

Minutes are posted as draft until approved by the Marine Board at its next regularly scheduled meeting.



Meeting Minutes
Oregon State Marine Board
October 26, 2017
Salem OR

Chair Valarie Early called the October 26, 2017, telephone conference meeting of the Oregon State Marine Board to order at 9:01 am.

Board Members present: Val Early, Vince Castronovo, Jas Adams, Jen Tonneson and Cliff Jett

Staff Present: Director Rachel Graham, Ashley Massey and June LeTarte

Jessica Knieling, Deputy Chief Human Resources Officer, Department of Administrative Services (DAS), was present on behalf of Sherry Carter, agency HR representative.

Agenda:

Chair Early announced the purpose of the meeting was to review and approve the draft recruitment plan and position announcement.

Chair Early outlined the basic recruitment process. After the applications are received, DAS Human Resources will conduct initial screening and forward the top candidates to the interview panel. This set of candidates will be further screened in first round interviews and the next level of candidates will move on to second round interview panels that will include Staff, Stakeholders and the Governor's Office. The Marine Board will conduct final candidate interviews at the January 2018 Board Meeting.

Mr. Adams asked how the interview panel members will be selected. Chair Early said the Chair as well as a senior member of the Board. Chair Early, Jen Tonneson, and DAS Human Resources will be on the panel.

Ms. Knieling explained the screening process would focus on the position attributes which were included in the documents supplied to the Board. The Board discussed the position's desired attributes. Mr. Adams requested that familiarity and knowledge of Oregon Revised Statutes, Chapter 830 be included, with specific reference. Also, with reference to experience with the legislative and administrative rule processes, include experience working with the legislature and governor's office to achieve the agency's desired outcomes. Members agreed.

Chair Early briefed members on the corrections to the draft job announcement. Applicants will submit a resume and cover letter. The supplemental questions will be deleted from the posting.

Director Graham asked whether paper copies will be accepted. Ms. Knieling clarified, applicants need to apply through the on-line system but a hard copy of the job posting will be made available for accommodation or review. Ms. Knieling will re-draft the job announcement.

Applicants are still required to answer the minimum qualification questions associated with the position.

Mr. Jett asked that a clean copy indicating all the changes be sent to the Board members.

Supplemental questions will be used during the interview. Chair Early said questions 8, 9, 11, 12, 14, 16 and 17 will be additional questions asked of the applicants prior to final interviewing. Ms. Knieling said, commonly, telephone screening will be done first, and this information will be provided to the interview panel.

Director Graham added that some of the interview questions will come from the Board, stakeholders and staff input. The questions will be decided at a later date.

Ms. Tonneson made a motion to approve the job posting with stated corrections. Mr. Adams seconded.

Roll Call:

Jen Tonneson	Aye
Cliff Jett	Aye
Vince Castronovo	Aye
Jas Adams	Aye
Val Early	Aye

Motion passed unanimously.

Chair Early presented the Draft Recruitment Plan document for discussion. Director Graham said, Number 5, the verification of education and appropriate backgrounds checks will happen prior to the January 10, 2018 Board meeting. The security background check was removed from Number 2. The candidates who come before the Board would have already had this screening completed.

Ms. Knieling clarified, a criminal record check, can only happen after a job offer had been made. Ms. Knieling said the Board's verbal offer can state, that it is conditional based on the outcome of the criminal record check.

Ms. Tonneson asked if a list of stakeholders have been compiled yet. The lists are compiled at the agency; each section has a grouping of stakeholders which they normally contact. Director Graham said, for example, Boating Safety and Facilities have lists of stakeholders, BOATS teams and Interested Parties lists. If Board Members know of specific individuals who want to be included as a stakeholder, let the agency know. Chair Early would like the information posted on the website with social media inviting boaters to participate. Ms. Massey said absolutely, not a problem.

Mr. Adams asked if a valid current Oregon driver's license is a requirement on the application. Chair Early said an out-of-state candidate would not have a current Oregon driver's license. Director Graham added the agency couldn't make this a job requirement under a reasonable accommodation request. Ms. Knieling said there are positions where you can require it, for instance, a shuttle driver; otherwise Human Resources would look to see if it an essential function of the job. Ms. Tonneson thought such a requirement may be in conflict with ADA.

Ms. Tonneson asked whether the Board needs to vote on the fees associated with the recruiting process, such as Monster, CareerBuilder. Ms. Knieling responded, typically, when you adopt the plan, it is approved.

Mr. Castronovo made a motion to approve the recruitment plan with stated corrections. Ms. Tonneson seconded.

Roll Call:

Jen Tonneson	Aye
Cliff Jett	Aye
Vince Castronovo	Aye
Jas Adams	Aye
Val Early	Aye

Motion passed unanimously.

Ms. Knieling said she will meet with Sherry Carter and have the position announcement posted on November 1, 2017.

Other Business:

No other business. The meeting adjourned at 9:49 am

Respectfully submitted,
June LeTarte

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Meeting Minutes
Oregon State Marine Board
December 5, 2017
Salem, Oregon

Chair Valarie Early called the telephone conference December 5, 2017, meeting of the Oregon State Marine Board (OSMB) to order at 9:00 am.

Board Members: Val Early, Jas Adams and Jen Tonneson were present via telephone conference. Vince Castronovo was present at the agency and Cliff Jett was excused.

Staff: Rachel Graham, Interim Director, James Cogle, Interim Manager, Janine Belleque, Ashley Massey and June LeTarte were present at the agency. Sherry Carter, Department of Administrative Services (DAS) Human Resources, was present via telephone conference.

Public Comment: Chair Early opened the meeting to accept public comment. No comments.

Board Agenda:

Item A: Director's Report

Director Rachel Graham briefed the Board. As the agency's Legislative Concepts are due to DAS prior to the scheduled April meeting, the general Board Meeting date is rescheduled to March 28, 2018. Board Members agreed.

Based on the number of facility grant requests received, the April 18 Board Meeting may or may not be necessary. If there is a significant number of grant requests to consider, the April 18, 2018 meeting will be at OSMB and reserved solely for facility grant deliberation and approval.

Director Graham announced, to date, 20,000 boat registrations are processed for the 2019 year-end registration.

Item B: Consideration of a Petition Requesting Rulemaking for OAR 250-020-0161 Boat Operations in Jefferson County

James Cogle, Policy and Environmental Program Manager, addressed the Board.

Mr. Cogle provided accident statistics on Lake Billy Chinook. Since 2010, there were 28 accidents reported on Lake Billy Chinook. Four people died and 35 people were injured. Cost damages were \$68,790. Of those, six of the accidents were in the vicinity of the Three Rivers Marina and recreation area resulting in 12 injuries and \$8,000 worth of damage.

Mr. Adams questioned whether the proposed slow no wake zone would include the 500 feet of Fly Creek, itself. Director Graham clarified. There is a bit of confusion on how the petition was written. Staff interpreted the request to mean a slow no wake zone to include the Metolius River, upstream, west of the actual Fly Creek Inlet (see Figure 1, staff report).

Chair Early said it is her understanding that Lake Billy Chinook has a lot of wind waves, wouldn't this cause the damage and why people put up log booms. Mr. Cogle responded that wind waves do contribute to the wakes but the log booms are on a different section of the Metolius River arm. The petition indicates that there are plans to install a wave abatement structure.

The petition acknowledges waves are produced from wind but also asserts waves are produced from motor craft in the inlet. Director Graham said due to the narrowness of the inlet, it could be unsafe to operate at high speeds. Mr. Cogle said the mouth of the inlet is 1,300 feet wide (2,000 feet long) but it does narrow quite rapidly toward Fly Creek Arm.

Ms. Tonneson asked how many of the incidents sited earlier occurred within the Fly Creek Inlet. Mr. Cogle responded that he could not state any of the accidents happened within Fly Creek Inlet, just in the vicinity of the Three Rivers Marina. Ms. Tonneson asked what the private individuals have done to mitigate issues; are there buoys in front of their properties? Director Graham doesn't believe there are any buoys because currently there is no dedicated slow no wake zone in the inlet. Director Graham added it is also unclear whether the larger docks to the east side are covered under the statewide rule for moorage for six or more boats.

Ms. Tonneson said this should be a two-part process to gain compliance with slow no wake: education and enforcement. Signage, buoys and law enforcement are needed. Ms. Tonneson said the petition seems pretty extreme. Prior to adopting new laws, Ms. Tonneson would prefer targeted enforcement. Get some markers in the inlet to slow people down. Ms. Tonneson doesn't want to close off this water area to recreational boating.

Chair Early agreed with Ms. Tonneson. Many commenters already thought it was a slow no wake zone. Mr. Adams said that regardless if people think there is a current slow no wake zone, in actuality, there is not. Without a designated zone, in this particular scenario, he asked what would be the focus of the recommended education.

Chair Early asked if the current "slow-no wake" rule of 250-010-0025 would apply. Director Graham answered, no, only the larger docks seen (see Figure 4, staff report) could possibly fall under the statewide basic rule. Even though this is not a public facility, due to its size, individuals could submit an application for buoys under the agency program. Single, individual homeowner docks would not be covered by the statewide rule.

Ms. Tonneson questioned the feasibility that the Board could make a rule for every single privately owned dock here or, for instance, on the Willamette River. Setting a precedent for 1,300 feet no wake zone for private docks is a slippery slope. Director Graham clarified; the Willamette River does have a 100-foot slow no wake zone around private docks. Director Graham added the Board could look at a rule option of a shore-line zone restriction within the cove or a slower speed zone.

Mr. Adams said he found two points of the staff's conclusion very persuasive. The first, petitioners provided no evidence of damage having occurred from "unauthorized" recreational boaters, and also, "Enforcement of a no unauthorized anchorage zone as proposed in the petition may be difficult, as it would require law enforcement to know who was authorized at any particular time, with authorization possible from any of the private property owners who may or may not be present."

Mr. Cogle explained that current statutes regulate boats causing hazard to navigation and blocking channeling.

Mr. Adams identified staff's recommendation as to deny the petition and request the Board to initiate rulemaking to formulate a proposal to address this particular issue.

Director Graham confirmed. Staff is recommending the Board deny the petition. Special rules for Fly Creek Inlet may be proposed through the rulemaking process. There is an opportunity to address speed and proximity concerns. Staff is asking the Board for authorization to initiate rulemaking.

Ms. Tonneson requested that if the rulemaking process is opened, staff be prepared to return to the Board at the March 2018 meeting, well before the recreational boating season.

