

Submitter: Brandon Cresswell

On Behalf Of:

Committee: Senate Committee On Energy and Environment

Measure, Appointment or Topic: SB301

Dear Senate Committee on Energy and Environment,

My name is Brandon Cresswell. My family and I have been recreating on the upper Willamette since 2008. I am writing you to express my strong support for Senate Bill 301. This is a reasonable adjustment to current law, and will bring common sense, equity and fairness to a shared use of our public waters.

In 2022, my family and I moved back to the area after a professional assignment abroad. I researched the new laws and regulations extensively before purchasing a new boat. I spoke and corresponded with OSMB representatives to ensure we would be able to enjoy a shared and public waterway with our children on our boat. When we made the purchase, our boat was compliant with all policies. Between the purchase and the extremely delayed issuing of the "decal" - OSMB changed its own interpretation of the law, restricting the use of our boat. This was a massive investment for our family, and one we were careful to ensure complied with rules. It has ballast - tanks that can be used (or not) at the operators discretion. So when we want to use that capability, we go elsewhere. But the current law is - intentionally or unintentionally - written to discriminate against wakeboard boats - regardless of their actual usage. In the end, we've been unable to take our kids (7, 9, 12) and their friends to learn tubing, wakeboarding, kneeboarding or any of the other legally allowed activities.

Many boaters with ballast capability are unfairly excluded from participating in their favorite activities, such as tubing, water skiing and wakeboarding in the Newberg Pool, because their unused ballast weight is counted toward the overall weight limit. Today, a fishing or pontoon boat with a dry weight of 5,500 pounds is eligible to tow a tuber in the Newberg Pool, but an everyday recreational boat (like ours) with a much lower dry weight (3,750 lbs) cannot because it has ballast capability - a theoretical weight capacity we do NOT USE, which is prohibited.

This small adjustment makes it easier for the Oregon State Marine Board to manage the towed water sports program and for customers to understand which boats qualify. There is no national standard for registering ballast capacity, making compliance a moving target. The legislation's "maximum ballast capacity" is also overtly punitive. Families have purchased boats with smaller ballast capacity to ensure they are under the 5,500 combined weight limit, only to be denied a permit because their boat line has a model with a larger ballast, which they did not purchase.

I do not believe legislators intended to exclude more than 90% of new recreational boat models from the river, crushing local small businesses and making it almost impossible for everyday people to buy qualifying boats. We want to have the opportunity to share the river, have fun with our families and safely enjoy the sports we love for a few months out of the year.

With this legislation, the Newberg Pool will remain one of Oregon's most highly regulated water bodies. To tow riders in this river stretch, boaters must meet the weight requirement, complete an online safety education course, apply for a towed watersports decal and pay additional fees.

Please support local small businesses and families like mine by passing this small yet meaningful ask.

Respectfully,

Brandon Cresswell - and family.