



February 13, 2024

Senate Committee on Natural Resources and Wildfire

Re: Opposition to SB 1590

Chair Golden, Vice-Chair Girod, and Committee Members:

My name is Travis Williams, and I am Riverkeeper and Executive Director of Willamette Riverkeeper. Willamette Riverkeeper's mission is to protect and restore the Willamette River's water quality and habitat.

I am here today representing Willamette Riverkeeper's thousands of members and supporters in the Willamette Valley and beyond. ***Willamette Riverkeeper is in opposition to Senate Bill 1590.*** We also oppose the amendments just released – which only perpetuate the problem.

In what is beginning to feel like the movie Groundhog Day, the wake boat industry and their lobbying organizations, keep saying the same thing over and over. They do it in Oregon, and they do it nation-wide - in every state where their specially designed boats have created issues for river and lake health, private property damage, and the safety of other waterway users.

Unfortunately, SB 1590 is an ***anti-Willamette River*** bill given the variety of impacts it would have on the river's ecology and the thousands of people who seek to recreate along the river. **The existing weight limit and related program only affects a small handful of boat owners in the State of Oregon – contrary to the statements of the Wake boat sellers and manufacturers. We have learned over the past few years that they will quite literally say anything to get their way. The current 5,500 weight limit is where it should be, as is the definition of the Newberg Pool.**

Here are a few points to consider as you think through this proposed legislation:

The manufacturer's websites really paint the picture of why tens of thousands of people are having issues with wake boats. Not to pick on any manufacturer in particular, but here are a couple of examples.

From Moomba's site, "Wakesurfing is not just a watersport; it's a thrilling adventure that combines the rush of surfing with the excitement of being towed behind a boat." (February 12, 2024, Moomba.com).

They have brought the basics of their physics and engineering to the fore to sell what is surely a fun activity – in the right place. A super heavy recreational power boat, moving forward at a very slow speed generates a big artificial wave. Then, they tweak the hull design and software a bit to try to differentiate themselves from other manufacturers.

Moomba continues, "The deeper the boat, the more water gets displaced. AutoWake manages variables like the number of people, ballast, fuel, and gear to automatically manage weight for you." Again, the point is clear here. It is to surf artificially, behind a large power boat.

They sit low, and drive slow – and that is their basic, but damaging approach.

So what is ballast? Ballast is a bunch of water that they pump into the already super heavy boat to make it heavier. Moving forward at a very slow speed, and sitting deep in the water – the boat generates a large ***artificial wave***. This is not complicated engineering or physics and can easily be identified when a person sees them on the water.

Moomba continues on the topic of displacement, "AutoWake senses how deep your hull sits in the water and, relative to your desired wake or wave setting, shows you the predicted wake or wave amplitude." This is all about building a designer wave for your surfing pleasure. Problem is, on rivers like the Willamette, there is not enough width to mitigate such activity.

Malibu, another manufacturer, has a wake boat called the "Wake Setter." So in regard to "wake or wave setting," do the rest of us get a setting for river use? ***Yes, the Oregon Legislature made a precedent-setting move, and voted SB 1589 into law.***

Here are a few more thoughts on the issue:

- The impact of wake boats on the natural environment is well-established. Whether one looks at scour on lake and river bottoms, the artificial surf-size waves smashing into shallow water habitat, and the waves impacting the shoreline, these overly sized craft clearly create conditions that are detrimental to a range of fish and wildlife. You can view the letter issued by NOAA Fisheries in 2022, the work done by the St. Anthony Falls lab of the University of Minnesota, or studies conducted on the Willamette. You can cite Dr. Stan Gregory's testimony, or the testimony of other scientists on this issue from sessions prior. Wake boats are different than other recreational craft, and their waves scour the riverside, the river bottom, and have been documented creating a massive amount of turbidity

(meaning suspended sediment in the water) – unnatural in the lower flow months to the Willamette. I've taken photos that document this myself.

- To date in 2024 the wake boat industry and their supporters are basically unaccountable. They have made a clear choice to disregard the vast majority of concerns expressed by those who care about and work on river and lake health, those who use these waterways for fishing, swimming and paddling, and those who own property on rivers like the Willamette. They promote mistruths, and seek to confuse the issue in every state where they encounter opposition to their form of *wreckreation*.
- Meanwhile, on the websites of those who manufacture wake surfing craft they tout the amazing “surf” waves that their craft create, counter to assertions that their craft are just like any other. If you spend 10 minutes viewing some of the manufacturers sites, you will gain a deep understanding that their craft are NOT like other recreational boats. They are designed to do ONE thing - ***create artificial waves that enable surfing on inland waters.***
- Willamette Riverkeeper owns a very nice 16' Alumacraft power boat with a 40hp Honda four stroke outboard. If all of these boats were the same, folks would be surfing behind this and similar power boats, that also cost far less. While our Honda four stroke is very clean and efficient, we wonder what kind of climate impact wake surf boats have? It must take a bit of fuel and energy to move hundreds of pounds of fuel, with thousands of pounds of ballast, along with the weight of the already heavy boat and those riding on it. One can image the engines of these craft are not the most efficient.
- Oregon recently took a leadership role on par with other historic efforts to aid the environment and public access when it created the Towed Water Sports program two years ago. We have a proud heritage with bills such as the Beach Bill, the Bottle Bill and our land use system. The legislature placed a very sensible overall weight limit on boats that conduct towed water sports of 5,500lbs in the Newberg Pool. We should keep that limit in place.
- Today this issue is being seen in many states, including Idaho, Minnesota, Wisconsin, Vermont, Washington, Georgia and beyond. The issues are exactly the same in each state. Artificial waves are affecting the environment, other waterway users, and private property owners.
- In what would be humorous if it wasn't so mis-stated, the industry and some users are also trying to make the case that the Willamette should be accessed by ALL, regardless of what a mess they create for the river and other rivers users! While their craft amount to less than 1 percent of all boats in Oregon, they are trying to say that many thousands of people are deprived from using the river if they cannot use a highly specialized, and very expensive craft. In reality, their relative handful of harmful boats create havoc for the Willamette, and every other river user. Just because “*families*” like an activity detrimental to river health doesn't mean that they are entitled to conduct that activity.

- The proposed amendment to make the weight limit 10,000 lbs only illustrates the problem. Much of the issue is about the boat weight, and that is what creates the massive artificial wave. ***They sit low, and drive slow*** – thereby creating a 4ft wave. That is why the weight limit was set a 5,500 lbs, which enables the vast majority of recreational boats to access, and use, the Willamette River, but eliminates craft that create the worst artificial waves.
- Reducing the length of the Newberg Pool also makes no sense. As it has been historically defined over the decades, the pool extends from Willamette Falls to the Yamhill River. Above the Yamhill a variety of gravel bars and rock hazards make traveling in a prop driven boat often dangerous.

We appreciate your consideration of this issue, and feel that attempts to repeal or drastically alter a sound law are problematic. Further, SB 1589 did indeed have a lot of public process during its development, *and very significant public support*. Oregon took a leadership role on this issue and we should honor that.

Thanks for your consideration.

Travis Williams
Riverkeeper & Executive Director
Willamette Riverkeeper