

**Waterways Safety Council Meeting
2045 Morse Road, A2
Columbus, Ohio 43229
September 29, 2008
APPROVED MINUTES**

Council

Tom Pascoe, Chairman
Jack Hern
John Onacila
Jane Harf, Vice Chair
Ann Swain

Division of Watercraft

Pam Dillon
Mike Quinn
Bill McGarity
Frank Meravy
Phil Miller
Tammy Terry
Deb Green
Rick Barrera
Todd Doncyson
John Wisse
Janet Wolfinger

Guests

Bob Cumbow, DP&R
Carolyn Towner, BAO
Director Sean Logan
Deputy Director Celebrezze

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 meeting held on 6/23/08 at the Cleveland Watercraft Field Office, 1150 E. 49th Street, Cleveland, Ohio 44114.

Motion to approve the minutes was made by Councilman Jack Hern and seconded by Councilman John Onacila and approved by a quorum of the Council

OPENING STATEMENT – TOM PASCOE

Chairman Pascoe welcomed Carolyn Towner from the Boating Association of Ohio (BAO).

OPENING STATEMENT – CHIEF DILLON

Chief Dillon welcomed everyone and officially recognized John Onacila Jr. as a newly elected member to the Waterways Safety Council. Chief Dillon administered the oath of office to Mr. Onacila.

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 and greatly involved with the Greater Cleveland Boating Association.

Reauthorization of the Sport Fish Restoration and Boating Trust Fund

Chief Dillon reported on and distributed information regarding a resolution made by and adopted by NASBLA. It is a statement of consensus that NASBLA reached with the Association of Fish and Wildlife Agencies regarding reauthorization of Sport Fish Restoration and Trust Fund (formerly known as the Wallop-Breaux Trust Fund).

On a national scale the fishing side and boating side have gone head to head. The boating side continues to grow and provide the bulk of federal money going into the trust fund. The fishing side continues to decline as fishing license sales have gone down over the years. Chief Dillon pointed out a trend from 1985 to 2006. Pam mentioned over the years there have been some inconsistencies and NASBLA's resolution addresses how they wish to change this. Item two addresses administrative changes. Item four addresses providing money for the National Boating Safety Advisory Council directly out of this fund instead of U.S. Coast Guard funds. Item five may potentially impact the Division of Watercraft. It changes the matching share for the State Recreational Boating Safety Grant from 50-50 to 75-25 to create consistency among all boating and fishing trust fund programs. We have always been able to meet our match for our program. All the changes made by NASBLA put the program on more solid ground with the fishing side. The program needs to be reauthorized by the next federal fiscal year which starts October 1st. Pam said she will keep council apprised of the situation.

Councilman Jack Hern recommended advertising at boat shows the size of the Division of Watercraft in terms of funding and projects.

DEPUTY CHIEF BILL MCGARITY & PHIL MILLER – RESOURCE PLANNING

Deputy Chief Bill McGarity introduced Bob Cumbow from Division of Parks & Recreation who gave a status update on dredging projects.

Bob Cumbow

Bob explained there are four (4) fulltime programs within the Division of Parks and Recreation: Canal Programs at Grand Lakes St. Mary's, Indian Lake, Buckeye Lake and Lake Loramie. They also operate a statewide dredge crew who is mobile to go to other locations.

Ohio has the largest government-owned dredge fleet in the continental United States. Bob said our program has been nationally renowned for 15-20 years. We have been the model for the states of Illinois, Wisconsin and Michigan on how to operate their own in-house dredge program.

We have worked with manufacturers to obtain the type of equipment for our program to be more efficient and more productive. The Division owns eleven (11) hydraulic dredges, various pieces of support equipment such as dozers, semi's, dump trucks, trailers, excavators, etc. We have nine (9) mechanical dredges such as cranes.

They handle large ramp improvements, shoreline protection, wetland construction and enhancements, material relocation areas (MRA's). Bob said they can move one million cubic yards of sedimentation statewide. He said the focus is to provide safe boating opportunities.

Last years budget from Waterways Safety Fund was \$4,062, 452 and will slightly increase in the next biennium. General Revenue Funds are spent for facilities and maintenance and capital funds are used for equipment.

Councilman Jack Hern suggested having a dredge information table at boat shows.

