



Phase II – Legislative Concept Advisory Committee Meeting Non-Motorized Boating Project



Visitors:

- Matt DeVore – Assistant Attorney General , Department of Justice
- Marcel Beig – Western States Outreach Director & Grant Manager, ACA
- Jim Virgin – Volunteer, Washington State Parks Dept.
- Janine Belleque – OSMB Boating Facilities Program Manager – presented at the meeting
- Ashley Massey – OSMB PIO – Note taker



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<i>Action Items</i>	<i>Assigned to</i>	<i>Due/Status</i>
Update Legislative Concept and email to DOJ for review	MariAnn	02/26/2016 Completed 02/17/2016
Once reviewed and approved by Matt, email to Committee members for final approval.	MariAnn	02/29/2016 Completed 02/26/2016
Once reviewed and approved by Committee Members, prepare for Board approval.	MariAnn & Scott	03/29/2016
Email budget spreadsheet to group after the conclusion of the meeting. *Budget was handed to the committee at meeting.*	MariAnn	12/18/2015 Completed
Provide the maintenance assistance criteria (the existing criteria for motorized use) to the group	Janine	02/16/2016 Completed 02/16/2016
Bring estimates of low-level to high level development costs to next meeting.	Janine	02/16/2016 Completed 02/16/2016
Take Legislative Concept to DOJ for review	MariAnn & Scott	01/15/2016 Completed 01/12/2016



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Schedule next advisory committee after receiving comments from DOJ	MariAnn	Mid February 2016 Completed 01/27/2016
Re-analyze the Revenues and Expenditures based on the permit costing \$30 (\$20 NM + \$10 AIS) biannual; one year = \$17; weekly = \$5. Bring population down to 150,000, increase population in weekly to 10,000. Keep line items the same	MariAnn	12/18/2015 Completed 12/17/2015
Need to determine/define “size” of businesses and look at their rental rates to come up with cost. Establish new costs for a tiered structure with liveries	Glenn and Rachel	12/18/2015 Completed 12/17/2015
Provide a GIS map so members can see the locations and sites that are designated.	Janine	12/18/2015 Completed 12/17/2015
Look at Outfitter/Guide fees, other commercial businesses to see if this fee would double existing fees.	Director Brewen	12/18/2015 Completed 12/17/2015
Update Legislative Concept from discussion	MariAnn and Director Brewen	12/18/2015 Completed 12/17/2015
Re-analyze the Revenues and Expenditures based on the permit costing \$30 (\$20 NM + \$10 AIS) per year; add hazard removal, LE boat purchases, increase Education grants and publication and outreach line items	MariAnn	11/18/2015 Completed 11/06/2015
Provide a list of OSMB funded facilities in Federal Wild and Scenic areas requiring a boater’s pass	Janine	11/18/2015 Completed 11/18/2015



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Update Legislative Concept from discussion	Director Brewen and MariAnn	11/18/2015 Completed 11/18/2015
Put together a list of livery and guide discount numbers from AIS permits	Rachel	11/18/2015 Completed 11/18/2015
Get the detailed motorized budget & revenue/expenditures graph	Director Brewen and MariAnn	11/18/2015 Completed 11/18/2015
Bring the Ohio NM program information to next meeting	MariAnn	11/18/2015 Completed 11/13/2015; by email sent two reports
Inquire if other states require Liveries to have a dockside safety checklist for NM	MariAnn	11/18/2015 Completed in January 2016
Re-analyze the Revenues and Expenditures based on the permit costing \$10, \$15, or \$20 per year; write a narrative with each line item of what expenditure will provide	MariAnn	10/26/2015 Completed 10/25/2015
Provide the average cost of launch ramps, boat slides, etc. for non-motorized access	MariAnn	10/26/2015 Completed 10/25/2015
Complete meeting minutes; post to web and email to NMBAC and all interested parties	MariAnn	10/12/2015 Completed 10/20/2015



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Meeting began at 9:05 am

Facilitated by: MariAnn McKenzie, Non-Motorized Project Manager

Agenda Item #1 – Review Updated Legislative Concept & Advisory Committee Recommendation Discussion

- Staff made changes to the legislative concept as discussed at the meeting on December 18, 2015. Committee members were provided with a tracked changes version and clean version.

Director Brewen discussed the following with the committee:

- In January, staff shared the non-motorized legislative concept draft with the agency's Department of Justice (DOJ) General Counsel, Matt Devore, for initial review. He reviewed the draft concept, language and the various pieces to see if there were any potential holes or unintended consequences. Staff involved Matt to make sure Matt understands the committee's intent with this concept.
- Additionally, this concept will have ramifications with the agency's Environmental Section and the AIS program. This concept includes desired changes to the AIS program, however; the agency wants to keep the programs separate yet combine the permit. This concept needs to go to the Board for approval.
- It was agreed upon by staff that AIS and NM should not be integrated together, to keep each separate. Staff will review existing statutes for AIS against the proposed concept. If the NM concept doesn't pass, then the AIS program won't be impacted. The concept recommendations are not integrated.
- The final Legislative Concept Draft will be presented to the Board on March 29, 2016 during a special Board Meeting. Members were encouraged to attend. The Board must approve the concept before moving on to the Governor's Office. The deadline for the legislative concept submission is April 15.
- If the Governor's Office approves the legislative concept, then it will be forwarded to legislative council to draft into a bill for the 2017 session. If adopted, would become effective January 1, 2018. The agency would then need to draft rules.
- Members reviewed the tracked document, line by line with new changes and below are the discussions that pursued:
 - Make sure that kids under 14 –even though exempt from this program permit, are covered with safety info if boating solo. Responsibility falls back on the parent.
 - In the AIS rule was the exemption of 14, it will be moved into statute to be consistent with non-motorized.
 - Director Brewen wants to have a separate permit by rule for Wild and Scenic waterways with a fee based program. This will require a conversation with BLM and State Parks, but is outside of the scope of this legislative concept. We will all need to consider how to incorporate the AIS fee into other fee programs that are



