

May 16, 2024

To: Peter LaFlamme  
Director, Watershed Management Division  
Vermont Department of Environmental Conservation  
Davis Building — 3rd Floor  
One National Life Drive  
Montpelier, Vermont 056520-3522

Re: Petition Regarding Wakesports on Waterbury Reservoir

Dear Director LaFlamme,

Attached is a petition submitted by the Friends of Waterbury Reservoir (FWR) seeking an amendment to the Vermont Use of Public Waters Rules that would prohibit wakesports on Waterbury Reservoir. The recently adopted statewide rule leaves the Reservoir eligible for this activity, which FWR believes would dangerously conflict with longstanding traditional, normal uses enjoyed on this unique body of water.

After you have had a chance to review this petition and accompanying materials, we would welcome the opportunity to address any concerns you may have about the completeness of our submission. Otherwise, we look forward to working through the rulemaking process with you and others within the Department of Environmental Conservation.

While we understand that the Department intends to process this and other individual lake petitions in time for the 2025 Vermont boating season, we hope that you will consider dealing with our request on an expedited basis because of the acute nature of the dangers presented by Wakesports to other users of Waterbury Reservoir. In addition, we understand that the Home Lake provisions of the newly adopted statewide Wakesports rule will not be implemented for the current boating season. Because all wake boats using Waterbury Reservoir are trailered in, this delay will expose it to a high risk of further exposure to aquatic invasive species until the decontamination requirements are enforced — presumably for the 2025 season. For these two reasons, we urge the Department to declare an immediate one-year moratorium on Wakesports on Waterbury Reservoir to allow time for full review and action on the attached petition. Such emergency action is expressly contemplated by Vermont's Use of Public Waters Rule 2.1, which recognizes that "public safety or emergency situations" may require expedited treatment.

Finally, we have discussed with you the Reservoir's fluctuating water level, which results in the designated wakesports zone being below the 50-acre minimum from time to time. We look forward to continued dialogue with the Department on this important issue and its possible resolution that would allow us to withdraw our petition.

Very Truly Yours,



Friends of Waterbury Reservoir, by D. R. Eric Chittenden, President

P.O. Box 341, 3865 Waterbury-Stowe Road, Waterbury Center, VT 05677  
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cc:

Julie Moore, Secretary, Vermont Agency of Natural Resources  
Jason Batchelder, Commissioner, Vermont Department of Environmental Conservation  
Bethany Sargent, Deputy Director, Watershed Management Division  
Sgt. Jacob Metayer, Vermont Department of Public Safety, Marine Division  
Town Clerk, Town of Waterbury, Waterbury VT  
Town Clerk, Town of Stowe, Stowe VT  
Town of Waterbury Planning Commission  
Town of Stowe Planning Commission  
Central Vermont Planning Commission  
Lamoille County Planning Commission

## FRIENDS OF WATERBURY RESERVOIR

Re: Petition to Amend the Vermont Use of Public Waters Rules

as Filed on May 16, 2024, with  
Peter LaFlamme, Director, Watershed Management Division  
Vermont Department of Environmental Conservation

### CERTIFICATE OF SERVICE

I, Eric Chittenden, the undersigned, do hereby certify that the persons and entities listed below have been duly served with a copy of the above-referenced Petition and attachments, either by U.S. mail or electronic means, on May 15, 2024, as required by Section 16 of the Vermont Natural Resources Board Rules of Procedure:

- Julie Moore, Secretary, Vermont Agency of Natural Resources [julie.moore@vermont.gov](mailto:julie.moore@vermont.gov)
- Jason Batchelder, Commissioner, Vermont Department of Environmental Conservation [jason.batchelder@vermont.gov](mailto:jason.batchelder@vermont.gov)
- Sgt. Jacob Metayer, Vermont Department of Public Safety, Marine Division  
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- Bethany Sargent, Deputy Director Watershed Management Div., [bethany.sargent@vermont.gov](mailto:bethany.sargent@vermont.gov)
- Waterbury Planning Commission, [nleitner@waterburyvt.com](mailto:nleitner@waterburyvt.com);
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05/16/2024

Friends of Waterbury Reservoir, Petitioner  
by: D.R. Eric Chittenden, President

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# **Friends of Waterbury Reservoir**

**Petition to the Vermont Department of Environmental Conservation**

**May 16, 2024**



*Aerial View of the Waterbury Reservoir - Photography Courtesy of Tyler Keefe*

## **Wakesports Petition Filed by Friends of Waterbury Reservoir as Allowed by 10 VSA § 1424(e)**

The Friends of Waterbury Reservoir (or Petitioner) hereby petitions the Vermont Department of Environmental Conservation (DEC), a department within the Vermont Agency of Natural Resources (ANR), to exercise rulemaking authority in accordance with 10 VSA § 1424(e) to prohibit Wakesports on Waterbury Reservoir located in the Towns of Waterbury and Stowe, Washington and Lamoille Counties, Vermont.



***Autumn Paddle on the Ecologically Sensitive Upper Area of the North Arm of the Waterbury Reservoir - Photography by Sheila Goss***

### **Contact Information**

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## **Statutory Authority**

This petition is submitted in accordance with 10 VSA § 1424(e) and seeks to add a provision to Appendix A of the Vermont Use of Public Waters Rules (UPW) to prohibit Wakesports on Waterbury Reservoir, located in the Town of Waterbury. As required, the contents of this petition are in accordance with the Rules of Procedure formerly applicable to petitions filed with the Vermont Natural Resources Board. Those rules, together with the above-referenced statute, provide that the requested rulemaking be undertaken in accordance with the Vermont Administrative Procedures Act (3 VSA §800 et seq.).

## **Petitioner**

The Friends of Waterbury Reservoir (FWR) was founded in 1994 as a grassroots organization to address conflicts between motorboats and quiet users on Waterbury Reservoir. Its initial petition to the Vermont Water Resources Board led to the current “zoning,” which has worked well to balance the varied uses on the Reservoir over the past 30 years. Since its founding, FWR has evolved into a 501(c)(3) nonprofit corporation, representing a broad coalition of campers, anglers, local residents, motorboaters, water skiers, paddlers, and swimmers — all passionately dedicated to the ongoing stewardship and conservation of the reservoir and its surrounding wildlife habitat. The organization now partners with the Vermont Department of Forests, Parks & Recreation (FPR) to promote responsible use, to mitigate environmental degradation, and to balance the interests of the many and varied user groups that rely on the continued availability of this beautiful body of water. Over the years FWR has enjoyed wide financial and in-kind support from Green Mountain Power (including being given the coveted Zetterstrom Award for significant environmental work on behalf of the Reservoir), Concept2, Lawson’s Finest, Northfield Savings Bank, the Alchemist, and many individual donors and employer matches from donations made by their employees. In recent years, the stewardship challenges have increased significantly as Waterbury Reservoir has experienced tremendous growth in popularity with all user groups.

The Friends of Waterbury Reservoir is now compelled to respond to threats presented by the conduct of Wakesports on the Reservoir: threats to human safety, threats to the wilderness-like camping opportunities, and threats to the hard won, carefully balanced variety of recreational activities. These threats are by far the most serious faced in the 61 years of recreational use on the reservoir.



*Loon Turning Recently Laid Loon Egg - Photography by Sheila Goss*

## Nature and Purpose

The Petitioners, together with those individuals and entities who have submitted the attached letters of support, believe that Wakesports dangerously conflict with long established normal uses on Waterbury Reservoir, create serious risks to the health and safety of such users, and interfere with the use and enjoyment of the several remote, wilderness-like campsites maintained by the Little River State Park.

## Draft of Proposed Rule

Petitioner requests that Appendix A of Vermont's Use of Public Waters Rules be amended by adopting, under Waterbury Reservoir, a new rule, as follows:

*"f. Wakesports are prohibited."*

## The Proposed Rule is Consistent With Existing Laws

- A. Vermont Use of Public Waters Rules. The rule sought by this Petition is not only consistent with the UPW but is necessary to give effect to important matters of public policy embodied in those rules. The overriding values, expressed in Section 1, are the protection of "normal uses" and the resolution of conflicts "in a comprehensive . . . manner so that various uses may be enjoyed in a reasonable manner." UPW 1.1(a), (b). Normal uses are defined as those that "occurred on a regular, frequent, and consistent basis prior to January 1, 1993." UPW 5.6. Notably, reasonable enjoyment includes the important consideration of *safety*. UPW 2.2 (b). In addition, the UPW requires that bodies of water providing wilderness-like recreational experiences "be managed to protect and enhance the continued availability of such experiences." UPW 2.10.
- B. Vermont Statutes. Many Vermont statutes demonstrate a strong commitment to the protection of the water quality of its lakes and ponds. Prominent examples include laws implementing water pollution control (10 VSA § 1250 et seq.); protecting navigable waters and shorelands (10 VSA § 1421 et. seq. and § 1441 et. seq.); and controlling the further spread of aquatic invasive species (10 VSA § 14514 et. seq.). Given the well documented negative impacts of wake boats on water quality and shoreland ecologies, the proposed rules would be fully consistent with these laws and serve to further protect the natural resources of Waterbury Reservoir.

## History

### A. Creation of the Reservoir.

In response to the devastating flood of 1927, the Civilian Conservation Corps and the Army Corps of Engineers together constructed a flood control dam on the Little River in Waterbury and Stowe. The dam was completed in 1938 and created a reservoir over six miles long and approximately 860 acres in size. It serves both to protect those downstream from devastating flooding and as a source of hydroelectric power managed by Green Mountain Power. Beginning in 1962 recreation was added to the official list of protected uses and became operational in 1963. Since then, Waterbury Reservoir has become an important, much used destination for water-based recreational activities including swimming, fishing, wildlife observation, primitive camping, paddling, small boat sailing, and motorboating. Its great popularity is due in part to being surrounded by thousands of acres of State-owned land and the complete absence of private waterfront development. That, together with its unusual shape consisting of three separate relatively narrow arms — one of which is reserved as a "no-wake" zone for paddlers and

other quiet users — has led to the Reservoir becoming a very popular recreational resource largely protected from wind and natural waves. It is now home to two heavily visited state parks: Waterbury Center State Park which is primarily a day-use area with a beach, boat launch, and picnic facilities and Little River State Park which offers a full range of services. It is estimated that over 120,000 people visit the Reservoir each year, whether at one of the state parks or to put in at one of the remote access points to paddle, fish, waterski, or otherwise enjoy its many wonders.

