



FINAL REPORT

Lake Macbride Study Committee

December 2011

MEMBERS:

Senator Dennis Black, Co-chairperson
Senator Robert E. Dvorsky
Senator Sandra Greiner

Representative Jeff Kaufmann, Co-chairperson
Representative Mary Mascher
Representative Dawn Pettengill

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AUTHORIZATION AND APPOINTMENT

The Legislative Council established the Lake Macbride Study Committee to hold one meeting during the 2011 Interim in order to review requirements and make recommendations pertaining to the use of motorboats on Lake Macbride.



Lake Macbride Study Committee

I. Committee Proceedings

The committee conducted one meeting at the Statehouse during the 2011 Legislative Interim on Thursday, November 3, 2011.

II. November 3, 2011, Meeting

A. Overview

The committee considered presentations by the Department of Natural Resources (DNR) and testimony by interested citizens both for and against the current horsepower restrictions on Lake Macbride.

B. Department of Natural Resources

Mr. Steve Waters, Southeast Iowa Supervisor, Fisheries Bureau. Mr. Waters discussed the history of motorboat use restrictions on artificial lakes in Iowa beginning in the 1930s when no motors were allowed on the state's artificial lakes. Eventually, all sizes of motors were allowed if operated at no-wake speed, with the exception of Big Creek Lake in Polk County and Lake Macbride in Johnson County where motors larger than 10 horsepower were banned during the summer months. In the mid-1990s, this horsepower restriction was removed for Big Creek Lake.

Mr. Waters stated that generally motors of any size that are operated at no-wake speed do not damage a lake. Nature is harder on shorelines than motorboats and since extensive shoreline work on Lake Macbride in the 1990s, 95 percent of that lake's shoreline has been protected. The biggest problem for the lake is sedimentation and phosphorus deposits.

Big Creek Lake (883 acres) and Lake Macbride (940 acres) are the biggest artificial lakes managed by the DNR. Lake Macbride receives about 37 percent less use by anglers than Big Creek Lake and would probably see an increase in use if the summer horsepower restriction is removed.

Co-chairperson Kaufmann asked whether other states have similar engine size restrictions on similar lakes. Mr. Waters responded that he did not know what engine regulations are in place for lakes in neighboring states.

Co-chairperson Kaufmann asked whether water quality is better in Lake Macbride when compared to Big Creek Lake and whether any such difference could be due to the operation of larger motors. Mr. Waters responded that the operation of motorboats has not been closely tied to water pollution, and stated that sedimentation from watershed sources creates the greatest impact on water quality in these lakes.

Ms. Gwen Prentice, Parks Ranger. Ms. Prentice said that she has been a parks ranger at Lake Macbride State Park for 20 years and her main responsibility is to provide law enforcement on the lake. She said it would be easier to provide such law enforcement if there were a no-wake speed restriction at all times and no horsepower restriction at any time. Ms. Prentice said that DNR enforces a five-mile-per-hour limit on 38 other lakes with no horsepower restrictions and there are



no enforcement problems or complaints. There have only been five accidents on no-wake speed restriction lakes in Iowa and none have been due to speed. She is not aware of anyone operating a big motor on Lake Macbride that has been altered to look like a smaller motor, although she has been told that it happens.

Co-chairperson Black asked whether the no-wake restriction would be easily enforceable. Ms. Prentice responded that the no-wake speed restriction would be enforceable and has been enforced on other DNR managed artificial lakes.

Co-chairperson Kaufmann asked whether Ms. Prentice has heard of the local term “Macbride special” referring to motors larger than 10 horsepower that are altered to look like a smaller motor. Ms. Prentice said she has heard of the term, but has never encountered the issue and no citations have been issued for such an occurrence on Lake Macbride.

Representative Mascher asked about instances of boaters speeding and lack of proper speed enforcement during the summer months due to understaffing on the lake. Ms. Prentice stated that she receives on average only six such complaints per year and has a boat patrol on the lake every Saturday and Sunday afternoon when the lake is most utilized by the public. Representative Mascher stated that she has heard complaints about larger motors being altered on the lake and that the department often ignores such alterations. Representative Mascher also noted the uniqueness of blind curves on Lake Macbride that are not present on Big Creek Lake.

