

Please Vote NO on SB 857

My name is Rick Schulte, my family and I want to go on record to strongly oppose SB 857.



First let me start of by expressing my frustration with the time, effort and money fighting against legislation being proposed to virtually eliminate recreational towed water sports on Oregon's water ways by a small group of activities who want to discriminate a section of our community who enjoy towed water sports on the upper Willamette River also referred to as the Newberg Pool. While this bill is focused on a single 20 mile stretch of the 187 miles of Willamette River, the advocates for these bills intend to use this as a basis to enact similar restrictions on all navigable waterways.

Not much more than one year ago strict rules were put into place by the OSMB along with extensive boating education, certifications requiring in-person tests, \$65 per person bi-annual license fees for any boat operator (a family of 4 is \$260) and exorbitant fines for non compliance. These rules have not even been in place long enough to evaluate the effectiveness. The one activity called Wake Surfing which is blamed for all perceived issues on the "Willamette River" is now restricted to just 3 miles of the river with is .9% of the Willamette in an area that has no docks or other structures along its shores. An activity on .9% of the river where no river front owners have docks couldn't possibly be the cause of the devastation portrayed in the proponents biased propoganda presented at the public hearing.

Several false statements were made with no supporting data on the number of effected boats, families and river front property owners. Why is this? The only data that presented that was factual was from the OSMB regarding the current towed water sports endorsement holders. The majority of the 400 plus boats were over the arbitrary 4000lbs limit being proposed. That's 400 boats alone and the program just started. It's a fraction of the boats that would be required registration so far as the program is so new and enforcement is difficult due to lack of budget.

Today Senator Kennemer stated that an Oregon State professor claimed all erosion is caused by wake boats and had nothing to do with natural causes such as flow, level, velocity, and geologic conditions? How can a Senator knowingly make such a false and misleading statement or better yet an Oregon State Professor?

Senator Kennemer then went on to state the banks are now as deep with "muck" and Wake Boats are responsible for that? What is the definition of "muck"? The fact is the banks of the Willamette are made of fine-sandy-loam. The silt has been deposited into the river for 1000's of years through rain and drainage from the watershed. It didn't come from Boats of any kind.

Senator Kennemer also made a claim the State was in violation of the Clean Water Act. If that were the case could he produce the EPA written violation, its details and specificity to the Newberg Pool?

I don't normally get involved in politics and the inner workings of how the Oregon House and Senate works but this year I was exposed to how some elected officials seem to disregard the voice of the majority of constituents that voted for them to do the people work and go to great lengths to push their own personal agenda or the agenda of friends or supporters and the political maneuvering that can go on to essentially disregard the will of the people.

This bill is identical to HB 2725 and HB 2555, introduced by Representative Witt. The House already extensively debated this bill in the committee that was chaired by Representative Witt. The public hearings held by Representative Witt didn't allow the people to speak or express their position but fortunately one lone Democrat stood up and said this isn't right, I don't trust the facts being presented, this is moving too fast and we have much more important things to work on such as Covid, our economy, social injustice and wild fires. To her credit these far reaching bills died in committee and did not move forward. Unfortunately she paid the price for standing up for what was right and had many if not all her environmental bills killed by the chairman Witt.

Oregon needs our Senators to also focus on COVID, economic recovery and getting our kids back in school and not how much a boat should weigh in order for a family to do recreational activities on the Willamette River that already has the toughest regulations in the State of Oregon.

This bill is not based on any scientific studies performed on the Willamette specifically the Newberg Pool - There is no empirical evidence that directly links perceived erosion on the river banks or dock damage proving that boating or even more specifically only certain towed water sports activities such as wake boarding or wake surfing have any measurable impact bank erosion. Real studies should be conducted first to determine the best ways to keep the river safe and healthy.

A vector analysis study on the wave action and the hydraulic impacts by a license Geotechnical Engineer must be done before anyone can evaluate the effect of boating on erosion in the Newberg pool. This has never been done.

Personally, I take a responsibility to maintain our river bank with proper bank vegetation and bio engineering techniques and have had absolutely NO erosion issues other than what is caused by the rising and lowering of water as much as 20' and trees on the edge of the bank being blown over in wind storms

This is what the River looks like this year when it rains. You didn't see any of these pictures in any of the presentations. This is nature's erosion and it is 100k times more destructive than any boating activity in the summer.

