

Bill as Introduced

HB 137 - AS AMENDED BY THE HOUSE

19Mar2019... 0931h

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

- Page 2 -

1 negative uses of wake boats, specifically regarding:

2 (a) The spread of aquatic invasive species.

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

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

6 (d) The safety of swimmers and other boaters.

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

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

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

16 2 Repeal. RSA 270:133, relative to the commission to study wake boats, is repealed.

17 3 Effective Date.

June 30, 2020

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

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

HB 137 - AS AMENDED BY THE SENATE

19Mar2019... 0931h
05/02/2019 1651s

2019 SESSION

19-0065
08/01

HOUSE BILL **137**

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CHAPTER 77
HB 137 - FINAL VERSION

19Mar2019... 0931h
05/02/2019 1651s

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

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CHAPTER 77
HB 137 - FINAL VERSION

- Page 2 -

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18 77:3 Effective Date.

19 I. Section 2 of this act shall take effect June 30, 2020.

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

Approved: June 18, 2019

Effective Date:

I. Section 2 shall take effect June 30, 2020.

II. Remainder shall take effect June 18, 2019.

Amendments

Senate Transportation
April 24, 2019
2019-1651s
08/10

Amendment to HB 137

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

2

3 VI. The commission shall report its findings and any recommendations for proposed
4 legislation to the speaker of the house of representatives, the president of the senate, the house
5 clerk, the senate clerk, the governor, and the state library on or before June 30, 2020.

6

7 Amend the bill by replacing section 3 with the following:

8

9 3 Effective Date.

10 I. Section 2 of this act shall take effect June 30, 2020.

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

Committee Minutes

SENATE CALENDAR NOTICE
Transportation

Sen David Watters, Chair
Sen Regina Birdsell, Vice Chair
Sen Martha Hennessey, Member
Sen Melanie Levesque, Member
Sen Ruth Ward, Member

Date: April 10, 2019

HEARINGS

Tuesday	04/23/2019	
(Day)	(Date)	
Transportation	LOB 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 137	establishing a commission to examine the effects of wake boats in the state of New Hampshire.
1:15 p.m.	HB 324	relative to operation of personal water craft around the marsh lands or flats in the Hampton/Seabrook estuary.
1:30 p.m.	HB 397-FN	relative to drivers' licenses for New Hampshire residents who do not possess a social security card.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 137

Rep. Suzanne Smith

Rep. Wolf

Rep. Tanner

Sen. Fuller Clark

HB 324

Rep. Janvrin

Rep. Abramson

Rep. Fowler

Rep. Cushing

Rep. Edgar

HB 397-FN

Rep. Sykes

Rep. Mangipudi

Rep. King

Rep. Harriott-Gathright

Rep. Espitia

Rep. Grassie

Sen. Watters

Sonja Caldwell 271-2117

David H Watters
Chairman

Senate Transportation Committee

Sonja Caldwell 271-2117

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

Hearing Date: April 23, 2019

Members of the Committee Present: Senators Watters, Birdsell and Ward

Members of the Committee Absent : Senators Hennessey and Levesque

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

Sponsors:

Rep. Suzanne Smith
Sen. Fuller Clark

Rep. Wolf

Rep. Tanner

Who supports the bill: Rebecca Hanson (Squam Lakes Assoc.), Larry Sunderland (NH Audubon, Loon Preservation Comm.), Kelly Buchanan (NH LAKES), Benjamin McMahon (USA Water Ski and Wake Sports Assoc.), Tim Dunleavy (Marine Patrol), Peter MacCallum (MacCallum's Boathouse), Jodi Grimbilas (Water Sports Industry Assoc.), Rep. Suzanne Smith, Rep. Jason Janvrin

Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented:

Rep. Suzanne Smith

- Wake boats have a deeper draft than a typical water ski boat. They ride deeper in the water.
- There are concerns about invasive species and erosion on shorelines because of the large wakes.
- This commission is attempting to bring stakeholders to the table to research this and find out if there is something the legislature should be doing. There is a need to balance rights of property owners with rights of folks to enjoy their boats and not spread aquatic invasives from lake to lake. Some members were added to the commission in the House committee.

