

April 1, 2024

To: Peter LaFlamme
Director, Watershed Management Division
Vermont Department of Environmental Conservation
Davis Building — 3rd Floor
One National Life Drive
Montpelier, Vermont 056520-3522

Re: Petition Regarding Wakesports and Wake Boats on Great and Little Averill Lakes

Dear Director LaFlamme,

Attached is a petition submitted by The Averill Lakes Association seeking amendments to the Vermont Use of Public Waters Rules that would prohibit wakesports and the use of wake boats on both of the Averill Lakes. The recently adopted statewide rule leaves both lakes eligible for these activities, which ALA membership believes would be antithetical to the lakes' unique character and longstanding traditional, normal uses.

We realize the statewide rule limits wakesports but does not address the operation of wake boats when used in non-wake enhancing mode. Given the complete absence of these boats on the Averill Lakes to date, we believe a prohibition is warranted and that it will not result in any inconvenience or hardship.

After you have had a chance to review our petition and accompanying materials, we would welcome the opportunity to address any concerns you may have about the completeness of our submission. Otherwise, we look forward to working through the rulemaking process with you and others within the Department of Environmental Conservation. Our expectation is that this will be concluded in time for the requested amendments to take effect for the 2025 Vermont boating season.

Very Truly Yours,



Averill Lakes Association, by Bernard Gracy, Jr., President.

259 Farley Road, Hollis, NH 03049. bgracyjr@gmail.com. 203-510-6730

cc:

Julie Moore, Secretary, Vermont Agency of Natural Resources
Jason Batchelder, Commissioner, Vermont Department of Environmental Conservation
Bethany Sargent, Deputy Director, Watershed Management Division
Sgt. Jacob Metayer, Vermont Department of Public Safety, Marine Division
Town Clerk, Town of Norton, Norton, VT
Town Clerk, Unified Towns and Gores, Island Pond, VT
Town of Norton Planning Commission
Unified Towns and Gores Planning Commission
Northeastern Vermont Development Association, St. Johnsbury, VT
Dale Gilman, President, Averill Recreational Camp Owners Association

AVERILL LAKES ASSOCIATION

Re: Petition to Amend the Vermont Use of Public Waters Rules

as Filed on April 1, 2024 with
Peter LaFlamme, Director, Watershed Management Division
Vermont Department of Environmental Conservation

CERTIFICATE OF SERVICE

I, Bernard Gracy, Jr., the undersigned, do hereby certify that the persons and entities listed below have been duly served with a copy of the above-referenced Petition and attachments, either by U.S. mail or electronic means, on April 1, 2024, as required by Section 16 of the Vermont Natural Resources Board Rules of Procedure:

Julie Moore, Secretary, Vermont Agency of Natural Resources
julie.moore@vermont.gov

Jason Batchelder, Commissioner, Vermont Department of Environmental

Sgt. Jacob Metayer, Vermont Department of Public Safety, Marine Division
2777 St. George Rd., Williston, VT 05495. jacob.metayer@vermont.gov

Town of Norton, Vermont and Town of Norton Planning Commission
c/o Gina Vigneault, townofnorton@myfairpoint.net

Town of Averill, Vermont and Unified Towns & Gores Planning Commission
c/o Bobbie Magoon, utgoffice@myfairpoint.net

Northeastern Vermont Development Association
36 Eastern Ave., St. Johnsbury, VT. info@nvda.net

Dale Gilman, President, Averill Recreational Camp Owners Association
dalegilman@gmail.com



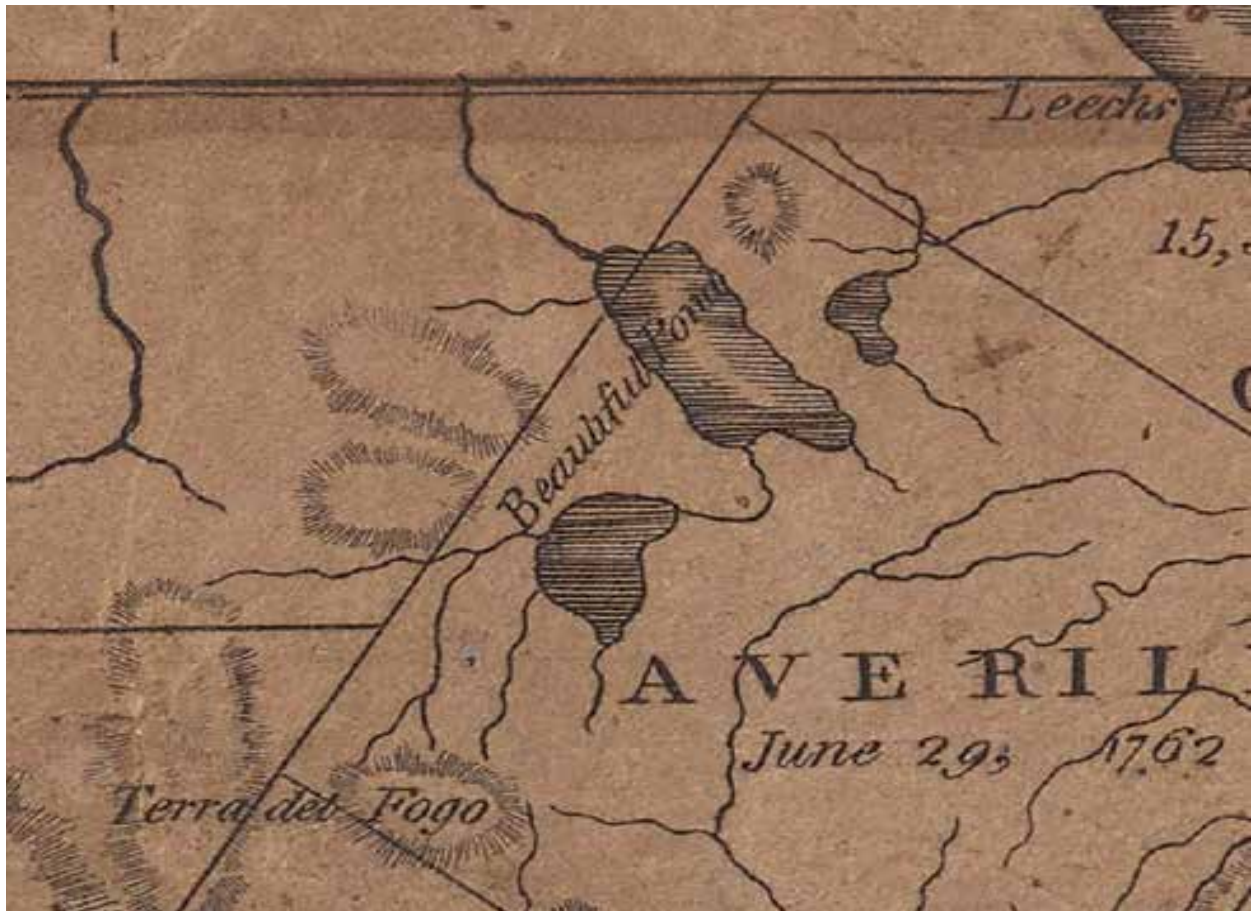
Averill Lakes Association, Petitioner
by: Bernard Gracy, Jr., President

259 Farley Road, Hollis, NH. bgracyjr@gmail.com. 203-510-6730.

Averill Lakes Association

Petition to the Vermont Department of Environmental Conservation

April 1, 2024



James Whitelaw's Map of Vermont, circa 1810, courtesy of the Vermont Historical Society



PETITION
of the Averill Lakes Association
Filed pursuant to 10 VSA § 1424(e)

The Averill Lakes Association (Petitioner or ALA) hereby petitions the Vermont Department of Environmental Conservation (DEC), a department within the Vermont Agency of Natural Resources (ANR), to exercise rulemaking authority in accordance with 10 VSA§1424(e) to adopt rules to prohibit Wakesports and the use of Wake Boats on Great Averill Lake and Little Averill Lake (together, The Averill Lakes), located in Essex County, Vermont.