Bob talked a little about the environmental aspects of the dredge program. He said in the 1990's they converted the fleet to a biodegradable hydraulic oil. If there is ever a rupture on the water there would be no contamination.

Bob went on to say that the Division of Parks and Recreation is no stranger to budgetary concerns and they annually strive to reduce costs. They redefine and restructure without cutting into dredge crew operations.

Council thanked Bob for coming and his presentation.

Middle Bass Island Construction

Deputy Chief McGarity said construction is underway. The marina has been completely excavated except for part of the north side. The contractor ran into some stone which required an additional \$1.5 million to remove. Last week, the Controlling Board approved the funds. The funds did not come from the Division of Watercraft. Bill said he wasn't sure if it came from the Department or the Division of Parks. The south and east walls are done. They will let the water back in late October. Bids are out for the docks and docks will be built this winter and installed in the summer. The number of docks will be fewer than originally planned due to the rising cost of steel and other materials. There will be approximately 184 combined seasonal and transient slips and 56 for the yacht club. Electric and water is scheduled to go in during the fall. There will be no shower facilities. Bill explained there will need to be additional monies. The Division of Parks and Recreation has some additional capital money they have earmarked for Middle Bass Island.

There was discussion over fee charges. Phil Miller explained rule and fee changes have to be approved by JCARR. We will review and Chief Dillon will have the opportunity to weigh in with JCARR. Phil explained we will have the opportunity to review what rates are being charged at which marina. Chairman Pascoe asked if the docks at Middle Bass will be comparable with the marina at Put-in-Bay. Phil assured that would be our desire. Councils concern is that the rates are not comparable and money is not set aside for maintenance.

Councilman Onacila asked if we have an opening date for the transient marina at Middle Bass Island. Phil Miller explained there are too many variables to give a date.

Councilman Onacila asked if we can designate a dollar amount of rental fees to go towards maintenance. Chief Dillon advised council has the right to make a recommendation to be forwarded to the director. She also said she believed council has done this in the past.

Chief Dillon suggested making time during the next council meeting to discuss fee structures. Chairman Pascoe recommended council members poll marinas in their areas as to the current rates charged for seasonal dockage, per foot, and bring this information with them to the next meeting.

The target date to pump water back into the basin is the end of October. Chairman Pascoe said he would like to be there to see it.

Caesar Creek Marina

The Division of Parks and Recreation funded a feasibility study for a marina at Caesar Creek. The consultant met with Chief West and advised the cost would be at minimum \$5 million to \$10 million to construct the marina. Chief West asked for a study near the dam at Rt. 73. Councilman Jack Hern said the members of the Warren County Economic Development Board are looking to invest their money into this project, they are just asking for permission to use the land. He said he has written a letter to Director Logan.

Phil Miller said the sub-consultant was tasked to look at what they felt a reasonable ratio was from public to private sector investments based on the number of docks based on the market value of how much revenue could be generated. The preliminary analysis is showing that a \$10 million marina is not going to be feasible only for private sector investment. What it does illustrate is that the public sector side will have to develop the infrastructure and the amount on the private side has a threshold. Based on what we have seen in this analysis, the cost of a \$6 million marina is still pushing the limits. The state would have to invest a full two-thirds of the cost. Deputy Chief McGarity said the Division of Watercraft is willing to partner. Councilman Hern said there is nothing south of Columbus that would make you want to stay in Ohio to boat. Phil said The Division of Watercraft's BOW Plan targets this particular area for boating access.

Area Offices Update

- (Portsmouth) Scioto County Office - Construction documents are 95% complete. Our budget is \$2.3 million. We hope to go to bid within two months. Chief Dillon suggested a council meeting in Portsmouth to see the project.
- Geneva – We are moving with an acquisition of an office in Geneva. The asking price is \$395,000 and we had budgeted \$450,000. If all goes well we are looking at 6-8 months for the entire acquisition process. We hope to be in this building by June 1.
- Sandusky – We continue to work with the Division of Parks and Recreation on this project. Parks needs to work through some of their budget challenges before we can make a decision on this site. We do have our budget for this project.

CBFG – Phil passed out the approved CBFG projects for 2008 with a total of \$2.5 million for this grant cycle. Funds not granted this cycle will be rolled over to the next grant cycle.

