

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 856  
PUBLIC UTILITY COMMISSION  
OREGON BOARD OF MARITIME PILOTS

**FILED**

11/26/2024 9:22 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Update to Board Operations Fee

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/06/2025 3:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

CONTACT: Kim Oster  
503-510-3823  
kim.oster@obmp.oregon.gov

800 NE Oregon St #507  
Portland, OR 97232

Filed By:  
Kim Oster  
Rules Coordinator

**NEED FOR THE RULE(S)**

The Board Operations Fee has never been increased since its creation in 2013. The Board needs to increase this fee to ensure there is not a budget shortfall.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

Rules Committee discussion on 6/5/2024 and recommendation on 10/3/2024; Board Meeting recommendation on 11/21/2024. Notes are available from the Board Administrator and recordings are available on the board's website.

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

The amendment to this rule will have no affect on racial equity in this state.

**FISCAL AND ECONOMIC IMPACT:**

No fiscal impact anticipated. The increase in this fee will help ensure that the Board does not exhaust its budget reserves.

**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

The pilot associations and incoming and outgoing vessels will be economically affected by this rule as it is an increase of \$20 per vessel, inbound and outbound. Small businesses that are signed up to receive Board notices will be provided the

opportunity to provide public comment regarding the affect of this amendment.

---

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Board has no authority over any entity other than its licensees.

---

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The rule amendment was recommended by its Rules Review Committee and reviewed by Board counsel.

---

AMEND: 856-010-0006

RULE SUMMARY: Amending the amount of the Board Operations Fee.

CHANGES TO RULE:

856-010-0006

Board Operations Fee ¶

(1) The Board operations fee shall be ~~\$570~~ effective July 15, 2013~~25~~. Thereafter, the fee shall be reviewed quarterly and adjusted as needed as provided in subsection (2) of this section, subject to the maximum allowed by ORS 776.810(1).¶

(2) The amount of the Board operations fee shall be reviewed quarterly, at the first Board meeting following each September 30, December 31, March 31 and June 30. In reviewing the fee and deciding whether to adjust it, the Board shall consider the total of fees remitted to the Board during the preceding quarter or quarters, the Board's current and projected budgetary needs, the total of fees projected to be remitted to the Board during the following quarter or quarters, and any other factors deemed relevant by the Board. If the Board concludes that an adjustment to the fee is appropriate, it shall request approval for the recommended adjustment subject to ORS 776.800(4).¶

(3) The maximum allowed amount shall be adjusted each biennium on July 1, beginning July 1, 2015. The change in the maximum allowed amount shall be proportional to the percentage change in the 24-month period prior to the beginning of the biennium in the Consumer Price Index for All Urban Consumers West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor.¶

(4) ~~The maximum Operations Fee is \$140.~~ ¶

(5) The amount of the Board operations fee shall be published in the Oregon Pilotage Tariff for each pilotage ground under the paragraph heading "Board Operations Fee."¶

(5~~6~~) Licensees of the Board shall invoice vessels for the Board operations fee when invoicing vessels for other authorized pilotage fees and charges. For vessels entering or leaving the Columbia River, Board licensees for the Columbia River Bar shall invoice and collect fees from inbound vessels, and licensees for the Columbia and Willamette River pilotage ground shall invoice and collect the fee from outbound vessels. For vessels entering or leaving the Yaquina Bay bar or Coos Bay bar pilotage grounds, the Board operations fee shall be invoiced and collected by the licensees for such grounds from both inbound and outbound vessels.¶

(6~~7~~) On or before the 10th day of each month, Board licensees shall remit to the Board the full amount of all Board operations fees collected from vessels during the preceding calendar month. At the time of remitting the collected fees to the Board, the remission shall be accompanied by a report of the number of vessels invoiced for the fee during the preceding month, the total amount of fees invoiced, the number of vessels from which the fee was collected during the preceding month, the total of Board operations fees collected, and the amount that remains invoiced but uncollected.

Statutory/Other Authority: ORS 776

Statutes/Other Implemented: ORS 776.800~~&~~, ORS 776.810