

**ARN Public Informational Meeting #1 held at the Richland Free Library on June 29, 2022, starting at 5:30 PM & lasting 2 hrs; Moderated by Oliver Pierson with assistance from Laura Dulugolecki.**

Link to ARN Meeting #2 on June 29: <https://www.youtube.com/watch?v=ilfogDplAw&t=14s>

**#1 Opposition Commenter — Video Start Time: 0:55:59.350 --> 0:56:12.360  
Ben McLaughlin (2nd commenter)**

Good evening everyone. My name is Ben McLaughlin and I'm an avid boater in the state of Vermont. I'm involved in the lake for Lake Fairly association down in Fairlee, Vermont which supports this partition. I do not support this petition. I think that the proposed regulation is overreaching. I think that the science doesn't necessarily support the nature of the petition. Ironically, my main function in the Lake Failure Association is our water treatment of our lake and so a lot of my heart and soul is gone into the water quality like but having attended a few of the early meetings of the responsible wakes for Vermont lakes meetings. I think there's a lot of a bit of fear mongering that started the petition, and in fact, some of the early names of the petition of the of the group were not as friendly as they are now as the Responsible Wakes for Vermont Lakes. Umm, but that being said.

The some of the some of the proposed some of the verbiage behind it, there are kind of a goes back to sales 101 using fear, uncertainty and death and using some anecdotal evidence.

It's a very real or not about the treasure wake boats.

To tell you that Lake Fairlee since then has had more hatchings the last 13 years than we had in the previous 13 years, and oddly enough they don't seem to be affected by what the wake boat operation and enhanced walkway wake operation on our lake. I think that when operated responsibly, that wake boats and wake operation, certainly on a lake of our size don't cause a don't propose a don't will not cause harm to the to the lake and its environment and its water quality. I know that in my in the last two years. I know that our operation as Wake boat operators on Lake Failures Lake on Lake Fairly has adjusted over the last year being become more aware of some of the possible effects of this. So, we've adjusted operation and I think that education will be key to the solution of any potential problems. Thank you.

### **RWVL's Response:**

We disagree with Mr. McLaughlin in his contention that the science presented in our petition does not support the proposed rule. Mr. McLaughlin provides no evidence for this claim. In our petition, RWVL sought all the science we could identify in the world's best, most reliable, scientific, evidence-based publications. We presented the available literature clearly and fairly; in several cases directly requesting the advice of the primary authors of available research studies including Alex Ray, Jeff Marr, Yves Prairie, and Tim Tyre. As rule changes are adopted, education will be an important element to the success of the effort to reasonably manage wake boats.

Water quality is an important component of the health of Vermont lakes and ponds, and we applaud lake associations all over the Green Mountain State that have acted to improve water quality in Lake Fairlee and elsewhere. Many lake associations have contributed to the return of loons — which 15 years ago were just about extinct here — to many Vermont lakes. We note that this 15-year period of loon come-back was accomplished with few if any ballasted wake boats operating on Lake Fairlee or any other Vermont lake.

**#2 Opposition Commenter — Video Start Time: 1:5:22.510 --> 1:5:32.700  
Rodney Putnam (5<sup>th</sup> commenter)**

Good evening, my name is Rodney Putnam. My family and I live on Lake Iroquois. I'm here to strongly oppose this petition, the way it reads and I feel very strongly that it's containing a lot of overexaggerated marketing and the numbers don't match. We moved to Lake Iroquois in 2015. There were three boats that fit this category. In 2022 there are only three boats that fit this category. I called a friend that works at Saber Marine for the largest dealers in Vermont. They sold approximately 160 boats. On page 7, they referenced a boat called the Giga Wave. It doesn't exist. It's a possible prototype that weighs 30 tons. My truck couldn't pull it down a country Rd and put it on any lake in the state. It's just massive.

*[Impossible to understand what was being said due to technical problems.]*

The studies from out of state don't apply to Vermont.

It's different from. Almost heavy rains flooded the lake in the nest that year. I also happened to see that many kayakers park on top of the baby loons last night while I was grilling dinner.

Water quality of the scorecard just came out and the water quality for Lake Iroquois has lowest phosphorus ever. It's one of the lowest years that it's had that low phosphorus content. So coincidentally since 2015 and surfing phosphorus in a very good spot for water quality. So I asked that you please reject the position as it was written. Thank you.

**RWVL's Response:**

Because RWVL's ANR petition applies to all lakes and ponds in Vermont, it does not address individual lake features such as those mentioned here. Regarding the comments on lake phosphorus, RWVL has included new preliminary unpublished data as a Supporting Document to our petition (provided by the Terra Vigilis Security Group). These data appeared after the submission of our petition in March. It demonstrates that operating wake boats in wake surf mode can result in acute increases in water phosphorous levels. The petition itself had already indicated the scientific plausibility that wake boats contribute to increasing lake phosphorus levels, thereby contributing to cyanobacteria algal blooms (see [ANR Petition](#) pages 28 to 30).

As commented, there are few ballasted wake boats currently operating on Lake Iroquois or other Vermont Lakes. These boats are new technology, very different from the normal and traditional uses of watercraft.

We agree that large, ballasted wake boats do not belong in Vermont's smaller lakes. The largest boats referred to are already in Vermont waters on Lake Champlain – less than 15 miles from Lake Iroquois.

We agree that more work needs to be done to control runoff and erosion from rainfall, and we know that DEC and many lake associations are working to solve this problem. Studies from other states, however, can be useful in planning for Vermont's future. These studies, especially from states with more experience with ballasted wake boats, provide valuable information to inform Vermont's decision-making.

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**#3 Opposition Commenter — Video Start Time: 1:8:5.970 --> 1:8:10.280**  
**Chris Conant (6<sup>th</sup> commenter)**

The next is Chris Conant.

Good evening everyone. I'm going to bring up practical approach to this public hearing tonight. OK, we have been living on Lake Iroquois for over 65 years. My family has enjoyed many, many years of skiing, water skiing and boating. Many years ago, as my siblings and I were adolescents. After working for 15 to 20 hours a day in the barn, my dad would get in the boat and he would drag us around the lake, over and over and over skiing.

He would drag other families, kids and at times there were six ski boats on the lake pulling kids all around the lake, teaching him how to ski, how to knee board, how to tube and even wake boarding, and even barefoot skiing, which we all attempted every weekend during the summer months. We're filled with skiers and skiers behind all of our boats. Sometimes there were kids as young as six years old. Learning the ropes.

Now, Fast forward 20 years, my siblings and I have all had children and we too jumped into our motor boats and pulled the kids around the lake for hours on end. And honestly, my expectations of speaking here tonight is that I can provide the same opportunity, enjoy to my grandkids and teach them how to ski and how to board and how to serve. I don't own a awake board, a wake boat, but I do own a ski boat.

My parents, my brothers and sisters and myself have spent hours with huge grins on our faces, teaching our kids how to navigate the waters of Lake Iroquois, always prompting safety and courtesy of our neighbors. We have done this for over five decades. Always, with respect to other families, other boaters and safe in a manner that will always have fun and respectful welfare. Of our neighbors and visitors to the lake. If there were too many boaters or small water vessels on the water at one time, we would always just wait for a few hours until the lake cleared. Then the tribe would head out to the water until dark.

We have had water ski courses, handmade ski jumps, and always took safety measures first and foremost, and I hope that that can continue today.

As stewards of Lake Iroquois and many other lakes in Vermont, many of our associations will continue to work hard and educate our users and protecting the ecology and the health of our lake in Vermont through their missions and programs. Regulating watercrafts is not achieving the goals of use of public water rules. The public waters shall be managed so that the various uses may be enjoyed in a reasonable manner. Considering safety and the best interests of both

current and future generations of citizens of the state and the need to provide an appropriate mix of water based recreation opportunities on the region and statewide basis. I'm here representing me, my family, as an individual and not any association that I've been involved in, and I really do not support this petition. Thank you.

#### **RWVL's Response:**

These comments do not directly address the ARN petition's focus on wake boats and wake sports. They address more generally an attitude that cordiality and neighborly respect and consideration are sufficient in the management of public waters. This ideal of personal responsibility and liberty is appreciated but should be examined. The speaker's comment that "Regulating watercrafts is not achieving the goals of use of public water rules," is incorrect. Examples of this are the rules currently in force regarding the use of personal watercraft on lakes with areas less than 300 acres and the limit on power boats in lakes and ponds with surface areas of 75 acres or less. These well-respected rules have made a significant impact on the public enjoyment of public waters.

Water sports can be an excellent family activity for Vermonters. The rule proposed in the petition would not limit water skiing, tubing, kayaking, paddleboarding, or swimming in any way. It applies only to wake boats operating in enhanced wake mode too close to shore or in water that is too shallow. Over many generations, Vermonters who live on and use our lakes have learned to work with each other and to follow reasonable management rules so that many types of recreational activities can take place. Appropriate public use rules have contributed greatly to enhanced recreation opportunities and enjoyment of our lakes and ponds.

#### **#4 Opposition Commenter — Video Start Time: 1:8:5.970 --> 1:8:10.280 Bruce Epstein (7<sup>th</sup> commenter)**

Hi, my name is Bruce Epstein. I am president of the Green Mountain Water Skiers. Our organizations have been in existence for over 40 years. We support multi-recreational use. We've worked with the legislature and state police on legislation. We've gotten bills passed. Lot of my thunders already been stolen. I did mention it section 2.4. That section is all about involvement and what I did hear from the petitioner. Is it so far? I don't know. The kind of outreach has been done to the conflicting use here which is wakeboarding. We support amending the rules to include wakeboarding as a normal use, but we want to see a procedure that is fair and just. Right now, the participation hasn't existed yet with Wakeboarders or the wakeboarding is industry. Waterbury Reservoir would have never been resolved without the stewardship and leadership of the then Water Resources board. They were. Hands on. They actually sat down with petitioners to try to see what they could do to give them guidance and how to work with conflicting uses to try to get the best possible solution. I truly believe that's what we need right now. We need cooperation. We need to respect other users. We need an involvement.

