



# Oregon

Kate Brown, Governor

## State Marine Board

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### House Committee on Transportation Policy

Representative Caddy McKeown, Chair  
Representative Mark Meek, Vice-Chair  
Representative A. Richard Vial, Vice-Chair  
Representative Greg Barreto  
Representative Paul Evans  
Representative Susan McLain  
Representative Ron Noble  
Representative Carl Wilson  
Representative Brad Witt

Dear Chair McKeown, Vice-Chair Meek, Vice-Chair Vial and Committee Members:

HB 2320 directs the Marine Board to create a Nonmotorized Boating Program. The program establishes a fee and a dedicated fund in support of nonmotorized boating access, boating safety and education. The bill will require a person using a “nonmotorized craft” on a river or stream to wear a life jacket. The bill defines “nonmotorized craft” as an object, other than a boat, that is capable of transporting a person on the water and that is not propelled by machinery.

HB 2320 addresses issues identified in the Marine Board’s 2011 Strategic Plan and is the result of four years of work with two nonmotorized advisory committees and feedback from an online survey and 13 public meetings around the state.

The growth in nonmotorized boating has been significant over the last decade. The 2011 *Statewide Comprehensive Outdoor Recreation Plan (SCORP)* survey by Oregon State Parks and Recreation found that for the first time nonmotorized boating activity surpassed motorized boating activity on Oregon’s waterways. While the survey showed growth in both motorized and nonmotorized activity, reported as person days on the water, the nonmotorized activity was larger and growing at a faster rate. Similarly, The Outdoor Foundation *2015 Special Report on Paddlesports* reports a 21.9% increase in canoers, kayakers and stand up paddleboarders nationally from 2008 to 2014. Oregon has likely seen similar if not higher growth rates, while simultaneously experiencing an 11% decrease in the number of registered boats.

The growth that was identified in the 2011 SCORP survey and 2015 Outdoor Foundation report is well known by boating facility providers. The available single car parking at boating access facilities is inadequate, with many vehicles using trailer only parking spaces, denying the space for the intended use of trailered boats and in some cases being ticketed for parking illegally. Similarly, launch ramps and boarding floats that are designed for motorized boats are being used to stage paddlecraft prior to launching. Concrete boat ramps and high freeboard docks are not the preferred launching area for paddlecraft, but in many locations, there are very few safe alternatives for accessing the water.



HB 2320 addresses the issues of lack of access, adequate parking, and proper launch areas by establishing a Nonmotorized Boating Access Program. If adopted, the Marine Board may provide grants to assist public agencies with the purchase of land, leases or easements in order to create access to waterways, and grants for construction, renovation, expansion or development of nonmotorized boating facilities, whitewater parks and competition courses. The funds may also be used to modify or upgrade existing motorized boating facilities to accommodate or incorporate nonmotorized boating carry down access to sand or gravel beaches or low freeboard docks. Funds may also provide technical services to public agencies and Maintenance Assistance Program (MAP) funding for upkeep of the facilities.

For Boating Safety services, the Marine Board contracts with 32 County Sheriff's Offices and the Oregon State Police. These contracts are paid for by motorized boating fees. Many county law enforcement officers report spending more than half of their on-the-water time addressing nonmotorized boater's safety issues. On average, approximately 50% of boater deaths on Oregon's waterways are nonmotorized boaters. A number of these incidents can be contributed to the significant growth in paddlesports and new inexperienced boaters.

HB 2320 addresses the increased demands placed on law enforcement by establishing a Nonmotorized Boating Safety Enforcement Program. The Marine Board may contract for patrols in areas with significant nonmotorized presence and purchase appropriate watercraft to assist in enforcement. The programs will focus on increased patrols in areas with significant motorized and nonmotorized activities where user conflict and safety concerns have been identified. Additionally, funding can be made available to monitor seasonally significant nonmotorized activities or events which heavily tax local sheriff's offices. This program will also provide additional funding for removing obstructions that create a significant hazard to navigation.

Much of the growth in nonmotorized boating are boaters new to the sport with little education or experience. Although Oregon has a mandatory education requirement for operators of motorized boats with engines 10 horsepower or greater, there are no education standards for nonmotorized boaters. The Marine Board does publicize an online paddlesports course, and other options are available through clubs, non-profit organizations or vendors. In a recent report issued by the National Transportation Safety Board (NTSB) titled, *Shared Waterways: Safety of Recreational and Commercial Vessels in the Marine Transportation System*, the NTSB recognized the lack of education by recreational boaters. The NTSB recommended that the Coast Guard seek authority to require all recreational boat operators demonstrate completion of a course that meets national standards. Although Oregon's motorized course meets national standards, no such standards exist in Oregon for nonmotorized boats.

