



Oregon Statewide Trails Plan

DRAFT: A Proposed State-Administered Water Trails Program For Oregon

(By Terry Bergerson)

Introduction

This chapter presents a comprehensive vision for managing non-motorized boating in the state of Oregon through the development of a statewide system of water trails. For the purposes of planning consistency, an official concept description for a water trail in the state of Oregon is as follows¹:

"Water trails in Oregon are recreational boating routes on a lake, river, or ocean, which are suitable for canoes, sea kayaks, white water rafts and kayaks, drift boats and rowboats. Like conventional trails, water trails are corridors between specific locations. Although water trails are primarily developed for use by non-motorized watercraft, many are also open for use by motorized watercraft (unless current motorized boating restrictions are in place). Water trails are comprised of a number of public or public/private recreation facilities including a safe place to put in, parking for motorized vehicles, sanitation facilities, a safe place to take out, and in some cases day-use sites and overnight camping areas. Some water trails are simply day paddles while others stretch for hundreds of miles. Water trails provide a full spectrum of paddling experiences, from wilderness settings with minimal facility development to urban settings with centralized facility development, and a variety of challenge levels on whitewater, moving water, flat water and tidewaters. Each water trail is unique, a reflection of Oregon's diverse geology, ecology and communities. Typically, water trails emphasize low-impact use and provide stewardship of the resource. Water trails are intended to connect people—physically, visually and spiritually—to the natural, cultural and historic resources of the state²."

The proposed non-motorized boating management approach is based on findings and conclusions drawn from the Oregon water trails planning process and an investigation of non-motorized boating management and water trail development materials. Specific information sources include:

- General water trail management discussions at the March 12, 2003 and September 24, 2003 Water Trails Plan Steering Committee Meetings;
- A series of 18 water trail issues workshops held across the state during the months of April and May 2003;

¹ Based on information included in the document Chesapeake Bay Gateways Network (2000). Chesapeake Water Trails: A Vision. Available on the Internet at: <http://www.baygateways.net/pubs/watertrailspdf.pdf>

² Oregon water trails concept description finalized during the March 12, 2002 Water Trails Steering Committee Meeting. Salem, OR.

- A listing of top regional and statewide water trail issues identified in the water trails planning process;
- Goals, objectives and strategies developed during the planning process for addressing top statewide water trail issues;
- Results from the 2004 Oregon Statewide Trail User and Non-Motorized Boater Survey;
- Water trail program information from other areas of the country; and
- Water-based recreation information from the Oregon State Marine Board and Department of State Lands.

Two critical factors have been identified which pose a serious threat to long-term non-motorized boating access to waterways in Oregon. These factors are a rapid increase in participation in non-motorized boating in the state and the lack of legal clarity regarding the public's rights to Oregon's waterways for recreational purposes. It is essential that any comprehensive vision for non-motorized boating management in the state proactively address these critical factors.

The rapid growth in non-motorized boating participation was initially reported in the 2003-2007 Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP)³. A comparison of non-motorized boating participation estimates from the 1986-1987 Pacific Northwest Recreation Study⁴ and the 2002 Oregon Outdoor Recreation Survey⁵ showed a 140% increase in annual non-motorized boating participation (from .9 to 2.2 million annual user occasions) in the state. According to the 2003-2007 Oregon SCORP, although the state enjoys a variety of high-quality paddling opportunities, additional recreational infrastructure is needed to satisfy a growing demand for paddling sports. Recreation providers felt that the Oregon Statewide Water Trails Plan should address this growing demand through the development of canoe, rafting and kayaking routes (water trails) throughout the state.

In addition to an increase in statewide participation, recreation management of non-motorized boating is further complicated by a number of issues concerning navigability law including:

- the relative obscurity of navigability law regarding the public's right to use the bed and banks of rivers and streams for recreational purposes;
- the lack of legal clarity as to the public's rights to use the beds and banks that have not yet been determined navigable for state ownership purposes; and
- commonly held and communicated misperceptions by river recreationists about the public's rights to use Oregon's waterways.

This combination of factors has led to an increasing number of conflicts between non-motorized boaters and riparian (waterfront) landowners in the state of Oregon.

³ Oregon Parks and Recreation Department (2003). Oregon Statewide Comprehensive Outdoor Recreation Plan: 2003-2007.

⁴ Denver Hospodarsky, Donald Field and Perry Brown (1988). The Pacific Northwest Outdoor Recreation Study: Oregon Survey. National Park Service Cooperative Park Studies Unit and Department of Forest Recreation Resources, Oregon State University.

⁵ Rebecca Johnson (2002). Oregon's Statewide Comprehensive Outdoor Recreation Plan (SCORP): Demand and Needs Analysis. Department of Forest Resources, Oregon State University.

The need to address conflicts between non-motorized boaters and riparian landowners was stressed by recreation providers and other water trails issue workshop attendees across the state. As a result, "the need to proactively address conflicts between non-motorized boaters and riparian landowners" was identified as the top statewide issue in the water trails plan. According to recreation providers, the primary objective of a statewide non-motorized boating management strategy must be to better inform non-motorized boaters on where they legally can launch or access the water and shore to ensure long-term access to boatable waterways in Oregon.

