

Dear Representatives,

I am writing to urge you, with all the facts and feeling I can muster, not to pass SB 857. To put it simply, this bill will help practically no one, but it will hurt many.

The Situation

“The public has rights to use an Oregon waterway for recreation.” Those are not my words, but the state of Oregon’s.^[1] As a public waterway, *everyone* has the right to use the Upper Willamette for recreational boating. Wakesurfers, wakeboarders or paddleboarders, jet skiers or kayakers, the Upper Willamette is open to all.

Or at least, it *should* be.

The frustrating truth is that for many years, recreational power boaters have been forced to jump through more and more hoops to use the Upper Willamette river. Now, new legislation – in the form of SB857 – is being proposed that would prevent an entire class of boaters from exercising their right to this public waterway. This would not only be unfair. **It would be disastrous for our community and our economy.** As a responsible boater and local homeowner, I am pleading with you *not to let this happen.*

Who I am and why I care

My name is Scott Anderson. My wife Marina and I have lived on the Upper Willamette River since 2008. We moved here precisely because of the river and the opportunities for recreation it provides – opportunities we dearly wanted to share with our children and grandchildren. This is what brings *so many* people to our beautiful river: The chance to spend quality time with our families, away from the dangers of drugs, drinking, crime, pornography, bullying, or any of the other threats our children are so often exposed to.

Others come to the river for the *economic* opportunities it provides, which are largely centered around catering to those who spend time on the water. The result is a community of people, all from different backgrounds, with different views, beliefs, and hobbies, who are nonetheless united by a common love: A love for enjoying and protecting the Upper Willamette River.

The problem

But here’s the problem: The legislation proposed would break up that community. It would deny many, many people the right to use their boats on the river. Boats many of us have spent a lifetime saving for and caring for. It would keep many families from the activities they cherish doing together. It would harm the business owners who earn their livelihood by selling goods and services to these boaters.

That’s not fair.

I won’t pretend to be a disinterested party here. Our family enjoys using all types of watercraft every summer. But our favorite activity is wakesurfing. The boat I use for wakesurfing – which

^[1] “Aquatic Resource Management,” *Oregon Department of State Lands*, October 2016. <https://www.oregon.gov/dsl/WW/Documents/PublicRightUseWaterways.pdf>

would be banned if this legislation goes through, I spent *years* saving for. I know many others with similar stories. Owning and using these types of boats is a lifelong dream for most of us. But this new legislation would prevent us from using our boats. From realizing our dreams. It would mean years of hard work would go to waste.

It's no exaggeration to say that it would effectively turn our dreams into very expensive bathtubs.

The question is, for what?

Why these bills don't help

For the last 10 years, wakeboarders and wakesurfers like my family have had to follow more and more restrictions just to get on the water. I've had to get extra licenses that non-power boaters are not required to get. I've had to take – and pay for – special education programs that non-power boaters are not required to take. I've had to pass tests, pay additional fees, and be willing to travel miles from our home to launch my boat from a designated zone even though the river is *literally* in my backyard.

In short, the expenses I pay and the effort I make to enjoy this public waterway have both risen dramatically in the past few years. But my *access* to the river has gone in the opposite direction – down!

Boaters like me have been given many reasons for these onerous requirements. We've been told they are for dealing with “irresponsible boaters”. We've been told it's to protect private property, or for public safety. We've been told it's to prevent erosion. The reasons keep changing, but none of them hold water. Let's address them one at a time.

Take “irresponsible boating.” It's true, irresponsible behavior does occasionally happen on the river, just as it happens on the freeway, or in buses, or on airplanes. But we already have multiple existing laws to handle this! As I've already mentioned, the cost just to get a power boat onto the water is *significant*. The cost to go within 200 yards of a dock is *significant*. The fines for creating a wake in a no-wake zone are *significant*. And there are multiple no-wake zones for this very purpose!

I understand that boats like mine can lay out a substantial wake which can cause problems if created irresponsibly. That's why *irresponsible* wakeboarding is unacceptable. But punishing *responsible* wakeboarders who follow the rules and stay in their approved zones is equally unacceptable. So, what's needed here is not *more* rules, but *enforcement* of the existing rules. And due to the vast number of fees we pay, no one contributes more to enforcement than power boaters.

