

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION**

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

**August 30, 2004
9:00 a.m.
Harrisburg, Pennsylvania**

.....
John F. Simmons
Director
Bureau of Boating and Education

The Twenty-eighth meeting of the
Pennsylvania Fish and Boat Commission's Boating Advisory Board
was held at the Commission's Headquarters
at 9:00 a.m. on Monday, August 30, 2004.

Members

Michael Lentine
Rex Beers
Steven Ketterer
G. Edwin Matheny
Thaddeus Piotrowski

Members Ex Officio

Dr. Douglas J. Austen, Executive Director
John F. Simmons, Secretary
John Wiediger for Michael DiBerardinis, Secretary for the
Department of Conservation and Natural Resources

TABLE OF CONTENTS

	Page No.
I. Roll Call and Introduction of Guests.....	1
II. Approval of Minutes: March 29, 2004.....	1
III. Commission Agenda Items – Boating Regulations – Final Adoption	
A. Amendment to Section 91.4 (a) Age of Operator.....	2
B. Amend Section 103.2. Definition of Slow No Wake Speed.....	3
C. Amendment to Section 111.56 (Somerset County).....	4
D. Amendment to Section 111.02 (Allegheny County).....	5
IV. Commission Agenda Items – Boating Regulations – Proposed Regulations	
A. Amend Section 111.62(a) Warren County, Allegheny River Reservoir to change the current 8 mph restrictions to slow no wake.	6
B. Amend Chapter 111.6 Berks County, Schuylkill River – Kernsville Dam; Special Regulations Petition	8
C. Amend Section 111.41(f) Luzerne County, Harveys Lake; Special Regulation Petition.....	9
V. Discussion Items.....	11
A. Slow, No Wake Zones. In recent years we have had a proliferation of requests to regulate waters to slow no wake to prevent a variety of real or perceived problems. Have these zones been effective in reducing problems or have they resulted in over restriction of one type of boating over another? How should we approach such requests in the future?	
B. Speed Limits. Current technology makes the enforcement of speed limits impossible to enforce with any degree of certainty. Should the Commission consider replacing speed limits with horsepower and/or size limits or some other type of limits?	
C. Horsepower Restrictions. Should the Commission consider alternatives to horsepower restrictions to control boat speed and use on certain waters?	
D. Noise Regulations. Noise regulations in their current form are nearly impossible to enforce. Should the Commission consider modifications? What should these modifications be? How can we best assure that noise from boats is kept at a minimum?	
E. Liability. What is the Commission’s liability by providing special facilities for disabled individuals at boat ramps? This discussion should also include a review of what is required by federal ADA requirements.	
F. Boat Dealer Boat Loans. Should the Commission consider regulations that would require boat dealers to provide all the required safety equipment when loaning a boat to a customer and hold them legally accountable?	
G. Presentation of Proposed Boating Access Grant Program.	

- H. Skiing restrictions. A number of Commission lakes currently have restrictions limiting the number of skiers to one. This effectively eliminates the use of inflatable towed devices by more than one person. The Board should discuss whether this requirement is necessary for boating safety.
- I. Counter-clockwise operation. Section 103.3 establishes a requirement for counter-clockwise operation on all waters of the Commonwealth. This regulation is in addition to the normal Rules of the Road. The Question is “Should it be retained?”
- J. National Transportation Safety Board Hearing Update

I. Roll Call and Introduction of Guests

Chairman Michael Lentine called the meeting to order at 9:00 a.m. Roll was called and all members of the Board were in attendance. A quorum was present. The following guests were introduced: Robert Wecker, USCG Auxiliary; Mr. and Mrs. Lou Nagy, 8th District USCG; Steve Phillips and Dennis Sens, 5th USCG District; Col. Mark Chaney and Major Danny Hughes, MD Nat. Resources Police; David Combs, Ex. Dir of House Game and Fisheries Committee; Robert Frye, Tribune Review Newspaper; Charles Johns, PA Boating Assoc; Richard Squitieri, Harveys Lake Protective Association; Andrew Talento, PA Boaters Assoc., PA Marine Trade Assoc and Governor's Advisory Council for Hunting, Fishing & Conservation; and Commissioners Paul Mahon and Leon Reed.

Staff members present included: Laurie Shepler, Tom Kamerzel, Wasyl Polischuk, Dan Martin, Carl Haensel, Walter Dietz, and Laurel Garlicki.

II. Approval of the March 29, 2004 Meeting Minutes

The Minutes of the last meeting were approved.

III. Commission Agenda Items - Boating Regulations (Final Rulemaking)

A. Amendment to Section 91.4 (a) Age of Operator

Commentary:

The Commission approved the publication of a Notice of Proposed Rulemaking at its April 2004 meeting to increase the minimum age for operation of a personal watercraft to 16 on January 1, 2008. A Notice was published at 34 Pa.B. 4151 (August 7, 2004) (Exhibit A). As of the date of the agenda, no public comments were received. The Commission motion included direction to staff to solicit the input of the Governor's Youth Council for Hunting, Fishing, and Conservation. The Council will meet September 10-12. The comments of the Council will be provided separately from the agenda.

The Board should consider this item and make recommendations to the Commission, as it deems appropriate.

Briefer:

John F. Simmons, Bureau of Boating and Education Director

Action:

Secretary Simmons commented that the agenda mailing and comments were received from the Governor's Youth Council and that copies had been provided to the Board. These comments supported the proposed changes to the age of operator regulations.

Steve Ketterer moved that the Board recommend that the Commission finally adopt the amendment as published in the Notice of Proposed Rulemaking. Ted Piotrowski seconded it and all were in favor. The motion was carried.

B. Amendment to Section 111.56 Somerset County subsection (b) Youghiogheny River Lake

Commentary:

The Commission approved the publication of a Notice of Proposed Rulemaking at its April 2004 meeting to modify the special regulations on Youghiogheny Lake to remove a slow no zone that the Corps of Engineers felt was no longer needed. A Notice was published at 34 Pa.B.4152 (August 7, 2004) (Exhibit B) that made the necessary corrections to Chapter 111 to implement this change. As of the date of the agenda, no public comments were received.

The Board should consider this item and make recommendations to the Commission, as it deems appropriate.

Briefer:

John F. Simmons, Bureau of Boating and Education Director

Action:

Steve Ketterer moved that the Board recommend that the Commission finally adopt the amendment as published in the Notice of Proposed Rulemaking. Rex Beers seconded the motion. All were in favor and the motion was carried.

C. Amendment to Section 111.2 (Allegheny County)

Commentary:

The Commission approved the publication of a Notice of Proposed Rulemaking at its April 2004 meeting to establish a Slow No Wake zone on the Ohio River behind Neville Island. A Notice was published at 34 Pa.B. 4152 (August 7, 2004) (Exhibit B) that made the necessary corrections to Chapter 111 to implement this change.

Several public comments were received via email expressing a variety of opinions on the proposal: 2 supported the restrictions; 4 opposed any additional restrictions; and 1 wanted the zone extended below the proposed area to the tip of Neville Island. Copies of all comments have been provided to the Board.

The Board should consider this item and make recommendations to the Commission, as it deems appropriate.

Briefer:

John F. Simmons, Bureau of Boating and Education Director

Action:

Mr. Simmons passed out additional comments on the proposal that had been received after the agenda had been mailed. Two comments opposed any additional restrictions and six supported the proposed slow no wake zone.

Steve Ketterer moved that the Board recommend that the Commission finally adopt the amendment as published in the Notice of Proposed Rulemaking. John Simmons seconded the motion. All were in favor except Rex Beers and Ted Piotrowski.

D. Amendment to Section 103.2. Definition of Slow, Minimum Height Swell Speed

Commentary:

The Commission approved the publication of a Notice of Proposed Rulemaking at its April 2004 meeting to replace the term “slow, minimum height swell speed” with the more conventional “slow no wake.” A Notice was published at 34 Pa.B. 4466 (August 14, 2004) (Exhibit C) that included the new definition and made the necessary corrections to Chapter 111 to implement this change. As of the date of the agenda, no public comments were received.

The Board should consider this item and make recommendations to the Commission, as it deems appropriate.

Briefer:

John F. Simmons, Bureau of Boating and Education Director

Action:

Steve Ketterer moved that the Board recommend that the Commission finally adopt the Amendment as published in the Notice of Proposed Rulemaking. Rex Beers seconded the motion and all were in favor. The motion was carried.

IV. Commission Agenda Items - Boating Regulations - Proposed Rulemaking

A. Amend section 111.62(a) Warren County to remove the current 8 mph restrictions and amend Section 111.42 McKean County to change the 8 MPH restrictions to Slow No Wake.

Commentary:

In 1980, the Commission adopted regulations to control the speed of boats on the various bays of Kinzua Reservoir. All the larger bays were restricted to 8 MPH while the smaller ones were made slow no wake. These regulations were subsequently modified in 1989 and 1994. Boat speed was restricted to slow no wake in most the coves, but in Willow and Sugar Bay an 8 mph speed limit was retained. This speed was selected because the size of the bays were too large for slow no wake, but not large enough for unrestricted operation.

Staff have reviewed these restrictions and have determined that the regulations could be further improved and provide additional boating opportunities by removing restrictions on the Warren County portion of Willow and Sugar Bays and converting the 8 MPH zones on the McKean County portion of these bays to slow no wake.

