

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

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

**Tuesday, June 21, 2022
9:30 a.m.
Harrisburg, Pennsylvania**

Members

Chair Loren Lustig
Scott Ballantyne
Michael Murray
Elizabeth Winand
Steven Ketterer

Members Ex Officio

Timothy D. Schaeffer, Executive Director
Laurel L. Anders, 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 Chair Loren Lustig at 9:30 a.m. The meeting consisted of in-person participation in the Commission's Harrisburg Headquarters as well as virtual participation via a webinar link. Board members who attended in person include Chair Lustig, Steven Ketterer, Executive Director Timothy Schaeffer, and Secretary Laurel Anders. Members who participated virtually include Elizabeth Winand and Ryan Dysinger. A quorum was present.

In addition to the members of the Board, the following Commissioners and staff were present in person: Commissioner Richard Lewis; Wayne Melnick, Chief Counsel; Robert Caccese, Director of Policy, Planning and Communications; Chad Whitaker, Administrative Officer; Jeffrey Sabo, Bureau of Law Enforcement; Julie Carraghan, Legislative Liaison; Ryan Walt, Boating and Watercraft Safety Manager; and Janelle Howard, Digital Director. Commissioners Charles Charlesworth, John Mahn, and Donald Anderson participated virtually.

Chair Lustig announced that Steven Ketterer was recently appointed as a member of the Boating Advisory Board and Scott Ballantyne was re-appointed.

II. Introduction of Guests

Guests included Rick Taylor, U.S. Coast Guard (USCG) Auxiliary State Liaison Officer, and Louise Lustig, wife of Chair Loren Lustig.

III. Review and Approval of Minutes from the February 7, 2022 Meeting

A motion was made by Steven Ketterer and seconded by Loren Lustig to approve the February 7, 2022, minutes. The motion carried.

IV. Public Comment

Rick Taylor reported on USCG Auxiliary activities related to National Safe Boating Week in Pennsylvania which included 406 vessel safety examinations from May 21st - June 4th. There have been 1,058 vessel safety examinations conducted by the Auxiliary to date this year. He also reported on the 184 hours of public affairs activities performed by the Auxiliary, as well as teaching boating safety courses in Pennsylvania to 463, totaling over 91 hours of public education.

V. New Business

A. Amendment to 58 Pa. Code § 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 reduce 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 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.

To address the above issues, Commission staff recommend 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 internal combustion motors only. These amendments set the conditions by which Chapter 111 regulations are qualified, as noted in § 111.71 (relating to general requirements).

Staff propose the following changes to § 107.1 and § 107.2:

§ 107.1. Horsepower restrictions.

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

§ 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.

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

[2] (3) 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)] (4) 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 Steven Ketterer and seconded by Loren Lustig to recommend this amendment to the Commission. The motion carried.

B. Amendment to 58 Pa. Code § 111.17 (Clearfield County).

Commentary:

Treasure Lake is a 379-acre lake within the grounds of a semi-private resort-style residential development of the same name. It is the largest of three lakes on the property and is designated for motorboats. It has a speed limit of 35 mph. Treasure Lake is popular for boat-towed watersports as well as fishing and kayaking. The lake has a marina with 200 boat rental slips and four boat launches.

In March 2022, the Treasure Lake Board of Directors voted to amend its policies to extend the maximum boat length on Treasure Lake from 25 feet to 26 feet, consistent with the U.S. Coast Guard's definition of a Class 1 vessel (16 feet to 25.9 feet). The Treasure Lake Board of Directors has requested the Pennsylvania Fish and Boat Commission adopt the same regulatory amendment in Title 58 Pa. Code so that Waterways Conservation Officers can continue to assist in enforcement of this boating regulation.

Staff propose the following change to § 111.17:

§ 111.17. Clearfield County.

(a) *Treasure Lake.*

* * * * *

(3) Boats longer than **[25] 26** feet in length are prohibited.

