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Written Testimony

March 1, 2017

**House Bill 2320**

Madam Chairperson, Honorable Committee Members,

I am writing to you in opposition to HB2320 and in my testimony will be pointing out specific components of the bill alongside statistics to refute the viability of the bill. I will also speak about the general economic contributions of non-motorized water sports as well as specific statistics of fatalities in Oregon occurring on waterways in non-motorized crafts-which was stated on public record by the Director of the OSMB as a justification for the drafting of this bill. Thank you for the opportunity to present my feedback to you at this time.

**Relevant Personal Background**

I have a degree in Recreation Resource Management, and have participated through observation in some of the Non-Motorized Advisory Board meetings several years ago when this proposal was first discussed. A lifelong water sports enthusiast I have spent time as an educator for various safety and introductory classes through Oregon State University, I also have experience with livery operations as I have over 7 years of experience as a professional river guide in Oregon, as well as having coordinated educational river-based wilderness therapy programs based out of the Portland area.

**I. Recreational Boating Accident Statistics-2015 OSMB Report**

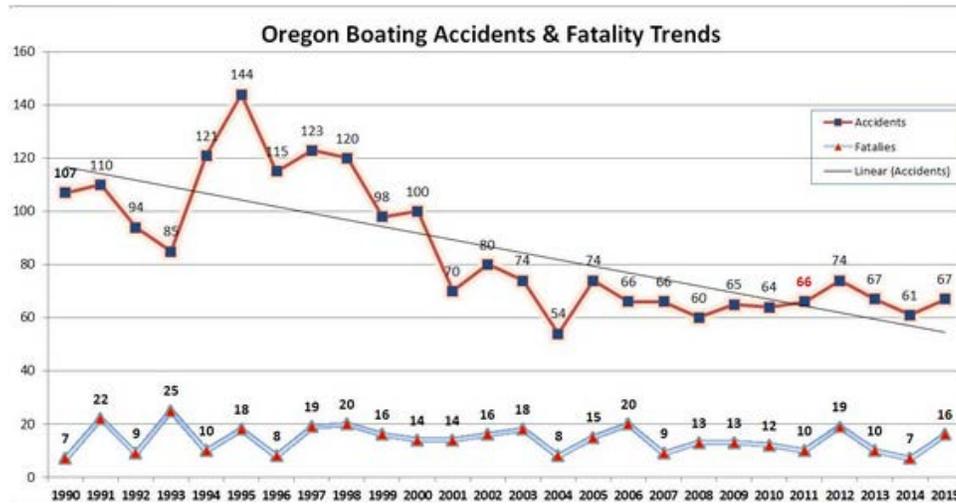
In 2015 we had 16 people die in recreational boating accidents in Oregon. This is more than twice the fatalities we had in 2014. Our oldest victim was 81, our youngest victim, sadly, was only 4. Only 4 of the 16 victims were wearing their life jackets. One of those 4 persons had a heart attack while water skiing, another person's lanyard got tangled in a root wad, and a third person died of hypothermia. In these three instances their life jackets were of no use. The fourth PFD wearer was the 4-year-old, who drowned in extremely rough waters in a narrow gorge. Of the 16 fatalities it is reasonable to assume that, had the other 12 victims worn their life jackets, they may have survived their accidents. **6 of the 16 victims were in an open motor boat**, 1 was on a PWC, 6 were in non-motorized boats, 2 were on paddle boards, and 1 was on a log raft. 8 of the 16 victims were over the age of 50. In 11 of the 16 fatalities the victim was the operator. In 6 of the 16 fatalities the victim was the operator and sole occupant.

