will not be able to introduce Tania to the Board until the April meeting. She should have a great deal to report at that time.
- .04 The budget for the project is \$200,000 over two years and is entirely funded by federal CVA funds and in-kind match from Sea Grant. There are no state boater funds in this project.

Design Guidelines for Recreational Boating Facilities

- .01 Jeff Smith has completed the update to the Design Guidelines, yielding the 3rd Edition of this highly renowned reference. The Design Guidelines will not be printed but are available online in a downloadable PDF format. The Design Guidelines can be viewed at: <http://www.boatoregon.com/OSMB/BoatFac/DesignGuidelines.shtml>
- .02 This version incorporates many revisions and additions brought about by the increased size of vehicles, trailers, and boats, as well as changes in regulations, new materials and innovations adopted since the Design Guidelines were last published.
- .03 Jeff has done an excellent job in making this document a leading, state-of-the-art reference in the very specialized field of boating facility design. Other engineers and section staff spent many hours reviewing and commenting on draft material. Altogether, this was a true team effort and a labor of love.

Six-Year Plan

- .01 The final revisions have been made to the county needs tables. The tables can be viewed at: <http://www.boatoregon.com/OSMB/BoatFac/SixYear.shtml>

- .02 This is the culmination of staff work that began in 2010. Regional open houses, on-line comments, e-mails, and other input from boaters and managing agencies provided the basis for the plan. Staff evaluated the comments and suggestions and organized the input into standard elements, the cost of which could be estimated using recent pricing in actual grant projects.
- .03 The Six-Year Plan, like the Design Guidelines, will not be printed. Results are available for each county in downloadable PDF format. The Plan is intended to be a living document that can be updated as projects are completed and new needs identified.

Maintenance Assistance Program Workshop

- .01 Two workshops were held for participants in the Maintenance Assistance Program. The first workshop was held in Sunriver on September 7 in conjunction with the Oregon Parks Association annual conference. A total of 47 participants attended this workshop.
- .02 The second workshop was held on October 19 in Salem at the Kroc Center. This workshop attracted 70 participants. Members Carroll, Tonneson, and Quinsey attended this workshop.
- .03 These were the first in-depth workshops ever held for MAP participants. Attendance was required, but participants were allowed to use a portion of their annual MAP grant to cover travel and registration costs.
- .04 The cost of the workshops, aside from OSMB staff travel, was covered entirely by registration fees paid by participants. For their \$50 registration fee, participant received lunch, break refreshments, and a reference manual covering the contents of the workshop and other important information.
- .05 Janine Belleque prepared and delivered much of the workshop content and Jennifer Peterson handled registrations, notebook production, and other important details. Jeff Smith also made a presentation on the new Design Guidelines at both workshops.
- .06 A tremendous amount of work went into these workshops and Janine, Jennifer, and Jeff deserve all the credit for the success of this training. Staff hopes the training will result in enhanced maintenance at participating boating facilities and fewer complaints from boaters.
- .07 In addition to training, staff used workshop participants as an advisory committee to garner comments on the Maintenance Assistance Program. A report on the feedback from participants is provided in Item G.

SOBA News

- .01 Janine Belleque and I recently attended the 25th National Boating Access Conference in La Crosse, Wisconsin. This annual conference is hosted by the States Organization for Boating Access, an organization consisting of representatives of state and federal agencies that manage boating access programs and associated federal grants such as Sport Fish Restoration Motorboat Access, Clean Vessel Act, and Boating Infrastructure Grant programs.
- .02 This was my last conference as a Board member, having served as Past President in 2010-11. I have thoroughly enjoyed my time on the SOBA Executive Board and made valuable contacts with leaders in the boating access field at the state and national level. Janine was nominated and elected to serve on the Executive Board as an at-large representative. Her nomination and election is testament not only to her capabilities but also the high regard boating access professionals have for the Marine Board.
- .03 SOBA announced the winners of the annual awards at the conference. Recognition was given to two Oregon boating projects: Josephine County received the national award for Small Access Projects for the Indian Mary Ramp Replacement project and the Federal Lakes Recreation Committee for Detroit Lake received special recognition for their efforts to secure the low-water launch ramp at Mongold State Park.
- .04 Janine Belleque accepted the award on behalf of Josephine County. The plaque will be presented to Josephine County on November 2 during a Commission meeting. Doreen Ferguson and Mike Cooley plan to attend and accept the award. This award is a major accomplishment for Josephine County Parks and well deserved.
- .05 I accepted the special recognition award on behalf of the Federal Lakes Recreation Committee for Detroit Lake. The plaque was presented to Dave White, Chair of the Committee at the October 19 meeting of the Committee. Chair White and the committee were delighted to have received a national award for their work.
- .06 Attendees at the La Crosse conference were excited about the prospect of coming to Portland in 2013. Staff will now start working in earnest on the program and logistics for this conference.

Chinook Landing Rededication

On October 19, Director Brewen represented the agency at a rededication ceremony of Chinook Landing. Metro commissioners and staff conducted the event. The Marine Board was a major partner in the purchase of the property and construction of this significant public boating facility on the Columbia River.

Injury Claim at Hoover on Detroit Lake

- .01 The Willamette National Forest informed us that they received a claim for damages for personal injuries suffered by a claimant on August 13, 2011. The alleged injuries occurred at Detroit Lake Area - Hoover Campground.
- .02 The claim relates to a metal transition plate on a boat dock near the ramp. The complaint alleges that the metal plating was slippery, causing the complainant to fall and injure muscles, ligaments, tendons, nerves, and other soft tissue of the left leg and knee, and multiple fractures of the left knee.

- .03 Staff reviewed grant records and verified that the dock in question was neither an OSMB design nor funded in any prior grants. This information was communicated to the Forest Service.
- .04 If Board members receive inquiries relating to this site, this incident, or general inquiries regarding OSMB designs, please refer the inquirer to staff for handling.

Boating Facility Grant Updates

- .01 Since the June Board meeting, the following 2009-11 Boating Facility Grants have been successfully completed and/or closed out:

FG#	Grantee	Project	Grant	Final Cost	Over/Under
1389	Harney Co./BLM	Moon Res. Ramp, Parking and Vault Toilet	\$300,000	\$269,873.30	\$30,126.70
1395	Port of Siuslaw	Flush Restroom	\$103,800	\$147,356.29	\$43,556.29
1433	Port of Siuslaw	Pumpout/Dump Station Replacement	\$46,000	\$21,391.82	\$24,608.18
1435	Baker County	Hewitt Park Self-Adj. Float Replacement	\$32,500	\$32,871.47	\$371.47

- .02 The status of 2009-11 grants that were extended to allow work to be accomplished after June 30, 2011 is as follows:











FG#	Grantee	Project	Status
1365	Malheur County	Bully Creek	The water level has not receded. The grant will be closed out without the full length of the ramp constructed as approved.
1402	City of Oregon City	Sportcraft	All work has been completed. Dedication is scheduled for November 14. Final billing is pending.
1407	Port of Toledo	Depot Slough	The Port is trying to amend the dredging permit to allow removal of additional material beneath where the transient floats will go. All materials have been ordered and delivered.
1432	Port of Siuslaw	Boarding Floats	All work has been completed











- .03 To date, the Director has approved two Small Grants in the 2011-13 Biennium. All are complete. A third was received from State Parks for float repair at East Woahink Lake. The request needed to be revised to account for ADA-required components. OPRD will obtain a revised quote and intends to resubmit the request. Below is a summary of the Small Grants awarded.




SG#	Grantee	Project	Grant	Total Cost
1112-01	Jackson County	Float repair at Howard Prairie	\$10,000	\$17,991
1112-02	City of Coquille	Float repair at Sturdivant Park	\$10,000	\$10,800
Total			\$20,000	\$28,791


- .04 A list of grants considered by the Board in 2011-13 and the grant status follows.





20011-13 Biennium Projects – Round One

FG#	Grantee	Location/Project	In-Kind	Cash	Fed/Other\$	OSMB	Total	
1440	Port of Arlington	Arlington Marina	\$18,656	\$25,000	\$0	\$226,259	\$269,915	
	<p>Replace the existing two-lane ramp, piles, and boarding floats with a single-lane ramp, steel piles, and boarding floats.</p> <p><i>Bids have been received and the Port is entering into a contract with Deschutes Construction Co. The bid was within budget. Construction target December 2011.</i></p>							
1441	City of Keizer	Keizer Rapids	\$85,000	\$250,000	\$700,000	\$50,000	\$1,085,000	
	<p>Construct a new boating facility including a one-lane concrete ramp, boarding floats, asphalt access road, pre-fabricated vault toilet, and paved parking.</p> <p><i>Final plans, specifications, and bid package being prepared. November/December 2011 bidding and award. Construction target June 2011.</i></p>							
1442	Wallowa County	Wallowa Lake	\$19,000	\$0	\$0	\$41,000	\$60,000	
	<p>Chip seal parking lot and repair boarding floats.</p> <p><i>Paving has been completed. The bid for dock construction is within the grant award. Dock renovations are pending.</i></p>							
1443	Independence	North Riverside Park	\$171,474	\$0	\$50,000	\$591,000	\$812,474	
	<p>New single-lane launch ramp, boarding floats, piles, vault toilet, asphalt road & parking.</p> <p><i>Final plans, specifications, and bid package being prepared. November/December 2011 bidding and award. Construction target June 2012.</i></p>							
1444	Boardman Park & Recreation District	Parking Rehabilitation	DEFER					
1445	ODOT	Santiam Rest Area	\$36,664	\$43,000	\$191,250	\$63,750	\$334,664	
	<p>Replace the existing graveled-in ramp at an alternate location.</p> <p><i>Final plans, specifications, and bid package being prepared. ODOT to handle bid/award/construction contract. February/March 2012 bidding and award. Construction target May 2012.</i></p>							

