

February, 15, 2023

Testimony of Julia Clark, Eugene, OR

In Opposition to Senate Bill 754

Chair Prozanski and members of the Committee, my name is Julia Clark.

On October 4th, 2002, my father, Chapin Clark died a totally preventable death due to drowning in the Rogue River. He was an outdoorsman, a mountaineer, and a man who modeled safety and respect for the forces of Nature. He and six other passengers were on a guided fishing trip. The morning of the 4th, before the group put in, my father put on his life vest. He was in the 3rd drift boat with one other passenger and a guide. The outfitter was in the first boat. He went through Coffee Pot rapids, a Class III rapid, kept going, and found a spot downriver for his passengers to fish. Boat 2 went through the rapids and pulled to the side to wait for boat 3 to go through the rapids. They waited. Safety protocol for going through challenging rapids. No sight of Boat 3. They then started seeing items floating by. The people in Boat 2 put out, grabbed rope, and headed back upriver on foot. They came upon a horrifying scene. The woman who was in the boat with my father was lying on her stomach on the ground, talking to my father, who was being held up against the wall of the channel by the frigid water. She kept telling him to hang on. He talked about his wife, my mother, and his daughter and son. She told me later, that it came to a point where he could not talk, and his strength was waning.

The guide, who was not wearing his personal floatation device, was hysterically pacing on the other side of the river. My father had been able to grab the guide's PFD before it floated off with the rest of the gear. He had already gone under the water when the boat got caught in an eddy, catching the boat cross-current and flipping it. When the people from Boat 2 arrived, they managed to get the guide's PFD and sling it over to him. He was still hysterical, and the passengers had to talk him through the rescue steps. He finally put his PFD on, entered the water, and attempted to rescue my father who had been in the chilly water for quite some time. Upon reaching him, they attempted to reach a spot where he could get my father on land, and they went under water a number of times before they could. My father was already suffering from hypothermia, water was in his lungs, and the guide had to be told how to resuscitate my father. My father was dead. It had turned from a rescue to a recovery. The group of people from Boats 2 and 3 placed my father in a boat and they went down river where Boat 1 was still fishing. The Outfitter had no clue what had happened. They all continued down to a place they could put out and transported my father's body to Gold Beach to the morgue.

The outfitter and the guide did not follow safety protocols. One member of the trip told me that there was no 'Safety Talk' before putting their drift boats in the river. We later learned that the guide in my father's boat had no rescue or lifesaving training. They didn't have the necessary rescue equipment on board.

When I saw my father off for his fishing trip, I had no idea it would be the last time I would see him alive. The next time I saw him was in the mortuary in Gold Beach. My family had his body transported up to Eugene for an autopsy. His death was ruled a fresh-water drowning. We, his family, were devastated. My parents had just celebrated their 50th wedding anniversary. We had so much more we wanted to do together! This past October 4th marked the 20th anniversary of his tragic, and preventable death.

This was a case of flagrant disregard for the safety and well-being of my father. My father paid a good amount of money and trusted that the outfitter and his crew were skilled in whitewater safety and rescue.

In 2004, I, with the guidance of a good friend who was a lobbyist at the State Capitol, a good number of my father's colleagues, and past students created Senate Bill 579. Phil Donovan, a lobbyist for the Oregon Guides and Outfitters Association, said his clients balked at requiring certification in white water rescue techniques for guides and outfitters. He said such training is costly, requires medical insurance for participants, and is meant to equip first responders rather than outfitters and guides. After negotiations between the crafters of the bill and opposers, a final draft went before the Senate. On April 20, 2005, it passed the Senate. On June 3, it passed the House. On July 1st, it was signed into law by Governor Kulongoski.

The bill requires that outfitters and guides for guided trips that go through whitewater rapids of Class III or higher have:

- Training for guides in skills such as boat rigging, the scouting of rapids, and river rescue techniques.
- That all guides and their passengers wear personal floatation devices
- Rescue throw bags to be kept in each boat.

Please don't backtrack on ensuring safety for Oregonians. Please vote No on SB 754