



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



October 30, 2015 Meeting Minutes

9:00 am - 4:00 pm OSMB, Board Room, Salem OR

Agenda Items	Requestor/ Presenter	Time Req.
1. Budget Follow-up - Deliverable: Present requested revised budget and review with Committee members	Scott Brewen	1 hr. 15 min.
2. Boating Facilities Follow-up - Deliverable: Present requested information to Committee members	Janine Belleque	1 hr. 30 min.
3. Review Updated Legislative Concept - Deliverable: Review updated Concept to Committee members	Scott Brewen	1 hr. 15 min.
4. Advisory Committee Recommendation Discussion - Deliverable: Continue modifying the draft of the legislative concept of a non-motorized program	All	2 hrs.
5. Wrap up	All	15 min.
NEXT MEETING: November 18, 2015		

Team Member & Advisory Committee Attendees:

- MariAnn McKenzie - Project Lead/Education Coordinator
- Scott Brewen - Project Sponsor/Director
- Glenn Dolphin – AIS Coordinator
- Deputy Jon Bock – Lane County – Marine Patrol Officer
- Sam Drevo – eNRG Kayaking
- Laura Jackson – Portland Kayak & Canoe Team
- Steve Lambert – Jackson County Parks
- Patrick McCullough – Rafter **(By Teleconference)**
- Tom Murphy – Sea Kayaker



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Visitors:

Rachel Graham – Policy & Environmental Program Manager – attended the meeting during the Advisory Committee recommendation discussion

Janine Belleque – Boating Facilities Program Manager – attended and presented at the meeting

Ashley Massey – OSMB – Note taker



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<i>Action Items</i>	<i>Assigned to</i>	<i>Due/Status</i>
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
Update Legislative Concept from discussion	Scott 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	Scott 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
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



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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 – Budget Follow-up

- Director Brewen reviewed the updated budget requested by the Committee. He reminded the Committee that the numbers are base-line and the committee needs to tell OSMB if the budget line needs to increase and where to put the funding towards.
- In order to support a non-motorized program, OSMB factored in three full-time positions: a Coordinator, Natural Resource Specialist for Facilities and a support staff that would be split 50/50 between the non-motorized program and aquatic invasive species program.
- Permitting is a big piece of facilities and would need a Natural Resource Specialist position to meet those needs. OSMB could go externally to purchase services, but the cost may be higher.
- Committee members looking at the breakdown of the biannual rate of \$10 to \$15 to \$20, noticed that just adding an additional \$5 to the cost, increases the construction funding significantly, 1.1 million additional revenue (outside of administrative costs)
- A member stated that people and construction are expensive. The revenue (at \$10) won't get you far. Don't want to cut too far into law enforcement, but there won't be much to show for it...the \$10 fee doesn't show the boaters enough.
- Below are the items that were decided by the committee:
 - The law enforcement budget line was decreased from 8% to 5%, the 5% will be county-by-county specific law enforcement services. Any extra revenue would go into construction.
 - The committee suggested \$30 a biennium or \$17 a year (including AIS), is the number we need to focus on. One member's threshold is no more than \$20 a year (\$40 biennium). But there is still a need to tease out exemptions and we don't want to under-fund.
 - Discussions ensued regarding the replacement permit and due to administration costs and loop holes for boaters; it was decided to not have a replacement option. If boaters lose their permit, they can buy a week permit if near the end of the year or purchase another one or two year permit.
- The committee stated that OSMB needs a good estimate of NM boaters. 80,000 boats is a realistic starting point (based on AIS permits). Lane Co. estimates 45-50% are less than 10 feet. If the length determination rule is changed, it's realistic to double this amount.
 - Rachel discussed the State Parks surveys to estimate NM boaters. Parks survey indicated a range of 64-72,000 of all lengths, who also own motorboats. It's really about the number of owners, not boats, because of transferability.
- The committee recognized not a lot of revenue will be generated for the first few years. We need to still meet start-up costs with low compliance. Can't go back to increase fee. Don't underestimate or over-deliver. Focus on education first, then LE on the water.