Staff proposes that 58 Pa Code §111.62 Warren County be amended as follows:

- (a) Allegheny River Reservoir (Kinzua Dam).
 - (1) **[Boats are limited to a maximum of 8 miles per hour, and waterskiing is prohibited in the following areas:**
 - (i) **Willow Bay**
 - (ii) **Sugar Bay**
 - (2) Boats are limited to slow no wake in the following areas:
 - (i) in the vicinity of camping areas and boat launches
 - (ii) Dew Drop Bay
 - (iii) Wolf Run Bay
 - (iv) Hodge Bay, North and South Branch
 - (v) Cornplanter Bay
 - (vi) Billies Bay
 - (vii) Willow Bay beginning at the boat launch ramp

* * *

Staff further proposes that 58 PA Code §111.42 McKean County be amended as follows:

- Allegheny River Reservoir (Kinzua Dam).
 - (1) **[Boats are limited to a maximum of 8 miles per hour, and waterskiing is prohibited in the following areas:**
 - (i) **Willow Bay.**
 - (ii) **Sugar Bay.**
 - (2) Boats are limited to slow, minimum height swell speed in the following areas:
 - (i) Chappel Bay.
 - (ii) **[The bay formed by Morris Run] Morrison Run Bay.**
 - (iii) From the sewer plant at Kiasutha to the headwaters above Red Bridge.
 - (iv) Willow Bay.
 - (v) Sugar Bay

[(3)] (2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

The Board should consider this item and make recommendations to the Commission, as it deems appropriate.

Briefer:

John F. Simmons, Bureau of Boating and Education Director

Action:

Edwin Methany moved that the Board recommend that the Commission publish a Notice of Proposed Rulemaking as presented in the Commentary; Steve Ketterer seconded the motion and all were in favor.

B. Amend Chapter 111.6 Berks County, Schuylkill River – Kernsville Dam; Special Regulations Petition

Commentary:

The Commission has received a petition from Blue Mountain Wildlife, Inc. to amend the regulations to prohibit the operation of internal combustion motors on boats using the Schuylkill River behind the Kernsville Dam to encourage the preservation of the peacefulness and beauty of the impoundment.

Pursuant to the Commission’s regulations at 58 Pa. Code §51.6, a person may submit a petition or request for regulations addressed to the Commission in the format set forth in the General Rules of Administrative Practice and Procedure (1 Pa. Code §35.18). 58 Pa. Code §51.6 further provides that Commission staff will review every petition for regulations to ensure that the petition: 1) is completed as required by 1 Pa. Code §35.18; 2) requests an action within the Commission’s authority or jurisdiction; and 3) does not conflict with applicable Commonwealth or federal law. The petitioner was provided an opportunity to make a presentation at the January 2004 Commission meeting and staff was directed to prepare a report and recommendations.

The completed staff report is attached (Exhibit D). In accordance with the findings of the report, staff recommends that the Kernsville Pool of the Schuylkill River be regulated to slow no wake speed with no horsepower restrictions.

The Board should consider this item and make recommendations to the Commission, as it deems appropriate.

Briefer:

John F. Simmons, Bureau of Boating and Education Director

Action:

Steve Ketterer made a motion to bring this item to the floor for discussion and Ted Piotrowski seconded it. Carl Haensel presented the staff report and displayed photos of the Kernsville Dam area. After Carl’s presentation and discussion, Mr. Lentine asked for a motion to recommend one of the five options presented in the staff report. Steve Ketterer moved that the Board recommend Option 3 – Slow, No Wake speed operation with no horsepower restriction. Edwin Methany seconded the motion. Mr. Lentine then asked for a roll call on the vote:

Steve Ketterer	Yes	Michael Lentine	No
Ed Methany	Yes	Rex Beers	No
Ted Piotrowski	Yes		
Douglas Austen	Yes		
John Wiediger	Yes		
John Simmons	Yes		

The motion was carried to recommend to the Commission the Publication of the Notice of Proposed Rulemaking to create a slow no wake zone with no horsepower restrictions in this area.

C. Amend Section 111.41(f) Luzerne County, Harveys Lake; Special Regulation Petition

Commentary:

The Commission received a petition from the Harveys Lake Protective Association to amend the regulations to establish a 45-mile per hour speed limit from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day through Labor Day. Pursuant to the Commission's regulations at 58 Pa. Code §51.6, a person may submit a petition or request for regulations addressed to the Commission in the format set forth in the General Rules of Administrative Practice and Procedure (1 Pa. Code §35.18). 58 Pa. Code §51.6 further provides that Commission staff will review every petition for regulations to ensure that the petition: 1) is completed as required by 1 Pa. Code §35.18; 2) requests an action within the Commission's authority or jurisdiction; and 3) does not conflict with applicable Commonwealth or federal law. The Petitioner made a presentation at the April Commission meeting and the Commission directed staff to prepare the appropriate report and recommendations for further Commission consideration of rulemaking. The completed staff report is attached (Exhibit E).

The Board should consider this item and make recommendations to the Commission, as it deems appropriate.

Briefer:

John F. Simmons, Bureau of Boating and Education Director

Action:

Walter Dietz presented the staff report. Ted Piotrowski commented that the 45 mph speed limit they are requesting is not out of line. Other lakes have this regulation. If we can do it on other lakes, they are entitled to that speed limit on their lake. If we don't place this speed limit on this lake because it's difficult to enforce, then we need to eliminate 45 mph limits off the other lakes. He added that a speed limit should not be on any lake if it can't be enforced. Mr. Ketterer asked Tom Kamerzel for his opinion on this. Mr. Kamerzel said Law Enforcement has difficulty in enforcing speed zones with the current technology.

Dr. Austin asked what the other states have done with managing active lakes like this with traffic problems and congestion. Col. Chaney from Maryland DNR Police commented that his state does not have a problem such as this. Maryland officers have the authority to use radar for speed enforcement on the water. The primary difference with their equipment is that they are calibrated in knots rather than miles per hour. They have successfully used radar for a number of years to enforce speed limits primarily on rivers. Officers must attend a basic training in the use of the equipment at the DNR Academy and then receive periodic update training to retain certification.

Mr. Squitieri, Harveys Lake Protective Association, commented that he thought the report by staff was very well done. Also, there is a unanimous feeling at the lake that they wanted to have some limitation on the speed. They do have high-speed boats that come down to the lake. Mr. Squitieri agreed that the lake had a good safety record but is concerned about that changing.

Steve Ketterer made a motion to bring the five options to the floor for discussion. Mr. Methany seconded it. After considerable discussion, Ted Piotrowski moved that option two be considered for proposed rulemaking. Rex Beers seconded it. Dr. Austin offered an amendment to the motion to attach an analysis of enforcement issues to include the most current advances in technology; any

needed legislation to get authorization to use radar; training costs for officer qualification; and limitations to the use of radar on the water to measure boat speed, etc. A roll call vote was taken and all were in favor of the amended motion. Mr. Simmons said that this agenda item will go to the Commission meeting in October with a request for an additional 90 day period to prepare the law enforcement evaluation of the effective use of radar.

V. Discussion Items

A. Slow, No Wake Zones. In recent years we have had a proliferation of requests to regulate waters to slow no wake to prevent a variety of real or perceived problems. Have these zones been effective in reducing problems or have they resulted in over restriction of one type of boating over another? How should we approach such requests in the future?

Dr. Douglas Austen commented that this discussion item calls for looking at some of the areas that we currently have slow no wake zones where it may or may not be completely appropriate. This discussion is setting the groundwork for revisiting where we have these zones, where it is meaningful and where it is not. Mr. Kamerzel added that his concern is the continued proliferation of slow no wake speeds on all the waters, and that the bigger issue is how do you adequately mark these slow wake zones and inform all the boaters. Mr. Kamerzel added that it's an extreme challenge to adequately inform the boater who may not be a regular boater on a particular waterway. A person at Harveys Lake every week should know the zones, but transient boaters may not. Everyone wants slow no wake areas at places where marinas and restaurants are being built so that their customers' boats are not rocked. He asked, "Where do we draw the line?"

Mr. Simmons commented that the slow no wake zone in Pittsburgh that was expanded two years ago has still not been posted. The Commission has had a difficult time trying to get an agreement from the Norfolk Southern Railroad to put signs on their bridges. Bridge engineers are very particular about their structures. The Commission is creating zones that we can't enforce. There is no way we can effectively mark these zones. The area considered today on the Ohio River, from the Coraopolis Bridge to the Interstate 79 Bridge, will also need approval from PennDot bridge engineers to try and get signs on those two bridges.

Mr. Simmons added that another bad situation arises when private individuals are authorized to place buoys. The Commission ends up issuing citations not for slow no wake buoys, but to the people who hold the permits for the buoys because they didn't place them at the right place or maintain them properly. Officers are ending up policing the buoys more than they are policing the people who are operating boats in violation of those buoys. If someone places their boat dock in an area with high boat traffic, then they must take steps to protect their boat from wakes. Mr. Simmons also said that people have gotten away from taking responsibility of their own wakes and are asking government to protect them. A lot of times, the creation of a slow no wake zone often creates another problem somewhere else.

Dr. Austen commented that the Commission needs to develop a way to get better information to the public that will help them better understand slow no wake zones, and when they are and are not appropriate. A policy needs to be developed on when the Commission will accept petitions to consider slow no wake zones. Dr. Austen said we need this guidance on a number of issues. Staff and Board members need to discuss what the basis of some of our regulations are, what the policies are, and what we need to explore to put some better criteria behind them. Both Ted Piotrowski and Rex Beers agreed that there are too many slow no wake zones being created and that staff should start looking at existing slow no wake buoys to reevaluate them; too many boating areas are being eliminated. Mr. Beers added that we should go back and review all slow no wake buoys that we have to see if they are enforceable and in the correct place. Mr.

Beers added that regulations have to be changed with stricter criteria in order to apply for slow no wake zones. Mr. Mike Lentine said the consensus of the Board is to have a guideline that will eliminate some of these slow no wake zones. Mr. Lentine added that this is a problem that is getting bigger and needs to be revisited.

