



Minutes
Oregon State Marine Board Meeting
April 14, 2009
Salem, Oregon

Chair Rick Allen called the April 2009 meeting of the Oregon State Marine Board to order at 9:00 am.

Board Members present: Rick Allen, Trey Carskadon, Deborah McQueen and George Tinker.
Excused Absence: Bob Montgomery

Staff Present: Director Paul Donheffner, Randy Henry, Wayne Shuyler, William Rydblom, Marty Law and June LeTarte.

OSMB Service Awards:

Chair Allen and Randy Henry presented service awards to OSMB employees.

Board Minutes Approval:

Chair Allen asked for review and approval of the January 6, 2009 Marine Board meeting minutes. Mr. Carskadon motioned approval. Ms. McQueen seconded. Motion carried unanimously.

Unscheduled Testimony on Non-Agenda Items:

Lawrence Brandt, West Linn

Mr. Brandt addressed the Board on the issue of gillnetters on the Columbia River and the damage to vessels caused by gillnets. Suggested the Board convene a working group to study the issue. There was a vessel recently dismantled. He has raised the gillnetting concern during annual training sessions for volunteer instructors. There is potential for serious damage to vessels. There needs to be legal lighting on these vessels. Gillnets need to be marked and their lengths limited. At the very least, there needs to be an education initiative for both gillnetters and mariners. Regulatory action may be needed to ensure safe passage through waters.

Chair Allen looked for input from Mr. Carskadon. Mr. Carskadon voiced a conflict of interest as he is working on several bills in the legislature to ban gillnetting from the channel areas. Mr. Carskadon suggested Mr. Brandt talk with his legislator.

Paul Witzke, Corvallis

Mr. Witzke addressed the Board. He was going upriver on the Columbia River when his boat ran over a gillnet. He didn't see it until his vessel was on top of it. Got tangled and went down, hit the Burlington Northern Bridge and was dismantled. No citation was issued.

Chair Allen questioned what gillnetting is; are nets stretched across the river and just left there. Mr. Carskadon responded that the gillnet fisheries are heavily regulated. They have specific soak times.

Lt. Michael Shults, Multnomah County Sheriff Office, addressed the Board. He stated that commercial gillnets are regulated by ODFW. They have very specific times and zones when they can be out. It is very difficult to see the nets/buoys when there are white caps on the water. The sheriff's office receives numerous calls each year about boats getting tangled in gillnets.

Ms. McQueen questioned whether these boats are exempt from lighting? Lt. Michael Shults responded they are not. The US Coast Guard and Clark County were contacted regarding this incident.

Director Donheffner replied that Law Enforcement will follow-up on the incident with the Coast Guard and ODFW.

Item A: Director's Report

Director Donheffner briefed the Board on items summarized in the staff report, including:

Federal:

Regarding the reauthorization of federal funds, the boating safety match would change from 50/50% to 75/25%, same as the sport-fish side. Clean Vessel Act and BIG funds would increase slightly. The recreational boating safety Coast Guard grant percentages would remain the same. Sport fish would go down slightly. Trust fund receipts, from the excise tax, are down. There will be less federal funds in the next few years: \$120 million nation-wide for FY2010; \$115 million in FY2011; back up to \$123 million by FY2013.

State:

Legislative session is nearing end. OSMB is tracking a number of House bills, including: HB 2079, life-jackets on Class III whitewater; HB 2220 regarding invasive species; several bills regarding ethanol including HB 3177; HB 3083 life-jackets for intertubers and HB 3447 registration of non-motorized vessels.

HB 3323 supporting a limited-entry guide program at ODFW did not move forward. In lieu of a bill, the Board may be asked to conduct a work-group study to look at the issue.

On the Senate side, the agency is tracking: SB 475, which would eliminate the mandatory boating education program; SB 681 would allow grants for dredging permits on Willamette River; and SB 844 concerns the public's right to float and use rivers.

SB 873 requires a number of agencies/board to merge, abolish or make cuts. The statutory cut for OSMB would be twenty-five percent. This bill hasn't had a hearing; it would pre-empt the authority of Ways and Means' authority to manage budgets. Mr. Carskadon asked who sponsored SB 873. Director Donheffner will verify and get back to the Board.

Chair Allen questioned the status of SB 869. Director Donheffner responded the bill which instructs ODFW to designate ten rivers as Class I or II, creating unique fishing opportunities, has been scheduled for a hearing next week. The bill would create blue ribbon trophy fisheries for fly fishing and attractions for fishing tourism.

OSMB's budget has moved from Ways and Means. Area of concern is revenue. FY09-11 will draw down beginning balance reserves from 4.7 to 3.4 million. Other fund revenue drops from 24 to 23.6 million and federal funds are reduced twenty-six percent. Details in staff report.

