

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

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

**Monday, June 14, 2021
8:30 a.m.
Harrisburg, Pennsylvania**

Members

Chair Loren Lustig
Scott Ballantyne
John Mahn
Michael Murray
Elizabeth Winand

Members Ex Officio

Timothy D. Schaeffer, Executive Director
Laurel L. Anders, Secretary
Ryan J. 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 Chair Loren Lustig at 8:30 a.m. Chair Loren Lustig and members Scott Ballantyne, John Mahn, and Elizabeth Winand were present. Executive Director Timothy Schaeffer, Secretary Laurel Anders, and Ryan Dysinger were also present. A quorum was present.

In addition to the members of the Board, the following Commission staff were present: Commission President Richard Lewis, Commissioner Rocco Ali, and Commissioner Donald Anderson; Wayne Melnick, Chief Counsel; Yvonne Grier, Executive Secretary; Chad Whitaker, Administrative Officer; Sean Gimbel, Strategic Initiatives and Special Projects Coordinator; Adam Spangler, Boating Safety Education Specialist; Bernard Matscavage, Director of Administration; Michael Nerozzi, Director of Policy and Planning; Scott Bollinger, Statewide Public Access Program Manager; Amber Nabors, Director of Outreach, Education, and Marketing; and Andrew Shiels, Deputy Executive Director for Field Operations.

II. Introduction of Guests and Public Comment

Guests included: Mary Gibson, Blue Mountain Outfitters; Frank Maguire, Pennsylvania Environmental Council; Nancy and John Cheris, America's Boating Club of Central Pennsylvania; Larry Graham, Susquehannock Sail & Power Squadron; and Louise Lustig, spouse of BAB Member.

III. Approval of the June 23, 2020 Meeting Minutes

A motion was made by Scott Ballantyne and seconded by John Mahn to approve the June 23, 2020 minutes. After a roll call vote by Laurel Anders, the motion carried.

IV. Awards and Presentations

Loren Lustig and Laurel Anders presented a plaque and framed print to Mary Gibson whose term on the Boating Advisory Board recently ended.

V. Election

Loren Lustig opened the floor for nominations for Chair. A nomination was made by Scott Ballantyne to re-elect Loren Lustig for a fourth term. Hearing no other nominations, Loren Lustig called for a motion to close nominations. A motion was made by Scott Ballantyne and seconded by John Mahn to close nominations for Chair. Loren Lustig called for a vote to re-elect Loren Lustig as Chair. All members of the board present voted in favor and Loren Lustig was re-elected as Chair.

Loren Lustig nominated John Mahn for Vice Chair. Hearing no other nominations, Loren Lustig called for a motion to close nominations. A motion was made by Scott Ballantyne and seconded by Loren Lustig to close nominations for Vice Chair. Loren Lustig called for a vote to elect John Mahn as Vice Chair. All members of the board present voted in favor and John Mahn was elected as Chair.

VI. Old Business

Brief overview of new Bureau of Boating

Before beginning the discussion of old business, Laurel Anders gave a brief overview of the structure of the new Bureau of Boating, including the Division of Boating & Watercraft Safety

and Division of Waterways & Marina Management. She also described the vacant positions that will be filled in the near future.

A. 2020 USCG Performance Report Summary

Laurel Anders provided an overview of the Commission’s performance report to the U. S. Coast Guard for the federal fiscal year (FFY) which runs from October 1, 2019, though September 30, 2020. During this period, Pennsylvania reported 11 recreational boating fatalities. This equates to an average of approximately 13 fatalities per year over a twenty two-year period which is a slight decrease. There is no apparent trend year to year. The USCG currently calculates the average number of fatalities per 100,000 registered boats as the standard unit of measure. The current fatalities per 100,000 registered boats in Pennsylvania is 3.

The Commission issued 23,413 NASBLA-approved Boating Safety Education Certificates in FFY 2020, an increase of 5,449 from FFY 2019. The majority of these courses were online, via course providers BOAT-Ed and Boater Exam. There were also classroom courses taught primarily by the USCG Auxiliary, the U.S. Power Squadrons, and the Fish and Boat Commission. Boating safety education is an important component of our Recreational Boating Safety (RBS) program.

In FFY 2020, the Commission certified 2,392 students through the Water Rescue Program which meets or exceeds various levels (Awareness, Operations, Technician) of National Fire Protection Association standards. This is a decrease of 3,048 students from FFY 2019. The courses offered include: Water Rescue for the First Responder, Water Rescue & Emergency Response, Emergency Boat Operation & Rescue, Ice Rescue & Emergency Response, and Advanced Line Systems Rescue.

The Commission registered 301,450 watercraft during FFY 2020. The peak was in 2000 with 360,361 registered boats and there’s been a slow and steady overall downward trend since then. This decline has been primarily in one class of boats. The numbers of motorboats less than 16 feet in length that are registered in Pennsylvania have declined steadily since 2000. This class of boat was very popular until canoes and kayaks started taking over in being very affordable, easy to transport, etc. Conversely, the number of launch permits (required for unpowered boats using PFBC and DCNR launches) has significantly increased over time.