- **The number one cause of fatal accidents this year was Alcohol/Drugs, followed by a tie between Hazardous Waters and Operator Inexperience/Error**
- **8 victims were in non-motorized boats/crafts (4 cases were extreme circumstances) making the total deaths associated with life jacket use and negligence at 4 (25% of total boating deaths), and 6 were in motorized crafts (38% of total boating deaths).**
- **Total fatalities for non-motorized paddle sports is less than **.000004%** of the reported registered boats in Oregon. Because there is currently not a registration system to account for non-motorized boats and crafts, the percentage is, in reality, significantly lower. Based on these numbers, I do not believe that a .000004% rate of accident/fatality warrants a 2-million-dollar**

**fee program that is based on the premise of safety education and law enforcement. This fee is disproportionate to the actual impacts that are reported regarding fatality and non-motorized boater negligence on public water ways.**

The below tables break out the accidents that were reported by the OSMB in 2015 by type of craft, activity and cause.

Type of Craft	Activity	Cause of Accident
Open Motorboat.....6	Fishing.....6	Alcohol/Drugs.....5
Auxiliary Sailboat .....0	Hunting.....0	Force of Wave/Wake.....1
Inflatable.....2	Tubing.....0	Hazardous Waters.....3
Canoe/ Kayak .....3	Waterskiing.....1	No Proper Lookout.....0
Personal Watercraft (PWC) .....1	Windsurfing .....0	Op. Inexperience/ Error.....3
Drift boat .....1	Making Repairs.....0	People-Bow/Gunwale/Transom ..0
Paddleboard/Sailboard .....2	Starting Engine.....0	Passenger/ Skier Behavior .....1
Log Raft.....1	Whitewater Sports .....4	Restricted Vision .....0
	Relaxing .....4	Sudden Medical Condition.....2
	Paddle Boarding.....1	Weather Conditions .....1
	Unknown .....0	Unknown .....0



Source: <https://www.oregon.gov/OSMB/SiteCollectionDocuments/AccidentFatalityStats/2015AccidentStats.pdf>

Based on the trend line shown above from the OSMB, accident and fatalities are still on a downward trend.

## II. Economic Contributions of Non-Motorized Water Sports Participation

Water sports participants make a significant contribution to the GDP, Job growth and Federal and State Taxes. In a 2011 survey, water sports contributed 12% of the total output for economic contributions resulting from expenditures for outdoor recreation in all U.S. States, and 15% of the total contribution for water sports was in federal and state/local taxes.

Implementing a “pay to paddle” policy will ultimately create an economic barrier for newcomers to the sport(s). The impact on liveries (commercial outfitters) will also be significant-passing on costs to tourists, renters and newcomers to the sport will further discourage participation in this already expensive outdoor activity that is enjoyed by many in Oregon. Beyond the cost, the nuisance of having to register a craft to paddle public waterways will further discourage public participation in this growing recreational activity.

I have included several tables to illustrate in numbers the economic contributions of water sports and paddle sports in the US, and in our specific region.

### Total economic contributions resulting from expenditures for outdoor recreation in all U.S. States

Outdoor Recreation Activities	Total Output	Jobs	Contribution to GDP	Federal Taxes	State & Local Taxes
Trail sports	\$ 126,968,451,510	1,261,009	\$ 73,863,708,967	\$ 10,310,331,625	\$ 9,198,805,629
Biking	\$ 129,617,415,927	1,263,135	\$ 74,980,945,406	\$ 10,512,078,743	\$ 9,232,319,396
Camping	\$ 226,487,198,801	2,249,962	\$ 129,879,929,145	\$ 18,032,047,062	\$ 16,272,268,624
Snow sports	\$ 85,219,099,966	852,228	\$ 50,050,531,326	\$ 6,999,114,202	\$ 6,228,989,157
<b>Water sports</b>	<b>\$ 122,718,885,558</b>	<b>1,214,653</b>	<b>\$ 71,164,109,912</b>	<b>\$ 9,953,674,907</b>	<b>\$ 8,714,280,990</b>
Fishing*	\$ 63,310,096,367	582,761	\$ 35,627,256,106	\$ 4,896,119,775	\$ 4,193,827,680
Hunting*	\$ 49,174,515,759	520,027	\$ 29,184,137,091	\$ 3,947,419,070	\$ 3,432,688,093
Wildlife Watching*	\$ 64,163,533,633	666,065	\$ 37,213,025,657	\$ 5,187,704,288	\$ 5,111,509,117
Motorcycle Riding	\$ 63,117,267,759	642,070	\$ 36,872,262,898	\$ 5,170,650,135	\$ 4,499,024,876
Off Rooding	\$ 86,390,798,549	876,718	\$ 51,841,786,406	\$ 7,363,892,396	\$ 6,274,848,551
<b>TOTAL</b>	<b>\$ 1,017,167,263,828</b>	<b>10,128,626</b>	<b>\$ 590,677,692,915</b>	<b>\$ 82,373,032,205</b>	<b>\$ 73,158,562,113</b>