It is critical to note that we are seeing falling revenues in registration, gas tax and federal funds in the current budget. The revenue side will drive agency activities. We will monitor closely and manage costs, i.e. facilities and law enforcement costs.

Board discussion followed. Chair Allen questioned how low should the reserve fund get. We're spending 66% of it in one biennium. The problem is now and are we using the reserve to mask it. This bothers him, as Chair, doesn't have enough information. Need to have a discussion on this.

Ms. McQueen expressed concern, in general, about the marine industry. Boat dealers are closing and it is almost impossible to purchase a boat. The industry is in trouble and registration revenue from new boat sales will not be there.

Mr. Carskadon questioned whether revenue has been this low prior. Director Donheffner responded, we're approaching the same level of six-eight years ago when we last looked at a fee increase. In this coming cycle, FY09-11, it doesn't seem the time to be looking at a fee increase. Revenues are not at the level anticipated. Registration revenues are down by \$900,000. See staff report detail. To manage, we are making reductions in facility grants, education programs and law enforcement, as well.

Regarding the new biennium budget cycle, Director Donheffner has met with OSMB managers about resetting expenditure expectations. May have round-one grants in facilities but not a round-two or three. Likewise, less expenditure in law enforcement and education programs.

Mr. Tinker commented since facilities has more discretionary funding, new projects may have to be on hold. Mr. Tinker questioned if any stimulus money is coming. Director Donheffner responded not through the state-side.

Mr. Carskadon commented the Board needs to meet and look at our priorities and where we want to head. We need to be conservative, plan ahead and have oversight. May need to sit down and review the ten-year plan and make adjustments.

Chair Allen stated the agency needs to look internally. If there are fewer boaters and fewer registrations, in one county, how is it reflected in where we are putting law enforcement dollars? Are we critically looking at river usage and not just taking last year's budget allocation and rolling it forward? Are we looking internally at our staff? If there are less people registering boats do we need as many employees at the registration desk? He has a problem if we are going to just keep grabbing money from facilities to back-fill.

Director Donheffner responded the budget conversation is not limited to facilities. The agency is also looking at limiting law enforcement, education and administration expenditures. Director Donheffner indicated that is why we are having this conversation now, and working to manage the current budget, as well as the next budget to deal with the downturn. The agency has the ability to manage this and is being responsive to the issues.

Chair Allen stated he has a problem with a budget which takes 100% of our available reserves all in one biennium and putting the problem off until the next. The numbers are declining even in the budget we're currently in. We are in the middle of our biggest budget crisis.

Ms. McQueen added that the agency needs to examine the issue of non-motorized boaters. They receive services and are not paying for the benefit. This is an absolute necessity. We need to aggressively go after these funds.

Director Donheffner briefed the Board on remaining items. See staff report. The next Board Meeting will be held June 18 in Astoria. Arrangements will be confirmed.

Item B: Consideration of Rulemaking at the Salem Waterfront Park on the Willamette River

Mr. Randy Henry, Operations Policy Analyst, briefed the Board. In June 2007, OSMB met with Polk County to discuss enforcement issues. As this is not a moorage for six or more boats, watercraft sometimes come in very close and PWCs frequently follow, disregarding the state-wide PWC 200 feet rule. Prior, we put 100 foot buoys out with a temporary rule. It clarified the rule for enforcement and users, alike. There were no complaints.

Staff recommends the adoption of the language in permanent rulemaking for boat operations on the Willamette River in Marion and Polk counties, as outlined in the staff report. Boats would be restricted in the following: (3) Within 100 feet of the moorage dock at the Salem waterfront park.

Ms. McQueen commented that we have rules that apply to everyone about docks but it seems like we are constantly rearranging rules for specific areas. Is this a safety issue? Every meeting we seem to be modifying usage. Mr. Henry responded that there have been complaints from people boarding and disembarking from the Willamette Queen.

Mr. Tinker made a motion to adopt the rule, as recommended by staff. Mr. Carskadon seconded. Motion passed unanimously.

Item C: Request to Initiate Rulemaking for Holgate Channel and Ross Island Lagoon

Mr. Randy Henry, Operations Policy Analyst, briefed the Board. On March 30, 2009, OSMB received a petition from the Willamette Riverkeeper for a no-wake-zone for Holgate Channel and a non-motorized zone for Ross Island. Co-petitioners include the Audubon Society of Portland and the Urban Greenspaces Institute. The City of Portland adopted a resolution supporting the petition.

Staff recommended the Board accept the petition and initiate the rulemaking process including a public hearing to collect comment. Staff will report findings at June meeting.