HB 2320 addresses educational concerns, although it stops short of mandating education. Instead, it directs the Marine Board to establish a Voluntary Nonmotorized Boating Education Program. The bill directs the Marine Board to set minimum standards, design courses and examinations for classroom and on water competency for beginner boaters and may provide grants to non-profit organizations to provide training. The bill also requires the Marine Board to develop minimum education standards for owners to provide to individuals who are renting out their boats.

HB 2320 requires a Nonmotorized Boating Permit be carried on all boats, regardless of length, for all persons 14 years of age and older. The permit is transferable person-to-person and boat-to-boat and can be combined into a single permit with the Aquatic Invasive Species (AIS) permit. Livery boats are exempt from carrying the permit if they are properly marked.

The permit requirement does not apply on federally designated Wild and Scenic River where a fee system is in place. The permit requirement will not apply to boats engaged in law enforcement, public safety, or official business of a federal, state or municipal agency as defined in rule. Additionally, the permit requirement will not apply to boats launched from a border state onto border waters, nor for operators holding a nonmotorized boating permit, registration, or similar authorization issued by another state and accepted by the Board by rule.

The nonmotorized advisory committee discussed safety at great lengths. The committee concluded that life jacket wear would remedy the vast amount of time law enforcement spent on certain rivers and streams ensuring the safety of people using swimming pool float toys, air mattresses, and inner tubes. In an attempt to improve safety, the bill requires lifejacket wear for persons using a "nonmotorized craft" on rivers or streams. "Nonmotorized craft" users would **not** be required to purchase a Nonmotorized Boating Permit.

The intent of the nonmotorized advisory committee was to require lifejacket wear on segments of rivers and streams as designated by the Board in rule, which differs from the current bill language. A number of different options have been raised for addressing this discrepancy and the Marine Board is open to discussing an amendment.

The fees were established with input from the nonmotorized advisory committee. The committee wanted fees to be as low as possible, yet to be able to raise enough money to provide tangible services to nonmotorized boaters. The established fee structure, based on the estimated number of permits sold, will provide approximately \$1 million per biennium for boating access grants; \$300 thousand per biennium in boating safety services; and \$100 thousand per biennium for education grants and debris removal. The program will also fund a position to coordinate the program, a position to provide boating facility technical assistance and a half time position to process the nonmotorized boating permits.

The Marine Board partnered with Oregon State Parks and Recreation on their statewide recreation trails plan titled, *Oregon Trails 2016: A Vision for the Future*. One of the questions asked in the survey for nonmotorized boaters was, "Would you oppose or support an annual fee of \$XX (amount varied) that would be required for all non-motorized boats (regardless of length) and would be transferable across boats?" At the level of \$15 per year, inclusive of the AIS fee, 59% either strongly or somewhat supported the fee, 33% were either strongly or somewhat opposed and 8% were uncertain. The fees in the bill are as follows:

- (1) \$4 for a one week permit (+ \$1 AIS)
- (2) \$12 for an annual permit (+ \$5 AIS)
- (3) \$20 for a biennial permit (+ \$10 AIS)
- (4) The annual fee for an operator of a non-motorized boat livery is:
  - (a) \$60 for an operator who owns 6 to 10 non-motorized boats;
  - (b) \$110 for an operator who owns 11 to 20 non-motorized boats; or
  - (c) \$200 for an operator who owns 21 or more non-motorized boats.

In 2015 the Marine Board received a budget note that stated, "The Marine Board is directed to continue public outreach to non-motorized boaters with respect to a methodology for licensing non-motorized boats and return to the 2017 Legislative Assembly with a formal proposal and a legislative concept for implementation of the fee." The legislature recognized the issue in the disparity between motorized and nonmotorized users, but understood that the Marine Board was working with boaters to establish a program that would benefit them.

Nonmotorized boating popularity is anticipated to continue to rise and its needs for access, safety services and education will similarly follow, making the current model unsustainable into the future. HB 2320 was developed with input from nonmotorized boaters to serve the needs of nonmotorized boaters. We respectfully submit HB2320 for your consideration.

I am pleased to answer any questions that you have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Brewen", written in a cursive style.

Scott Brewen, Director