Dr. Austen then presented an alternative on how to proceed with this. He said, "This is a statewide issue and there is a lot of concern. One approach would be to have a staff assignment to do some research. Dr. Austen feels this is more of a public policy issue that might be better approached by pulling together a group of boaters, maybe a task force, whose assignment is to come up with some proposals. Have them go around the state and have a hearing or two and include people where this is a significant issue and put together some ideas. Staff could present how other states handle this. We could select two members of the Board to lead this group and ask for a handful of the folks from the boating community to sit on this task force to provide some additional guidance and input; place a timeframe of 180 days to come up with some proposals that would explore this."

Dr. August said he would be willing to write a one-page charge on how this group might operate. This would provide direction and balance on how to review their work. Rex Beers and Steve Ketterer volunteered to be the co-chairs of this Task Force. Andy Talento also volunteered to service on this Task Force.

B. Speed Limits. Current technology makes the enforcement of speed limits impossible to enforce with any degree of certainty. Should the Commission consider replacing speed limits with horsepower and/or size limits or some other type of restriction?

Speed limits are currently in place on:

- **Foster Joseph Sayers Lake (45 MPH);**
- **Beltzville Lake (45 MPH)**
- **Elk Lake (45 MPH);**
- **Lake Wallenpaupack (45 MPH day, 25 MPH night);**
- **Lake Winola (35 MPH).**

Tom Kamerzel commented that the Commission needs to first get statutory authority to enforce these regulations. He added that there is new technology available, and currently Pennsylvania only allows a certain brand of radar to be used, which is the old technology for speed enforcement on the highway.

After talking with Maryland law enforcement, Mr. Kamerzel believes the new technology is the way to go to enforce boat speed limits and this would have to be approved by the legislators. He also said, "The other thing is if we do get the technology, it's not absolute. Maryland is currently only using it on narrow rivers where they have a straight on angle at a boat coming at them where they can get a reading. The lower amount of speed, the more difficult it is. In Pennsylvania, the speed limits are mainly on lakes. The issue with radar is you have to get a head-on shot at the boat before you can get a reading. How does law enforcement get a fixed position to get a reading? There are a lot of technical issues to resolve. If staff can come up with a workable solution, and we do have the authority to use it, and we have something somewhat reliable, the Commission can pursue speed limits. If we can't, then the

Commission needs to look at a different approach to regulate speed based on the size of boats or horsepower on bodies of waters where there are concerns. It's virtually impossible to get a speed reading on a PWC because they are so small." Mr. Kamerzel's recommendation is not to do anything until this issue is resolved. Director Austen asked Mr. Kamerzel to head up a committee to research technology and how to effectively enforce speed limits.

C. Horsepower Restrictions. In 2003, the Department of Conservation and Natural Resources increased the allowable horsepower of boat engines on six State Park lakes from 10hp to 20hp. There are 14 other lakes in the Commission regulations with 6, 7.5 or 10 hp restrictions.

- **Should the Commission modify its regulations to make these restrictions consistent with the new State Park limits?**
- **Are alternative methods of controlling boat speed and use such as unlimited horsepower but slow no wake speed operation viable or preferred?**
- **Should the Commission allow the use of gasoline engines on Commission electric motor only lakes?**

Mr. John Wiediger commented that State Parks has not had any problems with the change in horsepower restrictions, and that they received a lot of public input to raise the 10 hp limits. A pilot program was run for two years where the limit was raised to 18 hp. Letters of complaint were then received from foreign boat motor manufacturers that don't make 18 but make 20 hp engines, so State Parks raised the limit to 20 hp for final rulemaking. State Parks has not had any problems and it has worked out well.

Mr. Methany added that a lot more boats could use the waterways if they could just idle, and that this change is going to increase boating and the usage of these lakes, encourage family fishing and boat registration. All Board members agreed that the Commission further explore moving from electric only to slow no wake on lakes we have jurisdiction over to encourage others to follow suite.

Dr. Austen summarized by saying that the Boating Advisory Board's recommendation is for staff to put together a proposed rule that would change these lakes where they are electric motor only to slow no wake, horsepower unlimited. It was agreed to proceed in this direction. Mr. Simmons said there's another part to this discussion where there are a number of 10 horsepower lakes in the state, and should the Board pursue increasing those lakes to 20 hp like State Parks or go in another direction. Mr. Simmons reminded everyone that people with 10 hp boats can now zip across the lake, but if unlimited horsepower is at slow no wake becomes the rule, then you have a situation where all boats have to go slow no wake where in the past 10 hp boats did not. The other concern is allowing gasoline engines on Commission lakes. We would first have to identify the owners and make contact with them to see if they would be receptive to modifications of the current regulation.

Dr. Austen said that the action step here is for staff to come up with consistent horsepower limitations on all the lakes, that not only includes our lakes, but also partner lakes including DCNR and Corps of Engineers so that we are consistent across the state. Mr. Simmons will take the lead on convening this group bringing these partners together to decide what would be an acceptable horsepower limit that could be imposed upon these waters.

D. Noise Control Regulations. Noise control regulations in their current form are nearly impossible to enforce. Should the Commission consider modifications? What should these modifications be? How can we best assure that noise from boats is kept at a minimum?

Mr. Kamerzel said that noise regulations are virtually unenforceable on motorboats. Noise meters were purchased and officers were trained. Officers went out and tried to use these meters and could not. An officer has to read noise on a meter on either a stationary or a pass-by test of the boat under ideal conditions with no other noise. Mr. Simmons commented that pass-by tests were not intended to be law enforcement tests; they were originally designed for SAE to test boats as they were manufactured before they were sent out to the dealers. He added that we've evolved with these regulations from the manufacturing side to the dockside tests, but none of them are very effective. The biggest deterrent we have is that we do have a definite violation with a cut-out device such as Silent Choice®, but the only way we can enforce that is to stop the boat and to board it and that provides its own set of challenges. NASBLA is struggling with this. Mr. Simmons discussed a third type of test that is a shoreline-based that says that you can't exceed a certain noise level at the shore-side, but it's not any better or easier to enforce than the other tests.

Mr. Beers said that this is a law that can't be enforced. Mr. Lentine said he would like to see some more research into this. Mr. Kamerzel said that there are two groups of boats that generate complaints, they are: 1) over the transom exhaust jet boats that have straight pipes coming off the engine and there is no muffling; Law Enforcement has been dealing with those not from the noise level but from the efficient muffling regulation; and 2) The other group is those boats coming out of the factory with a factory installed bypass such as the cigarette boats and twin IO's; these are the ones that are noisier and when officers stop them they turn the switch in the off position and officers can't say differently. Dr. Austen said that staff would look at the other states to see how they handle noise and that perhaps another Task Force will be created to work on this issue. As Commissioner Mahon pointed out, if you live on big waters noise is part of it and it's going to be a complicated issue.

E. Liability. What is the Commonwealth's liability by providing special facilities for disabled individuals at boat ramps? This discussion should also include a review of what is required by federal ADA requirements.

John Wiediger and John Simmons are attending training at Pymatuning Lake for a training session on ADA compliance for boat launches and marinas by the National Access Board. Mr. Simmons said staff does not currently have the answers for this issue so he would like to defer this discussion item until the next Boating Advisory Board meeting.

F. Boat Dealer Boat Loans. Should the Commission consider regulations that would require boat dealers to provide all the required safety equipment when loaning a boat to a customer and hold them legally accountable?

Mr. Kamerzel said that livery operators are required to ensure that boats that they are renting have the proper safety equipment. There's a loophole in this regulation that does not place the same burden on a boat dealer who may loan a new boat to a client, put dealer tags on it, and then let the customer take the boat out. Officers sometimes stop these boats for some reason and notice that there are no life jackets on board. Since a livery operator or a boat rental business is required to have safety equipment on board,

it's only fair to put that burden on boat dealers who use dealer tags to demo a new boat to a client to ensure that they do not find themselves in a bind by not having the required safety equipment. Mr. Simmons thought this was a good idea. Dr. Austen also agreed and asked Mr. Talento, who is with the Tri-Marines Association in the Pittsburgh area, for his opinion. Mr. Talento said that the Association would whole-heartedly support this and feels this is good business. If you are going to lend someone a \$30,000 boat, there should be the proper safety equipment on board. Mr. Simmons added that staff will take care of this and, based on these comments, will prepare a regulation similar to what the Commission has for liveries.

G. Presentation of proposed Boating Access Grant Program.

Mr. Simmons presented a brief summary on this new grant program that provides funding to local municipalities for boat launch facilities. He added that this is something the Commission has been doing for a while in our technical guidance program, but the Commission wants to expand it and formalize it. This new program would be a way to officially work with municipalities that want to put in boat launch facilities by providing them with funding and letting them do their own engineering and construction. Municipalities would work our funding in conjunction with matching funds. These projects would mostly involve smaller accesses.

Final touches are now being made to the Access Grant Manual and applications. Money is budgeted for 2005-06 and will hopefully go through the budget process. A presentation will be made at the Commission Meeting in October, and if the Commission accepts it, announcements will be made in January for applications to start being sent in. There are 38 municipalities that are active with the Commission that potentially could be applying for funding through this program. Dr. Austen said the Commission might be able to do 35 ramps a year in the \$30,000 range. If there are larger projects, than there would be less projects. He added that staff needs to have a game plan that we can put out to municipalities to tell them where more accesses are needed and where the top priorities will be given. Mr. Simmons's staff will be working on a report on accesses and where money can be spent the most effectively.

H. Skiing restrictions. A number of Commission lakes currently have restrictions limiting the number of skiers to one. This effectively eliminates the use of inflatable towed devices by more than one person. The Board should discuss whether this requirement is necessary for boating safety.