FG#	Grantee	Location/Project	In-Kind	Cash	Fed/Other\$	OSMB	Total	
1446	OPRD	Marshall Island Access	\$15,400	\$57,500	\$150,000	\$22,500	\$245,400	
	Replace the existing one-lane concrete ramp and parking area. <i>OPRD to manage bidding/award/construction contract. Construction likely June 2012.</i>							
1447	USFS/Grant County	Olive Lake	\$4,510	\$8,020	\$21,380	\$24,200	\$58,110	
	Replace courtesy dock at the campground. <i>USFS to design and manage bidding, contract award, and construction management. Construction likely July 2012.</i>							
1448	Coos County	Tenmile Lake Canal	\$5,686	\$5,000	\$24,804	\$215,196	\$250,686	
	Dredge the canal connecting North and South Tenmile lakes and mitigation plantings. <i>Final design and specifications provided. No bids were received after the first solicitation. A subsequent solicitation yielded three bids. The County has been authorized to negotiate further to bring the project within budget.</i>							
1449	Lincoln County	A.W. "Jack" Morgan Park	DEFER					
1450	ODFW	Ojalla Bridge	\$11,780	\$0	\$5,000	\$10,000	\$26,780	
	Wetland delineation and minor site clearing. <i>Design & Engineering slated for November/ December 2011. Permit application needs to be prepared after design is accepted.</i>							
1451	City of Winston	Sid & Harold Nichols Park	\$22,736	\$0	\$363,750	\$121,250	\$507,736	
	Construct a new boat ramp, access road, parking, and restroom. <i>Final plans, specifications, and bid package being prepared. April/May 2012 bidding and award. Construction target July 2012.</i>							

FG#	Grantee	Location/Project	In-Kind	Cash	Fed/Other\$	OSMB	Total	
1452	Willamalane Park & Recreation District	Clearwater Park	\$28,160	\$204,000	\$0	\$204,000	\$436,160	
	Construct a new boat ramp and parking area. <i>Final plans, specifications, and bid package being prepared. February/March 2012 bidding and award. Construction target July 2012.</i>							
1453	City of Warrenton	Hammond Marina Paving	DEFER					
1454	Clackamas County	Timothy Lake	\$1,000	\$32,500	\$97,500	\$0	\$131,000	
	Purchase and install a floating restroom. <i>The new state price agreement will be available for use winter 2011. Delivery allows for 90 days. Likely installation July 2012.</i>							
1455	City of Portland	Willamette Park	\$66,850	\$26,534	\$5,000	\$38,425	\$136,809	
	Design, engineering & permitting for dredging, float replacement, and pumpout. <i>Waiting for signed agreement from City to proceed.</i>							
1456	BLM/Jackson County	Hyatt Lake	\$3,653	\$250,000	\$0	\$220,000	\$473,653	
	Replace concrete ramps, boarding floats, transient dock, road & parking at Main Ramp & Mt. View. <i>Design and engineering is complete and specifications and bid package prepared. January/February 2012 target bidding and award. Construction target June 2012.</i>							
1457	City of West Linn	Cedaroak Boat Ramp	DEFER					
1458	Washington County	Henry Hagg Lake	\$0	\$0	\$18,375	\$6,125	\$24,500	
	Replace dump stations at "A" and "C" ramps. <i>Design and engineering is complete. Negotiations are under way with contractor on retainer. Quotes on equipment are being solicited. Installation target February/March 2012.</i>							

FG#	Grantee	Location/Project	In-Kind	Cash	Fed/Other\$	OSMB	Total	
1459	USFS/Linn Co	Detroit Lake	\$6,000	\$0	\$9,000	\$15,000	\$30,000	
	Replace boarding floats at Cove Creek Campground. <i>Standard float drawings to be supplied to USFS. Docks to be rebuilt prior to 2012 boating season.</i>							
1460	Port of St. Helens	Scappoose Bay	\$13,500	\$0	\$5,000	\$10,000	\$28,500	
	Refurbish existing boarding floats. <i>The Port will manage the construction project.</i>							
1461	ODFW	Bradley Lake	\$0	\$9,425	\$375,000	\$125,000	\$509,425	
	Replace the existing ramp, dredge around the ramp, and construct boarding floats. <i>Design and engineering needs to be completed and specifications and bid package prepared. February/March 2012 target bidding and award. Construction target July 2012.</i>							
1462	Port of The Dalles	Columbia River	\$1,600	\$10,471	\$36,212	\$0	\$48,283	
	Provide power to the existing transient tie-up in the Port's marina. <i>The Port will manage purchase and installation.</i>							
1463	Metro	Columbia River	\$9,500	\$330,500	\$800,000	\$233,900	\$1,373,900	
	Install a flush restroom, boat wash station, and renovate the parking area at M. James Gleason Boat Ramp. <i>Final designs need to be agreed to by Metro, OSMB, and KPFF. Boat wash station needs to be designed and incorporated in the layout and circulation. Bid and award target: May/June 2012. Construction target: September 2012.</i>							
1464	Polk County	Buena Vista County Park	DEFER					

FG#	Grantee	Location/Project	In-Kind	Cash	Fed/Other\$	OSMB	Total
1465	OYCC	Summer 2011 Projects	\$70,061	\$0	\$0	\$41,138	\$111,199
	Hire, train, and deploy crew leaders and youth to enhance multiple public recreational boating sites. <i>Crews and leaders have been hired, trained, and deployed. Summer work has been completed and final billing is pending.</i>						
P-32	Edgewater Marina	Foster Reservoir	\$26,769	\$38,173	\$51,938	\$17,313	\$134,193
	Purchase and installation of a pumpout and dump station. <i>Marina operator will purchase and install the dock and equipment.</i>						

October 26, 2011

Item I Operation Policy & Planning Program Report

Salmon River User Conflict

- .01 Staff monitored the Salmon River user conflict issue this summer, communicating regularly with local residents and waterway users. The effort began in April after concerns were raised on the increasing and potentially unsafe use of personal watercraft in the small estuary that is heavily used by manually powered boats and fishing boats.
- .02 On July 2, staff installed a video camera downstream of the boat ramp to monitor traffic over a two week period. The camera was in place and operational for three full weekends, including the July 4 weekend.
- .03 In addition, staff communicated regularly with Lincoln County marine officers and the local homeowners group, and encouraged proactive communications to address illegal operation. Staff also boated the waterway on July 2 to observe a relatively busy day of interaction between crabbers – mostly in motorized boats - and numerous paddlers.
- .04 Reviewing the video data constituted a traffic study of the area and provided information on volume and type of traffic passing in front of the camera during daylight hours. Throughout the two week period, about 31% of the watercraft were motorized fishing boats, 12% were row boats, 49% were canoes and kayaks, about 7% were personal watercraft, and 1% were stand-up paddleboards. Totaled up, that means that 62% were manually powered boats and 38% were motorized boats. This is consistent with reports from local residents.
- .05 It is interesting to note that while 7% of the traffic was from personal watercraft, there were probably only two unique watercraft operating and only on one particular day in a two-hour period. The use, though, was unique in that the craft sped back and forth, as fast as or faster than other motorboat traffic, many times during a two-hour period. The limited focus of the camera did not reveal any specific instances of user conflict.
- .06 Staff also reviewed the rules related to PWC operation and noted the need for clarification that could affect PWC use in this type of waterway. OAR 250-021-0030 Operating Rules:
 - 250-021-0030 (7) No person shall operate a personal watercraft in excess of a slow no wake, maximum 5 MPH speed:
 - (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.
- .07 Note that section (7)(d) specifically lists "bays" as being restricted to SNW operation within 200' of the shoreline. Staff initially believed this to be applicable to the Salmon River mouth, but advice from the attorney general indicates that, without a definition, the term "bay" is not specific enough to apply to the Salmon River mouth. Merriam Webster's Dictionary, the official reference used by the courts, defines "bay" as "an inlet of the sea or other body of water usually smaller than a gulf but of the same general character." This definition does not clarify the issue.

- .08 To determine what the intent of the Board was when this rule was adopted in 1998, staff researched the Board archives and public meeting records from the larger process of setting rules managing personal watercraft. This was a high-profile and controversial rulemaking process that began in 1995 with follow-up rules adopted in 1998. Nowhere in the record could staff find evidence to clarify what was meant by the term “bay.” If only “named” bays are to be used, then the rule applies to Nehalem Bay, Tillamook Bay, Youngs Bay, Netarts Bay, Nehalem Bay, Nestucca Bay, Siletz Bay, Depoe Bay, Yaquina Bay, Alsea Bay and Coos Bay. Under this assumption, the rule would not apply to the Columbia River mouth, the Siuslaw River mouth, the Umpqua River mouth, the Coquille River mouth, the Rogue River mouth or the Chetco River mouth. Further, by relying on geographic names only, and not a definition or a description of what constitutes a bay, there is no way to determine how far up the estuary the rule would apply since there is not a common geographical boundary denoting the named bays.
- .09 As such, staff found no record of a citations being issued under this rule in a bay or estuary in the last few years.
- .10 Options for clarification would be to include “estuaries” in the definition of restricted areas, remove “bays” from the list of restricted areas, or remove the “Salmon River” from a list of exemptions from a general PWC restriction listed in OAR 250-020-0231.
- .11 Staff thanks Lincoln County marine officers for their involvement in this issue. They met with local advocates and followed up with PWC operators on complaints of unsafe operation. Local residents noted that the summer was relatively quiet compared to years past and they were pleased with OSMB and Lincoln County involvement in the effort.
- .12 No specific action is recommended at this time, but staff understands that a rule request will be forthcoming as the US Forest Service updates its management plan for the Cascade Head scenic area.
- .13 Staff is willing to entertain direction regarding the vague application of “Bay” to the existing PWC rules.

Holgate Channel Update

- .01 Combined with the short-term rules related to the Zidell reclamation site and the TriMet bridge construction project, boaters and law enforcement officers faced a challenging boating season in the Ross Island / Holgate Channel area of the Willamette River.
- .02 As such, this summer was another educational opportunity helping boaters understand the new rules, improving signage, working creatively with the media, and answering many angry phone calls.
- .03 Staff met with local paddle boat organizations and law enforcement in mid-July to better understand the source of complaints and problems related to the new rules and observe examples of violations and non-compliance. A tour of the area demonstrated that the large white drums located in the middle of the channel for barge anchoring were very confusing to boaters and drew attention away from the slow-no-wake buoys that marked the TriMet construction area.
- .04 The Marine Board’s law enforcement section worked closely with Multnomah County marine officers to implement better signage, flyers, buoy placement and other actions to improve compliance.

