



Oregon

Kate Brown, Governor

State Marine Board

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Senate Committee on Energy and Environment

Chair Lieber

Vice-Chair Findley

Senator Dembrow

Senator Lawrence Spence

Senator Robinson

Dear Chair Lieber, Vice-Chair Findley, and Members:

This testimony is provided for SB 1589 which proposes to amend recreational boating regulations for the Newberg Pool Congested Zone of the Willamette River (ORS 830.649). The Oregon State Marine Board (OSMB) has no position on this bill.

Currently, the Newberg Pool Congested zone has some of the most unique boating regulations in the state due to its heavy and varied use and considerable shoreline development. From 2010 to 2019, administrative rules adopted by the Marine Board restricted the use of wake-enhancing devices (WEDs) throughout the Newberg Pool (river miles 30 to 50) of the Willamette River. Because of a loss of efficacy and enforcement challenges of the WED ban, the Board adopted new rules in 2019 that restricted wake surfing in approximately half of the Pool and restricted wakeboarding within close proximity to docks. The Board revisited those rules in the winter of 2019/2020 and passed more restrictive regulations for wake surfing for the 2020 boating season. Those regulations, which are still in place, only allow wake surfing in two small sections in which there are no residential docks and are cumulatively approximately 3 miles long.

Legislation passed during the 2019 session of the Oregon State Legislature put additional requirements on those participating in wakesports in the Newberg Pool, but also endorsed the concept that there were appropriate locations for these activities within the Pool. Beginning in 2020, those engaging in wake surfing and wakeboarding in the allowed areas in this stretch of river are required to complete an education course and maintain the Towed Watersports Education Endorsement. The current fee for this endorsement established in Oregon Administrative Rule is \$60 and requires renewal every two years. Statute allows for a fee of up to \$124.

As well as maintaining the Towed Watersports Education Endorsement, wakesport participants in the Newberg Pool must also secure a Towed Watersports Motorboat Certificate for any

watercraft to be used for wakesports. This certificate comes in the form of a decal which must be affixed to the watercraft. To receive a decal, applicants must provide the Marine Board with the loading weight of their watercraft, which is defined in rule as the weight of the boat plus the factory ballast capacity. Rules adopted by the Marine Board in October 2019 established a 10,000 lb. maximum loading weight limit for applicants seeking the decal, which was linked to the decision to ban wakesurfing in ~85% of the Newberg Pool. Boats with a loading weight over this limit are currently ineligible to receive the decal and therefore cannot be used for wakesports in this stretch of the Willamette River.

To date, 827 boaters have completed an education course and received the Towed Watersports Education Endorsement and most of these boaters have applied for and received a Towed Watersports Motorboat Certificate. The average loading weight of these boats is 5,070 lbs.

SB 1589 would expand the education and decal requirements from wake surfers and wakeboarders to all towed watersports participants, including those waterskiing and towing inflatables. This would likely lead to a significant increase in the number of boaters applying for endorsements and decals. Additionally, this bill would change the maximum loading weight to 5,000 lbs. for all boats engaged in towed watersports in the Newberg Pool. The bill would also redefine the Newberg Pool as the stretch of river between Willamette Falls (river mile 26.6) and the mouth of the Yamhill River (river mile 55), therefore expanding the current regulations for the Newberg Pool to an additional 8.4 river miles. Lastly, SB 1589 would also completely eliminate wake surfing where it is allowed in the Newberg Pool as currently defined (about 3 miles) as well as in the stretches between river miles 26.6 to 30 and 50 to 55.

One potential challenge of the proposed legislation will be that boat manufacturers are not required to specify the weight of boats that they build. Manufacturers of boats designed for wakesports typically provide these specifications, but it is not as common for other types of boats and is often unavailable for older fishing boats and runabouts. Because watercraft other than “wake boats” are often used for towed watersports other than wake surfing and wakeboarding, some applicants for the Towed Watersports Motorboat Certificate will have trouble reporting the factory loading weight of their boats.

