Chair Valarie Early called the May 13, 2020, meeting of the Oregon State Marine Board (OSMB) to order at 8:30 am.

Board Members: Val Early, Vince Castronovo, Laura Jackson, Craig Withee and Colleen Moran were present.

Staff: Larry Warren, Director; Josh Mulhollem, Dorothy Diehl, Janine Belleque, Randy Henry, and Jennifer Cooper were present.

Approval of Board Minutes:
Chair Early asked for review and approval of minutes of January 22, 2020.

Mr. Withee made a motion to approve the minutes as written. Mr. Castronovo seconded the motion. Motion passed unanimously.

Board Agenda:

Item A: Executive Session
Chair Early called the Board to executive session per ORS 192.660(2)(h) at 8:33 am.

The Board returned from executive session at 9:28 am.

Item B: Director’s Agency Report
Larry Warren, Director, provided an updated on the agency Covid response. Facilities are starting to reopen. Most staff can telework. Work is being done to get the call center able to be offsite so more staff can telework if needed.

Agency revenue has been generally fine but there are some indicators that management action will need to be taken to preserve the beginning balance. The 2021/2023 budget will be brought to the Board at the July Board Meeting. There will be no fee increases for this budget cycle.

The NOAA grant for Derelict and Abandoned vessels has been encouraged for a second year of funding. The agency would like to apply for a second year with the Board’s approval. The board provided consensus approval for applying for the 2nd year grant.

Board elections will be in July. The elections are the Board’s decision on who to vote for chair and vice chair. Chair Early’s term expires in June, but she can continue until she is replaced. A replacement with a connection to the coast and guides would be ideal.

Chair Early asked for an update on the recent boating deaths. Director Warren replied that the uptick seems to be non-motorized. The issues appear to be cold water issues, skill set that may not fit the area, and no life jackets. Staff will continue to send out the message. This is a trend we would like to stop early and have go back the other way.

Mr. Withee asked about nonresident fishing licenses not being allowed and if that would apply to out of state boaters as well. Chair Early replied that there was a temporary order that nonresidents could not fish, but that has been reversed. Easing the restrictions on nonresidents will make a difference in the
Guide and Charter community, but they will still see an unprecedented decrease in the number of people coming to fish and use guide services due to COVID fears of travel. Guides, Outfitters and Charters are not done feeling the impact from the shutdown.

**Item C: Staff Recognition**

Director Warren shared that Board Member Withee had approached him in the fall about how to recognize staff work. Staff came up with the idea of a recognition coin. The coins can be given out by Board Members to staff or non-staff. At the first Board Meeting in Salem each year, anyone who received a coin in the last year would come and get public recognition.

Mr. Withee stated that there is a need to do a better job of recognizing good performance, and he would like that to move forward. Director Warren state that if everyone is on board, staff will make it happen. By July, the Board can have the coins in hand, and it can be publicly rolled out. All Board members agreed to move forward with the recognition coins.

**Item D: New Board Member Onboarding Guide**

Director Warren stated that the Board asked for an onboarding guide to be created last July. Staff created a guide that was brought to the January Board Meeting for feedback. That feedback has been implemented. The Board Members all agreed that they like the new format of the guide. Chair Early suggested treating it as a living document and give it a yearly update. Director Warren stated that it will be set up for a yearly review in July. The guide will be printed for those who want it and it will exist in digital format for others.

**Item E: Proposal for the Duckworth Memorial Dock in Portland**


Chair Early asked if there is a specific timeline for the project. Mr. Grumm stated that the hope is to do things there this summer. The biggest timeline is getting the ladders on the dock. Mr. Levenson stated that time is of the essence, and that they have secured some grant funding from other sources. Chair Early asked if there are life jacket stations there. Mr. Levenson replied that there is not.

Ms. Jackson made a motion that staff close out the grant early to allow City of Portland to move forward with the development of the Duckworth Dock as presented in the materials. Ms. Moran seconded the motion.

Director Warren stated that it should be mentioned in the motion that boaters can continue to use the mixed-use facility. Chair Early agreed and stated that it should be listed in the promotional materials that they put out as well.

Ms. Jackson made an amendment to the motion to be as shown in the board book and to continue access for motorized boating as well as other mixed-use activities.

Mr. Mulhollem clarified that the Board can close out the grant early or amend the current grant for the remainder of the agreement. Chair Early stated that the Board typically does not let people out of the grant obligations early. Ms. Moran stated she liked the idea of amending the grant for the duration of the timeline to allow Human Access Project and PBOT to do their work, without setting a precedence for closing out grants early.

Mr. Withee seconded the amendment made by Ms. Jackson.

Board Members Jackson, Moran, Withee and Castronovo voted in favor and Chair Early opposed.
The motion passed to close the grant early in a 4-1 vote.

Mr. Castronovo shared that there was a little confusion on what was being voted on. Chair Early provided some clarification. Ms. Jackson provided her thoughts on why she voted to close out the grant early. All Board Members agreed to not vote again or do an additional motion.

Mr. Mulhollem will provide an informational update to the Board at the October Board Meeting.

**Item F: Potential Legislative Concept – Expansion of the Towed Watersports Education Program**

Mr. Mulhollem stated that staff explored what an expanded Towed Watersports Education Program might look like and came up with the basis of a legislative concept that would more closely align the Towed Watersports Education Program to the Boater Safety Education Program. Given the current situation, staff does not recommend bringing this concept forward to the Governor's Office in 2021. If staff is approached by lawmakers with a request for an expanded Towed Watersports Education Program, staff would propose the concept as new statutes.

Mr. Castronovo stated that he liked the elements of the concept, as well as the cost savings and supports the concept. Chair Early stated that she would like other waterbodies to be able to apply for a sticker, like the Newberg Pool, if they feel like they need to have that in the area. Ms. Jackson agreed and added that there should be an opportunity for areas to be able to petition for a sticker for special education programs if needed in the future. Mr. Mulhollem asked if the sticker requirements would be for boat specifications or proof of education. Ms. Jackson stated that there may be different specifications depending on the waterbody. Mr. Withee stated he encourages stickers to be allowed at different waterbodies. Director Warren summarized the discussion back to the Board: The Board supports the idea that we leave the Newberg Pool Towed Watersports Education Program alone and staff drafts something that allows a statewide program in other waterbodies. If there is energy to expand the sticker program to other waterbodies, the Board is interested in an optional sticker program. The Board Members agreed with Director Warren’s summary.

**Item G: Update on Rulemaking – North and South Twin Lake, Deschutes County**

Staff explored options to allow those with disabilities to access some lakes that are otherwise regulated. Staff has looked at a variety of programs and what a statewide program might look like. Some of the initial work done is in the Board Book. A work session on this topic will happen in July with a more robust conversation.

Mr. Withee suggested staff look at the DMV to verify people’s disability. Mr. Mulhollem stated that staff has explored that, and it will be a part of the conversation in July. Chair Early stated that it should not be for Oregon residents only, there should be some reciprocity for out of state boaters. It might be worth exploring temporary permits to accommodate unique situations as well.


Mr. Mulhollem shared that a few comments were received regarding Outfitter and Guide CPR certifications, some were opposed and some supported. In order to address some of the concerns in the comments, staff proposes a policy that a minimum 5% of guides and outfitters are audited on an annual basis. Staff recommended accepting the changes proposed in the notice of rulemaking regarding CPR certifications for Outfitters and Guides. Ms. Moran liked the idea of having an audit. Chair Early also liked the proposal of having an audit.

Chair Early made a motion to amend OAR 250-016-0025 and adopt the language for CPR and First Aid compliance. Mr. Castronovo seconded the motion. Motion passed unanimously.
No comments were received during the comment period regarding PFD and Fire Extinguisher carriage requirement updates. Staff recommended adopting OAR 250-10-0010, 250-10-0154, 250-10-0155, 250-15-0010, 250-016-0075, 250-016-0077, 250-021-0030, 250-021-0100 as written in the notice of proposed rulemaking.

Ms. Jackson made a motion to approve amending the sections of OAR 250 as listed in the Board book and the previous discussion. Mr. Withee seconded the motion. The motion passed unanimously.

Chair Early thanked Cyndi Bolduc for all her work keeping the Guides, Outfitters and Charters informed during the COVID situation.

**Item I: Consideration of Rulemaking OAR 250-014-0001, 250-014-0500, 250-014-0505, 250-014-0510**

Mr. Mulhollem stated that SB47 created the Waterway Access Permit Program and the Waterway Access Grant Program. The Board previously passed rules for the permit. A public hearing was scheduled for the proposed rules for the Waterway Access Grant Program but was cancelled due to the ongoing health situation. In addition, staff created a grant policy and procedure guide to help guide applicants through the grant process. Staff recommended accepting the language as provided and asked for feedback on the scoring criteria proposed.

Chair Early asked how grant performance would be scored for an applicant with no history. She would also like to see a priority or higher scoring for access on the same side of the river. Mr. Mulhollem stated that applicants with no history will be scored as “good” as to not penalize them. Chair Early stated that there is a big jump from good to excellent and she would like to see a little more of a middle road. Mr. Mulhollem asked if the Board would endorse a score of 15. Chair Early stated that that would be better. Ms. Jackson and Mr. Castronovo agreed.

Mr. Withee stated that he would like to see an emphasis placed on access for those with disabilities in the evaluation criteria. Janine Belleque, Facilities Program Manager, shared that accessibility is listed on question 15. The point value can be increased to emphasize accessibility. Mr. Withee suggested it be listed in questions 7 and 15. Ms. Jackson suggested that it say “Accessibility/ADA access”.

Ms. Moran asked why nonprofits are not able to apply for grant access. Mr. Mulhollem stated that it is listed in legislation for SB47. Director Warren shared that nonprofits can apply for equipment and safety grants. While they can’t apply for the facility side, there are opportunities for grants for nonprofits.

Mr. Withee made a motion to approve the staff recommendation to amend OAR 250-014-0001 and adopt 250-014-0500, 250-014-0505, and 250-014-0510 as proposed. Mr. Castronovo seconded the motion. Motion passed unanimously.

**Item J: Possible Rulemaking via Petition, Newberg Pool**

Dorothy Diehl, Policy Program Coordinator, provided an overview of the citizen petition requesting amendments to current rules for the Newberg Pool. The petition was received during the open comment period for the proposed rulemaking related to towed watersports in the Newberg Pool initiated by the Board at the January Board Meeting. The concept in the petition is contrary to the concept the Board has endorsed for this area. Staff recommended rejecting the petition.

Mr. Castronovo shared that some of the frustration in the petition is from the shrinking zones. In looking at the comments, there was overwhelming support from homeowners, so the question is if they are representing the majority of the people. Opening up the river may be safer, and some of the fishery letters state that opening up the river may better on the environment. Ms. Moran stated that in the comments there were clear lines where people fell into. Ms. Jackson stated that after reading the comments there is some validity, they should reconsider this concept.
Mr. Mulhollem stated that endorsing directional surfing would start the rulemaking process over. Mr. Withee asked if the requirement would be for all towed watersports or just surfing. Ms. Diehl stated that the petition is just for surfing. Ms. Jackson asked if the Board opened rulemaking on the petition, could they put all towed watersports in one direction? Mr. Mulhollem stated that the Board can accept the petition and open rulemaking and not follow it verbatim. There is some flexibility.

Chair Early stated that depending on what happens with item K, if the Board accepts the petition the same rules could be in place for this year. Mr. Mulhollem stated that if rulemaking is opened there would not be enough time to get rules in place for this year. Director Warren shared the history on how staff came to current proposed rules in item K. Chair Early stated that the petition came in the middle of the comment period for an active proposed rulemaking, and this would be a big shift in the direction the board has been moving. Mr. Withee asked if the Board could go along with what is in item K this season and look at directional surfing the following season. Chair Early stated the Board can reject the petition and open rulemaking at any time on anything they like. They can still move forward with the current rulemaking and do an additional rulemaking later. Chair Early clarified that the petitioner could submit the same petition again or can even appeal the decision if the petition is denied at this time.

Mr. Withee made a motion to reject the petition. Ms. Moran seconded the motion. Board Members Jackson, Withee, Moran and Chair Early voted in favor of the motion, Mr. Castronovo opposed. Motion passed with 4-1 vote.

Chair Early stated that the petitioner can ask for a reconsideration that would come to the Board at a later date.

**Item K: Consideration of Rulemaking OAR 250-020-0032, 250-020-0385 – Newberg Pool**

Ms. Diehl stated that the Board voted to endorse concept E for Towed Watersports in the Newberg Pool at the January Board Meeting. Staff told the Board in January that they would consult with NMFS regarding concerns brought forward. NMFS provided an email and articles, and those materials were provided to the Board Members. There was no additional analysis or recommendations from NMFS. Ms. Diehl reminded the Board to consider goal 15 in their decision making. Staff recommended that the Board proceed with the adoption of the draft rule language as presented.

Chair Early asked if water-skiers can still get a special use permit to utilize the area. Ms. Diehl stated that she believes the permit in question is in a zone where waterskiing would be unaffected. The permit referenced would be accepted.

Mr. Castronovo suggested that allowing water-skiers from the 219 bridge down would not be a game changer. He asked if the rule language can be changed to allow them in that zone. Mr. Mulhollem stated that adding language to the change described could be done.

Ms. Jackson stated that because the Board went this way at the last meeting, they should continue in this direction. She shared concern that it will concentrate users in smaller areas, but the Board needs to get something in place by this summer.

Mr. Withee made a motion to approve the staff recommendation to proceed with the adoption of amendments of OAR 250-020-0032 and 250-020-0385 as written by the staff. Mr. Castronovo made an amendment to the motion to add that water-skiers can use zone H and G, just below the 219 bridge as part of the ruling. Ms. Jackson seconded the motion.

Roll call vote:
Board Member Withee – aye
Board Member Castronovo – aye
Board Member Jackson – aye
Board Member Moran - aye
Chair Early – abstain
Motion passed.

**Item L: Update on RAC for the Lower Willamette River**

Mr. Mulhollem provided a summary of the work of the Lower Willamette River RAC. Based on direction from the Board on a concept, staff could draft rules for the Board to discuss at the July or October Board Meeting. Mr. Mulhollem reminded the Board to consider Goal 15 in their decision making.

Mr. Castronovo asked if there is any paddler education coming up and if it is part of the plan. Mr. Mulhollem shared that there is voluntary paddler education, but nothing mandatory. If it was mandatory with a fee, statutes would be required. The Board could direct staff to create a legislative concept in the future. Director Warren shared that a study has shown that the non-motorized community tends to get their information from paddling clubs. Ms. Jackson shared that in the 80s clubs agreed on right hand side of shore traffic patterns and as clubs have grown people have generally agreed to abide by that. The problems are coming from people buying boats at big box stores, and those that don’t want to be a part of club. They tend to be the ones with the most conflict. Ms. Moran stated that there seems to be a need for signage. Mr. Castronovo asked if there are rental clubs in that area and if they offer any type of instruction for the novice. Ms. Jackson stated that it depends on the proprietor. Chair Early stated that she saw in the comments that education, enforcement and signage would help.

Chair Early asked if there was any special emphasis money that could be put towards the law enforcement component. Randy Henry, Boating Safety Program Manager, stated that the problem is not so much availability of funds but in availability of staff but can fund overtime hours. They could get some extra patrols on evenings and weekends with special emphasis funds. Ms. Jackson shared that she and some members of Calm Water Coalition provided a presentation to the sheriffs and the issue is not the money but having people who can do the job. Mr. Henry stated that they could organize something on a specific weekend or two. Ms. Moran asked if law enforcement gives citations when a boat is creating an unsafe wake. Mr. Henry stated that it is seen pretty rarely in the metro area that a citation would be issued versus educating the boater.

Director Warren shared that there is a watercraft rental safety checklist that was created by staff. It is being shared with all the Portland area rentals.

Mr. Castronovo asked if law enforcement helps educate paddlers when they see something. Mr. Henry stated that he has talked to law enforcement about the need to manage expectations. He stated that he thinks that is happening. Part of the waterway access permit program is to start educating the liveries. There are best practices that apply to anyone that is paddling.

Ms. Jackson shared a personal story of an incident that happened when she was paddling. Getting the education out of what wakes can do to someone is really important.

Chair Early stated that she would like to go with the least restrictive. Most of the comments seemed to favor the crosswalk concept. Mr. Mulhollem stated that the A concepts are the crosswalk concepts.

Mr. Mulhollem stated that a majority of RAC members thought that extending the slow no wake zone in the Holgate Channel was favorable.

Ms. Jackson stated that she was leaning toward the B concepts. There is a large population of non-motorized in the Riverplace area. This also aligns more with the South Reach Plan without being super restrictive.

Chair Early asked if there is a compromise between the A and B concepts. Mr. Mulhollem stated that the concepts in place are not the only options. A compromise between A and B is possible. There are also varying gradations of the A and B concepts. Mr. Castronovo stated that everyone can agree that there needs to be a buffer around the launch ramp. Ms. Moran stated that she would like to see exhausting all other options like education, law enforcement, and signage before placing restrictions.
Ms. Jackson shared that the Port of Portland could be a wake sport resource. It doesn’t have a lot of traffic and it is very wide and very long. Most incidents are happening in the downtown area. Particularly with the dragon boats. There needs to be something in place to keep those people safe.

Chair Early stated she would be in favor of seasonal or temporal times.

Mr. Castronovo asked how businesses might be affected in that area. Mr. Mulhollem stated that the slow no wake zones would concern the fishing guide community. Commercial traffic is exempted in statute, but there is an exemption to the exemption for passenger vessels with less than 100 people. The jet boats carry less than 100 people, so they are not exempted from regulations. Any concepts with a slow no wake would be concerning to the jet boats.

Ms. Jackson stated she is leaning toward B2, or the modified pass through zone with a seasonal watersport zone. Ms. Moran stated that April 15th should be the date for the dragon boats and then into September. Mr. Castronovo stated that his hesitation about the B concept is that it restricts more boats into smaller areas, he likes A1 better. He asked if there was a lot of interest in option A and if it was a concern to put more boats into smaller area. Mr. Mulhollem stated that there were some concerns on both sides.

Mr. Mulhollem stated that Willamette Park is one of the most used launch points. Concerns were that Willamette Park is in the middle of the area that would be regulated in the B concepts.

Chair Early asked about Swan Island. Ms. Belleque provided an update on that area. The city is looking to dispose of that property to a private party who would operate the boat ramp for public use.

Mr. Mulhollem asked if the Board endorsed some level of the B concepts. Mr. Castronovo stated he endorsed A1, Ms. Jackson stated she endorsed B, Ms. Moran stated she endorsed B2, Mr. Withee stated he endorsed A1, and Chair Early stated she leaned toward the A concepts.

Director Warren stated that it should be considered that the members that live in the Portland area are leaning towards the B concepts. Chair Early stated that is something that should be considered, and she is looking for the least restrictive option. Mr. Castronovo stated that his concern is the push to prioritize one group over the other. Ms. Jackson stated that she looks at it a little different for example putting in bike lanes and neighborhood greenways. She sees this as a parallel thing. It is not denying anyone access by providing a pass through concepts.

Chair Early discussed a combination between the A and B2 concepts and temporal zones with the dates of May 1st through September 30th.

Mr. Withee suggested that Mr. Mulhollem take the B2 concept back to the committee and let the committee work through the concerns of the Board Members. Chair Early agreed that Mr. Mulhollem should take the B2 concept with temporal zones to the committee to work through. The Board agreed to stick with statewide language regarding buffers.

Mr. Mulhollem stated that he will get input from the RAC and come up with proposed language for the Board to review in July. The Board can then vote on new rules in October. The Board agreed to give people as much time as possible for public comment.

**Other Business:**

Given the current climate, having the July meeting in Brookings may not be the best idea. The Board will plan for a meeting to be in Salem on July 22/23. At 3 weeks out staff will do a check point and a decision will be made to keep the meeting in Salem or do it virtually.

Meeting adjourned at 12:35 pm.

Respectfully submitted,

Jennifer Cooper
Item A: Executive Session

01. Per ORS 192.660 (2)(h) the Marine Board will meet in Executive Session.
Oregon State Marine Board
July 23, 2020
Agency Scorecard

Financial Overview

Strengths:
The agency revenue projections continue to be trending with the budget. The new Waterway Access Permit sales will allow the agency to fill the associated staff position and have a grant round.

Concerns: While revenue has been tracking with the budget, the agency has a history of revenue declines during recessions. With the agency receiving a fee increase starting in 2020, it is unlikely that we would be successful in pursuing another fee increase for four to six years. Given those factors, it is important for the agency to live within its means for the coming years. Director Warren worked with agency leadership to identify savings from this biennium that will strengthen the agency's ability to handle a decline in revenue.

Business Overview

Strengths: The agency continues to meet the challenges associated with operating a business during the COVID-19 response. Remote work capabilities continue to be improved and customers can conduct business. The state anticipates remaining in the current operating environment through at least August 31, 2020.

Concerns: While processes, training and education have all been adapted to the current work environment, there is an inherent delay in resolving issues that require coordination across the agency or with outside business partners. It is taking a concerted effort to avoid working in silos or as individuals.

Recreational Opportunities

Strengths: Most boat ramps across the state are open at a level that allows some boating to occur. The Facilities and Law Enforcement programs put considerable effort into finding ways for boaters to have safe access across the state.

Concerns: Facility owners across the state are experiencing various levels of financial hardship. As local governments react to their financial crisis, they will most likely focus on services such as healthcare, family stability and safety, which could mean reduced funding for recreational facilities.
The economic hardship, and need to maintain social distancing, is also creating significant changes to public campgrounds. Boaters are being impacting by the changes to public campgrounds. This could result in boating use patterns shifting to areas closer to where boaters live or reduce the amount of boating trips taken in a year.

**Stakeholder Engagement**

**Strengths:** Staff have adjusted to the current working environment and found ways to continue to engage stakeholders on agency issues. The agency has been actively participating with the Office of Outdoor Recreation, Clackamas Tourism Studio, Tribal meetings and a variety of other statewide recreational efforts.

**Concerns:** The 2021 Legislative Session is six months away. With the reduced ability to meet with stakeholders across the state, it will be more difficult to find common legislative priorities. While the agency isn’t proposing legislation during this session, we have partners that may be working on concepts that relate to boating.
Item B: Director’s Agency Report

Administration

01. State agencies will continue to stay the course with the emphasis on teleworking and being closed for walk-in customers through August 31, 2020. State agencies are not following county phased re-opening guidelines as it relates to workforce management.

02. Director Warren attended part of the Marine Law Enforcement Academy. Agency staff, and trainers from the law enforcement community, did an excellent job conducting the training. Jefferson County Sheriff and the community were outstanding hosts to this event. The Lake Oswego Fire Department provided on site medical services to ensure the wellbeing of participants.

Boating Facilities Program

01. The Board authorizes $100,000 a biennium targeting $50,000 per year to be allocated for Small Grants. Small Grants cannot exceed a total project value of $20,000 with a maximum grant award of $10,000. In addition, projects cannot be fragmented to fit within the financial cap of the program. The Director is authorized to approve the grants on behalf of the Board. A total of four grants were approved for $15,284.60 state boater funds with $15,025.91 of recipient match. Below is the annual report of Small Grants approved between July 1, 2019 and June 30, 2020.

<table>
<thead>
<tr>
<th>Small Grant</th>
<th>Owner</th>
<th>Facility/Project</th>
<th>Amount Requested</th>
<th>OSMB State Funds</th>
<th>Applicant Cash Match</th>
<th>Applicant Force Account Match</th>
<th>Total Project Cost</th>
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<tbody>
<tr>
<td>1920-01</td>
<td>Josephine County</td>
<td>Indian Mary, replace riprap under and around ramp</td>
<td>$750</td>
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<td>$1,770.80</td>
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<td>Boones Ferry, cantilever ramp inspection</td>
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<td>1920-04</td>
<td>Port of Newport</td>
<td>South Beach, physical distancing monitor during all depth halibut</td>
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02. After the May 2020 Board meeting staff finished integrating Waterway Access, Boating Facility and Small Grants into a single procedure guide. Based on numerous discussions with past and potential new grant applicants and a presentation at the Oregon Recreational Park Association annual conference we heard that the majority of boating access is used by a variety of different types of boats and applicants did not want to fill out two applications; one for our traditional grant program and one for the new Waterway Access grant. As a result, staff’s goal was to simplify the process for applicants by making one application and procedure guide for our five grant funding sources (Boating Facility, Clean Vessel Act, Boating Infrastructure, Small Grants and Waterway Access). The only program not integrated is the Maintenance Assistance Program (MAP). The new Boating Facility,
Grant applications were solicited beginning June 1 utilizing press releases, social media, direct email to more than 500 individuals, organizations, clubs and facility providers and emails were sent to ODFW and OPRD requesting they share the information through their listservs. Additionally, River Management Society shared the information in their newsletter. Staff hosted three webinars about procedures, application and open forum for questions and answers. There were approximately 50 participants: 60% local government, 20% state government, 10% federal government and 10% non-governmental organizations.

Thanks to Ashley Massey, Public Information Officer for creating a Grant Application Comment webpage. Grant applications will be uploaded for the public to have an opportunity to email comments to staff for consideration during the evaluation process. Comments will be shared with the Board as part of the staff recommendation packet. Staff will solicit for comments utilizing the previous grant solicitation process.

The grant application deadline is July 1. Once applications have been reviewed and accepted, they will be uploaded and sent to the Board prior to the August 27, 2020 Special meeting.

03. Marine Board staff participate in a variety of park planning, permit, design review and assessment processes with local, state and federal agencies. Updates on current processes include:

a. The Tualatin River has an 18-mile gap in access between 99W Bridge Access and Eagle Landing. The bridge access is marginal, and Jurgens Park is about another mile away. The lack of access has been recognized as a need for over 20 years in the Statewide Boating Access Improvement Plan. The Waterway Access program now provides a resource to address this long-desired need. Numerous individuals, Tualatin Riverkeepers, Oregon Department of Fish and Wildlife, and the City of Tigard would like to create new nonmotorized boating access almost at the mid-point of the gap. Staff met with four people onsite to evaluate the property and discuss the overall vision for boating access and timeline. The City of Tigard will begin master planning for the multi-use park property in 2021.

b. Howard Prairie Dam Ramp is a remnant from a construction road that was used to repair the dam a few years ago. The Oregon Department of Fish and Wildlife (ODFW) contacted staff about making improvements and formalizing a low water ramp on the reservoir. ODFW has discussed this idea with the Bureau of Reclamation and Jackson County Parks as well. The location has been added to our survey and assessment list. In the interim ODFW was looking for temporary solutions to provide access during the low water. Staff suggested looking into articulated concrete block matting that could be moved as the water went down and matting material that is being used to provide access on beaches.

c. As mentioned previously Marine Board staff has been participating in the City of Monroe’s Riverside District Master Plan advisory committee. The city is looking to add boating access on the Long Tom River. Several virtual meetings and a public virtual open house have been held with the Marine Board staff in attendance.
d. Burnside Bridge: Marine Board staff continues to be part of the conversation regarding the Earthquake Ready Burnside Bridge project. Staff has provided comment on the EIS technical report. Construction of the bridge may begin as early as 2022 and will have an impact on recreational boating on the Willamette River.

e. The Bureau of Land Management (BLM), ODFW, Umpqua Fisherman’s Association, American Whitewater Association and staff are looking at the North and South Forks and Mainstem Umpqua River for gaps in boating access, existing access and signage.

04. Two floating restrooms were retrofitted and delivered to Prineville State Park and Lake Owyhee State Park. Staff is working with the Department of Administrative Services - Procurement Office to establish a new floating restroom price agreement. The price agreement simplifies the procurement process for local government and state agencies.

<table>
<thead>
<tr>
<th>2019-21 Grant and Project Construction Status</th>
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<td><strong>1632</strong></td>
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<td><strong>1641</strong></td>
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<tr>
<td><strong>1642</strong></td>
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<td><strong>1645</strong></td>
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<td><strong>1646</strong></td>
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<td><strong>1649</strong></td>
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<tr>
<td><strong>1651</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2019-21 Small Grants Project Construction Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1920-04</strong></td>
</tr>
</tbody>
</table>
Environmental and Policy Program

Aquatic Invasive Species Prevention Program

01. The AIS boat inspection stations have been classified as essential services by ODFW and all stations are open and inspecting boats daily. However, operations have changed due to protocols associated with COVID-19. Contact between inspector and boat transporter is now very limited, and no printed education and outreach materials are distributed. As of July 1, 2020, six boats harboring invasive mussels have been intercepted entering Oregon and all were decontaminated.

02. Staff has been working with the Oregon Invasive Species Council as one of their long-time permanent voting members. The Council’s budget committee has been struggling to make alternative plans because over 70% of its operating budget has been eliminated due to the budget cuts associated with COVID-19 and the associated financial crisis.

Clean Marina Program

01. Staff worked with Jenny East with Oregon State University Extension to help provide information to Department of Environmental Quality (DEQ) staff regarding the operations of two sewage pump-out boats in the Portland metro area. These two businesses are currently operating without a DEQ sewage handling permit, which DEQ has indicated that they need. OSMB staff will continue to facilitate conversations between the boat operators and DEQ to determine a path forward that may allow these businesses to continue operations and also comply with DEQ regulations.

02. Recertification visits for Clean Marinas will resume in July. Social distancing protocols are in effect and all Governor’s Orders resulting from the COVID-19 pandemic will be followed.

Abandoned and Derelict Vessel Program

01. Staff coordinated the removal of two sunken derelict vessels that were presenting a hazard to recreational boaters in the Willamette River near Ross Island. Staff also provided technical assistance and guidance to other public agencies in their response to abandoned and derelict vessels, which is something staff does regularly. In order to provide consistent information to agencies seeking guidance related to ADVs, staff recently developed a reference manual entitled Abandoned and Derelict Vessel Enforcement Agency Response Guide, which is available to law enforcement and other public agencies.

Boating Safety Program

Outfitter Guide

01. There are currently 1,165 guides active for 2020 season. There are 39 in pending status. OSMB staff reports that 265 expired guides from 2019 have yet to renew.

02. There are currently 72 charters active for the 2020 season. All charters that expired in 2019 charters have renewed for this season.

Boating Accidents

01. As of June 23rd, there have been eight boating fatalities - five men and three women spanning the ages from 13 to 60. The average age is 39. Three were on motorized boats and five on non-motorized. Only two were wearing life jackets, but one possibly was too large for the individual.
02. One of the fatalities was a natural phenomenon, as a tree limb fell and struck a boater while at anchor.

03. A double fatality on June 29th in Florence may be commercial (non-recreational) and is being investigated by the US Coast Guard with help from Lane County.

04. A spate of fatalities occurring during the first 6 weeks of the COVID-19 restrictions included inexperienced users not using life jackets. Staff worked extensively with media to encourage safe operation during this time period.

