

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

**MINUTES FOR  
THE BOATING ADVISORY BOARD MEETING**

**Tuesday, February 8, 2011  
10:00 a.m.  
Harrisburg, Pennsylvania**

.....

**Laurel L. Anders**

**Director**

**Bureau of Boating and Access**

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

**Members**

Chair Mary Gibson  
Vice-Chair Andrew Talento  
Loren Lustig  
Michael LeMole  
Henry Grilk

**Members Ex Officio**

John A. Arway, Executive Director  
Laurel L. Anders, Secretary  
Ryan Dysinger for Cindy Adams Dunn, Acting Secretary for the  
Department of Conservation and Natural Resources

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## **I. Roll Call**

The meeting was called to order at 10:00 a.m. All Members of the Board were in attendance. A quorum was present.

Commission staff present: Brian Barner, Deputy Director of Administration, Boating & Engineering; Bernard Matscavage, Director of Administration; Laurie Shepler, Chief Counsel; Wayne Melnick, Assistant Legal Counsel; Tom Kamerzel, Director of Law Enforcement; Anthony Quarracino, Waterways Conservation Officer; Daniel Leonard, Director of Engineering & Property Services; Carl Richardson, Education Section Manager; Ted Walke, Communications Chief; Ryan Walt, Boating & Watercraft Safety Manager; Kristen Swinehart, Administrative Officer for Administration, Boating & Engineering; Eric Levis, Press Secretary.

## **II. Introduction of Guests**

Richard Raudabaugh, U.S. Coast Guard Auxiliary Liaison to the PA Fish & Boat Commission; Dennis Sens, 5<sup>th</sup> District U.S. Coast Guard, Portsmouth, VA; Sean McGarigal, U.S. Coast Guard Director of Auxiliary for 5NR, Philadelphia, PA.

## **III. Approval of the June 15, 2010 Meeting Minutes**

A motion was made by Andrew Talento and seconded by Loren Lustig to approve the June 15, 2010 minutes as written. Motion carried.

## **IV. Public Comment**

Dwight Beall, Operations Manager at Lake Raystown, U.S. Army Corps of Engineers, Baltimore District gave a brief PowerPoint presentation recommending the elimination of the slow-no-wake designation in the areas of Hawns Run Cove and Anderson Bay on Lake Raystown, Huntingdon County. See Amendment to Section 111.31 (Huntingdon County).

Director Arway presented each member of the Board with a copy of the book entitled "The Sportsman's Voice," authored by Mark Damian Duda of Responsive Management. The book describes hunting and fishing trends that span the entire country putting all the states into perspective with one another and has state specific statistics for fishing and boating. It explains why trends occur and strategies on ways to reverse them.

## **V. New Business**

A. Amendment to Section 53.2 (Camping and cooking).

### Commentary:

On October 4, 1976, the Commission established the Natural Access Area Program to make available public fishing and boating opportunities to some of the most scenic and inaccessible waterways within the Commonwealth. The program consisted of two distinct types of natural access areas: low development or mini-accesses and primitive rest stop access. The Commission established rules and regulations for access areas designated under this program and a special use permit for overnight camping at a cost of \$2 per boat.

On July 29, 1977, the Commission entered into an agreement with the Pennsylvania Department of Environmental Resources (DER) to establish its recently-acquired

Allegheny River State Park in Venango County as a primitive rest stop access under the Natural Access Area Program. Although the agreement held the Commission responsible for development and maintenance of the site, all improvements and maintenance has been conducted by DER (now Department of Conservation and Natural Resources) personnel and funds. The Commission has never actively managed or operated the site. The site is still functional today and is known as the Kennerdell Tract of Clear Creek State Forest.

The Commission has not entered into any other agreements or established any other properties under the Natural Access Area Program, nor has it collected any permit fees from this program. A variety of agencies and organizations currently offer primitive access opportunities across the state with accompanying regulations, enforcement and management. The Commission will continue to provide assistance for the development of primitive access (often referred to as geo-cell ramps) for unpowered boats. Therefore, it is unnecessary for the Commission to maintain the Natural Access Area Program and to continue its regulation relating to primitive access areas.

