



November 1, 2011

TO: Temporary Co-chairpersons Black and Kaufmann and Members of the Lake Macbride Study Committee

**FROM: Ann Ver Heul, Senior Legal Counsel
Legislative Services Agency, Legal Division**

RE: Background Information

Committee Charge

The Lake Macbride Study Committee was created by the Legislative Council for the 2011 Legislative Interim. The charge of the Lake Macbride Study Committee is to review requirements and make recommendations pertaining to the use of motorboats on Lake Macbride.

State Regulation of the Use of Motorboats on Iowa's Artificial Lakes – Iowa Code Section 462A.31

Iowa Code Section 462A.31 regulates the use of vessels, including motorboats on Iowa's artificial lakes. (A copy of §462A.31 is attached.)

Iowa Code Section 462A.31(1)(b) allows the operation of motorboats at a no-wake speed on all artificial lakes of more than 100 acres in size under the jurisdiction of the Department of Natural Resources except Lake Macbride. The use of motorboats on Lake Macbride is specifically restricted to those with a power unit not exceeding 10 horsepower during the period beginning on the Friday before Memorial Day and ending on Labor Day inclusively. A violation of this provision is punishable by a scheduled fine of \$20.

A Short History of the Regulation of Motorboat Use on Iowa's Artificial Lakes

1939 - No motorboats permitted on any artificial lakes in the state.

1954 - Motorboats and rowboats with outboard motors not exceeding five horsepower allowed on artificial lakes of 100 acres or more.

1958 - Motorboats and rowboats with outboard motors not exceeding six horsepower allowed on artificial lakes of 100 acres or more.

1982 - Motorboats with outboard motors not exceeding 10 horsepower allowed on artificial lakes of more than 100 acres.

1986 - Motorboats with any power unit mounted or carried aboard allowed to be operated at no-wake speed on all artificial lakes of more than 100 acres except on Big Creek Lake and Lake Macbride, where motorboats with power units exceeding 10 horsepower may only be operated as allowed by rule and not during the period beginning on the Friday before Memorial Day and ending on Labor Day.

1997 - Special restriction as to use of power units exceeding 10 horsepower now only applies to Lake Macbride.

A Short History of Lake Macbride State Park

1931 - The Iowa General Assembly adopts a joint resolution instructing the State Board of Conservation to adopt a 25-year conservation plan and program.

1932 - The Conservation Board recommends the construction of an artificial lake along Mill Creek in Johnson County. Mill Creek was named after an old grist mill, believed to be the first inland grist mill in Iowa. This wooded area is one of the first 12 areas to be recommended by the Board for conversion into a state park because of the area's scenic beauty, woods, water, and 500-1,000 acres of surrounding land.

1933 - The Iowa City Chamber of Commerce sponsors the Conservation Board's recommendation for immediate conversion of the area into a state park, noting that there are 100,000 urban residents within a 20-mile radius of the proposed park site. Plans are to place the park entrance on the east side of the lake with a bridge across the north arm of the lake connecting to the lake's west side. A stone shelter will be built on the north side of the lake along with a nearby sand beach. Options for nearby farm land are obtained at an average of \$45 per acre.

The park development plan is completed and includes the sale of 132 cottage sites to provide funds to purchase 800 acres of land and for the installation of sewers and a water system, and construction of roads in the park. The total cost of the park is \$90,000. The state also obtains a \$50,000 federal grant to construct the dam. Labor to develop the park is provided by the Civilian Conservation Corps (CCC) and includes forestry, soil erosion control, and wildlife preservation. Upon completion of the lake, the park will be deeded to the state at no cost.

1934 - The dam to create the lake is built across a natural gorge between two high limestone bluffs and below the junction of Mill and Jordan Creeks. In May, work on the dam is completed and the park is dedicated on Memorial Day with a name chosen from contest entries for which the winner receives a \$50 prize. During the summer, a 96-foot bridge is completed along the north arm of the lake along with a park shelter and sand beach. A nonprofit cottage reserve corporation is formed to supervise and manage the cottage area.

1935 - In June, the Iowa Junior Farm Bureau holds the first outing at the park with 700 participants. During one Sunday in June over 2,000 cars with about 10,000 people drive through the park. The park is characterized as the most unusual artificial lake project in Iowa because of its setting of natural beauty.

1936 - Water is now being permanently impounded in the lake, the beach is graded, and a bathhouse of native limestone from Stone City is built. The park is not officially open but people are already picnicking, boating, and swimming at the park. Road improvements are made in the vicinity of the park. Twenty cottages have been built throughout the summer.

