

Senate Energy and Natural Resources Committee

Griffin Roberge 271-3042

HB 184, relative to the operation of personal water craft around the marshlands or flats of the Rye estuary and the New Castle back channel.

Hearing Date: April 12, 2021.

Time Opened: 1:31 p.m.

Time Closed: 1:44 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill prohibits the operation of personal water craft within 300 feet of any marsh land or flat of the Rye estuary and the New Castle back channel.

Sponsors:

Rep. K. Murray

Who supports the bill: Eric Pauer; Representative Kate Murray, Rockingham - District 24; Representative Suzanne Smith, Grafton - District 8; Andrew Moore; Barbara Moore; Nisa Marks; Alyson Tanguay; Brandon Tanguay; Representative Andrew Renzullo, Hillsborough - District 37; Jane Finn; Margaret Kennedy; Bradford Greeley; Beth Barnhorst; Mary Ann Driscoll; Rebecca Audet; Jane Lannon; Irene Bush.

Who opposes the bill: None.

Who is neutral on the bill: Captain Timothy Dunleavy, NH Marine Patrol.

Summary of testimony presented in support:

Representative Kate Murray

Rockingham – District 24

- Personal watercraft (PWC) can have a negative impact on environmentally sensitive areas.
 - “Thrillcraft: The Environmental Consequences of Motorized Recreation” highlights how wake waves from PWCs can create serious shoreline erosion, creating turbidity and sedimentation problems in shallow productive waters. PWCs have more serious impacts on birds, including interrupting their normal feeding ability and displacing their nesting areas, than conventional cars, motorboats, all-terrain vehicles, and pedestrians.
 - The Personal Watercraft Industry Association found that boats in shallow waters can stir up the bottom and suspended sediments, which limit light penetration and deplete oxygen. This affects fish and bird feeding. The Association encourages users to stay away from the shore because wildlife tends to inhabit the vegetation along the edge of the shore. PWC users should stay in marked channels and the deeper areas of a lake or river when possible.
 - The University of Vermont found that widespread PWC use has a significant impact on the environment due to the two stroke engines which leak millions of gallons of unburned fuel into the waters each year. Tiny organisms absorb the chemicals and become extremely sensitive to light, creating phototoxicity. The daylight sun kills these organisms, impacting the food chain as food sources are eliminated.

- HB 184 prohibits the operation of PWC within 300 feet of any marsh land or flat of the Rye estuary and the New Castle back channel. The areas outlined in HB 184 are environmentally sensitive. While PWC users are generally respectful, clearly demarcating these areas will provide important guidance to PWC users who do not want to cause negative environmental impacts.
- There were concerns raised in the House that HB 184's PWC prohibition around the Rye estuary and New Castle back channel may cause a negative impact on PWC businesses and discourage people from using PWCs. HB 184 is tailored to address just a few hundred square yards of wetlands out of hundreds of miles of navigational waterways.
- HB 184 came at the request of constituents who live in Rye and New Castle who are directly affected by PWC users operating in the area.
- HB 184 is a reintroduction of HB 1380 (2020). HB 1380 was recommended "ought to pass with amendment" by the House Resources, Recreation, and Development Committee on a 20-0 vote and was placed on the House consent calendar. The full House adopted the committee's recommendation on a voice vote. However, the bill died on the Senate table due to the outbreak of COVID-19 and the suspension of legislative activity.
- HB 184 was recommended "ought to pass" by the House Resources, Recreation, and Development Committee on a 21-0 vote and was placed on the House consent calendar. The full House adopted the committee's recommendation on a voice vote.
- Senator Watters clarified that HB 184 will not prevent anyone from enjoying PWCs. HB 184 seeks to limit PWC usage in certain areas that are environmental sensitive.
 - Representative Murray said Senator Watters was correct. PWC users are not prohibited from circumnavigating New Castle island, traveling up Sagamore Creek, or visiting local businesses. HB 184 prohibits PWC usage in a very small area. A frequent occurrence in the area is PWC users getting stuck in shallow waters. Getting stuck is not only a public safety hazard but can also impact the local environment.
- Senator Watters referenced the ongoing work of the Coastal Marine Natural Resources and Environment Commission and the issuance of MS4 permits to municipalities. While HB 184 is very narrow and focuses on PWC use in a small area, the bill would help prevent the degradation and increased turbidity/sedimentation issues in the area and may help prevent additional regulation from the Environmental Protection Agency (EPA) and others.
 - Representative Murray agreed with Senator Watters.

Representative Suzanne Smith
Grafton – District 8

- Before the outbreak of COVID-19 in 2020, the House Resources, Recreation, and Development Committee took a field trip to the New Castle area. Many committee members were ambivalent about HB 1380 because they did not understand the area that the bill referenced. The field trip helped the committee refine HB 1380, leading the committee to pass the bill unanimously.

Representative Andrew Renzullo
Hillsborough – District 37

- Reiterated Representative Smith's testimony. Representative Renzullo was reluctant to support HB 1380. However, Representative Renzullo became one of the bill's biggest supporters after viewing the area that HB 1380 would apply to on the committee's field trip in 2020.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.