

**OREGON STATE MARINE BOARD
POLICY-PROCEDURES**

SUBJECT: Use of Facility Grant Funds or Maintenance Assistance Funds (MAP) to develop or maintain recreational transient tie-up boating facilities used by commercial tour boat operators, rental craft or other non-recreational watercraft.

POLICY NO: 93-02

AUTHORITY: ORS 830.150
OAR 250-14-001 through 004

APPROVED BY Paul Donheffner
Paul Donheffner, Director

EFFECTIVE DATE: 01/03/94

Definitions:

"Board" - The State Marine Board.

"Commercial Activities" - Any individual, partnership, firm, corporation, association or other entity having a financial profit as a goal and/or charges fees to provide services, supplies or goods. Includes rental, and sales of boats; charter or transport of persons for hire.

"Facility Grant" - Funds derived in part from boat registration fees and motorboat fuel taxes collected from recreational motorboats, used to provide assistance to local and state agencies in constructing and improving public recreational boating facilities statewide.

"Floats or Floating Structure" - A structure supported by polystyrene foam floatation and held in place by piling and mooring devices, including but not limited to boathouses, floating homes, marinas, and walkways, boarding floats or combination thereof, representative of one defined project.

"Maintenance/Operation" - Ordinary and routine daily or weekly activities to clean, service or perform minor repairs to existing facilities. Includes services and supplies.

"Maintenance Assistance Program (MAP)" - Funds that are provided to eligible public agencies for routine maintenance and operations of improved motorboat facilities.

"Transient Tie-Up Facility" - A platform type floating structure secured by/to piling that provides a short-term (less than 72 hours) temporary recreational boat tie-up and pedestrian access to and from a boat in the water. No boat shall tie-up for longer than 12 cumulative days in any 30 calendar day period.

"Sponsor" - Eligible Facility Grant and MAP participants that include cities, counties, park and recreation districts, port districts, state and federal agencies.

Applicable Situations

Provides guidance to sponsors for the development or use of, or conditional use of, or maintenance of recreational transient tie-up facilities for commercial activities at public recreational transient tie-up boating facilities funded in whole or in part with Marine Board Facility Grant Funds and/or use MAP Funds.

Policies

It is the policy of the State Marine Board to not allow use of any portion of publicly funded recreational transient tie-up facilities for rental craft, commercial fishing, selling, net repairs, fueling; commercial log salvage, storage, firewood pile rehandling; commercial or private float, boathouse, floating home, launching or construction; commercial tour boats temporary landing, loading, offloading, and/or use of restroom or parking facilities; commercial food/beverage/marine supply concession stands or similar activities. Some joint use exemptions may apply; see below.

Since public recreational boater fees are used for grants to develop and maintain (with MAP) public recreational transient tie-up facilities the boaters should be the principal recipients of the use and enjoyment of these facilities.

Due to safety concerns and to reduce conflicts no fishing, swimming, diving, crabbing or sunbathing is permitted on launch ramps, floats, or transient tie-up floats.

Public recreational transient tie-up facilities are not designed or engineered for use by any type of commercial activity. Mixing commercial activities with public recreational transient tie-up facilities may also create user conflicts, operations management and maintenance concerns.

A sponsor may have problems with liability/insurance associated with the use of public facilities by commercial operators; especially those charging a fee. Sponsors may not be able to claim relief under Oregon's recreational use immunity laws when commercial activities occur.

A public facility sponsor shall notify the Board of any commercial use proposed at any public recreational transient tie-up facility developed in whole or part with Marine Board Facility Grant funds.

The Board shall review and may deny, approve or conditionally approve any request for development or commercial use of recreational transient tie-up facilities based on the merits of the request, benefits to the boaters/public, impacts to structure (design/engineering), user conflicts, impacts to maintenance and operation, impacts to management of the facility and other guidelines as follows:

1. Facility Grant funds shall not be used for the feasibility, design or construction of any portion of the facility to be used for or support the use of commercial activities. If joint use is permitted the sponsor or commercial operator shall pay for those improvements necessary to support commercial activities; and
2. The sponsor and/or commercial operator shall be required to fund in whole or in part any necessary upland facilities (parking, concession stand, restroom, etc.) used to support those commercial activities; and
3. Maintenance Assistance Program funds (MAP) shall not be used for maintenance of that portion of the facility used for commercial activities. If commercial activities are approved, the Board recommends that a fee be charged by the public sponsor to assure regulatory control and proper maintenance of the facility is conducted; and
4. Commercial activity area(s) shall be clearly marked and signed to reduce conflicts with public recreational boating users. Commercial activities shall not unduly restrict the use of the facility by recreational boaters or restrict any navigational channel or recreational activity area; and
5. No personal (exclusive, long term mooring) use of public recreational transient tie-up facilities is permitted. The transient tie-up facilities shall be available to the public on a first come first serve basis.
6. Special use of public transient tie-up facilities may be granted on a case by case basis, for public events (example visiting tall mast ships).

Note: Policy Concept approved by the Board on 08/10/93.

DO/vh