

March 22, 2021

VIA EMAIL

Natural Resources Commission
Division of Hearings
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2200
nrcaopa@nrc.in.gov

**Re: Administrative Cause Number 19-114L
Petition for Rule Change – Boat Speed Limit**

Commission Members:

On September 2, 2020, the City of Fort Wayne through the City’s Department of Parks and Recreation filed a petition for rule change with the NRC under Indiana Code section 14-15-7-3. The NRC accepted the petition and initiated the procedure under Information Bulletin #7. The Director of DNR assigned a Committee comprised of Lt. Kenton Turner and Lt. Erick Bolt, of the Division of Law Enforcement, and Rebecca McClain, of DNR Legal Counsel. The Committee members provide the following recommendation:

Background

The City requests a no wake zone along the Riverfront Development Area. This Designated Area (see Exhibit A attached to the Petition) stretches along portions of three rivers: St. Mary’s River, St. Joseph River, and Maumee River. Petitioners claim an increase in boating and pedestrian activities in the Designated Area. The City claims that activities such as boating, kayaking, and other watercraft activities create safety hazards due to blind curves. In addition, the City states that Promenade Park recently opened increasing pedestrian use within the Designated Area. Petitioners also believe a no wake zone will prevent disturbance to wildlife habitats in the area. More development activities are anticipated along the Designated Area in the coming years.

Legal Standards

IC 14-15-7-3 Adoption of rules; violations

Sec. 3. (a) The department may adopt rules under IC 4-22-2 to implement this article concerning the following:

(4) The safe operation of watercraft upon public water where unusual conditions or hazards exist, such as any of the following:

- (A) An obstruction in or along public water.
- (B) Watercraft traffic congestion.
- (C) A beach, boat launch, marina, dam, spillway, or other recreational facility on or adjacent to public water.

(6) The establishment of zones where the use of watercraft may be limited or prohibited for the following purposes:

- (A) Fish, wildlife, or botanical resource management.
- (B) The protection of users.

(b) In a rule adopted under subsection (a)(4) or (a)(6), the department may establish a zone where:

- (1) the operation of all or some types of watercraft is prohibited;
 - (2) particular activities are restricted or prohibited; or
 - (3) a limitation is placed on the speed at which a watercraft may be operated.
- (c) A person who violates this section commits a Class C infraction.

Analysis

The Committee provides the following analysis and supporting evidence from the Divisions of Law Enforcement and Fish & Wildlife.

1. Increased boating traffic

The City has provided affidavits from private and public individuals and entities in support of the petition that there is an increase in watercraft traffic congestion in the Designated Area. DNR’s Division of Law Enforcement also provides information from local boating businesses.

The numbers below represent activity from the Sweet Breeze and the Tri-State Watershed passenger cruises, provided by Robert Menze of Friends of the Rivers:

- 2017 season: 38 tours with 1,200 riders
- 2018 season: 98 tours with 3,171 riders
- 2019 season: *Before Promenade Park opening* – 28 tours with 743 riders
- After Promenade Park opening* – 112 tours with 3,852 riders
- 2019 Season total: 140 tours with 4,595 riders

The Fort Wayne Parks and Recreation Department stated it is in the process of negotiating with Friends of the River to operate the Sweet Breeze Canal boat in downtown Fort Wayne. Both parties anticipate at least a 20% or more increase of scheduled tours on the downtown rivers. However, due to the COVID-19 emergency in 2020 there are no numbers to indicate this trend as the passenger cruises were unable to run. No further information was provided on running the passenger cruises in 2021.

The following numbers represent boats launched downtown by Fort Wayne Outfitters, provided by Cara Hall. Ms. Hall also provided information to compare just one day, the last Saturday in both July 2019 at 45 boats launched and July 2020 at 176. Numbers were unavailable for 2017 and 2018. Ms. Hall also provided information there were low numbers in May and June of 2019 due to flooding.

	May	June	July	August	September
2016			647	425	
2019	0	199	695	1172	851
2020	625	2170	2347	2181	734

The information provided by boat retailers shows an increase in boat traffic for 2019 and 2020, due in part to recent development in the Designated Area. In addition, Phase 2 of the development in the area includes a concrete dock near the Martin Luther King Jr. Bridge and a floating boardwalk just upstream from there. For these reasons, the Committee believes regulation due to watercraft traffic congestion is necessary.

2. Safety issues

The City also asserts that for the protection of pedestrians and boaters a no wake zone is necessary along the growing Riverfront Development Area. DNR’s Division of Law Enforcement provided information going as far back as 1995 that no pedestrian accidents involving boaters have been reported and only one boating accident involving a cruise boat and speedboat was reported in 2020. The speedboat was cited for reckless driving. No further evidence has been provided by local law enforcement to support the claims of safety hazards. However, safety of users is of utmost concern where traffic is steadily increasing.

3. Impacts to fish and wildlife

Finally, the City claims that the no wake zone would prevent disturbance to fish and wildlife and surrounding habitat. No evidence in support of this claim was provided. DNR’s Division of Fish & Wildlife believes that a speed limit to reduce wake may reduce effects that can potentially cause erosion and habitat degradation. The Division also supports efforts for habitat protection and restoration in the area to prevent further disturbance.

