



Meeting Minutes
Oregon State Marine Board Meeting
June 18, 2009
Astoria, Oregon

Vice Chair Trey Carskadon called the June 2009 meeting of the Oregon State Marine Board to order at 8:30 am.

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

Staff Present: Director Paul Donheffner, Randy Henry, Wayne Shuyler, William Rydblom, Ashley Massey, Janine Belleque and June LeTarte.

Board Members introduced themselves. Vice Chair Trey Carskadon recognized and thanked Bob Montgomery for his service to the Marine Board.

Board Minutes Approval:

Vice Chair Carskadon asked for review and approval of the April 14, 2009 Marine Board meeting minutes. Ms. McQueen motioned approval. Bob Montgomery seconded. Motion carried unanimously.

Unscheduled Testimony on Non-Agenda Items:

Doug Walker, Columbia River Yachting Association, St. Helen's, OR
Thanked the Marine Board for their letter of support to Oregon Parks & Recreation Department on behalf of establishing a memorial honoring Jim Schwitter.

Director Donheffner added that OPRD is planning an official dedication ceremony later this summer.

Jack Crider, Port of Astoria, welcome the Board to Astoria.

Jeff Jennings, Oregon Marine Trade Association
Voiced concerned on the proposed rules for Holgate Channel-Ross Island Lagoon. Thinks they are too extreme as written. Would like the Board to consider appointing a task force to consider the issue prior to any rule decisions being made. Would like to see more education or alternate use days. Would like to see more boaters at the meeting.

Vice Chair Carskadon stated that the Board will be addressing this issue at the July 27 meeting.

Mr. Montgomery stated that the Board is not here to discuss this issue. He won't be at the July meeting but would hope that it is not voted on. What is the hurry; this is ludicrous.

Ms McQueen commented the industry has offered to take the Board Members out to see the area.

Vice Chair Carskadon asked staff to offer Brian Carroll the opportunity to go out to see the area.

In addition, Mr. Jennings asked if there is going to be any discussion by OSMB with the existing agents how to handle the onslaught of registration requests with other agents closing.

Item A: Director's Report

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

Federal:

Recap of information on the federal fund reauthorization of the Sport Fish Restoration and Boating Trust Fund.

State:

HB-2079, mandatory PFD wear in Class III whitewater, passed and was signed by the governor.

HB-2001 passed - gas tax increase could result in as much as \$2.5 million per biennium (in the 2011-13 budget cycle).

An invasive species bill, HB 2220, is still in play. This bill may result in a \$5.00 surcharge on existing motorized boat registrations and would add a new \$5.00 annual fee for non-motorized boats over ten-feet (a transferable tag) and a \$20 non-resident non-motorized permit (matches Idaho). Fees will start with this fall registration cycle. When fully implemented, could result in \$2.7 million revenue. A portion of the funds will go to ODFW for invasive species check-stations, outreach and education. OSMB projects three new positions: accounting tech, IT tech and a statewide program coordinator.

HB 3497 ethanol bill is still in-play.

Bills which did not proceed through the legislative process are listed in the staff report including the repeal of the Mandatory Education Program.

Director Donheffner updated the Board on current budget issues. With April revenue of more than \$446,000 and May revenue of \$665,000, together with reduced expenditures in facilities, law enforcement and administration; expect saving of \$900,000, anticipate ending the revenue cycle in the black with carry-forward.

Changes to the 2009-11 budget were reviewed. With a forecasted revenue short-fall of \$1.2 million, expenditures have been revised, as outlined in staff report. Changes will assist in bridging the gap until funding from the gas tax become available in 2011-13.

Vice Chair Trey Carskadon asked how will these reductions effect law enforcement. Director Donheffner responded it equates to about a one percent reduction per 2009-10 contract year, across-the-board.

Ms. McQueen stated she would rather see more reduction in facilities versus in law enforcement, i.e. Columbia County.