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- It was suggested to OSMB that there much be a point person in OSMB to answer questions (which would be the Program Analyst position).
- The committee wants OSMB to start discussion from here on to include AIS fee...stop separating them out. Members like the title of a “Non-Motorized Boating Permit.” The rest is internal administration. We have “A” for a non-motorized fee and “B” for an AIS fee, but we’re discussing “Z,” both combined.
 - Staff changed the verbiage to Non-motorized boating permit.
- There was a concern by the committee that the initial budget for Education and Publication/Outreach for each was too low at \$30,000 for the biennium. MariAnn advised the group that this was only a starting point and currently under the “Let’s Go Boating” Grant program, grant funding has not exceeded \$15,000 per year.
- The committee wants OSMB to keep “all NM boat lengths” when working hypothetical numbers. Everyone supports dropping the 10’ AIS requirement for the permit, and the new program needs to include “all non-motorized boats.”
 - Staff changed the budget line to estimate all lengths of boats.
- There were discussions regarding the Ohio program, members requested information regarding the Ohio program to be brought to the next meeting.
- Discussions ensued regarding liveries to ensure liveries and dealers are educating their renters AND know the regulations themselves. Continual education of retailers will always be an issue.
 - The committee requested that OSMB considers a more formalized Livery Program.
- A member suggested adjusting the fee down \$2 per biennium to account for easy accounting for people who use agents. So \$30 for agents and \$28 to OSMB.
 - Glenn reminded the members, that not all agents charge the \$2.00 admin fee, only ODFW agents charge the \$2.00 fee. REI and others do not charge the fee.
 - Members agreed to \$30 and to not adjusting the fee down \$2 to OSMB
- A member asked, what does it cost for a boater’s pass? Is our fee recommendation reasonable? How does that factor in? The Committee would like OSMB to explore first the costs of the different boater passes. It was brought up that BLM is looking at changing to \$7 on weekends or a flat, \$5 a day.
- The committee asked for the following for the next meeting:
 - To reduce the law enforcement funding from 8% to 5%, putting 3% more to be put towards construction.
 - Add a budget line for hazard removal
 - Add a budget line for purchasing boats for LE support efforts towards NM
 - To increase the funding for education grants and publications/outreach, but did not give OSMB an amount.
 - Need to get more information regarding liveries and current fees before deciding a fee cost.
 - Members have a consensus of: \$30 biennium -\$17 annually (including. AIS) and for weekly \$5. Members stated that makes the most sense as a starting number. Members want OSMB to update the budget reflecting the cost and the added line items discussed.



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Action Item(s):

- **Re-analyze the Revenues and Expenditures based on the permit costing \$30 (\$20 NM + \$10 AIS) biannual; add hazard removal, LE boat purchases, increase Education grants and publication and outreach line items**
 - **Get the detailed motorized budget & revenue/expenditures graph**
 - **Bring the Ohio NM program information to next meeting**
 - **Put together a list of livery and guide discount numbers from AIS permits**
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Agenda Item #2 – Boating Facilities Follow-up

Janine Belleque, Boating Facilities Program Manager handed out documents to the committee regarding the Maintenance Assistance Program (MAP) funding and Construction Costs and Examples. Staff also handed to the Committee a one page document regarding Boating Dollars at Work 2011-2013, which gave a breakdown of the Boating Facilities projects during the 2011-2013 biennium. On the backside of the Construction document, Janine supplied example pictures of different concepts and ideas for non-motorized boating access. Janine also brought in two poster boards regarding the Ojalla boat slide and parking lot and Hole-in-the-Wall projects. From these documents the following questions and discussions ensued:

