



Testimony in **SUPPORT** of:

LD 693, An Act to Protect Inland Water Quality, Shorelines, Wildlife and Public Safety by Prohibiting Operation of a Wake Boat to Create an Enhanced Wake Close to Shore or in Shallow Water

*Submitted to the Inland Fisheries and Wildlife Committee
March 22, 2023*

Good afternoon, Chair LaFountain, Chair Landry, and Distinguished Members of the Inland Fisheries and Wildlife Committee. Thank you for the opportunity to appear before you today in support of LD 693. My name is Susan Gallo, and I am the Executive Director of Maine Lakes. Our membership organization includes more than 6,000 supporters and volunteers as well as over 80 Lake Associations. We are dedicated to our mission of promoting, protecting, and enhancing lake water quality and habitat, and of preserving the ecological, economic, recreational, and aesthetic benefits of Maine's lakes for all Maine people.

As you know, Maine's Great Ponds are a public resource, owned by me, by you, and by everyone sitting in this room. This committee has the difficult task of balancing sometimes conflicting demands from resource users with protective measures that serve to keep resources healthy over the long-term. LD 693 is an important protective measure that will do just that.

LD 693 will add a critical measure of protection to long-term lake health by reducing shoreline erosion, water quality degradation, wildlife habitat destruction, private property damage and risks to human safety, while allowing resource users to continue using lakes and ponds for wakesport activities. It directs those activities away from shore and to deeper water, improving the wakesport experience, reducing conflicts with other lake users, and protecting long-term lake health.

The Maine Boating Impacts Coalition: For the last 18 months, I have participated in monthly meetings of the Maine Boating Impacts Coalition. This collaborative group of camp owners, lake association members, regional and state watershed organization staff, and boat owners came together because of the growing number of complaints about the impacts and safety concerns from large boat-generated wakes. The group agreed to be guided by sound research and scientific studies about impacts from large boat-generated wakes, and to explore a wide range of policy options that could reduce impacts but also allow for continued widespread wakesport activities. We invited speakers who helped us better understand the issues. We thoroughly read and reviewed existing studies. Members participated in a national group of lake partners working on wakesport issues in other states. We developed many policy options but agreed to pursue the ones you see before you in LD 693 as the ones most grounded in science that allow for the continued widespread use of wake boats with the fewest impacts on our public lake resources. We thank Rep. Walter Riseman for moving our recommendations into LD 693.

LD 693 is the result of more than a year of collaborative and deep information-gathering and review, from concerned boaters and lake organizations whose missions revolve around lake protection for all types of users, including boaters.

The Water Safety Zone: As you likely know, a 2003 Maine statute designates a “water safety zone” that requires boaters maintain headway speed, defined as the minimum speed necessary to maintain steerage and control of a moving watercraft, within 200’ of shore. This statute was established due to concerns both over safety for swimmers and other near-shore users and for shoreline erosion issues that result from large wakes.

Like so many other boating laws on the books, the headway speed rule is not one that is regularly enforced yet it is one that provides a valuable measure of protection for Maine’s lakes and ponds. It is published in the boating rule book. It is included in boater safety certification courses. Most people who read the rule, and understand why it’s in place, maintain headway speed within 200’ of the shore, protecting our shorelines and waters.

If 200’ was big enough to protect our lakes from the larger wakes created by wake-generating boats, we would not need to increase the water safety zone for wake-generating activities. But research has shown that the much larger wakes generated by wake-enhancing boats take at least 500’ to reduce to a size comparable to wakes generated by other recreational boating activity (FMI see “Research on Wake Impacts” below). In other words, wakes generated by wake-enhancing boats 300’ or 400’ from shore will have much greater height and force than wakes from other boating activities at that same distance.

Adding 300’ to the Water Safety Zone for large-wake-generating activities assures that all boaters will meet the same established standard for the size of wakes reaching the shoreline, a size designed to reduce erosion and protect property and safety.

Large-wake Impacts: Others will provide more details on the existing research around large man-made wakes on lake water quality and shorelines, but for an excellent review, please see the document “Wake Boats: Concerns and Recommendations Related to Natural Resource Management in Michigan Waters”, available at this link and also handed out as part of my written testimony for LD 379: <https://mymlsa.org/wp-content/uploads/2022/09/DNR-Wake-Boat-Report.pdf>.

