

STATE OF VERMONT
WATER RESOURCES BOARD

Petition of 10 Freeman to regulate
the use of the public waters of
Lewis Pond, Town of Lewis, Vermont.

10 V.S.A. § 1424

Decision

The petitioners requested the Water Resources Board (Board) to adopt the following rule regulating the use of the public waters of Lewis Pond:

The use of internal combustion motors is prohibited.

On the basis of its record in this proceeding, the Board has decided to proceed with the adoption of the following rules for Lewis Pond:

1. The use of internal combustion motors is prohibited, effective January 1, 1993.
2. Vessels powered by motor shall not exceed a speed of 5 miles per hour (mph).

The basis for this decision is described below in the Findings.

The Board, however, does intend to review with the Vermont Legislature the question of whether restrictions on the use internal combustion motors at Lewis Pond and elsewhere should provide a limited exemption for certain categories of boaters (e.g. persons with disabilities, elderly) as a statewide policy issue.

Background

On July 21, 1989, a petition signed by 10 freemen was filed with the Board under the provisions of 10 V.S.A. § 1424. In response to that petition, the Board proposed the requested rules on June 19, 1991, for the purposes of public review and comment.

On July 23, 1991, the Board conducted a public hearing at the Frank R. Adams School, St. Johnsbury, Vermont, to consider the merits of the petition, and a deadline of August 21, 1991, was established for public comment.

In considering this petition, the Board was guided by the provisions of 10 V.S.A. § 1424 (b)&(c). These provisions of Vermont law direct the Board to consider, among other things, the characteristics of the water body and the surrounding land, the predominant use of the waters, and the availability of recreational

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opportunities. The Board is also directed to manage public waters in a manner where multiple uses may be enjoyed in a reasonable manner and all normal uses shall be provided for to the greatest extent possible, consistent with public safety and environmental limitations.

Findings

1. Lewis Pond (Pond) is located in the Town of Lewis. The Pond is an oval-shaped water body with 64 acres of surface area that is approximately one mile across at its widest point. The Pond is shallow with a maximum depth of eight feet. Lewis Pond constitutes public waters within the meaning of 10 V.S.A. § 1422(6).
2. All of the surrounding land is owned by Champion International Corporation (CIC) which leases sixteen camps on the periphery of the Pond. A boat access is provided by CIC at the southeast end of the Pond.
3. Among the existing uses of the Pond are low-speed boating, fishing, and the quiet enjoyment of the Lake's aesthetic value. The Pond is stocked with trout by the Vermont Fish and Wildlife Department.
4. The prohibition of internal combustion motors and the limiting of motorboat speeds to 5 mph would not prevent the continued enjoyment of established uses.
5. The Pond is in a remote, quasi-wilderness setting and is located 10 miles from the nearest public road.
6. The Pond provides habitat for wildlife including nesting loons, moose, deer and beaver. The Pond provides marginal trout habitat due to its shallow nature. The agitation by motors during periods of hot weather may reduce the water quality placing additional stress on the trout. Wildlife have been harassed by boaters, and disturbed by the noise of motors.
7. The Department of Environmental Conservation, Agency of Natural Resources, has indicated that this pond would be consistent with either the Nonmotorized Lake (Type 2) category or the Low-speed Motorized Lake (Type 3) category developed in the Vermont Lakes and Ponds Recreation Management Study. There are many other Type 2 and 3 lakes in the area, as well as Type 4 lakes for high-speed motorboating.

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Dated in Burlington, Vermont this 20th day of November, 1991.

Vermont Water Resources Board

BY: Dale A. Rocheleau
Dale A. Rocheleau, Chair

Board Members Concurring:

Dale A. Rocheleau
Elaine B. Little
Mark DesMeules
Jonathan Lash

Board Members Opposed:

None