

**LOCAL REGULATION OF HAZARDOUS
WAKE WORKSHOP
IDEAS FOR PARAMETERS ON EXISTING
LAWS AND LOCAL ORDINANCES**

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WISCONSIN CONSERVATION CONGRESS CITIZEN RESOLUTIONS SURVEY

- The WCC is a government department that conveys the wisdom and influence of WI citizens in the formation of natural resource policy, research, education and conservation.
- The WCC is the citizen's conduit to the DNR and NRB. Every year the WCC conducts a citizen resolution survey. People around the state weigh in on things like lead shot, wolf hunts and wake boats.
- If the citizen resolution can make it through the gauntlet of surveys, committee approvals and district leadership approvals, the resolutions could become a state law (our objective).
- In the April 2022 survey, six citizen resolutions regulating wake boats were submitted and voted on by the public. There was strong public support for regulating hazardous wakes.
- This survey has many steps and will take about 30 months just to get to legislation. We are on month 11.

WHAT RESTRICTIONS SHOULD WISCONSIN CONSIDER?

Distance from shore and other watercraft— Current studies suggest that generation of intentionally magnified wakes used for wake surfing be a minimum distance of 700' from shore and other watercraft.

Water depth— Because of the downward prop wash and energy required to generate an intentionally magnified wake for wake surfing a minimum water depth of 20' should be required.

Invasives-- Ballast tanks cannot be fully emptied. Ballasted watercraft should not be permitted to be used in our lakes or moved between lakes unless the ballast tanks have been inspected and decontaminated.

Pre-emption of the lake -- There should be a minimum lake size for wake surfing of 1500 acres. Wisconsin has 77 lakes over 1500 acres. It would be fine to use wake surf boats on smaller lakes, provided they are not intentionally magnifying their wake by using the ballast tanks, mechanical flaps or operating in transition mode and not harming shorelines or other recreational users.

WHERE ARE WE IN THE WCC PROCESS?

- Six Citizen resolutions were submitted to the WCC resolution survey April 2022. The voting on this survey was only in Dane and Vilas County because that is where the resolutions originated.
- Result: All passed with strong public support anywhere from 78% to 94% approval.

- Six Citizen resolutions presented to the WCC Motorized Recreations Committee September 2022.
- Result: Unanimous approval.

- Six Citizen resolutions presented to the WCC District Leadership by the Chair of the WCC Motorized Recreation Committee January 2023.
- Result: Unanimous approval.

- Next step: Approved to continue in the next WCC citizen resolution survey April 2023.
- Task: This is a state wide survey. We need everyone in the state to vote yes on these resolutions.

STATE LEGISLATION ACTIVITIES

- We need to get a Wisconsin Senator and Representative to agree to sponsor a bill. This is the fastest way to amend existing Wisconsin Statutes.
- Remember, the WCC process will take 30 months just to get to legislation. We are on month 11!
- Given below is what we have requested.

WCC CITIZEN RESOLUTION

- **There are only three WI statutes (30.66, 30.68 and 30.635) that require amendments.**

SUGGESTED AMENDMENT

30.66 (3) Speed restrictions: PROHIBITED OPERATION.

(a) No person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed restricted area on any lake at a speed in excess of slow-no-wake.

(Last revised 2009)

Potential amendment

No watercraft may be used to generate an intentionally magnified wake through the use of ballast, design features, operational procedures or any other means within 700 feet of any dock, raft, pier, shoreline or buoyed restricted area on any lake or river at any speed.

SUGGESTED AMENDMENT

30.68 (4) Prohibited operation: CREATING HAZARDOUS WAKE
OR WASH.

(a) No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.

(Last revised 2005)

Potential amendment

No watercraft may be used to generate an intentionally magnified wake through the use of ballast, design features, operational procedures or any other means within 700 feet of another boat.

SUGGESTED AMENDMENT

30.635 Motorboat prohibition: On lakes 50 acres or less having public access, motorboats may not be operated in excess of slow-no-wake speed, except when such lakes serve as thoroughfares between 2 or more navigable lakes. **(Last revised 1973)**

Potential amendment

No watercraft may be used to generate an intentionally magnified wake through the use of ballast, design features, operational procedures or any other means on any lakes less than 1500 acres.

No watercraft may be used to generate an intentionally magnified wake through the use of ballast, design features, operational procedures or any other means on any area of a lake or river less than 20 feet deep.

WCC CITIZEN RESOLUTION

- The citizens did not address the environmental threats posed by ballast systems in wake boats during the April 2022 survey because they felt there already are two Natural Resources regulations that exist.
- The Citizens felt that these regulations need to be enforced.
Unfortunately, NR 19 and NR 40 are impossible to enforce on wake surfing boats.

EXISTING WISCONSIN REGULATIONS

NR 19.055 Drainage of water from boats and equipment required.

(1) Except as provided in subs. (3) to (5), any person who removes a boat, boat trailer, boating equipment or fishing equipment from any inland or outlying water or its bank or shore **shall drain all water** from the boat, boat trailer, boating equipment or fishing equipment, including water in any bilge, **ballast tank**, bait bucket, live well or other container **immediately after removing the boat, boat trailer, boating equipment or fishing equipment from the water, bank or shore.**

Enforcement is not practical because the way ballast systems are designed on wake surfing boats.

