

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

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

Thursday, March 6, 2014

9:00 a.m.

Harrisburg, Pennsylvania

.....

Laurel L. Anders

Director

Bureau of Boating and Outreach

**The Forty-Second Meeting of the
Pennsylvania Fish and Boat Commission's Boating Advisory Board**

Members

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

Members Ex Officio

John A. Arway, Executive Director
Laurel L. Anders, Secretary
Ryan Dysinger for Ellen Ferretti, Secretary for the
Department of Conservation and Natural Resources

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I. Roll Call

The meeting was called to order at 9:00 a.m. All members of the board were present except Andrew Talento. A quorum was present.

In addition to the members of the board, the following Commission staff were present: Ted Walke, Communications Chief; Andrew Shiels, Deputy Director for Field Operations; Colonel Corey Britcher, Director of Law Enforcement; Wayne Melnick, Assistant Counsel; Laurie Shepler, Chief Counsel; Ryan Walt, Boating and Watercraft Safety Manager; Brian Barner, Deputy Director for Administration; Tom Burrell, Captain ; Lawrence Furlong, Lt. Colonel; Bernie Matscavage, Director of Administration; Eric Levis, Press Secretary.

II. Introduction of Guests

Paul Arnett, USCG Director of Auxiliary for 5NR; Richard Raudabaugh, USCG Auxiliary District 5NR; William McManimen, U. S. Power Squadrons, District 5; and Anne Marie Grilk, guest.

III. Approval of the February 7, 2013 and May 8, 2013 Meeting Minutes

A motion was made by Henry Grilk and seconded by Loren Lustig to approve the February 7, 2013 and May 8, 2013 minutes as written. The motion carried.

IV. Election

Mary Gibson opened the floor for nominations. A motion was made by Henry Grilk and seconded by Loren Lustig to retain the same chair (Mary Gibson) and vice-chair (Andrew Talento) as the previous year. Hearing no other nominations, Mary Gibson called for a motion to close nominations. A motion was made by Michael LeMole and seconded by Henry Grilk. The motion carried. Mary Gibson called for a vote to retain the current officers. The motion carried.

V. Public Comment

Richard Raudabaugh presented a summary of USCG Auxiliary efforts in boating safety for the previous year in Pennsylvania.

VI. Old Business

A. Final Rulemaking of 2013.

Laurel Anders provided a summary of final rulemaking that was enacted as a result of the Board's recommendations in 2013.

Amendment to §53.8. Extended the mooring period for boats on Commission property providing for more opportunities for boaters to take advantage of fishing opportunities on Commission property.

Amendments to §93.2 and §93.13. Eliminated temporary validation decals for boats which saves the Commission nearly \$42,000 in the production of the decals and saves effort on the part of issuing agents who had to monitor inventory of the decals and distribute them.

Amendment to §101.6. Allows officers to refer to the boating accident reports that are submitted by owners and operators to aid in the completion of investigations.

Amendment to §101.8. Updated the Commission regulations in regard to duties of operators involved in boating accidents in response to legislation that was passed in 2012 to provide consistency with the Vehicle Code requirements and penalties for operators involved in motor vehicle accidents.

Amendment to §105.3. Prohibiting persons from riding outside of the passenger carrying area. Although the Commission has no reports of accidents resulting from this practice, the Commission desires to be proactive to prevent accidents that could result from this dangerous act.

