

Oregon Senate Bill 857

Oregon House Public Hearing and Possible Work Session: June 24, 2021

Testimony of David Gorman, PE

- Thank you Madame Speaker and Committee Members.
- For the record, my name is David Gorman. I am a registered professional civil and environmental engineer in Oregon with 35 years of experience working to restore aquatic habitat in Oregon's streams and rivers. I am the owner and principal of the firm Ecological Engineering.
- I have no vested interest in motor boating and tow sports. I am a paddle boater with an interest in the application of science to decision making. I request that you vote no on moving SB 857 forward.
- I recently toured the Newberg Pool Congested Zone. The preponderance of erosion and bank failures were located in the areas developed as residential landuse. There was very little erosion in undeveloped agricultural areas with undisturbed banks.
- There are many potential human causes of erosion and bank failures on those residential properties that include:
 - a. Placement of un-compacted fill riverward of the top of bank to create flat yards
 - b. Inappropriate stormwater management – saturating steep riverbanks
 - c. Removal or poor management of woody vegetation below OHW
 - d. Constructed docks and related infrastructure (turbulence inducing)
 - e. Rock Placement
 - f. Boat wakes
 - g. Flood flows
- However, there are residential properties that are exposed to boat wakes that show no sign of erosion or bank failure next to properties that have signs of erosion. Those properties without erosion typically have more and healthier woody riparian vegetation which disperses river energy and holds the soil in place.
- There are numerous problems with SB 857, including:
 - a. It is not based on good science
 - b. Riverbank erosion and failure is complex and is rarely caused by a single action – SB 857 assumes that heavy boat wakes are the cause (without evidence)
 - c. Bank erosion and failures on each residential property experiencing them may have a cause that is unique to the management of the property
 - d. Most of the erosion and bank failures in the Newberg Pool may be totally unrelated to boat wakes
- Legislation for the Newberg Pool Congested Zone deserves a more proactive approach, including:
 - a. Requiring solid scientific evidence as a basis for restricting activities
 - b. Allowing SB 857 proponents and opponents an opportunity to gather scientific evidence regarding the cause of erosion and bank failure, and the remedies
 - c. Support for the development of a stewardship program that provides educational and technical support to residential property owners to assist them in reducing bank erosion and enhancing fish and wildlife habitat in the process