

House Committee on Natural Resources

***HB 2351 & HB 2352 Informational Meeting
7 March 2019
– Invited Testimony Only –***

Chair Witt, Vice-Chair Gorsek, Members of the Committee:

My name is Stan Halle, past Co-President & current Director of LHNA. I've lived on or near the Upper Willamette River for 18 years. I support these two bills and wish to briefly focus on the impact on property owners – at the request of the Committee's 14 Feb hearing.

Property Damage Report (Summary) – 2019-03-05v7

<u>Property Owner #</u>	<u>Location</u>	<u>Year</u>	<u>Type of Damage</u>	<u>Cost</u>
1	Yamhill County	2016	Erosion Remediation	\$4,875
2	Wilsonville	2015	Ramp & Steps Replacement	\$37,800
3	Butteville (3 Slides)	2015	Retaining Wall	\$46,000
		2016	Lower Retaining Wall	\$14,000
		2019	Shoreline Remediation	\$40,000
4	Wilsonville	2016	Dock Replacement	\$7,900
5	Wilsonville	2013	Lift & Repairs	\$6,298
		2014-2018	Strengthen Boathouse	\$1,750
6	Newberg	2017	Ramp Repair	\$3,520
7	Yamhill County	2019	<i>Future</i> Cost for Shoreline Remediation	<i>\$150,000</i>
8	Yamhill County	2015	New Dock & Lift	\$47,125
9	Clackamas County	2013-2018	Dock Repair	\$5,000
10	Yamhill County	2017	Landing, Gangway Repair	\$2,000
Sample Damage Cost TOTAL				\$216,268-to-\$366,268

Repeated pounding by High Energy Wakes undercut gently sloping shorelines, making it vulnerable to major sluff-off and collapse



Damage



BEFORE the High Energy Wakes
(lasted for 55 years)

