Chair Sollman, Vice Chair Brock Smith, and members of the committee,

MLW (Maximum Loading Weight) refers to a boat's dry weight plus maximum factory ballast capacity. This was defined in HB2352, which created the towed watersports program as a companion bill to HB2351, requiring the OSMB to consider the Willamette River Greenway and Goal 15 in Rulemaking.

Here's an overview of key data and events regarding wake boats and their impact:

1. **Data**:
    - In 2020, less than 1% of the 65,000 boats registered near the Newberg Pool were wake boats (Oregon State Marine Board data).
    - Approximately 400 boats are moored in the Newberg Pool, with 24 boats exceeding 5,000 pounds MLW.
2. **Boat Certification & Wake Boat Numbers**:
    - In 2021, over 500 boats were certified to tow in the Newberg Pool. The average MLW was 5,079 pounds.
    - **By 2023, post-SB1589, 939 boats were certified to tow, with an average MLW of 3,072 pounds.**
3. **Safety Concerns**:
    - Large wakes from wake boats are endangering other waterway users, damaging floating homes, and causing conflicts. A 2019 safety hearing highlighted issues with wake boats affecting various user groups such as rowers, dragon boat teams, and paddlers.
    - Wakes have caused injuries, capsizing of boats, and even fatalities, like the tragic death of a young man in the Newberg Pool in 2022.
    - Large wakes also lead to environmental damage, such as erosion of shorelines, sediment suspension, and turbidity.
4. **Wake Boat Legislation History**:
    - **2005**: Introduction of external ballast sacks for wake boats, with boats weighing under 4,500 pounds.
    - **2009**: Governor Kulongoski and Oregon State Marine Board banned wake-enhancing devices in the Newberg Pool.
    - **2017-2018**: Enforcement challenges led to a lack of compliance with the wake-enhancing device ban.
    - **Director Warren of the OSMB stated wake enhancing device ban did not work due to lack of efficacy and difficulty with enforcement**.
    - **2020**: Passage of HB2351 and HB2352, which set guidelines for boat weight limits and created an education program.
    - **2021-2022**: SB1589 was introduced and passed, allowing more boats to qualify for towing in the Newberg Pool, while regulating boat weight to protect the environment and ensure safety.
5. **Ecological and Safety Impact of Wake Boats**:
    - Wake boats are designed to create large wakes, which contribute to erosion, damage docks, and negatively impact wildlife. Studies have shown that wake

boats, whether ballasted or not, cause significant environmental impact due to their hull design and weight.
    - Wakes take longer to dissipate in narrower bodies of water like the Newberg Pool, causing disruption to other river users and preventing safe navigation.
6. **Wake Boat Damage to Infrastructure**:
    - Wake boats contribute to dock and shoreline erosion, with repair costs ranging from $30,000 to $250,000 for restoration.
    - Larger boats traveling through narrow areas, like the Newberg Pool's "Narrows," exacerbate these issues by creating larger wakes that affect both the environment and other users.
7. **Recommendations**:
    - Limiting towing weight and boat size will help reduce environmental damage, allow for safer recreational use, and help mitigate conflicts among users of the river.
    - Properly regulating wake boats to ensure they recreate in wider, more sustainable areas would benefit both the environment and public safety.
    - Rely on the expertise of the Oregon State Marine Board and allow them to adopt changes to the regulations as allowed under SB1589.
    - Consider the needs of all waterway users, not the less than 1% with expensive boats
        1. *Boats built between 1990 and 2009 are the largest number of actively registered boats in the Newberg Pool".* *7/11/18* ***Report*** *in OSMB Board packet. Item A – Page 3 of 9 (B)*

SB301 is a well-funded, out of state industry bill, with the desire to prevent this and the many other regulations facing the industry nationwide.

A gut and stuff 11th hour amendment seems the proponents need to prevent the public and scientists from being heard. Lawmakers should question why this is the case.

Boats with ballast, whether or not used are *designed to make wakes*. Science supports this in the data showing wake energy with and without the use of ballast.

The 100 plus members of the Oregon River Safety and Preservation Alliance urge you to not move this bill forward.

Respectfully,

Oregon River Safety and Preservation Alliance

Darby Collins, President