



Summary of
Oregon State Marine Board Meeting
April 7, 2008
Wilsonville, Oregon

Chair George Tinker called the April 2008 meeting of the Oregon State Marine Board to order at 10:00 am. Board Members present: George Tinker, Rick Allen, Trey Carskadon, Deborah McQueen and Bob Montgomery.

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

Chair Tinker asked Board members to introduce themselves, conveying geographic area representation and background.

Chair Tinker reviewed the agenda for today's meeting and asked members of the public to sign-in for testimony on non-agenda items.

Chair Tinker asked for a review and approval of the January 8, 2008 Marine Board meeting minutes. Mr. Allen motioned approval. Mr. Montgomery seconded. Motion carried unanimously.

Unscheduled Testimony on Non-Agenda Items: None

Item A: Wake Group Report for the lower Willamette River

Mr. Henry provided an overview. The issue before the Board is of fundamental importance to those who live and recreate on the Willamette River. There are two key groups: homeowners and wakeboarders. The focus of the issue is wakeboard boats which are designed to create larger wakes. Highlights from the Wake Group meetings were presented. Neither side on the issue believes they were adequately represented. Some wakeboarders are opposed to any restrictive regulations; some homeowners are adamant that only a wake-device ban will do; and some homeowners argued against any other homeowners restricting their boating access to the river. Details were outlined in the staff report.

Mr. Montgomery questioned how many boats are there registered in Oregon. Mr. Henry responded, 185,000 registered boats. Mr. Montgomery stated this discussion is about less than 3,000 boats.

Mr. Henry outlined the proposed rulemaking options:

Option 1

- 1) Direct Education staff to implement an outreach partnership with industry that targets owners of wakeboard boats in Multnomah, Clackamas, Columbia, Washington, Marion and Yamhill counties.
- 2) Direct Law Enforcement program to fund dedicated marine enforcement officer limited to operation on the Willamette River Newberg Pool, with special training in alcohol enforcement, boat overloading, wakeboard boat operation, wake damage complaints and noise monitoring. Officer will be in place Memorial Day weekend to Labor Day weekend, 4 days per week including weekends. Specific emphasis on boat overloading and operation of boat with restricted visibility (bow high).
- 3) Partnership with OSU Wave Research Center to get baseline data on wake height through summer boating period.

Note: Economic impact of approximately \$20,000. Could be defrayed by industry contribution.

Option 2

- 1) Initiate rulemaking for "Congestion Zone" designation, from the Hwy 219 Bridge at RM 48.5 to the upper end of Willow Island at RM 31.5. Congestion zone applies only to boats pulling towed devices. It requires:
 - a) Straight-line operation (powered u-turns and figure eights prohibited);

- b) 200 foot separation between following boat with towed device and the person being towed by the lead boat.
 - c) No towing operation within 100 feet of all docks.
 - d) Slow-no-wake zone from I-5 Boones Ferry Bridge at RM 38 and the Railroad Bridge immediately up river.
- 2) Use in the congestion zone of hydrofoil or other external device designed to enhance boat wake, whether towing or not, is prohibited.

Option 3

- 1) Designate Willamette River from the Hwy 219 Bridge at RM 48.5 to the upper end of Willow Island at RM 31.5 as a congestion zone. Within zone:
- a) Prohibit use of all wake enhancing devices, including ballast tanks, wedges or hydrofoils or other mechanical devices, or un-even loading of persons or gear to artificially operate bow high.
 - b) No wake surfing or wake boarding within 100 feet of all docks.
- 2) Slow-no-wake zone from I-5 Boones Ferry Bridge at RM 38 and the Railroad Bridge immediately up river.

Staff Recommendation

Staff recommended rulemaking to initiate Option 3, a prohibition of wake enhancing devices in the stated congestion zone.

Board discussion followed.

Director Donheffner clarified that this action is an initiation of the rulemaking process which will include a public hearing, opportunity for public comment and feedback. Today's request is not a recommendation for adoption of a final rule.

Mr. Montgomery recapped for the benefit of the audience. The Board is opening rulemaking; a final decision on this item will not be made today.

Chair Tinker further clarified the rulemaking process. There was a Marine Board meeting in January with public input followed by meetings of the Wake Working Group. At today's meeting the Marine Board could open rulemaking on one of the recommendations. A final vote could be taken at the July meeting, at which point, it would become Oregon Administrative Rule. During the written comment period, together with the public hearing, proposed rule language is open to modification.

Mr. Henry explained that the public comment process will include a 30-day written comment period and a public hearing. The proposed congestion zones could be fine-tuned during the public process.