The following Oregon Parks and Recreation Department (OPRD)-administered water trails program framework is presented as a potential comprehensive management strategy for development of a statewide system of water trails carefully designed to minimize conflicts between non-motorized boaters and riparian landowners. This can be accomplished through encouraging water trail development that includes proper management planning, consulting with riparian landowners, adequate public facilities along the length of the water trail (e.g. parking, sanitation facilities, designated public access points), and the provision of trip information (trail guides, maps, proper trail ethics) that will allow paddlers to safely and respectfully use Oregon's waterways in a manner that is considerate of the interests and concerns of private property owners along these waterways and other waterway users (e.g. boaters, fisherman, and so forth).

This framework is also intended to address each of the six top water trail issues and related goals, objectives and strategies identified in the statewide water trails plan. Besides the need to proactively address conflicts between non-motorized boaters and riparian landowners, the framework will also address the other 5 top water trail issues including the:

- Need for more public access to waterways;
- Need for adequate and consistent information resources including signs, maps, level of difficulty and water level information and available paddling opportunities;
- Need for safety-related information, user education and outreach;
- Need for a dedicated funding source for water trail development; and
- Need for information describing the social and economic benefits of water trails.

Federal and State Navigability Laws and Non-Motorized Boating in Oregon

The issue of who owns the beds and banks of Oregon's waterways and the determination of the public's rights to use waters of this state has been around a long time. In recent years, since 1990, the Department of State Lands (DSL) has been working to resolve this issue. However, more is needed in order to determine legal clarity regarding the public's rights to Oregon's waterways for recreational purposes.

According to the DSL, the only circumstances in Oregon where the public has absolute assurance of its rights to use the beds and banks of Oregon's streams is where they have been declared "title" navigable by the courts, the legislature or the State Land Board (there are 11 rivers so designated) or when streams border or are surrounded by publicly owned land (e.g. within a National Forest). In Oregon, waterways subject to the ebb and flow of tide are state-owned usually to the line of high tide (there are about 230 such waterways); and meandered lakes are state-owned (there are about 75 meandered lakes).

The DSL, in consultation with the Oregon Department of Justice, advises that a common law right of use exists for the public to make reasonable and incidental use of the beds and banks of streams not yet determined navigable. According to Oregon court cases interpreting the public rights to use the waterways, the public has the right to float waterways even where the bed is privately owned. This common law right or so called "floatage easement" means that the public has the right to be on the water surface, and may mean that boaters may get out of their watercraft to wade, anchor or portage their boat, or get out of their boat and stand on the stream bank. The precise limits of these rights and universal acceptance of the existence of "floatage easement" has not yet been determined or found. On streams not yet determined to be navigable, there is no legal clarity as to the public's rights to use the beds and banks for recreational purposes. Until such legal certainty is determined, there will be a gap in law and public policy regarding public access to waterways for recreational purposes in the state of Oregon.

Another complicating factor is the ratio of private to public lands along rivers and streams used for recreational boating and fishing in Oregon. According to the Oregon State Marine Board⁶, as much as 76% of the 5,375 miles of lands lying along the approximately 165 rivers and streams used for recreational boating and fishing in Oregon are in private ownership.

During the statewide water trails planning effort, the DSL and OPRD were interested in learning about non-motorized boaters current understanding of their legal rights to use rivers and waterways in the state for recreational purposes. In the 2004 Oregon Statewide Trail User and Non-Motorized Boater Survey, a random sample of non-motorized boaters were asked for their opinions about the legality of a number of common watercraft activities on rivers and waterways in Oregon including traveling anywhere on a river where the boat will float, anchoring in a river to fish, stopping on shore to picnic, stopping on shore to fish, and portaging around a fence, rapid, or waterfall. The following table reports the results.

⁶ Oregon State Marine Board. (1998). *Managing River Recreation: A Statewide Assessment of Needs for Boating Access, Facilities, Enforcement, and Education*. A Report to the Joint Legislative Interim Committee on Navigability.

Opinions about Non-Motorized Boaters Rights to Use Waterways				
N = 215-241	Legal	Illegal	Depends (only if volunteered)	Don't Know
Anchor to fish	46%	26%	18%	10%
Travel anywhere boat will float	41%	48%	8%	3%
Stop to picnic	38%	21%	39%	2%
Fish on shore	37%	21%	34%	8%
Portage around obstacles	36%	30%	20%	14%
Sampling errors for these question are from $\pm 5\%$ to $\pm 6\%$				

The "correct" answer to these questions is likely "it depends" (since the activities described are so fact-driven and situational). Responses to this set of survey questions suggest considerable misunderstanding among non-motorized boaters regarding the public's rights to use the waterways in Oregon. This gap in understanding is likely based on the previously described gap in law and public policy regarding public access. Such misunderstanding among non-motorized boaters regarding the public's right to use the waterways in Oregon can lead to person-to-person conflicts between waterfront private property owners and non-motorized boaters, each with strongly held expectations and understandings as to their individual and collective rights.