Staff therefore proposes that §53.2 be deleted as follows:

§53.2. Camping and cooking.

\*\*\*

**[(b) *Primitive access areas.* Overnight camping is permitted on properties designated as primitive access areas subject to the following terms and conditions:**

- (1) Access to the access area may be gained only by boat, which boat is properly and currently registered in accordance with applicable laws and regulations.**
- (2) Small fires for cooking and warming purposes are permitted only at places where adequate precautions are taken to prevent the spread of fire which may damage adjacent areas. Fires shall be attended to at all times; unattended fires are prohibited. Open fires are prohibited when the forest fire danger in the area of the primitive access area is rated high or extreme.**
- (3) Sanitary facilities are primitive only. Human wastes shall be deposited away from normal camp sites and water courses and shall be covered with natural materials.**
- (4) The following area is designated as a primitive access area – Venango County, Allegheny River, Allegheny River State Park at about mile 109.]**

\* \* \*

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Access

Action:

Mr. Talento made a motion to accept staff's recommendation to delete §53.2(b) from the Commission's regulations. The board feels that the intent of this program is being met by other means. Mr. LeMole seconded the motion. The motion was carried.

B. Amendment to Section 97.3 (Sound producing devices).

Commentary:

Inland Navigation Rule 32, Part D—Sound and Light Signals, does not make a distinction in terms of required sound equipment for powered versus unpowered vessels. Length of the vessel is the characteristic that determines the type of sound producing device required. The Commission’s current regulations are consistent with the Inland Navigation Rule and specifically refer to unpowered boats for ease of reference. However, the use of the word “oral” in describing the requirement for unpowered boats may be misconstrued as meaning shouting or whistling as being an acceptable sound signal. Staff recommend clarifying the requirement and adding a statement indicating that an athletic coach’s whistle is an acceptable sound producing device for unpowered boats.

Staff therefore propose that §97.3 be amended as follows:

§97.3. Sound producing devices.

\* \* \*

(c) *Unpowered boats.* – Unpowered boat operators are required to [**have some means of making an efficient oral or mechanical sound signal**] **carry a device capable of sounding a prolonged blast for 4-6 seconds** that can be heard by another boat operator in time to avoid a collision. **An athletic coach’s whistle is an acceptable sound producing device for unpowered boats.**

\* \* \*

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Access

Action:

A motion was made by Mr. Talento and seconded by Mr. Grilk to accept staff’s proposed changes to §97.3 (c). Additionally, the Board recommends that it include a provision making it a violation and subject to penalties for anyone to engage in frivolous and excessive whistle-blowing. Motion carried.

C. Amendments to Section 103.3 (Restriction for special areas), Section 105.3 (Unacceptable boating practices), and Section 109.4 (Waterskiing, aquaplaning, kiteskiing and similar activities).

Commentary:

Across the country wakeboarding and related sports are growing in popularity. Wakeboarding is an activity where an individual on a wakeboard (similar to a snowboard) is towed behind a boat using a tow rope. In order to ride the boat's wake, the wakeboarder maneuvers up the rope, often to less than 10 feet behind the swim platform or transom to ride on the boat's wake. Once in the wake, the wakeboarder can then throw the tow line into the boat and ride the wake untethered which is then considered wakesurfing.

Wakeboarding and related sports are growing in popularity such that boat manufacturers are selling specialty ski/wakeboard boats that are designed to produce larger wakes and accommodate the equipment necessary to participate in these sports. In addition to specialty designs, extra weight (i.e., ballast) or modifications can be added to a boat to increase the size of its wake. The Commission has received complaints from boaters and property owners regarding disturbance and damage resulting from excessive wakes from boats being operated for the purpose of wakeboarding and wakesurfing. Staff therefore recommend amending §103.3 to increase the slow, no wake area for these boats.

