

## LCAR Wake boat rule consideration

Dear LCAR members,

I recognize that you have difficult fiscal and programmatic challenges to deal with. Issues of real importance. I don't envy your positions. The wake boat problem is on a different scale, but is, nonetheless, important. Important to thousands of Vermonters who paddle, swim, fish, ski etc.

I had hoped to support a rule for this summer, if only to protect the approximately 40 smaller lakes and ponds which would enjoy a ban. But the changes ANR has made to the unanimous proposal from DEC leave it so inadequate and flawed that its implementation will result in more harm than good. It should be denied.

What are wake boats? Large water craft new to Vermont with thousands of pounds of water ballast ( a perfect invasive vector), up to 600 horse power, fins to sink the stern and create ocean sized waves (and stir phosphorous), up to 1000w sound systems, electrically cooled drink holders, a carbon foot print that makes a tractor trailer look like a Prius (at 4+ gal/hr. these are a carbon/climate change disaster!). Every year wake boats get measurably bigger and more destructive and exclusionary (which means paddling, swimming, fishing are precluded anywhere nearby).

Why is the rule arbitrary and flawed? It offers protection to about 40 small lakes and ponds, but it leaves approx 30 lakes and ponds vulnerable and exposed to a flawed, unenforceable, and arbitrary rule.

- The rule establishes setbacks and water depths requirements, but the 500' setback is an arbitrary, nearly unenforceable diminution from what the DEC professional staff unanimously recommended (600').
- The rule changes the DEC recommendation and precedent that wake boats are **not** considered a "normal use" and proposes they be deemed "normal use". They are anything but "normal use". This arbitrary change may seem minor, except it would cleverly give ANR the ability to summarily deny the petitions to ban that are being developed by a number of associations from vulnerable lakes and ponds because they are, after all, a "normal use".
- The proposed rule arbitrarily differentiates between shorelines and people (human safety). It calls for an inadequate 500' setback from shore to protect docks and shorelines (remember this counters DEC's unanimous recommendation of 600') and it only requires them to be 200' from paddlers, swimmers, skiers, anglers etc (this could be your grandchild in a kayak). A paddler or angler 200' from an ocean sized surfing wave will be swimming. This differentiation is more than arbitrary, it flies in the face of safety and reason.
- The proposed rule will also allow wake boats on a number of lakes and ponds on which jet skis are prohibited. Jet skis may be annoying, but they are not exclusionary and are dramatically less destructive than wake boats. This inconsistency defines arbitrary and irrational.

Keep in mind that Vermont does have ample large open water spaces where wake sports can be enjoyed: the open waters of Lake Champlain to the west, Lake Memphremagog to the north and the CT River Reservoirs to the east. A legislative action allowing wake boat on all lakes greater than 2,000 acres would result in ample opportunities for wake boats and protect access

and the rights of the thousand that paddle, swim, fish, waterski, etc. on our inland lakes and ponds.

The evidence shows this rule would do more harm than good. It should be denied. My recommendation is to decline it and encourage the establishment of legislation that would limit wake sports to lakes larger than 2000 acres (with the possible allowance that smaller lake organizations with a majority vote could petition the state to allow wake boats on their specific lakes...democracy).

Thank you,

Charles (Chip) Stone. East Montpelier

former House member

former Commissioner of Economic Development