



Summary of  
Oregon State Marine Board Meeting  
Telephone Conference  
May 21, 2007

Chair Bob Montgomery called the May 21, 2007 meeting of the Oregon State Marine Board to order at 2:03 pm. Board members present: Bob Montgomery, Deborah McQueen, Trey Carskadon and George Tinker. Absent: Rick Allen

Present Staff Members included: Director Paul Donheffner, Wayne Schuyler, Janine Belleque, Randy Henry, Ashley Massey and June LeTarte.

Guests: Deputy Kevin Kier, Linn County

Unscheduled Testimony

Chair Montgomery opened the floor to unscheduled testimony on non-agenda items. There was none.

Item A: Consideration of Boating Facility Grant Amendment Requests

Wayne Shuyler briefed the Board and requested approval on the grant requests outlined in the Board package. These four grants were approved in the Round One funding cycle. Three requests are for grant increases and the fourth is a request to amend the scope of work in addition to increasing the funding.

**FG#1241 – City of Harrisburg, Harrisburg Ramp, Floats and Gravel Bar Removal**

Staff presented the fund request recommendation of \$145,000 to remove gravel and rock around the ramp, which was not included in the original scope of work, as well as, to cover the higher construction costs anticipated in replacing the ramp. The City has obtained a permit for the gravel removal work.

Mr. Carskadon questioned whether the gravel bar is going to result in a continuing problem. Mr. Schuyler responded that prior to the flood 2005-06 event there was a pretty good hole. Staff spoke with the OSU hydrologist, who stated that because the gravel bar appeared so suddenly, he was unable to say whether it would remain. Prior to actually doing the work, he will be consulted again. It may be necessary to relocate the ramp.

Staff recommends that the Board approve the City of Harrisburg's request in the amount of \$145,000.

Ms. McQueen requested clarification on the finishing of the project. The Board has already approved \$198,000 and now they are requesting an additional \$145,000. Mr. Schuyler responded that though there are some unknowns; he believes that work permits will be obtained and the project could be completed. The additional funds provide insurance that both the rock removal and ramp construction could be finalized.

Chair Montgomery questioned whether the \$145,000 will get the job done. The City of Harrison needs to take responsibility to ensure that this job is completed. He is not in favor of approving any more money for dredging.

Mr. Tinker commented that it appears that a margin has been built into this dollar request to cover contingencies. It would seem that the project should go to completion.

Mr. Carskadon stated that he is confident that the city and boaters will benefit. This ramp is solely needed; he fully supports the recommendation.

Mr. Carskadon moved to approve the grant request. Mr. Tinker seconded. Motion passed unanimously.

### **FG # 1255 – Columbia County, J.J. Collins Marine Park East Transient Tie-up Floats**

Staff presented the fund request recommendation of \$25,000. The contractor is in the process of completing the project. Additional work was identified within the permit specifications.

Staff recommends that the Board approve Columbia County's request in the amount of \$25,000.

Ms. McQueen remarked to the Board that she participated in the ribbon-cutting for the restroom facilities at the Port of St. Helen's and believes that the project came in 50 percent under of the dollars allotted.

Ms. McQueen moved to approve the grant request. Mr. Carskadon seconded. Motion passed unanimously.

### **FG # 1258 – City of West Linn, Cedar Oak Dredging**

Staff presented the fund request recommendation of \$70,000. The City is requesting a grant increase in the amount of \$70,000 to complete dredging at the Cedar Oak boat ramp. Cedar Oak boat ramp has been unusable for several years due to accumulated silt and other material at the foot of the ramp and out into the Willamette River.

Staff recommends that the Board approve the City of West Linn's request in the amount of \$70,000.

Mr. Carskadon commented that he is very familiar with this launch; this project is four years overdue.

Mr. Carskadon moved to approve the grant request. Mr. Tinker seconded. Motion passed unanimously.

