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**DATE:**

April 27, 2026

**TO:**

Members of the Legislative Committee on Administrative Rules (LCAR)  
Members of the Senate Committee on Natural Resources and Energy

**RE:**

Agency of Natural Resources Vermont Use of Public Waters Rules LCAR Testimony Postponement

Dear Members:

I am writing to address a matter of institutional integrity. On March 10, 2026, I notified the Senate Committee on Natural Resources and Energy (SNRE) that the Agency of Natural Resources was pausing its rulemaking on the Vermont Use of Public Waters Rules (UPWR) because the Senate Committee was simultaneously advancing [S.224](#) – legislation that directly conflicts with the Agency’s draft rules. I made clear at that time that proceeding with rulemaking while the foundational statute remained in flux was irresponsible. I was informed that the Committee would table further work on S.224. We relied on that commitment and resumed our rulemaking work in good faith.

It has since come to my attention that SNRE is now resuming consideration of various statutory amendments related to wake boats – notwithstanding the prior commitment.

I can only characterize this as a breach of the understanding that induced the Agency to re-engage in rulemaking, and it places the Agency in an untenable position. The Agency’s staff, the public who participated in over a year of engagement, and the lake communities awaiting regulatory certainty all deserve better than this.

Accordingly, the Agency is formally requesting a postponement of its scheduled testimony before LCAR on the draft UPWR rules until the end of the current legislative session. We will not present a rulemaking package for LCAR review while statutory amendments bearing directly on that package remain under active consideration. To be clear, the delay and uncertainty being created by the Legislature’s renewed engagement on this issue means that the revised wake sports rules will not take effect for the 2026 summer boating season.

In the interest of moving forward as efficiently as possible should the Legislature ultimately refrain from amending the statute, the Agency is preemptively granting LCAR a 30-day extension of the review period under 3 V.S.A. § 842. If the legislative session concludes without statutory changes to 10 V.S.A. Chapter 49 affecting this rulemaking,

the Agency will proceed promptly to schedule testimony before LCAR on the current draft package, and the 30-day extension will allow adequate time for LCAR review without further procedural delay.

If, on the other hand, statutory amendments are enacted, the Agency will need to assess their scope and determine what revisions to the draft rules are required, potentially including an additional public comment period. The Agency will notify LCAR of its approach as soon as there is legislative clarity.

The Agency's staff have conducted this rulemaking with exceptional rigor and good faith: two pre-rulemaking public meetings, a 65-day comment period, two public hearings, three focused stakeholder sessions, and five field visits. They received over 1,500 public comments. Consistent with my March letter, the Agency remains fully committed to completing this rulemaking. What I am not willing to do is continue expending my staff's limited capacity – and the public's trust – on a moving target. I trust the Legislature will honor the commitments it has made and to make a clear and final decision about whether it intends to legislate in this space. Until it does, the Agency of Natural Resources will hold.

Respectfully,



Julia S. Moore, P.E.  
Secretary, Agency of Natural Resources

cc: Senator Philip Baruth, Senate President Pro Tempore  
Misty Sinsigalli, Commissioner, Department of Environmental Conservation  
Kevin Burke, Director, DEC Watershed Management Division  
Jenny Austin, Manager, DEC WSMD Lake and Ponds Program  
Jason Maulucci, Director, Policy Development & Legislative Affairs, Governor's Office