



Water Resources Panel

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In Re Lake St. Catherine, No. UPW-11-04

Public Comments

Jim Canders, President, Lake St. Catherine Association, Inc.; In re Lake St. Catherine, No. UPW 11-04

Bruce Epstein, President, Green Mtn. Water Skiers; In re Lake St. Catherine, No. UPW 11-04

Mary Jo Teetor; In re Lake St. Catherine, No. UPW 11-04

Kathleen Hodges; In re Lake St. Catherine, No. UPW 11-04

Alice Crayon; In re Lake St. Catherine, No. UPW 11-04

Rebecca Dittmeier; In re Lake St. Catherine, No. UPW 11-04

Jim; In re Lake St. Catherine, No. UPW 11-04

Daniel Crayon; In re Lake St. Catherine, No. UPW 11-04

Howard Strateman; In re Lake St. Catherine, No. UPW 11-04

Mary Jo Teetor; In re Lake St. Catherine, No. UPW 11-04

Burnham Holmes; In re Lake St. Catherine, No. UPW 11-04

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Wheeler, Denise

From: info@vt-loghome.com
Sent: Tuesday, September 13, 2011 4:09 PM
To: NRB - Comments
Cc: jpcltd@aol.com; Darlene McCormick; Abraham, Fred
Subject: Lake St. Catherine Petition Attention: John Hasen
Attachments: st.catherine.gmws.09.11.rtf

John,

We are very concerned that the UPW Petition process is not being followed. Please review attachment containing my comments on Lake St.

Catherine Petition. I would appreciate discussing this further. In addition to contacting our members I have copied Jim Canders (Lake St.

Cath. Assoc.) & Fred Abraham (Friends of Waterbury Res & Vt. Quiet Lakes Assoc.). Thank you!

Bruce Epstein, President
Green Mt. Water Skiers

Lake St. Catherine UPW

11-04

The Green Mountain Water Skiers (GMWS) were very involved in the process that shaped the adoption of the Use of Public Waters Policy (UPW) in the 1990s. UPW provides for procedures to enable conflict resolution while protecting "normal uses " to the greatest extent possible (Section 2.6). The Process requires Petitioners to contact effected User Groups such as Lake Associations and Recreational organizations (Section 2.4). Petitioners are required to take actions to review the concerns prompting the petition with local officials and users of the body of water (Section 3.7(b)). The Lake St. Catherine petitioner (Stonehenge Terrence Association) has failed to make & document

any such actions. Although the Petition has been withdrawn, the question has to be asked as to why this was allowed to go to public hearing. A rejection of the Petition with an explanation of the proper procedures should have been in order.

The GMWS has always supported the diverse use of our public waters while recognizing that a specific body of water cannot necessarily be all things to all people. Waterbury Reservoir is a classic example of how the UPW Policy was utilized to find common ground between quiet users, motor boaters, fisherman and water skiers. A slalom course was even allowed in a 5 mph no wake zone. That such solutions could be found between such adverse groups was even mentioned in the Wall Street Journal. The GMWS strongly support the "Sanctity" of the UPW process in order to provide the best possible solutions to user conflicts

while protecting our waterways for future generations. The NRB should carefully review what happened in this case to ensure the process will always be followed. I would be happy to discuss this matter with you & the Board.

Bruce

Epstein, President GMWS



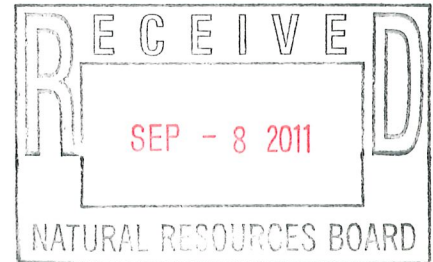
Lake St. Catherine Association, Inc.

POULTNEY • WELLS

P.O. BOX 631, WELLS, VERMONT 05774

September 5, 2011

Mr. John Hansen
Water Resource Panel
National Life Records Ctr.
Drawer 20
Montpelier, VT 05620



Dear Mr. Hansen,

The members of the Lake St. Catherine Board of Trustees, plus the concerned residents of the North Bay who attended your August 2, 2011 meeting in Poultney, suggested that I comment to the W R Board on the petition to establish a 5 mile per hour speed limit for all of North Bay.