Based on NASBLA's Boat-Towed Watersports Model Act, the Commission's current regulation (§105.3) requires a tow rope length greater than 20 feet, effectively prohibiting the sport of wakeboarding and wakesurfing. In 2004, NASBLA revised its language and narrowed the act to apply to teak surfing and body surfing – water sports that pose potential dangers to the participant both because of proximity to the boat's propeller and because of the possibility of carbon monoxide poisoning. Wakeboarders and wakesurfers are typically in an upright position and outside of the carbon monoxide concentration zone. Additionally, Boating Law Administrators from across the country report no propeller strikes or other serious injuries as a result of wakeboarding or wakesurfing.

Staff recommend defining and including wakeboarding and wakesurfing in §109.4 to further require a competent observer to be onboard, prohibit the activity between the hours of sunset and sunrise, and require the use of PFDs or a specifically designed water ski wetsuit.

Staff therefore propose to amend §103.3, §105.3 and §109.4 as follows:

§103.3. Restriction for special areas.

\* \* \*

**(d) Boats that carry additional weight for the purpose of creating an abnormally large wake during the operation of such boats are limited to slow, no wake speed when within 300 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.**

\* \* \*

§ 105.3. Unacceptable boating practices.

It is unlawful to:

\* \* \*

(11) Operate a motorboat at any speed when towing a person on waterskis or other devices using a tow rope of 20 feet or less.

**(i) This section does not apply to the act of wakeboarding or wakesurfing as defined in §109.4.**

\* \* \*

§109.4. Waterskiing, aquaplaning, kiteskiing and similar activities.

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

\* \* \*

**Wakeboarding or wakesurfing.—A competitive or recreational water sport in which a person on a wakeboard or similar style board rides the wake of the boat using a short rope (less than 20 feet) or not directly attached to the boat.**

\* \* \*

(g) *Water ski wetsuits.* A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, **wakeboarding or wakesurfing** may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast Guard approved PFD required in §97.1 (relating to personal flotation devices). A United States Coast Guard approved PFD of a type described in §97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

- (1) The device shall be marked by the manufacturer as a water ski wetsuit.
- (2) The device shall be constructed of nylon covered neoprene or similar material and may have either long or short sleeves or be sleeveless. The device may have legs.
- (3) The device shall be equipped with additional flotation padding material of a close cell nonabsorptive type such as PVC foam or Ensolite®. This flotation/padding shall be sewn into the device according to the following:
  - (i) On the front extending from the clavicle to the top of the pelvis vertically and covering the front rib cage area and covering as much of the side area as feasible. A maximum gap between padded areas on the side of the suit under the arm is 4 inches.
  - (ii) On the rear of the device, padding/flotation material shall cover the area from the top of the shoulder blade to the top of the pelvis and span the entire width of the back.
  - (iii) Padding/flotation shall be at least 1/2-inch thick. This thickness excludes the thickness of covering material.

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Access

Action:

Regarding the amendment to §103.3(d), Mr. LeMole made a motion that this amendment be rephrased to read: “Boats engaged in the activity of wakeboarding and wakesurfing

are limited to slow no wake speed when within 300 feet of the shore line; docks; launching ramps...” This change will put the focus on the activities rather than the vessels used for these sports. Staff advised that as the result of the Board’s recommendation this amendment would likely fall into §109.4 and not §103.3. Mr. Talento seconded the motion. The motion carried.

Regarding the amendment to §105.3(11)(i), Mr. Talento made a motion and was seconded by Mr. LeMole to accept staff’s recommendation to exclude the sports of wakeboarding and wakesurfing from the current regulation. The motion carried.

Regarding the amendment to §109.4(a), Mr. Talento made a motion and was seconded by Mr. LeMole accepting staff’s recommended definition. The motion carried.

Regarding the amendment to §109.4(g), Mr. Talento made a motion and was seconded by Mr. Grilk to accept staff’s recommendation to add the sports of wakeboarding and wakesurfing to this amendment. This will allow these participants to wear a specifically designed wetsuit in lieu of the United States Coast Guard approved PFD. The motion carried.

In related discussion, Mr. Grilk expressed his thoughts about the dangers of carbon monoxide exposure.