Chair Tinker asked staff to elaborate on what would be included in "towed devices" under Option 2. Mr. Henry responded that it would include anything that is recreationally pulled behind the boat even if not physically attached to the boat, i.e., knee boards, wake boards, water skis, surf boards and inner-tubes.

Mr. Montgomery questioned whether there was any commercial traffic in this part of the river. Mr. Henry responded, yes, there is limited commercial traffic. Any limitations to commercial traffic would need to be specifically described.

Mr. Carskadon questioned how many boats in the state are equipped with a hydrofoil or the wedge? Mr. Henry responded that boats are not registered by model number, probably a small number of boats, but the actual number is unknown.

Mr. Allen asked whether the public would be allowed to address the issue today. Chair Tinker reviewed the list of attendees. Mr. Montgomery questioned what other rivers or lakes in Oregon that this same issue may come before the Board on; is the Board going to be addressing this wake issue at every meeting? Would this rule affect the use of personal water craft?

Chair Tinker addressed the audience. The sign-up sheet is for non-agenda items. This is not the time for public comment but given the number of people here, the Board will accommodate some speakers. Each group was asked to self-select three people to summarize their position for a short comment of three minutes.

Wake Sport Users/Industry representatives addressed the Board:

Eddie Brown, Lake Oswego

Summarized from written statement into the record. See Attachment A.

Matt Radich, General Manager, Active Water Sports

Summarized from written statement into the record. See Attachment B.

Matt Hickman, Canby

Summarized from written statement into the record. See Attachment C.

Chair Tinker commented that there has been a “Play Away” campaign and education. It is a part of the Mandatory Education

Home Owners representatives addressed the Board:

Larry Michaels, Wilsonville

Summarized from written statement into the record. See Attachment D.

Eric Lintner, Wilsonville

Over the past twenty years we have all seen the change in the size of boats. Registration statistics bear this out. The wake is proportional to the size of the hull as it moves through the water. Energy contained in the wake is the function = height². Erosion is a function of wave action. The wakeboard group has offered no solution other than education and some enhanced enforcement. Doesn't believe that this will be adequate. Where large fishing boats, yachts, tugs, go by once or twice, wakeboards go back and forth many times. We're not here to regulate natural causes like flooding but we can do something about the uses that cause erosion that we do have control over. In summary, we do enjoy multiple uses of the river, doesn't want access regulated but we need the individuals that are creating the big wakes, on purpose, to take responsibility.

Chair Tinker closed public comment on this topic. Board discussion continued.

Mr. Allen questioned whether staff heard from homeowners who don't want these devices banned?

Mr. Henry responded yes and explained the process and the makeup of the Wake Working Group. Members of the public did attend. Future public meetings, within the scope of the rulemaking process, will be published by e-mail, news releases, website, media and Department of State Lands mailing list of dock owners.

Mr. Montgomery questioned whether Clackamas County Sheriff – provided input on these recommendations.

Mr. Henry responded that they had not. Director Donheffner clarified that the item before the Board is a proposal that the county will have the opportunity to comment on during the rulemaking process.

Mr. Allen expressed concern that the Board has not exhausted its time listening to people on this subject. It is obvious that people have feelings on both sides of this issue.

Director Donheffner explained that if and when the Board opens the rulemaking process there will be a public hearing held for people to comment.

Mr. Allen stated he does not support Option 3 as it is too extreme. Mr. Allen prefers Option 1. He believes more research and outreach is needed. What are the economic implications of these recommendations? The Board needs to be very careful prior to leaping ahead with a knee-jerk ban. We're not hearing from ODFW, State Lands or the deputies on the river. Believes it is just a group of homeowners making a lot of noise. It is not a safety issue; there are no deaths and we need to do the education piece. The Board first needs to address the issue with rules already on the books: alcohol, noise rules and weight/over loading boats, then come back in a few years. The state agencies need to get together on this to discuss erosion, economic, fish and other biological concerns.

Mr. Henry stated that other agencies were contacted but they choose not to be involved. Director Donheffner explained that this issue is the purview of the Marine Board. It is not simply about erosion, it is a multi-faceted issue.

Mr. Allen supported Option 1.

Mr. Carskadon took exception to the industry's comment that this is simply a knee-jerk reaction by homeowners. This issue has been on-going a long time. Understands the wake concerns but doesn't buy the erosion issue. Acknowledges there is a significant safety issue with wakes washing over docks. Believes that an amalgamation of Option 1 and 2 needs to occur and unless something significant doesn't happen, near term, in controlling the size of these wakes, then the Board may have to move to Option 3. Mr. Carskadon supports, together with industry, a 200 foot separation between boats, no towing operation within 100 feet of all docks and a slow no-wake zone from I-5 Boones Ferry Bridge at RM 38. Need to take a hard look at the power turns and figure-eights in this section of the river. There are other places that the community can go to boat but also recognizes that this is a very popular part of the river. Can commiserate with the boating industry and their struggles. They can ill-afford having some kind of ban of boating as this action may be perceived by the public.

