

Dear Madams and Sirs,

It looks as if you sit on the Business and Transportation Committee and there is a public hearing and possible work session scheduled tomorrow on HB 4138.

I recently testified at the capitol on February 12 when Rep Kennemer presented the HB 4099 and HB 4138. It was quite a nerve wracking experience but worth the fight. Two minutes is hardly enough time for a southerner to say hello and proved even less amenable to attempting to make a point.

These two bills by Rep. Kennemer, who lives on the same stretch of water I do, truly originate around the intent of abolishing wake board boat use on the Willamette. These bills worked in concert with each other. HB 4099 was amended by Rep. Vial when he was made aware of the opposition. HB 4099 originally asked for stiff fines and jail time. It was amended to create and advisory panel which the OSMB did in 2017 and is already doing again in 2018. I am told HB 4099 is essentially dead and not going anywhere but of this I am not certain.

HB 4138 is legislation that “Authorizes State Marine Board to make special regulations relating to operation of motorboats to minimize and prevent erosion at request of Department of State Lands”. This bill sounds innocuous, however, I believe it serves to obfuscate the real matter at hand. The matter being that some land owners want to own their part of the river and limit its use to their preferences. Many reasons are cited but in essence their concern is for their property.

I have a dock and shoreline but I do not believe it is my right to take away the right of people to recreate on the river. I do not have a wake boat or a wake enhancing device of any kind on my boat.

Erosion is being cited as the property owners concern. I know nothing about erosion. Anecdotally, I do not believe 16 to 26 days a year of people utilizing wake boats in the summer is any match to the effects of the raging river in the winter when the level easily can and does vary by as much as 30 feet. Massive amounts of debris float upriver during the winter. These trees float up under docks and can completely break a dock apart.

Wakeboarding and wake surfing are very popular activities. It is an activity the young and old enjoy doing together. Boats are essentially going 9-11 mph creating an artificial wake to play on.

I do not believe that I or anyone else has the right to impose my will on other people recreating on the river. It is their river as much as mine. Again I would ask you to take a look at the attached Oregon Public Trust Doctrine that supports the right of people to recreate on the waterways. The purpose of HB 4138 is to allow private land owners to use the guise of erosion to support their interests.

The Willamette River has a deep history of use for commerce and recreation. You need only to visit the Butteville Store just upriver about 1000 feet from my front door to know this. Pictures of large sternwheelers and tug boats supported the movement of lumber and other goods up and down this river from Butteville. A ferry existed just upriver from the Butteville store as well. It is a river with great heritage and it should be available to all the people to use not just as the land owners see fit.

Please take the time to consider the precedence of law preserving my right and my neighbors right to use the river to recreate.

Additionally, in regard to related bill 4138 and 4099, I respectfully request you do not promote, and vote nay. Please do not pass any legislation that would prevent the public from using the water for the purpose of recreating even if the land owners do not agree.

In thanks to you who diligently and with integrity serves the public.

*Blessings to you,*

*Julie Anne Harris*

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