

- 1:30 PM **Depart for Hee Hee Illahee Park**– Siletz River mile 40.8
Travel distance: 28 miles; Time: 40 minutes
- 2:10 PM **Arrive Hee Hee Illahee Park**
View boating facility
- 2:25 PM **Depart for Ojalla Park** – Siletz River mile 30.9
Travel distance: 4 Miles; Time 10 minutes
- 2:35 PM **Arrive Ojalla Park**
Meet with County Staff TBD. View boating facility and discuss boating use at the site.
- 2:55 PM **Depart for Jack Morgan Park** – Siletz River mile 24.6
Travel distance: 3 Miles; Time 10 minutes
- 3:05 PM **Arrive Jack Morgan Park**
Meet with County Staff TBD. View boating facility
- 3:20 PM **Depart for Strome Park** – Siletz River mile 16.3
Travel distance: 4 Miles; Time 10 minutes
- 3:30 PM **Arrive Strome Park**
Meet with County Staff TBD. View boating facility and hear about future park improvements
- 3:45 PM **Depart for Ichwit Park**– Siletz River mile 6.8
Travel distance: 8 Miles; Time 15 minutes
- 4:00 PM **Arrive Ichwit Park**
Meet with County Staff TBD. View boating facility and discuss boating use at the site.
- 4:20 PM **Depart for Salishan Spa & Resort**
Travel distance: 7 Miles; Time 20 minutes
- 4:45 PM **Arrive Salishan Spa & Resort**
-
- 5:00 PM **Special Board Meeting** – Maple Room
Executive Session ORS 192.660(2)(i)
- 6:30 PM **Dinner – Kylo's Seafood & Grill Restaurant**
1110 NW 1st Street Ct. Lincoln City

Don Lindley Park - Alsea River (Lincoln County) – Lincoln County



Existing Facilities:		Old RV Park. There is a dock, some utilities, wetlands	
Annual MAP Grant:			\$0
Grants Received			
Biennium	FG#	Scope	Total Grant
13-15	1503	Property acquisition	\$343,487
Six-Year Plan			
Identified Needs		Estimated Cost	Priority
None identified			

Port of Alsea – Alsea Bay (Lincoln County) – Port of Alsea



Existing Facilities:		Concrete ramp, flush restroom, boarding docks, short term tie-up, 47-car parking stalls, 25-boat trailer parking stalls, debris boom.	
Annual MAP Grant:			\$0
Grants Received			
Biennium	FG#	Scope	Total Grant
95-97	803	Replace flush restroom	\$81,934
97-99	940	Replace asphalt parking	\$54,504
03-05	1174	Repair asphalt parking	\$47,410
03-05	1175	Repair debris boom	\$10,090
03-05	1213	Replace boarding docks	\$48,938
Six-Year Plan			
Identified Needs		Estimated Cost	Priority
Add dump station, replace concrete ramp, boarding docks, fishing pier/cleaning station		\$449,000	H

Hee Hee Illahee Park – Siletz River (Lincoln County) – City of Siletz



Existing Facilities:		Single lane ramp, 12-single car parking stalls	
Annual MAP Grant:			\$0
Grants Received			
Biennium	FG#	Scope	Total Grant
85-87	355	Asphalt ramp, access road, asphalt parking	\$8,253
Six-Year Plan			
Identified Needs		Estimated Cost	Priority
None identified			

Ojalla Park-Siletz River (Lincoln County) – Lincoln County



Existing Facilities:		Boat slide, vault toilet, 8-single car parking stalls, 15-boat trailer parking stalls, kiosk, vegetated bioswales and plantings.	
Annual MAP Grant:			\$4,300
Grants Received			
Biennium	FG#	Scope	Total Grant
11-13	1450	Design and engineering, permits	\$16,035
13-15	1484	Pole slide, access road, parking, vault toilet	\$394,100
Six-Year Plan			
Identified Needs		Estimated Cost	Priority
Completed under the grants		\$105,000	M

Jack Morgan Park – Siletz River (Lincoln County) – Lincoln County



Existing Facilities:		Single lane ramp, gravel parking, vault toilet	
Annual MAP Grant:			\$3,400
Grants Received			
Biennium	FG#	Scope	Total Grant
13-15	1483	Single lane ramp, vault toilet, gravel parking	\$148,030
Six-Year Plan			
Identified Needs		Estimated Cost	Priority
None identified			

Strome Park – Siletz River (Lincoln County) – Lincoln County



Existing Facilities:		Single lane ramp, 3-single car parking stalls, 22-boat trailer parking stalls, vault toilet.	
Annual MAP Grant:			\$4,300
Grants Received			
Biennium	FG#	Scope	Total Grant
01-03	1084	Design, engineering, and permits	\$12,592
01-03	1146	Replace gravel parking, vault toilet	\$52,573
03-05	1166	Replace concrete ramp, add asphalt parking	\$150,047
Six-Year Plan			
Identified Needs		Estimated Cost	Priority
None identified			

Ichwit Park – Siletz River (Lincoln County) – Lincoln County



Existing Facilities:		Single lane ramp, boarding docks, 9-single car parking stalls, 30-boat trailer parking stalls, vault toilet	
Annual MAP Grant:			\$5,200
Grants Received			
Biennium	FG#	Scope	Total Grant
05-07	1289	Property acquisition	\$98,651
07-09	1315	Design, engineering and permits	\$61,864
09-11	1375	Add access road	\$15,880
09-11	1417	Add concrete ramp, boarding docks, asphalt parking, vault toilet	\$544,139
Six-Year Plan			
Identified Needs		Estimated Cost	Priority
None identified			



**OREGON STATE MARINE BOARD
AGENDA
Revision 3**

October 25-26, 2016
Gleneden Beach OR

Salishan Spa & Golf Resort
7760 North Hwy 101
Gleneden Beach, OR 97388

Meetings begin promptly and normally proceed through the agenda. Meetings are held in a facility that is accessible for persons with disabilities. For a communication aid request or agenda question, please contact June LeTarte, Executive Assistant, Director's Office, Oregon State Marine Board at (503) 378-2617 or via e-mail to: june.letarte@state.or.us.

October 25, 2016

Waterway Tour

10:00 am - 4:30 pm

Belleque/Henry

Board Meeting

5:00 pm – 6:00 pm Maple Room

Executive Session ORS 192.660(2)(i)

Action: Informational

Early

October 26, 2016

Board Meeting - 8:30 am – 4:30 pm Sitka Room

Approval of Minutes:

Board Meeting Minutes June 28, 2016

Action: Review and Approval

Early

Request for Public Comment:

Early

Agenda/ Staff Reports:

Item A Executive Session ORS 192.660(2)(f)
Action: Informational

Belleque

Item B **Duckworth Dock**
Action: Board Update

Belleque

Item C **Consideration of Chetco River Petition
Request for Rulemaking Boat Operations Curry County
OAR 250-020-0082**

Graham

Action: Initiation Rulemaking

Comment Period Closed June 13, 2016

Item D	<p>Consideration to extend the no wake enhancement device zone on the Lower Willamette River Request for Rulemaking Boat Operations in Yamhill and Marion Counties OAR 250-020-0385</p> <p>Action: Initiation Rulemaking Comment Period Closed October 12, 2016</p>	Graham
Item E	<p>Consideration of Rulemaking Boat Operations on the Willamette River in Clackamas County OAR 250-020-0032</p> <p>In response to boating access for Ceremonial Harvest of Salmon and Steelhead by members of the Grand Ronde Community</p> <p>Action: Rule Adoption Comment Period Closed September 16, 2016</p>	Graham
Item F	<p>Consideration of Rulemaking Outfitters & Guides Chapter 016</p> <p>Action: Rule Adoption Comment Period Closed July 31, 2016</p>	Henry
Item G	<p>Consideration of Rulemaking Agency Representation by Officer or Employee OAR 250-001-0035</p> <p>Action: Rule Adoption Comment Period Closed August 31, 2016</p>	Henry
Item H	<p>Consideration of Rulemaking Ocean Charter Vessels OAR 250-015-0005</p> <p>Action: Rule Adoption Comment Period Closed July 31, 2016</p>	Henry
Item I	<p>Director's Report</p> <p>Action: Informational</p>	Brewen
Working Lunch Period		
Item J	<p>Election of Board Officers</p> <p>Action: Board Vote</p>	Early
Item K	<p>Petition and Rulemaking Procedures</p> <p>Procedures related to solicitation of public comments in response to Petitions and Rulemaking</p> <p>Action: Information</p>	Graham
Item L	<p>Registration Program Report</p> <p>Staff Report</p> <p>Action: Informational</p>	Eilers

Item M	Boating Facilities Grants Action: Board Approval	Belleque
Item N	Boating Facilities Program Report Staff Report Action: Informational	Belleque
Item O	Policy & Environmental Program Report Staff Report Action: Informational	Graham
Item P	Law Enforcement – Multnomah Channel Action: Board Update	Henry
Item Q	Boating Safety Program Report Staff Report Action: Informational	Henry
Item R	Business Services Program Report Staff Report Action: Informational	Grorud
Marine Board Items:		Early
	Request for Other Business	
	Adjourn	

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

Placeholder

Item A

Placeholder

Item B

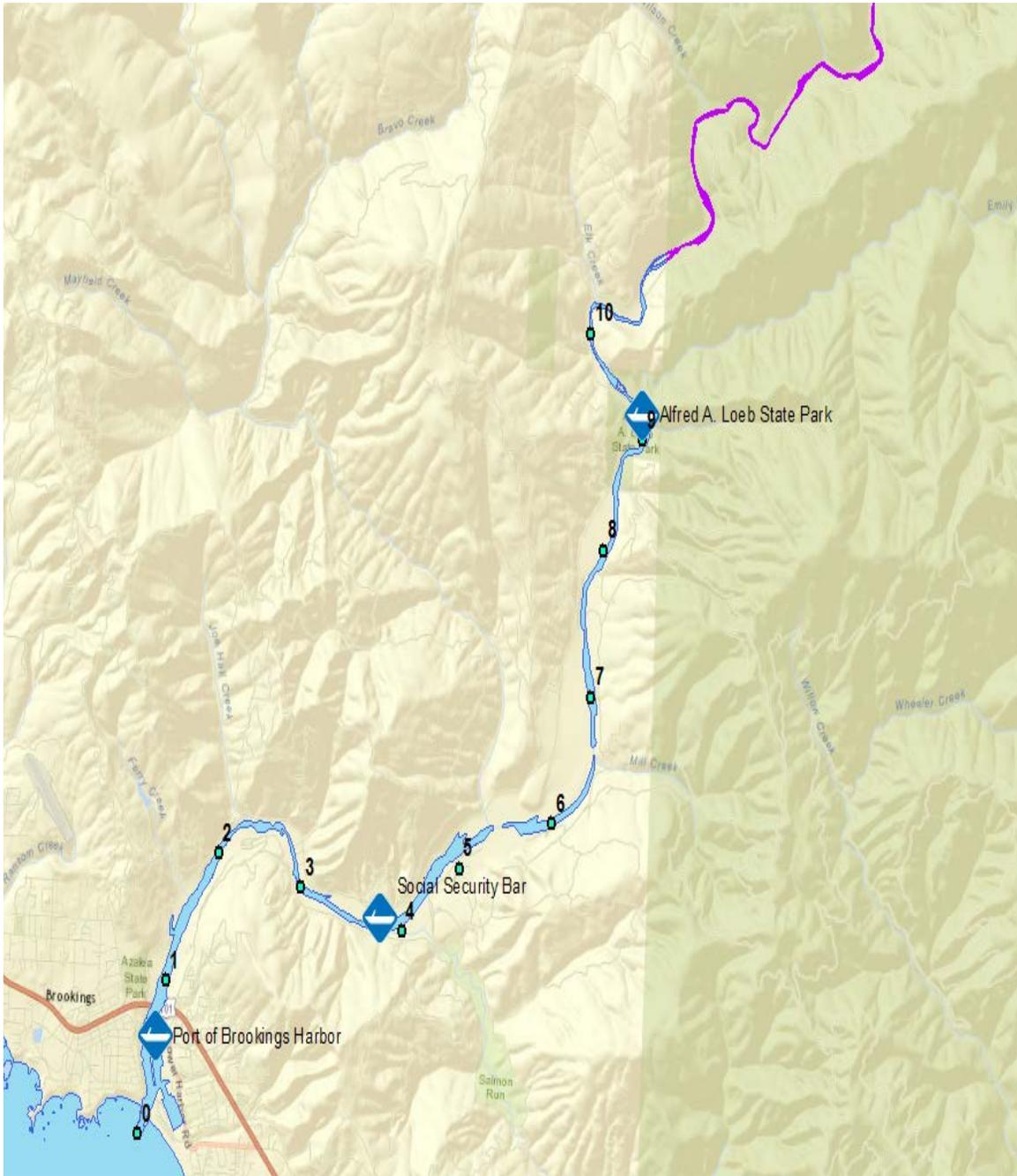
October 26, 2016

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

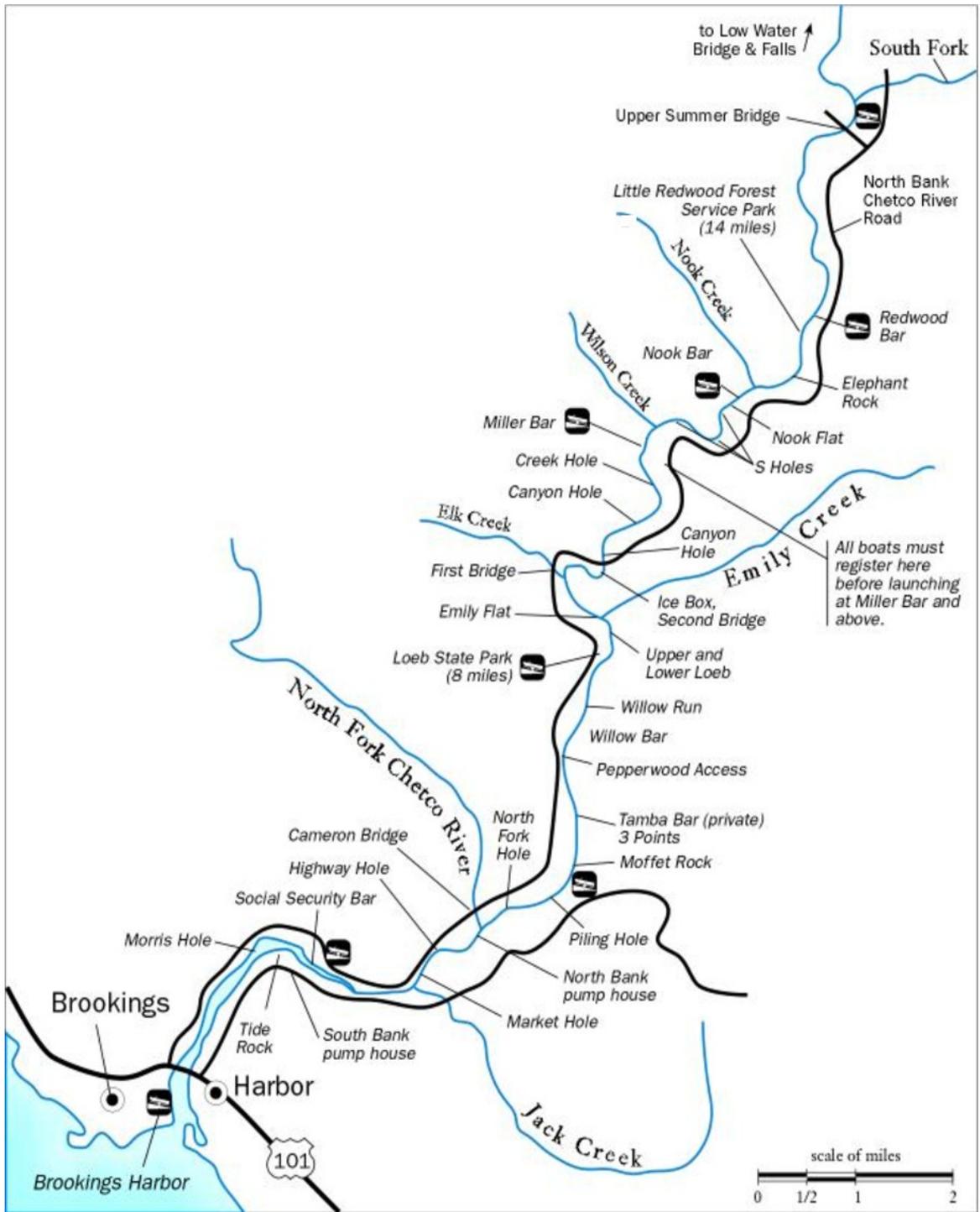
- .01 The Marine Board received a petition on April 7, 2016, requesting adoption of a new rule that would prohibit the use of motors on the Chetco River from the downstream boundary of the National Forest near Miller Bar to the lower water tower located at approximately river mile 3.2 below Social Security Bar. The petition was submitted by nine individuals that identified themselves as private boaters, bank anglers, property owners, and fly fishermen.
- .02 The Board is required by state law to solicit public comment on a petition that requests an amendment or repeal of an existing rule and to take action on all petitions for rulemaking within 90 days of receiving the petition.
- .03 Under ORS 183.390 and OAR 137-001-0070 any interested person can request that the Marine Board adopt, amend, or repeal a boating regulation through a petition. To be considered, petitions must include the following:
 - a. Name and address of petitioner(s)
 - b. Names and addresses of other interested parties
 - c. The proposed language in full (for new rules) or the existing rule language in full with proposed additions and deletions clearly indicated (for rule amendments).
 - d. An explanation of the petition that includes facts or arguments in sufficient detail to show the reasons for and effects of adoption, amendment or repeal of the rule.
 - e. If the petition requests the amendment or repeal of an existing rule, the petition must also contain comments on:
 - A. Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;
 - B. The continued need for the existing rule;
 - C. The complexity of the existing rule;
 - D. The extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; and
 - E. The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule, since the agency adopted the rule.
- .04 This petition, a request for a new rule, included all required elements (a through d above) and was accepted by staff.

