
Committee Report

CONSENT CALENDAR

March 13, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred HB 137,

AN ACT establishing a commission to examine the effects of wake boats in the state of New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Bruce Cohen

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 137
Title:	establishing a commission to examine the effects of wake boats in the state of New Hampshire.
Date:	March 13, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-0931h

STATEMENT OF INTENT

During the public hearing the committee heard from several residents and lake associations that there needs to be a balance between recreational use of wake boats and the effect on lakes and other recreational activity on or near lakes. This bill, as amended, establishes a commission to study the effects of wake boats. The commission will gather information on uses of wake boats regarding the spread of aquatic invasive species, the relationship to shoreline erosion, the impacts to private property, and the safety of swimmers and other boaters. The amendment adds members from industry and user groups to give a broader perspective to the commission.

Vote 20-0.

Rep. Bruce Cohen
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce Cohen for Resources, Recreation and Development. During the public hearing the committee heard from several residents and lake associations that there needs to be a balance between recreational use of wake boats and the effect on lakes and other recreational activity on or near lakes. This bill, as amended, establishes a commission to study the effects of wake boats. The commission will gather information on uses of wake boats regarding the spread of aquatic invasive species, the relationship to shoreline erosion, the impacts to private property, and the safety of swimmers and other boaters. The amendment adds members from industry and user groups to give a broader perspective to the commission. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

Resources HB 137, establishing a commission to study the effects of wake boats in the State of New Hampshire

OUGHT TO PASS WITH AMENDMENT. 17-3

Rep. Bruce Cohen for the Committee

During public hearing the committee heard from several New Hampshire residents and New Hampshire lake associations that there needs to be a balance between recreational use of wake boats and the effect on New Hampshire lakes and other recreational activity on or near lakes.

This bill, as amended, establishes a commission to study the effects of wake boats. The commission shall gather information on uses of wake boats regarding: the spread of aquatic invasive species; the relationship to shoreline erosion; the impacts to private property; and the safety of swimmers and other boaters. The amendment adds members from industry and user groups to give a broader perspective to the commission.

Amendment to HB 137

1 Amend RSA 270:133, I as inserted by section 1 of the bill by replacing it with the following:

2

3 I. The members of the commission shall be as follows:

4 (a) Two members of the house of representatives, appointed by the speaker of the house
5 of representatives.

6 (b) One member of the senate, appointed by the president of the senate.

7 (c) The commissioner of the department of environmental services, or designee.

8 (d) The captain of the marine patrol division, department of safety, or designee.

9 (e) A representative of the New Hampshire Marine Trades Association, appointed by
10 that association.

11 (f) A shorefront property owner from a lake smaller than 1,000 acres, appointed by the
12 speaker of the house of representatives.

13 (g) A shorefront property owner from a lake 1,000 acres or larger, appointed by the
14 speaker of the house of representatives.

15 (h) A representative from NH LAKES, appointed by that organization.

16 (i) A representative from a local lake association, appointed by the governor.

17 (j) A member of the USA Water Ski and Wake Sports New Hampshire club who is also a
18 resident of New Hampshire, appointed by that club.

19 (k) A representative of the Water Sports Industry Association, appointed by that
20 association.

21 (l) A representative of the New Hampshire Campground Owners Association, appointed
22 by that association.

23 (m) Two representatives of the wake boat recreational community, appointed by the
24 president of the senate.

25

26 Amend RSA 270:133, III(b)-(c) as inserted by section 1 of the bill by replacing them with the
27 following:

28

29 (b) The relationship to shoreline erosion and impacts to private property.

30 (c) The economic impact of recreational boating and the popularity of water sports
31 among families in New Hampshire.

32

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 137

BILL TITLE: establishing a commission to examine the effects of wake boats in the state of New Hampshire.

DATE: March 13, 2019

LOB ROOM: 305

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 2019-0931 h. (if offered)

Moved by Rep. Cohen Seconded by Rep. Terosian Feeney Vote: 17-3

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # (if offered)

Moved by Rep. Cohen Seconded by Rep. Feeney Vote: 20-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # (if offered)

Moved by Rep. Seconded by Rep. Vote:

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # (if offered)

Moved by Rep. Seconded by Rep. Vote:

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Motion

Respectfully submitted: Rosemarie Rung, Clerk



2019 SESSION

Resources, Recreation and Development

Bill #: 137 Motion: Adoption AM #: ²⁰¹⁹⁻0931 b. Exec Session Date: 3/3/2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Smith, Suzanne J. Chairman	✓		
Maes, Kevin G. Vice Chairman		✓	
Spang, Judith T.	✓		
Parkhurst, Henry A. L.	✓		
Thomas, Yvonne D.		✓	
Grassie, Chuck W.		✓	
Bushway, Patricia J.	✓		
Cohen, Bruce L.	✓		
Noel, Henry W.	✓		
Rung, Rosemarie Clerk	✓		
Thomas, Wendy E.N.	✓		
Renzullo, Andrew	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Feeney, George	✓		
Gunski, Michael D.	✓		
Harb, Robert D.	✓		
Hobson, Deborah L.	✓		
Lucas, Gates S. <i>Torosian</i>	✓		
Whittemore, James R.	✓		
TOTAL VOTE:	17	3	0



