

Newsletter

Fall 2016

Living, Working, & Loving
the Oregon Outdoors



Photo: outfitterjohncole.com



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those on the go...

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Upcoming Rule Changes

Guide Statutes enacted in 2013 are getting ready to take effect in 2018 - Be aware of the changes and be prepared:

2018 Health, Drug & Knowledge Testing -

Back in 2013, the Outfitter/Guide statute ORS 704.020 was updated and included a mandate to institute health, drug and knowledge testing for guides using motorized boats on sole state waters by January 1st, 2018. That date is rapidly approaching! The change will require those guides to submit proof of a physical examination, participate in a drug and alcohol testing program, and pass a written test adopted by the Board. All holders of a current US Coast Guard Operator's License would be exempt from this requirement. Meetings will be held throughout the state to gather comments and additional requirements.

The proposed draft language would institute the following:

- A guide or an employee of a guide operating a motorboat with passengers for hire on waters of the state must have either a US Coast Guard License or documentation showing he or she has met OSMB requirements.
- The OSMB requirements include proof that the guide has passed a written Marine Board examination within the last five years; is participating in a drug testing program; and has completed a physical examination within the last five years.
- The written test passing score is 75 percent. If the applicant fails, he or she can retake the test after 30 days. After a second failure, the operator certification will be denied for the remainder of the calendar year.
- The drug testing program will include testing for cocaine, amphetamines, phencyclidine (PCP) and opiates. Rules would reference 49 CFR Part 40 for testing levels. Chemical analysis would be performed at laboratories certified by the appropriate state agency.
- The physical exam will look for conditions that pose risk of sudden incapacitation or a debilitating complication, and will also document conditions requiring medication that may impair cognitive ability, judgement or reaction time.

Draft rules will be circulated for comment during the public comment period.

INFO

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Email or Mail?

This edition of the newsletter has been distributed primarily via email. If we have your email address on file, you will receive only the email version. If not, you will be mailed a paper copy. Please notify us if you have a preference, or if your email address needs to be updated.

In the works...

Here are some of the ideas that are in the works for possible rule or statute changes. Keep an eye out for upcoming public meetings on these issues as they develop.

Biennial Registration: The rule changes to allow charter boats the option of biennial registration have been adopted. The rules will be in effect by this December's renewal period. Biennial registration for outfitter/guides will require a change to our statutes - a lengthier process. GAC members will propose the change to the legislature. The GAC is considering options regarding this language.

Employee Apprentice: The proposal would allow persons assisting an outfitter/guide or charter operator with fishing activities to do so without individually registering as a guide. The proposal

includes an application process for all employees, a minimal fee, and presence in an online database. This proposal would also need to go through the legislature for statute revision.

Class 1 Operator: Work is continuing on a proposal to develop a specific class of guides and charter operators that would be allowed to operate either a guide boat or a charter boat without having to dual register. The ability to operate either boat would be limited by their US Coast Guard license.

Inland Charter and Outfitter Safety Equipment: Meetings have been held to discuss and develop safety equipment rules for vessels operating on sole-state waters. Existing rules need to be cleaned up and reflect current needs.



Specialized Information for the Outfitter & Guide Community

The Outfitter and Guide newsletter is a bi-annual publication which is the cornerstone of the Outfitter Guide communications program. Its purpose is to cut through the clutter and provide important communications between the OG community and the Marine Board in a rapidly changing program. If you have recommendations or comments, feel free to submit them at: outfitter.guide@state.or.us.

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OSMB conducted two safety equipment surveys of Charter Guides in the Columbia in August and a three day survey of all guides on the Snake River in September. We have been working with the Guide Advisory Committee and the charter sub-committee to clear up some of the confusion surrounding safety equipment requirements, as well as to make recommendations for non-motorized vessels.

Columbia River surveys were conducted with the help of Clatsop, Columbia, Tillamook, Jefferson, Deschutes, and Klamath Counties and the USCG. Oregon State Police hosted the survey on the Snake River. While the Lower Columbia survey consisted of independent guide boats, the Snake River survey covered primarily multi-day, multi-raft guided excursions. One charter boat was surveyed and found to be in compliance.

