

# **Proposed Amendments to Vermont's Use of Public Waters Rules**

**Presentation to LCAR**

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# Outline

- Summary of proposed amendments
- Use of Public Waters Rules background & 2024 rule amendments
- Additional petitions submitted to ANR between 2023-2025
- Implementation lessons
- Justification for engaging in rulemaking
- Proposed changes
- Looking forward

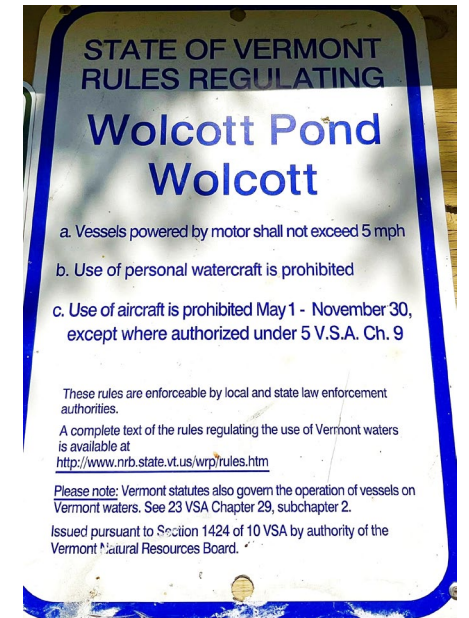
# Summary of Proposed Amendments

- **Addition of safety offset between wakesports and other users**
- **Change to the wakesports zone definition**
- **New wakeboat / ballasted vessel decontamination requirements**
- Municipal delegation clarifications
- Clarifications regarding spread prevention and aquatic nuisance transport
- Temporary use restrictions under emergency scenarios
- Administrative edits throughout

# Vermont Use of Public Waters Rules Background

What types of rules can be adopted to manage conflict under 10 V.S.A. 1424(a)?

- (A) defining areas on public waters where certain uses may be conducted
- (B) defining the uses which may be conducted in the defined areas
- (C) regulating the conduct in areas, including the size of motors allowed, size of boats allowed, allowable speeds for boats, and prohibiting the use of motors or houseboats
- (D) regulating the time various uses may be conducted



# Vermont Use of Public Waters Rules Background

## Standards for rule development

- Under 1424(c), the State of Vermont regulates the use of public waters with the intent to allow all Vermonters and visitors to use these shared resources in a reasonable manner
- Under 1424(c), to the extent possible, the Secretary shall provide for all normal uses
- Under Rule, when it is necessary to address conflict, must use least restrictive approach

# Vermont Use of Public Waters Rules Background

VUPW Rulemaking can be initiated through:

- An external petition (3 V.S.A 806)
- Internally through Agency-led rulemaking (10 V.S.A. 1424; 3 V.S.A. 831)

Agency's role in decision making:

- Decisions based in science or objective principles
- Balance maintaining public access, environmental, recreational concerns
- When addressing issues common to more than one body of water, uniform and consistent rules shall be adopted when appropriate

# Vermont Use of Public Waters Rules 2024 Amendments

- Rulemaking initiated in response to petition submitted by Responsible Wakes for Vermont Lakes
- Effective date of existing rule: April 15, 2024
- The rule limits wakesports with a wakeboat to wakesports zones only. There are 30 inland lakes eligible for wakesports zone
- Rules included decontamination provisions for wakeboats, along with a Home Lake sticker program and a requirement of “proof of decontamination”

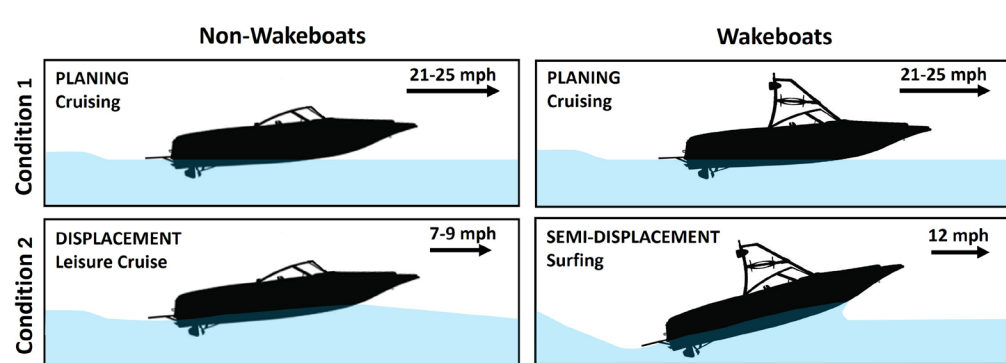


# Vermont Use of Public Waters Rules 2024 Amendments

## Definitions

**Wakeboats:** a motorboat that has one or more ballast tanks, ballast bags or other devices or design features used to increase the size of the motorboat's wake.

