

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

**MINUTES FOR  
THE BOATING ADVISORY BOARD MEETING**

**Thursday June 27, 2019**

**Teleconference**

**10:00 a.m. Harrisburg**

**Pennsylvania**

**Members**

Chair Loren Lustig

Vice Chair Mary Gibson

Scott Ballantyne

John Mahn

Michael Murray

**Members Ex Officio**

Timothy Schaeffer, Executive Director

COL Corey L. Britcher, Secretary

Ryan Dysinger for Cindy Adams Dunn, Secretary for the  
Department of Conservation and Natural Resources

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## I. Roll Call

The meeting was called to order by Chairman Loren Lustig at 10:00 a.m. Vice Chair Mary Gibson and Members John Mahn and Scott Ballantyne 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; Brian Barner, Deputy Director of Field Operations; Mike Nerozzi, Director Policy and Planning; Bernard Matscavage, Director of Administration and Scott Bollinger, Statewide Access Public Program Manager.

## II. Introduction of Guests

No guests present.

## III. New Business

### a. Amendment to Section 119.8 Enforcement (Motorboat Noise Control)

#### Commentary:

Over the last several boating seasons the Commission has received multiple complaints about motor boat noise levels and a request for more enforcement. Under Title 58, Chapter 119 Motorboat Noise Control, regulations requiring mufflers and various noise levels for motorboats were established in June 1994. This regulation package was based on a model act provided by the National Association of State Boating Law Administrators (NASBLA). Even though the Commission adopted most of the recommendations from NASBLA, when it comes to determining if a boat is in violation the regulation is very subjective. Additionally, standards adopted have never truly been enforceable due to the lack of training and device guidelines.

Starting in 2018, staff began exploring the standards used and regulations in place in other states. It is believed that with a few minor language adjustments the Commission would be able to establish a training program utilizing recognized devices and be able to better address the complaints from around the Commonwealth's waterways.

Staff propose that §119.8 Enforcement be amended as follows:

**(a)** An officer authorized to enforce this chapter who has reason to believe that a [vessel] **motorboat** is being operated in excess of the noise levels established in this chapter may direct the operator of the [vessel] **motorboat** to submit the [vessel] **motorboat** to an onsite test to measure noise levels. If the [vessel] **motorboat** exceeds the decibel levels established by this chapter, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the [vessel] **motorboat**

to a mooring and keeping the [vessel] **motorboat** at the mooring until the violation is corrected or ceases.

**(b) Any law enforcement officer who conducts motorboat noise level tests as provided in this chapter shall be qualified in motorboat noise testing by the Commission. Such qualifications shall include but are not limited to the selection of the measurement site, and the calibration and use of noise testing equipment.**

**(c) Measurements for either a Stationary or Pass-by Test will be made by a sound level meter which satisfies ANSI-S 1.4-1983, Type 2 or equivalent.**

Briefer:

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

Recommendation:

Boating Advisory Board recommends that the Commission adopt these changes to the regulation as listed.

Action:

A motion was made by member Ballantyne and seconded by Vice Chair Gibson to approve the changes. The motion carried. Proposal will now go to the Commission Meeting, July 15, 2019 for consideration.

#### **IV. Discussion Items**

##### **A. Boating Facility Grants – Scott Bollinger**

Scott Bollinger gave a history on the boating facility grant program. The program ran from the years 2005 to 2012. We had six rounds of grants. We received 177 applications. 63 projects were approved for funding. The projects cost \$13.9 million and \$5.5 million was paid for by the Commission. They are proposing to re-open the program, with funding starting July 1, 2020. Executive Director Tim Schaeffer spoke about where the funding would come from and also that he felt this was a beneficial project. It was also well received by the Boating Advisory Board Members.

#### **V. Other Business**

COL Corey Britcher talked about moving the Boating Advisory Board Meeting in the future to be held in the summertime. This would allow for more time to address boating issues before the next boating season.

## **VI. Adjournment**

Chairman Lustig called for a motion to adjourn the meeting. The motion was presented by Vice Chair Gibson and seconded by member Ballantyne. The meeting adjourned at 10:33 a.m.