

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

**AGENDA FOR
THE BOATING ADVISORY BOARD MEETING**

**Tuesday, February 8, 2011
10:00 a.m.
Harrisburg, Pennsylvania**

Members

Chair Mary Gibson
Loren Lustig
Michael LeMole
Andrew Talento
Henry Grilk

Members Ex Officio

John A. Arway, Executive Director
Laurel L. Anders, Secretary
Ryan Dysinger for Cindy Adams Dunn, Acting Secretary for the
Department of Conservation and Natural Resources

TABLE OF CONTENTS

Page No.

I.	Roll Call	
II.	Introduction of Guests	
III.	Approval of Minutes: June 2010 Meeting	
IV.	Public Comment	
V.	New Business	
	A. Amendment to Section 53.2 (Camping and Cooking).....	2
	B. Amendment to Section 97.3 (Sound Producing Devices)	4
	C. Amendments to Section 103.3 (Restriction for special areas), Section 105.3 (Unacceptable boating practices), and Section 109.4 (Waterskiing, aquaplaning, kiteskiing and similar activities).....	5
	D. Amendment to Section 111.31 (Huntingdon County).	8
	E. Amendment to Section 111.43 (Mercer County).....	9
	F. Amendment to Section 97.5 (Visual Distress Signals)	10
VI.	Updates	
	A. Final rulemaking from January Commission meeting	
	B. Summary of 2010 USCG Performance Report	
	C. Boating Accident Analysis & Fatality Summary	
	D. Briefing on Boating Handbook, Regulation Recap, Water Trail maps, etc.	
	E. Update on Boating Safety Education courses and certificates	
	F. Update on Water Rescue Program	
VII.	Discussion Items	
	A. Mandatory PFD wear during cold weather months (November – April)	
	B. Mandatory PFD wear during Small Craft Advisory on Lake Erie	
	C. July Commission Meeting – evening “boating” session	
	D. Other Items	
VIII.	Adjournment	

NEW BUSINESS

A. Amendment to Section 53.2 (Camping and Cooking).

Commentary:

On October 4, 1976, the Commission established the Natural Access Area Program to make available public fishing and boating opportunities to some of the most scenic and inaccessible waterways within the Commonwealth. The program consisted of two distinct types of natural access areas: low development or mini-accesses and primitive rest stop access. The Commission established rules and regulations for access areas designated under this program and a special use permit for overnight camping at a cost of \$2 per boat.

On July 29, 1977, the Commission entered into an agreement with the Pennsylvania Department of Environmental Resources (DER) to establish its recently-acquired Allegheny River State Park in Venango County as a primitive rest stop access under the Natural Access Area Program. Although the agreement held the Commission responsible for development and maintenance of the site, all improvements and maintenance has been conducted by DER (now Department of Conservation and Natural Resources) personnel and funds. The Commission has never actively managed or operated the site. The site is still functional today and is known as the Kennerdell Tract of Clear Creek State Forest.

The Commission has not entered into any other agreements or established any other properties under the Natural Access Area Program, nor has it collected any permit fees from this program. A variety of agencies and organizations currently offer primitive access opportunities across the state with accompanying regulations, enforcement and management. The Commission will continue to provide assistance for the development of primitive access (often referred to as geo-cell ramps) for unpowered boats. Therefore, it is unnecessary for the Commission to maintain the Natural Access Area Program and to continue its regulation relating to primitive access areas.

Staff therefore propose that §53.2 be deleted as follows:

§53.2. Camping and cooking.

[(b) *Primitive access areas.* Overnight camping is permitted on properties designated as primitive access areas subject to the following terms and conditions:

(1) Access to the access area may be gained only by boat, which boat is properly and currently registered in accordance with applicable laws and regulations.

(2) Small fires for cooking and warming purposes are permitted only at places where adequate precautions are taken to prevent the spread of fire which may damage adjacent areas. Fires shall be attended to at all times; unattended fires are prohibited. Open fires are prohibited when the forest fire danger in the area of the primitive access area is rated high or extreme.

(3) Sanitary facilities are primitive only. Human wastes shall be deposited away from normal camp sites and water courses and shall be covered with natural materials.

(4) The following area is designated as a primitive access area – Venango County, Allegheny River, Allegheny River State Park at about mile 109.]

