Minutes are posted as draft until approved by the Marine Board at its next regularly scheduled meeting.

Meeting Minutes
Oregon State Marine Board
June 28, 2016
The Dalles, Oregon

Board Meeting: June 28, 2016

Chair Val Early called the June 28, 2016 meeting of the Oregon State Marine Board to order at 8:01 am.

Board Members present: Val Early, Jas Adams and Jen Tonneson

Absent: Brian Carroll and Cliff Jett

Staff Present: Director Scott Brewen, Janine Belleque, Rachel Graham, Ashley Massey, Randy Henry, Chris Grorud and June LeTarte

Approval of Minutes:

Chair Early asked for a review and approval of the April 26, 2016 meeting minutes. Mr. Adams made a motion to approve the minutes. Ms. Tonneson seconded the motion. Motion passed unanimously.

Public Comment:

No public comment.

Announcements:

Chair Early announced changes to the agenda. Item L, Item M and Item O were postponed until the October 26, 2016 meeting.

Item A: Director's Report

Director Brewen described BOATs (Teams). The Teams expressed their desire to have Board member representation on each team, similar to the Board's advocacy on the strategic plan groups. The Teams meet twice a year to discuss boating issues. Teams represent Cruising, Outdoor, Watersports and Paddling. Director Brewen suggested Board assignments be made in conjunction with the annual Board election. The Board agreed.

Director Brewen provided a review of the Agency Scorecard. Registration titles are three months behind. The agency recently underwent an Information Technology audit of best practices. The audit identified areas that the agency could improve. Chris Grorud, Business Service Manager, will elaborate on the audit results during his staff report.

Chair Early commented that she likes the overview presented in the Scorecard as the Board should be kept aware of agency issues.

Agency managers will be hosting a meeting with the US Forest Service Natural Resource Leadership to discuss areas of mutual concern. On a higher level, Director Brewen, Director Lisa Sumption, Oregon Parks and Recreation, Meg Mitchell, USFS State Liaison and Jim Pena, USFS Regional Forester will meet to discuss USFS Strategy and how it impacts and reflects on the state. This fall, agency staff will also be meeting with Parks and Recreation staff to discuss issues, needs and identify formal priorities.

Director Brewen continued. He recently attended the Lower Deschutes River Management group meeting to discuss the environmental assessment for segment 3 (Buck Hollow to Macks Canyon (3a and 3b)). Daily and seasonal limits were decided. The daily limited entry for 3a was expanded to 300, about 1.7 boats per mile. The group is also looking at the possibility of initiating a flat fee and User Pass for the area. The group will now look at an environmental assessment for segment 4.

Mr. Adams asked if the Legislative Concept review has occurred. Director Brewen responded, yes, and added that staff will be meeting with Heidi Elliot on July 7, 2016. Mr. Adams requested that he be kept in the loop; he would like to be more actively involved with the Aquatic Invasive Species (AIS) concept.

Ashley Massey, Public Information Specialist, announced additional press releases with regard to Operation Dry Water and the recent drift school. There was good media coverage. Future news releases will highlight low water and "risk" behavior messaging.

Item B: Consideration of Rulemaking for Chapter 250 Division 011 – Steering and Sailing Rules

Director Brewen requested the Board amend OAR 250-011-0050 and OAR 250-011-0060 to address steering and sailing right-of-way responsibilities, ensure consistency between state and federal laws and remove conflicting language. Mr. Adams made a motion to amend rule language as presented. Ms. Tonneson seconded the motion. Motion passed unanimously.

Item C: Consideration of Petition for Rulemaking for Boat Operations on the Chetco River in Curry County

Chair Early recused herself from the vote to consider the Chetco River petition request. Without a voting quorum, Ms. Tonneson made a motion to table Item C until the October 2016 Board meeting. Mr. Adams seconded the motion. Motion passed unanimously.

Item D: Consideration of Rulemaking for Issuance and Duplication Fees OAR 250-010-0057 and Refunds OAR 250-010-0058

Rachel Graham, Environmental and Policy Manager, requested the Board repeal OAR 250-010-0057 and amend OAR 250-010-0058. Mr. Adams made a motion to repeal OAR 250-010-0057 and amend the refund rule language in OAR 250-010-0058. Ms. Tonneson seconded the motion. Motion passed unanimously.

