From: Barbarina Heyerdahl <abheyerdahl@gmail.com>
Sent: Friday, February 6, 2026 6:40 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from abheyerdahl@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water. These boats pose a unique hazard to so much that makes Vermont's lakes special.

- I support the DEC's amended Rule changes as they align with my conservation values and with the way Vermonters have used our lakes for generations.
- Increases the minimum safety wakesports zone from 50 to 100 acres.
- Requires a minimum wakesports run of 3,000 feet.
- Expands the safety buffer from other users and water structures from 200 to 500 feet.
- Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

- a minimum 30-foot water depth;
- a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
- the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

My family has enjoying swimming in, kayaking on, and generally enjoying the beauty and serenity of Lake Willoughby, where we have a lakeside cabin, for years, and it would be tragic to have that amazing spot that so many Vermonters enjoy damaged to accommodate this dangerous and destructive boats.

Thank you for your consideration

Barbarina Heyerdahl
86 College Street
Montpelier, VT
05602

From: ANR - WSMD
Sent: Monday, March 9, 2026 3:03 PM
To: Dlugolecki, Laura
Cc: Carr, Helen
Subject: FW: Wakesports

Hi again Laura,
Are you still accepting wake boat comments? If not, you likely don't need to respond to this. Just wanted to pass it along.
Thanks,
Helen

Helen Carr (she/her) | Administrative Support Supervisor
Business & Operations Support Services | Watershed Management Division
Vermont Department of Environmental Conservation
1 National Life Dr, Davis 3 | Montpelier, VT 05620
802-490-6147 | Helen.Carr@vermont.gov
https://dec.vermont.gov/watershed/business-support

From: Dotti Jackson-Turek <dottiturek@charter.net>
Sent: Monday, February 16, 2026 11:05 AM
To: ANR - WSMD <ANR.WSMD@vermont.gov>
Subject: Wakesports

You don't often get email from dottiturek@charter.net. Learn why this is important

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Hello,

I am a Vermont resident that owns a camp on Harvey's Lake. Since the introduction of wake boats, our peace and safety have been affected at the lake. The boats that come do not adhere to the current guidelines, and it has become scary to swim when they are out on the lake. Also, our boats have been battered by the strong waves that are created, which lead to banging against the dock. Harvey's Lake to date, through the diligence of our lake association, has been fortunate enough to avoid the transport of invasive species from boats visiting the lake. We all know that wake boat ballasts can not be fully drained; our lovely pristine lake is now at risk of a wake boat bringing invasive species into our lake, necessitating thousands of dollars of repair, and damage to the aquatic plants, fish and degradation of our water quality. Should the rights of a small number of wake boat owners be allowed to destroy one of Vermont's treasures, Harvey's Lake? It doesn't make sense to me, thus I am writing to ask that you support the DEC proposed rule revisions and add Lake Harvey to the list of exempt lakes.

Thank you,
Dorothy Jackson-Turek
28 Lakeview Lane
Barnet, VT

From: amy denton <acdent2@gmail.com>
Sent: Friday, February 27, 2026 2:18 PM
To: ANR - WSMD Lakes
Subject: Wakesports

[You don't often get email from acdent2@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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ANR:
If the choice is to support or not support, I support the proposed rules. Further protection for humans and others from the operation of wakeboats on inland VT lakes (vs current) is needed, which rules also insufficiently attempt to decrease environmental damage.
Unfortunately, the rules do not go far enough.
I do not support wakeboats operating on VT's inland lakes.
The wakes' water and their force essentially assault people in the water, on the water's edge, and on docks, not a safe or lawful use.
VT has several of the cleanest lakes in New England. People everywhere are counting on VT to keep them that way for current and future generations.
Thank you.
Amy Denton
Sent from my iPhone

From: MsAwilde <alanna.wilde@gmail.com>
Sent: Friday, February 6, 2026 5:09 PM
To: ANR - WSMD Lakes
Subject: Water sports Regulations 2026

You don't often get email from alanna.wilde@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Vermont ANR,

My husband and I are the owners of Hampton Beach Parasail and Paddle Board on the New Hampshire coast. As long-time operators in marine recreation, we understand and respect the importance of thoughtful regulation to ensure that public waters are used safely, responsibly, and sustainably for all users.

We are writing to express our continued opposition to reopening or expanding wake sport regulations that were finalized in March 2024, including the proposed addition of a 3,000-foot straight-line run requirement. Our position is grounded in the principles of fair and equitable access to public waters, scientific integrity, and the longstanding understanding that individuals assume personal responsibility when engaging in recreational water activities.

The 2024 regulations were the result of a thorough and deliberate rule-making process that incorporated Vermont-relevant science, legal precedent, and substantial public input. Those rules struck a reasonable balance by allowing diverse recreational uses while addressing potential environmental and user conflicts through the least restrictive means available. Requirements such as operating wake boats a minimum distance from shore and in sufficient water depth were carefully evaluated and are consistent with established hydrodynamic science. Importantly, these regulations were unanimously approved by ICAR in June 2023 and, to date, ANR has documented no pattern of substantiated complaints or widespread non-compliance.

By contrast, the proposed 3,000-foot straight-line run requirement represents a significant departure from the science-based framework that guided the original process. As reflected in ANR materials, this distance is derived from a modeled assumption about typical boat operation time and speed, rather than from measured environmental impact. Modeled activity patterns, however, are not a substitute for empirical environmental data.

Hydrodynamic research consistently shows that shoreline and sediment impacts are governed by factors such as water depth, distance from shore, wave height, wave period, bottom slope, and hull-depth interaction—not the length of time or distance a vessel travels in a straight line. Studies examining wake energy and propagation demonstrate that wave energy attenuates rapidly with distance from the vessel and shoreline, and that sediment interaction is strongly depth-dependent. Notably, none of the cited research identifies straight-line travel length as a primary environmental control variable, nor shows that environmental impact increases simply because a vessel travels farther once steady speed is achieved.

To date, no Vermont-specific field measurements have been presented demonstrating that a lake supporting a 2,000-foot run produces unacceptable environmental impacts, while the same lake becomes environmentally suitable at 3,000 feet. Similarly, there is no documented evidence showing that shoreline force, wave energy, or sediment disturbance increases proportionally with run length when speed, depth, and distance from shore remain constant. In the absence of such data, imposing a fixed geometric distance risks substituting assumption for science.

This concern is magnified by the clear access implications of the proposal. ANR's own summaries show that introducing the 3,000-foot criterion would reduce the number of eligible Vermont lakes from approximately 30 to 18. This reduction is not the result of newly identified environmental harm, but of a modeled dimensional requirement that was not part of the original acreage-based justification for compatible use. When a single numerical threshold effectively removes access to public waters, that number must be supported by site-specific, empirical evidence demonstrating environmental necessity.

It is also important to reaffirm a foundational principle of public water use: all individuals who choose to recreate on shared waters do so with an inherent assumption of risk. This applies equally to wake surfing, swimming, paddling, fishing, or any other activity. Regulations should seek reasonable coexistence, not eliminate lawful recreation based on speculative or unsupported

concerns.

Wake surfing is a legitimate recreational activity that provides substantial physical, economic, and community benefits. Singling it out for additional restrictions that are not supported by measured environmental data undermines the fairness and credibility of the regulatory process. Reopening settled rules without new, Vermont-specific environmental evidence risks eroding public trust and inflaming conflict among user groups, rather than promoting responsible stewardship.

The role of ANR is to ensure that public waters are managed reasonably and equitably for all users. The 2024 compromise achieved that goal. Further restrictions—particularly those based on modeled assumptions rather than field-measured environmental impact—exceed what the science supports.

For these reasons, we respectfully urge ANR to uphold the existing 2024 regulations and to refrain from adopting additional requirements, including the proposed 3,000-foot straight-line run rule, unless and until they are supported by clear, Vermont-specific, empirical environmental evidence.

Respectfully,

Alanna Schreck

Sent from my iPhone

From: allison@ccgovernmentrelations.com
Sent: Friday, February 20, 2026 3:32 PM
To: ANR - WSMD Lakes
Cc: Elizandro John; allison
Subject: Wakesports
Attachments: WSIA 2026.2.19 VT Comments.pdf

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Dear Laura and Jenny,

I am sharing with you the written comments from John Elizandro of the Water Sport Industry Association. John is traveling today so I am sending in on his behalf.

Thank you,
Allison

Allison M. Crowley
Crowley Consulting, LLC
P.O. Box 976
Montpelier, VT 05601
802.734.0664
allison@ccgovernmentrelations.com

WATER SPORTS INDUSTRY ASSOCIATION

February 18, 2026

Attn: Laura Dlugolecki
Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Davis 3
Montpelier, VT 05620

Dear Ms. Dlugolecki,

On behalf of the Water Sports Industry Association (WSIA), I respectfully write to express our opposition to proposed changes to Vermont's Use of Public Waters rules. WSIA is the nation's leading voice for the towed water sports industry, and represents many boat owners, enthusiasts, and equipment retailers across Vermont.

In 2024, Vermont adopted, via the administrative rulemaking process, the most restrictive boating regulations in the nation. These standards, which surpass those imposed in any other state, go well beyond what science and experience have told us is needed to ensure wake surfing is practiced responsibly and safely. The rules as structured limit "wake sports" to just 30 inland lakes across Vermont, restricting wake surfing to "wake sports zones" of at least 50 contiguous acres, in water at least 20 feet deep, and at least 500 feet from shore on all sides.

After only two boating seasons under these new guidelines, it's far too early to evaluate their effectiveness or to impose even tighter controls on Vermont's lakes. The pending rules proposed by the Department of Environmental Conservation (DEC) would, without data or justification, further curtail the rights of responsible recreational boaters with minimal benefit to Vermont's waterways.

Specifically, the new rules would double the minimum size of a "wake sports zone" to 100 acres, from 50, effectively prohibiting towed water sports on a dozen inland Vermont lakes. The new rules would also require these zones to be at least 3,000 feet long – an arbitrary length not based in real-life boating practices.

But at the time of the current rules' enactment, just two years ago, the DEC said 50 acres was completely sufficient for "wake sports zones". At 50 acres, "wake boat operation could be carried out with minimal environmental impact while also managing the impact on near-shore uses," the agency said.

These new criteria, proposed without any scientific or evidentiary basis, would force boat owners off their lakes – requiring them to trailer their boats between other waterways around the state. Forcing more boats onto fewer lakes is the last thing activists concerned about safety or the spread of aquatic invasive species (AIS) should want.

Since the 2024 regulations took effect, there have been no verifiable reports of noncompliance, safety concerns, or environmental harms linked to towed watersports vessels on Vermont's waters. A DEC review found 5 total public complains statewide during the 2024 season – but none of these were found to be credible. "Although Game Wardens anticipated receiving many complaints during the 2024 boating season, very few complaints were filed, and none of the complaints were found to be in violation of the wakesports rule," the review said.

Claims by activists have proven unfounded:

- A provision in the proposed rules would restrict "wake sports zones" near loon nesting sites, but there is no evidence today recreational boating has any impact on loon habitats: state data indicates the number of loons in Vermont is at an all-time high.

- Claims of sediment resuspension are not backed by data: ANR data indicate phosphorous levels in Lake Bomoseen, which has a relatively high concentration of vessels, are declining: water quality is getting better, not worse. The ANR's own rulemaking documents concede these proposed rules will not improve water quality.

- Fears of AIS spread are baseless: A top Vermont Department of Fish and Wildlife official told legislators just last month that the risk of AIS spread among the few hundred towed water sports vessels in Vermont was "miniscule" compared to that of the thousands of other boats traveling Vermont's lakes each season.

Notably, several of the lakes that would no longer be eligible for towed water sports include half a dozen that never filed a petition with the Agency seeking regulatory adjustments.

Imposing new rules before the existing rules have been thoroughly evaluated lessens public confidence in the rulemaking process. The agency's filing says it relies on scientific information from its 2024 rules, but does not explain how the same data leads to dramatically more restrictive policies two years later. The Vermont Boating Handbook has not yet even been updated to reflect the restrictions enacted in 2024, but already the agency is back, claiming its own rules are insufficient.

Our industry shares your commitment to safe, healthy Vermont waterways: our U.S. Coast Guard-approved Wake Responsibly campaign educates boaters across Vermont on respectful boating operations, encouraging boaters to stay a sufficient distance offshore, minimize repetitive passes, and keep music levels to reasonable levels.

But arbitrarily tightening already-stringent rules and forcing more boats onto fewer lakes will not address concerns about towed water sports and do nothing to make Vermont's waterways healthier or safer.

The state's own rules require the DEC to use the "least restrictive approach practicable" in resolving user conflicts on the water, but this proposal imposes arbitrary restrictions that will lead to more user conflicts, not fewer. We respectfully ask the agency to abandon this rulemaking effort and to take time to thoughtfully assess measures that will meaningfully protect Vermont's lakes.

Sincerely,

John Elizandro
Water Sports Industry Association

From: alw224@aol.com
Sent: Tuesday, February 10, 2026 8:43 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Wakesports Letter.docx

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

- the **100-acre lake threshold**
- the **3,000-foot straight-run requirement**
- the expanded interpretation of a **500-foot buffer from "any object" within the wakezone**
- **Normal Use Definition**
- **Section 3.7 and 4.3 for management project municipalities**

and I support maintaining the **2024 rule as written**, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to **shorelines, docks, and other vessels**. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife

markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a “non-normal use” under Vermont’s Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is **towed watersports conducted by inboard motorboats**, an activity that clearly predates 1993. Prior to that date:

- Towboats, ski boats, and inboard vessels designed to generate wake for recreational towing sports were in widespread use
- Ballast modification and wake-enhancement practices existed

- Wakesurfing emerged as a sport in the late 1980s–1990s
- Recreational towing sports behind inboard boats were an established category of boating activity

The statute does **not** state that technological evolution within an existing recreational activity creates a new legal "use." Regulatory interpretation consistently recognizes that **improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use**. The purpose of the "normal use" concept was to prevent *novel or incompatible uses*, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as "non-normal use" be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to **Section 3.7 Wakesports** and the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to **ongoing administrative discretion**, creating a de facto pathway to long-term or permanent exclusion through rotating "projects," rather than through formal rulemaking.

This concern is amplified by **Section 4.3 Temporary Use Restrictions**, which authorizes restrictions for public safety, emergencies, or "other good cause." The phrase "other good cause" is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

- No built-in time limit on project-based suspensions

- No requirement for re-approval through formal rulemaking
- No defined proof threshold demonstrating direct project conflict
- No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as **permanent exclusions**, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the **least restrictive approach practicable**. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

- Be based on documented, project-specific necessity showing direct interference
- Be limited to the smallest geographic and temporal scope necessary
- Not exceed one boating season (or 6 months) without formal rulemaking review
- Not recur within 48 months except for natural emergency events
- Include written scientific findings by the Secretary
- Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to **distance, depth, and energy**. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, **ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.**

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Ashley L. Pearo

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b

7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft Depth-dependent sediment disturbance findings https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Anthony Michel II <amichelaic@gmail.com>
Sent: Thursday, February 19, 2026 3:49 PM
To: ANR - WSMD Lakes
Subject: wakesports
Attachments: 500ft buffer statement 1 (signed).pdf

You don't often get email from amichelaic@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please find the attached letter expressing my opposition to the 500 feet from any object rule that a few people are trying to establish on lakes with wakeboard boats. At every hearing I have only heard personal quesstimations and feelings against wakeboard boats, nothing based on data and analysis. I believe there is a large misconception involving these boats which I am finding people do not even know the difference from any other motorboat on the lake. Many complaints I have heard with safety and "bow high" boats I have seen and they are regular boats that people ride along the shoreline slowly that are not planing their boats out. This can be dangerous for kayakers and swimmers near shore. Wakeboard boats are not near the shoreline when surfing, they must be in deeper water and that is all I have personally seen on the lake I reside on.

Please read the attached letter and please keep all the rules how they stand since they were modified in 2022-23. Enforcement would also be an issue no matter what the rules are and will possibly cause people to take matters in to their own hands which would be disastrous.

Thank you all for all time and consideration.

Sincerely,

AJ Michel

I oppose the proposed expansion of Vermont's wakesports operating standard from a **500-foot shoreline buffer** into a requirement to remain **500 feet from "any object"** (effectively creating an approximately **1,000-foot diameter exclusion bubble** around a wakeboat while in a wakesports zone). That "any object / bubble" concept is **not supported by the scientific sources being cited** in this rulemaking and represents a **policy choice**—not a study conclusion.

1) What Vermont's current framework is actually built on: shoreline distance

Vermont's existing wakesports zone definition is explicitly **shoreline-based**: wakesport zones are defined as areas that are **500 feet from shore on all sides** (and meet depth/acreage criteria).
Moving from "500 feet from shore" to "500 feet from any object" is a fundamentally different rule with much broader impacts on feasibility and enforcement.

2) The science cited in support of the expanded buffers during the petitions and public comments was from Marr Et Al. **What Marr et al. (University of Minnesota / SAFL, Feb 2022) actually concludes**

The University of Minnesota / St. Anthony Falls Laboratory study does **not** establish a Vermont-style rule requiring a wakeboat to stay 500 feet from **everything** in all directions. What it provides is **wave attenuation distance to a selected reference condition**—i.e., how far wakes must travel for wave characteristics (height/energy/power) to decrease to levels comparable to a chosen baseline.

In its executive summary, the report states that under typical wakesurfing conditions, wakesurf boats required **distances greater than 500 ft** to attenuate wave height/energy/power to levels equivalent to non-wakesurf boats in planing mode.

Critically, those numbers are not written as a "500 feet from any object" operational mandate. They are outputs of an example attenuation method tied to a specific comparison baseline.

3) The Minnesota research team's official public summary narrows the "distance context" to shoreline/docks and other boats—NOT "any object"

The University of Minnesota's official summary of the same research is very specific about what the distance is "from":

- Wakesurf boats require distances **greater than 500 feet from the shoreline/docks and other boats** to decrease wake wave characteristics to levels similar to non-wakesurf boats (typical operation comparison).
- Under "largest wake wave" conditions, the summary similarly references **greater than 425 feet from the shoreline/docks and other boats**.
-

That language matters for this rulemaking: the cited science discusses **shoreline/docks and other boats**—it does **not** define "objects" broadly (e.g., swimmers, buoys, loon nests, rafts, fishing gear, anchored vessels, etc.), and it does **not** propose a 360-degree enforcement bubble inside a mapped wakesports zone.

4) Even the Lake Waramaug wave-energy findings support shoreline attenuation—not an "any object" bubble

The Lake Waramaug wave-impact work (Terra Vigilis) provides additional quantitative context about **wave energy relative to shore distance**: it reports surf-mode wake boats produced **~4× wave energy** compared to a ski boat at the same distance, and that achieving ski-boat-equivalent height/energy at 100 ft required increasing **distance from shore to over 500 feet**.

Again: that is **shoreline attenuation distance**, not a general "500 feet from any object in all directions" requirement.

5) Conclusion

The studies being referenced support **shoreline/docks and other-boat distance concepts** tied to **wake attenuation**—and Vermont's existing rule is already shoreline-based. Expanding that into a requirement to remain **500 feet from "any object"** (a **1,000-foot diameter operational bubble**) is **not stated by Marr et al.** and is not established as a necessary or tested safety standard in the cited materials.

If the Agency wishes to adopt an "any object / bubble" requirement, it should identify **Vermont-specific safety research**, define "object" with precision, and provide an evidence-based analysis of feasibility, enforcement, and unintended consequences—because the out-of-state wave attenuation studies do **not** make that rule recommendation.

A native Vermonter who has gotten along with everyone and understands respect for all who use the lake I live on,

Anthony Michael II

From: Amy Coloutti <Amy.Coloutti@casella.com> on behalf of John W Casella <John.Casella@casella.com>
Sent: Wednesday, February 18, 2026 5:30 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: ANR Letter 2.18.26.pdf

You don't often get email from john.casella@casella.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see the attached letter.

John W Casella
Chairman & CEO
Casella Waste Systems, Inc.

25 Greens Hill Lane, Rutland, VT 05701
p. 802.772.2214 | c. 802.236.5673 | f. 802.775.6198

Learn more at casella.com

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John W. Casella
67 Ives Ave.
Rutland, Vermont 05701

February 18, 2026

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold , the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a "non-normal use" because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute's intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal "use." Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the "normal use" framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfing represents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as "non-normal use," as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft "any object" as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

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MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Sincerely,

John W. Casella

From: amymc1@comcast.net
Sent: Sunday, February 1, 2026 11:12 AM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: 2026 1.27.26 speech ANR.docx

You don't often get email from amymc1@comcast.net. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see my written comment from my presentation at the last meeting.
Thank you,
Amy McLaughlin

1/27/26

My name is Amy Mclaughlin. Many of you will recognize me. I have been involved in this since the beginning and have spoken at many of the hearings thru the last 2 rounds of rulemaking. I will submit scientific data in my written comments later about why I am steadfast that the rules should not change and the 2024 rules should remain the same.

But today,
I am going to take my two minutes today to tell you about myself and my family. We have been publicly villainized thru this process by the lobbing group Responsible Wakes and a Select board member from another town. We have been yelled at, told we don't care about the lake and told that our rights don't matter. We have been wakesurfing on Lake Fairlee since 2009, that's 16 years and only now since a small group of activists have made this wakesurfing the target at these hearings and in the press. Let me say when we wake surf we have had smiles and waves from other boaters and even most recently had one of the camp owners on Lake Fairlee tell us that my husband is the best wake boat driver and he does not worry when our family is enjoying Wakesurfing.

I say this this because I want people to know who we are. We have been on Lake Fairlee for over 50 years. We have generations of dedication to Lake Fairlee. We ranged in age from babies to my 100-year-old grandmother. We have been good stewards of the water. We have served on the Lake Fairlee Association, we have paid for and supplied the satellite radio for the greeters, we move and store the greeter's shack on our property, we have sat as a family at our picnic table and stuffed envelops for the Lake Fairlee Association. We keep doing these things because we love the lake, we loved our community. We have tried endlessly to come up with solutions. We applied our own rules before the ANR even put out the first set of rules. We reached out to the other wake boat owner and had them do the same. My husband has done educational seminars for the greeters on how to identify a wake boat. We have done this and have continued to do this while people have been cruel and said things about wake boats that are absolutely false.

We are stewards of our community and the Lake. We would love to stay on our home lake and until this point have done so. We would like those in opposition to come to the table and work with us, acknowledge that we are not the villains, we too have rights, and our children have rights. Please stop publicly and privately harassing us. There have been no documented reports of incidents or safety concerns since the 2024 rule was put into place when we or the other boat on our lake surf. More boats will only come if you keep reducing the lakes that people can surf on. We as a family will continue to educate, be safe, and love our lake.

I beg the ANR to help us reduce conflict by being reasonable, let us help educate, let us continue with a sport we love. We have come to the table with ideas for many years and please let us have rights too.

Thank you for your time.

1/27/26

My name is Amy Mclaughlin. Many of you will recognize me. I have been involved in this since the beginning and have spoken at many of the hearings thru the last 2 rounds of rulemaking. I will submitted scientific data in my written comments about why I am steadfast that the rules should not change and the 2024 rules should remain the same.

But today,
I am going to take my two minutes today to tell you about myself and my family. We have been publicly villainized thru this process by the lobbing group Responsible Wakes and a Select board member from another town. We have been yelled at, told we don't care about the lake and told that our rights don't matter. We have been wakesurfing on Lake Fairlee since 2009, that's 16 years and only now since a small group of activists have made this wakesurfing the target at these hearings and in the press. Let me say when we wake surf we have had smiles and waves from other boaters and even most recently had one of the camp owners on Lake Fairlee tell us that my husband is the best wake boat driver and he does not worry when our family is enjoying Wakesurfing.

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We are stewards of our community and the Lake. We would love to stay on our home lake and until this point have done so. We would like those in opposition to come to the table and work with us, acknowledge that we are not the villains, we too have rights, and our children have rights. Please stop publicly and privately harassing us. There have been no documented reports of incidents or safety concerns since the 2024 rule was put into place when we or the other boat on our lake surf. More boats will only come if you keep reducing the lakes that people can surf on. We as a family will continue to educate, be safe, and love our lake.

I beg the ANR to help us reduce conflict by being reasonable, let us help educate, let us continue with a sport we love. We have come to the table with ideas for many years and please let us have rights too.

Thank you for your time.

Public Statement by Amy McLaughlin

Hello, my name is Amy McLaughlin. Many of you will recognize me. I have been involved in this process since the beginning and have spoken at many of the hearings throughout the last two rounds of rulemaking. I have and will submit more scientific data in my written comments with the intent that we firmly believe that the rules should not change and that the 2024 regulations should remain the same.

Today, however, I want to take these two minutes to share about myself and my family. Throughout this process, we have been publicly villainized by the lobbying group Responsible Wakes and a Select Board member from another town. We've been yelled at, told we don't care about the lake, and that our rights don't matter. That simply is not true.

My family has been wakesurfing on Lake Fairlee since 2009—16 years—and only now has a small group of activists made wakesurfing the target at these hearings and in the press. I want to emphasize that when we wakesurf, we receive smiles and waves from other boaters. Just recently, one of the camp owners on Lake Fairlee told us that my husband is the best wake boat driver, and he doesn't worry when our family is enjoying wakesurfing.

I share this because I want people to know who we are. We have been part of Lake Fairlee for over 50 years and have generational dedication to it, ranging in age from babies to my 100-year-old grandmother. We have been good stewards of the water, serving on the Lake Fairlee Association, paying for and supplying the satellite radio for the greeters, moving and storing the greeter's shack on our property, and at times sitting at our picnic table stuffing envelopes for the Lake Fairlee Association as a family. We have continued these efforts because we love the lake and our community.

We have tried endlessly to come up with solutions. We even applied our own rules before the ANR issued the first set of regulations. My husband has conducted educational seminars for the greeters on Lake Fairlee on

identifying a wake boat. We have done this all while facing cruelty and false accusations about wake boats and our family.

We are stewards of our community and the lake, and we want to stay on our home lake, which we have done until now. We urge those in opposition to come to the table and work with us, to acknowledge that we are not the villains, and that we, too, have rights, as do our children and future grandchildren

Since the implementation of the 2024 rule, there have been no documented incidents or safety concerns when we or other boats wakesurf on our lake. Reducing the number of lakes available for surfing will only lead to more boats crowding into remaining areas. I want you to know Our family will continue to educate, prioritize safety, and cherish our lake.

I beg the ANR to help us reduce conflict by being reasonable. Let us help educate, let us continue enjoying this sport we love, and let those in opposition come to the table with ideas, as we have done for many years, so that we all can enjoy our time spent on these lakes.

Thank you for your time.

From: amymc1@comcast.net
Sent: Thursday, February 19, 2026 4:17 PM
To: ANR - WSMD Lakes
Subject: Wakesports- Oppose New regulations
Attachments: White Paper Wake- Professor William Banholzer.pdf

You don't often get email from amymc1@comcast.net. Learn why this is important

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Thank you for taking the time to visit Lake Fairlee and see firsthand how these activities function in real-world conditions. That kind of engagement matters. It makes clear that many of the safety concerns being raised stem from misinformation or exaggerated commentary that does not reflect the actual experience on the water. I respectfully ask that we center this discussion on science, data, and observable outcomes.

I am including a white paper by Professor William Banholzer because the points I raise below connect directly to flawed interpretations of existing studies and unsupported assumptions in the proposed changes. As you know, science and lived experience must work together. The current proposal, however, takes a rule that was functioning within its intended scope and extends it beyond its purpose of managing conflict and ensuring equitable access to Vermont's inland waters.

Vermont already maintains one of the most restrictive regulatory frameworks in the country. There have been no new scientific studies conducted that justify creating more restrictive regulations. The Use of Public Waters (UPW) Rules apply to lakes, ponds, and reservoirs with the clear intent of allowing all Vermonters and visitors to use these shared resources reasonably while minimizing conflict between recreational uses. The Agency of Natural Resources has consistently stated that it will use the least restrictive approach to address conflict and rely on objective decision-making. Those principles must remain at the forefront.

100-Acre Threshold

The proposal to increase the continuous acreage requirement from 50 to 100 acres is not supported by science. Even the original petition acknowledged that 60 contiguous acres would provide adequate space for wake sport operation while allowing other traditional lake activities to continue.

No cited study measures sediment disturbance, shoreline erosion, turbidity, or habitat effects relative to total lake surface area. The University of Minnesota wake study measures wave characteristics and attenuation with distance not lake acreage. Acreage does not change the physics of wake formation. Two lakes of different surface areas, but identical depth and shoreline setback will exhibit the same wake behavior at a given location. Increasing acreage is therefore a policy choice, not a science-based threshold.

3,000-Foot Straight Run Requirement

There is no cited study demonstrating that environmental impact changes at 3,000 feet versus 6,000 feet or 1,500 feet. The dimension appears operational in origin rather than derived from environmental or safety science.

The explanation relies on assumptions about "typical" ride time. That reflects boat behavior, not measured environmental impact. It also does not accurately reflect personal recreational use. For example, operating at 9 mph for three minutes equals approximately 2,376 feet. Setting a fixed length number is not science; it is an estimate based on generalized assumptions about usage patterns.

500-Foot Buffer from "Any Object"

The proposal to require a 500-foot buffer from "any object" within a wakesport zone creates significant practical

and enforcement challenges. Vermont's existing wakesport zone definition is shoreline-based 500 feet from shore on all sides, meeting depth and acreage criteria. Moving from "500 feet from shore" to "500 feet from any object" fundamentally changes the framework and dramatically restricts feasibility.

The wake studies referenced address shoreline attenuation, not 360-degree exclusion zones around any object. Vermont already operates under a 200-foot general safety framework. This proposal creates a moving exclusion zone that operators cannot reasonably control, especially when other vessels enter or cross within that distance.

The U.S. Coast Guard boating safety framework generally requires personal watercraft to maintain at least 50 feet from other vessels, with some states enforcing larger distances. The key principle is reasonable operator responsibility not creating dynamic zones that are impossible to manage. If the goal is to reduce safety concerns, this proposal may instead create confusion, frustration, and conflict between users.

Normal Use and Recreational Evolution

"Normal use" in a legal and regulatory context refers to operating a product or system according to manufacturer instructions and customary, lawful practices. Recreation evolves, and regulations must acknowledge that evolution.

The 2021 Vermont Use of Public Waters Rule § 2.2(b) states that public waters shall be managed so that various uses may be enjoyed reasonably, considering safety, the best interests of current and future generations, and the need to provide an appropriate mix of water-based recreational opportunities on a regional and statewide basis. That language clearly anticipates evolving recreational opportunities.

The 2024 wakesport rules were already developed to address this evolution responsibly. Evolution in recreational practices is not a threat; it is a reality. We have seen this in milfoil management. What was once considered "normal use" -hand-pulling has evolved to include mechanical harvesting and targeted chemical treatments. Progress, when guided by collaboration and science, is both appropriate and beneficial.

Why should responsible recreational evolution be treated differently?

Section 3.7 Pathway to Uncertain Restriction

I oppose Section 3.7 as proposed. It creates a pathway for an approved lake to be restricted under a "management" or "research" designation without a clearly defined reinstatement timeline or a requirement for conclusive scientific proof. This introduces uncertainty and allows removal of access without a transparent, science-based process for restoration.

If this section remains, its scope must be clearly defined. There must be objective criteria, measurable standards, and a guaranteed review and reinstatement process grounded in verifiable data.

I remain hopeful that the Agency of Natural Resources will reconsider these proposed changes and allow science, data, and measurable outcomes to guide policy decisions. More restrictions without supporting evidence will not reduce conflict; they will likely increase it.

Vermont's inland waters are shared resources. The goal should be equitable access, objective management, and conflict minimization not exclusion based on unsupported assumptions. I respectfully urge you to preserve the 2024 framework that allows all users to continue sharing these waters responsibly.

Thank you,

Amy McLaughlin

Lake Property Owner- Vermont

Recreational Wake Boating Facts

Benefits of Wake Boating

Wake surfing significantly broadens access to water sports in Wisconsin, especially for older adults and individuals with physical limitations. It provides a valuable alternative for those who can't engage in activities like water skiing. Unlike traditional water skiing or wakeboarding, wake surfing doesn't require towing, making it ideal for those with shoulder or upper body injuries. Operating at slower speeds and without bindings lowers the risk of injury while enhancing balance and flexibility. This inclusivity not only makes water sports more accessible but also adds a unique attraction for visitors to Wisconsin.

Claims of Shore Erosion Unfounded.

Boat wakes and shore erosion has been studied for over 40 years. Research consistently shows that shore erosion is primarily caused by factors such as ice, runoff, changes in lake levels, natural wave action, and development—not by boat wakes, except for large watercraft (ferries, etc.).

Water naturally seeks to be flat. A wake is generated by a boat's speed and displacement of water, but gravity quickly diminishes the wave's energy. As the wave travels away from the boat, it disperses into multiple smaller waves. After just 100 feet, the maximum wave height is the same whether or not the boat is using ballast. Effective shore erosion assessment focuses on wave energy derived from wave height and period. (Cox and McFarlane 2019) This energy dissipates rapidly: more than 70% of a wake's energy is dissipated within 200 feet in shallow water, falling below the impact of waves produced by a 20 mph wind over a mile of water (Goudey and Girod 2015). Ski boats operating 100 feet from shore are widely accepted. The waves 200 feet from a wake boat will have the same or less energy as the max wave from a Malibu Response ski boat 100 feet from shore.

Shorelines are adapted to their natural environments. Maintaining a distance of 200 feet from shore ensures that wake energy decays sufficiently so the waves do not differ significantly from natural conditions and do not contribute notably to shore erosion. At this distance, wake boat waves are 8-10 inches high with a period of about 2 seconds, similar to waves produced by a 20 mph wind over a mile. However, the total energy from wind is far greater, as wind waves continuously impact the shore. The average wind speeds in April and May exceed 20 mph on more than 20% of days and over 25 mph on 10% of days. Unlike the brief 45-60-second impact of boat wakes, these wind-driven waves last for hours and even days. To match the energy of a 20-mph wind, a wake boat would need to pass 200 feet from shore every minute—an unrealistic scenario for any shoreline. Long-term studies have shown that boat wakes contribute less than 5% of the total wave energy impacting shores. (Knudson 1990).

Nanson et al. (1994) determined erosion conditions on the Gordon River in Tasmania. For the protected shorelines subjected to wind-driven waves, he determined thresholds of 9.8" wave height and 2.7 seconds period. Wake surfing boats 200 feet from will produce wakes below these thresholds (8-10 and 1.8-2 s) further proving wake boats do not contribute to shore erosion.

Any sufficiently large and heavy boat, such as deck boats and cruisers, can produce substantial wakes. Research (McFarlane, 2018) indicates that even a fishing boat generates similar energy at 200 feet as many wake boats. Activities like tubing, which involve slower speeds and repetitive patterns, also produce large wakes. Singling out wake boats is unjustified and overlooks the broader context of watercraft impacts.

No Water Turbidity and Sediment Resuspension >10 ft

The Indiana National Academy of Science published a definitive study measuring lakebed disturbance in 2022 (Daeger et al. 2022). This experimental work examined sediment resuspension from several different boat types, including ballasted wake boats. The results show that all boat types can disturb lake beds in 3-5 feet of water, but once wake boats operate at depths of 10 feet or greater, lake sediment does not resuspend.

Computational studies have examined the potential impact of propeller wash on lake beds, with conflicting conclusions. These studies estimate water flow at various depths and then speculate on the effect. All these studies require multiple assumptions, and the conclusions still need to be verified. For example, one study (Raymond & Galvez-Cloutier) suggested that water velocities of 0.2 mph would be observed below 10 feet. The authors speculate this would disturb sediment, but the actual diver did not observe any impact.

Data from Wisconsin lakes do not support claims that wake boats increase turbidity and algae blooms. The WI water quality data is excellent and shows no deterioration in lake clarity since wake boats were introduced.

Spread of Aquatic Invasive Species. Not Highest Risk

The spread of invasive species is a significant concern for all types of watercraft, but wake boats are not uniquely problematic. The main issue is that wake boats' internal ballast systems are difficult to inspect, which could potentially contribute to the spread of invasive species. However, all watercraft and trailers can retain water, thus posing a risk. It is arbitrary to single out wake boats.

Modern wake boats are designed to expel nearly all their ballast water, retaining only about 0.1% (approximately 2 quarts). In contrast, sterndrive boats (inboard/outboards) can retain twice as much water (around 4 quarts) in their stern drive engines, and these systems are also hard to inspect. (Doll 2018) Additionally, unlike fishing boats that frequently move between different lakes, most wake boats are used primarily on their owner's home lake, which reduces the risk of spreading aquatic invasive species (AIS).

A study in Minnesota (Doll 2018) found that the highest concentration of zebra mussels was in sterndrive boats rather than wake boats. Furthermore, milfoil, often found in shallow water, is not commonly ingested by wake boats as they typically operate in deeper areas. Similarly, sandy fleas are located in the sediment rather than in deeper waters.

While AIS is a valid concern, efforts should be directed towards improving sanitization and certification practices for all types of watercraft rather than focusing solely on wake boats.

Safety

The US Coast Guard has approved Wake boats as safe. Wake Boats have safely operated in Wisconsin for over 10 years. There are no reports of boating accidents or citations from wake boats, yet there are many reports for fishing boats, personal watercraft, and pontoon boats.

Enforceability

The Vilas County and Oneida Counter Sheriffs have explicitly stated they will not enforce local ordinances unless there is the town has a specific contract with them to do so. Even then this is not a priority for them. For example, Sheriff Harman said" *I really don't want anything to do with it."* The DNR will also not enforce an ordinance leaving the Town responsible. If a Town does enact and ordinance that it does not enforce it creates a liability for the town if there ever was an incident.

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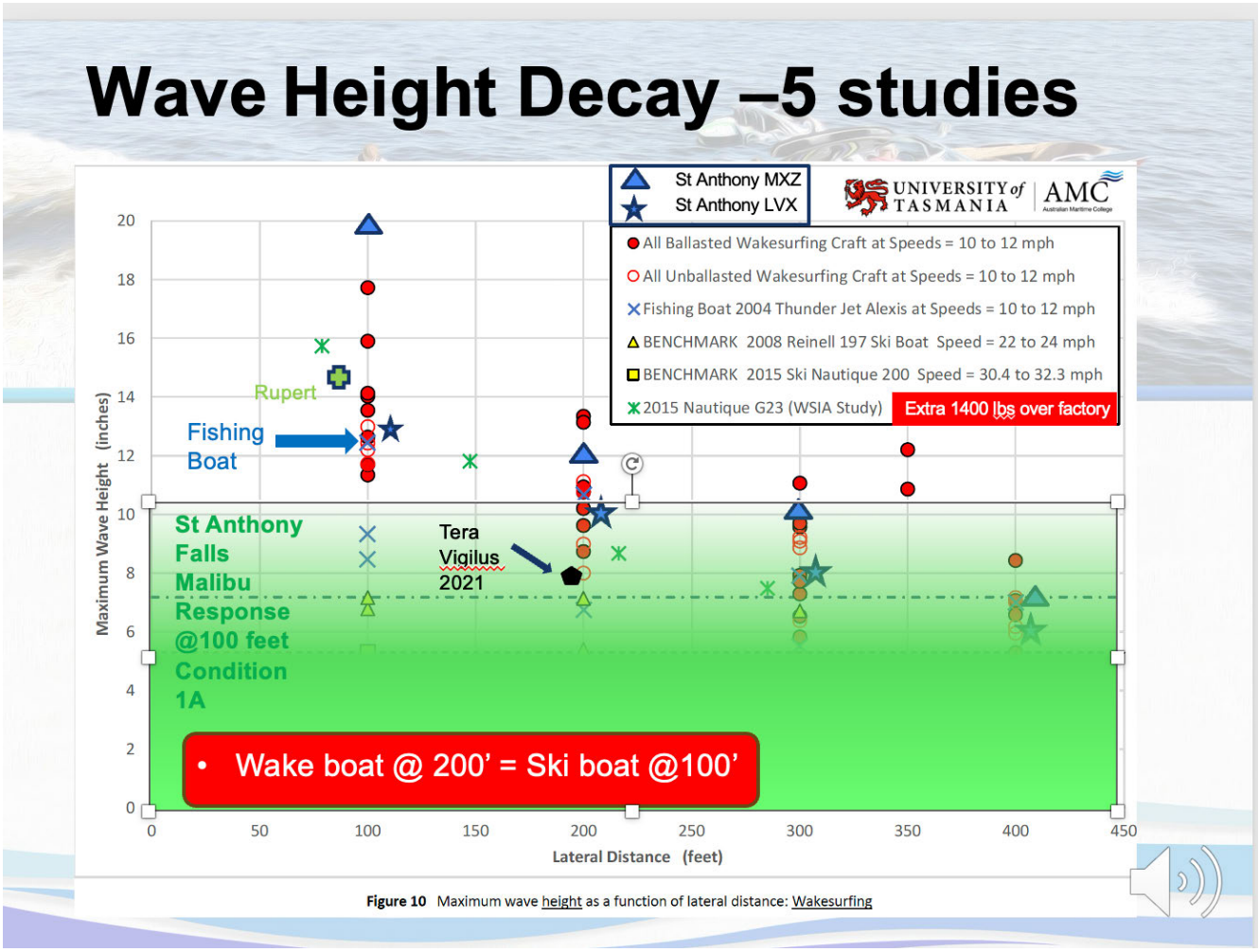
Raymond, S., and Galvez-Cloutier, R., (2015) Impact of Lake Navigation - Sediment Suspension Study: Lake Masson and Sand Lake Cases, Laval University. 30p. (Published in French, English translation)

SLIDES



Sediment Resuspension

2022. Proceedings of the Indiana Academy of Science 130(2):112–122

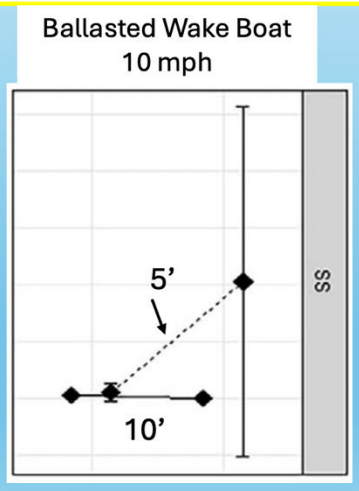
IMPACTS ON NUTRIENT AND SEDIMENT RESUSPENSION BY VARIOUS WATERCRAFT ACROSS MULTIPLE SUBSTRATES, DEPTHS, AND OPERATING SPEEDS IN INDIANA'S LARGEST NATURAL LAKE[2]

Adrienne Daeger, Nathan S. Bosch[1, 2] and Ryan Johnson: Lilly Center for Lakes & Streams, Grace College, 1 Lancer Way, Winona Lake, IN 46590 USA

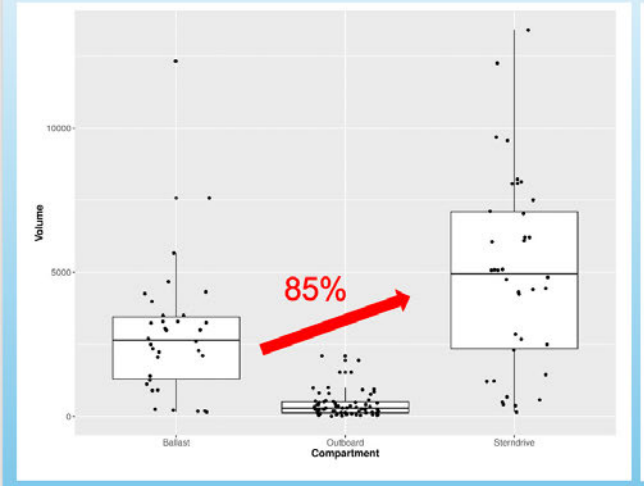
ABSTRACT. While a key component of lake recreation, watercraft are capable of impairing water quality, including via resuspension of nutrients and sediments from the lake bottom. As water quality influences the ecological, economic, and recreational capacities of a lake, this study set out to investigate nutrient/sediment resuspension by watercraft on Indiana's largest natural lake, Lake Wawasee. Four experiments were performed to test the following variables in substrate resuspension by watercraft: (1) lake bottom substrate type, (2) water depth, (3) watercraft type, and (4) operating speed. Nutrient/suspended sediment samples were collected before and after the watercraft passed through the sampling area and their averages were compared using t-tests. Nutrient resuspension was observed after the wake boat in 5 ft of water, and no resuspension by any watercraft in 10–15 ft of water. Resuspension was observed after plowing (near plane) in 5 ft of water or idling in 3 ft by multiple watercraft. The results suggest that recreationalists use high impact watercraft and operational styles in water ≥10 ft in Lake Wawasee. Differences in macrophyte assemblage (including non-native invasive starry stonewort, *Nitellopsis obtusa*) likely had a large impact on the resuspension potential of one testing area. Boating restrictions based on speed and water depth can support the recreation that draws people to lakes while protecting the lake from some damage by that recreation. Lake managers should also consider variation in bottom substrate across their lake to identify areas particularly sensitive to boating and nutrient resuspension.

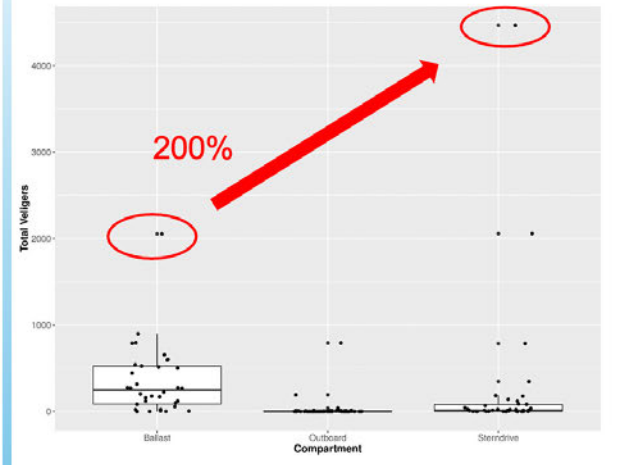
Keywords: boat recreation, sediment and nutrient resuspension, lake bottom substrate, water quality

Nutrient resuspension was observed after the wake boat in 5 ft of water, and no resuspension by any watercraft in 10–15 ft of water



"Increase Risk of AIS"- Wrong





SternDrive (inboard/outboard) have 85% more residual volume and the largest # of Veligers observed
Wake Boat operate in deeper water where Milfoil less prevalent

Occurrence and Survival of Zebra Mussel (*Dreissena polymorpha*) Veliger Larvae in Residual Water Transported by Recreational Watercraft, Adam Doll, Uminn thesis 2018

Claims vs Facts

CLAIM	FACTS
Wake Boats Cause Shore Erosion	Boat wakes, and shore erosion has been studied for over 40 years. Research consistently shows that shore erosion is primarily caused by factors such as ice, runoff, changes in lake levels, natural wave action, and development—not by boat wakes. At 200 feet the waves impacting a shore have the same total energy as a fishing boat or ski boats at 100 feet and less than a 20 mph wind blowing over a mile.
Wake Boat waves destabilize shorelines	200 feet from a wake boat the waves are very similar to what the shoreline experience naturally. The waves are not significantly different. The wave heights for wake boats are 8-10 inches vs 7.5 inch for a 20 mph wind, and the periods are both around 2 seconds.
Wake Boats generate a 16 inch wave 200 feet from the boat.	This is one extreme case from a boat that is overloaded with more ballast than the factory configuration, operating in deep water that is not typical of most Wisconsin lake shorelines. That same study showed that the wave is 9” 200 feet from the boat in shallower water. No other study found a 16” wave. Five other studies report 8-10” 200 feet from the boat.
Wake Boats generate waves that are 3-9 the energy of other boats. At 100 feet.	The energy of the initial wave right at the boat is higher than other boats but wave energy degrades rapidly as it breaks up into multiple smaller waves. The larger the initial wave the faster it attenuates. At 200 feet the max wave energy of a wake boat is similar to fishing and ski boats. The SAF study claims at 100 feet the waves have 3-9 time more energy, but their energy calculations are 2-8 times higher than more experienced researchers demonstrating their analysis is flawed.

You cannot compare wind waves to wake boat waves. The form of the energy is important. ~~)~~	The form of energy is indeed important but wind and recreational boat wakes are similar. Statements like you cannot compare boat wakes refers to large vessels. Waves have intrinsic characteristics whether they are created from boats or wind. Comparing the height, period and duration allow direct comparison of wave energy. A 20-mph wind blowing over a mile will create a 7.5' tall wave with a period of ~1.8-2 seconds. A wake boat 200 feet from shore will generate 45-60 seconds of waves with a maximum height of 8-10" and a period of 2 seconds. These waves have similar energy, consequently, wake boat waves will not present a substantially different form of energy to the shore. Cox and McFarlane (2019) conclude "*Wave wake studies are inevitably a study of orders of magnitude and not small percentages*". While the wave energy and period for wake boats and wind waves are similar, the total energy a shoreline receives from wind is 20X or more higher since wind wave impact every 2 seconds vs. a packet of boat waves which only last 40-60 seconds. To match the energy of a 20-mph wind over a mile requires a wake boat to pass a shoreline every minute.
Cox and McFarlane say "*It is not the quantity but the form in which it is delivered [2]. For that reason, we now believe that comparisons of annualized boat wave energy and wind wave energy are meaningless for comparing the impacts of different wave regimes.*"	This is true when wind and wakes have significantly different characteristic and were meant to address attempts to compare the wake from large ferries to wind. In WI the wind and boat wakes ARE similar so comparing energy is reasonable.
The Houser study in Canada showed >60% of the wave energy was from boats.	This study is not consistent with prior studies that find wake contribute <5% of the energy a shoreline experiences. Even the authors admit their findings are not consistent with prior work and offer no explanation.

The St Anthony Fall Study showed wake boats need to be 700 feet from shore	The St Anthony falls paper was severely flawed and has been criticized by the reviewer. Their data has massive variability making any meaningful interpretation impossible. For example, at 200 feet from the MXZ boat they report wave heights of 9" and 18". There should not be more than 10-20% difference in data points to be considered acceptable. They authors try to hide this lack of precision by using regression to fit a curve. This is not appropriate when there is systematic variation. The coefficients of this equation are not consistent with all prior work further proving there deficiencies in this data The paper did not follow the peer review protocol which requires the reviewers agree it is suitable for publication- it is not peer reviewed in the true sense. Boat Wakes have been studied for over 40 years. The St Anthony Fall (MN) study does not present any new information. In addition to the poor quality of the data, they incorrectly calculate wave energies. The rational for the 700 feet setback is based incorrect energy calculations. Many experimental studies show at 200 feet wake boat wake is equivalent to ski boats at 100 feet.
Adding Ballast makes large waves which cause shore erosion	Adding ballast increase the size of the initial wave at the boat, but larger waves decrease quicker. By 100 feet the wave produced by a boat with and without ballast are the same. (SAF, McFarlane)
Wake Boats scourer lake bottom resuspending sediment and destroying plans.	The Study published by Dreager in the Proceedings of the Indiana Academy of Science definitely shows in >10 feet of water there is no sediment resuspension.

Tera Vigilis, Ray (2020) Raymond and Galvez say boat prop jet impact lake beds down to 33 feet.	The definitive study on lakebed disturbance was Dreager, et, al in 2022. They measured the suspended solid, phosphorus, SiO_2 and nitrates and found that after 10 feet a ballast wake boat does not create any disturbance of the lake bed for even fine sediment. In shallow water (3-5') all boat types can resuspend sediment. Raymond and Galvez in 2015 used acoustical probes to measure water speed down to 0.1 m/s at 15 feet, and speculated this would be sufficient to disturb lake beds, but their diver "**did not** notice any material suspended as a result of boat passage. The study by Ray (2020) claiming boats create an impact below 30 feet was not peer reviewed, and did not do any actual measurements to validate the claims. The author has no credentials in fluid mechanics. The study uses models which are not consistent with other more rigorous finite element modeling efforts. This study calculates a water velocity and extrapolates it would have an impact whereas actually study show this to be false. Tera Vigilis study claiming a 25% increase in P 30 minutes after passing was on extremely low numbers and is not statistically significant. They even acknowledge "sediment deposition could not be solely attributed to only wake boats)
Not being able to inspect wake boat ballast tanks will cause the spread of invasive species.	SEE EXPLAINATION ABOVE. Wake boats are not unique. You also can't inspect the residual water in any stern drive and they have been show to trap 85% more water than ballast tanks.

The bow up boat attitude impairs vision and is a safety risk.	Wake boats are not the only boats that operate with bow up attitudes. There are no records of safety incidents for wake boats but there are many for PWC, fishing and pontoon boats. The Coast Guard has certified these boats are safe to operate. In attentive driving is an issue with any boat.
Wake Boats Hog the lake and everyone has to get off.	Wake boats operate at ~11 mph vs ski boats that go >30 mph. Ski boats cover 3 X the distance of a wake boat. Even pontoons tubing go 2 X as far. At 200 feet the waves of a wake boat are the same as a water ski boat at 100 feet but the ski boat will travel 3X as far.
Wake Boats are the only issue	Any large boat with sufficient weight will generate similar waves. Pontoon and other watercraft manufacturers are also developing product to allow wake surfing.

ABOUT THE AUTHOR

Professor William Banholzer is a chemical engineer with 30 years of industry experience at GE and Dow Chemical. He retired and joined the faculty of UW Madison in Chemical Engineering, where he is the only Professor of Practice in the entire UW system- a title reserved for professors who have done extensive engineering work in addition to research and teaching. Professor Banholzer is one of only three chemical engineers in Wisconsin and 233 in the country elected to the US National Academy of Engineering. Fluid mechanics is a core competency of chemical engineering. They use the same Navier Stokes equations as marine engineers. During his career Professor Banholzer has done fluid flow analysis, computational modeling, and used a CT scanner to study flow in fluidized beds, which involves the same physics as the movement of sediment and sand by water. He is a certified Master Black Belt in Six Sigma Statistical Analysis and Robust Design. He has studied the scientific literature regarding boat wakes and wave motion as well as had dialogs with top experts throughout the world.

Dr Banholzer splits his time between a condo in Madison and his home on Hunter Lake in Conover. He is not affiliated with any boat manufacturer or industry group.

From: amymc1@comcast.net
Sent: Thursday, February 26, 2026 10:48 AM
To: ANR - WSMD Lakes
Subject: Proposed compromise for wakesport regulations

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Mrs. Austin and Mrs. Dlugolecki,

We are writing in the spirit of compromise and in support of the Vermont Agency of Natural Resources's stated goal of reducing conflict among recreational users on Vermont's lakes.

After reviewing the public comments, re-reading the most recent petitions, and reflecting on the Small-Group meeting held on January 16, 2026, it is clear that a workable path forward we must both allow reasonable access and meaningfully address community concerns. We believe such a compromise is achievable.

As the two resident wakeboat owners on Lake Fairlee, we respectfully propose the following revisions to the current draft rules. We recognize that Vermont's regulations are already among the most restrictive in the country. However, we believe there is a balanced approach that maintains safety, reduces conflict, and preserves limited access.

- **One Enhanced Wake Operation at a Time (80–120 Acre Lakes)**
  We propose that lakes between 80–120 acres allow only one enhanced wake sports operation at a time within the designated wakesport zone. This would create a clear and easily enforceable standard that directly addresses concerns about multiple enhanced wake activities occurring simultaneously. Limiting use to a single operator in the center of the zone reduces cumulative impact while preserving reasonable access.

    - Under the proposed rule the allowed continuous acres would support 68.9 acres. For Example; a rectangular plot at Length x Width= Total Square feet (3,000*1,000= 3,000,000 total Sq. Feet)/ Divide that total by /43,560 (the number of square feet in one acre) = 68.9 Acres. At our proposal 2,500*1,000= 2,500,000/43,560= 57.39 acres would be a sufficient threshold. It is important to recognize that the original petition supports 60 continuous acres. By allowing single use from 80-120 this would adhere to the original petitioner's recommendation and still allow for restricted use with actual mathematical support.

- **2,500-Foot Minimum Length**
  We propose a 2,500-foot minimum length requirement to better reflect the practical "minute mile" operational standards used in wakesurfing (8-10 MPH). This adjustment would ensure the rule is workable in practice.

    - Calculated results would support: a 3 minute run at 9Mph would equal 2,376 feet

- **500-Foot Safety Buffer with Right-of-Way Clarification**
  While we are not convinced that adding a safety buffer alone will reduce conflict, we recommend clarifying this section to strengthen its effectiveness. Specifically, any safety buffer language should explicitly reinforce adherence to existing U.S. Coast Guard right-of-way rules.

Reducing conflict requires that all boaters respect established navigation laws and avoid obstruction or unsafe maneuvering that creates hazards. Reinforcing these principles within the rule will improve safety and help reduce user conflict.

We respectfully ask that this proposal be used as a framework for constructive compromise. Our direct request is that ANR incorporate these revisions into the rulemaking so that limited access can coexist with meaningful conflict reduction.

Our shared goal is healthy lakes and healthy communities. We believe this approach represents a practical and reasonable step toward achieving both.

Thank you for your consideration and for your continued work on behalf of Vermont's waters and residents.

Thank you for your consideration,

Jim Morgan, Sharon Morgan, Bill Laycock, Ben McLaughlin, Amy McLaughlin, Emily Doe, Gretchen Morgan, Tim McLaughlin

Lake Fairlee, VT

From: amzweilreinc@aol.com
Sent: Friday, February 20, 2026 2:39 PM
To: ANR - WSMD Lakes
Subject: <WAKESPORTS> THE "HOME LAKE RULE" SEEMS TO BE OUR ONLY WAY TO ACT AS STEWARDS OF THE LAKES

You don't often get email from amzweilreinc@aol.com. Learn why this is important

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NPS.GOV HOMEPAGE (U.S. NATIONAL PARK SERVICE) **ARTICLE**

NPS.gov Homepage (U.S. National Park Service)

Discover America's stories. Plan your visit and explore the diverse landscapes, national parks, and cultural tre...

Invasive Zebra Mussels

> **Prevention is the best way to keep a water body clean of zebra mussels.** *Sophie Koch*

What are they?

Zebra mussels (*Dreissena polymorpha*) are small, freshwater, bivalve shellfish that were likely brought to the U.S. as stowaways in the ballast water of ships. They are native to the Caspian and Black Seas south of Russia and Ukraine, and have since become widespread in both Europe and the U.S

They grow around two inches long at most, and are **microscopic in their larval stage, which is known as a "veliger."** They are short-lived (between two and five years), and begin reproducing at two years of age. **Each female can release up to a million eggs per year.**

Economic impacts

"Biofouling," or the accumulation of adult zebra mussels on surfaces put in the water, is one of the more notable impacts zebra mussels can have on a local economy. Zebra mussels are armed with rootlike threads of protein, called "byssal threads," that allow them to firmly attach themselves to hard surfaces such as rocks, native mussels, docks or boats.

Typically, this isn't a problem for boats that are only in the water for short trips, but boats, docks or intake pipes that are left in the water for a long period of time can become encrusted and be very difficult to clean. If a boat owner also fails to drain the water from his or her motor, any veligers floating in the water will root themselves and clog the machinery as they reach adulthood.

Where are they now?

Zebra mussels were first discovered in the U.S. in the late 1980s. **The first established population was discovered in 1988 at Lake St. Clair, which straddles the border between the U.S. and Canada and which connects to Lake Erie and Lake Huron.** They quickly spread across the Great Lakes, and are now present in the Mississippi and St. Croix Rivers as far north as Stillwater. Human transport has now spread them to the west coast of the U.S.

How do we stop them?

Once a population of zebra mussels has become established in a water body, there is very little to be done to remove them.

Prevention, therefore, is the best way to keep a water body clean of zebra mussels. Because they reproduce by spewing veligers into the water, zebra mussels are dependent on a current to spread their populations. This means that they can only move downstream in a river, and need a ride if they are to move further upstream.

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NOTES:

(1) This is an EXCERPT from a U.S. NATIONAL PARK SERVICE Article

(2) The first five (5) paragraphs are issues of origination, size and reproduction of the Zebra Mussels, where they originally were discovered in North America.

(3) The LAST TWO (2) PARAGRAPHS very clearly discuss keeping them out of individual water bodies that are currently "clean" of this *INVASIVE SPECIES.*

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Based upon that information above, elimination of the "Home Lake Rule" is a serious mistake
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since the back-up plan is to rely on a 10-year, unfunded decontamination plan. This proposal is
180 degrees out of synch with program goals as defined in the Lakes and Ponds Strategic Plan.

#2 "Use monitoring data to support science-based, lake-related policy decisions, regulatory efforts, and management actions, including restoring impaired waters, enhancing protection of high-quality waters, and clarifying rules governing public water use and levels."

#4 "Reduce & prevent the environmental and socioeconomic impacts of aquatic invasive and nuisance species to protect and improve water quality, aquatic and liΣoral wildlife habitat, and lake ecosystem functions."

We can do better. We must do better. We won't get another chance once invasives like zebra mussels take over our pristine lakes.

Arthur Zweil
My 80th year "Summering" at Willoughby Lake,

From: Andrea Morgante <andreahinesburg@gmail.com>
Sent: Friday, February 20, 2026 3:14 PM
To: ANR - WSMD Lakes
Cc: Austin, Jenny
Subject: Wake Boat comments
Attachments: Wake boat comments .pdf

You don't often get email from andreahinesburg@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To: Jenny Austin Vermont Agency of Natural Resources,

I am writing in strong support of the proposed updates to Vermont's Use of Public Waters Rules regarding wake boats. Having lived in the village of Hinesburg for almost 50 years I have been fortunate to utilize the public beach and boat access site to enjoy swimming and canoeing on Lake Iroquois with my family and friends. Having served on the Hinesburg Selectboard for many years and as a board member of the Lewis Creek Association the importance of protecting water quality and the decades old struggle to control Eurasian milfoil reflect both my personal experience and deep concern for the safety and ecological health of our public waters. I appreciate the Agency's thoughtful efforts to protect our lakes and ponds, and I urge you not only to adopt these rules, but to make them even stronger to ensure long-term protection of Vermont's public waters.

For generations, Vermonters have used our lakes and ponds for traditional recreation—canoeing, kayaking, rowing, fishing, and swimming. These uses are quiet, accessible, and rooted in stewardship. Most Vermonters enjoy recreation from public access areas and do not have the privilege of living directly on a lake or pond. For us, these waters are shared public resources that must be protected for everyone.

Motor boats used for traditional water skiing have long been part of Vermont's recreational history, and existing rules were developed with those smaller, less powerful boats in mind. However, when the rules regulating jet skis and other motorized uses were originally established, modern wake boats were not being used on Vermont lakes. The power, ballast systems, and engineered wave-generating capacity of today's wake boats are fundamentally different from traditional ski boats. The size, force, and persistence of the waves they produce cannot reasonably be considered comparable to those created by smaller boats used for water skiing. The updated rules should clearly recognize wake boats as a distinct and higher-impact use, not as a continuation of traditional motorized recreation.

Wake boats fundamentally change the character and safety of our lakes. The large artificial wakes they generate create serious risks for swimmers, paddlers, and others in smaller boats. Canoes and kayaks are particularly vulnerable to sudden, powerful waves, and swimmers near shore are placed at unnecessary risk. These conflicts did not exist before wake boats were introduced.

Beyond safety concerns, wake boats cause documented environmental harm. Their powerful waves accelerate shoreline erosion, undercut banks, and damage fragile nearshore habitats. This erosion increases sediment and nutrient loading, degrading water quality and harming native aquatic plant communities. Disturbed sediments and shorelines also create favorable conditions for the establishment and spread of non-native invasive species—threatening the ecological balance of Vermont's lakes.

Vermont's public waters are held in trust for all residents. Protecting traditional uses and ecological integrity should take precedence over newer, high-impact recreational activities. Strong setbacks, depth requirements, and clear enforcement standards are essential. In fact, I encourage the Agency to consider even more protective measures where necessary to safeguard shoreline habitat, prevent invasive species spread, and ensure the safety of swimmers and paddlers.

Vermonters overwhelmingly value clean water, healthy ecosystems, and equitable public access. The proposed rules are an important step forward, but continued vigilance and stronger protections will be critical to preserving these waters for future generations.

Thank you for your work and for considering these comments.

Sincerely,
Andrea Morgante

Andrea Morgante
56 Mechanicsville Rd
HInesburg, VT 05461
andreahinesburg@gmail.com

February 20 2026

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Andrea Morgante
56 Mechanicsville Rd
HInesburg, VT 05461
andreahinesburg@gmail.com

February 20 2026

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Thank you for your work and for considering these comments.

Sincerely,
Andrea Morgante

From: Andrew Knight <andrew.knight.c4875@advocate-mail.com>
Sent: Friday, February 20, 2026 12:55 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Andrew Knight
PO Box 167
Woodbury, VT 05681
(206) 910-3350
andyk164@comcast.net

From: Andrew McLaughlin <andrewmclaughlin327@gmail.com>
Sent: Friday, February 6, 2026 3:35 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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I request that ANR act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

Andrew Mclaughlin
226 Hartland Hill Rd
Woodstock vt 05091

From: Angela Amoia <angela.amoia@gmail.com>
Sent: Wednesday, February 18, 2026 2:42 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from angela.amoia@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

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-
- the
- **100-acre lake threshold**
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-
-
- the
- **3,000-foot straight-run requirement**
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-
-
- the expanded interpretation of a
- **500-foot buffer from “any object” within the**
- **wakezone**
-
-
-
- **Normal Use Definition**
-
-
-
- **Section 3.7 and 4.3 for management project municipalities**
-

and I support maintaining the **2024 rule as written**, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced

are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to **shorelines, docks, and other vessels**. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a "non-normal use" under Vermont's Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is **towed watersports conducted by inboard motorboats**, an activity that clearly predates 1993. Prior to that date:

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- Towboats, ski boats, and inboard vessels designed to generate wake
- for recreational towing sports were in widespread use
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- Ballast modification and wake-enhancement practices existed
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- Wakesurfing emerged as a sport in the late 1980s–1990s
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- Recreational towing sports behind inboard boats were an established
- category of boating activity
-

The statute does **not** state that technological evolution within an existing recreational activity creates a new legal "use." Regulatory interpretation consistently recognizes that **improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use**. The purpose of the "normal use" concept was to prevent *novel or incompatible uses*, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as "non-normal use" be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to **Section 3.7 Wakesports** and the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to **ongoing administrative discretion**, creating a de facto pathway to long-term or permanent exclusion through rotating "projects," rather than through formal rulemaking.

This concern is amplified by **Section 4.3 Temporary Use Restrictions**, which authorizes restrictions for public safety, emergencies, or "other good cause." The phrase "other good cause" is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

-
-
- No built-in time limit on project-based suspensions
-
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- No requirement for re-approval through formal rulemaking

- No defined proof threshold demonstrating direct project conflict
- No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as **permanent exclusions**, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the **least restrictive approach practicable**. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

- Be based on documented, project-specific necessity showing direct interference
- Be limited to the smallest geographic and temporal scope necessary
- Not exceed one boating season (or 6 months) without formal rulemaking
- review
- Not recur within 48 months except for natural emergency events
- Include written scientific findings by the Secretary

- Automatically expire unless renewed through public rulemaking
-

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to **distance, depth, and energy**. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, **ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.**

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Angela Amoia

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
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Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-

content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Angela Amoia, LMFT
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No one is free when others are oppressed.
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

From: ANR - WSMD Shoreland
Sent: Tuesday, February 17, 2026 10:41 AM
To: Dlugolecki, Laura
Subject: FW: wakesports

Laura,
You are leading the wake boat charge correct? Please see the message below which feels more like a comment/complaint then an inquiry.

Best,
Alyx

VERMONT
Alyx Belisle (she/her) | Environmental Technician
Vermont Department of Environmental Conservation
Watershed Management Division, Business & Operation Support Services (BOSS)
1 National Life Dr, Davis 3 | Montpelier, VT 05620
802-461-6411 | Alyx.Belisle@vermont.gov
https://dec.vermont.gov/watershed/business-support

From: lornagelinas@comcast.net <lornagelinas@comcast.net>
Sent: Monday, February 16, 2026 12:58 PM
To: ANR - WSMD Shoreland <ANR.WSMDShoreland@vermont.gov>
Subject: wakesports

You don't often get email from lornagelinas@comcast.net. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To the Department of Environmental Conservation:

One of the reasons my wife and I chose to buy property on Harvey Lake and live there for five months out of the year, is the expectation of peace and tranquility that a small northern Vermont lake has to offer. This is also a motivation to fish on the lake. Fishing is not only about catching fish. It's also the quiet camaraderie I have when taking a family member or friend with me. There are many times I have gone out on the lake alone. There have been several occasions when I've been alone and trying to land a fish. Because of large waves from the wake boats, I've had to hang on for the fear of falling in the lake. This is not exactly a safe feeling at any age. When trolling at very slow speeds, anywhere from 2 to 3 mph, it is very difficult to react and turn the bow of the boat into the wave. To avoid being hit from the side and possible capsizing, turning so abruptly can cause me to run over my trolling lines or at the very least, tangle them together. I've had these deep drafting boats cut behind my stern running very close to my lines near the surface. This could prove to be expensive since replacing fly lines, rod, and reels are not cheap. Other problems I have witnessed are from transients and some renters who seem to have no regard for common courtesy to the local people. They're only here for a week or two and they don't seem to care about their behavior. If the lake didn't allow them to use wake boats, that would be one problem solved.

Any fisherman will tell you that protecting the habitat for future generations of fish is vital

for any lake. This includes the future generations of fishermen like my grandsons. Waves that are created from these boats reach the shoreline, even from a great distance away, and in turn, erode the banks of the lake. This causes damage to the breeding grounds of small baitfish. Simply put, no baitfish, no bigger fish.

In closing, I would like to say that one of my pet peeves is watching my boat slam against my dock, causing potential damage to not only my boat, but also to my dock. Harvey Lake is just not the place for these types of boats.

Sincerely,

Gary Gelinas
190 Campers Lane
Barnet, VT 05821

From: Anthony Parker <anthony.parker.1109b@advocate-mail.com>
Sent: Friday, February 20, 2026 7:44 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from anthony.parker.1109b@advocate-mail.com. Learn why this is important

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Thank you

Sincerely,

Anthony Parker
3012 Osceola Ave
San Diego, CA 92117
(619) 571-4095
anthony.e.parker@gmail.com

From: Ashley West <ashley.west917@gmail.com>
Sent: Tuesday, February 10, 2026 8:47 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Wakesport.docx

You don't often get email from ashley.west917@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute’s intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal "use." Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the "normal use" framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfing represents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as "non-normal use," as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft “any object” as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters’ shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded “any object” buffer provisions.

Thank you for your consideration.

Sincerely,

Ashley West

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

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** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: austins wharf <austinswharf@yahoo.com>
Sent: Monday, February 16, 2026 5:48 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Wakesports Letter.docx

You don't often get email from austinswharf@yahoo.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Robert Pearo, Jr.
Owner - Austin's Wharf Boat Canvas and Upholstery

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

- the **100-acre lake threshold**
- the **3,000-foot straight-run requirement**
- the expanded interpretation of a **500-foot buffer from "any object" within the wakezone**
- **Normal Use Definition**
- **Section 3.7 and 4.3 for management project municipalities**

and I support maintaining the **2024 rule as written**, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to **shorelines, docks, and other vessels**. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife

markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

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The statute does **not** state that technological evolution within an existing recreational activity creates a new legal "use." Regulatory interpretation consistently recognizes that **improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use**. The purpose of the "normal use" concept was to prevent *novel or incompatible uses*, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as "non-normal use" be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to **Section 3.7 Wakesports** and the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to **ongoing administrative discretion**, creating a de facto pathway to long-term or permanent exclusion through rotating "projects," rather than through formal rulemaking.

This concern is amplified by **Section 4.3 Temporary Use Restrictions**, which authorizes restrictions for public safety, emergencies, or "other good cause." The phrase "other good cause" is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

- No built-in time limit on project-based suspensions

- No requirement for re-approval through formal rulemaking
- No defined proof threshold demonstrating direct project conflict
- No statewide consistency check to prevent uneven application

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If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

- Be based on documented, project-specific necessity showing direct interference
- Be limited to the smallest geographic and temporal scope necessary
- Not exceed one boating season (or 6 months) without formal rulemaking review
- Not recur within 48 months except for natural emergency events
- Include written scientific findings by the Secretary
- Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to **distance, depth, and energy**. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, **ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.**

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

Finally, inboard boars have been using ballast to actively alter wakes for approximately 30 to 35 years, originating in the early 1990's as a direct response to the rise of wakeboarding. While the concept of adding weight to boats is older, the deliberate use of integrated water ballast systems to create larger, shaped wakes for water sports began in this era.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Robert Pearo, Jr.

Owner – Austin's Wharf

Scientific References

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Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

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** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Bart Permann <bart.permann.0cc76@advocate-mail.com>
Sent: Friday, February 20, 2026 8:14 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from bart.permann.0cc76@advocate-mail.com. Learn why this is important

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Bart Permann
1083 W Pages Ln
West Bountiful, UT 84087
(801) 641-0260
sledboycustoms@gmail.com

From: Bethanne Cellars <bcellars@gmail.com>
Sent: Friday, February 6, 2026 5:59 PM
To: ANR - WSMD Lakes; Bethanne Cellars
Subject: Wakesports

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I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

I support the DEC's amended Rule changes as they align with my conservation values, and sets the minimum safety wakesports zone from 50 to 100 acres. I also agree with Responsible Wakes for Vermont Lakes, which recommends an even stricter rule that includes:

- a minimum 30-foot water depth;
- a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
- the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Thank you for your consideration

Bethanne
--
Bethanne Cellars
Hinesburg VT 05461

From: emily beck <beckemily03@gmail.com>
Sent: Thursday, February 12, 2026 7:22 AM
To: ANR - WSMD Lakes
Subject: 2025 Wakeboat Rule Amendment : Public Comment

You don't often get email from beckemily03@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute’s intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal “use.” Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the “normal use” framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as “non-normal use,” as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft "any object" as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory

Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Becky Olson <becky@olsonplc.net>
Sent: Friday, January 23, 2026 12:58 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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I am a Waterbury resident and am in favor of the proposed changes to rules regarding wakeboats. Frankly, they should be banned from all lakes, period.

Rebecca Olson

Rebecca G. Olson, Esq. / Olson & Seabolt
P.O. Box 1019 / 188 South Main Street
Stowe, VT 05672
(802) 253-7810 Phone / (802) 253-7570 Fax
becky@olsonplc.net / www.olsonplc.net

From: Belinda Legaspi <belinda.legaspi.93df7@advocate-mail.com>
Sent: Monday, February 23, 2026 8:24 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Belinda Legaspi
13371 Rusty Fig Cir
Cerritos, CA 90703
(714) 471-7055
belindamtorres@gmail.com

From: Ben McLaughlin <benjamin.e.mclaughlin@gmail.com>
Sent: Friday, February 20, 2026 8:46 AM
To: ANR - WSMD Lakes
Subject: Wakesports- I oppose

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

My name is Ben McLaughlin, and I own lakefront property on Lake Fairlee in West Fairlee Vermont. I'm a Lake Fairlee Association board member and past president. My family has been on Lake Fairlee for over 50 years. I am writing to OPPOSE THE NEW RULES for enhanced wake operation in the State of Vermont.

First, Vermont already has in place the most restrictive operating rules for enhanced wake operation in the country. These rules were enacted, and there has been no evidence since they were enacted that they were not comprehensive enough. The existing rules are a compromise to the exceedingly loud lobby organization that has gotten a hold of anyone who will listen and whipped them all up into a lather of fear, uncertainty, and death. That compromise never seems to be enough for these folks, and that is sad since they preach fairness and sharing of the VT waters, except of course for the enhanced wake operators. This is against managing conflict and promoting fair access to Vermont's inland waters.

The proposal to increase the continuous acreage requirement from 50 to 100 acres is not supported by anything! It is completely arbitrary. Even the original petition acknowledged that 60 contiguous acres would provide adequate space for wake sport operation while allowing other traditional lake activities to continue. The 100 contiguous acres is *just* above the Lake Fairlee 96.8 acres and one of the board members of the wake lobby group owns two properties on Lake Fairlee; Is this just a coincidence?

In regards 3,000-Foot Straight Run Requirement: We wake surf on Lake Fairlee at about 9mph which for 3,000ft calculates to 3 minutes and 47 seconds. That time is more than enough for a straight run ride down the middle of the wake -sport zone.

The 500' buffer from any object is confusing and not scientifically stated. This requirement does not match any other water operating rules anywhere. Vermont already operates under a 200-foot general safety framework. This proposed rule creates a moving zone that operators cannot reasonably control, especially when other vessels enter or cross within that distance. This rule (along with some other proposed rules) will create a network of citizens' police and possibly flotilla protesters that will further denigrate the boating and lake community. We have operated successfully on Lake Fairlee doing enhanced wake operations since 2009 (Others came before my family). I believe this proposed rule is foolish and punitive. If some sort of perceived safety issue is the issue at hand, I propose that boaters' safety training is the cure. Have any enhanced wake operation criteria been added to VT boaters' safety training? I'll save you the time checking. It has not.

In regard to Normal Use and Recreational Evolution: The evolution of all facets of life can be considered not "Normal Use". Until they are. This is a silly argument with little basis in reality or science. Was motor boating once not normal use? Yes. Was canoeing once not normal use? Yes. Was water skiing once not normal use? Yes. Was tubing behind a boat once considered not normal use? Yes. Evolution of water use will happen, and this is one of the most recent. Not *too* recent, however, since enhanced wake operation has been around for decades. We have been wake surfing with enhanced wake operation on Lake Fairlee since 2009 and that is just our family. More came before us.

Lake Fairlee

I endorse the idea of compromise for operation on Lake Fairlee. We have been clear with the ANR in public meetings that we would continue our very conservative operation on Lake Fairlee like we have since the active rules were put in place. This is the compromised way we operate in the wake sports zone when operating in enhanced wake operation as follows but limited to: 1) We do straight runs through the wake sports zone along the length which puts us almost 1,000 feet from each shore every time we operate. 2) We are vigilant in how we operate around other lake users to be conservative and respectful. (This has been publicly acknowledged by Lake Fairlee operators and the camps) 3) We have measured the effects of our operation (waves to shore) on several points along the shore when operating in FULL BALLAST mode and we have found that our waves reach shore at around +/- 2" to +/- 3.5". (I submitted these results in the last go-around and are available) These shore waves ARE LESS than traditional boaters who operate 200ft from shore. 4) We operate as any good boater would, we are respectful, follow the rules and allow for all people to enjoy the lake.

In Summary, I vehemently oppose the new proposed rules. I encourage the ANR and legislature to see beyond the fear of injury and death that is proposed by the lobbyist group. They have created a fear that that is not based on truth, science or actual use. I implore the ANR and community to look at the science and uphold the original rules. I propose common sense, safe operation, and compromise for ALL citizens.

Regards,

Ben McLaughlin

781-941-0030

From: Berrie Torgan-Randall <berrietr@gmail.com>
Sent: Sunday, February 8, 2026 2:22 PM
To: ANR - WSMD Lakes
Subject: WAKESPORTS

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Dear Committee Members:

Some of the many pleasures of owning property on Lake Fairlee is the sound of the loons calling, taking a dip in the cool clear water, canoeing around the lake, and hearing children laughing and enjoying the waterfront. Taking care of Lake Fairlee is our responsibility as a local community so that the next generation can enjoy the lake for years to come.

As residents and recreational users we need to do our part by protecting the lake from the spread of invasive species such as Eurasian watermilfoil. Large wakes caused by wakeboarding erode the shoreline and have the potential to spread milfoil. When motor boats come close to the shore they have the potential of spreading this invasive plant which spreads when pieces of the plant break off and multiply. By increasing the minimum safe wakesports zone from 50 to 100 acres this requirement will help to minimize the spread of milfoil.

Another major concern is the impact of motor boats on the health and safety of Loons (which are protected by Vermont and federal laws), Mallards, and Mergansers. Increased noise and increased waves from high-powered boats can disrupt nesting loons, waterfowl, fish and turtles.

I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

Thank you for listening,
Berrie Torgan-Randall
1237 VT Rt. 244
Thetford, VT

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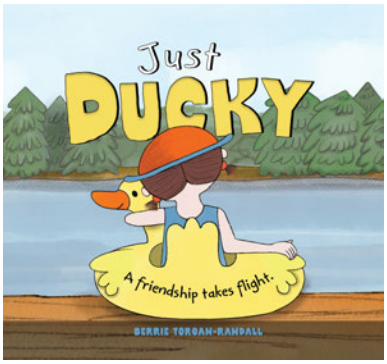
Order here
Little Press Publishing.com
Bella & Blue: Bella Meets Blue - Early Reader Graphic Novel



Just Ducky: A Friendship Takes Flight October 2025 (Cardinal Rule Press)
Order Just Ducky here

Bella & Blue Times Two October 2026 (The Little Press Publishing)

Berrie Torgan-Randall *Illustrator/Author* 610-308-9253
http://www.berrietr.com/
Follow me on Instragram: blue.berrie #bellaandbluebook
Bluesky: @berrietr.bsky.social
Pronouns: she/her

From: Beth Randall <bethrandall1@gmail.com>
Sent: Saturday, February 7, 2026 9:58 AM
To: ANR - WSMD Lakes
Cc: Tom Ward
Subject: WAKESPORTS

You don't often get email from bethrandall1@gmail.com. Learn why this is important

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I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.
I support the DEC's amended Rule changes as they align with my conservation values.
Increases the minimum safety wakesports zone from 50 to 100 acres.
Requires a minimum wakesports run of 3,000 feet.
Expands the safety buffer from other users and water structures from 200 to 500 feet.
Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.
I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:
a minimum 30-foot water depth;
a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.
I am a camp counselor on Lake Fairlee and have deep concern for the safety of the children and our precious environment.
Thank you for your consideration
Beth Randall
117 Pennock Rd.
Strafford VT 05072

From: Beth Torpey <bethyl1@gmail.com>
Sent: Wednesday, February 18, 2026 2:17 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Comments on 2026 UPW update.docx

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February 18, 2026

Agency of Natural Resources

Montpelier, VT

RE: Comments on Proposed Amendments to the Vermont Use of Public Waters Rules

Dear ANR Staff,

Thank you for the opportunity to comment on the update to the Wakeboat Rule.

My career as an environmental scientist has spanned the last 40 years, with experience in aspects of AIS prevention for the last 25 years, including providing a framework for the Greeter and VIP programs during the first round of grants in 1999 as well as being the AIS Prevention Program Manager for Seymour Lake for the last 12 years. In my professional opinion there are multiple scientific and policy concerns regarding this update.

The concerns that will be addressed include the elimination of the Home Lake Rule, quarantine loophole, lack of substance in relation to the decontamination provisions, threats to the greeter programs and data issues. This letter goes in-depth into the issues, but can be summarized in the following:

- Impacts of Aquatic Invasive Species (AIS) impairment have not been adequately addressed.
- Some of the most pristine waterbodies of the state are being put most at risk, including those that are eligible for A-1 reclassification as high water quality value resources. Removing the Homelake Rule, providing a quarantine loophole and lack of substance for the decontamination provisions is putting some of the most pristine and high water quality resources in the state at undue risk, for an activity that is not considered a “normal use”.
- Economic impacts to small town economies
- Total Phosphorus (TP) loading increase not taken into consideration in watersheds with phosphorus TMDL.

Homelake Rule

- This rule update provided an inaccurate appraisal of ANR resource need. Very limited ANR resources are required if partnering with DMV and the local greeter programs
- Both the wakeboat owners and lake advocates believe that the Homelake Rule is an important protective tool for AIS prevention. It’s unusual when two seemingly opposed parties agree on something. DEC is the agency who is supposed to protecting the lakes, yet they continue to fail to understand how Homelake Rule is important in prevention the spread of AIS.
- In the pilot study at Seymour Lake, the greeter program reached out to the wakeboat owners to educate them about the threat of AIS spread and asked them to register their wakeboats, even though ANR had not developed a framework for it. The result was a good working relationship with the lake wakeboat owners who all voluntarily registered their wakeboats with the program. The greeters are familiar with the homelake wakeboats and there are open lines of communication between the program and wakeboat owners.

- Visiting watercraft should not be given priory over the health of the resource, particularly wakeboats, which are not considered a “normal use”. Referral to non-regulated waterbodies is simple, just like lakes have been doing for many years in relation to jetskis.
- Education of the boating public can be very effective and homelake rule provides an opportunity for educational communication.
- With only 18 waterbodies left where wakeboats will be allowed, only very limited administrative support would be necessary.
- Partnering with DMV and local programs provides a comprehensive, protective plan for the implementation of homelake rule and assists in AIS spread prevention.
- The current rule does not offer a functionally equivalent solution, just more loopholes.

14-Day Quarantine

- Because the 14-day quarantine is not supported by science and not enforceable, removal of this loophole is recommended.
- DEC stated that they would refer to the *Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programsfor Dreissenid Mussels in the Western United States* and I believe there was a misinterpretation regarding quarantine in relation to watercraft with ballasts. While the dry time table provided in this report does indicate that 14-days is an adequate time for decontamination of regular motorboats, further on in the report they address watercraft with ballasts as follows: “Research suggests that veligers can survive 27 days in residual water compartments. If these areas maintain water, then the actual time required to achieve 100% mortality either through desiccation or anoxia will most likely exceed the drying time standards recommended. Variation in ballast tanks drainage capabilities will influence the length of time required to dry. For this reason, hot waterflush of ballast tanks is critical for effective decontamination”.

Decontamination

- Need interim measure while ANR is setting up statewide decontamination infrastructure. There is currently no budget, timeline or plan for when these stations will be available.
- False equivalency between wakeboats and regular motorized watercraft. Wakeboats pose a much greater threat for AIS spread due to the 8-23 gallons of water remaining in the ballasts after draining. It only takes one wakeboat to start an infestation.
- Current ANR policy for quarantine and decontamination inadequate
- Valid scientific research has not been taken into account
- Further research needed, including communication with wakeboat dealers and manufacturers
- Recommend no decontamination until science has been considered.

Threatening Greeter Programs

Section 4 of this update provides very severe language that can easily be misinterpreted and limits the greeter’s ability to educate and inform watercraft owners. The greeter programs are subsequently threatened with loss of the ability to operate on a fishing access which equates to leaving a lake wide open for AIS. It’s beyond my comprehension why ANR would include such inappropriate language in a rule. The greeter programs have been doing the difficult, on-the-ground work of AIS spread prevention in “partnership” with ANR for 25 years. This language is insulting. Miscommunication regarding access to waterbodies has occurred in the last 25 years, but it’s certainly not a serious or common issue that rises to the level of threats being codified in the rule.

There is currently a bill in the senate that address this issue and it is recommended that the language from this bill replace the current Section 4, as follows:
“A person staffing an authorized aquatic nuisance species inspection station is authorized to inform a person who owns or controls a wakeboat whether wakeboats are authorized for use on a lake. Information provided by a person staffing an authorized aquatic nuisance species inspection station shall not be considered an exercise of law enforcement authority”.

Data

- According to public meetings the data DEC has provided was garnered from the Survey 1,2,3 app that greeter programs use. There are multiple issues with the use of this data as follows:
  - Many waterbodies do not even have greeter programs, so there is zero data collection occurring there.
  - Greeter programs have limited hours
  - Wakeboats are difficult to identify as stated in the 2025 Greeter Manual
  - Numbers in the NEK would be impacted by severe flooding and decrease in visits over the last two years
- The likelihood of increased wakeboat visits to the 18 remaining waterbodies was not taken into consideration. The data provided represented the entire state, so the risk was significantly understated.

The result of these issues is that wakeboat movement is likely grossly underreported.

In Closing

- Despite continued ANR resistance, Homelake Rule is easy to implement through DMV, requires little ANR resources, provides protection against AIS spread and can provide educational and community outreach opportunities.
- The burden of scientific proof as not been met by ANR. Incorrect assumption of excessive resource requirements, incomplete and/or inaccurate data, false equivalency between wakeboats and other watercraft, non-protective decontamination procedures and use of studies that are not scientifically valid are issues that should be addressed. ANR has stated that the stakeholders must provide scientific evidence to impact these rule update recommendations but has not held to these standards themselves.
- ANR has provided no logical, scientific solution to substitute for the removal of Homelake Rule and the decontamination standards.

In my professional opinion, as a scientist with 40 years experience in the environmental field - 25 of those years in facets of AIS prevention, these aspects of the rule update in no way preserves the intent of Homelake Rule and are putting some of the most pristine lakes in the state at a much greater risk for AIS spread. It is scientifically and factually unsupported and fiscally irresponsible.

While Shoreline protection Is a laudable goal, the potential spread of Aquatic Invasive Species (AIS) to a pristine waterbodies causes much more serious damage with long lasting, increasingly deleterious impacts.

The shoreline and safety impacts of wakesports activities have been clearly demonstrated by Responsible Wakes for Vermont lakes (RWVL); however, the impacts of AIS have not been focused upon.

Some of the environmental impacts of AIS include, but are not limited to the following:

- Loss of biodiversity
- Altered food web and fisheries declines
- Changed habitat and benthic conditions
- Decrease in overall water quality parameters including Dissolved Oxygen (DO)
- Increase of toxic cyanobacteria blooms
- Loss of recreational use and access

It should also be noted that six of the 18 remaining waterbodies where wakeboats are allowed are located in the Memphremagog Basin, which has a Total Maximum Daily Load (TMDL) for phosphorus. The increase of biomass which accompanies plant invasive species life cycles actually increases the Total Phosphorus (TP) and will add to the overall phosphorus loading trends. This occurs when an invasive plant takes up phosphorus from sediment via its roots incorporating it into its biomass and when decomposition occurs, the phosphorus is released back into the water column (Smith, 1986)

Additionally, some of the local economic impacts of AIS include, but are not limited to the following:

- Decrease in property values, up to 16% (Zhang, 2010 – note – this is a Vermont study)
- Increased AIS management and control costs
- Reduction and loss of tourism revenue
- Damage to infrastructure and equipment
- Strain on municipal budgets and anticipated future funding gaps. Historically, the burden of AIS prevention and management as been shouldered by the local programs and municipalities.

Therefore, it is surprising to see that the risk of Shoreland erosion has been given such high priority over much greater risk of AIS impairment.

It's been stated the ANR is required to enact the least restrictive regulations; however, isn't ANR also supposed to protect the environment? It has also been noted that wakeboats do not represent a "normal use" under the UPW rules, so why are they being allowed unfettered access to our most pristine waterbodies?

With only 18 waterbodies left where wakeboats will be allowed, an increase in visiting wakeboats should be expected. Of the 18 total waterbodies, 11 of them are in the NEK, 8 of those do not have invasive species and 5 are eligible for A1 reclassification as a high value water resource. The most pristine waterbodies in a state that prides itself in being "green" are the ones that are being put most at risk.

Sincerely,

Beth Torpey

Aquatic Invasive Species Prevention Program Manager

Seymour Lake, Morgan VT

Bibliography

Choi, W. J., Gerstenberger, S., McMahon, R. F., & Wong, W. H. (2013). Estimating survival rates of quagga mussel (Dreissena rostriformis bugensis) veliger larvae under summer and autumn temperature regimes in residual water of trailered watercraft at Lake Mead, USA. *Management of Biological Invasions*, *4*(1), 61.

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February 19, 2026

Agency of Natural Resources

Montpelier, VT

RE: Comments on Proposed Amendments to the Vermont Use of Public Waters Rules

Dear ANR Staff,

Thank you for the opportunity to comment on the update to the Wakeboat Rule.

My career as an environmental scientist has spanned the last 40 years, with experience in aspects of AIS prevention for the last 25 years, including providing a framework for the Greeter and VIP programs during the first round of grants in 1999 as well as being the AIS Prevention Program Manager for Seymour Lake for the last 12 years. In my professional opinion there are multiple scientific and policy concerns regarding this update.

The concerns that will be addressed include the elimination of the Home Lake Rule, quarantine loophole, lack of substance in relation to the decontamination provisions, threats to the greeter programs and data issues. This letter goes in-depth into the issues, but can be summarized in the following:

- Impacts of Aquatic Invasive Species (AIS) impairment have not been adequately addressed.
- Some of the most pristine waterbodies of the state are being put most at risk, including those that are eligible for A-1 reclassification as high water quality value resources. Removing the Homelake Rule, providing a quarantine loophole and lack of substance for the decontamination provisions is putting some of the most pristine and high water quality resources in the state at undue risk, for an activity that is not considered a "normal use".
- Economic impacts to small town economies
- Total Phosphorus (TP) loading increase not taken into consideration in watersheds with phosphorus TMDL.

Homelake Rule

- This rule update provided an inaccurate appraisal of ANR resource need. Very limited ANR resources are required if partnering with DMV and the local greeter programs
- Both the wakeboat owners and lake advocates believe that the Homelake Rule is an important protective tool for AIS prevention. It's unusual when two seemingly opposed parties agree on something. DEC is the agency who is supposed to protecting the lakes, yet they continue to fail to understand how Homelake Rule is important in prevention the spread of AIS.
- In the pilot study at Seymour Lake, the greeter program reached out to the wakeboat owners to educate them about the threat of AIS spread and asked them to register their wakeboats, even though ANR had not developed a framework for it. The result was a good working relationship with the lake wakeboat owners who all voluntarily registered their wakeboats with the program. The greeters are familiar with the homelake wakeboats and there are open lines of communication between the program and wakeboat owners.
- Visiting watercraft should not be given priory over the health of the resource, particularly wakeboats, which are not considered a "normal use". Referral to non-regulated waterbodies is simple, just like lakes have been doing for many years in relation to jetskis.
- Education of the boating public can be very effective and homelake rule provides an opportunity for educational communication.
- With only 18 waterbodies left where wakeboats will be allowed, only very limited administrative support would be necessary.
- Partnering with DMV and local programs provides a comprehensive, protective plan for the implementation of homelake rule and assists in AIS spread prevention.
- The current rule does not offer a functionally equivalent solution, just more loopholes.

14-Day Quarantine

- Because the 14-day quarantine is not supported by science and not enforceable, removal of this loophole is recommended.
- DEC stated that they would refer to the *Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programsfor Dreissenid Mussels in the Western United States* and I believe there was a misinterpretation regarding quarantine in relation to watercraft with ballasts. While the dry time table provided in this report does indicate that 14-days is an adequate time for decontamination of regular motorboats, further on in the report they address watercraft with ballasts as

follows: "Research suggests that veligers can survive 27 days in residual water compartments. If these areas maintain water, then the actual time required to achieve 100% mortality either through desiccation or anoxia will most likely exceed the drying time standards recommended. Variation in ballast tanks drainage capabilities will influence the length of time required to dry. For this reason, hot waterflush of ballast tanks is critical for effective decontamination".

Decontamination

- Need interim measure while ANR is setting up statewide decontamination infrastructure. There is currently no budget, timeline or plan for when these stations will be available.
- False equivalency between wakeboats and regular motorized watercraft. Wakeboats pose a much greater threat for AIS spread due to the 8-23 gallons of water remaining in the ballasts after draining. It only takes one wakeboat to start an infestation.
- Current ANR policy for quarantine and decontamination inadequate
- Valid scientific research has not been taken into account
- Further research needed, including communication with wakeboat dealers and manufacturers
- Recommend no decontamination until science has been considered.

Threatening Greeter Programs

Section 4 of this update provides very severe language that can easily be misinterpreted and limits the greeter's ability to educate and inform watercraft owners. The greeter programs are subsequently threatened with loss of the ability to operate on a fishing access which equates to leaving a lake wide open for AIS. It's beyond my comprehension why ANR would include such inappropriate language in a rule. The greeter programs have been doing the difficult, on-the-ground work of AIS spread prevention in "partnership" with ANR for 25 years. This language is insulting. Miscommunication regarding access to waterbodies has occurred in the last 25 years, but it's certainly not a serious or common issue that rises to the level of threats being codified in the rule.

There is currently a bill in the senate that address this issue and it is recommended that the language from this bill replace the current Section 4, as follows:
"A person staffing an authorized aquatic nuisance species inspection station is authorized to inform a person who owns or controls a wakeboat whether wakeboats are authorized for use on a lake. Information provided by a person staffing an

authorized aquatic nuisance species inspection station shall not be considered an exercise of law enforcement authority".

Data

- According to public meetings the data DEC has provided was garnered from the Survey 1,2,3 app that greeter programs use. There are multiple issues with the use of this data as follows:
    - Many waterbodies do not even have greeter programs, so there is zero data collection occurring there.
    - Greeter programs have limited hours
    - Wakeboats are difficult to identify as stated in the 2025 Greeter Manual
    - Numbers in the NEK would be impacted by severe flooding and decrease in visits over the last two years
- The likelihood of increased wakeboat visits to the 18 remaining waterbodies was not taken into consideration. The data provided represented the entire state, so the risk was significantly understated.

The result of these issues is that wakeboat movement is likely grossly underreported.

In Closing

- Despite continued ANR resistance, Homelake Rule is easy to implement through DMV, requires little ANR resources, provides protection against AIS spread and can provide educational and community outreach opportunities.
- The burden of scientific proof as not been met by ANR. Incorrect assumption of excessive resource requirements, incomplete and/or inaccurate data, false equivalency between wakeboats and other watercraft, non-protective decontamination procedures and use of studies that are not scientifically valid are issues that should be addressed. ANR has stated that the stakeholders must provide scientific evidence to impact these rule update recommendations but has not held to these standards themselves.
- ANR has provided no logical, scientific solution to substitute for the removal of Homelake Rule and the decontamination standards.

In my professional opinion, as a scientist with 40 years experience in the environmental field - 25 of those years in facets of AIS prevention, these aspects of the rule update in no way preserves the intent of Homelake Rule and are putting some of the most pristine lakes in the state at a much greater risk for AIS spread. It is scientifically and factually unsupported and fiscally irresponsible.

While Shoreline protection Is a laudable goal, the potential spread of Aquatic Invasive Species (AIS) to a pristine waterbodies causes much more serious damage with long lasting, increasingly deleterious impacts.

The shoreline and safety impacts of wakesports activities have been clearly demonstrated by Responsible Wakes for Vermont lakes (RWVL); however, the impacts of AIS have not been focused upon.

Some of the environmental impacts of AIS include, but are not limited to the following:

- Loss of biodiversity
- Altered food web and fisheries declines
- Changed habitat and benthic conditions
- Decrease in overall water quality parameters including Dissolved Oxygen (DO)
- Increase of toxic cyanobacteria blooms
- Loss of recreational use and access

It should also be noted that six of the 18 remaining waterbodies where wakeboats are allowed are located in the Memphremagog Basin, which has a Total Maximum Daily Load (TMDL) for phosphorus. The increase of biomass which accompanies plant invasive species life cycles actually increases the Total Phosphorus (TP) and will add to the overall phosphorus loading trends. This occurs when an invasive plant takes up phosphorus from sediment via its roots incorporating it into its biomass and when decomposition occurs, the phosphorus is released back into the water column (Smith, 1986)

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Therefore, it is surprising to see that the risk of Shoreland erosion has been given such high priority over much greater risk of AIS impairment.

It's been stated the ANR is required to enact the least restrictive regulations; however, isn't ANR also supposed to protect the environment? It has also been noted that wakeboats do not represent a "normal use" under the UPW rules, so why are they being allowed unfettered access to our most pristine waterbodies?

With only 18 waterbodies left where wakeboats will be allowed, an increase in visiting wakeboats should be expected. Of the 18 total waterbodies, 11 of them are in the NEK, 8 of those do not have invasive species and 5 are eligible for A1 reclassification as a high value water resource. The most pristine waterbodies in a state that prides itself in being "green" are the ones that are being put most at risk.

Sincerely,

Beth Torpey

Aquatic Invasive Species Prevention Program Manager

Seymour Lake, Morgan VT

Bibliography

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Zhang, C., & Boyle, K. J. (2010). The effect of an aquatic invasive species (Eurasian watermilfoil) on lakefront property values. *Ecological Economics*, *70*(2), 394-404.

From: Billy Witcher <billy.witcher.e84e1@advocate-mail.com>
Sent: Tuesday, February 17, 2026 7:53 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from billy.witcher.e84e1@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Billy Witcher
309 Ridgewood Trl
Canton, GA 30115
(678) 910-5928
witchwb@gmail.com

From: Bob Woodard <bobwoodard@woodardmarine.com>
Sent: Thursday, February 19, 2026 10:42 AM
To: ANR - WSMD Lakes
Subject: Wakesports proposed rules

[You don't often get email from bobwoodard@woodardmarine.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Sirs,

Instead of responding in the comment section of ANR, I'm writing this email to express my personal opinions on the proposed rule changes.

First and foremost, I oppose the proposed rule changes. I believe that Vermont waters are for all Vermonters, and non-residents who don't own property in Vermont should not have the right to comment on these matters.

My love for boating began in the 1940s when I was just six years old. From that day on, I was taught to respect other users of the water. I may not always have agreed with their activities, but I respected their right to enjoy them.

Boating and water sports have evolved significantly over the years. They started with simple water sleds and surfboards, and have since progressed to include slalom skiing, slalom courses, ski jumps, barefoot skiing, knee boards, wakeboards, and surfboards. I'm sure that not all of these advancements have been universally accepted by all lake users.

It's important to recognize that conflicts will always exist in the boating community, and the 2024 rule to resolve conflicts associated with wake sports was adopted through negotiated compromise. The 500-foot rule, while not scientifically established, was accepted as were other restrictions. Making changes to that rule without giving it a chance to be properly implemented is not a wise decision.

Furthermore, expanding the 500-foot rule will likely create additional conflicts. Boats that are not wake sports boats in wake sports mode will be operating under a 200-foot rule, which could lead to illegal use, even if that boater might be comfortable within a 300-foot radius. This would be confusing and counterproductive.

Other proposed changes, such as the 100-acre change and the 1000-foot run, are arbitrary and lack scientific backing.

In conclusion, I strongly oppose the proposed rule changes. I believe that Vermont waters are for all Vermonters, and that non-residents who don't own property in Vermont should not have the right to comment on these matters.

The designation of "normal" is entirely inaccurate. As mentioned earlier, all boats, boating, and water sports are constantly evolving. That's what's considered normal. A wake boat is essentially a towboat, just like a ski boat or a pontoon boat towing a tube. Boat designs will continue to change. Will future designs be labeled as "not normal"?

Section 3.7 and 4.3

Both of these changes allow for changes in use and further restrictions without proper rule-making procedures.

I appreciate the time you've taken to read this and the numerous other comments. I trust your decision will be fair and just, as your charge directs.

Restfully,
Robert Woodard

Sent from my iPhone

From: bplastridge@myfairpoint.net
Sent: Monday, February 2, 2026 5:20 PM
To: ANR - WSMD Lakes
Cc: John Wooten
Subject: wakesports

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello Laura and Jenny:

Being a home owner on Lake Parker and President of Lake Parker Association, I have followed the process concerning wakesports on Vermont water bodies since the beginning. I must say that I am proud of you looking at the many factors that were brought to you by Vermonters to adjust the proposed bill in 2025. Your thoughtful well researched changes to require greater minimum wakesport areas, increased safety for the many other users of Vermont's waters, and certainly the reduction of environmental impacts make great sense.

The proposed bill has passed through and was approved by ICAR and the Secretary of State has filed the proposed changes in December of 2025. I urge you to move forward to enact these proposed rules for this upcoming boating season. There has been so much effort to get to this point it would be devastating to move backwards or stand still.

I strongly urge that the proposed rules me moved forward to enactment.

Thank you for the work you have put into this issue.

Brenda Plastridge
Property Owner and President of Lake Parker Association

From: bplastridge@myfairpoint.net
Sent: Wednesday, February 4, 2026 1:24 PM
To: ANR - WSMD Lakes
Cc: John Wooten
Subject: wakesports

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello:

I am a year round resident on Lake Parker in West Glover VT. Our small lake has more than 90 camps on the shoreline where non motorized boats are in a great abundance. Wake sports on this lake is not a good plan.

I am so happy to hear that the ANR took a second look at the size of wake sport zones and made changes in 2025 to the new proposed wake sports rules. Many other small lakes like Parker, through this new rule, will be exempt from having wake sports. The protection and safety of the many uses for the lake water, as well as looking out for loon nesting areas, and reducing other environmental impacts are big advantages to the new proposed rule. The biggest fear of introducing wake boats and wake sports to our lake would be the increased chance of transport of AIS to our lake. The huge effort of cash and time to deal with an infestation would devastate any resources our lake has available.

The proposed bill has been approved by ICAR and filed by the Secretary of State and I urge you to keep the proposed rules moving forward with no changes to weaken the rule. I am in favor of strengthening the bill to include other environmental safeties such as increasing the minimum water depth from 20 feet to 30 feet. Do the right thing to protect additional small lakes from the harm that wake sports can cause to the already fragility of Vermont's small lakes. There are larger lakes that can support Wake Sports, so they are not being locked out.

Thank you.

Tim Plastridge

From: Brad Kohler <brad.kohler.b2392@advocate-mail.com>
Sent: Thursday, February 26, 2026 2:05 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from brad.kohler.b2392@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

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Sincerely,

Brad Kohler
3825 Dinah Rd
Carnelian Bay, CA 96140
(530) 308-6770
bkkohler@inreach.com

From: Brad Randall <brandall993@gmail.com>
Sent: Saturday, February 7, 2026 10:57 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from brandall993@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

i write today in support of the proposed rule changes to the use of wakeboats on Vermont lakes. The largest concerns from my perspective are:

- minimizing detrimental effects on shoreline and near shore habitats
- avoiding disturbance to wildlife
- safety of swimmers and paddlers
- preventing spread of aquatic invasive species

Noting that heavy boats with deep hulls and ballast tanks may have uniquely harmful impacts on human safety and shoreline plant and animal species, they need to be regulated in a manner that is different from normal lake uses including waterskiing, fishing, swimming, paddling, sailing, and similar recreational uses.

Therefore, I support the DEC's amended Rule changes to:
- Increase the minimum safety wakesports zone to 100 acres.
- Require a minimum wakesports run of 3,000 feet.
- Require a safety buffer from other users and water structures of 500 feet
- Require hot water sterilization of ballast tanks prior to entering a different body of water.

I also would advocate for more stringent rules:
- 700 feet setback from near shore habitats that serve as nesting sites for loons and nurseries for fish and amphibians.
- a minimum 30-foot water depth for operating any deep hull or ballasted watercraft.

I have enjoyed many seasons boating and swimming on Vermont lakes and have a deep appreciation for your thoughtfulness and commitment to protecting our resources and ensuring future generations will enjoy them as well.

Thank you.
Brad Randall
Lake Fairlee homeowner
1237 Route 244, Thetford, VT

From: Phillips, Bridget
Sent: Tuesday, February 24, 2026 1:55 PM
To: ANR - WSMD Lakes
Subject: FW: Website Feedback Form Submission

Hello,

We received this comment regarding the Use of Public Waters Rulevia our website feedback form.

Thank you,
Bridget

Bridget Phillips | Executive Coordinator (she/her)
Commissioner's Office
Department of Environmental Conservation
1 National Life Dr, Davis 3 | Montpelier, VT 05620-3521
Office: 802-828-1556 Cell: 802-505-3589
bridget.phillips@vermont.gov
dec.vermont.gov

From: Greg Lutchko <no-reply@tylervermont.com>
Sent: Friday, February 13, 2026 9:16 PM
To: Phillips, Bridget <Bridget.Phillips@vermont.gov>; Lutchko, Greg <Greg.Lutchko@vermont.gov>
Subject: Website Feedback Form Submission

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Submitted on Fri, 02/13/2026 - 21:15

Submitted by: Anonymous

Submitted values are:

Your Name
JW Masland

Your Email
jmasland@leg.state.vt.us

Subject
Strengthen Use of Public Water Rule

Message
I strongly support the use of public water rule. More specifically,
Please do Not increase the areas where WakeBoats can mess up our fragile shorelines, loon and turtle habitats.
Keep WakeBoats aware from shorelines and shallow bottoms. Keep them in deep water.

From: Ben Soder <brsoder@gmail.com>
Sent: Wednesday, February 18, 2026 9:35 PM
To: ANR - WSMD Lakes
Subject: Wake sports

You don't often get email from brsoder@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. My family are Vermont property owners and I am an avid water sports participant. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

• the 100-acre lake threshold

• the 3,000-foot straight-run requirement

• the expanded interpretation of a 500-foot buffer from “any object” within the wakezone

• Normal Use Definition

• Section 3.7 and 4.3 for management project municipalities

and I support maintaining the 2024 rule as written, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From “Any Object”

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from “any object,” which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define “object,” does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a “non-normal use” under Vermont’s Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is towed watersports conducted by inboard motorboats, an activity that clearly predates 1993. Prior to that date:

• Towboats, ski boats, and inboard vessels designed to generate wake for recreational towing sports were in widespread use

• Ballast modification and wake-enhancement practices existed

• Wakesurfing emerged as a sport in the late 1980s–1990s

• Recreational towing sports behind inboard boats were an established category of boating activity

The statute does not state that technological evolution within an existing recreational activity creates a new legal “use.” Regulatory interpretation consistently recognizes that improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use. The purpose of the “normal use” concept was to prevent novel or incompatible uses, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as “non-normal use” be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-

1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to Section 3.7 Wakesportsand the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to ongoing administrative discretion, creating a de facto pathway to long-term or permanent exclusion through rotating “projects,” rather than through formal rulemaking.

This concern is amplified by Section 4.3 Temporary Use Restrictions, which authorizes restrictions for public safety, emergencies, or “other good cause.” The phrase “other good cause” is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

• No built-in time limit on project-based suspensions

• No requirement for re-approval through formal rulemaking

• No defined proof threshold demonstrating direct project conflict

• No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as permanent exclusions, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the least restrictive approach practicable. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

• Be based on documented, project-specific necessity showing direct interference

• Be limited to the smallest geographic and temporal scope necessary

• Not exceed one boating season (or 6 months) without formal rulemaking review

• Not recur within 48 months except for natural emergency events

• Include written scientific findings by the Secretary

• Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Ben Soder

68 Slacks Pasture Rd

Ludlow, VT 05149

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

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Wave energy propagation and shoreline distance findings
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Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
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Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Bryan Soder <bryanssoder@gmail.com>
Sent: Wednesday, February 18, 2026 9:39 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from bryanssoder@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. My family are Vermont property owners and I am an avid water sports participant. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

• the 100-acre lake threshold

• the 3,000-foot straight-run requirement

• the expanded interpretation of a 500-foot buffer from “any object” within the wakezone

• Normal Use Definition

• Section 3.7 and 4.3 for management project municipalities

and I support maintaining the 2024 rule as written, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From “Any Object”

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from “any object,” which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define “object,” does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a “non-normal use” under Vermont’s Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is towed watersports conducted by inboard motorboats, an activity that clearly predates 1993. Prior to that date:

• Towboats, ski boats, and inboard vessels designed to generate wake for recreational towing sports were in widespread use

• Ballast modification and wake-enhancement practices existed

• Wakesurfing emerged as a sport in the late 1980s–1990s

• Recreational towing sports behind inboard boats were an established category of boating activity

The statute does not state that technological evolution within an existing recreational activity creates a new legal “use.” Regulatory interpretation consistently recognizes that improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use. The purpose of the “normal use” concept was to prevent novel or incompatible uses, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as “non-normal use” be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-

1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to Section 3.7 Wakesportsand the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to ongoing administrative discretion, creating a de facto pathway to long-term or permanent exclusion through rotating “projects,” rather than through formal rulemaking.

This concern is amplified by Section 4.3 Temporary Use Restrictions, which authorizes restrictions for public safety, emergencies, or “other good cause.” The phrase “other good cause” is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

• No built-in time limit on project-based suspensions

• No requirement for re-approval through formal rulemaking

• No defined proof threshold demonstrating direct project conflict

• No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as permanent exclusions, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the least restrictive approach practicable. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

• Be based on documented, project-specific necessity showing direct interference

• Be limited to the smallest geographic and temporal scope necessary

• Not exceed one boating season (or 6 months) without formal rulemaking review

• Not recur within 48 months except for natural emergency events

• Include written scientific findings by the Secretary

• Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Bryan Soder

14 Beltran St, Apt 2

Malden MA 02148

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

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Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Bob Staniforth <bstani4thvt@gmail.com>
Sent: Friday, February 6, 2026 7:23 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from bstani4thvt@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I live on Lake Memphremagog and actively participate in mid distance swimming on the east side of Derby Bay. The lake width in front of our property is 3 miles and any wakeboard course should be in the middle of the lake, at least 700 ft. from the shore .
I want the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wake sports activity in the State's water.
There is very little oversight of Lake Memphremagog either in actual water quality verification or supervision of marine activity on the lake. State resources are stretched thin and management of Vermont water resources are being neglected to the detriment of our water quality and shorelines. We need a clear law that explains the rules for wakeboarding and that lakefront neighbors can self report any infractions observed.

Robert Staniforth

50 Cottage DR
Derby VT

From: Nicholas Baxter <burningxhope@gmail.com>
Sent: Friday, February 20, 2026 11:18 AM
To: ANR - WSMD Lakes
Subject: Wakesport

Be cautious about the following email..it has been flagged as borderline for the following reasons:

Suspicious Link	Unusual Sender

You don't often get email from burningxhope@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public commenton the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written, as I believe the proposed changes unfairly single out one type of boating while disregarding potential impacts from other types of boats and their uses, and the scientific findings being cited by those favoring the rule change need further examination.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a "non-normal use" because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute's intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal "use." Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the "normal use" framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as "non-normal use," as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to

discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft "any object" as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

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Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

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MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions

Thank you for your consideration,
Nicholas Baxter

www.nickbaxter.com
Instagram: @burningxhope
www.artrealmtattoo.com

From: Chris Dufresne <caddufresne1953@icloud.com>
Sent: Tuesday, February 17, 2026 8:31 AM
To: ANR - WSMD Lakes
Subject: Wake sports

[You don't often get email from caddufresne1953@icloud.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

We have three major concerns regarding the use of wake boats on Harvey's Lake in Barnet, Vt.
1. The likely contamination to the lake when ballast waters are released. There is no way to check if the contained water is harboring any invasives. The lake is one of few left that is without invasives.
2. The use of these boats are not monitored to be able to control the proper speeds or shore distance which is creating wakes which have not only topped two foot retaining walls but also cause even more erosion damage to those natural frontages.
3. The proper corridor for such watercraft leaves very little space for smaller, non-motorized boats to be using the lake safely.

Chris Dufresne
Bob Dufresne
2750 Roy Mountain Rd.
Barnet, VT.

From: Ken Gerber <captkgerbr@yahoo.com>
Sent: Saturday, February 14, 2026 5:36 PM
To: ANR - WSMD Lakes
Subject: Wake Sports comment
Attachments: To the Vermont DEC.docx

You don't often get email from captkgerbr@yahoo.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

From: Ken Gerber email; captkgerbr@yahoo.com

To the Vermont DEC. Please uphold the Proposed Wake Sport Rules Change with no flexibility and nuances, such as the 1 wake boat, on a lake, at a time. That would negate the Rule Change on Lake Fairlee. I speak for the residents, 1800 campers and day users of Lake Fairlee and the other Vermont small lakes/ponds where these vessels are, up to now, been allowed. We are all concerned with the safety and environmental challenges wake sports may introduce. I am not a Vermont resident but my sister has lived in Thetford for over 30 years. She is a widely experienced, accomplished paddler of many waters and outdoorsperson, who instructs Lake Fairlee's campers in the safe use of hand powered watercraft, and is in or on, Lake Fairlee in all 4 seasons. As a Coast Guard issued, licensed Master of 100 GRT of vessels upon the Great Lakes and inland waters, a mariner/boat owner/fisherman/canoer for over 50 years In Northern Ohio, Lake Fairlee and other waters, I would like to make a statement.

The large wakes/waves produced in wake sport activity in these small waters are unsafe for small craft, flotation devices, swimmers, wildlife, lakeshore environments and lakeshore structures. The waves do not stop at the boundaries of the zones. They go on till they run into something. These seas are deep and steep. These small lakes have never experienced such HEAVY seas. Wind, normal skiing, fishing boats don't produce these seas. It has been my experience while piloting a 65' excursion vessel and other vessels where wake sports and deep draft vessels operate, that great caution is needed near their wakes. Turning into them to minimize rolling. Imagine the dangers to canoers, kayakers, paddleboarders, swimmers, resident's floating docks and moored boats in these smaller waters. My sister and her campmates will not use Lake Fairlee when wake sport activities are occurring, due to safety concerns.

The operation of these vessels can be tenuous. With their bow high attitude, propeller torque and deep thrust water column penetration and any mishandling (lack of a proper lookout and inattention by the operator) could lead to unsafe engagements to said vessel or other water users. Unwise, "power on", trailering of these high HP vessels can also damage boat ramp infrastructure.

With the introduction of wake sporting, you may also see the increased usage of PWC/jet skis, (on the lakes where PWCs are permitted) utilizing the wakes. They bring in engine noise, music noise, very disrupted water conditions and sometimes unruly practitioners. I have witnessed all of this first hand. Just the noise pollution alone will diminish all lake users' experience.

Environmentally, the heavy seas can and will propagate shoreline erosion. The stirred sediments can disturb the habitat of near shore fish nesting and feeding, shoreside wildlife, flora and fauna. The wave action, alone, can affect the shoreline nesting of our Common Loon. Also, the Home Lake rule should be retained or a receipt of decontamination should be strictly enforced by the "Greeters". The added, untreated ballast water could increase invasive species introduction. Every Ohio navigable waterway has Zebra mussels and many other invasives due to such actions.

These new activities will change and possibly harm the lakes/ponds ecosystem, recreation and habitation, that, for decades, have seen no such disruptions. I understand the advancements in all things and the balance needed to allow the freedoms of usage for all. But the usage of these new craft should be well regulated to "science" the effects. Leave the allowances for usage to the larger bodies of water where the effects should be minimalized since these waters have already seen deep draft vessel usage. Leave the smaller bodies of water to their "typical" longtime users. Therefore, PLEASE uphold the Wake Sport Rules Change as written with NO Compromises. Thank you and be safe.

In Conclusion, I support the proposed changes, but they do not go far enough.

Thank you for your time!

From: Chris Van Brunt <cdvanbrunt@yahoo.com>
Sent: Sunday, February 22, 2026 11:37 PM
To: ANR - WSMD Lakes
Subject: Opposition to Proposed 100-Acre Minimum and Related Rule Changes

You don't often get email from cdvanbrunt@yahoo.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To whom it may concern,

My name is Chris Van Brunt and I am a Lake Fairlee Resident and long time Vermonter. I am writing to formally oppose the proposed changes to the Vermont Use of Public Waters Rules, including the proposed 100-acre minimum requirement.

The 2022 petition referenced a 50-acre minimum. Increasing that threshold to 100 acres represents a major departure from what was previously reported and discussed.

In March 2022, RWVL petitioned the ANR to amend the Vermont Use of Public Waters Rules to regulate wakesports. In their proposal, they stated that 60 contiguous acres would satisfy their concerns. This demonstrates that even advocacy groups seeking regulation identified a significantly lower acreage threshold as adequate. Moving to a 100-acre minimum goes well beyond that position without clear justification.

Restricting access to public waters is not the Vermont Way. Vermont's lakes are shared public resources. All users should be able to enjoy them as recreation evolves and technology advances. Wake surfing and modern wake sports are an evolution of longstanding towed water recreation not a new use of our waters.

I formally oppose the proposed rule changes. When decisions move away from actual science and towards a small group of loud people trust is broken. Any changes should be based on clear, Vermont-specific data not fear and untrue stories. I personally have seen watersports in the wakesport zone section and I can tell you that Wakesurfing is NOT the cause for waves on shore!

Please keep the process and the original rules the same.

Sincerely,
Chris Van Brunt

Sent from Yahoo Mail for iPhone

From: Cecil Read <cecil.read.09f64@advocate-mail.com>
Sent: Friday, February 20, 2026 2:14 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from cecil.read.09f64@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

People who know nothing about the boating hobby are restricting those who are respectful and kind. Sensible rules are the best not boating bans.

Sincerely,

Cecil Read
6843 W 10430 N
Highland, UT 84003
(801) 318-8181
cecildread@hotmail.com

From: Charlotte Stynes <chaallan3@gmail.com>
Sent: Friday, February 20, 2026 10:36 AM
To: ANR - WSMD Lakes
Subject: Wake sports

You don't often get email from chaallan3@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To whom it may concern,
I am writing to implore you to include Lake Harvey in Barnet to your list of lakes which would prohibit wake sports. My reasons are as follows:
1. We are a small lake on which a variety of small craft and swimmers enjoy recreation. Due to the small size of our lake wake sports would grossly interfere with such enjoyment and safety.
2. I am very concerned for the possibility of invasive species being brought to the lake via these boats. This would endanger our eco system affecting the water quality
essential for wildlife, lake inhabitants and those of us like myself who obtain their drinking water from the lake.
3. I am further concerned about the potential for further erosion of the delicate shoreline.

We are a picturesque lake nestled between Roy and Harvey mountains where local folks like myself but also those from surrounding areas and tourists as well enjoy our to date pristine lake has to offer from our sandy beach to our popular boat ramp. Many devote themselves to monitoring our water quality and check every watercraft that enters the lake to maintain its quality. It's a quiet lake where everyone feels safe to enjoy its many pleasures. I urge you to help us maintain that by adding Lake Harvey to your list banning wake sports.
Thank you,
Charlotte Stynes
143 Woodland Lane
West Barnet
VT 05821

From: Chad Hofheins <chad.hofheins.5ab6e@advocate-mail.com>
Sent: Friday, February 20, 2026 12:20 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from chad.hofheins.5ab6e@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Boating, waterskiing, fishing wakeboarding and wake surfing have been in my family for generations. I grew up on boats and spent countless hours with my grandparents which i cherish the memories that i have with my family. Taking away access for boaters to enjoy quality family time is not the answer to the growing problem of families. Boating creates a unique experience for families to grow stronger and to have uninterrupted quality time with our younger generation. Please do not allow this to happen.

Sincerely,

Chad Hofheins
10215 N 6960 W
Highland, UT 84003
(801) 441-8543
chadhofheins@yahoo.com

From: Charise Baker <charise.baker@gmail.com>
Sent: Wednesday, February 4, 2026 9:41 AM
To: ANR - WSMD Lakes
Subject: Wakesports ANR proposed revisions

You don't often get email from charise.baker@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,
My name is Charise Baker. My husband Jim and I own the property located at 1154 Parker Road, Glover, VT. It is a lovely little spot on Laker Parker with a small cove, sandy beach access and flanked by the Rives Brook inlet. During the historic floods in July of 2023 and 2024, that inlet raged over its banks, bringing with it tremendous amounts of silt, sediments and all of the chemicals from the farms upstream they contained. Except the sediment did not make its way to the center of the lake to settle, as it has for decades. This sediment was left on my front door step and the impact it has made is stark. The cove that traditionally hosted 8+ bluegill nests had two last year. The bass no longer spawn under my docks. The perch no longer swim up the stream. I am very concerned that the allowed use of wake sports on Lake Parker would have the potential to upset the ecosystem of the officially “stressed” lake in a way similar to what I have experienced first hand.

Lake Parker is the home to 17 aquatic plant species with four considered rare. It is also free from any invasive species. Even the most caring, well intended wake boat owner cannot prevent the introduction of invasive species to our lake. The use of wake sports on Lake Parker increases the chance of their introduction, and it would be a sad day if that happened.

Try as I may, I cannot think of any benefits of wake sport use on Lake Parker, while being able to list many on its prohibition. After enjoying a day on the lake, the boats are towed away, without another thought. Meanwhile, Lake Parker carries all of the risks, some of which may not be known for some time. The question begs, are we asking for a solution to a problem that is so small. I then think of the advertisements for Lysol or Listerine: kills 99.9% of germs! That one pesky germ! No matter how small, there is still a risk.

Lake Parker is the quintessential small mountain lake that makes our part of the world so wonderful. The Lake Parker Association and many others work diligently to keep it that way. We could really use your help, too.

I fully support the ANR’s proposed revised rules which would prevent the use of wake sports on Lake Parker.

Sincerely,
Charise Baker
1154 Parker Road, Glover, VT
802-274-1053

From: charlie page <charlesrolandpage@gmail.com>
Sent: Monday, February 2, 2026 8:52 AM
To: ANR - WSMD Lakes
Subject: Wake boats
Attachments: Wake Boat Rule Changes - Jan 31 (1) (5).docx

You don't often get email from charlesrolandpage@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Here are my comments on the proposed wake boast rules.

Charlie Page

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Charlie Page
2715 Stock Farm Road
Randolph, Vermont 05060
802 728 5960
802 272 3157 Cell
charlesrolandpage@gmail.com

To: Vermont ANR re Wake sports rule changes – Comments and suggestions

From: Charles Page, 2715 Stock Farm Rd. Randolph VT 05060 and 117 Parenteau Lane, Westmore 05860 Charlesrolandpage@gmail.com

Subject: Proposed rule changes

Date: January 30, 2026

I support the adoption of many of the proposed changes to the wake sport regulation, but my concern is that the regulation does not go far enough to prevent the infestation and proliferation of invasive species.

Secondly, I believe that the proposed rule changes regarding the distances to swimmers and small boats and paddle boards are not based on scientific evidence but rather on a compromise to the wake sports industry. The safety of others should be first and foremost and compromises that might jeopardize water safety should have no place in this regulation.

