



Oregon

Kate Brown, Governor

State Marine Board

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March 10, 2021



Joint Committee on Ways and Means Subcommittee on Natural Resources

Co-Chair Senator Taylor
Co-Chair Representative Reardon
Senator Anderson
Senator Frederick
Representative Breese-Iverson
Representative Holvey
Representative Pham
Representative Brock Smith

Dear Co-Chair Taylor, Co-Chair Reardon and Members:

Thank you for the opportunity to speak to you today about the Oregon State Marine Board's (OSMB) many programs and budget. We strive to provide you with the information that you need as you consider legislation pertaining to recreational boating. During the hearing there were several questions posed regarding abandoned and derelict vessels (ADV) that we have addressed below.

OSMB staff are aware of increasing interest in ADVs on Oregon waterways. The term ADV is used to refer to any vessel that is moored, anchored, or otherwise located where it is not authorized to be, or is sunk, in danger of sinking, adrift, blocking a channel, or otherwise presenting a hazard. The statutes which define abandoned and derelict vessels do not differentiate between occupied and unoccupied vessels. Other relevant regulations are located in ORS 830.908-948 and OAR Chapter 250, Division 26.

ADV can harm the environment, create navigational hazards, and inhibit the ability of recreational boaters to have a safe and enjoyable boating experience.

Scope

ADV occur throughout the state, but the overwhelming majority of the ADVs that are reported to OSMB staff are located in and around the Portland Metro area. Marine law enforcement personnel in Multnomah County estimate that there are currently at least 150 abandoned or derelict vessels on the Willamette and Columbia Rivers and the Multnomah Channel. This estimate does not include neglected, at-risk vessels which are currently moored in marinas or other private moorages and frequently become future ADVs.

Along the coastline, a significant area of concern is large commercial and ex-military vessels which enter ports without authorization and languish or even sink. Marinas on the coast are also

likely to have larger, ocean-going recreational vessels which are costly for ports and marinas to remove if the owner abandons them.

Seizure Authority and Funding

The OSMB is one of many public entities in Oregon that is granted authority as an “enforcement agency” under ORS 830.911 to seize ADVs. The OSMB may initiate ADV removals independently, coordinate removal projects with partner agencies, or reimburse other agencies for costs associated with ADV removals. To help facilitate such actions, the OSMB is authorized to deposit up to \$150,000 per biennium (from boat title/registration fees) into the agency’s Salvaged Vessel Subaccount to fund ADV removals.

Personal Property Rights

A public entity that proposes to seize an ADV under ORS 830.908-948 must follow the owner notification process, which includes pre-seizure notice, post-seizure notice, thirty-day storage of the vessel, and opportunities for the owner to request a hearing or to reclaim the seized vessel.

Oregon State Marine Board’s Contributions

In the 2019/2021 biennium, the Marine Board contributed funds from the Salvaged Vessel Subaccount toward the removal of 44 ADVs. All were under 40’ in length, with most of them falling within the 20-30’ range. A majority of the removals took place in Multnomah County, followed by Clatsop, Columbia, Yamhill, and Douglas.

Response Challenges

While there is growing interest in addressing ADVs, a few challenges and barriers exist:

- **Social:** In many cases, vessels which meet the definition of abandoned or derelict (or may in the near future) are occupied by people for whom the vessel is a means of shelter for themselves or their belongings. Groups of vessels are often anchored close together or tied to the shore in floating camps. OSMB staff receive frequent complaints regarding such vessels but typically refer them to local authorities and the Department of State Lands as trespassing complaints.
- **Logistical:** ADV removals can be highly technical and hazardous, requiring professional contractors with a great deal of skill, experience, and specialized equipment. Every removal is different due to factors such as size and type of vessel, condition of the vessel, the water depth and current, hazardous conditions, towing distance, necessary equipment, and overall complexity. Storage space for seized vessels is not always readily available and inhibits some companies from bidding on certain projects.
- **Reoccurrence and supply:** The vast majority of recreational boats which become ADVs in Oregon are constructed of fiberglass and retain very little value as they age. Options for disposal are limited to traditional landfills and the cost is surprising and prohibitive for many owners, which may encourage abandonment. It is common for these vessels to be advertised for free on the internet, only to become an ADV a short time later.
- **Cost:** Due in part to the logistical considerations described above, as well as contractor availability and interest, it is difficult to predict the cost of a proposed ADV removal. The most expensive ADV response the OSMB contributed to this biennium was a 32’ cabin cruiser that sank at a Columbia County public dock in September 2020. The removal was challenging and complex due to the vessel’s position underneath the dock and the potential for significant property damage. The total for removal, transport, and disposal was over \$40,000. The OSMB was able to support Columbia County’s efforts by providing procedural guidance and contributing \$4,000 from the Salvaged Vessel Subaccount.

