

To LCAR

First, I want to acknowledge the tremendous work that has gone into addressing the issues facing Lake Fairlee and the State of Vermont. I understand these past five-plus years have not been easy, and I appreciate the dedication and effort put forth by so many involved.

I am a homeowner on Lake Fairlee. I grew up on this lake, attended the summer camps, and now my husband and I have the good fortune to own a small cottage here. This lake is more than a place—it's a part of who I am. It represents my family, memories, and a legacy we hope to pass on to our children and grandchildren. That's why I do not take the current situation lightly.

What's happening now matters deeply—not just to me, but to our broader community. I speak from a place of care, and I hope I will be heard not just as one of opposition, but of commitment. I will continue to speak up, because this is about more than policies or paperwork, this is about people, families, and the future of this place we all love.

I am committed to facts, to science, and to thoughtful conversation. But I also must share my concern that a few voices have shaped a narrative rooted in fear and, at times, misinformation. We are people who love the lake and are willing to compromise, and we have. We have attended every session and attempted to engage in good faith with the Lake Fairlee Association, and we truly feel like we are not being heard and our scientific position is not being taken with the same care.

I've looked at how Lake Seymour handled similar issues with transparency, collaboration, and mutual respect—and I am encouraged by what's possible when a community works together. I am asking you to do the same: to listen, to trust the many of us who are acting in good faith, and to **not** make further changes to the rules.

We have already compromised. We have been, and will continue to be, responsible stewards of the lake. But the uncertainty and constant changes must stop. We are asking for stability, fairness, and a genuine willingness to work together—not against one another. So here are my detailed thoughts.

The ANR made a ruling that demonstrated a thoughtful, science-based, and balanced approach in its rulemaking process regarding wake boats, as evidenced in the -Use of Public Waters Rules Responsiveness Summary for Wakeboat Rulemaking – January 2024 (rev. March 2024). The unanimous approval of the proposed rule and definitions by ICAR on June 12, 2023, reflects a consensus that the rule is fair, practical, and grounded in legal precedent and public input.

If the ANR's goals truly are to:

1. Allow for various uses to be enjoyed in a reasonable manner (10 V.S.A. § 1424(c); UPW Rules § 2.2(b));
2. Provide for all normal uses to the greatest extent possible (UPW Rules § 2.6(a)); and
3. Use the least restrictive approach practicable to manage use conflicts (UPW Rules § 2.6(b));

Then the current regulations are fulfilling their intent and should remain unchanged.

I would like to emphasize a few points:

1. Safety

Wake boats have operated safely on Vermont lakes, including Lake Fairlee, for over 12 years with no documented accidents or citations. By contrast, safety incidents have involved other watercraft such as fishing boats, pontoon boats, and other watercraft.

Wake boats are Coast Guard-approved and, when operated responsibly, provide sufficient visibility and control to ensure safe usage. There have been no reported conflicts or citations since the new rules were implemented in 2024 — which raises the question: **What specific problem is being solved by additional restrictions?**

2. Aquatic Invasive Species (AIS)

The narrative that wake boats disproportionately spread AIS is not supported by science:

- A 2022 peer-reviewed study by Daeger et al. (Indiana Academy of Science) demonstrated that all boats disturb sediment in shallow waters (3–5 feet), but wake boats do not resuspend sediment when operated in depths of 10 feet or more — which is consistent with current regulations.
- While wake boats have ballast tanks, modern designs retain only ~0.1% of ballast water (~2 quarts). In comparison, sterndrive boats retain up to 4 quarts in cooling channels.
- AIS spread predates the introduction of wake boats, and numerous other vessels (e.g., fishing boats, jet skis, trailers) can harbor residual water and species. Singling out wake boats is neither fair nor effective.
- A 2018 Minnesota study (Doll et al.) found that sterndrives retained more water and had higher concentrations of zebra mussels than wake boats.
- Importantly, wake boats typically remain on their home lake, further reducing cross-lake contamination risk — unlike fishing boats or trailered vessels that move frequently.

