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TESTIMONY ON WAKE BOATS
SUBMITTED TO THE SENATE COMMITTEE ON NATURAL RESOURCES AND ENERGY
MAY 6, 2025

Pat Suozzi, President, Federation of Vermont Lakes and Ponds

The Federation of Vermont Lakes and Ponds is a volunteer coalition of lake associations and individuals. From its inception in 1972 as an organization of lake associations in northern VT to its evolution into a statewide organization in 2001, the Federation has been dedicated to fostering water quality standards and preserving Vermont lakes, ponds, watersheds, and aquatic ecosystems.

I want to begin my remarks by telling you a little about aquatic invasive species. The spread of AIS is a serious threat to the state's waters. Aquatic invasive species (AIS) disrupt the native ecosystem, can impede recreational uses of waterbodies, and if allowed to grow completely out of control can begin to reduce native fauna and flora.

Our two biggest concerns for inland lakes are zebra mussels and Eurasian watermilfoil.

Zebra mussels are not yet widespread in inland lakes. Up until recently, only Lake Bomoseen was infested. However, just a few months ago zebra mussels were confirmed to have spread from the Canadian side of Lake Memphremagog to the Vermont side. With Lake Memphremagog just a few miles from some of the state's most pristine lakes, this is a real concern. Making this development even more alarming is a recent research study from the University of Minnesota showing that the presence of zebra mussels is correlated with higher levels of mercury in fish in the lakes studied. While further research is needed, this is all the more reason to take extra precautions wherever possible to reduce the risk of spreading zebra mussels any further.

Eurasian watermilfoil, on the other hand, is already infesting many inland lakes and it is spreading. Less than three years ago, Lake Eden discovered a milfoil infestation, and this past August Joe's Pond was added to the list. Milfoil is a hardy plant that easily outcompetes native aquatic vegetation. It tolerates a wide temperature range and grows quickly early in the season, preventing slower growing native species from flourishing. Because milfoil forms such dense stands, it also

reduces spawning grounds for native fish. And it can grow in depths up to 14 or more feet but it has been found in even deeper waters – up to 30 feet.

Milfoil easily propagates from both seeds that it sets late in the summer and from fragments. Since it is quite a brittle plant, it is easily fragmented by boats, swimmers, or even wind and can quickly turn a very small infestation into a large one in less than a season or two.

Humans moving boats and other aquatic gear from lake to lake is the primary way that aquatic invasives spread.

So why am I talking about aquatic invasives when we are here to talk to about wake boats and wake sports?

The reason is that wake boats are not like other boats.

When a wake boat moves into wake sports mode, it fills its ballast tanks in that lake. If that lake is infested with milfoil, fragments can be drawn into those tanks or if zebra mussels are present, their larvae can be drawn into the ballast tanks. Before that boat leaves the lake, it empties its tanks.

However, not all the water can be drained, so a wake boat will carry small amounts of water from one lake into the next one it enters.

Among the things that make invasives such a problem is their hardiness. Zebra mussel larvae and fragments of milfoil can remain viable in small amounts of water within a ballast tank for many days, even weeks. When a wake boat that has been in infested waters then moves to another lake, it will once again fill its ballast tanks. Before leaving, it empties those tanks into that second lake. If that boat came from say Lake Bomoseen - which is infested with both zebra mussels and milfoil - and then goes on to Caspian, which right now is invasive free, and before leaving, empties its tanks, Caspian could well become yet another infested lake.

Unlike other types of boats, visual inspection of these ballast tanks is not possible, and because of the nature of ballast tanks, it is very difficult to properly decontaminate them. Those few lake associations that have been able to raise enough money to purchase a boat washer do not have the amount of water necessary to fully flush wake boat ballast tanks. Greeter stations are set up at the Fish & Wildlife public accesses where neither power nor an adequate clean water source is available. These greeter programs usually have water trucked in and stored in tanks. Proper decontamination requires a great deal of water at the proper temperature plus it takes time to fill,

and flush the tanks properly. None of the existing boat washers at greeter programs have large enough tanks to manage this type of decontamination.

Allowing wake boats to move from lake to lake without any way to determine if they are properly decontaminated poses a real risk of aquatic invasive spread. The chances of any one wake boat carrying an invasive are much greater than the chances for one other type of boat to doing so, because of the size and number of ballast tanks (some can have 5 or more) on each boat and the difficulty of properly cleaning them. While these boats still comprise a small percentage of the boats moving around the state, it only takes one.

