

**WATERWAYS SAFETY COUNCIL MEETING**

*March 17, 2008*

*10:00 a.m. – 3:30 p.m.*

*Ohio State Highway Patrol Academy*

*740 E. 17th Avenue, Classroom G*

*Columbus, Ohio*

<b>Waterways Safety Council</b>	<b>Division of Watercraft</b>	<b>Guests</b>
Tom Pascoe	Pam Dillon	Tony Celebrezze, Deputy Director
Jack Hern	Mike Quinn	Gary Branstetter, State Liaison Officer
Ann Swain	Phil Miller	Robert Joyce, State Liaison Officer
Norm Schultz	Frank Meravy	Jack Lundberg
Jane Harf	William McGarity	
	Tammy Terry	
	Emily King	
	Deb Green	
	Todd Doncyson	
	Karen Muench	
	Janet Wolfinger	

**CALL TO ORDER:** Council Chairman Tom Pascoe called the meeting to order at approximately 10:00 a.m.

**APPROVAL OF MINUTES:** Council Chairman Pascoe called for approval of the minutes of the Council previous meeting held on December 3, 2007 at the Alum Creek Watercraft Field Office, Delaware, Ohio.

*Motion to approve the minutes was made by Councilman Norm Shultz, seconded by Councilwoman Ann Swain and approved by a quorum of the Council.*

***Opening Statement – Pam Dillon***

Pam welcomed everyone to the meeting and mentioned we have a full agenda. Pam reminded the group the Division of Watercraft has 21 cadets attending the Ohio State Patrol Academy.

Mike Quinn commented on the unique environment at the academy and that they have many rules and regulations we as visitors must abide by. We are not permitted to talk to the cadets and they are not allowed to talk to us. Even if you might know a cadet personally, we ask that you refrain from talking to them. Mike advised the cadets will be in training at the academy until June. After graduation they will receive three days off and return for the Watercraft training and will graduate in July. Currently we have five females and 16 males in the academy.

***Deb Green – Legislative Update***

Deb passed out a packet of information titled State of Ohio Bills of Interest.

### HB 391 Historic Vehicles

This law will require motor vehicle title law on boat trailers and will impact dealers. Councilman Schultz replied that the language in this bill will move boat trailers under automotive law. Automotive law in this state is very restrictive. This new bill would prohibit boat dealers from selling boat trailers off their licensed premises which means they would have to obtain an automotive license.

*The Waterways Safety Council moved to recommend to the Director of the Ohio Department of Natural Resources and the Chief of the Division of Watercraft to support an amendment exempting watercraft trailers from automotive law (HB391).*

*The motion carried and was approved by a quorum of the Council.*

Vice-Chairman Hern mentioned agricultural trailers have already been exempt from this law.

Councilwoman Harf asked how this information will be presented. Councilman Schultz replied it will be used as testimony. We have contacted the General Assembly to advise what we feel it wrong with it. When the time comes we will say the Waterways Safety Council moved to oppose this bill.

### HB 416 (Great Lakes Compact)

Deb reports that New York has ratified the Great Lakes Compact. There are two versions in the Senate right now. Senator Grendell has introduced SB291 which would put the compact back out there for the states to rewrite it.

Chairman Pascoe commented that if Ohio rewrites this bill the other states will pull out stating they are not going to change the language it took twelve years to do.

Councilman Schultz commented that the Boating Associations of Ohio has voted to support the compact as written, not the revised version. It is believed that if the Great Lakes Compact is not ratified by 2010 we will have serious problems. Right now we are protected by federal law but that will expire in 2010. He expressed it would be in our best interest to ratify the compact as it exists, even if there are some questions about legal rights. For the long term future, the Great Lakes Compact will assure the Great Lakes water supply.

*The Waterways Safety Council moved to advise the Director of the Ohio Department of Natural Resources and the Chief of the Division of Watercraft that the Waterways Safety Council will support passage of the version that was passed by the House.*

*The motion carried and was approved by a quorum of the Council.*

### HB 496 – Capital Reappropriations

This has passed both the House and Senate last Friday and will now go to Governor Strickland.

#### SB 271 – Watercraft Law

Deb attached the changes being sought to current Watercraft law. Deb advised it is slowly moving. There were no questions or comments by the group.

#### Capital Bill

The new budget will be carried on the capital bill. At this time there is no language available for the new bill.

#### **Federal Bills**

#### HB 2550 & Companion S 2067 – Recreational Boating Act of 2007

As of September 30, 2008, the EPA will have to have discharge rules out for all vessels including canoes. Both HB 2550 and S 2067 are identical in language and would exempt recreational boats. A new piece of legislation was introduced - S 2776 Clean Boating Act of 2008, but no language is available.

#### Hull Identification Numbers for Recreational Vessels

The Coast Guard is requesting comments on the costs and benefits of expanding the existing 12-character HIN by adding five more characters. Comments are due by June 16, 2008.