B. Carbon Monoxide Detectors & Passenger for Hire Vessels

Tom Burrell presented the reasoning behind the exclusion of carbon monoxide detector requirements for Passenger for Hire Vessels in the 2012 regulatory update. He noted that there are currently 16 Passenger for Hire Vessels in the Commonwealth, 13 of which are pontoon boats giving scenic tours. Tom provided statistics from a study on Lake Norman in North Carolina within a 10-year period that excluded houseboats due to non-boating carbon monoxide potentials (i.e. stoves, generators). During the 10-year period, there were 21 fatalities and 42 non-fatal injuries attributed to carbon monoxide. A majority of these incidents were the result of passengers riding on the transom, being towed, swimming near the vessel's exhaust with the motor running or riding in a canvas- enclosed area at slow speeds. These activities, which increase the potential for persons to be exposed to carbon monoxide, are not typical of Passenger for Hire Vessels in Pennsylvania. In comparison to the North Carolina data, during a 10-year period in Pennsylvania three carbon monoxide-related incidents were reported. The three incidents all occurred at Raystown Lake and did not involve Passenger for Hire Vessels or vessel types or activities typical of the Passenger for Hire program. One incident was fatal; the other two incidents were non-fatal resulting in nine injuries. In conclusion, staff recommend that marine grade approved carbon monoxide detectors be installed according to manufacturer's instructions and vessels continue to operate in a way to minimize exposure for their passengers, however carbon monoxide detectors should not be required as part of the Passenger for Hire regulations

C. Summary of 2013 USCG Performance Report

Ryan Walt provided an overview of the Commission's performance report to the U. S. Coast Guard for October 1, 2012, though September 30, 2013 (the federal fiscal year). During this period, Pennsylvania reported 14 recreational boating fatalities. This equates to an average of approximately 13.6 fatalities per year over a ten-year period.

The number of boat registrations decreased slightly, mostly in the small boat category (under 16 feet in length). The Commission noted an increase in paddlesports (canoes, kayaks and other unpowered boats) which are required to be registered or obtain a launch permit only when using PFBC-owned access and lakes, or DCNR state parks and forests. The USCG currently calculates the average number of fatalities per 100,000 registered boats as the standard unit of measure. The standard unit of measure may be modified to be the number of fatalities per exposure hour in the future.

A discussion ensued regarding boat registration trends. Executive Director Arway encouraged the Board to consider solutions for reversing the gradual declining trend in boat registrations. He cited that 70% of anglers fish from boats and PA fishing license sales are up 2-3%. Executive Director Arway requested input from the Board regarding how or why this declining trend in registration is occurring and what the Commission can do to reverse this trend to help ensure adequate revenues to the Boat Fund.

The Commission issued about 14,000 Boating Safety Education Certificates in 2013 via two on-line course providers (BOAT-Ed and BoaterExam), the home-study course and classroom courses taught primarily by the USCG Auxiliary, the U.S. Power Squadrons, and the Fish & Boat Commission. The busiest times for courses were in the Spring and Summer.

D. Boating Accident Analysis & Fatality Report

From January 1 to December 31, 2013, there were 62 reportable boating accidents resulting in 38 injuries requiring medical treatment with the individuals being admitted to the hospital. The most common type of accident was capsizing. Property damage amounted to \$123,486, with the largest accident comprising nearly 30% of that amount and involving three boats which caught fire in a marina. There were 16 fatal accidents with 17 fatalities in calendar year 2013. Two 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. The Commission will continue to closely track accident and fatality data in regard to the new cold water life jacket requirement.

VII. New Business

A. Amendment to Section 95.3 (Lights for Boats).

Commentary:

Section 95.3 provides boaters with information on the requirements for types, configurations and locations of navigation lights on boats. These provisions are contained within the actual wording of the regulation, and by reference to the Inland Navigation Rules Act of 1980 (33 U.S.C.A. §§2001-2073) and Appendix A (Lights required on boats less than 20 meters in length – Inland and International Waters).

Based on a recent review of § 95.3, staff have determined that it should be amended for a number of reasons. While there is a parenthetical reference in the regulation to 33 U.S.C.A. §§2001-2073, Pennsylvania courts have found there is no explicit language within the regulation that states a boater must comply with these specific federal rules. In addition, the Inland Navigation Rules are no longer set forth in 33 U.S.C.A. §§2001-2073 but were moved to 33 CFR Part 83 in 2010.