Thank you for giving the LSCA the chance to comment, and for extending the time since the Lake Association had not been properly notified.

The large turnout of residence from the North Bay certainly indicates that many think that water skiing or PWC use is appropriate as long as the 200 foot rule is followed. At its mid-point the bay is 1400 feet wide, giving a 1000 foot wide oval for skiing.

I understand that ALL the speakers pointed out that ENFORCEMENT of existing rules is more important than establishing new rules.

There is a need for better definition of the 200 foot rule at the entrance to the North Bay, particularly because of the proximity of swimmers at the State Park.

Another reason recommending the 5 mph speed is "degradation of shoreline and noise". We countered with "that issue is true on the entire Lake and all of Vermont's larger water bodies".

Please include the Lake St. Catherine Association in any further notifications from your body.

Sincerely,

Jim Candors,
President, LSCA

Wheeler, Denise

From: Mary Jo Teetor [ferncliff@comcast.net]
Sent: Tuesday, August 09, 2011 7:48 AM
To: NRB - Comments
Subject: UPW-11-04 Comments

When reading the VT NRBWRB publication Vermont Use of Public Water Rules Section 2 and the criteria for rule making it appears that this application should be disqualified under section 3.7 where it states "The petitioner shall have the burdenIn addition the requirements in the Natural Resources Board's Rules of Procedure, such petitions shall:

a.

b. Describe those actions that the petitioners have taken to review the concerns prompting the petition with local officials and users of the body of water in question."

This petition did not meet the criteria as there was zero effort on the part of the petitioner to engage any part of the community or officials of the community in discussion the concerns and any efforts they may have made or could make in addressing the issue.

The Lake St. Catherine Association has committees, specifically a lake safety committee which establishes the 200ft, 5 mile an hour zones and marks them with buoys as an effort to educate boaters. They also offer classes every year free of charge to educate persons who are interested in obtaining boaters license. The Association has worked with law enforcement to encourage current laws which if enforced would be adequate to address the concerns in the petition filed without creating new laws that will not be enforced.

ENFORCE THE CURRENT LAWS

The lack of funding apparently has reduced the auxiliary law enforcement the lake has had access to in the past and stretched the personnel thin over Vermont Lakes in the summer. Maybe this is a issue could have had better reception and results if the petitioner had met with the Association to brainstorm resolutions, because the general observation was what a waste of time and resources it was to bring 5 board members from the water resource board and the lead counsel to a public meeting where notification was given to so many people who have no connection or interest in the issues of this lake, and the local residents who live and use the lake where given zero credence in participating in the conversation. It was only by happenstance that anyone found out and attended the meeting held at Poultney High School last week.

There is no doubt that there are people operation large motorboats irresponsibly and dangerously on the lake but, everyone should not be punished for their ignorance. There are personal experiences of our guests having been hit by boats while swimming. Interestingly one was a rowing scull and one was a sailboat. Neither incident caused great harm but, certainly could have knocked the swimmer unconscious. Motor boats are a different animal and enforcement of the existing laws pertaining to operation do need better attention. That is where available funding should focus.

Mark Teetor

Wheeler, Denise

From: Kathleen Hodges [adkthgs@yahoo.com]
Sent: Tuesday, August 09, 2011 11:38 AM
To: NRB - Comments
Subject: Lake St. Catherine, North Bay

We can understand the concern of those living in North Bay, Lake St. Catherine. However, surely they can permit the use of recreational vehicles in parts of the bay. Their position seems quite extreme. Don and Kathleen Hodges, Lake St. Catherine, Wells, VT

Wheeler, Denise

From: Crayon, Alice E Ms CIV USA AMC [alice.crayon@us.army.mil]
Sent: Tuesday, August 09, 2011 12:00 PM
To: NRB - Comments
Subject: UPW-11-04 Comments (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

I personally feel there is a need to limit the speed in the area that is near the public beach. There are many vacationers that come out in kayaks, canoes, swim... and their safety should be paramount to people coming and going in their boats.