**Wakesports:** to operate a wakeboat with ballast tanks, bags, or other devices or design features engaged to increase the size of the boat's wake; or to use a surfboard, wakeboard, hydrofoil, or similar device to ride on or in the wake



# Vermont Use of Public Waters Rules 2024 Amendments

<b>Year</b>	<b>Total launches tallied* (any type of watercraft in VT)</b>	<b>Total motorized boat launches tallied in VT*</b>	<b>Total wakeboat launches tallied in VT*</b>
2024	20,000	11,475	127
2025	20,880	12,793	114

\*Data collected at Vermont Public Access Greeter Area Stations. Note: each launch does not represent a unique watercraft, rather it reflects a launch that occurs at a specific location.

# Additional Petitions Submitted to ANR between 2023-2025

Petitions were submitted by the following lakes requesting a ban on wakesports and/or wakeboats for individual lakes:

Caspian Lake

Echo Lake in Charleston

Great and Little Averill Lakes

Shadow Lake in Glover

Waterbury Reservoir

Lake Parker

Lake Fairlee

Willoughby Lake

Joe's Pond

Harvey's Lake

Lake Carmi

Lake Morey

Secondary Caspian Lake petition requesting municipal delegation to ban wakesports at the local level

Reviewed together



# Additional Petitions Submitted to ANR between 2023-2025

## Justifications provided in lake-specific petitions for banning wakeboats or wakesports

- Safety
- Cumulative impacts of multiple boats conducting wakesports within a smaller zone
- Loon protection
- Spread prevention
- Conflict on smaller lakes
- AIS concerns
- Impacts to lakes that have received alum treatments
- A sense that wakesports are not compatible with specific lakes

# Additional Petitions Submitted to ANR between 2023-2025

- Agency-wide internal review of petitions
- Held two pre-rulemaking public meetings and a public comment period
- The Agency determined that there were common themes and issues across lakes that could be handled in a State-wide approach
- The Agency denied the nine petitions while concurrently starting pre-rulemaking for Statewide rule amendments to address the concerns in the petitions in addition to other concerns

# Implementation Lessons

- Home Lake Rule and Proof of Decontamination
- Many logistical challenges to implementing these provisions of the rule as adopted in 2024
- Worked to find realistic fixes to preserve the intent of these provisions and importantly prevent the spread of aquatic nuisance species

# Implementation Lessons

## Home Lake Rule Section 3.8

A wakeboat must have one home lake for a given calendar year and display on the wakeboat's port side bow a current Agency-issued decal identifying the wakeboat's home lake for the calendar year. A wakeboat's home lake is the only lake, pond, or reservoir at which that wakeboat will be used for the calendar year, **except when the decontamination requirement of Section 3.8.d. has been satisfied.** This subsection 3.8.c. applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wakesports zone listed in Appendix E.

# Implementation Lessons: Home Lake Rule and Decontamination

## 2024 and 2025 boating season adjustments

- Require that when wakeboats travel between waterbodies they must be decontaminated following our requirements
- Functionally similar to Home Lake Rule

Existing law requires all boaters to comply with Greeter inspections at public access areas

- Greeters perform interviews and inspections
- Interview process serves similar purpose as a Home Lake sticker and relies on self reporting, as a Home Lake sticker would

State-Approved decontamination = following decontamination requirements

# Justification for Rulemaking

## Why enter rulemaking again so soon after the 2024 amendments?

- Receipt of individual petitions (14) requesting additional rulemaking
- Agency determination that the primary concerns raised in the petitions were not isolated to individual lakes.
  - In reviewing the petitions and the 500+ public comments received during the pre-rulemaking phase, the Agency identified recurring concerns related to safety and user conflict, particularly on smaller waterbodies. Although these concerns were not unique to any single lake, they pointed to broader gaps in the existing rules. Implementation lessons –need to align language with reality while meeting same goals
- The need to adjust wording of spread prevention provisions to align with resources available
- The regulation of wakesports presents complex and evolving challenges. ANR staff have spent more than two years evaluating scientific research, reports of use conflicts, and public input to better refine the rules.