Education

01. Due to COVID-19, public education cannot be conducted in person. OSMB staff and USCG Auxiliary partnered to create a virtual Boat Oregon Class. OSMB staff tested the course on agency staff before it went out to the boating public. After a few minor modifications, the class received NASBLA approval and staff will offer the first virtual class July 13th through July 16th from 6 pm-8 pm. OSMB volunteer instructors will offer and teach the virtual classes. Classes will be offered until in-person classes are allowed.

02. OSMB staff issued 5,927 new boater education cards in 2020. There is an increase in education from people 12-20, people from out of state, and people taking the course online. In April and May, the number of people 12-20 seeking certification nearly doubled compared to previous years.

03. OSMB staff issued 388 towed watersports education cards and certified 252 boats for the Newberg Pool through the Towed Watersports Education Program. Cardholders receive regular updates about rule changes and safety messaging from the agency.

Waterway Planning

01. OSMB staff used the recently developed Waterway Marker Inventory App to survey the Newberg Pool buoys locations and condition in May. The buoy survey information was provided to the contractor for the buoy work. This Waterway Marker Inventory App will be used throughout the state to survey buoys and signs providing location, condition, ownership, action required, and other qualitative information.

Map 1: Red dots represent location of buoys as survey on May 11, 2020 using the Waterway Marker App.
02. A contractor has completed waterway marker work on the Newberg Pool for demarcating the new towed watersports rule boundaries. The buoy work completed by the contractor consisted of removing 8 buoys, placement of 12 buoys, and relabeling the buoys. All 20 buoys from the 2019 season remained in the Newberg Pool over the winter, however some were off station due to floating log entanglements. The contractor will remove the buoys this October and store them until May 2021 installation. Total cost for the 2020 season contractor invoices, vinyl decals, and educational materials is expected to be $33,500 for the Newberg Pool. Expected annual costs for Newberg Pool buoy management starting in 2021 is $20,000 including contractor invoices, vinyl decals, and hardware replacement.

03. OSMB staff with collaboration from law enforcement designed an informational handout highlighting towed watersports laws in the Newberg Pool. This handout is distributed in information holders at the boat launches and by marine law enforcement. The handout serves as an educational tool for boaters while providing a reference sheet for the zone boundaries and operating rules. The handout information incorporates the most commonly missed questions on the Towed Watersports Endorsement exam.

Handout: this double-sided sheet will be available at boat launches and distributed by law enforcement.

04. OSMB staff has posted the below QR code sign at boat launches and public tie-up docks on the Newberg Pool. The QR Code directs users to the Newberg Pool App available on smart phones or desktop version which can also be accessed from OSMB website homepage. Location services can be enabled on a smart phone to show where a boater is on the Newberg Pool in reference to zone boundaries and operating rules layer.

Sign posted at Newberg Pool boat launches. Newberg Pool App shows zone boundaries.
Law Enforcement Training

01. Law Enforcement Training continues despite COVID-19 restrictions. Staff conducted a two-day virtual academy in June using instructors and agency technology and reached more than 100 students. Agency staff updated all presentation materials for facilitated electronic presentation. A major side benefit of this technique is that any marine officer can participate in the training to update their knowledge and skills, and all education materials are posted on the law enforcement website for reference as well. In-person training was conducted in Madras June 15-19 and was attended by Board Member Craig Withee.

02. Annual Jet Training will be conducted in Gold Beach July 20-24 this year. The annual drift boat training was replaced with the delayed on-water portion of academy this year. Instructors will work with students in advance of Jet Training to help students learn to read water.

Violations January – June 2020

01. Despite the strange year, officers have been on the water making contacts this year. They have made 2,720 stops statewide as of July 1, compared to 2362 last year at this time. These stops were for 4,129 individual violations, compared to 3,513 individual violations last year. The vast majority have to do with registration violations, including numbering, decals, and Certificates of Numbers.

<table>
<thead>
<tr>
<th>Violation</th>
<th>2020</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>830.795 Validation Stickers</td>
<td>1023</td>
<td>692</td>
</tr>
<tr>
<td>830.565 Fail/Possess/Produce/OR Altered AIS Permit</td>
<td>396</td>
<td>358</td>
</tr>
<tr>
<td>830.215 Personal Flotation Devices</td>
<td>377</td>
<td>370</td>
</tr>
<tr>
<td>830.780 Identifying Number on Forward Half of Boat</td>
<td>362</td>
<td>281</td>
</tr>
<tr>
<td>830.770 Certificate of Number Required</td>
<td>333</td>
<td>319</td>
</tr>
<tr>
<td>830.230 Sound Signaling Device</td>
<td>321</td>
<td>318</td>
</tr>
<tr>
<td>830.094 Boating Safety Education Certificate Required (ED CARD)</td>
<td>166</td>
<td>118</td>
</tr>
<tr>
<td>830.775 Certificate of Number Not Applied For</td>
<td>146</td>
<td>132</td>
</tr>
<tr>
<td>830.220 Fire Extinguishers</td>
<td>23</td>
<td>79</td>
</tr>
</tbody>
</table>

Registration Program

Statistics

01. As of June 30, 2020, there are 164,029 motorboats and sailboats (12 feet and longer) with registrations expiring 12/31/2018, 12/31/2019, 12/31/2020 or 12/31/2021. The count includes boats with primary operations of pleasure, rent/lease (livery) or city, county, state and eleemosynary organizations.

02. The attached Registration Statistics Report shows the numbers of transactions completed by type, transactions in process and pending review.

03. Current transaction processing for boat titles and registrations is 4 weeks from receipt at the agency office. Registration renewals received by mail or from agents are process within 2-3 business days.
04. Registration Specialists have responded to over 6,200 telephone calls from customers in the month of June. As noted in the attached Registration Section Statistics transaction processing is up to date.

05. Online boat registration renewals continue at an average 33% or better rate.

**Boat Registration Agents**

01. There are currently 59 Boat Registration Agents statewide. Due to Covid-19 some agents are offering limited walk-in service. The following table summarizes the number of transactions received by month.

<table>
<thead>
<tr>
<th></th>
<th>March 2020</th>
<th>April 2020</th>
<th>May 2020</th>
<th>June 2020</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,416</td>
<td>1,756</td>
<td>982</td>
<td>4,339</td>
<td>8,493</td>
</tr>
</tbody>
</table>

02. Agents submitting a total of over 500 transactions for the 4-month period include Y-Marina in Coos Bay, All Seasons RV in Bend, Mel's Marine in Eugene, Water World of Medford and Pelican Marina in Klamath Falls.

**BOATS (Boat Oregon Accounting and Transaction System)**

01. There are approximately 10 open tickets for the BOATS system with the state service provider Oregon NIC and subcontractor, Tyler Technologies. Bi-weekly teleconferences including agency system administrators from business services, titling and registration, boater education and outfitter/guides review current tickets, and testing solutions. Topic tickets at this time relate to generating reports for statistics that are not functioning properly since the new server setup.
### Completed Transactions by Registration Year

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat Titles (initial, transfer)</td>
<td>22,509</td>
<td>23,156</td>
<td>21,287</td>
<td>26,048</td>
<td>13,380</td>
</tr>
<tr>
<td>Replacement Boat Titles</td>
<td>544</td>
<td>540</td>
<td>495</td>
<td>474</td>
<td>283</td>
</tr>
<tr>
<td>OR Title Transfer Late Fee</td>
<td>1,928</td>
<td>2,046</td>
<td>2,010</td>
<td>1,847</td>
<td>1,063</td>
</tr>
<tr>
<td>Replacement Reg Card</td>
<td>333</td>
<td>280</td>
<td>320</td>
<td>407</td>
<td>194</td>
</tr>
<tr>
<td>Replacement Reg Card &amp; Decals</td>
<td>1,553</td>
<td>1,847</td>
<td>2,189</td>
<td>2,176</td>
<td>1,250</td>
</tr>
<tr>
<td>Livery Registrations</td>
<td>248</td>
<td>193</td>
<td>316</td>
<td>284</td>
<td>212</td>
</tr>
<tr>
<td>Dealer Registrations</td>
<td>69</td>
<td>52</td>
<td>90</td>
<td>65</td>
<td>259</td>
</tr>
<tr>
<td>Floating Property Titles</td>
<td>219</td>
<td>306</td>
<td>252</td>
<td>283</td>
<td>86</td>
</tr>
</tbody>
</table>

### Boat Registrations by Expiration Year (Active, In Renewal or Pending)

<table>
<thead>
<tr>
<th></th>
<th>as of 07/01/2020</th>
<th>12/31/2018</th>
<th>12/31/2019</th>
<th>12/31/2020</th>
<th>12/31/2021</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pleasure</td>
<td>13,789</td>
<td>21,894</td>
<td>69,144</td>
<td>59,202</td>
<td></td>
<td>164,029</td>
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</table>

### Completed Transactions by Month as of 06/30/2020

<table>
<thead>
<tr>
<th>Month as of 06/30/2020</th>
<th>Titles</th>
<th>Repl Titl</th>
<th>Late Fee</th>
<th>Repl Reg</th>
<th>Repl Reg +Decals</th>
<th>Livery Reg</th>
<th>Dealer Reg</th>
<th>FP Titles</th>
</tr>
</thead>
<tbody>
<tr>
<td>November-19</td>
<td>1,014</td>
<td>23</td>
<td>80</td>
<td>7</td>
<td>43</td>
<td>-5</td>
<td>213</td>
<td>7</td>
</tr>
<tr>
<td>December-19</td>
<td>1,011</td>
<td>24</td>
<td>92</td>
<td>7</td>
<td>47</td>
<td>101</td>
<td>13</td>
<td>8</td>
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<tr>
<td>January-20</td>
<td>1,884</td>
<td>29</td>
<td>168</td>
<td>7</td>
<td>98</td>
<td>117</td>
<td>5</td>
<td>29</td>
</tr>
<tr>
<td>February-20</td>
<td>1,687</td>
<td>27</td>
<td>124</td>
<td>18</td>
<td>98</td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>March-20</td>
<td>1,951</td>
<td>32</td>
<td>145</td>
<td>18</td>
<td>133</td>
<td>13</td>
<td>12</td>
<td>14</td>
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<tr>
<td>April 22, 2020</td>
<td>2,178</td>
<td>22</td>
<td>170</td>
<td>25</td>
<td>177</td>
<td>-64</td>
<td>8</td>
<td>9</td>
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<tr>
<td>May-20</td>
<td>2,574</td>
<td>58</td>
<td>215</td>
<td>50</td>
<td>353</td>
<td>43</td>
<td>1</td>
<td>4</td>
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<tr>
<td>June-20</td>
<td>1,080</td>
<td>69</td>
<td>69</td>
<td>62</td>
<td>303</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>July-20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>August-20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>September-20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>October-20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>13,379</td>
<td>284</td>
<td>1,063</td>
<td>194</td>
<td>1,252</td>
<td>213</td>
<td>259</td>
<td>86</td>
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</table>

### Work in Progress as of 4/24/2020

<table>
<thead>
<tr>
<th></th>
<th>Jan-20</th>
<th>Feb-20</th>
<th>Mar-20</th>
<th>Apr-20</th>
<th>May-20</th>
<th>Jun-20</th>
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</thead>
<tbody>
<tr>
<td>Posted in BOATS</td>
<td>21</td>
<td>45</td>
<td>67</td>
<td>97</td>
<td>251</td>
<td>130</td>
</tr>
<tr>
<td>Ready to Post in BOATS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>71</td>
<td>290</td>
<td>952</td>
</tr>
<tr>
<td></td>
<td>Jul-20</td>
<td>Aug-20</td>
<td>Sep-20</td>
<td>Oct-20</td>
<td>Nov-20</td>
<td>Dec-20</td>
</tr>
<tr>
<td>Posted in BOATS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ready to Post in BOATS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Posted/Deficient means the customer needs to supply additional fees or documents. Ready to Post means the transaction is ready for staff to review and post.

### Transactions Pending

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>1</td>
<td>409</td>
<td>498</td>
<td>464</td>
<td>948</td>
</tr>
</tbody>
</table>
**Business Services Program**

**Budget and Accounting**

01. The budget building process for the 2021 – 2023 budget is continuing. The Agency Request Budget will be finalized for submission by July 31, 2020. More details will be provided in Item C.

02. June 2020 is the end of Fiscal Year and marks the middle of the agency’s budget cycle. With revenue levels slightly above the 50% of its biennial budget, revenue has performed just as planned.

03. Since January 2020, when the Waterway Access Permit became effective, and particularly in the last two months, its level of compliance has been very positive, exceeding the projections and generating higher levels of revenue.

04. The level of expenditure shows a slower pace, reaching only 30% and 40% of the biennial budget for State and Federal Funds, respectively. This slower pace can be attributed to the shutdown of the economy because of the COVID-19 pandemic. Executing contracts and keeping a steady level of service has been particularly challenging with local governments and businesses closed.

**Forecasting the Recession**

01. As soon as the pandemic started to give clues of its effects and economic implications, the management team projected different scenarios in order to get a better picture of its financial position, and worked on different measures that combined, will allow the agency to navigate through this crisis without compromising its operation and at the same time continue serving boaters.

02. Even when Fiscal Year 2020 does not show any negative impact in revenue, the management believes that the true effects of the pandemic will start in the second quarter of Fiscal Year 2021. Compared to the Legislatively Approved Budget (LAB), the agency is expecting a 13% decrease in registration and titling revenue.

<table>
<thead>
<tr>
<th></th>
<th>2019-21 Budget</th>
<th>Change</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>LAB</td>
<td>Projected</td>
</tr>
<tr>
<td>Registration</td>
<td>14,914</td>
<td>12,937</td>
</tr>
<tr>
<td>Titling</td>
<td>2,255</td>
<td>1,955</td>
</tr>
<tr>
<td>Guides &amp; Outfitters</td>
<td>591</td>
<td>511</td>
</tr>
<tr>
<td>AIS</td>
<td>1,672</td>
<td>1,601</td>
</tr>
</tbody>
</table>

**Fuel Tax**

01. Fuel Tax revenue is determined by the number of active boats, the consumptive factor, and the current tax rate. Even when the boat count has been declining in past years, the last consumptive factor assessed by OSU spiked from $79.69 to $84.09. Likewise, the Tax Rate has been increasing $0.02 every two years since 2017 and will reach its peak in 2024. The current rate is $0.36.

02. Since the consumptive factor that would be valid for the 2019-21 LAB was not available at that moment, the budget was prepared using the previous one. The last projection that uses the current consumptive factor estimates 1 million dollars of additional revenue.
Dollars in Thousands.

<table>
<thead>
<tr>
<th></th>
<th>LAB</th>
<th>Projected</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel Tax</td>
<td>$7,538</td>
<td>$8,697</td>
<td>$1,158</td>
</tr>
</tbody>
</table>

03. This unexpected change will help to mitigate part of the projected fall in registration and titling revenue.

**Savings Plan**

01. Considering the last projections, the management is committed to implement a savings plan of $700 thousand dollars for the rest of the current biennium. Both the Facilities and Law Enforcement programs have pledged to reduce their expenditures by $350 thousand dollars for the 2019-21 biennium.

**Public Information**

<table>
<thead>
<tr>
<th>Date</th>
<th>News Release Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/26/2020</td>
<td>Recreation Advisory Issued for Lower North Santiam River</td>
</tr>
<tr>
<td>06/25/2020</td>
<td>Drinking and Boating? Ye Be Warned -Operation Dry Water July 3-5</td>
</tr>
<tr>
<td>06/23/2020</td>
<td>Wake Surfing Zones for Newberg Pool Go into Effect July 1</td>
</tr>
<tr>
<td>06/10/2020</td>
<td>Marine Board Seeks Written Public Comment on Newberg Pool Petition Submitted in May</td>
</tr>
<tr>
<td>06/02/2020</td>
<td>Marine Board Now Accepting Boating Facility and Waterway Access Grant Applications</td>
</tr>
<tr>
<td>05/22/2020</td>
<td>Oregon Prepares for Aquatic Invaders with Rapid Response Exercise</td>
</tr>
<tr>
<td>05/21/2020</td>
<td>Sharing the Waterways When Boating -Improving Safety, Reducing Conflict Begins with You</td>
</tr>
<tr>
<td>05/20/2020</td>
<td>Marine Board Seeks Written Public Comment on Petitions Relating to Paddlers</td>
</tr>
<tr>
<td>05/14/2020</td>
<td>Marine Board Approves New Rules for Newberg Pool, Other Items</td>
</tr>
<tr>
<td>05/06/2020</td>
<td>Paddling Fatalities Trending Up: Preparation and Practice are Key</td>
</tr>
<tr>
<td>04/29/2020</td>
<td>Marine Board to Hold Virtual Meeting May 13</td>
</tr>
<tr>
<td>04/28/2020</td>
<td>Marine Board Urges Boaters: Be Safe, Practice Physical Distancing</td>
</tr>
</tbody>
</table>

**Clackamas County Tourism Studio and the River Ambassador Pilot Program**

01. For background, in 2018, Mt. Hood Territory commissioned a study from Crane & Associates, environmental economists, to evaluate water tourism potential for Clackamas County. Their year-long study revealed excellent recreation value which is underutilized most of the year with over-utilization in the summer in some locations (McIver Park to Carver Park on the Clackamas River).

02. In early 2019, Mt. Hood Territory applied for, and received a grant from Travel Oregon to convene a Travel Oregon Water
Tourism Studio. A steering committee of stakeholders was formed, facilitated by Travel Oregon, including a representative from the Marine Board.

03. Three Clackamas County Water Tourism Studios took place in the spring of 2019, and from these public meetings involving facility owners, private land owners, various user groups, local, state and federal partners, six priorities were identified: 1) Connect downtown Estacada to the river, 2) Increase community engagement and partnerships, 3) Improve visitor comfort and sense of safety through education and stewardship, 4) Increase diversity of guided recreation opportunities, 5) Signage for behavior modification, and develop a 6) Communication strategy.

04. “Improving visitor comfort and sense of safety through education and stewardship” seemed to be the most achievable priority. A River Action Team from the Water Tourism Studio was formed from studio participants, including a member of the Trailhead Ambassador Program from the Columbia River Gorge Commission. The River Action Team worked to model after the Trailhead Ambassador Program. Trailhead Ambassadors were able to educate and connect with visitors in such an effective way, that injuries decreased, trails were left in a more sustainable condition, and there was a decrease in litter and vandalism. Visitors started feeling safer. They started coming back and wanting to help protect this important recreation asset. Participants in the Water Tourism Studio and River Action Team want to address the safety and sustainability needs using Ambassadors to interact with visitors floating the Clackamas River during the summer months.

05. Grant funding from Travel Oregon and Mt. Hood Territory (Clackamas County Tourism) was secured, fortunately before COVID-19, and We Love Clean Rivers agreed to host the program with a volunteer coordinator position (Nicole Fredericks).

06. Unfortunately, Mt. Hood Territory and Travel Oregon experienced deep budget cuts and layoffs due to COVID-19. To keep the pilot program afloat for implementation during the 2020 summer season, the Marine Board stepped in to continue facilitating discussions on program development and continue the momentum of the River Ambassador Action Team members. The goals of the River Ambassador program are in close alignment to the Marine Board’s 2017-2022 Strategic Plan, Project 6 (Communication), accomplishing all the courses of action identified in the plan.

07. River Ambassador Recruitment began in earnest in early June 2020 via We Love Clean Rivers and promoted on volunteer platforms and social media. Steering Committee and River Action Team members were also encouraged to promote recruitment: http://www.welovecleanrivers.org/river-ambassadors/.

08. River Ambassador training was held via webinar on June 15, 2020 in addition to a resource web page through We Love Clean Rivers with additional communication methods (email, bi-monthly newsletter, private FB page). Routine Q&A webinars are also scheduled out into July, co-hosted by OSMB and We Love Clean Rivers.

09. River Ambassadors will be stationed at McIver Park and Carver Park beginning the 4th of July weekend. Barton Park will be another River Ambassador station into July.

10. River Ambassadors will use a white board with existing river conditions for the day, including: current river conditions, daylight hours and weather, “Leave No Trace” principles, locations for the Stash the Trash bags and Life Jacket Loaner kiosk, and local places to visit after floating. Stations will also be marked for physical distancing and ambassadors will
wear face protection. Station supplies will be cleaned twice daily. Take Care Out There (Prepare, Care, Connect) messaging will be conveyed by ambassadors using materials created by Travel Oregon/OPRD Office of Outdoor Recreation.

11. River Ambassadors will also assist local parks personnel and will report their activities/engagement to the Volunteer Coordinator after each shift. River Ambassadors can also serve to help partner organizations with observational studies on behavior and attitudes of visitors for future social marketing/safety intervention purposes.

12. The Clackamas River Ambassador pilot program was built with expansion in mind, to address safety, environmental stewardship, courtesy, and activity dispersion through face-to-face interactions, and promote local attractions. It is the hope of the water tourism studio steering committee and River Ambassador Action Team, that this program can be expanded to other areas of the state in the future.

Website Content Updates

01. New website content was created to reflect the diversity of boating activities and knowledge base around safety, regulations, and best practices.

02. New web pages include: Marine Law Enforcement, New Boating Changes, Navigation Rules of the Road (with content provided by the US Coast Guard District 13), and the Art of Boat Launching (for paddlers and trailered boats).

03. Content updates reflect rule changes for Life Jacket Labeling and Fire Extinguisher ratings. Courtesy and Etiquette content, to reflect messaging on sharing the waterways and best practices to reduce conflict. The page also includes one of the ACA videos produced for PaddleTV in 2019, on launching etiquette for paddlers.

04. The Incident and Fatality statistics for 2019 are updated.

2020 Media Kit

01. The agency’s traditional media kit, distributed to agency partners and the media in May, is posted on the Media Kit page.

02. Traditional materials include:
   - Universal Safe Boating Tips
   - All About Life Jackets (updated to reflect new labeling)
   - Boating Under the Influence of Intoxicants
   - Oregon’s Recreational Boating Incident/Fatality Statistics
   - Key Boating Safety Messages/Talking Points

03. New content is being expanded to include “Sharing the Waterways, Improving Safety and Reducing Conflict Begins with You,” and Paddle Smart, shared messaging with the US Coast Guard for paddlers.

04. The media kit has also been shared with the Lower Willamette Rule Advisory Committee and other interested parties with requests for amplifying the messaging through their communication modalities.
Campaigns

01. National Safe Boating Week messaging was shared digitally this year, and the agency posted pictures of staff wearing their life jackets, accompanying other life jacket safety information. A video from our Boating Facility Designer, Stuart Jantze, helped set a fun tone with his “stress-induced” inflatable life jacket inflating.

02. Operation Dry Water and targeted messaging will accompany a news release on June 25, letting the boating public know efforts to deter boating under the influence of intoxicants. The national law enforcement effort takes place July 3-5, 2020.

03. Boating Safety video with Portland Fire and Rescue, Station 21. On June 23, the PIO partnered with the Portland Harbormaster, Sean Whalen, for a social media video about the need for life jacket wear, knowing the rules of the road, sharing the waterways, and being prepared during COVID-19. Portland Fire and Rescue will promote the video and share with their water safety partners in time for the 4th of July weekend.

Building Updates

01. The Marine Board office is in the process of transitioning from using keys to using Proxy card ID badges to enter the suite. This will be more convenient for staff and will improve security as entry to the suite is now logged. When the transition is complete the suite will be re-keyed and security alarm system will be reviewed.

02. A new security door will replace the swinging door in the lobby. This will provide additional security for staff and better control access to the suite. When the lobby opens to the public, a plexiglass screen will be installed on the front desk as a health barrier/deterrent to entry.

03. Since the Marine Board office lobby is closed to the public, a drop box has been installed in the building atrium so that customers can drop off check and cash transactions during business hours (8 to 5).

Information Technology

01. The agency continues to transition to mobile-friendly technology. The agency plans to have about one-quarter of the computers replaced every year (for a four to five-year replacement cycle), and this year all the desktop computers have been replaced with laptop computers. This supports the Governor’s directive to allow state employees telework to the maximum extent possible and allows for the engineering and policy staff to be more productive and take their equipment on the road.

02. The agency has implemented a mobile-device management solution to configure and manage all agency issued cell phones and tablets. Most agency staff have been issued a cell phone and this software solution will allow for better support of these mobile devices.
### Other Funds

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
<th>% of Budget 2019-21</th>
<th>Projected 2019-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel Tax</td>
<td>$ 7,538</td>
<td>$ 4,534</td>
<td>60%</td>
<td>$ 8,697</td>
</tr>
<tr>
<td>Registration</td>
<td>14,914</td>
<td>7,584</td>
<td>51%</td>
<td>12,937</td>
</tr>
<tr>
<td>Titling</td>
<td>2,255</td>
<td>1,088</td>
<td>48%</td>
<td>1,956</td>
</tr>
<tr>
<td>Guides &amp; Outfitters</td>
<td>591</td>
<td>303</td>
<td>51%</td>
<td>511</td>
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<td>Mandatory Education</td>
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<td>172</td>
<td>45%</td>
<td>381</td>
</tr>
<tr>
<td>Other - Penalty, Interest, Misc</td>
<td>438</td>
<td>93</td>
<td>21%</td>
<td>438</td>
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<tr>
<td>Waterway Access</td>
<td>991</td>
<td>543</td>
<td>55%</td>
<td>991</td>
</tr>
<tr>
<td>Towed Watersports</td>
<td>124</td>
<td>18</td>
<td>15%</td>
<td>124</td>
</tr>
<tr>
<td>Floating Homes</td>
<td>25</td>
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<td>84%</td>
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<td>Charters</td>
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<td>5</td>
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<td><strong>Total</strong></td>
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<td><strong>14,362</strong></td>
<td><strong>53%</strong></td>
<td><strong>26,079</strong></td>
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</table>

| Sources of Revenue (Actuals Jun 2020) |

<table>
<thead>
<tr>
<th></th>
<th>Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel Tax</td>
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<tr>
<td>Registration</td>
<td>1,951</td>
<td>-</td>
</tr>
<tr>
<td>Other - Penalty, Interest, Misc</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,318</strong></td>
<td><strong>1,581</strong></td>
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### Federal Funds

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
<th>% of Budget 2019-21</th>
<th>Projected 2019-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>USCG Recreational Boating</td>
<td>$ 4,267</td>
<td>$ 1,581</td>
<td>37%</td>
<td>$ 4,267</td>
</tr>
<tr>
<td>USFWS Clean Vessel Act</td>
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<tr>
<td>USFWS Boating Infrastructure Grant</td>
<td>100</td>
<td>-</td>
<td>0%</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,318</strong></td>
<td><strong>1,581</strong></td>
<td><strong>25%</strong></td>
<td><strong>6,318</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
<th>% of Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement</td>
<td>$ 4,036</td>
<td>$ 2,194</td>
<td>54%</td>
<td>$ 4,036</td>
</tr>
<tr>
<td>Facilities</td>
<td>1,990</td>
<td>475</td>
<td>24%</td>
<td>1,990</td>
</tr>
<tr>
<td>Aquatic Invasive Species</td>
<td>60</td>
<td>-</td>
<td>0%</td>
<td>60</td>
</tr>
<tr>
<td>Administration &amp; Education</td>
<td>232</td>
<td>63</td>
<td>27%</td>
<td>232</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,318</strong></td>
<td><strong>2,732</strong></td>
<td><strong>43%</strong></td>
<td><strong>6,318</strong></td>
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### Aquatic Invasive Species Program

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
<th>% of Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 1,672</td>
<td>$ 845</td>
<td>51%</td>
<td>$ 1,601</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Budget 2019-21</th>
<th>Actuals 6/30/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 1,646</td>
<td>$ 513</td>
</tr>
</tbody>
</table>

### Cash Balances

| Beginning Cash Balance       | $ 3,625        | $ 3,240           | 89%                 | $ 3,625           |
| Total Deficit in the Period  | 590            | 4,637             | 787%                | 590               |
| Transfers and Other Adjustments | -             | (2,533)          | 0%                  | -                 |

### Surplus in the Period

| Surplus in the Period | $ 564        | $ 5,456           | 968%                 | $ 65              |

### Deficit in the Period

| Deficit in the Period | $ -          | $ (1,151)        | NA                   | $ -              |

### Surplus in the Period

| Surplus in the Period | $ 26         | $ 333            | 1293%                | $ (45)           |

### Cash Balances

| Ending Balance | $ 4,215        | $ 5,344           | 127%                 | $ 4,215           |

* Since month-end closing is scheduled on 07/17/20, June figures are preliminary.
State Budget Process

- The state budgets on a biennial basis – July 1 of odd year to June 30 of next odd year.
- Budget policy
  - Balancing estimated revenues and proposed expenditures.
  - Allocating resources to achieve desired outcomes.
  - Measuring program outcomes and progress toward desired outcomes.
  - Encouraging savings and investments that reduce or avoid future costs.
  - Planning for the short term and the long term, using consistent assumptions on demographics and other trends.
  - Providing accountability at all levels for meeting program.
State Budget Process

BUDGET CYCLE

June 2021
July 2019

Legislatively adopted budget complete

January 2021

GOVERNOR’S
RECOMMENDED
BUDGET COMPLETE

State Biennial
Budget Cycle

September 2020
Agency request budget complete

January 2020
ARB starts

LEGISLATIVE SESSION
BUDGET EXECUTION
State Budget Process

AGENCY REQUESTED BUDGET TIMELINE

2019-21 Legislatively Approved Budget + Statewide Administrative Adjustments = 2021-23 Base Budget + Essential Packages (inflation, fund shift, tech adjustments) =

Current Service Level (due May 29) − Revenue Reductions (None this biennium) = Modified Current Service Level + Policy Packages (One proposed) =

2021-23 Agency Requested Budget (due June 30)
State Budget Process

EXPENDITURE CATEGORY

- **Personal Services**
  Employee gross compensation, also known as total compensation. This includes wages, benefits, temporary state staff, unemployment assessments, pay differentials, vacancy savings, and other personnel costs.

- **Services and Supplies**
  Non-personnel expenditures for agency operation and maintenance. This includes office supplies, professional services contracts, rent, telephones, personal computers, software, routine building repairs, and the like. Debt issuance costs related to bonds should be budgeted in the Services and Supplies category in the agency’s operating budget, not in Capital Construction.

- **Capital Outlay**
  Refers to expenditures for items not consumed in routine agency operations. These expenditures have a useful life of more than two years with an initial value of $5,000 or more.

- **Special Payments**
  Transfers and payments to external entities. They include benefits payments to individuals, distributions.
State Budget Process

PROGRAM UNITS (ALLOTMENTS)

- Administration and Education includes the Office of the Director, the Vessel Registration Section, the Education Section, and the Business Section.

- Law Enforcement is the other component of the Boating Safety Section that provides funding and training support for 32 county sheriff’s offices and the Oregon State Police to enforce boating laws and safe boating practices.

- Facilities provides grants and technical assistance for the maintenance and improvement of public recreational boating facilities statewide.

- Aquatic Invasive Species created as a result of a law enacted by the 2009 Legislature with the intent of protecting the state from invasive species.
The ARB reflects the agency’s policy agenda and the financial plan it would like the Governor to recommend to the Legislature.

