

**STATE OF VERMONT  
WATER RESOURCES BOARD**

**In re: petition seeking a  
speed limit in the "Narrows"  
between Providence Island and  
Phelps Point on Grand Isle on  
Lake Champlain, Town of South Hero**

**10 V.S.A. § 1424**

**Background**

In March of 1998 the Vermont Water Resources Board (Board) was petitioned (the petition) under the provisions of 10 V.S.A. § 1424 to adopt a rule establishing a ten mile per hour speed limit for vessels traveling through the "Narrows" between Providence Island and Grand Isle on Lake Champlain in the Town of South Hero.

In response to this petition, the Board proposed the rule requested by the petition for purposes of receiving public comment. Following public notice, the Board held a public hearing at South Hero, Vermont on July 14, 1998, and established August 14, 1998, as the deadline for the filing of written comment regarding the proposed rule.

**Decision**

At its meetings on September 15, 1998, October 6, 1998, and October 27, 1998, the Board reviewed and discussed the public comment received both at the public hearing and in writing. At its meeting on October 27, 1998, those Board members present voted unanimously to deny this petition. Accordingly, the Board will not proceed with the adoption of the rule requested by the petition.

The Board has denied the petition because it is not convinced that a formal speed limit in the "Narrows" is warranted at this time.

The Board does however agree that nonregulatory, efforts are needed to reduce the risk of accidents in the "Narrows." Boaters approaching the Narrows need to increase their vigilance and comply with the five mile per hour speed limit requirements of existing Vermont boating law.

**FINDINGS**

1. The "Narrows" is located between Providence Island and Phelps Point on Grand Isle on Lake Champlain in the Town of South Hero.

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2. Lake Champlain in the vicinity of the “Narrows” constitutes public waters of the state of Vermont within the meaning of 10 V.S.A. § 1422(6).
3. The “Narrows” is approximately 650 to 800 feet across at its narrowest point.
4. The Vermont Water Resources Board (Board) has not previously adopted rules governing the speed of vessels operating in the vicinity of the “Narrows” or in fact on any portion of Lake Champlain.
5. The speed at which vessels are allowed to operate in the vicinity of the Narrows is governed by 23 V.S.A. § 3311(a) and (c).
6. Title 23 V.S.A. § 3311(a) prohibits the operation of vessels “in a careless or negligent manner or in any manner to endanger or jeopardize the safety, life or property of another person” but does not establish any numeric speed limit.
7. Title 23 V.S.A. § 3311(c) prohibits, with limited exceptions not relevant to this petition, vessels from operating at speeds in excess of five miles per hour within 200 feet of “the shoreline, a person in the water, a canoe, rowboat or other vessel, an anchored or moored vessel containing any person, or anchorages or docks.”
8. Lake Champlain in the vicinity of the “Narrows” is used for swimming, fishing, nonmotorized boating and motorized boating including relatively high speed boating. Sailboarding is a popular use of the bay to the east of Providence Island near White’s Beach.
9. The petition seeks to better insure the safety of persons swimming, fishing and boating in both motorized and nonmotorized vessels by requiring vessels to proceed at a slower speed than is presently required under Vermont law.
10. The “Narrows” is used by some boaters as the most direct route between Mallets Bay on the Vermont side of the Lake and Plattsburgh on the New York side of the Lake.
11. The “Narrows” is one of the narrower passages on Lake Champlain through which the speed at which vessels may travel is not governed by the “five miles per hour rule” in 23 V.S.A. § 3311(c).
12. However, the “Narrows” is not the only narrow passage on Lake Champlain and is in fact wider than many of Vermont’s inland lakes where high speed boating occurs on a regular basis.
13. While the Board shares the concerns expressed in support of the petition, it is simply not convinced based on the record in this proceeding that establishing a speed limit

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substantially lower than customary use and probably lower than needed to achieve the petitioner's stated goals, is justified.

14. There has been no showing in this proceeding that boats proceeding through the "Narrows" at relatively high speeds but with due vigilance and in full compliance with the provisions of 23 V.S.A. § 3311(c), is inherently unsafe.
15. It is also apparent however that many boaters are not familiar with the provisions of 23 V.S.A. § 3311(c) and that greater educational efforts to address that problem are needed.

Dated at Montpelier, Vermont on this 29th day of October 1998.

VERMONT WATER RESOURCES BOARD

  
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William Boyd Davies, Chair

Board members concurring:

Gail Osherenko

Jane Potvin

Ruth Einstein