Cooperation and Collaboration

The OSMB cannot contribute funding to the seizure and removal of every potential ADV that is identified or reported; however, staff readily provide technical assistance and coordination to help other agencies address ADV concerns.

OSMB staff regularly attend community and stakeholder meetings regarding ADVs and actively seek and promote collaboration across jurisdictions. In particular, the OSMB is engaged in significant collaboration with the Department of State Lands, which is the owner of much of the submerged land on which ADVs occur.

Upcoming OSMB Efforts

In 2020, the Marine Board was selected through a competitive grant application process to receive funding from the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program to remove abandoned vessels proactively from marinas that participate in the agency's Clean Marina program. Staff developed the framework for the Abandoned Vessel Removal Assistance Program (AVRAP) and invited Clean Marina participants to apply for vessel removal assistance. To be eligible for AVRAP, marinas must be participants in the Clean Marina program and must agree to implement enhanced management practices to prevent vessels from becoming abandoned in the future. Staff will administer contracts to remove selected vessels from Clean Marina facilities in the summer of 2021.

If you would like any additional information on the topic of ADVs in Oregon, please reach out anytime and we will gladly answer any questions you might have about our involvement and experience with this challenging issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Warren', written in a cursive style.

Larry Warren
Director



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March 12, 2021

Joint Committee on Ways and Means Subcommittee on Natural Resources

Co-Chair Senator Taylor
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Dear Co-Chair Taylor, Co-Chair Reardon and Members:

Thank you for the opportunity to speak to you about the Oregon State Marine Board's (OSMB) many programs and budget. We strive to provide you with the information that you need as you consider legislation pertaining to recreational boating. During the hearing there were questions regarding the agency's Aquatic Invasive Species Prevention Program (AISPP) that are addressed below.

Attached with this letter is the Legislative Report on Oregon's AISPP for 2020. Many program specifics are available in the report, including the number of boat inspections and decontaminations conducted at each of the five check stations operated in 2020 (Ashland, Brookings, Klamath Falls, Ontario, and Umatilla). Because of staffing challenges, the inspection station in Lakeview was not operational in 2020.

The revenue for the AISPP generated by permit sales and boat registration fees was \$818,415 last year. Oregon residents contribute \$5 to the program as part of every two-year motorized boat registration and non-motorized users contribute \$5 per year when purchasing Waterway Access Permits. Motorized boaters from out of state are required to purchase a \$20 nonresident AIS permit before recreating on Oregon waterways. It is estimated that \$1-2 million in additional revenue would be needed to operate all stations year-round and during all hours. Additionally, while costs per station vary, additional inspection stations operated during the peak season (May through August) would cost \$50,000 to \$100,000 per location.

Please reach out to me if you have additional questions about the Aquatic Invasive Species Prevention Program or anything else pertaining to the State Marine Board. Additional information the boat inspection aspect of the program is available through the Department of Fish and Wildlife.

Sincerely,

Larry Warren
Director

Oregon's Aquatic Invasive Species Prevention Program 2020 Legislative Report



Prepared by:

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February 2021



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Executive Summary

In 2009, the Oregon Legislature passed House Bill 2220 that created an Aquatic Invasive Species (AIS) Prevention Program and established a new user fee to boaters, (Aquatic Invasive Species Prevention Permit) which funds the AIS Prevention Program. The objective of the AIS Prevention Program is to keep Oregon's waters free of new aquatic invasive species and limit the spread of existing invasive species. The Oregon Department of Fish and Wildlife (ODFW) and Oregon State Marine Board (OSMB) are partners in managing the AIS Prevention Program. Watercraft inspection staff and AIS monitoring activities are managed by ODFW. Administration of the AIS Prevention Permit and law enforcement coordination are managed by OSMB.

The Oregon Department of Fish and Wildlife operated five watercraft inspection stations located near or at Oregon's southern, northern and eastern borders. Ashland and Ontario watercraft inspection stations operated year-round. All motorized and non-motorized boats (canoes, kayaks, rafts, etc.) regardless of size are required to stop at inspection stations. Watercraft inspection stations in Brookings, Klamath Falls and Umatilla opened in May and closed in September or October (Umatilla). The five Watercraft Inspection Teams (WIT) conducted 23,043 watercraft inspections and watercraft decontaminations, including 12 for quagga or zebra mussels (*Dreissena rostriformis bugensis*, *D. polymorpha*).