D. Amendment to Section 111.31 (Huntingdon County).

Commentary:

During the summer of 2010, a joint meeting was held between representatives of the Commission, US Army Corps of Engineers (Corps), US Coast Guard Auxiliary, and Raystown Concessionaires concerning the current zoning on Raystown Lake. The Corps' goal for Lake Raystown is to reduce the costs of the buoy program by transferring costs to parties who benefit; eliminating buoys that are redundant to Commission regulations; replacing buoys with signage; and analyzing existing lake zoning versus observed usage patterns. As a result of the meeting and subsequent discussions, the Corps developed a plan that recommends changes to enhance recreation on the lake. Specifically, the plan recommends eliminating the "slow, no wake speed" designation in the areas of Hawns Run Cove and Anderson Bay.

The narrow geography of Hawns Run Cove already restricts a portion of the cove to slow, no wake according to Commission regulations. The Corps recommends removing the regulation currently restricting the entire cove, thereby eliminating the need for the three buoys at the entrance to the cove.

The Corps plan also states that Anderson Bay is rarely used by recreational boaters and is more frequently used by trolling anglers. Therefore, based on usage of the bay, there is no need to designate the bay as a slow, no wake zone. This proposal would eliminate 15 buoys.

The Corps has requested that the Commission amend §111.31 as follows:

§111.31. Huntingdon County.

(a) *Lake Raystown.*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) **[Hawns Run Cove,]** Seven Points, Yocum Bay, **[Anderson Bay,]** Woodcock Valley Cove, James Creek Cove, Great Trough Creek Cove, Coffee Run Cove and Shy Beaver Cove.

\* \* \*

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Access

Action:

Mr. Talento made the motion to accept staff's recommendation and the Army Corps of Engineer's proposal. Mr. LeMole seconded the motion. The motion carried.

E. Amendment to Section 111.43 (Mercer County).

Commentary:

State Game Lands 270 contain approximately 300 acres of Lake Wilhelm. In 2006, electric motors were permitted on a sizeable part of Lake Wilhelm that runs through State Game Lands 270 from the old log boom to the State Propagation Area above the Sheakleyville Bridge. The area is fairly shallow and filled with stumps. Currently, the area is posted with “Electric Motors Only” posters at the boat launches, Sheakleyville Bridge, and at the old boom which is now just a line of buoys. There is currently no Commission regulation prohibiting the operation of boats powered by internal combustion motors in this area. The remainder of the lake is owned by the Department of Conservation and Natural Resources’ Bureau of State Parks and has a 20 horsepower restriction on it.

Waterways Conservation Officers have received numerous complaints from anglers that individuals are using gasoline powered motors in the “Electric Motors Only” area. The Pennsylvania Game Commission was contacted, and they support the proposed regulation. Currently, if an individual is caught running a gasoline motor in this area, the individual’s information must be turned over to the Game Commission for enforcement.

Staff therefore propose that §111.43 be amended as follows:

§111.43. Mercer County.

\* \* \*

**(b) Lake Wilhelm.**

**(1) The operation of boats powered by internal combustion motors is prohibited from a point approximately 200 yards north of the Interstate 79 causeway over Lake Wilhelm upstream to the Pennsylvania Game Commission Propagation Area above the Sheakleyville Causeway (State Route 1018, Milledgeville Road).**

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Access

Action:

Mr. Lustig moved to accept staff’s recommendation. By adopting this change, Commission law enforcement personnel will be free to enforce this restriction. A concern was raised as to whether or not this area has signage for the average boater’s information. Staff assured the Board that signs marking the prohibition in this propagation area already exist. The motion was seconded by Ms. Gibson. The motion carried.

F. Amendment to Section 97.5 (Visual distress signals).

Commentary:

The Commission's regulation for visual distress signals (VDS) is consistent with the Federal Navigation Regulations (33 C.F.R. §175.125) requiring that VDS must be in serviceable condition. However, there is no definition for "serviceable" as it relates to inspecting VDS. Unlike life jacket regulations that do provide examples of "serviceable condition," VDS requirements lack these examples. Therefore, staff recommend adopting the standards used by US Coast Guard Boating Safety Division.

Staff propose that §97.5 be amended as follows:

§97.5. Visual distress signals.

