

## **Testimony in Opposition to SB 300–1 by Bert Krages**

I oppose SB 301–1 because it would set back almost two decades of effort to protect the Newberg Pool from the adverse effects of towed watersports done by heavy wake boats.

### **Why the Newberg Pool is vulnerable to damage from enhanced wakes.**

Morphologically, this section of the Willamette River is characterized by steep, soft shorelines and is about 650 feet wide in most places. The reason this thirty mile stretch is called the Newberg Pool is because it has a near constant water level from July to October. The combination of soft shoreline soils, static water level, and narrow width render the Newberg Pool highly vulnerable to environmental damage caused by wake boats.

Prior to the enactment of SB 1589, the nearshore areas were characterized by extremely high levels of turbidity and erosion. Environmental conditions have improved since SB 1589, although the recovery of the Newberg Pool is being hampered by the blatant noncompliance by wake boat dealers and owners. The video linked below describes this problem in more detail.

<https://www.youtube.com/watch?v=wtKs4tt8oj4>

### **What the combined weight limit in SB 1589 does.**

The 5500 pound weight limit is based on the sum of a boat's dry weight and the manufacturer's specified maximum ballast capacity and its practical effect is to preclude most models of wake boats from engaging in wakeboarding and tubing on the Newberg Pool. Ballast capacities for the kinds of wake boats manufactured after 2015 and in use on the Newberg Pool range from 2100 pounds to 4250 pounds with the average ballast capacity being about 3750 pounds. About 85 percent of these wake boats have dry weights between 4000 and 5200 pounds. Eliminating ballast capacity from the 5500 pound limit will allow these problematic boats to damage the Newberg Pool.

### **Most boats can engage in towed watersports on the Newberg Pool.**

Although SB 1589 restricts the heaviest boats on the Newberg Pool, towing remains a popular activity because there are many kinds of boats that can lawfully engage in towed watersports in compliance with SB 1589. For example, a 23-foot pontoon boat weighs about 2900 pounds and traditional ski boats weigh about 2500 pounds. The Oregon State Marine Board issued towed watersports certificates for over 1000 boats that were in effect during the 2024 boating season.

### **The Oregon State Marine Board is better qualified to assess the weight limit than the Oregon Legislature.**

SB 1589 provides a thoughtful mechanism by which the Marine Board may evaluate the appropriateness of increasing or decreasing the weight limit based on consultations with other agencies and the examination of scientific studies. Specifically, the bill permits the Marine Board to examine whether changing the weight limit would likely:

- Have an adverse effect on the waters, beds, and banks of this state;
- Have an adverse effect on aquatic, nearshore and shoreline habitats, fish and wildlife habitats, and salmonid habitats; or
- Exceed or violate state or federal turbidity limits.

In doing so, the Marine Board is to consider objective, peer reviewed scientific research and consult with and receive comments from the Department of State Lands, the State Department of Fish and Wildlife, and the Department of Environmental Quality. It should be noted that the Marine Board recently and successfully addressed a longstanding conflict involving the Rogue River through a similar process in which a thoughtful and thorough analysis provided by the State Department of Fish and Wildlife played an important role.

What the proponents of SB 301-1 are doing is asking legislators to make snap judgments without the benefit of informed consultations with the state agencies charged with protecting the State's water quality, natural resources, and fisheries—and without a careful review of the relevant research by persons qualified to evaluate it. Their request should be declined in favor of the existing mechanism for evaluating the weight limit.

### **Summary**

Protective legislation for the Newberg Pool was a long time in coming and was based on science and the well-documented adverse effects of wake sports on the Newberg Pool. There are no compelling reasons to alter the statutes that protect this vulnerable stretch of the river. Please vote no on SB 301–1, which is a poorly-considered and selfish piece of legislation.

Thank you.