Mr. Montgomery believes that the Board has studied the issue enough and doesn't need to study it any longer. A decision needs to be made. Not too excited about the staff's recommendation. Need to do something today, no more studies. The Board has to move ahead.

Ms. McQueen stated that she would support a combination of Option 1 and 2.

Chair Tinker affirmed this issue is not simple. This area is a congested area. Action needs to take place and then be evaluated. Any proposed action may not be the final answer but the Board needs to address the congestion. Does view this as a safety issue, in multiple pieces, for a navigable river. All types of boats are entitled to use the river. We have run the education process for quite awhile, multiple seasons. The Board is not seeing the change we would like. The congestion needs to thin out in some way, to make, perhaps, other waters attractive. Wake enhancement devices seem to accentuate the safety issue in this stretch of water.

Chair Tinker called for a motion.

Mr. Carskadon made a motion the Board approve the initiation of the rulemaking process with Option 1 and portions of Option 2; to include (a) straight-line... (b) 200 feet separation... (c) no towing within 100 feet... and (d) slow no-wake from I-5 Boons Ferry...No Option 2(2).

Ms. McQueen explained that this action is an attempt to modify the behavior and education with no restriction on the boat itself. Mr. Carskadon confirmed.

Chair Tinker asked for a qualification of a "pulling towed-devices" to include wake surfing and those activities not physically connected to the boat with a rope.

Mr. Allen asked for clarification of the mileage designation as referenced in Option 2(1). How many miles are we talking about? Seventeen miles – straight pass through?

Ms. McQueen explained to the audience that the Board is providing general direction to staff and through the public comment process, before any rule becomes final, the public will have the opportunity to provide input.

Chair Tinker questioned whether the Board could leave the river mileage reference absent from the guidance given today.

Director Donheffner responded that for the purpose of gathering public comment, there needs to be boundaries, otherwise the public wouldn't know whether possible zone rules would effect them or not.

Mr. Allen agreed that there needs to be clear boundaries identified. Are we talking about one narrow bend in the river or 13 – 15 river miles?

Chair Tinker suggested the definition of the congestion zone designation be from the Railroad Bridge downstream to RM 31.5. Mr. Henry commented that this is approximately eight miles.

Mr. Carskadon extended his motion to include the definition of the congestion zone designation to be from the Railroad Bridge downstream to RM 31.5.

Mr. Allen questioned what science the Board was using to base these decisions upon?

Chair Tinker asked for a second to the motion. Mr. Montgomery asked what the motion was.

The phrase "no rulemaking" was removed from the heading of Option1.

Chair Tinker clarified that the motion on the floor is to initiate the rulemaking process: Option 1(1)(2)(3) and Option 2(1) with the zone redefined; (1)(a), (1)(b),(1)(c) and (1)(d).

Ms. McQueen seconded the motion.

Mr. Allen raised concerns that the Board just "picked" a boundary. What's different upriver than downriver? Is the erosion any different? This is no way to make something. Shouldn't a decision be based on something?

Director Donheffner responded that the staff recommendation was based upon similarity of geography, nature and character of the river. The river is different above Newberg. Mr. Henry added that the boundaries recommended are easily recognized endpoints.

Chair Tinker and Ms. McQueen added that users of the river will have to modify their activities – straight line towing.

Mr. Montgomery asked Chair Tinker for a vote. He supports the motion but if it comes back as is, he would not. He asked the parties to work together on the issue.

Chair Tinker called for a vote.

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

Opposed: Mr. Allen.

Motion carried.

Item B: Consideration of Diamond Lake Rulemaking

Director Donheffner recommended adoption of OAR 250-020-0102, effective April 26, 2008. In 1999, the Oregon Legislature amended the statutory speed limit on Diamond Lake. OSMB was directed by the Legislature to restore the 10 mph speed limit once the health of the lake was restored. ODFW notified OSMB of such on January 17, 2008.

Mr. Montgomery motioned to adopt the rule, as presented. Mr. Carskadon seconded.

Motion carried unanimously.

Item C: Request by City of Siletz to Ban all Motorboats above Hee Hee Illahee Park

The initial request to ban all gasoline motorboats above Hee Hee Illahee Park was received in August 2007. Staff requested more information from the city. This item was initially on the January's Board agenda but at the city's request was withdrawn. Subsequently, OSMB was contacted by DEQ on behalf of the city.