Here are My concerns about AIS:

Currently there are **no Inspection and cleaning stations near Willoughby**. The Boat **greeters have not received the necessary training** nor do they have the equipment to identify the presence of zebra mussel larvae (veligers) which can be floating in tanks, bilges etc, and can be attached to boat hulls.

There are **no detailed guidelines and procedures** for cleaning ballast tanks, boat hulls and trailers. What is described is general in nature and lacks the specificity that would be required to be effective.

Most home hot water systems are set at 120 F – not 140 F – therefore they are not hot enough to kill veligers on contact**. The 120 F requirement for tanks and the interior of boats is based on prolonged exposure** -something that is impossible to verify at an inspection station.

Veligers are only .1mm in size or about the width of a human hair and cannot be seen by the naked eye. A single female zebra mussel can produce 1 million eggs per year. **Thorough cleaning on a boat with multiple ballast tanks and a sump well is a much more involved procedure** than cleaning a kayak and requires more expertise, yet in the statute they are treated equally.

A study by W.J. Choi et al. on quagga mussel veligers, published in Management of Biological Invasions found that the larval stage of the mussel can survive for extended periods of time in cooler temperatures, up to 27 days. Cooler temperatures are common in

the Northeast Kingdom, as you know. **The two weeks outlined in the standard are inadequate.**

To ensure compliance cleaning stations and ***boat greeters would need microscopes to confirm that ballast tanks were clear of Aquatic invasive species (AIS).*** They would likely need a source of fresh water, a source for 140-degree water, and disinfectant cleaning supplies and a way to prevent wash water from entering the lake. In addition, greeters would need a comprehensive training program, and educational materials needed to inform boat owners. (Please refer to Boating-Quagga Guide for an example of a training guide to help inspectors and boaters).

Since Willoughby Lake has none of these important safeguards and the funding and time line for establishing an effective inspection and cleaning station is uncertain, I urge you to strengthen the cleaning and inspection requirements based on real world experiences in other states that are experiencing the spread of zebra mussels, or ban wake boats until such time that there are the proper save guards in place.

Please see the links below for reference:

A Literature Review of Wake Boat Effects on Aquatic Habitat by STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES (July, 2023).

Zebra mussels' best friend: wakeboard boats, new U study finds. Livewells also tested.

Management of Biological Invasions (2016): Volume and contents of residual water in recreational watercraft ballast systems

Wake boats Lake Ecosystems Health, https://wigreenfire.org/2019/wp-content/uploads/2024/05/WakeBoatsLakeEcosystemHealth_WGF-May2024_Final.pdf

The U.S. Department of Agriculture's National Invasive Species Information Center: Ballast Water

My concern about distances from others:

I support mandating a greater distance between wake boats in the wake surfing mode but **this distance should be determined by science and not special interests**. If a greater distance is justified based on science – say 700 ft or more, then that is what it should be. 500 ft is better than 200 0r 300 ft, but it may not be enough to dissipate large amplitude waves – especially with some of the newer wake boats that claim larger waves. A Literature Review of Wake Boat Effects on Aquatic Habitat by STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES (July, 2023).

Do not assume that wake boats producing 12 times the wave energy and 3 to 12 times larger waves are not a problem for small boaters and swimmers – despite the low number of reported cases. I have over 70 years' experience of boating, canoeing, kayaking, sailing and swimming in and on Lake Willoughby in all weather conditions, so I know what I am talking about. Wake boats are simply not that compatible with other uses of the lake. The large wakes are disruptive to others – so I support requiring adequate distance to others using the lake – especially small boats and swimmers.

With a scientifically sound clearance (700 Ft.) wake boat operators would know that they need to be significantly farther away than traditional motorboats. In addition, it should be made clear that designated "wake boat operating zones" are not exempt from this rule.

Please let common sense prevail and not accept unscientific compromises to appease the wake boat industry.

Sincerely,

Charles Page

From: charlie page <charlesrolandpage@gmail.com>
Sent: Friday, February 13, 2026 8:46 AM
To: ANR - WSMD Lakes
Subject: Wake Boats
Attachments: Wake boats final reponse.docx

You don't often get email from charlesrolandpage@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Here is my final response on the proposed regulations.

Sincerely,

Charles Page

--

Charlie Page
2715 Stock Farm Road
Randolph, Vermont 05060
802 728 5960
802 272 3157 Cell
charlesrolandpage@gmail.com

To: Vermont ANR re Wake sports rule changes – Final Comments

From: Charles Page, 2715 Stock Farm Rd. Randolph VT 05060 and 117 Parenteau Lane, Westmore 05860 Charlesrolandpage@gmail.com

Subject: Proposed rule changes

Date: February 12, 2026

After reviewing comments made by others on the most recent zoom call, I have the following comments about the proposed regulations and wake boats in general. My comments are based on my many years of experience, swimming, kayaking, power boating, and sailing on and in Lake Willoughby.

Despite what has been said by people who own wake boats, wake sports are not compatible with other uses of the lake. The fact is that these boats do create much larger waves which can endanger small boats, kayakers and swimmers. There may not be cases being reported here in Vermont but that does not mean that there have been no adverse effects. When wake boats are operating in the wake sport mode experienced boaters turn their boats into the large wakes or they get the hell out of the way to avoid any danger, but for inexperience people the large waves are frightening. If you are a swimmer the waves will actually lift you up in the water. (which I have experienced) You then stop until the waves dissipate before continuing onward. The bottom line is this; if you want to use the lake when wake sports are active you had better be diligent at all times and be prepared to take action if one passes by. (Turn toward the wake or stop swimming) If you are an inexperienced boater or swimmer you need to move away as fast as you can to avoid the large wake. Allowing a few wake boat owners to adversely affect all others using the lake is not right. The 500 ft. clearances proposed in the revised regulations is not great enough based on one study which recommended 700 ft. The 500 ft. proposed is an unnecessary compromise with the wake boat industry.

The industry is asking for documentation of potential hazards created by large wakes and data to justify both the clearances to other users and the need for extra precautions with respect to cleaning. Demanding the data from Vermont knowing that it does not exist because the studies have not been done here (due to limited resources and the relatively low number of boats in use) is the oldest trick in the book to delay implementation of this important regulation. The fact is there is a huge body of information from other states that document the adverse effects of wake sports on other boaters, swimmers and the environment. And there is good reason why I and others who use Vermont lakes are concerned and want stricter regulation of these boats. I don't think that

it is unreasonable to ask wake boat owners to take extra precautions to not drive others off our lakes.

Why would you not want common sense regulations to protect most lake users? What benefit is there to appease the wake sport industry at the expense of safety and normal use of our lakes.? Wake boats are high powered turbulence creating machines and they are significantly different than any other type of boat currently in use. I am sure they are a lot of fun for the owners and riders -but not for anyone else nearby.

Cleaning and decontamination of boats should apply to all boats as the wake boat industry is quick to point out. And they are right. Zebra mussels can be introduced on hulls, bait wells and sump areas. That said, **wake boats are the best way** to introduce them due to the hidden ballast tanks. Unlike a bait wells or water slashing around in a fishing boat – you can't see what is inside of a ballast tank and they require flushing with scalding water to kill zebra Mussel larvae. The regulations must recognize and treat these boats differently than others so that the danger of introduction is greatly reduced.

The lack of cleaning stations, comprehensive decontaminating procedures, training manuals and boat greater training programs is a problem you cannot overlook. It is hard to believe how your very basic requirements and procedures are going to be effective at stopping the instruction of AIS into our lakes.

I suggest that you do a comprehensive review of what has already been developed by other states, lake associations, water quality departments and educational institutions. This won't take long. I was able to find some very detailed information online in only a few minutes of searching. Having more clearly defined inspection and cleaning procedures will help, but they are only as good as the people doing the inspections, their testing protocols and equipment and how well they are trained.

Absent of designated cleaning stations the risk is too high to allow boats coming from infected waters to enter clean lakes. If you are unable to beef up the cleaning requirements for these boats then I suggest that you ban them altogether until there are safeguards in place. You may not have funding now to implement a comprehensive AIS prevention program, but who is going to pay the price for controlling zebra mussels if they are introduced into our lakes? The answer to this is obvious – Vermont tax payers and every homeowner around each infected lake!

Any boat coming from an infested lake absolutely needs to be decontaminated or quarantined for 30 days before launching. The honor system where we are trusting boat owner to do the right thing just doesn't cut it here.

From: Chris Owen <chrisowenvt@yahoo.com>
Sent: Thursday, February 19, 2026 11:04 PM
To: ANR - WSMD Lakes
Subject: Wake Sports UPW Rule Owen Comment
Attachments: WB Comment Owen 26 02 20.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Laura -- My comment was too long for on-line submission. A verbatim PDF file of this comment is attached. Thank You, Chris Owen

Question 5: I support the rule but prefer a strong one.

MEMORANDUM

TO: Laura Dlugolecki, Lakes Policy and Outreach Coordinator,
Jenny Austin, Program Manager

FROM: Chris Owen, Holland Pond

DATE: February 20, 2026

SUBJECT: Vermont Use of Public Waters Rules

****

Thank you for considering the following research and comment.

BACKGROUND: My family has owned a seasonal trailer on Holland Pond for 35 years. For the same period, I've served as lay monitor for DEC's Lakes and Ponds Division and also as loon observer for Vermont Center for Ecostudies. From 2018, and for six years, I was on the Vermont Board of Native Fish Coalition, three years as chair.

SUMMARY. Damage to lake bottoms caused by wake sports has received little attention during the four-year debate about these regulations. This memo documents damage by wake sports to aquatic habitat and fish populations. It also argues to exempt wake sports from Holland Pond.

Please revise UPW Sec. 5.18 so wake sports do not occur in waters shallower than 30 feet.

Three wake sport issues are addressed below:

1. Sediment resuspension and water quality degradation
2. Harm to aquatic habitat and fish populations
3. Why wake sports don't fit on Holland Pond

***

1. **WATER QUALITY DEGRADATION.** Three research studies completed between 2020 and 2025 show wake sports disturb lake bottom sediments to depths of 26 feet and greater. The prop wash and wave forces from wake boats in surf mode stir up long-dormant silt rich in nutrients. This resuspension has been documented to increase phosphorus levels by 25-110 percent.

Consultant Terra Vigilis Group published the study *WAVE IMPACTS TO LAKE WARAMAUG (*

https://conservancy.umn.edu/items/6a47c506-6be5-4c8a-9a96-dfea38f23b2f) in 2024. The study reported on p. 22: "Total Phosphorus sampling at these deep sites (sampled at 20 feet), also reveal a 110% increase in Total phosphorus levels released immediately following startup impact measures for wake board boats in surf mode. By comparison, no significant increase in measured Total phosphorous levels was found for water ski boats in startup conditions." Three nearby monitoring stations registered an average 25 percent phosphorus increase in the study zone (p.23).

The Terra Vigilis study continues: "The in-lake study on Lake Waramaug has also demonstrated deep fluid kinetic energy impacts at depths of at least 26 feet from Wake Board boats in surf mode on both start up and passing over a controlled course. These impacts are not demonstrated from vessels not operating in surf mode configurations. These findings are also consistent with similar studies, from multiple research groups, in the Midwest, West and Southeast portions of the United States" (p.25).

In a separate study, Terra Vigilis Group in Sept. 2025 published *Lake Beulah (WI) Wave Impact Study. "*Wake boat in surf mode with a larger water displacement (weight) and larger engine (430hp), sediment movement was observed at 25-foot depth. Similar findings of sediment disturbance and redistribution at 26-foot water depth at Lake Waramaug (TV-ES study) can be attributed to the presence of deep penetrating subsurface waves from the wake boat in surf mode and the presence of fine silt sediment on the lake bottom …. Note also that smaller particles are more likely to contain organic (nutrient) material that will be suspended for longer periods of time in the water column" (p25).

A 2020 study by Alex Ray of Western Colorado University concluded: "According to modeling results, wake boat slip-streams have the potential to affect bed sediments at 33' of depth." (https://drive.google.com/file/d/1yq7oxbDrt-ULsPWYT2xoGqGsvv83FR5Y/view)

Rising phosphorus levels are a concern in Vermont. DEC staff Merrell, Copans and Owczarski produced a report documenting this troublesome trend: https://seymourlake.org/wp-content/uploads/2019/11/SLA-Piloting-a-Strategy-for-Turning-Significantly-Increasing-PhosphorusV2.pdf

Noteworthy is the recommendation by Vermont Federation of Lakes and Ponds: "an abundance of caution would suggest that greater depth of 30 to 40 feet would be better and more likely to reduce the likelihood of lake bottom disruption."

Summary: wake sports re-suspend legacy phosphorus and other nutrients in lake bottoms deeper than 20 feet, harming water quality. The UPW rule should restrict wake sport operation to 30 feet of deeper.

2. **Harm to aquatic habitat and fish populations**

Many studies document how motor boats generally affect aquatic flora and fauna. More recent studies, however, document how wake boats are different from traditional recreational boating. To this point, a summary of scientific literature was produced in July 2023 by the Michigan Department of Natural Resources entitled *FR37 - A Literature Review of Wake Boat Effects on Aquatic Habitat.* https://mymlsa.org/wp-content/uploads/2023/07/Fisheries-Report-37-Wake-Boat-Study-Official-Version-Released-on-7.28.2023.pdf

Excerpts from the nine-page Michigan review are cited here:

(p. 5) " Sediment resuspension increases nutrients and decreases water clarity in lakes, subsequently reducing the ability of fish to find food, the depth to which aquatic plants can grow, and the dissolved oxygen content within the water column (Gardner 1981; Canfield et al. 1985; Chambers and Kaiff 1985; Barrett et al. 1992; Irvine et al. 1997; Stuart-Smith et al. 2004; Trebitz et al. 2007). Numerous studies indicate that decreases in water quality (e.g., Jacobson et al. 2008; Phelps et al. 2019) can stress or kill fishes. In addition, as sediments are resuspended and nutrients become available in the water column, excessive algae growth can occur. Boat wakes resuspend sediments, especially fine substrates such as silt or sand, in shallow waters (USACE 1994) and this resuspension increases with wave energy. Existing studies have shown that resuspended sediments caused by powerboats increase turbidity and phosphorus concentrations in rivers, lakes, and shallow experimental ponds (Yousef et al. 1980; Johnson 1994;

USACE 1994; Asplund 1996, 1997; Anthony and Downing 2003)".

p.7 "Reductions in native aquatic plants will affect fish populations. Aquatic vegetation provides rearing areas for juvenile fishes (Bryan and Scarnecchia 1992), allows for increased fish growth and total fish biomass (Radomski and Goeman 2001; Nohner et al. 2018), and reduces wave energy in the nearshore zone."

***

In 2025 I personally initiated a public records request for Vermont F&W's documents regarding wake boats. It yielded 321 records. Staff scientists offered an unvarnished view of wake boats summarized here.

Quoting staff fisheries biologists in Dec. 2024 memo: "Wakesports represent a new and potentially greater threat to fish and fishing. Potential negative effects of wake boats include turbulence that displaces fish eggs, juvenile fish, and macroinvertebrates; disturbance of aquatic plants; increased turbidity; and spread of aquatic invasive species. This document provides comments in favor of petitions to prohibit wakesports on ten lakes in Fish Districts 3 and 5."

Quoting a F&W fisheries biologist, Nov. 2024
"There are two reasons to ban wake boats on these waters:
1. Aquatic Invasive Exotics - particularly in Echo, the Averills, Caspian, Shadow, Parker, and Willoughby Lakes; 2. Lake Trout population - sediment from wake boats might disturb the spawning substrate (no voids to provide oxygen)."

Quoting a staff biologist with a PHD in fisheries management, Dec. 2024 :"Wake boats are more impactful to fish and fish habitat …. because they utilize ballast water, which can never be fully drained. Ballast water is a vector for aquatic invasive species."

The science and the scientists are clear: wake sports harm Vermont's aquatic flora and fauna. Restrict wake sports to depths of 30 feet or deeper.

3. Why wake sports don't fit on Holland Pond

Wake sports are too big for diminutive 320-acre Holland Pond.

The pond is located at the end of a five-mile, dead-end road. The Quebec border is a mile to the north through forestland. Two-thirds of the shoreline are protected by the 10,000-acre Bill Sladyk Wildlife Management Area. Some 44 camps are concentrated on the west shore; the north, east and southern shores are as wild as the retreating glaciers left them 12,000 years ago. Holland Pond offers a rare, wilderness-like sanctuary for those who seek it. Many do.

Most boaters on the pond use small craft. Traditional users are kayakers, canoeists, small fishing skiffs, sailboats and paddle boards. There is one resident pontoon boat and a few motorboats respectful of smaller craft. There are no resident wake boats, nor have wake boats been observed on the pond. Wake sports create a public safety hazard for traditional users on Holland Pond.

Holland Pond has three nesting pairs of Common loons. One nest site is a raft; the other two are land or island nests, which are just vertical inches above the waterline. Waves from wake sports threaten inundation of loon nests. The proposed rule would protect Holland Pond's thriving loon population.

IN SUMMARY: DEC is implored to maintain the 100-acre wake sport zone in the proposed rule. This will protect Holland Pond's loons and its traditional users. Further, the Lakes and Ponds Division is encouraged to adopt the rule as proposed but alter it to restrict wake sports to a depth of 30 feet or greater.

Submitted by

Chris Owen, Holland Pond and Worcester VT
chrisowenvt@yahoo.com

PS: PDF verbatim file of this memo is attached

Chris Owen
802 249 2738

MEMORANDUM

TO: Laura Dlugolecki, Lakes Policy and Outreach Coordinator,
Jenny Austin, Program Manager

FROM: Chris Owen, Holland Pond

DATE: February 20, 2026

SUBJECT: Vermont Use of Public Waters Rules

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Noteworthy is the recommendation by Vermont Federation of Lakes and Ponds: "an abundance of caution would suggest that greater depth of 30 to 40 feet would be better and more likely to reduce the likelihood of lake bottom disruption."

Summary: wake sports re-suspend legacy phosphorus and other nutrients in lake bottoms deeper than 20 feet, harming water quality. The UPW rule should restrict wake sport operation to 30 feet of deeper.

2. **Harm to aquatic habitat and fish populations**

Many studies document how motor boats generally affect aquatic flora and fauna. More recent studies, however, document how wake boats are different from traditional recreational boating. To this point, a summary of scientific literature was produced in

July 2023 by the Michigan Department of Natural Resources entitled *FR37 - A Literature Review of Wake Boat Effects on Aquatic Habitat.* https://mymlsa.org/wp-content/uploads/2023/07/Fisheries-Report-37-Wake-Boat-Study-Official-Version-Released-on-7.28.2023.pdf

Excerpts from the nine-page Michigan review are cited here:

(p. 5) " Sediment resuspension increases nutrients and decreases water clarity in lakes, subsequently reducing the ability of fish to find food, the depth to which aquatic plants can grow, and the dissolved oxygen content within the water column (Gardner 1981; Canfield et al. 1985; Chambers and Kaiff 1985; Barrett et al. 1992; Irvine et al. 1997; Stuart-Smith et al. 2004; Trebitz et al. 2007). Numerous studies indicate that decreases in water quality (e.g., Jacobson et al. 2008; Phelps et al. 2019) can stress or kill fishes. In addition, as sediments are resuspended and nutrients become available in the water column, excessive algae growth can occur. Boat wakes resuspend sediments, especially fine substrates such as silt or sand, in shallow waters (USACE 1994) and this resuspension increases with wave energy. Existing studies have shown that resuspended sediments caused by powerboats increase turbidity and phosphorus concentrations in rivers, lakes, and shallow experimental ponds (Yousef et al. 1980; Johnson 1994; USACE 1994; Asplund 1996, 1997; Anthony and Downing 2003)".

p.7 "Reductions in native aquatic plants will affect fish populations. Aquatic vegetation provides rearing areas for juvenile fishes (Bryan and Scarnecchia 1992), allows for increased fish growth and total fish biomass (Radomski and Goeman 2001; Nohner et al. 2018), and reduces wave energy in the nearshore zone."

***

In 2025 I personally initiated a public records request for Vermont F&W's documents regarding wake boats. It yielded 321 records. Staff scientists offered an unvarnished view of wake boats summarized here.

Quoting staff fisheries biologists in Dec. 2024 memo: "Wakesports represent a new and potentially greater threat to fish and fishing. Potential negative effects of wake boats include turbulence that displaces fish eggs, juvenile fish, and macroinvertebrates; disturbance of aquatic plants; increased turbidity; and spread of aquatic invasive species. This document provides comments in favor of petitions to prohibit wakesports on ten lakes in Fish Districts 3 and 5."

Quoting a F&W fisheries biologist, Nov. 2024
"There are two reasons to ban wake boats on these waters:
1. Aquatic Invasive Exotics - particularly in Echo, the Averills, Caspian, Shadow, Parker, and Willoughby Lakes; 2. Lake Trout population - sediment from wake boats might disturb the spawning substrate (no voids to provide oxygen)."

Quoting a staff biologist with a PHD in fisheries management, Dec. 2024 :“Wake boats are more impactful to fish and fish habitat …. because they utilize ballast water, which can never be fully drained. Ballast water is a vector for aquatic invasive species.”

The science and the scientists are clear: wake sports harm Vermont’s aquatic flora and fauna. Restrict wake sports to depths of 30 feet or deeper.

3. Why wake sports don’t fit on Holland Pond

Wake sports are too big for diminutive 320-acre Holland Pond.

The pond is located at the end of a five-mile, dead-end road. The Quebec border is a mile to the north through forestland. Two-thirds of the shoreline are protected by the 10,000-acre Bill Sladyk Wildlife Management Area. Some 44 camps are concentrated on the west shore; the north, east and southern shores are as wild as the retreating glaciers left them 12,000 years ago. Holland Pond offers a rare, wilderness-like sanctuary for those who seek it. Many do.

Most boaters on the pond use small craft. Traditional users are kayakers, canoeists, small fishing skiffs, sailboats and paddle boards. There is one resident pontoon boat and a few motorboats respectful of smaller craft. There are no resident wake boats, nor have wake boats been observed on the pond. Wake sports create a public safety hazard for traditional users on Holland Pond.

Holland Pond has three nesting pairs of Common loons. One nest site is a raft; the other two are land or island nests, which are just vertical inches above the waterline. Waves from wake sports threaten inundation of loon nests. The proposed rule would protect Holland Pond’s thriving loon population.

IN SUMMARY: DEC is implored to maintain the 100-acre wake sport zone in the proposed rule. This will protect Holland Pond’s loons and its traditional users. Further, the Lakes and Ponds Division is encouraged to adopt the rule as proposed but alter it to restrict wake sports to a depth of 30 feet or greater.

Submitted by
Chris Owen, Holland Pond and Worcester VT
chrisowenvt@yahoo.com

From: cynthia krieble <ckrieble@yahoo.com>
Sent: Monday, February 16, 2026 2:51 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Wakesports VT Department of Environmental Conservation, - Google Docs.pdf

You don't often get email from ckrieble@yahoo.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To the Vermont Department of Environmental Conservation,

As a lifelong seasonal resident of Westmore and property owner on Lake Willoughby, I am very concerned about the impact of more and more wakesports activity on our lake, especially as they are banned, with good reason, on smaller lakes. To my way of thinking the size of waves, as do the wakesports surfers themselves, belong on the ocean, not on inland lakes like Willoughby. Why should our Vermont lakes renowned for their tranquility be turned into water parks for sports that belong on the ocean in the first place? I really worry about Willoughby, only a moderate size lake, becoming just that, a water park, and would wholeheartedly support a ban of wakesports altogether on our lake.

I do appreciate that the DEC has been seriously addressing the safety and environmental issues being raised repeatedly by many like myself. Increasing the minimum zone for wakesports activity to 100 acres with a minimum run of 3,000 feet allowable and also increasing the wake boat buffer from other lake-users and the shore to 500 feet are very important and positive steps toward increasing safety for all. Most residents and visitors come to Willoughby to enjoy **non-motorized** types of recreational water sports such as canoeing, kayaking, paddle boarding, sailing, swimming, and fishing in its mostly tranquil, undisturbed waters. On such a calm day three foot wakes suddenly appearing unexpectedly present a serious safety hazard for all of these sports. I have experienced that myself out in a kayak requiring quick maneuvering to keep from capsizing. My observation is that with the wakeboat bilge weighted down in the stern the bow is up higher than usual, seriously limiting the driver's visibility of what is up ahead, making that increased buffer zone extremely important.

On the environmental front, I would urge the DEC to retain the Home Lake Rule, since it would be the most effective way to prevent the spread of aquatic invasive species such as zebra mussels and milfoil. Generations before us have been conscientious stewards of Willoughby and its environs, protecting its pristine waters through regulations and oversight. I'm sure the same holds true for other lakes in Vermont. The very real increased risk of AIS being brought into the lake would directly counter all these efforts at preservation. Many of the tourists who come to our lakes in the NEK are from nearby Memphramegog and Canadian lakes already infested with zebra mussels. In recent years Westmore has been fighting milfoil in Willoughby and has been successful to some degree. The currently proposed alternative to the Home Lake Rule, requiring wakeboats moving from one lake to another to do a hot water decontamination of their ballast tanks, might work in theory, but Lake Willoughby and, I imagine, most other lakes in Vermont don't have such facilities. If this becomes the replacement regulation to deter AIS from invading our mostly pristine lakes, then responsible legislation needs to be included at the same time to provide funding for these facilities at eligible lakes - otherwise this requirement is meaningless in protecting our lakes from AIS.

The proposed legislative changes to the 2024 wakesports rules are extremely important in acknowledging that wakesports present problems on lakes. While not solving all of the negative impacts they would have on the environment and the majority of people recreating on lakes like Willoughby, they will help to minimize them. I urge you to vote these changes in, but keep the Home Lake Rule in place until some funding is provided to the towns where eligible lakes are located for hot water decontamination facilities. Otherwise our beautiful lakes will be in serious danger of losing their pristine nature for which Vermont is renowned. We need to follow in the footsteps of our predecessors and protect our increasingly precious lake resources in Vermont for generations to come.

Thank you for giving the public an opportunity to be heard through hearings and submitted comments.

Respectfully,
Cynthia Krieble

1176 Old Cottage Lane
Westmore VT

To the Vermont Department of Environmental Conservation,

As a lifelong seasonal resident of Westmore and property owner on Lake Willoughby, I am very concerned about the impact of more and more wakesports activity on our lake, especially as they are banned, with good reason, on smaller lakes. To my way of thinking the size of waves, as do the wakesports surfers themselves, belong on the ocean, not on inland lakes like Willoughby. Why should our Vermont lakes renowned for their tranquility be turned into water parks for sports that belong on the ocean in the first place? I really worry about Willoughby, only a moderate size lake, becoming just that, a water park, and would wholeheartedly support a ban of wakesports altogether on our lake.

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The proposed legislative changes to the 2024 wakesports rules are extremely important in acknowledging that wakesports present problems on lakes and ponds. While not solving all of

the negative impacts they would have on the environment and the majority of people recreating on lakes like Willoughby, they will help to minimize them. I urge you to vote these changes in, but keep the Home Lake Rule in place until some funding is provided to the towns where eligible lakes are located for hot water decontamination facilities. Otherwise our beautiful lakes will be in serious danger of losing their pristine nature for which Vermont is renowned. We need to follow in the footsteps of our predecessors and protect our increasingly precious lake resources in Vermont for generations to come.

Thank you for giving the public an opportunity to be heard through hearings and submitted comments.

Respectfully,

Cynthia Krieble

1176 Old Cottage Lane
Westmore VT

From: cleanervermont@aol.com
Sent: Tuesday, February 17, 2026 1:15 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Wakeboats.docx

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Agency of Natural Resources,

I have prepared these comments following the DEC meeting on Wakesports February 4th 2026.

Thank you in advance for your consideration.

Cathie Leccese
Crystal Lake Preservation association President, Greeter's program coordinator and CLPA members representative

To Whom It May Concern,

I am writing to you as the President, Greeter's Coordinator, and Representative for the members of the Crystal Lake Preservation Association (CLPA). Founded 24 years ago, the CLPA was established to address Eurasian Milfoil issues in Crystal Lake and prevent the introduction of other invasive species. Over the years, countless volunteer hours have been dedicated to surveying, diving, and hand-pulling milfoil. The CLPA manages the Greeter's Program, oversees annual grant applications, and collects signatures to petition the Town of Barton for appropriations. Additionally, we hire divers to survey the lake and utilize D.A.S.H. to remove Eurasian Milfoil. Thus far, we have successfully controlled the issue. However, we are deeply concerned that allowing wake sports on Crystal Lake will make this task significantly more difficult—or even impossible—while further straining our already limited resources.

Crystal Lake is one of the most beautiful lakes in Vermont and was voted the most beautiful beach by *Travel and Leisure* magazine. We take great pride in being part of the CLPA and its ongoing efforts to preserve and enhance the lake's natural beauty.

The WEC study concluded that wakesurfing and wakeboarding vessels are far more likely to contribute to shoreline erosion than typical boat waves or wind waves. On average, wave heights from wakeboard boats in surf mode were at least 200% (twice) as high as those from ski boats at the same distance from shore. This results in wave energy from a wakeboard boat in surf mode that is 400% (four times) greater than that of a ski boat at the same distance. To dissipate the wake from a wakeboard boat in surf mode to the same height and energy as a ski boat at 100 feet, the distance from shore must be increased to over 500 feet. These findings align with results from other studies, including those by Marr (University of Minnesota), WEC, and TVES-NLMD.

Key Concerns Regarding Wake Sports:

- PWC and wake surf mode operations pose significant risks despite representing a small percentage of lake usage.
- Many lake users remain unaware of or uneducated about safe boating regulations.
- On-lake boat operator conduct must continue to be managed.
- Water quality directly impacts property values and the overall quality of lake life.
- Crystal Lake is a multi-user recreational lake with a significant number of non-property owners actively engaged in its use.

Environmental and Safety Risks of Wake Sports:

1. Surface threats to other vessels
2. Near-shore disruptions
3. Bottom scrubbing effects
4. Shoreline structure impacts
5. Nutrient release events into the water column
6. Deep-penetration propeller downwash effects
7. Wave attenuation distances necessitating changes to traditional buffer zones

Additionally, wake boat slipstreams can disturb bed sediments at depths of 33 feet (Ray, 2021)—impacts not observed with traditional water ski boats.

Wakeboats accounted for approximately 1% of all motorized boat launches observed at Vermont Public Access Greeter Program stations in 2024 and 2025. Preventing the spread of aquatic invasive species from wakeboats is critical, yet most lakes lack decontamination stations.

Since the ruling in April 2024, many CLPA members have reported dangerous encounters with wakeboaters, with no clear reporting mechanism for such incidents. This activity poses threats to human health, wildlife, and ecosystems.

While we support the rule changes proposed by the DEC, we believe they do not go far enough to protect Crystal Lake. We urge stronger measures to safeguard our lake's future.

Sincerely,

Cathie Leccese, President, Crystal Lake Preservation Association

From: Chris Miller <cmiller081774@gmail.com>
Sent: Monday, February 9, 2026 10:42 AM
To: ANR - WSMD Lakes
Subject: Wake Sports Regulation Concerns
Attachments: Letter to VT ANR - Wake Sports.docx

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see my attached request regarding wake sports regulation.

Your consideration is appreciated.

Sincerely,

Chris A. Miller
145 Blue Heron Lane
North Hero, VT 05474

February 9, 2026

Dear Vermont Agency of Natural Resources (ANR):

I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wake sports activity in the State's water.

- I support the DEC's amended Rule changes as they align with my conservation values.
- Increases the minimum safety wake sports zone from 50 to 100 acres.
- Requires a minimum wake sports run of 3,000 feet.
- Expands the safety buffer from other users and water structures from 200 to 500 feet.
- Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

- a minimum 30-foot water depth;
- a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
- the addition of new Use of Public Water Rules language stating that wake sports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Given where we live, we have firsthand experience with the issue. Thank you for your consideration.

Chris A. Miller
145 Blue Heron Lane
North Hero, VT 05401

From: Cole Barry <cole.barry.d8611@advocate-mail.com>
Sent: Friday, February 20, 2026 12:40 AM
To: ANR - WSMD Lakes
Subject: Wakesports

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

I am an advocate for water sports the Burlington area. Seeing what is happening to the water sports community here is heartbreaking. I believe that we can come to a collective agreement to make a difference and increase the number of lakes that wakeboats have access too. They are great for building family memories, exploring the beauty of Vermont's lakes, and supporting tourism as well as economy. However, from our side of things we need to be responsible and take action by creating no wake zones to limit disturbance and negative effects on not only other people but also the environment. Boating has been a huge part of my life and I think that more people need to put their right foot forward to see things from our point of view (vice versa) that is the only way to come up with a positive and impactful solution that supports both sides.

Sincerely,

Cole Barry
65 Neilson Dr
Northampton, MA 01063
(306) 345-3456
colefury16@gmail.com

From: Cory Hardman <cory.hardman.20bf6@advocate-mail.com>
Sent: Friday, February 20, 2026 12:21 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

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The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Cory Hardman
15318 S Indian Paint Cir
Bluffdale, UT 84065
(801) 870-6062
coryjanna@yahoo.com

From: Daniel Lutz <cream.team.usa@gmail.com>
Sent: Wednesday, February 11, 2026 9:14 PM
To: ANR - WSMD Lakes
Subject: Wakeboarders

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public commenton the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any

object" interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts
that wakesports constitute a "non-normal use" because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute's intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal "use." Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the "normal use" framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time.

Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as “non-normal use,” as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for “other good cause,” this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft “any object” as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters’ shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes

unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded “any object” buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Sent from my iPhone.

From: Colby Switser <cswitser12@gmail.com>
Sent: Friday, February 27, 2026 2:12 PM
To: ANR - WSMD Lakes
Subject: Wake Boats

You don't often get email from cswitser12@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR,

I am a Vermont resident and licensed boater. I take safe operation on our lakes seriously. I understand the responsibility that comes with operating a boat, and I make a conscious effort every time I'm on the water to operate safely, follow the rules, and respect our lakes and all who enjoy them.

I am writing because I am concerned about the proposed requirement that wakeboats maintain a 500-foot buffer from all other users while operating. My concern is not about avoiding regulation; it is about clarity and practicality. The current rules are clear and consistent: all motorboats must stay 200 feet from other users, and wakeboats operating in wakesports mode must remain 500 feet from shore. These standards are taught, understood, and enforceable.

Adding a second 500-foot requirement that applies to people rather than shore changes that clarity. It creates two different 500-foot distances that apply in different circumstances, and that complexity increases the likelihood of confusion. When you are operating a boat, you are constantly assessing distance, speed, traffic, shoreline position, and safety conditions. Clear rules make that manageable. Overlapping rules that require different calculations in real time make it harder to operate confidently and correctly.

Many people I have spoken to both at lakes and at events related to rule-making for wakeboats, particularly those who feel stricter rules are required, are not licensed boaters. Anyone who has taken the Boater's Safety Course seriously knows that further rule making is unnecessary because boaters following the existing rules (No matter what type of watercraft they operate) are not creating unsafe conditions on our lakes.

Safety is important to me, and I support reasonable, evidence-based regulations that improve it. However, I believe the existing 200-foot separation requirement for all motorboats already establishes a clear safety baseline. The additional 500-foot shoreline requirement for wakeboats further addresses shoreline concerns. Introducing a separate 500-foot moving buffer for user separation does not appear necessary and risks making the system harder to follow.

For these reasons, I respectfully request that the Agency reconsider the proposed 500-foot user buffer and maintain the current structure, which is clear, understandable, and effective.

Thank you for your time and consideration.

Respectfully,

Colby Switser

West Burke

Vermonter and Responsible Boater

From: Craig B. <ctowen40@yahoo.com>
Sent: Sunday, February 8, 2026 6:03 PM
To: ANR - WSMD Lakes
Subject: WAKESPORTS

You don't often get email from ctowen40@yahoo.com. Learn why this is important

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Thanks for your time and effort ...

Ctowen40
C. Belville
Barre, VT

From: Damon Beck <damon.beck.566c0@advocate-mail.com>
Sent: Saturday, February 21, 2026 1:12 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from damon.beck.566c0@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Damon Beck
308 Hillview Ave
Ukiah, CA 95482
(707) 234-9622
damonb95482@yahoo.com

From: Dan Haws <dan.haws.6b3a4@advocate-mail.com>
Sent: Friday, February 20, 2026 9:36 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from dan.haws.6b3a4@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

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The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Dan Haws
915 N 1380 E
Tooele, UT 84074
(801) 317-7613
dhaws1@yahoo.com

From: Daniel Lutz <danielpatricklutz@gmail.com>
Sent: Wednesday, February 11, 2026 9:11 PM
To: ANR - WSMD Lakes
Subject: Wakeboard

You don't often get email from danielpatricklutz@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public commenton the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute’s intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal “use.” Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the “normal use” framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as “non-normal use,” as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft "any object" as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory

Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Sent from my iPhone.

From: Margaret Daniels <daniels.margaret.a@gmail.com>
Sent: Friday, February 27, 2026 1:41 PM
To: ANR - WSMD Lakes
Subject: Wakeboat

You don't often get email from daniels.margaret.a@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon,

All parties involved in this discussion care deeply about lake health, invasive species prevention, and public safety. After attending rulemaking sessions both in person and virtually, it is clear this is not a “people who care versus people who don’t” issue. The shared goal is the protection of Vermont’s waterways.

Infrastructure:

Rather than expending agency time defending or tightening assumptions that remain scientifically unsettled, and in some cases based on undocumented issues, we could more effectively direct that time and funding toward proactive AIS prevention infrastructure and education.

A practical, measurable approach would include:

Identifying high-risk and high-traffic access points

Phasing in trained, professionally staffed decontamination stations

Pursuing available federal and regional AIS prevention grants

Leveraging partnerships with lake associations, municipalities, and stakeholders

Notably, the proposed rule changes include a requirement that boats be cleaned by an approved decontamination station when moving between lakes. At present, there are no approved decontamination stations operating in Vermont. Requiring compliance with infrastructure that does not yet exist creates an implementation gap and places boaters in a position where compliance may be impractical or impossible.

A five year phased plan installing priority stations would represent a defined, accountable investment with measurable prevention outcomes. This approach directly addresses invasive species risk rather than relying primarily on broad eligibility restrictions grounded in modeling assumptions.

If agency resources are currently focused on mitigating potential risks under contested thresholds, those same resources could be redirected toward collaborative infrastructure development, grant acquisition, education expansion, and measurable prevention strategies.

Safety:

Irresponsible behavior exists across all boating categories.

Nationally documented leading causes of water-related injuries and fatalities include alcohol use, failure to wear flotation devices, and lack of preparedness for open water conditions. These risks occur across all vessel types and across all bodies of water.

If safety is the central concern, policy and enforcement resources should align with statistically demonstrated risks. Targeted education and enforcement focused on these known contributors would yield measurable safety improvements.

The proposed 500 foot “any object” buffer also warrants careful review. Shoreline erosion research primarily evaluates shallow water interaction and wave attenuation near shore. Extending that research to a universal 500 foot buffer from any object, regardless of depth or context, raises questions on if the scientific basis directly supports the proposed restriction. Additionally, practical enforcement and on water measurement of a 500 foot buffer from undefined “objects” may create ambiguity for both boaters and enforcement officers, as well as add additional safety concerns. Clear, evidence based standards are essential for consistency and compliance.

With no documented evidence of safety concerns directly attributable to wake boats, the currently proposed regulatory changes lack a demonstrated safety foundation. If safety is truly the priority, Vermont’s resources would be more effectively utilized by strengthening boating education requirements and enhancing collaboration with Fish and Wildlife for improved outreach, reporting mechanisms, and resource distribution.

Conclusion:

This issue originated from concerns about behavior on public waterways. Respect for both the environment and others should be the baseline expectation.

Human nature includes mistakes. Not every mistake warrants the creation of new statewide policy. Some situations may be more effectively addressed through improved communication, shared knowledge, and a stronger reporting infrastructure that allows concerns to be documented and evaluated appropriately.

Rather than broad tightening based on precautionary modeling, Vermont could:

Deploy phased decontamination infrastructure.

Strengthen education and fully integrate rule changes into curriculum and testing materials.

Target enforcement toward statistically validated safety risks.

Allow existing regulations time to be fully implemented and evaluated.

Measured, collaborative policy grounded in science, proper implementation, and accountability will protect both Vermonters and Vermont’s waterways more effectively than escalation.

Thank you,

Margaret Daniels

From: Dave Helgeson <dave.helgeson.72bb5@advocate-mail.com>
Sent: Monday, February 23, 2026 5:27 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from dave.helgeson.72bb5@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

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While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Dave Helgeson
PO Box 328
Renton, WA 98057
(206) 719-1277
audaveh@gmail.com

From: David Lund <david.lund.23398@advocate-mail.com>
Sent: Friday, February 20, 2026 3:54 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Vermont Department of Environmental Conservation,

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Sincerely,

David Lund
13662 S Buckeye View Way
Riverton, UT 84096
(801) 870-0232
lund4x4@gmail.com

From: david bradshaw <davidbradshaw1944@gmail.com>
Sent: Friday, February 20, 2026 12:25 PM
To: ANR - WSMD Lakes
Subject: Fwd: Wakesports Threaten & Harm Vermont Lakes

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---------- Forwarded message ---------
From: **david bradshaw** <davidbradshaw1944@gmail.com>

Wakesports Threaten & Harm Vermont Lakes
By withholding from towns the authority to regulate safety on Vermont lakes, DEC/ANR thrusts this responsibility on itself. Safeguards must be practiced against rapacious plunder this Vermont natural resource----Lakes.

Beginning at Greensboro, I have attended several meetings on wake boats and wakesports convened by DEC. Have listened and testified. And wondered, whether the man who nearly ran me over was in attendance. A am whom, instead of offering assistance, had turned tail to throttle his wakeboat beyond my water-level eyesight.

The threat these monstrous boats pose continues to expand. Horsepower ratchets up, the boats grow bigger, heavier, more ballast, more powerful, more expensive. Each enhancement an exclusionary selling point. A weapnized hull, armed not only with a large, downward-thrusting prop, foils to enlarge its wake, the boats come armed with a sound system to destroy tranquility on the lake. And now, submersible, hydrophonic speakers to disrupt subsurface communications we know so little about. The *Wakesports Arms Race* is on.

Soundwave propagation
Sound travels through air at about 1,125 feet per second (fps). Lake Willoughby covers 5 miles north to south, roughly 26,000 feet. It would take the sound of music 23 seconds to cover the length of Lake Willoughby. Fortunately, the low density of air makes it a cushion, greatly shortening sound's travel. Even so, and given refraction off the water's surface, loud music on a lake is obnoxious.

Underwater is far worse. Sound penetrates water at 4,840 fps----close to a mile each second. Sound travels almost 5 times faster in water. And, since water has 800 times the density of air, aqualtic sound propagates vastly farther. When projected underwater, music can cover the length of Lake Willoughby in 5.5 seconds, very a very good chance of doing so.

How far do underwater sound systems reach? Does DEC know? If not, it's time to find out. Will aquatic sound projection prevent fish from hunting & eating? Will underwater speakers vibrate fish eggs and sequestered chemicals? Will aquatic sound projection stimulate invasive species?

Submersible speakers have no place on or in a lake.

Hydraulic displacement
Wakesports are built on technology. Yet, in defending itself, wake promoters deny science. Hydraulic displacement. Manufacturers extoll the power of wake boats to mimic ocean swells on flat water. Wake promoters argue that wind blows all the time, therefore wind is more destructive to shorelines than a man-made wake. Here we go again, equating wind-energy with water-energy. Air is a gas. Gas compresses to cushion force. Water is a liquid. Liquids do not compress. Displaced liquid displaces.

A shallow-hull ski boat skims the water.bA breeze skims water. A deep-hull wake boat bulldozes water. Wakes

aren't made wakes by skimming water.

Petitions
Under DEC rules, lakes were permitted to petition for prohibition or regulation of wake boats and/or wakesports. DEC ruled a petitioning lake must craft its own petition, specific to that lake. Nine lake groups filed thoroughly researched, individual petitions, which DEC/ANR accepted. After a while, all were rejected as one. This is a game where the agency responsible for the SAFETY and CONSERVATION of lakes in Vermont moves the goal posts.

Home Lake Rule
As the threat of invasive species grows, so must containment and safeguards against intrusion. DEC cannot just throw up its hands to turn loose this Trojan horse on even a few Vermont lakes. There's not much difference between waiting for and inviting disaster. Toothless "boat inspection;" impossible decontamination (we must assume every wake boat a vector); confused rules; and the scarcity or absence of law enforcement spells TROUBLE in PARADISE.

Lake Heath & Wildlife
Not a single promotion of wakesports advances lake conservation.

Normal Use
Please respect *Normal Use*. Vermont defines swimming, canoeing, fishing, sailing, kayaking, and paddle boarding as *Normal Use*. The purpose of defining *Normal Use* is to preserve tranquility and protect traditional recreation. The definition includes neither personal water craft (jet skis), nor wake boats. Wake boats and wakesports do not conform to *Normal Use*.

Safety
Most dangerous sports endanger just the participant: football, mountain climbing, boxing, figure skating, motocross, alpine skiing, to name a few. Wakesports endanger non-participants. In 50+ years of swimming in Vermont, mostly Northeast Kingdom and especially Echo Lake and Lake Willoughby, my only brush with death came from a wake boat.

Please stand tall. Implant Protections,
David Bradshaw
Charleston Vermont

From: Dan Boomhower <dboom@sover.net>
Sent: Monday, February 9, 2026 7:29 PM
To: ANR - WSMD Lakes
Subject: Wakesports

[You don't often get email from dboom@sover.net. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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Please set limits for motor boats on Vermont's ponds. The boats create shore erosion and can be dangerous to swimmers.

From: David Dutton <ddinvt@me.com>
Sent: Wednesday, February 18, 2026 6:12 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

New wake boat regulations:

I am a native Vermonter, sixty-five years old. I am writing to state my opposition to additional restrictions being placed upon wake boats in Vermont lakes. My family has been enjoying wake sports on Vermont lakes for nearly two decades. Despite being labeled by some who oppose wake boat owners as a wealthy segment of boaters, I can attest to this not being the case. We are hard-working Vermonters. My wife is a school teacher, and I am a builder. We are on our third boat designed for water sports only because we save our hard-earned money and care well for our boats, allowing them to hold value in trade. Our current boat is 12 years old.

Our family has a place to gather on the water in our boat. When our kids were teenagers, they and their friends were a captive audience taught to respect the rules and the environment on the water while trying and learning new sports. Our grandchildren are now a part of the mix on our boat. We are committed to enjoying our time on the water together. Annually, our boat is one of the first ones put in and the last ones taken out of the lake.

New regulations were adopted on Vermont lakes a year or so ago. We continue enjoying our time on our boat with perhaps a heightened sense of playing by the *new* rules. We have never been involved in a dispute with anyone on the lake or been approached by law enforcement due to how we operate on the water. We are conscious of our distance from shore and other users of the lake while we operate our boat. Safety of our group and others is second nature. We use our boat for fun and don't see this being at the expense of others. We had a grandfather and his grandson neighbor at the lake who would paddle out on their SUPs most days when we shoved off to play in our wave when we passed by. On many occasions, kayaks and PWCs follow us around waiting to play in our wake. We are mindful of keeping a safe distance per the current regulations and don't need to have a 500-foot zone or 3,000-foot run rule adopted in order to continue to do so.

The lake is used by people of many different interests. We embrace all. If it gets too busy on the water for us to enjoy what we do safely, we take a break. We leave the lake for the myriad of craft to race back and forth and go in circles pulling tubes and inflatable couches. It's not our thing and not our place to tell them it should be theirs. Fast bass boats and loud power boats aren't our thing either. We had a loud, fast boat years ago; it lost its appeal for us. We prefer to listen to good conversation and the laughter of our family and friends.

During the first public forum we attended debating the use of wake boats, I listened to the comments of an older gentleman from the central part of the state. He remarked how when he was a boy, once chores on the farm were done, Dad would take everyone to lake Fairlee and pull them behind the family boat on anything that would float. He remarked how he could not see how folks who chose to play behind a wake boat could be told by anyone that they can not. Simple Vermonter logic.

Summers are short in the Northeast. Why the concerns of a few anti-wake sports people are threatening how others choose to enjoy their summers on our lakes is unreasonable. Snow skiers were anti-snowboarding in the 90s. Safe to say snowboarding helped to save the ski industry, bringing a whole new segment of folks to our mountains. I am president of our local snowmobile club. Our club maintains and grooms nearly fifty miles of trails in the town of Chittenden. The majority of these trails are on National Forest lands. These trails share this resource with a cross-country ski area and multiple points of access to the public for mixed use. Hikers, skiers, snowshoeing, fat biking, and dog sleds share the trails with snowmobiles. These uses may not seem compatible to some, but we figure out how to coexist and enjoy the resource in our own way. Each sees how they choose to do so as their "normal use".

Vermont is a beautiful place for residents and visitors to recreate in a diverse way. Cyclists deserve the right of way on our roads, so we make way. The group of anti-wake boat voices seems to be like the anxious driver who fists the horn and blazes by the biker who's just exercising their right to ride on our roads. Snowboarders aren't scraping all the snow off the slopes, and wake boats aren't killing nesting shore birds, eroding our shorelines more than Mother Nature, or putting other lake users at risk. We are just out to enjoy our time on the water with family and friends in our own way.

Respectfully, Dave Dutton

Dave Dutton
218 Chittenden Rd.
Chittenden, VT 05737

802-342-0305

From: Devin Donegan <DDvideo52@yahoo.com>
Sent: Monday, February 9, 2026 7:46 PM
To: ANR - WSMD Lakes
Subject: Wakesport
Attachments: DDwakeboatcomment.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

My name is Devin Donegan. I work in the film industry. I live close to Lake Bomoseen in Castleton, Vermont. I oppose the new laws.

Thank you

Devin Donegan
732-620-0295
DDvideo52@yahoo.com
VideoGuyLLC@gmail.com
Videoguy.nyc

I am writing to comment on the proposed changes to Vermont’s wakeboat and wakesports rules. I oppose any additional restrictions beyond the rules that were already adopted.

The current regulations already place significant limits on wakeboat use, including lake eligibility, distance-from-shore requirements, and operational constraints. These rules were intended to balance environmental protection with recreational access, and they deserve time to be properly evaluated before further changes are imposed.

I live by a public boat launch and observe boat activity firsthand. From what I see, the spread of invasive mussels is not limited to wakeboats. Fishing boats and pontoon boats regularly use the same launches and travel between water bodies, yet they are often overlooked in these discussions. Focusing additional restrictions on one type of boat does not reflect what is actually happening at the launches.

I am also concerned that there is no cleaning or decontamination station available at the launch. Without proper infrastructure in place, it is unreasonable to place increased responsibility or blame on wakeboat users alone. Effective prevention requires practical solutions that apply to all boats, not selective regulation.

Pushing for additional restrictions now feels premature and unnecessary. Many Vermonters responsibly enjoy wakeboats as part of Vermont’s outdoor recreation culture. Further limitations would unfairly reduce access for families, local boaters, and businesses that depend on lake recreation, without clear evidence that existing rules are failing.

I urge the Agency to rely on observed data and real-world conditions, invest in practical prevention measures such as cleaning stations, and allow time to assess the impact of the current rules before considering any additional restrictions.

Thank you for the opportunity to comment.

Sincerely,

Devin Donegan

From: Debbie Dolgin <debbiedolgin@gmail.com>
Sent: Monday, February 16, 2026 6:59 PM
To: ANR - WSMD Lakes
Subject: Wakesport

You don't often get email from debbiedolgin@gmail.com. Learn why this is important

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To Whom It May Concern,
I am writing as a property owner on Lake Harvey to formally request that you reconsider your decision and remove Lake Harvey from the list of lakes that accept wakeboard boats.

While Lake Harvey meets the size requirements on paper, the practical reality is that wakeboard boats are not being operated in accordance with boating laws. This has resulted in significant damage to the shoreline and personal property, and has created serious safety concerns for others trying to enjoy the lake. Furthermore, while law enforcement responds to complaints, the issues often persist because the boats are no longer active by the time officers arrive.

In addition to these safety and property concerns, our current boat wash station is not equipped to properly clean wakeboard boats to prevent the spread of aquatic invasive species.

I urge you to remove Lake Harvey from the accepted list to protect the safety of the public and the integrity of the lake's environment. It is the right thing to do for this community.

Thank you for your time and consideration.

Sincerely,

Rep. Debbie Dolgin

From: Deb Smith <debsmith@cityofvisions.org>
Sent: Friday, February 20, 2026 3:56 PM
To: ANR - WSMD Lakes
Cc: Deb Smith
Subject: Re: Latest Proposed Wake Sport Rule Changes

You don't often get email from debsmith@cityofvisions.org. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please note I am submitting a minimally edited version of my original petition letter to the State of Vermont to communicate my ongoing opposition to any State law which permits wake sports on Willoughby, at any distance. I remain stedfast in asserting the best thing for Willoughby is “no wake boats” on Willoughby and re-appeal to the State of Vermont to not let Willoughby down and, instead, join us in protecting our notably magnificent, notably pristine glacial lake by supporting a ban of wake sports on Willoughby.

(Note: Original Petition Letter to State of Vermont below).

Respectfully,
Deb Smith
President, Westmore Association

Original Petition Letter:

To Whom it May Concern:

It will come as no surprise to all the good folks in Westmore and beyond that the Westmore Association’s passionate and longstanding commitment to the care and preservation of our magnificent glacial lake and its notably awe-inspiring mountains — mountains that guide us home however near or far — is a labor of love.

Along with restoring Willoughby to its original pristine water classification, the Westmore Association has been busy protecting the integrity of our shoreline, the purity of our surrounding mountain brooks and streams, and the habitats of all our neighbors; resident loons, peregrine falcons, eagles, rainbow trout and salmon among them. As a result, per that commitment, the Westmore Association is dedicated to and intent upon raising awareness regarding the risks of allowing wake boats in wave-generating “wake boat mode” on Willoughby, at any distance, at any time, prompting a well-considered well-met formal announcement at annual meeting in July: The best thing for Willoughby is no wake boats on Willoughby.

The imminently unsettling prospect, per the State of Vermont, to allow wake sports on Willoughby supportive of setting the distance from shore for wake boats at 500 feet, combined with an inability, per their design, to ensure wake boat ballasts are free of invasive species such as milfoil and zebra mussels, affirms that decision.

On a very personal note: When I was young and newly permitted by my parents to go wherever I wished out on Willoughby at the helm of my family’s old fishing boat, hand carved by my grandfather and notably beautiful in its simplicity, I found myself down between the mountains, happy in my new freedom as I gazed up at Pisgah, Mt. Hor behind me, basking in all the beauty. All of it! And as I did, I thought to myself, with equal parts joy and relief, how lucky we are that our lake is forever entrusted to the care of the State of Vermont and as such would be forever protected, forever pristine, forever glorious.

I appeal to the State of Vermont to not let Willoughby down and to join us in protecting our lake by supporting a ban of wake sports on Willoughby.

Deb Smith

President, Westmore Association

From: DeDee Case <dedee.case.bc0c3@advocate-mail.com>
Sent: Friday, February 20, 2026 5:29 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from dedee.case.bc0c3@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of THE REMOVAL OF wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I AGREE IN THE ADOPTION OF the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer, OR A BAN OF THE WAKEBOATS ENTIRELY! If further invasive aquatic species precautions need to be applied based on Vermont specific data, THEN DO WHAT MUST BE DONE!

Wake surfing is A HAZZARD THAT TURNS LAKES INTO A MESS OF ROUGH & DANGEROUS WATERS TO TRAVERSE & ARE CAUSING A SIGNIFICANT AMOUNT OF EROSION TO THE SHORES OF EACH LAKE THEY ARE ALLOWED ON!

Please MOVE FORWARD WITH the proposed wake surfing restrictions & HOPES THAT OTHER STATES WILL FOLLOW YOUR LEAD!!

I am writing as a supporter of THE REMOVAL OF wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I AGREE IN THE ADOPTION OF the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer, OR A BAN OF THE WAKEBOATS ENTIRELY! If further invasive aquatic species precautions need to be applied based on Vermont specific data, THEN DO WHAT MUST BE DONE!

Wake surfing is A HAZZARD THAT TURNS LAKES INTO A MESS OF ROUGH & DANGEROUS WATERS TO TRAVERSE & ARE CAUSING A SIGNIFICANT AMOUNT OF EROSION TO THE SHORES OF EACH LAKE THEY ARE ALLOWED ON!

Please MOVE FORWARD WITH the proposed wake surfing restrictions AS THERE ARE MANY WITH HOPES THAT OTHER STATES WILL FOLLOW YOUR LEAD!! SO MANY REGULAR BOATERS & USERS OF PWC'S WILL THANK YOU!!

Sincerely,

DeDee Case
640 Bean Ranch Rd
Whitewater, CO 81527
(970) 261-2545
dedeesbs@gmail.com

From: Deecie Denison <deecie49@gmail.com>
Sent: Sunday, February 1, 2026 11:54 PM
To: ANR - WSMD Lakes
Subject: I Support DEC's Proposed Rule Changes!

You don't often get email from deecie49@gmail.com. Learn why this is important

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I swam in Lake Fairlee as a little girl. In fact, that's where I learned to swim. As an adult I owned lakefront property and participated on the Lake Fairlee Assn Board including acting as Chair. Then we were just barely starting the battle with milfoil. I also remember the challenge of jet skis.

Lake Fairlee is a family Lake. It has the highest density of summer camps in the State. It has helped raise children to swim, teens to learn about aquatic systems, adults to learn how to hum with loons, and parents and grandparents to live their dreams of introducing the next generations to grow up learning to respect our precious resource.

All of us who love our lakes want people to enjoy them. I know that wakesports are a source of recreation and pleasure. I don't deny that. What I know from personal experience, however, is that without stringent rules, they will deny safe, recreational experiences to a much wider public.

"Common sense girl ... use common sense!" is what my uncle used to say to me. I say that to you, DEC. You have heard over and over again during these years of hearings, that Lake Fairlee is enjoyed to its fullest; the width, the length, the depth. Wakesports are a hazard to those of us who kayak, canoe, sail, and swim here. They knock us off our paddle boards, swamp canoes, deny sail boats the middle of the lake where the best wind is found, and overwhelm young children unable to withstand the waves.

Please, step up and use common sense. I support increasing the minimum WSZ to 100 acres; expanding the safety buffer from other users to 500 feet; requiring a minimum wakesports run of 3,000 feet. Then go further. Look at what they do underwater as well as above. Put them where they are not a safety hazard at all and where they will not disrupt the aquatic ecosystem on larger lakes. Common sense and science tell us that wakesports do not belong on Lake Fairlee.

Very sincerely,

Deecie Denison

Deecie M. Denison
(802) 333-9527 Home
(802) 373-7065 Cell

"Opportunity is missed by most people because it is dressed in overalls and looks like work." —Thomas Edison

From: Diane Lehder <dianezlehder@gmail.com>
Sent: Thursday, February 19, 2026 11:27 AM
To: ANR - WSMD Lakes
Subject: Wakesports Rulemaking - Comments from Diane Z. Lehder
Attachments: 2026 DEC Rulemaking - DZL comments - FINAL.docx

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Attached please find my comments on proposed changes to the rules regulating wakesports on Vermont's inland lakes.

For the purposes of your comment tally on the comment short form, **I support the changes but do not think they go far enough.**

Diane Z. Lehder
61 Fosters Grove S
Orleans, VT

From: Diane Z. Lehder, Willoughby Lake (61 Fosters Grove S, Orleans, Vermont 05860)

Re: DEC 2026 Proposed Changes to UPWR Regarding Wakesports on Vermont's Inland Lakes

Thank you for this opportunity to provide comment on proposed changes to the Use of Public Waters Rules as they pertain to the regulation of wakesports on Vermont's inland lakes.

My family and I own two properties on Willoughby Lake. Our roots reach back 80 years and are shared across five generations. We care deeply about the things that brought us to Vermont - our pristine lakes, scenic mountains, rolling farmland, and rushing streams – and a rural culture that valued those attributes. Over the years, we have done what we could – individually and collectively - to protect them. I have been involved in the wake boat debate four years now and I've worked diligently the past three trying to protect Vermont's inland lakes and those who enjoy them from a technology that threatens not only our safety, water quality, and environment, but also the culture and values that distinguish our rural lakeside communities from the mayhem of lake/mountain resort areas in other more densely populated states.

Here's where I stand on the proposed revisions to the 2024 rules regulating wakesports on our inland lakes:

Wake Sports Zone:
I fully support increasing the size of the wakesports zone to 100 acres with a 3,000 foot minimum run and 500 foot buffer from shore and others on the water. While wakesports proponents argue there is no "scientific" evidence for this decision, the agency has provided a thoughtful analysis for how it reached this number. Reviewing the UPWR, there are many places where such thoughtful analysis has been used in the past to guide such decisions in the absence of scientific research.

There should be no further discussion of "nuance" or compromise with individual wake boat owners as happened with a single resident wake boat family on Lake Fairlee. To entertain such compromises in individual situations makes a mockery of the process and establishes a shaky precedent that could be used for litigation by wake boat owners on other lakes in the future.

Elimination of the Home Lake rule:
Elimination of the Home Lake rule is a **serious** mistake. At the current time, and in the foreseeable future, it is the **only** protection Vermont's wakesports eligible lakes have against the spread of aquatic invasive species transported in residual water left in wake boat ballast tanks after they are drained. During the LCAR hearings in 2024, before adoption of the 2024 rules, Commissioner Jason Batchelder promised it would be in place for the 2024 boating season but staff concerns about implementation took it off the table. I am not aware of any effort to engage stakeholders in solving this problem. **With the exception of the DEC, virtually everyone – including many legislators and wake boat proponents – supports a Home Lake rule.**

While replacement of this rule with hot water decontamination may be a laudable goal, it is simply that – a laudable goal. The infrastructure does not currently exist, except for several stations at Lake Champlain, far from most of the pristine lakes that will remain on the wakesports eligible list. (We do not know what process they use, what equipment they have, or what training is provided to those who provide decontamination services.) There is no timeline for developing this infrastructure and there is no funding. This is an abdication of the agency's responsibility to serve as stewards of lake health.

In the absence of a Home Lake rule, all wake boats (in and out of state) should be required to provide proof of decontamination before launching. That proof should be collected by the greeter or other official on duty at the time of launch so that it cannot be used again when attempting to launch at another lake.

Some rules still need strengthening:

- Minimum 30-foot water depth requirement - This is supported by new studies, including the Lake Waramaug research.
- 700-foot setback from shorelines, loon nests, and other lake users - The St. Anthony Falls Laboratory study recommended over 500 ft for wave height and, more importantly, 600 ft for wave power. During the initial drafting of the 2024 rule, the DEC staff recommended 600 ft and the Precautionary Principle (see below) supports a 700 ft setback.

The rules should also be amended to include a statement that wakesports are NOT a "normal" use and therefore require rules that are more stringent than those applying to "normal," i.e., traditional uses.

Precautionary Principle:
While DEC communications would lead one to believe these principles guide agency rule development, there is no clear statement in the rules indicating this and changes to the rules currently proposed fall short of providing any buffer to anticipate expected increases in engine power or wake enhancement in new wake boat models. The principle says: **"When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically."** It should be added to and discussed in the UPWR document.

The Precautionary Principle cries out for limits on the size of wake boats and horsepower that would automatically trigger new rulemaking.

Consideration and Incorporation of New Research:
DEC communications regularly encourage the public to share new research supporting rule changes. As a member of Responsible Wakes for Vermont Lakes (RWVL) leadership team, I know we have repeatedly referenced studies that have been published since the adoption of the 2024 rules that support larger safety buffers and increased minimum depth requirements. It is concerning the proposed new rules neither recognize this new research nor reflect it in the proposed rules changes.

10 VSA § 1454:
Vermont's aquatic invasive species transport statute couldn't be much clearer. Boats must be inspected and ballast water must be drained in a way that does not discharge into the waters of the state. Here is the proposed UPWR text for Section 3.7 (d):

> (d) **All** provisions of 10 V.S.A. § 1454 regarding aquatic nuisance species inspection and decontamination apply to wake boats, and wake boat users shall drain the ballast tanks of their boats **to the fullest extent practicable after** leaving waters of the state.

It is no secret that by virtue of their physical design, wake boat ballast tanks **cannot** be inspected. Wake boat ballast tanks **cannot** be fully drained. Most wake boats **cannot** be hauled from the water with full ballast tanks because of the weight of ballast water. Wake boat user manuals instruct pumping water from the ballast tanks **before** leaving the water. This raises an important question - Why is the DEC so willing to waive key statutes – and to incorrectly rephrase the statutes in the proposed changes to the rules – so that wake boats

are allowed on **any** of Vermont's lakes? The requirements of the statutes supersede anything written in the UPWR.

Proponents' Opposition to ANY changes to the rules:
Wakesports enthusiasts and others with a financial interest in growing the sport here in Vermont have been out in force opposing ANY changes to the current rules. The epicenter of opposition is clearly at Lake Bomoseen, Vermont's largest natural inland lake.

These proponents speak with a common voice – and often from an unedited shared script. Their focus at the first public hearing (January 27) was on the 2024 DEC report that indicated there were no reports of wake boat accidents or incidents during the 2024 boating season. They conclude that there were therefore no concerns or problems associated with wakesports. That conclusion is easily and effectively debunked with reference to a 2024 study on crime reporting published by the Pew Research Center. It found fewer than 42% of violent crime incidents are reported and fewer than 32% of property crime incidents are reported. People don't report if they don't know how/where to report and do know there is no enforcement anyway.

The strategy at the second hearing (February 4) - demanding research to establish rules be conducted in Vermont is simply absurd. Do they really believe the physics of hydrodynamics change when boats on trailers cross state lines? Where is their proof – scientific or otherwise – that these boats are not a threat to either the environment or others who enjoy Vermont's lakes?

Phased Implementation:
I see nothing in the rules that suggest rulemaking is an all or nothing process. Nothing to suggest all proposed changes need to be adopted to move forward and/or all changes be implemented simultaneously. Changes to be adopted should be prioritized with the goal of implementing the most important changes immediately, phasing in other changes as time allows. Those affecting safety and protecting against the spread of AIS clearly should be given the highest priority. I also have serious concerns about suggestions that rule changes may not be in place for the 2026 season or could be abandoned altogether because of any activities in the legislature.

Time for a Paradigm Shift:
The process of justifying, developing, and adopting rules regulating wakesports on Vermont lakes has dragged on for nearly five years. The petition process has been an inordinate burden on the public and drain on DEC resources. It has consumed thousands and

thousands of hours of volunteer effort and untold hours of paid staff time. All to regulate an activity/sport on our lakes that cannot meet our own minimum requirements established to protect our state waters from the spread of aquatic invasive species. An activity that has been definitively shown to threaten the safety of others and to drive other normal users off our lakes. **In failing to fully restrict a few boaters who enjoy wakesports, the DEC has significantly restricted the enjoyment of virtually every other use on our wakesports eligible inland lakes.**

In a world where developments in aquatic recreation are limited only by our imagination, the current process no longer serves the public interest. And the process to protect our lakes places the burden squarely on the shoulders of those who have enjoyed our lakes and ponds for untold generations.

The paradigm must change. It is time for that burden to be transferred to those who would bring disruptive technologies and toys to our public waters. Require them to petition for access to our lakes. Require them to provide scientific studies to prove their activity/sport will do no harm to the environment. Require them to prove they will neither disrupt the enjoyment of others nor threaten their safety.

Summary:
The DEC has proposed a number of important rule changes to regulate wakesports on Vermont's inland lakes, several of which, when adopted, will eliminate some of our smaller lakes from the wakesports eligible list. Increasing the safety buffer to 500 feet is a help, but it, as well as several other rules remains inadequate based on recent research not considered by the DEC.

I remain deeply concerned that the concentration of Vermont's wake boat population on a few larger lakes will have unintended consequences. I call it the Large Lake/Small Lake dilemma: By making normal uses safer on smaller lakes (when the smaller lakes fall off the wakesports eligible list), the DEC actually increases the magnitude of the threat to those who recreate on the larger lakes – in ways we do not yet fully understand. The DEC has recognized that smaller lakes can experience exclusionary impacts from even one wake boat. When multiple wake boats are operating in a large wake boat zone like Willoughby's (~4.5 miles long), the exclusionary impacts are magnified.

Clearly, we do not know what to expect when multiple wake boats are in use, and the majority of the lakes that are expected to remain on the wakesports eligible list are in the

Northeast Kingdom, far from emergency services in case of injuries. Cell phone coverage on many of these lakes is, at best, spotty, meaning calls for help may not even reach emergency services.

The approximately 18 lakes the proposed rules would leave on the wakesports eligible list are among the most pristine in the state – some with A1 water quality and others AIS free. Of great concern is the elimination of the Home Lake rule and inadequate requirements for and infrastructure to support full mortality decontamination. An unfunded 10-year plan is clearly inadequate to protect Vermont's most valued and vulnerable assets. We need protection immediately – for the 2026 boating season.

While the DEC has made a valiant effort to address common concerns expressed in individual lake petitions, many issues brought forward in Willoughby Lake's August 31, 2024 petition to prohibit wakesports remain unaddressed. I believe many issues raised in that document support prohibition of this activity on our lake. Submission of formal petitions should trigger a mandatory formal, documented review. If a petition is denied, reasons for denial should be clear and directly communicated to the submitting team.

With adoption of the currently proposed rules for regulating wakesports, we have some additional protection against the threat of wake boats. We do not yet understand how well diverting traffic from our smaller lakes onto our larger lakes will work or what unanticipated consequences we will have to deal with where wakesports continue to be allowed.

While all of our attention is focused on wakesports, the Sea Breacher – a one- or two-seat semi-submersible - is out there and just waiting for a market to develop. I have spoken to a number of people who have seen one of these "vessels" on Lake Memphremagog. The public should not be required – again - to shoulder the burden of persuasion to protect ourselves and our lakes from this new assault.

From: Diane Lehder <dianezlehder@gmail.com>
Sent: Friday, February 20, 2026 4:13 PM
To: ANR - WSMD Lakes
Subject: Fwd: BBC WILDLIFE MAGAZINE: "An animal in the wrong place at the wrong time can be devastating" – World's 11 most invasive animals that are causing destruction across the globe

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

A friend just texted me a link to the BBC Wildlife Magazine article below. Zebra mussels appear on their world list of 11 most invasive animals causing destruction around the globe.

Here in Vermont, we are in the middle of a rulemaking process in which the DEC proposes to eliminate a Home Lake rule that would provide our pristine lakes a modicum of protection from zebra mussels and other invasives. A rule that was promised for the 2024 boating season but never implemented. We are placing our bets instead on an unfunded 10 year decontamination plan.

I've spent 80 summers on a lake that will remain wakesports eligible regardless of what rules may be adopted at the end of this rulemaking process. I have faith my descendents will be there 80 years from now. The question is whether they will still be able to enjoy being in or on the water, or if it is nothing more than a beautiful backdrop by then.

We are not doing nearly enough to protect our lakes. Wake boats are a small but scientifically proven critical vector. We need to do more than we are doing today or talking about doing tomorrow. We're not going to get a do-over.

Diane Lehder
Willoughby Lake

"An animal in the wrong place at the wrong time can be devastating" – World's 11 most invasive animals that are causing destruction across the globe
Why a species being in the wrong place can be detrimental to local ecosystems February 20, 2026 Over the years some alien species have been deliberately imported in a mistaken belief they will solve a local problem with pests or an over-population of native animals. Biological pest control: what it is, how it works and what happens if it goes wrong... Others have been unfortunate escapees from private collections or commercial breeding establishments. Yet others have been unwitting hitchhikers

Read in BBC Wildlife Magazine: https://apple.news/AySmeC0_gRri9Okhy0hVpRw

Shared from Apple News

From: Dana Fowler <dlr.wcf@gmail.com>
Sent: Friday, February 13, 2026 3:20 PM
To: ANR - WSMD Lakes
Subject: Wakesports - RECREATIONAL RESTRICTIONS ON OTHERS - 2026 Winter Riparian Wake Boats
Attachments: RECREATIONAL RESTRICTIONS ON OTHERS - 2026 Winter Riparian Wake Boats.pdf

You don't often get email from dlr.wcf@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon -
I previously submitted comment to ANR about the updating of the public use rule for inland lakes and ponds. I recently came across the attach which supports the comments I made previously.
For your public comments, I have attached.
Dana Fowler
Willoughby Lake

RECREATIONAL ACTIVITY RESTRICTIONS FROM WAKE BOATS

CRAIG KIVI | PRESIDENT, NATURAL SHORELINES FOREVER, 2022 MLSA RIPARIAN OF THE YEAR

Environmental impacts aside, there is another significant negative effect experienced as a byproduct of the wake surfing sport. It's time to take a close, objective look at the true impact of wake surfing on other forms of water recreation.

What follows needs to be said once and remembered throughout the reading of this article. The overarching assumption in all of what follows is that *the negative experiences described are unintended consequences from the sport of wake surfing*. To the vast majority of those who participate in wake surfing, this will likely be the first time they've heard of any such negative experiences that others are having after their waves have been surfed upon and after their music has been heard by boat occupants and the surfer. Perhaps this lack of knowledge is as understandable as it was to me as a young competition slalom and barefoot skier. I learned from parents who explained what happened when our ski boat went too close to fishermen. I learned from a Marine Sherriff what could happen from getting too close to a swimming raft. I learned from a parent who explained to me that perhaps our next-door neighbors didn't want to carry on a conversation with their guests while my radio was blasting music, annoying them, and interrupting their conversation. I didn't know any of this, but as soon as it was explained I understood it, and from then on I paid attention to how my actions affected others on and around my lake.

Further, certainly what is written here has not been experienced the same by all people on all lakes where wake boats are present. Of course not. Each lake and each lake community is different. People are different. Those who may disagree with or are put off by this article will have different frames of reference and are free to disagree for any reason, however all of what is written here was repeatedly experienced or observed of others' experiences, covering many years by a watchful eye with decades of lake living.

On our nine lakes of observation, we determined that wake boat wakes and the associated loud noise from very powerful sound systems have a direct and significant *if not suppressive* negative affect on other forms of personal water recreation, making those activities unpleasurable or unsafe, and causing the restriction of those activities only to times when wake boats are not present. Like natural shorelines, which experience their

(CONTINUED ON PAGE 24)

RECREATIONAL ACTIVITY RESTRICTIONS FROM WAKE BOATS

(CONTINUED FROM PAGE 23)

share of well-documented damage being indefensible from wake boat waves, people recreating on lakes have never seen such large high-energy engineered waves before, completely different from other waves generated by wind or other watercraft for that matter. We're disoriented, don't know how to cope with them, and we are taken by surprise when we encounter them.

With all due appreciation and well-deserved respect to recent analytical studies of wake boat waves as well as recently proposed laws increasing wake boat operational distance from objects to 500 feet, we found, in our personal experience, that wake boat wave energy maintains an energy significant enough to adversely affect the following recreational activities from far greater distances than 500 feet.

Regarding wake boat suppressive effects on other recreational activities, here are some examples from our findings:

1. Fishing: Wake boat waves make it impossible to anchor as the high peak, wide trough wave causes fishing boats to dip very low and rise very high in succession while moving laterally. This jerking motion can pull the strongest anchor set. Those who have historically stood up to fish are forced to sit down or fall, risking injury. On low profile fishing boats like bass boats, jon boats, or flats boats, waves frequently come over the sides or the bow, flooding floors and soaking equipment. These fishing boats were not designed for taking on wake surfing waves.

2. Kayaking: All but the most expensive sea kayaks were not designed for wake surfing waves. If you face them, they will destabilize the kayak and come over the deck and into the cockpit. Take them on the side and you may flip over or take on water. The highly experienced kayaker with a seagoing kayak can navigate wake boat waves safely, but other less experienced users will struggle.

3. Stand-up paddleboarding: Only the most skilled paddle boarder can stand up when hit by wake boat waves. Most fall when they are surprised by a wake boat wave, or sit down or jump in the water upon seeing the waves coming, having fallen before when attempting to ride them out.

4. Canoeing: Once again, except for the very experienced, the novice or family canoeists find canoeing unpleasurable and unsafe due to the canoe's even higher center of gravity than the kayak.

5. Recreational sailing: Wake boat waves knock the wind out of sails and rock sailboats violently making sailing intermittently impossible, but overall unpleasurable and unsafe. Waves come over decks and sides of even larger sailboats, but for smaller sailboats the experience can be much worse.

6. Sailboat racing: Same as above, but wake boat waves against the bow can actually make a sailboat go backwards. Racing in these waves again knocks the wind out of the sails causing them to violently flap, eliminating the possibility of keeping a racing sail trim. Many racing tactics in sailboats require standing up, especially when changing course. Wake boat wave energy can knock even the best sailors down, risking serious injury. Sailboat racing clubs are limiting or canceling light air races due to wake boat waves.

7. Small boat running at speed: Watercraft such as small aluminum boats, CraigCats, custom-made hydroplane type boats, low-sided boats such as bass boats, small Boston Whalers, etc., while operating at faster speeds can literally be launched airborne or plunge bow first into these unique long-trough, high-peak waves. This is further evidenced by jet skis that commonly follow wake boats just for the purpose of launching themselves airborne off powerful, engineered waves.

8. Cruising: For those of us who like to go out on the pontoon boat or other type of boat to relax with friends over drinks, snacks, or even dinner, a whole outing can be ruined by a series of wake boat waves. Often these waves will rock the slow moving or stationary boat so violently that water will come over the sides or onto the deck of a loaded pontoon boat, soaking the passengers and/or their belongings. Dinner and drinks are knocked off tables or seats and drinks will spill out of glasses, even in cupholders. Anyone standing up while serving others, talking, or changing seats can be knocked off balance or even knocked down, risking injury.

(CONTINUED ON PAGE 25)

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Having given abundant examples of how wake boat waves have negative effects on other lake recreational activities, let's move on. There is another form of recreational suppression from wake boats: the noise generated from them.

Wake boats are equipped with very expensive sound systems, some in excess of 1,000 watts of power, which have the capability of reaching 130 decibels. This is the same as a gunshot near the ear or a jet engine at takeoff. These directional speakers are mounted high on a gantry, rear facing, and designed for the person in tow to hear loud music clearly over all other sounds at over 75 feet away.

Wake boat operators and surfers may not be considering the projected collateral damage from these powerful sound systems after the sound travels past the person in tow, sometimes with objectionable lyrics. This sound can travel over three quarters of a mile and can be heard on shore, through screens and into houses where normal conversations with family or friends are interrupted. There are times when lakefront owners cannot get away from this penetrating sound, even by shutting doors, windows, turning on A/C and a loud TV; the sound penetration from the wake boat sound system can still be heard through windows, and over all of the sound-generating items in the house. At times we have seen lakefront owners leave their homes for the day, waiting for evening to return in hopes of a more peaceful atmosphere.

Loud music generated from wake boats negatively impacts the following sample of many popular historical water recreation activities:

Quiet boat cruising, kayaking, stand-up paddleboarding, canoeing, fishing, swimming/wading, Frisbee or volleyball in the water, playing with small children on the beach, generations wading together, recreational sailing, sailboat racing, nature/bird watching, eating a meal or drinking a beverage while drifting or cruising on the lake, sitting in the house or on the deck or shore peacefully looking at the lake, reading near the lake, sunbathing, beachcombing, shoreline exploring, hiking, and family get-togethers or parties. All are affected by the overbearing imposition of loud music generated from wake boats. The reader may recall even more activities than these examples.

There is data to support this. A door-to-door survey was conducted on one of the nine lakes observed. Fifteen lake residents were polled (admittedly a small sample but certainly more valid than just one lake resident's opinion) and the data showed the following: 73% said the noise was "very bothersome", 0% "bothersome", 27% "somewhat bothersome", and 0% "not bothersome". Said by one person surveyed who likes to sit in their front yard under a shaded tree and read, "It's just awful."

As to the severity of negative experience, I recall a personal one. On a quiet evening I was fishing with my pre-teen grandson and granddaughter in the same location on the lake that five generations had fished as a family tradition. There was plenty of laughter, kidding, and many fish caught, and it had a deep meaning for everyone to be there. Soon, a wake boat came by maybe a couple of hundred yards away, with very loud, crystal-clear music blaring. Not just

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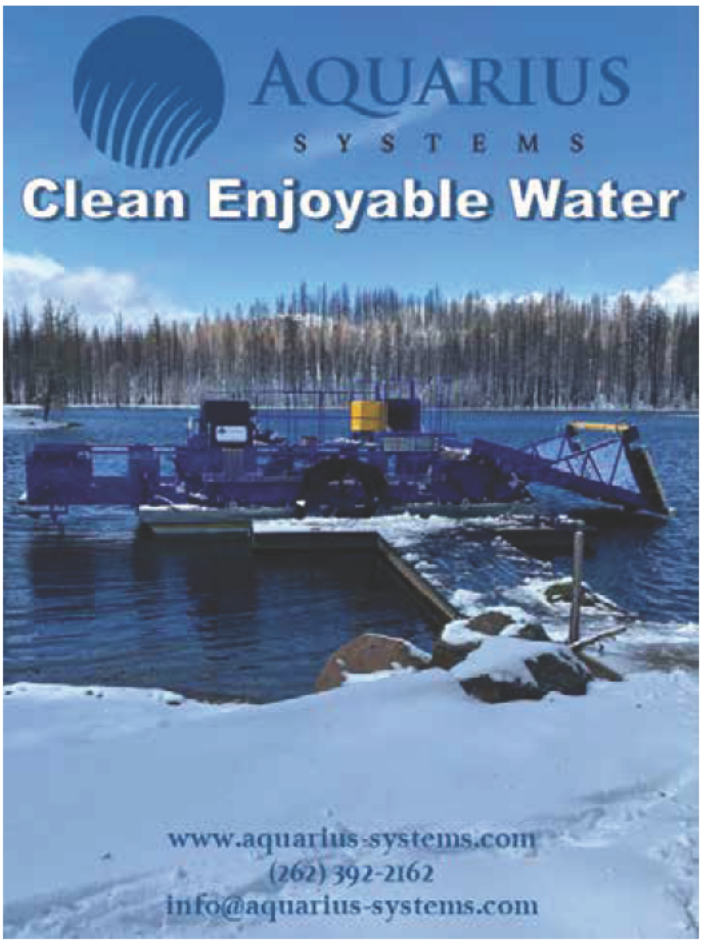

RECREATIONAL ACTIVITY RESTRICTIONS FROM WAKE BOATS

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any music, but with sexually explicit lyrics heard for what felt like an eternity. Our boat went from laughing and kidding around to an awkward quiet. I hoped against hope my guest and grandkids hadn't heard it. More quiet awkwardness. Attempts to restart the kidding and laughter were to no avail. The boat made another circle coming toward us again and we could hear the music building and I got the feeling everyone was holding their breath.

Finally, my grandson said, "That's the boat with the inappropriate music."

"Yes, and I'm sorry about that," I said, the hope that he hadn't heard it now dashed.

We continued to catch fish. Then, my attempts to change the awkward silence unnoticed, my grandson said "Papa, can we leave?"

"Yes grandson, we can leave," I said, with heartbreaking frustration of this first-time event in five generations–and under *my* watch. My progenitors would be devastated to see this. I felt like I let them down. I never considered anything would cause a 13-year-old boy to want to leave when the fish were biting. Maybe I shouldn't have taken my family fishing knowing a wake boat was on the water and this could happen. Maybe I should have just accepted the *restriction* of my sport instead of daring to fish during a time when wake boats were active. And *restriction* is certainly the right word. We will come back to that. With fish still biting, we pulled anchor and left, the boat ride back still quiet and awkward.

I find it hard to understand how we got here. Did it happen so gradually we didn't notice? Do we even care? Why is one water recreational activity allowed to so fully dominate, render unpleasurable, or make unsafe and therefore *restrict* so many other water recreational activities? Further, think about this: no other recreational activities have any effect whatsoever on the wake surfing enthusiasts. They are free to recreate at will, anytime, unaffected by any other sport. This simply doesn't make sense.

Further, around the perimeter of my home lake there are over a thousand people living in cottages, year-round homes, etc. While wake boats circle the lake with powerful sound systems projecting up to three quarters of a mile with sometimes highly vulgar lyrics, we find that five or so people are unrestricted in imposing this overbearing sound on over a thousand people. I say again, this simply doesn't make sense, and I can't understand why it's accepted.

> "Maybe I should have just accepted the restriction of my sport instead of daring to fish during a time when wake boats were active."

We may say there should be no restrictions on wake surfing, as those who enjoy that sport have a right to enjoy it on our public waters without any restrictions. For a moment, let's agree with that. However, *if one sport demands and enjoys no restrictions, then how do we then explain this to the dozens of other lake recreational activities that are currently being directly restricted by that sport?* Referring to a general culture of fairness, does that seem fair? Is this the "sharing" of our lakes? Who is settled with, and accepts this situation?

Let's be absolutely crystal clear; we may never see new laws and ordinances successfully enforced that restrict the recreational activity of wake surfing, which would then allow other people to enjoy the dozens of other recreational activities freely and unrestricted. However, until that time, we must *fully* accept that dozens of those popular lake recreational activities will continue to be significantly restricted and, in some cases, prevented by the sport of wake surfing. This restriction of historically popular lake

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recreational activities has been, is, and will continue to consistently occur until something significant is done about it.

At the end of the day, one of the best outcomes we can hope for is for some new awareness among the wake surfing community of these unintended restrictions they are placing on other forms of recreation. Perhaps in the future, wake boat enthusiasts would consider modifying their behavior by navigating hundreds of yards further from other people, even in the center of the lake completely away from others. Perhaps the wake boat industry will come up with solutions such as engineering a wave that quickly loses energy after being surfed on, or waterproof Bluetooth headsets for the surfer and those on the boat to enjoy their personal music genre as loud as they want without affecting others. There must be some solutions here. Engineering brought us these problems; engineering can solve them.

One can also hope for the attention of associations, townships, and other government officials to create and enforce sensible regulations of the one sport of wake surfing, which would cause the restoration of the public's unrestricted enjoyment of the dozens of historically popular lake recreational activities. There must be a solution here, also.

Until then, many of us will have to enjoy our recreational activities only during our restricted non-wake surfing times. If that's where we're at, so be it. I'll take the restricted time of my favorite lake recreational activities any day over ever going through the same heartbreaking experience of hearing those deeply gut-wrenching words... "Papa, can we leave now?"

From: Danny Lutz <dlutz@pratt.edu>
Sent: Wednesday, February 11, 2026 9:12 PM
To: ANR - WSMD Lakes
Subject: Wakeboard

You don't often get email from dlutz@pratt.edu. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public commenton the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute’s intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal “use.” Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the “normal use” framework was to prevent *novel or incompatible* uses,

not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as “non-normal use,” as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for “other good cause,” this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft “any object” as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters’ shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency,

and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded “any object” buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Sent from my iPhone.

From: David Roth <dmr@caryandmain.com>
Sent: Friday, February 13, 2026 4:59 PM
To: ANR - WSMD Lakes
Subject: Wake Sports
Attachments: Response email 1.26.26.pdf

You don't often get email from dmr@caryandmain.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see the attached comment.

Thank you;
-David Roth
President, Lake Fairlee Association

Response to Laura Dlugolecki's email of Thu, Jan 22, 2026 at 3:06 PM

January 26, 2026

Good Morning Laura and Jenny,

Thank you for your response and for outlining DEC's approach to these discussions. We appreciate the acknowledgment that these are difficult issues and that DEC is striving to remain objective and grounded in science, professional judgment, and observable conditions on the water.

We agree that decisions should not be based solely on the number of comments for or against a proposal. The "composition" or "quality" of the comments also matters. The public comment analysis I've previously shared with you shows a clear, overwhelming pattern of support by people with a long-term interest and stake in the lake for prohibiting wakesports on Lake Fairlee. The support for wakesports on Lake Fairlee is mostly attributable to a single wake boat–owning family that has encouraged friends with no long-term connection to the lake or the local economy to submit comments.

In contrast, the overwhelming majority of comments calling for a prohibition on wakesports come from Vermont residents and voters, local property owners, Lake Fairlee Association members, family and youth camp directors and owners, conservation groups, and municipal officials—stakeholders with a demonstrated, long-term interest in lake health, public safety, fair access, and the economic vitality of the surrounding community.

Widespread and consistent input and observations from affected users—particularly when safety is at issue, as is the case with the DEC's current petition—should be treated as objective evidence of conflict, not merely opinion. When recreational swimmers, paddlers, sailors, anglers, campers, and families stop using the water to avoid danger, the loss of access is a measurable impact on public waters.

Regarding the 100-acre threshold, while we understand that there isn't a collection of scientific publications you can point to about a minimum 100-acre wakesports zone, the threshold is nonetheless grounded in established principles of science, physics, and geometry when considered alongside the requirements DEC has already adopted.

First, geometry and regulatory compliance: A wake boat operating under the UPW rules must remain 500 feet from shore and, as proposed, maintain a 500-foot separation from other vessels. Wake boat wave disturbance extends roughly 1,000 feet across. On a narrow lake like Fairlee, with a wakesports zone that is +/- 1000 feet wide, a single wake boat centered in the wakesports zone covers the WSZ in only about 3 minutes, effectively occupying the full width and length of the WSZ, making it mathematically impossible for other users to remain safe. The waves of a wake boat operating closer to the edge of the

zone don't reach the 200-foot equivalent of ski boat waves until they hit the shore 500 feet away, making what is supposed to be a safe region around the wakesport zone unsafe. **This is not anecdotal information—it is a physical constraint.**

Second, applied physics and wave energy and power: DEC has relied on wave height science to justify the 500-foot setback from shore and, as proposed, from other users. However, research by the St. Anthony Falls Laboratory shows that while ***wave height*** may diminish at 500 feet, wakeboat ***wave energy*** and ***wave power***—the forces most relevant to safety and shoreline impacts—do not drop to ski-boat equivalence until approximately ***600 feet or more***. **The acreage requirement is therefore not arbitrary; it is the spatial consequence of these energy dissipation distances.**

Third, impact zone versus exclusion zone: While DEC refers to the 3,000-by-1,000-foot area as an "impact zone," on Lake Fairlee, it functions in practice as an exclusion zone. When one wake boat is operating, other users—especially young campers, swimmers, water skiers, sailors, and paddlers—must leave the area entirely to remain safe. An "impact zone" that displaces all other uses is, functionally, an exclusion zone regardless of terminology.

Fourth, Lake Fairlee is not a theoretical edge case. The UPW Rules §2.2 state that "*…the predominant use of adjacent lands, …, the predominant use of the waters prior to regulation…*" ***shall*** be considered. Lake Fairlee has one of the highest concentrations of young, inexperienced lake users in Vermont, concentrated precisely where the wakesports zone would continue to be located. It supports multiple youth camps whose safety, programming, and economic viability depend on calm water. Conflicts have occurred on Lake Fairlee as documented in a number of public comments and most recently by camp leaders at Friday's meeting. The lack of officially reported conflicts on the lake is largely the result of people expecting no response from state-designated authorities to complaints and avoidance when a wake boat is on the lake, not successful coexistence.

Finally, **the wakesports industry and wake boaters on Lake Fairlee have not presented any science-based rationale why they should be allowed to continue engaging in wakesports on Lake Fairlee**. Frankly, it is exhausting countering their attempts to cloud factual arguments with false or misleading claims, which include:

- **Camps on Lake Fairlee are "buffered by coves."** None of the camps is buffered by a cove. (See the map of Lake Fairlee at the end of this email.) Four of the five camps are directly adjacent to the wakesports zone with unprotected shores. The WSZ is "in the front yard" of these four camps; it is the campers' area of highest use. When campers and any other users are out on the lake paddling, sailing, waterskiing, etc., away from shore, they are totally vulnerable to waves generated by wakesports in the WSZ.

- **Equating Camp Lochearn's traditional watersport activities with wakesports** implies they are comparable (they are not). Lochearn owns two waterskiing boats, a favorite activity at the camp. Waterskiing does not generate large wakes and waves, and, unlike wakesports, is a normal use. The UPW Rules §2.7 states: "*Use conflicts shall be managed in a manner that provides for* ***all normal uses to the greatest extent possible…"***
- **Repeated assertions that there are "no conflicts"** on Lake Fairlee, ignoring the well-documented public comments and statement by camp leaders at Friday's meeting that conflicts continue to occur and that some users actively avoid the lake when a wake boat is operating.
- **Claims that wake boaters "know when camps use the waterfront" because they have children who attend camp**—an assertion that does not match what camp directors have told you.
- **Claim that "wake boats are Coast Guard-approved and, when operated responsibly, provide sufficient visibility and control to ensure safe usage."** While wake boats meet federal **manufacturing standards** to be legally sold in the U.S., the Coast Guard does not "approve" or "recognize" wakesports as safe for shorelines or other lake users. Additionally, the Coast Guard does not have general "safe distance" rules; instead, they rely on a standard of "Safe Speed" and "Vessel Responsibility." Meeting a manufacturing baseline does not grant a license to create hazardous conditions. A boat being "USCG Compliant" is simply a baseline for mechanical safety—much like a car having seatbelts—and is not an endorsement of its safe use or environmental impact.

Taken together, science, geometry, and real-world observation all point to the same conclusion: high-energy wakesports require a scale of waterbody that small, narrow lakes like Fairlee simply cannot provide. In this context, seeking compromise risks prioritizing access for a very small number of users over public safety, equitable access, and the lake's long-established uses.

We look forward to continuing to participate in the public comment process and appreciate DEC's willingness to engage on these issues. We hope this clarifies why, on Lake Fairlee and all "near 100-acre" WSZ lakes, adherence to science and objective conditions leads to a clear outcome, wakesport prohibition, rather than a nuanced compromise.

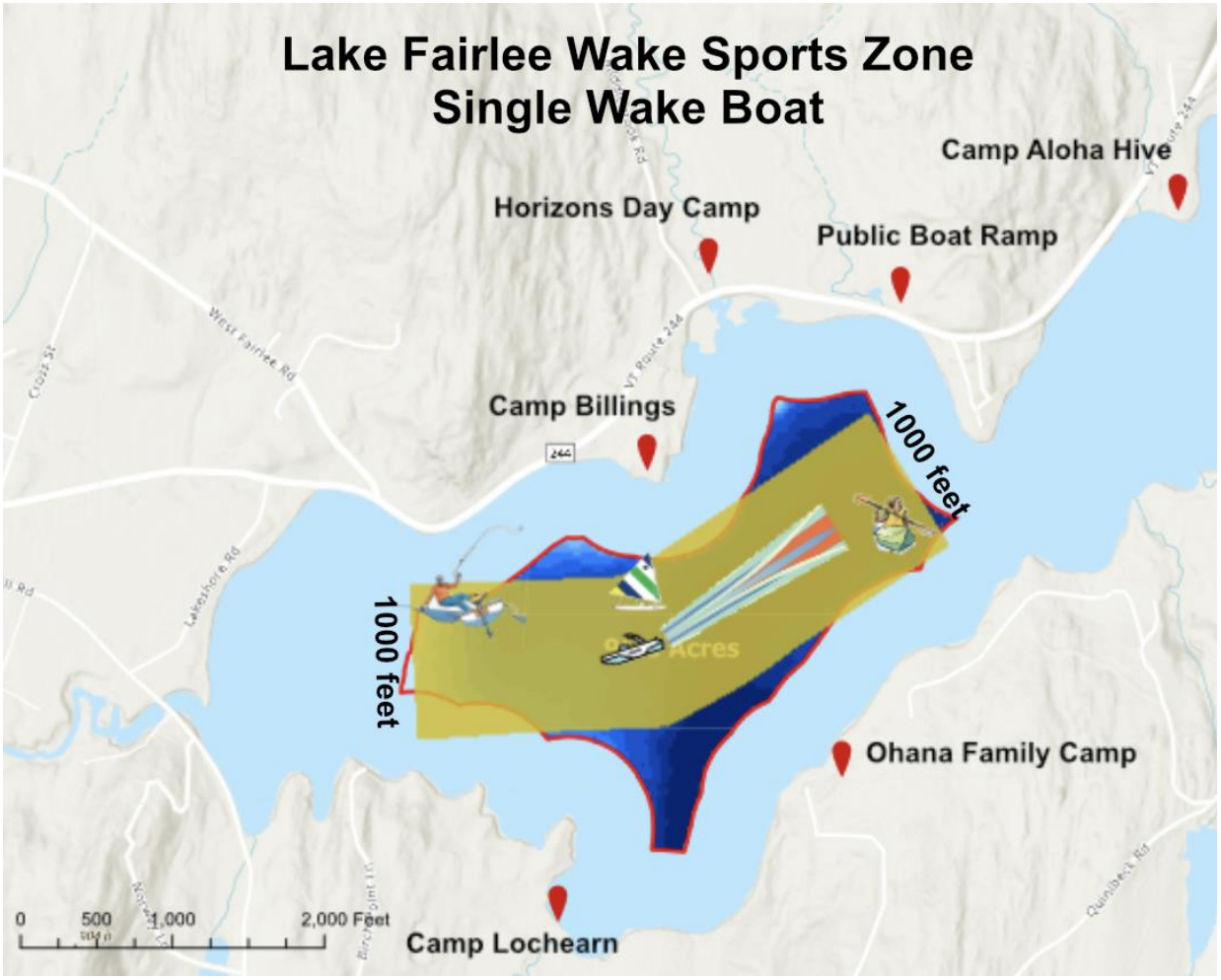
Thank you for your consideration.

Sincerely,

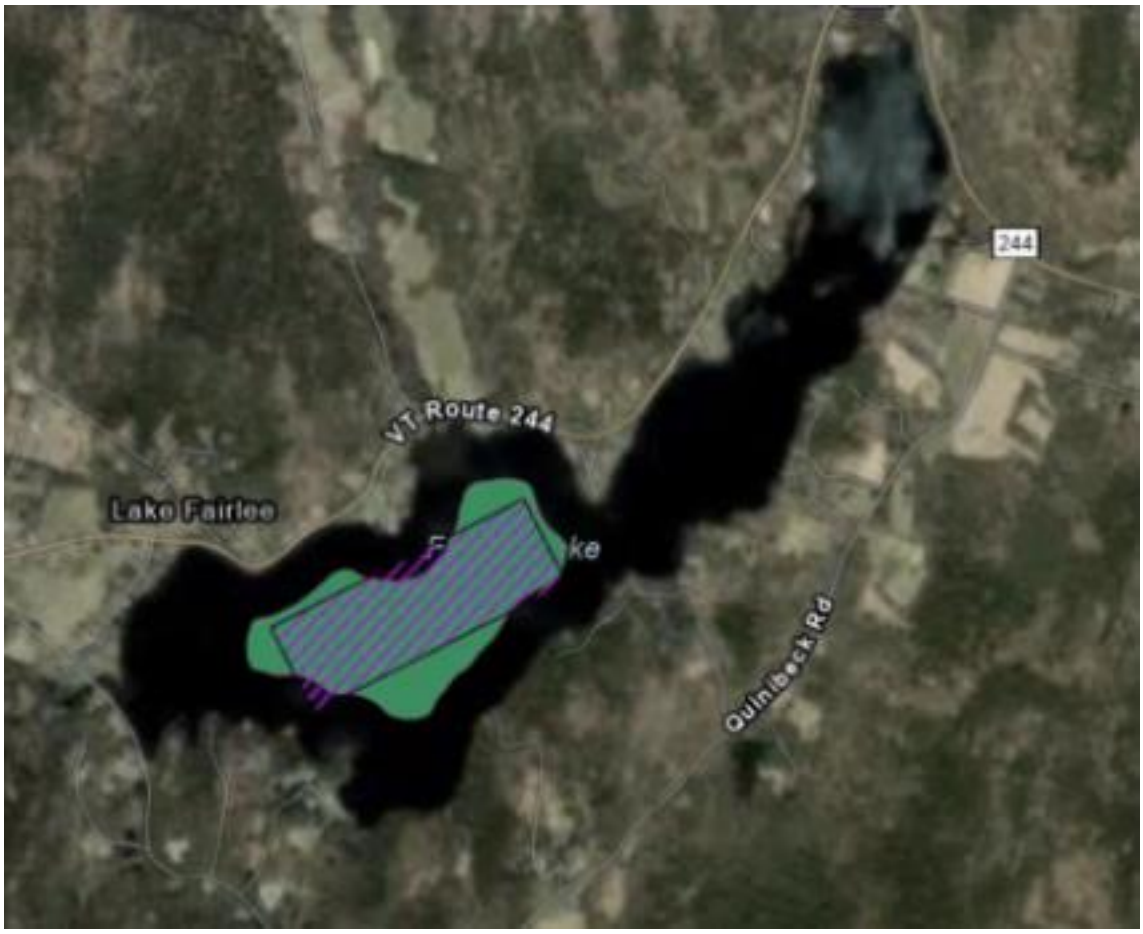
Ron Scott: Camp Lochearn, Owner
Yutaka Tamura: Camp Billing, Executive Director,
Vanessa Reigler: Aloha Foundation, Executive Director (Camps Aloha Hive, Horizons, Ohana)

(continued)

Stuart Fairbairn: Horizons, Director; Lake Fairlee Association Board Member
Vicki Smith: Camp Billings, Board Member; Lake Fairlee Association, Treasurer
David Roth: Lake Fairlee Association, President
Li Shen: Town of Thetford, Selectboard Member
Steve Tofel: Town of Thetford, Selectboard Member
David Forbes: Town of Thetford, Selectboard Member; Lake Fairlee Association Board Member
Tom Ward: Lake Fairlee Association, Member



Lake Fairlee Wakesports Zone and Surrounding Camps
A single wake boat operating in surf mode through the center of the WSZ dominates nearly the entire zone during a three-minute pass. The result is an effective exclusion zone that displaces all other lake users. (Yellow area shows the 1,000-foot impact width; map depicts the former 96-acre WSZ, which would be smaller under proposed smoothing.)



Lake Fairlee's WSZ showing 3000 ft x 1000 ft Impact Rectangle

1. According to the DEC 7/31/26 presentation, "…if we were talking about cumulative impacts, multiple uses being able to be in the wakesport zone, then you would want to have more than one of those rectangles."
2. Lake Fairlee does not accommodate even one 3000 ft x 1000 ft Impact Zone rectangle

(From Laura Dlugolecki public meeting presentation
at Newport Gateway Center 7/31/2025)

From: Doug Soder <douglas.l.soder@gmail.com>
Sent: Wednesday, February 18, 2026 9:18 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from douglas.l.soder@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. I am a Vermont property owner and an avid water sports participant. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

• the 100-acre lake threshold

• the 3,000-foot straight-run requirement

• the expanded interpretation of a 500-foot buffer from “any object” within the wakezone

• Normal Use Definition

• Section 3.7 and 4.3 for management project municipalities

and I support maintaining the 2024 rule as written, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From “Any Object”

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from “any object,” which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define “object,” does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a “non-normal use” under Vermont’s Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is towed watersports conducted by inboard motorboats, an activity that clearly predates 1993. Prior to that date:

• Towboats, ski boats, and inboard vessels designed to generate wake for recreational towing sports were in widespread use

• Ballast modification and wake-enhancement practices existed

• Wakesurfing emerged as a sport in the late 1980s–1990s

• Recreational towing sports behind inboard boats were an established category of boating activity

The statute does not state that technological evolution within an existing recreational activity creates a new legal “use.” Regulatory interpretation consistently recognizes that improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use. The purpose of the “normal use” concept was to prevent novel or incompatible uses, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as “non-normal use” be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to Section 3.7 Wakesportsand the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to ongoing administrative discretion, creating a de facto pathway to long-term or permanent exclusion through rotating “projects,” rather than through formal rulemaking.

This concern is amplified by Section 4.3 Temporary Use Restrictions, which authorizes restrictions for public safety, emergencies, or “other good cause.” The phrase “other good cause” is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

• No built-in time limit on project-based suspensions

• No requirement for re-approval through formal rulemaking

• No defined proof threshold demonstrating direct project conflict

• No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as permanent exclusions, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the least restrictive approach practicable. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

• Be based on documented, project-specific necessity showing direct interference

• Be limited to the smallest geographic and temporal scope necessary

• Not exceed one boating season (or 6 months) without formal rulemaking review

• Not recur within 48 months except for natural emergency events

• Include written scientific findings by the Secretary

• Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Douglas Soder

68 Slacks Pasture Rd

Ludlow VT 05149

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-

content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Sent from my iPad

From: Drew Hill <drew.hill.a6641@advocate-mail.com>
Sent: Friday, February 20, 2026 2:04 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from drew.hill.a6641@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Drew Hill
12345 1/2 Lapeer Rd
Davison, MI 48423
(308) 236-8465
fckyou@gmail.com

From: Deerfield River Watershed Association <drwa@deerfieldriver.org>
Sent: Monday, February 16, 2026 7:35 PM
To: ANR - WSMD Lakes
Subject: Support of DEC petition to manage wakesports activities on Vermont lakes and ponds
Attachments: DRWA Board_LOS_ANR wakesports petition 2026-02-16.pdf

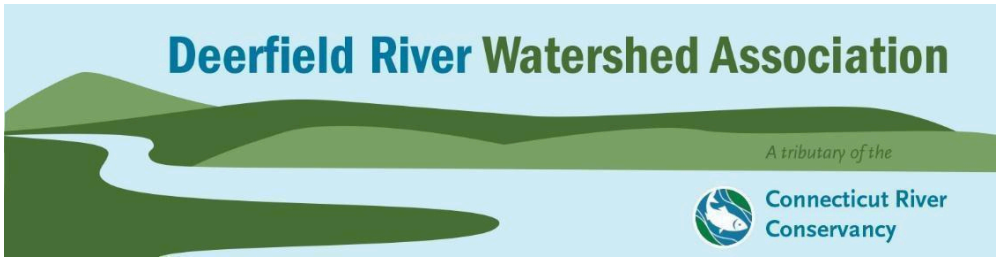
You don't often get email from drwa@deerfieldriver.org. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Secretary Julie Moore, Vermont Agency for Natural Resources
and
Commissioner Misty Sinsigalli, Vermont Department of Environmental Conservation

Please see our PDF attached below showing **our organization's support** for the Petition submitted by the VT Department of Environmental Conservation (DEC) to amend the Vermont Use of Public Waters (UPW) Rules to manage wakesports activities on Vermont lakes and ponds.

Thank you.
Chris Bathurst
President, Deerfield River Watershed Association
BCC: Chris B, Jack W, DRWA
--
Deerfield River Watershed Association
https://deerfieldriver.org/



15 Bank Row, Suite A, Greenfield, MA 01301
drwa@deerfieldriver.org

February 16, 2026

Secretary Julie Moore
Vermont Agency for Natural Resources
1 National Life Drive
Davis Building 2
Montpelier, Vermont 05620-3901

Commissioner Misty Sinsigalli
Vermont Department of Environmental Conservation
1 National Life Drive
Davis Building-3rd Floor
Montpelier, Vermont 05620-3901

Re: Our organization's support for the Petition submitted by the VT Department of Environmental Conservation (DEC) to amend the Vermont Use of Public Waters (UPW) Rules to manage wakesports activities on Vermont lakes and ponds.

The Board of the Deerfield River Watershed Association writes in full support of the Vermont DEC's amended Petition to the Vermont Agency of Nature Resources to manage wakesports activities on Vermont lakes and ponds. In addition, the Board would like to see the even stronger rule that includes those recommendations put forward by the citizen's group Responsible Wakes for Vermont Lakes. These strengthening recommendations include: 1) a minimum 30-foot water depth, based on new science; 2) a 700-foot setback from other lake users, shorelines, and loon nests, also supported by existing science; and 3) the addition of language in the Use of Public Water Rules document specifying that wakesports are *not* a "normal" recreational use (i.e., unlike swimming, waterskiing, fishing, etc.), and that the do-no-harm Precautionary Principle should be applied whenever appropriate.

The Deerfield River Watershed Association (DRWA) is an all-volunteer, 501(c)3 organization dedicated to advocating for the protection of the Deerfield River and its watershed. We work to ensure thoughtful development policies and appropriate land use practices for the Deerfield River watershed in Massachusetts and Vermont, including Harriman Reservoir, a popular destination for wake boat activities.

Wake boats and their artificially enhanced wakes cause environmental damage, degrade water quality, create safety hazards for others enjoying lake recreational activities, cause physical damage to shorelines, and likely transport and introduce invasive species. Because safety was inadequately considered in the 2024 RWVL petition, we are particularly grateful to the DEC for including in their amended UPW petition a doubling of the area of the wakesports safety zone from 50 to 100 acres, and an increase from 200 feet to 500 feet in the distance between

wakesports activities and other normal water recreational activities.

For these reasons our DRWA Board *strongly* urges the Vermont Agency for Natural Resources to act favorably on DEC's petition to amend the Vermont Use of Public Waters Rules change the water use rules for managing wakesports activities in the State's waters.

Sincerely,

Chris Bathurst
President, Deerfield River Watershed Association

cc. Jack Widness
For Responsible Wakes for Vermont Lakes
316 Lake Raponda Road
Wilmington, VT 05363
(802) 464-8981
john-widness@uiowa.edu

From: David Snedeker <dsnedeker@nvda.net>
Sent: Tuesday, February 17, 2026 12:23 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: NVDA UPW update letter.docx

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

Please accept the attached comments regarding the Use of Public Waters rule from NVDA. Thank you for your consideration.

Regards,
--
David Snedeker
Executive Director
Northeastern VT Development Association
(802) 748-8303
(802) 535-1241 cell
(802) 748-1223 fax
dsnedeker@nvda.net

February 18, 2026

Agency of Natural Resources
Montpelier, Vermont

RE: Comments on Proposed Amendments to the Vermont Use of Public Waters Rules
Dear ANR Staff,

Thank you for the multiple public meetings and the opportunity to comment on the proposed amendments to the VT Use of Public Waters Rule. While NVDA, the regional planning commission for the Northeast Kingdom region, supports the regulation of wake sports from a shoreline protection and safety perspective, there are some serious concerns regarding some of the aspects of the new rule regarding the removal of AIS prevention components. We submit the following comments:

The removal of the Homelake Rule and decontamination proof without a valid, equivalent substitute is not a viable option for a region that has the majority of wakeboat-eligible waterbodies as well has a high percentage of oligotrophic waterbodies that are considered high water quality resources.

Because the 14-day quarantine is not scientifically supported, reconsideration of this is also requested. More recent and thorough scientific reports (Elwell, 2021) have recommended only hot water decontamination, without quarantine options, so removal of this loophole would be most protective of our area water resources.

There also appears to be some opportunity for misinterpretation of the new Section 4, which limits the ability of greeter programs to communicate and threatens them with loss of funding and permit. It is recommended that the language that addresses this in bill S.224 replace Section 4.

Wakeboats are a vector for invasive species spread, which can have a significant impact on local economies. Because wakeboat ballasts cannot be fully drained and in-situ decontamination of them is not possible with the current infrastructure, the potential for AIS transportation and infestation is greatly increased. Zebra Mussels have recently been identified in U.S. waters, which is very concerning to other proximate waterbodies, particularly when they spread from Lake Memphremagog to Lake Massawippi within 3 years of the original infestation. With Zebra Mussels (and other AIS) in Lake Memphremagog municipal infrastructures could potentially be impacted if an infestation occurs. For example, the Town of Derby gets drinking water from Derby Pond and the introduction of Zebra Mussels would clog intake pipes, rendering them unusable.

With the number of wakeboat eligible waterbodies down to 18, more than half of them are located in the Northeast Kingdom (NEK), placing an uneven burden in this part of the state. Eight of these waterbodies are AIS-free and five of them eligible for A1 reclassification as a high resource value waterbody. Therefore, we're putting the most pristine lakes in the state at great risk. Many of these communities are economically challenged and can't afford effective prevention strategies
Further local economic impacts of AIS include, but are not limited to the following:

- Decrease in property values, up to 16% (Horsch, 2010; Zhang, 2010 – note – this is a Vermont study)
- Increased AIS management and control costs
- Reduction and loss of tourism revenue
- Damage to infrastructure and equipment
- Strain on municipal budgets and anticipated future funding gaps. Historically, the burden of AIS prevention and management has been shouldered by the local programs and municipalities.

It should also be noted that six of the 18 remaining waterbodies where wakeboats are allowed are located in the Memphremagog Basin, which has a Total Maximum Daily Load (TMDL) for phosphorus. The increase of biomass which accompanies plant invasive species life cycles actually increases the Total Phosphorus (TP) and will add to the overall phosphorus loading trends. This occurs when an invasive plant takes up phosphorus from sediment via its roots incorporating it into its biomass and when decomposition occurs, the phosphorus is released back into the water column (Smith, 1986)

In the NVDA Regional Plan, there are two Natural Resource Goals that are applicable:

- The quality and quantity of the region's surface waters should be protected, maintained, and restored
- The native biodiversity of the region should be maintained, and restored when appropriate.

The removal of the AIS protection provisions is not in alignment with these goals.

ANR states that one of the reasons for the removal of the Homelake Rule is that the resources are not available to track every wakeboat in the state. The regulation does not require statewide tracking and with only 18 waterbodies left where wakesports are allowed, the burden of identifying local wakeboats is greatly reduced and easily handled by the local programs. Therefore, cost to ANR is negligible.

ANR also proposes to provide a state-wide decontamination infrastructure for all watercraft, not just wakeboats. Funding sources for this ambitious project as well as the specifics of implementation, have not been provided and seem unlikely to occur in the near future. Because of the high risk of AIS spread from wakeboats, some sort of interim solution is required.
While wakeboats appear to represent a small subset of overall watercraft in VT, the risk from AIS spread presents a significant threat.

It is likely that the NEK lakes will experience wakeboat visits with a much greater frequency after this rule is enacted; therefore, it's recommended that additional criteria be considered. Waterbodies that are eligible for A-1 reclassification or do not currently have animal invasive species should be afforded additional deference. This could come in the form of an Annual Lake Choice Program, where local wakeboats are registered with the local programs and visiting wakeboats are referred to unregulated waterbodies or a total ban on wakeboats (with a grandfather

clause). While regulation of wakesports has been warranted, putting the most pristine waterbodies of the state as risk should not be an option. Thank you for your consideration.

Sincerely,

David Snedeker
Executive Director, NVDA

Bibliography:

Elwell, L. C., & Phillips, S. (2021). Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination.

Horsch, Eric & Lewis, David. (2009). The Effects of Aquatic Invasive Species on Property Values: Evidence from a Quasi-Experiment. Land Economics. 85. 391-409. 10.3368/le.85.3.391.

Smith, C. S., & Adams, M. S. (1986). Phosphorus transfer from sediments by Myriophyllum spicatum 1. *Limnology and Oceanography*, *31*(6), 1312-1321.

Zhang, C., & Boyle, K. J. (2010). The effect of an aquatic invasive species (Eurasian watermilfoil) on lakefront property values. *Ecological Economics*, *70*(2), 394-404.

From: Emily Anderson <eanderson@vtecostudies.org>
Sent: Thursday, February 19, 2026 12:21 PM
To: ANR - WSMD Lakes
Subject: Wakesports, Public Comment on Use of Public Waters Rules
Attachments: Wakesports_PublicComment_VTEcostudies_2-26.pdf

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Dear ANR team,

Thank you for providing the opportunity to submit comments on the proposed changes to Vermont's Use of Public Waters Rules and Wakesports Regulations. Attached is a copy of our comment, submitted via email to preserve the hyperlinks for your reference.

If you have any questions, please let me know.

Thank you again,
Emily

--
Emily Anderson (she/her)
Science to Policy Manager
Vermont Center for Ecostudies
Mailing address: PO Box 420, Norwich, VT 05055
Physical address: 20 Palmer Court, White River Junction, VT 05001
Phone: (802) 989-4128 (cell)

VERMONT CENTER FOR ECOSTUDIES
Uniting People and Science for Conservation

Re: Proposed Changes to the Use of Public Waters Rules, Wakeboat Rule

I am writing to share additional information that is relevant to finalizing changes to Vermont's Use of Public Waters Rules. I previously submitted comments during the first rulemaking in 2024 and during pre-rulemaking in 2025, raising concerns about the effects of wakesports on loons and water quality.

I am the loon biologist for the Vermont Center for Ecostudies and have spent the past 32 years studying Common Loons. This species' remarkable comeback is a testament to the power of multi-faceted, community-wide conservation strategies, in which the Agency of Natural Resources has played an essential role. I greatly appreciate your efforts to address petitioners' concerns through this new rulemaking process. By increasing the required size of wakeboat zones to 100 contiguous acres, you are helping to address numerous concerns from Vermont's lakeshore communities.

My previous letters have highlighted the particular vulnerability of loons and their nests to the effects of wakeboats. These nests—whether on shorelines or specialized nesting rafts—often lie 2–8 inches above the water. In past letters, I mentioned that wakeboats adhering to the 500-foot buffer can still produce a 5–6 inch wave at the shore, tall enough to swamp the eight nests currently exposed to wakesport zones. These numbers were obtained from a 2022 University of Minnesota study. The study specifies that 5- and 6-inch waves were documented when wakeboats of varying sizes were operated 600 feet from shore, suggesting that boats adhering to Vermont's 500-foot buffer would produce taller waves (approximately 7–8 inches, according to the study).

The study also notes that wakeboats operating within about 200 feet could generate waves exceeding 10 inches. Without strict enforcement, it is very likely that some wakeboats would get that close to the shoreline. Developing a proactive enforcement plan that does not rely solely on incidental reports from other recreators and greeters is necessary to effectively minimize this risk.

For us, an inch or two may not seem like a big deal, but to loons, it matters. One inch could be the difference between a nest's success or failure. Larger waves reaching the shore more frequently also risk accelerating erosion, potentially increasing water turbidity and nutrient loads. These factors are known to negatively impact chick survival (Piper 2024, Piper et al. 2024), with at least one chick death attributed to decreased water visibility in July 2023.

Although the state's Common Loons are currently thriving, they still face numerous threats from pathogens, lead tackle and monofilament, and even from lawfully operating traditional motorboats. Continued conservation success requires minimizing risks wherever possible to help species become more resilient to unexpected, complex threats. For loons, their persistence on Vermont lakes depends on their ability to reproduce and raise young.

The Minnesota study specifically recommends establishing buffers *greater than* 500 feet to most effectively reduce wave size. I believe that following this recommendation would help reduce the threat posed by wakeboats to loons while still allowing wakeboat operation on Vermont's larger lakes.

Thank you for considering these facts in your consideration of the new proposed rule.

Sincerely,
Eric Hanson
Vermont Loon Conservation Project Biologist
Vermont Center for Ecostudies

From: Emily Morgan Doe <ecmo15@hotmail.com>
Sent: Wednesday, February 11, 2026 1:33 PM
To: ANR - WSMD Lakes
Subject: I oppose the proposed Wakesports rules

You don't often get email from ecmo15@hotmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To ANR:

I am writing to formally and respectfully request that the proposed changes to Vermont's wake boating regulations not be adopted. I strongly oppose the alteration or expansion of the current rules as outlined in the recent proposals, and I urge decision-makers to pause and reconsider these measures in light of fairness, practicality, historical precedent, and the absence of clearly established scientific justification.

Vermont has long balanced environmental stewardship with responsible public recreation. That balance is one of the reasons our waterways remain both protected and accessible. Any regulatory change that significantly alters public access to lakes must be grounded in clear, transparent, peer-reviewed science and must demonstrate a measurable environmental benefit that cannot be achieved through less restrictive means. The proposals at issue do not meet that standard.

First, I oppose the proposed 3,000-foot straight run requirement. There is no established scientific or environmental research identifying 3,000 feet as a necessary threshold for environmental protection. The figure appears to reflect generalized ride geometry and common operating patterns rather than hydrodynamic modeling, sediment transport analysis, or shoreline impact data. Wave attenuation, sediment suspension, and shoreline interaction depend on variables such as depth, bottom composition, shoreline structure, fetch, and operator behavior. They do not hinge on an arbitrary straight-line distance unsupported by empirical evidence.

A fixed 3,000-foot requirement effectively disqualifies many otherwise suitable water bodies without demonstrating that 2,000 feet or 2,500 feet, under appropriate depth and shoreline conditions, would be environmentally insufficient. Environmental standards must be tied to measurable impacts. Without published data demonstrating that wakes generated at shorter straight-run distances cause quantifiable ecological harm under specific lake conditions, this requirement reads as a functional exclusion tool rather than a science-based safeguard.

Regulation must be proportional. If a distance requirement is to be implemented, it should be derived from documented shoreline wave energy dissipation studies specific to Vermont lake characteristics. Otherwise, the policy risks overreach, eliminating access where responsible operation would cause no measurable harm.

Second, I oppose the proposed 500-foot buffer from "any object" in a wake zone. Wake studies generally focus on shoreline attenuation and bottom interaction. They do not support the creation of a 360-degree exclusion radius around every object in the water. Vermont currently operates under a 200-foot safety framework that is widely understood, enforceable, and workable. Expanding this to a 500-foot buffer from any object creates a constantly shifting exclusion bubble that is extremely difficult for operators to interpret and comply with in real time.

The term "any object" introduces significant ambiguity. Does it include docks, rafts, moored boats, navigation markers, buoys, swimmers, paddlecraft, debris, or natural features? In many lakes, objects are dispersed in ways that would make maintaining a 500-foot clearance from all directions functionally impossible. Such a rule would not simply regulate behavior; it would effectively eliminate lawful wake operation in most practical circumstances.

Regulatory clarity is essential for compliance and enforcement. A moving, undefined perimeter creates inconsistent enforcement conditions and places operators at risk of unintentional violations. A rule that is impractical to follow does not enhance safety or environmental protection; it erodes public trust. If the goal is shoreline protection, then shoreline-

based metrics should be used. If the goal is navigational safety, then clearly defined safety buffers tied to established boating practice should be maintained. Expanding to an undefined 500-foot object buffer lacks both scientific grounding and operational practicality.

Third, I oppose the 100-acre minimum lake size requirement. Lake acreage is a surface measurement. It does not determine depth profile, shoreline composition, basin configuration, or wave behavior. Wake energy propagation is influenced by depth and shoreline structure, not by whether a lake crosses an arbitrary acreage threshold. A lake of 95 acres with appropriate depth and shoreline characteristics does not suddenly become environmentally fragile compared to a lake of 105 acres.

The 100-acre threshold functions as a categorical exclusion. It removes lakes by definition rather than through site-specific environmental evaluation. Environmental policy should not rely on surface area as a proxy for ecological resilience without demonstrable correlation. If certain lakes are unsuitable due to shallow basins, steep shoreline slopes, or sensitive sediment composition, those conditions should be evaluated directly. Acreage alone is not a scientifically reliable indicator of wake impact.

When regulatory lines are drawn without direct environmental justification, they appear to be policy tools rather than protective measures. Such approaches undermine confidence in the process and create division among user groups. A science-based approach would assess measurable criteria such as minimum operating depth, shoreline setback, and sediment response, rather than surface area alone.

Fourth, I oppose labeling wakesports as a “non-normal use.” Towed watersports using inboard boats clearly predate 1993. Water skiing, barefooting, and other towed activities have long been part of Vermont’s recreational boating history. The evolution of boat technology does not redefine the activity itself as a new or abnormal use. Wakesurfing represents a modern iteration of long-standing towed watersports. Improvements in hull design and ballast systems reflect technological advancement, not the creation of a fundamentally new category of water use.

Recreational boating has evolved continuously. Pontoon boats, personal watercraft, advanced outboard engines, and GPS navigation systems all represent technological shifts. None of these changes transformed boating into a non-normal use. To single out wakesports as “non-normal” because of equipment modernization establishes a precedent that any technological advancement could be grounds for reclassification and restriction.

The legal and cultural understanding of normal recreational boating should encompass reasonable technological development. Wakesurfing remains a towed watersport conducted by licensed operators following navigational rules. It fits squarely within the established framework of recreational boating. Redefining it as abnormal risks arbitrary discrimination against a specific user group without clear justification.

Fifth, I oppose Section 3.7 concerning lake management and research provisions. While research and environmental monitoring are important, this section creates a pathway for an already-approved lake to be restricted under a “management” or “research” designation without clearly defined criteria or reinstatement timelines. Without transparent study parameters, objective benchmarks, and a predetermined review schedule, this provision functions as a mechanism for indefinite access suspension.

Temporary research designations must include defined start and end dates, published methodologies, measurable objectives, and automatic review triggers. Otherwise, they create uncertainty for lake users, businesses, and communities. An open-ended management designation discourages investment, participation, and long-term planning.

If environmental concerns arise, the response should be data-driven, time-limited, and transparent. A structured review process with public reporting would protect both the lake and the rights of lawful users. Indefinite or ambiguous restrictions, however well-intended, shift from research to de facto prohibition. Clear reinstatement criteria are essential to maintain fairness and accountability.

Sixth, before any additional restrictions are adopted, Vermont must ensure that existing rules are fully implemented, communicated, and incorporated into official boater education and enforcement training. Regulatory expansion without

comprehensive education undermines compliance. Many boaters rely on formal safety courses, state publications, and enforcement guidance to understand their obligations. If rules are changed but not clearly integrated into these channels, confusion increases and compliance decreases.

Effective policy requires more than rulemaking; it requires implementation. Enforcement officers must receive consistent training. Educational materials must be updated. Public outreach must be thorough. Without these steps, adding new restrictions creates uneven enforcement and public frustration. Responsible boaters who attempt to comply deserve clarity and consistency.

Public trust depends on fairness and transparency. When regulations expand faster than education and enforcement capacity, the result is uneven application and diminished credibility. The State should prioritize strengthening compliance with existing laws before layering additional constraints on a subset of recreational users.

