

**BELLA VISTA PROPERTY OWNERS ASSOCIATION
RULES AND REGULATIONS COMMITTEE MEETING
JANUARY 25, 2020 @ 9:00 AM – COUNTRY CLUB BOARDROOM**

MEMBERS PRESENT: Committee Chairperson Jerry Hover, Directors Teah Bidwell, David Brandenburg, and Steve McKee.

MEMBERS ABSENT: None

OTHERS PRESENT: Tom Judson, Doug McCash, Carmen Dissing, Rick Echols, Matt Champagne, Rick Yorman, Tammie Loyd, and thirteen members.

I. Call to Order

Committee Chairperson Hover called the meeting to order at 9:02 a.m.

II. Additions to the Agenda

General Counsel, Doug McCash informed the Committee and Members about the article that appeared in the Arkansas Democrat Gazette Saturday, January 25, 2020 referencing a hearing in Little Rock regarding an Administrative Order Bella Vista Property Owners Association(POA) entered into with Arkansas Department of Environmental Quality (ADEQ). This Administrative Order granted the POA rights to pursue reimbursement from other Potentially Responsible Parties (PRP) under a statute called RATFA, Arkansas's Remedial Action Trust Fund. This hearing was the first step in the appeal of the Administrative Order that Tom Fredericks entered into with ADEQ, which directly contradicted the POA's Administrative Order with ADEQ. The Commission granted the POA their right to appeal the Administrative Order between Tom Fredericks and ADEQ. If the Commission had not granted the appeal, the Administrative Order between Tom Fredericks and ADEQ would have been final, which would have allowed other PRP's to request the same type of Administrative Order, which potentially would have absolved the other PRP's of any liability with ADEQ or the POA.

III. Open Forum – Property Owner Comments. Comments are limited to three minutes per property owner.

Property Owners comments are noted throughout the meeting.

IV. Wake Boat Regulations

Recommendations from the Lakes Joint Advisory Committee.

- a. Matt Champagne, Committee Chair Lakes JAC, spoke regarding the history of the wake boat issue and explained what their recommendation is, and what it is not. The Committee spent countless hours and time, researching all sides of the issue to thoroughly create a recommendation that is actionable, enforceable and legal. Mr. Champagne explained their recommendations for New Rules, Buoy's, Enforcement and Signage. He also stated that this document does not eliminate all unlawful and wreckless activities with a boat. This is a first step in the process of moving forward in a responsible manner. The recommendation from the Lakes JAC is attached.

- i. Property Owner Carolyn Merritt and boat owner asked if better documentation could be given to new residents that are boat owners to facilitate better understanding of the POA's rules and regulations on the lakes.
- ii. Property Owner Terry McConnel thanked the Lakes JAC for all their hard work and efforts put into the new wake boat regulations. As an owner of a multi purpose boat, he is glad there was not a ban on the wake type boats. He also stated he was concerned with the size of the sticker for wake boats when other boats can create large wakes and also can operate illegally on the water.
- iii. Director McKee asked Mr. McCash to explain the difference between a right and a privilege. Mr. McCash explained a "right" is given to you through legislation and a "privilege" can be effected by rules and policies that are in place.
- iv. Property Owner Arell Wasson spoke on behalf of the Lake Windsor Group. They realize the Lakes JAC worked long and hard on the recommendations yet the Windsor group feels that 200 foot rule should be increased to 300 feet and a limit needs to be set for the number of wake boats allowed on Bella Vista lakes.
- v. Property Owner Bob Eddy spoke regarding the idea of 300 feet on Lake Windsor, which is only 700 feet wide. He feels that 300 feet would not allow boats to pass each other safely going opposite directions, and it would be illegal.
- vi. Director Bidwell asked what was the number of current wake boats that are registered with the POA. Committee Chairperson Hover stated that it was around ten boats at this point, and he would like the Lakes JAC to explore what the possible limit for wake boats on Bella Vista Lakes would be.
- vii. Property Owner John Hudec asked why wake type boats are not being banned from our lakes due to safety and damage concerns. Mr. Champagne stated the Lake JAC did look at that possibility stating that it is a compromise for all members to enjoy the amenities.