- Q: “Hole in the Wall” rails (on Clackamas) are popular for NM. Billow pads can be retrofitted onto motorboat docks. Would be a good improvement and imagine they’re not too expensive
 - A: This was built for kayaks, canoes and smaller craft and at ordinary high water.
- Janine explained that the Ojalla slide is for drift, canoe, kayak, and goes below ordinary high water (for low water weather events). Being government, we have to do a lot for permitting, cultural, environmental assessments, etc. This becomes expensive and time intensive. Our investment on projects varies. We need serious partners willing to contribute financially and with other in-kind services.
- Q: What’s the match? Are you considering a carbon-copy of how things work with the motorized side?
 - A: Up to committee to determine...
- Q: What qualifies as match?
 - A: Applicant labor, cash, volunteers, club contributions, materials/supply donations, etc. Federal agencies = 50% match. All others are 25% match.
- MAP doesn’t include federal agencies. Fed grants require 40% match and other facility requirements. (Discussed MAP worksheet).
 - An example was used for a Scat machine (waste removal system). Janine is working on getting federal dollars to pay for these machines for future non-motorized sites, as well as added to MAP funds.
 - There needs to be further discussion about actual match percentages and what we’ll allow facilities to charge for parking for NM. For motorized sites, the land managers are capped by what they can charge for parking, if they receive MAP funding.
 - Security at remote sites is also something eligible under MAP.
- The committee agreed with the following:



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- Keep the MAP budget line and to consider what type of matching requirements would be requested for MAP and grants.
- Because MAP does not include Federal agencies, but OSMB has funded projects on Federal properties, the Committee wants OSMB to provide a list of all of the funded facilities in the Wild and Scenic areas requiring a boater's pass.

Action Item(s):

- **Provide a list of OSMB funded facilities in Federal Wild and Scenic areas requiring a boater's pass.**

Agenda Items #3 & #4 – Review Updated Legislative Concept & Advisory Committee Recommendation Discussion

Scott read the second draft Legislative Concept to the group, which was also handed out to each member to follow along and review. Many discussions branched from the second draft concept:

Under NM Craft draft definition:

- The consensus of the Committee is to keep “wear” requirement of a PFD and not have “carry”.
- Question to the Committee: Should the language clarify “in moving water” (as established by OSMB rule) and exempt lakes?
 - Rachel Graham commented that we have a rule about what is a designated swim area. We need to do more outreach to those facility managers who allow swimming and the areas aren't well marked.
 - Director Brewen will work on the wording and bring back to the Committee next meeting.
- A Committee member asked if there should be a fee to the NM craft group and should it be something for counties to manage? It could potentially offset costs for law enforcement since it's out of control with the float crowd and they spend so much time dealing with them.
 - The committee agreed to not have a fee for the non-motorized craft
- Another Committee member agrees to pass this along to counties to manage. Shouldn't be OSMB's job to fund search and rescue (SAR).
 - Director Brewen commented that OSMB funding should not fund SAR activities and it should be the responsibility of each county to budget for their own SAR teams and rescues.

Under 'Permit required':

- Add an age exemption: 14 years and older operating a NM boat would need a permit.
- A Committee member asked if we should define what a permit is. We need to speak of the fees in terms so it's clear that it's a combined fee with one document of proof (define proof of purchase).
- Another Committee person requested cell-phone image or other form of electronic proof is a “gotta have.” Another member supported the idea.



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- Before deciding the fee structure for liveries and guides, the Committee has asked OSMB staff to collect more information regarding current costs, but several discussions ensued:
 - Rachel Graham advised the Committee on the current Livery AIS permit purchases for last year:
 - 10 liveries, order 10 @ \$30
 - 18 bought 11-20 @ \$55
 - 21 bought more than 21, over 21 @ \$100
 - 6 ordered over 100.
 - Maybe have a Livery credential fee:
 - Differentiate O/G, motorboat, NM. If someone's combined, offer a discount.
 - Livery fee per boat:
 - Have a tiered system, and to consider Boater Pass on Deschutes. Boater pass is "per person." \$2 goes to parks and the rest goes to BLM.
 - The Committee needs more info and involve the big liveries to get their feedback before coming up with a number.
 - Base fee on type of boat?
 - Three tiers based on livery boat fleet –small, medium, large?
 - Proportional increase to what we're recommending for AIS -\$5 to \$17. What's that increase? Need to justify the value/benefit to the livery.
 - If the program passes, it will not benefit the wild and scenic corridor managers. That's what boater pass money is supposed to be used for. Right now boaters are paying for all of it –so they are responsible for their own access issues. Boaters shouldn't be double-dipped.
 - Mandatory Dockside safety checklist for NM Liveries? Yes.
 - Any other states require? MariAnn to explore.
 - Create a poster as a first step vs. mandatory education? Go through with the renters and its fast. Still educates public. One committee member supports –don't want to impede business, but use as a starting point for education and safety.
 - Require the livery educate an employee and then use a poster as a next step to run renters through.
 - Create an official Livery Program that has more structure, education, and communicate laws and rules.
 - If they want a reduced rate, they need to register as a Livery. If not registered, they pay full price. Incentivize people to register as a Livery.
 - Needs to be a partnership with Livery, and they need to be invested in safety in order to get a discount. Tailor the posters to generic safety and have customers ID 3 local issues (5 horn blasts, what does that mean? Get out of the way.).
 - If the livery doesn't comply, then they don't get discount or any materials.
 - Explore whether registering as a livery reduces risk and business costs for insurance by complying with OSMB livery program. Some think if they don't bring up safety, then they aren't liable. The opposite is true.
 - Provide an exemplar?
 - Have livery complete a form to learn about the laws/waterways, etc. and give the renter a document of what they can expect from the livery.
 - Example language for legislative concept:



