

**STERNWHEELER EXCURSIONS, LLC  
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**TO: SENATE COMMITTEE ON BUSINESS AND TRANSPORTATION  
FROM: Richard Chesbrough  
RE: Senate Bill 25**

**Senators,**

**My wife and I are the owner/operators of the Willamette Queen Sternwheeler located on the Willamette River here in downtown Salem. We have been in business here since 1998 providing both local residents and visitors a unique and enjoyable experience aboard our authentic paddlewheeler reminiscent of the days in the 1800s and early 1900s when the only means of transportation up and down the Willamette Valley was by riverboat.**

**Brief background of our unique situation:**

**The Willamette River has been a "navigable waterway" by federal definition and thus our vessel has always been federally documented and inspected annually by the U.S. Coast Guard. In 2011 the Corps of Engineers permanently closed the Willamette Falls Locks at Oregon City due to serious safety concerns. These Locks are the smallest and oldest in the country (built in 1873) and in dire need of major work. Last month I received an update from Jerry Carroll, Operations Project Manager for the Corps of Engineers. (see attached) The bottom-line conclusion he reaches is that funding for these repairs is unlikely since these locks are at the bottom of the Corp's priority list. What this means is that the upper Willamette is now totally blocked from the lower Willamette and thus no longer meets the federal definition of "navigable waterway" for Coast Guard Jurisdiction purposes.**

**Every 5 years we are required to take our vessel to Portland for an out-of-water dry dock inspection. Obviously, with the Locks being closed it is impossible for us to meet this requirement. Our last dry-dock requirement was last December but we were finally able to secure an exemption and the Coast Guard sent a traveling inspector out from Washington, DC to do an in-water inspection. We were told that our hull was sound and safe to continue with our operations. However, they tell us that at some point in the not to distant future we must satisfy this dry dock requirement if we wish to continue in business. We do indeed intend to stay in business here in Salem.**

**We see Senate Bill 25 as an option for us to choose an Oregon State License for our vessel when that time comes and forego our USCG License. I have no doubt that the Oregon State Marine Board can and will provide the same high quality public safety oversight as the Coast Guard. In fact, a number of other States such as Wisconsin, Minnesota, New Hampshire, New York and California already have state Inspection programs in place.**

**We respectfully request that the following language be placed in Senate Bill 25 to facilitate our switching to a designation of an Oregon Charter Boat subject to state inspection if and when the time comes that it is required.**

**830.430. As used in ORS 830.430 to 830.60 and 830.997, "charter boat" means a boat to carry seven or more passengers for hire for angling, sightseeing or other recreational purposes (except for inspected passenger vessels that carry more than 12 passengers for hire and operate inside the line of demarcation on federally navigable waterways on the Columbia River and Willamette River below Willamette Falls.**

**It is important to point out that not all federal jurisdiction of the Upper Willamette River would go away; only the Coast Guard jurisdiction for the inspection of passenger vessels. Currently, the only vessels affected would be the three ferries; Wheatland, Canby and Buena Vista plus the Willamette Queen. It is also important to point out that the Coast Guard does not provide any other services to boat owners in the Upper Willamette such as navigation charts, aids to navigation (buoys, lights), search and rescue, etc. These services to both recreational and commercial boat owners is provided by the various County Marine Patrols who cover the entire river from Oregon City to Eugene.**

**We see Senate Bill 25 as a safety net providing us a way to stay in business.**

**Thank you**

**Richard Chesbrough  
Captain/Owner**

**Enclosures**

From: Carroll, Jerry A NWP <Jerry.A.Carroll@usace.army.mil>  
To: wqstemwheeler <wqstemwheeler@aol.com>  
Cc: Carroll, Jerry A NWP <Jerry.A.Carroll@usace.army.mil>  
Subject: status - WFL  
Date: Fri, Feb 1, 2013 8:22 am

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Mr. Chesborough,

Following up on our phone conversation, though later than I intended.

Willamette Falls Locks is currently funded by congressionally authorized funding under caretaker status. This means we only conduct minimum maintenance, inspections, safety and environmental considerations for the facility. It does not allow for operations of the locks.

In November 2011 the locks were removed from service due to identified corrosion on gudgeon anchors for gates #2, #3 and #4. This removal from service is in part due to portions of the anchoring system that is not accessible for inspection.