White Paper summary prepared by Director McKee

- a. Director McKee thanked all of the members for their input and effort that went into the preparation of all recommendations. Our lakes are multi-use lakes, yet they are a finite resource. The primary resolve of the white paper is to weigh all sides of the issue and provide a reasonable solution, with reasonable consequences. The primary recommendations would be to increase the recommendation to 275-300 foot set back, potentially a reservation system for wake boat usage on our lakes, and an increase in liability insurance coverage from the State recommendation of \$50,000 to \$1MM liability policy for wake boats. The white paper by Director McKee is attached.

Proposed Policy Changes

- a. Mr. McCash read from an Arkansas State Court of Appeals case that the POA was previously involved in. The power of a governing body to enact rules, regulations, bylaws and policy is determined by whether the action is unreasonable, arbitrary, capricious or discriminatory. This is the framework that we must work within when adopting new policies.
- b. Mr. Judson stated the Draft Policy was crafted within our legal framework as well as with the recommendations set forth by the Lakes JAC. The policy was written in such a way

that it would encapsulate any future technologies. The Draft Policy is attached.

- i. Property Owner Terry McConnel spoke regarding the size of the sticker and asked if stickers would be given to those who would be participating in all activities that would cause a wake.
- ii. Property Owner Charlie Teal asked what specifically was included in the proposed regulations going before the Board.

Committee Chairperson Hover asked for new comments regarding the proposed policy. Director McKee asked a question regarding ringing the lake with buoys. Changes will be made to Item #4 under "Other Considerations" of the Lakes JAC recommendations and will be updated with the proper wording regarding the placement of buoys.

Director Brandenburg motioned to move the proposed Draft Regulation, as written, without including "Other Considerations" in the proposed regulation, to the Board for their consideration. Director Bidwell seconded. After discussion, the motion passed unanimously.

V. Adjournment

Committee Chairperson Hover called for a motion to adjourn. Director Brandenburg moved to adjourn. Director McKee seconded. There was no discussion. The motion passed unanimously.

The meeting adjourned at 10:23 a.m.

Draft Proposal to Bella Vista POA Board of Directors concerning wake boating

- **New Rules**
 - Identify wake boats and all boats with water ballast at the time of registration
 - Recommend that wake boats be issued a separate sticker indicating that the boat is capable of producing a wake (This would eliminate the anonymity of wake boats and their owners as they would have a separate sticker with numbers 1 – 20 or however many boats are registered within the POA. This would make them easily identifiable to other residents or lake rangers who would be on the lookout for irresponsible behavior. Inform them that their behavior is being monitored by both residents and lake rangers.
 - Require members registering wake boats to watch POA or other industry produced video to inform them of the potential danger wake boats can cause if operated improperly or too close to shorelines
 - Incorporate the new 200 ft from shore rule based upon the industry recommendation.
 - Require that the wake be thrown toward the center of the lake (wedge should be used in such a manner as to send the wake toward the center of the lake) and not directed at shorelines
- **Buoy's**
 - Consider placing a 200' marker buoy off ramps at ski lakes to demonstrate distance required for wake boats
 - Modify existing buoys to better depict what is required (no wake, no ski, danger zones) consider large colored panels and larger words on the buoys.
- **Enforcement**
 - Increase ranger training and briefings so that rangers become the authority on wake boat issues and safety concerns
 - Increase enforcement at key times throughout the year.
- **Signage**
 - Develop color map depicting the allowed ski area on the ski lake that also lists the rules
 - Clearly designate no wake areas, no ski areas, ski and tubing areas, and wake boat areas with a color coded map of each on each of the wake lakes (Loch Lomand, Windsor, and Ann) 100' all boats no wake, 200' wake boats, counterclockwise movement, wake to center of lake,
 - Add coordinates to lake maps so that boaters with capability can clearly see activity areas clearly on their depth finders.
 - Post the map at ramps, marina and disseminate in when boat registration takes place.