Across all six proposals, a common concern emerges: the absence of clearly articulated, Vermont-specific scientific data demonstrating that these exact thresholds are necessary to prevent measurable environmental harm. Environmental stewardship is not served by arbitrary metrics. It is served by targeted, evidence-based standards that address documented impacts.

Wake boating, like all forms of recreation, must be conducted responsibly. Operators should maintain safe distances, respect shoreline property, avoid shallow areas, and follow all navigational rules. These principles are widely accepted within the boating community. However, regulations must remain proportional to demonstrated risk. When thresholds appear disconnected from hydrodynamic evidence or ecological data, they risk being viewed as exclusionary rather than protective.

Vermont's lakes are shared public resources. Policy should reflect coexistence among anglers, paddlers, swimmers, sailors, and wakesport participants. Overly restrictive measures targeting one activity without clear scientific basis disrupt that balance. Collaboration, education, and targeted enforcement of irresponsible behavior offer more sustainable solutions than broad categorical restrictions.

I respectfully request that the 3,000-foot straight run requirement not be adopted absent conclusive scientific validation specific to Vermont lake conditions. I request that the 500-foot buffer from any object be reconsidered in favor of clear, enforceable, shoreline-focused safety standards. I request that the 100-acre minimum lake size threshold be withdrawn in favor of site-specific environmental criteria. I request that wakesports not be labeled as a non-normal use, recognizing their historical continuity within recreational boating. I request that Section 3.7 be revised to include clear study parameters, defined timelines, and automatic reinstatement standards. And I request that the State ensure full regulatory implementation and educational integration before considering additional restrictions.

These requests are not made in opposition to environmental protection. They are made in support of thoughtful, data-driven governance. Vermont's regulatory framework should reflect both ecological responsibility and respect for lawful recreation. Decisions of this magnitude should be rooted in transparent science, clearly defined metrics, and equitable application.

I appreciate the opportunity to submit these comments and urge policymakers to maintain the current rules until comprehensive, peer-reviewed research demonstrates that specific changes are necessary and proportionate. Protecting our lakes and preserving public access are not mutually exclusive goals. With careful, evidence-based policymaking, Vermont can continue to achieve both.

Respectfully,

Emily Doe

From: Emily Morgan Doe <ecmo15@hotmail.com>
Sent: Tuesday, February 17, 2026 1:32 PM
To: ANR - WSMD Lakes
Subject: Reject new propose Wakesport Rules

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To the Agency of Natural Resources,

I am writing to you as a lifelong resident of Lake Fairlee and a concerned citizen to strongly oppose the proposed changes to wakesport regulations. My history with our lakes—from teaching sailing to watching my own children thrive on the water—gives me a deep appreciation for a balanced ecosystem where different activities coexist peacefully. This appreciation for shared access leads me to believe the new proposal lacks scientific grounding and creates a procedural imbalance that undermines public trust.

The proposed shift in lake acreage eligibility from being defined in rule structure to administrative management has no scientific backing. There is no data provided to explain why a 100-acre lake is deemed safe while a 75-acre lake is not. The Marr et al. (2022) study evaluates wake energy and attenuation based on distance from the boat and water depth, which are localized physical variables. Lake acreage does not change wave formation or energy production; a 150-acre lake and a 90-acre lake with identical depth produce the same wake physics at a given location. Because research ties impact mechanisms to proximity rather than surface area, acreage is not a variable identified as environmentally protective.

The current rules, which allow use on lakes with a minimum of 50 acres and a depth of 20 feet, were established through a detailed process and have been in effect for only one summer. There is no new data to justify a more restrictive 100-acre minimum. Furthermore, the 3,000-ft value used in these discussions is a geometric calculation to visualize space, not an ecological model. Environmental science requires the measurement of turbidity and shoreline erosion rather than simple mathematical area assumptions. By reducing the number of lakes where people can wakesport, we are causing an even greater form of density and congestion on the remaining lakes. This is not a solution; the decision concluded in 2024 has already gone far enough, and we do not need to compress wakesports even further.

Shoreline erosion is a complex issue driven largely by natural winds, storms, and overdevelopment. Singling out wakeboats is a flawed approach, as any large boat or repetitive pattern can create waves. Similarly, the threat of invasive species is a universal problem affecting all watercraft. While modern wakeboats are designed to expel nearly all ballast water, many other common vessels and even kayaks can transport water between lakes. We need to focus on effective decontamination for everyone rather than limiting a specific group that represents only 1% of motorboats in the state.

I am also concerned that the proposed rule to require a 500-ft buffer from "any object" misrepresents the University of Minnesota research. That study focused specifically on distances from shorelines, docks, and other boats. It did not include swimmers, buoys, or loon nests, so expanding the rule exceeds the scientific conclusions of the authors. This also introduces a significant safety issue; the general public often lacks the skill set to distinguish between 200 and 500 feet on the water. Even Vermont game wardens have recognized that tracking these differences is beyond the capability of many users, making the safety risk too high.

The assertion that wakesports are a "non-normal use" is also incorrect, as recreational towing is an established activity that predates 1993. Modern equipment represents a natural evolution of technology, similar to GPS or fishing electronics.

Finally, the public participation process feels imbalanced. The comment form includes a required selection that allows people to say the rules "do not go far enough," but it does not offer a corresponding option to say they "go too far". This structured framing raises concerns regarding perceived neutrality and democratic process integrity. When agencies

move away from grounded science toward standards shaped by vocal advocacy, the foundation of shared trust weakens. I urge you to reject these changes and maintain the current regulations, as I have spent over a year asking for the science behind these proposals, and yet I have yet to see it.

Sincerely,

Emily Doe

From: Emily Morgan Doe <ecmo15@hotmail.com>
Sent: Thursday, February 19, 2026 10:47 AM
To: ANR - WSMD Lakes
Subject: Wakeboat Lake Fairlee Video: Please deny new proposed rule
Attachments: Lake Fairlee Wake Wave to Shore Data 8-3-2024a.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To the Agency of Natural Resources,

I am submitting the attached PDF and video documentation regarding wave energy observations conducted at the shoreline of the two most exposed summer camps on Lake Fairlee.

This report details our field experiment, capturing the real-world impact of multiple ballast full wake boat passes. As we discussed, this is the specific footage that prompted Jenny and Laura to visit Lake Fairlee to witness these conditions firsthand.

The PDF provides necessary context for the video, outlining the precise locations, environmental conditions, and lake measurements recorded during the study. We believe this field data offers essential localized insight into how wake energy behaves in our specific environment.

Please let me know if you have any questions or need further clarification on our findings.

Lake Fairlee Wake Video Here

Thank you,

Emily

Lake Fairlee Wake Boat Wake to Shore Wave Measurements

Date: August 3, 2024, Saturday

Time: 8:25am to 8:50am

Weather Conditions: Clear, 72F

Water Conditions: Lake calm, zero other boat traffic

Boat: 2019 Moomba Helix 20.5ft

Boat settings: All (3) ballast tanks fully filled 1700#, full fuel 39gal, operating at 9.9mph for largest wake for surfing

Measurement Equipment: Measuring pole marked in 1-inch increments. **All measurements were video recorded and are available upon request.**

Boat Driver: Ben Mclaughlin, ben@fesone.com cell 781-941-0030

Measurement taker: Wyatt McLaughlin

Goal: To measure the actual size of the waves that come ashore at the closest distances to the wake sports zone under normal and actual operating conditions. The boat was run several times northbound and southbound at max wake settings. Measurements were taken at two locations on northwest and southeast shorelines. Several iterations were recorded and the largest waves recorded are shown below. The path driven is down the center of the wake sports zone which is the ONLY path we have driven for wake surfing for EVERY pass since we brought our boat to Lake Fairlee in 2022

Results:

Southeast measurement video screenshots:

Low vs. High

+/- 2”, total 4” wave

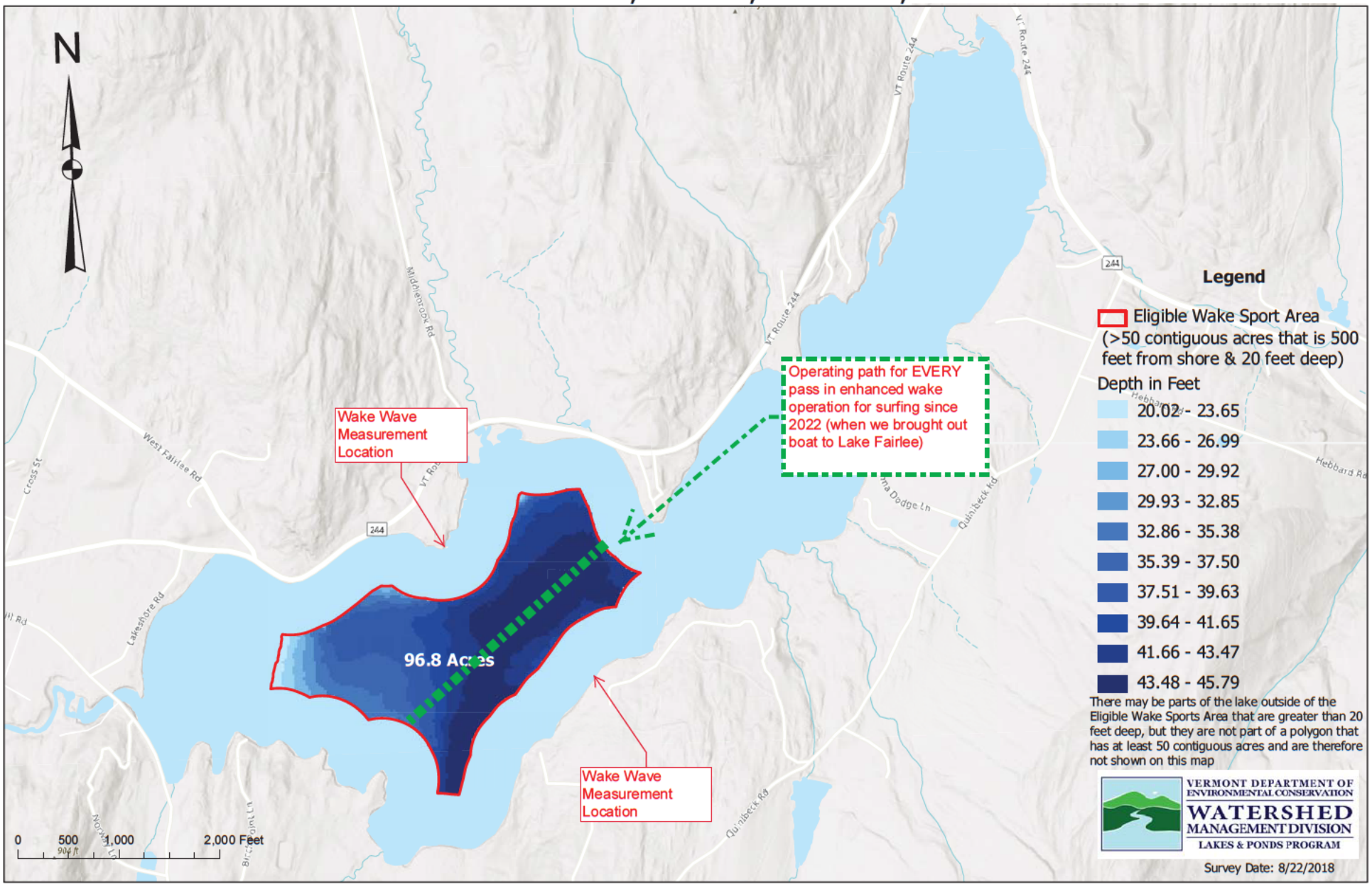
Northwest measurement video screenshots:

Low vs. High

+/- 3.5”, total 7” wave

Results: All waves that came shore are +/- 2” and +/- 3.5”.

Lake Fairlee, Fairlee, Thetford, VT



From: Edward M Gevrekian <edward.m.gevrekian.edca9@advocate-mail.com>
Sent: Friday, February 20, 2026 12:14 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from edward.m.gevrekian.edca9@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Edward M Gevrekian
6621 W Cavedale Dr
Phoenix, AZ 85083
(623) 698-2684
emg88@cox.net

From: ted leach <efleach@me.com>
Sent: Tuesday, February 17, 2026 3:36 PM
To: ANR - WSMD Lakes
Subject: Wakesportes

[You don't often get email from efleach@me.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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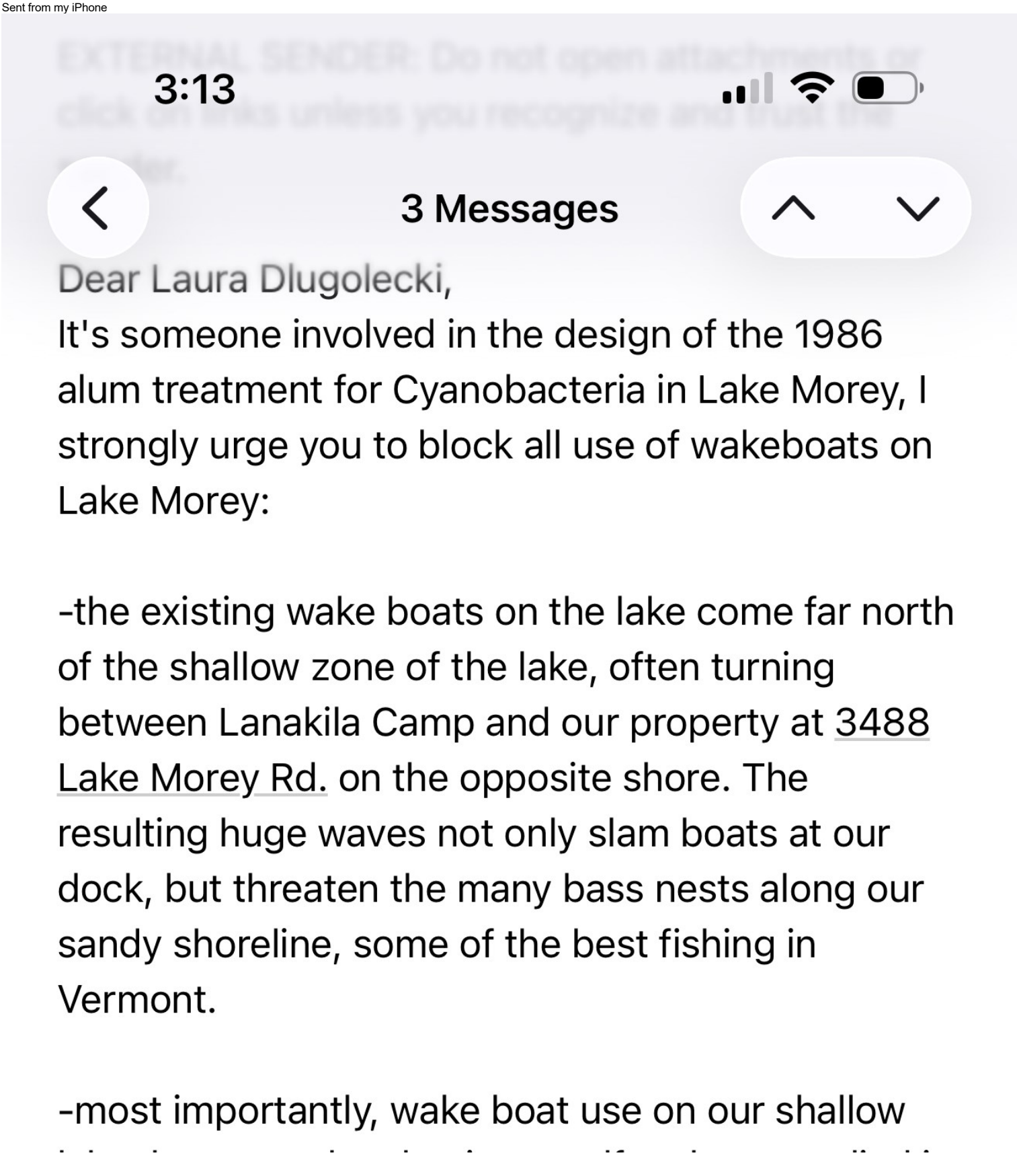
Sent from my iPhone



lake threatens the aluminum sulfate layer applied in June,2024, at $1,000,000 cost to the State of Vermont and the Lake Morey Foundation. As the same formula was used this time as in 1986, we hope for another 30 year success. The problem is, this time the deep agitation caused by wake boat's waves is already threatening the aluminum sulfate layer layer.I believe this must be halted immediately.

Thank you,
Edwin F Leach II
3488 Lake Morey Rd
Fairlee Vt 05045

Sent from my iPad

From: Eliza Laycock <eliza.laycock@gmail.com>
Sent: Wednesday, February 11, 2026 6:05 PM
To: ANR - WSMD Lakes
Subject: WAKESPORTS - Opposition to the new regulation

You don't often get email from eliza.laycock@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

I am writing to strongly oppose the proposed wakesports rules -- the current rules in place are working and it is unnecessary to increase the minimum lake size to 100-acres.

I grew up on Lake Fairlee, spending every summer either at camp on the lake or at my parents' house. Anecdotally, I can say that I have no memories of ever struggling as a child to cope with waves from a wake boat when participating in any of these activities on the lake. Wake boats only ever brought joy into my life and they allowed my dad and his older friends a low-impact option for enjoying boat sports. With the current plans in place, the lake remains a place where older folks can continue to recreate as they please -- higher-speed sports like wakeboarding or waterskiing are not options for them.

CURRENT RULES ARE WORKING
In the 2024 boating season report, very few complaints were filed, and none of the complaints were found to be in violation of the current wakesports rule. The current rules work. 50 Continuous acres that are at least 20 ft deep and at least 500ft from shore adequately dissipate wave energy, and by keeping the rules to these parameters, ANR would be honoring their intent to use "the least restrictive approach practicable that adequately addresses the conflicts."

Wakesports are safe and the current rules in place allow for safe participation for ALL users of the lake. There is room for everyone here to enjoy the lake how they choose -- this should be about compromise and the current rules in place allow for everyone to recreate safely as they choose.

Thank you for considering my letter. I strongly urge you to reject the new proposed rules, and instead keep the current rules in place -- they work!

Sincerely,
Eliza Laycock

From: Elizabeth Raphael <elizabethw.raphael@gmail.com>
Sent: Tuesday, January 27, 2026 1:03 PM
To: ANR - WSMD Lakes
Subject: WAKESPORTS

You don't often get email from elizabethw.raphael@gmail.com. Learn why this is important

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August 2025 To Whom it May Concern at ANR/DEC, I write in support of the new, draft USE OF PUBLIC WATERS RULE. It includes more reasonable safety guidelines such as 100 contiguous acres, 500 feet away from shore, other boats and rafts and docks and loon nests, shape normalization and designates a 'run' as 3000' in length. Suggestions to include: *It fails to increase the depth of use which scientific research has shown to support more than 20 feet which is what is included in the draft rules. *The most important deletion is the absence of mandatory state decontamination of wake boats. Documentation of the inability to fully empty ballast water will allow for the transport of aquatic invasive species. This is against the law. *Other additions: -if a lake has no resident wake boats on it, NO wake boats should be permitted -if a lake is A-1 eligible, NO wake boats should be permitted - wake boats need to remain in one lake. And if they can't declare a lake to reside in, they must only be permitted to trailer their boat to Champlain or Memphremagog where there are state authorized decontamination units. Out of state boaters must be directed to Champlain or Memphremagog. I wish to remind the DEC that it is their responsibility "to protect Vermont's natural resources and safeguard human health for the benefit of this and future generation." Water quality is amongst those natural resources. I support the new draft UPW rules with the above additions and more stringent rules for decontamination. Most sincerely, Shadow Lake, Glover

From: Eric Brooks <embrooks2@gmail.com>
Sent: Sunday, December 21, 2025 12:49 PM
To: ANR - WSMD Lakes
Subject: Re: Announcing Use of Public Waters Rules Rulemaking

You don't often get email from embrooks2@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

You must be kidding.
How many times do we have to go through this process?

How many hearings and meetings will it take to make rules that the majority clearly want and have expressed at all the previous hearings and in all the previous public comment periods?

Ban wakesports on all but the largest Vermont lakes for the sake of the environment and the safety of the vast majority of people who use them for safe, peaceful purposes.

Thank you,
Eric

On Wed, Dec 17, 2025 at 3:31 PM Vermont Agency of Natural Resources <info@vtagencynaturalresources.ccsend.com> wrote:

VERMONT

AGENCY OF
NATURAL RESOURCES

The Agency of Natural Resources Announces the Opening of the Public Comment Period for Rulemaking on Vermont's Use of Public Waters Rules

The proposed changes to the Use of Public Waters Rules have been filed with the Vermont Secretary of State's office, beginning the formal rulemaking process.

Public Comments and Public Hearings

The public comment period is now open and the Agency is accepting written public comments. Public hearings are being scheduled around the State for late January and early February.

All information regarding this rulemaking process will be posted to the Vermont Lakes and Ponds Rulemaking webpage: **https://dec.vermont.gov/watershed/lakes-ponds/lakes-and-ponds-rulemaking**

On this page you will find links to documents, a timeline for rulemaking, information about making a public comment, information about public meeting locations and links to the meetings, as these items become available.

Written Public Comments

For those of you who have been involved in the public comment process in the past, you will notice that we are accepting written comments in a different manner for this rulemaking process. In the past rulemaking and pre-rulemaking efforts, the public has been asked to submit comments via email. While this option is still available, we are asking the public to please submit written comments through this online form. This will allow for more efficient comment review and organization and it will allow us to post the combined comments at the end of the comment period without also posting each commentor's email address.

Please submit written comments at the following link:
https://forms.office.com/g/jJukgRmvXz

Public Hearings

There are two public meetings scheduled for January and February 2026. The meetings will be offered in a hybrid format so that the public may join in person, online over Microsoft Teams, or over the phone.

Sign-up forms are posted to the Lakes and Ponds rulemaking website. Members of the public may sign-up to make a verbal comment at each public public meeting they wish to attend virtually or in-person. Each speaker will receive 2 minutes to provide a comment. Speakers will be called in the order in which their name appears on the sign-up sheet. There is also an opportunity to sign-up at the meeting.

Comments are accepted verbally or in writing and either type of comment is given equal consideration during the rulemaking process.

Tuesday **January 27, 2026** at 5:30 to 8:00 p.m. at the Brandon Town Hall, 49 Center Street, Brandon, VT 05733
Online option via Microsoft Teams: **Join the meeting now** or by phone: 802-828-7667, code: 780771711

- To sign-up to provide a verbal comment during the January 27th meeting, please use this form: **https://forms.office.com/g/6UNTcELQft**

Wednesday **February 4, 2026** at 5:30 to 8:00 p.m. at the VTrans Dill Building, 2178 Airport Rd Unit B, Barre, VT 05641
Online option via Microsoft Teams: **Join the meeting now** or by phone: 1 802-828-7667, code: 684567032

- To To sign-up to provide a verbal comment during the February 4th meeting, please use this form: **https://forms.office.com/g/RqLAjgw216**

All public meeting information is posted on the **Lakes and Ponds Rulemaking webpage**. If additional public meetings are scheduled, we will post on the website and send out a follow-up email.

Thank you for your continued input and participation!

Vermont Agency of Natural Resources | 1 National Life Drive Davis 2 | Montpelier, VT 05620-3901 US

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Constant Contact

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From: Emil Pollak <empnhvt@gmail.com>
Sent: Monday, February 16, 2026 3:20 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: letter to state board final.docx

[You don't often get email from empnhvt@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Attached is a letter from the Lake Harvey Association re the proposed new wakesports rules.
Thank you for your consideration.

Emil Pollak, President Lake Harvey Association

The Lake Harvey Association

February 16, 2026

Re: Proposed Wakesport Regulations

Board of Natural Resources (via email: ANR.WSMDLakes@vermont.gov)
10 Baldwin St.
Montpelier, VT 05633

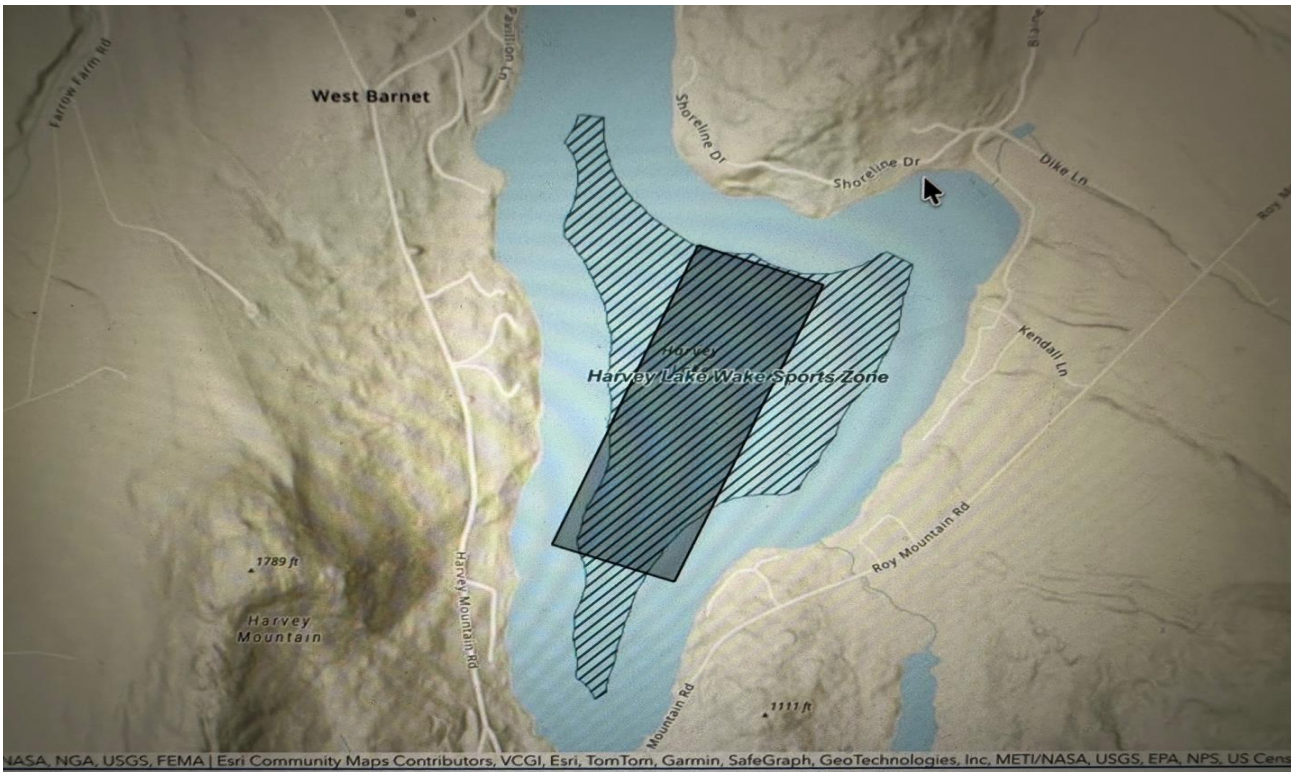
Dear Board:

I write on behalf of the Lake Harvey Association, the Board of which has unanimously approved this letter.

To begin, I would like to thank your staff for conducting public meetings to gather input and comment. Several of our Board members attended these sessions and found them worthwhile.

The Lake Harvey Association and I respectfully request that you remove Lake Harvey from the list of Vermont lakes in which wakesporting is permitted. Of the thirty lakes you deal with, Lake Harvey is unique. We are smaller than four of the twelve lakes you have exempted from wakesporting. We are, by far, the smallest of the eighteen lakes that are required to allow wakesporting. We also have the smallest Wake Sport Zone (WSZ) of the eighteen lakes, 116 acres, while the other WSZs range from 160 acres to over 2,000 acres. Our WSZ is 3,506 feet in length while the other seventeen lakes have WSZs of 4,486–30,000 feet in length. Of the seventeen other WSZ lakes, Fairfield is the next smallest but is 50% larger than Harvey. The next largest lake, Island Pond, is over twice the size of Harvey.

As your illustration below demonstrates, the relatively small size and unusual shape of Lake Harvey create a number of problems for a realistic WSZ. To begin, the roughly triangular area has northwestern and southern ends that are too narrow to be practical. A boat engaging in wakesporting would need to go from the northwestern tip of the WSZ to the southern tip to achieve the maximum run of less than 3,500 feet. According to your analysis, this run would take only 3½ minutes. The narrow shape of the WSZ at the northwestern and southern ends of the lake, which are approximately 250 feet in width, would not provide enough room to turn and stay within the WSZ without dropping the wake sporter.



Complicating this situation is the need to maintain 500 feet from both the shoreline and (according to Section 2.8 of the proposed regulation) "an individual in the water, a canoe, rowboat, or other vessel; an anchored or moored vessel containing any individual; or anchorage of docks." It is worth highlighting that Lake Harvey also has a waterskiing course on its east side that has been there for decades and serves as a free children's ski school. This waterskiing course, which is often used in the summer, also requires a 500-foot buffer. Within the narrow confines of Lake Harvey's WSZ, it would be extremely difficult for the driver of a boat to maintain the required 500-foot buffer in all directions.

A further significant obstacle arises from the State sponsored boat launch, which is located at the south end of the WSZ. On most summer weekends, that area is crowded with people launching and waiting to pull out their boats. The requirement for wakesporting boats to maintain 500 feet from these activities substantially reduces the size of the WSZ. The regulations simply cannot be complied with, even if a boater stays within the WSZ.

Being one of the smallest lakes, Lake Harvey would presumably receive fewer visits from the marine police, who understandably would spend more time on the larger lakes. Enforcement of the regulations by the public is not realistic. A person would have to identify the boat and be able to prove in a hearing that the 500-foot requirements were not complied with. Proving a violation is an impossible burden for a member of the public.

All these considerations urge a "shape normalization" that would eliminate the narrow tapering areas at the northwestern and southern ends of Lake Harvey's WSZ and maintain at

least 500 feet from the shore and waterskiing course. Yet such a shape normalization would create a WSZ that simply does not comply with the proposed regulations.

Wakeboats are a relatively new creation. They incorporate an aberrational boat design to increase resistance to the water to create a large wake. The design and technology incorporated into wakeboats is evolving with new models every year, some of which are designed to create larger and more uniform wakes. Some manufacturers claim that their new models create wakes as high as seven feet. Most studies of the effect of wakeboats on lake shorelines, bottoms, and others engaging in other watersports are dated, since they use older wakeboats for their experiments. One of the most recent and better studies, titled "A Field Study of Recreational Powerboat Hydrodynamics and their Impacts on the Water Column and Lakebed," was produced by the University of Minnesota in July 2025. The Minnesota study does a thorough job of analyzing earlier studies, their methodologies, and conclusions. It emphasizes that, because of the new wakeboat designs, buffer zones should be increased to 600 feet and 20-foot depth.[1] To quote from the Minnesota study:

> In 2023, the Michigan Department of Natural Resources, Fisheries Division, published a literature review on the effects of wakeboat activity on aquatic lake ecosystems (Francis et al. 2023). The report provides recommendations for best operating practices for wakesports that include staying at least 500 ft from docks and shorelines regardless of water depth. In 2024, Wisconsin Green Fire published a similar literature review (Ortiz et al. 2024). The authors conclude that wakeboats creating wakesport waves should be restricted to areas that are at least 20 ft deep and at least 600 ft from any shoreline. P. 17.
>
> In 2024, Wisconsin Green Fire published a similar literature review (Ortiz et al. 2024). The authors conclude that wakeboats creating wakesport waves should be restricted to areas that are at least 20 ft deep and at least 600 ft from any shoreline. Id.

The design and technological changes result in larger, heavier boats that as of 2025 reviews claim can create 7-foot waves. As a result, the minimum requirements set forth in the Minnesota study, because they do not take into account the advances in wakeboats, are truly minimum.

In closing, the Lake Harvey Association recognizes that regulating wakesporting has been a challenge. However, given that wakesporting is a relatively new activity, especially in Vermont, the regulatory objective should be to allow wakesporting only on lakes that are large enough to safely accommodate it while allowing others to use and enjoy the lake. This is not only sound public policy but also a requirement of Vermont law. If we err, we should err on the side of safety and caution. As Subchapter 002: Vessels (23 V.S.A. § 3311) sums up:

> "An individual shall not operate any vessel or manipulate any water skis, surfboard, or similar device in a careless or negligent manner **or in any manner to endanger or jeopardize the safety, life, or property of another person**."

Thank you for considering our request that Lake Harvey be exempted from wakeboating.

Sincerely,

_____

The Board of the Lake Harvey Association
Emil M. Pollak, President
PO Box 109 (Lakeview Lane)
Barnet, VT 05821
Email: empnhvt@gmail.com
Home: 802-633-3669
Cell: 802-274-1100

---

[1] The 2025 Minnesota study utilized two wakeboats, a 2022 Nautique Super Air G23 Paragon and a 2019 Malibu Wakesetter VLX. The 600-horsepower Nautique Super Air G23 Paragon was the bigger of the two wakeboats tested. It was 23 ft long with an 8.5 ft beam and weighed 7,200 lb dry. The 450-horsepower Malibu Wakesetter VLX had a length of 21 ft, a beam of 8.2 ft, and a dry weight of 4,200 lb. With a full ballast, the Nautique weighed 9400 lbs. and the Malibu 7,890 lbs., almost five tons and four tons respectively.

The 2025 versions of these two test boats incorporate changes, all of which are designed to improve the shape of the wake and the size of the wake. For example, the 2025 Malibu Wakesetter is described as "Completely redesigned from the hull up for 2025, the Malibu Wakesetter 25 LSV features enhanced wake & wave performance behind the boat, as well as an all-new exterior look that will turn heads on and off the water. Sitting at 25-feet long with room for up to 18 people . . . Featuring an all-new hull design and equipped with Malibu's industryleading Surf Gate® and Power Wedge® technology, the 25 LSV generates perfectly shaped wakesurf waves and scalable wakeboard wakes that make this the perfect boat for riders of any age and ability." The 2025 has a dry weight of 6,450 lbs. vs. the 2022 which was 4,200 lbs and a length of 25 feet vs. 21 ft.

The 2025 Nautique also has a redesigned hull and a larger engine. The 2025 has a dry weight of 7,750 lbs. and a full-size ballast of 3,700 lbs. for a total weight of 11,450 lbs. vs. the 2022 which has a total weight of 9,400 lbs. The 2025 weighs a ton more.

The design and technological changes result in larger, heavier boats that as of 2025 reviews claim can create 7-foot waves. Size in boats and the waves they produce matters requiring increased buffers and depths.

From: Eric Frandsen <eric.frandsen.8027a@advocate-mail.com>
Sent: Friday, February 20, 2026 6:41 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from eric.frandsen.8027a@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Eric Frandsen
805 Village Dr
Page, AZ 86040
(385) 321-9922
ericmichaelfrandsen@gmail.com

From: Erica Cappillino <Erica.Cappillino@laerdal.com>
Sent: Thursday, February 12, 2026 8:58 AM
To: ANR - WSMD Lakes
Subject: Proposed 2025 wake boat rule amendments

You don't often get email from erica.cappillino@laerdal.com. Learn why this is important

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Dear ANR / Lakes & Ponds,

Thank you for the opportunity to submit public comment regarding the proposed 2025 wake boat rule amendments.

I respectfully submit this letter to outline my opposition to three proposed additions

- **the 3,000-foot straight**-run requirement,
  - the **"500 feet** from any object" provision within a wakesports zone,
  - and the increase in minimum lake size from 50 acres to **100 acres** —
  - and to address the related argument that wakesports constitute a "**non-normal use**" of Vermont public waters.
  - **Section 3.7 and 4.3** Rule Changes

---

1) Opposition to a 3,000-Foot Straight-Run Requirement

There is no peer-reviewed environmental or boating-safety research establishing 3,000 feet as a required minimum run length for safe wake surf operation. The wake studies most often cited address wake characteristics, wave attenuation, and potential environmental effects. They do not prescribe a minimum straight-run distance.

The 3,000-foot number appears primarily as an operational description of a typical ride length and as an assumption used in geometric modeling of space. This reflects boating practice and zoning math, not measured hydrodynamic necessity.

Conclusion: Because no scientific or environmental study establishes a need for a 3,000-foot straight run, this is a policy choice. It should not be characterized as science-based without a peer-reviewed study demonstrating necessity.

---

2) Opposition to "500 Feet From Any Object" Within the Wakesports Zone

Vermont already operates under a statewide boating safety structure built around a 200-foot framework related to swimmers, shorelines, and other vessels. Major wake surf research discussions focus on wake energy and wave attenuation, not on collision envelopes or separation bubbles from "any object."

For example, work from the University of Minnesota and St. Anthony Falls Laboratory examines distances needed for wake characteristics to diminish. That is a wake-behavior question, not proof that 500 feet from all objects is required for safe operation.

Requiring 500 feet from shore and 500 feet from other vessels or swimmers creates a large moving exclusion zone. In normal lake use, this can make compliance impractical, converting theoretical allowance into practical prohibition.

Conclusion: Without a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this reads as a policy restriction rather than a science-based safety threshold.

---

3) Opposition to Increasing Minimum Zone Size from 50 Acres to 100 Acres

Acreage is not a direct scientific variable. Area thresholds are derived from assumed run length, wake width, and setbacks — geometry, not hydrodynamics.

Vermont's current rule already requires at least 50 acres, along with shoreline setbacks and depth requirements. Increasing to 100 acres will remove additional waterbodies by definition. That is a policy outcome and should be acknowledged as such.

Conclusion: Absent a study showing that 50 acres with existing safeguards is insufficient and 100 acres is necessary, this change functions as a policy lever to restrict access.

Section 3.7 and 4.3

Overall Scientific Context

Vermont's existing wake sports zone definition is already restrictive and codified. The broader research landscape on wake attenuation is mixed and condition-dependent. Vermont has not produced Vermont-specific hydrodynamic field research in this record demonstrating that the escalated numerical thresholds are necessary statewide.

Final Conclusion

I oppose the additional restrictions because:

1. 3,000 feet is not shown to be required by scientific research; it is an operational assumption.
2. 500 feet from any object is not supported by wake attenuation science and functions as a practical access restriction.
3. 100 acres is a policy exclusion tool, not a measured environmental threshold.
4. Wakesurfing represents an evolution of long-standing towed watersports and falls within Vermont's normal use framework.

Taken together, these proposals read as policy mechanisms to further restrict use in the absence of Vermont-specific scientific findings.

Thank you for considering this comment.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
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Wave energy propagation and shoreline distance findings
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MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

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To: ANR - WSMD Lakes
Subject: wakesports final comment feb 2026
Attachments: Petition Record Review.pdf; Petition Record Table.pdf; Summary Petition 2025 w graphic table.pdf; Scientific References and websites.pdf; boating safety book docuemtation.pdf; vermont-handbook-entire.pdf

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Dear ANR, Lakes and Ponds Program, and DEC Representatives,

I submit this formal comment as a lifelong Vermont boater, Treasurer and General Manager of Woodard Marine, and a Certified Vermont Boating Safety Course Instructor. My professional and personal experience spans decades in recreational boating operations, marine safety education, and public waters use.

I have actively participated in wakeboarding and related towed watersports since 1989. My early experience in the sport was guided by Tom Roach of Adirondack Marine, who possesses photographic documentation of wake-style riding activities on Lake George, New York, dating back to the 1960s. This historical record is directly relevant to the Agency's current consideration of what constitutes "normal use" of public waters.

After carefully reviewing the proposed amendments to the Use of Public Waters Rules, the supporting materials, and the scientific studies commonly cited in this rulemaking, I respectfully oppose the following proposed provisions:

- Expansion to a 100-acre minimum
- Imposition of a 3,000-foot straight-run requirement
- Expansion to a 500-foot buffer from any object within the wakesport zone
- The proposed interpretation of "Normal Use"
- Amendments to Section 3.7 (Wakesports)
- Section 4.3 Temporary Use Restrictions framework
- Ongoing deficiencies in boating education implementation

My position is grounded in hydrodynamic science, environmental impact methodology, public trust doctrine principles, and practical implementation concerns observed through direct involvement in Vermont boating safety education.

The analysis below explains the basis for my opposition.

First, A threshold concern in the current rulemaking is the scientific integrity and evidentiary weight of the materials relied upon to justify additional wakesports restrictions. The 2023 petition submitted by Vermont Lakes for Responsible Wakes —and subsequently referenced in ANR's 2024 rulemaking and again in the 2025 pre-rulemaking presentation—relies heavily on the University of Minnesota St. Anthony Falls Laboratory research, Marr et al. (2022), and the Lake Waramaug Task Force (2024) study. However, these materials do not appear to be published in peer-reviewed scientific journals and are more accurately characterized as technical reports or stakeholder-driven analyses. Peer review is a fundamental quality control mechanism that provides independent validation of methodology, assumptions, and reproducibility. Where peer review is absent, the evidentiary weight of such materials must be considered with appropriate caution, particularly when used to support statewide regulatory action.

This distinction is legally significant. Administrative rulemaking must be supported by substantial evidence and a rational connection between the scientific record and the regulatory thresholds adopted. The cited materials primarily evaluate wake wave characteristics and attenuation under specific or controlled conditions; they do not establish Vermont-specific ecological harm thresholds, nor do they clearly support a universal 500-foot buffer, a 3,000-foot straight-run requirement, or acreage-based exclusions. Because these same sources were used to support the 2024 rule and are again cited in the current proposal, it is important that the Agency clearly demonstrate the peer-review status, funding context, and Vermont applicability of the underlying research. Absent such clarification, reliance on these materials raises legitimate questions as to whether the proposed restrictions are scientifically substantiated and supported by the full evidentiary record.

A. 100-ACRE THRESHOLD

The proposed increase to a 100-acre minimum appears to derive from geometric modeling rather than environmental measurement. Specifically, the acreage figure reflects a spatial calculation based on assumed rider path dimensions (run length multiplied by wake width), not a demonstrated ecological threshold.

The peer-reviewed wake research most frequently cited in this rulemaking — including Marr et al. (2022) from the University of Minnesota St. Anthony Falls Laboratory — evaluates localized physical variables such as:

- wake height
- wave energy
- wave power
- attenuation with distance
- depth-dependent sediment interaction

These studies do **not** identify total lake surface acreage as a controlling environmental factor.

From a hydrodynamic standpoint, wake generation and propagation are governed primarily by:

- vessel displacement
- operating speed
- water depth
- distance from shoreline
- basin morphology in the immediate vicinity

Two lakes of differing surface area but similar depth and shoreline setback will exhibit comparable wake behavior at a given operating location. Acreage alone does not modify the physics of wave formation or energy dissipation.

Because the cited scientific literature does not establish lake surface area as an environmental impact threshold, the proposed 100-acre requirement appears to function as a policy screen rather than an evidence-based ecological standard.

B. 3,000-FOOT STRAIGHT-RUN REQUIREMENT

The proposed 3,000-foot straight-run distance likewise appears to originate from typical recreational ride lengths rather than from environmental research.

Rule discussions and supporting materials frequently reference wakesport runs commonly ranging from approximately 2,000 to 4,000 feet. However, describing a typical recreational pattern does not establish that a specific run length is environmentally necessary.

I have not identified any peer-reviewed study in the rulemaking record demonstrating that:

- sediment disturbance changes at 3,000 feet,
- shoreline impact thresholds are triggered at this distance, or
- ecological effects differ meaningfully between shorter and longer passes conducted in compliant water depth and setback conditions.

Instead, the 3,000-foot figure appears to serve as a geometric input used to approximate potential operating space. While such modeling may be useful for visualization, it does not constitute environmental proof.

Regulatory standards affecting public waters use should be anchored to measured environmental response, not to generalized assumptions about recreational ride duration.

C. 500-FOOT BUFFER FROM "ANY OBJECT"

Vermont's existing framework defines wakesport zones primarily in relation to shoreline setback. The proposed expansion to require 500 feet from **any object** represents a materially different regulatory structure.

The wake attenuation research frequently cited — including Marr et al. (2022) — evaluates how wave energy diminishes with distance traveled. These studies typically frame analysis relative to shoreline interaction or reference conditions; they do not establish or recommend a universal 360-degree operational exclusion radius around a vessel.

Importantly:

- The Minnesota research notes that larger wakes may require distances greater than 500 feet to attenuate to certain comparative levels.
- The study does **not** prescribe a regulatory buffer from all objects.
- It does **not** define a moving "bubble" around the vessel.
- It does **not** analyze swimmer or vessel collision risk.

Expanding shoreline-based attenuation research into an all-object operational restriction represents a policy extrapolation beyond the scope of the cited science.

Vermont already maintains a 200-foot safety framework applicable to motorboats. The proposed expansion introduces significant operational complexity without corresponding safety research demonstrating necessity.

D. NORMAL USE INTERPRETATION

The current proposal suggests that wakesports may fall outside Vermont's statutory definition of "normal use" based on the evolution of modern wakeboat technology.

This interpretation does not align with the historical record.

Towed watersports behind inboard vessels clearly predate the January 1, 1993 statutory benchmark. As noted earlier, my own experience in the sport dates to 1989, and my mentor, Tom Roach of Adirondack Marine, maintains photographic documentation of wake-style riding on Lake George in the 1960s.

While vessel design and ballast systems have evolved, the core recreational activity — generating wake for the purpose of towing riders — has remained consistent for decades.

Regulatory interpretation generally recognizes technological advancement within an established recreational category as a continuation of that use. Improved equipment does not, by itself, create a legally distinct activity.

Absent evidence demonstrating that the underlying use is novel or incompatible, classifying wakesports as "non-normal" is not supported by the historical record.

E. SECTION 3.7 AND SECTION 4.3 — ADMINISTRATIVE STRUCTURE

I also have significant concerns regarding the proposed administrative flexibility allowing wakesports-eligible lakes to be added or removed based on changing conditions, lake management activities, or research considerations.

As drafted, the combined operation of Section 3.7 and Section 4.3 creates a pathway whereby temporary project-based restrictions could effectively function as long-term exclusions without the procedural safeguards typically associated with formal rulemaking.

Key concerns include:

- absence of defined time limits
- lack of objective proof thresholds
- broad "other good cause" language
- potential for inconsistent statewide application

The Use of Public Waters framework emphasizes managing conflicts using the least restrictive approach practicable. Without clear guardrails, the proposed structure risks shifting from targeted conflict management toward open-ended access removal.

If the Agency intends to preserve temporary management authority, the rule would benefit from explicit safeguards, including:

- documented project-specific necessity
- limited geographic and temporal scope
- automatic expiration provisions
- formal review for extended restrictions

These measures would maintain flexibility while preserving transparency and consistency.

F. BOATER EDUCATION AND IMPLEMENTATION CONCERNS

A further concern involves the State's implementation of the existing 2024 wakeboat rule within Vermont's official boating safety education system.

When regulatory changes carry the force of law, effective governance requires that those changes be:

- clearly codified,
- consistently communicated, and
- fully integrated into the State's own education pipeline.

Based on my direct experience as a Certified Vermont Boating Safety Course Instructor since 2008, the wakesports provisions adopted in 2024 have not yet been consistently incorporated into:

- official handbook instruction
- standardized course curriculum
- instructor guidance materials
- NASBLA-aligned teaching frameworks

The current handbook relies in part on external references rather than fully embedding the operational rule within the instructional structure.

Before layering additional statewide restrictions, it would be prudent for the State to demonstrate full implementation of the existing rule across:

1. Boater education materials
2. Instructor training
3. Inter-agency coordination

4. Public-facing guidance

Regulation that is not fully integrated into the State's own education system risks uneven awareness and inconsistent enforcement.

G. PETITION RECORD REVIEW

My review of the lake-specific petition materials indicates that the primary support for additional restrictions consists of:

- community concern
- precautionary environmental arguments
- user conflict narratives
- character-of-lake preferences
- safety perceptions

While these perspectives are important to consider, the petition record does not appear to include quantitative hydrodynamic research establishing that the proposed numeric standards are environmentally required.

Specifically, the materials reviewed do not provide Vermont-specific field data demonstrating the necessity of:

- a 3,000-foot straight run,
- a 500-foot all-object buffer, or
- a 100-acre minimum threshold.

Several petitions also acknowledge limited or no documented wakesport activity on the subject waterbodies, indicating that many requests are precautionary rather than responsive to measured impact.

CONCLUSION

Vermont's public waters are held in trust for balanced, science-based stewardship. Recreational boating, including wakesports, remains a lawful public use that should be regulated in proportion to demonstrated environmental need. Based on the current record, the proposed numeric expansions appear to rely more heavily on geometric modeling and precautionary policy preference than on Vermont-specific ecological measurement.

For the reasons outlined above, I respectfully oppose the proposed amendments and urge the Agency to ensure that any future regulatory changes remain:

- evidence-based
- proportionate
- clearly supported by environmental findings
- and fully integrated into the State's education and enforcement framework.

Thank you for your time and for your continued work on behalf of Vermont's public waters.

Respectfully submitted,

Eric Splatt
Treasurer & General Manager
Woodard Marine, Inc.
Certified Vermont Boating Safety Course Instructor
Lifetime Recreational Boater

Petition Record Review — Absence of Quantitative Scientific Justification

Subject: Review of Lake-Specific Petitions Related to Wakesports Restrictions
Lakes Reviewed: Echo, Averill, Fairlee, Caspian, Parker, Shadow, Willoughby, Joe's Pond, Waterbury Reservoir, Lake Harvey

---

Finding

A review of the petition submissions and combined comment records for the above lakes shows that requests to prohibit or further restrict wakesports are primarily supported by:

- community concern
- user conflict narratives
- precautionary environmental arguments
- character-of-use preservation
- safety perceptions

The petitions **do not present specific quantitative scientific studies** establishing the need for additional statewide numeric thresholds beyond the current 2024 rule.

Absence of Supporting Scientific Evidence

Across the petition materials, there is **no documented field research** that establishes:

Proposed Additional Restriction	Scientific Evidence in Petitions?
3,000-foot straight-run requirement	❌ No
500 ft from any object (boats, swimmers)	❌ No
Increase from 50 acres to 100 acres	❌ No
30 ft depth requirement	❌ No
Vermont-based hydrodynamic modeling	❌ No
Vermont sediment resuspension testing	❌ No

Nature of Support Actually Provided

Type of Support Found	Present in Petitions
Anecdotal experiences	✓
Precautionary arguments	✓
Wildlife & character-of-lake concerns	✓
User conflict descriptions	✓
Policy preference for prohibition	✓
Quantitative hydrodynamic research	❌
Measured sediment transport studies	❌
Wave attenuation modeling specific to these lakes	❌

Conclusion

The petition record demonstrates strong advocacy and stewardship concern but **does not provide quantitative, peer-reviewed or any Vermont specific research** establishing that additional numeric statewide restrictions (3,000-ft runs, 500-ft object buffers, or 100-acre thresholds) are scientifically necessary beyond the current 2024 rule.

SCIENCE vs PETITION RECORD TABLE

Lake	Petition Basis	Hydrodynamic Study Presented?
Echo	Water quality concern, AIS risk, erosion concern	❌
Averill	Enforcement & suitability concerns	❌
Fairlee	Safety incidents, community support	❌
Parker	Policy argument, lake size	❌
Caspian	Classification & protection argument	❌
Shadow	Erosion & safety perception	❌
Willoughby	Wilderness & compatibility	❌

Record Conclusion

Across all petitions reviewed, the support consists of:

✓ Precautionary environmental concern
✓ User conflict
✓ Stewardship advocacy
✓ Policy preference

Not found in petition record:
• Specific or Vermont-specific wave attenuation studies
• Specific or Vermont sediment transport measurements
• Run-length safety studies
• Scientific modeling establishing 3,000-ft run, 500-ft object buffer, or 100-acre threshold

Science vs. Petition Evidence Table from 2025 petitions on ANR website

Lake	Type of Petition Support	Scientific Hydrodynamic Study Presented?	Evidence of 3,000-ft Run Need?	Evidence of 500-ft From Object Need?	Evidence of 100-Acre Need?
Echo Lake	Wildlife, AIS, safety concern	✗	✗	✗	✗
Averill Lake	Quiet use, habitat protection	✗	✗	✗	✗
Lake Fairlee	Swimmer safety, disturbance	✗	✗	✗	✗
Caspian Lake	Stewardship & municipal authority	✗	✗	✗	✗
Lake Parker	Shoreline concern & safety	✗	✗	✗	✗
Shadow Lake	Erosion observations, small-lake conflict	✗	✗	✗	✗
Lake Willoughby	Wilderness character, recreation conflict	✗	✗	✗	✗
Joe’s Pond	Safety conflict, interpretation of studies	✗	✗	✗	✗
Waterbury Reservoir	User conflict, narrow zone	✗	✗	✗	✗
Lake Harvey	Wildlife & precaution arguments	✗	✗	✗	✗

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
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Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

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MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

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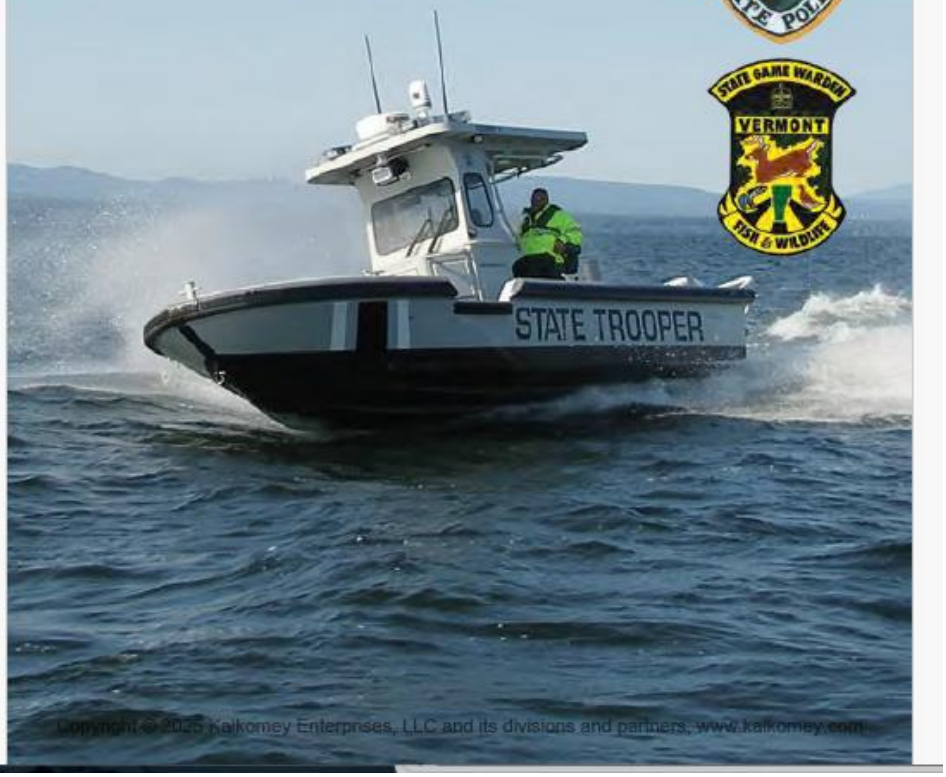

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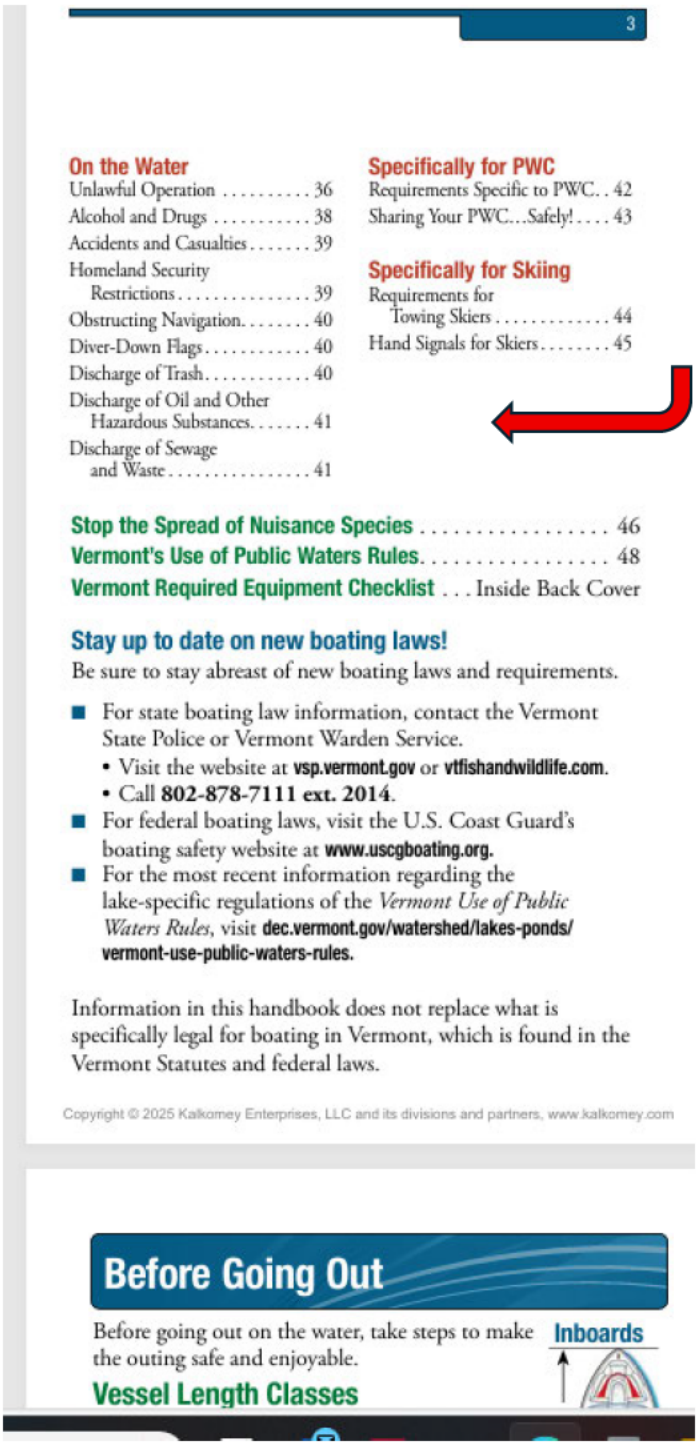
This is the area in the legend on the Vermont owns handout book for VT boating laws, training all boaters born after January 1 1974.

The Wakeboat rule (the 2024 rule as it is written) should have the updated 2024 rulemaking on the wakeboat rule, however those taking this test online through iboat or Ilearn (both certified by Vermont state Polic, United state coast Guard, and NASBLA) and all of these sites do not update to the wakeboat rules, however do have the PWC rules for Vermont being 16 year old.



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Stay up to date on new boating laws!

Be sure to stay abreast of new boating laws and requirements.

- For state boating law information, contact the Vermont State Police or Vermont Warden Service.
  - Visit the website at **vsp.vermont.gov** or **vtfishandwildlife.com**.
  - Call **802-878-7111 ext. 2014**.
- For federal boating laws, visit the U.S. Coast Guard's boating safety website at **www.uscgboating.org.**
- For the most recent information regarding the lake-specific regulations of the *Vermont Use of Public Waters Rules*, visit **dec.vermont.gov/watershed/lakes-ponds/vermont-use-public-waters-rules.**

Information in this handbook does not replace what is specifically legal for boating in Vermont, which is found in the Vermont Statutes and federal laws.

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Before Going Out

Before going out on the water, take steps to make the outing safe and enjoyable.

Vessel Length Classes

Inboards

This is the area in the legend on the Vermont owns handout book for VT boating laws, training all boaters born after January 1 1974.

Additionally, while under the Skiing section there is not a wakeboat section The Wakeboat rule (the 2024 rule as it is written) should have the updated 2024 rulemaking on the wakeboat rule,

There is a note to see the DEC website to update rulies, however this rule came out in 2024, and this book was “updated” in 2025, instead of an acutaly update, these defere to website for references. This is like asking ...

Driver Safety Laws

When states change seatbelt laws, texting-while-driving rules, or speed regulations, those changes are formally incorporated into:

- State driver’s manuals
- Driver education curriculum
- Licensing exams
- Law enforcement training

States do not rely on citizens to “check the website” for changes that carry legal consequences. The law is integrated into the official instructional system before being treated as enforceable knowledge.

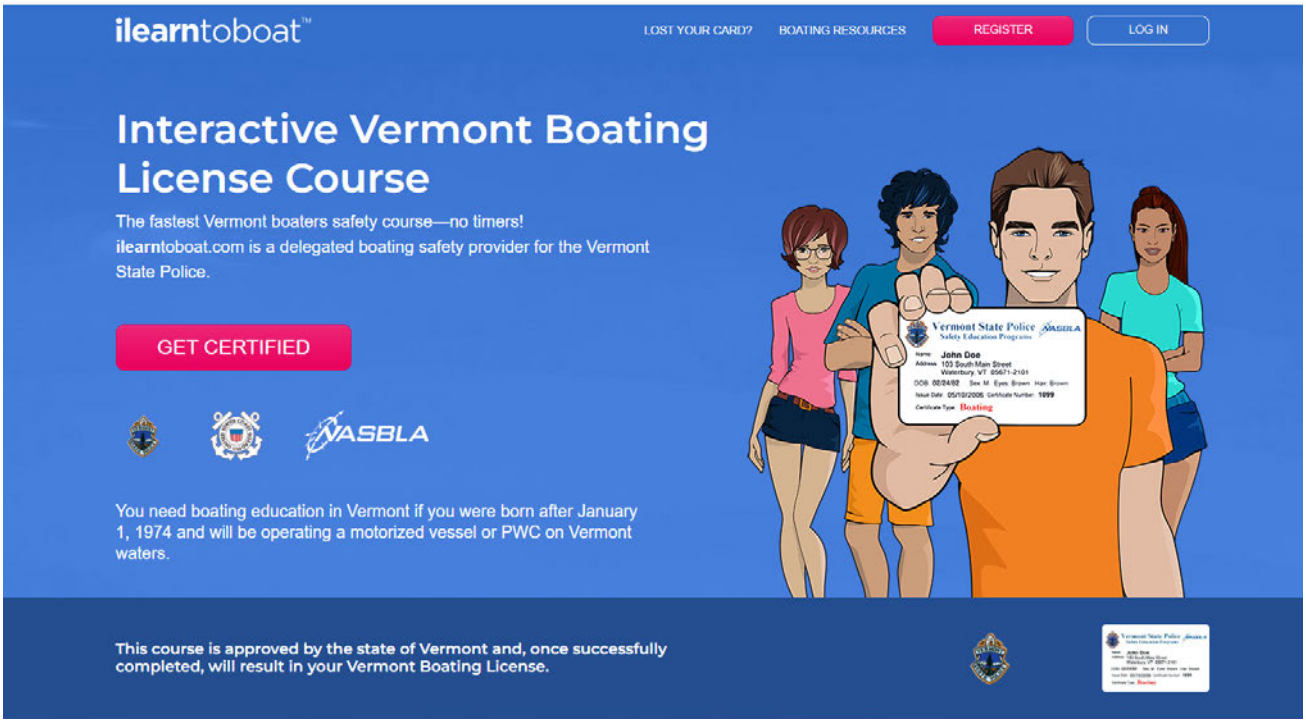
Hunter Education & Firearm Safety

When hunting seasons, tagging rules, or firearm transport laws change, agencies like state Fish & Wildlife departments update:

- Official hunting regulation booklets
- Hunter education course materials
- Certification exams
-

Failure to integrate rule changes into education would be considered a breakdown in public safety communication.

Here is the official page of the ilearntoboat certified online boating safety course Federal and state approved Site, again no documentation to the wakeboat rules.



Please note this is certified with the Vermont State Police, The United States Coast Guard, and the NASLBA. It states You need boating education in Vermont if you were born after January 1, 1974 and will be operating a motorized vessel or PWC on Vermont waters. There is no note of Needing the license for wakesports and wakesports zones that was put in place in 2026, BEFORE these additional restrictions.

Vermont Online Boaters Safety Course & Boating License - https://www.ilearntoboat.com/vermont/

Here is the official page of the BOAT-ED.COM certified online boating safety course Federal and state approved Site, again no documentation to the wakeboat rules. .

THIS IS THE RECOMMEND WEBSITE IN THE VERMONT STATE EDUCATION BOOK TO STUDY FOR YOUR BOATING SAFETY COURSE, or take in person

Please note this is certified with the Vermont State Police, The United States Coast Guard, and the NASLBA. It states You need boating education in Vermont if you were born after January 1, 1974 and will be operating a motorized vessel or PWC on Vermont waters. There is no note of Needing the license for wakesports and wakesports zones that was put in place in 2026, BEFORE these additional restrictions.

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The Vermont State Police, partnered with the Vermont Warden Service, are responsible for the safety education of Vermont boaters. The Boat Vermont safe boating program is recognized nationally and approved by the National Association of State Boating Law Administrators (NASBLA). Many insurance companies offer a discount for successful completion.

BOAT VERMONT

Safe Boating Program

Now!

Boating safety certification is now required by law for many Vermont boaters. You have two ways to obtain your certification.

1. Over the Internet…

Learn what you need to be a safe boat operator online! The complete study course with exciting visuals awaits you on the Internet. Interactive graphics help you learn and retain information on boating safely in Vermont. Successfully complete the online test, and you will receive the official State of Vermont boating safety education certificate.

Start today at www.boat-ed.com/vermont.

---

2. In a classroom…

Share the learning experience with other interested students and a qualified instructor. The Vermont State Police can help you find a classroom course in your area.

Visit vsp.vermont.gov or vtfishandwildlife.com for information or call 802-878-7111.

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THE HANDBOOK

OF VERMONT BOATING LAWS AND RESPONSIBILITIES

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Stay up to date on new boating laws!

Be sure to stay abreast of new boating laws and requirements.

- For state boating law information, contact the Vermont State Police or Vermont Warden Service.
  - Visit the website at **vsp.vermont.gov** or **vtfishandwildlife.com**.
  - Call **802-878-7111 ext. 2014**.
- For federal boating laws, visit the U.S. Coast Guard's boating safety website at **www.uscgboating.org.**
- For the most recent information regarding the lake-specific regulations of the *Vermont Use of Public Waters Rules*, visit **dec.vermont.gov/watershed/lakes-ponds/vermont-use-public-waters-rules.**

Information in this handbook does not replace what is specifically legal for boating in Vermont, which is found in the Vermont Statutes and federal laws.

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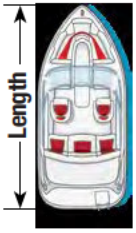
Before Going Out

Before going out on the water, take steps to make the outing safe and enjoyable.



Vessel Length Classes

- A vessel's length class determines the equipment necessary to comply with federal and state laws.
- Vessels are divided into length classes:
  - Less than 16 feet
  - 16 feet to less than 26 feet
  - 26 feet to less than 40 feet
  - 40 feet to less than 65 feet
- Length is measured from the tip of the bow in a straight line to the stern. This does not include outboard motors, brackets, rudders, bow attachments, or swim platforms and ladders that are not a molded part of the hull.

Vessel Capacity

- Always check the capacity plate, which is usually found near the operator's position or on the vessel's transom. This plate indicates the maximum weight capacity and maximum number of people that the vessel can carry safely.
- Personal watercraft (PWC) and some other vessels are not required to have a capacity plate. Always follow the recommended capacity in the owner's manual and on the manufacturer's warning decal.

Fueling a Vessel

Never fuel at night unless it is an emergency. If you must refuel after dark, use only electric lights. Try to refuel away from the water or on a commercial fueling ramp.

- **Before beginning to fuel:**
  - Dock the boat securely and ask all passengers to exit.
  - Do not allow anyone to smoke or strike a match.
  - Check all fuel lines, connections, and fuel vents.

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- Turn off anything that might cause a spark—engines, fans, or electrical equipment.
- Shut off all fuel valves and extinguish all open flames, such as galley stoves and pilot lights.
- Close all windows, ports, doors, and other openings to prevent fumes from entering the boat.
- Remove portable fuel tanks and fill them on the dock.

■ **While filling the fuel tank:**
- Keep the nozzle of the fuel-pump hose in contact with the tank opening to prevent producing a static spark.
- Avoid spilling fuel into the boat's bilge or the water.
- Never fill a tank to the brim—leave room to expand.
- Wipe up any spilled fuel.

The most important safe fueling practice…
If your vessel is equipped with a power ventilation system, turn it on for at least four minutes after fueling and before starting your engine to remove gas vapors in the bilge.

■ **After fueling:**
- Open all windows, ports, doors, and other openings.
- Sniff the bilge and engine compartment for fuel vapors.

Additional Safety Procedures for PWC

■ Do not tip the PWC in order to fill it all the way up. If the tank is overfilled, the fuel may expand and spill into the water.

■ After fueling, open the door of the engine compartment and sniff to check for any evidence of gas fumes. Do this before starting the engine. If you do smell gas fumes, determine the source and make repairs immediately.

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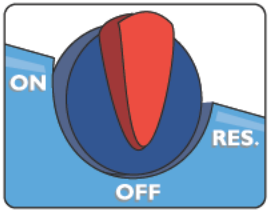
Fuel Selector Switch on a PWC

This switch can help you avoid becoming stranded without fuel.



- Use the "Off" position when the PWC's engine is turned off.
- Use the "On" position while you are underway.
- Use the "Reserve" position if you run out of fuel while underway. This will allow you to return to shore. Don't forget to switch back to "On" after refueling.

Preventing Theft

Defend against theft of your vessel and equipment.

- Store your vessel so that it is not easily accessed.
  - Store your vessel and trailer in a locked garage or storage area.
  - Park another vehicle in front of the trailer, or lock the trailer to a fixed object in a well-lit area.
  - Secure the vessel and trailer to a fixed object with a good-quality chain and lock. If moored, secure the vessel to the dock with a steel cable and lock.
  - Remove a trailer wheel if parked for an extended time.
  - Purchase a quality trailer hitch lock and use it.
- Chain and lock the motor and fuel tanks to the vessel.
- Mark or engrave all equipment with an identifier such as your driver's license number.
- Photograph or videotape the interior and exterior of your vessel, showing all installed equipment and additional gear and equipment. Make a complete inventory of your equipment, vessel, and trailer.
- Remove expensive electronics or other valuables if the vessel is left unattended.
- Cover your vessel and always remove the keys.
- Title and register your vessel.

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Filing a Float Plan

Before going out on a vessel, it is always a good idea to leave a float plan with a relative or friend, or at least with a local marina. A float plan should:

- Describe the vessel, including its registration number, length, make, horsepower, and engine type.
- State where you are going, the detailed route, your planned departure time, and your expected return time.
- Give the name, address, and telephone number of each person on board and an emergency contact.

Pre-Departure Checklist

You can help ensure a good time while operating your vessel by performing this pre-departure check.

- ✓ Check the weather forecast for the area and time frame during which you will be boating.
- ✓ Make sure that the steering and throttle controls operate properly and all lights are working properly.
- ✓ Check for any fuel leaks from the tank, fuel lines, and carburetor.
- ✓ Check the engine compartment for oil leaks.
- ✓ Check hose connections for leaks or cracks, and make sure hose clamps are tight.
- ✓ Drain all water from the engine compartment, and be sure the bilge plug is replaced and secure.
- ✓ Check to be sure you have a fully charged engine battery and fire extinguishers.
- ✓ If so equipped, make sure the engine cut-off switch (ECOS) and wrist lanyard are in good order.
- ✓ Make sure you have the required number of personal flotation devices (PFDs), and check that they are in good condition.
- ✓ Leave a float plan with a reliable friend or relative.

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On the Water

Safe navigation on Vermont waterways is everyone's responsibility. All operators are equally responsible for taking action to avoid collisions.

Encountering Other Vessels

Even though no vessel has the "right-of-way" over another vessel, there are some rules that every operator should follow when encountering other vessels. It is the responsibility of both operators to take the action needed to avoid a collision.

To prevent collisions, every operator should follow the three basic rules of navigation.

- Practice good seamanship.
- Keep a sharp lookout.
- Maintain a safe speed and distance.

Encountering Vessels With Limited Maneuverability

- When operating a power-driven vessel, you must give way to:
  - Any vessel not under command, such as an anchored or disabled vessel
  - Any vessel restricted in its ability to maneuver, such as a vessel towing another or laying cable, or one constrained by its draft, such as a large ship in a channel
  - A vessel engaged in commercial fishing
  - A sailboat under sail unless it is overtaking
- When operating a vessel under sail, you must give way to:
  - Any vessel not under command
  - Any vessel restricted in its ability to maneuver
  - A vessel engaged in commercial fishing

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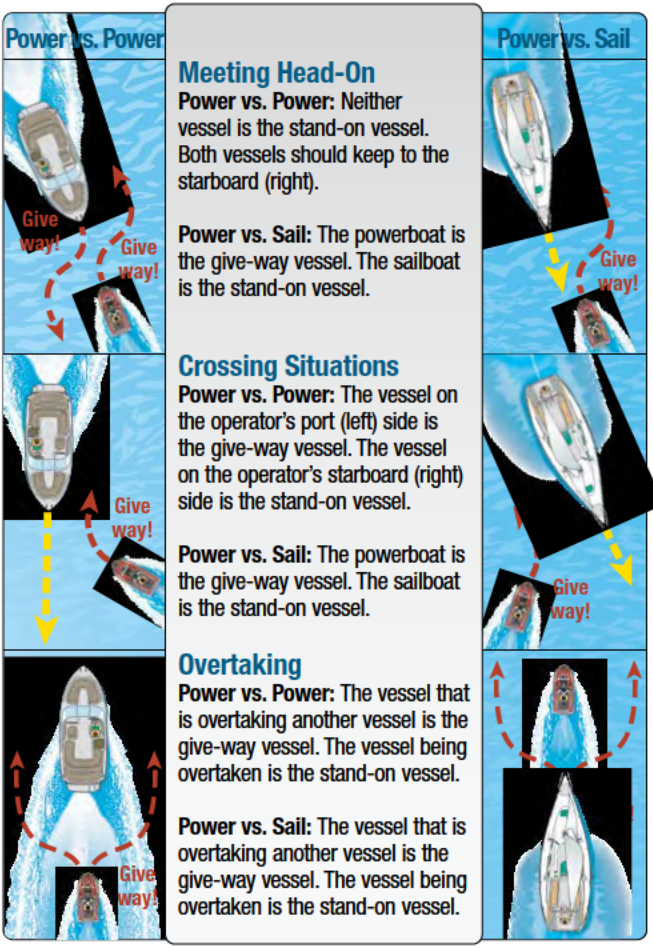
Navigation Rules

There are two terms that help explain these rules.

- **Stand-on vessel:** The vessel that should maintain its course and speed
- **Give-way vessel:** The vessel that must take early and substantial action to avoid collision by stopping, slowing down, or changing course



Meeting Head-On

Power vs. Power: Neither vessel is the stand-on vessel. Both vessels should keep to the starboard (right).

Power vs. Sail: The powerboat is the give-way vessel. The sailboat is the stand-on vessel.

Crossing Situations

Power vs. Power: The vessel on the operator's port (left) side is the give-way vessel. The vessel on the operator's starboard (right) side is the stand-on vessel.

Power vs. Sail: The powerboat is the give-way vessel. The sailboat is the stand-on vessel.

Overtaking

Power vs. Power: The vessel that is overtaking another vessel is the give-way vessel. The vessel being overtaken is the stand-on vessel.

Power vs. Sail: The vessel that is overtaking another vessel is the give-way vessel. The vessel being overtaken is the stand-on vessel.

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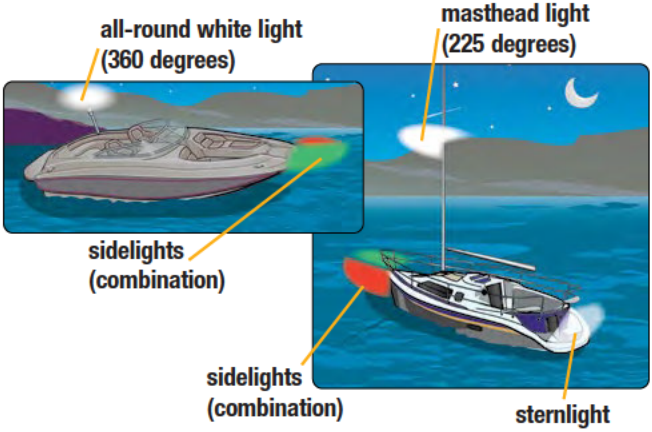
Nighttime Navigation

Be on the lookout for the lights of other vessels when boating at night. Several types of lights serve as navigational aids at night. There are four common navigation lights.

- **Sidelights:** These red and green lights are called sidelights (also called combination lights) because they are visible to another vessel approaching from the side or head-on. The red light indicates a vessel's port (left) side; the green indicates a vessel's starboard (right) side.
- **Sternlight:** This white light is seen from behind or nearly behind the vessel.
- **Masthead Light:** This white light shines forward and to both sides and is required on all power-driven vessels. A masthead light must be displayed by all vessels when under engine power. The absence of this light indicates a sailboat under sail.
- **All-Round White Light:** On power-driven vessels less than 39.4 feet in length, this light may be used to combine a masthead light and sternlight into a single white light that can be seen by other vessels from any direction. This light serves as an anchor light when sidelights are extinguished.



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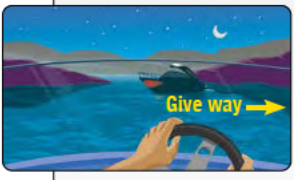
Encountering Vessels at Night

When you see only a white light, you are overtaking another vessel. It is the stand-on vessel whether it is underway or anchored. You may go around it on either side.

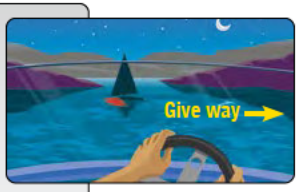
When you see a green and a white light, you are the stand-on vessel. However, remain alert in case the other vessel operator does not see you or does not know the navigation rules.



When you see a red and a white light, you must give way to the other vessel. Slow down and allow the vessel to pass, or you may turn to the right and pass behind the other vessel.

Encountering a Sailboat at Night

When you see **only a red light or only a green light**, you may be approaching a sailboat under sail and you must give way. The sailboat under sail is always the stand-on vessel.



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U.S. Aids to Navigation System (ATON)

Buoys and markers are the "traffic signals" that guide vessel operators safely along some waterways. They also identify dangerous or controlled areas and give directions and information. As a recreational boat or PWC operator, you will need to know the lateral navigation markers and non-lateral markers of the U.S. Aids to Navigation System (ATON).

Lateral Markers

These navigation aids mark the edges of safe water areas; for example, directing travel within a channel. The markers use a combination of colors and numbers, which may appear on either buoys or permanently placed markers.

Red colors, red lights, and even numbers indicate the right side of the channel as a boater enters from the open sea or heads upstream.

Green colors, green lights, and odd numbers indicate the left side of the channel as a boater enters from the open sea or heads upstream.

Red and green colors and/or lights indicate the preferred (primary) channel. If green is on top, the preferred channel is to the right as a boater enters from the open sea or heads upstream; if red is on top, the preferred channel is to the left.

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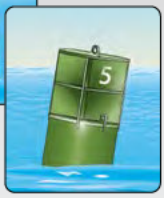
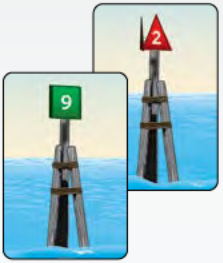
Nuns are red cone-shaped buoys marked with even numbers.



Cans are green cylindrical-shaped buoys marked with odd numbers.

Lighted Buoys use the lateral marker colors and numbers discussed above; in addition, they have a matching colored light.

Daymarks are permanently placed signs attached to structures, such as posts, in the water. Common daymarks are red triangles (equivalent to nuns) and green squares (equivalent to cans). They may be lighted also.



Red Right Returning

is a reminder of the correct course when returning from open waters or heading upstream.

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Non-Lateral Markers

Non-lateral markers are navigational aids that give information other than the edges of safe water areas. The most common are regulatory markers which are white and use orange markings and black lettering. These markers are found on lakes and rivers.

Information

Squares indicate where to find food, supplies, repairs, etc. and give directions and other information.

Controlled

Circles indicate a controlled area such as speed limit, no fishing or anchoring, ski only or no skiing, or "slow, no wake."

Exclusion

Crossed diamonds indicate areas off limits to all vessels such as swimming areas, dams, and spillways.

Danger

Diamonds warn of dangers such as rocks, shoals, construction, dams, or stumps. Always proceed with caution.

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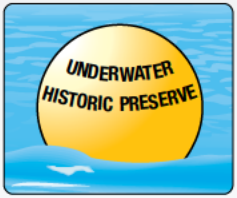
Other Non-Lateral Markers

Safe Water Markers are white with red vertical stripes and mark mid-channels or fairways. They may be passed on either side.

Inland Waters Obstruction Markers are white with black vertical stripes and indicate an obstruction to navigation. You should not pass between these buoys and the nearest shore.



Underwater Historic Preservation Area Markers are yellow special-purpose buoys that mark historic and archeological sites located on the bottomlands of the waters of Vermont.

Mooring Buoy

Mooring buoys are white with a blue horizontal band and are found in marinas and other areas where vessels are allowed to anchor.

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Specifically for PWC

Although a PWC is considered an inboard vessel and comes under the same rules and requirements of any other vessel, there are specific considerations for the PWC operator.

Steering and Stopping a PWC

- PWC are propelled by drawing water into a pump and then forcing it out under pressure through a steering nozzle at the back of the unit. This "jet" of pressurized water is directed by the steering control—when the steering control is turned, the steering nozzle turns in the same direction. For example, if the steering control is turned right, the nozzle turns right and the jet of water pushes the back of the vessel to the left, which causes the PWC to turn right.

Remember—no power means no steering control…
Most PWC and other jet-drive vessels must have power in order to maintain control. If you allow the engine on a PWC or other jet-propelled vessel to return to idle or shut off during operation, you may lose all steering control. Many PWC will continue in the direction they were headed before the engine was shut off, no matter which way the steering control is turned. New PWC allow for off-throttle steering.

- **Most PWC do not have brakes.** Always allow plenty of room for stopping. Just because you release the throttle or shut off the engine does not mean you will stop immediately. Even PWC that have a braking system do not stop immediately.

Engine Cut-Off Switch (ECOS)

- Most PWC and powerboats come equipped by the manufacturer with an important device called an emergency engine cut-off switch (ECOS). If properly worn, this safety device is designed to shut off the engine if the operator is thrown from the proper operating position. The USCG requires that operators of vessels equipped with an ECOS use the device at all times.

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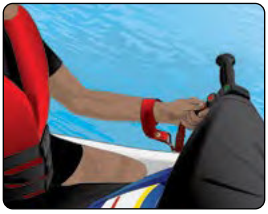

- A lanyard is attached to the switch and the operator's wrist or PFD. The switch shuts off the engine if the operator falls off the PWC or out of the powerboat. If your vessel does not come equipped with an ECOS, you should have one installed.
- In many states, it is illegal to ride your PWC without attaching the lanyard properly between the switch and yourself.

Remember…
Operators of recreational vessels less than 26 feet in length are required to use the ECOS if the vessel is equipped with such a device. Operators must use the ECOS whenever the vessel is operating on plane or above displacement speed.
Be sure to check with the state boating agency where you are boating to determine how this USCG rule applies locally. For more information on this requirement, visit **www.uscgboating.org/recreational-boaters/engine-cut-off-switch-faq.php**.

PWC Courtesy and Environmental Considerations

- Avoid jumping the wake of a passing boat, or riding too close to another PWC or boat, which creates risks and is restricted or even prohibited in some states.
- Vary your operating area, and do not keep repeating the same maneuver.
- Avoid congregating with other PWC operators near shore, which increases annoying noise levels.
- Avoid making excessive noise near residential and camping areas, particularly early in the morning.
- Avoid maneuvers that cause the engine exhaust to lift out of the water because that increases noise levels.
- Do not operate a PWC in water less than 30 inches deep.
- Avoid causing erosion by operating at slow speed and by not creating a wake when operating near shore or in narrow streams or rivers.
- Do not dock or beach your PWC in reeds and grasses. This could damage fragile environments.
- Take extra care when fueling your PWC in or near the water. Fuel on land if possible.

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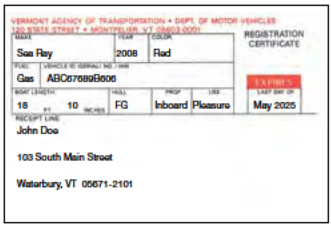
Before Going Out

All operators are required to obey laws that regulate your vessel's registration, titling, and operation.

Registering Your Vessel

- You must have a Vermont Certificate of Registration and validation stickers to operate any vessel propelled by a motor legally on the public waters of Vermont. The only exceptions are:
  - Non-motorized vessels
  - Vessels legally registered in another state or country that have not been within the State of Vermont for more than 60 days
  - Vessels documented by the U.S. Coast Guard (USCG)
- Vessels documented by the USCG or registered legally in another state or country must validate their registration numbers by obtaining a validation sticker from the Vermont Department of Motor Vehicles (DMV) if the vessels are used in the waters of Vermont for at least 60 days in any calendar year.
- The Certificate of Registration and validation stickers are obtained by submitting the proper application and fee to the DMV.
- *The Certificate of Registration (registration card) must be on board and available for inspection by an enforcement officer whenever the vessel is operated.*


VERMONT AGENCY OF TRANSPORTATION • DEPT. OF MOTOR VEHICLES
120 STATE STREET • MONTPELIER, VT 05603-0001

REGISTRATION CERTIFICATE

MAKE	YEAR	COLOR
Sea Ray	2008	Red

FUEL	VEHICLE ID (SERIAL) NO. / HIN
Gas	ABC67689B606

EXPIRES LAST DAY OF: May 2025

BOAT LENGTH	HULL	PROP	USE
18 FT 10 INCHES	FG	Inboard	Pleasure

RECEIPT LINE
John Doe

103 South Main Street

Waterbury, VT 05671-2101

- The registration number and validation stickers must be displayed as follows.
  - Number must be painted, applied as a decal, or otherwise affixed to both sides of the bow.

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Validation Sticker

- Number must read from left to right on both sides of the bow.
- Number must be in at least three-inch-high **BLOCK** letters. Number's color must contrast sharply with its background.
- Letters must be separated from the numbers by a space or hyphen: **VT 3717 ZW** or **VT-3717-ZW**.
- No other numbers may be displayed on either side of the bow.
- Stickers must be displayed on both sides. The sticker on the port side must precede the registration number and be placed within six inches of the number. The sticker on the starboard side must follow the registration number and be placed within six inches of the number.

Where to Title and Register Your Vessel

Your Certificate of Registration, validation stickers, and title can be obtained by submitting the proper application and fee to:

Department of Motor Vehicles
120 State Street
Montpelier, Vermont 05603-0001

To obtain registration/title and validation sticker application forms:

- Call the Vermont DMV at **802-828-2000**.
- Visit the DMV website at **dmv.vermont.gov** and download registration forms.
- Visit any DMV office, any State Police office, or a participating Town Clerk office.
- Visit any marine dealers and marinas.

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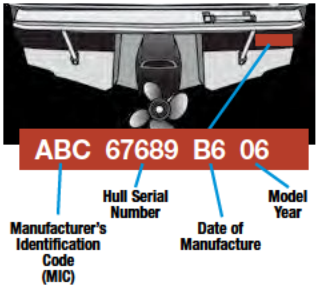
Other Facts About Titling and Registering

- All motorized vessels that are 16 feet long or longer and 15 years old or newer must be titled as well as registered. The application to obtain the title to your vessel is a part of the same form used to register the vessel.
- The registration fee includes the validation stickers.
- Registration is valid for one year from date of issue. You may not register for a partial year. The same registration number remains with your vessel from year to year unless you fail to renew.
- If you change your address or transfer ownership of your vessel, you must notify the DMV within 15 days of the change.
- If your registered vessel is lost, stolen, or abandoned, you must report it to local authorities and to the DMV within 15 days.
- If you lose or destroy your Certificate of Registration or a sticker, you must apply for a duplicate and submit a processing fee.
- Larger recreational vessels owned by U.S. citizens may (at the option of the owner) be documented by the USCG. Owners of documented vessels must apply for and display Vermont validation stickers.
- A vessel of less than 10 horsepower (hp) used as a tender to a registered vessel will be deemed registered at no additional cost. The vessel must have the same registration number as the registered vessel painted or attached to both sides of the vessel's bow followed by the number "1."

Hull Identification Number (HIN)

- The Hull Identification Number (HIN) is a unique, 12-digit number assigned by the manufacturer to vessels built after 1972.
- These numbers:
  - Distinguish one vessel from another.
  - Are engraved in the fiberglass or on a metal plate permanently attached to the transom.



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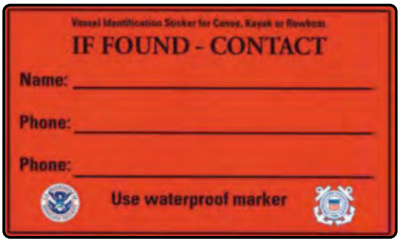
- You should write down your HIN and put it in a place separate from your vessel in case warranty problems arise or your vessel is stolen.
- If the HIN is missing or non-existent, such as with a homemade vessel, apply for an identification number from the DMV.
  - If the vessel does not need a title or is valued at less than $1,000, a number will be assigned and mailed to you. You will attach it to the vessel.
  - If the vessel requires a title or is valued at $1,000 or more, a DMV Inspector will attach the HIN.

Vessel Identification Sticker for Your Canoe, Kayak, or Rowboat

These stickers have enabled authorities to return lost non-powered vessels to their owners and have saved countless hours of unnecessary searches. Stickers may be obtained at boating safety events or from a Marine Patrol Officer.



Schedule of Fees

For the most recent information regarding the schedule of fees for motorboats, validation stickers, and other fees, visit **dmv.vermont.gov/registrations/fees**.

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Buying or Selling a Vessel

- If a vessel is purchased from a marine dealer, it may be registered and titled through the dealer. You pay the registration and title fees to the dealer, and the dealer issues a temporary registration valid for 30 days. You receive your permanent registration and title from the DMV by mail.
- If you sell a vessel, you must:
  - Give the new owner a bill of sale, including the HIN.
  - Transfer registration within 15 days of the sale if it is a registered vessel.
  - Notify the DMV within 30 days if your vessel has, or should have had, validation stickers.
  - Have each owner shown on the title properly sign the back of the title, selling it to the new owner.
- To transfer vessel registration to a new owner:
  - The former owner completes the reverse side of the current registration certificate and sends it to the DMV, along with the other items listed under "What You Need to Register and Title a Vessel." Date of sale and the name and address of the new owner must be completed on the back of the registration certificate.
  - If the new owner wishes to retain the registration number on the purchased vessel, the new owner must complete a new registration and title application and Vermont Sales & Use Tax Return and send both, with the correct fees, to the DMV (see address under "Where to Title and Register Your Vessel").
  - In Vermont, you may transfer your registration if you purchase a new vessel. When transferring the registration, the new vessel may be registered for the remainder of the current registration year. File the new application and Vermont Sales & Use Tax Return, and pay the transfer fee plus any additional fee for the change in length. The validation stickers are not transferable to the new vessel. The owner must apply for new validation stickers.

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What You Need to Register and Title a Vessel

Obtain New Registration and/or Title

- Registration and title application
- If a previously owned vessel, Vermont Sales & Use Tax Return, proof that Vermont Sales & Use Tax has been paid, or proof of tax paid in another state
- Title if a previously owned vessel or Manufacturer's Certificate of Origin (MCO) for a new vessel
- Proper fees

Transfer Registration and Title

- Registration and title application
- Vermont Sales & Use Tax Return, proof that Vermont Sales & Use Tax has been paid, or proof of tax paid in another state
- Previous registration certificate showing to whom your old vessel was sold or assigned
- Title, properly assigned
- Visual verification of the HIN by a certified law enforcement officer
- Proper fees

Obtain Validation Stickers

- Application for vessel validation
- Proof of valid registration or documentation from another state or province
- Vermont Sales & Use Tax Return, proof that Vermont Sales & Use Tax has been paid, or proof of tax paid in another state
- Proper fees

Obtain Title for a Homemade Vessel

- Registration and title application
- MCO to a Homemade Vessel (available from DMV)
- Application for assignment of Vermont HIN to a vessel
- Proper fees

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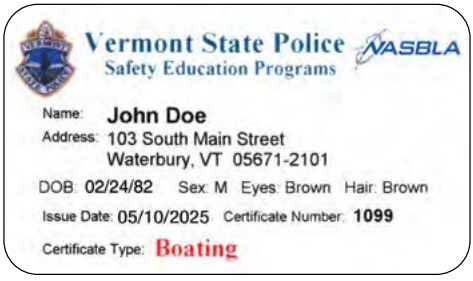
Who May Operate a Vessel

- All persons born after January 1, 1974, must complete an approved boating safety education course successfully to operate any motorized vessel legally (this includes personal watercraft or PWC).
- The boating safety education course must be approved by the Vermont Department of Public Safety. Those successfully completing a course are issued a certificate by the Vermont State Police, which is valid for the student's lifetime. Those younger than 12 years of age but older than 10 years of age must take a classroom course.
- Persons required to have completed the course must carry the course certificate on board when operating a motorized vessel.
- Those born after January 1, 1974, are exempted from the above if they:
  - Are licensed by the USCG to operate a commercial vessel ***or…***
  - Operate the vessel only on a private lake or pond ***or…***
  - Are not a resident of Vermont and have proof that they have passed an approved boater education course in another state.
- No one under 12 years of age may operate any vessel powered by a motor of more than 6 hp legally, even if the person has completed a boating safety education course successfully.
- No one under 16 years of age may operate a PWC legally, even if the person has completed a boating safety education course successfully.



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Marine Events

- To hold a marine parade, regatta, race, tournament, exhibition, or any other event on Vermont waters, you must obtain authorization from the Vermont State Police.
- The person in charge of the event must apply to the Vermont State Police for a permit at least 30 days prior to the event.

Enforcement

The boating laws of Vermont are enforced by the troopers of the Vermont State Police, wardens of the Vermont Warden Service, USCG officers, and any other authorized peace officer or law enforcement officer. The USCG also has enforcement authority on all federally controlled waters.

- An operator must stop his or her vessel when signaled to do so by an officer wearing an identifying insignia or by a law enforcement vessel sounding a siren or flashing a blue light. It is illegal to fail to stop or to try to elude the officer.
- The officer has the authority to stop and board your vessel in order to check that you are complying with state and federal laws.

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Required Equipment

When preparing to go out on a vessel, the operator must check that the legally required equipment is on board.

Personal Flotation Devices (PFDs)

- All vessels, except sailboards, must carry one USCG–approved wearable personal flotation device (PFD), sometimes called a life jacket, for each person on board.
- Children under 12 years of age must *wear* a USCG–approved wearable PFD at all times while underway on the open deck of any vessel.
- A person under 16 years of age must *wear* a USCG–approved wearable PFD at all times while on board a sailboard.
- If a person chooses to wear a PFD that is not USCG approved (when not specifically required), a properly fitting USCG–approved PFD must be carried on board the vessel to meet the state and federal carriage requirements.
- Everyone on board a PWC must *wear* a USCG–approved wearable PFD.
- Anyone being towed behind a vessel must *wear* a USCG–approved wearable PFD. Ski belts are not approved PFDs.
- All PFDs must be in good and serviceable condition and must be readily accessible. Wearable PFDs must be of the proper size for the intended wearer. Sizing for PFDs is based on body weight and chest size.

PFD Label

Every USCG–approved PFD has a label that contains important information. While boating, you may encounter old- or new-style PFD labels.

Not all PFDs available are USCG approved. Regardless if the PFD label is in the old or new style, there must be a USCG approval number, and the PFD must be used in accordance with the labeling information to meet the legal requirements.

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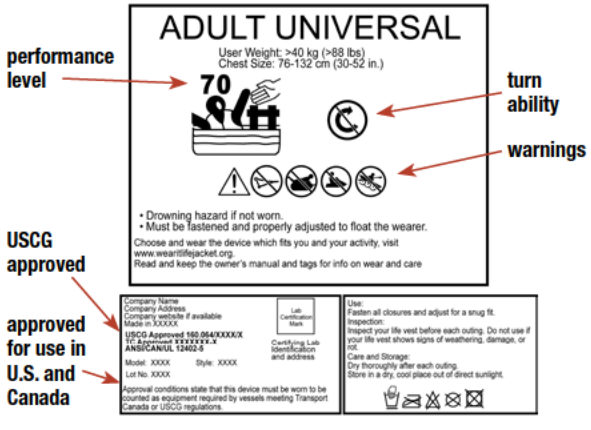
- The older, legacy labels have a type number (Types I–V).
  - The type number indicates the conditions and the intended use for which the PFD is designed.
  - PFDs with these labels may still be used in the country where they are approved as long as they are in serviceable condition.
- The new labels have a performance level icon that contains a number, typically ranging from 50 to 150.
  - A lower number means the PFD is intended for near-shore activities in calm waters. PFDs designed for near-shore use offer greater mobility and comfort. However, they will not turn most unconscious persons face up.
  - A higher number means the PFD is intended for offshore activities. PFDs designed for offshore use offer greater flotation, turning ability, and stability.
  - PFDs with these labels are approved for use in both the U.S. and Canada.



Warnings

Some PFDs are **not** approved for certain activities:

- Water-skiing
- PWC or wakeboarding
- Tubing
- Whitewater paddling

Turn Ability

- The PFD will turn an unconscious person face up. Test before use.
- The PFD will not turn an unconscious person face up.

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Engine Cut-Off Device Requirement

Any vessel operated with 3 or more hp, with open helm stations, that is less than 26 feet in length, and equipped with an engine cut-off switch (ECOS), shall utilize the ECOS link while operating on plane or above displacement speed, while operating on federally navigable waterways. Lake Champlain, Lake Memphremagog, and Wallace Pond fall within this requirement.

Navigation Lights

The required navigation lights must be displayed between sunset and sunrise and during periods of restricted visibility.

Power-Driven Vessels When Underway

If less than 65.6 feet long, these vessels must exhibit the lights as shown in illustration 1. Remember, power-driven vessels include sailboats operating under engine power. The required lights are:

- Red and green sidelights visible from a distance of at least two miles away—or if less than 39.4 feet long, at least one mile away—on a dark, clear night.
- A masthead light and a sternlight visible from a distance of at least three miles away—or if less than 39.4 feet long, an all-round white light or both a masthead light and a sternlight visible from at least two miles away—on a dark, clear night. The all-round white light (or the masthead light) must be at least 3.3 feet higher than the sidelights.

Unpowered Vessels When Underway

Unpowered vessels are sailboats or vessels that are paddled, poled, or rowed.

- **If less than 65.6 feet long**, these vessels must exhibit the lights as shown in illustration 2. The required lights are:
  - Red and green sidelights visible from at least two miles away—or if less than 39.4 feet long, at least one mile away.
  - A sternlight visible from at least two miles away.
- **If less than 23.0 feet long**, these vessels should:
  - If practical, exhibit the same lights as required for unpowered vessels less than 65.6 feet in length.
  - If not practical, have on hand at least one lantern or flashlight shining a white light as in illustration 3.

All Vessels When Not Underway

All vessels are required to display a white light visible from all directions whenever they are moored or anchored outside a designated mooring area between sunset and sunrise.

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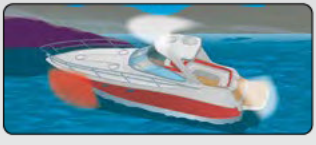
1. Power-Driven Vessels Less Than 65.6 Feet

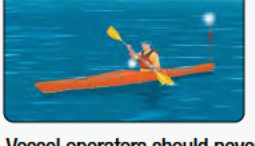


The masthead light and sternlight may be combined as an all-round white light on vessels less than 39.4 feet long.

2. Unpowered Vessels Less Than 65.6 Feet

An alternative to the sidelights and sternlight is a combination red, green, and white light, which must be exhibited near the top of the mast.

3. Unpowered Vessels Less Than 23.0 Feet



Vessel operators should never leave shore without a flashlight. Even if you plan to return before dark, unforeseen developments might delay your return past nightfall.

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Fire Extinguishers

Any non-rechargeable (disposable) fire extinguisher that is older than 12 years should be removed from service. Refer to the date of manufacturing stamped on the bottle; for example, "05" means "2005."

- Federal law requires all vessels, including PWC, to have a Type B fire extinguisher on board if one or more of the following conditions exist:
  - Any inboard engine
  - Closed compartments where portable fuel tanks may be stored
  - Double bottoms not sealed to the hull or which are not filled completely with flotation material
  - Closed living spaces
  - Closed storage compartments in which flammable or combustible materials may be stored
  - Permanently installed fuel tanks (any tank where the removal of the tank is hampered by the installation of tie-down straps or clamps)
- In Vermont, vessels less than 26 feet in length that do not carry passengers for hire are exempt from this requirement if the vessel is constructed in a way that flammable or explosive gases and vapors cannot be trapped in any compartment or space in the vessel.
- Approved types of fire extinguishers are identified by the following marking on the label—"Marine Type USCG Approved"—followed by the size and type symbols and the approval number.
- When required by the USCG, fire extinguishers must be on board the vessel and readily accessible—where they can be easily reached. When deciding on a place to store a fire extinguisher, make sure to consider how easy it is to reach in the event of a fire. It is recommended that the fire extinguisher be conspicuously and securely mounted on its intended hanger or bracket.

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Vessels that have a **model year** of 2018 and newer may carry only 5-B or 20-B rated fire extinguishers with date stamp. Vessels with a model year between 1953 and 2017 may carry either:

- Unexpired 5-B or 20-B rated fire extinguishers ***or…***
- B-I or B-II rated fire extinguishers that are in good and serviceable condition.

Model Year means the period beginning June 1 of a year and ending on July 31 of the following year and being designated by the year in which it ends.

Fire Extinguisher Requirements

Classification	Foam	Carbon Dioxide	Dry Chemical
type & size	minimum gallons	minimum pounds	minimum pounds
5-B	1¼	4	2
20-B	2½	15	10

Length of Vessel	Without Fixed System	With Fixed System*
Less than 26 ft.	one 5-B	none
26 ft. to less than 40 ft.	two 5-B (**or** one 20-B)	one 5-B
40 ft. to less than 65 ft.	three 5-B (**or** one 20-B and one 5-B)	two 5-B (**or** one 20-B)

*refers to a permanently installed fire extinguisher system

Note: One 20-B portable fire extinguisher may be substituted for two 5-B portable fire extinguishers. For vessels with a model year between 1953 and 2017, one 20-B/B-II portable fire extinguisher may be substituted for two 5-B/B-I portable fire extinguishers.

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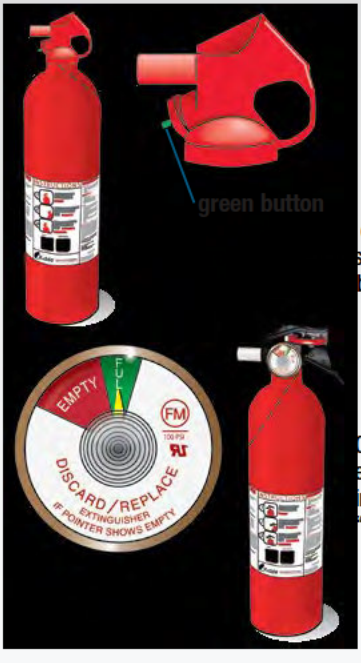
- Extinguishers must not be expired or appear to have been previously used. They must be maintained in good and serviceable condition. Good and serviceable condition means that the fire extinguisher on board:
  - Is charged and indicates it is charged if the extinguisher has a pressure gauge reading or indicator ***and…***
  - Has a pin lock that is firmly in place ***and…***
  - Does not show visible signs of significant corrosion or damage ***and…***
  - Has a discharge nozzle that is clean and free of obstructions.

Fire Extinguisher Charge Indicators

Check the charge level of your fire extinguishers regularly. Replace them immediately if they are not fully charged.



of extinguisher, depress the
s fully charged, the green
back out immediately.

On this style of fire extinguisher, the needle indicator should be in the "full" range.

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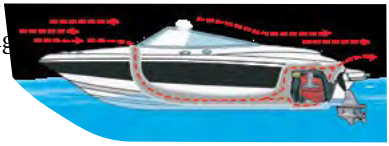
Ventilation Systems

The purpose of ventilation systems is to avoid explosions by removing flammable gases. Properly installed ventilation systems greatly reduce the chance of a life-threatening explosion.



- All gasoline-powered vessels, constructed in a way that would entrap fumes, must have at least two ventilation ducts fitted with cowls to remove the fumes.
- If your vessel is equipped with a power ventilation system, turn it on for at least four minutes both after fueling and before starting your engine.
- If your vessel is not equipped with a power ventilation system (for example, a PWC), open the engine compartment and sniff for gasoline fumes before starting the engine.

Backfire Flame Arrestors

Backfire flame arrestors are designed to prevent the ignition of gasoline vapors in case the engine backfires.

- All powerboats (except outboards) that are fueled with gasoline must have an approved backfire flame arrestor on each carburetor.
- Backfire flame arrestors must be:
  - In good and serviceable condition ***and…***
  - USCG approved (must comply with SAE J-1928 or UL 1111 standards).
- Periodically clean the flame arrestor and check for damage.

Mufflers

All vessel engines must be equipped with an effective muffling device or underwater exhaust. Vessel operators may not hear sound signals or voices if the engine is not adequately muffled.

- The noise level of any motorized vessel measured at a distance of 50 feet or more from the vessel must not exceed 82 dBA in normal operating environments.
- The use of cutouts is prohibited.

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Sound-Producing Devices

- Vessels less than 39.4 feet (12 meters) in length, which includes PWC, must have some way of making an efficient sound signal. Examples are a handheld air horn, an athletic whistle, an installed horn, etc. A human voice is not acceptable.
- Vessels that are 39.4 feet (12 meters) or more in length must have a sound-producing device that can produce an efficient sound signal. The sound signal should be audible for one-half mile and should last for 4 to 6 seconds.

Common Sound Signals

Restricted Visibility

- ***One prolonged blast*** at intervals of not more than two minutes is the signal used by powerboats underway.
- ***One prolonged blast plus two short blasts*** at intervals of not more than two minutes is the signal used by sailboats under sail alone.

Warning

- ***One prolonged blast*** is a warning signal (for example, when coming around a blind bend or exiting a slip).
- ***Five (or more) short, rapid blasts*** signal danger or signal that you do not understand the other boater's intentions.

Visual Distress Signals (VDSs)

- Vessels on federally controlled waters must be equipped with visual distress signals (VDSs) that are USCG approved, in serviceable condition, and readily accessible.
- All vessels, regardless of length or type, are required to carry night signals when operating between sunset and sunrise. Most vessels must carry day signals also; exceptions to the requirement for day signals are:
  - Recreational vessels that are less than 16 feet in length
  - Non-motorized open sailboats that are less than 26 feet in length
  - Manually propelled vessels

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- *Note:* Although Lakes Champlain and Memphremagog are under federal control, VDSs are not required on these waters.
- If pyrotechnic VDSs are used, they must be dated. Expired VDSs may be carried on board, but a minimum of three unexpired VDSs must be carried in the vessel.
- VDSs are classified as day signals (visible in bright sunlight), night signals (visible at night), or both day and night signals. VDSs are either pyrotechnic (smoke and flames) or non-pyrotechnic (non-combustible).

Day

Handheld Orange Smoke (Pyrotechnic)
Floating Orange Smoke (Pyrotechnic)
Orange Flag (Non-Pyrotechnic)

Night

Electric Light (Non-Pyrotechnic)

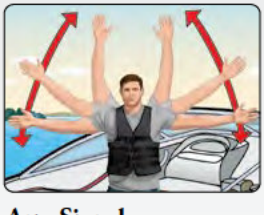
Day and Night

Red Meteor (Pyrotechnic)
Red Flare (Pyrotechnic)

Federally Controlled Waters

Vessels must observe federal requirements on these waters:

- Coastal waters
- The Great Lakes
- Territorial seas
- Waters that are two miles wide or wider and are connected directly to one of the above



Arm Signal
Although this signal does not meet VDS equipment requirements, wave your arms to summon help if you do not have other distress signals on board.

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On the Water

In addition to the laws mentioned previously, here are some other Vermont regulations which apply when vessel operators are on the water.

Unlawful Operation

Vermont law states that these dangerous operating practices are illegal.

- **Careless and Reckless Operation** of a vessel or the reckless manipulation of water skis, a surfboard, or a similar device is operating in a manner that causes danger to the life, limb, or property of any person. Examples of illegal, reckless operation are:
  - Boating in restricted areas without regard for other boaters or persons, posted speeds and wake restrictions, diver-down flags, etc.
  - Boating while under the influence of alcohol or drugs
  - Failing to follow the navigation rules shown under "Encountering Other Vessels"
  - Weaving through congested waterway traffic
  - Swerving at the last possible moment in order to avoid collision
  - Causing danger or damage from the wake of your vessel
  - Chasing, harassing, or disturbing wildlife with your vessel
- **Overloading** is loading the vessel beyond a safe carrying capacity, taking into consideration the weather and other operating conditions.

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- **Improper Speed or Distance** is not maintaining a proper speed or distance while operating a vessel or while towing a person on water skis or any similar device. Specifically, the following actions are illegal:
  - Operating a vessel (except sailboards) at greater than **"no wake speed"** within 200 feet of:
    - The shoreline
    - A person in the water
    - A canoe, rowboat, or other vessel
    - An anchored or moored vessel with a person on board
    - An anchorage or dock
  - Operating a vessel at speeds of five miles per hour or greater within 200 feet of a marked swimming area
  - Operating a vessel at speeds that may cause danger, injury, or damage. Be aware of and obey all regulatory markers, including areas marked as "no wake"

"No Wake Speed" means operating your vessel at a speed at which the vessel does not produce a wake, not to exceed five miles per hour.

- **Violating Underwater Historic Preservation Area Requirements** is the failure to follow the requirements that govern operation in areas marked "State of Vermont Underwater Historic Preserve." Vessels may not operate in these areas. Additional requirements also apply in these areas.
  - A vessel may secure to a yellow buoy only if diving at the preserve. These vessels must be 35 feet in length or less and display a diver-down flag. No more than one vessel may moor to a yellow buoy.
  - When a vessel is secured to a yellow buoy, all other vessels must stay at least 200 feet from the buoy.
  - A vessel may not anchor within 200 feet of a yellow buoy.

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Alcohol and Drugs

Vermont law prohibits anyone from boating while intoxicated (BWI) due to alcohol, drugs, or any combination.

- Vermont law states that a person is considered to be intoxicated if he or she has a concentration of alcohol of 0.08% or more (based on a chemical analysis of breath or blood) or is under the influence of alcohol or any other drug to a degree that he or she is incapable of operating safely.
- Vermont law establishes the following penalties.
  - Upon first conviction, offenders lose the privilege to operate any vessel (except for a non-motorized canoe or rowboat) for up to one year, must complete successfully an alcohol program at their own expense, and are fined up to $750.
  - Upon subsequent convictions, the fine is increased up to $1,000.
  - A person boating while intoxicated who causes the death of someone will, upon conviction, be imprisoned for up to 15 years, fined up to $10,000, or both imprisoned and fined.
  - A person boating while intoxicated who causes serious bodily injury to someone will, upon conviction, be imprisoned for up to 15 years, fined up to $5,000, or both imprisoned and fined.
- Vermont law has special provisions for operators under 21 years of age.
  - It is unlawful for those under 21 years to operate with a blood alcohol concentration of 0.02% or more.
  - For a first violation, the offender loses the privilege to operate any vessel (except for non-motorized canoe or rowboat) for at least six months and must complete successfully an alcohol program at their own expense. For subsequent violations, privilege to operate is lost for one year or until the person is 21 years old, whichever is longer.

Just remember this simple rule: **Don't Drink and Boat!**

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- A person under 21 years old who refuses to submit to a breath test is subject to the same penalties as BWI.

- By operating a vessel on Vermont waters, you have consented to be tested for alcohol or drugs if requested by a law enforcement officer.

Accidents and Casualties

- An operator involved in a boating accident must:
  - Stop his or her vessel *immediately* at the scene ***and…***
  - Assist anyone injured in the accident or minimize any danger caused by the accident, unless doing so would seriously endanger his or her vessel or passengers ***and…***
  - Give his or her name, address, and identifying number of his or her vessel in writing to anyone injured from the accident and to the owner of any damaged property.
- The operator also must file an accident report with the Vermont DMV within 36 hours of the accident if:
  - A person dies or disappears ***or…***
  - A person is injured requiring treatment beyond first aid ***or…***
  - Damage to the vessel and other property exceeds $2,000.
- Accident report forms are available from any office of the Vermont DMV or any office of the Vermont State Police.

Homeland Security Restrictions

- Do not approach within 100 yards and slow to minimum speed within 500 yards of any U.S. Naval vessel. If you need to pass within 100 yards of a U.S. Naval vessel for safe passage, you must contact the vessel or the USCG escort vessel on VHF-FM channel 16.
- Observe and avoid all security zones. Avoid commercial port operation areas, especially those that involve military, cruise line, or petroleum facilities.
- Observe and avoid other restricted areas near dams, power plants, etc.
- Do not stop or anchor beneath bridges or in the channel.
- Keep a sharp eye out for anything out of the ordinary, and report it to the closest authority.

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Obstructing Navigation

It is illegal to:

- Operate any vessel in such a way that it will interfere unnecessarily with the safe navigation of other vessels.
- Anchor a vessel in the traveled portion of a river or channel in a way that will prevent or interfere with any other vessel passing through the same area.
- Moor or attach a vessel to a buoy (other than a mooring buoy), beacon, light, or any other navigational aid placed on public waters by proper authorities.
- Move, displace, tamper with, damage, or destroy any navigational aid.
- Obstruct a pier, wharf, boat ramp, or access to any facility.

Diver-Down Flags

- Scuba divers or snorkelers must display a diver-down flag to mark their diving area.
- Vessels must not operate within 200 feet of a displayed diver-down flag.

A rectangular red flag, at least 12 x 12 inches, with a white diagonal stripe is required on Vermont waters.

A blue-and-white International Code Flag A (or Alfa flag) is required on federal and international waters.

Discharge of Trash

- It is illegal to dump refuse, garbage, or plastics into any state or federally controlled waters.
- You must store trash in a container while on board and place it in a proper receptacle after returning to shore.

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- If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a Garbage Disposal Placard that is at least 4 x 9 inches and notifies passengers and crew about discharge restrictions.

Discharge of Oil and Other Hazardous Substances

- It is illegal to discharge oil or hazardous substances.
- You are not allowed to dump oil into the bilge of the vessel without means for proper disposal.
- You must discharge oil waste to a reception facility. On recreational vessels, a bucket or bailer is adequate.
- You must immediately notify the National Response Center **(1-800-424-8802)** if your vessel discharges oil or hazardous substances in the water. You also must call Vermont Emergency Management **(1-800-641-5005)** and report the discharge.
- If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a 5 x 8-inch placard made of durable material, fixed in a conspicuous place in the machinery spaces or at the bilge pump control station, stating the Federal Water Pollution Control Act's law.

Discharge of Sewage and Waste

- It is illegal for a vessel to discharge sewage into the waters of Vermont.
- All vessels equipped with a marine toilet must have a wastewater holding system to prevent the discharge of waste products into surrounding waters.
- Any holding tank or marine toilet that is designed to allow discharge into the water (such as a those with a Y valve) must have the openings sealed shut. Also any discharge lines, pipes, or hoses must be disconnected and stored while the vessel is on Vermont waters.
- Residential use of vessels with overnight sleeping facilities is prohibited on waters that do not have sanitary waste pump-out facilities.

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Specifically for PWC

PWC operators must obey laws that apply to other vessels as well as obey additional requirements that apply specifically to the operation of PWC.

Requirements Specific to PWC

- Everyone on board a PWC must *wear* a USCG–approved wearable PFD.
- An operator of a PWC equipped with a lanyard-type ECOS must attach the lanyard to his or her person, clothing, or PFD.
- PWC may be operated only during the hours between sunrise and sunset.
- You must be at least 16 years of age to operate a PWC.

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Sharing Your PWC…Safely!

Sharing the fun of your PWC with friends is all part of the boating experience. Before you share your PWC, however, make sure that others you allow to operate it understand their responsibilities as an operator. They need to know that they have the same responsibilities as any other vessel operator, including obeying the navigation rules.

In addition:

- Make sure that anyone you allow to operate your PWC meets the minimum age and education requirements for PWC operation in Vermont and the local waterway you are using.
- Show new operators how to start and reboard the PWC while on shore or in shallow water.
- Explain how to steer and control the PWC. Tell all new operators and remind experienced operators that ***power is required for steering control!***
- Make sure that the operator understands how to use the ECOS and attaches the lanyard to his or her person or PFD before starting the engine.
- Have anyone new to PWC go out in an uncongested area first. Tell them to stay clear of other PWC, boats, or persons in the water.
- Explain how to recognize a "slow, no wake" speed marker and what to do when approaching one.

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Specifically for Skiing

Vessel operators towing a person(s) on water skis or a similar device have additional laws.

Requirements for Towing Skiers

- All persons being towed behind a vessel on water skis or any other device must *wear* a USCG–approved wearable PFD. Ski belts are not approved PFDs.
- Every vessel towing a person(s) on water skis or any other device must have a person who is at least 12 years old on board, in addition to the vessel operator, in a position to observe the towed person(s).
- If towing a skier with a PWC, the PWC should be rated for at least three people—the operator, the observer, and the skier.
- A reasonable distance from other vessels, people, and property must be maintained so as not to endanger life or property. Unless necessary for landing or leaving shore, it is illegal to cause the towed device or person being towed to approach within 100 feet of:
  - A person swimming
  - A canoe, rowboat, or other small vessel with a person on board
- Some areas less than 200 feet from the shoreline may be designated for water-skiing. These areas may have special rules governing their use. (See "Lake-Specific Rules Regulating the Use of Particular Public Waters" online at **dec.vermont.gov/watershed/lakes-ponds/vermont-use-public-waters-rules.**)

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Hand Signals for Skiers

Knowing proper hand signals will help the skier(s) communicate with their boat operator or the observer.

Skier OK

Stop

Skier down—watch!

Speed up

Slow down

Speed OK

Turn left

Turn right

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Stop the Spread of Nuisance Species

An increasing number of non-native aquatic plants and animals are invading Vermont waters. When moved into new waters, these species rapidly multiply, causing significant economic and ecological damage. Do your part to help prevent the spread of nuisance species.

- Inspect your vessel, trailer, and equipment (motor, anchors, centerboards, rollers, axles, etc.), and remove any plants and animals you see before leaving the area.
- Discard unused bait in the trash, or leave it with someone fishing in the same body of water.
- Drain water from the motor, live well, bilge, and transom wells while on land and before leaving the area.
- Rinse your vessel, propeller, trailer, and equipment with tap water (preferably hot) or at a car wash.
- Dry vessel and equipment in the sun for at least five days.
- Learn how to identify aquatic nuisance species.
- Report sightings of aquatic nuisance species to:
  Vermont Department of Environmental Conservation
  Water Quality Division
  802-828-1535
  dec.vermont.gov/watershed/lakes-ponds/aquatic-invasives

Notice:

- The transport of all aquatic plants and aquatic plant parts, zebra mussels, quagga mussels, or other specified aquatic nuisance species to or from any Vermont surface water is illegal in Vermont (under Vermont Statutes Annotated, Title 10, Chapter 50, §1454 regarding the transport of aquatic plants and aquatic nuisance species). The law defines an aquatic plant as "a plant that naturally grows in water, saturated soils, or seasonally saturated soils, including algae and submerged, floating-leafed, floating, or emergent plants."
- Effective July 1, 2010, any person who violates this law may be subject to a fine of up to $1,197 per violation.

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Types of Aquatic Nuisance Species

Introducing non-native species into Vermont waters can upset the balance of the ecosystem, harming the environment. Below are some common nuisance species.

Eurasian Watermilfoil A prolific aquatic plant found in Lake Champlain and many inland lakes in Vermont. It interferes with boating and displaces native plants. It is spread easily when plant fragments are caught and moved via boat trailers, propellers, anchors, or wet wells. Plant fragments can initiate new plants and become well established.

Zebra Mussel A tiny D-shaped mollusk, well-established in Lake Champlain. It can clog water intake pipes, damage vessel engines, obscure historic shipwrecks, and alter native species populations. Adult zebra mussels can attach to and be moved on vessel hulls, engines, and other equipment. Microscopic larvae can get trapped and moved in water of vessel engines, bilges, bait buckets, and live wells.

Water Chestnut A prolific annual plant found in southern Lake Champlain, Lake Bomoseen, and a few inland lakes. It interferes with boating, hunting, and fishing and displaces native plants. It is spread by seeds or rosettes caught in vessels and equipment.

Alewife A small bait fish recently found in Lake St. Catherine. The alewife may displace smelt and other native forage fish. It can be introduced to new bodies of water if accidentally or intentionally caught and used for bait or if dumped from bait buckets or live wells.

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Vermont's Use of Public Waters Rules

In addition to state and federal regulations, many public waters have specific rules for watercraft such as speed limits or vessel prohibitions.

For more details about Vermont's Use of Public Waters Rules, including a full list of general and lake-specific rules, please visit **dec.vermont.gov/watershed/lakes-ponds/vermont-use-public-waters-rules**, or scan this QR Code to access these lake-specific rules.

SCAN ME

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Vermont Required Equipment Checklist

	PWC	Boat Less Than 16 Ft.	Boat 16 Ft. to Less Than 26 Ft.
Boating Safety Education Certificate	✓1	✓1	✓1
Certificate of Registration on Board	✓	✓	✓
Validation Decals Displayed	✓	✓	✓
Wearable PFDs	✓2	✓2	✓2
Throwable Device			✓3
Type 5-B Fire Extinguisher	✓	✓	✓
ECOS	✓	✓4	✓4
Backfire Flame Arrestor	✓	✓5	✓5
Ventilation System	✓	✓	✓
Muffler	✓	✓	✓
Horn, Whistle, or Bell	✓	✓	✓
Daytime VDSs			4, 7
Nighttime VDSs	6	4, 7	4, 7
Navigation Lights	6	✓	✓

1. Applicable if operator is born after January 1, 1974.
2. Those on a PWC must *wear* a PFD at all times. Those under the age of 12 must *wear* a PFD while underway on an open deck.
3. Required on vessels 16 feet or longer operating on U.S. waterways determined navigable by the USCG, including Lake Champlain, Lake Memphremagog, and Wallace Pond.
4. Required when boating on federally controlled waters.
5. Required on all powerboats (except outboards).
6. Certain items are not applicable to PWC because they are only allowed to operate between sunrise and sunset.
7. Not required on Vermont waters but recommended.

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FOR MORE INFORMATION

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Waterbury, VT 05671
802-244-8727

REGIONAL OFFICES

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578 Paine Turnpike North
Berlin, VT 05602
802-229-9191

Derby
35 Crawford Road
P.O. Box 410
Derby, VT 05829
802-334-8881

New Haven
P.O. Box 83
New Haven, VT 05472
802-388-4919

Royalton
2011 VT Route 107
Bethel, VT 05032
802-234-9933

Rutland
124 State Place
Rutland, VT 05701
802-773-9101

St. Albans
140 Fisher Pond Road
St. Albans, VT 05478
802-524-5993

St. Johnsbury
1068 US Route 5,
Suite #1
St. Johnsbury, VT 05819
802-748-3111

Shaftsbury
96 Airport Road
Shaftsbury, VT 05262
802-442-5421

Westminster
1330 Westminster
Heights Road
Putney, VT 05346
802-722-4600

Williston
3294 St. George Road
Williston, VT 05495
802-878-7111

Al Johnson
Boating Law
Administrator

Sgt. Jacob Metayer
Marine Division Supervisor

Website: vsp.vermont.gov

Website:
vtfishandwildlife.com

GET YOUR FREE SAFETY INSPECTION FROM THE VERMONT STATE POLICE

Upon successful completion of a safety inspection, the boat owner is awarded a safety inspection decal that signifies compliance with Vermont's boating equipment requirements. Affix this decal on the port (left) front half of the vessel.

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From: Russ evatt <evatt55@gmail.com>
Sent: Friday, February 20, 2026 2:33 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from evatt55@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds,

Thank you for the opportunity to submit public comment regarding the proposed 2025 wakeboat rule amendments.

As a concerned boater, I respectfully submit this letter to outline my opposition to three proposed additions:

1. **The 3,000-foot straight**-run requirement. 3,000 feet is not shown to be required by scientific research; it is an operational assumption. Because no scientific or environmental study establishes a need for a 3,000-foot straight run, this is a policy choice. It should not be characterized as science-based without a peer-reviewed study demonstrating necessity.

2. The **"500 feet** from any object" provision within a wakesports zone. 500 feet from any object is not supported by wake attenuation science and functions as a practical access restriction. Without a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this reads as a policy restriction rather than a science-based safety threshold.

3. The increase in minimum lake size from 50 acres to **100 acres.** 100 acres is a policy exclusion tool, not a measured environmental threshold. Absent a study showing that 50 acres with existing safeguards is insufficient and 100 acres is necessary, this change functions as a policy lever to restrict access.

Additionally, I would like you to address the related argument that wakesports constitute a "**non-normal use**" of Vermont public waters. Wakesurfing represents an evolution of long-standing towed watersports and falls within Vermont's normal use framework.

Vermont's existing wakesports zone definition is already restrictive and codified. The broader research landscape on wake attenuation is mixed and condition-dependent. Vermont has not produced Vermont-specific hydrodynamic field research in this record demonstrating that the escalated numerical thresholds are necessary statewide.

