

Chair Representative Brad Witt
Vice-Chair Representative Chris Gorsek
Vice-Chair Representative Sherrie Sprenger
Representative Greg Barreto
Representative Caddy McKeown
Representative Jeff Reardon
Representative David Brock Smith

In support of HB 2351
2nd Hearing March 7, 2019

Dear Chair Witt, Vice-Chair Gorsek, Vice-Chair Sprenger and Members of the Committee:

Thank you for scheduling a second Hearing for HB2351/HB2352, to allow further testimony. I was able to speak briefly at the first Hearing, but I will summarize in my written testimony today a few thoughts about the importance of HB2351.

Testimony has been given on a wide range of points in support of HB 2351 and I addressed the main concerns in my earlier written testimony for the first Hearing: Protection of the Willamette shoreline and near shore habitat, safety for all river users, and property damage. The testimony topics for this bill have been wide because the impacts of current wake levels reach well beyond the ecological aspects of the river.

The recreational and urban nature of the Upper and Lower Reaches of the Willamette also makes it a busy community of many thousands of people who live on the river and who use the river for sports and recreation. It is a key and important cultural element of the City of Portland.

State of Oregon statutes already exist to address the wide range of river users -here are just two of many:

2017 ORS 830.175 authorizes the State Marine Board, upon consideration of the size of a body of water and traffic conditions, may make special regulations consistent with the safety and the property rights of the public or when traffic conditions become such as to create excessive congestion.

2017 ORS 830.195 authorizes the State Marine Board [to] may regulate and restrict boating activities to protect traditional boating uses and to prevent boating user conflicts.

HB 2351 adds substantively to existing Oregon statutes for boat operation, and would further authorize the OSMB to support the broad goals of The Willamette Green Goal 15: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River and the Willamette River Greenway.

Without this legislation, property owners can expect the recurring and increasing damage to their property to escalate. Residents and business owners on the Lower Willamette report damage costs ranging from \$1,000-100,000 in the past two years. The average cost of dock, deck and other structure damage directly related to increased wake impact is about \$5,000 seasonally. Marine contractors are telling property owners that repairs cannot be guaranteed, because they will not withstand the constant 90-degree impacts of these waves. Normal wind waves and other boats create wake that runs with the river and does not hit property head-on as do artificially generated wake which may have as much as much as 15 times the energy as other natural and ski boat wake.

So, HB 2351 is important to ensure the following:

1. **Close the Policy Gap**

Currently, the agencies who protect the Willamette River Greenway **are not authorized** to regulate boating, while the OSMB **does not have authority** to support the Willamette River Greenway planning goals. So, no one has taken legal responsibility for the impact of high velocity wake and turbulence and meanwhile, erosion, property damage and dangerous river conditions increase. We need to close this policy gap.

2. **Reduce the Ecological Impact**

One class of motorized boats generates “surf wakes” for the purpose of untethered wake surfing. Wake that is 3-4 feet high has up to 15 times of energy of wake by other motorboats, and the potential to erode and damage the river bank well before they dissipate. What is at stake:

- Bank and shoreline erosion
- Near shore habitats necessary to Chinook Salmon and winter steelhead
- Aquatic food production for birds, bats, minnows, sculpins and trout.
- Riparian plants

Some areas are too congested and fragile for wake sports.

3. **Ensure Safety for all boaters**

Enhanced wake increases the risk to rowers, paddleboarders, SUPs, sailors, and all other users. We have heard accounts of capsizing, swamping, and rolling as a result of wave impact. Even homeowners on the water have experienced having deck furniture tip, and some people have fallen.

4. **Protect property rights**

Floating Home and river business owners, abide by the rules, laws and regulations, and economically support, the Department of State Lands, Portland of Development Services, Bureau of Environmental Services, Oregon State Marine Board, Oregon Land Conservation and Development Commission, Army Corp of Engineers, and many more. Many of the residential moorages have been on the river for decades, and several were established at the turn of the century. Many owners act as stewards of the river by tradition, are active in local efforts to keep the river clean, volunteering, and providing access to the river. . They are enduring excessively high costs just to maintain their homes against new wake damage, with no end in sight.

Thank you for all the work you do for our State.

Renee Morgan, Calm Water Coalition



Portland Rowing Club
Oregon Yacht Club
Willamette Riverkeeper
Macadam Bay Moorage
Human Access Project
Waterfront Organizations of Oregon (WOOO)
Lewis & Clark College Rowing
Portland Boat House
Landing Boat Club
Oaks Park Community Boat House
Wasabi Paddling Club – Dragon Boats & Outrigger Canoes
Willamette Sailing Club
RiversWest Small Craft Center
Station L Rowing
Rose City Rowing
Lake Oswego Rowing Club
Willamette Rowing Club

