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**The Friends of Waterbury Reservoir (FWR) Mission Statement**

*To Protect, improve, and enhance the ecological, recreational, and community values of the Waterbury Reservoir*

**On behalf of the FWR, I ask LCAR to send the current 500-foot from shore proposal back to ANR, and then I ask for ANR to strengthen the rule to 1,000 feet,** which reflects the overwhelming public input to ANR, which was 759 for 1,000 feet, and 53 against – a roughly 15 to 1 ratio. How could that enormous public viewpoint, supported by scientific experts, not be considered by ANR? If our input is overlooked by this Agency, where do we go?

On Vermont's Lakes and ponds today the "elephants in the room" are Wake-Surfing Boats. These powerful machines have no place on many of our waters. Vermont's Department of Forests, Parks and Recreation has created and managed several remote campsites around the Reservoir. The manufacturers of wake-boats boast of how loud and how far the sound of their amped-up music can be heard. Good-bye peace and quiet, along with the remote camping experience, as well as the many camp-ground sites managed by Vermont's Forests and Parks.

Weather forecasts are pretty good at predicting rain and heavy winds these days. A long-distance swimmer, paddleboarder, kayaker or canoeist will likely avoid heavy weather. But no one can predict when a Wake-Boat is going to show up and dominate a lake with artificial wakes (waves) that outdo those created by mother nature.

One wake-boat, yes only one, can easily dominate a lake such as the Waterbury Reservoir. These powerful wake-boats are the most invasive "non-aquatic invasive species"!

We have read many of the letters written by users and camp owners across Vermont regarding close calls and incidents caused by wake-boats. Some of the stories are dramatic and described as nightmares. Some say that for years, even generations, they have been able to leave their boats secured to their dock all summer. Now they must take them out of the water after use to prevent damage due to the wake-boat wave-action slamming their boats against their docks – the result of these artificial wake-boat waves.

The "proposed rule is contrary to the intent of the Legislature," as spelled out in 3 VSA 842. The legislature intended for ANR to preserve and protect the health and traditional uses of our lakes and ponds. Specifically, the legislature at 10 VSA 1424 tasked the ANR "to manage the public waters so that the various uses may be enjoyed in a reasonable manner, in the best interests of all the citizens of the state. To the extent possible, the secretary shall provide for all normal uses." And more specifically, "The secretary in establishing rules... shall consider the

size and flow of the navigable waters, ...the depth of the water, the predominant use of the waters prior to regulation, the uses for which the water is adaptable, the availability of fishing, boating, and bathing facilities, the scenic beauty, and recreational uses of the area." The proposed rule fails to protect and preserve the normal uses. (Wake-surfing is not a normal use, under the legal definition of this term.)

- In 16 VSA 840, ANR has not, as called for, "considered fully all written and oral submissions concerning the rule," nor has ANR provided an adequate "explanation of why they overruled the arguments and considerations against the 1,000-foot rule."
- ANR has "decided, in a final proposal, to overrule substantial arguments and considerations raised for and against the original proposal," as explained in 3 VSA 841, and has not satisfactorily described "the reasons for the agency's decision."

We are not seeking an out-right ban on wake-boats. ANR has calculated that VT has over 318,087 acres of surface water. ANR calculates that 14,182 acres would be protected by a 1,000-foot rule; less than 5%. **That leaves 303,826 acres open for wake-boat use. In other words, over 95% of Vermont's surface waters would be open for wake-boat activity.**

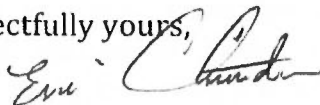
**95% not only looks and sounds like a sizable area for wake-boat surfers in Vermont - 95% is huge!** I would advise wake-boat surfers to accept the 1,000-foot rule. Why, because it will protect them from users, Lake associations and other states that want to ban wake-boat surfing altogether.