These Photos were taken February 3rd 2021. This is what the water looks like for 9 months out of the year and this is what real turbidity looks like on the Willamette which is caused by Nature.



Here is an example of the typical bank erosion or slide that occurs after the winter rain subsides. Banks with ivy or no stabilizing vegetation, cotton wood trees at the very edge of a vertical slope all of which is made up of silty loamy soil. The water rises and falls multiple times in the winter 20' or more in a matter of days. A slide such as this is typical when these conditions exists. This has nothing to do with boating and has been occurring for hundreds if not thousands of years. I have recreated on this stretch of river for over 40 years and have witnessed this very same erosion long before the advent of boats that weigh 4000lbs or more.



River Front Home and Dock

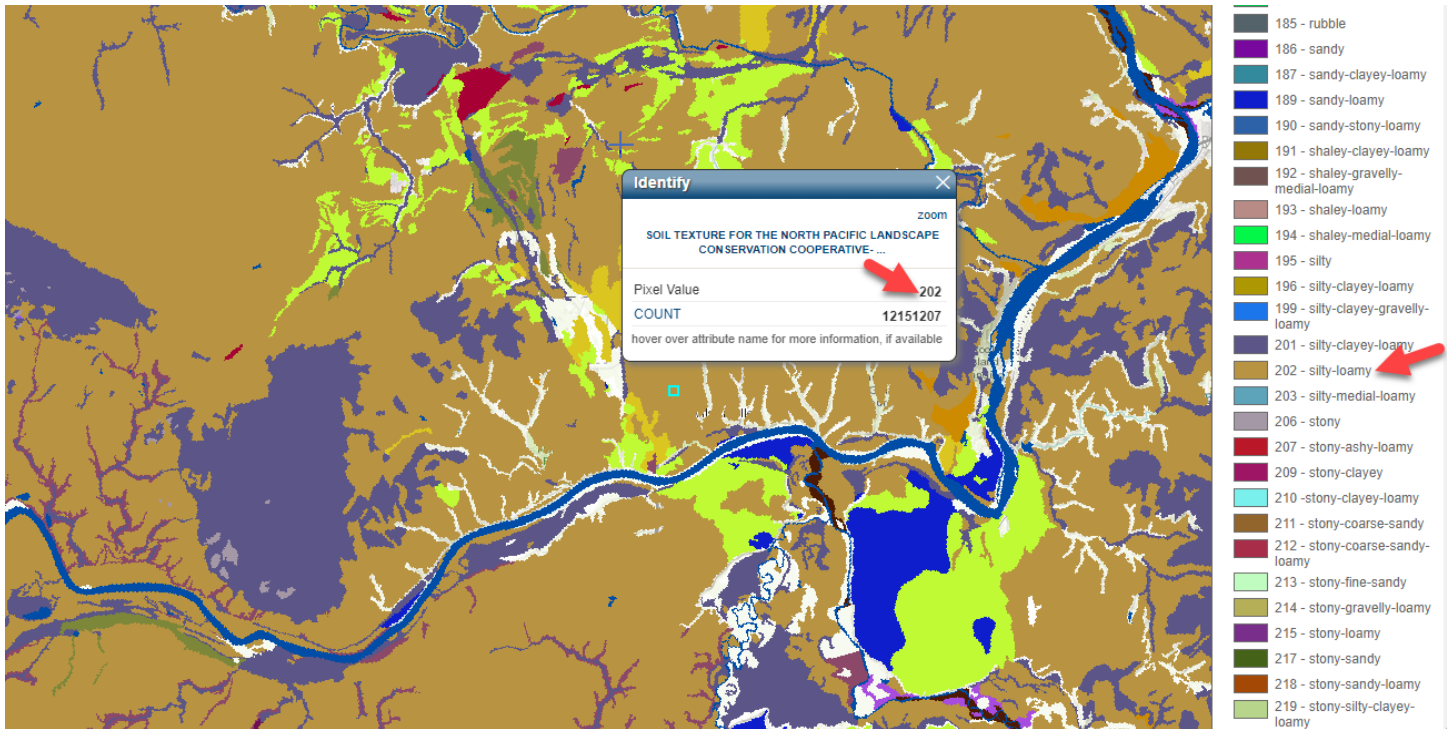
2000 – Before the advent of Wakeboard and Wake surf Boats, brown silt riverbank as it is today.