In the 2020 fiscal year, revenue generated from AIS Prevention Permit totaled \$818,415. The AIS Prevention Program provided (either partial or full) funding for eight full-time positions, and nine seasonal or part-time positions. Additionally, these funds supported law enforcement activities such as checking boaters for a current Waterway Access Permit and enforcing mandatory stops at watercraft inspection stations. State and county law enforcement officers issued 1,031 warnings and 97 citations for failure to possess a Waterway Access Permit; 233 warnings and 45 citations for failure to stop at a watercraft inspection station.

We received additional funding from the US Army Corps of Engineers as part of the Water Resources Reform and Development Act (WRRDA) for \$489,570; these monies help fund additional inspectors and hours of operation at the inspection stations.

During 2020, the watercraft inspection program faced several challenges due to COVID-19 and wildfires. We observed lower compliance rates, fewer inspections and almost zero in-person trainings or outreach activities. We delayed opening three of watercraft inspection stations due to COVID-19 and governor recommendations. Additionally, during the wildfires we had to intermittently close some of our inspection stations due to poor air quality and proximity to wildfires.

Background

In response to the growing threat of an infestation from dreissenid mussels, the 2009 Oregon Legislature approved an AIS Prevention Program. A new user fee (AIS Prevention Permit) was established to owners of watercraft ≥ 10 feet in length. Monies generated from the AIS Prevention Permit are used to fund ODFW and OSMB permanent staff, ODFW watercraft inspectors and supplies, outreach and education materials, and other AIS related activities. Watercraft inspections began in spring of 2010 and in 2011, with the passage of House Bill 3399,

roadside watercraft inspections became mandatory. For more detailed information about the AIS Prevention Program, please refer to www.odfw.com or www.oregon.gov/OSMB.

The goal of the AIS Prevention Program is to prevent new introductions of aquatic invasive species and limit the spread of existing ones. Quagga and zebra mussels and hydrilla (*Hydrilla verticillata*) are among the top species of concern, due to their destructive nature and ease of translocation by watercraft. Quagga and zebra mussel populations have spread rapidly in the United States (Figure 1) due their adaptability, lack of natural predators and ease of physical transport. Species like Eurasian watermilfoil (*Myriophyllum spicatum*) and New Zealand mudsnails (*Potamopyrgus antipodarum*) already contaminate some Oregon waterbodies. For more information about these and other aquatic invasive species, please visit: [USGS Non-Indigenous Aquatic Species](#).