DEQ, Health Division, completed a source water assessment in October 2002, prepared under the Federal Safe Water Drinking Act, EPA. This study was designed to identify those activities and land uses which may pose high or moderated risk for contamination of public drinking water supplies.

The city of Siletz draws its water from the Siletz River downstream from the park at Hee Hee Illahee ramp which is owned by the city. About 480 water systems connect. The Siletz is also a source of drinking water, on a seasonal basis, for Toledo, Newport and Seal Rock.

OSMB received letters of support for the ban from the city of Newport, Confederated Tribes of the Siletz Indians, Mid Coast Watersheds Council, Lincoln Soil and Water Conservation District, City of Toledo, Port of Toledo and Lincoln County. All letters refer to the "potential" for a gas spill.

Most motorized traffic happens during the winter steelhead season, December to April, when water withdrawals are less likely to occur. The current use of motors is limited by the seasonal nature of the river, its size, and the methods people use for boating and angling in the area. The Source Water Assessment Reports rated potential contaminants in terms of potential high or moderate risk. Outboard motors are not even mentioned as a risk factor in the DEQ report.

There are a total of 142 municipal water systems in Oregon which use source surface waters. Staff received unsolicited fifty-seven letters opposing a ban and several e-mails supporting a ban.

Director Donheffner presented four options and provided comment (Staff Report-Agenda Item C).

Director Donheffner recommended the Board reject the request to initiate the rulemaking process to implement a proposed ban on the use of gas engines above Hee Hee Illahee Park.

Mr. Allen asked about how many river miles that this ban would cover and Director Donheffner responded about ten to twelve, a one-day drift.

Mr. Carskadon commented that the issue appears to not be about outboard emissions but rather the "potential" of an accident. Director Donheffner added that all these intakes draw from the bottom of the river, not skimming the surface.

Sheryl Simmons, Recorder, City of Siletz

Ms. Simmons addressed the Board. The city has only one source of water, the Siletz River. There used to be another source but that is no longer available. The city relies solely on the Siletz. The intake is approximately 200-300 feet below the boat ramp. Sometimes, in the summer, rocks have to be piled-up to make the water go into the intake, as the river gets low. If there were a spill, the spill would go right into the intake. Chances are the city would not be able to stop the system fast enough. The city is very concerned as this is their only source of water. There has been a large increase in boat usage. It has tripled in the past five years. They are concerned for their citizens.

Mr. Allen asked if these were mostly drift boats and Ms. Simmons replied, yes. Director Donheffner explained that usage is all downriver.

Jacqueline Fern, ODEQ, Drinking Water Protection Program

Ms. Fern addressed the Board. The first Source Water Assessment Reports were required by EPA back in the 90's and they were completed for all the public water systems in Oregon. This report was intended to be used as a "first take" assessment; an initial attempt to identify the obvious potential contaminants sources-where is the drinking water coming from and what is the land area that will be contributing to the drinking water source.

Public water systems were instructed to review the document and let DEQ/DHS know what was happening from a local perspective—what issues weren't documented in the initial report. Even though this issue wasn't documented in the initial assessment report, it is a potential issue which needs to be addressed. Drinking water protection in the State of Oregon is a voluntary process. There is no regulatory requirement that a public water system and the community take pro-active steps. DEQ relies on and supports community efforts to protect drinking water systems. A small concentration of toxic substances including ethylbenzene and toluene has been identified in the city's source water. There are drinking water standard for these substances. The amount found was below the maximum contaminant level.

Mr. Allen asked whether tests have been done to establish a baseline, at times with or without the boats being present.

Ms. Fern responded that DEQ does not have the resources to conduct continual testing, though, every public water system has to monitor once yearly. Unsure when the last test was performed or when the small concentrations were found.

Ms. Fern responded to Director Donheffner's comment that other water intakes are pulled from surface water, i.e. the Clackamas River. A recent report from USGS shows that they are also experiencing petroleum based compounds showing up in treated drinking water.

Mr. Carskadon questioned whether this could be an air quality issue. He sighted DEQ 1999-2003 findings on the Newberg pool.

Protecting drinking water is important. Ms. Fern reminded the Board that this is a public health issue as well as an economic issue. If a community's water is no longer healthy to drink, the results would be huge.

Greg Harlow, Siletz Watershed Council

Mr. Harlow addressed the Board. He has been working on this issue in the community for a number of years; has gotten every municipality that uses this water system together. Staff information a bit inaccurate, i.e. the amount of time the motors are used is longer than what was suggested. We have a decent flow for many more months. So, add two-three or four more months on the period of motor use. We have created the Siletz River Clean Water Initiative.