Director Donheffner clarified that Columbia County has special problems, not tied to OSMB. He is free for a special conversation after the meeting.

Director Donheffner requested Board approval on the revised budget plan and authorization to submit and appear before the E-board in the fall to request an adjustment to the federal fund allocations as outlined.

Mr. Montgomery motion approval, as requested. Mr. Tinker seconded. Motion passed unanimously.

Continuing, Director Donheffner informed the Board of the most current correspondence received from the City of Siletz.

The recent ruling by Judge Tom Coffin on Waldo Lake is not final; it is subject to review by the full court. The Forest Service has asked to insert some additional material into the record. The ruling appears fairly clear; Forest Service doesn't have authority. Its unfortunate the State wasn't party to the suit, as the judge may have ruled that the lake was navigable. We have no requests pending to ban motors. There is a statutory 10-mile per hour speed limit. If the ruling stands, there may be an opportunity for the Board to enact its own rulemaking; rules which limit the type/size of motor operation.

The Board requested staff to initiate an assessment of rulemaking and report back to the Board at the fall meeting. Mr. Tinker motioned approval. Ms. McQueen seconded. Motion passed unanimously.

Registration statistics were reviewed with the Board. A number of agents are having problems. Mr. Tinker questioned whether the agency still has geographic representation. Director Donheffner stated that in some areas, it is limited. Staff is contacting Bi-Mart. Ms. McQueen suggested staff speak with Wal-Mart.

The Board reviewed the 30-day draft results from the Pilot Registration Program with the Recreational Boating & Fishing Foundation (RBFF) and ODFW. Vice Chair Carskadon explained aspects of the program. This is a big deal campaign nationally and many states are watching our results.

OSMB commented on EPA's notice to increase allowable ethanol content to 15% (E-15). The comment period is expected to close July 20, 2009. This would not be good; it would void the warranty on most outboard engines.

Director Donheffner announced Mr. Allen has been re-appointed to a second term on the Board and Brian Carroll, Director of Linn County Parks, was appointed as the new Board Member, replacing Mr. Montgomery.

The next Board Meeting is scheduled the evening of July 27, in Portland, to consider the Holgate Channel-Ross Island rulemaking.

The fall meeting is scheduled the morning of October 13, 2009, Bend, in conjunction with the fall post-season law enforcement meeting.

Item B – Consideration of Mandatory Boater Education Program Rule Revision

Staff recommended the Board approve the changes to the rules in OAR Chapter 18, effective July 1, 2009, as outlined in staff report.

Mr. Montgomery motion approval, as requested. Mr. Tinker seconded. Motion passed unanimously.

Item C – Policy and Planning Staff Report

As directed by the Board, staff conducted a public hearing on May 27, 2009, to gather input on the Holgate Channel-Ross Island petition for rulemaking. Staff will be analyzing the information and will be prepared to discuss at the July 27, 2009 Board meeting.

Vice Chair Carskadon asked if other alternative ideas come forward as a result of the hearing and meeting, could the Board consider them as part of this process.

Mr. Henry responded, yes, the Board has the option to accept the petition as requested, amend or modify it, or have no rulemaking. The Board could also instruct staff to stop the rule process and re-start it with new parameters.

The petitioners specifically requested an exemption for commercial vessels. Director Donheffner clarified that OSMB has no authority over commercial vessels including cruise ships, tugs and barges of Ross Island Sand & Gravel. Passenger-carrying vessels are also inspected by the US Coast Guard and are not subject to recreational boating rules.

Mr. Randy Henry briefed the Board on Legislative Invasive Species bills, including HB 2583, which passed and is awaiting the governor's signature.

The 2008 Triennial Survey is completed and the 2009 Marine Board Customer Service Survey has been mailed.

Item D – Education and Information Program Report

Ashley Massey, Public Information Specialist, briefed the Board on recent activities within the Education and Information Program, as outlined in the staff report.