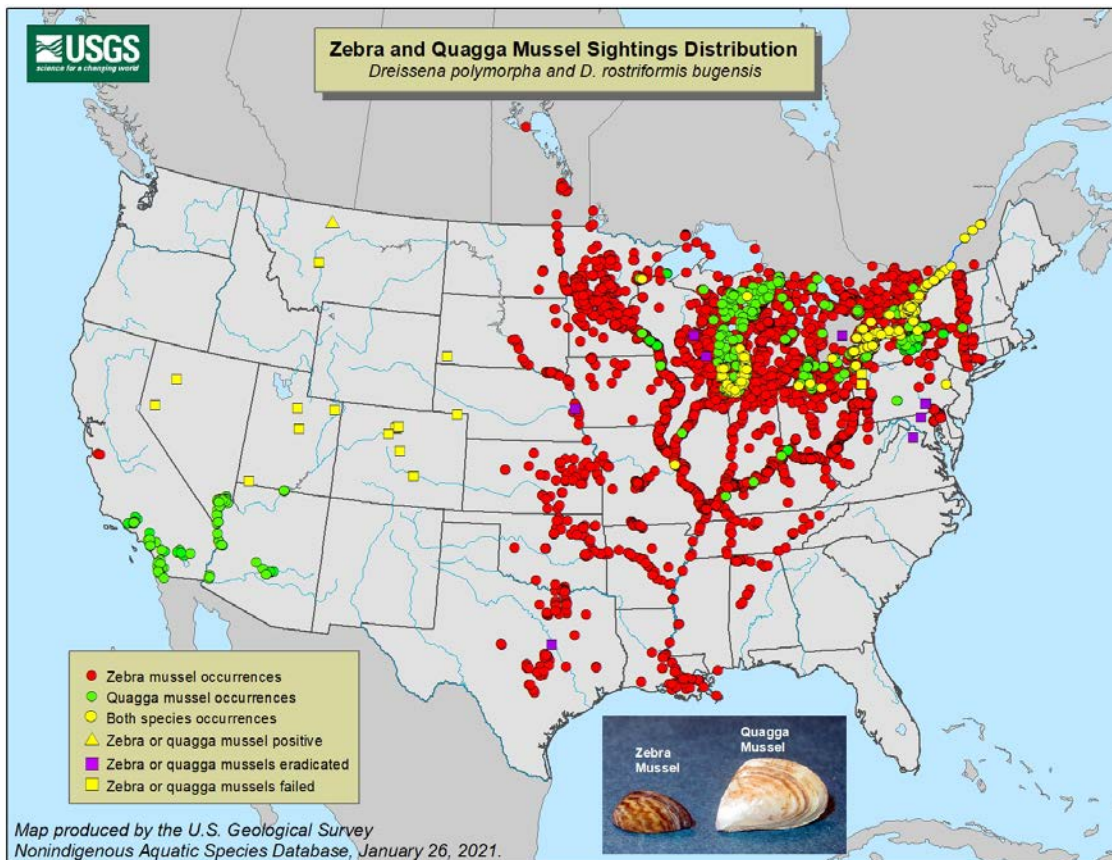


Figure 1. Current zebra and quagga mussel distribution in the United States, map provided by US Geological Survey Non-indigenous Species Database January 26, 2021.

Program Activities

The Oregon Department of Fish and Wildlife has the primary responsibility of operating watercraft inspection stations. ODFW Technicians are trained in inspection and decontamination protocols set by “[Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programs for Dreissenid Mussels in the Western United States III](#)”; additionally, all technicians complete *Level 1 – Watercraft Inspection Training* and *Level II – Decontamination Training*. We divided technicians between five stations (Table 1).

The AIS program coordinators (ODFW and OSMB) and a senior technician are stationed in Salem. These positions have a variety of duties, including:

- Training WIT on procedures and protocols (watercraft inspection and decontamination, data collection and entry and interpersonal communications)
- Providing AIS training opportunities to other agencies, schools, fishing groups, boating clubs, volunteers and concerned citizens
- Developing, purchasing and disseminating invasive species educational material (fact sheets, brochures, signs, risk assessments, etc.)
- Conducting watercraft inspections and decontaminations
- Providing assistance during eradication and control efforts
- Responding to public inquiries and sightings
- Surveying and collecting aquatic invasive species
- Staffing booths at public events
- Selling, processing and oversight of permit sales
- Providing updates to Oregon Legislature
- Contracting and managing interagency agreements
- Serving as members of:
 - [Oregon Invasive Species Council, 100th Meridian Columbia River Basin Team, Western Regional Panel for Aquatic Invasive Species, Ballast Water Task Force, Building Consensus in the West, American Boat and Yacht Council](#)

Inspections and Compliance

In 2020, ODFW completed 23,040 watercraft inspections (Table 1). Watercraft inspected included boats from nearly every US state and four Canadian provinces, Mexico, Australia and Cayman Islands (Figure 4). Salem staff performed three additional special inspections. In addition to watercraft inspections and decontaminations, our WIT track watercraft-inspection compliance. Inspectors record the number watercraft that bypass an inspection station, time of day, number of watercraft and watercraft type. We compared the number of bypassed watercraft to the number of inspections each day to get an estimate of watercraft-inspection compliance rate. Compliance rates varied between stations, the overall compliance rate was 76%, which was a 3% decrease from 2019.





Figure 2 and 3. Watercraft inspectors at Brookings (upper photo) and Klamath Falls (bottom photo) watercraft inspection station conducting boater interviews and performing inspections, July 2020.

Station	Number of inspectors	Inspection dates	Inspections (N)	Inspections from contaminated states (n)	Compliance rate (%)
Ashland	4	Year-round	9,074	5,281	87
Brookings	2	5/12 – 9/16	1,911	748	56
Klamath Falls	2	5/13 – 9/12	2,002	1,668	67
Ontario	3	Year-round	6,073	1,259	81
Umatilla	2	5/12 – 10/21	3,983	92	64

Table 1. Summary of Oregon Department of Fish & Wildlife’s Watercraft Inspection station information: station location, number of inspectors, dates of operation, total number of inspections, number of inspections from states with quagga or zebra mussel populations and watercraft inspection compliance rates, 2020.

Decontaminations

During the inspection process if an inspector observes a vessel to be contaminated with any aquatic invasive species, a decontamination is immediately performed on-site. Two-hundred-sixty-four of the vessels inspected were contaminated with aquatic vegetation, marine or freshwater organisms, or other biofoulings, we were able to perform a simple decontamination on these vessels; however, 12 vessels were contaminated with quagga or zebra mussels, where we performed a full decontamination (hand removal, followed by hot-water high-pressure) on-site. These vessels originated from Arizona, Missouri, Nevada, Tennessee and Utah. If the vessel was remaining in Oregon, a follow-up inspection/decontamination was performed at the owner’s residence before the vessel was launched.

