

**Vermont Department of Environmental Conservation
Watershed Management Division
Lakes and Ponds Management and Protection Program**

Agency of Natural Resources

TO: Julie Moore, Secretary, Agency of Natural Resources

THROUGH: Neil Kamman, Interim Commissioner, DEC
Pete LaFlamme, Director, Watershed Management Division, DEC

FROM: Oliver Pierson, Lakes and Ponds Program Manager, DEC
Katelyn Ellermann, Associate General Counsel, ANR

COPY: Peter Isles, Aquatic Biologist, DEC
Laura Dlugolecki, Lakes Permitting and VT Project WET Coordinator, DEC

DATE: 9/18/2023

RE: Proposed Modifications to Wakeboat Rule based on Comments Received during formal rulemaking public review period for Submission to LCAR

I. Purpose: This memo seeks your approval to make the following five modifications to the proposed text intended to regulate the use of wakeboats on Vermont’s lakes and ponds in an upcoming Use of Public Waters (UPW) Rule amendment:

1. Distance from Shore, change from 500 to 600 feet.
2. Clarify that Wakesports Zones are not exclusive to wakeboats.
3. Conditions for use of Wakeboats without wake increasing devices enabled and on lakes without Wakesports Zones.
4. Strike Use of Word “Similar” in list of wake enhancing/increasing devices within “wakeboat” definition.
5. Eliminate Areas of Wakesports Zones that are less than 200 ft wide.

As described in more detail below, the modifications are based on DEC’s consideration of over 750 comments received from the public on the version of the rule approved by the Inter-Agency Committee on Administrative Rules (ICAR) on June 12, and our agreement, in these five cases, that modifications to the draft rule will improve its clarity or better achieve the overall stated goals of the VT UPW Rules, or both. DEC staff also reviewed numerous other comments that provoked discussion amongst the group working on this rulemaking effort but did not lead to any actionable changes to the draft rule, and those comments will be addressed in a future Responsiveness Summary that, along with the necessary paperwork for a future Legislative Committee on Administrative Rules (LCAR) Submission, will be drafted once we confirm our five recommended changes. Our group is targeting a late 2023 LCAR Meeting, ideally in October or November.

II. Background: Wakeboats are thought to make up less than five percent of motorized vessels on Vermont’s lakes and ponds, but they constitute the fastest growing class of motorized

vessels sales in Vermont. While wakesports are an enjoyable activity, they are creating substantial concern from citizens, landowners, and public waters users about perceived negative environmental impacts and safety concerns. Designed to allow for wakesurfing at low speeds or wakeboarding at high speeds, this type of boat uses ballast tanks to increase displacement and generate very large wakes. The large wakes produced by wakeboats have been observed to increase shoreline erosion, cause property damage, and create unsafe conditions for other boaters and swimmers. There is also evidence that large waves and downward propeller thrust emanating from a wakeboat cause resuspension of sediment from the lake bottom and increase phosphorus concentrations in these waters after passing.

On March 9, 2022, an ad-hoc group of Vermont Residents using the name “Responsible Wakes for Vermont Lakes,” (RWVL) submitted a petition to the DEC Lakes and Ponds Program, requesting an amendment to the Vermont Use of Public Waters Rules (UPW Rules). The State of Vermont regulates the use of public waters with the intent to allow all Vermonters and visitors to use these shared resources in a reasonable manner. However, some public water uses have the potential to conflict with other uses, especially on waterbodies where space is limited. The UPW Rules were developed to avoid and resolve conflicts and to protect normal or designated uses on all lakes, ponds, and reservoirs. The UPW Rules were established with consideration of the interests of current and future generations of lake users and to ensure that natural resource values of public waters are fully protected.

The Petition filed by the RWVL group proposes to manage and regulate the operation of wake boats and their use in the activities of wakesports on Vermont lakes and ponds. Specifically, the petition proposed that the following rule be added to § 3 of Vermont Use of Public Waters Rules Chapter 32 (2021):

Use of wake boats for wakeboarding and wakesurfing is permitted only in defined areas of water bodies (“wake sports zones”) where all the following conditions are met:

- 1) the distance from shore is greater than 1000 feet*
- 2) the water depth is greater than 20 feet*
- 3) the area of the water body satisfying 1) and 2) is more than 60 contiguous acres.*

For water bodies where no such areas exist that satisfy all three conditions, vessels defined as wake boats are prohibited.