Taken together, these proposals read as policy mechanisms to further restrict use in the absence of Vermont-specific scientific findings.

Thank you for considering this comment.

Russell Evatt

From: Margaret Evatt <evatt59@gmail.com>
Sent: Friday, February 20, 2026 2:38 PM
To: ANR - WSMD Lakes
Subject: wakesports

You don't often get email from evatt59@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds,

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2. The **"500 feet** from any object" provision within a wakesports zone. 500 feet from any object is not supported by wake attenuation science and functions as a practical access restriction. Without a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this reads as a policy restriction rather than a science-based safety threshold.

3. The increase in minimum lake size from 50 acres to **100 acres.** 100 acres is a policy exclusion tool, not a measured environmental threshold. Absent a study showing that 50 acres with existing safeguards is insufficient and 100 acres is necessary, this change functions as a policy lever to restrict access.

Additionally, I would like you to address the related argument that wakesports constitute a "**non-normal use**" of Vermont public waters. Wakesurfing represents an evolution of long-standing towed watersports and falls within Vermont's normal use framework.

Vermont's existing wakesports zone definition is already restrictive and codified. The broader research landscape on wake attenuation is mixed and condition-dependent. Vermont has not produced Vermont-specific hydrodynamic field research in this record demonstrating that the escalated numerical thresholds are necessary statewide.

Taken together, these proposals read as policy mechanisms to further restrict use in the absence of Vermont-specific scientific findings.

Thank you for considering this comment.

Margaret Evatt

From: f2001b@aol.com
Sent: Thursday, February 19, 2026 8:51 AM
To: ANR - WSMD Lakes
Subject: VT Use of Public Waters 2025 Proposed Rule
Attachments: Amoia letter of opposition to VT use of public water rule 2025.pdf

You don't often get email from f2001b@aol.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see my attached letter opposing the proposed 2025 rule.

Thank you,

Mark Amoia

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold, the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non-Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written. I don't feel as though the 2024 rules have been in effect long enough to determine if they are inadequate and need to be changed.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area. This rule creates a **double standard** whereas if other boats come into the 500 foot buffer of the wakeboat, the wakebook would have to stop, possibly causing injuring to the surfer. Under the current rule, boats are to be 200 feet from other vessels, unfortunately, many boaters currently do not adhere to this rule.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute’s intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal "use." Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the "normal use" framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfing represents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as "non-normal use," as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft “any object” as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters’ shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded “any object” buffer provisions.

Thank you for your consideration.

Mark S. Amoia, Concerned Boater

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: fdaboss@aol.com
Sent: Friday, February 20, 2026 4:27 PM
To: ANR - WSMD Lakes
Subject: wakesports
Attachments: letter for wakesports.docx

You don't often get email from fdaboss@aol.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,
I've attached a letter that states I am opposed to the 2025 wakeboat rule amendments.
Please accept this letter in favor of not changing the 2024 rules.
Sincerely,
Francesca Battista

Dear ANR / Lakes & Ponds,

Thank you for the opportunity to submit public comment regarding the proposed 2025 wakeboat rule amendments. We support the 2024 rules and regulations.

I respectfully submit this letter to outline my opposition to three proposed additions

— **the 3,000-foot straight**-run requirement,

- the **"500 feet** from any object" provision within a wakesports zone,
- and the increase in minimum lake size from 50 acres to **100 acres** —
- and to address the related argument that wakesports constitute a "**non-normal use**" of Vermont public waters.
- **Section 3.7 and 4.3** Rule Changes

---

1) Opposition to a 3,000-Foot Straight-Run Requirement

There is no peer-reviewed environmental or boating-safety research establishing 3,000 feet as a required minimum run length for safe wakesurf operation. The wake studies most often cited address wake characteristics, wave attenuation, and potential environmental effects. They do not prescribe a minimum straight-run distance.

The 3,000-foot number appears primarily as an operational description of a typical ride length and as an assumption used in geometric modeling of space. This reflects boating practice and zoning math, not measured hydrodynamic necessity.

Conclusion: Because no scientific or environmental study establishes a need for a 3,000-foot straight run, this is a policy choice. It should not be characterized as science-based without a peer-reviewed study demonstrating necessity.

---

2) Opposition to "500 Feet From Any Object" Within the Wakesports Zone

Vermont already operates under a statewide boating safety structure built around a 200-foot framework related to swimmers, shorelines, and other vessels. Major wakesurf research discussions focus on wake energy and wave attenuation, not on collision envelopes or separation bubbles from "any object."

For example, work from the University of Minnesota and St. Anthony Falls Laboratory examines distances needed for wake characteristics to diminish. That is a wake-behavior question, not proof that 500 feet from all objects is required for safe operation.

Requiring 500 feet from shore and 500 feet from other vessels or swimmers creates a large moving exclusion zone. In normal lake use, this can make compliance impractical, converting theoretical allowance into practical prohibition.

Conclusion: Without a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this reads as a policy restriction rather than a science-based safety threshold.

---

3) Opposition to Increasing Minimum Zone Size from 50 Acres to 100 Acres

Acreage is not a direct scientific variable. Area thresholds are derived from assumed run length, wake width, and setbacks — geometry, not hydrodynamics.

Vermont's current rule already requires at least 50 acres, along with shoreline setbacks and depth requirements. Increasing to 100 acres will remove additional waterbodies by definition. That is a policy outcome and should be acknowledged as such.

Conclusion: Absent a study showing that 50 acres with existing safeguards is insufficient and 100 acres is necessary, this change functions as a policy lever to restrict access.

Section 3.7 and 4.3

Overall Scientific Context

Vermont's existing wakesports zone definition is already restrictive and codified. The broader research landscape on wake attenuation is mixed and condition-dependent. Vermont has not produced Vermont-specific hydrodynamic field research in this record demonstrating that the escalated numerical thresholds are necessary statewide.

Final Conclusion

I oppose the additional restrictions because:

1. 3,000 feet is not shown to be required by scientific research; it is an operational assumption.
2. 500 feet from any object is not supported by wake attenuation science and functions as a practical access restriction.

3. 100 acres is a policy exclusion tool, not a measured environmental threshold.
4. Wakesurfing represents an evolution of long-standing towed watersports and falls within Vermont's normal use framework.

Taken together, these proposals read as policy mechanisms to further restrict use in the absence of Vermont-specific scientific findings.

We have lived on a Vermont lake for 20 years and enjoy seeing all the water sports on the lake. They are enjoyable to watch and we have never seen or had issues with any of the wakesurf boat owners and their activities.

Sincerely,

Drake and Francesca Battista

Thank you for considering this comment.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings

https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: fred@probeeconomics.com <fredprobe@gmail.com>
Sent: Monday, February 2, 2026 10:27 AM
To: ANR - WSMD Lakes
Subject: Wakesports on Lake Fairlee

You don't often get email from fredprobe@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear DEC,

We had a home on Lake Fairlee for years and continue to enjoy the lake – now retired to nearby Lyme, NH. Regrettably, the larger wakes in recently years have forced a good friend from Hanover to stop paddling with us. She has a medical device (a chest tube?) that makes falling out of her kayak extremely dangerous, probably fatal.

We therefore urge more of an increase in safety provisions that you presently are said to be considering. Hopefully, the 100-acre minimum will reduce wake sizes and maybe bring our friend back from Hanover.

Respectfully,

Fred Peterson
14 On the Common, Unit 3
P.O. Box 287
Lyme, NH 03768
1-603-667-3636

From: Jim Morgan <gjmorgan47@gmail.com>
Sent: Monday, February 16, 2026 7:47 PM
To: ANR - WSMD Lakes
Subject: Wakesports 2026

You don't often get email from gjmorgan47@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I respectfully request that the State of Vermont NOT change the existing rules which govern the use of wake boating function on motorboats on Vermont lakes. Since introduced the present rules have been effective and there has been **no change in existing science or observational studies to suggest a change is necessary.**

In fact, The Lake Fairlee Association (LFA - of which I am a member) filed for an exemption within 24 hours of the rules being published, without any discussion from members of the LFA or other stakeholders. Over the following season the LFA did no studies nor collected any information to evaluate without prejudice there effectiveness. My family took it upon ourselves to educate the greeters at Lake Fairlee on how to identify and watch for wake boat activity. We did this with an educational lecture and use of our wake boat for tours and demonstration. I also know of no issues reported or related to the VT Fish and Game, or State Police for their use on Lake Fairlee. I am told that is true for the entire State of VT.

The changes suggested seem overly restrictive and would, by almost yards, prevent us from enjoying this sport on Lake Fairlee. I have been on the lake with a home for 50 years, sent all my children and now all my grandchildren to the Aloha Camps and I would not do that if I felt there was any potential risk from Wake Boat function. Hi speed bass fishing boats before dawn scare me more.

Sincerely,

Jim Morgan
Passumpsic Point
West Fairlee VT 05055

603-728-8171

From: Weckesser, Grace she/her
Sent: Tuesday, February 24, 2026 4:08 PM
To: ANR - WSMD Lakes
Subject: Mark Johnson Wakesports Public Comment
Attachments: Mark Johnston's Wakesport Doc to DEC 2.13.26.docx.pdf

Hi Lakes team 😊

You may have seen this attached letter from Mark Johnson come in (with ANR.Info included as well… an email that I monitor)
I just want to ensure it has been received by you, so I can alert Mark that his comment has been received.

Sincerely,

Grace Weckesser (she/her) | Executive Assistant
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2 | Montpelier, VT 05620-3901
802-828-0316 office | 802-261-5920 cell
Grace.Weckesser@vermont.gov
https://anr.vermont.gov

Dear DEC Decision Makers,

Thank you for the opportunity to share my input and for your work in managing Vermont's water resources. As a veterinarian by profession, my 8 years of college training and my decades of “practice” as a veterinarian, taught me to base my diagnostic plans and treatment recommendations on science. Science, that is supported by diagnostic results, patient history, physical findings and observations as well as years of building on my knowledge from experience and ever evolving medical discoveries. The decisions being made by the DEC regarding regulation of wakeboats and wakesports need to be supported by science AND common sense.

My wife Nancy and I both strongly support the proposed wakesport regulations that DEC is considering. We only wish that the proposed regulations were stronger! The powerful waves created during wakesport activities have such negative impacts on lake recreationists’ safety and on the lake ecosystem/environment, both in the lake and along lake shorelines.

I am one of ten Board of Directors representing SSLPPA (Sunset Sunrise Lakes Perch Pond Association) located in Benson VT. We are unanimous in our support of all of DEC’s proposed wakesport regulations!

During my Zoom attendance of both of your public comment opportunities held in Jan and Feb, I listened carefully to all of the pro-wakesport advocate comments. I would like to address the reasoning stated during the hearings by the opponents of stronger wakesport regulations.

1). The claim, made by many, that there is no necessary Vermont-based science to support the need for regulations.

This often-repeated comment is made by people turning a blind eye to readily available science/data completed on lakes outside the state of Vermont. Wake research does not have to be conducted in Vermont to be valid. Wave physics do not vary by location. You, the decision makers at the DEC, are also being asked to turn a blind eye to the science/data that has been shared with you over the years by groups such as RWVL (Responsible Wakes for Vermont Lakes).

2). The claim that RWVL's initial 2022 petition to the DEC only asked for wakesport zones of 60 acres is justification for opposing the considered 100-acre requirement.

The RWVL petition’s 60-acre recommendation assumed only a 200 foot distance between wakesports and other lake users. Now that DEC has accepted scientific research that this safety buffer distance should be 500 feet (or more), the wakesports zone minimum acreage requires a consistent increase in size. In 2022, the extent of the harm created during wakesport activities to our lake environments and the safety of other lake users was not fully realized. Many (and I believe most) people that I have had

discussions with regarding wakeboats and wakesports would strongly prefer that wakeboats not be allowed on Vermont inland lakes.

3). The point stated that "co-usage" of our lakes should be for everyone.

Co-usage is for everyone! But not for every available method of use or recreation. Trailbikes and ATV's are restricted from Vermont's hiking trails. Why? Because of the damage to the trails and the negative impact on the safety and enjoyment of hikers. Wakeboats are not a "Normal" use option on our VT lakes. And, there is no reasonable denying that wakesport activities damage lake environments, water quality, fish and wildlife habitat. They dimmish enjoyment of other lake users and increase safety concerns that the DEC is trying to mitigate.

4). The loon population is making a comeback in VT. Therefore, we don't need to worry about wakesport's wave impact on nesting loons.

Loon population is increasing, largely due to the efforts of the Vermont Center for Ecostudies loon project. Years of work and large amounts of money have been devoted to this project. The VCE's loon project manager, Eric Hanson, has shared concerns with the DEC regarding flooding of loon eggs out of their nests during nesting season. Wakesport waves are much larger than any naturally occurring wind-driven waves. For wakesport advocates to ignore threats to successful loon chick hatching (and some waterfowl species) is unwarranted. I would like to see wakeboats prohibited on water bodies in Vermont during loon breeding/nesting season!

5). Other states have less restrictions on wakeboat usage.

True, and some municipalities have much stronger restrictions. Wakeboats are a relatively new form of boating activity. Most states (if not all) have simply treated wakeboats in the same fashion and with the same regulations as other powerboats. Vermont lakes in general are not as large as many of the lakes being used for wakeboat activities in other states. Many other states, including Vermont’s neighboring states, are currently struggling to adopt wakeboat regulations. They are hampered in their efforts by powerful, deep-pocketed, pro-wakeboat lobbyists. The environmental damage and hazards inherent with powerful wakeboats, particularly while being operated in wakesport mode, has not been adequately foreseen. This lack of foresight is understandable; however, it makes adequate regulations for a technology that is now well established much more difficult, especially with many wakeboat owners crying foul or “it’s not fair” to make regulations targeting their recreation preferences. Is it fair to allow wakesports to adversely impact the majority of other lake recreationists? Common sense points to necessary and adequate regulations.

6). Wakeboat proponents claim that AIS (aquatic invasive species) transfer problems pre-exist wakeboats.

People making this claim can't honestly say that wakeboats equipped with huge ballast tanks that can't, by the nature of their design, be completely drained of water (that may harbor AIS organisms) aren't more likely than other types of boats to cause

the spread of AIS. Are these proponents suggesting we all give up on limiting AIS transfer because it pre-existed wake boats?

7). Some claim that current rules/regulations haven't been in place long enough to necessitate stronger regulations.

The VT DEC had the wisdom to recognize that their first attempt to put in place regulations to mitigate the problems inherent with wakesports required revisions and clarity, and needs to adequately address the previous omission of safety issues. There is never a need to wait to implement safety precautions.

8). Anti-regulation comments decry "policy making based on emotions", not on science.

People's emotions are impacted by experiences as well as facts and knowledge. During your public hearing/Zoom meeting one articulate speaker spoke about "FEAR BASED DISPLACEMENT". Thinking about that, I realized that many swimmers, paddleboarders, kayakers, etc., are reluctantly forced to forgo their water recreation activities when wakeboats are creating ocean-sized waves in an area of the lake they wanted to enjoy. Should one type of lake recreation be allowed if it ruins the enjoyment or causes fear in so many other lake users?

9). Wakeboat advocates state that they have already compromised and have complied with current wakesport regulations. Some are asking people or the DEC to compromise on the DEC's proposed regulations.

Most people wanting strong wakesports regulations feel that the public has already compromised. Many would like to see wakeboats and or wakesports banned completely from Vt inland lakes. A task way beyond DEC’s reach, at least currently. Wakeboat operators can still enjoy boating without filling their huge water ballasts or deploying their wakesurf devices/fins. Waterskiing and tubing with a wakeboat is permissible. I'd say that it is a huge compromise allowing a type of boat that is not considered a normal use to be used in Vermont's public waters.

10). Claims were shared that wakeboats only account for 1% of boats registered in Vermont.

The percentage of wakeboats should not be a factor in DEC's deliberation of wakesport regulations. Wakeboat percentages are bound to increase over time. And because wakeboats are currently a small percentage of Vermont boats doesn't negate the fact that they need to be and should be regulated. Should Formula One race cars be allowed on public roads? Most people would say no in consideration of safety concerns. Wakeboats are a cause for safety concerns. We need to regulate their use on public waters.

11). A wakeboat advocate asked the DEC to "DO NO HARM".

We supporters of strong wakesport regulations would echo that sentiment. Use the "precautionary principle" and err on the side of do no harm to our lake's environment

and the safety of other users. Unfortunately, someday a kayaker, swimmer, diver, or a child learning to swim will be killed as a direct result of the large waves and or poor visibility inherent with wakesports. The state that fails to put in place adequate regulations is very apt to face a huge law settlement for wrongful death.

12). At the public DEC hearing someone said, "wind waves are similar to wakeboat waves".

If that were true, how many other types of lake recreationists would want to use the lake during that kind of wind? Of course, it's not true. Follow the science. Please review the comments submitted to the DEC earlier in this process by the retired physics professor regarding his analysis of the unnatural wave power created by wakeboats.

13). The argument was made that DEC shouldn't make wakeboat regulations because Vermont doesn't have enough law enforcement to enforce the laws.

So, maybe we should get rid of our roadway speed limits because officers can only ticket a very small percentage of speeders. (Sarcasm alert).

14). Wakeboat "captains" admitted that it is difficult for wakeboat operators to view what is directly in front of them in wakesport mode because of the upward angle of the boat's bow while plowing through the water to create a surfable wake wave. The same speaker said that if they needed to stop suddenly to avoid a collision, the surfer riding the wave would be in danger of physical harm from colliding with the boat's stern.

The speaker referred to on this point really inadvertently strengthened the need for regulations for wakesports. I have spoken with divers who use diver down flags. Scuba divers do use our lakes, often in deep water. A diver down flag is very easy to overlook when towing a water-skier or people on a tube. Obstacles are much more likely to be unseen, until too late, by an operator in wakeboat mode. The underwater turbulence created by the powerful downward blast of the boat's prop angle would be dangerous for divers. Especially a diver just learning their skills. That is the same powerful blast that can scour lake bottoms, destroy fish nests and habitat in up to 30 feet of water. That statement is backed by published science/data completed in other states. Please consider requiring 30 feet of water depth or more for wakesports. In addition, please consider restricting wakeboats entirely of the type that are going to be manufactured with even more wave creating capabilities than those currently available. Retroactive regulations are much more difficult to put in place than proactive ones.

15). Many speakers pointed to the lack of reported complaints as a reason to avoid fixing something that isn't a problem.

Other concerned people have written to the DEC about the mis logic or lack of logic with the above statement. I know from experience that there are times when our family has not been able to let our young grandchildren learn to swim or learn to kayak because of waterskiing generated waves hitting our shore. The 200 foot from shoreline regulation is very often ignored by powerboaters. Not once have I reported the problem to law enforcement. Many times my wife and I have avoided paddleboarding at the

same time that our relatively small lake (200 acres) is being used by powerboats. Most lake recreationists don't even know if a boat operator is in violation let alone be able to prove it. So, it goes unreported and because violations go unreported wakeboat proponents claim there is no problem. The problems created by wakeboat waves are much greater than those created by other powerboats.

Please consider the merits of the above points. Your efforts to protect our lakes and keep the public safe are very much needed and appreciated.

Best regards,

Mark Johnston

Dr. Mark D. Johnston

2029 Sunset Lake Rd

Benson, VT 05743

From: grantfs@aol.com
Sent: Monday, February 9, 2026 6:45 PM
To: ANR - WSMD Lakes
Subject: Wake Sports in VT- Comment

You don't often get email from grantfs@aol.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thank you for your attention,

Why Vermont Should Reject Further Restrictions on Wake Boats

Vermont stands at a pivotal moment in shaping the future of its lakes. As policymakers consider additional restrictions on wake boats, despite already having some of the most protective statewide wake sport regulations in the nation, it is essential that decisions be guided by evidence, not assumptions or pressure from anti-boating advocacy groups. The data simply does not support the claim that wake boats pose a unique or elevated threat to lake ecosystems or wildlife. In fact, emerging reporting shows that other recreational users, not wake boats, are more likely to disturb sensitive species such as loons.

Vermont Already Has Some of the Strictest Wake Sport Regulations in the Country

In April 2024, Vermont enacted one of the most protective statewide wake sport frameworks in the United States. These rules already require:

- Large buffer zones
- Distance-from-shore requirements
- Designated wake sport zones
- Operational restrictions designed to minimize shoreline impact

Before layering on additional restrictions, Vermont should allow these new regulations to function as intended. There is no evidence that the current rules are inadequate, nor that wake boats are causing measurable harm under the existing framework.

New Evidence Shows Paddlers and Shoreline Users Pose Greater Risk to Loons Than Wake Boats

In a recent VTDigger report, Eric Hanson, a biologist for the Vermont Loon Conservation Project

Vermont Loon Conservation Project | Vermont Center for Ecostudies

highlights a critical and often overlooked fact: **the greatest disturbances to loon nesting sites come from people who get too close to shore- NOT from wake boats operating hundreds of feet away.**

According to the article:

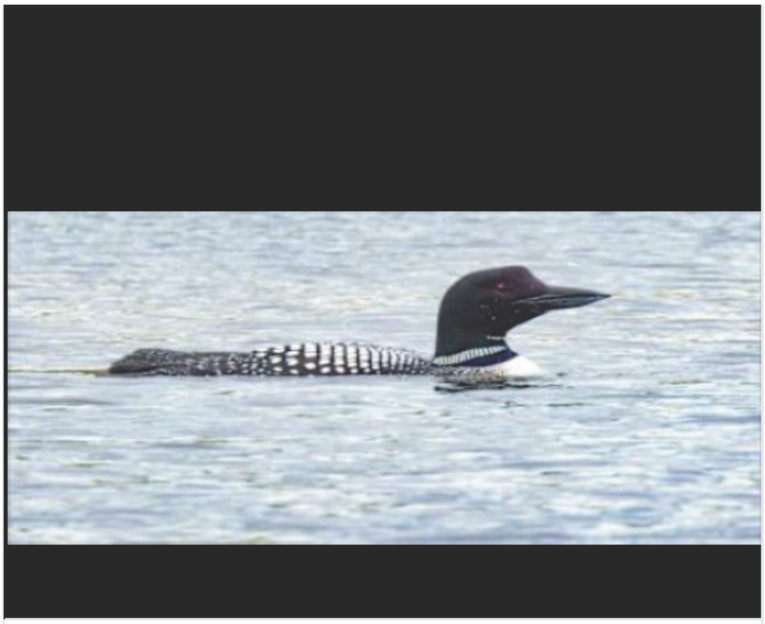
“The nesting signs respectfully ask boaters to give the loons a little space since they are highly territorial, especially during breeding season. If humans get within 10 feet of their nest and the birds feel it’s threatened, they’re more likely to abandon it, Hanson said.”

And most importantly:

“Hanson said kayakers and people fishing in boats close to the shore create more harm for loons than far-off wake boats.”

This distinction matters. Wake boats operating in designated zones- hundreds of feet from shore- are not the ones approaching nests, drifting into coves, or unintentionally entering sensitive habitat. Paddlers, shoreline anglers, and swimmers routinely come within feet of nesting sites, often without realizing it.

If the goal is truly to protect loons, then policy should focus on **shoreline proximity**, not on vessels that operate far from nesting areas.
Vermont’s adult loon population is at an all-time high, but fewer chicks are surviving - VTDigger



Vermont's adult loon population is at an all-time high, but fewer chicks...

Izzy Wagner

Biologists say Vermont's loon boom is entering a new phase, which may mean lower levels of nesting success as th...

Further Restrictions Would Not Address the Real Causes of Loon Disturbance

The push for additional wake boat restrictions is often framed as environmental protection. But the evidence contradicts that narrative:

- Loons are most vulnerable to **close-range human intrusion**, not distant wave action.
- Vermont's loon population is at an **all-time high**, according to the same VTDigger report- They are THRIVING while existing with wake boats.
- The decline in chick survival is linked to **predation and nest disturbance**, not wake boats.

Regulating wake boats more harshly will not stop kayakers from drifting into nesting zones or anglers from approaching shoreline habitat. It will, however, unfairly penalize a specific group of boaters without addressing the actual problem.

Wake Boats Are Being Targeted Based on Perception, Not Science

Wake sports have become an easy target for groups who oppose motorized boating altogether. But policymaking must rise above anecdote and emotion. Studies from multiple states, including Minnesota, Wisconsin, and Georgia, have consistently found:

- Wake boats, when operated responsibly and at appropriate distances, do not cause disproportionate shoreline erosion.
- Their wakes dissipate significantly before reaching shore when operated in deep water.
- They pose no unique safety risk compared to other motorized vessels.

Vermont's existing rules already reflect these findings. Additional restrictions would not be evidence-based- they would be reactionary.

Overregulation Threatens Fair Access and Vermont's Outdoor Recreation Economy

Wake sports are enjoyed by families, youth, and multi-generational Vermonters. They support:

- Local marinas
- Boat dealers
- Tourism
- Lakeside businesses
- Summer camps and youth programs

Eliminating or severely restricting wake sports on many lakes, especially through proposals to double minimum zone sizes or impose excessive distance requirements, would reduce access for responsible boaters. It would also create enforcement confusion and encourage conflict between lake users.

Vermont's lakes should remain shared, multi-use public resources, not spaces where one group's preferences override others without scientific justification.

A Better Path Forward

Instead of imposing new restrictions that do not address the real issues, Vermont should focus on:

- **Education** about loon nesting zones
- **Clear shoreline signage**
- **Enforcement of existing rules**
- **Collaboration** between paddlers, anglers, and boaters
- **Monitoring** the effectiveness of the 2024 regulations before making changes

This approach protects wildlife, preserves access, and maintains fairness across all recreational groups.

The evidence is clear: wake boats are not the primary threat to loons or lake ecosystems when operated under Vermont's already strict regulations. Further restrictions would be misguided, ineffective, and unfair. Vermont should uphold science-based policy, protect equitable access to public waters, and focus on the real sources of wildlife disturbance, those occurring at the shoreline, not hundreds of feet away.

Highest regards,

Grant Smith
Westmore, VT

From: grantfs@aol.com
Sent: Wednesday, February 18, 2026 5:28 PM
To: ANR - WSMD Lakes
Subject: Wakesports in VT

You don't often get email from grantfs@aol.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello ANR team,

I am writing to express strong opposition to any additional restrictions on wake sports within Vermont's Use of Public Waters. The proposed concepts currently being discussed are not supported by science, do not reflect real-world lake use, and would impose unnecessary barriers on a long-standing, responsible recreational activity enjoyed by Vermont families, youth, and visitors.

3,000-Foot Straight Run is Not Science-Based
The idea of requiring a 3,000-foot uninterrupted straight-line run is not grounded in any peer-reviewed wake research. No study identifies this distance as necessary for safety, shoreline protection, or environmental performance. Instead, it appears to be an arbitrary measurement that would effectively eliminate wake sports on the majority of Vermont lakes, not because of environmental need, but because of geometry. Regulations should be tied to measurable impacts, not theoretical distances that lack scientific justification.

500 Feet From "Any Object" ISN'T Supported by Wake Studies
Wake-related research consistently focuses on distance from shorelines, not "any object." Expanding the buffer to include docks, boats, swimmers, buoys, and other undefined "objects" is not supported by the literature and would create confusion, inconsistent enforcement, and unnecessary conflict among lake users. Current Vermont rules already require 500 feet from shore and 200 feet from other users- standards that are among the strictest in the country and were developed through a rigorous, evidence-based process. There is no data showing that these existing rules are inadequate.

100-Acre Minimum is A Math Tool, Not an Environmental Response
The proposal to require a 100-acre minimum wake zone is not an environmental threshold; it is a mathematical filter. It does not reflect lake conditions, shoreline sensitivity, or historical safety records. Instead, it functions as a blunt instrument that would eliminate wake sports on lakes where they currently operate safely and responsibly. Vermont's regulations should be tailored to actual environmental needs, not driven by arbitrary acreage cutoffs.

"Non-Normal Use" Claim - Tow Sports Pre-1993
The argument that wake sports constitute a "non-normal use" of Vermont waters is historically inaccurate. Tow boat sports have been part of Vermont's recreational landscape since well before 1993. Waterskiing, wakeboarding, and similar activities have been safely practiced for decades. Rebranding these long-standing uses as "non-normal" is an attempt to justify restrictions that are not supported by history, data, or the lived experience of Vermonters that actually use the lakes.

Section 3.7 Loophole: No Defined Reinstatement Timeline
The current language in Section 3.7 creates a significant procedural loophole: there is no defined timeline or mechanism for reinstating a wake zone once it is removed. This effectively allows for permanent elimination of access without due process or clear criteria for restoration. Any regulatory framework must include transparent, predictable pathways for both designation and reinstatement to ensure fairness and prevent misuse.

Vermont's existing wake sport regulations were crafted by professionals, grounded in logic, and designed to balance recreation with environmental stewardship. They are already among the most restrictive in the nation. Additional limitations, especially those not supported by research, would undermine that careful work and

unnecessarily restrict a valued recreational activity.

I respectfully urge the Department to reject any further restrictions and maintain the current, evidence-based regulatory framework that already protects Vermont's waters while preserving equitable access for all users.

Thank you for your consideration,

Grant Smith

Westmore, VT

From: Gretchen Morgan <GretMorgan@hotmail.com>
Sent: Thursday, February 26, 2026 12:25 PM
To: ANR - WSMD Lakes
Subject: Wakeboat Testimony - Dr. William Banholzer 2/19/26

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

Although I have sent my own personal letters already to the ANR for consideration, I would like to submit this testimony from Dr. William Banholzer that was taken on February 19th during the public hearing for the Wisconsin Senate Bill 1024. His testimony is not restricted to the state of Wisconsin, but rather it is based on his professional knowledge of fluid dynamics.

Please watch the entire video as there is a lot of important facts that are based in science and wonderful discussion with questions and answers that are again based on science and fact, not anecdotal comments.

~ Majority preference alone is not sufficient to justify restricting citizens' rights to access a shared state resource. ~

https://www.facebook.com/share/v/1KMjgXBC4i/

Thank you!
Gretchen

From: halfheighthex@gmail.com
Sent: Wednesday, February 11, 2026 9:12 PM
To: ANR - WSMD Lakes
Subject: Wakeboard

You don't often get email from halfheighthex@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public commenton the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone

within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute’s intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal “use.” Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the “normal use” framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as “non-normal use,” as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for “other good cause,” this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft “any object” as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters’ shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the

rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded “any object” buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional

restrictions.

Sent from my iPhone.

From: halmiller40@gmail.com
Sent: Sunday, February 15, 2026 8:50 AM
To: ANR - WSMD Lakes
Subject: Wake Sports

You don't often get email from halmiller40@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Lake Harvey is not an appropriate waterway on which to conduct wake sports. The lake is simply not large enough to accommodate wake boating activity which has a disproportionately large impact on everyone else. It is unreasonable and inequitable to allow access to a few wake boaters to the detriment of all of the conventional recreational boaters, fishermen, kayakers, canoers, paddle boarders, dock owners, swimmers and especially the loons and other wildlife inhabitants of the lake. As a property owner on Lake Harvey since 1978, my family (including young grandchildren) and I participate in all of the above-mentioned activities, and I believe there are legitimate safety concerns caused by large wakes in such close proximity to others on the water. Considering the additional risk of invasive species contamination from wake boat ballast tanks, which could result in the lake becoming unusable for all, Lake Harvey should clearly be exempted from the approved list of lakes allowing wake sports.

Harold Miller

148 Miller Lane

West Barnet, VT 05821

From: India Clark <india.newberry@gmail.com>
Sent: Thursday, February 19, 2026 5:05 PM
To: Dlugolecki, Laura
Subject: Proposed language and new wake sports ruling

You don't often get email from india.newberry@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Laura and those it may concern,

My name is India Clark and I am a Lake Morey, Fairlee, VT homeowner. I am writing to express my favor of a *total ban* on Wakesurfing in VT. 500 feet from shore is not enough - let's increase the language to 1000 feet from shore, at the very least.

A total ban on wakesurfing will protect lake ecology, public safety and enjoyment, and expensive alum treatments preventing cyanobacteria growth. In addition, a total ban would provide a control which could be used by other states using alum treatments to see if a ban does make a significant difference.

Other wake sports, such as waterskiing, have been enjoyed for decades and do not pose the same threats as wakesurfing with the large wakes and ballast tanks that could spread invasive species between lakes.

Imagine a quiet evening I spent last summer on Lake Morey. As the sun began to set and the surface of the water turned to glass, I set out for a quiet boat ride with my sensitive child and elderly mother to visit the loons and their babies. Along came a wakesurfing boat with its oceansize waves. Loons disappeared, my child and his grandmother shrieked and clawed at my arms for support as our boat thrashed. Waves crashed against the shore with force, kicked up sediment, and eroded the shoreline to the point our stepping stones over the summer have caved in and our boats and dock received damage.

This is a real problem, striking on many levels. Let's use stronger language to be sure we protect what is precious.

Thank you for your service,
India Clark

From: Jim Masland <jamesq56@yahoo.com>
Sent: Wednesday, February 25, 2026 4:58 PM
To: ANR - WSMD Lakes
Subject: Wake boats

[You don't often get email from jamesq56@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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Strength the rule. Do not weaken it. Wake boats mess up nesting sites for loons and all kinds of stuff where the water is not deep enough!

quirky words courtesy of autocorrect

From: Jamie Longtin <jamie.longtin@me.com>
Sent: Friday, February 20, 2026 10:10 AM
To: ANR - WSMD Lakes
Subject: Wake Sports

Importance: High

You don't often get email from jamie.longtin@me.com. Learn why this is important

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Regulators,

It should not be necessary to remind the Vermont Department of Environmental Conservation (VT DEC) that its mission is to preserve, enhance, restore, and conserve Vermont's natural resources and to protect human health for present and future generations.

For the past 34 years, I have been actively engaged in environmental stewardship, including working with VT DEC Lakes & Ponds to develop protocols designed to prevent damage to our water resources from erosion, aquatic invasive species (AIS), and shoreline degradation.

The existing regulations governing the transport of AIS, Clean and Dry boat practices, shoreline protection, and the preservation of established uses on Vermont's smaller inland waterbodies are fundamentally incompatible with wake sports. This conflict has already been clearly documented in multiple studies submitted during previous hearings.

Concerns regarding personal safety, shoreline erosion, disturbance of lake bottoms and littoral zones, impacts to loon nesting, the spread of AIS, and the practical enforcement of existing protective regulations each provide sufficient justification to prohibit wake sports on smaller lakes in Vermont.

Sound policy should be guided by science, experience, and common sense. I urge our leaders to regulate responsibly and in alignment with the very mission they are entrusted to uphold.

Jamie Longtin
Sunset Lake
Benson, VT 05743

Jamie.longtin@me.com

From: Jamie Longtin <jamie.longtin@me.com>
Sent: Friday, February 20, 2026 9:54 AM
To: ANR - WSMD Lakes
Subject: Wakeboats

Importance: High

You don't often get email from jamie.longtin@me.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

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Jamie Longtin
Sunset Lake
Benson, VT 05743

Jamie.longtin@me.com

From: Jane Carol Glendinning <jcglen1@icloud.com>
Sent: Friday, February 20, 2026 4:20 PM
To: ANR - WSMD Lakes
Cc: Jane Carol Glendinning
Subject: Wakesports

You don't often get email from jcglen1@icloud.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

As a seasonal resident of Lake Champlain's Providence Island in the Vermont Town of South Hero and a member of a family of property tax payers on Providence Island, I strongly support the DEC's proposed changes to the Use of Public Waters (UPW) rules so long as they are strengthened by adopting positions thoughtfully researched and supported by Responsible Wakes for Vermont Lakes (RWVL) to protect the waters of not only Champlain, but all Vermont Lakes from the unique impacts of wake-enhanced water sports.

I am a permanent resident of the Capital District in New York State and note that several environmental groups in the Adirondacks concerned about Lake Champlain have made recommendations based on sound science that overlap with those proposed by RWVL and some of DEC's proposed rules, specifically that

—wakeboats operate only in water with a minimum depth of 30 feet;
— the minimum shore and other setback distances, including around islands, be 1,000 feet (consistent with RWVL's recommendation that the setback distance be greater than 700 feet); and
—the water safety zone be a minimum of 100-acres with sufficient open water for 3,000-foot run.

The reasons I support some of the DEC's proposed rules and urge DEC to strengthen others reflect my concerns about all Vermont lakes and specifically about northern Lake Champlain where I live during the wake boat season.

Sensitive habitat protection
Loons nest along the edge of a sandy bay located on the northwest shoreline of Providence Island. Protecting their nests from wake boat waves is essential to ensure successful breeding.

Blue-green algae threat
Large wake boat waves stir up bottom sediments, which help feed periodic blue-green algae blooms. From time to time these blooms already make it impossible for Providence Islanders to swim in the water around the island. Losing more swim days to algae blooms because of wakeboat waves is unacceptable for us.

Safety for Swimmers, Paddlers and Rowers
Many Providence Islanders enjoy paddling kayaks and standup paddle boards, rowing Adirondack guideboats, as well as open-water swimming. Large wake boat waves can unexpectedly overwhelm normal traditional lake users like us. We already choose our days on Lake Champlain carefully in order to avoid dangerous natural waves in windy Champlain weather. If wake boats further limit the time when Providence Island paddlers, rowers and swimmers can enjoy the lake, the impact on us will be especially restrictive.

Dana Fowler's recent letter to VTDigger, "Wake boats shouldn't push others off the water" persuasively made the point that the absence of reported incidents involving wake boats is NOT sound evidence that normal, traditional users like Providence Island's paddlers, rowers and swimmers will not be impacted. We put our own safety first and would choose not to go out on the lake to avoid personal injury from large wake boat waves.

Spread of Invasive Species
If the Home Lake Rule is replaced by mandatory hot-water decontamination, access to hot water decontamination must actually be available to Lake Champlain wake boat operators and all Vermont boaters who wish to take their

boats from one lake to another.

As is commonly known, wake boat ballast tanks cannot be fully drained and for that reason, they pose an unacceptable risk of transferring aquatic invasive species among Vermont lakes unless they are decontaminated with hot water. DEC has an opportunity now to stop the spread of aquatic invasive species like Providence Island's ubiquitous zebra mussels, before all Vermont lakes are infested.

For all these reasons, I urge the DEC to protect Vermont's lakes and its normal, traditional users by incorporating the precautionary principle in its rule making in order to prioritize safety and environmental protection:
When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.

Thank you.

Jane Carol Glendinning
Seasonal resident, Providence Island
Town of South Hero, Vermont 05486

Mailing address:
94 Alpine Drive
Latham, NY 12110

From: John Deveikis <jdeveikis@hotmail.com>
Sent: Saturday, February 7, 2026 12:00 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from jdeveikis@hotmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

15 Point Farm W
Grand Isle, Vermont
054587
February 2026

Dear Sir/Madam

We strongly urge the Agency of Natural Resources to act favorably on the Department of Environmental Conservation's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

We fully support the DEC's amended Rule changes as they align with our conservation values.

Increases the minimum safety wakesports zone from 50 to 100 acres.
Requires a minimum wakesports run of 3,000 feet.
Expands the safety buffer from other users and water structures from 200 to 500 feet.
Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.
We also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:
a minimum 30-foot water depth;
a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science);
and addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Thank you for your consideration!

Dr. John and Susan Deveikis

From: JENIFER ANDREWS <jeniferbandrews@gmail.com>
Sent: Friday, January 9, 2026 5:41 PM
To: ANR - WSMD Lakes
Subject: Wakeboats

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

From: Kenneth Guilbault <kguilbault61@gmail.com>
Sent: Friday, January 9, 2026 5:28 PM
To: ANR.WSMDLakes@vermont.gov<anr.wsmdlakes@vermont.gov>
Subject: WAKESPORTS

January 9, 2026

To Whom it May Concern at ANR/DEC,

We write in support of the new draft USE OF PUBLIC WATERS RULE (UPWR). It includes important guidelines for the safety of both humans and wildlife such as 100 contiguous acres; 500 feet away from shore, other boats, rafts, docks and loon nests; shape normalization; and designates a "run" as 3,000 feet in length.

While these are positive steps**,** there are key areas where the rule can—and should—be strengthened. We urge DEC to incorporate new science and the*Precautionary Principle* to better protect Vermont's waters and users. We recommend:

- A minimum 30-foot water depth requirement which is supported by new studies, including the Lake Waramaug research.
- A 700-foot setback from shorelines, loon nests, and other lake users (The St. Anthony Falls Laboratory study recommended over 500 ft for wave height and, more importantly, 600 ft for wave power. During the initial drafting of the 2024 rule, the DEC staff recommended 600 ft. Incorporating the Precautionary Principle supports a 700 ft setback.)
- Adding an explicit statement of and commitment to the Precautionary Principle within the UPWR such as this:
  "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically."
- Amending the UPWR to include a statement that wakesports are NOT a "normal" use and therefore require special consideration and rules that differ from those that apply to "normal," i.e., traditional, uses.
- Not permitting wake boats on any lake that is A-1 eligible.
- Directing out-of-state boaters to a decontamination station prior to entrance to any wake boat sanctioned lake.

Importantly, we do **not** support the DEC's decision to remove the Home Lake rule**,** which we still believe is the most

effective way to prevent the spread of aquatic invasive species (AIS) from one lake to another.

While we support the new draft UPW rules which highlight the safety of others who use the Vermont waters, we strongly encourage the above additions and more stringent rules for decontamination.

In closing, we wish to remind the DEC of its responsibility “to protect Vermont’s natural resources and safeguard human health for the benefit of this and future generations.” Water quality is among those natural resources.

Sincerely,

Kenneth and Katherine Guilbault

61 Inlet Cove

Shadow Lake, Glover

Sent from my iPhone

From: JENIFER ANDREWS <jeniferbandrews@gmail.com>
Sent: Friday, January 9, 2026 5:44 PM
To: ANR - WSMD Lakes; Kurt Muller
Subject: Wakeboats

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This is a forwarded email from Kurt Muller

Louise
Here is my input:

I am writing to formally express my opposition to allowing wake boats on Shadow Lake. While I recognize the enjoyment some recreational users derive from wake-enhanced boating, the unique characteristics of Shadow Lake make it unsuitable for this activity due to serious concerns related to safety, aquatic invasive species decontamination, and shoreline erosion.

First and foremost, safety is a significant concern. Shadow Lake is a relatively small and narrow body of water that is heavily used by swimmers, anglers, kayakers, paddleboarders, and families. Wake boats generate large, powerful waves that can travel long distances and rebound unpredictably off shorelines, creating hazardous conditions for non-motorized users and increasing the risk of accidents, injuries, and property damage. These risks are amplified in confined waters such as Shadow Lake, where maintaining safe distances is difficult or impossible.

Second, wake boats pose heightened risks related to aquatic invasive species (AIS). Due to their ballast tanks and complex internal water systems, wake boats are significantly more difficult to properly drain, clean, and decontaminate compared to traditional boats. Inadequate decontamination increases the likelihood of introducing invasive species, which could permanently damage Shadow Lake's ecosystem, harm native wildlife, and impose long-term financial and environmental costs on the community.

Finally, shoreline erosion is a major and ongoing concern. The size and energy of waves produced by wake boats far exceed those created by conventional recreational boating. These waves accelerate shoreline erosion, damage riparian vegetation, and degrade fish spawning habitat. Over time, this erosion can lead to declining water quality, increased sedimentation, and costly shoreline stabilization efforts borne by property owners and the broader community.

Shadow Lake's ecological health, recreational safety, and long-term sustainability depend on responsible use that aligns with the lake's size and natural limitations. For these reasons, I strongly urge you to prohibit or continue prohibiting the use of wake boats on Shadow Lake in order to protect public safety, preserve water quality, and safeguard the shoreline and surrounding environment.

I support the new draft UPW rules which highlight the safety of others who use the Vermont waters and encourage the above additions and more stringent rules for decontamination.

Thank you for your time and consideration of this important matter.

Sent from my iPhone Sent from my iPhone

From: Jenifer Andrews <jeniferbandrews@gmail.com>
Sent: Monday, February 2, 2026 7:38 PM
To: ANR - WSMD Lakes
Subject: Wakeboats

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello, I am Jenifer Andrews. I reside on Shadow Lake in Glover. I support the new draft of the UPW rules. I am in support of the additional regulations that have taken into consideration some of the issues that were cited in the petition to prohibit wake sports on Shadow Lake. I wish they could be more stringent as to more feet from shore and other vessels, docks and swimmers taking into consideration the newest science. I would like the 20 foot depth to be extended to 30 to be more reflective of the newest science.
Lack of state designated decontamination equipment and facilities makes the likelihood of Aquatic Invasive Species transmission between lakes due to the inability to access and decontaminate wake boats ballasts exponential. Greeters must have the ability to redirect boats that are unable to be accessed to a decon station prior to entry.
I appreciate that the DEC has recognized the kind of damage wake sports will do when allowed on inland lakes, especially small ones such as Shadow.
The majority of users at Shadow are anglers, non-motorized vessels, tubers, pontoon boats and both long distance swimmers and beach goers.
This small lake cannot abide wake boats that weigh (dry weight) from 3400-over 4000 pounds. This lake cannot support engines that are capable of speeds of up to 58 mph and have 340 horsepower. This lake will be permanently damaged if 'tabs' (apparatus that attach to the stern of a wake boat to make the wake even bigger) are introduced.

As the DEC knows, from receiving and reading the Shadow Lake petition to prohibit wake sports, there are many reasons for this. To name a few-

Safety
Shadow is approximately a 200 acre, oligarchic lake on which there are about 100 cottages. One wake boat would endanger all other users but multiple wake boats would not allow any other recreation to be had. There is no equity in this.
The dam
-a significant hazard dam that has been designated by the state to be in disrepair
Fragile shoreline
-due to the drawdown requested by the state dam engineer
-and from the significant sediment deposits from the floods that have created virgin and unstable shoreline
Wildlife
-loon nesting sites

In closing, wake sports has an impact on all lakes across Vermont, and especially small lakes. I support the new draft UPW rules and hope that the DEC will include language that leaves the door open for considering new science that will no doubt be coming.

From: Jenifer Andrews <jeniferbandrews@gmail.com>
Sent: Friday, February 6, 2026 8:28 PM
To: ANR - WSMD Lakes
Subject: Wakeboats

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Sent from my iPhone

From: Jenifer Andrews <jeniferbandrews@gmail.com>
Sent: Thursday, February 12, 2026 2:13 PM
To: ANR - WSMD Lakes
Subject: Wake boats

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To Whom it May Concern:

Please consider a moratorium on wakeboats that travel from water body to water body until state decontamination stations are up and running. Transport of AIS is illegal and these boats ballasts have a high percent chance transport due to the inability to access.

From: Jim Kurrle <jim@kurrlefuels.com>
Sent: Friday, February 20, 2026 8:08 AM
To: ANR - WSMD Lakes; Moore, Julie; sbec@leg.state.vt.us
Subject: Wakesports
Attachments: Document4.docx

You don't often get email from jim@kurrlefuels.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning, attached please find my written comments regarding my thoughts on the newest proposed Wakeboat rules.

Thank you for taking the time to read and consider my points.

Jim Kurrle

Subject: Public Comment Opposing Proposed Amendments to Vermont Wake Boat Rules

To: ANR / Lakes and Ponds Program Staff

I respectfully submit this comment in opposition to the proposed amendments to Vermont's wake boat rule.

I participated in on-water testing at Waterbury Reservoir with DEC staff (Oliver Pearson) and representatives of the Vermont Waterskiers Association as part of the multi-year evaluation that led to the 2024 rule. ANR described that rule in May 2024 as science-based and reflective of Vermonters' shared interests. Expanding rules without post-implementation evaluation feels more political than scientific.

Less than a year later, the Department proposes substantial expansions without new Vermont-specific research, documented environmental degradation, or post-implementation evaluation. The amendments rely on geometric modeling and operational descriptions rather than measured ecological thresholds. Expanding restrictions without new field data undermines the scientific integrity previously emphasized.

This distinction is central: wake science evaluates wave height, energy, depth interaction, and attenuation. The proposal converts ride geometry into regulatory triggers not identified in the literature as environmental breakpoints.

1. 3,000-Foot Straight-Run Requirement

The 3,000-foot figure describes typical ride length in wakesports. It is not an environmental response metric.

Peer-reviewed wake research evaluates:

- Wave height and period
- Energy propagation and attenuation
- Orbital velocity decay
- Sediment mobilization thresholds
- Distance and depth interaction

It does **not** link shoreline erosion, sediment transport, or habitat disturbance to uninterrupted run length.

Hydrodynamics are governed by energy dissipation and depth, not by how long a vessel travels in a straight line. Using 3,000 feet as a regulatory trigger conflates boating practice with environmental science.

2. 500-Foot Buffer from "Any Object"

Wake attenuation research examines how energy diminishes relative to shoreline distance and depth. It does not define "objects," recommend 360-degree moving exclusion zones, or establish a 500-foot ecological threshold.

The proposed rule expands shoreline-based attenuation science into a broad operational buffer unsupported by sediment transport or erosion data at that specific distance. Vermont already operates under a 200-foot safety framework.

Wake energy attenuates exponentially with distance. At sufficient depth and shoreline setback, bottom orbital velocities fall below sediment mobilization thresholds. There is no Vermont-specific field data demonstrating that 500 feet from undefined "objects" corresponds to measurable ecological harm.

3. 100-Acre Minimum

The 100-acre requirement is derived from spatial modeling—not environmental response.

Lake acreage does not change:

- Wake generation
- Wave energy
- Depth interaction
- Sediment thresholds

The scientific literature identifies impact drivers such as shoreline distance, water depth, energy, exposure frequency, and shoreline composition, not surface area alone. Acreage is a geometric measurement, not a hydrodynamic variable.

4. "Non-Normal Use" Classification

Characterizing wakesurfing as "non-normal use" because modern wakeboats did not exist before January 1, 1993 misstates both history and statutory intent.

Inboard towed watersports clearly predate 1993. Wake-enhancement practices, ballast modification, and even early wakesurfing activity existed decades ago. Technological refinement within an established activity does not create a new statutory use. In the mid 1980's we would load up our Mastercraft ski boat with cinder blocks on one side to "surf".

The "normal use" framework was intended to prevent incompatible new activities, not freeze boating technology at 1993 design standards.

5. Sections 3.7 and 4.3 – Administrative Removal Authority

The proposed amendments allow lakes to be added or removed from eligibility based on projects, management actions, or "other good cause," without defined guardrails.

As written, this creates open-ended administrative discretion with:

- No time limits
- No defined evidentiary standard
- No automatic reinstatement
- No statewide consistency requirement

Temporary suspensions could function as permanent exclusions.

If such authority is retained, restrictions should:

- Be supported by documented, project-specific necessity
- Be geographically and temporally limited
- Expire automatically unless renewed through formal rulemaking
- Include written scientific findings

Objective standards protect environmental management while preventing indefinite administrative exclusion.

Invasive Species and Sediment Claims

There is no evidence that wakeboats transport invasive species at higher rates than other trailered vessels. AIS spread is linked to cleaning and decontamination practices—not wake profile.

Similarly, sediment disturbance is governed by depth and bottom shear stress. At sufficient depth, orbital velocities fall below entrainment thresholds. The proposed metrics are not tied to Vermont-specific impact measurements.

Regulatory Integrity

ANR described the 2024 rule as science-based. The current proposal extends beyond the scope of cited research and applies geometric or operational figures as environmental limits without measured Vermont-specific ecological response.

There is no Vermont research establishing:

- 3,000 feet as an ecological threshold
- 500 feet from "any object" as a shoreline breakpoint
- 100 acres as a hydrodynamic boundary

Environmental regulation must be anchored to measurable environmental response not modeled geometry.

Conclusion

For these reasons, I respectfully request that ANR and DEC:

- Retain the 2024 rule structure
- Reject the 3,000-foot straight-run requirement
- Reject the 500-foot “any object” buffer
- Reject the 100-acre minimum
- Remove the “non-normal use” characterization
- Revise Sections 3.7 and 4.3 to include objective safeguards

Vermont’s lakes deserve protection grounded in hydrodynamics, field data, and proportional regulation.

Thank you for your consideration.

Sincerely,

Jim Kurrle

From: Janice Dunham <jncdunham@gmail.com>
Sent: Wednesday, February 18, 2026 12:10 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from jncdunham@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Proposed revisions are good, I support them, with the exception of the addition of word "IF available"in the Decontamination Section 3. If it's required, it's required, but it shouldn't be "IF decontamination facilities available," since we all know they are probably not available, and there is no enforcement. DEC has plans, unfunded plans, for decontamination facilities to come online over the next ten years. It's clear from experiences at other lakes that zebra mussels and other AIS won't wait around for that. Even the addition of something like the easily downloadable.Watercraft Transport Permit, a required self-certification that is used for NYState waters would be a big improvement, not difficult to administer, a deterrence to invasive species, and would seem to be the very least requirement to help prevent contamination.

Willoughby Lake, is the only lake among Vermont's 800+ wonderful lakes to be federally designated a NATIONAL NATURAL LANDMARK. And, by actual count, has the highest put-in numbers of any Vermont lake. If you sit at the put-in on any summer weekend, you see cars and trucks, some parking illegally, that are from many, many places. Do they even contribute the purchase of one pretzel to the local economy? DEC is encouraging a zero/sum game. Local owners and profitable summer renters are the zero.

Willoughby is apparently in contrast to other lakes like Bomoseen, where boaters seem to know one another and talk to one another, and it's almost familial. I gather this from their presentations at hearings. They seem to be able to enforce a Home Rule. At Willoughby, the greeters follow the Greeter Manual and do not approach boaters who do not want to be approached. If you had not decontaminated your wakeboat, would you want to be asked about it? NO enforcement. And with the prospect of some lakes soon to prohibit wakeboats, more boats will come to Willoughby. It to be a death knell for our once pristine Lake.

In all of my 50+ years at Willoughby Lake, canoeing, motorboating, sailing, SUP boarding, swimming, teaching the kids to swim, water skiing, and sitting happily on the porch watching it all happen, I have *never* seen an enforcement officer except for last summer's occasional officer at the south end enforcing new parking rules.

Any of the existing literature, which I'm sure DEC staff has reviewed, tells us that the ballast of wake boats is uniquely difficult to empty and clean, and because of the position of the motor while running, is likely to leave AIS behind in the Lake. Other boats, without cleaning, might deposit some AIS, but never to the same extent. Ordinary boats do not need a major decontamination facility but a simple shed away from the lake, a hose, water, and cleaning solvents. I've done it, prior to canoeing, elsewhere.

It's not too late to take small but more aggressive steps to avoid the contamination of Lake Willoughby, a national landmark, but all of Vermont's lakes also. I urge your agency and the Vermont Legislature to do so.

Yours truly,
Janice Dunham

For a survey of national statutes, state and local laws and recent research studies, see lastwildernessalliance.org

From: Jordan Nobler <Jnobler@alohafoundation.org>
Sent: Friday, February 20, 2026 11:41 AM
To: ANR - WSMD Lakes
Subject: Wakesports comments
Attachments: Lake Fairlee Wakesports Comment_Nobler_20Feb2026.pdf

You don't often get email from jnobler@alohafoundation.org. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To the Vermont Department of Environmental Conservation:

My name is Jordan Nobler, and I serve as the Senior Director of Programs at the Aloha Foundation. Our long-established programs on Lake Fairlee serve thousands of participants each year, from young children taking their first swim lessons to adults and multigenerational families who return year after year to enjoy the lake together.

Across these programs, a safe and accessible waterfront is not just an amenity. It is a core pillar of the Aloha Foundation experience. Our campers and families range widely in age, swimming ability, confidence, and comfort in the water. Parents and guardians choose our programs because we provide a structured, supportive environment where all participants, regardless of background or skill level, can learn to swim, paddle, sail, and explore the lake safely. This is foundational to our mission and one of the primary reasons families continue to choose programs on Lake Fairlee.

I am writing to express my strong support for the proposed DEC wakesports rule changes and to urge their adoption as written, without exceptions or carveouts. The 100-acre minimum wakesports zone and 500-foot buffer from other users are essential safety protections for our campers, families, and staff.

The suggestion that wakesports pose “no impact” because no formal complaints have been filed is inconsistent with the day-to-day reality at our camps. The large wakes generated by wakeboats can swamp small craft, knock inexperienced swimmers off balance, and create unpredictable conditions that young children—especially those still building basic water confidence—cannot safely navigate. When these conditions arise, our staff must make immediate safety decisions to protect participants. This often includes recalling swimmers to shore, halting instruction, pulling small boats out of circulation, or ending paddling lessons mid-session.

These disruptions disproportionately affect the youngest, least confident, and least experienced lake users, who depend on calm water to develop foundational skills. They also undermine the very reasons families select Lake Fairlee: because it offers a safe, supportive environment in which children and adults alike can learn to swim, paddle, canoe, sail, and grow in community.

If wakesports continue on Lake Fairlee, our ability to safely serve participants across a spectrum of ages, abilities, and comfort levels will be compromised. This threatens not only the wellbeing of campers and families but the long-term trust they place in us—and, by extension, the vitality of the camps and the surrounding community.

A safe, dependable, and welcoming waterfront for people of all ages and abilities is at the heart of the Aloha Foundation’s programs and the reason families have trusted us for generations. Wakesports, by their nature, make the lake less accessible and less safe for those who depend on calm water most: children learning to swim, participants using small craft, and families engaging in shared waterfront activities.

For these reasons, I strongly urge the Department to adopt the proposed wakesports rules in full and without exception. These measures are essential to protecting the safety of Lake Fairlee’s users and preserving more than a century of safe, inclusive, and transformational summer experiences.

Thank you for your consideration.

Jordan Nobler
Senior Director of Programs
The Aloha Foundation

Lake Fairlee, Vermont

PS I have also included a PDF of these comments.

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Thank you for your consideration.

Jordan Nobler
Senior Director of Programs
The Aloha Foundation
Lake Fairlee, Vermont

From: John Casella II <john.casella@casellainc.com>
Sent: Friday, February 20, 2026 3:44 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from john.casella@casellainc.com. Learn why this is important

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Vermont Agency of Natural Resources

Department of Environmental Conservation

Re: Public Comment on Proposed Wakeboat Rule Changes

To Whom It May Concern,

I am writing to submit public comment regarding the proposed wakeboat rule changes currently under consideration. I appreciate the Agency's responsibility to steward Vermont's waterways and the thoughtful work that goes into balancing environmental protection with public recreational access. It is in that spirit of balance and science-based policymaking, that I respectfully oppose the proposed rule changes.

My concerns begin with the proposed 3,000-foot straight run requirement. To date, I have not seen scientific or environmental research establishing 3,000 feet as a necessary threshold for protecting shoreline integrity, sediment stability, or aquatic habitat. Wake and wave studies typically evaluate hydrodynamic energy, shoreline attenuation, and depth interaction, not rider path geometry or recreational run length. The 3,000-foot figure appears to stem from typical operational riding patterns rather than environmental necessity. As a result, it functions less as a resource protection measure and more as an access limitation tool absent clear scientific grounding.

Similarly, I oppose the proposed requirement establishing 500 feet from "any object" within the wake zone. Existing wake research focuses on shoreline interaction and wave dissipation, not 360-degree exclusion buffers surrounding arbitrary objects. Vermont has long operated under a 200-foot safety framework that addresses vessel operation around hazards and shorelines in a manner that is both enforceable and effective. Expanding this to a 500-foot radius around "any object" creates a moving and often indeterminate exclusion zone that would make compliant operation extremely difficult, if not impossible, on many Vermont lakes, again without a corresponding environmental study justifying the expansion.

I also oppose the increase to a 100-acre minimum lake size threshold. The 2022 petition referenced 50 acres within its scientific and regulatory framing. Increasing that number to 100 acres is not supported by new hydrodynamic or environmental response data. Lake acreage is a geometric measurement, it does not inherently alter wake energy, sediment transport mechanics, or shoreline interaction. A boat operating in identical depth and setback conditions will produce the same physical forces regardless of total lake surface area. For that reason, acreage thresholds operate primarily as policy filters that remove lakes by definition rather than through measured

environmental sensitivity.

Another area of concern is the classification of wakeboats under a “non-normal use” framework. Towed watersports conducted behind inboard boats clearly predate 1993 and have long been part of Vermont’s recreational boating landscape. Technological evolution, whether ballast systems, hull design, or surf wave shaping, does not transform a long-standing activity into a novel water use. Wake surfing represents an advancement within an established recreational category, much like advancements seen across many marine and outdoor recreation technologies over time. Reclassifying it as a new or abnormal use mischaracterizes both its history and its place within Vermont’s boating community.

Finally, I would like to address Section 3.7, the Lake Management Project / Research Provision. As written, this section creates a pathway through which an otherwise approved lake could be restricted or removed from use under a “management” or “research” designation without a clearly defined reinstatement timeline. This introduces significant regulatory uncertainty for lake users, municipalities, and businesses that rely on predictable access. Without defined study parameters, transparent criteria for designation, and a guaranteed reinstatement schedule tied to measurable findings, the provision functions less as a research mechanism and more as an indefinite access suspension tool.

If such a pathway is to exist, it should include clear guardrails, defined scientific scope, transparent stakeholder communication, measurable impact thresholds, and a set timeline for review and reinstatement. Research designations should operate as structured study processes, not open-ended regulatory off-ramps.

In closing, I want to reiterate that I support science-driven regulation that protects Vermont’s natural resources. Where measurable impacts are demonstrated, reasonable mitigation is appropriate. However, where restrictions appear derived from operational geometry, precautionary assumptions, or policy preference absent supporting data, the result risks disproportionate limitation of public water access rather than balanced environmental stewardship.

Thank you for the opportunity to provide comment and for your continued work on behalf of Vermont’s lakes and waterways.

Respectfully submitted,

John Casella II

Vermont Resident

From: Widness, John A <john-widness@uiowa.edu>
Sent: Wednesday, February 18, 2026 10:40 AM
To: ANR - WSMD Lakes
Cc: Diane Lehder; Jim Lengel; Tom Ward; Dani Sharpe; Meg Handler; Dlugolecki, Laura
Subject: Wakesports: Responsible Wakes for Vermont Lakes' Position Statement on the DEC's Amended UPW Rule

Importance: High

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RESPONSIBLE WAKES for VERMONT LAKES

RWVL's Position on the DEC's RULE by Jack Widness at the Barre VT Feb 4 Wakesports Hearing

Hello, I'm Jack Widness and I live on Lake Raponda in Wilmington where I volunteer as a greeter, and I am here representing Responsible Wakes for Vermont Lakes' (RWVL) position.

RWVL strongly endorses the DEC's proposed wakesports rule. Their amendments represent a major step forward.

As indicated in the DEC Petition Summary, the proposed amendments' *primary benefit* is to better address safety concerns. It will prohibit wakesports on up to 13 small to mid-sized lakes of the 30 currently allowing this activity. This prohibition is HUGE; it is exactly the protection we sought—but did not achieve—during the 2024 rulemaking.
It will also bring important *secondary benefits*, including improved lake health and water quality along with reduced risk of aquatic invasive species spread.

Despite Responsible Wakes' strong support for the amended rule, we recommend that science and reasoning be used to better protect those lakes that will remain wakesports eligible. Specifically, we recommend:

First, a minimum wakesports depth of 30 feet, supported by emerging new science;
Second, a 700-foot setback from other lake users, shorelines, and loon nests, also grounded in science; and

Third, clear language stating that wakesports are not a "normal" recreational use—unlike swimming, fishing, or waterskiing—and that the do-no-harm Precautionary Principle should be applied.
Finally, we are disappointed with the decision to eliminate the Home Lake Rule and remain concerned that DEC's current ballast tank decontamination solution is ineffective and not adequately science based.

We urge the DEC to consider these additional protections. Let's get the proposal enacted quickly — in time for this summer's boating season!

Thank you.

For the RWVL Leadership Team: Meg Hander, Diane Lehder, Jim Lengel, Dani Sharpe, Tom Ward, & Jack Widness

From: Widness, John A <john-widness@uiowa.edu>
Sent: Friday, February 20, 2026 2:44 PM
To: ANR - WSMD Lakes
Subject: Wakesports — A Way Forward to Optimize Watercraft Inspection and Decontamination

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To The DEC Staff,

Wake boats are one of the primary vectors responsible for the spread of aquatic invasive species (AIS). Their large ballast tanks cannot be completely emptied or visually inspected, leaving open the possibility of AIS transmission when the residual 8 to 20 gallons of water are next expelled into a water body elsewhere. Boat manufacturers have known of this problem for well over a decade but have done nothing to find a solution. It is clear that, for now, lake users and other stakeholders must do what the boating industry has failed to do.

I can't think of any lake stakeholders in Vermont or elsewhere who do not want to optimize recreational watercraft inspection and decontamination for the purpose of minimizing the spread of AIS. But is it even possible to fix this pervasive, costly but consequential problem?

YES, I think that together we can, but only if interested stakeholders are willing to thoughtfully listen to one another to arrive at a workable solution. My suggestions for accomplishing this are as follows:

- Stakeholders who genuinely want to solve this difficult problem — resourceful, creative problem solvers who work collaboratively — must brought together to make this happen. These individuals could include the DEC staff, FOVLAP, boat dealers and marina owners in VT, UVM environment faculty and staff with appropriate expertise, as well as others. A benefit of such a working group is that in their conversations, they will better understand and appreciate other points of view. This is important in the group solution they recommend. Hopefully, this would allow them to establish an inspection and decontamination protocol that all stakeholders could agree to
- The ultimate inspection and decontamination protocol will require a system that includes stations offering this service for all boats but specifically for wake boats, with their unique ballast tank cleaning requirements. The inspection and decontamination approaches employed for wake boats must be based on the best science available (*see below "Two reviews of freshwater watercraft …"*) and include rigorously trained technicians to do proper inspection and decontamination. This service should be done at business locations of boat dealers and marinas, NOT at DEC greeter sites or other boat launch areas, where ballast water could flow back into streams and lakes, allowing the introduction of AIS.
- The protocol's emphasis must be placed primarily on environmental lake and pond stewardship. For the immediate future, this must take precedence over concerns that public access to lakes and streams is being restricted. Once the environment has been damaged, remediation does not come easily or soon — if ever. For the time being, this means that, until there are enough inspection and decontamination stations to protect all Vermont's public waters, access to lakes permitting wakesports will be limited to only wake boats with certified decontamination paperwork. Without this documentation, wake boat lake-to-lake travel will be prohibited.
- Establishing a protocol will be successful only if it can be adapted to address new developments. Scientific evidence evolves over time, and changes to technology and decontamination protocols will need to be acknowledged and incorporated. This could be accomplished by including a provision in the Use of Public Water Rules or Vermont legislation that allows stakeholders to discuss and make changes to the required protocols and procedures as the need arises. Doing so is analogous to what the DEC has done in the 2026 proposed amended UPW Wakesports Rule, whereby the DEC will allow temporary changes to a decision permitting wakesports in special circumstances, e.g., if flooding occurs or if lake water level changes are needed for dam work. Similar regulatory allowance for changes in the UPW Rules or in VT legislative statute could also be applied to changes mandated by new science that impact other aspects of the UPW Rules, e.g., minimum distance from shore, depth of water, or wakesports zone area for wakesports to take place.

……

Two reviews of freshwater watercraft AIS boat inspection and decontamination:

These comprehensive, state-of-the-science reviews are undertaken by blue-ribbon panels of experts (one in the USA and one in Canada) and are published approximately every 5 years, incorporating all the new relevant science since the prior review:

1. The Western [USA] Regional Panel on Aquatic Nuisance Species (WRP) Watercraft Inspection and Decontamination Think Tank Committee that was funded by the U.S. Fish and Wildlife Service:
   Elwell LC and S Phillips, editors. 2021. Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programs for Dreissenid Mussels in the Western United States (UMPS IV). Pacific States Marine Fisheries Commission, Portland, OR. 55 pp.
2. The Canadian organization of Fisheries and Oceans Canada Canadian Science Advisory Secretariat, 200 Kent Street Ottawa ON K1A 0E6:
   Weise, A.M., Simard, N., Massé-Beaulne, V. and Hill, J.M. 2022. "Clean, Drain, Dry, and Decontaminate" treatments and protocols to prevent the introduction and spread of aquatic invasive species. DFO Can. Sci. Advis. Sec. Res. Doc. 2022/055. x + 91 pp.

I support the DEC's proposed amended changes to the UPW Rule, but they do not go far enough.

I sincerely appreciate the work done by the DEC on the amended UPWR Petition and their willingness to listen to and work with stakeholders.

Jack Widness
Wilmington VT
John-widness@uiowa.edu
Landline: 802-464-8981

From: Widness, John A <john-widness@uiowa.edu>
Sent: Friday, February 20, 2026 4:22 PM
To: ANR - WSMD Lakes
Subject: Wakesports — New Science Compels an Increase from 20-ft to 30-ft in the Minimum Depth for Wakesports Activities
Attachments: img-0bcf5f3d-9ec3-4fdf-8bbc-cf33866286cd; img-28116311-643d-4eba-b04b-4096030f0b96

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To The DEC Staff,

I strongly endorse all the ANR/DEC's recently proposed Use of Public Waters (UPW) Wakesports Rule. This demonstrates the DEC's commitment to considering safety and to including all VT inland lakes. That said, I feel that the UPW Rule should be made stronger by: 1) increasing the minimum operating depth for wakesports should be increased from 20- to 30-ft; and 2) by inclusion of the Precautionary Principle in the UPW Wakesports Rule.

1. The Minimum Operating Depth for Wakesports Should Be Increased From 20- to 30-Ft

Based on new scientific wakesports publications and my career as an academic physician scientist, I can state unequivocally that your proposed UPW Wakesports Rule should be made stronger by increasing the minimum operating depth for wakesports should be increased from 20- to 30-ft. As an academic physician-scientist, I have co-authored between 250 and 300 peer review scientific research publications in high-impact medical journals. Throughout my 40-year research career I maintained continuous NIH funding. Because I know science, I recognize the strong reasons why the minimum operating depth for wakesports should be increased from 20- to 30-ft.

There have been several prop wash studies in the past year that have direct bearing on increasing the minimum operating depth for wakesports from 20- to 30-ft. They include:

- The Terra Vigilis 2024 study in Connecticut entitled, "Lake Waramaug Wave Impact Study — Final Report".In this study, the authors stated:

  "The in-lake study on Lake Waramaug has also demonstrated deep fluid kinetic energy impacts at depths of at least 26 feet from Wake Board boats in surf mode on both start up and passing over a controlled course. These impacts are not demonstrated from vessels not operating in surf mode configurations."

  The study's data included the measurement of lake bottom phosphorus in disturbed water samples at the maximum 26-ft depth studied. Phosphorous (an important plant and algae nutrient) measurements have been consistently used as indicators or water quality by the DEC and other governmental agencies. This same group also documented increases in phosphorus in prior studies in Wisconsin after single pass wake surfing episodes but at a lesser depth (North Lake Management District, DNR Grant Funded, 2019-2021).

- Studies done by the University of Minnesota (2025) in which propeller lake bottom disturbances were detected at depths greater than 20 feet. This study did not have measurements at greater than 20 feet to better define if greater minimum depths for wake surfing are needed. This is where applying the precautionary principle would dictate that a greater depth than 20-ft is warranted — particularly in light of the increases observed in the Terra Vigilis studies at Lake Waramaug in Connecticut and North Lake in Wisconsin and the prior prop wash modeling studies by Alex Ray's Western Colorado University (2020)study, in Idaho's Lake Payette demonstrating water column disturbances at depts of 33-ft.

- Finally, in recommending an increase in the minimum depth from 20-ft to 30-ft for wakesports, this takes into consideration the impacts of the ever more powerful and heavier wake boats being developed. Our recommendation takes into account the Precautionary Principle. This was a topic that Responsible Wakes for Vermont Lakes provided data for in our March 2022 ANR petition submission. Our JD Powers-based data at the time demonstrated that increases in dry weight (i.e., without ballast(s)) and horsepower of the heaviest, most powerful V-drive wake boat models closely tracked one another while approximately doubling over the past 26 years for the Malibu models (**Figure 6A**). Similar growth rates were observed for the Nautique models over the past 18 years (**Figure 6B**). **Figure 6**. Annual increase in boat dry weight and horsepower for the Malibu V-drive wake boats and the Correct Craft-Nautique V-drive wake boats from JD Power.com boat data.

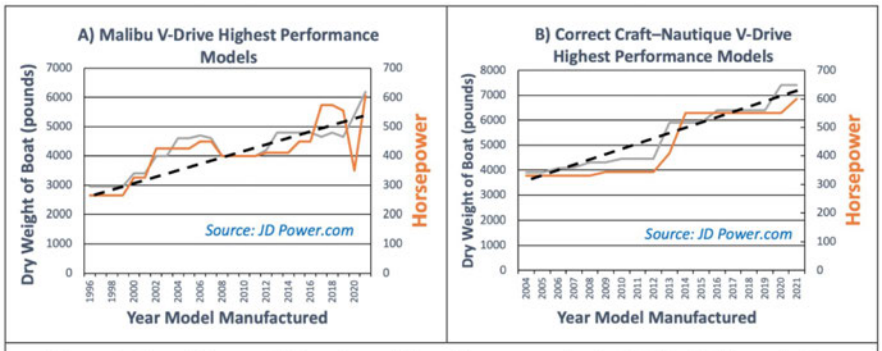

Figure 6. Annual increase in boat dry weight and horsepower for the Malibu V-drive wake boats and the Correct Craft-Nautique V-drive wake boats from JD Power.com boat data.

A January 2026 look at reports of the recent wake boat of weight and power data indicate that our Responsible Wakes prediction that these would increase with time was correct. Here is the evidence for this:

Wake boat model	Length (ft-inches)	Dry Weight (pounds)	Horsepower
High end Malibu	24'5"	7,300	607
High end Nautique	25'3"	8,400	630
Others General	22' to 25'	6,200 to 8,400	400 to 630
ARC Sport Electric	23'	7,540	n/a battery
Regal 38 Surf	39'	19,000	1,200

2. The Precautionary Principle

The **Precautionary Principle** should be included in the text of UPW Wakesports Rule and considered in all UPW Rules including the present wakesports rule. Doing so is well-justified based on the environmental stewardship responsibilities of the ANR and the DEC. It is also justified based on available literature on this topic. It is notable that this principal has been effectively and appropriately applied worldwide by many countries for environmental and public health issues (ref #a). The working definition that we propose for inclusion in the VT UPW Rules is taken from the abstract of ref #b below as follows:
"When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically."
Ref #a focuses on the application of the precautionary principle to environmental issues. This is particularly germane to the DEC's UPW Wakesports Rule with the potential for adverse environmental impacts if not managed with these considerations in mind. This excellent review focuses on the need "*to ensure that the public good is represented in all decisions made under scientific uncertainty. When there is substantial scientific uncertainty about the risks and benefits of a proposed activity, policy/decisions should be made in a way that errs on the side of caution with respect to the environment and the health of the public.*"

In addition, on page 5 of his DEC team's Memo to ANR Sec. Julie Moore on September 18, 2023 entitled, "Proposed Modifications to Wakeboat Rule based on Comments Received during formal rulemaking public review period for Submission to LCAR," the DEC's Oliver Pierson indicated that in his group's recommendations they were "using the precautionary principle,

and taking into consideration the possibility for wake boat engines to get larger than the ones used in the 2022 [University of Minnesota SAFL (ref #c)] study and the possibility for multiple wakeboats to be in use on one water body at the same time … ” RWVL contends that if the DEC indicates that it is using this approach in rulemaking, this should clearly indicated in the Vermont UPW Rules.

References — Precautionary Principle:

a. Kriebel, et al. The precautionary principle in environmental science, Environ Health Perspect. 2001 Sep;109(9):871- 6. doi: 10.1289/ehp.01109871.

b. Hayes AW. The precautionary principle. Arh Hig Rada Toksikol. 2005 Jun;56(2):161-6. PMID: 15968832.

c. Marr J., Riesgraf A., Herb W., Lueker M., Kozarek J., and Hill K. (2022). A Field Study of Maximum Wave Height, Total Wave Energy, and Maximum Wave Power Produced by Four Recreational Boats on a Freshwater Lake. Retrieved from the University Digital Conservancy, https://hdl.handle.net/11299/226190.

Given the DEC’s statutory stewardship obligations, this new data, adherence of the Precautionary Principle should be sufficiently compelling to the DEC to increase the minimal wakesports operational depths for from 20- to 30-ft.

What I find particularly troubling is that this information has been make known to the DEC for over a year. I — and others — had submitted this information to the DEC at the Dec 2024 individual lake ANR petition pre-rulemaking comments (written and oral). I have yet to hear the DEC ever comment on why they consider this new information irrelevant or unusable from that time of from the present amended DEC UPW Rule. These studies were done by same study investigators who were considered as bonafide experts in the 2024 UPW wakesports rule. The DEC should have a better mechanism to make the Public aware of their thinking on this matter. Where is the DEC’s transparency — and courtesy — in responding to the public?

Sincerely,

Jack Widness
316 Lake Raponda Road
Wilmington VT 05363

From: jim sawyer <jrsawyer@hotmail.com>
Sent: Thursday, February 5, 2026 3:21 PM
To: ANR - WSMD Lakes
Cc: jim sawyer
Subject: Wake sports

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wake sports.docx

Attached is wake sport comments.

Jim Sawyer

Lake Elligo

From: John Wooten <jrw@hbfishman.com>
Sent: Wednesday, January 28, 2026 12:09 PM
To: ANR - WSMD Lakes; Dlugolecki, Laura; Austin, Jenny
Cc: bplastridge@myfairpoint.net; Jenifer Andrews; Anne Eldridge
Subject: Wake Sports, Letter of Support for Rule Revisions from Town of Glover Selectboard
Attachments: Wake Boat Support Letter from Glover Selectboard, 19 Jan 2026.jpg

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Laura and Jenny, attached is the Glover Selectboard's letter of support for the proposed rule revisions.

Thank you.

John R. Wooten
Lake Parker Wake Sports Contact
860 402 7181

Town of Glover
51 Bean Hill Road
Glover, VT 05839
802 525-6227

January 19, 2026

TO: ANR.WSMDLakes@vermont.gov

RE: Wake Sports, ANR's 2025 Proposed Revisions to Existing Wake Sports Rule

As a co-sponsor of the 2024 wake sports petitions filed along with the Lake Parker Association and the Shadow Lake Association, The Town of Glover Selectboard supports the ANR's 2025 proposed rule changes which require greater minimum areas for wake sports (minimum 100 acre wake sports zones), increased safety for other lake users, a reduction in environmental impacts and better protection for nesting loons.

The proposed rules would limit the possibility of AIS spread from wake boat activity on both Parker and Shadow, neither of which presently has AIS, the result of extensive efforts to control and eliminate same in recent years.

We understand that the Vermont Interagency Committee of Administrative Rules (ICAR) approved the proposed rules on 8 December 2025 and that the Vermont Secretary of State filed the proposed rules on 17 December 2025; the proposed rules are "on track" to be in place for the 2026 boating season.

If these proposed rule revisions are enacted, wake sports would be eliminated on both Lake Parker and Shadow Lake, which was the goal when submitting our 2024 petitions.

Please enact the proposed 2025 rules to better protect traditional lake users, the environment and loons on Vermont lakes and ponds.

Thank you.

Anne Eldridge, Chair, Town of Glover Selectboard.

51 Bean Hill Road, Glover, VT 05839

From: John Wooten <jrw@hbfishman.com>
Sent: Tuesday, February 10, 2026 10:12 AM
To: ANR - WSMD Lakes
Cc: Ginny Lawless (cinnaminigini@gmail.com)
Subject: Wake Sports, ANR Proposed 2025-2026 Revisions to the Rule
Attachments: Wooten Wake Sports letter to ANR dated 10 February 2026 .docx

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Laura and Jenny, please see my comments in the attachment.

I sincerely appreciate all that you and the ANR has done to date to protect VT lakes and Ponds and I am looking forward to the enactment of the rule changes.

Thank you.

John R. Wooten, P.E., R.R.C.
Professional Engineer, Registered Roof Consultant
H.B. Fishman & Co., Inc.
PO Box 598
300 Pleasant Valley Rd.
South Windsor, CT 06074
Phone: 860 282 9036
Fax: 860 282 7144

NOTE NEW MAILING ADDRESS: PO BOX 598

TO: ANR.WSMDLakes@Vermont.gov

RE Wake Sports, ANR Proposed 2025-2026 Revisions to the Rule

We have had a seasonal camp on Lake Parker, since 1989. We chose Parker for its relatively small size and quiet summer activities; there are ski boats and pontoon boats but most vessels are people powered; there are no resident wake boats on Parker.

Both the Town of Glover Selectboard and the Lake Parker Association membership have unanimously voted to support all the ANR's proposed revisions except the elimination of the Home Lake Rule.

I attended the ANR's pre rule 1 July 2025 webinar and both public meetings in July 2025 which were very informative.

I have also attended the 14 January 2026 Adirondack Wake Sports zoom meeting and the ANR's16 January 2026 small lakes Team meeting.

I write in support of the majority of the ANR's proposed revisions, to suggest stronger rules, and to comment on others:

I support the following proposed changes:

1. Increasing the contiguous Wake Sports Zone to 100 acres from 50 acres; this will improve protection of shorelines, allow for other "normal" uses and increase public safety when more than one wake boat is operating. Safety being the key.
2. Adding the provision for a minimum run of 3000 feet within a Wake Sports Zone.
3. Increasing the distance to 500 feet from individuals in the water or another motorized or unmotorized vessel. Previous ANR versions included 500 feet from "anchored or moored vessels….and anchorage of docks". I believe this language should re-inserted to protect docks from disturbance from wake boat waves; ideally, and as I pointed out at the July 2025 pre rule public meeting, this protection should also include "anchored or moored rafts" which would also be disturbed by wake boat waves. I believe this 500 foot distance should be at least 600 feet as recommended by the ANR internal September 2023 memo and as determined in the Minnesota study; employing the "Precautionary Principle" and recognizing that wake boat wave power continues to increase with larger and more powerful wake boats, I believe this distance should be increased to 700 feet, not 500 feet.
4. Increasing the distance from nesting loons to 500 feet from 300 feet. Ideally and to be consistent, this distance should also be 700 feet to match the individual safety distance noted above; loons are important to Vermont!

I believe the minimum depth requirement for wake sports should be increased to 30 feet to reflect the new science as outlined in the Terra Vigilis report (disturbance of lake bottoms to at least 26 feet) and employing the “Precautionary Principle”.

Regarding the elimination of the existing Home Lake Rule, while I understand ANR’s logic to convert to existing “transport no invasives rules”, I am concerned that the ANR will not be able, due to limited manpower and funding, to quickly and effectively get a program and decontamination stations up and running for the 2026 boating season. Additional funding will be required ASAP. Perhaps a modified “one lake per season” could be temporarily utilized until the funding and manpower are available.

At both July 2025 pre rule public meetings, various speakers recommended additional criteria to eliminate wake sports from Vermont lakes, which I support:

1. On lakes which have never had resident wake boats and have both Town and lake association support, wake sports should not be allowed now or in the future. With no wake boats now or in the past, there is no effect on existing wake boat owners or the local economy.
2. On lakes which do not have AIS, wake sports should not be allowed, thus eliminating the possibility of AIS transfer via wake boat usage and their required ballast tank emptying (not 100% empty as we know).

Finally, I do not agree with any suggested compromises or exceptions to the proposed revised rules which would allow for wake sports during specific “times of day” or “by one boat at a time”; neither of these suggested exceptions would be easily enforced (compared to no wake sports) and neither would promote the mission of long term lake ecology, improved water quality or increased safety for traditional users.

Please enact the changes noted above this Spring, in time for the 2026 boating season.

Thank you for considering my comments and your continuing efforts to protect Vermont’s lakes and ponds.

John Wooten

Parker Rd

West Glover, VT

Cell 860 402 7181

From: Julie Hendrickson <juliehendrickson4@gmail.com>
Sent: Wednesday, January 28, 2026 7:28 PM
To: ANR - WSMD Lakes
Subject: Wakesports

[You don't often get email from juliehendrickson4@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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Dear ANR. I have a camp on Joes Pond. I respectfully support the new wakesports rule, especially the 100 acre minimum wake sports zone and the 3000' run requirement.

Thank you for your consideration.

Best,
Julie Hendrickson
263 Old Homestead Rd
W Danville, VT

From: Jessica Van Brunt <jvanbrunt@nycacc.org>
Sent: Sunday, February 15, 2026 12:08 PM
To: ANR - WSMD Lakes
Subject: Wakesports- Oppose

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I am writing to passionately oppose the proposed 100-acre minimum requirement.

The 2022 petition reported a 50-acre standard. Doubling that threshold to 100 acres is not a minor adjustment it is a dramatic shift. Wakes do not suddenly change because a lake has a larger overall surface area. There is no data that supports this dramatic change

Wake surfing has occurred on Lake Fairlee for the past 16 years. Yet the petitioner's own words acknowledge one of the most successful loon nesting records in Vermont. There has been no verified impact presented within the petition itself demonstrating harm caused by wake surfing activity. If anything, the documented nesting success strongly suggests coexistence is already happening.

Safety concerns about wake boats are also often overstated. Wake boats are U.S. Coast Guard-approved vessels and have operated safely in Vermont for over a decade. Notably, there have been no reports of boating accidents or citations involving wake boats during that time. In contrast, incidents on Vermont waters have involved other types of watercraft, including fishing boats, personal watercraft, and pontoons. Like any vessel, a wake boat operated responsibly offers strong visibility and safe handling characteristics.

Policy decisions should be facts, not perceptions or fear. The regulations ruled on in 2024 reflected a balanced, evidence-based approach that considered safety, fairness, and shared access. Changing those rules so soon undermines a regulatory process, that shows the current rules are working

I respectfully urge the State of Vermont to maintain the consistent, fact-based regulations adopted in 2024 and reject the proposed 100-acre minimum. Vermont's waters belong to all of us. We can protect them while still ensuring reasonable, fair access for all recreational boaters.

Sincerely,

Jessica Van Brunt

ACC Animal Care Centers of NYC

Jessica Van Brunt
Pronouns: She/Her/Hers - Why do I share my pronouns?
New Hope Associate
1906 Flushing Ave
Queens NY 11385
Tel: 718-688-7430

The information contained in this e-mail, and any attachments hereto, is from Animal Care Centers of NYC and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution, copying or use of the

contents of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.

From: Kade McKell <kade.mckell.14d84@advocate-mail.com>
Sent: Friday, February 20, 2026 12:03 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from kade.mckell.14d84@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

We need more public recreation accessibility for outdoor living and activities. Not less.

Sincerely,

Kade McKell
82 S 200 E Apt 1
Springville, UT 84663
(801) 310-5826
mckell96@hotmail.com

From: Kaelyn Modrak <kaelynmod@gmail.com>
Sent: Tuesday, February 24, 2026 11:42 AM
To: ANR - WSMD Lakes
Subject: Further restrictions on wakeboard access

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Julie Moore and DEC,

I am writing to support the newest draft of the UPW rules that support further restrictions on wake sport access. Protecting inland Vermont lakes and ponds for future generations and aquatic invasive species is important to our communities.

Thank you for your service!

Sincerely,
Kaelyn Modrak

From: Karla Cornelius <karlacornelius@comcast.net>
Sent: Thursday, February 19, 2026 6:09 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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LAKE HARVEY LEGACY – Karla Cornelius

My husband Harry and I spend our summers at our beloved Lake Harvey. I have lived here almost every summer of my life at the very place Jacques Cousteau took his historic dive at age eleven, at Camp Harvey.

My father, Walter Wirthwein, was born in 1900 in Columbus, Ohio and raised in the historic district of the German Village. He was a counselor at Camp Harvey teaching tennis during the time Jacques and his brother spent their summer there. I have brochures from the original Camp, and a copy of a letter from Jacques' father thanking the camp for its positive influence on both boys. Jacques himself fondly recollects his time there in his autobiography, and dedicated funds to help protect our watershed upon his death. There is no question that the waters of our lake inspired him, that his time spent here mattered to him as it does to all of us today. He in turn has inspired the world….

It must have been a magical time, as my father, then a doctorate student at Columbia University and a ranked tennis player, never forgot the experience. He spent the next years in Europe, studying further at many universities, playing tennis throughout, coming home in the early 30's to marry, settle down and raise a family. He taught European history at NYU until his retirement in 1968, honored as professor emeritus.
In 1950 he returned to his Vermont summer roots, buying the land that was the original Camp Harvey site, and building a boys' tennis and swim camp upon the same spot and in the same style as he remembered his own youthful experience. He and my mother owned and operated that camp – Camp Connibuck – until 1966. Our family continued to gather there every summer thereafter, welcoming friends, returning campers, and a multitude of visitors gathering for reunions or educational event. My dad died in 1986, and my mom in 2009 (at almost 99). In 2020 the property was acquired by a new family committed to carrying the Connibuck legacy into the future. My husband and I still summer at the adjacent cottage. Growing up at the lake formed my life experience; memories sustain, and its peaceful environment continues to inspire and restore.

75 years ago, our Lake Harvey Association was founded, its mission being "to protect, preserve and enhance the wonderful quality of life that residents and visitors alike enjoy". That remains its mission today. LHA established our boat monitoring program, with its state-of-the art hot water pressure washer, greeter station and welcoming, dedicated "Greeters", in an effort to prevent invasive species such as Eurasian water milfoil – now present in over 100 Vermont lakes – from gaining a foothold in ours. So far our

association's vigilance has kept our waters pure. Boaters are educated, aware, and cooperative. Town residents are appreciative and supportive. Prevention is ongoing and paramount.Thus it is of tremendous import that our lake legacy and environment – both its waters, shores and lifestyles – be preserved. As a lifetime summer resident, and for many years past president of our lake association, I speak for all who fervently desire that protection.

We are a lake of families who enjoy the simple virtues of kayaking, paddleboarding, canoeing and evening pontoon boat cruises, swimming in cool waters, of dinners on our decks with friends, of watching our loons raise chicks each summer. Wakesports disrupt that peace and quiet, jeopardize our pure waters and shoreline, place our nesting loons at risk, endanger boaters and swimmers (especially our children), damage our docks and more.The waves of a wake boat in sports mode are like an underwater tsunami, threatening all in its wake. Even our renowned annual water ski school is unable to ensure safety for its kids, should a wakeboat be nearby. Although we are 351 acres, the now proposed 500 foot buffer rule from other users, structures and shorelines is incompatible with our configuration, and maintaining safe distances from our public beach and boat launch pier, nesting loons, swimmers, docks, and the multitude of non motorized boaters is virtually impossible.

For 75 years we have successfully done our part in honoring Vermont's environmental reputation and standards. We expect the same from our legislature in return. All of the above constitute unique assets and circumstances that clearly make our lake unsafe, unsuitable and unwelcome to wakesport activities. It is also clearly inequitable that just a few boaters seeking the thrill and excitement of a new sport that is meant for large and unencumbered bodies of waters can so negatively impact the one hundred or so residents of Lake Harvey.

On behalf of myself and those lake residents, I support the proposed rule revisions - although they don't go far enough - and I request you remove our Lake Harvey from the list of those allowing wake sports in the state of Vermont.

Karla Cornelius
Lifelong summer resident and LHA Board member
karlacornelius@comcast.net
561 512-2223

From: Karla Cornelius <karlammcornelius@gmail.com>
Sent: Friday, February 20, 2026 12:34 AM
To: ANR - WSMD Lakes
Subject: Wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I submit the following in support of the proposed rule revisions, and request as well Lake Harvey be removed from the list of lakes eligible for wakesports.

My sister Kathy Wirthwein spent every summer of her life, as did I, at Lake Harvey. She loved it there more than any other place in the world. She died last summer after a long battle with cancer, and I write this on her behalf.

When we started the Greeter Program all those many years ago (then simply called a boat monitoring program), she was the first Greeter, and spent her days with just a lawn chair from which to monitor. John Guilmette of Fish & Wildlife then designed a small both so that the chair, and Kathy, at least had a roof overhead. Kathy was a researcher, and when our Association decided to ask the Town of Barnet to contribute to our program, she helped me compile economic and other data to illustrate why that support would benefit the greater community. At the next Town meeting, all voted in favor of a $10,000 annual contribution, and Town support has continued ever since. We work together to obtain grant monies toward that goal, an ongoing mutual endeavor.

As the threat of milfoil grew, I next built our state of the art Greeter station, complete with creature comforts and a hot water pressure wash. Kathy continued to monitor all boats that came and went, and wrote the annual monitor report for the Town and our newsletter. She was thorough, and totally dedicated to our lake, our mission and our motto –

“Prevention is our only cure, help us keep Lake Harvey pure”!

Our Association membership grew, donations increased, more Greeters were hired. We now monitor boats from 7 AM until 7:00 PM throughout the summer/early fall season. Thus far, invasive species have been kept at bay, and our waters remain pure. Allowing wakeboats to even enter those waters places those years of vigilance and success in grave jeopardy. And allowing them to operate in wakesport mode on anything but large lakes such as Memphemagog or Lake Champlain is idiocy. They don’t belong on Lake Harvey.

It is unacceptable that the State of Vermont, claiming to be at the forefront of environmental preservation, has abandoned its role in protecting our lakes – our most valuable natural resource - from contamination. Or their shorelines from erosion, property from damage, and swimmers and other boaters’ safety from risk. Not to mention our nesting loons….

So again, I speak for Kathy – and all of our Greeters and lake residents – in support of the proposed rule revisions (though they don't go far enough), and insist as well that Lake Harvey be removed from the list of lakes eligible for wakesports.

Honor your obligation to preserve our pure waters and treasured lifestyle before it's too late.

Submitted on behalf of Kathy Wirthwein
Lifelong summer lake resident and Greeter
By her sister Karla Cornelius
Lake Harvey Association Board Member
karlacmmornelius@gmail.com
561 512-2223

From: Kenneth West <kenneth.west.df027@advocate-mail.com>
Sent: Friday, February 20, 2026 2:48 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Kenneth West
31153 S Sunray Trl
Worley, ID 83876
(208) 451-4917
kpwest@frontier.com

From: Kevin Miller <kevin.miller.4233a@advocate-mail.com>
Sent: Sunday, February 22, 2026 11:54 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from kevin.miller.4233a@advocate-mail.com. Learn why this is important

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Kevin Miller
2 White Dog Trl
Clancy, MT 59634
(406) 449-0888
sprocketzz@hotmail.com

From: Kate Goetz <kgardnergoetz@hotmail.com>
Sent: Sunday, February 8, 2026 12:55 AM
To: ANR - WSMD Lakes
Subject: Wakeboat regulation

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I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

- I support the DEC's amended Rule changes as they align with my conservation values.
- Increases the minimum safety wakesports zone from 50 to 100 acres.
- Requires a minimum wakesports run of 3,000 feet.
- Expands the safety buffer from other users and water structures from 200 to 500 feet.
- Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

- a minimum 30-foot water depth;
- a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
- the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Thank you for your consideration.

Kate Goetz
99 Newark St.
West Burke, VT 05871

From: Kenneth Guilbault <kguilbault61@gmail.com>
Sent: Friday, January 9, 2026 5:29 PM
To: ANR - WSMD Lakes
Subject: WAKESPORTS

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January 9, 2026

To Whom it May Concern at ANR/DEC,

We write in support of the new draft USE OF PUBLIC WATERS RULE (UPWR). It includes important guidelines for the safety of both humans and wildlife such as 100 contiguous acres; 500 feet away from shore, other boats, rafts, docks and loon nests; shape normalization; and designates a "run" as 3,000 feet in length.

While these are positive steps**,** there are key areas where the rule can—and should—be strengthened. We urge DEC to incorporate new science and the *Precautionary Principle* to better protect Vermont's waters and users. We recommend:

- A minimum 30-foot water depth requirement which is supported by new studies, including the Lake Waramaug research.

- A 700-foot setback from shorelines, loon nests, and other lake users (The St. Anthony Falls Laboratory study recommended over 500 ft for wave height and, more importantly, 600 ft for wave power. During the initial drafting of the 2024 rule, the DEC staff recommended 600 ft. Incorporating the Precautionary Principle supports a 700 ft setback.)
- Adding an explicit statement of and commitment to the Precautionary Principle within the UPWR such as this:
  "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically."

- Amending the UPWR to include a statement that wakesports are NOT a "normal" use and therefore require special consideration and rules that differ from those that apply to "normal," i.e., traditional, uses.

- Not permitting wake boats on any lake that is A-1 eligible.

- Directing out-of-state boaters to a decontamination station prior to entrance to any wake boat sanctioned lake.

Importantly, we do **not** support the DEC's decision to remove the Home Lake rule**,** which we still believe is the most effective way to prevent the spread of aquatic invasive species (AIS) from one lake to another.

While we support the new draft UPW rules which highlight the safety of others who use the Vermont waters, we strongly encourage the above additions and more stringent rules for decontamination.

In closing, we wish to remind the DEC of its responsibility “to protect Vermont’s natural resources and safeguard human health for the benefit of this and future generations.” Water quality is among those natural resources.

Sincerely,

Kenneth and Katherine Guilbault

61 Inlet Cove

Shadow Lake, Glover

From: Kimball Johnson <kimballwjohnson@hotmail.com>
Sent: Monday, January 26, 2026 10:48 AM
To: ANR - WSMD Lakes
Subject: Wake Sports/Wake Boats

You don't often get email from kimballwjohnson@hotmail.com. Learn why this is important

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January 26, 2026

Vermont Agency of Natural Resources - Department of Environmental Conservation
Watershed Management Division, Lakes and Ponds Program
1 National Life Drive, Montpelier, VT 05620-3522

RE: Wakesports/Lake Willoughby/500 FT Distance Rule/50 acres to 100 acres

I am writing in opposition to the proposed 500 foot wake boat distance rule and 100 acres wake sport zone size increase by the Agency of Natural Resources. The summer of 2025 was remarkably quiet as far as all watercraft on Willoughby were concerned. Specifically, I know of no issues with wake boats in particular. With the hysteria over wake boats, it was sort of a cooling off period and life around the lake settled into near normal. I am 65 years old and I have been in or captained many different vessels on Willoughby my entire life. I am also the retired Fire Chief of Westmore Fire-Rescue which I founded in town in 2001 (also a lifelong member). I am past Emergency Management Director for the town and served the town as a first responder/EMT for 14 years. I am a former Vermont State Police Boating Safety Instructor. I held a seat on the planning/zoning board and was President of the Lake Willoughby Chamber of Commerce for many years. I am still very active in town and I am blessed that my wife and I own a small camp on the lake. To say I know a little about the Town Of Westmore and all aspects of safety would be an understatement.

My first thought when this uproar began concerning wake boats was of major concern. I did my due diligence looking to all the data surrounding these boats along with checking out what methods the State of VT DEC took to allow these boats on the lake in the first place. I also began hearing unsubstantiated horror stories concerning these boats and their safe operation on my lake (excuse me but I take my love for Willoughby very seriously) and wanted to get to bottom of this. Were these stories true? Swimmers being pulled under the water by a wake boat produced wave? A pontoon boat and its occupants totally covered over by a wave from a wake boat 100 feet away? The bottom of the lake over 200 feet deep being destroyed by a wake boats prop wash? How could this be?
None of the above scenarios are quite accurate. The hysterical nature of some of the stories shared by people in writing letters to the editor, to the DEC directly and in public meetings is nothing short of ridiculous. So much so, I have asked the Westmore Selectboard, who voted 3-2 in favor of not supporting the Westmore Associations petition, that all further alleged incidents that people claim to have happened to them would need to have been reported to the Vermont State Police in order for the Selectboard to rely on these accusations before making a decision. If the incident was that bad, it needs to be reported and investigated. I have zero tolerance for safety violations on the waters of Willoughby. If I was convinced these reports were true, this letter would be in full support of the petition.

I applaud the DEC staff for putting in hundreds of hours of data collection, analysis, rule making and it shows. In my humble opinion, the DEC came up with a fair, balanced conclusion to this controversial subject. The petition supporters like to say that they have 500+ signatures in support of the petition but it is my understanding that only 49 of those signatures are from Westmore Residents of which there is approximately 435 of us.

As far as safety goes, from my lakefront camp, over the past few years I have responded to upwards of

approximately 14 emergency calls some being 911 pager calls to Westmore Fire-Rescue and some self-responded and I will certify that of those calls ALL were for kayaks and paddle boarders in distress. Most calls were the result of terrible wind conditions, some were welfare checks, and some were caused by suspected over use of alcohol or drugs. Not one of the calls, that I responded to or have knowledge of, were related to, or because of the unsafe operation of a motor craft of any size or shape on Willoughby.

It is my sincere wish that the Vermont Agency of Natural Resources leave the current 200 foot requirement in place to stay away from other users of the lake and leave the current Wake Sports Zone Size at 50 acres.

Respectfully,

Kimball W. Johnson
Westmore Resident

From: kimwoodard@woodardmarine.com
Sent: Tuesday, February 17, 2026 11:20 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from kimwoodard@woodardmarine.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds,

Thank you for the opportunity to submit public comment regarding the proposed 2025 wakeboat rule amendments. I respectfully submit this letter to outline my opposition to three proposed additions:
1: the 3,000-foot straight-run requirement
2: the 500 feet from any object provision within a watersports zone
3: the increase in minimum lake size from 50 acres to100 acres

To address each one individually:
1:There is no peer-reviewed environmental or boating-safety research establishing 3,000 feet as a required minimum run length for safe wake surf operation. The wake studies most often cited address wake characteristics, wave attenuation, and potential environmental effects. They do not prescribe a minimum straight-run distance. Because no scientific or environmental study establishes a need for a 3,000-foot straight run, this is a policy choice. It should not be characterized as science-based without a peer-reviewed study demonstrating necessity.

2: Vermont already operates under a statewide boating safety structure built around a 200-foot framework related to swimmers, shorelines, and other vessels. Major wake surf research discussions focus on wake energy and wave displacement, not on collision envelopes or separation requirements from “any object.” Requiring 500 feet from shore and 500 feet from other vessels or swimmers creates a large moving exclusion zone. In normal lake use, this can make compliance impractical, converting theoretical allowance into practical prohibition. Without a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this reads as a policy restriction rather than a science-based safety threshold

3: Acreage is not a direct scientific variable. Area thresholds are derived from assumed run length, wake width, and setbacks—geometry, not hydrodynamics. Vermont’s current rule already requires at least 50 acres, along with shoreline setbacks and depth requirements. Increasing to 100 acres will remove additional waterbodies by definition. That is a policy outcome and should be acknowledged as such. Studies do not show that 50 acres with existing safeguards is insufficient and 100 acres is necessary, this change functions as a policy lever to restrict access.

Lack of Scientific Data to Support the newest proposal.
Vermont’s existing wakesports zone definition is already restrictive and codified. The broader research landscape on wake attenuation is mixed and condition dependent. Vermont has not produced Vermont-specific hydrodynamic field research in this regard demonstrating that the escalated numerical thresholds are necessary statewide

To be clear:
I oppose all three of the latest proposals:
1: 3,000-foot straight-run requirement
2: 500 feet from any object provision within a watersports zone

3: increase in minimum lake size from 50 acres to100 acres

I support maintaining the 2024 rule as written, including the existing shoreline and dock buffer framework. Changes were made less than 2 years ago which narrowed the lakes boaters are allowed to wake surf on. We cannot have a moving target each time a petition reaches your desk to keep narrowing down the lakes boaters can use to recreate. All decisions need to be backed by scientific data and any decision going forward also needs the means to enforce the changes.

Respectfully,
Kim Woodard
Woodard Marine
Sales Manager
802-265-3690 x214 direct line

Scientifc Data References:
University of Minnesota—St. Anthony Falls LaboratoryResearch on wake wave characteristics, energy, and attenuation relative to distance anddepth https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)Wave height, energy, and attenuation study https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force—Shallow Water Environment Wave Impact Study (2024)Wave energy propagation and shoreline distance findings https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various WatercraftDepth-dependent sediment disturbance findings https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod—Characterization of Wake-Sport Wakes and Their Potential Impacton Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane—Wake Characteristics from Recreational and Wake Boats (2025)MacFarlane, G. J.(2025)https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf**
please note the university of Minnesota and Marrr Et Al were presented and referencedthrough public comments and petitions by those requesting additional restrictions.

From: Ken Kemon <kkemon@comcast.net>
Sent: Friday, February 20, 2026 2:15 PM
To: ANR - WSMD Lakes
Cc: tom.ward3@gmail.com
Subject: Wake sports

[You don't often get email from kkemon@comcast.net. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

RE: Wakesports on Lake Fairlee

While my wife and I support the proposed changes, they do not go far enough to protect lakes like lake Fairlee where the rules will allow a portion of the lake to be used. When personal watercraft were prevented from being used on lake Fairlee, it was based mainly on the fact that the area and shape of the lake would create unsafe conditions for traditional uses if PWCs were also allowed. This same problem will surely be created if wake sports are allowed in any ‘zones’ on the lake.
Thank you for your consideration on this public safety imperative.

Ken Kemon
+1(802)356-9810

From: Kendall Lambert <klambert@mwavt.org>
Sent: Wednesday, February 18, 2026 4:17 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: MWA Comments on Vermont Use of Public Waters Rule.pdf

You don't often get email from klambert@mwavt.org. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,

Attached please find comments on the proposed changes to the homelake rule.

Thank you for your attention and for the opportunity to comment.

Kendall

--
Kendall Lambert
Administrative Manager
Memphremagog Watershed Association

194 Main St. Room 214
PO Box 513
Newport, VT 05855
802.487.0160

http://www.mwavt.org

Memphremagog Watershed Association

www.memphremagogwatershedassociation.com

February 17th, 2026

From: Memphremagog Watershed Association
PO Box 513
Newport, VT 05855
(802) 487-0160

To: Vermont Department of Environmental Conservation
1 National Life Drive, Davis 2
Montpelier, VT 05620

RE: Comments on Proposed Amendments to the Vermont Use of Public Waters

Rules

Dear ANR Staff:

Thank you for the opportunity to comment on the proposed amendments to the Vermont Use of Public Waters Rules.

The elimination of the Home Lake Rule is not a protective action. It is notable that both lake advocates and wakeboat owners support retaining the Home Lake Rule. When two traditionally opposing constituencies agree on a provision, it merits serious reconsideration. Registering wakeboats to a single waterbody and allowing local greeter programs to be familiar with the limited number of vessels using that lake is a practical, low-cost prevention measure. Removing it without an equivalent safeguard weakens existing AIS protections.

The proposed 14-day quarantine functions as an unenforceable loophole. It is not supported by current science for ballast systems and there is no mechanism to verify compliance. Without documentation, inspection, or proof requirements, this provision provides little real protection and instead creates an avoidable gap in prevention.

Section 4 should be removed and replaced with the language proposed in S-224. Greeter programs are prevention partners, not enforcement agents. The current language is unnecessarily punitive and threatens loss of funding or permits for perceived miscommunication. Replacing it

with clear statutory language authorizing greeters to provide information about wakeboat eligibility would support, rather than undermine, this long-standing public-private partnership.

Decontamination is also not currently accessible or standardized enough to serve as a reliable substitute for existing safeguards. Wakeboat ballast systems are complex, cannot be fully drained, and retain significant volumes of water. A science-based protocol, standardized training, equipment evaluation, and a proof-of-decontamination system must be developed before existing protections are removed. Interim protective measures are necessary until such infrastructure is operational.

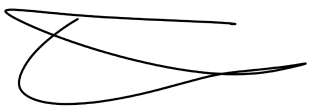
The impact on the Northeast Kingdom warrants particular attention. Of the 18 remaining wakeboat-eligible waterbodies, more than half are located in the NEK, including several that are currently AIS-free and eligible for A-1 reclassification as high resource value waters. This places a disproportionate burden on some of Vermont's most pristine and economically vulnerable communities. Many of these municipalities do not have the financial capacity to absorb long-term AIS management costs, infrastructure impacts, or tourism losses. Weakening preventive safeguards shifts risk and future costs onto communities least equipped to bear them.

Finally, while wakeboats are often described as "only 1%" of the total boat population, this statistic minimizes risk. Wakeboats can retain approximately 8–23 gallons of water in ballast systems — far more than most other vessels — significantly increasing AIS transport potential. Focusing on fleet percentage rather than retained water volume mischaracterizes the actual threat. Additionally, reported movement data appears to rely on Survey 1,2,3, which is widely acknowledged to undercount wakeboat traffic due to limited greeter hours and identification challenges. Policy decisions should not rely on incomplete metrics.

Strong AIS prevention is fully aligned with Vermont's longstanding goals to protect surface water quality, maintain native biodiversity, and safeguard high-value water resources for future generations. We urge ANR to ensure that any rule changes strengthen — rather than weaken — that commitment.

Thank you for your consideration.

Sincerely,



Kendall Lambert,
Administrative Manager, on behalf of MWA

From: Lars Pedersen <larspeds29@gmail.com>
Sent: Friday, February 20, 2026 11:15 AM
To: ANR - WSMD Lakes
Cc: Mark Pedersen
Subject: wakesports letter

You don't often get email from larspeds29@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

- the **100-acre lake threshold**
- the **3,000-foot straight-run requirement**
- the expanded interpretation of a **500-foot buffer from "any object" within the wakezone**
- **Normal Use Definition**
- **Section 3.7 and 4.3 for management project municipalities**

and I support maintaining the **2024 rule as written**, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to **shorelines, docks, and other vessels**. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a “non-normal use” under Vermont’s Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is **towed watersports conducted by inboard motorboats**, an activity that clearly predates 1993. Prior to that date:

- Towboats, ski boats, and inboard vessels designed to generate wake for recreational towing sports were in widespread use
- Ballast modification and wake-enhancement practices existed
- Wakesurfing emerged as a sport in the late 1980s–1990s
- Recreational towing sports behind inboard boats were an established category of boating activity

The statute does **not** state that technological evolution within an existing recreational activity creates a new legal “use.” Regulatory interpretation consistently recognizes that **improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use**. The purpose of the “normal use” concept was to prevent *novel or incompatible uses*, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as “non-normal use” be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to **Section 3.7 Wakesports** and the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to **ongoing administrative discretion**, creating a de facto pathway to long-term or permanent exclusion through rotating “projects,” rather than through formal rulemaking.

This concern is amplified by **Section 4.3 Temporary Use Restrictions**, which authorizes restrictions for public safety, emergencies, or “other good cause.” The phrase “other good cause” is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

- No built-in time limit on project-based suspensions
- No requirement for re-approval through formal rulemaking
- No defined proof threshold demonstrating direct project conflict
- No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as **permanent exclusions**, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the **least restrictive approach practicable**. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

- Be based on documented, project-specific necessity showing direct interference
- Be limited to the smallest geographic and temporal scope necessary
- Not exceed one boating season (or 6 months) without formal rulemaking review
- Not recur within 48 months except for natural emergency events
- Include written scientific findings by the Secretary
- Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to **distance, depth, and energy**. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, **ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.**

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

--

Lars Pedersen
Cell: 774.212.4251

From: Dlugolecki, Laura
Sent: Thursday, February 19, 2026 7:47 AM
To: ANR - WSMD Lakes
Subject: FW: Comments on UPW update
Attachments: NVDA UPW update letter.docx; MWA Comments on Vermont Use of Public Waters Rule.pdf; Comments on 2026 UPW update.docx

Laura Dlugolecki | Lakes and Ponds Policy and Outreach Coordinator
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management Division, Lakes and Ponds Program
1 National Life Drive, Montpelier, VT 05620-3522
Phone: 802-490-6133
Email: Laura.dlugolecki@vermont.gov
Lakes Permitting webpage: https://dec.vermont.gov/watershed/lakes-ponds/permit

---

From: Beth Torpey <beth.torpey@vermontlakes.org>
Sent: Wednesday, February 18, 2026 4:38 PM
To: Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov>; Austin, Jenny <Jenny.Austin@vermont.gov>
Subject: Comments on UPW update

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Laura and Jenny,

I understand that you are receiving many comments on the UPW update, but I wanted to provide you with several of the letters from the Northeast Kingdom, where the reduction of wakeboat eligible waterbodies will be felt most and will impact some of the most pristine lakes in the state.

I've attached comments from Northeastern Vermont Development Association, Memphremagog Watershed Association and the Seymour Lake greeter program.

I appreciate the opportunities that you've provided for public comment and look forward to future collaboration in the development of protective protocols and regulations to protect our waterbodies.

Beth Torpey

NVDA
Northeastern Vermont Development Association
www.nvda.net • 1-802-748-5181

February 18, 2026

Agency of Natural Resources

Montpelier, Vermont

RE: Comments on Proposed Amendments to the Vermont Use of Public Waters Rules

Dear ANR Staff,

Thank you for the multiple public meetings and the opportunity to comment on the proposed amendments to the VT Use of Public Waters Rule.

While NVDA supports the regulation of wake sports from a shoreline protection and safety perspective, there are some serious concerns regarding some of the aspects of the new rule regarding the removal of AIS prevention components. The removal of the Homelake Rule and decontamination proof without a valid, equivalent substitute is not a viable option for a region that has the majority of wakeboat-eligible waterbodies as well has a high percentage of oligotrophic waterbodies that are considered high water quality resources.

Because the 14-day quarantine is not scientifically supported, reconsideration of this is also requested. More recent and thorough scientific reports (Elwell, 2021) have recommended only hot water decontamination, without quarantine options, so removal of this loophole would be most protective of our area water resources.

There also appears to be some opportunity for misinterpretation of the new Section 4, which limits the ability of greeter programs to communicate and threatens them with loss

of funding and permit. It is recommended that the language that addresses this in S-224 replace Section 4.

Wakeboats are a vector for invasive species spread, which can have a significant impact on local economies. Because wakeboat ballasts cannot be fully drained and in-situ decontamination of them is not possible with the current infrastructure, the potential for AIS transportation and infestation is greatly increased. Zebra Mussels have recently been identified in U.S. waters, which is very concerning to other proximate waterbodies, particularly when they spread from Lake Memphremagog to Lake Massawippi within 3 years of the original infestation. With Zebra Mussels (and other AIS) in Lake Memphremagog municipal infrastructures could potentially be impacted if an infestation occurs. For example, the Town of Derby gets drinking water from Derby Pond and the introduction of Zebra Mussels would clog intake pipes, rendering them unusable.

With the number of wakeboat eligible waterbodies down to 18, more than half of them are located in the Northeast Kingdom (NEK), placing an uneven burden in this part of the state. Eight of these waterbodies are AIS-free and five of them eligible for A1 reclassification as a high resource value waterbody. Therefore, we're putting the most pristine lakes in the state at great risk. Many of these communities are economically challenged and can't afford effective prevention strategies

Further local economic impacts of AIS include, but are not limited to the following:

- Decrease in property values, up to 16% (Horsch, 2010; Zhang, 2010 – note – this is a Vermont study)
- Increased AIS management and control costs
- Reduction and loss of tourism revenue
- Damage to infrastructure and equipment
- Strain on municipal budgets and anticipated future funding gaps. Historically, the burden of AIS prevention and management has been shouldered by the local programs and municipalities.

It should also be noted that six of the 18 remaining waterbodies where wakeboats are allowed are located in the Memphremagog Basin, which has a Total Maximum Daily Load (TMDL) for phosphorus. The increase of biomass which accompanies plant invasive species life cycles actually increases the Total Phosphorus (TP) and will add to the overall phosphorus loading trends. This occurs when an invasive plant takes up phosphorus from sediment via its roots incorporating it into its biomass and when decomposition occurs, the phosphorus is released back into the water column (Smith, 1986)

In the NVDA Regional Plan, there are two Natural Resource Goals that are applicable:

- The quality and quantity of the region's surface waters should be protected, maintained, and restored
- The native biodiversity of the region should be maintained, and restored when appropriate.

The removal of the AIS protection provisions is not in alignment with these goals.

ANR states that one of the reasons for the removal of the Homelake Rule is that the resources are not available to track every wakeboat in the state. The regulation does not require statewide tracking and with only 18 waterbodies left where wakesports are allowed, the burden of identifying local wakeboats is greatly reduced and easily handled by the local programs. Therefore, cost to ANR is negligible.

ANR also proposes to provide a state-wide decontamination infrastructure for all watercraft, not just wakeboats. Funding sources for this ambitious project as well as the specifics of implementation, have not been provided and are unlikely to occur in the near future. Because of the high risk of AIS spread from wakeboats, some sort of interim solution is required.

While wakeboats appear to represent a small subset of overall watercraft in VT, the risk from AIS spread presents a significant threat.

It is likely that the NEK lakes will experience wakeboat visits with a much greater frequency after this rule is enacted; therefore, it's recommended that additional criteria be considered. Waterbodies that are eligible for A-1 reclassification or do not currently have animal invasive species should be afforded additional deference. This could come in the form of an Annual Lake Choice Program, where local wakeboats are registered with the local programs and visiting wakeboats are referred to unregulated waterbodies or a total ban on wakeboats (with a grandfather clause).

While regulation of wakesports has been warranted, putting the most pristine waterbodies of the state as risk should not be an option.

Sincerely,

Bibliography:

Elwell, L. C., & Phillips, S. (2021). Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination.

Horsch, Eric & Lewis, David. (2009). The Effects of Aquatic Invasive Species on Property Values: Evidence from a Quasi-Experiment. Land Economics. 85. 391-409. 10.3368/le.85.3.391.

Smith, C. S., & Adams, M. S. (1986). Phosphorus transfer from sediments by Myriophyllum spicatum 1. *Limnology and Oceanography*, *31*(6), 1312-1321.

Zhang, C., & Boyle, K. J. (2010). The effect of an aquatic invasive species (Eurasian watermilfoil) on lakefront property values. *Ecological Economics*, *70*(2), 394-404.

Memphremagog Watershed Association

www.memphremagogwatershedassociation.com

February 17th, 2026

From: Memphremagog Watershed Association
PO Box 513
Newport, VT 05855
(802) 487-0160

To: Vermont Department of Environmental Conservation
1 National Life Drive, Davis 2
Montpelier, VT 05620

RE: Comments on Proposed Amendments to the Vermont Use of Public Waters

Rules

Dear ANR Staff:

Thank you for the opportunity to comment on the proposed amendments to the Vermont Use of Public Waters Rules.

The elimination of the Home Lake Rule is not a protective action. It is notable that both lake advocates and wakeboat owners support retaining the Home Lake Rule. When two traditionally opposing constituencies agree on a provision, it merits serious reconsideration. Registering wakeboats to a single waterbody and allowing local greeter programs to be familiar with the limited number of vessels using that lake is a practical, low-cost prevention measure. Removing it without an equivalent safeguard weakens existing AIS protections.

The proposed 14-day quarantine functions as an unenforceable loophole. It is not supported by current science for ballast systems and there is no mechanism to verify compliance. Without documentation, inspection, or proof requirements, this provision provides little real protection and instead creates an avoidable gap in prevention.

Section 4 should be removed and replaced with the language proposed in S-224. Greeter programs are prevention partners, not enforcement agents. The current language is unnecessarily punitive and threatens loss of funding or permits for perceived miscommunication. Replacing it

with clear statutory language authorizing greeters to provide information about wakeboat eligibility would support, rather than undermine, this long-standing public-private partnership.

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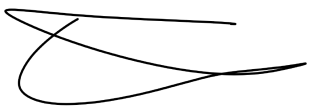
The impact on the Northeast Kingdom warrants particular attention. Of the 18 remaining wakeboat-eligible waterbodies, more than half are located in the NEK, including several that are currently AIS-free and eligible for A-1 reclassification as high resource value waters. This places a disproportionate burden on some of Vermont's most pristine and economically vulnerable communities. Many of these municipalities do not have the financial capacity to absorb long-term AIS management costs, infrastructure impacts, or tourism losses. Weakening preventive safeguards shifts risk and future costs onto communities least equipped to bear them.

Finally, while wakeboats are often described as "only 1%" of the total boat population, this statistic minimizes risk. Wakeboats can retain approximately 8–23 gallons of water in ballast systems — far more than most other vessels — significantly increasing AIS transport potential. Focusing on fleet percentage rather than retained water volume mischaracterizes the actual threat. Additionally, reported movement data appears to rely on Survey 1,2,3, which is widely acknowledged to undercount wakeboat traffic due to limited greeter hours and identification challenges. Policy decisions should not rely on incomplete metrics.

Strong AIS prevention is fully aligned with Vermont's longstanding goals to protect surface water quality, maintain native biodiversity, and safeguard high-value water resources for future generations. We urge ANR to ensure that any rule changes strengthen — rather than weaken — that commitment.

Thank you for your consideration.

Sincerely,



Kendall Lambert,
Administrative Manager, on behalf of MWA

February 19, 2026

Agency of Natural Resources

Montpelier, VT

RE: Comments on Proposed Amendments to the Vermont Use of Public Waters Rules

Dear ANR Staff,

Thank you for the opportunity to comment on the update to the Wakeboat Rule.

My career as an environmental scientist has spanned the last 40 years, with experience in aspects of AIS prevention for the last 25 years, including providing a framework for the Greeter and VIP programs during the first round of grants in 1999 as well as being the AIS Prevention Program Manager for Seymour Lake for the last 12 years. In my professional opinion there are multiple scientific and policy concerns regarding this update.

The concerns that will be addressed include the elimination of the Home Lake Rule, quarantine loophole, lack of substance in relation to the decontamination provisions, threats to the greeter programs and data issues. This letter goes in-depth into the issues, but can be summarized in the following:

- Impacts of Aquatic Invasive Species (AIS) impairment have not been adequately addressed.
- Some of the most pristine waterbodies of the state are being put most at risk, including those that are eligible for A-1 reclassification as high water quality value resources. Removing the Homelake Rule, providing a quarantine loophole and lack of substance for the decontamination provisions is putting some of the most pristine and high water quality resources in the state at undue risk, for an activity that is not considered a "normal use".
- Economic impacts to small town economies
- Total Phosphorus (TP) loading increase not taken into consideration in watersheds with phosphorus TMDL.

Homelake Rule

- This rule update provided an inaccurate appraisal of ANR resource need. Very limited ANR resources are required if partnering with DMV and the local greeter programs
- Both the wakeboat owners and lake advocates believe that the Homelake Rule is an important protective tool for AIS prevention. It's unusual when two seemingly opposed parties agree on something. DEC is the agency who is supposed to protecting the lakes, yet they continue to fail to understand how Homelake Rule is important in prevention the spread of AIS.
- In the pilot study at Seymour Lake, the greeter program reached out to the wakeboat owners to educate them about the threat of AIS spread and asked them to register their wakeboats, even though ANR had not developed a framework for it. The result was a good working relationship with the lake wakeboat owners who all voluntarily registered their wakeboats with the program. The greeters are familiar with the homelake wakeboats and there are open lines of communication between the program and wakeboat owners.
- Visiting watercraft should not be given priory over the health of the resource, particularly wakeboats, which are not considered a "normal use". Referral to non-regulated waterbodies is simple, just like lakes have been doing for many years in relation to jetskis.
- Education of the boating public can be very effective and homelake rule provides an opportunity for educational communication.
- With only 18 waterbodies left where wakeboats will be allowed, only very limited administrative support would be necessary.
- Partnering with DMV and local programs provides a comprehensive, protective plan for the implementation of homelake rule and assists in AIS spread prevention.
- The current rule does not offer a functionally equivalent solution, just more loopholes.

14-Day Quarantine

- Because the 14-day quarantine is not supported by science and not enforceable, removal of this loophole is recommended.
- DEC stated that they would refer to the *Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programsfor Dreissenid Mussels in the Western United States* and I believe there was a misinterpretation regarding quarantine in relation to watercraft with ballasts. While the dry time table provided in this report does indicate that 14-days is an adequate time for decontamination of regular motorboats, further on in the report they address watercraft with ballasts as

follows: "Research suggests that veligers can survive 27 days in residual water compartments. If these areas maintain water, then the actual time required to achieve 100% mortality either through desiccation or anoxia will most likely exceed the drying time standards recommended. Variation in ballast tanks drainage capabilities will influence the length of time required to dry. For this reason, hot waterflush of ballast tanks is critical for effective decontamination".

Decontamination

- Need interim measure while ANR is setting up statewide decontamination infrastructure. There is currently no budget, timeline or plan for when these stations will be available.
- False equivalency between wakeboats and regular motorized watercraft. Wakeboats pose a much greater threat for AIS spread due to the 8-23 gallons of water remaining in the ballasts after draining. It only takes one wakeboat to start an infestation.
- Current ANR policy for quarantine and decontamination inadequate
- Valid scientific research has not been taken into account
- Further research needed, including communication with wakeboat dealers and manufacturers
- Recommend no decontamination until science has been considered.

Threatening Greeter Programs

Section 4 of this update provides very severe language that can easily be misinterpreted and limits the greeter's ability to educate and inform watercraft owners. The greeter programs are subsequently threatened with loss of the ability to operate on a fishing access which equates to leaving a lake wide open for AIS. It's beyond my comprehension why ANR would include such inappropriate language in a rule. The greeter programs have been doing the difficult, on-the-ground work of AIS spread prevention in "partnership" with ANR for 25 years. This language is insulting. Miscommunication regarding access to waterbodies has occurred in the last 25 years, but it's certainly not a serious or common issue that rises to the level of threats being codified in the rule.

There is currently a bill in the senate that address this issue and it is recommended that the language from this bill replace the current Section 4, as follows:
"A person staffing an authorized aquatic nuisance species inspection station is authorized to inform a person who owns or controls a wakeboat whether wakeboats are authorized for use on a lake. Information provided by a person staffing an

authorized aquatic nuisance species inspection station shall not be considered an exercise of law enforcement authority".