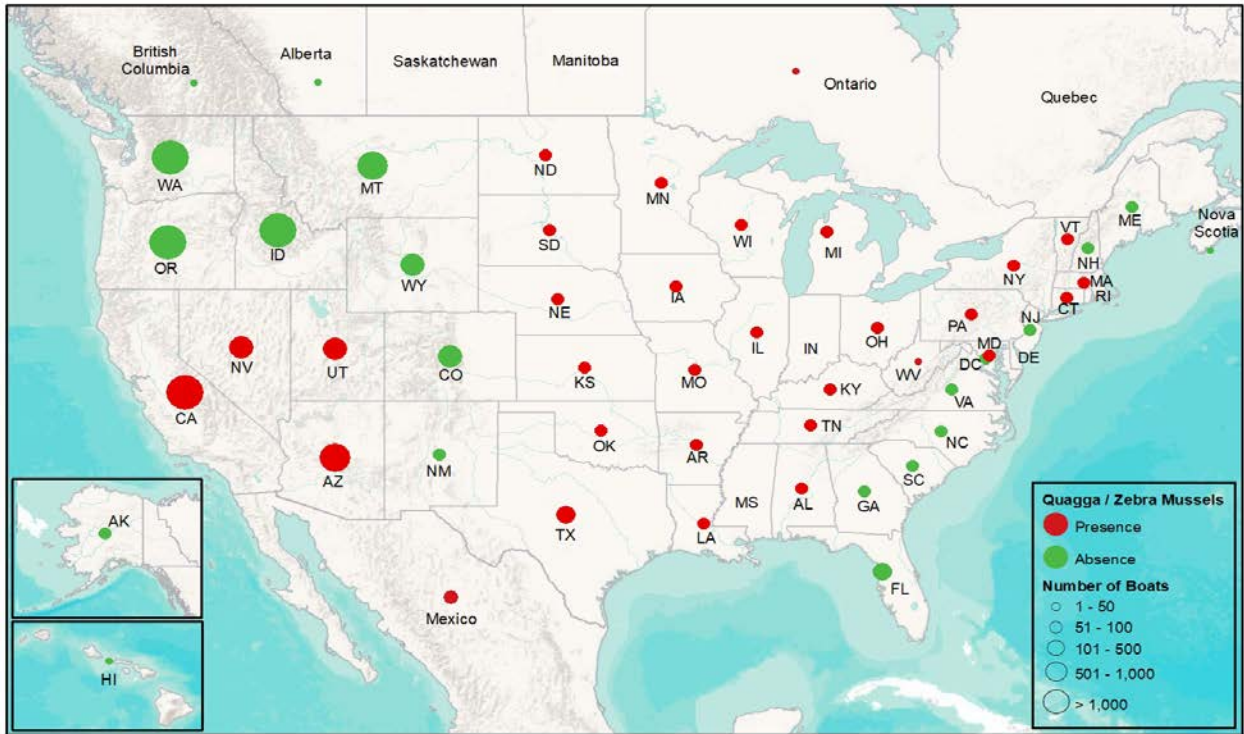


Figure 4. North American map of locations with quagga or zebra mussel presence, and the number of watercraft inspections from each location performed at Oregon Department of Fish and Wildlife’s Watercraft Inspection Stations in 2020. Basemap provided by ODFW, ESRI, NOAA, and USGS.



Figure 5 and 6. Two boats intercepted at the Oregon Department of Fish and Wildlife’s Ontario watercraft inspection station both boats were inspected and attached quagga mussels were found. We decontaminated both boats on-site, and re-inspected with no additional mussels found. Ontario, Oregon July 2020.

Outreach and Education

Education and outreach are key components of the AIS Prevention Program. Outreach occurs at the inspection stations, special events and requested trainings. These contacts enable face-to-face opportunities to explain the program and its benefits and the impacts of invasive species in Oregon. Additionally, ODFW and OSMB provided printed materials at all inspection stations, AIS trainings, public meetings and special events.

During 2020, our in-person education and outreach activities were extremely limited due to the coronavirus pandemic. Nearly all outreach events were held virtually, with the exception of events held prior to March 2020; which included the Portland Boat Show and Pacific NW Sportsman's Show. Additionally, staff from OSMB and ODFW participated in a virtual Early Detection Rapid Response exercise, detailed information about this exercise can be found [here](#).

Since 2009, the AIS Prevention Program has offered a special training course to the public and government agencies upon request. Level I – Watercraft Inspection Training is a half-day class based on the 100th Meridian Initiative curriculum. The Level I instructors teach basic AIS biology and behavior and explain Oregon laws and regulations associated with the AIS Prevention Program. All ODFW and OSMB Level I instructors have completed the 100th Meridian Initiative Level I and Level II – Watercraft Inspection trainings.

