

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

**MINUTES FOR  
THE BOATING ADVISORY BOARD MEETING**

**Tuesday January 8, 2019  
10:00 a.m. Harrisburg  
Pennsylvania**

**Members**

Chair Loren Lustig  
Vice Chair Mary Gibson  
Scott Ballantyne  
John Mahn  
Michael Murray

**Members Ex Officio**

Timothy D. Schaeffer, Executive Director  
COL Corey L. Britcher, Secretary  
Ryan Dysinger for Cindy Adams Dunn, 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: December 7, 2017 & June 26, 2018 .....1

IV. Election of Officers .....1

V. Old Business

    a. Review of Final Rulemaking from 2018 .....1

    b. Summary of 2018 USCG Performance Report.....2

    c. Boating Accident Analysis & Fatality Summary.....2

VI. New Business

    a. Amendment to Section 111.2 Allegheny County .....2

VII. Discussion Items

    a. Legislative Update – Mike Nerozzi .....3

    b. Water Rescue Update – Ryan Walt .....3

VIII. Other Business .....3

IX. Adjournment .....4

## **I. Roll Call**

The meeting was called to order by Chairman Loren Lustig at 10:00 a.m. Vice Chair Mary Gibson and Member John Mahn were present. Additionally Executive Director Timothy Schaeffer, COL Corey Britcher, and Ryan Dysinger were also present.

In addition to the members of the board, the following Commission staff were present: Commissioner Richard Lewis; Wayne Melnick, Chief Counsel; Robert Caccese, Assistant Counsel; Mike Nerozzi, Director Policy and Planning; LTC Lawrence Furlong, Law Enforcement; LTC Thomas Burrell, Law Enforcement; Gail Burkholder, Administrative Officer Law Enforcement; Ryan Walt, Boating and Watercraft Safety Manager Law Enforcement; Andy Shiels, Deputy Director of Field Operations; Stephen Kralik, Director Outreach, Education and Marketing; and Bernard Matscavage, Director of Administration.

## **II. Introduction of Guests**

No guests present.

## **III. Approval of the December 7, 2017 and June 26, 2018 Meeting Minutes**

Motion made by Member Mahn and seconded by Vice Chair Gibson to approve the December 7, 2017 and June 26, 2018 minutes. The motion carried.

## **IV. Election**

Chairman Lustig opened the floor for nominations for Chair. A nomination was made by Vice Chair Gibson to elect Chairman Lustig for a second term. Hearing no other nominations, Chairman Lustig called for a motion to close nominations. A motion was made by Vice Chair Gibson and seconded by Member Mahn to close nominations for Chair. The motion carried.

Chairman Lustig opened the floor for nominations for Vice Chair. A nomination was made by Chairman Lustig to elect Vice Chair Gibson for a second term. Hearing no other nominations, Chairman Lustig called for a motion to close nominations. A motion was made by Chair Lustig and seconded by Member Mahn to close nominations for Vice Chair. The motion carried.

## **V. Old Business**

### **A. Review of Final Rulemaking from 2018**

COL Britcher provided a summary of final rulemaking regarding Chapter 99A reinstating regulations relating to Capacity Plates for boats. Section 111.3 Armstrong County, allowing for up to 20hp motors to be used on Keystone Lake and also section 111.16 Clarion County creating/extending a slow no wake zone on Redbank Creek.

He also covered the increase of fees for Walnut Creek Marina and the fee increase for unpowered launch permits \$10 to \$12 and \$18 to \$22. Both changes are in effect as of the 1<sup>st</sup> of 2019.

### **B. Summary of 2018 USCG Performance Report**

Ryan Walt provided an overview of the Commission's performance report to the U.S. Coast Guard for October 1, 2017 to September 30, 2018 (the federal fiscal year). During this period, Pennsylvania reported 14 recreational boating fatalities. This equates to an average of approximately 13.2 fatalities per year over a ten-year period which is a slight increase. We are seeing more unpowered fatalities. We had approximately 13,500 people take the on-line Boating Safety Exam. We had a slight decline in boat registrations.