Pam advised that NASBLA continues to be the entity to drive this as a law enforcement and security initiative.

It was commented that there are currently three vacancies on three federal committees.

#### Changes to Administrative Code (draft)

Contingent Registration Proposal - is a method to all boaters on the water while we are conducting HIN research. We would provide them with a contingent “temporary” registration allowing them 15 days on the water and giving us 15 days to complete an administrative research on the HIN. It would also allow Watercraft Officers to issue the same decal to boats operating on a 30-day or 45-day Bill of Sale provisions.

#### Cooperative Proposal for Horsepower Pilot Program at Burr Oak State Park

This project has been discussed for years and is now moving forward. It would allow unlimited horsepower at no wake speed but not alter the current use of 10 hp and under. This language has been sent to the Division of Parks but we have not heard back from them yet.

### Division of Wildlife

They are doing the exact same thing on four (4) of their lakes. They are also changing three lakes to 10 hp from electric only. They have had open houses and public hearings and have no report any negative comments. Deb said she has received several emails and phone calls.

### Muskingum Watershed Conservancy District

There was a ruling on the Seneca Lake lawsuit so we can expect to have hearings on eliminating the current horsepower limit. We are meeting with the Attorney General's office this week and will receive better direction on what we need to do.

Deputy Chief Mike Quinn briefed the group on this topic. There was a dealer on Seneca Lake selling boats and altering the titles and all the engine paperwork listing them as 299 hp. We investigated and found them to be 300 hp which cannot be used on Seneca Lake. The issue was taken to court. We, as the Division, made a moratorium on the horsepower enforcement at Seneca and Tappan to give them time to work with the dealer to do something on the boats. The public then sued us. We can't initiate the hearings unless the entity with authority over the lake, MWCD, requests it. MWCD did not request a hearing. We came to an agreement through the court that MWCD would request for us to do a hearing for unlimited horsepower on Seneca and Tappan Lakes and we agreed to do that.

### Legal Opinion – Titling Watercraft to Out of State Residents

We have not received the opinion back yet.

Vice-Chairman Hern asked why we are concerned with this. Deb Green responded saying there are vessels and motors being sold to out-of-state residents and are titled in Ohio. If they are not required to be titled in another state, they hold an active title in Ohio. Unlike motor vehicles, it is not surrendered or cancelled.

Vice-Chairman Hern voiced his concern saying a third of his sales are out of the state of Ohio. Pam explained we have a backlog of titles that have never been cancelled. If the vessel is going to another state then title it in that state, not in Ohio. Pam further explained we are not proposing any type of change just clarification of the title law. If there are further issues we can bring them back to the council for guidance.

### Chippewa Lake

Medina County Parks District has purchased property around Chippewa Lake and they are seeking regulations. Deb said she has not viewed any language.

City of Mansfield and Five Rivers Metro Parks are two Marine Patrol grant recipients that do not have regulations in the Administrative Code. We will go through all Marine Patrol grants recipients and see what they are enforcing because the City of Mansfield enforces a speed limit on Clear Fork Reservoir which is not state law.

*Frank Meravy – Fiscal Update.*

Frank passed out an update on the Division of Watercraft Income and Expenditures dated 3/17/08. Frank pointed out some of the highlights.

Expenditures:

- Marine Patrol and Education Grants show the actual amounts at this point.
- Other Grants, Subsidies is money sometimes used for emergency dredging. So far, only \$5,600 has been requested.
- The difference in payroll money from last year includes over \$300,000 from buyout money that we will not have this year. This year a 7% increase was budgeted to cover step increases and additional employees (cadets) and benefits.
- Maintenance includes the increase in fuel and utility increases. Frank mentioned we only have ten (10) leased facilities now.
- A moratorium on equipment purchases is in effect unless we can justify the need is for health and safety or is revenue generating. Most of our large purchases were made prior to the freeze. Frank mentioned this year was a light year for equipment. Our budget for this year is \$1.492 million. We will need to write a waiver for Marine Patrol for \$200,000. OBM will not allow us to move equipment money somewhere else.
- No forecast for changes on Division of Parks dredging.
- Recreation Marine Loan Program – Frank transferred \$1 million as the budget called for this year. We have \$5.3 million including interest in this fund now (fund 5AW).
  - Phil Miller reports we have received a qualifying application for the Recreation Marine Loan Program. Phil said from the boating perspective it is a very good project. Harrison Marina is under construction in Toledo and Phil said he believes they close on their loan in May.
    - Chairman Pascoe inquired about future applications for the remainder of the year. Phil Miller responded saying we could consider another application and close after July 1<sup>st</sup>.
    - Councilman Schultz asked two questions: Is the interest from the Waterways Safety Fund still there or is it being careened off? And is the interest in the low-interest loan fund? Frank Meravy acknowledged the interest money is still in each fund. Pam Dillon advised the current balance of the low interest fund, as of March 5<sup>th</sup>, is \$5,357 million. So we've made \$357,000. Frank said we have not lost anything by moving it from the Waterway Safety Fund.
- Capital Projects Expenditures – We have requested spending authority of \$3.6 million each year for the Boating Access Facility Grant projects and \$750,000 each year for RHEP dredging projects.