Co-chairperson Black asked why motor restrictions are imposed during the summer period and whether such regulations apply to inboard and outboard motors alike. Ms. Prentice stated that the summer motor restrictions were historically tied to greater usage rates on the lake and that current restrictions only prohibit the use of a motor with 10 horsepower or greater, but do not restrict their presence on a boat or even their being placed in the water.

Senator Dvorsky asked for clarification on the difference between enforcement of a speed limit at five miles per hour as mentioned by Ms. Prentice or at no-wake speed. Mr. Chuck Gipp, DNR Deputy Director, stated that it is easier to enforce a five-mile-per-hour speed limit with a radar gun in identifying violators and bringing court actions.

Senator Dvorsky asked if the General Assembly should make changes to incorporate the five-mile-per-hour restriction into the Iowa Code. Mr. Gipp said the standard could be addressed through the Iowa Code or by administrative rule. Mr. Aron Arthur, DNR Conservation Officer, read a definition of no-wake speed.

Mr. Aron Arthur, Conservation Officer, Law Enforcement Bureau. Mr. Arthur stated that he is assigned to Big Creek Lake in Polk County and the DNR is transitioning to enforcing a five-mile-per-hour speed limit instead of the no-wake speed requirement, which is harder to prove. Mr. Arthur said he has been trained to judge speed without a radar gun by observing the attitude of the boat, its position, and observable whitewater coming off the boat. Ms. Diane Ford, DNR Legislative Liaison, indicated that the DNR expects to issue radar guns to its water patrol and other officers before the 2012 boating season.

Co-chairperson Black asked about current levels of enforcement personnel at Big Creek Lake. Mr. Arthur said staffing at the lake this past summer was reduced to around 20 enforcement staff



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from an approximate 45-person enforcement staff in previous years. Co-chairperson Black asked about funding sources for enforcement and Mr. Arthur responded that funding comes from the State Fish and Game Protection Fund, not the General Fund of the State. Co-chairperson Black asked about water quality issues and specific closures which occur annually at Big Creek Lake. Mr. Arthur stated that the closures are due to blue-green algae blooms.

Co-chairperson Black asked whether Mr. Arthur carries a radar gun for speed detection purposes. Mr. Arthur answered that he does not, but that his training has provided him with the skills to identify speeds and that such visual identifications have been upheld in court.

Co-chairperson Kaufmann noted that there are differences in geography on Lake Macbride and Big Creek Lake and the blind turns on Lake Macbride as compared to Big Creek Lake may impact the need for an engine-size restriction on Lake Macbride. Ms. Prentice discussed the fact that speed has not been an issue on Lake Macbride or the 38 other state artificial lakes operating under the no-wake speed restrictions.

Representative Pettengill stated that radar guns will be provided to the DNR by the United States Coast Guard before the 2012 season. Representative Pettengill asked what group or organization is advocating for removing the horsepower restriction on Lake Macbride and asked why one lake cannot be operated differently from other artificial lakes. Mr. Gipp stated that the DNR is not advocating for lifting the size-based motor restriction and was at this meeting to provide its expertise to the committee.

Representative Mascher asked whether individuals are able to fish from the shore of Lake Macbride if they are unable to operate their boats on the lake itself. Ms. Prentice responded that members of the public are permitted to fish from the shore. Representative Mascher asked about the lack of enforcement of current no-wake speed restrictions on Lake Macbride. Ms. Prentice stated that enforcement efforts should improve with the distribution and use of radar guns and there will be increased staffing at Lake Macbride to aid with enforcement and address public education concerns if the current motor-size restrictions are removed.

Representative Mascher asked how many citations are issued at Lake Macbride each year. Ms. Prentice stated that she usually cites one or two persons per year due to motor size violations. She also noted that verbal warnings have been issued but no citations given related to the five-mile-per-hour speed limit now being enforced.

