

Ohio Waterways Safety Council Meeting

June 23, 2008

10:00 a.m. to 2:00 p.m.

Cleveland Field Office

1150 E. 49th Street

Cleveland, Ohio 44114

Waterways Safety Council	Division of Watercraft	Guest
Tom Pascoe, Chairman	Pam Dillon	John Onacila, Jr.
Jane Harf, Vice-Chair	Mike Quinn	
Ann Swain	Janet Wolfinger	
Jack Hern - Absent		

CALL TO ORDER: Council Chairman Tom Pascoe called the meeting to order at approximately 10:15 a.m.

APPROVAL OF MINUTES: Council Chairman Pascoe called for approval of the minutes of the Council meeting held on March 17, 2008 at the Ohio State Patrol Academy, 17th Avenue, Columbus, Ohio.

Motion to approve the minutes was made by Councilwoman Ann Swain, seconded by Vice Chairman Jane Harf and approved by a quorum of the Council.

Opening Statement – Tom Pascoe

Chairman Pascoe commented on the recent fatalities that occurred. Chairman Pascoe also commented on the failed attempts to coordinate a trip on a commercial freighter and we will continue to try anytime we plan to meet in the Cleveland area.

Opening Statement – Chief Dillon

Pam introduced guest John Onacila, Jr. Mr. Onacila is an applicant seeking appointment to this Council. John advised Chief Dillon he did receive appointment from Governor Strickland but he has not yet submitted all the necessary notarized documents to the Governor's office.

Mr. Onacila gave everyone insight into his background. John is an avid boater and has served in leadership positions with numerous boating organizations. John was elected Vice-President of the Boating Associations of Ohio (BAO) in 2007.

Opening Statement – Adam Prokop, Watercraft Northern Region Manager

Adam welcomed everyone to the Cleveland Office and introduced himself. AJ went on to explain one of his personal goals was to have a safe boating council together for each area office on the lake and he has been successful in accomplishing this goal along with a law enforcement work group in each office. This provides a better means of

communications for constituents. AJ invited the group to view the new boat building that was recently completed.

Chief Dillon also invited the group to stop by 55th Street Marina and take a look at the fleet. Pam advised there will be much discussion about the Port Authority relocation to the 55th Street Marina over the next few years and the impact it will have on boating in Cleveland.

Department Reorganization – Chief Dillon

Chief Dillon addressed some the recent department reorganization required to meet the economic challenges. In May, Director Logan announced there would be some changes to staffing levels. There have been 22 staffing reductions announced, predominantly in the central office locations. Many have taken advantage of Early Retirement Incentives (ERI), a few jobs were abolished and others exercised their bumping rights. The Division of Watercraft has been impacted minimally and will absorb one position for a programmer for the Watercraft Information System (WIS).

There are still some expected changes within the Division of Parks and Recreation but may not occur until after the summer months. Some of the services previously offered at parks will not occur this year. State park staff levels are down significantly from what they were ten years ago.

The Division of Watercraft continues to remain stable at this time. The division will add twenty new officers this summer. Cadets graduate from our Watercraft Academy on July 18th.

2007 Recreational Boating Accidents Draft Report – Chief Dillon

Chief Dillon reviewed the report compiled by Tammy Terry, Data Analyst, with council. This annual report compares historic statistics for Ohio. Pam noted Ohio has completed the safest 5 year period in Watercraft history.

Chief Dillon gave updates on fatalities to date including the fatal that occurred over the past weekend. Ohio went through the Memorial Day holiday with zero fatalities but since that time there have been five.

Public Forum Meetings – Chief Dillon

This year we conducted ten public forum meetings to obtain feedback from the public. Chief Dillon went over the 2008 *Public Form Results* compiled from the electronic polling conducted at the meetings. Information from these meetings will allow us to look for trends. Overall, attendance was light but a lot of good information came from those that attended. Several topics to be discussed in the near future with the Guidance Committee members are: water ski and towed sports issues, PWC's, zoning and reckless operation.

Legislative Updates – Chief Dillon

Capital Corrections Bill

Scenic Rivers was removed from this bill in order to move the Capital Corrections Bill through without controversial issues. The language for the Scenic Rivers transfer was made public to the BAO and they are willing to sit with the Department to further discuss the transfer. Council was provided a copy of the same language and Chief Dillon reviewed some of the changes with Council. Chief Dillon explained we intend to include a cap which means we would not be permitted to exceed a certain percentage of our budget on the Scenic Rivers program without legislative change. Also included in 1547 is language regarding Scenic River's program use of revenues from the sale of Scenic River's license plates.