#### B. Mt. Mansfield State Forest.

Waterbury Reservoir is surrounded by the nearly 40,000-acre Mt. Mansfield State Forest, which greatly contributes to its appeal. The Forest's 2002 Long-Range Management Plan, as prepared by the Vermont Agency of Natural Resources (ANR) and Department of Forest, Parks, and Recreation (FPR) establishes several important management values applicable to the Reservoir. The mission statements that guided the development of the plan include ANR's ("to protect, sustain, and enhance Vermont's natural resources for the benefit of this and future generations"), DEC's (to "protect human health"), and FPR's ("to practice and encourage high quality stewardship of Vermont's environment by... providing and promoting opportunities for *compatible* outdoor recreation"). **(See Exhibits A,B,C)**

#### C. Little River State Park.

Little River State Park is a key component of the culture of Waterbury Reservoir. Established in 1962, it is home to central Vermont's largest and most popular campground. Situated on the western shore, it offers a full array of water sports, hiking and bicycling on an extensive trail network, wildlife viewing, and camping. Vermont's Department of Forests Parks & Recreation proudly promotes the availability of 27 remote, water-access campsites spread around the Reservoir that offer "a very unique, peaceful, and primitive experience." The FPR website states that "[c]amping at the . . . remote sites is a real backcountry adventure! . . . You will be far from other people and resources, surrounded by a beautiful wilderness." **(See Exhibits D,E)**

#### D. History of Regulation.

Not surprisingly, the wide variety of recreational uses have led to certain conflicts over the years, and there have been at least four prior petitions seeking changes to Vermont's Use of Public Waters Rules applicable to Waterbury Reservoir. The initial UPW rules regulating its use were adopted in 1989 and established the 5 mph no-wake zones in portions of the northern and eastern arms and designated two locations for water ski slalom courses. A petition filed in 1993 sought a 7.5 horsepower limitation for the entire reservoir, and a prohibition on the use of seaplanes. It was denied. A 1996 petition led to enlargement of the two no-wake zones, and revisions to the water ski provisions. Finally, the water ski course provisions were further adjusted in response to a petition filed in 2002.

While these earlier petitions demonstrate a collaborative approach and extensive public discourse, of particular relevance to the current petition are the standards applied in their resolution. For example, in its 1994 ruling, the Vermont Water Resources Board stated:

(T)he Reservoir, like Vermont's public waters, should be managed to provide for multiple uses, and that to the extent possible all *normal* uses need to be accommodated in a fair and equitable manner. However, not all uses are alike in their impact on the public waters they use or on others seeking to use the same resources in a different way. Accordingly, multiple use does not always mean no regulation of any use and may in fact require regulation to insure that one use does not substantially



diminish or preclude another use. Clearly, at some level of intensity, many recreational uses have the potential to seriously diminish or even preclude other uses. This does not mean that all Vermont lakes that accommodate a wide diversity of uses, such as the Reservoir, need to be regulated to allocate their use exclusively to one recreational use or another. However, it may mean that some lakes which, like the Reservoir, are under significant pressure to serve the regional needs of a variety of diverse and conflicting uses may need to be regulated to insure that all *normal* uses are reasonably available.

In its 1997 Ruling, the Water Resources Board observed:

Relative to most other areas of the State, central Vermont has a relatively limited number of lakes of any appreciable size. The Reservoir is by far the largest body of water available for recreational use in this region of Vermont. The Reservoir's undeveloped shoreline further enhances its attraction for most recreational uses.

The Reservoir needs to be viewed as a “commons” and managed so that no one use is conducted in such a manner that it displaces or substantially diminishes other *normal* uses.

And in its 2003 Ruling, the Board noted that:

Under 10 V.S.A. §1424(c), “the Board shall attempt to manage public waters so that various uses may be enjoyed in a reasonable manner, in the best interests of all the citizens of the state.”

#### E. The Challenge.

Under Vermont’s recently adopted Wakesports rule, Waterbury Reservoir has an eligible Wakesports zone of approximately 56 acres located in its Dam arm, as shown on the attached map. **(See Exhibit F)** The conduct of Wakesports and the use of wake boats on the Reservoir — with their enhanced, ocean-sized wakes — has a profoundly negative impact on paddlers, anglers, remote campers, and other long-standing users engaged in normal recreational activities. As the Water Resources Board consistently recognized, not all uses may be accommodated on a particular body of water because some will “seriously diminish or even preclude other uses.”



***Adaptive Sports Opportunities Regularly Avail Themselves of the Waterbury Reservoir-Photography Green Mountain Adaptive Sports***

### **Narrative Summary**

The recently concluded ANR rulemaking responding to the rapid growth of Wakesports in Vermont resulted in a new UPW Rule 3.8, "Wakesports," that limits the operation of Wake Boats while in Wakesports mode on Vermont's inland lakes to at least 500 feet from shore and in water at least 20 feet deep, provided the area on a given lake meeting those two criteria is at least 50 acres. In addition, the Rule seeks to mitigate the spread of aquatic invasive species by requiring Vermont registered Wake Boats to declare a "Home Lake," and to undergo decontamination of their ballast tanks at a state-certified facility prior to launching in another body of water within Vermont.

This new Rule results in Waterbury Reservoir being eligible for Wakesports within a Wakesports Zone of 56 acres. Petitioner and those who support this Petition believe that such use:

1. Irreconcilably and dangerously conflicts with the long-standing normal uses of Waterbury Reservoir for paddling, fishing, swimming, and wildlife observation. (UPW, § 2.2(b), § 2.6(a))
2. Directly contravenes the UPW requirement that the State of Vermont manage "water bodies which currently provide wilderness-like recreational experiences . . . to protect and enhance the continued availability of such experiences." (UPW, § 2.10)

These arguments are addressed in detail below:



*Loon Swimming in the Early Morning Mist at the Waterbury Reservoir – Photography Sheila Goss*

### **Wakesports on Waterbury Reservoir Irreconcilably Conflict with Long-Standing "Normal" Uses, Primarily Paddle Sports, and Create Dangerous Conditions for Many**

It is estimated that over 20,000 people visit Waterbury Reservoir each year to paddle a canoe, kayak, or paddle board. Although there is a small launch area in the northern arm for car-top craft, most put their boats in the water at the Blush Hill boat ramp, at the Dam, or at one of the State parks with a plan to visit the northern arm's 5 m.p.h. no-wake zone. The configuration of the reservoir is ideal for such activity, with its relatively narrow arms providing a degree of protection from prevailing winds. But that configuration also contributes to the conflict between wakesports and non-motorized users. The narrow eligible wakesports zone is located in front of the dam, extending the full one-mile length of that arm, barely 500 feet from shore in all directions. For paddlers putting in at the dam, it is a perilous journey of over a mile to get beyond that zone while attempting to negotiate the abnormally huge waves generated by a wake boat. According to the US Army Corps of Engineers, *"The energy in a boat wake goes up exponentially with wave height; a 2-foot wave is 4 times as powerful as a 1-foot wave, a 3-foot wave is 9 times as powerful. The corresponding safety risks and damage potential increase accordingly. Wake/surf boats can generate wakes that are 10-25 times more powerful than that of a boat operated on a plane."* Similarly, for those putting in at either Waterbury Center State Park or Blush Hill, reaching the quiet northern arm requires navigating a narrow stretch between the wakesports zone and the eastern shore.

Either way, even an experienced paddler risks capsizing, and children and other beginners don't stand a chance in the huge, ocean-sized waves (**See letters of support reporting on capsizing, or abandoning plans in the face of wake boats from Charles Stone; Gordan Lank; Doug Lombard/Susan Rickstad; Laurie Keve**). Although paddlers are most vulnerable, others in small boats, adaptive sports users, and long-distance swimmers face similar dangers. (**See Exhibits G,H**)

Vermont's Use of Public Waters Rules address conflicts by requiring that "[T]he public waters shall be managed so that the various uses may be enjoyed in a reasonable manner, considering safety . . ." UPW § 2.2(b). In addition, the UPW makes clear that "conflicts shall be managed in a manner that provides for all normal uses to the greatest extent possible . . ." UPW § 2.6(a). "Normal use" means any lawful use of any specific body of public water that occurred on a regular, frequent, and consistent basis prior to January 1, 1993." UPW § 5.6. Wakesports were unknown in 1993.

Based on the real conflict resulting in serious safety issues for other users, Petitioner believes it is necessary to prohibit Wakesports on Waterbury Reservoir. And when adding the clear priority for "normal uses" in the UPW, the conclusion becomes compelling. As the Vermont Water Resources Board emphasized repeatedly in prior decisions involving the Reservoir, the accommodation of multiple uses may "require regulation to insure that one use does not substantially diminish or preclude another use." In this case, Wakesports on Waterbury Reservoir in fact substantially diminish and preclude use by canoeists, kayakers, paddle boarders, anglers, and other motorized boats.

Finally, Petitioner is mindful of "the need to provide an appropriate mix of water-based recreational opportunities on a regional and statewide basis." UPW § 2.2(b). While some might argue that the prohibition of Wakesports on Waterbury Reservoir will inappropriately reduce the availability of that activity in the central Vermont area, Petitioner points out that Lake Champlain is less than 35 miles away.



*Birding on the Waterbury Reservoir – Photography Bird Diva*



## Waterbury Reservoir Offers Wilderness-Like Remote Camping that Must be Protected and Enhanced

As mentioned above, Little River State Park maintains 27 remote, water access campsites on Waterbury Reservoir that it promotes as providing “a very unique, peaceful, and primitive experience.” The Vermont Department of Forest Parks & Recreation adds that “camping at the . . . remote sites is a real backcountry adventure . . . You will be far from other people and resources, surrounded by a beautiful wilderness.” **(See Exhibit C)** Several of these sites are in close proximity to the eligible wakesports zone. In addition to producing outsized wakes, wake boats — with their oversized engines and powerful, mega-blasting stereo systems — are extremely loud. Due to the manner that sound travels and magnifies over water, this noise is fully experienced by users of the remote campsites, shattering any expectation of quiet solitude. The promised “beautiful wilderness” has become a nightmare of crashing waves, roaring motors, and blasting music. **(See letters of support Laurie Keve, Sheila Goss)**

Fortunately, Vermont’s Use of Public Waters Rules expressly recognize the value of remote, wilderness-like recreational opportunities. Public waters that offer such experiences “shall be managed to protect and enhance the continued availability of such experiences. UPW § 2.10. This mandate cannot be ignored. The operation of wake boats and the conduct of wakesports on Waterbury reservoir certainly do not “protect and enhance” the quiet solitude associated with remote camping: they destroy it.



