

State of Vermont  
Water Resources Board

Petition to Regulate  
the use of the Public  
Waters of Otter Creek from  
the Ft. Cassin fishing access  
area to Lake Champlain

10 V.S.A § 1424

Background

On February 1, 1989, a petition signed by ten (10) or more freemen was filed with the Water Resources Board (Board) under the provisions of 10 V.S.A. § 1424. The petition requested the Board to adopt a rule that would prohibit vessels from operating at speeds exceeding five miles per hour or in such a manner as to cause a disturbing wake in that portion of Otter Creek between the Fort Cassin fishing access area and Lake Champlain.

On April 12, 1989, the Board proposed the rule requested by the petition and scheduled a public hearing on June 27, 1989 at Vergennes, Vermont. The hearing was held as scheduled. The deadline for filing written comment regarding this matter was July 6, 1989.

Recent amendments to the Vermont boating law (23 V.S.A. § 3311(c)) effective July 1, 1989 prohibit the operation of any vessel except a sailboard, police or emergency vessel within 200 feet of the shoreline "except at a speed of less than five miles per hour which does not create a wake." The Attorney General's Office and the Vermont State Police have advised the Board that the provisions of 23 V.S.A. § 3311(c) apply to that portion of Otter Creek between Lake Champlain and the Fort Cassin fishing access area.

Findings

1. Boats powered by motor routinely travel that portion of Otter Creek between the Fort Cassin fish access area and Lake Champlain at speeds exceeding five miles per hour and in such a manner as to cause a disturbing wake.
2. Such boat traffic creates a potential safety hazard to other boaters as well as to other users of these waters, increases erosion of the Fort Cassin Point access road and may adversely impact the adjacent Otter Creek Wildlife Management Area.

Conclusion

Based on the above findings, the Water Resources Board concludes that recent amendments to 23 V.S.A. § 3311(c) fully address the issues which prompted the filing of the petition.

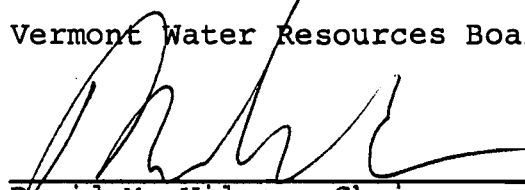
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Decision

Because the restrictions requested by the petition have already been enacted into law, the Board has decided to deny the petition and withdraw its proposed rule. The Board has also directed its Executive Officer to determine how to have the five miles per hour and no wake provisions of existing law posted at the mouth of Otter Creek and other navigable tributaries to Lake Champlain.

Dated this 24th day of August, 1989 at Berlin, Vermont.

Vermont Water Resources Board




David M. Wilson, Chairman

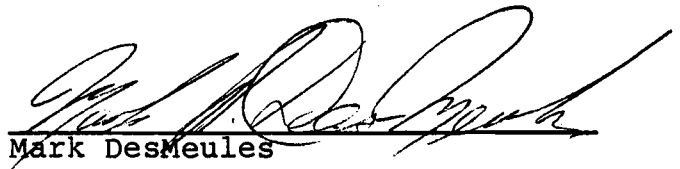
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