



Wakeboats: Balancing Enforcement, Education, and Regulation

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Wisconsin Lakes



**WISCONSIN
LAKES**

- The Mission of Wisconsin Lakes is to conserve, enhance and restore Wisconsin's lakes to ensure their sustainability for the benefit and collective use and enjoyment for this and future generations.
- Over 300 lake organizational members, who in turn represent over 80,000 individuals.

Agenda

- Wakeboats – A statewide concern
- Defining the issue
- Potential solutions: Education, Regulation, or each helping the other?

How we got here

➤ What do we mean by wakeboats?



Source: <https://www.boat.com/news/heyday-announces-all-new-wt-surf-model>



From Twitter, @wetsounds, Aug 6, 2018



How we got here

- Wakeboats have been in state for some years
- WI Lakes began receiving contacts regarding issues last spring, continued through the summer from all part so the state



What We Heard: Damage to Private Property

- “I know one riparian owner on Silver Lake spent approximately \$20,000 to put in a 2 foot high wall fronted by R.I.P. rap. Are we all going to have to make that kind of investment because someone decides to buy a \$80,000 surf boat?”
- Multiple comments about damage to docks, piers, swim rafts, shoreline



What We Heard: Erosion of Shore and Destruction of Habitat

- Numerous reports of more erosion than in the past
- Concerns about higher wakes in conjunction with higher water levels
- Near shore fish habitat in jeopardy



What We Heard: Lake User Safety

- Big waves impacting users of other boats, especially pontoons
- Swamped paddlers and SUP'ers
- People knocked off docks and piers
- Impact of new state spotter law (2017 Act 163)



What We Heard: Invasive Species

- Concerns that larger ballast tanks make these boats harder to decontaminate, may lead to spread of aquatic invasive species
- MN study

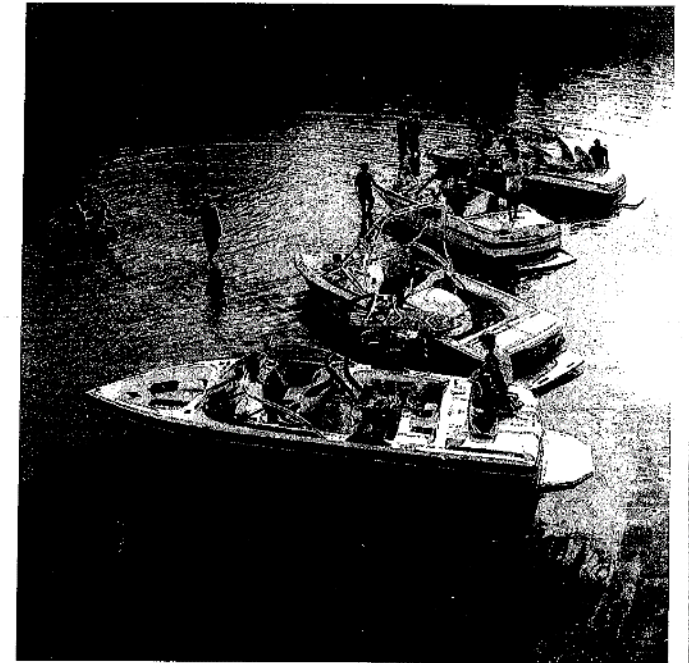


What We Heard – Enforcement Issues

- DNR limited in enforcement authority and capacity
- Limited interest on the part of some localities
- Difficulty of being in the right place at right time

What We Heard – User Cooperation

- “A neighbor tried to speak to one of the operators last year, and he rudely told the neighbor that his family has been on the lake for many more years than the neighbor, and he could do whatever he wanted on the lake.”
- Most likely a few bad actors creating an unfair stereotype for all



*Real Pix on The
Black River*

♥ 44 likes

It's getting warm out, guess it's time to "wreck" some shoreline. #supra #nautique #axis

Defining the problem

- Some boaters are unwilling to use equipment responsibly
- Existing laws are not being enforced adequately where they are applicable
- Existing laws may focus on correct issues: protection of property and ecosystem, prevention of spread of invasive species, and boater safety, *but may not adequately account for the new technology*

Solution 1: Education



- Outreach to the boaters – best practices
 - Industry & the lake community together
- Outreach to property owners and other lake users (e.g. paddlers)

Solution 2: Regulation

➤ Existing boating regulations

- CAREFUL AND PRUDENT OPERATION. A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person. (Wis Stat 30.69(2))



