



May 11, 2026

Legislative Committee on Administrative Rules (LCAR)
115 State Street
Montpelier, VT 05633-5301

RE: Use of Public Waters Proposed Rule Comments

Dear Chair Squirrel, Vice Chair Bongartz and Members of the Legislative Committee on Administrative Rules,

On behalf of the National Marine Manufacturers Association and the Water Sports Industry Association, we write to respectfully urge you to oppose the proposed use of public waters rule.

The National Marine Manufacturers Association (NMMA) is the trade association for the U.S. recreational boating industry, representing nearly 1,300 marine businesses, including recreational boat, marine engine, and accessory manufacturers. NMMA members collectively manufacture more than 85 percent of the marine products sold in the United States. The Water Sports Industry Association (WSIA) is the towed water sport's industry's leading advocate, representing manufacturers, small businesses, dealers, marinas, and boaters across Vermont. WSIA develops best practices, maintains waterway access rights, educates participants, and promotes safety.

Vermont already has the most restrictive statewide wakesurfing regulations in the country, requiring wakesports to occur at least 500 feet from shore, in at least 20 feet of water, and within a zone containing at least 50 contiguous acres. While NMMA and WSIA did not support that framework, the boating community has operated under it in good faith; to date, after two full boating seasons under the new rules, not a single citation or fine has been issued for violations.

ANR is now proposing additional restrictions, including a 3,000-foot wakesports zone length requirement and expanded 500-foot buffers. These provisions are not used in any other state. They are not recognized national standards, and ANR has not provided a sufficient scientific or practical basis to justify them.

The proposed 3,000-foot requirement is particularly concerning. Lake length alone is not a meaningful measure of environmental impact or safety risk. Wakesurfing does not require

traveling in a straight line for 3,000 feet, and operators routinely adjust course based on conditions on the water. More relevant and enforceable factors include distance from shore, water depth, operator behavior, and traffic patterns.

The proposed 500-foot buffer raises similar concerns. Expanding the safety offset to 500 feet would make compliance difficult on many Vermont lakes and could create unnecessary conflict among user groups. A moving kayak, paddleboard, swimmer, or vessel could effectively eliminate access to large areas of water, even when a wake boat operator is acting responsibly.

Additionally, an increase in the minimum size of a “wake sports one” from 50 to 100 acres effectively prohibits towed water sports on several Vermont lakes – forcing more boats onto fewer, more congested waterways.

If ANR believes these restrictions are necessary, the agency should be able to point to a clear evidentiary basis for them. To date, the record does not show why a 3,000-foot run or 500-foot buffer is required, why existing standards are insufficient, or why Vermont should adopt restrictions that no other state has imposed.

This lack of demonstrated need is especially important because there is no evidence that Vermont’s current rule has failed. ANR’s own reporting shows no substantiated violations under the existing wakesports rule, which is already the strictest in the nation.

NMMA and WSIA support clear, enforceable, science-based standards that protect Vermont’s public waters while preserving reasonable access for responsible recreation. However, the proposed rule goes beyond what is necessary and appears designed to further limit recreation access rather than address a documented problem.

More boater education, rather than more punitive restrictions, are the answer. The boating industry’s Wake Responsibly campaign educates thousands of boaters on safe, respectful on-the-water practices. We are eager to partner with the State to improve Vermont’s boater education curriculum and reduce user conflicts and safety issues on the water.

For these reasons, NMMA and WSIA strongly urges LCAR to object to the proposed amendments. Vermont already has the strictest statewide wakesurfing regulations in the country, and these additional restrictions are unnecessary, unsupported, and not justified by the current record.

Thank you for your time and consideration.

Respectfully submitted,

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