

PUBLIC MEETING – VT USE OF PUBLIC WATERS RULES

Public comment on Petition Titled:
*Managing Wake Boats and their Activities
on Vermont Lakes and Ponds*

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June 29, 2022 – Richmond & July 7, 2022 – Manchester



Public Meeting Overview

- Housekeeping Notes
- Background on Use of Public Waters Rule (10 minutes)
 - Legal Framework & Process to Amend Rules
- Presentation from Petitioners (10 minutes)
 - Responsible Wakes for Vermont Lakes
- Comprehension Clarification Questions (10 minutes or less)
- Public Comments (80 minutes)
 - Registered Speakers
 - If time permits (by 7:30 PM), additional ad-hoc comments from participants
- Wrap-Up & Next Steps (5 minutes)



Housekeeping Notes

- **Purpose of Meeting:** Provide relevant background info and take public comment on the petition
- The Agency will provide a written response to questions raised during the meeting. This response will be posted on the Agency's website
- Meeting is being recorded, and we will post the recording online
- Meeting should finish no later than 7:30 PM
- Please keep comments to 2 minutes; we will ask you to finish up at 2 minutes
 - If there is extra time at the end of the registered comments, we may take more comments
- Please be civil and respectful in your comments
- Written comments accepted through July 29 @ 4 PM



Housekeeping Notes

- If participating virtually, please keep your microphone muted unless speaking
- If on phone, use *6 to unmute before speaking
- During comment phase, we will call speakers' names in order the request to speak was received;
- Please come to front podium to speak if in room
- If participating virtually, please unmute microphone & turn on camera before speaking, and mute microphone after speaking
- 48 registered speakers prior to yesterday's deadline; cut it off when we finish that list, unless it is before 7:30 PM, in which case we'll take additional speakers
- If you are a repeat speaker, kindly respect the two minute limit



Background on Use of Public Waters Rule

- Use of Public Waters Rules are derived from Statute - [10 V.S.A. § 1424](#)
- Vermont's public waters are held in public trust for the benefit of all Vermonters and visitors, and public recreational uses are protected
- Public waters can be used for a variety of recreational activities, including wilderness and solitude, wildlife watching, winter recreation, fishing, non-motorized boating, motorized boating (high speed and low speed), water skiing, personal watercraft operation, and seaplanes
- Vermont's public waters also provide habitat for aquatic biota, drinking and irrigation water, and other designated uses as defined in [Vermont's Water Quality Standards](#); waters must be managed to maintain compliance with these standards
- The Use of Public Waters Rules (Rules) govern aquatic resources management and establish general management rules to protect normal uses on all on Vermont's public waters



Background on Use of Public Waters Rule

- The Rules restrict the type of motorized watercraft that may be operated on certain waterbodies and set speed limits for motorized watercraft
- There are some UPW rules that apply to all public water bodies, some are lake specific
- The Rules also provide guidance for the review of petitions from the public seeking the adoption of new rules to regulate the use of public waters
- Pursuant to the Rules, the Agency is required to manage public waters in a manner that:
 - avoids or resolves conflicts in use of public waters in a comprehensive manner so that the various uses on public waters may be enjoyed in a reasonable manner
 - considers safety & the best interests of current & future generations of the citizens of VT
 - ensures that natural resource values of the public waters are fully protected
 - provides an appropriate mix of water-based recreational opportunities on statewide basis



Background on Use of Public Waters Rule

- Historically, the Rules were administered by the Water Resources Panel of the NRB
- In May 2012, the Vermont Legislature passed [Act 138](#), which transferred rulemaking authority from the Water Resources Panel / Board to the Agency of Natural Resources
- The Agency, through DEC's Watershed Management Division, now has responsibility to administer certain surface water rules, including the [Use of Public Water Rules](#), and is responsible for receiving and reviewing petitions to adopt, amend, or repeal such rules
- To support review of petitions submitted by public, DEC developed [procedures](#) in 2013 intended to promote clear, transparent, and consistent decision making, as well as assist petitioners with the process; ***we are following those procedures today***
 - Procedures are consistent with UPW Rules Requirements and NRB Rules of Procedure



Background on Use of Public Waters Rule

- 2013 DEC Petition Review Procedures for “Pre-Rulemaking” phase require:
 - Petition Submission in line with Established Procedures
 - Marking Petition “Administratively Complete” and making it publicly available
 - Consulting with Fish & Wildlife, Forest, Parks & Recreation, & State Police Marine Division
 - Public Participation (Act 138 of 2012, Sec. 28 also requires “expanded public comment”)
 - Analysis of petition, public comments, statute, and scientific literature
 - Recommendation to DEC/ANR Leadership on whether to deny the petition or to advise DEC Watershed Management Division to initiate formal rulemaking
 - Rulemaking could begin on petition in rule or revision based on ANR staff review
 - DEC/ANR Leadership Decision & Notice of this Decision to all concerned parties
- **Note:** If the Secretary decides to initiate formal rulemaking in response to the wakeboat petition, we will follow the established statutory process for rulemaking (3 V.S.A. § 800-849)



Thanks for your attention!