* * *

Briefer:

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

Action:

B. Amendment to Section 97.3 (Sound Producing Devices).

Commentary:

Inland Navigation Rule 32, Part D—Sound and Light Signals, does not make a distinction in terms of required sound equipment for powered versus unpowered vessels. Length of the vessel is the characteristic that determines the type of sound producing device required. The Commission’s current regulations are consistent with the Inland Navigation Rule and specifically refer to unpowered boats for ease of reference. However, the use of the word “oral” in describing the requirement for unpowered boats may be misconstrued as meaning shouting or whistling as being an acceptable sound signal. Staff recommend clarifying the requirement and adding a statement indicating that an athletic coach’s whistle is an acceptable sound producing device for unpowered boats.

Staff therefore propose that §97.3 be amended as follows:

§97.3. Sound producing devices.

* * *

(c) *Unpowered boats.* – Unpowered boat operators are required to [**have some means of making an efficient oral or mechanical sound signal**] **carry a device capable of sounding a prolonged blast for 4-6 seconds** that can be heard by another boat operator in time to avoid a collision. **An athletic coach’s whistle is an acceptable sound producing device for unpowered boats.**

* * *

Briefer:

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

Action:

C. Amendments to Section 103.3 (Restriction for Special Areas), Section 105.3 (Unacceptable boating practices), and Section 109.4 (Waterskiing, Aquaplaning, Kiteskiing and Similar Activities).

Commentary:

Across the country wakeboarding and related sports are growing in popularity. Wakeboarding is an activity where an individual on a wakeboard (similar to a snowboard) is towed behind a boat using a tow rope. In order to ride the boat's wake, the wakeboarder maneuvers up the rope, often to less than 10 feet behind the swim platform or transom to ride on the boat's wake. Once in the wake, the wakeboarder can then throw the tow line into the boat and ride the wake untethered which is then considered wakesurfing.

Wakeboarding and related sports are growing in popularity such that boat manufacturers are selling specialty ski/wakeboard boats that are designed to produce larger wakes and accommodate the equipment necessary to participate in these sports. In addition to specialty designs, extra weight (i.e., ballast) or modifications can be added to a boat to increase the size of its wake. The Commission has received complaints from boaters and property owners regarding disturbance and damage resulting from excessive wakes from boats being operated for the purpose of wakeboarding and wakesurfing. Staff therefore recommend amending §103.3 to increase the slow, no wake area for these boats.

Based on NASBLA's Boat-Towed Watersports Model Act, the Commission's current regulation (§105.3) requires a tow rope length greater than 20 feet, effectively prohibiting the sport of wakeboarding and wakesurfing. In 2004, NASBLA revised its language and narrowed the act to apply to teak surfing and body surfing – water sports that pose potential dangers to the participant both because of proximity to the boat's propeller and because of the possibility of carbon monoxide poisoning. Wakeboarders and wakesurfers are typically in an upright position and outside of the carbon monoxide concentration zone. Additionally, Boating Law Administrators from across the country report no propeller strikes or other serious injuries as a result of wakeboarding or wakesurfing.

Staff recommend defining and including wakeboarding and wakesurfing in §109.4 to further require a competent observer to be onboard, prohibit the activity between the hours of sunset and sunrise, and require the use of PFDs or a specifically designed water ski wetsuit.

Staff therefore propose to amend §103.3, §105.3 and §109.4 as follows:

§103.3. Restriction for special areas.

* * *

(d) Boats that carry additional weight for the purpose of creating an abnormally large wake during the operation of such boats are limited to slow, no wake speed when within 300 feet of the shore line; docks; launching ramps; swimmers or

downed skiers; persons wading in the water; anchored, moored or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked.

* * *

§ 105.3. Unacceptable boating practices.

It is unlawful to:

* * *

(11) Operate a motorboat at any speed when towing a person on waterskis or other devices using a tow rope of 20 feet or less.

(i) This section does not apply to the act of wakeboarding or wakesurfing as defined in §109.4.

* * *

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

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

* * *

Wakeboarding or wakesurfing.—A competitive or recreational water sport in which a person on a wakeboard or similar style board rides the wake of the boat using a short rope (less than 20 feet) or not directly attached to the boat.

* * *

(g) *Water ski wetsuits.* A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, **wakeboarding or wakesurfing** may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast Guard approved PFD required in §97.1 (relating to personal flotation devices). A United States Coast Guard approved PFD of a type described in §97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

- (1) The device shall be marked by the manufacturer as a water ski wetsuit.
- (2) The device shall be constructed of nylon covered neoprene or similar material and may have either long or short sleeves or be sleeveless. The device may have legs.
- (3) The device shall be equipped with additional flotation padding material of a close cell nonabsorptive type such as PVC foam or Ensolite®. This flotation/padding shall be sewn into the device according to the following:
 - (i) On the front extending from the clavicle to the top of the pelvis vertically and covering the front rib cage area and covering as much of the side area as feasible. A maximum gap between padded areas on the side of the suit under the arm is 4 inches.
 - (ii) On the rear of the device, padding/flotation material shall cover the area from the top of the shoulder blade to the top of the pelvis and span the entire width of the back.

