



OREGON STATE LEGISLATURE
900 COURT ST NE SALEM, OREGON 97301

Testimony in Support of HB 2555 and HB 2725

March 9, 2021

Chair Witt, Vice Chair Breeze-Iverson and Vice Chair Hudson, Members of the House Agriculture and Natural Resources Committee:

For the record, I am State Representative Courtney Neron, Representing House District 26, including the communities of Sherwood and Wilsonville and residents who live along the Willamette River in the section known as the Newberg Pool. I am co-sponsor of two of the bills before you today, HB 2725 and HB 2555.

I have sponsored these bills at the request of constituents and because I am acutely aware of the need to protect the waters of the Willamette River, the body of water which runs 187 miles from the Cascade mountains, through the valley where 80 percent of Oregonians live, to my communities in the south metro area which draw their drinking water daily from this river, and to my constituents who gather along its shores to live, work and play.

In addition to being a source of municipal drinking water to my communities of Sherwood and Wilsonville, this hard-working river must provide water for agricultural irrigation, water for all fish – including federally-protected species of Salmon, Steelhead, and Coho - and all kinds of birds and other wildlife who live along its fragile banks and migrate through the Great Pacific Flyway. Since time immemorial, when the Kalapuyan people and other tribes of the Willamette Valley fished its waters and lived along its banks, the Willamette has been a source of water, food, industry, transportation, and other essential aspects of human life, on which, then and now, we all depend. We must protect this special river that supports us in many aspects of our lives and well-being today. These two bills help protect the Willamette River's fragile and shallow Newberg Pool, the geographic focus of these bills.

One of the important uses of the Willamette River is recreation. The Willamette River is enjoyed by a wide range of Oregonians, in many different ways. It is a shared resource, where one form of recreation, no matter how much fun for you and your family, should not ruin the recreational experience for the rest of us.

Unfortunately, heavy boats designed for wake boating and wake surfing have made it difficult and dangerous for other forms of recreation on the Willamette. Stand up paddlers, canoeists,

kayakers, rowing craft, swimmers, fishermen, birdwatchers and others have been thrown from their crafts, knocked down, and injured.

River users have been capsized, and hundreds have been swamped. For example, a dragon boat of visually impaired paddlers was capsized by a large wake, pinning paddlers underneath the boat. Fortunately, there was help close by and there were no serious injuries. A school team had their \$40,000 rowing scull snapped in half when it was hit by a large wake, sending all the student rowers into the river. Other safety incidents are well known by the Oregon State Marine Board, and a special hearing was held by this committee on the safety topic in early 2020. For more safety incidents occur than are reported, according to the Oregon State Marine Board.

Boaters, including fishermen and family boaters, who do not have heavy boats designed with advanced wake technology, often take water over the bow, and skilled navigating is required to safely maneuver large wakes, which many recreational boats were not designed to encounter.

Residents will not allow children or pets on their own docks. At a minimum, my constituents complain about the unnaturally large waves and turbulence heavy wake boats cause which can spoil their enjoyment of the river. Operators of heavy wake boats may not realize how disruptive their wakes can be on the calm Willamette waters for other recreational users; they are likely far down the river when their large wake hits the small craft, swimmer, dock, or shoreline after they are gone.

While I am putting some context on this problem, I want to thank Chair Witt for allowing the testimony of scientists who have studied the impact of wakes on the fragile ecology of the shorelines of the Willamette. I was especially impressed with the testimony of Dr. Stan Gregory, who explained in detail how the microorganisms which create the foundation of the aquatic food chain live in the shallow waters along the river shoreline. These “nurseries of the river” are destroyed by the sediment caused by the sloughing of soft alluvial soils covering the nearshore waters with layers of silt, which disrupt the natural process of the growth of aquatic life along the river.

The Newberg Pool, the slow-flowing “pool”, which has been described by the National Oceanic and Atmospheric Administration as “slack water”, with vertical, highly erodible, soft sediment embankments is highly impacted by high energy wake boat wakes.