4. Nonnavigable waterway

Currently, 312 IAC 5 contains boating regulations for public waters of Indiana. Under the code, rules have been established for specified public freshwater lakes, specified navigable waterways (other than Lake Michigan), Lake Michigan, specified waters owned by public utilities, and specified lakes and reservoirs with state or federal funding. This situation is unique because St. Mary’s River has been declared by the US Congress as nonnavigable. Therefore, it does not fit neatly under 312 IAC 5-7. For this reason, the Committee finds that a no wake zone or speed limit for the Designated Area cannot be added to the specified navigable waterways. Instead, a new category of boating regulations for “other public waters” would need to be proposed for rule adoption.

5. Enforcement

DNR along with local law enforcement would be authorized to enforce a no wake zone.

Recommendation

The Committee has determined that there is an increase in boat traffic, which is likely to further increase with development and cause safety hazards along the Designated Area. DNR understands the need to regulate and provide safe recreational activities within the urban Designated Area. In addition, fish and wildlife in the area may benefit from speed regulation along with continued local efforts for habitat management.

Instead of a “no wake” zone, the Committee recommends an “idle speed” zone. Indiana Code section 14-8-2-129 defines “idle speed” as “the slowest possible speed, not exceeding five (5) miles per hour, that maintains steerage so that the wake or wash created by the watercraft is minimal.” Indiana Code section 14-15-3-17 provides that “a person may not operate a motorboat within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.” Idle speed allows for safe steering while creating the smallest wake and slowest possible speed. A “no wake” speed limit could create a hazardous situation because in order to comply with no wake you may sacrifice being able to steer/navigate safely, especially on a river where there is a current. Some vessels because of their size or design would have to create some wake in order to be able to steer. Idle speed is commonly used as the speed restriction in the law for areas where there is high congestion such as in channels or within 200 feet of shore where there are swimmers, piers, boat lifts, swim rafts etc. *See e.g.* 312 IAC 5-6-6; 312 IAC 5-7-2.

If the NRC chooses to adopt a rule, it should create a new category of boating regulations applied to “other public waters” at 312 IAC 5-7.5 to accommodate the City’s request along the Designated Area that includes the St. Mary’s River.

Thank you,

s/ Rebecca McClain

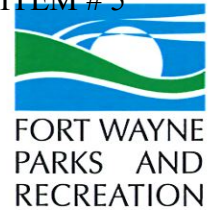
 Rebecca McClain
 Staff Attorney

s/ Erick Bolt

 Lt. Erick Bolt

s/ Kenton Turner

 Lt. Kenton Turner



September 2, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

The purpose of this letter is to petition the Commission under **IC 14-15-7-3** to limit boat traffic speed within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in the City of Fort Wayne, Indiana (the "City") through the creation of a "no wake zone". The specific area over which the no wake zone is requested is depicted in the City's 2015 River Study attached hereto as **Exhibit A** (the "Designated Area"). The full plan can be found at <http://riverfrontfw.org/about/#history> under Riverfront Planning/Riverfront Fort Wayne Conceptual Plan.

The City's request for a no wake zone in the Designated Area derives from the large increase in boating and pedestrian activities in the Designated Area following from the City's opening of Promenade Park as Phase I of the City's Riverfront Development and the anticipated increase in such activities as Phases II and III of the Riverfront Development are developed.

Subsequent to the opening of Promenade Park in 2019, the Designated Area has experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a no wake zone.

The Designated Area is now populated by: (a) "Sweet Breeze" (an authentic canal boat replica providing boat rides for the public in the St. Mary's River with mooring privileges in the Designated Area); (b) kayaks, canoes and stand-up paddle boards which are rented by the public from "Fort Wayne Outfitters" (a recreational personal watercraft business) and used in the Designated Area; commercial boat operators which provide boat rides for the public in the Designated Area; (c) a variety of special events which are held within or in the proximity of the Designated Area; (d) privately owned boats, kayaks and other watercraft which utilize the Designated Area; and (e) a significant segment of the general public who regularly frequent Promenade Park and use the shoreline bordering the Designated Area for recreational activities.

The increase boat traffic and increased pedestrian activities in the Designated Area are not compatible with watercraft navigating the Designated Area at an unregulated speed. Increased noise levels, the disturbance of wildlife habitats and safety concerns due to blind curves in the rivers are also issues of concern which have increased due to unregulated boat speeds in the Designated Area. The imposition

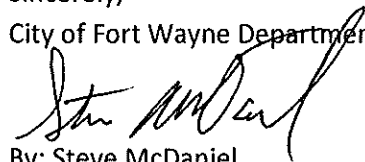
of a no wake zone in the Designated Area is required to achieve compatibility between watercraft use in the Designated Area and the current and anticipated increase in the many Riverfront Development activities.

Attached hereto are letters of support from both public and private sector interests which express concerns regarding the current situation and the need to regulate boat speeds in the Designated Area through the adoption of a rule by the Natural Resources Commission which establishes a no wake zone for the Designated Area.

Please feel free to contact the undersigned for any additional information you may wish to consider in connection with evaluating this request.

Sincerely,

City of Fort Wayne Department of Parks and Recreation

A handwritten signature in black ink, appearing to read "Steve McDaniel", written over the typed name.

