

NATURAL RESOURCES COMMISSION**Information Bulletin #51****Subject:** Temporary Boating Restrictions and Closures on Lakes**1. Purpose**

The primary purpose of this information bulletin is to offer guidance, when the director considers whether to issue a temporary order under [312 IAC 5-12](#) to modify or close boating activities on lakes that are public waters, where unusual conditions or hazards exist. The principles in this information bulletin may also be considered for the application of [312 IAC 5-12](#) on any other public waters.

2. Policy Statement

The policy of the natural resources commission is for any modification or closure of the lawful use of a lake to be as unobtrusive to the public as practicable, while providing for the health and safety of persons and minimizing damage to property, as a consequence of unusual conditions or hazards.

3. Definitions

In addition to the definitions contained in [312 IAC 1](#), the following definitions apply:

"Boat" means a watercraft.

"Idle speed" means the slowest possible speed, not exceeding five (5) miles per hour, that maintains steerage so that the wake or wash created by a boat is minimal.

"Public waters" has the meaning set forth in [IC 14-8-2-226](#). For lakes, public waters include Lake Michigan, a "public freshwater lake" under [312 IAC 11-2-17](#), a lake owned or controlled by a public utility, a lake where the public has a prescriptive easement, and a lake adjacent to navigable waters.

4. Evaluation of Conditions by Division of Law Enforcement

Upon being informed that an unusual condition or hazard exists on a lake that may reasonably result in the issuance of a temporary order under [312 IAC 5-12](#), the department's division of law enforcement shall conduct an investigation. As a result of the investigation, the division of law enforcement may recommend to the director that a temporary order be issued under [IC 4-21.5-4](#) to modify or close boating activities on the lake. The following factors are appropriate to the division's performance of the investigation:

A. General Considerations

A recommendation for a temporary order of modification or closure may include consideration of the following:

- (1) The history of the consequences to the particular lake, or to similar lakes, as a result of previous floods or droughts.
- (2) Weather conditions and forecasts.
- (3) Another factor likely to bear upon the duration or severity of a flood or drought.
- (4) Information received from other divisions or agencies or from the public.

B. Restriction of Boats to Daytime Operations

A recommendation for the restriction of boats to daytime operations may result if, during night time operations, floating debris or submerged objects would impose a significant hazard to the safe operation of boats or otherwise to navigation. The occurrence of a tornado is an example of a weather condition likely to result in a restriction to daytime operations.

C. Restriction of Motorboat Operations to Idle Speed

A recommendation for the restriction of motorboat operations to an idle speed limit may result when operations at higher speeds could pose a threat to public health and safety or wakes could cause surface water to enter a residence or other dwelling. The occurrence of a drought is an example of where unusually low surface water levels may constrict navigation or may expose unusual hazards on the bed of a lake so as to pose a safety hazard. The occurrence of flooding is an example of a condition where motorboat wakes, either individually or in association with natural wave action, may cause property damage.

D. Prohibition of Motorboat Operations

A recommendation for the prohibition of motorboat operations may result when surface water is inside a residence or other dwelling, and, regardless of speed, those operations may cause an aggravation to property damage. An example is where flooding is of a severity that surface water has entered a dwelling but not where water has entered a dwelling as a result of high groundwater. Water flowing into a basement would qualify, but water seeping into a basement would not.

E. Another Boating Restriction

A recommendation for another boating restriction may result when the restrictions described in Part B through Part D would be ineffective for the protection to the health and safety of persons and for minimizing damage to property, but where a closure of boating operations is unnecessary. In an appropriate circumstance, another boating restriction may be recommended that is instead of or in addition to a restriction described in Part B through Part D.

F. Closure of Boating Operations

A recommendation for the closure of boating operations may result from the existence of a catastrophic

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condition. An example is where a dam or other control structure has failed or is in an immediate threat of failure. Other examples are the occurrence of a bridge collapse, the crash of a large airplane, or chemical or bacteriological contamination that poses an immediate threat to public health or safety.

5. Changes to Unusual Conditions or Hazards

The division of law enforcement shall monitor any public waters where a temporary order has been issued under [312 IAC 5-12](#). Based upon a material change in those conditions, the division may recommend a modification to or termination of the order.

6. History

This information bulletin was adopted by the natural resources commission on November 14, 2006, with an effective date of January 1, 2007.

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