The corps is seeking funding for follow on engineering assessments to provide more detailed analysis of many of the locks systems that are in degraded condition and may not meet current standards. Our intent is to be able to provide accurate repairs estimates for budget submission to congress. The budget cycle is a two year cycle. Requested funding was not congressionally authorized in fiscal year (FY) 2013. We are currently in the process of submitting our FY15 budget.

If an assessment is conducted, budget requests submitted and approved it could be FY15 or later before repairs are started on the locks. Initial early estimates are several million in repairs.

The locks compete nationally under the navigation business line against all navigation assets. There is a benefit to cost ratio where the WFL does not compete strongly due to very low commodities shipped through the locks when it was open. This trend will continue to keep WFL at or near the bottom for receiving funding.

At this time there is no funding to move forward and I cannot make an assessment on when or if funding may be received. I do not know if funding in FY14 will be received, though I believe it is unlikely it will be. If funding is received in FY15 and follow on years it would be late FY15 or beyond before the locks could be placed back in service under the most optimistic scenario, and more likely much later if at all.

Due to the many fiscal uncertainties I cannot provide you a date for return to service.

I hope this helps.

v/r

Jerry

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Jerry A. Carroll  
Operations Project Manager  
Bonneville Lock and Dam  
Phone: 541-374-4550  
BB Cell: 509-261-0564  
E-mail: [Jerry.A.Carroll@usace.army.mil](mailto:Jerry.A.Carroll@usace.army.mil)  
Are you next? Life Jackets save Lives.



OREGON STATE SENATE  
SALEM, OREGON  
97310

February 27, 2012

Admiral Gary T. Blore  
District Commander  
Thirteenth Coast Guard District  
Jackson Federal Building  
915 Second Avenue, Suite 3590  
Seattle, Washington 98174

Dear Admiral Blore:

We kindly request you consider an exemption or on-site inspection of the Willamette Queen sternwheeler that is stranded upstream of the Willamette Falls Locks due to the Corps of Engineers inability to fund the operation of the locks. In each of the past ten long Sessions of the Oregon Legislature we have attempted to set in place navigation improvements up stream of the locks but have been blocked by environmental activities.

Just last week, the Oregon State Senate passed a memorial asking Congress to increase funding to the U.S. Coast Guard as we drawdown from Afghanistan. The professional level of the Coast Guard in aiding Oregonians on marine safety matters is phenomenal. We believe given professional expertise of Coast Guard service members, with your permission, could provide the expertise to either inspect the Willamette Queen on the river, or grant an exemption that preserves public safety while meeting federal standards. Further, we note there are several County owned ferries such as the MJ Lee and others stranded upstream of the locks facing the same problem in the future.

We urge your assistance in this matter before the Domestic Vessel Division in Portland. For the record, the Domestic Vessel Division has been most helpful on this issue but it is simply outside their authority to act without your command emphasis.

Respectfully,

Handwritten signature of Brian J. Boquist in black ink.

Brian J. Boquist  
State Senator

Handwritten signature of Ted Ferrioli in black ink.

Ted Ferrioli  
State Senator

Handwritten signature of Alan Olsen in black ink.

Alan Olsen  
State Senator



OREGON STATE SENATE  
SALEM, OREGON  
97310

Handwritten signature of Larry George in black ink.

Larry George  
State Senator

Handwritten signature of Fred Girod in black ink.

Fred Girod  
State Senator

Handwritten signature of Frank Morse in black ink.

Frank Morse  
State Senator

Handwritten signature of Chuck Thomsen in black ink.

Chuck Thomsen  
State Senator

Handwritten signature of Doug Whitsett in black ink.

Doug Whitsett  
State Senator

Handwritten signature of David Nelson in black ink.

David Nelson  
State Senator

Handwritten signature of Bruce Starr in black ink.

Bruce Starr  
State Senator

Handwritten signature of Jeff Kruse in black ink.

Jeff Kruse  
State Senator

Cc:U.S.Senator Jeff Merkley

RON WYDEN  
OREGON

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United States Senate  
WASHINGTON, DC 20510-3703

**COMMITTEES:**

COMMITTEE ON THE BUDGET  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
SPECIAL COMMITTEE ON AGING  
SELECT COMMITTEE ON INTELLIGENCE  
COMMITTEE ON FINANCE

4 June 2012

Admiral Gary T. Blore, Commander  
District Thirteen  
Jackson Federal Building  
914 Second Avenue  
Seattle, Washington 98714

I am writing on behalf of the Salem, Oregon based owners of the Willamette Queen, an important tourism and cultural component of the Salem community. I would appreciate hearing from you about the request by the Willamette Queen owners for an alternative means of compliance with the Coast Guard requirement for a dry dock inspection every four years. I would also appreciate your response to my concerns which follow.

