

Vermont wake-surfing rule grabs attention



Outdoors

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Wake surfing is increasing in popularity in Wisconsin and other states, there's no doubt about it.

Some boating industry sales figures put the year-over-year gains at about 25%.

Wake-enhanced boating, is surfing, skiing or tubing behind a special powerboat designed to produce much larger than normal waves. Wake boats are equipped with ballast tanks that allow the boat to sit lower and displace more water.

The powerful craft allow something previously impossible: an untethered ride on a continuously rolling wave just off the stern.

But it's hard to tell which is growing more rapidly: the recreational activity or concerns about its negative impacts?

Wisconsin residents at November listening sessions in Vilas and Oneida counties registered a litany of complaints against wake surfing, including first-hand reports of damage to aquatic vegetation, increased shoreline erosion, conflicts with paddlers and other lake users and flooding of loon nests.

As a galaxy of jurisdictional authorities from state agencies to local lake associations grapple with the best way to regulate the upswell in wake-enhanced boating, all eyes are on Vermont.

On Jan. 3, the Vermont Agency of Natural Resources approved a rule to prohibit wake sports on lakes, ponds and reservoirs that do not have a minimum of 50 contiguous acres that are both 500 feet from shore on all sides and are a minimum of 20 feet deep. It also requires the 50-acre area to be at least 200 feet wide.

Finally it would require a wake boat to only be used in one lake per summer unless the craft is decontaminated at a certified Vermont Department of Environmental Conservation service provider (this provision is being called the "home lake rule").

If enacted, it would be the most restrictive set of regulations on wake-enhanced boating in any state.



A sign installed July 27 at Diamond Lake in Bayfield County lists the prohibition on wake surfing enacted by the Grand View town board. DIAMOND LAKERS, INC.

The rule package has one last step before it can be adopted: a Feb. 1 review by a legislative committee.

As it stands, it's the most significant move a state agency has made to address wake surfing concerns.

In documents supporting the rule, the Vermont Agency of Natural Resources is clear about its need.

"Wake boats produce wakes that are significantly larger than conventional boats," the agency wrote. "These larger waves lead to increased shoreline erosion and disturbance of lake-bottom sediments and aquatic habitat, especially on smaller and shallower lakes and ponds where there is not space for the wave energy, height, and power to disseminate. Larger waves from wake boats have also created safety issues for other water users, such as capsizing smaller vessels, and have the potential to damage shoreline infrastructure. Wake boats also contain ballast tanks that cannot be fully drained, and would therefore violate (Vermont state statute) and can also transport aquatic invasive species from one waterbody to another, without thorough decontami-

nation."

The agency said the rule is not arbitrary and is based on an "analysis of scientific literature, legal precedent, operational consideration for various types of motorized vessels, wake boat regulation in other states and extensive consultation with affected entities and individuals."

What's more, an economic impact analysis showed the benefits of regulation would outweigh the costs by ten to one.

"The annual benefits — estimated at \$93 million — include the preservation of water quality, the continuation of affordable small-scale recreational activities that form the core of Vermont's water-based recreation, and the protection of the tourist economy that depends on clean and safe lakes. The potential annual costs - about \$8 million - are based on limitations that this rule would place on the growth of the wakeboat industry."

The Vermont agency said wake surfing close to shore discourages the thousands of swimmers, paddlers, sailors, anglers, non-wakeboat water skiers and

boarders, and other small-craft users who form the foundation of Vermont's lake-based economic activity.

"Moreover, even a few wake surfers close to shore cause costly environmental damage, while contributing little to the state's economy," the agency wrote.

While there has been substantial debate about whether wake surfing regulation is properly a local, state or perhaps other jurisdictional issue, officials in Vermont put it this way: "Currently, wake sports represent a use of Vermont's public waters that is in conflict with other uses which requires regulation to resolve."

Reactions were mixed to the rule.

The Wake Sports Industry Association said while it respected regulatory efforts to ensure safety and environmental conservation, it must be balanced with safeguarding public interests and sharing state waters with all users.

"The recent legislation in Vermont has raised concerns within our industry," said Megan Thielholdt, WSIA director of communications in a statement. "The water sports industry has long supported common-sense regulation of 200 feet from shore as recommended in a peer-reviewed research analysis in the Journal of Water Resource and Protection. Wake surfing advocates will continue to support the national Wake Responsibly campaign which has earned the Seal of Safe Boating Practices from the National Association of State Boating Law Administrators."

The "Wake Responsibly" campaign asks wake boaters to "minimize repetitive passes, keep music at a responsible volume and stay 200 feet away" from other boaters and shore.

While Vermont is poised to take action, wake surfing bills introduced in November in the Wisconsin Legislature (Assembly Bill 656 and Senate Bill 680) have yet to be given a hearing.

Paul Gardetto, president of Lakes At Stake Wisconsin, was pleased to see movement on wake surfing in Vermont.

"Vermont took action to protect its lakes, which greatly assists its tourism and Vermont's economy by making sure its lakes will be pristine for generations," Gardetto said in a statement. "We are hopeful that Wisconsin will pursue a similar path."