2019 SESSION

Resources, Recreation and Development

Bill #: 137 Motion: OTPA AM #: 2019/0931h Exec Session Date: 2/13/2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Smith, Suzanne J. Chairman	✓		
Maes, Kevin G. Vice Chairman	✓		
Spang, Judith T.	✓		
Parkhurst, Henry A. L.	✓		
Thomas, Yvonne D.	✓		
Grassie, Chuck W.	✓		
Bushway, Patricia J.	✓		
Cohen, Bruce L.	✓		
Noel, Henry W.	✓		
Rung, Rosemarie Clerk	✓		
Thomas, Wendy E.N.	✓		
Renzullo, Andrew	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Feeney, George	✓		
Gunski, Michael D.	✓		
Harb, Robert D.	✓		
Hobson, Deborah L.	✓		
Lucas, Gates S: <i>Torosian</i>	✓		
Whittemore, James R.	✓		
TOTAL VOTE:	20	0	

Amendment to HB 137

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10 that association.

11 (f) A shorefront property owner from a lake smaller than 1,000 acres, appointed by the
12 speaker of the house of representatives.

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18 resident of New Hampshire, appointed by that club.

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20 association.

21 (l) A representative of the New Hampshire Campground Owners Association, appointed
22 by that association.

23 (m) Two representatives of the wake boat recreational community, appointed by the
24 president of the senate.

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26 Amend RSA 270:133, III(b)-(c) as inserted by section 1 of the bill by replacing them with the
27 following:

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29 (b) The relationship to shoreline erosion and impacts to private property.

30 (c) The economic impact of recreational boating and the popularity of water sports
31 among families in New Hampshire.

32

Amendment to HB 137

- Page 2 -

1 Amend RSA 270:133, V as inserted by section 1 of the bill by replacing it with the following:

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3 V. The members of the commission shall elect a chairperson from among the members. The
4 first meeting of the commission shall be called by the first-named house member. The first meeting
5 of the commission shall be held within 45 days of the effective date of this section. Eight members
6 of the commission shall constitute a quorum.

Sub-Committee Actions

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION on HB 137

BILL TITLE: establishing a commission to examine the effects of wake boats in the state of New Hampshire.

DATE: March 8, 2019

Subcommittee Members: Reps. Suzanne Smith, Cohen and Gunski

Comments and Recommendations: Discussion about number of members on commission after input from NH Lakes and NH Water sports. Amendment will be drafted by Rep. Cohen.

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Rep. Gunski Seconded by Rep. Rep. Cohen Vote: 3-0

Respectfully submitted,

Rep. Suzanne Smith
Subcommittee Chairman

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION on HB 137

BILL TITLE: establishing a commission to examine the effects of wake boats in the state of New Hampshire.

DATE: March 8, 2019 Smith

Subcommittee Members: Reps. Maes, Cohen and Gunski

Smith substituting for Maes

Comments and Recommendations:

Discussion about number of members on commission after input from NH Lakes & NH Watersports Amend will be drafted by Rep Cohen

MOTIONS: OTP, QTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Gunski Seconded by Rep. Cohen AM Vote: 3.0

Adoption of Amendment # _____

Moved by Rep. Gunski Seconded by Rep. Cohen Vote: 3.0

Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. Suzanne Smith Subcommittee Chairman/Clerk

Amendment to HB 137

1 Amend RSA 270:133, I as inserted by section 1 of the bill by replacing it with the following:

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18 resident of New Hampshire, appointed by that club.

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20 association.

21 (l) A representative of the New Hampshire Campground Owners Association, appointed
22 by that association.

23 (m) 2 wakeboaters
24 Amend RSA 270:133, III(b)-(c) as inserted by section 1 of the bill by replacing them with the
25 following:

26
27 (b) The relationship to shoreline erosion and impacts to private property.

28 (c) The economic impact of recreational boating and the popularity of water sports
29 among families in New Hampshire.

30
31 Amend RSA 270:133, V as inserted by section 1 of the bill by replacing it with the following:

137

1 V. The members of the commission shall elect a chairperson from among the members. The
2 first meeting of the commission shall be called by the first-named house member. The first meeting
3 of the commission shall be held within 45 days of the effective date of this section. Eight members
4 of the commission shall constitute a quorum.