Classification: UNCLASSIFIED

Caveats: FOUO

Wheeler, Denise

From: Rebecca [cthzrlty@capital.net]
Sent: Tuesday, August 09, 2011 7:57 PM
To: NRB - Comments
Cc: s2burt@yahoo.com; obrienfour@verizon.net; kanddmorris@aol.com;
wsirvine@myfairpoint.net; wsirvine@yahoo.com; JPCltd414@aol.com;
jcrandall@shearman.com; lena.crandall@verizon.net; cthzrlty@gmail.com
Subject: UPW-11-04 Comments

Hello,

Regarding the proposal requested by the Stonehenge Terrace Association to limit the speed of motor boats, jet skis, etc. to 5mph in North Bay (the entire area north of the State Park on Lake St. Catherine~ <http://www.nrb.state.vt.us/wrp/rulemaking/2011/catherine/catherine.htm>

I do not think this is a good idea and I feel it would be a bad precedent to set. The lake has been fine with the boating rules that have been in place since I can remember. Anyone new who has bought property in that area must have realized the current rules for that area when they purchased property. If someone wants to live on a quiet pond like setting then that is where they should live. They should not live on a lake that is meant for fishing, recreation of all types including boating, tubing, jet skiing, etc. If the rules for the distance away from shore that boats can travel at higher speeds are adhered to this should not be an issue. Enforce those but don't go making unnecessary changes because a few people want to tell everyone else what they can and can't do. If they are worried about erosion then put plantings in to prevent erosion. Simple solution. Erosion is actually a legitimate concern but it can be minimized with a little work on your own land. We live right in the center of a bay that gets all kinds of waves that roll in across the lake, ice pushes at our shoreline and that is just the way it is. If we don't like it we can always move. The lake is not that long to begin with and if we take that area away, an area that may be a bit safer for new boaters, etc. to use then what will be next, banning jet skis all together???? Not a good road to go down. People pay a lot of taxes to live on this lake and should not be prohibited from using all of it. People who do not live on the lake also have a right to use all of it and should not be hindered by more regulations. I personally am very safety minded but one has nothing to do with the other. It is just not OK to come and buy in an area because you like it and then proceed to change it into what you want it to be. It is what it is already.....before you or I got here. How could anyone think it would be acceptable for a certain segment of the lakes owners to make a new rule that would affect the way the lake gets used by all users of the lake. This is just too much. We are one lake.....we are not 2 or 3 lakes.....just one. The rules that are in place have been working. You start with this and then what. Perhaps we on horseshoe bay will see fit to ask the state to not allow fisherman to come into the bay until after 8 am on weekends so we can sleep in, and then maybe the people in Oxbow Bay will decide that they don't want to hear any motors what so ever after 6PM during the week because they go to bed early, and what about sea planes, and fireworks and kayaking.....is it safe to kayak in the middle of the lake when there are motor boats all around them? Should we ban kayaking in the lake any further out than 100 feet from shore for fear that they may get hit or they are interfering with the rights of boaters to go at high speeds without worrying about running a boat over that is going 2 mphI am sure you get the picture.

All Ridiculous. The Stonehenge Terrace Association is in place to regulate their roads and other uses of that property.....not the Lake.....just the land. How disappointing it will be if something like this happens. I am hopeful that the State will see fit to say no to this request.

Sincerely,

Rebecca Dittmeier

Wheeler, Denise

From: Jpcitd414@aol.com
Sent: Tuesday, August 09, 2011 8:06 PM
To: cthzrlty@capital.net; NRB - Comments
Cc: s2burt@yahoo.com; obrienfour@verizon.net; kanddmorris@aol.com;
wsirvine@myfairpoint.net; wsirvine@yahoo.com; jcrandall@shearman.com;
lena.crandall@verizon.net; cthzrlty@gmail.com; redcottagelsc@gmail.com;
Mgreenb@sover.net; ferncliff@comcast.net; lsc.skiboat@yahoo.com; BOBRO5@msn.com;
burgnerL@msn.com; Pat237@verizon.net; ptpope@sover.net
Subject: Re: UPW-11-04 Comments

Rebecca,

Great job!