Now let's move on to public safety. You may have heard that there are so many wakeboarders and wakesurfers out there, it's dangerous for other boaters – or that it's damaging private docks. Neither are true. Again, wakeboarders have to stay within wake-approved zones, far away from other types of boaters. The river is massive, often 100-200 yards wide. Furthermore, our boats travel slowly, often no more than 8-12 miles per hour. That gives people plenty of time to know where we are, where we're going, and move to the side if necessary.

Wakesurfers and wakeboarders are also unlikely to damage private docks or contribute to erosion, for the simple reason that there are never very many of us around! As anyone who lives on the banks of the Willamette would tell you, the boating “season” only lasts for around three months. The rest of the year, there's almost no traffic at all. So, it's no surprise that, as the

owner of a home on the bank, I have personally seen very little erosion in the last twelve years. After speaking to my friends and neighbors, I can report that they haven't encountered erosion or property damage either. What little erosion I *have* seen was entirely due to Mother Nature – rain, wind, etc. The very forces, in other words, that have shaped our landscape for millions of years!

The complaints surrounding power boating have no basis in any official study. Nor are they backed by any hard evidence. They are simply the personal anecdotes of a few individuals or special interest groups that dislike power boating, even though they are not personally affected by it to any degree. Look no further than Senator Bill Kenemer who like us is a home owner on the river and clearly has a significant conflict of interest in sponsoring a bill that would eliminate the rights of hundreds of wakesurfers, wakeboarders, water skiers and tube pullers because he does not participate in those activities. Because of this, rather than sponsoring the bill, he should be recusing himself from anything related to changing the rules and regulations on the Willamette River.

Why these bills only hurt

Despite the fact that power boaters have to jump through far more hoops than anyone else, most of us have followed these regulations cheerfully and willingly. That's because there's no one more invested than us in ensuring the safety and preservation of the river. We *love* the river, and want to see it preserved! What's more, we love being able to recreate on the river, meaning the last thing we want is to jeopardize our right to use it due to our own actions.

Unfortunately, those arguing for more restrictions are not doing so in good faith. They do not use the river as much as we do. They are often not as educated about the river as we are, as they have not taken the same level of courses and programs that we are required to. They do not contribute as much financially to river safety and preservation as we do. (Or, for that matter, to the Marine Board's revenue.) Often, they do not even live near the river, as we do.

What's most galling is that they often demand more restrictions before even waiting to see if existing ones work, or have been enforced! Remember, after months of negotiation and compromise, two designated wake surfing zones were established in the Upper Willamette last year. But due to COVID-19 and the wildfires, we never had the chance to use them! And now we face the prospect of *never* being able to use them – because of new laws proposed before the old ones were even given a chance.

Passing this bill won't just hurt wakeboarders and wakesurfers, though. It will also hurt the livelihood of so many who depend on these activities. The businesses that make and service our boats. The businesses that provide supplies and accessories. We're talking hundreds of jobs and millions of dollars in revenue. And that's not even mentioning the depression of property values for homeowners like me.

What I'm asking for

The Oregon Department of State Lands says that the public has rights to use an Oregon waterway for recreation so long as they follow the law and understand their responsibilities. So, what I'm asking for is simple:

- Make decisions for river recreation based on scientific *facts*, not speculation.
- Enforce existing laws before imposing new ones that are unfair.

- Do not punish boaters who are responsible and educated just so you can punish the few irresponsible ones. When it comes to enforcing laws, use a scalpel, not a shotgun.

Most of all, I'm asking for you to do everything in your power to help ensure a spirit of community and cooperation for the Upper Willamette river. A community based on mutual education, etiquette, respect, and common sense. A community where *everyone's* concerns and activities are respected, rather than establishing winners and losers.

I appreciate all you do for our community and for the Upper Willamette region. I know you are committed to passing laws that are fair and fact-based. That's why I humbly ask you to listen to the homeowners, business owners, and families who will be adversely affected by this bill and reject the restrictions found in SB 857.

For my family, and for many families like mine, our finances, our pastimes, and even our very dreams are at stake.

Thank you very much for your time.

Sincerely,

Scott Anderson