As a point of clarification, Co-chairperson Black stated that one can fish from any boat even on Lake Macbride with any size motor on the boat so long as large motors are not used during the summer months. Co-chairperson Black noted that a boat with a large motor could use its smaller trolling motor to fish on Lake Macbride.

Representative Pettengill asked whether angling use would increase on Lake Macbride if the current horsepower restriction were lifted and if such an increase would negatively impact water quality.

Mr. Waters stated that angling hours per acre on Lake Macbride would likely rise if the horsepower restrictions were lifted. Representative Pettengill stated that Pleasant Creek Lake, at about 220 angling hours per acre, has experienced certain environmental problems. Mr. Gipp discussed the



water quality issues experienced at Pleasant Creek Lake and the efforts to restore that lake. Mr. Gipp said that water quality issues are due to watershed sources and local water sources rather than activity on the lake.

Mr. Chuck Gipp, Deputy Director. Mr. Gipp said that the DNR is not advocating for removing the current horsepower restriction on Lake Macbride but is responding to the committee request to provide information about the restriction. Mr. Gipp stated that water quality problems on Big Creek Lake are due to its watershed rather than activity on the lake. Mr. Gipp observed that the use of motorboats on Iowa's artificial lakes has evolved over time and asked that legislators tell their constituents to contact the DNR with complaints so that the DNR can respond to them. Whatever the General Assembly decides, the DNR will manage the state's resources to represent the most users while maintaining safety. There is no accurate way to determine usage of Lake Macbride today since there are no entrance fees.

Senator Dvorsky asked about current use statistics for Lake Macbride State Park overall, including camping and other recreational uses aside from fishing. Mr. Gipp said he would like to better gauge usage but that the metrics are not available due to the lack of user fees on other recreational user activities.

Representative Mascher discussed issues experienced by nonboater patrons of Lake Macbride State Park including limited parking at a popular swimming beach. Ms. Prentice agreed that parking in that area was an issue in summer 2011.

C. Citizen Comments

Mr. Steve Becicka, Oxford. Mr. Becicka, a fisher, spoke in favor of removing the horsepower restriction on Lake Macbride. He stated that as a law-abiding fisher, he prefers to fish on the lake because of the no-wake speed requirement, fishing is better there, and the lake is a safer place for him to take his family than the Coralville Reservoir where boat speeds can be high. He said that there are many opportunities for canoes on rivers and streams, because of the restriction he does not spend money in the area during the summer, and it is too expensive for him to buy a new smaller motor so he can use his fishing boat on Lake Macbride during the summer.

Co-chairperson Kauffmann asked whether horsepower restrictions might be justified because boats with bigger motors will violate no-wake restrictions. Mr. Becicka stated that self-enforcement has worked well in addressing safety concerns on lakes in Iowa. He further stated that it would cost him \$3,040 to purchase a new 9.99 horsepower motor for his boat and that it would cost \$2,080 to purchase a used 9.99 horsepower motor. Representative Mascher asked whether Mr. Becicka reported the incidents of speeding which he has observed on Lake Macbride. Mr. Becicka stated that he has not reported incidents that he observed. Representative Mascher asked whether a smaller motor would work. Mr. Becicka stated that it would be possible to find a smaller motor for his boat but there are particular issues finding a smaller horsepower motor that could be mounted on his boat.

Mr. Brian Gallagher, Cedar Rapids. Mr. Gallagher said the five-mile-per-hour restriction on motorboats is not applied to sailboats which can reach up to 16 miles per hour. He said that using his trolling motor instead of his main motor to traverse the 940-acre Lake Macbride resulted in the



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trolling motor catching fire. Mr. Gallagher said that some boaters physically alter their large motors in order to appear legal.

Mr. Gallagher discussed the history of conservation of lake areas in the state and that Lake Macbride was named after a former professor and president of the University of Iowa. Mr. Gallagher discussed the role of the state in regulatory takings and eminent domain to create better outcomes for the state and its residents as a whole, and urged that the state should focus on creating better outcomes for the general population rather than upon the investments of the few homeowners who live around Lake Macbride itself. Mr. Gallagher noted that it is not the presence of his 65-horsepower motor that creates a wake, but rather how an operator uses the motor.

