



1 National Life Drive, Davis 2, Montpelier, VT 05620-3901
(802) 828-1294 | <https://anr.vermont.gov/>

DATE:

March 11, 2026

TO:

Senate Committee on Natural Resources and Energy

CC:

Senator Philip Baruth, Senate President Pro Tempore

Misty Sinsigalli, Commissioner, Department of Environmental Conservation (DEC)

Kevin Burke, Director, DEC Watershed Management Division (WSMD)

Jenny Austin, Manager, DEC WSMD Lake and Ponds Program

Jason Maulucci, Director, Policy Development & Legislative Affairs, Governor's Office

FROM:

Julie Moore

Secretary, Vermont Agency of Natural Resources

1 National Life Drive, Davis 2

Montpelier, Vermont, 05620-3901

RE:

Letter Regarding S.224

Dear Members of the Natural Resources and Energy Committee:

I am writing to inform you that the Agency of Natural Resources is pausing its ongoing rulemaking effort to revise the Vermont Use of Public Waters Rules (UPWR) set forth in Chapter 32. This decision is not made lightly. My team has invested substantial time and resources over the past year analyzing petitions from lake communities, engaging with the public, and developing thoughtful regulatory language.

Prior to commencing rulemaking, the Agency conducted two pre-rulemaking public meetings and an informational webinar explaining the proposed changes. Rulemaking commenced on November 20, 2025, and has entailed a 65-day public comment period, and two public hearings. We also held three focused stakeholder engagement sessions on specific topics in the rule, and on at least five occasions staff have gone out to visit and observe wakesports in the field with wakeboat owners, and met with watershed groups and other stakeholders. We have received over 1,500 public comments and program staff have started to review the comments and draft a responsiveness summary. I cannot in good conscience ask them to continue to make this level of investment while revisions to the underlying statute are being considered.

The Senate Committee on Natural Resources and Energy is actively engaging on S.224, “An act relating to the management of the State’s lakes” this week. The bill would make changes to 10 V.S.A. Chapter 49 – the same chapter of statute under which the Agency is conducting this rulemaking. This concurrent work overlaps and conflicts with our draft rules and, therefore, proceeding with rulemaking at this time risks investing the Agency’s resources in work that may need to be substantially revised.

Specifically, I am concerned about the following key conflicts between our draft rules and S.224:

1. Wakeboats vs. wakesports. The Agency’s draft rules regulate “wakesports” whereas S.224 regulates “wakeboats”. This is a critical difference because a wakeboat can be operated as a traditional motorboat and so S.224 creates a substantially different regulatory construct.

2. Home lake registration and single-lake use restriction. If a wakeboat has been in any waterbody in the past fourteen days, the Agency’s draft rules set forth hot-water flush requirements under Section 3.7(e) to address aquatic nuisance species decontamination. This approach was developed through stakeholder engagement and based on current scientific understanding of best management practices to address invasive species vectors. In contrast, S.224 would establish a statutory requirement that wakeboat owners designate a single “home lake” on their vessel registration, with use of any other Vermont lake prohibited unless the boat has been decontaminated at an Agency-approved decontamination service provider. S.224 imposes unnecessary burdens on the Agency, the Department of Motor Vehicles, and boaters without increasing aquatic invasive species control, creating a regulatory framework which would require additional resources and is difficult to enforce. Further, the statutory home lake framework in S.224 would create a separate, more restrictive regime operating alongside our rules – potentially supplanting the regulatory approach we developed – without clear direction as to how the two would be reconciled. Further the Agency currently lacks the resources necessary to implement the framework in S.224.

3. Decontamination standards and service provider approval. The Agency’s draft rules set specific performance-based decontamination standards: low-pressure hot water (120°F) flush for interior components and high-pressure hot water (140°F) for exterior surfaces. S.224 § 1 defines “decontamination service provider” as a site using water over 140°F and establishes a new Agency approval process for such providers under proposed 10 V.S.A. § 1424b(c)(5). The bill would require the Agency to initiate approval of decontamination service providers by July 1, 2026. The Agency has not designed, resourced, or established procedural rules for such a program, which would be an additional administrative obligation and could impact the 2026 boating season.

3. Lake eligibility and the “authorization” framework. The Agency’s draft rules establish a detailed, criteria-based process by which a lake, pond, or reservoir may be eligible for wakesports, anchored in defined “wakesports zone” criteria (minimum 100 contiguous acres, minimum 20-foot depth, at least 500 feet from shore on all sides, and other thresholds). S.224 § 2 instead directs that wakeboats “shall operate only on a lake authorized by the Department under the Department of Environmental Conservation’s

Vermont Use of Public Waters Rules.” This creates a statutory authorization requirement that does not currently exist in 10 V.S.A. § 1424 and presupposes a rulemaking outcome – a lake-by-lake authorization list – that is resource intensive and differs materially from the eligibility framework in our draft rules.

4. Enforcement jurisdiction and penalty structure. The Agency’s draft rules rely on the existing enforcement framework under 10 V.S.A. § 1424, 10 V.S.A. § 1454(h), and 23 V.S.A. § 3317(b). S.224 creates a new statutory provision, proposed 10 V.S.A. § 1424(b), with its own enforcement pathway through the Judicial Bureau (4 V.S.A. § 1102) and a \$1,000 maximum penalty for violations of the statute – compared to the \$300 maximum penalty currently applicable to violations of rules adopted under 10 V.S.A. § 1424. Operating two overlapping enforcement regimes with different penalty caps for conduct that is, in practice, identical (operating a wakeboat improperly on a Vermont lake) risks confusion for wardens, operators, and the courts.

5. Definitions. A number of definitions such as, “aquatic nuisance [species] inspection station”, “boat washing unit”, and “decontamination service provider” in S.224 are either inconsistent with the Agency’s draft rules, confusing, too inflexible or inconsistent with on-the-ground operations.

In closing, as you know, our responsibility under the Use of Public Waters statute is to follow the least restrictive approach necessary to avoid conflicts between uses. The rules we have developed reflect that mandate, are environmentally protective and carefully calibrated for implementation within the Agency’s existing capacity. As noted above, we also completed an extensive public process.

Depending upon the ultimate disposition of S.224 by the Legislature, the Agency may need to revise the draft rules to conform to a new statutory framework and potentially go back out for public comment. Given that real possibility and the finite capacity of my team, it would not be responsible to continue to move forward with rulemaking process while the foundational statute is in flux. We stand ready to resume work on this rulemaking promptly once there is legislative clarity, and I welcome the opportunity to discuss the Agency’s work with you at any time.

Respectfully,



Julia S. Moore, PE

Secretary, Vermont Agency of Natural Resources