Ms. Tonneson asked if boat anchoring in the inlet is a civil trespass issue. Mr. Cogle replied, no, the advice from the Attorney General on public use of the waterway allows members of the public the use of waters of the state for recreational activities, such as fishing and general recreation. Anchoring, if necessary to conduct the activity, is considered to be part of the activity itself. For example, if one needs to anchor in order to fish, it is considered part of the fishing activity.

Ms. Tonneson made a motion to deny the petition, as written. Mr. Adams seconded.

Roll Call:

Jas Adams	Aye
Jen Tonneson	Aye
Vince Castronovo	Aye
Val Early	Aye

Motion passed unanimously. The petition is denied.

Ms. Tonneson made a motion to initiate rulemaking initiate rulemaking In Jefferson County, OAR 250-020-0161, to establish some sort of slow no wake measure, not necessarily as illustrated in the staff report. Mr. Adams seconded.

Chair Early said the majority of the public input indicated that they were not in favor of any slow no wake zone, and also, they were against the petition.

Roll Call:

Jas Adams	Aye
Jen Tonneson	Aye
Vince Castronovo	Aye
Val Early	No

Motion Passed.

Item C: Consideration for Rulemaking for OAR 250-010-0650 Aquatic Invasive Species (AIS) Prevention Permit

Mr. Cogle amended the recommendation presented. The last sentence in (2)(m)(l) will be eliminated as this requirement is already noted within the rule.

(2)(m)(l) 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. ~~Exempt livery boats must be clearly labeled with the livery name.~~

Ms. Tonneson asked for how the enforcement process of this rule will be funded. Director Graham responded. Law enforcement, by contract, is already required to check liveries to ensure record and boat equipment compliance, so this will not be an added cost burden. Staff will provide the list of livery "certificates" in each county to the marine patrol partners.

Chair Early asked how many liveries are in the state. This is unknown. It is not mandatory for liveries to register with OSMB; only if they want to purchase the discounted permit. There are approximately 200 liveries which receive discounted permits. Director Graham added, a comprehensive livery program may be explored through the strategic plan process.

Since 2010, the rule requires livery craft be labeled with their name to receive the discounted permits. Otherwise, the liveries buy the full \$5 permit cost. Discussion on livery, outfitter/guide labeling craft as it pertains to AIS discount permits ensued.

Ms. Tonneson asked why there is no consequence for noncompliance labeling within the rule. Director Graham explained that the AIS application will require acknowledgement that the livery boats are labeled with their business name. Penalties are set in Oregon Revised Statute.

Mr. Adams made a motion to adopt the rule as amended. Ms. Tonneson seconded.

Roll Call:

Jas Adams	Aye
Jen Tonneson	Aye
Vince Castronovo	Aye
Val Early	Aye

Motion passed unanimously.

Item D: Consideration of Grant No. 1606, Lake Billy Chinook, restroom repair

Ms. Janine Belleque, Facilities Program Manager, presented the grant request, as outlined in the staff report.

Staff recommended the Board authorize Facility Grant 1606 in the amount of \$16,051.00 in federal Clean Vessel Act funds and \$3,949.00 state boater funds to match an estimated \$7,341.27 cash, labor and administration to repair two floating restrooms for a total project cost of \$27,341.27.

Ms. Tonneson made a motion to authorize Grant No. 1606. Chair Early seconded.

Roll Call:

Jen Tonneson	Aye
Jas Adams	Aye
Vince Castronovo	Aye
Val Early	Aye

Motion passed unanimously.

Item E: Director Recruitment Update

Sherry Carter, DAS, Human Resources, presented a Director Recruitment update to the Board. Twenty-two applications were received. They are currently being reviewed. In addition, 161 responses to the stakeholder survey were received.

Within the next week, preliminary interviews will be conducted. The application review and the pre-screening recruitment process remains confidential at this point. In early January, final candidates will be scheduled to meet with staff, stakeholders and the Governor's Office. The 5-member Marine Board will interview the top candidates at the January 10, 2018, Board Meeting.

The meeting adjourned at 10:11 am.

Respectfully submitted,

June LeTarte

January 10, 2018

Item A: Director's Report

Administration

01. 2018 Legislative Session

The agency is aware that there may be two bills introduced in the 2018 session regarding boat operations on the Willamette River (specifically the Newberg Pool). Staff is in contact with the two Representatives who are considering bills and will review the drafts when they are completed by Legislative Council in early January. The goal of the perspective bills is to address the complaint of large wakes on the Willamette River by further restricting wake enhancing devices or by limiting the operation of wake boats.

02. Legislative Concepts

OSMB management team met in December to discuss agency priorities for legislative concepts in 2019. Management priorities are:

- a) continued updates to the Outfitter Guide and Charter statutes including 2 year guide registrations,
- b) a boating safety concept that would eliminate the 60 day grace period on the Boater Education requirement for new boat purchases, allow suspension of the Boater Education Card for BUll and reckless boating infractions, and align the reckless boating language to reckless driving,
- c) changes to definitions to better differentiate floating properties from boats,
- d) the law enforcement elements of the 2017 Aquatic Invasive Species bill.

Staff is also in discussion with the Governor's office about a waterway access program using a grant application process to provide access to underutilized waterways. Key aspects of the 2017 non-motorized bill would be included.

Staff will bring final requests for legislative concepts to the Board at the March 2018 Board meeting.

03. Boat Oregon Advisory Teams

Due to recruitment of a new Marine Director, the fall Boat Oregon Advisory Team meetings were postponed until a new director is appointed. Boat Oregon Advisory Team Meetings in 2018 will focus on developing strategic plan projects with member involvement.

The Watersports group met on December 7, in Salem to hear a preview of the staff "Wake Sport" report. The group discussed wake sports from a statewide and local perspective. The group concurred with the material presented.

There are four BOATs teams: Watersports, Outdoor Sportsman, Nonmotorized and Cruising. In an effort to expose the Board members to different boating perspectives, members are asked to rotate their BOATs representation in 2018. Current assignments are: Watersports (Jen Tonneson), Outdoor Sportsmen (Vince Castronovo), Nonmotorized (Jas Adams), and Cruising (Val Early).

04. Boat Oregon Website Porting

Work is underway to rebuild BoatOregon.com using a new SharePoint template environment, version 4.X. This work is necessary to prepare agencies for a new SharePoint product migration that will occur in the summer of 2018.

New page templates are designed around accessibility, requiring the use of tag words and specific font and colors to meet Americans with Disability Act requirements.

Version 4.X also has new web parts and tools enabling data integration from other platforms, such as Disqus™, for displaying public comments on a web page with full administrative moderation capability. The templates allow for roll-up tables making pages clean and easy to navigate, especially on mobile devices.

Staff will migrate agency web content for 220 pages, 1100 photos/graphics and 800 documents and will eliminate obsolete content to reduce the cost.

05. Boat Shows

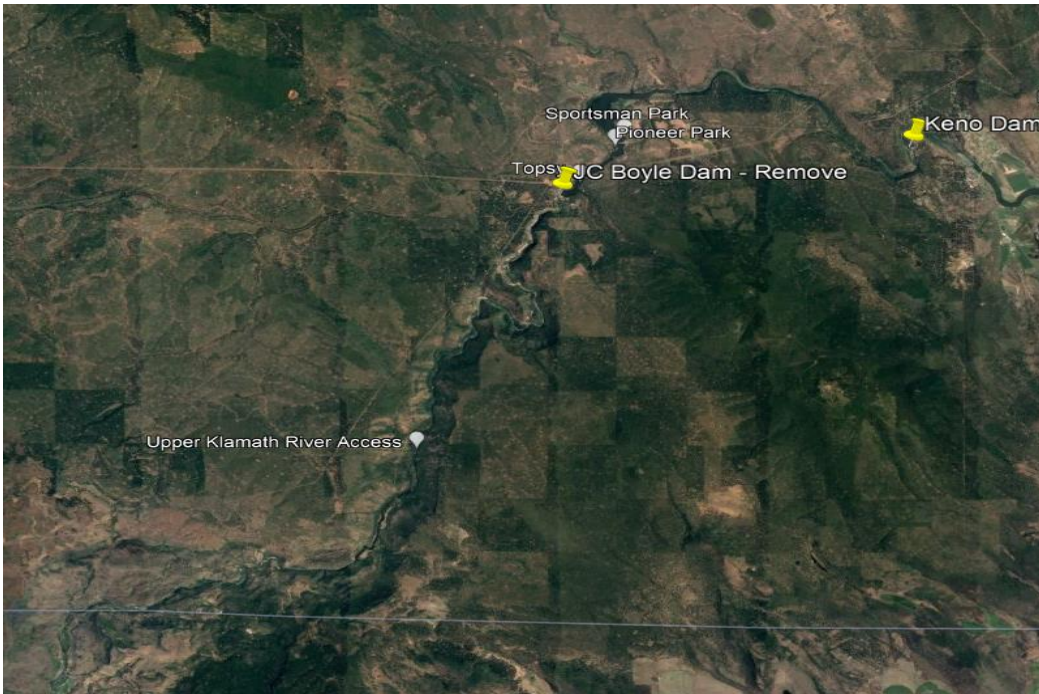
The agency will be in the same location, between C and D halls, in the breezeway. The focus is on enabling boaters to become comfortable navigating the online store. A secondary feature is highlighting the Boating Access Map.

Environmental Program information will be displayed and the agency is partnering again with SOLVE and Sea Grant's Clean Vessel Program to promote Adopt-A-River and the use of pumpouts/dump stations and floating restrooms.

As an interactive feature, a 4' wide cut-out in the shape of Oregon will be displayed prompting boaters to write a quote describing, "Why do you Boat Oregon?" Quotes from this display will be repurposed for social media posts throughout 2018.

Boating Facilities

01. The Klamath River dam removals have been discussed since mid-2000. A total of four dams will be removed, three in California (Copco 1 and 2 and Iron Gate) and one in Oregon (JC Boyle). In 2016 the U.S. Dept. of Interior, U.S. Dept. of Commerce, PacificCorps and the states of California and Oregon entered into an agreement for the removal of the dams. The anticipated timeline for removal of the dam is 2020 however this is subject to permitting and funding approvals.
02. There are limited access opportunities currently between Keno Dam and the California border. The removal of the JC Boyle dam will impact Topsy, Sportsman Park and Pioneer Park the most. Pioneer Park has a user created carry-down access, Sportsman Park has gravel parking area and gravel ramp and Topsy is the only improved access site consisting of a concrete boat ramp, boarding docks and vault toilet. The removal of the dam will lower the water level making the carry down trail and ramps out of the water. The proposed plan is rather vague regarding recreation mitigation but there have been preliminary conversations with ODFW, Klamath County and Bureau of Land Management regarding access improvements or potential location for access. OSMB will also be participating through the Governor's Natural Resource Office interagency coordination group.