\* \* \*

(g) It is unlawful to operate a boat unless each signal required by subsection (b) or (c) is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired. **As used in this subsection, serviceable means that the device is fully functional to carry out the purpose for which it was designed and is free of damage and defects.**

\* \* \*

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Access

Action:

Mr. Talento made the motion to approve staff's recommendation. Mr. Grilk seconded the motion. The motion carried.

## VI. Updates

- A. Final rulemaking from January Commission meeting (previously recommended by the Boating Advisory Board).

Amendment to §53.16(d) (Special Use).

This property regulation formerly restricted the number of watercraft that may be launched or retrieved by livery operators at a Commission access area to eight watercraft or less in any one-hour period without advance written approval of the Commission's Executive Director. The Board of Commissioners approved, as final rulemaking at the January Commission Meeting, this regulatory amendment which will lessen the restrictions livery and commercial use of Fish & Boat Commission access areas. This change makes commission access areas friendlier for commercial use which is believed to be of benefit to recreational boating statewide. One public comment was received on this particular item.

Amendment to §95.13 (Lights for Boats).

The Board of Commissioners passed this item as final rulemaking. Docking lights were frequently used by boaters as "headlights" and were a safety concern, so the Commission proposed a regulatory amendment to prohibit the use of docking lights except for docking. A number of public comments were received from bow fishermen who use boats. They wanted to ensure that this regulation would not prohibit their use of lights for nighttime fishing. Interestingly, no public comments were received from groups who considered themselves a truly recreational boating group.

Docking lights are primarily forward-facing lights that can often obscure navigation lights. The Commission does not want to prohibit the sport of bow fishing in Pennsylvania. The Commission approved the BAB's recommendation but they modified the distance to 100 feet rather than 150 feet.

Addition to §111.16 (Clarion County).

This item was passed as final rulemaking at the January Commission meeting. It designates an area on the Clarion River as a slow-no-wake area from Blyson Run to McGourvey Run. No public comment was received regarding this issue.

Amendment to §111.20 (Crawford County).

This was passed for final rulemaking at the January Commission meeting. There was a reference in the commission's regulation to steel cribs on the western shoreline of Conneaut Lake in Crawford County that are no longer visible. The recommendation of the Boating Advisory Board was to remove this from the existing regulation. The Commission received no public comment on this item.

- B. Summary of 2010 USCG Performance Report (Ryan Walt)

The U.S. Coast Guard utilizes a Federal Fiscal Year, October 1<sup>st</sup> to September 30<sup>th</sup>, to compile boating accident statistics. The U.S. Coast Guard uses trends in boating accidents in addition to the declining numbers of fatalities in part to determine the success of a state's boating program.

This past year, Pennsylvania had seven fatalities making it the lowest number since 1968. The Commission's statistics show that some years contain spikes which was the case in 2006 with some variance in the early 1990s. From 1991 to 2000, an average of 12.5 fatalities occurred each year. Weather has an impact on boating accidents. If there happens to be low water levels in a certain year then there tends to be a decrease in boating activity and accidents, as opposed to high water levels which result in more boating activity and more hazards.

Pennsylvania had just over 355,000 registered boats, not taking into account unpowered boats using launch permits. This amounts to two fatalities per 100,000 registered boats. This reveals a downward trend in boating fatalities, so even as boat registrations increased, fatalities decreased. As far as boat registrations go, the numbers from 1968 to current have increased almost every year except for the past nine years where there has been a slight decrease which is a significant trend. This decrease has primarily been in boats that are less than 16 feet in length.

### C. Boating Accident Analysis & Fatality Summary (Ryan Walt)

In 2010, 72 boating accidents were reported by either the owner/operator of the boat or our WCOs. There were 61 injuries reported in 2010 which is one more than what was reported in 2009, representing a 14% increase.

Property Damage for 2010 stands at a little over \$230,000. One of the accidents comprised 18% of that total, at \$42,000 in damages. This one accident involved three power boats.