Mr. Gallagher discussed restoration efforts that have transformed Lake Macbride into one of the best fishing locations in the state. Mr. Gallagher suggested that the best fishing on the lake takes place in late June and July, during the time when large motors are prohibited. He does not want to see fast-moving boats, water-skiers, or jet skis on Lake Macbride, but hopes only to fish safely on the lake. Mr. Gallagher expressed his frustration with the political process and perceived vote-trading that may occur in the Legislature. Mr. Gallagher also expressed his belief that self-patrolling of the lake and avid fishers will result in reports of abuse of wake and speed restrictions to the DNR.

Co-chairperson Black discussed his 26-year career in the Legislature and stated that he has never been approached to trade votes.

Mr. Bob Schlegel, Marion. Mr. Schlegel, a fisher, expressed hope that the General Assembly will put an end to the annual hot-button issue of the horsepower restrictions on Lake Macbride. He said that it is not fair to spend public money to make a private lake for a select few, and a no-wake speed requirement is the same regardless of motor size. Coralville Reservoir is not fishable because it is dirty and unstable, making Lake Macbride the only good fishing location in the area. Mr. Schlegel offered several alternatives that he opined would be fair to everyone:

1. Remove the current motor-size restriction and revert back to a no-wake speed regulation instead of a five-mile-per-hour speed limit.
2. Permit motors of all sizes to operate on the lake at no-wake speed at all times for one year as a trial period followed by a report and recommendation from the DNR on the success of the trial period at the conclusion of the year.
3. Allow all motors to operate on Lake Macbride at the no-wake speeds until June 30 of each year rather than restrict their operation during the entire period from the beginning of the Memorial Day weekend through the end of the Labor Day weekend.
4. Allow all motors to operate on the lake at no-wake speeds from Monday through Friday, and enforce the 10-horsepower restriction only on Saturday and Sunday.

Co-chairperson Kaufmann asked that Mr. Schlegel discuss safety issues when irresponsible boaters operate their large motors at high speeds. Mr. Schlegel responded that he would be in favor of confiscating the motor of any boater operating a motor at high speed, but stated that most individuals who fish on Lake Macbride with big motors are conscientious. Mr. Schlegel stressed the importance and role of self-enforcement.



Mr. Bob Burns, Chair, Lake Macbride Water Sports Safety Group. Mr. Burns discussed the history of the 200-member organization, founded in 1996, and their role in providing information and education on the history of Lake Macbride. Mr. Burns discussed the unique qualities of the lake including serving as the home of the University of Iowa Sailing Club, its use for University of Iowa children's camps and the School of the Wild, as well as serving as a nature preserve. Mr. Burns described the operation of a raptor rehabilitation facility nearby and described a list of public recognitions that Lake Macbride has received. He also noted the diversity of recreational options available between Lake Macbride and the neighboring Coralville Reservoir.

Mr. Burns opined that large motors impact lakes and the recreational uses of lakes by other patrons. The operation of large motors scoured the lake bottom in boat ramps areas at Big Creek Lake shortening sailing seasons there and the idling of large motors on lakes creates issues of carbon release. Mr. Burns said that large horsepower motors can go faster and there are safety issues with blind turns and swimmers on Lake Macbride. Mr. Burns noted that an increase in timed-fishing tournaments on Lake Macbride might encourage speeding during such events. Mr. Burns argued that the current horsepower restrictions are necessary and not overly limiting and that the operation of trolling motors and the availability of multiple launch sites allow even boats with large motors to fish anywhere on the lake under current restrictions. Mr. Burns noted that four neighboring states have similar restrictions.

Mr. Burns provided members of the committee with photographs illustrating both proper and improper usage of the lake by boating patrons.

Co-chairperson Kaufmann asked about the history of ownership of the lake. Mr. Burns stated that private money was used to finance the creation of the lake and surrounding park structures through the sale of lots around the lake before the lake and park were transferred to the state.