- .05 Staff thanks Multnomah County for the hard work of implementing a rule for which many casual boaters had no knowledge. Multnomah County issued 29 citations or warnings in the Holgate Channel / Ross Island Lagoon specifically since June 4. Nearly 60 warnings and citations were issued on the mainstem Willamette since July 1. Multnomah County also took the lead in placing a large floating sign at the south entrance to the Holgate Channel, and in placing a large 4x8' sign at the Willamette Park boat ramp. Staff created and provided a leaflet with the new rules for distribution by boat organizations, law enforcement and city parks staff.
- .06 Staff began efforts to install a video camera at the Ross Island Sand & Gravel boat house, but faced technical problems and a burned out video recorder. Fortunately by late August, enforcement and public knowledge of the new rules had improved enough that complaints subsided.
- .07 This season was very much a work in progress, and there was steady improvement throughout the summer. While there were calls from unhappy motorboat operators about the new rules, we did receive letters of support thanking the Board for their efforts and noting improvements in the safety and congestion in the area.
- .08 Staff recognizes the efforts of Board Member Jean Quincy for working with local constituencies and commercial operators to improve operational understandings between the different user groups which helped address user conflict issues between paddlers, rowing clubs and commercial operators. This was a very helpful effort during an extremely busy summer.

Willamette River Eugene Emergency Rule

- .01 In late June the Lane County Sheriff's Department and Eugene Springfield Fire and Rescue formally requested the Board to close the Willamette River to all boating at the location of the I-5 Bridge construction project at Eugene. The construction site had expanded across the river and, with the unseasonably high flows, had several near-fatal accidents that resulted in difficult rescues.
- .02 Director Brewen visited the site and supported the request for closure. Temporary rule action was taken and the river was closed beginning July 1.
- .03 By late July the water level declined to the point where staff, based on conversations with constituents in the Eugene area, asked Lane County and Eugene Springfield Fire and Rescue to review conditions to see if the closure could be lifted. They agreed that the hazard had subsided and the closure was lifted on August 5.

Federal Waterway Authority Discussion

- .01 Board member George Tinker requested information on federal authority to implement rules that affect boating on waters of this state. This discussion will provide a list of non-state regulations, background and several examples for how these rules develop or evolve.
- .02 ORS 830.040 plainly states that **"No political subdivision of this state** may enact or enforce any law contrary to the provisions of this chapter." This law makes it clear, and we have used it several times, that county, city or other local jurisdictions do not have authority to enact boating restrictions. There is a clear process set up in statute and rule for these jurisdictions to bring rule requests to the Marine Board for consideration, but they cannot adopt their own. In recent years we have issued letters to several county commissions reminding them that they do not have this authority and they will be in violation of state law should they proceed to rulemaking.
- .03 Federal agencies, though, do have specific authority to enact boating restrictions in some instances. On federally navigable waterways, the US Coast Guard and US Army Corps of Engineers has authority to enact regulations. On federal Wild & Scenic River designations the USFS and BLM have also implemented regulations.
- .04 Relevant to this discussion is ORS 830.110 Powers and duties of board. It states "In addition to the powers and duties otherwise provided in this chapter, the State Marine Board shall have the power and duty to: (3) Cooperate with state and federal agencies to promote uniformity of the laws relating to boating and their enforcement." The operative term "shall" obligates the agency to embark on these cooperative efforts. And generally there is cooperation.
- .05 On waterways that are not federally navigable and have no other federal designation, regulatory efforts historically occur through a cooperative process. Fourmile Lake in the Klamath National Forest is an example of the Forest Service working through the Marine Board to establish a boating restriction. The small reservoir had been posted locally for years as a 10 mph lake. When Klamath County pointed out that there was no regulation supporting that, the district manager requested a rule through the Marine Board. We conducted a rulemaking process, gathered public input and, finding virtually no objection, adopted the rule. The Board worked cooperatively with the US Corps of Engineers on the two-year boating prohibition on the North Santiam River adjacent to the Minto Dam construction project. Many of the state's slow-no-wake zones were implemented in consultation with federal partners.
- .06 Not all processes occur cooperatively. A long and contentious process led the USFS to consider prohibiting motorboat operation on Waldo Lake within their own authority. This was a complicated and high profile issue. After court challenges and appeals, the USFS opted to work through the Governor's office and the Marine Board to achieve the restriction. The restriction is noted within OAR 250 Division 30, Scenic Waterway regulations.
- .07 There are entire sections of federal and state law and Marine Board administrative rule dedicated to implementation of the National Wild and Scenic Rivers Act of 1968, the Omnibus Oregon Wild & Scenic Rivers Act of 1984, the State Scenic Waterways Act and even the Land and Waterway Conservation Act of 1965. There are 57 waterways or waterway segments protected under these acts, including the Rogue, Deschutes, Chetco, John Day, Owyhee, Sandy and many other rivers. These designations have led to permit entry systems and motorboat restrictions on the larger, more heavily used rivers like the Rogue, Snake, Deschutes and more recently the John Day River. Division 30 specifically implements motorboat closures on portions of the Deschutes, Illinois, John Day, Minam, Owyhee, Rogue and Sandy rivers.

- .08 These designations often cross boundaries and require state-federal partnerships to implement mandates to preserve traditional scenic and recreational values that would be lost with development or heavy volumes of recreational or commercial use. ORS 830.175 provides the Marine Board authority to implement limited access on certain waters as outlined in OAR 250-030-0010 to 250-030-0041. The Deschutes is an example where it is the Marine Board's authority that is used through a cooperative management agreement with the BLM, Oregon Parks & Recreation Department and other partners to restrict boat access through a fee-permit system.
- .09 On other waterways that are under federal management, more unilateral decisions have been made to restrict motorized boat use. The BLM's 2010 John Day River Record of Decision (ROD) implemented a boat permit system on a portion of the river and prohibited motors year-round in an area that Marine Board rule lists a seasonal closure. The ROD cites the federal mandate to manage use levels and create a primitive back-country, non-motorized experience. The ROD was reached after a three-year public input process and numerous years of monitoring and study prior to the decision. On the Chetco River, the upper section designated as Wild & Scenic is under management by the US Forest Service. It also requires self-issue permits and prohibits motor use. Here is a current list of existing restrictions that are NOT reflected in Oregon Administrative Rule.
- a. Chetco River (USFS): Motors prohibited on the 44.5 mile section within the USFS boundary.
 - b. John Day River (BLM): Closed to motorized watercraft year-round between Clarno and Cottonwood Bridge and closed seasonally from May 1 to October 1 between Service Creek and Clarno and between Cottonwood Bridge and Tumwater Falls. (An exception is made for small electric motors, 40 lbs. thrust or less, which are permitted between Service Creek and Clarno.)
 - c. Big Cliff, Applegate and Willow Creek reservoirs (USACE): Sea plane operation prohibited. Numerous other restrictions on sea plane operation near dams and other Corps facilities.
 - d. Dorena & Cottage Grove reservoirs (USACE): Alcohol use prohibited.
 - e. All USACE impoundments: Kite tubing banned.
- .10 The USFS manages access and lands surrounding many of Oregon's prime recreational waterways, but outside of Wild & Scenic designations, boating restriction authority remains with the Oregon State Marine Board. Odell Lake, Cultus Lake, Lava Lake, Wickiup Lake, Craine Prairie, Paulina Lake and many others have boating restrictions set in state statute or Marine Board rule and have no on-water regulations set or implemented by the USFS.
- .11 The US Corps of Engineers has a different authority due in part to the fact that Corps-managed reservoirs exist because the federal government created them and because reservoir development generally occurred on a federally navigable waterway. Because the waterway is navigable, the Corps retains authority but defers the bulk of that authority to the State.
- .12 33 US Code 1 specifically give the Corps of Engineers authority to enact certain restrictions. In 2006 a series of serious boating accidents involving towed inflatable devices designed to become temporarily airborne prompted the Corps of Engineers to prohibit their use on Corps impoundments. In 2010, the Corps asked the Marine Board for input on a plan to prohibit alcohol on Cottage Grove and Dorena reservoirs in the southern Willamette Valley. They have since begun implementation of the ban.

- .13 36 CFR 327.12e gives the Corp's District Commander authority to enact rules on Corps lands and waters to protect the health and welfare of visitors and protect Corps resources. The Corps does not maintain enforcement officers on these waters, but they do contract with Lane County Sheriff's Office for these services. This contract agreement provides Lane County marine officers authority to enforce the alcohol restriction and other rules on Corps property.
- .14 Lane County code specifically enables the ability to enforce laws for the Corps or other federal agencies. The applicable Lane County ordinances are also listed below.
- .15 The Corps has in other states implemented alcohol bans and also requirements for persons to wear personal flotation devices while on boats under 16' in length, and when aboard canoes and kayaks. An interim report released in 2008 summarized efforts and is available on request. An updated report to Boating Law Administrators this year indicated that PFD wear rates on these impoundments exceeded 80 percent and with little public dissent. They also didn't see a significant decline in usage of the waterways.
- .16 Another federal agency, the Bureau of Reclamation, also manages waterways in Oregon, though they generally defer campground and park management to the USFS or other shoreline manager. One example is Prineville Reservoir, which draws tens of thousands of users to the area each summer. At Prineville Reservoir, the BOR maintains a close relationship with Crook County, whose county code allows the Crook County Sheriff's Office to address concerns related to recreational use in and around the reservoir. BOR helps fund county marine patrols and works closely with Oregon State Parks. It has not implemented unilateral boating restrictions, but the restrictions on Marine Board books were likely in close cooperation with the original development of the reservoir.
- .17 Finally, there are waterways in the state that are essentially under private ownership or all access is privately controlled. The Marine Board typically has not exercised jurisdiction on these waterways. Examples include Blue Lake near Troutdale, Langdon Lake near Pendleton, Olalla Reservoir near Toledo and several others. These waterways are often managed by homeowner associations or corporations. Lake Oswego near Portland is also considered privately managed though you will find an entire section of administrative rule specific to Lake Oswego in OAR 250-020-0031.
- .18 To summarize, the Oregon State Marine Board, the Oregon Legislature, the US Corps of Engineers, the US Coast Guard, USFS and BLM have authority to enact boating restrictions on certain waterways in certain situations. The US Coast Guard has joint management authority with the Marine Board on federally navigable waterways and maintains a close working relationship with the Board. The US Army Corps of Engineers also has management authority over federally navigable waterways and Corps impoundments and has implemented rules specifically to address safety issues such as unsafe towable devices, alcohol consumption, and, though not in Oregon at this time, PFD wear.
- .19 BLM and USFS have authority through the federal Wild & Scenic Rivers Act to implement motorboat restrictions to meet management objectives in areas where they have primary management responsibility. They also have authority through the Land and Waterway Conservation Act of 1965 to implement a fee permit system to fund management and conservation efforts. In areas with shared responsibility, they have worked with state partners to develop management strategies and implement restrictions. At Waldo Lake the USFS tried to assert federal authority but ultimately used different means to achieve restrictions.

