

# Wakeboat Petition Review Update

## Background Information for final Pre-Rulemaking Public Meeting

February 15, 2023, 5:30 PM, Highland Center for the Arts, Greensboro VT

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Lakes & Ponds Program

Vermont Department of Environmental Conservation



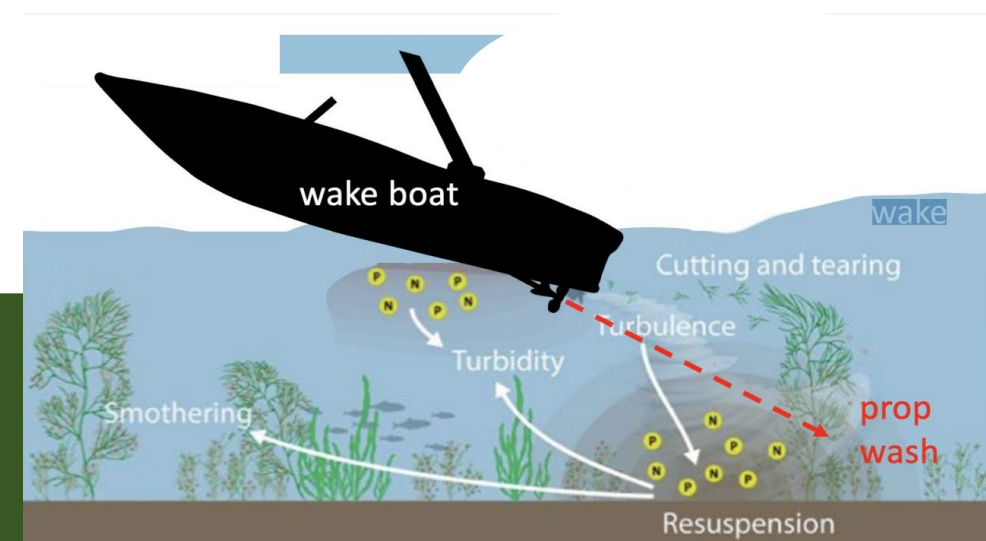
# Background on Vermont Use of Public Waters Rule

- [Use of Public Waters Rule](#): Vermont's public waters are held in public trust for the benefit of all Vermonters and visitors; public recreational uses are protected
- Rules govern aquatic resources management and establish rules to protect normal uses on all on public waters
- Rules state that public waters should be used for a variety of recreational activities, including wilderness, birding, fishing, & boating
- Rules restrict the type of motorized watercraft that may be used on certain lakes and set speed limits for these boats
- VT Agency of Natural Resources required to manage public waters to avoid conflict, protect natural resources, and give a recreational mix



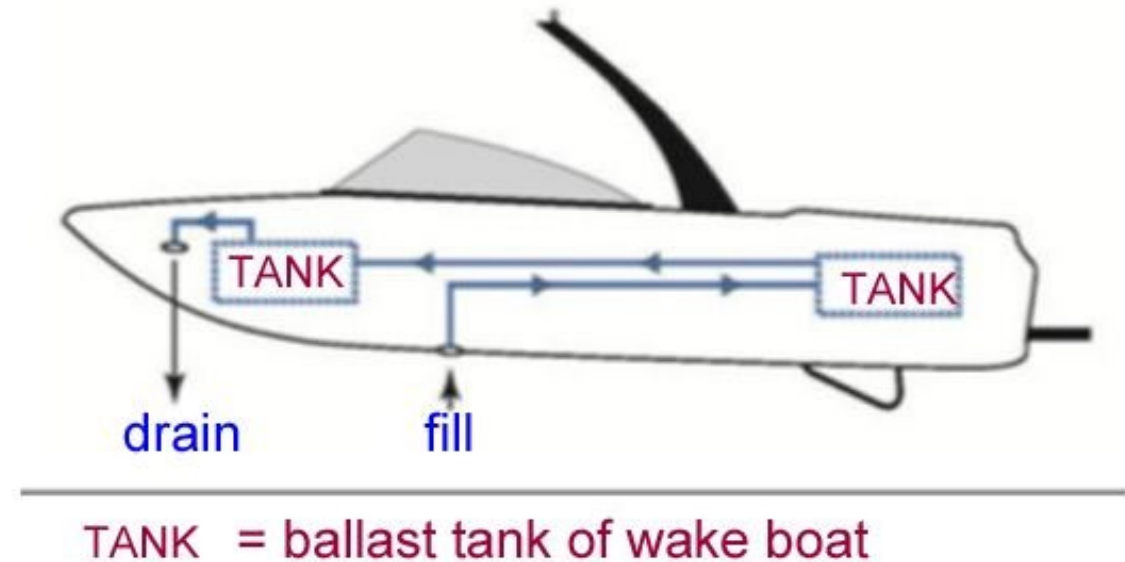
# Background: Pre-Rulemaking in Response to a Wakeboat Petition