UNAPPROVED

HB 137 - AS INTRODUCED

2019 SESSION

19-0065
08/01

HOUSE BILL **137**

AN ACT establishing a commission to examine the effects of wake boats in the state of New Hampshire.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. Wolf, Merr. 5; Rep. Tanner, Sull. 9; Sen. Fuller Clark, Dist 21

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes a commission to examine the effects of wake boats in the state of New Hampshire.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0065
08/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing a commission to examine the effects of wake boats in the state of New Hampshire.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Commission to Study Wake Boats. Amend RSA 270 by inserting after section 132 the following new subdivision:

Commission to Study Wake Boats

270:133 Commission to Study Wake Boats. There is established a commission to study the effects of wake boats in the state of New Hampshire.

I. The members of the commission shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of environmental services, or designee.
- ~~(d) The executive director of fish and game, or designee.~~

- (d) The captain of the marine patrol division, department of safety, or designee.
- (e) A representative of the New Hampshire Marine Trades Association, appointed by that association.
- (f) A shorefront property owner from a lake smaller than 1,000 acres, appointed by the speaker of the house of representatives.
- (g) A shorefront property owner from a lake 1,000 acres or larger, appointed by the speaker of the house of representatives.
- (h) A representative from NH LAKES, appointed by that organization.
- (i) A representative from a local lake association, appointed by the governor.
- ~~(j) A New Hampshire member of the USA Water Ski & Wake Sports New Hampshire Council, appointed by that organization~~
- ~~(k) A representative of the Water Sports Industry Association, appointed by that Association~~
- ~~(l) A representative of the NH Campground Owners Association, appointed by that Association~~
- ~~(m) Two representatives of the wake boat recreational community, appointed by the president of the senate.~~

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall gather the appropriate data and information on the positive and negative uses of wake boats, specifically regarding:

- (a) The spread of aquatic invasive species.
- (b) The relationship to shoreline erosion and impacts to private property.
- ~~(c) The economic impact of recreational boating and the popularity of watersports among families in New Hampshire.~~
- (d) The safety of swimmers and other boaters.

IV. The commission may solicit input from any person or entity the commission deems relevant to its study.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. ~~Five-Eight~~ members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

2 Repeal. RSA 270:133, relative to the commission to study wake boats, is repealed.

3 Effective Date.

- I. Section 2 of this act shall take effect November 1, 2019.
- II. The remainder of this act shall take effect upon its passage.

Sub-Committee Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION on HB 137

BILL TITLE: establishing a commission to examine the effects of wake boats in the state of New Hampshire.

DATE: *January 22, 2019 - Room 104 @ 2:30*

Subcommittee Members: *Maes, Cohen, + Gurski*

Comments and Recommendations:

Add a memba to the suggested Commission, look ad an amendment doing such, reconvene an additional meeting to finalize the proposed motion.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

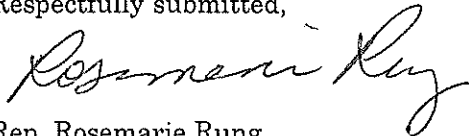
Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Hearing Minutes

8. ***June Fichter**
She spoke in favor of this bill and provided written testimony. A resident of Newbury and on Lake Sunapee, she explained about how sediment can get churned from the action of wake boats, its difficult to get water bladders dry to prevent the spread of invasive species, and the danger it poses to kayakers and paddle boarders.
9. ***Carol Foss (NH Audobon)**
She spoke in favor of this bill and provided written testimony on behalf of NH Audobon.
10. **Polly Finlayson**
She spoke in opposition to this bill. She is a wake boat owner on Lake Winnepocket (227 acres) and spoke to the advantages of wake boats.
11. *** Diane Hanley (Lake Winnepesaukee Association)**
She spoke in favor of this bill and provided written testimony. Her concerns center around where the boats are ridden as they can disrupt sediment in shallower water and cause damage to lake front property.

Respectfully submitted,



Rep. Rosemarie Rung
Clerk

NH HOUSE OF REPRESENTATIVES
RESOURCES, RECREATION AND DEVELOPMENT COMMITTEE
TESTIMONY ON HB 137

1. Suzanne Smith (prime sponsor)
She introduced the bill and explained how wake boats create a large wake and carry invasive plants via their ballasts. She spoke about how important it is to get all stakeholders to address the various issues and is willing to add a representative of watersports to the commission.
2. Sue Gottling *
She spoke in favor of the bill and provided written testimony. She described the evolution of wake boats and feel it is time to look at the impact this has on the environment and other areas.
3. Rebecca Hanson (Squam Lake Association) *
She spoke in favor of the bill and provided written testimony.
4. Tom O'Brien (NH Lakes Association) *
He spoke in favor of the bill and provided written testimony.
5. Warren Emley (Lake Winnepocket Conservation Association)
He spoke in favor of this bill and described the effect wake boats have on water and how the benefits of recreation can negatively impact the shore and others on smaller watercrafts. He spoke specifically of how wake boats adversely affect smaller lakes.
6. Don Pierce (Balch Lake) *
He spoke in favor of this bill and provided written testimony.
7. Julie Marsh (NH Marina Trades Association)
She is opposed to this bill as it only affects a small number of boats. She said there is already a way to avoid invasive plant contamination by cleaning, draining, and drying the ballasts.
8. June Fichter *
She spoke in favor of this bill and provided written testimony. A resident of Newbury and on Lake Sunapee, she explained about how sediment can get churned from the action of wake boats, its difficult to get water bladders dry to prevent the spread of invasive species, and the danger it poses to kayakers and paddle boarders.
9. Carol Foss (NH Audobon) *

She spoke in favor of this bill and provided written testimony on behalf of NH Audobon.

