

February 19, 2022

Representative Ken Helm, Chair  
House Committee on Environment and Natural Resources  
900 Court St. NE, Room 453  
Salem, Oregon 97301

Dear Chair Helm, Vice Chairs Hudson and Smith, and Committee Members,

RE: SB 1589

I have canoed the Willamette river nearly every summer for more than 40 years. As a casual paddler, I have shared the river with motor boats of fishers and pleasure boats. There has been the occasional interaction with pleasure boats that create wakes that require careful maneuvering to avoid being swamped. Only recently have there been boats constructed to create ocean sized waves by displacing as much water as they can by adding additional weight to the vessel. These boats create a clear hazard to other watercraft, particularly when operated in a river setting where there is a relatively narrow space to avoid the intended effect of these boats.

The navigable waterways of Oregon are held in trust for all Oregonians. The threat to safety and the environment posed by these overly weighted craft threatens other users and the resources supported by the river. While I support a ban on such vessels on nearly all of Oregon's waterways the prohibition in the Newberg Pool seems modest. It would be appropriate to study the effects of these craft on the use and environment of all of Oregon's waterways.

In a past life I was a lead for the Willamette Special Investment Partnership for the Oregon Watershed Enhancement Board that provided funding for more than a decade in partnership with the Meyer Memorial Trust to enhance the health and function of the Willamette River. That effort won an international prize (Thiess International Riverprize) for the creative blend of science, community engagement, investment and cooperation to improve conditions of the river. After making such progress by so many Oregonians, it is extremely disheartening to see the potential ecological damage that is posed by the proliferation of these craft.

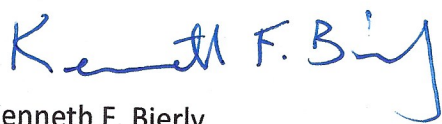
I have looked into some of the science behind the concerns about waves created by these vessels. There have been studies in Australia (Brisbane River, Parramatta River), Minnesota (Lake Independence), Maryland (Deep Creek Lake, Chesapeake Bay), and Quebec Canada (Lake Memphrémagog and Lake Lovering). Each of the studies have documented the order of magnitude increase in wave power from these vessels. The evidence of shoreline erosion, impeded safety to other water users and potential for fish stranding is very strong. When the safe distance between these vessels and structures is at least 500 feet, there is no place in the Willamette River for safe operation of these craft. While the existing science is quite clear, evaluating the potential effects on Oregon waters and prohibiting wake surfing in the Newberg Pool is reasonable for the relatively small number of wake surf boaters in Oregon.

The shallow nearshore is the biologically more important area for juvenile salmon (Chinook and Steelhead are federally listed under the Endangered Species Act) and the area where most of the large wave impact occurs. These vessels designed to create large waves have a disproportionate impact on the most vulnerable areas of

the river. Juvenile salmon and steelhead in the Newberg Pool are more vulnerable because of the backwater nature of the habitat which takes longer to traverse than the free-flowing portions of the river.

I strongly support the passage of SB 1589 as a mechanism to evaluate the ecological and recreational effects of the load limits as identified in Section 4 of the bill for the purpose of establishing limits that are protective of all the resources of Oregon's public waterways. This relatively modest approach is a good start to protect the health of all of Oregon's waterways from increased wave induced erosion and damage and provide for the safety of other users that share the public waterways. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth F. Bierly". The signature is written in a cursive style with a large, sweeping "y" at the end.

Kenneth F. Bierly  
2308 Ptarmigan St. NW  
Salem, OR 97304