Section 93.5 also does not specifically incorporate the language of Rule 20(b) (now 33 CFR §83.20 (b)), which states that “Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.” Pennsylvania courts have strictly construed the language of section 95.3 and have not interpreted it to mean that a boater must refrain from using other lights or if other lights are used they may not impair the visibility or distinctive character of the required lights. The Commission’s waterways conservation officers have encountered challenges with successfully prosecuting more severe violations such as boating under the influence when lighting deficiencies have been cited as probable cause to conduct a boarding.

For these reasons, staff propose to amend § 95.3 to more closely reflect the lighting requirements in the Code of Federal Regulations and eliminate the reference to Appendix A. Staff further propose to eliminate Appendix A in its entirety and rely solely on the narrative. These amendments are not a substantive change to lighting requirements for recreational boaters.

* * *

§ 95.3. Lights for boats.

(a) *General rule.* [A boat from sunset to sunrise and during periods of restricted visibility shall carry and exhibit the lights prescribed by the Inland Navigation Rules Act of 1980 (33 U.S.C.A. § § 2001—2073). A boat owner may elect to carry and exhibit the lights prescribed by the International Rules in lieu of the Inland Rules but, in that event, the boat owner shall comply in all respects with those standards. See Appendix A.

(b) *Boats less than 12 meters (39 feet 4.4 inches) in length while underway.*

(1) Motorboats and sailboats using power may use the lighting arrangement in Appendix A, Figure 1, 2 or 3.

(2) Sailboats using sail alone may use the lighting arrangement in Appendix A, Figure 4, 5 or 6.

(3) A motorboat or sailboat using power underway on the Great Lakes may use the lighting arrangement in Appendix A, Figure 7D instead of the arrangements in Appendix A, Figure 1 and 2.

(4) A sailboat using sail alone, less than 7 meters (22 feet 11.6 inches) in length if impractical to display lights in Appendix A, Figure 4, 5 or 6, may display a single white light in time to prevent a collision. See Appendix A, Figure 7C.

(c) *Boats 12 meters (39 feet 4.4 inches) but less than 20 meters (65 feet 7.4 inches) in length while underway.*

(1) Motorboats and sailboats using power may use the lighting arrangements in Appendix A, Figure 1 or 2.

(2) Sailboats using sail alone may use the lighting arrangement in Appendix A, Figure 4, 5 or 6.

(d) *Rowing or paddle boats while underway.* One hand held or permanent all-around white light shall be ready to display in time to prevent a collision. Appendix A, Figure 7, A or B.

(e) *Boat at anchor.*

(1) A boat must display anchor lights when it is anchored where other vessels normally navigate. See Appendix A, Figure 7E.

(2) Exception: Anchor lights are not required on boats anchored in special anchorage areas.

(f) *Locations of lights.* Lights shall be located and have the characteristics as shown in Appendix A.

(1) The masthead light (forward white light in Appendix A, Figures 1, 2 and 7D) shall be at least 1 meter (3 feet 3.4 inches) higher than the colored lights on a boat less than 12 meters (39 feet 4.4 inches) and at least 2.5 meters (8 feet 2.4 inches) above the gunwale on a boat 12 meters (39 feet 4.4 inches) in length but less than 20 meters (65 feet 7.4 inches) in length. The after masthead light (Appendix A, Figure 1 only), if used, shall be higher than the forward masthead light so as to be seen as a separate, distinct light at a distance of 1,000 meters (1,093 yards 1.8 feet) ahead of the boat.

(2) The all-around white lights shown in Appendix A, Figures 3 and 7D shall be 1 meter (3 feet 3.4 inches) higher than the colored lights.

(3) An anchor light shall be displayed where it can best be seen.

(g) The navigation lights requirements in this section shall be complied with in all weather and from sunset to sunrise on the waters of this Commonwealth. During such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in this section or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout. The lights prescribed by this section shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary. The lights specified in this section shall comply with United States Coast Guard specifications.