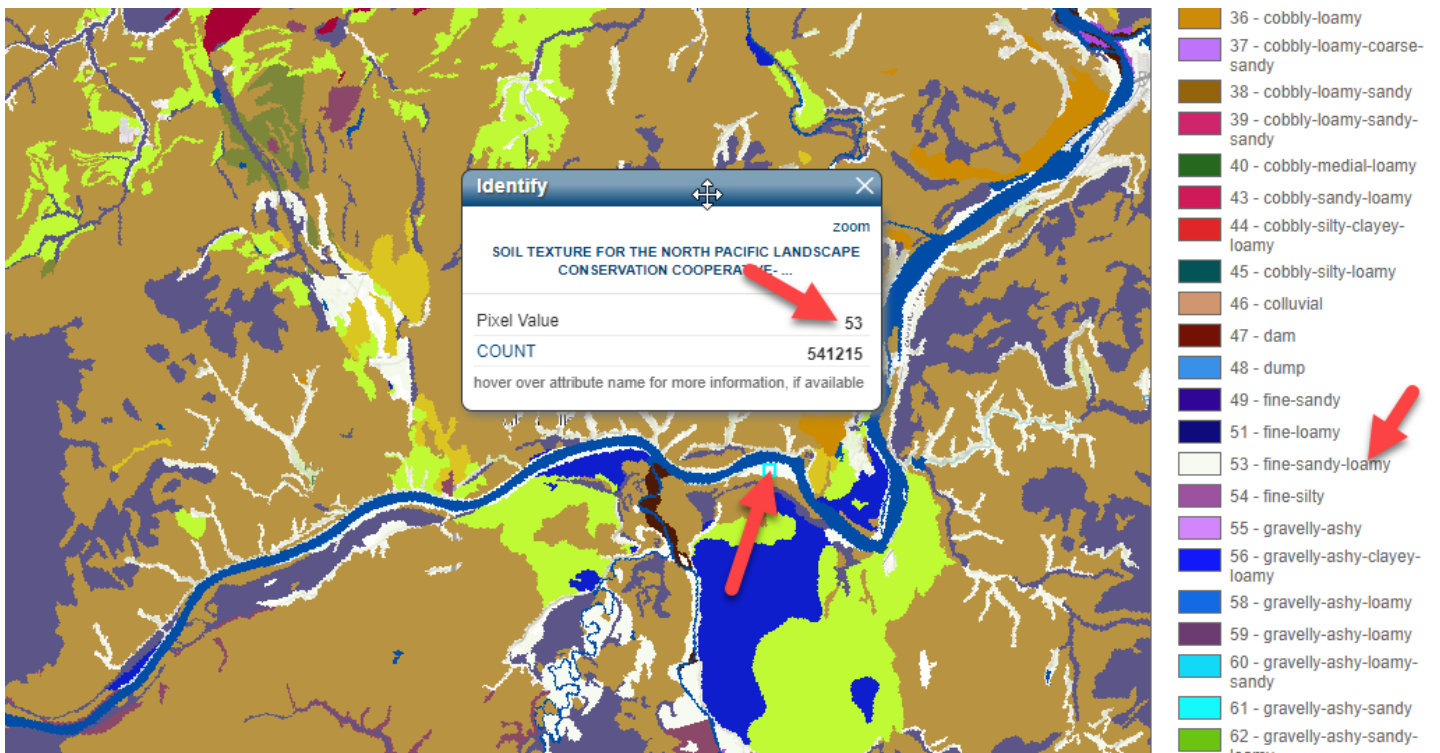
2021 - No changes in river bank delineation, same silty (muck?) beach looks just like it did in 2000 after 21 years



Brown (202) is silty-loamy which is the majority of the soil type in this drainage basin.