There were two fatalities. One occurred on June 1 on Lake Billy Chinook and the second happened June 14 on the Columbia River. Neither individual was wearing a life jacket.

Ms. McQueen questioned how one would sign-up to receive News Releases. How would agents receive them? Ms. Massey responded that agents would need to sign-up individually through the website. Information will be added to the agent's newsletter, reminding them how to sign-up.

Regarding the publication *Paddling Oregon Safety*, could the agency require mandatory education for paddle craft operators. Director Donheffner responded that to initiate a mandatory program of this nature, there would need to be a change in the Oregon Statutes.

Vice Chair Carskadon commented that OSMB is fee based and receives no general funds, this is a "Pay to Play" proposition. Is pleased that OSMB is taking an active role to increase membership through programs with RBFF and ODFW.

Steve Zinsmeister, Commander, US Power Squadron, District 23, stated the Squadron supports and encourages mandatory education for non-motorized paddled boaters.

Item E - Law Enforcement Program Report

Mr. William Rydblom, Law Enforcement Program Manager, briefed the Board on recent activities, as outlined in the staff report, including marine service contracts and county funding, marine academy, Boatnik 2009, and river hazards.

Mr. Rydblom reported on the gillnet issue, as requested, by the Board at the last meeting. He spoke with OSP, ODFW, US Coast Guard and researched the OARs and the Navigation Rules, Rule 26.

There are a few thousand gillnet fishermen but they do not all actively fish, maybe 200 a year. The drift periods are heavily regulated, one 24-hour period or multiple days with limited notice. There are no established time frames-seasons. The rules indicate how they are to fish, types of equipment that can be used, net marking and lighting. Due to whitecaps, sometimes the nets are not visible, if you are not aware that they are out. Ms. McQueen asked if lighting is adequate. The Coast Guard regulations would address the lighting requirements.

Staff is working on preparing rule language for PFD wear on rivers with Class III rapids. Law enforcement providers will be asked to do an one-year education-warning campaign and citations for only the egregious violations. Staff will report back with proposed rule language at the fall Board meeting.

Item F: 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:

Small Grant Program:

Staff requested \$100,000 be set-back in reserve for the Small Grant Program; used for small projects not to exceed \$20,000 with approval by the Director.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Grant Number #1313 - \$33,750

Staff recommended approval of additional funds to Oregon Department of Parks and Recreation (OPRD) to allow for completion of the Detroit Lake State Park Low Water Ramp project.

Mr. Montgomery motioned grant approval. Mr. Tinker seconded. Motion passed unanimously.

Grants Referred to the Small Grant Program:

#1382 – Port of Bandon

#1391 – Port of Astoria

#1392 – City of Seaside

Staff recommended three grant requests be referred to the Small Grant Program.

Ken Smith, Port of Astoria, was present.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Grants Deferred:

#1378 – OPRD

#1383 – City of Depoe Bay

#1384 – Coos County

#1394 – City of Lebanon

#1396 – City of Independence

#1400 – City of Winston

#1403 – City of Portland

#1406 – Port of Arlington

Grants Withdrawn:

#1410 – Marion County/USFS (Piety Island Transient Tie-Up)

#1414 – Willamalane Park District

Staff recommended a block vote to defer eight facility grants. Two grants have been withdrawn.

Ms. McQueen motioned approval. Mr. Montgomery seconded. Motion passed unanimously.

Vice Chair Carskadon requested that the Board re-look at the Piety Island Transient Tie-Up project. Need to promote these boat-to-destinations. Projects like this need to be promoted throughout the state.

Grant #1366 - \$34,500

OPRD requested funds to replace existing boarding floats and expand the parking area at Bullards Beach on the Coquille River.

Steve Dockins, OPRD, was present.

Staff recommended proceeding with the parking element of the project.

