

Senate Committee on Energy and Environment
Oregon State Legislature
900 Court Street NE
Salem, OR 97301

RE: Opposition to SB 301 – Protect Public Safety and Habitat in the Newberg Pool and the greater Willamette River

Dear Chair, Senator Sollman; Vice-Chair, Senator Findley; Member, Senator Golden; Member, Senator Hayden; Member, Senator Lieber:

My name is Heidi Hinrichs and I am a waterfront property owner in the Newberg Pool. I am writing today to express my strong opposition to SB 301 and its proposed amendment to remove ballast weight from vessel weight regulations in the Newberg Pool.

SB 301 as introduced is a study bill. However, current legislation, SB 1589 already has an established process for conducting a study. Please see the excerpt below from SB 1589:

“The State Marine Board may conduct a study on increasing or decreasing the maximum loading weight prescribed in ORS 830.643. If the board undertakes a study, the board shall determine on the basis of objective, peer reviewed scientific research whether increasing or decreasing the maximum loading weight is likely to: (a) Have an adverse effect on the waters, beds and banks of this state; (b) Have an adverse effect on aquatic, nearshore and shoreline habitats, fish and wildlife habitats and salmonid habitats; or (c) Exceed or violate state or federal turbidity limits. (2) Before making a determination, the board shall consult with and receive comments from the Department of State Lands, the State Department of Fish and Wildlife and the Department of Environmental Quality. (3) If the board undertakes a study under this section, the board shall report to the interim committees of the Legislative Assembly related to the environment, in the manner provided in ORS 192.245, on the board’s research, findings, determinations and recommendations, including recommendations for legislative changes, if any.”

The -1 amendment materially changes the existing, reasonable statutory framework that balances one recreational user group's use of the river with the State's concerns for protecting endangered species, complying with state and federal turbidity limits, protecting public safety and ensuring the majority of boat owners and the public can enjoy the Newberg Pool. It completely supplants the process already outlined in SB 1589. That is, the marine board should conduct a study **before** changing boat weight requirements for towed sports in the Newberg Pool.

SB 1589 has been successful in protecting endangered species, complying with state and federal turbidity limits, protecting public safety and ensuring the majority of boat owners and the public can enjoy the Newberg Pool.

Protecting Endangered Species

SB 301 creates an additional risk that the Endangered Species Act (ESA) will be violated. In January 2020, the Oregon State Marine Board received a warning letter from the Department of Fisheries stating,

“Before the OSMB approves rules that authorize wake sports in the Willamette River that are likely to affect ESA-listed species or their critical habitats, it should ensure that it or the applicant will comply with the ESA either by avoiding the kinds of harm described above, or by showing that any harm that will occur is subject to an exception or exemption under ESA.”

SB 301 does not ensure compliance with the ESA.

Complying with state and federal turbidity limits

SB 1589 passed with substantial time and effort by Oregon lawmakers. They heard over 21 hours of testimony and educational information on wake boats in the Willamette River.

Approximately 40% of that testimony and educational information was provided by Oregon State University's Wave Laboratory Director and professors in the areas of Marine Engineering, Fisheries & Wildlife and Biological & Environmental Engineering.

Only two studies (Poor et al and Macfarlane et al) on wakes generated by boats in the Newberg pool have been published in peer reviewed journals. Macfarlane's 2025 publication concludes that at least 500 feet is required for the wake boat wave energy to dissipate to that of a water ski boat wave. The Newberg Pool is not wide enough for this to occur. So, the peer reviewed science we do have today does not support increasing the boat weight restrictions for towed water sports in the Newberg Pool.

Ensuring the majority of boat owners and the public can enjoy the Newberg Pool

My family and I enjoy the Newberg Pool whether we are swimming, paddle boarding, kayaking, fishing or recreating in our motorboat. Prior to the implementation of 1589, we were in the middle of a wake surf zone. There were multiple heavy boats passing our shorelines during this time. When they did pass, our dock shook so violently from the resultant waves that we fell. If we happened to be on our paddle board, we fell. If we happened to be in our kayaks, we had to immediately maneuver so we were not swamped. The point is that only those in these large boats can enjoy the river, nobody else can. In addition, there are other large waterways nearby where these large boats can recreate in safer conditions. These waterways include the lower Willamette River north of the Hawthorne Bridge, the lower Willamette River south of Waverly to Oregon Falls, the Columbia River, Henry Hagg Lake, and Green Peter Lake, to name a few.

In summary, SB 1589 is working. It has restored balance to the Newberg Pool, protecting the endangered species, complying with state and federal turbidity limits, protecting the public and ensuring enjoyment for the majority of boat owners. SB 301 and its amendment represent a step backward that I urge you to reject.

Please stand up for river safety, environmental stewardship, and the interests of the majority who cherish this precious waterway. I respectfully request that you vote NO on SB 301 and its proposed -1 amendment.

Thank you for your time and consideration.

Sincerely,
Heidi Hinrichs