By: Steve McDaniel

Director



August 31, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

We are reaching out to express our collective support as the Board of Park Commissioners for the creation of a "No Wake Zone" within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne's recent proposal.

Our support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the opening of Promenade Park and an anticipated increase in similar activities as Fort Wayne's Riverfront Development strategy continues to move forward.

Following the successful opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities as our city has continued to renew its interest in our rivers. The natural result of this is an influx of new boating and other water activities. For the safety of the visitors to our city parks, a no wake zone is a necessity in this area of the Fort Wayne riverfront.

In addition, increased noise levels, the disturbance of wildlife habitats, and safety concerns due to blind curves in the rivers are issues of great concern when watercraft speeds are not regulated. The creation of a no wake zone in this area is absolutely vital to allow for the anticipated increase in Riverfront Development activities and to maintain the comfort and safety of our riverfront parks.

We thank you for your consideration of this measure to preserve the safety and comfort of the hundreds of thousands of people who visit and enjoy our parks every year.

Sincerely,

**BOARD OF PARK COMMISSIONERS
OF THE CITY OF FORT WAYNE**

Richard Samek, Commissioner and Board President
Pamela Kelly M.D., Commissioner and Vice President
Justin Shurley, Commissioner
William Zielke, Commissioner
Steve McDaniel, Commissioner and Secretary



CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

August 20, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

I am writing this letter to express my support for the creation of a “No Wake Zone” within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne’s recent proposal.

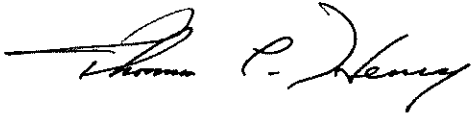
My support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the City’s opening of Promenade Park and an anticipated increase in similar activities as our Riverfront Development strategy continues to move forward.

Following the successful opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities as our city has continued to renew its interest in our rivers. The natural result of this is an influx of new boating and other water activities. For the safety of our citizens, a no wake zone is a necessity in this area of the Fort Wayne riverfront.

In addition, increased noise levels, the disturbance of wildlife habitats, and safety concerns due to blind curves in the rivers are issues of great concern when watercraft speeds are not regulated. The creation of a no wake zone in this area is absolutely vital to allow for the anticipated increase in Riverfront Development activities and to maintain the comfort and safety of our neighborhoods.

As Mayor of Fort Wayne, I want to reiterate my support for this modification to our rapidly growing and evolving riverfront area, and I thank you for your consideration of this measure to preserve the safety and comfort of our citizens and residents.

Sincerely,



NAME Thomas C. Henry

Organization City of Fort Wayne

Position Mayor

E-mail mayor@cityoffortwayne.org

Phone number 260-427-1111

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Citizens Square Suite 410 · 200 East Berry Street · Fort Wayne, IN 46802

Phone: 260.449.7555 FAX: 260.449.7568



RICHARD E. BECK THERESE M. BROWN F. NELSON PETERS

August 24, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members,

We are writing this letter to express our support for the creation of a “no wake zone” within a section of the St. Mary’s and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne’s recent proposal.

The opening of Promenade Park in downtown Fort Wayne has created a major increase in recreational activities along and on the riverfront. This increase in traffic has created a safety concern for both motorized and non-motorized watercrafts using the rivers. The creation of a “no wake zone” would ensure the safety of all residents on our rivers.

Thank you for your attention on the above matters. As stated previously, we appreciate the creation of a “no wake zone”. Please feel free to contact our office for questions on this matter.

Sincerely,

F. Nelson Peters
Commissioner

Therese M. Brown
Commissioner

Richard E. Beck
Commissioner

August 17, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

We are writing this letter to show our Bloomingdale Neighborhood Association (BNA) collective support for the creation of a "No Wake Zone" within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne's recent proposal.

The BNA, next to downtown Fort Wayne, is physically connected to the downtown riverfront through two parks, Bloomingdale Park East and Bloomingdale Park West. Our longtime residents and property owners along with new residents in the neighborhood are supportive of riverfront development, interested in outdoor activities and many frequently paddle the rivers. Current boating traffic in this area is comprised of 90% human powered craft.

Our support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the City's opening of Promenade Park and an anticipated increase in similar activities as Riverfront Development continues.

Subsequent to the opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a no wake zone and watercraft speed regulation. There are many new boaters with little to no experience who are now using the rivers, and they are often unfamiliar with safe boating practices. We encourage the regions lake boaters to explore their local rivers. However, boating on these small rivers with significant numbers human powered craft require regulations and education to keep everyone safe.

Increased noise levels, the disturbance of wildlife habitats and safety concerns due to blind curves in the rivers are also issues of concern which have increased due to unregulated boat speeds. The creation of a no wake zone in the area is required to allow for the anticipated increase in many Riverfront Development activities, which we also support as an organization, and to maintain the comfort, safety and positive experiences of our river users.

