

# Statewide Lakes and Ponds Recreation Management in Vermont

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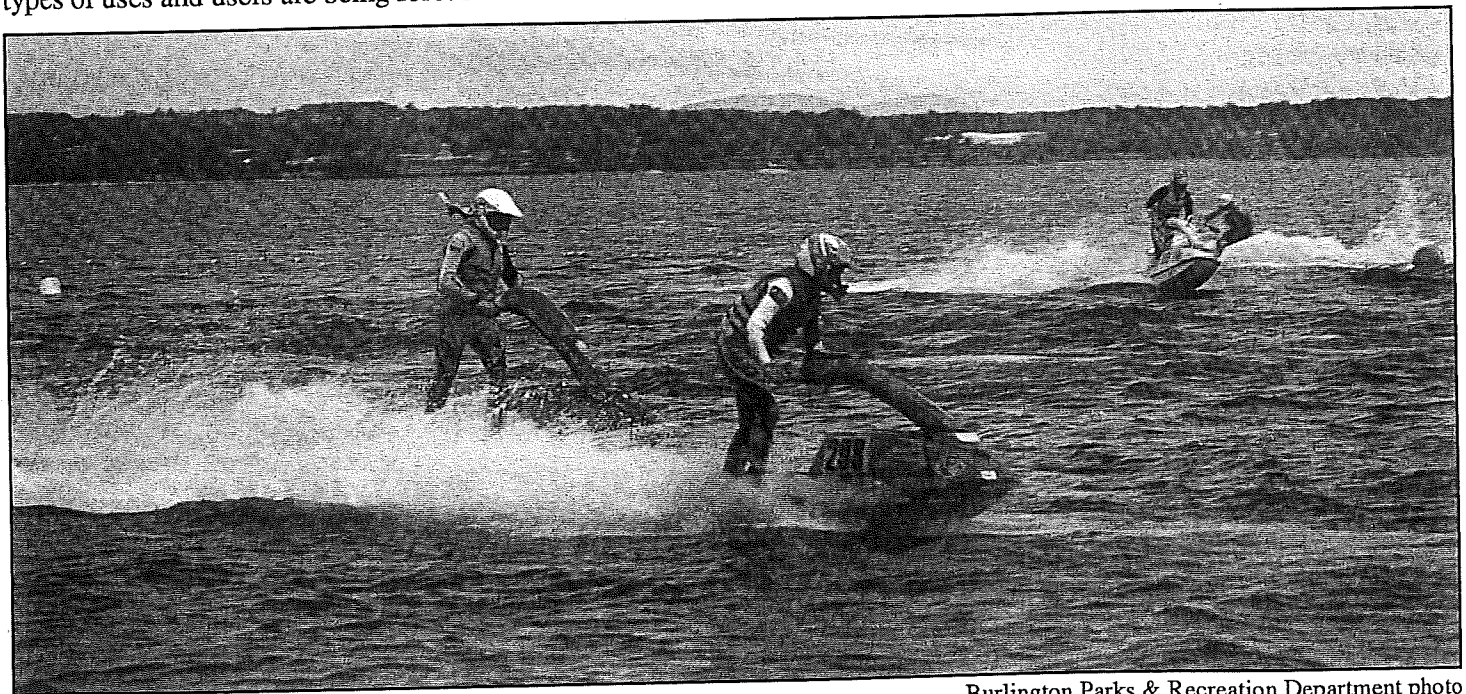
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**D**uring the long winter, all was quiet on Vermont's lakes. The tranquility of frozen lakes and snow-blanketed shorelines was only broken by occasional snowmachines and/or ice anglers. As spring warms the air, however, a debate on how to allocate recreational use among some 283 lakes and ponds 20 acres and larger in Vermont is also heating up.

For the last four years, the Vermont Agency of Natural Resources (ANR), the Vermont Water Resources Board (WRB) [the citizen board with statutory authority to set surface use (recreation) rules in Vermont] and the Vermont State Police have been designing a way to equitably manage Vermont's limited water resources for a wide diversity of recreational activities. The current situation is that certain types of uses and users are being forced from various lakes

to other lakes, user conflicts are increasing, boating laws are outdated and citizens are seeking specific use restrictions on a number of individual lakes and ponds.