“A wild, rugged, backcountry landscape that is uncommon in the state.” —ANR 2014 Access Plan

Contact Information:

Bernie Gracy, Jr., President of Averill Lakes Association
259 Farley Road, Hollis, NH 03049, bgracyjr@gmail.com, 203-510-6730

Susan Gresser, Vice-President of Averill Lakes Association
1155 Rocky Ridge Rd., St. Johnsbury, VT 05819, susie1222@charter.net, 802-274-9722

Connie Jackson, Secretary of Averill Lakes Association
15 Jondro Lane, Colebrook, NH 03576, conrae@gmail.com, 603-237-5130

Tim Cowan, Director, Averill Lakes Association
23 MacDonough Dr., Vergennes, VT 05491, trcowanvt@gmail.com, 802-373-1848

Jim Clemons, Member, Averill Lakes Association
505 Guyette Road, East Montpelier, VT 05651, jclemons435@gmail.com, 802-223-4213

Statutory Authority. This Petition is submitted pursuant to 10 VSA §1424(e), and requests DEC to add lake-specific rules to Appendix A of the Vermont Use of Public Waters Rules (UPW). In accordance with procedural guidance published by DEC, the content requirements governing this petition are as set forth in the Rules of Procedure formerly applicable to petitions filed with the Vermont Natural Resources Board (VNRB) but now applicable to petitions filed with DEC. (In 2012, the Vermont Legislature transferred UPW rulemaking authority from VNRB to ANR, and ANR has designated DEC as the starting point for UPW petitions.) These Rules of Procedure, as well as 10 VSA § 1424(e), further provide that the rulemaking requested by this petition be undertaken in accordance with the Vermont Administrative Procedure Act, 3 VSA § 800 *et seq.*

Petitioner. Petitioner is an association of residents and seasonal visitors with properties on or near The Averill Lakes, including anglers, paddlers, hikers, hunters, naturalists, boaters, photographers, sailors, swimmers, and others who are committed to maintaining the quality and health of the unique natural resources — including plants, wildlife, water bodies, and ecological zones — of The Averill Lakes area. The Association was organized in 1973 to promote principles of conservation and preservation, and to encourage safe and responsible recreational uses of the two lakes. The ALA’s Board of Directors and Membership overwhelmingly support this petition.

Nature and Purpose. Petitioner, together with those entities and individuals who have submitted attached letters of support, believe that Wakesports and the use of Wake Boats on The Averill Lakes would be in stark contrast to their unique wilderness-like character, would irreconcilably conflict with long established normal uses on the Lakes, and would have negative impacts on their nesting Common Loons.

Draft Rules. Petitioner requests of ANR that Appendix A of the UPW be amended to adopt, under each of Great Averill Lake and Little Averill Lake, a new rule b., as follows:

“b. Wakesports and the use of Wake Boats are prohibited.”

The Proposed Rules Are Consistent with Existing Vermont Laws. Prohibiting Wakesports and Wake Boats from operating on The Averill Lakes would not only be consistent with existing law, it would advance specific public policies and objectives of the many Vermont rules and statutes that currently govern the use and protection of our public waters:

1. Vermont Use of Public Waters Rules. The UPW requires ANR to consider the safety and “best interests of both current and future generations” of Vermonters when managing the



MARTY LAGERSTEDT

“In the best interests of current and future generations.” Overlooking Little Averill and the Kingdom Heritage Lands.

State’s public waters. A recurring theme of the UPW is the avoidance and resolution of conflicting uses of public waters. (See, e.g., UPW 1.1(c), 2.2 (b), 2.6 (a)). The adoption of the rules proposed by this petition would avoid a direct and irreconcilable conflict between Wakesports and summer lake trout fishing, a long-established normal use on both Great and Little Averill. In addition, UPW Rule 2.10 requires that lakes “which currently provide wilderness-like recreational experiences ... be managed

to protect and enhance the continued availability of such experiences.” The proposed rules would honor and give effect to that requirement.

2. Vermont Statutes. Many Vermont statutes demonstrate the State’s strong commitment to the protection of the water quality of its lakes and ponds. Prominent examples include laws addressing water pollution (10 VSA § 1250 *et seq.*); laws protecting navigable waters and shorelands (10 VSA § 1421 *et seq.* and § 1441 *et seq.*); and laws controlling the further spread of aquatic invasive species (AIS) (10 VSA § 1451 *et seq.*). Given the well-documented negative impacts of the large wakes required for Wakesports on water quality and shoreland ecologies — as well as the known risk of the spread of aquatic invasive species (AIS) associated with Wake Boat ballast tanks — the proposed rules would promote the policies underlying these laws, and protect the oligotrophic, AIS-free status of both Great and Little Averill Lakes.

Narrative Summary. The recently concluded ANR rulemaking responding to the rapid growth of Wakesports in Vermont resulted in a new UPW Rule 3.8, “Wakesports,” that limits the operation of Wake Boats on Vermont’s inland lakes to at least 500 feet from shore and in water at least 20 feet deep, provided the area on a given lake meeting those two criteria is at least 50 acres. In addition, the Rule seeks to mitigate the further spread of AIS by requiring Vermont registered Wake Boats to declare a “Home Lake,” and to undergo decontamination of their ballast tanks at a state-certified facility prior to launching in another body of water within Vermont.

This new Rule results in both of The Averill Lakes being eligible for Wakesports and the use of Wake Boats. Petitioner and others who support this Petition believe that such use would:

1. Directly contravene the UPW requirement that the State of Vermont manage “water bodies which currently provide wilderness-like recreational experiences ... to protect and enhance the continued availability of such experiences.” (UPW, § 2.9).
2. Directly and irreconcilably conflict with the long-standing normal use of The Averill Lakes for summer lake trout fishing. (UPW, § 2.6).
3. Negatively impact the annual nesting activities of The Averill Lakes’ Common Loon breeding population.

Each of these arguments is addressed in detail below:

A. The Averill Lakes Provide Wilderness-like Recreational Experiences That Must Be Protected and Enhanced

When considering petitions filed under 10 VSA §1024(e), the Vermont Use of Public Waters Rules require the Secretary of ANR to manage water bodies that currently provide wilderness-like experiences “to protect and enhance the continued availability of such experiences.” (UPW, § 2.10). The Averill Lakes, for the following reasons — and perhaps more than any other comparably sized Vermont inland lakes and ponds — provide such experiences:

1. Wild and Remote Area. As illustrated by the maps attached as Exhibits A and B (See pp. i, ii). The Averill Lakes are located in the far northeastern corner of Vermont, virtually surrounded by State-managed forest lands, State wildlife management areas, and private timber and recreational holdings — all subject to easements or regulations that protect against further development while allowing ongoing commercial forestry and traditional recreational activities. (See, generally, ANR “Long Term Access Plan for the Private Timberlands Portion of the Kingdom Heritage Lands.” 2014.)

Of the estimated total of approximately 200,000 acres of protected private and public lands in the vicinity of The Averill Lakes, the largest parcel is the Private Timberlands portion of the Kingdom Heritage Lands immediately south of the lakes. Now owned by Weyerhaeuser, this working forest of 84,000 acres was established in 1998 as the largest component of the so-called “Champion Lands” conservation project. The second largest parcel, a combined 25,000 acres of conserved private timber holdings and Forest Legacy lands, lies to the west of the lakes. Other conserved parcels adjacent or close to The Averill Lakes include approximately 1,600 acres owned by Quimby Country to the east of Great Averill; the 560-acre Averill Mountain State Wildlife Management Area just to the north of Great Averill; and the 26,500 acre Silvio O. Conte National Wildlife Refuge just to the south of the Private Timberlands. Together, these largely un-fragmented forest lands constitute “the largest block of land in Vermont that is protected from development.” (ANR, 2014 Access Plan, p. 22.) “This is one of the most sparsely populated and least developed areas in Vermont, with a relatively wild, rugged, ‘backcountry’ character that is uncommon in the state.” (ANR, 2014 Access Plan, p. 25)



Looking south over Great Averill Lake and the expansive reach of surrounding conserved land.

CHANDLER CLEMENS

2. Both Averill Lakes Have Extensive Undeveloped Shoreland. In addition to being surrounded by large tracts of wild and conserved lands, The Averill Lakes are themselves less developed than most lakes and ponds in Vermont. Each has notable stretches of shorelands that are protected from further development. This feature further contributes to their remote, wild nature which attracts many visitors who enjoy paddling, sailing,



The longest stretch of undeveloped shoreline on Great Averill Pond (8,500 ft.).

angling, swimming and wildlife viewing on remote and unusually quiet bodies of water. To be specific, approximately 40% of Great Averill’s and 50% of Little Averill’s shorelands remain undeveloped. (On Great Averill, the 40% is comprised largely of the common lands of the Averill Recreational Camp Owners Association (ARCO),

Quimby Country’s frontage, and large private parcels. On Little Averill, the 50% consists of the beach owned by The Nature Conservancy, protected forest land currently owned by Weyerhaeuser, and other private holdings.)