*Remote Campsite at the Waterbury Reservoir, Photography Sheila Goss*

## Economic Impact Analysis

If the current proposed Waterbury Reservoir wakesports zone (**See Exhibits F,G**) remains in place, the petitioner predicts the following results will occur:

1. The number of State Park campers will likely drop because of the noise, disruption, and difficulties of access caused by wakesports (note proximity to wakesports zone). (**See Exhibit E**) These campers currently provide over \$2 million in revenue for the state.
2. After 8 years of running the Greeter Program, the Petitioner is convinced that it will be much more difficult to inspect these boats and prevent Aquatic Invasive Species (AIS) from entering the Waterbury Reservoir via improperly drained and cleaned ballast tanks. We have had no new AIS known to be introduced to the Reservoir during these past 8 years. The economic loss if these AIS are allowed to enter the Waterbury Reservoir would be disastrous. The water quality goes down, the swimmers leave, the wildlife begins to disappear, visitors to this lake become much less frequent. The local summer economy will further deteriorate. This has been a pattern on lakes throughout the country.
3. This affects the safety of these campers. The wakes reaching shore could be dangerous for swimmers, especially for small children who could easily get swamped. The loud noise from the mega-amped music systems disturbs the remote camping experience that campers seek. This is likely to reduce the number of people that camp around the reservoir, further reducing revenue generated by the State Camp Sites and Day Use areas.

If the rule requested by this petition is adopted, the petitioner believes that the overall result will significantly benefit the regional economy.

1. The expectations for Waterbury Reservoir users will be protected and it will enhance their enjoyment by creating a safer experience, free from the threats of being capsized or worse. The rule will continue to attract additional visitors, tourists, and local Vermont residents because of the unique and beautiful environment. The regional and local economy will continue to benefit those who seek a wilderness-like experience and the beauty of a natural landscape. The lack of wakesports will remove the guesswork and anxiety when planning for the day that you spend on the reservoir. This anxiety is clearly voiced in many of the attached letters of support.
2. The existing diversity of animals cannot speak for themselves. We speak for the voiceless, a diverse wildlife population that includes bears, deer, moose, otters, beavers, and so much more, as well as loons, eagles, herons, and many other bird species. All of these will benefit from the protection of their environment.

Our state's economy depends on outdoor recreation. Vermonters and tourists alike enjoy many activities on the slopes, in the woods, and on our common waters. No other state but Hawaii relies so much on these kinds of activities. An important part of Vermont's economic growth is derived from our lakes and ponds. Lake-based recreation and tourism contributes an estimated \$500 million annually to Vermont's economy. Many summer visitors to Vermont report that they come primarily for the quiet, peaceful, pursuits of kayaking, canoeing, fishing, and swimming on our lakes. None report coming here for wakesports.

The State Division of Tourism, part of the Agency of Commerce and Economic Development, touts water sports on its web site: <https://vermontvacation.com/things-to-do/recreation/water-sports>. You'll see no wakesurfing in those photos. Follow the links and you'll see more photos of quiet, clean lakes. It is this

concept that we need to preserve and protect, from an economic point of view, as well as from an environmental perspective.

The *Vermont Tourism Survey* conducted by UVM at the behest of the Department of Tourism finds that:

- 16.3% of all visitors came specifically for canoeing and kayaking.
- 41.5% of state park tourists came specifically for canoeing and kayaking.
- Once here, 27.5% of all tourists participated in canoeing and kayaking.
- No tourists reported coming for wakesports.

The study concluded that “*Summer visitors enjoy the natural features that Vermont has to offer by backpacking, canoeing, kayaking, and wildlife viewing.*”

When asked why they come to Vermont, here are some relevant answers by the surveyed tourists:

- *Wonderful lakes, friendly people- beautiful scenery.*
- *We come to ... because it's close, it's clean, and it's a great lake.*
- *It's nice to get away a little bit and relax on such a beautiful, peaceful lake and enjoy the nature that surrounds you here.*
- *We love to have rivers and lakes nearby camping due to loving kayaking, also hiking and bike riding!*
- *You have to preserve quality of lakes.. water clean, pure.. think environment.*

Wakesports threaten these qualities. A single wake surfer operating on the Waterbury Reservoir precludes other forms of recreation. **(See Exhibit H)** The kayakers, swimmers, anglers, and water skiers have no choice but to go ashore.

Many businesses depend on the traditional qualities of Vermont lakes. The Waterbury Reservoir is in a very high-use tourism area. Many of our local restaurants, hotels, breweries, and attractions rely on having the Waterbury Reservoir as a reliable destination for their guests to enjoy. One of our local businesses being negatively impacted is Umiak Outdoor Outfitters a (FPR) authorized vendor for paddlesports at the Waterbury Reservoir, “...*due to wakeboat traffic. This trend is having a negative impact on paddlesport rentals and sales for Umiak Outfitters.*” **(See attached Umiak Outdoor Outfitters Letter)**

Vermont Forests, Parks, and Recreation (FPR) states that the Waterbury Reservoir is their largest income-producing park in this district. They have recorded over 2,000 visitors on a busy weekend day at the Day-Use Area in Waterbury Center. In 2022 FPR recorded 94,515 visitors, counting the Little River State Park, the Waterbury Center Day Use Area, and the Remote Campsites. In 2023, they recorded 73,532 visitors, down from the previous year due to the flooding we experienced in the month of July (traditionally the busiest month of the summer) and the closure of the parks for 3 weeks. This does not account for the various unmanned accesses around the Reservoir (Blush Hill, the Waterbury Dam, Cotton Brook, and Elephant Rock) which can easily add 20,000 other users to these numbers. **(See Exhibit D)**



**Waterbury Center Day Use Area - Photography Vermont Forests, Parks, and Recreation**



## Conclusion

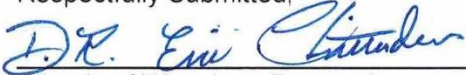
For the foregoing reasons, Petitioner respectfully requests that DEC and ANR exercise their rulemaking authority pursuant to 10 VSA § 1424(e) to amend Appendix A of the Vermont Use of Public Waters Rules by adding a lake-specific rule for Waterbury Reservoir, as follows:

*"f. Wakesports are Prohibited."*

The adoption of this lake-specific rule would ensure the safety of the thousands of canoeists, anglers, campers, boaters, kayakers, and others who enjoy many forms of normal and traditional outdoor recreation enabled by the Reservoir. It will also preserve the enjoyment of the more than 90 campsites offered by the State of Vermont at Little River State Park, including an additional 27 remote wilderness campsites reachable only by boat. By maintaining the peace and protecting safe access this will enhance and preserve visitors' expectations.

Prohibiting Wakesports on the Waterbury Reservoir would preserve long-established normal uses of the lake, enhance the State's investment in recreational facilities, and enable thousands of Vermonters and visitors to enjoy the Reservoir's unique recreational opportunities.

Respectfully Submitted,

  
Friends of Waterbury Reservoir

05/16/2024

Date

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*Paddleboarders Enjoying the Waterbury Reservoir -Photography Umiak Outfitters*

EXHIBIT A

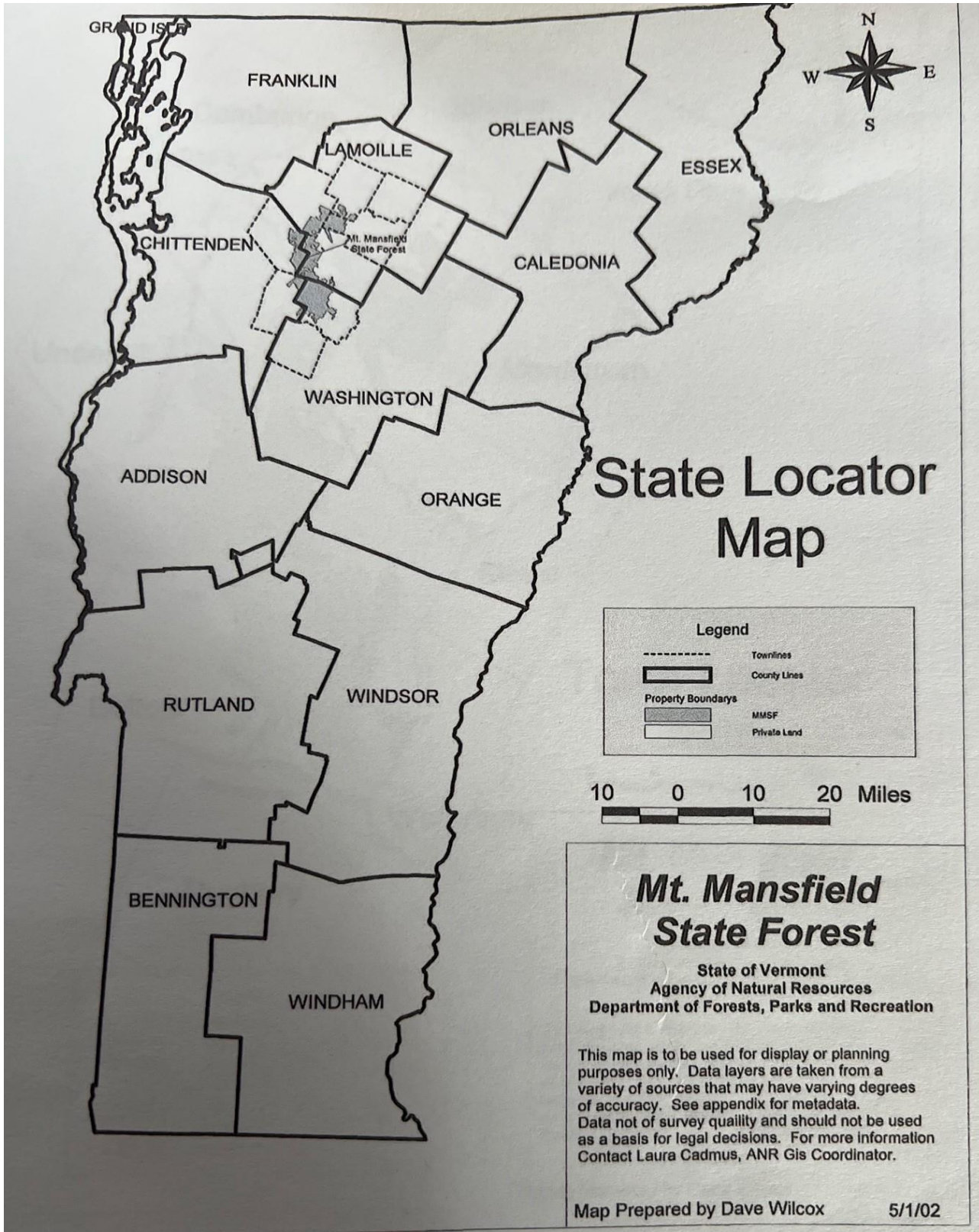
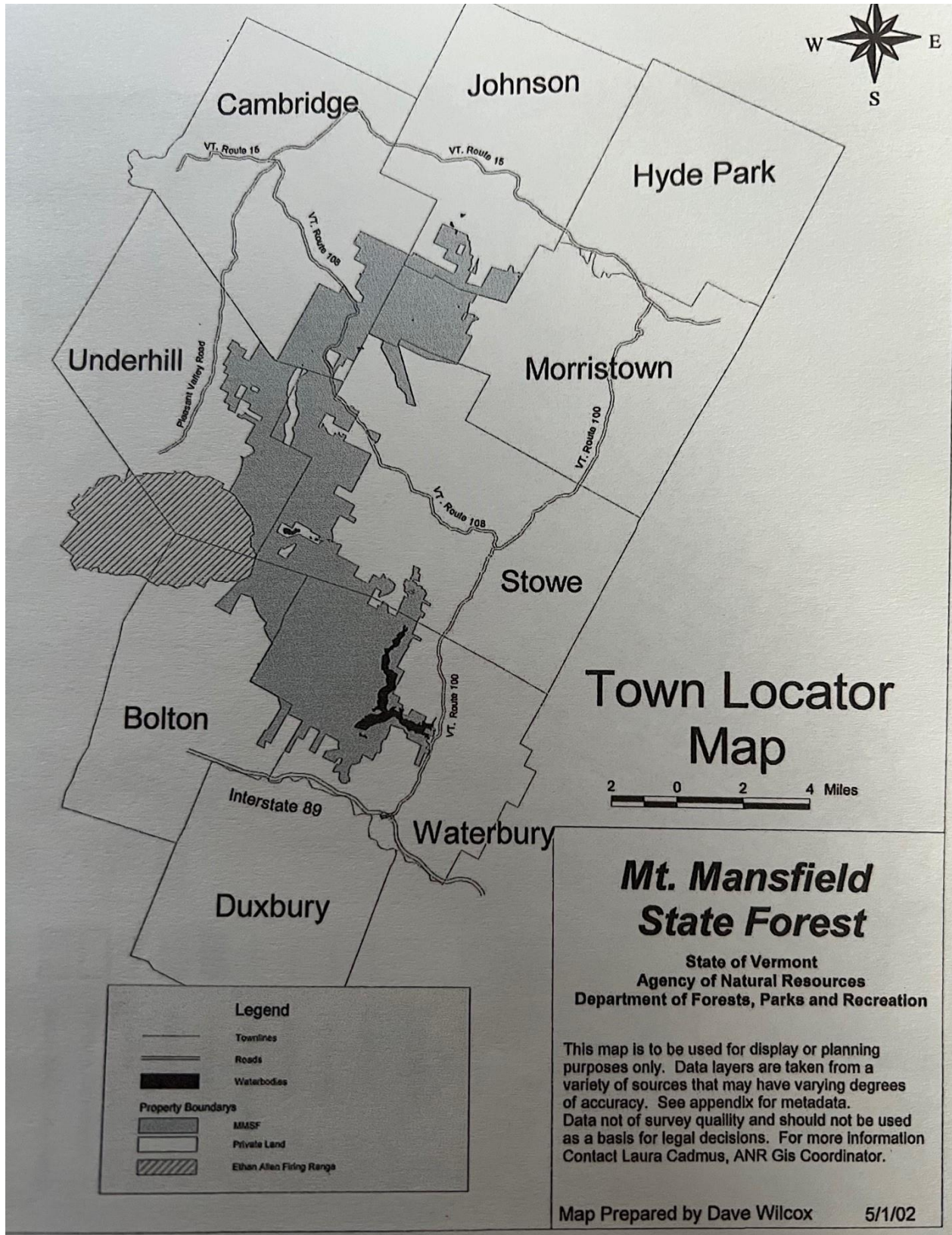