DEC reviewed the petition, relevant scientific studies, legal precedent, operational considerations and extensive public comment obtained during the pre-rulemaking phase and determined that while the petitioners had correctly identified a use conflict, the proposed rule in the petition did not 1) manage this conflict in a manner that provides for all normal uses to the greatest extent possible or 2) propose regulation that managed the use conflict using the least restrictive approach practicable that adequately addresses the conflicts as required in the UPW Rules. The DEC Lakes and Ponds Program therefore made some modifications to the petitioner’s proposed rule, namely reducing the distance from shore requirement to 500 feet, reducing the minimum contiguous acres requirement to 50 feet, and adding a “home lake provision” to reduce the risk of spreading Aquatic Invasive Species, and submitted a proposed rule and associated definitions to ICAR in May that are summarized in Appendix Three to this document. This rule was submitted to ICAR in June and, as mentioned above, was unanimously approved by ICAR on June 12. After the draft rule was published on the Secretary of State’s website, DEC held two public hearings and a written comment period in July. During the comment period, the Department collectively received 759 comments on the proposed rule. Those comments are summarized in the three figures below:

Wakeboat Draft Regulation Comment Summary

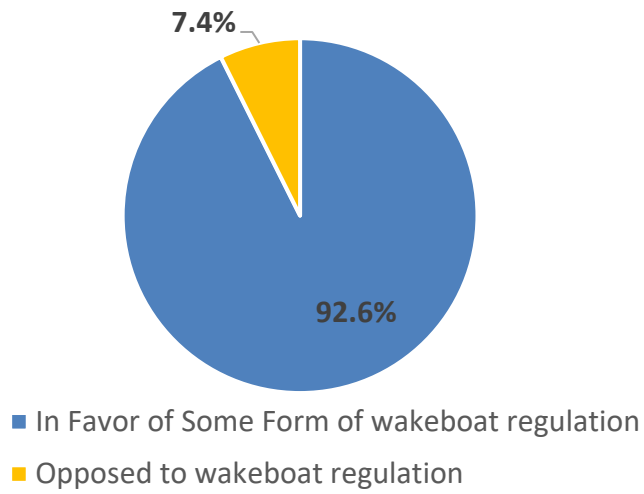


Table 1: Summary of Positions for and against wakeboat regulation from 759 comments received in July 2023

Wakeboat Draft Regulation Comment Summary

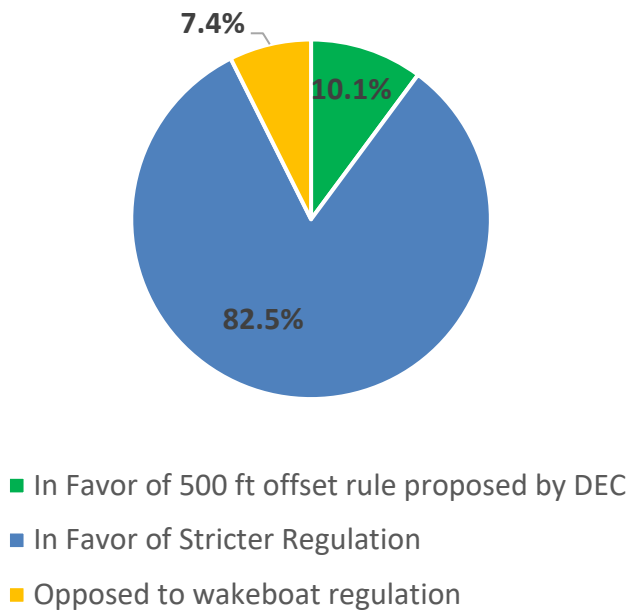
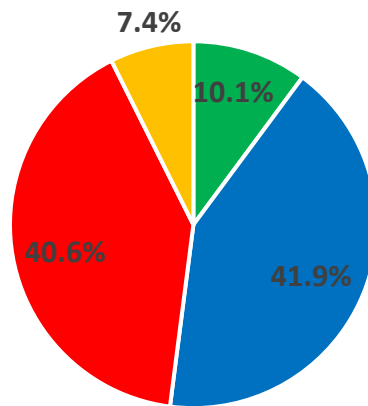


Table 2: Summary of Positions regarding 3 wakeboat regulation options from 759 comments received in July 2023