**The above numbers are not my numbers.  
They come straight from ANR.**

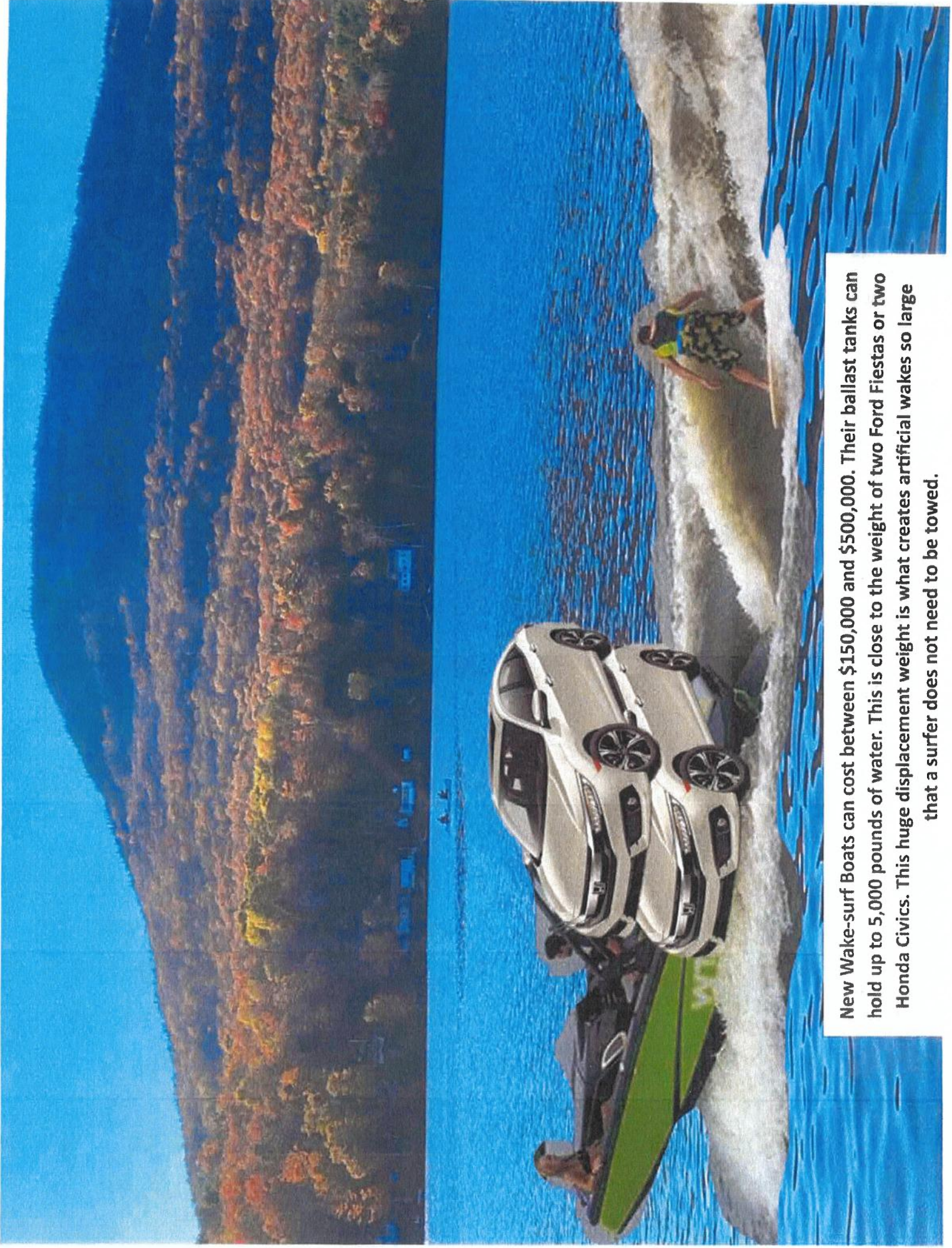
The proposed 500-foot rule is being laid over the 200-foot no-wake-zone, which means that the wake has only 300 feet to dissipate. The sacred 200-foot no-wake-zone is being used as a wake-dissipation zone. Is that legal? No data supports that these 4 to 5-foot wakes will dissipate in 300 feet. The science requires a minimum of 500 to 1000 feet. Subtracting the 200-foot no-wake-zone from the 1,000 feet would leave only 800 feet for wake dissipation - but it is a much more realistic distance.

Why should shoreline residents be forced to put forward a petition to preserve the normal tranquility they have enjoyed for years, if not generations? Wake-boaters could petition for a weaker rule. Currently, the process is just the opposite of what it should be. Wake-surfing is like yahoos creating wheelies, burning rubber, or blasting their woofers on the road in front of your house. We would not tolerate this. Why should similar disturbing activity be allowed on water near shoreline properties? Shorelines are the most vulnerable part of all lakes and ponds. Let's get it right the first time, and not be forced into multiple petitions that could go on for years. We, the environment, and users, need the 1,000-foot rule for protection and safety!

Respectfully yours,



**D.R. Eric Chittenden**, President, Friends of Waterbury Reservoir



New Wake-surf Boats can cost between \$150,000 and \$500,000. Their ballast tanks can hold up to 5,000 pounds of water. This is close to the weight of two Ford Fiestas or two Honda Civics. This huge displacement weight is what creates artificial wakes so large that a surfer does not need to be towed.