The words I'm looking for, we need involvement, dialogue and representation. That representation should include the petitioner. It should include wake sport enthusiasts. It shouldn't involve wake sport manufacturers. No one knows their boats like a wakeboard manufactured. They have to be involved. It should include the Department of Public Safety because whatever we do here has to be enforceable. If it is unenforceable, it doesn't make any sense. And last but not least, any others as required by section 2.4. Good decision making is no accident. What we need here now is a process that gives us good decision making. I would respectfully ask that DECA consider having a panel and getting together a group of people that represent the various interests so people can talk to each other and try to come with up with consensus here. Again, good decision making. No accident. Thank you..

**RWVL's Response:**

The current ANR petition procedure does not require the petitioner to seek consensus with all stakeholders. We have followed the procedural rules. Both before and after submitting our petition, we held informal discussions with Mr. Epstein and other stakeholders such as lake associations, FOVLAP, conservation groups, fishing organizations, and others. We have ALWAYS been willing to discuss this topic with other groups. Despite our petition having been submitted and made public on March 9, few groups have sought us out. More often it was our RWVL group seeking to engage others in conversation about our petition. In doing so we have asked others to provide us with their best, scientific evidence for how the rule changes should be modified. No group has provided this information. Mr. Epstein has stated that he sees no errors in the science included in our petition.

We agree that no rules should be adopted without consultation with all those who take advantage of Vermont's lakes. We are confident that the state's ANR petition procedure, beginning with the public comment sessions in June and July, and proceeding through proposed rulemaking—including discussion with interested groups—can be successful in developing and adopting effective public water rule changes that are both evidence based and accepted by the public. As the process continues, we will be happy to sit down with the Green Mountain Water Skiers Association, or any other Vermont recreational groups and stakeholders, to discuss their needs, interests, and ideas for improving on our Responsible Wakes for Vermont Lakes' recommendations for the management of wake boats and wake sports in our state.

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**#5 Opposition Commenter — Video Start Time: 1:28:27.910 --> 1:28:32.80  
Stew Arnold (13<sup>th</sup> commenter)**

Stew Arnold here. I am a year round resident of Greensboro and live on Caspian Lake. I'm also a Lake Protection Committee chair for Greensboro Association, managing our alley monitoring program, our greeter program at our boat launch or invasive species, prevention.

Tributary monitoring and such. I also do loon nesting, lake level motor safety, and reclassification for our lake.

I've read this proposal and I've discussed it with many property owners on Caspian and that's a collective we support this petition to better manage late quote wake boat sports for all of Vermont.

Yet, we are still concerned that our lake impact, if this were to pass, given the passage of this petition, Caspian Lake, which is 800 acres, increased weight boat traffic. We had one wake boat last summer that I'm aware of. We have 1200 to 1600 boats get registered through our greeter program, and the biggest numbers are stand up paddleboards and kayaks, canoes, and fishing boats, and the personal the boat traffic is quite a bit for like skiing and such is quite a bit less. So our concern is if this passes, there could be an increase of wake boat use here in Greensboro and that's going to change some of the serenity that we have here.

Caspian a little unique also with the fact that we do have a prohibition to personal watercraft on our lake; we are one of only a few lakes. We would like to.

Have because of our current concerns for safety and environmental impacts as a lot of people have matching.

And our loon population.

Shoreline safety is of primary concern.

Swimmer small children. So we are concerned for both those sort of shoreline safety issues and environmental impacts. We would even go so far to amend this to prohibit wake sports if our associations desires such — as we had, as we have done with personal watercraft. Thank you.

**RWVL's Response:**

RWVL is glad to hear that folks at Caspian Lake have read the petition and understand the science provided. It is also good to hear that many property owners support this petition to better manage wake boat sports for all of Vermont. Under present circumstances where there are no rules at all specific to wake boats, all lakes that permit power boats might be impacted by enhanced wake sports; and the smallest and shallowest of these lakes and ponds are the most vulnerable to negative impacts by enhanced wakes. The proposed Wake Sport Zone would limit enhanced wake sport activity to a specific, restricted, area of Lake Caspian, for example. Furthermore, a wake boat operating in wake mode would still be required to follow the existing rule prohibiting more than a minimum wake when within 200 feet of another vessel. In appropriate cases, it is possible for individual lakes to submit their own ANR petition covering wake boats on their lake as has been the case with personal watercraft.

We agree with Mr. Arnold that most vessels presently operating on Vermont lakes are small, paddle or sail-powered craft, including paddle boards, kayaks, canoes, and rowboats, and that large, heavy, motorized boats can negatively impact these craft, and damage lake environments.

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**#6 Opposition Commenter — Video Start Time: 1:33:46.300 --> 1:33:49.390**  
**Eric Splatt (15<sup>th</sup> commenter)**

Hello everyone I'm Eric Splat from Lake Bomoseen. I'm an co-owner and operator at Woodward Marine. I've been in the industry for about 25 years, I guess on the boat inside of things at what are marine? We deal with many different boats, not just wait boats. It's a smaller part of our business, but still a large part of our business it actually.

I guess where I could start as firstly my background I've passed and certified Coast Guard captain. I've taught the Vermont State Motor Safety Course for about the past 15, 16, to 17 years. Marine technicians have a lot of experience with boats. I'm also personally a wake surfer; actually been wakeboarding since the 90s. Wake surfing started in the early 2000s, been around for a long time. It's not like it's something new to the area, and the past few years we've seen an influx of people using their boats. Sales have actually gone down because the ability to get products during COVID, but one thing that COVID has done, is that it forced people to go outside. So we've seen an influx, more usage of boats and things like that, and some of the things that I think wait, boating or wake sports or water sports, you know, go hand in hand with Vermont is outdoor activities, mountain biking snow sports our tourism that draws people to the area to add to the point of AIS—I've dealt with that my whole life—is that I actually grew up on Lake Bomoseen and on Lake George in New York. You're familiar with, like George. It's a very aware, invasive species. Wake boats are very rarely trailered.

In fact, most people have never seen their trailer. It is put into storage, it's taken out of storage, and not brought from Lake to Lake. They go to their home. They stay there and that's it. So AIS in Vermont with wake boats is very rare—very, very rare. What a couple more things. I think that the petition, which I'm not for, is proposing extreme actions and the research has not been done on our end of things. Me being a wake surfer and my industry affecting 31 families that we support that work at would Winter marine. Thank you.

**RWVL's Response:**

Although wake boats have been around for a few years, they did not exist when the Public Waters Rules were adopted in 1992. Wake boats and wake sports are not “normal uses” under the Use of Public Waters Rules – defined as a use “that occurred on a regular, frequent, and consistent basis prior to January 1, 1993.” The fact that in the past few years there has been an increase in enhanced wake sports is more reason for this petition to be approved by the DEC because the use conflicts, environmental impacts, and safety concerns surrounding wake boats were not present in 1992.

The statement that “Wake boats are very rarely trailered” has no basis. RWVL has received several reports from lakes throughout the State that prove otherwise. As boats have increased in size over the years, trailers are bigger, tow vehicles are bigger,

and public launch sites have been upgraded and improved. Trailering a large boat, including a wake boat, has become easier and more common.

We have done our best to make our proposed restrictions science-based, reasonable, and not “extreme.”

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**#7 Opposition Commenter — Video Start Time: 1:39:11.290 --> 1:39:28.130  
Ernie Rossi (17<sup>th</sup> commenter)**

My name is Ernie Rossi and my wife and two small children live on Lake Iroquois. This past weekend we had two of the nicest sunny days of the year. Our lake was being enjoyed by everyone, and I noticed just one solo wake board boat out briefly. And The funny thing was they were water skiing. Our boating community mingles well together on our lake. We really see multiple boats on the lake. At one time. I also happen to live across from the public boat launch and can count on one hand how many wakeboard boats actually visit each summer. The few homeowners who do own a wake board boat are very respectful of others and use caution during their eyes, making sure the waterways are clear and safe for those around. I do not support these new regulations. The petition references many false scenarios and speculation that simply doesn't exist on our lake. All it's doing is dividing our small communities and pinning neighbors against each other. We need to continue focusing on the real erosion concerns such as stormwater runoff projects and shoreline.

But for.

1st.

Even with I've gotten this much attention. 1 heavy rain storm to wash all those good efforts away winds have been stronger than ever these past few years and the large waves coming down our lake quickly turn into large white caps, slamming our shorelines for days. Not just a couple of times from a passing boat. As they drove the work Monday and those heavy downpours we got, I watched rivers of muddy water flow down our hillsides, pouring into our lake like a brown cloud. These acts of nature are causing the biggest erosion problems. Let's focus on the rules we have in place and the ongoing education for best practices and safety for all. Thank you DEC for your time.

**RWVL Response:**

The petition does not reference any false scenarios. It is based on facts and the latest science available for this constantly changing industry. The intent of the petition is certainly not to divide communities or pit neighbor against neighbor. We agree that our Vermont lakes and ponds are enjoyed by many people for various uses. We further agree that at present relatively few wake boats are found in Vermont (see our [ANR petition](#) Table 2 page 11). Our proposal would create rules to identify safe, environmentally friendly, places to be enjoyed by wake sports and other uses for this and future generations. Our proposal furthers the objective of providing an appropriate mix of recreational activities on a statewide basis.

