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May 12, 2026

Rep. Trevor Squirrell
Chair, Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, VT 05633

Re: Letter in Support of the Final Vermont Use of Public Waters Rules

Dear Chair Squirrell and Members of the Legislative Committee on Administrative Rules,

The Lake Champlain Committee (“LCC”) writes in support of the Final Vermont Use of Public Waters Rules (“Final Rules”) and asks that the Legislative Committee on Administrative Rules (“LCAR”) approve them. The Final Rules satisfy the criteria established in 3 V.S.A. §842(b), Grounds for Objection. While the Final Rules do not make every change suggested in LCC’s filed comments, they do provide additional measures to prevent the spread of aquatic invasive species and expand protections for the environment and other recreationists from the impacts of ballasted vessels, including wake boats.

In LCC’s view, the Final Rules meet the criteria established in 3 V.S.A. § 842(b). The Final Rules are within the authority of the Agency of Natural Resources (ANR)¹ as the Vermont Dept. of Environmental Conservation’s Lakes & Ponds Management and Protection Program is specifically tasked with protecting, maintaining and enhancing Vermont lakes and ponds², particularly for recreation and to control aquatic invasive species, two main components of the Final Rules.

Further, it is the intent of the Vermont Legislature³ that the state adopt standards to prevent and control the spread of aquatic invasive species. Vermont statute establishes that “it is the policy of the State of Vermont to prevent the infestation and proliferation of invasive species in the State

¹ 3 V.S.A. § 842(b)(1).

² 10 V.S.A. § 1421, and, see generally the Lakes & Ponds Program webpage, <https://dec.vermont.gov/watershed/lakes-ponds>

³ 3 V.S.A. § 842(b)(2).

that result in negative environmental impacts”⁴ and that “[t]he Agency of Natural Resources shall establish and maintain an aquatic nuisance control program.”⁵ The Final Rules include several new and expanded programs that apply to both inland and interstate lakes to address the spread of aquatic invasives.

The Vermont Legislature has also established that ANR “shall attempt to manage the public waters so that the various uses may be enjoyed in a reasonable manner, in the best interest of all citizens of the State”⁶ allowing for the recreational enjoyment of waters, but tempering this to protect lakes from erosion and other environmental impacts by “regulat[ing] the use of public waters of the State.”⁷ The Final Rules provide that balance by restricting use of ballasted vessels to lakes of a certain size and only at specified distances from the shore and other recreationists.

Finally, the Final Rules are not arbitrary⁸ as it is well within the expertise of the staff of the Lakes & Ponds Program to determine the provisions that will best prevent the spread of aquatic invasive species and while also allowing for various recreational uses of Vermont lakes and ponds, taking into consideration numerous factors including science, geography, regulations in other states, and extensive public comment.⁹

As a matter of policy, LCC supports the provisions of the Final Rules aimed at limiting or eliminating the spread of aquatic invasive species, and their placement in Section 4 of the Final Rules so they apply to all lakes, ponds and reservoirs even if not entirely located in the state. All reasonable efforts should be undertaken to prevent the spread of aquatic invasive species for all lakes in Vermont, particularly Lake Champlain, and limiting this spread needs to be prioritized across all applicable programs at ANR.

It is important that transport prohibitions¹⁰ and required inspections¹¹ apply to any vessel that is arriving at or departing Lake Champlain and all other lakes. LCC supports the proposed rules on training,¹² and in our comments on the Draft Rule, we urged the Lakes & Ponds Program to increase efforts to ensure that inspection stations¹³ with trained staff or volunteers are located at as many public access points as possible.

LCC is also encouraged that the Final Rules include a provision to continuously assess the use of ballasted vessels such as wake boats and the spread of aquatic invasive species: “[p]otential use conflicts, science, and related data shall be reviewed in cycles not to exceed five years to ensure

⁴ 10 V.S.A. § 1451(2).

⁵ 10 V.S.A. § 1453(a).

⁶ 10 V.S.A. § 1424(c).

⁷ 10 V.S.A. § 1424(a)(1).

⁸ 3 V.S.A. § 842(b)(3).

⁹ 3 V.S.A. § 842(b)(4).

¹⁰ Final Rule Section 4.1(b).

¹¹ Final Rule Section 4.1(c).

¹² Final Rule Section 4.1(j).

¹³ As defined in Final Rule Section 5.2

that the rules in place are adequate to meet the purpose of these rules,” and that this will include public engagement.¹⁴

In its comments, LCC had requested stricter rules on the use of wake boats on Lake Champlain. We appreciate that the Final Rules apply the restriction that ballasted vessels such as wake boats are not to be used within five hundred feet of other recreationists¹⁵ to all Vermont waters, including Lake Champlain, and that the same decontamination standards are required for interstate and inland lakes.¹⁶

We did also express concern about the use of wake boats in waters with a depth of less than twenty feet, a restriction that was not included for Lake Champlain in the Final Rules. The state of Vermont has taken extraordinary steps in the past ten years to reduce phosphorus discharge into the rivers of the Lake Champlain Basin in order to reduce cyanobacteria blooms in Lake Champlain. The use of ballasted vessels and wakesports in shallow waters churn up sediment, and with this, reintroduce the phosphorus in that sediment to the waters of the Lake. While this depth provision for Lake Champlain was not included in the Final Rules and certainly remains a concern for LCC, we are heartened that it will be revisited within the next five years.

LCC thanks the Chair and the Committee for the opportunity to comment, and for the reasons discussed above, asks that LCAR approve the Final Rules.

Sincerely,



Jennifer Patterson
Executive Director

¹⁴ Final Rule Section 2.9.

¹⁵ Final Rule Section 4.4(b).

¹⁶ Final Rule Section 4.4(a).