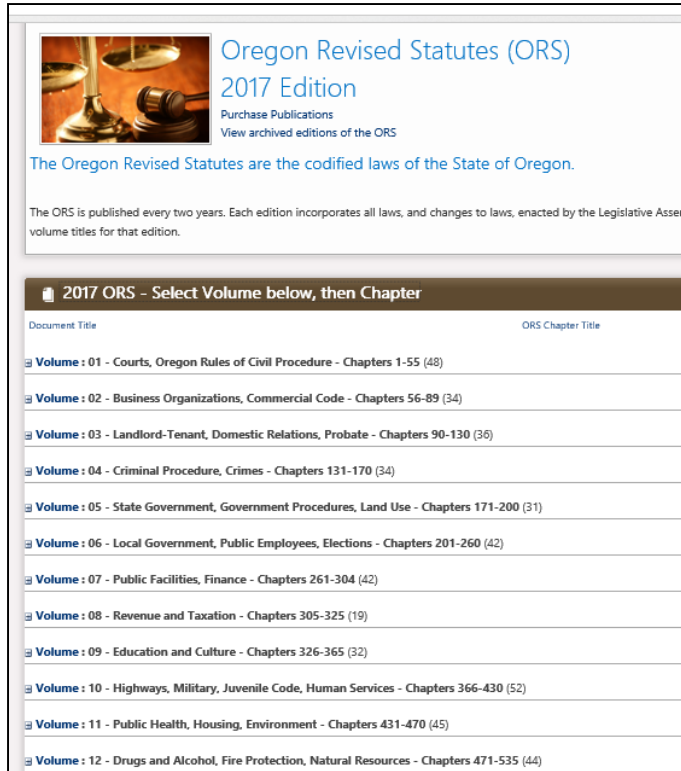




ORS 830.175



Oregon Revised Statutes (ORS)
2017 Edition
Purchase Publications
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The Oregon Revised Statutes are the codified laws of the State of Oregon.

The ORS is published every two years. Each edition incorporates all laws, and changes to laws, enacted by the Legislative Assembly for that edition.

2017 ORS - Select Volume below, then Chapter

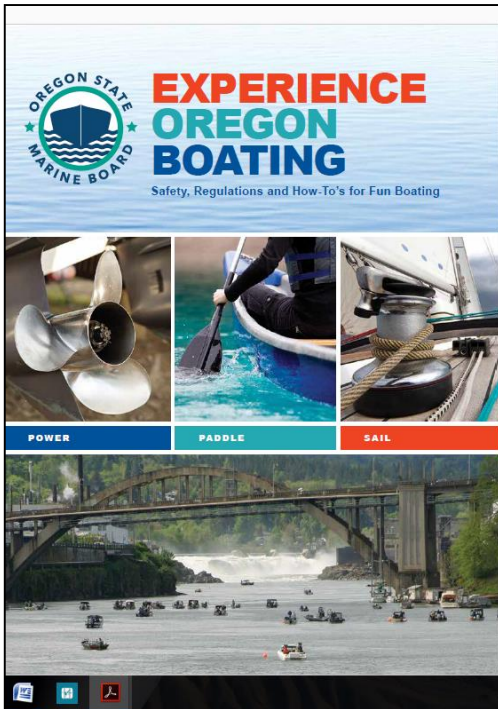
Document Title	ORS Chapter Title
Volume : 01 - Courts, Oregon Rules of Civil Procedure - Chapters 1-55 (48)	
Volume : 02 - Business Organizations, Commercial Code - Chapters 56-89 (34)	
Volume : 03 - Landlord-Tenant, Domestic Relations, Probate - Chapters 90-130 (36)	
Volume : 04 - Criminal Procedure, Crimes - Chapters 131-170 (34)	
Volume : 05 - State Government, Government Procedures, Land Use - Chapters 171-200 (31)	
Volume : 06 - Local Government, Public Employees, Elections - Chapters 201-260 (42)	
Volume : 07 - Public Facilities, Finance - Chapters 261-304 (42)	
Volume : 08 - Revenue and Taxation - Chapters 305-325 (19)	
Volume : 09 - Education and Culture - Chapters 326-365 (32)	
Volume : 10 - Highways, Military, Juvenile Code, Human Services - Chapters 366-430 (52)	
Volume : 11 - Public Health, Housing, Environment - Chapters 431-470 (45)	
Volume : 12 - Drugs and Alcohol, Fire Protection, Natural Resources - Chapters 471-535 (44)	

“The State Marine Board ... **may make special regulations** consistent with the **safety** and the **property rights** of the public or when traffic conditions become such as to create **excessive congestion...**”

“The board may **make special regulations ...** for **the protection of game and game fish** at the request of the State Fish and Wildlife Commission, or for **carrying out the provisions of the federal Wild and Scenic Rivers Act, Public Law 90-542, and the Oregon Scenic Waterways Act**”

OSMB does not have the authority to regulating boating for the purpose of “minimizing or preventing erosion”

OSMB “Risks Associated With Wakes”



- Danger to swimmers and small boats
- **Sediment from shoreline erosion** clouds water, making it uninviting for swimming or fishing.
- May damage docks by thrusting them against their moorings.
- **Property owners may lose shoreline due to erosion.**
- **Sediment from shoreline erosion** can silt in fish spawning habitat and smother aquatic vegetation.

