



Meeting minutes are considered draft until approved by the Board at its next meeting.

Meeting Minutes
Oregon State Marine Board Meeting
July 27, 2009
Portland, Oregon

Chair Trey Carskadon called the July 2009 meeting of the Oregon State Marine Board to order at 6:05 pm.

Board Members present: Rick Allen, Brian Carroll, Trey Carskadon, Deborah McQueen and George Tinker

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

Board Members introduced themselves.

Board Minutes Approval:

Chair Carskadon asked for review and approval of the June 18, 2009 Marine Board meeting minutes. Ms. McQueen motioned approval. George Tinker seconded. Motion carried unanimously.

Unscheduled Testimony on Non-Agenda Items: None

Item A: Consideration of Proposed Rules for Boat Operations in Multnomah County

Mr. Randy Henry, Operations Policy Analyst, briefed the Board on the rule process as outlined in the staff report. On March 30, 2009, OSMB received a petition from the Willamette Riverkeeper to establish a "no-wake zone" for Holgate Channel and a non-motorized zone in the Ross Island lagoon. The Audubon Society and the Urban Greenspaces Institute were co-petitioners. The petitioners modified their request by removing the lagoon motor prohibition. A public hearing was held on May 27, 2009, to gather input on the Holgate Channel-Ross Island petition for rulemaking.

Key issues were identified:

- a) A slow-no-wake zone in Holgate Channel and the Ross Island Lagoon;
- b) No rule action;
- c) Modified proposals which would prohibit high-speed activities.

Based on public and other agency input, staff recommends:

(2) No person shall operate a recreational watercraft in excess of slow-no-wake in the following area:

(a) Ross Island Lagoon

(b) Holgate Channel from a line extending northeast from the north side of the Ross Island Lagoon mouth to the east side of the channel, and to a line extending from the southern (upstream) tips of Ross Island due south to the Oregon Yacht Club.

(c) This restriction does not apply to commercially operated vessels including those owned or operated for sand and gravel operations, nor to safety launches while accompanying an organized rowing or paddling program, club or school.

Staff recommended adoption of rule language effective January 1, 2010.

Ms. McQueen questioned if the boats that follow the rowers are licensed? Mr. Henry responded, yes they are registered. They accompany rowing schools and provide safety assistance, as needed.

Public Comment

Travis Williams, Willamette Riverkeeper

There is a lot of public support for establishing slow-no-wake on Holgate Channel and in the Ross Island Lagoon. Safety is a key issue. The City of Portland City Council passed a resolution in support of the no-wake zone. There is a need to create an area for people and wildlife. The City owns 44-acres of Ross Island. More people are turning to this area for low-impact recreation. We support staff's recommendation of the exemption for safety launches. There is a tremendous amount of restoration investment in the lagoon – the wetland areas could be at risk of failing without this rule. The issue of no fees from non-motorized craft will probably be raised tonight; my organization believes non-motorized users should pay fees. This proposal is about the place, the natural asset, which is Ross Island. Establishing a no-wake zone will increase safe boating and will enable people to enjoy, a small two-mile stretch, on a side-channel of the Willamette River's lower 26 miles.

Mike Houck, Urban Greenspaces Institute

Provided the Board with pictures; one illustrated the impacts severe wakes have on the banks, creating erosion, especially at Oaks Bottom Wildlife Refuge. Portland City Parks, the City Bureau of Environmental Services and Ross Island Sand & Gravel, have allocated restoration dollars to Oaks Bottom. Erosion is a significant issue. Not relying only on OSMB, they are addressing the noise issue with the City of Portland. Thousands of people use this resource with canoes and kayaks and we absolutely respect the rights of all Oregonians to enjoy the Willamette River. Petition is not intended to disparage motorized users; only are asking for two miles of the lower Willamette be established as an area for urbanites. The *Oregonian* has written editorials in support. Understands the staff is recommending the upper portion no-wake only, we still prefer the entire channel. Supports staff's recommendation of an exemption for safety launches.

Mr. Allen asked if only one area was available for a no-wake zone which the group would prefer. Mr. Houck responded by stating that the staff made an excellent point, the character of the upper portion of the channel is different than the lower, and if not all, the lagoon and the upper portion of the slough. Mr. Williams concurred.