Solution 2: Regulation

- Existing boating regulations
 - No person operating a motorboat that is towing persons engaged in water skiing, aquaplaning or similar activity may operate the motorboat within 100 feet of any occupied anchored boat, any personal watercraft or any marked swimming area or public boat landing. (Wis Stat 30.69(3)(a))
 - Generally, keep 100 ft from others

Solution 2: Regulation

➤ Existing boating regulations

- Slow No Wake. (Wis Stat 30.66)
 - 100ft of shore or 100ft of other boats
 - 200ft for personal watercraft
- Local ordinances
 - Speed
 - Types of boating activities on all or portions of the waterbody
 - Types of boating activities at particular times or specified days



Solution 2: Regulation

➤ Current Local Efforts

➤ Sawyer County

- Ordinance proposal to ban wakes longer than 50 ft and 2 ft high closer than 700 ft from shore, dock, raft, or other restricted area
- Did not pass on recommendation of corporate counsel for lack of county authority

Solution 2: Regulation

➤ Current Local Efforts

- Black River Falls – Towns on Black River Reservoir considered an ordinance to restrict use of boats in “artificially bow high manner, in order to increase or enhance the boats wake.” Limits applicability to a narrow part of the lake (less than 400ft section of the reservoir). Met with almost literally violent opposition.

Solution 2: Regulation

- What is regulation trying to accomplish?
 - Some problems best resolved by private right of action (e.g. contract disputes)
 - Some actions too disparate in effect for private right of action to suffice. Government regulation is most efficient way to provide relief.
 - Speed limits

Solution 2: Regulation

➤ Speed limits

- Enacted to protect private persons from harm
- Work best if users understand why they are set at the levels they are set
- Not enforceable 100% of the time
- Serve as education of where the line for use of vehicle is set by that community
 - *Purpose is as much educational as punitive*



Solution 3: Education, helped by regulation

- Not all speeders would stop just by educational programs
- Education, accompanied by even the threat of enforcement, can be effective



Solution 3: Education, helped by regulation

- Same idea already worked for our lakes - jetskis





Proposal

- Lakes community (statewide) works with industry to develop outreach tools, including impacts of boats and existing regulations
- Advocate for better enforcement of existing rules
- Monitor impact of local efforts



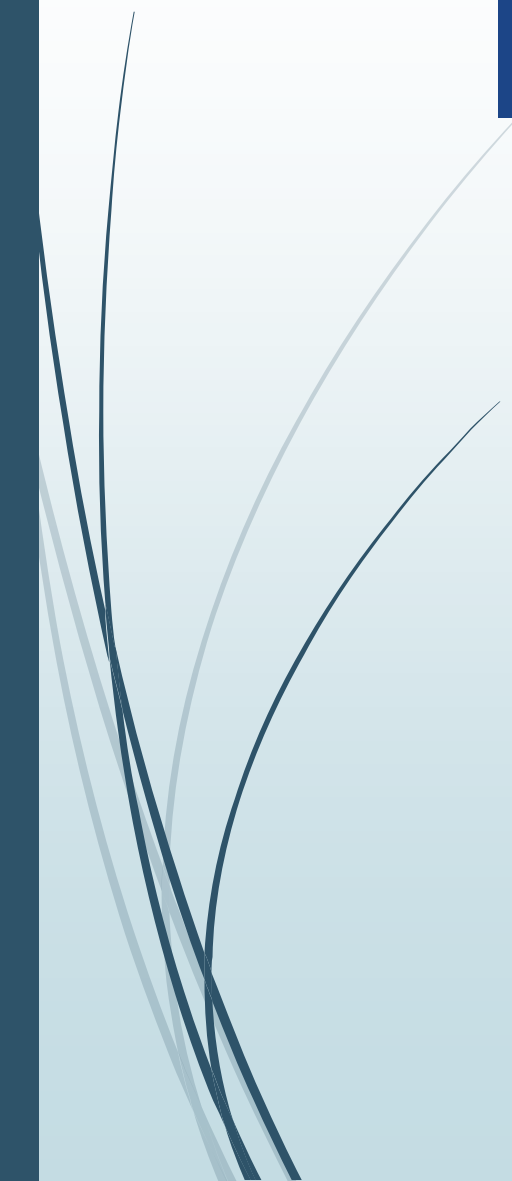
Proposal

- Explore options for limited regulations that serve hybrid educational/regulatory purpose
- Especially protective of small lakes or narrow portions of larger lakes
- May not be a one-size-fits-all solution



Proposal

Key is to work together
and balance
everyone's interests





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