

My name is Steve Sease, and I am a resident of Montpelier. I have been a dedicated paddler for more than 55 years, with a great deal of experience in canoes and kayaks.

This submission outlines why I think wake sports should be disallowed on Vermont Lakes. In my testimony, I plan to focus on safety issues.

I am addressing wake sports, which is the practice of surfing on large waves behind a boat, rather than the wake boats themselves, since the boats can operate in conventional boat mode without producing large, damaging, and dangerous waves. The waves created by wake sports are the issue, since waves of five feet and more are considered desirable. Waves this big are completely unnatural on Vermont lakes, particularly on otherwise sunny, pleasant, days, when many small boaters and swimmers would like to enjoy a pleasant outing.

I am an Individual paddler. I do not own a lakeside camp, but in 55 years I have paddled with my wife and friends on many of the lakes that will experience wake sports under the present rule.

As a 'cartopper," its fun to travel to different lakes in order to see new places. I think this is true for the thousands of paddlers of small roof top kayaks and canoes that have become pervasive on Vermont lakes, as well as small sailboats and fishing boats on trailers.

I believe that wake sports should not be permitted on Vermont lakes of jurisdiction because the issues and conflicts arising from wake sports are so problematic and dangerous for other users and the environment that there is no way to accommodate the practice.

#### Boater safety

Safety of users of surface waters, including boaters and swimmers, is a paramount legislative concern (10 VSA § 142) when considering the use of surface waters. As a canoeist and kayaker, I believe that safety is a major reason for prohibiting wake sports.

Current surface water statutes require boats to avoid creating a wake within 200 feet of other boats and swimmers. The ANR's present rule does not change that standard. However ANR's rule imposes a 500 foot operating distance from shore in order to protect shorelines. This is a glaring inconsistency. It seems only reasonable to conclude that if more than 200 feet is required to protect shorelines, then something much greater than 200 feet must be imposed to protect a vulnerable swimmer or boater in the water.

Hundreds of people commented during the ANR's rulemaking process on safety. The vast majority of almost 800 responders requested more stringent

regulation than 500 feet. The Agency ignored this public response, which included testimony from many expert paddlers.

In addressing safety, the Agency noted that it had no expertise on safety and instead deferred to existing law, saying: "Vermont statute 23 V.S.A. § 3311 states that: (c)(1): An individual shall not operate any vessel, seaplane, racing shell, or rowing scull, except a sailboard or a police or emergency vessel, within 200 feet of the shoreline; an individual in the water; a canoe, rowboat, or other vessel; an anchored or moored vessel containing any individual; or anchorages or docks, except at a speed of less than five miles per hour that does not create a wake."

I consider myself an expert paddler. (Although by no means the best!) I am sure that if I were in my canoe and encountered a boat producing 5' waves, I would capsize. I do not believe that 500 feet is a sufficient distance for swimmer and boater safety and 200' is a recipe for disaster. Capsizing in the middle of a large lake with a long swim to shore would be life-threatening, to say the least.

Because the Agency is relying on an inadequate statute, it seems obvious that a legislative solution is required to achieve boater safety, and wake sports should be disallowed for this and host of other reasons.

#### Environmental impacts

The environmental impacts of wake sports are extensive and completely out of scale compared to conventional boating. Lake shore erosion; property damage; shoreline and aquatic habitat destruction; disturbance of lake bottoms; and conveyance of invasive species in ballast tanks have been well documented. Loons, which nest on shore near the waterline, are a notable species particularly at risk from wake sports. These impacts individually and cumulatively support prohibition of wake sports.

#### Normal use

Wake sports are by no means a normal use on Vermont lakes, as the practice did not exist in 1993.

No one dreamed that a new type of boat would be designed with ballast tanks and a new hull configuration to sink deep in the water in order to create large waves. Nor did anyone imagine wakeboarding, or wake sports, someone riding a 5 foot wave on a surfboard, with or without a tow rope.

#### Exclusionary impacts

Wake sports have an exclusionary effect, pushing traditional users off the water, As a canoeist, I do not want to paddle on a lake where wake sports are occurring. The waves, noise, danger and disruption are

simply no fun for other paddlers, swimmers, and small boat operators. As a “car topper,” I don’t want to drive any distance to a “wake sports lake” on the chance that wake sports might be occurring there.

### Economic Impact

Economic impact of wake sports could be profound. Concerning boater and swimmer safety, what will be the effect on childrens’ summer camps as campers attempt to learn swimming, canoeing, small boating and other aquatic activities? Will any parent want their child to attend a camp where giant waves could wash over a novice?

The effects on tourism may also be extreme. At the moment, small boat use on Vermont lakes is enjoyed by thousands, and appears in numerous advertising brochures and promotional activities. How will tourists, planning peaceful kayaking or canoeing or sail boating on a lovely Vermont lake react, confronted with waves generated by wake sports? No one wants to paddle in survival mode on a Vermont lake. Will small boat lake use and tourism fall off as a result? Will Grand Lists suffer? The answers seem obviously yes.

### Noise

Wake boat manufacturers brag in their literature about the size and numbers of the speakers on their craft so that the surfer and passengers can enjoy loud music. Apparently wake surfing is best enjoyed with loud music as an accompaniment. Heavy metal, anyone? The Beach Boys? And big noisy engines are necessary to push deeply laden hulls through the water to produce big waves.

The intrusion of big speakers and big engines blaring over the water is an unmistakable attribute of wake sports, to the detriment of solitude, contemplation, enjoyment of nature, aesthetics, or the peacefulness of a lakeside camp

### Conclusion

Surface use of some of Vermont’s larger and most iconic lakes is existentially threatened by the cumulative effects of wake sports activity. The appropriate legislative response to wake sports is to prohibit the activity on all lakes where Vermont has jurisdiction.