Mr. Simmons said we currently have a couple of lakes where skiers are restricted to one. This is probably an old regulation where it was interpreted that a skier got up on two boards and was towed behind the boat. The intention was to prevent the operation of two towlines because of the crowded lakes. There are now more inflatable water toys being used that are designed for more than one person to ride, but boaters cannot do so because of the current regulations. The question is should the one skier requirement be eliminated or changed to using one towline and allow these devices to be used as intended?

Tom Kamerzel commented that law enforcement officers have not seen any problems. Even if the regulation is taken away, he doesn't think anyone will use two towlines. Traffic and usage is going to control whether people ski with multiple skiers or not. The reality is that at Blue Marsh and on other lakes during a Saturday or Sunday, boaters are not going to be out there with multiple skiers due to the traffic.

Dan Martin, Boating Safety Officer, added that there has not been any accident or reported accidents with these multi-use devices that can be directly related to having more than one person on these devices. Mr. Lentine said that staff will continue looking at the situation and will come back to the Boating Advisory Board with a recommendation.

I. Counter-clockwise operation. Section 103.3 establishes a requirement for counter-clockwise operation on all waters of the Commonwealth. This regulation is in addition to the normal Rules of the Road. The Question is “Should it be retained?”

Mr. Kamerzel said this regulation is confusing. Officers have been using it as probable cause to stop boats. This regulation generates a lot of complaints, especially when the officers are stopping boaters to tell that they are not going counter clockwise. What does that mean on Lake Wallenpaupack or Conneaut Lake? Mr. Kamerzel commented that he doesn't know where this regulation came from, but it just confuses everyone. No one can understand this concept, including the officers. Other states find this regulation amusing. Rules of the road should handle this. Ted Piotrowski moved that staff reconsider this for the next meeting so that the Board can rework this regulation and all were in favor.

J. National Transportation Safety Board Hearing

Dennis Sens of the U.S. Coast Guard recently attended the National Transportation Safety Board Hearing concerning the mandatory wear of lifejackets. Mr. Sens provided an update of what happened at this hearing. He said, “Attendees were separated into four panels: 1) the first panel covering facts, figures, and studies of PFD use; 2) this panel covered public safety perspective; 3) panel three covered recreational boater perspective; and 4) this group discussed the recreational boating manufacturer perspective. It was truly a good forum and everyone came away with a cross the board perspective. There was a general consensus that there would be no mandatory PFD wear, but there was a general consensus that wearing one is encouraged along with education. Children should wear PFDs and is a regulation in most states.

*Dan Martin passed out a draft of Boating Accident Summaries and discussed recent accidents.

The meeting was adjourned at 12:15.

Notice of Proposed Rulemaking

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSIONTitle 58. Recreation
Part II. Fish and Boat Commission
Chapter 91
Boating
34 Pa.B. 4151

Preamble

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapter 91 (relating to general provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to the age of operation for personal watercraft (PWC) and boats propelled by motors in excess of 25 horsepower.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2005.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendments to §91.4 (relating to age of operator) are published under the statutory authority of section 5123 of the code (relating to general boating regulations). A person violating this section commits a summary offense of the third degree for which a \$50 fine is imposed.

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board (BAB) considered the proposed changes to §91.4 and recommended that the Commission publish a Notice of Proposed Rulemaking containing the proposed amendments. The BAB further recommended that the Commission seek the input of the Governor's Youth Council for Hunting, Fishing and Conservation.

E. *Summary of Proposal*

The Commission previously adopted limitations on the age of operation to address concerns for the safety of young operators of larger boats and PWC and those that boat around them. At the time the regulations were adopted, 10 horsepower was considered to be a satisfactory horsepower limitation. Youthful operators could operate larger boats (*i.e.*, boats with motors greater than 10 horsepower) after obtaining a Boating Safety Education Certificate or if they had an older operator onboard. A recent amendment to section 5103 of the code that provides for mandatory boating education, however, increased the minimum horsepower that comes into play to 25 horsepower. Specifically, this section provides that any person born on or after January 1, 1982, shall not operate a motorboat greater than 25 horsepower without first obtaining a Boating Safety Education Certificate. To be consistent with the code and to eliminate some complexity in the regulations, the Commission proposes amending §91.4.

Specifically, the Commission proposes to simplify the existing regulations and make them consistent with provisions of the mandatory boating safety education law. The Commission also proposes to eliminate the

distinction between PWC and other motorboat operation by applying the same standards to both. A description of the major proposed changes is as follows:

Subsection (a) – The current regulation prohibits operation by children 11 years of age or younger of boats powered by motors greater than 10 horsepower. The code, on the other hand, requires a Boating Safety Education Certificate for operators of boats powered by motors in excess of 25 horsepower. Under the proposed changes, operators 11 years of age or younger would not be permitted to operate PWC and other boats with motors greater than 25 horsepower.

Subsection (b) – Delete in its entirety. The current regulation provides that a person 12 through 15 years of age may not operate a boat propelled by a motor greater than 10 horsepower unless the person has obtained and possesses a Boating Safety Education Certificate or at least one person 16 years of age or older is onboard. Because all operators in this age group (12 through 15) are required by the law to possess a Boating Safety Education Certificate, the first part of this provision is no longer necessary and may be removed. The second part of the provision also should be removed because it is no longer consistent with the code to allow operation by someone less than 16 years of age who does not have a certificate as long as another person 16 years of age or older is onboard.

Old Subsection (c)/New Subsection (b) – No change at this time. However, the Commission proposes that after January 1, 2008, a person 15 years of age or younger may not operate a PWC. Therefore, if the Commission adopts the change on final-form rulemaking, this subsection will have to be removed at a later date.

Subsection (c) – This proposal prohibits the operation of PWC by anyone 15 years of age or younger effective January 1, 2008.

The Commission proposes that §91.4 be amended to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Pennsylvania Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

For the Pennsylvania Fish and Boat Commission

Douglas J. Austen, Ph.D.
Executive Director

Annex A
Regulation No. 48A-159
Title 58. Recreation

Part II. Fish and Boat Commission

Subpart C. Boating

CHAPTER 91. GENERAL PROVISIONS

§91.4. Age of operator.

(a) A person 11 years of age or younger may not operate a personal watercraft or a boat propelled by a motor greater than [10] 25 horsepower.

(b) **[A person 12 through 15 years of age may not operate a boat propelled by a motor greater than 10 horsepower unless the person has obtained and has in his possession a Boating Safety Education Certificate or at least one person 16 years of age or older is present onboard.]**

(c)] A person 12 through 15 years of age may not operate a personal watercraft if there are any passengers onboard 15 years of age or younger.

(c) Effective January 1, 2008, a person 15 years of age or younger may not operate a personal watercraft.

Notice of Proposed Rulemaking

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation
Part II. Fish and Boat Commission
Chapter 111
Boating
34 Pa.B.4152

Preamble

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to the creation of a slow, no wake zone on the Ohio River, Allegheny County, in the back channel of Neville Island from the Coraopolis Bridge upstream to the Interstate 79 bridge from May 1 through October 1 and the elimination of the slow, no wake zone in the Horseshoe Curve part of the Youghiogeny River Lake, Somerset County.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2005.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendments to §§111.2 and 111.56 (relating to Allegheny County; and Somerset County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water). A person violating the regulations contained in Chapter 111 commits a summary offense of the third degree for which a \$50 fine is imposed.

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the proposed changes to §§111.2 and 111.56 and recommended that the Commission publish a Notice of Proposed Rulemaking containing the proposed amendments.

E. *Summary of Proposal*

(1) *Section 111.2.* In September of 2003, Commission staff received a letter and petition to designate a slow, no wake zone, approximately 9/10 of a mile in length, in the back channel of the Ohio River at Neville Island on the Ohio River at Coraopolis.

There are four marinas and a restaurant in the section being requested as slow, no wake. Two of the marinas are fairly new and have approximately eighty boats moored. The back channel is rather narrow with several shoals. The area dead-ends at the Emsworth Dam. The letter states that wakes from careless boaters caused more than \$1,000 damage to one docked vessel during the 2003 boating season. Other undocumented reports also have been received. Regional law enforcement personnel report an increase in boat traffic in this area resulting in increased complaints, and they recommend that the area be restricted. Commission staff last reviewed this matter in 1992. At that time, sufficient justification did not exist to

restrict this area. However, there has been an increase in the number of marinas and the addition of a popular restaurant. The Commission, accordingly, proposes that §111.2 be amended to read as set forth in Annex A.

(2) *Section 111.56.* The U.S. Army Corps of Engineers, Pittsburgh District, has requested that a portion of section 111.56(b)(1) be removed from the regulations. Corps staff at Youghioghney Lake state that the regulation is not necessary because the usage in the Horseshoe Curve part of the lake, even during peak usage periods, does not warrant the retention of a slow, no wake zone. In addition, subsection (b) of this regulation combines personal flotation device (PFD) requirements in the same subsection as the slow, no wake areas. Separating these subjects into different paragraphs increases the clarity of the regulation. The Commission proposes to amend §111.56(b) to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Pennsylvania Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

For the Pennsylvania Fish and Boat Commission

Douglas J. Austen, Ph.D.
Executive Director

Annex A

Regulation No. 48A-158
Title 58. Recreation

Part II. Fish and Boat Commission

Subpart C. Boating

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§111.2. Allegheny County.

* * *

(e) Ohio River. Boats are limited to slow, no wake speed in the back channel of Neville Island from the Coraopolis Bridge upstream to the Interstate 79 bridge from May 1 through October 1.

§111.56. Somerset County.