Based on existing public information and findings of the statewide water trail process, the following critical points have been identified:

- Only a small percentage of the 165 rivers and streams used for recreational boating in Oregon have been declared "title" navigable.
- Due to the length of time involved in the legal process, only a small percentage of Oregon rivers and streams used for recreational boating in Oregon will be declared "title" navigable at the end of the water trail plan's 10-year planning horizon.
- There is no legal clarity as to the public's rights to use the beds and banks for recreational purposes on rivers and streams that have not yet been determined navigable.
- There is no reason to assume that legal clarity will be determined as to the public's rights to use the beds and banks for recreational purposes on streams yet determined to be navigable during the water trail plan's 10-year planning horizon.
- Currently, non-motorized boaters do not understand the navigability issues regarding the public's right to use waterways in Oregon.
- In recent years, there has been substantial growth in non-motorized boating participation in the state of Oregon.
- Public recreation providers, workshop attendees, and water trail steering committee members have identified the need to proactively address potential conflicts between paddlers and riparian landowners as the top statewide issue that must be addressed in order to ensure long-term access to boatable waterways in Oregon.

It is evident that the gap in law and public policy regarding public access to Oregon's waterways is creating increased conflict between a growing number of non-motorized boaters and riparian landowners. From a recreation management standpoint, it would be unfair to both riparian landowners and Oregon's non-motorized boaters to simply ignore this problem until the time that the legislature or the courts finally resolve the uncertainty as to the public's rights to use the beds and banks for recreational purposes on rivers and streams that have not yet been determined navigable.

During the September 24, 2003 water trails steering committee meeting, a discussion was held regarding potential management strategies for resolving top statewide water trail issues. There was consensus among committee members that the state should consider the creation of a state water trail program. The purpose of a state water trail program would be to promote the development of a "water trails system" to better manage waterways for a rapidly growing number of non-motorized boaters in Oregon. A key objective of the program would be to actively engage service providers, local non-profit trails organizations and adjacent landowners in the early stages of water trail development in Oregon in order to proactively address the potential for conflicts between water trail users and riparian landowners.

A Proposed Oregon Water Trails Program

The need for a state water trail program is certainly not unique to the state of Oregon. A number of state and regional water trails programs currently exist across the country. Examples of successful programs include the:

- Chesapeake Bay Gateway Network - Water Trails Program;
- Florida Greenway and Trails Program;
- Humboldt Bay Water Trails Program;
- Maryland Water Trails Program;
- North Carolina Water Trails Program;
- Northeastern Illinois Water Trails Program; and
- Pennsylvania Water Trails Program.

The primary mission of such regional or state water trails programs is to develop a statewide/regional system of water trails to complement the existing statewide/regional non-motorized terrestrial trail network. An outstanding example of a well-designed water trail program is the Chesapeake Bay Gateway Network, a partnership organization in the Chesapeake Bay Watershed (including portions of Maryland, Virginia, Delaware, Washington D.C., and Pennsylvania). The goal of the organization is to create a system of biking, water and walking trails and driving routes linking parks, wildlife refuges, historic communities, maritime museums, and waterways. The Chesapeake Water Trails mission⁷ is, "To establish interconnected water trails and important resource areas within the Chesapeake watershed through local grassroots initiatives coordinated across jurisdictional boundaries in the creation, management, and promotion of individual trail components." Water trail programs also promote environmentally responsible recreation and encourage resource awareness, stewardship, and conservation by water trail users.

⁷ Chesapeake Bay Gateways Network (2000). Chesapeake Water Trails: A Vision. Available on the Internet at: <http://www.baygateways.net/pubs/watertrailspdf.pdf>

Typically, state water trail programs assist with water trail funding, provide services to water trail development efforts, ensure that adequate, consistent information and planning methods are used, leverage public and private resources and target gaps in water trail formation. Organizations proposing to add their water trail to the system agree to adhere to common standards such as:

- water trail management planning;
- access identification;
- route planning;
- public outreach;
- signage, mapping, both in printed and internet formats; and
- trail stewardship.

In water trail programs where grant monies are available (such as the Chesapeake Bay Water Trails Program), funding is conditional on compliance with such trail standards. These common trail infrastructure and management elements create a connection between the user and the statewide system. According to the Chesapeake Bay Water Trails Vision, this connection is strengthened through involvement with trail maintenance, resource monitoring, educational activities and trail associations.

An Official "Oregon Water Trail" Designation

Several states including North Carolina and Pennsylvania have developed an official "State Water Trail Designation" to showcase premier water trails in their respective states. The intent of this designation is to ensure that all state designated water trails provide consistent information, quality experiences and meet paddler expectations. The trail designation process would include developing and adopting a set of standards to determine the readiness for acceptance of new paddling trails into the state system. All groups wishing to add their local water trail to the water trail system would need to meet the requirements included in this set of criteria.

The Oregon Water Trails Program should create an official "Oregon Water Trail" designation as was done in North Carolina, Pennsylvania and Chesapeake Bay Water Trail Programs. During the March 12, 2003 Water Trail Advisory Committee Meeting, committee members reviewed and proposed a set of minimum requirements for identifying which paddling routes might be considered for state designation in Oregon. Those criteria include:

- A nonprofit or local grass roots organization, public agency or water trail association responsible for management and maintenance of any facilities associated with the water trail.
- Support of the local government(s) in whose jurisdiction the water trail lies.
- A water trail management plan or management plan addressing recreational use of the waterway.
- Basic facilities including a safe place to put in, designated and signed parking for motorized vehicles, sanitation facilities at designated access points and a safe place to take out.
- A published water trail guide for the water trail with a set of standard minimum information requirements.

