

SHOULD HAZARDOUS WAKES BE REGULATED ONLY AT THE STATE LEVEL?

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Presque Isle, WI
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PEOPLE COMMONLY SAY ‘THIS IS A STATE ISSUE, LET’S WAIT FOR STATE ACTION’

YES, IT IS A STATE ISSUE... BUT IT IS ALSO A LOCAL ISSUE.

- 1. For some Wisconsin towns, lakes are their key resource. Such towns must have the ability to protect their lakes locally.**
- 2. Action at the state level is likely to be slow**
- 3. Action at the state level would be “one size fits all”**
- 4. Wisconsin law empowers towns, villages and cities to enact ordinances regulating watercraft (WI Statute 30.77)**
- 5. Action at the town level can be tailored to local needs/conditions**
- 6. Action at the town level is far less likely to draw attention from corporate lobbying interests**

DO INDUSTRY ASSOCIATIONS FOR WAKE SURFING REALLY TRY TO LOBBY STATES? **YES!**

The Water Sports Industry Association (WSIA) and Marine Manufacturers' Association (MMA) have heavily lobbied legislation in several states and either had the effort stopped, or substituted their “model law”

NMMA Secures Victories in Protecting Boating Access Across States

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As state legislative sessions near their final days, boating access rights have been at risk across the United States. Lawmakers, agencies, and special interest groups across several states have attempted to regulate towed water sports, specifically wakesurfing, due to claims that the activity has a negative impact on waterway shorelines.

The NMMA, alongside the Water Sports Industry Association (WSIA), and the Marine Retailers Association of the Americas (MRAA), has been engaged across a number of states, working to protect boating access and ensure that our waters may be safely shared and enjoyed for generations to come.

Following the 2022 legislative season, the team and its industry partners will continue its work educating boat owners and renters on best practices when engaging in towed water sports, including wakesurfing 200 feet from shore and in water that has a depth of at least 10 feet, as recently confirmed in a peer-reviewed study published in March.

Below is a recap of boating access legislation the industry was engaged in.

WATER SPORTS INDUSTRY ASSOCIATION (WSIA) MODEL LAW

- In Tennessee a bill was introduced to regulate aspects of wake surfing
- WSIA lobbyists intervened. In 2022 the WSIA secured passage of its model bill.
 - **200' limit from shore and docks for wake surf boats**
 - **No wake surfing on lakes under 50 acres**
 - **Surfer must wear life jacket**
 - **No wake surfing after sunset or before dawn**
 - **No wake surfing from boats with exposed propellor**

**THE WSIA MODEL LAW IS SILENT ON WATER DEPTH,
FORWARD VISIBILITY AND INVASIVES**

WAKE RESPONSIBLY

1 Stay at least 200 feet away
from the shoreline, docks, or other structures.

2 Keep music at reasonable levels.
Sound travels well over water. If it's loud enough to hear at 80 feet back, it is likely loud enough for homeowners to hear, too.

3 Minimize repetitive passes
on any one portion of shoreline. Once you've run the same line for a while, move on to another area.

REMEMBER, YOU ARE RESPONSIBLE FOR YOUR OWN WAKE.



wsia
WATER SPORTS INDUSTRY ASSOCIATION
"To Promote & Protect"

'EDUCATE, DON'T REGULATE'

A common argument of the water sports industry is **"We have too many regulations. Educate, don't regulate."**

But look at their "education". Their "Wake Responsibly Campaign" is silent on:

- Depth of water where wake surfing occurs.
 - Size of lakes where wake surfing occurs
 - Distance from other boats when wake surfing
 - Sterilizing ballast tanks between lakes, to avoid invasives transfer
 - Inability of driver to see directly ahead of boat on most wake surf boat models
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- "Educate, don't regulate" is a false promise. Show me the serious attempts the industry itself, or boat user groups have made to educate wake boat operators.
 - And even if there were serious efforts made to educate the true risks and impacts of wake surfing, some users would ignore them unless required by law.

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HAVE ANY STATES YET PASSED STATEWIDE LAWS REGULATING WAKE SURFING ?

Tennessee (2022)– Based on WSIA Model Law

South Carolina (2021)– Prohibits “wake surfing” within 200’ of swimmer, moored boat or dock. Defines “wake surfing” as operating a boat that is stern ballasted and is intended to be surfed by a person.

Many states have had bills introduced attempting to establish significant regulations, but none have yet passed (e.g., Vermont, Indiana, Georgia)

VERMONT LEGISLATION

- Vermont is now in rulemaking and public hearings. Vermont may have a statewide law in place by YE 2023
 1. 500' from shore, 20' water depth, 50 acres contiguous
 2. Home lake rule—
 - Each ballasted boat must declare one “home lake”. It cannot be moved to another lake until decontaminated in a state certified facility
- Vermont is 9,600 sq miles, population of 645,000.
- Wisconsin is 65,500 sq miles, population of 5,896,000

HAVE ANY WISCONSIN TOWNS PASSED ORDINANCES CONTROLLING WAKE SURFING?

MEQUON-- 2009, Enacted a ban on producing hazardous wakes using ballast tanks or external fins

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ROCKLAND (Manitowoc County)– **2012** banned boats using ballast tanks or other “wake enhancing devices to create large wakes” on Long Lake.

FOUR TOWNS IN SAWYER COUNTY -2019-2021, banned making hazardous wakes within 700 feet of shore

RHINE (Sheboygan County)– **2021** banned use of ballast tanks and other wake enhancing devices on Crystal Lake

ADVANTAGES OF LOCAL REGULATION

- **SPEED** – a motivated town can enact an ordinance far more quickly than the state
- **TAILORING**– To local needs and preferences
- **SCOPE**-- Allows a town to enact greater controls than are likely at state level
- **PROMOTES LOCAL DISCUSSION**- no one can debate these are important topics and should be publicly debated
- **POSSIBILITY OF LOCAL REGULATION MOTIVATES MANUFACTURERS TO IMPROVE WAKE BOAT SAFETY AND ENVIRONMENTAL DAMAGE—**
 1. **Motivates redesigning ballasted boats to allow inspection, 100% drainage, easy decontamination and avoiding 8 gallons of antifreeze in winter storage**
 2. **Forward vision obscured issue**
 3. **Downward prop wash issue**

TIME WORKS AGAINST REGULATION

- Surf boats are the fastest growing segment of power boat sales
 - 20% year on year, as of 2021
- There is an “arms race” among manufacturers to produce ever more powerful wakes each model year
- Powerful interests oppose meaningful regulation
 - Entry level surf boats cost \$80,000—average cost is \$150k
 - Major profit center for boat manufacturers

EVERY YEAR THAT PASSES BRINGS MORE SURF BOATS WITH BIGGER WAKES ONTO OUR FRAGILE LAKES

SUMMARY

- **Wake surf boats can be used in full compliance with Wisconsin law and industry education, yet still have environmental and safety risks**
- **It is unrealistic to expect state action to come soon or be broad**
- **We have a choice: regulate hazardous wakes locally, or see safety jeopardized, lakes harmed, invasives introduced and displace other lake users ... while waiting for state action**
- **Local laws for local lakes can pass, if citizen groups press the issue.**

OTHER WISCONSIN TOWNS REGULATE HAZARDOUS WAKES AND INVASIVES TRANSFER. WE MUST CONSIDER FOLLOWING THEIR GOOD LEAD