EXHIBIT B



**Mt. Mansfield  
State Forest**

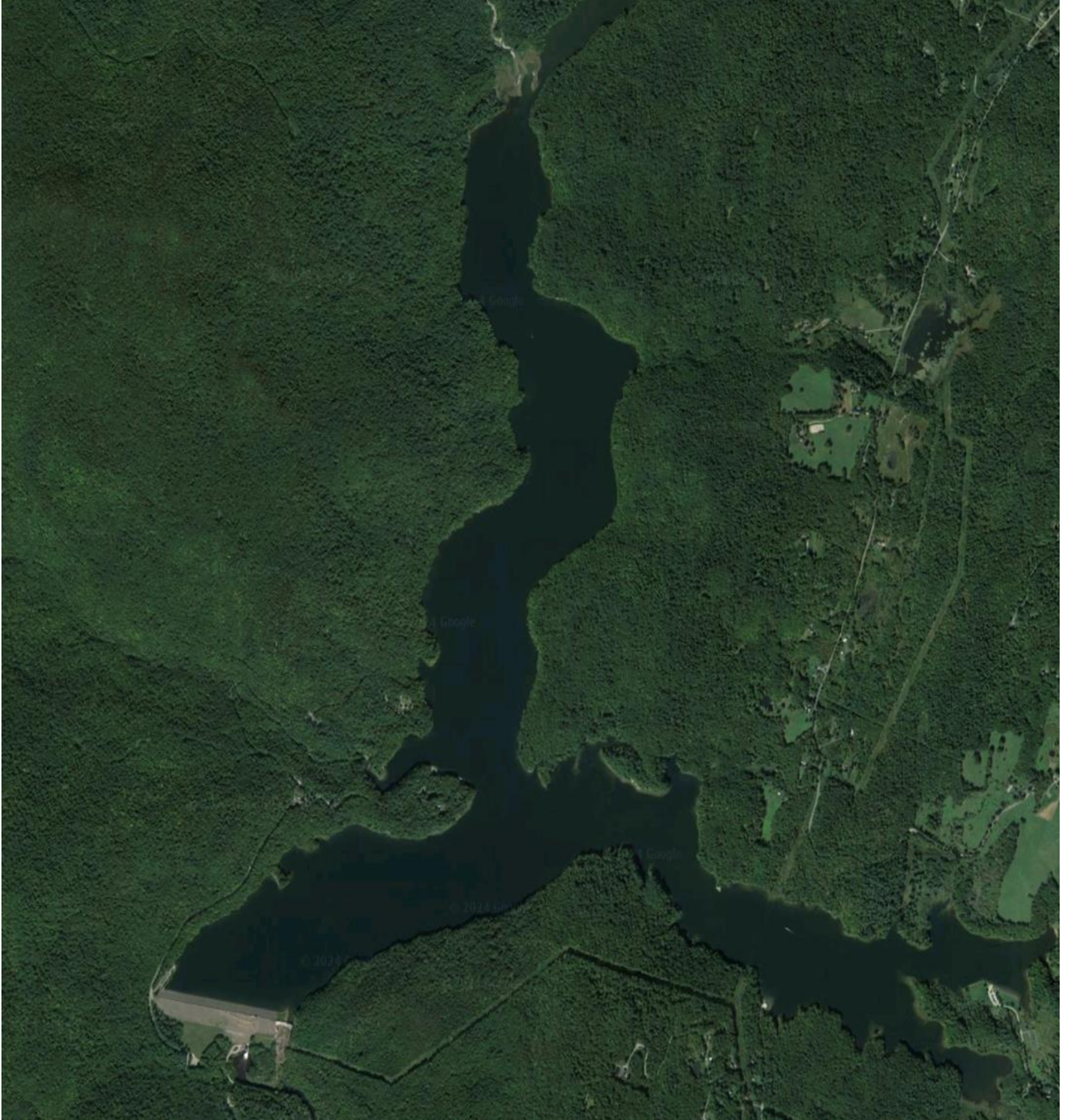
State of Vermont  
Agency of Natural Resources  
Department of Forests, Parks and Recreation

This map is to be used for display or planning purposes only. Data layers are taken from a variety of sources that may have varying degrees of accuracy. See appendix for metadata. Data not of survey quality and should not be used as a basis for legal decisions. For more information Contact Laura Cadmus, ANR Gis Coordinator.

Map Prepared by Dave Wilcox 5/1/02



**EXHIBIT C**



*Satellite Picture of the Waterbury Reservoir Showing Surrounding Undeveloped Land*



