Responsible Wakes for Vermont Lakes (RWVL) petition to amend the 2021 Vermont Use of Public Water Rules Chapter 32, Regulating Wake Boats

VERMONT
AGENCY OF NATURAL RESOURCES

RESPONSIBLE WAKES for VERMONT LAKES

Public Information Hearings
Richmond, 6/29/22
Manchester, 7/7/22

Agenda

Item
RWVL introduction
What are wake boats and why regulate in Vermont
Our proposed rule change and its legal basis
Justification for our requests
Opposing views on managing wake boats
Vermont is not alone
The multiple stakeholders calling to regulate wake boats in VT is growing

RESPONSIBLE WAKES for VERMONT LAKES

Formed in March 2021, Responsible Wakes for Vermont Lakes (RWVL) includes a diverse group of citizens across Vermont engaged in efforts to conserve and manage the resources of Vermont's lakes and ponds. We are active users of Vermont's public waters as boaters, water skiers, paddlers, sailors, anglers, and swimmers. We are volunteers monitoring water quality, invasive species patrollers, conservationists, and scientists involved in maintaining and improving Vermont's lakes for recreational and aesthetic enjoyment for current and future generations. We have no paid lobbyist.

Why Regulate Wake Boats?

Lake Raponda

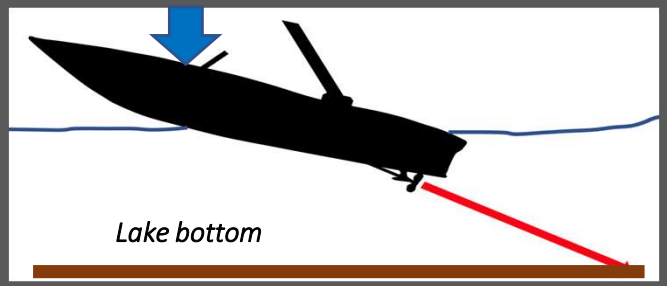
- 121 acre lake in Southern Vermont
- Maximum depth, 12 ft. deep

https://www.youtube.com/watch?v=idqfK4m16fI&feature=youtu.be.

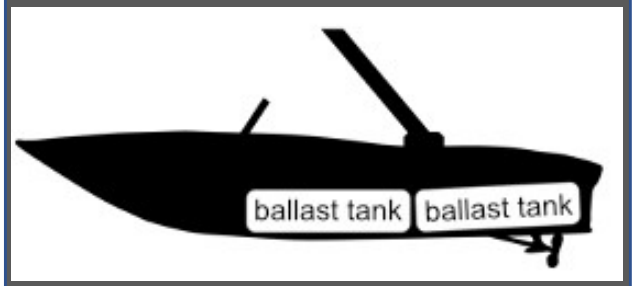
Wake boats have unique features and impacts

Enhanced Wake

Deep Propeller Wash



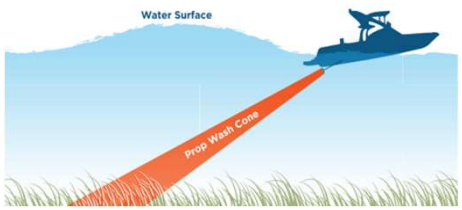
Large, Inaccessible, Ballast Tanks

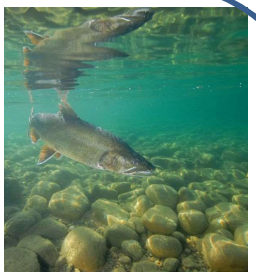


Why regulate wake boats?

- To allow for safe, *shared use* of lakes and ponds with all users
- For the ecological protection of water bodies & wildlife
- To maintain strong tourism industry, property values & property tax base

The Issues





Environmental

Toxic Algae Bloom

Wake Boat Wake Disturbing Loon Nest Platform

Wake boat path 250 feet to left. Wake propagating to right.

Loon nest platform tipping to the point where an egg could roll into the water. Wake could also wash through the nest, cracking an egg or flushing it out of the nest.