10. Polly Finlayson

She spoke in opposition to this bill. She is a wake boat owner on Lake Winnepocket (227 acres) and spoke to the advantages of wake boats.

11. Diane Hanley (Lake Winnepesaukee Association) *

She spoke in favor of this bill and provided written testimony. Her concerns center around where the boats are ridden as they can disrupt sediment in shallower water and cause damage to lake front property.

###

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 137 Date January 15, 2019

Committee Resources, Recreation + Development

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
BOB NASH	13 LAKEVIEW CT HILLSBORO	540-7283	SELF	X	
Tom O'Brien	NH LAKES 17 Cherrill Drive	226-0299	NH LAKES	X	
Carol R. Foss	MA AUDUBON 84 SILK FARM RD	224-9909	NHA	X	
Larry Sunderland	58 Baldwin Rd. Deering, N.H.	03244		X	
Sue Boutin	173 Lake Ave. Sunapee	763-5904	LSPA	✓	
Diane Hawley	71 Labonte Farm Rd Gilford	524-7821	LWA	✓	
Caryl Buckley	266 Pond Hill Road, Webster	746-4854	LWA	✓	
JERE BUCKLEY	266 POND HILL RD, WEBSTER, NH 03303	746-4854	SELF	✓	
John E. Nelson II	37 Hollings Dr. Webster, NH			✓	
Tae Nelson	37 Hollings Dr. Webster NH			✓	
Barbara Maki	12 Hollings Dr. Webster, N.H.			✓	
GEORGE EMBLEY	55 Rolfe Rd WEBSTER NH			✓	
Sally Embley	55 Rolfe Rd Webster			✓	
Benjamin Horne	157 Lake Rd, Webster			✓	
Representative John F Macdonald	Carroll Dist. 6			✓	
David Neils	NHDES				
Polly Hinlanson	PO Box 691 Centocook, NH	03229			✓
Dexter MacAlum	PO Box 744, Edson, NH	03234			✓
Julie Marsh	63 Farm View Ln Gilford		NHMTA		✓
Michael Farrelly	245A S. Main St. Concord, NH	495-2601			✓
Linda Gilbert	69 N. Spring St. Unit C, Concord, NH				
LINDA TANNER	Representative Sullivan D9			X	
ROBIN EVARTS				X	
Scott Behner	203 Long Pond Rd, Northwood NH	03261			X

Testimony

Good afternoon, Mr. Chairman and members of the Committee:

I am Sue Gottling, resident of Sunapee NH, member of the LSPA Board and the Sunapee Selectboard. I live on the lakefront. Others will give you information on the many ways Wake Boat operation might be studied. I want to tell you why I believe you should create a commission to do the study.

While surfing the Internet, I discovered that Wake Boat development is not standing still. Early articles instruct a boat owner in how to adapt their vessel: carry passengers and make them sit in the back and on the side; put your cooler and other paraphernalia in the stern, find a piece of lead or concrete and weigh down your boat. Try to add at least 100 to 1000 pounds. Not exactly high tech. However, it was not long before boats came with built-ins for water weight up to 3000 pounds; or you could do it yourself and buy and install your own water bladders to reach this weight. Soon there were special hull and propeller designs and other additions, all aimed at creating a bigger wake. If you have \$327, 900 at hand, you can have a boat that carries almost 6000 pounds of water weight and "leaves the competition bobbing in its massive wake." (Pavati AL26 Wake Boat advertisement).

Wake Boat technology and design is moving forward. Perhaps it is time that NH, like other states, moves forward with balancing the thrill of wake-surfing and boarding with the agony of environmental and property damage. A commission is the right start.



#3

January 15, 2019

The Honorable Suzanne Smith, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB137, relative to establishing a commission to examine the effects of wake boats in the state of New Hampshire

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to comment on HB137, The Squam Lakes Association strongly supports this legislation. The Squam Lakes Association is dedicated to conserving for public benefit the natural beauty, peaceful character and resources of the watershed. In collaboration with local and state partners the SLA promotes the protection, careful use and shared enjoyment of the lakes, mountains, forests, open spaces and wildlife of the Squam Lakes region. In recent years, through comments from our membership, our community members, and through our own observations, we have become concerned about the impacts of wake boats on the Squam Lakes.

