

February 24, 2022

I support the passage of SB 1589.

Below are my comments pertaining to the various comments being offered during the public comment period.

The Claim: SB 1589 will strip safe, socially distant outdoor opportunities for hundreds of families along the Newberg Pool and impact local small businesses who depend on their support.

My Comment: When the Wake Enhancing Device Ban was in effect from 2010 through 2018, the number of new wake sport boats at the personal docks, marinas, and public launch sites continued to increase. During this period, homeowners in the Newberg Pool were buying boats with wake enhancement features which were illegal to use in their section of the river. The MasterCraft dealer and Active Water Sports were not suffering from a lack of boat sales. With SB 1589, people can still use their boat and still engage in watersport activities.

The boat dealers, the wake sport industry, and government agencies can work out a responsible method to allow people to engage in wake sports and provide protections to the river environment. Nobody has the right to damage public and private property because they want to enjoy their activity.

The Claim: Residential development, not boat wakes, is the primary human-caused source of erosion. There is broad agreement that the lack of native vegetation and homeowner mismanagement of native trees has caused the majority of erosion. Furthermore, natural occurrences such as last winter's storm have a greater impact on river health than boating.

My Comment: I believe it should be human behavior and not residential development is the primary human-caused source of erosion. For the past 30 years, I have observed people who locate along the Newberg Pool and proceed to cut down trees to improve their view, remove natural vegetation along the embankment and replace it with grass, and place sprinkler systems along their embankment to water pretty plants they have added. Even though they live in the Willamette Greenway, they are breaking all the regulations while state and county agencies ignore this problem.

The Claim: There is no empirical evidence or peer-reviewed study that links the proposed restrictions to having any positive effect on fish populations. Wake sports largely take place in the summer, outside of key migratory or spawning

months. Studies show that wake boats waves, when operated at least 200 feet from shore, do not carry enough energy to have a significant impact on most shorelines.

My Comment: There is lots of empirical evidence much of your public testimony is citing empirical evidence. With regard to scientific evidence, there is no study which has been done on the impact of boat wakes in the Newberg Pool. Several years ago, ORSPA worked with a professor from the University of Tasmania in Australia to make boat wake measurements. These measurements were observing the wakes of individual boats. The author presented the data and stated in his paper that he was offering no conclusions on his observations. His paper was very technical and non-technical persons have drawn conclusions from this data which is incorrect. The statement about boat wakes operated 200 feet from the shore not having enough energy to cause damage is an erroneous claim.

The watersports industry (WISA) also produced their study done by CA Goudy which compared the wakes caused by a boat to the natural waves produced by the wind. This information was valuable because it showed the wake energy versus time for a single boat but did not expand it to what actually happens on our rivers and lakes. On a busy, warm summer day, you can see dozens of boats passing an observation point within a minute.

The Claim: The Newberg Pool is already one of the most regulated bodies of water in Oregon. Wake surfers are subject to a weight limit, required to obtain a special safety certification and only allowed in two small zones with no adjacent homes or docks.

My Comment: This claim is correct and I attribute this to the Oregon Marine Agency and the Oregon State Marine Boardmembers.

The Claim: This bill not only exacerbates safety issues, but it also fails to solve a primary issue – enforcement. The state has already struggled to enforce the extensive laws and rules we have, and the bill does not address how to deal with the worst offenders who make the river dangerous for everybody.

My Comment: This claim is correct. Our marine law enforcement in the Newberg Pool section has been lax in their enforcement of the rulings related to boat wakes and wake enhancing devices. Some of them have claimed inadequate training and equipment to enforce the new regulations.

The Claim: Subjecting only towed water sports enthusiasts to a weight limit is overtly biased. A 5,000-pound fishing boat can produce a similar wake to the same size tow boat. Furthermore a 15,000 cabin cruiser that produces a wake far greater than any wake surfing boat can still operate freely under this legislation.

My Comment: This claim is partially correct. Boats are typically designed to perform a task and be fuel efficient. Wake Sport boats are designed to create large boat wakes and this is achieved in the design of the hull and the use of wedges or ballast. To achieve the desired end result, these boats have a high fuel usage during the activity. A portion of the energy content in the gasoline is used to create a high energy wave.

What the claim doesn't mention is the heavy boat is passing through an area and an observer may only see it a couple times during the day. The boats engaging in wakeboarding and wakesurfing are spending many hours travelling back and forth in a specific area which causes an accumulation of boat wakes.

The Claim: As in other areas of the country, these artificial waves are impacting nearshore areas, river banks, private property, other river users.

My Comment: This is a general comment which is correct. The statement makes no claim as to how the waves are making an impact.

The Claim: The nearshore "nurseries of the river" are where an amazing amount of biological productivity occurs, support a range of species from wild fish, freshwater mussels, to birds and mammals. These shallow water areas extending up to 50ft from the shoreline are where the artificial waves slam into the river bottom, and the riverside.

My Comment: This claim comes from a group which is concerned about river health and they know more about the biology part than I do. What I can add is the waves you see generated by a boat extend about as deep as the peaks are wide. So, if you see the boat wake and its peaks are spaced at 10 feet, you would feel the turbulence if you were less than 10 feet below the boat when it went overhead. In the deep water, the boat wakes have very little effect on the marine life but as the waves approach the shallow waters near the shore, the effects become evident as the wave starts to break. On a busy summer day, you can see the brown silt mixture along the banks of the Newberg Pool which can extend 100 feet into the river. This is a form of erosion.

The Claim: Only a small number of registered power boats would be impacted by this new law. There are 165,000 registered power boats in Oregon, and only 500 have the Towed Water Sports certificate, and a smaller subset of that number uses the Newberg Pool.

My Comment: On a busy, summer day when the boat parking lots at the launch sites are at capacity this does amount to more than 500 boats using the Newberg Pool plus additional boats from the marinas and private docks. At least half the boats are engaging in wakeboarding, wake surfing, or pulling persons on an inflatable device. I live along the Newberg Pool and can see the activity from my dock.

The Claim: Well established riverine biologists have concluded that there are negative impacts for the Willamette, from the letter to the Marine Board from NOAA Fisheries, to fisheries biologists at OSU and others. The science is well known and clear, and does not need to be repeated yet again on the Willamette. A recent study from the University of Minnesota also clearly concluded that Towed Water Sports boats are NOT like other motor boats and concluded that wake boats need to be at least 500ft from shorelines to protect them.

My Comment: Some of this is posturing. We have a lot of experts making general claims but no scientific body has studied the impact of wake sports on the health of the Newberg Pool. While I have not seen the U of Minnesota study, I do know from experience that some of the boat wakes I see from wake surfing have been 500 feet from my dock and were able to wash over my dock (the deck boards are 12 inches above the river level) and when the waves strike the embankment, they rise several feet in the air. The OSMB has videos which have been supplied to them. I have no doubt these high energy waves are damaging to private and public property and, possibly, to the marine environment. I personally see the damage done to my dock and I see the brown muck which gets stirred up along the river edge during busy days.

Regards,

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