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- OSMB requires a Livery to provide renters the following...(provided by OSMB, and have it available digitally).
- GOAL: Provide a basic level of education to livery that they pass along to renters (renter's responsibilities). Give something to the Livery to highlight their commitment level to provide a "safe and enjoyable experience" to the renter.
- If we have requirements for liveries, then we need to look at the enforcement side.
 - OSMB doesn't have any statutes on liveries. We only have a definition.
 - There are rules regarding the watercraft checklist for motorized boats
- Suggest having the livery discussion with the O/G committee, since they're all receiving compensation.
- Think about discount for motorized liveries...there becomes inequity with motorized if we discount non-motorized liveries.
- Recommended language:
 - Under NM Boating Education Program add a #7 (7) in Education:
 - "NM liveries shall require renters to complete an approved NM boat safety orientation as established by Marine Board rule"
- We can do this, without creating a program.
- Under NM Boating Education Program:
 - Remove "voluntary" from statute and include in rule
 - Allow NGO's that have on-water education programs the ability to help with education.
- Rename: Non-motorized Boating Safety Program to Non-motorized Boating Safety Enforcement Program
 - #2 - change wording to "...the purchase of appropriate watercraft to assist..." (Create a line item in budget)
- Create a separate section for Obstruction removal (create an obstruction removal line item in budget)
- NM Boating Access Program:
 - The NM boating access program shall include providing access, funding, and maintenance for NM boating facilities.
 - (1) Include leases and easements. (Assisting public agencies with the purchase of land, including leases and easements, in order to access waterways.
 - (2) Construct, expand, renovate or develop non-motorized facilities.
 - (3) Assist with development of on-water enhancements for NM recreational boating play parks or competition facilities (whitewater parks, etc.)
 - (4) Modify or upgrade motorized boating facilities to accommodate or incorporate NM boaters.
 - (5) Technical services to support paragraph 1-4
 - (6) Establish a MAP as defined by the Board in rule.
 - Be sure to add something in rule about pump/dump/scat or other waste disposal facilities.
- We need to add Penalties to statute:
 - Failure to obtain a permit
 - Requirement to carry/display



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- Failure of livery to not provide the required orientation
 - Failure to register as a livery
 - We don't want it to be the "default B Violation of \$260"...too expensive.
 - OSMB shall develop rules for implementation...
 - Authorization to exempt certain boats
 - Authorization to provide discounts (here or in rule?)
 - Authority to "grant" out funds to do work
 - Authority to receive federal and state funds
 - The committee still needs to figure out permit mechanism...paper/Tyvek/sticker? Digital has too many loopholes.
 - Duplicate/replacement fee option has a lot of disadvantages and costs on the admin side, but we can track people.
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Action Item(s):

- **Update Legislative Concept from discussion**
- **MariAnn to get if other states require Liveries to have a dockside safety checklist**

Meeting adjourned at 3:25 pm.

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