Pam advised Council that Deputy Director Celebrezze and Director Logan wishes to meet and discuss the Scenic Rivers program transfer during the next quarter meeting. We will seek cooperation from all boating constituents and stakeholders.

Other Legislative Updates:

- SB271 has passed and once signed by Governor Strickland changes will go into effect immediately. Discussion over different parts of the law took place. AJ Prokop noted that the Failure to Control is a lesser penalty than Reckless Operation. There were three attempts to change the observer law to allow ski mirrors and it was defeated and not included in this bill by various state representatives. The New Contingent Registration and horsepower change from 9.9 to 20 hp for Pymatuning was added to this bill. The bill was passed as an emergency measure allowing immediate implementation.
- Seneca and Tappan Lakes horsepower change to 399 was passed. We have a signed MOU with MWCD however we promised the boating public in these areas to move forward with public meetings to further discuss lake management and zoning practices.
- The change to unlimited horsepower on four Wildlife lakes goes into effect July 1st. Those lakes are Knox Lake, Lake Rupert, La Su An and Oxbow.

Other Discussions:

Seaplanes:

Vice-Chairwoman Harf inquired about a group wanting to operate seaplanes on Buckeye Lake. Chief Dillon explained once a Seaplane lands on the water they have to follow all boating rules and laws and be registered.

EPA Discharge Permit Rules Draft:

The EPA has announced how they intend to do to address vessel permits. A copy of the summary was made available to Council. The EPA is asking comments, due August 1, 2008. If passed, all vessels less than 79 feet will be required to comply with

best management practices to avoid being fined. USCG will enforce the best management practices.

The Clean Boating Act of 2008:

This bill is still moving forward and will be on the fall Congressional agenda.

SB17:

This is the new OMVI/BUI law and does affect the Division of Watercraft. When stopped for suspicion of boating under the influence (BUI), if there have been two priors within the past six years or five priors in the past twenty years, a chemical test is mandatory and the arresting officer may use whatever force necessary to compel the test. At this time we do not have access to prior BUI convictions while on the water. The ACLU is challenging the constitutionality of this law. Governor Strickland has not yet signed this into law. Deb Green is waiting to hear from the BMV as to the status of whether or not we'll be able to get our administrative suspensions and BUI convictions included in their database.

Fiscal – Chief Dillon

Motor Vehicle Fuel Tax:

The Division of Watercraft receives 7/8 of one percent in fuel tax revenues. This is our primary source of funding. Council was given a report of fuel deposits. Fuel tax revenue has started to drop. For FY 2008 (July 1, 2007 – June 30, 2008) we have one more deposit due to our account. At this time we are down \$900,000 from what was projected.

There was much discussion on the cost of fuel and the reduction of fuel consumption by consumers. Also discussed was the rumored tax holiday and how it would affect the Division.

The Waterways Safety Council advised the Chief of the Division of Watercraft to recommend to the Director of the Ohio Department of Natural Resources that Council opposes any motor fuel tax holiday on a state or federal basis and asks the director to communicate to the governor that the impact of implementing a fuel tax holiday would be a minimal savings to individuals but catastrophic to state boating and outdoor recreational programs that rely on fuel tax revenue.

The motion was made by Councilwoman Swain and seconded by Vice-Chairperson Harf and was approved by a quorum of the Council.

There was further discussion over revenue and reduced revenue possibilities. Chief Dillon expressed concerns over the possibility of being in deficit spending by 2011 without changes.

Registration Fees:

Chief Dillon reviewed with Council a comparison list of registration fees by state. The Division has not had a fee increase since 1997 and we have experienced a loss of revenue of 33% through inflation. The number of boats being registered is about the same just changing in the size of boats being registered. We have seen a 60% increase in canoes and kayak registrations since 2000 and have lost several thousand powerboats. Chief Dillon explained we are waiting on U.S. Coast Guard deposits for FY 2008. Chief Dillon and Council further discussed possible fee increases.

The Waterways Safety Council recommended to the Chief of the Division of Watercraft and the Director of the Ohio Department of Natural Resources, that the Division and the Department seek an inflationary increase in Ohio watercraft registration fees based on inflationary rates since the last fee increase in 1997, as well as a \$2.00 increase in a corresponding Deputy Registrar processing fee. Implementation would occur in 2010.

Council also urges the Division to develop an Information Campaign to be distributed to all stakeholders to educate them that a watercraft registration fee increase is necessary to provide future funding to recreational boating programs.