# Proposed changes

- Safety Offset
- Wakesports Zone size requirements
- Flexibility in wakesports zone determination
- New wakeboat/ballasted vessel decontamination requirements
- Other: municipal delegation, clarity around aquatic nuisance species prevention efforts, temporary use restrictions, streamlining and modernization

# Proposed changes: safety offset

- The 2024 adopted rule considered existing safety requirements in statute regarding vessel operation under 23 V.S.A. § 3311(c)(1), which states that:

*An individual shall not operate any vessel, seaplane, racing shell, or rowing scull, except a sailboard or a police or emergency vessel, within 200 feet of the shoreline; an individual in the water; a canoe, rowboat, or other vessel; an anchored or moored vessel containing any individual; or anchorages or docks, except at a speed of less than five miles per hour that does not create a wake.*

- **Proposed change is to increase the offset of those engaged in wakesports from 200 feet to 500 feet from other vessels, swimmers, and other users.**
- The scientific literature used to support the original rule states that waves from wakesports need at least 500 feet of distance to dissipate to have a similar wave impact from a traditional motorboat traveling over 5 mph at 200 feet from shore or an object, the current standard in Vermont.
- Requiring that wakesports are conducted 500 feet from other recreational users is consistent with the intent of 23 V.S.A. § 3311(c)(1).

# Proposed changes: wakesports zone size

- Current definition of wakesports zone:
  - a minimum of 50 contiguous acres that are at least 500 feet from shore on all sides, at least 20 feet deep, and at least 200 feet wide
- Proposed definition of a wakesports zone:
  - a minimum of **100** contiguous acres that are at least 500 feet from shore on all sides, at least 20 feet deep, at least **3,000 feet long**, and at least 200 feet wide
  - also includes an allowance for “shape normalization” of the wakesports zone to remove odd-shaped sections

# Proposed changes: wakesports zone size

## How much space is needed for wakesports?

- 3,000-foot zone length allows for up to a 3-minute run at 10-12 mph which would capture runs for various skill-levels.
- If wakesports should be 500 feet from other users, boats should have enough space on either side to complete a run—a total of 1,000 feet of width
  - ***“zone of impact” 1,000 feet wide by 3,000 feet long***
- To address conflict between uses, our goal is to allow for adequate space for multiple users in the open-water/deeper parts of the lake where wakesports zones may exist.
- Using a ***zone of impact*** visualization exercise, we placed the 3,000 ft by 1,000 ft rectangles over the wakesports zones of the 30 inland lakes where wakesports are currently allowed.

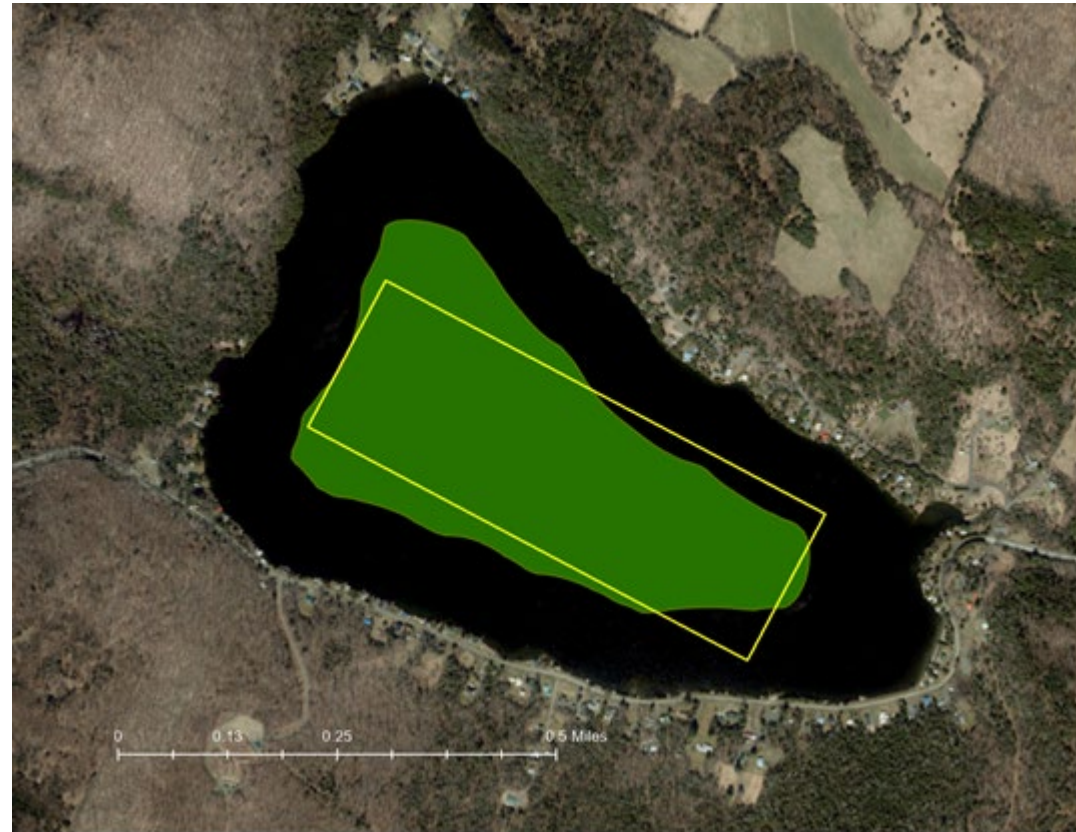
# Proposed changes: wakesports zone size

