

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

**MINUTES FOR  
THE BOATING ADVISORY BOARD MEETING**

**August 13, 2007  
10:30 a.m.  
Harrisburg, Pennsylvania**

.....  
**Daniel G. Martin  
Acting Director  
Bureau of Boating and Education**

**The Thirty-Third Meeting of the  
Pennsylvania Fish and Boat Commission's Boating Advisory Board**

**Members**

Rex Beers  
Michael Lentine  
Mary Liskow  
Loren Lustig  
Damian Zampogna

**Members Ex Officio**

Dr. Douglas J. Austen, Executive Director  
Daniel G. Martin, Secretary  
David Barrett for Michael DiBerardinis, Secretary for the  
Department of Conservation and Natural Resources

## TABLE OF CONTENTS

Page No.

I.	Roll Call .....	1
II.	Introduction of Guests .....	1
III.	Approval of Minutes: October 25, 2006 Meeting .....	1
IV.	Election of Officers .....	1
V.	Public Comment.....	1
VI.	Old Business	
	A. Final Rulemaking – Sugar Lake, motor restrictions.....	1
	B. Final Rulemaking – Cloe Lake, motor restrictions.....	2
VII.	New Business	
	A. Amendments to §91.6. Boating Safety Education Certificates and §91.7. Criteria of Instruction in Boating Safety Education.....	2
	B. Amendment to §111.2 to modify Slow No Wake zone, Allegheny River. ....	3
	C. Boating Update.....	3
	1. Boating Facility Grant Program Update – Dan Martin	
	2. Waterways Program Coordinator Report – Kelly Sharp	
	3. 2007 Boating Accidents Update – Dan Martin	
	4. Mandatory Boating Education Discussion – Dan Martin	
	D. Report on the results of the PFBC reorganization.....	5
	E. Awards.....	5

## **I. Roll Call**

The meeting was called to order at 10:30 a.m. Roll was called and all members of the Board were in attendance. Staff present included: Jeff Bridi, Assistant to the Director of Law Enforcement; Laurie Shepler, Chief Counsel; Jason Oyler, Assistant Chief Counsel; Brian Barner, Director of the Bureau of Administration; Bernard Matscavage, Director of Human Resources; J. Gary Moore, Legislative Liaison; Richard Mulfinger, Director of the Bureau of Engineering and Development, and Kelly Sharp, Administrative Officer in the Bureau of Boating and Education.

## **II. Introduction of Guests**

The following guests were present: Jeff Souders, PA Federation of Sportsmen's Clubs; Bob Wecker, USCG Auxiliary; Ed Matheny, former Boating Advisory Board Member; Ted Piotrowski, former Boating Advisory Board Member; Charlie Johns, PA Boating Association/US Power Squadrons; Shelly Beers, PA Boating Association.

## **III. Approval of the October 25, 2006 Meeting Minutes**

The minutes of the last meeting were approved.

## **IV. Election of Officers**

Mr. Mike Lentine nominated Rex Beers for Chairman; there were no other nominations, and all were in favor. A nomination was then made by Mr. Lentine for Ms. Mary Liskow for Vice-Chairman. There were no other nominations and all were in favor.

## **V. Public Comment**

There were no items of public comment at this time.

## **VI. Old Business**

### **A. Final Rulemaking – Sugar Lake, motor restrictions**

At the last meeting of the Boating Advisory Board, the Board discussed increasing the horsepower limit on Sugar Lake from 6hp to 10hp. Mr. Steve Ketterer made a motion to increase the horsepower limit to 10 and all were in favor.

#### **Discussion:**

Mr. Daniel Martin reviewed this information. Ms. Laurie Shepler added that as of the October Commission meeting, they will consider this to be the final rulemaking. Mr. Rex Beers asked Mr. Jeff Bridi if Law Enforcement had any complaints or updates since this went out. Mr. Bridi was unaware of any feedback. Mr. Martin then performed a short Power Point presentation which included general information about Sugar Lake for the new Advisory Board members.