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

Grant #1370 - \$8,000

OPRD requested funds to expand parking, install bollards and other improvements and contract for consultant services to design a new boat ramp at Dabney State Park.

Staff recommended proceeding with the parking element of the project.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Vice Chair Carskadon commented that this parking area is a mess. Use days should increase with better parking.

Grant #1371 - \$54,975

OPRD requested funds to install a new single-stall vault toilet and improve the service road and user trail at Hadley's Landing in the Wapato State Recreation Area.

Staff recommended approval.

Ms. McQueen motioned approval. Mr. Montgomery seconded. Motion passed unanimously.

Grant #1372 - \$22,500

OPRD requested funds to sealcoat the parking area and other parking improvements, along with contracting for engineering design and permitting of a replacement launch ramp at Mayer State Park.

Staff recommended proceeding with the parking element of the project.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Grant #1376 - \$194,625

OPRD requested funds to pave and add other parking features at the Powderhouse Cove launch at Prineville Reservoir.

Staff recommended approval.

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

Grant #1363 - \$85,000

Columbia County requested funds to install a debris boom upstream of the JJ Collins East transient tie-up on Coon Island. Janine Belleque explained the clean-up which occurred following the winter flows.

Staff recommended approval.

Mr. Montgomery motioned approval. Ms. McQueen seconded. Motion passed unanimously.

Grant #1393 - \$165,000

Columbia County requested funds to replace and expand existing asphalt parking area at Beaver Landing on the Clatskanie River.

Staff recommended approval.

Ms. McQueen motioned approval. Mr. Montgomery seconded.

Vice Chair Carskadon voiced concern over the amount of dollars versus the number of use days. There is an opportunity to spend the money elsewhere for a higher return.

Roll Call:

In favor: Ms. McQueen, Mr. Montgomery and Mr. Tinker

Opposed: Mr. Carskadon

Motion carried.

Grant #1380 - \$49,240

Clatsop County requested funds to replace an existing courtesy dock at the restroom near the launch ramp at Cullaby Lake.

Steve Meshke was present.

Staff recommended approval.

Ms. McQueen motioned approval. Mr. Montgomery seconded. Motion passed unanimously.

Grant #1411 - \$170,000

The City of Warrenton requested funds to lay an asphalt overlay on the existing maneuver area at ramp, add lighting and gravel parking.

Jane Sweet from the City of Warrenton was present.

Staff recommended approval.

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

Vice Chair Carskadon commented this project has his full support. During Buoy 10 fishery, this area is used full time; needs to be more user-friendly. Mr. Tinker agreed. This area, as the Columbia River/ocean launch, needs work.

Director Donheffner added that this is a good project for federal aid; Sport Fish Restoration funds. Ms. McQueen questioned whether any federal stimulus money would be available. Mr. Shuyler responded, no, not for boating, dollars went to road/bridges and transportation.

Grant #1412 - \$64,791

The City of Astoria requested funds to repair the damaged 17th Street transient tie-up floats and repair protective breakwater. The floating dock will be reserved for recreational vehicles. The city would prohibit larger commercial vessels from tying-up.

Mr. Montgomery indicated that this prohibition needs to be addressed within the terms of the grant contract.

Mike Morgan and Ken Nelson were present representing the City of Astoria. They indicated they would prohibit the tie-up of commercial vessels as a grant condition, as requested by the Board.

Mr. Shuyler stated the details will be spelled-out in the contract and if these terms are not met, it could affect funding. The City would be under the obligation to keep the dock operational and usable for the life of the grant, 20 years.

Staff recommended approval.

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

Grant #1365 - \$116,250

Malheur County requested funds to replace an existing ramp with a new concrete ramp, guideway and boarding floats at Bully Creek Reservoir. Staff designed the project and identified some cost savings; approximately \$75,000 from the original request. The county is aware of the proposed funding changes.