Sincerely,

Kay Smith.Shoemaker
Neighborhoods United Group
1645 Emerson Ave – North Highlands
Kaysmith.shoemaker@gmail.com
260-424-1047



Northside Neighborhood Association

PO Box 5394
 Fort Wayne Indiana 46895
www.northsideneighborhood.org

←—————→
 August 27, 2020

Division of Hearings
 Natural Resources Commission
 Indiana Government Center North
 100 North Senate Avenue, Room N103
 Indianapolis, Indiana 46204-2273

Dear Commission Members:

We are writing this letter to show our collective support for the creation of a “No Wake Zone” within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana per the City of Fort Wayne’s recent proposal.

The NNA is a neighborhood of approximately 3,000 properties, 10,000 residents and bounded on three sides by our rivers. The revival of our downtown with its now signature Promenade Park has led to an increase in human powered watercraft. We totally support this revitalized downtown.

Our support for the “No Wake Zone” in the Designated Area is due to the increase in boating and pedestrian activities in that area. It is anticipated those activities will increase as the Riverfront continues to develop.

Subsequent to the opening of Promenade Park in 2019 the increase in commercial and private boat traffic, as well as pedestrian activities, have combined to create multiple issues requiring the implementation of a no wake zone and watercraft speed regulation. There are many new boaters with little to no experience who are now using the rivers. These new boaters are often unfamiliar with safe boating practices. Current boating traffic in this area is comprised of 90% human powered craft. We encourage the regions lake boaters to explore their local rivers. However, boating on these small rivers with significant numbers of human powered craft require regulations and education to keep everyone safe.

Increased noise levels, the disturbance of wildlife habitats and safety concerns due to blind curves in the rivers are also issues of concern which have increased due to the unregulated boat speeds. These issues affect the environment and well-being of our neighborhood which bounds these activities. We support the creation of a “No Wake Zone” in the Designated Area to maintain the comfort, safety, and positive experiences for our neighborhood and our river users.

Sincerely,

Ed Graf, President
 Miriam Larmore, Treasurer
 mlarmore@frontier.com
 Linda J. Kirby Secretary
 lkirby2601@frontier.com

August 17, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

We are writing this letter to show our Wells Corridor Business Association (WCBA) collective support for the creation of a "No Wake Zone" within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne's recent proposal.

The WBCA the largest business district, next to downtown Fort Wayne, adjacent and physically connected to the downtown riverfront. Our newer business owners and new residents in the surrounding neighborhoods are overwhelmingly younger, interested in outdoor activities and frequently paddle the rivers. Current boating traffic in this area is comprised of 90% human powered craft.

Our support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the City's opening of Promenade Park and an anticipated increase in similar activities as Riverfront Development continues.

Subsequent to the opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a no wake zone and watercraft speed regulation. There are many new boaters with little to no experience who are now using the rivers, and they are often unfamiliar with safe boating practices. We encourage the regions lake boaters to explore their local rivers. However, boating on these small rivers with significant numbers human powered craft require regulations and education to keep everyone safe.

Increased noise levels, the disturbance of wildlife habitats and safety concerns due to blind curves in the rivers are also issues of concern which have increased due to unregulated boat speeds. The creation of a no wake zone in the area is required to allow for the anticipated increase in many Riverfront Development activities, which we also support as an organization, and to maintain the comfort, safety and positive experiences of our river users.

Sincerely,

Shawna Nicelley
Wells Corridor Business Association
Board President
shawna@gjioesfw.com
260-466-0540



West Central Neighborhood Association

PO Box 13151, Fort Wayne, IN 46867

August 16, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

We are writing this letter to show our collective support for the creation of a "No Wake Zone" within a section of the St. Mary's and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne's recent proposal.

Our support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the City's opening of Promenade Park and an anticipated increase in similar activities as Riverfront Development continues.

Subsequent to the opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a no wake zone and watercraft speed regulation. There are many new boaters with little to no experience who are now using the rivers, and they are often unfamiliar with safe boating practices.

Increased noise levels, the disturbance of wildlife habitats and safety concerns due to speeding boats among residents using canoes and/or kayaks. The creation of a no wake zone in the area is required to allow for the anticipated increase in many Riverfront Development activities, which we also support as residents, and to maintain the comfort and safety of our neighborhoods.

Thank you,

Ben Wahli, President, West Central Neighborhood Association Board

August 17, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

We are writing this letter to show our Maumee Watershed Alliance (MWA) collective support for the creation of a "No Wake Zone" within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne's recent proposal.

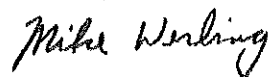
The MWA primary target area of work is the entire St. Marys and St. Joseph rivers watersheds and the Maumee River from it's headwaters in Ft. Wayne to Defiance, Ohio. As our multiple affiliate organizations strive to safeguard and improve the natural riverine environment, we realize that downtown Ft. Wayne is the hub for this entire region and river activities there are great teaching tools for broader watershed initiatives.

Our support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the City's opening of Promenade Park and an anticipated increase in similar activities as Riverfront Development continues.

Subsequent to the opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a no wake zone and watercraft speed regulation. There are many new boaters with little to no experience who are now using the rivers, and they are often unfamiliar with safe boating practices. We encourage the regions lake boaters to explore their local rivers. However, boating on these small rivers with significant numbers human powered craft require regulations and education to keep everyone safe.

