

Dear Chairman Marsh and Committee members,

My family and I have been river front homeowners on the upper Willamette specifically the NEWBERG POOL for 21 years. I was listed to give testimony on Monday and then bumped again today (Wednesday) 2-23-22. Yet I was not allowed time to speak. I listened to all the testimony over the 2 days which was enlightening.

It is very apparent that the full overture of what has taken place over the past 12 years specifically to Wake surfing and wake board has not been made clear to the Committee and many involved. The Marine Board has spent 12 years of work since 2010 to find a safe and friendly compromise to these specific water sports. In 2020 HB2352 has these main provisions that regulate wake surfing and wake boarding in the Newberg Pool. Please review on the Oregon State Marine Board website.

1. 2 small surf zones were established for wake surfing and wake boarding
2. a Towed Watersports education endorsement is required after successfully completing the online education course and passing the test.
3. a fee assessment for the Towed Watersport Certificate is also required. a large decal is required to be placed on each boat showing that it is certified.
4. These rules restrict wake surfing to (2), 3-mile sections of the Newberg pool in which NO RESIDENTIAL DOCKS ARE PRESENT.

It was absolutely amazing to listen to every single proponent of the bill state the following reasons for why all boats that exceed 5,000 should be banned.

- Erosion, there is no specific study that specifically has focused on the effect of Wake Surfing in the Zones that are established. keeping in mind these zones are the ONLY legal places to wake surf in the Newberg pool.

- Dock damage. This is not applicable in any way since there are no residential docks located in the regulated surf zones.

- Fish habitat. Again, with only 2 small surf zones 3 miles long within a 50 mile stretch of river is such a small area that it would be impossible to know whether it effects fish habitat.

My concern is that you as legislators are busy and have to educate yourselves on many issues. The main issues and facts being debated are not always clear. The Marine Board and many of us stake holders have invested 12 years of work to find a reasonable solution. The solution has been reached. These boats are regulated to 2 zones and have to be certified and licensed to operate in these zones. It's very apparent that a few people believe that they should ban these boats. It is a sign of the times but in this case the people who are against wake boarding and wake surfing are arguing as if the Surf zones don't exist and Wake surfers are surfing in front of their homes and docks. It's simply not true.

Ending on a positive note, I have been impressed by the wake surf and wake board community as well as the Marine board and Law enforcement. The surf zones are working and working well. We need more signage to educate all boaters where the zones are and how they are to be used. As a whole the wake boaters and all of us river users have been proactive in stopping wake surfing and boarding outside the designated surf zones to protect our rights to use and keep these zones to surf. I oppose bill 1589 and I

feel as though all the real facts were not presented. I am aware of many stakeholders like myself that were never given time for our testimony. I am offended by the fact this bill was rushed through this session in an effort to avert the public testimony. please also keep in mind that hundred of boaters including my family will be forced to sell our boats and be forced to buy a smaller boat in order to recreate in the Newberg pool.