3. Prohibitions Against the Use of PWC and ATVs Further Enhance the Wild Nature of The Averill Lakes. The prohibition against the use of personal water craft (PWC, or “jet skis”) on both Great and Little Averill Lakes, implemented in 2004, further contributes to their and quiet wild character. (UPW, Appendix A, “Great Averill Lake” and “Little Averill Lake,” (No. UPW 03-01.)) In its order approving the joint petition filed by The Averill Lakes, the Vermont Water Resources Board noted that “[t]he normal and predominant uses of Great Averill and Little Averill Ponds include fishing, swimming (including long distance swimming), boating, water-skiing, canoeing, kayaking, wildlife observation, and the enjoyment of observing the tranquil nature of the scenic beauty that surrounds both lakes.” (VWRB, Docket No. UPW-03-01, Finding 10.) Letters of support attached to this Petition confirm that the normal and predominant uses of Great Averill and Little Averill have not changed in any significant way since 2004, and that to date no Wakesports have occurred on either Great or Little Averill Lake. Petitioner strongly believes that if PWC were previously deemed to be incompatible with the traditional uses, aesthetic values and quiet solitude of these bodies of water, then Wake Boats — with their huge wakes and powerful, noisy engines and audio systems — would be much more so. (And, although all-terrain vehicles (ATVs) do not of course operate on either Lake, they are prohibited from using any of the trails or roads in the Averill Lakes area, which further protects the area’s peace and tranquility. (See, ANR, 2014 Access Plan, § VI (K); UTG Ordinances; ARCO deed covenants.))

4. Many of the Seasonal Properties on or Near The Averill Lakes Are Subject to Deed Restrictions and Regulations That Further Protect the Lakes' Wild and Remote Character.

Approximately two-thirds of the seasonal properties on or near The Averill Lakes are owned by ARCO members. ARCO was established in 1998 by former lease-holders to facilitate the negotiation and purchase of leased lots from Champion Realty Company. When those lots were sold, the deed to each purchaser contained perpetual covenants that generally limit occupancy to 180 days per year. In addition, the 1999 deed from The Conservation Fund conveying stewardship over access and recreational rights on the Kingdom Heritage Lands to The Vermont Land Trust and the Vermont Housing and Conservation Board prohibits utility lines on the lands used for access to ARCO properties. These deed covenants against year-round residency and utilities are both reflected in ARCO's "Rules & Regulations," which also prohibit any commercial or professional activity. Together, these deed restrictions and regulations work to further protect the wilderness-like character of The Averill Lakes.

5. The Averill Lakes and Surrounding Area Are Home to Many Plants, Animals, and Ecosystems Not Commonly Found Elsewhere in the State. The Long-Term Access Plan describes the Kingdom Heritage Lands as possessing "a high concentration of unusual and high value natural resources." (ANR, 2014 Access Plan, p. 21) These include an ecosystem with boreal forest attributes, over 40 uncommon plants, an important area for birds of conservation concern, and a large contiguous habitat supportive of many native mammals including black bears, bobcats, pine martens, moose, and the only known breeding population of Canada Lynx in Vermont. In addition, both Great and Little Averill have natural sand beaches recognized in ANR's *Vermont Natural Heritage Inventory* as among the best examples in the State.

These features and qualities of The Averill Lakes and surrounding region are widely recognized and appreciated by ecologists, biologists, and outdoor enthusiasts as providing unique recreational opportunities not otherwise found in Vermont. The use of Wake Boats — with their noisy engines, loud audio systems, and enormous wakes — on The Averill Lakes completely antithetical to this remote and quiet area long-cherished by residents, seasonal camp owners, and visitors. For decades, scientists have been studying the negative effects of human-produced noise on sensitive ecological communities. Increasingly, noise pollution mitigation strategies are being deployed in protected areas to improve ecological health, protect habitat quality and enhance human experience. (See, e.g. "Noise Pollution is Pervasive in U.S. Protected Areas." *Science*, 5 May, 2017.) Allowing Wakesports and the use of Wake Boats on The Averill Lakes would run against the grain of this growing trend. Prohibiting Wake Boats on Little and Great Averill Lakes, on the other hand, would serve to protect and enhance the continued availability of wilderness-like recreational experiences, as required by UPW Rule 2.10.

B. The Irreconcilable Conflict Between Wake Sports and Summer Lake Trout Fishing, a Long-standing Traditional Normal Use on the Averill Lakes, Could Not Be Resolved

As the attached letter from Jud Kratzer, Fisheries Biologist for the Vermont Department of Fish & Wildlife describes, both of The Averill Lakes offer unique lake trout fisheries due to their high

CRAIG WIGGETT



Wakesports would endanger the small boats favored by many lake trout anglers today, and conflict with a longstanding traditional use.



QUIMBY COUNTRY

water quality, deep cold waters, absence of non-native species, successful native trout reproduction, and remote location. As a result, both lakes are popular with Vermont anglers throughout the summer months when lake trout — a cold water species — are found mostly in the deepest, coldest waters of the Lakes. Most summer days, there are a few small boats with anglers trolling slowly over these depths hoping for one of the large lakera known to inhabit both Great and Little Averill. As Exhibits C and D (See p. iii) make clear, the preferred summer fishing areas are exactly where the wake sports zones resulting from Rule 3.8 are located. The small 12- and 14-foot aluminum fishing boats favored by many anglers would be subject to swamping or capsizing by the abnormally large wakes generated by Wake Boats, and those on larger boats would be disrupted and possibly driven from the water. Although the newly adopted Rule requires Wake Boats to operate at least 500 feet from shore, they are only required to maintain a 200-foot distance from other boats on the lake. 23 VSA § 3311(c). To resolve this irreconcilable conflict and protect anglers fishing for lake trout from serious risk of capsizing or swamping, Petitioner requests the Wakesports and the operation of Wake Boats be prohibited on The Averill Lakes.

C. The Operation of Wake Boats on The Averill Lakes Would Negatively Impact the Breeding Population of Common Loons

The Common Loon has been a fixture on Vermont’s northern lakes for millennia, and are widely cherished for their beauty, behavior and eerie calls. Also known as “The Great Northern Diver,” they are iconic symbols of wilderness. For the past several years, there have been two breeding pairs on each of Great and Little Averill — a notable improvement from the single pair on each lake in 2004. In most years, their nesting efforts have been successful resulting in one or two healthy chicks per nest. The loon population in Vermont has recovered significantly from its former status as an endangered species (1987-2005), increasing from seven breeding pairs in 1983 to currently close to 100. (See, <https://vtcostudies.org/projects/lakes-ponds/common-loon-conservation/vermont-loon-conservation-project/>.)

Despite this remarkable comeback, loons continue to face several challenges in Vermont including lead poisoning, mercury contamination, predation of eggs and chicks, increasing shoreland

development, degradation of water quality, and nest disturbance. Lacking most of these threats, The Averill Lakes offer ideal habitat for these birds in many ways. The water is clear, the shorelines are relatively undeveloped, the water quality is high, the fish are healthy, and up to now human disturbance has been minimal. The Lakes' lack of sheltering coves and islands — the Common Loon's preferred nesting sites — has not yet impeded their long history of successful breeding on both lakes.

But, as the attached letter from Eric Hanson — the Project Biologist for the Vermont Loon Conservation Project — explains, the introduction of Wakesports would change that. Most immediately, existing nest locations (See Exhibits C and D, pp. iii) carefully selected for protection from prevailing winds would be directly exposed to unnaturally large wakes. Even if operating in compliance with the 500-foot distance from shore required by Rule 3.8, a Wake Boat wake could be 5 or 6 inches high when reaching the shoreline. Loon nests are typically only 2 to 5 inches higher than lake level, so even legally conducted Wakesports would disturb or even capsize a nest. That risk would be greatly increased by a Wake Boat operating closer to shore, which seems likely to occur from time to time. A second threat would come from the inevitable decline of The Averill Lakes' water quality that would be caused by the large wakes required for Wakesports. Over time, the littoral zones — critical to the food chain of healthy lakes — would suffer to the detriment of the Common Loon and other species. Finally, the powerful engines and downward thrusting propellers of Wake Boats would disturb the sediment of both Averill Lakes, eventually resulting in both reduced water quality and clarity.

Economic Impact Analysis

If the Rules requested by this Petition are adopted, Petitioner believes that there would be virtually no economic impacts, because the Rules would result in a continuation of the *status quo*. To date, to the best of Petitioner's knowledge, no Wakesports have occurred on either of the Averill Lakes.

If, on the other hand, the Rules proposed by this Petition are not adopted, Petitioner believes there would be negative economic impacts for the following groups of people, enterprises and government entities. Petitioner offers this analysis in good faith, while recognizing the inherent difficulty of quantifying the magnitude of each potential impact. It believes the most significant impacts would be to (i) lakefront property values and relative local tax burdens and (ii) Quimby Country.

Seasonal Residents. If Wake Boats are allowed on The Averill Lakes, Petitioner anticipates that lakeshore properties would lose market value because the wild and remote character of both lakes would be diminished. As reflected in attached letters of support, many recent purchasers of waterfront property on The Averill Lakes have been attracted by their relative peaceful quietude, including the absence of jet skis.

Permanent Residents. Both Averill and Norton are sparsely populated towns, with current year-round populations estimated at 16 and 103, respectively. A reduction in the value of lakefront properties would likely result in a relative shift of property tax burden to these other residents.