OSMB is just one of a few of the Boards that we will be addressing. This is an easy measure that many people support. We didn't know that the Board was accepting public testimony; however, we can multiply any number of comments received (57) by one-hundred.

Water quality, not only in the town of Siletz, but Newport, Toledo, Seal Rock is of major concern. This isn't a fisherman issue, this is about public health. This is about shutting down water, not only for residents, but for more than a million visitors a year to this region. We can provide more information, as needed.

Mr. Montgomery asked how many boats "are being talked about"? Mr. Harlow responded that he has counted more than seventy boats in that little stretch, on any given day. Motor usage is up more than three-fold. It is not all fishing.

Mr. Allen asked if DEQ has sent the Marine Board a letter stating this needed to be done, as it is a health issue. Ms. Fern responded, as previously mention, there is no state requirement for drinking water protection, it's voluntary. DEQ has to rely on the local community to inform them of issues.

Mr. Allen questioned if there is really an issue. Ms. Fern responded that it is known that ethylbenzene and toluene, in small concentrations, were identified in the yearly monitoring by the city. This is not true of all rivers.

Mr. Allen asked why isn't more testing being done, with boats/without boats present, over a time period, and provide the Board with something beyond anecdotal comments.

Ms. Fern and Mr. Harlow both responded that the city is attempting to be pro-active. Motor use is fairly new in the area. Mr. Harlow added that the NW Steelheaders discussed this issue at their February meeting and because this is a case of public health, voted to support the city's request for a ban.

Chair Tinker asked whether the city is exploring any other sources of water. Sheryl Simmons responded, yes, but it could be years and as they are a small city and funding may be an issue.

Ms. McQueen stated she believes the Board is being asked to make a decision with no real evidence in either direction. How does she know that oil dripping off cars from the highways isn't getting into the watershed, how many septic systems are located along this river? Needs DEQ to affirm that the levels are too high and this needs to stop. Being proactive is fabulous but the Board is responsible for the stewardship of this section of the river for all Oregon boaters. Need evidence. There are ways to test for this. There are rules and if you fall outside the rules there are consequences.

Don Larsen, Siletz Watershed Council, Toledo, OR

Summarized from written statement into the record. See Attachment E.

Wayne Hoffman, Mid-Coast Watershed Council, Newport, OR

To clarify: it was brought up that this may be one of a variety of potential threats, this is true and we are working toward addressing them, i.e. septic tanks, bio-solids. We're here because this item has relevance to the OSMB mandate. Other issues will be addressed with the Department of Forestry and landowners, etc.

In response to Ms. McQueen's comments: we are hoping to deal with this issue before it has a big constituency. The history of use of the upper river has been drift boats and oars. Over the past ten years there have been quite a few boats with electric motors and we don't see this as a significant water quality issue. In the last 5-10 years, there has been a few gas motors; but in the last three years the number is starting to climb. River use is going up. Our hope is to address this issue before it gets to the point where a number of people respond that they have been utilizing this opportunity for years. We are trying to get ahead of this issue.

Finally, a lot of the issues raised today are valid but are appropriate to be addressed through the rulemaking process. We haven't had a good process for a dialogue – thought we could have if we had a rulemaking process – or a working group such as the Marine Board had with the wake boat issue. Would like to move forward rather than just be cut off – a way to continue a dialog and find compromise.

Pete Field, Registered Guide, Astoria, OR

Agreed with Mr. Allen, the Marine Board should be following the process. At least be able to have a discussion. Have the opportunity to propose a rule change – no gas outboards above a certain point, with very little impact to the boaters. Would argue zero difference in the number of use because of electric or rowing down the river.

Regarding Director Donheffner's comment of an underlying social issue; this was attempted, OSMB endorsed it; it's called the *Siletz River Etiquette Guide*. This process was tried and it worked for a while and then the gas motor usage increased.

It is a fact that some boats have capsized, not this season, but the previous season. This is a real valid entity – especially in the upper stretches. The ban would reduce the risk of this occurring. There are no emergency services out there – out of cell phone range.

Proposed solution: ban gas use above the intakes but allow gas motor use on the river below the intakes. The Siletz River is long enough to have it both ways. This isn't about setting a precedent; it is about solving an issue on this river-specific to this watershed. Mr. Field asked the Board to open a water-basin specific dialogue in order to come up with a good solution for all.

Mr. Allen asked why the use of gas motors is going up so much. Mr. Field responded that the trend for overall use is up. In theory it could be due to cost, ability to repair, don't run out of gas vs. batteries going dead.

Chair Tinker asked for further Board discussion.

Mr. Allen asked if there was a way to go around the intake, to prevent idling right out in front of the intake, in low flow. Director Donheffner responded that if the river is getting low enough that they have to put rocks

around the intake to get water into it, doesn't suspect that there would be too much motorized use. Motors are primarily in use, November through May.