B. Boat Registration & Launch Permit Overview

Bernie Matscavage, Director of Administration, presented a three-year comparison report of boat registration (new, renewal and transfer), boat title (new, transfer, duplicate, etc.) and launch permit (one- and two-year) transactions and associated revenues on an annual basis. As previously noted, the total number of active boat registrations continues to decrease, most significantly in the small boat category (under 16 feet in length). Unpowered boat registration transactions have remained stable while launch permit sales have increased dramatically in recent years. This report—titled “Boat Registration and Titling-Executive Summary”—helps to depict year-to-year changes and overall trends that impact the health of the Commission’s Boat Fund.

C. 2020 Boating Accident Analysis & Fatality Summary

Laurel Anders provided an overview of the 2020 Boating Accident Analysis & Fatality Summary. From January 1 to December 31, 2020, there were 58 reportable boating accidents

resulting in 39 injuries requiring medical treatment. The most common type of accident was capsizing. Property damage amounted to \$145,791. Unfortunately, there were 9 fatal accidents with 11 fatalities in calendar year 2020. None of the victims were wearing life jackets at the time of the incidents. Life jackets were carried onboard but not worn by seven victims. The remaining victims had none or insufficient life jackets onboard.

Laurel Anders provided an overview of cold weather data relating to boating accidents and fatalities. In 2012, the Boating Advisory Board considered a chart of fatalities versus accidents by month for a ten-year period from 2002-2011. The chart showed the number of accidents by month, increasing around April/May, peaking in July, then tapering off into Sept/Oct, which coincided with most of the boating activity in PA. The red bars on the chart showed the percentage of accidents resulting in fatalities which was much higher from November thru April due to cold water temperatures resulting in cold water shock from victims who end up in the water. Both the BAB and the Commission considered this data and established what has become known as the “cold weather life jacket wear requirement”--all boaters must wear a life jacket on boats less than 16 feet in length and all canoes or kayaks from November 1st to April 30th each year.

We are currently in the 10th year of this legal requirement and staff will be assessing its impact at the end of the year. Based on current accident statistics since the cold weather requirement has gone into place, we see that the number of accidents peaks around July, however the percentage of accidents that resulted in fatalities during the cold weather months has gone from 50%-100% in the previous 10-year timeframe to 15%-60% in the current 10-year timeframe. There are a lot of factors that contribute to recreational boating accidents and fatalities--many of which are outside of the Commission’s control--and this is just an initial assessment. Staff will take a much closer look at the data to determine the true impact and how we can continue to drive the overall trend in accident statistics downward.

D. Review of Rulemaking from 2020

Laurel Anders provided a summary of rulemaking that was enacted as a result of the Board’s recommendations in 2020. In the fall of 2019, the U.S. Army Corps of Engineers requested that the PFBC make a change to § 111.6 relating to water ski regulations for Blue Marsh Lake in Berks County. The BAB considered the request at its June 2020 meeting and recommended the Commission consider a regulatory amendment. The Commission approved proposed rulemaking at its July 2020 meeting, however an error was discovered in the wording of the rulemaking and no further progress was made. The project manager at Blue Marsh Lake submitted clarification regarding the requested amendment which will be presented to the BAB at this meeting (see New Business below).

The U.S. Army Corps of Engineers requested that the PFBC make a change to § 111.43 relating to horsepower limitations on Shenango River Lake in Mercer County. The BAB considered the request at its June 2020 meeting and recommended the Commission consider a regulatory amendment. The Commission approved proposed rulemaking at its July 2020 meeting, however it was not published in the PA Bulletin and no further progress was made. Commission staff are currently preparing the proposed rulemaking for publication so that it can be considered as final rulemaking at the Commission’s fall quarterly board meeting.

VI. New Business

A. Amendment to 58 Pa. Code § 111.6 (Berks County).

Commentary:

Blue Marsh Lake is a 1,148-acre flood control project managed by the U.S. Army Corps of Engineers (USACOE) in Berks County. 58 Pa. Code § 111.6 states that a boat may not tow more than one water-skier (i.e., person) on Blue Marsh Lake. This regulation was promulgated shortly after the Blue Marsh Recreation Area was established to address a perceived safety issue relating to boats with multiple towlines. According to definitions contained in 58 Pa. Code § 109.4 (relating to waterskiing, aquaplaning, kite skiing, and similar activities), the term “waterski” is defined as “a device used by a person to be towed through or on water behind a boat. The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs, air mattresses, parasails, kite skis, and similar devices.” Some of these devices are designed to carry more than one person.

In the fall of 2019, the USACOE requested a change to § 111.6 citing that it does not serve the intended purpose, causes confusion among boaters, and unnecessarily limits recreational boating opportunities. Staff prepared an amendment for the Boating Advisory Board’s consideration and recommendation (June 23, 2020) and the Commission’s approval as proposed rulemaking (July 20, 2020). However, it later was discovered that the proposed amendment did not match the USACOE’s request.

