



Minutes  
**Oregon State Marine Board Meeting**  
January 6, 2009  
Portland, Oregon

Chair Rick Allen called the January 2009 meeting of the Oregon State Marine Board to order at 9:01 am.

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

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

**Board Minutes Approval:**

Chair Allen asked for review and approval of the October 14, 2008 Marine Board meeting minutes. Mr. Montgomery motioned approval. Mr. Carskadon seconded. Motion carried unanimously.

**NASBLA Awards Presentation:** Postponed

**Unscheduled Testimony on Non-Agenda Items:** None

**Item A: Consideration of Rulemaking on the South Fork Coquille**

Randy Henry, Operations Policy Analyst, reviewed the request of the rulemaking petition, the public hearing process and the public comments received with Board Members.

As outlined in the staff report, staff recommended adoption of the following rule amendment 250-020-0064:

*No person shall operate a motorboat on the South Fork Coquille River from the Forest Service Boundary near Powers to Myrtle Grove State Park.*

In addition, contingent upon receipt of a signed, binding ten-year access agreement with landowners, staff recommended the Board adopt:

*No person shall operate a motorboat on the South Fork Coquille River from Myrtle Grove State Park to Broadbent.*

Staff also recommended signage of boat and bank etiquette and respect for private property be placed at access points, subject to landowner approval and cooperation.

Chair Allen opened the floor to questions and discussion.

Mr. Carskadon questioned the length of the river miles involved and Mr. Henry responded that it is approximately seventeen miles.

Mr. Montgomery questioned whether the sheriff was involved in this rulemaking and whether they are willing to enforce it. Mr. Henry responded, as this is a social issue, they have been relatively uninvolved in the rulemaking, though in discussions with law enforcement, Myrtle Grove State Park would be a simple, visible, deadline, easily enforceable.

Mr. Montgomery commented that it seems that at every meeting there is group that wants to stop motors on rivers and lakes.

Mr. Tinker addressed the Board. We do not want to see jet sleds going up and down the river. Maybe a horsepower limit is needed. This is definitely a social issue. Attended the public hearing in North Bend and pretty much all attendees were against the motors for multiple reasons. Need to look at the crowding, safety and congestion issues on this river. When addressing these issues and it affects boating, then we should be proactive. We certainly don't want a boating mishap, accident or fatality. Won't solve social issues. Sees potential problem with anchoring/crowding. Is inclined, reluctantly, to support the motor ban.

Mr. Henry addressed the Board. This portion of water is narrow with traditionally low level of motor use. It's hard to divorce the river from private ownership on the South Fork Coquille. These individuals have not locked the river up over the last century – they have long promoted public access. There has been a 30-40 year partnership with the landowners and ODFW to provide access. This is an outstanding steelhead fishery that has been developed through partnerships with STEP volunteers and ODFW. Local participation built this fishery. In the last ten years, they have lost control of this fishery. There is a higher level of conflict. It is easier to be more aggressive with a motor. The petitioners are looking to make this fishery better by working within the community. By taking no action - the conflict could escalate.

Mr. Montgomery stated he is opposed to this rule.

Ms. McQueen asked for conflict clarification. Mr. Henry responded that the landowners are concerned about the aggressive operation by motor users, conflict and the interruption of historical use patterns on the river. Speaking with landowner, Gordon Hayes, he has tied the aggressive behavior to motor use.

Director Donheffner clarified that the landowners are getting an "earful" from the users.

Mr. Henry added that the landowners don't have any obligation to provide public access. They will not prevent bank fisherman access. Jet boats are not allowed on the river. This closure would be about three miles. ODFW has remained neutral on the subject. Their concern is to maintain the viability of the fishery.

Ms. McQueen voiced her concern. As the Portland fisheries are disappearing, people are shifting their focus to coastal rivers. This fishery is not "owned" by the landowners.

Mr. Carskadon addressed the Board. Regulation should be the last tool, after education and enforcement. This issue came before us in 2002. We said work it out. Here we are seven years later – conflict is growing. The side-drifting method ties-up the area and the river is less than fifty feet wide. This method of drifting closes access to other fisherman and creates conflict. Multiply this by three to five drift boats with motors. Boaters are not taking care of their fishery – haven't left us much choice.

Chair Allen agreed with Mr. Montgomery. Every meeting we're closing water. Concerned with the trend that petitioners keeping asking for closures. ODFW, the county, nor the sheriff has indicated support of this closure. Sees 20 or 30 people who don't like the competition for fish. Need more compelling evidence for the need to have closures versus neighbors/locals seeing more people fishing. We can look at this again in two or tree years but doesn't see the emergency for this action.

Mr. Montgomery asked whether the agency is looking for additional access within these four and half miles. Chair Allen added OSMB needs to work with ODFW and OPRD to obtain public access points. Agrees with Mr. Tinker that jet sleds shouldn't be allowed.

