

Minutes were approved without edit by the Marine Board on June 28, 2016.



Meeting Minutes
Oregon State Marine Board
April 26, 2016
Salem, Oregon

Board Meeting – April 26, 2016

Chair Val Early called the April 2016 meeting of the Oregon State Marine Board to order at 9:00 am.

Board Members present: Brian Carroll, Val Early, Cliff Jett, Jas Adams and Jen Tonneson

Staff Present: Director Scott Brewen, Janine Belleque, Rachel Graham, Ashley Massey, Randy Henry and June LeTarte

Approval of Minutes:

Chair Early asked for a review and approval of the January 6, 2016 and the March 29, 2016 meeting minutes. Mr. Jett made a motion to approve the minutes of both meetings. Ms. Tonneson seconded the motion. Motion passed unanimously.

Public Comment:

No public comment.

Chair Early welcomed the audience and announced changes to the agenda item order. The Board will consider items requiring Board action prior to accepting staff reports.

Item A: Director's Report

Director Brewen distributed a copy of "The Balanced Scorecard" and announced his intention to present the Director's Report as a higher-level overview and assessment of the current state of the agency. The four key reporting areas will be: Financial Stewardship; Internal Business; Organization Capacity and the agency's Internal Business Process. Each area will be assessed on its strengths, weaknesses, opportunities and potential threats. The Board was very receptive and looks forward to the new informational format.

Ashley Massey, Public Information Specialist, said that tomorrow, April 27, she will be participating in a media outreach tour highlighting a water safety message. In addition, the agency will be celebrating the "Wear Your Lifejacket" campaign on May 19, 2016.

Item B: Consideration of Rulemaking for Chapter 250 Division 011 – Steering and Sailing Rules

Director Brewen requested the Board's authority to initiate rulemaking to address steering and sailing right-of-way responsibilities, ensure consistency between state and federal laws and remove conflicting language. Temporary rulemaking will be filed until the permanent rulemaking process is complete. Mr. Carroll made a motion to initiate permanent rulemaking in Chapter 250 Division 011, and file temporary rules, as presented. Mr. Adams seconded the motion. Motion passed unanimously.

Item F: Consideration of Rulemaking for Insurance and Duplication Fees 250-010-0057 and Refunds 250-010-0058

Rachel Graham, Environmental and Policy Manager, requested the Board's authority to initiate rulemaking to repeal 250-010-0057 which conflicts with Oregon Revised Statute and amend the overpayment refund language in 250-010-0058. Mr. Jett made a motion to initiate rulemaking, as presented. Ms. Tonneson seconded the motion. Motion passed unanimously.

Item G: Consideration of Kinney Lake Petition Request for Rulemaking Wallowa County OAR 250-020-0340

Rachel Graham requested the Board's authority to initiate rulemaking to amend 250-020-0340 to prohibit the use of motorboats on Kinney Lake in Wallowa County. This petition for rulemaking was requested by the Oregon Department of Fish and Wildlife. Mr. Jett made a motion to initiate rulemaking, as presented. Mr. Carroll seconded the motion. Motion passed unanimously.

Item L: Consideration of Rulemaking for Chapter 250 Division 016 – Outfitter/Guide Registration

Randy Henry, Boating Safety Manager, requested the Board's authority to initiate rulemaking to adopt, repeal and amend rules in Division 016 Outfitter/Guide Registration. This rulemaking will implement the agency's authority to levy civil penalties and simplify the application requirements. Mr. Jett made a motion to initiate rulemaking, as presented. Ms. Tonneson seconded the motion. Motion passed unanimously.

Item H: Consideration of Multnomah Channel Petition Request for Rulemaking in Multnomah and Columbia Counties OAR 250-020-0282

Rachel Graham briefed the Board. Law enforcement has begun special emphasis enforcement in the Multnomah Channel. There is a large enforcement presence on the Channel and as of yesterday, sixteen citations were issued and nearly 200 boating reports completed. Facility staff were at the Sauvie Island and the Gilbert River ramps last week and reported viewing no disconcerting behavior. Though, Ms. Graham acknowledged, it is the wrong time of year to observe wake boats and water skiers as described in the petition.

Mr. Adams asked what areas would be included within the proposed zone which are not presently covered in rule. Ms. Graham responded that the petition proposes an exclusion of 500 feet before and 500 after any structure, dock or ramp. Current statewide rule doesn't use the terminology "structure or dock". If the rulemaking process moves forward, Ms. Graham can't confirm this terminology would be used nor is she certain where all the stand-alone docks are located within the channel.