Visitors. Although no direct economic impact on visitors is anticipated, Petitioner believes the operation of Wake Boats on The Averill Lakes would result in fewer visitors to the area and negatively impact the following two businesses:

Quimby Country. Opened in 1893 as Cold Spring Camp, Quimby Country is the oldest fishing, hunting and family resort in Vermont. Its guests have come to depend on its serene, remote location — its 1600 acres of conserved acreage includes extensive shoreland on Great Averill — for respite from the clamor of modern life. As stated in the attached letter, Quimby's is concerned that Wakesports and the operation of Wake Boats on Great Averill, and the resulting dramatic change in the character of the lake and danger to paddling sports and small boat sailing, would have a significant negative impact on its business.

The Lakeview Store. Located on Vt. Route 114 on the north end of Great Averill Lake, the Lakeview Store has been an important part of the Averill community since 1948. Wakesports and Wake Boats would likely result in a reduction in the number of visitors who come to The Averill Lakes to fish, paddle, swim, hike and view wildlife, and would result in lost revenue for this already financially marginal business. Most significantly, the store's sales of Vermont fishing licenses, fishing equipment, and supplies would be negatively impacted.

Averill Lakes Association. As mentioned above, the recently adopted UPW Rule 3.8 has specific provisions aimed at mitigating the further spread of AIS. These "Home Lake" provisions will necessitate the development of effective greeter programs at both Great Averill and Little Averill to ensure compliance and protection of the Lakes' exemplary water quality. Both lakes are among the remaining few in Vermont without AIS, and the preservation of that status is a high priority for both the Averill community and the State. Petitioner conservatively estimates that an effective program at each of the Great Averill and Little Averill boat launches would cost \$16,000 annually. Because of limited State funding, some of that financial burden would fall to the Averill Lakes Association causing it to increase membership dues.

Vermont Department of Public Safety. If Wake Boats are allowed to operate on The Averill Lakes, their unusually large wakes would create dangerous conditions for many traditional, normal recreational uses currently enjoyed on both lakes. Petitioners believe that these conditions would warrant an increase in visits by distantly located public safety enforcement agents — which have historically been minimal — resulting in a modest increase in DPS' annual budget.

Vermont Department of Environmental Conservation. Due to their large wakes, high horsepower and down-facing propellers, the operation of Wake Boats on The Averill Lakes would have impacts on water quality and shoreline ecosystems. While the resulting damage might be mitigated by the Home Lake provisions of Rule 3.8, it will not be eliminated. Petitioner believes that DEC's annual budget for water quality programs would need to be modestly increased in response to the impacts of Wake Boats.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that ANR exercise its rulemaking authority pursuant to 10 VSA § 1424(e) to amend Appendix A of the Vermont Use of Public Waters Rules by adding a lake-specific rule for each of Great Averill Lake and Little Averill Lake, as follows:

“b. Wakesports and the use of Wake Boats are prohibited.”

The adoption of these proposed rules would protect and enhance the continued availability of the wilderness-like recreational opportunities provided by The Averill Lakes, honor longstanding traditional normal uses of these lakes, and protect their unique natural resources for current and future generations of Vermonters.

Respectfully Submitted,



DATE: 4/1/2024

Averill Lakes Association

By: Bernie Gracy, Jr., ALA President

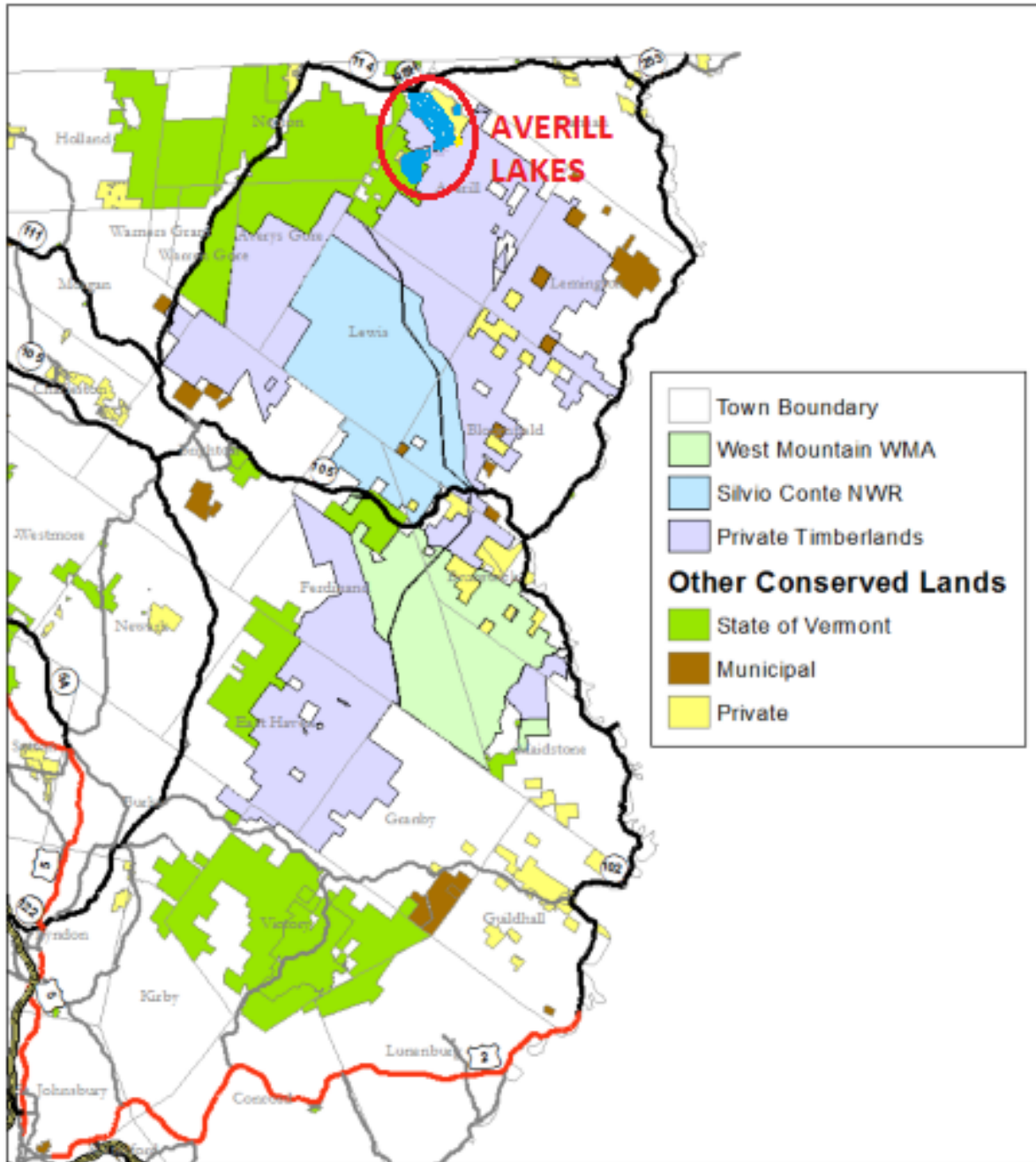
259 Farley Road, Hollis, NH 03049

bgracyjr@gmail.com, 203-510-6730



Exhibit A

Conserved Land in Northeast Vermont



Created by Doug Morin
Vermont Fish & Wildlife Department
April 2014



For planning purposes only. Not survey accurate.