Jim

-----Original Message-----

From: Rebecca <cthzrlty@capital.net>
To: nrbccomments <nrbccomments@state.vt.us>
Cc: s2burt <s2burt@yahoo.com>; obrienfour <obrienfour@verizon.net>; kanddmorris <kanddmorris@aol.com>; wsirvine <wsirvine@myfairpoint.net>; wsirvine <wsirvine@yahoo.com>; JPCitd414 <JPCitd414@aol.com>; jcrandall <jcrandall@shearman.com>; lena.crandall <lena.crandall@verizon.net>; cthzrlty <cthzrlty@gmail.com>
Sent: Tue, Aug 9, 2011 7:57 pm
Subject: UPW-11-04 Comments

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just the way it is. If we don't like it we can always move. The lake is not that long to begin with and if we take that area away, an area that may be a bit safer for new boaters, etc. to use then what will be next, banning jet skis all together???? Not a good road to go down. People pay a lot of taxes to live on this lake and should not be prohibited from using all of it. People who do not live on the lake also have a right to use all of it and should not be hindered by more regulations. I personally am very safety minded but one has nothing to do with the other. It is just not OK to come and buy in an area because you like it and then proceed to change it into what you want it to be. It is what it is already.....before you or I got here. How could anyone think it would be acceptable for a certain segment of the lakes owners to make a new rule that would affect the way the lake gets used by all users of the lake. This is just too much. We are one lake.....we are not 2 or 3 lakes.....just one. The rules that are in place have been working. You start with this and then what. Perhaps we on horseshoe bay will see fit to ask the state to not allow fisherman to come into the bay until after 8 am on weekends so we can sleep in, and then maybe the people in Oxbow Bay will decide that they don't want to hear any motors what so ever after 6PM during the week because they go to bed early, and what about sea planes, and fireworks and kayaking.....is it safe to kayak in the middle of the lake when there are motor boats all around them? Should we ban kayaking in the lake any further out than 100 feet from shore for fear that they may get hit or they are interfering with the rights of boaters to go at high speeds without worrying about running a boat over that is going 2 mphI am sure you get the picture. All Ridiculous. The Stonehenge Terrace Association is in place to regulate their roads and other uses of that property.....not the Lake.....just the land. How disappointing it will be if something like this happens. I am hopeful that the State will see fit to say no to this request.

Sincerely,

Rebecca Dittmeier

Wheeler, Denise

From: Crayon, Daniel CIV USA AMC [dan.crayon@us.army.mil]
Sent: Monday, August 08, 2011 9:10 AM
To: NRB - Comments
Subject: UPW-11-04 Comments (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

As a land owner on the North End of LSC this petition is supported. There is a specific safety concern with the various paddle craft that is utilized by the visitors at the LSC State Park. Making the North End a no wake zone would preclude a safety situation that currently exists.

Classification: UNCLASSIFIED

Caveats: FOUO

Wheeler, Denise

From: Howard Strateman [hjs@harbourllc.com]
Sent: Tuesday, August 02, 2011 5:23 PM
To: NRB - Comments
Subject: UPW-11-04 Comments/Strong Support for restricting speeds of all power boats in this part of Lake. St. Catherine

This hearing just came to my attention today, and I will be unable to attend. I am forwarding my comments as sent to the Lake St. Catherine Association even though the deadline appears to have been a couple days ago.

"Dear Mr. Morris,

Thank you very much for the email and the chance to pass along my thoughts and position on this to our representative Andy Donaghy.

Unfortunately, I will not be able to attend, but would like to pass along my thoughts and position. I have property with meaningful waterfront on the west side of the Lilly Pond, a small plot on the east side, and sizable other acreage on Ferncliff Road. Lacking details of what is proposed, the following are my thoughts.