(b) Definitions. -- The following words and terms when used in this section have the following meanings, unless the context clearly indicates otherwise:

All-round light -- A light showing an unbroken light over an arc of the horizon of 360 degrees.

Docking light -- A flood or spotlight type of light permanently installed or permanently mounted on a motorboat that is used to illuminate a boat's forward course of travel.

Flashing light -- A light flashing at regular intervals at a frequency of 120 flashes or more per minute.

Length -- The length overall of a boat.

Masthead light -- A white light placed over the fore and aft centerline of the boat showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the boat, except that on a boat of less than 39.4 feet (12 meters) in length, the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the boat.

Restricted visibility -- Any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar causes.

Sailboat -- Any boat under sail provided that propelling machinery, if fitted, is not being used.

Sidelights -- A green light on the starboard (right) side and a red light on the port (left) side, each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a boat of less than 65.6 feet (20 meters) in length, the side lights may be combined in one lantern carried on the fore and aft centerline of the boat, except that on a boat of less than 39.4 feet (12 meters) in length, the sidelights when combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the boat.

Special flashing light -- A yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180 degrees nor more than 225 degrees and so fixed as to show the light from right ahead to abeam and no more than 22.5 degrees abaft the beam on either side of the boat.

Sternlight -- A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the boat.

Underway -- A boat that is not at anchor, or made fast to the shore, or aground.

(c) Visibility of lights. -- The lights prescribed in this section shall have an intensity as specified by the United States Coast Guard, so as to be visible at the following minimum ranges:

(1) In a boat of 164 feet (50 meters) or more in length: a masthead light, 6 miles; a sidelight, 3 miles; a sternlight, 3 miles; a towing light, 3 miles; a white, red, green or yellow all-round light, 3 miles; and a special flashing light, 2 miles.

(2) In a boat of 39.4 feet (12 meters) or more in length but less than 164 feet (50 meters) in length: a masthead light, 5 miles; except that where the length of the boat is less than 65.6 feet (20 meters), 3 miles; a sidelight, 2 miles; a sternlight, 2 miles; a towing light, 2 miles; a white, red, green or yellow all-round light, 2 miles; and a special flashing light, 2 miles.

(3) In a boat of less than 39.4 feet (12 meters) in length: a masthead light, 2 miles; a sidelight, 1 mile; a sternlight, 2 miles; a towing light, 2 miles; a white, red, green or yellow all-round light, 2 miles; and a special flashing light, 2 miles.

(4) In an inconspicuous, partly submerged boat or object being towed: a white all-round light, 3 miles.

(d) Motorboats underway.

(1) A motorboat underway shall exhibit:

(i) A masthead light forward;

(ii) A second masthead light abaft of and higher than the forward one. A boat of less than 164 feet (50 meters) in length shall not be required to exhibit such light but may do so;

(iii) Sidelights; and

(iv) A sternlight.

(2) An air-cushion boat when operating in the nondisplacement mode shall, in addition to the lights prescribed in paragraph (1), exhibit an all-round flashing yellow light where it can best be seen.

(3) A motorboat of less than 39.4 feet (12 meters) in length may, in lieu of the lights prescribed in paragraph (1), exhibit an all-round white light and sidelights.

(e) Sailboats underway and unpowered boats.

(1) A sailboat underway shall exhibit:

(i) Sidelights; and

(ii) A sternlight.

(2) In a sailboat of less than 65.6 feet (20 meters) in length, the lights prescribed in paragraph (1) may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(3) A sailboat underway may, in addition to the lights prescribed in paragraph (1), exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph 2.

(4) A sailboat of less than 23 feet (7 meters) in length shall, if practicable, exhibit the lights prescribed in paragraph (1) or (2), but if not, shall have ready at hand an electric torch or lighted lantern showing a white light that shall be exhibited in sufficient time to prevent collision.

(5) A unpowered boat may exhibit the lights prescribed above for sailboats, but if not, shall have ready at hand an electric torch or lighted lantern showing a white light that shall be exhibited in sufficient time to prevent collision.