Exhibit B

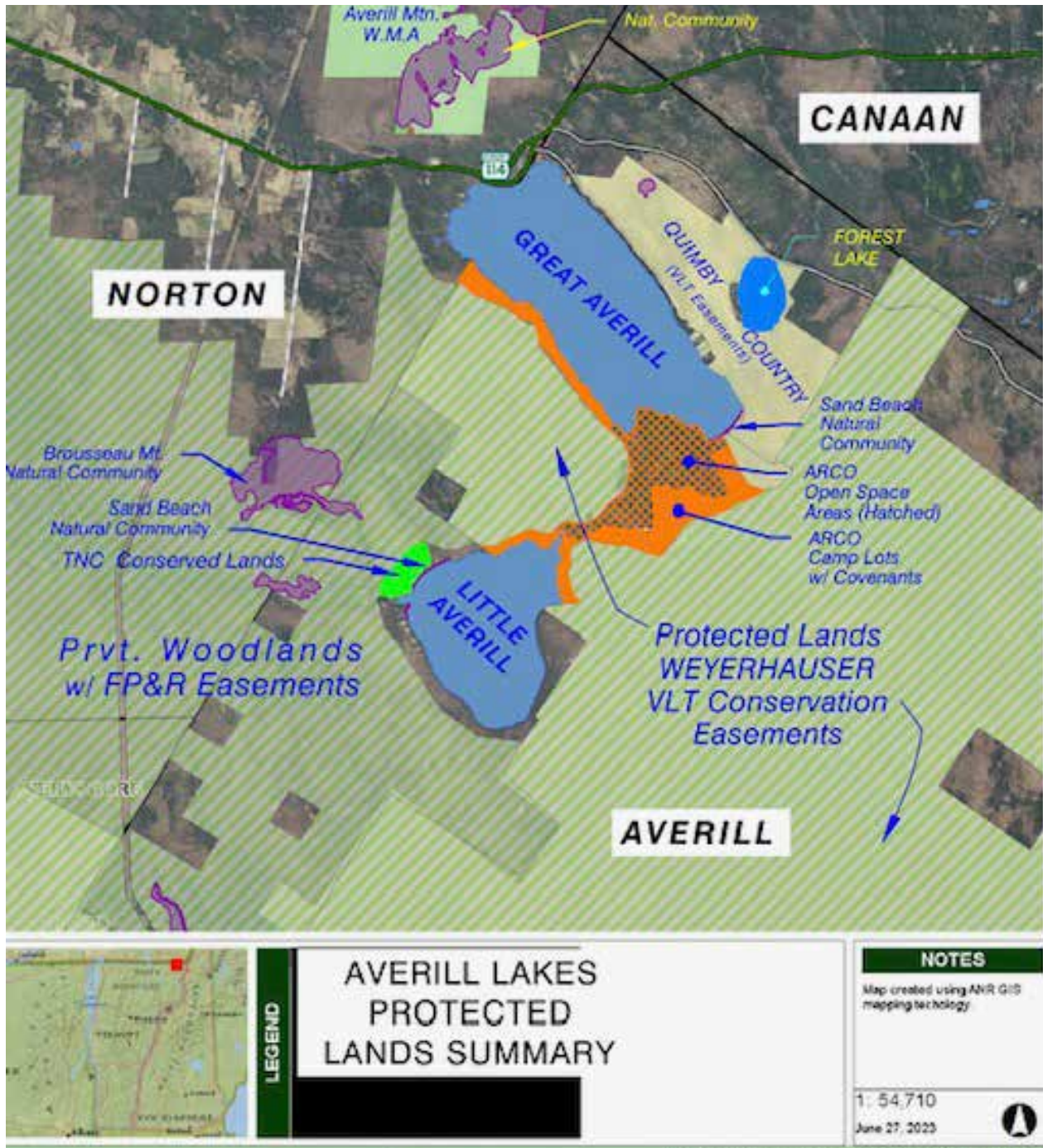


Exhibit C

Great Averill Pond, Averill, VT

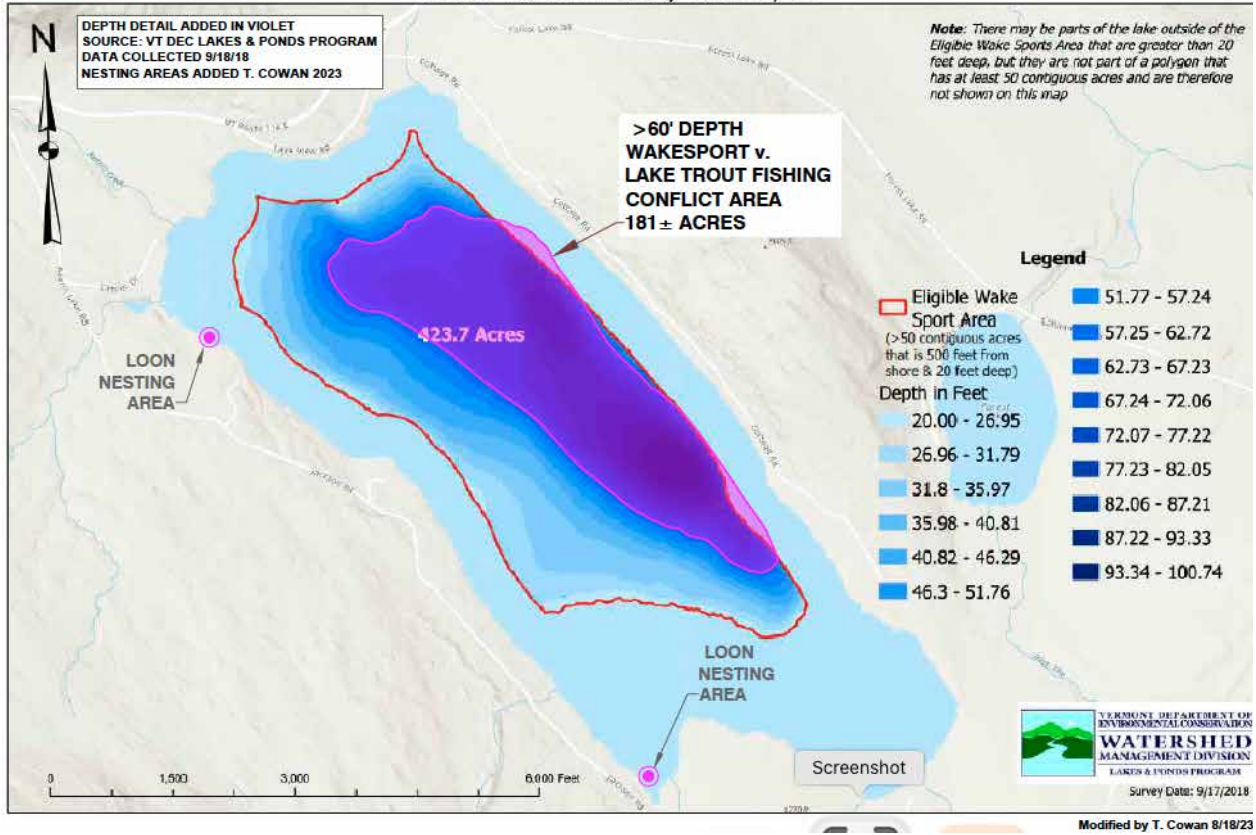
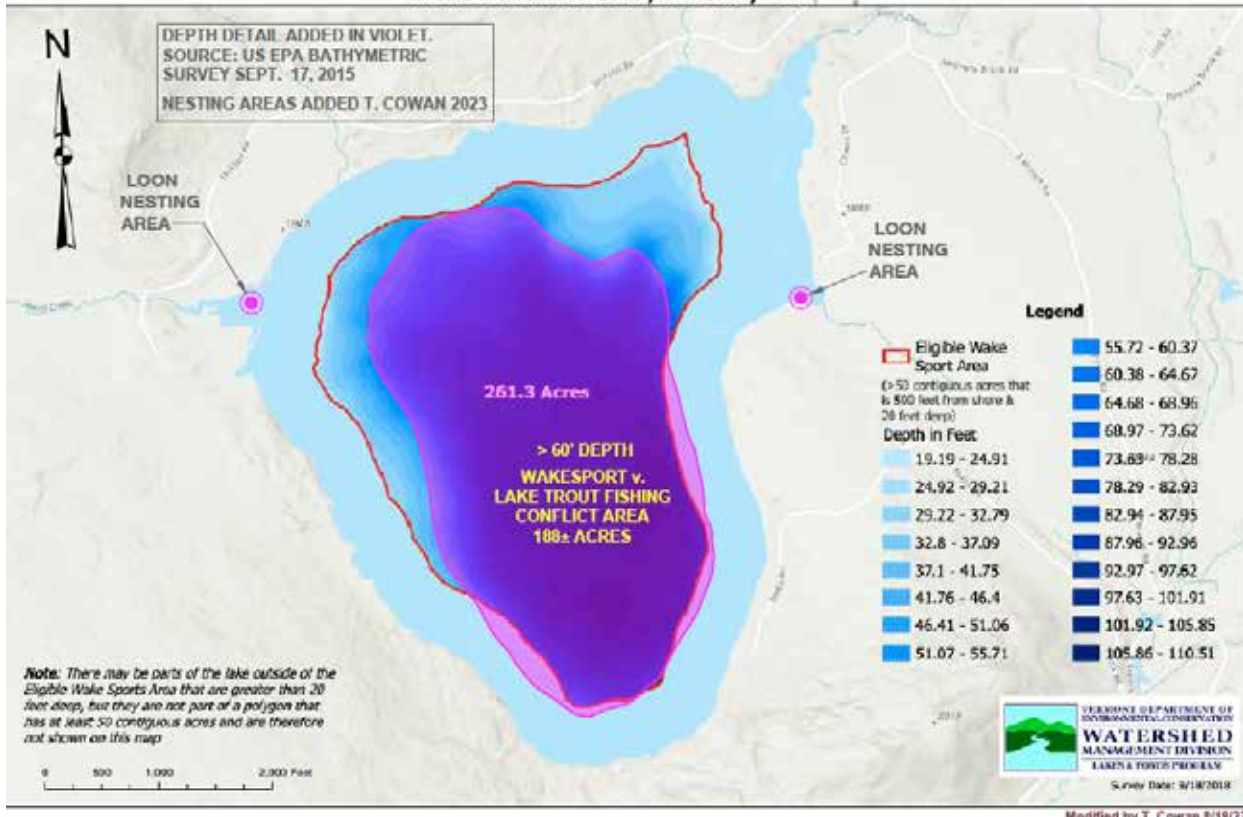