Currently, marinas and public boats ramps are covered under the basic existing slow-no wake rule, within 200 feet. The new definition of slow-no wake, no longer references a speed; rather, operating a boat at the slowest speed necessary to maintain steerage and that reduces or eliminates waves that appear as white water behind the boat.

Mr. Jett commented that in the narrowest part of the channel there isn't 500 feet available. Ms. Graham agreed and said that the most constricted area is around the moorages on Sauvie Island. While not unique, a 500 foot rule would be contrary to the state wide rule.

Mr. Carroll asked, with education, will the situation likely improve. Ms. Graham said yes, with slow-no wake education and increased enforcement. Mr. Carroll said that there should be a conversation with the Department of State Lands; when new structures go in, there should be a boom or wave attenuators installed.

Mr. Henry briefed the Board on the special emphasis enforcement agreement for the area. Mr. Jett asked if the number of boater contacts-made will be collected within the report statistics. Mr. Henry said no. Chair Early asked that the reports be forwarded to the Board for review.

Ms. Tonneson voiced concern regarding the overall drop in patrol hours on the Channel by Multnomah County; their patrol was virtually non-existent even though this area of concern was discussed last year. Ms. Tonneson asked what relief or patrol presence can the agency provide the petitioners other than “we hope” there will be law enforcement. Mr. Henry said he would pay more attention to the weekly and monthly numbers but sometimes boating priorities occur elsewhere.

Mr. Adams asked what percent of the comments received focused on the lack of law enforcement. Ms. Graham responded an estimated 90% of the commenters mentioned a lack of law enforcement in the area regardless if they favored or were against the petition. Chair Early added; most written commenters said that if the current rules were enforced there wouldn't be a need for the petition.

Mr. Jett made a motion to accept the staff's recommendation and instructed staff to provide the Board with an in-depth law enforcement report at both the June and October 2016 meeting. Also, staff will contact Multnomah and Columbia counties and get more law enforcement presence on the Channel. Mr. Carroll seconded the motion.

Ms. Tonneson said the need for education and law enforcement presence were universally repeated during the public hearing in Scappoose. She thought a particular group of boaters were targeted while other boaters doing egregious violations were ignored. Education needs to be added as another contingency. More outreach by the agency may help quell the issue. The agency needs to be proactive and provide educational information at the boat ramps.

Mr. Adams asked if there was an opportunity for increased enforcement by Multnomah County. Can the agency “make them” do more and control the degree of law enforcement? Mr. Henry said that in the contract there is an expectation of a certain number of hours for a certain amount of money.

Mr. Adams sees a problem with the lack of law enforcement in the Multnomah Channel. Director Brewen elaborated. The agency works with the counties to identify the waterbodies with boating issues versus mandating a specific number of hours on a specific waterbody. It's a balance of targeted enforcement and priorities.

Ms. Tonneson agreed and noted that Holgate Channel is also experiencing problems due to a lack of enforcement. Ms. Tonneson asked whether the agency will be able to direct some funds to the Multnomah Channel this summer for extra patrol. Mr. Henry said yes, beginning in April through September, and that he is working with the Coast Guard Auxiliary to distribute educational information.

Chair Early asked for a roll-call vote on the motion.

Brian Carroll – Aye
Jas Adams – Aye
Val Early – Aye
Cliff Jett – Aye
Jenn Tonneson – No

Motion passed. The petition requesting rulemaking was denied.

Item K: Grant Requests

Ms. Belleque, Facilities Boating Manager, updated the Board on additional submitted FEMA requests at Port of Brookings, Yamhill County Dayton ramp and at Klamath Lake. FEMA has accepted the Port of Alsea's dredging project claim.

Grant Request 1534 – Oregon State Parks and Recreation Schwitter Landing Debris Boom Replacement

Darrell Monk, Project Manager, was present.

Staff recommended that the Board amend Facility Grant 1534 in the amount \$185,000 in federal Boating Infrastructure Grant (BIG) funds to match \$160,000 of applicant cash and \$500 administrative services for a total project cost of \$335,500.

Mr. Jett made a motion to approve the grant, as presented. Ms. Tonneson seconded the motion. Motion passed unanimously.

Grant Request 1550 – City of Tillamook Carnahan Park Boarding Dock Replacement and Security Camera Installation

Tim Lyda and Kate Laxson, Public Works, were present.

Staff recommended that the Board authorize Facility Grant 1550 in the amount of \$213,750 state boater funds to match \$71,250 of applicant cash. The City of Tillamook will provide administration, contracting and oversight of the project.

