

Date: Feb 5, 2022

To: Sen. Kate Lieber-Chair, Sen. Lynn Findley, and Senate Energy and Environment Committee members:

From: Sharon Halle, resident, avid boater on the Willamette River for 30 years

SUBJECT: PLEASE Vote YES on SB1589

Thank you for your careful consideration of the issues affecting the Willamette River, a fragile waterway. See the last page of this testimony for a 2018 report from the State Marine Board (OSMB) regarding the Newberg Pool. This OSMB doc shows far fewer wake boats in the Newberg Pool than you may have been led to believe. This directly counters the argument that 2/3 of the boats in the Newberg Pool are 10,000+ pound boats. Even with fewer wake-boats, the damage has been extensive, as have the public safety issues.

The need is clear – wake boats are crafted to generate large, artificial, high energy waves on inland waters used to “surf”. Unfortunately, these waves have a variety of impacts, from making the river unenjoyable and unsafe for other river users, destroying private property, and impacting the nearshore fragile habitat-areas of the river. These areas, in essence, function as the nurseries of the river, where a significant amount of the river’s biological productivity occurs. Routinely 4ft waves smash into these shallow areas, damage the habitat, and create a high level of turbidity that is not good for aquatic life.

Bottom Line: The longer OSMB waits to address these issues, the larger the wake-boats will become, and the more difficult it will be to ‘put the horse back in the barn’. Please note that the vast majority of emails & testimony against this bill come from out-of-state – driven by the Nationwide WSIA (Water Sports Industry Association). The wake-boating industry has hired 10 lobbyists, most from out-of-state as well. They have one basic goal – to keep selling larger & heavier boats, WITHOUT REGARD to the environmental/habitat (often irreversible) damage, property damage, and public safety impact on all the rest of the river users – motorized & non-motorized. This same issue is on the front burner in many states across the Country as well as in Canada. The boat building and sales industry are fighting hard to protect their income and couldn’t care less about our precious Willamette River.

The State Marine Board needs a legislative mandate to deal with these issues before the damage to habitat and shoreline, etc. becomes irreversible. That is the goal of SB1589.

Please take note of: The highlighted dates, indicating how long this issue has been in front of the State Marine Board. This issue has been around for many years – it is not new or being rushed. Dealing with it is long overdue. Few boats were actually registered in the Newberg Pool when the Board issued this formal report. We have done all we can, taking a factual and scientific approach.

When HB's 2351 and 2352 were passed in 2019, the State Marine Board largely ignored this Legislative direction. The 10,000 pound limit was set to match maximum weight at boat launch ramps, unrelated to the damage caused by their use on the Willamette. Yet, the average boat weight is currently about 5,000 pounds. Going with the current 10,000 pound unjustified weight will cause a significant increase in the environmental damage we've been experiencing for the last 15 years. The Legislature needs to act before the environmental damage done is irreversible.

We hope you find this information helpful in considering the issue.

Respectfully,
Sharon Halle, resident of Oregon & a riverfront homeowner for 30 years.

PS: The Water Sports Industry has repeatedly misrepresented the size and composition of our supporters by claiming that "*a small number of homeowners with special interests*"... This statement is intentionally misleading. Just look at the list of supporters below. Our so-called 'special interests' are centered environmental impact of high-energy wakes (often over 4-feet in height) on fish & wildlife habitat, shoreline erosion, property loss & damage, public safety, and preserving the fragile Willamette River for generations to come. When you add up the membership represented by these organizations, it is in the 10's of thousands, virtually all of whom are Oregon voters. Supporters of SB1589 include the following:

- Oregon League of Conservation Voters/Oregon Conservation Network
- Trout Unlimited
- The Native Fish Society
- Water Watch
- The Conservation Angler
- Willamette Riverkeeper
- Human Access Project
- Oregon River Safety and Preservation Alliance
- Urban Green Spaces
- Friends of Historic Butteville
- Ladd Hill Neighborhood Association
- Willamette Greenway Alliance

Item E Consideration of Rulemaking 250-020-0385 Boat Operations in Yamhill and Marion Counties (and 250-020-0032 Boat Operations on the Willamette River in Clackamas County) with respect to the wake-enhancing devices (WED) deadline

Background

1. At the January 2017 Board meeting, at the written request of the petitioner, the Board reconsidered and upheld its October 2016 decision to deny a rulemaking petition submitted by Mr. Rollin Robertson of Newberg.
2. Mr. Robertson's September 2016 petition requested an amendment to OAR 250-020-0385 (and OAR 250-020-0032). The existing rule prohibits the use of wake-enhancing devices (WED) and sets a slow-no wake speed limit within 100 feet of private docks, boathouses, and moorages legally permitted by the Department of State Lands from the 219 Bridge to the upstream end of Willow Island. The petition requested that both the wake-enhancing device restriction and slow-no wake zone be extended upriver 1.5 miles to river-mile 50.
3. This was the second rulemaking petition received by the Board in as many years. The previous petition (received in 2013) requested the WED exclusion zone and slow-no wake zone be reduced by 2.5 miles by moving the deadline from the 219 bridge to Champoeg Park. In May 2014, in response to the request, the Board amended rule language to allow for a 1.5 mile adjustment. The rule amendment sunset on October 31, 2014, at which time, the Board elected to take no additional rule action.
4. Given the frequent complaints and requests to modify the rules for the Newberg Pool, and the Board's reaffirmation of petition denial, staff proposed to convene a stakeholder committee to review the existing rules, evaluate changes that have occurred with boating, traffic congestion, enforcement of the current rules and assess other lessons learned over the last eight years. The Board concurred.
5. Director Brewen clarified that unless a stakeholder committee could consensually forward a rulemaking recommendation to the Board for consideration, no recommendation would be made.

Advisory Committee

1. In May of 2017, staff invited Mr. Robertson, together with other landowners and boaters, to be a member of the advisory committee. Staff reviewed the comments submitted in response to Mr. Robertson's 2016 petition to find individuals that represented diverse viewpoints or who submitted alternative, compromise ideas. The final advisory committee was comprised of 10 individuals: a representative from State Parks (Champoeg), Clackamas County Marine Patrol, four Willamette River landowners within the current restriction zone (three residential owners with docks and one agricultural landowner), one Willamette River landowner from outside the restriction zone, two boaters who do not live on the Willamette and a representative from industry, a local watersports boat dealer.
2. The advisory committee met on June 20, July 18, August 15 and September 12, 2017 at the Newberg Public library. The public was invited to observe each meeting but public comments were not accepted.