03. The US Army Corps of Engineers has started a public process to gather input and discuss options regarding fish passage and temperature control at Detroit Dam. The concepts will have an impact on recreation on Detroit Lake during construction and at this time it is unknown if there will be impacts after construction. Staff will be attending a public meeting to learn more about the concepts and will be participating through on a state agency coordination group as well.
04. Willamette Falls Riverwalk *Draft* Master Plan identified the potential for a small boat and paddlecraft dock to be located near McLoughlin and 8th Street (Oregon City Boat Club dock area). The draft plan also identified an area for people to “dip their toes” in the water in a created alcove near the Woolen Mill. The alcove would have access through a carry-down trail or gravel path. The alcove was also referenced as a place for kayak launching. See below for river access and activities.

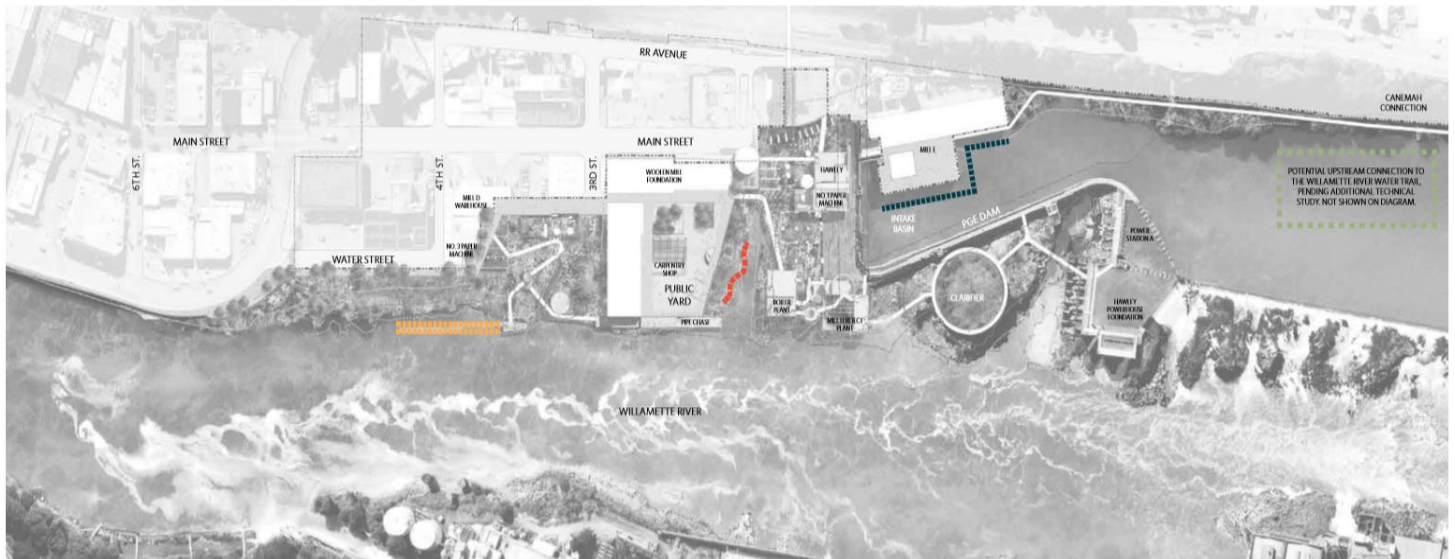
Off-Site
Downtown Oregon City

Area 1
North Riverfront

Area 2
South Riverfront

Area 3
PGE Dam and Mill E

Area 4
Canemah



Legend

----- Shoreline under consideration for light watercraft tie-up and 'toes in water' access.
----- Area under consideration for shared, transient dock (Motorized and light watercraft). Reliant upon many factors.

----- Shoreline area to be considered for potential commercial boat access as part of redevelopment of Mill E structure and PGE safety and operations requirements. Reliant upon many factors.

----- Potential connection to the Willamette River Water Trail, pending additional technical study. Not shown on diagram.

Assumptions

- Portage trail through site and portage connection point above falls contingent upon resolution of alcove and north riverfront river access.
- Potential river access locations to consider PGE safety and operations requirements, applicable permitting requirements, and hydraulic modeling.
- Redevelopment areas not shown on key use diagrams. Refer to illustrated site plans for potential redevelopment parcels, and supporting information.

Excerpt from Willamette Falls Riverwalk *Draft* Master Plan

Boating Safety

01. The Annual Law Enforcement Post Season Meeting was held October 16-17, 2017, in Redmond. The event featured key presentations, annual summaries, and an awards banquet. Deputy district attorneys from Jefferson and Wasco counties led a panel discussion on evidence collection and working effectively with county prosecutors. Waterways Program Coordinator, Mervin Hee, summarized the state of the fleet. There were facilitated discussions on livery management, accident intervention and technology application. Board Chair Val Early presented the Officer of the Year award to Dep. Ron McKinney of Klamath County, and the Most Valuable Contribution award to OSP Trooper Adam Turnbo for his work on outfitter guide enforcement. Lifesaver awards were presented to Dep. Doug Strain and Sgt. Will Coleman of Coos County, Dep. Wade Holom of Malheur County, along with Dep. Marshal Dean and Dep. Randall Tugwell of Benton County.
02. The Outfitter Guide Program is in peak renewal season, processing up to 115 applications each week in December. More than 500 applications are in as of December 19, with 470 processed and mailed. In addition, staff issued eight Motorized Passenger Boat Operator Certificates (MPBOC) to guides and their employees operating motorboats on sole state waters. The new rules implementing the MPBOC program prompted a handful of guides to pursue their US Coast Guard License instead of the MPBOC certificate.

03. The Law Enforcement Training Program is holding an instructor summit in February 2018 to look at the future of the program, strategize ways to increase training capacity, improve instructor recruitment and training, and discuss partnerships with the Dept. of Public Safety Standards and Training. DPSST staff has invited OSMB to use training facilities in Salem that could save significant money and therefore allow additional training opportunities.
04. The Boater Education Program reviewed and certified online boating curriculums this fall and continues to review, update, and enhance the Boat Oregon course book. Staff also produced a youth-oriented "Let's Go Boating" water-safety coloring book and a collection of stickers for handout at boat shows and safety fairs.
05. There were 12 recreational boating fatalities in 2017. This is below the 19 fatalities experienced in 2016, sixteen in 2015, but up from the seven in 2014. An emerging trend is that more than half of all the boating fatalities this past year, (7) involved non-motorized boats which do not require registration nor have a mandatory boater education requirement. This year's 12 victims, ages 20-81, were 11 males, 1 female; only two were known to be wearing PFDs.

Business Services

01. The 2015-2017 biennium is virtually over. There is less than \$3000 of final expenditures pertaining to the time before June 30th. Ending cash balance for the AISP program came to \$223,000, just \$1,000 below the latest estimate. Other accounts cash balance ended at \$5,149,000 vs a \$5,530,000 estimate. Although it looks low, this is partly due to a delay in using Federal grant money. Approximately \$273,500 of Federal funds are being used in the 2017-19 biennium instead of the 2015-2017 biennium.
02. For the 2017-2019 biennium, starting cash balances currently appear adequate so that at the end, 4.4 months of operations costs will be covered. A three month surplus is considered a safe base for state agencies (~\$3.8 million). For 2019-21, if the budget drain continues, that period could end at around 3.0 months of operations and guarantee a fee increase for the 2021 Legislative session, if not sooner. In January, detailed projections through 2023 will be completed and it will be possible to determine if a fee increase is advised for 2019.
03. Updated Key Performance Measures were turned in and will be added to the OSMB website.
04. The agency's new budget development cycle will begin in mid-March. Efforts to obtain a new building lease will also commence in the summer of 2018.

Policy and Environmental

01. Aquatic Invasive Species Prevention Program

As of December 15, 2017, a total of 20,953 boats were inspected. Of the total, 20,654 boats were clean and 283 were contaminated with AIS. Sixteen boats were decontaminated because of the presence of zebra or quagga mussels.

This is the first year inspection stations are open in December. Oregon is currently the only Pacific Northwest state that has inspection stations open. During the first two weeks in December, two boats contaminated with mussel from Lake Michigan, were intercepted at the Ontario station.

With the addition of the new federal funding from the US Army Corps of Engineers, the Ashland and Ontario stations will be kept open all year long, weather permitting. In 2018, the other stations within the state are planning to open one month earlier than in past years, with a goal of early April.

The Marine Board will chair the Oregon Invasive Species Council (OISC) for 2018. OISC anticipates submitting a legislative concept for 2019 and will be working to implement the action plan for 2018.

02. Rulemaking

A rulemaking advisory committee for the review of the mufflers rules convenes on January 4, 2018. The group will discuss the addition of a shoreline sound measurement testing procedure and assess any fiscal impacts of any rule changes.

Staff is also forming a rulemaking advisory committee to look at boat operations in the Fly Creek Inlet of Lake Billy Chinook.

Title & Registration

01. As of December 20, 2017 there are 150,100 actively registered boats with registration expiring 12/31/2017, 12/31/2018 or 12/31/2019. Registration Statistics Reports reflect completed transactions by credential type; transactions in process and the number of active vessels by model year.

Online registration renewals are running about 37% of all registration transactions including those with lapsed registration from prior renewal cycles.

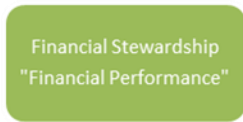
As of the date of this report, Boat Registration Specialists are up to date on boat transactions including titles and/or registration for brand new boats, boats new to Oregon and Oregon title transfers received from boat registration agents and by mail. As shown on the attached Registration Section Statistics, applications have been reviewed through early December. Current processing time for registration renewals is 2-3 days and for title transfers, 3-4 weeks.

02. BOATS (Boat Oregon Accounting and Transaction System) continues to have fixes implemented for various tickets submitted by the Marine Board administrative team.

NIC is currently working with MicroPact to finalize a new server setup for BOATS that will allow testing by the Marine Board administrative team in the next few months. Once the testing is complete, the new setup will be implemented. The goal is to allow MicroPact to better support the system that is hosted on NIC servers to troubleshoot server and program issues that arise.

Attachments

**Oregon State Marine Board – January 10, 2018
Agency Scorecard**



Overview – The 2015-17 biennium is almost closed-out. Cash balances are slightly lower than forecast.

Strengths – For the 2017-2019 biennium, starting cash balances currently appear adequate.

Weaknesses – The need for a fee increase was anticipated for the 2021 Legislative session. If revenue continues to be below forecast, a fee increase may be advised in 2019.