BIG

Councilman Onacila asked if Put-In-Bay has a grant request in. Phil said Put-In-Bay has an application in for a Boating Infrastructure Grant (BIG) for their transient docks. The project cost is \$5 million and they are asking \$3 million from U.S. Fish and Wildlife. Chief Dillon has signed and supports this project. We will submit this on behalf of the state of Ohio. This is considered a Tier 2 grant. We are competing nationally for the money for this project.

FRANK MERAVY - FISCAL

Budget

Frank passed out the 2010-2011 budgets for council to review. Our current budget is \$22,299,526. We asked for, but did not receive, an additional \$1.5 million for training, payroll, fuel, utilities, various grants that are out of operating such as Marine Patrol and Education grants, etc. for 2010 and \$1.3 million in 2011. We are required to take a 5% cut in our baseline budget of approximately \$1,115,000. Therefore, we eliminated a payment of \$1 million for the recreation marine loan program. We then pared back an additional \$115,000 in the equipment program.

Pam reminded council that we will have over \$5 million in the recreation marine loan program account. We just will not add an additional \$1 million this next fiscal period. Frank said we have legal authority to move \$1 million from the Waterways Safety Fund but we did not do this for 2009 because we have almost \$5.5 million with the interest drawn on the original \$5 million.

Emergency Fund – Chairman Pascoe asked why this went from \$0 to \$300,000. Frank explained we never had money set aside for emergency projects. We chose to ask for this, under the discretion of the chief, for additional projects that arise.

CVA – Chairman Pascoe asked why the big jump in CVA money. Frank explained this is based on actual expenditures we have projected out. Phil explained this is based on projects that come in. CVA will also pay for docks. Frank explained we get 75% of this money back.

Equipment Purchases – Chairman Pascoe asked why the increase. Frank explained 2008 was a very light purchase year. We did not do a marine loan equipment purchase in 2008 and we may not do it 2009. We also are buying, through a FEMA grant, a 32' boat for Maumee Bay. FEMA pays 75% and we pay 25%. We are also looking at one for the Ohio River.

Vehicles – Councilman Hern asked if we are purchasing vehicles to tow these large 32' boats. Chief Dillon said we are looking at some shared vehicles and some other options instead of buying new vehicles for every office.

Dredge Funding – Councilman Onacila asked what other dredge projects we fund. These are capital projects under the Recreational Harbor Evaluation Program (RHEP). Mr. Onacila asked how many projects have been applied for this year. Phil said there is only

one project. Mr. Onacila asked if we felt the 25% match could not be met by many. Phil explained if the public sector is applying they are not required to have a match at all. In the case of a privately owned marina where they lease the property out to the public, they then need a 50% match. We encourage the public sector to be able to put up 25% because they gain points in the scoring process but it is not required. Private marinas qualify for the low interest loan program.

Phil said we are looking at better ways of funding projects and getting the information out. Frank advised we have the ability to go to the Controlling Board for approval if other projects come up.

Motor Fuel Tax Revenue – Frank said through August we are holding steady on this and do not expect a big jump.

Registrations - The fee increases this council approved at the last meeting were submitted to Administration but have not been approved at this time. Chief Dillon explained this is mainly due to our high balance in the Waterways Safety Fund. She pointed out in 2010-2011 is the Division is expected to be in a deficit spending status. We plan to resubmit our fee increase request in the future. Frank pointed out the revenue received in registrations has declined. Councilman Onacila pointed out there are many boats still shrink wrapped in the docks.

Scenic Rivers' license plate revenues are about \$80,000. Deputy Chief McGarity pointed out it decreases a little every year. They have little opportunity advertise their license plate. Beginning in 2009, Watercraft will include information in our annual renewal letter. It goes out to about 130,000 boaters a year.

TAMMY TERRY - DATA ANALYST

2007/2008 Customer Satisfaction Survey

Tammy passed out copies of the 2007/2008 Customer Satisfaction Survey Power point presentation. Tammy explained the 2001 survey was used as the baseline for comparison with the current survey. Out of 2500 mailed we received a total of 823 responses to this survey. If there was a 5% or more difference it was considered significant. Tammy went over the overall demographics of the survey.

