

State of Vermont
Water Resources Board

Petition to Regulate the
Use of the Public Waters
of Lake Raconda
Town of Wilmington, Vermont

10 V.S.A. §1424

Introduction

On November 6, 1984, a petition signed by 10 or more freemen was filed with the Water Resources Board in accordance with the provisions of 10 V.S.A. §1424. The petition requested the Board to adopt rules regulating the use of Lake Raconda by restricting the size of motors used to propel vessels to 10 or 15 horsepower. The Board appointed its Executive Officer, William Bartlett, as a referee to conduct a public hearing in response to this petition on its behalf.

On May 23, 1985 the hearing referee gave notice of a public hearing scheduled for June 24, 1985 at Wilmington, Vermont. The public hearing was held in accordance with that notice and on June 25, 1985 the referee issued Preliminary Findings of Fact. Anyone with an interest in this matter was given until July 15, 1985 to file written comments.

At its meeting on July 24, 1985 the Water Resources Board reviewed its record in this matter.

Findings

1. The Board adopts in their entirety the Preliminary Findings of Fact regarding this petition issued by its hearing referee on June 25, 1985.
2. The Vermont statute which empowers the Water Resources Board to establish rules regulating the use of public waters (10 V.S.A. §1424) provides in part:
 - (c) The Board shall attempt to manage the public waters so that the various uses may be enjoyed in a reasonable manner, in the best interest of all the citizens of the State. To the extent possible the Board shall provide for all normal uses.
3. The practical effect of the restrictions on horsepower requested by the petition would be to eliminate the use of Lake Raconda for waterskiing and other established and normal recreational uses.
4. The results offered in support of the petition (preliminary finding #4) can be substantially achieved without restricting existing uses of Lake Raconda. This can be accomplished by publicizing, and where necessary enforcing,

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existing rules regulating the use of motorboats. A number of suggestions to that effect were noted at the June 24, 1985 hearing as indicated in referee finding of fact #5.

Decision

After reviewing its Hearing Referee's preliminary findings of fact, as well as correspondence submitted both prior to the public hearing on June 24, 1985 and in response to the preliminary findings of fact, the Water Resources Board has decided not to propose any rules regulating the use of Lake Raponda at this time. Accordingly, the petition filed on November 6, 1984 is thereby denied.

In denying this petition the Board does not intend to suggest that the concerns which prompted it are unimportant or without merit. Indeed, as a result of suggestions made at the June 24th public hearing, the Water Resources Board has initiated discussions with the Department of Public Safety regarding efforts to better inform the boating public regarding the requirements of the motorboat regulations and of the procedures by which violations of those regulations can be effectively reported.

Done this 1ST ~~th~~ of August, 1985, at Burlington, Vermont.

FOR THE WATER RESOURCES BOARD

Catharine B. Rachlin
Catharine B. Rachlin, Chairman

Board members in favor
of this decision

Catharine B. Rachlin, Chairman
William Boyd Davies
Gary W. Moore
Kathleen A. Scheele

Board member not participating

William D. Countryman