Exhibit D

Little Averill Pond, Averill, VT





UNIFIED TOWNS AND GORES OF ESSEX COUNTY
233 VT Route 105, Ferdinand, VT 05846
Mailing address: PO Box 417, Island Pond, VT 05846
Phone: 802-723-5900 Fax: 802-723-6100
utgoffice@myfairpoint.net
Averill, Avery's Gore, Ferdinand, Lewis, Warren's Gore, Warner's Grant

04/14/2023

Dear Averill Lakes Association,

The BOG of Essex County is writing this letter in response to the ALA Board reaching out for support of a petition to ban Wake Boats on Big and Little Averill Lakes. We are against Wake Boats on our Lakes for the fact that we have been lucky enough not to have invasive species such as Zebra Mussels or Milfoil and want to keep it that way. From what we understand these boats can allow invasive species to hitchhike from one lake to another because Wake Boat Manufactures caution the ballast tanks don't drain completely.

These Wake Boats make huge waves and with our two lakes only about 460 acres for Little Averill and about 838 acres for Big Averill these boats would not allow the regular outdoor lake recreation to happen safely.

Right now we have two beautiful lakes and our Town Plan states we will protect them.

We are asking DEC to allow this petition to happen and keep our two lakes as beautiful and free of invasive species as they are today.

Sincerely,
The Unified Towns & Gores Board of Governors

Barbara Nolan, David Conley, Raymond Royce, Bernice Torre, Anthony Soldo

September 18, 2023

Bernie Gracy

President, Averill Lakes Association

Dear Bernie Gracy:

On behalf of the Directors and Members of the Averill Recreational Camp Owners, Inc., I want to thank you for your preparation of a petition for filing later this year with Vermont's Agency of Natural Resources that will seek to ban wakesports and wake boats on both Big and Little Averill. This effort has the overwhelming support of ARCO, whose members believe that this activity would be contrary to the remote and quiet nature of the Averill Lakes and surrounding area, damaging to our shorelines, and disruptive to traditional uses such as fishing, canoeing, kayaking, sailing, and swimming.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale J. Gilman', with a long horizontal flourish extending to the right.

Dale J. Gilman

President Averill Recreational Camp Owners Association Inc.



Dear Averill Lakes Association,

I have been following the states efforts to find the best way to regulate wake boats on the lakes and ponds of Vermont. I understand the science and the vast amount of research that the DEC and others have done to try to strike a fair and reasonable regulator plan. As the only business owner on Averill Lake; I would like to offer my opposition to Averill being included on the list of lakes and ponds that allow the use of wake boats.

My wife and I own and operate Quimby Country, which is a 130 year old rustic family resort and sporting camp set between Great Averill and Forest Lake. We own 3,500 feet of lakeshore on Averill. For generations our guests have been coming to Quimby's to enjoy the remote and pristine setting that our lakes provide. Our waterfront, where our guests swim and recreate is on the southeast side of Great Averill. Our guests enjoy the use of kayaks, sailboats and standup paddle boards. It is not uncommon for our guests to be in watercraft's 500+ feet off of the shoreline. For our guests to have to navigate away from wake boats or to simply not want to go out on the lake due to wake boats would be very unfortunate. I worry that the presence of wake boats on Great Averill will drastically affect the quiet, natural and pristine setting that so many of our Quimby guests have come to appreciate and expect. I truly worry that the introduction of wake boats on Averill could have real and lasting negative effects on our business.

Additionally, as Quimby Country is one of only a few businesses in Essex County this could have a great negative economic effect on our community as well. I recognize that the state is going to do it's best to regulate our lakes, to make sure operators are abiding by the set regulations, but I don't know if this is realistic as I know governmental staff are limited in all departments across the board.

Please accept this letter as a strong opposition to including Great Averill as one of the lakes that will allow wake boats. Regardless of the science, we need to recognize that wake boats will change the culture of our lakes, which in turn will have lasting negative effects economically and recreationally on this marvelous natural resources.

Thank you for your consideration.

Sincerely,

Gene and Lilly Devlin



Re: Wakeboats and Loons on Great Averill and Little Averill lakes

June 25, 2023

Loons have been using and nesting on Great Averill and Little Averill lakes since the Vermont Loon Conservation Project started in 1978. There are five active territories where loons have used both natural shoreline locations and nesting rafts (2 pairs on each lake). There is a newer third pair on Great Averill that has built two nests along the shoreline in the south end in the past five years. Several of these sites would be exposed to wave action from large boats when the boats are directly in front of the nest sites.

Great Averill – north nest: The pair has usually used a raft in the NW cove where waves never build up. If a wakeboat were to operate between this cove and the boat access, it would be vulnerable to its waves.

Great Averill – inlet nest: This pair shifts the nest location between a natural sandbar island and the raft. In 2021, Coaticook Power took extra measures to prevent the flooding of the nest on the sandbar island which was about 2 inches vertically above the waterline. Any wake would have washed this nest out.

Great Averill – south nest: This new pair has built nests twice along the rocky shores of the southwest shoreline. Wave action from wind can be very large in this exposed area, but the nests were tucked in among some boulders and natural wave actions tend to go parallel to the shore in this area. A wakeboat however would cause large waves to come perpendicular into the shore. This pair has yet to be successful in nesting.

Little Averill – north nest: This raft nest is moderately exposed to natural winds coming from the northwest. A small peninsula helps protect it from the larger natural waves. A wakeboat operating slightly further north could create a wave that would more directly hit the raft nest site. This pair has nested naturally in the past on a sandy peninsula on the north shore that is directly exposed to the main lake, but a direction that natural waves rarely build up. This nest site was only 2-4 inches vertically above the waterline.

Little Averill – west nest: The pair has nested both on the shoreline and a raft in this location. The raft is behind a sandbar in the inlet and would be relatively protected from all wave action. Past shoreline nests on the spit of land entering the inlet would be highly exposed to the main lake.

As the Vermont Center for Ecostudies noted in previous testimony, loon nests are usually located from 2-8 inches vertically from the water; raft nests are similar heights. Even at 500 feet, a wakeboat could produce a wave that is 5-6 inches tall. Again, many nests are 2-5 inches vertically from the water. The 15 or so current loon nests in Vermont that are directly exposed to where wakeboats will operate could be at risk.

There are many effects from wave action that we do not know because of the newness of wakeboats. We do not know the effects of continued excessive rocking of a raft nest on incubating loons. How will larger wakes affect small loon chicks who do not have the waterproofing that adult loons do? And as I said in my verbal statements at the hearing in February at the Highland Center for the Arts, I am very concerned about the intentional or unintentional wakeboater that ends up 300 feet from shore with an occupied loon nest nearby. It only takes one boat to flood out a nest. Loons will also shift nest sites over the years, especially if there are changes in the birds occupying the territory. My long-term concerns about wakeboats operating less than 1000 feet from shore will be the degradation of lake shorelines and riparian areas and the resulting decline in water quality, especially in sections of lakes that are not naturally conditioned for larger wave action. Healthy riparian areas are critical for the base of a lake's foodweb, which plants, aquatic insects, fish, and loons all depend on.

The Vermont Center for Ecostudies supports the petition by the Averill Lakes Association to ban wakeboats from operating on Great and Little Averill lakes.

Sincerely,

Eric Hanson

Department of Fish and Wildlife

374 Emerson Falls Road - Suite 4
St. Johnsbury, VT 05819

www.vtfishandwildlife.com

[phone] 802-751-0100

[fax] 802-748-6687

[tdd] 802-828-3345

Agency of Natural Resources

March 1, 2023

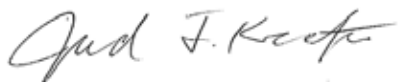
Re: Averill Lakes fish communities

Averill Lakes Association:

I am writing this letter in response to a request for information about the Averill Lakes' fish communities. Both Great Averill Lake and Little Averill Lake are rare and special places. They have excellent water quality, and they are the largest lakes in the state that do not have non-native warm water species like bass, perch, and pickerel. This is why both of these lakes have such abundant lake trout populations. The lake trout reproduce so prolifically in both lakes that we do not need to stock lake trout. Brook trout are also present in both lakes, but in much lower numbers. We believe brook trout spawn in the tributaries, and some of these fish drop into the lakes. The other known fish species in Little Averill are banded killifish, blacknose dace, bluntnose minnow, common shiner, creek chub, golden shiner, lake chub, rainbow smelt, and white sucker. Great Averill has all these species, plus brown bullhead. We also stock rainbow trout in Great Averill to provide additional angling opportunities.