For your convenience, a timeline of Newberg Pool boating regulations, as well as an overview of the current regulatory framework and Towed Watersports Education Program, is attached. If I may provide any additional information or clarification, I can be reached at (503) 378-2617.

Sincerely,



Larry Warren
Director, Oregon State Marine Board

LOCAL BOATING REGULATIONS

NEWBERG POOL (WILLAMETTE RIVER) RULES

Boat.Oregon.gov | 503-378-8587



Rulemaking Timeline

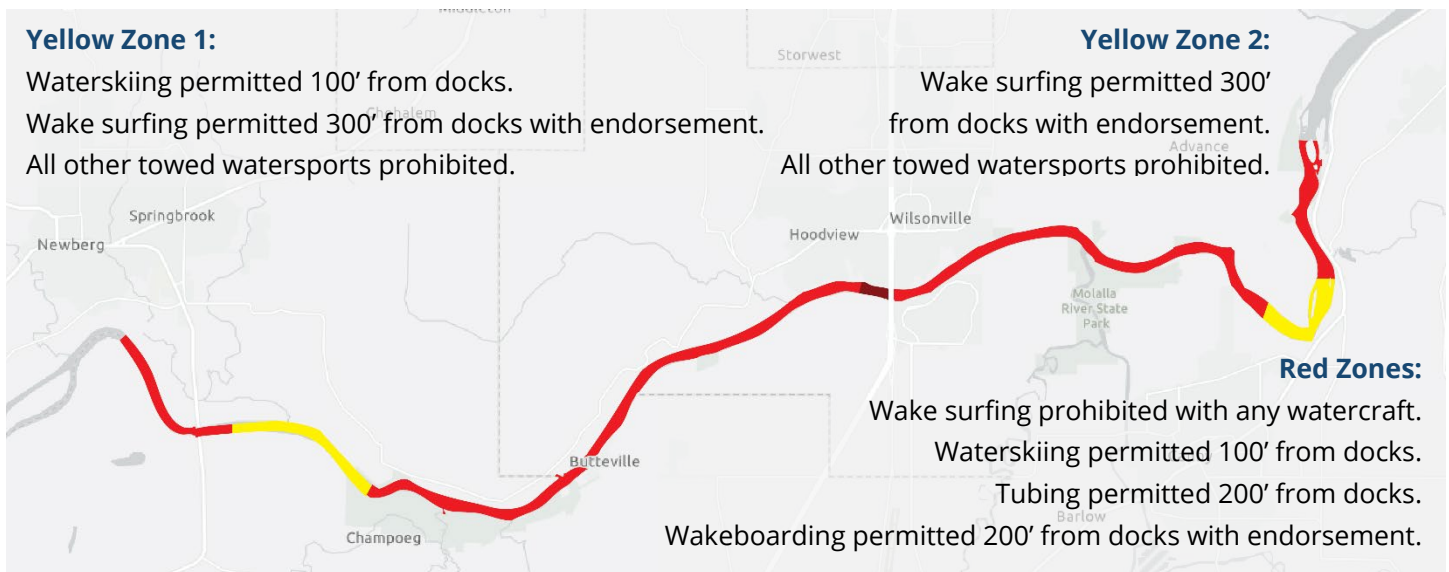
- 2010:** Due to the steady increase in the use of specialty boats for towed watersports, the Oregon State Marine Board (OSMB) adopts rules to prohibit the use of wake-enhancing devices (WEDs) in the Newberg Pool of the Willamette River.
- 2010 – 2017:** Technology evolves, the size and ballast capacity of “wake boats” increases, and enforcement of the WED ban becomes challenging.
- January, 2018:** OSMB opens the rulemaking process for the Newberg Pool due to legislative interest and the WED ban’s loss of efficacy. A Rule Advisory Committee (RAC) is convened to assist with rule development.
- January, 2019:** After considering input from the RAC and submitted public testimony, OSMB repeals WED ban and adopts zonal concept for wake sports in the Newberg Pool. These rules completely restrict wake surfing in ~50% of the 20-mile Pool and require all towed watersports to be practiced outside of requisite distances from residential docks. These rules are in place for 2019 boating season.
- July, 2019:** The Oregon State Legislature passes HB 2352 which creates a Towed Watersports Education Program within OSMB and requires additional education for those participating in wake surfing and wakeboarding in the Newberg Pool. The bill also directs OSMB to set a maximum loading weight for boats used for wake surfing and wakeboarding in rule. Boats above this weight would be ineligible from receiving the necessary decals and therefore ineligible from participating in these towed watersports in the Newberg Pool. This legislation takes effect January 1, 2020.
- October, 2019:** The Marine Board hears public testimony on the effectiveness of rules, reopens rulemaking, and directs staff to propose zone adjustments to further restrict wake surfing for boats of all sizes. Another RAC is convened. The Board also votes to adopt a 10,000 lb. loading weight limit for wake surfing and wakeboarding in the remaining three miles of the Newberg Pool per HB 2352.
- January, 2020:** HB 2352 takes effect. OSMB begins issuing Towed Watersports Education Endorsements per HB 2352 to applicants that complete an education course. Towed Watersports Motorboat Certificates, in the form of a large decal, are issued to owners of boats with a loading weight of 10,000 lbs. or below.