The USACOE recently requested the Boating Advisory Board reconsider their request to amend § 111.6 with the intent to limit the number of devices towed by a boat—rather than the number of persons—to no more than one. The USACOE stated that with the popularity of inflatable towed devices designed to carry more than one person, this amendment will eliminate confusion among the boating public and increase recreational boating opportunities. It is also anticipated that the amendment will result in more effective and efficient law enforcement efforts on the lake. The number of persons being towed on a device is limited by the boat’s persons capacity.

Staff propose the following changes to §111.6:

§ 111.6. Berks County.

* * *

(a) *Blue Marsh Lake.*

* * *

(3) A boat may not tow more than one [**water-skier**] **water ski device.**

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Scott Ballantyne and seconded by John Mahn to recommend this amendment to the Commission. The motion carried.

VII. Discussion Items

A. National Safe Boating Week Overview

Adam Spangler provided an overview of the Commission’s activities during National Safe Boating Week (NSBW), May 22-28, 2021. National “Wear Your Life Jacket at Work Day” is always the day before NSBW and staff are encouraged to participate and submit photos of wearing life jackets during their typical work day. This year, the Commission selected three random staff participants who received throw bags and NSWB goodies. Also on May 21st, the Commission hosted a NSBW kick-off event and ribbon-cutting ceremony at its Five Locks Access on the Schuylkill River. Participants at this special event included the Wildlands Conservancy, Schuylkill River Greenway, Berks County Commissioner, PFBC Commissioner, PFBC staff, and local media. The event was recorded and publicized on the Commission’s social media accounts.

The PFBC produced a feature video for NSBW which was posted on social media with more than 8,666 views and 20+ hours of watch time since its airing on May 22nd. NSBW was featured in at least six television broadcasts and eight radio broadcasts, many of which included interviews with PFBC staff. Three newspapers ran feature stories and six newspapers published Executive Director Schaeffer’s Op-Ed on boating safety. The Commission produced 21 social media posts during NSBW reaching nearly 150,000 people.

The Commission used NSBW as an opportunity to promote boating safety education courses. Nearly 3,000 students completed courses during the month of May, with the interactive online course (ilearntoat) being the most popular. Twenty-five staff took advantage of a special offer to complete a boating safety course and obtain their certificate at no charge.

B. Legislative Update

Mike Nerozzi provided a legislative update which included a report on efforts to align PFBC boat registrations with the calendar year via Senate Bill 403 and House Bill 1153. Additionally, PFBC’s legislative liaison coordinated with members of the House and Senate to produce public service announcements for NSBW. In total, 15 House members and 7 Senate members produced videos, of which 8 are members of their respective Game and Fisheries Committee.

C. PA’s Fishing & Boating Access Strategy Update

Sean Gimbel provided an update on the development of Pennsylvania’s Fishing and Boating Access Strategy which is a joint effort between PFBC and DCNR. The PFBC conducted 6 regional staff focus groups in March with 42 staff representing bureaus across the Commission and 12 hours of facilitated discussions. Emerging focus group themes were shared. DCNR conducted 6 regional staff focus groups in April with 60 staff representing Forestry, State Parks, and Recreation and Conservation. A comparable amount of feedback was collected and similar themes are anticipated with slight nuances due to differences in agency missions. Next steps in the joint effort include comparing focus group results, planning and conducting stakeholder engagement, implementing GIS/data/analysis, planning a public survey, and

updating Commissioners and BAB members on progress. Nearly 80 potential entities were identified by staff focus groups for stakeholder outreach efforts. BAB input is appreciated on organizing these entities into manageable groups in order to effectively and efficiently engage them in this strategy development process.

D. Boating Facility Grant Overview

Scott Bollinger provided an overview of the PFBC's Boating Facility Grant Program. Twenty-six grant applications were received with requests for funding ranging from \$10,700 to \$965,000, and totally approximately \$3.4 million. Staff reviewed the applications and recommended 22 projects for funding not to exceed \$1,732,117. Sixteen of the projects were \$100,000 or less and were approved by the Executive Director. The remaining six projects exceeded \$100,000 and went before the Commission for consideration at their April Commission meeting.

E. R3 Education Grant Program Overview

Amber Nabors provided an overview of the Commission's Recruitment, Retention and Reactivation (R3) Grant Program. She reviewed grant criteria, eligibility requirements, and the application evaluation process. For the 2021-22 fiscal year, the Commission received 11 applications totaling \$99,695 (Fish Fund) and \$59,250 (Boat Fund). Four projects in this grant cycle included a boating component. Details regarding each project were presented.

E. 2021 NASBLA Annual Conference, Pittsburgh, PA

Laurel Anders announced that the National Association of State Boating Law Administrators (NASBLA) will hold their annual conference in Pittsburgh, PA, on September 26-29, 2021. Commissioners and BAB members are encouraged to attend along with PFBC staff. Additional details will be forthcoming.

VIII. Other Business

There was no other business.

IX. Adjournment

A motion was made by Scott Ballantyne and seconded by John Mahn to adjourn the meeting. The motion carried and the meeting adjourned at 11:50 a.m.