Mr. Tinker emphasized that this has been a long-time effort by the local community to have a successful fishery which brings successful boating. Access points are lacking. Need to take a conservative view and adopt the first part of staff proposal – motor ban to Myrtle Grove. Need to go ahead on this one. It would enhance boating including some safety aspects of drift-move on. Agrees with the long term goal of multiple access points.

Chair Allen asked why alternate days, like on the Deschutes, wouldn't work. Mr. Tinker stated he was not inclined to support an alternating day schedule as coastal rivers change very rapidly.

Mr. Montgomery commented that ODFW needs to go on the record and until they do, he won't agree.

Mr. Henry summarized. The coastal river issues go back. The Sixes and the Elk were first looked at in the 1980. At that time the motor issues were up and coming because they were the popular and heavily used rivers. At that time, the South Fork Coquille was also looked at but with less use, restrictions weren't adopted on the South Fork Coquille when they were adopted on the Sixes and the Elk. The South Fork Coquille has now caught-up with these two rivers and is experiencing the same usage. This is not unheard of. There has been a change of use pattern here. Our statutes state that we will deal with use conflicts.

Ms. McQueen asked Mr. Monroe, of *The Oregonian*, his opinion on the media's ability to educate the public on "good behavior". What is the media's ability to solve this without putting a ban on motors? Is it possible?

Mr. Monroe responded from the audience, that the Board can't depend on the media. As was stated prior, "You can't legislate stupidity". You can't make people read the paper. You can't make them pay attention to your message.

Ms. McQueen asked Mr. Monroe how to solve this problem. Mr. Monroe answered he doesn't think this issue will be solved without the ban. Boat owners won't stop buying registrations; they'll find another place to boat.

Mr. Montgomery said the public could access the river at the ODOT gravel pit and we wouldn't have to worry about the private owners.

Mr. Tinker again stated that the Board, even reluctantly, needs to intact this rule to solve this issue. We need to help this process along. This rule action mirrors the Elk and the Sixes.

Mr. Carskadon remarked that there has been no comment from other agencies or governmental entities on this issue. Every time we come here it seems like we are restricting boating. I came in fully expecting to support this but there has been some excellent points raised.

Chair Allen added there isn't one city, county, any state or local agency that has said this is a problem, and that they are recommending OSMB do this. No letters, no e-mails. This is a pretty significant piece missing. ODFW is punting – letting us deal with it.

Mr. Tinker stated that it doesn't surprise him that the Board didn't hear from the county, as the county is reeling from timber-money impacts. The road department laid-off 20 people last week. This is low on the county's priorities to comment.

Mr. Tinker made a motion the Board adopt staff recommendation – motor closure on the South Fork Coquille River from the Forest Service Boundary near Powers to Myrtle Grove State Park. The second rule language contingent upon greater access, as described by staff. Mr. Carskadon seconded.

Chair Allen called for a vote.

In favor: Mr. Tinker.

Opposed: Ms. McQueen, Mr. Montgomery, Mr. Carskadon and Chair Allen

Motion did not carry.

Mr. Tinker added that OSMB should still proceed with obtaining multiple access points to the river. Board members agreed.

## **Item B: Director's Report**

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

Reauthorization of the Aquatic Resources Trust fund. For 2009-11, federal funds provide \$6.9 million, almost a quarter of our over-all budget. Significant source of revenue.

The Oregon legislature convenes next week. The agency isn't introducing any bills but does anticipate legislation dealing with invasive aquatic species; mandatory life jackets on Class III Rivers HB-2079; repeal/modify the ethanol gas mandate; and limits on outfitters/guides. Representative Krieger is crafting a bill supporting limited entry and to transfer the guide program to ODFW.

Board discussion followed. The bill's concept may limit number of guides and the areas they could operate. If the program moves in that direction, the program may be better served by ODFW.

Ms. McQueen asked what OSMB's position is. Director Donheffner responded that he has not seen the bill but his philosophy is that most of the guides in Oregon are providing a public service by taking the angling public out.

Chair Allen added it has been handled river by river through the planning process, i.e. BLM, Deschutes and Metolius. Director Donheffner replied, yes, on a few rivers, when there is a federal presence, wild and scenic designation, but this issue concerns mostly the coastal rivers.

Mr. Carskadon asked, how as a Board member, can we be involved or not, on this issue. Director Donheffner answered that the agency will be involved in the process, as it is our program.

Ms. McQueen remarked at the last ODFW meeting this was brought up numerous times, guides don't pay enough and the guides take all the fish. It's a perception that guides catch too many fish.

Mr. Henry added that he has spoke with Representative Krieger on the concept of the bill. The shift is in the philosophy from a business license to managing resource take.

Director Donheffner explained a limited entry program is a control of harvest versus the current program which is consumer protection – safety / first aid, insurance, Coast Guard license. Speaking with ODFW, they are not advocating taking the program from OSMB. The Director will keep the Board informed.

Chair Allen questioned whether OSMB has heard of any legislative action on wakeboard issues, stereo-noise, etc. and Director Donheffner replied, not it this point.