Background

- .01 The Chetco River is 56 miles long, with the upper 45.5 miles designated as Federal Wild and Scenic River. The upper 45.5 miles has been designated non-motorized in the Federal Wild and Scenic rules since 1988 and in OAR since January of this year: OAR 250-030-0170 (adopted as part of the cleanup of the Marine Board Scenic Waterways rules for consistency with federal law).
- .02 The only other boating restriction on the Chetco River is the prohibition on the operation of Personal Watercraft (PWCs) above the head of tide. OAR 250-021-0040(2)(d).



The lower Chetco River. The Wild and Scenic Designation and the motorboat prohibition (purple above), begin at the Rogue Siskiyou National Forest Boundary (land area in green above). River miles shown by green dots.



Map of fishing access from www.wildriversfishing.com

Summary of Petition

- .01 The petition requests that a new rule be promulgated to achieve the following:
“No person shall operate a boat with a motor of any kind while navigating the Chetco River from the downstream boundary of the National Forest near Miller Bar to the lower water tower located at approximately river mile 3.2 below Social Security Bar.”
- .02 The petitioners state the reason for the new rule is to reduce the “highly contentious situation between bank anglers and boat anglers that are focused in the same area.”
- .03 Petitioners noted that the angling pressure has increased significantly in the past few years, a new fishing technique called side drifting has evolved over the last several years, and boat density during the steelhead season is high.

Public Comment

- .01 OSMB sought public comment from May 2, 2016 through June 13, 2016. In addition to sending the Notice of Petition to individuals on the interested parties list, notice was also sent to the Department of Fish and Wildlife, Oregon State Police, the Port of Brookings, Curry County Sheriff’s Office, Curry County Board of Commissioners, the City of Brookings, the Brookings Harbor Chamber of Commerce, and the Oregon Senate and House Representatives for the districts that include Curry County.
- .02 All written comments were provided to the Board members for review.
- .03 The comments in support of the petition were submitted mostly via form letter which supported the proposed rule change as it “strikes a balance between user groups that allows most member of the angling community to share equally in angling opportunity on the river.”
- .04 Further comments in support of the petition noted that previous efforts to work with the user groups, post signs about etiquette, etc., only provided temporary relief. Commenters in favor of the petition noted that prohibiting motorboats would eliminate the offensive behavior (assumed to be side drifting) that was enabled by motorboats.
- .05 Commenters in favor of the petition also noted that a prohibition on the use of motors would be easily enforceable, whereas other regulations, such as guide ethic rules, and “interference with angling” rules were difficult to enforce. Commenters in favor of the petition also argued that prohibiting motors removed no anglers from the river.
- .06 The comments in opposition to the petition generally acknowledge that there is some conflict but felt that a prohibition on motors would not lessen the intensity.
- .07 Many motorized boaters noted that the proposed restriction was aimed at eliminating the “side drifting” behavior, but these commenters explained that boats could (and would) either row or walk their boats back up river to drift again. This could create more conflict if the rowing or walking happened in the calmer water where bank anglers were standing. Also, commenters noted that if they could not use a motor, they would instead anchor in the river.

- .08 Several commenters in opposed to the petition noted that they would not fish the Chetco anymore if motors were prohibited, resulting in a loss of income to the local community. Some commenters noted that because of their age or disability they would not be able to boat on the Chetco without a motor.
- .09 Other commenters in opposed to the petition indicated that there was very little conflict between the user groups, and that the petition was an attempt to gain more exclusive access for fishing.
- .10 In an email dated May 9, 2016, the Oregon Department of Fish and Wildlife commented that there was no fish conservation reason to restrict motorboats and noted that the situation on the Chetco River was a social conflict. No other comments were received from law enforcement, public agencies, or local governments.
- .11 A public meeting was held in Brookings on Monday, June 13, 2016. Thirty-three individuals signed the attendance roster. Twenty people provided oral testimony which was very similar in nature to written comments provided to the Board.

Options

The Marine Board may direct staff to:

- a. deny the petition and take no further action; or
- b. initiate the rulemaking process to consider adoption of the proposal as outlined in the petition.

Analysis

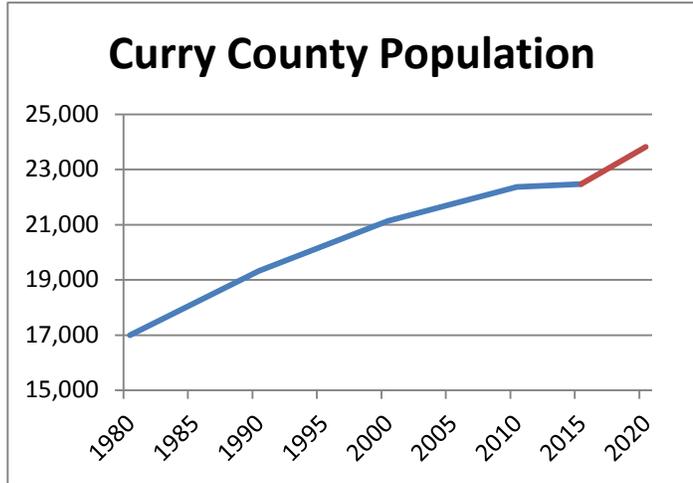
ORS 183.390 does not provide guidance on how an agency should review petitions for the promulgation of new rules. Staff is providing analysis on relevant areas suggested by ORS 183.390 for the review of petitions requesting amendments or repeal of rules:

- a. The nature of complaints or comments received concerning the rule from the public;
 - b. The degree to which technology, economic conditions or other factors have changed in the subject area affected by the rule;
 - c. The statutory citation or legal basis for the rule (the Board's authority to promulgate rules).
- .01 **The nature of complaints or comments received concerning the rule from the public:**

Staff has concluded based on the evidence presented in the petition and the comments received from the public, that conflict exists between anglers on the Chetco River during the winter steelhead season (January and February), this conflict has been an issue for several years, and possibly is getting worse. The conflict is the result of an increase in the number of anglers on the river, the different (and possibly incompatible) fishing techniques employed by the various anglers, and the perception of equity. A specific behavior – a boat repeatedly drifting through an area where fish were holding – is enabled by the use of motors. Staff concludes that the reason commenters want motors to be prohibited is to discourage this behavior of repeatedly motoring upstream to drift a prime fishing spot over and over. Staff can find no evidence that this particular behavior is a safety concern. Rather, the conflict appears to be more about competition for fish during a certain time of year and in certain locations and less about incompatible boat uses.

.02 **The degree to which technology, economic conditions or other factors have changed in the subject area affected by the rule:**

Many commenters noted how conditions on the river had changed in the last few years (or decade): more boats, more people, more competition, shorter tempers. Since 1990, the population of Curry County has increased by 16%, and is forecast to grow another 6% in the next years (Portland State University Population Research Center). It is reasonable to assume that there are more anglers and more boats on the Chetco River from Oregon and from California.



Additionally, changes in fishing regulations in nearby rivers (notably the Smith River) where only hatchery steelhead may be kept, likely put more fishing pressure on the Chetco, where current regulations allow for 1 wild steelhead per day, 5 per year.

Finally, the “side drifting” technique has been noted as somewhat new, and not a practice that was common years ago.

.03 **The statutory citation or legal basis for the rule:**

Prohibitions on motorboats are authorized by the Board’s authority under ORS 830.175(1).

“The State Marine Board, upon consideration of the size of a body of water and traffic conditions, may make special regulations consistent with the safety and the property rights of the public or when traffic conditions become such as to create excessive congestion, relating to the operation of boats in any waters within the territorial limits of any political subdivision of this state. The regulations may include, but need not be limited to, the establishment of designated speeds, the prohibition of the use of motorboats and the designation of areas and times for testing racing motorboats.”

Further, the Board has the authority to restrict boating to protect traditional boating uses and prevent boater user conflicts under ORS 830.195: “In addition to any other authority to regulate boating activities pursuant to this chapter, the State Marine Board may regulate and restrict boating activities to protect traditional boating uses and to prevent boating user conflicts.”

04. The Board may find some guidance in the rulemaking policy of the Board:

250-001-0050 Policy

- (1) It is the policy of the State Marine Board to promote multiple use and enjoyment of waters of the state for a variety of boating activities. The Board recognizes and will uphold to the extent practicable the universal right of the public to navigate and use the waters of the state for boating.
- (2) The Board is authorized to regulate through administrative rules boating in specific locations or on specific waterways in the interest of protecting public safety, property, water quality, fish and wildlife resources or for the purpose of reducing excessive congestion and conflict between users, and promoting uniformity of laws pertaining to such use.
- (3) The Board will seek to resolve problems arising from or between boating activities on a waterway by using a variety of management measures including education, information, signing, voluntary restrictions or increased law enforcement of existing laws before acting to restrict public use and enjoyment of boats.
- (4) It is the policy of the Board to exercise its regulatory authority based upon sufficient information, public testimony or evidence that establishes a demonstrated need to enact administrative rules.
- (5) The Board will seek the concurrence and recommendations of affected local jurisdictions and authorities before adopting regulations for local waterways.

Staff Conclusion

Staff concludes that expectations regarding acceptable boater behavior, solitude, and fairness in fishing are not being met for many users on the Chetco River for a period of time (January through March winter steelhead season) and in specific areas (Social Security Bar).

However, staff finds no justification for a prohibition on motors based on a safety, congestion, or property rights concern. The river is more crowded than in the past and the conditions that the petitioners seek – a quiet, peaceful, uncrowded experience – is not realistic as long as the fishing on the river is productive and promoted.

Eliminating motorboats on the water will not likely reduce the volume of anglers. This high concentration of fishing may be the result of California fishing restrictions of wild steelhead harvest together with good fish returns on the Chetco River.

The greater portion of the Chetco River, 82%, is already regulated as motorboat prohibited. Users who desire a non-motorized experience do have options available to them.

The proposed prohibition may be an overreaching measure in response to what appears to be a three-month fishing style conflict. Lastly, a prohibition on motor use may negatively impact other recreational purposes/motor uses, other than angling, on the Chetco River.

Staff Recommendation

Staff recommends the Board deny the petition request to open rulemaking to prohibit the use of motors above River Mile 3.2 on the Chetco River in Curry County.

Placeholder

Item D

October 26, 2016

Item E: Rule Consideration for Boat Operations on the Willamette River in Clackamas County OAR 250-020-0032

Background

01. In April 2016, the Oregon Department of Fish and Wildlife adopted a new administrative rule, OAR 635-041-0610 Ceremonial Salmon and Steelhead Harvest at Willamette Falls. The rule authorized members of the Confederated Tribes of the Grand Ronde (Tribe) to harvest hatchery salmon and hatchery steelhead at Willamette Falls for ceremonial purposes from the shore or from a single platform erected by the Tribe.
02. Although fishing from a boat is not authorized under in OAR 635-041-0610, the Tribe needed to use a boat to construct and access its fishing platform. The Tribe requested the Marine Board's authorization to operate a boat in the area of the Willamette Falls which was currently closed to boating.
03. This past summer staff filed a temporary rule to allow the Tribe to begin construction of their fishing platform. The Board approved initiating permanent rulemaking in OAR 250-020-0032, at its June 28, 2016, Board meeting.
04. Technical corrections were made to the rule to revise geographical landmark references, ODFW's agency name, grammar and to remove a section of rule (5)(c) that is no longer in effect.
05. Notice was filed with the Secretary of State and the public comment period was open from August 1 through September 16, 2016. Notice was sent to interested parties, tribal communities, local governments and agencies. A public hearing was held on August 24, 2016; no persons attended. Three written comments were received, as outlined below.

Public Comment

- .01 The Clackamas County Sheriff's Office submitted comments regarding safety standards that boats should comply with when traveling above the boating deadline into the Willamette Falls area. They proposed rule language which would require a boat to pass a Marine Board boat examination report.
- .02 In response, the Tribe stated that they were in favor of the proposed rule language as recommended by the Clackamas County Sheriff's Office.
- .03 A member of the public commented that they were supportive of the rule change as long as the activity was limited to a specific ODFW fishing season and permit.

Staff Recommendation

Staff is requesting the Board amend OAR 250-020-0032 as presented, with an effective date of November 1, 2016.

250-020-0032

Boat Operations on the Willamette River in Clackamas County

(1) No person shall operate a motorboat in excess of 10 MPH in the following areas:

- (a) Between the southern shore of Hog Island and the mainland;
- (b) Within 100 feet of the west shore, between RM 30.0 and 30.5.

(2) No person shall operate a boat:

(a) Downstream from Oregon City Falls in an area from the base of the falls to a line across the river between the northeast corner of the **West Linn Paper Company** [~~Crown-Zellerbach's~~] Mill A Grinder Room on the west bank of the river to the southwest corner of **the previous power plant associated with the previous Blue Heron Mill** [~~Publisher's Paper Company Power Plant~~] on the east bank of the river as marked;

(b) In the area commonly known as the "cul-de-sac" or the **West Linn Paper** [~~Simpson Paper~~] Company tailrace; beginning at the mouth of the tailrace on the south bank then extending across the tailrace following the line established by the bridge across the tailrace to the north bank, then in a westerly, southerly, and easterly direction around the bank of the tailrace to the place of beginning.

(c) Exceptions:

(A) Boats of any federal, state, county, or local governmental agency, [~~and~~] Portland General Electric Sullivan Plant and **West Linn Paper Company** [~~Crown-Zellerbach Corporation Mill~~] maintenance crews may operate in the closed area when on official business;

(B) Boats used in taking lamprey under a permit issued by the [~~State~~] **Oregon** Department of Fish and Wildlife may operate in the closed area subject to the conditions specified in the permit.

(C) Holders of a Ceremonial Harvest Permit may operate a boat for activities conducted in accordance with OAR 635-041-0610 as adopted by the Oregon Department of Fish and Wildlife.

(D) To operate in the closed area under special permits as prescribed in sections (2)(c)(B) and (2)(c)(C), each operator must hold a valid Oregon Boater Education Card and each boat must pass an inspection by a Clackamas County Marine Law Enforcement officer for compliance with Oregon boating safety statutes and administrative rules.

(3) No person shall operate **a motorboat** in excess of a "slow-no wake" speed on the following waters:

(a) Cedar Island lagoon;

(b) From the north point of the eastern spit of Cedar Island 100 yards due north and [~~thence~~] **then** due west to the shore line;

(c) Within 200 feet of a designated public launching ramp [~~and/or~~] **or** marked swimming area;

(d) Within 200 feet of shore adjacent to George Rogers Park (Lake Oswego), from the southern bank of Sucker Creek north along the west bank of the Willamette, to a point 200 yards north of the boat ramp, as posted;

(e) From the I-5 Boones Bridge west approximately 1,700 feet to the Railroad Bridge.

(4) No person shall operate a personal watercraft in continuous operation on the Willamette River between Hog Island and the Union Pacific Railroad Bridge during the period from May 1 through September 30, except to transit through this zone.

(5) On the Willamette River from the Hwy 219 Bridge at RM 48.5 to the upper end of Willow Island at RM 31.5, the following rules apply:

(a) No person shall operate a motorboat in excess of a "slow-no wake" speed within 100 feet of private docks, boathouses or moorages legally permitted by the Oregon Department of State Lands.

(b) No person shall use 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.

[~~(c) Effective 12:01 am, May 1, 2014 and ending October 31, 2014, 11:59pm, the use of wake enhancing devices from the Hwy 219 Bridge at RM 48.5 to RM 47 are allowed.]~~

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.:

October 26, 2016

Item F: Consideration of Rulemaking Outfitters & Guides ~ Chapter 250 Division 016

01. The Board approved the initiation of permanent rulemaking at its April 26, 2016, Board meeting to address proposed changes to Outfitter Guide Division 016 rules.
02. The following proposed rules were conceptually developed, vetted and approved by the Guide Advisory Committee at the following meetings:
 - a. Astoria, August 24, 2015;
 - b. Salem, December 17, 2015;
 - c. Portland, Sportsman Show, February 11, 2016; and
 - d. Bend, Hunting Sub-Committee, March 12, 2016.
03. OAR 250-016-0020 was amended to add a new definition. The term “Decal” is defined to include “Tyvek” tag-type material.
04. OAR 250-016-0030 is being repealed. The rule, as written, is outside the statutory authority of the Marine Board.
05. OAR 250-016-0035 was amended to remove the requirements of submitting original documentation. Language explaining insurance requirements was added.
06. OAR 250-016-0040 was amended to clarify proof of registration compliance to reflect issuance to individuals only. OAR 260-016-0040 also revised the Non-Resident Hunt Tag Program. Non-Resident Hunt Tag Program participation requirements require experience as an Oregon guide or his or her employee. Procedures regarding the time frame for presenting documentation of permits were changed to coordinate with other Federal agencies. Fees for the program were revised and include a unit certification fee to account for the burden of the certification process on staff.
07. OAR 250-016-0095 and OAR 250-016-0100 are new rules being adopted.
08. OAR-016-0095 outlines the procedure in which the Marine Board will impose civil penalties. Civil Penalties Procedures will impose civil penalties for failure to comply with ORS 704.020, 704.021, 704.065 or 704.070 or for violation of ORS 704.030.
09. OAR 250-016-0100 defines the Schedule of Civil Fees ranging from \$200 per violation up to \$500 for repeat offenders.
10. Notice was filed with the Secretary of State and the public comment period was open from June 1 through July 31, 2016. Four public hearings were held throughout the state. No one attended. No written comment was received.

Staff Recommendation

Staff recommends the Board take the following rule action, as presented:

Adopt: OAR 250-016-0095 and OAR 250-016-0100

Repeal: OAR 250-016-0030

Amend: OAR 250-016-0020, OAR 250-016-0035 and OAR 250-016-0040

The rules will be effective January 1, 2017.

**DIVISION 16
OUTFITTER/GUIDE REGISTRATION**

250-016-0020

Definitions

(1) “Decal” is an identifying registration sticker or fabric tag visibly displayed on a vessel, vehicle, pack or other equipment.

(2) [(4)] “Deposit” is a collection of fees prior to providing outdoor recreational activities.

(3) [(2)] “Drop Camp” is a site whose location is chosen either by the Outfitter and Guide or the client but where no guided hunt or fishing services are provided to the client.