Aggregated revenue is expected to grow 5% (Compared to the 2019-21 Budget).

Registration and Titling increases 1.4%.

Fuel Tax Revenue is still strong and is expected to increase 14%.

No mayor changes in expenditure trend.

Standard biennial inflation 4.30%.

The agency is forecasting a balanced budget.

Economic and revenue outlook is highly uncertain.
2021-23 Agency Requested Budget

REVENUES

Considering the high level of uncertain, the ARB revenue projections show a very prudent growth. Past biennia have forecasted increases of 10% on average in Registration & titling. For this budget cycle, the agency is expecting only a 1.4% increase. It is still too early to evaluate the economic impact of the pandemic, and the real figures could differ significantly.

On the other hand, the Fuel Tax revenue will be easing part of the revenue loss from other sources. Because of the methodology that is used to assess this figure, it is very likely that the biennium 2021-23 will be the last one that shows increases.

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Budget 2019-21</th>
<th>Budget 2021-23</th>
<th>Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration</td>
<td>14,914</td>
<td>14,364</td>
<td>-4%</td>
</tr>
<tr>
<td>Fuel Tax</td>
<td>$7,538</td>
<td>$8,580</td>
<td>14%</td>
</tr>
<tr>
<td>Titling</td>
<td>2,255</td>
<td>3,047</td>
<td>35%</td>
</tr>
<tr>
<td>Aquatic Invasive Species (AIS)</td>
<td>1,672</td>
<td>1,573</td>
<td>-6%</td>
</tr>
<tr>
<td>Waterway Access</td>
<td>991</td>
<td>1,367</td>
<td>38%</td>
</tr>
<tr>
<td>Guides &amp; Outfitters</td>
<td>591</td>
<td>656</td>
<td>11%</td>
</tr>
<tr>
<td>Other - Penalty, Interest, Misc</td>
<td>438</td>
<td>359</td>
<td>-18%</td>
</tr>
<tr>
<td>Mandatory Education</td>
<td>381</td>
<td>277</td>
<td>-27%</td>
</tr>
<tr>
<td>Floating Homes</td>
<td>25</td>
<td>25</td>
<td>0%</td>
</tr>
<tr>
<td>Charters</td>
<td>20</td>
<td>15</td>
<td>-25%</td>
</tr>
<tr>
<td>Towed Watersports</td>
<td>124</td>
<td>11</td>
<td>-91%</td>
</tr>
<tr>
<td>Total</td>
<td>28,950</td>
<td>30,273</td>
<td>5%</td>
</tr>
</tbody>
</table>

* Figures in thousands

New sources of revenue, such as the Waterway Access, will play an important role for the agency. For the biennium 2021-23, we expect that the Waterway Access revenue reaches 6% of the agency’s Licenses and Fees; and in terms of revenue, it almost equal the AIS program.

The other new program, Towed Watersports, has not been very successful, and the agency is forecasting and important reduction in revenue for the next biennium.
The ARB for the biennium 2021-23 requests total expenditures in the amount of 36.7 million dollars, and it represents a 6% increase compared to the 2019-21 Legislative Approved Budget.

**EXPENDITURES BY GROUP**

- **Special Payments** $23,741,546 (65%)
- **Law Enforcement** 40%
- **Facilities** 30%
- **Admin & Education** 19%
- **AIS** 5%
- **Other Programs** 6%

**EXPENDITURES BY PROGRAM**

- **Law Enforcement** $10,724
- **Facilities** $9,030
- **Administration & Education** $6,662
- **Aquatic Invasive Species Program** $1,693
- **Guides & Outfitters** $834
- **Towed Watersports** $129
- **Abandoned Boats** $150
- **Charters** $965

**EXPENDITURES BY SOURCE**

- **State Funds** $30,186,262 (82%)
- **Federal Funds** $6,598,631 (18%)

**Budget 2019-21**

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>State</th>
<th>Federal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement</td>
<td>$9,833</td>
<td>$4,036</td>
<td>$13,869</td>
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<tr>
<td>Facilities</td>
<td>8,555</td>
<td>1,990</td>
<td>10,545</td>
</tr>
<tr>
<td>Administration &amp; Education</td>
<td>6,287</td>
<td>232</td>
<td>6,519</td>
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<tr>
<td>Aquatic Invasive Species Program</td>
<td>1,646</td>
<td>60</td>
<td>1,706</td>
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<tr>
<td>Guides &amp; Outfitters</td>
<td>800</td>
<td>-</td>
<td>800</td>
</tr>
<tr>
<td>Towed Watersports</td>
<td>124</td>
<td>-</td>
<td>124</td>
</tr>
<tr>
<td>Abandoned Boats</td>
<td>190</td>
<td>-</td>
<td>190</td>
</tr>
<tr>
<td>Charters</td>
<td>925</td>
<td>-</td>
<td>925</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>28,360</strong></td>
<td><strong>6,318</strong></td>
<td><strong>34,678</strong></td>
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**Budget 2021-23**

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>State</th>
<th>Federal</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Law Enforcement</td>
<td>$10,724</td>
<td>$4,183</td>
<td>$14,907</td>
</tr>
<tr>
<td>Facilities</td>
<td>9,030</td>
<td>2,058</td>
<td>11,088</td>
</tr>
<tr>
<td>Administration &amp; Education</td>
<td>6,662</td>
<td>294</td>
<td>6,956</td>
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<td>Aquatic Invasive Species Program</td>
<td>1,693</td>
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<td>1,755</td>
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<tr>
<td>Guides &amp; Outfitters</td>
<td>834</td>
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<tr>
<td>Towed Watersports</td>
<td>129</td>
<td>-</td>
<td>129</td>
</tr>
<tr>
<td>Abandoned Boats</td>
<td>150</td>
<td>-</td>
<td>150</td>
</tr>
<tr>
<td>Charters</td>
<td>965</td>
<td>-</td>
<td>965</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30,186</strong></td>
<td><strong>6,599</strong></td>
<td><strong>36,785</strong></td>
</tr>
</tbody>
</table>

*Figures in thousands*
The agency has consistently developed balanced budgets, and the 2021-23 cycle is not the exception. Expending only the funds generated in the period allows the agency programs to converge with the Oregon’s economic environment and contributes to a culture of fiscal responsibility. Likewise, a healthy level of funds in the beginning balance provides financial liquidity to execute the agency’s programs timely and provides an additional source of funds that could eventually be used for contingencies.

### Oregon State Marine Board

#### 2021-23 Budget

<table>
<thead>
<tr>
<th></th>
<th>Law Enforcement</th>
<th>Facilities</th>
<th>Administration &amp; Education</th>
<th>Aquatic Invasive Species</th>
<th>Total</th>
</tr>
</thead>
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<tr>
<td><strong>Beginning Fund Balance</strong></td>
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<td>$</td>
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<td><strong>Revenues</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Revenues</td>
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<td>83</td>
<td>28,239</td>
<td>1,584</td>
<td>30,273</td>
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<td>Federal Revenues</td>
<td>4,478</td>
<td>2,058</td>
<td>-</td>
<td>63</td>
<td>6,599</td>
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<tr>
<td>Intrafund Transfers</td>
<td>10,318</td>
<td>8,946</td>
<td>(19,264)</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Expenditures</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>State Expenditures</td>
<td>11,264</td>
<td>9,030</td>
<td>8,200</td>
<td>1,693</td>
<td>30,186</td>
</tr>
<tr>
<td>Federal Expenditures</td>
<td>4,478</td>
<td>2,058</td>
<td>-</td>
<td>63</td>
<td>6,599</td>
</tr>
<tr>
<td><strong>(Deficit) Surplus in the Period</strong></td>
<td>(579)</td>
<td>-</td>
<td>775</td>
<td>(109)</td>
<td>87</td>
</tr>
<tr>
<td><strong>Ending Fund Balance</strong></td>
<td>-</td>
<td>-</td>
<td>$5,486</td>
<td>114</td>
<td>$5,599</td>
</tr>
</tbody>
</table>

* Figures in thousands
Item D: Update on AIS Rapid Response Exercise

01. Due to the COVID-19 pandemic, the invasive mussel rapid response exercise that was to occur on Lake Billy Chinook to test and refine the State’s rapid response plan for a zebra or quagga mussel introduction was held virtually. On May 19 and 20, Marine Board staff and staff from Oregon Department of Fish and Wildlife co-lead the virtual exercise. An outside facilitator and a group of other state, federal and local agencies also participated. Overall, the exercise was a considerable success given the current circumstances.

02. The final report on this exercise, which identifies the lessons learned and follow-up action items, is expected to be completed in mid-July and will be distributed to the Board upon completion.
Item E: Possible Rulemaking by Petition – Petition to amend OAR 250-010-0760 with regard to Waterway Access Permit expiration dates

01. On May 14, 2020, the Marine Board received a petition from Daven Harshman requesting an amendment to OAR 250-010-0760 so that annual Waterway Access Permits expire one year from the date of purchase. For two-year permits, the petitioner requests the permits expire two years from the date of purchase.

02. Rules adopted by the Marine Board at their October, 2019 Board Meeting that went into effect January 1, 2020 specify that Waterway Access Permits are valid for a calendar year (or two calendar years for two-year permits).

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:
      f. Options for achieving the existing rule’s substantive goals while reducing the negative economic impact on businesses;
      g. The continued need for the existing rule;
      h. The complexity of the existing rule.

Petition Content

01. The petition language in its entirety is provided on the pages following the Staff Recommendation.

History

01. The table below provides an overview of relevant legislative and OSMB actions regarding Waterway Access Permits and AIS Permits.

<table>
<thead>
<tr>
<th>Year</th>
<th>Entity</th>
<th>Rule/Statute/Code</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Oregon Legislature</td>
<td>ORS 830.565</td>
<td>AIS Prevention Permit requirement established.</td>
</tr>
<tr>
<td>2010</td>
<td>OSMB</td>
<td>OAR 250-010-0650</td>
<td>Rules for AIS Permit, including expiration dates, promulgated by the Marine Board. Permits are valid for a calendar year.</td>
</tr>
<tr>
<td>2019</td>
<td>Oregon Legislature</td>
<td>ORS 830.624</td>
<td>Waterway Access Permit requirement established which replaces AIS Permit for non-motorized boats.</td>
</tr>
</tbody>
</table>
Rules for Waterway Access Permit established which explicitly specify that permits are valid for a calendar year.

Public Comment

01. Public comments were solicited from May 20 to June 28. Only five comments were received with multiple comments both for and against the petition.

02. Those that supported the petition believe that an annual permit should be valid for a full year regardless of purchase date. It is also brought up that county park permits and US Forest Service user passes are valid for one year from date of purchase.

03. One commenter against the petition pointed out that most state permits, including fishing licenses and State Park passes, are valid for a calendar year, and that amending our rules would make things more complicated for the State’s outdoor recreation customers. It is also pointed out that enforcement of the permit requirement would be additionally complicated if officers had to verify the day, month, and year of each permit checked.

Staff Recommendation

01. Staff agrees with the comments provided by the Tillamook Co. Parks Department which opposed the petition for the reasons below.
   a. Amending our permit expiration dates would misalign them with other Oregon outdoor permits.
   b. Enforcement of the permit requirements would be more difficult for our law enforcement partners.
   c. The current rules for the Waterway Access Permit were adopted less than one year ago. Public comments were sought prior to the adoption of those rules. Additionally, three public hearings were held to give the public the opportunity to provide input.
   d. If permits are expiring year-round, then staff will also need to be sending out renewal notices year-round, which will require additional resources. Currently, renewal notices are sent out in large batches each winter.

02. Staff recommends that the Board deny the petition to amend OAR 250-010-0760 and take no further action.
Citizen Rule Petition Form - Oregon State Marine Board

<table>
<thead>
<tr>
<th>1</th>
<th>Petitioner name</th>
<th>Daven Harshman</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Petitioner address</td>
<td>[Redacted] Walla Walla Washington, 99362</td>
</tr>
<tr>
<td></td>
<td>Petitioner telephone number</td>
<td>[Redacted]</td>
</tr>
<tr>
<td></td>
<td>Petitioner email address</td>
<td>[Redacted]</td>
</tr>
<tr>
<td>2</td>
<td>Please list the names, addresses, telephone numbers, and email addresses of any other people who you know are interested in your petition</td>
<td>N/A</td>
</tr>
<tr>
<td>3</td>
<td>If you are proposing a new rule:</td>
<td>You must provide your proposed rule language below in full. You may find it helpful to read a few existing rules to get a feel for how rules are written.</td>
</tr>
<tr>
<td></td>
<td>If you are proposing changes to an existing rule:</td>
<td>Provide the full text of the existing rule below. Underline or otherwise call attention to any new language you wish you add, and put a line through any language you wish to remove.</td>
</tr>
<tr>
<td></td>
<td>The full text of existing Oregon Administrative Rules can be found here:</td>
<td><a href="https://secure.sos.state.or.us/oard/ruleSearch">https://secure.sos.state.or.us/oard/ruleSearch</a> (Rules related to the Marine Board are located in Chapter 250)</td>
</tr>
<tr>
<td></td>
<td>Please See 'Attachment A'</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>
| 4 | a) Explain the reasons behind the proposed rule changes.  
   b) Describe in detail the effects that the proposed rule changes would have.  
   **Please See 'Attachment B'** |
| 5 | Describe any potential economic impacts your proposal could have on businesses.  
   **Not Applicable** |
| 6 | Is the existing rule still needed?  
   **Yes** |
| 7 | Are you proposing to change or repeal the existing rule due to concerns about complexity?  
   **No** |
| 8 | Does the existing rule overlap, duplicate, or conflict with other state or federal rules or local government regulations?  
   **No** |
| 9 | Since the adoption of the existing rule, have there been changes in technology or economic conditions that contribute to the need to change or repeal the rule?  
   **No** |

Please submit this petition form via email to osmb.rulemaking@oregon.gov
Proposing Change to an existing rule:

Oregon State Marine Board
Chapter 250
Division 10
STATEWIDE RULES

250-010-0760
Waterway Access Permit

(1) Boaters required to carry permits must present their permit for inspection upon request by a law enforcement officer.

(2) The following vessels or classifications are exempt from the requirement to carry a Waterway Access Permit:
(a) Eleemosynary-owned boats which a supervising adult can confirm through documentation are engaged in an organization-related activity.
(b) A ship’s lifeboat used solely for lifesaving purposes.
(c) Surfboards, sailboards and kite boards.
(d) Boats owned and operated by liveries and those used for group-guided activities by Outfitters and Guides which have purchased discounted permits and have received a certificate of compliance from the Board.
(e) Boats that launch directly into waters that form a common interstate boundary, or launch in Oregon tributaries within one mile of these waters, that have a current boat registration, Coast Guard documentation, or an aquatic invasive species prevention permit issued by the States of Idaho or Washington.

(3) Clubs or organizations that possess or own boats for communal use by members, participants, racing teams, or for public educational purposes except as exempted under this rule, may purchase Waterway Access Permits under the name of the organization or the club’s presiding officer or secretary.

(4) For non-motorized boats engaged in competitive events, Waterway Access Permits numbering not less than the maximum number of boats in use on the water at any given time may be held by the event organizer, coach or other designated person at the event site as long as the permits are readily available for inspection by a law enforcement officer.

(5) A person is considered in violation of the provisions contained in this rule and subject to the penalties prescribed by law when they:
(a) Alter a Waterway Access Permit; or
(b) Produce or possess an unauthorized replica of a Waterway Access Permit; or
(c) Exhibit an altered Waterway Access Permit to a peace officer.

(6) The Waterway Access Permit expires on December 31 of the year indicated on the permit. 1 year from date of purchase for annual, 2 years from date of purchase for biennial.
‘Attachment B’  
(Citizen Rule Petition Form – Oregon State Marine Board) Box 4

In theory, an individual can purchase an ‘annual permit’ on December 30, 2020, and it would expire December 31, 2020. The permit validity would only last for 24 hours. The value of that purchase is not equal to an individual whom purchased an ‘annual permit’ on January 1, 2020 and was able to use that permit for a full 12 months. This results in inequity. Each individual is receiving a different product, with a different value, for the same cost.

This rule change is to create a fair and equitable product.

In addition, multiple websites and publications detail the following generalized information:

**Effective January 1, 2020, the a Waterway Access Permit is required for boats 10' long and longer.**

Permits can be purchased through ODFW’s eLicensing system and one and two-year permits through the Marine Board’s Boat Oregon Store.

**The permit purchase options are: 1 week for $5 (valid for 7-days from the date of purchase through ODFW), 1 year for $17, and 2 years for $30. Tyvek tags will no longer be sold.**

Enforcement for compliance with the permit requirements begins August 1, 2020. Failure to show the permit is a Class D violation with a $115 fine.

Fees will help fund the aquatic invasive species prevention program and waterway access grants for non-motorized boating facility grant projects.

This is misleading information, as one can assume that by purchasing an “annual” permit, it would be valid for 1 full year from the date of purchase. In practice, this is not accurate nor true.
Item F: Possible Rulemaking by Petition – Petition to amend OAR 250-010-0010 and OAR 250-010-0154 with regard to paddlecraft and personal floatation devices

01. On May 4, 2020, the Marine Board received a petition from Bert Krages requesting that the Board amend the above rules to require all paddlecraft operators to wear personal floatation devices (PFDs) when on the water between September 15 and June 1.

02. Currently, PFDs are required to be onboard and readily accessible for all boaters, but only youth 12-and-under, PWC operators, and those operating on class III or higher whitewater are required to wear them.

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:

f. Options for achieving the existing rule’s substantive goals while reducing the negative economic impact on businesses;

g. The continued need for the existing rule;

h. The complexity of the existing rule.

Petition Content

01. The petition language in its entirety is provided on the pages following the Staff Recommendation.

History

01. The table below provides an overview of relevant changes to statutes, rules, and federal code relating to PFD wear requirements.

<table>
<thead>
<tr>
<th>Year</th>
<th>Entity</th>
<th>Rule/Statute/Code</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>Oregon Legislature</td>
<td>ORS 488.013 (now ORS 830.215)</td>
<td>Requirement that a PFD be on board for all occupants of a vessel.</td>
</tr>
<tr>
<td>1961</td>
<td>OSMB</td>
<td>OAR 250.010.0154</td>
<td>Initial guidelines for PFDs in Oregon established.</td>
</tr>
<tr>
<td>1977</td>
<td>Oregon Legislature</td>
<td>ORS 830.215(1)</td>
<td>Language added to existing PFD statute that specifies that PFDs must be &quot;readily accessible&quot; to boat occupants. &quot;Readily accessible&quot; is not defined but certain circumstances in which a PFD would not be readily accessible are provided.</td>
</tr>
</tbody>
</table>
Public Comment

01. Public comments were solicited from May 20 to June 28. Several comments were received, and the responses fell into two main categories.

02. The majority of those that submitted comments were in support of the petition, and some commenters recommended that PFDs should be worn by paddlecraft operators at all times of the year. All supporters of the petition did so for the same reason: to save lives. Some pointed out that, in the vast majority of boating fatalities, no life jacket was worn.

03. Commenters opposed to the petition indicated that wearing a PFD should remain a choice, not a law. A quote from one such commenter summarizes the opposition well: “The wearing of a PFD is a personal responsibility, and should not be mandated. The poor decisions by a few should not encroach on the freedoms enjoyed by many.”

Staff Recommendation

01. It is undisputable that many non-motorized boating fatalities could have been prevented if PFDs were worn by the victims. A law that would require PFDs to be worn would presumably lead to lives being saved, although compliance may be challenging. However, such a law would be viewed by many as an encroachment upon personal freedoms. As one commenter asked, “Can’t we let adults make choices as adults.”

02. The Marine Board has a history of protecting boaters while maintaining the rights of boaters to recreate as they choose. Staff does not have a specific recommendation for this petition but encourages the Board to keep this in mind as they consider the proposed amendments.

03. Regardless of the Board’s ruling on the petition, it should be noted that the petitioner’s concerns are certainly not unfounded. As of July 1, there have been eight recreational boating fatalities in Oregon. Six of those victims were in paddlecraft, and in every case, an appropriate life jacket was not worn. One option for the Board would be to direct staff to come back to the Board at a subsequent Board meeting for a broader conversation about PFD use and boating fatalities in Oregon. The Board could then determine a path forward that could include administrative rules, a legislative concept, or other options.
Citizen Rule Petition to Amend OAR 205-0100-0100 and OAR 254-010-0154

Bert Krages
6665 SW Hampton Street, Suite 200
Portland, OR 97223
(503) 597-2525
bert@krages.com

1. Summary

This petition is submitted to the Oregon State Marine Board (OSMB) pursuant to ORS 183.390 and OAR 137-001-0070 and requests that it amend its current rules regarding personal floatation devices (PFDs) to require that all persons on paddlecraft wear PFDs during the periods before June 1 and after September 15. The proposed amendments consist of adding a definition of “paddlecraft” to OAR 250-010-0010 and amending OAR 250-010-0154(5) by adding text pertaining to PFDs. The proposed amendments are set forth as follows:

(12) “Paddlecraft” means a vessel designed to be primarily powered by its occupants, using a single or double bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches, or similar arrangements. Canoes, kayaks, and paddleboards that can be optionally operated by pedals, detachable motors, or a sail are “paddlecraft” under this definition.

(5) A person must not operate a paddlecraft on the waters of this state before June 1 or after September 15 unless all persons on the paddlecraft are wearing a U.S. Coast Guard approved personal flotation device, of the appropriate size, while the paddlecraft is underway. For the purpose of ORS 830.215, a personal flotation device shall not be considered “readily accessible” unless the device is worn while the paddlecraft is underway. Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD.

2. Names, addresses, telephone numbers, and email addresses of persons interested in the petition.

Mike Fields
Executive Director
National Water Safety Congress
PO Box 4132
Frankfort Ky 40604
(502) 352-8771
direct@watersafetycongress.org

Gordon Giesbrecht, PhD
Director, Laboratory for Exercise and Environmental Medicine
University of Manitoba
Winnipeg, MB R3T 2N2
(204) 474-8646
Gordon.Giesbrecht@umanitoba.ca


The full text of the existing rules are presented below with the new language indicated by underlining and the removed language indicated by strike-out. A notice of rulemaking is
currently pending that is anticipated to change the manner of describing the classifications of
PFDs. These changes will not affect the substance of the proposed amendments requested in this
petition.

250-010-0010
Definitions

As used in OAR Chapter 250, unless otherwise required by context:

(1) "Aquatic Invasive Species Prevention Permit" is an authorization issued by the Oregon State Marine
Board or through designated agents that certifies payment to the Aquatic Invasive Species Prevention Fund.

(2) "Black Waste" means human body wastes including feces, urine, other substances of bodily origin, and
toilet paper.

(3) "Board" means the Oregon State Marine Board.

(4) "Boat Livery" means a person, persons, or a business establishment engaged in renting or hiring out
boats for profit.

(5) "Eleemosynary" means an organization supported by gifts or charity which is operated primarily as a
part of organized activities for the purpose of teaching youth’s scout craft, camping, seamanship,
self-reliance, patriotism, courage and kindred virtues.

(6) "Float Tube" means a manufactured floating device constructed of canvas, nylon or other similar
material encasing an inner tube capable of supporting one person sitting inside with their legs dangling
below the vessel, used as a means of transportation on the water. Single float tubes are boats as defined in
ORS 830.005(2) and if powered by machinery, single float tubes are motorboats as defined in ORS
830.005(5) and subject to numbering according to OAR 250-010-0040.

(7) "Non-motorized boat" means any watercraft as defined in ORS 830.005(2), but not a motorboat as
defined in 830.005(6).

(8) "Operator" means the person who operates or who has charge of the navigation or use of a boat.

(9) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(10) "Person on Board" means every person being carried on board or being towed by a vessel.

(11) “Portable Toilet” means all types of portable containers, hand carried potties, buckets or similar
devices used to collect black waste into a small receptacle.

(12) “Paddlecraft” means a vessel designed to be primarily powered by its occupants,
using a single or double bladed paddle as a lever without the aid of a fulcrum provided by
oarlocks, thole pins, crutches, or similar arrangements. Canoes, kayaks, and paddleboards
that can be optionally operated by pedals, detachable motors, or a sail are “paddlecraft”
under this definition.

(13) "Propel" means but is not limited to floating, rowing, paddling, sailing or otherwise operating a boat
(as defined in ORS 830.005), a vessel or ship.

(14) "Sewage" means water-carried human and animal wastes and may include but is not solely kitchen,
bath, and laundry wastes from residences, buildings, boats or other places.

RULEMAKING PETITION—2
"Ship's Lifeboats" means lifeboats used solely for lifesaving purposes and does not include dinghies, tenders, speedboats, or other types of craft carried aboard a vessel and used for other than lifesaving purposes.

"Slow-No Wake" means operating a boat at the slowest speed necessary to maintain steerage and that reduces or eliminates waves that appear as white water behind the boat.

"Type I Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 ml and no visible floating solids.

"Type II Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 ml and suspended solids not greater than 150 mg/L.

"Type III Marine Sanitation Device" means a device installed on board a boat that is designed to receive, retain, treat, or discharge sewage or black waste, which is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. These include but are not limited to a holding tank with a means of pumping the sewage into a land based Oregon Department of Environmental Quality approved wastewater treatment system.

"Undocumented Vessel" means any vessel which is not required to have, or does not have, a valid marine document issued by the U.S. Coast Guard.

"Underway" means when a boat is not at anchor, or moored, or made fast to the shore, or aground.

"Wakeboarding" means the activity of towing a person who is attached with two foot bindings on equipment similar to a short surfboard or snowboard. Equipment used in this activity may include but is not limited to wake boards.

"Wake surfing" means the activity of propelling a person, on equipment similar to a surfboard, forward with a boat’s wake. The person may be holding a rope or free riding. Equipment used in this activity may include but is not limited to wake surf boards, wake boards, stand up paddleboards, and hydrofoils.

"Waterway Access Permit" is an authorization issued by the Oregon State Marine Board or through designated agents that certifies payment to the Waterway Access Fund.

250-010-0154
Personal Flotation Devices

(1) No person shall operate a boat on the waters of this state unless at least one Personal Flotation Device (PFD) of the following types is on board for each person:

(a) Type I PFD;
(b) Type II PFD;
(c) Type III PFD.

(2) No person shall operate a boat 16 feet or more in length unless one Type IV PFD is on board in addition to the total number of PFD’s required in section (1) of this rule.

(3) No person shall operate a boat on the waters of this state with a child age 12 and under, unless the child is wearing a U.S. Coast Guard approved personal flotation device, of the appropriate size, while the boat is
underway. For the purpose of ORS 830.215, a personal flotation device shall not be considered "readily accessible" for children age 12 and under unless the device is worn while the boat is underway. The PFD must be worn at all times by a child age 12 and under whenever the boat is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

(a) While the child is below deck, or in the cabin of a boat with enclosed cabin.

(b) While a child is on a sailboat and tethered by means of a lifeline or harness attached to the sailboat.

(c) While a child is on a U.S. Coast Guard inspected passenger-carrying vessel operating on the navigable waters of the United States.

(4) A Type V PFD may be carried in lieu of any PFD required in section (1) of this rule provided:

(a) The approval label on the Type V PFD indicates that it is approved for the activity in which the vessel is being used, or that it is approved as a substitute for a PFD of the Type required on the vessel in use;

(b) The PFD is used in accordance with any requirements on the approval label; and

(c) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

(5) A person must not operate a paddlecraft on the waters of this state before June 1 or after September 15 unless all persons on the paddlecraft are wearing a U.S. Coast Guard approved personal flotation device, of the appropriate size, while the paddlecraft is underway. For the purpose of ORS 830.215, a personal flotation device shall not be considered “readily accessible” unless the device is worn while the paddlecraft is underway. Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV throwable PFD.

(6) Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD. Racing shells, rowing sculls, racing canoes, and racing kayaks are manually propelled vessels that are recognized by national or international racing associations for use in competitive racing an in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and are not designed to carry and do not carry any equipment not solely for competitive racing.

(7) PFD is defined as follows:

(a) Type I — A Type I PFD is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position, and to have more than 20 pounds of buoyancy;

(b) Type II — A Type II PFD is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy;

(c) Type III — A Type III PFD is an approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy;

(d) Type IV — A Type IV PFD is an approved device designed to be thrown to a person in the water and not worn. It is designed to have at least 16.5 pounds of buoyancy;

(e) Type V — A Type V PFD is an approved device for restricted use. A Type V PFD may be carried in lieu of any PFD, but only if that Type V PFD is approved for that activity in which the recreational boat is
being used.

(8) No person shall operate a personal watercraft, as defined in OAR 250-021-0020, unless each person operating or riding on the vessel is wearing an inherently buoyant Coast Guard approved Type I, II or III PFD, (see 250-021-00030(1)).

(9) Exemptions:

(a) Sailboards are exempted from the requirements for carriage of any Type PFD.

(b) Float tubes as defined in OAR 250-010-0010 are exempted from the requirements for carriage of any Type PFD.

(10) Personal Flotation Device Requirements for Class III or Higher Water:

(a) A properly secured personal flotation device must be worn by persons in a boat while navigating sections of river with a commonly accepted scale of river difficulty rated Class III or higher.

(b) The personal flotation devices worn by boaters must:

(A) Be approved by the U.S. Coast Guard as a Type I, III, or V personal flotation device.

(B) Not have a limitation or restriction on its approval that would prevent its use on whitewater rivers.

(C) Not be an inflatable personal flotation device regardless of rating type.

4. Legal Authority for the Proposed Amendments

The Board has the statutory authority to adopt the proposed amendments pursuant to ORS 830.110. In addition, the proposed amendments are fully consistent with ORS 830.100 which sets forth the intent of the Oregon State Legislature that the policy of the State is to promote safety for persons and property in and connected with the use, operation and equipment of boats.

5. Reasons for and the Effects of Adoption of the Proposed Amendments.

A. Cold water shock and incapacitation endanger persons who are not wearing PFDs.

When water temperatures are less than 60° F, cold water shock and incapacitation are major factors in boating fatalities. Cold water shock causes an involuntary gasp that frequently results in aspiration of water, hyperventilation, and mental impairments such as panic, confused thinking, and the inability to evaluate options. If the mouth is submerged during a capsize or fall, the gasping reflex can suddenly fill the paddler’s lungs with water, which results in immediate drowning if the person is not wearing floatation. Similarly, it is extremely difficult to swim when hyperventilating and impaired mental processes can prevent persons from taking appropriate action to save themselves.

Cold water incapacitation occurs within a few minutes after immersion in cold water because the body decreases blood flow to the extremities in order to maintain its core temperature. The reduction of blood flow to the arms and legs greatly impairs the functioning of muscles and nerves, which first causes hands and feet to go completely numb and then renders the person
unable to use their arms and legs. Numb hands prevent persons from holding on to objects and the loss of arm and leg movement makes it impossible to swim. Persons experiencing cold water incapacitation will drown if they are not wearing a floatation device.