The relationship between wind and waves is addressed within the scientific data in the petition, including recent scientific data has been added to provide new science-based wind data (*“Considerations in assessing shoreline and near shore impacts of wind-driven waves vs motorboat waves in Vermont”*). Stormwater concerns are real and are not relevant to this proposal. The State has many programs available to help with the runoff issues including the Lake Wise and Better Roads Programs. Shoreline erosion, whether caused by runoff or power boat wakes, is fundamentally man-made. Reasonable and appropriate public water use rules to address the impact of wake boats are needed to preserve the natural beauty and ecology of our lakes and ponds and to manage current and future community conflicts in our use of public waters.

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**#8 Opposition Commenter — Video Start Time: 1:41:7.330 --> 1:41:15.780**  
**Adam Martin (18<sup>th</sup> commenter)**

So next we have got Adam Martin.

Good evening and thank you for taking the time to hear and consider our opinions. Although I didn't write a 54 page rebuttal. I did approach this with very basic and direct comments. I'll start with the generalized definition of a wake or surf boat. Many boats can produce a wake or surfable wave without a ballast. A cabin cruiser on a small lake or 10 people on a ski boat. The statement that weights are incompatible or traditional with traditional water uses. Would bass boats with 250 horsepower motors be considered traditional? Would 30 foot pontoon boats with 300 horsepower tritoons we considered traditional? How about the fear of the growth of the wake boat industry? In the petition, 4% of total sales nationwide are weight boats.

I agree with the justification of the 20 foot depth. Surfing and deeper water is always better and more enjoyable. However, I'm not in favor of a law. I'm in favor of education of the lake that you were on and the best areas to practice wake surfing. As long as there is a mutual respect for those on the water when you get there. I also have an issue with the proposed 60-acre wake zone. What if thoughts, the favorite fishing hole or on the kayak route to a friend's camp? Have we considered all of that and those opinions proposing the 15 lakes out of 800 [in Vermont]. The 200 versus 1000 shoreline rules an interesting point. It is noted in this petition that the shoreline is in jeopardy due to wakes. I've spoken with two different law enforcement officers about this topic without question, the major offenders of 200 foot rule are pontoon boats. It should be noted that on both in both jurisdictions they have never had any serious issues with wake boats or formal complaints. Also, did you not want to surfboat you can direct your wave one way or the other? Just an educational thing there. What about the inability to drain or inspect ballast or transport of wake surf boats? I'm not convinced with the state. I would suggest most surf and wake boats are staying on the lakes with the owners. As a matter of fact, New Hampshire has a wake boat Commission which got broken up with COVID. 4% of all surf boats, wake boats, travel lake-to-lake 4%.

At the petition is grabbing known information and tempting to use it to their advantage. In particular water quality, the impact of wake boats in St Albans Bay, where blooms are being blamed for property devaluation situations such as these demonstrate the need for

management strategies. It's a known issue Blackridge or the Stevens Brook Mill River, which both feed into state onwards Bay or both lined by farmland and is a known runoff issue, not a wake board issue. Moving on to the loss of peaceful Lake environment, due to the noise emitted by wake boat motors—but that's not going to affect the powerful pontoon motors or audio or the restored Chris-Craft. With the beautiful view in it 1 area. I think that we have all we would all agree upon is education. I think this this proven itself before and again I would also suggest open communication, open minds, cooperation. Every lake is different. Every boat is different with proper work in this area, the lakes and shores can remain open to all and be a place for generations to come, even if traditional use evolves into the 21st century.

**RWVL Response:**

All boats create a wake when under power. The issue here is the size of the greatly enhanced wake that is produced by wake boats. The science presented in the petition clearly demonstrates the difference between the impact of conventional powerboat wakes and the destructive power of the enhanced wake produced by wake boats. RWVL agrees that education is necessary, however education alone will not solve these issues. Appropriate rules must be in place to achieve a safe environment for all types of water sports to be enjoyed on our lakes, including wake boats.

The inability to drain or inspect ballast tanks is a serious issue. The water in these tanks can spread invasive species from lake to lake. The statement that “most surf and wake boats are staying on the lakes with the owners” in Vermont is without basis. Several reports have been received from lakes throughout the State that prove otherwise. Every lake is different, and that is why we have proposed a statewide set of rules to protect the smaller lakes from the destructive power of these enhanced waves and to allow for enhanced wake boat use in restricted areas of larger lakes. It is the intent of our proposed regulations to maintain lakes and shorelines so they can remain more natural and be a place for generations to come. However, the destructive power of these 21<sup>st</sup>-century technology wake boats on Vermont’s inland lakes will have a negative impact that will affect this and future generations.

Power boats produce wakes that can impinge on other recreational uses and damage the lake environment. For this reason, our proposed definition of a “wake boat” as a vessel intentionally designed to enhance its wake is an essential element of the petition. This definition is not exclusively limited to vessels with ballast tanks intended to enhance a wake. A wake boat may be created through hull devices, or other elements that enhance wake size, energy, and power, e.g., the batteries in the electric-powered Gigawave boat. As we describe in our petition, powerful enhanced wakes can be created in many ways by the wake boat industry.

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**#9 Opposition Commenter — Video Start Time: 1:45:14.680 --> 1:45:45.330  
David Brown (19<sup>th</sup> commenter)**

My name is Dave Brown. I live on Lake Iroquois. I do own the 21 foot surf boat. Had it since 2017. Ernie, I thought made a good point about the cooperation that happens on our lake. You know, if the lake is really busy, whether you're a water skier, whether you're awake board or whether you're awake server or whether you're tuber people kind of take their turns. The kayakers and paddle borders tend to stay within the No wake zone within 200 feet. That isn't always the case, but there's a

Because a general cooperation and mutual respect that we all try to do on the lake and.

What weeks are folks run operate at about 10 mph, and there was a question earlier. Or could they operate at less than 10? I run mine at like 10.2. So yes, I'm sure you could go 95 and still operate. I would argue that wake surfing relative to, say, water skiing or wakeboarding certainly for the person doing the recreation is much safer. There's a lot more injuries tubing.

Water skiing and the like.

My general objection to the petition is it's pretty filled with speculation.

Sensationalism and general kind of exaggeration that know they there's a \*\*\*\* on the cover of the petition. I think there's an anecdotal evidence here that, you know, there's a there's been in our like, since 2016, there's been boats on our lakes since 2016. I heard someone else mentioned the same thing on their lake that the wake boats don't seem to be pushing away balloons. There's, you know, pictures of dead fish in the petition. I understand it's about water quality. Our lake recently had some testing and it's the cleanest has been a long time. As Rodney noted. Also the gigawave boat that's profiled in the petition. Obviously it's would never happen on a Vermont lake. It's made for 28 people. It's 35 feet long, \$600,000 boat. It's just a lot of kind of sensationalism.

So because I haven't really heard this mentioned, there's a lot of about. It was like 17 states mentioned in the report. I went and did a little, you know, Internet monkey Googling and tried to figure out what's going on with other states. I looked at New Hampshire. They have, they had a 15 person Commission look at this issue for nine months. Their recommendations didn't include any of the restrictions such as is in the petition in South Carolina. They passed a law saying within 200 feet, no wake. Well, we already have.

We ought to have that so.

Again, I'm. I'm supposedly petition and I think that I think it's generally exaggerated, sensationalized, and I will note that some of the petitioners that signed on to this petition also signed a petition back in 2015 promoting no motorized vehicles on Lake Iroquois over 25 horsepower. So I think the circles are just sort of the beginning and I think it's. You know, it's just going to go from there. So thank you for your time.

### **RWVL Response:**

What is considered “sensational” is highly subjective. The “Gigawave” wake boat was included as an extreme, but actual, example of a trend documented in Figure 6, that tracks the growth of “high performance” wake boats from two popular manufacturers towards heavier and more powerful models. It is easy to understand this trend because wake sports on bigger waves are more fun, and hence there is market pressure for bigger boats. It is not unreasonable to assume that the Gigawave or other similar boats

will be found on Lake Champlain where 30-, 40-, and 50-foot boats are common. As wake boat technology progresses, wakes will be bigger and the safety and environmental risks greater. The science supports the parameters of the proposed rule, which will minimize these risks without banning wake sports.

We agree with Mr. Brown that cooperation and mutual respect among the many users of Vermont lakes is important. With respect to safety, one principal concern with wake sports is the impact on the safety of kayakers, paddlers, swimmers, and small children playing near lake shores as well as the impact on docks and shoreline development.

We urge Mr. Brown and others to carefully read the New Hampshire Commission report to which he refers (<http://www.gencourt.state.nh.us/statstudcomm/committees/1434/reports/Commission%20to%20Study%20Wake%20Boats%20-%20Final%20Report.pdf>). Even though the six members of the Commission represented the wake boat industry, and only three represented lake residents, the Commission was “unable to reach agreement “on most of the issues raised. They did agree that *“wake boats, when ballast compartments are full, have the potential to generate much larger waves with more energy than watercraft of similar size and shape. The ability for these watercrafts to generate larger and more powerful waves means there is also an increased potential for shoreline erosion and impacts on water quality and wildlife. In particular, these impacts are more likely to occur if operation occurs close to shore, in shallow water, or in areas that are protected from the wind.”*

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**#10 Opposition Commenter — Video Start Time: 1:49:2.740 --> 1:49:22.580**

**John W. Cassella (20<sup>th</sup> commenter)**

John W Casella: I appreciate the opportunity to make a comment. Our family's been on Lake Bomoseen for 32 years and we've had the pleasure of water skiing, fishing, surfing, the like and my six children. And now eight grandchildren are, you know, really.