As I understand it, the difficulty is that the owners, Dick and Jane Chesbrough, reached an agreement with the Coast Guard to postpone expensive repairs during the Coast Guard inspection two years ago, on the understanding that the problem areas would be reconsidered at the next inspection. The Chesbroughs could not have anticipated, however, that the Willamette Falls Locks would be closed due to safety concerns by U.S. Army Corps of Engineers.

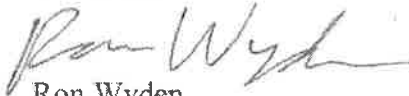
As I understand it, the Chesbrough's have requested an exemption from the vessel's next dry-docking hull examination be completed by December 31, 2012.

The Willamette Queen indicates that an in-water inspection report was performed and they believe that it is not in need of significant repair work. Please give the owners every due consideration as you make your decision related to the issues brought up in this report from Advanced American Construction.

Thank you for your attention to this important matter. Please direct your response to Fritz Graham at my Salem, Oregon Office at 503-589-4555.

Thank you for your prompt attention to this matter.

Sincerely,



Ron Wyden  
United States Senator

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[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

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JOHN A. KITZHABER, MD  
Governor

May 16, 2012

Admiral Gary T. Blore  
District Commander  
Thirteenth Coast Guard District  
Jackson Federal Building  
915 Second Avenue, Suite 3590  
Seattle, WA 98174

Re: Sternwheeler Excursions, LLC


Dear Admiral Blore:

The closure of the Willamette Falls Locks by the Corps of Engineers has created a unique dilemma for a vessel ported in Salem, Oregon, the "Willamette Queen." The Coast Guard requires that this vessel be brought to a Portland dry dock every five years for an out-of-water hull inspection, and the next Certificate of Inspection is due by the end of 2012. Due to the closure of the Locks it is impossible to complete this inspection within the deadline.

Hence, I kindly request that you consider an exemption or on-site inspection of the Willamette Queen sternwheeler. It is my hope that this would be a one-time only exemption and the Locks will be open by the time the next inspection is due.

Thank you in advance for your assistance in this matter before the Domestic Vessel Division in Portland.

Sincerely,



John A. Kitzhaber, M.D.  
Governor

JAK:gw/lrh  
cc: Richard Chesbrough, Sternwheeler Excursions, LLC



H 13360

## CONGRESSIONAL RECORD — HOUSE

October 27, 1990

## SEC. 209. SOUTH HAVEN, MICHIGAN TRANSFER.

(a) Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the City of South Haven, Michigan all rights, title, and interests of the United States in Coast Guard property described in subsection (b). The transferee shall pay for all conveyance costs.

(b) The property is part of block 52 in the original Village (now City) of South Haven, Van Buren County, Michigan, described as, beginning at a point found by commencing at the North quarter post of section 10, Town 1 South, range 17 West, Van Buren County, Michigan; thence with bearings referenced to the Corps of Engineers Harbor Line Survey of 1941, South 89 degrees 34' 36" West along the North line of the section, 2386.95 feet; thence South 00 degrees 25' 24" East at right angles to said section line, 450.64 feet to the place of beginning of this description, said place of beginning being 825.50 feet South 81 degree 52' 10" West of the east terminus of the Black River Channel entrance; thence South 10 degrees 38' 30" East, 147.00 feet; thence South 81 degrees 52' 10" West, 131.47 feet; thence North 07 degrees 43' 50" West 146.85 feet; thence North 81 degrees 52' 10" East, 124.00 feet to the place of beginning of this description, as per a survey made July 11, 1925, by T.A. Smith, Van Buren County Surveyor, subject to existing easements and restrictions of record.