1937 - Work in the park is complete, the lake is filled to an area of 200 acres, fish are stocked, and a fishing season at the lake is authorized. There is a new road to the park from North Liberty. Sailboating is authorized on the lake on a one-year trial basis. The lake is open to the public. Lake Macbride Park is deeded to the state with the condition that the Conservation Commission can never sell or lease any part of the park for any more cottages than the original 132 which were authorized.

1940s - Plans are made for a new dam six miles upstream from Iowa City to create a new lake designated as the Coralville Reservoir. A decision is made to raise the dam of Lake Macbride to increase the area of the lake and to eliminate the possibility of its waters intermingling with those of the reservoir in order to protect Lake Macbride as a recreation and conservation facility. The federal government purchases hundreds of acres for the Lake Macbride expansion and dedicates that land to the state for use as a state park.

1956 - Lake Macbride is drained into the Iowa River to enable the construction of a new spillway.

1957 - Work on the new spillway is completed and the raised lake level necessitates the purchase of adjoining private land and relocation of some recreational facilities of the park. The bathhouse is rebuilt at a higher location and new roads, campsites, picnic areas, and boat docks are constructed.

1960 - Water runs over the new spillway for the first time, eventually increasing the area of the lake to 1,000 acres.

1963 - A fish management building is built in the park.

1967 - Over 900,000 people visit the park, including 35,000 campers, placing Lake Macbride State Park first in the state in the number of campers.

(Historical information about Lake Macbride State Park compiled from "A History of Lake Macbride State Park," by Golda Leighton Jenkinson (1969).)

Lake Macbride State Park Today

Today, Lake Macbride State Park consists of an 812-acre artificial lake with shelters and facilities for picnicking; two campgrounds, one modern and one non-modern; multi-use trails; six Volksport trails; and facilities for lake activities including swimming, boating, and fishing with seven boat ramps and boat rentals for pontoon boats, motorboats, canoes, and paddleboats.

(See www.iowadnr.gov/Destinations/StateParkDetails.aspx?ParkID=610119)

462A.31 Artificial lakes.

1. Except as provided in rules adopted under this chapter, a motorboat shall not be permitted on any artificial lake under the jurisdiction of the commission except the following:

- a.* A motorboat equipped with one or more outboard battery operated electric trolling motors.
- b.* A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated at a no-wake speed on all artificial lakes of more than one hundred acres in size under the custody of the department. However, on lake Macbride, a motorboat with a power unit exceeding ten horsepower may be operated only when permitted by rule and the rule shall not authorize such use during the period beginning on the Friday before Memorial Day and ending on Labor Day inclusively. This paragraph does not limit motorboat horsepower on natural lakes under the custody of the department or limit the department's authority to establish special speed zoning regulations.

2. All privately owned vessels on artificial lakes under the jurisdiction of the commission shall be kept at locations designated by the commission.

3. All privately owned vessels, used on or kept at the artificial lakes under the jurisdiction of the commission, shall be seaworthy for the waters where they are kept and used. All such vessels shall be removed from state property whenever ordered by the commission, and, in any event, shall be removed from such property not later than December 15 of each year.

4. Upon construction of an artificial lake by a political subdivision of this state, the subdivision may, after publication in a newspaper of general circulation in the subdivision, make formal application to the commission for special rules relating to the operation of watercraft on the lake, and shall set forth therein the reasons which make such special rules necessary or appropriate. The commission may promulgate the special rules as provided in this chapter, concerning the operation of watercraft on a lake constructed and maintained by a subdivision of this state. Such special rules may include the following:

- a.* Zoning by area and time to regulate navigation and other types of activity.
- b.* Regulating the horsepower, size and type of watercraft.

5. As provided in section 350.5, county conservation boards may make regulations concerning horsepower limits and no-wake speeds on artificial lakes under their jurisdiction, except for state-owned artificial lakes managed by a county conservation board under a management agreement.

[C39, §1703.16; C46, 50, 54, 58, §106.16; C62, 66, 71, 73, 75, 77, 79, 81, §106.31; 82 Acts, ch 1028, §26]

86 Acts, ch 1227, §1; 87 Acts, ch 124, §1, 2; 92 Acts, ch 1101, §2, 3

C93, §462A.31

97 Acts, ch 91, §1

For applicable scheduled fines, see §805.8B, subsection 1, paragraphs b and e