Utilizing the lake and you know have done so for a long period of time. My concern is that it seems as though there has not been a collective view of all of the participants on the lake.

To get together and to really talk about what are some of the things that could be done to minimize the impacts for everyone, it seems as though that that stage did not happen. And I think if it did not happen, it really should have happened. The other thing that is clear being on the lake for 32 years, the existing rules and regulations are not enforced as it is. So before we go putting more rules and regulations in place, we may want to take a look at. Do we have the resources to enforce the existing rules and regulations before we go and put additional regulations in place? Thank you very much.

**RWVL Response:**

RWVL supports the process requiring DEC to listen to stakeholders on this issue. Our view is that the rules regulating personal watercraft have been effective under the existing enforcement regime. We agree with Mr. Casella that we, our children, and grandchildren should be able to enjoy the pleasure of water sports on our Vermont lakes. That is one of the reasons we have submitted our petition. We also agree that any rule should be developed by collecting the views of all participants on the lakes. We are engaged in that process right now.

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**#11 Opposition Commenter — Video Start Time: 1:50:36.520 --> 1:51:7.10**  
**Bobby Murphy (21<sup>st</sup> commenter)**

I'm Bobby Murphy, I live in Stowe, Vermont, and under this proposed petition, I would be banned from using my wake boat at the Waterbury Reservoir. So I'm opposed to this petition and specifically, you know, I think it's overreaching. It feels like this is a sledgehammer trying to kill a mosquito. When you look at some of the information.

This is what a surfboat owner looks like. You know, we're professional people, we're families. We go slow. It's safer because you can see you have the ability to slow down and stop much differently than water skiing—although I grew up water skiing all my life. And I'll tell you, you know, I look at some of the cabin cruisers that we get on the Waterbury Reservoir, and they rival, actually, they could swamp my boat, and my boat is a specific wake surf boat. So I think, you know. Probably look the probably need to look at. You know what are the specifics and are they overreaching and frankly you know there is something that I do agree with is that inappropriate use of any boat not just the wake surf boat but any boat is you know incompatible with the Vermont water quality standards. And I think that that is important to look at what are the specific regulations that we already have in place and could those and should those be more focused on and more looked after from a from an enforcement perspective. Again, you know, respectful driving, taking the time and slowing down, I think, is exactly what wakesurfing is. And in that case, you know, again, I oppose the petition and think that there's other ways to get to what we're trying to get to, but this isn't it. Thank you.

**RWVL's Response:**

Wake boats operating in wake-enhancing mode are unique compared to traditional watersport boats used on Vermont inland lakes. Recent scientific studies demonstrate that the wakes are much bigger, more powerful, and carry much more energy, and the prop wash penetrates much more deeply into the water. As detailed in our [ANR petition](#) (see pages 13 to 24), the existing 200 ft shoreline safety distance is not adequate to dissipate energy in these wakes, and the lack of any depth limitation risks causing serious prop wash damage to the littoral zone of shallow regions of lakes. The proposed rule would define locations where wake-enhanced sports can be enjoyed while minimizing adverse impacts.

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**#12 Opposition Commenter — Video Start Time: 1:53:3.900 --> 1:53:9.320**  
**Zimmer Hayes (22<sup>nd</sup> commenter)**

How's it going, everybody? My name's Zimmer Hayes. I'm a resident of Vermont. I live here in Stowe. I moved here when I was 14 years old to attend Burton Mountain Academy, I went on to the UVM Business School and I currently own a business in Stowe. I am an avid wakeboarder and water sports enthusiast as well as a general outdoor enthusiast as a Vermonter. Last fall, I sold my wakeboard boat and have made the decision to leave Vermont and move to the Pacific Northwest. Because of the changes that I've seen happen in our great state and specifically this petition and its nature.

I'd like all of you to take a really good look at this picture of a friend of mine. This is a picture of Josiah who is wake surfing behind my boat—I believe in 2016. You're saying mother goes bartender in Stowe.

She was very smaller for and she started a little business named Snow Cider. You may have heard of it, but before that happened, she was a very busy mother and Josiah was a child that she had before her marriage in Stowe and in 2016 he came to us with two black eyes and a broken nose, and his mother asked me to do something with him. I'm not much of a, you know, parent or babysitter. I have two dogs. So, I took Josiah wake surfing. The idea of taking away a sport like that from a young boy, and again, I'm going to have you guys just this. This is a boy that he black guys.

It's fairly committed to be on about. See this face there. I don't think he's thinking about abuse or anything of that nature. I think he's having a good time.

There's a lot of discussion that continue to go on this topic, but as a long standing Vermonter, I would I would hope that you know as I leave the state that that you guys can figure out a way to move forward in a positive direction on this topic that's going to be a constructive outcome and not limiting creating bylaws, blue laws, whatever you call them, cause that's not the state that I moved to, and I don't believe that that embodies what a real Vermonter is.

Thank you for your time.

**RWVL's Response:**

Vermont's inland lakes are a precious resource for the state as a whole and particularly for those who use them in myriad ways, including the many ways they can be used for the nurturing of troubled youth. Without stewardship, the uses of these lakes will suffer due to deteriorating water quality and AIS infestations. The petition seeks to preserve this resource for the enjoyment of generations to come. In appropriate locations, under the proposed rule, such enjoyment can include youths learning wake sports.

We agree with Mr. Hayes that water sports on Vermont lakes can be an uplifting experience for troubled or neglected youth. Our petition aims to preserve the wide variety of activities that youth enjoy on our lakes: swimming, paddling, fishing, water-skiing, tubing, and responsible motoring. We would point out that none of these

activities would be restricted by the rule we propose; rather they would become safer and less environmentally destructive.

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**#13 Opposition Commenter — Video Start Time: 1:56:36.840 --> 1:56:42.810**

**Ben Fralick (23<sup>rd</sup> commenter)**

Well, my name is Brad Fralick and I am the chief Governor affairs officer with the water Sports Industry Association. We are here to oppose this proposal as is. And let me tell you why. First, let me ask you a question. Let me first preface it with these remarks. I think those people who are here and supporting it believe that there is a problem with wait boats and wake surfing. How many of you can agree with that? I think a lot of you do. I don't think taking those problems. And using this plan and concentrating it on 15 lakes is the answer.

To correct some things in the original presentation, our organization does support regulation so much so that we are attempting to pass legislation across the country, the South Carolina bill mentioned earlier. That was our bill. We also passed the bill. In a similar bill in Tennessee, it has five parts. It has 200 foot setback. Never ever go within 200 feet of the shore. Second provision a night time ban on all wake surfing. Third provision a minimum lake size.

And that will vary on, say, based on what's on the statue, a ban on wake surfing behind a boat with an exposed propeller that they could fall into, and the requirement that the rider be wearing a Coast Guard approved vest. Why do we go with 200 hundred? Seems to be the most controversial one. Let me talk about the numbers and let me give you the exact numbers we've all heard about these studies. While there's industry studies, yes, the industry study was 2015. It was, it was called the Goudey study. The year before that, there was a study done on late, late Memphremagog on the Canadian side. He'll be the Quebec study.

Going forward, there was the Minnesota study from earlier this year in the latest study is the Caddy Fay study of Fluid Dynamics. All of them say different things. Two of them say 200 feet one.

Says and let me let me preface that 900 to A to 1000, the other one recommends 500. Let me talk about those. Our 200 comes from what? Our 200 feet is based on do no harm.

What is the? What is the largest wave that that lake is going to see? Naturally, we looked at two studies back in the 60s where they looked at 200 acre or less in lakes and they determined that there is going to be no fat. There's going to be no way that there is going to be any way to action on those lakes except in this circumstance. And that is a what we would call a gust front microburst where they the storm, the supercell comes through downburst hits the lake and across the lake. One study said the maximum was 11 inches, the other setting said 13. We said OK, we need to come up with the distance where in every case from the biggest to the smallest lake that. Wave size when it hits the shore is going to be smaller than that. At 200 feet it is 9 and a half feet. The Minnesota study, which talks about 500 feet. I'm going to give you a number because all of the studies showed the same curve. That number is 7 inches. And then finally, the Quebec study where it says 900 to 1000. Let me tell you what that exactly said and let me quote the 900 to 1000 feet was the distance that it took for in the morning to go time. And finally we have Karen press that I can't read the writing exactly sorry.

**RWVL's Response:**

The Water Sports Industry nominal support of regulation of wake boats is belied by the tens of thousands of dollars spent lobbying against such laws and regulations in Vermont and elsewhere. The Tennessee law referenced provides no substantive regulation beyond what is already on the books here in Vermont. See <https://publications.tnsosfiles.com/acts/112/pub/pc0872.pdf>. Mr. Fralick seems unaware that Vermont law and regulation already restricts more than minimum wakes within 200 feet of the shore, docks, other boats, or swimmers.

Most peer-reviewed, third-party studies of wake boat effects recommend that distance be significantly increased, with most proposing a greater distance consistent with our proposed 1000-foot distance from shore. As detailed in our [ANR petition](#) (pages 17 and 18) and submitted as Supporting Documents (see "*Considerations in assessing shoreline and near shore impacts of wind-driven waves vs motorboat waves in Vermont*"), wind-driven waves or microbursts on Vermont lakes do not cause more dangerous and damaging wave action than ballasted wake boats.