- Powerboat traffic speed should be strictly limited in the north end of the lake, including water skiers
- Residents and visitors like to swim in the lake and speeding boats and water skiers are a mortal danger to them
- This is a sheltered end of the lake and it is appropriate that there be a strict speed limit
- House are very close to the lake due to the geography, road location, and historic development. Since the lake is so narrow there (unlike much of the lake) the speeding boats are very close to them and the noise (as well as exhaust fumes) is inappropriate
- The area is popular for non-powered craft since it is sheltered, and a strict speed limit is needed to protect these users of the lake

Howard Strateman
Cell Phone: 1 (203) 550-5507
Office Phone: 1 (203) 327-3740
Email: hstrateman@yahoo.com
Ferncliff Road,
Poultney, VT05764"

Howard Strateman

Harbour Associates LLC
Mobile: +1 (203) 550-5507
Office: +1 (203) 327-3740
Fax: +1 (203) 428-4127
Email: hjs@harbourllc.com
Skype: howard.strateman

Wheeler, Denise

From: Mary Jo Teetor [ferncliff@comcast.net]
Sent: Monday, August 01, 2011 9:50 PM
To: NRB - Comments
Subject: UPW-11-04 Comments

As a resident of Lake St. Catherine for well over 30 years I seen the activity evolve as well as rules and regulations. I would like to object to the proposed rules for several reasons. \

#1 seeing as there is already regulation that no boat will exceed the 5 mph limit within 200 feet of shore, other boats, swimmers, etc. there is no reason to make new rules if the current rules are not enforced. If the current rules were enforced there would be no issue what so ever.

#2 the public notice of this proposal which apparently was initiated this spring by our local state representative or anyone for that matter has been non-existent. Andy Donhagy claims to have done this as a private citizen not as the local representative. I am having a hard time believing that he would have submitted this rule change if he were not a representative. I would like to think he would at the very least discussed with his constituents the proposal so they could be informed. Like at the recent association annual meeting where many lake residents, voters and summer people gain information as to what is going on and what might affect them or perhaps a notice in the local paper.

The bottom line is why create more unenforced legislation the more practical thing to do is ENFORCE THE RULES ALREADY ON THE BOOKS.

I wish I had more notice than less than 24 hours to attend a meeting to hear the pros and cons so I could attend.

Unfortunately I will be out of town that day.

Thank you for your consideration.

Mary Jo Teetor

Wheeler, Denise

From: Burnham Holmes [Burnham.Holmes@castleton.edu]
Sent: Sunday, July 31, 2011 11:44 AM
To: NRB - Comments
Subject: The Hearing for the 5 mph Speed Limit on North Bay, Lake St. Catherine

31 August 2011 (approx. noon)

Natural Resources Panel
National Life Records Center
National Life Drive
Montpelier, VT 5602-3201

Dear Panel Members:

I bought my house at 182 Lakeview Hill Rd, Poultney, Vermont in 1986, and have lived here full-time since 1991, so I have noticed many safety, erosion, and noise issues during the last quarter century.

Safety

Over the years there have been many jetskis and boats that have sped across the North Bay of Lake St. Catherine. (I used to wonder what the fun was to travel from one end of the lake to the other in a few minutes, but that's a different issue; the only boats I have ever owned have been a sailboat and a canoe.) There was even a seaplane that practiced take-offs and landings for two or three summers, making a swimmer feel he was caught up in an Alfred Hitchcock movie. Many times I have been swimming when boats and jetskis would be speeding along, not paying attention, and I would feel compelled to wave my hands to indicate where I was. Waterskiers and their crew are also not paying attention to swimmers. There have been times when I have used a canoe to go alongside a swimmer to indicate where we were. OK, these are situations that an adult has experienced.

For children, and there are quite a few in and around the water in the summer, speeding boats and jetskis represent an accident just waiting to happen. Many of us have seen close calls. It will only take one crippling accident or fatality to wake everyone up to the daily dangers of water traffic going above five miles per hour.

Erosion

Most of the erosion at the community beach of the Stonehenge Terrace Association has been caused by waves made by boats and jetskis. After summertimes of swimming, there seem to be very few days when there are waves caused by wind; waves are mostly caused by the wake of water vehicles. The faster and closer to the shore, the larger the wake and greater the erosion.

Noise

Many is the morning over the past years when the wake-up call is a jetski or motorboat. Lawnmowers do not start that early, but water vehicles do.