Sen. Watters asked if it will take a while to get everyone appointed to the commission and if Rep. Smith thinks the reporting date is enough time.

She said no. She would rather extend it to the end of the biennium.

Sen. Watters suggested July 1.

Rebecca Hanson (Squam Lakes Association)

- Ms. Hanson is the director of conservation and they support the bill.
- The SLA is dedicated to protecting the lake and the surrounding watershed as well as the safety of wildlife, like loons, who are not doing well on Squam Lake primarily because of water quality and impacts of erosion on shoreline. Wave action also brings sediment up.

Larry Sunderland (NH Audubon and Loon Preservation Committee)

- The NH Audubon is dedicated to protecting the environment. The larger more intense wave generated by wake boats impact shoreline erosion more than traditional motor boats.
- He is familiar with Deering Lake in Deering NH, because of the layout around the channel, there has been a lot of erosion of the shoreline of his property. Trees have fallen into the channel as a result, which is a hazard to boaters.
- The strong wake impacts aquatic life and disturbs bottom sediment. He hopes the commission will look into the impact on loons and other wildlife. Loon nests are vulnerable to flooding or destruction by wave action.

Kelly Buchanan (NH LAKES)

- The primary concern with these boats is their ability to transport species in their ballast water. Some states have banned these watercraft, while other states have mandatory decontamination of the watercraft.

Benjamin McMahon (USA Water Ski and Wake Sports Association)

- Mr. McMahon fosters the development and competition of water sports. He is president of Pawtuckaway Lake Water Ski Club. Their members are active in lake preservation activities.
- The association appreciates being named to the commission and they look forward to discussing potential impacts. These issues can be addressed through education and enforcement.

Peter MacCallum – (MacCallum’s Boathouse)

- He owns a boathouse on Northwood Lake and they sell and service multiple lines of boats, including wake boats. The wake boats are very versatile. Some create zero wake for barefoot water skiing. The prop is under the boat. Portable ballast bags are used to increase the weight of the boat and some models can fill and empty with the push of a button. Wakeboarding is best performed in deep water.

Jodi Grimbilas (Water Sports Industry Association)

- The association appreciates being on the commission and will bring forward information. They are happy with the membership of the commission as in the bill currently.

Speakers

Testimony



April 23, 2019

The Honorable David Watters, Chair
Senate Transportation Committee
Legislative Office Building, Room 103
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 Watters 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 and displaces 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 or without a tow line.

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 for 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 gain 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 Senate Transportation 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,

A handwritten signature in black ink, appearing to read "Tom O'Brien". The signature is fluid and cursive, with a prominent initial "T" and "O".

Tom O'Brien, President & Policy Advocate
NH LAKES



April 23, 2019

The Honorable David Watters &
Members of the Senate Transportation Committee
Legislative Office Building, Rm 103
Concord, NH 03301

Dear Chairman Watters and Honorable Members of the Committee,

Thank you for the opportunity to provide information regarding HB 137, a bill establishing a commission to examine the effects of wake boats in the State of New Hampshire. The Water Sports Industry Association (WSIA) is a non-profit trade association for the towed water sports industry. Our Association focuses on best practices, education, safety, open access and sustainable industry growth. We appreciate being named to the HB 137 Commission and believe a balanced stakeholder discussion on waterway access rights is a more prudent step to resolution than efforts to ban or restrict certain boats. We look forward to participating.

The industry takes very seriously its responsibility to preserve and protect the waterways. For our manufacturer, dealer and supplier members, their livelihood depends on it. We work with national organizations to develop standards in boat manufacturing, we work with dealers on best practices, and continue our efforts to the boating community to promote boating etiquette and responsibility. We believe the increasing popularity of water sports, and in particular wake sports, have captured the interests of families in New Hampshire, as well as nationwide. Never have watersports been so versatile to allow every member of the family to get out on the water and have fun. From surfing a wake at 11 mph to barefoot skiing at 40 mph, and tubing in between, there are activities for everyone who wants to spend a day on the lake.