Data

- According to public meetings the data DEC has provided was garnered from the Survey 1,2,3 app that greeter programs use. There are multiple issues with the use of this data as follows:
    - Many waterbodies do not even have greeter programs, so there is zero data collection occurring there.
    - Greeter programs have limited hours
    - Wakeboats are difficult to identify as stated in the 2025 Greeter Manual
    - Numbers in the NEK would be impacted by severe flooding and decrease in visits over the last two years
- The likelihood of increased wakeboat visits to the 18 remaining waterbodies was not taken into consideration. The data provided represented the entire state, so the risk was significantly understated.

The result of these issues is that wakeboat movement is likely grossly underreported.

In Closing

- Despite continued ANR resistance, Homelake Rule is easy to implement through DMV, requires little ANR resources, provides protection against AIS spread and can provide educational and community outreach opportunities.
- The burden of scientific proof as not been met by ANR. Incorrect assumption of excessive resource requirements, incomplete and/or inaccurate data, false equivalency between wakeboats and other watercraft, non-protective decontamination procedures and use of studies that are not scientifically valid are issues that should be addressed. ANR has stated that the stakeholders must provide scientific evidence to impact these rule update recommendations but has not held to these standards themselves.
- ANR has provided no logical, scientific solution to substitute for the removal of Homelake Rule and the decontamination standards.

In my professional opinion, as a scientist with 40 years experience in the environmental field - 25 of those years in facets of AIS prevention, these aspects of the rule update in no way preserves the intent of Homelake Rule and are putting some of the most pristine lakes in the state at a much greater risk for AIS spread. It is scientifically and factually unsupported and fiscally irresponsible.

While Shoreline protection Is a laudable goal, the potential spread of Aquatic Invasive Species (AIS) to a pristine waterbodies causes much more serious damage with long lasting, increasingly deleterious impacts.

The shoreline and safety impacts of wakesports activities have been clearly demonstrated by Responsible Wakes for Vermont lakes (RWVL); however, the impacts of AIS have not been focused upon.

Some of the environmental impacts of AIS include, but are not limited to the following:

- Loss of biodiversity
- Altered food web and fisheries declines
- Changed habitat and benthic conditions
- Decrease in overall water quality parameters including Dissolved Oxygen (DO)
- Increase of toxic cyanobacteria blooms
- Loss of recreational use and access

It should also be noted that six of the 18 remaining waterbodies where wakeboats are allowed are located in the Memphremagog Basin, which has a Total Maximum Daily Load (TMDL) for phosphorus. The increase of biomass which accompanies plant invasive species life cycles actually increases the Total Phosphorus (TP) and will add to the overall phosphorus loading trends. This occurs when an invasive plant takes up phosphorus from sediment via its roots incorporating it into its biomass and when decomposition occurs, the phosphorus is released back into the water column (Smith, 1986)

Additionally, some of the local economic impacts of AIS include, but are not limited to the following:

- Decrease in property values, up to 16% (Zhang, 2010 – note – this is a Vermont study)
- Increased AIS management and control costs
- Reduction and loss of tourism revenue
- Damage to infrastructure and equipment
- Strain on municipal budgets and anticipated future funding gaps. Historically, the burden of AIS prevention and management as been shouldered by the local programs and municipalities.

Therefore, it is surprising to see that the risk of Shoreland erosion has been given such high priority over much greater risk of AIS impairment.

It's been stated the ANR is required to enact the least restrictive regulations; however, isn't ANR also supposed to protect the environment? It has also been noted that wakeboats do not represent a "normal use" under the UPW rules, so why are they being allowed unfettered access to our most pristine waterbodies?

With only 18 waterbodies left where wakeboats will be allowed, an increase in visiting wakeboats should be expected. Of the 18 total waterbodies, 11 of them are in the NEK, 8 of those do not have invasive species and 5 are eligible for A1 reclassification as a high value water resource. The most pristine waterbodies in a state that prides itself in being "green" are the ones that are being put most at risk.

Sincerely,

Beth Torpey

Aquatic Invasive Species Prevention Program Manager

Seymour Lake, Morgan VT

Bibliography

Choi, W. J., Gerstenberger, S., McMahon, R. F., & Wong, W. H. (2013). Estimating survival rates of quagga mussel (Dreissena rostriformis bugensis) veliger larvae under summer and autumn temperature regimes in residual water of trailered watercraft at Lake Mead, USA. *Management of Biological Invasions*, *4*(1), 61.

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Smith, C. S., & Adams, M. S. (1986). Phosphorus transfer from sediments by Myriophyllum spicatum 1. *Limnology and Oceanography*, *31*(6), 1312-1321.

Zhang, C., & Boyle, K. J. (2010). The effect of an aquatic invasive species (Eurasian watermilfoil) on lakefront property values. *Ecological Economics*, *70*(2), 394-404.

From: Dlugolecki, Laura
Sent: Friday, February 20, 2026 9:14 AM
To: ANR - WSMD Lakes
Subject: FW: Formal Request for Extension - Proposed 2025 Wakesports Rule Changes

Laura Dlugolecki | Lakes and Ponds Policy and Outreach Coordinator
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management Division, Lakes and Ponds Program
1 National Life Drive, Montpelier, VT 05620-3522
Phone: 802-490-6133
Email: Laura.dlugolecki@vermont.gov
Lakes Permitting webpage: https://dec.vermont.gov/watershed/lakes-ponds/permit

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From: Austin, Jenny <Jenny.Austin@vermont.gov>
Sent: Thursday, February 19, 2026 3:02 PM
To: Cetner, Misha <Misha.Cetner@vermont.gov>; Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov>
Cc: Culbertson, Saige <Saige.Culbertson@vermont.gov>
Subject: FW: Formal Request for Extension - Proposed 2025 Wakesports Rule Changes

FYI. Saige- is this within our discretion? Do you have time to chat tomorrow? I'll look for some time.

Jenny

VERMONT
Jenny Austin (she/her) | Lakes and Ponds Program Manager
Vermont Agency of Natural Resources
Watershed Management Division – Lakes and Ponds Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3901
Phone Number: 802-480-1394 (work mobile)
http://dec.vermont.gov/watershed

From: Moore, Julie <Julie.Moore@vermont.gov>
Sent: Thursday, February 19, 2026 1:54 PM
To: Sinsigalli, Misty (she/her) <Misty.Sinsigalli@vermont.gov>; Kamman, Neil <Neil.Kamman@vermont.gov>; Burke, Kevin <Kevin.Burke@vermont.gov>; Austin, Jenny <Jenny.Austin@vermont.gov>
Cc: Gonda, Jordan <Jordan.Gonda@vermont.gov>; Culbertson, Saige <Saige.Culbertson@vermont.gov>
Subject: FW: Formal Request for Extension - Proposed 2025 Wakesports Rule Changes

I am sharing this request for an extension of the public comment period related to the UPW proposal submitted by Lauren Splatt. I will assume the appropriate folks will follow up with Lauren unless you tell me otherwise.

Julia S. Moore, P.E. | Secretary (she/her)
Vermont Agency of Natural Resources
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901
802-828-1294 office
julie.moore@vermont.gov
anr.vermont.gov

Vermont is marking the one- and two-year anniversaries of historic flooding in 2023 and 2024. Learn more about the impacts and ongoing recovery with the Recovery, Rebuilding, Resilience interactive story map. Find ways to support the many individuals, businesses and communities who still need help at the State's Disaster Recovery webpage.

From: laurenws@woodardmarine.com <laurenws@woodardmarine.com>
Sent: Thursday, February 19, 2026 12:21 PM
To: Maulucci, Jason <Jason.Maulucci@vermont.gov>; Moore, Julie <Julie.Moore@vermont.gov>
Cc: BCollamore@leg.state.vt.us; TKWilliams@leg.state.vt.us; WCanfield@leg.state.vt.us; PMcCoy@leg.state.vt.us; zharvey@leg.state.vt.us; DWeeks@leg.state.vt.us
Subject: Formal Request for Extension - Proposed 2025 Wakesports Rule Changes

You don't often get email from laurenws@woodardmarine.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Julie, Jason, and The Rutland County Legislators,

Thank you to the Rutland County Legislators, as well as to Julie and Jason, for the opportunity to participate in a constructive and open discussion regarding the proposed 2025 wakesports rule changes.

We sincerely appreciate the time and professionalism extended to us, as well as the willingness to engage in a thoughtful conversation that helped clarify where the proposal currently stands, the steps taken to date, and those anticipated moving forward. Candidly, since the start of this process, opportunities for open, calm, and fact-based face-to-face communication have felt limited, which made this dialogue especially meaningful. It was truly valuable in helping me better understand the process, and I sincerely hope it also conveyed our deep dedication to responsible public water use and the genuine care behind the input we are working to provide. I fully recognize how valuable your time is and am very grateful for the time you set aside to meet with us and discuss the proposal..

I am writing to formally request an extension of the public comment period along with the review period of the public comments, for the proposed 2025 wakesports rule changes currently scheduled to close on February 20 at 4:30 PM.

During the recent meeting last Thursday with the Rutland County Legislators, along with yourselves (Julie) and (Jason), it was noted that stakeholders may formally request additional time where warranted.

Based on the scope and potential impact of the proposed changes, we respectfully request a substantial extension of the comment period through the conclusion of the 2026 boating season.

Basis for Request
This rulemaking affects multiple sectors across Vermont's boating community, including:
• Recreational boaters, public water participants, and families
• Marine businesses and service providers
• Enforcement and boater education partners
• Property owners on Vermont lakes

Given the breadth and complexity of the proposal, the current timeline raises serious concern. There are less than 30 days from the first hearing (one of three originally noted at the beginning of this process) to the close of the public comment period on February 20th. Additionally, the final hearing was canceled, yet the comment period remains within that same 30-day window.

From the close of the comment period to rule consideration and the timeline outlined on the ANR website for formal rulemaking and adoption—set to take effect in March 2026—the overall process reflects approximately 65 days from the start of the public hearing to rulemaking/adoption. I do not believe this timeframe has, nor will it allow sufficient opportunity for many affected parties to fully review and analyze the scientific data underlying these proposed changes or to provide meaningful, data-supported feedback.

Outstanding Request for Scientific Basis

During both the prior pre-rulemaking hearing (August 2025 in Barre) and the current rulemaking hearings in Brandon and Barre, I personally requested access to the scientific research relied upon to substantiate the proposed changes relative to the changes from the 2024 rule framework.

Specifically:
• Requests were made through myself during the August pre-rulemaking hearing when a representative from Vermont Lakes for Responsible Wakes noted that the 3,000-foot run was referenced in a published report showing the science behind this run, along with the 500-foot buffer around the boat when operating in wake mode.
• My request was directed to Mr. Widness as well as to the responsive staff during the pre-rulemaking process at that same hearing asking for this information to be provided.

• At the 2026 Brandon hearing, the opening comment from Vermont Lakes for Responsible Wakes again referenced this scientific claim, and I again (under the username "BobW") submitted a request for this information to be provided via the chat function during the online Brandon hearing directed to the ANR team.

• At the 2026 Barre hearing, I again (under the username "Lauren Splatt") submitted a request for this information to be provided via the chat function during the online Barre hearing directed to the ANR team.

- Additionally, another formal request for the scientific basis behind these thresholds was made on July 3, 2025, directly to Jennie and Laurie via email from Emily Dowe. Ms. Dowe noted to me that she was also awaiting this information to review for her pre-rulemaking public comments.

Her request stated in part:
"Specifically, I'm hoping to learn more about the scientific rationale behind the 3,000-foot length requirement, and particularly the choice of 100 acres as a minimum lake size… I'm still struggling to see the underlying factual data that led to these particular thresholds."

These repeated requests were made so that stakeholders could properly review the evidentiary basis of the proposed 2025 rule changes and prepare informed public comments as requested.
To date, I have not received the requested materials, nor have I been able to locate these documents on the Department's rulemaking website.

Requested Action

Accordingly, as part of this extension request, I respectfully ask that the Agency:

• Provide the scientific and technical reviewed research materials relied upon for the proposed changes; and
• Either email those materials to requesting stakeholders or post them publicly on the Department's rulemaking webpage for transparent review.

Providing this information is essential to ensuring meaningful public comment participation and a fully informed administrative record.

Accordingly, I respectfully request that ANR extend the public comment period and associated rulemaking timeline through the end of the 2026 Vermont boating season.
We believe this is a reasonable and prudent step that will allow the Agency to assemble the most complete factual public comment record possible while ensuring all affected Vermonters have a meaningful opportunity to participate.

Thank you for your time, consideration, and continued commitment to a thorough and transparent process. I also look forward to continuing in-person conversations in constructive, collaborative settings — not solely in formal hearing environments — that bring together stakeholders from all perspectives, along with the agencies responsible for rulemaking, implementation, and education. Working together in this manner will help ensure we collectively understand where things stand and how we can move forward thoughtfully for the long-term health and shared enjoyment of

Vermont's lakes.

I appreciate the Agency's consideration of this request and look forward to providing additional scientific materials and constructive input as this process moves forward.

Respectfully submitted,
Lauren Woodard-Splatt

Lauren Woodard-Splatt
Vice President
Woodard Marine

802-265-3690 (text or call)
laurenws@woodardmarine.com
woodardmarine.com
P.O. Box 130, Hydeville, VT 05750

WOODARD MARINE INC.
LAKE BOMOSEEN, VT.

From: Dlugolecki, Laura
Sent: Wednesday, February 25, 2026 9:46 AM
To: ANR - WSMD Lakes
Subject: wakesports email received from stephensmithpage@gmail.com

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Wakeboarding is being promoted on Vermont lakes without regard to its consequences: increased infestation by Eurasian milfoil, and dramatic threats to traditional uses such as swimming, self propelled boating, and sailing. Just say NO!

Laura Dlugolecki | Lakes and Ponds Policy and Outreach Coordinator
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management Division, Lakes and Ponds Program
1 National Life Drive, Montpelier, VT 05620-3522
Phone: 802-490-6133
Email: Laura.dlugolecki@vermont.gov
Lakes Permitting webpage: https://dec.vermont.gov/watershed/lakes-ponds/permit

From: Laura Meyer <laura.e.meyer@gmail.com>
Sent: Thursday, February 19, 2026 8:00 PM
To: ANR - WSMD Lakes
Subject: Wake Sports

You don't often get email from laura.e.meyer@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

The Williston Conservation Commission supports the new rules on wake sports as proposed by the Vermont Department of Environmental Conservation (DEC).

Increasing the minimum safety buffer to 500 feet from structures, as well as other users, is important for public safety.

An increase of the wake sports zone from 50 to 100 acres, with a minimum wake sports run of 3000 feet, provides room for boats to operate safely on larger lakes in Vermont.

These rules will ensure that wake sports will not be allowed on small lakes such as Lake Iroquois, located partially in the town of Williston Vermont.

Williston Conservation Commission

From: laurenws@woodardmarine.com
Sent: Friday, February 20, 2026 4:28 PM
To: ANR - WSMD Lakes
Subject: wakesports comment 2026
Attachments: Lauren Woodard Splatt WM Final Comment Letter v2.pdf

You don't often get email from laurenws@woodardmarine.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see my attached final public comment

Thank you

Lauren Woodard-Splatt
Vice President
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woodardmarine.com
P.O. Box 130, Hydeville, VT 05750

February 8, 2026

Dear ANR, Lakes and Ponds, and DEC Representatives,

I respectfully submit this formal comment as a Vermont resident, lifelong public waters user, and individual with academic background in science and biology, along with business and community outreach, along with Vermont state boating instructor.

After review of the proposed rule amendments, supporting materials, and the scientific research commonly cited in this rulemaking, I **formally oppose** the following proposed standards: specifically

- Concern of the **Scientific research** being relied upon and its integrity.
- Increase to **100 contiguous acres**
- Requirement of a **3,000-foot straight run**
- Expansion of the buffer to **500 feet from any object while in the wakesport zone**
- **Normal Use** Definition
- Vermont Use of Public Waters Rules — **Section 3.7 Wakesports Section 4.3 Temporary Use Restrictions**
- **Vermont Boater Education** – Regulatory Implementation and State Accountability Concern
- Concern of the **Scientific research** being relied upon and its integrity.

My opposition is grounded in **hydrodynamic science, environmental methodology, statutory public trust principles, and procedural fairness concerns**, and **failures in regulatory implementation, inter-agency coordination, and public safety education integration** consistent with established state and federally aligned training standards.

Please see the following pages for references and information to my opposition to the items listed above.

PRELIMINARILY - Concern of the Scientific research being relied upon and its integrity.

A threshold concern in the current rulemaking is the scientific integrity and evidentiary weight of the materials being relied upon to justify additional wakesports restrictions.

The 2023 petition submitted by Vermont Lakes for Responsible Wakes, and subsequently referenced in ANR's 2024 rulemaking and again in the 2025 pre-rulemaking presentation, relies heavily on the following materials:

- University of Minnesota — St. Anthony Falls Laboratory (SAFL) research regarding wake characteristics and attenuation
- Marr et al., *Characterization of Boat-Generated Wake Waves* (2022)
- Lake Waramaug Task Force — *Shallow Water Environment Wave Impact Study* (2024)

1. Lack of Peer Review

Critically, ***none of the above materials appear to be published in peer-reviewed scientific journals***. They are best characterized as:

- technical reports,
- laboratory studies, or
- stakeholder-commissioned analyses.

Peer review is a foundational quality control mechanism in scientific research. It provides:

- independent expert validation of methodology,
- scrutiny of assumptions and modeling, and
- reproducibility assessment.

Without peer review, findings must be treated with appropriate evidentiary caution, particularly when used to support statewide regulatory restrictions.

2. Legal and Administrative Significance

Under well-established administrative law principles, agency rulemaking must be supported by substantial evidence in the record and must not be arbitrary or capricious. When an agency relies on:

- non-peer-reviewed reports,
- limited-scope laboratory modeling, or
- stakeholder-funded technical documents,

courts and reviewing bodies often examine whether the agency has:

- adequately vetted the scientific reliability of the materials;
- considered contrary evidence; and
- demonstrated a rational connection between the data and the regulatory thresholds adopted.

Where the scientific foundation is preliminary, non-validated, or context-limited, heightened caution is warranted before imposing broad, statewide operational restrictions.

3. Scope Limitations of the Cited Materials

Even taken at face value, the cited studies primarily examine:

- wake height and energy decay with distance,
- propagation in controlled or specific environments, and
- general wave physics.

They do not establish Vermont-specific environmental impact thresholds, nor do they appear to:

- validate a universal 500-foot buffer in all directions;
- support a 3,000-foot straight-run requirement; or

- demonstrate that lake surface acreage alone predicts environmental impact.

The distinction between wave characterization and documented ecological harm under Vermont conditions is legally and scientifically significant.

4. Importance for Current Rulemaking

Because these same materials were relied upon in the 2024 rule and are again cited in the 2025 pre-rulemaking materials, it is essential that the Agency clearly demonstrate:

- the peer-review status of each cited work;
- the funding sources and potential stakeholder involvement;
- the applicability of the findings to Vermont waters; and
- the scientific basis for translating those findings into the specific regulatory thresholds proposed.

Absent such demonstration, reliance on these materials raises legitimate questions regarding whether the proposed restrictions are scientifically substantiated, proportionate, and supported by the full evidentiary record.

A. 100-Acre Threshold

The 100-acre threshold appears to originate from a rectangular area model: straight-run length × lateral wake width. This is a spatial visualization tool, not a hydrodynamic or ecological measurement.

No cited study measures sediment disturbance, shoreline erosion, turbidity, or habitat effects relative to total lake surface area. The University of Minnesota wake study measures wave characteristics and attenuation with distance, not lake acreage.

Turning a geometric footprint into a biological or environmental threshold requires field evidence linking surface area to ecological impact. That link is not present in the cited materials.

The Marr et al. (2022) study evaluates wake wave height, energy, power, and attenuation relative to distance from the boat and water depth conditions. These are localized physical variables.

Lake acreage does not change wave formation, wake energy production, or attenuation rates. A 150-acre lake and a 90-acre lake with identical depth and shoreline setback produce the same wake physics at a given location.

Because the Minnesota research ties impact mechanisms to proximity and wave energy, not basin surface area, acreage is not a variable tested or identified as environmentally protective.

Scientific wake research evaluates wave energy, wave attenuation with distance, and depth-dependent sediment interaction. These are localized physical processes governed by water depth, shoreline proximity, and wave dissipation — not total basin surface area.

Acreage does not alter wake formation physics. Two lakes of different surface area but identical depth and shoreline setback will exhibit the same wake behavior at a given location. The 100-acre figure arises from geometric modeling of a rider's potential path, not hydrodynamic measurement. No peer-reviewed wake study identifies lake surface area as an ecological threshold variable. *(See scientific references below.)*

Thus, the acreage standard represents spatial geometry, not environmental science.

Citation:
Marr et al., *Characterization of Boat-Generated Wake Waves* (2022)
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Scientific reference context:
University of Minnesota St. Anthony Falls Laboratory wake research focuses on wave energy and propagation, not acreage-based impact.

B. 3,000-Foot Straight Run

The 3,000-foot straight-run distance appears in rule discussions as part of typical wakesports operation, where wakesurf and wakeboard runs are described as commonly ranging 2,000–4,000 feet. This framing reflects rider experience and boat handling — essentially how long a ride lasts — not findings from hydrodynamic, shoreline erosion, sediment transport, or habitat impact research.

There is no cited study in the rule materials showing that environmental impact changes at 3,000 feet versus 6,000 or 1,500 feet. The dimension is therefore operational in origin, not science-derived.

The Vermont Public comments and rule discussions use 3,000 feet as part of a geometric calculation to estimate required lake area (e.g., run length × wake width to approximate acres). This is mathematical reasoning to visualize space, not environmental modeling.

A geometric footprint does not demonstrate ecological impact. Environmental science would require measurement of turbidity, sediment resuspension, shoreline erosion, or habitat effects relative to repeated passes and proximity to sensitive areas — not simply multiplying length by width.

Again, confirming the 3,000-ft value functions as a spatial assumption, not an evidence-based environmental threshold.

Source context: ANR rule discussion language referencing typical wakesports run lengths (2,000–4,000 ft) in pre-rulemaking materials and public comment summaries.

C. 500-Foot Buffer from "Any Object" when in the wakesport zone

Vermont's existing wakesports zone definition is explicitly shoreline-based: wakesport zones are defined as areas that are 500 feet from shore on all sides (and meet depth/acreage criteria).

Moving from "500 feet from shore" to "500 feet from any object" is a fundamentally different rule with much broader impacts on feasibility and enforcement.

Wake attenuation research consistently frames distance relative to shoreline, docks, and other boats. Scientific summaries do not establish a universal "any object" separation standard. Expanding shoreline-based research into an all-object operational exclusion zone is a policy extrapolation beyond the scope of the studies cited.

This shift transforms a shoreline-protection measure into a broad operational restriction not supported by hydrodynamic findings. *(See scientific references below.)*

The scientific studies cited in support of expanded buffers, including Marr et al. (University of Minnesota / SAFL, 2022), analyze how wake wave height, energy, and power attenuate with distance. These findings describe how far a wake must travel to diminish to a selected reference condition; they do not prescribe a regulatory requirement that a wakeboat must remain 500 feet from *all objects* while operating.

Marr et al. state that wakesurf boats "required distances greater than 500 ft to attenuate wake wave characteristics…to levels equivalent to non-wakesurf boats," which is a comparative wave-physics finding, not an operational mandate. The study does not define a 360-degree buffer, does not describe a "bubble" around the vessel, and does not recommend a rule structure requiring separation from every object within a wakesports zone.

Citation:
Marr et al., *Characterization of Boat-Generated Wake Waves*, University of Minnesota / SAFL (Feb 2022), Executive Summary
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Citation:
Lake Waramaug Task Force, *Shallow Water Environment Wave Impact Study* (2024)
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

PLEASE SEE GRAPHS ON NEXT PAGES

SCIENCE vs. POLICY — SUMMARY TABLE

Proposed Standard	Scientific Study Evidence in Materials	Nature of Basis	Document & Location
20 ft disturbance depth	Measured propeller downwash and sediment redistribution at ≥26 ft Used as GIS threshold, but no hydrodynamic study cited establishing 20 ft as environmental limit	**Scientific measurement**	*ANR July 2025 PreRulemaking Meeting Presentation – Lake Waramaug Study 2024*, pp. 145–146 ANR July 2025 PreRulemaking mee...
30 ft suggested depth	Appears only in testimony in last hearing, referencing outside studies; not adopted ANR science	**Public comment interpretation**	*Written Public Comments – UPW PreRulemaking 2025*, depth comment section Written Public Comments_UPW Pre...
3,000 ft run length	Described as "typical run" for wakesports operation; not tied to sediment or wave study	**Operational practice**	*Written Public Comments – UPW PreRulemaking 2025*, run length reference Written Public Comments_UPW Pre...
100 contiguous acres	Derived from run length × wake width geometry	**Geometric reasoning**	*Written Public Comments – UPW PreRulemaking 2025*, acreage calculation Written Public Comments_UPW Pre...
500 ft buffer used in rule	Implemented as mapping standard	**Policy application**	*Procedure for Determining Wakesport Zones_2025Update.pdf*, pp. 1–2

WAKESPORTS RULE PROPOSALS

SCIENCE vs. POLICY — EVIDENCE TABLE

Proposed Standard	Scientific Study Evidence in Materials	Nature of Basis	Document & Location	Science Support
20 ft depth minimum	Measured propeller downwash and sediment redistribution at ≥26 ft Used as GIS threshold, but no hydrodynamic study cited establishing 20 ft as environmental limit	Policy / mapping methodology Scientific field measurement	*Procedure for Determining Wakesport Zones_2025Update.pdf*, pp. 1–3	🟢 ✓
3,000 ft straight run	Described as "typical" wakesports run; no study shows this length is required	Operational practice assumption	Referenced in *Written Public Comments – UPW Pre-Rulemaking 2025*	🔴 ✗
100 contiguous acres	Derived from rectangle math (run × width); not hydrodynamic measurement	Geometric modeling	*Written Public Comments – UPW Pre-Rulemaking 2025*	🔴 ✗
500 ft shoreline buffer	Wave attenuation research shows larger wakes require greater distance for energy reduction	Scientific (out-of-state wave study)	Univ. Minnesota SAFL: https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats	🟢 ✓
500 ft from ANY object (boats, swimmers)	No cited study establishing 500 ft separation from other vessels/swimmers as required safety envelope	New policy restriction beyond existing safety law	Vermont statute comparison: https://legislature.vermont.gov/statutes/section/23/029/03311	🔴 ✗

Proposed Standard	Scientific Study Evidence in Materials	Nature of Basis	Document & Location	Science Support

Topic	What Research Shows	Source
Wave Energy Attenuation	Wake surf boats can produce larger waves; wave energy reduces with distance	Univ. Minnesota SAFL Study
Subsurface Propeller Disturbance	Sediment redistribution & nutrient release observed at depths ≥26 ft (context-specific)	Lake Waramaug Study (CT) – ANR Pre-Rulemaking Presentation Slides 145–146
Sediment Resuspension Behavior	Resuspension observed in 5 ft depth; **none observed in 10–15 ft**	Daeger, *Impacts on Nutrient and Sediment Resuspension by Various Watercraft*

⚖️ **POLICY-DRIVEN STANDARDS (NOT PROVEN SCIENTIFIC NECESSITIES)** 🔴

Proposed Requirement	What It Is Based On	Scientific Study Showing It Is Required?
3,000 ft straight run	“Typical” ride time assumptions	❌ None identified
100 contiguous acres	Geometry (run length × wake width)	❌ None identified
30 ft depth threshold	Public comment interpretation	❌ Not an adopted scientific standard
500 ft from ANY object	New restriction beyond VT’s 200-ft safety framework	❌ No safety study cited
20 ft universal depth cutoff	GIS mapping filter	❌ No hydrodynamic threshold study cited

---

📚 WHERE THESE FACTS COME FROM

University of Minnesota SAFL Wake Study
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Lake Waramaug Study (CT)
Referenced in ANR July 2025 Pre-Rulemaking Presentation (slides 145–146)

Daeger Sediment Study (Indiana Academy of Science)
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Vermont Boating Law (Safety Distances)
https://legislature.vermont.gov/statutes/section/23/029/03311

D. Normal Use Definition

It is being argued that wakesports should be treated as a “non-normal use” per Vermont Normal Use of public waters, stated as the definition of “Normal use” = lawful use occurring regularly, frequently, and consistently prior to January 1, 1993.

It is currently being presented to ANR/ DEC from FOVLAP that Wakeboats are under non normal use, as this is because there are arguing that wakeboats in their current form did not exist prior to 1993.

However, the activity at issue is towed watersports using inboard motorboats, which clearly predate 1993.

- Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation DID exist prior to 1993
- Wakesurfing as a sport developed in the late 1980s–1990s
- The statute does not say technological evolution of an existing use invalidates the use
- Wake surfing is a technological evolution of long-standing boating practices involving inboard vessels producing wake for recreational towing sports. Regulatory interpretation typically recognizes evolution of equipment within an existing recreational category as continuation of the use, not creation of a legally distinct activity.
- The statute’s intent was to prevent novel or incompatible uses, not to freeze recreational boating technology at 1993 levels.

new equipment ≠ new use if the activity category is longstanding. Improved technology within an existing recreational category does not convert it into a new legal “use.”

I respectfully request that this is removed from the terminology , as there are in fact, photos, and science and industry proof that in fact this is a normal use prior to 1993 and therefore does not qualify to be.

There has been no evidence or research presented to prove this is a “non” normal use vessell per Vermont Statute, and all requests stemmed from public request to be identified as that.

E. Section 3.7 Wakesports and cross-referenced with Section 4.3 Temporary Use Restrictions:

I oppose the proposed amendments to the Vermont Use of Public Waters Rules — Section 3.7 Wakesports and the associated administrative structure allowing the Secretary to manage the list of wakesports-eligible lakes. The Summary of Proposed Changes (Dec. 17, 2025) explains that the rule adds flexibility to add and remove wakesports-eligible lakes from the Secretary-maintained list based on changing conditions, lake management activities, or scientific research that could be impacted by wakesports (see references below). This change shifts lake eligibility from fixed rule criteria to ongoing administrative discretion, creating a de facto pathway to permanent exclusion through rotating "projects" rather than through formal rulemaking.

This concern is compounded by the authority structure in Section 4.3 Temporary Use Restrictions, which allows the Secretary to restrict uses due to public safety, emergency situations, or "other good cause" (see references below). The phrase "other good cause" is not defined with objective standards. When combined with the ability to remove lakes from eligibility due to management activities or scientific research, this creates an open-ended mechanism to suspend a lawful recreational use without procedural limits.

The rule as written contains no built-in time limit on suspensions tied to projects, no re-approval requirement through formal rulemaking, no defined proof threshold showing direct conflict, and no statewide consistency check to prevent uneven application. Without these guardrails, temporary project-based suspensions could effectively function as permanent exclusions, even when no demonstrated, ongoing conflict exists. This shifts the framework from science-based regulation of use to discretionary removal of access.

This structure is inconsistent with the UPW rule framework in Section 2 (Use Conflicts), which requires that conflicts be managed using the least restrictive approach practicable that adequately addresses the conflicts (see references below). Allowing indefinite or recurring exclusions through administrative project determinations is not the least restrictive approach and effectively converts temporary management tools into permanent prohibitions.

If the Agency intends to allow temporary suspensions of wakesports eligibility for legitimate lake management, restoration, or research activities, the rule must include objective safeguards. I request the following language be added to Section 3.7 Wakesports and cross-referenced with Section 4.3 Temporary Use Restrictions:

Temporary suspension of wakesports eligibility for a waterbody due to lake management activities, research, or restoration projects shall:

- Be based on documented, project-specific necessity showing direct interference with the project;
- Be limited to the smallest geographic and temporal scope necessary;
- Not exceed 6 months (or 1 boating season) without formal rulemaking review;
- Not be imposed more than once within a 48-month period unless due to natural emergency events such as flooding or dam failure;

• Require written findings by the Secretary supported by scientific documentation;
• Automatically expire unless renewed through the public rulemaking process.

These safeguards do not prevent legitimate environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that access to public waters is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

References

• Summary of Proposed Changes to Vermont's Use of Public Waters Rules (Dec. 17, 2025)
Section 3.7 Wakesports – language describing flexibility to add or remove wakesports-eligible lakes based on changing conditions, lake management activities, or scientific research that could be impacted. (Page 2)

• Vermont Use of Public Waters Rules – Proposed Rule Text
Section 4.3 Temporary Use Restrictions – Secretary authority to restrict uses due to public safety, emergency situations, or "other good cause." (Section 4.3, p. 23 of proposed track changes document)

• Vermont Use of Public Waters Rules – Clean Version
Section 2.7 Use Conflicts – requirement that conflicts be managed using the "least restrictive approach practicable that adequately addresses the conflicts." (Section 2.7, p. 12)

F. Vermont Boater Education – Regulatory Implementation and State and Federal Accountability Concern

I would also like to raise a serious concern regarding **regulatory implementation, inter-agency communication, and public education** following the wakeboat rule adopted in 2024.

When a rule is adopted and carries the force of law, it must not only exist in statute — it must also be **implemented, communicated, and taught** through the State's own safety education system. That has not occurred here.

To date, the updated wakeboat/wakesports restrictions have **not been incorporated into official boater education materials** or consistently reflected in instruction provided through:

- Vermont State Police
- Vermont Fish & Wildlife Department
- National Association of State Boating Law Administrators (NASBLA) course framework
- U.S. Coast Guard safety guidance coordination

The Vermont boating safety handbook was updated in 2025, yet still does not reflect these wakesports zone restrictions specifically in the legend or details . As a result, the State is advancing new and expanded regulatory proposals while its own official education pipeline has not been updated to teach the rule already passed.

This raises a fundamental governance issue:
How can a rule be treated as settled law for purposes of expanding restrictions, while the State has not ensured its own agencies, instructors, and educational partners are equipped to teach or enforce it?

This is not a theoretical concern — it is practical and verifiable.

If the state were to lower the legal DUI limit from .08 to .06 but failed to update its driver's license training manuals, testing materials, and exam questions for a period of two years, what would be the legal ramifications?

For example, if a driver were pulled over and failed a sobriety test at .07 — which is above the new legal limit but below the outdated .08 standard they were taught — and that driver had obtained their license using the unupdated materials, how would a court likely handle that situation?

Similarly, in the context of Vermont's wakesports regulations: if a person were issued a citation for performing wakesports outside of a designated wake zone or within 500 feet of shore, but that individual had completed their boating safety course in 2025 using materials that had not yet been updated to reflect the new rule (which had gone into effect the prior year), what potential legal ramifications or defenses might apply?

Woodard Marine (and myself) has been a certified in-person Vermont boating safety course provider since 2008. Our instructors have never received formal notice, updated handbook language, revised curriculum guidance, or statutory integration materials regarding these wakesports provisions. While we are personally aware of the rule through separate channels, there has been no official instructional update comparable to how other regulations (such as the PWC 16-year-old requirement) have historically been rolled out. However , those not aware of this rulemaking, where they notified or updated, since the materials have not been ?

Meanwhile, the State cites petition activity (11 petitions across 9 lakes), many associated with advocacy from Vermont Lakes for Responsible Wakes, as justification for further restrictions. Yet at the same time, the State has not ensured internal consistency between rulemaking, enforcement training, and public education.

QR Code Reference Is Not a Substitute for Instructional Integration

While the handbook includes a QR code directing readers to look up current or changing regulations, this cannot be considered a substitute for formal instructional integration.

A QR code is a supplemental reference tool — it is not structured education.

Core operational rules that affect how and where a vessel may legally operate should be presented in the same manner as other major boating regulations, such as:

• Personal Watercraft (PWC) operation requirements
• Skiing and towing regulations
• Age-based operating restrictions

These topics are given dedicated instructional sections because they represent operational rules with safety, legal, and enforcement implications. The 2024 wakeboat rule carries the same type of operational impact and should be treated with the same instructional weight.

Expecting students, instructors, and enforcement personnel to rely on a QR code to identify substantive legal restrictions creates several issues:

• It places the burden of regulatory awareness on the student rather than the State
• It creates inconsistency in how instructors present the material
• It undermines standardized education practices aligned with National Association of State Boating Law Administrators (NASBLA) frameworks
• It risks uneven enforcement due to varied levels of awareness

In a formal safety education setting, major operational restrictions should not exist as "external references" — they should be codified into the curriculum itself, just as PWC and skiing regulations are.

If the wakeboat rule is significant enough to form the basis for further statewide regulatory expansion, it is significant enough to warrant its own clearly defined instructional section within official boating education materials, boat state and federally.

That disconnect matters.
Regulations affecting public waters should be:

- Clearly codified
- Consistently communicated
- Integrated into official safety education
- Supported by inter-agency training

When that chain breaks, rules risk becoming policy by paper rather than law in practice, and the boating public — including future generations — is left uninformed about obligations they are expected to follow.

Before expanding or tightening wakesports regulations further, the State should first demonstrate:

1. Full integration of existing rules into official boating education materials
2. Inter-agency communication and training
3. Consistent enforcement guidance
4. Public-facing clarity

Regulation without education is not effective stewardship — it is administrative layering without implementation.

Before considering any expansion of wakesports restrictions, the State should first demonstrate that the existing 2024 rule has been fully implemented in practice — integrated into official boating education materials, communicated through instructor training, aligned across agencies, and consistently taught to the public. Regulation that is not formally embedded in the State's own safety education framework cannot achieve its intended purpose and risks becoming policy on paper rather than law in practice. Public waters governance depends on clarity, consistency, and education; without that foundation, layering additional restrictions does not strengthen stewardship — it weakens regulatory credibility and places the burden of legal awareness on the public rather than the institutions responsible for promulgating and teaching the law.

PLEASE SEE THE REFERENCES BELOW

vermont-handbook-entire.pdf https://assets.kalkomey.com/boater/pdfs/handbook/vermont-handbook-entire.pdf?utm_source=chatgpt.com

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THE HANDBOOK of Vermont Boating Laws and Responsibilities

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THE HANDBOOK OF VERMONT BOATING LAWS AND RESPONSIBILITIES

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Please note the Copyright is 2025, 1 whole season after the 2024 rule was implemented.

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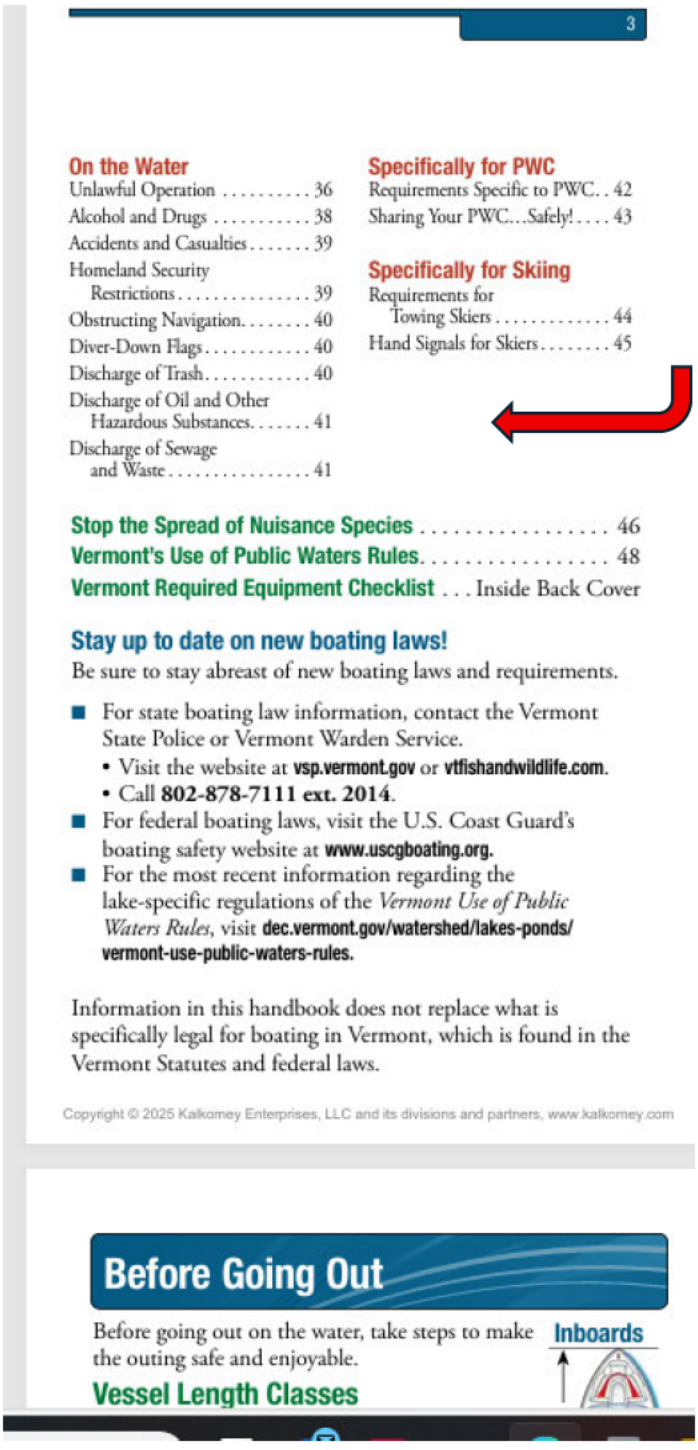
This is the area in the legend on the Vermont owns handout book for VT boating laws, training all boaters born after January 1 1974.

The Wakeboat rule (the 2024 rule as it is written) should have the updated 2024 rulemaking on the wakeboat rule, however those taking this test online through iboat or Ilearn (both certified by Vermont state Polic, United state coast Guard, and NASBLA) and all of these sites do not update to the wakeboat rules, however do have the PWC rules for Vermont being 16 year old.



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Stay up to date on new boating laws!

Be sure to stay abreast of new boating laws and requirements.

- For state boating law information, contact the Vermont State Police or Vermont Warden Service.
  - Visit the website at **vsp.vermont.gov** or **vtfishandwildlife.com**.
  - Call **802-878-7111 ext. 2014**.
- For federal boating laws, visit the U.S. Coast Guard's boating safety website at **www.uscgboating.org.**
- For the most recent information regarding the lake-specific regulations of the *Vermont Use of Public Waters Rules*, visit **dec.vermont.gov/watershed/lakes-ponds/vermont-use-public-waters-rules.**

Information in this handbook does not replace what is specifically legal for boating in Vermont, which is found in the Vermont Statutes and federal laws.

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Before Going Out

Before going out on the water, take steps to make the outing safe and enjoyable.

Vessel Length Classes

Inboards

This is the area in the legend on the Vermont owns handout book for VT boating laws, training all boaters born after January 1 1974.

Additionally, while under the Skiing section there is not a wakeboat section The Wakeboat rule (the 2024 rule as it is written) should have the updated 2024 rulemaking on the wakeboat rule,

There is a note to see the DEC website to update rulies, however this rule came out in 2024, and this book was “updated” in 2025, instead of an acutaly update, these defere to website for references. This is like asking ...

Driver Safety Laws

When states change seatbelt laws, texting-while-driving rules, or speed regulations, those changes are formally incorporated into:

- State driver’s manuals
- Driver education curriculum
- Licensing exams
- Law enforcement training

States do not rely on citizens to “check the website” for changes that carry legal consequences. The law is integrated into the official instructional system before being treated as enforceable knowledge.

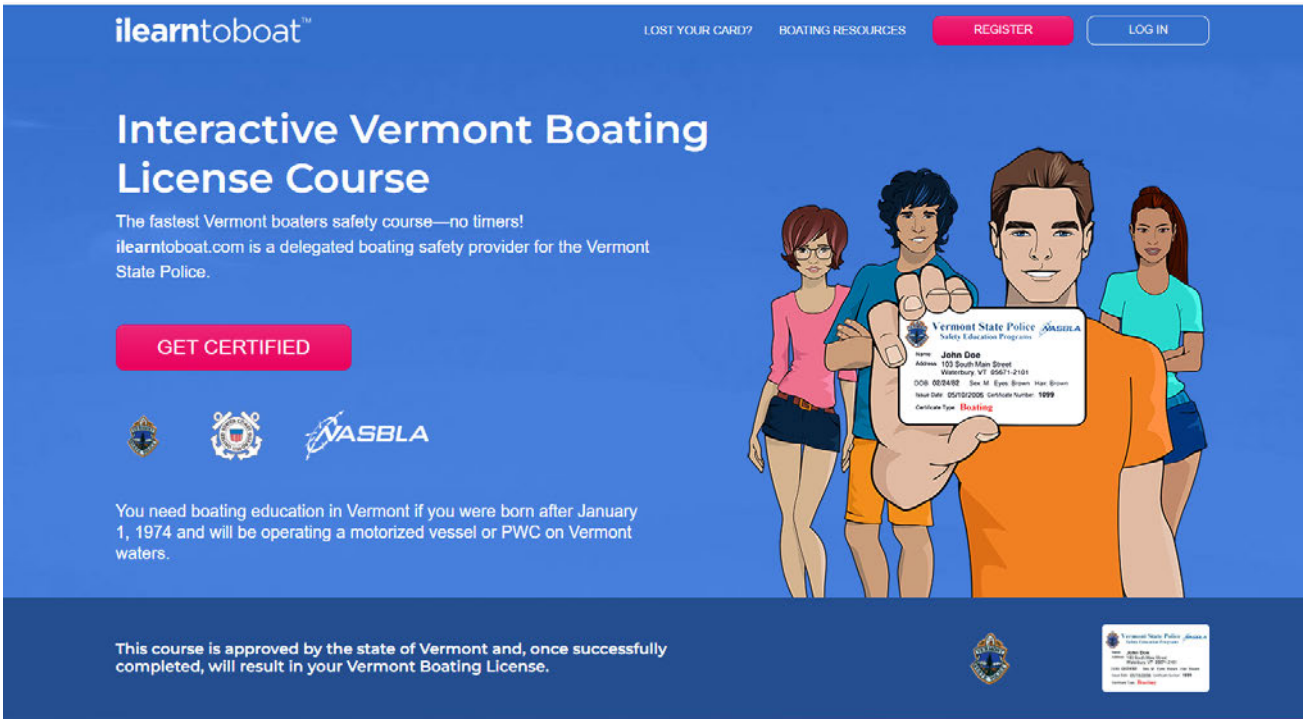
Hunter Education & Firearm Safety

When hunting seasons, tagging rules, or firearm transport laws change, agencies like state Fish & Wildlife departments update:

- Official hunting regulation booklets
- Hunter education course materials
- Certification exams
-

Failure to integrate rule changes into education would be considered a breakdown in public safety communication.

Here is the official page of the ilearntoboat certified online boating safety course Federal and state approved Site, again no documentation to the wakeboat rules.



Please note this is certified with the Vermont State Police, The United States Coast Guard, and the NASLBA. It states You need boating education in Vermont if you were born after January 1, 1974 and will be operating a motorized vessel or PWC on Vermont waters. There is no note of Needing the license for wakesports and wakesports zones that was put in place in 2026, BEFORE these additional restrictions.

Vermont Online Boaters Safety Course & Boating License - https://www.ilearntoboat.com/vermont/

Here is the official page of the BOAT-ED.COM certified online boating safety course Federal and state approved Site, again no documentation to the wakeboat rules. .

THIS IS THE RECOMMEND WEBSITE IN THE VERMONT STATE EDUCATION BOOK TO STUDY FOR YOUR BOATING SAFETY COURSE, or take in person

Please note this is certified with the Vermont State Police, The United States Coast Guard, and the NASLBA. It states You need boating education in Vermont if you were born after January 1, 1974 and will be operating a motorized vessel or PWC on Vermont waters. There is no note of Needing the license for wakesports and wakesports zones that was put in place in 2026, BEFORE these additional restrictions.

Get your Vermont Boating License & Safety Course | Boat-Ed https://www.boat-ed.com/vermont/

PETITION REVIEW and Supporting Documents

After reviewing all of the petitions and supporting documents and referenced research in the 2023 petitions, I have noted that all Petition materials cite wildlife concern, safety perceptions, and user conflict.

In 2025, Of the 11 petitions submitted, representing 9 lakes, seven of those lakes stated that wakeboats have never operated on their waters. These petitions were precautionary in nature, intended to prevent wakesports activity before it began rather than to address an existing issue.

The State denied all of the 2025 petitions but simultaneously chose to reopen rulemaking, stating: *"In reviewing the petitions, it became clear that many of the concerns brought forward in the petition process needed to be addressed at the State-wide level through updates to the State-wide rule."* However, for many of these lakes, the concerns cited were not based on documented wakesports activity, as wakeboats were not present on those waterbodies.

However, these materials do not include hydrodynamic modeling demonstrating that the following rule changes are requested or scientifically needed:

- A 3,000-ft run reduces environmental impact
- A 100-acre threshold reduces environmental impact
- A 500-ft buffer from all objects within the wakesport zone is environmentally required

These numeric standards appear to arise from operational assumptions and geometric reasoning rather than measured ecological thresholds. Although it is noted these petitions were all denied, there is no evidence in any of these petitions requesting these additional rule restrictions specifically being proposed. Please see the graph below to view these findings.

Additionally, a comparable scenario exists with respect to the petition basis for the proposed rule changes.

If a state were to lower a roadway speed limit — not because of documented crash data or demonstrated safety failures, but based solely on the potential that drivers *might* speed in the future — such a change would raise important questions about whether the regulation is evidence-based or precautionary to the point of being speculative.

In most transportation contexts, speed limits are adjusted based on engineering studies, traffic data, observed operating speeds, crash history, and roadway design. Implementing a blanket reduction absent those factors could be viewed as regulatory action driven by hypothetical risk rather than demonstrated need.

Similarly, where petitions seek broad operational restrictions on public waters without clear, Vermont-specific, peer-reviewed scientific evidence showing measurable harm under the existing framework, the policy question becomes whether the rulemaking is responding to documented impacts or to the possibility of future impacts.

Courts and administrative bodies often examine whether an agency's action is supported by substantial evidence in the record and whether the response is reasonably tailored to an identified problem. When regulation is based primarily on speculative or anticipatory concerns rather than documented conditions, it can raise questions about proportionality, evidentiary support, and administrative reasonableness.

Petition Record Review — Absence of Quantitative Scientific Justification

Subject: Review of Lake-Specific Petitions Related to Wakesports Restrictions
Lakes Reviewed: Echo, Averill, Fairlee, Caspian, Parker, Shadow, Willoughby, Joe's Pond, Waterbury Reservoir, Lake Harvey

---

Finding

A review of the petition submissions and combined comment records for the above lakes shows that requests to prohibit or further restrict wakesports are primarily supported by:

- community concern
- user conflict narratives
- precautionary environmental arguments
- character-of-use preservation
- safety perceptions

The petitions **do not present specific quantitative scientific studies** establishing the need for additional statewide numeric thresholds beyond the current 2024 rule.

Absence of Supporting Scientific Evidence

Across the petition materials, there is **no documented field research** that establishes:

Proposed Additional Restriction	Scientific Evidence in Petitions?
3,000-foot straight-run requirement	❌ No
500 ft from any object (boats, swimmers)	❌ No
Increase from 50 acres to 100 acres	❌ No
30 ft depth requirement	❌ No
Vermont-based hydrodynamic modeling	❌ No
Vermont sediment resuspension testing	❌ No

Nature of Support Actually Provided

Type of Support Found	Present in Petitions
Anecdotal experiences	✓
Precautionary arguments	✓
Wildlife & character-of-lake concerns	✓
User conflict descriptions	✓
Policy preference for prohibition	✓
Quantitative hydrodynamic research	❌
Measured sediment transport studies	❌
Wave attenuation modeling specific to these lakes	❌

Conclusion

The petition record demonstrates strong advocacy and stewardship concern but **does not provide quantitative, peer-reviewed or any Vermont specific research** establishing that additional numeric statewide restrictions (3,000-ft runs, 500-ft object buffers, or 100-acre thresholds) are scientifically necessary beyond the current 2024 rule.

SCIENCE vs PETITION RECORD TABLE

Lake	Petition Basis	Hydrodynamic Study Presented?
Echo	Water quality concern, AIS risk, erosion concern	❌
Averill	Enforcement & suitability concerns	❌
Fairlee	Safety incidents, community support	❌
Parker	Policy argument, lake size	❌
Caspian	Classification & protection argument	❌
Shadow	Erosion & safety perception	❌
Willoughby	Wilderness & compatibility	❌

Record Conclusion

Across all petitions reviewed, the support consists of:

✓ Precautionary environmental concern
✓ User conflict
✓ Stewardship advocacy
✓ Policy preference

Not found in petition record:
• Specific or Vermont-specific wave attenuation studies
• Specific or Vermont sediment transport measurements
• Run-length safety studies
• Scientific modeling establishing 3,000-ft run, 500-ft object buffer, or 100-acre threshold

Science vs. Petition Evidence Table from 2025 petitions on ANR website

Lake	Type of Petition Support	Scientific Hydrodynamic Study Presented?	Evidence of 3,000-ft Run Need?	Evidence of 500-ft From Object Need?	Evidence of 100-Acre Need?
Echo Lake	Wildlife, AIS, safety concern	✗	✗	✗	✗
Averill Lake	Quiet use, habitat protection	✗	✗	✗	✗
Lake Fairlee	Swimmer safety, disturbance	✗	✗	✗	✗
Caspian Lake	Stewardship & municipal authority	✗	✗	✗	✗
Lake Parker	Shoreline concern & safety	✗	✗	✗	✗
Shadow Lake	Erosion observations, small-lake conflict	✗	✗	✗	✗
Lake Willoughby	Wilderness character, recreation conflict	✗	✗	✗	✗
Joe’s Pond	Safety conflict, interpretation of studies	✗	✗	✗	✗
Waterbury Reservoir	User conflict, narrow zone	✗	✗	✗	✗
Lake Harvey	Wildlife & precaution arguments	✗	✗	✗	✗

Where do we go from Here?

While I personally wanted to note that the current 2024 rule is a compromise between groups, citizens, and communities that had concerns (and both sides have similar concerns, specifically AIS). Therefore the 2024 rule was put in place as a compromise where we meet in the middle.

It is very evident that one side would like this type of boat banned from all waters, and the other side after listening to concerns, understood a need for change regarding depth and distance from shore. However, we thought this 2024 rule and compromise on both sides was sufficient, especially when there are no violation reports (and reporting procedures are clearly stated on your site, including who to report an incident to, which I thank you for providing).

Additionally, the state's own Fish and Wildlife Department has stated multiple times that there are no issues with this style of boat. In legislative testimony in January , Vermont Fish & Wildlife Department representatives stated wakeboats are being "villainized" and should not be the focus regarding AIS or broader ecological threats. – see https://www.youtube.com/watch?v=rrh1zZYaa6o&t=6300s and start listening at 1:39:00.

Now, it is evident in the most recent hearings that there are requests for additional restrictions, deeper water restrictions, definitions of Normal Use of a boat, and other requests that move toward additional restrictions and closer to a full ban.

It is clear these individuals are passionate (and trust me we all are passionate about Vermont and its future). However, as Vermonters and those who love Vermont, these actions are no longer simply requests but demands, and the tone in hearings has shifted toward threats and "keyboard warriors," with dialogue that feels very one-sided.

Reaching this position has made me reflect and feel sad for our state and its future if we allow this type of dialogue and bullying to continue without truly having kind conversations, respecting both views, and recognizing that the current 2024 rule was intended as the compromise so both sides could feel heard and seen — because right now, that does not seem to be the case.

Here we are again in rulemaking, and it does make me wonder when, **or if,** there will be a time when we all try to pause, stay with the rules we have, and allow the science, education, funding for AIS programs, and enforcement efforts to catch up before adding more restrictive measures.

Additionally, after the 2024 rule was set in place, the ANR's May 1, 2024 public comment stated:**"The wakeboat rule – developed with significant input from the Vermont public – is science-based and reflective of Vermonters' shared interests in environmental stewardship and outdoor recreation."**

The current 2025 proposal introduces expanded numeric restrictions absent new Vermont-specific environmental findings, referencing new scientific materials, raising concern regarding consistency with that position.

At the heart of this rule is the Agency of Natural Resources — DEC & Lakes & Ponds — and this department is built on **science, research, ecology, and public trust**. Its authority exists because Vermonters believe decisions about our waters are made through:

- measurable evidence
- ecological understanding
- transparent methodology
- and fair public process

When numeric regulatory standards appear to arise primarily from public pressure, geometric modeling, or operational assumptions — without Vermont-specific environmental study — it risks eroding that trust.

Vermont waters are public trust resources managed for balanced use. Recreational boating, including wakesports, is a lawful public use. Regulatory limitations must be proportionate, supported by environmental justification, and aligned with statutory policy requiring balanced stewardship and access.

When numeric restrictions arise primarily from modeling assumptions or advocacy pressure rather than Vermont-specific ecological study, public trust confidence risks erosion.

When preparing to submit my public comment, I was disappointed to find that the final required question on the form felt heavily weighted and leading in nature. Even if this was not the Agency's intent, the structure of the question gives the appearance of bias.

Those of us who oppose these proposed changes are often the quieter group — balancing careers, family, and community responsibilities, while participating in the public process when we are able. After taking the time to thoughtfully prepare and submit a comment, arriving at a final question that appears framed toward one side undermines confidence that the process is even-handed.

Public participation works best when all viewpoints feel equally acknowledged and fairly represented. The wording and available response options did not create that impression. Personally, I would have preferred a more neutral set of choices, oppose, support, other. Insteand there are four options offered**,**

why not also include a 5th option such as:"I oppose the proposed changes and believe they go too far."

Including a response like this would better reflect the range of public perspectives and help ensure the process feels balanced, transparent, and consistent with democratic principles.

Please see the details below on hour the current last form submission question is framed

#5 The public comment submission form includes a required summary selection:

- *I oppose these proposed changes*
- *I support these proposed changes*
- *I support these proposed changes,* ***but they do not go far enough***
- *Other*

While labeled for summary purposes, structured framing raises concern regarding perceived neutrality and democratic process integrity. Public comment systems are intended to capture perspectives in individuals' own words, without framing that could influence interpretation. Transparency in scientific grounding and representation of public input is essential to maintaining trust.

This is not just a technical issue; it is an institutional one. When agencies drift away from clearly grounded science and toward standards shaped largely by vocal advocacy, the foundation of shared trust weakens.

Political philosopher **Hannah Arendt** warned of the "collapse of the shared world" when public life shifts from common facts to symbolic narratives, communities fragment. Democratic space depends on preserving the civic realm where dialogue is grounded in evidence.

She emphasized that while systems may be difficult to change, we remain r**esponsible** for preserving the space between us — the realm where **neighbors remain neighbors** rather than becoming **isolated voices reacting to noise**. the civic space where dialogue replaces noise and facts replace faction

In these hearings, we are witnessing the tension Arendt described: a dynamic where those with the time and capacity to be most visible can dominate the process, while working families and quieter stakeholders (as well — though equally affected)— are less represented. When policymaking is shaped more by presence than by proportion, and more by narrative than by data, communities can begin to fracture. The current hearings reveal a growing disconnect between vocal participation and the broader lived experience of the public. That makes grounding decisions in clear, verifiable science — and ensuring procedural neutrality — more important than ever.

ANR's role is precisely to prevent that fracture — by anchoring decisions in science and ensuring the process itself reflects neutrality and fairness.

In closing, I respectfully urge the Agency to pause before adopting numeric standards that are not supported by Vermont-specific environmental or enforcement findings. Decisions affecting **public waters** must remain anchored in measurable science, transparent methodology, and balanced stewardship — the very principles that form the foundation of ANR's authority and the public trust.

I respectfully oppose the proposed amendments and ask that regulatory standards remain proportional, evidence-based, and clearly tied to demonstrated ecological need rather than geometric modeling or advocacy pressure. Upholding that standard is essential not only for environmental protection, but for preserving confidence that Vermont's waters are managed fairly, consistently, and for the benefit of all lawful users.

Thank you for your time, your service, and your willingness to work collaboratively on this matter. In the end, these are Vermont's public waters, held in trust for all Vermonters, and thoughtful, science-based stewardship ensures they remain protected and accessible for present and future generations.

Scientific References

- **University of Minnesota — St. Anthony Falls Laboratory**
  - Research on wake wave characteristics, energy, and attenuation relative to distance and depth
  - https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

- **Marr et al., Characterization of Boat-Generated Wake Waves (2022)**
  - Wave height, energy, and attenuation study https://coalitionnavigation.ca/wp-
  - content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

- **Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)**
  - Wave energy propagation and shoreline distance findings
    - https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b 7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

- **Daeger et al.,**
  - **I**mpacts on Nutrient and Sediment Resuspension by Various Watercraft
  - Depth-dependent sediment disturbance findings
    - https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-
  - Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

- **Goudey & Girod —**
  - Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G.
  - https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com
- **MacFarlane —**
  - Wake Characteristics from Recreational and Wake Boats (2025)
  - MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

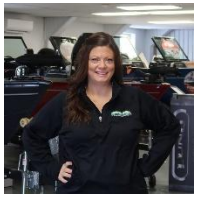
*** please note the university of Minnesota SAFL and Marrr Et Al were presented from the ANR pre rule making slideshow and referenced through public comments and petitions by those requesting additional restrictions, however these are NOT peer reviewed.*

Sincerely,

Lauren Woodard Splatt

Woodard Marine Incorporated

Lifetime Vermont Resident
Business Owner, Vermont
Community Volunteer
Recreational Boater and Paddler



Lauren Woodard-Splatt

Vice President

Woodard Marine

WOODARD MARINE INC.
LAKE BOMOSEEN, VT.

From: Lauren Woodard <laurenws@woodardmarine.com>
Sent: Friday, February 27, 2026 4:34 PM
To: ANR - WSMD Lakes
Subject: wakesports comment 5.18
Attachments: Supplimental Comment - Section 5.18 Wakesports definition.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Supplemental Public Comment –Terminology Change in Section 5.18 - Wake sports

Section 5.18 defines "Wakesports" as:

A. 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
B. to use a surfboard, wakeboard, hydrofoil, or similar device to ride on or in the wake:
i. directly behind a wakeboat without a rope; or
ii. directly behind a wakeboat with or without a rope, when the wakeboat has ballast tanks, bags, or other devices or design features engaged as described in Section 5.17.A.

As a citizen reviewing the proposed language, I understand that scientific research is not the sole basis for rulemaking. Under the Vermont Administrative Procedure Act (3 V.S.A. § 838 and § 841), agencies may rely on statutory authority and broader policy considerations, provided a rule is not arbitrary. Please note, that I also recognize that the absence of scientific data alone does not automatically make a rule arbitrary.

However, the language in Section 5.18(B)(i) raises concern for me because it does not appear to be clearly tied to measurable wake impact. As written, the provision regulates rope-less riding behind a wakeboat even when no ballast or wake-enhancing features are engaged, specifically with a surfboard, wakeboard, hydrofoil, or similar device.

There are many hydrofoils designed to be used behind any style boat, not needing ballast or enhancements, and also without a rope. . In that situation, the wake produced may be comparable to many other common recreational boats.

From a common-sense and impact-based perspective, this distinction appears difficult to justify in the record. While I respect the Agency's authority to regulate in this area, in my opinion this provision risks being overbroad and on the verge of arbitrary because it regulates based on the activity and vessel label rather than on whether the wake is actually enhanced.

For these reasons, I respectfully request that the Agency to **remove Section 5.18(B)(i)** so the rule more clearly aligns with an impact-based and consistent regulatory approach.

Resource - - Use_of_Public_Waters_Rules_CleanVersion.pdf
https://dec.vermont.gov/sites/dec/files/documents/Use_of_Public_Waters_Rules_CleanVersion.pdf

Thank you Lauren Woodard Splatt Woodard Marine

From: Lauren <laurenws@woodardmarine.com>
Sent: Friday, February 27, 2026 4:25 PM
To: ANR - WSMD Lakes
Cc: 'Lauren'
Subject: wakesports comment 3000 x 1000 x 100 acres
Attachments: Supplimental Comment 3000ft run 1000 wide.pdf

You don't often get email from laurenws@woodardmarine.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see attached comment regarding wakesports 3000 x 1000 x 100 acres

Lauren Woodard-Splatt
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★ ★ ★ ★ ★
Review Woodard Marine

Supplemental Comment regarding - 100acres, 3000 ft run, 500ft buffer zone

In referencing the details and the role of the ANR decision to reopen the 2024 Wakesports Rule, it is referenced in the opening slideshow of the pre-rulemaking hearings with the statement:

- "Executive branch (state agency) must base its decisions in science AND objectivity and with a consistent approach, Least Restrictive approach, and cannot make arbitrary decisions."

Recently, it was also stated in an email from Jenny to me (Lauren Splatt) on February 12, 2026:

- "Our rulemaking must integrate science, professional judgment, and real-world management needs."

Additionally, the same email states:

- "We also conducted a practical, non-scientific field comparison using a wakeboat, a standard motorboat, and a kayaker. Using a rangefinder to confirm distances, we observed the relative wave effects experienced by the kayaker at 200 feet and 500 feet from a wakeboat operating in wakesports mode. At 200 feet, the kayaker reported noticeably larger, more forceful waves that made the kayak harder to control and caused it to slap against the water's surface. At 500 feet, the wave effects were more comparable to those experienced at 200 feet from a standard motorboat. Based on both the scientific literature and these on-water observations, we determined that 500 feet was an appropriate safety distance."

3,000-Foot Run Length Methodology

The same email also states:

- "Wakeboats in wakesports mode typically travel in a mostly straight line at 10–12 mph. We calculated that a 3,000 ft run allows for roughly a 3-minute ride, which we thought represented a reasonable average for the different sports and rider skill levels. We also considered practical navigation and safety concerns—specifically, ensuring that other lake users have adequate time and space to move clear of an active run while still maintaining sufficient open water for normal recreational uses."

Using the agency's stated speed range of 10–12 mph for a 3-minute ride:

Average Method (10–12 mph)

- Midpoint speed = 11 mph
- 11 mph × 3 minutes (180 seconds) = **2,904 feet**

Least Restrictive Method (within 10–12 mph range)

- 10 mph × 3 minutes = **2,640 feet**

Professionally f, based on field experience in marine dealership operations, wakesports speeds often range from 8–12 mph. Applying that range:

Average Method (8–12 mph)

- 10 mph × 3 minutes = **2,640 feet**

Least Restrictive Method (8–12 mph)

- 8 mph × 3 minutes = **2,112 feet**

All of the above are mathematically derived using the same time assumption (3 minutes) cited by the agency. Each produces a run length shorter than the proposed 3,000 feet and none of them (including the agencies own number equal 3,000 feet. Therefore the 3,000 foot number is not based on mathematical fact.

Even in the FOVLAP letter (page 3, February 10, 2026), it states:

"We also support the requirement that the wake sports zone be a minimum of 100 acres and 3,000 feet in length. This allows a reasonable run for wake surfing (about 3 minutes for a run at 11 mph) and enough room for a wake boat to turn for another run without having to move out of the zone. We also agree with the smoothing of some of the zones."

However, this rationale relies on rounded estimates rather than precise measurements. At 11 mph, a three-minute run equates to approximately **2,940 feet**, not 3,000 feet. While the difference may appear minor, the regulatory threshold is binary — lakes either qualify or they do not.

Because mathematics is objective and measurable, rounding up to an even number introduces an artificial standard that can exclude otherwise qualifying lakes based solely on approximation. When regulatory eligibility hinges on precise physical dimensions, reliance on generalized or rounded figures risks creating outcomes that may be viewed as arbitrary rather than data-driven.

500-Foot Buffer from Other Objects

The February 12, 2026 email further states:

- "The 500-foot buffer is grounded primarily in previously shared wave attenuation studies (Marr et al., 2022; MacFarlane, 2018; Mercier-Blais and Prairie, 2014), which supported the 500-foot shoreline setback adopted in the 2024 rules. In the current rulemaking, we concluded that if 500 feet is appropriate to protect shorelines from erosion, applying the same distance to protect other on-water users made sense."

The referenced attenuation studies concern shoreline hydrodynamics, including shoaling, bottom interaction, and erosion processes as waves approach shallow water. In contrast:

- Shoreline erosion risk involves energy change as waves approach less than 20 feet of depth.
- On-water safety involves wave height and vessel handling at the user's position in deeper water (≥20 feet), where hydrodynamic behavior differs.

Using shoreline attenuation literature as the primary factual basis for "all objects" safety could be challenged as not rationally connected to the factual basis asserted, which is one of the statutory definitions of "arbitrary

Field Comparison Concerns

The February 12, 2026 email states:

- "We also conducted a practical, non-scientific field comparison…"

That comparison was conducted on Lake Bomoseen. I was personally present and operating one of the vessels during that comparison.

Based on direct observation of the test conditions, the following factors were present:

- The rangefinder was used from a moving vessel.
- The kayak and rangefinder platform were subject to drift from wind and surface movement.
- Other boat traffic was present in the vicinity, including vessels towing tubes.
- No fixed reference markers were used.
- Only one lake was tested.
- No replication was performed.
- Only one kayaker's subjective observation was recorded.

These conditions introduce multiple uncontrolled external variables, including:

- Wind
- Fetch
- Cross-wake interaction
- Vessel drift
- Non-wakeboat traffic
-

Because these variables were not controlled or isolated, the field comparison does not isolate the wakeboat's wake in a controlled environment. The comparison therefore cannot distinguish between wake energy generated by the test vessel and background wave energy from other sources.

In addition, the comparison evaluated only two distances (200 feet and 500 feet). No incremental testing was conducted at intermediate distances (e.g., 225, 250, 300, 350, 400, 450, or 475 feet). As a result, the comparison does not identify the minimum effective buffer distance.

Further, the observation relied on a single kayaker's reported experience during a single test event on one lake. No second observer or replicate trials were conducted, and no

testing was performed across multiple Vermont lakes with differing bathymetry and wake dynamics (all of which may exceed 20 feet in depth but exhibit different wave behavior).

Based on the above conditions, the field observation is inherently subjective and uncontrolled. Specifically, the comparison relied on:

- a single kayaker's reported experience (subjective outcome),
- a single day of observation, and
- the presence of other boat traffic generating additional wakes (confounding variables).

Under these circumstances, the comparison cannot fully isolate the wakeboat's wake from:

- background wave energy,
- intersecting wakes from other vessels,
- wind, fetch, and directional effects,
- depth variation at the point of observation, and
- angle of wave approach relative to the kayak.

Accordingly, while the observation may suggest that conditions differed between 200 feet and 500 feet on that specific day, it does not establish that 500 feet represents the minimum effective safety distance, nor does it demonstrate that a uniform 500-foot buffer is necessary "around any object" statewide.

This concern is particularly relevant in light of the Department's statement:

- "At 500 feet, the wave effects were more comparable to those experienced at 200 feet from a standard motorboat. Based on both the scientific literature and these on-water observations, we determined that 500 feet was an appropriate safety distance."

Given the uncontrolled conditions described above, additional controlled testing — including incremental distance evaluation and replication under varied lake conditions — would strengthen the factual basis for selecting a specific buffer distance.

Finally, the Executive Branch standard cited in the pre-rulemaking materials states that an agency:

- “must base its decisions in science AND objectivity and with a consistent approach, Least Restrictive approach, and cannot make arbitrary decisions.”

Consistent with that standard, consideration of intermediate buffer distances (e.g., 225–475 feet) would help evaluate whether a less restrictive alternative could achieve comparable on-water safety outcomes.

- **In the absence of controlled, replicated testing across a range of distances and conditions, the current record may not fully demonstrate that 500 feet represents the minimum necessary buffer to address the identified safety concerns, while the current statewide buffer for all watercraft is 200ft at this time, including the 2024 rule.**

Acreage Methodology

Under the proposal, a wakesports zone must support more than one pathway within the designated acreage. Because eligibility decisions hinge directly on acreage, the mathematical foundation of the proposed standard is critically important.

Core Geometry (Agency Framework)

Using the stated geometry in the proposed 2025 rule:

- **3,000 ft × 1,000 ft = 3,000,000 sq ft**
  3,000,000 ÷ 43,560 = 68.87 acres

✅ **Result: ~68.9 acres**

Standing alone, this geometry equals approximately **68.9 acres, not 100 acres**. The difference between 68.9 acres and the proposed 100-acre minimum represents approximately a **31% increase above the modeled corridor footprint**.

This gap is not trivial. It materially affects which lakes remain eligible, and averaging and rounding by 31% is not factualy, rational, to best judgement, or minimally invasive, or a direct reason for safety. Secondarily, even with the rounding of dog leg proposed, this rounding changes a lake by aprox 6%, not 31%.

This methodology and mathematics do not match the proposed rule of 100 ace minimum

---

Using the Agency’s Own Speed Assumptions

In the 2025 rule proposal, the agency states a run of 10 -12mph for 3 minute run:

2,904 ft run (11mph x 3 minutes)

- **× 500ft buffer(1,000 ft wide buffer zone) = 2,904,000 sq ft**
- **2,904,000 ÷ 43,560 = 66.7 acres**

If using the lower bound speed noted by the agency of 10mph (10-12 mph run for 3 minutes) of the agency's own range:

2,640 ft (10mph x 3 minute run)

- **×500ft buffer (1,000 ft wide buffer zone) = 60.6 acres**

If using an observed lower wakesports speed noted above at 8mph for a 3 minute run:

2,112 ft (8mph x 3 minutes)

- **× 500ft buffer (1,000 ft wide buffer zone) = 48.5 acres**

✅ **All equations noted above are materially below 100 acres.**

This demonstrates that the acreage outcome is highly sensitive to the selected run length assumption.

Alternative Buffer Scenarios

The acreage requirement changes dramatically when buffer width assumptions change.

Scenario A —

- **Reduced buffer (225 ft each side) and keep the run at 11mph for 3 minute**
- **2,940 ft (11mph x 3 minute run) × 225 ft buffer (450 ft wide buffer zone) = 1,323,000 sq ft**

- **1,323,000 ÷ 43,560 = 30.4 acres**

Scenario B —

- **Moderate buffer (300 ft ft each side) and keep the run at 11mph for 3 minute)**

- **2,940 ft (11mph x 3 minute run) × 300 ft buffer (600 ft wide buffer zone) = 1,764,000 sq ft**

- **1,764,000 ÷ 43,560 = 40.5 acres**

Scenario C —

- **Least restrictive buffer and slowest wakesport speed combined case**
- **2,112 ft (8mph x 3 minute run) × 225 ft (600 ft wide buffer zone) = 475,200 sq ft**

- **475,200 ÷ 43,560 = 10.9 acres**

Why This Matters

Each of the above scenarios uses the same basic methodology but produces dramatically different acreage outcomes. This demonstrates that the proposed 100-acre threshold is highly sensitive to:

- assumed run length
- assumed operating speed
- assumed buffer width
- and corridor geometry choices

Even modest adjustments to these inputs result in large changes to the minimum acreage.

Because the least restrictive approach does not appear to have been fully evaluated in the scenarios described above, there remains a material question regarding the minimum acreage necessary to achieve the State's stated safety and multi-use objectives. This question is significant because the selected acreage threshold directly determines which lakes will be excluded or restricted under the 2025 rule proposal as currently written.

Based on the mathematical sensitivity demonstrated in the preceding analysis, the record would benefit from further clarification of how the proposed thresholds align with the Agency's stated commitments, including:

- Agency's continued work to balance public health, safety, welfare, recreational uses, scenic beauty, and multiple-use management as directed under 10 V.S.A. §§ 1421 and 1424(b) and (c).

- (“Scientific research is not the sole basis for rulemaking. Under the Vermont Administrative Procedures Act (3 V.S.A. § 838 and 3 V.S.A. § 841), agencies may rely on statutory authority and broader policy considerations.”)
- (“Science, professional judgment, and real-world management needs.”)
- (“The Executive Branch (state agency) must base its decisions on science and objectivity, apply a consistent approach, utilize the least restrictive approach practicable, and avoid arbitrary decision-making.”)
- (“With respect to the wakesports zone criteria, the proposed standards were developed after reviewing documented use conflicts and safety concerns in the eleven petitions we received. Conflicts were most pronounced on smaller and irregularly shaped lakes, particularly where cumulative wakeboat activity intersected with normal uses such as swimming and paddling.”)

Taken together with the acreage calculations presented above, these statements underscore the importance of clearly identifying the quantitative basis for the selected thresholds and demonstrating that less restrictive alternatives were meaningfully evaluated.

Lastly, when applying the least restrictive approach alongside the stated goals of safety and multi-use management, the examples above suggest that multiple reasonable configurations may exist that achieve the Agency’s objectives while materially reducing the number of lakes that would otherwise be excluded under the current proposal.

Shape Normalization

The pre-rulemaking slideshow states:

- “Shape smoothing to remove ‘dog-legs’”
- “Provide a more uniform shape…”
- “To improve compliance”

Example: Echo Lake

- Before normalization: **315.2 acres**
- After normalization: **298.6 acres**

- Reduction: **16.6 acres** this is a 6% loss of acreage in the wakesports zone

Shape normalization directly reduces eligible acreage **independent of run length or buffer width**. Because eligibility determinations hinge on acreage, smoothing materially affects outcomes.

In practical terms, this means that lakes may lose eligibility not because of safety, multi-use considerations, depth, shoreline setback, or navigational constraints, but because of geometric reshaping assumptions applied after the fact. This raises a reasonable question as to whether the resulting exclusions are driven by modeling choices rather than demonstrated operational necessity.

Why This Section Matters

When viewed together, the calculations above show that:

- The modeled 3,000 × 1,000 corridor equals **~68.9 acres**, not 100 acres.
- Alternative run lengths derived from the agency's own speed assumptions produce even smaller acreage requirements.
- Reasonable variations in buffer width produce substantial additional reductions.
- Shape normalization further reduces eligible acreage independent of safety or depth considerations.

Taken together, these factors demonstrate that eligibility outcomes are highly sensitive to modeling assumptions rather than fixed physical constraints and mathmatics.

Closing Observation

I respectfully oppose the 2025 rule proposal as written.

However, if the Agency determines not to retain the existing 2024 rule, then I strongly urge that any revisions to the 2025 proposal be grounded in the Agency's own stated standards, including the obligation to apply the ("Least Restrictive approach") and to ensure decisions ("cannot make arbitrary decisions").

Based on the factual and mathematical record presented above, the proposed expansion from the current 200-foot buffer to a 500-foot buffer from all objects does not appear to reflect the least restrictive approach practicable.

Accordingly, if changes to the 2024 rule are pursued, I respectfully request that the Agency consider a least restrictive alternative — specifically, adjusting the buffer from 200 feet to 225 feet from another object — and recalculating the associated acreage thresholds consistent with that approach.

Consistent with the least restrictive framework, I propose a compromise revision to **Section 5.19** of the Environmental Protection Rule, Chapter 32 (Vermont Use of Public Waters Rules), along with any conforming updates to Section 3.7 and related provisions, to read as follows:

"Wakesports zone" means an area of a waterbody that has a minimum of **50 contiguous** acres that are at least 500 feet from shore on all sides, at least 20 feet deep, **at least 2,200 feet length run, and at least 550 feet wide**, located on a lake, pond, or reservoir on which, per Appendix A, vessels powered by internal combustion motors are allowed and may be used at speeds exceeding 5 miles per hour. Wakesports zones are open to all uses permitted on the subject waterbody.

Secondarily, I request removal of the following sentence from Section 5.19:

The Secretary shall define the boundaries of the wakesports zone using existing standard geographic information system methods to delineate and normalize a wakesports zone that supports wakeboat operation along with the **removal of the shape normalization of the wakezone.**

.

The requested removal reflects the concern that mandatory shape normalization can materially reduce otherwise eligible acreage independent of demonstrated safety, depth, or multi-use constraints.

These changes are requested because:

- "The specific numeric thresholds and methodologies chosen for the 2025 rule proposal are not explained or supported in the record relative to less restrictive alternatives."

- Further, because the proposed 100-acre threshold materially exceeds the acreage produced by the Agency's own stated geometry (3000 ft run x 1000ft total buffer) —

and because the resulting acreage varies significantly under reasonable alternative assumptions — the record would benefit from a clearer quantitative explanation of:

- why the additional acreage is necessary,
- what specific safety or operational margin it represents, and
- whether less restrictive configurations were fully evaluated.

Clarifying this relationship would improve transparency and help ensure the final standard reflects the minimum acreage necessary to meet the State's stated multi-use and safety objectives.

I offer these comments in good faith and with deep respect for the Agency's responsibility to balance safety, environmental protection, and public access to Vermont's waters. My goal is not to obstruct thoughtful regulation, but to ensure that any final rule is firmly grounded in transparent analysis, practical on-water realities, and the least restrictive approach contemplated by the State's own guidance.

If the Agency elects not to retain the 2024 rule as written, I respectfully request the opportunity to continue working collaboratively with the Department and stakeholders to refine a data-supported, enforceable, and balanced framework that protects Vermont's waters while preserving reasonable multi-use access for the boating public as suggested above.

Thank you

Lauren Woodard Splatt

Woodard Marine

From: Lauren <laurenws@woodardmarine.com>
Sent: Friday, February 27, 2026 4:12 PM
To: ANR - WSMD Lakes; 'Lauren'
Subject: wakesports Comment Economic Impact
Attachments: Supplimental Public Comment Economic impact.pdf

You don't often get email from laurenws@woodardmarine.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see the attached Supplimental Comment regarding the tops Economic Impact

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Supplemental Public Comment — Small Business Economic Impact

I write to address the Economic Impact Analysis and Small Business sections of the SOS filing ICAR submission paperwork (Economic Impact Analysis, page 1 / filing page 10): https://dec.vermont.gov/sites/dec/files/documents/Paperwork_12172025_SOSFiling.pdf

This supplemental comment focuses specifically on the Agency's economic conclusions as they relate to directly affected marine businesses.

The filing acknowledges that further restricting wakesports waters "could potentially decrease the sale of these vessels in Vermont" (p. 12), yet concludes that overall impacts are negligible and that compliance will not impact small business operations.

The Agency further states that wakeboat operations are estimated at "less than 1% of all motorized boat usage" (pp. 6, 11) and that wakeboats represent "less than 5% of the current market for motorized vessels in Vermont" (p. 12). The filing also states that the analysis relied on feedback from the public, including boat dealers (p. 13).

In a direct statement on page 11, the filing provides:

"An economic analysis of the impact of these rules considered impacts to wakeboat operators and to other recreational users in public waters. Because the total amount of wakeboat operations in Vermont are estimated at less than 1% of all motorized boat usage, overall economic impacts to the boating industry are negligible. For example, at Public Access area stations in 2024, only 127 of the 11,475 motorized watercraft launches were identified as a wakeboat launch and in 2025 only 115 of the 12,793 motorized watercraft launches were identified as a wakeboat launch. Removing wakesports from 12 additional lakes will reduce conflict for other users and support Vermont's lake-based recreational economic activity."

Under Section 6, the filing states:

"Further restricting the number of waterbodies where wakesports are allowed could potentially decrease the sale of these vessels in Vermont. However, wakeboats represent less than 5% of the current market for motorized vessels in Vermont. Boat dealers will still be able to sell and service wakeboats for the remaining 18 inland lakes, and the 9 other waterbodies that share boundaries with other states or countries. The Agency estimates that there are fewer than 200 wakeboats in Vermont, based on sales estimates. These rules have no impact on the sale of any vessel. The rules may have a positive impact on outdoor retailers and the tourism industry that rely on smaller boats and non-motorized recreation due to the reduced conflict between wakesports and other users."

The filing further states that small businesses have the opportunity to provide hot-wash decontamination services for recreational boaters as a fee-for-service and that this "may be a benefit to small businesses."

Under Section 7, the filing states:

"Compliance with this proposed amendment will not impact small business, as compliance and enforcement of this proposed amendment take place on public waters. These rules do not prohibit the sale of any vessel."

Lastly, under Section 9, the filing states:

"The Agency relied on experience from the on-the-ground implementation of the existing wakesports rule that has been in place for the last year. Most of the proposed changes have little to no economic impact on Vermonters. The analysis provided in this documentation is based on feedback from the public, including boat dealers, representatives of the tourism industry, lakefront property owners, and the general public."

Respectfully, Woodard Marine — a Vermont wakeboat dealership and full-service marine operation directly affected by these rules **— was not contacted or consulted during development of this economic analysis. We have attended every pre hearing, every hearing and public comment period, and we were never approached to discuss economic impact and have been at the front lines since the 2018 start of this process and conversations with Oliver.** As a directly affected small business with measurable financial data, we have information that materially conflicts with the conclusion that impacts are negligible.

Agency Statements

The filing states that rules affecting small businesses must evaluate ways a business can reduce the cost or burden of compliance or explain why such evaluation is not appropriate (Economic Impact Analysis instructions, p. 10).

Within the Small Business section, the Agency states:

- "wakeboats represent less than 5% of the current market for motorized vessels in Vermont" (p. 12)
- "The Agency estimates that there are fewer than 200 wakeboats in Vermont" (p. 12)
- "These rules have no impact on the sale of any vessel" (p. 12)
- Small businesses "have the opportunity to provide hot-wash decontamination services… This may be a benefit to small businesses" (p. 13)

- “Compliance with this proposed amendment will not impact small business” (p. 13)

The Agency also states the analysis is based on implementation experience and feedback from the public, including boat dealers (p. 13).

Documented Business Impact

Since implementation of the 2024 rule through the 2025 season, our company has experienced:

- Wakeboat unit sales down approximately **75%**
- Measurable decline in watersports pro shop revenue
- Reduced service and maintenance activity tied to this segment
- Reduced winter storage demand associated with these vessels
- Softening accessory and upgrade purchases

These impacts are reflected in our actual financial performance.

For a full-service marine dealership, the economic effect of wakesports regulation extends beyond the initial vessel sale. Customer lifecycle revenue — including service, storage, parts, and accessories — is materially affected when participation in this segment declines.

State Sales and Use Tax Revenue — Direct Loss Impact

Using verified dealership sales data:

- Average wakeboat transaction × **6% Vermont Sales/Use Tax**
- **2024 lost State Sales/Use Tax revenue:** $73,500
- **2025 lost State Sales/Use Tax revenue:** $63,000

Two-year total State Sales and Use Tax revenue loss from our single dealership:

👉 **$136,500**

With approximately **5 Vermont dealers** selling and servicing this category:

👉 **Estimated two-year statewide VT State Sales and Use Tax loss: $682,500 (2024–2025)**

If the proposed rule further reduces eligible lakes from 30 to 18 (approximately a 40% reduction), additional market contraction is reasonably foreseeable.

- **Projected additional State Sales and Use Tax loss per dealer (2026):** ~$25,200

👉**Estimated statewide State Sales and Use Tax loss from 2024–2026:**
$833,700 in **Vermont** Sales/Use **Tax revenue loss**

(2024–2025 actual + 2026 projected, based on 1 dealership and extrapolating proportionally across approximately five Vermont dealers)

This estimate does **not** include secondary economic effects such as service labor, parts and accessory sales, storage revenue, financing and registration activity, or tourism-related spending.

State Sales and Use Tax Revenue Loss — potential shift to AIS Decontamination Funding Impact

Using Vermont Sales and Use Tax data derived directly from Woodard Marine's documented sales decline in 2024 and 2025, a measurable reduction in State revenue has occurred following implementation of the 2024 rule.

Comparing the five years average boat sales preceding the 2024 rule to the 2024 and 2025 seasons, Woodard Marine alone experienced a two-year State Sales and Use Tax revenue reduction totaling:

👉 $136,500 (2024–2025) in State Sales and Use Tax revenue reduction

- If similar impacts occurred across a conservative estimate of six Vermont dealerships, the potential statewide Sales and Use Tax loss equals approximately:

👉 $682,500 over two seasons State Sales and Use Tax revenue reduction totaling:

- This foregone revenue directly relates to potential funding capacity for Aquatic Invasive Species (AIS) prevention infrastructure — a priority widely acknowledged by both stakeholders and the Agency.

ADDITIONALLY, PLEASE SEE THE NEXT TWO PAGES AND THE GRAPHS TO SHOW THE DIRECT ECONOMIC IMPACT THAT WAS NOT CONSIDERED.

on the next two pages are factual reports from Vermont DMV registration market Share records along with the NMMA national report of the DMV logs from all states in the country. You will notice that the decline from 2024 – 2025 nationally is 14% down, and decline in Vermont (with the strictest 2024 wakesport rule already in effect) directly impacted Vermont economically and factually on this record.

Vermont DMV registered Boats by Wakeboat Type by Make Sold Per year

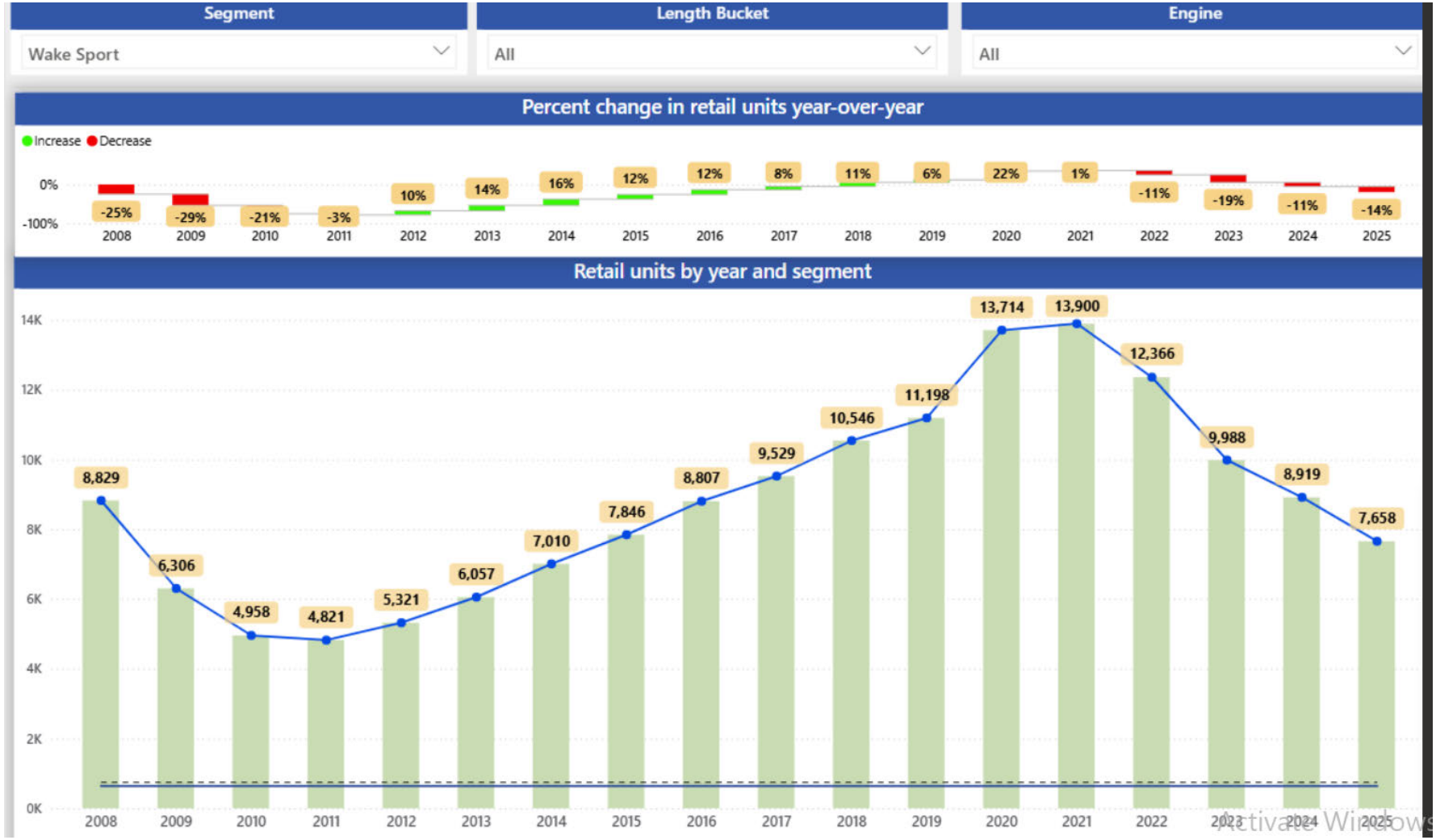
Make Name	12 MR 2023	12 MR 2024	12 MR 2025
All Makes	18	15	11
Axis Wake Research	2	1	0
Centurion	1	1	1
Heyday	0	0	0
Malibu	0	0	0
MasterCraft	2	3	4
Moomba	4	3	4
Nautique	6	2	1
Regal	0	1	0
Supra	3	3	1
Supreme Boats	0	0	0

Unit Growth 12 MR 2026

-38.89% statewide registration Down from 2023 to 2025

supplied by Garth Scott -2/27 2026 from Vermont Marketshare records provided by Vermont DMV to NMMA

Please note this is from all registrations in Vermont, not just new boats at Marine Dealership



Provided by NMMA – Total sales of Wakeboats by year in the United States – based on State DMV registrations and Market Share

Based on typical AIS decontamination station costs (aprox $40,000):

- **Woodard Marine alone:** The lost tax contribution over two seasons could have funded approximately **3–4 AIS-certified decontamination stations**.
- **Six-dealer conservative estimate:** The foregone revenue ($682,500) could have supported approximately **17 AIS-certified stations statewide** over the same period.

This represents a **material economic impact** that warrants consideration within the ICAR Economic Impact Analysis, particularly where the filing concludes that overall impacts to the boating industry are negligible

Under 3 V.S.A. § 832, the Economic Impact Analysis is intended to evaluate anticipated costs and benefits to affected entities. Quantifiable reductions in State tax revenue attributable to the rule are relevant economic effects that should be fully evaluated.

Concerns Regarding Sufficiency of the Economic Analysis

Based on the Agency's own filing, the current analysis relies in part on:

- the estimate that wakeboat operations are "less than 1% of all motorized boat usage" (pp. 6, 11)
- the statement that wakeboats represent "less than 5% of the current market for motorized vessels in Vermont" (p. 12)
- estimated statewide vessel counts at launch ramp greet programs to determine 1%
- generalized stakeholder feedback

> It is further stated in FOVLAP's own document, *Statement on Proposed Revisions of the Use of Public Water Rules and Recommendations for Additional Revisions* (February 10, 2026, p. 5), that:
>
> "wake boats comprise only 1% of motorized vessels currently on Vermont lakes. However, these data are based on greeter program observations and recordings, and may be significantly compromised because:"
>
> - Most greeter programs do not have greeters on duty seven days per week throughout the boating season, resulting in many days of use with no data recorded.

- The survey instrument used by the greeters does not account for boats that repeatedly enter the same lake regularly and do not travel elsewhere, which may skew totals.
- FOVLAP also states: “It is difficult to visually identify a wake boat, leading to a potentially significant number of misidentified boats and lower wake boat counts.”

From the standpoint of a directly affected small business, the economic review does not appear to reflect dealership-level impacts observed since implementation of the 2024 rule.

The filing simultaneously acknowledges that restrictions “could potentially decrease the sale of these vessels in Vermont” (p. 12) while concluding that small business impacts are negligible and that compliance will not impact small business operations (p. 13). This creates a material tension within the economic analysis that warrants further review.

Hot-Wash Opportunity Statement

The filing suggests that hot-wash services “may be a benefit to small businesses” (p. 13). While fee-for-service opportunities may exist, they do not offset the documented losses in core marine revenue streams associated with vessel sales, service, storage, and accessories.

For a full-service marine dealership, this is not an economically equivalent substitute.

Request

Given the measurable impacts already occurring under the current rule and the likelihood of further contraction under the proposed expansion, I respectfully request that the Agency:

- Re-evaluate the small business economic analysis, “The Agency may have underestimated small business impact and should revisit the record
- Incorporate verified Vermont dealership data
- Conduct targeted outreach to directly affected marine businesses
- Given the Agency’s acknowledgment that sales may decrease, the conclusion of negligible small business impact warrants careful re-examination to ensure the economic record is complete and fully supported, therefore I requested that the

agency defer adoption of the expanded restrictions , leave the current 2024 rule in place as written, until the economic record is more fully developed and can be deemed with no economic impact factually.

As currently written, the conclusion that small business impacts are negligible does not appear to reflect the documented experience of at least one directly affected Vermont marine dealership and may warrant further review to ensure the rulemaking record is complete and well supported.

Thank you for the opportunity to provide this information for the rulemaking record.

Lauren Woodard-Splatt

Woodard Marine

From: Lauren <laurenws@woodardmarine.com>
Sent: Friday, February 27, 2026 4:32 PM
To: ANR - WSMD Lakes
Cc: 'Lauren'
Subject: wakesports comment on fact submited
Attachments: favlop comment.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see my attached final comment

Lauren Woodard-Splatt
President
Woodard Marine

802-265-3690 (text or call)
laurenws@woodardmarine.com
woodardmarine.com
P.O. Box 130, Hydeville, VT 05750

WOODARD MARINE INC.
LAKE BOMOSEEN, VT

★ ★ ★ ★ ★
Review Woodard Marine

ANR,

I submit this comment as a Vermont marine industry professional with direct experience in vessel classification, sales data, and on-water operations. I appreciate the Agency's continued work on the Use of Public Waters rulemaking and offer the following observations regarding the February 10, 2026 submission from the Federation of Vermont Lakes and Ponds (FOVLAP). This comment it to directly address wording and facts in this letter.

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1. Unsupported Growth Claim

The FOVLAP letter asserts:

"the fastest growing motorized aquatic sport in the country is wake sports." (p. 5)

No verified national or Vermont-specific dataset is cited to support this statement. Based on available industry reporting from the National Marine Manufacturers Association (NMMA) and Vermont DMV registration records, this claim is not substantiated by confirmed registration or market share data for Vermont waters.

Regulatory policy should rely on verified registration and sales information rather than generalized national characterizations that are not tied to Vermont-specific evidence.

---

2. Internal Admission of Identification Uncertainty

Critically, the same FOVLAP letter acknowledges a significant data limitation:

"It is difficult to visually identify a wake boat, leading to a potentially significant number of misidentified boats and lower wake boat counts." (p. 5)

This admission materially affects the reliability of any conclusions drawn from observational counts or complaint attribution. From a marine industry and technical standpoint:

- Many multi-purpose recreational boats are equipped with towers.
- Tower presence alone does **not** indicate a purpose-built wakeboat.
- Ballast systems and hull design — not visual appearance — determine wake-sport capability.

As a result, visual field identification is widely understood within the industry to be an unreliable classification method.

---

3. Acknowledged Uncertainty in Population Estimates

The letter further states:

"...deficiencies in these data make the figure of 1% for the population of wake boats on Vermont lakes highly uncertain." (p. 5)

This is a consequential admission. If the underlying population estimate is acknowledged as highly uncertain, then:

- Complaint ratios cannot be confidently attributed
- Risk projections may be overstated
- Economic impact modeling may be distorted
- Policy expansion based on these figures warrants caution

Where vessel identification itself is uncertain, it is highly probable that some reports attributed to "wakeboats" may involve other tower-equipped vessels that are not wakeboats.

---

4. Normal Use Characterization

The FOVLAP letter again characterizes wake sports as a "non-normal use." However, inboard towboats designed for wakesports have been present in the recreational boating market since the 1980s. The evolution of ballast and surf technology represents a refinement of an established activity rather than the introduction of a fundamentally new water use.

Technological advancement within an existing boating category does not, by itself, create a novel use classification.

---

5. Need for Verified Data in Economic Analysis

Given the acknowledged uncertainty in greeter observations and visual identification, any economic or usage conclusions submitted through the ICAR/SOS process should be grounded in verifiable data sources, including:

- Vermont DMV registration records
- Manufacturer and NMMA market reporting
- Confirmed vessel classification standards

Sound rulemaking depends on data that can be consistently verified and replicated.

---

6. Balanced Safety Considerations

From an operational safety perspective, public waters policy should evaluate risk across all user groups. Search and rescue experience in Vermont has demonstrated ongoing challenges involving paddlecraft incidents where required safety equipment was not onboard and vessel identification was limited.

A comprehensive safety framework should consider verified incident data across both motorized and non-motorized uses to ensure balanced and effective policy outcomes.

Conclusion

The FOVLAP submission raises important concerns but also contains internal acknowledgments that key wakeboat data are uncertain and potentially subject to misclassification. Where the record itself identifies significant data limitations, additional regulatory expansion should be approached with caution and grounded in verified Vermont-specific evidence.

I respectfully encourage the Agency to rely on confirmed registration data, validated industry information, and technically reliable vessel identification methods as this rulemaking proceeds.

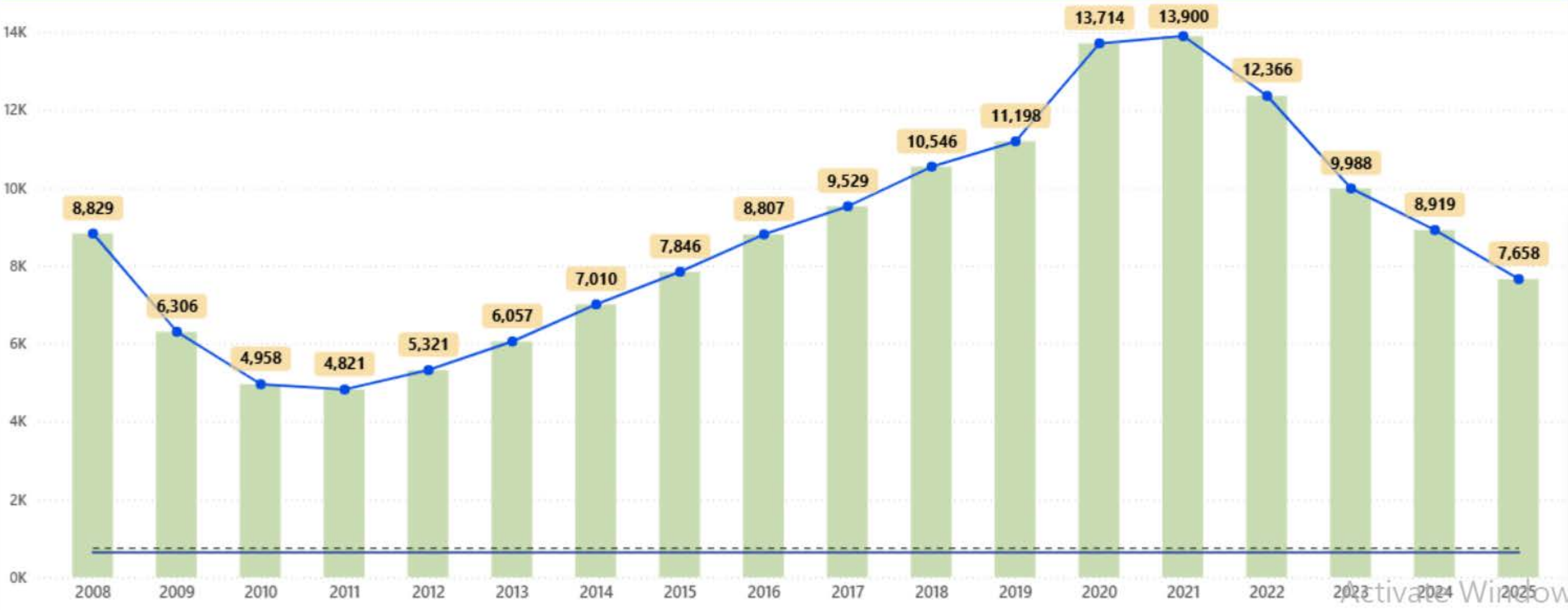
Thank you for your time and consideration.

Respectfully submitted,
Lauren Woodard Splatt
Marine Industry Professional
Woodard Marine

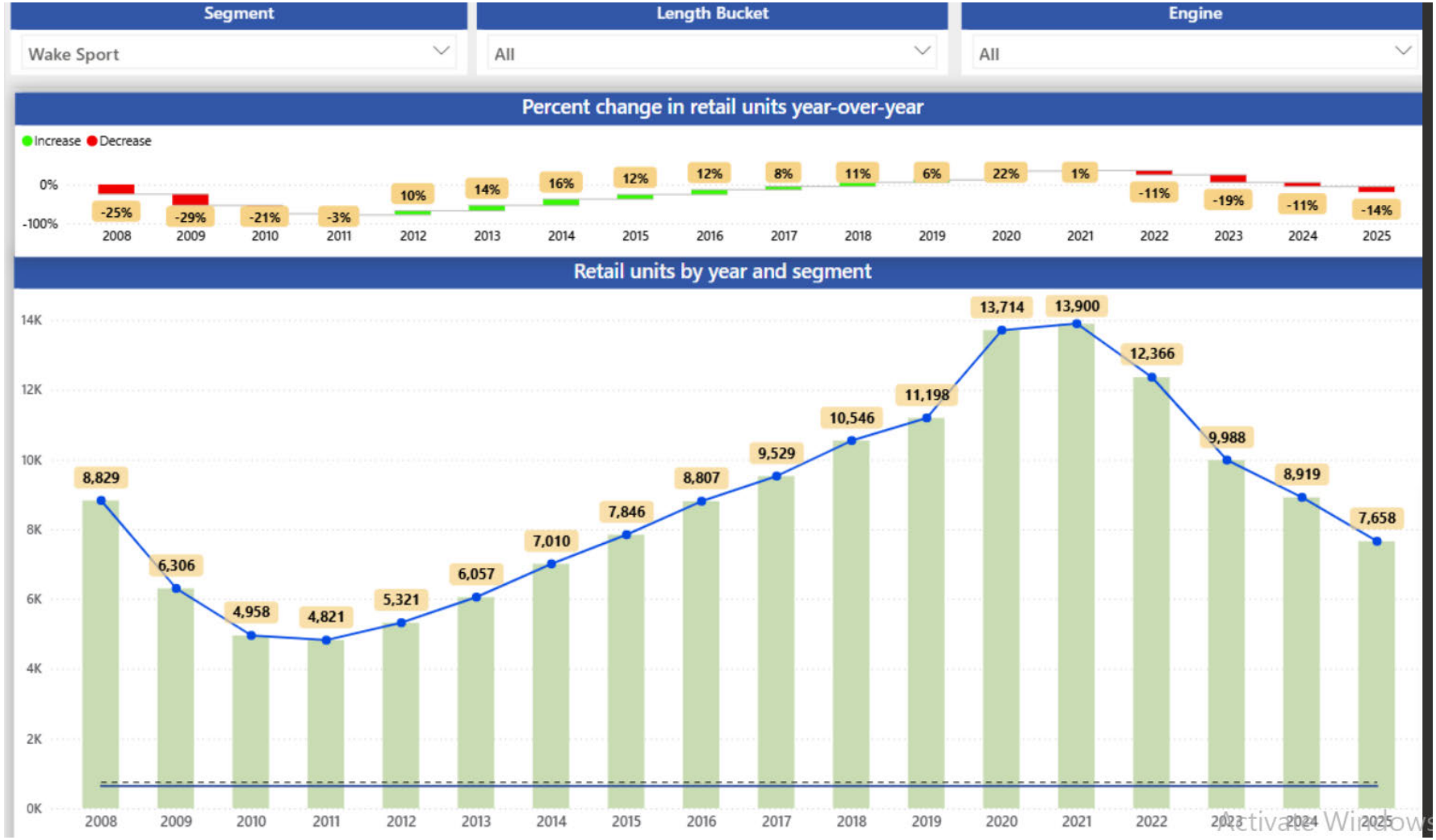
Segment	Length Bucket	Engine
Wake Sport	All	All

Percent change in retail units year-over-year

Retail units by year and segment



Activate Windows



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Please note this is from all registrations in Vermont, not just new boats at Marine Dealership

The Federation of Vermont Lakes and Ponds, Inc.
P.O. Box 766
Montpelier, VT 05601
www.vermontlakes.org

STATEMENT ON PROPOSED REVISIONS OF THE USE OF PUBLIC WATER RULES

AND

RECOMMENDATIONS FOR ADDITIONAL REVISIONS

February 10, 2026

The Federation appreciates the work of the Vermont Department of Environmental Conservation (DEC) Lakes and Ponds staff on developing these proposed revisions.

In working through this process, we have come to realize that the issue of normal and non-normal uses of the state's public waters is critical. The former DEC Commissioner and current Department of Fish and Wildlife Commissioner, Jason Batchelder, stated to the Legislative Committee on Administrative Rulemaking that wake sports are not a normal use of the public waters.

According to 10 VSA §1424, *"To the extent possible, the Secretary shall provide for* ***all normal uses.*** *"* In addition, in the Use of Public Water (UPW) rules, Section 2.7 (a) states: "*Use conflicts shall be managed in a manner that provides for all* ***normal uses*** *to the greatest extent possible consistent with the provisions of Section 2.2 of these Rules."*

As defined in UPW Rule 5.6: *""Normal use" means any lawful use of any specific body of public water that occurred on a regular, frequent, and consistent basis prior to January 1, 1993."*

Since wake sports do not meet the definition of normal use and accommodation of non-normal uses is not required under either statute or UPW rules, we object to a process that allows wake sports and other activities that do not meet this definition to take place on the state's public waters without first proving that such activity does not damage aquatic habitat, cause increased phosphorus or pollutants to enter the water, contribute to shoreline erosion or lake bottom disruption, or have the potential to spread aquatic invasive species (AIS).

Those wishing to engage in a non-normal use of the state's public waters should be required to petition for such use and to engage in the public process petitioning entails.

Instead, current practice allows an "anything goes" approach until lake associations, lake stewards, and concerned citizens (nearly all of whom are volunteers) raise the issue. These groups must then engage in a multi-year and complex petitioning process to address the issue of non-normal use, while the state allows this use to take place on the public waters possibly

causing considerable damage to fragile aquatic habitats, spreading invasives, increasing phosphorus levels, and posing safety hazards to others.

Furthermore, any remediation of damage caused by this practice falls, not on state staff, but on the shoulders of the volunteer lake associations and lake stewards who contribute thousands of hours and raise hundreds of thousands of dollars to improve water quality and manage invasive infestations.

Other new types of watercraft, besides wake boats, which do not fit the definition of normal use in these rules are already on the market and more are likely to be invented and sold. Given the continued spread of aquatic invasives, increasing phosphorus levels in many lakes, as well as the mounting pressure on the state's freshwater resources from climate change, it is unconscionable to continue to allow these types of activities to simply occur as if the state's lakes and streams are immune to damage or easily repaired.

We submit that the public trust doctrine requires the Agency of Natural Resources (ANR) to act proactively to prevent any non-normal use of the state's public waters that has the potential to damage the aquatic ecosystem, to spread aquatic invasives, or to contribute to the degradation of water quality.

In order to ensure that ANR fulfills its responsibility to protect the state's public waters, we urge the enactment of rules requiring anyone wishing to engage in a non-normal use to submit a petition to do so, and to prove that such activity will not cause damage to the aquatic ecosystem or the shoreline, will not spread aquatic invasive species, will not degrade water quality, and will not pose a safety hazard to other lake users.

Because wake sports users were not required to engage in a petition process to allow this non-normal use on the state's waters, concerned citizens brought their own petition to raise concern and amend the UPW Rules. Almost immediately after the new UPW rules went into effect, ANR employees and citizens became aware of serious problems with the rules, and ideas for revisions were presented. The rest of this document explains flaws in the rule revisions that ANR has proposed. It also emphasizes how important it is to begin the process by asking the non-normal watercraft users to petition to use their watercraft instead of approaching the process from the other way around.

RECOMMENDATIONS FOR UPW RULE REVISIONS

Wake Sports Zone Changes

We support the changes to the wake sport zone as stated in Section 5.19. Currently the most reliable scientific study regarding adequate shoreline buffer distance (Marr, et al. 2022) recommends operations at greater than 500 feet. The DEC staff in their memo of September 18, 2023, also cited the Marr study in their recommendation that the buffer distance should be 600 feet to attenuate wave energy. However, there are larger and more powerful wake boats not included in this study that can create even larger waves. Also, not studied was the effect of several large wake boats operating simultaneously in a wake sports zone. For these reasons it is

vital that ANR include a limit on the size, power, and number of boats that can operate on inland lakes, as included in our Recommendation 1 below.

The most recent research on lakebed disruption (Reifsgraf 2025) suggests that operating in waters deeper than 20 feet is necessary to avoid lakebed disturbance. Unfortunately, this study does not indicate how much greater than 20 feet would be adequate to avoid affecting the lakebed. Nevertheless, an abundance of caution would suggest that depths of 30 to 40 feet would better safeguard lake bottoms.

We also support the requirement that the wake sports zone be a minimum of 100 acres and 3000 feet in length. This allows a reasonable run for wake surfing (about 3 minutes for a run at 11 mph) and enough room for a wake boat to turn for another run without having to move out of the zone. We also agree with the smoothing of some of the zones.

We urge ANR to ensure that these size requirements are a firm minimum. We believe that it is incumbent on ANR, which has the responsibility to protect Vermont's freshwater resources to always opt for greater protection rather than less.

The changes to the wake sports zone have left 18 lakes eligible for wake sports. Among these are some of the state's most pristine lakes. Concentrating the most damaging activities, including those that accelerate shoreline degradation and the spread of aquatic invasive species, on these lakes is of concern.

The other group that would be subject to a greater concentration of wake boats are those lakes that already host a high level of boat traffic while contending with Eurasian watermilfoil infestations. Given the cost and effort to manage their existing infestations, these lakes deserve the same robust protection from the chance of any further aquatic invasive infestations.

Subjecting either of these groups of lakes to increased wake sports activity that could lead to more damage and a yet greater risk of becoming infested with additional AIS is not an acceptable outcome.

For these reasons, we support the proposed changes as stated above but insist they be accompanied by retention of the home lake rule and strengthened decontamination protocols.

Decontamination

We note with great concern that if these revisions are implemented, 9 of the remaining 18 wake sports eligible lakes are free of aquatic invasives and 5 of these are eligible for A(1) status with reclassification petitions already filed. Aquatic invasive species (AIS) are a serious biological pollutant and a real danger to the water quality and ecological integrity of these lakes.

Unlike other vessels, it is not possible to inspect, completely drain, or properly clean the ballast tanks of wake boats with the means generally available to greeters. Neither the lake associations nor the state currently have adequate facilities to properly decontaminate wake boats or the funding to create such facilities.

We recognize that specialized equipment suitable for cleaning the closed ballast tanks of wake boats exists and may be available at some boat dealers. However, there is currently no system in place to ensure that all wake boats can access such equipment and, more importantly, to show proof that their tanks have been cleaned before entering a Vermont waterbody. Given this, wake boats cannot comply with the decontamination requirements of 10 VSA §1454.

Aquatic invasives have continued to spread (see attached graph), with two more lakes recently infested with Eurasian watermilfoil (Joe's Pond and Lake Eden). Zebra mussels are now confirmed in the southern portion of Lake Memphremagog. Until adequate decontamination services, extended public access greeter program hours, improved public education – particularly for out-of-state visitors - and sufficient funding are in place, the state should not permit additional potential carriers of AIS to be transported between lakes. In particular, the state's most pristine, A(1) eligible lakes should receive the highest levels of protection.

ANR has indicated that in addition to these revisions it is developing an improved decontamination plan. We have been involved in this process and support the effort. However, the plan as drafted presents a 10-year timeline for developing an adequate decontamination system. This is far too long. The infestation graph shows the level of infestation that has taken place over the last 10 years. If this trend continues - and given that ANR has not proposed anything in these rule revisions that would bend this curve sufficiently – we could expect many more lakes to be infested with AIS before the proposed plan is in place.

This is unacceptable and a clear abrogation of ANR's responsibility to protect the public waters of the state.

The Home Lake Provision

The home lake provision of the current rule is intended to address the lack of proper decontamination services and to reduce the risk of spreading aquatic invasive species. This is especially important if the other revisions are approved leaving many of the state's most pristine lakes likely to attract even more wake boats and therefore become more vulnerable to invasive spread. ANR has provided several justifications for refusing to implement this rule and, now for proposing to eliminate it entirely from the current rule revisions.

Among these justifications has been the difficulty of creating a decal, finding and tracking wake boat owners in the state, and in addressing out -of- state boaters.

We disagree with these "excuses" and suggest alternatively, that a relatively straightforward system can be implemented if some of the requirements currently in the rule are modified, computer technology is used, and if assistance from lake associations at the affected lakes is accepted - assistance repeatedly offered.

All users of the state's waters – whether in-state or out-of-state, whether motorized or non - are already expected to know the Vermont Use of Public Water rules and comply with them. It is baffling that ANR should now suggest that, for some reason, wake boat owners could not be expected to know and comply with the home lake rule.

The state does not "find and track" owners of other types of motorboats that must be registered each year nor does the state "find and track" every angler who needs a fishing license. Rather, the requirement for motorboats to register, for anglers to acquire a fishing license, etc. is posted

on the web, and in the rules and regulations of the state. The state expects individuals to check regulations and laws of the state and comply with them. There can be no possible reason that this same expectation should not also apply to all wake boat owners.

Another reason presented by ANR for the elimination of the home lake rule is that wake boats comprise only 1% of motorized vessels currently on Vermont lakes. However, these data are based on greeter program observations and recordings, and may be significantly compromised because:

- Most of the greeter programs do not have greeters on duty seven days/week throughout the boating season, resulting in many days of use with no data recorded.
- The survey instrument used by the greeters does not allow for accounting for boats that repeatedly enter the same lake regularly and do not travel elsewhere. This skews the total number of boats entering inland lakes.
- It is difficult to visually identify a wake boat, leading to a potentially significant number of misidentified boats and lower wake boat counts.

Although we suspect that wake boats do still comprise a small percentage of the boats on inland lakes, deficiencies in these data make the figure of 1% for the population of wake boats on Vermont lakes highly uncertain. Considering such uncertainty, we urge ANR to adopt rules that are the most protective in this situation since it is not currently possible to measure actual risk.

Further we point out that the fastest growing motorized aquatic sport in the country is wake sports. Given this, we should expect to see more, not fewer, wake boats in the state in the next years. This makes developing strict rules now even more important.

Petitions

We are unclear about the status of the individual lake petitions that were issued under the blanket denial. We urge the ANR to allow any of those lakes that remain eligible for wake sports to request a reconsideration of their petitions based on the unique circumstances of their lakes. Each of these petitions should receive full consideration including opportunity for public hearings and comments and an individual response detailing the reasons for approval or denial.

We also urge the ANR to fully consider and respond to any petitions that were submitted but not included in the blanket denial.

Recommendations

1. **Retain the home lake rule with modifications, including allowing lake associations or watershed groups that operate state-approved Vermont Public Access Greeter Programs on lakes that support a wake sport zone to voluntarily administer a wake boat home lake program.**
2. **Strengthen required decontaminiation protocols for wake boats moving among lakes, including requiring proof of decontaimination (such as a dated receipt) and a longer dry out period in line with the best scientific data.**
3. **Ensure that the wake sport zone as stated in these revisions is the firm minimum and cannot be made smaller.**
4. **Address and respond to the pending wake sport petitions, allowing any lakes that choose to ask for reconsideration based on their particular circumstances.**

ADDITIONAL RECOMMENDATIONS FOR REVISIONS TO THE UPW RULES

1. Recommendation: Add limits on size of motors and boats

The boating industry continues to manufacture and market larger and more powerful boats. Yet the proposed rule revisions contain no limitations on the size of motorized vessels that can operate on the state's public waters. This is of particular concern to the inland lakes and especially the smaller lakes. Currently, large boats with enormous motors and the capability of operating at great speed and creating large and powerful wakes are available and are not prevented from operating on any of the lakes that allow motorized boats and that have no speed limit.

This is of concern with regard to wake boats since their purpose is to create very large waves which have already been recognized as creating a safety hazard and a potential source of shoreline damage. However, other types of boats with sufficiently large and powerful engines can do the same.

For this reason, we urge ANR to proactively consider adding a provision in these rules limiting the amount of boat displacement that can operate on inland lakes. We believe that this is well within the authority of the Agency (10 VSA §1424 (1c)).

2. Recommendation: Add criteria to better protect A(1) eligible and AIS-free lakes

Vermont has some of the cleanest, most pristine, and AIS-free lakes in the country. Continuing pressures on our water resources from the warming climate and changes in federal environmental regulations makes it even more urgent that these lakes receive the highest protection possible to ensure that such waters survive for future generations.

For this reason, we urge ANR to include additional criteria not only for determining wake sports eligibility but also for determining eligibility for other activities that could potentially damage these lakes, including activities that disrupt lake bottoms, cause shoreline erosion, or have the potential to spread aquatic invasives. Such criteria should include historic activities, special designations, or A(1) eligibility.

.

3. Recommendation: Add complete sentence from 10 VSA § 1421 to Section 1.1 "Applicability and Purpose"

We appreciate that part of the purpose of the rules as stated in 10 VSA §1421 was added, but once again, we recommend the entire paragraph be added to present the list in the order that the legislature intended and that particularly highlights water quality and aquatic habitat protections as the first items in the list.

We agree and appreciate the addition of the statement regarding AIS.

We recommend that Section 1.1 read in full:

"The purposes of the rules shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; reduce fluvial erosion hazards; reduce property loss and damage; preserve shore cover, natural beauty, and natural stability; and

provide for multiple use of the waters in a manner to provide for the best interests of the citizens of the State."

It is the policy of the State of Vermont to prevent the infestation and proliferation of invasive species in the State that result in negative environmental impacts, including habitat loss and a reduction in native biodiversity along with adverse social and economic impacts and impacts to public health and safety.

4. Recommendation: Section 3.5 "Use of Internal Combustion Motors"

This section should be clarified to explain if it applies only to internal combustion motors or to all motors. Is the intent that no motorized boats are meant to be on the lakes affected by this rule? Or would electric motors be allowed?

5. Recommendation: Section 3.7 "Wake Sports" Retain Home Lake Rule, with italicized changes

A wake boat must have one home lake for a given calendar year and display on the wake boat's port side bow a current Agency-issued *decal or must present other appropriate proof* identifying the wake boat's home lake for the calendar year. A wake boat's home lake is the only lake, pond, or reservoir at which that wake boat *shall b*e used for the calendar year, except when the decontamination requirement of Section 3.7.d. has been satisfied. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

Prior to entering a Vermont waterbody other than the wake boat's home lake, and prior to re-entering the waters of the home lake after use of the wake boat at any other waterbody, the wake boat must be decontaminated at an Agency-approved decontamination service provider. A wake boat *user must present proof (such as a dated receipt)* of decontamination at public access areas. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

If an approved decontamination service provider is not available, then the wake boat may not operate on any lake except its home lake.

6. Recommendation: Section 3.7 "Wake Sports" Addition of voluntary home lake option

If the Agency chooses not to implement the home lake rule for all wake sports eligible lakes, then this rule will apply:

Lake Associations or watershed groups that operate state-approved Vermont Public Access Greeter Programs on lakes that support a wake sport zone may voluntarily administer a wake boat home lake program.

A wake boat must have one home lake for a given calendar year and display on the wake boat's port side bow a *current decal or present other proof identifying the wake boat's* home lake for the calendar year. A wake boat's home lake is the only lake, pond, or reservoir at which that wake boat may be used for the calendar year, except when the decontamination requirement of Section 3.7.d. has been satisfied. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

Prior to entering a Vermont waterbody other than the wake boat's home lake, and prior to re-entering the waters of the home lake after use of the wake boat at any other waterbody, the wake boat must be decontaminated by a certified decontamination provider and must show proof of such decontamination.

A wake boat user must present proof of decontamination at public access areas. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

7. Recommendation: Section 3.7 (e) "Wake Sports" Strengthen decontamination requirements

Increase number of days out of the water from 14 to 30 and require proof (for example a dated receipt) that decontamination was done by a certified operator.

In addition, add:

Wake boats that have been in another waterbody within the previous 30 days and lack proof of decontamination, as well as other watercraft that are not inspected and decontaminated as required, are in violation of 10 VSA §1454 and, therefore, should not enter the waters of the state.

8. Recommendation: Revise proposed Section 4.1 (a – c) "Aquatic Nuisance Control Inspections Stations and Greeter Programs"

This section should be entitled: 4.1: "Aquatic Nuisance Control"

For some reason only parts of 10 VSA §1454 are quoted verbatim while other sections are not. In particular, we note that the beginning of 10 VSA §1454 (c) is not included. 10 VSA §1454 (c) should be included in full to ensure that any boater consulting these rules is made aware of the potential for a fine if that section is violated.

Therefore, we recommend revising parts (a – c) to read:

In order to prevent the spread of aquatic invasive species, a person shall not transport an aquatic plant, aquatic plant part, or aquatic nuisance species to or from any Vermont water

Pursuant to 10 VSA 1454:

(a) A person transporting a vessel to or from a water shall, prior to launching the vessel and upon leaving a water, inspect the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment, and shall remove and properly dispose of any aquatic plants, aquatic plant parts, and aquatic nuisance species.

***(b) It shall be a violation of this section for a person transporting** a vessel to or from a water to not have the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment inspected and decontaminated at an approved aquatic nuisance species inspection station (as defined in 10 VSA 1461) prior to launching the vessel and upon leaving a water if:*

(1) an aquatic nuisance species inspection station is maintained at the area where the vessel is entering or leaving the water;
(2) the aquatic nuisance species inspection station is open; and
(3) an individual operating the aquatic nuisance species inspection station identifies the vessel for inspection or decontamination.

9. Recommendation: Section 4.1 (i): Remove this section in its entirety

It is unclear why this section has been added. It is completely irrelevant, as it provides no information for users of the public waters or for citizens wishing to petition for changes to these rules.

In addition, part (4) goes well beyond what is stated in the statute, suggesting that greeters may not inform lake users of the state's statutes or UPW rules and that lake specific materials may not be used.