**Action:**

Mr. Lentine made a motion to proceed with increase. Mr. Loren Lustig seconded. All were in favor.

**B. Final Rulemaking – Cloe Lake, motor restrictions**

Mr. Daniel Martin informed the Board that final rulemaking to Section 111.33 would amend it and add a subsection B in relation to Cloe Lake. This would add a statement to the special regulations that would allow only electric motors on this lake. It is something that is already in place, the regulation simply needs to be cleaned up to reflect this.

**Discussion:**

The Board had many questions about Cloe Lake which were addressed by Mr. Richard Mulfinger. He stated that the size of Cloe Lake was about 25 acres, and the PFBC did have a public launch there which is in good condition. He added that there was an ADA accessible fishing pier as well as an ADA area near the launch ramp.

**Action:**

Mr. Lustig moved that the PFBC provide concurrence with this proposal and make Cloe Lake electric motor only. Mr. Lentine seconded. All were in favor.

**VII. New Business**

**A. Amendments to §91.6. Boating Safety Education Certificates and §91.7. Criteria of Instruction in Boating Safety Education.**

Mr. Dan Martin stated that this is a clean-up of an existing regulation. The Mandatory Education Act required the Commission to promulgate regulations that establish criteria for a course of instruction in boating safety education. This is necessary when selecting providers of internet, classroom and correspondence boating courses so that they may be provided with criteria which they must meet to be approved by the Commission. If the PFBC found the criteria to be inadequate, incomplete, or too harsh, we could easily make changes by reposting in the PA Bulletin.

**Discussion:**

Ms. Shepler noted that it would take 10 to 15 days to add any changes to criteria to the PA Bulletin. Mr. Martin also stated that this would assist in clarifying which courses are approved by the Commission. Mr. Lentine stated that this would give the Commission a check and balance system and would be a big improvement over what currently existed. Mr. Martin added that this would allow for more education providers, if they met all the criteria. Mr. Rex Beers voiced concern over “Boating Education Stores,” asking how hard it would be for someone to set up. Mr. Martin answered that under these guidelines, providers could not do this in Pennsylvania legally, and if it was tried, the PFBC would be able to tell.

**Action:**

Mr. Mike Lentine motioned to amend §91.6. Boating Safety Education Certificates and §91.7. Criteria of Instruction in Boating Safety Education. Mr. Lustig seconded. All were in favor.

**B. Amendment to §111.2 to modify Slow No Wake zone, Allegheny River**

Mr. Martin provided the background information stating that this was another “clean-up” regulation. Law enforcement and boating staff attempted to get approval to get signage for slow no wake posted on the Norfolk Southern bridge without success. The proposed amendment changes the slow no wake area to the 9<sup>th</sup> Street Bridge, where slow no wake signs are already posted. This amendment would make the regulation enforceable and gives the public the information they need to know the boundaries of the slow no wake area on this part of the Allegheny River.

**Discussion:**

Mr. Beers stated that the PFBC has dealt with this issue for a long time. He asked if the PFBC had buoys that stated slow no wake and if the PFBC had put them out. Mr. Martin replied that there were too many bridges which signs could be put on and that buoys would obstruct navigation, especially at night. The best way to deal with this issue is place large signs on the bridges, which has already been done.

**Action:**

Mr. Lustig made a motion to proceed with this amendment. Mr. Lentine seconded it. All were in favor.

**C. Boating Update**

**1. Boating Facility Grant Program Update**

Mr. Martin provided this update for the benefit of the new Boating Advisory Board members. Mr. Martin stated that the PFBC was very proud of this program and that it has helped to build partnerships between the PFBC and the grantees, while increasing boat access throughout the Commonwealth. He stated that he would like the Board members to direct appropriate partners toward it.