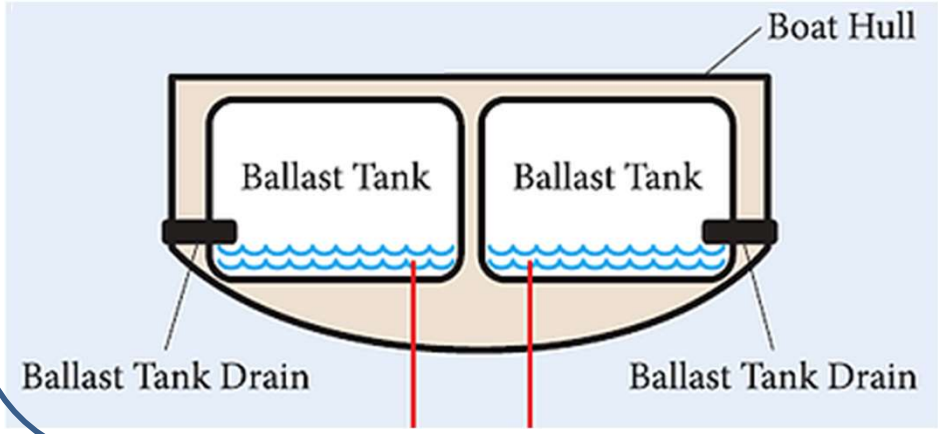
Photos courtesy of KezarLake Watershed Association (Maine)

Public Safety

Milfoil

Spiney Water Flea

AIS Propagation



The Statutory Authority

This petition is filed by Responsible Wakes for Vermont Lakes pursuant to 10 V.S.A. §1424 and is a request to the Vermont Department of Environmental Conservation to adopt a revised rule for boating use on lakes and ponds under the Vermont Use of Public Waters Rules.

Current wake boat use conflicts with four Vermont lake-related statutes

The current use of unmanaged wake boats is *inconsistent* with VT statutes:

1. Use of Public Water Rules
2. Shoreland Protection Act
3. Aquatic Nuisance Control
4. Water Quality Standards

Proposed Public Water Rules Amendment

Use of wake boats for wakeboarding and wake surfing is permitted only in defined areas of water bodies ("Wake Sports Zones") where all the following conditions are met:

1) the distance from shore is greater than 1,000 feet
2) the water depth is greater than 20 feet
3) the area of the water body satisfying 1) and 2) is more than 60 contiguous acres (*see Slide 13*)

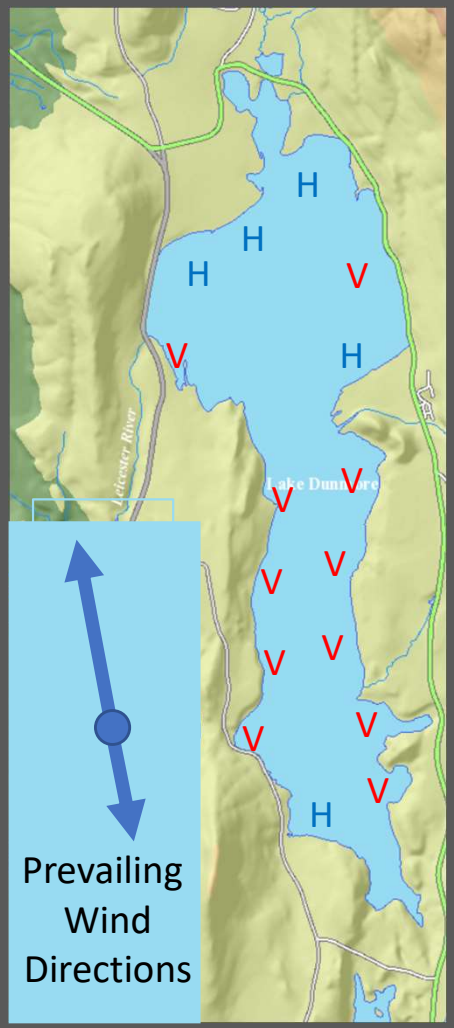
For water bodies where no such areas exist that satisfy all three conditions, vessels defined as wake boats are prohibited.

