

My name is Paige Stoyer and I have been deeply involved in these issues now for several years. I am a mother, a journalist, an environmentalist (including as a long time member of environment Oregon and working at one point for Greenpeace). I grew up paddling, sailing and rowing crew in high school and now also do motorized boating including towed sports on the river with my daughters and friends.

I am strongly against SB 1589 and a bit shocked that we are back here again when it's clear that there is no factual basis for the claims being made to try and further restrict towed sports. Again and again the public has asked why the refusal to do the necessary studies to get the facts about these claims?

Several years ago I had reached out to try and work with those advocating a ban on towed sports and we discussed the need for a long term study to look at all possible causes of erosion on the river. They said then they were planning to do one on the upper river, but then apparently changed their minds. Later I was told the few homeowners wanting the ban had been advised against it, and told that a study would show that their erosion issues are due to homeowner bank mismanagement, not boats. It is likely one reason for the ongoing refusal to do actual scientific studies, because they would in fact not support the claims being made.

The upper Willamette is already the most regulated waterway for towed sports with just two wake surf zones where there are no docks or houses. These activities are so important to hundreds of families and thousands of Oregonians including two current Olympic athletes. Jackie Wiles, a member of the US Ski Team who also wake surfs, has testified about how much it meant to her growing up doing wake sports with her family on the upper river and about the need to share the river and protect access to towed sports. This bill would also shut down an adaptive wake surf program which helps the disabled get out on the water.

I served on the Oregon State Marine Board citizen rule committee. During rule making the Marine Board invited both the DSL and Fish and Wildlife to weigh in if they had any concerns regarding erosion or impact on fish they felt needed to be addressed with boating restrictions, but they did not and declined that invitation. The idea that this bill is necessary because of the passage of 2351 is untrue. The OSMB is tasked in that bill with looking at what if any restrictions are needed and they did that. It is wrong to try to go around the Marine Board because you don't like the facts, which are that multiple state agencies and experts do not see evidence to support these claims and instead found no need to further restrict towed sports.

Some Legislators have stated that they need to vote for these bills to avoid a lawsuit they have been threatened with. But numerous experts have stated there is no basis for such lawsuits. NOAA fisheries even said in an email that it would be a real long shot to try and claim any violation of the endangered species act. The head of Oregon and Fish and wildlife has also stated boat wakes have little to no impact on fish.

For those of us that love this river, we are asking you to follow the science and not consider any further restrictions to public access and recreation. If you have questions or concerns we fully support doing the necessary long term studies needed to get more information and answers.

Please stand up against the threat of baseless lawsuits. If they really believe their claims and actually file and if a judge actually believed there could be any ESA violation then the act states a study to look into it would be ordered. And wouldn't that be a good thing, to finally have those claims properly investigated, to get the facts?

Several notes I would like to add after the testimony yesterday.

1. This bill mentions that the Marine Board could do a study after it passes to determine if the wake sports ban is necessary or not, acknowledging that no such study has been done. There is no funding provided in the bill for such a study and as stated yesterday the Marine Board would not be able to do one. I also believe they would be under immense political pressure not to ever do a study, because I have already seen that be the case. What does that say, when people are fighting so hard not to get to the truth and the facts? Not to mention that the idea of seriously restricting public access and recreation on a public waterway first, and then doing the necessary studies to see if there is any basis for such an action is clearly backwards.
2. If the legislature goes along with this pretense that boat wakes somehow violate the ESA, the implications of that assumption to all boaters is immense. The legislature would then have a responsibility to take that step in relation to all boats that make wakes, especially the many boats including fishing boats which make a significant wake and those over 5000 lbs. that make much larger wakes than wake boats, including cabin cruisers. But even boats under 5000 which make wakes would need to be assumed to potentially violate the ESA and be restricted.
3. I support those who stated yesterday that the NOAA fisheries letter is being misrepresented. The author of that letter spoke with a homeowner shortly after it came out and said that it was never meant to try and restrict or ban any boats of any kind, but was only intended to suggest that boat wakes in general be looked at for potential impact. And numerous email communications, obtained through the freedom of information act, make it clear that letter was only written because they were contacted and asked to write it and told what to say in it. They acknowledged not having any awareness of these specific issues themselves, and stated it would be a real longshot to try and claim an ESA violation.
4. The only responsible thing is to do the studies first and get the facts. If people making these claims believe them, they should want to do studies to prove themselves right. And in the meantime please work with the broader river community on the things that we are all in agreement on, which is a need to increase boater education, rule enforcement,

signage, and homeowner education on how to better manage their banks to prevent erosion.

5. The safety claims made yesterday by Senator Kennemer regarding the lower river are an intentional misrepresentation of the facts. Portland Fire and Rescue made it clear numerous times that people were making these inaccurate safety claims and that very few safety incidents occur involving wakes. One of the incidents they keep using to try and malign towed sports, didn't even involve towed sports or a wake boat, but occurred with a bayliner. Marine Board safety reports also make it clear that most incidents have been the result of non-motorized users going out unprepared or not having the proper skill set for the area they were in. Again this is about better education, enforcement of the rules, and better signage, to hold all river users accountable and make all of us safer.

Thank you for your time and consideration of these facts