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Oregon State Legislature
House Transportation Policy Committee
Chair McLain and Committee Members
900 Court St. NE
Salem, OR 97301

Subject: HB 4099 & HB 4138

Addressing wake boarding and water sports issues on the Willamette River between river mile 30 to 50 known as the Newberg Pool.

Addressing concerns of Home Owners who are also River Users, along this Newberg Pool.

1. Our highest concerns are River SAFETY. Many boaters using the river during summer months use their boats for water sports towing activities. These boaters either do not know the regulations or do not follow the rules set forth by the Oregon State Marine Board (OSMB) regulations. These 2 bills address ways to control safety of the users by increasing penalties and fines along with additional boater education. Also increasing distance for certain boats 200' from property.

2. Damage to boat docks and property have been extreme. Owners who use their docks and property adjacent to the river have been damaged by docks breaking apart and erosion damage along steep shoreline cliffs. These bills address erosion control to be put in the hands of the OSMB, currently no one government division answers the erosion problems on the river. Also wake enhancing devices boats will need to keep more distance from properties. Many studies have certified that larger wake sizes create more force, damaging docks and personal property. Small boats, kayaks, paddle boarders, canoes, and rafts are also at risk effected.

3. Size of boats matter. The larger 25'+ tow boats have increased boater riding capacity to over 20 persons. The weight, along with enhancement devices, have double the wake size and power of the wake. A typical tow boat 10 years ago had 4 to 6 people riding while towing, boats towing riders have changed. Home owners still want everyone to use the river for river recreation, but we understand that a lot has changed in the past 10 years. This change is making it more difficult to be safe. I have an 18' wake boarding boat that has us parking our boat on a nice summer weekend because of safety concerns. Eventually we will have a major accident on this section of the river if changes are not made. Larger and heavier boats are meant for larger bodies of water. We are all responsible for are wakes and for the damage they cause. Sheriff Deputies have admitted that it is very difficult to identify the boater who damages shoreline, docks or other property. Boat manufactures know that the large boats are built for larger bodies of water. Safety First.

4. Education of boaters needs to change. I have reviewed Oregon's boater exam when working with my children and grandchildren taking this test. Studying and taking the test gives no requirements to know and understanding boater wakes. Towing a skier, wakeboarder, or tuber is not addressed clearly in the exams. HB 4099 addresses fines and penalties to help educate boaters who break the rules.

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Enclosure: Why HB 4099/HB 4138

WHY HB 4099/ HB 4138

- GOAL: Improve Boater Compliance with Oregon State Marine Board (OSMB) Policy and Rulemaking to protect shoreline, property and public safety within the Willamette River Greenway (Willamette River Mile 30–50) by:
 - Clarifying the existing OARs
 - Increasing penalties for violations
 - Expanding shoreline and property protections to areas not currently protected
 - Addressing a Wake Sports Industry trend toward heavier boats, capable of producing higher energy wakes/waves
- Willamette Greenway - OAR 660-015-0005
 - "The qualities of the Willamette River Greenway shall be protected, conserved, enhanced and maintained"
 - "The Willamette River Greenway Program shall provide for the maintenance of public safety and protection of public and private property"
- Oregon State Marine Board - OAR 250-001-0050
 - The OSMB is authorized to regulate boating in specific locations in the interest of protecting public safety, property, or for the purpose of reducing excessive congestion and conflict between users
 - Regulating boating for the purpose of addressing Bank Erosion is not presently within OSMBs authorities
- The OSMB has attempted to resolve wake-related issues within the limits of its authority through education, rulemaking, press releases and signage:
 - 2009 - "Slow No-Wake" within 100' of docks
 - 2010 - "Wake Enhancing Device" Restrictions
 - 2011 - "Slow No-Wake" in the Holgate Channel
- Since 2010, 3 deaths have occurred on Oregon Waterways where the primary cause or contributing factor was the force of the wake or wave
 - Large, high energy wakes make it necessary for other users to alter or avoid usage to protect themselves
- Over the past 5 years, the weight capacity of boats designed specifically for Wake Sports has nearly doubled
 - Boat weight and speed are key factors in determining wake energy – OSMBs registration database does not capture boat weight data
 - Wake Boats are being manufactured with empty weights that are more than twice as much as a runabout/fishing boat of the same length
 - Some models are capable of loading more than 4000lbs of ballast – in some cases nearly doubling their empty weights
 - 2012 Super Air Nautique 230 empty + ballast = 5,100lbs / 2018 Super Air Nautique G23 empty + ballast = 8,750lbs
- According to the OSMB, "Boats specifically designed to produce large wakes for wakesurfing and wakeboarding are already present in significant numbers... Given industry research that wakesurfing is continuing to grow in popularity, the number of new boats with integrated wake enhancing devices will continue to grow in the future"
- OSMB and the Water Sports Industry Association (WSIA) both state that boaters are responsible for their wakes yet there is no practical way to hold anyone accountable for cumulative damage to the shoreline or property
- According to the OSMB: "Hydrologists estimate that a wake 5 inches high produces limited damage to the shoreline, but a 10-inch wake is 5 times more destructive, a 25-inch wake is 30 times more destructive, and so on"
 - Modern Wake Boats are capable of producing wake/waves >4' in height
- According to a WSIA Study: "wakeboard and wakesurf wakes/waves dissipate more slowly in deep water (greater than 15ft) and operating at least 250ft from shore can reduce the effects of deep water wakes"
 - Between River Mile 30 and River Mile 50, the Willamette is 400-600' wide, has steep, soft-sediment banks, and an average depth >15'
- There is a pervasive attitude of non-compliance towards following OSMB policies and rules designed to manage boat wake size, reduce conflict, and promote the safety of all users between RM30 – RM50 on the Willamette River
 - Law Enforcement is stretched thin
 - Fines imposed for operating outside of the law are insignificant
 - OSMB has had difficulty enforcing its rules and policies – this is well known and many boaters simply operate as if the rules don't exist
- ***HB 4099/HB 4138 will provide Law Enforcement and the OSMB with better tools to protect safety, shoreline, property and this treasured recreational resource for a wide range of recreational uses for generations to come***