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## STATE OF VERMONT

### Legislative Committee on Administrative Rules (LCAR)

TO: Sen. Christopher Bray, Chair, Senate Committee on Natural Resources and Energy  
Rep. Amy Sheldon, Chair, House Committee on Environment and Energy

CC: Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel

FROM: Legislative Committee on Administrative Rules

DATE: February 29, 2024

RE: Concerns Related to the Vermont Use of Public Waters Rules

At the February 15, 2024, meetings of the Legislative Committee on Administrative Rules (LCAR), LCAR approved the Vermont Use of Public Waters Rules with proposed modifications submitted by the Department of Environmental Conservation in correspondence received [February 6, 2024](#). This was after LCAR took testimony on the rule from multiple witnesses at LCAR meetings on February 1, 2024 and February 8, 2024.

LCAR also received written public comments, all of which are available on LCAR's Committee Information Page under filing [23-P17](#), in addition to comments that the Department of Environmental Conservation received throughout the rulemaking process. See [Public Comments Received by Agency](#).

In reviewing written materials, taking testimony, and discussing the Vermont Use of Public Waters Rules, members of LCAR had questions or concerns about the use of wakeboats on Vermont waters and whether the conditions for use of wakeboats established by the Vermont Use of Public Waters Rules are sufficient to protect the environment and ensure public safety of other users of State waters.

These issues related to the Vermont Use of Public Waters Rules are outside the jurisdiction of LCAR but within the jurisdiction of your committees. Accordingly, LCAR requests that the House Committees on Environment and Energy and the Senate Committee on Natural Resources and Energy review one or more of the following:

- whether wakeboats or wakesports should be allowed on Vermont waters and if so, whether such activities should be considered a normal use or not;
- if wakeboats and wakesports are allowed on Vermont waters, whether the setback requirements from shore and other criteria in the Vermont Use of Public Waters Rules are sufficient to protect natural resources and the environment; and
- whether the Vermont Use of Public Waters Rules protect the safety of users of Vermont waters from the potential risks from wakeboats or wakesports.