These lakes are unique in the state because they are relatively large but have relatively simple fish communities. Both lakes are also unique in that they have relatively undeveloped shorelines when compared with other lakes of their size in the state. They are also relatively remote, peaceful, and quiet places.

Sincerely,



Jud F. Kratzer
Fisheries Biologist

Averill Lakes Association

May 11, 2023

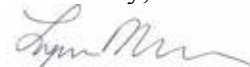
Little Averill Lake is an approximately 470-acre lake located in the Northeast Kingdom just a few miles south of the border with Canada. The Nature Conservancy (TNC) owns 38.4 acres along the northwestern shore of the lake in the Town of Averill, in Essex County. We conserved this property to protect its significant conservation values as a protected shoreline, habitat for nesting loons, and a mix of wetland and upland natural communities.

Little Averill Lake is characterized as a clear soft-water lake. Water clarity readings are typically good (up to 40 feet of clarity), two to three times as clear as shallower, more eutrophic lakes elsewhere in the state, and similar to other deep, clear lakes in the region such as Big Averill and Willoughby. The lake is well-known for its unusual white sand beaches (Lake Sand Beach, a state-ranked rare natural community (S2)) which are believed to have been formed by waves and ice that push sand up onto the beach, aided by the predominantly southerly winds blowing across the lake. There are only eight examples of this natural community in Vermont. All are either found on Lake Champlain (where they have been substantially degraded by development and other shoreline activities), or on Big and Little Averill Lakes in Essex County. The examples of the sand beach community here are considered to be the best in the state.

Little Averill Lake Natural Area was originally conserved by TNC to protect the recovering nesting loon population. Little Averill Lake was documented as a nesting site for the common loon (*Gavia immer*), a state endangered species, in 1977. Inventory work to confirm and monitor status of the common loon has been conducted by the Vermont Center for Ecostudies (VCE), which has surveyed, monitored, and worked to conserve Vermont's loon population since 1977. Little Averill Lake was one of 21 nesting sites for the common loon in Vermont in 1996. Loons continue to nest here and this has been a consistently successful nesting site that has helped loon populations throughout the state recover.

The unique shoreline and wetland habitats surrounding Little Averill Lake are of statewide importance and TNC is committed to the long-term conservation of this area.

Sincerely,



Lynn McNamara
Stewardship Director

Subject: Letter
From: David Leidy <lakeviewstore@icloud.com>
Date: 6/6/2023, 5:42 AM
To: Susan Gresser <susie1222@charter.net>

To Whom it may Concern,

I am a Vermont resident and the owner of The Lake View Store since 2017. I also serve as the Secretary of the Averill Lakes Association.

This store has been the center of Averill since 1949 and continues to serve the community and it's visitors to this day. Not only do I sell groceries, gas and specialty items, but I sell bait and licenses to our anglers. I sell approximately 60 licenses a year.

I support the petition to ban wake boats on both Big and Little Averill Lakes. As a member of this community I understand that people come here to recreate due to its quiet and tranquil wilderness experience.

My customers are not just lake owners but anglers that seek out these lakes for their rare fishing experience.

I have viewed the proposed wake zone on both lakes and notice it's coincides with the maps put out by F&W as the best fishing zones.

As a business owner and resident I feel certain that these boats would have a negative impact economically and socially on my store and our small community.

Thank you,
David T. Leidy
Owner
Lake View Store
Norton Vt.

Dave

May 2, 2023

Averill Corporation
138 Acre Camp on Lake View Road
Norton, Vermont
Kim Mackey, President.
kim.mackey.md@gmail.com

We would like to ban wake surf boats on Great and Little Averill Lakes.

Wake Surf Boats on the Averills would be a radical departure from how the residents of, and visitors to, the Northeast Kingdom have come to use, and value, and love these lakes.

Great Averill and Little Averill Lakes continue to provide beauty, tranquility and safety. The most common noise coming off the lake is the call of the loons. Sound travels so well across the water, that we remind each other that conversations on the swimming raft can easily be heard on shore.

The serene surface of the water invites stand up paddle boarders, and even the youngest of kayakers to take in the grandeur, even hundreds of feet from land. The biggest worry for our cross-lake swimmers is getting off course.


Our 138 acre camp, Averill Corp, has been on Great Averill since 1971, over 50 years. Today we are more than 19 families with over 65 people. Collectively we use (approximately) 8 kayaks, 6 sailboats, 4 stand up paddle boards, 3 canoes and one water-ski boat. The vast majority of our time on Great Averill Lake is in non-motorized craft.

Wake boats stir the lake like a storm. It becomes unsafe to swim, unsafe to kayak, and impossible to stand-up-paddle. There is no distance from shore which can mitigate the waves in the open water. And, the wake travels so well, that wading folks near shore are routinely pounded by a huge wave, without warning.

Wake Surf Boats also generate significant noise. Their engines are nearly 3x as large as any motor used on these lakes. The sound is a low pitch growl which carries significantly farther than the typical whine of the outboard motor on a ski boat.

Wake surf boats are a true threat how these lakes have been used and enjoyed for the last 50 years. Wake boats would dominate and disturb lakes like the Averills, to the exclusion of all other water activities. Those boats belong lots of places, but they are incompatible with culture and use of these two lakes.

Averill Camp. Wake Boat petition.


5/2/2023
kim

Page 1 of 1

Sharon & Gerry Laderman
1676 Cottage Road
Averill, Vermont 05901
sblhouston@hotmail.com
gerry.laderman@gmail.com

To: Bernie Gracy
Averill Lakes Association

July 8, 2023

Dear Bernie. We are writing this letter in support of a total ban of wake boats on the Averill Lakes. We firmly believe that wake boats will ruin what most of the area residents and visitors value most—a continuation of life in Averill as it has always been. A haven for swimmers, kayakers, paddle boarders, anglers, loons, ducks, etc. Not to mention a place to quietly sit and read a book or visit with family and friends. There is no doubt that wake boats threaten that way of life. For the same reason that jet skis were banned from Averill, so too should wake boats be banned.

We recently built a house at the end of Cottage Road on Big Averill with the expectation that we would continue to enjoy the peace and tranquility of the Lakes that Gerry has cherished for 61 years. Sharon is a newcomer—only been coming to Averill for 33 years. Our children have grown up coming summer after summer, enjoying the time away from the craziness of their regular lives, swimming, paddling, kayaking, doing crossword puzzles sitting on the shore of Big Averill, and just enjoying the company of old friends.

We bought our lot specifically to be able to continue this lifestyle and are quite distressed at the prospect of wake boats ruining the quiet, eroding our shoreline, chasing away the loons, and destroying the family atmosphere that we love. Just as importantly, we worry about the safety of our children, grandchildren and visitors to Averill trying to swim, kayak and paddleboard with wake boats zooming by and creating huge waves that will overwhelm them, throw them over, or possibly hit them. People often swim and paddle far out into the Lake. Lastly, we are also very concerned about the potential contamination of the pristine waters of the Averill Lakes that wake boats bring when coming from other lakes.

For all the reasons above, we therefore believe that the only practical solution is to completely ban wake boats on the Averill Lakes. Thank you for your consideration.

Sharon and Gerry Laderman

Subject: Letter to Averill Lakes Association, Re: Wake Boats
From: Craig Wiggett <craigwiggett@gmail.com>
Date: 6/16/23, 6:05 PM
To: susan gresser <susie1222@charter.net>

To Whom it may concern:

My family has owned properties on the Averills since the early 1950's when My Grandmother bought her camp...

That camp is now owned by my sister Martha and Brian Kinsley...

My brother Scott and Pat Wiggett and My cousin Debby and Peter Ferrell also have camps on Big Averill...

I built my camp on Little Averill 43 years ago in 1982..

We use our camps much as our grandmother did over 70 years ago, for swimming, fishing, canoeing and family time...

I spend many days each summer fishing Little Averill...

I have a 12' aluminum boat with a 3 HP trolling motor...

When the lake is rough, it's a challenge and sometimes too rough to fish..

The possibility that Wake Boats will be allowed on these lakes scares me...

Little Averill has a deep area (probably less than 1/2 of the lake) where the Lake Trout live most of the year...Obviously that's where we anglers spend much of our time on the lake...

That's also the area where the Wake Boats would be most apt to legally operate, because of the proposed depth limits...

We happily share our quiet lake with kayaks, canoes, bigger fishing boats, small sail boats and pontoon type party boats...

There is a mutual respect among us that just works...

The negative impacts of Wake Boats have been discussed, including the problem of invasives, in many forums so I won't elaborate further...