“Hydrologists estimate that a wake 5 inches high produces limited damage to the shoreline, but a 10-inch wake is 5 times more destructive, a 25-inch wake is 30 times more destructive, and so on. When a runabout or larger fishing boat is “on plane,” they may create a 10-inch wake, while cruisers or wakeboard boats can create wakes of 20 inches or more.”

Scientific and Technical Advisory Committee (STAC) Pub 17-002

Review of boat wake wave impacts on
shoreline erosion and potential solutions for
the Chesapeake Bay



STAC Review Report
Fall 2016



STAC Publication 17-002

“The literature review **indicates an unequivocal connection between boat wake energy and shoreline erosion**, sediment resuspension and nearshore turbidity”

“ **There is not currently enough data to determine the extent** (spatially and in magnitude) to which boat wakes are contributing to erosion or turbidity of the Chesapeake Bay”

“ Recommended next steps are to **identify highly vulnerable waterways and implement management or policy actions to minimize adverse effects**”

Scientific and Technical Advisory Committee (STAC) Pub 17-002

Review of boat wake wave impacts on
shoreline erosion and potential solutions for
the Chesapeake Bay



STAC Review Report
Fall 2016

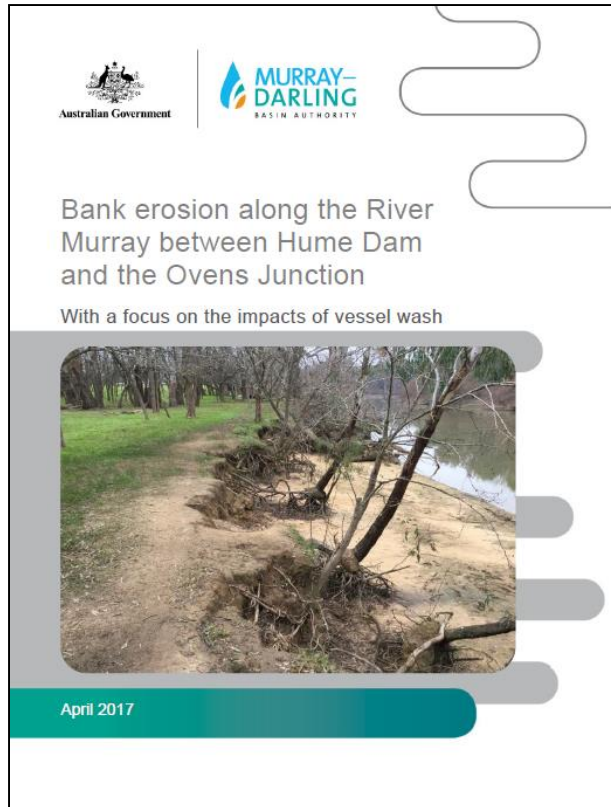


STAC Publication 17-002

“...the highest rates of shoreline retreat were shown to occur along high elevation shorelines (bluffs of >10 m; FitzGerald et al. 2011). In this case, the high erosion was attributed to wave-induced undercutting of the shoreline that eventually led to slumping of large sections of the bank”



Murray–Darling Basin Authority



“it has become apparent that a sound management strategy is a necessity for the majority of the high-use waters”

“Rivers should be managed for safety, fairness, and with consideration for the environment in order to avoid a deterioration to both their environmental and recreational qualities and to ensure the river can be enjoyed by everyone for generations to come”

OSMB Jan 2018 Staff Report

January 10, 2018

Item E: Staff report on safety around wake sports statewide

Introduction

Following a report to the Board at the October 2017 meeting on the consideration of rulemaking in Yamhill, Marion and Clackamas counties with respect to wake-enhancing devices, the Board requested staff to report on wake sports statewide. This report outlines the staff findings, analysis, and proposal on the subject of wake sports in Oregon.