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- managed by others, such as the Warm Springs Tribe, BLM, and other waterway partners for scenic waterways (John Day, Deschutes, Rogue, Snake Rivers).
- 6.1.1 (3) Define “official business” in rule or in the legislative concept? Committee does not want state or county publically owned liveries to be exempt from the permit. We need to define or clarify what constitutes “official business” so there is no loop hole.
 - 6.1.1 (4) Added to simplify bordering state waters and will be changed in AIS to be consistent.
 - 6.1.1(5) was added to allow for reciprocity for other states that have a non-motorized permit or registration program to boat in OR.
 - Need to have a campaign to highlight NM craft equipment requirements. Push wearing PFDs.
 - One committee member was concerned about requiring a whistle for NM craft users. Would like to see 8.1 (2) removed.
 - After further discussion, it was agreed that it was more important for the person using a NM craft to be wearing a life jacket then requiring them to have a whistle too. Adding the whistle is just one more item for the casual user to get and harder for Marine Patrol to see on the water. **Consensus:** to remove 8.1 (2); but still require wearing a life jacket. The penalty will also be removed in 12.1 (2).
 - Under 12.1.2 one member wants to see a specific prescriptive fine for violating the PFD requirement for NM craft and recommended the same citation fine (\$30) to be consistent with AIS. Tubes and toys are only \$10-\$20 to purchase. \$110 is pretty exorbitant. Another member advocated for the Class D citation. Officers have discretion and the court has the ability to lower the fine or require taking a class. The member stated the point that he thinks the legislature would do what they did with AIS and want a lower cite. This is a brand new law and will cause a lot of heartburn, and might even be what stops the bill in its tracks. \$30 is more palpable. He didn't think this concept will go through if the fine is too high. Don't want this topic to be a distraction.
 - Diversion as an option for the courts and law enforcement is a better approach, because it drives education, requires the person to buy a PFD, and they learn how to be safer on the water.
 - Consensus to keep it at a Class D. Consider lowering the cost of a diversion program. Look to Clackamas County's program as a model.
 - Upon further discussion, the member's point about the importance of lowering the fine, especially for a new classification of user, was considered. Consensus was reached on the same fine for NM Craft as with failure to carry an AIS permit (\$30 –see discussion below).
 - One committee member stated: A lot of parallels with bikes and cars. The fees are the same for car or bike. Bikers are allowed to take a class and have the fee reduced. The class is free. Can we create a diversion class specifically for NM craft (inner-tubers)? Create a specific education class for the float crowd.



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- Committee is all for partnering with anyone who is willing to share our safety messages and potential course providers.
- Further discussion pursued regarding NM craft. Director Brewen agreed with the committee member who wanted to lower the penalty fee to \$30. Director Brewen stated that it's prudent to expect this discussion with Legislators, especially since we didn't engage this user group. One member asked: do we have the stats to back the PFD wear requirement? This is an important component to have in discussions if it drives people away from boats to toys because they want to avoid the NM program fees.
 - What's the best strategy about the NM craft citation? State what the baseline is, and what the impact would be on the public. The concept should include what the committee recommends for adoption. One member agrees and stated that he also believes requiring PFD wear is going to be a tough sell; however, this group needs to be safe on the water. Another member stated if it's going to be a barrier for the bill passage, then remove the class D citation and the lower the fine.
 - The committee put it to a vote:
 - Four out of five members was fine dropping the penalty to \$30. The fifth member was neutral, but supports the consensus.
 - The fee will be dropped from a Class D violation to a presumptive fee of \$30 and still require PFD wear.
- It's a huge starting point in the discussion and will either drive people to learn more about NM boating or force education through enforcement.

Action Item(s):

- **Update legislative concept and email to Matt for review**
 - **Once reviewed and approved by Matt, email to Committee members for final approval.**
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Agenda Item #2 – Boating Facilities Follow-up

Janine Belleque, Boating Facilities Program Manager discussed the following:

- A spreadsheet was shared with estimated concepts and construction costs for small, medium, large and retrofitting of existing access improvements.
- If NM legislation is approved, a new committee of boaters will help develop concepts/ideas/criteria for construction and maintenance programs.
- MAP Component Point Values were also handed out to the members to show the complexities of how MAP funds are distributed to facility managers.
- BLM / Marmott Dam development. Will have camping, water access, and dog park. The BLM just started public comment process for Molalla River Recreation Area Plan. OSMB staff is working with BLM to be involved in the planning process.

Action Item(s):

- N/A



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Meeting adjourned at 12:05 pm.

Meeting minutes respectfully submitted by Ashley Massey and edited by MariAnn McKenzie and Director Scott Brewen.