Presentation to POA regarding Lakes Committee Recommendations January 16, 2020

- You have heard from the Lakes Committee. This is from the residents of Lake Windsor.
- Multiple Lake Windsor residents have been to Lake Committee meetings providing input for the past 2-3 years. Residents have provided videos, ideas, suggestions, solutions as well as complaints.
- The first solution the POA implemented was to add more lake rangers to patrol, which did provide education to boaters and improved collection of fees. It did not address how big and powerful is too big for Lake Windsor.
- The current 2019 committee recommendations still do nothing to address the problem or get out ahead of safety issues. In fact, we have been told to paddle board or kayak, especially on holiday weekends, we should go to a “no-wake” lake. Not acceptable! Members just spent thousands of dollars repairing sea walls.
- The residents of Lake Windsor would like The Board to send the Lake Committee back to the table. In the interim, until a final resolution is acceptable to all, impose a moratorium on registration of more wake boats or boats able to add ballast to create a larger wake. The proposed ‘200 feet from shore limit’ is totally inadequate. As an interim step, wake boats should be required to operate as close to the middle of the lake as possible. If you don’t know what a wake boat is, google it and while you are at it, google jet boats too.
- Problems associated with wake boats – safety, nuisance, shore erosion, etc. are being vigorously debated in lakefront and riverfront communities nationwide, as these watercrafts are rapidly becoming more popular and are showing up on waterways too small for their safe operation. A more thorough review of these efforts by others should have already been done by the Lakes Committee.
- The Lake Committee should also be charged with deciding what size, horsepower, dimensions, capabilities, speed, numbers of boats are too much for Lake Windsor to handle, including bass boats.
- POA counsel says there can be no grandfathering and there have been no limits set. So, someone can bring a cigarette boat up from the gulf, put it in Lake Windsor and there are no rules to prevent this. Once the boat is registered, owner will not be told they can’t use it and won’t be grandfathered, so other members can also bring their big boats to BV. The rules need to allow for grandfathering and set limits. Currently we have neither, so nothing is being done.
- Lake Windsor should not be a “no-wake” lake, but limits must be set as the boating industry continues to increase boat capabilities.

WAKE BOAT WHITE PAPER REPORT with PROPOSALS

Rules & Regulations Committee January 2020

Teah Bidwell

David Brandenburg

Jerry Hover, Chairperson

Steve McKee

Purpose

To explain and finalize wake boat Policy for Members and their guests having fun on the lakes with safety for all and for our amenities as the guiding rule

Introduction

The Rules & Regulations Committee (R&R) thanks the JAC Lakes members and the other members for their involvement, concerns, and recommendations regarding the questions of wake boats on Bella Vista (BV) lakes. R&R reviewed all and incorporated much of those conclusions. As R&R also undertook some clarification of the issues, we suggest certain adjustments and add other boating requirements. We kept in mind the roughly 10 existing wake boats already on Bella Vista lakes and the roughly 1,000 lake front property owners on lakes Ann, Windsor, and Lomond, as well as other member usage of our lakes via trailering. One goal was to carefully balance overall membership enjoyment of our multi-use lakes with known safety, health, and responsibility issues attributable to wake boat wakes. Our primary objective in formulating Policy is focused on safety for all and protection for all, while hoping all members continue to share and enjoy our amenities.

Definition of wake boat

From Wikipedia, emphasis this White Paper:

“Wake boat Generally speaking, wakeboard specific boats are V-drive boats. This means they are an inboard boat with the engine placed backwards in the rear of the boat. This is done to keep more weight in the back of the boat and make the wake larger. Some wakeboard specific boat models are direct drive boats where the engine is in the middle of the boat. Most wakeboard boats will have **several features that help to create large wakes**. These include **ballast, hydrofoil, and hull technology**. Ballast is a simple term for weight. When wakeboard boats have ballast tanks, it means that they have room for extra weight to weigh the boat down for larger wakes. ... A wakeboard tower is usually a common characteristic of a wakeboard boat. The tower elevates the pulling position of the rope allowing the rider to launch and stay in the air longer reducing the pull downwards.”

Wikipedia Wake Boat

https://en.wikipedia.org/w/index.php?title=Wakeboard_boat&oldid=918231931
(accessed January 13, 2020).

Basically, a wake boat may have a tow tower and is usually capable of carrying ballast (lake water) that creates large wakes. Hydrofoils may also be used to achieve the same goal.



(source MI Lake & Stream)

Wake boarding, wake surfing, and other equipment may be used behind the wake boat on/at/around the wake with or without a tow rope. It is important to note, however, that wake boats may also be used without employing ballast or engaging hydrofoils. Water skiing, knee boarding, wake boarding, tubing, or fishing may all still be possible with a wake boat without its employing ballast or hydrofoils.