	Buoy 10	St Helens	Snake
Required Items			
Guide License	67/71	12/12	5/21
First Aid Card	66/71	12/12	2/21
Insurance Card	64/71	12/12	1/21
USCG License	69/71	12/12	
Decals displayed	69/71	12/12	7/21
PFD's- any type	71/71	12/12	21/21
PFD - type 1	52/71	7/12	
PFD - accessible	61/71	12/12	21/21
Type 4 or Ring	67/71	12/12	15/21
VDS/Flares	61/71	n/a	
Fire Extinguisher	70/71	12/12	
Sound Device	70/71	11/12	15/21
Optional Equip			
Radar	2/71		
Raft			
GPS	60/71	11/12	
Pers'l Loc Beacon	9/71		1/21
EPIRB	32/71		
Anchor & Tackle	56/71	7/12	
Bilge Pump	65/71	12/12	
Manual Pump	4/71		11/21
Bilge Alarm	25/71	3/12	
Charts	29/71	3/12	
Compass	46/71	3/12	
First Aid Kit	57/71	10/12	15/21
Satellite Phone	6/71		3/21
VHF Radio	48/71	7/12	
PFD Lights	9/71		



Report Illegal Guides & Outfitters
503-378-2610

Recent Disciplinary Actions

Name	Date	Action	Reason
Wayne Young	5/26/16	Denial	Failure to disclose firearms restriction
Wayne Priddy	6/03/16	Denial	F&W violations, Failure to disclose
Jeremy Scoles	6/24/16	Denial	Guide Registration Violation
Erik Brigham	7/25/16	Suspension	Failure to disclose F&W violations
Claudiu Pop	9/07/16	Suspension	Failure to register as a guide & disclosure

Currently: 1 Outfitter Guide suspension pending, 1 Charter Boat Operator suspension & 45 Conditionals Issued

Law Enforcement Update



In 2015, the Oregon State Police investigated a charter boat for committing fish and wildlife violations. The captain of the vessel subsequently pled guilty to one count. While reviewing his 2016 Charter Boat Application, it was determined that the captain failed to disclose his earlier citations. Subsequent investigation ended with the captain being cited and released for Unsworn Falsification. In September of 2016, just prior to going to a jury trial, the captain pled guilty to the charge of Unsworn Falsification. He was fined \$200.00 and cannot provide or assist with any "Outdoor Recreational Activity" for a period of 12 months.

In April 2016, SIU investigated an illegal guide out of Oregon City. He was subsequently cited to appear in Columbia County Circuit Court for Failure to Register as a Guide. Two days later, he applied to be a guide through the OSMB and failed to disclose his previous citation from just days earlier. He eventually was cited again for Making a False Application in a Registration. On 5/16/16, the guide pled guilty to Failure to Register as a Guide, a Class A violation, and was fined \$500 and ordered to pay \$218 as restitution for the trip costs. On 9/7/16, he pled guilty to Unsworn Falsification as a Class A violation and was fined \$520 and agreed to a 1 year suspension of his guide license.

In addition, 11 guides were placed on Conditional status after they were cited for Unsworn Falsification for not disclosing previous citations or convictions on their applications.

Stability Testing in Oregon

Recently, the Marine Board had cause to request a stability test for a new Charter (7+ Passenger) boat operating on sole state waters (where the USCG does not have authority). The owner of the charter vessel hired Capt. Joseph Derie, a NAMS/SAMS certified marine surveyor, to conduct the tests. Capt. Derie wrote an article for us regarding the process, which we've condensed here. The entire article can be found on our website at www.oregon.gov/OSMB/Documents/Stability.pdf.

The purpose of the test was to determine the number of passengers a vessel can safely carry on its routes. The test was conducted following USCG guidelines, and the rule was enacted after this class of uninspected vessels was involved in multiple accidents causing injuries and deaths across the U.S. Stability tests can be waived if the vessel has a sister ship that has passed a stability test.

The test is conducted while the vessel is secured loosely to a pier. The number of passengers is determined by rail space, deck area, or fixed seating space with a center of gravity de-

termined at 30" from the deck. Passengers are simulated using barrels of water or sand bags and averaged to be 185 pounds each. The crew is also included. After the vessel is loaded with the simulated weights, calculations are made and the maximum "heeling position for the controlling moment" is marked on the hull. Weights are moved to simulate passenger movement. If the vessel does not heel past the mark on the hull, then it can carry that number of passengers. If it does heel past the mark, then weight is removed to account for fewer passengers and the vessel is re-tested until it successfully passes.

The recent test on the Oregon charter boat was observed by the owner, manufacturer, OSMB, and the county Marine Patrol. The test determined that the passenger capacity stated by the vessel manufacturer was higher than it should have been for the route/conditions planned. In this case, it was changed from 21 passengers to 18.

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Save the Dates

November 1 - Renewals for 2017 begin. Apply online or by mail.

December 7 - 10 :00am Guide Advisory Committee Meeting, OSMB, Salem

February 9, 2017 - 8:00am Guide Advisory Committee General Meeting, Sportsman's Show, Portland Expo

Wallet Cards Are Back!

You asked and we listened! We have finally been able to modify our system to accommodate all of the required information on a wallet-sized card for your license. Your 2017 license card will be attached to a letter. You'll need to peel the card off and fold it in half to adhere to itself. It will not be water-proof, but should hold up to normal wallet wear and tear. We'll be interested in your feedback on how they hold up.



Got Questions? Check out our website: www.BoatOregon.com