With growing use around the state and in the Squam Lakes, we are concerned that wake boats have negative impacts and threaten lake ecosystems, specifically to water quality and wildlife. Our specific concerns are:

1. **Water quality—turbidity:** Propeller action from wake boats have the potential to reach the bottom sediment and cause it to resuspend in the water column. This decreases water clarity and can add nutrients in the water, which can fuel algal blooms. It has been documented in scientific studies that a decrease in water clarity can result in a decrease in lakefront property values.
2. **Water quality—shoreline erosion:** The larger wake created by wake boats can increase shoreline erosion. Damage to the shoreline can increase sedimentation in the water, decrease water clarity, and contribute nutrients, all impacting water quality. More erosion along the shoreline also removes the buffer. Without the buffer, stormwater can erode the shoreline further and contribute more nutrients to the lake.
3. **Aquatic invasive species:** Wake boats use ballast tanks and bags that could harbor aquatic invasive species, specifically invasive animals that are most mobile when they are in their larval stage. Ballast tanks and bags must be cleaned, drained, and dried to eliminate this threat.
4. **Wildlife:** Increased wave activity and larger wake from wake boats can negatively impact wildlife. Common loons, a threatened species in New Hampshire, nest at the water's edge in lakes throughout the state. Increased wave action threatens their ability to nest successfully. Wake boat wave action that occurs during times when the lake is at its fullest can further

threaten nesting loons. Loons on Squam have struggled with reproductive success, and it is important we protect the habitat they require for survival.

5. **Recreation:** We have received comments and complaints that increased wave action from wake boats is impacting the recreation experience of other lake users. This unsafe wake is knocking children off of docks and rocks around the shoreline. Kayakers, canoers, and paddleboarders might find it difficult to paddle through big waves. Large waves from wake boats can also damage property along the lakeshore.

With these concerns in mind, we are in full support of HB137. To manage this issue, we need to understand the impacts of wake boats in New Hampshire further. With further study and with the input of all stakeholders, we can fully understand the impacts of wake boats in our state and work to create a solution to both protect the lake ecosystems while allowing people to enjoy the recreation opportunities on the lakes. To achieve that outcome, the Squam Lakes Association urges the House Resources, Recreation and Development Committee to vote "ought to pass" on HB137, relative to establishing a commission to examine the effects of wake boats in the state of New Hampshire.

Sincerely,



Rebecca Hanson
Director of Conservation
Squam Lakes Association



*4

January 15, 2019

The Honorable Suzanne Smith, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB137, relative to establishing a commission to examine the effects of wake boats in the state of New Hampshire

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to comment on HB137. NH LAKES strongly supports HB137, relative to establishing a commission to examine the effects of wake boats in the state of New Hampshire. As a statewide non-profit organization dedicated to keeping New Hampshire's lakes clean and healthy, NH LAKES advocates for laws and other public policies and programs designed to achieve this mission. We work with partners, promote clean water policies and responsible use, and inspire the public to care for our lakes. Over the last few years, we have received many inquiries and complaints regarding wake (ballast) boats from our members and non-profit partners. We also know that these watercraft are quite popular with many boaters.

Wake boats (sometimes called wakeboard boats) are designed or modified to create a large, specifically-shaped wake for a wakeboarder to surf or jump the wake from side to side while doing aerial tricks. One way that these boats create larger waves behind them is to take on ballast water, which lowers the rear of the boat, displacing more water. This displacement of water changes the wake from one that is long and relatively low (a typical wake such as a water skier would use) to one that is much higher and more powerful (as high as 6 feet). Wakeboarders surf this wave as they travel behind the boat.

With growing popularity, we are concerned that these boats introduce new variables and new threats to the public waters of New Hampshire. Our primary concerns with the use of wake boats are:

- Wake board boats often utilize ballast tanks/bags that may harbor aquatic invasive species (AIS). The tanks/bags are filled with lake or river water when in use and then emptied whenever they are trailered or moved from one waterbody to another. Even though they are 'empty' the tanks/bags could contain invasive plant fragments and animal larvae, spreading them from one waterbody to another. Ballast tanks/bags are nearly impossible to clean and drain completely without professional decontamination services. There are optional filters to use on ballast tanks to prevent aquatic invasive species from entering but we are still learning about the effectiveness of these filters.
- The impact of larger than average waves (sometimes 4 to 6 feet) on shoreline erosion.
- The danger of the waves generated by wake boats on other boaters, swimmers, and shoreline structures, such as docks, etc.

In response to receiving dozens of inquiries and complaints about these boats over the last few years from around the state and associated with lakes of all sizes, NH LAKES has begun gathering information about the apparent or potential impacts from these boats. We have spoken with national industry groups that promote these craft and we are looking at

the efforts of environmental and safety agencies throughout North America to educate wake boat operators and try various rules changes to reduce the impacts of these watercraft. The possible solutions to the problems caused, or potentially caused by these boats, do not appear to be simple or without their own unintended consequences. Therefore, NH LAKES supports further study with all interested parties. We should work together in New Hampshire to better understand the problems, and the enjoyment that these boats provide to some boaters, before proposing specific remedies to the environmental and safety issues these boats appear to be causing or making worse.

