

# Ecological Engineering, LLC

Water Resources and Habitat Restoration Engineering

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Chair Smith Warner, Vice-Chairs Drazan and Holvey, and Members of the Committee,

Senate Bill 857 has been written to place new and significant restrictions on boating activity on the Willamette River within the Newberg Pool Congested Zone. Much of the basis for this legislation are the unsupported claims that heavy and large wake-forming motorized watercraft are the primary cause of bank erosion within this reach of the river. It is imperative that the Senate table SB 857 until such time as all affected parties can conduct the necessary site specific research and analysis that will provide a solid scientific foundation to support and justify the changes proposed. SB 857 should not be passed by the Senate until it is certain that its decision is based on solid scientific evidence.

I toured a large portion of the Newberg Pool Congested Zone on June 4, 2021 to conduct a high level inspection of the river banks within the Zone. Some areas of the river in this reach contain significant residential development that extends down the bank well below the ordinary high water line. Human activities below ordinary high water include dock construction and vegetation clearing. Some areas in this reach of the river are in agricultural uses with no development and little or no erosion. However, during my tour I was able to observe multiple instances of bank erosion and bank failures. The preponderance of the erosion and bank failures appeared to be located in, and associated with, residential development.

The bank failures that extend to the top of the river bank may be the result of the placement of uncompacted fill material to facilitate residential lot development and/or the inadequate management of stormwater runoff from the residential impervious surfaces. Failure to keep stormwater from saturating steep banks greatly increases the probability of bank failure. Other bank failures observed appeared to be associated with poor riparian vegetation management by property owners. Riparian woody vegetation such as willows and dogwoods dissipate the erosive energy of waves and higher river flows and their roots help to stabilize the soil. Poor management of the riparian vegetation by riverside homeowners may be a primary contributing factor to the erosion and bank failure they are experiencing. Undeveloped areas with healthy riparian vegetation do not appear to be experiencing the erosion that the developed areas are.

A more proactive approach to resolving bank erosion within the Newberg Pool Congested Zone, rather than hastily passing SB 857, would be for the Senate to support a scientific evaluation of the existing bank conditions and their causes. If, for example, riverside homeowners stormwater and vegetation management practices are the leading cause of bank failures, a better remedy than SB 857 would be a bill that supports a higher level of outreach to homeowners to provide education and technical assistance to enhance the stability of river banks throughout this reach. Enhanced river bank stability would also provide higher quality habitat for threatened species of native fish. It would be a shame to unduly restrict boating on the river to reduce erosion if the real cause lies elsewhere. SB 857 should be tabled until it is supported by solid scientific evidence.

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