### **C. Boating Accident Analysis & Fatality Summary**

From January 1 to December 31, 2018 there were 61 reportable boating accidents resulting in 33 injuries requiring medical treatment. The most common type of accident was Capsizing (17) followed closely by Falls Overboard (12) and Collision with vessel (10). Property damage amounted to \$206,784 which was \$43,446 less than the amount reported in 2017. There were 13 recreational boating accidents resulting in 14 fatalities. Only three of the 14 victims in 2018 were wearing a life jacket at the time of the mishap that resulted in death. Seven of the 14 victims (50%) were not wearing a life jacket but did have them onboard the boat.

## **VI. New Business**

### **A. Amendment to Section 111.2 Allegheny County**

#### Commentary:

The area known as the Point in Pittsburgh is where the Monongahela and Allegheny rivers come together to form the Ohio River. This busy boating destination is regulated by Title 58 PA Code, specifically Section 111.2 Allegheny County. During the busy boating season, a No Wake Zone is enforced from the Fort Pitt Bridge over the Monogahela River and the 9<sup>th</sup> Street Bridge over the Allegheny River to the West End Bridge on the Ohio River. This zone is in effect on weekends from May 1 to October 1 each year as well as on the three summer holidays.

Recently several stakeholders including both the city of Pittsburgh, Allegheny County, Pittsburgh Safe Boating Council, 3 Rivers Rowing Association, and Downtown CDC have requested that the Commission consider extending the zone on the Allegheny River to the Veterans Bridge and keeping it in effect through November 1 of each year. This change is needed due to increased boating traffic in the fall for various events in the area. Additionally, the zone would create safer conditions for mooring vessels along the Riverwalk. After vetting by the Boating Advisory Board this amendment will be presented to the Commissioners at their January 2019 meeting.

Staff propose that §111.2 be amended as follows:

(c) *Allegheny, Monongahela and Ohio Rivers (City of Pittsburgh)*. Boats are limited to slow, no-wake speed from the Fort Pitt Bridge over the Monongahela River and the **[9th Street Bridge] Veterans Bridge** over the Allegheny River to the West End Bridge over the Ohio River. This zone shall be in effect on weekends from May 1 to **[October] November** 1 from 3 p.m. Friday until midnight Sunday and from 3 p.m. on the day preceding Memorial Day, July 4 and Labor Day until midnight of the holiday.

Briefer:

COL Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Boating Advisory Board recommends that the Commission extend the distance of the slow no wake zone by a ¼ mile and also add one month until November 1<sup>st</sup>.

Action:

A motion was made by Vice Chair Gibson and seconded by member Mahn to approve the changes. The motion carried. Proposal will now go to the Commission Meeting, January 14, 2019 for consideration.

## **VII. Discussion Items**

### **A. Legislative Update – Mike Nerozzi**

Mike Nerozzi spoke about a couple of key items. They are pursuing a fishing license fee increase, looking at the strategic money reserve, and also a way to expand the usage of Lake Erie Permit fees. They are trying to address the problems associated with the marking of low head dams. He also talked about from a public safety stand point making a BUI the same offense as a DUI. Looking to add legislation for aggregated assault by watercraft and also reducing the penalty for someone who doesn't have their Boating Safety Education card on board. Currently it's the same fine as someone who hasn't taken the course and is required to.

### **B. Water Rescue Update – Ryan Walt**

Ryan Walt talked about responding to the flash flooding that occurred in NE PA in August. He showed a video of some of the highlights from that trip. They did a three day rescue operation August 13 -15, 2018 in the Benton, PA area. They had 23 rescues, 6 of which were children. They also rescued 5 animals. He mentioned that in 2018, seven times they were asked to do a 24 hour stand by at Fort Indiantown Gap. He then showed a video of their 16 day deployment to South Carolina.

## **VIII. Other Business**

COL Corey Britcher told everyone that we have tentatively scheduled the next Boating Advisory Board Meeting for December 3, 2019.

## **IX. Adjournment**

Chairman Lustig called for a motion to adjourn the meeting. The motion was presented by Member Mahn and seconded by Vice Chair Gibson. The meeting adjourned at 11:40 a.m.