- “Responsible Waves for VT Lakes” submitted petition to VT Department of Environmental Conservation in March ‘22 requesting regulation of wakeboats
- RWVL Group Concerned about the following impacts:
  - Increased shoreline erosion from enhanced wakes
  - Disturbance to lake bottom sediments creating turbidity, disrupting plants & fish habitat, & releasing **phosphorus** & other nutrients which can create algae blooms and reduce clarity



# Background: Pre-Rulemaking in Response to a Wakeboat Petition

- RWVL Group Concerned about the following impacts:
  - Wakeboats can shred & uproot plants spreading aquatic invasive species
  - Wakeboats can spread invasive species when moved between lakes
  - Wakeboats create safety concerns, can damage docks and shoreland infrastructure
- Petition: Proposed limiting wake boats to lakes w/ 60 contiguous acre zone that is 1000 ft from shore, 20 ft deep



# DEC Petition Review under Use of Public Waters Rules

- Petition filed on March 9, 2022, marked administratively complete in April 2022
- Two Public Meetings in July 2022
  - 80+ Verbal Comments, majority in favor of some form of wakeboat regulation
- 300+ Written Comments (summarized on next slide)
- Fall 2022: Meetings with Affected Recreational User Groups & SOV Entities
  - Green Mountain Water Skiers
  - VT Boat Retailers & Marinas
  - Wakeboat Industry Groups (NMMA, WSIA, MRAA)
  - VT Center for Ecosystem Studies & VT Audubon
  - F&W and State Police Marine Division
  - Pristine Lakes Group (NEK)
  - VT Summer Camps
  - FOVLAP
  - Anglers
  - Non-Motorized Boaters



# Summary of Individual Written Comments Received

- 309 Written Comments Received by Deadline of 7/29/22
- 142 comments (46%) opposed the petition
- 134 comments (43%) supported the petition as written
- 33 (11%) comments supported regulation different from what is in the petition
- Altogether, 167 (54%) comments supported some form of regulation
- This tally does not include a letter with 1197 signatures submitted by RWVL nor letters of support in original petition



## DEC Review of Scientific Literature and Legal Precedent:

At the Feb 2023 Meeting, DEC staff will summarize our review of scientific studies, legal precedent and operational considerations related to wakeboat use on the following subjects:

- Minimum distance from shore to reduce or limit shoreline erosion
- Minimum depth to avoid benthic sediment and phosphorus disturbance
- Potential risk of Aquatic Invasive Species spread from ballast tanks
- Impact of wakeboat waves on loon nests
- Minimum number of contiguous acres required for safe use
- Review of regulation in other states and past UPW Rules Decisions



# DEC Rule Concept - Draft

- Rule will regulate wakeboats while engaging in wakesports on public waters
- Allow wakeboats to engage in wakesports under following three conditions:
  1. On lakes, ponds, and reservoirs with a minimum of 50 contiguous acres that are 500 feet from shore on all sides and 20 feet deep (***eligibility rule***)
  2. Wakeboats must be 500 feet from shore at all times while engaging in wakesports (***operating rule***)
  3. A wakeboat must stay in one lake per calendar year unless boat is decontaminated by a DEC-approved entity (***home lake rule***)
- Definitions and Rule Text will be included in Formal Rulemaking Submission





# 31 Eligible Lakes in DEC Rule Concept

No.	Name	Total Acres	Size of Eligible Area (500 ft in with 20 ft depth) in acres
1	SUNSET (BENSON)	205.1	74
2	SHADOW (GLOVER)	217.3	86.2
3	MILES (CONCORD)	221.1	66.9
4	IROQUOIS (HINESBURG / WILLISTON)	247.0	53.3
5	PARKER (WEST GLOVER)	253.1	88.4
6	HOLLAND	329.1	104.5
7	PEACHAM	347.4	94.9
8	HARVEYS (BARNET)	357.2	136.4
9	MOLLYS FALLS (CABOT / MARSHFIELD)	402.4	74.4
10	JOES (DANVILLE)	405.0	64.2
11	GROTON	435.4	50.0
12	FAIRLEE	461.8	116.6
13	FAIRFIELD	463.3	171
14	LITTLE AVERILL	470.2	261.3
15	HORTONIA (SUDBURY, HUBBARDTON)	500.9	57.8
16	ECHO (CHARLESTON)	546.5	315
17	MOREY (FAIRLEE)	549.8	285.2
18	ISLAND (BRIGHTON)	614.2	271
19	MAIDSTONE	755.8	402.6
20	CRYSTAL (BARTON)	771.6	420.5
21	SALEM (DERBY)	776.4	318.3
22	CASPIAN (GREENSBORO)	789.8	461.2
23	GREAT AVERILL	835.0	423.8
24	WATERBURY	869.2	121.7
25	ST. CATHERINE (WELLS)	885.4	405.5
26	DUNMORE (SALISBURY)	1039.6	330.5
27	CARMI (FRANKLIN)	1415.2	755.2
28	WILLOUGHBY (WESTMORE)	1733.6	1079.3
29	SEYMOUR (MORGAN)	1777.2	TBD but >50
30	HARRRIMAN (WHITINGHAM)	1949.4	TBD but >50
31	BOMOSEEN (CASTLETON, HUBBARDT.)	2415.1	TBD but >50

