

Testimony of Diane Z. Lehder re S224 Before the Senate Natural Resources and Energy Committee on January 23, 2026

Thank you for inviting me here today to speak about S224. My name is Diane Lehder and I have 80 years on Willoughby Lake in Westmore. I have been actively involved at Willoughby and with Responsible Wakes for Vermont Lakes in statewide activities for several years. I am not representing Responsible Wakes here today, but speak as a private citizen on one of Vermont's wakesports eligible lakes. (Note: Responsible Wakes is the group that originally petitioned DEC for rules regulating wakes boats on Vermont's inland lakes.)

While this bill has been drafted to deal with several water quality and lake management issues, my comments are focused solely on the proposed Home Lake Rule which begins on page 5 of the bill. The Home Lake Rule can be a simple, relatively inexpensive strategy for preventing the spread of aquatic invasive species - AIS - contained in residual water in wake boat ballast tanks. I'd like to begin by saying S224 is a crucially important piece of environmental legislation to protect Vermont's inland lakes from further spread of AIS... and we are desperate for your help before the end of this legislative biennium.

Wake boats comprise a small but growing segment of the motorized vessels recreating on Vermont lakes. Operators fill ballast tanks in the boats with thousands of pounds of lake water in order to create oversized wakes on which riders "surf," with or without a tow rope. Gallons of residual water remaining in these tanks after they are drained are ideal for transporting aquatic invasive species - AIS - from one lake to another.

As I am sure you all know, Vermont lakes are currently infested with a wide variety of AIS. Whoever said an ounce of prevention is worth a pound of cure had it right. Once invasives get a foothold, eradication is generally impossible. Management and control become a significant expense and effort - an expense largely borne by lake associations, an effort largely staffed by community volunteers.

What you may not know is that our lake protection programs depend on *many thousands of volunteer hours* every year. Pat Suozzi just spoke about this. In addition to many of our boat launch greeters, volunteers test our lake water on a regular basis; print and distribute newsletters about water quality and other important issues that educate our residents. We have run seminars and support fish stocking programs to improve fishing in our lakes. Among the many other things we do, we build and install loon nesting platforms and signs to protect our loons.

Governor Scott refers to this activity as “a private/public partnership” that depends on private dollars to significantly leverage state tax dollars.

The DEC would have you believe that implementing a Home Lake Rule is a complex challenge that they can neither staff nor fund. The rules adopted in 2024 include a Home Lake Rule which the Commissioner, during the LCAR hearings, assured the public would be implemented for the 2024 boating season. The Home Lake rule was never implemented, and the DEC proposes eliminating it now as part of the current rulemaking process.

While staffing and funding for any program may often be a challenge, there is nothing complex about implementing a Home Lake rule. The DEC always seems to focus on the challenge of stickers when it talks about problems with the Home Lake rule. There are other, easier ways to implement the rule and Responsible Wakes for Vermont Lakes proposed - on several occasions - a simplified, almost free alternative. That said, we are unaware of the DEC ever having given that proposal any serious consideration. And the Seymour Lake Greeter program successfully operated a trial Home Lake program during both the 2024 and 2025 boating seasons.

Assuming the DEC's proposed re-write of the wake boat rule is adopted at the end of the current rulemaking process, the number of wakesports eligible lakes in the state will drop from 30 to 17 or 18. Eleven of the remaining lakes are located in Vermont's fabled Northeast Kingdom and are among the most pristine lakes in the state. Of the 17 or 18 that will likely remain, eight are currently AIS free and five are eligible for A1 reclassification based on their high water quality. With zebra mussels now found in the American waters of Lake Memphremagog and in a number of Canadian lakes close to the US border, it is only a matter of time before they find their way south.

Of all the aquatic invasives, zebra mussels are among the worst. A 2023 [article](#) in Science magazine referred to them as "one of the most catastrophic aquatic invasive species in North America." Though they are fairly new to the US, they are already responsible for billions - that's billions with a "b" - of dollars of damage. And a recent peer reviewed [study](#) found mercury concentrations in some fish from waters with a zebra mussel invasion had a greater potential mercury concentration risk to humans.

The DEC would have you believe that because the number of wake boats in Vermont is relatively small, the threat of their spreading AIS is overblown. That is simply not the case. A Minnesota [study](#) published in 2018 called wake boats "zebra mussels' best friend." The study concluded "The best way for invasive zebra mussel larvae to get from one Minnesota lake to another is aboard wakeboard boats." Zebra mussels are - in fact - a virus-like risk that could spread as quickly as Covid did.