(f) Anchored boats and boats aground.

(1) A boat at anchor shall exhibit where it can best be seen:

(i) In the fore part, an all-round white light; and

(ii) At or near the stern and at a lower level than the light prescribed in subparagraph (i), an all-round white light.

(2) A boat of less than 164 feet (50 meters) in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (1).

(3) A boat aground shall exhibit the lights prescribed in paragraph (1) where they can best be seen.

(4) A boat of less than 65.6 feet (20 meters) in length, when at anchor in a special anchorage area designated by the United States Coast Guard, shall not be required to exhibit the anchor lights and shapes required by this subsection.

(g) Boats being towed. Where from any sufficient cause it is impracticable for a boat or object being towed to exhibit the lights prescribed in this section, all possible measures shall be taken to light the boat or object towed or at least to indicate the presence of the unlighted boat or object.

(h) Docking lights. It is unlawful for a boat operator to use docking lights while underway except when docking and the boat is traveling at slow, no wake speed and is within 100 feet of approaching a dock, a mooring buoy or the shoreline. [For purposes of this subsection, a docking light is a flood or spotlight type of light permanently installed or permanently mounted on a motorboat that is used to illuminate a boat's forward course of travel.]

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Outreach

Action:

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

B. Amendment to Section 109.2 (Sailboards).

Commentary:

In recent years, paddle boarding has been gaining popularity. Paddleboards were traditionally used to surf in the ocean, but are now being used in lakes and rivers. Paddleboards resemble oversized surfboards and models are designed for use on various water conditions. Paddleboards are primarily operated by a person standing on the board using a paddle in a manner similar to a canoe.

The U.S. Coast Guard, in a decisional memo dated October 3, 2008, classified paddleboards as vessels in accordance with Title 1 United States Code, Section 3. This classification means that when used beyond the narrow limits of a swimming, surfing, or bathing area, no person may use a paddleboard unless in compliance with the Navigation Rules and applicable carriage requirements for this type of vessel. This includes a Coast Guard approved wearable life jacket for each person on board, a sound producing device, visual distress signals (if operating on Lake Erie), and proper navigation lights. An athletic coach's whistle and flashlight comply with these requirements. In addition, a Commission use permit, boat registration, or Pennsylvania State Parks launch permit or mooring permit is required if launching/retrieving a paddleboard at a Commission-owned or -controlled lake or access area or state park or forest.

In order to address safety issues and concerns, and to provide clarity for operators regarding legal requirements for paddleboards, staff proposes to amend §109.2 as follows:

* * *

§ 109.2. Paddleboards and sailboards[Sailboards].

(a) [Definition] Definitions. **The following terms when used in this section have the following meanings:**

Paddleboard – **A boat with no freeboard propelled by a paddle, oar, pole or other device.**

Sailboard – A [sailboard is a] type of single or double hulled boat equipped with an articulating mast and designed to be operated by a person standing on the board and maneuvering through the trim of the hand-held sail and distribution of body weight on the board.

(b) *Personal flotation devices.* **It is unlawful for a person to operate or attempt to operate a paddleboard on waters of this Commonwealth without having a United States Coast Guard approved wearable personal flotation device on board for each person, unless otherwise required to be worn in accordance with § 97.1 (relating to personal flotation devices).** It is unlawful for a person to operate or attempt to operate a sailboard on waters of this Commonwealth unless the person is wearing a [Type I, II, III or V] United States Coast Guard approved **wearable** personal flotation device. Inflatable personal flotation devices may not be used to meet this requirement.

* * *

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Outreach

Action:

A motion was made by Henry Grilk and seconded by Loren Lustig to recommend this amendment to the Commission. The motion included a notation to staff to seek clarification from the USCG on the use of the word “freeboard” in the definition of paddleboard. The motion carried.