Summing Up

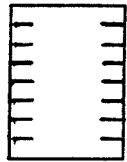
As a parent, the biggest event or life is children. One of our most important duties is to keep children safe. Speeding boats in the narrow North Bay represents a safety hazard for children, as well as adults.

Jetskis and boats need to go out to the main lake to go fast.

Thank you.

Burnham Holmes
182 Lakeview Hill Rd
Poultney, VT 05764

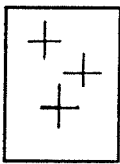
LAKE ST. CATHERINE



No Wake Zones
(5 mph or less)
along shorelines

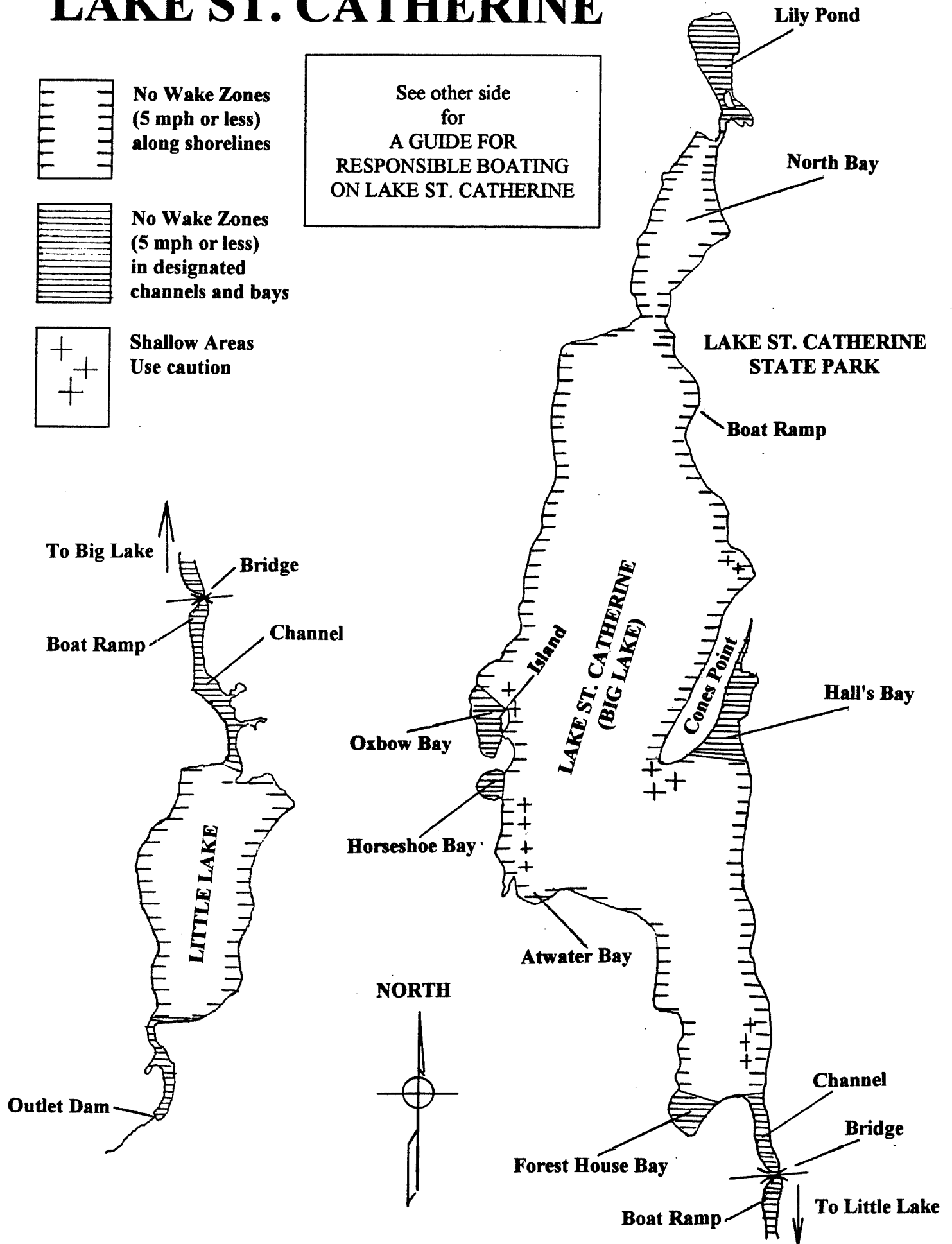


No Wake Zones
(5 mph or less)
in designated
channels and bays



Shallow Areas
Use caution

See other side
for
A GUIDE FOR
RESPONSIBLE BOATING
ON LAKE ST. CATHERINE



To Big Lake

Bridge

Boat Ramp

Channel

LITTLE LAKE

Outlet Dam

NORTH

Oxbow Bay

Horseshoe Bay

Atwater Bay

Forest House Bay

Boat Ramp

LAKE ST. CATHERINE
(BIG LAKE)

Island

Cones Point

Hall's Bay

Channel

Bridge

To Little Lake

Lily Pond

North Bay

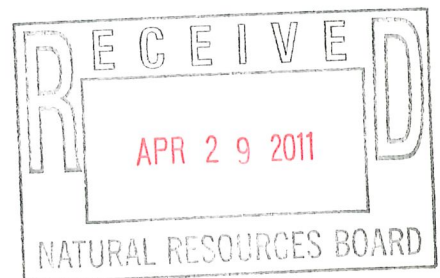
LAKE ST. CATHERINE
STATE PARK

Boat Ramp

Lake St. Catherine, Towns of Wells and Poultney (883)

- a. Waterskiing is prohibited in the following waters:
- (1) All portions of Lily Pond and the channel connecting Lily Pond and Lake St. Catherine.
 - (2) All portions of the channel connecting Little Lake (also known as Little Pond) and Lake St. Catherine.
- b. The operation of vessels powered by motor at speeds exceeding five miles per hour or in such a manner as to cause a disturbing wake is prohibited in the following waters:
- (1) All portions of Lily Pond and the channel connecting Lily Pond and Lake St. Catherine.
 - (2) All portions of the channel connecting Little Lake (also known as Little Pond) and Lake St. Catherine.
 - (3) Forest House Bay - defined for purposes of this rule as those waters south

A-70



and southwest of a straight line between the southerly corner of Camp 102 and the northeasterly corner of Camp 110A.