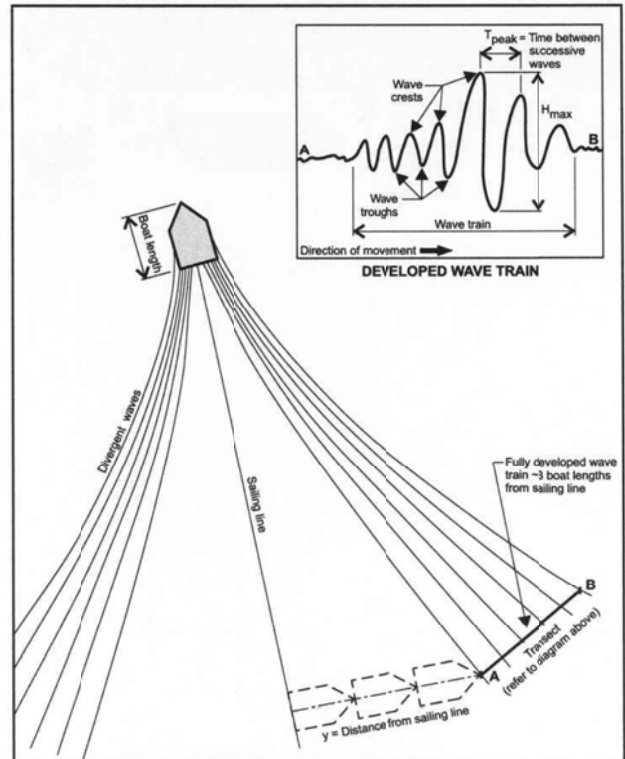
Wake Management: A Review of Boat Wakes and Oregon's Rules

01. Boat wakes have been an issue since boats became mechanically powered. The Marine Board has, since the Board's inception, encouraged boaters to "watch their wake" because a carelessly operated boat can create a wake that damages docks, endangers other boaters, erodes shorelines and disrupts fish and wildlife.
02. Boat wakes are another example of the old physics maxim that for every action, there is an opposite and equal reaction. The energy a boat wake carries is equivalent to the energy expended to move the boat forward through water. The displacement of the hull in conjunction with the hull speed and shape, creates a wave that transfers the boat's energy across and below the water surface and imparts that energy on whatever is in its path - other watercraft, vegetation, a wake-attenuation device, or a shoreline. Some environments effectively absorb the energy, some are disrupted by it. The energy of a wake can be mathematically described, but its function in the environment is much more difficult to predict.
03. This article is a review of Oregon Marine Board wake rules, boat size and weight, and management decisions over time. Staff thanks the mathematical skills of Clean Marina Coordinator Rachel Bullene, the research skills of Administrative Assistant Mindy McCartt, and the national connections of Janine Belleque and MariAnn Koloszar. We sought assistance from boating administrators across the US, referenced studies done in Illinois, Missouri, Alaska and Australia, and had the article reviewed by experts at the Oregon State University Tsunami and Wave Research Center.
04. To begin the process, staff put out a nationwide request for information on the origin of the standard 200' slow-no-wake zone. We found no specific document, but we did get some interesting feedback from other waterway managers. Those responses are included at the end of this document, but here is a noteworthy comment.
05. Ron Christofferson of the Arizona Fish and Game Division noted the following: "I do remember some circular discussions in the past with my co-workers about how far away was far enough when it came to putting some distance between boats on plane and the boating facilities that would be hit by their wakes. In short, the tallest/deepest wakes rapidly decline within the first 100 ft. from a given boat, and then maintained a smaller, less dangerous wake for a significant distance. However, 100 ft. isn't nearly enough maneuvering area to set aside around most boating facilities." Part of the issue, says Christofferson, is having boats moving quickly in a congested area where people are focused on landing their boat, getting underway or dispersing from the area. If you look at it this way, the 200 foot-slow-no-wake zone addresses two issues: minimizing wake to reduce impacts to facilities or boaters; and speed to prevent collisions. In some situations, speed is the issue being addressed, in some situations, its wake, but often it's both.
06. The Marine Board has used speed and wake regulations since boating laws were first adopted. Since the Board's specific questions are in regard to some of the current variations in slow-no-wake zone distances, this review will look at the rule over time.
07. The Marine Board was created in 1959. At that time we had 33,000 registered boats, and the average boat was less than 15 feet long and had less than a 20 hp motor on it. If it was aluminum it weighed, with motor, less than 300 pounds. There certainly were some larger boats and inboard powered boats were starting to come into vogue. In most instances, the speed of a small boat near a marina or boat ramp was likely a greater concern than its wake, but for simplicity sake, speed and wake rules were probably combined. Imagine the complexity of a rule where the wake and speed deadlines were different.

08. On many of Oregon's fishing lakes, the legislature set the speed at 10 mph back in the 1940s and '50s. This 10 mph speed is often criticized today because it is generally the maximum wake-generation speed of a modern boat. But in the 1940s, a boat could easily plane at 10 mph, creating minimum wake. The 10 mph speed prevented water skiing (disruptive to fishing) and reduced the likelihood of collisions with the debris common in reservoirs that featured flooded timber (like Crane Prairie) or other debris or hazards.
09. By 1972, the Board was gathering more data on the rapidly growing number of boats. There were 96,000 registered motorboats now, with two-thirds under 16' long. Outboard motors powered 81,000 of the 96,000 boats, and the average boat was 16' long with a 36 hp motor on it. A 40 hp Johnson weighed roughly 200 pounds, and the boat weighed anywhere from 200 to 400 pounds. Boats were still light and wakes were a relatively minor issue. Wake complaints were typically limited to the small number of cruisers, and they were more concentrated in urban areas. Even among the watersport enthusiasts, a 1966 Correct Craft 17' Barracuda weighed in at 2500 lbs with a 235 hp Chrysler motor. A 16 ski boat was closer to 1600 pounds. At this time, these bigger boats were a small part of the population, but were still relatively small and designed to plane quickly with less wake.
10. But boating continued rapid growth in number, in size and in technology. By 1987 there were 153,000 registered boats, and the number of boats larger than 16' had doubled. The number of inboards was also quickly increasing. And boats were diversifying. The first PWCs were about to be introduced, jet boats were becoming popular and required larger, more powerful motors. Of the 153,000 boats, 114,000 still used outboards, the average size motor was now 70 hp (about 300 pounds), and the average 16' boat had a full windshield, maybe a cabin or berth, livewells and other weight-bearing accoutrements. Wakes were getting bigger. Ski boats were gaining in size, too, though the emphasis was generally on fast and smooth, with mid-hull engines to reduce plowing and keep the wake small.
11. Move ahead 23 years. In 2010, well over half of all boats were larger than 16', and a large number of boats were now in the 20' range with many specifically designed to accommodate wakeboarding. Of the 178,000 boats registered, 74,700 were under 16', but 102,900 were over 16'. While 110,500 used outboards for power, 60,000 had inboard motors. To recap, the number of boats over 16' was at 29,500 in 1972, 64,500 in 1987, and 102,900 in 2010. The growth area in the mid-2000s was in wakeboard boats. A 20' wakeboard boat is designed to carry either lots of ballast or many people. The 2011 Malibu 20' Wakesetter carries 11 people or 3,300 pounds, and can hold 1,250 pounds of ballast. Fully loaded, this boat can weigh 6,000 pounds. With a group of people aboard on a warm summer day, a single boat can create a great deal of traffic on a given waterway.
12. Traditionally, the boats that created the largest wake issues were the large cruisers. In 1972, roughly 1000 boats were over 27', increasing to 2,500 in 1985 and 5,000 in 2011. They remain a small percentage of all boats. And while they have potential to create very large wakes and complaints do come to the Marine Board, their operational style generally results in limited numbers of trips up and down a waterway.
13. The mathematics of boat wakes is described in many documents. One very useful tool was published in 2007 by William Glamore, of the University of New South Wales, Australia. The study specifically compared fishing boats, and then created $E = \frac{\rho g^2 H^2 T^2}{16\pi}$ wakeboarding boats to similar sized physical environments. In development of this document, boats were operated at their typical activity speeds (30 knots for the ski boat, 19 knots for the wake boat). Wave energy included the cumulative energy of the wave train which is a function of wave height and wave period defined in the following formula:

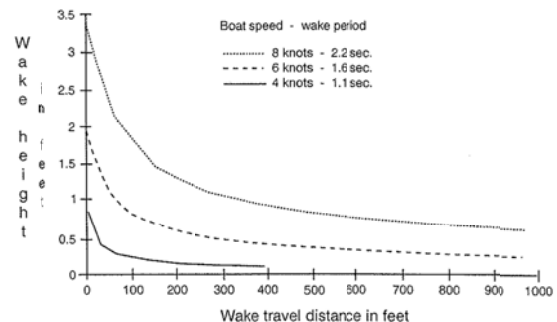
14. The maximum wave energy (E) was 62 for the ski boat at 30 knots, and 293 for the wake boat at 19 knots, or about six times higher. When operated at a “plowing” speed of 8 knots, the ski boat and wake boat were nearly identical at a 701 and 700.
15. These numbers are in line with a study by OSU masters student Grady Donathan, under the supervision of Dan Cox of the A.H. Hinsdale Wave Research Center at OSU. The study was conducted in 2008 on Lake Oswego. In this test, they used sophisticated instruments to measure wave energy from different boats. They found the energy from a loaded wake boat was about 45% higher than a similar-length ski boat (1450 kg/sec^2 vs 1000 kg/sec^2). At 30 mph, the ski boat dropped to 700 kg/sec^2 compared to about 1200 kg/sec^2 for the wake boat.