White is fine-sandy-loamy which is the entire bank of the Willamette River.



The towed water sport that is performed the most on the river, is the most dangerous to kids and produces the most frequent and as large a wake as wake boarding or surfing regardless of the weight of the boat is TUBING. Why not ban tubing? Why, because proponents of these bills would see even more people stand up for their rights to Oregon Water Recreation. 90% of the boaters on weekends are pulling tubes and creating 90% of the wakes on the 20 miles of River the bill is looking to regulate. If the concern is erosion by boat wakes and damage to salmon by boat wakes then why not regulate the sport that is done by the majority of boat owners?

Regarding safety – I have my family, parents, grandparents, kids of all ages always on my dock on busy weekends and we have NEVER had one safety incident. I have had to rescue kayakers and paddlers using our boat or jet ski in the winter months when untrained, inexperienced paddlers go out and lose control and fall in the water due to the strong currents.

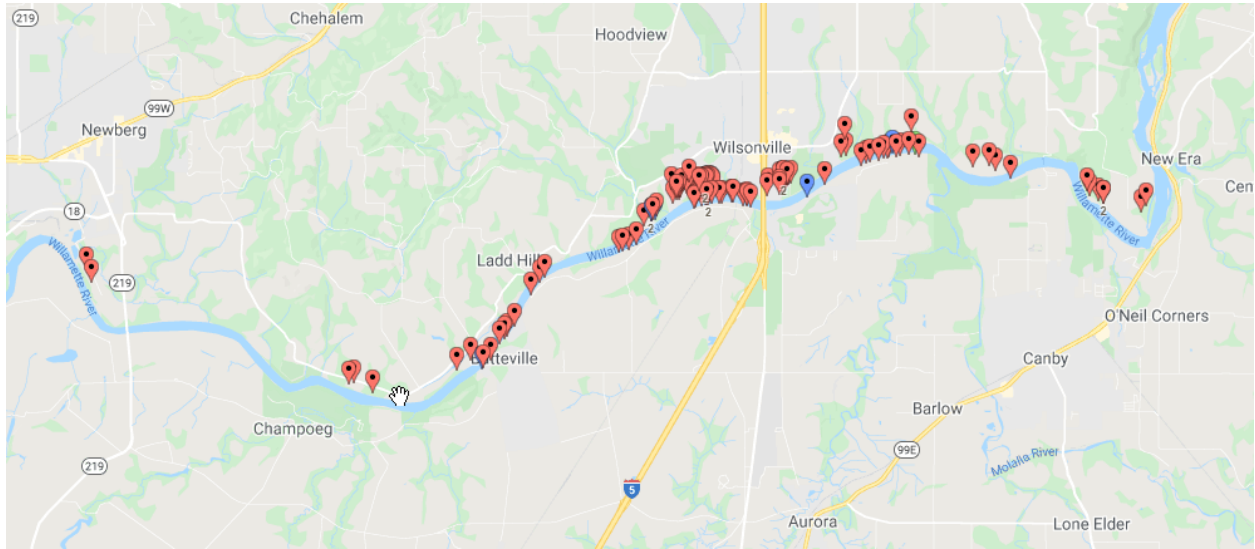
My family is a sponsor of Wake the World and volunteer our boat and time to show 100's of Foster Kids what these sports are like. It latterly changes their lives.

You want to take this away from them?