Wakeboat Draft Regulation Comment Summary



- In Favor of 500 ft offset rule proposed by DEC
- In Favor of 1000 ft offset in petition
- In Favor of Banning Wakeboats on all Inland Lakes
- Opposed to wakeboat regulation

Table 3: Summary of Positions regarding 4 wakeboat regulation options from 759 comments received in July 2023

3. Proposed Modifications to Regulatory Language in Response to Comments: As the three tables above show, the response from the public demonstrates that there is very strong support both for wakeboat regulation and for stricter regulation than what DEC has proposed. This memo will now explain five areas where DEC staff are proposing modifications be made to the draft wakeboat regulation based on our consideration of public comments received and available studies, and then show how we have incorporated these proposed edits into a revised version of the rule in Appendix One, working from what ICAR approved in June.

Modification #1 - Distance from Shore: DEC’s rule approved by ICAR (see Appendix Three) was based on a requirement that wakeboats can only be used in specific zones that are 500 feet from shore on all sides, 20 feet deep, and a minimum of 50 contiguous acres. As described in our submission to ICAR, the element of the rule pertaining to distance from shore is based on several principal elements:

1. Our review of available scientific literature defining the minimum distance from shore required for wakeboats to dissipate to the same levels of wake energy, height, & force as a motorboat 200 feet from shore, primarily using a 2022 study from Minnesota as a reference
2. The principals of the UPW Rules in Section 2.6 that require DEC to manage use conflicts *“in a manner that provides for all normal uses to the greatest extent possible... using the least restrictive approach practicable that adequately addresses the conflicts.”*
3. Section 2.2(a) of the UPW Rules that calls for public waters to be managed so that *“various uses of public waters be enjoyed in a reasonable manner, considering safety and the best interests of both current and future generations of citizens of the State and the need to provide an appropriate mix of water-based recreational opportunities on a regional and statewide basis.”*

- Section 1.1(a) of the UPW Rules that calls for conflicts over the use of public waters to be resolved in a manner that ensures the “*natural resource values of the public waters are fully protected.*”

Since the ICAR meeting, there have not been any new studies published on this subject. However, in response to overwhelming public comment in support of stricter regulation than what DEC had proposed (82.5% of all comments) and some convincing new arguments focused on principles of safety, natural resources protection, and equitable access use of Vermont’s public waters, that can be compromised when wakeboats are in use, DEC staff reviewed anew the key Minnesota Study. This study has three key findings regarding the “distance from shore” question, summarized in the text and images below:

- A distance of greater than 500 feet is needed to reduce the maximum **wave height** of a wakeboat to reference levels associated with a conventional waterski boat in planing mode.
- A distance of greater than 575 feet is needed to reduce the total **wave energy** of a wakeboat to reference levels associated with a conventional waterski boat in planing mode.
- A distance of greater than 600 feet is needed to reduce the maximum **wave power** of a wakeboat to reference levels associated with a conventional waterski boat in planing mode.

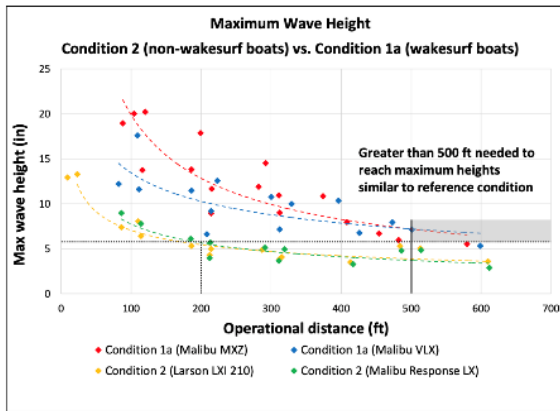


Figure 45. Illustration of a potential method for estimating the operational distance needed to reduce the maximum wave height of the wakesurf boat to reference levels associated with Condition 2 (planing) of the non-wakesurf boats [black horizontal dashed line].