Only those water trails meeting all these minimum requirements would be considered for official "Oregon Water Trail" designation. Since some water trails will be more developed with

demonstrated success and public support than others, the state should consider establishing more than one category of "Oregon Water Trails" (e.g. small grants and large grants) to encourage new water trails to develop over time.

An Oregon Water Trail Advisory Group (with non-motorized boating management experience) could be created to provide technical assistance to state agency staff in addressing standards, coordinating promotion and user information, and for developing a website for the water trails program. The advisory group would be a subcommittee of the existing Oregon Recreational Trails Advisory Council.

In addition, the state will need to develop a nomination process for water trail sponsors to apply and determine readiness for official "Oregon Water Trail" designation. The decision to officially designate an "Oregon Water Trail" should be made by the Oregon Water Trails Advisory Group.

A Better Understanding Between Paddlers and Riparian Landowners

The water trails program should also be used to promote a better understanding of issues and concerns related to recreational use of waterways between/among non-motorized boaters and adjacent landowners. This is of particular importance, since there has been no comprehensive, ongoing information campaign to educate non-motorized boaters about navigability issues by the state.

The following are a number of specific water trail program educational strategies that should be considered.

Strategy 1: Develop and distribute information to inform the paddling public of the primary causes of non-motorized boater/property owner conflict.

The Oregon State Marine Board's Report to the Joint Legislative Interim Committee on Navigability⁸, identified a list of the most common problems on Oregon's rivers as reported by river users, federal managers, state and local providers, and law enforcement personnel. The top problems identified (in order of magnitude) include trash and litter, vandalism, trespassing, theft, public nuisance, illegal fires, public urination, and harassment. The water trails program should develop printed materials and public outreach strategies to inform non-motorized boaters of these primary causes of conflict. In addition, organized river clean-up events and adopt-a-water trail and water trail monitoring programs could be used to address many of these problems.

Strategy 2: Review existing "good boater" safety and user conduct information (e.g. materials from the Marine Board and Leave No Trace) and repackage these materials as a voluntary code of conduct for responsible water trail use (with emphasis on respecting the resource including the rights of adjacent landowners.)

While paddlers generally have a minimal impact on the environment while on the water, their use of the land for access, camping and picnicking can result in common recreational impacts.

⁸ Oregon State Marine Board (1998). Managing River Recreation: A Statewide Assessment of Needs for Boating Access, Facilities, Enforcement, and Education.

Typical problems include soil erosion and compaction, vegetation loss, disturbance of nesting wildlife, introduction of invasive species and improper disposal of trash and human waste⁹.

It is common for water trail programs across the country to embrace the "Leave No Trace" code of outdoor ethics that promote the responsible use and enjoyment of the outdoors. Leave No Trace (LNT), Inc. is a non-profit organization dedicated to establishing a nationwide code of outdoor ethics by which to shape a sustainable future for natural lands. LNT skills and ethics publications are typically based on a set of seven principals including:

- Plan Ahead and Prepare;
- Travel and Camp on Durable Surfaces;
- Dispose of Waste Properly;
- Leave What You Find;
- Minimize Campfire Impacts;
- Respect Wildlife; and
- Be Considerate of Other Visitors.

There was concern among steering committee members that, due to the diversity of paddling conditions across the state (e.g. waterways in mountains, deserts, rainforests and marine environments), a series of responsible water trail use messages and ethics may be required—not just a single generic message for all areas of the state.

Once completed, the responsible water trail messages and ethics should be included on all water trail maps, guides, signs, and public outreach efforts.

Strategy 3: Inform non-motorized boaters on the rules of the trail (e.g. where they can legally launch or access the water and shore on water trails, etc.).

As mentioned earlier, privately owned lands account for 76% of lands lying along the approximately 165 rivers and streams used for recreational boating and fishing in Oregon. As such, many water trails will be narrow ribbons of public access through a privately owned landscape (water trails are commonly referred to as ribbons of discovery). Water trail facilities, rules, maps and guides are specifically designed to provide the non-motorized boater with the ability to travel through this narrow ribbon of public access in a legal and responsible manner.

A non-motorized boater paddling on a water trail is analogous to an automobile driver traveling on an interstate highway. Along the course of the highway, a number of entrance and exit ramps are located for access and egress. Similarly, well marked, designed, and located public access points allow the water trail user a place to park their vehicles and legally (and safely) launch or access the water and shore on water trails. In addition, the highway includes a number of public rest stop areas where travelers can stretch their legs, picnic, and use restroom facilities. In the same manner, longer distance water trails may have public day-use areas with appropriate facilities at reasonable paddling intervals along the route. On multi-day trails, camping facilities will also be provided. Finally, highway rules enable the driver safe passage down the highway corridor. Similarly, water trail maps and guides, signs (should minimize visual pollution, high maintenance, vandals, flood, targets, theft) and public outreach efforts will include an easy to understand description of the public's rights and limitations for

⁹ N. Settina and R. Kauffman. (2001). Water Trails. Parks and Recreation. National Parks and Recreation Association, September.

use of the waterway for recreational purposes over the entire course of the water trail. In addition, maps and appropriate route markers will enable the user to determine their current position and the location of water trail facilities while on the trail corridor.