16. These comparisons serve a useful purpose. At plowing speed, the 8 knot energy level is extremely high for both types of boats (1800 kg/sec^2 for the ski boat, 2000 kg/sec^2 for the wake boat). Ballasting appears to increase the size and period of a wave, and thus increases the energy transferred by the wave, but the speed of operation and the operating style have more influence on the wave than the type of the boat.



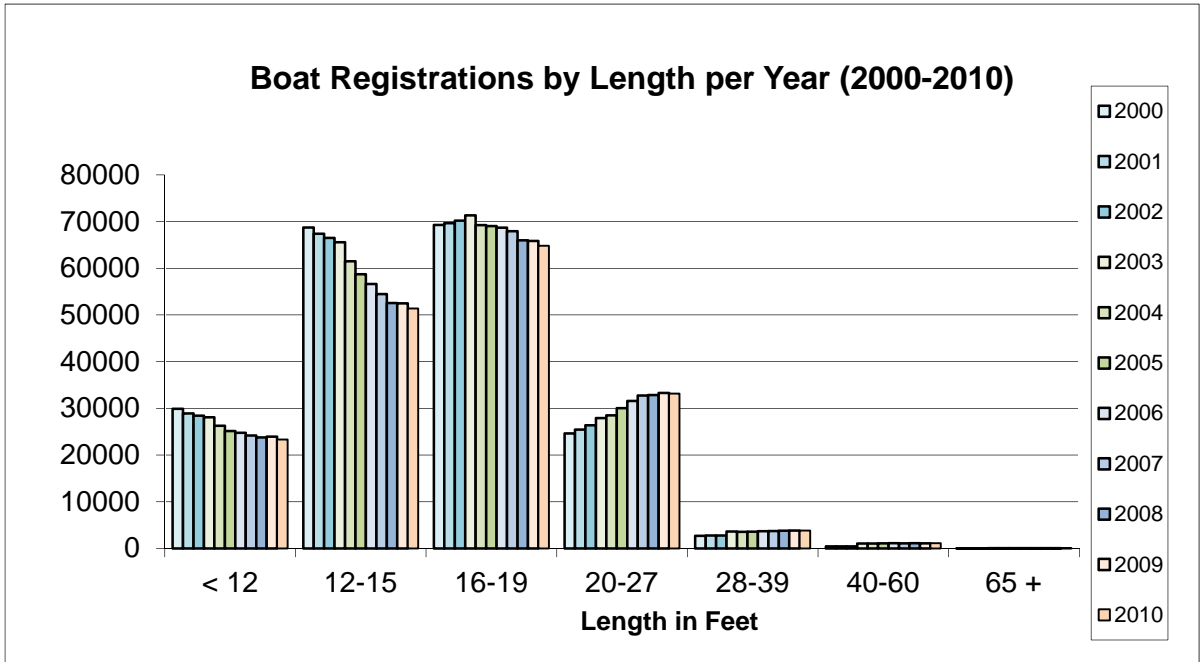
17. In relation to the 200' SNW zone, wave height (not energy) declines steadily as it moves away from the boat. The calculated wave height for the water ski boat traveling at 30 mph is 4.7 inches tall at 72 feet from the sailing line, and 3.5 inches tall at 164 feet from the sailing line. The wake boat wave height is 9.8 inches at 72 feet and 7.4 inches at 165 feet. The maximum wave energy values – that point where the wave train is fully developed – occur when the wave train is about three boat lengths from the sailing line of the boat (see right). Thus the bigger the boat, the longer the distance for the energy to peak and then begin declining.

18. A simpler graphic that shows wake attenuation over distance is useful (right). Note that these are for slower speeds, but that the reduction in wave height dramatically slows after a distance of 200 feet.



19. The collision of boat wakes and public acceptance parallels the growth of boating, urban development of Oregon's shorelines, and increased concern and interest in the health of Oregon waterways. But there's another issue that has driven the discussion with increasing frequency in recent years.

20. If the “average” boat in Oregon was close to, say, a modern 20’ runabout of broad beam, deep draft and ample power, wake would be less noticeable to the “average” boat operator. But a review of registration numbers indicates that the small registered boat is still very popular because of their simplicity, portability and economy. Small boats are inherently less stable, so if operated in the presence of increasingly large boats, conflict is a predictable outcome. This bears out in the “Boating in Oregon” 2007 Triennial Survey that shows 58.5% of boaters report excessive boat wakes during some, most or all boating trips, the highest of any reported complaint.



21. The dramatic growth of non-motorized boats is another complicating factor. Kayakers likely represent the single largest user group of non-motorized boaters and these boats are very susceptible to wake impacts. In past decades, kayakers generally stayed to small whitewater rivers during high-water seasons when motorboats weren’t present. In rivers like the Deschutes and Rogue rivers, the issue of conflict was addressed through regulation or limited-entry permit systems driven by scenic river designations. But kayakers have come out of the whitewater and into the flat water. The operators of this type of watercraft more often seek peace and solitude while engaging in a sustainable activity that allows them to connect to nature. In addition these watercraft serve the dual purpose of recreation and physical fitness. They are attractive to an increasingly urbanized population seeking an economical and environmentally friendly way to recreate on Oregon’s waters. An estimated 100,000 manually powered boats over 10’ long are active on Oregon’s waterways and could be enjoying more than one million boat use days each year. Taken as a single user group, manually powered boats could now surpass the number of all registered boats 16 feet or longer.
22. Wake regulations typically are considered on a case-by-case basis but there have been several statewide initiatives to answer the wake question. The “Basic Rule” was one such effort and was adopted in the 1980s: OAR 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.”

23. This rule resolved the need for separate rule considerations at the thousands of boat ramps and moorages across the state, but regulations continue to be brought forward when the basic rule doesn't suffice or when local use patterns generate a new issue. In reviewing "slow-no-wake" rule changes since 1995, the vast majority have been brought to the Board by BLM, the USFS, Oregon Parks and Recreation Department, city and county facility managers, or local advocacy groups through petition. Many of these rules are somewhat surgical and seek to improve safety and comfort in a congested area. Some of the rules use an existing, visible boundary for ease of enforceability, but others use distance. Douglas County is an excellent example of a county with multiple solutions to local issues: a 150' SNW zone, the 200' basic rule zone, a 300' SNW zone, and a SNW zone marked by a visible boundary. (See OAR 250-020-0102).
24. Regulations aren't just adopted for impacts to docks and launch ramps, either. Fuel spillages at fuel docks have resulted in specific slow-no-wake zones, such as at Boones Landing and Prineville Reservoir.
25. Slow-no-wake zones do sometimes disrupt a popular activity to address safety or other concerns, such as occurred at Holgate Channel, but other times they are put in place to protect a traditional activity. Whether wake or speed was the problem, restrictions adopted in the 1980s on coastal rivers were implemented in part to protect "traditional" activities of oar-powered drift boats. On the Miller Arm of Siltcoos Lake, high-speed traffic was rarely an issue because it was shallow and stump-laden. The 5 mph zone adopted in 2010 primarily addressed the occasional bass angler who didn't know that stumps, mud, swimmers and paddlers frequented this shallow inlet to the lake.
26. In summary, managing boat wakes have always been a complicated and controversial effort at best. While the physics of wave energy is static, the application to Oregon's diverse waterways, river banks and shorelines, and the many types of recreational boat use is nearly endless. The many and varied regulations addressing boat wakes indicate how complicated this issue is.

Attachment A (Federal Authority References):

Lane Code Chapter 6

6.040 Violation of Posted Restrictions of Use (Other Public Land).

(1) A person commits the offense of violation of posted restrictions of use (other public land) if the person is on public land not described in LC 6.030 at a time when the land is closed to the public or when specific activity or possession of certain items on the land is otherwise restricted, and notice of the closure or restriction has been posted or otherwise **duly promulgated by a governmental unit or agency** with authority to impose the closure or restriction.

(2) For purposes of subsection (1) of this section, if the restriction prohibits the possession of alcoholic liquor, then possession of alcoholic liquor includes the possession, control or acceptance of a container of alcoholic liquor, or any portion thereof, or exercising control of such liquor or keeping such liquor in any vehicle, tent, backpack, cooler or other container or conveyance within the boundaries of the posted restriction area.

(3) Violation of LC 6.040 is punishable upon conviction by a fine of not more than \$500. (Revised by Ordinance No. 7-03, Effective 9.11.03)

36 CFR 327.12 Restrictions.

(a) The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety,

maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(b) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m., or those hours designated by the District Commander. Excessive noise during such times which unreasonably disturbs persons is prohibited.

(c) Any act or conduct by any person which interferes with, impedes or disrupts the use of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.

(d) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.

(e) The possession and/or consumption of alcoholic beverages on any portion of the project land or waters, or the entire project, may be prohibited when designated and posted by the District Commander.

36 CFR 327.3 Vessels.

(a) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water or ice, whether in motion or at rest.

(b) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.

(c) Vessels or other watercraft may be operated on the project waters, except in prohibited or restricted areas, in accordance with posted regulations and restrictions, including buoys. All vessels or watercraft so required by applicable Federal, state and local laws shall display an appropriate registration on board whenever the vessel is on project waters.

