

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

**MINUTES  
FOR  
THE BOATING ADVISORY BOARD MEETING**

**Thursday, February 23, 2017  
9:00 a.m. Harrisburg,  
Pennsylvania**

**Members**

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

**Members Ex Officio**

John A. Arway, 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 Grilk at 1010 hours. Member Lustig was present with Member LeMole calling in. Additionally Executive Director Arway, Ryan Dysinger, and COL Corey Britcher were present. A quorum was present.

In addition to the members of the board, the following Commission staff were present: Laurie Shepler, Chief Counsel; Wayne Melnich, Assistant Counsel; Tim Schaeffer, Director Policy and Planning; LTC Larry Furlong, Law Enforcement; Gail Burkholder, Administrative Officer Law Enforcement; and Ryan Walt, Boating and Watercraft Safety Manager Law Enforcement.

## **II. Introduction of Guests**

Richard Raudabaugh, USCG Auxillary; Rob Miller, Governor's Sportsmen Advisory Council; Chris Schenck, Chesapeake Bay Yacht Clubs Association, Ann Marie Grilk, and Louise Lustig.

## **III. Approval of the February 25, 2016 Meeting Minutes**

Motion made by Member Lustig and seconded by Member LeMole to approve the February 25, 2016 minutes. The motion carried.

Chairman Grilk questioned staff about the number of nonpowered boats and ratio of citations for using our access areas and any trends.

## **IV. Election**

Member Lustig made a motion to continue with the current leadership through 2018. Member LeMole seconded the motion. Motion carried. Chairman Grilk and Vice-Chair Gibson to continue in their respective positions.

## **V. Public Comment**

Chris Schenk representing the Chesapeake Bay Yacht Clubs Association asked several questions reference the ethanol levels in fuel for use in the marine environment. Staff answered here questions about the various levels as required by law. Richard Raudabaugh, USCG AUX discussed AUX patrols, education, and inspections during 2016. He also briefed the Board on the AUX's new paddle sports education component and asked to work with PFBC Outreach staff in marrying the two programs together. Outreach staff will be reaching out for appropriate follow up. This discussion reference nonpowered boats lead to a discussion reference a motion that the Board forwarded to the Commission several years ago about mandatory registration for nonpowered boats. The Board renewed their motion for the Commission to move forward and seek legislation for a mandatory nonpowered registration. Motion by Member Lustig and seconded by Member LeMole. Motion carried.

## **VI. Old Business**

### **A. Review of Final Rulemaking from 2016**

COL Britcher provided a summary of final rulemaking that was enacted as a result of the Board's recommendations in 2016.

Amendments to Sections 93.3 (Applications for Boat Registration) and 93.102 (Application Procedure and Contents of Applications for Certificates of Title). Language changes based on updated USCG Regulations that states were mandated to adopted by January 2017.

Amendment to Section 111.9 (Bucks County). Removed a no wake zone on the Delaware river.

## **B. Summary of 2016 USCG Performance Report**

Ryan Walt provided an overview of the Commission's performance report to the U.S. Coast Guard for October 1, 2015 through September 30, 2016 (the federal fiscal year). During this period, Pennsylvania reported 11 recreational boating fatalities. This equates to an average of approximately 11.9 fatalities per year over a ten-year period which is a slight increase. The discernable trend this past year was alcohol as a contributing factor as 6 of the 11 fatalities had it as a contributing factor by the investigating officer.

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

From January 1 to December 31, 2016 there were 70 reportable boating accidents resulting in 42 injuries requiring medical treatment. The most common type of accident was Collision with fixed object (12) followed closely by Skier mishap(9) and Falls overboard (9). Property damage amounted to \$202,006 which was \$110,513 more than the amount reported in 2015. Once accident comprised \$40,000 or 20% of that total. There were 11 recreational boating fatalities in the calendar year 2016. Three of the victims were wearing a life jacket at the time of the mishap that resulted in death. Seven of the 11 victims (64%) were not wearing a life jacket but did have them onboard the boat.

## **VII. Discussion Items**

### **A. Legislative Update**

Tim Schaeffer, Director of Policy and Planning briefed the board on the three bills introduced with in the General Assembly that address a license increase or delegation for the PFBC to set their own fees.

### **B. Volvo Penta**

Marcia Kull representing Volvo Penta offered a briefing on their new forward facing propulsion units to be used specifically with wake surfing. She discussed the safety protocols established by the USCG which included CO levels behind this new platform. She also indicated that Pennsylvania is one of three states that currently do not allow this type of propulsion unit for wake surfing. Ms Kull asked that the Board consider amending 105.3 (Unacceptable Boating Practices) to allow the new technology to be utilized for its designed purpose on Commonwealth waters.

## **VIII. New Business**

### **A. Amendment to Section 105.3 (Unacceptable Boating Practices)**

Commentary:

In late 2015, Volvo Penta approached the Commission about amending section 105.3(12) of the Commission's regulations to permit boaters within the Commonwealth to utilize Volvo's new Forward Facing Drive for wake surfing. Pennsylvania was one of three states at the time that had regulations in place that forbid wake surfing behind inboard/outboard motors. This topic was then discussed at the National Association of State Boating Law Administrators (NASBLA) annual conference at which time the safety protocols that manufacturers were held to by the United States Coast Guard (USCG) were reviewed. The thinking was that if the manufacturer were under strict guidelines from the USCG for development, the states should do what they could to allow those approved developments to be used on state waters.

Before the boating season in 2016, this issue was reviewed by the Bureau of Law Enforcement. This review included a review of other states' laws and regulations pertaining to the subject as well as any accident statistics. It was found that most states have no motor restrictions for wake surfing beyond using common sense. Several states that are considering regulations are not looking to limit motors such as the Forward Facing Drive. At that time, an enforcement guidance memo was distributed by BLE HQ allowing discretionary usage of this type of motor if found on Commonwealth waters. With this in mind, staff would not like to remove the regulation but amend it to allow for advancements within the boating industry to be used upon Commonwealth waters.

Staff accordingly propose the following amendment to §105.3:

§105.3. Unacceptable boating practices.

It is unlawful to:

\* \* \*

(12) Operate a motorboat propelled by an outboard motor, inboard/outboard motor or water jet while a person is wake surfing in or on the wake of the motorboat, **unless the motor is specifically designed by the manufacturer for that activity.**

Briefer:

COL Corey L. Britcher, Bureau of Law Enforcement

Action:

Motion made by Member LeMole and seconded by Member Lustig to approve the motion as amended below. Motion passed.

(12) Operate a motorboat propelled by an outboard motor, inboard/outboard motor or water jet while a person is wake surfing in or on the wake of the motorboat, **unless the propulsion unit is specifically designed by the manufacturer for that activity.**

**IX. Other Business**

No other business was discussed.

**X. Adjournment**

Motion by Member Lustig, seconded by Member LeMole to adjourn. The motion carried and the meeting was adjourned at 11:10 AM.