We are happy to bring information to the Commission on studies relative to wave energy, efforts in the area of AIS, as well as other information and input as needed.

Thank you again for the opportunity to participate. We look forward to working together.

Kindest Regards,

Larry Meddock
Chairman, WSIA

Chris Bischoff
Waterways & Government Affairs Director, WSIA



Loon Preservation Committee

P.O. Box 604, Lee's Mills Road, Moultonborough, NH 03254
603-476-LOON (5666) Fax 603-476-5497 www.loon.org

April 23, 2019

The Honorable David Watters
Chair, Senate Transportation Committee
Room 103, Legislative Office Building
Concord, NH 03301

Re: HB 137 to establish a wake boat study commission

Dear Chairperson Watters and committee members,

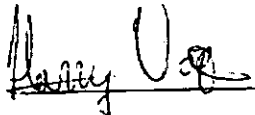
Thank you for the opportunity to voice the Loon Preservation Committee (LPC)'s support for House Bill 137. LPC works to restore and protect a healthy loon population in New Hampshire, through monitoring, management, research, and education. With respect to potential impacts to loons, we emphasize the following reasons that wake boat use deserves study:

1. Nest destruction. Loon nests are exceptionally vulnerable to flooding or destruction by wave action. Because loons are adapted to swimming and diving rather than walking they move with difficulty on land, and therefore always nest close to the water's edge. Waves from boat wakes can wash over loon nests, causing them to fail in some cases. In fact, LPC field observations have been refined in the last two years to record wave action as a separate cause of nest failure, distinct from flooding with increased lake level, so that we can better track the impact of storm- or boat-induced waves. Nest failures have been attributed to boat wakes on bigger lakes where small islands favored for nesting are close to busy boating channels, for example at Plum, Gun, or Little Mile Islands on Winnepesaukee, or islands on Balch and Pine River Pond in Wakefield. These same lakes are places where wake boat use may increase the risk to vulnerable nests, and a close assessment of the potential impact is needed. Over 40% of loon nest attempts in New Hampshire fail each year, on average, from various causes. Intensive annual management of many nest sites has been needed throughout the state to aid the gradual, ongoing recovery of loons, which remain a threatened species in New Hampshire. The proposed wake boat commission would help the wider effort to identify and mitigate risks to loon nesting success.

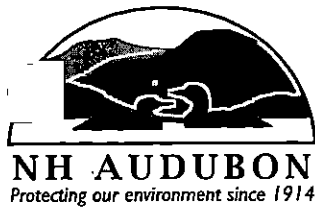
2. Shoreline erosion and water quality. Suitable loon habitat depends in part on water clarity and other water quality parameters that can be degraded by shoreline erosion. The potential for wake boats to increase shoreline erosion is a concern for loons and other lake wildlife and deserves study.

Thank you in advance for considering loons and other wildlife in pursuing a wake boat study commission and voting to pass House Bill 137. Please contact LPC by telephone (603) 476-5666, mail, or email (hvogel@loon.org) if more information would be helpful or if you have any questions.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Harry Vogel", written over a horizontal line.

Harry Vogel
Senior Biologist/Executive Director



April 23, 2019

The Honorable David Watters
Chair, Senate Transportation Committee
Room 103, 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 Watters and Members of the Senate Transportation 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. While the charge to the commission does not specifically address risks to threatened and endangered wildlife, we hope that the commission will address this issue in their discussion of shoreline erosion.

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.

We appreciate your consideration of the above recommendations and urge that you vote HB 137 Ought to Pass.

Sincerely,



Carol R. Foss, Ph.D.
Senior Advisor for Science and Policy

Voting Members:

David Packard
Chair
NH Lakes Assn.