The concerns about wake boats are fairly well known within the industry, as well as by numerous states and localities. Lake front property owners have objected to wake boat wakes as property destruction and safety issues have surfaced since at least 2014. As a result, Michigan recommends wake boat operators remain 500' from shore (<https://mymlsa.org/reports-of-wake-boat-caused-damage-to-lakefront-property-and-shorelines-in-michigan-increasing-in-frequency/>). These issues will be enumerated in more detail later in this Proposal.

With just this basic information, one possibility in Bella Vista is the Board could potentially restrict all wake boat wakes, not the wake boat itself, but the wake. It could simply restrict the use of ballast and/or hydrofoils on Bella Vista (BV) lakes, but which does not restrict usage of the wake boat. This choice is mentioned in order to show we reviewed all possibilities. Of course at the other end of this scale would be to continue to ignore reports of damage and danger and impose no restrictions on wake boats and their wakes or on their numbers on BV lakes. If 10 is acceptable, then how about 15 or 20 or more? On a practical matter, neither of these two extremes ranging from no wake boats at all to allowing unlimited wake boats is suggested at this time.

To be sure, a time limit restriction may be an eventuality, however, if no limits on the number of wake boats are instituted now. Fears of “piling on” waves would just continue to grow where already large wakes are amplified by more and more wake boat wakes. So an example of time restrictions for wake boats using ballast and/or hydrofoils could be limited to Monday through Wednesday when the lakes are less crowded, especially with novices; and with only one or two wake boats at a time on a lake. While golfers make tee times, wake boat owners would make lake-use reservations so there is no overcrowding.

This Report, however, concludes that rather than passively wait for the inevitable, it is best practice to immediately limit the number of wake boat users on our lakes to accommodate what we have and still implement distance limits from shore.

Local History

On a local level, Bella Vista wake boat wake concerns source to the summer of 2017 with the first known event on Loch Lomond when allegedly a wake boat's wake knocked two children off from a dock into the water. No one was physically injured. Proximity to the dock and ignorance of the wake danger contributed to this incident.

Since then, lake-front property owners as well as other member usages like kayaks on Lake Ann, Lake Windsor, and Loch Lomond have continued to increasingly express mounting concerns about wake boat wake's impact on erosion, safety, and responsibility. These issues and others are listed next in the Wake Boat Issues and Potential Problems section.

In response to the growing concerns, new rules were implemented and enforcement increased. The wake boat operating distance from shore or structure was increased from 100' to 150' and now to the proposed 200' set off. This Paper, however, concludes that the proposed 200' does not solve the problem adequately and may introduce additional problems. We suggest more needs to be done.

New Suggestions

In this section, we spell out two new suggestions. These are based on the widths of our three lakes Ann, Windsor, and Lomond. Each would accommodate a 250-300' required distance from shore.



Lake Ann

Lake Ann is the narrowest of the three BV wake lakes. At a required 300' distance it would permit a wake boat through its middle with two sharp turns by the cove at the southeast end of the lake and before the dam. Alternatively we may specify at 275' offset for this lake only.



Lake Windsor

In its wake area, Lake Windsor is at least 700' wide. A 300' set back would not pose any issues.



Loch Lomond

At roughly 1,200 feet across at the narrowest area that is wake allowed, the 300' set back would not be an issue.

JAC Lakes in fact did consider a 300' offset from shore, but some thought it was too restrictive. It may be, so as a compromise to mitigate shore, dock, and small boat impacts, one change this Report suggests is to increase the 200' proposal to at least 250' or even the 300' setback for wake

boats for a number of reasons. We are in agreement with two JAC Lake proposals that the wake boat wake be “tilted” toward the center of the lake and that all boats with someone or something behind them generally be moving in a counter clockwise direction.

This additional 50-100’ to 250’-300’ setback for wake boats may actually aid as a safety compromise in order to separate and more easily identify wake boats from other lake users for rangers and residents. Additionally wake boat operators themselves would have an additional point of reference to determine their own 250-300’ set back; they must be “inside” the ski boat “clock”. This helps them avoid fines or member suspension of privileges (see Article VIII Section 3(c)). As well, wake boarders and surfers prefer straight, long, wave-less runs with that 250-300’ margin, including their turns; this proposal works. Overall this is basically in agreement with the JAC Lakes proposed “targeted offset from shore” of 100’ for boats operating on plane without anyone or anything in tow, 200’ for boats towing someone, and with the proposed 250-300’ for wake boat wakes requirement.