The Proposed Rule does <u>not</u> apply to use of a wakeboard behind a conventional vessel that has not been modified with wake enhancing equipment.

Why 1000 feet from shore?

… Erosion vulnerability to waves

- Shorelines and near-shore aquatic habitats are disturbed by waves that are much larger than normal.
- At 200 ft, the boating industry claims that wake surfing waves are comparable to those from sustained winds of 20 mph, and therefore not a problem.
- Such winds are extremely rare on inland Vermont lakes.
- On most lakes the prevailing winds are very directional.
- Shorelines exposed to the prevailing winds harden (H) while areas less exposed to these winds are more vulnerable (V) to boat waves
- These shorelines have been exposed to decades of waves from traditional boating activities like water skiing, regulated to be 200 ft from shore, and this should be the yardstick to compare waves from wake sports.

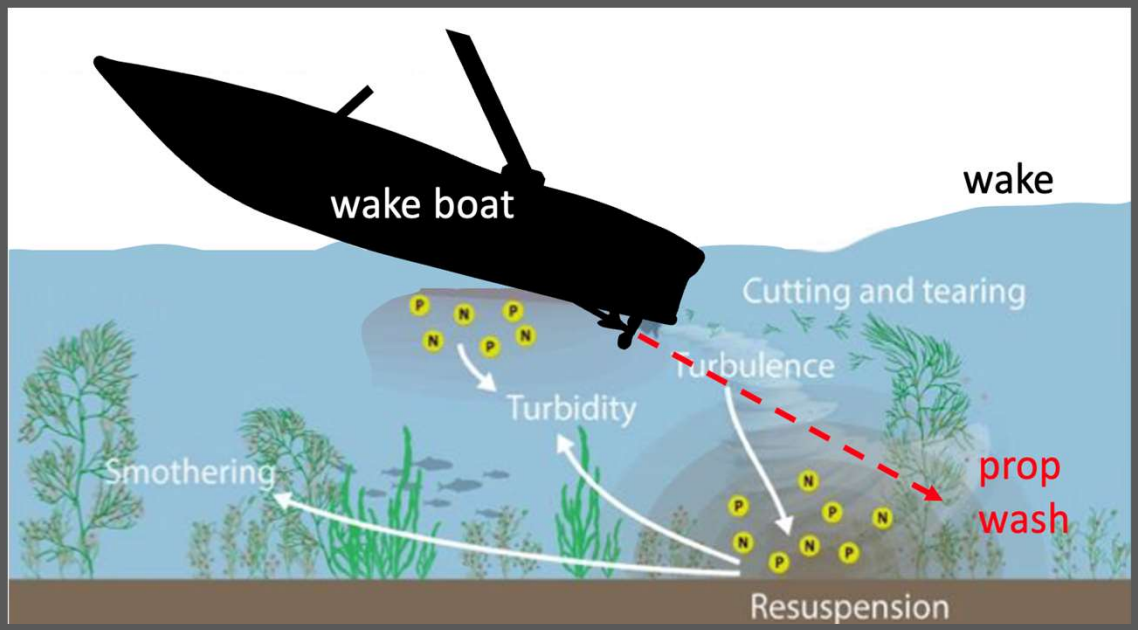


Winds on Lake Dunmore

Why 1000 feet from shore (cont.)?