* * *

(b) *Youghiogheny River Lake*. [Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak. Boats are limited to slow, minimum height swell speed within the following areas:

(1) **Wilkins Hollow Cove/Horseshoe Curve. Starting at a point at the west bank approaching Wilkins Hollow Cove, within a line which follows the curve about 600-800 feet off the shore to a point about 1,000 feet east of the point where the shoreline turns abruptly northward.]**

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) Wilkins Hollow Cove.

[2] **(ii) Tub Run Cove.** From a line extending in a southwesterly direction between the outermost points of land on each side of the cove as marked.

[3] **(iii) Somerfield Recreation Area.** As marked in the vicinity of the boat launch ramp and marina.

[4] **(iv) Fall Run Cove.**

[5] **(v) Hall Run Cove.**

[6] **(vi) Braddocks Run Cove.**

[7] **(vii) Reason Run Cove.**

[8] **(viii) Off Somerfield Hill.**

Notice of Proposed Rulemaking

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation
Part II. Fish and Boat Commission
Chapters 103, 105, 107 and 111
Boating
34 Pa.B. 4466

Preamble

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapters 103, 105, 107 and 111 (relating to rules of the road; operational conditions; boating restrictions; and special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to the definition of “slow, no wake speed” and eliminating the term “slow, minimum height swell speed” as used throughout the Commission’s regulations.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2005.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission’s Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendments to §§103.2, 103.3, 103.16, 105.3 and 107.5 (relating to definitions; restriction for special areas; speed restrictions; unacceptable boating practices; and streams less than 200 feet across) are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendments to §§111.2, 111.3, 111.4, 111.6, 111.9, 111.13, 111.14, 111.17, 111.20, 111.21, 111.22, 111.23, 111.24, 111.25, 111.27, 111.30, 111.31, 111.36, 111.40, 111.41, 111.42, 111.43, 111.46, 111.49, 111.52, 111.56, 111.58, 111.59, 111.62, 111.64 and 111.66 (relating to Allegheny County; Armstrong County; Beaver County; Berks County; Bucks County; Carbon County; Centre County; Clearfield County; Crawford County; Cumberland County; Dauphin County; Delaware County; Elk County; Erie County; Forest County; Greene County; Huntingdon County; Lancaster County; Luzerne County; Lycoming County; McKean County; Mercer County; Montgomery County; Northumberland County; Pike County; Somerset County; Susquehanna County; Tioga County; Warren County; Wayne County; and Wyoming County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission’s boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission’s Boating Advisory Board considered the proposed changes and recommended that the Commission publish a Notice of Proposed Rulemaking containing the proposed amendments.

E. *Summary of Proposal*

Historically, the Commission’s regulations have used the term “slow, minimum height swell speed,” as opposed to the more common term, “slow, no wake speed.” Section 103.2 defines “slow, minimum height swell speed” as the “lowest engagement speed for the engine and that the wake or wash creates a minimum

disturbance.” The section also provides that “Buoys and signs marked ‘slow, no wake’ shall mean operation at slow, minimum height swell speed.”

The current definition does not adequately describe what the Commission means by “slow, no wake speed.” There have been misunderstandings by the boating public and problems when citations by Commission officers for wake violations have been challenged in court. Staff have reviewed the definitions for “slow, no wake speed” in other states and by the National Park Service. Other states and the federal government do not use the term “slow, minimum height swell speed.”

The Commission therefore proposes that the term “slow, minimum height swell speed” be replaced with “slow, no wake speed” so the public better understands the term. In addition, the Commission proposes to amend the definition to reflect the accepted standards in other states. The Commission proposes that §103.2 be amended to read as set forth in Annex A.

In addition, there are several references to slow, minimum height swell speed throughout the Commission’s regulations. The Commission proposes that these references in §§103.3, 103.16, 105.3, 107.5, 111.2, 111.3, 111.4, 111.6, 111.9, 111.13, 111.14, 111.17, 111.20, 111.21, 111.22, 111.23, 111.24, 111.25, 111.27, 111.30, 111.31, 111.36, 111.40, 111.41, 111.42, 111.43, 111.46, 111.49, 111.52, 111.56, 111.58, 111.59, 111.62, 111.64 and 111.66 be amended to reflect the new term as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Pennsylvania Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

For the Pennsylvania Fish and Boat Commission

Douglas J. Austen, Ph.D.
Executive Director

Annex A

Regulation No. 48A-157
Title 58. Recreation

Part II. Fish and Boat Commission

Subpart C. Boating

CHAPTER 103. RULES OF THE ROAD

§103.2. Definitions.

[(a) **Definitions.**] The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Motorboat—A boat being operated by motor, including a sailboat with sails if the motor is running.

Sailboat—A boat being propelled with only sails; if a motor is attached it is not engaged.

[Slow, minimum height swell speed – The lowest engagement speed for the engine and that the wake or wash creates a minimum disturbance.

(b) Buoys and signs marked “slow, no wake” shall mean operation at slow, minimum height swell speed.]
Slow, no wake speed – The slowest possible speed of a motorboat required to maintain maneuverability so that the wake or wash created by the motorboat on the surface of the water is minimal.

§103.3. Restriction for special areas.

* * *

(b) Boats are limited to **[slow, minimum height swell] slow, no wake** speed when within 100 feet of the shore line; docks; launching ramps; swimmers or downed skiers; persons wading in the water; anchored, moored or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. * * *

§103.16. Speed restrictions.

* * *

(b) *Specific speed restrictions.* In addition to the general restriction on speed of watercraft set forth in subsection (a), the Commission may by general or special boating regulations set forth specific restrictions such as “[**slow, minimum height swell] slow, no wake speed” restrictions. * * ***

CHAPTER 105. OPERATIONAL CONDITIONS

§105.3. Unacceptable boating practices.

It is unlawful to:

* * *

(1) Operate a motorboat not equipped with railings or other safeguards at greater than a **[slow, minimum height swell] slow, no wake** speed while a person is riding on bow decking, gunwales, transom or motor cover.

* * *

(2) Operate a motorboat—less than 20 feet in length—at greater than **[slow, minimum height swell] slow, no wake** speed while a person is standing on or in the boat.

* * *

(7) Follow too close to another boat, including personal watercraft. For the purposes of this paragraph, following too close shall be construed as operating in excess of **[slow, minimum height swell] slow, no wake** speed within 100 feet to the rear or 50 feet to the side of another boat that is underway, unless the boats are operating in a narrow channel, in which case the boats may operate at the speed and flow of other boat traffic.

* * *

CHAPTER 107. BOATING RESTRICTIONS

§107.5. Streams less than 200 feet across.

(a) A boat may not exceed **[slow, minimum height swell] slow, no wake** speed on an area of a stream that measures less than 200 feet across except where special regulations have been promulgated by the Commission that provide for zoned areas where higher speeds are permitted under controlled conditions.

* * *

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§111.2. Allegheny County.

(a) *Allegheny River*. The following special regulations apply to the Allegheny River:

(1) Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed from Miles 12.8 to Lock and Dam Number 2 at Mile 14.5 in the back channel of Twelve and Fourteen Mile Islands.

(2) * * * Boats not actively engaged in towing water skiers are limited to [**slow, minimum height swell**] **slow, no wake** speed.

* * *

(c) *Allegheny, Monongahela and Ohio Rivers (City of Pittsburgh)*. Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed from the Fort Pitt Bridge over the Monongahela River and the Fort Wayne (Norfolk Southern) Bridge over the Allegheny River to the West End Bridge over the Ohio River. * * *

(d) *Youghiogheny River*. Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed from the mouth of the Youghiogheny River to the McKeesport Access Area, a distance of about 200 yards.

§111.3. Armstrong County.

(a) *Crooked Creek Lake*. * * *

(4) Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed in the following areas:

* * *

§111.4. Beaver County.

(a) *Beaver River*. Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed from the mouth of the Beaver River (Mile 0.0) to a point 2 miles upstream (Mile 2.3).

(b) *Connoquenessing Creek Dam*.

* * *

(2) The speed of boats is restricted to [**slow, minimum height swell**] **slow, no wake** speed upstream from a marked point 8/10 of a mile above the Route 65 bridge.

* * *

§111.6. Berks County.

(a) *Blue Marsh Lake*. The following special regulations apply to Blue Marsh Lake:

* * *

(2) Boats are limited to a [**slow, minimum height swell**] **slow, no wake** speed in the two arms of the lake formed by Spring Creek and Tulpehocken Creek.

* * *

§111.9. Bucks County.

* * *

(b) *Neshaminy Creek*. Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed from the mouth of Neshaminy Creek to a point approximately 200 yards upstream from the Route 13 Bridge, a distance of approximately 1.5 miles.

* * *

(d) *Delaware River.*

(1) Boats are limited to [**slow minimum height swell**] **slow, no wake** speed in the following areas:

* * *

(2) Boats are limited to [**slow minimum height swell**] **slow, no wake** speed while passing through the following bridge spans:

* * *

§111.13. Carbon County.

(a) *Beltzville Lake—Beltzville State Park.* The following regulations apply to Beltzville Lake: (1) Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed at Pine Run, Wild Creek and Pohopoco Creek Bays.

* * *

§111.14. Centre County.

* * *

(d) *Foster Joseph Sayers Lake—Bald Eagle State Park.*

(1) Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed in the following areas:

* * *

§111.17. Clearfield County.

* * *

(b) *Treasure Lake.*

(1) Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed from the established buoy line at the following areas:

* * *

§111.20. Crawford County.

* * *

(f) *Woodcock Creek Lake.*

* * *

(3) Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed in a zone defined by the area east of the L. R. 20063 Causeway.

* * *

§111.21. Cumberland County.

* * *

(c) *Power Company Dam (Cove Hill) Conodoguinet Creek.*

* * *

(5) Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed in the channel behind the island from the breast of the dam to the inlet.

§111.22. Dauphin County.