Sports

01. Since their inception the sports of wakeboarding and wake surfing have evolved and the technology involved has advanced significantly. Wakeboard and wake surf boats incorporate a variety of features which are designed to be able to optimize wave wakes for the sport being undertaken. These features include the design of the hull, the ability to change ballast on the vessel, and devices such as wedges.
02. According to the Water Sports Industry Association's (WSIA) 2015 survey of sales, global annual revenue from retail sales for wake sport products (boats, boots, wakeboards, wakesurfers) were calculated to be \$1,065,714,961. The total retail sales for towed water sport products, including wake sport products, were calculated to be \$1,572,230,151.
03. Wakeboarding and wake surfing are conducted at different speeds due to the different wave requirements for the sports. The speeds at which these sports are carried out are dependent upon a number of variables including the type of boat being used. While it is possible to wakeboard at faster or slower speeds, wakeboarding will typically be undertaken at speeds between 15-23mph depending on the size, weight, and skill level of the rider. A tow rope of approximately 65-85 feet in length will be used to tow the wakeboarder. The rider is bound to the board and they cross the wake using it to jump into the air.



“The review of existing literature indicated a connection between boat wakes and shoreline erosion, sediment resuspension and nearshore turbidity”

“ ... the extent and effect of boat wakes on erosion is dependent on a number of factors including the environmental conditions of the site”

“ ... Depending on the site, boat wakes may only be a part of the total wave energy in an area”

“The Oregon State Marine Board relies upon the advice and expertise of other State agencies when it comes to the impacts of recreational boating on wildlife and water quality, and these agencies have authority over the associated issues”

HB 4138

“The board may make special regulations ... for:

- (a) The protection of game and game fish at the request of the State Fish and Wildlife Commission;[, or for]
- (b) Carrying out the provisions of the federal Wild and Scenic Rivers Act, Public Law 90-542, and the Oregon Scenic Waterways Act, ORS 390.805 to 390.925; or
- (c) **Minimizing or preventing erosion at the request of the Department of State Lands”**

79th OREGON LEGISLATIVE ASSEMBLY—2018 Regular Session

House Bill 4138

Sponsored by Representatives KENNEMER, VIAL (Provision filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Authorizes State Marine Board to make special regulations relating to operation of motorboats to minimize and prevent erosion at request of Department of State Lands.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to motorboats; amending ORS 830.175; and prescribing an effective date.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 830.175 is amended to read:

4

5 830.175. (1) The State Marine Board, upon consideration of the size of a body of water and

6 traffic conditions, may make special regulations consistent with the safety and the property rights

7 of the public or when traffic conditions become such as to create excessive congestion, relating to

8 the operation of boats in any waters within the territorial limits of any political subdivision of this

9 state. The regulations may include, but need not be limited to, the establishment of designated

10 speeds, the prohibition of the use of motorboats and the designation of areas and times for testing

11 racing motorboats.

12 (2) The governing body of a political subdivision of this state may apply to the board for special

13 regulations relating to the designation of moorage areas on lakes or reservoirs which are under the

14 jurisdiction of a public agency, or to the operation of boats on the waters within the territorial

15 limits of the political subdivision. Within a reasonable time, the board shall act upon the application

16 in the manner provided in subsection (1) of this section. When special regulations have been estab-

17 lished within a political subdivision in accordance with this subsection, the governing body shall

18 establish and maintain the navigational markers prescribed by the board.

19 (3) The board may make special regulations relating to the operation of boats, including the

20 establishment of designated speeds and the prohibition of the use of motorboats, for:

21 (a) The protection of game and game fish at the request of the State Fish and Wildlife Com-

22 mission, or for]

23 (b) Carrying out the provisions of the federal Wild and Scenic Rivers Act, Public Law 90-542,

24 and the Oregon Scenic Waterways Act, ORS 390.805 to 390.925; or

25 (c) **Minimizing or preventing erosion at the request of the Department of State Lands.**

26 (4) Action necessary to implement this section, including but not limited to the operation and

27 manner of operation of boats, shall be by a permit system initiated by the board.

28 [4] (5) The board may designate certain rivers or sections of rivers as hazardous. In making

29 such designations, the board may consider recommendations of guide associations incorporated in

30 this state.

31 [5] (6) Regulations regarding operation of boats pursuant to this section shall be adopted in



NOTE: Matter in boldface type in an amended section is new; matter [italic and brackets] in existing law to be omitted.
New sections are in boldface type.

HB 4138 gives OSMB the authority to protect shoreline


Back Up Slides



Murray–Darling Basin Authority

Bank erosion along the River Murray between Hume Dam and the Ovens Junction
With a focus on the impacts of vessel wash



April 2017

“Erosion monitoring and other observations indicate that bank erosion is increasing and that it is particularly apparent in areas where there is increased vessel wash due to wake enhancing activities”