Regarding financials, the State general funds are down which will impact all agencies. Consequences may include agency limitations, wage freezes, limits on travel and employee furloughs. OSMB budget continues all programs at current service levels.

OSMB final count for 2008 boat registration is 180,063. Fee revenue is down nearly four million. Motorboat gas tax revenues down \$116,320. Looking at short-fall of \$500,000 - \$900,000 for this budget cycle. The governor's transportation package does include a two cent hike in gas tax. The Facilities Round 3 Grants Program has been cancelled along with some savings from the Law Enforcement and abandoned boats program.

Received the final federal allocation for 2009 fiscal year of \$2.49 million in Coast Guard funding, up \$143k from what was anticipated.

The Board discussed the scheduling of the next two meetings. The March/April meeting will be held in Salem; the June 18 meeting in Astoria. Dates and arrangements will be confirmed.

### **Item C: Policy and Planning Program Report**

Mr. Henry briefed Board members on complaints on the Chetco River. Mr. Henry, along with local law enforcement and ODFW met with community organizers, guides and sport fishermen, to address issues and assist in outreach and educational efforts. One of the central themes of outreach will be “fish twice and move along.”

Nearly all policy option packages have been removed from agency budgets including ODFW’s funding for watercraft border inspection stations. OSMB is working with ODFW and the Invasive Species Council on a legislative concept that will provide legal authority to stop and inspect watercraft for invasive species.

Mr. Montgomery restated his opposition to any dollar expenditures by OSMB without other major players being involved, i.e. Bonneville Power.

Ms. McQueen asked, as Board Members, can we voice our own opinions. Mr. Carskadon replied, yes, and Chair Allen added, as long as you are not speaking on behalf of the Marine Board.

Director Donheffner will forward the bill to the Board once it becomes available.

### **Item D: Facilities Program Report**

Mr. Wayne Shuyler addressed the Board. There are no new grant requests for the Board to consider at this time. Applicants will be notified that there will be no Round Three. Will attempt to front-load Round One with as many “shovel ready” projects. There will probably not be a lot of “match” dollars by applicants. Will watch for any federal stimulus package opportunities that may come available.

Mr. Shuyler reviewed a status report of current projects as outlined in the staff report.

Mr. Carskadon voiced concern that the 42<sup>nd</sup> Street Gleason ramp project would be on-going during the peak of spring Chinook season. Mr. Shuyler responded that Metro is very sensitive to this fact. Contractors will work to provide access but there may be times when no access will be allowed.

Regarding Rooke Higgins project – Millicoma River, Coos County, the county will make a final counter-offer to the property owners. County will consider condemnation.

Mr. Montgomery asked if OSMB grants money for a ramp project, can they charge a fee to launch a boat and Mr. Shuyler responded yes, fees go towards maintenance.

### **Item E: Clean Marina Program**

Glenn Dolphin, Clean Marina Coordinator, presented a PowerPoint overview of the program to Board Members. See staff report.

Mr. Dolphin announced a Family Fun Poker Run scheduled for August 8, 2009, to celebrate National Marina Day and highlight eight of Portland’s certified Clean Marinas. Following the run, Columbia Crossing Marina will be hosting a BBQ dinner with music and other activities.

### **Item F: 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 220,000 cards have been issued.

Mr. Law outlined staff proposals made to promote boating and boat registration. The new *Oregon Boating Facilities Guide* and the *2009-2010 Boater’s Handbook*, OSMB pins and decals were distributed to Board Members. The *OSMB 50<sup>th</sup> Anniversary Calendar* will be available later this month.

In 2008, there were sixty recreational boating accidents with fourteen fatalities.

**Item G: Law Enforcement Program Report**

Mr. William Rydblom, Law Enforcement Program Manager, briefed the Board on recent activities.

The Nov-Dec issue of the *Small Craft Advisory* featured two Oregon articles. Officer of the Year, Steve Dangler, Multnomah County, was featured as the 2008 Oregon Officer of the Year, as well as, the September 2008 OSMB law enforcement drift boat rescue and recovery training course held on the Rogue River.

The 2008 Law Enforcement Volunteer Award was presented to John Zeman who had 736 volunteer hours with Multnomah County.

Mr. Rydblom introduced Lt. Michael Shults and Chief Deputy Tim Moore, Multnomah County.

**Item G: Multnomah County Marine Patrol Enforcement Presentation**

Lt. Michael Shults, Multnomah County, presented a PowerPoint overview of their program to Board Members. See staff report.

Chair Allen thanked Multnomah County for coming and their presentation. Mr. Rydblom also thanked Multnomah County Marine Patrol for their support both regionally and state-wide.

Ms. McQueen thanked Multnomah County for attending and staff for arranging the presentation. Ms. McQueen requested other presentations by other counties.

In close, Mr. Montgomery announced he will not be attending the March meeting. He congratulated staff for their hard work and Paul Donheffner for his thirty-one years of service.

Chair Allen adjourned meeting at 12:35 pm.

Respectfully submitted,

June LeTarte  
Executive Assistant

Approved and Adopted: April 14, 2009