EXISTING WISCONSIN REGULATIONS

NR 40.07 Preventive measures.

1. Any person who removes a vehicle, boat, boat trailer, boating or fishing equipment, or other equipment or gear of any type from any inland or outlying water or from its bank or shore **shall remove all attached aquatic plants and aquatic animals** immediately after removing the vehicle, boat, boat trailer, boating or fishing equipment or other equipment or gear from the water, bank or shore and **before leaving any boat launch area or associated parking area.**
2. Any person who removes a vehicle or equipment other than boating or fishing equipment, or gear of any type from any inland or outlying water or from its bank or shore shall drain all water from the vehicle, equipment or gear, including water in any motor, tank or other container, immediately after removing the vehicle, equipment or gear from the water, bank or shore and before leaving any boat launch area or associated parking area.

Enforcement is not practical because the way ballast systems are designed on wake surfing boats.

PROBLEMS WITH BALLAST SYSTEMS

- Problem: Most wake boat's ballast systems cannot be completely drained. Research has shown an average of 8 gallons of residual lake water remains in the ballast system.
- Problem: Residual ballast lake water can contain AIS and VHS (viral hemorrhagic septicemia) that could be transferred from lake to lake.
- Problem: Many wake boats with solid ballast tanks cannot be inspected.
- Problem: Wake boats with integral ballast tanks are enclosed systems making them impossible to clean and dry.
- Problem: During the winterization process, antifreeze is added to the ballast system. In the spring, how do you drain this antifreeze so that it does not make its way into our lakes?

POSSIBLE SOLUTIONS

Prohibit the use of ballast systems on our lakes. This could be done at the **local level. Understand that local municipalities would be responsible for enforcement.**

At the **state level, insist that all wake boats used in Wisconsin must comply with existing state regulations NR 19 and NR 40 before they can be used in Wisconsin. Legislation would have to be changed to convey that:**

- **All wake boats must be capable of completely draining ballast systems.**
- **All wake boats must be able to prove they have been drained using a simple inspection process.**
- **All wake boats must have proof of disinfected ballast systems before use in Wisconsin lakes.**

Why does Wisconsin allow registration and use of boats that clearly violate state regulations? This legislation is critically important to protect our lakes from AIS and VHS infections. This legislation must change so it can be enforced.

POSSIBLE SOLUTIONS

- At the **State level, build on the existing inspection and decontamination process.** It is my opinion that this can only be accomplished at the state level.
- In December 2016, the National Sea Grant Law Center finalized the “Model Regulation for State Watercraft Inspection and Decontamination Programs”.
- There are 19 states that have developed Watercraft Inspection and Decontamination (WID) Programs.
- Wisconsin ranks third from the bottom when compared to the other states with WID programs.
- Wisconsin’s aquatic invasive species law and regulations include about one third of the criteria suggested in the model regulation framework.
- Why is Wisconsin so far behind on this critically important State legislation that would protect our lakes from AIS and VHS infections?

WHAT ABOUT ROB AND MARY?

Representative Rob Swearingen supports wake surfing regulation at the state level. Rob indicated he is willing to work with us to amend existing laws. We need both a Representative and Senator to co-sponsor a bill that would amend existing laws or propose new laws.

Senator Mary Felzkowski, over a lake district with one of the highest concentrations of fresh water lakes in the world, has said that she thinks this should be handled at the local level. We need help at both the state and local levels. In a lake district we need legislators that protect this valuable resource.

POSSIBLE SOLUTIONS

- Pristine lakes are the backbone of a tourist economy that **contributes \$290 million of economic** impact to Vilas County each year.
- Managing the ballast system problem is far beyond the ability of a small community.
- Until the State and boat manufacturers develop methods to decontaminate the ballast systems, and have the ability to track the boats to be sure all are decontaminated, and have the funding to carry this out, **the use of ballast water should be prohibited in all townships.**

SUMMARY OF STATE AND LOCAL ACTIVITIES

Regulation at both the Local and State level is necessary.

- **First**, immediately enact a **local ordinance** that prohibit watercraft from generating an intentionally magnified wake through the use of ballast, design features, operational procedures or any other means. Because this ordinance prohibits the use of ballast tanks it will protect our lakes from becoming infected with AIS and VHS. An ordinance like this has been **successfully implemented on Crystal Lake in Rhine, Mequon and Long Lake in Rockland, Wisconsin.**
- **Second**, contact state legislators and insist that they support expanding a **state run watercraft inspection and decontamination** program.
- **Third**, consider **amending current state laws** that would regulate use of wake surfing boats. Start with the 3 presented:
 - 30.66 (3) Speed restriction: 700 feet from shore
 - 30.68 Prohibited operation: 700 feet from another lake user
 - 30.636 Motorboat prohibition: 20 feet deep and 1500 acre minimum

THANK YOU FOR THE OPPORTUNITY TO PRESENT

