

Dear Senate Rules Committee Members,

At their Oct. 24, 2019 board meeting, the Oregon State Marine Board had lots of discussion around the “arbitrary” determination from staff on the 10,000 maximum loading weight for the Newberg Pool section of the Willamette River.

Board Members asked staff if the staff had researched weight limitations in other states (Board Member Craig Withee said he thought he knew of restrictions in Texas.)

Staff had nothing specific from any other states to use to inform the determination.

Board Member Craig Withee abstained from the vote. It passed anyway.

The next day — Oct. 25, 2019 — Craig Withee expressed doubt and proposed the board reconsider the 10,000 decision (email to Josh Mulhollem obtained under Freedom of Information Request to the OSMB — attached a copy of that email at the end of this testimony.)

Nothing happened.

The Oregon State Marine Board failed to follow through on critical bipartisan legislation passed in 2019 to protect the Willamette River Greenway. By basing allowable boat weight on new/heavy boat models for sale — doubling the average boat weight of 5,000 pounds — OSMB allowed increasing damage to fish habitat and the river in a NARROW and sensitive section of the Willamette River. They failed to do their job. They failed again when they ignored the concerns from NOAA’s National Marine Fisheries Service about the increasing damage to fish in the Newberg Pool

Now — with new limitations on wake boating in the Lower Willamette — we are seeing more and more heavy boats coming to the Newberg Pool. They will pound the river banks and do even more damage that can not be repaired.

I am a homeowner in Wilsonville who lives on the Newberg Pool who is also a boater. I ask you to support SB857-1 to ensure that the Willamette Greenway is protected from this increasing environmental damage.

Sincerely,

Darby Collins

Wilsonville, Oregon

Craig

From: MULHOLLEM Josh * OSMB
Sent: Friday, October 25, 2019 1:00 PM
To: WITHEE Craig * OSMB
Cc: WARREN Larry * OSMB
Subject: Re: Boat Loading Weight

Craig,

Would you be available for lunch somewhere in Bend tomorrow? It would be easier to talk with you regarding your concerns rather than do it through email. My conference ends tomorrow at about 1, so let me know if you might have some free time to chat.

Josh

Sent from my Phone
Josh.mulhollem@oregon.gov
Office: 503-378-2836
Cell: 503-586-8080

On Oct 25, 2019, at 12:30 PM, WITHEE Craig * OSMB <Craig.Withee@oregon.gov> wrote:

Josh,

Unfortunately, it now has become clear to me that I did not spend enough time prior to the meeting studying this issue and the data that you provided. Looking at it now several questions arise:

- In the presentation, you indicated that the decision on the maximum loading weight could eliminate some of the existing wake boats from wake boating. Review of the data, indicates that would have only been the case if the decision would have been to limit the weight below the heaviest dry weight of 6200 lbs. Instead, the Board decision appears to have determined how much ballast could be carried in the boat to keep the loading weight below 10,000 lbs.

- The boat capacity was included in your spreadsheet. In my experience, the boat capacity is the maximum safe operating total weight of the boat and all additional components/accessories including engines, gas, passengers, ballast, etc. (In your spreadsheet, capacity seems to be the allowed additional weight beyond the boat dry weight.) My concern is the loading weights shown far exceed the boat capacity weights in many of the boats that you show in the inventory. Requiring boaters to operate at boat capacity instead of loading weight would greatly reduce the amount of ballasting that could be placed in the boats. In that case, we could have limited the load weight to boat capacity to 8500 lbs without eliminating any present owners. (If the boat capacity is the

safe operating weight, I don't see how the Board could ever endorse exceeding that weight.)

Please let me know, if I am missing something in this brief analysis. Reviewing wake boat manufacturers web sites, they appear to encourage boaters to operate safely at established boat capacities and adjust ballast accordingly.

Unless I have missed something, I would propose that the Board reconsider the maximum loading weight.

Thanks,
Craig