

January 31, 2018

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



Re: Letter in Support of House Bills 4099 and 4138

To Whom It May Concern:

The Newberg Boat Club is a Fraternal Organization which has existed since 1946 to serve the interest of boating enthusiasts, stimulate a greater interest and understanding of pleasure boating among all citizens in the area serviced by the club, express ourselves knowingly and authoritatively on legislative and local community matters affecting pleasure boaters, promote proper and safe pleasure boating through education and all other possible channels, develop a fraternal spirit among local outdoor enthusiasts and do all other things which will tend to serve present owners of boating equipment.

As such, we would like to comment on proposed House Bills 4099 and 4138, relating to operation of wake-enhancing boats and devices in the State of Oregon. A review of the current trends in weight of boats and equipment, marketing for said equipment, and reports from Public Safety officials makes it clear that the trend in Wake Sports is for higher and higher energy wakes. We wholeheartedly support the above proposed legislation as necessary for the safety of participants, surrounding boaters, property owners and the environment.

House Bill 4099 is needed to extend current restriction on wakes to an area of the Willamette River that is particularly vulnerable, due to a narrow river with depth > 15', high, soft sediment banks, with many property owners having docks. Past legislation to regulate wakes below river mile 48 (the Hwy 219/St. Paul Hwy bridge) and the proximity of river mile 48-50 to the popular Rogers Landing Boat Ramp have severely increased the use of this fragile area of the Willamette by Wake Sports enthusiasts, increasing the damage to docks, docked boats, and increasing the erosion to the high, soft-sediment banks.

House Bill 4138 is needed to allow the Oregon State Marine Board to assist the Division of State Lands in protecting the banks of this area of the river by enacting restrictions on the use of wake-enhancing boats and devices to prevent erosion, which they have not been able to take into account in the past.

We have included background information on these bills, titled "Why HB 4099" and "Why HB 4138" as information to support our opinions on these bills. We speak as Boaters, Property owners and interested citizens in the area. We hope you'll quickly pass both House Bill 4099 and House Bill 4138.

A handwritten signature in black ink that reads "Roxie Homer". The signature is written in a cursive, flowing style.

Roxie Homer, Commodore  
For the Newberg Boat Club

## WHY HB 4099

- The Upper Willamette is simply too narrow, fragile, developed and congested to safely balance the needs of all users without wake control measures in place. OSMB recognized this in 2008 and acted within its limited authorities to enact special rules - unfortunately, a growing number of boaters have chosen to simply disregard the law and OSMBs policies at the expense of other user safety and property (OAR 250-020-0020/OAR 250-020-0385)<sup>i</sup>
- 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
- The OSMB has attempted to resolve wake-related issues within the limits of its authority through education, rulemaking, press releases and signage:<sup>ii</sup>
  - 2009 – "Slow No-Wake" within 100' of docks
  - 2010 – "Wake Enhancing Device" Restrictions
  - 2011 – "Slow No-Wake" in the Holgate Channel
- According to OSMB data, 3 deaths have occurred since 2010 on Oregon Waterways where the primary cause or contributing factor was the force of the wake or wave<sup>iii</sup>
  - 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 database does not capture boat weight
  - Wake Boats are being manufactured with empty weights > ton heavier than runabouts/fishing boats of the same length
  - Some models are capable of loading more than 4000lbs of ballast – in some cases nearly doubling their empty weights
- According to an OSMB report, the risk is increasing: "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"<sup>iv</sup>
- 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<sup>v</sup>
- 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"<sup>vi</sup>
  - 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"<sup>vii</sup>
  - Between River Mile 30 and River Mile 50, the Willamette has steep, soft-sediment banks, is 400-600' wide and has an average depth >15'<sup>viii</sup>
- 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 operate as if the rules don't exist

## References

- Willamette River Map – Milwaukie to Wilsonville (River Mile 17 to River Mile 39)  
Willamette River Map –Wilsonville to Newberg (River Mile 39 to River Mile 55)  
Willamette River Depth – Rose Island to Walnut Eddy (River Mile 15 to River Mile 34)  
Willamette River Depth – Walnut Eddy to Ash Island (River Mile 34 to River Mile 52)