"Falls Overboard" appears to be the most frequent type of accident, but "Collisions" is actually the most frequent since this category combines "Collision with a Vessel" and "Striking an Object." "Falls Overboard" is second followed by "Skier Mishaps." This pattern of most frequent accident types is consistent with the past 20 years.

Six fatal boating accidents occurred in 2010 resulting in seven fatalities. Four of the fatalities were the result of capsizing, one was a fall overboard, one was a collision with a vessel, and one fatality was a result of a person leaving a vessel as in the case of the accident involving a Sailboat. "Capsizing" and "Falls Overboard" are usually the most frequent type of accident resulting in fatalities. For the past 10 years, the most common boating fatality location was on rivers. The types of boats involved historically have been motorboats, canoes and kayaks.

In 2010, the most common age bracket for fatalities was over 50 years of age. Historically, most fatalities fall between the ages of 30 and 50, and over 50 is usually in second place.

April and May stand as the months with the most boating accidents in 2010. Over the last 20 years, Saturdays have been shown to be the most popular day to go boating and the

most frequent day for boating fatalities in Pennsylvania. Accidents have historically dropped off on Sundays.

Hypothermia or cold water shock was a factor in four of the accidents and five of the fatalities. Alcohol played a role in one of these. Over the past 20 years, cold water shock or hypothermia was a factor in approximately 48% of boating fatalities.

Only one of the fatalities was wearing a lifejacket in 2010, which was the manually inflatable type which was never deployed. Historically in Pennsylvania, nearly 80 % of fatalities are not wearing a life jacket.

D. Briefing on Boating Handbook, Regulation Recap, Water Trail maps, etc. (Laurel Anders)

The Commission is focusing its efforts on encouraging PFD wear this year by using consistent messaging and focusing in on the “Wear It Pennsylvania!” slogan. The “Wear It” campaign is a national campaign, customized with our state’s name. “Wear It Pennsylvania!” banners will be displayed at events throughout the year. The Commission will also use a 10-ft exhibit at the Eastern Sports and Outdoor Show this week bearing the “Wear It Pennsylvania!” logo and including the statement that nearly 80% of all fatalities were not wearing their PFDs, and a reminder that PFDs are required to be carried on boats. The same message will be printed on the updated Boating Handbook. Additionally, the 2011 Fishing Summary books include the same message with a female angler wearing a lifejacket.

The new Regional Fishing and Boating Guides (one for each of our regions) now feature Water Trails on one side and all of the boating and fishing access areas on the other side. The “Wear It” logo is highlighted on the Water Trail side of the maps. The Commission has also developed “Wear It” pledge cards. The signers will pledge to wear PFDs and encourage others to wear them. These cards will help the Commission collect information so that we can contact people and encourage them with other messages that we want to share.

Staff is scheduling an event at the Capitol to highlight the National “Ready-Set-Inflate” day which is in May.

E. Update on Boating Safety Education courses and certificates (Ryan Walt)

This year the Commission issued a little over 15,000 boating safety education certificates, which is a slight increase from 2009. The majority of certificates issued are for the completion of the Internet courses. There are two different course providers right now. Boat-Ed is based out of Texas and Boater-Exam is based out of Canada. Both provide excellent internet courses. We also have a video correspondence course which resulted in the issuance of just over 500 certificates.

F. Update on Water Rescue Program (Ryan Walt)

Approximately 96 water rescue courses were taught throughout calendar year 2010. There were about 1,200 First Responders such as policemen, firefighters, swift water rescue

responders, and flood responders who were certified in the Commission's water rescue program. Since the inception of the program (1984), just over 24,000 people have completed the program.

Water rescue courses are primarily taught by an instructor corps consisting of about 150 volunteer instructors. The Awareness Level course, which began in 2006, is a 2 ½ hour classroom course. Currently we've conducted over 288 of these courses. They are popular with local fire departments who arrange for commission instructors to come in to their facility and teach the course. The Awareness Level curriculum meets NFPA (National Fire Protection Association) compliance. The commission has certified about 5,700 students since the inception of this program. All of the other water rescue courses are at least 16 hours long. They include practical sessions, taking place in a pool, lake or river, as well as in a classroom. Typically, at least one full day is spent at a location appropriate for either ice rescue, swiftwater rescue, or emergency boat operations training.

