House Transportation Policy Committee

Hearing on HB 4099 (as Amended) & HB 4138 – Feb 12, 2018 –

Hon. Chair McLain, Vice-Chairs Meek & Vial, Members of the House Committee on Transportation Policy:

My name is Stan Halle. I've lived on or near the Upper Willamette River since 2001. I support these two bills and wish to briefly focus on the impact on other River users and Public Safety.

Big Wake Behind a Boat for Wake Surfing

Impact on River Activities

Based on a recent survey of riverfront homeowners:

- 70% find the River less enjoyable due to large waves/wakes.
- 27% no longer participate in certain activities.
- 76% have experienced specific safety incident(s) or user conflict on the Willamette River

OREGON RECREATIONAL BOATING ACCIDENT STATISTICS – 2016

The following statistics were taken from boating accident reports received by the State Marine Board for 2015. Accidents involving death, injury, or property damage exceeding $2,000 must be reported.

Comments on the year.....

In 2016 we had 19 people die in recreational boating accidents in Oregon. This is more than three more than in 2015. Our oldest victim was 70, our youngest victim was 23.

Only 7 of the 19 victims were wearing their life jackets. One of those 7 persons had a heart attack, another person's PFD got tangled on a branch, two had inflatable belt packs that were not deployed, one victim was trapped in rocks and water hydraulics, one died in the surf before he could be rescued, and the last body has not been found, but his wife says he always wore a PFD. Of the 19 fatalities it is reasonable to assume that, had the other 12 victims worn their life jackets, they would probably have survived their accidents.

7 of the 19 victims were in an open motor boat, 1 was on a PWC, 9 were in non-motorized boats, 1 was on a paddle board, and 1 was on a cabin motor boat.

12 of the 19 victims were 50 years old or older. In 15 of the 19 fatalities the victim was the operator. In 8 of the 19 fatalities the victim was the operator and sole occupant.

The number one cause of fatal accidents this year was a 3-way tie of *Force of Wave/Wake, Hazardous Waters* and *Operator Inexperience/Error.*

Year	Registered Boats	Accidents*	Oregon Fatalities	Fatality Rate Oregon**	U.S. Fatality Rate**	Fatalities U.S.
2006	186,497	66	20	1.07	.56	710
2007	184,147	66	9	.49	.53	685
2008	180,063	60	13	.72	.56	709
2009	180,552	65	13	.72	.58	736
2010	177,634	64	12	.67	.54	672
2011	171,983	66	10	.52	.62	758
2012	169,188	74	19	.89	.54	651
2013	166,664	67	10	.60	.47	560
2014	161,093	69	7	.42	.52	610
2015	168,124	69	16	.95	.53	626
2016	Est. 156,000	86	19	Est. .82	-	-

(-) Figures not in yet from USCG

* It is estimated that only 10 to 15% of reportable accidents are actually reported.

** Rate per 10,000 registered boats.

(These statistics reflect recreational boaters only)

Oregon State Marine Board's ("OSMB") 2016 Recreational Boating Accident Statistics indicate:

- 19 fatalities, **4 of which were due to "Force of Waves/Wake";**
- 86 total accidents reported, the highest in 11 yrs of reporting
- OSMB estimates that only 10-15% of reportable accidents were actually reported.

Public Safety Concerns:

- *"Wake surfing inside of buoys or close to docks endangering swimmers. Disturbing people sitting on the dock. Knocking down standing adults."*
- *"Large wakes slammed our friend's kids up against the dock. We had fearful, crying kids we had to take out of the water. I've been knocked off my paddle board. The boat has slammed against the dock and almost pinned my husband between the boat and the dock while he tried to keep the boat from slamming into the dock."*
- *"We frequently have large wakes flowing over the top of our dock. The worst incident was about 12" of water going over while our son, his wife and 3 small children were on it and nearly swept off."*
- *"The wakes have caused water skiers to fall. I have observed wake boats and canoeists get into an argument about wakes and proximity to canoes."*
- *"A wake-surfer has come onto an owners dock in response to the owner telling him he was too close to his dock. The wake-surfer then spent weeks in the vicinity using crude and slanderous language over a speaker from his boat towards the land owner. I have seen children become scared of swimming due to the large wakes."*
- *"Our neighbors were on their dock swimming with their grandkids last summer, when a wake-surfer boat came by very close to the dock. Their response to being told to stay away, was to stand in front of the kids and urinate.*

The Upper Willamette River is a precious resource for everyone to enjoy. Safety, Property Rights and Traffic Congestion are key elements that the Marine Board must put into better balance.

HB 4099 (as amended) and HB 4138 are important steps to help do this.

Thank you!

