

**Notice of Public Hearing**

LSA Document #07-822

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Under [IC 4-22-2-24](#), notice is hereby given that on February 28, 2008, at 10:30 a.m., at the Fulton County Public Library, 320 West 7<sup>th</sup> Street, Meeting Room A, Rochester, Indiana, the Natural Resources Commission will hold a public hearing on proposed rule amendments to [312 IAC 5-6-5.5](#), governing special watercraft standards on Lake Manitou, Fulton County, by removing the sunset clause to maintain the ecozone in the area known as the "Prairie".

The Lake Manitou special watercraft zone, codified at [312 IAC 5-6-5.5](#), became effective October 1, 2005. The existing rule contains a "sunset" clause with an expiration date of April 30, 2008. The Lake Manitou special watercraft zone is locally known as the "Prairie". The area is approximately 40 acres of shallow water that, historically, was covered with emergent vegetation dominated by rushes. Power boating through the area was a leading cause of the loss of emergent vegetation.

The rule was established under authority [IC 14-15-7-3\(a\)\(4\)](#) to establish zones where restrictions for public safety can be placed on watercraft operations and [IC 14-15-7-3\(a\)\(6\)](#) where zones are authorized where the use of watercraft may be limited or prohibited for fish, wildlife, or botanical resource management. The rule prohibits motorized boating but allows boats to drift or to be manually propelled through the zone. The proposed rule amendment seeks to remove the sunset clause and make the rule permanent under the same authorities.

The watercraft zone sunset provision was implemented to allow evaluation of the effectiveness of the watercraft zone. It is presumed that the measure of most interest is the expansion of rush beds. DNR staff observed the area has not expanded to great extent since establishment of the special watercraft zone. The 2007 discovery of the invasive plant hydrilla in Lake Manitou, and subsequent lakewide treatment, prevented the DNR's plan to replant rush vegetation. The DNR concludes that it has taken decades for the rushes to have been reduced to current levels, and it was unrealistic to expect natural expansion of the rush beds in three years.

The Department concludes the Lake Manitou ecozone to have been effective for the following reasons.

- 1) Boating safety issues have been addressed as no incidents due to motorboating within the shallow waters of the zone were reported to the Division of Law Enforcement.
- 2) The small stand of rush was preserved, and the opportunity was there for the bed to expand naturally or for restoration efforts to take place.
- 3) Prior to the treatment for hydrilla, nearly the entire 40 acres was covered with underwater aquatic vegetation that provided fish habitat, acted to reduce wave action and bank erosion, and tied up nutrients and sediments that helped to reduce water turbidity and the production of algae.
- 4) An area was provided to anglers where they would not be disturbed by motorboats, personal watercraft, and the waves generated by those craft.

The Department is pursuing a permanent watercraft protection zone for Lake Manitou because the above four reasons are likely to continue in perpetuity. Because the shallow nature of the area within the watercraft zone would normally preclude high speed boating, the proposed rule is not an additional restriction on recreational boating.

- Asplund, Timothy R. 2000. *The Effects of Motorized Watercraft on Aquatic Ecosystems*.
- Wisconsin Department of Natural Resources, Bureau of Integrated Science Services and University of Wisconsin – Madison, Water Chemistry Program. Publication SS – 948 – 00.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter  
Chairman  
Natural Resources Commission

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