(4) [(3)] “Guide Boatsman Trainee” is an individual who is an Outfitter and Guide or an employee of an Outfitter and Guide who is receiving experience on whitewater as required in ORS 704.070.

(5) [(4)] “Outfitter and Guide Hunt” is an outdoor recreational activity in which the client is physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.

(6) [(5)] “Owned or Controlled” land means any lands owned or under a formal leasing giving the individual as a sole-proprietor, partnership, or other corporation exclusive control of the use of the lands.

(7) [(6)] “Packing” is the act by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide to lead clients in overland outdoor recreational activities including but not limited to the transportation of client, equipment and supplies, harvested game, by machine, boat, animal or guide.

(8) [(7)] “Person” means an individual, partnership, corporation or non-profit organization.

(9) [(8)] “Resident” is a person who permanently or continuously resides in Oregon.

(10) [(9)] “Serious” violation is:

(a) A Felony or Class A, B or C misdemeanor conviction for a violation of any requirements listed in ORS 704.040(5) or any rules adopted pursuant to those Chapters; or

(b) An action that results in a fishing or hunting license or permit to be suspended, revoked, canceled or denied by the courts or by a state or federal agency with appropriate jurisdiction; or

(c) Any violation of the requirements in ORS 704.040(5)(b), or any rules adopted pursuant to those Chapters, while the guide was operating with a conditional registration.

(11) [(10)] “Repeated” violation is:

(a) Any combination of three Class A,B, C or D infractions, or violations of ethical or professional standards in OAR 250-016-0060, during a five year period; or

(b) Any two felony or Class A, B or C misdemeanor convictions within a period of ten (10) years.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.:

[250-016-0030]

[Exclusions]

[Outfitter and Guide services do not include:

~~(1) Services provided by governmental agencies that conduct outdoor recreational activities.~~

~~(2) Services provided by state or private colleges and universities that teach outdoor recreational activities as part of their curriculum open only to enrolled students and faculty members.~~

~~(3) Services provided by schools that teach outdoor recreational activities including but not limited to equestrian, swimming, scuba, sailing, flying, photography or other outdoor activities that accompany the primary course of instruction or study.~~

~~(4) Services provided by non-profit organizations that meet the criteria in 250-016-0030(2) and 250-016-0030(3).~~

~~(5) Services provided by Outfitter and Guide employees who work as office staff, shuttle staff, warehouse worker, lunch packer or other capacity not directly involved with leading or assisting clients in outdoor recreation activities.]~~

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.:

250-016-0035

Registration Requirement

~~(1) The completed and signed application, with all required attachments [~~original first aid card if applicable, certificate of insurance, proof of surety bond or letter of credit if applicable, copy of US Coast Guard Operator's license if applicable~~] and the fee required by ORS 704.020 must be submitted to the Marine Board. The required fee is nonrefundable. **The required attachments are:**~~

~~**(a) A copy of the certificate of first aid and CPR training (American Red Cross or equivalent); or**~~

~~**(A) A copy of training and certification as an Emergency Medical Technician I, II or III; or**~~

~~**(B) A copy of licensure as a registered nurse or medical doctor.**~~

~~**(b) Certificate of insurance;**~~

~~**(c) Proof of surety bond or letter of credit, if applicable; and**~~

~~**(d) Copy of US Coast Guard Operator's license, if applicable.**~~

~~**(2) The first aid and CPR training certificate or medical license as defined in (1)(a)(A)(B) of this rule shall remain current. If the first aid and CPR training certificate or medical license expires, the Outfitter and Guide's registration is automatically suspended.**~~

~~[Where an application is submitted for a partnership, one partner must sign the application and provide their proof of first aid. For a corporation or non-profit organization, the application must be signed by an authorized officer of the corporation or organization. The authorized officer of the corporation or organization must sign a statement certifying that all their employees possess in their name a current standard first aid card or a medical equivalent. The certificate of insurance shall be:]~~

~~**(3) The certificate of insurance shall:**~~

~~[(a) Provided by fax, e-mail or US Mail to the Marine Board;]~~

~~**(a) [(b)] Be issued in the applicant's name;**~~

~~**(b) [(c)] Reflect all insured business names; **and****~~

~~**(c) [(d)] Reflect the lawfully required insurance minimum amounts.**~~

~~**(d) Remain current. If the certificate of insurance expires, the Outfitter and Guide's registration is automatically suspended.**~~

~~[(2) Proof of first aid training and CPR shall consist of one of the following:~~

~~(a) The original card or certificate issued by the American Red Cross showing completion of a standard or multimedia first aid course or equivalent including CPR (original card will be returned to the applicant);~~

~~(b) Proof of training and certification as an Emergency Medical Technician I, II, or III (original card will be returned to applicant), or licensed or registered nurse or medical doctor (copy of license is acceptable).~~

~~(c) Should an Outfitter and Guide's first aid card, CPR, or the equivalent expire, the Outfitter and Guide is responsible for submitting the original updated card to the Marine Board. If there is a lapse of time between expiration and renewal, the Outfitter and Guide's registration is automatically suspended during that period of time.]~~

~~**(4) [(3)] An incomplete application will not be processed. An incomplete application will be deemed inactive following twelve (12) months from date of receipt and lacking any action on the applicant's part to complete.**~~

~~**(5) [(4)] Applications for non-boating related outfitter and guide licenses issued between July 1 and December 31 of each year will expire on June 30 of the following year.**~~

250-016-0040

Proof of Registration Compliance

(1) Outfitter and Guide registration certificate: ~~[of registration:]~~

(a) Upon meeting the registration requirements as outlined in ORS 704.020, the Marine Board will issue proof of compliance in the form of a registration ~~[card]~~ certificate to the applicant. This ~~[card]~~ registration certificate will contain the applicant's:

(A) Name and address;

(B) Registration number;

(C) Business name (if any) and

(D) Expiration date. ~~[-and]~~

~~[(E) Area of operation as defined by permits or licenses issued by the federal government, including but not limited to the US Coast Guard, US Forest Service, Bureau of Land Management or others.]~~

~~(b) When the registration is for a corporation or non-profit organization, the provided Outfitter and Guide certificate of registration shall contain:~~

~~(A) Registration number;~~

~~(B) Corporation or non-profit organization name and address;~~

~~(C) Expiration date; and~~

~~(D) The Statement "Corporation (or Non-Profit Organization) Identification Only — Not for personal identification."~~

~~(E) Area of operation as defined by permits or licenses issued by the federal government, including but not limited to the US Coast Guard, US Forest Service, Bureau of Land Management or others.]~~

(b) ~~[(c) If the Outfitter and Guide uses boat(s) in their business,]~~ A decal will be issued for each boat used in the Outfitter and Guide business with the following information:

(A) For motorized boats used on federally navigable waters, an oval decal shall show ~~[the type of US Coast Guard operator's license the Outfitter and Guide possesses,]~~ the area of operation allowed by the license, and the passenger carrying capacity.

(B) For all non-motorized and motorized boats where the operator does not have a US Coast Guard license, a square decal shall show the passenger carrying capacity.

~~[(C) Passenger carrying capacity information shall not be required on the decal for non-motorized boats.]~~

(C) ~~[(D)]~~ Boats not under the direct operation of an Outfitter and Guide or employee of an Outfitter and Guide are exempt from the decal requirement. Boats operated exclusively by the client of an Outfitter and Guide are exempt from the decal requirement.

(2) Duplicate[s] Fees:

(a) ~~[A duly registered]~~ An Outfitter and Guide may apply to the Marine Board for a duplicate ~~[proof of compliance card]~~ registration certificate when an original has been lost, stolen or mutilated;

(b) A duplication fee of \$5.00 shall be paid for each replacement requested.

(3) The Outfitter and Guide ~~[identification card]~~ registration certificate ~~[issued]~~ shall be carried at all times while providing outfitting or guiding services and shall be presented to any peace officer upon demand.

(4) ~~[(d)]~~ ~~[#]~~ An Outfitter and Guide ~~[want]~~ seeking to participate in the Oregon Department of Fish and Wildlife allocation of non-resident tags for Outfitter and Guides established under ORS 496.151, ~~[the individual must obtain a hunting certification in addition to Outfitter and Guide registration.]~~ must be certified.

(5) To be certified, an Outfitter and Guide must:

~~(a) [(A)]~~ Certify that they have three (3) years hunting experience working as a registered Outfitter and Guide in Oregon ~~[or another state,] or, [working as an employee of an Outfitter and Guide registered or licensed in Oregon or another state].~~

~~(b) [If the experience has been gained working as an employee, the Outfitter and Guide must]~~ Submit a signed affidavit ~~[outlining the employee's experience]~~ **stating that they have three (3) years hunting experience working as an employee of an Outfitter and Guide registered in Oregon.**

~~[Outfitter and Guides who participated in the Oregon Department of Fish and Wildlife Outfitter and Guides Hunting Tag Program in 1998 are exempt from the experience requirement.]~~

~~(c) [(B)]~~ Pass a written examination on the Outfitter and Guide program and Oregon Department of Fish and Wildlife laws and rules. **The passing score is (75) seventy five percent.**

~~(A)~~ If the applicant fails the test, they may retake it after a thirty (30) day waiting period.

~~(B)~~ If the applicant fails it a second time, the hunting certification for that year will be denied.

~~[The passing score is (75) seventy five percent.]~~

~~(d) [(C)]~~ Provide, along with their application, proof that the Outfitter and Guide] **Submit documentation from the issuing authority confirming that they have applied for the necessary federal government permits (U.S. Forest Service, Bureau of Land**

Management), private land leases or authorizations of not less than 1,280 contiguous acres for the area in which the Department of Fish and Wildlife hunting tags are to be requested.

~~[has the necessary federal government permits (U.S. Forest Service and/or Bureau of Land Management) or private land leases or authorizations of not less than 1,280 contiguous acres for the area in which the Department of Fish and Wildlife hunting tags are to be requested. Proof shall be a copy of the federal permit, or for Land Owner Preference tags issued for private land leases, a map of the area and the applicable lease agreement.]~~

~~(e)~~ **Submit a copy of the federal government permits, private land leases or authorizations to the Marine Board prior to June 1 of the hunt year.**

~~[(D) Submit a \$75.00 certification fee. The renewal fee is \$25.00.]~~

~~(6)~~ **Hunt Tag Program Certification Fees:**

~~(a)~~ **A nonrefundable \$100.00 certification application fee.**

~~(b)~~ **An application renewal fee of \$25.00.**

~~(7)~~ **Annual Hunt Unit Certification Fees:**

~~(a)~~ **\$25.00 for 0 to 10 hunt units.**

~~(b)~~ **\$50.00 for 11 to 20 hunt units.**

~~(c)~~ **\$75.00 for 21 or more hunt units.**

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.:

250-016-0095

Civil Penalties, Procedures

(1) When the State Marine Board proposes to impose a civil penalty for failure to comply with ORS 704.020, ORS 704.021, ORS 704.065, or ORS 704.070, or for violation of ORS 704.030, the penalty shall be imposed pursuant to ORS 183.745.

(2) If a hearing is requested, the hearing shall be conducted as a contested case hearing through the Office of Administrative Hearings pursuant to the applicable provisions of ORS 183.411 to ORS 183.470.

(3) A Marine Board employee is authorized to appear on behalf of the Marine Board in a hearing or in a class of contested hearings as provided by OAR 250-001-0035.

Stat. Auth.: ORS 183; ORS 704

Stats. Implemented: ORS 183; ORS 704

Hist.:

250-016-0100

Schedule of Civil Penalties

(1) Penalties for first violations of ORS 704.020, 704.021, 704.030, or 704.065 are \$200 per violation.

(2) The penalty for the first violation of 704.070 is \$250.

(3) Penalties for violations of ORS 704.020, 704.021, 704.030, or 704.065, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, or 704.065, are \$400 per violation.

(4) The penalty for a violation of 704.070, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, 704.065, or 704.070, is \$500.

Stat. Auth.: ORS 704.500, 704.900

Stats. Implemented: ORS 704.900

Hist.:

October 26, 2016

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

01. The Marine Board, in consultation with the Department of Justice (DOJ), identified a need to permit agency staff to represent the Attorney General at contested case hearings.
02. The primary purpose of contested case hearings is in respect to the Outfitter Guide program when the agency proposes to revoke, suspend or deny an outfitter guide license.
03. The DOJ authorized its consent to allow a lay representative in these particular hearings. The limitations of “agency representation” as defined in the rule specifically do not enable staff to present “legal arguments”.
04. As part of the DOJ authorization, the agency is required to adopt administrative rules to align with the authorization granted and the requirements of ORS 183.452. This is a new rule for the agency.
05. In addition, staff received procedural training on contested case hearings. A temporary rule was filed effective May 12 and will expire October 31, 2016.
06. The Board approved the initiation of permanent rulemaking at its June 28, 2016, Board meeting.
07. Notice was filed with the Secretary of State, a news release was issued and written public comment was accepted from August 1 through August 31, 2016. One written comment was received in favor of the rule.

Staff Recommendation

Staff recommends the Board adopt OAR 250-001-0035 draft language, as proposed. The rule will be effective November 1, 2016

250-001-0035

Agency Representation by Officer or Employee

(1) A Marine Board employee is authorized to appear on behalf of the Board in a hearing or in a class of contested hearings in which the Attorney General or the Deputy Attorney General has given written consent for such representation.

(2) The contested case hearings for which the Attorney General has given its consent for the Marine Board to act as a representative of the agency are outfitted/guide, charter/livery and boat registration.

(3) The agency representative may not make legal argument on behalf of the agency.

(4) "Legal argument" as used in ORS 183.450(8) and this rule shall include arguments on:

(a) The jurisdiction of the agency to hear the contested case;

(b) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency;

(c) The application of court precedent to the facts of the particular contested case proceeding.

(5) "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(a) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

(b) Comparison of prior actions of the agency in handling similar situations;

(c) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(d) The admissibility of evidence or the correctness of procedures being followed.

(6) When a Marine Board employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal.

(a) Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection.

(b) Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 830.110; ORS 183.452

Stats. Implemented: ORS 704.040; ORS 830.465; ORS 830.420; ORS 830.815

Hist:

October 26, 2016

Item H: Consideration of Rulemaking Ocean Charter Vessels OAR 250-015-0005

01. The Board approved the initiation of permanent rulemaking at its June 28, 2016, Board meeting to allow the agency to issue biennial licensing for charter vessels and to make technical corrections to the rule, as needed.
02. The licensing concept was developed and vetted with full support from the Guide Advisory Committee and the Charter Sub-Committee at its Newport meetings this past summer.
03. Based on their direction, staff drafted proposed language to allow charter licenses to be issued as either an annual or biennial license. The biennial fee is twice the amount of the annual fee.
04. Charter vessel licensing fees are established in ORS 830.440. The statute lists the annual fee for an Oregon numbered boat at \$50 and a federally documented vessel at \$100. The statute does not reference whether the registration must be issued annually. Issuing licenses biennially would save staff time and is preferred by many charter operators.
05. Additionally, the rule's division title was corrected to account for Inland motorized charters vessels operating on sole-state waters.
06. Staff filed notice with the Secretary of State and the public comment period was opened from August 1 through September 16, 2016. A media release publicized the rulemaking, and meeting dates were posted online.
07. Public hearings were held in Newport on September 7 and in Gold Beach on September 13, 2016. No persons attended the meetings. No written comment was received during the open public comment period.

Staff Recommendation

Staff recommends the Board amend OAR 250-015-0005, as presented. The rule will be effective upon filing.

DIVISION 15
[OCEAN] CHARTER VESSELS

250-015-0005

License Application and Fees

(1) An owner shall make application to the Board by completing and signing the charter boat license application as provided by the Board.

(2) The applicant must certify in the space provided that the boat complies with the equipment requirements established by the Board.

(3) The completed application must be accompanied by copies of:

(a) The current U.S. Coast Guard "Certificate of Inspection" (if an inspected boat); or

(b) Documents prescribed in OAR 250-015-0035.

(4) The charter boat operator must be in possession of a valid USCG Operators License appropriate for the area of operation.

(5) Upon approval of the application a charter boat license, decal and validation sticker shall be provided to the applicant:

(a) The Oregon charter boat license issued shall identify the applicant, the boat, whether or not the boat operates within 20 or less miles from shore, the license expiration and such other items as deemed appropriate by the Board. It shall be carried on board and made available upon demand of a peace officer;

(b) The charter boat decals shall be of such size and color as designated by the Board and shall be displayed in any visually unobstructed location on the boat's port and starboard cabin sides or windows, or in the case of an open boat, at or near the operator's position, port and starboard, in as highly visible a location as possible. The validation sticker shall be affixed to this decal in the space provided.

(6) A charter boat license may be issued either as an annual or biennial license. The fee for a two year biennial license is double the amount of an annual license fee as described in ORS 830.440(3).

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.:

October 26, 2016

Item I: Director's Report

2017 Legislation

01. LC 584 (Non-motorized Program) and LC 586 (AIS) are drafted and awaiting final approval from the Governor's Office. One pagers and fiscal impact statements have been submitted to Department of Administrative Services (DAS) and the Governor's Office.
02. LC 586 was distributed to stakeholders on September 13, 2016, during the OISC summit in Salem. LC 584, the non-motorized program, will be presented and distributed at the Oregon Recreation and Parks Association (ORPA) conference in Eugene on November 8, 2016. LC 584 has already been distributed through email to interested parties.

2017-2019 Budget

01. The Agency Request Budget (ARB) was submitted to DAS. The budget included Policy Option Packages (POPs) for LC 584, LC 586 and a permanent position for Guides and Outfitters. An update on the status of the ARB will be provided during the meeting.
02. The Director and Business Services Manager will also be meeting with the agency Legislative Fiscal Office (LFO) analyst in October to discuss budgets.

NOAA Grant

01. The agency received formal notice in August of receipt of a NOAA Marine Debris grant. The grant provides \$55,000 to assist with the removal of the F/V Western, a 70 foot, 78 GT wooden former crabbing vessel that is sunk in Coos Bay near the Empire Boat ramp.
02. As part of the agency match for the grant, OSMB has formed an abandoned derelict commercial vessel task group with the purpose of cataloguing these vessels and identifying best management practices.
03. The contract for removal of the F/V Western has been signed by Billeter Marine and it is anticipated that the vessel will be removed in October or November. An update will be provided at the Board meeting.

