

LAKE ANNA ADVISORY COMMITTEE

Louisa County Office Building
1 Woolfolk Avenue
Louisa, VA 23093

MINUTES – AUGUST 12, 2015 SPECIAL MEETING

DETERMINATION AND CALL TO ORDER

Chairperson Heidig called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Chris McCotter, Vice-Chair; Jim White, Orange County; Bill Martin, Treasurer; V. Rae Jones, Orange County; Ann Heidig, Chair; Gary Bullis, Spotsylvania County; Christian Goodwin, Louisa County Administrator; and Stephanie Koren, Louisa Board Representative.

Absent: Kathrine Courchaine, Louisa County Committee Secretary; Mark Taylor, Spotsylvania County Administrator; and Paulette Mann, Spotsylvania County Committee Secretary.

Others Present: Major Lowe, Louisa County Sheriff's Department; and Deputy Short, Spotsylvania County Sheriff's Department.

DISCUSSION

Small Purchase Procedure for the Hydrilla Contract

Chairperson Heidig presented the proposed small purchase procedure to the committee and emphasized the need for the document for purchases between \$.01 and \$10,000.00.

Mr. Bullis made a motion, seconded by Mr. Martin, to approve the purchase procedure as presented. The motion passed unanimously.

Approval of Hydrilla Contract

Chairperson Heidig opened discussion regarding the Hydrilla contract and addressed the following concerns and questions:

- Concerns of retreatment if needed;
- Clarification of acreage coverage;
- Expectations of the contractor;
- Terms the contract;
- Clarification of acreage to be treated;
- Timeframe of impact on treated areas;
- Possible addendums to the contract; and
- Additional funding acquired from Dominion.

Mr. Martin made a motion, seconded by Mr. Bullis, to approve the contract as presented. The motion passed unanimously.

Wake Surfing Recommendations

Major Donald Lowe, representing the Louisa County Sheriff's Department; and Deputy Mark Short, representing the Spotsylvania County Sheriff's Department discussed the following concerns and recommendations:

- Reinforcement of the distance from the shoreline was difficult to measure and would be based on eye judgement;
- Concerns regarding court prosecutions with no reasonable way to gauge distance;
- Possibility of resistance from other lake localities within the state if brought before the General Assembly;

- Recommendation in regards to implementing a consistent distance from the shoreline throughout all three counties;
- Safety concerns in smaller canals;
- Clarification of cross swearing agencies; and
- Recommendation for the potential need of more man power.

Mr. Goodwin asked for clarification of the results of the warning and citation research from other states, specifically Pennsylvania and Maryland. Ms. McCormick stated both warnings and citations had been issued and successful in those localities.

Mr. Zemke proposed consistent distances throughout the counties and noted that Spotsylvania's language did not state distance from boats, docks, and jet skis.

Further discussion ensued regarding other water sports, continued safety concerns, and other sporting rules.

Ms. Koren made a motion, seconded by Mr. Bullis, to request all respective Boards for consistent shoreline enforcement distance throughout Lake Anna and to approach the Department of Game and Inland Fisheries to undertake the measures necessary to enforce beyond the authority currently within our power. The motion passed unanimously.

NEXT MEETING

The next LAAC Meeting will be held in Orange County on September 30, 2015 at 7.00pm.

ADJOURNMENT

Chairperson Heidig adjourned the meeting at 8:08 p.m.

Kathrine Courchaine, Louisa County Secretary

Date

To The Lake Anna Advisory Committee
From The LAAC Wake Surfing Subcommittee
Subject Findings of the Subcommittee, Summary, and Recommendation for action

Background:

Early last fall, 2014, the LAAC Board began to hear from a number of public speakers describing the growing dangers to the boating public by the relatively new sport of wake surfing on Lake Anna.

