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BEFORE THE DEPARTMENT OF FISH WILDLIFE AND PARKS
OF THE STATE OF MONTANA

LEGAL UNIT
FISH WILDLIFE & PARKS

In the matter of the adoption of a rule) RULEMAKING PETITION
to restrict boating activity on Lake)
Five to "no wake surfing")
)

TO: All Concerned Persons

1. Petitioner's name and address are

Lindsey Bennett and Dan Simonson
1150 Hodgson Road
Columbia Falls, Montana 59912

2. Petitioners are stewards of the historic Lake Five Resort and represent opinions of many property holders on Lake Five. Petitioners also represent frequent Lake Five recreationalists including thousands of Lake Five Resort patrons; encompassing generations of seasonal, overnight, and day use guests. Effective 2022 Lake Five Resort does not allow guests to operate boats with active ballast, devices designed for generating large wakes, or to wake surf on the lake. Almost all guests understand that the lake is too small for wake surfing and enjoy other types of water sports instead. The Hungry Horse Reservoir is nearby and offers sufficient space for wake surfing. The majority of Lake Five Resort guests prefer a serene nature experience listening to Common Loon calls, swimming and paddling man powered craft on Lake Five. Many guests feel disturbed and threatened by motorboats on the lake. Many property owners on the lake have lost noticeable shoreline due to erosion from the large waves produced by wake surfing boats. Maintaining water clarity is a concern as it is synonymous with lake health. Excluding personal watercraft, Lake Five is available to all types of motorized craft with no restrictions on vessel size, speed, or wake. Under existing regulations, personal watercraft are prohibited and there is not a 200 foot "no wake zone" as present on other Montana lakes. Lake Five is not protected by a "no wake zone" because its shape and size (151.8337 acres) would not allow most recreational sport boating to occur if the customary 200 foot no wake zone were enforced.

*• The energy in a boat wake goes up exponentially with wave height (US Army Corps of Engineers) That means a 2-foot wave is 4 times as powerful as a 1-foot wave, and 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.
• Studies show that boat wakes contained more energy than the top wind-generated waves (Fonseca and Malhorta, for US Army Corps of Engineers)

- A distance of 500 feet is needed to attenuate wave energies (Zabawa and Ostrom, CEDS)
 - A minimum distance of 150 m (500 feet) is needed to reduce erosion caused by wakeboats (Mercier-Blais and Prairie) The very short and intense wave train created by a wake/surf boat has the most impact when it reaches the shore because it contains much more energy than other boat- or wind-generated waves. The passage of “wakeboat” type vessels causes considerable impact on the shore when they pass 100 m (330 ft) from shore
 - A distance of 200 feet for wake/surf boats is not adequate based on studies on the Willamette River. Distances of at least 300-400 feet or more are required (G. MacFarlane)
 - Based on extensive boat wake studies, a feasible management option is to restrict wake surfing to wider water bodies (Ruprecht et al) A multitude of well-crafted and reviewed scientific studies from around the world refute the Water Sports Industry Association’s (WSIA) recommended 200 ft from shore for wake surfing.”
3. Lake Five is intensively used by recreationists of all types, the majority being swimmers, man powered craft paddlers, and anglers. Despite their growing popularity, wake/surf boats are a small percentage of watercraft on Lake Five and are responsible for the largest impact degrading lake health. Lake Five is not a large enough lake to safely accommodate wake surfing. One wake surf boat on Lake Five can generate waves that disturb and disrupt the entire ecosystem and make the lake unenjoyable for the majority of recreators. Wake surf waves erode the sensitive shoreline and displace nesting birds, especially the endangered Common Loon. Loon presence on Lake Five has diminished due to human disturbance; A Common Loon nest on Lake Five failed this last spring, most likely from the wake surf waves flooding the nest. Loons nest in May and June and need time to raise chicks without disturbance. Some areas and lakes in Montana have protections in place from April 1st until July 15th for waterfowl production. Enforcing a ‘no wake’ regulation on Lake Five until July 15th would give Loons a better chance to complete their nesting cycle and time for the water level to decrease as the shoreline is more sensitive to erosion at high water levels. A no wake regulation would also better serve the anglers funding “Paul’s Memorial” fishing access. Wake Surf boats increase water turbidity, especially in shallow glacial lakes with thick sediment as present in Lake Five. When sediments are suspended in the water, phosphorus levels increase causing excess algae and plant growth. Lake health depends on water clarity. Wake boats use ballast tanks that can transport invasive species to Montana lakes, because ballast tanks are difficult to flush/clean/inspect properly. Eliminating the use of ballast tanks on Lake Five will help prevent future infestation of invasive species. Eliminating the threat and disturbance from wake surf boats would help maintain Lake Five’s natural and peaceful state conducive to the needs of wildlife and the enjoyment of the majority of recreationists utilizing Lake Five.

ADOPTION:

The rule[s] as proposed to be adopted would provide as follows:

Lake Five is a natural lake in Flathead County. The following waterbody use restriction prohibits wake surfing and prohibits the use of ballast tanks and devices to increase wake size on Lake Five for all times of the year. Lake Five is limited to "no wake" for all boats April 1st until July 15th.

5. Petitioners have knowledge of many persons who have a particular interest in the proposed agency who will provide testimony when required.
6. Petitioners request a hearing for expression of petitioner's and other interested persons' views.


WHEREFORE, petitioners request the Montana Fish and Game Commission to order Montana Fish, Wildlife and Parks to adopt a rule for Lake Five to prohibit wake surfing, and prohibit the active use of ballast tanks and devices made to increase wake size - AND – Lake Five is limited to "no wake" for all boats April 1st until July 15th.

Lindsey Bennett



9-30-22
September 30th, 2022

Dan Simonson



9/30/2022

References:

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- Ruprecht et al. Wakesurfing: Some Wakes are More Equal than Others, Proceedings of the Australasian Coasts & Ports Conference, Auckland, NZ (2015)
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