

My name is Darren Holsey. I spoke in person at the public hearing in support of Senate Bill 301. I wanted to submit additional testimony on much of the irrelevant testimony that was provided that either is not applicable to the Newberg Pool or flat out untrue since even before the current legislation went into effect in 2022.

I have been a riverfront homeowner in Wilsonville since 2002 and I am in the middle of the Newberg Pool just west of the Boones Ferry Marina and I-5. Having lived on the river for going on 23 years and having recreated on it in this same area for over 50 years, I have seen the impact of all of the Marine Board and legislative rules. Very Little has changed. With the exception of surfing being banned in the Newberg pool, the same boaters are still on the river. The difference is that because of the endorsement requirement to tow a rider, many are just able to cruise now, which believe me they do. You own a boat, and you want to use it, so you're going to be on the water. **That brings us to the first irrelevant testimony: "There will be more bigger boats on the water causing damage." The head of the Marine board in his own testimony told the committee that no boats are banned from the water currently. They just can't tow a rider if they don't have an endorsement. That is the same thing I see every day – no riders but the same boats that have been out here for years.** Changing how the weight to get an endorsement is determined just changes whether or not you can tow a rider. It doesn't mean more boats or bigger boats will be on the water, and the main complaint about surfing wakes is a non-issue as surfing has been completely banned already.

Prior to the current legislation going into effect, there were no actual studies done on the validity of the current weight limit used to determine who can tow a rider and who can't. That was because the proponents of the prior bill didn't want it, they wanted their rule put in before common sense prevailed that waves are waves and the activity creating the wake doesn't matter. It is ironic to me now that they all of a sudden want a study on the validity of the weight limit and whether it should include ballast. It is just a stall tactic to rely on something that probably can never be done. Opponents of the prior legislation (and the current proponents of SB 301) wanted the study back then and frankly don't mind a study anytime in the future. **The irrelevance of this testimony that the Marine Board needs to do that study is three-fold: 1) The OSMB can't do a study on the effect of wakes from boats of different weights because all boats throw wakes, whether they are towing riders or not. How can you distinguish between one wake and another to see if you should or shouldn't allow additional towed water sports endorsements? Towing doesn't make a different wake than just cruising does. 2) Since larger boats are no**

longer able to tow riders, what are you going to compare against for a study. This is why the opponents of the prior-legislation wanted the study done before any rules we made and when a study could be done. And 3) If a study were even possible, the OSMB would have done it a long time ago since as you heard from the Marine Board head, this has been an issue since as far back as 2010.

Stuff that has no bearing on the Newberg Pool was also brought up by opponents of SB 301.

- 1) There are no crew or dragon boats on the upper Willamette in the Newberg Pool, so testimony about experiences on the lower Willamette from services is irrelevant to towed watersports in the Newberg Pool.
- 2) The arguments about enforcement of ballast usage by boats is the same with or without the passage of SB 301. Nothing would change. If you can't tell who is using it now, you can't tell later either. However, those that surf, which again is illegal already and would remain illegal, are typically the boats using ballast.
- 3) There can be no effect on safety, fish, erosion, etc. since the law for who can be on the water currently in their boats are not being changed by SB 301, and no one can surf. The only change is who can actually tow a skier, kneeboarder, tuber or wakeboarder.
- 4) Lastly, the notion that all of the towed watersports enthusiasts will just illegally do their activities. Frankly that is a little offensive and certainly not a reason to have punitive legislation in place. If it were, wouldn't car manufacturers have to restrict all cars sold in Oregon to 65 miles per hour so that no one could ever break the law?

FINAL FOOD FOR THOUGHT ON THE NEWBERG POOL

All throughout the prior legislation testimony and again today there is this talk by proponents of the current law and opponents to SB 301 that towed water sports activities aren't being banned. The truth of the matter is that they are the only things that are being banned by the current legislation in place and the counting of ballast (that cannot be used anyway) in the determination of who is eligible to get a towed watersports endorsement.

I'm requesting your careful consideration of passing Senate Bill 301 as it eliminates the ambiguity of who can and can't tow riders behind their boat in the Newberg Pool. That is all it does! Nothing else changes!