



Oregon

Kate Brown, Governor

State Marine Board

435 Commercial St NE, Suite 400

PO Box 14145

Salem, OR 97309-5065

Main (503) 378-8587

Fax (503) 378-4597

www.BoatOregon.com



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Senate Committee on Business and Transportation

Senator Lee Beyer, Chair

**Testimony on House Bill 4138
Submitted by Larry Warren, Marine Director**

Thank you for the opportunity to provide testimony on HB 4138. The agency has no position on the bill and offers testimony to provide the committee with information about the Marine Board's authority and current process relating to the issue of wake sports.

The Oregon State Marine Board's mission is to serve Oregon's recreational boating public through education, enforcement, access, and environmental stewardship for a safe and enjoyable experience. The agency was created in 1959 by the Legislature as a result of the passage of the federal Boating Safety Act of 1958. The agency does not receive any general funds – we are funded entirely by motorboat user fees, federal grants and gasoline tax dollars. The agency is governed by a five-member, Governor-appointed board. The board members represent diverse boating groups across the state. The Board has rulemaking authority to regulate boating activities when excessive congestion occurs, consistent with the safety and property rights of the public, and to protect traditional boating uses and to reduce user conflict. It is the policy of the Marine Board to promote use and enjoyment of the waters of the state for a variety of boating activities. The Board recognizes and will uphold to the extent practicable the universal right of the public to navigate and use the waters of the state for boating (ORS 830.175, OSR 830.195, OAR 250-001-0050).

Recreational boating has evolved in the last 59 years. Around 1996, wakeboard boats hit the scene and since then wake-dependent sports, such as wakeboarding and wake surfing, have grown in popularity. By the early 2000's, the Marine Board started receiving rulemaking petitions from homeowners to limit wake or ban wake boats due to concerns over safety, dock damage, and bank erosion. Many of the complaints came from roughly a 26 mile stretch of the Willamette River known as the "Newberg Pool," from the confluence of the Yamhill River downstream to Willamette Falls.

In 2005, the Marine Board began education efforts to address safety and boating etiquette on the more popular waterways through campaigns to "share the waterway" and to "watch your wake." The agency also convened a work group to identify interventions to help change unsafe behaviors.

Ultimately, a local boating rule for the Willamette River was adopted by the Board to improve safety and reduce conflict on a 17-mile segment of the Newberg Pool ("the zone"). Since 2008, the use of wake-enhancing devices has been prohibited and all boats must not operate at more than slow-no wake speed within 100' of private docks or other floating structures in "the zone." In addition to the rule, the agency produced signage and materials on wake impacts and the importance of demonstrating responsible etiquette specifically for the boaters in Newberg Pool and for state-wide use.

Over the last ten years, the Board has continued to receive complaints and enforcement challenges around wakes in the Newberg Pool. As a result of two rulemaking petitions requesting amendments to the boundaries of “the zone,” the agency convened a collaborative rule advisory committee in 2017 specifically to review the Newberg Pool rule. The hope was that a diverse group of stakeholders could amend the rule to be more acceptable to all parties, but the advisory committee was unable to reach consensus.

In recognition that wake sports are continuing to grow in popularity, in October 2017 the Board directed agency staff to write a report and present recommendations for any restrictions that should be placed on these activities on a state-wide basis. On January 10, 2018, the Marine Board opened rulemaking and directed staff to convene a Rules Advisory Committee to address wake sport activities within 200 feet of shorelines, docks, and other floating structures. These rules are intended to improve safety and reduce user conflict on all Oregon waterways. The Marine Board will consider rule adoption during their quarterly meeting in October.

Contacts:

Larry Warren, Marine Director

Rachel Graham, Policy and Environmental Program Manager

Attachment: Willamette River boating regulations for the Newberg Pool

Boating Regulations

Type of regulation

-  seasonal restriction
-  all boats prohibited
-  motor restriction
-  slow-no wake
-  speed restriction: 10 mph
-  towed watersport restriction

Boating Regulations - Newberg Pool, Willamette River

