

November 14, 2025

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 25-LE-023
Petition for Rule Change – Extend an Existing Idle Zone**

Commission Members:

On March 15, 2025, Petitioner, Leo A (Tony) Vogel, who is a resident on Morse Reservoir in the area of “Party Cove”, 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. Andy Wuestefeld, of the Division of Law Enforcement, and Assistant General Counsel Rebecca McClain, of DNR Legal. The Committee members provide the following recommendation:

Background

Petitioner contacted DNR Law Enforcement District 4 Commander, Lt. Andy Wuestefeld, in January of 2025 inquiring about placing 200-foot zone buoys in the area outside the existing Party Cove idle zone. Petitioner expressed concerns of increased boating traffic and rafting during the summer months in this area around the island of Party Cove, which Petitioner felt warranted the extension of the idle zone. Lt. Wuestefeld obtained the current location of the Party Cove idle zone in 312 IAC 5-9-3(b)(3) which is written in the Public Land Survey System (PLSS) and it was determined the current idle zone to be east/northeast of the island where boaters raft up (Attachment B of Petition). In February of 2025, Lt. Wuestefeld provided Petitioner and Andy Hahn the current Party Cove idle zone location and discussed the petition process if they wished for the zone to be extended. In March of 2025, Petitioner submitted a petition requesting the Party Cove idle zone be extended to the furthest points of the Party Cove (Attachment C of Petition). This designated area includes the entirety of the Party Cove, particularly the island and surrounding water where the majority of boaters raft and swim.

Petitioner claims the shallow area around the island is a popular spot for boaters to congregate and swim and the current idle zone is inadequate to protect those recreating if motorboats exceed the idle speed in this area. Petitioner further claims by extending the idle zone to include the furthest points of Party Cove, this would make the speed limit of this cove consistent with other coves on Morse Reservoir in that it would start at the entrance of the cove.

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 Division of Law Enforcement:

1. Public Access

The Party Cove is part of Morse Reservoir; and therefore, the Committee finds that it is a public water under IC 14-8-2-226. In addition, the Natural Resources Commission has already adopted boating restrictions for Morse Reservoir under 312 AIC 5-9-3.

2. Safety issues

The proposed area is popular for boaters and swimmers to use during the summer months, in addition to fishermen and residents who access their docks all year round. Attachment C depicts recreational users in the proposed idle zone area. DNR Division of Law Enforcement Conservation Officers who patrol this waterway have reported that it is common that 50-75 boaters raft up in this area on summer weekends, which is consistent with the Petitioner's statement.

With the volume of boaters and swimmers at certain times around the island in Party Cove, the Petitioner feels the idle zone is inadequate. DNR's Division of Law Enforcement had no recent reports of boating accidents in the proposed area. The surrounding area has had an idle zone since 2002, which may explain the lack of recent reports. Still, safety of users is of utmost concern where boat density/traffic and swimming are high. The benefit to public safety outweighs the risks due to traffic congestion. Therefore, the public would benefit from increased safety in the proposed area.

3. Enforcement

DNR Division of Law Enforcement Conservation Officers, as well as local law enforcement agencies, already patrol the area under 312 IAC 5-9-3. There is no additional burden created by this rule.

Recommendation

The Committee has determined that at times, there is a high volume of recreational users in this area of the Party Cove on Morse Reservoir. The extended idle zone speed restriction will not limit public access and it should provide safer recreational opportunities. The committee recommends the following amendment of 312 IAC 5-9-3(b)(3). The amendment uses coordinates rather than PLSS, as the rules do not dictate that PLSS is required and coordinates are more in line with current practices.

However, the rules under 312 IAC 5 are set to expire January 1, 2027, pursuant to IC 4-22-2.6-1(b)(4). For this reason, these rules are in the process of readoption and any amendment to the rule will need to take place after readoption. Therefore, the earliest this rule will be amended is sometime after readoption occurs. At that time, the amendment will be as follows:

312 IAC 5-9-3 Morse Reservoir

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-29-1-8

Affected: IC 14

Sec. 3. (a) This section establishes restrictions on the operation of boats on Morse Reservoir in Hamilton County.

(b) A person must not operate a boat at greater than idle speed in any of the following locations:

(1) North of a line eight hundred (800) feet south and parallel to 236th Street.

(2) Between Carrigan Road and a line four hundred (400) feet south and parallel to Carrigan Road.

~~(3) East of a line extended shoreline to shoreline defined by the following points:~~

~~(A) Commencing at the northeast corner of section 23, township 19 north, range 4 east, thence one thousand five hundred (1,500) feet west along the north line of the section, thence one thousand one hundred (1,100) feet south to point 1.~~

~~(B) Again commencing at the northeast corner of section 23, township 19 north, range 4 east, thence one thousand seven hundred (1,700) feet west along the north line of the section, thence one thousand six hundred (1,600) feet south to point 2.~~

(3) In an area known as Party Cove and more particularly described as an embayment located east from a line extended shoreline to shoreline beginning at a point described as latitude 40° 04' 57" north and longitude 86° 02' 31" west; and extending southeasterly to a point described as latitude 40° 04' 49" north and longitude 86° 02' 26" west.

(4) West of Little Chicago Road.

(5) North, west, and upstream from a line extended shoreline to shoreline defined by the following points:

(A) Commencing at the southeast corner of section 22, township 19 north, range 4 east, thence west eight hundred (800) feet along the south line of the section, thence north one thousand one hundred fifty (1,150) feet to point 1.

(B) Again commencing at the southeast corner of section 22, township 19 north, range 4 east, thence west one thousand one hundred (1,100) feet along the south line of the section, thence north eight hundred fifty (850) feet to point 2.

(6) Within part of the east half of section 14, township 19 of range 4 east and part of the west half of section 13, township 19, commencing at the southeast corner of the northeast quarter of the southeast quarter of section 14 (which point is the intersection of 209th Street and Stringtown Pike); thence north zero (0) degrees, forty-eight (48) minutes, and thirty-three (33) seconds one thousand thirty-eight and ninety- hundredths (1,038.90) feet along the east line of section 14; thence north eighty-nine (89) degrees, eleven (11) minutes, and

twenty-seven (27) seconds west one thousand forty-five and three-hundredths (1,045.03) feet to the point of beginning on the shoreline of Morse Reservoir on the northerly side of East Harbor section 3 addition; thence across the Morse Reservoir north twenty (20) degrees, twenty (20) minutes, and nineteen (19) seconds east two thousand one hundred twenty-nine (2,129) feet to a point on the shoreline; thence south, southeasterly, south, southwesterly, and westerly along the shoreline to the place of beginning, containing approximately thirty-nine (39) acres.

(c) A person must not operate a boat in the following locations:

- (1) Within three hundred (300) feet and parallel to the concrete crest of the dam spillway for the reservoir.
- (2) Within two hundred (200) feet from the shoreline of South Harbor beach.
- (3) Within two hundred (200) feet from the shoreline of Morse Park beach.

Thank you,

s/ Rebecca McClain
Rebecca McClain
Assistant General Counsel

s/ Andy Wuestefeld
Lt. Andy Wuestefeld
Conservation Officer - District 4 Commander