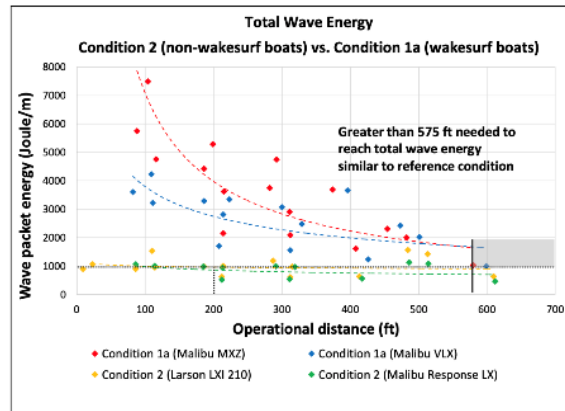


Figure 46. Illustration of a potential method for estimating the operational distance needed to reduce the total wave energy of the wakesurf boat to reference levels associated with Condition 2 (planing) of the non-wakesurf boats [black horizontal dashed line].

Using the precautionary principle, and taking into consideration the possibility for wakeboat engines to get larger than the ones used in the 2022 study and the possibility for multiple wakeboats to be in use on one water body at the same time thereby compounding the total wave power, energy, and height figures, DEC staff believe that it is both justified and in line with the various sections of the UPW Rules mentioned above to extend the minimum distance from shore required for use of wakeboats from 500 to 600 feet.

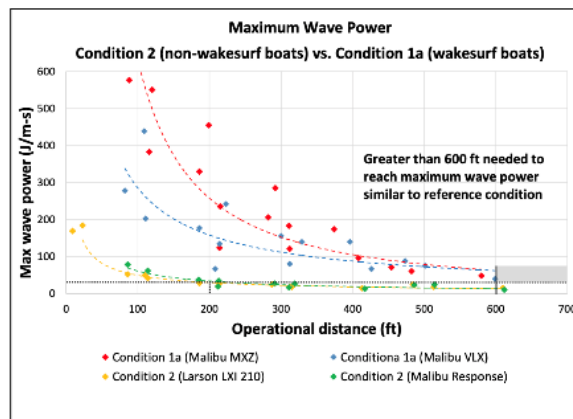


Figure 47. Illustration of a potential method for estimating the operational distance needed to reduce the maximum wave power of the wakesurf boat to reference levels associated with Condition 2 (planing) of the non-wakesurf boats [black horizontal dashed line].

However, DEC staff do not support expanding the distance from shore requirement beyond 600 feet, as there is not currently a scientific basis to do so. In our submission to ICAR, we both defined the scientific studies that we are using for the 500 ft and now 600 ft distance, and also stated that studies showing that around 1,000 feet from shore are required for wakeboat energy to dissipate

to acceptable levels are not applicable to our situation in Vermont. For example, a study by Mercier-Blais and Prairie (2014) found that distances of 300 m (984 ft) were needed to dissipate wave energy from wakeboats to the point where they were similar to *wind-induced waves* on Lake Memphremagog but did not compare these wakeboat waves to other forms of motorized boats. DEC's intent is to regulate wakeboats so that their impacts are equivalent to existing uses, not to subject wakeboats to more stringent regulations than are applied to other watercraft with respect to wave height, energy, and power, which is why DEC believes that this study is not suitable for use as a basis for regulation in Vermont. C

We are convinced that extending the minimum distance from shore requirement from 500 ft to 600 ft is accurate and consistent with the principles of the UPW Rules. The practical impact of the recommended change from 500 ft to 600 ft is that the number of inland lakes and ponds with eligible wakesports zones will decrease from 31 to 24, with the following seven lakes falling off the list: Groton, Iroquois, Hortonia, Joe's Pond, Miles Pond, Molly's Falls (Marshfield) Reservoir, and Waterbury Reservoir. See Appendix Two for a complete list of lakes with wakesports zones at the 500 ft and 600 ft distances.

Modification #2 – Clarify that Wakesports Zones are not exclusive to wakeboats: A few commenters seemed to misunderstand our definition of “wakesports zones” as being exclusive to wakeboats and expressed their dismay that these portions of the lakes with these zones were now off limits to other uses. The wakesports zones are not intended to be exclusive to wakeboats, and while we did not envision this definition would be so interpreted, we have modified the definition of wakesports zones (5.18) and the use of this term in the actual wakeboat regulation language (3.8.b) to eliminate any potential confusion. See Appendix One for details. It is worth noting that many other comments understood that the wakesports zones are not exclusive to wakeboats, but believed that other uses of public waters, such as swimming, kayaking, and paddle-boarding, are not compatible with wakeboats, and therefore they will not be able to engage in these uses when wakeboats are in use.