Susquehanna River, Lake Frederick. Boats are limited to [**slow, minimum height swell**] **slow, no wake** speed between Bashore Island and the York County shoreline.

§111.23. Delaware County.

(a) *Delaware River*. Boats are limited to **[slow, minimum height swell] slow, no wake** speed between Tincum Island and the Pennsylvania shoreline.

(b) *Tincum Lagoons*. Boats are limited to **[slow, minimum height swell] slow, no wake** speed.

§111.24. Elk County.

East Branch Clarion River Lake—Elk State Park.

* * *

(2) Boats are limited to **[slow, minimum height swell] slow, no wake** speed in the following areas:

* * *

§111.25. Erie County.

(a) *Lake Erie and Presque Isle Bay*.

(1) Boats are limited to **[slow, minimum height swell] slow, no wake** speed in the following areas:

* * *

(b) *Lake Leboeuf*. It is unlawful to operate a boat in excess of **[slow, minimum height swell] slow, no wake** speed.

* * *

§111.27. Forest County.

Tionesta Lake.

* * *

(2) Boats are limited to **[slow minimum height swell] slow, no wake** speed upstream from the confluence of Little Piney Run.

§111.30. Greene County.

* * *

(b) *Ten Mile Creek*. It is unlawful to operate a boat in excess of **[slow, minimum height swell] slow, no wake** speed.

§111.31. Huntingdon County.

(a) *Lake Raystown*.

(1) Boats are limited to **[slow, minimum height swell] slow, no wake** speed in the following areas:

* * *

§111.36. Lancaster County.

(a) *Lake Aldred—Susquehanna River*. Boats are limited to **[slow, minimum height swell] slow, no wake** speed from the York County shoreline to the northern point of Urey Islands to the southern tip of Blair Island, and back to the York County shoreline. * * *

(c) *Susquehanna River*. Boats are limited to **[slow, minimum height swell] slow, no wake** speed for both of the following:

* * *

§111.40. Luzerne County.

* * *

(c) *Lily Lake*. * * *

(2) Boats are limited to **[slow, minimum height swell] slow, no wake** speed except those operating within the buoyed high speed operating zone, between noon and sunset between the Saturday preceding Memorial Day and September 30.

* * *

(f) *Harveys Lake*. The speed of boats is limited to **[slow, minimum height swell] slow, no wake** speed between sunset and sunrise.

§111.41. Lycoming County.

* * *

(c) *Susquehanna River*. Boats are limited to [slow, minimum height swell] slow, no wake speed between Swimmers Island and the south shore of the Susquehanna River.

* * *

§111.42. McKean County.

Allegheny River Reservoir (Kinzua Dam).

* * *

(2) Boats are limited to [slow, minimum height swell] slow, no wake speed in the following areas:

* * *

§111.43. Mercer County.

Shenango River Lake.

* * *

(4) Boats are limited to [slow, minimum height swell] slow, no wake speed in the following areas:

* * *

§111.46. Montgomery County.

Schuylkill River. Boats are limited to [slow, minimum height swell] slow, no wake speed between Barbadoes Island and the Norristown shore from the Barbadoes Island Bridge downriver to the Norristown Dam.

§111.49. Northumberland County.

Susquehanna River. Boats are limited to [slow, minimum height swell] slow, no wake speed from the vicinity of the Shikellamy State Park boat launch on the south side of Packard’s Island upriver a distance of 1/3 mile.

§111.52. Pike County.

(c) *Lake Wallenpaupack*.

* * *

(4) Boats are limited to [slow, minimum height swell] slow, no wake speed in the following areas:

* * *

(i) *Fairview Lake*. Boats are limited to [slow, minimum height swell] slow, no wake speed from the Commission boat launch to the head of the cove.

* * *

§111.56. Somerset County.

* * *

(b) *Youghiogheny River Lake*. * * * Boats are limited to [slow, minimum height swell] slow, no wake speed within the following areas:

* * *

§111.58. Susquehanna County.

* * *

(d) *Laurel Lake*.

* * *

(3) * * *

(ii) *Upper Lake*. Boat speed is limited to [slow, minimum height swell] slow, no wake speed except that, during the period from noon until 6 p.m., no more than two boats powered by internal combustion motors may, at any one time, operate at speeds greater than [slow, minimum height swell] slow, no wake speed in the marked boat operating zone. Boats operating in the marked zone shall circle in a counter-clockwise direction and shall be subject to the restrictions in this subsection and the code and this subpart. It is unlawful to water ski or to operate a boat at greater than [slow, minimum height swell] slow, no wake swell speed at any location on the upper lake from 6 p.m. until noon of the following day.

(iii) *Lower Lake*. It is unlawful to water ski or to operate a boat at greater than **[slow, minimum height swell] slow, no wake** speed at any time at any location on the lower lake.

* * *

(4) *Restrictions on competing uses of marked boat operating zone*. Boats powered by internal combustion motors operating at authorized speeds greater than **[slow, minimum height swell] slow, no wake** speed in the marked boat operating zone shall have priority during the time periods when the operation is authorized under paragraph (3)(ii).

* * *

§111.59. Tioga County.

* * *

(b) *Cowanesque Lake*. Boats are limited to **[slow, minimum height swell] slow, no wake** speed in the following areas:

* * *

(c) *Hammond Lake*. Boats are limited to **[slow, minimum height swell] slow, no wake** speed from a buoy line across the lake in the vicinity of Ives Run to the extreme backwaters of the lake.

* * *

(f) *Tioga Lake*. Boats are limited to **[slow minimum height swell] slow, no wake** speed in the following areas:

* * *

§111.62. Warren County.

(a) *Allegheny River Reservoir. (Kinzua Dam)*.

* * *

(2) Boats are limited to **[slow, minimum height swell] slow, no wake** speed in the following areas:

* * *

§111.64. Wayne County.

* * *

(b) *Duck Harbor Pond*.

* * *

(2) The speed of boats is limited to **[slow, minimum height swell] slow, no wake** speed between the hours of 6 p.m. and 10 a.m.

(c) *Long Pond*.

* * *

(3) The speed of boats is limited to **[slow, minimum height swell] slow, no wake** speed from sunset until sunrise.

* * *

§111.66. Wyoming County.

* * *

(b) *Lake Winola*.

* * *

(2) The speed of boats is limited to **[slow, minimum height swell] slow, no wake** speed from sunset to sunrise, 7 days a week, year-round, and from sunrise to 11 a.m. on Sundays from the day before Memorial Day until Labor Day.

Staff Report

Request for Regulation Change on the Schuylkill River Above Kernsville Dam



**The Pennsylvania Fish and Boat Commission
Bureau of Boating and Education**

October 18, 2004

PETITION

On December 17, 2003 the Fish and Boat Commission received a petition to change the boating regulations for the Schuylkill River above the Kernsville Dam in Berks County Section 111.6. The petitioners requested one change:

1. Prohibit the Operation of Internal Combustion Motors on the Schuylkill River behind the Kernsville Dam.

Section 51.6 of the Fishing and Boating Regulations gives the Commission requirements for petitions. The petition to change Section 111.6 (a) met the regulatory requirements and an oral presentation was given to the Commission by Blue Mountain Wildlife, the organization petitioning, at the January 27, 2004 Commission Boating Committee meeting. Their petition states:

“Blue Mountain Wildlife Inc. supports the institution of, “Electric Motors Only,” regulations for the Kernsville Dam Recreation Area.” Our mission is to conserve and preserve the area’s wildlife and natural habitat.

The area around the Kernsville Dam has become a haven for all types of wildlife and birds. Many types of waterfowl utilize the tranquil waters of the Kernsville Dam throughout the year. Numerous Heron fish in the waters by the shores and Osprey and Bald Eagles have become regular visitors. With this in mind, Blue Mountain Wildlife. feels the enactment of Electric Waters Only regulations would help preserve the Kernsville Dam Receptions area’s natural beauty and cause the least disruption of the resident wildlife.

The area is also frequented by many fisherman, canoeists and kayakers. Any use of internal combustion engines would detrimentally affect their ability to safely enjoy the recreational opportunities available at the Kernsville Dam waters. With the rapid commercial development taking place nearby, the Officers and Board of Directors of Blue Mountain Wildlife, Inc. feel the need to encourage the preservation of the peacefulness and beauty of this area. Electric Motor regulations will be an important step in protecting the Kernsville Dam Recreation area.

Blue Mountain Wildlife, Inc., as a holder of the lease for the Kernsville Dam Area, is seeking your support to designate this areas as an “Electric Motor Only,” use area and prevent the use of any boat or personal water craft powered by an internal combustion engine.”

The Commission accepted the petition for further review and directed Commission staff to prepare a report for consideration at a future Boating Advisory Board meeting

EXISTING REGULATION

No additional regulations currently exist for this body of water.

DESCRIPTION AND HISTORY OF THE NEW KERNSVILLE DAM

The Schuylkill River drains much of Schuylkill County and flows from north to south. It enters into Berks County shortly upstream of the PA Route 61 Bridge. The New Kernsville Dam was built by the Commonwealth of Pennsylvania to trap coal fines and sediment. The Department of Environmental Protection owns the New Kernsville Dam and approximately 250 acres of adjacent property. In September 2003, an Occupancy License Agreement was executed between the Department and Blue Mountain Wildlife, Inc. authorizing development of recreational/park facilities and open space areas on portions of the property. Although not designed as a recreational impoundment, public use in large part has come later in the life of this dam. Recreational use was much higher in the past decade, prior to the closure of the boat ramp. The existing boat ramp on the pool was closed to the general public in early 2000. The New Kernsville Dam is not a Run-of-River Dam because of the configuration of the riverbank. However, the ramp was closed to the general public because of the close proximity to the dam, possible dangerous hydraulic conditions and a history of drowning incidents. In the four years prior to closing the ramp, four individuals drowned in the pool or directly below the dam. There have been no fatalities since. Watercraft were not directly involved in any of the accidents but limiting boat access to the pool appears to have had an impact. Current access is hand-carry only. Access to the Schuylkill River above the New Kernsville Dam for larger watercraft has been severely limited by the closing of the ramp near the dam. There is adequate parking. Small motorboats and the occasional personal watercraft have been reported using the pool.