EXHIBIT D



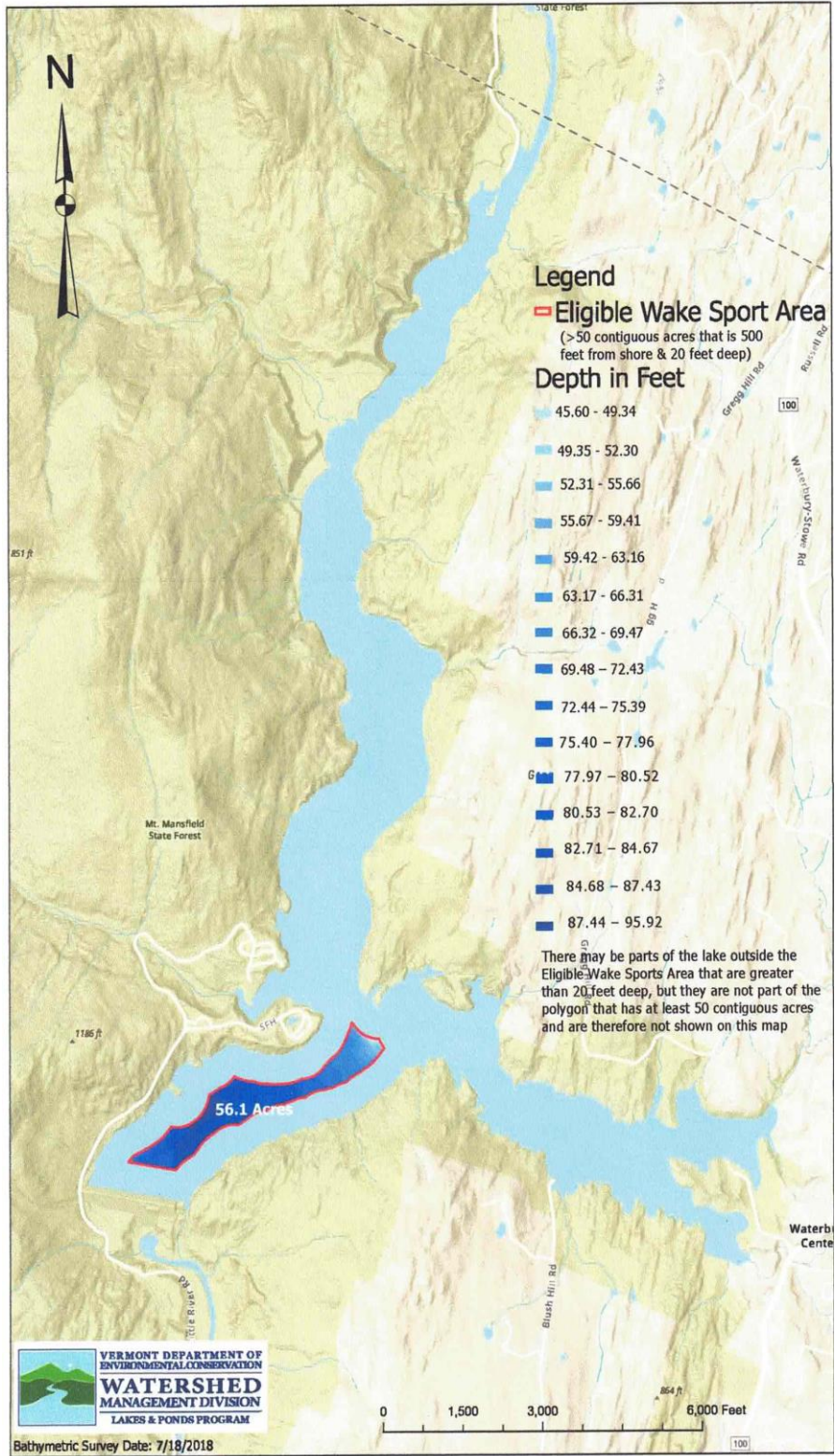




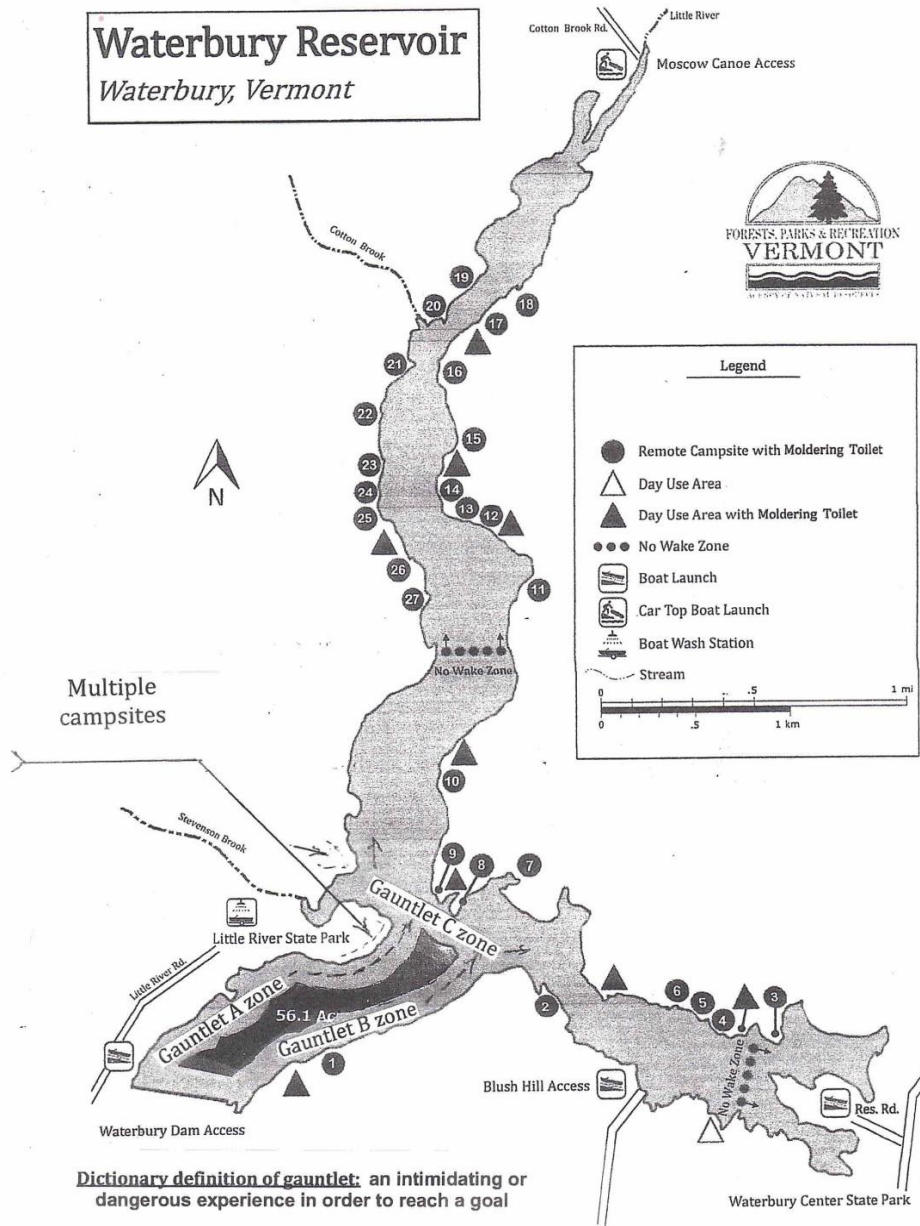


# EXHIBIT F

## Waterbury Reservoir, Waterbury, VT



## EXHIBIT G



These gauntlets are only 500-feet wide, sandwiched between the wakesports zone and the rocky shore. An angler, kayaker, or canoeist making way through this narrow passage faces on one edge a four-foot-high wake that in the middle of the gauntlet remains two foot high, and splashes onto the rocks a foot high. None but the most intrepid and experienced paddlers would attempt this passage. And thus, thousands of lake-users are prevented from accessing 70 campsites and a large portion of the reservoir.

Wakeboats are typically equipped with music systems that create unavoidable disruptive noise. Due to the manner that sound travels and magnifies over water, at the Waterbury Reservoir it will be heard by users and campers at the Little River State Park and the Remote Camp sites.



## EXHIBIT H

Please note that this is taken directly from the Gigawave company's website promoting the next generation of wakesurfing boats:



*"Promotion for the Next Generation of Surf Boat – scheduled to be on the Market in 2025"*

### ***This New Wake-Surf Boat Creates a Wave Big Enough to Make Maui Jealous"***

*With its perfect monster wave, the \$600,000 Gigawave will revolutionize wake surfing into a sport that even Kelly Slater would love.*

*They call it "Gigawave" for a reason. This high-powered, all-electric watercraft is promising to create the biggest, tallest, and best-curling wave for the ultimate thrill ride in the fast-growing sport of wake surfing. The brainchild of New York-based boat designer Matthew Blew, his concept Gigawave 350 GW-X will feature a hull that's designed to throw up a continuous, head-height barrel that will match the size and feel of Maui's finest rollers.*

*We're looking to bridge the gap between surfing and wake surfing and elevate the whole surfing experience," Blew told Robb Report.*

*Instead of big, exhaust-spewing inboards to move the 35-foot Gigawave through the water, Blew plans to use a pair of high-torque, zero-emission 300-hp electric motors that will be powered by a bank of lithium-ion batteries. "We've upped the battery capacity since our original concept," he says.*

*Now we're looking at a full megawatt of power—the equivalent of a million watts." The goal is a run-time of six to eight hours between charges, and a quick two-hour charge time with industrial chargers.*

*Where did the idea for Gigawave come from? About four years ago, Blew noticed that wake surfers were switching from traditional wakeboard boats to bigger, 40-foot-plus yachts so they could surf in taller, more challenging waves. Gigawave's price tag will be around \$600,000. Early hand-raisers include a mix of wealthy private buyers, wake-surfer clubs, and high-end resorts specializing in watersports. "What it creates are perfect surfing conditions," he says."*



# **Letters of Support**



WATERBURY MUNICIPAL OFFICE  
802.244.7033 or 802.244.5858  
FAX: 802.244.1014  
28 NORTH MAIN ST., SUITE 1  
WATERBURY, VT 05676  
WATERBURYVT.COM

May 15, 2024

*Dear Friends of the Waterbury Reservoir,*

*The Waterbury Select Board, at a meeting held Monday May 6, 2024 voted to support the Friends of Waterbury Reservoir petition to the Vermont Department of Environmental Conservation for a hearing to restrict wake sports involved with the use of water ballast boats on the Waterbury Reservoir.*

  
\_\_\_\_\_  
Roger Clapp, Waterbury Select Board Chair



*Charles Safford, Town Manager*  
*Office of the Selectboard*  
*PO Box 730*  
*67 Main Street*  
*Stowe, VT 05672*

---

Dear Friends of Waterbury Reservoir,

The Selectboard hereby supports the Friends of Waterbury Reservoir petition to prohibit wake sports on the Waterbury Reservoir.

  
\_\_\_\_\_  
Billy Adams, Stowe Selectboard Chair

5/8/24  
Date

Tel: (802) 250-7350 Fax: (802) 253-6137 email: [csafford@stowevt.gov](mailto:csafford@stowevt.gov)  
website: [townofstowevt.gov](http://townofstowevt.gov)





5421 VT Route 100  
Duxbury, VT 05676

May 13, 2024

Dear Friends of Waterbury Reservoir,

The Town of Duxbury Selectboard, at a meeting held this evening Monday May 13, 2024, voted to support the Friends of Waterbury Reservoir Petition to the Vermont Department of Environmental Conservation to prohibit wake sports on the Waterbury Reservoir.

Sincerely,

Richard L. Charland, Chair

Duxbury Selectboard



28 North Main St., Suite 1, Waterbury, VT 05676 • 802-249-6529  
www.waterburyvt.com/boards/conservation • waterburycvt@gmail.com

April 26, 2024

Eric Chittenden, President  
Friends of the Waterbury Reservoir  
PO Box 341  
Waterbury Center, VT 05677

To the *Friends of the Waterbury Reservoir* (FoWR),

After careful consideration, the Town of Waterbury's Conservation Commission supports the FoWR's petition to prohibit wakesports on the Waterbury Reservoir.

We believe wakesports adversely impact the ecological and standing recreational use and status of the Waterbury Reservoir.