I truly believe that there is a Constructive Path Forward. The better long-term solution is not to restrict specific recreational activities but to invest in comprehensive AIS prevention for all watercraft. This includes:

- Strengthening decontamination protocols across all vessel types
- Implementing home lake certification as another potential compromise
- Prioritizing education and outreach over more ANR bans and restrictions

Efforts and resources should be directed toward system-wide prevention, not selective targeting. Banning wake sports from more lakes will only increase congestion elsewhere, while doing little to address the broader problem of AIS or erosion.

The current wake boat rules reflect a well-reasoned compromise informed by science, stakeholder input, and legal standards. We must resist the urge to react emotionally or politically to the presence of a certain group, and instead work collaboratively to support equitable access and responsible stewardship of Vermont's waters.

I respectfully urge the ANR to maintain the existing rules, focus on education, and consider home-lake-based solutions and decontamination requirements as a way to meet our shared environmental goals without unnecessary exclusions.

Amy McLaughlin

Lake Fairlee, VT

Second written testimony to the committee to reduce conflicts with existing law or the rule's own stated standards.

We are writing in the spirit of compromise and in support of the Vermont Agency of Natural Resources's stated goal of reducing conflict among recreational users on Vermont's lakes.

After reviewing the public comments, re-reading the most recent petitions, and reflecting on the Small-Group meeting held on January 16, 2026, it is clear that a workable path forward we must both allow reasonable access and meaningfully address community concerns. We believe such a compromise is achievable.

As the two resident wakeboat owners on Lake Fairlee, we respectfully propose the following revisions to the current draft rules. We recognize that Vermont's regulations are already among the most restrictive in the country. However, we believe there is a balanced approach that maintains safety, reduces conflict, and preserves limited access.

One Enhanced Wake Operation at a Time (80–120 Acre Lakes)

We propose that lakes between 80–120 acres allow only one enhanced wake sports operation at a time within the designated wakesport zone. This would create a clear

and easily enforceable standard that directly addresses concerns about multiple enhanced wake activities occurring simultaneously. Limiting use to a single operator in the center of the zone reduces cumulative impact while preserving reasonable access.

- o Under the proposed rule the allowed continuous acres would support 68.9 acres. For Example; a rectangular plot at Length x Width= Total Square feet (3,000*1,000= 3,000,000 total Sq. Feet)/ Divide that total by /43,560 (the number of square feet in one acre) = 68.9 Acres. At our proposal 2,500*1,000= 2,500,000/43,560= 57.39 acres would be a sufficient threshold. It is important to recognize that the original petition supports 60 continuous acres. By allowing single use from 80-120 this would adhere to the original petitioner's recommendation and still allow for restricted use with actual mathematical support.

- **2,500-Foot Minimum Length**

We propose a 2,500-foot minimum length requirement to better reflect the practical "minute mile" operational standards used in wakesurfing (8-10 MPH). This adjustment would ensure the rule is workable in practice.

- o Calculated results would support: a 3 minute run at 9Mph would equal 2,376 feet

- **500-Foot Safety Buffer with Right-of-Way Clarification**

While we are not convinced that adding a safety buffer alone will reduce conflict, we recommend clarifying this section to strengthen its effectiveness. Specifically, any safety buffer language should explicitly reinforce adherence to existing U.S. Coast Guard right-of-way rules.

Reducing conflict requires that all boaters respect established navigation laws and avoid obstruction or unsafe maneuvering that creates hazards. Reinforcing these principles within the rule will improve safety and help reduce user conflict.

We respectfully ask that this proposal be used as a framework for constructive compromise. Our direct request is that ANR incorporate these revisions into the rulemaking so that limited access can coexist with meaningful conflict reduction.

Our shared goal is healthy lakes and healthy communities. We believe this approach represents a practical and reasonable step toward achieving both.

Thank you for your consideration and for your continued work on behalf of Vermont's waters and residents.

Thank you for your consideration,

Jim Morgan, Sharon Morgan, Bill Laycock, Ben McLaughlin, Amy McLaughlin, Emily Doe, Gretchen Morgan, Tim McLaughlin
Lake Fairlee, VT