In 2020, the AIS Prevention Program provided information to a variety of Oregonians, including:

- Portland Boat Show and Pacific Northwest Sportsman's Show
- Bureau of Land Management, other ODFW programs, US Forest Service
- Mt Hood Community College, Portland State University and Oregon State University
- Marine Law Enforcement Training Academy
- Central Oregon Conservation Summit
- Fern Ridge Reservoir Marina Outreach Workshop

WRRDA Funds

As part of the Water Resources Reform and Development Act, we received (\$489,570) federal funds from the US Army Corps of Engineers. These federal grant monies are designated for protection of the Columbia River Basin against aquatic invasive species and require matching funds; therefore, we used AIS Prevention Permit revenue as match. During 2020, we used this grant money to fund additional watercraft inspectors and increase hours of operation. Beyond 2021, funds are not secure and we may have to look for other grant monies or we may have to consider staff reductions.

Aquatic Invasive Species Prevention Permit

Oregon State Marine Board (OSMB) has the lead role in implementing the AIS Permit Program. This permit program is the funding mechanism that supports activities outlined in this report. The OSMB distributes monies to ODFW, law enforcement agencies, and other partners via intergovernmental agreements and contracts for services (Figure 7). Permit revenues are deposited into a dedicated AIS Prevention Fund maintained by the OSMB.

Permit requirements vary for different types of watercraft. Oregon-registered motorized watercraft owners pay a \$5 fee every two years when they renew their registration. Current

registration decals serve as proof of payment into the AIS Prevention Program. Owners of out-of-state motorized watercraft must purchase a non-resident motorized AIS Permit (\$20 yearly) prior to boating in Oregon waters. Operators of all non-motorized watercraft 10 feet or longer in length (regardless of residency) must possess a [Waterway Access Permit](#) (\$17 yearly). This is a new permit for non-motorized watercraft which includes payment into the AIS Prevention Fund. Out-of-state motorized AIS permits and Waterway Access Permits are transferable to other watercraft within their respective categories. Discounted permits are available through OSMB for businesses that rent watercraft (liveries) and river guides using non-motorized watercraft are offered permits at a discounted price through the OSMB.

Waterway Access Permits and out-of-state motorized AIS Permits are available for purchase online at [OSMB](#) and [ODFW](#) websites, in-person at OSMB headquarters, and anywhere that sells Oregon hunting/fishing licenses.

Program Financial Statement

The funds collected from AIS permit sales totaled \$818,415 for fiscal year 2020. Permit revenue is deposited directly into the AIS Prevention Program Fund established by the State Treasury, which is separate and distinct from the General Fund. These funds are used for activities directly related to the program that are outlined within this report. The OSMB administers this fund and distributes monies to ODFW, law enforcement agencies and other partners via intergovernmental agreements and contracts for services (Figure 7).

During the 2020 fiscal year, revenue collected from permit sales totaled \$818,415. Oregon motorized permit revenue from boater registrations was \$331,836; non-motorized watercraft \$366,904; out-of-state motorized \$116,080; liveries and guides \$3,595.