The main concerns are summarized below:

- **Sediment Resuspension:** In addition to greater wave action, many wake-enhancing boats are weighted to plow through the water rather than skim “on plane” so the propellor faces downward (rather than straight back), stirring up sediments that can release phosphorus and feed algae blooms. This is especially true for repeated passes in shallow water (see page 4 of MI report).
- **Invasive Species spread:** Microscopic animals like zebra mussel larvae and small invasive plant fragments can remain in ballast tanks after they are drained on infested waters. When these boats come to Maine, they pose a risk as new ballast water is added (and then drained) on our lakes (see page 5 of MI report).
- **Habitat impacts:** Lakeside loon nests are swamped by large wakes, resulting in eggs washing away and/or nest destruction. The near-shore Littoral Zone, rich habitat for fish and plankton, can be degraded by prop wash and sediment suspension generated by any motorized boat, though the configuration of traditional wakeboats making repeated passes exacerbates those impacts.
- **Shoreline erosion:** Enhanced wakes are able to carry much more energy to the shore than wakes generated by other recreational boats or by natural high-winds, increasing the likelihood and extent of shoreline degradation and erosion (see p. 4 of MI report).
- **Safety concerns:** Anecdotal reports of harm to swimmers and others using near-shore areas, including a child who broke their leg after they were washed off a dock at Big Island Pond in New Hampshire abound.

Recent research has documented negative impacts on shoreline stability, shoreline erosion, and sediment suspension, as well as an increased risk to invasive species spread. Habitat impacts from large wakes reaching the shoreline in Maine include damage to lakeside loon nests and littoral zone habitat. Though not well documented, reports of property damage and personal injury from large enhanced wakes are becoming more common and of greater concern.

National Wakesport Policies: Groups across the country have been working in recent years to bring about common-sense wakesport policies that support resource use while reducing impacts. Wakesport activities were recently prohibited in a narrow section of the Willamette River where excessive wakes resulted in both major erosion events and safety issues along the shoreline. A recent rule-making petition by Responsible Wakes for Vermont Lakes (www.responsiblewakes.org) to the Vermont Agency of Natural Resources (VT ANR) proposed a prohibition on wakesports within 1,000 feet of shore and a ban on those activities on lakes smaller than 60 acres. VT ANR, another agency with a similar constituency to IFW, has analyzed research relating to wake impacts, and is now proposing a modified rule that will prohibit wakeboat activity within 500' of shorelines and on lakes smaller than 60 acres. The materials can be found on the Lakes and Ponds rulemaking site here: <https://dec.vermont.gov/watershed/lakes-ponds/rulemaking>.

Wakeboats were the fastest growing segment of boat sales during the pandemic, even though their pricetag (ranging from \$100K to \$600K) in part likely helps keep them to an overall fairly low segment of boat sales nationally (less than 4% in 2020). As wakeboat technology has evolved, the size of waves that can be generated grows, with waves over 6' in height touted as coming soon in wakeboat marketing materials (e.g., <https://www.mby.com/gear/toy-of-the-month-gigawave-350-gw-x-largest-wake-surfing-wave-111702>).

Maine Lakes, and many if not all of the organizations supporting LD 693, view boating as a vital part of Maine's economy. Boating and fishing contribute proportionally more to Maine's \$2.8 billion outdoor industry (14.6%) than in any other state, according to a recent analysis by the Bureau of Economic Analysis (<https://www.bea.gov/news/2022/outdoor-recreation-satellite-account-us-and-states-2021>) Wakesports are an important part of that contribution, and we want to see wakesport activities continue as a fun and exciting way for families, summer campers, and others to get out on the water and enjoy their time together. However, it is essential that wakeboaters do the same thing that we require, by law, for other boaters: their wakes in the near-shore zone cannot destroy shorelines, degrade water quality, pose issues for human safety, or put other boaters in harms way.

Now is the right time to increase the water safety zone for wake-generating activities. As the sport grows in popularity, and as the technology increases the size and length of wakes, it will only become more difficult to implement common-sense policy. Passing sound policy now assures that the wakesport industry in Maine can continue to grow and thrive while it also does its part to protect the health and safety of Maine's lakes, ponds, and rivers.

Thank you for your time and attention today. For more information, please see the attached fact sheet, which was generated by the Maine Boating Impacts Coalition.

I am also happy to provide additional resources, studies, links or other information about the background of this policy proposal. Please contact me any time at sgallo@lakes.me.

Support LD 693: Protect Water Quality, Shorelines, Wildlife and Public Safety

Summary: This bill (*An Act to Protect Inland Water Quality, Shorelines, Wildlife and Public Safety by Prohibiting Operation of a Wake Boat to Create an Enhanced Wake Close to Shore or in Shallow Water*) prohibits boats purposefully generating enhanced wakes within 500 feet of shorelines and in waters less than 20 feet deep. This will reduce wake-caused erosion and sedimentation, keep lake water clean, protect fragile lakeside habitat, and keep shallow waters safe for families, swimmers, and other boaters. This is not a ban on wake activities and only applies when boats are using wake-enhancing equipment.

Join fellow lake advocates in supporting this common-sense policy to protect fragile shorelines, water quality, lake health and safe recreational opportunities for everyone.

Speak up at the Public Hearing on Wednesday, March 22nd at 1:00 p.m.