# LOCAL BOATING REGULATIONS

## NEWBERG POOL (WILLAMETTE RIVER) RULES

Boat.Oregon.gov | 503-378-8587



### Rulemaking Timeline

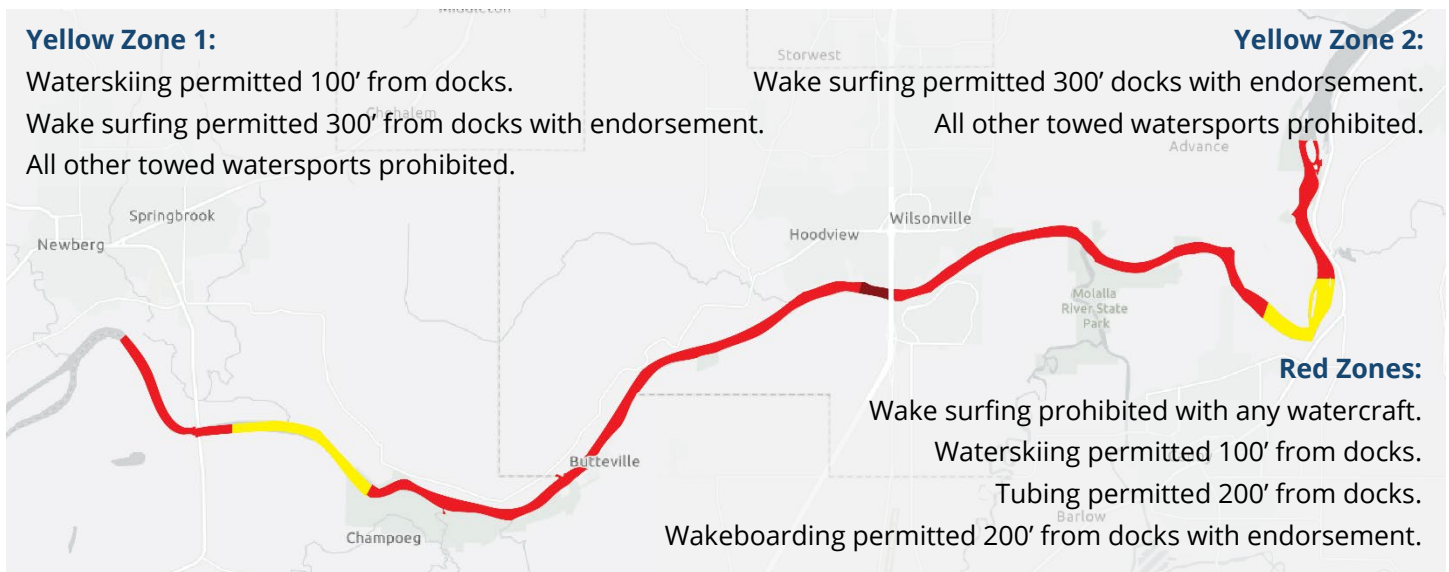
- 2010:** Due to the steady increase in the use of specialty boats for towed watersports, the Oregon State Marine Board (OSMB) adopts rules to prohibit the use of wake-enhancing devices (WEDs) in the Newberg Pool of the Willamette River.
- 2010 – 2017:** Technology evolves, the size and ballast capacity 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.

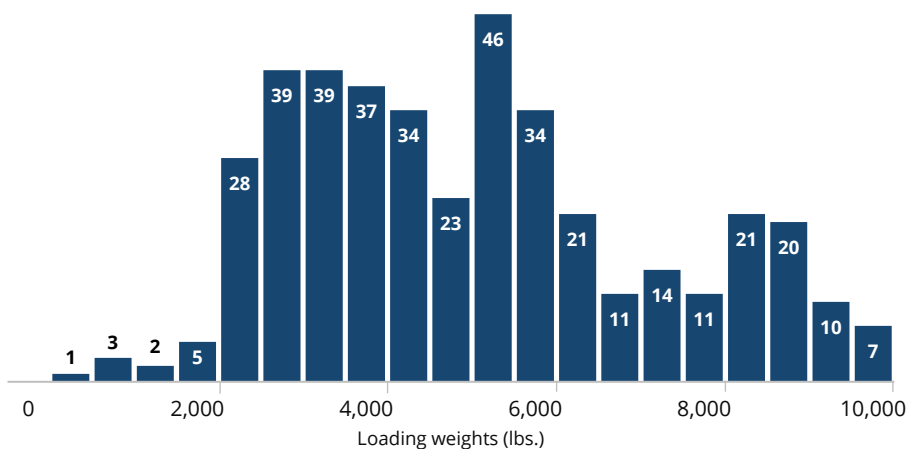
## Current Regulations for the Newberg Pool

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 February 23, 2021, **631** applicants have successfully passed their exam and received their Towed Watersports Education Endorsement. Additionally, **406** 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 **5079 lbs.**