According to a Water Sports Industry Association Study (WSIA): *"**Wakeboard and wake-surf wakes/waves dissipate more slowly in deep water (greater than 15ft). Operating at least 250ft from shore** can reduce the effects of deep water wakes"*

- From River Mile 30 to River Mile 50, the Willamette has steep, soft-sediment banks, is 400-600' wide and averages greater than 15' deep

Shoreline Loss – Upper Willamette Greenway

While natural erosion (flooding, wind, river regulation, etc) is certainly to be expected, **Wake-Induced erosion is controllable.** According to Stoel Rives LLC: *"With only minor exceptions, the environmental impacts of recreation activities are mostly unregulated"* within the Willamette Greenway.

Oregon needs improved inter-agency collaboration to protect shoreline within the Greenway – HB 4138 does this

HB 4138

According to the Oregon State Marine Board (OSMB): *"Boats specifically designed to produce large wakes for wake-surfing and wakeboarding are already present in significant numbers… Given industry research that wake-surfing is continuing to grow in popularity, the number of new boats with integrated wake enhancing devices will continue to grow in the future"*

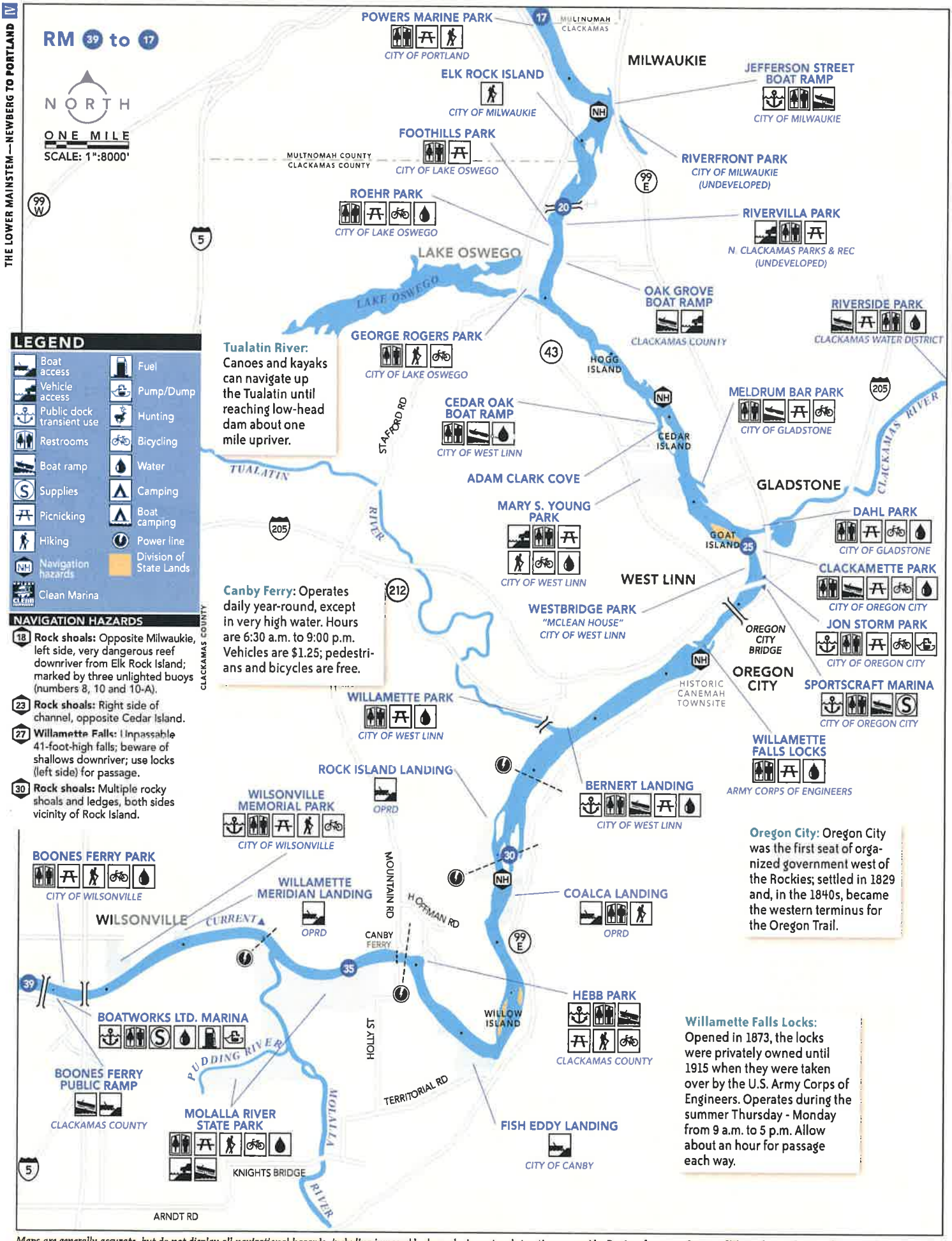
According to the OSMB: *"Hydrologists estimate that a wake 5 inches high produces limited damage to the shoreline, but a 10-inch wake is 5 times more destructive, a 25-inch wake is 30 times more destructive, and so on".*