Public Information

Date	Press Release	MP3 Audio File
SEPTEMBER		
09/26/16	Smoke Alarms and Cruising Vessels -Early Detection Saves Lives 📄	Smoke Detectors 🎧
09/23/2016	Marine Board Seeks Public Comment to Extend WED Zone on Lower Willamette River 📄	WEDZone.mp3 🎧
09/08/2016	Open House: Clackamette Park Boat Ramp Relocation 📄	
09/01/2016	Labor Day Weekend -Sun, Fun and Safe Boating 📄	Labor Day Weekend 🎧
AUGUST		
08/23/2016	Marine Board Seeks Boaters' Feedback for Strategic Planning 📄	Survey 🎧
08/19/2016	Temporary Closure to Boating on the Deschutes River's Tetherow Road Bridge 📄	
08/18/2016	NOAA Grant Helps Remove Sunken F/V Western from Coos Bay 📄	
JULY		
07/29/16	CedarOak Boat Ramp Construction to Begin 📄	
07/27/2016	Low Water Means High Vigilance for Boaters 📄	Low Water Tips 🎧
07/14/2016	PGE's Promontory Park Earns Clean Marina Designation 📄	
07/12/2016	Marine Patrols Jet Off to the Rogue for On-Water Training 📄	Jet School 🎧
07/08/2016	Operation Dry Water Yields BUll Arrests 📄	ODW Results 🎧
07/06/2016	Marine Board Approves Boating Facility Grants 📄	Round Two Grants 🎧



Get news releases via email
Sign up for Boat Oregon News



Boat Shows

For the past several years, an agency section has been featured at the Boat Show. In 2017, the Boating Safety Section's Education Program is on deck. Ideas for promoting the new Water Wits program with its fun, interactive lessons are being discussed.

Strategic Planning & Online Survey

- .01 On August 23, 2016, a survey was created to gather input from recreational boaters about the agency's next strategic plan iteration.
- .02 The survey link was shared on social media platforms, as well as, the agency's website. The link was shared weekly on social media to continue gathering responses. The link was also shared with our stakeholders and other boating groups, and they too, shared the link with their members.
- .03 The survey was up for five weeks, and closed on September 30, 2016. Information gathered from the survey will be used to help create the framework for the 2017-2022 plan.

Boat Oregon App Development

- .01 In 2012, the agency submitted a request to develop a mobile app using data from the (then) active data.oregon.gov boating access map.
- .02 In September, 2016, staff met with representatives from NIC to discuss and view a prototype application of the new Boat Oregon map using ArcGIS. NIC representatives presented the pro's and con's of existing mobile device apps for purchase or download via the android or app stores and demonstrated a browser-based app that pulls data in real-time from the API of the ArcGIS map layers. There are several benefits to developing a browser-based map and the code needed to build the app is not labor-intensive, and is open-sourced. Boaters would need to be within signal range and would not need to download anything to access the data.
- .03 Next steps will be to begin an inter-agency work order. Once a work order is completed and approved by Department of Justice, then NIC can begin work on the app framework and interface for mobile devices. NIC is confident that browser-based app development would take approximately five months. Agency staff expressed desire to have the app ready for promotion by the spring of 2017.

Oregon State Marine Board – October 26, 2016

Agency Scorecard

Financial Stewardship "Financial Performance"

Overview – Finances continue to be adequate pending catching up on title transactions which should put us near budgeted revenue.

Federal revenues from the Coast Guard are about \$54k higher than last year. Expenditures are within the levels anticipated for this point in the biennium, with the exception of Abandoned and Derelict Boat Fund, in which expenditures are significantly higher than previous years.

Strengths – Registration numbers appear to be up slightly; Sport Fish Restoration and Boating Trust Fund is sound and reauthorized until 2020; USACE WRDA money for AIS should be coming soon. Will supplement Ontario inspection station funds.

Weaknesses – Abandoned and Derelict Boat Fund is fully allocated; current other fund revenues will not be adequate through 2021; AIS OF revenues will be slightly underfunded in 2017-19 without passage of the AIS LC.

Opportunities – Potential increase to the fuel tax in 2017 session; the Non-Motorized Program LC and AIS LC will provide additional revenues.

Threats – PERS allocation impacting OSMB employees and law enforcement personnel.

Internal Business Process "Efficiency"

Overview –Titles are still behind by as much as four months. Improved processes for Abandoned and Derelict Vessels have put a greater strain on this fund. Work is progressing with regard to commercial vessels, which represent a quadruple cost to remove. Excellent processes and work being completed for outfitter and guide registration. The new website is a significant improvement for boaters and other stakeholders. Great work is being done on procurement practices to tighten processes.

Strengths – Business Services financial operations; Boating Facility Grants; Guides, Outfitters and Charter Boats; Boating Safety Contract Management and process to allocate special emphasis funds; New website should make it easier for customers to find information about OSMB.

Weaknesses – Title transfers are still behind. IT processes need attention.

Opportunities – Increased usage of RegLine by boaters will reduce staff workload. Updated data/phone lines installed, new VOIP phones in October, change from Novell platform to Microsoft fall 2016.

Threats – BOATS had unanticipated issues that past year, so uncertainties still exist.



Organizational
Capacity
"Knowledge and
Innovation"

Overview –Boating Facilities has filled key positions and will be working on recruiting for an Engineering Tech. Policy & Environmental needs to hire a new Clean Marina and Abandoned/Derelict Boat Coordinator. Sections are working well with one another to address agency-wide issues. Work continues to be accomplished with the boating access map, and more great ideas continue to be generated on how best to create a mobile app. The BOATs are a great way to obtain information from boaters, to identify innovative ideas, and to explore better ways to do business. Boating accidents and fatalities are up this year, which causes concerns about where resources are being used. Work is beginning on changing the culture of LE contacts with boaters to focus on human factors related violations.

Strengths – Boat Oregon Advisory Teams (BOATs); staff focus on innovation and process improvement; sharing across sections.

Weaknesses – Two or three employees (management or staff level) may be retiring within the next one – two years.

Opportunities – Using GIS for the Boating Access Map; one additional position will be requested in the budget to make the LD in Outfitters and Guides permanent, but another staff member may be necessary in Registration.

Threats – Difficult to add positions.

Customer/Stakeholder
"Satisfaction"

Overview – Customer satisfaction survey was down again this year. Anticipate it being nearly the same next year, and then starting to slowly climb back to historic levels afterward.

Strengths – Improved relationships with other government agencies has enhanced the ability to deliver services to customers and improved stakeholder relationships.

Weaknesses – Boaters have been less than excited to embrace new technology, and in the same regard, the new technology has not made the job easier for OSMB. Increased user conflict on the water and expectation for OSMB to solve with regulations. This sets OSMB up to be a lightning rod.

Opportunities – Technology can help deliver better services, such as the Boating Access Map and the new website.

Threats – Costs to OSMB continue to rise; DAS assessment costs continue to go up as do personnel costs for sheriff's deputies, construction costs, costs to remove derelict vessels, etc. Fee increase allows OSMB to provide nearly the same level of service, but not at an increased level; inattention on the water is an increasing problem among boat operators.

October 26, 2016

Item J: Election of Board Officers

01. Consideration of Election of Board Officers for period ending June 2017.

The Board may decide to continue its tradition of rotating the position of Board Chair and Vice-Chair.

<u>Position</u>	<u>Board Member</u>	<u>Term Ends</u>
Chair	Cliff Jett	June 2017 (first term)
Vice-Chair	Brian Carroll	June 2017 (second term)
Member	Jen Tonneson	June 2019 (second term)
Member	Jas Adams	June 2019 (first term)
Member	Val Early	June 2020 (second term)

02. Nomination and Vote.

October 26, 2016

Item K: Petition and Rulemaking Procedures

01. Board Member Adams expressed an interest in learning more about the rulemaking and petition procedures as they relate to the public comment periods. The Oregon State Marine Board generally notices two types of public comment periods: petitions and rulemakings. Occasionally, the agency will request comment on a non-administrative rule related topic; for example, the relocation of the Duckworth Dock.
02. The rulemaking petition procedures are set forth in ORS 183.390 and OAR 137-001-0070 (Department of Justice Model Rules for Rulemaking). The very first line of OAR 137-001-0070 says “OAR 137-001-0070 was adopted by the Attorney General as required by ORS 183.390. Agencies must apply this rule without further adoption or amendment.”
03. The statute and model rule for petitions further outlines:
“Any interested person may petition an agency to adopt, amend or repeal any rule” and “within 90-days of the submission of a petition, the agency must either deny the petition in writing or initiate rulemaking proceedings.”
04. If the petition requests the amendment or repeal of a rule, the agency must invite public comment on the rule, and specifically request comment on whether there are options for achieving the substantive goals of the rule in a way that reduces negative economic on businesses ORS183.390(2).
05. The law does not specify that an agency must invite public comment on a petition for the promulgation of a new rule.

Board Direction

01. In the past three years, the agency has solicited written public comment on nine rulemaking petitions; as illustrated:

2013	Applegate Reservoir	denied
2014	Salmon River PWC	denied
	Willamette Falls	denied
2015	Cape Kiwanda	denied
2016	Jefferson County Anchoring	accepted for rulemaking
	Kinney Lake – Wallow County	accepted for rulemaking
	Multnomah Channel	denied
	Chetco River – non-motorized	
	Willamette River – WED deadline	

02. The agency’s procedures followed either option one or two, illustrated below. The decision on whether or not to schedule “oral presentation” aka “a public meeting”, were made on a case-by-case basis based on the agency’s evaluation of the level of interest in the petition and an initial evaluation of the Board’s rulemaking authority.

03. The Board has four options for procedures to solicit public comment on petitions to amend or repeal and existing rule:
- 1) Notice public comment period. Accept written comment only.
 - a. Staff presents written recommendation to Board.
 - b. Board makes decision to accept or deny petition.
 - c. Order of Decision is provided in writing within 90-days to Petitioner.
 - 2) Notice public comment period. Notice one hearing. Staff accepts oral testimony.
 - a. Staff presents written recommendation to Board.
 - b. Board makes decision to accept or deny petition.
 - c. Order of Decision is provided in writing within 90 days to Petitioner.
 - 3) Notice public comment period. Notice one hearing. The Board accepts oral testimony.
 - a. Board makes decision immediately to accept or deny petition.
 - b. Board postpones their decision until another meeting.
 - i. Staff presents written recommendation to Board.
 - ii. Board makes decision to accept or deny petition.
 - iii. Order of Decision is provided in writing within 90-days to Petitioner.
 - 4) Notice public comment period. Notice two hearings. Staff accepts oral testimony. The Board accepts oral testimony.
 - a. Board makes decision immediately (at conclusion of second hearing) to accept or deny petition.
 - b. Board postpones decision until another meeting.
 - i. Staff presents written recommendation to Board.
 - ii. Board makes decision to accept or deny petition.
 - iii. Order of Decision is provided in writing within 90-days to Petitioner.
04. If a petition is requesting the adoption of a new rule, the agency has similar options, with the addition that the Board can grant or deny the petition without public input. The procedures for a petition for a new rule would be:
- 1) Grant the petition without public input and begin the rulemaking process (see Rulemaking below).
 - 2) Notice public comment period, without or without hearing(s), as described above in the repeal or amend options above 1-4.
 - 3) Deny the request with no further action.
 - 4) Order of Decision is provided in writing within 90-days to Petitioner.
05. The 90-day decision timeframe complicates matters, as the agency often has to decide whether or not to solicit comment, and whether or not to schedule a public meeting without Board input since the Board normally only meets four times a year. Routinely, the agency solicits comment and, if a hearing is scheduled, accepts oral testimony in front of staff at a location where the rule change is being proposed.

06. If the Board decides that they want to accept public testimony (option 3.3 or 3.4 above), the Board will likely have to schedule emergency Board meetings between the quarterly scheduled Board meetings and be prepared to travel to the location where the rule change is being proposed.
07. The procedures for soliciting public testimony once rulemaking is open are slightly different:
08. Before permanently adopting, amending or repealing any rule, the agency must provide written notice of its intended action in the Secretary of State's *Oregon Bulletin*, ORS 183.460, as well as, to other interested parties and legislators.
09. All intended rulemaking notices must be filed no later than the fifteenth of the month, preceding publication in the *Oregon Bulletin*. Recommended earliest date of a hearing is the twenty-second of the month following *Oregon Bulletin* publication.
010. The agency has three rulemaking filing options:

Rulemaking without Hearing

1. Written public comment only.
 - a. Staff presents written recommendation to the Board.
 - b. Board makes decision to adopt or not adopt the rule(s).
2. However, if 10 or more persons, or an association with 10 or more members, request a hearing, in writing, within 21 days following publication of *Oregon Bulletin*, the agency must, re-notice its intent as Rulemaking with Hearings(s).

Rulemaking with Hearing

1. Notice public comment period. Notice one hearing. Staff accepts oral testimony.
 - a. Staff presents written recommendation to Board.
 - b. Board makes decision to adopt or not adopt the rule(s).
2. Notice public comment period. Notice one hearing. The Board accepts oral testimony.
 - a. Board makes decision immediately to adopt or not adopt the rule(s).
 - b. Board postpones their decision until another meeting.
 - i. Staff presents written recommendation to Board.
 - ii. Board makes decision to adopt or not adopt the rule(s).

Rulemaking with two (or more) Hearings

- 1) Notice public comment period. Notice two hearings. Staff accepts oral testimony. The Board accepts oral testimony.
 - a. Board makes decision immediately (at conclusion of second hearing) to adopt or not adopt the rule(s).
 - b. Board postpones decision until another meeting.
 - i. Staff presents written recommendation to Board.
 - ii. Board makes decision to adopt or not adopt the rule(s).

Petition Review Process

Step	Timeframe	Date	Action	Responsible
1	Day 1 – 7	11/4/2013	Petition received. Review for completeness: If not complete return the petition. If it is complete, continue.	Policy Analyst
2	3	11/6/2013	Identify required legislators, state agencies affected, port and parks and recreation districts, and city and county officials in the area affected	Policy Analyst
3	4	11/7/2013	Determine last date of public comment and write public notice requesting comment. Determine if a public meeting is warranted in addition to solicitation of written comments. Approve press release.	Policy Analyst
4	5	11/8/2013	Send notice requesting comments on the petition to: a) Interested parties list; b) State agencies affected; c) Port and park and recreation districts in the area affected; d) City and/or county officials in the area affected; e) Secure public meeting room (if required).	Rules Coordinator
5	9	11/12/2013	Send out press release	PIO
6	5	11/8/2013	Post petition information on website	Webmaster
7	42	12/16/2013	Conduct public meeting (if needed)	Policy Analyst
8	59	1/2/2014	Review public comment and write staff recommendation;	Policy Analyst
9	66	1/9/2014	Board meeting to decide whether to: a) deny petition; b) open the rule for rulemaking; or c) direct the staff to take other action.	Marine Board
10	89	2/1/2014	Send Board decision to petitioners. If necessary, initiate the rulemaking process.	Policy Analyst
11	Day 90	2/1/2014	The above process must be completed within 90 days of the receipt of the petition.	Policy Analyst

Permanent Rulemaking Process

Step	Timeframe	Date	Action	Responsible
1	1-3 months before filing		Identify required legislators, state agencies affected, port and parks and recreation districts, and city and county officials in the area affected	Policy Analyst
2	1-3 months before filing		Appoint advisory committee or use other means to obtain public input, as appropriate.	Policy Analyst
3	1-2 months before filing		Draft proposed new rules or amended rules, or identify rules to be repealed.	Policy Analyst
	1-2 months before filing		Complete fiscal impact statement with input from advisory committee	Policy Analyst
4	2-4 weeks before filing		Ask Board for approval to open rules	Policy Analyst
5	2-4 weeks before filing		For new rules, check with Administrative Rules Unit, Archives Division, of the Secretary of State's Office to obtain numbers for the new rules.	Rules Coordinator
6	Filing Day – Day 1	5/15/2016	Prepare and deliver to the Administrative Rules Unit for publication in the Secretary of State's Bulletin: a. Notice of Rulemaking or Notice of Rulemaking Hearing b. Statement of Need and Fiscal Impact	Policy Analyst prepares; Rules Coordinator files
7	Day 1	5/15/2016	Give notice:	
			a. To specified legislators (49 days required);	Rules Coordinator
			b. To agency interested parties list (28 days);	Rules Coordinator
			c. In Secretary of State's Bulletin (21 days); and	Rules Coordinator
			d. In accordance with the agency's notice rule. 250-001-0000 By mailing or emailing notice to the following persons or organizations:	
a) State agencies, if affected;	Rules Coordinator			
b) Port and park and recreation districts in the area affected;	Rules Coordinator			
c) City and/or county officials in the area affected;	Rules Coordinator			
8	Day 1 – Day 15	5/15 - 5/30	Post rulemaking notice on OSMB website	Web master
9	Day 1 – Day 15	5/15 - 5/30	Send press release including information from Notice of Rulemaking and hearing time and location	PIO
10	Day 36 at earliest	6/20/2016	Hold rulemaking hearing, if scheduled or requested.	Policy Analyst
11	Day 37 - Day 49	6/21 - 7/3	Revise proposed rule to reduce significant adverse economic impact on small businesses, consistent with public health and safety.	Policy Analyst
12	Day 50 at earliest	7/4/2016	Adopt, amend, or repeal rules after fully considering all written and oral comments.	Marine Board
13	Day 51 at earliest	7/5/2016	File copy of new or amended rules with Administrative Rules Unit, along with the original and one copy of the Certificate and Order for Filing Permanent Administrative Rules and a computer disk containing the rule in plain text and the original format, an electronic copy of the Certificate and Order for Filing Permanent Administrative Rules, and a PDF copy of any tables, appendices, or other specially formatted material appearing in rule text.	Rules Coordinator
14	Day 61 at latest	7/15/2016	File copy of new, amended, or repealed rules with Legislative Counsel within 10 days after filing with the Administrative Rules Unit, showing all changes.	Rules Coordinator
15			Report to the legislature on rules with an economic impact on business.	Rules Coordinator
16	Max 5 years after filing date	5/15/2021	Review newly-adopted rules no later than five years after adoption to determine whether (1) rule should be repealed or amended; (2) fiscal impact statement was accurate; and (3) rule had intended effect.	Policy Analyst/ Rules Review Committee

October 26, 2016

Item L: Registration Program Report

- .01 As of October 10, 2016, there are 171,394 actively registered boats with registration expiring 12/31/2015, 12/31/2016 or 12/31/2017 or pending completion. This number excludes boats with exempt registrations.
- .02 Excluded exempt boats are those owned by city, county, state and federal agencies or eleemosynary organizations with registration that never expires. Exempt boats currently total 1,074.
- .03 The attached Registration Statistics Reports reflect completed transactions by credential type; transactions in process and the number of active vessels by model year.
- .04 Online registration renewals are running about 39% of all registration transactions including those with registration expiring 12/31/2011 through 12/31/2015. Customers who take the opportunity to apply for online services including boat registration renewals, applications for title and/or registration and replacement titles and registrations are increasing as they become comfortable with the new RegLine interface. Customers with lapsed registration are encouraged to call the Marine Board for a PIN or find and complete their online account registration.
- .05 As of the date of this report, Boat Registration Specialists are up-to-date on boat registration renewals and brand new boats received from boat registration agents and by mail. Oregon title transfers with or without registration renewals received by mail have been processed through July and from boat registration agents through May. An update will be provided at the meeting regarding transactions by type and date that are being processed.