Although the phenomena of cold water shock and incapacitation are well understood by experts, many members of the general population are oblivious to its dangers. For example, many people believe that hypothermia is the major risk presented by cold water. However, as marine safety expert Mario Vittoni has noted, the vast majority of persons who die in cold water do so because they become incapacitated within a few minutes and drown unless wearing floatation. Exhibit A. Another aspect of misunderstanding the danger of cold water is that few people can realistically comprehend what it is like to be immersed in very cold water without actually going through the experience. In fact, many people greatly overestimate their ability to avoid the gasp reflex and to be able to think clearly when unexpectedly immersed in cold water.¹

**B. Paddlecraft are highly vulnerable to unanticipated capsizes and falls.**

The majority of capsizes and falls from paddlecraft are sudden and unexpected events which result in complete immersion of the paddler. Capsizes of canoes and kayaks typically involve the craft rotating along its longitudinal axis, which deposits the paddlers either horizontally or upside down beneath the water surface. River rafts typically capsize by pivoting on an outer tube which flips the raft upside down and throws the paddlers beneath the raft. Falls from paddleboards most frequently result in paddlers landing horizontally and impelling the board several feet away from them. Most unintentional capsizes or falls result in immersion of the paddler’s head during the event.

Should a paddler become separated from a capsized craft in the presence of even modest wind or current, the craft will be carried away from the paddler. In such cases, it is impossible for even a fast swimmer to reach the craft. If the paddler’s PFD is attached to the boat, it will be carried off as the boat drifts away. Even when unworn PFDs are within reach following a capsize, they can be very difficult to put on while in the water. In addition, self-rescue procedures for righting, draining and reentering canoes, kayaks, and rafts generally require prior training and practice to implement under real-world conditions. When conditions are rough, even experienced paddlers can find it difficult to perform a self-rescue. Inexperienced paddlers are unlikely to figure out such techniques on their own, especially when experiencing cold water shock and incapacitation.

Recent fatalities of paddlers in Oregon indicate that a mandatory wear requirement would save lives. A twenty-seven year-old man drowned within minutes on April 16, 2020 after his kayak capsized while paddling near Elk Rock Island on the Willamette River. Exhibit B. A canoeist drowned the previous day after his canoe capsized on the Columbia River near Jantzen Beach. Exhibit C. On May 1, 2016, a twenty-nine year-old woman drowned on the Columbia River near Sauvie Island after falling off a paddleboard. Exhibit D. In each instance, the paddler was not wearing a PFD and the water temperature was in the mid-fifties.

1 Anyone who wants to test their ability to avoid gasping upon sudden exposure to cold water can do so by standing beneath a shower and then turning on the cold water. Absent holding one’s nose, it is nearly impossible for most people to avoid an initial deep inhalation when the water hits them.
The recreational boating accidents statistics maintained by the OSMB further support that a mandatory wear requirement would save lives. Although the individual incident reports are not open to public review and the statistics do not include deaths that are commercial in nature or occur after a person has purposefully left the vessel, the statistical summaries from 2014 to 2019 indicate that paddlers constitute about half of fatalities and that most victims would not have died had they been wearing PFDs.

C. It is reasonable to expect that water temperatures will be less than 60° F during the periods before June 1 and after September 15.

To determine an appropriate period to require the wearing of PFDs on paddlecraft, historic water temperature data maintained by the U.S. Geologic Service (USGS) were evaluated for several rivers and lakes across Oregon to determine when on average the water temperature is expected to be 60° F or lower. The data consist of the daily mean values as opposed to minimum historical values, and encompass all the temperature data available on the USGS website for the rivers or lakes described below. It should be noted that the use of daily mean values does not reflect the exact dates on which water temperatures begin or cease to exceed 60° F, because these dates will vary by one or two weeks for each water body in any given year.

The results of the evaluation are set forth as follows for specific rivers and lakes.

Alsea River near Tidewater: May 29 through September 22
Clackamas River at Estacada: July 2 through September 6
Clackamas River at Oregon City: June 23 through September 17
Columbia River at Hood River: June 8 through October 20
Columbia River at Vancouver: June 1 through October 20
Columbia near Quincy Oregon: June 1 through October 15
Deschutes River at Madras: never
Deschutes River near Biggs: May 23 through September 16
Detroit Lake (1 ft below surface): June 1 through October 10
Donner & Blitzen River: June 27 through September 10
John Day River near Galena: June 24 through September 10
Klamath River at Keno: May 14 to September 30
Malhuer Lake: May 26 to September 15
McKenzie River near Belnap Springs: never
McKenzie River near Leaberg: never
McKenzie River at Springfield: July 2 through August 22
Minam River at Minam: July 17 through September 9
Nehalum River near Foss: June 24 through September 22
North Santiam River at Niagara: never
Rogue River at Grants Pass: June 19 through September 15
Rogue River near Agness: May 25 through October 3
Santiam River at Jefferson: June 8 through September 8
Tualatin River at West Linn: May 25 through October 9
Snake River at Nyssa: May 13 through October 4
Umpqua River near Elkton: May 19 through October 10

RULEMAKING PETITION—7
Willamette River at Harrisburg: June 19 through September 20  
Willamette at Salem: May 26 through September 12  
Willamette River at Portland: June 1 through October 6  
Wilson River at Tillamook: June 30 to September 24

Although there is variance among the commencement and cessation dates among the water bodies in the state, setting June 1 as the commencement date for when water temperatures exceed June 1 works encompasses an appropriate date for most water bodies, considering that the commencement dates can reasonably be expected to arrive up to two weeks earlier during some years. The same can be said for selecting September 15 as the cessation date after which water temperatures will likely be lower than 60° F. Although the water temperatures in some water bodies, including coastal waters, rarely exceed 60° F, setting June 1 and September 15 as statewide dates is justified for practical reasons including the fact that these dates are easy to remember and encompass the majority of waters within Oregon. To the extent that the OSMB believes that a discrepancy between dates and water temperatures for an individual river or lake warrants a departure from the June 1 and September 15 dates, it has the authority to promulgate local and special rules to address such waters. However, this petition is not seeking to amend local or special rules.

D. The proposed rule amendments would significantly foster the protection of paddlers and other persons.

Requiring the wearing of PFDs by paddlers before June 1 and after September 15 would significantly reduce fatalities among paddlers because water temperatures in most parts of Oregon during those periods are cold enough to shock and incapacitate persons who unexpectedly plunge into cold water. In addition, such a requirement would likely reduce the risks faced by search and rescue teams and good Samaritan rescuers by extending the time in which a rescue can successfully be made. Adoption of the proposed amendments could also reduce the time search and rescue teams spend searching for paddlers following a capsize or fall, because a successful rescue negates the need to engage in body recovery operations.

Research indicates that mandatory wear laws are effective in increasing wear rates. For example, a study by the University of Washington in 2014 found that although many boaters reject the wearing of PFDs because they perceive wearing them as a hallmark of the inexperienced boater or persons having poor swimming ability, most boaters reported that they would wear their PFDs if there were laws that required such practices. Exhibit E. This finding is further supported by an evaluation by the U.S. Army Corps of Engineers that showed that PFD wear rates increased from 8.8 percent to over 70 percent at four lakes in Mississippi after it implemented a policy that required the wearing of PFDs on all boats 16 feet to 26 feet when under power, on all powered boats having less that 16 feet, and on all non-powered vessels. Exhibit F.

An interesting aspect of the Army Corps of Engineers experience at the Mississippi lakes is that the high wear rate was achieved without expending additional resources for enforcement and with minimum reliance on punitive measures. For the most part, enforcement was directed at issuing verbal and written warnings, with citations issued primarily to persons who repeatedly disregarded the PFD rules. It should be further noted that decades of educational outreach
emphasizing the importance of wearing PFDs had been largely ineffective at increasing wear rates prior to the wear requirements being implemented. However, educational efforts directed at informing the boating public about the wear requirements were an important contributor to the success of the program.

It should be noted that the OSMB has previously adopted rules requiring the wearing of PFDs by children age 12 and under, by persons operating or riding on personal watercraft, and by persons navigating rivers rated as Class III or higher. OAR 250-11-0154 & 250-21-0030. Extending the PFD wear requirement to paddlers during cold water periods would be a natural extension of these rules. Not only would the law benefit inexperienced paddlers who underestimate the dangers of cold water, it would largely mitigate the stigma that the wearing of PFDs signifies inexperience or the inability to swim.

Other states have adopted statutes or rules that mandate the wearing of PFDs during periods of cold water. Connecticut has a rule that requires all persons aboard a manually propelled vessel to wear a PFD during the period from October 1 through May 31. Conn. Agencies Regs. § 15-121-A17. The rule in Massachusetts requires canoeists and kayakers to wear PFDs from September 15 to May 15. 323 CMR § 2.07(10). New York has a statute that requires owners or operators of pleasure vessels less than twenty-one feet, including rowboats, canoes, and kayaks to ensure that each person on board wears a PFD between November 1 and May 1 when the vessel is underway. N.Y. Nav. Law § 40. The Pennsylvania rule requires that all persons wear a PFD when on boats less than 16 feet in length or on all canoes and kayaks during the period from November 1 to April 30. 58 Pa. Code § 97.1.

E. Changes in technology, economic conditions, or other factors since the previous substantive amendments to OAR 250-010-0154 favor amending the rule.

Changes in the design of Type III PFDs have largely negated the validity of the historical complaint that PFDs are uncomfortable to wear. At present, over a dozen manufacturers offer a wide variety of Type III PFDs that are designed specifically for men, women, and children. The ever-evolving designs of PFDs, including the trend of adding features such as pockets and ventilating mesh, have further enhanced the appeal of wearing them. In addition, Type V inflatable PFDs are widely available to those who object to wearing Type III PFDs. It should be further noted that the existing rules that require the wearing of PFDs have generally been accepted by the affected communities.

The increasing popularity of paddlecraft further warrants adopting a PFD wear requirement because there are now large numbers of novice and casual participants who have been recently introduced to paddling activities. One reason for the increase is that the cost of entry is very low with respect to paddleboarding, recreational kayaking, and kayak fishing. For example, it is possible to purchase paddlecraft for such activities at big box stores for under $300. However, the retail environments in which such paddlecraft are sold are not conducive to ensuring that purchasers understand how to safely engage in paddling. This is especially true for paddleboarding, which is often promoted in the general media as an accessible and affordable physical fitness activity. Unfortunately, these promotional efforts frequently downplay the importance of wearing PFDs. For example, an Internet search of paddleboarding images will
typically yield search results in which over 90 percent of the images show paddlers in swimwear and without PFDs.

F. The amendments will not create adverse economic effects for businesses or boaters.

ORS 830.215 and OAR 250-010-0154 currently require that all boats carry at least one PFD for each person on board. The proposed amendments will not impose economic burdens on individuals or businesses, because no affected person will be required to purchase anything that is not already required under existing law.

G. The proposed amendments are consistent with existing rules.

The proposed amendments will not alter the requirements of the existing rules, which should remain in place because they foster boating safety and are not complex. Likewise, the proposed amendments will not conflict with other federal, state, or local rules. Other states have successfully adopted rules similar to the proposed amendments and federal law permits the states to regulate the carrying and use of marine safety articles to meet circumstances within the state.

The proposed amendments are easy to comprehend and provide clear guidance regarding the requirements that paddlers are to follow; namely that they wear a PFD during the periods before June 1 and after September 15. Compliance with the proposed amendments would likely have prevented the fatalities described in subsection 5 B. Adoption of the proposed amendments will no doubt prevent future deaths.

Dated: May 4, 2020

s/ Bert P. Krages II
Bert P. Krages II
The Truth About Cold Water

April 12, 2013 by Mario Vittone

Note: With the spring boating season upon us, the U.S. Coast Guard warned today that although the air temperatures are warmer, the water is still cold and presents a significant danger to those looking to cool off. This article was first published to gCaptain.com in 2010, and we are reposting today (April 12, 2013) to help you stay safe while out on the water this season. A link to a follow-up article, titled “The Truth About Cold Water Recovery”, can be found at the bottom of this page.

Image (c) Shutterstock

By Mario Vittone

I’m going to come right out and tell you something that almost no one in the maritime industry understands. That includes mariners, executives, managers, insurers, dock workers, for certain – fisherman, and even many (most) rescue professionals:

It is impossible to die from hypothermia in cold water unless you are wearing flotation, because without flotation – you won’t live long enough to become hypothermic.

Despite the research, the experience, and all the data, I still hear “experts” – touting as wisdom – completely false information about cold water and what happens to people who get in it. With
another season of really cold water approaching, I feel compelled to get these points across in a way that will change the way mariners behave out there on (or near) the water.

What follows is the truth about cold water and cold water immersion. I know that you think you know all there is to know about hypothermia already (and maybe you do), but read ahead and see if you aren’t surprised by something.

When the water is cold (say under 50 degrees F) there are significant physiological reactions that occur, in order, almost always.

**You Can’t Breathe:**

The first is phase of cold water immersion is called the **cold shock response:** It is a stage of increased heart rate and blood pressure, uncontrolled gasping, and sometimes uncontrolled movement. Lasting anywhere from 30 seconds to a couple of minutes depending on a number of factors, the cold shock response can be deadly all by itself. In fact, of all the people who die in cold water, it is estimated that **20% die in the first two minutes.** They drown, they panic, they take on water in that first uncontrolled gasp, if they have heart problems – the cold shock may trigger a heart attack. Surviving this stage is about getting your breathing under control, realizing that the stage will pass, and staying calm.

**You Can’t Swim:**

One of the primary reasons given by recreational boaters when asked why they don’t wear a life jacket, is that they can swim. Listen up, Tarzan; I swam for a living for the better part of my adult life, and when the water is cold – none of us can swim for very long. The second stage of cold water immersion is called **cold incapacitation.** Lacking adequate insulation your body will make its own. Long before your core temperature drops a degree, the veins in your extremities (those things you swim with) will constrict, you will lose your ability control your hands, and the muscles in your arms and legs will just flat out quit working well enough to keep you above water. Without some form of flotation, and in not more than 30 minutes, the best swimmer among us will drown – definitely – no way around it. Without ever experiencing a drop in core temperature (at all) over 50% of the people who die in cold water, die from drowning perpetuated by cold incapacitation.

**You Last Longer than You Think:**

If you have ever heard the phrase, “That water is so cold, you will die from hypothermia within
ten minutes.” Then you have been lied to about hypothermia. For that matter you can replace ten minutes with twenty, or thirty, or even an hour, and you've still been lied to. In most cases, in water of say 40 degrees (all variables to one side), it typically takes a full hour to approach unconsciousness from hypothermia, the third stage of cold water immersion. But remember, you must be wearing flotation to get this far.

We are all different in this regard; but I once spent an hour in 44 degree water wearing street clothes and my core temperature was only down by less than two degrees (I was not clinically hypothermic). It was uncomfortable to be sure, and I wouldn't recommend finding your own limit, but it probably would have taken another hour to lose consciousness, and an hour after that to cool my core to the point of no return. The bodies efforts to keep the core warm — vasoconstriction and shivering — are surprisingly effective. The shivering and blood shunting to the core are so effective, that twenty minutes after jumping in (twice the "you'll be dead in ten minutes" time), I had a fever of 100.2.

Rescue Professionals Think You Live Longer:

There is a good side to the misconceptions about hypothermia. Should you ever be in the water in need of rescue, you can be certain that the Coast Guard is going to give you the benefit of every possible doubt. When developing search criteria — search and rescue coordinators use something called the Cold Exposure Survival Model (CESM): It is a program wherein they enter all the available data about the victim (age, weight, estimated body fat, clothing, etc.) and about the environment (water temp, sea state, air temp, wind) and the software spits them out a number that represents the longest possible time you can survive under those conditions. I plugged my own information into it once and it said I could survive for over 4 hours in 38 degree water wearing nothing but a t-shirt and jeans and no flotation. I can tell you from experience that the CESM is full of it — I'd give me 35 minutes tops — but the error is comforting. If the program that determines how long I might live is going to be wrong — I want it to be wrong in that direction.

Out of the Water is Not Out of Trouble:

I lost count of the number of survivors I annoyed in the back of the helicopter because I wouldn't let them move. I had a rule — if they came from a cold water environment — they laid down and stayed down until the doctors in the E.R. said they could stand. It didn’t matter to me how good they felt or how warm they thought they were. Because the final killer of cold water immersion is post-rescue collapse. Hypothermia does things besides making everything
colder. Victims are physiologically different for awhile. One of the things that changes is called heart-rate variability. The heart's ability to speed up and slow down has been effected. Getting up and moving around requires your heart to pump more blood, being upright and out of the water is also taxing, then any number of other factors collide and the heart starts to flutter instead of pump – and down you go. Victims of immersion hypothermia are two things; lucky to be alive, and fragile. Until everything is warmed back up – out of the water and dry is good enough – mobility comes later.

Did You Learn Anything?:

If you did, then hopefully you’ll use it to make good decisions when it comes to being safe on and around cold water; good decisions like these:

1. When working on deck, wear flotation. This includes, especially, all fisherman in Alaska. I couldn’t find more recent research, but the 31 Alaskan “fell overboard” casualties in 2005 died from drowning, not cold water. Not one of them was wearing flotation. Many couldn’t stay above water long enough for their own boats to make a turn and pick them up.....over a life jacket.
2. If you witness a man overboard – getting the life ring directly to them is critical (vital – step one – must do it). Make certain that all-important piece of safety gear is not just on your vessel, but readily available and not tied to the cradle.
3. When working on deck – wear flotation. I said that already? Well, when I quit reading search reports that end with “experienced” mariners dying because they thought they understood cold water – I’ll come up with better advice.

For more advice about how to handle an accidental immersion into cold water – please watch Cold Water Boot Camp – it is one of the best 10 minutes on immersion hypothermia ever produced. For even more advice, ask me a question on the discussion boards.
Clackamas County

Man presumed drowned in Milwaukie was an MMA fighter with strong family ties

Updated Apr 22, 2020; Posted Apr 22, 2020

By Samantha Swindler | The Oregonian/OregonLive

A memorial has grown on the shoreline where Saul Gallegos Ruiz was last seen.

The 27-year-old mixed martial arts fighter from Happy Valley had flipped his kayak and was struggling Thursday afternoon in the waters of the Willamette River, just north of Elk Rock Island in Milwaukie. He is presumed drowned, though Clackamas County search and rescue teams have been unable to find his body.
So every day, his family and friends hold vigil. They bring roses, sunflowers, candles and rosaries. The memorial grows, and the questions linger.

Why wasn’t this fit, young swimmer able to survive?

Shortly after noon on Tuesday, seven family members walked down to the water’s edge. They carried a homemade wooden cross, etched with Gallegos Ruiz’s name, down the switchback trail to the shoreline.

“He was a fighter, in and out,” said Leo Olmos, who used a rock to drive the cross into the damp sand.

![Everaldo Gallegos Ruiz stands at the memorial for his brother, who is presumed drowned.](image-url)

Throughout the afternoon, people continued to come in waves. They carried chairs, food and another cross. Friends and family — including his younger brother and parents — trickled in until more than 60 people had gathered near Elk Rock Island to mourn.

His mother dropped to her knees, crying, at the sight of the new crosses.

Grief does not stop for a pandemic.

Family said Gallegos Ruiz was a 2013 graduate of Sandy High School who worked in sales at McLoughlin Chevrolet.

“Family was important,” said his cousin, Fabian Rodriguez Ruiz. Gallegos Ruiz wanted to help buy his parents a house, and he drove out to visit them in Welches every other day. “He always talked about his family. Yeah, family and everything,”
but he always wanted to make his mom and dad’s life, and his little brother’s life, a lot better."

He was athletic. Growing up in Welches, he liked mountain biking.

“He didn’t believe in hitting the brakes,” added another cousin, Angel Rodriguez Ruiz.

Gallegos Ruiz was a mixed martial arts and jiu-jitsu fighter.

“He was the hardest working kid in the room, but he was also the most polite kid in the room,” said Nick Gilardi, his trainer at Impact Jiu Jitsu. “You could never get him to quit. He was the first one there and the last one to go. I’ve known him for eight years. He’s one of the best athletes I’ve ever coached.”

Last year, Gallegos Ruiz had his first pro MMA fight.

“He knocked the guy out in 11 seconds,” Gilardi said. “He was well on his way to do whatever he wanted to in the sport.”

Alicia Hamilton stands on the bank of the Willamette River in Milwaukie.

Alicia Hamilton lives next door to the memorial and the public access point to the river. She was on a Zoom call about 4:20 p.m. Thursday when her 18-year-old daughter ran up to her. Someone was in the water and needed help.

Hamilton ran to her backyard, facing the river, and grabbed her paddle board. In the distance, she could see someone struggling, yelling and flailing his arms.

“It was so windy and I was not making the progress I wanted"
to," she said. "It probably took me 10 minutes to get to him."

She got close enough to reach out her paddle to him.

"As I was getting closer, I could see him go down a little bit longer, and by the time I got to him ... his eyes will haunt me forever. I literally could touch him with my paddle," she said.

"He turned around and looked at me and went under."

He never came back up.

Hamilton wonders how things would be different if she'd been on her back porch. What if she'd been just a few seconds faster?

She visits and adds to the memorial daily.

"I go to bed every night and think, he's alone out there somewhere," she said.

Saul Gallegos Ruiz was a 2013 graduate of Sandy High School.

Gallegos Ruiz's last Snapchat story was about 4 p.m. Thursday, his cousins said, when he posted about having gotten in his day's workout on the river. About 20 minutes later, he was seen struggling in the water after being tossed from his kayak.

Yes, the water was cold. No, he was not wearing a life jacket.

But it still didn't seem right.

"This didn't make any sense," said Gilardi, who lives in Salem. "So I just drove out right away and I think I was out here by 9:30 a.m. Friday morning, just put it all together like
everybody else. We've been out here every day, all day."

Gilardi knows the grim reality – how long it might take a body to surface, if it ever does. Still, he's here, continuing the search, for the sake of Gallegos Ruiz's mother.

"If it's going to make her feel better to have us out here searching, I'll be out here searching," he said.

Gilardi saw Gallegos Ruiz press on through cuts, bruises and broken fingers. The fighter never gave up.

Neither will he.

Saul Gallegos Ruiz's coach and trainer, Nick Gilardi.

Friends, family and neighbors are organizing another search for Gallegos Ruiz's body at 4 p.m. Friday. Anyone with a paddle board, kayak or boat is welcome to join the search, starting from the Milwaukie Bay Park boat dock.

The family would like to shed any light on what happened in the moments before he went into the water. They've put up posters around the river, asking anyone who saw something, or who might have video surveillance from Thursday in that area, to contact the Clackamas County Sheriff's Office at 503-655-8211.

-- Samantha Swindler; sswindler@oregonian.com; @editorswindler

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Crews recover body of man who drowned in Columbia River off Jantzen Beach

PORTLAND, OR (KPTV) – Crews have recovered the body of a man who drowned in the Columbia River off Jantzen Beach Wednesday evening.

The call came in at about 5:43 p.m.

According to the Multnomah County Sheriff’s Office, two people in a canoe were paddling from shore to a boat on the river.

That’s when the canoe tipped and the two people – a man and a woman – fell into the water.

Officials say the woman made it out of the water, while the man did not.

The sheriff's office Marine Unit, Portland Fire & Rescue and the U.S. Coast Guard responded to search for him.

At about 7:10 p.m., PF&R crews were able to find the man's body. The sheriff's office says he was not wearing a life jacket.

The man's identity is being withheld pending next of kin notifications.

No further information was released.

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Body found in Chinook was Portland woman

By Natalie St. John
EO Media Group    Apr 26, 2017  📧 0

LONG BEACH, Wash. — A body that washed ashore in Chinook in early March belonged to Ha Khuong Vo Dang, a 28-year-old Portland woman.

Vo Dang, who went by “Kay,” disappeared on May 1, 2016, while paddleboarding at a beach in Columbia County. Search and rescue workers presumed Vo Dang drowned, but were never able to recover her body. A peninsula man discovered her body in March while walking on a small beach near Third Street in Chinook.

The Pacific County Sheriff’s Office confirmed her identity and notified her family earlier this month, Chief Criminal Deputy Pat Matlock said.

“We were very happy to finally bring a resolution to Vo Dang’s family,” Matlock said.

Vo Dang lived on the East Coast after immigrating to the U.S. from Vietnam, according to her social media profiles. She earned a nursing degree in Connecticut and then worked in North Dakota. She moved to Oregon to take a job at a Salem hospital. Profile photos show a petite, smiling young woman who enjoyed being outdoors.

With a high of 81 degrees, May 1 was one of the first truly warm days of the year in the Portland area. Vo Dang spent the afternoon on a first date with a Portland man. After renting paddleboarding gear, she and the man drove to Collins Beach, a popular spot on Sauvie Island. The island is in the Columbia River, about 10 miles northwest of Portland.
According to a Columbia County investigation report, Vo Dang and her friend sunbathed and shared a six-pack of beer. The man continued to doze, while Vo Dang went paddleboarding. She was not wearing a lifejacket, deputies said.

Around 4 p.m., a woman approached Vo Dang’s friend. She told him Vo Dang had fallen off of her paddleboard and appeared to be struggling in the water. Around the same time, another man called 911. He said he had seen a woman fall in the water, and she had not come out.

“The wind was strong. It was blowing the board away. She tired herself out swimming after it, obviously,” witness Nathaniel Harrack told news channel KGW.

Columbia County deputies searched for her from land. They also brought in a boat.

“But by the time they arrived, she was gone,” Matlock said. “She was about halfway across the river.”
Low Life Jacket Use among Adult Recreational Boaters: A Qualitative Study of Risk Perception and Behavior Factors

D. Alex Quistberg, PhD, MPH\textsuperscript{1,2,4}, Elizabeth Bennett, MPH, MCHES\textsuperscript{3}, Linda Quan, MD\textsuperscript{2,3,4}, and Beth E. Ebel, MD, MSc, MPH\textsuperscript{1,2,3,4}

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Abstract

Background—Life jackets may prevent one in two drowning deaths, however, 85\% of recreational boating-related drowning victims in the United States in 2012 did not wear a life jacket. This study explored behavioral factors and strategies to encourage consistent life jacket use among adult recreational boaters.

Methods—We conducted a qualitative study among boat owners who boat regularly, and explored factors associated with life jacket use by adults and child or adolescent passengers. Sixteen boaters participated in four focus groups.

Results—Most boaters reported inconsistent use of life jackets, using them only when conditions were poor. Each described episodes of unpredictable boating risk which occurred despite favorable conditions. Most required younger child passengers to wear a life jacket, but reported resistance among older children. Barriers to consistent life jacket use included discomfort and the belief that life jacket use indicated inexperience or poor swimming ability. Participants stated that laws requiring life jacket use would change behavior especially for children. The only demonstrated behavior change among group members was associated with use of inflatable life jacket devices.

Conclusions—Boating risk is inherently unpredictable; therefore interventions should focus on strategies for increasing consistent use of life jackets. Passage and enforcement of life jacket legislation for older children and adults is likely a promising approach for behavior change.

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COMPETING INTERESTS

We have no interests to declare.

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Designing more comfortable, better-fitting, more appealing life jackets will be paramount to encouraging consistent use.

**Keywords**

Drowning; Qualitative Research; Risk Assessment; Swimming/*Education; Boats/*Recreation; Personal Flotation Devices

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**1. INTRODUCTION**

Open-water drowning is an important public health problem in the US and around the world as the fourth leading cause of global burden of disease among injuries. (Laosee et al. 2012, Lozano et al. 2012) In the US in 2012, the United States Coast Guard (USCG) reported that 459 people drowned in 4,515 recreational boating incidents. Only 15% of drowning victims were known to have been wearing a personal flotation device (life jacket). (USCG 2013) Personal flotation devices may reduce the risk of drowning by half. (Cummings et al. 2011) and US federal law requires all recreational boats to carry a life jacket for each passenger. (USCG 2005)

As with seat belts and bicycle helmets, the existence of a highly effective intervention alone does not necessarily lead to increased implementation of that intervention. Life jackets are rarely used by most adults on motorboats. The national prevalence of observed life jacket use among US adult recreational boaters on open motorboats (e.g., power boats without a cabin, skiffs, and motorized rafts) was 5.3% in 2010, (USCG and JSI 2011) a level generally consistent since 1998. (Mangione and Rangel 2004, Mangione et al. 2012) Observed life jacket use is higher for children and adolescents. (USCG and JSI 2011) Observational studies of life jacket use report that adult life jacket use is highly predictive of child life jacket use, suggesting the importance of adults modeling consistent safety behaviors while boating. (Quan et al. 1998, Chung et al. 2013)

There are limited data and few peer-reviewed published studies regarding behavioral factors associated with life jacket use by recreational boaters. Most of what is known on behavioral factors of adult recreational boaters and life jacket use comes from non-peer reviewed reports sponsored by the US Coast Guard or government agencies. (Responsive Management 2001, Groff and Ghadiali 2003, USCG 2003, Center for Social Marketing 2010, Isaacs and Laverge 2010) These studies have reported the most common reasons for non-use are that life jackets are bulky, uncomfortable and needed only by children and weak swimmers. Peer reviewed studies of commercial fishermen and other recreational water users found similar reasons for life jacket non-use, including the belief that life jackets may not work or may be irrelevant due to cold water conditions. (Nguyen et al. 2002, Baker et al. 2009, Lucas et al. 2012) These studies have not addressed or investigated the underlying reasons for these views or what might contribute to changing life jacket use behaviors. A better understanding of how recreational boaters view life jackets is needed to increase life jacket uptake and consistent use. Consistent life jacket use is important because just as a driver cannot anticipate when seatbelt use is critical, adverse boating circumstances may arise suddenly and unpredictably when life jacket use is most necessary. We wished to understand risk...
perception and to identify factors associated with consistent life jacket use among adult recreational boaters.

We qualitatively evaluated how such attitudes relate to risk perceptions about boating and consistent life jacket use. We were particularly interested in identifying concepts that associated with possible behavior change to guide future interventions. We also present several potential behavioral messages based on our findings.

2. MATERIAL AND METHODS

We conducted a focus group study of recreational boat owners. We recruited participants at an annual regional boat show that draws boat enthusiasts from the Northwest US in 2008. Attendees were approached by research staff as they entered the exposition center and were invited to attend a focus group about boating. To recruit boat show attendees we approached them as they neared the entrance to the exposition center hosting the show. Due to the high volume of attendees and limited staff we were unable to track how many people were invited to participate. We recruited adults (18 years or older) who usually used a boat less than 19 feet long and who reported low or no life jacket use (“never,” “rarely,” or “occasional”). In this study the term “life jacket” refers to US Coast Guard approved life jackets (also known as Personal Flotation Devices, PFDs). The boat length criteria was selected because 80% of drownings occur among boaters on boats in this size range. (USCG 2013) If screening guidelines were met, four scheduled times were offered for participation. If a participant was accompanied by a partner or friend, the companion was also invited to participate, even if he or she did not meet the screening guideline of inconsistent life jacket use. Our recruitment goal was to conduct four focus groups with 8–10 participants in each group. Nineteen boaters agreed to participate in our focus groups; four of these were boating companions of a participant who had infrequent life jacket use. Among the 19 individuals, 16 attended their scheduled focus group. Focus groups were conducted on the boat show premises during the boat show in an enclosed room.