Please include my letter in your efforts to leave the Averill Lakes as they have been for decades, a quiet, safe place to bring our families (Six generations in my family so far)...

Thank you,
Craig Wiggett

Jackson Camp

Sometime after our dad, Elmont Jackson, returned from WWII, and before the first (of six) Jackson girl was born in 1950, our parents built a hunting/fishing camp on the sandy beach on the north-west shore of Little Averill Lake. My mother, Audrey Jackson, said the road wasn't even built yet when the camp was under construction, so building materials were brought in in by Dad's logging machinery.

Since that time, the Jackson camp has been the place of memories: Bonnie & Connie (#1 & #2) played on the beach and in the waves at an early age, while our faithful black lab Sable kept watch and tugged us back to the beach if we wandered too far. Mom and Dad hosted many friends and fishermen at the camp in the early years. After they purchased Marshall's Cabins in 1958 (now Jackson's Lodge) they didn't spend much time there in summers, but they still hunted and fished from the camp.

In 1962 the leased beach site was sold out from under our parents by Brown Company, to a wealthy investor who hoped to make Little Averill his exclusive sportsmen's retreat. Fortunately St. Regis Paper Company refused to sell their waterfront holdings to the man, so Dad and a crew jacked up the camp and moved it across the ice with logging machinery in the early spring of 1962, rolling it along on logs, and placed it on its present site (Lot 1 of the St. Regis leased lots).

Two of the "Jackson Girls", their husbands and young children lived in the camp one winter, some 50 years ago, while the husbands worked logging nearby for Elmont. They drilled holes in the ice for water, and the wee ones were bathed in the sink in water heated on the woodstove.

Nowadays not much has changed: the youngest "Jackson Girl's" grandchildren are now bathed in the sink, and enjoy playing along the shore, skipping stones and discovering those priceless treasures that the youngest can appreciate. Memorial weekend has become an annual fishing retreat for another grandson, his friends and family. Other grandchildren and great grandchildren spend time at camp, trapping crawdads, having campfires, paddling, soaking in the lake and the (near) wilderness experience.

I have been "going to camp" for as long as I can remember, most often to enjoy the rare peace and quiet that Little Averill can provide. Even on the busiest holiday weekends, most of the traffic on the lake has consisted of a few kayaks and canoes, and an occasional fishing boat. The quiet is broken by loons calling, possibly laughter drifting across the lake from another camp where others have gathered with friends and family around a campfire. It is a truly special place.

Sincerely,
Connie Jackson, second of six Jackson "Girls"

October 8, 2023

Averill Lakes Association

To Whom It May Concern:

My Great Grandfather built our family home, now commonly known as Snare Camp, in 1929, and we have maintained it very much in the spirit in which it was built. While electricity has replaced kerosene lamps, and plumbing has replaced outhouses, and a well has replaced the old water line that extended over one of the springs feeding the lake for our drinking water, we still use wood to heat our home, do not have insulation of any note and the driveway remains dirt and gravel.

That's not to say we have not updated certain things. We now use the kayaks more than we use canoes, we do have a small waterski boat that has replaced the rowboat, but the vast majority of our family time and that of our guests is spent listening to loons, swimming the lake, sail boating and kayaking or simply gazing out over the water at a relatively undisturbed piece of paradise.

Years ago and in concert with an overwhelming number of residents, my grandmother, Marge Chapman was very vocal in her opposition to the introduction of jet skis and wave runners on the Great Averill Lake. Her concern around disturbing natural habitats, disrupting the serenity of the environment, and polluting the waters in the lake are similar to the concerns we have about wakeboard/ wake surf boats.

There is a place and time for those boats, but on a lake like Great Averill, with silty bottom, abundant crayfish, loons, nesting sites and the like, the damage that those boats will cause due to the very reason they exist (heavier, deeper, larger engines...all to provide a massive undulating wake) will change the ecosystem that exists in Averill. Wakeboard boats are designed to have large wakes carry over an extended distance...and the shores of the lake will see increased erosion, nesting sites will be continually swamped and the idea of young children being able to wade into waters and appreciate the lakes for what they are will undoubtedly change due to safety concerns.

Yes, the peace and quiet will be disrupted and yes, the increased potential for accidents with non-motorized watercraft (and swimmers) are both very real and valid points, and the real question is why would we want them to be introduced to the lake? What is the upside? More noise, more pollution, more people dropping in for a day then leaving and not supporting the local economy while ruining the tranquility?

The downside to allowing them is backed by studies from Minnesota to Michigan to New Hampshire. The downside is evident to those of us who have lived our lives knowing this is the

one area in the world that we can still enjoy nature from land and from the water with little worry for safety or noise pollution. The downside is simply too great to allow this possibility of wakeboard/wake surf boats on either Great or Little Averill Lakes.

On behalf of the three families that own Snare Camp (Chapman, Warner and Snare) as we approach our 100th anniversary on the shore of Great Averill Lake, and on behalf of my sister, Nica Chapman and my parents whom, along with me and my family are now fortunate enough to own an additional home toward the top of Lake View Road (that actually used to serve as the town post office and was purchased by our family in the 1970's), please help support our efforts to ensure that wakeboard/wake surf boats are not allowed on either of the Averill Lakes.

With all my thanks and on behalf of both Snare Camp Corporation as well as on behalf of the Old Post Office owners, I appreciate your consideration.

Regards,

Zach Chapman
Former President, current Secretary
Snare Camp Corporation
3768 Route 114
Norton, VT 05907

August 10, 2023

Re: Wake Boats on the Averills

Bernie Gracy, Jr., President
Averill Lakes Association

Dear Bernie,

My name is Don Butson, and my wife Sandra and I have had a place on Great Averill since 2003. We spend as much time there as possible when not at our year round home in Lisbon, NH. Retirement is just ahead, at which point we hope to be there even more. I am writing to express our strong support for the Petition that ALA intends to file with the State of Vermont seeking to ban wake boats and wakesports from both Great Averill and Little Averill Lake. Sandra and I oppose wake boats here for two primary reasons.

First (Sandra would put this second), I have a strong love for fishing. My grandfather took me fishing often when I was young, and the relationship that developed on those trips was one of the most important of my life. It all comes back when my dogs and I head out for our quiet early morning troll over the depths of Great Averill. **OK, I haven't caught one of the trophy lakereels for which our lakes are famous — not yet. From what I know about these wake boats, those who fish from the traditional 12 or 14 foot skiffs would face swamping and possible capsizing, and boats like mine (19 ft.) would be chased off the water. The 500 or 1,000 foot buffer from shore might reduce shoreline erosion, but does nothing to protect those of us out on the lake where wake boats could legally be putting up their huge waves from as close as 200 feet.**

The second reason is more basic. When we were first looking for our dream place on a quiet lake, as soon as we saw Great Averill it spoke to both of us. Relatively underdeveloped, remote, surrounded by recently conserved land, interesting wildlife, mostly quiet use (including no jet skis). Our first camp was far back from the water, which was a bit challenging, but we came to love the lake. We acquired our current place in 2018 when we had the opportunity; a bit of a stretch but as I said we had come to love the lake. If wake boats — with their outsized wakes, loud engines, powerful stereos — ever come here, we would most likely sell and continue our search. But we fully realize they're not making places like this anymore. The essence of our cherished quiet lake would be destroyed, and we would be heartbroken.

This is a huge issue for us, and we thank you for taking it on. Let us know how we might help,



Don Butson
Jackson Road
Averill, Vermont

TO:
Bernie Gracy, Jr.
President Averill Lakes Association

July 3, 2023

Kim Hubbard
1097 Jackson Road
Averill, VT

Please find my letter in support of prohibiting wake boats from operating on both Averill lakes.

I first encountered these lakes nearly forty years ago, when I was invited to stay at a camp on Big Averill. At the time I remember thinking how wonderful it would be to own a place near or on one of the lakes.

Four years ago, I was indeed fortunate to make my dream come true when I purchased a camp on Big Averill. It seems little has changed since I first started visiting the Northeast Kingdom in the 1970s. The Averills continue to check all the boxes for me. I love the serenity and tranquility of the big woods; I hunt and fish here; and I find a community with like-minded people. I feel confident that I have invested in property that will not only maintain its monetary value, but will continue to provide similar opportunities for natural beauty to future generations. The addition of wake boats on the lake will no doubt negatively impact that calculation.

Please be assured I have done my homework on the wake boat issue. It seems obvious to me that these boats will be harmful and possibly devastating to the lakes' ecology. They are also loud. In addition, one wake boat operating on Big or Little Averill will virtually take away the opportunity for more traditional uses such as fishing, small boating, swimming, etc., until the wake boat leaves the water.

Given the above, I am in favor of prohibiting wake boats from operation on both Averill Lakes.

Respectfully yours,
Kim Hubbard