- Operating Facility Development is the money for developing new Watercraft offices.
  - Frank reported we have the money in the capital bill for a new office for Ashtabula but we are exploring other possibilities. Pam further explained we are keeping our options open. It's a small staff to fund a full field operation office. Pam further explained we are looking into leasing space at the Geneva Lodge.
- In 2009/2010 we have in our capital request \$200,000 (\$100,000 for each year) for emergency capital funding which we've never done before.
- Federal Funds – the CVA grant we fund up to 25% and nothing for BIGP. All monies come back to us for the BIGP from federal funding.

Revenue:

- Motor Fuel Tax – Frank explained the tax revenue looks high. The reason is the way the calendar fell last year we only had 11 electronic collections of tax because the last day of the year ended on a weekend. This year we will have 13 collections.
- Registration Fees – Frank explained we continue to see the number of boats registered remain stable but the mixture of type of boats is changing. More hand-powered boats are being registered which generates less revenue. Frank said he expects to see approximately \$5.3 million this year.
- Fund Investment Earnings – Frank said he is projecting it will top last year, however they are slow getting the money to us; we are still waiting for the second quarter earnings.
- Federal Grant – Frank explained the total shown of \$7,273,162 is the total for 2007. He further explained the application goes in so late in the year (April 15<sup>th</sup>) it depends on how long it takes the Coast Guard to turn it around and send us the money. This year we will receive \$4.7 million. Reimbursement for CVA and BIGP are in this line.
- Miscellaneous Income refers to returned grant money, cell phone reimbursement, OBEC, etc.

Pam explained funds come from the Sport Fish Restoration Account of the Aquatic Resources (Wallop Breaux) Trust Fund. The funds result from a Federal Excise Tax on fishing equipment and motorboat fuels. Pam provided a copy of the Fiscal Year 2008 Allocations for State Recreational Boating Safety Program. She further explained distribution is based on a three-part formula: Number of boats federally registered, expenditures from 2 years prior to current year and an equal share for all states and territories. On a national level they are trying to get a greater percentage of the Wallop Breaux Fund allocated to boating and there are a number of proposals being worked on. Right now the fishing side gets the bulk of the money yet the boating side contributes the highest amount of dollars. There is continued debate between the boating side and the fishing side and they are trying to work out a compromise to address how the money is calculated. Pam expressed this is something we need to stay on top of and advocate for.

Encumbered Monies

Frank explained as of March 6, 2008 we had nearly \$23.9 million in the Waterways Safety Fund. All encumbered and obligated cooperative facility access projects totaled about \$11.7 million. Also, another \$3.9 million for the development of division facilities is projected but not yet encumbered. Frank said we have advised administration of our actual obligations.

Councilman Schultz asked for what the bottom line was for available money. Frank explained we have around \$8.3 million in the Waterways Safety Fund that has no obligation tied to it. Pam further explained it is preferred to have four months of operating money available. Frank added that we have steady revenue from the motor fuel tax and registration sales.

### ***Phil Miller – Resource Planning***

#### Caesar Creek Marina – Feasibility Study

Phil passed out copies of various site locations for the proposed Caesar Creek Marina. He spoke about a feasibility study to see if the market would support a marina. Phil said there are three parts to look at: Number 1 is location; number 2 is the market study to see if recreational boating in general would support marina development; and number 3 is the economics for a marina.

Phil explained we have two of the three required pieces of information. The location was narrowed down to four sites. From preliminary engineering standpoint, it was determined that site 3 is the least expensive location for a marina. The preliminary market study suggested more slips would be needed. The engineering study looks at where people are boating, how many boaters are in the region, fees for dockage and what boaters are looking for in a marina in terms of other amenities. The study suggest the market will support a marina but how much will it cost and what will the boaters need to invest each year. Based on other projects costs, marina development is not inexpensive. Many infrastructure costs such as utilities, roadways, building seaways and breakwalls need to be considered in the cost.

There was much discussion over site locations. Vice-Chairman Hern expressed site 3 is the preferred location over site 1 because it is in a no wake zone and in the biggest pool. Site 1 goes out into the southern part of the lake but in the main lake and a big ski and ramp area. Site 3 is also a good location because people could walk from the dock to the beach area and the road is already there.

#### Alum Creek Marina

Phil explained what the Alum Creek Powerboat Club did for their proposed marina. They proposed anyone wishing to join their organization to purchase a dock which would include seasonal maintenance cost. This would allow them to build a large enough nest egg to go to a lender to borrow money to build the facility. They would lease the property from the Division of Parks and Recreation and through their own means develop this marina. The other piece of this is the Recreation Maine Loan Program.