To address these concerns, the ANR first commissioned a study in 1989. The *Vermont Lakes and Ponds Recreation Management Study* examined the trends, issues and water-based recreational needs of Vermonters, and set out a statewide and regional framework for managing and protecting a wide spectrum of uses and experiences sought by recreationists. A typology scheme was developed that was based on the recreational experiences the lakes offered (Figure 1). At one end of the spectrum are those lakes managed for passive recreational activities and/or "wilderness or solitude" experiences, and at the other end



Burlington Parks & Recreation Department photo

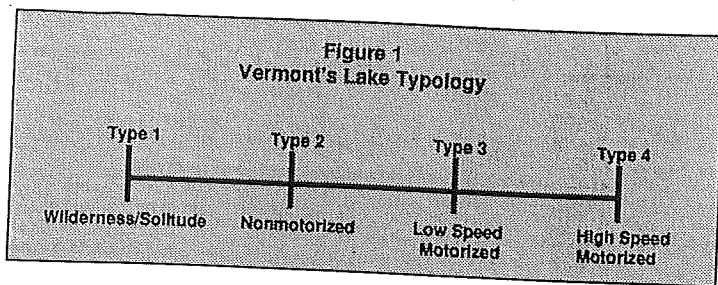


FIGURE 1  
*Vermont's Lake Typology.*

are those managed for more active recreational activities, high use levels and/or a mix of activities.

Ancillary to this study was the fact that the WRB had received numerous individual petitions in recent years requesting similar kinds of recreation use restrictions. Not wanting to haphazardly manage lakes and ponds around the state, the WRB and the ANR formed a task force representing various water-based recreational user groups. The group's charge was to begin developing ideas and management recommendations for the spectrum of lake types described in the *Lakes and Ponds Recreation Management Study*. The task force addressed specific questions that kept coming up in the petitions, and included:

- Should there be a statewide boating speed limit for daylight and nighttime?
- Should personal watercraft be restricted from certain sizes of lakes and ponds?
- How can the "quiet" users be protected?
- Should waterskiing be allowed on all lakes and ponds?
- Should internal combustion motors be banned from certain lakes and ponds?

Having little quantitative recreation use data on Vermont lakes, the ANR relied on the knowledge of staff, lake association members, state police officers and game wardens to characterize the existing use of each lake and pond according to the typology scheme as:

- high speed boating (greater than 5 mph) [Type 4];
- low speed boating (less than or equal to 5 mph) [Type 3]; and
- nonmotorized (and/or electric motors) boating [Types 2 and 1].

A striking cutoff was found at 75 acres. With only a few exceptions, no lakes smaller than 75 acres are currently being used for high speed boating.

Intuitively, however, it seemed that some lakes larger than

75 acres were also unsuitable for high speed boating activities. Using various studies and sources, the WRB determined that 30 contiguous acres were needed for safe, high speed boating activities. Existing Vermont boating regulations also establish a no-wake or 5 mph safety zone within 200 feet of any shoreline, including islands. With the assistance of a Geographic Information System (GIS), each of the state's lakes larger than 75 acres was mapped to determine the available surface acreage for high speed boating after the 200-foot safety zone was removed. It was interesting to learn that certain larger lakes with convoluted shorelines did not have enough surface acreage for safe, high speed boating under the WRB criteria. These lakes generally did not have existing high speed uses, or else they had a long history of use conflicts.

Born from this process was the Use of Public Waters (UPW) Policy (Table 1), proposed statewide regulations based on the discussions of the task force and drafted by the Water Resources Board. While the uses of a few lakes are proposed

TABLE 1

Table 1 Highlights of Vermont Water Resources Board Proposed Use of Public Waters Policy (January, 1994)	
<b>Daytime Speed Limits</b>	Options for Comment - between 8:00 a.m. and one half hour before sunset or one half hour before sunrise and one half hour after sunset: •5 mph on lakes less than 75 acres in size, or with less than 30 contiguous acres outside shoreline safety zone, or where internal combustion motors are prohibited. •45 mph on lakes 75 acres or greater in size that have at least 30 contiguous acres outside the shoreline safety zone and on which internal combustion motors are not prohibited.
<b>Nighttime Speed Limits</b>	Options for Comment - between one half hour before sunset and 8:00 a.m. or between one half hour after sunset and one half hour before sunrise: •5 mph on lakes less than 75 acres in size, or lakes that have less than 30 contiguous acres outside shoreline safety zone, or where internal combustion motors are prohibited. •15 mph on lakes 75 acres or greater in size that have at least 30 contiguous acres outside the shoreline safety zone and on which internal combustion motors are not prohibited. •Waterskiing is prohibited.
<b>Use of Personal Watercraft</b>	•Prohibited on lakes less than 300 acres in size or lakes with less than 30 acres outside the shoreline safety zone. •Prohibited on lakes where internal combustion motors are prohibited.
<b>Use of Internal Combustion Motors</b>	•Prohibited on lakes where the use was not a normal use prior to January 1, 1993.
<b>Protection of Loon Nesting Sites</b>	•Between May 1 and July 31, all persons and vessels are prohibited from within 300 feet of any signed or marked loon nesting site.