The tone of this paragraph is entirely inappropriate. To include in these rules threats aimed at the very people doing the hard day-to-day work of trying to prevent the spread of AIS in the state's public waters is unacceptable.

10. Recommendation: Section 5.5 "Internal Combustion motor" Revise definitions

Section 5.5 specifies internal combustion motor. However, Section 3.2 says only "motor" whereas Section 3.5 says "internal combustion motors". These terms and definitions should be clarified to avoid confusion. If the word "motor" is used anywhere in the rules does that mean both internal combustion and electric motors? If it specifically says "internal combustion motor" does that mean electric motors would be allowed?

Water jet pumps can also be used to power boats of various types. This should be addressed as well.

11. Recommendation: Develop more accurate and reliable data and data collection methods

Among the recurring issues encountered over the years as regulations governing wake sports have been discussed, developed, enacted, and now revised is the persistent lack of accurate and reliable data on the number, size, type, usage, and movement of wake boats across the state's lakes.

This data gap is not unique to wake boats but extends to other types of watercraft as well. We strongly urge the ANR to develop and implement reliable, practical data-collection protocols to inform sound policymaking.

12. Recommendation: Add depth and distance requirements for wake boats operating in Vermont portions of Lake Champlain, Lake Memphremagog, Wallace Pond, and the Connecticut River Reservoirs.

Wake boats operating in the shallow areas of these waterbodies, for example in St. Albans Bay with an average depth of 11 feet, risk causing considerable lakebed disturbance releasing phosphorus and nutrients into waters that already are at high nutrient levels. In addition, the decision to create 500 foot shoreline buffers to reduce erosion and the 500 foot distance from other lake users should also apply to these lakes for the same reason as for inland lakes: to reduce

erosion, and to protect the safety of other lake users. In addition, the wake sport zones should be mapped so that shallow areas to avoid are clear to wake boat operators.

CONCLUSION

Vermont is fortunate to have some of the cleanest and most pristine lakes in the country. We are equally fortunate to have so many members of the public and the hundreds of dedicated members of volunteer lake associations who work so hard to protect the state's public waters.

Freshwater resources are not a luxury nor are the state's waterways only useful for recreation or tourism. Aquatic habitats are as complex, diverse, and necessary as our forests and meadows are. Clean freshwater and healthy aquatic ecosystems are essential for life and must be preserved and protected now and for future generations.

Enormous time and energy has been expended in attempting to accommodate and justify a non-normal use on inland lakes that has been repeatedly shown to be hazardous to other lake users, damage shorelines, and be a potential source of aquatic invasive species spread. Any rules that result from all of this effort are likely to be less than effective given the regular development in the industry of larger, more powerful boats that can create much larger waves than the current rule or the proposed revisions account for. Adding limitations on the size and power of boats operating on many of the state's lakes should be added to these rules, as we recommend. Although the proposed revisions will protect more lakes, they will also result in wake sports being concentrated on fewer lakes adding more risk and more burden to those few. The home lake rule and stricter decontamination protocols will aid protections to these lakes.

With the increasing pressures on these precious resources, we conclude that the best and wisest decision that ANR could make, one in keeping with its mandate to protect and preserve the state's public waters, would be to provide the highest and broadest protections for the state's lakes and ponds now and into the future by no longer allowing any non-normal uses of the state's public waters without requiring a full petitioning process by those wishing to engage in such activities. ANR must change its practice and become proactive in protecting the public waters and making such protections its highest priority.

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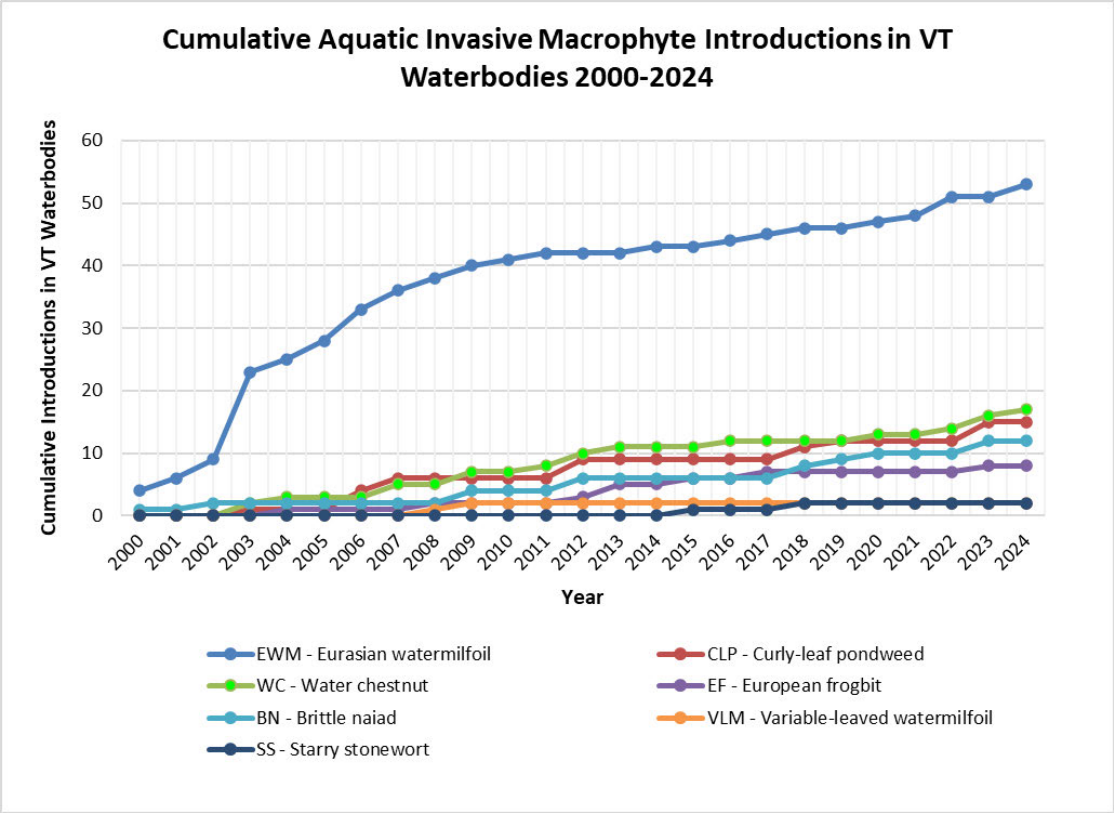
Riesgraf, Andrew, et al. (2025) A Field Study of Recreational Powerboat Hydrodynamics and their Impacts on the Water Column and Lakebed. St. Anthony Falls Laboratory, University of Minnesota.

Smagula, Amy. *Ballast/Wake Boats: Specific Concerns about AIS and Water Quality*. `Presentation. NH Department of Environmental Services.

Vermont Department of Environmental Conservation. (2024). "Summary of 2024 wakesports activity." https://dec.vermont.gov/sites/dec/files/documents/Summary%20of%20wakesports%20activity%20and%20issues%20during%202024%20season.pdf) and of these even fewer are moving between lakes.

SPREAD OF AQUATIC INVASIVE SPECIES



From: Lauren <laurenws@woodardmarine.com>
Sent: Friday, February 27, 2026 4:23 PM
To: ANR - WSMD Lakes
Cc: 'Lauren'
Subject: wakesports comment petition Data
Attachments: Supplimental Comment Petition Data.pdf

You don't often get email from laurenws@woodardmarine.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see the additional comment regarding the petition Data

Lauren Woodard-Splatt
President
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WOODARD MARINE INC.
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Public Comment — Statewide Wakesports Rulemaking Petition inquiry

Thank you for the opportunity to provide comments on the proposed amendments to the Use of Public Waters Rules. I appreciate the Agency's continued work to balance public health, safety, welfare, recreational uses, scenic beauty, and multiple-use management as directed under 10 V.S.A. §§ 1421 and 1424(b) and (c).

I also acknowledge the Agency's stated position that:

- "Scientific research is not the sole basis for rulemaking. Under the Vermont Administrative Procedures Act (3 V.S.A. § 838 and 3 V.S.A. § 841), agencies may rely on statutory authority and broader policy considerations."

and further that rulemaking must integrate:

- "Science, professional judgment, and real-world management needs."

My comments below are offered respectfully to assist in evaluating how the statewide expansion aligns with the petition record and the statutory principle that, when regulation is necessary, conflicts should be addressed using the **least restrictive approach practicable**.

After reviewing the pre-rulemaking presentation along with related email correspondence, the Agency has identified two key statements that guide its approach to rulemaking decisions..

- *"The Executive Branch (state agency) must base its decisions on science and objectivity, apply a consistent approach, utilize the least restrictive approach practicable, and avoid arbitrary decision-making."*

- *"With respect to the wakesports zone criteria, the proposed standards were developed after reviewing documented use conflicts and safety concerns in the eleven petitions we received. Conflicts were most pronounced on smaller and irregularly shaped lakes, particularly where cumulative wakeboat activity intersected with normal uses such as swimming and paddling."*

Statewide Eligibility Context

Following the 2024 rule:

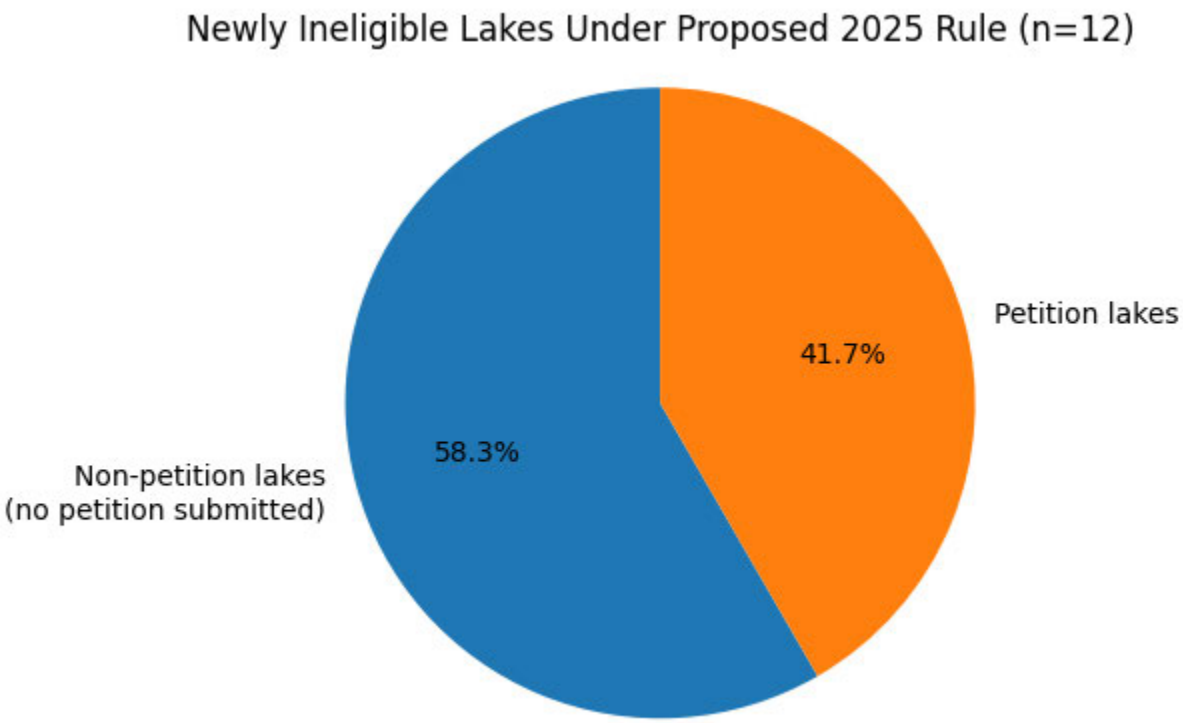
- **30 lakes were eligible** for wakesports.

Under the new proposed 2025 rule:

- **12 lakes would become newly ineligible.**
- **With 18 lakes remaining eligible for wakesports**

Of those 12 lakes (*that would potentially become*) ineligible:

- **7 lakes (≈58%) did not submit petitions** requesting additional restrictions and were operating under the 2024 rule framework.

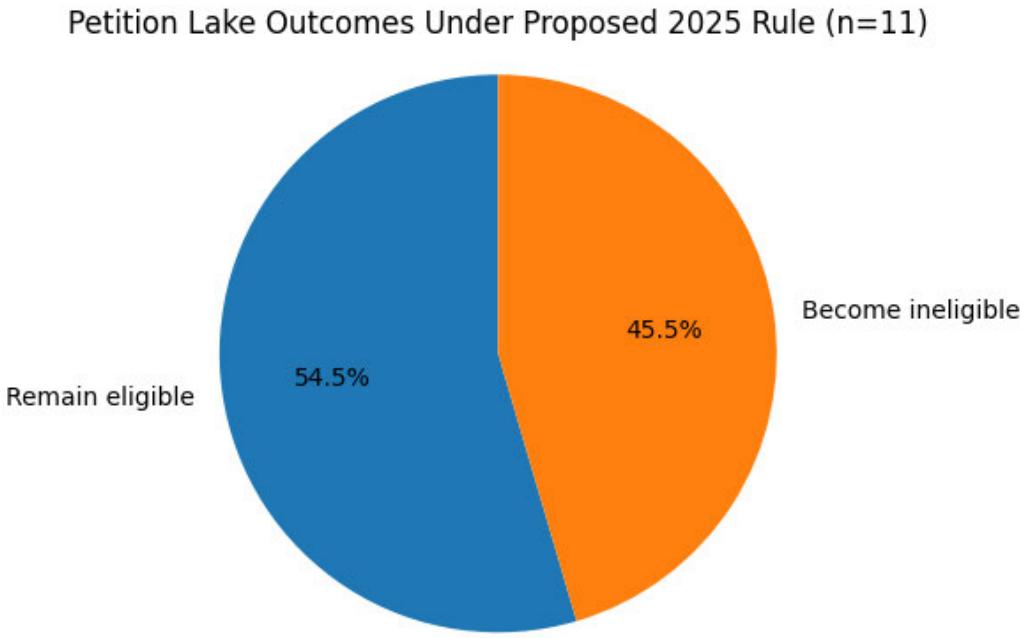


- **Observation:** A majority of the newly restricted lakes were **not part of the original petition requests** that prompted the statewide review.

Outcomes Within the Eleven Petition Lakes

Among the **11 petition lakes**:

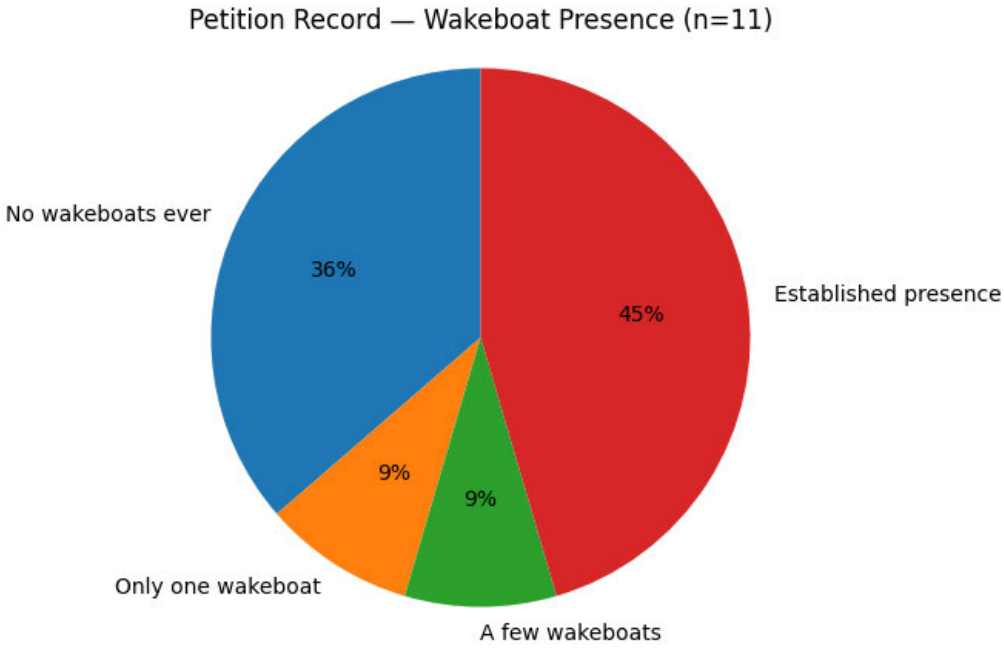
- **6 lakes would remain eligible**
- **5 lakes would become ineligible**



What the petition record shows (11 lakes)

- 36% - 4 lakes — no wakeboats ever
- 9% - 1 lake — only one wakeboat
- 9% - 1 lake — a few wakeboats
- 45% - 5 lakes — established presence

👉 **55% of petition lakes lacked established wakeboat activity**



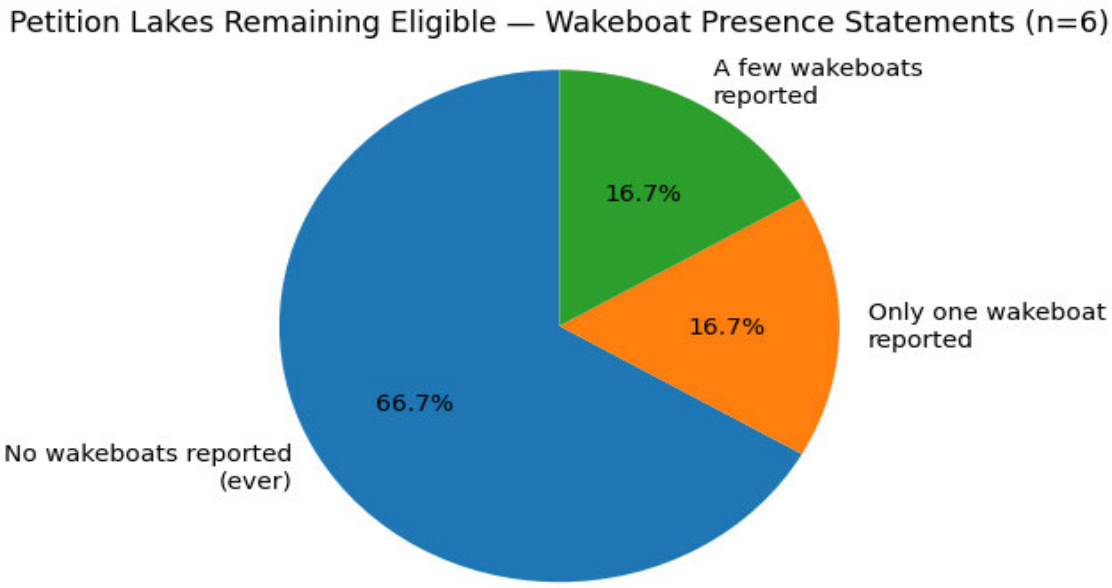
Outcomes Within the 6 remaining eligible lakes that Petitioned

Among the **6 petition lakes that remain eligible**, the petition record indicates:

- **4 lakes reported no wakeboats have ever been present**
- **1 lake reported only a single wakeboat ever on the lake**
- **1 lake reported a few wakeboats**

This means:

- **66% (4 of 6)** reported **no wakeboats ever**, and
- **84% (5 of 6)** reported either no wakeboats or only one boat.



Observation:

- Petitions concerning lakes that remain eligible, but that reported no established wakeboat activity—or no wakeboats ever— 100% of the petitions cited safety concerns that appear precautionary or anticipatory in nature.

- Where no wakeboat presence has been documented, the inclusion of safety concerns should be carefully reconsidered, as there is no demonstrated direct safety risk associated with this specific vessel activity on those lakes and therefore such concerns are not supported by documented lake-specific incident data.

Petition Lake Details – Wakeboat Presence & Safety Statements

resource – petitions listed by lake on https://dec.vermont.gov/watershed/laws-regulations-and-rules-pertaining-water-quality/use-public-waters-decisions-listed#2025

1. Echo Lake — No wakeboats reported

Petition statement:

- "Echo has no wake boats yet and that is the way we want to keep it." *(Echo Petition*

Safety concerns noted (precautionary):

- Concern future use could become dangerous for families.
- Concern wakeboats could swamp kayaks.
- Statement that wakeboats on a small lake would compress safety margins.

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2 (and 11). Great Averill Lake AND Little Averill Lake — No wakeboats reported

Petition statement:

- Wakeboats and wakesports "have never before been seen" on the lake. *(p. 10)*

Safety concerns noted (precautionary):

- Could pose risk to small boats, swimmers, and fishermen. *(p. 8)*
- Fear of being tossed or tipped over. *(p. 3)*
- Concern occupants could be forced to swim back. *(p. 3)*
- Concern about visibility from high bow. *(p. 4)*

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3. Lake Fairlee — Wakeboats present (limited)

Petition statement:

- Acknowledges wakeboats are on the lake. *(p. [ADD])*

Safety context:

- Petition notes existing wakeboat operators are respectful of guidelines. *(p. 8)*
- Materials reflect support for continued multi-use.

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4. Joe's Pond — Wakeboats present

Petition statements:

- "At least two wake boats on the pond." *(p. 7)*
- "Already has 5 such boats." *(p. 5)*
- Activity described as fairly minimal. *(p. 24)*

Safety concerns noted:

- Assertion that wakes could swamp paddlers/small boats. *(p. 7)*
- Claim longest straight run is 2,200 feet (short of 3,000 ft). *(p. 8)*

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5. Waterbury Reservoir — Wakeboats present

Petition statement:

- Wakeboats acknowledged on the reservoir. *(p. [ADD])*

Safety concerns noted:

- Swimmer vulnerability cited. *(p. [ADD])*

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6. Caspian Lake — No clear statement of presence

Petition statement:

- No specific confirmation of wakeboats present or absent. *(p. [ADD])*

Safety concerns noted:

- Generalized safety concerns. *(p. [ADD])*

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7. Lake Harvey — Single wakeboat reported

Petition statement:

- "There is only one resident who has a wakeboat on the lake." *(p. 2)*

Safety concerns noted:

- Swimmers/kayakers reportedly "buzzed." *(p. 26)*

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8. Lake Parker — No wakeboats reported (except rare 2023 reference)

Petition statement:

- "With the exception of several days in July 2023, no wake boats have entered…" *(p. 21)*

Safety concerns noted (anticipatory):

- Concern wakeboats will impact users. *(p. 1)*
- Waves could flood or capsize small craft. *(p. 4)*
- Safety of lake users could be jeopardized. *(p. 2)*

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9. Shadow Lake — Not clearly documented; concerns largely hypothetical

Petition review finding:

- Materials focus on what could occur if wakeboats are present.
- Limited documentation of verified lake-specific incidents.

Safety concerns noted:

- Concern about unexpected 3–4 ft wave.

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10. Lake Willoughby — Wakeboats present

Petition statement:

- Wakeboats acknowledged on the lake. *(p. [ADD])*

Safety context:

- Former fire chief/EMT reports no known injuries or fatalities from motorboat use on the lake.

Relationship with the Least Restrictive Approach Standard

I recognize and respect that:

- The Vermont APA does not require scientific proof for every regulatory element; and
- Title 10 requires the Agency to consider multiple policy factors in managing public waters.

At the same time, the Use of Public Waters framework provides that:

"When regulation is determined to be necessary, use conflicts shall be managed using the least restrictive approach practicable that adequately addresses the conflicts."

Given:

- the Agency's reliance on documented conflicts and cumulative activity,
- the distribution of petition conditions described above, and
- the number of newly ineligible lakes that did not submit petitions,

It may be helpful for the record to further explain how the statewide criteria were calibrated to reflect where documented conflicts were most clearly established, particularly for lakes that submitted petitions despite reporting no wakeboat presence while still citing safety concerns.

Geometry and Scenario Sensitivity

Relatedly, the proposed wakesports zone geometry — including:

- The **3,000-foot straight-run assumption**,
- The 500-foot buffer-from-objects assumption,
- The resulting effective 1,000-foot corridor,
- The treatment of **dog leg or rounded lake segments**

appears to be a key driver of eligibility outcomes.

Because small changes in these parameters can materially affect which lakes qualify, additional clarification may be helpful regarding:

- whether alternative geometric scenarios were evaluated,
- how sensitive eligibility outcomes are to the 3,000-foot run assumption
- how sensitive eligibility outcomes are with the 500-foot buffer for any object assumption
- how the rounding of irregular lake segments was applied consistently across waterbodies.

This context could assist stakeholders in understanding how the statewide expansion reflects the least restrictive practicable approach relative to:

(a) petition lakes where documented conflicts were identified, as noted above and **(b)** non-petition lakes where no lake-specific petition record requested additional restrictions.

Closing Questions for consideration

Respectfully, based on the statistics above, I ask the Agency to further clarify in the rulemaking record:

- How the statewide expansion was calibrated under the **least restrictive approach practicable** standard; It is noted in multiple resources the least restrictive approach and are repeated in multiple publications
    - "Executive branch (state agency) must base its decisions in science AND objectivity and with a consistent approach, Least Restrictive approach , and cannot make arbitrary decisions"
    - Reference (see page 7 on July 2025 PreRulemaking meeting presentation.pdf https://dec.vermont.gov/sites/dec/files/documents/July%202025%20PreRulemaking%20meeting%20presentation.pdf

    - Stated in section 2.7 (b) of (b) "When regulation is determined to be necessary, use conflicts shall be managed using the least restrictive approach practicable that adequately addresses the conflicts."
        - Reference Environmental Protection Rule, Chapter 32 — Vermont Use of Public Waters Rules- Use_of_Public_Waters_Rules_CleanVersion.pdf https://dec.vermont.gov/sites/dec/files/documents/Use_of_Public_Waters_Rules_CleanVersion.pdf

    - Stated in Section 2.6(a) of the Use of Public Waters Rules that requires use conflicts to be managed using the least restrictive approach practicable that adequately addresses the conflicts.
        - Reference page 5 Administrative Procedures – Proposed Filing https://dec.vermont.gov/sites/dec/files/documents/Paperwork_12172025_SOSFiling.pdf

    - Lastly, specifically In the ICAR filing under Environmental Impact Analysis, section 9 it is noted *"The proposed amendments to the Use of Public Waters Rules are based on an extensive review of the scientific literature, meetings with affected user groups, conservation organizations, industry groups, and lake users to obtain input on changes to the page 2 Revised January 10, 2023 Administrative Procedures Environmental Impact Analysis existing rules. The existing rules have only been in place for a single year. In the first year of implementation, the Agency received 12 petitions requesting additional rulemaking on individual lakes and ponds across the State to address*

wakesports specifically. After careful review of the petitions, the Agency determined that common themes emerged from the petitions received and that State-wide rulemaking was the most equitable way to address concerns included in the petitions. The proposed amendments are derived from information we received from the public on an ongoing basis, information from the petitions received, public comments received during review of the petitions, and from public comments received during the pre-rulemaking process. " Resource https://dec.vermont.gov/sites/dec/files/documents/Paperwork_12172025_SOSFiling.pdf

- How the Agency weighed petition lakes with documented conflicts versus lakes without petition requests; and
    - Whether alternative geometric or operational scenarios were evaluated might address identified concerns while preserving eligibility where conflicts were not clearly demonstrated or requested and under least restrictive approach.

While I oppose the 2025 rule regarding the 3000ft run, 500 buffer and 100 acre specifically, I appreciate the Agency's substantial work on this complex issue and offer these comments in the spirit of supporting a clear, well-documented, and balanced, least restrictive final 2025 rule, and respectfully request consideration of maintaining the 2024 framework, including the wakesports zone structure, the 500-foot-from-shore requirement, and the 50-acre standard.

Clarifying this calibration in the rulemaking record would assist stakeholders in understanding the objective basis for the statewide expansion.

Respectfully submitted,
Lauren Woodard Splatt

Woodard Marine, Inc

From: Lauren <laurenws@woodardmarine.com>
Sent: Friday, February 27, 2026 4:23 PM
To: ANR - WSMD Lakes
Subject: wakesports section 5.18 definition
Attachments: Supplimental Comment - Section 5.18 Wakesports definition.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see the details attached regarding 5.18 definition

Lauren Woodard-Splatt
President
Woodard Marine

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Supplemental Public Comment –Terminology Change in Section 5.18 - Wake sports

Section 5.18 defines "Wakesports" as:

A. 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
B. to use a surfboard, wakeboard, hydrofoil, or similar device to ride on or in the wake:
i. directly behind a wakeboat without a rope; or
ii. directly behind a wakeboat with or without a rope, when the wakeboat has ballast tanks, bags, or other devices or design features engaged as described in Section 5.17.A.

As a citizen reviewing the proposed language, I understand that scientific research is not the sole basis for rulemaking. Under the Vermont Administrative Procedure Act (3 V.S.A. § 838 and § 841), agencies may rely on statutory authority and broader policy considerations, provided a rule is not arbitrary. Please note, that I also recognize that the absence of scientific data alone does not automatically make a rule arbitrary.

However, the language in Section 5.18(B)(i) raises concern for me because it does not appear to be clearly tied to measurable wake impact. As written, the provision regulates rope-less riding behind a wakeboat even when no ballast or wake-enhancing features are engaged, specifically with a surfboard, wakeboard, hydrofoil, or similar device.

There are many hydrofoils designed to be used behind any style boat, not needing ballast or enhancements, and also without a rope. . In that situation, the wake produced may be comparable to many other common recreational boats.

From a common-sense and impact-based perspective, this distinction appears difficult to justify in the record. While I respect the Agency's authority to regulate in this area, in my opinion this provision risks being overbroad and on the verge of arbitrary because it regulates based on the activity and vessel label rather than on whether the wake is actually enhanced.

For these reasons, I respectfully request that the Agency to **remove Section 5.18(B)(i)** so the rule more clearly aligns with an impact-based and consistent regulatory approach.

Resource - - Use_of_Public_Waters_Rules_CleanVersion.pdf
https://dec.vermont.gov/sites/dec/files/documents/Use_of_Public_Waters_Rules_CleanVersion.pdf

Thank you Lauren Woodard Splatt Woodard Marine

From: Laurie Childers <lchilders@gmavt.net>
Sent: Friday, February 6, 2026 3:32 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from lchilders@gmavt.net. Learn why this is important

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Please ANR, protect our lakes from artificial wake machines. Strengthen the rules. Follow the Sierra clubs letter. We need to protect our communities now more than ever!

In peace,
Laurie Childers
Addison, VT

From: Lisa Cook <lcook@tenafly.k12.nj.us>
Sent: Wednesday, February 18, 2026 4:41 PM
To: ANR - WSMD Lakes
Subject: Wakeboarding - Vermont 500 Foot Rule

You don't often get email from lcook@tenafly.k12.nj.us. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Vermont ANR,

My name is Lisa Cook, and I'm an elementary school teacher in New Jersey. I have had the pleasure of visiting Vermont many summers over the last several decades. I enjoy all that Vermont has to offer and make it a point to visit so that I can spend time on your beautiful lakes with a family friend who has introduced me to wakeboating.

As a teacher, I spend my days helping young children understand rules—why we have them, how we follow them, and why fairness matters. I'm speaking today about the proposed **500-foot buffer requirement**, and I want to share a perspective I know well from the classroom.

In school, rules only work when they are **clear, consistent, and the same for everyone**. If I tell one group of students they must stay 200 feet away from something, but another group must stay 500 feet away from the very same thing, the first question I hear is always the same: *"Why is it different for them?"* And the second question is harder: *"Is that fair?"*

When rules are different for different people without a clear, understandable reason, they stop feeling fair. They create confusion, resentment, and constant arguments. Instead of helping students behave better, unequal rules make behavior worse because no one understands where the lines really are.

That same principle applies here.

Under the current proposal, one type of boat is asked to stay **500 feet away**, while other boats are required to stay **200 feet away**.

Children don't accept rules based on assumptions. They ask for reasons. And if I can't give them a clear, evidence-based explanation, I don't blame them for pushing back. Adults are no different.

Rules that apply unevenly must be backed by **clear data**, not general concern or precaution alone. If 500 feet is truly necessary for safety or shoreline protection, then that standard should apply equally. If 200 feet is adequate for most boats, then asking one group to follow a much stricter rule without clear justification feels arbitrary and unfair.

In my classroom, I've learned that **confusing rules lead to constant enforcement problems**. Students argue about where the boundary is. They disagree about what applies to whom. Teachers spend more time managing conflict than teaching. The rule itself becomes the problem.

I worry this proposal creates the same situation on the water.

Instead of a simple, understandable system, we end up with multiple distance requirements that are difficult to remember, harder to enforce, and nearly impossible for the public to implement.

Most importantly, I teach my students that rules should be based on **what we know, not what we assume**. If a child is told they must stand farther away because they are louder, faster, or stronger, I need evidence to support that claim. Otherwise, it's not a lesson—it's a punishment.

If we are asking one group to stay 500 feet away while others stay 200 feet away, we owe the public the same clarity I owe my students: *What measurable difference justifies that rule?* Without that explanation, the rule feels less like protection and more like unequal treatment.

Fair rules build trust. Confusing rules break it.

As a teacher, I urge you to consider this proposal through the same lens we use in the classroom every day: **clear, consistent, evidence-based rules applied equally are the ones that work**. Anything else creates frustration, division, and unnecessary conflict.

Thank you for listening.

Respectfully,

Lisa Cook

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From: Leanne Harple <lharple@leg.state.vt.us>
Sent: Thursday, February 5, 2026 8:40 PM
To: ANR - WSMD Lakes
Subject: Wake Sports

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Good evening, and thank you for the opportunity to testify.

My name is Rep. Leanne Harple, and I represent the towns of Albany, Craftsbury, Glover, and Greensboro. The communities I represent care fiercely about our lakes and have stewarded them for generations. Our lakes are more than our playgrounds. They are our wildlife habitats, economic lifelines, and the places of calm and quiet that we can retreat to amid the chaos of the world. Once we lose the health and character of our lakes, it will take decades to get them back….if we ever do.

In Glover, there is overwhelming agreement that the proposed rule changes are absolutely necessary. Shadow Lake and Lake Parker are small lakes that cannot absorb wake boats without lasting damage to water quality, shorelines, and rural character. For my communities, these rules are ecologically responsible and long overdue.

I also represent Greensboro, which is home to Caspian Lake. Caspian barely clears the size threshold, and that technical distinction leaves residents exposed to the very same risks that these rules are meant to prevent elsewhere. The frustration of my constituents deserves to be heard this evening.

I recognize the pressure the DEC is under. Well-funded interests representing only 1% of boat owners are pushing hard to expand wake boat access. But the rural Vermonters I represent don't have that lobbying power. Instead, they do have lived experience and a personal stake the outcome. So I'll be honest: these rule changes actually don't go far enough. But they do move us in the right direction. And so when faced with the choice between progress and backsliding, I strongly urge the DEC to adopt them.

Protecting our lakes requires backbone. And it requires putting the people who live on and depend on these waters ahead of outside pressure. If we can't stand up in this moment for small lakes, quiet waters, and rural communities, then we need to be honest about who this process is really serving.

Rural Vermonters deserve this from our state. Thank you for your time.

Representative Leanne Harple
Orleans-4
Albany, Craftsbury, Glover and Greensboro
www.vtrepleanneharple.com

From: Linda Hecker <lhecker@landmark.edu>
Sent: Friday, February 6, 2026 4:38 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Members of ANR,

I am an avid kayaker and long-term member of my town's Conservation Commission in Guilford, where we have 2 small recreational bodies of water under the auspices of Forests, Parks & Recreation. I have experienced the serious negative impact of wakeboats on quiet water recreation enthusiasts.

I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

- I support the DEC's amended Rule changes as they align with my conservation values.
- Increases the minimum safety wakesports zone from 50 to 100 acres.
- Requires a minimum wakesports run of 3,000 feet.
- Expands the safety buffer from other users and water structures from 200 to 500 feet.
- Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

- a minimum 30-foot water depth;
- a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
- the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Thank you for your consideration

Linda Hecker

From: Libby <lib.chapin@gmail.com>
Sent: Sunday, February 1, 2026 7:31 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from lib.chapin@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To Whom It May Concern:

I'm writing to add my voice in favor of the prohibition of wakesports on Lake Fairlee . Please maintain and implement the proposed rule improvements as drafted, with no compromises on safety and wakesports.

I personally have deep concerns for the safety of people in the water enjoying other kinds of recreation, the unintended spread of invasive species and enhanced conditions for harmful algae blooms, the degradation of vulnerable aquatic habitat (plants & animals), and deterioration of existing vegetative buffers to maintain the integrity of the valuable shoreline aesthetic. The impact of wakesports in each of these areas threatens the quality of life and the strength of the economy that insure these lake communities remain safe, vital, appealing, and sustainable.

Having lived on Lake Fairlee year-round for 20 years, I came to value the many ways a public use natural resource can impact the lives of all the contiguous communities and beyond. I also had the chance to observe up close the accelerating deterioration of water quality from 1999 forward, clearly documented in the successive declining DEC scorecards across four criteria. This growing realization and deep concern coincided with my retirement from teaching and compelled me to devote years and countless hours to help shine a light on the threats Lake Fairlee faced, and concrete ways the lake users and lakeshore owners could help turn the deterioration around. My efforts were multi-pronged but focused - please see the list below to buttress the sincerity of my appeal. **

I have serious concerns for the safety of boaters, swimmers and fishermen that wake boats would most likely encounter on Lake Fairlee, as well as the negative environmental impact they would have on the lake. Knowing well how active the five historic camps still are on the water, Lake Fairlee is not an appropriate water body for such an impact sport. Many of the campers are young and trying to learn a new sport (kayaking, stand up paddleboards, sailing, snorkeling, and even swimming across the lake to earn a badge.) The visibility from the cockpit of a wakeboat is seriously compromised by the raised bow. I have heard about several instances on Lake Fairlee of swamping a low-lying vessel and uncomfortably close calls with swimmers. The camp counselors, directors, and nearly every property owner on the lake is vehemently opposed to having such a real danger invade their otherwise peaceful range of safe activities.

Beyond safety, there are the scientifically documented threats to water quality. The wave power produced by wakeboats and the wave turbulence beneath the water's surface (that occurs in depths less than 20 ft.) create serious damage to shorelines, water quality, and habitat. There are so many wonderful ways to enjoy lakes which are not damaging to their health, why invite one more sport that actually spawns a threat to the well-being of people, wildlife, and the water quality itself?

I want to urge legislators to prohibit a sport that has such a destructive impact on so many levels. Please give weigh to the value of common sense and concern for the good of all who depend on the lake for their safe recreation, its inspiring beauty, the robust wildlife habitat, and in many cases, their livelihoods.

Thank you for your careful consideration of the points in his letter and the other appeals in for safety and lake health.

Sincerely,

Libby Chapin

520 Robinson Hill

Thetford, VT

** 1. 2004-2010: Lake Fairlee Association Board Member, during which time I spearheaded and organized the

first Greeter Program on the lake. This program has expanded in months and hours over time as the community realized the value of educational outreach.

2. 2010-2013: Initiated and oversaw 3 years of "Lakefest", a one-day celebration on Lake Fairlee to promote unity and a shared sense of stewardship among the 3 lakeshore towns, raise awareness about lake health, and provide free access to lakefront recreation for the extended community.

3. 2010-2013: Grant Writer and Project Leader for three vegetative buffer projects on the lake.

• coordinated the efforts of the people involved: environmental scientists from the state DEC Water Quality, Lakes & Ponds division; Regional watershed coordinator; Selectboard; town road crew; E.C.Brown Nursery; Lake Fairlee Assoc.; Conservation Commission; community volunteers.

• invited as keynote speaker for annual meeting of Federation of VT Lakes and Ponds to share accomplishments on lake

4. 2012-2014: Activist to support passage of the Shorleand Protection Act (passed 7/1/2014)

• submitted a shoreland protection op ed piece (published Montpelier Times Argus) at the request of Vermont Natural Resources Council.

• gave testimony to both the House Committee on Natural Resources, Fish & Wildlife & the Senate Committee on Natural Resources & Energy to urge the passage of the Shoreland Protection Act

• led an email campaign to raise awareness about VT water quality issues and pending legislation

5. 2020-2021 Recruited residents from each of the three towns in the Lake Fairlee watershed and led a team authorship of the publication, At Home by the Water, Caring for Lake Fairlee and Its Watershed.. This is a comprehensive guide of best practices for shoreland and watershed property owners, as well those who use the lake for recreation, based on the most current evidence-based protocols and compliance with the Shoreland Protection Act.

From: Lisa Johnson <lisainvermont@gmail.com>
Sent: Saturday, February 7, 2026 1:48 PM
To: ANR - WSMD Lakes
Subject: Wakeboats

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I am writing to you regarding the presence of wake boats on Lake Fairlee and other small lakes in Vermont. It concerns me that the current regulations do not adequately address the issue of safety. I live on Lake Fairlee and spend time in the water there. I can see that most of the people who are out on the lake are children, elderly and inexperienced paddlers as well as people fishing in small boats. These people are especially vulnerable to the enormous wakes created by wake boats. Wake boats pose a danger to most of the people who are out on the lake. Even in a large pontoon boat the waves have caused an elderly person on our lake to be injured.

It disappoints me that this issue seems to be a matter of the majority of people who enjoy the lake who do not want wake boats and the very small minority of people who support the presence of wake boats. Wake boats are expensive. Most of these people who support wake boats are affluent. Those who sell wake boats have no interest in the well being of the people of Vermont or the environment of our small lakes. They are concerned about profit.

I know that you have been provided with an abundance of research documenting the negative effects of wake boats on small lakes. I do not believe that updated research is needed. Water is water. The potential of additional damage by invasive water-based plant species
is well established. We do not need updated studies to tell us that the deep hulls and turbidity caused by wake boats causes the lake bottoms be disturbed. We know the effects. We all know that shoreline erosion is a problem. Why would we need an updated study to prove that this is true. Additional studies would be a waste of taxpayer money.

I beg you to err on the side of caution and prohibit wake boats on Lake Fairlee and other small lakes in Vermont.

From: Louis Cornell <louis.l.cornell@gmail.com>
Sent: Friday, February 20, 2026 1:32 PM
To: ANR - WSMD Lakes; tom.ward3@gmail.com
Subject: wakesports

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As a former resident of West Fairlee who enjoyed sailing a small boat on Lake Fairlee, I urge the DEC to forbid the use of wakeboats on Lake Fairlee altogether. From the perspective of a boater, the lake is surprisingly small, too small to accommodate its use for this disruptive activity.

Sincerely -

Louis Cornell

Thetford, VT

From: Lucas Heald <lrheald@gmail.com>
Sent: Tuesday, February 17, 2026 1:25 PM
To: ANR - WSMD Lakes
Subject: Wakesports rules changes
Attachments: Letter to the ANR.eml

You don't often get email from lrheald@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello My name is Lucas Heald and I have attached a letter containing my thoughts, observations, and opinions on the proposed changes to the rules regarding wakesports. To summarize I am OPPOSED to any new regulations regarding wake boats.

Thank you for your time and consideration in this matter,

Best,

-Lucas Heald

From: Lucas Heald (via Google Docs) [lrheald@gmail.com]
To: lrheald@gmail.com
Sent: Tuesday, February 17, 2026 1:17:26 PM
Subject: Letter to the ANR
Attachments: Letter to the ANR.pdf (52 KB);

Lucas Heald attached a document

Lucas Heald (lrheald@gmail.com) has attached the following document:

Letter to the ANR

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Dear Agency of Natural Resources,,

I am a Rutland County resident who spoke at the recent hearing in Bandon regarding proposed wakesports rule changes. I recently learned that Vermont Lakes for Responsible Wakes had an information table set up in the State House, and after hearing that I felt that it was important to follow up and restate my perspective directly to our local representatives. At the hearing in Brandon I shared concerns about balance, fairness, and the way information is being presented around this issue. I respect everyone's right to participate in the process, but I worry that this particular group is presenting a one-sided narrative that does not fully reflect the experiences or views of many everyday Vermonters who responsibly use our lakes.

Those of us who work full time, run businesses, and care for families often cannot be physically present at the State House or multiple meetings, yet we are still deeply affected by these decisions. Our voices tend to be quieter simply because of time constraints, not because we are indifferent.

My comments at the hearing touched on the fact that one of the main arguments against wakeboats is that they transport invasive species. I believe that I can offer an inside perspective on this as someone who spends most of their spring, summer, and fall on the water professionally and recreationally. Wakeboats comprise just 300 of the some odd 27,000 boats that are registered in the state of Vermont. Of those 300 Woodard marine has 100 or so of those trailers in storage meaning those boats do not have the ability to go to another lake. As for the remaining 200 wakeboats I cannot offer exact numbers but rather an observation, another aspect of my professional and personal life is to deliver boats to various state boat ramps around the state and beyond. While at these state access points I see all kinds of boats being launched and retrieved among the most common are bowriders, pontoons, and fishing boats it is extremely rare that I see wakeboats at state ramps. I have been traveling to ramps for about five years now and I can only recall seeing wakeboats being launched a handful of times. The point I am trying to make is that these boats do not travel from lake to lake in any significant or meaningful number.

Another thing that I heard in the meeting was the desire for decontamination stations to be available for all boats, not just wakeboats. I think that this is one of the few issues both sides can agree on. As Vermonters conservation is always at the forefront of our minds and there is no question that decontamination stations are a good idea, but the issue that I kept hearing over and over at the hearing is that there is simply no funding. I do have a suggestion for a portion of the funding. The most common vessel that I see at state access ramps is undoubtedly kayaks and paddleboards. These vessels currently do not pay any registration fees yet freely use state access points and undoubtedly travel from lake to lake more than any other class of vessel. I believe that any vessel motorized or not should have to be registered with the State if they are using a state access point to launch and retrieve their vessel.

One last thing I would like to speak about is how wakeboats have been unfairly portrayed and villanized. At the meeting people opposed spoke about seeing wakes reaching up to 6 feet

high. This is something that I have never seen on any lake in the state. I have been a wake surfer myself for years and so has my wife. We have a top of the line surfboat designed to throw the biggest wave possible. My wife is 5 foot 4 inches and the wake reaches just over her hip at the absolute most.

In closing I want to restate my strong opposition to these proposed changes to the wakesports rules. Specifically the 3000 foot straight run as this is based upon nothing more than an assumption. I oppose the proposed 500 ft from any object rules as it creates an unrealistic and unenforceable rule. I oppose the claim that wakeboats are not “normal use” inboard towed watersports predate 1993 and the evolution of technology does not equate to a new use. We as a responsible wakesports community have already made concessions with the first set of rules in 2024. While we did not like these rules we followed them as evidenced by the absence of any tickets issued by state law enforcement. I believe that there is already far too much regulation in the State as a whole and as someone who was born and raised and loves Vermont it truly makes me sad to see the Vermont value of meeting in the middle and using common sense to go to the wayside.

Sincerely,
-Lucas Heald, a very concerned life long Vermonter

From: lucas.switser@icloud.com
Sent: Thursday, February 26, 2026 3:30 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

My name is Lucas switser, I'm 16 years old, and I'm currently learning how to boat and getting ready to take my Vermont boater safety course. I wanted to share my thoughts about the proposed rule that would make wakeboats stay 500 feet away from every other person on the water.

As someone who is just learning the rules, one of the things that makes boating feel safe is that the rules are simple. Right now it's pretty easy to understand: all motorboats have to stay 200 feet away from people, and wakeboats have to stay 500 feet away from shore when they're in wakesports mode. That's clear and something I can remember.

If there's another new rule that adds a different 500-foot distance just for wakeboats but only from people, I honestly think it will make things more confusing for new boaters like me. Two different 500-foot rules that apply in different situations would be hard to keep straight while actually driving a boat, especially when you're still learning and trying to pay attention to everything happening around you. For any boat operator confusion can only cause additional dangers on the water.

I also know a lot of families who enjoy wakesports and do it safely. On most lakes, the current rules already work, and we're taught in the boater safety course to operate with control, be respectful, and keep distance from other users. I don't think a totally new 500-foot moving buffer is needed, and for new boaters it might make boating feel more complicated than it should be.

Additionally I feel that if a new rule where to be proposed about the distance wake boats must be from every other person on the water there should be additional rules set in place for how far kayaker's and paddle boarders. I enjoy paddle boarding and kayaking myself but I feel there is no need for any person on one of these go into the middle of the lake. I understand that as a boat operator it is you're job to take these obstacles into account but with the addition of this new rule it would be almost impossible to follow on even the biggest lakes in VT.

I hope you will consider keeping the rules simple and clear, and not adding a second 500-foot rule that could confuse new boaters who are just getting started on Vermont's lakes.

Thank you for listening.

Sincerely,
Lucas switser
West Burke, Vermont

From: Miranda and Mike Bednar <mandmbednar@gmail.com>
Sent: Sunday, February 15, 2026 10:24 AM
To: ANR - WSMD Lakes
Subject: Wake Sports

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Hello:

I grew up in Vermont, spending many summers and now holidays, vacations and family visits enjoying Lake Parker as my parents had a camp there during my childhood, and now for the last several years, they reside on the lake year-round. My family is aware of, and have discussed at length, the implication of wake sports on our waterways, and the rules governing it on Vermont lakes.

I am thankful to you for considering the many factors/concerns brought to you by Vermonters and lake-enjoyers to adjust the proposed bill in 2025. Your proposed changes to require greater minimum wake sport areas will surely increase the safety for the many other users of Vermont's waters (including humans and animals!), and reduce negative environmental impacts on the lakes and shorelines.

I urge you to move forward with the new rules to protect the many smaller inland lakes that contribute to the beauty and serenity of Vermont. Thank you for all that you do to preserve the health of the lakes.

Miranda Bednar

From: Ted Manning <manning.team@gmail.com>
Sent: Friday, February 20, 2026 11:24 AM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Scan2026-02-20_112253.pdf

You don't often get email from manning.team@gmail.com. Learn why this is important

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Attached, please find a letter of opposition regarding the proposed Vermont Wakeboat regulations.

Ted Manning
Mendon, VT

Dear ANR / Lakes & Ponds,

Thank you for the opportunity to submit public comment regarding the proposed 2025 wakeboat rule amendments.

I respectfully submit this letter to outline my opposition to three proposed additions

— **the 3,000-foot straight**-run requirement,

- the **"500 feet** from any object" provision within a wakesports zone,
- and the increase in minimum lake size from 50 acres to **100 acres** —
- and to address the related argument that wakesports constitute a "**non-normal use**" of Vermont public waters.
- **Section 3.7 and 4.3** Rule Changes

---

1) Opposition to a 3,000-Foot Straight-Run Requirement

There is no peer-reviewed environmental or boating-safety research establishing 3,000 feet as a required minimum run length for safe wakesurf operation. The wake studies most often cited address wake characteristics, wave attenuation, and potential environmental effects. They do not prescribe a minimum straight-run distance.

The 3,000-foot number appears primarily as an operational description of a typical ride length and as an assumption used in geometric modeling of space. This reflects boating practice and zoning math, not measured hydrodynamic necessity.

Conclusion: Because no scientific or environmental study establishes a need for a 3,000-foot straight run, this is a policy choice. It should not be characterized as science-based without a peer-reviewed study demonstrating necessity.

---

2) Opposition to "500 Feet From Any Object" Within the Wakesports Zone

Vermont already operates under a statewide boating safety structure built around a 200-foot framework related to swimmers, shorelines, and other vessels. Major wakesurf research discussions focus on wake energy and wave attenuation, not on collision envelopes or separation bubbles from "any object."

For example, work from the University of Minnesota and St. Anthony Falls Laboratory examines distances needed for wake characteristics to diminish. That is a wake-behavior question, not proof that 500 feet from all objects is required for safe operation.

Requiring 500 feet from shore and 500 feet from other vessels or swimmers creates a large moving exclusion zone. In normal lake use, this can make compliance impractical, converting theoretical allowance into practical prohibition.

Conclusion: Without a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this reads as a policy restriction rather than a science-based safety threshold.

---

3) Opposition to Increasing Minimum Zone Size from 50 Acres to 100 Acres

Acreage is not a direct scientific variable. Area thresholds are derived from assumed run length, wake width, and setbacks — geometry, not hydrodynamics.

Vermont's current rule already requires at least 50 acres, along with shoreline setbacks and depth requirements. Increasing to 100 acres will remove additional waterbodies by definition. That is a policy outcome and should be acknowledged as such.

Conclusion: Absent a study showing that 50 acres with existing safeguards is insufficient and 100 acres is necessary, this change functions as a policy lever to restrict access.

Section 3.7 and 4.3

Overall Scientific Context

Vermont's existing wakesports zone definition is already restrictive and codified. The broader research landscape on wake attenuation is mixed and condition-dependent. Vermont has not produced Vermont-specific hydrodynamic field research in this record demonstrating that the escalated numerical thresholds are necessary statewide.

Final Conclusion

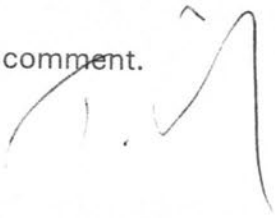
I oppose the additional restrictions because:

1. 3,000 feet is not shown to be required by scientific research; it is an operational assumption.
2. 500 feet from any object is not supported by wake attenuation science and functions as a practical access restriction.

3. 100 acres is a policy exclusion tool, not a measured environmental threshold.
4. Wakesurfing represents an evolution of long-standing towed watersports and falls within Vermont's normal use framework.

Taken together, these proposals read as policy mechanisms to further restrict use in the absence of Vermont-specific scientific findings.

Thank you for considering this comment.



Scientific References

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Wave energy propagation and shoreline distance findings
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Depth-dependent sediment disturbance findings
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Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Mark Hardy <mark.hardy.7a686@advocate-mail.com>
Sent: Friday, February 20, 2026 1:52 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from mark.hardy.7a686@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Mark Hardy
879 E 1180 N
Pleasant Grove, UT 84062
(801) 367-6673
mark@ecliptics.com

From: Maurie Jacobeit <maurie.jacobeit@gmail.com>
Sent: Monday, February 16, 2026 9:58 PM
To: ANR - WSMD Lakes
Subject: Wakeboard regulations needed

You don't often get email from maurie.jacobeit@gmail.com. Learn why this is important

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Hello,

I believe wakeboat regulations are needed to help protect the health and safety of our shared lakes. Wakeboats create larger, more powerful waves that can stir up sediment, damage underwater habitat, and accelerate shoreline erosion. These wakes can also create challenging conditions for swimmers, paddlers, and anglers who share the water. In setting clear, consistent guidelines about where and how wake-sports can take place, we can support a safe, enjoyable lake experience for everyone while preserving the natural environment we all care about.

Thank you,

Maurie Jacobeit

From: Max Gitlen <maxgitlen@gmail.com>
Sent: Friday, February 20, 2026 12:00 PM
To: Dlugolecki, Laura
Subject: Proposed wakesports rules

You don't often get email from maxgitlen@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Ms. Dlugolecki,

I am writing today to share comments on the proposed language concerning wakesports in Vermont's lakes and ponds. The proposed language is not definitive enough, and I urge the state to implement a full ban on the use of wakeboats in all of Vermont's lakes and ponds. I share this sentiment as a surfer myself. Relocating a sport intended to enjoy the ocean's natural waves to the calm, fresh waters of inland lakes is both unnecessary and detrimental to the environment and our safe enjoyment of these lakes.

My extended family has a hundred-year history with Lake Morey in Fairlee, VT. As you are likely aware, Lake Morey has struggled with toxic blooms of cyanobacteria in recent years, which have recently been staved off with an alum treatment (and we are appreciative of the state's support for this). My understanding is that the commonly-cited guidance that wakesports are safe in an area with 20 ft of water depth are outdated and have been shown to be insufficient in studies. In addition to disrupting the efficacy of the alum treatment, disruption of the sediment throughout the lake releases phosphorus, which fuels the blooms.

Cyanobacteria blooms are not just an inconvenience. The neurotoxins produced by cyanobacteria are linked to diseases such as Alzheimer's. Members of my family are currently experiencing life-altering dementia due to Alzheimer's, and I am concerned that their exposure to these toxins is a likely contributor. While I am an ardent outdoor sports enthusiast, the cost of losing my loved ones too early in life is far too steep a price to pay.

This is to say nothing of the other impacts - eroding shorelines, destroying animal habitats, etc.

For all these reasons, I urge the state to consider a ban on wakesports in lakes and ponds.

All the best,
Max Gitlen

From: Marguerite Bogle <mbogle2019@gmail.com>
Sent: Friday, February 20, 2026 1:28 PM
To: ANR - WSMD Lakes
Subject: Lake Harvey & the Wakesports

You don't often get email from mbogle2019@gmail.com. Learn why this is important

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Lake Harvey is a treasure for families and children, and for those that want to relax by the lake and talk or read without the wakeboats churning up the noise and disturbing the atmosphere.

Not only are the people disturbed, but the waves stir the lake plants so they can't live, the critters that inhabit the lake will be naturally displaced, and the shoreline of the owners will be affected with the wakes' waves. Safety is of course a key concern with Lake Harvey's narrow footprint. Swimming along the shoreline, canoes, paddle boats, will be impacted by lake owners' safety concerns.

I have visited Lake Harvey each summer since I was 25 years old. My children grew up here in the summers, my grandchildren, 3, 5 and 2 7-year olds look forward to it, with all of us loving the quiet beauty of Lake Harvey.

I support these revisions.

Marguerite Bogle

From: Michael Davis <mdavis9753@hotmail.com>
Sent: Saturday, February 7, 2026 7:58 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from mdavis9753@hotmail.com. Learn why this is important

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I support conservation & wildlife protection, but this seems too aggressive, complex, & unrealistic to enforce fairly. And I don't even use a boat. There must be a simpler & better way to improve things.

Mike Davis

Get Outlook for Android

From: Mark Johnston (via Google Docs) <mdjvet579@gmail.com>
Sent: Sunday, February 15, 2026 12:35 PM
To: ANR - WSMD Lakes
Subject: Mark Johnston's Wakesport Doc to DEC 2.13.26.docx
Attachments: Mark Johnston's Wakesport Doc to DEC 2.13.26.docx.pdf

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Mark Johnston attached a document

Mark Johnston (mdjvet579@gmail.com) has attached the following document:

Please see attached PDF. Please send a yes or no reply as to whether the PDF is properly submitted and in readable form.

Mark Johnston's Wakesport Doc to DEC 2.13.26.docx

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Dear DEC Decision Makers,

Thank you for the opportunity to share my input and for your work in managing Vermont's water resources. As a veterinarian by profession, my 8 years of college training and my decades of “practice” as a veterinarian, taught me to base my diagnostic plans and treatment recommendations on science. Science, that is supported by diagnostic results, patient history, physical findings and observations as well as years of building on my knowledge from experience and ever evolving medical discoveries. The decisions being made by the DEC regarding regulation of wakeboats and wakesports need to be supported by science AND common sense.

My wife Nancy and I both strongly support the proposed wakesport regulations that DEC is considering. We only wish that the proposed regulations were stronger! The powerful waves created during wakesport activities have such negative impacts on lake recreationists’ safety and on the lake ecosystem/environment, both in the lake and along lake shorelines.

I am one of ten Board of Directors representing SSLPPA (Sunset Sunrise Lakes Perch Pond Association) located in Benson VT. We are unanimous in our support of all of DEC’s proposed wakesport regulations!

During my Zoom attendance of both of your public comment opportunities held in Jan and Feb, I listened carefully to all of the pro-wakesport advocate comments. I would like to address the reasoning stated during the hearings by the opponents of stronger wakesport regulations.

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This often-repeated comment is made by people turning a blind eye to readily available science/data completed on lakes outside the state of Vermont. Wake research does not have to be conducted in Vermont to be valid. Wave physics do not vary by location. You, the decision makers at the DEC, are also being asked to turn a blind eye to the science/data that has been shared with you over the years by groups such as RWVL (Responsible Wakes for Vermont Lakes).

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The RWVL petition’s 60-acre recommendation assumed only a 200 foot distance between wakesports and other lake users. Now that DEC has accepted scientific research that this safety buffer distance should be 500 feet (or more), the wakesports zone minimum acreage requires a consistent increase in size. In 2022, the extent of the harm created during wakesport activities to our lake environments and the safety of other lake users was not fully realized. Many (and I believe most) people that I have had

discussions with regarding wakeboats and wakesports would strongly prefer that wakeboats not be allowed on Vermont inland lakes.

3). The point stated that "co-usage" of our lakes should be for everyone.

Co-usage is for everyone! But not for every available method of use or recreation. Trailbikes and ATV's are restricted from Vermont's hiking trails. Why? Because of the damage to the trails and the negative impact on the safety and enjoyment of hikers. Wakeboats are not a "Normal" use option on our VT lakes. And, there is no reasonable denying that wakesport activities damage lake environments, water quality, fish and wildlife habitat. They dimmish enjoyment of other lake users and increase safety concerns that the DEC is trying to mitigate.

4). The loon population is making a comeback in VT. Therefore, we don't need to worry about wakesport's wave impact on nesting loons.

Loon population is increasing, largely due to the efforts of the Vermont Center for Ecostudies loon project. Years of work and large amounts of money have been devoted to this project. The VCE's loon project manager, Eric Hanson, has shared concerns with the DEC regarding flooding of loon eggs out of their nests during nesting season. Wakesport waves are much larger than any naturally occurring wind-driven waves. For wakesport advocates to ignore threats to successful loon chick hatching (and some waterfowl species) is unwarranted. I would like to see wakeboats prohibited on water bodies in Vermont during loon breeding/nesting season!

5). Other states have less restrictions on wakeboat usage.

True, and some municipalities have much stronger restrictions. Wakeboats are a relatively new form of boating activity. Most states (if not all) have simply treated wakeboats in the same fashion and with the same regulations as other powerboats. Vermont lakes in general are not as large as many of the lakes being used for wakeboat activities in other states. Many other states, including Vermont’s neighboring states, are currently struggling to adopt wakeboat regulations. They are hampered in their efforts by powerful, deep-pocketed, pro-wakeboat lobbyists. The environmental damage and hazards inherent with powerful wakeboats, particularly while being operated in wakesport mode, has not been adequately foreseen. This lack of foresight is understandable; however, it makes adequate regulations for a technology that is now well established much more difficult, especially with many wakeboat owners crying foul or “it’s not fair” to make regulations targeting their recreation preferences. Is it fair to allow wakesports to adversely impact the majority of other lake recreationists? Common sense points to necessary and adequate regulations.

6). Wakeboat proponents claim that AIS (aquatic invasive species) transfer problems pre-exist wakeboats.

People making this claim can't honestly say that wakeboats equipped with huge ballast tanks that can't, by the nature of their design, be completely drained of water (that may harbor AIS organisms) aren't more likely than other types of boats to cause

the spread of AIS. Are these proponents suggesting we all give up on limiting AIS transfer because it pre-existed wake boats?

7). Some claim that current rules/regulations haven't been in place long enough to necessitate stronger regulations.

The VT DEC had the wisdom to recognize that their first attempt to put in place regulations to mitigate the problems inherent with wakesports required revisions and clarity, and needs to adequately address the previous omission of safety issues. There is never a need to wait to implement safety precautions.

8). Anti-regulation comments decry "policy making based on emotions", not on science.

People's emotions are impacted by experiences as well as facts and knowledge. During your public hearing/Zoom meeting one articulate speaker spoke about "FEAR BASED DISPLACEMENT". Thinking about that, I realized that many swimmers, paddleboarders, kayakers, etc., are reluctantly forced to forgo their water recreation activities when wakeboats are creating ocean-sized waves in an area of the lake they wanted to enjoy. Should one type of lake recreation be allowed if it ruins the enjoyment or causes fear in so many other lake users?

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Most people wanting strong wakesports regulations feel that the public has already compromised. Many would like to see wakeboats and or wakesports banned completely from Vt inland lakes. A task way beyond DEC’s reach, at least currently. Wakeboat operators can still enjoy boating without filling their huge water ballasts or deploying their wakesurf devices/fins. Waterskiing and tubing with a wakeboat is permissible. I'd say that it is a huge compromise allowing a type of boat that is not considered a normal use to be used in Vermont's public waters.

10). Claims were shared that wakeboats only account for 1% of boats registered in Vermont.

The percentage of wakeboats should not be a factor in DEC's deliberation of wakesport regulations. Wakeboat percentages are bound to increase over time. And because wakeboats are currently a small percentage of Vermont boats doesn't negate the fact that they need to be and should be regulated. Should Formula One race cars be allowed on public roads? Most people would say no in consideration of safety concerns. Wakeboats are a cause for safety concerns. We need to regulate their use on public waters.

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We supporters of strong wakesport regulations would echo that sentiment. Use the "precautionary principle" and err on the side of do no harm to our lake's environment

and the safety of other users. Unfortunately, someday a kayaker, swimmer, diver, or a child learning to swim will be killed as a direct result of the large waves and or poor visibility inherent with wakesports. The state that fails to put in place adequate regulations is very apt to face a huge law settlement for wrongful death.

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If that were true, how many other types of lake recreationists would want to use the lake during that kind of wind? Of course, it's not true. Follow the science. Please review the comments submitted to the DEC earlier in this process by the retired physics professor regarding his analysis of the unnatural wave power created by wakeboats.

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Other concerned people have written to the DEC about the mis logic or lack of logic with the above statement. I know from experience that there are times when our family has not been able to let our young grandchildren learn to swim or learn to kayak because of waterskiing generated waves hitting our shore. The 200 foot from shoreline regulation is very often ignored by powerboaters. Not once have I reported the problem to law enforcement. Many times my wife and I have avoided paddleboarding at the

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Please consider the merits of the above points. Your efforts to protect our lakes and keep the public safe are very much needed and appreciated.

Best regards,

Mark Johnston

Dr. Mark D. Johnston

2029 Sunset Lake Rd

Benson, VT 05743

From: Mark Johnston (via Google Docs) <mdjvet579@gmail.com>
Sent: Monday, February 16, 2026 11:13 PM
To: ANR - WSMD Lakes
Subject: Mark Johnston's Wakesport Doc to DEC 2.13.26.docx
Attachments: Mark Johnston's Wakesport Doc to DEC 2.13.26.docx.pdf

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Mark Johnston attached a document

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Dear Wakesport decision personnel,
I tried to send this PDF attachment 2/13/26 and can't determine if it reached you successfully. Please forgive me if you have already received this message.
Respectfully, Mark D Johnston

Mark Johnston's Wakesport Doc to DEC 2.13.26.docx

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Best regards,

Mark Johnston

Dr. Mark D. Johnston

2029 Sunset Lake Rd

Benson, VT 05743

From: Madeleine Ducham <mducham@gmail.com>
Sent: Monday, January 19, 2026 10:17 AM
To: ANR - WSMD Lakes
Subject: Wake Boats

[You don't often get email from mducham@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

We are longtime residents of Lake Parker in West Glover. Our concern with the wake boats is when we are out on the lake in our Kayaks, canoes, paddle boards , or swimming, we are fearful of being swamped by the waves from the wake boats. We notice that the speed and the excessive waves caused by these boats in small lakes are most disruptive. They are the cause of serious erosion and are a threat to our wildlife, especially our loons. They can also be a threat to our safety on the lake.

We believe that wake boats should not be allowed on VT small lakes. We need to protect our endangered environment .

Thank you for considering our concerns.

Ronald & Madeleine Ducham
103 Holt Lane
West Glover, VT 05875

From: Pamela Powell <mermaidpam@yahoo.com>
Sent: Friday, February 6, 2026 4:39 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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I urge the ANR to agree to the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

- I support the DEC's amended Rule changes as they align with my environmental values.
- Increases the minimum safety wakesports zone from 50 to 100 acres.
- Requires a minimum wakesports run of 3,000 feet.
- Expands the safety buffer from other users and water structures from 200 to 500 feet.
- Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

- a minimum 30-foot water depth;
- a 700-foot setback from other lake users, shorelines, and loon nests
- the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Thank you for your time and attention to this matter.

Pamela Powell
26 Common Way
Charlotte, VT 05445

"We are here to awaken from our illusion of separateness."

-Thich Naht Hahn

From: Christine Cano <mermaidvt@gmail.com>
Sent: Friday, February 20, 2026 1:11 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Wakesports UPWR DEC comment_2-20-26_CC.pdf

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Hi Laura
When I copy pasted my comments into the form the formatting broke up so i am sending via this email.

Glad this task is over! Chrissie

I commend the Department of Environmental Conservation (DEC) for revising the Use of Public Waters Rules (UPW) to strengthen public safety on Vermont lakes from the risks posed by wakesports. I strongly support these changes, which extend critical safety buffers between wakesports activities and other lake users. Every decision must be guided, first and foremost, by public safety and human health.

Specifically:

- Increasing the minimum wakesports zone to a minimum 100 acres, with a 3,000-foot run.
- I also fully support the wakesports zone definition in Section 5.7 as written, with no flexibility or compromise for permitting wakesports. If these activities must be permitted, they must be exclusively confined to water bodies that fully meet all zone parameters.
- Expanding safety buffers for wakesports between other users and shoreline structures from 200 feet to 500 feet to increase public safety and the 500-foot buffer from loon nests.
- The smoothing of wakesports zones.
- Requiring wake boats to undergo state-approved hot water decontamination when traveling between lakes.

Wakesports are designed to displace large volumes of water and generate kinetic energy that greatly exceeds that of traditional motorboats. Modeling based on the Marr et al.,(2022) wave study, applied to Vermont's smaller lakes, demonstrates that a shoreline buffer of 500 feet with a wakesports zones under a 100-acre threshold lacks sufficient space for enhanced wake energy to fully dissipate. As a result, nearly the entire lake surface is exposed to intense wave forces, creating a high-risk environment and compounding safety and environmental concerns.

During the 2024 LCAR rulemaking, former DEC Commissioner Jason Bathcelder stated that wakesports do not qualify as "normal use" of public waters, as defined by UPW Rule 5.6.

Under the Use of Public Waters Rules:

Section 2.6 (a): "Use conflicts shall be **managed in a manner that provides for all normal uses to the greatest extent possible** consistent with the provisions of Section 2.2 of these Rules.

Section 2.2 (b): "The public waters **shall** be managed so that the various uses may beenjoyed in a reasonable manner, **considering safety and the best interests of both current and future generations** of citizens of the State and the need to provide an appropriate mix of water-based recreational opportunities on a regional and statewide basis."

10 V.S.A. §1424 (c): "**The Secretary shall** attempt to manage the public waters so that the various uses may be enjoyed in a reasonable manner, in the best interests of all the citizens of the State. To the extent possible, the Secretary **shall provide for all normal uses.**"

10 V.S.A. §1250 (1): "**protect and enhance the quality, character and usefulness of its surface waters and to assure the public health;"**

Wakesports are not considered normal use and have been shown to endanger public safety, disrupt longstanding recreational activities, and cause environmental harm—clear violations of UPW rules.

Permitting such activities, or any action that conflicts with UPW rules, the decontamination requirements of 10 V.S.A. § 1454, or the protection of navigable waters and shorelands under § 1424, undermines the Agency's mission, conservation principles, and public trust obligations. Authorizing wakesports is fundamentally incompatible with the Agency's statutory duty to protect human health, public safety, and Vermont's public waters—resources held in trust for the public good and for the benefit of all current and future generations.

A Clarion Call For Public Safety

Across Vermont—and in lake communities across other states—there has been a consistent call for strict regulatory action for wakesports. Residents who value their lakes are witnessing the safety risks firsthand, including dangerous encounters, near misses with swimmers that could have resulted in a fatality, swamped and capsized boats. These incidents are not isolated; they represent a clear collective warning from those who live closest to the dangers. Many people refrain from reporting these incidents due to a lack of enforcement, opting instead to avoid the lake when wakesports commence.

Nine petitions covering 10 lakes submitted to the DEC also underscored this stark reality: wakesports on small and mid-sized lakes pose major safety risks, disrupt traditional recreation, and can intensify shoreline erosion, degrade critical habitats, and disturb wildlife.

Unreasonable Interference

The State regulates the use of public waters with the intent to allow all Vermonters and visitors to use these shared resources in a "reasonable manner". The heart of the conflict over wakesports centers on physical displacement and unreasonable interference with traditional recreation. When a single activity so drastically alters the aquatic environment that historic uses become unsafe or impossible to enjoy, a crisis of access arises. As a result, traditional users are finding their access is restricted to non-wake-surfing hours out of concern for their safety.

On smaller lakes, the powerful wakes and capsizing risks generated by wakesports effectively exclude traditional users, rendering the waters navigable only by the largest vessels. In public water management, the "least restrictive" approach practicable mandate (UPW Section 2.6 (b)) should always be subordinate to the priority of public safety. Although this philosophy is meant to maximize freedom for everyone, it breaks down when wakesports dominate, rendering normal recreational use unsafe for most users. This directly contradicts the principle of sharing public water resources in a "reasonable manner".

Allowing a single activity to jeopardize a shared resource and displace longstanding public uses is not truly "least restrictive" management. Instead, it is creating a state-sanctioned exclusion of traditional users. This approach undermines the very protections intended for normal use recreation and prioritizes wakesports over established activities that have historically enjoyed access to public waters.

Hydrodynamic Physics

Opponents of the proposed wakesports zone and 500-foot safety buffer—primarily a small group aligned with the profit-driven boating industry—routinely dismiss these rules as "arbitrary" and demand "Vermont-specific" data or field studies. The industry has hired lobbyists and brought in outside representatives to advance its agenda to block Vermont's wakesports regulations and to bolster opposition to similar measures gaining traction in other states.

Their argument for requiring Vermont-specific data to justify the rules overlooks a fundamental fact: hydrodynamic physics is universal. Wave formation and energy dissipation are governed by boat speed, hull design, and displacement—not geography or state boundaries. Public safety concerns related to wakesports are not hypothetical; they rare real and result directly from these immutable physical laws.

While the environmental effects of wakesports waves can differ based on lake characteristics, such as basin shape, size, depth, shoreline conditions, usage intensity, and cumulative impacts—the fundamental physics never change. The distinction lies in how these universal laws play out in each unique lake environment, not in the laws themselves.

The DEC's proposal for a minimum 100-acre wakesports zone is driven by the powerful waves generated by wakesports and the imperative to protect public safety. This measure is firmly grounded in peer-reviewed science, especially the Marr et al., (2022) wave study, which serves as the foundation for wakesurf regulation and is directly relevant to Vermont's inland lakes. In addition, the 3,000-foot continuous run and 500-foot buffer are science-based technical standards, designed according to the physics of wake formation and the principles of safe vessel operation. By relying on established science, these regulations are both effective and defensible for protecting Vermont's lakes—without requiring redundant, taxpayer-funded local studies.

Wakesurfing Poses Extreme Safety Risks

Wakesurf boats operating in a "bow-high" pitch significantly reduce the driver's forward visibility, creating a dangerous blind spot directly ahead. Operators may be unable to spot low-profile objects, such as a swimmer's head or a kayak, until it is too late to safely maneuver or stop the heavily ballasted vessel, increasing the risk of collision and threatening the safety of wakesurfers and others nearby on the water. Notably, a wakesurf boat operator from the Lake Bomoseen area publicly acknowledged these visibility dangers at the Brandon meeting, underscoring the seriousness of the issue.

Additionally, repeated wakesurfing passes and multiple wakesurf boats operating simultaneously generate high-frequency rebound waves that create choppy water, making it even harder to spot swimmers and small craft. Vermont needs stronger buffer regulations that will effectively reduce potential accidents and better protect vulnerable lake users from being swamped or struck by wakesurf boats.

Modeling based on Marr et al.,(2022) wave study demonstrates that on small lakes like Shadow, even a single wakesurf boat operating within the current designated wakesports zone can produce enough powerful wake energy to impact almost the entire lake. No matter the wakesports operating path (continuous oval, "dog-bone" turn, or a typical straight 2,000 to 4,000-foot run length), displacement and propulsion remain constant, and the total energy released is unchanged. On smaller waterbodies, this energy becomes trapped by the shoreline, intensifying its destructive impact. The principle of wave persistence highlights the problem: unlike short, wind-driven waves that dissipate quickly, wakesurf waves are long, heavy, and powerful, and retain their energy across the lake. These persistent waves on small lakes pose serious public safety risks and can inflict lasting damage on shorelines and habitats.

Of the 12 lakes too small for a wakesports zone, Lake Fairlee poses the greatest and most urgent public safety risk. Five summer camps line its shores beside the wakesports zone, hosting 1,800 youth and family campers each season—most are children, many learning to swim, paddle, and sail, as generations have done for over a century. The immense displacement power of wakesurf boats cannot be offset by

better education or conscientious operation; their wave energy must dissipate, inevitably impacting the shoreline. Even a single wakesports boat creates a serious safety threat, with powerful wakes reaching nearshore areas where campers gather, placing them in immediate danger. For these reasons, wakesports cannot be safely accommodated on this lake. Public safety must always take precedence without compromise. The preferences of a handful of wakesports enthusiasts sharing one resident wake boat should never outweigh the safety of longstanding traditions of normal-use recreation enjoyed by the majority, or the well-being of the broader community.

Increasing Safety Buffers, the 1000-Foot Reality

The Marr et al., (2022) study found that 2019 model wakeboats must operate more than 600 feet from shore for wakesurfing waves to dissipate—three times the distance needed for ski-boat waves at 200 feet. Based on these findings, DEC staff recommended a 600-foot buffer in their September 18, 2023 memo.

Since the original study, new wakesurf boat models have reached 650 horsepower and over 17,000 pounds—nearly two tons heavier than the 2019 models evaluated. Importantly, the Marr study did not consider the compounded impact of multiple wakesurf boats operating at once. Overlapping waves can cause constructive interference, creating destructive "super-peaks" with far greater energy than a single wave. Consequently, while the 2022 study found that wave energy from 2019 wakeboats dissipated at 600 feet, today's 7-8 ton vessels can generate surges traveling more than 1,000 feet before subsiding to safe levels.

Vermont continues to regulate wakesports based on outdated data, even as 2026 brings more challenges: multiple wakesurf boats operating simultaneously and rapid industry advancements. To safeguard public safety and prevent potentially irreversible ecological harm, the precautionary principle compels us to implement stronger, forward-looking regulations.

Protecting Loon Nesting Sites

I strongly support expanding the safety buffer from loon nesting sites to at least 500 feet, and I advocate for increasing it to 700 to 1,000 feet for greater protection. As a loon monitor at Shadow Lake, I have witnessed firsthand the impact of disturbances from a 1999 Malibu ski boat with a 300 hp engine while wakeboarding more than 1,000 feet from our loon nesting raft, creating waves powerful enough to rock the raft and put the eggs at risk. My experience highlights the need for a wider buffer for wakesports more powerful waves to adequately dissipate to better protect loon nesting sites.

Wakesports waves present a dual threat: they can easily flood shoreline nests, drowning eggs and wiping out a loon pair's entire season's reproductive effort, while also swamping vulnerable chicks in open water. These cumulative losses can severely undermine the population's long-term viability. Extended buffer zones further safeguard sensitive wildlife and the crucial aquatic habitats where the delicate biological food web originates—the very foundation of Vermont's biodiversity and ecological integrity.

Decontamination

I strongly advocate for mandatory hot-water decontamination of wake boat ballast tanks as a critical defense against the accelerating spread of aquatic invasive species in Vermont. AIS are biological pollutants. Despite repeated warnings, the boating industry has ignored the AIS threat and resisted redesigning ballast tanks for effective decontamination.

Wakesports are now the fastest-growing motorized aquatic sport in the country, yet research shows that complex ballast systems present a significant ecological risk. Because current pumps cannot completely drain these tanks, 8 to 23 gallons—or more—of residual water often remain trapped in their dark, moist interiors. This stagnant water creates a perfect habitat for AIS microscopic larvae and plant fragments, allowing them to survive and spread when the water is finally discharged. Because the number of AIS present increases proportionally with the volume of water carried (Kelly et al., 2013), the subsequent discharge of these tanks into our lakes creates a **high-risk transmission** event far greater than that of outboard motor cooling systems or easily cleaned fishing live wells.

To safeguard Vermont's ecological health and avoid millions in taxpayer dollars spent on long-term mitigation, the state must replace the unverified 'honor system' with a mandate that all ballast decontaminations be performed by certified technicians. Full compliance should require boat operators to present a validated, dated receipt of professional service before launching into any Vermont waterbody.

Reccommendations:

- Extend the dry time for wakeboats to align Vermont with proven Dreissenid mussel protocols used in western states, UMPS III (2016). A 30-day requirement acknowledges that invasive larvae can survive in internal ballast far longer than two weeks, which amounts to a negligible inconvenience compared to the extensive costs of a permanent infestation.
- All wakeboats, including those from outside Vermont, should be required to complete Vermont-specific decontaminations. Other states' protocols do not always meet stringent disinfection standards for AIS or ballast compartments.
- Operators of wakeboats should be required to provide a dated, verifiable receipt of Vermont-approved hot-water wash decontamination by a certified technician to make the rule enforceable.
- Because wakesports have been officially recognized as outside the scope of normal use activities—and since normal use is fundamental to UPW Rules—the regulations should include clear language stating that wakesports and other emerging non-normal use watercraft technologies should not be subject to the same UPW standards as traditional recreation like swimming, paddling, fishing, or waterskiing.
- The current UPW petition process should require that any non-traditional use activities or new watercraft technologies proposed for use on public waters must first file a petition. The petitioners should clearly prove that their activities do not pose public safety hazards or harm the environment.

Vermont faces a serious ecological and economic threat from several invasive species poised to enter our waters. Hydrilla—an aggressive, fast-spreading aquatic plant—has already established itself in the Connecticut River. Its proximity is especially alarming, as hydrilla is one of the most difficult and costly aquatic plants to control in North America, and it's invasion will dramatically alter our ecosystems. To prepare for its inevitable arrival, Vermont must urgently adopt stringent decontamination standards and accelerate the implementation of decontamination stations.

Better Protection for Vermont's Pristine Waters and Wakesports Eligible Lakes
Pristine lakes deserve the highest level of protection; therefore, I unequivocally support a full moratorium on wakesports in these waters. This protective strategy is not merely a matter of preference —it is a biological imperative.

Of Vermont's 18 lakes eligible for wake sports, 9 are still free of aquatic invasive species and 5 are seeking A(1) reclassification. The state's few, and inconveniently located decontamination facilities make effective boat cleaning difficult. Until a network of accessible state-approved decontamination sites is established, wakesport boats must be prohibited from pristine waters, like Caspian Lake, Echo Lake, and the Averills, which currently have excellent water quality, have no resident wakeboats and vehemently oppose their access.

Wake boats cannot comply with the decontamination requirements of 10 V.S.A. §1454, so their exclusion is necessary until sufficient infrastructure is in place. With the DEC's decade-long timeline for this infrastructure development, a prolonged and dangerous window of risk remains. Nearly all guidance from the Agency—both online and in print—regarding aquatic invasive species control consistently prioritizes preventing their introduction into new waterbodies.

Once a lake becomes infested, ecological changes are often irreversible or prohibitively expensive to address, and the process can take years, decades or forever. The rise of aquatic invasive species infestations has already soared over the past decade, with Eurasian watermilfoil as the chief invader. The threat of Dreissenid mussel invasion is advancing, and there is currently no known effective method for human control.

Given this urgent context, Vermont must adopt a precautionary principle—prioritizing the long-term protection of its AIS-free waters over wakesurfing participation, thereby reducing the risk of invasive species spread.

If we say AIS prevention is a priority, we need to treat it as a priority.

The inconvenient truth is that, under this administration, the ANR has adopted a stance of tolerating some AIS spread rather than enforcing zero tolerance. This shift devalues the decades of unwavering dedication from volunteer water stewards, who have invested immense time, labor, expertise, and personal resources to safeguard our lakes—and inspired countless others to join their efforts. State AIS control programs continue to depend heavily on lake associations and volunteers for the bulk of this work; every new acre of milfoil or zebra mussel invasion represents a prevention failure and a setback for everyone who cherishes and funds these waters.

By tolerating AIS risk, the state invites irreversible harm to Vermont's most valuable natural resources. These exceptionally clean and clear waters represent some of the last pristine ecosystems in the state. Permitting high-risk wakesport activities—and the environmental damage they cause—without adequate decontamination infrastructure puts taxpayers on the hook for millions in future management costs and leaves these fragile ecosystems vulnerable to irreversible harm. Decisive regulatory action is essential to prohibit wakesports and ensure the enduring protection of these invaluable lakes before the opportunity to preserve them is lost forever.

Lakes Eligible For Wakesports: The same environmental impacts of wakesports also pose risks to waterbodies the Agency considers suitable for such activities. Studies show that, depending on hull design and ballast weight, wakesurfing boats require at least a shoreline buffer of 600 to 1,000 feet for wave energy to dissipate to safe levels. To protect these lakes and the safety of people nearshore, the state should adopt a wider shoreline buffer—exceeding the current inadequate 500 feet—and proceed with implementing the minimum 500-foot safety buffer between wakesports and traditional recreation users. As wakesport activities inevitably shift to these lakes, forward-thinking stronger regulations are imperative to prevent ecological degradation and limit the spread of aquatic invasive species.

Depth Restriction

I strongly advocate implementing more robust depth regulations requiring a minimum water depth of 30 feet or greater. Beyond safety and recreation, we must remain vigilant about a lake's ecological carrying capacity—especially in the littoral zone, the lake's cradle and nursery for juvenile fish—which is highly vulnerable to the powerful surges generated by wakesurfing activities.

In shallow water, the high-energy wakes generated by wakesurf boats, combined with the downward force from wake-enhancing propulsion, has nowhere to dissipate except toward the shoreline and the lake bed. This results in the disruption of bottom sediments and negative impacts on aquatic life. Wake boats with deep hulls and propellers, and powerful engines scour the lake bottom, uprooting or damaging aquatic plants and resuspending phosphorus-rich sediment, which can trigger algal blooms and further degrade water clarity. Phosphorus is widely acknowledged as the primary limiting nutrient and the main driver of freshwater lake eutrophication.

The Saint Anthony Falls Laboratory (SAFL) Phase II study, Riesgraf, et al. (2025), suggest that wakesport vessels need a water depth greater than 20 feet to minimize their hydrodynamic impacts on the lake bottom when in surf mode. The SAFL study showcases striking underwater video footage revealing substantial disruption to the lake bottom, the sediment-laden water column, and the floating, fragmented aquatic plants caused by passing wakesurf boats. The Terra Vigilis (2024) report documents that a minimum water depth of 26 feet is required for wakesurfing boats. Accordingly, a precautionary approach is warranted, and regulatory measures should be strengthened.

Increasing depth requirements reduces shoreline erosion and sediment disturbance, both of which severely damage fish habitats, and contribute to population decline. Vermont's Water Quality Standards prioritize the protection of aquatic biota from degradation. Disturbance of shoals and stable substrates impairs native fish spawning, while sedimentation can suffocate fish embryos, and disrupt the aquatic food web, jeopardizing essential organisms and accelerating biodiversity loss.

With years of hands-on experience managing multiple Eurasian water milfoil infestation sites in Shadow Lake, I can state with absolute confidence that effective control would have been impossible if wakesports with wake-enhancing propulsion had operated near the 20-foot depth limit at these highly sensitive locations. Such activity would have inevitably disturbed, damaged, and in all probability fragmented the brittle invasive plants, leading to widespread dispersal of fragments and the swift formation of new colonies throughout the lake.

Recommendations:

- Increase the wakesports depth restriction to at least 30 feet to provide stronger protection for lake bottoms and fragile aquatic habitats.
- Implement a 40-foot minimum depth restriction for wakesports on waterbodies with aquatic invasive plants to protect infestation sites. This is especially important because Eurasian water milfoil can reach heights of 30–33 feet in clear water.
- Implement a rule to limit boat displacement based on the size and depth of inland lakes. This measure will reduce the high-energy impacts of heavy vessels, enhance public safety, preserve traditional recreational use, prevent shoreline erosion, protect littoral zones, minimize lake-bottom disturbance and nutrient loading, safeguard sensitive aquatic life and loon nesting sites, and strengthen the resilience of lake ecosystems.

Lastly, I recommend:

Removing Section 4.1(j)(4) Compliance with Agency Rules and Materials.
This section, which addresses the operational parameters of the Greeter Program, is completely unrelated to the purpose of the Use of Public Waters Rules and goes beyond their intended scope, creating an unnecessary tangle of regulatory complexity. The primary purpose of the UPW Rules is to manage "normal uses" of public waters and to provide a framework for reviewing petitions related to use conflicts. The governance of the Greeter Program is an administrative matter that falls under the Agency's internal procedures or the specific statutes governing aquatic nuisance control. Moreover, the language in this section exceeds 10 V.S.A. §1453 provisions and introduces requirements not explicitly outlined by law.

In closing, this use conflict goes beyond individual interests—it centers on safeguarding public safety and upholding our collective responsibility to protect the biological integrity of our state's water bodies and their economic future. Our lakes are more than recreational resources; they are vital environmental and economic engines for the entire state that sustain our citizen's quality of life. Preserving their long-term health requires regulations that keep pace with, and evolve as quickly as, the advancing technologies that affect them. Only by addressing these priorities holistically can we meet our collective responsibility to Vermonters—now and in the future.

I recognize that the Agency of Natural Resources has a duty to prioritize public safety, safeguard normal recreational uses, preserve the environment, and serve the best interests of both current and future generations of Vermonters when managing the state's waters. This raises a fundamental question: If permitting wakesports defies common sense and clear scientific evidence of environmental harm, what justification can the Agency possibly offer for exposing Vermont's Public Trust waters to such risks?

Thank you for the opportunity to comment.

Respectfully submitted,

Christine Cano
Lifelong Vermonter

From: Michael Deck <michael.c.deck@gmail.com>
Sent: Wednesday, February 25, 2026 10:37 PM
To: ANR - WSMD Lakes
Subject: Wakeboarding changes

[You don't often get email from michael.c.deck@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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I sent comments in via the survey site, but I think I ticked the wrong box.
I intended to indicate opposition to any change in the rules that would expand the use of wakeboarding or wakeboats on the lakes. I've been a property owner on Lake Willoughby for many years and it would be a shame to see it treated this way.
Thank you.
Michael Deck
Sent from my iPhone

From: Michael Tabtabai <michaeltabtabai@gmail.com>
Sent: Friday, February 20, 2026 4:10 PM
To: ANR - WSMD Lakes
Subject: in respectful opposition of proposed wakesports changes

You don't often get email from michaeltabtabai@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds,

I am an avid boater and a Vermont lake property owner. I am taking advantage of the opportunity to submit public comments regarding the proposed 2025 wake boat rule amendments.

I respectfully submit this letter to outline my **opposition** to these proposed additions:

- the 3,000-foot straight-run requirement
- the “500 feet from any object” provision within a wakesports zone
- the increase in minimum lake size from 50 acres to 100 acres
- and to address the related argument that wakesports constitute a “non-normal use” of Vermont public waters.
- Section 3.7 and 4.3Rule Changes

1. Opposition to a 3,000-Foot Straight-Run Requirement

There is no peer-reviewed environmental or boating-safety research establishing 3,000 feet as a required minimum run length for safe wakesurf operation. The wake studies most often cited address wake characteristics, wave attenuation, and potential environmental effects. They do not prescribe a minimum straight-run distance.The 3,000-foot number appears primarily as an operational description of a typical ridelengthand as an assumption used in geometric modeling of space. This reflects boating practice and zoning math, not measured hydrodynamic necessity.

Conclusion: Because no scientific or environmental study establishes a need for a 3,000-foot straight run, this is a policy choice. It should not be characterized as science-based without a peer-reviewed study demonstrating necessity.

2. Opposition to“500 Feet From Any Object” Within the Wakesports Zone

Vermont already operates under a statewide boating safety structure built around a 200-foot framework related to swimmers, shorelines, and other vessels. Major wakesurf research discussions focus on wake energy and wave attenuation, not on collision envelopes or separation bubbles from “any object.” For example, work from the University of Minnesota and St. Anthony Falls Laboratory examines distances needed for wake characteristics to diminish. That is a wake-behavior question, not proof that 500 feet from all objects is required for safe operation. Requiring 500 feet from shore and 500 feet from other vessels or swimmers creates a large moving exclusion zone. In normal lake use, this can make compliance impractical, converting theoretical allowance into practical prohibition.

Conclusion: Without a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this reads as a policy restriction rather than a science-based safety threshold.

3. Opposition to Increasing Minimum Zone Size from 50 Acres to 100 Acres

Acreage is not a direct scientific variable. Area thresholds are derived from assumed run length, wake width, and setbacks—geometry, not hydrodynamics. Vermont’s current rule already requires at least 50 acres, along with shoreline setbacks and depth requirements. Increasing to 100 acres will remove additional water bodies by definition. That is a policy outcome and should be acknowledged as such.

Conclusion: Absent a study showing that 50 acres with existing safeguards is insufficient and 100 acres is necessary, this change functions as a policy lever to restrict access.

Section 3.7 and 4.3

Overall Scientific Context

Vermont's existing wakesports zone definition is already restrictive and codified. The Broader research landscape on wake attenuation is mixed and condition-dependent.Vermont has not produced Vermont-specific hydrodynamic field research in this record demonstrating that the escalated numerical thresholds are necessary statewide.

Final Conclusion: I oppose the additional restrictions because:

1. 3,000 feet is not shown to be required by scientific research; it is an operational assumption.
2. 500 feet from any object is not supported by wake attenuation science and functions as a practical access restriction.
3. 100 acres is a policy exclusion tool, not a measured environmental threshold.
4. Wakesurfing represents an evolution of long-standing towed watersports and falls within Vermont's normal use framework.

Taken together, these proposals read as policy mechanisms to further restrict use in the absence of Vermont-specific scientific findings.

Thank you for considering this comment.

--
Michael Tabtabai

C: 203.645.1750

From: Mike <mikecampo55@gmail.com>
Sent: Tuesday, February 17, 2026 7:17 PM
To: ANR - WSMD Lakes
Subject: wakesports

You don't often get email from mikecampo55@gmail.com. Learn why this is important

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Dear DEC: Please remove Harvey's Lake from the list of wakeboat lakes. When wakeboats are using the lake it is impossible to use it for paddle sports because of the large waves. Also, I expect the resident Loons are bothered by them. Harvey's Lake is just plain too small for wakeboats!

Thank you,
Mike Campo, Barnet.

From: Michael Kenosh <mkenosh@hotmail.com>
Sent: Thursday, February 12, 2026 8:38 PM
To: ANR - WSMD Lakes
Subject: 2026 proposed wakesports rule

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

February 12, 2026

Dear ANR Board,

I am writing to respectfully and strongly oppose any additional restrictions to the wakeboat rule that went into effect in 2024. As a 20-year resident of one of our state's beautiful lakes, with a science background, I am confused and upset at additional unfair targeting of our recreational pursuits. The conclusions previously drawn have no grounding in reliable scientific method and are fraught with bias and poorly drawn inferences. Well-designed studies surrounding wakeboat wave dynamics compared to traditional motorboats and nature do not support the need for additional restrictions and limitations above the current rule.

As I reside directly on lake frontage year round, I often observe waves crashing over my seawall. The most egregious perpetrator is a moderate wind from the west. Non-wakeboat motorboats and pontoon vessels constantly disregarding no wake zones within 200 feet from shore are next, and these cause much more distress to land and my family than the small number of wakeboats that are surfing in the middle of the lake. These direct observations coincide with data from studies like Goudy and Girod, 2015.

Wakeboats accounted for **just 1.1% of all motorized boat launches statewide in 2024**. It is not reasonable or fair to single out such a small portion of the boating community with further restrictions when the existing rule has been in place for such a short time; especially without objective evidence of problems. Your own review of the first boating season found no violations of the wakesports rule and very few complaints — all of which were unfounded. I did notice that complaints of violations of the shoreline safety zone were registered that turned out to be complaints of the behavior of traditional motorboats and not wakeboats. This further supports a misunderstanding and targeting of our population.

After review of the proposed rule amendments, supporting materials, and the scientific research commonly cited in this rulemaking, I formally specifically oppose the following proposed standards: •Increase to 100 contiguous acres •Requirement of a 3,000-foot straight run •Expansion of the buffer to 500 feet from any object while in the wakesport zone •Normal Use Definition •Vermont Use of Public Waters Rules—Section 3.7 Wakesports Section 4.3 Temporary Use Restrictions.

These newly proposed restrictions are **not scientifically based** and instead are speculative and make broad assumptions. Policy should not exceed evidence. Although I do not currently agree with the rule as written, I respectfully ask that you allow the current rule to remain as written and not move forward with additional changes.

Sincerely,

Michael J. Kenosh, MD

Sent from Outlook

From: Michael Kenosh <mkenosh@hotmail.com>
Sent: Tuesday, February 17, 2026 10:26 PM
To: ANR - WSMD Lakes
Subject: 2026 Wakesport proposed ruling comment letter

You don't often get email from mkenosh@hotmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR Board;
I previously sent my letter in opposition to additional rules restricting wakeboats in the state of Vermont over and above the current restrictions established in 2024. I neglected to include the scientific references which support my opposition to the new proposals including the 3,000 foot straight run, the 500 foot restriction from any object, the 100 Acre minimum, and the non-normal use claim. Please reference the following at your discretion:

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
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https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

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https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

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Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

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Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

Thank you,

Michael J. Kenosh, MD

Sent from Outlook

From: Jennifer Mogck <mogckjennifer@gmail.com>
Sent: Thursday, February 19, 2026 6:01 PM
To: ANR - WSMD Lakes
Cc: Vanessa Riegler; Steve Wyckoff; John Klopf
Subject: Vermont's Wakesports Rule | Proposed Update

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Vermont Department of Environmental Conservation
Watershed Management Division
State of Vermont

Dear Commissioner and Members of the Department,

On behalf of the Board of Directors of the nonprofit Aloha Foundation, we submit this public comment in strong support of the proposed update to Vermont's wakesports rule establishing a minimum 100-acre wakesports zone. We respectfully urge the Department to adopt the rule as written, without exception.

Lake Fairlee has hosted summer camps for at least 120 years with nine camps at one point and five today, three of which are run by our nonprofit. This long history reflects the lake's primary and enduring use: youth camping and family recreation centered on a calm and safe waterfront.

Hundreds of campers and staff at the five Lake Fairlee camps make daily use of the waterfront for swimming, paddling, rowing and sailing all summer long. By contrast, our understanding is that only one wakesports boat currently operates on Lake Fairlee, serving a very small number of users.

Given the 500-foot setbacks, Lake Fairlee's resulting sub-100-acre wakesports zone is not only too small, but also poorly located. Any activity in the wakesports zone must occur in front of at least one active camp waterfront (the zone is centered between four camp waterfronts). Wakesports boats are obviously designed to generate large wake, creating hazardous conditions for swimmers and small craft.

Many of these campers are children who are just learning these water skills, and a calm, wake-free lake creates a safe environment for them to learn. When significant wake occurs, it endangers our campers and therefore to maintain camper safety our camp staff must clear the area and/or remove campers from the water, disrupting programs and activities which have been the dominant uses of the lake for well over a century. Over the past century the camps on Lake Fairlee have helped thousands of children learn to swim, kayak, canoe, and sail. The wakes created by wakeboating are detrimental to the safety of our campers and counter to our program mission.

Our six programs on Lakes Morey and Fairlee, along with the other two Lake Fairlee camps, contribute significantly to the local economy, providing employment for local youth and adults, purchasing goods from nearby farms and businesses, and bringing seasonal visitors who help sustain local stores, restaurants, and lodging. In addition to providing significant, life-changing programs to our participants, the vitality of our organization and the other two Lake Fairlee camps economically benefits the surrounding area including the three towns bordering Lake Fairlee.

We strongly support adoption of the rule prohibiting wakesports boats on lakes with less than 100-acre wakesports zones, without exception, to preserve the safe, peaceful, and natural character of Lake Fairlee and similarly situated Vermont lakes.

Thank you for your thoughtful consideration and continued stewardship of Vermont's waters.

Respectfully submitted,

Jennifer Mogck, Chair
On behalf of the Board of Trustees of The Aloha Foundation

From: sharo Morgan <morgansharon3255@gmail.com>
Sent: Monday, February 16, 2026 7:35 PM
To: ANR - WSMD Lakes
Subject: Re: Wakesports

[You don't often get email from morgansharon3255@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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Hello and salutations!

I am writing to formally oppose the proposed rule amendments to the wake surf standards and here's why……

I've been enjoying the lake since 1987, first as a visitor to Treasure Island, then as a lake resident at 81 Passumpsic Point with my husband, Jim. In all that time I have swam, sailed, kayaked, paddle-boarded, and motored on my family's motor boat, watching our adult children and grandchildren tube, wakeboard and more recently wake surf without incident. Indeed, what was more common as lake dwellers and neighbors on Lake Fairlee (among many on our lake) was the community spirit of working together to maintain the health of the lake, and lend a helping hand to someone in need or trouble while enjoying the lake. But this community spirit has been gravely tested over the last several years due to the issue of wake surfing.

But this issue seemed to begin percolating around the time of the covid pandemic, when it seemed that everybody and anybody was buying or borrowing a motor boat to enjoy on the lake (And I'm sure in many other lakes in VT). Many summer days during that time, especially on weekends, the wake from too many boaters driving too close to shore would send high ripples of water onto our property shoreline. At these peak times, our family usually chose to stay close to shore and wait till the activity slowed down. And during these peak times, we observed that some of those operating their motor boats did not appear to understand the rules of the "road", so to speak. It was during this time that some issues of wake boats causing distress and possible harm to people using the lake surfaced at our Lake Fairlee Association (LFA) meetings.

I did not fully understand then, that the LFA was contemplating using these events to target specifically wake boats with in board, fillable tanks- which I call surf boats. (Of which there are two resident ones on Lake Fairlee- we have owned one of them since 2022).
As a long-time member and supporter of the Lake Fairlee Association, I care deeply for the health of the lake and the ability of all residents and community members to enjoy the lake safely. And I can also attest that any family member who operates our boat is fully certified through the US Coast Guard boater education program. To my knowledge this is not mandated by the state of Vermont.

Since the original regulations were implemented by the state of Vermont, our family has ably complied with them and it appeared to be working well. The LFA has not documented any evidence that it has not worked. Nor has there been any attempt to understand how many of these boats among all the boats that put in on Lake Fairlee are "surf boats" with in-board filler tanks. Most importantly, scientific-based evidence is sorely lacking to support these proposed changes.

Subsequently, I respectfully request that any regulatory decisions be grounded in evidenced-based science, and in fairness, continue to retain the existing 50-acre continuous rule, within the existing 3,000 ft straight run that our family has used so successfully and safely.

Thank you for your attention.

Kind regards,

Sharon Morgan

Sent from my iPad

From: Julie Mountain <mountain_299@hotmail.com>
Sent: Friday, February 20, 2026 2:27 PM
To: ANR - WSMD Lakes
Subject: Fw: Wakesports and DEC proposed changes

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I attended the Wake Boats discussion held in Barre earlier this month via video conference.

There are two sides of this discussion:

1. Those in favor of Wake Boats with no additional regulation or restraint.
2. Those in favor of additional Wake Boat Regulation or a complete ban.

In listening to all of the comments, it became clear to me that Wake Boat proponents argue from the basis of individual choice. All boats pose risks and their choice of recreation should not be restricted.

Conversely, those in favor of additional regulation or a ban are concerned with the greater good or the preservation of the natural world.

While I wholeheartedly embrace the concept of individual choice, when that choice impacts more than the individual, in this case, the public, the environment or both, there needs to be regulations and additional controls. Period!

Thank you!

Julie Mountain
802.793.6100 - cell

From: Julie Mountain <mountain_299@hotmail.com>
Sent: Monday, August 18, 2025 10:50 AM
To: anr.wsmdlakes@vermont.gov <anr.wsmdlakes@vermont.gov>
Subject: Fw: Wakesports and DEC proposed changes

To whom it may concern:

I attended the meeting on 7/31 hosted in Derby, VT via Zoom. I am a year-round resident of Lake Willoughby and opposed to Wake sports on all lakes in Vermont. For convenience, I have forwarded my remarks from December's meeting directly below.

I understand that it is unlikely that the DEC will be able to ban these destructive boats. I appreciate the DEC's proposal to increase the wake boat zones but was disappointed by the removal of the Home Lake Rule as this would ensure that invasives are not spread from lake to lake.

We are seeing climate change unfold before our very eyes with increasing intensity and it is terrifying. Fires and flooding grab headline news throughout the world.

It is unbelievable to me that people continue to ignore human impacts to environment in order to recreate guilt free with a sport that is known to cause irreversible environmental destruction.

When invasives are introduced to pristine lakes as a result - what will our position be then?

I believe the overwhelming majority of people are in support of a ban on wake sports. In my opinion, this type of majority should be automatically handed to the legislature for immediate review if the DEC is unable to ban this activity.

I will be contacting my representatives on this matter so see if a ban can be supported. I appreciate your efforts thus far.

Thank you!

Julie
802.793.6100 - cell

From: Julie Mountain <mountain_299@hotmail.com>
Sent: Saturday, December 21, 2024 12:31 PM
To: anr.wsmdlakes@vermont.gov <anr.wsmdlakes@vermont.gov>
Subject: Willoughby Lake Wake Sports Ban: Julie Mountain Comments 12/10/24 Hearing

To whom it may concern:

Please find my comments in support of a Wake Boat Ban which I presented during the 12/10 hearing in Newport, VT:

Julie Mountain, Willoughby Lake December 10, 2024 Talking Points.

Good afternoon. My name is Julie Mountain and I am a year-round resident of Willoughby Lake since 2006.

Over the last 18 years, I have personally seen the effects of climate change, particularly in the Winter months.

The season is shorter, drier and definitely warmer. Every year now, I wonder not when the lake will freeze but if It will.

My home is over 100 years old. A previous owner, Milton Brown, moved here from NYC after WWII. In the winter, a fully loaded moving van carrying all of his belongings was driven across the lake ice to his west side home. I am sure he couldn't do that today.

So we gather here to talk about wake boats on our lakes. And while I feel strongly in an individual's right to choice, in this case, the choice of recreation, I wonder when we will start questioning the costs of those choices.

I have read the concerns with these boats and their damaging impacts on wildlife, habit, shorelines and the control of invasives, not to mention public safety!

Willoughby is a gem of lake. And she deserves our collective protections. We have banned other types of water sports in the past such as jet skis in 2004.

So, instead of taking the easier and more conventional route, to remain fully fixed in our own opinions, I challenge each of us to meet in the middle and embrace the love and protection of something far greater than our individual choices:

Lake Willoughby!

Thank you!

Other Comments:

I recently spoke with a friend who enjoyed Kayaking on Willoughby for years. She no longer does this because of increased power boat traffic. In her words, the boaters speed from one end of the lake to the other. She no longer feels safe. But what was more disturbing in my mind was that she said she enjoyed the quiet majestic of the lake with all the wildlife. It was spiritual for her. And she no longer comes here. And she never reported this either. How many people are like her?

Finally – a question: If wake boats are allowed and invasives are introduced as we all know they will be - it is just a matter of time - I wonder if my lake front property will be reassessed to lower the property taxes. This is a beautiful lake and she deserves to be protected. I can only hope the State will do the right thing and ban these destructive boats from ruining our beautiful, natural resources.

From: msolimano@yahoo.com
Sent: Thursday, February 19, 2026 11:11 AM
To: ANR - WSMD Lakes
Subject: Wakesports Rulemaking Comment

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Vermont ANR Rulemaking Team,

I am a shoreline resident of Lake Bomoseen submitting comment on the proposed wakesports rule changes. I strongly support protecting Vermont's lakes and believe regulations should be firmly grounded in clear, peer-reviewed science. Several provisions in the proposal raise concern because they do not appear to be supported by Vermont-specific data or established hydrodynamic research.

The proposed **3,000-foot straight-run requirement** does not appear tied to any scientific standard measuring environmental impact. Existing wake studies focus on wave attenuation and shoreline interaction, not ride-path length, so this distance seems arbitrary rather than evidence-based.

The proposed **500-foot distance from "any object"** also lacks clear scientific support. Research typically evaluates shoreline effects, and Vermont already has a long-standing 200-foot safety framework that has functioned effectively. Expanding to 500 feet without demonstrated environmental benefit risks imposing restrictions that exceed measurable need.

The proposed **100-acre lake minimum** is likewise not a scientifically responsive metric. Wake energy and sediment disturbance depend on depth, fetch, shoreline type, and bathymetry—not simply lake surface area. A fixed acreage cutoff does not reflect how lake systems actually function.

I am also concerned about classifying wakesports as a **"non-normal use."** Inboard towed watersports have existed for decades and predate the benchmark year referenced. Technological evolution within an established activity does not constitute a new category of use.

Finally, **Section 3.7** raises concern because it appears to allow additional restrictions on approved lakes without clearly defined standards, timelines, or reinstatement criteria. Regulatory provisions should be transparent, predictable, and tied to measurable thresholds.

I respectfully request that the Agency reconsider these provisions and ensure that any adopted standards are supported by peer-reviewed science, Vermont-specific data, and clearly defined criteria.

Thank you for the opportunity to comment and for your work protecting Vermont's waters.

Respectfully,

Mike Solimano

178 Booth Road

Bomoseen, VT 05732

From: marie Waring <mwaring963@gmail.com>
Sent: Wednesday, February 25, 2026 6:31 PM
To: ANR - WSMD Lakes
Subject: Wake sports

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I am opposed to wakeboating on Shadow Lake in Glover, due to the dangers it poses to kayakers, swimmers and canoeists as well as small sailboats.
In addition there is a small loon population present on the lake which deserved protection from the chaos the waves could cause to nesting sites.
Thank you for your consideration in this matter.

Marie and Christopher Waring

From: Neal Ullman <Neal.Ullman@yahoo.com>
Sent: Friday, February 20, 2026 2:48 PM
To: ANR - WSMD Lakes
Subject: Public Comment Opposing Proposed Wake Boat Restrictions

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Dear Secretary and Members of the Vermont Agency of Natural Resources,

My family and I have deeply enjoyed Vermont's lakes for decades. Our family has been homeowners on Lake Bomoseen for over 40 years, and the lake has been central to our family life with our children and friends. We have always approached boating with respect for the water, our neighbors, and the environment. It is from that long-standing connection and stewardship perspective that I write to oppose the proposed wake boat restrictions.

1. Opposition to the 3,000-Foot Straight Run Requirement

There is no established hydrodynamic basis demonstrating that 3,000 feet is necessary for shoreline protection. This figure appears derived from ride geometry rather than measurable environmental thresholds. Regulatory distances should be grounded in demonstrated environmental need, not vessel operating preferences. Without clear justification, this requirement appears arbitrary and overly restrictive.

2. Opposition to the 500-Foot Distance from "Any Object"

Wake studies address shoreline attenuation — not 360-degree moving exclusion zones around undefined "objects." Vermont's longstanding 200-foot safety framework has provided a consistent and workable standard. Expanding that framework to 500 feet from "any object" introduces ambiguity, enforcement difficulty, and unnecessary operational constraints that go well beyond demonstrated shoreline protection needs.

3. Opposition to the 100-Acre Minimum

Lake size is a matter of geometry, not environmental response. Wake energy does not change based solely on acreage. Establishing a 100-acre threshold treats lake size as a proxy for impact without demonstrating how surface area alone correlates to environmental effect. Regulatory thresholds should reflect measurable conditions, not generalized assumptions.

4. Opposition to the "Non-Normal Use" Classification

Inboard towed watersports clearly predate 1993. The evolution of boat technology does not constitute the creation of a new category of use. The definition of "normal recreational use" should reflect longstanding recreational boating practices in Vermont, not hinge on modernized equipment.

5. Opposition to Section 3.7

Section 3.7 creates a pathway to restrict even approved lakes under broad "management" or "research" authority without defined study parameters or a reinstatement timeline. Regulatory tools should include clear criteria, defined evaluation standards, and a predictable reinstatement process. Open-ended restrictions undermine certainty for families who have responsibly enjoyed Vermont's lakes for generations.

Vermont's lakes are not abstract policy matters to my family — they are places of history, tradition, and responsible recreation. I respectfully request that ANR ensure any final regulations are narrowly tailored, clearly defined, and proportionate to demonstrable impacts.

Thank you for your consideration.

Sincerely,
Neal Ullman

From: David Netishen <netishenland@gmail.com>
Sent: Friday, February 13, 2026 8:23 AM
To: ANR - WSMD Lakes
Subject: Wakesports- No More Rules, thank you

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Hello,

Thank you for the opportunity to provide input on the proposed changes. I am writing to respectfully express my opposition to the proposed 100-acre minimum requirement.

The 2022 petition referenced a 50-acre standard, and that figure reflects what was originally discussed and reported. Increasing the threshold to 100 acres represents a significant change from that earlier proposal and, to my understanding, has not been supported by new Vermont-specific scientific data.

Lake acreage is a matter of mathematics, not environmental response. Wake energy does not change solely based on the total surface size of a lake. Establishing a higher acreage threshold may function as a policy tool that removes lakes by definition, rather than addressing measurable environmental impacts. If the goal is responsible use and safety, those objectives would be best guided by clear science and performance standards rather than increased size thresholds alone.

Even organizations advocating for regulation have outlined more moderate and targeted approaches. Responsible Wakes for Vermont Lakes proposes a 60-contiguous-acre Wake Sport Zone, stating:
“To address these concerns, we propose the creation of a 60-contiguous acre minimum Wake Sport Zone, which would provide adequate space for the operation of wake boats while allowing other traditional lake activities to continue. The 60-continuous acre minimum Wake Sport Zone requirement would also simplify compliance and enforcement, since larger areas are easier to distinguish.”

This proposal suggests that a 60-acre contiguous zone is viewed as sufficient to balance safety and multi-use enjoyment. A 50-acre minimum, as referenced in 2022, appears reasonable, and a 60-acre contiguous zone already reflects a compromise position. Moving to 100 acres goes well beyond those justifications.

Vermont’s current rule is already among the more restrictive in the country. The addition of higher acreage requirements, combined with the new administrative pathway outlined in Section 3.7, may further limit water access without Vermont-specific scientific evidence demonstrating the need for such measures.

It is also important to note that there were no violations reported during the 2025 boating season, which suggests that compliance and responsible use are occurring under the current framework.

When regulatory decisions move away from measurable science, public confidence in the process can be affected. Maintaining credibility requires that any changes be grounded in clear, Vermont-specific data and transparent justification.

For these reasons, I respectfully urge you to reject the proposed 100-acre minimum and instead maintain a standard consistent with the 50-acre threshold referenced in the 2022 petition, or consider the 60-contiguous-acre zone model as a balanced alternative.

Thank you for your time and consideration,

David Netishen
Netishen Land Holdings
352-505-7755
603-793-1215 cell
netishenland@gmail.com

From: ngwvt@yahoo.com
Sent: Thursday, February 19, 2026 8:37 PM
To: ANR - WSMD Lakes
Subject: ANR Letter re Wakeboats 26.02.19.pdf
Attachments: ANR Letter re Wakeboats 26.02.19.pdf

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Please see attached. Sincerely, Noël Gahagan Walker

Scanned with DocScan

Sent from my iPhone

To: ANR

From: Noël Gahagan Walker – Lake Morey, Fairlee, VT

Date: 19 Feb 2026

Re: Wakesports on Vermont Lakes and Lake Morey

The Precautionary Principal: "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically." New studies continue to show the increasing impact of wakesports on water bodies effecting depth impact and wave action on shorelines. Wakesports are a non-normal water use and should not outweigh the majority of swimmers, kayakers, canoeists, fisherman, sailors, sunbathers, the elderly and young children, and not to mention the impact on wildlife. Wakesports should not be allowed to impact the safety of those on or in the water or jeopardize the greater enjoyment of others by swamping docks and impacting shorelines.

Any amount of regulations for distances and decontamination without enforcement will not protect Vermont lakes! So then why allow wakesports to begin with. Vermont Lakes are too fragile. Why take the risk of irreparable damages?

Permitting wakesports on Vermont Lakes is contrary to current legislation for AIS and shoreline protection. The State of Vermont, the Town of Fairlee, the Lake Morey Foundation, the Lake Morey Protective Association, and Fairlee and Lake Morey property owners have invested enormous amounts of time and monies to protect the water quality and invasion of AIS in Lake Morey. Allowing wakesports on Lake Morey may jeopardize the most recent 2024 Alum Treatment. Annually the Town of Fairlee and the State of Vermont spend monies to control milfoil. Why does the State of Vermont want to risk the efforts and gains already made to control phosphorous, blue algae outbreaks and the spread of milfoil?

The lobbyists are representing a 1% wakesport population that is extremely disruptive to the remaining 99% of lake users who want to enjoy Vermont waters without impacting the quality and safety of others, shorelines and wildlife.

Wakeboats are not a 'normal use" as defined in the Environmental Protection Rule Chapter 32 Vermont Use of Public Waters 5.6 *"Normal use" means any lawful use of any specific body of public water that occurred on a regular, frequent, and consistent basis prior to January 1, 1993.* Wakeboats have not been on Lake Morey on a regular, frequent , and consistent basis prior to January 1, 1993.

I respectfully ask that Lake Morey be added to the non-wakesport list of lakes in Vermont. Too much is at stake for what has already been invested.

Respectfully submitted,

Noël Gahagan Walker

Fairlee, VT – Resident, Lake Morey generational homeowner and elected Town Official

From: Nicole Peck McPhee <nicolepeckmcphee@gmail.com>
Sent: Monday, February 9, 2026 7:06 PM
To: ANR - WSMD Lakes
Subject: wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. I am a Vermont taxpayer, a boat owner, and someone who spends a significant amount of time recreating on Vermont lakes. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments advocating for additional restrictions, I respectfully submit the following comments.

I oppose the proposed additions of:

- the 100-acre lake requirement
- the 3,000-foot straight-run requirement
- the expanded interpretation of a 500-foot buffer from “any object” within the wakezone
- the reclassification of wakesports as a “non-normal use”
- Sections 3.7 and 4.3 establishing project-based and discretionary municipal management restrictions

I support maintaining the 2024 wakeboat rule as written, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and attenuation with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important disconnects between what the science actually evaluates and how those findings are being used in the proposed rule.

500-Foot Buffer from “Any Object”

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. These studies focus on wake attenuation, energy dissipation, and the influence of depth and distance from shore.

The proposed rule expands this research into a requirement that wakeboats remain 500 feet from “any object,” effectively creating a moving, 360-degree exclusion zone around vessels. The cited research does not define “object,” does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend an all-directional exclusion zone within a wakesports area.

The science describes wake behavior relative to shorelines and boats. The proposed “any object” interpretation represents a policy expansion beyond the context and conclusions of the cited studies.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in the materials as a description of a typical wakesports ride length — a boating practice reference, not an environmental impact metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to uninterrupted straight-line travel distance.

No study links sediment movement, erosion, or habitat effects to straight-run length. This dimension is used for spatial visualization and operational description, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed to accommodate a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include lake acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

“Normal Use” Classification

Arguments presented to ANR and DEC — including by the Federation of Vermont Lakes and Ponds — assert that wakesports should be classified as a “non-normal use” under Vermont’s Public Waters framework because modern wakeboats did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity and the intent of the statute. The relevant use is towed watersports conducted by inboard motorboats, an activity that clearly predates 1993. Prior to that date:

- Inboard towboats and ski boats were widely used
- Ballast modification and wake-enhancement practices existed
- Wakesurfing emerged in the late 1980s and early 1990s
- Recreational towing sports behind inboard boats were an established boating activity

The statute does not state that technological evolution within an existing recreational activity creates a new legal “use.” Regulatory interpretation consistently recognizes that improvements in equipment do not convert a longstanding activity into a legally distinct use. The purpose of the “normal use” concept was to prevent novel or incompatible uses, not to freeze boating technology at 1993 levels.

Wakesurfing represents a technological evolution of traditional inboard towed watersports, not a separate category of water use. I respectfully request that language characterizing wakesports as

a “non-normal use” be removed.

Sections 3.7 and 4.3 — Wakesports and Temporary Use Restrictions

I oppose the proposed amendments to Section 3.7 and the associated administrative structure allowing wakesports-eligible lakes to be added or removed from a maintained list based on changing conditions, management projects, or research considerations.

As described in the Summary of Proposed Changes (December 17, 2025), this approach shifts lake eligibility from fixed, rule-based criteria to ongoing administrative discretion, creating a pathway for long-term or permanent exclusion through rotating “projects” rather than through formal rulemaking.

This concern is compounded by Section 4.3, which authorizes temporary restrictions for public safety, emergencies, or “other good cause.” The phrase “other good cause” is undefined and lacks objective standards. Combined with project-based removal authority, this creates an open-ended mechanism to suspend lawful recreational use without procedural safeguards.

As written, the rule includes:

- No time limit on project-based suspensions
- No requirement for re-approval through formal rulemaking
- No defined proof threshold demonstrating direct project conflict
- No statewide consistency requirement

Without safeguards, temporary suspensions could function as permanent exclusions, contrary to the UPW framework’s requirement that use conflicts be managed using the least restrictive approach practicable.

If temporary suspensions are to be allowed, the rule should require that any suspension:

- Be based on documented, project-specific necessity showing direct interference
- Be limited to the smallest geographic and temporal scope necessary
- Not exceed one boating season (or six months) without formal rulemaking
- Not recur within 48 months except for natural emergencies
- Include written scientific findings by the Secretary
- Automatically expire unless renewed through public rulemaking

These safeguards ensure that temporary measures remain temporary, decisions are science-based and transparent, and public access is not incrementally removed through administrative action.

Conclusion

There is no scientific evidence — and specifically no Vermont-based research conducted in Vermont lake environments — supporting the proposed increased restrictions. The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice descriptions, and geometric modeling into

fixed regulatory thresholds without corresponding field-measured environmental impact data.

In May 2024, ANR stated that the existing wakeboat rule was science-based and reflective of Vermonters' shared interests. The 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without supporting impact data, placing them outside ANR's stated science-based framework.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and not adopt the proposed 100-acre, 3,000-foot, or expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Nicole McPhee

Nicole Peck McPhee, PC
Attorney-at-Law
405 Curtis Brk Rd
Rutland, VT 05701
phone 802-775-4845 fax 802-779-0128
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From: Nika Bjelica <nika.charity@gmail.com>
Sent: Friday, February 20, 2026 4:05 PM
To: Dlugolecki, Laura
Subject: Please protect Lake Morey from wake boats

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Ms. Dlugolecki,

I am writing to express my deep concern about wake boats on Lake Morey. It is a small lake with a long history of recreation and conservation, it is the backbone of the town economy, and is currently ecologically fragile due to recent cyanobacteria infestation (toxic algae blooms), and subsequent alum treatment for such. Wake boats put all of these important things in jeopardy, and it is vital that the State of Vermont act to protect the lake's ecosystems and community.

My concerns are specifically:

1) The health of the lake. Lake Morey recently underwent a very costly alum treatment (partially funded by the state) to suppress cyanobacteria, which is extremely toxic to humans, pets and fish. The depth to which wake boats churn the water is disruptive to the thin barrier which encapsulates the toxic sediment, and could render the treatment ineffective in short order. Allowing wake boats is at cross purposes with Vermont's recent work to protect the health of lake residents.

2) Safety. The majority of lake and town residents and visitors come to the lake to pursue traditional lake recreation including swimming, fishing, kayaking, canoeing, sailing and paddlboarding -- all non-powerboat activities. These activities have historically been done in relative harmony with traditional ski boats and pontoon boats, but wake boats are a completely different story. The size of the wakes created by wake boats are many times the height of the wakes created by traditional ski boats, and can topple smaller watercrafts like sailboats and paddleboards, not to mention small children wading and learning to swim in the shallows. In addition, the mechanics of wake boats cause the bow to sit much higher above the water, with the stern set down into the water. This significantly and dangerously limits the driver's visibility, causing danger to swimmers and animals in the water, as well as people engaged in other lake activities.

3) Preservation of the lake environment. The considerably larger waves produced by wake boats not only endanger people and animals on the lake at the time of use, but the waves crashing on shore cause long term damage including the erosion of the shoreline, destruction of loon nests, damage to docks and boats, and disrupt the feeding habits of fish, loons and other lake animals.

I strongly urge the State of Vermont to prevent wake sports on Lake Morey altogether.

Thank you for your serious consideration of this important issue.

Sincerely,

Nika Bjelica
Lake Resident

From: Pat Suozzi <pat.suozzi@vermontlakes.org>
Sent: Tuesday, February 10, 2026 12:05 PM
To: ANR - WSMD Lakes
Subject: WakeSports
Attachments: FOVLAP Statement on UPW Rule Revisions FORMAL RULEMAKING FINAL 02.10.26.pdf

You don't often get email from pat.suozzi@vermontlakes.org. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Attached please find the Federation of Vermont Lakes and Ponds comments on the UPW rules revisions for the formal rulemaking process.

Pat Suozzi
President
Federation of Vermont Lakes and Ponds
www.vermontlakes.org

The Federation of Vermont Lakes and Ponds, Inc.
P.O. Box 766
Montpelier, VT 05601
www.vermontlakes.org

STATEMENT ON PROPOSED REVISIONS OF THE USE OF PUBLIC WATER RULES

AND

RECOMMENDATIONS FOR ADDITIONAL REVISIONS

February 10, 2026

The Federation appreciates the work of the Vermont Department of Environmental Conservation (DEC) Lakes and Ponds staff on developing these proposed revisions.

In working through this process, we have come to realize that the issue of normal and non-normal uses of the state's public waters is critical. The former DEC Commissioner and current Department of Fish and Wildlife Commissioner, Jason Batchelder, stated to the Legislative Committee on Administrative Rulemaking that wake sports are not a normal use of the public waters.