- (d) No person shall operate any vessel or other watercraft in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature.
- (e) All vessels, when on project waters, shall have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements and in compliance with boating safety laws issued and enforced by the state in which the vessel is located. Owners or operators of vessels not in compliance with this section may be requested to remove the vessel immediately from project waters until such time as items of non-compliance are corrected.
- (f) Unless otherwise permitted by Federal, state or local law, vessels or other watercraft, while moored in commercial facilities, community or corporate docks, or at any fixed or permanent mooring point, may only be used for overnight occupancy when such use is incidental to recreational boating. Vessels or other watercraft are not to be used as a place of habitation or residence.
- (g) Water skis, parasails, ski-kites and similar devices are permitted in nonrestricted areas except that they may not be used in a careless, negligent, or reckless manner so as to endanger any person, property or environmental feature.
- (h) Vessels shall not be attached or anchored to structures such as locks, dams, buoys or other structures unless authorized by the District Commander. All vessels when not in actual use shall be removed from project lands and waters unless securely moored or stored at designated areas approved by the District Commander. The placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker or other navigational aid is prohibited.
- (i) The use at a project of any vessel not constructed or maintained in compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited.
- (j) Except as authorized by the District Commander, no person shall operate any vessel or watercraft without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.
- (k) All vessels or other watercraft shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in Sec. 327.26.

Rogue River Wild & Scenic Restrictions (from BLM website)

- **Regulated Use Season Float Permits:** The Wild Rogue is a regulated use river with noncommercial permits required for floating between Grave Creek and Foster Bar from May 15 through October 15. Noncommercial Float permits cost \$10.00 per person, per trip. There are several ways to obtain a noncommercial permit to float the Wild Rogue River during the "regulated use" season. Take one or more of the steps listed on the [About Permits](#) page to help you get your spot on the Rogue River.
- **Off-Season Float Permits:** Between October 16 and May 14 Wild Rogue noncommercial boaters are requested to stop by the Smullin Visitor Center at Rand in Galice or at the Grave Creek Boat Ramp to fill out a [self-issuing permit](#) (PDF). There are no fees for the self-issuing permits and no restrictions on the number of floaters per day. Trip registration will help managing agencies track use in the off-season and provide a means for identifying who may be on the river, in case of emergency. Adherence to the "Conditions of Use" on the back of the self-issuing permit is required. For information on obtaining a float permit, see the [About Permits](#) page. For current float openings, see the [Float Space Openings](#) page.
- **Noncommercial Jet Boat Permits:** Noncommercial jet boat operators looking for a permit to motor up the Wild Rogue, between Watson Creek and the pool just above the Devils Stairs Rapid, can contact Cougar Lane Store, in Agness, at 541-247-7233. There is a maximum of six noncommercial jet boat permits issued per day between May 15 and November 15. Noncommercial jet boat permits can be issued up to 14 days in advance of the launch date.

- **Commercial Boating Permits:** Commercial businesses offering guided trips on public lands and waterways are required to obtain a Special Recreation Permit prior to beginning operations. Commercial outfitters offering guided boat trips on the Rogue National Wild and Scenic River, from the mouth of the Applegate River to Lobster Creek, are required to obtain a permit from the Medford District Office of the Bureau of Land Management prior to operations, phone 541-471-6648.

Attachment B (Wake References):

E-mail responses to request for 200' SNW zone history:

From: Ron Christofferson [mailto:RChristofferson@azgfd.gov]
Sent: Monday, August 15, 2011 12:09 PM
To: Belleque, Janine
Subject: FW: Question from Oregon re 200ft - Slow No Wake Zone

Hi Janine. Hope all is going well with you.

Regarding the 200 ft. no wake zone, I am not aware of a study or other research that determined the 200 ft. distance was optimal and/or required for any reason in particular. But I do remember some circular discussions in the past with my co-workers about how far away was far enough when it came to putting some distance between boats on plane and the boating facilities that would be hit by their wakes. In short, the tallest/deepest wakes rapidly decline within the first 100 ft. from a given boat, and then maintained a smaller, less dangerous wake for a significant distance. However, 100 ft. isn't nearly enough maneuvering area to set aside around most boating facilities. So the issue became more about the size of the slow speed "safety zone" around boating facilities, and less about the distance that wakes travel and how big they are.

At our busier boat ramps in Arizona, a distance of 300 ft. to 500 ft. from the ramp to the no wake buoy line is common, simply because we often have 20-30 boats (or more) in that zone at one time. We need at least 200 ft. of no wake area at every boat ramp to insure a boat operator has enough room to launch and back away from the ramp, while at the same time a few others are waiting to approach the ramp, and have all of them be out of the traffic pattern of boats on plane. If we were challenged on the size of a no-wake zone, we most likely would not try to justify it based on wake distance or size. It would more likely be based on the theoretical normal high visitor use-day and the maximum number and size of boats at the ramp at one time. The higher that number and the bigger the boats, the bigger the no wake zone.

Anyway, I hope that helps. See you at SOBA ??
Take care, -- Ron

RON CHRISTOFFERSON
BOATING FACILITIES PROGRAM MANAGER
ARIZONA GAME AND FISH DEPARTMENT
5000 W. CAREFREE HWY.
PHOENIX, ARIZONA 85086

> From: David Hill [mailto:dfh@engr.oregonstate.edu]
> Sent: Friday, August 12, 2011 4:56 PM
> To: Cox, Dan
> Cc: Henry, Randy; Bullene, Rachel
> Subject: Re: Boat Wake Questions from Marine Board

>
> Dear Dan / Randy,

>
> Thanks for this email. Randy, by way of introduction, I have done a lot of work on boat wakes (mostly recreational type craft, 10-30') and on the resuspension of bottom sediments by prop / jet wash. I did 3 summers of field work on this problem, in Wisconsin and in Alaska. I have a large bibliography of literature on this topic, though I don't know if any of the references will be new to you or not. Some are in peer-reviewed journals, many are internal reports (consulting companies, USACE, etc.). You are no doubt familiar with Steve Maynard's several studies. I am willing to help out, in whatever capacity seems to make the most sense.

>
> I agree with Dan's comment on monitoring. It is my general opinion that speed / distance regulations are of little 'general' use, in that each situation (location) is very different. We always treated the problem as a two part one. First, what is the objective. Is the goal to limit wave heights at a given location to a certain maximum amplitude? This may be for public safety reasons, or the desire to limit erosion of banks, etc.

>
> Second, what does it take to meet that objective. If the goal is to keep waves at the shoreline below 12 inches, for example, what restrictions, if any, must be placed on boat use to meet that goal. That is where things get complicated since the vast array of boat designs and operating characteristics (speed, distance from shore, modifications (ballast for wakeboarding, etc.)) create a complex matrix of conditions.

>
> Our Alaska work looked for equations that could predict wave height as a function of distance, boat size, and boat speed. Even that small set of parameters made for a very difficult management challenge.

>

> I have a lot of first-hand experience with extremely controversial management decisions and can tell you that without concrete 'before' and 'after' data, decisions that are made will be contested (in some cases rightly so). Having statistically meaningful data on the wave conditions prior to and after a use restriction is extremely valuable. I, and Dan (if I can speak for him) have the expertise and equipment to make these sorts of measurements.

>
> It (boat impacts) is an interesting problem, that is for sure.
>
> Best Regards,
> Dave Hill.
>


From: Bill Brose [<mailto:Bill.Brose@jir-us.com>]
Sent: Wednesday, August 17, 2011 12:29 PM
To: Board, Marine
Cc: info@sobaus.org; Bruce Lunde
Subject: SOBA Question
Janine,

...
I suspect the 200 foot no wake zone was established because of a scientific principle. The wake of a boat is largest right at the boat. As the wave propagates away from the boat, the wave height is cut in half at a distance of approximately one wave length from the hull. The heights of the wake is further reduced by each wave length thereafter. So, as the wake travels further from the boat, it continually gets smaller. No wake zones require idle speed or the lowest speed a boat can operate safely while maintaining control and this is approximately 3-5 knots. If you look at the chart I have attached, you will see that at 4 knots, a boat wake (for standard displacement hull) is slightly less than a foot. At the two hundred foot mark, it is only a couple tenths of a foot, which is actually pretty small and not all that perceptible. At the 200 foot mark, the curves level off so it gains you very little to extend the no wake zone any further than 200 feet. Hope this helps. By the way, we at JJR specialize in marina design and related waterfront projects. If you would like to know a little more about us, please feel free to visit our web site at www.jjr-us.com. If you have any further questions, please don't hesitate to call.

Bill Brose, P.E.
Vice President

Excerpts from "Analysis of Small Boat Wakes on Lake Oswego, Oregon"

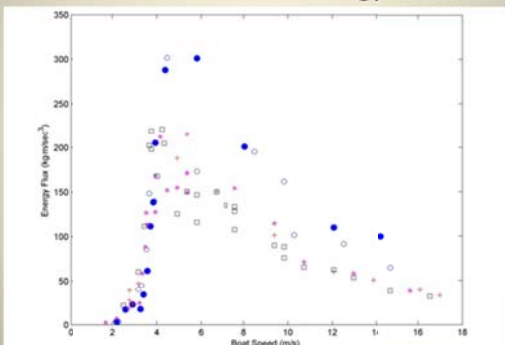
Project Setup



- Surface piercing wave gauge
- Ultrasonic wave gauge
- 4.6-m cantilevered arm
- ~0.75-m elevation
- Counter balanced by lake water
- Acquisition made with LabVIEW
- Data stored to laptops
- Simple

Results: Varying Speed Trials (cont.)

Maximum Wave Energy Flux



Unloaded MasterCraft X2 (○), Loaded MasterCraft X2 (●),
Century Resorter (+), Sea Ray Bowrider (*), Ski Nautique (□)

Excerpts from "A Decision Support Tool for Assessing the Impact of Boat Wake Waves on Inland Waterways" (attached).

October 25, 2011

Item J Boating Safety Program

Mandatory Education:

- .01 MariAnn Koloszar, Education Coordinator was appointed to the National Association of State Boating Law Administrators (NASBLA) National Boating Education Standards Panel. NASBLA considered 26 eligible applicants and chose her as part of the inaugural 15-member panel. Her term of office will end in 2013.
- .02 For the second year, the Marine Board partnered with the Family YMCA of Polk & Marion County to provide instruction to counselors at camp (Camps Grieder & Silver Creek) staff training on the signs of hypothermia, how to fit a PFD properly, and how to enter and exit a boat safely. Staff also conducted water safety presentations to campers participating in the YMCA Canoe Camp. The presentation included how to make sure your PFD is properly fitted, signs and effects of hypothermia, and basic canoe training. Next year will include hands-on, on-the-water training with OSMB staff.



