

Sen. Kennemer, Sen. Schouten, Sen. Gorsek, Travis Williams and the other proponents of SB 1589 eloquently paint a picture of necessity and urgency with regard to regulating the river. Just like any other lobbyist, however, they are only telling you part of the story so that what they say seems justified. The evidence being cited in their testimony is NOT from studies done on the river I have called home for 20 years and grew up on for 30 before that. It is not even relevant to the problem they are saying we have. You heard them call their evidence “wave” studies. Those studies are hypothesized about in laboratories in Corvallis, Australia and Minnesota – nothing actually studied on our river. Further, all they provide is information on wave energy. Of course waves have energy, but it doesn’t matter whether I’m towing someone behind a boat or just driving a boat. The same waves are being made. The studies don’t discuss the activities creating the waves and a particular one being worse than another. So how can they decide that 5000lbs is the magic line that makes a wake worse? How can they decide that it is only those towing riders that need to be regulated? ***Don’t be duped that this is anything other than a way to ban a large portion of boaters from the river arbitrarily and without reason. If waves were really the issue this would be a boat ban not a towed sports ban.***

So let’s talk FACTS: In testimony, Sen. Kennemer mentioned safety and erosion and Mr. Williams mentioned the fish and fish habitat as the basis for all of this.

If Safety were an issue, the Marine Board and Sheriffs’ offices (Yamhill, Washington, Clackamas) would be testifying to that effect in these hearings, but they never have. Why? If safety were an issue, wouldn’t the proponents of this Bill get that expert testimony on their side to cement their argument? Please ask any of these agencies to provide information on where their biggest safety concerns lie - personal watercraft and non-motorized users of the waterways is what they will say. Drownings by swimmers is by far #1. **FACT.**

If Erosion were truly a problem, the Department of State Lands, the Army Corp of Engineers, DEQ, someone would be testifying to that effect as well. Proponents would want them on their side. But again, none of these agencies have provided testimony that there is an erosion issue or even asked if a study “should” be done. **FACT.** If these agencies that oversee the issue of erosion for Oregon, aren’t asked for expert opinion and aren’t actual proponents of this Bill, I find it hard to believe there is an erosion problem caused by recreational boaters. I’ve been here for 20 years, and my shore looks the same as it did when I moved in – and I’m right by Boone’s Ferry Marina, so we get heavy traffic during the summer.

If Fish and the salmon were an issue, the Oregon Department of Fish and Wildlife or the Native Tribes in Oregon would be testifying for them too. Again, that is not the case currently and they never have provided any actual testimony. You know that a salmon issue wouldn’t go unnoticed by these groups. **FACT.** The Fish angle is a new tactic for proponents of this Bill after the erosion argument alone didn’t work.

This is not a New problem either. If this were new, then it would be understandable that the governmental agencies may not be aware of potential issues, however, this has been an ongoing battle for the last 15 years. It was started by a few riverfront homeowners that did like how crowded the Upper Willamette has gotten as population has grown. The Oregon State Marine Board over

these 15 years has tried to find workable solutions to appease these homeowners, but they just keep trying new tactics. At first it was dock damage, erosion and safety, there was an attempt to use noise, and now they are using a fish argument. Proponents have latched onto some private interest groups now to make them look official and give them political clout. Then they got the fortune of having a legislator move to the river to ring their bell. All **FACTS**. Make no mistake, this is a “not in my backyard” issue that the current OSMB rules for the river already fix.

I reiterate, if any of these things were even a concern to be studied, one or more of these agencies would be testifying on the proponents' behalf. Right? If any of the State or Federal agencies that govern these issues thought there was a problem, or at least something to look at, they would be doing studies on their own, asking the legislature for funds to do a study, or implementing their own regulations, without legislation, as they are allowed to do already. Right?