\*Based on a comprehensive survey conducted in 2012, published in 2013. Source: [https://outdoorindustry.org/images/ore\\_reports/oa-state-recreation-economy-technical-report-2013.pdf](https://outdoorindustry.org/images/ore_reports/oa-state-recreation-economy-technical-report-2013.pdf) Note: The sum of economic contributions for each individual state is smaller than total national impacts. For national impacts, see the previous study. These estimates are based partly on data from USFWS 2011 National Survey of Fishing, Hunting and Wildlife- related Recreation.

### Pacific Region (Alaska, California, Hawaii, Oregon, Washington)

#### Expenditures:

<i>Trip-Related:</i>	Trail	Bicycle	Camp	Snow	Paddle	TOTAL:
Food & Drink	\$2,222,900,000	\$2,925,300,000	\$6,091,300,000	\$1,546,200,000	\$944,200,000	\$13,729,800,000
Transportation	\$2,295,300,000	\$2,327,600,000	\$5,733,700,000	\$1,372,900,000	\$870,000,000	\$12,599,400,000
Recreation, Entertainment & Souvenirs, Gifts & Other Miscellaneous	\$1,028,500,000	\$1,521,000,000	\$2,070,900,000	\$1,368,400,000	\$1,007,300,000	\$6,996,100,000
Lodging	\$564,600,000	\$626,100,000	\$1,419,900,000	\$396,200,000	\$220,900,000	\$3,227,700,000
<u>Total Trip Costs =</u>	<u>\$6,725,900,000</u>	<u>\$9,023,500,000</u>	<u>\$16,393,500,000</u>	<u>\$5,685,600,000</u>	<u>\$3,324,900,000</u>	<u>\$41,153,300,000</u>
<b>Equipment &amp; Services:</b>						
Apparel	\$324,600,000	\$280,200,000	\$307,700,000	\$326,000,000	\$177,000,000	\$1,415,600,000
Equipment	\$168,100,000	\$772,500,000	\$742,000,000	\$255,100,000	\$153,200,000	\$2,091,600,000
Accessories	\$141,000,000	\$219,200,000	\$373,500,000	\$112,900,000	\$125,400,000	\$972,000,000
<u>Services</u>	<u>\$145,500,000</u>	<u>\$127,200,000</u>	<u>\$229,000,000</u>	<u>\$71,200,000</u>	<u>\$129,700,000</u>	<u>\$702,600,000</u>
<u>Total Equip. &amp; Services =</u>	<u>\$779,900,000</u>	<u>\$1,399,200,000</u>	<u>\$1,652,200,000</u>	<u>\$765,200,000</u>	<u>\$585,300,000</u>	<u>\$5,181,800,000</u>
<b>Tot. Expenditures =</b>	<b>\$7,505,800,000</b>	<b>\$10,422,700,000</b>	<b>\$18,045,700,000</b>	<b>\$6,450,800,000</b>	<b>\$3,910,200,000</b>	<b>\$46,335,200,000</b>

#### Participation:

<i>Number of Participants:</i>	12,500,000	10,300,000	8,480,000	3,510,000	4,250,000	23,900,000
<i>Number of Trips:</i>						
Day Trips	77,700,000	119,700,000	47,500,000	22,135,594	28,230,723	318,597,302
Overnight	24,700,000	40,800,000	34,400,000	6,025,333	6,340,162	175,674,153
<b>Total Trips:</b>	<b>102,400,000</b>	<b>160,600,000</b>	<b>81,900,000</b>	<b>28,200,000</b>	<b>34,600,000</b>	<b>494,300,000</b>