**End of Opposition's comments**

**ARN Public Informational Meeting #1 held at the Richland Free Library on June 29, 2022, starting at 5:30 PM & lasting 2 hrs; Moderated by Oliver Pierson with assistance from Laura Dulugolecki.**

Link to ARN Meeting #2 on June 29: <https://www.youtube.com/watch?v=ilfogDplAw&t=14s>

**#1 Opposition Commenter — Video Start Time: 0:55:59.350 --> 0:56:12.360  
Ben McLaughlin (2nd commenter)**

Good evening everyone. My name is Ben McLaughlin and I'm an avid boater in the state of Vermont. I'm involved in the lake for Lake Fairly association down in Fairlee, Vermont which supports this partition. I do not support this petition. I think that the proposed regulation is overreaching. I think that the science doesn't necessarily support the nature of the petition. Ironically, my main function in the Lake Failure Association is our water treatment of our lake and so a lot of my heart and soul is gone into the water quality like but having attended a few of the early meetings of the responsible wakes for Vermont lakes meetings. I think there's a lot of a bit of fear mongering that started the petition, and in fact, some of the early names of the petition of the of the group were not as friendly as they are now as the Responsible Wakes for Vermont Lakes. Umm, but that being said.

The some of the some of the proposed some of the verbiage behind it, there are kind of a goes back to sales 101 using fear, uncertainty and death and using some anecdotal evidence.

It's a very real or not about the treasure wake boats.

To tell you that Lake Fairlee since then has had more hatchings the last 13 years than we had in the previous 13 years, and oddly enough they don't seem to be affected by what the wake boat operation and enhanced walkway wake operation on our lake. I think that when operated responsibly, that wake boats and wake operation, certainly on a lake of our size don't cause a don't propose a don't will not cause harm to the to the lake and its environment and its water quality. I know that in my in the last two years. I know that our operation as Wake boat operators on Lake Failures Lake on Lake Fairly has adjusted over the last year being become more aware of some of the possible effects of this. So, we've adjusted operation and I think that education will be key to the solution of any potential problems. Thank you.

### **RWVL's Response:**

We disagree with Mr. McLaughlin in his contention that the science presented in our petition does not support the proposed rule. Mr. McLaughlin provides no evidence for this claim. In our petition, RWVL sought all the science we could identify in the world's best, most reliable, scientific, evidence-based publications. We presented the available literature clearly and fairly; in several cases directly requesting the advice of the primary authors of available research studies including Alex Ray, Jeff Marr, Yves Prairie, and Tim Tyre. As rule changes are adopted, education will be an important element to the success of the effort to reasonably manage wake boats.

Water quality is an important component of the health of Vermont lakes and ponds, and we applaud lake associations all over the Green Mountain State that have acted to improve water quality in Lake Fairlee and elsewhere. Many lake associations have contributed to the return of loons — which 15 years ago were just about extinct here — to many Vermont lakes. We note that this 15-year period of loon come-back was accomplished with few if any ballasted wake boats operating on Lake Fairlee or any other Vermont lake.

**#2 Opposition Commenter — Video Start Time: 1:5:22.510 --> 1:5:32.700  
Rodney Putnam (5<sup>th</sup> commenter)**

Good evening, my name is Rodney Putnam. My family and I live on Lake Iroquois. I'm here to strongly oppose this petition, the way it reads and I feel very strongly that it's containing a lot of overexaggerated marketing and the numbers don't match. We moved to Lake Iroquois in 2015. There were three boats that fit this category. In 2022 there are only three boats that fit this category. I called a friend that works at Saber Marine for the largest dealers in Vermont. They sold approximately 160 boats. On page 7, they referenced a boat called the Giga Wave. It doesn't exist. It's a possible prototype that weighs 30 tons. My truck couldn't pull it down a country Rd and put it on any lake in the state. It's just massive.

*[Impossible to understand what was being said due to technical problems.]*

The studies from out of state don't apply to Vermont.

It's different from. Almost heavy rains flooded the lake in the nest that year. I also happened to see that many kayakers park on top of the baby loons last night while I was grilling dinner. Water quality of the scorecard just came out and the water quality for Lake Iroquois has lowest phosphorus ever. It's one of the lowest years that it's had that low phosphorus content. So coincidentally since 2015 and surfing phosphorus in a very good spot for water quality. So I asked that you please reject the position as it was written. Thank you.

**RWVL's Response:**

Because RWVL's ANR petition applies to all lakes and ponds in Vermont, it does not address individual lake features such as those mentioned here. Regarding the comments on lake phosphorus, RWVL has included new preliminary unpublished data as a Supporting Document to our petition (provided by the Terra Vigilis Security Group). These data appeared after the submission of our petition in March. It demonstrates that operating wake boats in wake surf mode can result in acute increases in water phosphorous levels. The petition itself had already indicated the scientific plausibility that wake boats contribute to increasing lake phosphorus levels, thereby contributing to cyanobacteria algal blooms (see [ANR Petition](#) pages 28 to 30).

As commented, there are few ballasted wake boats currently operating on Lake Iroquois or other Vermont Lakes. These boats are new technology, very different from the normal and traditional uses of watercraft.

We agree that large, ballasted wake boats do not belong in Vermont's smaller lakes. The largest boats referred to are already in Vermont waters on Lake Champlain – less than 15 miles from Lake Iroquois.

We agree that more work needs to be done to control runoff and erosion from rainfall, and we know that DEC and many lake associations are working to solve this problem. Studies from other states, however, can be useful in planning for Vermont's future. These studies, especially from states with more experience with ballasted wake boats, provide valuable information to inform Vermont's decision-making.

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**#3 Opposition Commenter — Video Start Time: 1:8:5.970 --> 1:8:10.280**  
**Chris Conant (6<sup>th</sup> commenter)**

The next is Chris Conant.

Good evening everyone. I'm going to bring up practical approach to this public hearing tonight. OK, we have been living on Lake Iroquois for over 65 years. My family has enjoyed many, many years of skiing, water skiing and boating. Many years ago, as my siblings and I were adolescents. After working for 15 to 20 hours a day in the barn, my dad would get in the boat and he would drag us around the lake, over and over and over skiing.

He would drag other families, kids and at times there were six ski boats on the lake pulling kids all around the lake, teaching him how to ski, how to knee board, how to tube and even wake boarding, and even barefoot skiing, which we all attempted every weekend during the summer months. We're filled with skiers and skiers behind all of our boats. Sometimes there were kids as young as six years old. Learning the ropes.

Now, Fast forward 20 years, my siblings and I have all had children and we too jumped into our motor boats and pulled the kids around the lake for hours on end. And honestly, my expectations of speaking here tonight is that I can provide the same opportunity, enjoy to my grandkids and teach them how to ski and how to board and how to serve. I don't own a awake board, a wake boat, but I do own a ski boat.

My parents, my brothers and sisters and myself have spent hours with huge grins on our faces, teaching our kids how to navigate the waters of Lake Iroquois, always prompting safety and courtesy of our neighbors. We have done this for over five decades. Always, with respect to other families, other boaters and safe in a manner that will always have fun and respectful welfare. Of our neighbors and visitors to the lake. If there were too many boaters or small water vessels on the water at one time, we would always just wait for a few hours until the lake cleared. Then the tribe would head out to the water until dark.

We have had water ski courses, handmade ski jumps, and always took safety measures first and foremost, and I hope that that can continue today.

As stewards of Lake Iroquois and many other lakes in Vermont, many of our associations will continue to work hard and educate our users and protecting the ecology and the health of our lake in Vermont through their missions and programs. Regulating watercrafts is not achieving the goals of use of public water rules. The public waters shall be managed so that the various uses may be enjoyed in a reasonable manner. Considering safety and the best interests of both

current and future generations of citizens of the state and the need to provide an appropriate mix of water based recreation opportunities on the region and statewide basis. I'm here representing me, my family, as an individual and not any association that I've been involved in, and I really do not support this petition. Thank you.

#### **RWVL's Response:**

These comments do not directly address the ARN petition's focus on wake boats and wake sports. They address more generally an attitude that cordiality and neighborly respect and consideration are sufficient in the management of public waters. This ideal of personal responsibility and liberty is appreciated but should be examined. The speaker's comment that "Regulating watercrafts is not achieving the goals of use of public water rules," is incorrect. Examples of this are the rules currently in force regarding the use of personal watercraft on lakes with areas less than 300 acres and the limit on power boats in lakes and ponds with surface areas of 75 acres or less. These well-respected rules have made a significant impact on the public enjoyment of public waters.

Water sports can be an excellent family activity for Vermonters. The rule proposed in the petition would not limit water skiing, tubing, kayaking, paddleboarding, or swimming in any way. It applies only to wake boats operating in enhanced wake mode too close to shore or in water that is too shallow. Over many generations, Vermonters who live on and use our lakes have learned to work with each other and to follow reasonable management rules so that many types of recreational activities can take place. Appropriate public use rules have contributed greatly to enhanced recreation opportunities and enjoyment of our lakes and ponds.

#### **#4 Opposition Commenter — Video Start Time: 1:8:5.970 --> 1:8:10.280 Bruce Epstein (7<sup>th</sup> commenter)**

Hi, my name is Bruce Epstein. I am president of the Green Mountain Water Skiers. Our organizations have been in existence for over 40 years. We support multi-recreational use. We've worked with the legislature and state police on legislation. We've gotten bills passed. Lot of my thunders already been stolen. I did mention it section 2.4. That section is all about involvement and what I did hear from the petitioner. Is it so far? I don't know. The kind of outreach has been done to the conflicting use here which is wakeboarding. We support amending the rules to include wakeboarding as a normal use, but we want to see a procedure that is fair and just. Right now, the participation hasn't existed yet with Wakeboarders or the wakeboarding is industry. Waterbury Reservoir would have never been resolved without the stewardship and leadership of the then Water Resources board. They were. Hands on. They actually sat down with petitioners to try to see what they could do to give them guidance and how to work with conflicting uses to try to get the best possible solution. I truly believe that's what we need right now. We need cooperation. We need to respect other users. We need an involvement.