The riverfront homeowners on the Upper Willamette are the only ones that have had a Hydrologist provide any study of the erosion issues on the river. None of the evidence provided by proponents is in relation to the actual causes of the erosion on the river - just wave energy in general. The Hydrologist study done continually points to manmade causes to much of the erosion along the river. **FACTS**. Erosion is a natural process and has been going on long before the boats, and without any study over a period of time, how can we possibly know that we are accelerating any of the normal process?

A couple more thoughts on the “bending” of the truth:

This Bill is NOT just the banning of wakesurfing - The Newberg Pool is already effectively closed for wakesurfing. Only two small portions of about 1 mile each at the ends of the 30-mile pool allow wakesurfing. Why is there a need for this legislation? Surf zone rules have been in place now for 3 years on the Upper Willamette and 2 of those years in their current form. How do we know the current rules won't alleviate their perceived issues unless we study what happens over a period of time? Most of the presentation pictures proponents are showing are from prior to the surf zone rules imposed by the OSMB, so they are irrelevant now.

This Bill will effectively eliminate towed watersports on this stretch of the river even though proponents keep saying it will not - Yes, technically the Bill doesn't ban the activity, but really, who can still do it if the Bill passes? Contrary to the crazy understated numbers of boats (or I should say families) that will be affected, moving this Bill forward will strip away the ability for most river users to tow with their boats. There are many many more than 30 boats here on the river that would be affected; I can say that with 100% certainty. In fact, from my dock in the summer, I can probably see nearly 30 homeowner boats that would not be allowed to get the towed watersports endorsement under this Bill (that's about $\frac{3}{4}$ of a mile in either direction). They are all over 5000lbs. Pretty much any of the newer boats purchased after 2010 will be banned. I'm also by the Boone's Ferry Marina, as I mentioned earlier, where I would estimate the seasonal moorage of over 40 more boats that would be over the weight limit. I'm on my dock daily in the summer and easily half of the waterway users, homeowners and local families launching on the river, would not be able to do any towed watersports.

No, those of us that live on the river can't go somewhere else to do towed watersports -

Nearly all the riverfront homeowners moor their boats in docks and don't have their boats on trailers to use elsewhere. Where do they get to go? They are locked in by river geography to the Newberg Pool. Those with newer boats that currently run between \$100,000 and \$250,000 will have them rendered useless except to drive around. Most of the homeowners, like myself, moved here because of the watersports. We far and away outnumber those homeowners that want this legislation, but for whatever reason, the majority does not matter even though it is the majority that will suffer.

There is a huge financial impact associated with this Bill -

In addition to the riverfront homeowners that won't be able to use their boats, there are hundreds more users of the river that will not be able to use their boats either. If you can't use them here locally, that makes them impossible to sell too. We are talking millions of dollars of economic loss for towed watersport enthusiasts here locally. If the river doesn't support towed watersports for most boaters, the people that live on the river, like me, are also going to see declines in our property values without there being any justification for the outright ban that would occur under this Bill. Now we are talking many many millions of dollars in economic loss. Even worse, this Bill will cause economic ruin to many businesses and families that rely upon the watersports industry and boat sales here locally for their livelihoods.

Who is the reasonable group in all of this? -

Ever since this nonsense started 15 years ago, the riverfront homeowners and waterway users that are watersports enthusiasts have continually come to the table to appease this "not in my backyard" attitude. We have seen rule after rule be imposed to the use of the Newberg Pool. We have been part of OSMB working groups and legislator workgroups. We have been asking for a study on the river for erosion for years. We would love to stop the continual waste of our time and now yours. We finally paid for an Erosion study ourselves that is completely dismissed by proponents.

Where do we go from here? Let's understand why something more needs to be done. Let's see where things stand after a few years with surfing already limited to a couple small spots away from all homes and docks. Let's do the studies we all want. Don't put the cart before the horse when we aren't even sure if the cart is needed. **Please do not move this arbitrary legislation (SB 1589) forward without knowing....**

Thank you!

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