Also, the Lake Anna Civic Association had already been receiving complaints from its members regarding boats and occupied docks being swamped by wake surfing boats as well as a dramatic escalation in the erosion observed on residents' property. There were reports of sections of sea walls being destroyed and rip rap installed by property owners being washed into the lake at an increasing rate. **(See Attachment 1)**

Larry Zemke, the immediate past Chair of LAAC, appointed a LAAC Wake Surfing Subcommittee and charged them with researching this situation. The subcommittee was tasked with bringing forward a recommendation to the LAAC Board for action.

The Findings of the Committee:

Since last fall, the subcommittee has met with members of the wake surfing community and law enforcement to get their perspectives on the issues raised. Committee members have also done extensive research regarding wake boats, wake surfing and the impact this sport has had on the environment and other water enthusiasts.

To clarify: wake boats feature torque-laden inboard engines mounted inside the hull and keel drive propeller and rudder system. The boats ride low in the water and can turn as if on a track due to keel fins and a heavy metal rudder.

Onboard ballast tanks can be pumped full of water allowing the hull to displace even more water. Metal baffles can be lowered to create a wake of nearly four feet for high acrobatics.

A new feature for wake surfers are manual or remotely controlled side "wings" that emerge from the hull to create the perfectly shaped wave to surf.

Because of these uniquely engineered boats, and the popularity of wake surfing, which, by design, creates an unusually large wave, environmental and safety issues are now an issue on Lake Anna.

Another factor that has led to these issues becoming so critical in the last couple of years, is the action taken by the Virginia General Assembly which changed the boating

law to allow wake surfers to be less than 50 feet from a boat. That was a specific accommodation to the wake surfing community.

A boating law favoring one group should not create hardship for others. However, there are solutions to mitigate the negative effects of wake surfing.

Research revealed that at least two states, Pennsylvania and Maryland, (**See Attachment 2**) have already addressed similar wake surfing issues by enacting laws that require:

In Pennsylvania:

“wake surfing to slow, no wake speed when within 200 feet of shorelines, docks, launching ramps, swimmers or downed skiers, persons wading in the water, anchored, moored or drifting boats, floats, except for ski jumps and ski landing floats, and other marked areas.”

There are three major issues to be addressed: the safety of other users of Lake Anna, escalating shoreline erosion, and property damage to lake residents.

And in Maryland:

“A person may not operate or give permission to operate a watercraft for the purpose of wake surfing less than 200 feet from a shoreline, marine structure (pier, dock, piling, jetty, bridge structure, abutment, bulkhead, regulatory buoy, channel marker, floating platform anchored to the bottom, and used for embarking and disembarking from boats, swimming or water skiing) and other vessels operating in the area or at anchor or moored or an individual or individuals in the water.”

Clearly, we are not the only ones that have noticed the impact of this relatively new sport and these wake boats on the environment and other people on the water.

The subcommittee found a study done by the Naval Academy that states 200 feet is sufficient distance to provide adequate wave dissipation. Additionally, we obtained a letter from the Water Sports Industry Association appreciating Pennsylvania’s 200 foot requirement from shore, marina, dock or other fixed object.

WSIA is the industry spokesman for the wake surfing community. (**See Attachment 3**)

But perhaps most surprising of all, we discovered that, in fact, Spotsylvania County and Louisa County have had ordinances that were enacted many years ago specific to:

*“Towing skis or surfboard near shoreline of Lake Anna” (Spotsylvania-Sec.14-12).
(Code 1980)*

And “Operating boat or manipulating water skis, etc., in reckless manner.” Louisa Sec. 82-26) (Code 1971)

These ordinances are inconsistent in content as well as degree of penalty for violations, making enforcement very difficult on the lake.

Summary:

These new wake surfing boats are designed to produce 3-4 waves on which surfers ride. Even greater waves—"monster waves"—are on the horizon. They present a clear and present danger particularly to small craft, paddlecraft—also a fast growing and increasingly popular water sport—and the shoreline of Lake Anna, particularly in narrow channels.

Swamping and overturning of other Lake users has already been reported. Waves crashing over occupied docks, rip rap being washed back into the water at an accelerated rate, and sea walls being damaged are becoming common complaints among Lake Anna residents.