Clarifying Questions?



Proposed Rule: Wake Sports allowed on 15 lakes covered by UPW Rules in defined “wake sports zone” of at least 60 acres

	Water Body	Area (acres)
1	LITTLE AVERILL	470.2
2	ECHO (CHARLESTON)	546.5
3	MOREY	549.8
4	ISLAND	593.2
	CHITTENDEN (5 mph limit)	614.2
5	MAIDSTONE	755.8
6	CRYSTAL (BARTON)	771.6
7	SALEM	776.4
8	CASPIAN	789.8
9	GREAT AVERILL	835
10	ST. CATHERINE	885.4
11	DUNMORE	1,039.6
12	CARMI	1,415.2
	SOMERSET (10 mph limit?)	1,525.3
13	SEYMOUR	1,777.2
14	WILLOUGHBY	1,863.9
15	BOMOSEEN	2,415.1

Note: Jet Skis allowed on 31 lakes > 300 acres

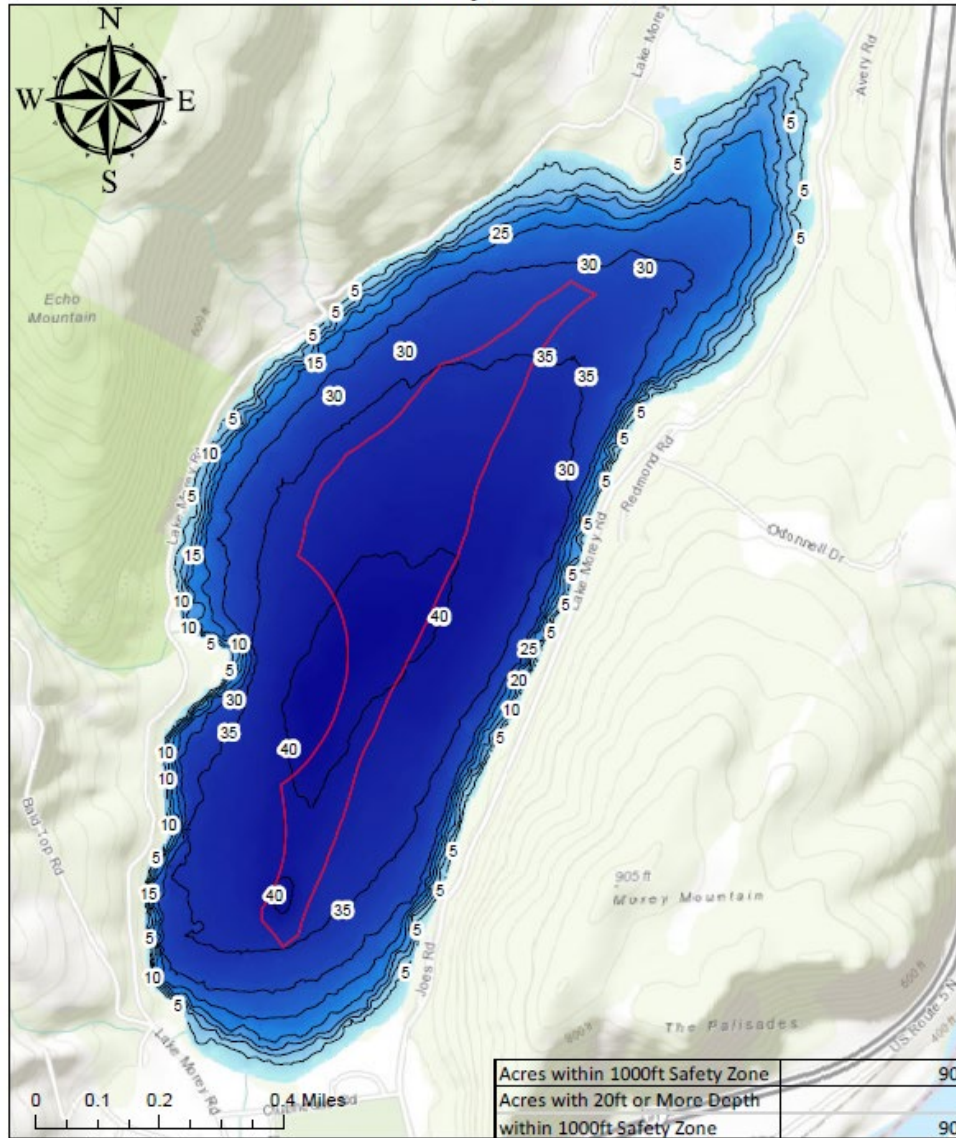
UPW Rules do not have jurisdiction on these water bodies, so **proposed rule** wouldn't apply:

	Water Body	Area (acres)
1	Champlain (VT Portion)	172,800
2	Memphremagog (VT Portion)	5,966
3	Wallace Pond (VT Portion)	107
4.	8 CT River Reservoirs (Gilman, Moore, etc.)	14,000 in VT-NH

Proposed Rule: Wake Boats **NOT** allowed on 7 “larger” Water Bodies covered by UPW Rules, plus 250+ water bodies smaller than Little Averill

	Water Body	Area (acres)
1	Shelburne	479.3
2	Hortonia	500.9
3	Green River Reservoir (5 mph limit)	593.2
4	Norton	658.6
5	Arrowhead Mountain Reservoir	719.8
6	Waterbury Reservoir	869.2
7	Harriman Reservoir	1949.4

Lake Morey, Fairlee, VT



Legend

- 1000ft Safety Zone
- Depth Contour (5ft)

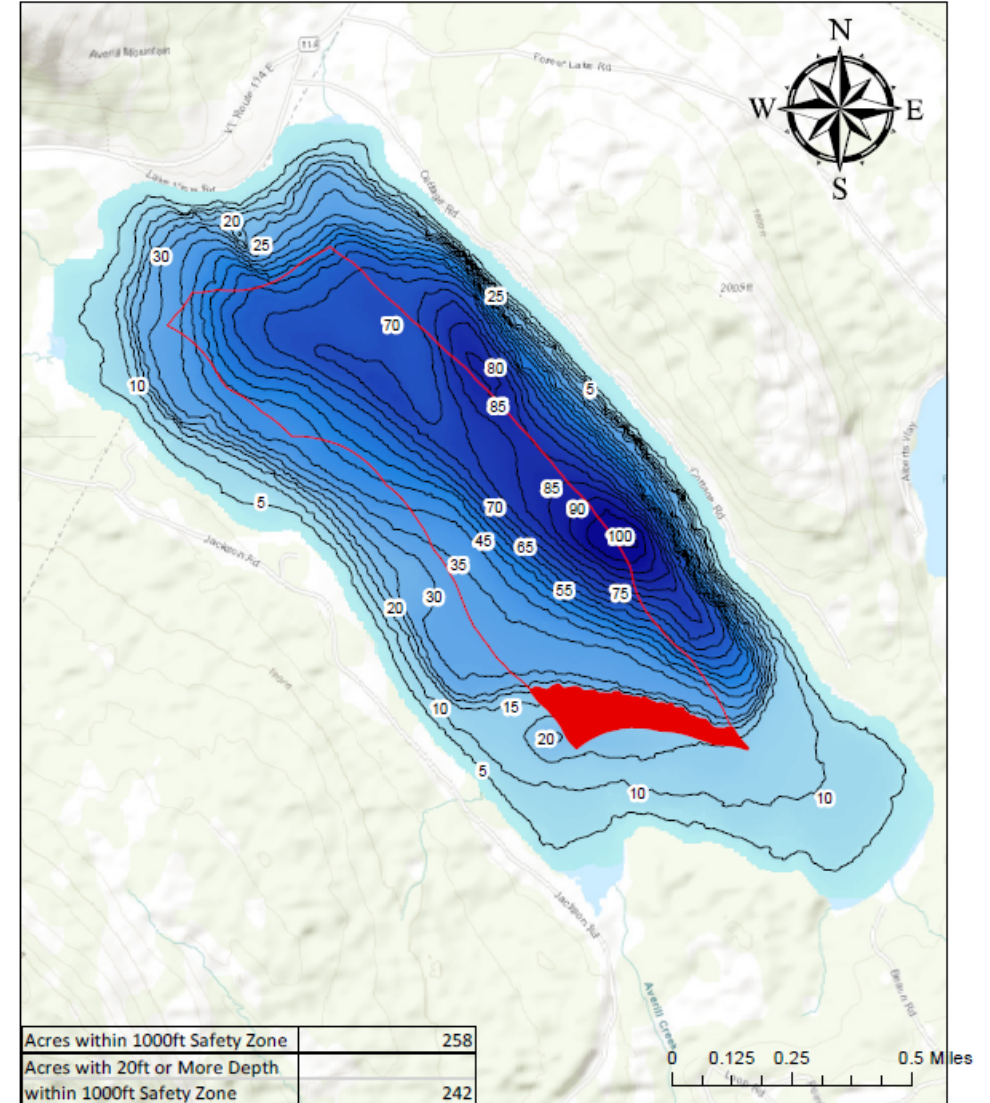
Depth (ft.)
High: 0

Low: 42



Bathymetric Survey Date: 8/20/2018

Great Averill Pond, Averill, VT



Legend

- 1000ft Safety Zone
- <20ft Depth

Depth (ft.)
High: 0

Low: 102

Depth Contour (5ft)



Bathymetric Survey Date: 9/18/2018