Staff recommended approval.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Grant #1368 - \$92,000

City of Gladstone requested funds to install a two-vault toilet with concrete ADA accessible sidewalk, sealcoat existing parking and other parking improvements at Meldrum Bar on the Willamette River.

Board Members questioned why there is no cash match. Mr. Shuyler responded that the city has limited funds. Ms. McQueen stated that the city may need to look at instituting a parking fee to maintain facilities.

Staff recommended approval.

Mr. Montgomery motioned approval. Ms. McQueen seconded. Motion passed unanimously.

Grant #1369 - \$320,000

Salmon Harbor East Basin requested funds to pave existing gravel parking area and other parking improvements.

Linda Noel, Project Manager, was present.

Staff recommended approval.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Grant #1374 - \$69,750

Port of Coos Bay requested funds to re-surface and re-stripe existing boat trailer parking area and other parking improvements at Charleston Marina.

Aaron Simmons was present.

Staff recommended approval.

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

Grant #1377 - \$66,250

Klamath County requested funds to replace ramp and floats and make parking improvements to Princess Creek Ramp on Odell Lake.

Jerold Wesley, USFS, was present. Mr. Wesley invited Board Members to come visit Wickiup Reservoir.

Staff recommended approval.

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

Grant #1379 - \$512,500

METRO requested funds to replace launch ramp and floats, and remove "trash rack" structure at Gleason Ramp on the Columbia River.

The ramp will be closed for a portion of the winter months to do the work. The in-water work period is November 1 through February. Permits are already in place. Vice Chair Carskadon commented that ramp has a very high use rate. There will be about 165 vehicle/trailer parking spaces.

Dan Kromer was present.

Staff recommended approval.

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

Grant #1389 - \$42,500

Harney County/BLM requested funds to construct a new single-land concrete ramp, improve parking and install a new vault toilet at Moon Reservoir.

Bret Page, BLM, was present.

Staff recommended approval.

Mr. Montgomery questioned how this project registered so high when looking at use days; the water is usually low. Mr. Tinker commented that the match is high. Mr. Page stated that this is a favorite of locals. Vice Chair Carskadon added that BLM needs access on New River.

Roll Call:

In favor: Ms. McQueen, Mr. Tinker and Mr. Carskadon

Opposed: Mr. Montgomery

Motion carried.

Grant #1398 - no more than \$225,000

City of Salem requested funds to reshape and stabilize the bank erosion upstream of the launch ramp at Wallace Marine on the Willamette River.

The city is putting in no cash match. Staff recommended approval up to \$225,000 and challenged the City of Salem to seek the balance of the needed funds from other sources.

Mr. Montgomery was vehemently opposed. This is the worst project ever seen. It is not the job of the Marine Board to fix the banks; the Marine Board should never be funding erosion projects. This project should be referred to OWEB for a restoration grant. This is a temporary situation that will not last. This is precedent setting.

Vice Chair Carskadon thought the project may be more suited to Department of State Lands.

Mr. Shuyler Wayne and Director Donheffner elaborated. This is the only solution approved by the National Marine Fisheries Service guidelines. Traditional rip rap will not be permitted. If the bank fails, the ramp is gone. It is an investment that OSMB has to make in order to protect the ramp. This ramp is the only access on the Willamette River in this area. It would be more expensive to replace. The cost to replace this launch site could be one-half to one million dollars, depending on whether land would have to be purchased. There are more use days at this facility, then most that we have already funded.

Staff recommended approval.

Mr. Tinker motioned approval. Ms. McQueen seconded motion.

Roll Call:

In favor: Ms. McQueen and Mr. Tinker

Opposed: Mr. Montgomery and Mr. Carskadon

Motion failed.

Mr. Shuyler asked for Board direction. Vice Chair Carskadon responded staff should look for other opportunities; ODOT, OWEB, DSL, involvement from Friends of Wallace Park. Get the boaters to talk with their legislators. Bring back for discussion at fall Board meeting.

