

## OSMBs Positions Regarding Protection of Shoreline – 2018

- "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"

- [OSMB Staff, Jan 10, 2018 Item E: Report on Safety Around Wake Sports Statewide](#) (Pg 8 para 8)

- "...The Board cannot address erosion issues, as they are not under the Board's statutory authority"

- [Chair Val Early, Jan 10, 2018 OSMB Meeting Minutes](#) (Pg 6 para 3)

- "The OSMB's authority on promulgating rules with a focus on erosion mitigation is not clear. As a state agency, we can only act within the authority we are given so OSMB staff would advise the Board that their authority on this issue is not clear. The agency's position on our authority to promulgate rules based solely on erosion is the same regardless of the entity or individual (state agency or citizen) making the rulemaking request"

- [Director Larry Warren, Feb 26<sup>th</sup> 2018](#), response to a request for clarification of OSMB's authorities to conduct rulemaking for the purpose of addressing boat-wake erosion

- "The Marine Board has the authority to limit the operation of boats, but lacks the authority to control all other factors"

- [Rachel Graham](#), Policy and Environmental Program Manager. Aug 24th 2018 response to Rep Vial's request for information (HB 4099 Working Group)

- "Staff believes that the Board would be more likely to take rulemaking action if they had answers to the following questions:

1. Is erosion occurring?
2. Is the amount of erosion "too much"?
3. What are the contributing factors of the erosion?
4. How much does boat wake contribute to erosion?

- [Rachel Graham](#), Policy and Environmental Program Manager. Aug 24th 2018 response to Rep Vial's request for information (HB 4099 Working Group)

- "...the Board would be reluctant to take rulemaking action unless there were enforceable policies, rules, or laws adopted by other agencies that addressed the management of shoreline structures, the management of shoreline vegetation, proper soil management practices, and the management of flow regimes"

- [Rachel Graham](#), Policy and Environmental Program Manager. Aug 24th 2018 response to Rep Vial's request for information (HB 4099 Working Group)

- “Erosion along river shorelines is a natural process caused by the hydraulic force of moving water and the amount of erosion is a function of the force of the water and the erodibility of the soil. Staff cannot address erosion; it is simply not within staff’s scope of knowledge, nor are possible erosion solutions in the Marine Board’s authority. The questions are: is erosion occurring, what is too much, and what are the contributing factors of the erosion, and how much is actually due to boating”

- [Rachel Graham](#), Policy and Environmental Program Manager, Oct 22th 2018 OSMB Meeting Minutes