Phil explained with budget tightening we have limited dollars for access facilities. We try to spread our dollars out where we know it will make the best impact on recreational boating.

Phil further explained there are ways to creatively fund marina projects but we need partnerships to look into funding.

Chairman Pascoe asked in the case of the Alum Creek Marina who would own the docks. Phil said this would be a situation similar to Geneva where the property is leased for a certain period of time and they would be in control of the amenities. After that time they could renew the lease or turn it over to the state. Leasing options could be available for the Division of Parks and Recreation to receive funds from dock rentals.

In regards to Caesar Creek, Vice-Chairman Hern asked when something will be available to go public with because Warren County Economic Development Council is waiting to find people to finance the project. Also, the 126 slip is not feasible and they are hoping to go up to 300 slips at \$2,000 per slip per season to generate \$600,000 revenue. Mr. Hern expressed Warren County has a way of making things happen because recreation is the number one industry in Warren County. He said within ten minutes from the proposed site, \$500,000 to \$1 million dollar homes are aggressively being built. When the lake was built there was nothing around, but now the area is growing extensively.

Phil said if the report comes in the first part of April, typically Chief Dillon, Chief West and Chief Mohr will sign off on it. It will then go to the Director's office and after review they will make the report public. Therefore, within 30 days of review, the Director's office will make the report public.

Vice-Chairman Hern expressed that he and other interested individuals would like to be involved in making recommendations about the feasibility study. After much discussion about the release of the feasibility study report to the Director, it was agreed to make this a topic for the next Waterways Safety Council meeting.

### Cowan Lake

Chief Dillon advised the Division of Parks and Recreation has announced they intend to pull the 150 seasonal docks at Cowan Lake because of their poor condition. The marina will remain open. We have already received complaints about this in our offices. The Division of Parks and Recreation has applied for a Cooperative Boating Facility Grant (CBFG) from Watercraft. We have denied their request because it was not as high a priority as some others. They are planning to resubmit the grant application.

Deputy Chief McGarity reported that informally, Parks has come to us concerned with the fact that 150 docks will be taken off the lake and 150 boaters that will not have a place to dock their boat seasonally. They have spoken with the marina operators who have agreed to buy 25 docks/50 slips to help. They will spend approximately \$150,000 to purchase these docks at the marina.

The Division of Parks and Recreation recognizes this will become an issue with boaters and have come to the Division of Watercraft asking if we have money to purchase new docks in lieu of waiting 2-4 years if their project was approved through the CBF process. They have expressed they could give us the first year revenue from those docks. This is a negotiable term. Currently, docks are leased for \$295.00 per slip per year. The marina operator is charging \$600.00 per year. Bill said he assumes when the new docks go in the fee will be increased to be more competitive.

There was much discussion about the fact that the Division of Watercraft funds the building and development of boat slips for the Division of Parks and Recreation and the Division of Parks and Recreation keeps the revenue from those slips without setting aside funds for repair or upkeep. Councilman Schultz said this could set precedence as a payback of our funds. Chief Dillon said installing temporary docks would cost \$150,000-\$200,000. There was more discussion about setting the fee structure to be at least equal to what the marina operator is charging.

*Councilman Norm Schultz moved to recommend to the Director of ODNR and chief of the Division of Watercraft to work with the Division of Parks and Recreation to solve the dockage issues at Cowan Lake and setting up a schedule for partial repayment of investment from the Waterways Safety Fund. Councilwoman Ann Swain seconded the motion.*

*The motion carried and was approved by a quorum of the Council.*

Phil Miller advised all fees charged by the Division of Parks and Recreation is established through the JCARR process and would require a public meeting.

### ***Vice-Chairman Jack Hern***

#### Selling ODNR Properties

Vice-Chairman Hern addressed the group with regards to divisions being understaffed and bringing income to the department. Mr. Hern proposed, for business purposes, the selling of North Bass Island and the Fishery at Put-in-Bay which is not being utilized. The property could be sold to developers to bring revenue to the state. He stressed he felt council has an opportunity to be prudent advisors to ODNR to generate \$20 million or so with these two pieces of property.

Chairman Pascoe commented on how he visions the future. He said he agrees on selling the fishery - it's an eyesore. However, the long-term goal for North Bass Island was to make primitive camping on the island. The topic was opened for discussion.

Councilman Schultz advised this was out of their realm of responsibility. Further discussion by council determined that this is not within their jurisdiction to recommend to the Director of ODNR.

## Army Corp of Engineers

Vice-Chairman Hern advised the Army Corp of Engineers is patrolling Caesar Creek and asked if this is a precedent. He advised they own this lake. Previously, they had announced they were going to patrol their own lakes. The Corp is proposing mandatory PFD wear on their lakes.