Average age of boater: 52 years old, most of them male. Females doubled from 2001 to 2004 and again 2004 to 2007. Most were Caucasian. Most have more than 25 years experience in boating. Average number of years of education was almost 15 years. 60% of the boaters are either professional/technical or executive/administrative managerial class. Annual salary of the average boater increased \$14,000 from 2001. Average household has three household members. Household owned an average of two boats. Most frequently owned vessels are kayaks, sailboards and PWC's. Most used vessel in the household was a motorboat followed by a cabin motorboat and a pontoon boat. Average motorboat is 19.2' in length and 16 years old and 160 hp. Most indicated they boated in Ohio during the last boating season. Less than 1% of the respondents indicated they no longer own a boat. Boating activity declined 5.4 days or 15%. 36% of

respondents use a state park to boat; 27% boat on Lake Erie; 4.21% boat on the Ohio River. Respondents were asked if the rising cost of fuel effected boating activity. The largest response said it had no effect.

The final report and trend analysis are available through Tammy.

Fatalities

Tammy passed out copies of an update of all incidents and fatalities which have occurred in the state of Ohio. The recent waterskiing incident will count as reportable. Last year we had a total of 11 fatal accidents and 14 fatalities. This year we have 12 fatal accidents and 15 fatalities. So far this year there have been 192 accidents compared to 179 last year.

Public Survey from Public Meeting

Tammy passed the final report and analysis of the electronic and written polling from the ten public forum meetings held previously this year. There are a total of 177 total responses to the electronic polling and 298 responses to the written survey. Most respondents were male age 40 and over, Caucasian, and permanent residents of Ohio. This group also responded that the rising cost of fuel did not affect their boating activity.

Councilwoman Ann Swain asked if it would be possible to put a survey out to livery owners by the first of the year. Tammy and Ann will get together to discuss this survey.

Councilman Onacila asked how close the federal government is to moving toward mandatory PFD wear. Chief Dillon responded that she believes there is a significant level of interest in this topic.

DEB GREEN - LEGISLATION

State of Ohio Bills of Interest:

HB 29 Motor Fuel Tax – no hearing.

HB 298 Lake Erie Ballast – on hold waiting to see what the feds are going to do.

HB 391 Historic Vehicles (includes titles for boat trailers) – it is recycled legislation and slow moving and appears to be a low priority. There is no way to tell what will happen in lame duck so there is a potential that this would require titles for all boat trailers.

HB 397 Workers Compensation – this would exempt Longshoremen and Harbor Workers' Compensation Act from paying into BWC if their employees are covered under Longshoremen and Harbor Workers' Compensation Act. It is being supported.

HB 416 Great Lakes Compact – headed to the Presidents desk to sign.

HB 420 State Spending – this is a piece of federal legislation currently being implemented. Right now, Watercraft's responsibility is unclear but the bill appears to be moving.

HB 443 Public Notices –this is entirely administrative.

HB 574 Retirement Systems – Deb said it seems to be encouraging retirement and adding re-employment stipulations.

HB 594 Fuel Tax Moratorium – this has not been assigned to committee yet. This is likely just a political move.

SB 17 OVI Offenses – goes into effect tomorrow (9/30/08). We are not currently equipped to handle the requirements of the bill. It requires any time a peace officer stops someone suspected of BUI, if they have two priors within the past five years, they will require a chemical test. Watercraft officers do not currently have access to the prior information.

SB 79 School Calendar – more recycled legislation and slow moving.

SB 113 Trailer Titles – this has been captured in HB 391.

SB 189 Lake Erie – has potential to add additional restrictions on public access to the shoreline.

SB 267 PERS Law Enforcement – this would allow officers to buy up to five years of non-LE time into their LE retirement. It would have to be done within 90 days of their retirement date.

SB 290 Workers Compensation – this is the same as HB 397.

SB 358 DNA Testing – it would require any statement made by persons in custody to be video taped including children.

Councilman Jack Hern asked if we received a legal opinion for titling watercraft and motors purchased by non-residents. We will look for a response to this.

Federal Bills of Interest:

Public Law 110-228 Clean Boating Act of 2008 – this federal bill was signed by the President on 7/29/08.

Public Law 110-229 – clarifies the circumstances during which the Administrator of the EPA to issue discharge permits.

HR 2830 Coast Guard Authorization Act of 2008

HR 5594 Vessel Discharge and Review Act – this is a follow up to the Clean Boating Act.

Other Federal Items:

Hull Identification Numbers for Recreational Vessels – U.S. Coast Guard requests comments for expanding to a 17-character HIN.

