

COMMISSION TO EXAMINE THE EFFECTS OF WAKE BOATS IN THE STATE OF  
NEW HAMPSHIRE, (HB 137, Chapter 77:1, Laws of 2019)

Monday, November 4, 2019 10 AM in LOB 305

**Minutes**

- I. Call to order:
  - a. Chair Smith called the meeting to order at 1 PM.
  
- II. Introductions:
  - a. Members present: Sarah Kirn, David Mankus, Maggie Ford, Tim Dunleavy, Representative Gunski, Senator Ward, Representative Smith, Winston Sims, Peter MacCallum, Shane Carey, Scott Behner, John Whalley, Kelly Buchanan, Pam Price
  - b. Members present by phone: Chris Bischoff
  - c. Many guests introduced themselves.
  
- III. Approve the minutes from last meeting (9/23/19)
  - a. Senator Ward made a motion to approve the minutes as written. Maggie Ford seconded.
  - b. Captain Dunleavy abstained due to absence at the 9/23/19 meeting. The minutes were otherwise unanimously approved.
  
- IV. Presentations from:
  - a. Loon Preservation Committee, Harry Vogel
    - i. Loons are a symbol of wilderness. Loons typify the lake experience.
    - ii. Loons have legs far back on their bodies (clumsy on land, great swimmers). For this reason, nests are always built right at the water's edge.
    - iii. Loons are at risk from high water and wave action, which can wash out nests and cause them to fail.
    - iv. Many nests have been flooded in recent years.
    - v. Boating is only one of many challenges to loons. Other challenges to loons include storms, wind and waves, climate change, fertilizer and pesticides (pollution), lead from fishing gear, and natural predators.

- vi. Floating rafts assist loons because they are less prone to flooding/wash out. However, these are still susceptible to wave action (eggs roll out of nests and sink). Due to wave action, a LPC biologist had to add nesting material to a floating nest on Lake Winnepesaukee to help the chick survive in recent years.
- vii. As we continue to lose adult loons to mortality and chicks continue to fail to survive, the population will decline. The strength of the loon population is an indicator of lake and pond health. Loons are a large party of our economy – a reason why people visit and choose to live here.
- viii. Loons are extremely vulnerable to human activity due to their lifestyle necessities.
- ix. Loons can be successful on Lake Winnepesaukee. Historically, the lake hosted 50 pairs. Today, we're at 29 pairs.
- x. During nesting, loons are the most vulnerable to human boat activity because the loon is tied to the nest (cannot escape without abandoning their egg(s)).
- xi. Captain Dunleavy asked: When is the chick mature enough to survive/swim through boat wakes? Most flushes of eggs occur over the July 4<sup>th</sup> holiday. Some eggs were failed, but others contain fully formed loons near to hatching. Peak hatching is early July. Small loon chicks could suffer predation if separated from parents during wave action. Adults are not safe from boating either (collisions).
- xii. Rep. Smith: how far are warning buoys from loon nests? Who regulates this? Some loons tolerate people, some don't. Some nests are well hidden. High traffic areas get rope lines. Take cues of stressors from loons when setting lines. Want to limit public access limitations, but want to protect loons as well. As soon as the chicks hatch, LPC removes any lines. Endangered species act enables this protection. LPC notifies NH Fish and Game and Marine Patrol of these protected line areas. Rep. Smith: If people respected the 150ft distance from shore, would it help? Yes, because waves dissipate over space, it would be helpful.

xiii. David asked, how do loons handle water level changes? Loons can adapt to a foot drop or a six-inch rise.

b. New Hampshire Fish & Game Department (Jason Smith)

- i. Inland fisheries division
- ii. Most research points to shoreline erosion and water quality degradation as major concerns.
- iii. Spring nesting fish in 1-3 feet of water include: black bass, small and large mouth bass, pan fish (sunfish, etc.). Jostling can cause damage to eggs. Siltation of nests can occur, which causes suffocation of eggs. Excess turbidity and erosion could cause nesting habitat loss due to fill in. Siltation can change substrate and heat water temperature and affect egg development/survival.
- iv. When does nesting occur? Water temp at 65 degrees, May and June.
- v. Rep. Gunski, have you observed impacts from wakes on fish? Personally, no. Jason will check with field staff to see.
- vi. Rep. Smith, are there particular lakes that host nesting? Steep hard granite shores are less susceptible to impacts from wakes. Softer sediment would be more affected.

c. NH Audubon (Carol Foss)

- i. Loons are really the only species at risk at a population level from wake actions.
- ii. Waterfowl and spotted sand pipers occasionally nest near shore. Occasionally, a pair will be affected, but it would not have a population level effect.
- iii. Beavers, minks, muskrats and otters bear their young in waterside dens/lodges. Born March-June. Stay for a month in the den. The constricted entrance prevents most wave action damage.
- iv. Fish, see handout.
- v. Common loons, panfish, bass will suffer more negatively from wakes and wave action.
- vi. Water quality, shoreline erosion are more comprehensive impacts.

V. Additional Questions for Harry Vogel:

- a. How does NH loon population compare regionally?
  - i. Stable population in Maine. VT is a real success story because loons were removed from the endangered species list. Higher growth than NH due to remoteness (northeast kingdom). Fishing and boating pressure a quarter of what NH experiences. Strongly managed/protected with rafts, lines, etc.

VI. Discussion of topics to be addressed at future meetings

- a. Invasive species, shoreline erosion, economic impact, safety
- b. January: ballast explanation from Peter MacCallum
- c. Pam Price: legislative survey from NH LAKES asks about wake boats. Survey has upset the boating community.
- d. December: invasive species? Help to inform ballast discussion.
- e. Tim to present on safety before April.
- f. Marina folks to present on economics.
- g. Family component speaker? April
- h. Winston: lake associations to speak? Not of single mind, wide variety of needs/opinions. From both small and large lakes. Rep. Smith agreed this would be helpful and will research how to solicit their input.
  - i. Senator Ward will ask lake groups in her district.
  - ii. David asked if lake associations could submit written testimony. Rep. Smith will look in to how to do this.
- i. Captain Dunleavy suggested we ask DNCR to present to the commission as well.

VII. Adjourn:

- a. Senator Ward made a motion to adjourn. Pam seconded. The meeting was unanimously adjourned at 11:30 AM
- b. Our next meeting is on Monday, December 9 at 10 AM. We will ask NHDES and the Exotic Aquatic Weeds & Species Committee to present on aquatic invasive species in relation to wake (ballast) boats.