Modification #3 – 1. Conditions for use of Wakeboats without wake increasing devices enabled and on lakes without Wakesports Zones: The version of the rule submitted to ICAR in June included text in section 5.17.b essentially preventing wakeboat owners from using their wakeboats for waterskiing in “non wakesports mode,” or with the ballast tanks empty, on lakes without a wakesports zone. This prohibition added on to what is in 5.17.a. which prevents the use of wakeboats in “wakesports mode,” or with the ballast tanks full, on lakes without a defined wakesports zone. The prohibition in 5.17.b was added in the original draft rule for two reasons:

1. DEC believed that prohibiting wakesports as defined in 5.17.b., essentially any activity involving a “wake rider” behind a boat with or without a rope, would facilitate enforcement of this rule. It could be hard for law enforcement to determine if a wakeboat has the ballast tanks engaged or not, so simply preventing any use of a wakeboat for “wake riding” in all its forms could facilitate enforcement.
2. The principal study used for our rule found that for one of the wakeboats tested, the presence of water in the ballast tanks has a significant impact on maximum wave height, total wave energy and maximum wave power at operational distances less than 100 ft when compared to wakes generated by the same boat with the ballast tanks empty. However, at distances of greater than 100 feet, the measured wake wave characteristic values did not seem to be affected by the addition of ballast water, and therefore it made sense to prohibit the use of wakeboats for all types of “wake riding” on lakes without a wakesports zone.

During the public comment period, at least fifteen people provided comments objecting to the text of 5.17.b., which would prevent their use of wakeboats as a “conventional waterski boat” outside of wakesports zones and specifically on lakes without a wakesports zone, which wasn’t, in their opinion, consistent with the spirit and intent of the rule, which is to regulate boats generating enhance wakes, due to the unique environmental and safety issues created by these wakes. Some of the commenters pointed out that they use their boat more regularly in “non-wakesports mode” than in “wake sports mode,” and that preventing them from using their boat for conventional water-skiing when that sport could be enjoyed by boaters with conventional water ski boats felt unfair and punitive.

In response to these comments, DEC reviewed our logic for the original wording of 5.17.b. Upon further review, we came to the following conclusions:

1. Our rationale for 5.17.b. to facilitate enforcement is weakened by the difficulty for law enforcement to visually distinguish wakeboats from conventional ski boats when they are not operating with ballast tanks engaged. In other words, a wakeboat and a conventional ski boat look very similar, and the easiest way to tell them apart is when a wakeboat is operating with the ballast tanks engaged, traveling at low speeds for wake-surfing without a rope, and generating a very large wake. Therefore, the assumption in point one above, that it will facilitate enforcement by preventing all forms of “wake-riding” behind a wake boat, isn’t necessarily valid as a law enforcement officer may see a boat pulling a water skier but not be able to tell if it is a wakeboat or a conventional motorboat.
2. Preventing a wakeboat from pulling a skier outside of a wakesports zone may have some environmental benefits, but the rule didn’t prevent a wakeboat from cruising without a skier outside of a wakesports zone, and therefore was inconsistent in its coverage.
3. DEC agreed with the commenters that preventing them from using their wakeboat as a conventional water ski boat on water bodies where water skiing is allowed but wakesports are prohibited did appear to be unfair, despite the potential for wakeboats to generate larger wakes even with the ballast tanks empty. As the largest wakes are generated by wakeboats while they are moving from a stationary position to a planing position, DEC felt that this was a good opportunity for education and outreach to wakeboat owners, asking them to make this transition as quickly as possible.

Discussion around this point led to several proposed edits to 5.17.a and 5.17.b intended to clarify the definition of “wakesports” as follows below and further defined in the text in Appendix One:

- a. Clarify that wakesports are when a wakeboat is operated with any device to increase the size of the wake, irrespective of the presence / absence of a rider behind the boat (5.17.a)
- b. Clarify that wakesports are when a surfboard, wakeboard, hydrofoil, or similar device is used directly behind a wakeboat **without** a rope (5.17.B.i)
- c. Clarify that wakesports are when a surfboard, wakeboard, hydrofoil, or similar device is used directly behind a wakeboat **with or without a rope**, when the wakeboat has ballast tanks, bags, or other devices **engaged** as described in 5.17.A. (5.17.B.ii)

By moving the offset from 500 feet to 600 feet from shore as proposed above, we are eliminating the potential for negative environmental impacts of wakeboats effects on all but 24 inland lakes in Vermont, which demonstrates that DEC is responsive to comments, using the precautionary principle, and taking the most environmentally – beneficial approach that is supported by science. Given that modification #3 being discussed in this section has the potential to increase

the undesired environmental impacts from wakeboat use, we believe that modification #3 should only be approved in tandem with modification #1, and if modification #1 is not approved, then we would then request that proposed modification #3 be ignored.