Federal Transparency Act Implementation Guidance – changes the reporting requirements for us. There are 16 items we would have to report on every grant including a DUNS number.

Regulatory Proposals:

Cooperative Proposal for Horsepower Pilot Program for Burr Oak State Park – Division of Parks has filed their rule. They had a public hearing and no one showed. When it goes into effect we will file identical language. Parks is also considering several other lakes.

Muskingum Watershed Conservancy District – we held the court ordered hearing. We agreed to 399 hp as a compromise solution to unlimited. On September 12th and 13th, two additional meetings were held to collect comments for the development of lake management plans.

CHAIRMAN TOM PASCOE

Mr. Pascoe advised he will be in Washington on December 8 – 11, 2008 for the NAVSAC meeting. He will also meet with Jeff Hoedt with the U. S. Coast Guard.

COUNCILMAN JOHN ONACILA, JR.

Mr. Onacila announced he will attend the National Boating Federation meeting next week. Chief Dillon asked to continue to support the Sport Fish Restoration and Boating Trust Fund.

Mr. Onacila asked where we stand on the best management practices for the EPA permitting. Chief Dillon said once information is available we will put it in our education materials. We will not be the ones enforcing the requirements, the Coast Guard will be.

DIRECTOR SEAN LOGAN

Scenic River's Program Transfer

Director Logan thanked the group for inviting him to the council meeting. He said he is here to see how we find a way to enhance the programs of Watercraft and Natural Areas and Preserves. He said he appreciates all the time staff from both divisions has put into this issue. He is quite positive we can come up with a solution that fits internally as well as with stakeholders and interested parties. Later this week Director Logan will attend the 40th anniversary of the Scenic Rivers Program. Later this month we will have a dedication ceremony for Ohio's 14th scenic river; the Ashtabula.

The floor was opened up for questions/comments:

Councilman Mr. Onacila asked if we can afford the transfer to the Division of Watercraft.

Director Logan responded saying 18-20% of vessel registration is from non-motorized vessels. He said he believes Scenic Rivers can enhance the benefit for non-motorized vessels. He said he is committed to making it work.

Chairman Pascoe said the Division of Watercraft deals with water. Scenic Rivers is in possession of over 5,000 acres of land. Who gets the land; Parks, Wildlife? He said we don't want it. We're not in the business of trying to control land. Non-motorized vessels represent 18-20% of the boaters; they do not represent the people who pay to operate the Division of Watercraft. He said down the road we may be looking at a conservation fee or something.

Director Logan responded saying 25% of Watercraft's funding is non-gas tax revenue. The Ohio Revised Code says ODNR Watercraft Officers have authority on DNR land.

The land is an integral part of why a scenic river met the designation in the first place. If you don't have the protective buffer protecting the stream then you would have a much different experience. It is the intent that the land come to the Division of Watercraft. However, most of the land is managed by the local communities.

Mr. Pascoe asked if there is a litter problem does the local community take care of it.

Deputy Director Celebrezze said the staff of Scenic River's has been very resourceful with very limited resources. Much has been done with MOU's with local communities.

Councilman Jack Hern asked if the laws will transfer to the Division of Watercraft for enforcement. Currently they say no pets, no fishing, no hunting, no swimming, no camping, etc. This is something most boaters can't use. Can we do away with some of these laws and put up welcome boaters signs?

It was agreed that some of this is Natural Areas laws. In the natural areas there is very little impact you can have.

Councilwoman Swain asked if we purchase or lease all the land along a scenic river we designate.

Director Logan said it is a combination. Someone else may own the land and have an easement to the state.

Ms. Swain asked if there is a minimum of miles needed to designate a scenic river.

Director Logan said a minimum of ten (10) miles is needed.

Director Logan said once you understand how the Scenic Rivers staff have exercised how the land is managed it is quite unique that taxpayers in Ohio can be proud of. It is not "our way or no way". It is "how can we accomplish the goal of this special body of water?"

Mr. Onacila asked if we will purchase more land to get more dedication in order to put in campgrounds, launch ramps or parking lots.

Director Logan responded saying launch ramps - yes; access - absolutely. He said he believes it is in all our best interests to have corridors protected as possible. He said he is open to suggestions as to how we do this in the future.