First, we saw that several of the 30 lakes had wakesports zones (WSZ) (500 feet from shore, and 20 feet deep) that could not accommodate a 3,000-foot run.

These lakes all have wakesports zones that are under 100 acres in size (although, this isn't true for all lakes under 100 acres in size).

Lake	WSZ acreage	length of WSZ (ft)
Iroquois	41.36	2851
Joes	47.03	1730
Hortonia	50.53	2790
Sunset	58.75	2515
Peacham	82.77	2560

# Proposed changes: wakesports zone size



Lake Parker (left) and Shadow Lake in Glover (right) with 3,000 ft by 1,000 ft zones of impact overlaid on the wakesports zone

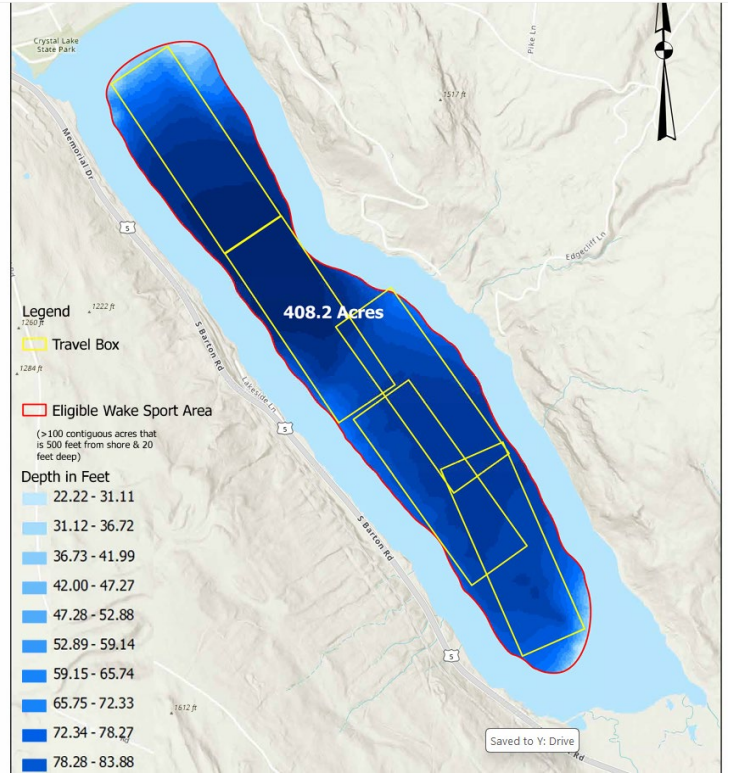
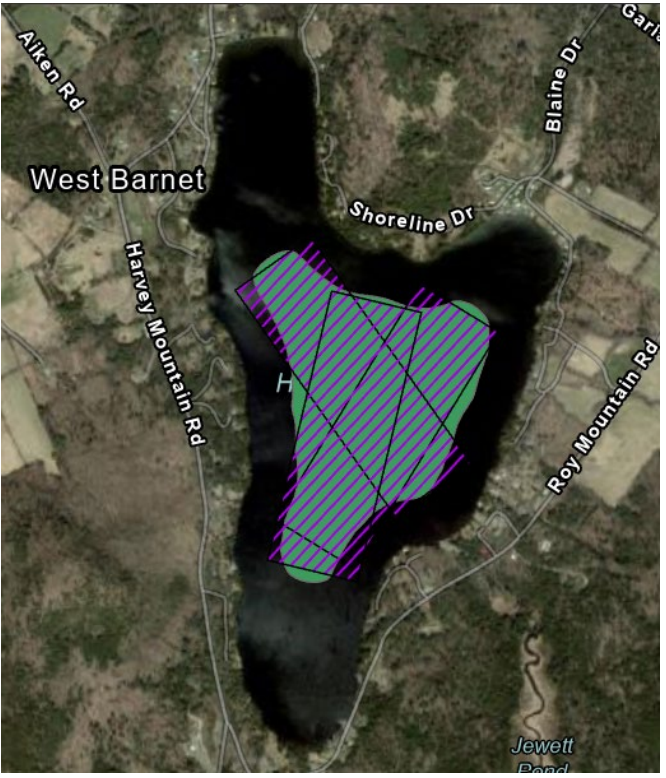
# Proposed changes: wakesports zone size