Item E: Consideration of Rulemaking for Boat Operations in Jefferson County OAR 250-020-0161

Ms. Graham requested the Board amend OAR 250-020-0161 which will restrict mooring and anchoring on waters in Jefferson County. Ms. Tonneson made a motion to amend OAR 250-020-0161. Mr. Adams seconded the motion. Motion passed unanimously.

Item F: Consideration of Rulemaking for Boat Operations in Wallowa County OAR 250-020-0340

Ms. Graham requested the Board amend 250-020-0340 to prohibit the operation of motorboats on Kinney Lake. Chair Early made a motion to amend OAR 250-020-0340. Ms. Tonneson seconded the motion. Motion passed unanimously.

Item G: Consideration of Rulemaking for Boat Operations on the Willamette River in Clackamas County OAR 250-020-0032

Ms. Graham requested the Board's authority to initiate rulemaking to amend rules in OAR 250-020-0032 with respect to boat operations for the Ceremonial Harvest Permit. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency. Mr. Adams made a motion to initiate rulemaking. Chair Early seconded the motion. Motion passed unanimously.

Mr. Adams said he did not think a rule hearing would be necessary for this item. Director Brewen responded, actually, in the interest of the tribes, the agency will conduct a hearing to solicit comment.

Item H: Consideration of Rulemaking for Agency Representation by Officer or Employee OAR 250-001-0035

Randy Henry, Boating Safety Manager, requested the Board's authority to initiate rulemaking to adopt rules in Division 001 to allow agency representation by an officer or employee in particular hearings or classes of hearings. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency. Ms. Tonneson made a motion to initiate rulemaking. Mr. Adams seconded the motion. Motion passed unanimously.

Item I: Consideration of Rulemaking Ocean Charter Vessels; Chapter 250 Division 015

Mr. Henry requested the Board's authority to initiate rulemaking to amend rules in Division 015 with regard to annual or biennial charter license fees. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency. Mr. Adams made a motion to initiate rulemaking. Chair Early seconded the motion. Motion passed unanimously.

Item J: Law Enforcement Multnomah Channel

Mr. Henry briefed the Board on enforcement activities provided by Columbia County Marine Patrol on the Multnomah Channel. He is very pleased with the work the county is doing. They are providing a great presence on the water. The county was able to respond to a recent serious accident on the water within minutes. They also participated in Operation Dry Water. The county made many boater contacts.

Chair Early asked if they are making a difference in the behavior on the channel. Mr. Henry responded, yes, through their boater contacts. There were a number of "Blue Light" citations. Chair Early asked for another update in October 2016.

Ms. Tonneson commented that she noticed a difference in boater behavior and has heard from neighboring marinas that the Columbia County's presence is very positive. However, she has not seen an increase in enforcement presence by Multnomah County on the upper river and asked if the agency is addressing this deficiency. Mr. Henry responded that through the upcoming contract, the agency will be providing additional funding for the area.

Item K: Agency Budget Request 2017-19 and Key Performance Measures

Chris Grorud, Business Service Manager, presented the Agency Request Budget Summary 2017-19 to the Board and gave an overview of the process. The deadline for the current service level version of the budget was May 31, 2016. The agency request budget audit version deadline is July 31, 2016 and the budget book deadline is August 31, 2016. Following the Governor and Legislative Ways and Means review, the final budget will be authorized July 2017. The 2017-19 Current Service Level amount is scripted by the Department of Administrative Services (DAS). The agency has two Policy Option Packages: 101 - Non-Motorized Program; and 102 – Guide Program. There will be 3.0 FTE added to the current 38.0 FTE position count. Also, the other major areas of expenditure will be additional money devoted towards grants, MAP facilities and law enforcement special emphasis funds.

Director Brewen clarified, with regard to law enforcement; it's not special emphasis money but rather identifying agencies which are most under budgeted. Rather than doing across-the–board increases, the focus will be on those programs that have the greatest need and give them a larger increase to provide programmatic impact. It will be a permanent increase to a specific county(s).

