

State of Vermont
Water Resources Board

Petition to regulate the use
of the public waters of
Lake Raconda
Wilmington, Vermont

Preliminary Findings of
Fact

Introduction

On November 6, 1984, a petition by 10 or more freemen was filed with the Vermont Water Resources Board under the provisions of 10 V.S.A. §1424. That petition requested that the use of the public waters of Lake Raconda located in the Town of Wilmington, Vermont be regulated by limiting "motorboats on Lake Raconda to 10 or 15 horsepower for fishing and leisurely boating."

The Water Resources Board appointed William A. Bartlett, its Executive Officer, as a hearing referee for purposes of conducting a public hearing with regard to this petition on their behalf. A public hearing was held on June 24, 1985 at the Wilmington High School, Wilmington, Vermont. On the basis of the testimony presented at that hearing, the referee makes the following preliminary findings of fact.

Preliminary Findings of Fact

1. Lake Raconda is a natural body of water whose water level has been enhanced by a dam constructed at the north end of the lake. Lake Raconda has a surface area of approximately 116 acres and a maximum depth of approximately 12 feet. The Lake has an elongated shape and is oriented on a north-south axis with relatively narrow channels on both the north and south end. A public fishing access is located near the head of the channel on the north end of the lake. A public beach, known as the Green Mountain Beach, is located on the east shore of the lake.
2. Lake Raconda is used extensively for a variety of recreational purposes including swimming, fishing, waterskiing and recreational boating by both motorized and nonmotorized vessels.
3. In seeking to limit the size of motors allowed on the lake to "10 to 15 horsepower for fishing and leisurely boating" the petitioners are seeking to prohibit waterskiing and most forms of relatively high speed boating on Lake Raconda.
4. The petitioners present at the public hearing on June 24, 1985, identified the following rationale in support of their petition:
 - (a) The proposed regulations would increase safety for swimmers, especially those swimming at a distance from the shoreline.

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- (b) The proposed regulations would enhance boating safety by reducing relatively high speed boating. In this regarding it was noted that there are several rocks or other hazards to navigation at various locations in the lake.
 - (c) The proposed regulations are intended to reduce the wake created by motorboats in order to thereby reduce unsafe conditions for smaller boats, usually unmotorized boats, and to reduce shoreline erosion.
 - (d) The proposed regulations would reduce gas and oil pollution to Lake Raponda.
 - (e) The proposed regulations would protect against an anticipated increase in boating on Lake Raponda due to a 20 lot housing development known as the Landing, currently under construction on the south end of the Lake. The development will include a community dock providing access to Lake Raponda for each lot owner.
5. The vast majority of the 40 to 50 people in attendance at the June 24th hearing expressed their opposition to the petition on the grounds that it would unnecessarily restrict existing and reasonable recreational uses of Lake Raponda and that:
- (a) There are nonregulatory means to address the concerns regarding the safety of swimmers including:
 - (1) A return to the practice of marking the swimming area at Green Mountain Beach with buoy and ropes.
 - (2) Making an effort to better inform individuals swimming some distance from the shoreline to be accompanied by a boat, so that may be seen by other boat operators.
 - (3) Making an effort to better inform boaters on Lake Raponda including both shoreline property owners and those using the lake via the fishing access regarding the safety requirements specified in 23 V.S.A., Chapter 29 (Laws and Rules Governing the Use and Registration of Motorboats).
 - (b) All navigational hazards on Lake Raponda are currently marked by a system of buoys placed annually by various shoreline property owners.
 - (c) The problems created by smaller boats being exposed to unsafe conditions because of the wake created by another boat could be greatly reduced, if not

eliminated, by compliance with requirements of 23 V.S.A., Chapter 29 through education and if necessary enforcement.

- (d) The size of the wake created by a boat is directly related to the size of the boat and the hull design and is generally not a function of motor size or high speed operation. Some boats produce a larger wake at slower speeds than they do at higher speeds.
 - (e) Oil and gas pollution is related more to the age and maintenance of a gasoline motor than to its horsepower rating. Furthermore, the results of a five year lay monitoring program (between 1980 and 1984) under the supervision of the Department of Water Resources and Environmental Engineering show no deterioration in the water quality of Lake Raconda.
 - (f) An existing 50 lot development known as Mountain View which also has a community dock has not resulted in any significant increase in motorboat usage on Lake Raconda. The Mountain View development which dates from the early 1970's has resulted in the construction of approximately 28 houses.
6. Some of the problems and conflicts cited as a basis for the petition are attributable to boaters who use the public fishing access to launch their boats on Lake Raconda for purposes other than fishing.
 7. Few of the incidents of unsafe motorboat operation described by individuals present at the June 24th hearing have been reported, to the Vermont State Police. One such incident involving waterskiing at the Green Mountain Beach which was reported was investigated by the State Police and resolved to the complainant's satisfaction.
 8. The amount of boating activity on Lake Raconda is relatively limited during the weekdays, but increases significantly on the weekends which is when most of the conflicts and problems between waterskiing and relatively high speed boating and other recreational uses of the lake occur. Some of these conflicts are attributable to the operation of so-called "ski jets" which are loud and can be operated at high speeds. Because of their small size, ski jets are typically powered by 5 horsepower motors and therefore would not be prohibited by the regulations requested by the petitioners.
 9. Several individuals who have resided at the lake for a period of many years noted that the amount of boating activity on Lake Raconda has varied in response to the

demographics of the shoreline property owners and that the level of boating activity in recent years is actually less than it has been at certain times in the past.

10. Various participants at the June 24th hearing suggested that the problems and conflicts which prompted the petition might be addressed by one or more of the following actions:
- (a) Posting a summary of the key boating safety provisions of 23 V.S.A., Chapter 29 at the public fishing access and perhaps other locations. The Lake Raponda Association indicated a willingness to assist in the maintenance of such posters.
 - (b) Enforce the existing Fish and Game Board regulation restricting the use of the fishing access to people fishing only.
 - (c) Restricting the speed of boats in the narrow channel at the north end of the lake between the boat launch area and the main lake.

Opportunity for Further Comment

The above preliminary findings of fact are issued in accordance with 10 V.S.A. §905(a) by the referee appointed by the Vermont Water Resources Board. Anyone with an interest in this matter, whether or not they attended the June 24, 1985 hearing, has the opportunity to file comments regarding these findings, to request additional findings or to request that a further hearing be held by the Vermont Water Resources Board. In order to be considered by the Board any such comments or requests must be postmarked by July 15, 1985. All correspondence regarding this matter should be addressed to the Vermont Water Resources Board, State Office Building, Montpelier, Vermont 05602 (telephone 828-2871).

Done this 25th, day of June, 1985, at Montpelier, Vermont.

By William A. Bartlett
William A. Bartlett
Hearing Referee

WAB/kgr