BOATS Project Update

- .01 The Marine Board has resumed bi-monthly teleconferences with MicroPact and NIC regarding high priority tickets, production change requests, and minor releases to update the system.
- .02 The top tickets are related to generating the boat registration renewals including flipping status of registration credentials, generating PINs and the data file for boat registration renewal notices. An update will be provided at the meeting.

REGISTRATION SECTION STATISTICS

MARS YTD through June 2014	2009-10	2010-11	2011-12	2012-13	2013-14	
Title Transfers (title, card)	15,135	14,839	15,209	15,154	7,318	
New boats (title, decals/card)	8,867	8,402	8,776	8,132	4,276	
Registration (decals/card)	73,917	71,365	69,877	68,716	62,775	Actual Count
Replacement Titles	389	418	448	449	227	
Replacement Reg Card	657	552	438	499	233	
Replacement Reg/Decals	2,346	2,349	2,240	2,178	1,218	

BOATS YTD Nov 1 - Oct 31	2014-15	2015-16	
Boat Titles (initial, transfer)	23,850	15,041	
Boat Registrations*	104,722	66,145	Estimated (see below)*
Replacement Boat Titles	513	496	
Replacement Reg Card	221	314	
Replacement Reg Card & Decals	1,667	1,366	
Livery Registrations	189	263	
Dealer Registrations	49	53	
Floating Property Titles	272	261	

* 2014-15 calculated at avg \$54.50; 2015-16 avg \$81.50.

Online Boat Registration Renewals by Month	MARS					BOATS		
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	
November	6,020	6,966	8,295	7,915	7,557	5,599	97	
December	2,924	3,178	4,085	3,572	3,756	3,998	426	
January	2,448	1,935	1,979	1,935	2,051	2,288	1,613	
February	1,232	1,092	1,262	1,054	991	1,269	10,783	
March	1,423	1,034	866	1,321	2,764	1,625	2,907	
April	1,530	1,695	2,914	2,372	1,722	1,365	2,438	
May	1,649	1,315	2,148	2,080	1,551	1,722	1,890	
June	1,452	1,502	1,467	1,537	1,609	1,968	1,953	
July	1,134	1,097	1,300	1,357	221	1,048	1,255	
August	420	537	640	387	376	417	672	
September	101	147	160	148	113	160	215	
October	0	40	47	56	32	84	29	through 10/10
Totals	20,333	20,538	25,163	23,734	22,743	21,543	24,278	

Transactions as of 10/10/16	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	
Posted in BOATS	31	41	85	108	133	209	Deficiencies
Ready to Post in BOATS	4	8	12	19	17	44	Need review
	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	
Posted in BOATS	199	106	75	44	14	19	Deficiencies
Ready to Post in BOATS	42	21	11	12	3	7	Need review
	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	
Posted in BOATS	38	71	117	211	314	148	Pending or deficiencies
Ready to Post in BOATS	6	19	47	159	204	65	Need review
	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	
Posted in BOATS	189	99	40	9	0	0	Pending or deficiencies
Ready to Post in BOATS	92	131	107	22	0	0	Need review

Ready to Post means the transaction documents and fees have been uploaded to the system.
 Posted means the transaction may be pending review or has deficient fees or documents or requires a HIN verification or inspection.

Boat Registrations by Model Year

MARS data
Registered Boats with expirations
12/31/2012 through 12/31/2014
by Model Year

MARS decommissioned April 2014

<i>Model Year</i>	6/5/13	3/10/14
2014	n/a	284
2013	630	1,575
2012	1,660	1,866
2011	1,850	1,745
2010	1,797	1,696
2000-09	44,038	40,945
1990-99	44,617	41,682
1980-89	33,344	30,956
1970-79	27,812	25,198
1960-69	11,427	9,949

Date Data Extracted 12/24/15 4/12/2016 10/10/2016

BOATS data
by
Model Year
Excludes exempt boats:
(eleemosynary, state and federal)
Exempt boats = approximately 1100

<i>Model Year</i>	<i>Registration</i> <i>Expiring</i> 12/31/14 - 12/31/17	<i>Registration</i> <i>Expiring</i> 12/31/15 - 12/31/17	<i>Registration</i> <i>Expiring</i> 12/31/15 - 12/31/17
	2017	0	0
2016	148	396	2,106
2015	2,007	2,229	2,740
2014	2,326	2,375	2,544
2013	2,167	2,013	2,114
2012	1,953	1,876	1,974
2011	1,805	1,671	1,784
2010	1,706	1,629	1,712
2000-09	41,789	39,578	41,410
1990-99	43,352	39,689	42,351
1980-89	32,314	29,074	31,212
1970-79	26,499	23,395	25,215
1960-69	10,537	8,949	9,427
1950-59	1,664	1,407	1,543
1930-49	172	158	169

Notes:

Data migrated from MARS to BOATS included all boats with registration expiring 12/31/2011 through 12/31/15.

Item M: Grant Consideration

- .01 A total of five Facility Grant applications were received identifying \$1,374,851 in project needs and requesting \$642,756 from OSMB. Staff have reviewed each application and prepared funding recommendations for the Board to consider. The complete grant applications and attachments submitted by the applicants were provided electronically to the Board.
- .02 The agency budget proposes \$5,761,115 in state boater funds (OF) and \$3,202,666 in federal funds (FF) for Special Payments during 2015-17. To determine the amount of funds available for our competitive grant program, special payments are reduced for the Maintenance Assistance Program, Small Grants, preapproved projects such as the first year of the biennium of OYCC, any carry-over projects and subsequent grant awards as detailed in the following table.

Item	State Funds	Federal Funds
MAP	\$1,976,998	\$315,400
Small Grants	\$100,000	\$0
Preapproved Projects	\$100,000	\$0
Carry-Over Projects	\$63,220	\$100,000
Round 1	\$2,080,382	\$513,452
Special Consideration City of Milwaukie	\$24,920	\$0
Round 2-Part A	\$352,365	\$185,000
Round 2-Part B	\$275,860	\$20,284
Total	\$4,973,745	\$1,134,136

- .03 Based on the budget and the above identified deductions the remaining special payment funds of \$787,370 state funds and \$2,068,530 federal funds are available for Boating Facility Grants during the remainder of the 2015-17 biennium.
- .04 The Board customarily allocates up to 70% of funds available for Round One and reserves 20% for Round Two and the remainder for Round Three. Round Two was delayed to allow staff time to evaluate winter storm damage and assist with FEMA claims. As a result, Round 2 is broken into three parts A, B and C in order to be responsive to boating facility owners and situations. Part C will be considered at the October Board meeting.
- .05 In the event the Board approves staff recommendations it will leave \$287,547.24 state funds and \$2,009,061.76 federal funds available for Round Three.
- .06 Historically, the Board has considered some grant applications in a block vote based on size of the request, type of funding or staff recommendation. Applicants are not required to attend the Board meeting if their application is identified in one of the block votes. Due to the quantity of grants being considered, staff is recommending that the grant applications be considered individually and if the application is requesting less than \$50,000 (block vote consideration threshold) the applicant is not required to attend the Board meeting. A list of grant applications and amount of funding being requested is provided on the following page.

Grant No.	Managing Agency	Project Location and Scope	Funds Requested
1564	City of Reedsport	Rainbow Plaza Material Purchase	\$450,000
1565	Port of Alsea	Alsea Dredging and Debris Boom Piling	\$30,000
P36	McCuddy's Landing	Pumpout and Dump Station Replacement	\$32,000
P37	Detroit Lake Marina	Pumpout Replacement, Utility Extension and Gangway	\$76,256
P38	Kane's Marina	Utility Extension and Gangway	\$54,500
Total Requested			\$642,756

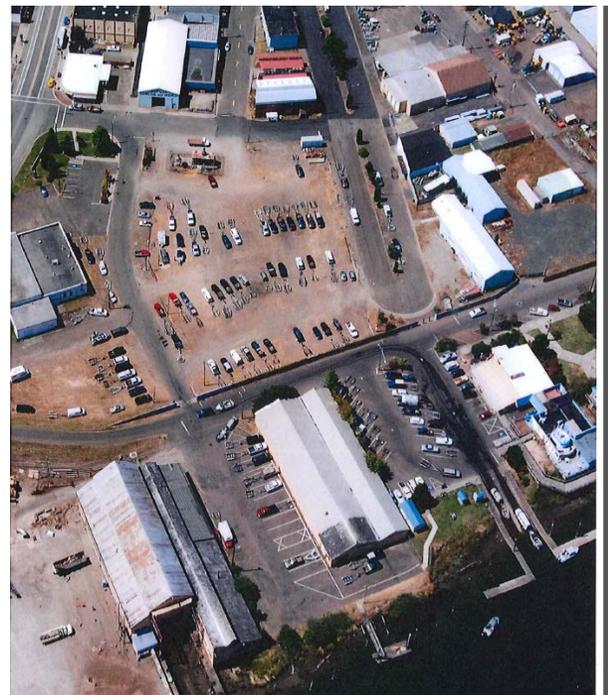
- .06 Each applicant will receive a copy of the staff recommendation for their project in advance and is encouraged to contact staff with questions or concerns prior to the Board meeting.

PROJECT IDENTIFICATION

Applicant Name: City of Reedsport
Applicant Contact: Jonathan Wright, City Manager
Project Name: Rainbow Plaza

GEOGRAPHIC LOCATION

GPS Location: Latitude: 43.704242; Longitude: -124.094508
Waterbody and mile: Umpqua River, river mile 11
Location: From Hwy 101 in Reedsport, head east on State Route 38. Left on Riverfront Way/2nd St. At stop sign turn right.



NEED

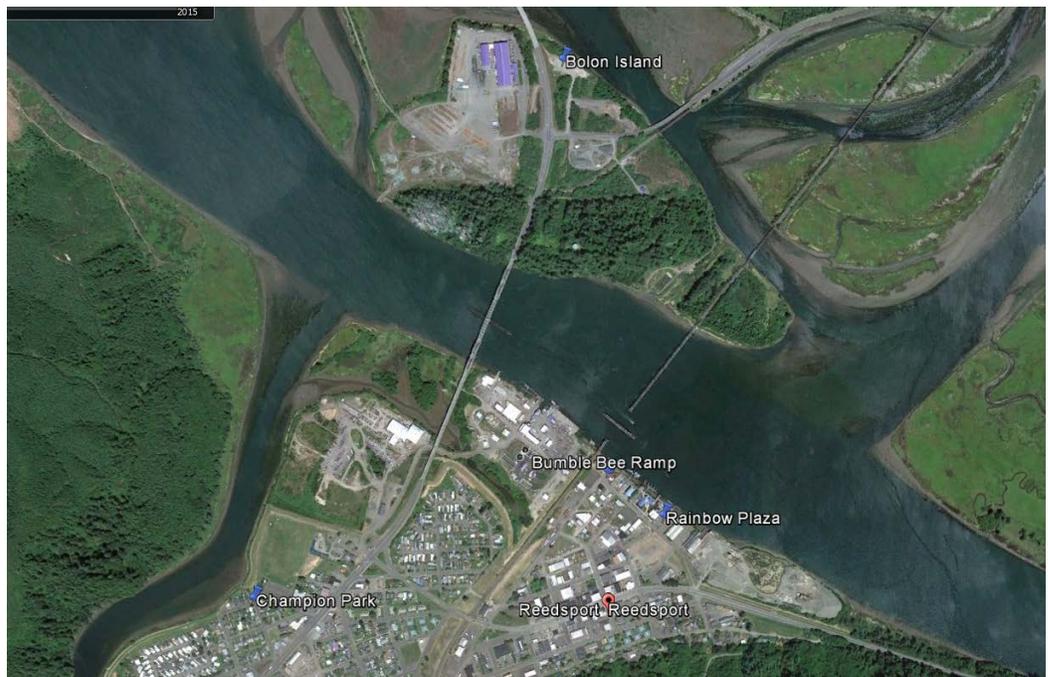
The entire boating facility is more than twenty years old, with the most recent improvements made during the 1991-93 biennium to the short-term tie-up dock. The Board provided funding last biennium to purchase a piece of property that bisected the parking area which was a pivotal piece in pursuing future improvements. The large building in the photo has been removed by the City. The aerial on the previous page illustrates the need for parking but also the undersizing of the parking stall size.



The two lane boat ramp is narrow and can be quite problematic for boaters when backing down the ramp. Several derelict and abandoned piling adjacent to the boat ramp will be removed during future construction phase to improve navigation. A Small Grant was provided to the City last biennium for dock repairs, in order to keep the docks functional until they could be replaced. The City will be salvaging parts from the docks when they are replaced to utilize at the Bumblebee Ramp.

The City is requesting to purchase materials in advance of construction. Specifically, they would like to purchase precast concrete boat ramp planks, boarding docks and debris deflection boom sections. These materials are typically not available off-the-shelf and must be fabricated. The fabrication has a long lead time of 90 days, which can impact in-water work during the specified permitting window.

Obtaining the materials in advance will reduce the cost by not having to pay profit and overhead on the materials and will allow construction to happen within the first year of next biennium.



<i>Nearby Facility</i>	<i>Rivermile-Location</i>	<i>Site Attributes</i>
Bumble Bee Boat Launch, City of Reedsport	Umpqua River, 0.5 miles West	Ramp, boarding docks, limited shoulder parking area
Champion Park Kayak Launch, City of Reedsport	Schofield Creek, 1 mile Southwest	Unimproved carry down, parking, restroom
Bolin Island, Douglas County	Umpqua River, 1 mile Northwest	Ramp, parking, restroom
Gardiner Ramp, Douglas County	Umpqua River, 2 miles Northwest	Ramp, boarding docks, restroom, parking on shoulder.

SUPPORT AND USE

The 2011 Triennial Survey identified 26,275 use days for the Umpqua River in Douglas County.

2011 Triennial Survey Data*	10,599
2011-17 Six-Year Plan	Medium

City of Reedsport identified the type and percentage of boat use at Rainbow Plaza. Paddlecraft generally use the smaller site called Bumble Bee Launch since the old docks have become low-freeboard docks due to age and loss of floatation. This is also closer to Scofield Creek which is a popular area for paddlers.

<i>Type of Boat</i>	<i>Percentage of Use</i>
<16ft	19%
17-26ft	80%
27ft. and above	1%
All Paddlecraft	0%

<i>Type of Support</i>	<i>Source of Support</i>
Volunteer Fire Department	Letter
Resident(s)	6-Letters
City of Reedsport Police Department	Letter
Reedsport Urban Renewal District	Letter

APPROACH

City of Reedsport will follow their procurement rules to obtain bids for the purchase of materials that will be securely stored pending future construction phase. OSMB staff engineers and the City will cooperatively review and evaluate bids prior to award. The City of Reedsport will monitor the fabricators' schedule and material delivery and off-loading. OSMB staff will conduct periodic progress inspections for key material purchases. The City will follow their procurement rules to have a structural engineer evaluate the gravel pad for the restroom and have a no-rise certification completed for the overall project.

EXPECTED RESULTS

The materials being obtained have historically long lead times of 90 days. Obtaining materials in advance means a contractor can utilize the full construction window, there will be no materials delays, no additional profit and overhead paid and these significant improvements can happen early in the biennium.

OBJECTIVES

To procure and securely store materials in anticipation of the future construction of the ramp, boarding docks and debris deflection boom. Materials to be obtained include precast concrete boat ramp planks, aluminum boarding docks and debris boom sections. The materials will be stored on City property behind a fence.

USEFUL LIFE

The materials once installed have an anticipated useful life of 20 to 25 years based on documented useful life of similar construction in Oregon.

20-YEAR GRANT HISTORY

<i>Biennium</i>	<i>Scope</i>	<i>OSMB State & Federal Funds</i>	<i>All Match</i>	<i>Total Project Cost</i>
13-15	Property Acquisition	\$130,000-OSMB	\$44,555-City	\$174,555
1415-19	Dock Repair	\$6,341-OSMB	\$1,798.84-City	\$8,139.84

BUDGET NARRATIVE

The overall engineers estimate for in-water and upland construction and materials purchase is nearly \$1.9 million construction. The City has been budgeting and planning with the goal of providing 20-25% cash match through their funds, donations, other grants beyond OSMB and ODFW Sportfish Restoration. They have invested significant time and funding to obtain environmental regulatory permits. They intend to apply for Round 1 funds at the ODFW grant consideration meeting (January, 2017).

ODFW is a committed partner to this project and has indicated that they will acknowledge the material purchase as approved pre-agreement expenses. Utilizing OSMB funding now will reduce the impact to the amount of available funding for next biennium. Purchasing key materials in advance of construction saves paying a contractor profit and overhead on the materials. This is typically 15 to 25 percent of the material cost. Staff is estimating that between \$70,000 and \$115,000 is being saved.