- .03 Staff attended the Outdoor Youth Day event at Ladd Marsh Wildlife Refuge in La Grande sponsored by the Oregon Department Fish and Wildlife. The event was hosted by Ducks Unlimited, and was intended to “bring youth together to learn about habitat and wildlife conservation, boating safety, hunter safety, fishing, and the great outdoors.” Staff also participated in the Stayton Safety Day at Stayton Middle School. The event was to “provide back-to-school supplies to kids in the North Santiam School District and to provide different safety information to kids and their parents.” The event was hosted by Friends of the Family in association with the Family Commission of Marion County. At both events children were given the opportunity to color their own color-on (with three important boating safety and environmental messages, “Help Keep Our Waters Clean”, “Life Jackets...They Float...You Don’t.” and “Pump...Don’t Dump”). Color-ons were ironed onto a free T-shirt for each child. Also available to children were boating safety tattoos and stickers. By participating in these types of events, our safety and environmental messages are worn by many “walking billboards” in different areas of the state; spreading the messages to others.



- .04 In August, staff did a ride-a-long with Clatsop County Sheriff Office and the Multnomah County Sheriff Office. Staff learned about some of the boating issues in each county.
- .05 On August 27, 2011, Staff participated in a basic canoe training class with Alder Creek in Portland. Staff learned basic canoe strokes, terminology and the differences of canoes and paddles.

Aquatic Invasive Species Prevention Permit Program Outreach Plan:

.01 Program Implementation

- a. Glenn Dolphin, Aquatic Invasive Species Coordinator, participated in a Mandatory Boat Inspection Law Enforcement Day on September 2, at the Ashland Port of Entry Weigh Station on I-5 northbound. The station was open from 9 a.m. – 5 p.m. and was staffed by six Oregon Department of Fish and Wildlife personnel and two Oregon State Police troopers.
- b. Forty-seven boats were inspected. Twenty boats stopped for inspection at the station (43% compliance rate). The remaining 27 were pulled over by an OSP Trooper and issued a warning for non-compliance. The law allows for a class D violation to be issued with a \$142 fine.
- c. All boats were inspected, either at the inspection station, or on the roadside. This represented:
 - A. 24 motorboats, 7 PWC and 16 non-motorized boats
 - B. Boat owners from six states
 - C. 43 of the boats were clean and four were not (attached weed fragments)
 - D. The last waterbodies used by the boats were Oregon locations, California and Utah.
- d. Developed an interagency agreement with ODFW and OSP to facilitate future funding for those agencies to implement aspects of the AIS Prevention Program. The agreement will be finalized by November 1st with law enforcement funding options being discussed during the winter of 2011/2012.
- e. Continued coordination with ODOT to complete the AISPP highway sign project and with BLM to facilitate the order of 150 new AIS boat ramp signs for state-wide distribution.

.02 Program Outreach

- a. Attended the annual “Paddle Oregon” event hosted by the Willamette Riverkeepers. The launch of the week-long event was in Corvallis. AIS non-motorized boat permits were sold to participants.
- b. Presented an AISPP presentation to Oregon Parks Association annual meeting in Sunriver and to USFS hydrologist monthly meeting in Roseburg.
- c. Conducted a Level 1 AIS/Watercraft Inspection Training hosted by Josephine Soil and Water Conservation District in Grants Pass.

.03 Other

- a. Consulted with the Oregon BASS fishing club on what language to be used in the development of a best management practices manual for fishing tournament anglers on how to address AIS boat cleaning.
- b. Facilitated an on-going coordination effort with Oregon Parks & Recreation to document and make sure all of their managed boat ramps have new AIS signs posted.
- c. Attended the Pacific Northwest Economic Region (PNWER) annual conference in Portland and participated with an invasive species subcommittee to develop an AIS regional action plan.
- d. Participated in monthly phone conference calls with other AIS coordinators in western states. Increased coordination is the goal for the group to better manage state AIS boat inspection programs and the threat of recreational boats transporting invasive species (zebra/quagga mussels).

Law Enforcement:

.01 Boat Purchasing

- a. Partnering with Department of Administrative Services (DAS), we will be developing a new and improved purchasing plan for future use. Staff has held two meetings to start this project, one with DAS and one with OSMB staff. Staff has a third meeting scheduled for Oct 4th with DAS and possibly other stakeholders. With input solicited from the field, staff is developing specifications sheets for at least six different power boats. Staff should have developed a better timeline after the October 4th meeting.
- b. During this reporting period, staff conducted "Turn over the Keys" ceremonies with Yamhill, Linn, Umatilla, Deschutes, and Crook Counties.

.02 Boating Hazards

- a. Staff has monitored or mitigated hazards on the McKenzie, Rogue, N. Santiam, and Willamette Rivers. We're also evaluating the potential hazard of the Ash Island Cable Ferry - Barge Run as well as the log accumulation under the Albany Railroad Bridge. The Albany RR Bridge will probably require an interagency effort which staff will be attempting to coordinate.
- b. Bill Sheretz, the Waterways Coordinator attended several meetings involving the Portland Milwaukie Light Rail and Sellwood Bridge projects as well as handling a Limited Access permit for the Lower Deschutes River.

.03 Training and Events

- a. Staff conducted the 2011 Drift Boat Operations Course on the Upper Rogue River in Jackson County on August 8th -12th. Twenty-three students attended the training with 27 instructors and safety personnel representing 18 sheriff's departments, Oregon State Police, U.S. Forest Service, Clackamas Fire District #1 and Clark County from Washington. Overall, the student evaluations were positive and no damage or injuries occurred.

- b. Staff conducted the 2011 Whitewater Jet Boat Operations Course on the Rogue River, Gold Beach to Foster Bar on September 12th – 15th. Fifteen students attended with 16 instructors and safety personnel representing 21 sheriff's departments, Oregon State Police and Clackamas Fire District #1. They had a significant number of groundings and rock strikes, but this year's training included many students with no whitewater experience. There were no complaints and no injuries occurred and damage to vessels was minor.
- c. Staff conducted the 2011 Post Season Conference, Training and Awards Ceremonies at the Valley River Inn in Eugene on September 26th – 28th. A half-day general session with the awards banquet was conducted on the first day. On-the-water training and BBQ occurred on the second day with another half-day general session ending the conference. One hundred and twenty (120) officers attended the conference.
- d. Dale Flowers, Law Enforcement Training Coordinator and Deputy Jason Denton with Jackson County attended the National Association of State Boating Law Administrators (NASBLA) Seated Battery Standard Field Sobriety Test (SFST) Training in Sacramento, California on October 3-5, 2011. The purpose of the training is to become familiar with the recently validated "seated" or afloat battery of SFST's. These tests will allow marine patrol law enforcement officers the ability to determine a subject's level of intoxication while sitting. In the marine environment this will eliminate the need to take the subject to shore for the one leg stand, walk, and turn tests to determine impairment.

.04 BUII Program

Software revisions for the Intoxilizer 800's for OSMB were completed by CMI, Inc. Marine Board owned instruments will be delivered to the Oregon State Police (OSP) forensics lab in Portland. The new software will be installed and tested per OSP policy. Once tested and approved, Marine Board instruments will be subject to a blood/breath correlation study with wet lab. Instruments will then be ready for service.

.05 Site Visits

Staff has visited 23 counties, 22 were complete Field Evaluations and one was an informal/inventory visit to Wallowa County. We anticipate visiting several more programs during the upcoming months, but specific dates have not been set.

.06 Law Enforcement Contract Allocations

- a. The Marine Board provides more than \$10 million in law enforcement contracts to 31 county sheriff offices and the State Police. The distribution baseline was developed, according to the previous director, before his time. If so, then it has been at least 30 years since we have developed a law enforcement allocation baseline in Oregon.
- b. Marty Law, Boating Safety Manager, researched how they determine fund distribution in two other states that contract with county sheriff's offices, Ohio and California. California has one criteria, Ohio uses 23 factors to determine distribution.

- c. Staff decided we wanted a formula that uses objective criteria. The factors we are considering at this time are boat use, surface area and cost of living.
- d. Staff met with a committee representing Oregon State Sheriff's Association (OSSA) on September 21st to discuss the direction we were going with allocations. The meeting was positive and the sheriffs asked us to proceed. They want to meet again and have us display several iterations of an allocation formula, with the numbers plugged in to see how the distribution shakes out. The follow-up meeting with the sheriff's committee is tentatively scheduled for October 18th.

.07 Recreational Boating Fatalities

We have had eight recreational boating fatalities in Oregon this year through September 30. Of the eight, seven were on rivers (Willamette and Rogue with 2 each), five involved non-motorized boats and five of the victims were not wearing life jackets.