Increased noise levels, the disturbance of wildlife habitats and safety concerns due to blind curves in the rivers are also issues of concern which have increased due to unregulated boat speeds. Current boating traffic in this area is comprised of 90% human powered craft. The creation of a no wake zone in the area is required to allow for the anticipated increase in many Riverfront Development activities, which we also support as an organization, and to maintain the comfort, safety and positive experiences of our river users.

Sincerely,



Mike Werling

Maumee Watershed Alliance

Board President

mwoodgrain@frontier.com

260-418-6148



Save Maumee Grassroots Organization Inc.
Help us to speak for our Rivers...for our Rivers have no voice

August 25, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members,

Save Maumee Grassroots Organization, Inc. is writing to show our collective support for the creation of a "No Wake Zone" within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne's recent proposal.

Our support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the City's opening of Promenade Park and an anticipated increase in similar activities as Riverfront Development continues.

Subsequent to the opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a *no wake zone* and watercraft speed regulation. There are many new boaters with little to no experience who are now using the rivers, and they are often unfamiliar with safe boating practices.

Increased noise levels, the disturbance of wildlife habitats and safety concerns due to blind curves in the rivers are also issues of concern which have increased due to unregulated boat speeds. The creation of a *no wake zone* in the area is required to allow for the anticipated increase in many Riverfront Development activities, which we also support as residents, and to maintain the comfort and safety of our neighborhoods.

Sincerely,

A handwritten signature in black ink that reads "Abigail King". The signature is fluid and cursive.

Abigail King
Save Maumee Grassroots Organization, Inc.
Board of Directors President & Founder

Maumee Watershed Alliance, Board Member
Upper Maumee Watershed Partnership, Board Member



FRIENDS OF THE RIVERS

August 27, 2020

Division of Hearings
 Natural Resources Commission
 Indiana Government Center North
 100 North Senate Avenue, Room N 103
 Indianapolis, Indiana 46204-2273

Dear Commission Members:

The Board of Friends of the Rivers, Inc. enthusiastically support the “no-wake zone” petition of the City of Fort Wayne Department of Parks and Recreation for the discussed designated area portions of the downtown Fort Wayne rivers.

Fort Wayne has been blessed by an abundance of river traffic in these last 3-4 years. Adequate river space exists only for that traffic while a safe and no wake speed is maintained.

Our non-profit 501(c)(3) operates the largest vessel on the three rivers...by far! Our replica Wabash & Erie Canal boat is 54' long 11' wide weighing over 27,000 pounds. Our boat, Sweet Breeze, carries 40 passengers for public tours of the designated areas of the St. Marys, St Joseph and Maumee Rivers. We employ licensed and trained captains. We move slowly...by design. If a fast-moving vessel strikes our boat the risk of significant damage to our boat is small. The risk to our less agile or disabled passengers would be significant if we must abandon ship. The risk of a fast moving craft striking a self-propelled personal watercraft is much greater. Many of those individuals on personal watercrafts are first time on the water experiencing kayaking, canoeing and stand up paddle boarding sometimes in erratic fashion. They would be and are in great danger with great risk of personal injury with the current no speed limit rules.

For the safety of our rivers and for those many enjoying them, Friends of the Rivers support the “no wake zone” for Downtown Fort Wayne.

Sincerely,

Ron S. Menze
 Friends of the Rivers, Inc.
 Board of Directors - President



Sweet Breeze—Fort Wayne’s Authentic Canal Boat Experience!



11206 Belleharbour Cove | Fort Wayne, IN 46845 | 260-414-4195

September 1, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

We are writing this letter to show Glorious Gate Rowing Association's collective support for the creation of a "No Wake Zone" within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne's recent proposal.

Our support for this change is due to an increase in boating and pedestrian activities in the Designated Area following the City's opening of Promenade Park and an anticipated increase in similar activities as Riverfront Development continues.

Subsequent to the opening of Promenade Park in 2019, this area of the rivers has experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a no wake zone and watercraft speed regulation. There are many new boaters with little to no experience who are now using the rivers, and they are often unfamiliar with safe boating practices.

Increased noise levels, the disturbance of wildlife habitats and safety concerns due to blind curves in the rivers are also issues of concern which have increased due to unregulated boat speeds. The creation of a no wake zone in the area is required to allow for the anticipated increase in many Riverfront Development activities, which we also support as residents, and to maintain the comfort and safety of our neighborhoods.

Sincerely,

Dan Wire

Glorious Gate Rowing Association - Board President

Danwire54@yahoo.com - 260-580-7415

August 26, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

Fort Wayne Outfitters and Bike Depot fully supports the creation of a “No Wake Zone” within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne, Indiana, per the City of Fort Wayne’s recent proposal.

We operate a paddlesport rental business in Promenade Park on the St. Mary’s River within the proposed no wake zone. Over the years, have witnessed a huge increase in the number of paddlers on the river. Many paddlers renting from us and in their own kayaks are novices. Many of the new motorboats we are now seeing on the rivers are people without much experience either. Without the proposed “No Wake Zone” we feel the increased traffic is an accident waiting to happen.

We’ve witnessed boats and wave runners speeding through this section of the river and weaving through kayaks. This is extremely dangerous, especially when there are many blind curves.

We hope you will approve the proposal of the “No Wake Zone” for the safety of the people using the rivers, the protection wildlife and to eliminate noise in neighborhoods along our rivers.