We are confident that with good data and the input of all affected and interested parties, we can together get a clearer understanding of the problem to allow us to implement common sense solutions to those problems—solutions that work for New Hampshire. To achieve that outcome, NH LAKES urges the House Resources, Recreation and Development Committee to vote “ought to pass” on HB137, relative to establishing a commission to examine the effects of wake boats in the state of New Hampshire.

Respectfully,



Kelly Buchanan, Advocacy Program Coordinator
NH LAKES

+ Thank you Madam Chair and members of the committee for this hearing and for your consideration of establishing a study commission to examine the effects of Wake Boats on New Hampshire lakes.

+ My name is Don Pierce and I'm here to testify on behalf of lakeside owners on Lake Balch. Lake Balch is in Wakefield, NH and also Acton & Newfield ME. I have been involved with the invasive species mitigation program since milfoil was discovered in our lake in 2001. For 5 years ending in 2017 I was president of the Balch Lake Improvement Association. Balch has 12 independent owners associations and our team of volunteers and paid professionals were the consolidation point for all of the lake in our fight against invasives. I mention this background because over the 18 years I have established many personal & professional relationships with the camp owners and while my testimony will describe my experience it also reflects the view and experiences of many, many others.

+ One last comment before I begin - all one has to do is google "wake boat damage" or any other similar verbiage and you will find that the negative effects of wake boats is a nationwide problem.

+ I'd like to offer my experience point by point as I understand the potential study is organized.

#1 – The Effect of Wake Boats on the spread of Aquatic Invasive Species.

All watercraft, including non-powered, are capable of spreading invasives. The Wake boats present two challenges – one is when their ballasts are full they reach lower in the water making it more probable that they are slicing the milfoil plants. I think this possible to study lake by lake. The second challenge is how we deal with invasive fragments that are ingested into the ballast tanks. I think this can also be addressed.

#2 – The Safety of Swimmers and other Boaters.

The worst and most frightening boating experience was nearly being swamped to the point of losing the boat. – Explain -
Regarding swimming we now require everybody to be standing on the shore line when the surf boat wakes come to shore. It is impossible for most to remain standing or swimming when three foot wakes are coming in one after another. These experiences are common to all.

#3 – Impacts to Private Property.

Here are some examples: Mooring cleats being ripped from docks
A 17' boat washed up on the owner's dock
Retaining wall damage – I lost a 3x4 section
Gouging of boat hulls being slammed into docks

As a quality of life issue when on our dock we have to stand up or leave the dock as the wakes come over the dock and up through the dock.

#4 – Shoreline Erosion. Over the past several years we have lost 3 ft. of shoreline as a result of Erosion.

* 8



LSPA
*Devoted to the Environmental Quality
of the Lake Sunapee Watershed*

NH House Resources, Recreation and Development Committee

Date: January 15, 2019

Re: HB 137

Dear Chairperson Smith and Members,

I am here to advocate in favor of HB 137, to establish a commission to examine the effects of wake boats in the state of NH.

While wake boats are becoming a popular recreation alternative to waterskiing, their impacts on shorelines (erosion) from wave action, sediment resuspension and turbidity in shallow areas, potential spread of aquatic invasives, and other boaters is not well known.

A commission to enable an understanding of these effects is a reasonable effort toward protecting our lakes and ponds, and creating an atmosphere where all types of water recreation can co-exist.

Sincerely,

June Fichter

Executive Director
Lake Sunapee Protective Association
PO Box 683, 63 Main St., Sunapee, NH 03782
JuneF@lakesunapee.org 603.763.2210



January 15, 2019

The Honorable Suzanne Smith
 Chair, House Resources, Recreation and Development Committee
 Room 305, Legislative Office Building
 Concord, NH 03301

Re: HB 137 establishing a commission to examine the effects of wake boats in the state of New Hampshire

STATEWIDE OFFICES

84 Silk Farm Road
 Concord, NH 03301
 Phone 603-224-9909
 Fax 603-226-0902
 nha@nhaudubon.org
 www.nhaudubon.org

REGIONAL CENTERS

AMOSKEAG FISHWAYS & LEARNING CENTER
 4 Fletcher Street
 Manchester, NH 03102
 Phone 603-626-3474
 Fax 603-644-4386
Managed by NH Audubon as part of the Amoskeag Fishways Partnership.

MASSABESIC CENTER
 26 Audubon Way
 Auburn, NH 03032
 Phone 603-668-2045

McLANE CENTER
 84 Silk Farm Road
 Concord, NH 03301
 Phone 603-224-9909

NEWFOUND CENTER
 Summer Mailing Address:
 50 North Shore Road
 Location:
 290 North Shore Road
 Hebron, NH 03241
 Phone 603-744-3516

Dear Chairman Smith and Members of the House Resources, Recreation and Development Committee:

I am writing on behalf of the Audubon Society of New Hampshire in support of House Bill 137. We are a statewide non-governmental organization dedicated to protecting New Hampshire's environment for wildlife and for people.

