

Submitter: Brandon Bettinelli

On Behalf Of:

Committee: Senate Committee On Natural Resources and Wildfire

Measure: SB1590

The current restrictions put upon the Newberg pool are a complete overstep by our state government. My Family and I have been using the Newberg pool area of the Willamette river for the last 30 years. In My opinion, the restrictions only hurt local small businesses, make existing/older boats that don't meet the weight requirements worthless and by forcing boaters to operate in a smaller area (designated zones for different activities) it increases the risk for boat related accidents/death.

The homeowners that live off the river in the Newberg pool have been given more privilege and consideration to get this bill passed, all on the premise that recreational boats and excessive waves have damaged their docks and are causing the erosion on the banks. As a homeowner, you take on the responsibility of maintaining your own property.. These homeowners that live on the Willamette River do not own the water around their docks.. their property starts from the high water line. They should know that by owning a dock in a public water way will most likely have maintenance costs or need to be updated to accommodate the changes in environment...

Per Oregon.gov under waterways and wetlands:

According to a 2005 Oregon Attorney General opinion, on waterways that have not been determined to be state-owned, the public is allowed to use the surface of the waterway for any legal activity unless the waterway isn't wide, deep or long enough for a boat to pass along it.

Additionally, the opinion states that if the waterway meets the above criteria, the public has the right to use the submerged and submersible land below the line of ordinary high water for water-dependent uses (such as swimming, boating and fishing), and "uses incidental to a water-dependent use such as camping when travelling a long distance and walking while fishing." In cases of emergency or if it is necessary to travel around a navigational barrier, the public may temporarily go above the line of ordinary high water.