#### Expenditures Per:

Per Participant, Annually: (trip expenditures + equipment & services)	\$599	\$1,011	\$2,128	\$1,840	\$921	\$1,943
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The below table illustrates the contributions of paddle sports specifically. Paddle sports would be the user group specifically targeted in the proposed bill. Paddle sport (kayaking, rafting and canoeing) contribute \$3,910,200,00 in retail sales, over 50,000 jobs and \$698,700,000 in taxes in the Pacific region.

<b>Paddle*</b>						
	Retail Sales:	Total Economic Activity:	Salaries, Wages, Business Earnings:	Employment (full & part-time):	State Tax Revenues:	Federal Tax Revenues:
Region 1 - New England	\$731,600,000	\$784,300,000	\$472,200,000	9,331	\$58,800,000	\$70,200,000
Region 2 - Middle Atlantic	\$1,946,300,000	\$2,453,200,000	\$1,354,600,000	22,844	\$183,800,000	\$137,500,000
Region 3 - East North Central	\$2,214,400,000	\$3,120,000,000	\$1,657,300,000	34,999	\$213,900,000	\$182,400,000
Region 4 - West North Central	\$687,400,000	\$888,900,000	\$452,200,000	10,393	\$57,300,000	\$60,900,000
Region 5 - South Atlantic	\$2,320,100,000	\$2,728,000,000	\$1,558,100,000	32,457	\$194,300,000	\$196,500,000
Region 6 - East South Central	\$721,300,000	\$850,700,000	\$418,000,000	9,571	\$49,100,000	\$148,100,000
Region 7 - West South Central	\$879,600,000	\$1,327,100,000	\$665,300,000	12,781	\$75,500,000	\$72,200,000
Region 8 - Mountain	\$1,035,400,000	\$1,557,400,000	\$782,500,000	14,976	\$93,500,000	\$158,100,000
Region 9 - Pacific	\$3,910,200,000	\$5,627,800,000	\$2,843,400,000	50,805	\$389,200,000	\$309,500,000
<b>United States</b>	<b>\$14,446,400,000</b>	<b>\$36,091,100,000</b>	<b>\$18,400,900,000</b>	<b>308,469</b>	<b>\$2,176,800,000</b>	<b>\$2,633,000,000</b>

