

**OFFICE OF ADJUDICATIONS**

**IN THE MATTER OF** : **APPLICATION NOS. 062/0111-399 (SLALOM COURSE) AND 162/0111-400 (SKI JUMP)**

**LAUREL WATER SKI CLUB, INC.** : **MAY 13, 2002**

**PROPOSED FINAL DECISION**

**I**

**SUMMARY**

The Laurel Water Ski Club, Inc. has filed two applications with the Department of Environmental Protection (DEP) pursuant to §15-134(f)(1) of the General Statutes<sup>1</sup> seeking permits to place markers for a water ski slalom course and jump ramp on Highland Lake in Winchester. The parties to this proceeding are the Laurel Water Ski Club, Inc. and the DEP Boating Division, Navigation Safety/Boating Access Unit. The Boating Division supports the issuance of the permits in accordance with specific conditions contained in the draft permits. There is no evidence of any opposition to the applications.

I conducted a site visit on May 7, 2002; representatives of both parties were present. That evening, I conducted a public hearing at the Winchester Town Hall.

---

<sup>1</sup> General Statutes §15-134(f)(1) provides in relevant part that “[n]o individual, association or corporation shall place or cause to be placed on the waters of the state any marked course or jump ramp for use by any water skier or vessel without written authorization of the commissioner except on lakes or ponds owned by, and whose access is entirely under the control of, private landowners or lessees who all agree to the establishment of such course or ramp.”

Appearing for the applicant were its Secretary, Rhonda Detlefsen-Marchand. Representing the DEP staff was R. Michael Payton, Supervisor, Navigation Safety/Boating Access Unit.

Prior to issuing or denying the requested authorization, the Commissioner shall, after a public hearing in the town in which authorization is sought, consider the following criteria in accordance with §15-134(f)(2):

- (a) the completeness, accuracy and detail of the application;
- (b) public safety;
- (c) any environmental impacts; and
- (d) the possible conflicts with other water uses.

The record demonstrates that the applications, supplemented by the evidentiary record, are complete and accurate; that placement and use of the course and ramp in accordance with the draft permits would have no adverse impacts on public safety or significant adverse impacts on the environment; and that there would be no conflicts with other uses of the lake.

Accordingly, I recommend that the Commissioner issue permits for the placement of a marked water ski slalom course and jump ramp on Highland Lake in accordance with the draft permits. I further recommend authorization of those permits for a term of nine years, with two three-year reporting periods more thoroughly described therein.

## *II*

### *FINDINGS OF FACT*

1. On March 20, 2001, pursuant to General Statutes §15-134(f)(2)<sup>2</sup>, the Laurel Water Ski Club, Inc. (applicant) submitted two applications to the Department of Environmental Protection (DEP) Boating Safety Division (staff) seeking permits to place markers for a slalom course (Application No. 1) and jump ramp (Application No. 2) (the proposed activities) on Highland Lake (the lake) in Winchester. (Application No. 1, Exs. APP-1 through APP-13 and Application No. 2, APP-1 through APP-15.)

2. On the evening of May 7, 2002, as required by law, I conducted a public hearing on the above applications in the Winchester Town Hall. Because the facts pertaining to both applications elicited at the hearing are almost identical, the following findings of fact, except where noted, pertain to both applications. (Application No. 1, Exs. APP-1 through APP-13 and Application No. 2, APP-1 through APP-15.)

3. Since 1962 and 1964 respectively, the applicant has continuously maintained the above-proposed activities that were previously authorized by the Boating Safety Commission, the predecessor to the DEP Boating Safety Division. (Exs. HO-1 and -2.)

4. The lake is approximately 444 acres and the proposed activities cover about 100 acres, with an average depth below those activities of between six and twenty

---

<sup>2</sup> General Statutes §15-134(f)(2) defines the factors the Commissioner of Environmental Protection must consider before authorizing the request activities as: (A) the completeness, accuracy and detail of the application, (B) public safety, (C) any environmental impacts and (D) the possible conflicts with other water uses.

feet. These activities are located at least 100 feet from the nearest home, dock, boat launch or swim area. (Ex. HO-1; ex. APP-7.)

5. There are no underwater or overhead wires or cable in the vicinity of the proposed activities. (Ex. APP-9.)

6. During the last twenty-two years, the activities have not interfered with historical navigational patterns, traffic or recreational uses of the lake. The Winchester Police Department has never received any complaints about those activities. (Ex. HO-1; Exs. APP-8, 14.)

7. There are no endangered species at the site of the proposed activities. Bald eagles and osprey occasionally use the lake and waterfowl use the lake for nesting, but none of these birds would be affected by the proposed activities. (Exs. APP-2, 4.)

8. Fisheries, including spawning areas, will not be affected by the proposed activities. (Exs. APP-3, 4.)

9. The applicant and its individual members are insured, and only registered club members have access to or will use the slalom course or ski jump. (Ex. HO-1; Ex. APP-13.)

10. The applicant will mark the slalom course and ski jump areas with eleven-inch yellow or orange buoys and the jump ramp will be equipped with flashing lights for safety at night. (Exs. APP-11, 12.)

11. The lake water level will remain stable under drought conditions because the lake is fed through a pipe from another lake to its north, which keeps the water depth consistent. (Test. R. Detlefson-Marchand, 5/7/02.)

12. The draft permits (attached hereto as Attachment 1 and Attachment 2, respectively) authorize the applicant to conduct the above-proposed activities daily from dawn to one-half hour after sunset, from May 15<sup>th</sup> to October 15<sup>th</sup> each year the draft permits are in effect. (Ex. DEP-6.)

13. The draft permits authorize the activities for nine years and expire on October 16, 2011. On May 1, 2005 and 2008, the applicant is required to submit to DEP staff a report prepared by a certified environmental specialist indicating whether during the three previous years conditions at the site of the proposed activities have changed based on the criteria set forth in General Statutes §15-134(f)(2). (Ex. DEP-6.)

14. DEP staff reviewed both applications and has determined that they are accurate and complete, and that the proposed activities will not impact public safety and the environment or cause conflicts with other water uses. Staff recommends that the Commissioner authorize all the requested proposed activities. (Ex. DEP-4; test. M. Payton, 5/7/02.)

***III***

***CONCLUSIONS OF LAW AND RECOMMENDATIONS***

Based on the above findings, I conclude that: 1) Application Nos. 162/0111-399 and 162/0111-400 of the Laurel Water Ski Club are complete and accurate; and 2) the proposed activities: (a) will not pose a danger to the public's safety; (b) will not adversely impact the environment; and (c) will not pose a possible conflict with other water uses.

Therefore, I respectfully recommend that the permits be issued for the above-proposed activities in accordance with the terms and conditions of the attached draft permits.

May 13, 2002  
Date

/s/ Lewis J. Miller  
Lewis J. Miller, Hearing Officer