



Oregon

John A. Kitzhaber, MD, Governor

State Marine Board

435 Commercial St NE, Suite #400

PO Box 14145

Salem, OR 97309-5065

(503) 378-8587

Fax (503) 378-4597



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Senate Committee on Environment and Natural Resources
Honorable Jackie Dingfelder, Chair
Honorable Alan Olsen, Vice-Chair

RE: Testimony on Senate Bill 179

Dear Committee Chair, Vice-Chair and Members,

The Marine Board is neutral on SB 179-1. SB 179-1 amends Aviation Board and Marine Board statutes to place rulemaking authority for seaplane safety and operations while not in flight with the Marine Board after consultation with the Aviation Board and State Parks and Recreation Department. ORS 830.005(2) identifies that a seaplane not in flight is defined as a boat. This change removes the requirement that the Aviation Board and Marine Board cooperate in developing rules for seaplanes when operating as boats under ORS 830.175, ORS 830.180, ORS 830.185 and ORS 830.195.

The current "cooperation" standard is undefined, but can be interpreted as requiring some form of agreement between the Aviation Board and Marine Board. Statute identifies that seaplanes not in flight are boats. However, if the Boards are unable to reach some form of agreement then seaplanes not in flight must be exempted for Marine Board rules that impact other boats under the previously cited statutes.

In our recent rulemaking on Waldo Lake, we found that the "cooperation" requirement was a lengthy process which did not result in a clearly understandable rule for all waterway users. The final Marine Board rule prohibited motorized boats but exempted seaplanes, due to the inability of the two Boards to reach consensus. The Aviation Board then had to take up rulemaking to determine what restrictions, if any, would be put into place on seaplanes, including when operating as boats. Requiring cooperation or agreement for one type of boat, while not doing so for others, has potential for creating confusion for the boating public. We have seen this confusion played out on Waldo Lake as a result of this recent rule process.

SB 179-1 may be overly broad in granting authority for the Marine Board to adopt rules governing "seaplane safety and operations on waters of this state". Currently the Marine Board must cooperate with the Aviation Board on the four previously cited statutes: ORS 830.175 – Regulations for specific areas, ORS 830.180 – Use of motors prohibited on certain lakes, ORS 830.185 – Speed restrictions in certain areas, and ORS 830.195- Board to protect traditional boating uses and prevent user conflict. Providing the Marine Board authority to regulate seaplanes under these statutes in consultation with the Aviation Board with corresponding language in the Aviation Board statutes may accomplish the intent of this bill while not granting broad authority to the Marine Board for safety and operations of seaplanes while on the waters of this state.

I am happy to answer any questions that you have.

Sincerely,

Scott Brewen, Director