In addition to the benefits of ranger and resident identification and wake boat driver point of reference, this 250-300’ restriction also helps to protect and encourage more lower to the lake boat users like canoers and kayakers and fisherman along the shore as well as property owners who should then have much more safety with a wider offset, giving larger waves more time and distance to dissipate.

Additionally, wake boats generating waves will move at about 9-13 mph, while ski boats may be moving at 22-40 mph. With this additional 50-100’ offset, potential traffic and safety problems may be reduced.

As mentioned before, the real problem of wake boats on BV lakes, however, is not solvable in the long-term even with a 250’-300’ offset alone. BV lakes were never built for wake boat usage; they are too small and too narrow and too fragile. There is a realistic finite limit to the number of wake boats that could be accommodated. That is the real issue to address, which this Paper does. Although more of a safety issue, but to also limit use, some states, as mentioned Michigan, in fact are looking at permitting wake boats only on lakes with at least 500’ to each shore line. Basically, they are saying that safety and asset (lake) concerns of residents far outweigh the privilege of a few wake boat owners. This Report does not recommend that extreme, which would in effect ban all wake boats from BV lakes, but does make other Policy recommendations. Again as a compromise, this Report suggests limiting the number of wake boat lakes to current boats, while implementing additional restrictions such as 250’-300’ from shore or structure.

To be fair, the Rules & Regulations Committee understands that members with wake boats expressed three defenses about their usage of wake boats on BV lakes to JAC Lakes. These will be looked at next.

Wake Boat Wake Defense

Wake boat owners presented three defenses about their usage.

One concern was that when members with wake boats did buy a lake house here or become a member, wake boats were not restricted. Everyone of course understands that rules may be

changed as the Board must balance the changing needs and necessities not only of our members, but also of our duty to protect our assets, our amenities within reason.

To be sure, BV already does and can restrict certain lake usage; ski-doo's or personal water craft are currently restricted on BV lakes for the same reasons. Boats with kitchen, sleep or toilet areas (typically like cuddy boats) are restricted.

Policy 2.01 Section III. SPECIFIC REGULATIONS

Any watercraft constructed to provide permanent sleeping facilities or constructed with a permanently enclosed kitchen for food preparation or with bath or toilet facilities is prohibited on Bella Vista lakes.

Use of seaplanes or personal watercraft (jet-skis, and/or water scooters) is prohibited on Bella Vista lakes.

Essentially again, the lakes are too small and too neighborhood friendly and too ecosystem fragile to accommodate all types of lake use on an ever-increasing trend. The Board is obligated to protect our amenities for all members (see Articles Article III).

So as an additional Policy change, this Report suggests also "getting ahead of the curve" of restricting even more high powered boats like cigarette boats and jet boats (inboard motors with fixed shaft propellers), as well as all boats with exposed exhaust pipes (these may typically have a car engine as power) from all BV lakes.

The speed limitation of 50' per hour on lakes Ann, Windsor, and Lomond should also be enforced with either penalties of \$500 for the first offense to escalate \$500 for each subsequent offense or with member suspension of privileges.

Lastly, lake-front owners as well as other member users are finding the joys of kayaking on our beautifully pristine lakes. Kayaks are exploding in popularity in BV. This too may lead to more conflicts over time between low to the water boats and large wake boat waves. This Report chooses to address the issues now.

In addition to the argument that there were no rules when they bought, wake boat owners argued secondly for their sport by citing an "informal review" that wake lakes (Ann, Windsor, Lomond) have a higher selling price per square foot than other houses. R&R recognizes that there are numerous reasons for average selling prices to vary across Bella Vista locales. The fact of permitting ski or pontoon wakes, however, was deemed a function of lake size in the first place. The so-called increase in value per square foot appears to have little relationship to wake boats.

The Lakes Committee also heard a third argument that there are other lakes that do not allow wakes, which allows members to avoid wake lakes by portaging elsewhere. This argument in turn could be used to suggest there are many large lakes outside of Bella Vista without the questions being raised by POA members within an easy driving distance that do not restrict wake boat usage. With a hint of irony, this argument may actually be used against wake boat owners in their admitted recognition that their wakes are in fact an issue to other members and our lakes. The slogan "just go elsewhere if you don't like what we're doing" simply does not hold water.

