

Willamette RIVERKEEPER®

Testimony to the Oregon State Legislature - Senate Committee on Environment and Natural Resources May 2, 2019

Re: HB 2351 - Protecting River Habitat and River User Safety

Chair Dembrow, Vice-Chair Olsen and Committee Members:

My name is Travis Williams and I am Riverkeeper & Executive Director of Willamette Riverkeeper. Willamette Riverkeeper works to protect and restore the Willamette River's water quality and habitat. We have offices in Portland and Eugene.

In our view, HB 2351 fills a very clear natural resource and river safety policy gap. This policy gap poses risk to the Willamette River, and some of the people who use the river. The Willamette River does not generate waves that are 4ft high that run roughly 90 degrees toward the shoreline. **Such waves are not a natural feature of the river, and they never have been.**

Over the past few years, a class of motorized boat has been developed that, in essence, create "surf wakes" for the purpose of wake surfing. This has become a pastime for some on a portion of the Willamette River known as the Newberg Pool as well as other areas. The problem is that the wakes generated by these craft are large enough to damage the river bank, pose harm to native fish in the nearshore area, and even cause damage to private property. Further, wakes from these craft make other forms of recreation on the Willamette, whether canoeing, kayaking, or rowing, very tough at times given the height of the waves and close distance between the waves.

Wake boat manufacturer Ski Natique has as a tagline, "**bring the beach to you.**" This is in reference to the kind of waves found at coastal surfing beaches. Unfortunately, the Willamette is not a surf beach, nor does it have the natural structure to withstand the impact of artificial waves, yet this company and others have the sole purpose of creating large waves when the boats move forward. The Oregon State Marine Board

(OSMB) has been ill-equipped to act in regard to addressing this issue, and it seems little will change without legislative action.

Some people will try to make this issue about navigability or freedom. That is a false comparison. If a person wants to build along the river, they need permits to ensure that what they are doing is consistent with existing regulations. If a person wants to conduct a habitat restoration project they need permits from multiple agencies before they implement a project. Ironically, if they want to generate 4ft waves, spaced closely together, that smash into the nearshore area and river bank all day long - they need no particular review. If one is familiar with the notion of Occam's Razor, it is pretty easy to identify that there is a very real issue for the Willamette and the people that use the river in some areas - and it is pretty obvious. We are not talking natural erosion at high water, or wind driven waves during the summer months.

Land use planning Goal 15 is the Willamette River Greenway Program, and as a result, cities and counties have rules regarding riverside construction or modification. These rules have been in place for decades. This system is in place to protect water quality and habitat, and is reflective of Oregon's conservation and environmental values under Goal 15. The Marine Board needs to better regulate these newer craft, now generating larger and larger waves - especially in this stretch of the Willamette River to protect the river's ecological function, protect other river users, and private property.

At this point in time, the OSMB has failed to address this issue adequately - and there is a clear *policy gap*. Making the OSMB adhere to Goal 15 would greatly reduce that policy gap. At present, the OSMB does not address ecological impacts. They also indicate that they cannot "impede navigability." Navigability is found on many rivers, and different rivers have different rules. The OSMB has set rules that affect how and where craft can move, and HB 2351 would do that to protect riverside property. These are consistent. In our view HB 2351 would help us protect the Willamette River's habitat, protect private property, better restore threatened fish species, and create conditions more conducive on the river for all.

In our view wake surfing boats are the wrong machine for this stretch of the Willamette, and likely other stretches. The Willamette through much of the Newberg Pool is relatively narrow for such large waves. What we see at present is akin to landing a Boeing 777 at the Aurora Airport. Both have their place, but not together. Aurora is built

for smaller craft that have a smaller footprint. The same is true of wake surfing boats and the Willamette River. A large reservoir or lake is better suited for taking the wave energy of these wakes and dissipating them.

In regard to river health we know that:

- a) Large wakes can damage the nearshore habitat. This is the same habitat that is necessary for spring chinook salmon, and winter steelhead.
- b) Juvenile and adult spring chinook exist in the Newberg Pool, in the nearshore area during the summer months.
- c) Collectively, between the State and Federal government, Universities, non-profit organizations and others, **tens of millions of dollars** have been spent, and are being spent to restore habitat to benefit native spring chinook salmon, and winter steelhead throughout the Willamette River system. Sending large wakes into the nearshore area runs counter to the benefits of habitat restoration.
- d) Animals that utilize the nearshore environment along the Willamette include mayflies, caddisflies, juvenile spring Chinook, adult spring Chinook, freshwater mussels, freshwater snails, myriad small native fish, a range of flying insects and much more. Large artificial waves disrupt this habitat.

The present situation may well be increasing the time and money necessary to recover threatened spring chinook salmon and winter steelhead in the Willamette River System. ***By leaving the existing policy gap unaddressed, and not empowering the OSMB to take action where they should, we may well waste significant financial and human resources in our effort to protect and restore threatened species.***

Also of note, Travel Oregon and other entities are working hard to highlight the Willamette River Water Trail as a tourist attraction. The partnership between Oregon State Parks, Willamette Riverkeeper, and multiple cities and counties is a strong one that has brought many to the Willamette River in canoes, kayaks, drift boats and more. At present, because of the summertime wake surfing wakes in the Newberg Pool, that stretch of river is very unattractive to most any paddler during the summer months due to the massive artificial waves that are present.

A final important thought on this issue is that the issue is not about power boats vs. everything else. Power boats have their place, and the average fishing boat, or waterskiing boat is typically fine. They simply generate much smaller wakes than wake surfing boats. Willamette Riverkeeper owns a power boat, and we use it regularly in various parts of the river. Large artificial waves are the issue.

This issue is first, and foremost, about a class of craft that are specifically about generating large **waves upon which to surf**. Sure, this makes sense at the Coast, or perhaps on a huge lake or reservoir. It simply does not make sense for good portions of the Willamette River.

We also support this amended version of HB 2351 that contains an exemption for large commercial craft from RM 0-26. Such vessels are few and far between where impacts to the river's nearshore habitat are being felt.

I urge you to approve of HB 2351 in order to better protect the Willamette River's ecological function, and to fairly apply Goal 15 to riverine habitat. Thank you all for this opportunity to provide our views. We appreciate your service to the State of Oregon, and your thoughtfulness regarding this and other issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Williams", written in a cursive style.

Travis Williams
Riverkeeper & Executive Director