

STATE OF VERMONT
Water Resources Board

In re: Petition for the adoption of
Rules regulating the use of
Wrightsville Reservoir

10 V.S.A. § 1424

Decision

On the basis of its record in this proceeding, the Water Resources Board (Board) has decided to grant the petition filed by the Vermont Personal Watercraft Association on May 31, 1995. Accordingly the Board will proceed with the amendment of its existing rules regulating the use of Wrightsville Reservoir (Vermont Use of Public Water Rules, Appendix B (43)) by adding the underlined language indicated below:

- a. The operation of vessels powered by a motor at speeds exceeding two miles per hour or in such a manner as to cause a disturbing wake is prohibited northerly of the narrows which is immediately to the north of the Roadside Park Boat Launch Ramp.
- b. The provisions of §3.3(a) (1) notwithstanding, the use of personal watercraft is allowed southerly of the narrows referred to in rule a above.

In reaching this decision, the Board did not change its initially proposed rule and did not overrule any "substantial arguments and considerations" (3 V.S.A. § 841(b)). However, because this is the first petition seeking relief from the provisions in the Vermont Use of Public Waters Rules (VUPW Rules) that prohibit the use of personal watercraft on Vermont lakes with certain characteristics (see § 3.3(a)), the Board makes the following Findings to explain its decision.

Findings

1. Wrightsville Reservoir is a body of public water within the meaning of 10 V.S.A. § 1422(6) and is located in the Towns of Middlesex, East Montpelier and the City of Montpelier.
2. Section 3.3 of the VUPW Rules provides that effective May 1, 1997, the use of personal watercraft will be prohibited on those Vermont lakes, ponds and reservoirs that have a surface area of less than 300 acres, or have a maximum speed

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limit of 5 miles per hour (mph) or on which the use of internal combustion motors are prohibited, unless this general prohibition is modified on a case by case basis by petition as in this proceeding.

3. Wrightsville Reservoir does not have a maximum speed limit of 5 mph and the use of internal combustion motors is not prohibited. However Wrightsville Reservoir does have a surface area of less than 300 acres.
4. There is no residential development along the shoreline of Wrightsville Reservoir.
5. The northern portion of the Reservoir, north of the narrows immediately to the north of the public boat access, is used exclusively for low speed motorboat use, canoeing and swimming. The southern portion of the Reservoir is used for a wide variety of recreational uses including high speed motorboat uses such as waterskiing and the operation of personal watercraft. The use of personal watercraft in the southern portion of the Reservoir is a "normal use" within the meaning of the VUPW Rules.
6. Based on its record in this proceeding, the Board is not aware of any conflict between the continued use of personal watercraft on the southern portion of the Reservoir and any other normal use of that portion of Wrightsville Reservoir.
7. Based on the above findings, the granting of this petition is consistent with §§ 2.6 and 2.7 of the VUPW Rules and therefore is in the public interest.

Dated at Montpelier, Vermont this 1st day of November 1995.

Water Resources Board



William Boyd Davies, Chair

Board members concurring:

William Boy Davies
Ruth Einstein
Steve Dycus
Jane Potvin
Gail Osherenko