

CONTACT YOUR LEGISLATORS TO LET THEM KNOW LRB-3518 IS NOT SUFFICIENT TO PROTECT WISCONSIN'S LAKES AND THOSE THAT USE THEM

By Michael Engleson, Executive Director

A bill proposed by Rep. Robert Swearingen (R-Rhineland) and Sen. Mary Felzkowski (R-Irma) to regulate wakesurfing and wakeboarding fails to provide any meaningful protection against the activities' impacts. While Wisconsin Lakes is pleased to see this issue being addressed, the bill falls far short of what is needed and even makes things worse by undercutting local efforts to manage impacts to lakes and streams. Rather than setting minimum levels of protection for Wisconsin, the bill as written would actually limit the regulation of wakesports.

Wisconsin Lakes encourages everyone to let your legislators know that this bill, LRB-3518, fails at what it claims to do and does not deserve their support (Find your legislators here). This is true even as we should be, as a state, considering meaningful legislation to protect private property, public safety and enjoyment, and aquatic environments from the impacts of wakesports while balancing the rights of *everyone* to recreate on our waters.

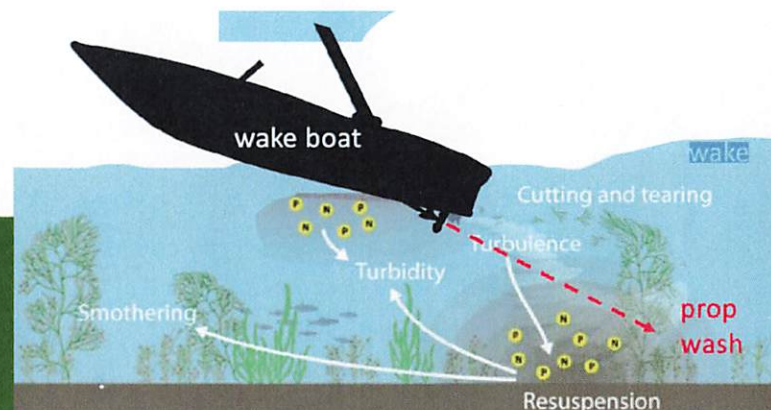
The bill as currently written fails on several grounds:

- Despite setting standards, *the bill fails to protect private property, public safety and enjoyment, and aquatic environments by allowing local governments to set their own weaker standards.* Rather than set minimum standards for protection the bill sets maximum standards allowed to regulate wakesports. **Wisconsin's local governments deserve local control to set their own standards for protection beyond state minimums**
- *The bill prohibits wakesurfing and wakeboarding within 200 feet of the shore or structures like piers and swim rafts.* The overwhelming majority of studies say that at least 500 feet is required for these "enhanced wakes" to lose their size and power. **The minimum standard for Wisconsin should prohibit enhanced wake creation within 500 feet of the shore**
- Current studies are showing that impacts from the creation of enhanced wakes are seen to lakebeds to depths of at least 20 feet. Lakes across Wisconsin are seeing pollutants in the lakebed kicked up into the water column and aquatic vegetation being scoured. *The bill fails to include a standard related to depth.* **The minimum standard for Wisconsin should prohibit enhanced wake creation in waters shallower than at least 30 feet**
- *The bill simply repeats standards already in place in other statutes.* For instance, it prohibits wakesports on lakes of 50 acres or less, but *all* boats are prohibited from creating wakes on most lakes that are of that size in Wisconsin already.

Rather than support a bill that undercuts protection for private property, public safety and enjoyment, and aquatic environments from the impacts of wakesports, Wisconsin Lakes encourages our lawmakers to engage in meaningful discussion to pass minimum state standards that balance the right of everyone to recreate on our waters.