In 2010, Commission-certified water rescue instructors provided a total of 6,200 hours of volunteer time. Over the past 10 years, instructors logged about 43,000 hours of instruction time. The total number of courses taught over the past 10 years was 960 (not include the Awareness Level course).

## **VII. Discussion Items**

### **A. Mandatory PFD wear during cold weather months (November – April)**

Staff requested a reaffirmation from the Board concerning mandatory PFD wear during cold weather months. At the beginning of the meeting, the Board approved the June meeting minutes. Contained in these meeting minutes was this Board's recommendation to pursue mandatory PFD wear during cold weather months. A significant amount of time had passed since that recommendation, and in the meantime, the Commission experienced staff changes and conducted additional accident and fatality data analysis.

Using the fatality and accident statistics provided by staff, the Board was given an overview of accident and fatality data for the last 10 years and going as far back as 23 years. This better allowed the members to scrutinize the types of fatalities and accidents that were occurring. A handout was provided to Board members showing what other states have done in terms of time-of-year requirements. The states listed in the handout have dealt with very similar time frames as what staff presented, however none have been in place long enough to evaluate for effectiveness.

#### ***Discussion***

Ms. Gibson recommended two communication strategies to help spread the word about mandatory PFD wear: 1) working with PennDOT to insert educational brochures in their vehicle registration and license renewal mailings; and 2) providing "box stores" with informational brochures to distribute to customers. Staff found the PennDOT mailings to be incredibly expensive due to the volume of mailings. And, 80% of the driving public does not go boating. The Commission does make its publications available to businesses and individuals in bulk quantity.

Mr. Lustig commended staff on the accident and fatality research that had been conducted for the Board's use.

The Board agreed that wearing a PFD when boating in very cold water is a simple precautionary measure. Therefore, the Board again gave their endorsement to recommend that it be mandatory. A motion and vote is not necessary since the previous vote at the June meeting still holds. Hearing that confirmation, staff will proceed with preparing a regulatory amendment for Commission review.

#### B. Mandatory PFD wear during Small Craft Advisory on Lake Erie

Commissioner Mascharka had requested that the Boating Advisory Board consider mandatory PFD wear during Small Craft Advisory on Lake Erie. His main concern is that during a Small Craft Advisory water conditions become extremely hazardous for boaters. He recommended that the Commission establish a regulation requiring life jacket wear during these periods.

Staff distributed a fact sheet to Board members containing statistical data covering a 23 year block of time for the purpose of discussing accident/fatality statistics. Contributing factors were included in addition to the other data on the fact sheet. This information revealed that since 1988 a total of 17 fatalities in 13 recreational boating accidents occurred on Lake Erie. In this 23 year period five of those fatalities appeared to be weather-related. One was due to a lightning strike during a time when a Small Craft Advisory had not been issued. Of interest was the fact that three of the fatalities were due to poor health conditions of the boater. Although Lake Erie is a very heavily boated area and the largest waterway in the state, it's actually one of the state's safest bodies of water.

#### *Discussion*

After discussion of the Board, Mr. Talento recommended that statistical data presented here did not warrant a special regulation be considered for Small Craft Advisories on Lake Erie. The Board agreed.

#### C. July Commission Meeting – evening “boating” session

Director Arway explained that evening sessions have become a part of the quarterly commission meetings. The intent is to engage the public in the Commission's programs. Past evening sessions have focused on Susquehanna River bass, Marcellus and its impact on aquatics, and ice fishing. As part of the July Commission meeting, staff will be organizing a boating session for the public. The Board is encouraged to share its' services and expertise at this event.

#### D. Other Items

Mr. Grilk discussed four issues of concern to people involved in the Lake Wallenpaupack area in Wayne and Pike Counties. They represented organizations such as the Wallenpaupack Watershed Management District and the Lake Watch Assistance group among others.

**VII. Adjournment**

Mr. Talento made the motion that the meeting be adjourned. Mr. Grilk seconded the motion. The motion was carried. The meeting was adjourned.