## SEC. 318. MUSKEGON, MICHIGAN TRANSFER.

(a) Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the Secretary of Commerce all rights, title, and interest of the United States in Coast Guard property and improvements described as follows: Part of Block 739 of Revised Plat of City of Muskegon of part of section 28, Town 10 North, Range 17 West, City of Muskegon, Muskegon County, Michigan described as beginning at a point distant South 45 degrees 15 minutes 56 seconds East 414.13 feet from Corps of Engineers Disc Guard 2 and distant North 35 degrees 59 minutes 49 seconds West 225.70 feet from Corps of Engineers Monument MUS 34 and distant South 85 degrees 51 minutes 27 seconds West 727.32 feet from the Northwest corner of Block 757 of the Revised Plat of City of Muskegon and proceeding thence North 28 degrees 38 minutes 52 seconds West 230.13 feet; thence South 61 degrees 14 minutes 26 seconds West 14.96 feet; thence North 28 degrees 34 minutes West 128.23 feet; thence South 61 degrees 14 minutes 00 seconds West 150 feet, more or less, to the shore of Lake Michigan; thence Southeasterly 358 feet, more or less, along the shore of Lake Michigan to the intersection with the line bearing South 61 degrees 14 minutes 26 seconds West from the point of beginning; thence North 61 degrees 14 minutes 26 seconds East 163 feet, more or less, to the point of beginning.

(b) The Secretary of Commerce shall make the property transferred under this section available to the National Oceanic and Atmospheric Administration.

## SEC. 311. STRATEGIC PLAN FOR INFORMATION RESOURCES MANAGEMENT.

(a) None of the funds authorized to be appropriated for use by the Coast Guard in Fiscal Year 1992 may be expended to acquire additional information resources, including information equipment, until the Commandant of the Coast Guard develops and implements a strategic information resources plan to identify long-term information priorities and link the Coast Guard's missions, priorities, and organizational strategies to Coast Guard information resources.

(b) The Commandant shall submit to the Committee on Commerce, Science, and Transportation in the Senate and to the Committee on Merchant Marine and Fisheries in the House of Representatives quarterly reports during Fiscal Year 1991 concerning the progress toward completion of the strategic information resources plan, and specifically listing any expenditures or obligations made to acquire information resources.

(c) Section 683 of title 14, United States Code, is amended in the first sentence, by striking "and Shore Facilities Plan," and inserting "Shore Facilities Plan, and Information Resources Management Plan."

## SEC. 312. BOATING SAFETY PROGRAM.

Chapter 131 of title 48, United States Code, is amended—

(a) in section 13101(b)(2) by striking "and with the guidelines developed under that Act; and" and inserting "the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777-777k), and with the guidelines developed under those Acts; and";

(b) in section 13102—

(1) in subsection (a)(3) by inserting "State" after the word "general";

(2) in subsection (c)(4) by inserting "or drugs" after the word "alcohol"; and

(3) in subsection (d) by striking "the proportionate share" and inserting "a proportionate share";

(c) in sections 13103(a)(3) and 13105(a) by striking "or obligated" each time it appears; and

(d) in section 13108(a)(1) to read as follows: "During the second quarter of a fiscal year and on the basis of computations made under section 13105 of this title and submitted by the States for the preceding fiscal year, the Secretary shall determine the percentage of the amounts available to which each eligible State is entitled for the next fiscal year."

## SEC. 313. DARE COUNTY, NORTH CAROLINA TRANSFER.

Notwithstanding another law, the Secretary of Transportation shall transfer without consideration by quitclaim deed to Dare County, North Carolina all rights, title, and interest of the United States in Coast Guard property and improvements located on the northern end of Pea Island East side of State road 1257, 0.3 miles North of North Carolina Highway 12 in Roanthe, Dare County, North Carolina. The Secretary shall require the property to be surveyed before it is transferred.

## SEC. 314. BAYOU LAFOURCHE, LOUISIANA.

Bayou Lafourche, in the State of Louisiana, between the Percy Brown Road (Hwy 648), City of Thibodaux, Parish of Lafourche, and the Southern Pacific Railroad bridge crossing the bayou, City of Thibodaux, Parish of Lafourche, is declared to be a navigable waterway of the United States under chapter 11 of title 33, United States Code.

## SEC. 315. RELEASE OF RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the United States hereby releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of the property described in subsection (c), to the extent such restrictions, conditions, and limitations are enforceable by the United States.

(b) LIMITATION.—Notwithstanding subsection (a), the United States shall have the right of access to, and use of, the property described in subsection (c) for national defense purposes in time of war or national emergency.