Chief Dillon said they are focused on water safety and have had meetings on a national level to discuss the pros and cons of mandatory life jacket requirements on Corps lakes. Pam advised they are not pursuing this at this time because of overwhelming resistance to that proposal. The Corps is looking for individual facilities that might want to do it on a pilot basis. Pam mentioned Lake Berlin and said the Division of Watercraft does not enforce mandatory life jacket wear on this lake because we have no authority to enforce their rules. Part of our comments to the Corps is that this proposal would create confusion to the boater. In areas where they have enforcement people on the water they have the authority to patrol. Jack said when they had funding they were on Caesar Creek all the time but when their funding ran out they couldn't put patrols on the water. Pam and Mike advised we provide patrols for Corps lakes to ensure there is adequate coverage.

Vice-Chairman Hern said at a monthly Caesar Creek Council meeting a Corps staff member attended saying they are aggressively looking to hire six people and looking for boats. And they would be on the water by late spring.

### ***Pam Dillon – Chief***

#### Directions 2008

Pam distributed the draft of Directions 2008. Some of the issues being discussed today and these items are still in draft form but she wanted council to have an overview of program direction we have planned for 2008.

We are still operating under the Strategic Plan supported by this council which was published in 2004. The public input information gathered for this plan was actually 1-2 years older than the plan. This is our opportunity to go out this spring and gather current feedback from the public to base our direction for the division. Many of the items identified 8-10 years ago we have completed. Resource Planning Section was developed; ten years ago we didn't have a resource planning section. Pam went on to say we have done a lot to implement many of the activities and issues that were identified in the original strategic plan.

### ***Tammy Terry***

#### 2007 Boat Statistics

Tammy passed out a 2007 Registration Comparison. There was an increase of 624 vessels from 2004. We also saw an increase from 2006 to 2007 of 2,984 vessel registrations. Neither is significant. The highpoint was in 2000 with 418,701 and 415,562 in 2007.

We are seeing changes of registrations in boat types. Powerboats still remain the majority of registrations but there has been a steady decline. On the other side of that there has been an increase of about 26,000 canoes and kayaks. Their registration fee is \$15.00 vs. \$33.00 for powerboats.

New vessels registered in Ohio include a 36.9% for canoes and kayaks and open motorboats at 34%. Ninety-five percent of new boats registered were less than 26'.

Tammy also included in their packet our Certificate of Numbers and 2007 Registration Totals by County. The counties with the most registrations are also the most populated in the state. She also included number differences by county for 2004 to 2007 and 2006 to 2007.

Councilman Schultz asked what Alternative Recreational Vessels were. Tammy responded saying these are canoes and kayaks that do not have an OH number. They pay an additional \$5 registration fee for a total of \$20.00 and they renew every three years.

### ***Tammy Terry***

#### Customer Satisfaction Survey

Surveys have been sent and responses have been received and we are now in the process of putting together the final results and report which will be shared once completed.

- We received a 33% response rate which is comparable to what was received in previous years.
- Of the respondents we found that 81.4% actually boated in Ohio in 2007, 18.6% who did not boat in Ohio in 2007 and they had a variety of reasons.
- Average boats per household were 2.13.
- The most common were open motorboat, a cabin motorboat or a canoe or kayak.
- Average length was 19.2'.
- Average model year was 1991. This is 17 years old vs. the last survey results of 14 years average age of boat.
- Average horsepower is 160.
- Average boater is 51.8 years of age, but the range was 16-85.
- Average number of years of experience was 26.6 years.
- Primary boat operator is 93% male; 7% female which is up from the last survey.
- 96.8% Caucasian; .6% Hispanic; .6% Other; 1.8% Native Americans; .2% African American.
- 14.7 average years of education.
- 59% were professional, executive, administrative or managerial.
- 68% worked fulltime and 25% were retired.
- 2.68% average persons in the boating household.

Two interesting questions asked:

“Did the rising cost of fuel have an effect on your boating?” 52% responded that fuel did not have an effect on their boating. 35% said they had decreased the number of boating trips. 30% said they decreased the distance of travel to boat.

“Mandatory PFD wear for all persons in all vessels.” 27.8% said they were in favor of mandatory PFD wear. 60.3 said no; 6.8% were indifferent and 5% said they didn’t know enough about the topic.

Council discussed their concern of the continued decrease in the number of boaters and said they are happy to hand out information to boaters to help find out why the decrease.

### ***Chief Pam Dillon***

#### Ohio - West Virginia Border – Law Enforcement and Emergency Response Challenge

Pam passed out maps of borders and concerns we face on the Ohio River. The maps visualize the difficulty we face to determine and define jurisdiction boundaries and why we need to address this compact between Ohio and West Virginia which is similar to what we did with Kentucky a number of years ago. Pam said the Ohio-Kentucky agreement works very well.

There was an un-witnessed boating death on March 1, 2008, that brought this issue to the forefront again. The body was found floating downriver. An Ohio Fire Department secured the body and took it to a Marietta Ohio hospital. The coroner in Ohio delayed in declaring the death because of jurisdiction issue.