(iii) Padding/flotation shall be at least 1/2-inch thick. This thickness excludes the thickness of covering material.

Briefer:

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

Action:

D. Amendment to Section 111.31 (Huntingdon County).

Commentary:

During the summer of 2010, a joint meeting was held between representatives of the Commission, US Army Corps of Engineers (Corps), US Coast Guard Auxiliary, and Raystown Concessionaires concerning the current zoning on Raystown Lake. The Corps' goal for Lake Raystown is to reduce the costs of the buoy program by transferring costs to parties who benefit; eliminating buoys that are redundant to Commission regulations; replacing buoys with signage; and analyzing existing lake zoning versus observed usage patterns. As a result of the meeting and subsequent discussions, the Corps developed a plan that recommends changes to enhance recreation on the lake. Specifically, the plan recommends eliminating the "slow, no wake speed" designation in the areas of Haws Run Cove and Anderson Bay.

The narrow geography of Haws Run Cove already restricts a portion of the cove to slow, no wake according to Commission regulations. The Corps recommends removing the regulation currently restricting the entire cove, thereby eliminating the need for the three buoys at the entrance to the cove.

The Corps plan also states that Anderson Bay is rarely used by recreational boaters and is more frequently used by trolling anglers. Therefore, based on usage of the bay, there is no need to designate the bay as a slow, no wake zone. This proposal would eliminate 15 buoys.

The Corps has requested that the Commission amend §111.31 as follows:

§111.31. Huntingdon County.

(a) *Lake Raystown.*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) **[Haws Run Cove,]** Seven Points, Yocum Bay, **[Anderson Bay,]** Woodcock Valley Cove, James Creek Cove, Great Trough Creek Cove, Coffee Run Cove and Shy Beaver Cove.

* * *

Briefer:

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

Action:

E. Amendment to Section 111.43 (Mercer County).

Commentary:

State Game Lands 270 contains approximately 300 acres of Lake Wilhelm. In 2006, electric motors were permitted on a sizeable part of Lake Wilhelm that runs through State Game Lands 270 from the old log boom to the State Propagation Area above the Sheakleyville Bridge. The area is fairly shallow and filled with stumps. Currently, the area is posted with “Electric Motors Only” posters at the boat launches, Sheakleyville Bridge, and at the old boom which is now just a line of buoys. There is currently no Commission regulation prohibiting the operation of boats powered by internal combustion motors in this area. The remainder of the lake is owned by the Department of Conservation and Natural Resources’ Bureau of State Parks and has a 20 horsepower restriction on it.

Waterways Conservation Officers have received numerous complaints from anglers that individuals are using gasoline powered motors in the “Electric Motors Only” area. The Pennsylvania Game Commission was contacted, and they support the proposed regulation. Currently, if an individual is caught running a gasoline motor in this area, the individual’s information must be turned over to the Game Commission for enforcement.

Staff therefore propose that §111.43 be amended as follows:

§111.43. Mercer County.

* * *

(b) Lake Wilhelm.

(1) The operation of boats powered by internal combustion motors is prohibited from a point approximately 200 yards north of the Interstate 79 causeway over Lake Wilhelm upstream to the Pennsylvania Game Commission Propagation Area above the Sheakleyville Causeway (State Route 1018, Milledgeville Road).

Briefer:

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

Action:

F. Amendment to Section 97.5 (Visual Distress Signals).

Commentary:

The Commission's regulation for visual distress signals (VDS) is consistent with the Federal Navigation Regulations (33 C.F.R. §175.125) requiring that VDS must be in serviceable condition. However, there is no definition for "serviceable" as it relates to inspecting VDS. Unlike life jacket regulations that do provide examples of "serviceable condition," VDS requirements lack these examples. Therefore, staff recommend adopting the standards used by US Coast Guard Boating Safety Division.

Staff propose that §97.5 be amended as follows:

§97.5. Visual distress signals.

* * *

(g) It is unlawful to operate a boat unless each signal required by subsection (b) or (c) is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired. **As used in this subsection, serviceable means that the device is fully functional to carry out the purpose for which it was designed and is free of damage and defects.**

* * *

Briefer:

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

Action: