



# Oregon

Kate Brown, Governor

## State Marine Board

435 Commercial St NE, Suite 400  
PO Box 14145  
Salem, OR 97309-5065  
Main (503) 378-8587  
Fax (503) 378-4597  
[www.BoatOregon.com](http://www.BoatOregon.com)



September 15, 2020

Members of the 80th Oregon Legislative Assembly  
900 Court Street NE  
Salem, OR 97301

### **RE: SB 47 (Waterway Access Fund and Waterway Access Permit) Report to the Legislature**

Dear Members of Oregon's 80th Legislative Assembly:

During the 2019 Legislative Session, the Legislature passed Senate Bill 47, which was initially brought forward at the request of the Oregon State Marine Board. This legislation created the Waterway Access Fund within the State Treasury and developed a funding mechanism for the fund: the Waterway Access Permit. SB 47 directed that monies in the Fund be used for grants for the development of access for nonmotorized watercraft, boating safety education, and waterway access for underserved communities.

The legislation also requires that the Marine Board provide a report to the Legislature regarding the implementation of SB 47 in September, 2020 and September, 2021. A summary of the items discussed in this year's report is provided below. More details on these topics is available in the full [Report to the Legislature on SB 47 – Waterway Access Fund and Waterway Access Permits](#).

#### ***Administrative Rules Implementing SB 47***

The Marine Board adopted rules to implement the Waterway Access Permit portion of the legislation in November, 2019. The rules for this permit were based off those for the previously required Aquatic Invasive Species Prevention Permit, which was required of non-motorized boaters since 2009. One notable exception is that the Waterway Access Permit can be carried digitally and no physical permit is mailed to the recipient. This change minimizes administrative costs of implementing the permit and therefore maximizes the funds available for grants.

In May, 2020, the Board adopted rules to administer the Waterway Access Grant Program. Money for this grant program is derived from the Waterway Access Fund. Rules for the grant program describe the Board's priorities for program funds, outline eligibility requirements, and provide other administrative details.

#### ***Waterway Access Permit Sales and Revenue***

SB 47 requires that all operators of nonmotorized boats 10 feet or longer carry a Waterway Access Permit while on Oregon waters, with exceptions. The requirement took effect on January 1, 2020, and the Marine Board began issuing permits in December of the previous year. Through July, the Marine Board and its authorized issuing agents have sold 56,735 Waterway Access Permits resulting in \$891,580 for the Waterway Access Fund.

### ***Waterway Access Grants***

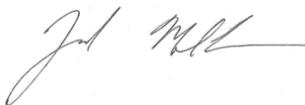
This summer, the Marine Board accepted Waterway Access Grant proposals for the first time. In August, the agency awarded \$412,082 in grants to ten projects around the state. An additional \$25,448 supported technical assistance to evaluate potential new nonmotorized access opportunities at three other locations. Projects receiving funds ranged from the development of physical access for canoes and kayaks to programs to promote boating opportunities for underserved youth to an initiative to develop boating education materials for non-English speakers.

### ***Waterway Access Permit Education, Outreach, and Enforcement***

The Marine Board used a variety of media and methods to educate nonmotorized boaters on the requirement to carry the Waterway Access Permit when recreating on Oregon waters. Several press releases were disseminated to the media over the past year and many were picked up by large outlets. The Board's social media channels were also heavily utilized to spread the message. Through our relationships with marine law enforcement across the state, we were able to have county sheriff's deputies and Oregon State Police officers relay the requirement to the public. To aid on-water enforcement, we provided thousands of rack cards that explained the new legislation. Additionally, new signage was developed and located at boat accesses around the state that advises nonmotorized boaters of what is required when they are on the water, including life jackets, sound-producing devices, and Waterway Access Permits.

Because 2020 was the first year of this new permit requirement, law enforcement officers focused on educating boaters and not on writing warnings and citations. Additionally, SB 47 stipulated that no citations could be issued for failure to carry a permit until August 1<sup>st</sup>. As of September 14, marine law enforcement had issued 524 warnings and 37 citations to boaters for failure to carry a Waterway Access Permit.

Please let me know if you have any questions regarding the content of this summary or the full report.



Josh Mulhollem  
Environmental and Policy Program Manager  
Oregon State Marine Board  
435 Commercial Street NE #400  
Salem, OR 97301  
Office: (503)378-2836  
Cell: (503)586-8080

[Josh.Mulhollem@oregon.gov](mailto:Josh.Mulhollem@oregon.gov)



Report to the 2019-2020 Oregon Legislature on Senate Bill 47 –  
Waterway Access Fund and Waterway Access Permits

Submitted September 15, 2020

Oregon State Marine Board  
435 Commercial Street NE #400  
Salem, OR 97301  
[boat.oregon.gov](http://boat.oregon.gov)



## Table of Contents

<i>Administrative Rules Implementing SB 47</i> .....	1
<i>Waterway Access Permit Sales and Revenue</i> .....	14
<i>Waterway Access Grants</i> .....	15
<i>Waterway Access Permit Education, Outreach, and Enforcement</i> .....	17

## **Administrative Rules Implementing SB 47**

Soon after the passage of the legislation, the Marine Board initiated the rulemaking process to implement the Waterway Access Permit (Section 5 of SB 47, now ORS 830.624). Rules were drafted, public comment was sought, and the final rules were filed with the Secretary of State on November 26<sup>th</sup>, 2019. These rules were based off those for the previously required Aquatic Invasive Species (AIS) Prevention Permit, which was required of non-motorized boaters since 2009. However, unlike the AIS Prevention Permit, Waterway Access Permits can be carried digitally and no physical permit is mailed to the recipient. Operators have the option to carry the permit on a phone or other mobile device, or to print a copy of the permit and keep it with them on the water. This change minimizes administrative costs of implementing the permit and therefore maximizes the funds available for grants.

In February, 2020, the Board adopted rules to administer the Waterway Access Grant Program which is funded by the Waterway Access Fund. Those rules describe the Board's priorities for Program funds, outline eligibility requirements, and provide other administrative details. Most of the details of this grant program were provided in SB 47, so the need for additional OARs were minimal.

These rulemaking efforts amended OAR 250-010-0010 (Definitions for Statewide Boating Rules), OAR 250-010-0650 (Aquatic Invasive Species Prevention Permit), and 250-014-0001 (Marine Facility Program Definitions), and adopted OAR 250-010-0760 (Waterway Access Permit), OAR 250-014-0500 (Waterway Access Grant Program), OAR 250-014-0505 (Waterway Access Grant Eligibility), and OAR 250-014-0510 (Waterway Access Grant Administration). The Permanent Administrative Orders for these rulemakings are included on the following pages.

OFFICE OF THE SECRETARY OF STATE  
 BEV CLARNO  
 SECRETARY OF STATE  
  
 A. RICHARD VIAL  
 DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
 STEPHANIE CLARK  
 DIRECTOR  
  
 800 SUMMER STREET NE  
 SALEM, OR 97310  
 503-373-0701

## PERMANENT ADMINISTRATIVE ORDER

### OSMB 9-2019

CHAPTER 250  
 OREGON STATE MARINE BOARD

**FILED**

11/26/2019 2:28 PM  
 ARCHIVES DIVISION  
 SECRETARY OF STATE  
 & LEGISLATIVE COUNSEL

FILING CAPTION: Implementation of the Waterway Access Permit

EFFECTIVE DATE: 11/26/2019

AGENCY APPROVED DATE: 10/24/2019

CONTACT: Jennifer Cooper  
 503-378-2617  
 jennifer.cooper@oregon.gov

435 Commercial St NE Suite 400  
 Salem, OR 97301

Filed By:  
 Jennifer Cooper  
 Rules Coordinator

#### RULES:

250-010-0010, 250-010-0650, 250-010-0760

AMEND: 250-010-0010

NOTICE FILED DATE: 07/25/2019

RULE SUMMARY: Defines Waterway Access Permits and updates this rule to include definitions previously located in the Aquatic Invasive Species rules.

#### CHANGES TO RULE:

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.¶¶

(23) "Board" means the Oregon State Marine Board.¶¶

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

(45) "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.¶¶

(57) "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.
- (69) "Person" means an individual, partnership, firm, corporation, association, or other entity.
- (710) "Person on Board" means every person being carried on board or being towed by a vessel.
- (811) "Portable Toilet" means all types of portable containers, hand carried potties, buckets or similar devices used to collect black waste into a small receptacle.
- (912) "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.
- (103) "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.
- (114) "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.
- (125) "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.
- (136) "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.
- (147) "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.
- (158) "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.
- (169) "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.
- (1720) "Underway" means when a boat is not at anchor, or moored, or made fast to the shore, or aground.
- (21) "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.
- (22) "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.
- (23) "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.

Statutory/Other Authority: ORS 830.110

Statutes/Other Implemented: ORS 830.110

AMEND: 250-010-0650

NOTICE FILED DATE: 07/25/2019

RULE SUMMARY: Outlines Aquatic Invasive Species Prevention Permit carriage requirements.

CHANGES TO RULE:

250-010-0650

Aquatic Invasive Species Prevention Permit ¶¶

(1) Definitions: ¶¶

(a) "~~Manually powered boat~~" means any watercraft as defined in ORS 830.005(2), but not a motorboat as defined in 830.005(6). ¶¶

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

(c) "~~Board~~" means the Oregon State Marine Board. ¶¶

(d) "~~Valid temporary permit~~" means a temporary aquatic invasive species prevention permit generated from a person purchasing a permit from a designated Internet agent. ¶¶

(e) "~~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. ¶¶

(2) Permit Rules: ¶¶

(a) A person may not operate a manually powered boat that is 10 feet or more in length, or a motorboat of any length, or a sailboat 12 feet or more in length, on the waters of this state without first obtaining an aquatic invasive species prevention permit from the Board or designated agent. ¶¶

(b) The aquatic invasive species prevention permit for manually powered boats may be issued as either an annual or biennial permit to be carried or otherwise displayed on the boat. The biennial permit is valid for two calendar years and will cost double the annual permit as described in ORS 830.570 and 830.575. ¶¶

(c) The owner of a boat for which fees for a certificate of number or registration under ORS 830.790(1)(a)(b)(c) are required will pay an aquatic invasive species prevention permit fee of \$5 per biennium at the time of boat registration. ¶¶

(Aa) The registration validation stickers are in lieu of an Aquatic Invasive Species Prevention Permit. ¶¶

(Bb) The validation stickers are non-transferable. ¶¶

(d) Persons age 14 and older operating manually powered boats that are 10 feet or more in length shall have a valid aquatic invasive species prevention permit or valid temporary permit on board when the boat is in use on the waters of this state. ¶¶

(e2) Out-of-state motorboats and out-of-state sailboats 12 feet in length or more that are of the same boat category that would be required to be registered in Oregon per ORS 830.790, shall carry a non-resident out-of-state aquatic invasive species prevention permit on board when in use on waters of the state. ¶¶

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

(A) Motor boats and sailboats 12 feet in length or more, Out-of-state motorboat permits are transferrable between multiple motorized boats. ¶¶

(a) Watercraft registered in Washington or Idaho, 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, are exempt from the non-resident Oregon aquatic invasive species prevention permit. ¶¶

(B) Manually powered boats from Idaho that are 10 feet or longer and affixed with an Idaho Aquatic Invasive Species Prevention sticker, and all manually powered boats from Washington, are exempt from Oregon aquatic invasive species permit carriage requirements when launching into waters that form a common interstate boundary, or when launching into Oregon tributaries within one mile of these waters. ¶¶

(g) Manually powered boats and out-of-state motor boat permits are transferrable only within their respective boat categories. The name on the permit does not need to match the name of the person operating the boat.

Persons may purchase multiple permits for use by family and friends.¶¶

(h) Operators of manually powered boat liveries and Outfitters and Guides using manually powered watercraft for group-guided activities, may qualify to purchase aquatic invasive species prevention permits at a discounted rate described in ORS 830.575. To qualify for the discounted rate:¶¶

(A) These operators shall register with the Board by documenting current business status as a livery.¶¶

(B) All boats rented by the livery must be clearly labeled with the livery name.¶¶

(i) 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 aquatic invasive species prevention permits under the name of the organization or the club's presiding officer or secretary.¶¶

(A) For racing shells, dragon boats or resident boats exempt from registration under OAR 250-010-0150(2), a is requirement.¶¶

(b) The name on the permit does not need to match the name of the person operating the boat.¶¶

(3) A \$20 annual Aquatic iInvasive sSpecies pPrevention pPermits numbering not less than the maximum number of boats in use on the water at any given time during a planned event 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 peace officer.¶¶

(B) A \$5 annual or \$10 biennial aquatic invasive species permit may be held as described in (2)(i)(A) for events involving may be purchased for motorized race boats which are owned by Oregon residents but that are otherwise exempt from registration under OAR 250-010-0150(2).¶¶

(j) The Board or designated agent may issue a temporary aquatic invasive species prevention permit to an individual who pays for the permit using a Board-designated Internet agent.¶¶

(A) The temporary aquatic invasive species prevention permit will be valid for 14 days from the date of issue listed on the temporary permit.¶¶

(B) Each temporary permit shall contain a unique number that corresponds to the electronic record for the individual named on the permit4) Boats required to carry permits must present their permit for inspection upon request by a law enforcement officer.¶¶

(k5) A person is considered in violation of the provisions contained in this rule and subject to the penalties prescribed by law when they:¶¶

(Aa) Alter an aquatic invasive species prevention permit; or¶¶

(Bb) Produce or possess an unauthorized replica of an aquatic invasive species prevention permit; or¶¶

(Cc) Exhibit an altered aAquatic iInvasive sSpecies pPrevention pPermit to a peace officer.¶¶

(l6) The following vessels or classifications are exempt from the requirement to carry an Aquatic iInvasive sSpecies pPrevention pPermit-expires on December 31 of the year indicated on the permit.¶¶

(m) The following vessels:¶¶

(a) Watercraft registered in Washington or Idaho that launch directly into waters that form a common interstate boundary, or classifications are exempt from the requirement to carry unch 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:¶¶

(A) State-owned boats issued by the States of Idaho or Washington.¶¶

(Bb) County-owned boats¶¶

(C) Municipality-owned boats Boats owned by the federal government, or by a state, county, or municipal government.¶¶

(Dc) Eleemosynary-owned boats which a supervising adult can confirm through documentation are engaged in an organization-related activity.¶¶

(Ed) A ship's lifeboat used solely for lifesaving purposes.¶¶

(F) Seaplanes¶¶

(G) Federal government-owned boats¶¶

~~(H) Surfboards, sailboards and kite boards.~~

~~(I) Manually powered 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) Seaplanes

Statutory/Other Authority: ORS 830.110, ORS 830.580

Statutes/Other Implemented: ORS 830.565, ORS 830.570, ORS 830.575

ADOPT: 250-010-0760

NOTICE FILED DATE: 07/25/2019

RULE SUMMARY: Establishes guidelines for the Waterway Access Permit required for operators of non-motorized watercraft.

CHANGES TO RULE:

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.

Statutory/Other Authority: ORS 830

Statutes/Other Implemented: 2019 SB 47

OFFICE OF THE SECRETARY OF STATE  
 BEV CLARNO  
 SECRETARY OF STATE  
 JEFF MORGAN  
 INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
 STEPHANIE CLARK  
 DIRECTOR  
 800 SUMMER STREET NE  
 SALEM, OR 97310  
 503-373-0701

## PERMANENT ADMINISTRATIVE ORDER

### OSMB 8-2020

CHAPTER 250  
 OREGON STATE MARINE BOARD

**FILED**

05/21/2020 8:04 AM  
 ARCHIVES DIVISION  
 SECRETARY OF STATE  
 & LEGISLATIVE COUNSEL

FILING CAPTION: Adopts rules to implement the Waterway Access Grant Program.

EFFECTIVE DATE: 06/01/2020

AGENCY APPROVED DATE: 05/13/2020

CONTACT: Jennifer Cooper  
 503-378-2617, Ext. 2617  
 jennifer.cooper@oregon.gov

435 Commercial St NE Suite 400  
 Salem, OR 97301

Filed By:  
 Jennifer Cooper  
 Rules Coordinator

#### RULES:

250-014-0001, 250-014-0500, 250-014-0505, 250-014-0510

AMEND: 250-014-0001

NOTICE FILED DATE: 02/26/2020

RULE SUMMARY: Adds definition for "Grant Procedure Guide."

CHANGES TO RULE:

250-014-0001

Definitions ¶¶

For the purposes of OAR 250-014-0001 to 250-014-0005, the following definitions shall apply:¶¶

- (1) "Annual Maintenance" means routine maintenance and operation activities performed by the participant during the one-year allocation period.¶¶
- (2) "Biennium" means the 24-month period beginning July 1 of each odd numbered year and ending June 30 of the next odd numbered year.¶¶
- (3) "Board" means the State Marine Board.¶¶
- (4) "Boarding Float" means a floating structure on or adjacent to a launch ramp that provides temporary short term use for loading or off-loading from a boat. Floats are normally 6 to 8 feet wide.¶¶
- (5) "Boating Facility Grant Program" means the program authorized by ORS 830.150. Funds are available for the acquisition, development and rehabilitation of public boating facilities available to, and ordinarily used by, motorized boats.¶¶
- (6) "Boating Infrastructure Grants Program" (BIG) means the federal program authorized by 50 CFR Part 80 and ORS 830.150. Funds are available for the development and rehabilitation of non-home port transient tie-up facilities at public and private facilities used principally by non-trailer recreational boats.¶¶
- (7) "Clean Vessel Act (CVA) Grant Program" means the federal program authorized by 50 CFR Part 85 and ORS 830.150. Clean Vessel Act grants can be used to develop, refurbish, or maintain floating restrooms and vessel waste collection systems ordinarily used by recreational boats at public and private boating facilities.¶¶
- (8) "Director" means the State Marine Board Director.¶¶

- (9) "Fiscal Year" means the twelve-month period beginning July 1 of any year and ending June 30 of the next year.¶
- (10) "Floating Restroom" means a floating structure moored in open water that is not connected to shore and provides toilet facilities to boaters.¶
- (11) "Grant Procedure Guide" means the document containing grant program policies, grant application forms, sample cooperative agreements, project prioritization and scoring criteria, and general applicant guidance that is developed and maintained by the Board.¶
- (12) "Grounds" includes the area at or immediately adjacent to an improved boating facility where garbage pickup and maintenance of turf, vegetation, trees/shrubs, bank stabilization and small picnic areas occurs.¶
- (123) "Improved Public Boating Facility" means developed public facilities with hard surface launch ramps, boarding floats, parking areas, access roads, restrooms, grounds, transient tie-up floats or vessel waste collection facilities.¶
- (134) "Launch Ramp" is an inclined hard surface consisting of asphalt or concrete used to launch and retrieve boats. A launch ramp consists of one or more launch lanes. Each launch lane is normally 15 to 20 feet wide.¶
- (145) "Maintenance Assistance Program" (MAP), means funding assistance to eligible public participants for the routine maintenance and operations of improved public boating facilities.¶
- (156) "Mixed Use Site" means a boating facility where annual use is mixed (31%-69%) between motorized (or registered) and non-motorized (or non-registered boats).¶
- (167) "Motorized Use Site" means a boating facility where annual use by motorized (or registered) boats is 70% or more of all boat use.¶
- (178) "Non-Motorized Use Site" means a boating facility where the annual use by motorized (or registered) boats is 30% or less of all boat use.¶
- (189) "Off-Season" means the six-month period of lowest motorized (or registered) boat use generally the period from October 15 to April 15.¶
- (1920) "Parking Area" means a developed gravel or asphalt surface with a least six boat trailer spaces (10' x 40') and two single car spaces (10' x 20') associated with a launch ramp. This includes any required accessible parking spaces.¶
- (201) "Participant" means any public or private party that qualifies to receive funds from the Boating Facility Grant Program or Maintenance Assistance Program and voluntarily participates in either program.¶
- (212) "Peak Season" means the three month period of heaviest boat use generally the period from June 1 to August 31.¶
- (223) "Public Boating Facility Grant Project" means a project to develop, improve, rehabilitate or replace public boating facilities or to acquire property for the development of an improved boating facility.¶
- (234) "Private Boating Facility Grant Project" means a project to develop, improve, rehabilitate or replace private marina facility vessel waste collection systems and transient tie-up facilities that are available/open for public use.¶
- (245) "Public Boating Facility" or "Public Marine Facility" means public launch ramps, parking, boarding floats, transient tie-up facilities, restrooms, access roads, floating restrooms, vessel waste collection systems, signing and water markers, potable water systems and related facilities for the use and convenience of the boating public.¶
- (256) "Private Marine Facility" or "Private Marina Facility" means private facilities that have the capability to provide vessel waste collection systems or transient tie-up facilities that are open and available for public use.¶
- (267) "Public Project Sponsor," "Eligible Public Participants," or "Public Entity" means cities, counties, park and recreation districts, port districts and state or federal agencies that own and or operate public boating facilities as specified in these rules.¶
- (278) "Private Project Sponsor," "Eligible Private Participants," or "Private Entity" means any individual firm, corporation, association, partnership, consortium, joint venture, industry, or any other nonpublic entity that operates a marina facility as specified in these rules.¶
- (289) "Restroom" means all types of landside facilities used to collect human waste to include flush, vault, composting and portable toilets. A restroom may include one or more stalls (urinal or toilet).¶

~~(2930)~~ "Routine Maintenance" means all types of ordinary maintenance activities completed on a regular basis (daily, weekly or monthly).¶¶

~~(301)~~ "Shoulder Season" means the three month period of moderate boat use generally the period from April 15 to May 31 and September 1 to October 15.¶¶

~~(312)~~ "Transient Tie-Up" means a floating structure at least 100 feet in length used for short term boat tie-up and broadside tie-up or space for mooring at least six non-trailerred boats. Transient tie-up does not include tenant based moorage or facilities that allow stays longer than ten consecutive days.¶¶

~~(323)~~ "Use Fee" means any form of user fee charged to boaters for access or use of a boating facility. This includes day use, launch, parking, tie-up or any other general entrance or use fee.¶¶

~~(334)~~ "Vessel Waste Collection System" means all types of stationary or portable systems that pump or remove human waste from a recreational boat holding tank or portable potties. This includes pumpouts, dump stations, related forward sewage lift stations, necessary floats, piles, and gangways, and related facilities.

