

STATE OF VERMONT
WATER RESOURCES BOARD

IN RE REGULATING THE USE)
OF THE PUBLIC WATERS OF) HEARING IN RESPONSE
SILVER LAKE - TOWN OF) TO A FORMAL PETITION
BARNARD)

FINDINGS OF FACT

In accordance with Title 10, V.S.A., Section 1103, a public hearing was held by order of the Water Resources Board in response to a formal petition, for the purpose of regulating the use of the public waters of Silver Lake. This hearing was held in the Town Hall in the Town of Barnard, Vermont at 10:00 a.m., Eastern Daylight Saving Time, on August 18, 1971.

The hearing was held before the full Board. Martin L. Johnson, Commissioner of Water Resources, and Edmund V. Rotkewicz, Shoreland Zoning Engineer were present and testified on behalf of the State of Vermont. Frank G. Mahady, State's Attorney, was present and testified on behalf of the petitioners. Selectmen William Edmunds and John Stewart were present and appeared on behalf of the Town of Barnard. Representative James E. Paul, District #24, was present and gave testimony on behalf of District #24. David Laughlin was present and testified on behalf of the Ottauquechee Commission. John Lancaster, Chairman of the Barnard Planning Commission, was present and testified on behalf of the planning commission. John E. Meyer, Lola Sarnoff, Donald E. Gordon, Robert Mitiguy, Richard Lawrence, Frances C. Kulp, Lester Grant, Robert L. Messer and Bruce Brown, were present and testified on their own behalf.

Evidence in the form of testimony and exhibits pertaining to regulating the public waters of Silver Lake were received at the hearing. A record of the proceedings was made by tape recorder. The Board did not require that any of the testimony or evidence presented at the hearing be given under oath; there was no request by anyone present at the hearing that testimony presented be under oath and no person or party present objected to the receipt of testimony or evidence which was not under oath. All testimony and evidence received was unsworn.

In consideration of the testimony and exhibits introduced at the hearing, the Board, being authorized as provided in 10 V.S.A., Section 1103, to hear and determine all material pertinent to the making and promulgating of rules to regulate the use of the public waters of Silver Lake, makes the following findings of fact.

1. That Silver Lake is a natural lake and public waters of the State of Vermont.
2. That the natural lake level has been raised and is controlled by the outlet structure owned by the Department of Water Resources. The summer level is 1307.5 feet above mean sea level and the winter level is 1306.0.
3. That Silver Lake is located in the Town of Barnard, County of Windsor.
4. That a hearing to consider regulating the surface waters of Silver Lake was held in the Barnard Town Hall on August 18, 1971.
5. Notice of the hearing was by mailed announcement sent to the petitioners, Selectmen, certain State officials, and to other

individuals known to have an interest. All notices were as directed and approved by the Board (Exhibit 1).

6. That the Department of Water Resources prepared a report on "Regulating the Use of the Surface Waters of Silver Lake". (Exhibit 3)
7. That Silver Lake is approximately 98 acres in surface area, of which approximately 45 acres are usable for high speed motor boat operation and water skiing.
8. That Silver Lake has both State and private Swimming areas.
9. That Silver Lake has no public boat launching access.
10. That Silver Lake has a maximum depth of 30 feet and is fed by no major inlet.
11. That the waters of Silver Lake are used primarily for recreational purposes.
12. That bank erosion has taken place along the shoreline.
13. That there have been no accidents between swimmers and power boats on Silver Lake.
14. That there have been gas and oil spills at the outlet end of the lake.
15. That mutilated dead fish have been found.
16. That water skiing has been generally conducted in a counter-clockwise direction.
17. That there are on Silver Lake, 5 or 6 boats that have motors in excess of 25 H.P.
18. That water skiing is now generally conducted between the hours of 10 a.m. and 6 p.m.

CONCLUSIONS OF LAW

1. In accordance with 10 V.S.A., Section 1103, the Vermont Water Resources Board has jurisdiction and may establish rules to regulate the public waters and public shorelines of the State.

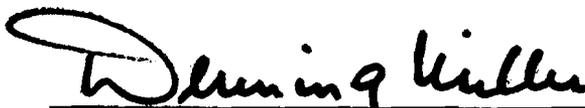
2. The waters of Silver Lake are public waters.

3. In order to manage the public waters and public shorelines of Silver Lake so that various uses may be enjoyed in a reasonable manner in the best interests of all the citizens of the State, the regulation of motorboats using Silver Lake for water skiing and other uses is necessary, as set forth in 10 V.S.A., Section 1103.

Interested parties are hereby allowed thirty (30) days to file motions and to file requests for further findings.

Dated at Montpelier, Vermont, this 23rd day of December, 1971

VERMONT WATER RESOURCES BOARD


Denning Miller, Chairman


Walton S. Elliott, Member


Frederick G. Mahlman, Member