N.H. Lakes Management Advisory Committee

N.H. Lakes Management and Protection Program
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March 6, 2024

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

RE: HB 1390 - AN ACT relative to regulating wakeboating and wakesports.

Dear Chair Renzullo and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) is writing to express its **support of House Bill 1390**, which will limit the areas where wake sports can be pursued.

When done in the right place, wake surfing can be a wonderful way to enjoy New Hampshire's lakes. When done in the wrong places, the wakes generated during wake surfing can put at risk fellow lake users, shoreline properties, aquatic life, and infrastructure such as docks or the boats moored to them. Education alone has not been sufficient to protect shorelines and private property from the wakes generated during wake surfing. For these reasons, the LMAC supports the regulation of wake surfing.

Large wakes can damage shorelines, cause challenges for lakefront landowners, and churn up sediment that adversely affects aquatic life. While many factors affect wake size, increasing the buffer distance substantially reduces the size of wakes that hit the shore or other boats. The best available science suggests that it takes 500 feet for the wakes from wake surfing to attenuate to levels where their impact is comparable to wakes generated by other boating activities. The 20' minimum depth and 50 acre minimum lake size are also appropriate to protect lakes and shoreline properties.

Additional Details:

A growing body of evidence supports the 500' buffer proposed in this bill as scientifically appropriate for preventing an increase in shoreline damage. Vermont is in the process of finalizing a 500' buffer requirement for wake surfing. That state's legislature affirmed the VT Agency of Natural Resource's finding that the distance was both scientifically supported and the "least restrictive approach practicable that adequately addresses the conflicts" (Vermont Agency of Natural Resources 2024). A literature review from the Michigan Department of Natural Resources found that the majority of studies report distances between 400 and 1,023 feet for wave energy from wake surfing to dissipate to levels comparable to the wakes from other boating activities at 100 – 200 feet (Francis et al. 2023).

Two studies that are often used to support a 200' buffer have serious methodological flaws. Among other problems, the models used in Fay et al. (2022) are not valid beyond 100', making it inappropriate

to use its results to discuss wave behavior at 200' and beyond. The Fay et al. study also did not include any field validation of its findings and did not base its policy recommendations on its scientific findings. The other study used to support the 200' buffer also has methodological issues, including that it looked only at wave height, and not wave energy or power (Goudey and Girod 2015). Wave energy and power are the variables that most directly determine a wave's potential to impact shorelines, not height.

There are numerous benefits to increasing the buffer around boats engaged in wake surfing. Having an adequate buffer around someone engaged in wake surfing supports the quiet enjoyment of lakes, such as by people swimming, fishing, paddleboarding, kayaking, or observing wildlife. These activities are unsafe or difficult when exposed to high energy waves. A 500' buffer around wake surfing protects loon nests that are at high risk of being swamped by larger wakes. Protecting shorelines themselves from high impact waves reduces the risks of pollution, harm to aquatic life, or ice damage to the shoreline or docks. It also prevents the loss of private property to erosion.

We recognize there are some waterbodies where it may not be feasible for a boat to maintain 500' from shore. Other provisions of existing law, such as no wake zones, waterbody-specific speed limits, and waterbody-specific restrictions of ski craft, reflect the fact that not all activities are appropriate at every location. When done in the proper location, wake sports are a family-friendly activity and a pleasant way to enjoy the lake. This bill preserves the option for people to enjoy this form of recreation on appropriately sized waterbodies. In sum, we believe the advantages of this bill outweigh the disadvantages and we urge your support.

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.

In conclusion, the LMAC supports HB 1390 for the reasons stated above. Thank you for the opportunity to comment. Should you have questions, please feel free to contact me at (603) 569-3114 or stevewingate@roadrunner.com.

Respectfully,

Steve Wingate, LMAC Legislation Subcommittee

ec: Representatives Tanner, Rung, Vail, and Darby
LMAC Representatives
Robert R. Scott, Commissioner, NHDES

Citations:

Fay, E. M., A. Gunderson, A. Anderson. 2022. "Numerical study of the impact of wake-surfing on inland bodies of water." *Journal of Water Resource and Protection* 14:238-272. https://www.researchgate.net/publication/359422712_Numerical_Study_of_the_Impact_of_Wake_Surfing_on_Inland_Bodies_of_Water

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Habitats." Michigan Department of Natural Resources FR37.
https://www.researchgate.net/publication/376513330_A_Literature_Review_of_Wake_Boat_Effects_on_Aquatic_Habitat

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