(c) PROPERTY DESCRIBED.—The property referred to in subsections (a) and (b) consist of the following parcels of lands and im-

provements thereto located in Calcasieu Parish, Louisiana:

(1) A parcel commonly known as the Calcasieu Women's Shelter, consisting of 3 contiguous tracts described as follows:

Tract A—Commencing at a point N 45°28'31" E 198.3 feet from point A; thence S 44°29'9" E 169.3 feet; thence S 45°28'31" W 75 feet; thence N 44°29'9" W 169.3 feet thence N 45°28'31" E 75 feet to the point of commencement.

Tract A—Commencing at a point N 45°28'31" E 198.3 feet from point A; thence S 44°29'9" E 220 feet; thence N 45°28'31" E 50 feet; thence N 44°29'9" W 220 feet; thence S 45°28'31" E 50 feet to the point of commencement.

Tract A—Commencing at a point N 45°28'31" E 248.3 feet from point A; thence S 44°29'9" E 220 feet; thence N 45°28'31" E 50 feet; thence N 44°29'9" W 220 feet; thence S 45°28'31" E 50 feet to the point of commencement.

(2) A parcel, consisting of a tract of land containing 33,351 acres, more or less, in section 11, township 10 south, range 8 west, and described as follows:

Commencing at a point N 0°22'09" W 88.18 feet from northeast corner of the southeast quarter of section 10, T 10 S—R 8 W; said point being point D of plat of survey entitled "Boundary Agreement of CAFE" dated August 7, 1973, and recorded in plat book 23, page 20 records of Calcasieu Parish, Louisiana; thence N 0°22'09" W 183.6 feet; thence S 79°45'09" E 226.33 feet to the point of commencement; thence S 79°45'09" E thence 1843.02 thence N 11°36'28" E 965.89 feet, thence N 80°30'11" W 1196.35 feet thence S 45°25'51" W 1162.28 feet to the point of commencement.

(d) MINERAL RESOURCES.—Nothing in this section shall affect the disposition or ownership of oil, gas, or other mineral resources associated with property described in subsection (c).

## SEC. 316. COLD WATER SURVIVAL TRAINING CENTER.

In addition to any sums authorized to be appropriated for the Coast Guard for fiscal year 1992, \$6,000,000 is authorized to be appropriated for fiscal year 1992 and transferred to the University of Alaska to establish a Cold Water Survival Training Center in Kenai, Alaska.

## SEC. 317. FISHING VESSELS IN CALIFORNIA.

(a) DEFINITION.—For purposes of the application of sections 8103(a), 12102, 12110, and 12111 of title 46, United States Code, to a fishing vessel operating in waters subject to the jurisdiction of the United States off the coast of the State of California, the term "citizen of the United States" includes an alien lawfully admitted to the United States for permanent residence.

(b) TERMINATION.—This section shall terminate on October 1, 2000.

## SEC. 318. NONNAVIGABILITY OF WISCONSIN RIVER.

This portion of the Wisconsin River above the hydroelectric dam at Prairie du Sac, Wisconsin, is hereby declared to be a non-navigable waterway of the United States for purposes of title 46, United States Code, including but not limited to the provisions of such title relating to vessel inspection and vessel licensure, and the other maritime laws of the United States.

## SEC. 319. MEDICAL CARE CONTRACTING AUTHORITY.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"668. Contracts for medical care for retirees dependents, and survivors:

"(a) The Secretary may contract for the delivery of health care to which covered



From: Bob Zales 2 <bobzales2@gmail.com>

To: wqsternwheeler <wqsternwheeler@aol.com>

Subject: info

Date: Wed, Jan 23, 2013 9:23 am

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Good talking to you yesterday. Please mention Ed O'Brien, 1<sup>st</sup> Vice President of NACO and me to Capt Christensen. He and ED are good friends. Also, if you are a beer drinker I understand the Capt brews his own and it is pretty good.

Here is the info on Lake Millie Lacs in WI.

### **SEC. 708. MILLE LACS LAKE, MINNESOTA.**

*The waters of Mille Lacs Lake, Minnesota, are not waters subject to the jurisdiction of the United States for the purposes of section 2 of title 14, United States Code.*

The BILL that was signed into law before the end of 2012 was **H.R.2838** Coast Guard and Maritime Transportation Act of 2012 (Engrossed Amendment House - EAH). Sec 708 is under Title VII Miscellaneous. This should help your legislators and also show this to Capt Christensen as he may have something to say. Please keep me posted.

Bob

**Capt. Bob Zales, II**

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"Honesty is the first chapter of the book of wisdom."

Thomas Jefferson