The words I'm looking for, we need involvement, dialogue and representation. That representation should include the petitioner. It should include wake sport enthusiasts. It shouldn't involve wake sport manufacturers. No one knows their boats like a wakeboard manufactured. They have to be involved. It should include the Department of Public Safety because whatever we do here has to be enforceable. If it is unenforceable, it doesn't make any sense. And last but not least, any others as required by section 2.4. Good decision making is no accident. What we need here now is a process that gives us good decision making. I would respectfully ask that DECA consider having a panel and getting together a group of people that represent the various interests so people can talk to each other and try to come with up with consensus here. Again, good decision making. No accident. Thank you..

**RWVL's Response:**

The current ANR petition procedure does not require the petitioner to seek consensus with all stakeholders. We have followed the procedural rules. Both before and after submitting our petition, we held informal discussions with Mr. Epstein and other stakeholders such as lake associations, FOVLAP, conservation groups, fishing organizations, and others. We have ALWAYS been willing to discuss this topic with other groups. Despite our petition having been submitted and made public on March 9, few groups have sought us out. More often it was our RWVL group seeking to engage others in conversation about our petition. In doing so we have asked others to provide us with their best, scientific evidence for how the rule changes should be modified. No group has provided this information. Mr. Epstein has stated that he sees no errors in the science included in our petition.

We agree that no rules should be adopted without consultation with all those who take advantage of Vermont's lakes. We are confident that the state's ANR petition procedure, beginning with the public comment sessions in June and July, and proceeding through proposed rulemaking—including discussion with interested groups—can be successful in developing and adopting effective public water rule changes that are both evidence based and accepted by the public. As the process continues, we will be happy to sit down with the Green Mountain Water Skiers Association, or any other Vermont recreational groups and stakeholders, to discuss their needs, interests, and ideas for improving on our Responsible Wakes for Vermont Lakes' recommendations for the management of wake boats and wake sports in our state.

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**#5 Opposition Commenter — Video Start Time: 1:28:27.910 --> 1:28:32.80  
Stew Arnold (13<sup>th</sup> commenter)**

Stew Arnold here. I am a year round resident of Greensboro and live on Caspian Lake. I'm also a Lake Protection Committee chair for Greensboro Association, managing our alley monitoring program, our greeter program at our boat launch or invasive species, prevention.

Tributary monitoring and such. I also do loon nesting, lake level motor safety, and reclassification for our lake.

I've read this proposal and I've discussed it with many property owners on Caspian and that's a collective we support this petition to better manage late quote wake boat sports for all of Vermont.

Yet, we are still concerned that our lake impact, if this were to pass, given the passage of this petition, Caspian Lake, which is 800 acres, increased weight boat traffic. We had one wake boat last summer that I'm aware of. We have 1200 to 1600 boats get registered through our greeter program, and the biggest numbers are stand up paddleboards and kayaks, canoes, and fishing boats, and the personal the boat traffic is quite a bit for like skiing and such is quite a bit less. So our concern is if this passes, there could be an increase of wake boat use here in Greensboro and that's going to change some of the serenity that we have here.

Caspian a little unique also with the fact that we do have a prohibition to personal watercraft on our lake; we are one of only a few lakes. We would like to.

Have because of our current concerns for safety and environmental impacts as a lot of people have matching.

And our loon population.

Shoreline safety is of primary concern.

Swimmer small children. So we are concerned for both those sort of shoreline safety issues and environmental impacts. We would even go so far to amend this to prohibit wake sports if our associations desires such — as we had, as we have done with personal watercraft. Thank you.

**RWVL's Response:**

RWVL is glad to hear that folks at Caspian Lake have read the petition and understand the science provided. It is also good to hear that many property owners support this petition to better manage wake boat sports for all of Vermont. Under present circumstances where there are no rules at all specific to wake boats, all lakes that permit power boats might be impacted by enhanced wake sports; and the smallest and shallowest of these lakes and ponds are the most vulnerable to negative impacts by enhanced wakes. The proposed Wake Sport Zone would limit enhanced wake sport activity to a specific, restricted, area of Lake Caspian, for example. Furthermore, a wake boat operating in wake mode would still be required to follow the existing rule prohibiting more than a minimum wake when within 200 feet of another vessel. In appropriate cases, it is possible for individual lakes to submit their own ANR petition covering wake boats on their lake as has been the case with personal watercraft.

We agree with Mr. Arnold that most vessels presently operating on Vermont lakes are small, paddle or sail-powered craft, including paddle boards, kayaks, canoes, and rowboats, and that large, heavy, motorized boats can negatively impact these craft, and damage lake environments.

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**#6 Opposition Commenter — Video Start Time: 1:33:46.300 --> 1:33:49.390**  
**Eric Splatt (15<sup>th</sup> commenter)**

Hello everyone I'm Eric Splat from Lake Bomoseen. I'm an co-owner and operator at Woodward Marine. I've been in the industry for about 25 years, I guess on the boat inside of things at what are marine? We deal with many different boats, not just wait boats. It's a smaller part of our business, but still a large part of our business it actually.

I guess where I could start as firstly my background I've passed and certified Coast Guard captain. I've taught the Vermont State Motor Safety Course for about the past 15, 16, to 17 years. Marine technicians have a lot of experience with boats. I'm also personally a wake surfer; actually been wakeboarding since the 90s. Wake surfing started in the early 2000s, been around for a long time. It's not like it's something new to the area, and the past few years we've seen an influx of people using their boats. Sales have actually gone down because the ability to get products during COVID, but one thing that COVID has done, is that it forced people to go outside. So we've seen an influx, more usage of boats and things like that, and some of the things that I think wait, boating or wake sports or water sports, you know, go hand in hand with Vermont is outdoor activities, mountain biking snow sports our tourism that draws people to the area to add to the point of AIS—I've dealt with that my whole life—is that I actually grew up on Lake Bomoseen and on Lake George in New York. You're familiar with, like George. It's a very aware, invasive species. Wake boats are very rarely trailered.

In fact, most people have never seen their trailer. It is put into storage, it's taken out of storage, and not brought from Lake to Lake. They go to their home. They stay there and that's it. So AIS in Vermont with wake boats is very rare—very, very rare. What a couple more things. I think that the petition, which I'm not for, is proposing extreme actions and the research has not been done on our end of things. Me being a wake surfer and my industry affecting 31 families that we support that work at would Winter marine. Thank you.

**RWVL's Response:**

Although wake boats have been around for a few years, they did not exist when the Public Waters Rules were adopted in 1992. Wake boats and wake sports are not “normal uses” under the Use of Public Waters Rules – defined as a use “that occurred on a regular, frequent, and consistent basis prior to January 1, 1993.” The fact that in the past few years there has been an increase in enhanced wake sports is more reason for this petition to be approved by the DEC because the use conflicts, environmental impacts, and safety concerns surrounding wake boats were not present in 1992.

The statement that “Wake boats are very rarely trailered” has no basis. RWVL has received several reports from lakes throughout the State that prove otherwise. As boats have increased in size over the years, trailers are bigger, tow vehicles are bigger,

and public launch sites have been upgraded and improved. Trailering a large boat, including a wake boat, has become easier and more common.

We have done our best to make our proposed restrictions science-based, reasonable, and not “extreme.”

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**#7 Opposition Commenter — Video Start Time: 1:39:11.290 --> 1:39:28.130  
Ernie Rossi (17<sup>th</sup> commenter)**

My name is Ernie Rossi and my wife and two small children live on Lake Iroquois. This past weekend we had two of the nicest sunny days of the year. Our lake was being enjoyed by everyone, and I noticed just one solo wake board boat out briefly. And The funny thing was they were water skiing. Our boating community mingles well together on our lake. We really see multiple boats on the lake. At one time. I also happen to live across from the public boat launch and can count on one hand how many wakeboard boats actually visit each summer. The few homeowners who do own a wake board boat are very respectful of others and use caution during their eyes, making sure the waterways are clear and safe for those around. I do not support these new regulations. The petition references many false scenarios and speculation that simply doesn't exist on our lake. All it's doing is dividing our small communities and pinning neighbors against each other. We need to continue focusing on the real erosion concerns such as stormwater runoff projects and shoreline.

But for.

1st.

Even with I've gotten this much attention. 1 heavy rain storm to wash all those good efforts away winds have been stronger than ever these past few years and the large waves coming down our lake quickly turn into large white caps, slamming our shorelines for days. Not just a couple of times from a passing boat. As they drove the work Monday and those heavy downpours we got, I watched rivers of muddy water flow down our hillsides, pouring into our lake like a brown cloud. These acts of nature are causing the biggest erosion problems. Let's focus on the rules we have in place and the ongoing education for best practices and safety for all. Thank you DEC for your time.

**RWVL Response:**

The petition does not reference any false scenarios. It is based on facts and the latest science available for this constantly changing industry. The intent of the petition is certainly not to divide communities or pit neighbor against neighbor. We agree that our Vermont lakes and ponds are enjoyed by many people for various uses. We further agree that at present relatively few wake boats are found in Vermont (see our [ANR petition](#) Table 2 page 11). Our proposal would create rules to identify safe, environmentally friendly, places to be enjoyed by wake sports and other uses for this and future generations. Our proposal furthers the objective of providing an appropriate mix of recreational activities on a statewide basis.