Steeped in scientific research we have found three consistent devastating outcomes caused by wakesports:

- Immediate ecosystem devastation caused by one pass of a wake boat - multiple passes causing permanent damage to shorelines, water quality and reservoir bottoms. "Boat generated waves are discrete events and if they exceed the local erosion thresholds, they will result in erosion. If this occurs repeatedly, the shoreline will become dynamically unstable and continue to erode." *Macfarlane 2019* Ultimately having an adverse impact on watersheds, wildlife and their respective habitats. *Bauer et al., 2002 Alexander & Wigart, 2013; Baud-Bovy & Lawson, 1977; Goudey & Associates, 2015; Houser et al., 2021; Marr et al., 2022; Ray, 2020; Roberts et al., 2019; Ruprecht et al., 2015, Marr, 2022*
- Increased potential for invasive species introduction - water ballast construction allows for up to 8 gallons of residual water to remain after each use with no ability to visually inspect. *Doll, 2018; Campbell et al., 2016*
- Safety concerns due to the size, height and turbulence of waves generated by wake boats can destabilize swimmers and other recreational vessels - kayaks, canoes, SUPs

Respectfully

Amy Marshall-Carney, Chair

cc: Town of Waterbury Selectboard Chair, Roger Clapp  
enclosed - Bibliography

1

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**Friends of the Winooski River**

PO Box 777  
Montpelier VT 05601

[info@winooskiriver.org](mailto:info@winooskiriver.org)

April 25, 2024

Eric Chittenden, President  
Friends of Waterbury Reservoir  
P.O. Box 341  
Waterbury Center, Vermont

Dear Friends of Waterbury Reservoir,

Friends of the Winooski River supports your petition to prohibit wake boats on Waterbury Reservoir. While the Reservoir technically meets the proposed standard (50+ acres of 20' depth 500' from shore), we still have concerns about the plan to allow these boats to operate there.

The wake boat zone is a long, narrow area next to the largest, most easily accessible, and free of charge boat launch on the Reservoir. Many motorized boats, as they depart or return to the launch, will avoid the wake boat zone for both safety and enjoyment. This concentration of motorized traffic within the shoreline setback will create difficult and dangerous conditions for paddlers.

At 56 acres, the wake boat zone is just over the minimum. This threshold seems to be based on the potential impact of one wake boat and does not consider carrying capacity. Each wake boat is required to declare and stay on one waterbody each year (unless decontaminated). Waterbury Reservoir's central, accessible location and the banning of wake boats from other waterbodies is likely to result in many of these boats converging here.

How many boats can operate safely within such a small area? As these boats try to avoid each other it is inevitable that they will stray into the shoreline setback, risking conflict with other motorized and non-motorized boats. What is the plan for enforcement of the shoreline setback? Unless and until the State has such a plan, wake boats should not be allowed on the Reservoir where there is a high likelihood of violation and dangerous conflict.

Lastly, the State needs to consider the future. Wake boat manufacturers are designing boats that can produce ever-larger waves, and our understanding of the environmental impact of wake boats is evolving. Not long ago, 200 feet from shore and a 10-foot depth was considered sufficient; now, 500 feet from shore and a 20-foot depth is a common standard. There is evidence that as much as 1000 feet may be needed to dissipate wave energy from today's boats, and the waves are already getting bigger. In this context, the State should err on the side of caution, especially given the Waterbury Reservoir's spatial limitations.

*Michele W. Braun*  
Executive Director



April 28, 2024

BOARD OF  
DIRECTORS

Dear Eric,

Cynthia A.  
Needham  
President

I am writing to ask you to include our comments in your petition regarding rules for wake sports on Vermont's lakes, specifically as they might apply to such water bodies as Waterbury Reservoir. We have been partnering with Northeast Disabled Athletics Association to provide accessible kayaking to persons with disabilities for the past 3 years. We have witnessed the power of this program to improve participants lives by allowing them to enjoy recreating on a beautiful body of water in our region – the Waterbury Reservoir.

Pascale Savard  
Vice President

Richard  
Litchfield  
Treasurer

This program has high participation and is growing with each year. Currently, the program operates three days a week during the summer. Although power boats are allowed on the water, there is a suitable no wake zone off the entrance that protects our paddlers from rough water as they are learning. This allows them to paddle safely, even with the variety of disabilities that they experience. Being able to explore beyond the no wake zone is a goal and important achievement for the participants. The presence of wake sports would significantly compromise this program, potentially making kayaking for our participants unsafe and dangerous.

Mary Anne  
Lewis  
Secretary

Adrienne Miao  
Amy Marshall  
Barbara Gail  
Warden  
Carrie Dessureau  
Danial Bak, M.D.  
John Chudzik  
Kim Bean  
Leslie Oplinger  
Marcy Pelkey  
Meg Denton  
Nick Hall  
Tom Hall  
Wendy Nunez

There are many reasons to craft strict rules for this relatively new sport. Making bodies of water like the reservoir unsuitable for people with disabilities is only one, but we want to add our voices to Friends of the Waterbury Reservoir and others asking that the ANR prohibit wake sports on the Waterbury Reservoir. This would greatly improve safety for all people using the reservoir.

Thank you for your consideration of this important issue.

Cynthia Needham  
President, Board of Directors

Green Mountain Adaptive Sports ~ PO Box 473, Hyde Park, VT 05655 ~ [www.greenmtnadaptive.org](http://www.greenmtnadaptive.org)

### About Our Organization

**Green Mountain Adaptive Sports** offers increased access to recreational opportunities for Vermont residents who have been born with or have experienced a life changing disability. The programs we support are designed to create freedom, promote independence, support inclusion, and help individuals and their families discover their full social, mental, and athletic potential. The determination, satisfaction, and success that adaptive athletes experience help to eradicate preconceived notions about the disabled, as others see and respect their character and tenacity.

We envision a world where no one gets left on the sidelines.



Wakesports and Loons on Waterbury Reservoir

April 1, 2024

I am writing regarding concerns about wakesports, loons, and water quality on Waterbury Reservoir in Waterbury, Vermont. Loons have nested in the north end of Waterbury Reservoir. We are observing “extra” loon activity in the southern end of the reservoir (permitted area for wakesports), where there is room for a second or even third pair to develop in the coming years. Loon nests are usually located from 2-8 inches vertically from the water. At 500 feet, a wakeboat could produce a wave that is 5-6 inches tall. The 15 or so current loon nests in Vermont that are directly exposed to where wakesports will occur could be at risk. I am concerned about the intentional or unintentional wakeboater who ends up 300 feet from shore with an occupied loon nest nearby. It only takes one boat to flood out a nest. Waves created 300 to 400 feet from shore could produce waves in excess of eight to ten inches, which will wash out loon nests and will definitely contribute to more erosion, sedimentation, turbidity, and overall decrease in water quality. Even at 500 feet, a wake boat has the equivalent impact (wave force) of a standard motorboat at less than 50 feet.

My long-term concerns about wakesports will be the degradation of lake shorelines and riparian areas and the resulting decline in water quality, especially in sections of lakes that are not naturally conditioned for larger wave action. The results of higher wave action are more erosion, increased sedimentation, and higher turbidity, which contribute to higher nutrient loads in the water column, and decreased visibility. From a recent study in Wisconsin, loon chick productivity has declined over the past 25 years due in part to decreases in water clarity (Piper, et al. 2020, loonproject.org 2023). Adult male and chick weights have declined during this same period. Loons need clear lakes for successful feeding, and declines in weight contribute to declines in a loon’s overall fitness and ability to raise young successfully. We have not seen this decline in Vermont, but it is something we’ll be monitoring closely. Water clarity is already an issue because of the large watershed, thus adding another stressor that could contribute to further degradation of water clarity would not benefit the loons. Healthy riparian areas are critical for the base of a lake’s foodweb, which plants, aquatic insects, fish, and loons all depend on.

There are many effects from wave action that we do not know because of the newness of wakeboats. How will larger wakes affect small loon chicks who do not have the waterproofing that adult loons do? Non-breeding and breeding loons often congregate in the middle of larger lakes. How will hours of large wakes affect these important social gatherings? We do not know the effects of continued excessive rocking of a raft nest on incubating loons. Wakesports will be an additional stressor on wildlife and lake water quality.

The Vermont Center for Ecostudies supports the petition by the Friends of Waterbury Reservoir to prohibit wakesports from operating on Waterbury Reservoir.

Sincerely,  
Eric Hanson  
Vermont Loon Conservation Project Biologist  
Vermont Center for Ecostudies



The Vermont Loon Conservation Project (VLCP) is a program of the Vermont Center for Ecostudies and the Vermont Fish and Wildlife Department.



VCE Headquarters: PO BOX 420 · NORWICH, VT 05055 · (802) 649-1431

VLCP Coordinator: PO BOX 22 · CRAFTSBURY, VT 05826 · (802) 586-8065

[WWW.VTECOSTUDIES.ORG](http://WWW.VTECOSTUDIES.ORG)

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# UMIAK

Outdoor Outfitters

849 South Main Street  
Stowe, VT 05672  
Tel. 802-253-2317  
Fax 802-253-2551  
www.umiak.com



Vermont DEC

April 30, 2024

Attention: Vermont Department of Environmental Conservation,

We support the Friends of Waterbury Reservoir's petition to prohibit Wakesports on the Waterbury Reservoir. Their wakes, at best, are disruptive and, at worst, a hazard. I am concerned for the safety and for the environmental impact on paddle sport users and its impact on future Paddlesports participation here in Vermont.

I have supplied rental canoes, kayaks, and stand-up paddleboards as a vendor at the Waterbury Reservoir for 35 years. As the largest retailer of self-propelled boats in Vermont, I am concerned that wake boats across the state will negatively impact the paddlesport business. I support the Friends of Waterbury Reservoir's petition to prohibit Wake boats on the Waterbury Reservoir.

In our experience wake boats are not a normal use of the reservoir. They create ocean-sized waves which are out of place and a surprise to most paddlers on Waterbury Reservoir. The new rule limits a wake boat to their "home waters," but there is no limit to how many wake boats may visit the Waterbury Reservoir. With new restrictions on smaller area lakes, it is logical to expect that this increase in wake boat activities at the Waterbury Reservoir will create chaotic conditions of crossing wakes, not simply a straight set of waves, creating conditions that would challenge an experienced paddler.

For the past few years, the number of Wake boats on the Waterbury Reservoir has grown. On any given weekend day in the summer, we experience at least two or three at the same time, buzzing all around the lake. In this time frame, there have been many capsized paddle craft, due to the un-regulated Wake boats. 90 percent of all the capsize are within the 200 foot no wake zone from the shoreline. The large wake boat waves are not dissipating – they are causing dangerous conditions for Canoers, Kayakers and especially the Stand-up Paddle Boarder. We have learned from many of our rental customers as well as retail customers, that they will no longer visit the Waterbury Reservoir on Saturdays due to Wake boat traffic. This trend is having a negative impact on paddlesport rental and sales for Umiak Outfitter's.

A prohibition of Wake Sports would allow people who buy paddle boats and boards to enjoy the peace and serenity of many of The Waterbury Reservoir.

Prohibiting Wake Sports on the Waterbury Reservoir will have a positive impact on the experience of our out-of-state renters and local customers by increasing their serenity and safety.