Director Logan has offered to assist us in moving forward along with the Coast Guard. Pam met with the boating law administrator (BLA) from West Virginia and he asked why we want to “take his river from him”. However, during his conversation with the BLA from Kentucky he gave Pam the contact information for their attorney general’s office so we can move forward.

### ***Deb Green***

#### Public Input Meetings

Data collected from ten (10) public meetings will be compiled to determine new goals. The meeting dates are: April 29<sup>th</sup>- Millersport, April 30<sup>th</sup> – Dayton, May 1<sup>st</sup> – Independence, May 6<sup>th</sup> – Rootstown, May 7<sup>th</sup> – Cambridge, May 8<sup>th</sup> – Bethel, May 14<sup>th</sup> – Oak Harbor, May 15<sup>th</sup> – Celina, May 20<sup>th</sup> – Portsmouth, May 21<sup>st</sup> – Lewis Center. All meetings will be held from 7-9 p.m. The first hour will include introduction and background information, then electronic polling. The second hour, public will have the opportunity to move to topic tables and make their comments. Topics include:

- Facilities and Access

- Education and Public Relations
- Safety and Law Enforcement
- Water Quality
- Registration and Titling
- Other or General Comments

Dates and addresses of the public meetings will be emailed to council members

***Todd Doncyson – LE/SAR***

Port Security Grants

We have an opportunity to participate in these grants and receive funding for additional patrol vessels. These grants require a 25% match and will allow us to get a 32 foot boat Boston Whaler for Maumee Bay Watercraft Office. Another grant for east northern region will allow us to purchase a 27 foot vessel for Huron Police Department. They participate in the Marine Patrol program and have a very old patrol boat. The 25% match will come out of our equipment loan program. There is another opportunity to apply for a grant for the southern region and we are working on that.

Northern Border Initiative

We have received and outfitted two 32' vessels for the division for Ashtabula and Sandusky Offices and one for Lorain County Sheriff's Department. We will own the two vessels for the division but the one for Lorain will belong to them. The Homeland Security Grant of \$108,000 for overtime funding is approved for 2008. At this time there will be no state money for 2009.

Currently, Northern Border is trying to order two additional 32' boats. One is for Ottawa and Lucas County (to share) and one for Conneaut. The Division of Watercraft will have no involvement with these vessels.

Cadet Update – Karen Muench

Karen gave a PowerPoint presentation giving an overview on the hiring process. Karen started by reminding Council we received over 1200 applications for the cadet positions. Following the testing, interviews, background and medical evaluation processes we hired 27 cadets and started their training in the Ohio State Patrol Academy. We hired 18 for permanently placed positions and 9 at-large positions. They were hired on January 29, 2008 and entered the academy on February 4<sup>th</sup>. They will be housed at the academy for 18 weeks, Monday through Friday, 24 hours each day. At this time 6 cadets have dropped out of the program for various reasons. Cadets will graduate on June 6<sup>th</sup> and return to start the Watercraft training academy. They graduate from our academy on July 18<sup>th</sup>.

***Chief Pam Dillon***

## Scenic Rivers Program

In its current format it has been managed by the Division of Natural Areas and Preserves and managed with the natural areas perspective. Bringing the program to the Division of Watercraft will, for the first time, manage 13 rivers in the state that have already received designation and provide for recreational boating. Currently they have not been managed with access and recreational usage to the degree they can be (as appropriate) and that is our opportunity to bring the program to Watercraft.

As proposed, right now it will be legislatively moved from the Division of Natural Areas and Preserves to the Division of Watercraft. That legislation has not been proposed yet and has not been made public. We have offered our recommendation on exactly how that would work. Pam provided copies of the current sections of law. Section 1517.14 Creating wild, scenic, or recreational river areas – Pam pointed out it is important to note that this says wild, scenic or recreational and this section outlines the process to create it. Section 1517.15 River area classifications – defines the river area classifications. Section 1517.16 Approving structures and channel modifications – talks about the process for public projects involving structures and channel modifications. Importantly, this would allow the division to review public works projects such as bridges and other structures. This will allow us to advocate for providing access. Section 1517.17 Administering program and areas; and 1517.18 Advisory council appointed for each area (there are 13 areas now). 1517.23 Chief of division – duties. What is not expressed in this language can be found in other state language. The Scenic Rivers Protection Fund is a protected fund (Section 4501.24). This fund is from the collection of fees for scenic rivers license plate sales (Section 4503.56). That funding source goes with the Scenic Rivers Program whatever division it is with.

### *Deputy Director Tony Celebrezze*

Deputy Director Celebrezze advised this is a great opportunity. During discussions over budgets there were many good ideas with how to form this program to a Watercraft program. He said there wasn't a lot of flexibility in the DNAP budget. He said the bill is still going through various re-writes but once we have the final language we will distribute it to Council to provide feedback. He reiterated that DNAP did not focus on boating access. He said access had been made at various locations but that was through the Division of Wildlife. With the increase in paddle boat registrations he feels this is a good match. The Division of Watercraft has over 400,000 registered boat owners to market the Scenic Rivers license plate. DNAP did not have that market to help offset their GRF money. He said they are excited to see this work. Mr. Celebrezze said he thinks Council will be happy with what has been drafted provided LSC language what we have suggested.