HB 137 proposes to establish a commission to examine the effects of wake boats in the state of New Hampshire. Wake boats are a relatively new type of watercraft that contain high volume ballast systems which cause them to ride lower in the water than traditional speed boats and throw a large, high energy wake. While these boats are very popular for wakeboarding and wake surfing, they create a number of problems.

The energy in waves generated by wake boats is substantially greater than the energy in waves that occur during intense summer thunderstorms or other high wind events on inland lakes. Lakeshore landowners (or "riparians," as they are sometimes called) will doubtless testify to the property damage and safety issues these boats can cause. I will focus on the environmental impacts.

Shoreline erosion

The larger, more intense waves generated by wake boats impact shorelines with much greater force than waves generated by conventional motorboats. This energy causes erosion of "soft" shorelines, damaging the upland through loss of soil and vegetation and damaging the waterbody through addition of sediment. In some areas this energy may be sufficient to dislodge smaller rocks along "hard" shorelines and expose the adjacent soil to erosion.

Disturbance of bottom sediments

The wake boat propulsion system generates turbulence to a much greater depth and degree than conventional boats. This strong turbulence impacts aquatic life from plankton, plants and insects to fish, turtles, and birds. This turbulence also disturbs bottom sediments, re-suspending nutrients that can increase algal blooms and growth of submerged aquatic vegetation.

Disturbed bottom sediments can be slow to settle back to the bottom, decreasing water clarity for variable periods of time.

Overwash of loon nests

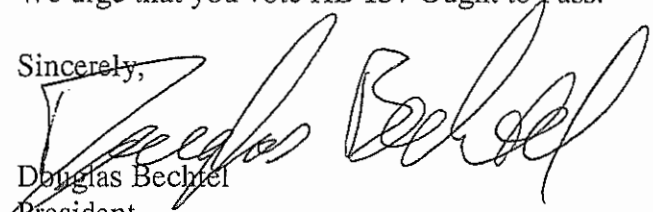
The Common Loon is an iconic resident of many New Hampshire lakes and is on the New Hampshire list of Threatened Species. Loons are proficient swimmers and divers, but their anatomy makes it a challenge to walk on land. As a result, they build their nests on the water's edge, where they can easily slide into and out of the water. The intense, high waves from wake boats can flood loon nests, chilling the eggs, and even washing them from the nest.

Ballast water

Wake boat ballast is stored in bags and tanks, which hold on the order of 220 to 360 gallons of water and are filled and emptied by pumps. While no one would trailer a boat without emptying the ballast, the intakes, pumps, valves, hoses, and bags or tanks cannot be expected to drain completely, and provide ample opportunity for invasive aquatic organisms to lurk. Transporting wake boats between waterbodies creates a potential avenue for the spread of invasive aquatic plants and animals that no Lake Host or boat washing program can mitigate.

Establishing a commission to examine the effects of wake boats and identify strategies for protecting New Hampshire waters from damage is an important and timely action. We urge that you vote HB 137 Ought to Pass.

Sincerely,



Douglas Bechtel
President

Lake Winnepesaukee Association

P.O. Box 1624
Meredith, NH 03253



Love the Lake

(603) 581-6632
mail@winnepesaukee.org

www.winnepesaukee.org
www.winnepesaukeegateway.org

TO: Representative Susanne Smith, Chairman, and Honorable Members of the
NH House of Representatives Resources, Recreation and Development Committee

The Lake Winnepesaukee Association is the non-profit organization dedicated to protecting the water quality and natural resources of Lake Winnepesaukee and its watershed.

Lake Winnepesaukee Association (LWA) would like to state our support for HB137 *relative to establishing a commission to examine the effects of wake boats in the state of New Hampshire.*

Wake boats create larger wakes than usual specifically for the purpose of the activity. It appears that this activity is often done near-shore and within coves rather than open areas (such as the Broads on Lake Winnepesaukee). We see several issues that may arise because of this.

1. The lake water below the boat experiences increased turbulence and therefore more likely suspension of bottom sediments. Sediment contains natural and added phosphorus which is, of course, fertilizer for plants. Elevated levels of phosphorus in lake water is a direct contributor to the growth of invasive milfoil and cyanobacteria. More turbulent water also decreases water clarity. All of these decreases in water quality are known to have negative effects on property values, swimmability, fishing and lake bottom habitat.
2. Increased wave action in shallow or near-shore areas and coves also presents the possibility of shoreline erosion, particularly during higher lake levels on impounded lakes.
3. Increased wave action in shallow or near-shore areas and coves presents potential danger to other boaters, swimmers, and shoreline structures, such as docks, etc.
4. The potential for dispersal of aquatic invasive plant fragments or aquatic invasive animal larvae via the ballast in these boats, either into a lake or taken from a lake and introduced elsewhere.
5. These boats are usually operated near shore with music playing and for more than a few minutes at a time, so noise levels should also be studied for potential negative effects.