According to 10 VSA §1424, *"To the extent possible, the Secretary shall provide for* ***all normal uses.*** *"* In addition, in the Use of Public Water (UPW) rules, Section 2.7 (a) states: "*Use conflicts shall be managed in a manner that provides for all* ***normal uses*** *to the greatest extent possible consistent with the provisions of Section 2.2 of these Rules."*

As defined in UPW Rule 5.6: *""Normal use" means any lawful use of any specific body of public water that occurred on a regular, frequent, and consistent basis prior to January 1, 1993."*

Since wake sports do not meet the definition of normal use and accommodation of non-normal uses is not required under either statute or UPW rules, we object to a process that allows wake sports and other activities that do not meet this definition to take place on the state's public waters without first proving that such activity does not damage aquatic habitat, cause increased phosphorus or pollutants to enter the water, contribute to shoreline erosion or lake bottom disruption, or have the potential to spread aquatic invasive species (AIS).

Those wishing to engage in a non-normal use of the state's public waters should be required to petition for such use and to engage in the public process petitioning entails.

Instead, current practice allows an "anything goes" approach until lake associations, lake stewards, and concerned citizens (nearly all of whom are volunteers) raise the issue. These groups must then engage in a multi-year and complex petitioning process to address the issue of non-normal use, while the state allows this use to take place on the public waters possibly

causing considerable damage to fragile aquatic habitats, spreading invasives, increasing phosphorus levels, and posing safety hazards to others.

Furthermore, any remediation of damage caused by this practice falls, not on state staff, but on the shoulders of the volunteer lake associations and lake stewards who contribute thousands of hours and raise hundreds of thousands of dollars to improve water quality and manage invasive infestations.

Other new types of watercraft, besides wake boats, which do not fit the definition of normal use in these rules are already on the market and more are likely to be invented and sold. Given the continued spread of aquatic invasives, increasing phosphorus levels in many lakes, as well as the mounting pressure on the state's freshwater resources from climate change, it is unconscionable to continue to allow these types of activities to simply occur as if the state's lakes and streams are immune to damage or easily repaired.

We submit that the public trust doctrine requires the Agency of Natural Resources (ANR) to act proactively to prevent any non-normal use of the state's public waters that has the potential to damage the aquatic ecosystem, to spread aquatic invasives, or to contribute to the degradation of water quality.

In order to ensure that ANR fulfills its responsibility to protect the state's public waters, we urge the enactment of rules requiring anyone wishing to engage in a non-normal use to submit a petition to do so, and to prove that such activity will not cause damage to the aquatic ecosystem or the shoreline, will not spread aquatic invasive species, will not degrade water quality, and will not pose a safety hazard to other lake users.

Because wake sports users were not required to engage in a petition process to allow this non-normal use on the state's waters, concerned citizens brought their own petition to raise concern and amend the UPW Rules. Almost immediately after the new UPW rules went into effect, ANR employees and citizens became aware of serious problems with the rules, and ideas for revisions were presented. The rest of this document explains flaws in the rule revisions that ANR has proposed. It also emphasizes how important it is to begin the process by asking the non-normal watercraft users to petition to use their watercraft instead of approaching the process from the other way around.

RECOMMENDATIONS FOR UPW RULE REVISIONS

Wake Sports Zone Changes

We support the changes to the wake sport zone as stated in Section 5.19. Currently the most reliable scientific study regarding adequate shoreline buffer distance (Marr, et al. 2022) recommends operations at greater than 500 feet. The DEC staff in their memo of September 18, 2023, also cited the Marr study in their recommendation that the buffer distance should be 600 feet to attenuate wave energy. However, there are larger and more powerful wake boats not included in this study that can create even larger waves. Also, not studied was the effect of several large wake boats operating simultaneously in a wake sports zone. For these reasons it is

vital that ANR include a limit on the size, power, and number of boats that can operate on inland lakes, as included in our Recommendation 1 below.

The most recent research on lakebed disruption (Reifsgraf 2025) suggests that operating in waters deeper than 20 feet is necessary to avoid lakebed disturbance. Unfortunately, this study does not indicate how much greater than 20 feet would be adequate to avoid affecting the lakebed. Nevertheless, an abundance of caution would suggest that depths of 30 to 40 feet would better safeguard lake bottoms.

We also support the requirement that the wake sports zone be a minimum of 100 acres and 3000 feet in length. This allows a reasonable run for wake surfing (about 3 minutes for a run at 11 mph) and enough room for a wake boat to turn for another run without having to move out of the zone. We also agree with the smoothing of some of the zones.

We urge ANR to ensure that these size requirements are a firm minimum. We believe that it is incumbent on ANR, which has the responsibility to protect Vermont's freshwater resources to always opt for greater protection rather than less.

The changes to the wake sports zone have left 18 lakes eligible for wake sports. Among these are some of the state's most pristine lakes. Concentrating the most damaging activities, including those that accelerate shoreline degradation and the spread of aquatic invasive species, on these lakes is of concern.

The other group that would be subject to a greater concentration of wake boats are those lakes that already host a high level of boat traffic while contending with Eurasian watermilfoil infestations. Given the cost and effort to manage their existing infestations, these lakes deserve the same robust protection from the chance of any further aquatic invasive infestations.

Subjecting either of these groups of lakes to increased wake sports activity that could lead to more damage and a yet greater risk of becoming infested with additional AIS is not an acceptable outcome.

For these reasons, we support the proposed changes as stated above but insist they be accompanied by retention of the home lake rule and strengthened decontamination protocols.

Decontamination

We note with great concern that if these revisions are implemented, 9 of the remaining 18 wake sports eligible lakes are free of aquatic invasives and 5 of these are eligible for A(1) status with reclassification petitions already filed. Aquatic invasive species (AIS) are a serious biological pollutant and a real danger to the water quality and ecological integrity of these lakes.

Unlike other vessels, it is not possible to inspect, completely drain, or properly clean the ballast tanks of wake boats with the means generally available to greeters. Neither the lake associations nor the state currently have adequate facilities to properly decontaminate wake boats or the funding to create such facilities.

We recognize that specialized equipment suitable for cleaning the closed ballast tanks of wake boats exists and may be available at some boat dealers. However, there is currently no system in place to ensure that all wake boats can access such equipment and, more importantly, to show proof that their tanks have been cleaned before entering a Vermont waterbody. Given this, wake boats cannot comply with the decontamination requirements of 10 VSA §1454.

Aquatic invasives have continued to spread (see attached graph), with two more lakes recently infested with Eurasian watermilfoil (Joe's Pond and Lake Eden). Zebra mussels are now confirmed in the southern portion of Lake Memphremagog. Until adequate decontamination services, extended public access greeter program hours, improved public education – particularly for out-of-state visitors - and sufficient funding are in place, the state should not permit additional potential carriers of AIS to be transported between lakes. In particular, the state's most pristine, A(1) eligible lakes should receive the highest levels of protection.

ANR has indicated that in addition to these revisions it is developing an improved decontamination plan. We have been involved in this process and support the effort. However, the plan as drafted presents a 10-year timeline for developing an adequate decontamination system. This is far too long. The infestation graph shows the level of infestation that has taken place over the last 10 years. If this trend continues - and given that ANR has not proposed anything in these rule revisions that would bend this curve sufficiently – we could expect many more lakes to be infested with AIS before the proposed plan is in place.

This is unacceptable and a clear abrogation of ANR's responsibility to protect the public waters of the state.

The Home Lake Provision

The home lake provision of the current rule is intended to address the lack of proper decontamination services and to reduce the risk of spreading aquatic invasive species. This is especially important if the other revisions are approved leaving many of the state's most pristine lakes likely to attract even more wake boats and therefore become more vulnerable to invasive spread. ANR has provided several justifications for refusing to implement this rule and, now for proposing to eliminate it entirely from the current rule revisions.

Among these justifications has been the difficulty of creating a decal, finding and tracking wake boat owners in the state, and in addressing out -of- state boaters.

We disagree with these "excuses" and suggest alternatively, that a relatively straightforward system can be implemented if some of the requirements currently in the rule are modified, computer technology is used, and if assistance from lake associations at the affected lakes is accepted - assistance repeatedly offered.

All users of the state's waters – whether in-state or out-of-state, whether motorized or non - are already expected to know the Vermont Use of Public Water rules and comply with them. It is baffling that ANR should now suggest that, for some reason, wake boat owners could not be expected to know and comply with the home lake rule.

The state does not "find and track" owners of other types of motorboats that must be registered each year nor does the state "find and track" every angler who needs a fishing license. Rather, the requirement for motorboats to register, for anglers to acquire a fishing license, etc. is posted

on the web, and in the rules and regulations of the state. The state expects individuals to check regulations and laws of the state and comply with them. There can be no possible reason that this same expectation should not also apply to all wake boat owners.

Another reason presented by ANR for the elimination of the home lake rule is that wake boats comprise only 1% of motorized vessels currently on Vermont lakes. However, these data are based on greeter program observations and recordings, and may be significantly compromised because:

- Most of the greeter programs do not have greeters on duty seven days/week throughout the boating season, resulting in many days of use with no data recorded.
- The survey instrument used by the greeters does not allow for accounting for boats that repeatedly enter the same lake regularly and do not travel elsewhere. This skews the total number of boats entering inland lakes.
- It is difficult to visually identify a wake boat, leading to a potentially significant number of misidentified boats and lower wake boat counts.

Although we suspect that wake boats do still comprise a small percentage of the boats on inland lakes, deficiencies in these data make the figure of 1% for the population of wake boats on Vermont lakes highly uncertain. Considering such uncertainty, we urge ANR to adopt rules that are the most protective in this situation since it is not currently possible to measure actual risk.

Further we point out that the fastest growing motorized aquatic sport in the country is wake sports. Given this, we should expect to see more, not fewer, wake boats in the state in the next years. This makes developing strict rules now even more important.

Petitions

We are unclear about the status of the individual lake petitions that were issued under the blanket denial. We urge the ANR to allow any of those lakes that remain eligible for wake sports to request a reconsideration of their petitions based on the unique circumstances of their lakes. Each of these petitions should receive full consideration including opportunity for public hearings and comments and an individual response detailing the reasons for approval or denial.

We also urge the ANR to fully consider and respond to any petitions that were submitted but not included in the blanket denial.

Recommendations

1. **Retain the home lake rule with modifications, including allowing lake associations or watershed groups that operate state-approved Vermont Public Access Greeter Programs on lakes that support a wake sport zone to voluntarily administer a wake boat home lake program.**
2. **Strengthen required decontaminiation protocols for wake boats moving among lakes, including requiring proof of decontaimination (such as a dated receipt) and a longer dry out period in line with the best scientific data.**
3. **Ensure that the wake sport zone as stated in these revisions is the firm minimum and cannot be made smaller.**
4. **Address and respond to the pending wake sport petitions, allowing any lakes that choose to ask for reconsideration based on their particular circumstances.**

ADDITIONAL RECOMMENDATIONS FOR REVISIONS TO THE UPW RULES

1. Recommendation: Add limits on size of motors and boats

The boating industry continues to manufacture and market larger and more powerful boats. Yet the proposed rule revisions contain no limitations on the size of motorized vessels that can operate on the state's public waters. This is of particular concern to the inland lakes and especially the smaller lakes. Currently, large boats with enormous motors and the capability of operating at great speed and creating large and powerful wakes are available and are not prevented from operating on any of the lakes that allow motorized boats and that have no speed limit.

This is of concern with regard to wake boats since their purpose is to create very large waves which have already been recognized as creating a safety hazard and a potential source of shoreline damage. However, other types of boats with sufficiently large and powerful engines can do the same.

For this reason, we urge ANR to proactively consider adding a provision in these rules limiting the amount of boat displacement that can operate on inland lakes. We believe that this is well within the authority of the Agency (10 VSA §1424 (1c)).

2. Recommendation: Add criteria to better protect A(1) eligible and AIS-free lakes

Vermont has some of the cleanest, most pristine, and AIS-free lakes in the country. Continuing pressures on our water resources from the warming climate and changes in federal environmental regulations makes it even more urgent that these lakes receive the highest protection possible to ensure that such waters survive for future generations.

For this reason, we urge ANR to include additional criteria not only for determining wake sports eligibility but also for determining eligibility for other activities that could potentially damage these lakes, including activities that disrupt lake bottoms, cause shoreline erosion, or have the potential to spread aquatic invasives. Such criteria should include historic activities, special designations, or A(1) eligibility.

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3. Recommendation: Add complete sentence from 10 VSA § 1421 to Section 1.1 "Applicability and Purpose"

We appreciate that part of the purpose of the rules as stated in 10 VSA §1421 was added, but once again, we recommend the entire paragraph be added to present the list in the order that the legislature intended and that particularly highlights water quality and aquatic habitat protections as the first items in the list.

We agree and appreciate the addition of the statement regarding AIS.

We recommend that Section 1.1 read in full:

"The purposes of the rules shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; reduce fluvial erosion hazards; reduce property loss and damage; preserve shore cover, natural beauty, and natural stability; and

provide for multiple use of the waters in a manner to provide for the best interests of the citizens of the State."

It is the policy of the State of Vermont to prevent the infestation and proliferation of invasive species in the State that result in negative environmental impacts, including habitat loss and a reduction in native biodiversity along with adverse social and economic impacts and impacts to public health and safety.

4. Recommendation: Section 3.5 "Use of Internal Combustion Motors"

This section should be clarified to explain if it applies only to internal combustion motors or to all motors. Is the intent that no motorized boats are meant to be on the lakes affected by this rule? Or would electric motors be allowed?

5. Recommendation: Section 3.7 "Wake Sports" Retain Home Lake Rule, with italicized changes

A wake boat must have one home lake for a given calendar year and display on the wake boat's port side bow a current Agency-issued *decal or must present other appropriate proof* identifying the wake boat's home lake for the calendar year. A wake boat's home lake is the only lake, pond, or reservoir at which that wake boat *shall b*e used for the calendar year, except when the decontamination requirement of Section 3.7.d. has been satisfied. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

Prior to entering a Vermont waterbody other than the wake boat's home lake, and prior to re-entering the waters of the home lake after use of the wake boat at any other waterbody, the wake boat must be decontaminated at an Agency-approved decontamination service provider. A wake boat *user must present proof (such as a dated receipt)* of decontamination at public access areas. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

If an approved decontamination service provider is not available, then the wake boat may not operate on any lake except its home lake.

6. Recommendation: Section 3.7 "Wake Sports" Addition of voluntary home lake option

If the Agency chooses not to implement the home lake rule for all wake sports eligible lakes, then this rule will apply:

Lake Associations or watershed groups that operate state-approved Vermont Public Access Greeter Programs on lakes that support a wake sport zone may voluntarily administer a wake boat home lake program.

A wake boat must have one home lake for a given calendar year and display on the wake boat's port side bow a *current decal or present other proof identifying the wake boat's* home lake for the calendar year. A wake boat's home lake is the only lake, pond, or reservoir at which that wake boat may be used for the calendar year, except when the decontamination requirement of Section 3.7.d. has been satisfied. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

Prior to entering a Vermont waterbody other than the wake boat's home lake, and prior to re-entering the waters of the home lake after use of the wake boat at any other waterbody, the wake boat must be decontaminated by a certified decontamination provider and must show proof of such decontamination.

A wake boat user must present proof of decontamination at public access areas. This subsection applies to Lake Champlain, Lake Memphremagog, Wallace Pond, the Connecticut River Reservoirs, and the waterbodies with a defined wake sports zone listed in Appendix E.

7. Recommendation: Section 3.7 (e) "Wake Sports" Strengthen decontamination requirements

Increase number of days out of the water from 14 to 30 and require proof (for example a dated receipt) that decontamination was done by a certified operator.

In addition, add:

Wake boats that have been in another waterbody within the previous 30 days and lack proof of decontamination, as well as other watercraft that are not inspected and decontaminated as required, are in violation of 10 VSA §1454 and, therefore, should not enter the waters of the state.

8. Recommendation: Revise proposed Section 4.1 (a – c) "Aquatic Nuisance Control Inspections Stations and Greeter Programs"

This section should be entitled: 4.1: "Aquatic Nuisance Control"

For some reason only parts of 10 VSA §1454 are quoted verbatim while other sections are not. In particular, we note that the beginning of 10 VSA §1454 (c) is not included. 10 VSA §1454 (c) should be included in full to ensure that any boater consulting these rules is made aware of the potential for a fine if that section is violated.

Therefore, we recommend revising parts (a – c) to read:

In order to prevent the spread of aquatic invasive species, a person shall not transport an aquatic plant, aquatic plant part, or aquatic nuisance species to or from any Vermont water

Pursuant to 10 VSA 1454:

(a) A person transporting a vessel to or from a water shall, prior to launching the vessel and upon leaving a water, inspect the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment, and shall remove and properly dispose of any aquatic plants, aquatic plant parts, and aquatic nuisance species.

***(b) It shall be a violation of this section for a person transporting** a vessel to or from a water to not have the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment inspected and decontaminated at an approved aquatic nuisance species inspection station (as defined in 10 VSA 1461) prior to launching the vessel and upon leaving a water if:*

(1) an aquatic nuisance species inspection station is maintained at the area where the vessel is entering or leaving the water;
(2) the aquatic nuisance species inspection station is open; and
(3) an individual operating the aquatic nuisance species inspection station identifies the vessel for inspection or decontamination.

9. Recommendation: Section 4.1 (i): Remove this section in its entirety

It is unclear why this section has been added. It is completely irrelevant, as it provides no information for users of the public waters or for citizens wishing to petition for changes to these rules.

In addition, part (4) goes well beyond what is stated in the statute, suggesting that greeters may not inform lake users of the state's statutes or UPW rules and that lake specific materials may not be used.

The tone of this paragraph is entirely inappropriate. To include in these rules threats aimed at the very people doing the hard day-to-day work of trying to prevent the spread of AIS in the state's public waters is unacceptable.

10. Recommendation: Section 5.5 "Internal Combustion motor" Revise definitions

Section 5.5 specifies internal combustion motor. However, Section 3.2 says only "motor" whereas Section 3.5 says "internal combustion motors". These terms and definitions should be clarified to avoid confusion. If the word "motor" is used anywhere in the rules does that mean both internal combustion and electric motors? If it specifically says "internal combustion motor" does that mean electric motors would be allowed?

Water jet pumps can also be used to power boats of various types. This should be addressed as well.

11. Recommendation: Develop more accurate and reliable data and data collection methods

Among the recurring issues encountered over the years as regulations governing wake sports have been discussed, developed, enacted, and now revised is the persistent lack of accurate and reliable data on the number, size, type, usage, and movement of wake boats across the state's lakes.

This data gap is not unique to wake boats but extends to other types of watercraft as well. We strongly urge the ANR to develop and implement reliable, practical data-collection protocols to inform sound policymaking.

12. Recommendation: Add depth and distance requirements for wake boats operating in Vermont portions of Lake Champlain, Lake Memphremagog, Wallace Pond, and the Connecticut River Reservoirs.

Wake boats operating in the shallow areas of these waterbodies, for example in St. Albans Bay with an average depth of 11 feet, risk causing considerable lakebed disturbance releasing phosphorus and nutrients into waters that already are at high nutrient levels. In addition, the decision to create 500 foot shoreline buffers to reduce erosion and the 500 foot distance from other lake users should also apply to these lakes for the same reason as for inland lakes: to reduce

erosion, and to protect the safety of other lake users. In addition, the wake sport zones should be mapped so that shallow areas to avoid are clear to wake boat operators.

CONCLUSION

Vermont is fortunate to have some of the cleanest and most pristine lakes in the country. We are equally fortunate to have so many members of the public and the hundreds of dedicated members of volunteer lake associations who work so hard to protect the state's public waters.

Freshwater resources are not a luxury nor are the state's waterways only useful for recreation or tourism. Aquatic habitats are as complex, diverse, and necessary as our forests and meadows are. Clean freshwater and healthy aquatic ecosystems are essential for life and must be preserved and protected now and for future generations.

Enormous time and energy has been expended in attempting to accommodate and justify a non-normal use on inland lakes that has been repeatedly shown to be hazardous to other lake users, damage shorelines, and be a potential source of aquatic invasive species spread. Any rules that result from all of this effort are likely to be less than effective given the regular development in the industry of larger, more powerful boats that can create much larger waves than the current rule or the proposed revisions account for. Adding limitations on the size and power of boats operating on many of the state's lakes should be added to these rules, as we recommend. Although the proposed revisions will protect more lakes, they will also result in wake sports being concentrated on fewer lakes adding more risk and more burden to those few. The home lake rule and stricter decontamination protocols will aid protections to these lakes.

With the increasing pressures on these precious resources, we conclude that the best and wisest decision that ANR could make, one in keeping with its mandate to protect and preserve the state's public waters, would be to provide the highest and broadest protections for the state's lakes and ponds now and into the future by no longer allowing any non-normal uses of the state's public waters without requiring a full petitioning process by those wishing to engage in such activities. ANR must change its practice and become proactive in protecting the public waters and making such protections its highest priority.

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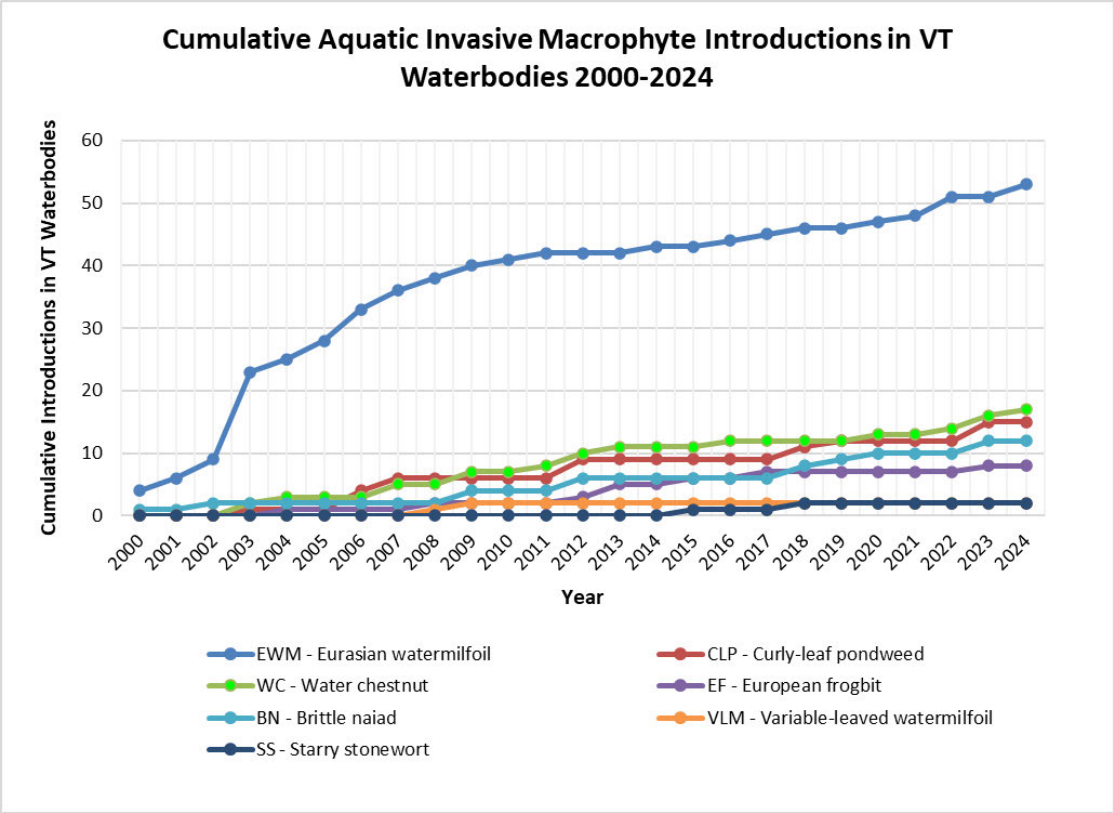
SPREAD OF AQUATIC INVASIVE SPECIES



From: Paul Husbands <paul.husbands.6ae12@advocate-mail.com>
Sent: Thursday, February 26, 2026 1:40 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from paul.husbands.6ae12@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Paul Husbands
970 Pemberton Dr
Spring Creek, NV 89815
(562) 743-4442
mhusbands@1791.com

From: Penny Soder <pennysoder@gmail.com>
Sent: Wednesday, February 18, 2026 9:12 PM
To: ANR - WSMD Lakes
Subject: wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. I am a Vermont property owner and an avid water sports participant. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose the proposed additions of:

• the 100-acre lake threshold

• the 3,000-foot straight-run requirement

• the expanded interpretation of a 500-foot buffer from “any object” within the wakezone

• Normal Use Definition

• Section 3.7 and 4.3 for management project municipalities

and I support maintaining the 2024 rule as written, including the existing shoreline and dock buffer framework.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From “Any Object”

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from “any object,” which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define “object,” does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a

policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a “non-normal use” under Vermont’s Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993.

This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is towed watersports conducted by inboard motorboats, an activity that clearly predates 1993. Prior to that date:

• Towboats, ski boats, and inboard vessels designed to generate wake for recreational towing sports were in widespread use

• Ballast modification and wake-enhancement practices existed

• Wakesurfing emerged as a sport in the late 1980s–1990s

• Recreational towing sports behind inboard boats were an established category of boating activity

The statute does not state that technological evolution within an existing recreational activity creates a new legal “use.” Regulatory interpretation consistently recognizes that improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use. The purpose of the “normal use” concept was to prevent novel or incompatible uses, not to freeze boating technology at 1993 levels.

New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as “non-normal use” be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to Section 3.7 Wakesportsand the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to ongoing administrative discretion, creating a de facto pathway to long-term or permanent exclusion through rotating “projects,” rather than through formal rulemaking.

This concern is amplified by Section 4.3 Temporary Use Restrictions, which authorizes restrictions for public safety, emergencies, or “other good cause.” The phrase “other good cause” is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

• No built-in time limit on project-based suspensions

• No requirement for re-approval through formal rulemaking

• No defined proof threshold demonstrating direct project conflict

• No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as permanent exclusions, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the least restrictive approach practicable. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must include objective limits. I request the rule require that any suspension:

• Be based on documented, project-specific necessity showing direct interference

• Be limited to the smallest geographic and temporal scope necessary

• Not exceed one boating season (or 6 months) without formal rulemaking review

• Not recur within 48 months except for natural emergency events

• Include written scientific findings by the Secretary

• Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.

For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Sincerely,

Penny B. Soder

68 Slacks Pasture Rd

Ludlow VT 05149

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-

content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Peter Erb <perb@gmavt.net>

Sent: Tuesday, February 3, 2026 10:21 PM

To: ANR - WSMD Lakes

Subject: Wakesports

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Wake boats are not compatible with any of the normal traditional uses that you are mandated to protect. They absolutely should not be allowed on any but the two international lakes and banned elsewhere.

It is obvious that for whatever the reason this administration will not do this, and because of this I strongly encourage you to adopt the changes that are proposed.

The lack of enforcement provisions make me very worried that they will be on paper only. A geo location tag for all active wakeboats, available on any I phone should be required and submitted to the state after any “wake” usage so that the safety offsets will be documented and violators can be punished.

Sincerely,
Peter Erb, Hinesburg Vermont

From: Peter Berger <peter.berger@fairleevt.gov>
Sent: Friday, February 27, 2026 3:37 PM
To: ANR - WSMD Lakes
Cc: Austin, Jenny; Dlugolecki, Laura; Sinsigalli, Misty (she/her)
Subject: wake sports - Lake Morey
Attachments: DEC Lake Morey wake sports Petition.docx

Some people who received this message don't often get email from peter.berger@fairleevt.gov. Learn why this is important

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I would like the DEC recognize the financial risk of water quality, the limited audience of this type of use and risk of environmental damage.

More arguments contained in the attached

8kPetition to the Agency of Natural Resources To Prohibit Wake Sports On Lake Morey

Petitioners:

Town Of Fairlee

The Fairlee Selectboard, acting on behalf of the Municipality, petitions the Vermont Agency of Natural Resources (ANR) Department of Environmental Conservation (DEC) under 10 V.S.A. § 1424 of Vermont's Use of Public Waters Act to resolve a use conflict by prohibiting Wake Sports on Lake Morey in Fairlee, Vermont.

The ANR proposed rule permitting Wake Sports on Lake Morey does not take into consideration data collected on Connecticut's Lake Waramaug addressing the degree to which Wake Boats impact lake bottoms and recently submitted Minnesota studies showing wave action and sediment disturbance.

Also, it does not consider the following:

- Lake Morey is unique in that it is the only Alum treated lake in VT.

In 2024 the Lake was treated by Solitude with Alum which was initiated in waters from 20' to lake depth. The cost was funded by ANR Clean Water for $850K. It took the combined effort of the Municipality and ANR 21 months from request to treatment. The result was a single permit provided through ANR Wastewater. The biological result was increased water clarity from 19 ft to 36 ft; a success by any measure. The Alum treatment was the first open water application by DEC in Vermont.

- The Town of Fairlee proposes increasing the minimum depth to **30+ ft**.

Studies done by Western Colorado University (2020), University of Minnesota (2025), and Terra Vigilis (2024) recommend a depth *greater than 20 ft* to protect lake bottoms. A 30 ft depth takes into account the impacts from ever more powerful and heavier wake boats, changing weather patterns, and warmer temperatures due to climate change.

- DEC Lakes and Ponds in their pre-rule making process has limited the number of lakes permitting Wake Sports from 30 to 18 of which Morey is one.
- We request that DEC recognize the" Precautionary Principle in environmental decision making" in their decision making process.

The precautionary principle in environmental law dictates that when an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically. Essentially, it shifts the burden of proof to those

proposing the activity to demonstrate that it is not harmful, rather than requiring those concerned about potential harm to prove it is.

Lowell Center for Sustainable Production, Department of Work Environment, University of Massachusetts-Lowell, Lowell, Massachusetts 01854, USA. David_Kriebel@uml.edu

In conclusion, the Municipality is requesting DEC Lakes and Ponds, in its pre-rulemaking process and based on the submitted documents and facts, to grant the Town of Fairlee additional hearings on Wake Sports or, if that is not possible, a moratorium on Wake Sports on Lake Morey. We are also requesting that DEC initiate further studies to validate the impact of Wake Sports on the waters of Vermont.

From: Peter Shea <peter.shea.trout@gmail.com>
Sent: Tuesday, February 17, 2026 4:45 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from peter.shea.trout@gmail.com. Learn why this is important

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I am puzzled and annoyed. I cannot understand why an agency that spends millions of dollars to conserve and protect our environment, decided to permit wake boats on Vermont waters. Surely, there couldn't have been much of a clamor by Vermonters. At price tags that range from about $60,000 to $500,000 we can't imagine that there are thousands of Vermonters demanding their presence. I suspect that this is all industry driven. Aside from *the possible* few score of our citizens that want a surfing experience *here* (one that they can certainly afford by a vacation to Malibu), the only benefactors of the ANR's ill-conceived decision are those that manufacture these environmental saboteurs.

The idea of setting "from shore limits" on the operation of these boats is laughable, given that enforcement is nearly impossible, and that permanent damage to a lake bed's ecosystem will occur even with a single pass, or with a single discharge of invasive-laced water. I've seen the videos, and it's likely that you have as well. Vermont fishery biologists have spoken against this decision.

I am an avid angler. For anglers, wake boats in wakesports mode create a collision of recreation interests: waves as high as two to three feet versus the angler, customarily a tranquil presence on the water. Large wakes pose a safety threat to small craft (kayaks, canoes, small trolling skiffs). Who wants to go fishing when you are rocked by huge waves? When wake boats commence operation, most other waterbody users — anglers included — retreat.

Wake boats hurt angling interests on two fronts: first they are an environmental disaster and, second, they interfere with anglers' enjoyment of their sport. A wake boat's propulsion in surf mode makes a powerful downward thrust documented to stir the bottom to a depth of at least 26 feet. These depths are the nursery of all that lives in our lakes and ponds. This disrupts the shoals where native lake trout spawn. This disturbs lake-bottom sediment. These shallows are the nursery for juvenile fish, the home of aquatic grasses, mayflies, dragonflies and other bugs vital to the food chain. Wakesports upset this fragile habitat. They harm our fish.

These mega-craft in surf mode also promote pollution. Soft lake bottoms contain nutrient-rich materials deposited over the ages. When stirred up, these nutrients contribute to algal blooms. Large wakes strike shorelines and cause erosion, contrary to the 2014 Shoreline Protection Act passed by our Legislature to protect shorelines and water quality.

Many critics, including me, welcome their ban on all Vermont inland waters. Why was the decision always between the "bad" and the "really bad"? You have already invested millions of dollars in laws, personnel, activities and infrastructure to support our amazing freshwater lakes. It is a certainty that a ban *will come* years from now, well after the environmental damage has occurred, and you will be spending millions more to rectify the situation that you are now permitting.

I leave you with a single question. Given the certain prospect of environmental degradation, what exactly is the benefit that you see in permitting wakesports on our waters?

Respectfully yours,

Peter Shea
Author, Outdoor Writer, Publisher
Wind Knot Publishing

Burlington, Vermont

Sent from my iPhone

From: Peter Nazarenko <peter@planethardwood.com>

Sent: Monday, February 16, 2026 7:49 AM

To: ANR - WSMD Lakes

Subject: wakesports

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To whom it may concern;

I fully endorse limitations to wake-producing lake recreation on lakes smaller than five square miles. Besides the documented environmental damage, it's unsafe for boaters, kayakers, paddleboarders, snorkelers, divers, swimmers etc.. I've had personal experiences of near-misses on Sunset Lake, as has my granddaughter.

--

Thanks and Regards,

Peter Nazarenko

Planet Hardwood
"Out-of-this-world flooring at down-to-earth prices"

From: Peter@travelswithbarley.com
Sent: Thursday, January 22, 2026 6:09 PM
To: ANR - WSMD Lakes
Subject: Wakeboats

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As a long distance motorcyclist I've seen incredible damage done to once pristine lakes out west. Lake Five, near the west entrance of Glacier National Park, is a prime example. Once crystal clear with evergreen trees lining the shore, wake boats have eroded the shoreline toppling majestic trees into the lake, clouding the water with silt, causing a multi-generational campground to fail, and driving visitors to avoid the surrounding area.

Please severely restrict them here in Vermont!

Peter Burke
Craftsbury Common

From: Phil Logsdon <phil.logsdon@gmail.com>
Sent: Tuesday, January 27, 2026 11:16 PM
To: ANR - WSMD Lakes
Subject: Physics and Wave Dynamics re Wakesports on VT lakes
Attachments: r3 Letter re wave physics and VT lakes.docx

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Department of Environmental Conservation (DEC) January 28, 2026

Dear Vermont environment guardians,

I am a recently-retired University Physics professor, and I am pleased to see scientifically-backed considerations applied in serious decision making – especially decision making that impacts water safety and environmental preservation. Very serious to all Vermonters is the determination of safe & sustainable management rules for keeping wake boat use well back from the shorelines and the shallows of Vermont's glacially carved small lakes.

Some studies suggest that the wake-boat created waves stay far enough from shorelines to never exceed the shore-washing wave height of the highest wind-blown waves measured on the lake. That is a good place to start, but it ignores the fact that wind-blown waves generally maximize only for a small section of lake at the end of a large fetch (the distance of water the wind blows over) and then only for the times when the prevailing wind direction lines up with the long fetch. Conversely, wake boats create waves in every direction and wash away banks and nesting areas for shorebirds (e.g., loons), mammals and even fish and fish eggs. Many native fish create circular nests on lake bottom shallows where they lay eggs and guard them. Those nests are displaced by wake boats. Sadly, attempts by landowners to preserve banks & coves from wake-boat wave onslaught by adding rock and other barriers have not been effective (and may even further damage the ecology of the lake.)

In addition to the many obvious safety issues before us with large enhanced wake boat waves, we should also consider how wake boat waves differ from wind-blown waves, and how the adverse effects become pronounced in steep rising shorelines of glacially carved small lakes. Vermont lakeshores are physically very different from the gradually-sloping shores found in Florida, for example.

Waves on Vermont lakes will encounter steeply rising floors (sometimes cliff-like, e.g., Willoughby Lake) and must therefore react much more suddenly & significantly to maintain total wave energy when impacting on quick rising shores. Unfortunately, this issue was not addressed in the 2024 rules nor is it addressed in the rules currently under consideration.

Wave energy drives a process called shoaling as the bottoms of waves encounter a rising lake floor. Interaction with the floor both slows the bottom of the wave and shortens its wavelength. The physics relationship of speed, wavelength, and amplitude requires that total wave energy stay unchanged – and the incoming wave maintains this by sharply raising its amplitude (its height).

Let us consider what happens – and how forcefully – as strong waves hit the sudden inflections of Vermont lake beds. Damaging waves reach way up onto shore and wash shoreline back into the lake. High waves also stir away the egg-laying and fertilizing circles which lake fish prepare near shorelines. Similarly, quick rising waves destroy loon nests, typically located only 2 to 8 inches above the waterline. etc. The rare and precious ecology of our lakes is defenseless against such onslaught.

Human safety is also threatened when waves rise suddenly. Along the shore is where small children swim and most kayaking, canoeing, paddleboarding, etc. takes place.

Energy does not go away but it does convert to work. The "work" of high amplitude waves is often extremely damaging. Consider the "work" of a tsunami.

A tsunami, of course, is not created by wind blowing over a fetch. Its source of energy lies deep underwater. Wake boats also create deep-water effects.

Wake boats inject high speed jets of water deep into lakes and some of this energy certainly rises immediately to create "surf" behind the boat. However, other wake-boat-generated energy becomes longitudinal (in the deep water) and transverse (at the air-water interface) to radiate toward shorelines. Deep under-surface longitudinal energy transmission is very powerful, as submarine captains who have encountered depth charges will attest.

Waves from wake-boats are more powerful than those from ordinary boats because of the combined longitudinal and transverse nature of downward jet injection of energy. Deep water energy also must strongly and suddenly move up to a high-amplitude wave when meeting a steep lake-bed rise. And, children at play cannot even see that energy coming in to avoid it…

The incredible wave energy of wake boats increases each year with new wave making designs that exceed all previous ones. Waves from multiple wake-boats operating simultaneously do add and subtract from each other as they criss-cross. Where they add to each other, large waves may erupt even away from the shore. In coves, waves may bounce off circular shores to add together near the cove-center loon nests.

In contrast, windblown waves tend to build in only one or two directions on a lake. Their maximum lake-bottom impacts do cause scouring and dangerous jostling of boats, docks, and people. But wake boats easily cause much more damage, in more unexpected ways, and in more unexpected places around a small Vermont lake.

Science warns us. The size and structure of our unique Vermont lakes make them very susceptible to serious damage from wake-boat induced wave energy.

Based on the best available science included in RWVL's March 2022 ANR wakesports petition, please restrict wake boat use to a minimum 1000 feet from our near-shore precious lives, ecosystems and activities.

Philip F. Logsdon,

Physics Professor, who has delighted in the Lake Sunset ecosystem with family and friends for over 50 years at 466 Hyatt Camp Road, Benson VT.

Phil.logsdon@gmail.com 617.794.9378 (m)

Department of Environmental Conservation (DEC) January 28, 2026

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Philip F. Logsdon,

Physics Professor, who has delighted in the Lake Sunset ecosystem with family and friends for over 50 years at 466 Hyatt Camp Road, Benson VT.

Phil.logsdon@gmail.com 617.794.9378 (m)

From: Daniel Lutz <planchettedesigns@gmail.com>
Sent: Wednesday, February 11, 2026 9:13 PM
To: ANR - WSMD Lakes
Subject: Wakeboarding

You don't often get email from planchettedesigns@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public commenton the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

and I support maintaining the 2024 rule as written.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.

The science describes attenuation relative to shorelines and boats. The "any

object" interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

D. Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts
that wakesports constitute a "non-normal use" because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute's intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal "use." Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the "normal use" framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time.

Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wakesports as “non-normal use,” as no statutory, scientific, or historical analysis has been presented to support that conclusion.

E. Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for “other good cause,” this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft “any object” as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters’ shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes

unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded “any object” buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
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https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Sent from my iPhone.

From: Rachel Beck <rachel.anderson1@me.com>
Sent: Wednesday, February 11, 2026 9:02 PM
To: ANR - WSMD Lakes
Subject: Wakeboat

You don't often get email from rachel.anderson1@me.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public commenton the proposed 2025 wakeboat rule amendments. After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the the proposed 2025 rule, specifically the **100-acre lake threshold** , **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wakezone,** application of Normal **and Non Normal** use, and **Section 3.7 and 4.3** Municipalities changes,

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The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal “use.” Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the “normal use” framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfingrepresents the evolution of long-standing inboard towed watersports, not a legally distinct category.

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The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

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Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory

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Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
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https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Thank you!
Rachel Beck

From: Randy Porter <randy.porter.781ad@advocate-mail.com>
Sent: Friday, February 20, 2026 8:45 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from randy.porter.781ad@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Randy Porter
9306 S Quail Hollow Dr
Sandy, UT 84093
(801) 220-2528
rndy.prtr@gmail.com

From: rebecca maden <rebecca.maden@gmail.com>
Sent: Tuesday, February 17, 2026 6:18 AM
To: ANR - WSMD Lakes
Subject: wakeboats

You don't often get email from rebecca.maden@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello,
I am writing in support of the enforcement of wakesport and wakeboat regulations on Vermont lakes.
This enforcement is critical to protecting our most beautiful and cherished place and ecosystems. I support the DEC position--thank you for your work on this matter!
Kind regards,
Becky Maden, Orwell, VT

From: Rich Seymour <rich.seymour.daac9@advocate-mail.com>
Sent: Wednesday, February 18, 2026 10:20 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from rich.seymour.daac9@advocate-mail.com. Learn why this is important

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The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Please allow people to recreate freely! What other freedoms will be taken from us Vermonters? Many people live here for recreational freedom. History shows removing freedoms from the public is a slippery slope created and enacted by individuals who do not recreate in the manner being taken away. I have personally lost freedoms over the years from legislators. Please end the madness.

Sincerely,

Rich Seymour
PO Box 1312
Wilmington, VT 05363
(802) 440-6373
rseymour22@gmail.com

From: Jared Carpenter <rjaredcarpenter@gmail.com>
Sent: Friday, February 20, 2026 8:17 AM
To: ANR - WSMD Lakes
Cc: Jenny P-EXT
Subject: Wakesports Comments Submitted by the Lake Champlain Committee
Attachments: 2026-02-20 LCC Comments on VT DEC Public Waters Draft Rule.pdf

You don't often get email from rjaredcarpenter@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning,
Attached, please find the comments from the Lake Champlain Committee regarding the Draft Vermont Use of Public Waters Rules.
Thank you for the opportunity to comment.
Jared Carpenter
LCC

February 20, 2026

Jenny Austin
Manager, Lakes & Ponds Program
Dept. of Environmental Conservation
Agency of Natural Resources
One National Life Drive, Davis 2
Montpelier, VT 05620

Via email to ANR.WSMDLakes@vermont.gov

Dear Jenny,

The Lake Champlain Committee ("LCC") submits these comments on the Draft Vermont Use of Public Waters Rules ("Draft Rules"). To provide equal protection of public uses on Lake Champlain and other non-inland waterbodies, LCC suggests that portions of proposed Section 3 (General Rules of Lakes, Ponds, and Reservoirs Located Entirely Within the State of Vermont) be moved to or repeated in Section 4 (General Rules for all Lakes, Ponds, and Reservoirs Including Those Not Located Entirely Within the State of Vermont) to make them applicable to the Vermont waters of all interstate and international lakes, including Lake Champlain.

LCC supports the Draft Rules' provisions aimed at limiting or eliminating the spread of aquatic invasive species, and their placement in Section 4 of the rule 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 the Agency of Natural Resources. It is important that transport prohibitions[1] and required inspections[2] apply to any vessel that is arriving at or departing Lake Champlain and all other lakes. LCC supports the proposed rules on training,[3] and urges the Lakes & Ponds Program to increase efforts to ensure that inspection stations[4] with trained staff or volunteers are located at as many public access points as possible. The Lakes & Ponds Program should work to secure sufficient funding for training to ensure the program is successful.

In addition to aquatic nuisance provisions, LCC recommends making operational requirements for wakeboats broadly applicable to all Vermont waters. As proposed, Section 3 of the Draft Rule addresses the use of wakeboats[5] and the designation of wakesports zones[6] on inland lakes. Due to the size of Lake Champlain, creation of a specific wakesports zone[7] is unnecessary, but concerns about public safety, erosion, and the disturbance of sediment caused by wakeboats are equally applicable to Lake Champlain and other interstate and international lakes. Therefore, the

[1] Draft Rule Section 4.1(b).
[2] Draft Rule Section 4.1(c).
[3] Draft Rule Section 4.1(j).
[4] As defined in Draft Rule Section 5.2
[5] As defined in Draft Vermont Use of Public Waters Rule ("Draft Rule") Section 5.17.
[6] As defined in Draft Rule Section 5.18.
[7] As defined in Draft Rule Section 5.19.

portions of the proposed rule that address distance from other uses and lake depth should be moved to or replicated in Section 4. Specifically, the proposed requirement that a wakeboat must provide at least a 500 foot distance as a buffer should be moved to or duplicated in Section 4. Public safety on a body of water of any size is important and a distance of 500 feet from an individual in the water or another motorized or unmotorized vessel,[8] such as a swimmer or a kayaker, should be required on Lake Champlain and other interstate and international lakes. Further, erosion control on these large lakes should be considered as well, requiring wakesports to be at least 500 feet from shore.[9] Finally, since wakesports on Lake Champlain will have the same impacts on nesting loons as on inland lakes, the 500-foot buffer distance between the wakesport and the nesting site should be moved from Section 3 to Section 4.[10]

The 20-foot depth requirements established in the wakesports zone definition[11] should also apply to Lake Champlain and other interstate and international lakes. While enforcement without establishment of a wakesports zone could seem challenging, some parts of Lake Champlain, including Missisquoi Bay, Button Bay, parts of Malletts Bay and the Inland Sea are all less than 20 feet deep, so it would be relatively easy to educate boaters that these areas must be avoided. For Lake Champlain, this depth requirement is particularly crucial as 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. Wakesports in shallow waters churn up sediment, and with this, reintroduce the phosphorus in that sediment to the waters of the Lake. This will further exacerbate phosphorus levels and undermine the clean water projects and program dedicated to reducing cyanobacteria blooms.[12] Allowing wakesports only in waters greater than 20 feet deep will limit these impacts.

Finally, the ballast water of a wakeboat poses a separate concern. LCC supports the Draft Rule's requirement of decontamination, in addition to draining of ballast water, to ensure that all aquatic invasive species are removed from the interior components of a wakeboat. If a wakeboat is transported between another lake and Lake Champlain, the same decontamination practices should be required to limit the spread of aquatic invasive species as is proposed for transport between inland lakes. For clarity, the provisions requiring decontamination of the interior components of wakeboats[13] should be moved from Section 3 to Section 4 or included in both.

Thank you for the opportunity to comment and for consideration of these suggestions.

Sincerely,

Jennifer Patterson
Executive Director

Lake Champlain Committee ~ 208 Flynn Avenue ~ Building 3, Studio 3F ~ Burlington, VT 05401
802-658-1414 ~ lcc@lakechamplaincommittee.org ~

[8] Draft Rule Section 3.7(c).
[9] As required in the wakesports zone established in Section 5.19.
[10] Draft Rule Section 3.6.
[11] As defined in Draft Rule Section 5.19.
[12] See generally, Riesgraf, Andrew, Jeffrey Marr, et al., *A Field Study of Recreational Powerboat Hydrodynamics and their Impacts on the Water Column and Lakebed*, St. Anthony Falls Laboratory, University of Minnesota (July 2025), pgs. 12-13.
[13] Draft Rule Sections 3.7(d) and (e).

From: Lori Kelton <rnlkelton@gmail.com>
Sent: Thursday, February 19, 2026 1:22 PM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from rnlkelton@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. We and our family are long-time Vermont residents and boaters who respectfully enjoy the Vermont waterways. After reviewing the proposed changes, petitions, and public comments, I respectfully submit the following.

I support maintaining the 2024 rule as written and oppose all of the proposed 2025 wakeboat rule amendments, specifically, the 100-acre lake threshold, the 3,000-foot straight-run requirement, the expanded interpretation of a 500-foot buffer from “any object” within the wakezone, application of Normal and Non-Normal use, and Section 3.7 and 4.3 Municipalities changes.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between measured environmental science and policy expansion is central to these comments.

In reference to the 500-foot buffer from “any object”, the Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The science describes attenuation relative to shorelines and boats. The “any object” interpretation represents a policy expansion beyond the study context, not a scientific threshold identified in the research.

The 3,000-foot straight-run requirement figure appears in discussions as a typical wakesports ride length; a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

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The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change. This threshold reflects a spatial visualization, not an environmental measurement.

As far as “Normal Use” goes, the position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute’s intent or with the historical record of recreational boating.

The relevant activity is towed watersports conducted by inboard motorboats, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wakesurfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal “use.” Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the “normal use” framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wakesurfing represents the evolution of long-standing inboard towed watersports, not a legally distinct category. No statutory, scientific, or historical analysis has been presented to support the conclusion that it is ‘non-normal use’..

The proposed amendments to Section 3.7 create a system in which wakesports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for “other good cause,” this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the least restrictive approach practicable to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these safeguards, the proposal shifts from science-based regulation to discretionary removal of access.

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft “any object” as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters’ shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Science-based policy protects both natural resources and the credibility of the institutions responsible for stewarding them.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded “any object” buffer provisions.

Thank you for your consideration in this matter.

Richard & Lori Kelton

References:

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Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

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Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Robb Kidd <robb.kidd@sierraclub.org>
Sent: Thursday, February 5, 2026 4:18 PM
To: ANR - WSMD Lakes
Subject: Wakesports coment Sierra Club
Attachments: 2026 VT Sierra Club Wake Boats_Comments to DEC.docx.pdf

You don't often get email from robb.kidd@sierraclub.org. Learn why this is important

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February 4, 2026

Julie Moore, Secretary
Vermont Agency for Natural Resources 1 National Life Drive Davis Building 2
Montpelier, Vermont 05620-3901

Misty Sinsigalli, Commissioner
Vermont Department of Environmental Conservation Davis Building-3rd Floor
Montpelier, Vermont 05620-3901

Re: Managing wake boat activity on Vermont lakes and ponds
Agency of Natural Resources, Use of Public Waters Rules
Secretary of State's Proposed Rule Posting Number 25P045

Dear Secretary Moore and Commissioner Sinsigalli:

Vermont Sierra Club is submitting this letter in support of the Vermont Department of Environmental Conservation's (DEC) amended Use of Public Water Rules to the Vermont Agency of Natural Resources (ANR) to manage wake boats and their activities on Vermont lakes and ponds. The proposed rules continue to allow wakesports where appropriate, offer stronger safety measures for people who use Vermont's lakes and ponds, and provide greater environmental protections for shoreline wildlife. If promulgated, the amended DEC rule would remove 13 lakes from the list of those that currently allow wakesports.

The Sierra Club is America's largest and most influential grassroots environmental organization, with nearly 10,000 members and supporters in Vermont. In addition to protecting every person's right to get outdoors and access the healing power of nature, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and legal action. Many of our members enjoy Vermont's ponds and lakes year-round and have a keen interest in ensuring the State takes steps to ensure safe and environmentally-responsible use of these shared resources.

Artificially enhanced wakes, created by wake boats and wake-enhancing devices, cause environmental damage, degrade water quality, create safety hazards for people in or on the water, and cause physical damage to shorelines and property.

Given the potentially destructive impacts of wake boats, the Vermont Sierra Club supports strong rules that will help protect the health of our communities, water resources, and the wildlife habitat here in Vermont.

The DEC's amended ANR petition:

- Increases the minimum safety wakesports zone from 50 to 100 acres.
- Requires a minimum wakesports run of 3,000 feet.
- Expands the safety buffer from other users and water structures from 200 to 500 feet.

- Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

Vermont Sierra Club supports each of these proposed changes. The first three of the proposed changes rightly focus on safety for those who recreate in and on Vermont's lakes and ponds. DEC proposed these improved measures in order to "better address safety concerns," following the agency's 2024 rulemaking. See DEC's ANR summary of their petition. As a result of these proposed changes, wakesports would not be permitted on 13 small to moderate-sized, shallow lakes. With wakesports activities prohibited on these waterbodies, lake health and water quality will improve, and user conflicts will decrease.

Vermont Sierra Club fully supports the DEC's amended Rule changes as they align well with our mission. We also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stronger rule that includes:

- a minimum 30-foot water depth (supported by *new science*);
- a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
- the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

We strongly urge the ANR to approve the DEC's amended petition, along with the three narrow improvements advocated by Responsible Wakes for Vermont Lakes, in order to more appropriately manage wakesports activity in the State's waters.

Sincerely,

Robb Kidd
Chapter Director
Vermont Sierra Club
P.O. Box 492
Montpelier, VT 05601
robb.kidd@sierraclub.org

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Robb Kidd
Vermont Chapter Director
He,Him,
Montpelier, VT
802-505-1540
www.sierraclub.org/vermont

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it is the only thing that ever has."
Margaret Mead

SIERRA CLUB
VERMONT CHAPTER

February 4, 2026

Julie Moore, Secretary
Vermont Agency for Natural Resources 1 National Life Drive
Davis Building 2
Montpelier, Vermont 05620-3901

Misty Sinsigalli, Commissioner
Vermont Department of Environmental Conservation
Davis Building-3rd Floor
Montpelier, Vermont 05620-3901

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2. Requires a minimum wakesports run of 3,000 feet.
3. Expands the safety buffer from other users and water structures from 200 to 500 feet.
4. Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

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2. a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
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We strongly urge the ANR to approve the DEC's amended petition, along with the three narrow improvements advocated by Responsible Wakes for Vermont Lakes, in order to more appropriately manage wakesports activity in the State's waters.

Sincerely,

Robb Kidd
Chapter Director
Vermont Sierra Club
P.O. Box 492
Montpelier, VT 05601
robb.kidd@sierraclub.org

From: Robert Burns <robert.burns.4607d@advocate-mail.com>
Sent: Friday, February 20, 2026 11:58 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from robert.burns.4607d@advocate-mail.com. Learn why this is important

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Robert Burns
25241 Divinci Ave
Lancaster, CA 93536
(310) 502-9879
v6taco@verizon.net

From: ROBERT MUNSON <robert.munson.e5765@advocate-mail.com>
Sent: Monday, February 23, 2026 10:09 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

ROBERT MUNSON
3837 N Shire Ln
Prescott, AZ 86301
(760) 217-8926
azbobmunson@gmail.com

From: Rodney Putnam <rodneyvt@gmail.com>
Sent: Tuesday, February 17, 2026 1:01 PM
To: ANR - WSMD Lakes
Subject: Wakesports & proposed rule changes
Attachments: Lake Iroquois chart wakezone.jpg

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Dear Dept of ANR / Committee Members-

PLEASE, PLEASE, PLEASE - no more rule changes - I must object to these proposed changes.

My family & I have lived (primary home) on Lake Iroquois, Hinesburg VT since 2015- We have owned a wake/surf boat since 2015 as well.

- As Fish & Game wardens have reported - there have been no violations issued to current rules
- Attached you will find a chart with the current restricted area of Lake Iroquois - from top to bottom, this area is approximately 4000', but most days we only use the lower half as there are other users on the lake & we respectfully keep away as best as possible in order to share the lake with other users (Kayaks, SUPs, Fishermen, other boaters)
- **The 3,000-ft number is used in geometric area calculations, not ecological modeling**
    - Public comments and rule discussions use 3,000 feet as part of a **geometric calculation** to estimate required lake area (e.g., run length × wake width to approximate acres). This is mathematical reasoning to visualize space, not environmental modeling.
    - A geometric footprint does not demonstrate ecological impact. Environmental science would require measurement of turbidity, sediment resuspension, shoreline erosion, or habitat effects relative to repeated passes and proximity to sensitive areas — not simply multiplying length by width.
    - Thus, the 3,000-ft value functions as a spatial assumption, not an evidence-based environmental threshold.
- 50 acres is a compromise that I can live with, that still allows us to use the lake - if you raise the minimum to 100 acres the lake will no longer be eligible - forcing me to either go to another lake and possibly add to crowding another body of water.
    - The cited science in the ANR pre rule making slideshow and also noted in the petitions from University of Minnestota identifies **wave energy** and **proximity to shoreline or other boats** as relevant variables. It does not identify lake acreage as a driver of:
        - Sediment resuspension
        - Shoreline erosion
        - Habitat disturbance
        - Safety risk
    - Without a Vermont-specific field study or a peer reviewed study, demonstrating that impacts increase or decrease at a 100-acre boundary, the acreage requirement is a **policy decision**, not a science-based threshold.
    - “The 100-acre number comes from geometric modeling of a rider’s path, not from hydrodynamic or ecological measurement — acreage is not a variable evaluated in the University of Minnesota wake research.”
- When we moved here in 2015 there were 3 boats in this category, 11 years later there are still only 3 boats..... THE Largest boat dealer in VT averages 180 boat sales a year of all types of boats (fishing, pontoon, bow rider, wake sport) with only 1 or 2 fit this category of boats.
- Finally the 500 foot buffer from shore is acceptable as we have already compromised and agreed with the current 2024 rule that is in place, but adding this rule to other boaters or objects on the lake will create confusion between boaters. As we are only going 10 mph we are more likely to be passed by other boaters assuming the 200' rule. Vermont’s current wakesports framework already incorporates the scientific concept supported by the literature: a **500-foot buffer from**

shore as part of wakesports zone eligibility. That structure directly aligns with wave attenuation research focused on shoreline impacts.

- Requiring a wakeboat to remain 500 feet from **any object while inside a wakesports zone** is not an incremental refinement of the science-based shoreline buffer; it is a **new regulatory construct**.
    - Neither Marr et al. University of Minnesota, nor related studies evaluate the feasibility, safety necessity, or enforcement implications of maintaining a 1,000-foot diameter exclusion area around a moving vessel within a designated zone.
    - **Citation:**
      Vermont Agency of Natural Resources, Wakesports Zone Framework (2024–2025 materials)
      https://legislature.vermont.gov/Documents/2026/Workgroups/Senate%20Natural%20Resources/Water/W~Bethany%20Sargent~Department%20of%20Environmental%20Conservation%20Wake%20Boats~5-6-2025.pdf
- Boater education is required for everyone born after 1974 to drive a powerboat, they must, take 8 hours of a course to learn the rules of boating. Conversely, when someone buys a kayak or Stand up paddle board they are not given a rule book or taught the rules of a boating body of water along with life preserver regulations, etc. The current handbook that is being taught/ handed out - **does not contain the 2024 rule** regarding wakesports in the book. There is a delay in regulation and education, and therefore this rule should not be advancing from 2024 in the new proposed rule, when the current departments are not acknowledging or teaching the current wakesport rule from 2024 that is in effect.

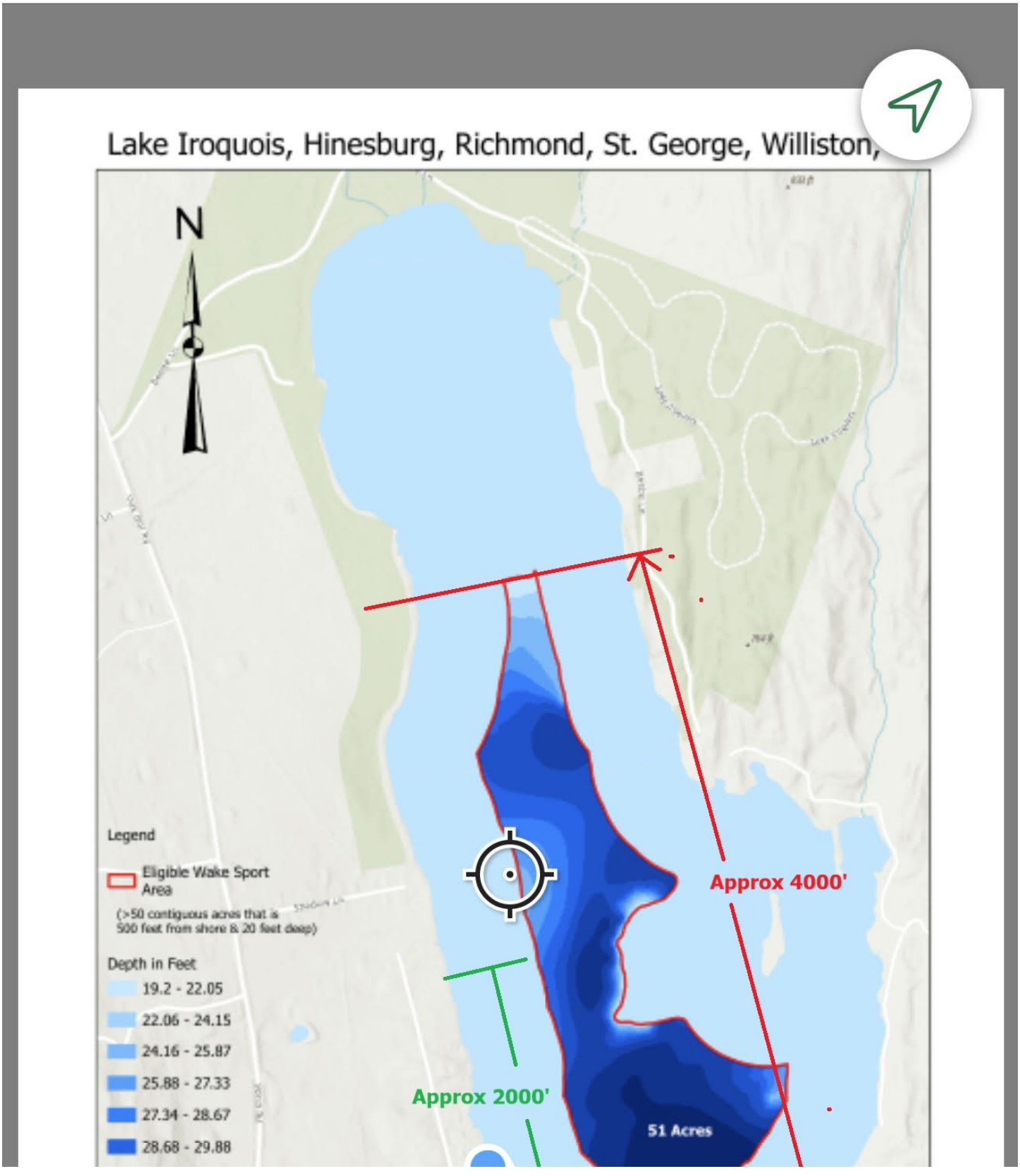
Thank you,

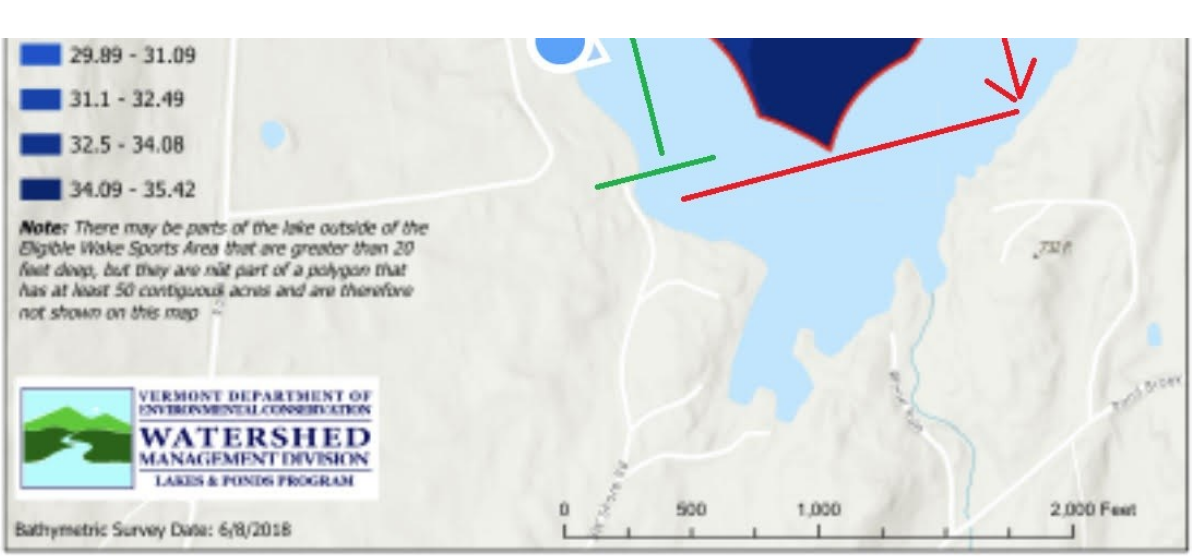
Rodney Putnam

Lake Iroquois VT

11:54 90

Wakesport Zone on Lake Iroquois i...





44.369404, -73.086089

From: russwilde@woodardmarine.com
Sent: Tuesday, February 17, 2026 5:43 PM
To: ANR - WSMD Lakes
Subject: Wakesports Ban on Vermont Lakes

You don't often get email from russwilde@woodardmarine.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments.
I am writing to clearly state my opposition to the following proposed changes:

- The 3,000-foot straight-run requirement
- The “500 feet from any object” provision within a wakesports zone
- The increase in minimum lake size from 50 acres to 100 acres
- The classification of wakesports as a “non-normal use”
- The proposed revisions to Sections 3.7 and 4.3

Below is a direct explanation of my position.

1) 3,000-Foot Straight-Run Requirement
There is no peer-reviewed environmental or boating-safety research establishing 3,000 feet as a required minimum run length for safe wakesurf operation.
The wake studies most frequently cited examine wake characteristics, wave attenuation, energy dissipation, and potential environmental effects. They do not prescribe a minimum straight-run distance. The 3,000-foot figure appears primarily as:

- An operational description of a typical ride length, and
- An assumption used in geometric modeling of available space

This reflects boating practice and spatial calculations, not measured hydrodynamic necessity.
Conclusion: The 3,000-foot requirement is a policy decision. It is not supported by scientific findings demonstrating that such a run length is environmentally or operationally necessary.

2) 500 Feet From “Any Object” Within the Wakesports Zone
Vermont already operates under a statewide boating safety structure built around a 200-foot framework related to swimmers, shorelines, and other vessels.
The major wakesurf research discussions focus on wake energy and wave attenuation. They do not address collision envelopes or establish separation requirements from “any object.”
For example:

- Research from the University of Minnesota and the St. Anthony Falls Laboratory evaluates wake attenuation over distance and depth.
- These studies examine how wave characteristics diminish — not whether 500 feet from all objects is required for safe operation.

Requiring 500 feet from shore and 500 feet from other vessels or swimmers creates a large, moving exclusion zone. In real-world lake conditions, this can make compliance impractical

and convert theoretical permission into practical prohibition.
Conclusion: In the absence of a boating-safety or collision-risk study supporting 500 feet from other vessels or swimmers, this provision functions as a policy restriction rather than a science-based safety standard.

3) Increasing Minimum Lake Size From 50 Acres to 100 Acres
Acreage is not a hydrodynamic variable. Area thresholds are derived from assumed run length, wake width, and setback geometry.
Vermont's existing rule already requires:

- A minimum of 50 acres
- Shoreline setback requirements
- Depth requirements

Increasing the threshold to 100 acres will remove additional waterbodies by definition. That outcome is policy-driven.
No study in the rulemaking record demonstrates that:

- 50 acres with existing safeguards is insufficient, and
- 100 acres is environmentally necessary.

Conclusion: The 100-acre requirement operates as a policy lever to restrict access, not as a measured environmental threshold supported by hydrodynamic research.

4) "Non-Normal Use" Argument
Wakesurfing represents an evolution of long-standing towed watersports conducted by inboard motorboats. Towboats and inboard ski boats clearly predate January 1, 1993. Equipment refinement within an established recreational activity does not create a new legal category of use.
There is no statutory or scientific basis in the record demonstrating that wakesports constitute a legally distinct "non-normal use" under Vermont's public waters framework.

5) Sections 3.7 and 4.3
The proposed revisions to Sections 3.7 and 4.3 introduce expanded administrative authority to add or remove wakesports eligibility.
Without clearly defined standards, evidentiary requirements, time limits, or procedural safeguards, this structure creates uncertainty and allows discretionary restriction without objective scientific thresholds.
If temporary suspensions are contemplated, they should require:

- Written scientific findings
- Defined evidentiary standards
- Clear duration limits
- Automatic expiration unless renewed through formal rulemaking

Absent these safeguards, the structure functions as an open-ended policy tool.

Overall Scientific Context
Vermont's current wakesports zone definition is already restrictive and codified.

The broader research landscape on wake reduction is condition-dependent and does not establish universal numerical thresholds of 3,000 feet, 500 feet from any object, or 100 acres.
Importantly, the University of Minnesota research and the Marr et al. study were presented and referenced through public comments and petitions submitted by parties advocating for additional restrictions. These studies evaluate wake characteristics and attenuation; they do not prescribe the regulatory thresholds now proposed.
Vermont has not produced Vermont-specific hydrodynamic field research in this rulemaking record demonstrating that these escalated numeric thresholds are necessary statewide.

Final Position
I oppose the proposed additional restrictions because:

1. The 3,000-foot requirement is not supported by scientific research; it is an operational assumption.
2. The 500-foot “any object” provision is not supported by wake attenuation science and functions as a practical access restriction.
3. The 100-acre minimum is a policy exclusion tool, not a measured environmental threshold.
4. Wakesurfing falls within Vermont’s established normal use framework.
5. Sections 3.7 and 4.3 expand discretionary authority without clear scientific guardrails.

Taken together, these proposals function as policy mechanisms to further restrict use in the absence of Vermont-specific scientific findings establishing necessity.
Thank you for considering this comment.

Scientific References
University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats
Marr et al., *Characterization of Boat-Generated Wake Waves* (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf
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https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

Russ Wilde
Manager
Woodard Marine

802-265-3690 x7
russwilde@woodardmarine.com
woodardmarine.com
P.O. Box 130, Hydeville, VT, 05750

WOODARD MARINE INC.
LAKE BOMOSEEN, VT.

★★★★★
Review Woodard Marine

From: Russ Wilde <rwilde73@gmail.com>
Sent: Tuesday, February 17, 2026 10:10 AM
To: ANR - WSMD Lakes
Subject: Wakesports Ban

You don't often get email from rwilde73@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR / Lakes & Ponds Program Staff,

Thank you for the opportunity to provide public comment on the proposed 2025 wakeboat rule amendments. After reviewing the draft rule language, supporting materials, submitted petitions, and public comments advocating for additional restrictions, I respectfully submit the following comments.

I oppose the proposed 2025 amendments, specifically the 100-acre lake threshold, the 3,000-foot straight-run requirement, the expanded 500-foot buffer from “any object” within the wake zone, the classification of wakesports as “non-normal use,” and the proposed changes contained in Sections 3.7 and 4.3 relating to municipal authority and administrative removal. I support maintaining the 2024 rule as adopted.

In reviewing materials cited in support of additional restrictions, the primary scientific references include research from the University of Minnesota’s St. Anthony Falls Laboratory and related wake characterization studies. It is important to note that the University of Minnesota and Marr et al. materials were introduced through public comments and petitions advocating for expanded limitations. These studies evaluate boat-generated wake characteristics, including wave height, energy, and attenuation relative to distance and depth.

However, there is a meaningful distinction between what the referenced science measures and how those findings are being translated into fixed regulatory thresholds. The cited research examines physical wake behavior. The proposed amendments convert operational descriptions and spatial modeling assumptions into enforceable environmental standards. That gap is central to this comment.

500-Foot Buffer From “Any Object”

The Minnesota research evaluates wake attenuation relative to shorelines, docks, and other vessels, focusing on energy dissipation over distance and the influence of depth. The studies do not define “object” as a regulatory category, do not analyze swimmers, buoys, or markers as variables, and do not recommend a 360-degree exclusion zone around a wake vessel.

Expanding shoreline attenuation science into a requirement that wakeboats remain 500 feet from “any object” represents a policy expansion beyond the scope of the cited research. The science describes attenuation relative to shorelines and boats; it does not establish a universal exclusion radius.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a representative wakesports ride length — an operational description of how the activity is typically performed. Wake science evaluates wave propagation, depth interactions, and shoreline distance. It does not evaluate environmental impact as a function of uninterrupted straight-line travel.

No cited study links sediment disturbance, erosion, or habitat impact to run length. The number originates from recreational practice, not hydrodynamic or ecological thresholds.

100-Acre Lake Threshold

The 100-acre figure derives from geometric modeling assumptions regarding space required for a modeled ride length and wake width. Wake research consistently identifies distance from shore, depth, wave energy, and exposure frequency as primary environmental variables. Lake surface acreage itself is not identified in the literature as a determinant of wake energy or attenuation behavior.

The cited studies do not test acreage as a variable and do not establish a lake-size threshold at which environmental impact changes. The 100-acre requirement reflects spatial visualization rather than field-measured ecological data.

Normal Use Classification

The position that wakesports constitute a “non-normal use” because modern wakeboats did not exist in their current configuration prior to January 1, 1993, does not align with the statutory framework or the historical record of recreational boating.

Towed watersports conducted by inboard motorboats clearly predate 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, with wakesurfing developing as an extension of those practices in the late 1980s and early 1990s. Regulatory interpretation has historically treated technological refinement within an established recreational category as continuation of that use, not creation of a new legal classification.

The “normal use” standard was intended to prevent novel or incompatible activities, not to freeze recreational boating technology at a specific historical configuration. Wakesurfing represents the evolution of longstanding inboard towed watersports, not a distinct legal category.

Sections 3.7 and 4.3 — Administrative Removal Structure

The proposed amendments create a framework under which wakesports eligibility may be added or removed through ongoing administrative discretion tied to management activities or research findings. When combined with the “other good cause” language, this establishes an open-ended mechanism for suspending lawful recreational access without defined procedural safeguards.

The proposal contains no clear evidentiary standard, no defined duration limits, and no automatic expiration provisions. Temporary suspensions could function as permanent exclusions without formal rulemaking. This approach is inconsistent with a least-restrictive-use framework and risks replacing objective standards with discretionary determinations.

If temporary suspensions are contemplated, they should include written scientific findings, objective criteria, defined time limits, and automatic expiration unless renewed through formal rulemaking.

Science, Policy, and Public Confidence

There is no Vermont-based field research establishing 100 acres, 3,000 feet, or a 500-foot “any object” buffer as ecological thresholds in these waters. The cited wake research explains wave behavior relative to distance, depth, and energy. The proposed amendments convert shoreline attenuation science, boating practice descriptions, and geometric modeling assumptions into fixed regulatory limits without corresponding measured impact data at those values.

Maintaining a clear connection between empirical data and regulatory standards is essential to public trust. When regulatory numbers cannot be directly traced to field-measured environmental thresholds, confidence in the rulemaking process is weakened. Science-based policy protects natural resources while also protecting the credibility of the institutions responsible for stewardship.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and decline adoption of the

proposed 100-acre, 3,000-foot, and expanded “any object” provisions, as well as the related classification and administrative changes.

Thank you for your consideration.

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

Please note that the University of Minnesota research and the Marr et al. study were introduced and cited through public comments and petitions submitted by parties advocating for additional restrictions.

From: Samuel Winham <samuel.winham.d2ee7@advocate-mail.com>
Sent: Monday, February 23, 2026 8:09 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from samuel.winham.d2ee7@advocate-mail.com. Learn why this is important

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Samuel Winham
7208 W Los Gatos Dr
Glendale, AZ 85310
(602) 363-2997
swinham2@gmail.com

From: Sara Ecker <sara.ecker10@gmail.com>
Sent: Thursday, February 5, 2026 1:57 PM
To: ANR - WSMD Lakes
Cc: Sara Ecker
Subject: Wakesport- Lake Fairlee

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February 5, 2026

To Whom it May Concern,

I have written to this committee several times, so I apologize if any of these points are repetitive. I want to reiterate from the outset that I feel strongly about finding a compromise rather than taking a one-sided approach.

Much of the recent discussion surrounding this matter has felt selective. While attention has been placed on a single lakeside family advocating for wake boat use, there are other families—my own included—who also use wake boats responsibly on this lake and have been for 10+ years. Allowing the voices of the loudest, most numerous and those with higher financial means (the local camps) to determine policy marginalizes a smaller group of stakeholders, which is concerning and feels hopeless. Fair governance requires weighing all perspectives, not just the most prominent ones.

It is also critical to put wake boat usage into proper context. Wake boats represent only a very small fraction of overall lake activity (as repeatedly noted by the arguments regarding the one family and use of the word “selective” when referring to their opposition) . My family uses Lake Fairlee approximately 15–20 hours per summer, and even then, not always with a full ballast. It would be interesting to see research that directly correlates the *actual frequency and duration* of wake boat use on this lake with the environmental and other concerns being raised. Our experience is that there is minimal wakeboat use on this lake in addition to ours and the one family that has a house on the lake. It is difficult to justify restrictions that appear disproportionate to the level of use. Given the limited number of wake boats and their infrequent operation, a compromise is not only reasonable but it would seem more appropriate for our small community.

Safety considerations further support this position. When wake boats are fully ballasted, they operate at very slow speeds (usually 10 MPH +/-). This allows operators to be highly intentional in their navigation. We deliberately stay in the middle of the lake, avoid congested areas, and give wide berth to paddleboards, kayaks, sailboats, and other small vessels. Because of our low speed, we are able to stop quickly and react immediately when needed.

By contrast, ski boats and fishing boats often travel at high speeds, making it much harder for them to stop suddenly. While they may not create large waves, their speed and power can pose just as much risk to smaller watercraft. As we have noted in previous letters, wake boat waves generated in the middle of the lake—where we intentionally remain—do not turn into the shoreline-flooding waves that some have suggested.

It would seem to make sense to spend a summer gathering accurate data on how many hours wake boats are operating with full ballast. (It is also worth noting that there are times we are on the lake without any ballast at all.) Looking at this issue from a broad, data-driven perspective is important, rather than assuming danger without fully understanding the reality. Last summer, we made it a point to observe our own wakes as they reached the shore, particularly in areas where children swim and boat, and we never witnessed children struggling, screaming, or being put at risk. This leads us to question how frequently these incidents are truly occurring.

We love the summer camps on the lake—they are invaluable for children and staff alike—and this is not a matter of camps versus wake boat users. We simply ask that you consider the fact that wake boats account for a very small fraction of total lake use. As taxpayers, we believe we should be able to enjoy the lake fully and responsibly. We are conscientious in how we operate our boat and have never intentionally endangered others. On the contrary, we are mindful, careful, and respectful every time we are on the water. We do so with care, awareness, and respect for others. We are not attempting to inconvenience, endanger, or overpower anyone on the water—and we never have. Our use of the lake is respectful, limited and mindful and also joyful and memorable family time. For these

reasons, we respectfully urge the committee to pursue a balanced solution rooted in data, compromise, and equal consideration for all lake users.

Sincerely,

Sara Ecker and Bob, Kait and Ty Christensen

199 Stowell Rd, Thetford Center VT

From: Sarah DiCarlo <sarahdicarlo6@gmail.com>
Sent: Monday, February 16, 2026 6:37 PM
To: ANR - WSMD Lakes
Subject: Public Comment – Opposition to Proposed 2025 Wakeboat Rule Amendments

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Dear ANR/Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments.

I respectfully oppose the proposed additions of (1) a 3,000-foot straight-run requirement, (2) a 500-foot buffer from any object within a wakesports zone, and (3) an increase in minimum lake size from 50 acres to 100 acres. I also address the related assertion that wakesports constitute a “non-normal use” of Vermont public waters under Sections 3.7 and 4.3.

3,000-Foot Straight-Run Requirement:

There is no peer-reviewed environmental or boating-safety research establishing 3,000 feet as a minimum distance necessary for safe wakesurf operation. The wake studies most frequently cited in public discussions evaluate wake characteristics, energy, and attenuation over distance and depth. They do not prescribe a required straight-line operating length.

The 3,000-foot figure appears to derive from assumptions about typical ride duration and geometric modeling of available space, not from measured hydrodynamic necessity. In the absence of a study demonstrating that 3,000 feet is required to mitigate environmental or safety risk, this threshold reflects a policy determination rather than a science-based standard.

500 Feet From Any Object:

Vermont’s broader boating safety framework is structured around a 200-foot standard relating to swimmers, shorelines, and other vessels. The wake attenuation literature cited in public comments focuses on wave behavior, not collision-risk envelopes or universal separation buffers.

A requirement of 500 feet from shore and 500 feet from other vessels or swimmers effectively creates a large, moving exclusion zone. On many waterbodies, this would make lawful operation functionally impracticable. Without a boating-safety or risk-analysis study establishing that 500 feet is necessary, this provision appears to operate as an access restriction rather than a demonstrated safety requirement.

Increase From 50 Acres to 100 Acres:

Acreage is not itself a hydrodynamic variable. Minimum area thresholds are derived from assumed run length, wake width, setbacks, and depth—geometric inputs rather than direct environmental measurements.

Vermont’s current rule already requires at least 50 acres, along with depth and shoreline setback criteria. Increasing the minimum to 100 acres will categorically exclude additional waterbodies. Absent evidence demonstrating that 50 acres with existing safeguards is insufficient and that 100 acres is necessary to protect environmental or safety interests, this change functions as a policy exclusion rather than a measured threshold.

Scientific Context:

The broader wake attenuation research landscape is condition-dependent and does not establish uniform

statewide numeric standards of the type proposed here. To date, Vermont has not presented Vermont-specific hydrodynamic field research in this rulemaking record demonstrating that the proposed escalated numerical thresholds are required across all eligible waters.

Conclusion and Request:

For the reasons outlined above, I respectfully request that ANR reconsider or withdraw the proposed additions unless and until Vermont-specific scientific findings demonstrate their necessity. Regulatory thresholds that materially restrict public-water access should be supported by clear evidentiary justification.

Thank you for considering this comment.

Sincerely,
Sarah DiCarlo

--
Sarah DiCarlo
845.527.7751

From: Shane Baron <sbaron@theabbeygroup.com>
Sent: Tuesday, February 17, 2026 1:54 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Dear ANR/ Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. I am a Vermont resident and after reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.
I oppose the proposed additions of:

- the **100-acre lake threshold**
- the **3,000-foot straight-run requirement**
- the expanded interpretation of a **500-foot buffer from "any object" within the wakezone**
- **Normal Use Definition**
- **Section 3.7 and 4.3 for management project municipalities**

and I support maintaining the **2024 rule as written**, including the existing shoreline and dock buffer framework.
In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.
However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers.

500-Foot Buffer From "Any Object"
The Minnesota research evaluates how wakes diminish over distance, particularly in relation to **shorelines, docks, and other vessels**. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.
The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wakesports area.
The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a policy expansion beyond the study context.

3,000-Foot Straight-Run Requirement
The 3,000-foot figure appears in discussions as a typical wakesports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.
No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

100-Acre Lake Requirement
The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth,

and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates. The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

The argument being presented to Vermont Agency of Natural Resources and DEC — including by Federation of Vermont Lakes and Ponds — asserts that wakesports should be classified as a "non-normal use" under Vermont's Public Waters framework because modern wakeboats, in their current form, did not exist prior to January 1, 1993. This interpretation mischaracterizes both the activity at issue and the intent of the statute.

The relevant use is **towed watersports conducted by inboard motorboats**, an activity that clearly predates 1993. Prior to that date:

- Towboats, ski boats, and inboard vessels designed to generate wake for recreational towing sports were in widespread use
- Ballast modification and wake-enhancement practices existed
- Wakesurfing emerged as a sport in the late 1980s–1990s
- Recreational towing sports behind inboard boats were an established category of boating activity

The statute does **not** state that technological evolution within an existing recreational activity creates a new legal "use." Regulatory interpretation consistently recognizes that **improvements in equipment within a longstanding activity category do not convert that activity into a legally distinct use**. The purpose of the "normal use" concept was to prevent *novel or incompatible uses*, not to freeze boating technology at 1993 levels. New equipment does not equal a new use when the underlying activity category is longstanding. Wakesurfing is a technological evolution of traditional inboard towed watersports, not a separate category of water use.

I respectfully request that language characterizing wakesports as "non-normal use" be removed. Historical documentation, industry history, and the evolution of watersports demonstrate that this activity falls within pre-1993 recreational boating practices. No scientific or legal analysis has been presented to establish otherwise; the classification appears to stem from public request rather than statutory interpretation.

E. Section 3.7 Wakesports & Section 4.3 Temporary Use Restrictions

I oppose the proposed amendments to **Section 3.7 Wakesports** and the associated administrative structure allowing the Secretary to add or remove wakesports-eligible lakes from a maintained list based on changing conditions, lake management activities, or research considerations.

As described in the Summary of Proposed Changes (Dec. 17, 2025), this shifts lake eligibility from fixed rule criteria to **ongoing administrative discretion**, creating a de facto pathway to long-term or permanent exclusion through rotating "projects," rather than through formal rulemaking.

This concern is amplified by **Section 4.3 Temporary Use Restrictions**, which authorizes restrictions for public safety, emergencies, or "other good cause." The phrase "other good cause" is undefined and lacks objective standards. When combined with project-based removal authority under Section 3.7, this creates an open-ended mechanism to suspend a lawful recreational use without procedural guardrails.

As written, the rule contains:

- No built-in time limit on project-based suspensions
- No requirement for re-approval through formal rulemaking
- No defined proof threshold demonstrating direct project conflict
- No statewide consistency check to prevent uneven application

Without these safeguards, temporary suspensions could function as **permanent exclusions**, even absent ongoing, demonstrated conflict. This moves the framework away from science-based regulation of use and toward discretionary removal of access.

This structure conflicts with the UPW framework requiring that use conflicts be managed using the **least restrictive approach practicable**. Indefinite or recurring administrative exclusions are not the least restrictive option and effectively convert temporary management tools into permanent prohibitions.

If temporary suspensions are to be allowed for legitimate lake management, restoration, or research, the rule must

include objective limits. I request the rule require that any suspension:

- Be based on documented, project-specific necessity showing direct interference
- Be limited to the smallest geographic and temporal scope necessary
- Not exceed one boating season (or 6 months) without formal rulemaking review
- Not recur within 48 months except for natural emergency events
- Include written scientific findings by the Secretary
- Automatically expire unless renewed through public rulemaking

These safeguards do not prevent environmental management. They ensure that temporary measures remain temporary, that decisions are science-based and transparent, and that public water access is not incrementally removed through administrative processes outside formal rulemaking.
For these reasons, I oppose the rule as written and request revision.

There is no scientific evidence, and specifically no Vermont Research to reference in the exact environment to support any of these increased regulations.

The cited wake research explains how waves behave relative to **distance, depth, and energy**. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, **ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests.**

The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data., therefore outside of your own comment of science-based and of Vermonter's shared interests.

For these facts, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.
Thank you for your consideration.
Sincerely,

Scientific References
University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats
Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf
Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf
Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf
Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines

(2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com
MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)
MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

Best Regards,
Shane Baron

From: Scott Stokoe <scott.p.stokoe@gmail.com>
Sent: Sunday, February 1, 2026 4:09 PM
To: ANR - WSMD Lakes
Subject: Lake Fairlee wake boat rule changes

You don't often get email from scott.p.stokoe@gmail.com. Learn why this is important

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First, as a long--time Vermont resident, I'd like to thank you and your department for the excellent stewardship you have provided for Vermont's lakes. As a parent and family, we have visited and enjoyed many of the state's lake resources. My two children learned to swim in Lake Fairlee, as two, very young children. We also spent time on the waterfront and enjoyed paddling and fishing on the lake. It is a very, very important community resource for our family, community and also as an economic resource for the surrounding towns. I am now of an age that I will be bringing my granddaughter to Lake Fairlee for her initiation into the aquatic world. Not only will she learn to swim and fish there but it is my dream that she will be able to experience the loon population that has called Lake Fairlee their home; to see their black and white beauty on the water, to see the high mound of a nest site and to revel in the truly magical calls of this ancient species. These are all personal reasons for why I am reaching out to you all.

It has come to our attention that much of what I described above may be threatened by a modification to the proposed SAFETY RULES for wake boating in the State of Vermont. First, let me say, there is no precedence for unfettered technological expansion into natural systems. Machines are prohibited from natural systems all the time. Lakes are no different. Just because this nautical technology existists is no justification for inappropriate access to natural systems. There should be no presumed acceptance of technologies, period. Second, there are many, many safety issues which must take precedence. The list includes young swimmers, boaters, sailors who may be at threat from high wave levels. This is a safety issue for all of the abutting towns tax-paying citizens and their children and it is an issue for the children's summer camps who are responsible for the health and safety of its campers, on the water. Third, where are the studies that determine the ecological safety of wake boats? Higher wave turbulence will disturb many aspects of the aquatic and terrestrial ecosystems, including soil erosion and shoreline plants, loon and aquatic bird nesting successes, amphibian and reptilian disruption, etc.etc.etc. Lake Fairlee is too valuable of a resource for human and natural communities to make them at risk to unsafe conditions, regardless of the possible technological innovation. PROTECT THE LAKE!!!!!!!

For all the above reasons, I support the proposed rule change for the enlargement of the wake sport zone to be greater than 100 acres. Although I think it is still too close, I do also support the proposed set back of at least 500 feet of wake sport use from other lake activities. Although these amendments still allow for potential harms from wake boats on Vermont's lake systems, I hope that this compromise is embraced by you all, out of an abundance of caution for our grandbabies and our grand nature!

Sincerely,

Scott Stokoe
Norwich, Vermont

From: Seiko Machin <seikomachin@gmail.com>
Sent: Sunday, February 15, 2026 2:18 PM
To: ANR - WSMD Lakes
Subject: Concerns Regarding Proposed Wakesports Rule Changes and Water Access Restrictions

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I am writing to express serious concerns regarding the proposed changes to Vermont's wake boat regulations and related water access restrictions.

First, what scientific evidence does ANR have to justify such drastic changes to a rule that is not even two years old? To date, the justification appears rooted in fear and unsubstantiated claims of violations rather than clear, Vermont-specific scientific findings. Before expanding or tightening regulations, the State should demonstrate measurable data showing that the current rule is failing. Regulatory changes of this magnitude should be driven by objective evidence, not perception or pressure.

Additionally, before adding further restrictions, Vermont must ensure that existing rules are fully implemented, clearly communicated, and properly incorporated into official boater education programs and enforcement training. Expanding regulations without first ensuring comprehensive education and consistent enforcement undermines compliance, fairness, and public trust. Regulatory implementation and accountability must come before regulatory expansion.

I also oppose redefining the "Normal Use" of Vermont waters in a way that excludes wake boats. Towed watersports using inboard boats have been around a long time. The evolution of boat technology does not transform a longstanding recreational activity into a "new use." Wake surfing is simply a modern evolution of established boating recreation. Recreational water use has always evolved, and policy should reflect that reality rather than attempt to freeze recreation in time.

Further, I oppose the proposed 500-foot setback from "any object" within a wake zone. Wake studies typically address shoreline wake attenuation not the creation of a 360-degree exclusion bubble around any object or vessel. Vermont already operates under a 200-foot safety framework. Expanding this to 500 feet from "any object" effectively creates a moving exclusion zone that would make lawful operation nearly impossible.

Any Boat cannot stop abruptly without creating additional safety risks. Operators cannot control other vessels entering their path or crossing inside that distance. Tubers, skiers, and other lake users frequently move unpredictably. How would compliance realistically be managed under such a framework? This proposal appears unenforceable in practice and risks penalizing operators for circumstances beyond their control.

Restricting access to public waters in this manner is not fair, or in my opinion legal. Vermont's waters are shared resources. All user groups should have reasonable opportunities to recreate safely as boating technology and recreation naturally evolve.

I respectfully urge you to reconsider these proposals and ensure that any regulatory decisions are grounded in science, practical enforceability, and public access for all.

David Machin

From: Shane Firestack <shane.firestack.3942f@advocate-mail.com>
Sent: Friday, February 20, 2026 6:45 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

It would be a shame to have this creep into every lake out there. Please vote against this because all it will do is move across the US to a lake near you!

Sincerely,

Shane Firestack
1870 Desert Hills Dr
Moab, UT 84532
(435) 260-7623
shane@lynkage.net

From: Shane Switser <shane@thepizzamandelivers.com>
Sent: Tuesday, January 27, 2026 3:16 PM
To: Kimball Johnson
Cc: ANR - WSMD Lakes
Subject: Re: Wake Sports/Wake Boats

You don't often get email from shane@thepizzamandelivers.com. Learn why this is important

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That's perfect! Thank you!
Sent from my iPhone

On Jan 26, 2026, at 10:48 AM, Kimball Johnson <kimballwjohnson@hotmail.com> wrote:

January 26, 2026

Vermont Agency of Natural Resources - Department of Environmental Conservation
Watershed Management Division, Lakes and Ponds Program
1 National Life Drive, Montpelier, VT 05620-3522

RE: Wakesports/Lake Willoughby/500 FT Distance Rule/50 acres to 100 acres

I am writing in opposition to the proposed 500 foot wake boat distance rule and 100 acres wake sport zone size increase by the Agency of Natural Resources. The summer of 2025 was remarkably quiet as far as all watercraft on Willoughby were concerned. Specifically, I know of no issues with wake boats in particular. With the hysteria over wake boats, it was sort of a cooling off period and life around the lake settled into near normal. I am 65 years old and I have been in or captained many different vessels on Willoughby my entire life. I am also the retired Fire Chief of Westmore Fire-Rescue which I founded in town in 2001 (also a lifelong member). I am past Emergency Management Director for the town and served the town as a first responder/EMT for 14 years. I am a former Vermont State Police Boating Safety Instructor. I held a seat on the planning/zoning board and was President of the Lake Willoughby Chamber of Commerce for many years. I am still very active in town and I am blessed that my wife and I own a small camp on the lake. To say I know a little about the Town Of Westmore and all aspects of safety would be an understatement.

My first thought when this uproar began concerning wake boats was of major concern. I did my due diligence looking to all the data surrounding these boats along with checking out what methods the State of VT DEC took to allow these boats on the lake in the first place. I also began hearing unsubstantiated horror stories concerning these boats and their safe operation on my lake (excuse me but I take my love for Willoughby very seriously) and wanted to get to bottom of this. Were these stories true? Swimmers being pulled under the water by a wake boat produced wave? A pontoon boat and its occupants totally covered over by a wave from a wake boat 100 feet away? The bottom of the lake over 200 feet deep being destroyed by a wake boats prop wash? How could this be?
None of the above scenarios are quite accurate. The hysterical nature of some of the stories shared by people in writing letters to the editor, to the DEC directly and in public meetings is nothing short of ridiculous. So much so, I have asked the Westmore Selectboard, who voted 3-2 in favor of not supporting the Westmore Associations petition, that all further alleged incidents that people claim to have happened to them would need to have been reported to the Vermont State Police in order for the Selectboard to rely on these accusations before making a decision. If the incident was that bad, it

needs to be reported and investigated. I have zero tolerance for safety violations on the waters of Willoughby. If I was convinced these reports were true, this letter would be in full support of the petition.

I applaud the DEC staff for putting in hundreds of hours of data collection, analysis, rule making and it shows. In my humble opinion, the DEC came up with a fair, balanced conclusion to this controversial subject. The petition supporters like to say that they have 500+ signatures in support of the petition but it is my understanding that only 49 of those signatures are from Westmore Residents of which there is approximately 435 of us.

As far as safety goes, from my lakefront camp, over the past few years I have responded to upwards of approximately 14 emergency calls some being 911 pager calls to Westmore Fire-Rescue and some self-responded and I will certify that of those calls ALL were for kayaks and paddle boarders in distress. Most calls were the result of terrible wind conditions, some were welfare checks, and some were caused by suspected over use of alcohol or drugs. Not one of the calls, that I responded to or have knowledge of, were related to, or because of the unsafe operation of a motor craft of any size or shape on Willoughby.

It is my sincere wish that the Vermont Agency of Natural Resources leave the current 200 foot requirement in place to stay away from other users of the lake and leave the current Wake Sports Zone Size at 50 acres.
Respectfully,

Kimball W. Johnson
Westmore Resident

From: Shane Switser <shaneswitser@icloud.com>
Sent: Thursday, February 26, 2026 2:39 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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To the Agency of Natural Resources

Lakes and Ponds Program

I am submitting this comment specifically in response to the Agency's justification for the proposed 500-foot moving buffer around wakeboats. After reviewing the explanation provided, I do not believe the scientific record, the field observations described, or Vermont's existing boating laws support adopting this new requirement.

The Agency has stated that the 500-foot distance for user separation is "grounded primarily" in shoreline wave-attenuation studies. Those studies—Marr, MacFarlane, and Mercier-Blais & Prairie—address how wave energy dissipates before it reaches the shoreline. They do not evaluate the safety of paddlers, swimmers, or other boaters at varying distances from a moving wakeboat. Using shoreline erosion research to justify a human-safety buffer is not supported anywhere in the scientific literature.

The Agency also referenced an informal field comparison involving a wakeboat, a motorboat, and a kayaker. While I appreciate the attempt to observe real-world conditions, a single uncontrolled demonstration cannot serve as the basis for a statewide regulation. There is no documented methodology, no replicated measurements, and no data that other stakeholders can review. One kayaker's subjective impression at two distances does not constitute evidence for a rule of this scale.

More importantly, the Agency's own description of that demonstration undercuts the conclusion being drawn. The kayaker reportedly experienced wave effects from a wakeboat at 500 feet that felt similar to the effects normally experienced 200 feet from a standard motorboat. Under Vermont law, 200 feet is already the accepted safe separation distance for all motorboats when it comes to other water users. If a wakeboat at 500 feet produces roughly the same conditions that are already considered legally safe at 200 feet, then a wakeboat operating at 500 feet is, by definition, within Vermont's existing safety standard. Nothing in the field comparison justifies replacing the long-standing 200-foot rule with a new 500-foot user buffer.

Another major concern is the confusion this change will create on the water. Right now, the rules are straightforward: all motorboats must stay 200 feet from other users, and wakeboats operating in wakesports mode must stay 500 feet from shore. Boaters understand this, and it is enforceable. Introducing a second 500-foot requirement—one aimed at people rather than shore—creates two different 500-foot rules that apply differently depending on the vessel type and situation. This is practically guaranteed to confuse boaters, paddlers, and even law-enforcement officers in real time. A system with two separate 500-foot standards will make it harder, not easier, for Vermonters to comply. Clarity is a safety tool, and this proposal would eliminate it.

Implementing a 500-foot moving buffer would effectively create a 1,000-foot exclusion circle around a single wakeboat. On many Vermont lakes with coves, bends, or irregular shorelines, that exclusion zone would make wakesports impossible regardless of whether any safety concerns exist. Major restrictions of this kind should be supported by clear, peer-reviewed research and transparent data. That is not the case here.

Vermont already has effective laws covering negligent operation, speed, control, and safe separation. These apply evenly to all motorboats and have been in place for decades. Replacing them with a wakeboat-specific standard that lacks scientific backing and introduces operational confusion does not meet the balanced, rational rulemaking contemplated by the Vermont DEC.

For these reasons, I respectfully request that the Agency remove the proposed 500-foot moving buffer from the rule. If the Agency believes additional safety measures are needed, then transparent data collection, proper field studies, and consultation with enforcement officials should occur before any new requirement is

adopted.

Thank you for the opportunity to comment.

Sincerely,

Shane Switser

Sent from my iPad

From: Simone Griffin <simone.griffin@blueribboncoalition.org>
Sent: Friday, February 20, 2026 6:36 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: Wakesports Proposed Rules.docx.pdf

You don't often get email from simone.griffin@blueribboncoalition.org. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see the attached comment.

--

Simone Griffin
Policy Director
BlueRibbon Coalition
435-459-1030

BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
208.237.1008
brc@sharetrails.org

Simone Griffin, Policy Director
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202

February 20, 2026

Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

BlueRibbon Coalition (BRC) is writing to provide feedback for the proposed Wakesport rules in the state of Vermont. BRC is a national non-profit organization that champions responsible recreation and encourages a strong conservation ethic and individual stewardship. We champion responsible use of public lands and waters for the benefit of all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with natural resource managers and other recreationists. Our members use motorized and non-motorized means of recreation, including OHVs, boating horses, mountain bikes, and hiking to enjoy public lands throughout the United States, including those of Vermont. BRC members visit these lakes for motorized recreation, wakesports, sightseeing, photography, rockhounding, hunting, wildlife and nature study, camping, observing cultural resources, and other similar pursuits. BRC members and supporters have concrete, definite, and immediate plans to continue such activities in the future.

BRC respectfully requests that DEC/ANR withdraw and substantially revise the proposed UPWR amendments related to wakesports/wakeboats, or at minimum delay adoption until the State completes a transparent, Vermont-specific evidentiary record that satisfies the Vermont

Administrative Procedure Act (APA) and supports the necessity and proportionality of the restrictions.

As described publicly, the proposal would further restrict wakesports zones and operational buffers, with the stated effect of reducing wakesports-eligible inland lakes from 30 to as few as 18. This is a major policy change with significant public access and economic impacts, and it should not proceed on an incomplete or methodologically opaque record.

Threshold Concerns

The Proposal Operates Like a De Facto Ban on Many Waters Without Demonstrated Necessity

DEC's existing statewide rule (effective April 15, 2024) already imposes substantial constraints (e.g., 500 feet from shoreand 20 feet of depth within defined "wakesports zones"). The current proposal appears to go further by expanding zone requirements (e.g., commonly described in public materials as 100 contiguous acres, 3,000-foot minimum length, and increased offsets from other users).

A regulation that so sharply reduces lawful recreation opportunities must be supported by:

- a clear articulation of the harm being addressed,
- evidence that wakeboats in "wakesports mode" uniquely cause that harm at Vermont-relevant lakes,
- and proof that the chosen numeric thresholds are necessary, effective, and the least burdensome feasible approach.

That showing has not been made in the materials available to the public.

"Best Available Science" Does Not Support the New Numeric Cutoffs as Written (and Confirms Major Data Gaps)

A. The evidence base supports distance/depth management—but not necessarily the proposed zone-size/length cutoffs

There is broad literature indicating that boat wakes can contribute to shoreline erosion and sediment resuspension under certain conditions, and that impacts depend strongly on local factors (shore type, depth, wave climate, traffic, etc.).

However, the leap from "wakes can cause impacts" to "therefore Vermont must adopt these *specific* statewide thresholds (100 acres, 3,000 ft run, expanded offsets)" requires

Vermont-specific justification and clear linkage between each threshold and the harm being prevented.

Notably:

- Michigan DNR's literature review discusses wakeboat concerns and recommends operational best practices like 500 feet from shore for wake-surfing/wake-boarding mode—but does not establish or validate a statewide "100-acre/3,000-foot" eligibility cutoff as a scientific necessity.
- University of Minnesota / St. Anthony Falls Laboratory (SAFL) work measured wake energy/power and how wakes change with distance, contributing useful data for best practices, but public-facing summaries do not inherently validate Vermont's proposed lake-eligibility thresholds; they support a distance-sensitive approach.
- The Chesapeake Bay/STAC technical review emphasizes that while wake energy is linked to erosion/turbidity, the magnitude and management response are highly site-specific, and it highlights data gaps and research needs—which cuts against rigid one-size statewide numeric cutoffs without Vermont-specific validation.

Key hole to press: The proposed "eligibility" numbers look like policy choices or compromise points, not conclusions compelled by the scientific literature.

B. Some frequently cited studies are limited, not Vermont-specific, and don't isolate wakeboats from other boating variables

Example: Terra Vigilis's North Lake Phase 2 report provides field observations of wave features and limited water chemistry/clarity evaluation, but like many localized studies, it is not automatically generalizable statewide; studies like this also must be interpreted carefully with respect to controls, baseline variability, and attribution among vessel types and conditions.

Similarly, news coverage and advocacy summaries of SAFL Phase 2 emphasize deeper-water operation (e.g., 20 feet) to reduce lakebed impacts—again supporting depth-based best practices, not necessarily the broader "access elimination" effects created by zone-size thresholds.

C. Vermont should not treat "uncertainty" as a blank check for maximal restriction

DEC must show a rational connection between evidence and rule choices. The existence of uncertainty and evolving research is a reason to:

- focus on enforceable best practices,
- pilot programs,

- monitoring and adaptive management,
- and targeted restrictions where specific documented conflicts occur,

—not a reason to adopt restrictions that functionally remove a lawful activity from many waters absent a Vermont-specific evidentiary basis.

Failure to Consider Reasonable Alternatives (Least Restrictive Means)

Even if DEC can show some incremental risk from wakesports, the proposal appears to skip over less burdensome, more directly causal controls, such as:

- Time-of-day or day-of-week windows on smaller lakes to reduce conflicts while preserving access.
- Enforcement and education targeted at unsafe or inconsiderate operation, rather than expanding eligibility cutoffs.
- Objective operational standards (e.g., always >20 ft depth, >500 ft from shore, no surf-mode within X of congested areas) rather than zone geometry rules that arbitrarily disqualify lakes even if safe operational corridors exist.
- Numeric wake limits (if measurable) or equipment/ballast operational limitations in sensitive areas.
- Permit-based or registration-based lake management tools where congestion is the problem.

A rule that sharply reduces the number of eligible lakes must explain why such alternatives are inadequate—and that justification has not been demonstrated in the publicly circulated summaries.

Procedural and Administrative Law Defects to Address Now (Record-Building)

Vermont's APA and rulemaking requirements emphasize maximizing public involvement, clarity, authorization, and thorough regulatory analysis.

Accordingly, BRC requests DEC/ANR:

A. Publish and clearly identify the "scientific information statement" and the full underlying record

Vermont's rulemaking process contemplates scientific and economic analysis components, with required filings and supporting statements.

If DEC is relying on particular studies to justify:

- the 100-acre threshold,
- the 3,000-foot length requirement,
- the widened offsets from other users,
- or any new geometry/“shape normalization” approach,

then DEC should identify each study and explain how it supports each numeric cutoff (including uncertainties and contradictory findings).

B. Provide a transparent methodology for lake eligibility calculations and mapping

Public sources describe a “methodology to calculate proposed wakesports zones” and maps. Given the stakes, DEC must ensure:

- the GIS inputs and assumptions are published,
- the algorithm/criteria are replicable by the public,
- and error correction procedures exist.

If eligibility depends on depth contours and water levels that change seasonally, DEC must explain how it will avoid arbitrary enforcement or constantly changing eligibility.

C. Economic impact analysis and small business burden evaluation must be specific and complete

Rulemaking requires thorough regulatory analysis.
When a rule affects small businesses, the analysis should include ways to reduce burden through less frequent reporting or alternative compliance methods.

Here, impacts plausibly include:

- marinas and dealers,
- repair/service businesses,
- tourism-dependent waterfront economies,
- camps and lodging that market boating opportunities,
- and families who invested in equipment based on existing rules.

A generalized statement is not sufficient. DEC should quantify impacts and evaluate less burdensome alternatives, especially if the proposal predictably reduces eligible lakes from 30 to 18.

D. Clarity, delegation, and enforcement concerns

DEC's own descriptions indicate changes about municipal delegation, petition review, decontamination/inspection frameworks, offsets, and zone definitions.
Changes that remove clear lists and shift eligibility management to discretionary determinations (e.g., "Secretary-managed lists," temporary restrictions, or flexible add/remove authority) raise rule-of-law concerns and increase the risk of arbitrary outcomes unless governed by clear standards and appeal processes.

Public Trust and Balanced Use

The UPWR framework exists to allow shared use while minimizing conflicts.
A proposal that materially reduces opportunities for a lawful recreation category should demonstrate it is:

- necessary to protect clearly identified values,
- proportionate,
- and not simply a reallocation of access driven by preference rather than evidence.

Specific Requests for Revisions (If DEC Proceeds)

If DEC does not withdraw the proposal, BRC requests the following minimum changes:

1. Retain a workable statewide standard centered on depth and shoreline distance (e.g., maintain the existing 20-ft depth and 500-ft shoreline offset) rather than tightening lake eligibility via zone-size/length cutoffs not directly validated by the scientific literature.
2. Reject zone-size/length requirements (e.g., 100 acres / 3,000 feet) unless DEC produces Vermont-specific evidence that these are required for safety or environmental protection beyond what operational standards already achieve.
3. Adopt an adaptive management approach: monitoring, reporting, and targeted mitigation on waters with documented issues rather than categorical lake disqualification.
4. Provide clear, objective enforcement criteria, not discretionary or shifting standards based on informal guidance.
5. Provide a complete economic and small-business impact analysis and compare it against less restrictive alternatives.

Conclusion

We would like to close by saying we support "shared use". As long as overall visitation numbers are appropriate for the affected resources, motorized and non-motorized users can be compatible with one another so long as individual users understand designations and plan their activities accordingly. Indeed, motorized and nonmotorized recreation use often overlap as OHV's often increase accessibility to non-motorized recreational activities such as hiking,

camping, equestrian use, etc. We also hold that responsible recreational use of public lands can exist in harmony with ecosystem needs.

BRC would like to be considered an interested public for this project. Information can be sent to the following address and email address:

Ben Burr
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
brmedia@sharetrails.org

Sincerely,

Ben Burr
Executive Director
BlueRibbon Coalition

Simone Griffin
Policy Director
BlueRibbon Coalition

From: susan kelley <skkelley98@gmail.com>
Sent: Monday, January 26, 2026 12:27 PM
To: Dlugolecki, Laura
Subject: Fwd: Comments on Proposed Wake Boat Regulations

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---------- Forwarded message ---------
From: **susan kelley** <skkelley98@gmail.com>
Date: Mon, Jan 26, 2026 at 10:10 AM
Subject: Comments on Proposed Wake Boat Regulations
To: susan kelley <skkelley98@gmail.com>

Dear Agency of Natural Resources,

I am writing to express my opposition to the proposed additional regulations on wake boats.

The current wake boat rules are already grounded in scientific findings related to the environmental impacts of large wakes and appropriately address those concerns. Wake boats represent approximately 1% of recreational boats on Vermont lakes, yet the proposed changes place a disproportionate burden on this small group while overlooking other widespread sources of shoreline degradation.

For example, boats pulling tubers frequently travel in repeated tight circles to generate large wakes, often with little regard for shoreline impacts or other lake users. Shoreline cruisers regularly create significant wakes within existing 200-foot no-wake zones. In addition, shoreline property owners continue to clear vegetation to the water's edge and construct seawalls, both of which contribute to erosion and habitat loss. While regulations exist to address many of these issues, enforcement and education remain inconsistent.

I live on Lake Hortonia and own a wake boat. I am deeply committed to protecting our waterways and have received the Lake Wise Award, as well as recognition from the Vermont Department of Environmental Conservation for my lake protection efforts. We operate our boat responsibly and have never had a conflict with other lake users.

Improved education and consistent enforcement of existing laws would be a more effective and equitable approach than further restricting a narrow group of boaters. Singling out wake boats does not address the broader behaviors that impact shoreline health and risks creating unnecessary division among lake users.

Additionally, further limiting the number of lakes available for wake boat sports may unintentionally concentrate activity on the remaining permitted lakes. This concentration would increase traffic, heighten the likelihood of conflict among lake users, and elevate the risk of transporting aquatic invasive species between lakes, undermining the environmental protections these rules aim to achieve.

Vermont's waterways are already governed by comprehensive regulations. Strengthening compliance with existing laws, rather than adding new restrictions for a small subset of users, would better serve both environmental protection and fair access to our shared natural resources.

Thank you for considering my comments and for your continued work to protect Vermont's lakes.

Sincerely,

Susan Kelley

From: Spencer Andelin <spencer.andelin.864e8@advocate-mail.com>
Sent: Friday, February 20, 2026 10:31 AM
To: ANR - WSMD Lakes
Subject: Wakesports

You don't often get email from spencer.andelin.864e8@advocate-mail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly harm recreation and economic opportunities.

While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Spencer Andelin
240 W 300 N
American Fork, UT 84003
(425) 737-9516
spencerandelin13@gmail.com

From: Sal Perillo <sperillo@perillo-law.com>
Sent: Friday, January 16, 2026 4:43 PM
To: Dlugolecki, Laura
Cc: Karla Cornelius; 'Jackie Sprague'
Subject: Harvey Lake
Attachments: Statement Re-wakeboat regs 8-13-25 Clean[100].pdf

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Laura,

I attended the call this Saturday but did not have a chance to speak. I waited to raise my hand to allow the Lake Fairlee people to speak and there was not sufficient time at the end of the meeting.

First of all, I have to commend you and Jenny for having as many meetings as you have. This is obviously an important issue to many people, and as representatives of the State, you are treating it as such.

I am attaching the letter the Lake Harvey Association Board sent which sets forth much of what I would have said.

I was surprised that there was no mention of "shape normalization" which you wisely built into the proposed regulation to give you some flexibility to deal with unique situations. As the attached letter details, we believe that shape utilization can and should be applied to Lake Harvey to deal with the narrow end of the WSZ and also to deal with the State launch area which is within less than 500 feet of the south end of the WSZ. As we indicated, the launch is busy with over 600 boats launched every season. The area, especially on weekends, is congested with boats being launched and others waiting to be taken out. There is a 60-foot-long floating dock extending perpendicular to the shoreline which would be buffeted by a wakeboat being too close.

In addition, we have the forty plus year-old water-skiing course at the East end which extends 275 feet from the shoreline. If a 5 would be substantially reduced probably not meeting the 100-acre requirement.

Finally, as you indicate, a wakeboat engaging in wakesporting can travel 3,000 feet in 3 minutes. The configuration of the WSZ means that most likely a wakeboat will be traveling north to south and south to north along the western boundary of the WSZ. Having one path is dramatically different than the conditions at the 17 other lakes which have much larger WSZ's and much longer zones.

These existing conditions are appropriate candidates for shape normalization.

We would welcome the opportunity to discuss these and other issues raised in the Association submission. If you agree, we will make ourselves available for a call at your and Jenny's convenience.

Thanks

Sal

Sal Perillo
75 Stetson Lane

Barnet, VT
Telephone: 609-703-7675
Email: sperillo@perillo-law.com

The Lake Harvey Association

Board of Natural Resources (via email: ANR.WSMDLakes@vermont.gov)

10 Baldwin St.

Montpelier, VT 05633

Re: Proposed Wakesport Regulations

Dear Board,

We commend DEC, in response to the Petitions that were filed, taking a second look at the wake sport regulations. You, we believe, recognized that wake sporting is a relatively new water sport which utilizes boats that are aberrational. Wakeboats, unlike any other watercraft, are designed to maximize the resistance to the water and direct their water displacement down, to create not a wave but a wake, potentionally as high as seven feet[i]. This unique design endangers the shoreline, others engaged in watersports and can disturb bottom of a lake. In addition, they take in and discharge large amounts of local lake water while retaining a residual water ~~amount~~ which potentially can transport invasive vegetation. You also recognize that Vermont lacks a comprehensive decontamination system from lake to lake while experiencing many of its lakes harboring invasive vegetation. All of these factors justify proceeding carefully and If we err, erroring on the side of caution.

We were surprised when Harvey's Lake, the 8th smallest of the 30 lakes that were initially approved for wakesporting, is proposed to be the smallest of the 18 lakes that will be required to allow wakesporting under the draft, proposed rules.

In addition to being the smallest of the 18 lakes, it will also have smallest, by far, wake sport zone (WSZ), 116 acres where the other 17 lakes have WSZ's of from 160 acres to 2,000 acres. The length of Harvey's WSZ, 3,506 feet, is the shortest by far with the other 17 having WSZ's of from 4,486 to 30,000 feet, with 15 having WSZ's whose length is at least twice as long as Harvey's. Of the 17 WSZ lakes, Fairfield, the next smallest, is 50% larger than Harvey. The next largest lake, Island Pond, is almost twice as large as Harvey. Even some of the exempted lakes are larger than Harvey.

Harvey's Lake also has other conditions which would qualify as "shape normalization" and call for modification of the buffers. At the south end, there is a State boat launch which has a floating walkway that extends 60 feet from the shoreline. Over

600 watercraft a year use the boat launch. Launching and removing a boat is a challenge for many boaters, standing on their boats or the floating walkway, who typically are focused on their boat and trailer and not on wakesporting which may be going on feet away from the launch but much closer to watercraft congregating to use the launch. Exacerbating the concern is that the boat launch is in the vicinity of a small nub of the WSZ which we estimate to be 252 feet in width. The literature on turning radii for wake boats is all over the place because of the variation in size and horsepower of the boats, the advances in design and horsepower and whether the operator is dropping the person wake sporting to make a turn or attempting to turn while actively wake sporting which would require a much larger radius. It also depends on where a boater begins to make the turn. Compounding the situation at the south end is the floating, loon nesting platform which is a distance from the shoreline and has been used successfully for over a decade. Arguably, the 500 foot buffer should, at the south end, extend from the operational end of the boat launch area where watercraft gather to exit, starting at about 200 feet from the end of the floating walkway.

Midway of the lake shoreline, on the eastern side, is a waterskiing course, marked off with buoys. The course has been there for decades. The course is 850 feet long. The outer edge of the course is 275 feet from the shoreline. The course is used for a children's water skiing program that has been conducted for over 43 years by Lake Harvey resident Steve Dolgin. The program is run by volunteers, including many alumni of the program. A former world champion skier has participated as an instructor. No fee is charged. Parents are given the opportunity to make a charitable donation to a local nonprofit art center, Catamount Arts. This year over $4,000 in contributions were made. Each year approximately 45 to 50 participants are introduced to the sport of waterskiing. The program uses essentially the same area that has been designated for wakesports and wake boating. Wake boating and waterskiing are incompatible and the operation of both on the same lake jeopardizes the safety of the water-skiers, especially youngsters who are new to the sport.

Last summer, during the program, a wakeboat began operation while a novice youngster was skiing. Mr. Dolgin stopped his boat immediately, dropping the skier into the water. He has explained that it is not only the size of the wakes they create but also what he calls their density, a thick waterwall that could injure a skier going through it. He suspended the program and was forced to drop a young, beginner skier, while a wakeboat was operating. Since there is no way to predict when a wakeboat will operate, the program, which benefits hundreds of youngsters, will lose to one person operating a wakeboat.

At a minimum, a 500-foot buffer from the western boundary of the waterskiing course should be required which would further reduce the size of the WSZ, 775 feet from

the shoreline (275 + 500). A water ski boat travelling 34 mph requires a circle approximately 500 feet in diameter to pull a skier through a course reversal without loosing speed or dropping the skier.

In addition, around the perimeter of the lake on the eastern and western side are boat moorings and swim platforms in front of most of the lake front homes which are 30 to 100 feet from the shoreline.

Section 3.8 of your proposed regulation provides:

> An individual shall not engage in wakesports within 500 feet of an individual in the water, a canoe, rowboat, or other vessel; an anchored or moored vessel containing any individual; or anchorage of docks. The 500-foot offset from other users aligns with the rationale for establishing the 500-foot offset from shore.

As you indicate in your Q&A: "The application of these conditions and a relocation of the 500-foot buffer to take them into account will reduce the length and area of the WSZ".

We suggest that, rather than relying on the operator of a wakeboat to constantly judge whether they are maintaining the 500 foot buffer from boat moorings,moored swim platforms, the waterskiing course, the boat launch including the congregating area, the WSZ should be adjusted to reduce the WSZ to take those into account.

If these conditions were taken into account, the adjusted WSZ for Lake Harvey would not meet the 100 acre requirement.

Finally, we believe DEC can also use its ability to utilize "shape normalization" to eliminate the small nubs at the north and south end of the Harvey WSZ because they will need to be used by wakeboats to turn. As indicated above, we have estimated that the nubs range from 242 feet in width to to 335 feet. Given the small length of the WSZ, 3,500 feet, wake boats will travel from one end to the other to maximize the length of their run. Given the small width of the WSZ at each end, it is highly likely that a turning wake boat will go outside of the WSZ. If these nubs were eliminated, the Harvey WSZ would not meet the 3,000-foot requirement.

All of the above factors we believe are valid considerations and concerns which should be taken into account, especially when dealing with the lake that has by far the smallest WSZ and is the smallest of the lakes being proposed for wakesporting.

Harvey Lake's unique situation can be addressed a couple of different ways.

The WSZ should be recalculated to take into account, applying a 500 foot buffer, consistent with Section 3.8, from those above conditions, boat moorings, moored swim platforms, the water skiing course and the floating loon nesting platform which are permanent, requiring an adjustment of the buffer zone. In addition, a 500 foot buffer should be applied to the boat launch area, including an area for the boats waiting to use the launch. Without these adjustments, a person engaging in wake sporting on the edge of the WSZ boundary would be operating within 500 feet of areas where non-wakesport activities are routinely being engaged in. With this adjustment, the Harvey WSZ would not meet the 100acre minimum.

Another option would be to amend proposed Section 5.18 Definitions, to incorporate another minimum requirement, a minimum no wake sport zone area of at least 250 acres. The current regulations and the proposed regulations create WSZ's that can be dominated by wake sporting without taking into account how much of the remainder of the lake is a available for non-wakesport activities. You have indicated that wakeboats are estimated to be about 1 % of the motorized watercraft in the State. Harvey had over 600 watercraft launches last year with the overwhelming majority being non-motorized. Those activities coupled with swimming, fishing, sailing, kayaking, canoeing and stand-up paddle boarding represent 100% of the present use of the lake. Those uses should be entitled to a non-wakesport zone. The incorporation of this minimum in the definition would prohibit wakesporting on Harvey's Lake but would not affect the eligibility of the 17 larger, tentatively approved lakes.

Requiring a minimum non-wakesport zone makes sense on a number of levels.

Wakesporting, especially if multiple boats are engaging in it, would preclude or at least dangerously interfere with other benign water activities such as non-wakesport boating, canoeing, kayaking, stand-up paddleboarding, sailing, swimming and fishing. A non-wakesport area would create the possibility that these activities could be safely engaged in when the WSZ is active with wakesporting.

A 250-acre minimum is approximately the size of the entire lake area of 10 of the 12 lakes that were exempted from allowing wakesporting. The two exceptions, Holland and Peacham, are a little smaller than Harvey's but under the proposed regulation would have the use of their entire lake without competing with wakesporting.

Finally, the relatively small WSZ on Harvey will accommodate only one path for wake boats, going back and forth the 3,500-foot length of the Harvey WSZ. In your presentation on July 30, 2025, you provided examples of multiple paths for wakesporting on the larger lakwes with the much larger WSZ's. On Harvey, given the small size and legth of the WSZ, a

boat will start at one end of the WSZ and go to the end of the other. Either going north to south or south to north. Your literature indicates it will take only 3 minutes for a wakeboat to travel 3,000 feet. When wakeboats come to Harvey, one or more will be going back and forth the entire length of the WSZ. The larger lakes with much larger WSZ's can accommodate multiple, different paths for wakeboats.

Eliminating wakesporting on Lake Harvey will leave those who want to wakesport with plenty of other local options since 11 of the remaining 17 lakes are in the Northeast Kingdom.

We thank you for your consideration of the comments and Petitions you have previously received and we look forward to your taking these comments into consideration. Please feel free to contact us if you have any questions.

Sincerely,

The Board of the Lake Harvey Association

c/o Emil M. Pollak, President

PO Box 109 (Lakeview Lane)

Barnet, VT 05821
Email: empnhvt@gmail.com
Home: 802-633-3669
Cell: 802-274-1100

Cc: Julie Moore, Secretary, Vermont Agency of Natural Resources via email Julie.moore@vermont.gov

Jason Batchelder, Commissioner Vermont Department of Environmental Conservation via email batchelder@vermont.gov

Bethany Sargent, Deputy Director, Watershed Management Div. via email Bethany.sargent@vermont.gov

Laura Dlugolecki | Lakes and Ponds Policy and Outreach Coordinator via email Laura.dlugolecki@vermont.gov

Benjamin Heisholt, Barnet Town Clerk via email townclerk@barnet.org

Department of Public Safety, c/o the State Boating Law Administrator, Al Johnson via email al.johnson@vermont.gov

[i] There are newer wake boats, MasterCraft X24, Malibu Wakesetter 25 LSV, and Nautique G23, utilizing advanced hull designs, ballast systems, and wake-shaping technologies, that are claimed by their manufactuers able to create 7 foot wakes.

From: Sal Perillo <sperillo@perillo-law.com>
Sent: Tuesday, February 3, 2026 8:53 AM
To: ANR - WSMD Lakes
Cc: Dlugolecki, Laura
Subject: Proposed Wake sport Regulation
Attachments: 2-1-26 Ltr State v2.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Enclosed please find our letter with regard to the proposed Wakesport Regulations.
Thanks you

Sal Perillo
75 Stetson Lane
Barnet, VT 05821

Salvatore and Mary Ellen Perillo
75 Stetson Lane
Barnet, Vermont 05821
Email: sal6767@yahoo.com

February 3, 2026

Re: Proposed Wakesport Regulations

Board of Natural Resources (via email: ANR.WSMDLakes@vermont.gov)
10 Baldwin St.
Montpelier, VT 05633

Dear Board:

At a recent meeting of lakes that had been classified as having a Wake Sport Zone ("WSZ") of less than 100 acres, there was a discussion about trying to accommodate owners of wakeboats who wanted to engage wakesporting on these relatively small lakes. Two possible options were presented by staff for discussion: having a limited time period of time when wakesporting can be conducted and/or limiting wakesporting to one boat at a time.

Respectfully, these possibilities are inconsistent with the thrust of the proposed rules and would potentially create dangerous conditions.

Initially, I believe these changes, either or both, by allowing wakesporting on lakes with WSZ's of less than 100 acres would be a material and sustentative change from the proposed regulations and would require the process to begin all over. It is hard to conceive of a more material change than allowing wakesporting where the proposed regulations prohibit it.