Statutory/Other Authority: ORS 830.110, ORS 830.150

Statutes/Other Implemented: ORS 830.150

ADOPT: 250-014-0500

NOTICE FILED DATE: 02/26/2020

RULE SUMMARY: Establishes purpose and priorities for Waterway Access Grants.

CHANGES TO RULE:

250-014-0500

Waterway Access Grant Program

(1) The purpose of the Waterway Access Grant Program is to provide access, education, and services to boaters through grants from the Waterway Access Fund.¶

(2) Priority will be given to projects that provide physical non-motorized access to areas with limited accessibility, provide or promote recreational boating opportunities to communities with limited access, or promote boating safety through education. The Board will also prioritize projects that provide free services to the general public and those that disperse use. ¶

(3) Projects that include both access and educational components will be given the highest priority.

Statutory/Other Authority: ORS 830.618

Statutes/Other Implemented: ORS 830.621

ADOPT: 250-014-0505

NOTICE FILED DATE: 02/26/2020

RULE SUMMARY: Describes eligibility requirements for applicants of Waterway Access Grants.

CHANGES TO RULE:

250-014-0505

Waterway Access Grant Eligibility

(1) For the development of access facilities, all public bodies, federal agencies, and federally recognized Oregon Indian tribes are eligible to apply for funds. ¶

(a) Private entities are not eligible to receive funds for access facility development. ¶

(b) Eligible projects must provide access to the general public for the purpose of recreational boating. ¶

(c) Aquatic invasive species spread prevention projects, environmental restoration and mitigation projects, and law enforcement facility development projects will not be considered. ¶

(2) All public bodies, federally recognized Oregon Indian tribes, and private entities may apply for funds for the purposes of boating safety education and to allow for and promote waterway access to underserved communities. Eligible private entities may include but are not limited to utilities, irrigation districts, limited liability companies, corporations, non-profit organizations, and non-governmental organizations. ¶

(3) Commercial projects related to boating may be considered. ¶

(4) Grants will not be awarded for the routine maintenance of facilities or to provide perpetual support of education or safety programs.

Statutory/Other Authority: ORS 830.618

Statutes/Other Implemented: ORS 830.621

ADOPT: 250-014-0510

NOTICE FILED DATE: 02/26/2020

RULE SUMMARY: Describes the administration of Waterway Access Grants, including contract stipulations and grant review procedures.

CHANGES TO RULE:

250-014-0510

Waterway Access Grant Administration

(1) The Board shall review applications and determine awards. The Director may approve cost overruns up to but not to exceed \$10,000.

(2) Specific grant application scoring criteria shall be prescribed in the Grant Procedure Guide.

(3) Public comment on received grant applications shall be solicited for a minimum of 14 days.

(4) Successful grant applicants must provide some form of matching contribution, which may include but is not limited to cash, in-kind labor, and other in-kind resources. Eligible matching contributions are listed in the Grant Procedure Guide and proposed matching contributions will be considered during the application review process.

(5) Prior to the disbursement of funds, successful applicants must enter into a signed agreement with the State Marine Board.

(6) Funds are awarded through reimbursement only. Funds will not be provided in advance of project expenditures.

(7) The Board may revoke grant awards if agreements are not signed by both parties within 90 days.

(8) Projects must be completed within the same biennium as the date of grant approval.

(9) Record of State's property interest shall be a requirement in all agreements involving the acquisition of real estate.

(10) For the duration of a Waterway Access Grant agreement, conversion of a project to an ineligible use is prohibited and shall void the agreement and result in the repayment of awarded funds by the recipient.

(11) Recognition of receipt of Marine Board funds must be displayed on lands and products purchased or developed using Waterway Access Grants. Acceptable recognition may include access area signs and decals on purchased watercraft or other equipment.

(12) The Director may be authorized each biennium to approve small grants up to \$10,000 for minor projects not to exceed \$20,000 in total cost. Applicants eligible to receive Waterway Access Grants may apply for small grants by letter from the applicant, accompanied by appropriate supporting information sufficient to describe the proposed project, which may include a drawing or plan of the site and proposed improvements, photographs, draft educational materials, and a cost estimate or written cost quote from a qualified contractor or vendor. Small grants may not be used for routine maintenance, or for fragmenting larger projects to fit within the \$20,000 total project cost. The Director may waive all or part of the standard cooperative agreement for small grants.

Statutory/Other Authority: ORS 830.618

Statutes/Other Implemented: ORS 830.621

## Waterway Access Permit Sales and Revenue

The requirement that nonmotorized boaters carry the Waterway Access Permit when on the water took effect on January 1, 2020, and the Marine Board began issuing permits in December of the previous year. Through the first half of 2020, revenue from permit sales exceeded expectations, which is likely due in part to the ongoing pandemic leading to unprecedented participation in outdoor sports. Through July, the Marine Board and its authorized issuing agents have sold 56,735 Waterway Access Permits resulting in \$891,580 for the Waterway Access Fund. Because administrative costs of permit implementation have been negligible, all revenue is and will continue to be available for grant projects.