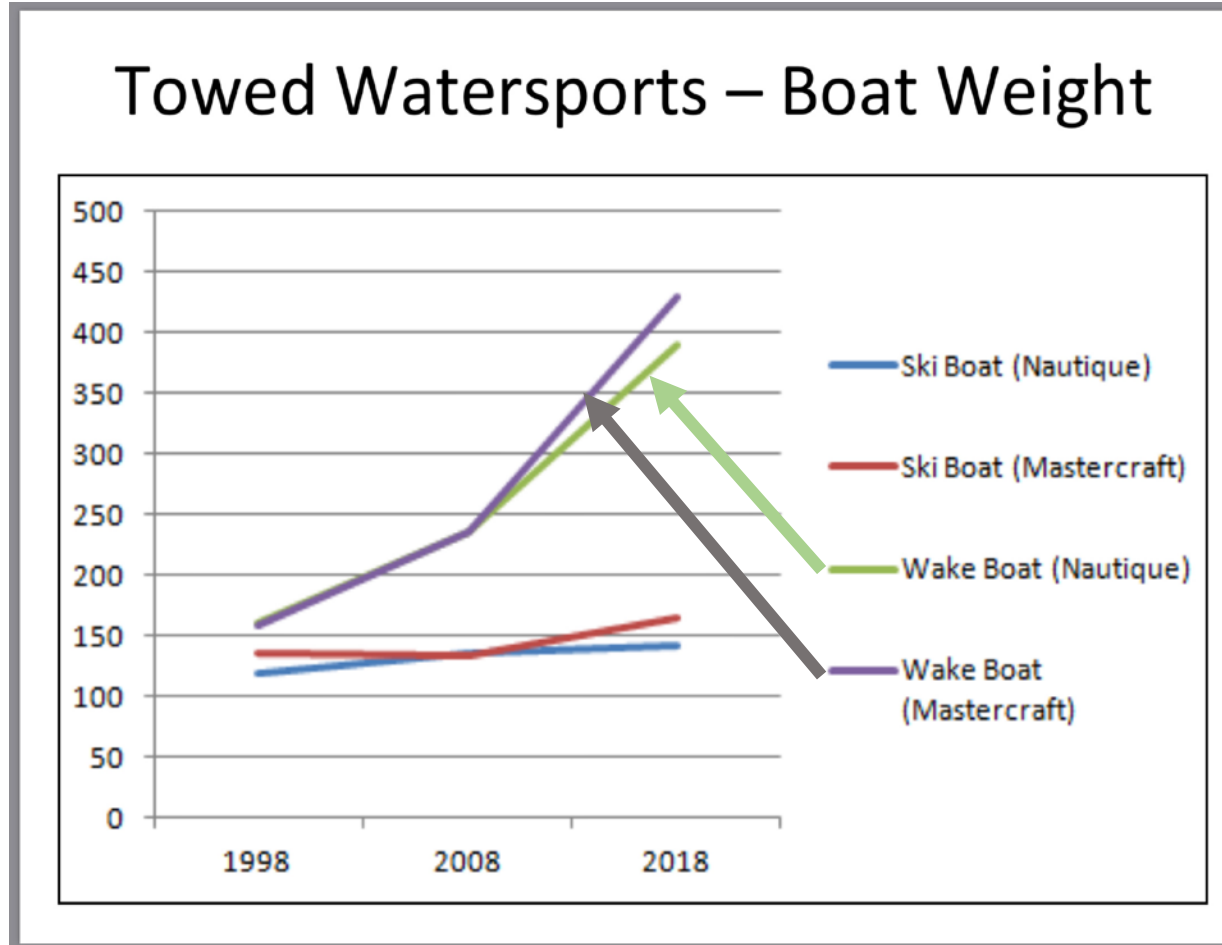


AFTER the High Energy Pounding
(2015 – New Ramp on Left)



Here's what we are trying to deal with

“Loading”
(lbs/ft)



- Loading (lbs/ft) has more than tripled over the past 20 years
 - Some 2019 models are >15% heavier than comparable 2018 models
- Wave Energy is a function of boat speed & loading
 - Doubles for each 50% increase in loading and the square of the height
 - OSMB does not track boat weight
- Wave Energy is attenuated by distance – the River is 400-600 feet wide – the space available to reduce the energy is constrained
- OSMB only has speed available as a tool for managing wave energy
- As such, boats are being lumped together although they create widely different wave energy profiles
- **HB2352 gives OSMB the ability to gather the specification data needed to provide them a better way to manage wave energy**

We support HB 2352

- HB2352: gathers weight & capacity information – important for the OSMB in their future policy and rule-making; heretofore unavailable. **It will make enforcement easier.**
- HB2352: the fines/penalties in 2352 involved the County Sheriffs; providing a cleaner mechanism for them to cite infractions and puts penalties more in line with existing fine structures.
- Following the short-session, I was asked to join a *Legislative Working Group (LWG)* created by House Transportation Committee after HB 4099 stalled.
 - All sides were asked to participate, experts were brought in, and a goal was set to aim for a compromise.
 - After the LWG disbanded, the owner of *Active Water Sports* and ORSPA's President continued working together to develop a draft compromise.
 - This draft was converted into a set of revised rules by OSMB staff and were **adopted by the OSMB 22 January.**
- Part of this joint compromise was to increase education and enforcement in the Newberg Pool (the Upper Willamette from approximately river mile 30 to 50), **which HB 2352 will help solidify.**

HB 2352 would help solidify education & enforcement

We support HB 2351

- OSMB remains UNCLEAR about its' responsibility to minimize the property, dock, habitat and shoreline damage caused by high-energy wakes
 - Its Mission: ...*"Serving Oregon's recreational boating public through education, enforcement, access and environmental stewardship for a safe and enjoyable experience."*
 - OSMB on-line boater info says, ...*"The operator may be liable for damage caused by wake."*
- At the August 2018 OSMB meeting the Staff stated that: *"...**the Board would be reluctant to take rulemaking action unless there were enforceable policies, rules, or laws adopted by other agencies** that addressed the management of shoreline structures, the management of shoreline vegetation, proper soil management practices, and the management of flow regimens."*
- Willamette River Greenway (State Land Use Goal 15) provides for the oversight and coordination of State agencies, counties, cities and other jurisdictions. There is a critical policy gap: **the OSMB does not adhere to Goal 15.**

HB 2351 would begin to address this policy gap

Somehow we need an enforceable compromise between this,





... and this



***Big Wake Behind
a Boat for Wake Surfing***