

February 22, 2022

RE: S.B. 1589, Relating to motorboats and declaring an emergency

Chairwoman Marsh, members of the Committee On Environment and Natural Resources

Good afternoon. On behalf of the National Marine Manufacturers Association (NMMA), we appreciate the opportunity to express our concerns with Senate Bill 1589. In our view, the legislation is poor public policy and would create a terrible precedent for recreational boating in Oregon.

SB 1589 would ban wake surfing outright and apply arbitrary limits on all other towed water sports – such as tubing, waterskiing, and wakeboarding – on boats weighing more than 5,000 pounds along the Newberg Pool. This policy would create a slippery slope in Oregon that could lead to further limits on recreational boating, and ultimately hurting the state's economy.

NMMA members collectively manufacture more than 85 percent of the marine products sold and used in North America. This very marine equipment, and the industry itself, has a significant impact on Oregon's economy. This includes upwards of \$1.6 billion in annual economic impact, supporting 419 businesses and 6,000 jobs.

For the recreational boating industry, water is our currency. We understand the importance of maintaining healthy waters so that today's families and future generations can experience the joys of time spent on the water.

The recreational boating industry has long been an active steward of the environment. We understand that clean water and healthy fisheries provide a direct benefit to our growing community of boaters. Across the industry, we contribute \$742M to water and fishery conservation annually. This is facilitated through the Sport Fish Restoration and Boating Trust Fund, a user pay system created by recreational boaters and anglers in 1950 to pay for critical conservation programs and recreational boating infrastructure projects. The billions of dollars in conservation programs it funds benefit all user groups - from motorized and non-motorized boaters to anglers and other recreational users of the country's waterways.

There are two key points to clarify about S.B. 1589 and the public testimony presented by proponents:

- 1) S.B. 1589 will impact all families participating in towed water sports with boats weighing over 5,000 pounds. Testimony submitted by the Oregon State Marine Board on February

7, 2022 to the Senate Committee on Energy and Environment confirms this bill will impact all towed water sports including tubing, waterskiing, wakeboarding and wake surfing. Proponents try to further minimize the impact of this legislation, again contrary to the Oregon State Marine Board which states, “this (S.B. 1589) would likely lead to a significant increase in the number of boaters applying for endorsements and decals.”

- 2) Proponents mischaracterize the findings of a recent study from the University of Minnesota St. Anthony Falls Lab analyzing the size of waves created by wakesurfing boats. It is important to address the study and its findings, as several people and organizations have referenced it in their testimonies.

First and foremost, the University of Minnesota study **does not recommend** a formal setback for wakesurfing, and the researchers go to great lengths to make note of this throughout their report. The study simply states that wakes from wakesurfing boats wash up on shore, which is not in dispute. However, the researchers did not study if wakes from wakesurfing boats contribute to shoreline erosion. To the contrary, according to a separate University of Minnesota study released this January – which was produced by several of the same researchers – “shoreline erosion is driven mainly by wind-generated wave energy.”

Second, the wakesurfing study underwent a “technical review process” by a small, handpicked group of people with a longstanding history of anti-wakesurfing positions. By the author’s own admission, the researchers selected specific people to review the study rather than undergoing a truly independent peer-review process. The researchers seemed to have ignored existing studies that did not align with their views of wakesurfing. This includes a study by former Massachusetts Institute of Technology researcher Clifford A. Goudey that established the benchmark for these types of studies. Attempts to label this report as peer-reviewed are therefore disingenuous. Despite other alignments with industry studies, the University's assessment comes in at 500 feet, versus Goudey’s 200 foot recommendation.

Lastly, only four boats were evaluated in this study. Two were recreational boats that are commonly used for activities like waterskiing, which are designed to create a small wake. The other two were wakesurfing boats designed intentionally for the sport. This comparison is inappropriate, as the two groups of boats were manufactured for entirely different purposes. Making any recommendation based on the comparison of ‘apples to oranges’ should not be considered within the context of this legislation.

Proponents of Senate Bill 1589 have yet to demonstrate, with sound science, the need to further regulate wakesurfing. This is especially important, given that the Newberg Pool is already one of

Oregon's most regulated bodies of water. Moreover, the Oregon State Marine Board's recently adopted new controls are so new, the full impact has yet to be fully understood. It would be prudent to see through this summer season before enacting even further restrictions on wakesurfing.

The NMMA strongly encourages this committee to vote down this bill. Imposing overly restrictive regulations on towed watersports, including wakesurfing, would harm local businesses, communities and Oregon residents.

Thank you for your time and consideration. Should you have any additional questions, please contact Chris Mitton at cmitton@nmma.org.

Sincerely,

Chris Mitton
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