The table below indicates the number of permits of each type sold through July. The Oregon State Marine Board (OSMB) partners with the Oregon Department of Fish and Wildlife (ODFW) for the issuance of permits, and ODFW's online store and licensed agents account for the bulk of Waterway Access Permit Sales. Because a portion of Waterway Access Permit sales revenue continues to support the State's aquatic invasive species prevention efforts, revenue for that program is also included in the summary below.

<b>Waterway Access Permits</b>									
From December 2019 to July 2020									
Permit	Fee	Permits sold by OSMB	Permits sold by ODFW	Total sold	Revenue	WAP Share	AIS Share	WAP Revenue	AIS Revenue
1 Week	\$ 5.00	-	3,756	3,756	\$ 18,780.00	\$ 4.00	\$ 1.00	\$ 15,024.00	\$ 3,756.00
1 Year	\$ 17.00	4,164	19,864	24,028	\$ 408,476.00	\$ 12.00	\$ 5.00	\$288,336.00	\$120,140.00
2 Year	\$ 30.00	5,735	23,134	28,869	\$ 866,070.00	\$ 20.00	\$ 10.00	\$577,380.00	\$288,690.00
Operator 6-10 Boats	\$ 90.00	23	-	23	\$ 2,070.00	\$ 60.00	\$ 30.00	\$ 1,380.00	\$ 690.00
Operator 11-20 Boats	\$165.00	26	-	26	\$ 4,290.00	\$ 110.00	\$ 55.00	\$ 2,860.00	\$ 1,430.00
Operator >20 Boats	\$300.00	33	-	33	\$ 9,900.00	\$ 200.00	\$ 100.00	\$ 6,600.00	\$ 3,300.00
					<b>\$1,309,586.00</b>			<b>\$891,580.00</b>	<b>\$418,006.00</b>

## Waterway Access Grants

On August 27, the Marine Board awarded \$412,082.47 in Waterway Access Grants (WAG) for ten projects. The total project cost is more than \$1.2 million. The WAG program leveraged 42.9% matching resources including cash, labor and materials for the ten projects. The applications were diverse, including two educational grants, property acquisition, nonmotorized access and consultant services to assist with permitting for future nonmotorized access development and improvements. The table below describes the projects that will be receiving the first round of grant funding from the Waterway Access Fund.

Applicant	Project Location and Scope	OSMB Waterway Access Grant	OSMB Boating Facilities Grant	Match	Total Project Cost
Port of Arlington	Port Facility - replace flush restroom, add showers, nonmotorized access and expand parking area	\$95,064.74	\$183,695.26	\$226,884.32	\$505,644.32
Port of Alsea	Port Marina - add kayak dock	\$28,000.00	\$0.00	\$17,000.00	\$45,000.00
Clatsop County	Westport - consultant services utilities for future boating facility replacement	\$2,500.00	\$35,000.00	\$17,939.00	\$55,439.00
Douglas County	Amacher - consultant services permitting for parking and the upper portion of the boat ramp	\$17,500.00	\$17,500.00	\$12,693.00	\$47,693.00
LC Estuary Partnership	Education - Lower Willamette River on water paddling safety	\$22,740.00	\$0.00	\$11,030.00	\$33,770.00
City of Reedsport	Bumblebee - property acquisition for nonmotorized boater parking	\$50,000.00	\$0.00	\$53,850.00	\$103,850.00
City of Estacada	Estacada Lake Shore - consultant services for permitting to add dock, gangways and rental enclosure	\$35,000.00	\$0.00	\$102,500.00	\$137,500.00
Coos County	Tenmile Lake Short Term Tie-up and Multi-use docks - replace gangways	\$28,240.19	\$46,282.50	\$38,438.04	\$112,960.73
Coos County	Tenmile Lake Multi-use dock - add kayak dock	\$33,037.54	\$0.00	\$16,143.86	\$49,181.40
Vive NW	Education - 24 informational and multilingual boating and water safety videos	\$100,00.00	\$0.00	\$25,000.00	\$125,000.00
Total		\$412,082.47	\$282,477.76	\$521,478.22	\$1,216,038.45

### Technical Assistance

The Marine Board has received numerous requests for technical assistance to evaluate potential new nonmotorized boating access locations, improve existing nonmotorized access, incorporate nonmotorized access at existing boating facilities and participate in park planning process. Specialized engineering services were contracted for three locations.

Access Owner	Location	Waterway Access Funds
Lincoln County	New development - Don Lindly Park nonmotorized launch, dock, parking and sanitation	\$2,507.10
Josephine County	Improve existing access - Lathrop Landing hydraulic analysis	\$18,469.00
Josephine County	Improve existing access - Chinook Park hydraulic analysis	\$4,472.39
Total		\$25,448.49

Marine Board staff has provided technical assistance to numerous access and potential access providers. Technical assistance may include site inspection, on-site meeting, feasibility assessment, topographic or bathymetric survey, design and engineering, permitting, or planning.

