

I am writing in support for HB 2695 and believe that the Legislature needs to ensure that the marine board is comprised of a more diverse group of members in order to ensure better decision making in order to improve decision making and to help the marine board make better decisions that balance the interests of ALL users on the river. Today board membership is ad hoc and undirected and the board is ill equipped to make educated decisions relating to the use of boats in Oregon's waterways. Unfortunately, this has led to the position of boat manufacturers and interest groups holding too much influence over board decision making at the expense of the environment, the health of fish and wildlife, property owners and other users in the river. We need to ensure that the board is comprised of a more diverse group which will lead to better, more informed decision making.

The Oregon Legislature has not provided legislative guidance regarding the composition of the Marine Board for the past sixty years and it is starting to show. The Marine Board was created in 1959 when Oregon was inhabited by 1.75 million people and the dominant concerns about recreational boating were safety and the administration of boat titles. Motorboats have become larger and more powerful since then and water bodies are more congested and used far more diversely. In light of these societal changes, the composition of the Marine Board needs to be defined by statute to ensure that it is better equipped to consider the welfare of the public as a whole. Expanding the number of members would also facilitate making better decisions.

The two major areas where the Marine Board has fallen short are failing to give adequate consideration to the effects of recreational boating on the environment and its reluctance to use its rulemaking authority to improve boater safety. As best I can tell, the current informal criteria for the appointment of the members of the Marine Board are their enthusiasm for boating, their geographic location, and their experience in specific boating disciplines. Although there is nothing inherently wrong with these criteria, they are not sufficiently broad to ensure that all the matters in which boating affects the State's water bodies receive adequate consideration. In January 2020, the National Marine Fisheries Service sent a letter expressing concern that the Marine Board "has paid little attention to the impacts that wake sports have on aquatic life, including salmon and steelhead species designated as threatened under the Endangered Species Act (ESA), and their critical habitats." Although this letter was an obvious wake-up call to the State of Oregon, the Marine Board hit the snooze button and barely gave lip service to environmental issues when it dealt with wake boat issues during the year that followed.

1

Similarly, the Clean Water Act requires states to adopt water quality standards and set criteria designed to protect beneficial uses (the U.S. Environmental Protection Agency oversees this process). Despite evidence in the form of videos and photographs documenting blatant exceedances of the State's turbidity standards in the Newberg Pool, the Marine Board has failed to consider Oregon's antidegradation policy as set forth at OAR 340-041-0004 in its discussions about wake boat issues.¹ Failure to address the effects of recreational boating on species listed under the Endangered Species Act and the effects on water quality is an open invitation for intervention by the federal government. The Marine Board needs to expand its membership beyond persons who are enthusiastic about promoting boating so that it can duly consider the totality of the effects of boating on the State.

Please pass this legislation to ensure more balanced decision-making around the activities in Oregon's waterways. Thank you.