

From: [Travis Williams](#)  
To: [Caleb Zick](#)  
Subject: Clean Water Act Issue - Supplemental Testimony  
Date: Wednesday, March 6, 2019 3:17:23 PM

Dear Chair Witt, Vice Chairs Gosek and Sprenger, and Committee Members:

In reviewing some of the images coming from homeowners in the Newberg Pool, many of them include an immense amount of sediment suspended in the Water as a result of large waves from wake surfing boats in the nearshore area.

This issue gets to some of Dr. Stan Gregory's testimony. I'd also suggest there may well be a Clean Water Act element here. It seems to me that the OSMB may have a regulatory requirement here to comply with the federal Clean Water Act in its regulation of wakes. The Oregon State DESQ implements the CWA on behalf of the federal government. The State of Oregon has developed rules that regulate turbidity specifically.

Oregon Outlines the following:  
540-041-0026

#### Turbidity

Turbidity (Nephelometric Turbidity Units, NTU): No more than a ten percent cumulative increase in natural stream turbidities may be allowed, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction or other legitimate activities and which cause the standard to be exceeded may be authorized provided all practicable turbidity control techniques have been applied and one of the following has been granted:

- (1) Emergency activities: Approval coordinated by the Department with the Oregon Department of Fish and Wildlife under conditions they may prescribe to accommodate response to emergencies or to protect public health and welfare;
- (2) Dredging, Construction or other Legitimate Activities: Permit or certification authorized under terms of section 401 or 404 (Permits and Licenses, Federal Water Pollution Control Act) or OAR 146-085-0100 et seq. (Removal and Fill Permits, Division of State Lands), with limitations and conditions governing the activity set forth in the permit or certificate.

It seems to me that if the OSMB does not better regulate the massive wakes now generated from these craft, a Clean Water Act issue may be occurring again this coming season.

I have attached a pretty succinct image that is quite common along the 30 mile stretch of the NB Pool section of the Willamette. Such images are directly tied to large waves impacting the nearshore area.

Thank you for your additional consideration and your service to the State of Oregon.

Travis Williams

Willamette Riverkeeper  
1515 SE Water Ave., #102  
Portland, OR 97214  
Main office: 503-223-6418  
Cell: 503-890-1683

South Valley Office:  
454 Willamette St.  
Eugene, OR 97401

[www.willametteriverkeeper.org](http://www.willametteriverkeeper.org)  
[www.willamettecentral.org](http://www.willamettecentral.org)  
[www.madfishconservation.org](http://www.madfishconservation.org)