C. Amendment to Section 109.4 (Waterskiing, Aquaplaning, Kiteskiing and Similar Activities).

Commentary:

Several hydro flying devices have been designed and available for consumer purchase and rental within recent years. These flying devices use pressurized water through jet ports to provide “lift” and allow the operator to become airborne to speeds of 30 miles per hour and heights up to 40 feet, or dive under the water’s surface, while attached to a boat that may or may not be occupied by an operator. Trade names for these products include Jetlev, Aquaboard, Aquaflyer and Flyboard®.

The Jetlev is a device which straps to the operator and is attached by a hose to an independent power source that is pulled behind and pumps water to the actual device. Pressurized water supplied by the power source is forced out of several jets on the device and propels the operator through, under or over the surface of the water. Due to the configuration of the flying device’s connection to its power source, the power source does not have the ability to be independently maneuvered. Under the Commission’s regulations at §109.4(d), the Jetlev system is prohibited on Commonwealth waters. This section reads “*Umbilical or remote controls. A person may not operate a device which is controlled by a person connected to the power source by means of an umbilical or remote control, or both, which tows the person on or through the water.*”

The Flyboard® is a similar device that straps onto the operator’s feet much like a snow board. The device is attached by a 55-foot hose to the rear of a personal watercraft (PWC) which may have an operator onboard for controlling the power. Pressurized water supplied by the PWC is forced out of two jets attached to the operator’s feet and two more handheld jets which allow for directional movement through or under the water, or in the air. The Flyboard® is offered for sale with an optional electronic management kit which allows the throttle of the PWC to be remotely controlled by the airborne operator, thereby eliminating the need for an operator to be onboard the PWC in order for the flying device to be functional. Again, due to the configuration of the flying device’s connection to its power source, the power source does not have the ability to be independently maneuvered. Under the Commission’s regulations, the Flyboard® system is considered a towed watersport and is not prohibited on Commonwealth waters when the power source is a PWC with a capacity of at least three persons with an operator and competent observer onboard. All other provisions of waterskiing and PWC operation apply to this activity.

Commission staff and boating safety professionals from across the nation have safety concerns regarding these devices. The U.S. Coast Guard has not provided a determination regarding the definition of these flying devices and has advised states to manage their use within state laws or regulations.

In order to address safety issues and concerns with these specialized devices, staff proposes to amend §109.4 as follows:

§ 109.4. Waterskiing, aquaplaning, kiteskiing and similar activities.

* * *

(1) Use of Airborne Devices Prohibited. No person, while being towed by or otherwise attached to a watercraft, shall use a device except for a parasail, for the purpose of becoming airborne over the waters of this Commonwealth. No person while operating a watercraft shall tow behind or have attached to the watercraft a person using a device except for a parasail for the purpose of becoming airborne over the waters of this Commonwealth. This section does not apply to traditional aquaplaning activities where the aquaplaner momentarily leaves the water while jumping wakes or doing specialty tricks.

* * *

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Outreach

Action:

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

D. Amendment to Section 111.49 (Northumberland County).

Commentary:

The Commission's regulations currently designate a slow, no wake zone on the southeastern shore of Packer's Island (incorrectly referred to in §111.49 as Packard's Island) in the Susquehanna River adjacent to Shikellamy State Park in Sunbury. The river at Sunbury is dammed by an inflatable structure controlled by the Department of Conservation and Natural Resources. The water impounded by this dam forms a 3,060-acre lake known as Lake Augusta. The lake extends several miles up both the West Branch and the main stem of the Susquehanna River and provides a variety of angling and boating opportunities. Shikellamy State Park is located on the tip of Packer's Island, which is also the location of a number of homes, cottages, campsites, a boat club and an airport.

The current slow, no wake zone is approximately 1/3 mile in length and was established by regulation in 1995 due to the number and activity of motorboats in this area and the resulting congestion problem around the State Park launch ramp and boat club. The presence of two bridges immediately upstream of the State Park launch ramp limits visibility for boaters and provided additional justification for the slow, no wake designation. Buoys mark the upper and lower limits of the control zone, and appropriate intermediate points. The lengthy nature of this control zone results in boater confusion and unnecessarily inhibits use of a significant segment of the boating pool in this area.