Our Willamette is a complex living bio-system that must be respected and protected from the artificial wave action caused by the heavy displacement hull boats, intentionally designed to throw big wakes, which threaten river health, all for the enjoyment of a small percentage of recreational users.

Given this context, I have co-sponsored these bills which add to the good work done by this Committee and our House of Representatives on these issues during the 2019 Legislature with the near-unanimous passage of HB 2351, recognizing the duty of the Oregon State Marine Board to consider the environmental impacts of boating when making policy and rules regulating the operation of watercraft in Oregon.

The companion bill we passed in 2019, HB 2352 established the Towed Watersports program, and tasked the Oregon State Marine Board with rulemaking, including choosing a maximum loading weight for boats engaged in towed water sports in the Newberg Pool Congested Zone.

These two bills before you today, HB 2725 and HB 2555 make needed adjustments to the Towed Watersports program to which we are simply adjusting the weight limit of the boats allowed to participate in towed water sports in the calm waters of the Newberg Pool.

The criteria used, ramp capacity and boat models available for purchase, were the wrong criteria on which to establish a maximum loading weight, which is how the Oregon State Marine Board established 10,000 pounds as the maximum loading weight. This criterion is inconsistent with the statutory direction of HB 2351, which requires the OSMB to consider Goal 15 and the Willamette River Greenway in rulemaking.

These two bills before you today, HB 2725 and HB 2555 make needed adjustments to the Towed Watersports program in the Newberg Pool Congested Zone, where the overweight wake boats have caused the most ecological damage to the river, disrupting other recreational uses and physical damage to the soft sediment banks and docks of riverside property owners.

Now, to the bill.

Because there has been much misinformation about these bills, let's clarify what these bills actually do. I quote the Measure Summary for each of these bills.

HB 2725 regulates the maximum loading weight of a motorboat to receive a Towed Water Sport Motorboat Certificate; the bill allows the Oregon State Marine Board to study related to the prescribed maximum loading weight, and HB 2725 requires a person to carry a Towed Watersports endorsement if engaged in towed watersports in the Newberg Pool Congested Zone portion of the Willamette River.

Similarly, HB 2555 provides that the maximum loading weight must not be more than 4,000 lbs to obtain a towed watersports certificate, authorizes the Marine Board to conduct a study related to increasing the maximum loading weight, and requires that a person shall carry a towed watersports endorsement if they are engaged in any towed watersports activity within the Newberg Pool Congested Zone.

That said, please understand that this does not ban wake boats in all of Oregon, or even in all the Newberg Pool Congested Zone on the Willamette River for wake boats that weigh less than the 4,000-pound maximum weight. These bills establish a 4,000 lb maximum boat loading weight, if you are planning to engage in towed watersports in the Newberg Pool Congested Zone. These heavier wake boats, designed to create large wakes, create massive wake energy. These are the wrong weight, the wrong design, being used in the wrong place on the calm waters of the Willamette River in the Newberg Pool.

There are many beautiful places in Oregon to use a wake boat with less environmental impact: Henry Hagg Lake near Gaston, mountain reservoirs like Detroit Lake and Green Peter Lake,

Fern Ridge Reservoir, Lake Merwin, Swift Reservoir, Yale Reservoir, Central Oregon's Lake Billy Chinook, Prineville Reservoir to name a few, as well as the waters of the mighty Columbia River. These bills apply to the Newberg Pool Congested Zone of the Willamette River only.

Please use your boats and pursue your sports in places that can take the punishment of *'bringing the ocean to you'*. But spare the Willamette's narrow and fragile Newberg Pool Congested Zone. Learn to share the river with all users, protect our Willamette from the environmental damage these boats cause, follow the Oregon outdoor ethic of leaving the river in better shape than you found it, as you pursue your fun on Oregon's waterways.

Members of the House Agriculture and Natural Resources Committee, I urge a yes vote on HB 2725 and HB 2555. Let's finish the work we started in 2019 to protect the Willamette River and limit the weight of boats used in Towed Watersports in the Newberg Pool Congested Zone on our Willamette River.

Thank You!

Representative Courtney Neron

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

Rep. Courtney Neron