MATCH AND PARTNERS

<i>Source</i>	<i>Amount</i>	<i>Percentage</i>
City of Reedsport, storage and administration	\$40,000	8%
OSMB State funds	\$450,000	92%
<i>Match Total</i>	<i>\$40,000</i>	<i>8%</i>
<i>OSMB Total</i>	<i>\$450,000</i>	<i>92%</i>
<i>Grand Total</i>	<i>\$490,000</i>	<i>100%</i>

FEES

City of Reedsport currently charges a \$3 parking fee for use of Rainbow Plaza. The owner does not anticipate modifications to the user fees. City of Reedsport currently receives \$6,181.25 in Maintenance Assistance Program (MAP) funding which they match with a minimum of \$4,120.83 in resources.

TIMELINE

November 2016	Solicit for bids
December 2016	Evaluate bids
January 2017	Award material contracts
April 2017	Materials delivered

STAFF RECOMMENDATION

The City of Reedsport has made significant investment of time and funding to obtain environmental regulatory permits over the last three years and is planning to provide cash resources for the construction phase of improvements. Staff recognizes that the overall project represents a significant investment of boater funds; however this grant will be used as match to ODFW Sport Fish Restoration federal funding request next biennium .This will utilize funding that is available now and reduce the impact to grant funding for next biennium.

Staff recommends that the Board authorize Facility Grant 1564 in the amount of \$450,000 in state boater funds to match \$40,000 in storage and administrative services to complete the material purchase of boarding docks, precast concrete boat ramp planks and debris deflection boom sections.

PROJECT IDENTIFICATION

Applicant Name: Port of Alsea
Applicant Contact: Roxie Cuellar, Port Manager
Project Name: Port of Alsea, dredging & debris boom repair project

GEOGRAPHIC LOCATION

GPS Location: Latitude: 44.4346972; Longitude: -124.0576722
Waterbody and mile: Alsea Bay
Location: From Hwy 101 in Waldport, head east on State Route 34. North/left on Broadway to end.



NEED

The Port of Alsea boat basin is the only public access within the bay and provides access for fishing, crabbing and paddling. The boat basin needs to be dredged as seen in the photos on the previous page. The sediment accumulation has created an unsafe situation where boaters are becoming stuck when launching/retrieving or trying to use the Port's marina. Boaters have had to wait in the bay until high tides so they can retrieve their boat. This is an unsafe situation especially for smaller boats that may not be equipped to wait long periods of time in the open bay.

OSMB staff has been working with the Port since 2010 to replace the boat ramp, boarding docks and excavate around the boat ramp. This project was placed on hold while the Port pursued dredging permits. This became an even higher priority for the Port after the December 2015 winter storms deposited more than 9,000 cubic yards of sediment within the boat basin and dislodged piling supporting their debris boom.

The Port, U.S. Army Corps of Engineers and OSMB can find no records that the boat basin has ever been dredged. Reviewing historic river photos and speaking with residents, boaters and others who have historic knowledge of the area it appears that the area typically scours and fills in a regulating cycle. The reduction of seasonal heavy rains over the last few years that historically flush the river sediments have allowed the storm and tidal events to accumulate sediment in the basin. The Port is proposing to remove a total of nearly 38,000 cubic yards which includes the amount from the December storm event within the entire boat basin and reach a depth of -10.



<i>Nearby Facility</i>	<i>Rivermile-Location</i>	<i>Site Attributes</i>
McKinley's Marina, Private	Alsea River, 1 mile East	1-lane ramp, parking, restroom
Alsea River RV Park & Marina, Private	Alsea River, 5 miles East	1-lane ramp, parking, boarding docks, short term tie-up

SUPPORT AND USE

The 2011 Triennial Survey identified 15,659 use days for Alsea Bay in Lincoln County.

2011 Triennial Survey Data*	13,782
2011-17 Six-Year Plan	High

Port of Alsea identified the type and percentage of boat use at the Port of Alsea. They did not include paddlers since the majority of paddlers launch from a low freeboard dock or the beach.

<i>Type of Boat</i>	<i>Percentage of Use</i>
<16ft	10%
17-26ft	85%
27ft. and above	5%
All Paddlecraft	0%

<i>Type of Support</i>	<i>Source of Support</i>
Adjacent land owners	Letter and verbal
Waldport Fire and Rescue	Letter
Neighborhood Associations	Letter
City	Letter
Outfitter Guides and Boaters	Verbal

APPROACH

Port of Alsea will follow their procurement procedures and practices to complete the project. The Port will obtain bids for the purchase and installation of piling to support the debris boom. The Port is proposing to utilize the state-owned dredge which will be operated by Port of Coos Bay staff. The dredge is currently at the Port of Gold Beach working and upon confirmation that the final permits have been issued will be transported and set up at the Port.

The Port has hired an engineer to oversee the project, monitor depths and quantities. OSMB staff will cooperatively work with the Port and their engineer to review bids and final dredging depths. The Port's engineer will monitor the contractors and Port of Coos Bay staff to ensure that they are in compliance with environmental regulatory agency permits.

EXPECTED RESULTS

The debris boom is installed and functional prior to winter storm events and that the boat basin is dredged to allow safe launching and retrieval of boats.

OBJECTIVES

To remove approximately 38,000 cubic yards of sediment from the boat basin, replace debris boom piling and repair the damaged debris boom.

USEFUL LIFE

The boating improvements have an anticipated useful life of 20 years based on the lack of historic dredging.

20-YEAR GRANT HISTORY

<i>Biennium</i>	<i>Scope</i>	<i>OSMB State & Federal Funds</i>	<i>All Match</i>	<i>Total Project Cost</i>
95-97	Replace flush restroom	\$71,834	\$700-Port \$3,600-USFS	\$76,134
97-99	Replace asphalt parking area	\$42,200	\$804-Port \$10,000-Cnty	\$53,004
03-05	Repair asphalt parking	\$46,833	\$428-Port	\$47,261
03-05	Repair debris boom	\$10,000	\$0	\$10,000
03-05	Replace boarding docks	\$47,991	\$887-Port	\$48,878
09-11	Sealcoat re-stripe parking	\$34,177	\$3,639-Port	\$37,816

BUDGET NARRATIVE

OSMB has been working with the Port to determine what would be eligible for grant funding and has divided the basin into three zones. The zones include the boat ramp area, shared use and ineligible marina area. The shared use area is small and overlaps between the boat ramp maneuver area and marina dock area, this area is split 50 percent eligible and ineligible.

The Port is proposing to over dredge to -10 in an effort to delay the need for future dredging of the area. OSMB has reviewed historic dredging depths at other coastal ports and depths associated with launching and retrieving from a boat ramp and believe that -8 would be the maximum eligible for grant funds.

The Port has secured FEMA funding for approximately 9,000 cubic yards of sediment associated with the December 2015 storm event, applied for funding from Lincoln County Urban Renewal (\$10,000) and will be receiving a stipend from Oregon Business Development Department (OBDD) Infrastructure Authority Program to assist with costs associated with the Port of Coos Bay staff completing the dredging. The Port proposed that OSMB award funds for the remaining work to be completed by the Port’s engineer, this amount was prorated for the boat ramp, shared use and marina areas.

MATCH AND PARTNERS

Source	Amount	Percentage
Port of Alsea-In-kind	\$10,595	1.5%
Port of Alsea Force Account Equipment	\$1,000	<1%
Port of Alsea-Cash	\$14,487	2.0%
FEMA, OBDD and County Urban Renewal	\$667,695	92.3%
OSMB State Funds	\$30,000	4.1%
Match Total	\$693,777	95.9%
OSMB Total	\$30,000	4.1%
Grand Total	\$723,777	100%

FEES

Port of Alsea currently charges a \$7 launch fee and \$10 per night for moorage. The Port does not anticipate modifications to the current user fees at this time. The Port of Alsea is not eligible to receive Maintenance Assistance Program (MAP) because their fees are more than \$5.

TIMELINE

November 2016	Grant Agreement Issued
Late November 2016	Equipment arrives onsite
December 2016	Dredge and piping set up and ready for site work
<i>End of December 2016</i>	<i>Permits Issued deadline</i>
February 15, 2017	End of in-water work window. Work Completed

STAFF RECOMMENDATION

Obtaining permits to complete the dredging work is feasible, however staff is concerned that if the permits are not issued by late December it will not be possible to complete all of the dredging within the remaining in-water work window. This is further complicated by the amount of time needed to transport the dredging equipment, sent up piping,

floating silt curtains and have Port of Coos Bay staff onsite ready to operate the dredge. The state owned dredge is controlled by the Oregon Business Development Department and they do not want to delay dredging at another location if the Port is unable to secure their final permits and be able to complete the dredging work within one in-water work window.

OBDD has made some changes in how they will be overseeing and implementing the operation of the state owned dredge. These changes have created some unknowns for the Port since they used a per cubic yard number from the previous year when it was not operated by the Port of Coos Bay. Staff is recommending that the Board authorize a maximum not to exceed amount and that the issues created with the change of operation and management be resolved between the Port and OBDD.

The ODFW identified in-water work window is November 1 to February 15. It is possible that the Port may receive an extension to the in-water work window but the permitting agencies generally will not approve the extension in advance and it is often dependent upon the presence of endangered species within the area. Extensions are also for short periods of time ranging from one day to two weeks.

As a result of the complexities associated with utilizing the state owned equipment, permit issuance, short in-water work window and ability to complete the project Staff is recommending that if permits have not been obtained by the end of December, the grant will be cancelled and the Port encouraged to reapply for Round 1 funding which would provide a full two-year period to obtain all permits, schedule the state owned dredge and complete the project. Cancelling the grant, if necessary would allow the funds to be allocated to another grant and utilized during the existing biennium.

Staff recommends that the Board authorize Facility Grant 1565 in the maximum not to exceed amount of \$30,000 in state boater funds to match Port in kind and force account match of \$11,595, Port cash in the amount of \$14,487 in combination with FEMA, Lincoln County Urban Renewal and OBDD stipend of \$667,695 cash for a total match of \$693,777. This award is conditioned upon permits being issued no later than December 31, 2016 and utilization of the state owned dredge.

PROJECT IDENTIFICATION

Applicant Name: McCuddy's Landing Marina, McMarine LLC
Applicant Contact: Phillip Batton, Harbormaster
Project Name: McCuddy's Landing Marina

GEOGRAPHIC LOCATION

GPS Location: Latitude: 45.729322; Longitude: -122.859694
Waterbody and mile: Multnomah Channel, river mile 11
Location: From Hwy 30, north on Old Johnson Landing Dr. to end.



NEED

Staff has been encouraging McCuddy's Marina to apply for grant funding to replace the equipment since 2011. It appears that there have been different staff changes and that information was never shared with the current manager.

The existing pumpout is nearly 15 years old and has been problematic over the last few years. The style of pumpout is a very early generation of peristaltic style pump. Many improvements have been made to the systems in the last few years.

The Marina is making several upgrades including replacement of all pressure sewer lines from PVC to HDPE. The sewer line from the main dock to the pumpout is still PVC and should be replaced.

There are many marinas within this section of river but only one additional pumpout station is available to the public at Rocky Pointe Marina. The next closest public pumpout is at Scappoose Bay Marina, 8 miles away or approximately 20 miles upriver at Riverplace Marina.



<i>Nearby Facility</i>	<i>Rivermile-Location</i>	<i>Site Attributes</i>
Rocky Pointe Marina	Multnomah Channel, 3 miles South	Pumpout/dump station, full service marina
Scappoose Bay Marina, Port of St. Helens	Scappoose Bay-Columbia River, 8 miles North	3-lane ramp, boarding docks, short term tie-up, restroom, parking, pumpout/dump station.
Courthouse Docks, City of St. Helens	Columbia River, 11 miles North	Short term tie-up, pumpout/dump station, restroom.

SUPPORT AND USE

The 2011 Triennial Survey identified Multnomah Channel in Columbia County having 8,071 use days and Multnomah County having 29,128 use for a total of 37,199 use days

2011 Triennial Survey Data*	1,513
2011-17 Six-Year Plan	Not identified

McMarine LLC identified the type and percentage of boat use at McCuddy's Landing Marina

<i>Type of Boat</i>	<i>Percentage of Use</i>
<16ft	0%
17-26ft	0%
27ft. and above	100%
All Paddlecraft	0%

<i>Type of Support</i>	<i>Source of Support</i>
None Identified	

APPROACH

McMarine LLC will obtain a quote for equipment that follows OSMB standards and hire a contractor to install the equipment and complete utility connections. McMarine LLC will install the upgraded sewer line and is responsible for obtaining any local permits. They will coordinate with OSMB to review bids and quotes and schedule a final inspection.

EXPECTED RESULTS

The replacement of the pumpout/dump station will continue to provide boaters a safe and responsible way to properly dispose of sewage.

OBJECTIVES

Replace the existing pumpout/dump station and add a monitoring system.

USEFUL LIFE

The industry standard for pumpout/dump station useful life is 8 years depending upon the frequency of use, marine environment and consistent maintenance.

20-YEAR GRANT HISTORY

<i>Biennium</i>	<i>Scope</i>	<i>OSMB State & Federal Funds</i>	<i>All Match</i>	<i>Total Project Cost</i>
01-03	Pumpout/dump station	\$10,183-OSMB \$30,549 –CVA	\$22,735-McCuddy's Landing	\$63,467

BUDGET NARRATIVE

The Marina is requesting the complete cost of the equipment replacement to be paid through OSMB CVA grants. Staff developed the estimate and feels confident that it is reasonable. The Marina will be using their labor and tools to install the upgraded sewer line from the main dock to the pumpout and dump station. No estimate was provided for this work but staff estimates the value between \$250-\$500.

MATCH AND PARTNERS

<i>Source</i>	<i>Amount</i>	<i>Percentage</i>
McMarine LLC In-kind sewer line installation	\$0	0%
OSMB Federal CVA Funds	\$24,000	75%
OSMB State Funds	\$8,000	25%
<i>Match Total</i>	<i>\$0</i>	<i>0%</i>
<i>OSMB Total</i>	<i>\$32,000</i>	<i>100%</i>
<i>Grand Total</i>	<i>\$32,000</i>	<i>100%</i>

FEES

McMarine LLC does not charge a fee for use of the pumpout/dump station. The owner understands that a condition to receiving CVA funds is that the equipment must be free to use for recreational boaters. McMarine LLC does not receive Maintenance Assistance Program (MAP) funding.

TIMELINE

November 2016	Grant Agreement Issued
December 2016	Equipment Ordered
March 2017	60-day lead time for equipment
March-April 2017	Equipment installed and operational
April-May 2017	Final reimbursement made

STAFF RECOMMENDATION

Multnomah Channel has a significant amount of boating use and having a second functional pumpout and dump station is very important in this section of the river. Staff recommends that the Board authorize Facility Grant P36 in the amount of \$8,000 in state boater funds and \$24,000 in federal Clean Vessel Act funds to match McMarine LLC contribution of sewer line installation and all administration of the project.

PROJECT IDENTIFICATION

Applicant Name: Detroit Lake Marina, LLC
Applicant Contact: Scott Lunski, Owners
Project Name: Detroit Marina, Pumpout/Dump Station Repair and Gangway Project

GEOGRAPHIC LOCATION

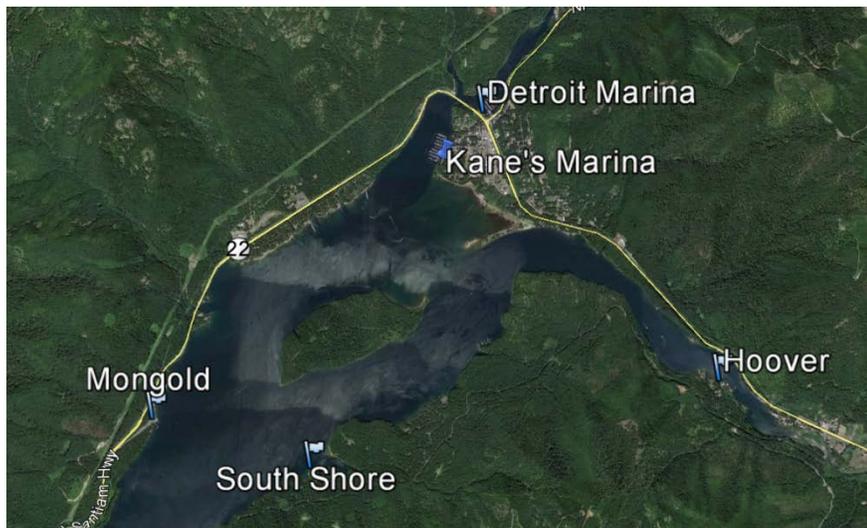
GPS Location: Latitude: 44,740517; Longitude: -122.149576
Waterbody: Detroit Lake
Location: From Salem, head East on Hwy 22 approximately 45 miles. Turn left on Breintenbush Road, Marina on corner.



NEED

Detroit Lake Marina and Kanes Marina are working in partnership to obtain permits and approvals to dredge the marinas, install piling, additional gangways, extend utility connections in order to increase the usability of the facilities at Detroit Lake during low water years. The pumpout at Detroit Lake Marina needs to be replaced as well.

The concepts were presented at the Kaizen meeting to the permitting agencies. The agencies recommended that the project be broken into two phases. Phase 1 would be the piling, gangway, utilities and pumpout work and Phase 2 would be the dredging. Both Marinas have been notified that they are not eligible for funds to dredge and that the Phase 1 work must be prorated between the other uses at the facilities. Both Marinas provided prorated costs between the eligible pumpout/dump station benefit and ineligible fuel dock and marina slips.



<i>Nearby Facility</i>	<i>Rivermile-Location</i>	<i>Site Attributes</i>
Kane's Marina, Private	Detroit Lake, ½ mile South	Marina, pumpout/dump station
Hoover Campground, USFS	Detroit Lake, 2.2 miles Southeast	Ramp, vault toilet, parking
South Shore Campground, USFS	Detroit Lake. 2.2 miles South	Ramp, vault toilet, parking
Mongold State Park, OPRD	Detroit Lake. 2.6 miles Southwest	Ramp, flush toilet, parking, boarding docks.