May, 2020: The Marine Board adopts the current regulatory framework for the Newberg Pool based in part on input from the RAC and other stakeholders. These rules restrict wake surfing to approximately 3 miles of the Newberg Pool in which residential docks are not present. Distance requirements for other towed watersports remain unchanged. The new rules take effect July 1, 2020. An overview of the current regulations is provided below.

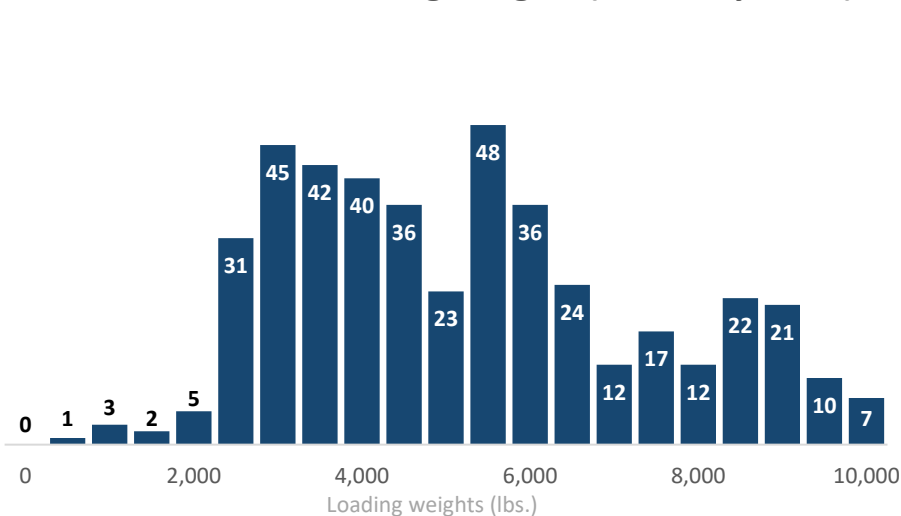
Current Regulations for the Newberg Pool

In the Newberg Pool (River Miles 30-50), people operating for the purposes of wakeboarding or wake surfing are required to carry a Towed Watersports Education Endorsement. Boats towing surfers or wakeboarders must also display a Towed Watersports Motorboat Certificate verifying that the boat meets weight requirements for this area.



Snapshot of the Towed Watersports Education Program for the Newberg Pool

Distribution of Boat Loading Weights (as of May, 2021)



As of February 4, 2022, **827** applicants have successfully passed their exam and received their Towed Watersports Education Endorsement. **Over 500** boats have been certified to receive their Towed Watersports Motorboat Certificate. The average loading weight (combined dry weight and factory ballast capacity) of these boats is **5070 lbs.**