Bruce Allen
Conservation
Commissions

Mark Borrin
Tourism Industry

Shane Bradt
Scientific Community

Edmund Crawford
Marine Trades
Association

Tiffany Grade
Conservation
Community

Janet Kidder
Planning Boards

Frank Lemay
NH BIA

Lisa Morin
State Conservation
Committee (*pending*)

Rex Norman
Municipal Official

Dick Smith
Fishing Interests

Bruce Temple
NH Fish & Game
Commission (*pending*)

Mary Truell
NH Association of
Realtors

Non-Voting Members:

Garret Graaskamp
Vice Chair
NH Fish & Game Dept.

Capt. Tim Dunleavy
NH Dept. of Safety

Eric Feldbaum
NH Dept. of Natural and
Cultural Resources

Jennifer Gilbert
NH Office of Strategic
Initiatives

Mark Hemmerlein
NH Dept. of Trans.

David Rousseau
NH Dept. of
Ag, Markets & Food

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Lakes Management and Protection Program
N.H. Lakes Management Advisory Committee

April 23, 2019

The Honorable David Watters, Chair
Senate Transportation Committee
Legislative Office Building, Room 103
Concord, NH 03301

RE: HB 137 *Establishing a commission to examine the effects of wake boats in the state of New Hampshire.*

Dear Chair Watters and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) appreciates the opportunity to comment on House Bill 137, which establishes a commission to study the potential impacts of wake boats in New Hampshire. The LMAC supports this bill.

The LMAC is aware that wake boarding is one of the fastest growing water sports in New Hampshire, if not the fastest growing one. As a committee with representatives from all areas of lake interests, including marine trades, real estate, municipalities, marine patrol, and conservation, the LMAC is aware of both the economic benefit triggered by the popularity of wake boats as well as the property and environmental damage, especially erosion resulting from wave action and aquatic invasive species infestations from ballast water brought in from infected lakes, that could result from unwise use and management of these boats. The committee appreciates the reasoned approach to this issue proposed by the bill sponsors, and offers any support to the study commission that might be necessary. The LMAC looks forward to reading the final report of the Commission to Study Wake Boats.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies. Among its other responsibilities, the LMAC reviews legislation relevant to the Program and the state's lakes and ponds, and advises the NHDES Commissioner on the merits of such legislation.

In conclusion, the LMAC supports HB 137 because it would allow the effects of wake boats, including potential shoreline erosion and invasive species infestations caused by these boats, to be studied in more detail. This ensures that any regulations placed on these boats are effective, reasonable, and enforceable.

The Honorable David Watters
Chair, Senate Transportation Committee
HB 137 April 23, 2019
Page 2

Should you have further questions about this testimony, please feel free to contact me at (603) 867-9299 or appliedforce52@gmail.com.

Sincerely,



David Packard
Chair

ec: Rep. Suzanne Smith
Sen. Martha Fuller Clark
Rep. Linda Tanner
Rep. Dan Wolf
LMAC Representatives
Robert R. Scott, Commissioner, NHDES
Thomas O'Donovan, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Edna Feighner
Historic/Archeological
Interests

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Allan G. Palmer
Business & Industry
Association

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Non-Voting Members:

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Alexx Monastiero
NH Department of
Safety

Vacant
NH Department of
Natural and Cultural
Resources

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

April 23, 2019

The Honorable David Watters, Chair
Senate Transportation Committee
Legislative Office Building, Room 103
Concord, NH 03301

RE: HB 137 *Establishing a commission to examine the effects of wake boats in the state of New Hampshire.*

Dear Chair Watters and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on House Bill 137, which establishes a commission to examine the effects of wake boats in New Hampshire. The RMAC supports this bill but requests an amendment.

The RMAC believes that the issue of wake boats and their impact on lakes and rivers, including erosion and the spread of aquatic invasive species, should be examined. These water resources are in the public trust and are vital to the state's economic sectors that depend on them. The impact of wake boats should be studied with findings and recommendations for further actions, including legislation. Wake boats are operated on New Hampshire's lakes as well as impounded sections of rivers such as the Merrimack and Connecticut. These impounded portions of rivers function similarly to lakes and as such are subject to wave action from wake boats and susceptible to shoreline erosion. **The RMAC requests that the bill be amended to include a representative from the New Hampshire Rivers Council, appointed by that organization.**

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC supports HB 137 establishing a commission to examine the effects of wake boats, but requests the bill be amended to include a representative appointed by the New Hampshire Rivers Council.