Chief Dillon added if the transfer is as proposed, it will be transferred to the Division of Watercraft; it would be under the direct supervision of Deputy Chief Bill McGarity, and work closely with Phil Miller, Section Administer of Resource Planning. There will be a lot of crossing of program topics such as water trails. One of our first initiatives will be to get 13 designated water trails on these 13 scenic rivers. Right now we have water trails on 2 of

these scenic rivers. There will be a lot of public information and efforts to get recreation addressed appropriately.

Chief Dillon added there is other grant funding the Scenic Rivers Program operates under now. They currently have three active grants from Coastal Management, Ohio EPA, and a U.S. Fish and Wildlife. Part of the transfer process will include these grants until they are closed out.

Deputy Chief McGarity advised he will take several weeks to visit each scenic river areas and conduct inventory of their facilities to see if there are opportunities to move into our facilities to help save money on rent and utilities. He said he is also trying to get an idea on the number of public projects they have been involved with. He gave an example of the Sandusky River where there are four very nice access sites as a result of a public works projects.

Deputy Director Celebrezze informed the group the Division of Watercraft will be the land owner of the 2,000 acres of Scenic River property but over the years DNAP has entered into MOU's with local municipalities where they have and will continue to maintain those areas.

The three programs currently under DNAP include Natural Heritage Database, preserves and scenic rivers. The database and the preserves program will remain with DNAP.

Vice-Chairman Hern asked what type of boat can be used on a scenic river. Chief Dillon advised at the mouth of the Maumee River there is heavy use of powerboats. Pam said she was told there is a section under Ohio's Administrative Code that addresses boats being prohibited. When she asked what that restriction covered they were not aware of it. Mr. Hern mentioned others have been harsh to personal watercraft users and users of canoes with on the Little Miami saying it was a scenic river. Pam said she is not aware of any restriction for power vs. non-powered. Pam mentioned there are only three areas that have received a wild scenic river designation and the recreational designation hasn't been used much.

Deputy Director Celebrezze added that Chief Dillon and Deputy Chief McGarity are challenged for the next year or so to learn the ins and outs of the program and how the laws apply in the Ohio Administrative Code. If there is anything to be changed, rules are a little easier than legislation. This is part of growing a program and let it mature from within the Division of Watercraft. It will allow the division to look at, analyze it and manipulate it how they need to so we can focus on recreation without losing that designation clause.

Councilman Norm Schultz addressed the members of Council. He said he has studied this program for the last month and is concerned that it will become like the dredging program with the Division of Parks and Recreation costing the Division of Watercraft four million dollars a year. This program will take the Division of Watercraft into a new area it has never been in before and an area that was never contemplated when Watercraft was formed. Whether it ends up good or bad will depend on what legislation says and how it is crafted legislatively or legally; and whether the authority to develop or redevelop the program to a Watercraft program as opposed to Scenic River.

He continued saying the Scenic Rivers Program has never been a recreational program. Their literature and what they say their program goals are has nothing to do with recreation. There has been law suits filed early over the designation of scenic rivers by property owners, etc. He corrected Deputy Director Celebrezze saying there is 3,146 acres in this program and all those acres will be transferred to Watercraft. If that happens, the Division of Watercraft will be in the property business for the first time. He mentioned they received money for tree planting which was fine, however, his concern is that future grant money will not fund the program and funds will start coming from the Waterways Safety Fund just like Parks dredging did and the Waterways Safety Fund will be used for shoreline preservation.

Stream bank stabilization is a primary objective of the Scenic Rivers Program. Difficult to do and expensive but you argue that if we can stabilize the shores and banks of the rivers we might not have to dredge downstream.

Mr. Schultz said the program statement says, from the time of acquisition of property, the division becomes totally responsible for the care and preservation of the scenic river area. One of the concerns of the BAO is how many waterways are actually navigable even with a canoe and how this will impact boating. He said it's hard to determine what the economic impact will be. They have asked what the legislative perimeters will be and we don't know that either because it has not come back from LSC. He said they do not believe it's a simple transfer. It's questioned why the Division of Wildlife didn't take this program because it fits better. He said the only thing that would make this program viable and acceptable is that it be totally controlled by the Division of Watercraft. Watercraft would make the decisions on expenditures and other issues. Unfortunately we don't know that yet either. He asked how many people are coming to the program and Pam answered five or six full-time permanent but we are not sure with early retirement incentives and there may be some intermittent or part time staff working under grant funding.