Modification #4 – Strike Use of Word “Similar” in list of wake enhancing/increasing devices within “wakeboat” definition: DEC received comments suggesting that or use of the word “similar” to define wake-increasing devices in 5.16 and 5.17.a could have the unintended consequence of creating a loophole for use of a “unsimilar” device to increase the size of wakes, which may be available now or in the future. We agreed with this comment and modified these definitions to remove the use of the word “similar” and also increased the clarity of our rulemaking intent by using the phrase “increase the size of the wake” as opposed to “enhance the wake” in these definitions. Changes were made to Sections 5.16.a and 5.17.b accordingly.

Modification #5 – Eliminate Areas of Wakesports Zones that are less than 200 ft wide: We received comments reminding us that under statute in Vermont (23 VSA 3311), all motorized vessels must be 200 feet away from other boaters, swimmers, docks, etc., and that there are some wakesports zones with sections that are less than 200 feet wide, making it impossible for a wakeboat user to be in the wakesports zone and also be 200 feet away from a swimmer who is also in that zone. The original [Holland Pond](#) wakesports map is a good example of a lake where parts of the original wakesports zone are less than 200. Similar comments suggested that we eliminate areas of wakesports zones (generated by a GIS analysis) that contained unusual polygons or features, again generated by the lake’s geomorphology and the GIS analysis, to end up with wakesports zones with normalized contours that would facilitate enforcement and make it easier for the public to understand the boundaries of these zones. We agreed with this comment and are in the process of making modifications to 19 wakesports zone maps to eliminate areas with widths of less than 200 feet or unusual shapes that are an artifact of the GIS analysis.

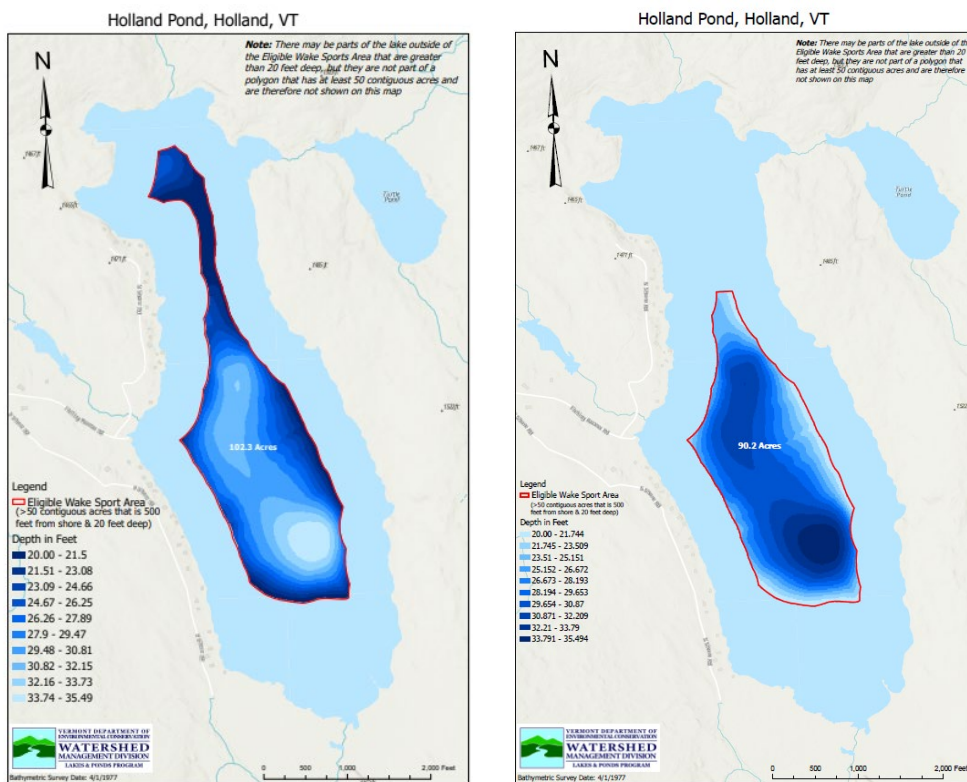


Figure One: Original (on left) and Revised (on right) Wakesports Zone Maps for Holland Pond

Appendix One: Proposed Edits to the Draft Wakeboat Regulations Approved by ICAR

3.8 Wakesports

- a. Wakesports are prohibited on lakes, ponds, and reservoirs that do not have a defined wakesports zone as defined at Section 5.18 and listed in Appendix E.