This leaves the following lakes with wakesports zones (wsz) under 100 acres that have 3,000 feet of length within the WSZ (500 feet from shore, 20 feet deep), but can only fit one or fewer pathways for wakesports:

Lake	WSZ acreage	length of WSZ (ft)
Waterbury	51.49	4784
Miles	61.62	3122
Shadow (Glover)	81.61	3080
Holland	81.64	3161
Parker	84.98	4072
Fairlee	90.37	3460

# Proposed changes: wakesports zone size

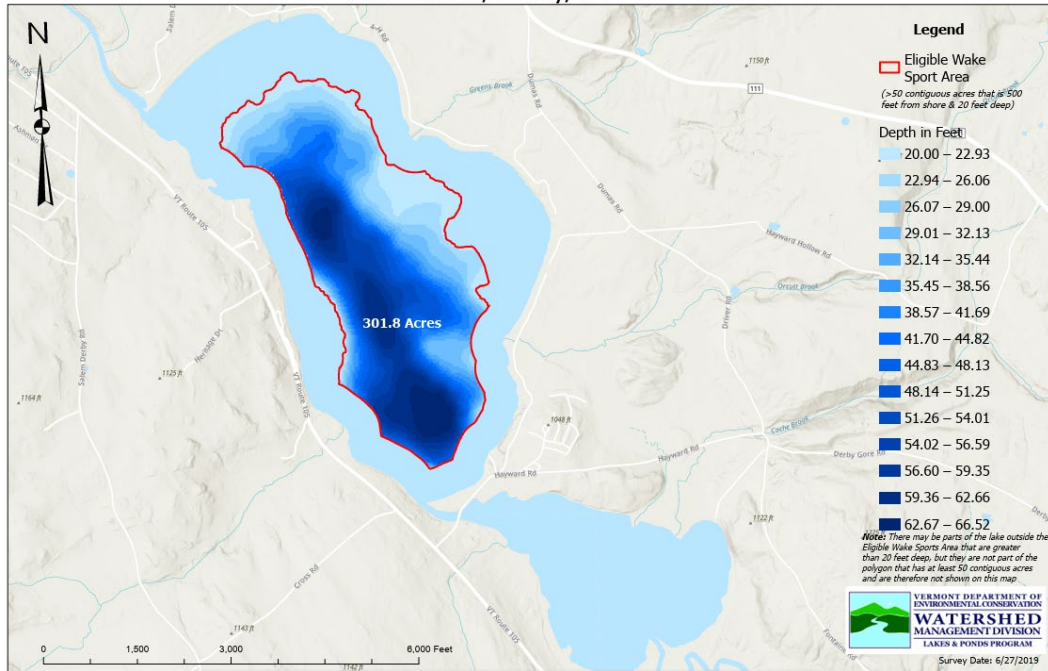
Harveys Lake, with a wakesports zone just over 100 acres (116 acres), has enough space for multiple pathways. Under this scenario, a wakesports run in the wakesports zone does not dominate the entire wakesports zone. This observation was observed across all lakes greater than 100 acres.



