

From: [Forester, Jeff](#)
To: [Vickie Schleuning](#)
Cc: [Gregg Thomas](#); [Ann Hoelscher](#); [Dan Baasen](#); [Bill Cook](#); [Rich Anderson](#); [Ben Brandt](#); [Mark Chase](#); [Mike Kirkwood](#); [Dennis Klohs](#); [Mark Kroll](#); [Denny Newell](#); [Nicole Stone](#); [Jake Walesch](#); [Deborah Zorn](#)
Subject: Boat Generated Wave Impact on Lake Minnetonka
Date: Tuesday, June 7, 2022 12:15:07 PM

Greetings Vickie and the LMCD BoArd,

Thank you for reaching out to me regarding your upcoming meeting on "Boat Generated Wave Impact on Lake Minnetonka." Unfortunately I am unable to attend the meeting on Wednesday night, but wanted to share some thoughts.

I am Executive Director of Minnesota Lakes and Rivers Advocates, MLR and we have members in every legislative district in the state including over 250 lake associations. In 2018 I began receiving emails from members about the negative impacts of large wakes on shorelines, the destruction of aquatic plants, re-suspension of sediments, silting in of spawning beds, and user conflicts due to large wakes and more powerful prop-thrust.

We began by meeting with representatives from the boating and water sports industry. We worked together to define the problem, and concluded that it was due to a lack of clear guidelines and widespread, universal education. The boating industry does have a training course that they provide for people when they are buying a boat and the water sports groups are also offering educational materials. We realized that while this is a good start, often it is not the owner of the boat that is operating it, but family members or friends using the boat, and they did not get this training.

Over the next few years we continued meeting and talking and discovered some shared values; safety of boaters, protection of environment, reducing conflicts between different user groups like paddle boarders and large cruisers or wake surfing boats.

In 2020 we began to work together to advance a policy proposal that addressed the problem, supported our shared values, and most importantly, was doable by law enforcement and the courts.

One of the most important lessons I have learned in the last 22 years as Executive Director of MLR is this; The Minnesota Legislature is the worst place in the state of Minnesota to resolve conflict. The second is that it is always easier to prevent legislation from passing by creating controversy around the issue than it is to broker and advance a productive public policy.

I am writing today to urge you to not adopt a 1000 foot from shore rule at Wednesday's meeting. My reasons for this are:

- 1) Such a move will generate considerable controversy statewide and make any statewide progress much more difficult moving forward,
- 2) It would strain the coalition that we have worked to form in support of a deeper and more productive solution strategy - boater education and certification,
- 3) Our law enforcement partners tell us that enforcement and prosecution is difficult and unlikely to be productive, particularly given the resources of a boater who can afford such an expensive watercraft.
- 4) There is not definitive scientific support for a blanket 1000' rule.

Perhaps a bit of background is useful.

MLR has been working since 2020 to resolve conflict and build a broad base of support for a boaters education and certification program which includes rules of the road, how to operate a boat without causing ecological damage to the lake, and basic boating etiquette so that everyone can enjoy our lakes as they see fit.

This training, we recognized, would require the best, independent and peer reviewed academic research into the power of prop thrust, and the potential energy and impact on shorelines of the wakes produced by different types of watercraft. In 2021 the St. Anthony Falls Lab, SAFL one of the oldest fluid dynamics labs in the county, crowd funded a study into the wake dynamics of various watercraft. They released the findings of the first phase of this study in February 2022. Plans are under way to continue this research.

This information will be critically important as a working group of engaged citizens partners with the MN DNR to outline Best Practices to be included in a watercraft operators training course.

This coalition includes law enforcement, statewide angling groups, the Community of Minnesota Resorts, MN COLA, marina owners, and national boating and water sports industry trade groups. As far as I know, this is the first time that such a diverse group of organizations and individuals has been brought together to advance the common good.

It is a strategy that will be able to productively address a large number of lake issues *if the coalition remains in tact.*

Because of this work the bill that extended the current youth boating training and certification requirement to adults passed 4 legislative hearings without a single "no" vote. There was no organizational opposition to the bill except for the Senate Republican Caucus, which blocked it from going to the Senate floor as a stand alone piece of legislation.

That move by Senate Republicans made it much more difficult to pass this consensus legislation.

Building this coalition has been incredibly difficult and has required hundreds of hours of effort. It is a new and somewhat fragile coalition. Each of the members of the coalition have had to contend with some of the more passionate members of some of these various groups pushing for what they perceive to be shorter more direct solutions, like a 200 foot from shore statute, a ban on various watercraft and so forth and yes, a 1000 foot from shore statute.

The wake surfing issue mirrors other controversies and provides some insight, the use and mis-use of ATVs and snow mobiles. After a decade of heated discussion at the Capital, the solution was an operators training and certification requirement.

In your notice of the meeting, you lay out four potential courses of action:

1. Wait until the State passes a law
2. Wait until subsequent phases of the SAFL study are published
3. Propose an ordinance, based on public suggestions received so far, that addresses:

- a. Distance from shore that boats must operate at low wake
- b. Whether this distance should be the same for different types of boats
- c. Whether certain smaller bays should have different restrictions than larger bays
- d. Whether there should be restricted hours or days for some recreational boating activities
- e. Other?

I want to suggest 3,e. - Other. Please consider working with MLR, MN COLA National Marine Manufacturers Association, the Marine Retailers of the Americas and other partners to support ongoing independent research to guide best practices, and creation of an education and certification program for all of Minnesota's boaters.

The LMCD has a role to play, particularly during a campaign season, in educating policy makers of the importance of this and other lake forward legislation.

Education will save lives, protect lake ecology and ensure that more people can enjoy our lakes as they see fit. As more people learn the basics of lake ecology, boat safety and lake etiquette, other and more meaningful efforts will become possible with regard to AIS, shoreline restoration, protection of native aquatic plants and more.

Thank you for your commitment to one of Minnesota's most iconic lakes and for your consideration of the above.

Sincerely,

Jeff Forester
Executive Director of MN Lakes and Rivers Advocates

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Jeff Forester
Executive Director, MN Lakes and Rivers Advocates
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"What I have desired to do is to make the people ... realize that the most important office, and the one which all of us can and should fill, is that of private citizen. The duties of the office of private citizen cannot under a republican form of government be neglected without serious injury to the public," Supreme Court Justice Louis Brandeis