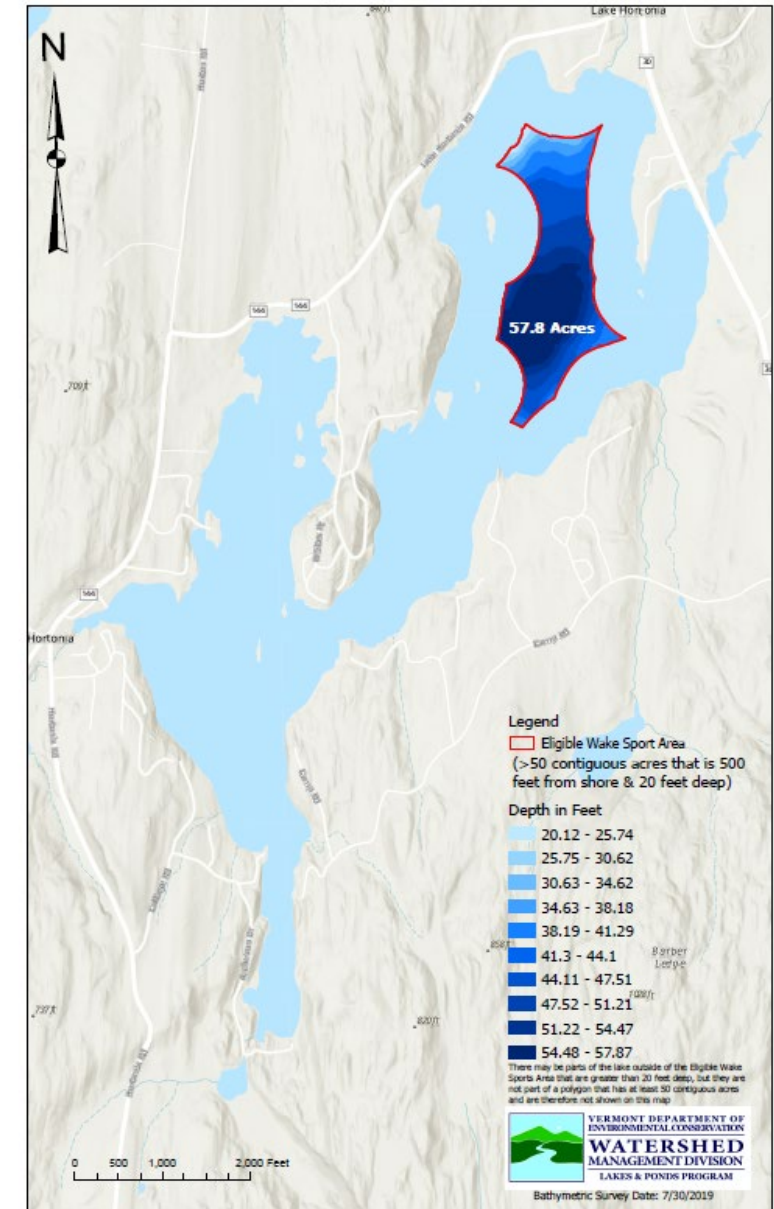
- Rule Concept would allow wakeboats to engage in wakesports on the 31 lakes and ponds listed to left
- Wakesports prohibited on all other lakes, ponds and reservoirs under jurisdiction of UPW Rules
- UPW Rules do not apply to Lake Champlain, Wallace Pond, Lake Memphremagog, and CT River Reservoirs



# Maps showing Eligible Area for Wake Sports

- Map shows area in an eligible lake where wakeboats can be used based on meeting 500 ft from shore, 20 ft deep, 50 contiguous acre polygon criteria
- Maps will be placed at access areas on all eligible lakes to inform public where wakeboats can engage in wakesports on a given waterbody
- DEC will also provide information about home lake rule designation and decontamination process at certified vendors (not at access areas)

Lake Hortonia, Hubbardton and Sudbury, VT



## Next Steps

- Solicit verbal feedback on draft rule concept (today)
- Finalize Rulemaking Package, submit to Interagency Committee on Administrative Rules, attend meeting with ICAR
- If approved, file Proposed Rule with Secretary of State
- Hold Public Hearing & Written Comment Period to inform Final Rule
- File Final Rule with Legislative Committee on Administrative Rules and attend meeting with LCAR
- If approved, File Final Rule, including effectiveness date, with Secretary of State

***THANKS FOR YOUR ATTENTION***