Co-chairperson Kaufmann asked about the cost of purchasing a trolling motor for use during the summer months. Mr. Burns commented that the cost of a new trolling motor starts at around \$2,200, and that a used four-stroke motor would cost approximately \$1,500, while a used two-stroke motor would cost approximately \$500.

Ms. Suzanne Bentler, Friends of Lake Macbride. Ms. Bentler described the issues faced by nonmotorboat patrons of Lake Macbride. Ms. Bentler discussed her perspective as a kayaker and expressed a feeling of being overwhelmed on other lakes when surrounded by congregations of large boats. Ms. Bentler discussed the issues faced by kayakers in southern Iowa, especially during drought conditions, when Lake Macbride becomes one of the few options available for kayaking. Ms. Bentler noted the logistical convenience of kayaking on a lake compared to river kayaking. Ms. Bentler provided information on horsepower restrictions on public lakes in neighboring states and noted that in Wisconsin local governments often regulate lakes within their area.

Ms. Bentler stated that there are not enough opportunities for low-impact use of lakes in Iowa, and the state should strive to provide for diverse recreational uses to attract and retain residents seeking diversity. She stressed that there is a growing population of consumers seeking low-impact, environmentally conscious uses of natural resources.



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Mr. Tom Hart, University of Iowa Sailing Club. Mr. Hart expressed his desire to provide the committee with the perspective of a sailor. Mr. Hart, in jest, expressed his hope that the Legislature would revert back to regulations present prior to 1939 by completely prohibiting the use of all motors on artificial lakes across the state.

Mr. Hart discussed his position with the University of Iowa Sailing Club and discussed teaching sailing on Lake Macbride to new patrons of all ages. The club provides a unique service in the region. Mr. Hart expressed his pride in Iowa-trained crews that sail throughout the nation and around the world. Mr. Hart discussed the unique qualities of Lake Macbride to train sailors in a safe and less congested environment than is offered elsewhere. He then discussed the relatively low regulation of motorboat owners in terms of training and licensure, and asked that the committee consider the vast diversity of motorboat owners and not just accept the perspective of the three responsible motorboat owners present before the committee. Mr. Hart stated that Iowa needs to maintain good opportunities for continued recreational sailing and sailing education in the state.

Co-chairperson Black asked whether the club sails on federal-owned waters in the state. Mr. Hart stated that new sailors do not participate on such trips, but more experienced Iowa crews often sail federal waters including dammed bodies of water created by the Army Corps of Engineers.

Co-chairperson Black asked whether there are tensions in use between users of sailboats and motorboats. Mr. Hart expressed concern that motorboat operators are often unaware of and do not abide by nautical laws for right of passage. Mr. Hart stated that continuation of the 46-year history of sailing on Lake Macbride will be negatively impacted by the possible congestion of motorboats on the lake if large motors are permitted to operate throughout the year.

Co-chairperson Black noted that an issue arises between different types of consumers who seek consumptive or nonconsumptive use of limited resources and asked for Mr. Hart's opinion of the suggestions proposed by Mr. Schlegel earlier in the day. Mr. Hart noted that he also operates a motorboat and there is little hardship imposed by current regulations on fishers using motorboats. Mr. Hart noted that the DNR lacks true usage statistics for Lake Macbride and that angling hours per acre is a metric that does not capture the full extent of lake use by members of the public.

Co-chairperson Kaufmann asked why the University of Iowa Sailing Club holds its annual regatta during a time when there are no horsepower restrictions on Lake Macbride. Mr. Hart noted that the regatta is typically held in the spring for the teams in the region due to the early ice melt in Iowa compared with other lakes in neighboring Minnesota and Wisconsin.

Co-chairperson Kaufmann asked whether the club offers college courses for credit. Mr. Hart noted that the club membership ranges from 200-300 at any given time, with approximately 70 faculty members. Mr. Hart noted that students are offered reduced membership rates, but there are no course credits currently offered, though there have been discussions to do so.

