

LHNA

Ladd Hill Neighborhood Association

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Email: lhna2015@gmail.com. LHNA is a 501(c)3 Non-Profit Organization

2019

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Oregon River Safety & Preservation Alliance (ORSPA)

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Chairperson

Rosemary Morton

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Spring and Fall Road Clean-up

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28 April 2019

Chair Dembrow, Vice-Chair Olsen

Members of the Senate Environmental and Natural Resources Committee

State Capital

900 Court Street NE

Salem, OR 97301

Subject: HB 2351

Dear Chair Dembrow, Vice-Chair Olsen, Committee Members:

My name is Stan Halle, past Co-President and current Director-at-Large for the Ladd Hill Neighborhood Association (LHNA). We have over 350 family members in both Clackamas & Yamhill Counties. The purpose of the LHNA is to educate our members on safety, livability, and other topics of interest to the property owners, and residents. We are a non-partisan group focused on safety, land use, environmental concerns, and other areas interacting with government jurisdictions and relevant agencies at all levels. Many of our members live on and/or regularly use the Willamette River as motorized & non-motorized boaters, fishermen, swimmers, etc.

We are in support of HB 2351.

There is much confusion regarding the Oregon State Marine Board's (OSMB) responsibility to minimize the property, dock, habitat and shoreline damage caused by high-energy wakes. OSMB's stated Mission is: "*Serving Oregon's recreational boating public through education, enforcement, access and environmental stewardship for a safe and enjoyable experience.*" On-line OSMB Boater Info includes: "*In Oregon, there are "statewide proximity rules" for slow-no wake operation that apply on all waterways (OAR 250-010-0025): Operators of boats must observe slow-no wake within 200' of a boat ramp, marina or moorage with a capacity for six or more boats; a floating home moorage with six or more structures; or people working at water level. The operator may be liable for damage caused by wake.*" Yet with all these statements, boats keep getting heavier creating more and more destructive wake. Meanwhile, enforcement continues to be weak-to-non-existent.

See **Attachment A re: OSMB's Positions Regarding Protection of Shoreline.**

The Willamette River Greenway (State Land Use Goal 15) provides for the oversight and coordination of State agencies, counties, cities and other jurisdictions. One of the critical policy gaps that we have identified is that the OSMB is not included in that umbrella. HB 2351 would address this policy gap and bring the OSMB into this group.

Thank you for your consideration,
Stan Halle

ATTACHMENT A

OSMBs Positions Regarding Protection of Shoreline – 2018

- "The Oregon State Marine Board relies upon the advice and expertise of other State agencies when it comes to the impacts of recreational boating on wildlife and water quality, and these agencies have authority over the associated issues"

- [OSMB Staff, Jan 10, 2018 Item E: Report on Safety Around Wake Sports Statewide](#) (Pg 8 para 8)
- "...The Board cannot address erosion issues, as they are not under the Board's statutory authority"

- [Chair Val Early, Jan 10, 2018 OSMB Meeting Minutes](#) (Pg 6 para 3)
- "The OSMB's authority on promulgating rules with a focus on erosion mitigation is not clear. As a state agency, we can only act within the authority we are given so OSMB staff would advise the Board that their authority on this issue is not clear. The agency's position on our authority to promulgate rules based solely on erosion is the same regardless of the entity or individual (state agency or citizen) making the rulemaking request"

- [Director Larry Warren, Feb 26th 2018](#), response to a request for clarification of OSMB's authority to conduct rulemaking for the purpose of addressing boat-wake erosion
- "The Marine Board has the authority to limit the operation of boats, but lacks the authority to control all other factors"

- [Rachel Graham](#), Policy and Environmental Program Manager. Aug 24th 2018 response to Rep Vial's request for information (HB 4099 Working Group)
- "Staff believes that the Board would be more likely to take rulemaking action if they had answers to the following questions: Is erosion occurring? Is the amount of erosion "too much"? What are the contributing factors of the erosion? How much does boat wake contribute to erosion?"

- [Rachel Graham](#), Policy and Environmental Program Manager. Aug 24th 2018 response to Rep Vial's request for information (HB 4099 Working Group)
- "...the Board would be reluctant to take rulemaking action unless there were enforceable policies, rules, or laws adopted by other agencies that addressed the management of shoreline structures, the management of shoreline vegetation, proper soil management practices, and the management of flow regimes"

- [Rachel Graham](#), Policy and Environmental Program Manager. Aug 24th 2018 response to Rep Vial's request for information (HB 4099 Working Group)
- "Erosion along river shorelines is a natural process caused by the hydraulic force of moving water and the amount of erosion is a function of the force of the water and the erodibility of the soil. Staff cannot address erosion; it is simply not within staff's scope of knowledge, nor are possible erosion solutions in the Marine Board's authority. The questions are: is erosion occurring, what is too much, what are the contributing factors of the erosion, and how much is actually due to boating?"

- [Rachel Graham](#), Policy and Environmental Program Manager, Oct 22th 2018 OSMB Meeting Minutes