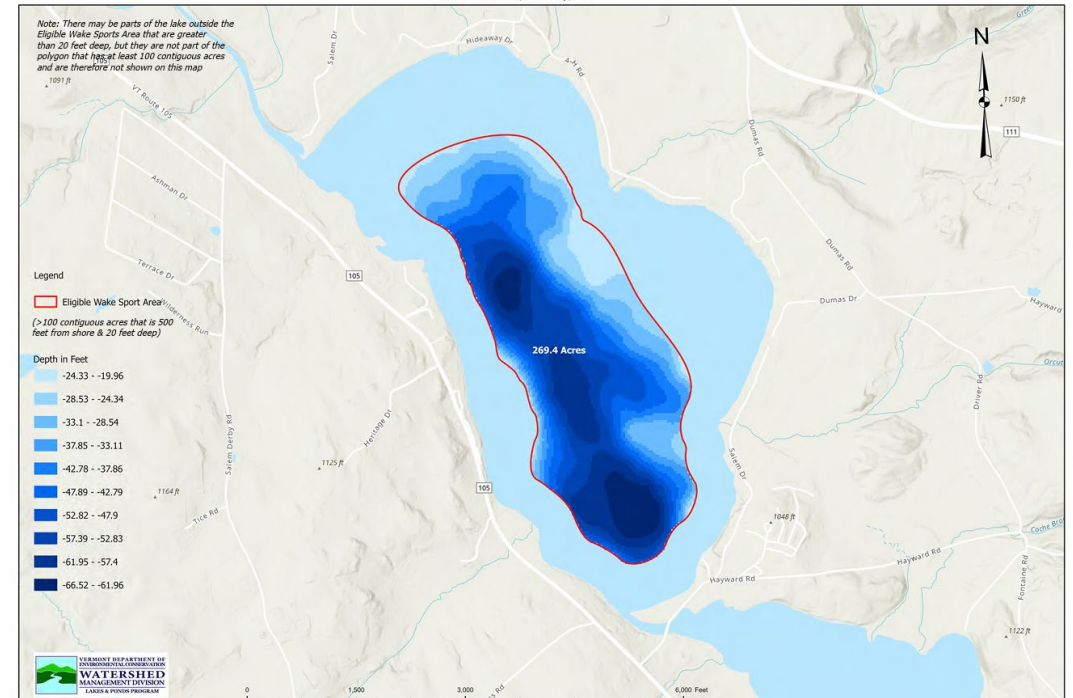
Crystal Lake, 408 acres of wakesports zone

# Proposed changes: wakesports zone size

Lake Salem, Derby, VT



Lake Salem, Derby, VT



Shape normalization zone on Salem Lake: Zone would change from 301 acres to 269 acres

# Proposed Changes: spread prevention

- Remove existing language regarding the home lake sticker program and provision of proof of decontamination and replace with the following:
- Proposed language  
Before entering a waterbody, if a **ballasted vessel** was last launched at a different waterbody within the calendar year, the **ballasted vessel** interior components including engines, ballast systems, pumps, bilge areas, and water containment device(s), shall be drained and flushed using low-pressure hot water in accordance with Agency requirements, and exterior components must be adequately rinsed with high-pressure hot water in accordance with Agency requirements to remove particulates.