- (4) Hall's Bay - defined for purposes of this rule as those waters north and northeast of a straight line between the southerly corner of Camp 224 and the northerly corner of Camp 207.
 - (5) Horseshoe Bay - defined for purposes of this rule as those waters west of a straight line between the easterly corner of Camp 38 and northerly corner of Camp 46A.
 - (6) Oxbow Bay - defined for purposes of this rule as those waters west of a straight line between the northerly corner of Camp 21 and the northerly corner of Camp 36.
 - (7) With regard to Forset House Bay, Hall's Bay, Horseshoe Bay and Oxbow Bay, it is permissible for a boat to start and return to its own dock at speeds in excess of five miles per hour for purposes of water skiing. In starting, the boat must head directly out of the safety zone. In returning, the boat must go directly to its dock, at the lowest speed necessary to sustain the skier.
- c. For purposes of this regulation only, the term "channel" as used in rules a and b above, shall mean those waters within and contiguous to Lake St. Catherine which are less than 400 feet in width and which serve to connect that Lake with Lily Pond or Little Lake (also known as Little Pond).
 - d. The provisions of Section 3.3 (a)(1) of these rules notwithstanding, the use of personal watercraft at speeds not exceeding five (5) miles per hour is allowed on Little Lake and Lily Pond for purposes of obtaining access to, and returning from, Lake St. Catherine.

Rules a and b(1) and (2), and c, November 17, 1980
(No. UPW 79-02)

Rule b(3) – (7), October 5, 1994, (No. UPW 93-01)

Rule d, October 14, 1997 (No. UPW 97-03)

Stannard Pond, Town of Stannard (25*)

- a. Vessels powered by motor shall not exceed 5 mph (VUPW Rule 3.2(a))
- b. Use of personal watercraft is prohibited (VUPW Rule 3.3)
- c. Use of aircraft is prohibited May 1 - November 30, except where authorized under 5 V.S.A. Ch. 9 (VUPW Rule 3.4)

