



SB 1589 Senate Hearing Fact Check

February 10, 2022 - Last night a public hearing was held for SB 1589 which seeks to place additional restrictions on towed water sports in the Newberg Pool. The bill would ban wake surfing outright, limit all other towed sports such as tubing, waterskiing and wakeboarding to boats under 5,000 pounds and extend the Newberg Pool from Willamette Falls all the way to the mouth of the Yamhill River.

It's clear from the verbal and written testimony that the majority of the community does not support SB 1589. We believe that legislation should be guided by facts and were dismayed by several false or misleading statements made by legislators at the hearing. Below we have fact checked those statements.

- 1. Testimony during the hearing stated “437 boats in Oregon have certificates/decals to participate in towed sports in the Newberg Pool. Just 30 of those boats over 5,000 pounds are actually moored in the Newberg Pool.”**

MISLEADING: While it may be true that there are 30 boats over 5,000 pounds moored in the Newberg Pool, moored boats represent a small fraction of the total families that recreate in this stretch of the river. According to recent data from the Oregon State Marine Board (OSMB) more than half of the 500 boats currently registered to wake surf or wakeboard in the Newberg Pool weigh over 5,000 pounds. Therefore, more than 250 boats would be banned from partaking in towed sports in the Newberg Pool. Furthermore, the impact extends beyond these boats as there are countless additional families who are not currently enrolled in the Towed Water Sports Education program who be subject to the weight limit under this bill. This includes those who ski, tube and kneeboard or recreate from river miles 22.6-30 and 50-55.

Testimony submitted by the OSMB on SB 1589 states, “SB 1589 would expand the education and decal requirements from wake surfers and wakeboarders to all towed watersports participants, including those waterskiing and towing inflatables. This would likely lead to a significant increase in the number of boaters applying for endorsements and decals.”

Furthermore, since early statehood, Oregon courts and the Legislature have recognized that water is public owned, and the Oregon Supreme Court has ruled consistently in favor of public rights in navigable waters to be public highways that would remain “forever free,” not monopolized by private owners. (*Blumm, Michael C. and Doot, Erika A., Oregon’s Public Trust Doctrine: Public Rights in Waters, Wildlife, and Beaches (April 3, 2012). Environmental Law, Vol. 42, No. 1, 2012, Lewis & Clark Law School Legal Studies Research Paper No. 2012-1, Available at SSRN: <https://ssrn.com/abstract=1925112>*)



2. Testimony during the hearing stated “99% of boats can still operate in the Newberg Pool.”

MISLEADING: Actually 100% of boats could still operate in the Newberg Pool, but this statement misses the mark as this law would prohibit more than 250 boat owners and their families from partaking in safe, family friendly and socially distant towed water sports in the Newberg Pool. Telling a wakeboarder they can still drive their boat on the river, but they can’t wakeboard is like telling a snowboarder they can go to Mount Hood and walk around in the snow, but they can’t use their snowboard.

3. Testimony during the hearing stated Oregon Families for Boating “is in the campaign of misinformation.”

FALSE: Oregon Families for Boating prides itself in sharing accurate and truthful information with the community. The legislator specifically referenced our informational post about tubing season being canceled. According to the Oregon State Marine Board this bill will ban all boats over 5,000 pounds from participating in any towed water sports in the Newberg Pool, including tubing. Therefore, tubing season will indeed be canceled for hundreds of families in the Newberg Pool. Furthermore, several of the quotes in the legislative presentation were taken out of context.