



Wisconsin State Representative • 64th Assembly District

January 17, 2018

Assembly Committee on Science and Technology  
Assembly Bill 661  
Representative Peter Barca

Chairman Quinn and members of the Assembly Committee on Science and Technology; thank you for holding a public hearing on Assembly Bill 661, which will clarify the state's slow-no-wake law to expand the opportunities for the operation of water flight devices for recreation by individuals and businesses within Wisconsin's waterways.

Water flight sports are a fun, new activity with growing popularity on waterways across the country and world-wide. These activities use the air jets from a jet ski to propel a rider into the air allowing them to perform tricks and feel like they are flying before safely returning to the water below.

After starting in warmer coastal communities, this new activity has come to Wisconsin. Small businesses have begun opening operations to allow people to try these new sports and they can be great for area tourism. The devices are also known as hydro-flight sports, flyboards, jet pack vessels, or thrill crafts.

Water flight sports have become an attraction in Wisconsin Dells and companies are operating in the Fox Valley, Door County, Green Bay, Kenosha County, Madison, Lake Michigan, the Mississippi River, and a growing list of areas.

The International Water Flight Safety Association has worked closely with the US Coast Guard to ensure they are permitted for safe use on federally-controlled waters. Unfortunately, their use is restricted in some areas of our state because the Wisconsin Department of Natural Resources has interpreted the use of water flight devices as a violation of the state's slow-no-wake law since they do not strictly operate at the slowest possible speed, even though they are tethered and the jet propulsion involved creates essentially no wake.

The DNR interpretation restricts the ability for swimmers and boaters to use these devices and has limited the ability of business owners to operate in certain areas. For example, a water flight company in Kenosha is prohibited from operating in the Kenosha Harbor, despite the full support of the mayor, the designated harbor master, the area yacht club, and other local businesses. The company first operated in 2013 without any problem or interruption, but wardens raised concerns restricting operations there in the 2014 season.

Thank you for your time today and I would appreciate your support when Assembly Bill 661 comes for a vote before this committee.



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## Luther S. Olsen

State Senator

14th District

**TO:** Assembly Committee on Science and Technology

**FROM:** Senator Olsen

**DATE:** January 17<sup>th</sup>, 2018

**SUBJECT:** Testimony for Assembly Bill 661

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Thank you Chairman Quinn and members of the Assembly Committee on Science and Technology for holding a hearing and allowing me to testify in support of Assembly Bill 661.

Water flight sports are a fun activity with growing popularity on waterways across the country and world-wide. These activities use the air jets from a jet ski to propel a rider into the air allowing them to perform tricks and feel like they are flying before safely returning to the water below. This activity has made its way to Wisconsin, but our slow-no-wake law prohibits these activities on most Wisconsin waterways because the Wisconsin Department of Natural Resources (DNR) has interpreted the use of water flight devices as a violation of the state's slow-no-wake law. The jet propulsion involved in these devices creates very little if any wake, but because they are not operating at the slowest possible speed the DNR does not allow their use on some of our waterways.

Assembly Bill 661 expands the state's slow-no-wake law to include the operation of water flight devices for recreation by individuals and businesses within Wisconsin's waterways. This legislation also defines hydro-flight device, further clarifying this addition to the law.

Thank you members, I ask for your support on Assembly Bill 661 and I am happy to answer any questions that you may have.



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# WISCONSIN LAKES

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January 17, 2017

## TESTIMONY TO THE ASSEMBLY COMMITTEE ON SCIENCE AND TECHNOLOGY RE AB661

Thank you for the opportunity to testify today on AB661. My name is Michael Engleson, Executive Director of Wisconsin Lakes, a statewide non-profit conservation organization of waterfront property owners, lake users, lake associations, and lake districts who in turn represent over 80,000 citizens and property owners. For 25 years, Wisconsin Lakes has advocated for the conservation, protection, and restoration of Wisconsin's lake resources.

I am testifying today for information only, as Wisconsin Lakes is currently taking a neutral position on this bill.

When analyzing a bill that either strengthens or loosens regulations on a recreation practice or device, as this bill does in exempting hydro-flight devices from slow-no-wake rules in Wisconsin, Wisconsin Lakes looks at both the ecological and the "societal" impact of the activity.

Wisconsin Lakes is not currently opposed to allowing the use of hydro-flight devices in slow-no-wake areas due to any expected ecological impact. That said, the use of such devices is relatively new to Wisconsin and should certainly be monitored for any unforeseen issues. For instance, the columns of water on which riders rise above the surface of the lake do displace a significant amount of water which could stir up the lake bottom, releasing suspended phosphorus or other contaminants in the sediment. In addition, while the use of such devices does not seem to create particularly strong wave action, if used too close to the shore some localized erosion or destruction of habitat might occur. Finally, it is unclear whether hydro-flight devices could become easy transport vehicles for aquatic invasive species (e.g. could various species remain in the hose used to push water to the user?) At this time, however, we are comfortable that the risk does not appear to be significantly larger from the use of these devices than from the use of other recreational boating equipment, and see no reason to oppose their use on ecological grounds, even closer in to the shore, as would be allowed if they are exempt from the slow-no-wake provisions in Wisconsin law.

