



# State of Vermont

## AGENCY OF ENVIRONMENTAL CONSERVATION

Montpelier, Vermont 05602

VERMONT WATER RESOURCES BOARD

Department of Fish and Game  
Department of Forests, Parks, and Recreation  
Department of Water Resources  
Environmental Board  
Division of Environmental Engineering  
Division of Environmental Protection  
Natural Resources Conservation Council  
Vermont Water Resources Board

3/22/07

October 14, 1980

To the Friends of Fern Lake:

As indicated by the enclosed document, the Vermont Water Resources Board on the basis of the public hearing held in Leicester on August 11, 1980, has decided to propose a number of rules regulating the use of Fern Lake. In accordance with the Administrative Procedures Act, the Board is required to hold a second hearing on its proposed regulations if requested to do so by 25 or more persons within the comment period which ends November 14, 1980. Additionally, the Board will consider any written comments received within that period, including suggestions as to how the language of the proposed rules might be improved, clarified or otherwise changed.

As you will note, the Board has not incorporated all of the regulations suggested in the petition which prompted the Board's consideration of this matter. The Board feels that limiting the use of the lake to electrically powered motorists is overly restrictive and was not justified by the testimony. Similarly, the Board has not prohibited snowmobiling on the surface of the lake during winter months since it was not shown that such a restriction would be in the public interest. The Board has not expressly prohibited waterskiing since the 5 m.p.h. speed limit makes waterskiing impractical.

With regard to the requirement that all docks be attached to the shoreline, the Board can see no basis for such a requirement. Should any dock, raft, float or other structure become a hazard to navigation within Fern Lake, the Board has ample authority under the provisions of 29 V.S.A.; Chapter 11 to address the situation. With regard to proposed rule 8 which asked the Board to prohibit the waters of Fern Lake from being used in conjunction with any commercial enterprise on lands contiguous to Fern Lake, the Board feels that the concerns which prompted this request are properly addressed by the Town of Leicester itself in its shoreland zoning ordinances.

Finally, after a great deal of discussion, the Board has decided to propose the repeal of the existing rule prohibiting "houseboats and boats with living facilities." While the Board feels that the use of boats on Fern Lake for long term residential purposes is inappropriate, it sees little likelihood that such uses would be made of the Lake. This fact coupled

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with the difficulty of clearly defining the terms "houseboat" and "living facilities" lead the Board to conclude that such a rule could create more problems than it solved. Should rules regulating the use of Fern Lake be adopted, the Water Resources Board will print posters to be displayed at the access area.

If there are any comments or questions regarding this matter, please feel free to address them to the Vermont Water Resources Board, State Office Building, Montpelier, Vermont 05602 (telephone 828-2871).

Sincerely yours,

  
WILLIAM A. BARTLETT  
Executive Secretary

WAB/nlc