SUPPORT AND USE

The 2011 Triennial Survey identified 70,177 use days for Detroit Lake in Marion County and 8,883 use days for Detroit Lake in Linn County for a combined total of 79,060 use days.

2011 Triennial Survey Data*	Not identified
2011-17 Six-Year Plan	Not identified

McMarine LLC identified the type and percentage of boat use at McCuddy's Landing Marina

<i>Type of Boat</i>	<i>Percentage of Use</i>
<16ft	10%
17-26ft	70%
27ft. and above	20%
All Paddlecraft	0%

<i>Type of Support</i>	<i>Source of Support</i>
Letter	Oregon Regional Solutions Office

APPROACH

Detroit Lake Marina LLC has received quotes and estimates for the gangways, utility extensions, piling and pumpout/dump station replacement. Rebuilding the pumpout station was an option discussed however; incorporating the monitoring system would be problematic.

The Marina has presented the project concept through the Kaizen meeting process and received direction from the permitting agencies on how to proceed with obtaining permits. In coordination with Governor's Regional Solutions Office a grant has been awarded jointly to the Marinas from Business Oregon Retention Service Program for \$15,000 to Pacific Habitat to assist them with obtaining permit approvals.

Some of the work can be completed in the dry such as pile driving and other portions can be completed any time before the end of the biennium but are dependent upon the pile driving and gangway installation being completed first.

EXPECTED RESULTS

The pumpout/dump station will continue to provide boaters a safe and responsible way to properly dispose of sewage during low water years.

OBJECTIVES

Replace the pumpout/dump station, add a monitoring system, add gangways and install piling to increase usability during low water years.

USEFUL LIFE

The industry standard for pumpout/dump station useful life is 8 years depending upon the frequency of use, marine environment and consistent maintenance.

20-YEAR GRANT HISTORY

<i>Biennium</i>	<i>Scope</i>	<i>OSMB State & Federal Funds</i>	<i>All Match</i>	<i>Total Project Cost</i>
05-07	Pumpout/dump station	\$13,750-OSMB \$41,250 –CVA	\$0	\$55,000

BUDGET NARRATIVE

In coordination with the Marina the costs have been prorated between eligible pumpout/dump station benefit and ineligible fuel station and marina. The pumpout is 100% eligible, sewer is 65% eligible and the remaining items are 20% eligible. The total eligible costs are \$35,603.50. The balance of the overall project is \$40,652.50 which the Marina will fund. Those items are not eligible as match to the CVA portion of the project since they are ineligible items.

MATCH AND PARTNERS

<i>Source</i>	<i>Amount</i>	<i>Percentage</i>
Detroit Lake Marina, LLC administration and permitting.	\$0	0%
OSMB State funds	\$8,900.88	25%
OSMB Federal CVA funds	\$26,702.62	75%
Match Total	\$0	0%
OSMB State Total	\$8,900.88	25%
OSMB Federal Total	\$26,702.62	75%
Grand Total	\$35,603.50	100%

FEES

Detroit Lake Marina, LLC does not charge a fee for use of the pumpout/dump station. The owner understands that a condition to receiving CVA funds is that the equipment must be free to use for recreational boaters. Detroit Lake Marina, LLC does not receive Maintenance Assistance Program (MAP) funding.

TIMELINE

November 2016	Grant Agreement Issued
December 2016	Equipment Ordered
<i>January 2017</i>	<i>Permits Issued</i>
January –February 2017	Site work begins
March 2017	60-day lead time for equipment
March-April 2017	Equipment installed and operational
April-May 2017	Final reimbursement made

STAFF RECOMMENDATION

Obtaining permits to complete Phase 1 of the work should be achievable within the short time frame remaining during the reservoir drawdown and the end of our biennium. However, permits are complex and this project involves many different agencies in a variety of roles. As an example the U.S. Army Corps of Engineers is involved in a regulatory and realty capacity. The U.S. Forest Service is typically a commenting agency but they will be completing NEPA documents for the piling and dredging work through the Special Use Permit process.

As a result of the complexities and the short amount of time remaining within the biennium (June 30, 2017) Staff is recommending that if permits have not been obtained or through discussion with the permitting agencies that they will not be issued by the January Board meeting the grant will be cancelled and the Marinas strongly encouraged to reapply for Round 1 funding which would provide a full two-year period to obtain all permits and complete the project. Cancelling the grant, if necessary at the January meeting would allow the funds to be allocated to another grant and utilized during the existing biennium.

Staff recommends that the Board authorize Facility Grant P37 in the amount of \$8,900.88 in state boater funds and \$26,702.62 in federal Clean Vessel Act funds to match Detroit Lake Marina LLC contribution of permitting and all administration of the project with a cancellation provision that permits are issued or will be issued by the January Board meeting.

PROJECT IDENTIFICATION

Applicant Name: Kanes Marina
Applicant Contact: Larry Loveberg, Owners
Project Name: Kanes Marina, Gangway Project

GEOGRAPHIC LOCATION

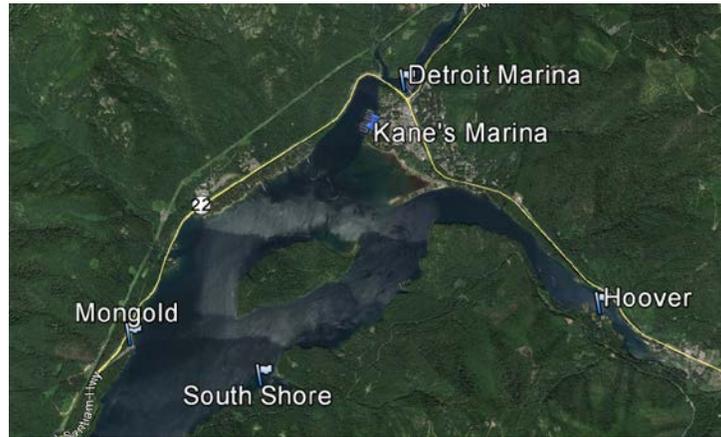
GPS Location: Latitude: 44.73 Longitude: -122.16
Waterbody: Detroit Lake
Location: From Salem, head East on Hwy 22 approximately 45 miles. Turn right on Detroit Ave., right on Forest Ave., right on N. Patton Rd. Left on Clester Rd, follow to end.



NEED

Detroit Lake Marina and Kanes Marina are working in partnership to obtain permits and approvals to dredge the marinas, install piling, additional gangways, extend utility connections in order to increase the usability of the facilities at Detroit Lake during low water years.

The concepts were presented at the Kaizen meeting to the permitting agencies. The agencies recommended that the project be broken into two phases. Phase 1 would be the piling, gangway, utilities and pumpout work and Phase 2 would be the dredging. Both Marinas have been notified that they are not eligible for funds to dredge and that the Phase 1 work must be prorated between the other uses at the facilities. Both Marinas provided prorated costs between the eligible pumpout/dump station benefit and ineligible fuel dock and marina slips.



<i>Nearby Facility</i>	<i>Rivermile-Location</i>	<i>Site Attributes</i>
Detroit Lake Marina, Private	Detroit Lake, ½ mile North	Marina, pumpout/dump station
Hoover Campground, USFS	Detroit Lake, 2 miles Southeast	Ramp, vault toilet, parking
South Shore Campground, USFS	Detroit Lake. 2 miles South	Ramp, vault toilet, parking
Mongold State Park, OPRD	Detroit Lake. 2 miles Southwest	Ramp, flush toilet, parking, boarding docks.

SUPPORT AND USE

The 2011 Triennial Survey identified 70,177 use days for Detroit Lake in Marion County and 8,883 use days for Detroit Lake in Linn County for a combined total of 79,060 use days.

2011 Triennial Survey Data*	Not identified
2011-17 Six-Year Plan	Not identified

Kane's Marina LLC identified the type and percentage of boat use at Kane's Marina.

<i>Type of Boat</i>	<i>Percentage of Use</i>
<16ft	10%
17-26ft	70%
27ft. and above	20%
All Paddlecraft	0%

<i>Type of Support</i>	<i>Source of Support</i>
Letter	Oregon Regional Solutions Office

APPROACH

Kane's Marina LLC has received quotes and estimates for the gangways, utility extensions and piling. The Marina has presented the project concept through the Kaizen meeting process and received direction from the permitting agencies on how to proceed with obtaining permits. In coordination with Governor's Regional Solutions Office a grant has been awarded jointly to the Marinas from Business Oregon Retention Service Program for \$15,000 to Pacific Habitat to assist them with obtaining permit approvals.

EXPECTED RESULTS

The pumpout/dump station will continue to provide boaters a safe and responsible way to properly dispose of sewage during low water years.

OBJECTIVES

Install piling, gangway and extend utilities to increase the usability of the pumpout station during low water years.

USEFUL LIFE

The industry standard for gangways useful life is 20 years depending upon the frequency of use, marine environment and consistent maintenance.

20-YEAR GRANT HISTORY

<i>Biennium</i>	<i>Scope</i>	<i>OSMB State & Federal Funds</i>	<i>All Match</i>	<i>Total Project Cost</i>
09-11	Pumpout/dump station	\$186-OSMB \$18,158 –CVA	\$0	\$18,344

BUDGET NARRATIVE

In coordination with the Marina the costs have been prorated between eligible pumpout/dump station benefit and ineligible fuel station and marina. The sewer is 65% eligible and the remaining items are 20% eligible. The total eligible costs are \$11,687.50. The balance of the overall project is \$42,812.50 which the Marina will fund. Those items are not eligible as match to the CVA portion of the project since they are ineligible items.

MATCH AND PARTNERS

<i>Source</i>	<i>Amount</i>	<i>Percentage</i>
Kane's Marina, LLC	\$0	0%
OSMB State funds	\$2,921.88	25%
OSMB Federal CVA funds	\$8,765.62	75%
Match Total	\$0	0%
OSMB State Total	\$2,921.88	25%
OSMB Federal Total	\$8,765.62	75%
Grand Total	\$11,687.50	100%

FEES

Kane's Marina, LLC does not charge a fee for use of the pumpout/dump station. The owner understands that a condition to receiving CVA funds is that the equipment must be free to use for recreational boaters. Kane's Marina, LLC does not receive Maintenance Assistance Program (MAP) funding.

TIMELINE

November 2016	Grant Agreement Issued
December 2016	Equipment Ordered
<i>January 2017</i>	<i>Permits Issued</i>
January –February 2017	Site work begins
March 2017	60-day lead time for equipment
March-April 2017	Equipment installed and operational
April-May 2017	Final reimbursement made

STAFF RECOMMENDATION

Obtaining permits to complete Phase 1 of the work should be achievable within the short time frame remaining during the reservoir drawdown and the end of our biennium. However, permits are complex and this project involves many different agencies in a variety of roles. As an example the U.S. Army Corps of Engineers is involved in a regulatory and realty capacity. The U.S. Forest Service is typically a commenting agency but they will be completing NEPA documents for the piling and dredging work through the Special Use Permit process.

As a result of the complexities and the short amount of time remaining within the biennium (June 30, 2017) Staff is recommending that if permits have not been obtained or through discussion with the permitting agencies that they will not be issued by the January Board meeting the grant will be cancelled and the Marinas strongly encouraged to reapply for Round 1 funding which would provide a full two-year period to obtain all permits and complete the project. Cancelling the grant, if necessary at the January meeting would allow the funds to be allocated to another grant and utilized during the existing biennium.

Staff recommends that the Board authorize Facility Grant P38 in the amount of \$2,921.88 in state boater funds and \$8,765.62 in federal Clean Vessel Act funds to match Kane's Marina LLC contribution of permitting and all administration of the project with a cancellation provision that permits are issued or will be issued by the January Board meeting.

Item N: Boating Facility Program Report

Boating Facility Updates

01. Staff is continuing to assist boating facility owners responding to FEMA requests and damage evaluations. At the April 2016 Board meeting, staff provided information on eight facilities that reported damage. An additional site, Yamhill County discovered boat ramp toe damage in late May at Dayton Landing. Three sites have been repaired. The following table identifies the remaining sites staff is providing assistance.

Managing Agency	Location	Project	Status
City of Wheeler	Wheeler Short term tie-up dock	Dredging	City working on permits
City of Coquille	Sturdivant Park	Short term tie-up dock, piling and gangway	Design concept sent to the City
Port of Alsea	Port Marina & Boat Ramp	Piling and dredging	Waiting for permits to be issued
Linn County	Stayton Boat Ramp	Boat ramp and parking	Requesting hydrologic analysis
Linn County	Buell Miller Boat Ramp	Boat ramp, parking and bank stabilization	On hold pending property ownership resolution
Yamhill County	Dayton Landing	Boat ramp toe	FEMA denied claim. County requesting mitigation consideration

02. Klamath County reported that the two pilings supporting the debris deflection boom at Wocus Bay were leaning over. Staff contacted the Marine Patrol and requested that the dive team inspect the piling and let us know if the piling was bent or pushed over. The Marine Patrol indicated that the piling did not appear to be bent. The County is pursuing clearance to complete the piling work. Staff anticipates the County requesting funds at the January Board meeting.
03. The City of Oregon City has completed the short-term repairs to the Clackamette Park boat ramp and the site has been reopened for recreational boaters. The City, ODFW and staff have received numerous calls and emails regarding the status of the boat ramp. In an effort to address some of the rumors an open house was held on September 15, 2016 in Oregon City. Attendees included the mayor, parks advisory board, city council, boaters, outfitter/guides and other interested parties. Those in attendance were generally supportive of maintaining a boat ramp at the Park and after further discussion on the hydrology analysis and permitting there was strong support to pursue the boat ramp relocation as recommended by the consultant. The City has indicated that they will be sending a formal letter to staff by the end of the year committing to the boat ramp relocation project.

04. On September 12, 2016, the agency received a Facebook message “*Just a heads up, that Cathedral park boat launch is high in the water and there’s a foot drop off as the concrete ends about 5 ft into the water, larger boats and trailers use caution.*” The City made repairs to the boat ramp toe during the 2009-11 biennium with Marine Board grant funding assistance. Fortunately, staff had already planned to be in Portland the following day for a meeting and was able to inspect the facility. The water level at the time staff inspected the site was the tenth lowest water elevation since 1990. Staff was able to poke around the toe of the ramp and confirmed that there is approximately a 9 to 12 inch drop off. Staff notified the City of the drop off and also relayed concerns regarding the deteriorating condition of the docks.
05. City of Harrisburg notified staff that they did not receive the Connect Oregon Grant. The City has met with the permitting agencies, hired a consultant and completed updated survey information for water conditions. The City is planning to submit a permit application in 2017 for dredging.

2015-17 Grant and Project Construction Status

1523	Port of Garibaldi: flush restroom upgrade.	Port has begun work on upgrading the flush restroom. The busy fishery this summer slowed down the progress. The project will be completed by the end of the year.
1524	Port of Garibaldi: gangway replacement project.	Gangway is being fabricated.
1526	Metro: Sauvie Island dock replacement.	Fabrication of docks almost completed. Anticipate installing after first of year.
1529	Lane County: Hendricks Bridge, permits.	Permit applications submitted.
1531	BLM: North Gerber Reservoir, boarding dock replacement.	Construction of docks completed and will be installed before the end of October.
1533	State Parks: Lake Billy Chinook, floating restrooms.	One floating restroom delivered. Second floating restroom under construction.
1534	State Parks: Sandy Beach, debris boom & permits.	OPRD has received bids for the debris boom. The work should be under contract by mid-October.
1535	State Parks: Bullards Beach, boarding dock replacement.	Boarding dock fabrication nearing completion. Bid package for installation should be posted by end of month.
1536	State Parks: Indian Creek, concrete ramp, boarding docks, access road, parking.	Project completed. Final reimbursement is being processed.
1538	City of Rainier: Rainier Marina, pumpout/dump station replacement.	Equipment ordered.

1539	City of Albany: Bowman Park, flush restroom replacement.	Project completed. Final reimbursement processed.
1541	Clackamas County: Hebb Park, boarding and short-term tie-up dock replacement.	Contractor has been selected for site work and will begin early October 2016. Dock installation is anticipated in the spring.
1542	City of West Linn: Cedaroak, ramp and boarding dock replacement.	Construction has begun. Project is on schedule and is anticipated to be completed by early November.
1546	City of Oregon City: Jon Storm, pumpout/dump station replacement.	Equipment ordered, anticipate installation late fall.
1547	Union County: Thief Valley, boarding dock replacement.	The docks have been completed and delivered. Onsite work has begun for new abutment. Anticipated completion of project is November 1.
1549	Josephine County: Galice Boat Ramp, vault toilet.	Site work underway. CXT vault restroom to be delivered mid-October. County anticipating project completed by end of October.
1550	City of Tillamook: Carnahan Park, boarding dock replacement.	Project completed. Awaiting reimbursement request from City.
1554	City of Portland: Willamette Park, dredging, ramp toe repair and debris boom.	Construction began September 12, 2016.
1555	Lincoln County: Knight Park, vault toilet replacement and parking repairs.	Vault toilet has been installed and finish work around toilet completed. Parking repairs will take place in Spring 2017.
1556	Port of Cascade Locks: Ramp toe repair project.	Contract has been awarded. Construction will begin in mid-November.
1557	Douglas County: Amacher Park, ramp toe repair.	Project completed. Final reimbursement processed.
1559	City of Milwaukie: Riverfront Park emergency repairs to bridge.	Project completed. Final reimbursement processed.
1563	City of Oregon City: Clackamette Park temporary ramp repair	Project completed. Awaiting final reimbursement request.

2015-17 Small Grants Project Construction Status

1617-01	Port of Hood River: replace marine fuel dispenser	Contract awarded. Completion by end of October.
1617-02	ODFW/Tillamook County: Sollie Smith gravel parking and sediment disposal	Contract awarded. Anticipate completion by end of October.