Opportunities – The additional fuel tax revenue will fill some holes.

Threats – A new fuel survey is required this year and if average gallons per year declines, fuel tax revenue will decline.



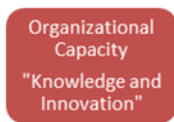
Overview – The summer registration backlog has been cleared and all transactions are up to date.

Strengths – The combination of the BOATs system, process improvements, and the new call center has improved workflow for the registration section. For the first time in many years, all transactions have been caught up without the need for overtime or additional employees.

Weaknesses – Online renewals continue to be below 40%.

Opportunities – The BOATs system will be migrated to a new server configuration which should improve performance and eventually allow the vendor to focus on programming desired improvements vs. fixing “bugs.”

Threats – Continued improvements to the workflow may be necessary to prevent summer backlogs. Changing business processes and culture can be difficult and time consuming.



Overview – The next iteration of the strategic plan provides many opportunities for innovation

Strengths – Boat Oregon Advisory Teams (BOATs); staff focus on innovation and process improvement; sharing across sections. Staff members willing to learn and embrace new technology.

Weaknesses – Small staff size means that the agency doesn’t always have the technical specialists in-house to make the best use of new technology (GIS specialists, people who can write SQL queries)

Opportunities – Retirements are providing an opportunity to reorganize sections, realign duties, and re-write position descriptions to recruit employees with different skill sets (such as GIS)

Threats – Retirements over the next few years will deplete institutional knowledge

Customer/Stakeholder
"Satisfaction"

Overview – Customer satisfaction survey was about the same level as last year

Strengths – The successful fall registration cycle should improve customer satisfaction ratings. Notices went out on time and renewals were all processed in a matter of days.

Weaknesses – Increased user conflict on the water and expectation for OSMB to solve with regulations. The continued complaints on the Willamette River have resulted in potential action from the Legislature.

Opportunities – Dissatisfaction occurs when experience does not meet expectations. The agency has an opportunity to help set expectations – for users on the water and for customers submitting boat transactions. For example, a waterway guide could make it clear which waterbodies are heavily used by commercial traffic or water sports enthusiasts so that other users, such as paddlers, know what to expect. Similarly, the agency is making an effort to educate customers about the expected processing times for transactions submitted online, through the mail, and through agents.

Threats – Costs to OSMB continue to rise; DAS assessment costs continue to go up as do personnel costs for sheriff's deputies, construction costs, costs to remove derelict vessels, etc. Eventually a fee increase will be necessary just to maintain the current level of service. Customer satisfaction can decrease with a fee increase.

2017-19 Grant and Project Construction Status

1585	Rainbow Plaza: City of Reedsport, installation of ramp, boarding docks, flush restroom, debris boom and parking area.	The boat ramp, docks, piling and debris boom construction is underway. The contractor is on schedule to complete the in-water construction well before the end of the authorized time. Design and engineering for the upland portion of the project is being completed. The City anticipates soliciting for bids in January.
1586	Williamson River: ODFW, Cultural survey and report.	Survey work has been completed and report is being finalized and will be filed with State Historic Preservation Office.
1587	Port of Brookings Harbor, replace boarding docks	Trench drain and rock landscaping has been installed. Final design package for fabrication of boarding docks has been sent to the Port and they are preparing the solicitation.
1589	Templin Beach: City of Roseburg, replace and relocation flush restroom.	Restroom scheduled for delivery end of December. Installation early January.
1590	Scoggins Valley Park: Washington County, Eagle Creek, crack seal parking area. Ramp C overlay parking area.	A contractor has been selected and work will be completed in late spring.
1592	Chinook Landing: Metro, Design, Engineering and Permits.	Contract negotiation is occurring and it is anticipated that the consultant will begin work in January.
1594	Wolf Creek: Union County, replace self-adjusting boarding docks.	Project out to bid.
1595	Takena Landing: City of Albany, replace boarding docks.	Docks are under construction
1596	Hyak Park: Benton County, replace flush restroom.	Restroom scheduled for delivery and installation April 2018
1598	Peoria Park: Linn County, install a vault toilet	Vault toilet installed. County anticipates completing concrete work in early spring with warmer weather.
1599	Dayton Landing: Yamhill County, design, engineering and permits	Issuing Request for Proposals to hire consultant.
1600	M. James Gleason: Metro, replace pumpout and port-a-potty dump station.	Awaiting delivery of ordered equipment
1601	Tenmile Lake County Park: Coos County, replace boarding docks.	Docks are under construction

2017-19 Small Grants Project Construction Status

1718-02	East Mooring Basin: Port of Astoria, sealcoat and restripe parking area	Due to weather conditions, contractor unable to begin work until spring.
1718-03	Bullards Beach: Oregon Parks & Recreation Department, pile hoops modification	Modification of pile hoops on boarding docks to gated assembly for easier seasonal installation and removal.
1718-04	Port of Hood River, repairs to short term tie-up electrical service boxes, removal of parking area island	Two electrical service boxes will be replaced and ground fault circuit breakers installed on the short term tie-up. An oversized island in parking area to be removed and replaced with smaller island, to improve maneuvering.
1718-05	Nine boating facility sites: Douglas County, signs	County adding and replacing roadway facility access directional signs and posts.
1718-06	Sand Island: City of St. Helens, maintenance boat repairs	Replacing the pontoons on maintenance boat used to access Sand Island short term tie-ups and toilets.

Oregon State Marine Board
 Operation Results for the 2015-17 Biennium
 At December 15, 2017

OTHER FUNDS

REVENUE:	Budget 2015-17	Actual at 12/15/17	Percent of Budget	Projected 2015-17
UNREFUNDED FUEL TAX	\$8,031,919	\$8,137,134	101.3%	\$8,054,959
REGISTRATION	\$12,459,512	\$11,281,058	90.5%	\$12,268,453
TITLING	\$2,311,935	\$2,055,552	88.9%	\$1,827,825
CHARTERS	\$36,024	\$18,040	50.1%	\$15,401
GUIDES & OUTFITTERS	\$544,768	\$564,872	103.7%	\$572,206
MANDATORY EDUCATION	\$270,998	\$252,249	93.1%	\$262,578
SPORTFISH RESTORATION GRANT	\$142,000	\$139,000	97.9%	\$142,000
OTHER - PENALTY, INTEREST, MISC	\$186,757	\$238,182	127.5%	\$231,841
TOTAL:	\$23,983,913	\$22,686,087	94.6%	\$23,375,263
EXPENDITURES:				
ADMINISTRATION & EDUCATION	\$5,849,270	\$5,835,292	99.8%	\$5,849,270
CHARTERS	\$31,738	\$5,776	18.2%	\$8,788
GUIDES & OUTFITTERS	\$394,391	\$367,088	93.1%	\$365,700
LAW ENFORCEMENT	\$10,183,255	\$9,914,302	97.4%	\$10,183,255
FACILITIES	\$7,870,328	\$7,256,924	92.2%	\$7,249,611
ABANDONED BOATS	\$150,000	\$122,510	81.7%	\$150,000
TOTAL:	\$24,478,982	\$23,501,892	96.0%	\$23,806,624
CURRENT REVENUE v. EXPENDITURES *	(\$495,069)	(\$815,805)		(\$431,361)

* Offset by \$5.96 million beginning cash balance.

FEDERAL FUNDS

REVENUE:				
US COAST GUARD REC. BOATING	\$4,158,609	\$3,866,027		\$4,158,609
NOAA MV Western Removal	\$0	\$55,000		\$0
USFWS CLEAN VESSEL ACT	\$2,309,165	\$1,297,698		\$1,509,165
USFWS BOATING INFRASTR. GRANT	\$1,000,000	\$201,442		\$100,000
TOTAL:	\$7,467,774	\$5,420,167	72.6%	\$5,767,774
EXPENDITURES:				
ADMINISTRATION & EDUCATION	\$216,626	\$216,602	100.0%	\$216,626
LAW ENFORCEMENT	\$3,941,983	\$3,704,425	94.0%	\$3,941,983
FACILITIES	\$3,309,165	\$1,499,140	45.3%	\$1,609,165
TOTAL:	\$7,467,774	\$5,420,167	72.6%	\$5,767,774
CURRENT REVENUE v. EXPENDITURES	\$0	\$0		\$0

AQUATIC INVASIVE SPECIES PROGRAM

REVENUES:	\$1,581,126	\$1,553,240	98.2%	\$1,535,935
EXPENDITURES:	\$2,019,727	\$1,669,412	82.7%	\$1,650,915
CURRENT REVENUE v. EXPENDITURES **	(\$438,601)	(\$116,172)		(\$114,980)

** Offset by \$339,213 beginning cash balance.

BEGINNING CASH BALANCE	\$5,326,967	\$6,300,598		\$6,300,598
CHANGE	(\$933,670)	(\$931,977)		(\$546,341)
ENDING CASH BALANCE (at above date)	\$4,393,297	\$5,368,622		\$5,754,257

100% of the biennium has elapsed

Business Services

Oregon State Marine Board
 Operation Results for the 2017-19 Biennium
 At December 15, 2017

OTHER FUNDS			
REVENUE:	Budget 2017-19	Actual at 12/15/17	Percent of Budget
UNREFUNDED FUEL TAX	\$8,102,000	\$0	0.0%
REGISTRATION	\$13,268,756	\$3,196,453	24.1%
TITLING	\$2,046,700	\$375,022	18.3%
CHARTERS	\$14,950	\$1,100	7.4%
GUIDES & OUTFITTERS	\$561,566	\$118,974	21.2%
MANDATORY EDUCATION	\$312,802	\$70,170	22.4%
SPORTFISH RESTORATION GRANT	\$142,000	\$0	0.0%
OTHER - PENALTY, INTEREST, MISC	\$229,121	\$54,582	23.8%
TOTAL:	\$24,677,895	\$3,816,300	15.5%
EXPENDITURES:			
ADMINISTRATION & EDUCATION	\$6,240,578	\$1,446,278	23.2%
CHARTERS	\$127	\$65	51.2%
GUIDES & OUTFITTERS	\$657,165	\$83,429	12.7%
LAW ENFORCEMENT	\$10,488,329	\$1,788,405	17.1%
FACILITIES	\$7,794,974	\$1,181,699	15.2%
ABANDONED BOATS	\$150,000	\$51,901	34.6%
TOTAL:	\$25,331,173	\$4,551,777	18.0%
CURRENT REVENUE v. EXPENDITURES *	(\$653,278)	(\$735,477)	

* Offset by \$5.15 million estimated beginning cash balance.