Modern Wake Boats are capable of producing wake/waves >4' in height

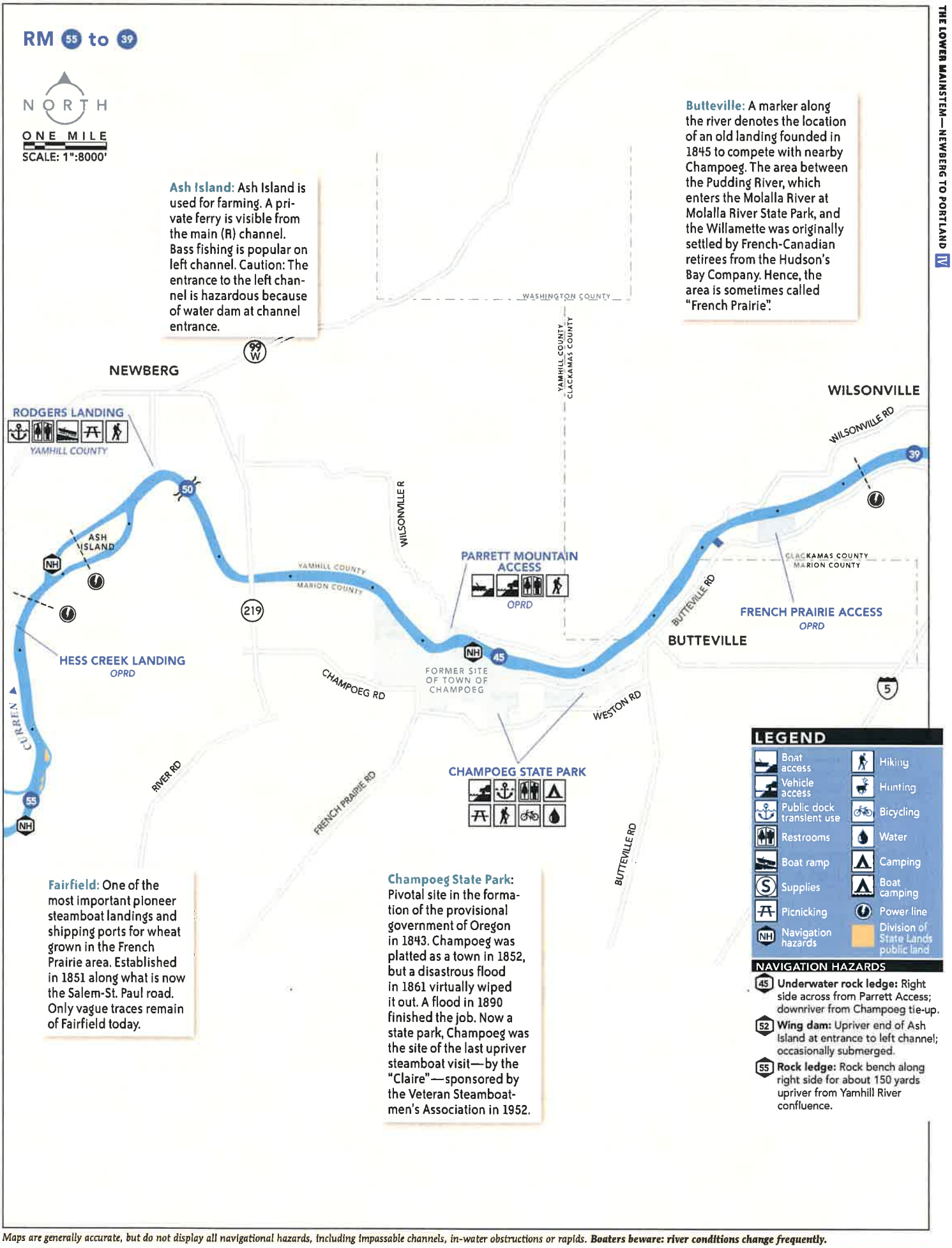
"The literature review indicates an unequivocal connection between boat wake energy and shoreline erosion, sediment resuspension and nearshore turbidity" - (STAC Publication 17-002):

- Recreational vessels within 500' of the shoreline can produce waves large enough to result in significant erosion
- Steep banks are the most susceptible – waves undercut the bank foundation which leads to the loss of shoreline

Banks Undercut from Wake/Wave Action – Upper Willamette Greenway



Maps are generally accurate, but do not display all navigational hazards, including impassable channels, in-water obstructions or rapids. ***Boaters beware: river conditions change frequently.***



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