III. Committee Discussion and Recommendations

Representative Mascher thanked members of the public for attending the meeting and for being passionate about the unique characteristics of Lake Macbride. Representative Mascher stated her belief that keeping Lake Macbride unique within the Iowa state park system is ideal.



Co-chairperson Kaufmann asked the DNR to provide responses to three questions at its earliest convenience: (1) the economic impact on contractor rentals of vessels at Lake Macbride if the horsepower restriction is removed, (2) whether the five-mile-per-hour speed limit applies to sailboats or only to motorboats, and (3) whether the DNR recommends that the General Assembly create or increase penalties for altering or disguising motors to avoid the horsepower restrictions on Lake Macbride. Ms. Ford commented that the speed restriction only applies to boats powered by a motor.

Co-chairperson Black asked whether a sailboat going at 14 miles per hour would create a wake. Mr. Arthur stated that sailboats do not create a lot of wake.

Co-chairperson Black asked how many citations Mr. Arthur writes each year at Big Creek Lake. Mr. Arthur noted that he has been at Big Creek Lake for only a year and due to the transition this year to enforcing a five-mile-per-hour speed limit instead of no-wake speed limits he has only engaged in soft enforcement of that regulation such as stops and warnings. He has not written any citations for speeding violations this year. Co-chairperson Black noted that Big Creek Lake is likely the most used lake in the state given its proximity to the state's largest population center.

Co-chairperson Kaufmann stated he does not want to create special rules for a relative few and perceives that the current regulations do not do that. He stated that he has been in contact with constituents, landowners, fishers, and other recreational users concerning issues discussed at this meeting. Co-chairperson Kaufmann noted that in his experience pilot programs are rarely ever temporary because the momentum shifts toward making any change permanent. He expressed reluctance to change the current horsepower restrictions.

Co-chairperson Black said that there are currently two pieces of proposed legislation before the General Assembly that would remove the current horsepower restrictions on Lake Macbride. House File 462 passed the House of Representatives by a vote of 58 to 37 on March 15, 2011, and is currently assigned to a Senate subcommittee of the Senate Natural Resources and Environment Committee. A companion bill, SF 54, was assigned to a separate subcommittee of the Senate Natural Resources and Environment Committee. Both bills are eligible for consideration by the General Assembly during the 2012 session.

Co-chairperson Black asked for and received unanimous consent to present the minutes of the committee meeting and copies of materials distributed to the committee to the Senate Majority Leader and to the Speaker of the House of Representatives as well as to the committee chairs of the standing Senate Natural Resources and Environment Committee, and the House Natural Resources Committee, chaired by Senator Dick L. Dearden and Representative Henry V. Rayhons, respectively.

IV. Materials Filed With the Legislative Services Agency

The following materials listed were distributed at or in connection with the meeting and are filed with the Legislative Services Agency. The materials may be accessed from the link on the committee's website:

<http://www.legis.iowa.gov/Schedules/committee.aspx?GA=84&CID=544>



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1. Meeting Notice
2. Tentative Agenda
3. 2011 Guidelines for Interim Study Committees
4. Background Information from LSA Staff
5. Written Comments Submitted to the Lake Macbride Interim Study Committee via E-mail
6. Big Creek Lake/Lake Macbride State Park Maps
7. Bill History for HF 462
8. Bill History for SF 54
9. Information from Suzanne Bentler
10. Outline of a History of Lake Macbride from Bob Burns
11. 1957 Quit Claim Deed from Bob Burns
12. Map of Lake Macbride and Coralville Reservoir from Bob Burns
13. Photos - Motorboats on Lake Macbride With Trolling Motors from Bob Burns
14. Photos - Motorboats on Lake Macbride from Bob Burns
15. Photos - 2000-2002 Lake Macbride Restoration Project from Bob Burns
16. Bob Burns Testimony
17. Bob Schlegel Testimony
18. Brian Gallagher Testimony
19. Steve Becicka Testimony
20. Natural History of Lake Macbride State Park from Bob Burns