Staff recommends reducing the limits of the slow, no wake zone to be more easily identifiable, provide adequate protection for boaters and property owners, and reduce impediments to boating in this area. The State Park boat launch would remain the lower limit of the zone. The upper limit would be 200 feet above the Route 147 bridge, or the furthest upstream overhead power line as shown in Exhibit A. The State Park manager is supportive of this proposed change. Property owners outside of the limits of the modified slow, no wake zone may seek additional protections through the use of the Application for Permit to Install Floating Structures and Private Aids to Navigation (PFBC-277) rather than the rulemaking process to establish specific control zones.

In addition to the modification to the control zone, staff recommends correcting the name of the island referenced in the regulation.

Staff proposes to amend § 111.49 as follows:

§ 111.49. Northumberland County.

Susquehanna River. Boats are limited to slow, no wake speed from the vicinity of the Shikellamy State Park boat launch on the south side of [**Packard's**] **Packer's** Island upriver a distance of [**1/3 mile**] **200 feet**.

* * *

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Outreach

Action:

Staff noted a correction to the proposed amendment which should read as stated in the commentary and as follows: “*Susquehanna River*. Boats are limited to slow, no wake speed from the vicinity of the Shikellamy State Park boat launch on the south side of [**Packard’s**] **Packer’s** Island upriver a distance of [**1/3 mile**] **200 feet above the Route 147 bridge.**” A motion was made by Loren Lustig and seconded by Michael LeMole to recommend the corrected amendment to the Commission. The motion carried.

VIII. Other Business - There was no other business acted upon by the Board.

IX. Discussion Items

A. Update on Water Rescue Program, Ryan Walt

Ryan Walt provided an update on the Commission's Water Rescue Program. The Commission is currently working with a vendor to develop an on-line Water Rescue Awareness course which is anticipated to be finalized in April 2014. This on-line course will generate revenue for the Commission through an administrative fee of approximately \$10 per student who completes the course. Demand for this course is expected to be high due to credentialing with state fire academies, Departments of Health, state emergency management agencies and FEMA both in- and out-of-state. Nearly 35,000 students have completed training in the Commission's water rescue program since its inception. The program maintains its curriculum to meet or exceed current National Fire Protection Association standards 1670, 1006 and 1983. The Commission continues to expand its water rescue reach as part of the PA Helicopter Aquatic Rescue Team, a federally-funded hazard response team comprised of a partnership between the PA Army National Guard, PEMA and PFBC. The Commission is also undertaking training of a select group of WCOs to be utilized as a swiftwater rescue team which will lead to additional funding for the Commission's efforts in this area.

B. PPL Whitewater Park, Matt Samms

Matt Samms, a member of the Conewago Canoe Club and recreational stakeholder group provided a presentation on the newly developed PPL Whitewater Park at the Holtwood Dam on the lower Susquehanna River. His presentation described the steps involved in negotiating a whitewater boating plan with PPL Holtwood (as part of their expansion to increase generating capacity) to construct and maintain whitewater kayaking features, minimize impacts to existing whitewater features, provide recreational releases, provide flow information, and provide public access to the river.

C. Stand-Up Paddleboards, Chris Stec, American Canoe Association

Due to the rescheduling of the Boating Advisory Board meeting, Chris Stec was unavailable to attend. In lieu of his presentation, the Board viewed a brief instructional video regarding paddleboarding.

D. Announcement of NASBLA's 2013 Boating Officer of the Year Award

Laurel Anders announced that WCO James Smolko of Erie County was awarded with the NASBLA 2013 Boating Officer of the Year Award. He was presented with a certificate and pin from NASBLA at the Fall Commission meeting in Erie.

X. Adjournment

A motion to adjourn was made by Loren Lustig and seconded by Henry Grilk. The motion carried and the meeting was adjourned.