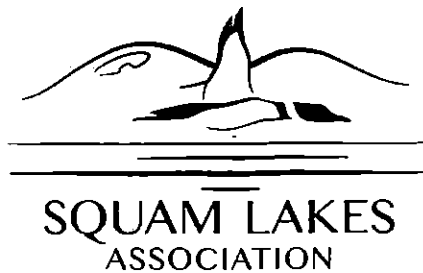
Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

cc: Rep. Suzanne Smith
Sen. Martha Fuller Clark
Rep. Linda Tanner
Rep. Dan Wolf
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Thomas O'Donovan, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES
Local River Management Advisory Committee Chairs



April 23, 2019

The Honorable David Watters, Chair
Senate Transportation Committee
Legislative Office Building, Room 103
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 Watters 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 Senate Transportation 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

Voting Sheets

Senate Transportation Committee

EXECUTIVE SESSION RECORD

2019-2020 Session

Bill # HB137

Hearing date: 4.23.19

Executive Session date: _____

Motion of: Amendment Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Birdsell

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, April 24, 2019

THE COMMITTEE ON Transportation

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1651s

Senator Regina Birdsell
For the Committee

Sonja Caldwell 271-2117

TRANSPORTATION

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

Ought to Pass with Amendment, Vote 4-0.

Senator Regina Birdsell for the committee.

Docket of HB137

Docket Abbreviations

Bill Title: establishing a commission to examine the effects of wake boats in the state of New Hampshire.**Official Docket of HB137.:**

Date	Body	Description
12/26/2018	H	Introduced 01/02/2019 and referred to Resources, Recreation and Development HJ 2 P. 39
1/8/2019	H	Public Hearing: 01/15/2019 02:20 pm LOB 305
1/17/2019	H	Subcommittee Work Session: 01/22/2019 02:30 pm LOB 104
2/15/2019	H	==CANCELLED== Executive Session: 03/06/2019 10:00 am LOB 305
2/28/2019	H	==CANCELLED== Subcommittee Work Session: 03/06/2019 01:00 pm LOB 305
3/5/2019	H	Subcommittee Work Session: 03/08/2019 01:00 pm LOB 305
3/6/2019	H	Executive Session: 03/13/2019 10:00 am LOB 305
3/14/2019	H	Committee Report: Ought to Pass with Amendment #2019-0931h for 03/19/2019 (Vote 20-0; CC) HC 16 P. 10
3/19/2019	H	Amendment #2019-0931h : AA VV 03/19/2019 HJ 10 P. 29
3/19/2019	H	Ought to Pass with Amendment 2019-0931h: MA VV 03/19/2019 HJ 10 P. 29
3/29/2019	S	Introduced 03/28/2019 and Referred to Transportation; SJ 12
4/10/2019	S	Hearing: 04/23/2019, Room 103, LOB, 01:00 pm; SC 18
4/24/2019	S	Committee Report: Ought to Pass with Amendment #2019-1651s , 05/02/2019; SC 20
5/2/2019	S	Committee Amendment #2019-1651s , AA, VV; 05/02/2019; SJ 15
5/2/2019	S	Ought to Pass with Amendment 2019-1651s, MA, VV; OT3rdg; 05/02/2019; SJ 15
5/23/2019	H	House Concurs with Senate Amendment 1651s (Rep. Suzanne Smith): MA VV 05/23/2019 HJ 16 P. 11
6/12/2019	S	Enrolled (In recess 06/06/2019); SJ 20
6/12/2019	H	Enrolled 06/06/2019 HJ 18 P. 47
6/20/2019	H	Signed by Governor Sununu 06/18/2019; Chapter 77; I. Sec. 2 Eff: 06/30/2020 II. Rem. Eff: 06/18/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 137

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1651 - amendment # _____

- amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office jm