Mr. Allen asked what the CSF is at those times. Director Donheffner stated it could vary wildly-dependant on the rain. Doesn't believe it to be a problem when the water is low.

Ms. McQueen made a motion to accept the staff's recommendation. Mr. Montgomery seconded. Motion carried unanimously.

Item D: Boating Safety/Education Assistance Program Report

MariAnn Koloszar recommended adoption of OAR 250-010-0075, to replace a current temporary rule for a statewide boating safety/education assistance program for small grants.

Mr. Montgomery motioned to adopt the rule, as presented. Mr. Carskadon seconded. Motion carried unanimously.

Item J: Round Two Boating Facility Program Grant Requests

Wayne Shuyler, Deputy Director/Facilities Program Manager, addressed the Board. In Round 2 there were twenty-six applications requesting \$1.9 million dollars, not including Federal funds. In Round 1, the Board approved twenty-two projects totaling \$2.8 million dollars and an additional \$430,000 for other projects. There is approximately two million dollars available for the rest of the biennium. Staff is recommending deferment on seven projects, cost reductions on four projects and one project has been withdrawn.

Facility Grants – Consent Block Request

#1339 – Coos County	\$50,000
#1341 – OYCC	\$16,000
#1349 – Port of Cascade Locks	\$49,700
#1350 – ODFW	\$25,000
#1351 – City of West Linn	\$35,000
#1353 – State Parks	\$35,000
#1355 – City of Independence	\$40,000
#1357 – Port of Newport	\$21,903

Staff recommended approval with the noted change to #1357 applicant request.

Mr. Allen motioned for consent block grant approval. Mr. Montgomery seconded. Motion passed unanimously.

#1335 – \$60,800 – Port of Coos Bay, Charleston Restroom Replacement

The existing restroom has been in service more than thirty years is being demolished and replaced. Due to its location and its service to the general public/marina, the Port will be covering sixty percent of the project costs.

Staff recommended approval with the noted change to the fund request.

Mr. Allen motioned for grant approval. Mr. Carskadon seconded. Motion passed unanimously.

Aaron Simms thanked the Board for the new ramp and thanked the staff for their assistance with the grant application procedure. Announced the Port has just passed their Clean Marina Certification.

#1336 – City of Coos Bay, Empire Landing Replacement

Staff recommended the project be deferred to Round 3. Steve Doty, from the city, was present.

Ms. McQueen motioned for deferral. Mr. Montgomery seconded. Motion passed unanimously.

#1337 – \$150,000 – ODFW, Miller Island Ramp and Floats

Lanny Fujishin and Karen Tofte, ODFW, were present. Mr. Fujishin addressed the Board. Phase 1 of the project was successful and the existing parking lot was brought up to grade. This second project phase will relocate the ramp upriver and provide a safer, more accessible ramp.

ODFW requested funds to replace the existing plank launch ramp, create a concrete pad for ADA accessibility, and complete parking lot improvements.

Staff recommended approval.

Mr. Montgomery motioned for grant approval. Mr. Allen seconded. Motion passed unanimously.

#1338 – \$52,500 – Benton County, Hyak Park Parking Improvements

George McAdams was present. Benton County is asking for funds to improve the parking lot at Hyak Park on the Willamette River.

Staff recommended approval.

Mr. Allen motioned for grant approval. Mr. Carskadon seconded. Motion passed unanimously.

Mr. Shuyler explained the Six-Year Plan rating designation score as presented on the Project Application. Projects are prioritized by high, medium and low. The Rating Score is developed by assigning point values to specific factors.

1340 – \$71,000 – City of Depoe Bay, Depoe Bay Boarding Float Replacement

Pery Murray was present. The city is asking for funds to replace the existing boarding floats located at the public launch ramp.

Staff recommended approval.

Mr. Montgomery motioned for grant approval. Mr. Carskadon seconded. Motion passed unanimously.

#1342 – Josephine County, Indian Mary Vault Toilet

Staff recommended the project be deferred to Round 1 next biennium.

Ms. McQueen motioned for deferral. Mr. Allen seconded. Motion passed unanimously.

#1343 – BLM/Harney County, Moon Reservoir

Staff recommended the project be deferred.

Mr. Allen motioned for deferral. Ms. McQueen seconded. Motion passed unanimously.

#1344 – Linn County, Thistle Creek Boarding Floats

#1345 – Linn County, Whitcomb Creek Boarding Floats

Mr. Brian Carroll, Parks Director, was present. Staff recommended both projects be deferred.

Mr. Montgomery motioned for deferral. Mr. Carskadon seconded. Motion passed unanimously.