We developed a focus group guide using a semi-structured, exploratory approach. The moderator (DAQ) reviewed the study with participants and obtained informed consent. Participants completed a brief demographic survey and answered a short questionnaire about boating activities and life jacket use. The moderator followed the focus group guide in a discursive manner. The discussion topics were structured around general water safety knowledge and risk perception, attitudes towards life jacket use, knowledge about life jackets, and what messages could be effective for promoting life jacket use. A copy of the focus group script is attached as Appendix 1.” Following the open discussion, participants were shown examples of different life jackets and asked for their perceptions and comments. A member of the research team (EB) served as a note taker for key themes. Each participant received a gift card for $20 and a waterproof boater duffel bag to thank them for their time. All groups lasted approximately one hour.

Focus group discussions were audio-recorded and transcribed. Selections of the transcriptions were checked for accuracy by a second member of the research staff (DAQ). Key themes were identified from independent coding by three authors (DAQ, EB, and...
BEE). A grounded theory approach was taken to code the focus groups. (Bernard 2011) Grounded theory is useful when the researcher wishes to explore and discover new hypotheses. This method allows the researcher to inductively generate themes and theories based on the data collected; themes are organized as more is understood about the subject, thus “grounding” analysis in the data. This study was approved by the University of Washington Institutional Review Board.

3. RESULTS

We recruited 16 boaters to participate in four focus groups. Most participants were male (88%) and were between 27 and 68 years old (Table 1). Most (69%) reported having boated with a child during the previous 12 months, and one-quarter had at least one child less than 18 years old living at home. The most common boating activity was fishing (88%), followed by motoring for pleasure (56%). Most owned a motor boat (69%), and 50% of the motorboats owned were less than 19 feet long (though in screening participants stated they usually used a boat <19 feet long). Participants reported owning other watercraft, including personal watercraft (Jet Ski, WaveRunner, etc.), canoes, and pontoon boats. Most participants (63%) reported wearing a life jacket less than 50% of the time while boating. Several companions of recruited participants reported high life jacket use.

Table 2 describes the key behavioral factors which guided life jacket use, and includes illustrative quotations from participants. Participants placed high value on developing expertise and gaining experience with boating. They described a learning process where you “follow somebody who knows what they’re doing,” and gain specialized knowledge by learning “tricks of the trade.” This learning experience purportedly builds confidence and skill. Increased experience, however, does not lead to increased life jacket use. Rather, the participants agreed that the typical person who wore a life jacket was an inexperienced boater: “People who wear [life jackets] all the time are people who don’t boat often.”

Experienced participants viewed inexperience as a liability and the leading contributor to perceived boating risk. As one participant related,

“I think more than anything [risk results from] … inexperience. Several years ago a boat sunk out there and [another boat] hit it [and it] killed one of them. It was at night. You hit a boat hard enough and kill a person and throw everybody else out into the water at night: the pilot is the one basically at fault. It could have been a log, it could have been a stump, it could have been anything. It wasn’t [the fault of] the derelict boat; it had been there for months. You’re out there in the water at night; you gotta’ know what you’re doing.”

While participants did not believe experienced boaters use life jackets regularly, they agreed that a boater should have them onboard for themselves or for passengers, especially children. Before setting off, they said the captain should check if there is a life jacket for each passenger. Life jackets should be in good shape, fit people on the boat and be easily accessible. Checking life jackets before an outing was seen as part of a typical boat safety routine: “I always have a master list I check before we go.” These routines included
checking the vessel for things such as sufficient fuel and oil, checking other safety equipment, and making sure there were sufficient batteries for electronic devices.

Participants were strongly in favor of children using life jackets and had rules requiring them to use a life jacket: “When we take the grandkids out, they don’t get into the boat without one on. If they take it off they stay home.” Making sure children wear a life jacket was one of the most important preparation steps for one participant: “I’m [concerned] about safety…so, the only real thing I have to check for is if I’m bringing the kids then I tell them to bring their life jackets” Participants shared that teaching children about boating and wearing life jackets “when they’re young” was an essential part of boating education. Part of this education for one participant was demonstrating the importance of preparedness by making “sure they [kids] put on their life jacket, even if they’re older where they’re not required to wear them, have them try them on. If they’re in a large boat, have them put them on once or twice, because to put it on when you need it is too late.” One participant also suggested that teaching children from a young age may help them to proactively use life jackets when boating.

The desire to be well prepared for boating was related to a recurring theme: “expect the unexpected.” Participants shared numerous stories of unanticipated “risky” situations such as falling overboard unexpectedly in what had been perceived as benign conditions. Although boaters articulated that bad weather or choppy water were the most serious risk factors for drowning, their responses indicated otherwise. As one boater noted, “Usually you don’t have time to put one on when something’s really wrong.” All participants recounted experiences describing the unpredictable nature of water conditions, though these encounters with risk were not associated with consistent life jacket use. Even though several participants recited both personal and friends’ stories of having one or more “close calls” in which they wished they had been wearing a life jacket, these types of experiences did not convince them to wear a life jacket subsequently. One participant acknowledged a conflict between unexpected risk and inconsistent life jacket use:

“I’ve had cases where I’ve said, Oops, I should have put on my life jacket sooner.’ I didn’t have an accident, I didn’t fall over. Nothing happened. But I thought about it after I got the lifejacket on. I probably should have put it on sooner. I probably should have put it on even before I got in the water.”

The participants had a wide range of opinions regarding life jackets and their use. Many believed that those who regularly used life jackets were inexperienced boaters, boaters who were poor swimmers, children, and the elderly. Participants disliked the appearance and fit of life jackets, which were widely viewed as “cumbersome,” “restrictive,” and “bulky.” Most participants routinely went fishing, hunting and crabbing and thought a bulky life jacket interfered with these activities.

Overall, participants had negative views of life jackets; however, they had positive perceptions of newer inflatable life jackets. Participants described inflatables as lightweight, not bulky, practical, and comfortable. “Finally they’ve come out with lifejackets… that are automatic inflation, but they’re $200. Well, I bought one. This is the way to go.” Another participant stated “I’d be more apt to wear that [inflatable life jacket] all the time.” They
identified several drawbacks of inflatable life jackets: higher cost, more frequent maintenance (replacing CO₂ cartridges), fear of malfunction, and the need to wear on top of outer clothing layers: “I’d be afraid it wouldn’t work. I don’t think it would be good enough for me.”

We asked boaters to consider approaches to increase life jacket use. Several educational solutions were suggested, including sharing life jacket information at boat sales locations and educating schoolchildren. They also suggested improvements to the design of non-inflatable life jackets, suggesting changes to their appearance, comfort and functionality, such as reducing the bulk and making them look “cool” for younger boaters. Finally, participants repeatedly emphasized that making life jacket use mandatory through legislation and enforcement would be the only way to get more people to use them, even when they did not support the idea of legislation. “People don’t want to wear them. So unless you tell me I have to wear that lifejacket, I’m not going to.”

4. DISCUSSION

Our motivation for this study was to identify key behavioral factors which might be good targets for community-based drowning prevention efforts, (Committee on Injury Violence and Poison Prevention 2010) similar to campaigns promoting seat belts (Hanfling et al. 2000) and booster seats. (Ebel et al. 2003, Lee et al. 2003, Johnston et al. 2009) Our participants’ observations about life jacket use were similar some previous findings on life jacket use, such as comfort, fit and characteristics of typically life jacket users. We also heard perspectives on several themes that have not been reported in previously published literature, including the important role of parents modeling and ensuring life jacket use among children, the importance of preparedness, perceptions towards inflatable life jackets and perceptions towards potential interventions such as legislation mandating life jacket use. It is also important to note that this is the first study to qualitatively report on attitudes towards life jacket use by adult recreational boaters in the US.

Focus group participants agreed that risks while boating were inherently unpredictable, and shared glorious and detailed narratives highlighting “close calls” which arose “out of the blue”. It was abundantly clear that risks arose without warning, and there was simply no time to don a life jacket if one had not been worn. Though life jackets were reportedly always present in boats, they were rarely used, and participants associated regular life jacket use with inexperience and lack of skill. We were therefore particularly interested in behavioral factors associated with consistent use of life jackets, as most open water drownings occur on boats where a life jacket was available but was not being used. (USCG 2013)

Behavioral factors were analyzed according to the Theory of Planned Behavior model of behavior change, (Ajzen and Fishbein 1980, Fishbein et al. 2001) exploring the impact of attitudes and subjective norms on intent and reported use of life jackets. Key factors influencing attitudes included comfort and ease of use, as well as perceived likelihood of coast guard enforcement for life jacket laws. Factors influencing subjective norms included
self-standards of preparedness in other aspects of boating, and near universal beliefs that bulky life jackets were worn by novice boaters who were inexperienced swimmers.

Social marketing provided the structure for proposing candidate intervention messages, (Glanz et al. 1997) based on key behavioral factors. Boaters in our study were methodical about safety, and valued preparedness, but consistent use of life jackets was not one of their habitual safety behaviors. Consequently, messages emphasized consistent safety behaviors, and opportunities to role-model safety behaviors while introducing children and teens to the enjoyment of open water boating. Following the “check list” approach to safety used by boaters in these focus groups, we propose several potential intervention messages that build on the ideas of making life jacket use a part of the boating routine (“Check it off”) and showing children how to boat (“Show your child how it’s done”) (Table 3).

Boaters clearly drew parallels to seat belt use, and every group stated that increases in life jacket use were likely only with legislation and enforcement. Consistent life jacket use was reported for users of inflatable life jackets, which were perceived as comfortable, without the stigma of bulky vests. In response, we proposed messages encouraging adults to be consistent life jacket users with inflatable life jackets (“Promote ‘every trip every time’ adult inflatable life jacket use during active boating”), and reminding adults that children are required to always use a life jacket (“It’s the law”) and the consequences of not using one.

Life jacket characteristics such as bulkiness and poor fit were mentioned as barriers to use, as others have noted. (Responsive Management 2001, USCG 2003, Lucas et al. 2012) Several participants, however, described interest in inflatable life jackets. Regardless of the drawbacks participants mentioned about inflatable life jackets, all expressed interest and even enthusiasm about this type of life jacket. According to our participants, if prices for inflatables were lower and the maintenance was reduced, they would most likely buy and use them. Although inflatable life jackets have the potential to increase adult use, it is important to note that they are not intended for use by children and youth less than 16 years old. Encouraging life jacket manufacturers to improve comfort and fit will be a necessary step for improving consistent use. Conversely, legislation requiring life jacket use may encourage improvements in product design and appeal.

Paradoxically, while participants reported using life jackets only when risk was anticipated (e.g., stormy conditions), they shared numerous stories of unanticipated events in which they or their passengers ended up in the water. Most boat-related drowning deaths, like most boating trips, occur in good weather (60% in May to August) and in daylight hours (59% from 8:30 AM to 6:30 PM). (USCG 2013) A recent study in Washington State showed that most fatal and nonfatal boating incidents occurred when waters were calm. (Stempinski et al.)

Our participants valued experience, but perceived life jacket use as a hallmark of the novice and/or inexperienced boater. Changing these perceptions will likely be important to increase life jacket use, even if inflatable life jackets become more accessible and laws mandating use are implemented. This could be addressed, according to our participants, by highlighting life jacket usage on recreational fishing television shows and at boat shows. Although such activities could help make life jacket use more acceptable, the primary solution to increase
life jacket use among adult boaters may ultimately be legislation mandating use. Mandating
life jacket use for all boaters on crafts less than 20 feet could potentially prevent most
drownings among recreational boaters. Social marketing campaigns communicating the
benefit of wearing a life jacket may help improve the public perception of life jackets to
make the passage of such legislation possible. (Morrison et al. 2003, Salzberg and Moffat
2004, Houston and Richardson 2005)

This study has several limitations; the study was small and all respondents were recreational
boaters in the Puget Sound area of Washington State. Due to the qualitative nature of this
study and its small size, the results may not be generalizable to all recreational boaters. It
should also be noted that our sample had higher reported life jacket use compared to national
surveys of recreational boaters. These use rates do, however, reflect the higher observed life
jacket use rates in the Pacific Northwest. (Quan et al. 2011) We were encouraged to note
that several observations gleaned from the focus groups echo previous research in other
study populations about life jacket design and fit, (Responsive Management 2001, Nguyen
et al. 2002, Lucas et al. 2012, Lucas et al. 2013) as well as the lack of an effect of near-
death experiences or “close calls” on life jacket use. (Responsive Management 2001) Other
researchers have observed that participants cited concerns that life jackets were not effective
at preventing drowning as a reason for non-use. (Baker et al. 2009, Lucas et al. 2012) In
contrast, all of our participants accepted that a life jacket could save them from drowning if
they went overboard. These differences could be due to study-specific factors such as having
been conducted in locations where cold-water submersion (e.g., Alaska and northern
Canada) were more common. A majority of their participants believed it might be less
significant than the risk of hypothermia. It is worth noting that recent research suggests that
wearing a life jacket reduced the risk of drowning by 49%, controlling for the impact of
water temperature. (Cummings et al. 2011)

Our findings identify the value of considering legislation mandating life jacket use by
recreational boaters in small boats, and the expansion of legislation governing child life
jacket use. Strategies to prevent open-water drownings can come from qualitative research
and the success of promoting behaviors such as consistent seat belt use. (Simsekoglu and
Lajunen 2008) Designing better fitting and more comfortable life jackets could also help
increase life jacket use. Future studies on this topic should measure specific factors related
to life jacket use, including those that we observed in our study, in order to better understand
how widespread these beliefs are and how demographic factors and other factors such as
boating activity, type of boat, season, or weather relate to life jacket use. These results will
help inform the design of effective strategies to promote consistent life jacket use through a
combination of several modalities, potentially including targeted education, legislating use
for high risk groups, enforcement, engineering more comfortable life jacket designs, and
increasing the availability of inflatable life jackets.

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References


Baker AC, Giles AR, Strachan S, Stadig G. ‘Don’t be scared, you don’t have to wear your lifejacket’: Using the theory of planned behaviour to understand lifejacket usage in tuktoyaktuk, northwest territories, canada. Polar Record. 2009; 46 (04):328–335.

Bernard, HR. Research methods in anthropology. 5. AltaMira Press; Lanham, Maryland: 2011.

Center for Social Marketing. Social marketing and boating safety: A project to increase personal floatation device use. University of South Florida; Lee County Department of Natural Resources Marine Program; Tampa, FL: 2010.


Isaacs, JC.; Lavergne, DR. The louisiana department of wildlife and fisheries survey of louisiana recreational boaters. Louisiana Department of Wildlife and Fisheries; Louisiana: 2010.


Responsive Management. BoatUS. 2001. Hunters’ and anglers’ attitudes toward boating safety, the use of personal flotation devices, and various messages that communicate the benefits of wearing personal flotation devices: Focus groups results.


Stempski S, Schiff M, Bennett E, Quan L. Boating-related injuries and fatalities in Washington state. Submitted to Injury Prevention.


Focus Group Script - Boating Safety Study

**Bolded text is what can be read**

Text in italics is optional

Accid Anal Prev. Author manuscript; available in PMC 2015 January 01.
I. Participant Sign-In & Welcome (10 MINUTES)

Supplies: Sign in Sheet, Name Badges, consent forms, pens

A. HAVE PARTICIPANTS SIGN-IN AND CREATE A NAME TAG WITH ONLY THEIR FIRST NAME OR NAME THEY WANT TO USE

B. INVITE PARTICIPANTS TO EAT PROVIDED FOOD

C. GIVE PARTICIPANTS THE CONSENT FORM TO READ THROUGH

D. AFTER ALL PARTICIPANTS HAVE ARRIVED

a. I’d like to welcome you all to this discussion about boating. My name is MODERATOR and I work for the University of Washington. I will be facilitating the discussion today to help us make sure we cover the topics we are interested in. I will be asking you all questions related to our topic and will be making sure we stay on topic. This is my assistant, ASSISTANT(S). She will be taking notes for us today.

b. The goal of this discussion is to discuss several aspects of boating and boating safety. We hope to develop strategies to improve boating safety. Everyone’s opinion and experiences are important, thus there are no right or wrong answers. We would like to hear everyone’s thoughts and ideas and we expect you to all have a variety of views that can help inform the group. Additionally, since we value each person’s opinions, please try not to speak over each other or attack another person’s ideas. If you feel uncomfortable answering a question you may refuse to answer or comment.

E. REVIEW CONSENT FORM

a. Has everyone had a chance to read through the consent form you were given when you first came in?
   i. IF NO: Let’s take a few minutes then to allow you to finish reading through it.
   ii. IF YES: Great. Let’s take a minute to review it to make sure you understand your rights as a participant in a research study.

b. REVIEW THE MAJOR POINTS OF THE CONSENT FORM

i. Does anyone have any questions?

ii. ANSWER ANY QUESTIONS

c. If you agree to the terms and conditions, then please sign the form to give your consent to participate in this discussion.
F. COLLECT THE CONSENT FORMS AFTER THEY HAVE BEEN SIGNED

Supplies: File folders

G. PARTICIPANT INTRODUCTIONS

a. Let’s take a moment now to introduce ourselves. As stated in the forms you have just signed, we will only use your first names during the discussion, and only those here in the group and on our research team will know your names. We would ask each of you to not share the names of those that participated today in the group to help maintain everyone’s privacy.

b. HAVE EVERYONE INTRODUCE THEMSELVES

H. PARTICIPANT SURVEY

Supplies: Participant survey

a. As mentioned when we asked you to participate, the entire session will last about one and a half hours. At the end of the discussion you will be given $20 for participating. To get started, we would like you fill out a brief survey that tells us a little bit about yourself. As with the discussion questions, you may refuse to answer any of the questions in this survey.

b. HAND OUT SURVEY

c. COLLECT SURVEYS ONCE COMPLETED

Supplies: File folder

I. START RECORDER

Supplies: tape deck, extension cord

II. Establish Rapport (5 MINUTES)

a. Okay, does anyone have any questions before we get started?

b. ANSWER ANY QUESTIONS

A. BOAT ROUTINE

a. All right, let’s get started. First, please describe your normal routine before going out on the water.

b. PROMPTS

Supplies: Flip chart, markers

i. Are there different things you do depending on how far or how long you will be out?

ii. What about if the weather looks bad?
B. ASK EACH PARTICIPANT TO RESPOND TO THESE QUESTIONS

III. General Water Safety Knowledge (10 MINUTES)

A. ASSESS KNOWLEDGE OF RISK IN DIFFERENT WATER EXPOSURE SITUATIONS

a. What are some of the risky situations you’ve had when you’ve been out in a boat?
   i. PROMPTS IF NEEDED: big waves, someone stood up and boat tipped over, etc.

b. RELATIONSHIP BETWEEN DROWNING AND BOAT
   i. When do you think there are risks for drowning when you’re out in a boat
   ii. Why do you think that is a risk?
   iii. What do you do to minimize the risk of drowning?

c. RELATIONSHIP BETWEEN DROWNING AND ALCOHOL
   i. Are there ever alcoholic beverages on board the boat?
   ii. Do you feel safe when there is alcohol aboard? Why or why not?

d. ABILITY TO CALCULATE THE LIKELIHOOD OF CAPSIZING/FALLING OVERBOARD AND THE PROBABILITY OF SURVIVAL
   i. How likely is it that you could capsize or fall overboard when you’re out in a boat under 19 feet?
   ii. Describe the last time you capsized or fell in the water by accident.

IV. Attitudes towards lifejacket use (15 MINUTES)

A. EXAMINE THE ATTITUDES AND BEHAVIOR SURROUNDING LIFEJACKET USE OR THE LACK THEREOF

Now we are going to take a moment to do a little exercise before we move on to the next part of our discussion. First, please write your name at the top of the note cards we are handing out. Now, we would like you to think of every word that comes to mind about life jackets. By life jackets we mean personal flotation devices, life preservers, or life vests. Use the note cards to write down every word that comes to mine when you think of life jackets. We will give you a couple of minutes to do this.

Supplies: Note cards

1. What do you associate with life jackets?
2. What types of people wear life jackets all the time?
3. What types of people never wear life jackets?

B. Situations that prompt an increase or decrease in lifejacket usage.
1. When do you feel comfortable not wearing a lifejacket?
2. What are the benefits of not wearing a life jacket?
   i. PROBE: peer pressure, cost, access, comfort, appearance, fit, reliability, how others perceive you
3. ASK ONLY IN THE NON-USER GROUPS
   i. Are there times when you wore a lifejacket?
4. Are there times when you didn’t have a life jacket on but thought about or wished you were wearing one?
5. How does swimming ability affect your life jacket use?
6. What are some reasons people should wear lifejackets?
7. Are there any reasons why someone should always be wearing a lifejacket on a boat?

V. Lifejacket knowledge (15 MINUTES)

A. LIFEJACKET LAWS
   a. Are you aware of any laws about boating safety or life jackets?
   b. Describe how you learned about any laws regarding boating safety.

B. THE DIFFERENCES BETWEEN TYPES OF LIFEJACKETS
   a. SHOW DIFFERENT TYPES OF LIFE JACKETS
      i. What are your impressions of each of these life jackets?

Supplies: Flip chart, masking tape

C. WHERE TO BUY OR RECEIVE LIFEJACKETS
   a. Where did you go the last time you bought a life jacket?
   b. Where would you go next time you wanted to buy one?

VI. Look at the most effective ways of distributing messages about water safety and PFD use. (15 MINUTES)

A. OBSERVED LIFEJACKET ADVERTISEMENTS
   a. Has anyone seen any form of advertising for water safety?
   b. Where else have you noticed people wearing life jackets?
      i. PROMPT: TV, magazines, internet, news etc.
c. What sort of advertising would you pay attention to regarding lifejacket use?
   i. PROMPT: TV, bulletin boards at parks, internet, etc.

B. EFFECTIVE METHODS OF DISTRIBUTION

a. What type of approach would you pay the most attention to?
   i. Fear (e.g., someone drowning)
   ii. Humor (e.g. poking fun at how bulky old fashioned life jackets were in comparison to new ones)
   iii. Facts/Information (e.g., how life jackets have saved xxx lives in the past year)
   iv. True Stories (e.g., someone’s life saved because the wore a life jacket)
   v. Laws (e.g., legal requirements)

       Supplies: flip chart with words prewritten (include other)

b. What do you think of the following role models in promoting life jacket use?
   i. Parents
   ii. Athletes
   iii. Anglers/hunters on TV
   iv. TV/Movie celebrities
   v. Political Leaders
   vi. Friends

       Supplies: Flip chart with words prewritten

VII. Closing (5 MINUTES)

A. LAST THOUGHTS

a. Is there anything else you’d like to share with us about water safety and life jackets?

       Supplies: note cards

B. END FOCUS GROUP

a. Thank you. That concludes our discussion. We really appreciate your feedback. You can collect your stipend on the way out. There is also a handout on water safety and life jackets.

       Supplies: envelopes and gift cards
Highlights

- We qualitatively explored adult boater attitudes towards life jacket use
- Boaters do not often have a life jacket on in situations of high drowning risk
- Parents play an important role teaching children to use life jackets
- The adoption of inflatable life jackets may lead to increased adult life jacket use
- Laws and enforcement may be effective approaches to increase life jacket use
Table 1

Demographic characteristics of focus groups participants (n=16)

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>N=16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age in years (mean)</td>
<td>49 (13)</td>
</tr>
<tr>
<td>Children &lt;18 at home</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>75%</td>
</tr>
<tr>
<td>Yes</td>
<td>25%</td>
</tr>
<tr>
<td>Boated with a child in the past year</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>31%</td>
</tr>
<tr>
<td>Yes</td>
<td>69%</td>
</tr>
<tr>
<td>Reported % of Time life jacket Used while boating</td>
<td></td>
</tr>
<tr>
<td>0%</td>
<td>19%</td>
</tr>
<tr>
<td>1–50%</td>
<td>44%</td>
</tr>
<tr>
<td>51–99%</td>
<td>12%</td>
</tr>
<tr>
<td>100%</td>
<td>25%</td>
</tr>
<tr>
<td>Own any boat</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>31%</td>
</tr>
<tr>
<td>Yes</td>
<td>69%</td>
</tr>
<tr>
<td>Type of Boats Owned</td>
<td></td>
</tr>
<tr>
<td>Motorboat &lt;19 feet long</td>
<td>50%</td>
</tr>
<tr>
<td>Motorboat &gt;19 feet long</td>
<td>25%</td>
</tr>
<tr>
<td>Personal Watercraft</td>
<td>6%</td>
</tr>
<tr>
<td>Non-motorized raft</td>
<td>19%</td>
</tr>
<tr>
<td>Canoe or Kayak</td>
<td>19%</td>
</tr>
<tr>
<td>Pontoon</td>
<td>13%</td>
</tr>
<tr>
<td>Regular Boating Activities</td>
<td></td>
</tr>
<tr>
<td>Fishing</td>
<td>88%</td>
</tr>
<tr>
<td>Motoring</td>
<td>56%</td>
</tr>
<tr>
<td>Waterskiing</td>
<td>31%</td>
</tr>
<tr>
<td>Paddling</td>
<td>19%</td>
</tr>
<tr>
<td>Hunting</td>
<td>19%</td>
</tr>
<tr>
<td>Behavioral Factor</td>
<td>Key Quotes</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Facilitators</strong></td>
<td><strong>Behavioral Factor</strong></td>
</tr>
<tr>
<td>Boaters use and like routines</td>
<td>“The one time we needed the compass, we had it.”</td>
</tr>
<tr>
<td></td>
<td>“I always go through the whole list because everything safety wise and everything we are ever going to need is on that list.”</td>
</tr>
<tr>
<td>Boating is inherently risky and unpredictable</td>
<td>“Once out of Westport we went north for 2 1/2 hours, fished for 15 minutes, and a big storm blew in. It took us 5 1/2 hours to get back, so that wasn’t a fun trip. The weather changes so fast.”</td>
</tr>
<tr>
<td></td>
<td>“We get out there and we’re pulling crab pots and he can’t start the engine. And, he’s got two little paddles…we thought we had plenty of life vests in the boat, right? Well one of them would fit me, but the other one wouldn’t even begin to go around him because it was his son’s…And so he’s got the life vest but he doesn’t have it.”</td>
</tr>
<tr>
<td></td>
<td>“If you are not paying attention while trying to land a fish or something, and catch a wave from the water and [you are] not wearing a life jacket, it could be a serious situation.”</td>
</tr>
<tr>
<td></td>
<td>“Usually you don’t have time to put one on when something’s really wrong.”</td>
</tr>
<tr>
<td>Boaters understand and follow boating rules</td>
<td>“I always bring my fishing license…and [make sure] my boat is registered and all that stuff.”</td>
</tr>
<tr>
<td></td>
<td>“There’re just certain things that are done in my boat and that’s just the way it is and if you don’t like it, go with someone else.”</td>
</tr>
<tr>
<td>Disdains for inexperience, being unprepared or lacking knowledge</td>
<td>“With boating, more than anything else, there are so many things that you really do have to pay attention to if you go out on a boat. If you don’t, you can have some serious consequences.”</td>
</tr>
<tr>
<td><strong>General Barriers</strong></td>
<td><strong>Behavioral Factor</strong></td>
</tr>
<tr>
<td>Alcohol use is prevalent</td>
<td>“They had an ice chest full of crabs and they had another ice chest full of beer and they had 4 crab pots. The whole boat went over…it could have been much, much worse for them”</td>
</tr>
<tr>
<td></td>
<td>“When you’re drinking, there’s a greater chance of doing something stupid.”</td>
</tr>
<tr>
<td></td>
<td>“With a power boat, you know, you’re sitting up there at the helm with the wheel and there isn’t as much to do…you are just steering. There’s a galley there and there’s always somebody pouring drinks.”</td>
</tr>
<tr>
<td>Close calls do not change behavior</td>
<td>“We just about drowned. We were swimming in the ocean and I jumped in when I shouldn’t and I had to get rescued.”</td>
</tr>
<tr>
<td></td>
<td>“Quite a few years ago, we were fishing…and coming back in they had 40–60 foot swells going back across the bow and nobody had a lifejacket on. They had 5 Coast Guard boats out pulling people back across the water, so that was pretty hairy. You’re down in the water you see nothing but walls of green water and when you’re on top of a wave you can see everything.”</td>
</tr>
<tr>
<td>Inexperience may lead to overconfidence or poor preparation</td>
<td>“Are there things that make it more likely that drowning could occur? …I think more than anything it really is inexperience. I mean, I’m old and I still make mistakes. But sometimes younger people…you know, there’s no real thought there.”</td>
</tr>
<tr>
<td></td>
<td>“It’s pretty amazing that people go out so ill prepared, you know.”</td>
</tr>
<tr>
<td></td>
<td>“You know, you’re out there in the water at night; you got to know what you’re doing.”</td>
</tr>
<tr>
<td>Life jacket use is perceived as being weak, incompetent or inexperienced</td>
<td>What kind of person wears a life jacket every time? “a geek! Tell-tale sign? Pocket protector.”</td>
</tr>
<tr>
<td></td>
<td>“People who wear them [life jackets] all the time are people who don’t boat often.”</td>
</tr>
<tr>
<td>Intervention Recommendations</td>
<td><strong>Behavioral Factor</strong></td>
</tr>
<tr>
<td>Inflatable life jackets may increase consistent use</td>
<td>“But, finally, I think they’ve come out with lifejackets…like the inflatables, ones that are automatic inflation, but they’re $200. Well, I bought one. This is the way to go.”</td>
</tr>
<tr>
<td></td>
<td>“I’d be more apt to wear that [inflatable life jacket] all the time.”</td>
</tr>
<tr>
<td></td>
<td>“Well, some of them can be real cumbersome, but the new ones are great! They just drape around and you know kind of a tie in back just to keep it on.”</td>
</tr>
<tr>
<td></td>
<td>“The older you get the more stubborn you get, you know… ‘I’m not wearing that damn thing’ and ‘it doesn’t fit me’ and so I think that’s where the fit and the ease of getting it on and all the little issues that go with that.”</td>
</tr>
<tr>
<td>Behavioral Factor</td>
<td>Key Quotes</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Changing the laws</td>
<td>“I think they should just pass laws that anybody under a certain age has to wear one. That accomplishes it.”</td>
</tr>
<tr>
<td></td>
<td>“What’s going to make people wear life jackets…pretty much create a law like seat belts. Probably will reach 90%.”</td>
</tr>
<tr>
<td>Encourage boaters to establish</td>
<td>[QUESTION] “So, when the kids get older, you just kind of give them a choice to wear them?”</td>
</tr>
<tr>
<td>immutable rules for their boats</td>
<td>[ANSWER] “No. It’s my boat.”</td>
</tr>
<tr>
<td>Change the cost of inflatable life</td>
<td>“They’re [INFLATABLE life jackets] very expensive so most people don’t have them. People don’t want to spend the money.”</td>
</tr>
<tr>
<td>jackets</td>
<td>“When a boat that gets sold that has to have all this [INFLATABLE life jackets AND SAFETY EQUIPMENT] in it…because it’s a lot easier to include them into financing a boat over 5, 6, 10 years versus having to dish out $500–$600.”</td>
</tr>
</tbody>
</table>
### Table 3

<table>
<thead>
<tr>
<th>Behavioral Factors and Candidate Intervention Messages.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Key Message</strong></td>
</tr>
<tr>
<td>Experienced boaters see themselves as organized and prepared.</td>
</tr>
<tr>
<td><strong>Illustrative Quote</strong></td>
</tr>
<tr>
<td>“We call the safety check list our ‘camp rules’, so everyone goes through the whole list because everything safety-wise and everything we are ever going to need is on that list.”</td>
</tr>
<tr>
<td><strong>Intervention Message</strong></td>
</tr>
<tr>
<td>Incorporate life jacket use into boating safety check behaviors.</td>
</tr>
<tr>
<td><strong>Check it off</strong></td>
</tr>
<tr>
<td>• Personal papers, operator’s certificate or license (if required) onboard.</td>
</tr>
<tr>
<td>• Ship papers, registration or documentation certificate.</td>
</tr>
<tr>
<td>• Life jackets suitable for each person onboard, readily accessible, in good condition.</td>
</tr>
<tr>
<td>• Throwable flotation aid immediately available.</td>
</tr>
<tr>
<td><strong>Show your child how it’s done</strong></td>
</tr>
<tr>
<td>(tying a knot, catching a fish, putting life jacket on)</td>
</tr>
<tr>
<td><strong>Exhibit E</strong></td>
</tr>
</tbody>
</table>

*Accid Anul Prev. Author manuscript; available in PMC 2015 January 01.*
<table>
<thead>
<tr>
<th>Key Message</th>
<th>Illustrative Quote</th>
<th>Intervention Message</th>
<th>Illustration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inflatable life jackets can be comfortably worn during all boating activities</td>
<td>“I’d be more apt to wear that [inflatable life jacket] all the time.”</td>
<td>Promote “every trip every time” adult inflatable life jacket use during active boating</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Some of them [life jackets] can be real cumbersome, but the new ones are great! They just drape around and you tie it in back to keep it on.”</td>
<td>Emphasize inflatable life jacket use as classy and comfortable during regular boating activity (sunny weather, fishing); polished high-end boat.</td>
<td></td>
</tr>
</tbody>
</table>

Photo Credit: US Coast Guard
Key Message
Life jacket use required by law for children

Illustrative Quote
"I think they should just pass laws that it’s the law. Or you just have to wear one. That accomplishes it, you know. What’s going to make people wear life jackets? Probably create a law like seat belts."