Ms. Early made a motion to approve the grant, as presented. Mr. Adams seconded the motion. Motion passed unanimously.

Grant Request 1555 – Lincoln County Public Works Knight Park, Restroom Replacement and Parking Area Repair

Keith Andresen, Parks Operation Supervisor, was present.

Staff recommended that the Board authorize Facility Grant 1555 in the amount of \$63,350 state boater funds to match \$14,650 of applicant cash, \$8,500 force account labor and equipment and \$5,000 administration, contracting and oversight of the project.

Mr. Carroll made a motion to approve the grant, as presented. Mr. Jett seconded the motion. Motion passed unanimously.

Grant Request 1556 – Port of Cascade Locks Ramp Toe Extension

Staff recommended that the Board authorize Facility Grant 1556 in the amount of \$18,750 state boater funds to match \$2,500 of applicant cash, \$3,070 in pre-agreement permitting expenses and \$680 administration, contracting and oversight of the project for a total project cost of \$25,000.

Mr. Jett made a motion to approve the grant, as presented. Ms. Tonneson seconded the motion. Motion passed unanimously.

**Grant Request 1557 – Douglas County Parks Department
Amacher Park, Ramp Toe Replacement**

Staff recommended that the Board authorize Facility Grant 1557 in the amount of \$25,000 state boater funds to match \$2,500 of applicant cash to repair the boat ramp for a total project cost of \$50,000.

Mr. Jett made a motion to approve the grant, as presented. Ms. Tonneson seconded the motion. Motion passed unanimously.

**Grant Request 1558 – Oregon Youth Conservation Corp (OYCC)
Summer 2016 Youth Crews**

Doug Denning, Director, was present.

Staff recommended that the Board authorize Facility Grant 1558 in the amount of \$31,515 state boater funds to match \$31,199 of applicant cash, materials, equipment and administration to fund three OYCC crews in Clackamas, Josephine and Lane Counties for a total project cost of \$69,714.

Chair Early requested to be informed when the Josephine County project is underway.

Mr. Jett made a motion to approve the grant, as presented. Mr. Adams seconded the motion. Motion passed unanimously.

Item C: Registration Program Report

Janess Eilers, Program Manager, briefed the Board as outlined within the staff report. To date, there have been 2,000 online renewals. No Board action required.

Item D: Business Services Program Report

Kristin Nopp, Business Services Fiscal Analyst, presented the staff report. No Board action required.

Item E: Boating Safety Program Report

Randy Henry, Program Manager, briefed the Board as outlined within the staff report. Mr. Henry announced another fatality occurred April 18, 2016, on the Salmon River. The concept of mandatory lifejacket wear for recreational boaters was discussed. Ms. Graham mentioned that this issue was also discussed at the recent Strategic Planning Meeting. No Board action required.

Item I: Policy and Environmental Program Report

Rachel Graham, Program Manager, briefed the Board as outlined within the staff report. Ms. Graham announced three additional Aquatic Invasive Species (AIS) enforcements on vessels from Lake Mead. The concept of interstate commercial hauler AIS enforcement was discussed.

Ms. Graham confirmed that the Department of State Lands has begun enforcement of a 30-day trespass notice for transient boaters.

Ms. Tonneson asked what is being done, legislatively, to increase the fund for the removal of abandoned boats. Ms. Graham responded; as funding spent on the removal of abandon fishing vessels impacts the funding available for removal of abandoned recreational vessels, the agency has formed a Commercial Vessel Task Force. Members of the task force include ports, law enforcement, environmental groups and members from the fishing commissions. The task force will be collecting data, developing an inventory and formulating funding concepts to address removal of abandoned commercial fishing vessels. The task force plans to finalize its report by summer of next year. No Board action required.

Ms. Graham distributed a handout outlining the Board's two types of public comment periods: petitions and rulemakings. Chair Early asked the Board to review the documentation and be prepared to discuss and provide direction to staff at the next meeting.

Item J: Boating Facilities Program Report

Janine Belleque, Program Manager, briefed the Board and provided project updates. The Oscar Lange, Mack's Canyon, Boat Ramp dedication on the Deschutes River will be held June 3, 2016. Cliff Jett will attend and represent the Board.

Other Business:

The next Board Meeting will be held June 27 and 28, 2016. Attendance at the tour date of June 27 is optional. The meeting will be on Tuesday, June 28, 2016. Location will be announced, when finalized.

The meeting adjourned at 11:53 am.