The Schuylkill River above the dam is heavily silted and shallow. The last time the pool was dredged was in 1973. Snags abound in the area and no prudent boater would want to operate at high speed. The width of the river in the impounded area varies from over 600 feet at the dam to less than 200 feet at the upper end of the boating pool with a maximum width of 750 feet. These figures are **not** a true measure of the area open to boating because of the heavy siltation in the river on the right-descending bank.

BOATING SAFETY

The current and dam present in this body of water is a large concern. There have been no recreational boating accidents on this part of the Schuylkill River reported in the last four years.

STAFF RECOMMENDATIONS

The dam is 45 feet high and 600 feet wide. It creates a hazard to any boat that does not have sufficient power to escape the current. High flows may increase the current in this narrow boating pool, making it difficult for inexperienced operators to escape. Staff recommends that the area **not** be regulated to exclude internal combustion engines. However, staff feels that the conditions in the impoundment are **not** conducive to high-speed operation of boats. Slow-no-wake operation of motorboats will not conflict with anglers and other users. It will not be a detriment to wildlife or to the enjoyment of other users.

The small boating pool above the New Kernsville dam is a good place for angling and small boat operation. The addition of a boat access on the property outside of the restricted zone created by the dam would result in additional use by anglers and boaters to a pool that is difficult to access at this time.

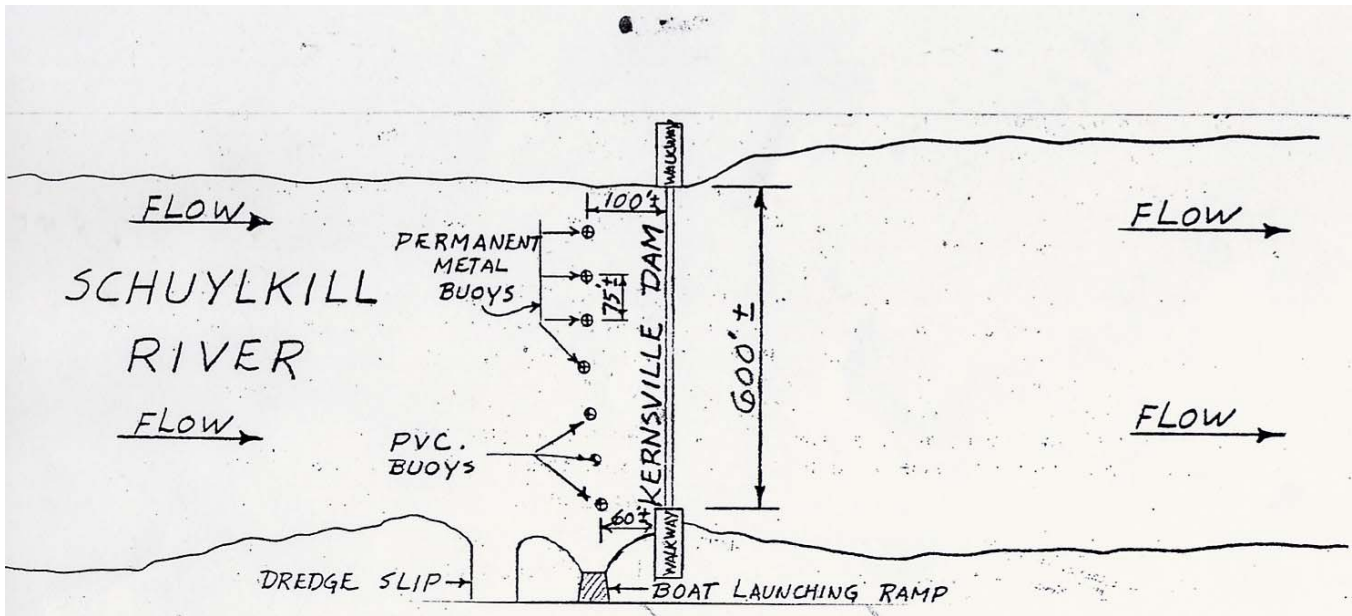
OTHER PUBLIC COMMENT

No additional public comment has been solicited at this point in time, nor has any been received.

REGULATORY OPTIONS

There are three (3) options listed but additional regulatory alternatives may be available.

- Option 1 -** Take no additional regulatory action.
- Option 2 -** Prohibit the Operation of Internal Combustion Motors on the Schuylkill River behind the Kernsville Dam.
- Option 3 -** Limit boats to slow-no-wake from the Kernsville Dam upstream.



Staff Report

Request for Regulation Change on Harveys Lake



**The Pennsylvania Fish and Boat Commission
Bureau of Boating and Education**

October 18, 2004

PETITION

On February 11, 2004, the Fish and Boat Commission received a petition to add a special boating regulation for Harveys Lake in Luzerne County, Section 111.40(f). The petitioner's request is as follows:

Boats are limited to 45 mph from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day through Labor Day.

Section 51.6 of the Fishing and Boating Regulations gives the Commission requirements for petitions. The petition to add Section 111.40 (f) met the regulatory requirements and an oral presentation was given to the Commission by Captain Dick Squitieri, the contact for the petitioners, at the April 20th, 2004 Commission Boating Committee meeting. The Commission accepted the petition for further review and directed Commission staff to prepare a report for consideration at a later Commission meeting

EXISTING REGULATIONS

Section 111.140. Luzerne County.

(f) *Harveys Lake* - The speed of boats is limited to slow, minimum height swell speed between sunset and sunrise.

DESCRIPTION AND HISTORY OF HARVEYS LAKE

Harveys Lake is 659 acres in size and is located in Harveys Lake Borough, Luzerne County. This lake is one of the largest natural lakes in Pennsylvania. It is a public lake, although most of the shoreline is privately owned. There are also a large number of boathouses, large and expensive docks and swim platforms along much of the shoreline. The Commission owns and maintains one large access area at the lake.

There are heavy volumes of boat traffic that occur on most summer weekends. The lake also has a high level of activity during weekends and Holidays, including bass tournaments, swimming, water skiing and tubing, scuba diving and angling.

The existing special boating regulation for speed of boats between sunset and sunrise has been in affect since September 1994. Although the regulation was opposed at the time, it is now generally well received by lake users.

PUBLIC MEETING COMMENTS

No public meetings or forums have been held in the Harveys Lake area to discuss this speed limit proposal.

OTHER PUBLIC COMMENT

In addition to the original petition, the Commission has received written correspondence from three groups: Harveys Lake Women's Club, Harveys Lake Neighborhood Crime Watch, Harveys Lake Lions Club and the Borough Council of Harveys Lake. The three groups support the petition.

Borough of Harveys Lake Council President, Betty Jane West, raised concerns in her letter of support about enforcement of this proposed speed limit if passed by the Commission.

Personal contact has been made with Captain Dick Squitieri who provided the petition and a presentation at the April 20th, 2004 Commission Meeting. Captain Squitieri is the main contact for the petitioners and he stated that it is his belief that many of the lake users are in favor of this proposed speed limit.

Commission staff also conducted an informal survey at Harveys Lake on July 28, 2004. Aquatic Resources Program Specialist, Walt Dietz, and Environmental Interpretive Technician, Casey Meehan, queried individuals at the Commission's boating access and at other sites around the lake. Individuals were asked if they were aware of the proposed speed limit regulation and whether they were in favor or against the regulation and why. Refer to the **Informal Survey of Lake Users on the Proposed Speed Limit at Harveys Lake** in the appendix. Several lake users expressed their concern about a few high-powered motorboats and several personal watercraft that operate at high speeds. They generally feel that there are too many potential hazards on weekends during the summer boating season – boats and personal watercraft continuously leaving shoreline docks and boathouses, heavy traffic, swimmers, water skiers, anglers and other lake users. Most lake users of this small survey group believed that a speed limit would increase safety.

LAW ENFORCEMENT

A Commission Waterway Conservation Officer and Deputy Waterway Conservation Officer (when available) is assigned by the Regional Law Enforcement Manager to patrol Harveys Lake every weekend (both Saturday and Sunday) between Memorial Day and Labor Day. The lake is also patrolled during the week on a regular basis, particularly during the busy summer boating season. Boating enforcement typically takes place during peak usage hours – late mornings through early evenings.

Citations are issued on a regular basis. A search of the Commission's Law Enforcement System citation database from 2002 to 2004 revealed the following adjudicated boating cases in order of occurrence (including number of citations): personal flotation device violations (7); personal watercraft violations (5); water-ski violations (4); juvenile operating in violation (4); and fire extinguisher violations (3). Other violations include slow minimum height swell speed and exceeding slow minimum height swell speed between sunset and sunrise (Harveys Lake special regulation 111.40). Most boats are stopped and boarded for unsafe operation or slow minimum height swell speed violations. It is estimated that four times as many warnings are given per each violation that is issued.

Speed issues at Harveys Lake can currently be addressed under Section 103.5 for operating safely under prevailing conditions like visibility, traffic congestion, weather, current and other hazards and boat size and navigability. Waterways Conservation Officer Jim Stout (Luzerne) has received reports from lake users about several high-powered motorboats that were seen operating at very high speeds.