FEDERAL FUNDS			
REVENUE:			
US COAST GUARD REC. BOATING	\$4,312,439	\$415,457	
USFWS CLEAN VESSEL ACT	\$2,218,602	\$22,647	
USFWS BOATING INFRASTR. GRANT	\$100,000	\$1,682	
TOTAL:	\$6,631,041	\$439,786	6.6%
EXPENDITURES:			
ADMINISTRATION & EDUCATION	\$224,602	\$23,943	10.7%
LAW ENFORCEMENT	\$4,087,837	\$404,852	9.9%
FACILITIES	\$2,318,602	\$191,213	8.2%
TOTAL:	\$6,631,041	\$620,008	9.4%
CURRENT REVENUE v. EXPENDITURES	\$0	(\$180,222)	

AQUATIC INVASIVE SPECIES PROGRAM			
REVENUES:	\$1,606,157	\$371,761	23.1%
EXPENDITURES:	\$1,592,772	\$189,734	11.9%
CURRENT REVENUE v. EXPENDITURES **	\$13,385	\$182,027	

** Offset by \$223 thousand beginning cash balance.

BEGINNING CASH BALANCE	\$6,065,290	\$5,372,929	
CHANGE	(\$639,893)	(\$733,672)	
ENDING CASH BALANCE (at above date)	\$5,425,397	\$4,639,258	

Boat Registrations by Model Year

Date Data Extracted 12/24/15 12/22/2016 12/19/2017

Registration Registration Registration
 Expiring Expiring Expiring
12/31/14 - **12/31/16 -** **12/31/17 -**
Model Year **12/31/16** **12/31/18** **12/31/19**

**BOATS data
 by
 Model Year**

*Excludes boats exempt
 from registration; boats
 with model year
 older than 1930 or with
 an unknown model year.*

2018			174
2017		164	2,251
2016	148	2,298	2,991
2015	2,007	2,735	2,640
2014	2,326	2,298	2,217
2013	2,167	1,987	1,897
2012	1,953	1,776	1,703
2011	1,805	1,630	1,524
2010	1,706	1,548	1,468
2000-09	41,789	38,259	37,120
1990-99	43,352	38,196	36,281
1980-89	32,314	27,595	25,804
1970-79	26,499	21,404	19,666
1960-69	10,537	8,119	7,302
1950-59	1,664	1,313	1,188
1930-49	172	150	141

REGISTRATION SECTION STATISTICS

MARS YTD through June 2014	2009-10	2010-11	2011-12	2012-13	2013-14	
Title Transfers (title, card)	15,135	14,839	15,209	15,154	7,318	(Add Title Transfers plus New boats for comparison to BOATS data below.)
New boats (title, decals/card)	8,867	8,402	8,776	8,132	4,276	
Registration (decals/card)	73,917	71,365	69,877	68,716	62,775	
Replacement Titles	389	418	448	449	227	
Replacement Reg Card	657	552	438	499	233	
Replacement Reg/Decals	2,346	2,349	2,240	2,178	1,218	

BOATS DATA						
November 1 - October 31		2014-15	2015-16	2016-17	2017-18 *	
Boat Titles (initial, transfer)	23,525	22,509	23,114	1,300	* Through 12/20/2017	
Replacement Boat Titles	520	544	538	46		
OR Title Transfer Late Fee	1,603	1,928	2,044	120		
Replacement Reg Card	222	333	279	9		
Replacement Reg Card & Decals	1,677	1,553	1,842	67		
Livery Registrations	189	248	193	146		
Dealer Registrations	39	69	52	15		
Floating Property Titles	272	219	306	50		

Registration Expiration Date	12/31/2016	12/31/2017	12/31/2018	12/31/2019
Active Boat Registrations	20,426	45,314	74,359	30,427

Online Boat Registration Renewals by Month	MARS			BOATS			
	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18 ***	
November	7,915	7,557	5,599	97	5,404	8,633	Through 12/20/17
December	3,572	3,756	3,998	426	3,222	2,703	
January	1,935	2,051	2,288	1,613	2,288		
February	1,054	991	1,269	10,783	1,269		
March	1,321	2,764	1,625	2,907	1,625		
April	2,372	1,722	1,365	2,438	1,365		
May	2,080	1,551	1,722	1,890	1,722		
June	1,537	1,609	1,968	1,953	1,968		
July	1,357	221	1,048	1,255	2,832		
August	387	376	417	672	1,458		
September	148	113	160	215	647		
October	56	32	84	69	267		
Totals	23,734	22,743	21,543	24,318	24,067	11,336	

Transactions as of 12/20/17	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	
Posted in BOATS	21	46	65	124	139	203	Pending Deficiencies
Ready to Post in BOATS	0	0	0	0	0	0	Need review
	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	
Posted in BOATS	156	146	66	42	30	18	Pending Deficiencies
Ready to Post in BOATS	0	0	0	0	0	0	Need review
	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	
Posted in BOATS	12	25	49	69	194	263	Pending/Deficiencies
Ready to Post in BOATS	0	0	0	0	0	0	Need review
	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	
Posted in BOATS	292	262	154	141	156	20	Pending/Deficiencies
Ready to Post in BOATS	0	0	0	0	0	14	Need review

Posted means the transaction has been reviewed but not completed because of deficiencies.
 Ready to Post means the transaction documents and fees have been entered in BOATS.

January 10, 2018

Item B: Consideration of Rulemaking 250-010-0164 Visual Distress Signals

01. The Marine Board authorized initiating rulemaking to amend Chapter 250 Division 10, Statewide Rules, at the October 5, 2017 Board Meeting. The proposed rule removed the Columbia River mouth exemption from the requirement to carry visual distress signals, making the rule consistent with the US Coast Guard. This change will simplify compliance for recreational boaters because the state and federal requirement will be the same.
02. Staff discussed the proposed rule change with the Law Enforcement Advisory Group. Notice of Rulemaking was filed with the Secretary of State on November 4, 2017. Public comment remained open until December 29, 2017.
03. No public meetings were scheduled for this rulemaking because the proposal created no additional public burden and simplified compliance and enforcement. As of this writing, the Board has received two public comments both supporting consistency of regulation.

Staff Recommendation

Staff recommends the Board adopt OAR 250-10-0164 as follows:

**250-010-0164
Visual Distress Signals**

Vessels operating in ocean or coastal waters [~~and on the Columbia River west of the Astoria-Megler Bridge,~~] **west of the line of demarcation, as described in the January 1, 2015, Title 33 Part 80 of the Code of Federal Regulations,** are required to carry visual distress signals as defined in Title 33 Part 175 of the Code of Federal Regulations (CFR), effective January 1, 2015.

Statutory/Other Authority: ORS 830.110

Statutes/Other Implemented: ORS 830.245 & 830.250

History:

January 10, 2018

Item C Consideration of Rulemaking 250-016-0040 Hunt Tag Program Fees

01. The Marine Board authorized initiating rulemaking to amend Division 16, Outfitter/Guide Registration rules at the October 5, 2017 Board Meeting. The proposed rule will revert a fee specific to the Hunt Tag Program Certification from \$100 to \$75 and removes the annual hunt unit certification fees.
02. The fee was originally adopted into rule in March of 2017 but lacked Department of Administrative (DAS) approval as required. The fee was not implemented in 2017. Reverting to the previous language avoids confusion in 2018. The fees may be considered at a later date as the agency develops its 2019-21 budget proposal.
03. Notice of Rulemaking was filed with the Secretary of State on November 4, 2017. Public comment remained open until December 29, 2017.
04. No public meetings were scheduled for this rulemaking because the proposal created no additional burden to the public or small businesses, and clarified enforcement. As of this writing, the board has received no public comments.

Staff Recommendation

05. Staff recommends the Board adopt OAR 250-16-0040 (6) as follows:

250-016-0040

Proof of Registration Compliance

...

(6) Hunt Tag Program Certification Fees:

(a) A nonrefundable [~~\$100.00~~] \$75 certification application fee.

(b) An application renewal fee of \$25.00.

~~[(7) Annual Hunt Unit Certification Fees:~~

~~(a) \$25.00 for 0 to 10 hunt units.~~

~~(b) \$50.00 for 11 to 20 hunt units.~~

~~(c) \$75.00 for 21 or more hunt units.]~~

January 10, 2018

Item D: Consideration of Rulemaking OAR 250-001-0020 Fees for Furnishing Information

01. In February 2017, the Department of Administrative Services (DAS) adopted a standard fee structure for agencies to use when considering requests for public records.
02. The DAS policy supports statewide consistency by establishing standards related to the charging practices and policies for fulfilling record requests including the review and granting of fee waivers.
03. The agency updated its Public Record Request policy to reflect the new standards. At the October 5, 2017, Board meeting the Board initiated rulemaking for OAR 250-001-0020 *Fees for Furnishing Information*.
04. As of December 12, 2017, one response was received. The writer offered no comment on the rule language.

Staff Recommendation

Staff recommends the Board adopt OAR 250-001-0020 as presented below. The rule will be affective upon filing.

250-001-0020

Fees for Furnishing Information

The Marine Board may charge reasonable fees to cover those costs resulting from requests for reproduction of agency records.

(1) Individuals or firms requesting an alphabetical or numerical listing of boat owners, and information concerning their boats, will be charged a fee as follows:

(a) Labels or printouts are \$250 for up to 1,000 names printed on labels and/or print-out, plus \$25 for each 1,000 additional names or portion thereof. This fee includes the cost of data processing, labels, administrative expense and shipping;

(b) Electronic format – \$165 including actual cost of computer generated media, electronic files, staff time involved in research, file review, compiling and duplication, and shipping costs;

(c) An advance deposit to cover the anticipated cost will be required.

(2) The Board may recover actual costs for supplies and staff time for research, file review, compiling and duplication required to provide copies of material, whether printed, computerized or in other media, that was produced by Marine Board or by a vendor under contract to the Marine Board and which is not intended for general distribution. That includes but is not limited to items such as internal reports, studies, engineering drawings, CAD files, maps, computer diskettes, tapes, computer generated media, electronic files, transcripts, or mailing lists.

Generally, information is available only in the means (paper, computer program or otherwise) it was created. **Exempt:** Brochures, booklets and other mass-produced items intended for general distribution are not included as "documents" under this rule.

(a) The standard charge for single page reproduction shall not exceed \$.25 per standard 8-1/2 x 11" page, \$.35 per 11x17" page, \$1.00 per 24x36" drawing sheet (blueprint), \$2.50 per 24x36" drawing sheet (bond paper). Double-sided copies count as two pages. Mailing costs include postage fees and actual cost of special mailers required.