Deputy Director Celebrezze said the idea is to allow Watercraft to develop the program under their guidance. He asked if the question was if they trust the Division of Watercraft to do the licensing program properly or do they think the director is telling the chief how to do it. Schultz said they question whether the division will have the authority to change it. He said by all means they will, just like any other program the division has. The chief will have the say so under the umbrella of the director as all divisions do. It is the intention to allow the Division of Watercraft to develop the program the way they see fit.

For the record, Mr. Schultz said the Boating Association of Ohio is opposed to the transfer of the Scenic Rivers Program and is planning to do battle with legislature if necessary. He expressed this is not where they want to be as they have never been opposed to the department in 20 years. He said unless we have enabling legislation the industry sees this as a bad move and not good for the Division of Watercraft. He expressed until they see the language from LSC they will remain opposed. They need reassurance that this program will fit the boating population of the state and Watercraft controls the program.

There was discussion about the budget process and the language for the transfer which has not been supplied yet. Pam explained the program cost will amount to approximately \$500,000 per year and offset by some grant money. The license plate fees revenue generates approximately \$90,000 – 180,000 per year.

Vice-Chairman Hern commented it may come down to voting on what projects to fund. The Division of Parks needs money for docks at Cowan Lake, the continued need to dredge due to soil erosion, etc. Deputy Director Celebrezze agreed feeling all the more reason to move Scenic Rivers to Watercraft. Councilman Schultz expressed these are dangerous times for department because of we have serious economic problems in our state which we don't know the full extent yet and because the motive of the transfer wasn't to see how to improve the boating program but because the department needed to cut budgets and bale out the general revenue fund. He said the Office of Budget and Finance may be looking at all unused funds to solve budget issues. He further expressed his opinion saying the Division of Watercraft has never had financial problems and never laid-off personnel and never cut programs. Unfortunately, with good management practices and having money in our accounts, the division has become a target. Further he expressed that this would be his last council meeting and is leaving council with the responsibility to the boaters of Ohio to see that the division does not become dismantled in the sense that it could become just a registration agency for the state.

### ***Public Comment***

#### **Mr. Jack Lundberg, Columbus, Ohio**

Mr. Lundberg addressed council saying he was not attending representing any boating group. He commented that his wife was a former trustee person for a charity to prevent blindness. Similar to the budget shortfalls the state is experiencing, for financing help they had included with a registration process a check box for donations to their cause. This allowed the public to help support the cause. He suggested the Division of Watercraft could do something similar to ask the public for donations to the Scenic Rivers Program.

Councilman Schultz said this reminded him that DNAP has a check-off on income tax returns. What happens with this money? Chief Dillon responded saying it will stay with DNAP for natural areas. All were in agreement that could be possible to add a check-off for voluntary donations. All changes will be necessary through legislation.

### ***Chief Pam Dillon***

Chief Dillon announced Councilman Norm Schultz will be leaving council after 26 years of service. He served on this council from 1982 through 2008. Chief Pam Dillon and Deputy Director Celebrezze presented him with a ship's wheel plaque acknowledging him and thanking him for his years of service.

### ***Emily King – PI&E***

## Education Administrator Position

Steve Massello has accepted Doug Golding's position as Education Administrator. Steve is an officer in our Ashtabula Watercraft Field Office. Steve has a degree from Slippery Rock, a captain's license and a lot of boating background and enthusiasm.

## New Initiatives

John Wisse was promoted to assistant manager of PI&E. He will continue as public information officer as well. He will take over with marketing, publications and the volunteer program. This will allow Emily to get into the field for education programs. He is also involved with Gander Mountain's Paddle Quest series and the Wear It Ohio! campaign.

The Wear It Ohio! campaign is modeled after the Wear It California! campaign. We have been given approval to purchase loaner life jackets. The participants will fill out a pledge card to wear a life jacket while boating. They will return the jacket at the end of the season. There will be a lot of media focused on this campaign. The kickoff will be the week of National Safe Boating Week, May 17<sup>th</sup> - July 4<sup>th</sup>. The lakes we are targeting to conduct this campaign will be Portage Lakes, Caesar Creek, Salt Fork and Buck Creek.

"Plug Into Nature" is a department-wide initiative to get youth outside and participate in various activities. The kickoff will be May 10<sup>th</sup> at Alum Creek.

A kayak pond will be new for the state fair this year. Chief Dave Mohr from Engineering will design a 100 foot pond. Kayaks made from recycled material will be purchased using money available from the Recycling Program.

## ***Officer Elections***

*Council moved to re-elect Tom Pascoe as Chairman of the Waterways Safety Council. The motion carried and was approved by a quorum of the Council.*

*Council moved to elect Jane Harf as Vice-Chairman of the Waterways Safety Council. The motion carried and was approved by a quorum of the Council.*

## ***Second Quarter Council Meeting***

The Council set their second quarter meeting of 2008 for Monday, June 23, 2008 at a location not yet determined. Further information will be distributed as details are finalized.

Meeting adjourned at approximately 3:45 p.m.