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- <sup>i</sup> Oregon State Marine Board, October 2016 Meeting Staff Report, Item D, Pg 1, Background  
<sup>ii</sup> Oregon State Marine Board, October 2017 Meeting Staff Report, Item E, Pg 10, Chronological History  
<sup>iii</sup> Oregon State Marine Board, January 2018 Meeting Staff Report, Item E, Pg 7, Accident Data 2010-2017  
<sup>iv</sup> Oregon State Marine Board, October 2017 Meeting Staff Report, Item E, Pg 9, Staff Conclusion #3  
<sup>v</sup> Oregon State Marine Board, Experience Oregon Boating, Pg 41, Large Boats  
<sup>vi</sup> Oregon State Marine Board, Experience Oregon Boating, Pg 42, Risks Associated With Wakes  
<sup>vii</sup> Oregon State Marine Board, January 2018 Meeting Staff Report, Item E, Pg 10, Regulations Para 6  
<sup>viii</sup> Oregon State Marine Board, June 2011, Press Release

## WHY HB 4138

- The Upper Willamette is simply too narrow, fragile, developed and congested to safely balance the needs of all users without strict wake control measures in place. OSMB recognized this in 2008 and acted within its limited authorities to enact special rules - unfortunately, a growing number of boaters have chosen to simply disregard the law and OSMBs policies at the expense of other user safety and property (OAR 250-020-0020/OAR 250-020-0385)<sup>i</sup>
- 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**
- 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 database does not capture boat weight
  - Wake Boats are being manufactured with empty weights > ton heavier than runabouts/fishing boats of the same length
  - Some models are capable of loading > 4000lbs of ballast – in some cases nearly doubling their empty weights
- According to an OSMB report, the risk is increasing: "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"<sup>ii</sup>
- 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 cumulate damage to the shoreline or property<sup>iii</sup>
- 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"<sup>iv</sup>
  - 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"<sup>v</sup>
  - Between River Mile 30 and River Mile 50, the Willamette has steep, soft-sediment banks, is 400-600' wide and has an average depth >15'<sup>vi</sup>
- According to a Chesapeake Bay Program, Scientific and Technical Advisory Committee Report (STAC Publication 17-002): "The literature review indicates an unequivocal connection between boat wake energy and shoreline erosion, sediment resuspension and nearshore turbidity"
- While natural erosion (flooding, wind, river regulation, etc) is certainly to be expected, wake-Induced erosion is controllable, according to Stoel Rives LLC: "With only minor exceptions, the environmental impacts of recreation activities are mostly unregulated" within the Willamette Greenway<sup>vii</sup>
- The Murray River in Australia shares several characteristics with the Upper Willamette, several lessons can be learned from the Australian Government's well researched and coordinated effort to manage erosion risks from recreational boating so that the river can be enjoyed for generations to come<sup>viii ix</sup>
- **Oregon needs improved inter-agency collaboration to protect shoreline within the Greenway – HB 4138 does this**

- **References**

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<sup>ii</sup> Oregon State Marine Board, October 2017 Meeting Staff Report, Item E, Pg 9, Staff Conclusion #3

<sup>iii</sup> Oregon State Marine Board, Experience Oregon Boating, Pg 41, Large Boats

<sup>iv</sup> Oregon State Marine Board, Experience Oregon Boating, Pg 42, Risks Associated With Wakes

<sup>v</sup> Oregon State Marine Board, January 2018 Meeting Staff Report, Item E, Pg 10, Regulations Para 6

<sup>vi</sup> Oregon State Marine Board, June 2011, Press Release

<sup>vii</sup> Regulating the Willamette River, Stoel-Rives Article, Pg 6, Recreation

<sup>viii</sup> Murray-Darling Basin Authority, Bank Erosion along the River Murray, 2016 Report

<sup>ix</sup> Murray-Darling Basin Authority, Draft River Murray Erosion Management Plan, 2017 Report