October 26, 2016

Item O: Policy and Environmental Section Report

Aquatic Invasive Species Prevention Program

01. As of October 6, 2016, three of the watercraft inspection stations remain open. Lakeview and Brookings are closed. Ontario and Klamath Falls will stay open until the end of October and Ashland will operate into November with one inspector.
02. A total of 15,863 inspections on clean boats were completed this year. A total of 354 “dirty boats” were intercepted and cleaned (mostly aquatic vegetation). Decontaminations were performed on 15 zebra/quagga mussel contaminated boats. These mussel boats came from Lake Mead, Lake Pleasant and Lake Havasu along with boats from contaminated lakes in Indiana and Oklahoma.
03. Law enforcement activities increased this year; permit compliance checks are similar to past years with 686 warnings and 332 citations given for no permit. Inspection station enforcement has seen the highest level of activity since the program started. Between April and October 2016, there were 67 citations and 152 warnings given to boaters who didn’t stop at an open check station.
04. Permit sales are still fluctuating overall; however, OSMB Tyvek tag sales have increased this year. It would appear that more boaters are switching over to the Tyvek tags instead of purchasing the ODFW issued paper permits. The chart illustrates the numbers over the past few fiscal years.

Fiscal Year	2013	2014	2015	2016
OR Motorized	81,237	69,334	77,766	70,330
Non-Motorized	35,184	41,487	54,571	47,339
Non-Resident Motorized	5,048	4,731	4,979	5,440
Total Collected Revenue	\$724,175	\$670,235	\$796,753	\$732,770

Non-motorized numbers include both 1 + 2 year permits along with guides and liveries.

Abandoned and Derelict Vessels

The Department of State Lands issued trespassing enforcement actions to six of the worst offenders in the downtown area of Portland. Their contested case hearings are scheduled for early November 2016. The outcome of these cases may determine if and how any future enforcement actions are taken as their outcomes may establish the case law for how the courts will ultimately rule.

General Policy Activity

01. Staff coordinated with other state agencies and the Governor's office to finalize a state response to the EPA on their proposed Superfund clean-up plan for the Portland Harbor. Staff participated in a boat tour of the proposed clean-up area to discuss the different aspects of the large contaminated site throughout downtown Portland on the Willamette River.
02. The Customer Satisfaction survey was conducted in August and September 2016. This year the agency solicited feedback by contacting customers by email and directing them to an online survey.
03. Three customer bases were sampled this year:
 - a. people who had registered a boat between October 2015 and August 2016;
 - b. people who had purchased an Aquatic Invasive Species permit during 2016; and
 - c. people who had applied for a guide license during 2016.
04. The results for the registration customers were as follows:

Percent of Customers who registered by MAIL that rated OSMB "excellent or good"

	2015	2016
Timeliness of service provided by the Marine Board	57%	73%
Ability to provide services correctly the first time	74%	85%
Helpfulness of Marine Board employees	52%	59%
Knowledge and expertise of Marine Board employees	50%	59%
Availability of information from the Marine Board	65%	69%

Percent of Customers who registered ONLINE that rated OSMB "excellent or good"

	2015	2016
Timeliness of service provided by the Marine Board	94%	88%
Ability to provide services correctly the first time	94%	88%
Helpfulness of Marine Board employees	91%	86%
Knowledge and expertise of Marine Board employees	94%	83%
Availability of information from the Marine Board	90%	83%

Percent of Customers who registered at an AGENT that rated OSMB "excellent or good"

	2015	2016
Timeliness of service provided by the Marine Board	82%	78%
Ability to provide services correctly the first time	89%	88%
Helpfulness of Marine Board employees	91%	83%
Knowledge and expertise of Marine Board employees	91%	80%
Availability of information from the Marine Board	91%	77%

Percent of Customers who registered in the OFFICE that rated OSMB “excellent or good”

	2015	2016
Timeliness of service provided by the Marine Board	71%	71%
Ability to provide services correctly the first time	93%	75%
Helpfulness of Marine Board employees	100%	75%
Knowledge and expertise of Marine Board employees	100%	83%
Availability of information from the Marine Board	86%	67%

Overall Percent of Registration Customers that rated OSMB “excellent or good” (unweighted)

	2015	2016
Timeliness of service provided by the Marine Board	69%	83%
Ability to provide services correctly the first time	83%	87%
Helpfulness of Marine Board employees	73%	80%
Knowledge and expertise of Marine Board employees	72%	78%
Availability of information from the Marine Board	77%	79%

Percent of Outfitter and Guides that rated their service from OSMB as “excellent or good”

	2015	2016
Timeliness of service provided by the Marine Board	73%	78%
Ability to provide services correctly the first time	92%	83%
Helpfulness of Marine Board employees	85%	87%
Knowledge and expertise of Marine Board employees	75%	83%
Availability of information from the Marine Board	80%	87%

Percent of AIS permit purchasers that rated their service from OSMB as “excellent or good”

	2015	2016
Timeliness of website (was it operational)	92%	89%
Ability to provide services correctly the first time	83%	87%
Helpfulness of the service	81%	84%
Design and usefulness of service	72%	78%
Clarity of the instructions provided online	69%	79%

October 26, 2016

ITEM P: Law Enforcement - Multnomah Channel ~ Year End Report

01. The special emphasis agreements with Columbia and Multnomah counties are complete for 2016. Boater contacts, citations and accident responses indicate a higher level of enforcement presence in Multnomah Channel to address public complaints about speeding, slow-no wake violations, and reckless boating.
02. For Columbia County, the Director augmented their annual allocation by \$13,985.40 to focus enforcement presence specifically on Multnomah Channel on key weekends during the primary boating season. The funds were made available April 1 and continued through September 30, 2016.
03. The Director approved allocation of an additional \$10,000 to Multnomah County beginning July 1. Due to staffing changes and delayed contract approval, Multnomah marine officers began focusing additional effort in the north end of the channel in August 2016.
04. Between April 1 and September 30, 2016, Columbia County Sheriff's marine patrol issued 178 warnings and 61 citations during the specific hours of the special emphasis project. When considering regular patrols and special emphasis patrols, Columbia County issued 274 warnings and 130 citations in the Multnomah Channel.
05. Multnomah County officers conducted 27 hours of special emphasis patrol and 55 hours total conducting marine enforcement in Multnomah Channel.
06. Columbia County saw an increase in "blue light law" violations on Multnomah Channel. Marine deputies used PWCs to contact violators and issued 46 citations or warnings for these violations throughout the summer on Multnomah Channel. Only 104 such warnings or citations had been issued in the previous six years statewide.
07. Staff received few specific complaints regarding boat operation on Multnomah Channel this season. The Marine Board did receive complaints about the aggressive enforcement, but also received praise for the increased presence and professionalism of the marine officers.
08. The breakdown of boater contacts on Multnomah Channel is in the below table.

Contacts, Warnings and Violations April 1 – October 1, 2016	
Individual Boater Violation Stops	422
Registration Related	255
Boating Safety Certificate	59
Blue Light Law	46
Failure to Possess AIS	44
Slow No Wake Violation	18
Operating Improperly Equipped Boat	16
Fire Extinguisher	12
Personal Flotation Devices	8
Sound Signaling Device	6
Attempting to Elude	1
Speeding	1
Unsafe Operation	1
Reckless Operation / Speed	1
Boating Under Influence	1

October 26, 2016

ITEM Q: Boating Safety Program Report

Boating Safety

01. Accidents and fatalities remained high with two concerning areas – collisions and coastal bar accidents. Lane County Marine Deputy Charles Douglas assisted with analyzing accident data to determine trends and additional causal factors.
02. This year, as of October 10, 2016, there were 15 recreational boating fatalities to date. The deadliest accident occurred September 24, 2016, when a boat capsized on the Coquille River Bar and three people lost their lives.
03. Of the 15 fatalities, five occurred on or near coastal bars; three were on lakes and seven on rivers. Thirteen victims were male and two female. Eight were in motorized craft and seven in non-motorized craft.
04. At least eight individuals were not wearing life jackets. Of the victims wearing life jackets, one victim was wearing an inflatable belt pack that did not deploy; one person's life jacket caught on a limb, and a third individual was entrapped in rapids against a rock despite wearing a life jacket.
05. This past boating season, several collisions could have easily resulted in additional fatalities. Multiple boats that capsized on coastal bars could have resulted in a much higher fatality rate had the boaters not been wearing their life jackets and the rescues hadn't occurred quickly. Five bar crossings in August through October resulted in a number of individuals entering the water but the only fatalities involved individuals who were not wearing life jackets.

Outfitter / Guide

01. The Marine Board in conjunction with local law enforcement conducted guide boat safety equipment and administrative paperwork surveys in Astoria, St. Helens, and Hells Canyon this season. The goal of the surveys was to establish a baseline for compliance and determine what actions can be taken to improve.
 - a. Near Astoria, 71 guide boats were contacted during the Buoy 10.
 - b. In the St. Helens area, 12 guide boats were contacted and all were in compliance.
 - c. In Hells Canyon, 21 guide boats were contacted. Fourteen of 21 didn't have guide decals or tags. Only four employees had proof of registration as required.
02. The following disciplinary actions have been taken since April 2016:
 - a. Four conditional actions involving false statements on applications were issued.
 - b. Three suspensions were filed and upheld by the Office of Administrative Hearings.
 - c. One denial was for serious fish and wildlife violations, and is pending an administrative hearing.

- d. Pending actions include two unsafe operations and unregistered employees involved in an accident, one for operating a guide boat without personal flotation devices, one for resisting arrest, and one for submitting a falsified first aid card.
- e. A Newport Charter operator who failed to declare a serious fish and wildlife violation was suspended for one year by court ordered agreement.

Boat Procurement

- 01. The following law enforcement boats are on target for purchase in the 2016-17 fiscal year:
 - a. Jackson County - 20' Rogue Jet forward control, V-8 Jet. OSMB contribution is \$35,600, total purchase price is \$55,600.
 - b. Benton County - 20' River Wild Center Console V-8 Jet/ OSMB contribution is \$55,000, total price via state price agreement is \$67,100.
- 02. The following purchases are in progress:
 - a. Multnomah County - 23' Munson Landing Craft Style Patrol Boat, 250 hp Outboard. Projected Purchase price is \$ 92,782, OSMB contribution is \$ 48,000.
 - b. Douglas County - 18' River Wild Mini Jet, with Rotax PWC motor. Projected price is \$ 46,000 with OSMB contribution of \$38,000. Note that boat purchase is on hold pending motor availability.
 - c. Polk County - 18' River Wild Mini Jet with Rotax PWC motor. Projected price:\$46,000, and OSMB contribution is \$ 30,000. Purchase also on hold pending motor availability.

LE Training

- 01. Staff has scheduled marine law enforcement training for 2017. Swiftwater Rescue 1 & 2 training is scheduled for January and February 2017. The training will be conducted in partnership with Clackamas County Fire District 1. Academy is set for May 1-5; Drift Boat for June 19-23, and Whitewater Jet Boat for July 24-27.
- 02. There are 17 obstructions currently posted on the OSMB website. Hazard reports are expected to increase with the coming rains. New this spring, staff issued 10 generic signs to Lane County using a QR code that directs boaters to the OSMB obstruction page at BoatOregon.com. This arrangement provides much more detailed information to users about downstream obstructions and hazards where cell service is available.
- 03. The Boating Accident Reconstruction team responded to two calls for service in the last year. On March 2, 2016, team members responded to a boat explosion and fatality on Lost Creek Reservoir, and on June 19, 2016, to a collision between a registered guide and a recreational boat on the Multnomah Channel in Columbia County.



04. OSMB has hired an intern in partnership with Oregon State University's master's program to work closely with training staff to develop and implement web based training modules for entry level marine deputies and troopers. This project will significantly reduce the overall cost (travel and lodging) and increase efficiency for delivery of the marine law enforcement academy curriculum. It will not replace hands-on field training. It will provide continuing education or refresher training opportunities not currently available, and will be used to train officers who are hired after historic trainings have occurred.
05. Key Marine Performance Measures for FFY15/16:
 - a. On-Water Patrol Hours: 45,862
 - b. Total Boat Contacts: 49,095 (22940 Motorized, 26155 Non-Motorized)
 - c. Boating Under the Influence: 50 arrests

Education

01. Since January 1, 2016, education has completed:
 - a. 10,416 applications for new Boater Education Cards;
 - b. 2,566 applications for Boater Education Card replacements; and
 - c. 42 Boat Oregon classroom courses, with 437 graduated students.
02. Staff received four grant proposals for the 2016-2017 Let's Go Boating Assistance Program. The total funding requested was \$10,000. Two of the proposals were approved, one denied and one pending.
03. Staff partnered with Oregon State Parks and conducted three Level I Kayak trainings for parks staff and volunteers. The purpose of the trainings is to keep their staff, volunteers, and visitors safe during their Let's Go Paddling Program tours.
04. Sara Shaw-Roberts, OSU grad student, defended her thesis on the new Water Wits school program. Ms. Shaw-Robert's thesis can be found at: <http://ir.library.oregonstate.edu/xmlui/handle/1957/59776>.

October 26, 2016

Item R: Business Services Program Report

2015-17 Budget

01. The agency is 63% through the biennium and it was four months since the last financial report. Revenue recognition is picking up and we are at 53% of budget. When compared to the same time in the prior biennium (October 2014) revenues are one to two percent behind pace. Expenditures are up 3.5%, which tracks with inflation over two years.
02. **Other Funds** registration and title revenue through the first nine months since the fee increase are \$1.1 million greater than two years ago while the gas tax is down \$750k. This juxtaposition proves the premise of the fee increase request back in January 2015. Expenditures are higher compared to the prior biennium in part from having limited duration positions to assist with the registration backlog.
03. **Federal Funds** for this biennium will expend more than the prior biennium because of the emphasis on accelerating Law Enforcement payments from Federal funds over State. Revenue is 10% ahead of pace from last biennium. The Recreational Boating Safety grant ended 9/30/16 and is fully spent.
04. **AISP** Compared to where the program is at vs the last biennium, revenues are up 10% which we might attribute to the strong outdoor recreation economy and favorable weather. It also may be attributed to higher sales of two year tags compared to one year. The expenditures are about \$94,000 lower than this time in prior biennium. This trend will need to continue in order to maintain an adequate cash balance for the next biennium.

Program Operations

01. Cabling replacement was completed (10/20/16). This was prompted by the required telephone system change to a Voice Over Internet Protocol. Switches in the server room were replaced in order to make the VOIP as high quality as possible. It had the added bonus of enhancing Internet access throughout the building.
02. The DAS Enterprise Technology Services (ETS)-State Data Center is finalizing the design for three servers to be used by OSMB. This transition will lead to increased reliability at a reasonable cost and eliminate the need for purchasing servers and storage arrays in the future.
03. The server change will also facilitate the switch in email systems slated for December. The new "Oregon.Gov" address ending will accept the current ".state.or.us" for a year, then force the new naming convention.
04. Some staff are using the new Microsoft Windows-10 system on a trial basis and another trial on Microsoft Office-365 is planned for this winter. The fourth and final round of desktop workstation replacements should start in July 2017.
05. The Contracts and Procurement position has been in place almost one year. Ms. Smith is attending training, creating forms and standardizing agency processes. This process improvement increases the agency's operations, integrity and saves money through more acquisition scrutiny.

Oregon State Marine Board
 Operation Results for the 2015-17 Biennium
 At October 7th, 2016

OTHER FUNDS				
REVENUE:	Budget 2015-17	Actual at 10/07/16	Percent of Budget	Projected 2015-17
UNREFUNDED FUEL TAX	\$8,031,919	\$4,150,064	51.7%	\$8,382,473
REGISTRATION	\$12,459,512	\$6,898,663	55.4%	\$12,268,453
TITLING	\$2,311,935	\$839,280	36.3%	\$1,827,825
CHARTERS	\$36,024	\$7,760	21.5%	\$13,850
GUIDES & OUTFITTERS	\$544,768	\$309,113	56.7%	\$537,541
MANDATORY EDUCATION	\$270,998	\$190,273	70.2%	\$311,248
SPORTFISH RESTORATION GRANT	\$142,000	\$89,494	63.0%	\$142,000
OTHER - PENALTY, INTEREST, MISC	\$186,757	\$100,867	54.0%	\$231,841
TOTAL:	\$23,983,913	\$12,585,514	52.5%	\$23,715,231
EXPENDITURES:				
ADMINISTRATION & EDUCATION	\$5,849,270	\$3,850,290	65.8%	\$5,849,270
CHARTERS	\$31,738	\$5,657	17.8%	\$13,638
GUIDES & OUTFITTERS	\$394,391	\$194,006	49.2%	\$401,791
LAW ENFORCEMENT	\$10,183,255	\$4,575,478	44.9%	\$10,183,255
FACILITIES	\$7,870,328	\$2,962,537	37.6%	\$7,200,328
ABANDONED BOATS	\$150,000	\$101,897	67.9%	\$150,000
TOTAL:	\$24,478,982	\$11,689,865	47.8%	\$23,798,282
CURRENT REVENUE v. EXPENDITURES *	(\$495,069)	\$895,649		(\$83,051)

* Starting cash balance is \$5.96 million, operating budget deficit from the decrease to \$4.50/foot

FEDERAL FUNDS				
REVENUE:				
US COAST GUARD REC. BOATING	\$4,158,609	\$2,091,459		\$4,158,609
USFWS CLEAN VESSEL ACT	\$2,309,165	\$536,094		\$2,109,165
USFWS BOATING INFRASTR. GRANT	\$1,000,000	\$0		\$800,000
TOTAL:	\$7,467,774	\$2,627,553	35.2%	\$7,067,774
EXPENDITURES:				
ADMINISTRATION & EDUCATION	\$216,626	\$85,014	39.2%	\$216,626
LAW ENFORCEMENT	\$3,941,983	\$2,245,205	57.0%	\$3,941,983
FACILITIES	\$3,309,165	\$568,631	17.2%	\$2,909,165
TOTAL:	\$7,467,774	\$2,898,850	38.8%	\$7,067,774
CURRENT REVENUE v. EXPENDITURES	\$0	(\$271,297)		\$0

AQUATIC INVASIVE SPECIES PROGRAM				
REVENUES:				
	\$1,581,126	\$917,134	58.0%	\$1,501,215
EXPENDITURES:	\$2,019,727	\$845,942	41.9%	\$1,650,915
CURRENT REVENUE v. EXPENDITURES **	(\$438,601)	\$71,192		(\$149,700)

** Offset by \$339,213 beginning cash balance.