TABLE 2

*Allocation of Lakes Among Uses Under UPW for Lakes with Public Access*

Size Category	High Speed Uses		Low Speed Uses		Nonmotorized		TOTAL LAKES (with access)	
	# of Lakes	Acreage	# of Lakes	Acreage	# of Lakes	Acreage	# of Lakes	Acreage
Big (150 acres and larger)	44	27,805	8	2,306	4	1,358	56	31,469
Medium (75 - 149 acres)	23	2,439	10	1,052	15	1,466	48	4,957
Small (less than 75 acres)	0	0	35	1,615	44	1,584	79	3,199
<b>TOTAL LAKES (with access)</b>	<b>67</b>	<b>30,244</b>	<b>53</b>	<b>4,973</b>	<b>63</b>	<b>4,408</b>	<b>183</b>	<b>39,625</b>

for change (those lakes larger than 75 acres with insufficient acreage for high speed boating where conflicts currently exist), the UPW generally freezes in time the status quo of recreational activities on 283 Vermont lakes and ponds (all of the state's lakes, ponds and reservoirs 20 acres or larger in size except trans-border lakes and reservoirs).

The WRB developed a comprehensive chart listing each affected lake and pond and its restrictions as part of the public policy document. Surprisingly, the existing uses of Vermont's lakes and ponds for recreational activities are fairly balanced (Table 2) between the three major types of uses (nonmotorized, low speed, high speed).

After taking care to involve various user groups on the initial task force, the WRB widely distributed drafts of the UPW for two summers and held over 30 public meetings to collect additional public testimony and solicit written comments. While there were hundreds of comments submitted, there was not much controversy over these proposed use restrictions.

With this groundwork in place, the WRB formally initiated rulemaking for the UPW in January, 1994 ... and this is when the proverbial manure hit the fan. Hundreds of citizens came to the Board's public meetings, despite snowstorms, to express

concern, anger and dismay at the UPW and the process.

So why, after years of preparation, has the debate heated up, especially since these rules are intended to protect the status quo? Last December, just prior to the Board's formal rulemaking process, a group of citizens petitioned the WRB to set aside additional lakes and acreage for nonmotorized uses. Dubbed the "Quiet Lakes" petition, this request to change existing uses and ban high speed uses on numerous lakes got the immediate attention of the average Vermont lake user ... the person who does not live on a lake and rarely gets involved in public forums. The Quiet Lakes petition quickly became confused with the UPW and, therefore, the outrage of emotions. People are afraid their long-standing use of lakes for high speed boating will be stopped.

What is, or was, a proactive attempt to manage a limited resource with longterm vision for the general public good has now gone awry, becoming instead a battleground between "quiet users" and "speed boaters." Even the legislature is in an uproar, hearing from many worried and angry constituents. While some concerns are valid, many are based on misinformation, fear and emotions. The WRB is currently trying to figure out how to sort out the mess. It will be an interesting summer on Vermont's lakes and ponds. ♦

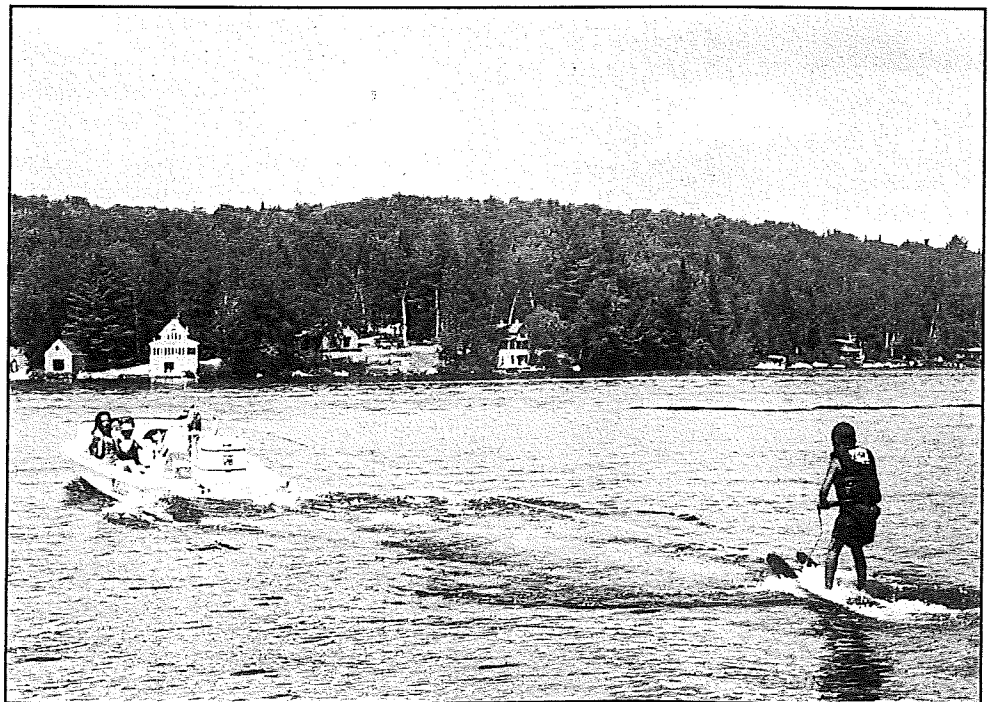


Photo by John LaRosa