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

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

VI. Discussion Items

A. Legislative Update

Bob Caccese provided a legislative update on Senate Bills 403 and 915. SB 403 would change the boat registration period to align with the calendar year. This bill is currently in the House awaiting a vote. SB 915 is the Capital Itemization Bill passed by the General Assembly which allows the Governor's Budget Office to release funds for specific projects. This will provide funds for several PFBC infrastructure projects. The bill is waiting for the Governor's signature.

B. Proposed Fees for 2023

Bob Caccese provided an update on a proposal for increased fees for fishing licenses and miscellaneous permits and licenses, some of which relate to boating. Act 56 of 2020 gave the PFBC the authority to set its own fees. The Board of Commissioners recently voted on and approved a fee increase for fishing licenses and various boating related fees, including the certificate of title fee for boats.

C. NASBLA BOAT Accredited Activities

Ryan Walt provided an update of the Pennsylvania water rescue program which includes classroom and practical courses as well as instructor level training. To date, the Commission has certified 198 in-state and 250 out-of-state water rescue instructors. Ryan mentioned that DCNR has 16 certified water rescue instructors who have provided in-house training for more than 800 park rangers and managers over the past 20 years.

Ryan mentioned that a group of PFBC-certified water rescue instructor-trainers just returned from the International Association of Water Rescue Professionals conference held at the Indiana School of River Rescue, where they were joined by 80 other attendees, some of whom were international.

Laurel Anders discussed the NASBLA Inland Boat Operators Course which will be held August 1st through 5th at the PFBC's H.R. Stackhouse Training School in Bellefonte, PA. The course has been advertised nationwide and will include several PFBC law enforcement officers. The PFBC will also be conducting a boat operators' course for Department of Environmental Protection water quality specialist staff in September of 2022. Ryan also discussed continued swiftwater rescue training with the PA Game Commission in regards to the new class of officer cadets and an upcoming Water Rescue for the First Responder Course being conducted for full-time officers at the PA Game Commissions NW Region Training Center located in Polk, PA.

Lastly, Ryan provided an overview of the Volunteer Rescue Service Recognition team typing for emergency management response to state-level water rescue events. Typed teams consist of individuals who have completed all PFBC water rescue trainings and teams must undergo equipment inspections. Typed teams must be reviewed every three years to maintain currency.

D. Aids to Navigation Program Update

Laurel Anders provided an Aids to Navigation (ATON) update. She discussed the progress and development of the Commission's ATON program over the past several months. The Commission is responsible for more than 400 buoys throughout the state. These buoys are set and maintained mostly by 15 different contractors that include fire departments, small businesses and individuals who sign agreements with the Commission to provide this service. Generally, State Parks, Army Corps of Engineers, and private individuals are responsible for setting and maintaining their own ATONs. Laurel discussed the process of ordering buoys and related supplies, getting them distributed to contracted vendors for installation, and the process of verifying their correct locations.

E. National Safe Boating Week Recap

Janelle Howard provided a recap of National Safe Boating Week (May 21-27, 2022) activities. She discussed changes to the website to promote the events that PFBC was hosting to help draw attention. In addition to in-person safety checks and boating programs, there were also virtual expos and multiple videos available for the public to view. An email campaign also was sent out to 1.2 million subscribers to promote events, boating safety courses, boating safety videos, and life jacket wear.

Laurel Anders discussed the National Safe Boating Week public service announcement (PSA) videos created in partnership with 28 Pennsylvania legislators, including one in Spanish by Representative Joe Hohenstein. She also talked about the radio, tv, and newspaper interviews and features from across the state promoting safe boating. Laurel mentioned that life jackets were awarded to the highest scoring Pennsylvania Envirothon teams that competed at the state level during National Safe Boating Week.

F. Operation Dry Water (July 2-4, 2022)

Laurel Anders discussed Operation Dry Water, a national outreach and enforcement campaign to promote awareness about the dangers of boating under the influence of drugs and alcohol and how it impairs a boater's judgment, balance, vision, and reaction time. The Commission's participation will consist of a statewide media event in partnership with PA State Police, PennDOT, and DCNR, as well as local media events, and enhanced enforcement patrols.

VII. Adjournment

The meeting was adjourned at 10:52 a.m.