In any event, none of the three objections address either of the two real issues. What should we do about wake boat wakes as other localities also ask or about limiting the number of wake boats as we try to avoid further issues?

Wake Boat Issues and Potential Problems

Whether you are a wake boat owner or a member impacted by a wake from a wake boat, these are all legitimate issues. We are all concerned not only with safety issues caused from large inordinate wakes, but also with the impact to our lakes and shorelines and neighbors and other boats. Here are other items that raise additional concerns.

To be clear, the takeaway from this section is to understand that wake-boats are a current and growing problem nationwide. It is an issue in BV also and without proper limitations, the problem in BV, like elsewhere, will only get worse. Michigan was mentioned, but also Wisconsin, Vermont, Missouri, New Hampshire, and other jurisdictions have considered limitations, restrictions, and outright prohibitions.

Common Damages and Hazards of a Boat's Wake:

- Shoreline erosion

- Damages to shoreline nesting grounds and beds

- Danger and potential harm to marine wildlife

- Dock rash (damage to gel-coats, wood trim, and hulls) caused from rocking vessels slipped in docks rubbing against pilings and finger piers

- Upturned personal items and equipment from vessels rolling in passing wakes

- Swamping of smaller vessels with low gunwales such as fishing boats, kayaks, canoes, dinghies, and other low-sitting watersport vessels

- Dangerous swimming and boarding conditions for downed skiers, tubers, and wake-boarders

- Threat of crew/guest overboard situation due to high pitch rolling [and unfamiliarity]

- Threat of falls and injuries on deck due to unstable vessel rolling caused by wakes

- In narrow navigational channels, heavy boat traffic can contribute to building and lasting cross-chop

- Property damage to waterfront homes along their seawall, decking, docks, and shored equipment

- <https://www.getmyboat.com/resources/boating-safety/384/how-to-handle-a-boats-wake/>

Moreover, wake boats use lake water for ballast. This key feature of a wake boat exacerbates the problem of cross contamination. Unless ballast tanks and pumps are properly emptied and cleaned with bleach after each use, the potential for introducing unwanted problems such as zebra mussels (like glochidia) or invasive plants (like hydrilla) into BV lakes from outside lakes or even across BV lakes is a valid concern that also suggests prudent limitations. As well, we all know our lakes flood from time to time. Without restrictions, this further allows the potential of those unwanted intruders to float downstream and infect our neighbors' bodies of water.

For more information on this issue of transporting pollutants, see these links.

canr.msu.edu/news/wake_boat_ballast_bags_can_harbor_invasive_species

ProtectYourWaters.net

R&R understands that the contamination issue is not solely related to wake boats, but live wells in bass boats and dirty trailers may also contribute to the problem. It is not reasonable, however, to argue for piggybacking on a known problem; just because it happens one way is not to say it should be allowed to happen in another way.

Liability Insurance

The State of Arkansas requires at least \$50,000 of liability insurance at the time a boat is registered. Given industry and member comments about wake boat usages, this appears woefully inadequate for BV specific lakes. We suggest two requirements.

State of Arkansas

Proof of liability insurance for all personal watercraft and motorboats powered by engines of more than 50 horsepower. The policy must be issued by an insurance company authorized to do business in Arkansas and must provide at least \$50,000 of liability coverage per occurrence.

<https://www.dfa.arkansas.gov/motor-vehicle/motor-boat-registration/>

Minimum per BVV POA

Comply with State requirements in all respects, but with the exception that a wake boat must provide at least \$1 million in liability coverage with BVV POA as a named insured.

We suggest also a signed acknowledgment that any boat owner is responsible for their wake and its damages.

Summary Registration Proposals

ALL BOATS

All boaters sign statement acknowledging responsibility for their wakes

Restrict all boats with exposed exhaust pipes

Restrict all jet boats (as defined) and boats greater than 30' in length (cigarette boats)

WAKE BOATS

Insurance liability of at least \$1 million for wake boats

Informational tools of "safe" and "unsafe" usage (JAC Lakes recommendation)

POA release of liability and POA as a named insured

Wake boat owner member must already live on a lake and wake boat docked thereon. No trailering is permitted into BV lakes from outside or across lakes (if live on Windsor, boat must stay on Windsor (not lakes Ann or Lomond or vice-versa)

A member with a wake boat not on lake front property may lease space on Windsor or Loch Lomond for the season in order to use their wake boat

