



May 28, 2026

Members of the Legislative Committee on Administrative Rules
Vermont General Assembly
115 State Street
Montpelier, VT 05633-5201

Via Email to: Lindsey Schreier, LCAR Committee Assistant

Re: Response to Senator Collamore's Testimony Objecting to Approval of ANR Use of Public Waters Rule 25-P045 — For the Record

Dear Members of the Legislative Committee on Administrative Rules,

We write in response to the testimony submitted by Senator Brian Collamore and 28 additional legislator cosignatories objecting to LCAR's approval of ANR's Use of Public Waters Rule 25-P045. Now that LCAR has voted to approve the rule amendments, we are not seeking to question that outcome — we welcome it. We write solely to place on the record our view that the arguments made in the testimony were not persuasive. Our comments also address similar claims made by others who testified against the rule amendments. LCAR's vote affirmed that the DEC correctly followed the legislature's statutory requirements in its decision of approval – as its charge requires.

The rule's standards are not arbitrary

The testimony called the 3,000-foot wakesports zone, 100-acre minimum, and 500-foot buffer "arbitrary and unsupported by transparent Vermont-specific data." In fact, ANR's rulemaking drew on peer-reviewed research documenting wake boats' outsized wave energy and its effects on shoreline erosion, sediment suspension, aquatic vegetation, and loon nesting habitat. That no other state has yet enacted identical standards reflects both Vermont's environmental leadership and distinct ecological conditions — smaller, generally shallower lakes — rather than a failure of evidence or process.

Two boating seasons is not a scientific benchmark

The claim that existing rules had "worked just fine" over two seasons is not a sound basis for blocking the rule amendments. Ecological damage from wave action and sediment disturbance accumulates over years. The absence of a visible crisis in two seasons does not demonstrate that existing protections were adequate. Additionally, although there were no officially documented injuries during that period, many lake users provided personal anecdotes of safety issues in their public comment testimony. In fact, the DEC acknowledged it had not considered safety when developing the rules adopted in April 2024.

Economic concerns were unsubstantiated

The testimony claimed, “that ANR has underestimated the financial impacts the rule could have on boat owners and small businesses,” but offered no specific economic data — only a sweeping, general assertion that ANR had underestimated the financial impacts. That is not sufficient grounds to object to a rule protecting a public resource. The long-term economic case for clean, healthy lakes — for tourism, recreation, and property values as presented in DEC’s 2024 and 2026 economic assessments — is compelling, and the testimony did not disprove it.

Vermont's rule is not the most restrictive in the country

The statement that Vermont is "already home to the most restrictive wakesports regulations in the country" is incorrect. Numerous municipalities in states across the country, e.g., WI, OR, MN, CT, NC, and others, have enacted equal or more stringent restrictions through local control. Legal challenges by wakesports proponents have been consistently denied. Vermont’s rule is, however, the most protective *statewide* framework in the nation — a significant distinction, but not the absolute ceiling the testimony implied. Moreover, the existence of stricter local rules elsewhere demonstrates that strong, scientifically based wakesports regulation is workable and consistent with what large majorities of the public have demanded. Rather than evidence Vermont has gone too far, it confirms Vermont is a leader in environmental stewardship and the protection of public safety — something we should all be proud of.

Calls for further delay were not warranted

The testimony called for “further review, analysis, and stakeholder engagement before allowing it [the rule] to move forward.” ANR followed a thoughtful, lengthy, and transparent process, as required by the state’s substantial rulemaking statute. This included public comment periods and stakeholder meetings with affected groups and individuals. RWVL analysis of over 1200 public comments submitted using the DEC’s online form indicated over 80% support the stricter rules. Further delay would have functioned as an indefinite obstruction — itself a policy outcome, and the wrong one for Vermont's lakes.

We deeply appreciate the Committee's decision to approve Rule 25-P045 and its offer to forward this letter to the committees of jurisdiction. This ensures that our science-based rebuttal to the opposing testimony is formally included in the public record as these committees continue their vital work protecting Vermont’s waters.

Respectfully submitted,

Responsible Wakes for Vermont Lakes

Jenifer Andrews, Shadow Lake
Christine Cano, Shadow Lake, Caspian Lake
Karla Cornelius, Lake Harvey
Eric Chittenden, Waterbury Reservoir
Francine Chittenden, Waterbury Reservoir
Meg Handler, Lake Iroquois
Mark Johnston, Sunset Lake

Diane Lehder, Willoughby Lake
Jim Lengel, Lake Elmore
Dani Sharpe, Lake Iroquois
Tom Ward, Lake Fairlee
Jack Widness, Lake Raponda
John Wooten, Lake Parker