Travis Williams, Willamette Riverkeeper, petitioner, addressed the Board. The proposal creates a no-wake zone through Holgate Channel and a non-motorized area in the lagoon. This proposal is based on several factors, including restoration. Ross Island Sand & Gravel donated forty-four acres to the City of Portland as a wildlife refuge. With regard to safety, there have been more incidents involving wakeboard boats. This is a relatively small area of the Willamette River. The sentiment of kayakers and paddlers is that they would like a non-motorized area, peace and quiet, for wildlife viewing. Believe this is in keeping with the City of Portland's management view for their portion of the island.

The lagoon currently supports boating, wakeboarding and PWC activities. Boaters and wakeboarders have permission from Ross Island & Gravel to use the beach, as long as they do not go beyond the posted no-trespassing signs.

Emily Roth, City of Portland Parks, addressed the Board. The city is advocating natural habitat protection and restoration along the Willamette River. Parks is also in charge of the non-motorized boating recreational river trail in the city. Over the years, has seen an increased use of non-motorized usage, closer into the city, including kayaks and dragon boats. Also, the city has spent more than \$2 million dollars in restoration in this area for fish and wildlife habitat and passive recreation. The City Council passed a resolution in support of the petition.

Ms. McQueen commented. She attended the city council meeting. The issue of safety for kayakers was raised, yet, was surprised that when asked about the commercial access, including the jet boat tourist operation, there were no answers or plan. There is a false impression of security being promoted by saying the area will be non-motorized. If the City of Portland is putting together a plan for non-motorized usage, where is the City's plan for motorized use?

Mr. Carskadon commented. For the past ten years, has not been able to get one meeting with the city council. Finds this offensive. Represents this industry and constituency of some 180,000 boaters who pay fees, mostly from Portland. Takes this issue seriously. When he got involved with the River Renaissance Committee, the Marine Board was not even invited. You're talking about kayaks and dragon boats, no mention of power boats? What is the plan for motorized use? There is a boat launch in Milwaukee and another in Swan Island; can we get another on the east side of Portland? Why isn't the City of Portland weighing in on the Spring Chinook run or larger fishery issues that would benefit tourism and the fishing and boating community. The city is not at the table at all on these issues. We never see the city down here in Salem, nor at ODFW. On a piecemeal basis, we're doing boaters in this state a disservice. What do we get if we close this area off? Where is the discussion with the city? The city has chosen not to put trout in Johnson Creek, takes kids out of the sport. City is missing an opportunity with the boating and fishing community.

Director Donheffner responded to Mr. Tinker's question on commercial licensing. Willamette Tour boats are inspected and licensed to operate on navigable waters by US Coast Guard. These vessels may be exempt from rules passed by the Board. OSMB guide permits are business licenses, not operating area restrictions.

John "Mac" Clark, Salem

The area of Ross Island-Holgate Channel is a heavily used and extremely valuable to waterskiing and wakeboarding, as it's protected from winds. It has a concentrated use – need education to avoid conflict. Restricting recreational motor use is not going to prevent the barges from throwing large wakes. We would like it remain open to multi-users.

Brad Wicker, Hillsboro

Need to focus on education and safety between the motorized users and kayakers. The tug boats throw out massive wakes bigger than any wakeboat. The jet boat flies through there. You can only enter the lagoon through the Holgate Channel. The other side of the Willamette has lots of commercial traffic.

Mr. Tinker made a motion to initiate the rulemaking process. Mr. Carskadon seconded. Motion passed unanimously.

Ms. McQueen and Mr. Carskadon stated that they plan to attend the May hearing. Discussion ensued on when the Board would address this issue. Chair Allen requested having a special Board Meeting in Portland at a later time. No decision will be made at the June meeting.

Item D: Policy and Planning Staff Report

Mr. Randy Henry, Operations Policy Analyst, briefed the Board on follow-up activities on the South Fork Coquille and Chetco River. Two key property owners re-opened their access points after receiving payment from the Heritage Foundation. Etiquette signs and portable toilets were placed at access points along the river. Coos County has increased patrols. Similarly, signs were posted along the Chetco and Curry County has also increased patrols.

Additional program updates are in the staff report.

Item E: Consideration of Round One Boating Facility Grants

Wayne Shuyler, Deputy Director/Facilities Program Manager, presented grants requests to the Board, as outlined in the staff report:

#1362 – \$35,000 – Oregon Youth Conservation Corp (OYCC) grant

Grant is subject to legislative approval of the agency's budget. Staff recommended approval.

Ms. McQueen motioned for grant approval. Mr. Tinker seconded. Motion passed unanimously.

Block of Grants #1364, #1367, #1373, #1375, #1381, #1385, #1386, #1387, #1388, #1390, #1395, #1397 and #1401 – \$703,770

Individual project detail is outlined in the staff report. Applicants expressed the willingness to pursue project initiation prior to the actual beginning of the biennium. Staff recommended approval of thirteen grants, six of which are new projects, either individually or as a block. The Board also has the option to delay consideration until the June meeting.