Sincerely,

Cara and Tim Hall

Owners

Fort Wayne Outfitters and Bike Depot

cara@fwoutfitters.com

260.420.3962

DOWNTOWN IMPROVEMENT DISTRICT

904 SOUTH CALHOUN ST. FORT WAYNE, IN 46802
TELEPHONE # 260-420-3266 FAX # 260-467-1606
WWW.DOWNTOWNFORTWAYNE.COM



August 18, 2020

Dear Commission Members:

The purpose of this letter is to petition the Commission under IC 14-15-7-3 to limit boat traffic speed within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in the City of Fort Wayne, Indiana through the creation of a "no wake zone".

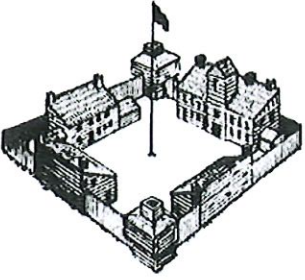
Downtown Fort Wayne has experienced an unprecedented growth of residents and tourists in the last decade, and with the opening of Promenade Park in 2019, a substantial increase in the number of canoers, kayakers and casual boaters. These are often "day" boaters, renting equipment for a casual morning or afternoon on the water. Ensuring the safety of these recreational boaters, often new to the sport, is of paramount concern. Reducing speeds of motorized boats in a "no wake zone" helps to ensure the safety of less speedy paddlers and those with less experience and control, and keeps a rapidly increasing number of Riverfront visitors free from excessive noise and exhaust fumes.

As we work on enhancing the quality of place in Downtown Fort Wayne, increasing the safety of our downtown Riverfront is a crucial element on the path forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Galbraith", written in a cursive style.

Michael Galbraith
President, Fort Wayne Downtown Improvement District



Historic Fort Wayne, Inc.

P.O. Box 12650, Fort Wayne, IN 46864
(260) 437-2836 www.oldfortwayne.org



Aug.16, 2020

Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N 103
Indianapolis, Indiana 46204-2273

Dear Commission Members:

The purpose of this letter is to add our support to the recent request made by the Fort Wayne Department of Parks and Recreation to make a portion of the “downtown rivers” a no-wake zone.

From our position on the St. Mary’s River we have observed a number of dangerous situations over the years that we believe would be dealt with by a no-wake zone. High speed boats and Kayaks in a narrow space don’t seem to mix well. People don’t seem to realize that logs float partially submerged in the water and most recently a Jet Ski was observed at a high rate of speed on the river. The other issue that affects everyone is the noise caused by the boats at high speed which reduces the ambiance that the river offers.

Our position is that a no-wake zone seems to be a logical answer to the problems that we observe.

Respectfully,
Norman B. Gable
President Historic Fort Wayne Inc.



HEADWATERS
PARK
ALLIANCE

August 15, 2020

Natural Resources Commission, Divisions of Hearings
Indiana Government Center, Room N 103
Indianapolis, IN 46204-2273

Dear Commission Members:

The purpose of this letter is to show support from the Headwaters Park Alliance for the creation of a “no wake zone” within a section of the St. Marys and St. Joseph Rivers and their confluence with the Maumee River in Fort Wayne.

The city’s request for a no wake zone in the designated area derives from the large increase in boating and pedestrian activities, following the opening of Promenade Park as a Phase I of the city’s riverfront development efforts. Subsequent to the opening of Promenade Park in 2019, this area of the river had experienced a significant increase in commercial and private boat traffic and pedestrian activities, the combination of which has created multiple issues requiring the implementation of a no wake zone.

This area of the river is now populated by an authentic canal boat replica, which provides boat rides for the public. There are kayaks, canoes, and stand up paddle boats, as well as privately owned boats. Increased noise levels will also disturb wildlife habitats with unregulated boat speed. There are also many blind curves along this stretch of rivers.

The increased boat traffic and increased pedestrian activities are not compatible with watercraft navigating at an unregulated speed. The imposition of a no wake zone is requested to achieve compatibility between watercraft use in this area and the current and anticipated increase in the many riverfront development activities. We hope you will grant this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff Paddock".

Geoff Paddock
Executive Director, Headwaters Park Alliance

SOP #: S03 INCIDENT REPORTING AND INVESTIGATION PROCEDURES

CATEGORY: Safety

PREPARED BY: Lozo

DATE: March 20, 1995

Revised: February, 2015; July, 2018

PURPOSE: Provide guidance for employees and supervisors reporting or investigating incidents resulting in employee injuries and/or vehicle or equipment damage. This SOP and the attached forms replace all previous SOPs, injury report cards and vehicle accident cards.

REQUIRED PROCEDURES, PROCESS OR ACTIONS:

- A. General.
- B. Forms Used
- C. Reporting Incidents

APPLICABILITY: All Park Department employees and volunteers.

REFERENCES AND FORMS:

City of Fort Wayne Policy and Procedure Manual – 6.10 Drug and Alcohol Testing Procedures.

City of Fort Wayne Policy and Procedure Manual –6.04 Safety and Health

City of Fort Wayne Accident/Injury Investigation Report (IAIR).

FWPRD Patron Injury Report.