Strategy 4: Develop a web-based toolbox that describes a process for effectively engaging landowners in the water trails planning process.

Adjacent landowners may have a number of concerns, fears, and misconceptions and actual experiences regarding water trail development. Open communications throughout the water trails planning process can address landowner concerns and often dispel fears and misconceptions. It is important to recognize that landowner concerns are legitimate and must be met for any potential trail development that will take place on private lands. The water trails program would develop a toolbox to assist in engaging landowners throughout the planning process for any water trail. The toolbox effort should also investigate tax strategies that could encourage recreational easements on private lands.

Facilitate the Development of Public Access To Waterways

During the regional issues workshops, recreation providers and other workshop attendees across the state consistently reported a need for more public access to waterways to accommodate the needs of an increasing number of paddlers in the state. Both providers and other workshop attendees argued that additional public access is needed at the starting point, at reasonable intervals along, and at the final take out point of paddling routes throughout the state. Since paddling routes often cross multiple jurisdiction boundaries, there is a need for increased coordination and communication between land management agencies to properly address jurisdictional and easement issues associated with developing public water access and parking facilities.

The water trails program could be used to facilitate the development of public access to waterways for non-motorized boaters. The following are a number of specific water trail program strategies that should be considered to facilitate the development of public access to waterways.

Strategy 5: Assist public, non-profit or grass roots organizations to inventory their significant waterway corridors to identify water trail development opportunities.

According to the Chesapeake Water Trail Vision, the first step in any water trail planning effort is to conduct an objective analysis of suitability and feasibility for a water trail. If the proposed water corridor is determined appropriate for establishing a water trail, the next step is to conduct a comprehensive water trail resource assessment. A water trail resource assessment should include an examination of items such as physical features, resource needs, flora/fauna, historic and cultural attributes, existing recreational facilities, scenery, educational opportunities, hazards, access, ownership, water quality/quantity, and potential day use, camping and interpretive sites.

It is essential that limited water trail program funding be directed towards those water trails that will provide paddlers with a safe and enjoyable experience. As a result, the suitability and feasibility analysis and resource assessment are critical planning components in identifying which water trail development projects are appropriate for development. Due to the technical expertise required for such analysis, water trail program staff should assist public, non-profit or

grass roots organizations in conducting such critical analysis to identify water trail development opportunities that are worthy of an investment of limited state resources.

Strategy 6: Identify a "trail manager" for existing and proposed water trails.

The intent of this strategy is to identify a principal point of contact for each existing and proposed water trail. The trail manager does not have to be a managing entity, but must be easily accessible and responsive to questions and issues involving water trail planning, development and management—and must represent consensus of all the trail owners/managers.

Strategy 7: Develop a set of water trail site and facility design standards.

As mentioned earlier, the intent of establishing an official "Oregon Water Trail Designation" is to ensure that all state designated water trails provide consistent information, quality experiences and meet paddler expectations. The Oregon Water Trail Program and the Oregon Water Trails Advisory Group should develop a formally recognized set of water trail development standards suitable for Oregon's natural environment.

Water trail development standards should define consistent standards for water trail improvements, such as site location and spacing, campsites, launching/landing sites and rest areas planned for the water trail. Due to the wide variety of paddling experiences and settings available in Oregon (e.g. a variety of challenge opportunities on whitewater, moving water, flat water and tidewater in a variety of settings from wilderness to urban), a range of standards should be developed that reflect Oregon's diversity and the diverse interests of paddlers. For example, it would be appropriate for more minimal facility development standards for water trails in wilderness settings where paddlers seek a more self-reliant experience testing their outdoor skills¹⁰. On the other hand, more hardened, centralized facility development standards would be appropriate on water trails in high-use urban settings where paddlers are looking for the convenience of facility development and the user may be less skilled in outdoor travel. The standards should serve strictly as a guideline for the design and development of water trails and should be adapted to local environmental and site conditions. The appropriate level of facility development should create a balance between user desires and the need to manage the impacts of use.

Strategy 8: Encourage interagency partnerships to address jurisdictional and access issues and better share resources among agencies when water trails cross jurisdictional boundaries.

Recreation providers and other workshop attendees consistently reported that successful water trail development and management relies on good coordination and communication between trail organizations, federal, state, and local agencies, tribal governments and other stakeholders. In many regions, providers and user groups stressed the need for regional coordination and information sharing between agencies for water trail planning, operations and management.

Regional water trail coordination and communication should also encourage:

¹⁰ The intent of the National Wild and Scenic River designation is to preserve the natural character of the river as much as possible. The desired experience is natural or primitive and the goal for overnight camping is to minimize evidence of prior or routine use.

- Adopting consistent design, construction and maintenance standards;
- Developing and implementing directional and regulatory signing consistency;
- Developing regulatory and law enforcement consistency;
- Sharing limited trail maintenance resources and equipment;
- Addressing trail capacity issues;
- Addressing user conflict (e.g. motorized and non-motorized boaters);
- Developing and distributing trail information and other promotional materials;
- Identifying water trail grant funding priorities; and
- Connecting existing trails where opportunities exist.

The Oregon Water Trails Program and the Oregon Water Trails Advisory Group should develop and implement a regional water trails planning forum process to promote interagency coordination in developing the Oregon Water Trail System. Regional boundaries will be determined through consensus among recreation providers in a specific geographic area of the state.