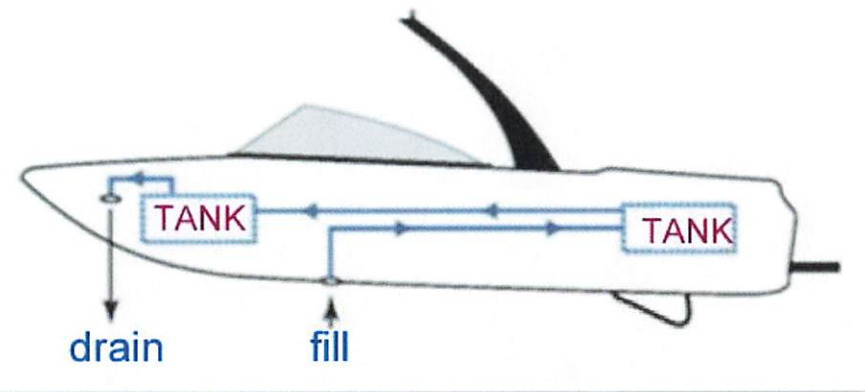
Background: Pre-Rulemaking in Response to a Wakeboat Petition

- “Responsible Waves for VT Lakes” submitted petition to VT Department of Environmental Conservation in March ‘22 requesting regulation of wakeboats
- RWVL Group Concerned about the following impacts:
 - Increased shoreline erosion from enhanced wakes
 - Disturbance to lake bottom sediments creating turbidity, disrupting plants & fish habitat, & releasing **phosphorus** & other nutrients which can create algae blooms and reduce clarity

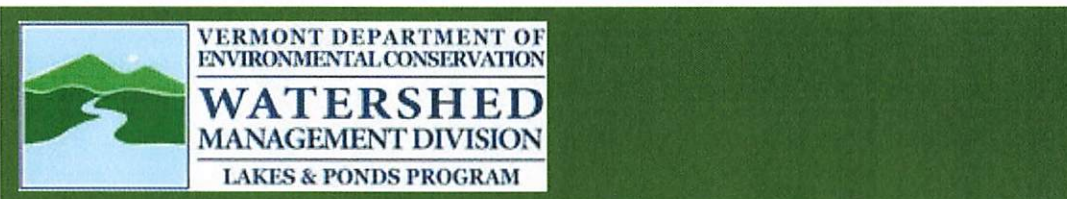


Background: Pre-Rulemaking in Response to a Wakeboat Petition

- RWVL Group Concerned about the following impacts:
 - Wakeboats can shred & uproot plants spreading aquatic invasive species
 - Wakeboats can spread invasive species when moved between lakes
 - Wakeboats create safety concerns, can damage docks and shoreland infrastructure
- Petition: Proposed limiting wake boats to lakes w/ 60 contiguous acre zone that is 1000 ft from shore, 20 ft deep



TANK = ballast tank of wake boat



DEC Review of Scientific Literature and Legal Precedent:

At the Feb 2023 Meeting, DEC staff will summarize our review of scientific studies, legal precedent and operational considerations related to wakeboat use on the following subjects:

- Minimum distance from shore to reduce or limit shoreline erosion
- Minimum depth to avoid benthic sediment and phosphorus disturbance
- Potential risk of Aquatic Invasive Species spread from ballast tanks
- Impact of wakeboat waves on loon nests
- Minimum number of contiguous acres required for safe use
- Review of regulation in other states and past UPW Rules Decisions



DEC Rule Concept - Draft

- Rule will regulate wakeboats while engaging in wakesports on public waters
- Allow wakeboats to engage in wakesports under following three conditions:
 1. On lakes, ponds, and reservoirs with a minimum of 50 contiguous acres that are 500 feet from shore on all sides and 20 feet deep (***eligibility rule***)
 2. Wakeboats must be 500 feet from shore at all times while engaging in wakesports (***operating rule***)
 3. A wakeboat must stay in one lake per calendar year unless boat is decontaminated by a DEC-approved entity (***home lake rule***)
- Definitions and Rule Text will be included in Formal Rulemaking Submission