Mr. Shuyler clarified that item .16 in the staff report should read: We hope to stay ahead of any price spirals for these projects.

FG# 1375, Bear Creek Entrance, in Lincoln County, is being required by ODOT to be completed by July 1.

Chair Allen asked for a block vote. Mr. Carskadon motioned for grant approval in a block for the thirteen applications. Mr. Tinker seconded. Motion passed unanimously.

Item F: Boating Facilities Program Report

Wayne Shuyler, Deputy Director/Facilities Program Manager, briefed the Board. Twenty-three projects are closed and thirteen are still active in this biennium. Nine will be extended for time. One project will require additional funds. OSMB has received fifty-three grant requests for Round One, requesting \$12.5 million. With the approval of the block grants and OYCC, there will be a balance of approximately \$3 million for Round One allocation at the June meeting.

Mr. Carskadon praised staff on the timely completion of the 42nd Street Gleason ramp project in Portland.

Ms. McQueen requested staff to identify and report on the specific dollar amount OSMB has invested, total, in Portland facilities (Multnomah County) the downtown area.

Item H: Education and Information Program Report

Marty Law, Education/Public Information Program Manager, briefed the Board on recent activities within the Education and Information Program, including Mandatory Education boater card compliance. This is the last year of the phase-in. Approximately 225,000 cards have been issued, in excess of 80% compliance.

Mr. Law recognized and thanked OSMB volunteers for their continued support.

OSMB is working with the Recreational Boating & Fishing Foundation (RBFF) in a campaign effort to recapture 19,000 lapse registered boaters utilizing three different remittance forms. The renewals will be sent in April. The entire project is being funded by RBFF, including design, envelopes, data collection, printing and postage. A lot of states will be looking at our results.

As of April 12, 2009 there have been no recreational boating fatalities in the state. Additional program updates are in the staff report.

Mr. Law introduced Lucinda Johnson to the Board. Lucinda Johnson, Gard Communication, presented the Board with a media message overview. The PowerPoint presentation is in the record.

After the presentation, Board members commented. Ms. McQueen questioned why our advertising message has a big focus on the negative. How many dollars are being spent promoting the "life style"? All of our bill boards are negative. What's pushing this message – alcohol/fatalities? Are we trying to fix something that is not broken? Need to focus on encouraging people into boating.

Mr. Law responded that we have had this conservation in the past and the agency has toned-down the message by removing people in handcuffs, death etc. Alcohol is still an issue. Thirty to 40% of fatalities involve alcohol. We have success with a milder enforcement message, yes, go boating but don't get intoxicated. Boaters cite this as a big issue on surveys.

Chair Allen asked if we have billboards promoting the fun of boating. Promote the areas where people can go wakeboarding: Detroit Reservoir, Lake Billy Chinook, etc. Look at our enforcement statistics, by waterbody and county, compliance compared to the number of actual tickets.

Chair Allen asked what the cost was of the BUll and PFD campaign versus the campaign for "go boating". Ms. Johnson responded \$150,000 for BUll/ PFD and Mr. Law replied just a few thousand dollars for the latter.

Mr. Carskadon praised staff on the work done with RBFF to re-register their boats.

Item G: Law Enforcement Program Report

Mr. William Rydblom, Law Enforcement Program Manager, briefed the Board on recent activities as outlined in the staff report, including the one-day pre-season conference, marine academy, on-line law enforcement reporting, capital outlay, service contracts and waterway hazard management.

Chair Allen asked how staff monitors whether a county is front-ending their costs. Mr. Rydblom replied there are caps on over-time, maintenance, for example, and costs are based on past practice averages. Ms. McQueen remarked favorably on encouraging vehicle patrol versus boat patrol when feasible.

Unscheduled Testimony on Non-Agenda Items:

Doug Walker, Columbia River Yachting Association, addressed the Board. Announced the May 2 Opening Day Parade honoring Blue Star Mothers.

Requested the Board to write a letter to the Oregon Parks & Recreation Commission to name the new Sandy Beach dock in memorial of James Schwitter, a long-time supporter of the Marine Board.

Director Donheffner informed the Board the staff has already written a letter voicing support. Mr. Schwitter was a strong advocate of the Marine Board and through the CRYA, brought money to the table. There is no question this is appropriate.

Janine Belleque, Facilities Program, briefed the Board on site specifics.

Mr. Carskadon made a motion to request, by letter, the dock be named in memorial of Jim Schwitter. Ms. McQueen seconded. Motion passed unanimously.

Staff will draft a letter for Chair Allen's signature.

Director Donheffner announced the June meeting. Mr. Carskadon thanked Director Donheffner for on-going efforts in the legislature.

Chair Allen adjourned meeting at 12:45 pm.

Respectfully submitted,

June LeTarte
Executive Assistant