\* Includes: kayaking (recreational/sea/whitewater)  
rafting  
canoeing

## United States (Total of all Regions)

### Expenditures:

<b>Trip-Related:</b>	<b>Trail</b>	<b>Bicycle</b>	<b>Camp</b>	<b>Snow</b>	<b>Paddle</b>	<b>TOTAL:</b>
Food & Drink	\$9,015,500,000	\$14,085,900,000	\$34,031,900,000	\$5,877,400,000	\$3,527,500,000	\$66,538,300,000
Transportation	\$10,063,400,000	\$11,816,200,000	\$32,626,500,000	\$5,441,300,000	\$3,010,700,000	\$62,958,100,000
Recreation, Entertainment & Activities	\$3,911,200,000	\$7,808,500,000	\$15,323,800,000	\$5,604,900,000	\$2,806,100,000	\$35,454,500,000
Souvenirs, Gifts & Other Miscellaneous	\$2,856,300,000	\$3,520,000,000	\$7,796,700,000	\$1,362,300,000	\$706,200,000	\$16,241,500,000
<u>Lodging</u>	<u>\$4,330,300,000</u>	<u>\$9,707,100,000</u>	<u>\$10,835,100,000</u>	<u>\$5,126,100,000</u>	<u>\$1,728,000,000</u>	<u>\$31,726,600,000</u>
<i>Total Trip Costs =</i>	<i>\$30,176,700,000</i>	<i>\$46,937,700,000</i>	<i>\$100,614,000,000</i>	<i>\$23,412,000,000</i>	<i>\$11,778,600,000</i>	<i>\$212,919,000,000</i>
<b>Equipment &amp; Services:</b>						
Apparel	\$1,427,500,000	\$1,367,600,000	\$1,463,200,000	\$1,172,500,000	\$635,800,000	\$6,066,600,000
Equipment	\$826,700,000	\$3,401,900,000	\$3,950,400,000	\$1,063,600,000	\$1,049,400,000	\$10,292,000,000
Accessories	\$654,000,000	\$947,500,000	\$1,778,400,000	\$465,400,000	\$485,900,000	\$4,331,100,000
<u>Services</u>	<u>\$431,500,000</u>	<u>\$512,900,000</u>	<u>\$1,484,300,000</u>	<u>\$423,100,000</u>	<u>\$496,700,000</u>	<u>\$3,348,600,000</u>
<i>Total Equip. &amp; Services =</i>	<i>\$3,339,600,000</i>	<i>\$6,229,900,000</i>	<i>\$8,676,300,000</i>	<i>\$3,124,700,000</i>	<i>\$2,667,800,000</i>	<i>\$24,038,300,000</i>
<b>Total Expenditures =</b>	<b>\$33,516,300,000</b>	<b>\$53,167,600,000</b>	<b>\$109,290,300,000</b>	<b>\$26,536,700,000</b>	<b>\$14,446,400,000</b>	<b>\$236,957,300,000</b>

### Participation:

Number of Participants:	55,800,000	59,400,000	45,200,000	15,600,000	23,600,000	130,925,653
Number of Trips:						
Day Trips	302,500,000	527,500,000	240,400,000	78,500,000	77,700,000	1,399,526,327
Overnight	156,600,000	296,300,000	220,500,000	35,100,000	47,400,000	1,106,068,672
<b>Total Trips:</b>	<b>459,100,000</b>	<b>823,800,000</b>	<b>460,900,000</b>	<b>113,700,000</b>	<b>125,100,000</b>	<b>2,505,600,000</b>

### Expenditures Per:

Per Participant, Annually: (trip expenditures + equipment & services)	\$600	\$895	\$2,420	\$1,702	\$612	\$1,810
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### III. Opposition to Language and Definitions in Proposed Bill

(8) "Nonmotorized boat" means a boat that is not propelled by machinery.

(9)(a) "Nonmotorized craft" means an object, other than a boat, that is capable of supporting a person on the water and that is not propelled by machinery.

(b) "Nonmotorized craft" includes, but is not limited to, single inner tubes, air mattresses, pool toys, surfboards and body boards.

- **As the OSMB Director described in the public hearing, there has been a large increase in the use of pool toys on public waterways (non-motorized crafts). This increase in pool toy users are a cause for user conflict, increased waterway uses and crowding as well as increased liability concerns for use areas. However, due to federal stipulations as to what the USCG constitutes as a water craft, these types of crafts cannot be designated as non-motorized boats. There is concern that because the non-motorized crafts cannot be designated as "boats" and cannot be charged a use fee, that the fee has now disproportionately been redirected and expanded to target the broader population of non-motorized boat users, such as kayakers, canoeists and rafters. The proposed language of the bill, as listed above, does not specifically include fees related to this growing population of recreational non-motorized craft waterway users. As such, the user group that the legislation is focused on is exempt from contributing to the fund.**

SECTION 3. Nonmotorized Boating Program. (1) The Nonmotorized Boating Program is created, to be administered by the State Marine Board as provided in sections 3 to 13 of this 2017 Act. The purpose of the program is to provide education about nonmotorized boat use, to provide safety enforcement of boating regulations for nonmotorized boat operators and nonmotorized craft users and to provide safe access to the waters of this state for nonmotorized boat use.

In establishing the nonmotorized boating education program, the board shall:

(a) Create a course of instruction and examination for nonmotorized boat operators, designed to educate and test operators on the minimum standards of safety and competency established pursuant to paragraph (b) of this subsection; and

(b) Set minimum standards of safety education competency for beginning level operators of nonmotorized boats, which must include classroom and on-water competencies.

