

Input to Legislative Committee on
Administrative Rules (LCAR) Hearing on
Vermont Use of Public Waters Rules,
02/01/2024

Mark Milazzo
Peacham Vermont
802 249 2244

markoantoniomt@yahoo.com

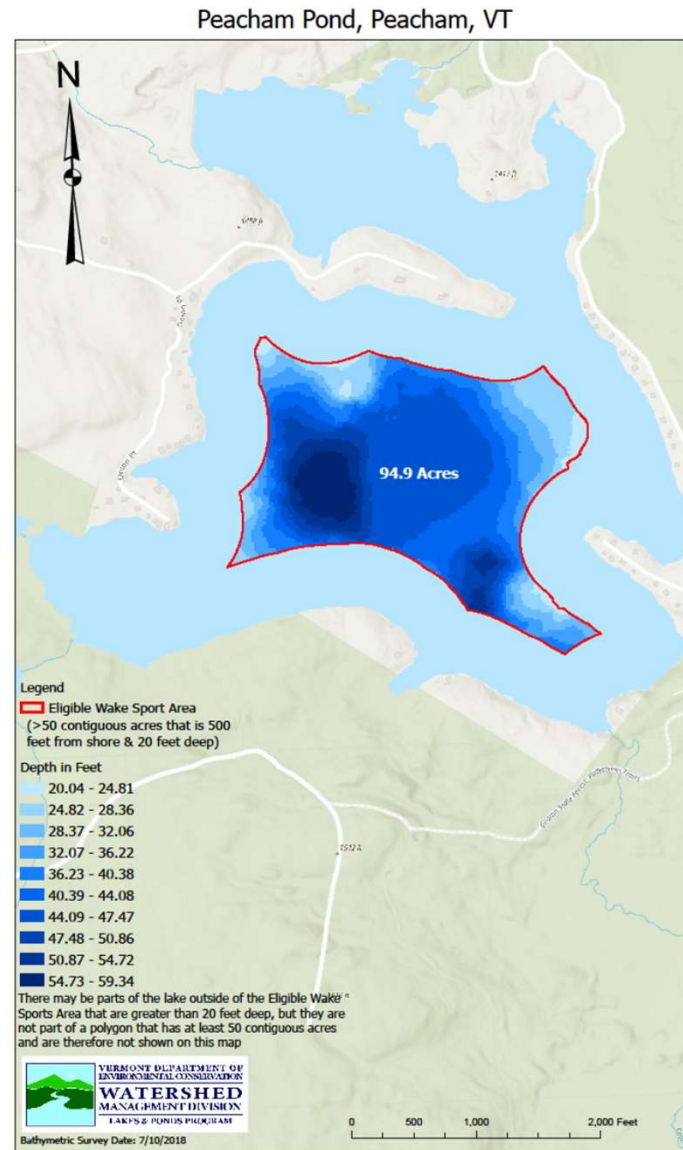
Mark Milazzo

- Born and raised in Vermont/ Resident of Peacham
- Live on Peacham Pond and have been coming here for over 47 years
- Both a paddler and a powerboat user
- Loon volunteer
- A member of the Peacham Pond Association

Peacham Pond Overview

- Size: 340 acres
- No aquatic invasive species, a status we are working hard to protect
- We have a part time greeter program (16 hours per week) at our state boat access
- For the last five summers we have averaged apx. 75% non-motorized boat launches vs 25% motorized. The majority of the motorized visits were fishing boats
- In 2023, we had 4 nesting pairs of loons that produced 4 chicks from 3 different nests. This was a first for the pond!

Peacham Pond Proposed Wake sports Zone (over 1/4 area of Peacham Pond)



Criteria ANR is required to consider

The Use of Public Waters (UPW) rules were developed to avoid and resolve conflicts and to protect normal or designated uses on all lakes, ponds, and reservoirs:

- Vermont's public waters are held in public trust for the benefit of all Vermonters and visitors
- The predominant use of the waters prior to regulation
- The public waters shall be managed so that the various uses may be enjoyed in a reasonable manner, considering safety and the best interests of both current and future generations of citizens of the State
- In evaluating normal recreational and other uses, the following uses shall be among those considered: fishing, swimming, boating, waterskiing, fish and wildlife habitat, wildlife observation, the enjoyment of aesthetic values, quiet solitude of the water body, and other water-based activities.

Note that wake surfing is not listed as a "normal use" in VT Use of Public Water Rules

Two studies support the 1000 ft buffer outline in the RWVL petition.

- The **Boat Wake Impact Analysis (2021), Lake Rabun and Lake Burton, Georgia**, performed by Water Environment Consultants of Mount Pleasant, SC. indicates that wave energy from wake surfing to be almost 6 times that of a cruising vessel at 500 ft
- The **Mercier-Blais S. and Prairie H., (2014) Univ. of Quebec** findings indicate: “in order to eliminate any additional impact on the shoreline caused by wake boat passages, we suggest that regulations limit the passage of wake boat type boats on lakes at least 300 m from the shores, with the aim of to avoid their erosion.”

The evidence is clear that 500ft is not enough

Wake wave energy impact on shoreline erosion compared to a cruising vessel (ft·lb/ force over a given distance)

Vessel Distance from Shore (ft)	Cruising	Wakeboard	Wakesurf	Percent Increase	
				Wakeboard	Wakesurf
100	2587	4346	17621	68%	581%
150	1964	3549	12948	81%	559%
200	1615	3073	10405	90%	544%
250	1387	2749	8782	98%	533%
300	1226	2509	7646	105%	524%
400	1008	2173	6144	116%	510%
500	866	1944	5186	124%	499%

Boat Wake Impact Analysis, Lake Rabun and Lake Burton, Georgia, 1/20/2021

ANR has not met their obligation under Vermont Use of Public Waters Rules Environmental Protection Rule Chapter 32

“to avoid, where possible, and resolve, when necessary, conflicts in the use of public waters in a comprehensive and integrated manner so that the various uses may be enjoyed in a reasonable manner, considering the best interests of both current and future generations of the citizens of the State and ensuring that natural resource values of the public waters are fully protected.”

Request ANR

- Increase distance to shore to 1000 ft
- The existing 200-foot rule should be modified to not allow wake surfing within 500 feet from a person, another water vessel in the water, or a diver down flag.
- Provide increased funding for enforcement
 - There are limited resources available today to enforce existing boating regulations. How will the State enforce “wake sport zones”?
 - Apx. 30% of our property owners on Peacham Pond have access to private boat launches which makes enforcement difficult

Are we willing to forever alter some VT Lakes and Ponds for the sake of a few users with very expensive boats?

- Vermont prides itself on being environmentally progressive state, but are we really? According to Vermont DEC's own website, Vermont ranked lowest in the northeast ecoregion, as well as in the nation, for degraded shallow water habitat. Wake boat use will only further degrade this habitat.
- The Peacham Pond Association support the 1000 ft distance outline in the RWVL petition

What do we value in Vermont?



Wake Boat Wake Disturbing Loon Nest Platform



Wake boat path 250 feet to left. Wake propagating to right.



Loon nest platform tipping to the point where an egg could roll into the water. Wake could also wash through the nest, cracking an egg or flushing it out of the nest.

Photos courtesy of KezarLake Watershed Association (Maine)