Intervention Message
It’s the law (wearing inflatable life jacket to secure child passenger)
Vicksburg District
Mississippi Lakes Project
Baseline 2008
Test Years 2009-2011

Policy lakes:
Arkabutla Lake
Sardis Lake
Enid Lake
Grenada Lake

Control lakes:
Bay Springs Reservoir
Ross Barnett Reservoir
Measurements:

<table>
<thead>
<tr>
<th>Measurement</th>
<th>Baseline 2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man hours for policy (boat patrol)</td>
<td>++</td>
<td>1248</td>
<td>1199</td>
<td>1291</td>
</tr>
<tr>
<td>Wear Rates (Overall Average)</td>
<td>8.8%</td>
<td>74%</td>
<td>71%</td>
<td>70.6%</td>
</tr>
<tr>
<td>Congressional Inquiries</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Public Letters/emails/phone calls*</td>
<td>-</td>
<td>34</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Water-related Fatalities</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Visitation</td>
<td>5,565,443</td>
<td>5,271,841</td>
<td>5,238,368</td>
<td>4,883,321</td>
</tr>
<tr>
<td>Warnings Issued</td>
<td>-</td>
<td>876</td>
<td>1488</td>
<td>945</td>
</tr>
<tr>
<td>Citations Issued</td>
<td>-</td>
<td>0</td>
<td>3</td>
<td>120</td>
</tr>
<tr>
<td>News Articles/Radio/Television</td>
<td>104</td>
<td>26</td>
<td>50</td>
<td>22</td>
</tr>
</tbody>
</table>

*These totals include all types of contacts fielded by the Project Office along with emails and letters received by Lake Resource Managers. The lake offices did not track telephone calls individually; they were included in the weekly contact numbers.

++ Estimated in the Interim Report: 12 boat hours per week Corps and 8 per week other agency during recreational boating season.

Project Description:

Vicksburg District was the first district to voluntarily agree to test policy for the Life Jacket Policy Study. Testing occurred only on the four lakes located in North Mississippi: Arkabutla, Sardis, Enid, and Grenada lakes. Each lake is an independent organization with a Resource Manager, ranger staff and O&M personnel. All four lakes are under the direct management of the Mississippi Project Management Office. These four lakes were formed by dams constructed as part of the comprehensive flood control plan known as the Mississippi River and Tributaries Project. They were built between the late 1930s and the mid-1950s. Vicksburg District made a wise decision to conduct policy testing only on the waters of the Mississippi Projects to minimize public confusion over Corps policy. Although the district manages lakes in the state of Arkansas, they were not included in the study due to their close proximity to Little Rock District lake projects. Staff realized that testing on Arkansas waters might confuse visitors in that Little Rock District lakes would not be involved in the test and therefore would not have life jacket policies in place. The state of Mississippi is split between the Vicksburg and Mobile districts; however, lake projects in the Mobile District are not located close to the North Mississippi lakes and it was determined they would not be impacted by the life jacket policy. Additionally, Mississippi lakes’ management was confident the distance was great enough to Mobile projects to prevent visitors from leaving the Mississippi lakes due to the new policy.
The four Mississippi lakes have proven to be popular recreation destinations for local residents and regional visitors once they were made accessible in the early 1940’s. By 1970, a significant number of recreational fatalities had been documented by lake managers, leading district leadership to hire staff park rangers to monitor recreational activities of lake visitors and provide educational outreach on associated risks. At Sardis Lake alone, a total of 160 lives were lost due to drowning since the project became operational in 1940. In the 1990s, when it was noted that a significant number of drownings involved alcohol consumption, lake managers acted to adopt alcohol restrictions and bans. Each of these initiatives proved to be effective, resulting in a reduction of public fatalities by nearly 50% between 1972 and present day. Review of the public fatalities that have been documented since 1998 shows that 92% of drowning victims were not wearing a life jacket; this trend was a key motivator for district leadership to agree to participate in the HQUSACE Life Jacket Policy Study when it was announced in 2007.

Vicksburg District’s participation in the Life Jacket Policy Study provided the Corps with the opportunity to study the effects of policy introduction, including visitor compliance and management impacts. Most valuable to the study was the ability to document findings at several lakes within the same region. It was significant that the four lakes were the primary recreational waters of that region, each attracted large numbers of visitors, offered year-round recreation and hosted a variety of recreational activities.

Study Methodology:

Since Vicksburg District did not have established life jacket policies, such as those in place in Pittsburgh District, their first step in prepping for participation in the Life Jacket Policy Study was to determine what policies would be tested. Vicksburg’s managers determined early on that the established Pittsburgh District policy which required life jackets be worn on vessels under 16 feet in length would not adequately address recreational risks found on their own waters. Through careful review of their fatality records, staff determined that to seriously be effective in fatality reduction, testing would have to encompass larger sized vessels, and all paddlecraft. Additionally, with nearly half of their fatalities involving swimming in non-designated waters, staff opted to include a life jacket policy for swimmers outside of designated beach areas. A “swimmer” for this policy was defined as an individual in waters outside of a designated swim area who was unable to touch lake bottom; the policy did not apply to waders and excluded activities such as hand grabbling or noodling for fish.

Policies were specifically set to achieve the maximum possible impact by reaching the majority of visitors involved in water-based recreational activities. Internal review identified boaters in small classes of vessels (< 26’) and swimmers in non-designated areas as Vicksburg District’s greatest recreation risk groups. In addition to review of recreation fatality records, staff closely examined State life jacket laws, determining that current Mississippi law requires life jackets be carried for each person on board all vessels <26’ in length; however, actual wear is only required by boaters less than 13 years old while the vessel is underway. Life jacket wear is currently
mandatory in Mississippi under state law for users of personal watercraft. Beyond activities already covered under State laws, Vicksburg staff determined that their greatest risk groups were boaters in smallcraft actively fishing, hunting and/or generally boating. Under further review, staff explored fishing tournament regulations that set life jacket standards for boating anglers participating in local events held on Mississippi Lakes Project waters and discovered a successful level of compliance among participants; it was believed that adopting similar policies for their test might result in greater compliance overall from boaters from the region. In final, Vicksburg determined that their test policies would include requirements for:

- All boaters on vessels 16’-26’ to wear a U.S. Coast Guard-approved life jacket while the vessel is under power by the main propulsion unit. Boaters on this class of vessel are permitted to remove their life jacket while the primary power source of the vessel is not running. Boat operators are required to ensure that all occupants of the vessel are in compliance with regulations.

- All boaters on powered vessels <16’ and non-powered vessels, regardless of length, are required to wear a U.S. Coast Guard-approved life jacket at all times. Boat operators are required to ensure that all occupants of the vessel are in compliance with regulations.

- All swimmers outside of non-designated areas to wear a U.S. Coast Guard-approved life jacket.

Study Outreach:

Project staff took exceptional care in prepping for test implementation once their participation was determined. Using a slow and methodical approach, they initiated regional awareness by first advising local Congressional offices, state and local law enforcement agencies, and Federal Magistrates, before making their announcements to local media, public user groups, and onsite visitors. Interpretive and posted restriction signage was developed and installed at access points around the lakes. Although actual policy implementation and enforcement did not begin until 22 May 2009, district and project staff were actively engaged in community relations and education on the planned changes as early as the previous fall. In the interim, existing State life jacket requirements continue to be enforced through 36 CFR 327.3 (e) Vessels; once test policy went into effect, it was enforced under Title 36 CFR 327.12 (a) Posted Restrictions. Test policy was reviewed and approval by HQUSACE Office of Counsel before program implementation. Staff also continued routine educational outreach with water safety messaging, making small revisions to information shared to inform on the new life jacket requirements established at the lakes, for instance park rangers placed more than 40,000 information flyers on vehicles in project parking lot as one method of making park visitors aware of the new policies. Although implementation did initially add to man hours of certain staff members, it did not interfere with normal project operations. Outreach was a standard activity for the purposes of this test; however its focus was on policy rather than water safety in general. The project’s Operations Project Manager
concluded that he felt no impact or extended effort was required of him or his staff in order to implement the test policies and that staff effort would have increased due to other initiatives even had the project not participated in the Life Jacket Policy Study.

**Enforcement Efforts:**

The Mississippi Lakes park ranger staffs enforced the life jacket policies under Title 36, Code of Federal Regulations, Chapter 111, Part 327, Section 12(a), which states, “The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.” Rangers were instructed to enforce the regulation to the best of their ability utilizing existing resources while continuing to balance all other agency missions. The ranger staff was also instructed to follow the USACE Visitor Assistance philosophy of attempting to gain compliance at the lowest level.

Mississippi Lakes Project did not experience staffing challenges, with an average of 20 park rangers per lake available for visitor assistance duties to include temporary rangers. Prior to implementation of test policy on the lakes, typically 400 routine patrols occurred for public safety in any given week during recreation season, with patrolling rangers making one-on-one contact with all visitors including on-the-water boaters and swimmers. During the recreation seasons of the test period, managers made little or no change to boat patrol with the exception of message. Whereas, prior to policy implementation, educational contacts advised on the importance of life jackets for safety along with conducting equipment safety checks, once the policies were in place, rangers used these patrols for policy education and/or enforcement contacts. Man hours dedicated to boat patrols and other visitor assistance patrols did not increase significantly as a result of participation in the Life Jacket Policy Study.

Local and state boat patrolling officers were unable to assist in enforcement of the Corps policy but were instrumental in aiding park rangers through notifications to boaters not in compliance. This type of assistance came from one state agency that routinely patrolled all four lakes.

During the test period, Mississippi Lakes Project park rangers logged approximately 800 man hours of boat patrol annually, as demonstrated in the following chart:

<table>
<thead>
<tr>
<th>Lake</th>
<th>Baseline 2008*</th>
<th>Test Year 2009*</th>
<th>Test Year 2010</th>
<th>Test Year 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkabutla</td>
<td>288</td>
<td>300</td>
<td>311</td>
<td>295</td>
</tr>
<tr>
<td>Enid</td>
<td>288</td>
<td>250</td>
<td>247</td>
<td>290</td>
</tr>
</tbody>
</table>
Rangers used a gradual increase of enforcement throughout the three recreation seasons of the study, allowing for an education-first approach particularly during the first year of enforcement. This approach matches the Corps’ visitor assistance philosophy of using the lowest level of enforcement required for gaining compliance. During the baseline year, 12,502 direct contacts were made by park rangers working the four Mississippi Lakes, informing visitors of the life jacket policies that would go into effect in May 2009. Beginning May 2009, park rangers utilized a data base to track vessels that were either issued a verbal warning, written warning or citation. Park rangers were instructed to follow Corps policy to gain compliance at the lowest level of enforcement. The data base was shared by the four lakes in order to track users in the event they moved from lake to lake. There was also a management decision to instruct park rangers to primarily issue verbal warnings during the first year of enforcement unless they had same-day repeat violators. Based on the data gathered during the first year of enforcement, management deduced each lake’s clientele was fairly loyal and did not travel from lake to lake. The data base became non-functional after the first year when the District upgraded computer systems. Park rangers then relied on internal logs kept by each lake’s boat operators. During the second year of enforcement, park rangers were instructed to move to the next level of enforcement and primarily issue written warnings. During the third and final year of the test, managers were instructed to have park rangers increase their level of enforcement by issuing citations to visitors who frequented their lakes and repeatedly disregarded the life jacket rules. Enforcement data was tracked by lake and that data clearly shows the level of buy-in from each lake’s management to issue citations for non-compliance. Overall, during the three-year study period over 3,000 verbal warnings were given, 145 written warnings and 123 citations were issued for non-compliance. By analyzing the number of contacts, it is evident that attempts to gain compliance at the lowest level were successful.

<table>
<thead>
<tr>
<th></th>
<th>Sardis</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>288</td>
<td>250</td>
<td>145</td>
<td>214</td>
</tr>
<tr>
<td></td>
<td>480</td>
<td>450</td>
<td>496</td>
<td>492</td>
</tr>
</tbody>
</table>

*MS lakes’ staff did not start tracking boat patrol hours until May 2010; however, we did not increase our boat patrols, so the Baseline year and Test Year 2009 would show similar numbers had they been tracked. Also, the variances in patrol hours from year to year would simply result from weekends with poor weather conditions or absence of operators due to illness or other reasons which resulted in fewer hours of vessels being on the water.
2011 Policy Enforcement Efforts by Month

Boat Patrol Hours

# of Warnings
Other Water Safety Efforts:

<table>
<thead>
<tr>
<th>TYPE OF SIGN</th>
<th>NUMBER INSTALLED/REPLACED</th>
<th>ESTIMATED COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory</td>
<td>150*</td>
<td>$8,500.00</td>
</tr>
<tr>
<td>Interpretive (Billboards)</td>
<td>9</td>
<td>Approximately $300 per billboard</td>
</tr>
<tr>
<td>Other (Describe)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulletin Boards (Posters) &amp; Banners</td>
<td>100</td>
<td>Approximately $7,200.00 for all four lakes</td>
</tr>
</tbody>
</table>

*As with the beginning of any new program that requires signage, a bulk order of signs had to be purchased. The total of 150 signs was purchased for all four lakes which would break down to approximately $2,000 per lake. In addition to signage, lake managers purchased banners, posters and billboard wraps which increased the expense to approximately $5,000 per lake.

Visitation:

Key Recreation Activities at the Mississippi Lakes Project:

- Day Use – Picnicking, swimming, hiking, cycling, sightseeing, fishing (from bank and boat)
- Camping
- Boating – Recreational boating and fishing

Description of Usage by Lake:

- Arkabutla – Large camping crowd, fishing, and sailing
- Enid – Very large camping crowd, fishing, and boating
- Sardis – Very large day use crowds, heavy boating (fishing and recreational use)
- Grenada – Mainly day use crowds, numerous fishing tournaments, many large special events, and fairly large group of recreational boaters

Visitation at most of the Mississippi lakes overall did not show significant loss due to implementation of life jacket policy; Sardis Lake may be the exception, although with other regional impacts it is difficult to say. Annual pass sales at Sardis Lake did decrease, but not significantly. Although the lakes’ visitation numbers mostly held steady or showed slight increases, some fluctuations in numbers did occur, due largely to inclement weather, economic impacts, gas prices, lake levels and whether sport fishing conditions were favorable or not.

In 2011, Arkabutla experienced high water conditions during the recreation season. Also, July and August were extremely hot and humid months for all four lakes.
Sardis Lake mainly has large summer day use crowds which includes boating. The drop in visitation may be due to the life jacket policy; however, we don’t have enough data to confirm. Annual pass sales at Sardis and Arkabutla lakes have decreased, but increased noticeably at Enid and Grenada lakes.
### Vicksburg District (MVK) Visitation FY08-11

<table>
<thead>
<tr>
<th>Visits</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkabutla</td>
<td>958,210</td>
<td>965,005</td>
<td>1,049,722</td>
<td>903,666</td>
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### Annual Pass Sales by Lake

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Legend:
- Arkabutla
- Sardis
- Enid
- Grenada
Conclusions:

Prior to implementation of life jacket policies for the Life Jacket Policy Study testing, adult wear rates at the Mississippi Lakes were close to nationwide averages for voluntary wear rates of just over 8 percent. During the first recreation season of test policy, wear rates peaked at nearly 80 percent. During the second and third years of the test, wear rates on the four Vicksburg District lakes held steady in the 70 percentile range. Drowning fatalities at the Mississippi Lakes dropped from a total of seven deaths in the three years prior to policy implementation to one death during each of the 3 years of the test; of the three drownings that occurred during the actual test period (one boating, two swimming), only the one boating incident involved a victim who was not in compliance with the posted restrictions. The other incidents either occurred within a designated swimming area or resulted from a medical event.

As a result of the study implementation and the efforts of Mississippi Project Management Office personnel, mandatory life jacket testing at the Mississippi Lakes Project has been deemed a success by Vicksburg District leadership. Not only have adult wear rates significantly increased, fatality reduction has been realized and lives have been saved. Testimonials from lake visitors were received during this study period credited the imposed life jacket policies with saving their lives. By example, within the first weeks of enforcement, four fishermen were rescued following lengthy periods of time in the water before being reported as missing. All four testified they were wearing their life jackets only because of the policy at the lake. Publicity stemming from these “near misses” has been instrumental in raising life jacket awareness among adult user groups of the region. District and the Mississippi test lakes staffs affirm that they knew from the beginning that the decision to participate in the study would have challenges, but they also knew without doubt that the Mississippi lakes and the US Army Corps of Engineers had an opportunity to significantly impact national policy.

Based on the broad success of the Vicksburg District three-year policy testing, District Commander Colonel Jeffrey Eckstein recently approved continuation of all tested policies for an indefinite period.
Item G: Possible Rulemaking by Petition – Petition to amend OAR 250-020-0032 and OAR 250-020-0385 with regard to wake surfing on the Willamette River in the Newberg Pool

01. On May 20, 2020, the Marine Board received a petition from Tim Skreen requesting that the Board amend the above rules to remove the existing surf zones in the Newberg Pool to allow all water activities, and require wake surfing to occur in the middle of the river and only in an upstream direction.

02. The petition was submitted previously on February 21, 2020, while rulemaking was already open to consider proposed amendments to the rules addressed in the petition. The Board voted 4-1 in favor of rejecting 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:
      f. Options for achieving the existing rule’s substantive goals while reducing the negative economic impact on businesses;
      g. The continued need for the existing rule;
      h. The complexity of the existing rule.

03. While the petition was sparse in areas and did not address impacts on businesses, it was accepted by staff for a second time and a notice of possible rulemaking by petition was filed.

Petition Content

01. The petition language in its entirety is provided on the pages following the Staff Recommendation.

History

01. The table below provides an overview of relevant actions by OSMB and the Oregon Legislature concerning the Newberg Pool.

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<thead>
<tr>
<th>Year</th>
<th>Entity</th>
<th>Rule/Statute/Code</th>
<th>Result</th>
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<tr>
<td>2010</td>
<td>OSMB</td>
<td>OAR 250.020.0032 and 250.020.0385</td>
<td>Wake-enhancing device (WED) ban put in place for the Newberg Pool to river mile 48.5</td>
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<tr>
<td>Year</td>
<td>Agency</td>
<td>OAR Numbers</td>
<td>Description</td>
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<td>2016</td>
<td>OSMB</td>
<td>OAR 250.020.0032 and 250.020.0385</td>
<td>Board accepts a petition to expand the WED ban to river mile 50.</td>
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<td>Jan, 2018</td>
<td>OSMB/RAC</td>
<td>OAR 250.020.0032 and 250.020.0385</td>
<td>Because of loss efficacy and enforcement challenges of the WED ban, as well as increased Legislative interest, Marine Board opens rulemaking. A Rule Advisory Committee is formed to help develop new rules.</td>
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<td>June, 2019</td>
<td>OSMB</td>
<td>OAR 250.020.0032 and 250.020.0385</td>
<td>Board rejects petition to eliminate recently created zones</td>
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<tr>
<td>July, 2019</td>
<td>Oregon Legislature</td>
<td>HB 2351 and 2352 amending ORS 830.175 and creating 830.640-655</td>
<td>Towed watersports education requirements established, OSMB is authorized to make special regulations in line with Land Use Planning Goal 15 concerning the Willamette Greenway.</td>
</tr>
<tr>
<td>Oct, 2019</td>
<td>OSMB/RAC</td>
<td>OAR 250.020.0032 and 250.020.0385</td>
<td>Board reinitiates rulemaking in response to evaluation of original zonal concept and Legislative interest. Another Rule Advisory Committee is formed.</td>
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<td>Oct, 2019</td>
<td>OSMB</td>
<td>OAR 250.018.200-210</td>
<td>Board adopts rules to implement the Towed Watersports Education program including the establishment of the maximum loading weight of 10,000 lbs.</td>
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<tr>
<td>May, 2020</td>
<td>OSMB</td>
<td>OAR 250.020.0032 and 250.020.0385</td>
<td>Board adopts new zonal rules that restrict wake surfing to ~3 river miles.</td>
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<td>May, 2020</td>
<td>OSMB</td>
<td>OAR 250.020.0032 and 250.020.0385</td>
<td>Board rejects petition to eliminate zones and allow wake surfing throughout the pool</td>
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**Public Comment**

01. Public comments were solicited from June 10th to June 21st. Many of the comments simply asserted support or opposition without elaborating, while others offered specific details and arguments.

02. Comments in support of the petition cited the following:
   a. Alleviation of congestion, conflict, and unsafe crowded conditions
   b. Less impact on aquatic life because boats are spread out more evenly rather than concentrated in certain areas
   c. Reduction in homeowner conflict due to fewer repeated passes by wake surfers
   d. Simpler to understand and easier to comply with than current rules
   e. Easier for marine law enforcement to enforce than current rules
f. Allows marine law enforcement to patrol entire river for safety, rather than focusing on particular zones

g. Less negative financial impact than current rules (related to riverside property values and businesses associated with wake sports)

h. Many supporters reiterated complaints about discrimination and loss of recreation opportunity for families who enjoy wake surfing

03. Comments in opposition to the petition cited the following:

a. Lack of sufficient details; lack of specificity in addressing the required elements of a petition

b. Some commenters credit the current rules and zones for creating a more enjoyable experience for other boaters and river users last summer – they don’t want to give that up

c. The concept in the petition is viewed by opponents as regressive

d. Some commenters cited the Rule Advisory Committee’s lack of support for a unidirectional concept

e. A unidirectional concept would not mitigate wave height or impact

f. Many opponents reiterated complaints about property damage, interference with other boating activities, safety, erosion, and negative impacts to fish and wildlife that they associate with wake surfing

g. Some commenters, including self-described wake surfers, asserted that there are other much more appropriate water bodies for wake surfing

Staff Recommendation

The rule amendments proposed in the petition are antithetical to the direction the Board has repeatedly endorsed, including rule amendments which went into effect on July 1, 2020. Therefore, Staff recommends that the Board stay consistent with previous rulings and reject the petition. (Full petition provided on following pages)
Citizen Petition Proposal
Tim Skreen
5/20/20
I propose that the existing Surf Zones on the upper Willamette River (Newberg Pool) be removed and replaced for the following reasons.

1- Safety, forcing many boaters of this activity into a small section of the river is extremely dangerous to persons and property.

2-According to the author of the recent United States Department of Commerce letter to the OSMB on Jan 16, 2020 "Effects of Wake Boat Activity" forces one boating activity into a small condensed area is the worst thing that you can do towards aquatic life. Spreading them out as much as possible would be the best.

3-Reducing Conflict - Forcing many users into a small zone will only increase the conflicts on the water ways.

4-Law Enforcement - Removing the current rules will enable Law enforcement to focus on dangerous and unlawful activities.

Proposed New Rule - Open the Newberg Pool up to all water activities, and require surfing to be in the middle of the river (300ft), and only in one direction.

Benefits:
1-Safety, Spreading the boating activity out will help in creating a safe boating experience.

2- Spreading Boating activity out is best for aquatic life, according to the United States Dept. of Commerce

3-Reducing conflict:
   A- Among boaters, less congestion

   B- Among Homeowners, going in one direction will decrease the traffic in front of homeowners, less waves

4-Law Enforcement - The directional Surfing will be easier to enforce, and will be more willing to follow by boaters.
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### Petition for Remove and Replace Surf Rule

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Item G - Page 8
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Item H: Rulemaking regarding the Lower Willamette River
Action: Option to direct staff to propose rules or pursue another direction based on discussion at work session scheduled for July 22, 2020

01. At its October 24, 2019 Board Meeting, the Board initiated the rulemaking process for the lower Willamette River and instructed staff to convene a Rule Advisory Committee (RAC). The escalation of concerns and conflicts regarding boating activities in the lower river prompted this initiation of rulemaking.

02. At its May 13, 2020 Board Meeting, the Board directed staff to solicit input from the RAC regarding a concept that included an extension of the Holgate Channel SNW zone and pass-through zones north and south of Ross Island. The materials that were sent to RAC members are included on the following pages, and RAC member responses as well as other relevant media are contained in Appendix A.

03. The Board and Staff will discuss potential regulations to ameliorate conflicts and safety concerns in the lower Willamette River at their work session on July 22. This agenda item is a placeholder for the Board to determine a course of action based on conversations from the work session.
Proposed regulations for the lower Willamette River

Prepared for members of the Lower Willamette Rule Advisory Committee (RAC) on June 3, 2020 by OSMB staff

The following concept was endorsed by the Oregon State Marine Board at their quarterly meeting held on May 13th, 2020. The Board directed staff to solicit further input on this concept through the Lower Willamette Rule Advisory Committee.

The Marine Board will meet on July 22-23 to re-evaluate this concept, consider your input, and potentially direct staff to file draft rules with the Secretary of State’s Office. RAC members are encouraged to submit feedback to OSMB staff by Monday, June 29th, so that the Board has time to review your input. When providing this input, please consider how the proposed regulations would affect you, your business (if applicable), and other similar stakeholders.
Proposed regulatory framework for South Reach Pass-through Zones

- Extend Holgate Channel Slow-no wake zone to northern end of the Channel
- Create Pass-through Zone from the northernmost tip of Ross Island to the Hawthorne Bridge. (~1.4 miles)*
- Create Pass-through Zone from the southern tip of Ross Island to the southernmost moorage in Waverly Marina. (~1.3 miles)*

The regulations for the Pass-through Zones are proposed as follows:

(a) No person shall operate a motorboat pulling a water skier or towed device in these zones.
(b) No person shall operate a personal watercraft in continuous operation above 5 mph in these areas, except to transit directly through the zones.

*The proposed pass-through zones would be in effect from May 1 through September 30 only
Item I: Rulemaking regarding North and South Twin Lakes/Boaters with Disabilities
Action: Option to direct staff to propose rules based on discussion at work session scheduled for July 22, 2020

01. The Board and Staff will discuss potential options for creating opportunities for boaters with disabilities, including on but not necessarily limited to North and South Twin Lakes, at a work session on July 22, 2020. This agenda item is a placeholder for the Board to determine a course of action based on conversations from the work session.
Item J: Executive Session

01. Per ORS 192.660 (2)(i) the Marine Board will meet in Executive Session.
### Item K: 2021/2022 Board Meeting Dates

2021-2022 Board Meetings Schedule (Board may add or reschedule meetings times as necessary)

#### 2021
- **January 27, 2021**: Salem
- **April 14, 2021**: Salem
- **June 16, 2021**: Salem
- **October 27, 2021**: Bend

#### 2022
- **January 26, 2022**: Salem
- **April 13, 2022**: Astoria
- **July 20, 2022**: Brookings
- **October 26, 2022**: Klamath Falls
Item L: Election of Marine Board Officers

01. Election of Board Officers for July 2020 – June 2021

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Term Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vince Castronovo</td>
<td>June 2021 (end of first term)</td>
</tr>
<tr>
<td>Craig Withee</td>
<td>June 2021 (end of first term)</td>
</tr>
<tr>
<td>Laura Jackson</td>
<td>June 2023 (end of first term)</td>
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<tr>
<td>Colleen Moran</td>
<td>June 2023 (end of first term)</td>
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<tr>
<td>Val Early</td>
<td>June 2020 (end of second term)</td>
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</table>

02. Nomination and Vote
Appendix A. Input from RAC members and other sources for the Lower Willamette River
Proposed regulations for the lower Willamette River

Prepared for members of the Lower Willamette Rule Advisory Committee (RAC) on June 3, 2020 by OSMB staff

The following concept was endorsed by the Oregon State Marine Board at their quarterly meeting held on May 13th, 2020. The Board directed staff to solicit further input on this concept through the Lower Willamette Rule Advisory Committee.

The Marine Board will meet on July 22-23 to re-evaluate this concept, consider your input, and potentially direct staff to file draft rules with the Secretary of State’s Office. RAC members are encouraged to submit feedback to OSMB staff by Monday, June 29th, so that the Board has time to review your input. When providing this input, please consider how the proposed regulations would affect you, your business (if applicable), and other similar stakeholders.
Proposed Regulatory Framework for South Reach Pass-Through Zones

- Extend Holgate Channel Slow-no wake zone to northern end of the Channel
- Create Pass-through Zone from the northernmost tip of Ross Island to the Hawthorne Bridge. (~1.4 miles)*
- Create Pass-through Zone from the southern tip of Ross Island to the southernmost moorage in Waverly Marina. (~1.3 miles)*

The regulations for the Pass-through Zones are proposed as follows:

(a) No person shall operate a motorboat pulling a water skier or towed device in these zones.
(b) No person shall operate a personal watercraft in continuous operation above 5 mph in these areas, except to transit directly through the zones.