Grant #1399 - \$63,750

ODOT requested funds to construct a low-water concrete ramp and maneuver area at the Santiam Rest Area in Marion County.

Staff recommended approval.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Grant #1402 - \$166,255

City of Oregon City requested funds to replace an existing two-lane launch ramp, piles and boarding floats at Sportcraft Landing.

Scott Archer was present

Staff recommended approval.

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

Grant #1404 - \$90,114

Multnomah County requested funds to repair the end of the ramp and remove in-water obstructions at the Cathedral Park Ramp Toe on the Willamette River.

Kelly Torres-Walker, City of Portland Grants Coordinator, was present.

Staff recommended approval.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Ms. McQueen commented that the Oregon Marine Trade Association supports the project but is concerned with the City of Portland's lack of vision on the rights of motorized boaters. The city's Master Plan needs to address this issue.

Vice Chair Carskadon concurred. The City of Portland needs to work with OSMB to enhance all boating including motorized. The Holgate Channel issue has opened some eyes; the city needs to work collaboratively with OSMB. Mr. Tinker noted the City of Portland is bringing no cash into this project; the city may need to address this issue on future projects.

Grant #1405 - \$62,500

City of Klamath Falls requested funds to rehabilitate the parking area adjacent to the new ramp at Moore Park.

Kenneth Hay was present.

Staff recommended approval.

Mr. Tinker motioned approval. Mr. Montgomery seconded. Motion passed unanimously.

Grant #1407 - \$110,000

The Port of Toledo requested funds to construct a new transient tie-up facility with gangway, pumpout/dump station.

Bud Shoemake was present.

Staff recommended approval.

Mr. Montgomery motioned approval. Mr. Tinker seconded. Motion passed unanimously.

Grant #1408 - \$30,000

Marion County/USFS requested funds to replace two single vault toilets on Piety Island.

Ms. McQueen requested staff relook at Grant # 1410 and tie-it together with Grant #1408.

Staff followed established protocol that federal projects need 50% match. The Board has the discretion to override and look at each project on a case-by-case basis.

Director Donheffner agreed that these particular projects need to be bundled. Staff will address and bring back to the fall Board meeting.

When similar situations come forward, staff will review projects with Director Donheffner to determine if bundling is warranted.

Staff recommended approval.

Mr. Montgomery motioned approval. Ms. McQueen seconded. Motion passed unanimously.

Grant #1409 - \$32,500

Marion County/USFS requested funds to replace the original floating restroom at Detroit Lake.

Staff recommended approval.

Mr. Montgomery motioned approval. Ms. McQueen seconded. Motion passed unanimously.

Grant #1413 - \$150,000

Washington County requested funds to replace two sets of boarding floats and cable at one ramp and one set of boarding floats and a second ramp on Henry Hagg Lake.

Chris Whelan was present.

Staff recommended approval.

Mr. Montgomery motioned approval. Ms. McQueen seconded. Motion passed unanimously.

Item G: Boating Facilities Program Informational Report

Mr. Shuyler passed out photographs of the Sandy Beach project and will inform the Board when the Jim Schwitter dedication date announcement is finalized.

Thirty projects have been completed, four in construction, and thirteen projects that have been extended.

Grant #1339, Higgins property acquisition, has been withdrawn. The county is looking at an alternate site.

Item H: Election of Board Officers

Mr. Montgomery motioned that Trey Carskadon be elected as Board Chair and Deb McQueen be elected as Board Vice Chair for the coming year and nominations be closed.

Mr. Tinker seconded. Motion passed unanimously.

Closing Announcements:

Mr. Montgomery thanked staff and noted that it has been a pleasure working with OSMB staff.

Director Donheffner thanked Mr. Montgomery for his service to the Board and made a special presentation to Mr. Montgomery.

Vice Chair Carskadon adjourned the meeting at 1:25 pm.

Respectfully submitted,

June LeTarte
Executive Assistant