For our Lake Association members this is a critical problem. Once a lake is infested, the burden and the cost of eradicating - if possible - but more likely controlling and managing an infestation fall primarily to the volunteer lake associations. Agency of Natural Resources (ANR) staff provide technical expertise and data as well as adjudication of permits but the vast bulk of the work is on the shoulders of the volunteer associations. The State provides a tiny amount of funding under the Grant-In-Aid program and there are some other small grants available but the burden of accessing and managing those grants, along with raising the rest of the money required, creating lake management and pesticide minimization plans, navigating the permitting process, and carrying out the actual projects all fall to volunteer associations. These volunteers must do outreach and education for the local communities and all lake users about best practices to avoid spreading the infestation or carrying it to other waterbodies. Plus they must manage all of the public relations around implementing control programs which can be especially difficult and acrimonious if the use of aquatic herbicide is proposed. The costs alone to manage a milfoil infestation, not counting all the hundreds of volunteer hours donated, can amount to $50K to $100K per year and once infested, this work and these costs continue every in perpetuity.

This is on top of all the other work that lake associations already do including managing greeter programs, water sampling programs, cyanobacteria monitoring, working with property owners to develop lake friendly landscaping practices, working on reducing runoff and sediment into the lakes, and developing and implementing watershed action plans.

Volunteer lake associations undertake this work because we believe that it is the duty and responsibility of all to protect our environment and our precious natural resources.

I am relating this not to complain but to point out that our concern about allowing any activity that presents yet another risk to the further spread aquatic invasives is not trivial.

We already have the home lake provision of the wake sports rule that is specifically meant to reduce the risk of invasive spread. Yet ANR did not implement it last year after the rule was approved by LCAR and they have now announced that they will not implement it again this year.

Since there is no way to guarantee that wake boats are not carrying AIS, we strongly recommend that all wake boats be required to observe the home lake rule by remaining on one and only one lake for the entire 2025 season. The Federation is ready and willing to work with the lake associations that currently permit wake sports and with ANR to gather the necessary information to make this work.

In addition, we urge this body to clarify that the intent of 10 VSA 1454(c) is to prevent the spread of aquatic invasives by ensuring that boats that do not comply with the necessary inspections and decontamination shall not enter the waters of the state. We believe that this is implied by the wording of the current statute, though it could be made clearer.

We also would ask that this body clarify with ANR that it is allowable for greeters to explain this to boaters and request that they comply with inspection and/or decontamination when deemed necessary and, if they do not comply, then greeters should tell the boater not to enter the water. We feel that this clarification is necessary to ensure that wake boats, especially, as well as other boats not in compliance do not carry invasives into non-infested lakes.

Finally, I would like to mention that at least 10 lakes have petitioned ANR to remove them from the list of lakes that permit wake sports. Some of these petitions have been awaiting response from the Agency for over a year. While public hearings were held on them in December there has been no movement since. Meanwhile, these lakes, many of them the most pristine and invasive free in the state, are faced with the risk that a wake boat will infest one of these lakes this summer.

These efforts cannot ensure that no aquatic invasives will be spread. The Fish & Wildlife public accesses are open 24/7, so it is not possible to have greeters on duty around the clock. Therefore, boats can – and do – enter lakes without being inspected or cleaned. However, our goal is to reduce the risk of invasive transfer to the greatest extent possible.

The Federation remains dedicated to continuing to work with lake associations, lake users, and communities to build stronger and more robust aquatic invasive species prevention programs and to continue to work with ANR to fully implement the wake sports rule as well as to develop better methods of detecting and eradicating new invasive infestations before they can spread.

In a time of climate change and the prospect of many environmental laws and regulations being rolled back or rescinded, it is more important than ever to prioritize the health of the state's public freshwater resources. And this means doing everything possible to ensure that no more lakes are infested with aquatic invasives, that shorelines are protected from erosion, and that the aquatic habitat remains healthy. To do this, existing rules should be fully implemented and enforced, even as the work continues to develop better methods and regulations to halt the spread of invasives.

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ADDITIONAL INFORMATION

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Increased mercury concentrations in walleye and yellow perch in lakes invaded by zebra mussels Naomi S. Blinick, et al.
University of Minnesota
https://www.sciencedirect.com/science/article/pii/S0048969724076721?via%3Dihub

The effect of an aquatic invasive species (Eurasian watermilfoil) on lakefront property values Congwen Zhang ∗, Kevin J. Boyle
Virginia Tech Uiversity
https://eaglelake1.org/envirnonmental_issues/invasive_species/aquatic/milfoil/Zhang%20and%20Boyle%20EE%202010.pdf

FOVLAP White Paper on the Use of ProcellaCOR to Control Eurasian Watermilfoil:
https://vermontlakes.org/wp-content/uploads/2023/11/FOVLAP-The-Case-For-ProcellaCOR.pdf