Provide User Friendly, Easy-To-Find Information Resources

During the regional issues workshops, recreation providers argued that trails are a key economic development tool in many areas of the state. Water trails as a recreation destination provide rural communities with income to local boat liveries and outfitters, motels and bed and breakfasts, restaurants, grocery stores, gas stations and shops.¹¹ For example, an Oregon study of guides and packers¹² indicates that in 1986, the outfitter/guide industry in Oregon (for river, land and marine activities) had a direct impact of \$42.5 million. This resulted in a total economic impact of \$300 million to the overall Oregon economy.

Both recreation providers and other workshop attendees made a strong case for developing a central web-based repository for interested non-motorized boaters to get information about existing flat water and whitewater paddling opportunities available throughout the state of Oregon. The site should be designed for trip planning and include information about water access locations, permits required, level-of difficulty, current water conditions, navigational maps and descriptions of the type of experience visitors can expect. Such information will assist non-motorized boaters to make informed river use decisions on their trip. River guidebooks can also be used as marketing tools for drawing paddlers to a particular water route.

Specific water trail program strategies that should be considered to facilitate the development of easy-to-find information resources for water trails include the following:

Strategy 9: Develop a statewide website to house general information about the Oregon water trails program and information about trails with "Oregon Water Trail" designation (geographic location, length of trip, level-of-difficulty, and so forth).

A number of water trail programs (Maryland, North Carolina, Chesapeake Bay) use a central program website to disseminate system-wide water trails information (e.g. planning, design, and user information). Those programs with an official water trail designation typically feature

¹¹ Water Trails For Wisconsin. University of Wisconsin Extension.

¹² Bureau of Land Management (1987). Recreation 2000. Washington, D.C. U.S. Department of the Interior, Bureau of Land Management.

user information about trails accepted into the statewide/regional system (an additional incentive for becoming a part of the system). User information typically includes a system-wide map, a general description of each water trail, and safety-related information about non-motorized boating in the state. Such information assists users to gain basic information about the paddling route and to determine if they have the appropriate set of skills to negotiate the water trail route. Web links are included to managing agency websites to allow users to access more detailed information about specific water trails.

Strategy 10: Develop a set of minimum standards for water trail providers to share site-specific information and a map template for posting water trail maps online.

It would not be reasonable for a statewide water trail program to be responsible for presenting and updating site-specific water trail information on a central website over time. To provide consistent site-specific water trail information for each official "Oregon Water Trail" the Water Trail Program should develop a set of minimum standards for water trail providers to use to present water trail information to the boating public. Minimum requirements would include items such as route descriptions, water trail guides, brochures, maps, rules and regulations, permits required, trail closure information, safety information, emergency response information, listings of local livery service providers (equipment rentals) and camping/lodging information.

As previously mentioned, a non-motorized boater paddling on a water trail is analogous to an automobile driver traveling on an interstate highway. High-quality trail maps and appropriate route markers are essential to enable the water trail user to determine their current position and the location of water trail facilities while on the trail corridor. Each website should include a downloadable map with sufficient detail to allow users to navigate the entire length of the water trail corridor.

Strategy 11: Develop minimum-standard requirements for water trail guides¹³, water trail informational brochures¹⁴, and water trail signage.

The Chesapeake Bay Network has developed an outstanding set of graphic design guidelines for their Water Trail Network¹⁵. The guidelines can serve as a model to enhance the identity of the network as a key tool for exploring, learning about, enjoying and conserving Oregon's waterways. This is achieved by developing a degree of consistency throughout the network, while respecting the diversity of the unique characteristics of individual water trails. The guide provides models for effective graphic design and requirements and options for use of the "Oregon Water Trails" logo, fonts and design principals in publications, signage and other communications. The Oregon Water Trail Program should develop a similar guide to graphic

¹³ The main purpose of a Water Trail Guide is to assist trail travelers during their trip. Water Trail Guides are multiple-page documents that typically include a trail map and describe the route of the trail. Water Trail Guides may also list campsites and other facilities and other information directly pertinent to the trail such as information on low-impact camping, stewardship, permits and equipment required and user safety.

¹⁴ The main purpose of a Water Trail Informational Brochure is to serve as a promotional tool to attract new users to a Water Trail. Water Trail Informational Brochures are one-page multiple-fold documents that typically include a trail map, description of trail facilities and a brief description of the route.

¹⁵ Gateway Network Graphic Style Manual. Available on the internet at:
<http://www.baygateways.net/graphicstandards.cfm>

standards, an official "Oregon Water Trail" logo, and signage examples for placement on the statewide water trails program website.

Providing Safety-Related Information, User Education and Outreach

Both recreation providers and other workshop attendees stated that there is a need to adequately inform people of conditions they may encounter on Oregon's waterways before actually getting on the water. In addition, search and rescue efforts on isolated river stretches are often very difficult, time consuming and costly. There is a need for emergency response training to ensure that the necessary skills and knowledge are in place to avoid and properly respond to water-related emergency situations. To proactively address this problem, we need to educate people before getting on the water. The following are a number of specific water trail program strategies that should be considered to facilitate the provision of safety-related information, user education and outreach.

Strategy 12: Develop a universal non-motorized boating difficulty rating scale.