(b) The standard charge for duplication of audio and/or video tapes shall be the actual cost of the tapes, staff time involved in research, file review, compiling and duplication, and shipping costs;

(c) The charge for computer diskettes will be actual cost plus staff time required for copying requested files, the actual cost of special mailers and postage;

(d) There will be no charge for an individual request of five or fewer copies of a single 8-1/2 X 11" page;

(e) An advance deposit of up to 50 percent of the estimated total charge may be required for those people or organizations who require a considerable number of reproduced copies.

(3) The Director may reduce or waive the fee for non-profit organizations and government agencies requesting lists or documents in the interest of boating access, safety programs or law enforcement purposes.

(4) For outfitter/guide listings the fees shall be as follows:

(a) Machine reproductions – \$.25 per standard 8-1/2 x 11" page. There will be no charge for an individual request of five or fewer copies of a single page;

(b) Machine generated labels or listings – \$50 for up to 1,000 names plus \$10 for each 1,000 additional names or portion thereof;

(c) Machine generated labels, listings or printouts in other than the standard format – Actual cost of programming, processing and administrative expenses, but not less than \$75 for up to 1,000 names, plus \$20 for each 1,000 additional names or portion thereof;

(d) The fees charged will be actual cost of electronic media or files, computer diskettes, cost of staff time required for copying requested files, plus actual cost of special mailers and postage.

250-001-0020

Fees for Public Records

- (1) Oregon's Public Records Law (ORS 192) provides that every person has a right to inspect any public records of a public body, except records that are exempt from disclosure.
- (2) A public record request may be submitted in person, by U.S Mail, fax or by email to the Oregon State Marine Board (agency). The written request must include:
 - (a) The name and address of the person requesting the public record;
 - (b) The telephone number or other contact information of the person requesting the public record;
 - (c) A sufficiently detailed description of the record(s) requested to allow the agency to search for and identify responsive records; and the
 - (d) Date and signature of the person requesting the public record.
- (3) Public records, except those exempt from disclosure, will be made available upon request for review and copies will be provided at a fee reasonably calculated.
- (4) The Oregon Public Records Law allows agencies to recover their actual costs in fulfilling a public records request including actual costs for supplies, research, compilation, postage/shipping and staff time.
- (5) Fees will be payable prior to fulfilling a public records request. If the fee is estimated to be greater than \$25:
 - (a) The agency will provide the requestor with a written notice of the estimated amount of the fee.
 - (b) The public records request will not be fulfilled until the requestor *confirms in writing* that the requestor wants to proceed with the request.
- (6) Standard fees for Public Records are:
 - (a) No charge for the first five copies;
 - (b) \$0.25 per standard 8 ½ x11" page; \$0.50 per two-sided print;
 - (c) \$0.35 per standard 11 x 17" page;
 - (d) Electronic record files for individuals or firms requesting an alphabetical or numerical listing of boat owners and information concerning their boats (i.e. database) \$165.00;
 - (e) \$5.00 for each true notarized certification;
 - (f) Other applicable fees: actual costs or best estimate of costs; and
 - (g) Miscellaneous fees may include archive retrieval costs, costs of software companies/contracts; other third party costs.
 - (h) No charge for the first 30 minutes of staff time for processing request. The hourly rate charged for additional staff time is based on the level of skill or expertise required to complete the work performed not the employee-level of the individual actually fulfilling the request.
 - (i) Clerical labor charges are \$25.00 per hour; Managerial labor chares are \$40 per hour; Professional (IT, HR, high-level Analyst \$75.00 per hour; and DOJ, special attorney and other applicable legal fees: at the actual hourly rate charged for Public Records Request-related services. Fees are subject to statutory limitation described in ORS 192.440(4)(b).

- (7) The agency may furnish copies of public information without charge or at a reduced fee if it is determined that the waiver or reduction of fees is in the public interest because providing access primarily benefits the general public under ORS 192.440(5).
- (8) A person desiring a waiver or reduction in fees must submit a written request for a waiver.
- (9) The agency Director will consider each request on a case-by-case basis, based on the information provided by the requestor and the totality of the circumstance at the time of the request.
- (10) The agency Director will make fee waiver or reduction decisions based on the guidelines outlined in the Oregon Department of Administrative Services Statewide Standardized Fee Process.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 192

Hist.:

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.



04. Wake surfing is typically conducted at speeds 8-13mph, no tow rope is necessary for the activity once the rider is stabilized in the surf zone behind the boat, at this point the rider is able to surf the wave produced by the boat.



05. Wakeskating is a similar sport to wakeboarding, however, unlike wakeboarding the participants feet are not bound to the board and the same size wake is not required which means wakeskating can be successfully undertaken behind a personal watercraft.
06. Tubing is typically conducted with a tow rope of 50-65ft in length, and tube manufacturers recommend not exceeding speeds of 20mph for adults and 15mph for children.



Boats

Boats used for wake sports have changed over the years. Specialized boats are being designed specifically to create an improved wake for wake sports. This includes the ability to take on ballast or the use of devices such as wedges or gates that are designed to alter the wake of the boat. Products are also available to modify existing boats by placing wake surf devices on the boats. Boat manufacturers began producing wakeboard specific boats containing features such as internal ballast tanks in the mid-1990s. Wake boats typically range from 20-24ft with those boats at the 20ft range also being capable of crossing over as water ski boats. However, wake sport boats are also beginning to be produced at 25 and 26ft. Table 1 details the total number of active boats from model years 1995-2017 with Oregon registrations expiring in 2017-2019 from manufacturers that make wake sport boats, while figure 1 breaks the data down by the model year. Not all of these boats will be wake sport boats or used for wake sports. Manufacturers included in the table are Axis, Centurion, Gekko, Malibu, Mastercraft, MB Sports, Moomba, Nautique, Regal, Skiers Choice, Supra, and Tige. The average active boat length in Oregon from these manufacturers changes from 20.3ft for 1995 model boats to 21.9ft for 2017 model boats. Figure 2 shows the trend in average boat length of the boats from the above manufacturers that remain currently active in Oregon.

Table 1: 1995-2017 model boats active in Oregon from wake sport manufacturers.

Length (ft)	20	21	22	23	24	25	26
Total	1195	1017	490	482	155	17	6

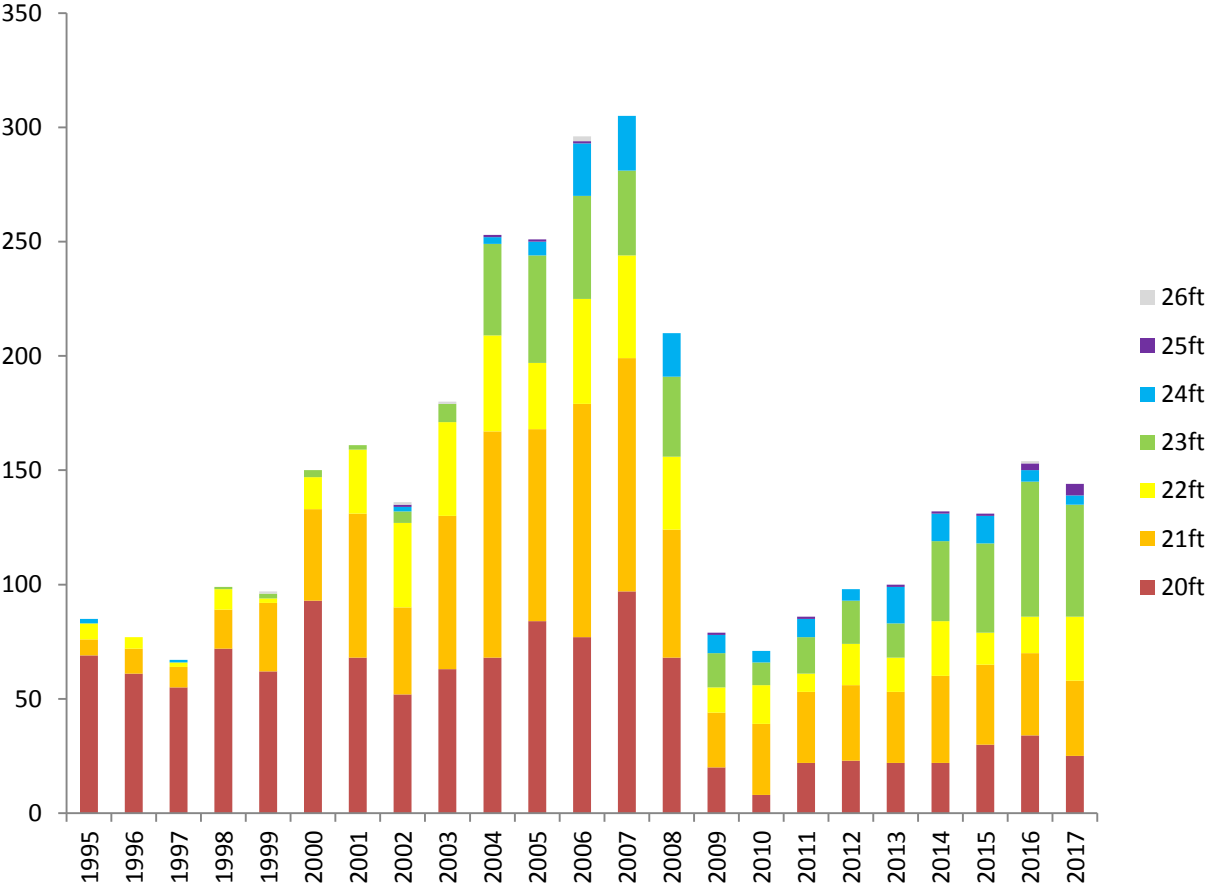


Figure 1: 1995-2017 model boats active in Oregon from wake sport manufacturers.

