

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

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

Monday, August 14, 2023

9:00 a.m.

Virtual Meeting

Members

Chair Scott Ballantyne

Vice Chair Rocco Ali

Steven Ketterer

Loren Lustig

Elizabeth Winand

Members Ex Officio

Timothy D. Schaeffer, Executive Director

Laurel L. Anders, Director of Boating, Secretary to the Board

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

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I. Call to Order and Roll Call

The meeting was conducted virtually by Webex and called to order by Chair Scott Ballantyne at 9:09 a.m. Board members in attendance included Chair Scott Ballantyne, Vice Chair Rocco Ali, Steven Ketterer, Loren Lustig, Elizabeth Winand, Timothy Schaeffer, Laurel Anders, and Ryan Dysinger. A quorum was present.

II. Introduction of Guests

In addition to the members of the Board, Commissioner Richard Lewis (Boating At-Large) was present, along with the following Commission staff: Mike Parker, Director of Communications; Tanyan Carnes, Administrative Officer; Clyde Warner, Colonel for Bureau of Law Enforcement; Renae Kluk Kiehl, Chief Counsel; and Bob Caccese, Director of Policy.

III. Public Comment

A public comment period was established from August 8, 2023, at 8:00 a.m. through August 9, 2023, at 12:00 p.m. on the Commission's phone line. No public comments were received.

IV. Old Business

A. Amendments to § 107.1 (Horsepower restrictions) and § 107.2 (Electric motors).

Commentary:

Current regulations limit boat propulsion to electric motors only on Pennsylvania Fish and Boat Commission (Commission) owned or controlled lakes, some State Park lakes, and water bodies specified in Chapter 111 (relating to special regulations counties). These regulations were originally intended to reduce noise, excessive wakes, shoreline erosion and property damage, and the risk of petroleum-based water pollution on certain water bodies. Boats powered by small electric motors (such as trolling motors) and unpowered boats are popular on Pennsylvania water bodies with electric motor only restrictions.

Some exceptions exist for State Park lakes and certain other waters specified in Chapter 111 where internal combustion motors are permitted but with horsepower (HP) limitations. Boats propelled by small gas outboard motors and unpowered boats are popular on these waterways.

Recent technological advancements with battery-powered electric boat motors have produced a variety of higher-powered options up to 180 horsepower and 60 miles per hour. While these new units are currently expensive and have limited battery capacity, it is anticipated they will become more affordable and widely available in the future. Boating stakeholders, partner organizations, other state agencies, and staff have expressed concern about the potential increased availability and popularity of high-powered electric motors, which would be legal to be operated on waters under current regulations that allow electric motors only. Additionally, law enforcement staff have expressed concern about the complexity of enforcing horsepower limitations for electric motors to meet the original intent of current regulations.

Manufacturer and retailer specifications for electric motors frequently refer to kilowatt-hours rather than horsepower, whereas Commission regulations refer only to horsepower. In enforcing horsepower limitations, Waterways Conservation Officers (WCOs) typically rely on horsepower ratings that are marked on the boat's cowling (motor cover). If the horsepower rating is not marked on the cowling or the marking is not legible, WCOs may instead rely on documentation provided by the boat operator (such as an owner's manual), the results of an internet search of motor make and model, or, if the kilowatt-hour (kW) rating is known, use a conversion calculation to determine horsepower (HP). The widely accepted conversion calculation is $\text{kW} \times 1.341 = \text{HP}$. For example, a 15-kilowatt-hour electric motor converts to approximately 20 horsepower, which is a common horsepower limitation across Pennsylvania.

To address the above issues, Commission staff recommended amending Chapter 107 (relating to boating restrictions) to limit the speed at which electric motors may be operated and clarify that horsepower restrictions apply to both electric and internal combustion motors. On June 21, 2022, the Boating Advisory Board considered this

proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendments.

On July 26, 2022, the Commission approved the publication of a notice of proposed rulemaking containing these amendments. The notice was published at 52 Pa.B. 5651 (September 3, 2022). The Commission did not receive any public comments regarding the proposal; however, during the comment period, it was discovered that to effect the changes in the proposal other complementary changes in Chapter 107 were necessary.

These additional recommended changes were incorporated into a final rulemaking agenda item for Commission action. These changes were not published in the *Pennsylvania Bulletin* but were made public as part of the agenda for the October 24, 2022, Commission meeting. On October 24, 2022, the Commission voted to adopt the amendments as set forth in the notice of proposed rulemaking, which did not include the necessary additional changes presented at the meeting. The final-form rulemaking was published at 52 Pa.B. 7381 (December 3, 2022) and went into effect on January 1, 2023.

To correct this error and provide an opportunity for public comment on the additional changes, staff recommend reconsideration of the following changes to Chapter 107:

§ 107.1. Horsepower restrictions.

On waters where horsepower limitations are prescribed, as set forth in Chapter 111 (relating to special regulations counties), **[the use of internal combustion motors in excess of the prescribed horsepower limitation is prohibited] horsepower limitations apply to both internal combustion motors and electric motors. Boats with motors larger than the maximum horsepower shall be permitted but the motors may not be used.**

§ 107.2. Electric motors.

Except as otherwise specified in Chapter 111 (relating to special regulations counties):

(1) Electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted. **On waters where horsepower limitations are prescribed in Chapter 111, electric motors in excess of maximum horsepower limitations or equivalent kilowatt-hour ratings shall not be used.**

(1.1) Boats propelled by electric motors on Commission owned or controlled lakes, State Park lakes and water bodies in Chapter 111 shall not be operated at greater than slow, no-wake speed.

(2) On Commission and State Park owned or controlled lakes, internal combustion motors attached to or installed in boats need not be removed, but the operation of engines is specifically prohibited.

(3) Officers authorized to enforce the code and this part and, in the case of State Park lakes, officers and officials of the Bureau of State Parks and operators of emergency vessels may operate boats powered by internal combustion motors in the performance of their official duties on waters otherwise restricted to electric motors only.

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Rocco Ali and seconded by Loren Lustig to recommend this amendment to the Commission. The motion carried.

V. Adjourn

A motion was made by Loren Lustig and seconded by Rocco Ali to adjourn the meeting. The motion carried and the meeting was adjourned at 9:21 a.m.