Guests may not operate wake boats

Owner and spouse as drivers only would be permitted (named on insurance)

No guest or public wake boats allowed on any BV lake

Aside from current wake boats already in BV, no new wake boats are permitted

Failure to identify and register a wake boat will result in a \$10,000 fine and banishment or suspension of privileges

In other words, if a member owns lake-front property and already has a registered wake-boat from 2019 on the lake, then he/she is permitted and grandfathered into old restrictions. So for example, if there are 10 lake-front property owners with a wake-boat, they are permitted to use that lake in 2020. If a wake boat owner member has a lot or improved property not on a lake, they are not permitted on any BV lake with the exception that they may lease a mooring space on Loch Lomond or Lake Windsor to use their boat exclusively on that lake for each season to be considered a "lake front" owner.

In January and February 2021, we suggest that JAC Lakes will again investigate wake boats and their impacts based on these new Policies. Are they working or not?

Other Suggested Ideas (JAC Lakes recommendations)

Informational tools

Buoys: As a maintenance and safety concern, placing more buoys throughout the centers of lakes does not appear feasible, but improving current buoys (size, lighting, markings) may be a budgeting choice for 2021.

Signage: Hand out color coded maps to all registered boat owners showing no-wake zones, boat type "loops" (100', 200', and 250') and other restrictions, like speed limits, on all lakes. Post the same map at launch areas. This could be very helpful if followed.

Educate boaters and rangers on Policy. This requires an annual class for wake boat operators on safe boating practices and liabilities. This includes the law that operators are responsible for their own wakes.

General Summary of Policy Proposal

Current wake boats, like all hard bottom boats, must be registered in 2020. Renewals of those boats may be made each year. New wake boat registrations after 4/30/2020 would be prohibited. If an owner moves, no new wake boat would be permitted at that lake front property.

To implement this Policy Proposal, create a new class of registered boats (JAC Lakes recommendation). The new class is a wake boat of a lake-front property owner. Any other wake boats are restricted from BV lake use and not required to register their boat due to potential problems, unless an agreement to moor at Windsor or Loch Lomond is also made at the time with the understanding that the boat will remain at said lake for the season. This would be considered "lake front". A potential amenity for POA consideration would be to construct and rent for a premium boat lifts at the marina as a demand only driven choice.

In any event, no guest or public wake-boats are permitted on BV lakes.

At time of registration, the following steps are to be implemented.

Identify wake boats (if an owner fails to identify boat as such, then assess \$10,000 penalty and life-time restriction on BV lakes or suspend member privileges)

Identify property address (only lake front property owner will receive a wake boat lake use permit)

No additional or outside wake-boats will be permitted on BV lakes.

No wake boat trailering between lakes is permitted.

Wake boats must obey the 250'-300' setback from shore or structure.

Wake boat wakes must be "tilted" toward the center of a lake.

With this Report in mind, the following two Policy proposals are again suggested. One is for Wake Boats and two is an expansion of the current Boat Policy.

[THE FOLLOWING PAGES WILL BE DETAILED AFTER MORE INPUT FROM R&R MEMBERS ON THE SUGGESTED POLICIES HEREIN. THIS NOTICE WILL ALSO BE REMOVED.]

Proposed Policy for Wake Boats

Purpose

To provide wake boat owners with clear rules regarding the usage of wake boats

Allowed Wake Boats

Only wake boats registered before 4/30/2020 may be allowed on BV lakes. Thereafter, no new wake boats will be permitted. Permission to use a wake boat ends upon transfer of property.

These registered wake boats must be on a lake either via a lake-front property or leasing a slip.

Wake boats must remain on their own lakes for each whole season. They may not be trailered across BV lakes.