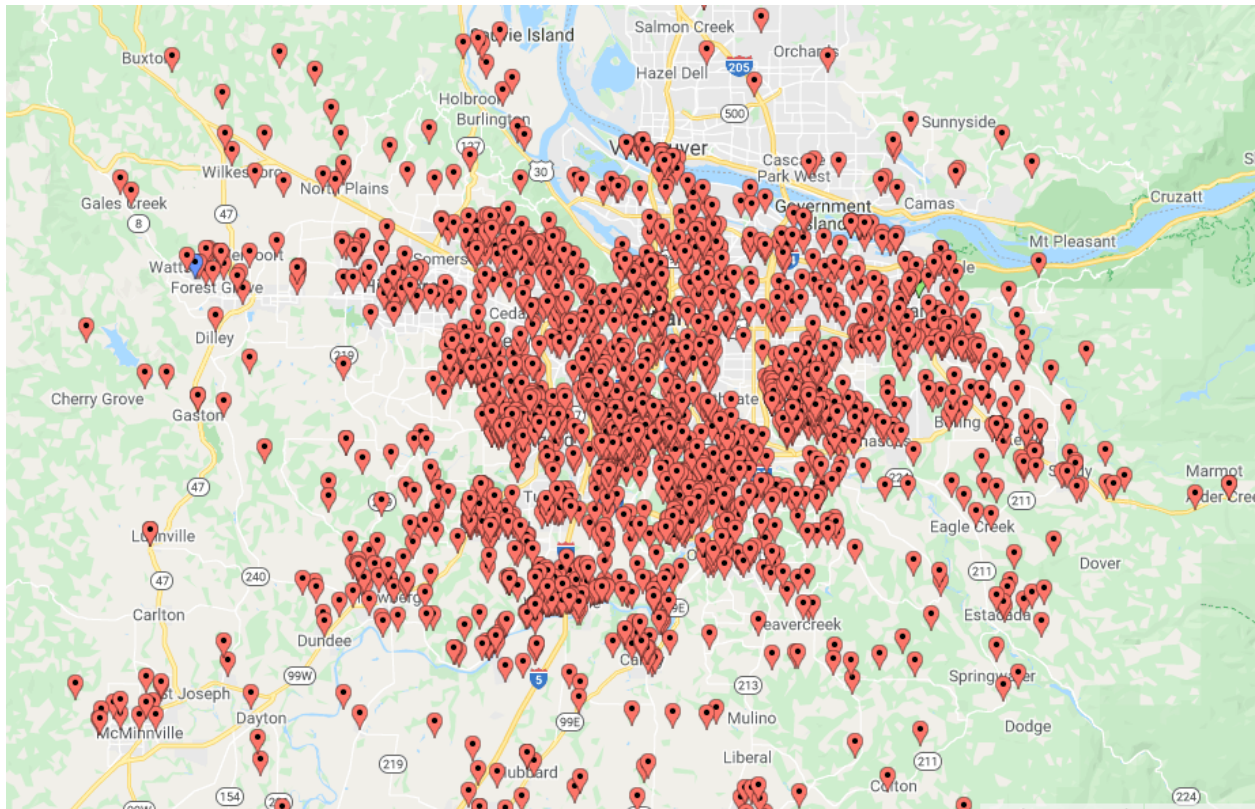


During the public hearing proponents claimed there are only a small number of boats this bill would impact but that is simply not true and very misleading.

This map was produced with 2020 boat registration data obtained by the OSMB. It shows 108 River Front home owners with boats that weigh in excess of 4000lbs that would not be able to use their boat for towed water sports rendering them useless not to mention the devastating effect to property values.



Here is a map of boat owners of just the major brands with boats that weigh in excess of 4000lbs. There are thousands within approximately 10 miles of the Willamette River this bill seeks to ban. Not just a small number as the proponents claim. Counting only the major wake boat brands, there are close to 5000 registered in the state of Oregon. There are thousands more if you were to account for all the other manufactures. Instead of making false statements here is the actual data that you can see for yourself.



The claims of erosion and the impact to salmon are simply assumptions and perceptions and can only be considered after unbiased scientific study is done on this specific stretch of river over a number of years. Only then can we work together to come up with mitigating solutions that meet both the environment but social benefits of recreating on Oregon waterways.

I respectfully request you please vote NO and to simply allow the new OSMB education and rules sufficient time to mature and let the OSMB review and refine as needed. Legislation is unnecessary as there are multiple agencies already charged with managing the States natural resources.

This is third bill introduced this session with the exact wording being pushed through by a small group of anti boating advocates. The first two House Bills didn't make it out of their own Committee for good reason. We are all suffering from a year of a Global Pandemic which as effected every American, we have lost over 500,000 human lives, Oregon was devastated by wildfires and the horrible issues regarding social injustice. How can this bill be considered a priority given all the suffering occurring in Oregon and America right now?

Respectfully,

The Schulte Family

Rick, Jodie, Hanna and Haley