- According to a recent UMN study, at 200 ft from the boat, waves from wake surfing are 2-2.5 times larger than conventional waterskiing & have 5-9 times the peak power.
- Data from the above study indicates that wake surfing must be conducted more than 1000 ft from shore in order to make the total energy and peak power in the wakes comparable to those from waterskiing at 200 ft.
- The existing 200 ft safety zone is inadequate to protect:
  1. Personal safety
  2. Shoreline erosion/shoreline structural damage
  3. Near-shore water quality and habitat degradation
- Wake boat weight and horsepower has doubled in the past 25 years and this upward trend is expected to continue

Why deeper than 20 feet?
(Erosive scouring of the bottom)



- Wake boats with heavy stern ballast tanks & 200-600 hp motors "plow" through the water with their bow up.
- Downward-directed propeller "wash" can disturb lake bottoms at 20 ft & more and:
  - Shred & uproot plants spreading aquatic invasive species, e.g. Eurasian milfoil
  - Stir-up bottom sediments creating turbidity, disrupting micro-organism, plant, & fish habitat, and releasing nutrients contributing to toxic algae blooms

Why a minimum 60-acre Wake Sport Zone?

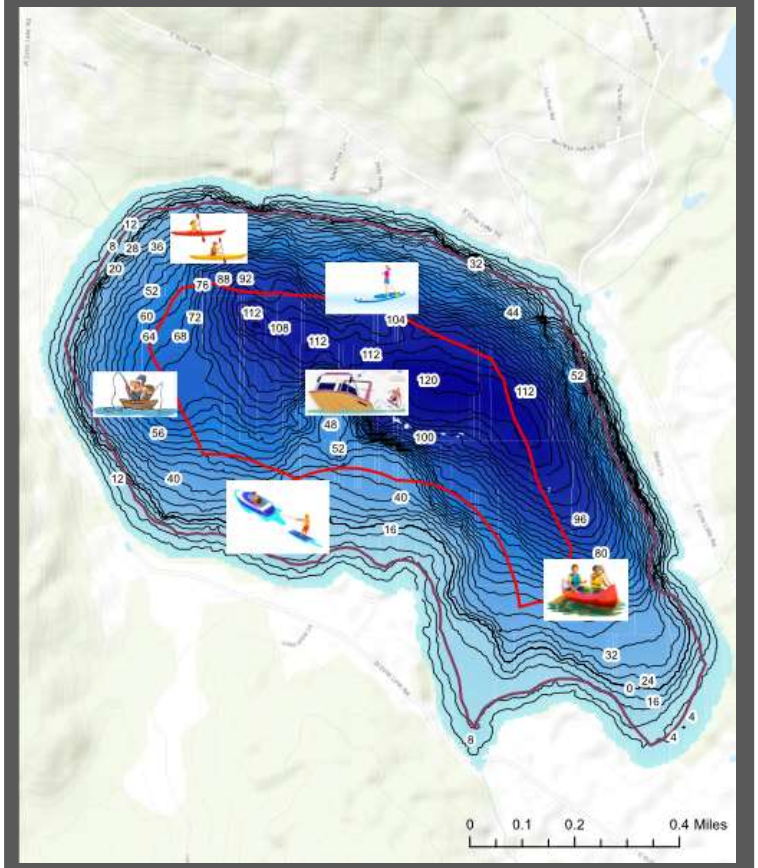
(To allow shared enjoyment of lakes by all)

- To provide sufficient area to enjoy wake enhanced sports
- To provide areas for traditional recreational use to be enjoyed: waterskiing, cruising, sailing, kayaking, canoeing, rowing, paddle boarding, fishing, swimming

Note: the area inside the red line is not intended for the exclusive use of wake boats; but may be used for all recreational uses.

Example of Wake Sport Zone

Inside the *red line* identifies the Wake Sport Zone, i.e., >1000' from shore, >20' deep, >60+ acres