The Water Trail Program should research existing universal non-motorized boating difficulty rating scales (for whitewater, flat water and moving water conditions) for modification and use in Oregon. The scale should include individual descriptions for the inherent dangers associated with the use of such types of waterways and include this rating in all water trail brochures, guides, maps and on the State Water Trails website. Since river conditions change due to flooding or trails are closed due to tree snags, the applicability of rating scale information will always be subject to current water conditions.

Strategy 13: Develop a set of basic skill requirements for non-motorized boating.

The Water Trail Program staff should research basic skill requirements for non-motorized boating for each of the rating types included in the universal non-motorized boating difficulty rating scale and adapt them for use in Oregon. This basic skill requirement information should be included in all water trail brochures, guides, maps and on the State Water Trails website.

Strategy 14: Create a regional forum process to encourage regional water trail safety plans.

The Oregon Water Trails Program will create a regional forum process (including input from state and federal agencies, local recreation providers, State Police, County Sheriffs Departments, Coast Guard, retailers and paddling organizations) to encourage the development of regional safety plans for designated "Oregon Water Trails" to leverage limited resources. Again, regional boundaries will be determined through consensus among recreation providers in a specific geographic area of the state.

Strategy 15: Develop appropriate emergency response standards.

The Oregon Water Trails Program will work with emergency service providers to develop appropriate response standards for designated "Oregon Water Trails."

Strategy 16: Enhance paddling skills training.

The Oregon Water Trails Program will identify organizations currently providing paddling skills training in the state and develop partnerships to increase the public's access to paddling certification programs already in place.

Strategy 17: Develop an "Adopt-A-Launch-Site Program."

The Oregon Water Trails Program will develop an "Adopt-A-Launch-Site Program" to encourage volunteers to distribute safety and stewardship information at designated "Oregon Water Trail" access locations. This program could be tied into existing "SOLV" and "Down by the Riverside" programs.

Strategy 18: Develop a "Life Jacket Loan Out Program."

The Oregon Water Trails Program will, where applicable (e.g. on loop trails close to population centers), create a free-of-charge "Life Jacket Loan-Out Program" to encourage each person to wear a personal floatation device while using designated "Oregon Water Trails" (e.g., the Leaburg Fire District life jacket loan-out program on the McKenzie River). This could be a component of the Adopt-A-Launch-Site Program or a reward for training.

A Dedicated Funding Source

The key to creating an "Oregon Water Trail System" is establishing a stable funding source for water trail development. During the issues workshops, recreation providers and other workshop attendees throughout the state strongly argued for a designated funding source for water trail facility development. Currently, there are grant programs funding motorized and non-motorized terrestrial trail projects and a motorized watercraft facility grant program, but no resources specifically designated for non-motorized watercraft facility development. As a result, the need for a funding source for water trail development was identified as a top statewide water trail issue.

After the need for funding was identified, OPRD added a series of questions in the 2004 Oregon Statewide Non-Motorized Boater Survey to gather information about non-motorized boaters willingness to pay for water trail development and maintenance. The survey questions were designed to test the willingness of those individuals who derive direct benefit from water trails to invest in their chosen activity, rather than asking all state taxpayers—even those who would never use water trails—to pay more. The following results are taken from the survey report.

The survey asked non-motorized boaters "How much would you be willing to pay each year to use water trails if money was used to develop and maintain water trails in Oregon?" Starting with \$25, interviewers offered smaller and smaller amounts until the respondent agreed to a figure. The results are as follows:

Amount Willing to Pay for Water Trail Use N = 243	
\$25 per year	53%
\$20 per year	15%
\$15	10%
\$10	7%
\$5	4%
Not be willing to pay anything	11%
Sampling error for this question is ± 5%	

Eighty nine percent of non-motorized boaters reported that they would be willing to pay a yearly fee for water trail development and maintenance. More than half of non-motorized boaters would be willing to pay \$25 per year to use water trails. If a \$25 annual fee were instituted, it would generate over \$4.6 million annually just from Oregon households reporting use of non-motorized watercraft in the last year (based on survey estimates of 185,200 households in the state having one or more persons participating in non-motorized boating).

When asked what method of payment they preferred, those respondents who are willing to pay a fee are almost equally split among the four options offered: a voluntary boater pass, a parking fee at the put-in, an annual boat registration, and an access fee at launch sites:

Preferred Methods of Fee Payment N = 215	
Voluntary non-motorized boater pass	27%
Parking fee at boat access points	26%
Annual non-motorized boat registration	23%
Ramp or access fees at launch sites	21%
Sampling error for this question is $\pm 6\%$	

In the past, state agencies have run into strong opposition to proposals for establishing a non-motorized boater registration fee system in the state of Oregon. The results of the 2004 Oregon Statewide Non-Motorized Boater Survey indicate that this strong opposition is not representative of the opinions of the general Oregon non-motorized boating population.

A more detailed discussion of the history of non-motorized boat registration in Oregon and an analysis of non-motorized boat registration in other states is included in the 2001 Oregon State Marine Board report entitled, *Non-motorized Boat Registration: An Assessment of Programs in Other States*¹⁶.