- **The verbiage does not specifically call out an education program to target the growing population of Non-Motorized Craft users. The program briefly speaks about increasing regulations and safety enforcement for both user groups, but only assesses a fee to non-**

motorized boat users. The current language draws assumption that the non-motorized **boat** users are the primary cause for the proposed program. Again, this disproportionately affects this segment of the user group that is **paddle-based** in nature, while not taking to consideration the impacts of non-motorized **craft** users. A suggestion for improvement of the language to better address paddle based user groups that are considered to be in the **boat** category of non-motorized crafts is perhaps to recognize that the term“paddle Sports” is now used as a more accurate and industry wide used term to better categorize this specific type of industry and recreational user group that identify kayaking rafting and canoeing user groups. The bill should better delineate paddle sports from non-motorized **craft** users, as they are distinct user groups with different economic contributions, demographics, values and use patterns as it pertains to recreation resource management (public waterways and associated facilities).

(A) The purchase of land, leases or easements in order to provide access to public waterways.

(B) The construction, renovation, expansion or development of public boating facilities for nonmotorized boat use.

(C) The construction, renovation, expansion or development of public play parks for nonmotorized boat use, such as whitewater parks and competition courses. In addition, the board may also provide grants to private entities to assist with the activities described in this subparagraph.

(D) Modifying or upgrading existing public boating facilities to accommodate or incorporate nonmotorized boat use.

- **I would say that generally within the paddle sports community, this portion of the bill would have lots of support, if it were made transparent what proportion of revenues from the fee would be allocated to these specific uses how new projects would be chosen, how these projects would be implemented, and how non-motorized stakeholders will be able to participate in these projects and processes.**

SECTION 7. Nonmotorized Boating Permit. (1) Except as provided in subsections (2) and (3) of this section, a **person 14 years of age** or older shall carry a **nonmotorized boating permit** while operating a **nonmotorized boat**, in the manner provided by the State Marine Board by rule. The person shall present proof of a permit upon request by a peace officer.

(2) Subsection (1) of this section does not apply to:

(a) A person operating a **nonmotorized boat** that is displaying a validation sticker as required

- **There is lack of clarity around why 14 years of age is the cut off age for enforcement of both the AIS and registration program. Why would the safety and education of young populations about water safety be less focused on? In regards to the AIS-the age cut-off does not make logical sense in regard to the mission and purpose of the program. No matter the age of the craft occupant-invasive species can and will still be transported from waterway to waterway. Not requiring all crafts to be registered with AIS would be detrimental to the stated outcomes for the highly expensive program.**

SECTION 11. Nonmotorized Craft. (1) Except as provided in subsection (2) of this section, a person using a nonmotorized craft in a river or stream shall wear an approved personal flotation device of a type prescribed by the State Marine Board by rule.

- **In the past, the rule allowed non-motorizes craft and boat users to have a flotation device available –but not required to be worn in less than class III whitewater. It is unreasonable (and overbearing) to mandate participants in calm swimming holes on streams with inner tubes, etc. to wear a life-jacket at all times. The rule should be class of rapid restrictive (ex.**

**Class 3 and higher), and allow for free-swimming and playing in calm public waterway areas-but to continue to enforce the old rule that a flotation device must be available to users while on public waterways.**

- **For many Oregon residents, due to the prohibitive expense most paddle-sports, their only engagement with Oregon waterways is floating calm stretches of river on inflatable crafts such as pool toys. Requiring them to purchase personal flotation devices and assessing fines if not worn represents a potentially prohibitive expense for many Oregon residents and could result in a decrease of engagement with Oregon's public natural spaces.**

**References:**

<http://www.outdoorfoundation.org/pdf/ResearchRecreationEconomyTechnicalReport.pdf>

<https://www.oregon.gov/OSMB/SiteCollectionDocuments/AccidentFatalityStats/2015AccidentStats.pdf>