Mr. Onacila said access to these scenic rivers is very limited now and would we greatly improve this?

Deputy Chief McGarity said he has been out to many of the scenic rivers with Bob Gable from DNAP. He said many of the scenic rivers have more access sites than others. They are working with the local communities to help turn over some of the state owned sites so

they can manage them. If the program does come to Watercraft this is one of the things we will work with them to develop more access sites. These are very low maintenance access sites.

Councilman Hern said currently, EPA type analysis comes from Scenic Rivers and will this transfer to Watercraft like bridges and surrounding watersheds?

Director Logan responded advising this is part of the responsibilities of the Scenic Rivers staff. They review and make comments and suggestions to the public works projects as to the affect on sedimentation, flow, etc. These capital improvements also benefits boaters and boating access.

Councilwoman Swain addressed farming issues and how it affects the waterways and the need to dredge. She discussed the need to be involved with the farm bureaus and getting support from them to understand our waterways.

Chairman Pascoe said looking at the Division of Watercrafts mission statement, does getting involved in the sedimentation and owning of farm land, something the division should be involved in or would this come over as part of the Scenic Rivers or is this a DNAP issue?

Chief Dillon responded saying, looking at the history of the Waterways Safety Fund, in the 1960's, it was originally developed as part of the shore erosion program.

Chairman Pascoe asked, how many employees will the Division of Watercraft take on?

Chief Dillon said there are five fulltime employees and six intermittent employees. Some are being paid with grant funding.

Chairman Pascoe asked, how much money, budget-wise, are we looking at for just the Scenic Rivers portion of DNAP?

Chief Dillon responded saying we are budgeting \$600,000 in payroll and \$50,000 in maintenance money for a \$650,000 impact.

Chairman Pascoe addressed Frank Meravy and asked would there be a separate accounting provision for Scenic Rivers in our books?

Frank responded saying their license plate fund goes into a separate account but payroll will not be separated from Watercraft payroll. Deputy Director Celebrezze advised the ORC stipulates that license plate money be kept separately.

Chairman Pascoe asked Frank if at the end of the year the council asks what it cost the Division of Watercraft to operate Scenic Rivers program for 2008, can he do it.

Mr. Meravy said he would be able to tell them the cost. Chief Dillon advised we do this with all our programs through our Time and Activity Reporting System (TARS).

Chairman Pascoe asked how much money the license plate program brings in.

Chief Dillon responded saying between \$80,000 and \$130,000.

Councilman Onacila asked, if money from non-motorized registrations is separate and if that money is earmarked for the Scenic Rivers program?

Chief Dillon said no, all money from registrations is put into the Waterways Safety Fund, but we document where the money comes from and can detail what is motorized versus non-motorized.

Director Logan advised Watercraft can account for every penny with our Time and Activity Reporting System (TARS). OBM Circular 87 also addresses federal money and the necessity to be compliant with the Circular. It is a very valuable tool to ensure the rate payer, the license payer, and the tax payer that these funds are all accounted for.

Councilman Hern suggested we need to be able to evaluate the Scenic Rivers program. Mr. Hern believes non-motorized boating does not bring as much into the economy as motorized boating.

Deputy Director Celebrezze said they bring a lot of enthusiasm and a lot of dedication towards working on some of these rivers helping out with many volunteer hours to work with stream quality monitors to ensure the water going through the watersheds entering our lakes is of high quality. All the grantors funding programs want to see exactly where their money goes. There will be no problem with the accounting to see where Waterways Safety Fund money is spent.

In response to a question, Deputy Director Celebrezze responded that we have the final legislative draft but we are more than willing to consider ideas and modifications council may have. Legislation has not been introduced yet. We intend to introduce it during the lame duck session or after the first of the year. Currently, DNAP is still funding the program through licensing and money from the grants they receive. The Scenic Rivers Program has been cut from the General Revenue Fund budget.

Mr. Onacila said he is concerned the program will become mismanaged without proper oversight.

Chairman Pascoe asked to discuss line 467 which addresses stream impact reviews of proposed plan modifications or construction. Chief Dillon advised that our resource planning section already does this. Public works projects are required to come to the Division of Watercraft for review.

Councilman Hern acknowledged the 5,000 acres of land currently owned with Scenic Rivers and asked if we expect to purchase more land in the next 5-10 years.