In person: Inland Fisheries and Wildlife Committee, Cross Building Room 206

Via Zoom: Register at www.legislature.gov (More details at www.lakes.me/advocacy)

We support Maine's boating community, but we are concerned about the unintended consequences of boats with enhanced wake-generating equipment operating too close to shore and in shallow water. This bill is a sensible measure to assure that wake surfers and other wake sport enthusiasts can enjoy their activities in areas of our lakes where there are far fewer risks to lake health, shoreline erosion, wildlife habitat, personal property, and public safety.

How are wake boats different?

Wake boats¹ are specialized boats designed to create large wakes for the purpose of wake sports such as wake boarding and wake surfing.

- These powerful boats are equipped with ballast tanks and often mechanical systems designed to enhance the size of the boat's wake.
- The large wakes created by these boats allow people to surf behind them without tow ropes.

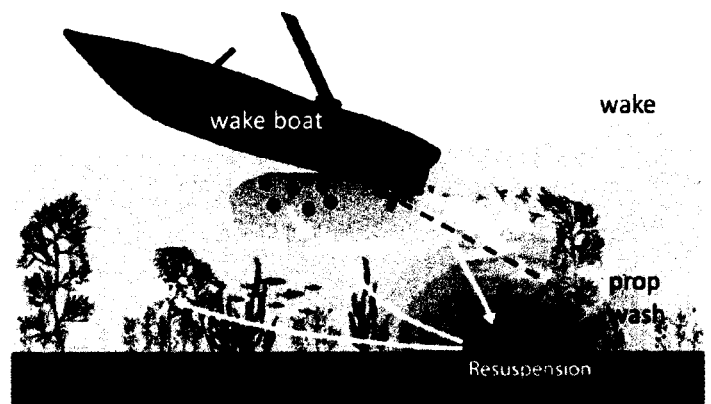
How do excessive wakes close to shore put our lakes at risk?

Large wakes erode shorelines and damage fragile wildlife habitat.

- The large wakes from wake surfing activities take 500 feet or more to dissipate to levels typical of recreational boats on plane². Large wakes simply need more distances to dissipate.
- The current 200-foot boater safety zone is not big enough for boats generating larger wakes.
- Large wakes hitting the shoreline undercut banks and stir up sediment (thereby degrading water quality). They also wash over docks, and can be a hazard to young swimmers and nonmotorized boaters

Wake-surfing boats stir up more sediment than other recreational boats.

- Wake-surfing requires the boat to plow water at slow speeds versus boats operating on-plane. Downward directed propellers can disturb the lake bottoms and stir up sediments.



Clean lakes are valuable assets to local community members and recreational users.

- University of Maine studies have shown that property values drop with decrease water quality.³
- Income for local communities depend on clean and healthy lakes for all to use and enjoy.

Wake surfing is growing in popularity.

- The wake surf industry is rapidly growing, with sales in the first quarter up 62% compared to the first quarter of 2019.⁴
- Boat sales in Maine increased dramatically during the pandemic but are now tapering off with the exception of Wake Surf boats and pontoon sales

This bill will protect clean water, human safety, and wildlife habitat by:

- Promoting wake-generating activity away from shore, in deeper water where the experience is better for the wake surfer⁴
- Ensuring safe access for all people who enjoy Maine’s beautiful lakes and ponds
- Reducing shoreline erosion from unnaturally large man-made wakes
- Minimizing sediment and nutrient resuspension (which causes algal blooms) in near-shore, shallow water
- Protecting fish spawning beds and loon and waterfowl nesting sites

Boating is a wonderful way to enjoy Maine’s lakes. We want all boaters to share our public lake resources and to boat responsibly to protect shorelines and water quality. For most boats, the current 200-foot “boater safety zone” (also known as the “no-wake zone”) protects lake health and shoreline stability.

However, for large wake sport activities, 200 feet from shore is not enough distance to allow wakes the space they need to dissipate.

Boaters can better enjoy wake sports, and quality wakes, in deeper water further from shore.

We need your voice to speak for lake health, wildlife and safety.

For directions on submitting written testimony and for registering to get a Zoom link to testify before the committee, visit www.lakes.me/advocacy.

For the most impact, please consider testifying before the committee on Jan. 30th. FMI visit website

Questions? Reach out to Susan Gallo, Executive Director of Maine Lakes any time at sgallo@lakes.me.

References and Links:

- 1 <https://community.nasbla.org/viewdocument/policy-position-on-wake-boats>
- 2 <https://conservancy.umn.edu/handle/11299/226190>
- 3 https://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1018&context=aes_miscreports
- 4 <https://www.nmma.org/press/article/24023>
- 5 <https://www.luxuo.com/cars/yachting/whats-the-best-water-depth-for-wake-surfing.html>



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