*The proposed pass-through zones would be in effect from May 1 through September 30 only.
Lower Willamette River Rule Advisory Committee Membership:

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andy Moos</td>
<td>Willamette Jetboat Excursions</td>
</tr>
<tr>
<td>Bob Reuter</td>
<td>Gorge Performance</td>
</tr>
<tr>
<td>Brad Engel</td>
<td>Stevens Marine</td>
</tr>
<tr>
<td>Chris Hager</td>
<td>Northwest Steelheaders</td>
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<tr>
<td>David Horstkotte</td>
<td>Resident/Floating Home Engineer</td>
</tr>
<tr>
<td>Debbie Bischoff</td>
<td>Portland Bureau of Planning and Sustainability</td>
</tr>
<tr>
<td>Forest Foxworthy</td>
<td>Fishing Guide</td>
</tr>
<tr>
<td>Jean Quinsey</td>
<td>Shoreline Resident, Lake Oswego</td>
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<tr>
<td>Kaspar Murer</td>
<td>Wasabi Paddling Club</td>
</tr>
<tr>
<td>Mark Callier</td>
<td>Local fisherman</td>
</tr>
<tr>
<td>Nate Thompson</td>
<td>Clackamas County Sheriff's Office</td>
</tr>
<tr>
<td>Paige Stoyer</td>
<td>Willamette River Community Coalition</td>
</tr>
<tr>
<td>Palmer Kellum</td>
<td>Shoreline Resident, Milwaukie</td>
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<tr>
<td>Renee Morgan</td>
<td>Calm Water Coalition</td>
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<tr>
<td>Sam Taylor</td>
<td>Lewis and Clark Crew</td>
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<tr>
<td>Sean Whalen</td>
<td>Portland Harbormaster</td>
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<tr>
<td>Shane Rice</td>
<td>Wakesurfer</td>
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<tr>
<td>Shawn Karambelas</td>
<td>SK Watersports</td>
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<tr>
<td>Stan Tonneson</td>
<td>Waterfront Organizations of Oregon</td>
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<tr>
<td>Tom Lasseter</td>
<td>Lake Oswego Rowing</td>
</tr>
<tr>
<td>Travis Williams</td>
<td>Willamette Riverkeeper</td>
</tr>
<tr>
<td>Willie Levinson</td>
<td>Human Access Project</td>
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Proposal to Oregon State Marine Board to
Regulate Wake-boats and Powerboats on the Lower Willamette River

Prepared by Tom Lasseter
Member of the Lake Oswego Community Rowing Club
June 27, 2020

1. We all love the Willamette!

Whether we are swimmers, kayakers, rowers, dragon boaters, fishermen, jet-skiers, water skiers, or
wake-boarders, we all love our sport and we all love the Willamette. The river is over-crowded, and we
need to work together to find a safe and equitable way to co-exist on the water.

2. The problem with wake-boats (and some powerboats)

I don’t think anyone would deny that wake-boats are capable of causing serious damage and can pose a
risk to life and limb. Powerboats which violate common-sense rules of the river can also be a hazard.
For our rowing club alone, the financial damage has been in the tens of thousands of dollars which has
been only partially replaced by our insurance. Our young rowers have been tossed in the water, their
boat broken in half, and the offending craft has left the scene of the crime without assisting or admitting
to responsibility. The wake-boat drivers that broke our boat were young adults and their behavior may
be an exception, but similar events have happened more than once to us and to others on the river. See
Appendix A for details.

There are very few police officers on the water and we rarely seem them. We have been told by the
Clackamas County Sheriff, that if we bring evidence of a violation in the form of videos, photos, license
numbers, etc, they will not be used in prosecuting offenders. If we witness someone damaging our
home or business or injuring a fellow citizen and we capture it on video, that evidence can be used in a
prosecution, but this does not apply on the river. Regulations and procedures must be changed allowing
clear evidence of damage or injury on the river to be used in criminal and civil prosecutions. Regardless,
the number of law enforcement officers on the river must be increased. When these accidents involving
a non-motorized craft have occurred, the non-motorized craft is rarely able to identify the offender if
they leave the scene as they often do in haste. The wake-boat and powerboat communities must
make a greater effort to educate, self-police, and take responsibility when these accidents occur. If a
powerboat witnesses another powerboat leaving the scene of the accident, they should be instructed to
identify the offender if at all possible and to provide immediate aid to the damaged boat and injured
occupants.

The reality is that there are sections of the river which are too narrow or too crowded to accommodate
an operating wake-boat. In some cases, the river is too narrow to allow a wake-boat to operate safely
without damaging shoreline facilities such as docks. So if wake-boats are to operate at all, they need to
be restricted to the few wide and uncrowded areas. LOCR believes these areas only exist downriver from the Fremont Bridge and possibly one section near Milwaukie Bay which we will discuss.

In the last several RAC’s it’s apparent that wake-boat/powerboat users believe that they may be able to prevent the OSMB from instituting additional no-wake/slow-wake regulations. We believe, however, that a majority of individuals on the river feel that additional limits and regulations for wake-boat and powerboats need to be enacted. It will be so much quicker and effective if LWRAC and OSMB develop these regulations. Failing that, other initiatives such as the Newburg Pool Rules and the South Reach Plan by the City of Portland may be the only way forward and we may see the Legislature imposing regulations in the upcoming 2021 session instead of the OSMB.

3. Solutions through compromise

Is there a compromise possible with the wake-boaters? Are there parts of the river other than north of the Fremont bridge where the river is wide enough and uncrowded enough to accommodate wake-boaters and all others? One possibility is the section From Milwaukie Bay Park downriver to Powers Marine Park which is just south of the Sellwood Bridge (see Figure 1). There are homes and docks along here which need to be protected, but like others on the LWRAC, I’m open to a compromise. Rowers, for example, generally row early in the morning usually in the April to November time period although youth rowers typically row after school from April through November. So allowing wake-boats to operate on this stretch between 10 am and 3 pm from April 1st through November 30th and anytime from December 1st through March 31st might be agreeable. I cannot speak for other individuals and groups of course, but the point is that we should at least discuss workable compromises.

In addition to defining the sections of the river where wake-boats/powerboats can operate, the following changes should be instituted:

1) Mandatory catastrophic insurance for all boats over 2,500 pounds
2) Visibly larger license numbers on all boats with the exception of Tribal Fishing Boats.
3) Allow physical evidence such as damage, videos, photos, and witness testimony to be admissible in the prosecution of criminal behavior by boat operators.
4) Limit the number of powerboats launched from boat ramps from Willamette Falls to the Fremont Bridge.
Figure 1. Possible section of Willamette River suitable for wake-boats.
4. Issues with the current proposal, the South Reach Pass-through zones

The current proposal to the OSMB is to implement the concept shown in Figure 2 which is part of the South Reach Plan by the City of Portland.

![Figure 2. OSMB endorsed proposal, May 13, 2020.](image)

LOCR has several objections to this proposal:

1) The regulation in these zones should simply be “slow no wake” (SNW) as this is the simple requirement to protect others on the river. The SNW requirement is simple and easier to monitor than the Pass-through zones.

2) Regulating just this short segment of the river will simply push wake-boats north and south of this area resulting in even more traffic in those areas. This would be particularly hazardous in the narrower sections of the river upstream.

3) We don’t believe wake-boats can operate without hazard in the open water between the two proposed pass-through zones. Boat traffic by convention stays on the right side of the river and will thus be traveling south through this open zone. A wake-boat operating here must necessarily travel southbound for safety. To transit this zone again, the wake-boat would have to travel north through the SNW Holgate Channel before turning around and running south again. We are afraid wake-boat operators would be tempted to turn around immediately at the
south end of the open zone and run back north against traffic. The basic problem is that this is a very congested area, and the mix of wake-boats running back and forth with other boats transiting through is probably a disaster in the making. If wake-boats are running back and forth, big waves would pile on already chopped up water from their previous pass. The entire stretch would be impassable for all craft including boats simply passing through.

I therefore suggest that the concept be amended to have a continuous SNW which includes the two Pass-through zones plus the “blue water” between as shown in Figure 3 which is the original LWRAC Concept B.1 with the addition of the additional SNW zone between the two original ones.

![Concept B.1: South Reach SNW corridor](image)

- Extends Holgate Channel SNW zone to the Hawthorne Bridge. (≈1.6 miles)
- Creates SNW zone from the southern tip of Ross Island to the southernmost moorage in Waverly Marina. (≈1.3 miles)

Rationale: Non-motorized boaters are protected by a ≈4 mile SNW zone that extends from the Waverly Marina downstream to downtown Portland at the Hawthorne Bridge. Motorized boaters traversing through this area will encounter over 2 miles of SNW zone.

B.1a. Modified to include middle SNW zone

*Could be seasonal so that SNW zones are only in effect from May 15-Sept. 15*

**Figure 3.** Proposed modification to May 13th proposal changing Pass-through Zones to SNW and including the “blue water” zone between as SNW.

### 5. LOCR Proposal Details

Our proposal presents a plan for the entire stretch of the river from the Willamette Falls past the Fremont (I-405) bridge to Cathedral Park. We cannot simply address problems in the Ross Island (South Reach) area as this simply pushes wake-boats and powerboats into other areas which won’t be regulated where the river is narrow and boat traffic is significant.
The easiest way to understand our proposal is to think of the river as being divided into a three zone types. Each zone would be either:

(1) SNW: slow no wake (shown with RED dotted lines in figures),

(2) NWS: no wake sports, but all other activities allowed (NWS, no dotted lines), or

(3) WS: all activities including wakesports allowed (WS, shown with GREEN dotted lines).
Starting from Willamette Falls and going downriver:

In Figure 4, we have the section from Willamette Falls to West Linn. This should be a SNW zone as shown in RED because of traffic congestion approaching and leaving the locks, narrow channels, and non-motorized boats around West Linn. The section without dotted lines is a No Wakesports (NWS) zone.

Figure 4. Willamette Falls to West Linn: Slow No Wake Zone.
Figure 5 is from West Linn downriver to Milwaukie Bay. This stretch of the river should be primarily NWS (No Wakesports, no dotted line) with a few sections indicated as Slow No-wake (RED dotted lines). These proposed SNW zones are extremely hazardous and are the areas where encounters with wake-boats have been frequent and disastrous.

Figure 5. West Linn downriver to Milwaukie Bay. Primarily No Wakesports (NWS) with a few Slow No-wake zones (RED dotted lines), and the beginning of a possible Wakesports zone from Milwaukie Bay to Powers Marine Park (shown completely in Figure 4).
Figure 6 shows the river from Milwaukie Bay downriver to the Hawthorne Bridge. It is possible that agreement can be reached allowing a WS section from Milwaukie Bay Park to Powers Marine Park. From April 1st to November 30th, WS would be allowed from 10 am to 3 pm, and all daylight hours from December 1st to March 31st.

As discussed in Section 3, we propose that the section from Powers Marine Park to the Hawthorne Bridge be a continuous Slow No-wake zone (SNW) rather than the proposed Pass-through zones bounding a short WS zone (see Figures 2 and 3).

Figure 6. Milwaukie Bay to Hawthorne Bridge. A time and seasonal limited WS zone would be permitted from Milwaukie Bay to Powers Marine Park. Also a continuous SNW zone rather than the South Reach Proposal for two Pass-through zones connecting a WS zone (shown in Figure 2 and discussed in Section 3).
Figure 7 shows the river from the Hawthorne Bridge to the Fremont Bridge (I-405) and beyond to Cathedral Park. From the Hawthorne Bridge to the Fremont Bridge would be NWS. Beyond the Fremont Bridge to Cathedral Park and beyond would be a Wakesports Zone allowing all water activities. Some sections perhaps should restrict wakesports, but we are not familiar enough with this stretch of the river to provide any more detailed proposals.

Figure 7. Hawthorne Bridge to the Fremont Bridge (I-405): NWS. Fremont Bridge to Cathedral Park and beyond: WS.

Wake-boarders love their sport like we love ours. We all understand that. Unfortunately, technology has developed wake-boats with increased wake sizes to the point where they represent a hazard to other boats, people, and the river environment. I believe the majority of users on the river would like to see them excluded completely, but we recognize the social importance of compromise and are anxious to reach one.

We cannot, however, simply put a band-aid on the problem by simply addressing the problem of river congestion and hazards in the Ross-Island (South Reach) area; this will simply push the problems to other parts of the river. For this reason, we are proposing the series of zones from Willamette Falls to the Columbia. If we do not find a more comprehensive solution, we believe the problem will continue to grow and fester over many years to come with countless hours spent in discussions and presentations involving communities, state agencies, and the state government. As members of the river community, we are the ones most capable of finding a solution and the ones most impacted by any solution, so we must step up our efforts to find a comprehensive solution in a fair and equitable manner. I believe that such a solution will be strongly resisted by the wakesport community, and we must do everything we can to reach a compromise and lessen its impact on them. At the same time, we must solve a problem which is damaging our river and is a hazard to all of us.
Appendix A. LOCR Boat Incident, August 2019

Incident reported by Laura McArdle, rowing coach, Lake Oswego Community Rowing.

Lake Oswego Community Rowing has a community of 100 rowers who are on the water almost every day for approximately eight hours per day during the Spring, Summer, and Fall seasons. Typically four to eight boats are on the water at any one time. These boats range in size from singles to eights. An eight has eight rowers and a coxswain.

Several months ago, an eight was broken in half by a careless wake-board boat and is beyond repair. Two other similar incidents have occurred in the last two years.

In this most recent incident, two eights (the Harbison a new Pocock, and the Hiachi, a Hudson) were stopped on river above Hog Island (first island upriver from Lake Oswego, see map) in order to turn around. The coach escorted the Harbison across the river as it turned to head downstream. A wake-boarder boat stopped near the Harbison. The coach went back to escort the Hiachi across as well. She was within 100 feet of the Harbison, when the wake-boarder boat took off, full throttle. The initial startup wake is large and at 90 degrees. The Harbison was parallel with the river which is the safest orientation normally, but the wake-board wake was perpendicular to the boat and as it swept down past the boat, it lifted the bow and stern up leaving the center unsupported and the boat broke in half. The wake then swept by the Hiachi and filled the boat with water. Eighteen children were now in the water. The launch is too small to carry more than about four individuals. Help was called for, but the children were forced to swim to shore. The wake-board boat left the scene. Other boats saw the incident, but didn’t stop to render assistance.

The coach states that the Sheriff’s office boat is rarely seen on the water during rowing classes. After this incident, the sheriff was seen more often, but no times since.

Regulations to Consider.

1. Require training for all power boat operators so they realize the damage they can do to unpowered watercraft and to shoreline beaches, docks, and docked boats.
2. Posting of large licenses which can be easily be read by other boaters or watercraft.
3. Enforce a new wake zone upriver from Milwaukee Bay.
4. Limit the number of power boats on the water in this area by limiting the number of boats launched from nearby boat launches.
Map of Willamette River near Lake Oswego
Josh Mulhollem  
Oregon State Marine Board  

6-29-2020  

RAC Feedback to OSMB Board Regarding Pass-through Zones  

The proposed southern portion of “Pass-through Zone” stops at the downstream side of Willamette Park. There are 3 marina businesses downstream of Willamette Park that would not be included in this zone, The Willamette Sailing Club, Johns Landing Marina and one other marina in between. The zone needs to be extended downstream approximately 1 mile further to protect all 3 of these marinas of which Johns Landing Marina is the furthest downstream. Failure to protect these marinas will most certainly increase their property damage from wakes as the towed watered boats would be concentrated in that area. As a RAC member I noticed this omission and have contacted the operators of both Willamette Sailing Club and Johns Landing Marina to voice their concerns with OSMB and the Board.  

WOOO supports the concept of the pass-through zones provided that these 3 marina properties are included.  

Stan Tonneson  
LWRAC Member  
WOOO Board Member  
Rocky Pointe Marina- owner
Josh,

My service dept would be impacted as well. We service pwc off our dock to test them. Need to open them up run to diag. This SE area as long history of heavy industrial just recently changing zoning. Regulations would impact my dealership business. Would impact my rental business. Perhaps can help with time laps videos watch this river daily from my desk.

Again serving the paddle community better than boating community that pays Marine Boards fees. Everyone needs to Share. Leave this area downtown Alone! No additional regulation because laws already exist to address all issues I listen to in advisory groups.

Thank You,

Shawn Karambelas
SK Northwest/ Polaris of Portland
Ski-Doo/Sea-Doo/Can-Am/Segway/Polaris/Starcraft/Scarab Boats
250 SE Division Place
Portland, OR 97202
Phone: 503-872-0000 x3
Fax: 503-238-2193

www.sknorthwest.com
www.polarisofportland.com
www.skwatercraftrentals.com

Josh,

I am against additional regulation. No person shall operate a pwc above 5mph in these areas can not strongly enough state how apposed I am. Again many comments about wakes as I sat through years of advisory groups. Not speed but WAKE. Stop with the speed thing and pass through. Pulling my kids on a tube in front of my own property should not be an issue. I spent my life on the water and this is my livelihood.

Going to have the largest rental operation in the state try to keep pwc renters going slow for first 10min of their rental as they try to get out of zone? What are we doing? PS - we
rent SUP and Kayaks off this dock as well. All work fine keeping paddles to shore and bigger boats to center.

Group states over and over enforcement. OSMB staff continues stating just not possible. As a business owner I would spend my efforts here. Clearly the boating population would be happy to pay for this. Pay them more! Then no reason for new regulations - rather just officer sitting in hot spots enforcing.

Holgate was predictable. But when will enough be enough for area and new restrictions? Everyone needs to share the river. Already have laws in place to address decades of issues. Board going the wrong direction on these new proposed regs.

Thank You,

Shawn Karambelas  
SK Northwest/ Polaris of Portland  
Ski-Doo/Sea-Doo/Can-Am/Segway/Polaris/Starcraft/Scarab Boats  
250 SE Division Place  
Portland, OR 97202  
Phone: 503-872-0000 x3  
Fax: 503-238-2193

www.sknorthwest.com  
www.polarisofportland.com  
www.skwatercraftrentals.com
Josh, The plan that is being proposed is probably one of the worst plans I have seen and in fact will create way more user conflict than you currently have in the downtown area. The extension of proposed pass through zones extending past river place marine is completely not needed and a complete lack of knowing what boating in this area is like. The current proposal of allowing boats to do watersports in-between these two zones is an even bigger failure since you have a sailing club with children in that area. These proposals do nothing more than give rowers more ability to have their own personal area of the river while disregarding the US Rowing guidelines for when they should be participating in these activities.

The only realistic option that would reduce user conflict is to have the pass through zone be from the tip of the small island to the north of willamette park and then extend it all the way to the Sellwood bridge. Taking away the ability to boat behind Ross Island will create more issue any only push everyone into the main channel like you guys did years ago with the Holgate channel. Safety should be the only reason pass through zones are implemented not because an exclusive rowing club wants its own private area to row.

Thanks, Shane
After our 2 meetings, concepts A.1-3, B.1-3 and C.1-3 were presented to the RAC group for input. Based on RAC member letters submitted to the Board in the May 13 meeting Board book, all RAC members agreed that education and law enforcement will remain key to reducing conflict. Many agree that if current laws were enforced that would be enough. Other concepts received mixed votes. Limited time to work together as a group prevented any further discourse on options.

The Board, based on staff recommendation, has opted to pursue modified option B.2 as submitted by CWC.

Modified option B.2 provides the much needed slow no wake in the northern Holgate channel. Although a safety channel is key from Willamette Park, the pass through zones north and south of the Holgate in the main channel put further stress on Willamette Sailing Club and the private moorage between the two zones. The 300-foot setback, if adopted, should be adopted for the entire river, especially in the narrower, twisty sections south of Portland, as homeowners, paddlers and business in the southern section of the lower Willamette would like additional wake protection also. The B.2 concept is somewhat complicated. Signage and enforcement may be difficult.

Although it may be true that the South Reach is the epicenter of conflict due to many clubs who have members that are on the water a couple times a week and can generate many letters and calls, the Board needs to be cognizant of the fact that conflict exists south of downtown Portland all the way to the falls. The majorities of the downtown Portland non-motorized communities are coached, have chase boats, are competitive and therefore strong, and are educated as to rules of the road. The majority of non-motorized traffic upriver from downtown Portland (aside from Lake Oswego rowing) includes renters, families and individuals. Any protections put in place for non-motorized users in the Portland area should also be put in place for non-motorized users elsewhere on the Lower Willamette. If wake boats are a safety issue downtown, then they are equally a safety issue elsewhere on the river. To protect some paddlers and not others (and increase wake traffic in their area) is irresponsible.

As rule making is open for the entire Lower Willamette the Board should make it their personal responsibility to become familiar with the sections of the river and the users in the various sections and consider the entire Lower Willamette when creating zones. Each of the five board members is in the position of a policy vote and should not defer their vote. Time should be taken by each and every board member to do a bit of research, ask questions and understand what effects their vote will have. Consider the consequences.

OSMB has received many letters and calls in regard to property damage and paddler and smaller motorized craft issues with wake sports craft from south of Portland to the falls. These should not be ignored. This stretch of river is quite narrow and curvy in places and many areas in this stretch would be considered worthy of a no wake zone to protect what occurs there. This stretch of river has already seen additional impact due to restrictions in the Newberg pool that have pushed wake traffic. The individual property owners in this stretch, unlike the moorages downtown, do not have signed no wake zone buffers to protect their investment. The downtown Portland floating home property owners, marinas and moorages are allowed buoys to demarcate a 200 foot no wake protection zone. If property is protected in Portland, property should be protected along the rest of the river. River owners expect some wear and tear as is reasonable, but damage from large wakes is creating much more than is reasonable. To create protection zones for some property owners and not others (and intensify the wake traffic damage to their property) is irresponsible.

The groups impacted by intensified wake traffic if B.2 is implemented include Waverley Golf Club (which is installing mitigation plantings for salmon and has club kayaks), the swimmers at Elk...
Rock (Grant High school does not have a pool), Alder Creek with two locations at Tryon Cove and George Rogers park (renting SUPs, kayaks, canoes to hundreds), the swimming area at George Rogers, Lake Oswego rowing, and nRG kayaking near the bridge. In addition, the municipalities of Lake Oswego, West Linn, the city of Milwaukie, and Oregon City, all of which have facilities that serve boaters but that sustain damage when wake traffic is at peak. And, of course, many private docks, boathouses and gangways.

If a zonal approach is the route the Board wishes to pursue, further study should be made as to the impacts of this along the entire Lower Willamette prior to a formal decision. When miles of area are made off limits the problem does not go away it just moves elsewhere. Any users pushed out of downtown will make their way further upriver. This will create new hot spots. The Newberg Pool issues are an example of continual patchwork to address the wake issue; it should serve as an example.

All the municipalities should be involved with the planning as their facilities are impacted by rule making. Property owners should be notified. Consideration should be made in regard to adding additional access points to the northern industrial area where the river widens, and there is less vulnerable traffic and property. Consideration must be given to impacts to the Willamette Greenway. Removing wake traffic from one area to another essentially keeps one area from damage but increases damage in another due to intensification of activity.

It is the duty of OSMB to make well-informed decisions and this requires time and research. The best decision is one that is thought out and considerate of all users of the Lower Willamette, as rule making was initiated for all users of the Lower Willamette. Wake issues exist from the Falls to the Columbia; equal consideration should be given.

Jean Quinsey
Josh:
My 2 cents.

- The continued additional restrictions on Willamette River activities is a slow death by 1000 cuts. Prepare for more anti-wake activism on the Milwaukie to Oregon City stretch and the Newberg Pool.
- The proposed pass through zones restrictions are unnecessarily complex. They will be difficult to understand, sign & enforce.
- The Holgate Channel SNW extension goes against prior commitments but is an acceptable enlargement of the speed/wake restrictions. However, waterskiing should be allowed in the lagoon as dredge operations are winding down.

Thanks for herding these cats & putting up with this group.

David M. Horstkotte
503-292-1222
503-816-4508 Mobile
Oregon Marine Board Members
Re: RAC member response to Rule Concept

Dear Board Members,

Calm Water Coalition was encouraged by the participation of a broad array of interests that testified (written and oral) at the City of Portland Planning and Sustainability Commission (PSC) Meeting on June 23. We were also encouraged by the discussion related to the South Reach Plan and the outcome of the PSC’s vote.

It was clear that three themes emerged – safety for river users, the natural environment, and social/equity issues. Please see the attached chart detailing the interconnected issues.

Based on the written and oral testimony of nearly 1,000 people to the PSC, it is clear that safety is the most critical issue and that a “Slow-No-Wake” Zone seems to be the most appealing to the community. This would work well for Calm Water coalition members, and we encourage the Board to consider the City proposal.

However, in considering the wide user segments and types of motor boats in the South Reach, it is clear that many of them pose, at most, a negligible safety risk to human powered watercraft and floating structures. With that in mind, we believe the Pass-Through Concept endorsed by the Marine Board, with the addition of the following clearly defined conditions, is the most preferable regulation.

- A Pass-Through Zone from the Hawthorne Bridge to Waverly Marina and adjacent boat slip facilities.* (~4mi)
  (a) No person shall operate a motorboat pulling a water skier or towed device or surfer in this zone.
  (b) No person shall operate a personal watercraft, as defined in OAR 250-021-0020, in continuous operation above 5 MPH in this area, except to transit directly through this zone.
  (c) No person shall operate any motorboat in excess of a “slow-no wake” speed within 200 feet of any houseboat moorage within the “pass-through” zone.
- No person shall operate boats using weighted ballast or wake enhancing devices in these Zones. **
- A No Wake Safety Corridor between the Hawthorne Bridge and the Markham Bridge. ***
- A 500-foot No Wake Crosswalk from Willamette Park Boat Ramp to the southern end of the Holgate Channel.
- The Zones would be in effect from May 1-October 31, except Holgate Channel which is year-round.
- Extends Holgate Channel NWZ to the northern tip of the Holgate Channel.
- Exclusions or exceptions apply to official safety vessels, coach’s safety launches, commercial vessels under jurisdiction of the Coast Guard, and commercial tour businesses in South Reach, such as Portland Spirit Cruise ships and Willamette Jet Boat Excursion.

A less preferred proposal that we could live with might be:

- A NWZ from Hawthorne Bridge to the Multnomah County Line, and Holgate extension
- Zone proposal in effect from May 15-September 15
Thinking ahead to the Board work session, we would like to suggest that in addition to RAC members, we hear from people with expertise around each of those three issue areas. Maybe this could be a panel-type discussion. Here are some names of people that may be available to participate and share their specific expertise.

-- Ted Labbe, Exec. Director, Conservation biologist, work for Tribes, Director, Urban Greenspaces Institute
-- Prof. Dan Rohlf, Faculty and Professor of Law, Lewis & Clark Law School Environ. & Natural Resources program
-- Bob Sallinger, Conservation Director, Audubon Society.

On social and equity issues, we are aware of several people who have a long history on the river and an interest in social equity and inclusion for Native Americans and disadvantaged youth.

Pass-Through Rationale:
*Towed Sports are only restricted for ~4 miles of the 16.7 miles from Sellwood to the confluence of the Columbia.

The NWZ ends at the Multnomah/Clackamas County Line at the north edge of Waverley Golf Course, in order to limit the restricted area to only the highly congested portion of South Reach. The area west of Ross Island is included, because this area is where most paddler/wake accidents have occurred, there is a $30 million sediment cap reparation at Zidell Company, and there are two marinas, Willamette Sailing Club and Oregon Youth Sailing.

**In order to reduce the size of artificially generated wake, the two controllable functions need to be inactive: an empty ballast and disengaged wake enhancing devices.

***A No Wake Safety Corridor in this area provides safety for the 2,000 human powered boaters at RiverPlace Marina and Holman Dock.

Thank you for your consideration,

Renée Morgan, Portland Rowing Club
Kaspar Murer, Wasabi Paddling & Outrigger Club
Sam Taylor, Lewis & Clark Rowers, Oaks Park Community Boathouse
Willie Levenson, Human Access Project
**Safety for Users**

**Story:** Human safety & Property damage

‘Protected classes’, e.g. disabled & elderly are threatened

**People:** Murer, Morgan, Levenson, (Other, RCRC, Wasabi, Poss: Zidell, RiverPlace Marina.)

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**Natural Resources**

**Story:** Habitat, Endangered Species, Fish & Wildlife issues. Restoration & work beings compromised

**People:** Labbe, Rohlf, Salinger, Williams

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**Society/Social/Equity**

**Story:** City plans & goals, Equity & Inclusion

**People:** City Staff, Eli (PSC Chair, Debbie Bishoff, Poss: Matt Berger

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**Endangered Species Act, Wetlands, F&W Rules**

**OSMB Rulemaking**

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**Boating Rules**

**City Goals, Plans & Willamette Greenway Goal 15**
To: Portland Planning and Sustainability Commission
Re: Regulations on the Willamette River

Dear Commissioners,

Calm Water Coalition appreciates this opportunity for further public comment on the PSC South Reach Plan. We applaud the thorough and detailed In-River Recreation Goals and update to Goal 15 of the Willamette Greenway Plan, as well as the emphasis on increased public access opportunities. The seven PSC meetings held for public comment acknowledged and amplified the voices and ideas of many river users. We look forward to seeing the Proposed South Reach In-River Recreation Objectives and Goals become Actions.

We have reviewed the concept adopted by the OSMB at their May 13th meeting, which was subsequently amended by the Staff, and still believe that this is a significant issue regarding human health and safety and sustainability of the riverine ecosystem on the Lower Willamette River. We have consulted with several city bureaus including the Bureau of Environmental Services and the PSC regarding the recreation goals of the South Reach Plan. The future image for the Plan requires safety regulations for both motorized and nonmotorized craft as well as increased educational opportunities for boating and river safety.

Therefore, we support PSC’s joint recommendation to the Oregon State Marine Board for a Slow-No-Wake Zone (SNW) between the Hawthorne and Sellwood Bridge, with the amendments to extend it to the county line at the north edge of Waverly Country Club, so it includes Portland Rowing Club, Waverly Marina and all adjacent boat slip facilities. Also, commercial and official safety vessels and coach safety launches are always exempt from OSMB restrictions; others not exempt by the rules could be considered for seasonal or specific exceptions.

This SNW proposal would provide safety for 3000 people, as cited in the Plan, who participate in South Reach dragon boat, outrigger, sailing, canoe-kayak teams, swimmers, and rowing organizations. The zone extension is required in order to provide protection south of the Sellwood Bridge to paddleboarders, rowers, and kayakers, canoers and approximately 200 boats and boat slips, two covered and two uncovered boating marinas, and the 32 floating homes and Boathouse rowers launch dock at Portland Rowing Club. It would also protect habitat restoration and critical shoreline along Powers Marine Park.