The shoreline, docks, piers, sea walls and rip rap are being damaged due to the significantly larger waves not having room to dissipate before crashing into them. Shoreline erosion and property damage have become collateral damage for wake surfing on our Lake.

It is important to note that these concerns have escalated in the last couple of years and that state law changes allowing wake surfing were not enacted until 2012.

It is clear from the numbers of people who have shared their concerns with this Board and the LACA Board, two highly respected representatives of residents on Lake Anna, that this situation is growing worse, and wake surfing presents a dangerous problem for the boating public, Lake Anna's shoreline and waterfront property on Lake Anna.

A video of a wake surfer about 6-10 feet behind a boat surfing a larger than usual wake without the assistance of a rope to generate forward motion is provided for your perspective. **(See Attachment 4)**

If anyone would like to observe the effects of wake surfing on Lake Anna first hand, there are members of this committee who would gladly take you out on a typical weekend so you can draw your own conclusions about the validity of the issues we have raised.

In conclusion, the operational reality of the increasingly popular sport of wake surfing demands that LAAC take action now.

Residents who pay taxes to the three counties that encompass the Lake expect their representatives to protect the Lake and do everything in their power to provide a safe

boating environment for all Lake users. One's pursuit of fun on the water should not interfere with someone else's ability to safely do the same.

Recommendation for action:

The Wake Surfing Subcommittee strongly urges the LAAC Board to support our recommendation that the existing Spotsylvania and Louisa ordinances be changed to establish 200 feet for wake surfing and 100 feet for other towing activities as the common rule with Class 4 as the common misdemeanor type for violation and that Orange County enact a similar ordinance for consistency of expectations and enforcement on Lake Anna.

Proposed changes to County Code

Spotsylvania

Sec. 14-12. - Towing skis or surfboard near shoreline of Lake Anna.

No person shall operate any motorboat or vessel towing an individual on skis, surfboard or similar device within one hundred (100) feet of the shoreline, docks, ramps, anchored or drifting boats, or persons in the water of Lake Anna. No person shall operate any motorboat or vessel engaged in the sport of wake surfing within two hundred (200) feet of the shoreline, docks, ramps, anchored or drifting boats, or persons in the water of Lake Anna. A violation of this section shall constitute a Class 4 misdemeanor.
(Code 1980, § 19-1; Ord. of 8-25-81(2))

Louisa

Sec. 82-26. - Operating boat or manipulating water skis, etc., in reckless manner.

- (a) No person shall operate any motorboat or vessel; manipulate any skis, surfboard, or similar device; or engage in any spearfishing while skindiving or scuba diving, in a reckless manner so as to endanger the life, limb, or property of any person.
- (b) When a sign has been posted on land or in the water indicating "No Wake," no person shall operate a motorboat or vessel in any cove or body of water referred to in this article at such a speed as to create a wake, swell or displacement wave within 100 feet of the shoreline, or to create a wake, swell or displacement wave capable of causing damage to the life, limb or property of any person on the water or shore.
- (c) No person shall operate any motorboat or vessel towing an individual on skis, surfboard or similar device within one hundred (100) feet of the shoreline, docks, ramps, anchored or drifting boats, or persons in the water of Lake Anna. No person shall operate any motorboat or vessel engaged in the sport of wake surfing within two hundred (200) feet of the shoreline, docks, ramps, anchored or drifting boats, or persons in the water of Lake Anna.

(d)Any person who violates any provision of this section shall be guilty of a class 4 misdemeanor.

Code 1971, §§ 15-11, 15-15

Orange

Towing or wakesurfing near shoreline of Lake Anna.

No person shall operate any motorboat or vessel towing an individual on skis, surfboard or similar device within one hundred (100) feet of the shoreline, docks, ramps, anchored or drifting boats, or persons in the water of Lake Anna. No person shall operate any motorboat or vessel engaged in the sport of wake surfing within two hundred (200) feet of the shoreline, docks, ramps, anchored or drifting boats, or persons in the water of Lake Anna. A violation of this section shall constitute a Class 4 misdemeanor.