The relationship between wind and waves is addressed within the scientific data in the petition, including recent scientific data has been added to provide new science-based wind data (*“Considerations in assessing shoreline and near shore impacts of wind-driven waves vs motorboat waves in Vermont”*). Stormwater concerns are real and are not relevant to this proposal. The State has many programs available to help with the runoff issues including the Lake Wise and Better Roads Programs. Shoreline erosion, whether caused by runoff or power boat wakes, is fundamentally man-made. Reasonable and appropriate public water use rules to address the impact of wake boats are needed to preserve the natural beauty and ecology of our lakes and ponds and to manage current and future community conflicts in our use of public waters.

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**#8 Opposition Commenter — Video Start Time: 1:41:7.330 --> 1:41:15.780**  
**Adam Martin (18<sup>th</sup> commenter)**

So next we have got Adam Martin.

Good evening and thank you for taking the time to hear and consider our opinions. Although I didn't write a 54 page rebuttal. I did approach this with very basic and direct comments. I'll start with the generalized definition of a wake or surf boat. Many boats can produce a wake or surfable wave without a ballast. A cabin cruiser on a small lake or 10 people on a ski boat. The statement that weights are incompatible or traditional with traditional water uses. Would bass boats with 250 horsepower motors be considered traditional? Would 30 foot pontoon boats with 300 horsepower tritoons we considered traditional? How about the fear of the growth of the wake boat industry? In the petition, 4% of total sales nationwide are weight boats.

I agree with the justification of the 20 foot depth. Surfing and deeper water is always better and more enjoyable. However, I'm not in favor of a law. I'm in favor of education of the lake that you were on and the best areas to practice wake surfing. As long as there is a mutual respect for those on the water when you get there. I also have an issue with the proposed 60-acre wake zone. What if thoughts, the favorite fishing hole or on the kayak route to a friend's camp? Have we considered all of that and those opinions proposing the 15 lakes out of 800 [in Vermont]. The 200 versus 1000 shoreline rules an interesting point. It is noted in this petition that the shoreline is in jeopardy due to wakes. I've spoken with two different law enforcement officers about this topic without question, the major offenders of 200 foot rule are pontoon boats. It should be noted that on both in both jurisdictions they have never had any serious issues with wake boats or formal complaints. Also, did you not want to surfboat you can direct your wave one way or the other? Just an educational thing there. What about the inability to drain or inspect ballast or transport of wake surf boats? I'm not convinced with the state. I would suggest most surf and wake boats are staying on the lakes with the owners. As a matter of fact, New Hampshire has a wake boat Commission which got broken up with COVID. 4% of all surf boats, wake boats, travel lake-to-lake 4%.

At the petition is grabbing known information and tempting to use it to their advantage. In particular water quality, the impact of wake boats in St Albans Bay, where blooms are being blamed for property devaluation situations such as these demonstrate the need for

management strategies. It's a known issue Blackridge or the Stevens Brook Mill River, which both feed into state onwards Bay or both lined by farmland and is a known runoff issue, not a wake board issue. Moving on to the loss of peaceful Lake environment, due to the noise emitted by wake boat motors—but that's not going to affect the powerful pontoon motors or audio or the restored Chris-Craft. With the beautiful view in it 1 area. I think that we have all we would all agree upon is education. I think this this proven itself before and again I would also suggest open communication, open minds, cooperation. Every lake is different. Every boat is different with proper work in this area, the lakes and shores can remain open to all and be a place for generations to come, even if traditional use evolves into the 21st century.

**RWVL Response:**

All boats create a wake when under power. The issue here is the size of the greatly enhanced wake that is produced by wake boats. The science presented in the petition clearly demonstrates the difference between the impact of conventional powerboat wakes and the destructive power of the enhanced wake produced by wake boats. RWVL agrees that education is necessary, however education alone will not solve these issues. Appropriate rules must be in place to achieve a safe environment for all types of water sports to be enjoyed on our lakes, including wake boats.

The inability to drain or inspect ballast tanks is a serious issue. The water in these tanks can spread invasive species from lake to lake. The statement that “most surf and wake boats are staying on the lakes with the owners” in Vermont is without basis. Several reports have been received from lakes throughout the State that prove otherwise. Every lake is different, and that is why we have proposed a statewide set of rules to protect the smaller lakes from the destructive power of these enhanced waves and to allow for enhanced wake boat use in restricted areas of larger lakes. It is the intent of our proposed regulations to maintain lakes and shorelines so they can remain more natural and be a place for generations to come. However, the destructive power of these 21<sup>st</sup>-century technology wake boats on Vermont’s inland lakes will have a negative impact that will affect this and future generations.

Power boats produce wakes that can impinge on other recreational uses and damage the lake environment. For this reason, our proposed definition of a “wake boat” as a vessel intentionally designed to enhance its wake is an essential element of the petition. This definition is not exclusively limited to vessels with ballast tanks intended to enhance a wake. A wake boat may be created through hull devices, or other elements that enhance wake size, energy, and power, e.g., the batteries in the electric-powered Gigawave boat. As we describe in our petition, powerful enhanced wakes can be created in many ways by the wake boat industry.

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**#9 Opposition Commenter — Video Start Time: 1:45:14.680 --> 1:45:45.330  
David Brown (19<sup>th</sup> commenter)**

My name is Dave Brown. I live on Lake Iroquois. I do own the 21 foot surf boat. Had it since 2017. Ernie, I thought made a good point about the cooperation that happens on our lake. You know, if the lake is really busy, whether you're a water skier, whether you're awake board or whether you're awake server or whether you're tuber people kind of take their turns. The kayakers and paddle borders tend to stay within the No wake zone within 200 feet. That isn't always the case, but there's a

Because a general cooperation and mutual respect that we all try to do on the lake and.

What weeks are folks run operate at about 10 mph, and there was a question earlier. Or could they operate at less than 10? I run mine at like 10.2. So yes, I'm sure you could go 95 and still operate. I would argue that wake surfing relative to, say, water skiing or wakeboarding certainly for the person doing the recreation is much safer. There's a lot more injuries tubing.

Water skiing and the like.

My general objection to the petition is it's pretty filled with speculation.

Sensationalism and general kind of exaggeration that know they there's a \*\*\*\* on the cover of the petition. I think there's an anecdotal evidence here that, you know, there's a there's been in our like, since 2016, there's been boats on our lakes since 2016. I heard someone else mentioned the same thing on their lake that the wake boats don't seem to be pushing away balloons. There's, you know, pictures of dead fish in the petition. I understand it's about water quality. Our lake recently had some testing and it's the cleanest has been a long time. As Rodney noted. Also the gigawave boat that's profiled in the petition. Obviously it's would never happen on a Vermont lake. It's made for 28 people. It's 35 feet long, \$600,000 boat. It's just a lot of kind of sensationalism.

So because I haven't really heard this mentioned, there's a lot of about. It was like 17 states mentioned in the report. I went and did a little, you know, Internet monkey Googling and tried to figure out what's going on with other states. I looked at New Hampshire. They have, they had a 15 person Commission look at this issue for nine months. Their recommendations didn't include any of the restrictions such as is in the petition in South Carolina. They passed a law saying within 200 feet, no wake. Well, we already have.

We ought to have that so.

Again, I'm. I'm supposedly petition and I think that I think it's generally exaggerated, sensationalized, and I will note that some of the petitioners that signed on to this petition also signed a petition back in 2015 promoting no motorized vehicles on Lake Iroquois over 25 horsepower. So I think the circles are just sort of the beginning and I think it's. You know, it's just going to go from there. So thank you for your time.

### **RWVL Response:**

What is considered “sensational” is highly subjective. The “Gigawave” wake boat was included as an extreme, but actual, example of a trend documented in Figure 6, that tracks the growth of “high performance” wake boats from two popular manufacturers towards heavier and more powerful models. It is easy to understand this trend because wake sports on bigger waves are more fun, and hence there is market pressure for bigger boats. It is not unreasonable to assume that the Gigawave or other similar boats

will be found on Lake Champlain where 30-, 40-, and 50-foot boats are common. As wake boat technology progresses, wakes will be bigger and the safety and environmental risks greater. The science supports the parameters of the proposed rule, which will minimize these risks without banning wake sports.

We agree with Mr. Brown that cooperation and mutual respect among the many users of Vermont lakes is important. With respect to safety, one principal concern with wake sports is the impact on the safety of kayakers, paddlers, swimmers, and small children playing near lake shores as well as the impact on docks and shoreline development.

We urge Mr. Brown and others to carefully read the New Hampshire Commission report to which he refers (<http://www.gencourt.state.nh.us/statstudcomm/committees/1434/reports/Commission%20to%20Study%20Wake%20Boats%20-%20Final%20Report.pdf>). Even though the six members of the Commission represented the wake boat industry, and only three represented lake residents, the Commission was “unable to reach agreement “on most of the issues raised. They did agree that *“wake boats, when ballast compartments are full, have the potential to generate much larger waves with more energy than watercraft of similar size and shape. The ability for these watercrafts to generate larger and more powerful waves means there is also an increased potential for shoreline erosion and impacts on water quality and wildlife. In particular, these impacts are more likely to occur if operation occurs close to shore, in shallow water, or in areas that are protected from the wind.”*

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**#10 Opposition Commenter — Video Start Time: 1:49:2.740 --> 1:49:22.580**

**John W. Cassella (20<sup>th</sup> commenter)**

John W Casella: I appreciate the opportunity to make a comment. Our family's been on Lake Bomoseen for 32 years and we've had the pleasure of water skiing, fishing, surfing, the like and my six children. And now eight grandchildren are, you know, really.