Zari Santner, City of Portland, Director, Parks and Recreation

City of Portland Parks and Recreation, whose role it is to provide river access to both motorized and non-motorized users, supports the petitioners. Portland's seventeen mile stretch of the Willamette River has three public boat ramps. The City of Portland has received more than \$600,000 grants from OSMB in the past five years. The City is very appreciative of this assistance. River use in Portland is very diverse. The use of light watercraft has been steadily growing – canoers, kayakers, dragon boats and rowing clubs. The Portland City Council approved a resolution supporting the petitioner's request of a no-wake zone for the entire length of the Holgate Channel for following reasons: safety, the importance of all users to enjoy the channel and lagoon at a slower pace, and the protection of fish and wildlife. Supports having an area within the City of Portland that is safe and quiet for paddlers and rowers. Access and speed in the main channel will not be restricted. The no-wake designation will assist in on-going restoration efforts on Ross Island and Oaks Bottom. Would like the no-wake zone for the entire Holgate Channel. However, if the Board does adopt staff's recommendation, the City request's that the Board monitors the area two years and then reconsiders a no-wake zone for the entire channel.

Chair Carskadon commented. There are roughly 36,000 registered power boats in Washington/Multnomah Counties. The Willamette River and the Columbia River are the most popular boating areas in the state. There is a concern that power boaters are being edged out. I hope that City Council is sensitive to this concern and work with all boaters to address long-term plans.

Ms. Santner assured Chair Carskadon that the City of Portland's interest is to meet the needs of the diverse recreational users of the river. There are seventeen miles of the Willamette River in Portland; the Holgate Channel is a very small portion. The City has no intention of edging-out motor boat users. The Board's message will be conveyed to the Commissioners and Council.

Chair Carskadon would like to remind the Council that OSMB is a resource for the City. Ms. McQueen clarified that it wasn't the Marine Board which provided the \$600,000; it was the boaters. Ms. Santner responded, yes, she is aware of the Board's funding mechanism.

Skip Klarquist, Portland

Supports staff recommendation allowing safety launches. Supports the entire Holgate Channel being established as a wake-free zone due to safety concerns.

Tom Fuller, Portland

Supports staff recommendation allowing safety launches. As rowers are exempt from wearing PFDs, the safety launches are a requirement.

Mr. Allen asked what is the length that a rowing boat typically travels. Mr. Fuller responded up to 150 miles and they typically race 2000-5000 meters.

Andy Pahn, Vancouver

Supports resolving conflict with education. Keep the channel open to all. The only way to make the area safe for wildlife is to eliminate everyone, otherwise keep it open. Put all efforts into education.

Jim Swenson, Portland, Rose City Rowing Club

Supports staff recommendation of allowing safety launches. Shared rowing club pictures with Board to illustrate the sport.

Brad Howton, Portland

Requests the Marine Board sponsor a group to review the use of the Willamette River between the Falls and the mouth. Develop guidelines to keep from having to react to individual issues. Establish a broader based plan for general use of the river with the intention of keeping the restrictions down to a minimum. Regulation is too complex for the situation and will be difficult to enforce. Doesn't support language but supports the spirit of the rule.

Andrew Jansky, Portland

River area has similar features as those between Lake Oswego and Oregon City. The same issues were raised there. The outcome was that a small portion of the river will be slow-no-wake. The proposed rule doesn't solve the primary problem which is safety and the conflict between motorized and non-motorized users. Requests the Marine Board establish a task force to address solution. The rule is too narrow and arbitrary.

George Schneider, Gresham, Multnomah Channel Yacht Club

Dismayed that a particular group would propose to lock-away a portion of the river. Wake-boarders causing problems can be handled with increased law enforcement. Opposed to rulemaking in its entirety.

Mark Sherman, Portland

Co-existing is key. There are plenty areas to kayak where boats cannot go (though, not rowers). Limited use during the week. Rare event when the canoe was hit. Against any no-wake zone being established.

Helen Sherman, Portland

Unintended consequences, safety issues in the main channel. More education needed. Doesn't support regulation, consider other alternatives, such as, allowing water-skiers and wake-boarders but not high-speed passes.

Dr. John Rudoff, Portland

Supports staff recommendation of allowing safety launches. Would like the entire Holgate Channel be a no-wake zone.

Aaron Jarvis, Boaters Rights Coalition, Portland

Prime location for teaching wake-boarding. Education is needed. Paddle lanes could be put in. Signage needed. Requests this issue be tabled and allow a task force to work on a resolution.

Jay McCulley, Portland

Speaking on behalf of Mark Bruun. Proponents have not made their case and rulemaking should be rejected. Suggested a task force. There have been more than 40-years of studies completed on conflicts between motorized and non-motorized users. Issues should be reviewed prior to any rulemaking taking place.

Sam Taylor, Lewis & Clark College Rowing Coach, Portland

Supports having a no-wake zone. Supports staff recommendation of allowing safety launches. More concerned with hundreds of fishing boats in the main channel anchoring all over the river in March/April during the salmon runs. Is conflicted, as the rule is creating an exclusion which creates conflict.