**FORT WAYNE PARKS AND RECREATION
INCIDENT REPORTING AND INVESTIGATION STANDARD OPERATING PROCEDURE**

A. **GENERAL.** An incident is a situation occurring during completion of official department business that had potential (near miss) to or result in:

An employee injury or illness;
Damage to department facilities, equipment or vehicles;
A patron injury; or,
Damage to private property.

Incident examples are: vehicle accident, rolling a mower, sudden equipment component failure, chemical splashes on skin, a grinding wheel blowing up, engine seizing, etc - anything out of the ordinary.

Incident reporting alerts and informs management and employees about the circumstances surrounding an accident. Incident investigation determines the causes of an accident and recommends corrective actions to eliminate or minimize future incidents.

B. **FORMS USED.**

City of Fort Wayne Accident/Injury Investigation Report (IAIR) dated 7/18 (Attached) - provides a record of the circumstances relating to an incident involving department equipment, vehicles, employees or volunteers. The front side of the report is completed by the individual reporting the incident. The supervisor then completes the investigation and notes findings on the back side of the report.

Patron Injury Report - is used to report pool pullouts and injuries incurred by department facility and program patrons. The report is completed by any park representative.

C. **REPORTING INCIDENTS.**

General. Minor first aid incidents shall be reported to the supervisor daily or the first working day after the incident. **For any other incident, the immediate supervisor and the Manager of Safety and Operations Support must be informed immediately, regardless of day or time as per the memorandum "Medical Service for On The Job Injuries. For serious or life threatening injuries, call 911 first!** The Manager of Safety and Operations Support or designated representative will coordinate medical aid and investigate the incident as soon as possible. The Lawton Office will notify the next of kin for injured employees.

Employee actions if involved in an accident or injury:

**FORT WAYNE PARKS AND RECREATION
INCIDENT REPORTING AND INVESTIGATION STANDARD OPERATING PROCEDURE**

- 1) Initiate the appropriate first aid steps for injured persons. If the injury is considered serious (chest pains, loss of consciousness, possible fracture, severe bleeding, etc) call 911 direct, if possible, and notify Lawton Park/Forestry. You may also go to Channel 16 on the park Motorola radios, identify yourself as a Park Department employee and that you have an emergency. For other injuries requiring medical attention, call the Manager of Safety and Operations Support or your supervisor for further instructions. For after hours treatment, you must refer to the Medical Services for On the Job Injuries memorandum for the appropriate medical facility.
- 2) For city owned vehicle/equipment accidents, summon City Police to the scene and request assistance from Lawton Park/Forestry, regardless of the amount of damage; or where the accident occurs; or who is involved.
- 3) Do not move vehicles until your supervisor has photographs of the scene and damage, unless directed to do so by the police.
- 4) Do not assume liability for the accident.
- 5) Get names, address and telephone numbers of any witnesses.
- 6) Complete the Incident Investigation Report (IIR) to the best of your ability and give to your supervisor the day of the incident or first working day after.
- 7) Complete any actions required in accordance with City of Fort Wayne Policy and Procedure Manual – 6.10 Drug and Alcohol Testing Procedures.

Supervisor Actions. If possible, employees with other than a minor injury will be accompanied to medical treatment by a supervisor. Ensure the employee completes the front of an IIR for each incident. Complete the backside of the IAIR and forward it to the Manager of Safety and Operations Support. If circumstances prevent completion of the IAIR, then forward an "as is" copy to the Lawton Office and follow up with a completed IAIR as soon as possible. Contact the Manager of Safety and Operations Support if any assistance is required. The Manager of Safety and Operations Support or the supervisor must contact Risk Management for drug testing guidance for each incident. Drug testing is administered on the recommendations of a Risk Management representative AND a department supervisor.

Administrative Actions - The Lawton Office shall maintain a log of all employee and patron injuries and accidents. The first received copy of the IAIR (complete or incomplete) shall be sent to Risk Management within two days of the incident. The original IAIR shall be retained in a suspense file at the Lawton Office. Completed IAIRs will be placed into the suspense file and the incomplete IAIR discarded. All completed IAIRs and exhibits shall be reviewed by the Safety Committee monthly. Completed and reviewed IAIRs shall be placed in the permanent record file at Lawton and a copy forwarded to Risk Management and one copy to the responsible supervisor.

Safety Committee Actions - The safety committee shall review all IAIRs to

**FORT WAYNE PARKS AND RECREATION
INCIDENT REPORTING AND INVESTIGATION STANDARD OPERATING PROCEDURE**

determine if a department safety rule has been violated. The safety committee will not recommend disciplinary action. Committee findings shall be noted on the incident report. For an employee incurring two or more "at fault" incidents in a six month period, that employee/employee's supervisor shall attend the next safety committee meeting and explain corrective actions implemented so the employee works safe.

CITY OF FORT WAYNE POLICY AND PROCEDURE MANUAL

POLICY 604: Safety and Health

Effective as of 01-01-16

PRACTICE

1. Safety is a shared responsibility between employer and employee, with the employer being responsible for establishing and enforcing necessary safety practices and for maintaining a safe, healthy workplace, and with the employee responsible for following safety practices, acting in a safe, responsible manner, and for reporting hazards when observed. The City will follow all OSHA standards and any federal, state or local laws that apply.
2. To assist in this process, the following positions and groups have been established:
 - a. The City's Risk Management Department and staff which is responsible for all safety in City departments. The Safety Investigator in Risk Management will also head the safety team for the City, and participate on all safety teams throughout the City.
 - b. Department safety committees will define their particular areas of hazard and to work with management in minimizing such hazards.
3. The City maintains insurance coverage in accordance with current Indiana State Workers Compensation and Hurt on Duty Laws.