Calm Water Coalition will continue to support the current Marine Board-endorsed B2 Pass Through Rule Concept (No Towed Sport, unballasted) in this area, as long as rule will be enforced. This concept would allow fishing boats and other non-ballasted motorboats and commercial craft to transit this three-mile stretch of the river at normal speeds.
Finally, we are in support of a collaboration between the City, OSMB, Multnomah County and community partners in pursuing a Wake Sports Priority Zone and improved river access for motor boaters north of the Steel Bridge. As the ongoing rulemaking process has shown, it will be difficult for all users to share one small narrow space.

Thank you for all the work you have put into the Plan and for the opportunity to provide input.

Signed,

Sid Smith, President
DragonSports USA

Tom Crowder, Race Director
Portland-Kaohsiung Sister City Association
Rose Festival Dragon Boat Races

Ron Schmidt, President
Waterfront Organizations of Oregon (WOOO)

Dan Yates
President, Portland Spirit River Cruises

Marlon Bump, Harbormaster
RiverPlace Marina

Nick Haley, Vice President
Portland Boathouse, Rose City Rowing Program Dir.

Bernie Thurber, President
Portland Boathouse

Sam Taylor, Head Crew Coach
Lewis & Clark College Rowing
Oaks Park Community Boathouse Manager

Kathy Criswell, President
Wasabi Paddling Club

Susan West
Friends of RiverPlace

Kasper Murer, Past President
Wasabi Paddling and Outrigger Club

Willie Levenson
Human Access Project, The Big Float

Renee Morgan, Board Member
Portland Rowing Club

Matthew Berger, Development Director
Oregon Youth Sailing Foundation

Mitchel Burke, Program Director
Willamette Sailing Club

Kelly Holtz, Commodore
Oregon Yacht Club

Bob & Pam Turner
Macadam Bay Moorage

H. Andrew Case, Harbormaster
Waverly Marina

Julie King, Resident, Kayaker
Oregon Yacht Club

Peter DeChamp, President
Quayside Condominium Owners Assoc.
Willamette Fisherman

Peggy Hennessy,
Quayside Condominium Owners Assoc.

Capt. R. Peter Wilcox
Founding Director IPDP, Canadian Coastal Champion, SAGE

Mark Roeckers, President
The Landing Boat Club

Portland Rowing Club Floating Home Owners
Dick Aanderud, Commodore
Arlene Kavlock, Board Member
Sheila Thompson, Board Member
Lydia Smith, Board Member
Charlie Peake, Board Member
Winnie McDonald, Board Member
Robert Meyer, resident
Lisa Aanderud, resident
Richard Lakeman, resident
Sue Sandford, resident
Susan Peters, resident
Risa Harrell, resident
Matthew Klepp, resident
Megan Klepp, resident
Dorie Roth, Harbormaster
Dear OSMB Members;

The proposed pass through zones being considered for the Willamette River in and around Ross Island are a reasonable and equitable solution to the increased congestion in this area. This proposal allows recreational boaters to still be able to enjoy the river and get up and down safely and quickly, while minimizing large wakes that can endanger non motorized craft. It also allows boats who want to get through this area the ability to do so quickly.

Other proposals with SNW Zones will be detrimental to many boaters. Bass boats race upriver each morning to their favorite fishing holes. Fishermen traverse this area daily as they speed to their secret fishing spots. With the Pass Through Proposal, they will still be able to enjoy their hobby with little if any impact on their pursuit and negligible impact if any on nonmotorized craft they may encounter.

The economic impact on SNW zones could be detrimental to many businesses that operate on the Willamette. Fishing guides would be limited in access to prime fishing spots for their clients if they had to go slow for an hour or more to pass through the area. Future commercial boat operators might be dissuaded from starting boating tours. Current commercial operators including Willamette Jetboat could be put out of business. For more than twenty years, the upriver section of our tour and especially Willamette Falls has been the highlight of our tour.

Willamette Jetboat shares the river with over 30,000 passengers each season. We would not be able to travel upriver to Willamette Falls at all if SNW Zones were in effect. This could end our business and eliminate the opportunity for thousands of locals and visitors to experience the beauty and unique qualities of our river. Thousands of school kids experience the Willamette for the first time on our boats each year. Handicapped and disabled people who could not get on a smaller vessel get to see the river and waterfront in a safe and comfortable manner. Children and Seniors who might not be comfortable on a kayak or canoe can experience the beauty and history of our waterfront. The proposed pass through zones allow us to continue to operate safely and work within the timeframe we require to still offer the experience we have for over 20 years.

Best,

Andy Moos
General Manager
Willamette Jetboat
Josh, I am sending you a couple of more pieces of input for the upcoming OSMB meeting in July.

First of all, I resent my previous input about Erosion and Turbidity on the Lower Willamette. I hope the Marine Board will consider this offering when considering input they are going to get from others who would have them believe that boat wakes are a source of turbidity in the lower Willamette. The government website I included has long term statistics that completely disproves their theory.

Secondly, some of the members of our RAC, would have you believe that boat wakes are a source of damage to their floating homes and docks. I would like to shed some facts on that topic. There is a Professional Engineer in the Portland area who has extensive experience with floating homes. He is the third generation of his family that has or does live on a floating home: Travis A. Olson P.E. PSP. GMG Partners LLC. Email: Tolson@TeamGMG.com

His father, Randy Olson, and he have done over 250 surveys on floating homes in the metro Portland area in the last two years. Travis Olson told me that there has never been a line item in one of their surveys that said that the subject has been damaged by wave action. He maintains that if the floating home’s moorage connections are maintained to the Floating Home Foundation Code, and the owners maintain the 200 foot slow no wake zone they are granted by Oregon law, damage does not happen.

Travis Olson is an objective, Professional Engineer who is an expert in this area, and his opinions and experience should be taken VERY SERIOUSLY when considering the claims by others that wave action is the source of damage to their floating homes. The real problem is poor design or lack of maintenance to the existing code.

Thank you all for your hard work on the Lower Willamette River issues.

H. Palmer Kellum Jr.

Sent from my iPad

Begin forwarded message:

From: Palmer Kellum <kellum3@hotmail.com>
Date: June 14, 2020 at 9:34:32 PM PDT
To: Paige Stoyer <cpstoyer@gmail.com>
Subject: Fwd: Erosion and Turbidity on the Willamette River

Sent from my iPad

Begin forwarded message:
My name is H. Palmer Kellum Jr. I am a member on the Lower Willamette River Rule Advisory Committee. I have lived on the Willamette River for over 50 years. I am an avid user and observer of the river. My main area of focus has been, and continues to be, the stretch of water from the Falls in Oregon City to the Ross Island Bridge. My observations will be centered on this section and will be substantiated by scientific facts.

Since I have been on the LWRRAC, there have been many things said about erosion, turbidity, and the effects of wave action on the banks of the Willamette. Most of these comments have little basis in fact. The purpose of this letter is bring forth the truth concerning this topic.

EROSION

When we get substantial rainfall in the Willamette Valley south (upriver) of the Falls, say two inches or more, the river begins to rise, the flow,(current) begins to increase, and the color of the river begins to turn from a greenish color to more of a brownish color. This change of color is the result of the soil/sediment that is now being swept into solution with the river and flowing downstream. The higher the river gets, the faster it flows, and the browner it gets. As the Willamette flows, it “washes” the shoreline and and loose soil/sediment goes down river. As it flows past the mouths of other smaller
rivers and streams, it also picks up the soil/sediment from from their flow. There really aren’t any waves in the river at this time, because the river is getting high and fast, and very few people are boating.

TURBIDITY

Turbidity is the result of erosion. Some people have said that the turbidity we see in the Willamette is result of wave action made by boats that make “big waves”. There are several errors with this theory. First of all, when the river is at its highest turbidity, there aren’t many boats on the river. If the boats are the cause of the turbidity and their aren’t many boats on the river, why is the river so brown? We already know the answer to that question. Secondly, when there is substantial river traffic, it is during the period of May to October. Higher ambient temperature bring more people to the river. During this time period, the river level is somewhere between the mean high water mark, and the mean low water mark. Typically the later in the year, the lower the water level. During these months, the banks of the lower river are 90% rocks. The only places where there are sandy beaches are below rock outcroppings or on the “inside “of curves in the river. The reason for those patches of sand, is because the current is reduced in these areas and the water can’t “carry” as much sediment when the current is reduced. Sand is then “deposited”by the river. Rocks are not prone to erosion/turbidity like soil. It is impossible to cause erosion/ turbidity out of rocks. If you don't believe me, go find a big rock and attack it with your garden hose. You could be out there for days, and the rock is going to look the same. Maybe a little cleaner, but still the same.

If the waves created by boats are a factor In turbidity, then it stands to reason that high river use will cause high turbidity. There is a website maintained by the USGeological Survey (USGS) entitled: 14 days of Turbidity at the Willamette River at Portland Oregon. This is a long term, very comprehensive survey of Willamette River Turbidity and includes abundant historical data. Once you go through their site, you will realize that during times of high river use, turbidity is at its lowest.

Their SCIENTIFIC study completely disproves the allegations by some, that the wakes caused by boats are the source of turbidity in the Willamette River.

H. Palmer Kellum Jr.
Josh, Some of us on the Lower Willamette RAC (RAC) have been pretty busy as of late with the City of Portland’s Planning and Sustainability committee’s (PSC) South Reach Plan. As you have probably heard, they are proposing a SNW zone from as far south as the Sellwood Bridge to as far north as the Hawthorn Bridge. That area isn’t big enough, however, for the Willamette River Keepers. They are pushing for Steel Bridge to Elk Rock Island. Go figure. I’m more in the mode of LOSE the SELFISH and START the SHARING.

The South Reach Plan has now been passed on to the Portland City council for their consideration. There were about 50 people that provided on line testimony on Tuesday 6/23/2020. They also received over 1000 bits of written testimony before the meeting. The only reason I bring this up is that if there ever was any doubt in people’s minds that this is a hot topic for the City of Portland, those doubts can now be vanquished.

Of particular concern to me was the chairperson of the PSC, Eli Spevak, saying during a PSC meeting on 10/10/20, that they would have to do something “TRICKY” to get the OSMB to approve of their plans for the river, and that they were going to prioritize paddlers and swimmers over motorboats. You probably realize by now that I am not a big fan of limiting any one type of river user over another, for any reason. Their plan does not sit well with me.

I am really concerned about how much pressure they are going to put on the Marine Board in order to get their way. Lies, deceit, half truths etc. have pretty much the norm in this process. They don’t really care about the river. Their concern is strictly their agenda. I think they are going to come at the OSMB with everything they have got to get their way. Hang on baby, HERE IT COMES.

Maybe they will also file a 60 Day Notice SUE the OSMB if they don’t get their way? That seems to be a popular tactic these days.

Comments about the current OSMB regulatory concepts for the lower Willamette.
1. The timing of the restrictions, May 1 - September 30 is perfect.
2. If there has to be a restricted area, Pass-through zones are better than No Wake Zones because they don’t obstruct boaters who are just cruising through the area.
3. If you are going to extend the Slow No Wake zone behind Ross Island on the north end, you are going to encourage more “derelict “ boaters to stay in that area. This means more pollution. Derelict boaters don’t like waves. They don’t like to get jostled. Most of them aren’t very seaworthy and some are in danger of sinking when exposed to waves. That’s one big reason why they all like to anchor behind Ross Island.
4. The area between the two Pass-through zones along the west side of Ross Island is a dangerous area already. If you implement the current plan, it is going to get much worse. Towed water sports people will be stopped in the water on the north and south ends of the “free zone”, either picking up their tow or starting a new one. If they try to use this area like a big “circle” you will have them crossing the river on both ends of the free zone with something in tow, while other boats are trying the pass through the zone going up or down river. There will be more boats in the area because the new regulations have forced them out of other areas. All the while, paddle people, who have just launched their floaties at Willamette park are trying to get across the channel to the east side along Ross Island where it is safer. This will make a bad situation even worse. Some will say: “just make the whole area from the Hawthorne bridge to the Sellwood bridge a Pass-through zone”. The problem with that is it just pushes the towed water sports people to another portion of the river,(probably south) and causes a worse problem there. AKA: “ kick the can down the road”, a favorite way of dealing with problems frequently used by the Oregon Legislature.

What we need is some sort of a “crosswalk” to get the paddle people more safely across the river from Willamette Park to the east side of the river and their existing slow no wake zone at the south and east
sides of Ross Island. If the City of Portland would spend some of their South Reach effort on paddle
people river access on the east side of the river we wouldn't have this problem.

I think the following plan would be safer and be more inclusive of all river users.

Implement the north end Pass Thru Zone in your plan.
Extend the Holgate Channel Slow No Wake zone to the north end of the channel and extend it across
the main channel of the Willamette, on the south end of Ross Island to the boat ramp at Willamette
Park. I'm thinking this extension to the slow no wake zone is about as wide as the channel on the east
side of Ross Island, say 50-60 yards wide.
Do not implement the proposed Pass - through zone from the southern tip of Ross Island to the
southernmost moorage at Waverly Marina.

In this plan, all river users get a little, give a little, and we increase the chance of safe river use for all.

Sincerely,
Palmer Kellum

Sent from my iPad
Chair Early, and board members Laura Jackson, Craig Withee, Colleen Moran and Vince Castronovo,

I appreciate the opportunity to serve on the OSMB LRRC and to do my best to represent the many members of the Willamette River Community Coalition in trying to help find solutions to protect public access and lower user conflict while considering the rights and safety of all river users.

This is our feedback on the current proposal you sent to us to consider -

1. Logistically we see many problems with this plan

   a. We all agreed on the LRRC that a somewhat narrow slow no-wake crosswalk of sorts from Willamette Park Boat ramp to Holgate channel, as recommended by the motor boat community actually, was the one area where a new slow no-wake restriction made sense. But that seems to be missing from this proposal. Was there a reason for that? In this plan boats can still go past Willamette Park Boat ramp full speed including cabin cruisers which make some of the biggest wakes, and the jet boats.

   For novice paddlers or those seeking a no-wake area, our proposed crosswalk would offer them an easier way to cross over to Holgate Channel. Also, for all boaters using that ramp it will make it easier to have no wakes coming in, especially during busy times, when putting in and taking out.
*One important note is that currently Willamette Park Boat ramp is often overwhelmed with users, and often the inside lanes that motorboats must use are filled with paddlers sometimes for extended period of time, loading up or blowing up their crafts. Having them in the same lanes as a constant stream of motor boats I think is concerning for their safety. Often the outside of the docks is taken up by people tied up somewhat permanently making that not available at times to paddlers getting in and out. One end of the dock has also been slowly sinking recently and while we saw a new piece of wood was placed there last week it still appears to be falling apart a bit.

b. Portland Fire and Rescue has been repeatedly expressing their concerns about zones restrictions like this, because it just creates much more congestion on either side of the zone. By banning any towed sports in these two areas it prevents people in those activities from spreading out and moving on, instead it puts many more boats in a smaller area, boats which are pulling people, often kids, behind them. Outside of the zones where towed sports would be concentrated it will also then be harder for people to navigate through those crowded areas. We also all know exactly what we will hear from those already advocating for one area after another to have boating restrictions. When part of Holgate was shut down to motor boat recreation it made the main channel busier, something being used by the same groups as a justification to now try to shut down parts of the main channel. If you pass this proposal and those areas outside of the zone become more crowded does anyone doubt that will be used to try and
then impose boating restrictions in those areas, each time making crowding worse not better, and only increasing user conflict.

c. We have not seen any clear justification on why towed sports are being singled out for restrictions. There is no statistical safety data to support this. The incidents of swampings we hear brought up by the CWC are about people not following rules, as are most of the safety concerns raised by other user groups, and which are not being addressed with this proposal. The incident referred to most last summer involving a Dragon Boat was with a Bayliner and not involving any towed sports. This is one of the many reasons that the consensus of our LRRC is that what we need is more education, enforcement of the existing rules especially during busy times, better signage in key areas, and more respect between user groups. This is something that is certainly not being achieved by the actions of the CWC who are repeatedly working to restrict and even ban other users and boats from the river. As our coalition has been working to bring user groups together, the actions of the CWC have made it more challenging for sure.

d. As someone who has a slip in this exact area on the map I was trying to understand why the CWC who I believe had submitted this proposed plan to the OSMB, placed a towed sports area in the middle, knowing it would force people in those activities to go back and forth, basically in a circle in a small area unable to continue on or move through. When
you all approved this plan was there an awareness that people doing towed sports here would be confined to an area that also contains the sailing school and the Landing Club Marina?

2. One of the number one concerns we hear from river residents and users is the big increase in novice paddlers not following rules and seemingly unaware of basic navigation skills, doing things including sitting in groups in the middle of the river blocking the main channel. Yet this is never even discussed in the context of any incidents that occur, if paddling decisions played any role. One of the main Dragon boat coaches agreed that this has become a problem with so many people new to paddling. Even within their club where they do educate paddlers she has been in situations where a dragon boat was going down the middle of the river and getting angry at the motor boats going around them, and she had to explain that they should be going up the side and that the motor boats gave them as much room as they could but need to stay in deeper waters towards the middle.

And if we were to use the same logic as CWC in trying to ban all boats or towed sports because of the actions of a few, we would then be trying to ban paddlers at least from the main channel, because they are constantly violating the OSMB paddler rules of the road and putting themselves and others at risk. But we would never do that, we don’t believe the solution to user conflict is to try and ban anyone. And we know many paddlers enjoy being in the
main channel with boats even when it’s busy and we think they should be allowed to do that and make that choice. The solution is for all river users to be better educated and be held accountable for following the rules.

3. During the last OSMB meeting it was mentioned that shutting down sections of the river to motor boats seemed reasonable, like shutting down some side streets in the city to cars. Yet this isn’t a side street, this is the only road, often referred to as our river highway, on our multi-use commercial waterway, so it’s more like shutting down highway 26 to be 5MPH. There are many side streets so to speak in the area, waterways like the Tualatin, part of the Holgate which has already been made slow-no wake for paddlers. And for most of the paddlers in our coalition and who we talk to on the river they have no problem sharing the river with boats and many will ride boat wakes on their SUPs or kayaks. They have also made it clear to us and in testimony that if they want quieter conditions they go out in the mornings, which is what I was taught growing up and what we always did when I rowed crew 35 years ago.

Even extending the no-wake stretch of the Holgate Channel doesn’t make sense to us at this point. This is not something that any of the paddling groups or Calm Water Coalition have said would satisfy them, so it wouldn’t solve anything but would only push more traffic into the main channel. Many people enjoy boating to and relaxing in the Lagoon at Ross Island and to further restrict their ability to navigate there or recreate in the first stretch of Holgate Channel, knowing those restrictions
would have some negative consequences on traffic, is something that should only be considered if it was going to settle this situation. Or if there was some trade off to then equally benefit those members of the public who enjoy motor boat recreation or at least an agreement that there would be no further restrictions pursued on motor boat navigation or recreation in other areas on the river.

Instead CWC and the paddling clubs have made it clear that they want to be given more than the Holgate Channel, they won’t be satisfied without boating restrictions in main channel and as shown in emails, have been working with the city since 2018 on this in relation to the South Reach Plan, which now includes the current request to make a huge 3.5 mile stretch of the river slow no-wake to all motor boats.

From what I have seen and read in others testimony such as from SK rentals, many paddlers even with a big part of Holgate as an option now, choose to go into the main channel, including from the clubs that are then complaining about the traffic and motor boats there. Would all of the paddlers who don’t want to be around motor boats even utilize the Holgate channel if it was extended to be all slow no-wake for them?

3. We feel that the proposed plan really can’t be explained as anything other than being meant to, as the city said they are doing with their South Reach Plan. “prioritize” paddlers over motor boats. This sense of entitlement by one portion of the paddling community continues to get worse and can be seen every day in their actions which are making user conflict on the
river much worse. Rowing clubs including Rose City Rowing have been stopping boaters, including another member of our LRRC, from going into certain parts of the river in some cases telling them it’s a no wake area when that is not true. They even went out in the middle of the river downtown and told someone who has had a slip at the Landing Club there for 20 years and often tubes with his kids and grandkids, that he couldn’t even be in the middle of the river and that he was making too much of a wake. He has been tubing with them there for so many years and was dumbfounded and contacted us to see if this was true and if the river had been made slow no-wake already.

4. We have found this process to be pretty frustrating, especially in regard to the city’s plans and how they never included in any of their meetings or otherwise sought input from the many user groups and businesses who would be affected most by their plans to prioritize paddlers on our river.

We were troubled by way in which BPS did not provide full or accurate information to Chief Boone when they asked for her signature on the letter to you all. And then they ignored Chief Boone’s request to not just remove her endorsement once she was fully briefed by Harbormaster Sean Whalen on his many concerns, but to contact the Marine Board to explain what had happened and specifically to clear up any miscommunication by making sure you all were clear that Fire and Rescue did not support the BPS plan and that they actually had safety concerns about it. When we found out they had not done this we asked BPS to send that clarification to the OSMB which resulted in the
3rd version of their letter to you, which still did not properly explain and correct the misleading nature of their first letter.

I strongly implore you not to be guided in any way by the Portland Planning Bureau or the Planning commission whose members stated things at the last meeting essentially saying that all motor boats are a dangerous and are a problem. They have a clear long-term agenda for the river that does not include motorboats, and this is the first step towards that. In addition to saying at their March 10th meeting that the South Reach Plan would “prioritize” paddlers, they also said they would try to find “tricky” ways to force the Marine Board’s hand to impose the slow no-wake zones they wanted.

We appreciate that the board includes members who enjoy different activities on the river and from the many meetings I have attended I know that you strive to make decisions based on being fair to all users and based on facts, rather than on one group’s agenda. I think that is more critical than ever right now.

5. I know many of us look forward to being able to speak for a few minutes at your meeting on July 22nd but as I expressed to Josh I do wish that we had been able to actually have a work session of sorts with you all and to ask you questions and learn more about your thoughts on different solutions. I think that could have been informative and productive for us and maybe could be considered in the future with a committee like this.

On behalf of the many members of the Willamette River community Coalition, the homeowners, floating homeowners,
members who do both motorized and non-motorized activities including many of us who do both, we thank you in advance for hearing our perspectives.

We very much hope that you will recognize the need to not prioritize one group over others, but to make sure the river remains an inclusive place.

Much appreciation, Paige Stoyer
Input from other significant stakeholders outside of the Rule Advisory Committee
May 22, 2020

Josh Mulhollem
Oregon State Marine Board
435 Commercial Street NE, #400
Salem, OR 97301

SUBJECT: RULE MAKING CONCEPTS FOR THE LOWER WILLAMETTE RIVER IN PORTLAND

Dear Mr. Mulhollem,

Please have this letter replace the letter that the City of Portland sent to you on May 8, 2020.

The City of Portland is interested in the rule making process and outcome for boating regulations in the Lower Willamette River, especially in riverine area of Portland. We thank the Oregon State Marine Board (OSMB) for including two City of Portland representatives on the Lower Willamette Rule Advisory Committee (RAC) and appreciate your project leadership. We look forward to the OSMB reviewing this letter as part of the decision-making process.

Debbie Bischoff, Senior Planner, Bureau of Planning and Sustainability, and a RAC member, convened City staff from the Portland Parks and Recreation, Bureau of Environmental Services and the Bureau of Planning and Sustainability. We are aware that another RAC member, Sean Whalen, Portland Harbormaster, with Fire and Rescue, previously submitted comments based on their area. Staff from the aforementioned bureaus discussed the regulatory concepts prepared by OSMB staff for RAC members on March 6, 2020. This letter represents City of Portland’s recommendations to the OSMB on draft concepts along with City staff rationale.

City of Portland Bureaus’ recommendations

City of Portland staff are concerned about boating safety in the seasonally congested South Reach area and how boating safety is managed and enforced. We are also very concerned about the negative impacts of wave energy producing boats and activities on light watercraft, threatened and endangered fish species and their habitat, riverbank erosion, and floating homes. The Portland section of the Lower Willamette contains a limited number of shallow water habitat, near shore habitat and cold water refugia areas that provide critical feeding and resting places that are necessary for the survival of federally listed threatened and endangered salmon and steelhead species which occupy the Lower Willamette River year-round. It is an area where there are existing and future opportunities for light watercraft, motorboats and swimmers to access the river.

Also, the area around Ross Island and the Holgate Channel is important for fish and wildlife and is a primary destination of light watercraft due to its natural setting. The City is committed to, and investing in, natural resource improvements to better meet the needs of these fish species, wildlife and their habitats. Therefore, boating rules need to be supportive of and not in contradiction to these efforts, and be applied to a broad area in Portland.

We support a variety of river boating activities in the Willamette but want to ensure that these activities are carried out in a way that is less harmful to the environment and reduces public safety conflicts. The area between the Hawthorne Bridge and the Sellwood Bridge, including the Holgate Channel, is and will continue to grow as a hub for light watercraft, motorboat and swimming. Therefore, special attention is needed in this area. Finally, the City is supportive of a limited amount of wake producing activity...
associated with special events at the downtown riverfront.
The following are City bureau recommendations:

1. **Boating education, safety and enforcement.** The *River Plan/South Reach Proposed Draft* (January 2020) identifies the need for partnerships to enhance boater education and safety. It also calls for increased funding for the Multnomah County Sheriff’s River Patrol Unit to enforce State adopted boating rules. The City is a willing partner with other responsible governmental and non-governmental entities to identify funding sources to achieve enhanced boater education, safety and enforcement.

2. **Slow No Wake Zone from the Hawthorne Bridge (close to river mile 13) to the Sellwood Bridge (river mile 16.5) including both the main channel and the Holgate Channel.** This is a modification to Concept A.1. City staff understand that this rule does not apply to government officials conducting official business like responding to emergency fire calls.

3. **Allow up to 3 wake sports events annually to take place between May 15 and October 15, in the vicinity of Governor Tom McCall Waterfront Park.** These events would activate this major public venue in the heart of downtown Portland. The details of these events would be coordinated between City bureaus to minimize environmental and other impacts.

4. **OSMB coordinates with the Environmental Protection Agency and Oregon Department of Environmental Quality on boating restrictions in the Portland Harbor Superfund site** that may result from the clean-up efforts. This should lead to increased clarity, continuity, and enforceability throughout the Lower Willamette River.

**Rationale**

The bulk of the area for OSMB boating rule-making recommendations within Portland city limits is a fairly narrow stretch of the Willamette River, in an urban setting, with a high level of use by seasonal boaters in addition to year-round boaters. We anticipate the number of river users to increase with population growth. This is especially true from the Hawthorne Bridge to the Sellwood Bridge.

This area also includes a significant amount of designated public open spaces, natural areas and riverine tributaries that are key places in the City’s restoration efforts to protect, enhance and restore the health and habitat of threatened and endangered salmon and steelhead and other wildlife and plants. Migrating juvenile fish in particular rely on near shore beach and shallow water habitat areas to rest and feed. Projects are underway or will be happening in the near future to improve shallow water habitat areas by restoring floodplains, amending the substrates and planting vegetation. The wave energy impacts of certain motorboats, especially boats with wake enhancing devices negatively impact shallow water habitat areas by causing erosion and dislodging vegetation. Wave energy can also cause direct harm to migrating fish, especially juveniles, by slamming them into hardened artificial banks like rip rap and seawalls; causing mortality for some fish. To aid consideration of areas of greater risk within the City of Portland, we have assembled maps that layer DEQ data on cold water inputs and refuge locations, shallow water habitat/beaches and City of Portland fish sampling results over the last 10 years showing the presence of federally protected fish throughout the Lower Willamette River. See attached maps.

Cold water refugia, from riverine tributaries, are essential resting places for fish species juvenile and adult fish species, especially during summer months. Cold water refugia areas in the Lower Willamette have been documented by the Oregon Department of Environmental Quality (DEQ) with assistance from the USGS and BES in response to endangered species protections required by NOAA. These cold water tributary sources are critical places for salmon and steelhead, especially in the summer when river temperatures are raised, and will likely require additional protections in the future. Significant wave action can “mix” the warmer water with the cooler water and can negatively impact fish survival. Beach
habitat is a proxy for shallow water habitat. Studies conducted by Oregon Department of Fish and Wildlife, and ongoing monitoring by the City of Portland, has identified shallow water habitat as critical habitat for juvenile salmon and steelhead survival, as well as lamprey juvenile survival. Wave action has the potential to erode and eliminate this critical habitat.

The Central City 2035 Plan (2018) and River Plan/South Reach Proposed Draft (January 2020) identify future opportunities for restoration projects and recreation including new light watercraft access, public swimming beaches and improvements to docks that serve motorized boaters and fisher people (e.g. Sellwood Riverfront Park dock).

Additionally, City staff have become aware of the boating accidents caused by the wave energy of wake sport devices on motorboats and speeding motorboats in this stretch of the Willamette River. We are aware of incidents where rowing skulls and dragon boats have been overturned sending recreationalists into the river and cases where these craft have been damaged. This not desirable from a public safety perspective. We have also been made aware of physical damages to floating homes moored on the river from the wake energy transmitted by wake sports on the river.

We strongly encourage the OSMB to recognize the seriousness of public safety and natural resources’ concerns posed by the wave energy of certain boats in the Lower Willamette and institute a slow no-wake zone from the Hawthorne Bridge to the Sellwood Bridge in the Lower Willamette area of Portland. We recognize that there may be a modified approach that gets at the concerns raised in this letter.

We look forward to reviewing a refined OSMB generated rule making concepts’ proposal including elements related education and enforcement; and understand there are a lot of considerations at hand.

Sincerely,

Andrea Durbin, Director, Bureau of Planning and Sustainability

Michael Jordan, Director, Bureau of Environmental Services
Adena Long, Director, Portland Parks and Recreation

Attachments: Fish and Banks Maps
Good morning –
Thank you for putting so much time and effort into this issue. I am fully in favor of well thought-out protection zones. Protection zones does the following:
- increases safety for paddlers, Willamette Sailing kids and families.
- reduces damage to houseboats
- protects vulnerable riverbanks by reducing erosion and therefore raises water quality
- prepares us for the future. Wakeboard boat manufacturers are aiming for 10ft waves and we better be prepared!
- organizing the river is extremely important as we see increased boat traffic.
- these new rules reduce conflict and soften tempers

Wake board zones increase safety for all river users.

Please include the section to the Hawthorne Bridge! Please create a wakeboarding zone from the Hawthorne Bridge to the Columbia River. The water is deeper, wider and safer in this area. Please note that wakeboard boats are a big part of my business but the current mayhem and disorganization I see is dangerous. We need these zones.

Regards,

Marlon Bump
Harbormaster, RiverPlace Marina, Templeton Property Management
Broker 20yrs, Oregon Realty
503-241-8283
Other Relevant Media

- The Portland Planning and Sustainability Commission held a hearing on June 23\textsuperscript{rd} at which river recreation was discussed at length. The video is available at https://www.youtube.com/watch?v=4Ld12avjICY, and the conversation about river recreation begins at the 1:29:27 mark. Written testimony submitted to the Commission can be viewed at https://www.portlandmaps.com/bps/testimony/#proposal=rpsr.