#1346 – \$94,509 – Linn County, Lewis Creek Transient Tie-Up

Mr. Brian Carroll, Parks Director, was present. Linn County is asking for funding to replace and relocate the transient tie-up and abutment.

Staff recommended approval with the noted change to the fund request.

Mr. Allen motioned for grant approval. Mr. Carskadon seconded. Motion passed unanimously.

Mr. Carroll invited the Board to attend the dedication ceremony for the new Calkins Park Boat Ramp on Foster Reservoir.

#1347 – \$60,000 – Tillamook County, Memaloose Point Boarding Float Replacement

Mr. Delbert Schleichert, Parks Director, was present. Tillamook County is asking for funding to replace the boarding floats at the Memaloose Point launch ramp on Tillamook Bay.

Staff recommended approval.

Mr. Carskadon motioned for grant approval. Mr. Montgomery seconded. Motion passed unanimously.

#1348 – \$67,000 – Tillamook County, Netarts Landing Boarding Float Replacement

Mr. Delbert Schleichert, Parks Director, was present. Tillamook County is asking for funding to replace the boarding floats at the Netarts Boats Landing on Netarts Bay.

Staff recommended approval.

Mr. Montgomery motioned for grant approval. Mr. Carskadon seconded. Motion passed unanimously.

#1352 – Port of Siuslaw, Harbor Street Restroom Replacement

Staff recommended the project be deferred.

Mr. Montgomery motioned for deferral. Ms. McQueen seconded. Motion passed unanimously.

#1354 – \$64,000 – Yamhill County, Roger’s Landing Lighting & Security Camera

Mr. Ken Huffer, Parks Coordinator, was present. Yamhill County is asking for funds to add lighting and a security camera at Roger’s Landing on the Willamette River. Both the county and the agency have received calls of vandalism, drug problems and cars being broken into. Working with the sheriff and local police, the county is patrolling the area to resolve some of the issues, but additional security equipment is needed.

Discussion followed. Mr. Montgomery commented that OSMB has already spent a half-million dollars on a study, parking lot, ramps, floats, and now we being asked to pay for lighting; the county needs to step-up with more funds. Chair Tinker noted the number of use days is very high. Mr. Allen questioned how far the Board wants to go in providing lights and security cameras as it’s highly unlikely this camera will be still working in two years.

This is a heavy use area – Newberg Pool area; staff recommended approval.

Mr. Montgomery motioned for grant approval. Mr. Allen seconded. Motion passed unanimously.

#1356 – Jefferson County, Cove Palisades State Park Marina Improvements

Staff informed the Board that this project was withdrawn. No vote needed.

#1358 – \$172,500 – City of Elkton, Buzzard Bay Land Acquisition

Linda Higgins, City Manager, was present. The city is requesting assistance in acquiring an existing, privately-owned boat access site on the Umpqua River. The owner is willing to discuss sale of this 3.8 acre parcel to the city for public access. The city has been given first option.

Staff recommended approval.

Mr. Montgomery motioned for grant approval. Mr. Allen seconded. Motion passed unanimously.

#1359 – Hood River County, Port of Cascade Locks, Flush Restroom Replacement

Staff recommended the project be deferred. Julie Babcock, Port of Cascade Locks, agreed.

Mr. Allen motioned for deferral. Mr. Carskadon seconded. Motion passed unanimously.

#1360 – \$30,000 – Morrow County, Willow Creek Boarding Float & Restroom Replacement

Staff recommended only the approval of the restroom portion of the funding request. The project manager, Skip Mathews, agreed with staff's recommendation.

Mr. Carskadon motioned for grant approval. Mr. Allen seconded. Motion passed unanimously.

Item I: Facility Program Staff Report

Mr. Shuyler briefed the Board on completed projects as outlined in the staff report: #1309 Salmon Harbor, #1328 Tillamook County Nehalem Floats and #1334 City of Coos Bay, Empire debris boom repairs.

Projects North Wickiup and Gull Point are under contract. Projects going out to bid include Foothills Park transient tie-up, Gleason wall & transient tie-up, and the Jon Storm debris boom.

Mr. Shuyler reviewed the status of the three projects carried-over from last biennium as outlined in the staff report.

Mr. Carskadon thanked staff on the grant presentation including the analysis and the project back-up information provided.

Item G: Policy Program Report

Prineville Reservoir Rulemaking Request

Mr. Randy Henry briefed the Board on a proposed rulemaking at Prineville Reservoir. The Prineville Reservoir Resort is requesting consideration of a 5 mph slow-no-wake zone from a point north of the marina to the shoreline across from the marina and a point south of the boat launch across the reservoir. The Crook County Sheriff's department supports this request.

