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Proponents of stronger wake surfing regulations dominate North Woods listening sessions

Wisconsin residents concerned with the negative impacts of wake-enhanced boating flooded public listening sessions held Nov. 13 in three northern communities. Most called for stricter regulations.

Paul A. Smith November 18, 2023 Milwaukee Journal Sentinel

EAGLE RIVER - Proponents of stronger regulations on wake surfing in Wisconsin turned out in droves Monday at three listening sessions held by sponsors of bills on the topic.

"We are seeing our lakes get damaged and other recreational activities get pushed out by one relatively new type of boating, and that's wake-enhanced boating," said Paul Gardetto, president of Lakes At Stake Wisconsin, a non-profit formed in October over wake surfing issues. "I think this crowd is indicative of the feelings across the state."

Standing room-only crowds of more than 100 people attended each of the sessions, held in Eagle River, Minocqua and Rhinelander. Most were in support of more restrictive wake surfing rules than contained in Assembly Bill 656 and Senate Bill 680.

Sponsors of the bills, Sen. Mary Felzkowski (R-Irma) and Rep. Rob Swearingen (R-Rhineland), organized and moderated the listening sessions.

Wake boats are power craft with special ballast tanks designed to increase their displacement and create larger than normal waves for surfing or tubing. Several thousand pounds of lake water are commonly taken into the tanks to increase the wake.

The powerful craft create added fun for surfers and tubers but also heightened concerns among property owners, anglers and others over shoreline erosion, damage to aquatic vegetation and fish habitat, disturbance of bottom sediments, conflicts with other water sports and flooding of loon nests.

In addition, the design of the ballast tanks on many of the boats makes them very difficult or impossible to drain, leading to concerns over transfer of invasive species.

Use of the boats, which often cost more than \$100,000, has been increasing on Wisconsin waters in recent years, according to the Department of Natural Resources.

Felzkowski said due to increased input on wake surfing she and Swearingen decided this fall to propose legislation on the "very divisive issue."

Current state law treats wake boats the same as other power boats.



The legislators looked at what other states had done and crafted bills that mirror wake surfing laws passed recently in Georgia and Tennessee.

The Wisconsin bills would prevent wake sports from operating within 200 feet from shore and nullify more restrictive local ordinances on wake surfing. They would also prevent wake sports on lakes of 50 acres or less.

The bills are backed by the National Marine Manufacturers Association and the Water Sports Industry Association. The groups are represented in Wisconsin by the Schreiber GR Group.

"The bills we put out are pretty much the standard that other states have passed," Felzkowski said. "In no way, shape or form is this what will end up

passing in Wisconsin. But we had to have a starting point. We're here to listen and we are open."

About 140 people packed a room at the Eagle River City Government building for the first listening session. When an attendee at the event asked "who wants to have these boats on our lakes?" 10 people raised their hands.

Of the several dozen speakers at the three sessions, only two (one each at Eagle River and Minocqua) spoke in favor of wake boat use and against stronger restrictions.

Carla Hameister of Manitowish Waters is a wake surfer who said she was just as concerned about stewardship of the lakes as anyone else. She serves on the local lakes association and feels they "don't have a problem" on the Manitowish chain. She said there are bad operators of all types of watercraft and it wasn't right to single out wake surfers.

"Half the stuff that's out there I don't believe is fact," Hameister said at the Minocqua session. "I haven't seen one of these bad things people are talking about."

As others in the crowd began to dispute Hameister, Felzkowski asked for order in the room.

At the same session Amy Hermus of Star Lake gave a personal account of a 2019 incident with a wake surfing boat on a Vilas County lake. Hermus and her husband were row trolling for muskies when a wake boat began operating and made waves so large the couple feared they would be capsized.

Although Hermus is a skilled swimmer who instructs swimming for Boy Scout troops, she felt so uncomfortable they paddled to shore and stopped fishing.

Several people in the crowd said: "When a wake surf boat starts operating, the lake can become wake surfing-only."

"And I can only wonder about the safety risks it poses to people who aren't competent swimmers," Hermus said.

Fred Prehn, who owns a lakefront home in Land O' Lakes and is a board member of Lakes At Stake Wisconsin, said he had seen the destruction wake-enhanced boating can cause.

He believes there is wide agreement on the need for stronger wake surfing regulations.

"This issue has drawn environmentalists and also conservatives who want to protect their shorelines," Prehn said. "They are both on the same side. This is a hot button issue but really not as hot as you think it is if you really look at public opinion."

At the 2023 Wisconsin Conservation Congress spring hearings all six advisory questions calling for additional restrictions or prohibitions on wake boats were supported by large majorities. Question 64, for example, asked if wake boats should be prohibited on all lakes 1,500-acres and smaller. The result was 6,292 yes, 2,879 no and 553 no opinion.

Lakes At Stake Wisconsin is advocating for a state law to prohibit wake-enhanced boating on lakes smaller than 1,500 acres and within 500 feet of shore. Such a statute would allow the activity on an estimated 77 lakes in Wisconsin.

"The topography of (Wisconsin) lakes are so unique," Prehn said. "We are so different from Georgia flowages. You can't take a Georgia template and use it in Wisconsin. However, you start here and make it stronger."

Assembly Bill 656 was introduced Nov. 9 and referred to the Committee on Forestry, Parks and Outdoor Recreation.

Senate Bill 680 was introduced Wednesday and referred to Committee on Financial Institutions and Sporting Heritage.

As of Friday morning, no hearing on the proposal was scheduled in either committee.

Felzkowski said now that the bills were assigned to committees the next step would be to hold public hearings on the proposals.

After that, the legislators would entertain amendments to the bills.

The timeline is short to pass legislation in the current session, Swearingen said. The bills would need to get approved by their respective committees and voted on by the full Assembly and Senate by early February.

Most attendees were hopeful but cautious about the prospects.

"We'd like to have strong regulations, but we don't know how it will turn out," said Jim Logan, who serves on the Town of Winchester planning and lakes commissions. "We don't want a weak bill to pass."

Logan said he and others in the Town of Winchester aren't waiting around: a local ordinance is in the works to ban wake-enhanced boating on all but two of the 50 lakes in the township.

He is especially concerned about the provision in the bills as currently written that would nullify local ordinances on wake boating.

Felzkowski though said the intent of the legislation was to come up with stronger regulations.

"We do not want to destroy these lakes," Felzkowski said. "This is about getting to a compromise. I think wake boats have a place where they can be operated, and I think there are places they shouldn't be operated."

Felzkowski said the turnouts for Monday's listening sessions were the highest she'd had in her 10-year career as a Wisconsin legislator. In the dozens she'd held prior to Monday 20 was a large crowd, she said.

"It's clear (wake surfing) is an important issue," Felzkowski said. "We're starting a conversation to see what we can get people to agree to."