Attachment 1

Summary of Response on Wake Damage at Lake Anna Dec 2014

In its November newsletter, LACA requested information from its 825 member families on damage to structures or dangerous incidents resulting from very large wakes. To date we have received 59 responses. Below are some selected excerpts from actual member input. They can be categorized as follows:

1. Responses that offer concerns about the intent of the request (7).

Concerns are that we may be contemplating making the whole lake a no-wake zone, or want to make additional regulations and restrictions on an already over-regulated world.

The only way you will be able to control wakes is by making the entire lake a no wake zone and limiting boat size. Now how enjoyable would that be?

How long will it be before we become like Lake Louisa or Deep Creek Lake and start regulating the hours that certain watercraft can be used or that they can only go in a counterclockwise direction on certain days of the week.

2. Responses that make comments but do not indicate damage from unusually large wakes (12).

These folks have seen damage or are very concerned or uncertain as to cause and cite no actual damage.

Agree that the jumbo wakes, mostly due to adjustable water ballasts in the rear of wakeboard boats, is a subject that needs attention

We know this is largely due to the South being pounded on windy days where the waves whip up traveling across the lake, as well as large boat wakes

These wakes produced by these style boats are so big they should fall into some law violation for causing hazardous conditions on the lake.

3. Responses that cite actual damage (40).

These are responses that cite actual damage and blame large wakes or indicate it is much worse in last couple years.

one of these large wave boats sent a wave her way knocking her off of the paddle board, throwing her into her dock head first. She would have drowned had her husband not been there to pull her out of the water. She had many stitches in the middle of her forehead

Many of our slip users have placed boat lifts to protect watercraft from wakes...

We all know boat wakes contain tremendous energy... especially the intentional FAT-WAKE boats. We have spent considerable time & effort repairing our 830 feet of shoreline this past year...

The project funded cost the community 26K to put in a rock wall to stop the erosion. a wake boat came buy with a kid surfing in its wake. They were running within a few feet of our no wake buoy. The wave action caused the boat to shift and knocked the grandkids off their feet one banging her head

on more than one occasion while driving my 24' pontoon boat with half the capacity on board, we crossed a wake and had water come over the front of the boat, soaking the passengers in the front. these large wakes could have caused injury had the passengers been standing.

She was driving her standup PWC and a Wake Surfer boat pulled out from under the bridge with a full ballast and large wake. My wife was unable to avoid the wave action and as a result she was thrown off the PWC and it was completely flipped over. She did not experience any serious injuries, but we had to get assistance to upright the PWC, pull it back to our dock and have the PWC serviced for water damage (\$360).

The larger than normal wakes generated by these wake surfing boats make it extremely difficult and hazardous to attempt to water ski, kayak, paddleboard or do other traditional boating activities. These wakes are also damaging our shoreline.

Last year, while backing my boat out of the lift, two very large boats (racing) produced a huge wave which slammed my craft into the end of the pier cracking the port starboard side. The estimate from the boat shop to repair it was \$1,000 - \$1,500.

The same is true when swimming near the dock, the wave has pushed grandkids into the dock. We try to anticipate this and so far no injuries or damage, but time will tell I was towing a tube on a 22 ft pontoon boat.... two wake boats were in the area creating large waves for "surfing". ...a wall of water that dented my boat's exterior, pushed open the door of the boat and flooded the deck past the driver's seat. While we had no personal injuries, we did sustain property damage that resulted in replacement of the exterior wall of the boat and the door.

...a large wave from the wake of a passing ski boat raised the dock and dropped the jet ski into the wave's "valley". As you can see in the photo, the jet ski traveled a significant distance under the dock with her on top, before it stopped. The driver has a painful and debilitating injury to her spine – confirmed by x-ray and MRI. The jet ski sustained significant damage (handle bars, mirrors, plastic top, etc.) which cost over \$2,300 to repair.