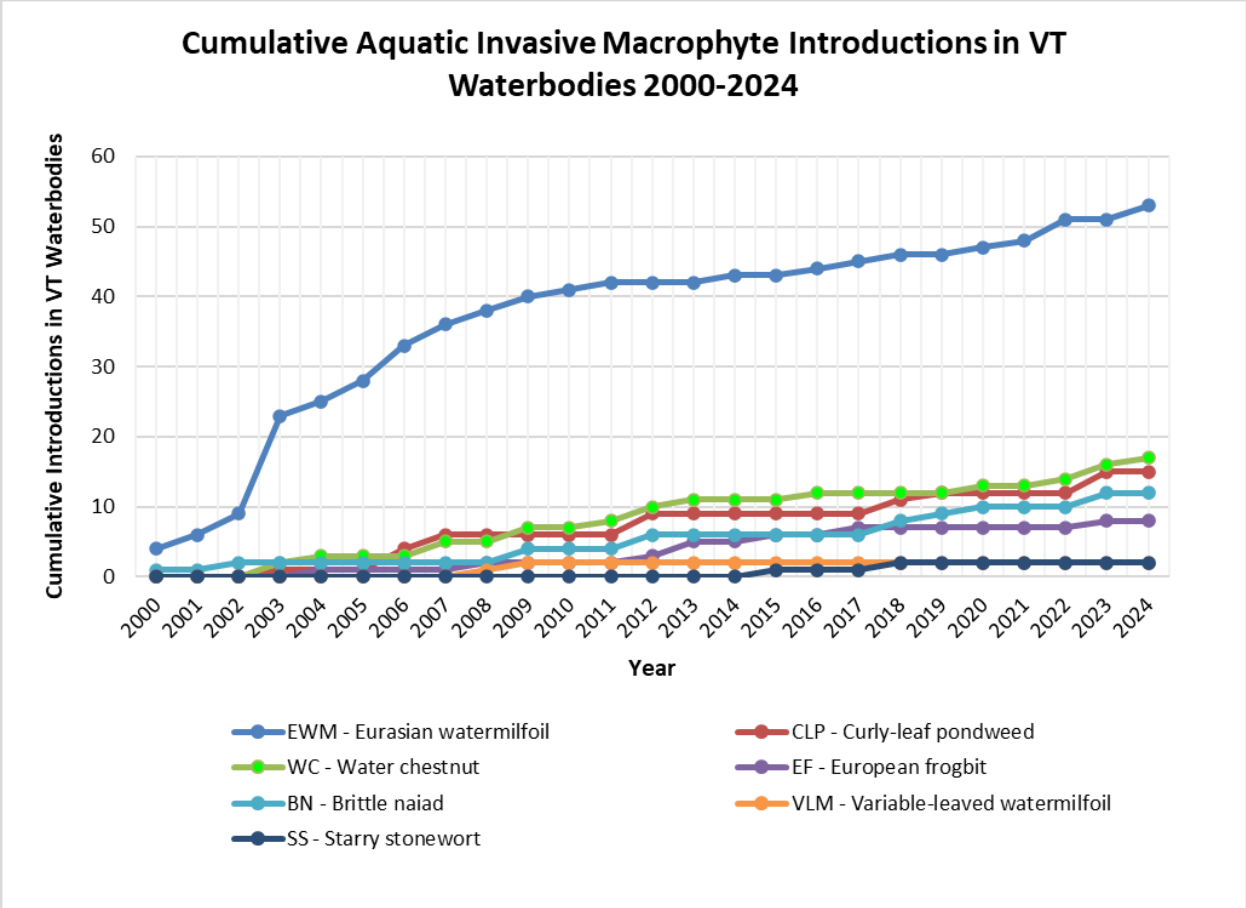
FOVLAP Statement On The Proposed Wake Boat Rule: https://vermontlakes.org/policy-statements/

10 VSA § 1454

Transport of aquatic plants and aquatic nuisance species

…(c) No-cost boat wash; aquatic nuisance species inspection station. It shall be a violation of this section for a person transporting a vessel to or from a water to not have the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment inspected and decontaminated at an approved aquatic nuisance species inspection station prior to launching the vessel and upon leaving a water if:

> (1) an aquatic nuisance species inspection station is maintained at the area where the vessel is entering or leaving the water;
>
> (2) the aquatic nuisance species inspection station is open; and
>
> (3) an individual operating the aquatic nuisance species inspection station identifies the vessel for inspection or decontamination….


Cumulative Aquatic Invasive Macrophyte Introductions in VT Waterbodies 2000-2024
Cumulative Introductions in VT Waterbodies
60
50
40
30
20
10
0
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
Year
EWM - Eurasian watermilfoil
CLP - Curly-leaf pondweed
WC - Water chestnut
EF - European frogbit
BN - Brittle naiad
VLM - Variable-leaved watermilfoil
SS - Starry stonewort