LWA believes that data that could be provided by such a study committee is needed in order to effectively address this relatively new class of watercraft in New Hampshire.

Thank you for your time and consideration of these comments on behalf of LWA.

Sincerely, 
Diane Hanley, President, Lake Winnepesaukee Association

Working to protect the water quality and natural resources of
Lake Winnepesaukee and its watershed now and for future generations.

66 Point O Pines
Wolfeboro, NH 03894

January 11, 2019

Dear Madam Chair and Members of the Resources, Recreation and Development Committee,

I understand that there is a public hearing on HB 137 on Tuesday before your committee. I am writing to urge you to please support HB 137 which would create a commission to study the impact of wake boats on NH's lakes.

Wake boats are a fairly new phenomenon on my lake (Lake Wentworth) and so far I have seen them only infrequently. However, I have been very concerned about the huge waves they produce. In addition to once being almost thrown off my paddleboard, I have watched as these waves push sand from one end of a beach to another and can only imagine how these waves might erode our rocky tree-lined shores. Then there is the serious issue of the transport of aquatic invasive species in the ballast of these boats if they are moved from one lake to another. I understand that professional cleaning is really the only way to ensure adequate draining and cleaning of the ballast water and that to me presents a huge threat to our waters.

I am certainly in favor of having a commission study and document the effects these boats are having on our lakes and the people who swim and boat on them. New things are so often developed without thinking how they might affect other things. We need to document how and to what extent these new boats are affecting our lakes so that if there are serious negative effects, steps can be taken to reduce them.

NH is blessed with so many beautiful lakes and ponds and these provide so much pleasure to so many people, residents and tourists alike. Our economy depends on us keeping our lakes healthy and inviting for people to swim, boat and fish. Please support HB 137 and let's get real data on what effects wake boats are having.

Thank you for the opportunity to express my opinion.

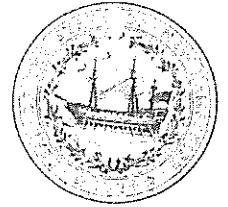
Yours Truly,



Susan R. Goodwin



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 15, 2019

The Honorable Suzanne Smith
Chair, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 137 – AN ACT establishing a commission to examine the effects of wake boats in the state of New Hampshire.

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to comment on HB 137. This bill proposes to form a legislative commission to examine issues related to the operation of wake boats on state waters.

Wake boats are recreational watercraft that are specially designed to generate a large wake which is used by wakeboarders and wakesurfers. The use of these boats has expanded over the past decade or so which has raised concerns about their potential impacts to the surface waters and shorelines on which they are operated. For example, NHDES has heard from some shoreland property owners that they have needed to stabilize their shorelines in places they never had to prior to the emergence of wake boats. An additional concern is that some designs of wake boats utilize ballast tanks to weigh down the boat. Water left in these tanks from one lake to another could transport aquatic invasive plants and animals. Finally, in shallow lakes, the potential exists for wake boats to increase turbidity which impacts fish and other aquatic creatures, not to mention the safety of swimmers.

If, for these and other reasons, the legislature wishes to examine these issues, NHDES stands ready to support such a commission with any data or information that we have available.

Thank you again for the opportunity to comment on HB 137. Should you have further questions, or need additional information, please feel free to contact either Dave Neils, Limnology Center Director, at 603-271-8865 or david.neils@des.nh.gov, or me at 603-271-3449 or Robert.Scott@des.nh.gov.

Sincerely,

Robert R. Scott
Commissioner

cc: Sponsors of HB 137: Representatives Wolf and Tanner
Senator Fuller Clark

Bill as
Introduced

HB 137 - AS INTRODUCED

2019 SESSION

19-0065

08/01

HOUSE BILL **137**

AN ACT establishing a commission to examine the effects of wake boats in the state of New Hampshire.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. Wolf, Merr. 5; Rep. Tanner, Sull. 9; Sen. Fuller Clark, Dist 21

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes a commission to examine the effects of wake boats in the state of New Hampshire.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 137 - AS INTRODUCED

- Page 2 -

1 V. The members of the commission shall elect a chairperson from among the members. The
2 first meeting of the commission shall be called by the first-named house member. The first meeting
3 of the commission shall be held within 45 days of the effective date of this section. Five members of
4 the commission shall constitute a quorum.

5 VI. The commission shall report its findings and any recommendations for proposed
6 legislation to the speaker of the house of representatives, the president of the senate, the house
7 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

8 2 Repeal. RSA 270:133, relative to the commission to study wake boats, is repealed.

9 3 Effective Date.

10 I. Section 2 of this act shall take effect November 1, 2019.

11 II. The remainder of this act shall take effect upon its passage.