I have seen my brother's children (28, 25 and 22 years old) fall off their PCWs due to large wakes when they have been near the dock at idle or stopped.

wave action from the excessive number of ballasted wake boats that spin in circles in Plentiful Creek caused the boat to lurch against the mooring line and the forward chain plate pulled out. This caused the mast to fall. Luckily no one was hit
We have had damage due to wake, but no pictures to share. We lost about 6-8 feet of land around the peninsula that is our lot.

sudden appearance of a fast moving series of wake waves which were large enough to lift my boat up abruptly against the mooring lines, slamming it against the fenders, and shoving it over the edge of the dock where it then slammed down across the planks, rolling the boat almost on the beam ends before dropping it back into the water. I was thrown violently against the rail of the boat, almost went over the side, where I would almost certainly have been "hogged" between the dock and the hull. Had this occurred, I believe result would probably have been fatal

I am about to spend \$14,000 to repair the current damages. I would sure like to have something done about those wakes so I don't have to make such costly repairs again. My grandchildren like to use our canoe, our kayak, paddle board, and just swim and float. Hard to do in high wakes. Maybe even dangerous.

* 2014 Centurion Enzo SV244 - 579999 (Lake Anna, VA)



08.18.01.09

Maryland

.09 Wake Surfing.

A person may not operate or give permission to operate a watercraft for the purpose of wake surfing less than 200 feet from a shoreline, marine structure (pier, dock, piling, jetty, bridge structure, abutment, bulkhead, regulatory buoy, channel marker, floating platform anchored to the bottom and used for embarking and disembarking from boats, swimming or water skiing) and other vessels operating in the area or at anchor or moored or an individual or individuals in the water.

MD

08.18.01.06. 06 Water Skiing — Towed Devices Requirements.. A. A motorboat towing an individual or individuals on water skis, aquaplane, or other similar device shall keep at all times at least 100 feet from the shore, wharf, pier, piling, jetty, bridge structure or abutment, or an individual or individuals in the water. When passing another vessel, the operator of the towing vessel shall stay at least 100 feet away from the other vessel.B. Towlines may not be more than 75 feet in length

Pennsylvania 58 Pa Code 109.4

Wake surfing—A competitive or recreational water sport in which a person on a wake board or similar style board rides in or on the wake of a motorboat.

(k) *Wake surfing*. Boats engaged in the activity of wake surfing are limited to slow, no wake speed when within 200 feet of the following:

- (1) Shore line.
- (2) Docks.
- (3) Launching ramps.
- (4) Swimmers or downed skiers.
- (5) Persons wading in the water.
- (6) Anchored, moored or drifting boats.
- (7) Floats, except for ski jumps and ski landing floats.
- (8) Other marked areas.



February 1, 2012

Ms. Laurel L. Anders, Director
Bureau of Boating and Outreach
PO Box 6700
Harrisburg, PA 17106

Dear Laurel:

On behalf of the inboard marine dealers and water sports enthusiasts in the State of Pennsylvania, the Water Sports Industry Association (WSIA) would like to commend the efforts of the Pennsylvania Boating Advisory Board for your wisdom and forethought regarding the direction you are suggesting for the very popular activity of wakesurfing.

Wakesurfing has become the fastest growing segment in the towed water sports arena. Wakesurfing appeals to an older demographic due to its fast learning curve and low speed for its participants. Wakesurfers feet are not in bindings and, therefore, their falls are more forgiving on the participant. A fall wakesurfing is no different than falling into a swimming pool.

Your State's recognition of the facts regarding this activity, coupled with the understanding that every boat owner is responsible for their own wake, is also applauded. The 200 foot requirement from shore, marina, dock or other fixed objects is also appreciated. This distance is reasonable and now supported by data from the Naval Academy. Research supports that a wave, which is one foot or less, does not have the force to damage shore or property and the 200 foot distance will insure that wave size or less. Thank you again for your leadership.

Sincerely,
Larry Meddock
WSIA. Executive Director

Attachment 4