Opposing Views on Managing Wake Boats

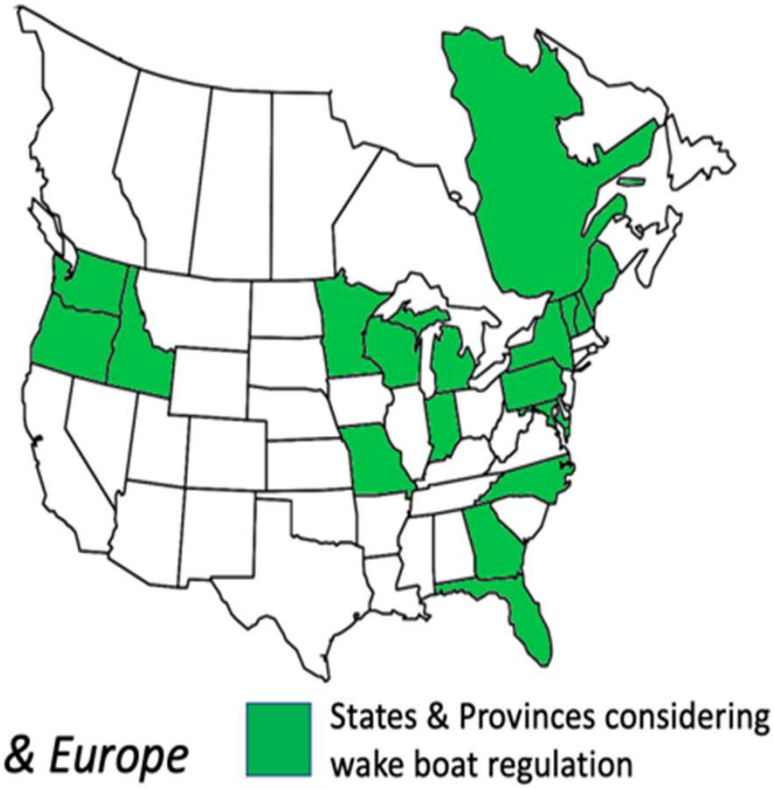
1. Wake sports are family friendly.
2. Operator education is better than regulation.
3. A minimum lake size is all that is required to manage wake boats.
4. Wake surfing waves are comparable to strong wind waves.
5. Regulating wake sports will hurt property values.
6. The petition is the first step in banning all motorboats.
7. The petition only chose the studies favoring their argument.

Vermont is NOT ALONE!

An Ever *Growing* Number of US States & Canadian Provinces Are Considering Managing Wake Boats & Wake-Enhancement Activities

1. **Vermont**
2. **New Hamp.**
3. **Maine**
4. New York
5. Pennsylvania
6. Florida
7. Maryland
8. Missouri
9. Oregon
10. Michigan
11. Wisconsin
12. Minnesota
13. Indiana
14. Idaho
15. Washington
16. North Carolina
17. Georgia

- Quebec, Canada



Also worldwide in Australia, New Zealand, & Europe

Organizations Supporting Wake Boat and Sport Management in Vermont

Conservation Organizations	Boating & Camp Organizations	Fishing Organizations	Lake Boards &/or Associations	Towns/ Conservation & Planning Commissions/ Boards
Sierra Club Vermont Chapter	Northern Forest Canoe Trail	Trout Unlimited Vermont Council	Shadow Lake Association, Inc.	50 Windham Regional Commission
Vermont Center for Ecostudies – Uniting People and Science for Conservation	Aloha Foundation	Native Fish Society – Wild · Abundant · Local	Michigan Lakes and Streams Association	Hinesburg Vermont Conservation Commission
VNRC Vermont Natural Resources Council	Siskin Coutts Ecological Adventures		Echo Lake Protective Association	Town of Thetford August 12 1761 Vermont
Audubon Audubon Vermont			Lake SMART	Thetford Conservation Commission
Connecticut River Conservancy – Clean water. Healthy habitat. Thriving communities.			SafeWakes for Minnesota Lakes	Town of Craftsbury
Deerfield River Watershed Association – A tributary of the Connecticut River Conservancy			Lake Fairlee Association	Town of Elmore, Vermont
			NH Lakes	Lamoille County Conservation District – Conserving Our Natural Resources Since 1945
			Lake Elmore Association	Town of Greensboro, P.O. Box 119, Greensboro, Vermont 05841
				Windham County Conservation District
				West Fairlee Conservation Commission
				Morristown Conservation Commission

... and more!

Details on RWVL's petition can be found here:

Https://dec.vermont.gov/watershed/lakes-ponds/rulemaking

THANK YOU!

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for VERMONT LAKES