The motion was made by Vice-Chairperson Harf and seconded by Councilwoman Swain and was approved by a quorum of the Council.

Resource Planning – Chief Dillon

Council was provided updates on Resource Planning projects.

Caesar Creek Marina Study:

Chief Dillon spoke to Councilman Hern (absent from this meeting) and advised that the Caesar Creek Marina Study has not yet been finalized.

Sandusky Field Office:

Right now we are moving forward with the plan to move the office at East Harbor. The Division of Parks and Recreation is giving us land to build and we have the engineering work underway. In lieu of this, there may be an opportunity to move to the state park on Catawba Island.

Middle Bass:

Progress continues on this project.

Registration and Titling Update – Chief Dillon

Mail renewals are down but E-renewals are up. We are slightly down for the year thus far.

Public Information and Education – Deputy Chief Quinn

Wear It Ohio Campaign:

This campaign is modeled from the campaign used in California for PFD Safety Awareness. Four lakes were targeted for this campaign and it has been very successful with a slow start in the beginning due to weather.

State Fair Kayak Pond:

The Division is using this idea modeled from the state of Texas. The Division of Engineering has designed a 100 X 40 foot pond using concrete highway barriers and a pool liner. The Division of Recycling and Litter Prevention has provided funding to purchase kayaks made from 100% recycled materials. The Office of Communications has been a big help in promoting this idea. The Division of REALM will provide landscaping around the pond area. Participants will be given safety instructions and fitted with life jackets and then paddle a kayak on the pond. The mill area will now become the registration area to sign up for kayaking.

Gander Mountain:

Gander Mountain continues to be a very positive partnership with the Department.

Ohio Insurance Institute (OII):

John Wisse and Rob Lucas have met with OII to inform them of various partnership opportunities. At this time we have nine individual insurance companies interested in information to partner with the Division.

LE/SAR – Deputy Chief Quinn

Cadet Update:

Graduation from the Ohio Patrol Academy was held June 8th at OSP. Director Logan was the key speaker. Cadets will enter the Watercraft Academy at the OSP but conducted by the Division of Watercraft. Deputy Chief Quinn commented that we started the application process with 1,165 applications. Through the process 27 entered the academy and 20 graduated. Graduation from the Watercraft Academy will be July 18th.

Toledo Homeland Security Grant:

Deputy Chief Quinn advised with a 25% match (\$70,000) from the Division we were awarded a \$210,000 Homeland Security Grant to purchase a new 32' Boston Whaler.

Other Discussion:

Waterways Improvement Fund:

Chief Dillon updated Council on her attendance at the Grand Lakes Legislative Day on the Lake. Chief Dillon announced that Grand Lakes St. Mary's uses nearly \$1 million dollars each year of the Division of Parks \$4 million dollars Waterways Safety

Fund which is dredging money which comes from the Waterways Safety Fund. Chief Dillon passed around pictures of the lake showing the volume of algae in the lake and the watershed plan that has been developed. ODNR is trying to get the community to buy into the Watershed Action Plan.

Deputy Chief McGarity met with the Division of Park today. We are trying to hold the Division of Parks dredging funds flat. We have agreed to a cost of living wage increase for the dredge operators. The Division of Parks is advocating an increase to the Waterway Improvement Fund.

Cowan Lake:

Chairman Tom Pascoe asked for an update regarding the motion for dockage at Cowan Lake. Chief Dillon advised we have submitted three proposals to the Division of Parks and Recreation. At this time they are going to try to fix the docks themselves.

Cleveland Port Authority - 55th Street Marina

The Cleveland Port Authority is looking to relocate and their chosen location will encompass the 55th Street Marina. The public offers cautious support for moving forward on the premise that 55th Street Marina get replaced and made whole. Mr. Onacila offered that their current site would be given to the city and used for container shipping or offered to developers. Director Logan asks for everything to be in writing and be a binding agreement. Chief Dillon explained this project could be twenty years down the road. Part of the agreement is that the new marina be in place before the old one is taken out.

HOUSEKEEPING – Janet Wolfinger

Council set their third quarter meeting of 2008, tentatively, for Monday, September 15 or 22, 2008 to be held at the Fountain Square Watercraft Office. Further information will be distributed as details are finalized.

The motion was approved by a quorum of the Council.

ADJOURNMENT:

The meeting was adjourned at 2:00 p.m. Following adjournment some council members toured the 55th Street Marina and the new boat building.