Access Owner	Waterway	Location
City of Tigard	Tualatin River	Improve existing access - Cook Park
City of Tigard	Tualatin River	New development - near SW Beef Bend Rd
Washington County	Tualatin River	Improve existing access - Eagle Landing Park
City of West Linn	Tualatin River	Improve existing access - Willamette Park
City of Mill City	N. Santiam River	Improve existing access - Hammond Park
Lane County	Coast Fork Willamette River	New development - Howard Buford Recreation Area
Jackson County	Expo Pond	New development - Expo Park
Jackson County	Rogue River	Improve existing access - Dowden Falls
Yamhill County	Yamhill River	Improve existing access - Dayton Landing
Bureau of Land Management	John Day River	Improve existing access - Clarno
Boardman Park & Rec.	Columbia River	Improve existing access - Boardman Marina
ODFW	S. Fork Coquille River	Improve existing access - Beaver Creek
ODFW	S. Fork Coquille River	Improve existing access - Mid-Drift
ODFW	Klamath River	New development - Pioneer Park West
ODFW	Klamath River	New development - Moonshine Falls
City of Port Orford	Garrison Lake	New development - Pinehurst
Polk County	Willamette River	Improve existing access - Buena Vista Park
ODFW	Coyote Creek	Improve existing access - Cantrell Road Launch
Port of Garibaldi	Tillamook Bay	Improve existing access - Jerry Creasy Access
City of St. Helens	Columbia River	Improve existing access - Grey Cliff Park
Tillamook County	Kilchis River	Improve existing access - Mapes Creek
City of Monroe	Long Tom River	Park Master Planning
City of Umatilla	Umatilla River and Columbia River	Park Master Planning
City of Portland	Willamette River	Park Planning - South Reach
Bureau of Land Management	Umpqua River	Waterway access planning

## **Waterway Access Permit Education, Outreach, and Enforcement**

The Marine Board used a variety of methods to educate nonmotorized boaters on the requirement to carry the Waterway Access Permit when recreating on Oregon waters. Current sales above forecasted numbers indicate that these efforts have had an effect, but the Board will continue to educate beyond 2020 to ensure the boating public is informed of Waterway Access Permit requirements as well as others of motorized and nonmotorized users alike.

OSMB efforts to educate the public on requirements established in SB 47 include:

- Direct email and other communication with over 1,000 different individuals and organizations that expressed interest in SB 47 and associated rulemaking, or that are known to be associated with nonmotorized boating.
- Several press releases that were disseminated to the media over the past year, many of which were picked up by large outlets.
- Messaging on OSMB's social media outlets.
- Coordination with ODFW so that Waterway Access Permit requirements appear on ODFW's website, online store, and print materials.
- A presentation at the annual meeting of the Oregon Recreation and Park Association. Permit details were shared with municipal park staff statewide and those staff then shared this information with other employees and park-goers.
- Constant coordination with marine law enforcement across the state. County sheriff's deputies and Oregon State Police officers were trained on the new requirements early in the year, and they continue to relay the requirements to the public during their duties.
- The production of thousands of rack cards that explained the new legislation. These were provided to law enforcement officials and were in turn provided to the boating public (provided on the following pages).
- New signage which was developed and located at boat accesses around the state that advises nonmotorized boaters of what is required when they are on the water, including life jackets, sound-producing devices, and Waterway Access Permits (provided on the following pages).
- An insert added to OSMB's boating regulation handbook, Experience Oregon Boating. This insert advises boaters of new regulations for 2020, including those regarding the Waterway Access Permit (provided on the following pages). Thousands of copies of Experience Oregon Boating were provided to the boating public through a variety of means in 2020.

### ***Enforcement***

Documented marine law enforcement actions regarding Waterway Access Permit were limited in 2020 because failure to carry the permit was not a ticketable offense until August 1<sup>st</sup>. Prior to this date, law enforcement officials played a strictly educational role. Even after that date, law enforcement was advised to continue to primarily use educational tools, so few citations have been written to date.

Marine law enforcement had issued 524 warnings and 37 citations to boaters for failure to carry a Waterway Access Permit as of September 14<sup>th</sup>. Many of these contacts occurred over the weekend of August 29-30 when officers statewide emphasized compliance with requirements of nonmotorized boaters. Much of the emphasis was put on life jacket requirements during this weekend, but officers also focused on Waterway Access Permit compliance.

20,000 of these rack cards were distributed by marine law enforcement, ODFW staff, and through other channels.

## 2020 Law Updates

# NON-MOTORIZED BOATS & RENTALS



### **WATERWAY ACCESS PERMIT (WAP)**

- This permit replaces the Aquatic Invasive Species (AIS) permit for non-motorized boats.
- The WAP applies to non-motorized boats 10 feet or longer and sailboats under 12 feet.
- You only need one permit per boat, and it is transferable from boat to boat.
- The WAP is available as one week (\$5), one year (\$17) and two year (\$30) permit.
- You can buy permits through OSMB or ODFW. These can be displayed on paper or carried digitally.
- Children 13 and younger do not need a permit.

### **“PULL THE PLUG” AND AIS CHECK STATIONS**

- You are required to “pull the plug” when leaving a waterbody and allow any water-holding compartments to drain. The fine for failure to “pull the plug” on non-motorized boats is \$30.
- If you bypass mandatory boat inspection station, you may be ordered back or charged with a misdemeanor.

### **LIFE JACKET LABELS**

- The US Coast Guard has updated life jacket labels. Legacy labels are still acceptable provided your life jacket is in good, serviceable condition and is US Coast Guard approved.

### **WHITEWATER HELMETS**

- On Class III or higher whitewater rivers, Outfitters and Guides are required to offer or make available a helmet for your use.

### **BOAT RENTAL BUSINESSES**

- Boat rental businesses are required to register with the Oregon State Marine Board.

500 copies of this 18" x 24" sign were printed and placed at public access areas.