Using a Dedicated Funding Source

As with other water trail programs in the country, a certain portion of the user-fees would be earmarked for administration of the water trails program for dedicated staff to provide services to water trail development efforts, ensure that adequate, consistent information and planning methods are used, leverage public and private resources and target gaps in water trail information. Many of the administrative expenses would be associated with program needs previously identified in this chapter. In addition, a portion of the user fees would be used to administer the centerpiece of the water trails program—the water trails grant program. Finally, an amount would be kept in reserve to deal with emergency program needs.

The majority of user-fees collected would be directed towards the development of a statewide system of water trails to complement the existing statewide non-motorized trail network. An OPRD-administered "Oregon Water Trails Grant Program" could be created for the purpose of administering and awarding grant funding towards the creation of a statewide system of water trails. The remainder will be used to fund staff to develop the program's structure, operating principles, website, coordination with other state agencies, and keep a solid foundation under the program.

The following organizations would be eligible for water trail grant funding through the proposed Oregon Water Trails Grant Program:

- Non-profit organizations that are registered with the State of Oregon as a non-profit, will name a successor at the time of any change in organizational status, and which does not discriminate on the basis of age, disability, gender, income, race, and religion.
- Municipal agencies (cities, towns, special park and recreation districts).

¹⁶ Jeanine Stier (2001). *Nonmotorized Boat Registration: An Assessment of Programs in Other States*. Oregon State Marine Board.

- State agencies (Oregon Parks and Recreation Department, Oregon State Marine Board, Oregon Department of Transportation, Oregon Department of Fish & Wildlife, Oregon Department of Forestry, and Oregon Department of State Lands).
- Federal government agencies (U. S. Forest Service, National Park Service, Bureau of Reclamation, U.S. Army Corps of Engineers, Bureau of Land Management, U.S. Fish & Wildlife Service).
- Other government entities (Indian tribal governments, regional governments, port districts).

As with the Chesapeake Bay Water Trail Program, Oregon Water Trails Grant Program funding would be directed through local grassroots initiatives coordinated across jurisdictional boundaries in the creation, management, and promotion of individual trail components. Grant funding would be conditional on compliance with system-wide management planning, access identification, route planning, public outreach, signage, mapping and trail stewardship standards. This program approach is also similar to the successful National Scenic Byways Program.

Projects eligible for Oregon Water Trails Grant Program funding would include:

- Water trail management planning;
- Water trail land acquisition;
- Water trail facility development (new and additional);
- Water trail maintenance;
- Water trail operations and maintenance equipment;
- Water trail information resources (e.g. guides, informational brochures, maps, sign projects, websites);
- Water trail enforcement of rules/regulations; and
- Water trail safety.

Grant funding would be available for designated "Oregon Water Trails," new water trail projects requesting grant funding to meet specific nomination criteria requirements, and for land banking for water trail put-in, rest areas and take-out parcels (when such parcels have been identified in a water trail management plan). It is important to note that water trail funding would be available for a wide variety of water trail types ranging from minimal facility development in wilderness settings to more hardened, centralized facility development in high-use urban settings. For example, a white-water trail on a Wild and Scenic River might have hardened put-in and take-out facilities with little facility development between these points.

An early administration task would be to develop an Oregon Water Trail Grant Program evaluation process including a set of evaluation criteria for rating and identifying projects to receive funding. The evaluation criteria should be directly tied to priorities identified in the Statewide Water Trails Plan. As with a number of other OPRD-administered grant programs, the previously mentioned Oregon Water Trail Advisory Group (with non-motorized boating management experience) would be responsible for evaluating grant proposals and determining funding recipients in a fair and impartial manner.

Since the Oregon Water Trails Program will ask non-motorized boaters to directly invest in the creation of a statewide water trail network, the program must be able to quickly demonstrate a return on investment by putting new facilities on the ground. Therefore, an annual report card should be established to let non-motorized boaters know how their fees are being used in a timely and responsible manner.

Next Steps

This chapter concludes with a set of critical initial steps that must be undertaken in order to move the Oregon Water Trails Program from concept to reality. These steps include:

- Step 1: Holding a discussion among officials from state agencies including the Marine Board, Department of State Lands, Department of Fish & Wildlife and Oregon Parks and Recreation Department, appropriate federal agencies, tribes, private property interests, recreation groups and key members of the state legislature to develop a legislative strategy for creating an Oregon Water Trails Program administered by the Oregon Parks and Recreation Department.
- Step 2: Pursuing a dedicated funding source for statewide water trail planning and development. This effort will involve:
- Identifying non-motorized boating funding programs or related programs successfully used in other states and examine their applicability in the state of Oregon.
 - Investigating potential legal questions associated with using various non-motorized boating funding models in the state.
 - Distributing benefits of water trails information to policymakers, local communities, public works departments, public recreation providers, planners, business owners and leaders, chambers of commerce, and developers.
 - Working with the state legislature to establish necessary legislation for a user-based fee collection program.
- Step 3: Properly staffing the Oregon Water Trails Program within the Oregon Parks and Recreation Department.
- Step 4: Creating an Oregon Water Trail Advisory Group within the Oregon Recreational Trails Advisory Council to provide technical assistance, address standards, coordinate promotion and user information, and a website for the statewide system of trails.
- Step 5: Revising appropriate Oregon Administrative Rules pertaining to non-motorized trail use to accommodate an OPRD-administered water trails program.