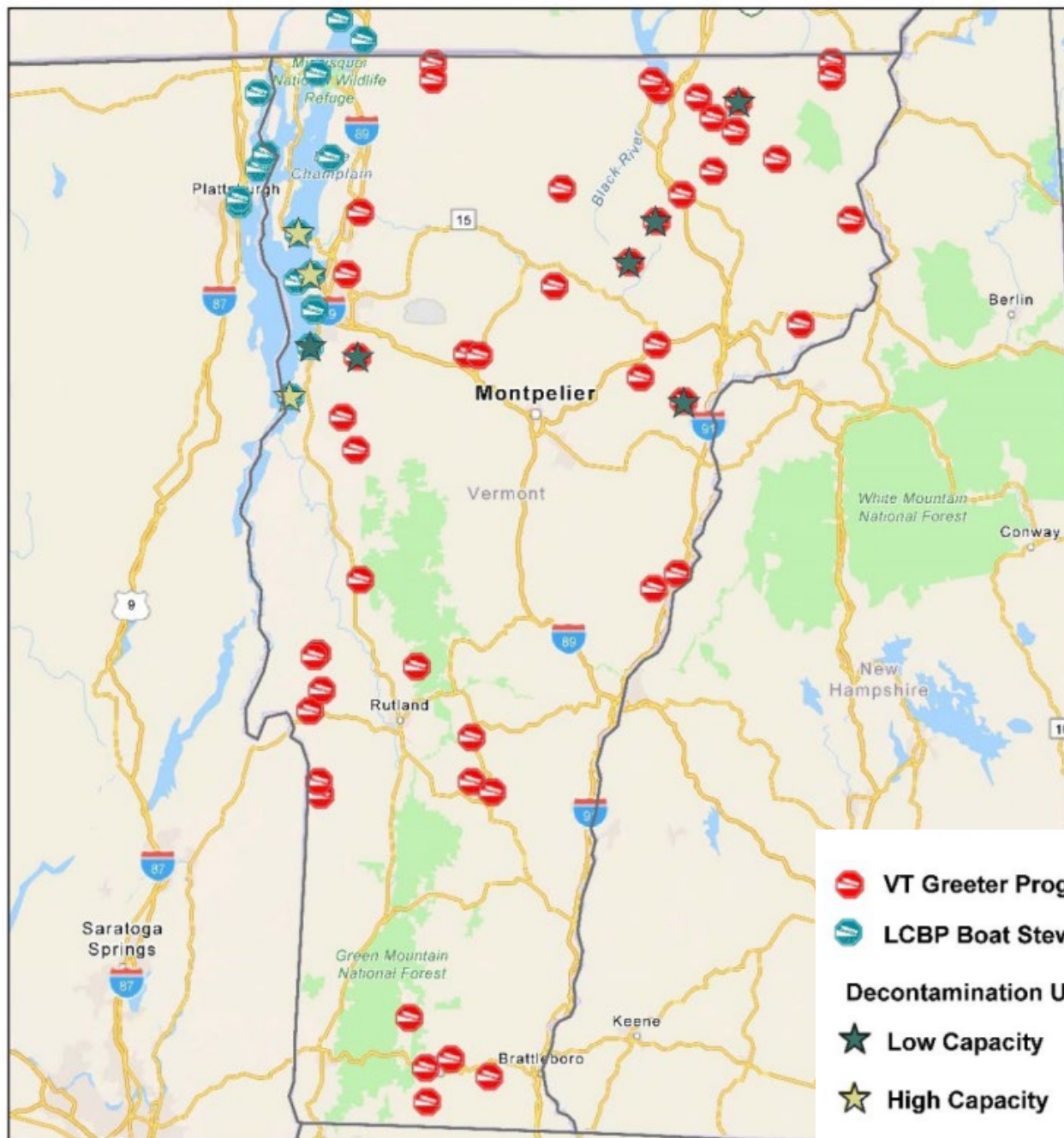
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# Proposed Changes: spread prevention

- **Decontamination requirements for wakeboats are proposed to be more protective than existing rule**
  - The proposed language is now more specific about decontamination requirements for ballasted vessels like wakeboats
  - There is no longer an option for drying time for decontaminating ballasted vessels and hot water is specified
- There are 3 hot water high-capacity decontamination stations and 6 low-capacity hot-water decontamination stations
- If a ballasted vessel can't decontaminate, it is in violation of the rules if it launches into a different waterbody
- We know wakeboats don't move from lake to lake with much frequency
  - In 2024, out of the 127 documented wakeboat launches, **22 wakeboats** were identified as launching into a different waterbody than the wakeboat's previous launch.
  - In 2025, out of the 114 documented wakeboat launches, **17 wakeboats** were identified as launching into a different waterbody than the wakeboat's previous launch.
- Decontamination efforts are targeted toward these boats that travel between lakes.