Director Logan said there are benefits to having easements for riparian corridors. Therefore, the purpose we currently have for purchasing land would remain the same.

Chief Dillon said in the past eight (8) years, Scenic Rivers has received \$11, 800,000 in grants. These funds are used for river studies and to purchase land or provide for easements. The expectation is that the program will continue to pursue these grant funds for land purchase. The land is titled to the Department of Natural Resources. The Division of Watercraft will administer the program. Chief Dillon expressed, from a personal perspective, the importance of having public land to stop at along the river to rest, rescue, recreate or just have lunch. Public land provides a place for boaters to relax without fear of trespass.

Councilman Hern expressed his concern is answering to boaters about the impact on the Waterways Safety Fund. Boaters at Caesar Creek and other parks and lakes have made requests for a marina and other boating access and are concerned there won't be enough money to fund their projects. Mr. Hern asked how are we going to best support the boaters we have and what else will impact our budget.

Deputy Director Celebrezze responded saying there are always going to be many more projects than we are capable of doing. He addressed the Caesar Creek marina saying some of the designs proposed would have greatly affected the Waterways Safety Fund and Chief West was not going to accept these proposals.

Chairman Pascoe asked who will clean up after people.

Chief Dillon said enforce stream litter laws now and have always had the authority to enforce these laws.

Chairman Pascoe asked if we are putting a cap on the amount of Watercraft money used for the Scenic Rivers program.

It was explained that the current draft legislation includes a ten (10%) percent cap which is the same as Watercraft education and marine patrol grant programs.

Director Logan said he feels we can work this out. He said "What I hope for is that we can continue to have dialogue to address these very legitimate issues. These are great questions and I envision that it will be run as it is now, a very efficient, very protective, very open and a program, we as Ohioans can be proud of whether we have a motor boat or we don't. It is absolutely critical that we embrace the sustainability of the natural resources for the benefit of all. This is the mission statement the Governor has charged me with and this is the mission statement I intend to carry out. And I need the help of Council and I need help of the people you represent and we need to go to a higher plane and those are the things we discussed here today. It doesn't mean I'm not willing to talk

about the details about how we solve this; I'm just laying out my expectation now. We have a meeting scheduled with the BAO on October 21st and I have the same hope that we can work these things out.”

Director Logan said this is his proposal not the Governor's. He said he and Chief Dillon have talked about his many times. He would not put in jeopardy the credibility of the chief. That is one of his ultimate goals as well.

Councilwoman Swain expressed her thoughts about how the council can voice their opinion and work with our government.

Chairman Pascoe thanked Director Logan and Deputy Director Celebrezze for coming to discuss the program transfer. Council will provide feedback through Chief Dillon.

RICK BARRERA - REGISTRATION & TITLING

2008 was the first year we offered “alternative” registrations to be sold in all Watercraft Field Offices. We also added the renewals for alternative registrations this year. Registrations have increased specifically in hand-powered boat registrations.

In June 2008, we opened the WIS Web for Agent lookup to sell boat registrations through the internet. This has helped to decrease phone calls to Central Office.

E-renewals through September 29th: 11,739. This broke last year's record of 10,420. Out of the 11,739 sold, 928 registrations were for hand-powered vessels.

Mail Renewals for 2008: 36,420 sold. Last year we had 40,211.

The net results from 2007 vs. 2008: 50,627 vs. 48,167 for a difference of 2,460.

Total Registrations for 2007: 416,562. As of this morning we are at 404,876 for 2008. By November 15, 2008, registration sales will be closed.

Non-powered vessel registrations have the largest increase in sales with alternatives leading over the traditional OH sales.

Data entry is up-to-date. In the past we have been 2-3 months behind at this time of year. Rick said he has made some changes in his section which appears to be more efficient.

There was much discussion over the number of hand-powered registrations verses powered vessels and the loss of revenue from those types of registrations. Chief Dillon reminded council the Division of Watercraft's responsibility is to serve all boaters in Ohio and this is a growing segment of our boating population.

Chief Dillon pointed out in all the years previously we never included the number of livery boats in our total registrations to the U. S. Coast Guard. It will more accurately

reflect the number of registrations but will not affect federal funding. In 2007, 5,522 livery boat registrations were purchased.