- b. Wakesports shall not take place outside the boundaries of the wakesports zone of a waterbody listed in Appendix E.

- c. A wakeboat must have one “home lake” for a given calendar year and display on the wakeboat’s port side bow a current Agency-issued decal identifying the wakeboat’s “home lake” for the calendar year. A wakeboat’s “home lake” is the only lake, pond, or reservoir at which that wakeboat will be used for the calendar year, except when the decontamination requirement of Section 3.8.d. has been satisfied. This subsection 3.8.c. applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wakesports zone listed in Appendix E.

- d. Prior to entering a Vermont waterbody other than the wakeboat’s home lake, and prior to reentering the waters of the home lake after use of the wakeboat at any other waterbody, the wakeboat must be decontaminated at an Agency-approved decontamination service provider. A wakeboat user may be requested to provide proof of decontamination at public access areas. This subsection 3.8.d. applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wakesports zone listed in Appendix E.

- e. All provisions of 10 V.S.A. § 1454 regarding aquatic nuisance species inspection apply to wakeboats, and wakeboat users shall drain the ballast tanks of their boats to the fullest extent practicable after leaving waters of the state. This subsection 3.8.e. applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wakesports zone listed in Appendix E.

- f. The above prohibition on wakesports (subsection 3.8.a.) may be modified on a case-by-case basis in response to petitions filed pursuant to 10 V.S.A. § 1424.

5.16 “Wakeboat” means a motorboat that has one or more ballast tanks, ballast bags or other devices used to increase the size of the motorboat’s wake.

5.17 “Wakesports” means:

A. to operate a wakeboat with ballast tanks, bags, or other devices engaged to increase the size of the boat’s wake; or

B. to use a surfboard, wakeboard, hydrofoil, or similar device to ride on or in the wake:

- i. directly behind a wakeboat without a rope; or

- ii. directly behind a wakeboat with or without a rope, when the wakeboat has ballast tanks, bags, or other devices engaged as described in 5.17.A.

5.18 “Wakesports zone” means an area of a waterbody that has a minimum of 50 contiguous acres that are at least 600 feet from shore on all sides and at least 20 feet deep located on a lake, pond, or reservoir on which, per Appendix A, vessels powered by internal combustion motors are allowed and may be used at speeds exceeding 5 miles per hour. Wakesports zones are open to all uses permitted on the subject waterbody.

Appendix Two: Lakes with Wakesports Zone Depending on the Size of the "Distance from Shore" Offset