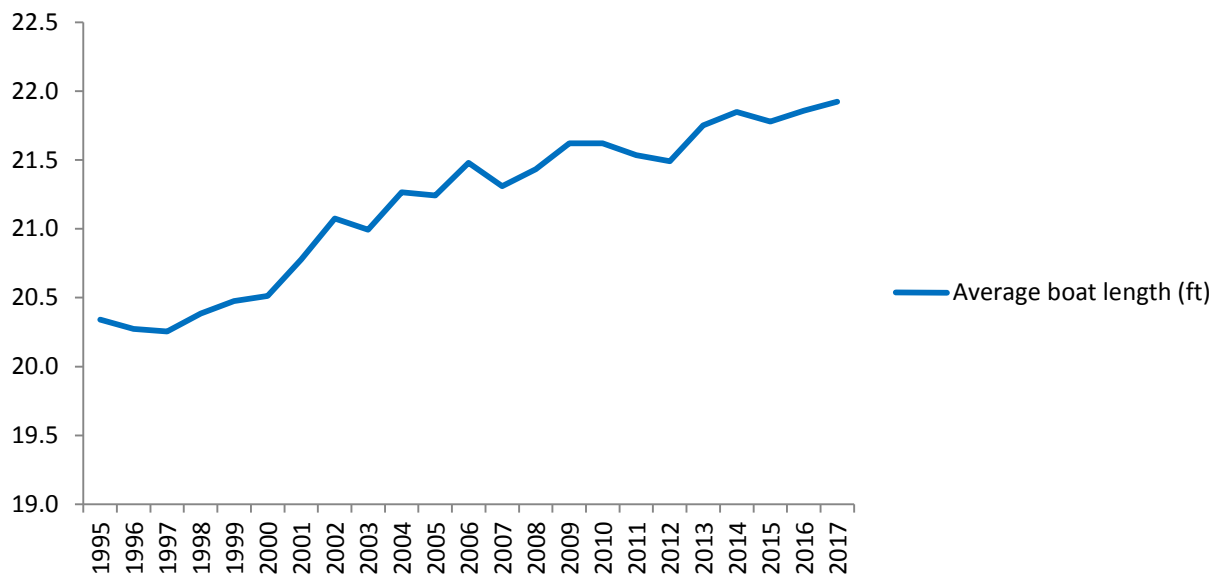


Figure 2: Graph of average boat length of 1995-2017 model boats, from wake sport boat manufacturers, which are currently active in Oregon.

Waterbodies

The triennial survey shows a snapshot of recreational boater activity in Oregon. Table 2 shows the total number of days that survey responses indicated watersports were carried out during April, May, and June, for waterbodies with ten or more days of activity. This does not mean that wake sports were carried out during those days merely that watersports of some description were engaged in.

Table 2: Total days spent engaged in watersports using cabin cruisers and open motorboats by all triennial survey responses for the period starting in April and ending June 30, 2017, on waterbodies with ten or more days.

Waterbody	Total # days
Willamette river (in Portland)	321
Columbia river (Westport Slough to Bonneville)	276
Willamette river (Newberg pool)	208
Lake Billy Chinook	149
Multnomah Channel	147
Detroit lake	128
Prineville reservoir	86
Fern Ridge lake	78
Dexter reservoir	65
Columbia river (outside Westport Slough to Bonneville)	59
Lake of the Woods	52
Green Peter lake	45
Foster lake	43
Crescent lake	42

Lake Owyhee	41
Lake Oswego	31
Triangle lake	28
Lost Creek lake	28
Willamette River (Yamhill River to Corvallis)	28
Emigrant lake	23
Upper Klamath lake	21
North Fork reservoir	16
Umatilla river	13
Mercer lake	13
Dorena lake	13
McKay reservoir	13
Odell lake	12
Wallowa lake	12
Phillips lake	12
Devils lake	10
Cottage Grove lake	10

Waves

01. Studying waves in water can be complex and there are a number of factors that can affect wave creation and behavior. A vessel's attributes such as its speed, length, design, and loading, as well as environmental factors influence its wake. A number of studies from Australia have attempted to look at predicting boat wakes on inland waterways. One particular study by Ruprecht, Glamore, Coghlan, & Flocard, 2015, looked to compare wave heights, wave periods, and wave energy from wake boats operating at optimal wakeboard, wake surf, and water ski speeds.
02. The study used three wake boats ranging from 21.5-23ft in length. Full ballast was used at each speed, with the exemption of empty ballast at 34.5mph and biased ballast at 11.5mph undertaken to simulate sport specific operation. The trials were conducted in deep water, with limited wind and water current present in order to limit, and control for, environmental impacts.
03. Each vessel created a similar wave for a given speed. Table 3 presents findings from the 2015 report, showing the average maximum wave height 72ft from the sailing line. At 72ft the wave train is fully developed, thus ensuring each wave's height and period can be measured. The wave period is thought to remain relatively constant as the wave disperses. Glamore's 2008 paper states that equations indicate the wave height measured at 72ft from the sailing line to be 36% of the originally generated wave height. The 2015 report also highlighted that the wave energy associated with the highest wave, 72ft from the sailing line and when operating at typical speed and ballast conditions, for wake surfing is roughly four times that of the wakeboarding.

Table 3: Wave height in inches at 72ft from sailing line for different watersports as presented in a 2015 report by Ruprecht, Glamore, Coghlan, & Flocard.

Sport that typically corresponds with operating speed	Speed (mph)	Average maximum wave height 72ft from sailing line (inches)	Average peak wave period (seconds)
Wake surf	9.2	10.6	2.02
Wake surf, with biased ballast	11.5	15.0	2.02
Wakeboard	16.1	9.4	1.85
Wakeboard	21.9	8.7	1.75
Waterski	34.5	5.1	1.57

04. A 1980 study edited by Zabawa and Ostrom looked at the role of boat wakes in shore erosion in Anne Arundel County, Maryland. As part of the report they conducted limited trials with surface wave gauges approximately 24ft from the shoreline and at a water depth of 2.2ft. The results from these trials are not directly comparable to Ruprecht *et al's* 2015 trial results due to being conducted in shallow water and varying environmental conditions. The trials conducted by Zabawa and Ostrom were done with a 26ft Uniflite cruiser with a deep-V planing hull and a 16ft Boston Whaler with a 3-point planing hull. Two passes were done at each speed by each boat. Table 4 summarizes the average results for the 26ft Uniflite cruiser and table 5 summarizes the average results for the 16ft Boston Whaler.

Table 4: Summarized results for 26ft Uniflite cruiser at 76ft from surface wave gauge.

Average Speed (mph)	Average maximum wave height at 100ft from shoreline (inches)	Average time period (seconds)
6.8	8.7	1.85
11.4	16.2	3.20
21.0	13.3	2.10
29.6	11.9	2.30

Table 5: Summarized results for 16ft Boston Whaler at 76ft from surface wave gauge.

Average Speed (mph)	Average maximum wave height at 100ft from shoreline (inches)	Average time period (seconds)
7.1	6.8	1.85
10.8	6.0	1.80
22.1	4.6	1.75
33.3	3.5	1.55

05. While there are multiple factors that affect a boat's wake, both the 1980 and 2015 trials demonstrate that speed is one of the factors which influence the size of wave a boat produces. Figure 3 taken from the 2017 report by the Scientific and Technical Advisory Committee to the Chesapeake Bay Program displays an approximate relationship between a boat's speed and the height of the wave it produces. Different planing vessels will produce different curves under different conditions but a similar pattern will be observed.

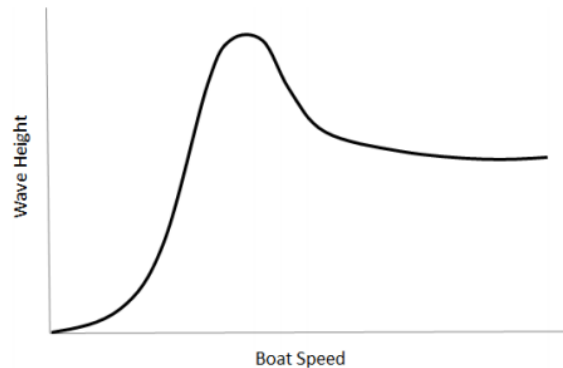


Figure 3: Graph of wave height as a function of speed in planing hull vessels taken from the 2017 report from the Scientific and Technical Advisory Committee to the Chesapeake Bay Program, and adapted from a figure in Maynard's 2001 paper

06. The Oregon State Marine Board's publication 'Experience Oregon Boating: Safety, Regulations and How-To's for Fun Boating' details the risks associated with wakes, which include, but are not limited to, the creation of dangerous conditions for swimmers and small boats, along with having the potential to damage docks if they are thrust against their moorings. Table 6 shows accident data, from 2010-2017, for a number of waterbodies that according to table 2 are popular for watersports. The table shows the number of injuries and deaths associated with those accidents where the primary cause or contributing factor of the accident was the force of the wake or wave.

Table 6: Accident data reported to the Oregon State Marine Board from 2010-2017.

Waterbody	Total Accidents	Accidents where primary cause or contributing factor = force of wake	Number of people injured	Number of people dead
Prineville Reservoir	8	2	0	0
Lake Billy Chinook	28	4	4	0
Foster Reservoir	15	4	2	0
Multnomah Channel	8	0	0	0
Willamette River	101	7	4	2
Detroit Reservoir	5	2	1	1

07. Boater conflict may stem from a number of different factors and result in displacement of an activity either temporally or spatially. How stressful boater conflict is may depend on the recreational goals of the boater. It is thought that prior knowledge regarding boating conditions can allow people to anticipate conflict before entering a stressful environment, thereby managing that stress more effectively. When looking at conflict in terrestrial recreation situations, similar themes occur with user-group conflicts often occurring as a result of differing social values and expectations. Studies suggest that management of terrestrial areas to reduce user conflict can be done, in part, through managing the distribution of individuals and education efforts, though these efforts may not fully alleviate issues of conflict. One of the 2017-2022 Oregon State Marine Board Strategic Plan's objectives is to "reduce causal factors for boater conflict taking into account areas, activities and competing interests on Oregon's waterways".
08. The Scientific and Technical Advisory Committee to the Chesapeake Bay Program produced a report in 2017 analyzing the effect of waves from boats on shorelines. The review of existing literature indicated a connection between boat wakes and shoreline erosion, sediment resuspension and nearshore turbidity. However, it was also noted that 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.

Education

01. In 1999 the Oregon Legislature required operators of powerboats greater than 10 horsepower, and youth 12-15 years of age operating any size powerboat, to take a course on basic boating skills and/or pass a test to demonstrate basic boating knowledge. The goals were to reduce accidents, injuries, deaths, property damage, and conflict on Oregon's waterways. The age-based phase-in began in 2003 and was fully implemented in 2009. In 2010, the National Association of State Boating Law Administrators in partnership with, and by the approval of, the American National Standard Institute created the American National Standards for recreational boater education. The national standards do not specifically list the effect that wakes have and how to minimize them as required content. However, the standards do list refraining from reckless or careless boat operation and safety practices for towed watersports as required content. States are capable of inserting specific guidance or regulations into their education courses.
02. Connecticut is the only State that has a specific watersports education course which complements their boater education. Fresh Air Educators developed the 'Safe Waterskiing Endorsement Course' for the State of Connecticut. The course takes a minimum of one hour to complete and is free to students unless they wish to receive a certificate, in which case the student pays \$9.