There is agreement within Commission staff that there are issues with enforcement of existing speed regulations that can't be easily addressed. Radar use for speed enforcement on water has many limitations. Radar is not designed for use on waterways and does not produce an accurate reading of boat speed. In fact, in most cases, the equipment will not produce a *valid* reading when used on the water. Boat hulls are sloped and made of fiberglass. The slope of the hull and the non-metal hull

material causes problems with radar units designed for use on the highways with motor vehicles. Also, radar equipment is designed to be used head on, a very difficult situation for the officer on the water. The cost per unit is \$1,500 plus. Currently, there is no radar equipment available to our waterways conservation officers to accurately enforce speed limits on the water. Also, although it is not a law enforcement matter, many boats do not have speedometers and, even if they have such equipment, the speed measurement is not accurate.

BOAT ACCIDENTS

There have been very few recreational boating accidents reported from Harveys Lake boat operators or from waterways conservation officers. Since 1999 only seven (7) accidents have been reported, none of which were fatalities. In addition, none of the accidents seem to have been caused by excessive speed. There is no documentation in the boating accident record to support additional regulatory action. Harveys Lake is a safe lake.

OTHER INFORMATION

Harveys Lake is a relatively large lake for Pennsylvania at 659 acres in size. Its shoreline is irregular in shape. Operating in the required counter clockwise fashion means steering the boat around bends and into fingers and coves where an unsuspecting operator may quickly come upon swimmers or boats at anchor. The shape of this lake makes it less conducive to high-speed boat operation. A map of Harveys Lake in the appendix illustrates the irregular shape of the lake. Speed limit regulations already exist at lakes that are larger, which may be better conducive to higher boat speeds than Harveys Lake. Those lakes include Beltzville Lake (949 acres) and Lake Wallenpaupack (5,700 acres) in the Northeast Region. These two lakes have daytime speed limit regulations. Nearby Lake Winola (200 acres) is smaller in size than Harveys and it also has a daytime speed limit regulation. Harveys Lake is the only public waterway in the Northeast Region where boaters can operate high speed and high performance boats without speed restrictions.

Harveys Lake receives heavy volumes of boat traffic on summer and Holiday weekends, which create heavy chop. Boat traffic is continuously leaving the shoreline docks along the entire length of the shoreline. The shoreline photos in the appendix illustrate the large number of docks along most of this lakes shoreline. The lake also receives high levels of other activity during those same weekends including fishing tournaments, swimming, water skiing and tubing, sailboat races, triathlons, scuba diving and angling. These activities create challenging conditions for boaters and occasional conflicts.

Boats operating on the lake seem to be larger and faster. There are at times large offshore type race boats (26 feet or more) operating on the lake. There are reports of some of these boat owners (by their own admission) operating at speeds in excess of 70 mph. There are also personal watercraft at the lake with the capability of operating at speeds in excess of 45 mph. Non-resident boat traffic appears to be increasing on this lake. These boaters are unfamiliar with the territory and the activities that occur on the lake on a busy weekend.

REGULATORY OPTIONS

There are five options listed but additional regulatory alternatives may be available.

Option 1 - Take no regulatory action.

Option 2 Limit boats to 45 mph from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day through Labor Day.

Option 3 - Impose a 45 mph speed limit for all boats at all times.

Option 4 - Limit the maximum horsepower of boats (300 hp).

Option 5 – Limit the maximum length of single-hulled powerboats (excluding sailboats) on the lake to 22 feet.

APPENDIX

Informal Survey of Lake Users on the Proposed Speed Limit at Harveys Lake

James Kindler - Angler and boat owner who is in favor of speed limit regulation. He feels the lake is small in size and too congested at times, especially during weekends.

Brian Kankey – Angler and boat owner who is in favor of speed limit regulation. Lake is busy at times.

Dan Voitek, West Wyoming – Pleasure boater and angler who is greatly in favor of the speed limit regulation. He feels there is a need for more safety and less water turbulence that is caused by so many boats during the weekend. He has noticed excessive speeds of some of the larger boats.

Tony Sayre, Hunlock Creek – Boat owner who is in favor of speed limit. Recently noticed a boat owner operating at high speeds across the lake. This particular boat owner returned to the dock and bragged of reaching “85 mph on the speedometer.” Mr. Sayre feels this speed limit would improve safety, particularly on weekends when the lake is highly congested and there are many skiers on the water.

Anonymous Employee, Harveys Lake Post Office – Speed limit would be good.

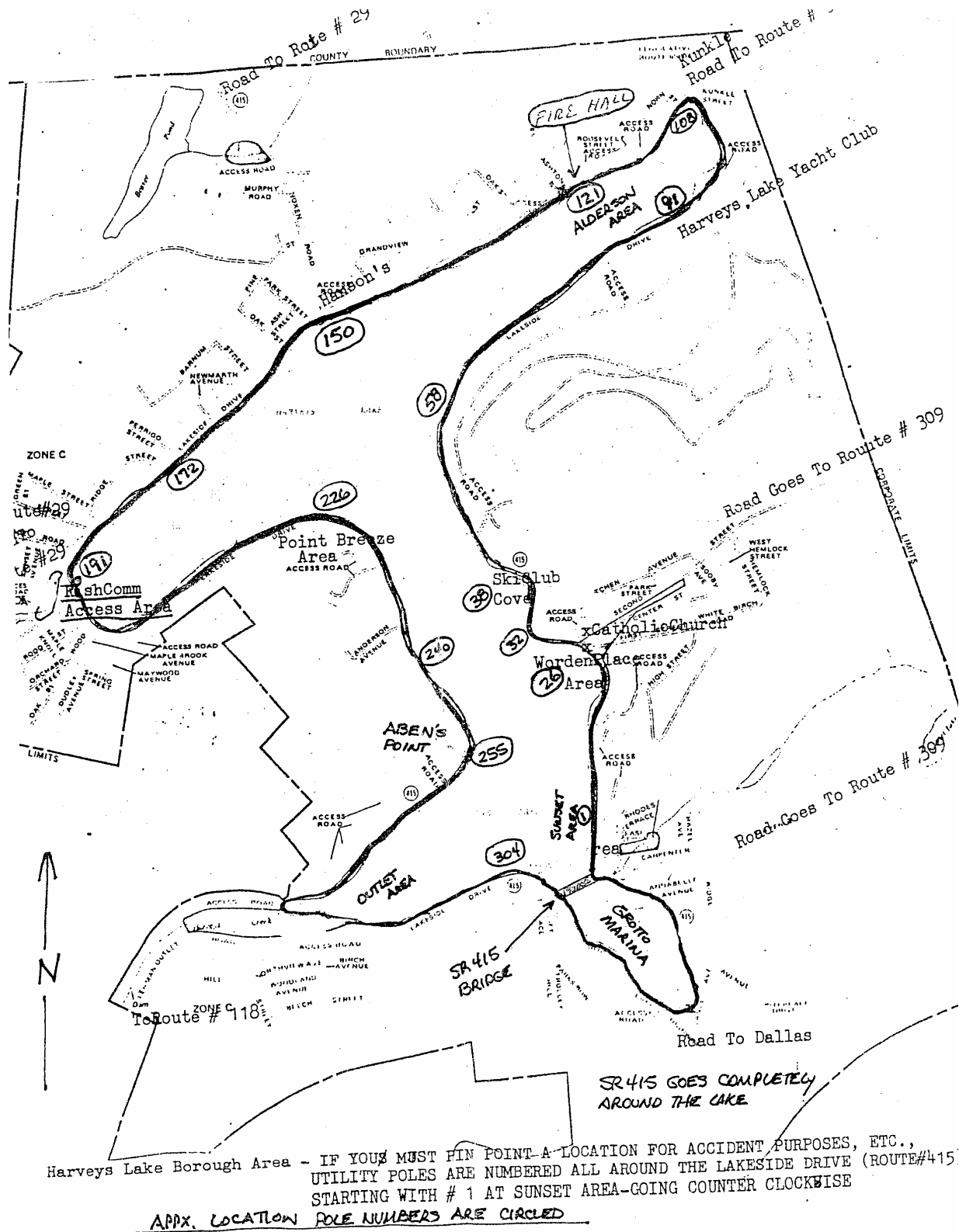
Shiri Metz, Harveys Lake County Store Owner – Lake user and business owner is in strong favor of the proposed speed limit regulation. Feels there are too many swimmers, PWCs and congested traffic on weekends and that the speed limit would increase the safety of boaters and other lake users.

Justin Matus, Williamsport – Property owner who is in favor of this speed limit proposal. Owns a boat that will operate in excess of 65 mph, but feels that is way too fast. Mr. Matus did note that boats towing barefoot-skiers need to be going at least 38 mph. Could be an issue for some, but feels those lake users can still participate at their sport by going less than 45 mph.

Anonymous, Houseboat Owner – This parent is in favor of speed limits. Feels that there is a lack of rule and regulation knowledge on Harveys Lake by other boaters. Notices that PWC owners operate too fast.

Bill Javer, Javer's Store – Business owner feels it won't matter. Commission can do what we want. Who would enforce it and how? There is currently not enough Commission staff out there to keep control of boaters.

MAP OF HARVEYS LAKE



PHOTOS OF HARVEYS LAKE SHORELINE



Photo 1 - PFBC Launch & Boating Access (Pole 191) – Shoreline looking NE across the Commission access. With the exception of the Commission access, the Harveys Lake shoreline is private and mostly developed with many boathouses and boat docks.



Photo 2 - Private Docks and boathouses in Alderson area (Pole 121) – typical dock arrangement and boathouses that line most of the Harveys Lake shoreline.



Photo 3 - Warden Place Association Private Beach (Pole 26) – this beach area is not roped off and swimmers can swim out fairly far into the lake. The beach area is hidden from the view of boaters traveling around the forested portion of land that is seen in the picture.