**Discussion:**

Mr. Lentine asked if the Commission was going to do public relations on the program. Mr. Martin responded by stating that the Commission has done a good bit of public relations on it. Dr. Douglas J. Austen provided information on some of the press events already done, such as check presentation ceremonies. Mr. Lentine added that the PFBC should find a way to provide information about the program throughout all Commonwealth newspapers, not just the areas that are currently targeted. Dr. Austen responded that the PFBC does send press releases statewide but

that it cannot force the papers to print them. Mr. Beers asked if the PFBC added any more staff which is dedicated to the program. Dr. Austen stated that the PFBC is trying to hire a statewide access coordinator and additional staff for this program. He views this as an area of growth and adds that it is always challenging to get people on board. Mr. Lustig asked what the total amount of money allocated for this program was per year, to which Mr. Martin replied 2 million dollars. Mr. Lustig also asked if there were more grant requests than fundable money in a particular grant round. Mr. Martin replied that in some cases there may have not been enough money, but more so, some applicants applied incorrectly or simply were not eligible to receive the grant. Mr. Dick Mulfinger also provided an overview of the facility grant program to aid the new Board members.

## **2. Waterways Program Coordinator Report**

Ms. Kelly Sharp provided a brief overview of what she does as the Waterways Program Coordinator. She works with the Coast Guard and PFBC Waterways Conservation Officers to manage the Aids to Navigation program on Commonwealth waters. She administers the Run of the River Dams Program which provides statewide guidance for the marking of dams in Pennsylvania. She works with Passenger for Hire vessels, licensing both vessels and operators. Ms. Sharp administers the Capacity Plate Program. Ms. Sharp also manages the PFBC's North East Access and Marina and Walnut Creek Access and Marina in Erie County.

## **3. 2007 Boating Accidents Update**

Mr. Daniel Martin commented that the number of boating accidents was dismal at the beginning of 2007, but has gotten much better. There were 5 fatalities in April and 1 in May. There have been no other fatalities since June 16th. Last year, at this time, there were 20 fatalities. Mr. Martin said that this is an average year for fatalities, but added that eight is still too many.

### **Discussion:**

Mr. Lustig questioned why there was a spike in the number of accidents in 2006. Mr. Martin answered that there are years where there are many accidents and years when there are few. 2006 happened to be a year with many accidents. Mr. Martin concluded by stating that Pennsylvania is doing well this year, but that he wouldn't be happy until the number of boating fatalities was zero.

## **4. Mandatory Boating Education Discussion**

Mr. Martin provided some information on other states' mandatory boating education requirements. He notes a huge variance in how each state regulates mandatory boating education. He asked for the Board's views on Pennsylvania's mandatory boating education requirements.

### **Discussion:**

Mr. Lentine stated that the Board would need more time to consider before a discussion could take place. Mr. Martin agreed and suggested that this be an item in

the next Boating Advisory Board meeting. Ms. Shelly Beers stated that she felt education should be mandatory for all boats, powered and un-powered. Ms. Mary Liskow stated that if it were mandatory for all boats, a different boating safety course would be needed for unpowered boats. She stated that the existing course targets motor boats. Mr. Beers questioned how the PFBC could add more focus to unpowered boats in the existing course.

**Action:**

Staff is to work on a program to improve boating safety for unpowered boaters.

**D. Report on the Results of the PFBC Reorganization**

Mr. Bernard Matscavage, Director of Human Resources addressed the Board with information concerning the PFBC reorganization. On July 26, 2007 the Commission approved the reorganization of the PFBC in an attempt to better consolidate like job functions and to reduce the conflicts associated with having like job functions spread between departments. Mr. Matscavage believes this reorganization will give the PFBC better “command and control.” Some of the changes noted were the creation of a Communications Division by combining the Education, Marketing, Press Office and Media Production sections. There would be a new bureau called Boating and Access which would allow better concentration on boating and access related programs. Dr. Austen stated that this reorganization would strengthen operation efficiency and the Commission as an agency. The Office of Administration has yet to give the final approval.

**E. Awards**

Mr. Rex Beers presented awards to Mr. Ted Piotrowski and Mr. Ed Matheny for their past service as members of the Boating Advisory Board.

Meeting was adjourned at 12:45 p.m.