SAFETY RULES AND ENFORCEMENT

When management observes an employee disobeying safety rules, and where he/she endangers his/her own life and/or property and the lives and/or property of others, prompt action will be taken, which may include disciplinary action, up to and including termination, according to Policy 304: Disciplinary Actions. **Supervisors are to be held accountable for overseeing this policy.**

GENERAL WORK RULES

1. All vehicular accidents involving property or personal injury will be reported immediately to the Risk Management Department and the Fort Wayne City Police (Sheriff's Department in accidents within the county jurisdiction). The Risk Management Department will assure that adequate documentation is obtained, including interviewing witnesses, where appropriate.

CITY OF FORT WAYNE POLICY AND PROCEDURE MANUAL

POLICY 604: Safety and Health

Effective as of 01-01-16

2. In cases of on-the-job injury or illness, it will be the employee's responsibility to report the incident to his/her supervisor and to Risk Management and complete relevant paperwork as required by Risk Management and in accordance with City Policy 621.
3. Employees are prohibited from altering, nullifying, or changing design, or in any manner restricting, or interfering with the normal function of any device or equipment.
4. As stated in the City's Drug and Alcohol Testing Procedure (Policy 610), being under the influence of alcoholic beverages, intoxicants, or illegal substances while working or having them in your possession, is prohibited and will result in immediate disciplinary action, up to and including termination.

PERSONAL PROTECTIVE EQUIPMENT

1. In designated areas and on worksites where protective equipment is required, the equipment will be provided by the City and must be worn at all times.
2. The following are the personal protective equipment (PPE) minimum requirements. Individual departments may require a higher level of protection under defined circumstances:

Head Protection

- a. A hard hat must be worn within a City of Fort Wayne work zone.
- b. Hard hats must be worn during excavation, construction, or when any overhead work is taking place.
 - i. Per OSHA CFR 1926.100(a): "Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock or burns, shall be protected by protective helmets."
 - ii. Hard hats are to be Class I Type E by ANSI standards or greater.
- c. Hard hats with any of the following defects should be replaced at City cost:
 - i. Perforation
 - ii. Cracking
 - iii. Deformity of the brim or shell

CITY OF FORT WAYNE POLICY AND PROCEDURE MANUAL

POLICY 604: Safety and Health

Effective as of 01-01-16

- iv. Indication of exposure to heat, chemicals, or UV light such as loss of surface gloss, chalking, or flacking.

Worker Visibility

- a. All employees must wear a safety vest or shirt carrying an ANSI Class 2 rating or higher when any work is performed within or in the near vicinity of the right-of-way during daytime work. Any employee who is within fifteen feet of a City curb or within a City worksite is to be wearing a safety vest at all times.
 - i. Per Federal Highway Administration, Municipal Uniform Traffic Control Devices 2009 Edition: "All Workers within the right-of-way who are exposed to either traffic or to work vehicles and construction equipment within the traffic control zone shall wear high visibility safety apparel that meets the Performance Class 2 or Class 3 requirements of the ANSI/ISEA 107-2004 standard."
- b. High visibility must be replaced at City expense when it becomes faded, torn, dirty, soiled, worn, or defaced, and cannot be adequately cleaned.

OPERATION OF VEHICLES

1. An employee is required to have a valid Indiana operator's or Commercial Driver's License (CDL) to operate licensed vehicles owned by the City of Fort Wayne or any leased vehicle.
2. The driver shall observe all state and local traffic laws and ordinances.
3. All City employees who operate, or are occupants in, a City vehicle are required to use a safety (seat) belt at all times that the vehicle is in motion.
4. Individual employees shall be responsible for any fines they receive for speeding or other traffic violations.

CONFINED SPACE CERTIFICATION

1. The City will reimburse the cost of a confined space physical for those employees whose position with the City requires valid confined space certification.

CITY OF FORT WAYNE POLICY AND PROCEDURE MANUAL**POLICY 604: Safety and Health***Effective as of 01-01-16*

2. Employees whose position and job description does not require confined space certification or a CDL may be reimbursed for a confined space physical with Division Head approval only.

SMOKING AND TOBACCO POLICY

1. Pursuant to local ordinance, it shall be the policy of the City of Fort Wayne to provide a smoke and tobacco-free environment for all employees and visitors. This policy covers the smoking of any tobacco product and the use of oral tobacco products or "spit" tobacco as well as electronic "vaping" devices. Use of these products is prohibited in the Citizens Square Building and all City-owned and/or operated buildings.
2. This policy applies to all employees, clients, contractors and visitors. Use of such products is also prohibited in all City and County vehicles and transportation equipment.
3. Enforcement:
 - a. Any violations should be brought to the attention of management and/or Risk Management.
 - b. Employees who are found to be in violation of this policy are subject to disciplinary procedures up to and including termination.