

Notice of Public Hearing

LSA Document #22-296

Notice of Public Hearing

Under [IC 4-22-2-24](#), notice is hereby given that on December 2, 2022, at 1:00 p.m. EST, at the Community Center at 233 West Main Street, Fort Wayne, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to [312 IAC 5-7-1](#) to identify speed zones with coordinates, rather than just onsite buoys, and to remove references to navigable waterways, and adds [312 IAC 5-7-16](#), [312 IAC 5-7-17](#), and [312 IAC 5-7-18](#) concerning an idle speed zone on the St. Mary's River, St. Joseph River, and Maumee River.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: All requirements or costs by the new rules on regulated entities under [IC 4-22-2-24\(d\)\(3\)](#) are reasonably necessary for the regulation of water recreation under [IC 14-15-7-3](#).

[312 IAC 5-7-1](#): The amendments add identifying speed zones with coordinates, rather than just onsite buoys, which are hard to secure on rivers, and clarifies which coordinates the Department may use. The amendments also remove the language applying to navigable waterways and instead identifies these waters as public waters. [IC 14-15-7-3](#) applies to public waters, which means every lake, river, stream, canal, ditch, and body of water that is subject to the jurisdiction of the state. Therefore, it is unnecessary to identify navigable waterways when this is not contemplated under the applicable statutes.

[312 IAC 5-7-16](#): This new rule proposes an idle speed zone on the St. Mary's River. This rule was requested under Information Bulletin #7 (<http://iac.iga.in.gov/iac/20170531-IR-312170268NRA.xml.pdf>) by the city of Fort Wayne's Department of Parks and Recreation to add boating restrictions for the St. Mary's River, St. Joseph River, and Maumee River through Fort Wayne, Indiana. Under [IC 14-15-7-3\(a\)](#), speed restrictions can be set where unusual conditions or hazards exist, including an obstruction in or along public water, watercraft traffic congestion, or existence of a beach, boat launch, marina, dam, spillway, or other recreational facility on or adjacent to public water. In addition, watercraft use may be limited or prohibited for the protection of users, fish, wildlife, or botanical resource management, or all. [IC 14-15-7-3\(a\)\(6\)](#). The NRC recommended approval of the request because of the increased boat traffic and development of marinas along the shoreline of the three rivers. The coordinates of the bridge and confluence are provided in the rule.

[312 IAC 5-7-17](#): This new rule proposes an idle speed zone on the St. Joseph River. Same as above. The coordinates are provided in the rule.

[312 IAC 5-7-18](#): This new rule proposes an idle speed zone on the Maumee River. Same as above. The coordinates are provided in the rule.

The DNR has the statutory authority to adopt rules under [IC 14-11-2-1](#). The Natural Resources Commission has the statutory authority to adopt rules under [IC 14-10-2-4](#). The DNR may adopt rules under [IC 14-15-7-3](#) to set speeding restrictions.

Sources of information for determining costs and benefits were obtained from the city of Fort Wayne, and staff of the DNR Divisions of Law Enforcement and Fish and Wildlife.

Individuals requiring reasonable accommodations for participation in this event should contact the Natural Resources Commission at: Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, IN 46204-2273, Attn: ADA Compliance, or call (317) 232-4699. Speech and hearing impaired callers may contact the Commission via the Indiana Relay Service (711) or (800) 743-3333. Please provide a minimum of 72 hours notification.

The proposed rule amendments may be inspected and copied at the Natural Resources Commission, Division of Hearings, Indiana Government Center North, 100 North Senate Avenue, Room N103, Indianapolis, Indiana or may be obtained upon request by calling (317) 232-4699. Written comments may be submitted to the same mailing address or electronically through <https://www.in.gov/nrc/rules/rulemaking-docket/>.

Bryan W. Poynter
Chairman
Natural Resources Commission

Posted: 11/09/2022 by Legislative Services Agency
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