October 26, 2011

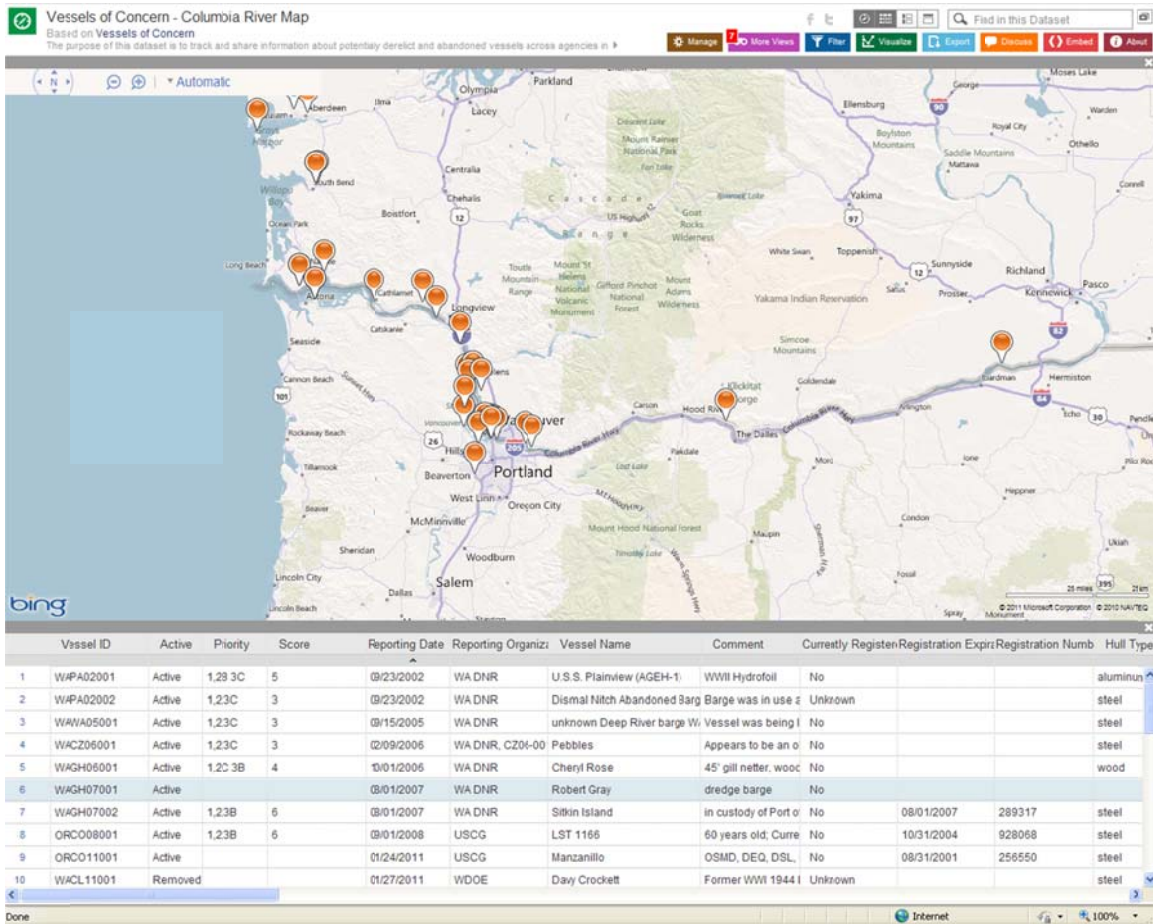
Item K: Abandoned Vessel Program and Clean Marina Program Report

Abandoned Vessel Program

- .01 The Clean Marina Coordinator, Rachel Bullene, attended 4 meetings of the Derelict Vessel Task Force (DVTF). This task force was put together to identify derelict vessels with the potential to threaten the environment of the Columbia and Willamette Rivers and to eliminate those threats before they can get out of control. The Task Force is made up of representatives from federal agencies, Oregon state agencies, Washington state agencies, and local government agencies. The sort of vessels of interest to the DVTF include: any vessels of 35 feet or longer not moored at private marinas, any vessel that has ever seen commercial use, and any vessel posing a potential threat of pollution, hazard to navigation, harmful effects or illegal activities.
- .02 Since May, the task force has adopted a charter, created a vessel reporting form, completed a preliminary inventory of "Vessels of Concern," and has created a draft training outline for interested stakeholders. The next step for the Task Force is to conduct outreach/training for groups such as local marine patrols, Port Districts, river pilots, etc. The Task Force will also be setting up a calendar to post "patrol dates" so that other agencies (such as DEQ or DSL) can join the patrol and assist.
- .03 There are 20 "Vessels of Concern" in Oregon that have been added to the dataset. Since the DVTF was initially concerned with the Columbia and Willamette River, most of the vessels are located in this region; however, we have expanded the area of interest to include the coast, and we have one vessel that is located in Coos Bay. As the DVTF completes the outreach training to Ports, law enforcement, etc., we expect other vessels to be added to the dataset.
- .04 The next meeting of the task force is October 11, 2011 at Marine Safety Unit Columbia River.



Examples of some of the "Vessels of Concern" on the Columbia and Willamette Rivers.



Screen shot of the shared dataset.

Clean Marina Program

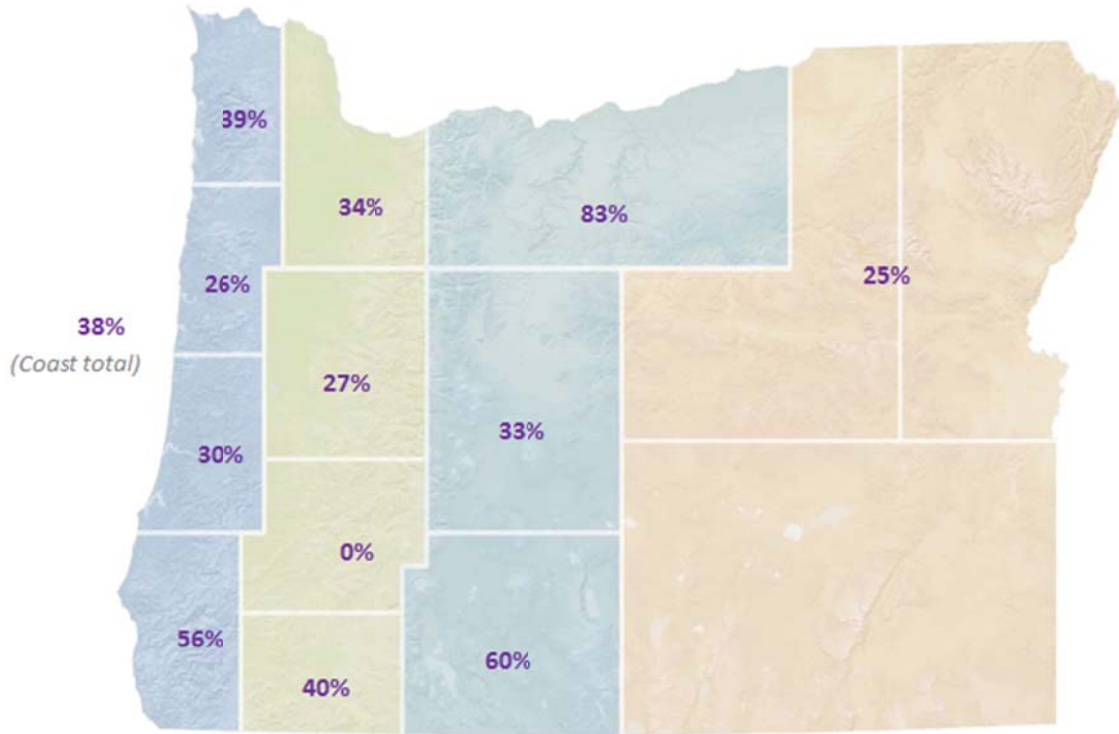
- .01 At the April Clean Marina Advisory Committee meeting, it was agreed that the existing program structure would be modified to move towards a tiered structure that would distinguish marinas with well-established environmental management from those marinas just starting out in the program. As the first step in that process, a draft of a new Checklist has been made that will allow for the grading of each checklist item, instead of a simple “yes” or “no.”
- .02 Three new marinas were certified as Clean Marinas in June. Detroit Lake Marina was certified on June 8th, and Garibaldi Marina and the Port of Garibaldi were certified on June 30th. Ideally, certifications are done by the Clean Marina Coordinator and another representative of the program (either a member of the Clean Marina Advisory Committee or a manager of a certified Clean Marina), but these 3 certifications were completed by the Clean Marina Coordinator alone. However, because the previous Clean Marina Coordinator, Glenn Dolphin, had previously evaluated each of these facilities, we felt they could be certified based on the completion of the required items identified by Glenn.



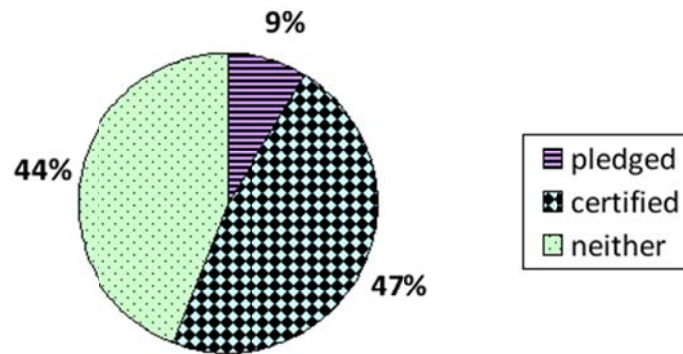
The Port of Garibaldi received their flag at a ceremony on Sept. 14, 2011.

- .03 The Clean Marina Coordinator conducted recruiting/ preliminary site visits in June around Klamath Lake, Lost Creek Lake, Lake of the Woods, and Howard Prairie Lake. Lost Creek Lake Resort and Lake of the Woods Resort are pledged facilities, so they were visited to evaluate their readiness for certification. Both facilities are not quite ready to be certified. A recruiting visit was made to Howard Prairie Resort and to Rocky Point Resort (on Klamath Lake). Both facilities signed the Clean Marina pledge and expressed an interest in completing certification this fall.
- .04 Recruiting site visits were made to the Port of Hood River and Port of Arlington in September. Both facilities signed the pledge, and so now the only Port District that is not either pledged or certified is the Port of Brookings. Because of the damage suffered by the Port of Brookings, we felt it would be better to approach them next year when they have had time to recover.
- .05 The Clean Marina Coordinator conducted six Clean Marina re-certification site visits in June - September. Per program rules, once every three years after a facility becomes certified as a Clean Marina, an on-site evaluation must occur to confirm the facility is still complying with the program standards. An on-site evaluation must also be conducted if there is a change in ownership or management at the facility. There are five certified facilities that will be due for recertification visits in the fourth quarter of 2011.
- .06 The Clean Marina Coordinator is in the process of updating the Clean Marina Guidebook with any regulatory changes.
- .07 Currently there are 50 Clean Marina certified facilities and 22 pledged facilities.

Percent of Marinas in Each Region that are Certified or Pledged



Percent of Boat Slips in the Program



Clean Boater Outreach

To increase participation in the Clean Boater program we are working with a representative of the Coast Guard Auxiliary to promote the program at flotilla meetings. The hope is to have all the auxiliaries (that have boats) take the Clean Marina pledge. In the future, we may consider giving some of the auxiliaries supplies of Clean Boater Bags and have them recruit Clean Boaters when they are out “dockwalking.”