## Vermont Watercraft Inspection Stations and Decontamination Units



# Inspection and Decontamination Stations

# Proposed Changes: other areas

- Municipal Delegation: add process, roles of Agency and municipality
- Clarity around aquatic nuisance species spread prevention efforts: better align spread prevention efforts with 10 V.S.A. § 1461 and 10 VSA 1454 (transport and spread prevention)
- Temporary use restrictions: to handle use restrictions under emergency scenarios, flooding, hazardous spills
- Streamlining and modernization overall within the document

# Proposed Changes: public comments

## Robust and transparent process:

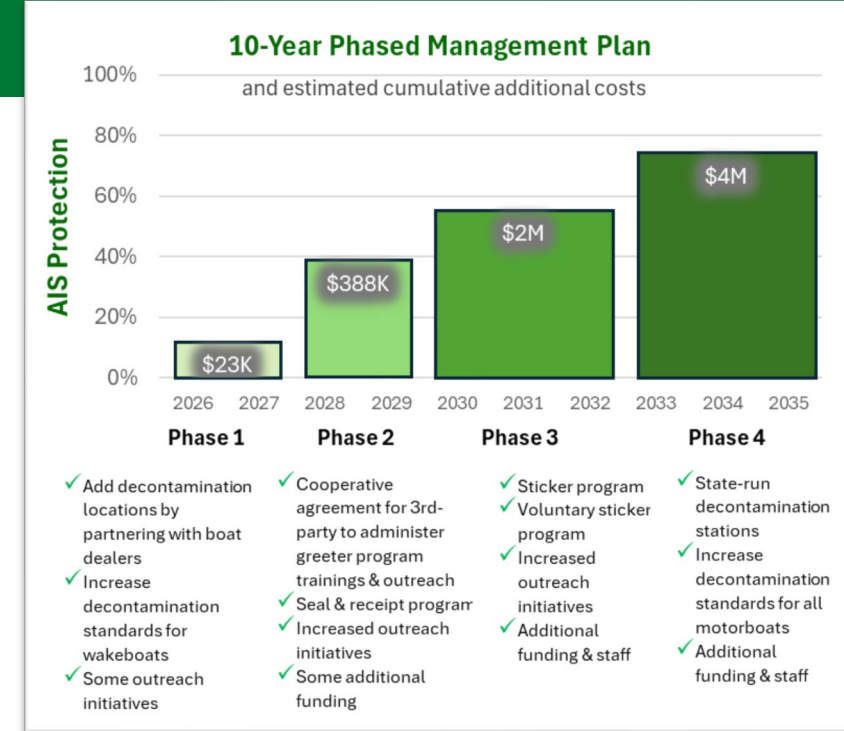
- Pre-rulemaking meetings, public comment period (500+ public comments)
- Formal rulemaking hearings, public comment period (1,500+ public comments)
- Site visits, demonstrations, small group meetings, discussions with “affected user groups”

## Comment Highlights:

- Need better distribution of decontamination facilities across the State
- Drying time not appropriate decontamination method for ballasted vessels
- Incorporating the ability to review science of decontamination and other recreational uses into rule language
- Adding clarification that decontamination requirements for ballasted vessels apply to Lake Champlain

# Looking Forward

- Watercraft Inspection and Decontamination Report
- Includes phased plan for improving decontamination opportunities and technologies around the State
- Implementation preparations for 2026 season:
  - GIS-enabled maps
  - Signage
  - Training
  - Decontamination locations



### Wakesports Allowed in Wakesports Zone Only

Sunset Lake Wakesports Zone

**Attention Wakeboat Users:**

- Wakesports are allowed in the Wakesports Zone only (which is at least 500 feet from shore and 20 feet deep, shown by the shaded area above).
- Wakeboats traveling from one waterbody to another are required to decontaminate prior to entering/launching.
- Report suspected active violations of the Vermont Use of Public Waters Rules to the Vermont State Police Dispatch at 802-878-7111 (Northern Vermont) or 802-722-4600 (Southern Vermont). Other inquiries may be directed to 802-828-1115.
- Learn more at: [dec.vermont.gov/watershed/lakes-ponds/vermont-use-public-waters-rules/wakeboats](https://dec.vermont.gov/watershed/lakes-ponds/vermont-use-public-waters-rules/wakeboats).

Find Wakesports Zone maps in the Avenza app or with the QR code above.

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### Wakesports Prohibited

In accordance with the Vermont Use of Public Waters Rules § 3.8., wakesports using a wakeboat are prohibited on this waterbody.

Report suspected active violations of the Vermont Use of Public Water Rules to the Vermont State Police Dispatch at 802-878-7111 (Northern Vermont) or 802-722-4600 (Southern Vermont). Other inquiries may be directed to 802-828-1115.

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# Questions?

Thank you!