Jean Quinsey, Wasabi Paddling Club, Lake Oswego

Represents four hundred members with 100,000 hours of water time per year. The primary paddling route is through the Holgate Channel. As wakes easily swamp boats, supports a no-wake zone for the entire channel. Supports staff recommendation of allowing safety launches.

Adam Field, Portland

Opposed to making the Holgate Channel a no-wake zone but does support making the lagoon a no-wake zone. Agency rulemaking should not be based on the number of people who come to a hearing. The Board should seek to resolve issues through education, signage, and increased law enforcement. High conflict in summer only and on weekends; between October and April mostly empty. Suggested creating a safety zone of twenty feet out for paddlers on the west side of the channel.

Anita Bigelow, Portland

Supports no-wake zone in channel. Swimmers have low profile. Hasn't seen common sense, courtesy, or education in this location.

Mark Bruun, Portland

Water-skier and waterfront property owner. Too much information has been overlooked. A task force of stakeholders of marine officers, motorized and non-motorized users, homeowners and business owners, needs to be established to recommend alternative solutions.

Dan Bliven, Portland

The tugs create huge wakes. If there is a no-wake-zone it needs to include the commercial tour boats which pretty much rip-up the area. No one should be petitioned off the water.

Rick Kammerer, Portland

Against creating a no-wake zone. Water-skiers should not be taken off the water. Why do we have to leave? Why can't the dragon boats go elsewhere? Has seen more wildlife on Ross Island in the area than in the past 40 years.

Andrew Meyer, River City Boat Club, Hillsboro

Totally against any restrictions. Don't need an elite group of boaters dictating what waters we can use. Dismayed, concerned that this is just the beginning. No scientific proof that power boaters are harming the channel and wildlife.

Tip Wood, Willamette Rowing Club, Portland

Supports no-wake zone. Supports staff recommendation of allowing safety launches. Rowing not compatible with motor boats going high speed.

Mr. Allen asked if rowing clubs use the lagoon, as no one has stated this.

Mr. Wood responded that he has never been in the lagoon; it's too short; maybe smaller boats, canoes and kayaks use the lagoon.

Michael Peterson, Portland-Vancouver Rowing Association, Portland

Safety issue. Power boats pose a safety threat to rowers. A two-foot swell from a motor boat will swamp a rower. Getting-along is a good concept but power boaters don't stop and offer assistance when they swamp a rower.

Andy Moos, Waverly Marina and Willamette Jet Boat, Portland

The Waverly Marina, representing about 300-500 people, is absolutely opposed to any restrictions. As a commercial operation, the Willamette Jet Boat is exempt, but aside from that, also totally opposed. The staff recommendation doesn't resolve the problem. The area in the channel doesn't provide enough practice space for the rowers and they still have to go from Willamette Park to get to the haven they are trying to create. Most of the environmental work is being done upland and the boaters don't hurt it.

Peggy Anderson, Vancouver

There needs to be a no-wake zone, quiet water for paddlers and kayakers. Supports having the entire Holgate Channel become a no-wake zone, as well as, the lagoon.

Francis Halpin, Wilsonville

Wakes don't disseminate as they crest near the shore. Wake boarders don't stop when they have swamped my craft. The solution to providing a safe haven is to separate the boats that want to go fast from those which go slow. We are in danger. Supports having the entire Holgate Channel become a no-wake zone.

Chris Burkhart, Portland

Safety issue. The channel is too small for it to be a compatible for paddle boats and speed boats making wakes to co-exist.

Emily Cox, Northwest Women who Wakeboard, Portland

We cannot wake-board in rough, swallow water, like outside the Holgate Channel. The City is not going to build us a wake-board park. The tighter the area, the less safe it becomes. The upper Willamette has already become slow-no-wake effective in January. You're cutting off the industry, if we don't have a place to ride. Taking away our riding and giving special privileges to one group is not fair.

Jeff Campbell, USA Dragon Boating, Vancouver

Twenty-five percent of business is from the Portland metro area. The dragon boat community is well developed in Portland. Supports proposal to have whole Holgate Channel become no-wake.

Jeff Jennings, Staff Jennings, Portland

More wildlife than 15-20 years ago. New boat registrations are down. Understand that the paddlers want their own space but this rule is too extreme. No decision should be made tonight. Requested a task force to come together.

Carly Christoferson, Portland

Respect is top priority. River belongs to everybody. The majority of users should not have to suffer because of the actions of a few bad apples. Law enforcement should regulate. Does not support rule proposal.