Beyond the technical problem, the smaller lakes obviously have must smaller WSZ's than the larger lakes. Most of them have WSZ's which are around 3,000 feet long or less. Most of them would have WSZ's which would be, at least in some areas, less than 500 feet wide. At hearings, DEC has indicated that a boat engaging wakesporting would take 3 minutes to travel 3,000 feet. In addition to requiring wakesporting to be at least 500 feet from the shoreline, the proposed regulation would also require wakesporting to be conducted at least 500 feet from any person on the water whether swimming or kayaking, boarding, canoeing, etc. Section 3.8 of the proposed regulation provides:

> An individual shall not engage in wakesports within 500 feet of the 500-foot offset from other users aligns with the rationale for establishing the 500-foot offset from shore.

An operator of a boat engaging wakesporting must keep their eye on the person wakesporting while at the same time looking forward. The regulations also require the operator to, at the same time, look all around the boat to ensure that they are 5oo feet from the shoreline

and 500 feet from "… an individual in the water, a canoe, rowboat, or other vessel; an anchored or moored vessel containing any individual; or anchorage of docks".

At the hearing the State representatives pointed out that enforcement by State Police is marginal because of staffing. In addition, enforcement by others on the lake or the shore is virtually impossible. How does a witness prove that a boat engaging in wakesporting violated any of the 500-foot setbacks? Without definitive proofs, no Court could find an operator in violation.

The proposed regulation recognizes that a 50-acre WSZ is inadequate and a minimum of 100 acres is required. For all the reasons, research and analysis behind that conclusion, the same rationale calls for a complete prohibition, with no exceptions, on lakes with a WSZ of less than 100 acres.

Thank you for your consideration.

Very truly yours,

Sal Perillo

Cc: Julie Moore, Secretary, Vermont Agency of Natural Resources via email Julie.moore@vermont.gov
Jason Batchelder, Commissioner Vermont Department of Environmental Conservation via email batchelder@vermont.gov
Bethany Sargent, Deputy Director, Watershed Management Div. via email Bethany.sargent@vermont.gov
Laura Dlugolecki | Lakes and Ponds Policy and Outreach Coordinator via email laura.dlugolecki@vermont.gov
Benjamin Heisholt, Barnet Town Clerk via email townclerk@barnet.org
Department of Public Safety, c/o the State Boating Law Administrator, Al Johnson via email al.johnson@vermont.gov

From: Sal Perillo <sperillo@perillo-law.com>
Sent: Tuesday, February 24, 2026 2:25 PM
To: ANR - WSMD Lakes
Cc: Moore, Julie; Dlugolecki, Laura; Benjamin Heisholt
Subject: Extension to Comment Period for Wakesport Regulations
Attachments: Board of Natural Resources 2-24-26.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Board,

Attached please find my letter expressing concern about the recently announced extension to the comment period for the proposed Wakesport Regulations.

Sal Perillo
75 Stetson Lane
Barnet, VT 08521
Telephone: 609-703-7675
Email: sperillo@perillo-law.com

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Salvatore and Mary Ellen Perillo
75 Stetson Lane
Barnet, Vermont 05821
Email: sal6767@yahoo.com

February 24, 2026

Re: Proposed Wakesport Regulations

Board of Natural Resources (via email: ANR.WSMDLakes@vermont.gov)
10 Baldwin St.
Montpelier, VT 05633

Dear Board:

I have just found out that the comment period for the proposed Wakesport Regulations has been extended, without explanation.

As you know the original comment period was established months ago. The sudden extension, without explanation, causes concern. We will see who has taken advantage of this extension. If lobbyist for the wakeboat industry or others associated with the industry submit comments during the extension, a cloud will unfortunately be cast over this entire process.

Up to now, the way this process has proceeded has been exemplary. In my prior submission, I have complemented the staff on the numerous opportunities for public input and the way they have conducted the public hearings and meetings.

Hopefully my fears and concerns will be unfounded.

Thank you for your consideration.

Very truly yours,

Sal Perillo

Cc: Julie Moore, Secretary, Vermont Agency of Natural Resources via email Julie.moore@vermont.gov
Jason Batchelder, Commissioner Vermont Department of Environmental Conservation via email batchelder@vermont.gov
Bethany Sargent, Deputy Director, Watershed Management Div. via email Bethany.sargent@vermont.gov
Laura Dlugolecki | Lakes and Ponds Policy and Outreach Coordinator via email laura.dlugolecki@vermont.gov

Benjamin Heisholt, Barnet Town Clerk via email townclerk@barnet.org
Department of Public Safety, c/o the State Boating Law Administrator, Al Johnson via email al.johnson@vermont.gov

From: Sam Romano <sromano@nmma.org>
Sent: Friday, February 20, 2026 9:37 AM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: NMMA_2.20_UPW Rule Comments_OPPOSE.pdf

You don't often get email from sromano@nmma.org. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning,

Attached are our comments for the UPW rule. If you could kindly let me know if you have received them okay, that would be much appreciated.

Thanks,
Sam

National Marine Manufacturers Association

DISCOVER BOATING

SAM ROMANO
Manager, Northeast Government Relations
o 202.737.9764 **m** 978.476.9594
e sromano@nmma.org

National Marine Manufacturers Association

February 20, 2026

Attn: Laura Dlugolecki
Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Davis
Montpelier, VT 05620

RE: Use of Public Waters Proposed Rule Comments

Dear Ms. Dlugolecki,

On behalf of the National Marine Manufacturers Association (NMMA), we respectfully submit these comments in strong opposition to the Vermont Agency of Natural Resources' (ANR) proposed amendments to the Use of Public Waters rules and respectfully urge the Agency to withdraw this proposal. The proposed rule is arbitrary, unsupported by science, and inconsistent with ANR's obligation to use the least restrictive means possible.

The National Marine Manufacturers Association is the leading trade association for the U.S. recreational boating industry, representing nearly 1,300 marine businesses, including recreational boat, marine engine, and accessory manufacturers. Collectively, NMMA members produce more than 85 percent of marine products sold in the United States.

Vermont currently has the most restrictive wakesurfing regulations in the country, with rules adopted in the spring of 2024. Though NMMA did not and does not support that framework, Vermonters accepted it and have operated in good faith. Unfortunately, even before those 2024 rules were adopted, and continuing through the ensuing months, individual lakes began filing petitions seeking an outright wakeboat ban because, to them, ANR's rules did not go far enough.

It is our understanding that these individual petitions, with many lakes noting that no wakeboats were even operating on them, became the catalyst for ANR reopening the rule that had not even been in place one boating season and a rule that, according to then-DEC Commissioner Jason Batchelder: "The wakeboat rule – developed with significant input from the Vermont public – is science-based and reflective of Vermonters' shared interests in environmental stewardship and outdoor recreation," stated in an ANR press release dated May 1, 2024, announcing the new rule.

This rulemaking process itself raises serious concerns. ANR has repeatedly emphasized throughout this process that it is required to use the least restrictive means possible when adopting regulations. This proposal does the opposite. Moving forward with sweeping new restrictions based on petitions from lakes with no actual wake boat activity is neither evidence-based nor consistent with that obligation. Regulatory decisions that restrict access to Vermont's public waters must be

grounded in objective data and demonstrated need, not speculative concerns or hypothetical scenarios that are not occurring in practice.

The proposed 3,000-foot lake-length threshold is arbitrary and unsupported by credible scientific evidence. Lake length, by itself, is not a meaningful measure of environmental impact or safety risk. Wakesurfing does not require traveling in a straight line, and operators routinely adjust course based on real-world conditions. What actually matters are measurable and enforceable factors such as distance from shore, operator behavior, and traffic patterns.

This proposal would significantly reduce wakesurfing access across the state, cutting the number of eligible lakes from 30 to just 18. Restricting access in this way does not eliminate activity. Instead, it concentrates activity onto fewer lakes, increasing congestion. Concentrating activity undermines safe lake use and creates exactly the kinds of problems that effective water management should prevent.

Additionally, wakeboats have been blamed by anti-wakeboat activists in their unending campaign to ban them as the major culprit in spreading aquatic invasive species (AIS). However, expert testimony from ANR's own Department of Fish and Wildlife (DFW) directly contradicts that claim. At a January 16, 2026 legislative hearing of the Senate Natural Resources and Energy Committee, DFW's Mike Wichrowski testified: "I did want to bring up…28,000 boats in the state, there's maybe 300 wake boats, that's less than one percent…But when you have 300 boats versus 27,700, where's the risk? It's not with wake boats. It is such a minuscule risk…we shouldn't just focus on wake boats. Wakeboats are being vilified and getting a lot more blame" than other boats.

NMMA supports clear, science-based standards that protect safety and Vermont's natural resources while preserving reasonable public access. Specifically, wakesurfing can be conducted safely when operators remain at least 200 feet from shore, operate in a minimum water depth of 10 feet, and use waterbodies with at least 50 contiguous acres. These criteria are measurable, enforceable, and directly tied to real safety and environmental considerations.

This proposal is arbitrary, unsupported by science, and not justified by compliance data or real-world conditions. There have been zero credible violations reported under Vermont's current wakesurfing rules, even after two full boating seasons under the strictest framework in the country. That fact alone demonstrates there is no enforcement, safety, or environmental basis to justify additional restrictions at this time. NMMA respectfully requests that the Agency of Natural Resources to withdraw this proposal and instead focus on education, enforcement of existing standards, and science-based policies that protect Vermont's waters while ensuring fair and reasonable access.

Thank you for your time and consideration.

Sincerely,

Sam Romano
Northeast Government Relations Manager
National Marine Manufacturers Association
sromano@nmma.org | (978) 476-9594

From: Stephen Ziobrowski <stephen.ziobrowski@gmail.com>
Sent: Monday, February 16, 2026 10:58 AM
To: ANR - WSMD Lakes
Subject: Wakesport Regulation

You don't often get email from stephen.ziobrowski@gmail.com. Learn why this is important

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Dear Sir or Madam,

I am a long-time owner of a lakefront property on Sunrise Lake in Orwell VT. This email is to confirm that I strongly support the efforts by the Vermont Department of Environmental Conservation to regulate wakesports. Wakesports have their place, but they should be enjoyed in ways that do not disrupt the natural beauty of smaller lakes or spoil the enjoyment for others.

Stephen Ziobrowski
217 Slater Avenue
Providence, RI 02906

From: Steve Page <stephensmithpage@gmail.com>
Sent: Tuesday, February 24, 2026 7:22 PM
To: ANR - WSMD Lakes
Subject: Wakeboarding on vermont lakes

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Wakeboarding is being promoted on Vermont lakes without regard to its consequences: increased infestation by Eurasian milfoil, and dramatic threats to traditional uses such as swimming, self propelled boating, and sailing. Just say NO!

From: Steve Wolf <Steve.Wolf@ContechES.com>
Sent: Thursday, February 19, 2026 5:10 PM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: VT 2025 Wake sports feb 2026.pdf

You don't often get email from steve.wolf@conteches.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see attached comments in PDF form.

Steve Wolf, P.E.*
Regional Sales Engineer- Northern New England

Contech Engineered Solutions LLC

802-233-9110 Mobile
steve.wolf@conteches.com
www.ContechES.com
*Licensed in MD and NH

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February 19, 2026

Dear VT ANR,

Thank you for requesting comments on the proposed 2026 Wakesports rules. I am a senior citizen with a life-long passion for watersports. I have been waterskiing since the 1970's, knee boarded for a while in the 1980's, began wakeboarding in the 1990's and started wake surfing in the early 2000's. Currently my wife, adult children, relatives, friends and I do all three. Water skiing, typically performed at 30-35 MPH is the most dangerous sport that can result in injuries such as blown Achilles tendons, broken Tib/Fibs/Ankles along with a few upper body ailments. Wake boarding, on the other hand, is a much slower towed watersport at about 20 MPH and injuries are less frequent but can be extreme for those that go test their extreme skills with flips, spins, rolls etc. Wake surfing is the least dangerous of all towed watersports since only 10-11 MPH maximum speed and your feet are not connected to the board. Injuries of wake surfers are very rare and hence there is wide participation in all groups from age 5-90 and across many physical conditions and limitations. There are people with disabilities for whom wake surfing is the only way they can enjoy our lakes. Creating wake surfing bans are clearly a taking of people's rights. The pro ban groups are using speculation and extrapolation. That does not rise to the level required to penalize others. The Wake for Warriors is one example of an organization that takes wounded veterans surfing because it is a sport they can participate. Does VT ANR really want to deny wounded veterans access? Tubing, on the other hand, is very dangerous, like water skiing. Please note the recommended speed for children to tube and learn to water ski by WSIA is 10 MPH, so again compare the waves at 10 MPH of all boats and you will find that all heights are similar. Will these folks go after all boats next including large runabouts, pontoons and fishing vessels? The ultimate goal of these is extremists is no power boats on what they think are their personal lakes used for non-motorized sports.

As an aging fella in his 60's, I still luckily can slalom ski about 2,000' then stop to catch my breath and reduce the heart rate then eventually get yanked out again rip turns for 2,000' back then call it quits. We then usually surf for many laps enjoying friends and family with many more surf participants A ski run of 2000' at 32 mph takes no more than 48 seconds of high intensity skiing (2000'/46.9 fps = 42.6 seconds plus say 5 seconds to get up) and I will get into the arbitrary assumed minimum distance proposal in a moment. We participate in all towed watersports (Mostly wake surf) about 120 hours each season from early May until mid-October here in Northern New England.

By way of profession, I am a licensed professional civil engineer with a specialty in hydrology and hydraulics of bridges, culverts, scour protection and stormwater treatment. My wife and I also are volunteer weed watchers and lake hosts and care deeply about the environment, wildlife, fish, preventing invasive plants, zebra mussels, spiney water flea infestations & cyanobacteria blooms. We also routinely kayak, canoe and paddleboard. Truth be told we don't even use ballast when wake boarding as we seek out

smooth glassy water to make buttery turns just like when we are slalom skiing. When wakeboarding we do not want to be forced out into the windy center of a lake because we too want smooth water.

I will provide my professional and practical opinion on these three wakesport specific items:

1. Distance and depth requirements
2. Minimum run length and minimum area for wakesports zone
3. Aquatic Invasive Species (AIS).

Distance and depth

VT already has the most stringent rules in the USA (and North America) at 500' from shore and 20' of minimum depth. That prevent wake sports on 43 of the 73 lakes that allow power boating. The only US state regulation that is even close is ME at 300' and 15' of depth. VT's neighbors in NH have a requirement of headway speed for "all boats" at 150' from shore. (vs just 73 here in VT yet NH has over 1,000 lakes) The entire watersports industry and peer reviewed studies demonstrate that 200' from shore or other vessels and 10' minimum, depth is more than adequate for all wake sports. This has been debated for many years in NH and ME to arrive at their current state laws. In fact, states with far more registered boats, thousands of reservoirs and a 12-month boating season such as AL, GA, TN, SC, KY & VA have adopted 200' min. Would be interesting if VT ANR would prepare and share maps of what both a requirement of 300'/15' and 200'/10' would look like to show the public what that would do to the count on wake eligible lake in VT. Concerning arbitrary minimum depth requirements, the only peer reviewed scientific study to measure actual sediment resuspension (Draeger) shows in 10 -15 feet there is no impact from wake boats. Even basics wave dynamics which have been around for decades suggest the same. The marine engineers use the phrase "practically deep" when the depth is 1/2 the wavelength. That is where the wave no longer feels the impact of the bottom. Wake boat at 11 mph have 20 foot wavelengths so practically deep is 10 feet. Hence if a minimum depth is selected it should be no more than 10'. Yes many folks will tout the newly released St Anthony's Falls MN study (July 2025) calling for 14'-20' min for a Nautique G23 Paragon (a $450 k, 7,500 lb wake boat) and I doubt any exist in VT! Out of all wake boats that produces the largest wave in the industry. However, this new study by U of MN also show that all boats should travel below headway speed in 10' or less water depth. Are we going to restrict all boats travel at 5 MPH if in less than 10' of water? Or ban all power boating on lakes less than 10' deep? Many anti wake boat groups such as LWA in WI are already downplaying that phase 2 study since it did not conclude the 35' min they demand instead scientifically showing worst case is just 14' -20' deep for the largest wake boat. Note 97% of all wake boats in existence are smaller than a Nautique G23P!

Yes, there are many studies of wakes by specific boats in circulation, but until one compares a modern 21'- 25' runabout at 10 mph to a 21'- 25' wake boat at 10 mph, none

have any credibility. In this latest MN study they compared the smallest Sea Ray Runabout SPX 190 Just 19'-7" and 3,200 lbs). The shortest and lightest in their lineup of 10 models up to 29'. Vs the largest Nautique at 7,200 lbs plus ballast! If any of these authors can obtain and study a modern wake boat they can surly obtain a similar model year runabout of same length and a typical 20' bass boat with say a 400 HP outboard both cruising along at 10 or 20 mph as well. Or a pontoon boat with twin 300 outboards. Comparing any inboard direct drive tournament ski boat at 32 MPH is irrelevant as well since ski specific boats are designed to produce little wave when running a slalom course at 30-35 mph. and only 3 tournament ski boats are even produced in 2025. Mastercraft, Nautique and Malibu as the market has shifted to V Drive multi-sport tow boats.

Minimum run length and minimum wake sports zone

This new proposal seems to be arbitrary to appease the persistent VT anti-watersports crowd to totally ban wake sports on 12 more VT lakes dropping the count to 18 from 30 out of the 73 that allow powerboats. The current 2024 rule requires 50 contiguous acre zone in that area with a 2,000' minimum run (2000' x 1000'/43,560 = 46 acres) rounded up to 50 acres. At 11 MPH that is a 124 second run (2 mins and 4 seconds which is a very long run for many surfers). Remember, a 2,000' slalom ski run takes me just 48 seconds. The question is why arbitrarily increase the minimum reasonable wake surf run length to 3,000' and up the area to 100 acres minimum? At 3,000' the run at 11 mph takes 186 seconds or about 3.1 minutes. Who's to say a wake surf run of 3.1 mins should be the standard wake surf run versus a 2-minute wake surf run (if 2,000' length) versus a 48 second slalom run at 2,000'? This is such an arbitrary and capricious assumption to obtain a desired result of dropping the wake eligible lakes by twelve. Fifty acres is the minimum lake size to have motorized watersports in many states that have thousands more boats registered than VT. Without a doubt, a wake sports zone of 50 acres inside the 500'/20' footprint is more than enough and already the most stringent rule in all of North America. Finally, the 500' min distance from another vessel being floated around makes zero common sense. What if a vessel simply anchors out in the center of these crafted smaller water sports zone to prevent folks from participating in wake sports? Or kayakers congregate there to produce the same result to deny water sports by flooding that zone with non-motorized vessels? The 500' rule should be from shore or docks and not other vessels. Plus the boat towing the rider or surfer in a straight line always has the right of way versus a non-towing boat per all state boating laws and common sense. The boat not towing must be the "give way" boat unless it's a sailboat. One final point, modern widely used paddleboards did really become mainstream until around 2012, so how is that a normal "grandfathered" lake use? Again, we have been regularly wakesurfing about 120 hours a year here in the north country since 2000's. Most folks maybe put 20-30 hours on a boat annually. And stop talking about the wave boat waves knocking over their grandchildren wading in the water. Take the little kiddos to the ocean so they can learn to deal with breaking waves. And for all you grandmothers and grandpa's out there pay attention to your grandchildren when in the water. Better yet teach them to wake surf, they would love it. I have ridden with 3-5

year olds on the board with me and many 4-5 year olds can even get up on our small kid surf board and surf across the lake alone!

Aquatic Invasive Species

Modern ballasted boats are designed to fully empty because the trailers are designed to support just the boat, a full tank of gas along with some equipment. There are warnings in the owner's manuals for wake boats and trailers not to place a boat with any ballast on the trailer stating the trailer can't handle the added weight and could destroy the trailer (and boat). We all fill and empty our tanks in the deep wake sports zones (deeper than 10') that are most always weed free. Finally, most wake sports boats, as ANR points out (over 95% of that 1% total of VT power boats) stay on the same lake for the season and rarely travel between lakes unlike fishing boats with live wells and outboard engines and runabout I/O's. Both of those type of motorized boats (I/O's and Outboards) retain far more lake water when those engines are shut down before placing on trailer than inboard V-Drive multisport boats. Inboard boats also typically have closed cooling systems like cars and trucks. Sterndrive boats (inboard/outboards) can retain up to twice as much water, around 4 quarts, and their systems are also difficult to inspect. (and the engine heat doesn't kill those invasives when engine is turned off before loading back on the trailer) Additionally, many modern lake fishing vessels contain live wells and often visit several lakes in one day or over a long weekend for a regional bass tournament. There is zero credible evidence that a ballasted watersports boat has ever introduced invasives (plants or animals) into any body of water. It is simply a scare tactic by the anti-wake sports camp. Over in NH, on Baptist Pond in the Lake Sunapee Watershed, Curly Leaf Pond Weed an invasive plant recently exited over its spillway, flowed into Otter Pond and finally into pristine Lake Sunapee. Fortunately, it was quickly identified and eradicated from both Otter Pond and Lake Sunapee by the Lake Sunapee Protective Association. But the kicker is, there has never been a ballasted wake boat on Baptist Pond. It does seem VT ANR's updated approach/focus on AIS for ALL boats is a step in the right direction. As a Lake host at a boat ramp, we inspect all boats including kayaks, canoes and even paddleboards that are launched. Yes, it's a slippery slope if all boats become limited to one Home Lake per season. We know that will never fly and therefore ballasted water sports boat should not be singled out. Additionally, us volunteer and paid Lake Hosts are there for education of the boaters, observation/suggestions only and have zero enforcement authority.

In a nutshell, while I totally disagree with the current 500'/20' rules, let's leave the 2024 VT rules alone for 5-10 years, keep track of any incidents, # and type of boat launches and revisit in a few years. Similar to the 2024 report shared on our state's rulemaking page in 2025. Many of our VT lake associations that petitioned ANR to ban watersports boats have never even had a V-drive inboard watersports boat on "their lake" so these people are trying to ban something that doesn't even exist. Please don't take away the family fun from the citizens and tourists here in the great state of VT by cherry picking 12 more lakes for bans of summer fun and discrimination against folks that can only wake surf due to physical limitations. What about the property owners/taxpayers that already live and

wake board and surf on our VT Lakes? Won't that sort of taking of rights plummet those real estate values? Lake Fairlee is a great example; 96 acres vs 100 acres? Why not 50 acres, 75 acres 90 acres etc? Why send the Fairlee surf boats over to Morey for an arbitrary 4 acres? This is so obvious of an assumption to satisfy the extreme fringe anti wake boat people. Perhaps those people could just sell and move to a smaller pond without any power boating?

I'm sure ANR is familiar what recently occurred on Lake Kanasatka over in Moultonborough NH when it turned green overnight? The NH Lakes Association recently mentioned a 27% drop in values over the next few months. Fortunately, the NHDES and the Kanasatka Lake Association has already partnered to rectify those Cyanobacteria causes for our neighbors over the border. Let's all coexist and focus on education and communication to keep our VT lakes pristine. Based on 25 years' experience surfing on the same 400 + acre lake, Wake Boats are not a threat if used 300' from shore in 10'-15' min water depth. VT already has the most stringent statewide rule in North America at 500'/20' so why modify or change it unless we go less restrictive to 300'/15' like Maine or 150' and no depth mandate like NH? Thank you again for accepting my comments and feel free to reach out.

Steve Wolf, P.E. 802-233-9110

From: Steve Tofel <stofel@thetfordvt.gov>
Sent: Wednesday, January 21, 2026 12:14 PM
To: Dlugolecki, Laura; Austin, Jenny
Subject: Wakesports Meeting - Lake Fairlee

Some people who received this message don't often get email from stofel@thetfordvt.gov. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning Laura and Jenny,

Thanks for holding the wakesports meeting last Friday. Although I attended, both as an interested party and member of Thetford's Selectboard, I was unable to comment largely due to cell connectivity issues. I would like to comment here.

It was notable that most of the discussion centered on Lake Fairlee, possibly because the lake is of such importance to Thetford. As my Selectboard colleague, Li Shen, pointed out, the camps on the lake are vital to the Town's economy. Collectively, they are by far the largest taxpayers in Town.

Those who spoke in favor of wake boats on the lake were all from the same family (although they have different surnames) and all are residents of New Hampshire, although they have second homes on Lake Fairlee.

One argument against the rules was made by a wake boat enthusiast who argued that because *he* is a responsible boater, therefore no rules were needed. This is akin to my stating that because *I* don't speed on the highway, therefore we don't need speed limits.

Those looking for "compromise" on the rules fail to recognize that you cannot compromise physical dimensions. The lake is too small to accommodate wake boats and non-wake recreational boaters. While I'm almost always in favor of compromise, there are certain situations where compromise is impossible, and this is one of those.

Again, thanks for all your work on what is an important issue for small lakes in Vermont and for trying to bring all parties to the table.

Sincerely,
Steve Tofel
Thetford Selectboard Member

From: Stuart Fairbairn <Stuart_Fairbairn@alohafoundation.org>
Sent: Friday, February 20, 2026 2:55 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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I am writing as a Thetford resident, a father of two children and in my role as Horizons Day Camp director, a position I have held for 9 years. It is clear Lake Fairlee is not an appropriate space for wakesports to continue. The area is too small to allow such an impactful activity to occur safely and without severely detracting from the vast majority of lake goers' experience. You are aware of the science concerning the size and power of waves that wakeboats are specifically designed to create. It is unquestionable that such waves have a serious and overwhelmingly negative impact on virtually all who enjoy the lake, severely restricting or preventing traditional activities that have existed on the lake for tens to hundreds of years. The waves also cause serious ecological damage, resulting in significant financial costs. I am going to outline some of the challenges wakeboats pose to our Horizons camp program, our participants, our mission and long term sustainability.

Horizons Day camp serves over 500 campers a summer, the vast majority of whom live in the local area year-round. Being at camp is a true highlight in child's year; a major reason being the opportunity to access the lake and participate in numerous watersports.

Horizons have 3 waterfront activity departments, swimming, sailing and boating (which includes canoeing, SUPs and kayaking). These departments are a major draw for families, many of whom struggle for lake access and wouldn't be able to offer these experiences themselves – it's why many families send their children to Horizons compared to other programs. The three waterfront departments contribute significantly to our program, at times we can have almost half our camper population at the lake, it is critical to who we are and the experiences we intentionally curate. Wakesports genuinely detract from or prevent the experiences we strive to establish. Humans learn and grow when on the outer edge of comfort, for decades we have implemented lessons that allow campers to practice new skills on the water to improve their physiological capabilities, become comfortable in nature and ultimately learn about themselves – affirming their ability to take calculated risks. The waves produced by wakeboats do not mesh with the typical conditions found on Lake Fairlee, resulting in chaos and fear, actively detracting from potential personal growth and connections (with community and nature) that the traditional activities nurture. They make activities challenging a best, and often cross into high-risk situations, resulting in needing to cancel them including; swimming lessons within our swim lanes, long distance swims, paddle craft (SUPs, Kayaks and Canoes) and sailing (particularly for those sailors attempting to skipper solo for their first times).

Horizons campers (155 per session) range in age from Kindergartent through 7th grade. Many of our young campers may not have been in a lake before, some are non-swimmers. A major facet of a counselor's job focuses on supporting apprehensive campers to challenge themselves and 'jump in'. Any time large waves occur it is challenging, even for the most experienced lake goers. For new or non-swimmers and those just learning to paddle or sail it can be disastrous. Campers just want to get out, and many don't want to return. For some it can cause multi-day to session-long apprehension. On numerous occasions I have witnessed campers being brought to tears and leaving the activity due to wakeboats. The waves can feel especially large near the shore where the non/new swimmers participate, they can be up to half the height of the camper and knock them over – a very distressing and uncomfortable experience (I have also experienced this multiple times as a parent and struggled with my own children wishing to 'go home').

For paddlers it can cause capsizing, particularly for SUPs, I have had this happen myself and I am an experienced paddler and athlete. I have witnessed numerous camper groups being knocked over, more often than not

retreating to shore if the wakeboat continues to operate. Canoes also have a major issue, one example being when I was teaching our Counselors in Training how to teach basic canoe strokes. We were half way out in the bay on a calm day, a wake boat made teaching impossible – we rafted up (canoes link up by paddlers holding each other gunwales) a few fingers were pinched between boats and we were lucky not to get a worse injury. These campers were 9th grade graduates with quality instructors to support. A boat of young campers would likely capsize. Again – the only course of action is to stop the intended enrichment whilst the wakeboat operates to manage physical and emotional safety.

Wakboats cause extreme conditions that do not permit normal usage, impeding the associated growth that occurs with traditional activities. Horizons began in 1997, the Aloha Camps originated in 1905, we are very well respected and recognized as an organization that produces transformational results for our participants, we are aware of when 'reasonable challenge' becomes out of reach and overtly dangerous – the conditions caused by wakeboats fall into this catagory for the majority of our population, disrupting traditions and associated opportunities of personal growth. Two examples of 'capstone experiences', offered outside of core activity periods and frequently recognized by long term alum as moments of transformation, are Long Distance Swims and Overnight camping. Both are impeded or prevented by wakeboats. During overnight camping excursions campers load up their canoes in the late afternoon and paddle to the distant shore to set up camp and sleep, returning in the early morning. Campers are tasked to paddle their own craft and wake boats have caused major issues. Campers feel nervous and stressed rather than empowered (as they usually would upon reaching the campsite). It impacts the whole experience and takes away from the intrinsic wealth of sleeping outside in nature and becoming more self sufficient. We have had campers need to exit the experience (and be collected by parents) rather than continue into the potential area of growth.

When camp isn't serving campers our staff practice and train themselves, helping to upskill their colleagues. Again – this enrichment is hindered and can become unsafe very quickly if a wakeboat is running. A third of my staff are high schoolers, they are learning their trade, and openly share about concerns with facilitating quality and safe programing when a wakeboat is in operation – we discuss risk assessments and returning to shore is the common result.

Frankly put, workboats threaten the experience of camp as we know it.

-They are a major safety risk due to the boats themselves and the compromised sightlines for the operators, along with the large waves created impeding traditional lake activities. Lake goers of all ages, especially the young and unfamiliar, are seriously deterred from trying activities and these first experiences can have long lasting impacts for the individual.

-There is a genuine possibility of wakesports impacting camper enrollment – families chose Horizons to nurture a love for being in the lake, to develop new skills, nurture personal growth and enjoy a healthy outdoor lifestyle. Too many negative experiences will drive families elsewhere.

-Staff are stressed by the negative experiences that occur when wakeboats operate, they are less able to run a quality, engaging and diverse programs due to the impacts. Traditional programming that existed well before wakesports began is severely compromised by their impact.

Do we want to risk the physical and emotional safety of our campers, along with the viability of summer camps in general for the sake of allowing wakboats? As a camp director I am a big proponent for people having fun. I am mindful and experienced in helping communities to find appropriate ways to have fun, striking a balance that feels fair and healthy for the community as a whole. Wakeboats are fun for those using them, and they need regulation to guide appropriate use to ensure their impacts are appropriate and reasonable. Lake Fairlee is not such a place, it offers critical first experiences of lake culture for many hundreds of children per summer.

A final note from my role as a parent and lake goer myself. Both my young boys have had multiple negative

experiences due to wakeboat impacts. They've been knocked over in the shallows, capsized when trying to learn to stand up paddleboard and had to stop long distance swims. Some of these activities are planned for days, with a great deal of excitement, often including picnics and additional family and friends. To have your hour, morning or weekend severely impacted by a wakeboat does not feel right. These craft genuinely threaten traditional ways of life enjoyed for generations. Practices that bring families and community together, in healthy nature-based activities. Do we in Vermont want to risk these values and experiences that are such a quintessential part of what it means to be a Vermonter?

Sincerely

Stuart Fairbairn *(he, him)*
HORIZONS DAY CAMP DIRECTOR

Aloha Foundation
2968 Lake Morey Road
Fairlee, VT 05045

TEL (802) 333-3452
alohafoundation.org

From: Sue Haven Tester <susan_d_h_tester@hotmail.com>
Sent: Monday, February 2, 2026 2:29 PM
To: ANR - WSMD Lakes
Subject: Wake Boats (2nd time sending...other I enlarged too much)

You don't often get email from susan_d_h_tester@hotmail.com. Learn why this is important

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RE Wake Sports, ANR Proposed Revisions to the Rule

We have had a seasonal camp on Lake Parker, since 2000. We have a Christmas Tree Farm right up the road and we appreciate Lake Parker's relatively small size and quiet summer activities; there are ski boats and pontoon boats but most vessels are people powered; there are no resident wake boats on Parker.

Both the Town of Glover Selectboard and the Lake Parker Association membership have unanimously voted to support all the ANR's proposed revisions except the elimination of the Home Lake Rule.

I write to support the majority of the ANR's proposed revisions.
I support the following proposed changes:

1. Increasing the contiguous Water Sports Zone to 100 acres from 50 acres; this will improve protection of shorelines, allow for other "normal" uses and increase public safety when more than one wake boat is operating.
2. Adding the provision for a minimum run of 3000 feet within a Wake Sports Zone.
3. Increasing the distance to 500 feet from individuals, canoers, kayakers and other vessels, anchored or moored vessels with any individual and anchorage of docks.
4. Increasing the distance from nesting loons to 500 feet from 300 feet. Ideally, it should also be 700 feet loons are important to Vermont!
5. I believe the minimum depth requirement for wake sports should be increased to 30 feet to reflect the new science as outlined in the Terra Vigilis report (disturbance of lake bottoms to at least 26 feet) and employing the "Precautionary Principle".At both public meetings, various speakers recommended additional criteria to eliminate wake sports from Vermont lakes, which I support:

A. On lakes which have never had resident wake boats and have both Town and lake association support, wake sports should not be allowed now or in the future. With no wake boats now or in the past, there is no effect on existing wake boat owners or the local economy.
B. On lakes which do not have AIS, wake sports should not be allowed, thus eliminating the possibility of AIS transfer via wake boat usage and their required ballast tank emptying.

Thank you for considering my comments and your continuing efforts to protect Vermont's lakes and ponds.

Sincerely,
Bill & Susan Tester
2317 Barton, VT (& Lake Parker)
05822
802-525-3814

From: Sue Haven Tester <susan_d_h_tester@hotmail.com>
Sent: Monday, February 2, 2026 2:27 PM
To: ANR - WSMD Lakes
Subject: Wake Boats

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effect on existing wake boat owners or the local economy.
B. On lakes which do not have AIS, wake sports should not be allowed, thus eliminating the possibility of AIS transfer via wake boat usage and their required ballast tank emptying.

Thank you for considering my input and thank you for your continuing efforts to protect Vermont's lakes and ponds.

Sincerely,
Bill & Susan Tester
2317 Barton, VT (& Lake Parker)
05822

802-525-3814

From: SUSAN DETATO <susandetato@comcast.net>
Sent: Tuesday, February 10, 2026 2:50 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

I support the DEC's amended Rule changes as they align with my conservation values.
Increases the minimum safety wakesports zone from 50 to 100 acres.
Requires a minimum wakesports run of 3,000 feet.
Expands the safety buffer from other users and water structures from 200 to 500 feet.
Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

a minimum 30-foot water depth;
a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Thank you for your consideration.

Susan Detato
Brownington, VT

From: Susan Sussman <susanmsussman@gmail.com>
Sent: Friday, February 6, 2026 4:01 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

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Thank you for your consideration,
Susan Sussman
Middlesex, Vermont

From: susie1222 <susie1222@charter.net>
Sent: Wednesday, February 4, 2026 6:45 PM
To: Dlugolecki, Laura
Subject: Occurrence and Survival of Zebra Mussel (Dreissena polymorpha) Veliger Larvae in Residual Water Transported by Recreational Watercraft

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Occurrence and Survival of Zebra Mussel (Dreissena polymorpha) Veliger Larvae in Residual Water Transported by Recreational Watercraft https://share.google/YLRU5plxjycEzPIc0

Sent via the Samsung Galaxy S24+, an AT&T

From: Warren <talk2us2day@comcast.net>
Sent: Thursday, January 22, 2026 7:01 PM
To: ANR - WSMD Lakes
Subject: Wake sports

[You don't often get email from talk2us2day@comcast.net. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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ANR
This sounds like a Canoe outfitter trying to get something for themselves. We motor boaters have paid for all the ramps and controls on the VT lakes yet no money from the canoe and kayak users. Rather uneducated canoers and Kayakers are sent out not knowing anything. If we took the privatization of the lake away and those paying the registration money and having boaters eduction . I believe wake boats only in mid of large areas on large lakes vs the family waterskier and tubers from using a resource they have contributed to. This restriction is unfair and gotten out of control. Good luck with lost revenue and tourism going elsewhere.
Warren Davey
55 year resident of Waterbury Center and past LR State Park worker in late 70’s.

From: Tracey Becken <tbecken@gmail.com>
Sent: Tuesday, February 10, 2026 7:34 AM
To: ANR - WSMD Lakes
Subject: Wakesports

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Wake boats threaten our lakes with the spread of invasive species from their ballast tanks that cannot be cleaned. They can cause shoreline erosion, harm loon nests, swamp smaller boats, kayaks and canoes, and prevent others from enjoying the lake while they are operating. The proposed rules are better but do not go far enough in protecting one of Vermont's greatest natural resources.

From: tensne1 @sover.net <tensne1@sover.net>
Sent: Wednesday, February 11, 2026 10:29 AM
To: ANR - WSMD Lakes
Subject: Wakesports

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To the VT Agency of Natural Resources,

I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

We must protect our smaller Lakes in VT.

Thank you for your consideration

Kathy Schellong
201 Allison Run
WRJ, VT 05001

From: terry simpson <terry.simpson.7a111@advocate-mail.com>
Sent: Saturday, February 21, 2026 10:38 AM
To: ANR - WSMD Lakes
Subject: Wakesports

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Vermont Department of Environmental Conservation,

I am writing as a supporter of wake surfing as a recreational opportunity on our lakes and reservoirs. I am a concerned citizen and supporter of responsible water and recreation management. I am writing regarding the proposed changes for the state of Vermont. I oppose adopting the 100 acre threshold, the 3,000 foot run requirement and the 500 foot buffer. If further invasive aquatic species precautions need to be applied based on Vermont specific data, it should be applied to all vessels and not a specific user group.

Wake surfing is a responsible and growing recreational activity that supports Vermont families, small businesses, tourism, and our broader outdoor recreation economy. Many boaters have invested heavily in equipment and training to operate safely and responsibly under existing laws. The proposed restrictions would unfairly target one user group without clear, data-driven evidence that such sweeping limitations are necessary. By removing nearly half of the allowed lakes it will significantly har

Sincerely,

terry simpson
1509 N Woodruff Rd
Spokane Valley, WA 99206
9983765
terrysled@msn.com

From: Thomas McPeek <thomas.mcpeek.be3c3@advocate-mail.com>
Sent: Friday, February 20, 2026 11:56 AM
To: ANR - WSMD Lakes
Subject: Wakesports

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While I support responsible stewardship of our lakes, the current scientific record lacks data-driven evidence of harm tied specifically to wake surf boats. To date, there is no broad, peer-reviewed field research demonstrating that wake surfing at current common setbacks and depths causes measurable shoreline erosion or lasting ecological damage in Vermont lakes specifically. Much of the science cited by advocacy groups is either model-based (not real-world measurements) or extrapolated rather than based on scientifically controlled, replicated studies.

The restrictions already in place are sufficient and should not be expanded on. I do not support the state of Vermont targeting one user group.

Please oppose the proposed wake surfing restrictions in their current form and continue with the 2024 rules.

Sincerely,

Thomas McPeek
426 Eureka Trl
Atoka, TN 38004
(407) 731-0453
tom@sandinmytoes.co

From: CHRIS HEALD <tklheald@comcast.net>
Sent: Tuesday, February 17, 2026 11:20 AM
To: ANR - WSMD Lakes
Subject: Wakesports - Proposed 2025 Rule Amendments
Attachments: ANR Wakesports Letter.pdf

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see attached public comment letter regarding the proposed 2025 wake boat rule amendments. Thank you for your consideration.

Chris Heald

February 16, 2026

Dear Vermont Agency of Natural Resources Lakes & Ponds Program Staff,

Thank you for the opportunity to submit public comment on the proposed 2025 wakeboat rule amendments. I am a life-long Vermonter and outdoor enthusiast who cares deeply about the environment as well as Vermont's natural resources and am committed to responsible, fair and equitable access to those resources.

After reviewing the proposed changes, the rulemaking documents, the submitted petitions, and the public comments supporting additional restrictions, I respectfully submit the following.

I oppose all of the proposed 2025 rule, specifically the **100-acre lake threshold**, **the 3,000-foot straight-run requirement**, the expanded interpretation of **a 500-foot buffer from "any object" within the wake zone,** application of Normal **and Non Normal** use as well as **Section 3.7 and 4.3** Municipalities changes. **I support maintaining the 2024 rule as written**.

In reviewing the materials cited by those requesting further restrictions, the primary scientific sources referenced are research from the University of Minnesota and work conducted at the St. Anthony Falls Laboratory. These studies examine boat-generated wake characteristics such as wave height, energy, and how wakes attenuate with distance.

However, the way these scientific findings are being translated into the proposed regulatory thresholds introduces important differences between what the science evaluates and how the rule uses those numbers. The gap between **measured environmental science** and **policy expansion** is central to this comment.

500-Foot Buffer From "Any Object"

The Minnesota research evaluates how wakes diminish over distance, particularly in relation to shorelines, docks, and other vessels. The studies focus on wake attenuation, energy dissipation, and the role of depth and distance from shore.

The proposed rule expands this into a requirement that wakeboats remain 500 feet from "any object," which functionally creates a wide operational exclusion zone around a vessel. The research cited does not define "object," does not analyze swimmers, buoys, or wildlife markers as variables, and does not recommend a 360-degree exclusion zone within a wake sports area.

The science describes attenuation relative to shorelines and boats. The "any object" interpretation represents a **policy expansion beyond the study context**, not a scientific threshold identified in the research.

3,000-Foot Straight-Run Requirement

The 3,000-foot figure appears in discussions as a typical wake sports ride length — a description of boating practice, not an environmental response metric. Wake science evaluates wave energy, propagation, depth, and distance from shore. It does not evaluate ecological impact relative to how long a boat travels in a straight line.

No study links sediment movement, erosion, or habitat effects to uninterrupted run length. The dimension is used in spatial visualization and operational descriptions, not as a hydrodynamic or ecological threshold.

This number originates from how the sport is performed, not how the environment responds.

100-Acre Lake Requirement

The 100-acre figure is derived from geometric modeling of space needed for a modeled run length and wake width. Wake research identifies environmental impact drivers as distance from shore, wave energy, water depth, and frequency of exposure. Lake surface area itself does not alter how a wake is generated or how it attenuates.

The Minnesota studies do not include acreage as a tested variable and do not identify a lake-size threshold at which environmental impacts change.

This threshold reflects a **spatial visualization**, not an environmental measurement.

Normal Use Definition

The position being advanced to the Vermont Agency of Natural Resources and DEC, including by the Federation of Vermont Lakes and Ponds, asserts that wake sports constitute a "non-normal use" because modern wakeboats did not exist in their current configuration prior to January 1, 1993. This interpretation does not align with the statute's intent or with the historical record of recreational boating.

The relevant activity is **towed watersports conducted by inboard motorboats**, which unquestionably predates 1993. Towboats, ski boats, ballast-modified inboards, and wake-enhanced operation were in use prior to that date, and wake surfing developed as an extension of these practices in the late 1980s and early 1990s. The statute does not provide that technological refinement within an established activity creates a new legal "use." Regulatory interpretation consistently treats equipment evolution within an existing recreational category as continuation of that use.

The purpose of the "normal use" framework was to prevent *novel or incompatible* uses, not to fix recreational boating technology at a specific point in time. Accordingly, wake surfing represents the evolution of long-standing inboard towed watersports, not a legally distinct category.

I respectfully request removal of language classifying wake sports as "non-normal use," as no statutory, scientific, or historical analysis has been presented to support that conclusion.

Sections 3.7 & 4.3 — Administrative Removal Structure

The proposed amendments to Section 3.7 create a system in which wake sports eligibility may be added or removed from lakes through ongoing administrative discretion tied to management activities or research. When combined with the authority in Section 4.3 allowing restrictions for "other good cause," this establishes an open-ended mechanism for suspending lawful recreation without defined procedural safeguards.

The rule contains no time limits, no formal re-approval requirement, no defined evidentiary standard, and no consistency protections. Temporary project-based suspensions could therefore function as permanent exclusions. This conflicts with the UPW framework requiring the **least restrictive approach practicable** to address use conflicts.

If temporary suspensions are to be permitted, they must include objective limits, written scientific findings, and automatic expiration unless renewed through formal rulemaking. Without these guardrails, the proposal shifts from science-based regulation to discretionary removal of access.

Science vs. Policy — and Public Trust

There is no scientific evidence, and specifically no Vermont-based research in the environmental context of these waters, that establishes 100 acres, 3,000 feet, or 500ft "any object" as ecological thresholds.

The cited wake research explains how waves behave relative to distance, depth, and energy. The proposed rules convert shoreline attenuation science, boating practice, and geometric modeling into fixed regulatory thresholds. None of the three proposed metrics are directly derived from studies measuring environmental impact at those specific values.

In May 2024, ANR stated that the current wakeboat rule was science-based and reflective of Vermonters' shared interests. The additional 2025 proposals move beyond the scope of the cited research and apply operational or geometric figures as environmental limits without corresponding field-measured impact data.

When regulations shift from demonstrable science to numbers derived from advocacy pressure or the most vocal viewpoints, it risks eroding public confidence in the rulemaking process. Environmental governance depends on consistency, transparency, and measurable evidence. When the connection between data and regulation becomes unclear, trust in the system weakens.

Reasoning for enhanced restrictions for wakeboats cannot be supported by objective data that should be the basis for making any type of regulatory decision. A science-based approach protects both natural resources and the credibility of the institutions responsible for stewarding them.

Enhanced restrictions and the process by which this has been managed is also contrary to ANR's commitment to provide meaningful access and equal opportunity as well as the fact that everyone deserves the right to feel welcome and to enjoy all that Vermont's public lands, facilities, and natural resources have to offer.

For these reasons, I respectfully request that ANR retain the 2024 rule structure and avoid adopting the proposed 100-acre, 3,000-foot, and expanded "any object" buffer provisions.

Thank you for your consideration.

Christopher Heald

Scientific References

University of Minnesota — St. Anthony Falls Laboratory
Research on wake wave characteristics, energy, and attenuation relative to distance and depth
https://cse.umn.edu/safl/news/umn-researchers-study-waves-created-recreational-boats

Marr et al., Characterization of Boat-Generated Wake Waves (2022)
Wave height, energy, and attenuation study
https://coalitionnavigation.ca/wp-content/uploads/2025/09/BoatGeneratedWakeWaveReport_Feb12022_Final.pdf

Lake Waramaug Task Force — Shallow Water Environment Wave Impact Study (2024)
Wave energy propagation and shoreline distance findings
https://static1.squarespace.com/static/5852df852e69cfa768783fd0/t/6791117b64c0e95b7061fb1b/1737560444987/LWTaskForce%2BShallow%2BWater%2BEnvironment%2BWave%2BImpact%2BStudy%2BFinal%2BReport%2B010825.pdf

Daeger et al., Impacts on Nutrient and Sediment Resuspension by Various Watercraft
Depth-dependent sediment disturbance findings
https://lakes.grace.edu/wp-content/uploads/2023/04/Impacts-on-Nutrient-and-Sediment-Resuspension-by-Various-Watercraft-Proceedings-of-the-Indiana-Academy-of-Science-2023.pdf

Goudey & Girod — Characterization of Wake-Sport Wakes and Their Potential Impact on Shorelines (2015)Goudey, C. A., & Girod, L. G. https://www.wsia.net/wp-content/uploads/2020/03/WSIA_draft_report_Rev_II.pdf?utm_source=chatgpt.com

MacFarlane — Wake Characteristics from Recreational and Wake Boats (2025)

MacFarlane, G. J. (2025) https://mymlsa.org/wp-content/uploads/2025/04/wake-macfarlane-2025-wakesurfing-wakeboarding-and-waterskiing-a-comparison-of-wake.pdf

** please note the university of Minnesota and Marrr Et Al were presented and referenced through public comments and petitions by those requesting additional restrictions.

From: Lehder, Todd <tlehder@wilentz.com>
Sent: Wednesday, February 11, 2026 3:06 PM
To: ANR - WSMD Lakes
Subject: Wakesports - February 2026

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What follows are my comments to the current efforts to regulate wakesports on public lakes in Vermont. These comments were previously submitted in response to an earlier request for public comment in August 2025. While the politics on this subject seem to have taken another strange new turn, my feelings on the subject remain unchanged.

To Whom it May Concern:
I am submitting this email as a property owner in Westmore, VT, to communicate my opposition any State law which permits wakesports on any public lake in Vermont.

As an interested (and concerned) property owner, I have attended many meetings and submitted written comments on numerous occasions across several years about this topic. On each occasion, I have felt it important to get involved and speak up, to ensure that you see the number of thoughtful people who oppose wakeboats for so many good, rational and selfless reasons.

At its core, all the reasons to ban wakeboats are derived from the libertarian philosophy that is a core component of our community and one reason so many Vermonters choose to live in Vermont – live free and live your best life, but in doing so, leave others alone and don't interfere with my right to live my own best life. Wakeboats can't safely co-exist with normal users of our lakes, especially not with the very limited public resources that are currently being invested in policing and monitoring these critical natural resources. Accordingly, it is with exhaustion that I once again contact you to communicate my heart felt concerns about wakeboats being introduced to our public lakes in Vermont.

Overall/Impact on Normal Users - suffice it to say, I strongly object to any argument that wakesports can co-exist with other "normal users" on any lake in VT. Normal users is intended to reference not only the legal term that has been used in VT law, but practically speaking, I'm referring to any normal user of the lake is anyone that would be disrupted or threatened by excessively large boat wake – that now includes swimmers, paddle boarders, fishermen, kayaks, canoes, wind surfers and even normal and casual recreational boaters.

The rules of the water require that different vessels are respectful of one another – there is a strict code of conduct. Sailboats get the right of way over power boats, all boats need to keep a distances from paddlers, everyone gives extra space to fisherman with lines out, power boats are not entitled to move quickly in dangerous areas and all boats are responsible for damage and loss created by their own wakes. Given these core principles of being on the water (respect one another and operate your vessel to avoid dangerous conditions for other vessels) I honestly don't think there is any way to see the shared use of a public lake in Vermont where wakesports does not negatively impact all other users of the recreational resource. While proponents of wakesports will argue that it is technically possible to co-exist by setting a long list of rules and enforcing them strictly, it is far more easy to see how the most vulnerable users of the lakes will be negatively impacted by wakesports, than to foresee how this will all work without any regular police involvement and enforcement. In the northeast kingdom, a region of the State where there is very little police presence on our lakes at all– I think it is a horrible mistake to "hope for the best" in terms of voluntary compliance with any rules intended to make the shared use of these lakes work. There is simply too extreme of a difference between what a paddleboard or kayak and a wakeboat need, in order to see them all safely sharing the same body of water.

Danger – at Lake Willoughby we are very far from emergency services. Given the risk of drowning and becoming stranded in remote areas if a vessel is overturned – I think the real threat to human life is something that needs to be factored into any plan to permit wakeboat use of these public resources. Recreational users check the weather before they head out, and they wouldn't assume the risk of going out on the water with a storm on the horizon. Furthermore, they don't use the lakes if the waves and wind aren't suitable for their particular boating activity. But here, we have the potential to introduce huge wave action to folks that are not prepared to deal with it, as kayaks, canoes, paddleboards and even small powerboats can overturn very easily. These "normal users" would not voluntarily put themselves at risk with the water conditions, but they won't have any choice if they are confronted with a wakeboat on an otherwise suitable day for them to be on the water. While you can imagine co-existing on different areas of the lake – you can also easily imagine how the interaction between these different users could be catastrophic. Especially given how little resources the State puts into policing our lakes – I think it would be a huge mistake to permit wakeboats without also bringing in state police resources to enforce the rules and provide emergency services when they are eventually needed as a result of a conflict between these uses. In my view, you can't permit these users to coexist, without actively and regularly participating in the enforcement of the rules intended to keep all safe.

Invasive Species – at Lake Willoughby, we have a big milfoil problem. We never had milfoil when I was a kid and the sandy beach that I used to swim from, is now at risk of becoming overgrown with these dense weeds. This makes swimming unpleasant and less likely to be enjoyed. Certain areas of lake Willoughby are already much less pristine and usable, because milfoil has taken over. How could we knowingly exposure ourselves to more new invasive species, by letting boats that have foreign water in the ballast tanks operate on our lake? It is insane to me that we would even consider permitting this activity, before we have deployed the public resources necessary to properly clean these boats and ensure we won't pick up zebra mussels or whatever is the next invasive species taking over. It's a crazy thought and these things should be prerequisites to any plan that permits wakeboat usage on our lakes. If you are unfamiliar, please research the history of the impact of invasive species on Lake Memphremagog in Newport. This lake used to be beautiful and actively used by swimmers and boaters alike – the town was vibrant and everything was focused towards the beautiful water. The lake is now gross – it has been taken over by invasive species. Property values are down and tourism is down. The negative economic impact of these invasive species on Newport is stark and it is a warning that it can happen elsewhere – ruining our economy that thrives on "normal users" of these public waterbodies. Once these invasive species are relocated to these lakes, it is only a matter of time before they take over completely and ruin things, including our economic lifelines, presumably forever. The risk of invasive species must be addressed as a paramount issue – and if we don't protect our lakes now, it will be too late because these problems can be managed (at significant expense), but they can't be fixed. You'll have new costs associated with managing the lakes, with less money to pay for it with decreased tax revenue – not a good recipe for capitalizing on Vermont's biggest asset.

Politics – For the first time in my personal submissions for this rulemaking, I want to say that I'm embarrassed to be witnessing these politics and how they are working in Vermont. Private citizens such as myself welcome opportunities to participate. We thank you for inviting and welcoming our comments. But the public only has so much energy and time to focus on these sorts of things. We, the opponents of wakesports, need to vocalize our concerns each and every time we get a chance to, or risk of having our concerns shown less weight. On the other side, there is a boating industry with louder voices and who have money to spend on lobbying. Simply put, this extended and irregular rulemaking process disfavors regular community members like myself, and favors industry insiders who have a pro-wakesports agenda, those who have deeper pockets, more resources and more stamina for this repetitive drawn out democratic process.

With all due respect, this political process has been suspect at best. I assume the starts and stops and changing course is intended to manipulate a seemingly public process. The public, quite clearly from where I sit, has been outspoken and overwhelmingly opposes wakeboats in favor "normal users" and resistance to change. It appears to me clear that the State (or people within the State) has elected to drag this process out, presumably for the purpose of (1) exhausting the public, and (2) permitting the wakeboat industry to get organized and vocalize their pro-wakesports position. Not only has there been a tremendous waste of public resources into a process that has had multiple starts and stops – but the failure to take definitive action has left us with no rules as there are currently no restrictions in place to protect our lakes and "normal users" at the lakes from the perils of wakesports. I'm not

aware of any injuries myself, but no one knows if we've spread any invasive species yet, or if people have stopped using these lakes in recent years for fear of these wakeboats. Failure to pick a path and stick with it seems to be a very unfair tactic and could change the level of public opposition due to exhaustion of the "regular" members of the public who oppose wakesports.

As painful as all this has been, there is still time to make the right decision here. It would a slow moving train crash to let wakesports take hold in Vermont. Please apply a libertarian philosophy to how and what you elect to regulate. Ban wakesports not because they are bad, ban them not because there is anything inherently wrong with wakesports - ban them because the impact of wakesports on "normal users" is foreseeable, negative and permanent. Invasive species are permanent. Loss of lives is permanent. Fear of being on the water is permanent and will change people's behavior from how they explore these shared and wonderful public resources. You can't do both - if you support wakesports, you don't support normal users and much about what we know of how these lakes have been historically used by the public could well change.
Your predecessors did this before with jet skis. Your predecessors did the right thing with jet skis and while it might have been the hard thing to do, it was the right thing to do and our lakes are better for it. Do the same thing here – it is the hard thing, but it is also the right thing. Ban wakesports and wakeboats from our lakes.
Good luck.

Todd E. Lehder | Shareholder
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From: Tom Ward <tom.ward3@gmail.com>
Sent: Monday, January 26, 2026 9:48 AM
To: Dlugolecki, Laura; Austin, Jenny
Cc: David Roth; Ron Scott; Yutaka Tamura; Vanessa Riegler; Stuart Fairbairn; Vicki Smith; Li Shen; Steve Tofel; DC Forbes
Subject: Wakesports Meeting
Attachments: Response email 1.26.26.pdf

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Good Morning Laura and Jenny,

Please see the attached group response to Laura's email of Thursday, Jan. 22.

Sincerely,

Ron Scott: Camp Lochearn, Owner
Yutaka Tamura: Camp Billing, Executive Director,
Vanessa Reigler: Aloha Foundation, Executive Director (Camps Aloha Hive, Horizons, Ohana)
Stuart Fairbairn: Horizons, Director; Lake Fairlee Association Board Member
Vicki Smith: Camp Billings, Board Member; Lake Fairlee Association, Treasurer
David Roth: Lake Fairlee Association, President
Li Shen: Town of Thetford, Selectboard Member
Steve Tofel: Town of Thetford, Selectboard Member
David Forbes: Town of Thetford, Selectboard Member; Lake Fairlee Association Board Member
Tom Ward: Lake Fairlee Association, Member

On Thu, Jan 22, 2026 at 3:06 PM Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov> wrote:

> Hello Tom and David,
>
> Thank you for your comments regarding the small group meeting.
>
> The purpose of these small group meetings is to have the opportunity to have discussion around these tricky topics. I think we have a lot to learn from each other about the complicated recreational dynamics that occur on public lakes. It is important to hear all sides of an issue, even if it is uncomfortable. It is very important that all voices be heard, and that decisions are not based solely on the number of people who support or oppose a specific topic. Rather, we are striving to be objective, root our decision making in science when available, and when the science isn't available, to make decisions on our best professional judgements best on objective information and observations.
>
> One point of contention on the proposed 100-acre threshold is that there isn't a collection of scientific publications we can point to about a minimum 100-acre wakesports zone size, as there is for the 500-foot setback from shore and the 20-foot-deep requirements of a wakesports zone. Staying rooted in science means examining our 100-acre proposal and determining whether it is accurate and appropriate. To be clear, we have been referring to the 3,000-foot-long by 1,000-foot-wide area and an impact zone, not an exclusion zone. This zone was developed out of our hope to address concerns about safety, cumulative effects of multiple wakeboats, and to reduce conflict. The size of this impact zone was based on anecdotal information, not hard science. This is a great opportunity to learn more, especially in areas that will be impacted by these proposed rule changes.
>
> We are charged with protecting natural resources, public access, and managing recreational conflict-- it is our

responsibility to have these hard conversations, to be open minded, and to look for solutions, if they are needed.

We do really appreciate your feedback on this issue. This was our first time talking about a potential nuanced approach to managing wakesports zones, so it is great to hear feedback on this specific topic.

I encourage you to stay involved in the process and to provide public comments during the comment period.
Thank you,
Laura

Laura Dlugolecki | Lakes and Ponds Policy and Outreach Coordinator
Vermont Agency of Natural Resources | Department of Environmental Conservation
Watershed Management Division, Lakes and Ponds Program
1 National Life Drive, Montpelier, VT 05620-3522
Phone: 802-490-6133
Email: Laura.dlugolecki@vermont.gov
Lakes Permitting webpage: https://dec.vermont.gov/watershed/lakes-ponds/permit

---

From: Austin, Jenny <Jenny.Austin@vermont.gov>
Sent: Wednesday, January 21, 2026 3:39 PM
To: David Roth <dmr@thewakayagroup.com>; Tom Ward <tom.ward3@gmail.com>
Cc: Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov>
Subject: RE: Wakesports Meeting

Hi Tom and David,

Laura is working on a more comprehensive response and may be a bit delayed this week with other workload.

I just wanted to apologize for misspeaking during the meeting. We understand it was the other way around—that all but one of the camps are around the wakesports zone. I was getting mixed up with another comment we received at one point about some of the close-proximity camps being buffered by coves. That's what I was trying to clarify, but it came out wrong. I can see the map in the petition with the locations! Thank you for clarifying and for your patience as we navigate this issue.

Best regards,
Jenny

VERMONT
Jenny Austin (she/her) | Lakes and Ponds Program Manager
Vermont Agency of Natural Resources
Watershed Management Division – Lakes and Ponds Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3901
Phone Number: 802-480-1394 (work mobile)
http://dec.vermont.gov/watershed

From: David Roth <dmr@thewakayagroup.com>
Sent: Tuesday, January 20, 2026 9:11 AM
To: Tom Ward <tom.ward3@gmail.com>
Cc: Dlugolecki, Laura <Laura.Dlugolecki@vermont.gov>; Austin, Jenny <Jenny.Austin@vermont.gov>
Subject: Re: Wakesports Meeting

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Thank you for clarifying this, Tom.

Good morning Jenny and Laura -- I do look forward to hearing back from you.

Best,
-David Roth

On Tue, Jan 20, 2026, 8:41 AM Tom Ward <tom.ward3@gmail.com> wrote:

> Good morning Jenny and Laura,
>
> I meant to include information about Lake Fairlee's wakesports zone in the email I sent you on Friday. At Friday's meeting, Jenny suggested that most of Lake Fairlee's youth and family camps are located away from the wakesports zone. I want to clarify that this is not the case. In fact, the opposite is true: **four of the five camps on Lake Fairlee are located directly along the shoreline adjacent to the wakesports zone**.
>
> Please see the attached excerpt from the Lake Fairlee petition (pages 4–7, submitted April 18, 2024). The included map clearly shows the proximity of the camps to the wakesports zone, and the accompanying text explains why this area of the lake—used continuously by camps for more than a century—is essential to camp operations and deeply important to town stakeholders.
>
> Given this context, compromising safety in this part of the lake to accommodate the preference of a single wake-boat-owning family is not in the best interest of Lake Fairlee or the many communities that rely on it.
>
> Thank you for taking the time to review this portion of the petition again. I appreciate your careful consideration of these facts as rulemaking proceeds.
>
> Best regards,
> Tom
>
> On Fri, Jan 16, 2026 at 4:44 PM David Roth <dmr@thewakayagroup.com> wrote:
>
> > Thank you for sending this Tom. Honestly I only stayed on for about 40 minutes because the conversation began to devolve into something that I don't think was particularly constructive at all. I also very much want to know why a single wake-boat owning family was given so much air-time during what was ostensibly a wide-ranging group discussion. I certainly agree with all of your other comments Tom, and would very much appreciate your reply, Jenny and Laura.
> >
> > Best,
> > -David Roth
> >
> > On Fri, Jan 16, 2026, 4:12 PM Tom Ward <tom.ward3@gmail.com> wrote:
> >
> > > Hi Laura and Jenny,
> > >
> > > Thank you for holding today's meeting. I appreciated the opportunity to participate, even though I had more to add. Much of my time was spent correcting factual inaccuracies raised by the single wake-boat family, which I felt could not go unaddressed.
> > >
> > > I urge you to stay grounded in math and science. As you've explained in prior presentations, a wake boat effectively creates a **3,000-ft by 1,000-ft exclusion area**. And, the 100-acre area should allow room for more than one such rectangle. Lake Fairlee's WSZ cannot accommodate even one. As Laura stated in

her email setting up the meeting, "The increase from 50 acres to 100 acres of wakesports zone was developed to address safety concerns, cumulative impacts from multiple wakeboats, and to reduce conflict between all recreational users."

During the meeting, I receivd text from several attendees expressing surprise at the amount of effort seemingly focused on accommodating a single family. I would appreciate clarification on this priority, especially given that the Thetford Selectboard and camp representatives represent communities that have relied on the lake for normal uses for generations, with significantly more at stake. Virtually all Lake Fairlee Association members and the Lake Fairlee Association Board support prohibiting wakesports on the lake.

Regarding specific proposals:

- Grandfathering: I agree with Jenny that this is legally problematic. Grandfathering typically applies to structures rather than discretionary activities. Implementing this for wakesurfing risks creating unequal privileges, particularly since these boats remain usable for all other purposes.
- "One boat at a time": This is also impractical. It would be extremely difficult to enforce and would likely increase, not reduce, conflict when multiple boats arrive or enter the zone.

The claim that *all* boats create access issues is not credible. A sailboat wake does not capsize kayaks or damage shorelines. While Ben's practice of staying centered in the zone is laudable, Lake Fairlee's WSZ is only about 1,000 feet wide at its widest point. A wake boat in surf mode creates unsafe conditions up to 500 feet on either side and can traverse the entire zone in about three minutes. In effect, a single wake boat dominates—and excludes others from—the entire 90-acre zone. No other vessel on small lakes has comparable impacts.

Please review again the Lake Fairlee petition for additional details on why wakesports are not appropriate for Lake Fairlee. Conflicts have occurred, but many users now avoid the water when a wake boat is present, which artificially lowers reported conflict numbers, and many conflicts that do occur are not reported, as no one expects complaints to have any impact. Minimizing conflicts by effectively denying many lake users access to the lake to accommodate a single boating family is not an acceptable outcome.

Thank you again for the discussion. I hope this perspective is helpful as you move forward.

Tom

Tom Ward
mobile: 781-640-1920
tom.ward3@gmail.com

Response to Laura Dlugolecki's email of Thu, Jan 22, 2026 at 3:06 PM

January 26, 2026

Good Morning Laura and Jenny,

Thank you for your response and for outlining DEC's approach to these discussions. We appreciate the acknowledgment that these are difficult issues and that DEC is striving to remain objective and grounded in science, professional judgment, and observable conditions on the water.

We agree that decisions should not be based solely on the number of comments for or against a proposal. The "composition" or "quality" of the comments also matters. The public comment analysis I've previously shared with you shows a clear, overwhelming pattern of support by people with a long-term interest and stake in the lake for prohibiting wakesports on Lake Fairlee. The support for wakesports on Lake Fairlee is mostly attributable to a single wake boat–owning family that has encouraged friends with no long-term connection to the lake or the local economy to submit comments.

In contrast, the overwhelming majority of comments calling for a prohibition on wakesports come from Vermont residents and voters, local property owners, Lake Fairlee Association members, family and youth camp directors and owners, conservation groups, and municipal officials—stakeholders with a demonstrated, long-term interest in lake health, public safety, fair access, and the economic vitality of the surrounding community.

Widespread and consistent input and observations from affected users—particularly when safety is at issue, as is the case with the DEC's current petition—should be treated as objective evidence of conflict, not merely opinion. When recreational swimmers, paddlers, sailors, anglers, campers, and families stop using the water to avoid danger, the loss of access is a measurable impact on public waters.

Regarding the 100-acre threshold, while we understand that there isn't a collection of scientific publications you can point to about a minimum 100-acre wakesports zone, the threshold is nonetheless grounded in established principles of science, physics, and geometry when considered alongside the requirements DEC has already adopted.

First, geometry and regulatory compliance: A wake boat operating under the UPW rules must remain 500 feet from shore and, as proposed, maintain a 500-foot separation from other vessels. Wake boat wave disturbance extends roughly 1,000 feet across. On a narrow lake like Fairlee, with a wakesports zone that is +/- 1000 feet wide, a single wake boat centered in the wakesports zone covers the WSZ in only about 3 minutes, effectively occupying the full width and length of the WSZ, making it mathematically impossible for other users to remain safe. The waves of a wake boat operating closer to the edge of the

zone don't reach the 200-foot equivalent of ski boat waves until they hit the shore 500 feet away, making what is supposed to be a safe region around the wakesport zone unsafe. **This is not anecdotal information—it is a physical constraint.**

Second, applied physics and wave energy and power: DEC has relied on wave height science to justify the 500-foot setback from shore and, as proposed, from other users. However, research by the St. Anthony Falls Laboratory shows that while ***wave height*** may diminish at 500 feet, wakeboat ***wave energy*** and ***wave power***—the forces most relevant to safety and shoreline impacts—do not drop to ski-boat equivalence until approximately ***600 feet or more***. **The acreage requirement is therefore not arbitrary; it is the spatial consequence of these energy dissipation distances.**

Third, impact zone versus exclusion zone: While DEC refers to the 3,000-by-1,000-foot area as an "impact zone," on Lake Fairlee, it functions in practice as an exclusion zone. When one wake boat is operating, other users—especially young campers, swimmers, water skiers, sailors, and paddlers—must leave the area entirely to remain safe. An "impact zone" that displaces all other uses is, functionally, an exclusion zone regardless of terminology.

Fourth, Lake Fairlee is not a theoretical edge case. The UPW Rules §2.2 state that "*…the predominant use of adjacent lands, …, the predominant use of the waters prior to regulation…*" ***shall*** be considered. Lake Fairlee has one of the highest concentrations of young, inexperienced lake users in Vermont, concentrated precisely where the wakesports zone would continue to be located. It supports multiple youth camps whose safety, programming, and economic viability depend on calm water. Conflicts have occurred on Lake Fairlee as documented in a number of public comments and most recently by camp leaders at Friday's meeting. The lack of officially reported conflicts on the lake is largely the result of people expecting no response from state-designated authorities to complaints and avoidance when a wake boat is on the lake, not successful coexistence.

Finally, **the wakesports industry and wake boaters on Lake Fairlee have not presented any science-based rationale why they should be allowed to continue engaging in wakesports on Lake Fairlee**. Frankly, it is exhausting countering their attempts to cloud factual arguments with false or misleading claims, which include:

- **Camps on Lake Fairlee are "buffered by coves."** None of the camps is buffered by a cove. (See the map of Lake Fairlee at the end of this email.) Four of the five camps are directly adjacent to the wakesports zone with unprotected shores. The WSZ is "in the front yard" of these four camps; it is the campers' area of highest use. When campers and any other users are out on the lake paddling, sailing, waterskiing, etc., away from shore, they are totally vulnerable to waves generated by wakesports in the WSZ.

- **Equating Camp Lochearn's traditional watersport activities with wakesports** implies they are comparable (they are not). Lochearn owns two waterskiing boats, a favorite activity at the camp. Waterskiing does not generate large wakes and waves, and, unlike wakesports, is a normal use. The UPW Rules §2.7 states: "*Use conflicts shall be managed in a manner that provides for* ***all normal uses to the greatest extent possible…"***
- **Repeated assertions that there are "no conflicts"** on Lake Fairlee, ignoring the well-documented public comments and statement by camp leaders at Friday's meeting that conflicts continue to occur and that some users actively avoid the lake when a wake boat is operating.
- **Claims that wake boaters "know when camps use the waterfront" because they have children who attend camp**—an assertion that does not match what camp directors have told you.
- **Claim that "wake boats are Coast Guard-approved and, when operated responsibly, provide sufficient visibility and control to ensure safe usage."** While wake boats meet federal **manufacturing standards** to be legally sold in the U.S., the Coast Guard does not "approve" or "recognize" wakesports as safe for shorelines or other lake users. Additionally, the Coast Guard does not have general "safe distance" rules; instead, they rely on a standard of "Safe Speed" and "Vessel Responsibility." Meeting a manufacturing baseline does not grant a license to create hazardous conditions. A boat being "USCG Compliant" is simply a baseline for mechanical safety—much like a car having seatbelts—and is not an endorsement of its safe use or environmental impact.

Taken together, science, geometry, and real-world observation all point to the same conclusion: high-energy wakesports require a scale of waterbody that small, narrow lakes like Fairlee simply cannot provide. In this context, seeking compromise risks prioritizing access for a very small number of users over public safety, equitable access, and the lake's long-established uses.

We look forward to continuing to participate in the public comment process and appreciate DEC's willingness to engage on these issues. We hope this clarifies why, on Lake Fairlee and all "near 100-acre" WSZ lakes, adherence to science and objective conditions leads to a clear outcome, wakesport prohibition, rather than a nuanced compromise.

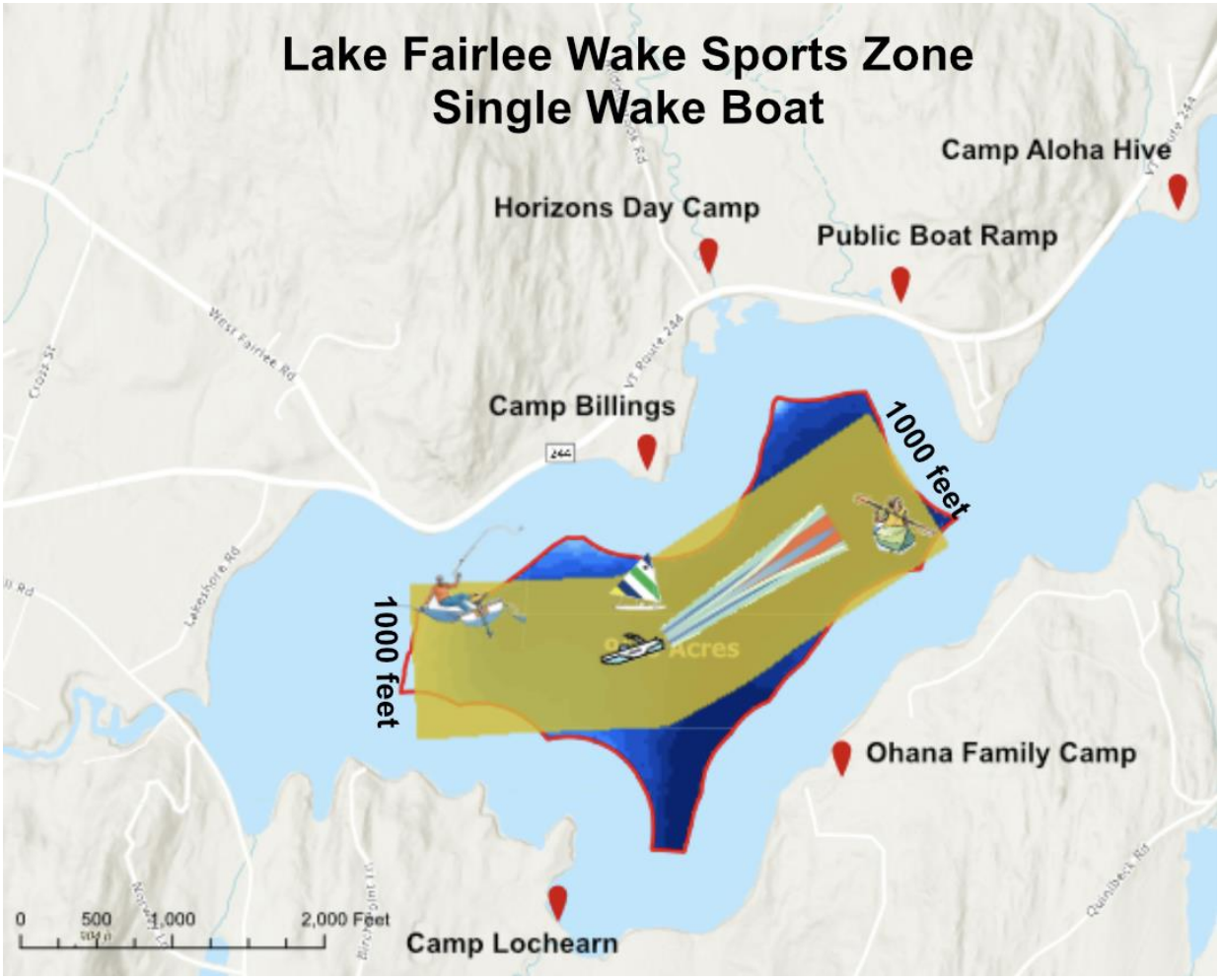
Thank you for your consideration.

Sincerely,

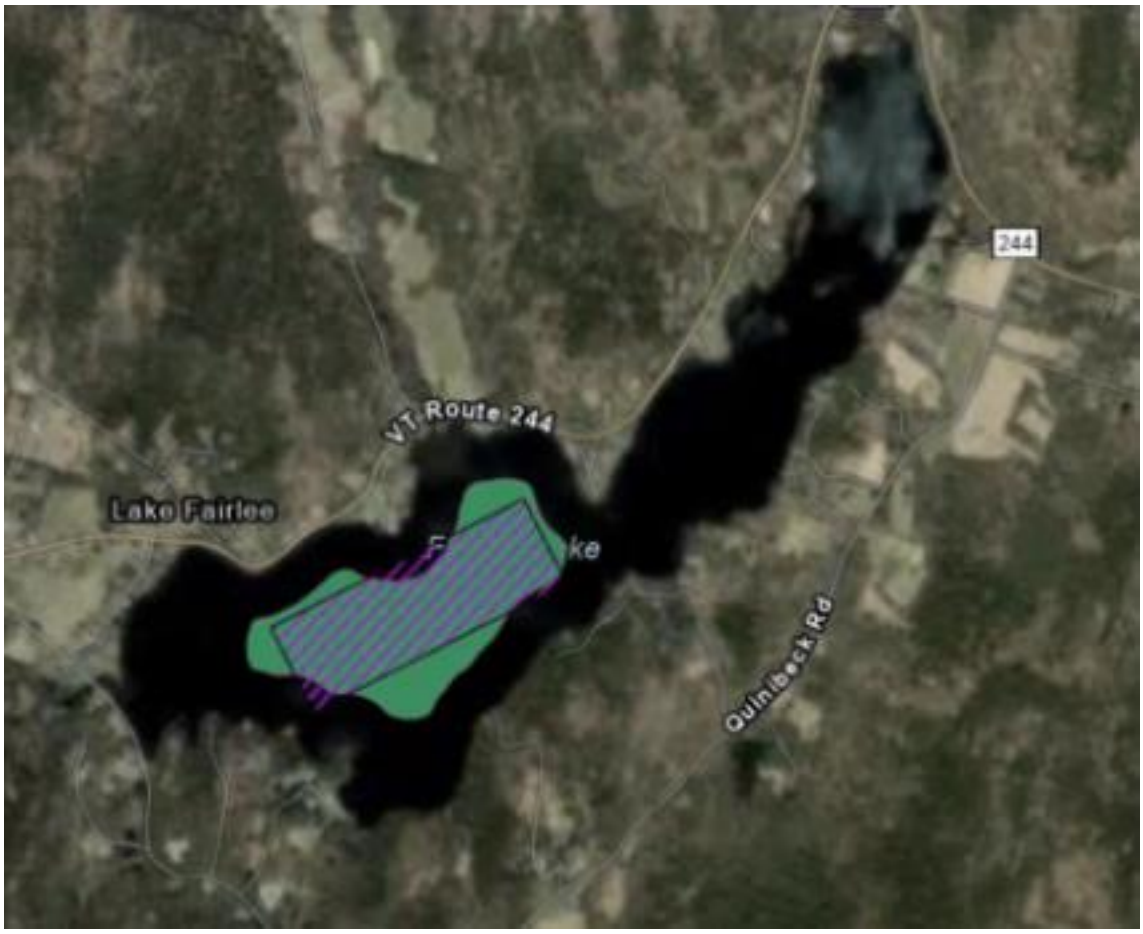
Ron Scott: Camp Lochearn, Owner
Yutaka Tamura: Camp Billing, Executive Director,
Vanessa Reigler: Aloha Foundation, Executive Director (Camps Aloha Hive, Horizons, Ohana)

(continued)

Stuart Fairbairn: Horizons, Director; Lake Fairlee Association Board Member
Vicki Smith: Camp Billings, Board Member; Lake Fairlee Association, Treasurer
David Roth: Lake Fairlee Association, President
Li Shen: Town of Thetford, Selectboard Member
Steve Tofel: Town of Thetford, Selectboard Member
David Forbes: Town of Thetford, Selectboard Member; Lake Fairlee Association Board Member
Tom Ward: Lake Fairlee Association, Member



Lake Fairlee Wakesports Zone and Surrounding Camps
A single wake boat operating in surf mode through the center of the WSZ dominates nearly the entire zone during a three-minute pass. The result is an effective exclusion zone that displaces all other lake users. (Yellow area shows the 1,000-foot impact width; map depicts the former 96-acre WSZ, which would be smaller under proposed smoothing.)



Lake Fairlee's WSZ showing 3000 ft x 1000 ft Impact Rectangle

1. According to the DEC 7/31/26 presentation, "…if we were talking about cumulative impacts, multiple uses being able to be in the wakesport zone, then you would want to have more than one of those rectangles."
2. Lake Fairlee does not accommodate even one 3000 ft x 1000 ft Impact Zone rectangle

(From Laura Dlugolecki public meeting presentation
at Newport Gateway Center 7/31/2025)

From: Tom Ward <tom.ward3@gmail.com>
Sent: Thursday, February 19, 2026 8:05 PM
To: ANR - WSMD Lakes
Subject: Wakesports Rulemaking Comment
Attachments: 2.19.26 Tom Ward Comment FINAL.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear ANR/DEC,

Attached please find my comments on proposed changes to the UPW Rules regulating wakesports on Vermont's inland lakes.

For your comment form question 5: "I support these proposed changes, but they do not go far enough."

Thank you for working to protect Vermont's precious lakes.

Tom

Tom Ward
mobile: 781-640-1920
tom.ward3@gmail.com

ANR 2026 Proposed Wakesports Amendments to the Vermont UPWR

I submit this comment as a multi-generational property owner on Lake Fairlee. My family's connection to these waters dates to the 1930s, when my aunts attended Camp Quinibeck. For more than 50 years, we have stewarded our current property on the former camp grounds. This long-term perspective informs my views.

I strongly support adoption of the Vermont Agency of Natural Resources' (ANR) proposed Use of Public Waters Rules (UPWR) amendments **without lake-specific exceptions or discretionary flexibility**.

Although I would prefer the stronger protections recommended by Responsible Wakes for Vermont Lakes — including greater distance and depth requirements, retention of the Home Lake Rule, and a more robust application of the Precautionary Principle — the current proposal appropriately addresses ANR-identified safety gaps and establishes clear, enforceable statewide standards.

The proposed amendments will protect Lake Fairlee and a dozen other lakes with wakesports zones (WSZ) of less than the 100-acre minimum where wakesports are currently allowed. These lakes are physically incapable of safely supporting wakesports. This is not a question of preference or fairness; it is a matter of physics and geometry, public safety, public access, and preservation of longstanding historical uses.

I. The Proposed Amendments Correct Identified Safety Gaps

ANR acknowledged that public safety was not fully considered in the 2024 rulemaking. The current amendments correct this by establishing:

- A **100-acre minimum WSZ** (Harvey's Lake should be included)
- A **500-foot setback from other lake users**
- A **3,000-foot minimum wakesports run**
- WSZ **shape normalization/smoothing**

These standards create an improved, clear safety framework that was previously missing.

II. The 100-Acre WSZ Aligns Minimum Acreage with Expanded Safety Setbacks

The 2024 rule's 50-acre WSZ minimum assumed only a 200-foot setback and did not incorporate public safety analysis. Expanding the WSZ minimum to 100 acres follows naturally (and geometrically) from increasing the setback from other users to 500 feet. The ANR has provided a thorough analysis of how it reached this size. The 100-acre minimum is a rational and necessary adjustment to the safety framework.

Not all UPWR thresholds are based on lake-specific scientific modeling. Existing provisions—such as the definition of "normal use," the 300-acre minimum for personal watercraft, and the 75-acre requirement for motorized boating above 5 mph—reflect administratively workable standards designed for clarity and consistency. The 100-acre minimum follows this longstanding regulatory approach.

III. The 500-Foot Setback Is a Scientifically Supported *Minimum Safe Distance*

Existing science supports the 500-foot safety setback from other users; new Vermont-specific data is not required. The physics of wave energy are not geography-dependent.

Research from the Saint Anthony Falls Laboratory (SAFL) indicates:

- Wake *height* may equalize with ski boats *beyond* 500 feet.
- Wake *power* (the force associated with shoreline erosion, small craft instability, and swimmer safety) requires **more than 600 feet** to reach equivalence with traditional ski boats.

Accordingly, 500 feet represents a **minimum safety standard**, as it does not include Precautionary Principle considerations or margin. For context:

- DEC staff, more in line with the SAFL study, previously recommended 600 feet.
- Responsible Wakes for Vermont Lakes' 2022 petition supported 1,000-foot distances, and now requests a 700-foot compromise distance.

IV. Lake Fairlee Cannot Safely Accommodate Wakesports

A. Physical Constraints and Shoreline Safety Zone Encroachment

ANR has recognized that smaller lakes can experience exclusionary impacts from even one wake boat. "The Agency determined that the current 50 minimum acres was inadequate for accommodating multiple uses and determined that 100 acres allow for multiple pathways or runs of a wakeboat in wakesports mode." (ANR's FAQ (#10) on wakesports and proposed rulemaking.)

Lake Fairlee's 90-acre WSZ averages approximately **1,000 feet wide**. Wake wave height and power impacts extend over **1,000–1,200 feet wide** (500-600 feet on each side).

Consequences:

- A wakesurf run through the center of the WSZ (Figure 1)
    - Effectively impacts the entire WSZ; waves encroach into the 500-foot shoreline safety zone.
- Wakesurf runs near the WSZ edges (Figure 2)
    - Fully inundate the shoreline safety zone and reach camp shorelines.
- Both scenarios happen within minutes, making the area unsafe for all normal uses, campers, and other lake users as long as wakesurfing continues.

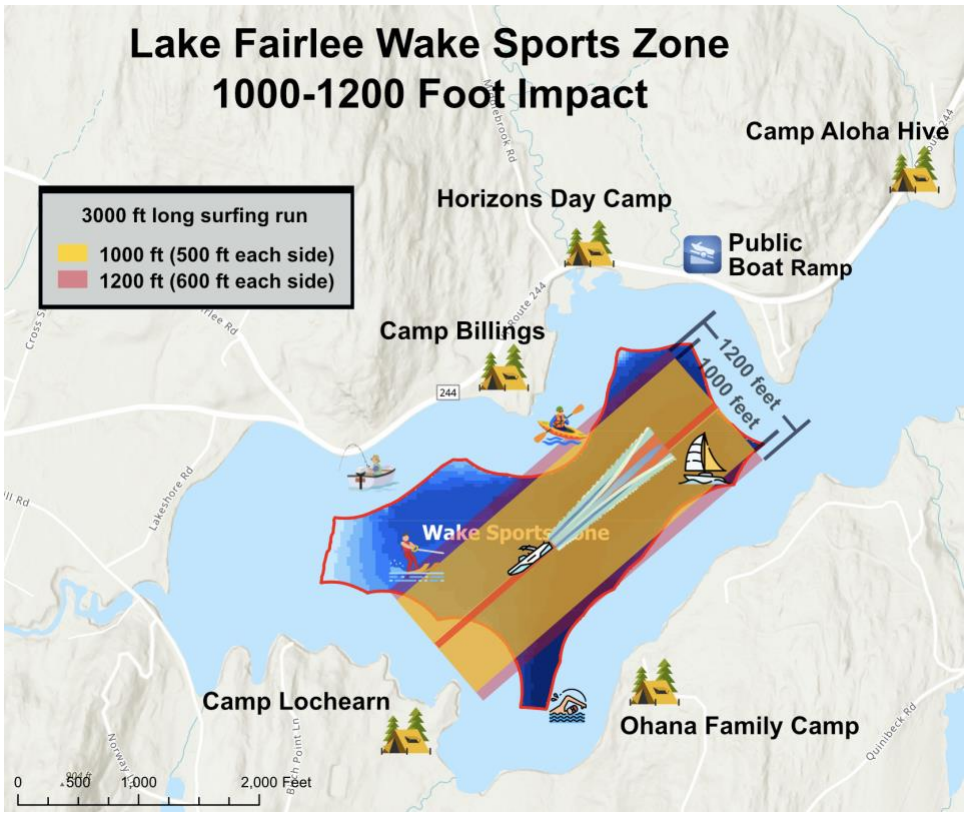


FIGURE 1: *A wakesurf run through the center of the WSZ impacts virtually the entire WSZ and extends into the 500-foot shoreline safety zone*

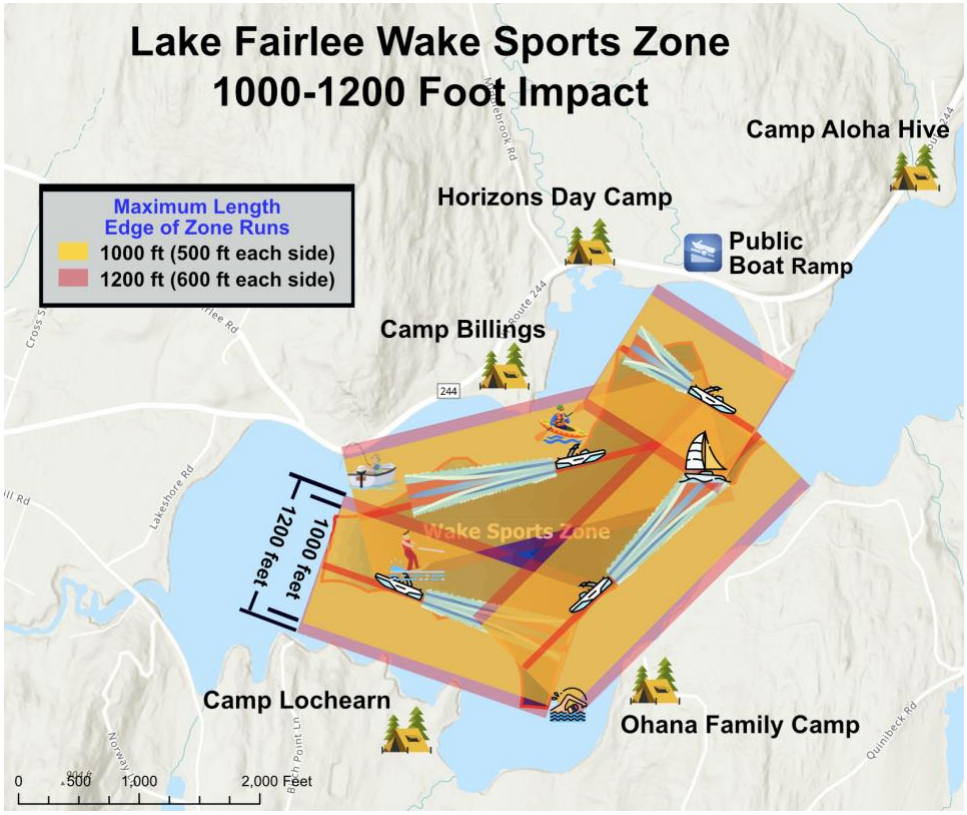


FIGURE 2: *Multiple wakesurf runs by a single boat along the edges of the WSZ extend into the 500-foot shoreline safety zone and reach camp shorelines, making the entire area unsafe for campers and other users in a short amount of time.*

B. Concentration of High-Risk, Inexperienced Users

Lake Fairlee has:

- Five youth and family camps: Lochearn, Billings, Horizons, Aloha Hive, and Ohana
- Approximately 1,800 campers annually
- A public Fish and Game boat ramp serving visitors
- Extensive shoreline residential use

Lake Fairlee has the highest density of young, inexperienced paddlers, sailors, swimmers, and water skiers on any Vermont inland lake.

For over a century, the WSZ area has been used safely for traditional watersports.

UPWR §2.2 ***requires*** pre-regulation consideration of:

- Predominant historic use of the waters and adjacent land use
- Safety and the best interests of current and future generations of ***Vermont citizens***

UPWR §2.6 requires providing for:

- All normal uses to the greatest extent possible

Wakesports should not displace century-old and youth-centered recreational uses.

V. Lake-Specific Exceptions Create Legal and Administrative Risks

In June, 2025, the ANR denied nine individual lake petitions, including Lake Fairlee's, stating that wakesports "concerns are best addressed through *a statewide rulemaking process rather than on a lake-by-lake basis*."

Granting lake-specific exceptions would contradict the rationale used to deny those petitions, weaken the integrity of statewide rulemaking, and introduce significant legal and operational risks:

- **Risk of Arbitrariness** (3 V.S.A. §841(b)(1)(B)): A rule is arbitrary or capricious if it lacks a rational basis or is applied inconsistently. The 100-acre minimum is rationally connected to the expanded 500-foot setback and establishes a clear, uniform standard. Applying weaker standards to select lakes without objective criteria would increase vulnerability to claims of arbitrary application.
- **Erosion of Uniformity:** Lake Fairlee's 90-acre WSZ is comparable in size to several 80–120-acre WSZ Vermont lakes. Granting a wakesports exception would set a dangerous precedent for further rule weakening and invite requests for additional lake-specific carve-outs (e.g., quiet hours, sailing-only periods, or ski-only periods), undermining the consistency of the statewide framework. There is no justification for giving special treatment to wakesports, a "non-normal" use, over traditional normal activities like human-powered craft or water skiing.
- **Enforcement Complexity**: Deviating from the 100-acre minimum undermines the clear administration and rule uniformity principles established in UPWR §2.7. Uniform rules are easier to communicate and enforce.
- Wakesports impact areas (1000-1200-foot-wide, 3,000-foot-long run) do not fit on all lakes in the 80-120 WSZ acreage range. The 100-acre minimum must be applied uniformly to ensure a defensible and workable statewide framework.

VI. “Nuanced" Limits Cannot Solve Public Safety Issues

Proposed operational limits fail to address the fundamental problem: a 90-acre WSZ is too small for safe wake sports. Compromises like "one-boat-at-a-time" or specific time slots do not overcome the physical limitations of such a small area. These measures effectively revert the lake to the 2024 framework, which has already been identified as a safety risk.

- Geometric Constraints: Even with only one boat, the impact of wake activity extends across the entire WSZ and beyond.
- Constant Activity: Time-of-day limits are impractical. Local camp and other lake user activities run from early morning through evening, leaving no safe window for high-impact wakesports.

VII. Displacement and Public Trust Obligations

Absence of formal complaints does not indicate absence of harm. Users report:

- Being forced off the water
- Instability in small craft
- Avoidance during wake boat operation

This constitutes involuntary, fear-based displacement, not peaceful coexistence.

Under the Public Trust Doctrine, the State must manage waters for the public at large, not for high-impact uses that exclude others.

Allowing wakesports to displace 1,800 campers and long-standing lake users conflicts with UPWR mandates to consider historic uses and protect normal uses to the greatest extent possible.

VIII. Economic and Community Considerations

Lake Fairlee camps contribute:

- Over $6 million in annual revenue
- $700,000 in payroll
- $300,000 in property taxes
- additional local economic activity: local produce purchase, hiring tradespeople, tourism spending

Wake boats contribute minimal local economic value. ANR’s 2024 statewide analysis found that wakesports were a net negative for the recreation economy (10:1 negative impact ratio).

Any reduction in camper safety or experience carries real economic consequences.

IX. Public Support

Support for prohibiting wakesports on Lake Fairlee includes long-term lake stakeholder co-petitioners for Lake Fairlee’s individual lake petition that requested a wakesports prohibition:

- Leadership of all five camps: Lochearn, Billings, Horizons, Aloha Hive and Ohana

- Selectboards of all three abutting towns: Thetford, Fairlee, and West Fairlee
- The Lake Fairlee Association (LFA) Board

As well as:

- The vast majority of LFA membership
- The local Conservation Commissions: Thetford and West Fairlee
- The local boat dealership: Fairlee Marine
- The majority of Vermont citizens and long-term lake users who have made public comments

Local opposition to the proposed UPWR amendments is limited to:

- A small minority, primarily a single *nonresident* wake-boat-owning family.
- UPWR §2.2(b) requires consideration of the safety and best interests of ***Vermont citizens***, not *out-of-state residents*.

Statewide opposition to the proposed amendments is concentrated among:

- Wake boat owners on Vermont's largest inland lake, 2400-acre Lake Bomoseen, whose WSZ is twelve times larger than Lake Fairlee's, providing better potential to absorb operational impacts
- Boating industry associations whose focus is on industry profits rather than Vermont's broader recreational balance, lake ecology, and local economic interests.

Conclusion and Recommendation

The proposed amendments to the UPWRs help correct acknowledged safety deficiencies in the 2024 framework. By adopting a 100-acre minimum WSZ and a 500-foot safety setback, ANR establishes clear, consistent, statewide standards that improve public safety and preserve historic uses.

Lake Fairlee's 90-acre WSZ is too small to meet these safety requirements. The lake's physical configuration makes it impossible to limit high-energy wake impacts, which dominate the WSZ, encroach on the shoreline safety zone, and create conflicts that displace campers and other lake users. The incompatibility is structural, not operational.

Granting lake-specific "flexibility" would undermine statewide consistency, introduce legal vulnerability, and contradict ANR's prior determination that wakesports compatibility should be addressed through uniform statewide rulemaking.

I respectfully urge ANR to adopt the proposed amendments **as written**, without lake-specific nuances. Doing so fulfills the State's obligation under the Public Trust Doctrine to safeguard public safety and ensure equitable access for the broad community of Vermont lake users.

Thank you for your consideration. I look forward to the implementation of these important protections in time for the 2026 boating season.

Respectfully submitted,

Tom Ward
Vermont Resident, Thetford Center
February 19, 2026

From: Thomas Lang <tom77rrt@gmail.com>
Sent: Monday, February 16, 2026 3:35 PM
To: ANR - WSMD Lakes
Subject: Wake Sports proposed rule

[You don't often get email from tom77rrt@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

There is NOT ENOUGH room on Harveys lake for a Wake Sports zone. Your proposed rule will force wake boaters to relocate to Harveys Lake. It could be crazy dangerous and I would blame the state for the consequences. Also, note to the state of Vermont, there is almost NO enforcement of law on Harveys Lake. Maybe 2 days a year if we are lucky. Wake boats should not be allowed on any body of water without law enforcement present to protect the public. At the minimum, the state should not be making the situation even worse than it already is.

Tom Lang
Barnet VT

From: Tracy Donegan <tradonegan4@yahoo.com>
Sent: Monday, February 9, 2026 7:08 PM
To: ANR - WSMD Lakes
Subject: Wake sports

[You don't often get email from tradonegan4@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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I am a Vermont resident who loves the outdoor activities our state offers in summer and winter. I am a boater, paddle boarder and swimmer who loves Lake Bomoseen.

Vermont's current wakesports framework already incorporates the scientific concept supported by the literature: a 500-foot buffer from shore as part of wakesports zone eligibility. That structure directly aligns with wave attenuation research focused on shoreline impacts.
Requiring a wakeboat to remain 500 feet from any object while inside a wakesports zone is not an incremental refinement of the science-based shoreline buffer; it is a new regulatory construct.
Neither Marr et al. University of Minnesota, nor related studies evaluate the feasibility, safety necessity, or enforcement implications of maintaining a 1,000-foot diameter exclusion area around a moving vessel within a designated zone.
I oppose the new wakeboarding regulations.

Thank you

Tracy Donegan

From: Jim Mitchell <trooper351@gmail.com>
Sent: Thursday, February 19, 2026 6:21 AM
To: ANR - WSMD Lakes
Subject: Wakesports

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

This is a letter I submitted in 2025. I am submitting it again in favor of the home Lake Rule.

Thank you!

To whom it may concern,

My name is Jim Mitchell, and I have a place on Seymour Lake in Morgan, VT. I am writing on behalf of several wake boat owners on Seymour Lake to express our concerns and support regarding the preservation of our lake's pristine condition. Please find the list of owners' names below for your reference.

Seymour Lake is renowned for being one of the cleanest lakes in Vermont, and maintaining its exceptional water quality remains our top priority. Wake boats, which are popular on our lake, use ballast tanks filled via pumps and valves to displace water and add weight. This additional weight helps to create larger wakes for wakeboarding and wakesurfing. Those same pumps and valves are used to drain the ballast tanks.

In recent years, there has been ongoing discussion about how to properly decontaminate the ballast tanks in wake boats to prevent the spread of aquatic invasive species (AIS). Proper decontamination requires specialized training and equipment, neither of which has been made available to employees involved in the boat launch greeter programs. Without appropriate tools and training, it is extremely challenging to fully drain, clean, and decontaminate ballast tanks. This gap increases the risk of cross-contamination and the transfer of AIS when boats travel between lakes.

In addition, these ballast tanks are not easily accessible for internal inspection by the boat greeter. For these reasons, wake boats should be treated differently regarding drying time. If a hot water decontamination is not available, then a drying time must be required to kill any possible aquatic invasive species within the ballast tanks. Perhaps a protective and scientifically based quarantine policy could be adopted. The specific number of days for the quarantine period should be based on scientific research. A quick and simple Google search indicates that drying times vary based on the type of watercraft, however, for wake boats with ballast tanks, the recommended drying time is 30 days.

It is our understanding that other affected lake associations in Vermont support the Home Lake rule provision. We strongly support the implementation of the "Home Lake" rule for wake boat owners. This would require wake boat owners to declare a single "home lake" for the calendar year. This means the boat can only be used in that specific lake unless it undergoes decontamination at a state-approved facility when moved to another body of water. This measure is an effective way to safeguard Seymour Lake, as well as other lakes, from the threat of aquatic invasive species.

If the State of Vermont does not have the resources to handle this requirement, lets allow the local greeter programs to implement and execute the Home Lake Rule. I know most of the employees at our local boat greeter program. Their work ethic in keeping our lake pristine and free from aquatic invasive species is exceptional. They are very familiar with the people on Seymour Lake and know who the wake boat owners are. I have no doubt they would be a great fit for this task providing wake boat owners with information regarding rules, safety and a Home Lake decal to display on their boat signifying Seymour Lake as their Home Lake.

Thank you for allowing us the opportunity to share our concerns and for your efforts to protect the health and clarity of our beautiful lake.
Sincerely,

Jim Mitchell
Eric Schmidt
Paul Frascoia
Josh Poulin
Greg Simoneau
Les Samuels

From: Tyler Lacharite <tylerlacharite@gmail.com>
Sent: Tuesday, February 17, 2026 11:04 AM
To: ANR - WSMD Lakes
Subject: Residential Retaining Wall Rebuilding in South Hero

You don't often get email from tylerlacharite@gmail.com. Learn why this is important

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello, my name is Tyler Lacharite. I live on Keeler Bay in South Hero, and I am interested in getting our retaining wall rebuilt.

I am hoping to gain some understanding of restrictions and requirements regarding permitting for this project, as it seeks to stay within the current footprint of the existing wall, However, the current wall is slanted, and we are seeking to rebuild it as a vertical wall. The bottom of the current wall sits at the MWL based on visual determination guided by the handbook. The idea is that the new wall would start a slight distance back from the current bottom of the wall (above MWL) and be built up vertically and filled in, instead of slanted up and towards the property at an angle.

If there's anything I should know and consider before pursuing this project and applying for a permit it would be helpful to have a conversation with someone regarding the allowances that may affect this particular project viability.

For reference the address for this project and my contact information.

Address: 22 Cardinal Ln. South Hero, VT 05486
Phone: 802-825-5493

Thank you!

-Tyler Lacharite

From: Vanessa Riegler <Vanessa_Riegler@alohafoundation.org>
Sent: Tuesday, February 17, 2026 5:33 PM
To: ANR - WSMD Lakes
Subject: Support for Proposed Wakesports Amendments - Lake Fairlee - Use of Public Waters Rules
Attachments: Lake Fairlee Wakesports Written Comments 2.16.2026.pdf

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To: Vermont DEC Lakes and Ponds Program
From: Vanessa Riegler, Executive Director, The Aloha Foundation
Re: Support for Proposed Wakesports Amendments - Lake Fairlee - Use of Public Waters Rules

Dear Vermont DEC Lakes and Ponds Program,

My name is Vanessa Riegler, and I am the Executive Director of the Aloha Foundation, a Vermont-based nonprofit that has been operating summer camps on Lake Fairlee for 110 years.

We strongly support DEC's proposed rule changes exactly as written, specifically the 100-acre minimum wakesports zone size and the 500-foot minimum distance from other users, with no carveouts or exceptions. These proposed changes are necessary because they directly address a critical and known gap in the current rules: public safety.

During the 2024 statewide rulemaking process, ANR acknowledged that safety was not considered when the existing wakesports framework was drafted. The proposed amendments appropriately correct that omission. The 100-acre minimum and 500-foot separation requirement are not arbitrary; they are structural safety standards designed to reduce conflict, provide meaningful separation between incompatible uses, and protect vulnerable lake users.

Lake Fairlee's Predominant Use Has Been Youth Watersports for Over a Century
Lake Fairlee is not a typical lake in terms of use patterns. For more than a century, the predominant use of this lake has been by summer camps. At its peak, there were 12 summer camps; currently, five remain. The lake is core to the camp experience. Our counselors and campers are on the water at all times of day, from quiet canoe breakfasts to morning lessons, afternoon sails, and evening free swim time.

This summer alone, we welcomed 1,400 campers and more than 200 counselors at our three Lake Fairlee camps: Horizons Day Camp, Aloha Hive overnight camp for girls, and Ohana Family Camp. That does not include the two additional camps operating on the lake.

Watersports are not incidental to the camping experience — they are central to it. Swimming, sailing, canoeing, kayaking, paddleboarding, and instruction for young and novice users are core to our programming. Teaching children to swim, sail, paddle, and develop confidence on the water is central to our mission and has been for generations.
Vermont Use of Public Waters Rules ?2.2(a) requires consideration of "the predominant use of the waters prior to regulation." On Lake Fairlee, that predominant use has unquestionably been youth-oriented swimming and small craft boating, not wake-enhanced surfing.

Section 2.2(b) further requires that public waters be managed so that uses may be enjoyed in a reasonable manner, considering safety and the best interests of both current and future generations. Allowing wake-enhanced boating in close proximity to hundreds of children in the water does not meet that standard.

No New Science Is Required to Fix an Omission
Some have argued that new science is required to justify these changes. That is incorrect. When a rule fails to account for safety, correcting that failure does not require new science; it requires responsible governance.

The existing body of research, including the Saint Anthony Falls Laboratory study measuring wake energy and power, supports the need for greater space and separation between wake-enhanced boating and other users. The 100-acre minimum wakesports zone and 500-foot distance are reasonable and scientifically grounded measures to address the safety gap that previously went unaddressed.

Debunking the "No Complaints" Argument
The claim that wakesports have "no impact" because there are no formal complaints is simply false.

In a camp environment, we do not have the luxury of filing paperwork while supervising children. We make real-time safety decisions. When a wake boat begins running, we pull children closer to shore, bring small craft in, pause instruction, and shift staff into risk management mode.

We have seen campers knocked off paddleboards, kayaks destabilized, and young swimmers frightened by sudden, large wakes. Even absent injury, the disruption is real.
People leaving the water is not evidence of peaceful coexistence; it is evidence that they feel unsafe. It reduces lake access for the predominant users and forces camps to restrict programming to avoid risk.

Wake Boats Are Designed to Create Hazardous Conditions for Small Craft
Regardless of driver intent, wake boats in enhanced mode are designed to create large, powerful wakes. Those wakes:
• Disrupt calm water conditions required for instruction
• Reduce operator visibility due to bow rise
• Create unpredictable wave rebound near shore
• Increase capsizing risk for small craft
• Limit safe shoreline access

These are not theoretical concerns. They are operational realities for those of us supervising children on the water daily.

Economic Impact and Long-Term Stake
The Aloha Foundation serves nearly 10,000 people annually across all of our camps and programs and, at peak season, employs more than 400 staff.

Last year alone, our organization spent over $60,000 on local farm goods, more than $150,000 on vendors and contractors, and paid property taxes exceeding three times that amount. Beyond those direct expenditures, families stay in local hotels, dine in area restaurants, and support regional businesses when dropping off and visiting campers.
We have operated on this lake for 110 years. Our stake is generational. The safety and long-term usability of Lake Fairlee are directly tied to our mission, our financial stability, and the well-being of the region.

Conclusion
For these reasons, and on behalf of our 1,400 campers and 200 counselors on Lake Fairlee, I urge DEC to fully adopt the proposed rule changes as written, including the 100-acre minimum wakesports zone and 500-foot separation requirement, without carveouts or weakening amendments.

Respectfully,

Vanessa Mendillo Riegler
Executive Director, Aloha Foundation

Vanessa Mendillo Riegler
Executive Director

Aloha Foundation
2968 Lake Morey Road
Fairlee, VT 05045

Schedule a time to talk with me

TEL (802) 333-3400 x3127
alohafoundation.org

To: Vermont DEC Lakes and Ponds Program
From: Vanessa Riegler, Executive Director, The Aloha Foundation
Re: Support for Proposed Wakesports Amendments - Lake Fairlee - Use of Public Waters Rules

Dear DEC Lakes and Ponds Program,

My name is Vanessa Riegler, and I am the Executive Director of the Aloha Foundation, a Vermont-based nonprofit that has been operating summer camps on Lake Fairlee for 110 years.

We strongly support DEC's proposed rule changes exactly as written, specifically the 100-acre minimum wakesports zone size and the 500-foot minimum distance from other users, with no carveouts or exceptions. These proposed changes are necessary because they directly address a critical and known gap in the current rules: public safety.

During the 2024 statewide rulemaking process, ANR acknowledged that safety was not considered when the existing wakesports framework was drafted. The proposed amendments appropriately correct that omission. The 100-acre minimum and 500-foot separation requirement are not arbitrary; they are structural safety standards designed to reduce conflict, provide meaningful separation between incompatible uses, and protect vulnerable lake users.

Lake Fairlee's Predominant Use Has Been Youth Watersports for Over a Century
Lake Fairlee is not a typical lake in terms of use patterns. For more than a century, the predominant use of this lake has been by summer camps. At its peak, there were 12 summer camps; currently, five remain. The lake is core to the camp experience. Our counselors and campers are on the water at all times of day, from quiet canoe breakfasts to morning lessons, afternoon sails, and evening free swim time.

This summer alone, we welcomed 1,400 campers and more than 200 counselors at our three Lake Fairlee camps: Horizons Day Camp, Aloha Hive overnight camp for girls, and Ohana Family Camp. That does not include the two additional camps operating on the lake.

Watersports are not incidental to the camping experience — they are central to it. Swimming, sailing, canoeing, kayaking, paddleboarding, and instruction for young and novice users are core to our programming. Teaching children to swim, sail, paddle, and develop confidence on the water is central to our mission and has been for generations. Vermont Use of Public Waters Rules §2.2(a) requires consideration of "the predominant use of the waters prior to regulation." On Lake Fairlee, that predominant use has unquestionably been youth-oriented swimming and small craft boating, not wake-enhanced surfing.

Section 2.2(b) further requires that public waters be managed so that uses may be enjoyed in a reasonable manner, considering safety and the best interests of both current and future generations. Allowing wake-enhanced boating in close proximity to hundreds of children in the water does not meet that standard.

No New Science Is Required to Fix an Omission
Some have argued that new science is required to justify these changes. That is incorrect. When a rule fails to account for safety, correcting that failure does not require new science; it requires responsible governance.

The existing body of research, including the Saint Anthony Falls Laboratory study measuring wake energy and power, supports the need for greater space and separation between wake-enhanced boating and other users. The 100-acre minimum wakesports zone and 500-foot distance are reasonable and scientifically grounded measures to address the safety gap that previously went unaddressed.

Debunking the "No Complaints" Argument
The claim that wakesports have "no impact" because there are no formal complaints is simply false.

In a camp environment, we do not have the luxury of filing paperwork while supervising children. We make real-time safety decisions. When a wake boat begins running, we pull children closer to shore, bring small craft in, pause instruction, and shift staff into risk management mode.

We have seen campers knocked off paddleboards, kayaks destabilized, and young swimmers frightened by sudden, large wakes. Even absent injury, the disruption is real. People leaving the water is not evidence of peaceful coexistence; it is evidence that they feel unsafe. It reduces lake access for the predominant users and forces camps to restrict programming to avoid risk.

Wake Boats Are Designed to Create Hazardous Conditions for Small Craft
Regardless of driver intent, wake boats in enhanced mode are designed to create large, powerful wakes. Those wakes:

- Disrupt calm water conditions required for instruction
- Reduce operator visibility due to bow rise
- Create unpredictable wave rebound near shore
- Increase capsizing risk for small craft
- Limit safe shoreline access

These are not theoretical concerns. They are operational realities for those of us supervising children on the water daily.

Economic Impact and Long-Term Stake

The Aloha Foundation serves nearly 10,000 people annually across all of our camps and programs and, at peak season, employs more than 400 staff.

Last year alone, our organization spent over $60,000 on local farm goods, more than $150,000 on vendors and contractors, and paid property taxes exceeding three times that amount. Beyond those direct expenditures, families stay in local hotels, dine in area restaurants, and support regional businesses when dropping off and visiting campers.
We have operated on this lake for 110 years. Our stake is generational. The safety and long-term usability of Lake Fairlee are directly tied to our mission, our financial stability, and the well-being of the region.

Conclusion
For these reasons, and on behalf of our 1,400 campers and 200 counselors on Lake Fairlee, I urge DEC to fully adopt the proposed rule changes as written, including the 100-acre minimum wakesports zone and 500-foot separation requirement, without carveouts or weakening amendments.

Respectfully,
Vanessa Riegler
Executive Director
The Aloha Foundation

From: Virginia Clarke <vclarke@gmavt.net>
Sent: Friday, February 6, 2026 6:31 PM
To: ANR - WSMD Lakes
Subject: wakesports

You don't often get email from vclarke@gmavt.net. Learn why this is important

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To ANR:

I strongly urge the ANR to act favorably on the DEC's amended petition with the Responsible Wake for Vermont Lakes recommendations to change the Use of Public Water Rules for safer and better management of wakesports activity in the State's water.

- I support the DEC's amended Rule changes as they align with my conservation values.
- Increases the minimum safety wakesports zone from 50 to 100 acres.
- Requires a minimum wakesports run of 3,000 feet.
- Expands the safety buffer from other users and water structures from 200 to 500 feet.
- Eliminates the Home Lake Rule, which aimed to reduce the spread of aquatic invasive species, replacing it with hot-water ballast tank decontamination for wake boats traveling between lakes.

I also agree with Responsible Wakes for Vermont Lakes in their recommendation for an even stricter rule that includes:

- a minimum 30-foot water depth;
- a 700-foot setback from other lake users, shorelines, and loon nests (also supported by science); and
- the addition of new Use Of Public Water Rules language stating that wakesports, given their uniquely harmful impacts on human safety and shoreline species, should not be regulated in the same manner as swimming, fishing, waterskiing, and similar recreational uses.

Thank you for your consideration
Virginia Clarke
Richmond, VT 05477

From: David Andrews <vtrevda@yahoo.com>
Sent: Friday, February 6, 2026 3:19 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Wake boats are basically a toy enjoyed by a very few at the expense of the environment and the rest of us who enjoy its peace and quiet.

Thank you for your consideration

David Andrews
Middlebury, VT

From: wallbruce <wallbruce2@aol.com>
Sent: Sunday, January 18, 2026 1:36 PM
To: ANR - WSMD Lakes
Subject: Wakesports

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Sent from my iPhone

Begin forwarded message:

From: Wallace Bruce <wallbruce2@aol.com>
Date: 12 January 2026 at 12:29:29 GMT-5
To: NR.WSMDLakes@vermont.gov
Cc: resposiblewakesvt@gmail.com
Reply-To: Wallace Bruce <wallbruce2@aol.com>

As someone who has experienced the scourge of wakeboats first-hand since their introduction, I strongly support the recommendations from Responsible Wakes for Vermont Lakes for improvements to Vermont's wakesurfing regulations.

I live on Lake Rabun in northeast Georgia, an 825 acre, deep, narrow, crystal clear mountain lake. There are an estimated 140-150 wakeboats berthed on the lake, regulated only by a weak, poorly enforced 200 ft. shoreline separation state law. The average lake depth is over 60 ft. and, as earlier stated, crystal clear except on summer weekends when the wakeboat armada is out, creating dangerous waves for all other craft, battering the shoreline and churning the water to a murky, brownish green.

There is no credible data supporting anything less than 500 ft. separation from shorelines and other users for wakesurfing. The 200 ft. WSIA recommendation is based on a flawed study funded by WSIA after its members complained of sales resistance to their original 300 ft. recommendation.

Summer weekends on Lake Rabun can be challenging and hazardous due almost wholly to prolific, poorly regulated wakesurfing. I support and urge implementation of the RWVL recommendations before Vermont lakes become overwhelmed as have ours.

Wallace Bruce
PO Bx 174
Lakemont, GA 30552
901-233-7589 cell/text
wallbruce2@aol.com

From: Will Melton <will.melton@mac.com>
Sent: Friday, January 30, 2026 11:23 AM
To: ANR - WSMD Lakes
Subject: Wakesports
Attachments: 2026 Wakesports testimony Will Melton.pdf

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Our 'ring-side seat' at 264 Lake Raponda Road

My name is Will Melton, VT taxpayer from 264 Lake Raponda Road, Wilmington. Since 1984, I have served as a volunteer to help prevent and eradicate invasive aquatic plants on Raponda. I'm the former president of the lake's association and presently treasurer of Raponda Foundation, which raises funds to promote both the lake's water quality and safe and healthy recreation on it. I also volunteer for the lake's Greeter Program at the State boat launch.

Because our cottage directly faces the lake, I have a 'ringside seat' for boating activity. Most residents and visitors who operate motorcraft here are respectful of the safety of paddlers, rowers, and long-distance swimmers. The introduction of wake-surfing six years ago changed that equation, bringing three significantly more powerful ballasted motorboats onto the lake. Their drivers have too many responsibilities to their wake-surfers behind to look out for a swimmer bobbing in the water ahead. I soon feared that swimming more than 100 feet from shore risked a collision with a propeller. Fellow swimmers expressed similar concerns. A younger neighbor, Laura W. reported that, while canoeing with her dog is one of her favorite lake activities, the wake boats made her afraid to do so for fear of the wake capsizing her.

These boats cannot turn on a dime, and evidence shows that they require a span of more than 3,000 feet in length and 1,000 feet in width to function. Last year, Vermont wisely decided to limit wake-surfing on smaller lakes. While those limits effectively banned wake-surfing on Raponda, enforcement is not easy, and there have been violators. Laura has not resumed canoeing with her dog.

I understand there is an ANR proposal to increase to 100 acres the minimum wake-sports zone. This is a wise plan--please implement it. Doing otherwise risks the fun of a few threatening the safety and recreation of the many.

Will Melton, 264 Lake Raponda Road, Wilmington. *will.melton@mac.com*

From: Wyatt McLaughlin <wjmclaughlin22@gmail.com>
Sent: Saturday, February 14, 2026 6:33 PM
To: ANR - WSMD Lakes
Subject: Please keep Wakeboat Rules the Same

You don't often get email from wjmclaughlin22@gmail.com. Learn why this is important

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To Whom It May Concern,

I am writing to respectfully but firmly oppose the proposed changes to the wakesports regulations on Vermont lakes.

I have lived on a Vermont lake during the summers my entire life. These waters are not just a recreational space to me. They are part of my childhood, my family's traditions, and the broader community that gathers here year after year. I care deeply about preserving our lakes and ensuring they remain accessible for responsible use by everyone.

Our lakes belong to all Vermonters. They are shared natural resources, and no single user group should be given preference over another when existing regulations are already in place and functioning. The current 50 acre minimum area requirement and 200 foot safety offset were only recently implemented. From what I have personally observed, these rules are working. Boaters are aware of them and are following them. I have not seen clear evidence of widespread violations or measurable harm that would justify further restrictions at this time.

Adding more rules without clear data demonstrating necessity does not promote fairness. It risks creating unnecessary division among lake users and limiting access for responsible families who are complying with the existing standards. Regulation should be based on objective evidence and demonstrated need, not pressure from a vocal minority.

I also strongly oppose Section 3.7 regarding Lake Management and Research. As written, this provision allows an approved lake to be restricted under a management or research designation without defined criteria, clear study parameters, or a guaranteed reinstatement timeline. That structure effectively creates the possibility of indefinite suspension of access. Any research based restriction should include transparent benchmarks, measurable objectives, and a clearly stated reinstatement schedule so that it cannot be used as a permanent limitation under the label of study.

The current rules deserve time to operate as intended. We should evaluate their long term effectiveness using data before considering additional layers of regulation. Thoughtful stewardship

and shared access can coexist, and I believe Vermont can lead with balanced, evidence based policy rather than reactionary restrictions.

Thank you for your time and consideration.

Sincerely,

Wyatt McLaughlin

From: Suzanne Charity <zanne.charity@gmail.com>
Sent: Friday, February 20, 2026 4:33 PM
To: ANR - WSMD Lakes
Subject: WAKEBOATS

You don't often get email from zanne.charity@gmail.com. Learn why this is important

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RE: Comments regarding Use of Public Waters Rules; proposed Wakesports Section 3.7

Dear Ms. Dlugolecki

Thank you for soliciting comments to Vermont's proposed Wakesports rules.

I am writing in opposition to some of the Use of Public Waters proposed Wakesports Section 3.7 language, with deep concern about environmental, safety, and economic issues.

My large, extended family currently owns five homes on Lake Morey, with a family history that goes back over 100 years on our beautiful, beloved lake. As is the rest of my family, I am passionate about protecting the Lake's fragile health, the recreational safety of its many residents and visitors, and the economic interests involved - not just of Lake Morey homeowners - but the entire Town of Fairlee that is dependent upon the critical draw of a safe and healthy Lake Morey for its wellbeing, if not its very survival.

In my opinion, wakesports should not be allowed at all on Lake Morey, and any proposed language to the contrary should be altered accordingly for Lake Morey (and all similar small Vermont lakes) for the following reasons:

It would be disastrous to allow wake sports to occur on such a fragile lake and to put the past year's costly but thrillingly successful alum treatment investments made by State, Town of Fairlee, and private contributiors at serious risk, in addition to contributors from the businesses sector who are understandably concerned about what a return to toxic cyanobacteria blooms would do to the town's economy and its future. We need to closely and scientifically monitor the health of Lake Morey with a dependable, ongoing management program that cannot effectively take place on a lake in which wake sports are allowed, and which has no guaranteed protection into the future.

So for Lake Morey, the risks are too great, and THERE SHOULD BE NO WAKE SPORTS ALLOWED AT ALL, at any depth!

But if wake sports are regrettably permitted on other unfortunate lakes, the proposed 20' depth suggested at which wake sports would be allowed is totally inadequate. More recent scientific research, such as that conducted on Lake Waramaug in Connecticut and other lakes in numerous states, is not consistent with the earlier 20' benchmark cited in the proposed ruling. More recent scientific research indicates that damaging turbidity from wake sports occurs at a significantly greater depth than previously thought, and therefore has the probability of causing significant damage to the health of other lakes that might have latent, toxic sediment at their lake bottoms. All lakes with known or unknown toxic sediment would clearly be at risk with such a shallow 20' marker, as proposed….even IF (and that's a BIG "IF") wakeboat operators were to abide by that limit or any other limit with no clear "lane markers" to show supposedly "safe" territory installed by the State and no State commitment for enforcement and appropriate punishment for regulation infractions.

Aside from the very serious environmental concerns that I don't believe are adequately protected in the proposed language, it is remarkable that the Wakesports Section of the Use of Public Waters Rules does not deal with safety issues AT ALL!

On a lake with two thriving summer camps for children, many young family residents, a heavily used public town beach, and a large inn that hosts thousands of out-of-state visitors in a given year, there appears to be no consideration for safety rules that might be incorporated into Section 3.7 to try to avoid tragic accidents – such as increasing the allowable wake-sports area to 1,000 feet from

shore – or better still, prohibiting wake-sports altogether! Young people (as well as adults & seniors) need a safe atmosphere in which to gain proficiency and/or simply to safely enjoy fishing, sailing, canoeing, kayaking, paddle-boarding, long-distance swimming, and even the “old-fashioned” but still exciting sport of water-skiing.

Unfortunately, unlike water-skiing, wake-sports threaten the safety needed to pursue those much beloved, traditional activities due not just to the strong wakes that wakeboats in sports mode produce, but also due to the compromised visibility of the wakeboat’s operator with the boat’s bow elevated skyward and it’s stern intentionally sunk deep into the water through the design of the boats and their weighty ballasts. The risk of a serious accident on a small, relatively narrow but heavily populated lake like Lake Morey is alarming to contemplate!

Additionally, there are concerns for the nesting loons, fragile shoreline, docks and moored boats that need protection from the damaging waves produced by wake boats in sports mode. Regrettably, lakeshore ecology and private property are also absent in the minimal language of Section 3.7 and need to be incorporated in a meaningful way.

And last but certainly not least, the proposed ANNUAL REVIEW of each lake’s status and applicable rules, as I understand it, is truly unworkable for those responsible for monitoring and planning lake management programs, and for the public’s understanding of what’s allowed and what is not at any given time. Regulations should be consistent and in place indefinitely, as long as they continue to be effective in addressing environmental and safety concerns and serve the interest of the general public, the exception being new lake applications for stricter provisions to serve conservation and community interests on a case by case basis. They certainly should not be subject to disruptive annual review and debate by paid corporate lobbyists for the power boat industry whose only concern is for the profitability of their employers – not the health of Vermont’s precious lakes and the safety of those who live here or come to Vermont from far and wide to enjoy them.

I hope you and your staff will be able to address the important aforementioned concerns, improving environmental and safety protections, as you review and edit the proposed language of the Wakesports Section of Vermont’s Public Waters Rules.

Thank you for your consideration,

Respectfully,

Suzanne Charity

4032 Lake Morey Road, and 3974 Lake Morey Road, Fairlee, VT 05045

zanne.charity@gmail.com

Suzanne Charity
zanne.charity@gmail.com