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June 4, 2025

Darwyn Brown, Chairman
Town of LaFollette
PO Box 322
Siren, WI 54872

Subject: Wake Enhancing Boat Concerns

Dear Chairman Brown:

I am the Bureau Director for the Recreational Safety and Outdoor Skills Bureau for the Wisconsin Department of Natural Resources (Department). I have been asked by the Secretary's Office to respond to the concerns in relation to wake enhancing boats, you have brought forward representing the Town of LaFollette. Secretary Hyun and the Department wants to thank you and the Board for your concerns for both the boating public and the environment.

Currently, Wisconsin does not have state statutes or administrative codes to uniquely address concerns about the use and operation of wake enhancing boats. Wisconsin law does generally address speeds that boats can travel when in proximity of the shoreline, rafts, docks, or piers. In addition, Wisconsin has statutes relating to the general creation of hazardous wakes that apply to approaching and passing situations and assigns civil liability to the boat operator whose wake causes damage to personal property or results in injury. In addition, Wisconsin has both state statute and administrative codes that address the general spread of invasive species. However, none of the existing state statutes or administrative codes apply exclusively to wake enhancing boats operating in a ballast mode on shallower or smaller bodies of water.

As you referenced in your letter, another option to address wake enhancing boat concerns is the statutorily authorized ability for local units of government to create and enact local boating ordinances. This allows local units of government the ability to create local ordinances that are specific to the local lakes compared to generalities more common with state statutes. While the Public Trust Doctrine prohibits a local unit of government from prohibiting a specific type of watercraft, it does allow for additional restrictions to be placed on activities. Currently there are local ordinances specific to ballast operation that establish greater distances from shore before being allowed to utilize the ballast capabilities of the boat. This approach is designed to reduce shoreline concerns by allowing the large wakes more distance to dissipate. Another example establishes a distance where a boat could not operate in a bow up manner, something like "it will be unlawful to operate any motorboat in a bow up manner for more than 100 yards." This type of ordinance is an effort to address the extended distances a ballast boat travels in a bow up manner while protecting the recreational boater transitioning from displacement to planning modes of operation. Other local ordinances are prohibiting the use of ballast equipment to be utilized on certain bodies of water particularly when there is not more water depth. This approach prohibits the ballast operation while still allowing the ballast boat to be operated as a traditional motorboat would be operated.

The Department shares your concerns and supports the discussion and development of statewide legislation to more specifically address the concerns that wake enhancing boats generate. Statewide legislation provides uniformity and consistency with our public. Ultimately, the decision to develop and introduce legislation rests

with the elected representatives in the Wisconsin Legislature. The Department remains committed to providing objective information and drafting assistance as requested by any representative's office.

It is the Department's goal to provide consistency in the tools we currently have available to address the concerns with wake enhancing boats and to continue to leverage public outreach as it relates to wake responsibility.

Thank you for reaching out. Please don't hesitate to call with any additional concerns you may have. I can be reached at (608) 852-9456 or April.Dombrowski@Wisconsin.gov

Respectfully,

April Dombrowski
Bureau Director Recreational Safety and Outdoor Skills
Division of Public Safety Resource Protection
Department of Natural Resources

CC:
Dr. Karen Hyun, Secretary, Department of Natural Resources