Utilizing the lake and you know have done so for a long period of time. My concern is that it seems as though there has not been a collective view of all of the participants on the lake.

To get together and to really talk about what are some of the things that could be done to minimize the impacts for everyone, it seems as though that that stage did not happen. And I think if it did not happen, it really should have happened. The other thing that is clear being on the lake for 32 years, the existing rules and regulations are not enforced as it is. So before we go putting more rules and regulations in place, we may want to take a look at. Do we have the resources to enforce the existing rules and regulations before we go and put additional regulations in place? Thank you very much.

**RWVL Response:**

RWVL supports the process requiring DEC to listen to stakeholders on this issue. Our view is that the rules regulating personal watercraft have been effective under the existing enforcement regime. We agree with Mr. Casella that we, our children, and grandchildren should be able to enjoy the pleasure of water sports on our Vermont lakes. That is one of the reasons we have submitted our petition. We also agree that any rule should be developed by collecting the views of all participants on the lakes. We are engaged in that process right now.

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**#11 Opposition Commenter — Video Start Time: 1:50:36.520 --> 1:51:7.10**  
**Bobby Murphy (21<sup>st</sup> commenter)**

I'm Bobby Murphy, I live in Stowe, Vermont, and under this proposed petition, I would be banned from using my wake boat at the Waterbury Reservoir. So I'm opposed to this petition and specifically, you know, I think it's overreaching. It feels like this is a sledgehammer trying to kill a mosquito. When you look at some of the information.

This is what a surfboat owner looks like. You know, we're professional people, we're families. We go slow. It's safer because you can see you have the ability to slow down and stop much differently than water skiing—although I grew up water skiing all my life. And I'll tell you, you know, I look at some of the cabin cruisers that we get on the Waterbury Reservoir, and they rival, actually, they could swamp my boat, and my boat is a specific wake surf boat. So I think, you know. Probably look the probably need to look at. You know what are the specifics and are they overreaching and frankly you know there is something that I do agree with is that inappropriate use of any boat not just the wake surf boat but any boat is you know incompatible with the Vermont water quality standards. And I think that that is important to look at what are the specific regulations that we already have in place and could those and should those be more focused on and more looked after from a from an enforcement perspective. Again, you know, respectful driving, taking the time and slowing down, I think, is exactly what wakesurfing is. And in that case, you know, again, I oppose the petition and think that there's other ways to get to what we're trying to get to, but this isn't it. Thank you.

**RWVL's Response:**

Wake boats operating in wake-enhancing mode are unique compared to traditional watersport boats used on Vermont inland lakes. Recent scientific studies demonstrate that the wakes are much bigger, more powerful, and carry much more energy, and the prop wash penetrates much more deeply into the water. As detailed in our [ANR petition](#) (see pages 13 to 24), the existing 200 ft shoreline safety distance is not adequate to dissipate energy in these wakes, and the lack of any depth limitation risks causing serious prop wash damage to the littoral zone of shallow regions of lakes. The proposed rule would define locations where wake-enhanced sports can be enjoyed while minimizing adverse impacts.

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**#12 Opposition Commenter — Video Start Time: 1:53:3.900 --> 1:53:9.320**  
**Zimmer Hayes (22<sup>nd</sup> commenter)**

How's it going, everybody? My name's Zimmer Hayes. I'm a resident of Vermont. I live here in Stowe. I moved here when I was 14 years old to attend Burton Mountain Academy, I went on to the UVM Business School and I currently own a business in Stowe. I am an avid wakeboarder and water sports enthusiast as well as a general outdoor enthusiast as a Vermonter. Last fall, I sold my wakeboard boat and have made the decision to leave Vermont and move to the Pacific Northwest. Because of the changes that I've seen happen in our great state and specifically this petition and its nature.

I'd like all of you to take a really good look at this picture of a friend of mine. This is a picture of Josiah who is wake surfing behind my boat—I believe in 2016. You're saying mother goes bartender in Stowe.

She was very smaller for and she started a little business named Snow Cider. You may have heard of it, but before that happened, she was a very busy mother and Josiah was a child that she had before her marriage in Stowe and in 2016 he came to us with two black eyes and a broken nose, and his mother asked me to do something with him. I'm not much of a, you know, parent or babysitter. I have two dogs. So, I took Josiah wake surfing. The idea of taking away a sport like that from a young boy, and again, I'm going to have you guys just this. This is a boy that he black guys.

It's fairly committed to be on about. See this face there. I don't think he's thinking about abuse or anything of that nature. I think he's having a good time.

There's a lot of discussion that continue to go on this topic, but as a long standing Vermonter, I would I would hope that you know as I leave the state that that you guys can figure out a way to move forward in a positive direction on this topic that's going to be a constructive outcome and not limiting creating bylaws, blue laws, whatever you call them, cause that's not the state that I moved to, and I don't believe that that embodies what a real Vermonter is.

Thank you for your time.

**RWVL's Response:**

Vermont's inland lakes are a precious resource for the state as a whole and particularly for those who use them in myriad ways, including the many ways they can be used for the nurturing of troubled youth. Without stewardship, the uses of these lakes will suffer due to deteriorating water quality and AIS infestations. The petition seeks to preserve this resource for the enjoyment of generations to come. In appropriate locations, under the proposed rule, such enjoyment can include youths learning wake sports.

We agree with Mr. Hayes that water sports on Vermont lakes can be an uplifting experience for troubled or neglected youth. Our petition aims to preserve the wide variety of activities that youth enjoy on our lakes: swimming, paddling, fishing, water-skiing, tubing, and responsible motoring. We would point out that none of these

activities would be restricted by the rule we propose; rather they would become safer and less environmentally destructive.

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**#13 Opposition Commenter — Video Start Time: 1:56:36.840 --> 1:56:42.810**

**Ben Fralick (23<sup>rd</sup> commenter)**

Well, my name is Brad Fralick and I am the chief Governor affairs officer with the water Sports Industry Association. We are here to oppose this proposal as is. And let me tell you why. First, let me ask you a question. Let me first preface it with these remarks. I think those people who are here and supporting it believe that there is a problem with wait boats and wake surfing. How many of you can agree with that? I think a lot of you do. I don't think taking those problems. And using this plan and concentrating it on 15 lakes is the answer.

To correct some things in the original presentation, our organization does support regulation so much so that we are attempting to pass legislation across the country, the South Carolina bill mentioned earlier. That was our bill. We also passed the bill. In a similar bill in Tennessee, it has five parts. It has 200 foot setback. Never ever go within 200 feet of the shore. Second provision a night time ban on all wake surfing. Third provision a minimum lake size.

And that will vary on, say, based on what's on the statue, a ban on wake surfing behind a boat with an exposed propeller that they could fall into, and the requirement that the rider be wearing a Coast Guard approved vest. Why do we go with 200 hundred? Seems to be the most controversial one. Let me talk about the numbers and let me give you the exact numbers we've all heard about these studies. While there's industry studies, yes, the industry study was 2015. It was, it was called the Goudey study. The year before that, there was a study done on late, late Memphremagog on the Canadian side. He'll be the Quebec study.

Going forward, there was the Minnesota study from earlier this year in the latest study is the Caddy Fay study of Fluid Dynamics. All of them say different things. Two of them say 200 feet one.

Says and let me let me preface that 900 to A to 1000, the other one recommends 500. Let me talk about those. Our 200 comes from what? Our 200 feet is based on do no harm.

What is the? What is the largest wave that that lake is going to see? Naturally, we looked at two studies back in the 60s where they looked at 200 acre or less in lakes and they determined that there is going to be no fat. There's going to be no way that there is going to be any way to action on those lakes except in this circumstance. And that is a what we would call a gust front microburst where they the storm, the supercell comes through downburst hits the lake and across the lake. One study said the maximum was 11 inches, the other setting said 13. We said OK, we need to come up with the distance where in every case from the biggest to the smallest lake that. Wave size when it hits the shore is going to be smaller than that. At 200 feet it is 9 and a half feet. The Minnesota study, which talks about 500 feet. I'm going to give you a number because all of the studies showed the same curve. That number is 7 inches. And then finally, the Quebec study where it says 900 to 1000. Let me tell you what that exactly said and let me quote the 900 to 1000 feet was the distance that it took for in the morning to go time. And finally we have Karen press that I can't read the writing exactly sorry.

**RWVL's Response:**

The Water Sports Industry nominal support of regulation of wake boats is belied by the tens of thousands of dollars spent lobbying against such laws and regulations in Vermont and elsewhere. The Tennessee law referenced provides no substantive regulation beyond what is already on the books here in Vermont. See <https://publications.tnsosfiles.com/acts/112/pub/pc0872.pdf>. Mr. Fralick seems unaware that Vermont law and regulation already restricts more than minimum wakes within 200 feet of the shore, docks, other boats, or swimmers.

Most peer-reviewed, third-party studies of wake boat effects recommend that distance be significantly increased, with most proposing a greater distance consistent with our proposed 1000-foot distance from shore. As detailed in our [ANR petition](#) (pages 17 and 18) and submitted as Supporting Documents (see "*Considerations in assessing shoreline and near shore impacts of wind-driven waves vs motorboat waves in Vermont*"), wind-driven waves or microbursts on Vermont lakes do not cause more dangerous and damaging wave action than ballasted wake boats.

**End of Opposition's comments**