

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

Monday, June 29, 2020 10 AM Remote via GoToMeeting.

I. Call to Order:

Chair Smith called the meeting to Order at 10:07. A statement was read regarding the remote meeting authorization, process and procedures. The Roll Call was taken and all 15 members were present.

- a. Members Present: Chris Bischoff (with one person), Pam Price (alone), John Whalley (alone), Maggie Ford (alone), Winston Sims (alone), Representative Gunski (alone), Tom O'Brien (alone), Representative Smith (alone), Senator Ward (with one person), Peter MacCallum (alone), David Mankus (alone), David Neils (alone), Shane Carey (one person in the office but they are unable to hear the meeting), Captain Dunleavy (alone), and Scott Behner (alone).

II. Review of 6/27/2020 Draft of the Final Report

Chairman Smith started a section by section review of the draft report. Peter MacCallum noted the correction to the spelling of his name in various place

The spread of aquatic invasive species

Tom O'Brien will send corrected statistics referenced in the last paragraph on page 5 to the Chair. The Great Lakes East statistics were sent instead of full NH LAKES statistics.

Chris Bischoff, representing the WSIA, said they are working on technology for all boats, not just boats going forward. Tom O'Brien objected, stating there is no written documentation on this. Chris pointed to numerous WSIA press releases. Agreed to delete "moving forward" from paragraph 2, page 5.

Shore erosion, water quality

Scott Behner corrected a sentence in paragraph 2, page 6. It was changed to read "Based on this evaluation (~~it is clear to the commission that~~), waves produced by wake boats, when ballast compartments are full, can be (are) more powerful than other watercraft of the same general size and shape".

Pam Price moved to strike the Glamore and Lake Memphremagog paragraphs on page 7 because, although placed on the website, these studies were never discussed and the Commission had no opportunity to question the authors. Second Shane Carey. David Niels objected stating these studies were on the website and the Glamore study had been referenced in the DES presentation. Chris Bischoff said Cliff Goudey felt these studies were very flawed. Motion amended to eliminate the Lake Memphremagog paragraph because Glamore was peer reviewed and the Lake Memphremagog study was not. Motion withdrawn, these two paragraphs will remain in the report as written.

Economic Impact of recreational boating

Peter MacCallum corrected paragraph 1, on page 9 to read “Recreational boats with ballast (which can be defined as any type of weight from steel, concrete, steel shot, or water) have been available for years, and have increased in popularity (~~makes and models many different types of boats~~) as families seek the ability to participate in different types of water sports, including wake sports.

Discussion about the new letters received by the Commission. Peter MacCallum had updated the excel spreadsheet and noted that the majority were in favor of water sports. Considered “The Commission received many emails in favor (~~from supporters~~) of varied watersport activities...” Peter MacCallum requested that the spreadsheet be attached to the end of the document as a reference to the letter tally.

Popularity of water sports

Paragraph 1, Page 10 “Time on the water, ~~away from electronics and the lure of drugs and alcohol~~, provide families...

The safety of swimmers

Last paragraph page 10 This suggests that ~~wake~~ boats...in narrow inlets ~~like Jobs Creek on Lake Sunapee~~ or anywhere... The last sentence of the second paragraph is editorializing and should be moved, or deleted (It seems incompatible with all but the center of our largest lakes...). The last paragraph in this section (page 11) is a recommendation and should be moved to the recommendation section.

Note that Senator Ward had to leave the meeting at 11:30 for an afternoon Senate session.

Wildlife

Scott Behner noted that the additional language he submitted regarding other risks for the baby loon population such as storm, wind waves, climate change and fishing gear were not included. He will send the Chair language to add.

Next Steps

Agreed to note that the steps on pages 12-15 are from the Water Sports Industry Association. Chris Bischoff noted that the industry is 100% behind looking into all boats (current and future for AIS measures). The engine flush piece is the only item which will be forward looking. It was agreed that as the government relations and waterways representative of the WSIA (Water Sports Industry Association) that he statements would be recorded and a few references to “moving forward” would be deleted.

Page 13, last paragraph “...develop best practices and new equipment on all boats ~~moving forward~~. Top of page 14, last sentence in paragraph 1 “help reduce the spread of AIS ~~moving forward~~.”

Recommendation and Discussion for Future Legislation

Pam Price moved to end the report on page 17, after #3. In a prior conversation with the Chair a few months ago it was indicated that the report would only contain the items which were agreed upon by members of the Commission. Suzanne Smith noted that in speaking with the Committee researcher it is not uncommon for a report to be split and that both sides would be included in the report.

Suzanne Smith asked if there was any disagreement with the first three recommendations on page 17 which are related to updating current statues to include wake surfing. The statue is silent in this area because the person is not attached to the boat by a tow line which participating in the activity. Scott Behner confirmed that competitors do wear life jackets. All agreed to these 3 items.

Peter MacCallum moved to delete references to defining wake boats, and regulating their use on NH lakes. Second Pam Price. Captain Dunleavy stated that Marine Patrol has no dog in the fight and that this section explains how the process would work if the legislature were to pass a law allowing the petition process. He was uncertain if any other state had passed a similar law but did note that Oregon has sections of a river where surfing is restricted but the boat is not defined. Peter MacCallum pointed out that the ski craft products went away after NH passed a law outlawing them on lakes (the industry changed and the new PWC products were not regulated like ski craft by the legislature despite attempts by to do so. Upon question by Representative Gunski, Captain Dunleavy confirmed that Marine Patrol is not recommending legislation.

Roll Call vote on the motion to delete reference to defining wake boats, and regulating their use on NH lakes. Vote 7-7. Motion fails

Yes-Pam Price, Rep. Michael Gunski, Scott Behner, Shane Carey, John Whalley, Peter MacCallum, Chris Bischoff.

No-Suzanne Smith, Captain Tim Dunleavy, Winston Sims, Tom O'Brien, David Mankus, David Neils, Maggie Ford

Discussed shortening the written position opposing the local control petition process because the public trust doctrine is covered in the beginning of the report. Pam Price would like the statement to read as it was submitted because it is important to the opposition position. It will read, "members opposed" versus a reference to just Pam. Pam Price will send the language to Suzanne Smith again for inclusion in the report.

Motion to adjourn, Tom O'Brien, second Maggie Ford. Meeting adjourned at 12.53pm.