Frank Chestnot, Oregon Ocean Paddling Society, Portland

Supports the Willamette Riverkeeper's petition and staff's recommendation. Believe it represents a balanced approach, though is concerned about the displacement of power boaters to the main channel. Regulations will promote peaceful co-existence, safety and accident prevention, and support the protection and preservation of Ross Island.

Jason Hopson, Tigard

Dismayed by this process which has elevated the animosity between kayakers and power boaters. Look at how the rules recently instituted in the Newburg pool would affect the Holgate Channel first. The main channel is unsafe. This rule will give the Holgate Channel over to one group and move the power boaters into an unsafe area. Need more law enforcement and education. Do due diligence.

Chair Carskadon closed public testimony.

Mr. Tinker made a motion to adopt the staff recommendation which includes the exemption for safety launches. Mr. Allen seconded motion.

Board discussion ensued.

Mr. Allen thanked staff for report; issues were laid out well. Mr. Allen toured the Holgate Channel and Ross Island lagoon area. Doesn't think petitioners made their case; can't get to where the staff wants the Board to go. As no one stated there was conflict within the lagoon, why should the Board consider closing or changing it? Doesn't see the need for the Marine Board to step-in at this point. A safety zone creates a false impression, as commercial and the Willamette Jet Boat traffic are exempt. Send this issue out to a workgroup to discuss.

Ms. McQueen stated that in the past, very rarely were there issues to cut off access, but in the past three years, not one meeting has gone by where power boaters are no longer wanted. It's not just this one area of the Willamette River, it's cumulative. A ruling was just adopted on the Newburg pool which will limit wake boarding up there; these folks will be displaced. Cannot accept this proposal. Work together, as a task force, to look at the entire stretch of the Willamette River. We need areas where the kayakers and the power boaters are unharassed. Need to have a plan for all of the Willamette River so the Board doesn't have to always be reactive.

Mr. Tinker stated that he supports the issue of the exemption for the safety launches, hands-down. Found it unconscionable that a boater would swamp another craft and leave the scene. Motor boaters need to be more vigilant, the Good Samaritan value is essential. There needs to be separation; a safety-distance. The staff proposal, even on a trial basis, needs to move ahead. Suggested rules be put into place for a year or two and then evaluated, as the Board is going to do with the Newburg pool regulations. Supports staff recommendation. No sunset language, rather a review of the situation, after a few years.

Mr. Carroll also complimented staff on the report. Doesn't like to deny people a use that they traditionally have had. After hearing the testimony, concerns are: safety issue, the fact that rowers, in particular, are in the area for a short period of time before returning back to the main channel and how much this rule will truly help and also the lack of no-issue regarding the lagoon. Doesn't like the idea of putting regulations in place to see how they work. Can't see the evidence supporting the environmental issues raised; wildlife is there. The Willamette River is consistently moving and there are erosion problems all over the place. The two communities need to spend more time together and understand each others issues. At this point, could not support removing a group of users from an area. The north-end not being conducive to wake boarders is also a concern.

Mr. Tinker remarked that the Board needs to understand, there is more than one group of paddlers, there are teams and crews but there are also individuals in smaller crafts – representing themselves. The Board needs to recognize this distinction.

Chair Carskadon served on the River Renaissance with several paddle groups, yacht clubs, power boaters and marine industry. We were all boaters with a lot in common and we were able to work together. Doesn't buy the wildlife issue. Grew-up in Portland and Ross Island is in better shape today than it has ever been. Chair Carskadon clarified, wake boarding has not been banned in the Newburg pool. Has shared his concerns with the City of Portland that their long-term agenda is chipping away at power boating but doesn't believe the City has this intention. Hopefully, this group will come together with a single voice to the City. Paddlers will be paying for invasive species protection with the passage of recent legislation. There are twenty-seven miles of river from the Falls to the mouth that are open for power boating. Conflicts do occur. Noise from stereos is a legitimate concern. When we look at what is available for motors boaters and what is available for paddlers in the City of Portland, it's not much. Supports staff recommendation. Hopefully, this community will come together as a single voice. Finding special places for boaters is fair. Working together is fair. Once you start communicating, you may be surprised on how much you have in common.

Mr. Allen added that the Board needs to see the results of the seventeen miles on the Newburg pool area, prior to adding on additional regulations. This issue does have an opportunity to come back to the Board. In the Legislature, many bills take a while before they come together. Chair Carskadon concurred.

Roll Call:

In favor: Mr. Carskadon and Mr. Tinker

Opposed: Mr. Allen, Mr. Carroll and Ms. McQueen

Motion failed.

Chair Carskadon adjourned the meeting at 8:50 pm.

Respectfully submitted,

June LeTarte
Executive Assistant