Chair Early said that was her understanding that the fees would be used for non-motorized enforcement. Director Brewen responded. The additional funds are from the last fee increase and from motorized boating. The non-motorized fee allocation has not yet been determined. The agency will work with the BOATs teams to identify the most beneficial impact for non-motorized enforcement and facilities.

Ms. Tonneson asked what the fuel tax number represents. Director Brewen responded that the figure is based on current status; it may increase. Mr. Grorud said that the next fuel use survey is scheduled for 2018.

Mr. Grorud explained that with the increased population of boaters requesting Aquatic Invasive Species (AIS) tags versus its current limited expenses, the program will show a profit in this budget. However, in respect to its current service level budget, the program's expenditures will grow. That said, the Board may have to anticipate implementing a fee increase for AIS in the 2019-21 budget.

Director Brewen added. There is an AIS policy aspect to consider and the agency is working with the Governor's office in identifying other agencies and programs that could assist and pay for AIS prevention and inspection, more so than just boaters, i.e. water districts, agricultural, energy and ports.

Ms. Tonneson made a motion to accept and forward the Agency 2017-2019 Request Budget to DAS. Chair Early seconded the motion. Motion passed unanimously.

Mr. Grorud asked the Board Members to complete and return the Best Practice Assessment.

Item L: Election of Officers

Item tabled until the October 2016 Board Meeting.

Item M: Executive Session ORS 192.660(2)(i)

Item tabled until the October 2016 Board Meeting.

Item N: Facility Grant Consideration

Chair Early complimented Ms. Janine Belleque, Facilities Program Manager, on the outstanding site tour from The Dalles to Hood River she hosted yesterday for the Board Members. Mr. Adams and Ms. Tonneson voice their agreement; the tour was great.

Grant # 1560 City of St. Helens

Sue Nelson, Public Works Engineer Director, was present. Ms. Nelson stated the dock has signs posted identifying a safety issue but is not closed at this time.

The City of St. Helens requested funds for the Sand Island Marine Park short-term dock facilities repair. Staff recommended that the Board authorize $20,407 state boater funds and $20,284 in federal Boating Infrastructure Grant (BIG) funds to match $13,400 of applicant cash and $3,800 administration, labor and equipment for the project.

Ms. Tonneson made a motion to authorize the grant as presented. Mr. Adams seconded the motion. Motion passed unanimously.

Grant # 1562 Linn County Parks and Recreation

Linn County requested funds to procure a hydrologic analysis for the Stayton Bridge and Buell Miller boat ramps both of which were damaged during a December 2015 storm event. Staff recommended that the Board authorize $37,500 state boater funds to match $12,500 cash and $1,050 in administration.

Chair Early made a motion to authorize the grant as presented. Mr. Adams seconded the motion. Motion passed unanimously.

Grant # 1563 City of Oregon City

The City of Oregon City requested funds to complete short-term ramp repairs at the Clackamette Park boat ramp. Staff recommended that the Board authorize $137,493.40 state boater funds to match $39,905 cash and $876 in pre-agreement permitting fees. The temporary repair will allow the ramp to be opened before the Cedar Oak ramp closes.

Ms. Tonneson made a motion to authorize the grant with the supplemental funding. Mr. Adams seconded the motion. Motion passed unanimously.

Grant # 1561 Oregon Department of Fish and Wildlife (ODFW)

Holly Huchko, Sport Fish Restoration Coordinator, ODFW

ODFW is requesting funds to acquire property adjacent to Buena Vista Park to improve the site. Staff recommended that the Board authorize $72,500 state boater funds to match $217,500 of federal Sport Fish Restoration funds for the project.

Mr. Adams made a motion to authorize the grant as presented. Ms. Tonneson seconded the motion. Motion passed unanimously.

Item O: Petition and Rulemaking Procedures

Item tabled until the October 2016 Board Meeting.

Item P: Policy and Program Report

Ms. Graham briefed the Board. Staff was hired for the Klamath Falls AIS Inspection station with a start date of July 4, 2016. Twelve boats have been intercepted with zebra/quagga mussels. The two most recent boats came from the Great Lakes area and Oklahoma. There appears to be better notification between the states. Though, not all states will decontaminate a boat if it is not destined to stay in their state. Ms. Graham provided an overview of Washington's night inspection pilot program. Challenges included lighted notification signs and the ability to do a proper inspection. Ms. Graham will send the report to Board Members. Oregon stations are open during daylight hours; normally 7:00 am to 7:00 pm. Discussion ensued. Oregon State Police is providing law enforcement at the Ashland station.