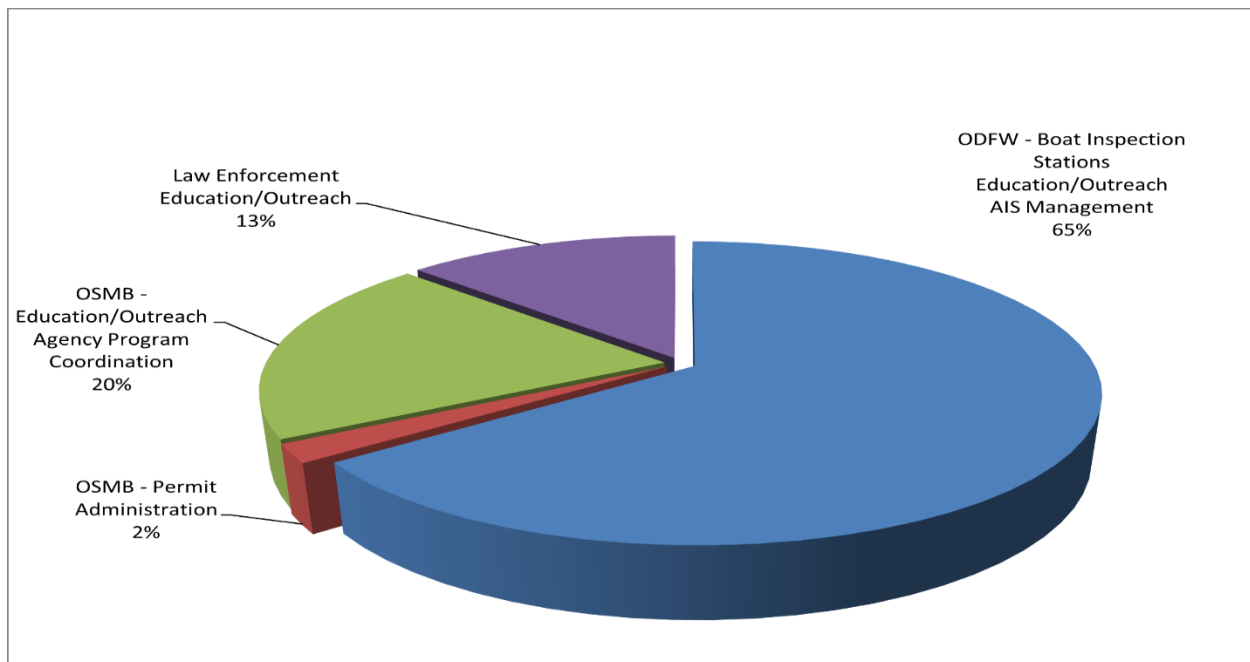


Figure 7. Allocation of Aquatic Invasive Species Prevention Program funds for fiscal year 2020, Oregon State Marine Board (OSMB) and Oregon Department of Fish & Wildlife (ODFW).

Law Enforcement Activities

Law enforcement officers (LEO) (County Marine Patrol Deputies and the Oregon State Police Fish and Wildlife Troopers) conduct on-water-patrols and interact with the boating public. When LEO contact boaters on the water or at boat access sites, they enforce boating laws, perform safety checks, and respond to questions from the public about the AIS prevention program. The OSMB provides yearly trainings and program updates to LEO. During 2020, officers documented contacts with 31,857 boaters.

The LEO are encouraged to focus on education rather than issuing citations to boaters that lack an AIS prevention permit or fail to stop at watercraft inspection stations. In 2020, LEO issued 97 citations and 1,031 warnings for failure to possess an AIS Permit. Additionally, 233 warnings and 45 citations were issued for failure to stop at a watercraft inspection station. Law enforcement will continue focusing on permit and inspection compliance during target weekends.

Acknowledgements

The Oregon Department of Fish and Wildlife would like to thank many folks for a successful inspection season. First thank you to our AIS technicians: **Ashland:** Tim Bower, Peter Garner, Rita Kivett, Chris Shelton and Adam Smith; **Brookings:** Christen Holly and David Padgett; **Klamath Falls:** Alec Mauk and Kayden Purnell; **Ontario:** Nathan Richey, Thomas Shenk and Rod Willet; **Umatilla:** Connor Randolph and Chris Schrieber. Thank you to ODFW district staff for providing guidance and assistance throughout the season. Thanks to ODOT (especially Dan Roberts, Kevin Pang and Lloyd Pratt and his amazing staff) for allowing us to have inspection stations at the Ashland, Brookings and Umatilla ports-of-entry. Thanks to Oregon Travel Experience in Ontario and Klamath Falls for granting us permission to set up inspection stations.

The Oregon State Marine Board would like to thank the Oregon Invasive Species Council and its members for their continued support and guidance for implementing this AIS Prevention Program.



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Dear Co-Chair Taylor, Co-Chair Reardon and Members:

Thank you for the opportunity to speak to you today about the Oregon State Marine Board's (OSMB) many programs and budget. We strive to provide you with the information that you need as you consider legislation pertaining to recreational boating. During the hearing there were questions regarding the agency's Clean Marina Program that are addressed below.

As was mentioned during our presentation, there are 60 ports and marinas statewide that participate in the voluntary Clean Marina Program. This program encourages marina operators to be stewards of the aquatic environment and in turn provides guidance and resources to that end. More information on the program is available at <https://www.oregon.gov/osmb/boater-info/Pages/Clean-Marinas.aspx>.

Those 60 ports and marinas make up a portion of the 200 to 250 ports and marinas statewide. The Department of State Lands has current leases with roughly 200 such facilities, and we are aware of several other small private marinas that are not on State lands. Additionally, identifying and counting the smaller marinas around the state is challenging and further complicates arriving at an exact number.

Please reach out to me if you have additional questions about the Clean Marina Program or anything else pertaining to the State Marine Board.

Sincerely,

Larry Warren
Director



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Dear Co-Chair Taylor, Co-Chair Reardon and Members:

As requested at the March 10, 2021 public hearing on HB5020 below is the information on Oregon enforcement and penalties for boating under the influence of intoxicants.

A person can be arrested for Boating Under the Influence of Intoxicants (BUII) in Oregon either on the per se limit of .08 BAC or by showing signs of impairment. Marine law enforcement officers are trained to recognize impairment through their general enforcement training, but the Marine Board provides additional training in BUII enforcement. Officers are encouraged to look for impaired boaters and advanced training is offered when available.

