

Petition to Vermont Department of Environmental Conservation for Amended Lake Use Rule for Lake Iroquois

I. Statutory Authority

This petition is filed pursuant to 10 V.S.A. Section 1424 and is a request to the Vermont Department of Environmental Conservation to adopt a revised rule for boating use on Lake Iroquois.

II. Existing Rule, Proposal and Rationale

a. The only current rule governing boating on Lake Iroquois is the state-wide rule prohibiting use of personal water craft in lakes and ponds of less than 300 acres.

b. Proposed Rule:

The Operation of vessels powered by internal combustion engines exceeding 25 horsepower is prohibited, with the exception of those vessels that were duly registered in the State of Vermont in 2014 in the name of an individual who also owned lakefront property on Lake Iroquois in 2014 and only so long as such individual continuously maintains both the registration on the excepted vessel in Vermont and ownership of lakefront property on Lake Iroquois.

c. Summary of Rationale

Lake Iroquois is a small inland lake of 243 acres in Chittenden County. Recent accelerating changes in the types and quantity of public uses of the lake and the impact of these changes on public safety, water quality, and quality of user experience prompt this proposal, an examination of boating rules and the adoption of changes. The proposal is appropriate for the management of public access, improvement of safety, promotion of water quality, and to enhance the overall user experience on the lake.

Three critical factors are behind the proposal:

1. Large powered vessels compromise public safety.
2. Large powered vessels degrade water quality.
3. Increasing density of use is exacerbating these factors and leading to a decline in the quality of user experience. This proposed rule protects historical public uses of the lake in the face of increasing demand.

III. Basis for the Petition

Lake Iroquois has been used extensively for recreational purposes for upwards of 100 years. Summer camps on the lake date back to as early as the 1890s. Boating, fishing and swimming have been popular on the lake.

Prior to 1993, power boats, paddle boats, rowboats, and sailboats were used and common on the lake on a regular, frequent and consistent basis. Swimming has been common and popular in the lake for over 100 years. In the 22 years since 1992, there have been significant increases in the size and number of power boats on the lake

as well as significant increases in the number of non-power boats, especially kayaks, small sailboats, windsurfers, paddleboards, canoes and rowboats. “Wake boats” did not exist on the lake prior to 1995. Swimming has always been popular on the lake and increasing numbers of swimmers have been present in the lake as the number of residences on the lake has increased.

All of these increases in recreational use are a natural consequence of the rapid growth in population in Burlington and Chittenden County over the last 20 years as well as the more recent explosion of growth in Williston and Hinesburg.

Geologically, Lake Iroquois is a kettle pond whose natural size has been increased by a dam that was installed in the early 19th century to control the pond’s waters for milling interests in Hinesburg. In the 1960s, the dam was covertly and illegally cemented in its top position by lake residents with interests in keeping the water level artificially high for power boating. As a result, about 64 acres of the lake’s 243 acres at the north end of the lake are a shallow flooded wetland, less than 10 feet in depth, that has been densely covered with Eurasian watermilfoil and is generally unsuitable for most power boating, sailing and swimming. With the exception of two shallow, densely weeded areas – one on the east side and one on the south – most of the balance of the lake’s 179 acres is usable for the regular recreational activities on the lake.

With the increased nearby population and lake users of all sorts, the lake’s recreational activities are increasingly congested during summer days. High congestion on the lake during many summer days creates conditions that reduce the potential “open throttle” area of the lake to a very small area. This congestion has led to conflicts between users, increased disregard of state laws, increased safety problems and increased environmental problems. These conflicts came to a head in 2014 due to two events. First, a horrific breach of public safety occurred on June 28, 2014 when a swimmer was run over by a power boat causing life threatening injuries. Second, an environmental threshold was crossed when, for the first time, a zebra mussel was identified at Lake Iroquois on a boat trailer exiting the lake’s public access in late August, 2014.

While it is appropriate to limit the use of large power boats on Lake Iroquois in order to continue universal safe access for all users of the lake, it is also appropriate and just to recognize the investments and expectations of those property owners at the lake who have maintained large boats. The exception in the proposed rule change is intended to preserve the interests of individuals who have invested money in large boats that have been kept on the lake. There are 91 residences on the lake and only 28 large power boats, making the exception relatively small and one that will eventually disappear as these 28 boats are ultimately retired or otherwise taken out of service.

Lake Iroquois is a significant recreational and natural resource of Williston, Hinesburg, Richmond, Chittenden County and the rest of Vermont. To best accommodate the multiple uses of the lake and serve the best interests of the State, the proposed rule change will achieve these goals by:

- Maintaining the traditional use of appropriate-sized power boats on Lake Iroquois.
- Enhancing access on the lake for smaller Vermont power boats, including fishing boats that are appropriate for a small body of water like Lake Iroquois.
- Improving safety for swimmers by limiting the number of large boats whose operators frequently do not exercise proper diligence to spot swimmers in the lake and do not obey “no wake” rules with within 200 feet of swimmers and other vessels.
- Recognizing the expectations and investments made by some lake residents in large boats.
- Reducing the risk of transportation of invasive species in and out of Lake Iroquois by reducing the number of large trailers and larger boats.
- Increasing compliance with State boating rules which require power boats to have “no wake” within 200 feet of shore, another power boat, kayaks, paddlers or swimmers.

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