Item Q: Boating Facility Program Report

Ms. Belleque briefed the Board and provided additional information on the Jefferson Boat ramp. Staff is working with the city of Jefferson on access issues. Director Brewen added that the gate does not prevent carry-downs. Information on Facility Grant # P35, McNary Yacht Club was also distributed. The City of Wheeler received FEMA support and has completed its dredging project. Ms. Belleque will be meeting with the City of Portland in July to strategize on access goals for boating facilities. Staff will also be looking at Duckworth Dock to see if surface cracks occurred during Fleet Week. Ms. Belleque continued through the report, as presented.

Item R: Boating Safety Program Report

Mr. Henry updated the staff report. To date, there are 38 boating accidents and seven fatalities. A lot of accidents appear to be a result of inattentiveness, as well as, marijuana and alcohol use. The Young's Bay fatality was located. There are a large number of high energy collisions of late.

Chair Early asked if violation statistics are maintained for outfitter and guides. Mr. Henry, responded, yes; the program is very much aware of those occurrences. Ms. Tonneson would like a break-down of life jacket citations, adults versus children. Mr. Henry responded that there is zero tolerance by officers for children not wearing life jackets. Mr. Henry continued through the report, as presented.

Ms. Tonneson asked for an update on her previous request for the program to develop livery guidelines with respect to state registration and mandatory boating education. Director Brewen responded that this topic would likely be addressed as part of the next strategic plan.

Ms. Tonneson commented that gillnets may be a problem for recreational boaters. She would like staff to notify boaters when gillnets are out. Chair Early responded that seasons, locations, and times are regularly reported by the Oregon Department of Fish and Wildlife.

Ms. Tonneson would like another media announcement reminder about the need of smoke detectors on boats with sleeping compartments. This needs to be a repeated message.

Mr. Adams asked about enforcement of boats anchoring in shipping channels. Mr. Henry responded that several special emphasis patrols to address this issue have been conducted; most commonly in the Columbia River and associated with the fall fishing seasons.

Item S: Business Services Program Report

Mr. Grorud briefed the Board. Revenue is at 27% of budget and the gas tax revenue of $4.1 million will be added to the revenue by July 31, 2016.

The main findings of the Information Technology (IT) audit were that the agency was not up to date on its computer patches (updates) for its servers and at staff work stations. Another finding was that the work stations are not standardized but the four year computer replacement schedule will ultimately negate this issue. A new round of computer purchases will happen in July (the third of the fourth year of work station updates). Mobile device management and fire wall administration, WIFI use, will be more secure. The IT staff will complete Information Security training. Also, agency staff will receive general training on IT security.

Additional agency training will be scheduled for general purchasing and special training on state credit card purchases (SPOTS).

Mr. Grorud is investigating the costs of the Department of Administration (DAS) hosting certain aspects of IT services versus in-agency. The goal is to have the Marine Board's IT become more standardized in comparison to other state agencies.

Director Brewen added; the results weren't all negative. The IT audit also provided positive findings on the Marine Board's outsourcing of the web, payment credit card transactions, email, anti-virus services and control of sensitive documentation, which reduces agency risk.

Item T: Registration Program Report

Director Brewen again announced the agency is three months backlogged on issuing titles and continues to make progress. The agency is working with NIC and MicroPact to deal with ongoing issues, the most critical being that Google Chrome is not working with the Registration system. The RegLine is supposed to be browser neutral. Lack of storage is also a significant issue.

Other Business:

The next Board Meeting will be held October 25-26, 2016. Boating Facilities will be conducting MAP training on October 25 and the Board members are welcome to attend. There will be a tour in the afternoon and the Board Meeting will be held on Tuesday, October 26, 2016. Meeting details and location will be announced when finalized.

The meeting adjourned at 11:20 am.

Respectfully submitted,

June LeTarte
Executive Assistant