Regulations

01. Waves generated by vessels can create issues for other users of the waterway and increase boater conflict. There are a number of measures that can be employed in an attempt to mitigate the issues associated with boat wakes. Regulating boat operations is a common tactic. States in the US have adopted various speed and proximity regulations for motorboats, some specific to towed sports others to all motorboats. 38 states in total have some form of speed and proximity restriction. Table 7 outlines the number of states that have adopted the equivalent of a "slow-no wake" rule at certain distances from different structures or features in and on the water.

Table 7: Number of States that have adopted the equivalent of a “slow-no wake” speed restriction on motorboats and at what distance.

Distance (ft)	Person in water (includes diver-down flag, swimmer/bather)	Anchored/moored vessels	Non-motorized vessel	Docks, structures, or embarkation point	Shoreline
50	1	0	0	1	0
100	10	10	2	9	8
150	4	4	2	4	1
200	3	2	1	5	3
250	0	0	0	0	0
300	1	0	0	0	0

02. The States of Maryland and Pennsylvania have a 200ft regulation specific to wake surf boats or the boats engaged in wake surfing. The Maryland regulation specifies that wake surf boats “must be operated at least 200 feet from shoreline, all marine structures (including piers, docks, bridge structures, abutments, and anchored swimming or water-skiing floats), navigation aids such as regulatory buoys and channel markers, other vessels that are underway, anchored or moored and persons in the water.” This was put in place following a public comment period and trials with professional wake surfers and wake boarders to assess the size of a wake surf boat’s wake at different distances. The Pennsylvania’s regulation limits boats engaged in the activity of wake surfing to slow-no wake speed when within 200ft of the shoreline, docks, launch ramps, swimmers or downed skiers, person wading in the water, anchored, moored or drifting boats and other marked areas.
03. Oregon already has in place one local area rule restricting the use of wake enhancing devices. However, comments from one law enforcement agency identify challenges with enforcing the wake enhancing device prohibition as they see it. One challenge is that law enforcement officers cannot search boats (enclosed compartments like ballast tanks) to see if wake enhancing devices are deployed without probable cause. Modern boat design makes detection of wake enhancing devices even more difficult as waves can be shaped by the boat’s hull or underwater tabs and gates and the boats do not operate bow high or list to one side. Even on boats that are not designed as wake board or wake surfing boats, the motors and trim tabs can be used to modify the boat’s bow position, effectively acting as “wake enhancing devices.”
04. Oregon’s Personal Watercraft Rules, established in 1990, contain speed and proximity rules, put in place to improve safety and reduce conflict between boaters, these are outlined below.

250-021-0030:

- (7) A person must not operate a personal watercraft in excess of a slow-no wake speed:*
- (a) Within 200 feet of a boat launch ramp, dock, swim float, pier, marina or moorage, floating home or boathouse, or locations where persons are working at water levels on floats, logs or waterway construction;*
 - (b) Within 200 feet of a swimmer, surfer, diving flag, bank or wading angler;*
 - (c) Within 100 feet of any anchored or non-motorized vessel;*
 - (d) Except on safe take-offs and landings, a person must not operate a personal watercraft in excess of a slow-no wake speed within 200 feet of shoreline on all lakes, bays and reservoirs. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from shoreline.*

Rivers were purposefully excluded from the 200ft shoreline restriction to ensure some rivers remained open to personal watercraft use. Consideration at the time of the adoption of the personal watercraft rules was given to adopting speed and proximity rules for all motorboats, but rules were only adopted for personal watercraft on a statewide level.

05. Oregon used to have statutes that detailed speed and proximity style regulations. In 1953 ORS 488.030 contained required operational speeds that limited motorboat operation to 10mph within 100ft of a dock and the shores of any bathing or wading beach. ORS 488.030 also required motorboats passing within 100ft of a canoe, rowboat, or sailing boat to slow to a speed “that will not endanger the occupants of the latter vessel”. These statutes were removed in the 1957 version of the statutes. ORS 488.100 regarding reckless navigation and speed was put into the statutes in 1957. Oregon still has a reckless operation and speed statute (ORS 830.315 formerly 488.100).

ORS 830.315 Reckless operation; speed.

(1) A person commits the crime of reckless operation of a boat who operates a boat carelessly and heedlessly in willful or wanton disregard of the rights, safety or property of others.

(2) No person shall operate any boat at a rate of speed greater than will permit that person in the exercise of reasonable care to bring the boat to a stop within the assured clear distance ahead.

(3) Nothing in ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 is intended to prevent the operator of a boat actually competing in an event which is authorized as provided in ORS 830.375 from attempting to attain high speeds on a marked racing course. [Formerly 488.100]

In 1981 ORS 488.099 regarding unsafe operation was put in place, in the current statutes this is 830.305.

830.305 Unsafe operation. A person commits the crime of unsafe operation of a boat if the person operates a boat in a manner that endangers or would be likely to endanger any person or property.

06. The WSIA commissioned their own research on the wave energy of boats carrying out towed water sports. This research appears to have led to the recommendations outlined in their ‘Wake Responsibly’ campaign, which advises wake boat operators to stay at least 150ft from the shoreline, docks, or other structures while taking part in wake sports. In addition to the 150ft recommendation the executive summary states that “the maximum wake/wave height associated with wakeboarding and wakesurfing drops 27-56% in the first 100-150ft of its travel from the boat path”. The executive summary goes on to state that “wakeboard and wakesurf wakes/waves dissipate more slowly in deep water (greater than 15ft) and operating at least 250ft from shore can reduce the effects of deep water wakes”. The full research report was not made available to OSMB preventing a comparison of the methodology and results of the Australian and WSIA trials.

WAKE RESPONSIBLY

1 Stay at least 150 feet away
from the shoreline, docks, or other structures.

2 Keep music at reasonable levels.
Sound travels well over water. If it's loud enough to hear at 80 feet back, it is likely loud enough for homeowners to hear, too.

3 Minimize repetitive passes
on any one portion of shoreline. Once you've run the same line for a while, move on to another area.

REMEMBER, YOU ARE RESPONSIBLE FOR YOUR OWN WAKE.



Enforcement

Table 8 outlines violations (warnings and citations) statewide and on select waterbodies for 2015, 2016, and 2017. The violations listed are for local area speed regulations; unsafe boat operation; and the waterskiing, surfboarding and similar activity statute. These violations are for all boats and not specific to wake sports.

Table 8: Citations and warnings related to speeding, unsafe operation, and towed watersports as of October 24, 2017.

	Statewide			Detroit Reservoir			Lake Billy Chinook			Prineville Reservoir			Foster Reservoir			Newberg Pool			Multnomah Channel		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
	830.175 Speeding (excess speed/wake)	95	90	80	0	1	0	4	2	2	5	3	5	21	17	8	1	0	2	1	1
830.305 Unsafe operation	30	25	48	0	1	0	3	2	8	0	2	1	3	1	0	0	0	0	0	1	0
830.365 Waterskiing, Surfboarding or Similar Activities	55	52	63	0	1	1	7	7	11	2	3	0	3	9	7	3	5	5	1	0	1

Rulemaking authority

The following statutes provide the authority for OSMB to make rules for specific areas or to regulate specific boating activities.

830.175 Regulations for specific areas; rules.

(1) The State Marine Board, upon consideration of the size of a body of water and traffic conditions, 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, relating to the operation of boats in any waters within the territorial limits of any political subdivision of this state. The regulations may include, but need not be limited to, the establishment of designated speeds, the prohibition of the use of motorboats and the designation of areas and times for testing racing motorboats.

(3) The board may make special regulations relating to the operation of boats, including the establishment of designated speeds and prohibition of the use of motorboats 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, ORS 390.805 to 390.925. Action necessary to implement this section, including but not limited to the operation and manner of operation of boats, shall be by a permit system initiated by the board.

(5) Regulations regarding operation of boats pursuant to this section shall be adopted in accordance with the provisions of ORS chapter 183.

(6) Any speeds in excess of the speeds designated by the board, as provided in this section, shall be prima facie evidence of the violation of ORS 830.315. [Formerly 488.600]

830.195 Board to protect traditional boating uses and prevent user conflicts. *In addition to any other authority to regulate boating activities pursuant to this chapter, the State Marine Board may regulate and restrict boating activities to protect traditional boating uses and to prevent boating user conflicts. [Formerly 488.880]*

Watersports Boat Advisory Group

Research included in this report was presented to the Marine Board's Watersports Advisory Group in order to ground-truth some of the findings and assumptions. The group did not dispute the information presented to them at the meeting but felt that any issues arising with wake sports were local area issues and should be dealt with through local rule making. Following the meeting further research and analysis were conducted by staff.

Staff Conclusion

Based on the research undertaken by staff and the resources available to them the following conclusions were drawn:

- a) The activities of wakeboarding and wake surfing use ballast and devices to influence the boat's wake. However, wake surfing results in a larger wave when compared to wakeboarding. The larger wake is due to the speed of the boat, and use of wave creation tactics such as biased ballast and wake surf devices.
- b) The safety concerns resulting from boat wakes are not limited to wake sports or to Oregon and other states have attempted remedial measures through speed and proximity regulations to increase safety on their waterways.
- c) The watersports industry is aware of the potential for conflict between boaters and property owners and has begun an industry led campaign to provide a buffer between wake sports and the shoreline, docks, and other structures.
- d) Watersports using motor boats are popular in Oregon. The triennial survey indicates that watersports in motorboats, when hunting and fishing are excluded, are typically limited to reservoirs, lakes, and a few large rivers.

Staff Recommendation

01. With Board authorization, staff will form a Rules Advisory Committee to assist in drafting **rule language that addresses prohibiting wake surfing within 200ft** of docks, swim floats, floating homes, boathouses, anchored or moored boats, people in the water, non-motorized boats, and the shoreline.
02. The intent of the rules will be to increase the safety of other users of the waterway and reduce conflict by aiming to reduce the effect of the wakes produced during wake surfing. Staff recommends that the Rules Advisory Committee discuss the safety and conflict prevention merits of the same restriction on wakeboarding.
03. Staff will meet with the Advisory Committee, January 2018 – March 2018.
04. Staff will file Notice of Rulemaking in April 2018 and schedule rule hearings at various locations in the state, June – August 2018.
05. The final hearing will be scheduled in August in Salem and be held before the 5-member Board. Public comment will close the end of August 2018.
06. Upon conclusion of the rule hearings and the close of the Public Comment period, staff will compile and review public input and present a written recommendation for consideration of rule adoption at the fall 2018 Board meeting. If adopted, staff anticipates rules would be effective January 2019.
07. Staff recommends that if rules are adopted, the Oregon's recreational boater education course content be reviewed for towed watersport best practice guidance.
08. Staff recommends the Board initiate rulemaking for Chapter 250, Division 010, Statewide Rules, to address wake surfing activities.

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