

LCAR REVIEW 25-P045 WAKESPORTS RULE

Presented by Lauren Woodard Splatt, Woodard Marine, Vermont Boating Safety Course Instructor, Fellow Boater and Paddler

Do these statewide thresholds meet the Agency's and LCAR's Statuary based in Science or Objective Principles, based on verifiable facts, consistent criteria, and measurable data

2024 RULE

- 50-acre Minimum Size Waterbody
- 500 ft from shore operation in wake mode
- 20 ft depth water minimum Depth/500ft from shore
- Petition Based Review
- 30 Lakes Eligible for Wake sports

NEW PROPOSAL

- Increase 50 acre to 100 Acre Size Waterbody
- 3,000 ft run length minimum wakezone
- 500 ft from shore
- PLUS & 500 ft from any object in wakezone
- 18 Lakes Eligible for Wake sports

KEY ISSUE

Science?
Objectivity?
Least restrictive?
Fact Driven?

1

SCIENCE vs GEOMETRY

QUESTION:
Least Restrictive Approach
or mapping choice?

100 acres Minimum Size Lakes

- "Lake acreage does not change wave formation..."
- There is no research or objective showing the need to increase from 50 acres to 100 acre size as a requirement for a wake zone

Wakezone Maps are being rounded by ANR to make the wakezone lines smoother, no dog bone effect, **this is not scientific nor objective**

Echo Lake example of Shape Normalizing:

- ANR notes 315.2 acre lake before shape normalizing
- → This becomes **298.6 acre Lake after ANR shape normalizing**

This is a **direct loss of 16.6 acres removed just from ANR decision to shape normalize**, and on some lakes this is the difference of eligibility and non eligibility

3

500 FT FROM ANY OBJECT inside the wakezone

The Question:

- The scientific basis for the 500-foot shoreline setback was based on wave behavior as waves approach shallow water near shore and how wave energy changes in that environment (which we all agree in this application) .
- However, that same science is now being applied as a linear assumption to open-water wave activity, which directly contradicts the science referenced in the 2024 report itself. That report specifically noted that the shoreline analysis was not intended to represent open-water setbacks or setbacks from other objects or users.

This does not reflect a least restrictive approach.

- The proposal expands Vermont's 200-foot operational setback standard directly to 500 feet without demonstrating why less restrictive alternatives
- There also appears to have been no controlled field testing performed to justify the 500-foot standard using consistent methodology, measurements, or repeatable testing conditions. The determination appears largely assumption-based.

2

3,000 FT RUN

QUESTION:
Least Restrictive Approach
or mapping choice?

ANR assumption: a Rider will ride for "3-minute ride" at 10–12 mph speed

- This is not factually reported in any riding materials, industry standard, or my professional experience
- Riders can go anywhere from 8mph to 12mph, depending on size of rider, age, weight, and there is no defined run at 3 minutes
- There is not set line of a straight line to do a wakesport, so linear 3,000 feet again is an assumption

Even using ANR's assumed average speed of 11 mph:

- 11 mph × 3 min run = 2,904 ft traveled — not 3,000 feet.
 - 8 mph × 3 min = 2,112 ft
 - 9 mph × 3 min = 2,376 ft
 - 10 mph × 3 min = 2,640 ft

None above equal 3,000 ft with a 3-minute run

And why not consider a 2-minute run?

- 8 mph × 2 min = 1,408 ft
- 10 mph × 2 min = 1,760 ft
- 11 mph × 2 min = 1,936 ft

Again, this 3,000 ft requirement does not reflect a least restrictive approach.

If shorter operational timeframes were considered, additional wake zones and more lakes could remain eligible under the rule.

500 FT FROM ANY OBJECT Contd

Why was no comparative on-water testing completed using the agency's own numerical assumptions at:

- 225 feet (550-foot buffer),
- 300 feet (600-foot buffer)
- or similar alternatives, before advancing directly to the most restrictive option of a 500-foot setback creating an effective 1,000-foot operational buffer zone?

Without testing less restrictive alternatives, this process raises serious questions regarding scientific objectivity and compliance with the requirement to use the least restrictive approach practicable.