Sincerely

Steve Brownlee  
Owner Umiak Outfitter's  
Stowe, Waterbury, and Richmond VT  
802-253-2317

Gordon Lank  
301 North Pinnacle Ridge  
Waterbury, VT 05676  
[gordonlank@yahoo.com](mailto:gordonlank@yahoo.com)  
802-793-5632

To: Eric Chittenden, President  
Friends of Waterbury Reservoir (FWR)  
P.O. Box 341, Waterbury Center  
VT, 05677

March 14, 2024

Dear Friends of the Waterbury Reservoir,

Being a close by resident of the Reservoir, I wanted to chime in and voice my dismay and sadness at the state of the Reservoir due mostly by the recent arrival of wakeboards. I chose to live off Blush Hill in 1992 for a number of reasons but primarily for the proximity to the Reservoir. Being an avid, almost fanatical fly fisherman, the reservoir was a dream for the abundance of small mouth bass, rainbow and occasional brown trout. The tranquility, great fishing and seeing loons, osprey and the occasional bald eagle made the reservoir a truly magical place.

I realize over the years that population growth in area made the reservoir more crowded and at certain times a little too busy to fish everywhere I would have liked. However, with the size of the body of water and the numerous coves and bays I could always find some where to wet a line. As well, the general population of speedboats, kayakers, pontoon boats and day trippers overwhelmingly got along and respected each other's activities.

This all changed a few years ago with arrival of wakeboard boats. When these boats are on the water it becomes unusable for kayakers, paddle boards and canoeists. The enormous waves created means that I am unable to fish anywhere near them. The topography of the reservoir means the waves are continually rebounding of the shore line creating large waves and dangerous conditions. It seems that no respect or consideration for the shoreline and the damage being caused is taken into account by these wake board operators. It is distressing that my activity on the reservoir affects no one and their activity completely negates mine. One of my favorite activities was to paddle board with my dog. That is no longer even a remote option if a wakeboard is any where on the water. On top of that the shore erosion, water, air and noise pollution they cause is sad to think about.

Sadly I rarely use the Reservoir anymore even though I live just a few minutes away. I feel strongly that some action needs to be taken so that a small minority does not wreck this incredible place for the vast majority of us.

Thank you for time,

Gordon Lank



Jennifer Campbell/Tim Griffin  
231 Mountain view Dr.  
Waterbury Center, VT 05677  
Home: 802-244-5970  
Email address: [jkcamp1@comcast.net](mailto:jkcamp1@comcast.net)

Eric Chittenden, President  
Friends of Waterbury Reservoir (The Res)  
P.O. Box 341, Waterbury Center, VT 05677  
Cell: 802-598-0388; Home: 802-244-8683  
Email address: Eric\_Chittenden@hotmail.com

Dear Friends of Waterbury Reservoir,

As avid users of the Waterbury Reservoir, we are concerned about the recent allowance of Wake-Boats on this body of water.

We enjoy participating in a variety of activities on the reservoir such as canoeing, kayaking, camping, paddleboarding, swimming, nature/wildlife seeking, and fishing. We have enjoyed going out in the evening, paddling far enough from land to watch the full moon rise above the mountains and illuminate our boats. In addition, we have taken part in early morning paddles to do the important work of searching for and counting loons.

We have equally enjoyed noticing the Vermont Adaptive Sports program advocate and provide opportunities for disabled users to feel the freedom afforded by being on the water. I have watched these folks paddle back to shore with ear-to-ear smiles after having peaceful experiences in the fresh air. We are also amazed at the open water swimmers who, whether are training for an event or are simply out for a swim, choose the Waterbury Reservoir as a safe and tranquil place to do this.

We appreciate the different interests of all users of the water, but allowing Wake-Boats with overwhelming sound systems undoubtedly disturb the peace, and unnecessarily create conditions that jeopardize the overall health of the reservoir. Most importantly, allowing Wake-Boats that generate 4' high waves is seriously dangerous to recreationists of all types, especially those launching from the dam to access their remote camping sites. For safety's sake, please ban wakesports from the Waterbury Reservoir.

Sincerely,

Jennifer Campbell  
Tim Griffin



221 Wood Road  
Stowe, Vermont 05672  
March 14, 2024

Eric Chittenden, President  
Friends of Waterbury Reservoir (FWR)  
P.O. Box 341, Waterbury Center, Vt 05677

Dear Mr. Chittenden,

I would like you to include my letter in the formal petition being filed with the Vermont Department of Environmental Conservation, requesting that strong restrictions be applied to wake-boat usage on the Waterbury Reservoir. Wake surfing may be a fine recreational activity in the proper setting, but due to safety and environmental hazards created by such an activity, I support the FWR petition. Wake surfing is an activity inconsistent with the valued recreational and ecological status of the Waterbury Reservoir.

I paddle my solo canoe on the Waterbury Reservoir a few days each week, from ice-out in March until the water turns solid in December. The early and late season solitude is a nice change from the busy activity seen on the reservoir in the summer months. But I do enjoy utilizing the remote campsites, and watching the loons, eagles, osprey, otters, heron, and more on my summer outings. I have noticed that most ski boats, power boats, and jet-skis are usually respectful of human-powered boats, but I have had some scary experiences. I have been nearly swamped by rude ski-boat operators, have seen irresponsible jet-skis zooming past in the no-wake zone, and have had my tethered canoe rocked and smashed against shoreline logs and rocks by large wakes rolling in from power boats ignoring the 200 foot rule. Similar experiences caused by the much larger wakes from wake-surfing boats present even greater safety and ecological dangers.

Our birds and wildlife fishing and foraging along the shoreline will face disruption and possible injury from large wakes and may opt to move to other lakes. What a shame to have worked so hard to re-introduce nesting loons to the Waterbury Reservoir, only to have them pushed off by a small niche group of motorized surfers!

The reservoir is a magnet for so many paddlers, stand-up paddle boarders, distance swimmers, and folks seeking a quiet respite on a remote campsite. The integral low bass sound systems on such boats will disturb the natural environment for all users, and make the popular campsites a noisy, unpleasant environment. The danger of large wakes

creates a hazardous situation for all small boat users, which include visitors here for a unique experience, novice paddlers, senior citizens in their rowing shells, small boat fishermen, family and camp groups in canoes, and people on their stand-up paddleboards.

Wake surfing boats do not belong on the Waterbury Reservoir! The configuration of the reservoir creates narrow zones where user conflicts are tough enough to manage at present; the addition of large, powerful wake-surfing boats creates additional stress, and endangers all users of the reservoir.

Sincerely,

A handwritten signature in cursive script that reads "Sheila B. Goss".

Sheila Bergin Goss

221 Wood Road

Stowe, VT 05672

[Raleigh310@gmail.com](mailto:Raleigh310@gmail.com)

802-793-8050

From:

Douglas A. Lombard  
Susan M. Rickstad  
7 Church Street  
Middlesex, Vermont 05602  
802-595-0019  
[dalombard@comcast.net](mailto:dalombard@comcast.net)

To:

Eric Chittenden  
Friends of Waterbury Reservoir  
P.O. Box 341  
Waterbury Center, Vermont 05677

Dear Friends of Waterbury Reservoir,

My wife and I have been avid kayakers for many years. We love kayaking on the Waterbury Reservoir. The pristine waters and beautiful shoreline without any camps and its close proximity to our home make it a perfect place to kayak.

Things have changed in recent years with the introduction of Wake Boats to the Reservoir. These boats creating four foot waves pose a serious risk to kayakers, canoeists and paddle boarders. I personally have been the victim of almost being hit by one of these boats and swamped by these huge waves. I am also very concerned with what damage these huge waves create as they wash up on the fragile shoreline of the Reservoir.

The size of the Reservoir does not lend itself to this type of watercraft. Lake Champlain on the broad lake is the perfect venue for these boats. A small majority of users are ruining this beautiful spot for the majority. Some action needs to be taken to protect this beautiful body of water.

Sincerely,

Douglas A. Lombard

Susan M. Rickstad



**From:** John Bauer <bauer.vt@gmail.com>  
**Date:** March 27, 2024 at 12:59:38 PM EDT  
**To:** Friends Of Waterbury Reservoir <waterburyres@gmail.com>  
**Subject:** Wake Boats

To Whom It May Concern:

I'm writing with concern about wake boats on the Waterbury Reservoir. I use the reservoir regularly as I look forward to the peace and serenity offered there.

Unlike many of my fellow paddlers, power boats don't bother me. They tend to keep their distance. Typically they are tubing, skiing or heading off to a favorite fishing spot. Their wakes are small and even when caught unaware, I am able to manage the waves they create.

Wake boats are a different matter. The waves they make are huge! I Must be vigilant to be sure they don't throw me overboard. I can't imagine how an inexperienced paddler would deal with them.

They also have loud stereos blasting music which may be heard from a great distance. Not only are they a safety concern, they also disrupt the peace, inflicting their music on everyone within earshot.

I believe that the reservoir should be shared by a variety of users. Canoes, kayaks and power boats have been a part of the normal use of the reservoir since its creation. Wake boats are not normal, they create unsafe ocean size waves in a small space and spoil the experience for everyone else. 99% suffer from the actions of a few.

Please do everything possible to limit their effect on the Waterbury Reservoir.

--  
Best,  
John Bauer  
54 Dave Culvers Rd.  
Waterbury VT 05676  
802-279-7222

Henry S Romaine Jr & Cynthia L Kirkwood  
124 Green Mountain Drive  
Warren, VT 05674  
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hsromaine@gmail.com

March 22, 2024

State of Vermont  
Department of Environmental Conservation

RE: Waterbury Reservoir – concern over wake boats

As full-time Vermont residents, we are writing to express my concern over the use of wake boats on Waterbury Reservoir. We both enjoy stand-up paddleboarding on this beautiful body of water, and we do not support the disruptive use of wake boats in the Waterbury Reservoir. These boats create artificially high wakes, which are destabilizing to any paddleboarders, kayakers, swimmers and canoers who happen to be in the path of the wakes. The large wakes can also be dangerous, as they can cause paddleboards and canoes to capsize, or the people using them to fall into the water. In addition to these hazards, the boats often have loud stereo systems that are played at high volumes in the open air, and cause disruption to the peace and quiet of the natural surroundings. I am not a scientist, but it is intuitive to me that the large wakes generated by these wake boats would also cause accelerated shore erosion from the artificially high waves.

In our view, the use of wake boats in areas like Waterbury Reservoir is not appropriate without much more meaningful restrictions to their operation. Please consider appropriate restrictions for wake boats to protect the enjoyment of all the other users of the Waterbury Reservoir.