No.	Name	Total Acres	Acres 500 ft in with 20ft depth		No.	Name	Total Acres	Acres 600 ft in with 20ft depth
1	GROTON	435.4	50		1	SUNSET (BENSON)	205.1	55.9
2	IROQUOIS	247	53.3		2	SHADOW (GLOVER)	217.3	65.6
3	HORTONIA	500.9	57.8		3	PARKER	253.1	69
4	JOES (DANVLL)	405	64.2		4	PEACHAM	347.4	72.7
5	MILES	221.1	66.9		5	HOLLAND	329.1	73
6	SUNSET (BENSON)	205.1	74		6	FAIRLEE	461.8	73.9
7	MOLLYS FALLS	402.4	74.4		7	HARVEYS	357.2	101.5
8	SHADOW (GLOVER)	217.3	86.2		8	FAIRFIELD	463.3	127.5
9	PARKER	253.1	88.4		9	LITTLE AVERILL	470.2	232.3
10	PEACHAM	347.4	94.9		10	ISLAND	614.2	223.6
11	HOLLAND	329.1	104.5		11	MOREY	549.8	240.2
12	FAIRLEE	461.8	116.6		12	ECHO (CHARTN)	546.5	279.6
13	WATERBURY	869.2	59.4		13	SALEM	776.4	288.8
14	HARVEYS	357.2	136.4		14	DUNMORE	1039.6	290.9
15	FAIRFIELD	463.3	171		15	MAIDSTONE	755.8	346
16	LITTLE AVERILL	470.2	261.3		16	ST. CATHERINE	885.4	334
17	ISLAND	614.2	271		17	CRYSTAL (BARTON)	771.6	367
18	MOREY	549.8	285.2		18	GREAT AVERILL	835	387.5
19	ECHO (CHARTN)	546.5	315		19	CASPIAN	789.8	406.1
20	SALEM	776.4	318.3		20	CARMI	1415.2	731
21	DUNMORE	1039.6	330.5		21	WILLOUGHBY	1733.6	957.7
22	MAIDSTONE	755.8	402.6		22	SEYMOUR	1777.2	1047
23	ST. CATHERINE	885.4	405.5		23	HARRRIMAN	1949.4	357.2
24	CRYSTAL (BARTON)	771.6	420.5		24	BOMOSEEN	2415.1	Still TBD but >50
25	GREAT AVERILL	835	423.8		Lakes that fall out at 600 ft from shore			
26	CASPIAN	789.8	461.2		No.	Name	Total Acres	Acres 600 ft in with 20ft depth
27	CARMI	1415.2	755.2		1	GROTON	435.4	36.4
28	WILLOUGHBY	1733.6	1079.3		2	IROQUOIS	247	33.9
29	SEYMOUR	1777.2	1150		3	HORTONIA	500.9	38.2
30	HARRRIMAN	1949.4	535.5		4	JOES (DANVLL)	405	41.6
31	BOMOSEEN	2415.1	TBD but >50		5	MILES	221.1	48.6
					6	MOLLYS FALLS	402.4	33.7
					7	WATERBURY	869.2	30.5

Appendix Three: Original Rule Text Submitted to ICAR in June 2023

3.8 Wakesports

- a. Wakesports are prohibited on lakes, ponds, and reservoirs that do not have a defined wakesports zone as defined at Section 5.18 and listed in Appendix E.
 - b. A wakeboat shall only engage in wakesports within a wakesports zone. 10
 - c. A wakeboat must have one “home lake” for a given calendar year and display on the wakeboat’s port side bow a current Agency-issued decal identifying the wakeboat’s “home lake” for the calendar year. A wakeboat’s “home lake” is the only lake, pond, or reservoir at which that wakeboat will be used for the calendar year, except when the decontamination requirement of Section 3.8.d. has been satisfied. This subsection 3.8.c. applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wakesports zone listed in Appendix E.
 - d. Prior to entering a Vermont waterbody other than the wakeboat’s home lake, and prior to reentering the waters of the home lake after use of the wakeboat at any other waterbody, the wakeboat must be decontaminated at an Agency-approved decontamination service provider. 1 A wakeboat user may be requested to provide proof of decontamination at public access areas. This subsection 3.8.d. applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wakesports zone listed in Appendix E.
 - e. All provisions of 10 V.S.A. § 1454 regarding aquatic nuisance species inspection apply to wakeboats, and wakeboat users shall drain the ballast tanks of their boats to the fullest extent practicable after leaving waters of the state. This subsection 3.8.e. applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wakesports zone listed in Appendix E.
 - f. The above prohibition on wakesports (subsection 3.8.a.) may be modified on a case-by-case basis in response to petitions filed pursuant to 10 V.S.A. § 1424.
- 5.16 “Wakeboat” means a motorboat that has one or more ballast tanks, ballast bags or other similar devices used to enhance or increase the size of the motorboat’s wake.
- 5.17 “Wakesports” means: A. to operate a wakeboat with ballast tanks, bags, or similar devices engaged to enhance the boat’s wake or with someone riding the wake directly behind the boat; or B. to use a surfboard, wakeboard, hydrofoil, or similar device to ride on or in the wake directly behind a wakeboat with or without a rope.
- 5.18 “Wakesports zone” means an area of a waterbody that has a minimum of 50 contiguous acres that are at least 500 feet from shore on all sides and at least 20 feet deep located on a lake, pond, or reservoir on which, per Appendix A, vessels powered by internal combustion motors are allowed and may be used at speeds exceeding 5 miles per hour.