Mr. Henry requested Board authorization to move forward with the rulemaking process.

Mr. Montgomery motioned to authorize rulemaking. Ms. McQueen seconded.

Discussion followed.

Mr. Allen questioned whether anything less than 600 feet is dangerous versus the 100 feet, discussed earlier; it should be the same. Should it be only 300? The Board needs to be careful, these requests will spread everywhere. Docks do go up and down; this issue is not an epidemic. Every month we seem to be closing or slowing things down. Mr. Montgomery and Mr. Carskadon agreed that there seems to be more closure requests of late.

Mr. Henry responded that he would like to see enforcement training to deal with wake issues. The 200 foot setbacks were traditionally built for the 8-12 inch wake but now that we are seeing 24 inch wakes – he questioned whether the setbacks are adequate or do they need to be adjusted.

Chair Tinker called for a vote.

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

Opposed: Mr. Carskadon

Motion carried.

Invasive Species Update

Mr. Henry briefed the Board on Invasive Species concerns, the Legislative Concept direction and the upcoming summit. Mr. Henry requested tentative approval from the Board to develop draft policy options for the 2009 legislative session.

Mr. Montgomery expressed adamant opposition to policy development on behalf of OSMB. OSMB should not be taking the lead on this issue. The agency doesn't have the budget to fund this issue – this could easily be a one – two million dollar biennium expense.

Discussion followed. Board members voiced concern. Chair Tinker advised Mr. Henry to lend expertise but do not financially expose the agency. OSMB should be a player only and not be developing any policy options.

Board members expressed concern that larger agencies and private entities, i.e. Department of Agriculture, ODFW, Hydro facilities, water districts, Port of Portland, should be the big players on this issue.

Director Donheffner stated that the topic will probably be introduced as a legislative package. OSMB has no stand alone bill, though a fee surcharge or fee increase could be assigned by the legislature.

Mr. Carskadon stated with registration down and the revenue/budget short-fall, he doesn't believe the market could tolerate a fee increase.

Chair Tinker advised staff to attend the July summit, offer participation and involvement, in-kind services, but no funding commitments. Report back to Board following the summit. Mr. Montgomery reiterated his strong opposition to any "front-row" participation by the Marine Board. It's financially impossible for the Marine Board to operate inspection points throughout the state. The Board needs to protect boaters.

Abandoned Vessel Program

Mr. Henry asked Board members if there were questions regarding the information presented in the staff report. There were none.

Item E: Director's Report

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

Senator Barbara Boxer introduced a bill to allow an exemption for recreational boats to the EPA discharge permit requirement, which has to happen before September 30, 2008.

The Sport Fish Restoration and Boating Trust Fund authorization is moving forward.

At the state level, in special session, OSMB was involved with SB-1079, a permissive exemption that allows watercraft marina-dealers to sell non-ethanol blended fuels. More discussion will probably follow in the next session.

OSMB has no 2009 Legislative Concepts to submit. There may be a mandatory PFD bill for river users, advanced by Wasco County.

Chair Tinker asked if it would be worthwhile to pursue the removal all the legislative mandated speed limits, i.e. Diamond Lake, to return authority back to the Marine Board. Director Donheffner responded that he did not believe it would be worthwhile; it maybe better just to leave as is.

The Department of State Lands and OSMB have filed affidavits of ownership of and authority over Waldo Lake. Director Donheffner will keep the Board informed as the claims advance.

BLM has withdrawn their proposal for initiating fees on the John Day River.

OSMB is beginning its budget preparation. Director Donheffner introduced Tim Walker, Budget Analyst, Legislative Fiscal Office. Mr. Walker will be assisting OSMB in its budget development, due August 1, 2008. Director Donheffner reviewed the preliminary 07-09 agency budget with the Board. There are no new positions or new programs offered; maintaining current levels. Director Donheffner will stay in contact with the Board to seek approvals as the budget process moves forward.

The Recreational Boating & Fishing Foundation presentation, scheduled to be held last evening, was postponed. A handout was passed out. Following data collection finalization, analysis, and the development of the marketing plan, the presentation to the Board will be rescheduled.

The Board discussed the scheduling of the next meeting. The meeting will be held Tuesday, July 8, 2008. Venue will be announced.

Item F: Education and Information Program Report

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

Item H: Law Enforcement Program Report

William Rydblom, Law Enforcement Manager, briefed the Board on recent activities within the Law Enforcement Program, as outlined in the staff report.

Mr. Montgomery motioned for adjournment. Mr. Carskadon second. Motion passed unanimously. Meeting adjourned at 3:12 pm.

Respectfully submitted,

June LeTarte
Executive Assistant