No wake boats from any guest or public may be used on BV lakes

Owners will carry at least \$1 million in liability insurance

Owners will name BVV POA as a named insured

Owners will sign a liability waiver and accept full responsibility for any damages from their wakes

Failure to identify your wake boat as a wake boat will result in a \$10,000 fine and a waiver of future registration rights to use your boat on any BV lake or suspension of member privileges

Wake boats carrying ballast, using hydrofoils, or creating intentional waves must remain at least 250-300 feet from shoreline or structure

Wake boats must yield to other boats

Proposed Policy Additions for All Boats

All boat owners must sign acknowledgement of liability for their own wakes

Boats on plane must be at least 100' from shoreline

Boats that are towing (skiing or tubing or knee boarding) must be at least 200' from shoreline

Boats using ballast and/or hydrofoils must be at least 250'-300' from shoreline

Speed limits will be enforced with suspension of membership privileges for failure to comply

Wake Boat Policy Draft 2

Current Regulation:

Operation of a watercraft at such a rate of speed as to create hazardous wake or wash upon approaching or passing vessels is prohibited. Operation of a watercraft at a speed exceeding 5 mph "idle speed" is prohibited within 100 feet of a designated recreation area, dock, pier, raft, float, kayak, boat, shoreline, dam intake structure or other obstruction. Operation of a watercraft with the intention of creating wake is prohibited within 150 feet of a designated recreation area, dock, pier, raft, float, kayak, boat, shoreline, dam intake structure or other obstruction.

Proposed Regulation (based upon the recommendations from the Lakes Committee):

General regulation – Operation of a watercraft at such a rate of speed as to create hazardous wake or wash upon approaching or passing vessels is prohibited.

Fishing and pleasure boats – Operation of a watercraft at a speed exceeding 5 mph "idle speed" is prohibited within 100 feet of a designated recreation area, dock, pier, raft, float, kayak, boat, shoreline, dam intake structure or other obstruction.

Water skiing and tubing – Operation of a watercraft with the intention of pulling a water skier(s) or towing an individual(s) on a tube, mat, or other towable equipment is prohibited within 200 feet of a designated recreation area, dock, pier, raft, float, kayak, boat, shoreline, dam intake structure or other obstruction. Operation of a watercraft with the intention of pulling a water skier(s) or towing an individual(s) on a tube, mat, or other towable equipment are required to operate their watercraft in a counterclockwise rotation within the areas designated for this type of activity.

Wake boats –

- 1) Operation of a watercraft with the intention of creating an enlarged wake is prohibited within 200 feet of a designated recreation area, dock, pier, raft, float, kayak, boat, shoreline, dam intake structure or other obstruction.
- 2) The operation of a watercraft with the intention of creating an enlarged wake is prohibited and the use of which will not be allowed on any Bella Vista POA lake, with the exception of Loch Lomond, Lake Windsor, and Lake Ann.
- 3) Provided the watercraft complies with the above two regulations, when operating a watercraft with the intention of creating an enlarged wake, if the watercraft is using a wedge or other similar device to create an enlarged

wake, the wedge (or other similar device) must be positioned to direct the enlarged wake toward the center of the lake.

- 4) Those operating a watercraft with the intention of creating an enlarged wake are required to operate their watercraft in a counterclockwise rotation within the areas designated for this type of activity.

The definition of wake boating includes, but is not limited to, the following: The use of devices, equipment or placement of passengers on boats for the purpose of creating an enlarged wake. Devices and equipment used to create an enlarged wake include, but are not limited to: exterior panels, wings, or wedges deployed underwater; rubberized, plastic or metal tanks, chests or bags filled with any material; crowding of passengers to the rear; inside-the-hull water tanks; or boat hulls designed specifically to enhance the wake.

Other Considerations:

The following items are not part of the regulation, but part of the overall effort to ensure the appropriate use of watercraft on POA lakes.

- 1) Watercraft capable of wake boat activities ("Wake Boats") will be registered as a Wake Boat when registering at Member Services.
- 2) Wake Boats will be issued a different sticker from all other watercraft so these Wake Boats can be readily identified on the lakes.
- 3) The POA will develop a training video and accompanying documentation for Wake Boat owners to educate them on the proper operation of their watercraft on POA lakes. Wake Boat owners will be required to sign a document stating that they have watched the video, read the documentation, and agreement to comply with all regulations.
- 4) The POA will install marker buoys at 200 feet to designate where skiing, tubing, and wake boat activities are allowed.
- 5) The POA will develop color coded maps and signage to depict where skiing, tubing, and wake boat activities are allowed. Signage will be conspicuously located at ramps and marinas. The POA will also add coordinates to the maps so that boaters with the appropriate technology can determine where skiing, tubing, and wake boat activities are allowed.
- 6) The Board will direct the Lakes Committee to develop regulations to restrict the size, horsepower, dimensions, capabilities, speed, and number of boats allowed on POA lakes.