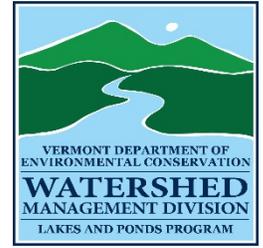


# Great Hosmer Pond Pre-Rulemaking Fact Sheet Series



## The 200-foot Shoreline Safety Zone

Users of Great Hosmer Pond have voiced confusion over whether a statutory requirement known as the “200-foot shoreline safety zone” applies to boats using the Pond. Below are details of the law and maps illustrating how the requirement applies to Great Hosmer Pond.

### The Statutory Requirement

The Department of Motor Vehicles has authority over registration and operation of motor boats. The “200-foot shoreline safety zone” is a requirement under Title 23 of the Vermont Statutes Annotated, which governs the Department of Motor Vehicles. Title 23, section 3311 (c)(1), states:

*A person shall not operate any vessel, except a sailboard or a police or emergency vessel, within 200 feet of the shoreline, a person in the water, a canoe, rowboat, or other vessel, an anchored or moored vessel containing any person, or anchorages or docks, **except at a speed of less than five miles per hour which does not create a wake.** [emphasis added]*

The definition of “vessel” does not include racing shell or rowing sculls, 21 V.S.A. 3302(10) & (12):

*(10) "Racing shell or rowing scull" means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing, and one in which all occupants row or scull, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.*

*(12) "Vessel" means every description of watercraft, other than a seaplane on the water or a racing shell or rowing scull occupied exclusively by persons over 12 years of age, used or capable of being used as a means of transportation on water.*

The Commissioner of the Department of Motor Vehicles (DMV) has specific statutory authority to amend the 200-foot rule. The Department of Environmental Conservation Commissioner does not have this authority.

*The Commissioner [of the Department of Motor Vehicles] may designate areas less than 200 feet from the shoreline of a body of water, other than a river, to allow for the operation of a motorboat used for the purpose of towing a person or persons on water skis, aquaplane, kite skis, surfboard, or similar device. The Commissioner shall adopt rules to establish criteria governing the designation of such areas and conditions which may be placed on the designated areas. 23 V.S.A. 3315 (d)”*

### Application of the Statutory Requirement to Great Hosmer Pond

The requirements of 10 V.S.A. § 311(c)(1) apply to Great Hosmer Pond, and vessels need to respect the 200-foot shoreline safety zone. Figure 1 shows sections of the Pond outside the safety zone—sections designated “unrestricted” by the Water Resources Board in their 1993 review. The area of each unrestricted section is indicated in the figure caption. Total acreage outside the 200-foot safety zone is 32.81 (non-contiguous) acres. In this analysis, total acreage of the Pond is 139.80 acres.

Since the DMV Commissioner has not established an exemption to the 200-foot shoreline safety zone for Great Hosmer Pond, any vessel going through The Narrows faster than 5 mph is in violation of the 200-foot safety zone, even if the vessel is not creating a wake (Figure 2). This includes launches with electric motors that accompany sculls.

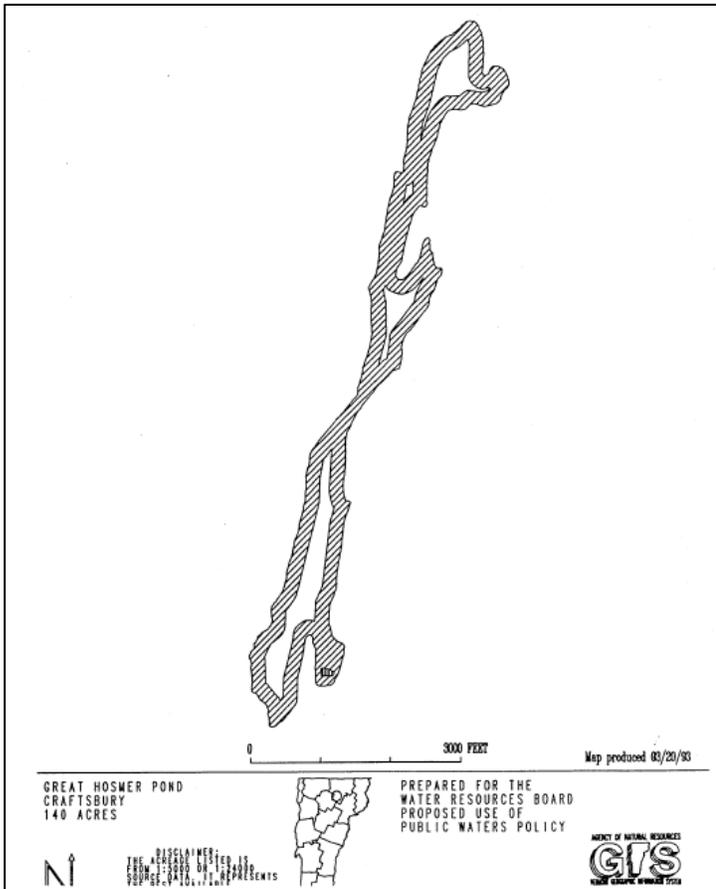


Figure 1. Map used by the Water Resources Board during development of the Use of Public Waters Rules. The shaded area is the 200-foot shoreline safety zone. The sizes of unrestricted (unshaded) sections, from north to south, are 8.02, 0.50, 4.80, and 19.49 acres.



Figure 2. The Narrows are less than 200 feet wide. For a description of the "Lake Score Card," see separate fact sheet on "Shoreland Condition." Image from the [Vermont Lake Score Card](#) (Google Earth).