

To the Committee on Business and Transportation,

I am writing to let you know of my strong opposition to draft House Bill 4138 as sponsored by Representatives Kennemer and Vial. This is an interesting bill at first read, and on a cold read of it I would normally be supportive of the proposed language to amend ORS 830.175 to help protect our state's natural resources by "minimizing or preventing erosion" caused by boating activities.

However, I am strongly opposed to this bill for the following reasons and appreciate the opportunity to provide this committee some additional context on the ultimate intent of this bill:

1. The wording and sponsorship of this bill has been crafted with the express intent (demonstrated through simultaneous co-sponsorship of HB 4099 to restrict wake boats) of eliminating most watersports and motor boat activity on a 20 mile stretch of the Willamette River. While not defined in HB 4138, this section is defined in draft HB 4099 and the boundaries were drawn to include property owned by Representative Kennemer.
 - a. This is coincidentally the most populated and widely used section of the Willamette River for watersports in the Portland metro area, and it's evident from my attendance at public meetings related to these two bills that a significant majority of landowners on this stretch of the river are strongly opposed to HB4138 and don't agree with the sponsors' assertions that boat activity is the primary cause of erosion.
 - b. There are **severe public safety issues** involved with constricting most boating activities in the south and west Portland metro area into the two small remaining areas of navigable water for most power boats (10th Street in West Linn and Rogers Landing in Newberg).
2. Specifically related to HB 4138, this bill is written to give the Oregon Marine Board more jurisdiction over boating activities that could lead to erosion. While this seems like an honorable goal, I am on the Willamette River weekly from March to October each year and I have observed over the years that the primary, if not only cause of significant river bank erosion on the Willamette is due to winter storms. This knowledge, combined with understanding the root causes of the sponsors passion for these two bills is why I'm providing this public comment.
 - a. The river will rise 15-20' each winter and there will be significant evidence of erosion seen the following spring. Entire trees are washed down the river and collect against public and private docks, doing significant damage over time. Any erosion caused by boat wakes during the boating season is more than washed away by the high water volumes coming through in the winter months.
3. Opening the door to more environmental legislation is just not a good option to allow under this amendment to existing legislation. Environmental groups are well funded and could easily jump on this bill as a way to shut down all types of boating or restrict other areas of public waterways and recreation. I'm not willing to allow an open door to groups that have bigger agendas and are so well funded that they can't be easily stopped.
4. I would be funding further environmental studies with my tax dollars, whether through the Department of State Lands or the Oregon Marine Board's studies and this is something I do not support when I can show you where the impacts of winter storms has an exponentially greater impact on riverfront properties and docks.

- a. I expect you will receive other public testimony from Willamette riverfront landowners that winter storms are what causes any of their erosion issues.
- b. You will also receive public testimony from others showing significant erosion that they claim is due to motor boats, when on further examination of historical and aerial photos you will see that the claimed erosion is set back from normal summertime river banks and is therefore due to the winter storm water flows and increased river height during those months. Housing development on the river is also the other primary cause of riverfront erosion as uncontrolled runoff from buildings and irrigation is causing large sections to erode from the top of the bank down, rather from the river and up.

My comments have been primarily in context of the Willamette River, rather than addressing any other statewide issues. However, I believe this is appropriate given an understanding of the sponsors' primary intent to further regulate boat activity in the Portland area on a 20 mile stretch of the Willamette River.

I would be happy to discuss my comments in further detail with any member of the committee.

Best regards,

Jon Bowdoin

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