### **FG # 1263 – Linn County, Calkins Park New Boating Facility Development**

Staff presented the fund request recommendation of \$251,000. Linn County has worked more than ten years to provide a new public boating facility on Foster Reservoir. Costs have increased significantly due to pre-construction requirements including environmental studies, utility relocations, stormwater provisions and mitigation for lost habitat and wetlands. Additionally, bids received for construction are higher than the engineer's estimate, which is several years old.

Staff recommends that the Board approve Linn County's request in the amount of \$251,000.

Mr. Carskadon moved to approve the grant request. Ms. McQueen seconded. Motion passed unanimously.

### **Item B: Other Business**

#### **Waldo Lake**

Director Donheffner updated the Board on Waldo Lake. Staff met this morning with Steve Stewart, his attorney Tom Hoyt and AG Jas Adams, DOJ, to coordinator our positions regarding the US Forest Service's decision on Waldo Lake.

While the Stewart appeal position is related to navigability of the lake, our position is that the USFS should have considered 4-stroke motors as an alternative to a ban. We believe that this is an attempt by the USFS to "end-run" the Wilderness Act; to create an ex facto extension of the wildness area without an act of Congress; that they are over-stepping the State's authority to regulate and manage recreational boating; and that this decision is arbitrary without any sound basis in science or fact. We believe that our position compliments that of Steve Stewart.

The Columbia Sea Plane Pilot's Association is also filing an appeal, as sea planes would also be banned as a result on this decision.

Appeals are due June 7, 2007.

Director Donheffner informed the Board that he apprised the Governor's Natural Resource Office of the situation and has received their concurrence to proceed. He requested Board direction.

Chair Montgomery questioned whether the State owns this lake.

Director Donheffner responded that OSMB agrees with the position of Steve Stewart; Waldo Lake is navigable but has not been adjudicated as such. We believe without question that the lake is navigable. The USFS stated in their decision that until they are told officially by a Federal judge, they are assuming it is not.

Chair Montgomery stated he would never agree with the USFS on this position. He invited the other members to share their opinions.

George Tinker addressed the similar situation on New River. As we proceed on this appeal, can the attorneys broaden the issue to include application on future or difference sites; i.e. Bureau of Land Management.

Director Donheffner responded that he didn't believe that this situation is a direct parallel to New River. BLM hasn't enacted a rule to prohibit motors, they just have barred access. If the USFS prohibits road access to Waldo Lake, we would probably have little to say.

If we prevail on Waldo Lake, it may help to prevent future end-run attempts by the USFS. It would set the bar as to who should be determining regulations. Waldo Lake is unique in that 100% of the shoreline is USFS land. Usually the USFS works cooperatively with OSMB to address water issues.

Mr. Tinker suggested that all administrative appeals be exhausted, as necessary, to fight the USFS on this decision. We need to provide clarity that Oregon has only one set of boating regulations. He doesn't want to see Federal boating regulations in addition to State boating regulations.

Ms. McQueen agreed it was very important to move forward and clarify our responsibilities. She questioned why this lake?

Director Donheffner responded that it may be due to a number of environmental groups in Eugene which treat this area as their own private retreat and they have successfully pushed the USFS on this issue. He doesn't believe that this reflects policy nationwide.

Mr. Carskadon is in full support and hopefully this will open discussions on the New River, even though it's understood that this is a different issue.

Chair Montgomery call for a motion of support.

Mr. Carskadon made a motion to direct staff to proceed and take any and all action necessary in connection to the Waldo Lake issue. Mr. Tinker seconded. Motion passed unanimously.

## **State Land Board-Marine Protection Area**

Topic tabled to June 26, 2007 meeting.

**June Meeting Notice**

Director Donheffner announced the June 26, 2007 Board Meeting in Newport beginning at 8:30 am. Hotel information will follow.

**Wave Energy Projects**

Mr. Tinker mentioned that the Board needs to be aware and stay abreast of the wave energy projects being discussed in Oregon and the potential impacts that may result both to commercial and recreational boating. He requested an informational report from staff on OSMB's responsibilities on this issue.

Director Donheffner responded that Mr. Henry has been following this topic and will provide an information briefing to the Board at the June meeting.

The meeting adjourned at 2:35 pm.

Respectfully Submitted,

June LeTarte