LCAR REVIEW 25-P045 WAKESPORTS RULE

Presented by Lauren Woodard Splatt, Woodard Marine, Vermont Boating Safety Course Instructor, Fellow Boater and Paddler

5

BOATING EDUCATION FAILURE

2024 RULE still not integrated into:

- VT boating manual and handout
- Testing systems (both state and USCG federally)
- Instructor curriculum workbooks for classroom
- Statewide enforcement education

If the State has not yet fully implemented or educated boaters on the current regulations, how can it objectively justify expanding those same rules even further?

Before increasing restrictions, there should first be:

- updated boating safety manuals,
- updated certification testing,
- consistent public education, and
- measurable enforcement and compliance data from the existing rule.
- **Without those foundational steps**, expanding the regulation raises serious questions about whether the process is being driven by verified outcomes and informed compliance, rather than assumptions.

Regulation without education weakens enforcement.

7

ECONOMIC IMPACT

The Agency's own **ICAR / Secretary of State filing** to expand the 2024 rule, states that the economic analysis:

"is based on feedback from the public, **including boat dealers**, representatives of the tourism industry, lakefront property owners, and the general public."

The filing further concludes:

"Compliance with this proposed amendment will not impact small business."

However, Woodard Marine — a directly affected Vermont marine dealership that has attended all hearings, submitted testimony, and operated on the front lines of this issue since 2018 — was never contacted or consulted regarding economic impact data.

Because the Agency specifically states that boat dealers were consulted as part of the economic analysis, **I have requested multiple time for:**

- the names of the dealerships or businesses consulted,
- the economic reports or supporting data relied upon, and
- the methodology used to conclude that impacts are "negligible."

Our documented sales and operational data would directly contradict the conclusion that there is "no impact" or only "negligible" economic impact to Vermont small businesses and the marine industry.

6

PETITION DATA and Safety Concerns

11 Lakes petitioned immediately after the 2024 rules were set in place (3 additional were received in 24-25).

In the 11 petitions, it is directly stated within the petitions:

- **4 lakes** state = **NO wakeboats** have ever been on their lake, however they have safety concerns
- **1 lake** stated = **ONE wakeboat** has ever been on the lake in **2021 (vacationer)**, however safety was a concern
- **1 lake** stated = **VERY FEW wakeboats (1 or 2)** have ever been on the lake, however stated safety concern

PETITION FACTS

- **55% of the petitions noted no wakeboats ever or noted lack of established** wakeboat activity
- If this rule moves forward as written, **58% of the newly ineligible were lakes that NEVER petitioned**, and will be eliminated from offering wakesport zones

QUESTION: Is statewide expansion least restrictive when 55% of the petitions stated they have never had wakeboat activity on the lake

8

Municipal Regulation Section 3.7 and 4.3 = De Facto Ban

LOCAL / MUNICIPAL PROJECT CONCERN

- Eligible Lakes can be removed as wakesport eligible for "lake management activities"
- Section 4.3 includes "other good cause"

Section 3.7 and Section 4.3 create a pathway for lakes to be removed from wakesports eligibility through administrative discretion rather than formal rulemaking.

- No expiration date
- No limit on repeat projects
- No formal rulemaking review trigger
- Risk: temporary project = de facto ban
Reinstating or Re applying for projects and "other good cause" year after year on eligible lakes to make them ineligible

8

Final Note and Conclusion

I am not against regulation, safety measures, or environmental stewardship. As a lifelong Vermont boater and certified boating safety instructor since 2008, I support reasonable, science-based regulations that are clearly communicated, enforceable, and use the least restrictive approach practicable.

What also concerns me is the lack of visible consideration given to middle-ground solutions. Out of more than 1,500 public comments, many of us did not simply oppose regulation or fully support the proposal as written.

I personally submitted recommendations focused on compromise — improving education, clarifying terminology, and refining Sections 3.7 and 4.3 with objective safeguards while still allowing reasonable management tools. **These suggestions were constructive, least-restrictive wakezone solutions intended to work for both sides**, yet there appears to have been little acknowledgement or consideration of those recommendations in the final direction taken by ANR.

FINAL QUESTION TO LCAR

Does this record support statewide expansion as under 3 V.S.A. § 842(b)

Including whether the rule is factually supported, clearly enforceable, non-arbitrary, and represents the least restrictive approach practicable.

✓ Science-Supported ✓ Objective ✓ Enforceable ✓ Non Arbitrary
✓ Least Restrictive ✓ Fully Implemented ✓ Economically Reviewed