

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 40, "Boating Speed and Distance Zoning," Iowa Administrative Code.

Chapter 40 specifies the areas where limitations are needed to permit appropriate utilization of specific water areas.

This amendment adds two areas to the no-wake areas designated for Lake Odessa. These narrow channels will be dredged in 2008 to allow hydraulic connection of water areas for fish movement during low-water periods in summer and winter. The life of these channels can be significantly extended by reducing boat wakes and resultant shoreline erosion. Both channels are well protected from wind fetch and wave erosion, so boat activity will be the primary source of shoreline erosion in these two locations.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 7, 2008, as **ARC 6785B**. A public hearing was held on May 29, 2008, and 28 people attended. Ten spoke in support of the change and two opposed it. One written comment was received in favor of the proposed change. No changes were made to the Notice of Intended Action.

This amendment is intended to implement Iowa Code sections 462A.17, 462A.26, and 462A.31.

This amendment will become effective September 3, 2008.

The following amendment is adopted.

Adopt the following **new** subrule 40.9(3):

40.9(3) All motorboats, except authorized emergency vessels, shall be operated at no-wake speed year around, on those portions of Lake Odessa known as the lateral ditch, between the main lake and Bebee Pond, and on the channel between Yankee Chute and Beaver Pond.

[Filed 7/10/08, effective 9/3/08]

[Published 7/30/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/30/08.