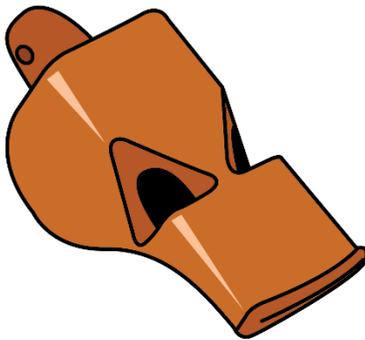
# PADDLERS BE EQUIPPED WITH:



**PROPERLY FITTED LIFE JACKET**  
one per person



**WATERWAY ACCESS PERMIT**  
one per 10' or longer boat



**SOUND PRODUCING DEVICE**  
one per boat



**ALL-AROUND WHITE LIGHT**  
for fog or darkness

**Children 12 years and younger **MUST WEAR** an appropriately sized USCG life jacket while underway.**



For more info, visit [www.BoatOregon.com](http://www.BoatOregon.com)



Effective January 1, 2020

### Waterway Access Permit

The Waterway Access Permit (WAP) replaces the Aquatic Invasive Species (AIS) permit for non-motorized boats.

- Oregon residents and out-of-state operators of non-motorized boats: canoes, kayaks, stand-up paddleboards, rafts, drift boats and other manually powered boats, which are 10 feet in length or longer and sailboats under 12 feet long, must purchase a one week (\$5), one year (\$17) or a two year (\$30) permit when operating on Oregon waters.
  - One permit is required per boat,
  - is transferable from boat to boat, and
  - is not required for youth 13 and younger.
- Permits are not required on certain stretches of federally designated wild and scenic rivers already requiring permits.
- The permit funds two programs: AIS Prevention Program and non-motorized access. These programs will improve facilities by adding single parking spaces, non-motorized boat launches, restrooms, low-freeboard docks, etc. and will continue to inspect boats for aquatic invasive species at the roadside inspection stations.
- There are four purchasing options:
  - In person at the OSMB office in Salem;
  - In person at ODFW license agents;
  - [OSMB Online System](#) (downloadable PDF to save on mobile device or printed out); or
  - [ODFW Electronic Licensing System](#) to print out permit or display using the ODFW App.

### Agency Fee Increases

In order to maintain the current levels of service for marine law enforcement and boating facility grants, the agency asked for and received approval to increase boat registration and title fees, and the Boating Safety Education and replacement card fees.

- Registration: \$5 plus \$5.95 per foot. Go to the following link to view the fee schedule: [https://www.oregon.gov/osmb/title-registration/PublishingImages/2019\\_2021BoatRegistrationFees.pdf](https://www.oregon.gov/osmb/title-registration/PublishingImages/2019_2021BoatRegistrationFees.pdf).
- Boat Title: \$75
- Boating Safety Education Card: \$20
- Boating Safety Education Card Replacement: \$16

### Boating Safety Education Card

- Requires out-of-state boaters to carry their states' boater education card when operating a motorboat over 10 hp. If your state doesn't require boating safety education, you will need to take Oregon's mandatory boater education course and purchase the Oregon card before operating on Oregon waters.
- Requires new boat owners to acquire and carry a boater's education card before taking the boat out on Oregon waters.

### Boating Safety Law Changes

- If you are convicted of a felony or misdemeanor for Reckless Operation of a boat or Boating Under the Influence of Intoxicants (BUII), your Boater’s Safety Education Card will be suspended for one year for Reckless Operation and 1-3 years for BUII.
- The fine is reduced from a Class B violation to a Class D violation for not carrying a U.S. Coast Guard approved, properly fitting life jackets for each person onboard a boat from a Class B violation (\$256) to a Class D violation (\$115).

### “Pull the Plug” Law

- Boaters are required to “pull the plug” when leaving a waterbody and during transport to allow any water-holding compartments to drain.
- This reduces the risk of aquatic invasive species being spread from one waterbody to another.
  - The fine for failure to pull the plug is \$30 for non-motorized and \$50 for motorized and is a Class D violation.
- If a person bypasses a mandatory boat inspection station, they can be ordered back by law enforcement if the station is within 5 miles. If a person fails to go back to the station for an inspection/decontamination, they can be charged with a Class C misdemeanor.

### Boat Rental Business (Liveries) Registration Requirement

- Boat rental businesses with non-motorized boats will be required to register with OSMB, at no cost.
- Failure to register is a Class B violation (\$265 fine).

### Helmet Availability from Outfitters and Guides Requirement

- On waters in Oregon rated as Class III or higher, outfitters and guides are required to offer passengers the use of a helmet.

### Towed Watersports Education Program

There are special rules that effect towed watersports on the Willamette River (a.k.a. Newberg Pool) between river miles 30 and 50. Boat operators towing a wakeboarder or wakesurfer are required to complete the Towed Watersport Education Course, in addition to the Mandatory Boater Education course.

- Every boat towing a wakeboarder or wakesurfer in this area must have a current Towed Watersports Decal and Towed Watersports Education Card, in addition to the Boat Oregon Education Card.
- Failure to carry a Towed Watersports Education Card and boat decal is a Class B violation, which carries a presumptive fine of \$265.
- Additionally, if you are cited a second time within a three year period for wake-related violations, you can be issued a Class A violation, presumptive fine of \$440 and may receive a one-year suspension from boating by a judge.
- The Oregon State Marine Board has developed an interactive map that is available for your smartphone. This map can help you know which part of the river you are on as well as lets you know what type of towing activity is allowed. Visit [BoatOregon.com](http://BoatOregon.com) and click on “Newberg Pool App” on the home page.
- For more information regarding how to comply with the Program, please visit the OSMB at (503) 378-8587 or at [www.boatoregon.com](http://www.boatoregon.com).