Analyzing the "societal" impact, as the term is used here, includes looking at several factors. First, encouraging the use of such devices if they do not otherwise cause damage would likely have a positive economic benefit for lake oriented businesses by offering another exciting and fun recreational way to enjoy a day on the water. Wisconsin Lakes supports all forms of lake recreation, so long as they do not create a net harm to the lake, and hydro-flight devices do not seem to do so.

What gets tricky for us is when we look at an activity like this from the standpoint of what for lack of a better term we'll call "private inclinations". Over simplifying such sentiments a bit, many of our

*Wisconsin Lakes is a statewide non-profit conservation organization of waterfront property owners, lake users, lake associations, and lake districts who in turn represent over 80,000 citizens and property owners. For over 20 years, Wisconsin Lakes has been a powerful bipartisan advocate for the conservation, protection, and restoration of Wisconsin's lake resources.*

members express a desire to reign in loud and/or fast boating activities to maintain the peaceful enjoyment of their lake, while many others enjoy being out on the water, skiing, tubing, or possibly riding a hydro-flight device. The rights and inclinations of non-riparian lake users must also be taken into account. We believe the best solution is to balance the interests of all sides of this debate.

Fortunately, Wisconsin law already provides some leeway for this to occur. First, small lakes - those less than 50 acres in size with public access that are not thoroughfares between two or more navigable lakes - are by law designated slow-no-wake (Ch. 30.635, Wis. Stats.) It is unclear to us if this bill would allow hydro-flight devices on these very small waterbodies, but if it does, we recommend an amendment to not exempt hydro-flight devices from slow-no-wake on these lakes.

In addition, Ch. 30 of the Wisconsin Statutes provides a process where municipalities and inland lake protection and rehabilitation districts may enact ordinances that, among other things, control when and where certain boating activities may be conducted on a lake. For instance, an ordinance may prohibit waterskiing on a certain day of the week, or during certain times of the day. It is again unclear to us what affect this bill would have on a municipality's or a lake district's ability to enact an ordinance governing the use of hydro-flight devices, but we recommend ensuring such ordinances remain a possibility.

Use of slow-no-wake for small lakes, and allowing individual lakes to control the type of activity occurring on those waters works to provide a reasonable compromise to satisfy the wants of all lake users. It's worked well with other boating activities, and we believe it remains a good option for the use of hydro-flight devices.

In summary, Wisconsin Lakes is not opposed to the use of hydro-flight devices on Wisconsin's lakes, or their exemption from the slow-no-wake laws. We understand the benefits in recreational opportunities and economic development such devices afford lake users and businesses. However, we also believe the best resolution to this issue would involve the ability of local lakes, through their municipalities and lake districts, to be able to retain some control over the use of such devices.

Thank you for your time.



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January 15, 2018

Rep. Romaine Quinn, Chair  
Assembly Committee on Science & Technology  
Re: Assembly Bill 661

To whom it may concern,

I am writing to oppose the bill (referenced above) which would create exemptions for hydro-flight devices from certain boating laws and restrictions.

With regard to the Slow-no-wake exemption while within 200 feet from shore (or within 100 feet of other boaters, etc.), I see NO reason to allow such an exemption. The slow-no-wake law serves (among other things) to provide a degree of safety while close to shore where there are numerous obstacles such as moored boats, kayaks, piers, swimmers, and vessels leaving and approaching. The same reasons for slow-no-wake exist whether the vessel is a large boat, a PWC, or in this case a hydro-flight device. I have observed these hydro-flight devices on Geneva Lake, and I believe it is in the interest of safety that they follow the same laws in regard to slow-no-wake zones. The erratic nature of these devices makes it even MORE important that they keep their distance from other boaters, swimmers, piers, rafts, etc.

With regard to the exemption for operating within close proximity to swimmers, I fail to see why this change is necessary. I do understand that the operator of the hydro-flight device must be in close proximity to the PWC from which he/she is operating. However, an exemption would be needed ONLY IF the statute is defining the operator as a "swimmer." Instead, the operator should be designated similarly to water skiers, wakeboarders, tubers, etc. (especially since he/she is tethered to the device). If the operator is designated the same as a skier, no exemption should be required (as it pertains to operating in close proximity to a swimmer).

Sincerely,

Ted Pankau  
Director  
Geneva Lake Water Safety Patrol  
Wisconsin DNR Boat Safety Instructor #14465