One of the speakers you have already heard from today is a wake boat owner who read a letter supporting the Home Lake Rule, signed by every wake boat owner on his lake. He's here today because protecting our lakes is something we can all agree on - anglers, boaters, swimmers, paddlers - and even wake boat owners.

In order to simplify the requirements of and minimize the cost of implementing a Home Lake Rule, we suggest the following specific changes to the language in S224.

Page 6 section (b) (1) at line 1 – end this section at ” . . . for the given calendar year” and delete “unless the wakeboat is decontaminated according to the requirement of subsection (c) of this section.”

This will eliminate the need for decontamination by limiting wakeboats to their single declared home lake for the calendar year. This is absolutely critical because of the current lack of adequate decontamination facilities in Vermont, and lack of a clear plan, timeline, and funding to make them available.

Beth Torpey, Pat Suozzi, and I were all part of the stakeholders group contributing to the DEC decontamination plan discussed in testimony yesterday. Currently, there are two or three stations staffed part-time at Lake Champlain, far from the wakesports eligible lakes that need them. We need protection NOW – this boating season – NOT years from now when funding may become available. Your question yesterday, Senator Hardy, clearly shows you understand that funding is the problem here.

And thank you, Senator Bongartz, for your question about the cost of setting up a station capable of decontaminating a wake boat. This is a function our current lake association boat wash stations will never be able to provide. Another important question – even if funding were available, would we ever set up a network of such facilities for what the DEC clearly considers a minimal threat?

On page 6 section (b) (2) at line 7 – rewrite as follows: “A person who owns or controls the wakeboat shall have available evidence of a home lake declaration provided by ANR to present to a greeter or enforcement person when requested.”

As the DEC has stated they are unable to develop a home lake sticker or decal program, this flexibility allows them to develop something that is workable for them. We feel a brief application to the Agency by the wakeboat owner and a letter of home lake

registration issued by the Agency would be a very simple and workable solution, NOT an administrative burden.

The DEC keeps reminding us the number of wake boats is small. Clearly what we propose is not a gargantuan lift.

Page 6 section (c) (1) and (c) (2) lines 10-20 – these sections should be deleted as the option of decontamination to allow transport of wakeboats between lakes has been eliminated.

Page 7 at line 3 – insert the following as a new section (d) as follows: “If any watercraft containing a ballast attempts to enter any Vermont body of water without the requisite home lake registration or if any watercraft determined to be in violation of any section of 10 VSA 1454 attempts to enter any Vermont body of water, the established greeter or other local program is hereby authorized to alert said watercraft owner/operator that his/her entry is prohibited.”

This addresses the historic frustration of local greeter programs that they have been advised by the Agency they cannot deny entry to a lake to boats found to be clearly in violation of 10 VSA 1454.

Page 7 at line 18 – this change, requiring a vessel be drained immediately after leaving a water of the state, was not included in our recommendations, however, we support the addition of this language.

Page 8 at line18 – Insert: “Within 60 days of passage of this bill, ANR shall have prepared a Home Lake registration form, a Home Lake confirmation/designation letter to be sent to owner/operators, and made appropriate information about the rule available on the Lakes and Ponds website.”

We recommend adding this language because ANR has a history of ignoring regulatory directives if they are inconvenient. This is a legislative directive, not a request.

I would like to conclude my testimony this morning by emphasizing again that aquatic invasive species are a forever curse. Once they take hold in a lake, eradication is a virtual impossibility. Managing them becomes an ongoing, community funded and staffed effort with little support from the state and a timeline that has no end.

The legislative and regulatory processes are often about balance.- here the challenge is balancing the desire to provide public access against the need to protect our water resources. Vermont faced a similar challenge years ago when it established regulations

that allowed many lakes to prohibit the use of jet skis. With this legislation we ask you to consider that balance again and to support more protection of our water resources.

If other portions of this bill as currently drafted are found to be controversial, we respectfully request that you move a narrowly focused Home Lake bill forward to a vote. It would be a tragedy if this bill fails to pass because of disagreement over the control and management of our boat launch sites.

Vermont's lakes are at risk. You can help reduce that risk by supporting this bill. A Home Lake Rule is a simple, cost-effective strategy that would provide badly needed, incontrovertible protection against the further spread of aquatic invasive species via residual water in wake boat ballast tanks. It won't solve all the problems, but it will be an important and significant step toward protecting our lakes.

Please - make passing this bill a priority this year. We know it has bipartisan support in both the Senate and the House.

Thank you.