Enforcing BUII is more complicated than DUII. For example, there are no red lights or white lines, and Oregon law allows operators to consume alcohol while operating their boats. In addition, the remote nature of boating often means that suspects must be detained and moved to distant locations for field sobriety tests and breath testing; boating is a recreational activity and BUII doesn't carry the stigma that DUII does; legalized cannabis products complicate enforcement because use is not readily apparent, and officers must have more advanced skills to recognize drug impairment or, as is commonly done, mixed alcohol and cannabis use.

A person who is arrested for BUII can have their boating privileges revoked for up to three years. A law passed in 2019 allows the Marine Board to revoke the operator's Boater Education Card for one year, but if the individual refuses consent to test his or her blood or breath, the card will be revoked for three years upon conviction. BUII is a Class A misdemeanor with fines of over \$6,500 in some cases. Motorboat operators are generally required to complete a boater education course, but operators of nonmotorized boats are often downgraded to a violation. An impaired person involved in a crash will likely face additional criminal charges. A misdemeanor conviction will count as one of three, but not the final, convictions toward a felony DUII leading to revocation of the person's driver's license. There are no other linkages to a person's motor vehicle operating privileges. There is no law preventing boat operation by a person who has had his or her driver's license revoked for DUII.

BUII arrests in Oregon have declined from a high of more than 200 in the early 2000s to an average of 50 per year now, and most are attributable to two or three county sheriffs who encourage aggressive enforcement. The Marine Board coordinates multiple BUII saturation patrols annually, and participates in Operation Dry Water, a national campaign held on the July 4 weekend, to enhance public understanding of BUII laws and help make waters safer. It is likely, too, that arrests are down because compliance with BUII laws has improved in the last 20 years. Fatalities related to BUII operation are around 10% annually. Of the 27 boating fatalities in 2020, operators in two instances were known to be impaired.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Warren', with a stylized flourish extending to the right.

Larry Warren
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Dear Co-Chair Taylor, Co-Chair Reardon and Members:

As requested at the March 10, 2021 public hearing on HB5020 below is the information on Oregon Marine Law Enforcement patrols over time.

The Oregon State Marine Board funds marine enforcement activities through agreements with 32 county sheriffs' offices and the Oregon State Police. One metric for monitoring performance and activity is tracking patrol hours conducted using these funds.

Patrol is broken down by "Shore Patrol" and "Water Patrol." Water patrol occurs when a boat is conducting Marine Board work on the water. Whether there is one officer or four on board, it is the hours the boat is active. Shore Patrol refers to enforcement activities at the ramp, along the shoreline, or that otherwise do not involve a boat.

Here are statewide patrol hours since 2015. Because of the increase in non-motorized boating, shore patrol has become a larger percentage of the annual patrol time. On rivers particularly, shore patrol is a more efficient method of contacting boaters and should not be viewed negatively.

Year (Fiscal)	FY15	FY16	FY17	FY18	FY19
SHORE PATROL	23,698	24,491	23,901	23,027	21,560
WATER PATROL	25,418	27,298	23,861	23,006	21,389
Total	49,116	51,789	47,762	46,033	43,120

These operations are funded entirely by boater dollars, including registration and titling fees, motorboat fuel tax, and US Coast Guard grant. Oregon's boat registrations have declined from a high of near 200,000 in 1998 to 161,000 in 2020. Federal funds remain static. Efficiencies in

motorboat engine design, despite fuel tax increases, have offset these potential revenue enhancements. Though registration and title fees have increased significantly since 1999, increases have not offset declining registrations and rising costs for equipment and personnel.

Other factors affecting how much time contract partners will spend patrolling waterways include: loss of timber revenues - some county sheriffs no longer provide any dollars toward their marine programs, thus the funding burden has shifted entirely to the Marine Board; consistent with law enforcement nationally, recruiting new officers is very difficult, leaving marine vacancies unfilled; hiring seasonal or part-time officers isn't feasible in some areas due to cost of living, meaning certain small programs simply cannot afford to hire part-time marine officers to stretch those contract dollars.

This last calendar year saw a significant up-tick in patrol hours in some counties due in part to COVID-19 restrictions moving people to recreate outdoors. Clackamas County is one such program that increased their patrol hours to a five-year high, up by 35% over the previous year. In other counties, officers were pulled from the water to assist in civil unrest or to evacuate communities facing wildfires.

Clackamas County

Year (Calendar)	2016	2017	2018	2019	2020
SHORE PATROL	1,046	620	560	413	646
WATER PATROL	1,134	1,376	1,222	1,364	1,840
Total	2,180	1,966	1,782	1,778	2,487

Sincerely,



Larry Warren
Director