Sincerely,

  
Henry S. Romaine Jr. & Cynthia L. Kirkwood

**From:** Zoltan Keve <zoltankeve@gmail.com>  
**Sent:** Sunday, March 31, 2024 10:30 AM  
**To:** Eric Chittenden <eric\_chittenden@hotmail.com>  
**Subject:** Re: Wake-boats & wakesports petition

To: The Vermont Department of Environmental Conservation

No doubt the DEC can weigh the environmental issues and conclude that the use of Wakeboats is detrimental in small bodies of water, limiting wake to 1000'.

My concern however has to do with safety.

We live near Mallet's Bay, and will no longer even consider launching kayak or small crafts from the shoreline of the inner bay, due to the enormous wake from motorboats racing from and returning to their moorings. Even in a 24' keelboat (Cape Dory sloop) with several thousands of lbs of ballast, we are thrown around like rag dolls!

That occurs in wakes of only 4-5 feet! Enter wakeboats, and the peril increases disproportionately.

There are plenty of places to run motorboats at full throttle responsibly, but boaters don't seem considerate. Cross inner Mallet's Bay off the list of safe places to be on the water.

We have enjoyed Waterbury Reservoir for years, camping, swimming, kayaking (fishing and bird watching); all peaceful, quiet endeavors in balance with nature and respectful of our fellow citizens using that public resource. Now we face losing that too.

I hate to think our family shall lose access to this recreation because we do not dare run the gauntlet launching from the Reservoir's shore, due to wakeboat abuse. There is no way to safely traverse from launch points on the shore to any destination on the reservoir, without being inundated by waves large enough to capsize small craft and imperil the passengers. Its only a matter of time before disaster strikes.

There simply can be no justification for allowing the dangerous impact of artificially enhanced wake on swimmer and boater safety on small bodies of water like the Waterbury Reservoir.

When we remote camp, we bring our camping gear by boat. That can be done safely during good weather, but becomes an unacceptable risk, should just one wakeboat operate in the vicinity!

It's all about the shoreline and safety. Don't let it remain or worsen as a danger zone, please!

Why should the safety and enjoyment of many be risked for the indulgence of the few, when the proposed 1000' no-wake regs still makes 95% of Vermont's open water acreage otherwise available to wakeboats?

Isn't this a common sense compromise?

Zoltan Keve  
348 Biscayne Heights  
Colchester



From: Tyler Keefe  
650 Perry Lea Rd  
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508-686-6229  
[Tylerkeefe84@gmail.com](mailto:Tylerkeefe84@gmail.com)

To:  
Eric Chittenden, President  
Friends of Waterbury Reservoir  
P.O. Box 341  
Waterbury Center, VT 05677  
Cell: 802-598-0388  
Email: [eric\\_chittenden@hotmail.com](mailto:eric_chittenden@hotmail.com)

Dear Friends of Waterbury Reservoir,

I am writing to you as: a resident of Waterbury; a parent; a former ACA certified Kayak and Paddle Instructor; Member of the New England Chapter of the Antique & Classic Boat Society; and an avid user of the Waterbury Reservoir. The reason for this letter is to share with you my disappointment about the lackluster rules being proposed regarding wake boats on Vermont's beautiful and fragile lakes, ponds, and reservoirs. In short, 500' restrictions are simply not enough to ensure safe use for all users of the reservoir or the health and longevity of the reservoir itself.

I have been fortunate to learn about, respect, and enjoy bodies of water around the world in a variety of ways. From swimming and paddling to boating and skiing, there isn't much I haven't done. Above all else, safety is my number one priority when recreating in or around water and I understand the inherent risks that come with the territory. I also understand that there is a time and a place for everything and that the needs of the many outweigh the needs of the few. Wake boats on smaller bodies of water, like the Waterbury Reservoir, just don't belong. The wakes they throw are a danger to the tens of thousands swimmers, paddlers, and anglers on the Waterbury Reservoir because there is simply not enough room for their wakes to dissipate before swamping those in the path as well as the shoreline itself. All for the enjoyment of dozens of wake sport enthusiasts. And given that all boats on the reservoir are towed in, this increases the risk of exposure to invasive species through their ridiculously large ballast tanks.

Truth-be-told, learning to wake surf is on my to-do list. I have friends who partake in the sport and they know it's something I'd be into. I also plan to teach my kids how to wake surf too. However, I will be doing it on Lake Champlain, Lake Memphremagog, or Lake Winnepesaukee where a boat like that belongs and doesn't have a negative impact on the lake itself or other people enjoying it.

I implore you to continue fighting for the Reservoir and the 100,000+ users it draws in year after year.

Best,

Tyler Keefe

Eric Chittenden, President  
Friends of Waterbury Reservoir  
P.O. Box 341, Waterbury Center, VT 05677  
Cell: 802.598.0388; Land: 802.244.8683  
E-mail: [Eric.Chittenden@hotmail.com](mailto:Eric.Chittenden@hotmail.com)

Dear Friends of Waterbury Reservoir

As you may know, Eric and I, Fred Abraham, were the principal cofounders of FWR, and with Ray Gonda, upon the urging of Bill Baartlett, then Chair of the Water Resources Board, and with the involvement of representatives of various users, fishing folks (Treg Boeger), water skiers (Bruce Epstein), swimmers, and others, developed a proposal that was adopted, to share the reservoir with respect for each other and for the environment. You probably also know that I have been a frequent user of the 'Res', using a variety of. canoes and kayaks, including a Mad River boat that won a championship, a Lake Placid small open kayak, and a kayak I made. As an experienced paddler, I have enjoyed quiet use of the 'Rez', especially at sunrise and sunset, but at other times as well. I have seen a lot of proper activities out there, but also a great deal of abuse, especially by larger boats and jet skis, one of which tried to deliberately capsize me while I was soliciting signatories for our petition. I doubt if less experienced paddlers would have survived some of the wakes I have encountered, even before the advent of the wake-boats.

I wish to herein mention two factors which, in addition to affecting the ecosystems and the enjoyable uses of the lake, are often overlooked as seriously affecting the safety of others on ponds and lakes. One is the nature of the wakes and the dangers they pose. The other is the bullying personalities that disrespect the legitimacy of other uses. This bullying personality seems especially pervasive among wake-boaters.

I will discuss the second first, since it cannot be dealt with on the basis of preexisting diagnoses. It may be could have to be dealt with by procedures for banishment on the basis of citations for violation of use regarding a particular boat and its owner (in case the owner transfers to another boat, or the boat used by other persons).

As to the first, the nature of travelling waves requires that one dispel the idea that waves on the surface of bodies of water always diminish as they move away from their source. As they move from deeper water to shallow areas, they may increase, often dramatically. Witness the examples of surfers where good surface waves are usually near shores. An even more dramatic example are tidal waves can take out homes, cities, and nuclear power plants; most of them approached shores as almost imperceptibly small. Each body of water has to be assessed for these properties. Geometric measurement, differential equations can model such possibilities, and actual research with waves caused by various craft such as wake-boats are needed to evaluate such possibilities. At any rate, small craft, paddle-craft, wind surfing craft, stand-up-boards, could be fooled into thinking they could avoid large waves by fleeing closer to shore when wake-boats and other large speed boats are around. Those small boats thus cannot escape harm, their safety is compromised. For further information, I recommend the articles in a special issue on wave properties in the *International Journal of Management of Water Bodies* (Vol. 1, July 2125, J. Verne, special editor). Here is the table of contents of that issue.

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Sincerely, humble servant of our natural and human environments,



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[Frederick.d.abraham@gmail.com](mailto:Frederick.d.abraham@gmail.com)  
802.244.8104 (home) 802.249.0806 (cell)  
24 March 2024

Laurie Keve <lauriekeve@gmail.com>

4/28/2024 9:51 AM

## Wake sports on the Waterbury Reservoir

To Eric Chittenden <eric\_chittenden@hotmail.com> •  
Francine Chittenden <moonfix@comcast.net>

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As a human-powered boater, I have always avoided the dam end of the Reservoir unless I am very close to shore, and avoid the 'Bermuda triangle' in the middle of the three arms at all costs because I have been nearly swamped several times by motorboats and jet skis -- at least twice the operator deliberately harassed me.

My understanding is that even the shorelines will no longer be safe for quiet paddlers if / when wake sports are allowed or encouraged on the Reservoir because the wakes created will bounce off the shore and create an even more hazardous and stressful situation.

Given that the shorelines in some areas of the Reservoir are fragile and subject to erosion (Little River State Park and the land slides are evidence of this), it seems counter-intuitive that any craft that creates large, potentially damaging wakes, would be allowed on the Reservoir.

That being said, if ANR is specifically saying that wake sports are welcome on the dam arm, then it is my opinion that the Friends should take a public stand and a public safety campaign to warn small craft boaters to avoid that end if possible. The Reservoir would thus become inhospitable, a non-option, for a large segment of the recreating public. I believe this is inconsistent with the Dept of Forests, Parks & Recreation's own goals to ensure that public recreation lands and waters are available to everyone.

--

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[lauriekeve@gmail.com](mailto:lauriekeve@gmail.com)



Charles Stone  
PO Box 604  
Montpelier, VT 05601

Eric Chittenden  
Friends of the Waterbury Reservoir  
PO Box 369  
Waterbury Center,  
Vermont 05667

Dear Mr. Chittenden,

I understand that The Friends of the Waterbury Reservoir are submitting a petition to the VT Dept of Environmental Conservation to prohibit wake sports on the Reservoir. Thank you and your organization for your work on this effort. It is critically important to the thousands of us who regularly canoe, kayak, swim and fish.

The zone that the recently enacted rule designates as available for wake sports effectively bisects the reservoir and make it difficult or impossible to safely paddle from the Blush Hill put in or the Waterbury Center State Park to the wake free zone near Cotton Brook. This wake sport zone will also be a recreational imposition to those staying at Little River State Park.

Two summers ago I was **capsized** by a wake boat while paddling from Blush Hill to Cotton Brook (Im a capable paddler). People do not anticipate ocean sized waves when paddling on the reservoir. When capsized with a canoe or kayak, its a long swim to shore! Its at a point now where we leave when wake boats arrive (and sadly they do in numbers, particularly on weekends).

The new rule requires wake boats generating ocean sized wakes only be 200' from paddlers, swimmers, anglers etc. Swampings and capsizes will result, unquestionably. The Reservoir has no shoreline camps, no moored or docked boats. It's one of the few pristine and undeveloped lakes in the state and is perfectly suited for traditional uses and **should be limited to only traditional/normal uses** (and the open waters of Champlain are only 32 miles away!).

Thank you again for your work on this important issue. I'd be happy to help advance your petition work in any way.

Best,

*Chipe Stone*

Charles Stone