TODD DONCYSON – LE/SAR

Mad River Detail Enforcement

Todd advised if we receive enough complaints on a body of water we will investigate and if it needs addressing we will coordinate a special detail for it. Recently, we participated in a special detail in Clark County on Mad River. Complaints included were public indecency and public intoxication. On Saturday, officers wrote 52 citations. There was a bench warrant on one individual who was taken to jail. Citations included three drug arrests, two underage consumptions, seven PFD's, three littering and 35 open containers. The detail was advertised to the community. The next day there were only three citations issued.

New Officer Update

We have twenty new officers who are still receiving training in sailing, canoeing, personal watercraft and basic paddling. We have two who had to leave the academy due to injuries but will return. Emergency response training will be provided in November.

Boat Contracts

SEAARK will no longer be on the state contract. We have Brunswick and one manufacturer out of Oregon.

Fatality Update on Sandusky Bay

There was a two boat collision on Sandusky Bay. Todd said there are a lot of conflicting stories. Based on the findings of Watercraft's investigation, the larger boat was not in violation. The deceased was not operating the boat and all leads go towards someone else driving the boat. All information has been turned over to the local prosecutor.

Engines

Councilman Jack Hern made a comment regarding dealers saying he felt it was best for Watercraft to stick with one engine manufacturer when buying boats for our use.

Todd responded we have to look at pricing and budgets and contracts. He said one engine manufacturer might be the best for a couple of years then they have a bad model year for EPA standard. Todd said we look for a service vendor in the area. Todd agrees in theory it should work out well, but it doesn't.

JOHN WISSE - PUBLIC INFORMATION

Chairman Pascoe commended John for some nice articles in Scuttlebutt.

State Fair

This year, the Division of Watercraft had a kayak pond for the fair. Throughout the event a total of 3,512 children and a handful of adults participated in the kayak on-water activity. This averaged 293 per day. Everyone participating received a 10-15 minute

safety presentation and was fitted with a lifejacket. They then paddled for 12-15 minutes. The projection for next year is it will be bigger and better.

Annual Report

This year's Annual Report will focus on economic impact of the recreational marine industry on boating. John said the goal is to have the report in the mail before Christmas.

Ohio Clean Marinas

Colleen Wallington is the new Extension Agent for Sea Grant and the coordinator for Ohio Clean Marinas. Currently, there are 39 Clean Marinas. An additional 20 marines have pledged to obtain their program certification.

Shrink Wrap Program

This program has generated 120 tons of shrink wrap recycled and kept out of the landfills.

OPEN DISCUSSION

Seaplanes

Vice-Chair Jane Harf inquired about seaplanes. Chief Dillon advised the Division of Parks and Recreation will take the lead and will work with us to make sure they are in compliance with navigational rules. Once a seaplane is on the water they must comply with waterway rules.

HOUSEKEEPING – JANET WOLFINGER

Fourth Quarter Council Meeting

Council set their fourth quarter meeting of 2008 for Monday, December 15, 2008, to be held at Fountain Square. Further information will be distributed as details are finalized.

CHIEF DILLON

Scenic River's Transfer

Chief Dillon asked the group if they wanted to give an official statement on the Scenic River's transfer proposal since the group will not meet again until after the meeting with BAO.

The group discussed individual opinions.

Chairman Pascoe asked Carolyn Towner, BAO, if she had anything to add.

Ms. Towner asked what was meant in the draft language on page 33. Sec.1547.86. Any action taken by the chief of the division of watercraft under sections 1547.81 to 1547.87 of the Revised code shall not be deemed in conflict with certain power and duties conferred on and delegated to federal agencies and to municipal corporations under Section 7 of Article XVIII, Ohio Constitution, or as provided by sections 721.04 to 721.11 of the Revised Code.

Ms. Towner said the Ohio Constitution requires the gas money received to be spent on highways or waterways because of the gas implications. Is this section applying to this?

Chief Dillon believes this section is language currently existing in DNAP and was transferred as part of the overall language of the National Scenic Rivers language. Deb Green joined the group and advised this applies to the municipal home rule provision that we cannot overrule. Deb advised this may have been included by LSC or legislative services.

The group agreed to wait until Chief Dillon advises the outcome of the meeting with the BAO and LEMTA on October 21, 2008.

COUNCILMAN JOHN ONACILA, JR.

Port Authority

Councilman Onacila asked if there is any update on the Cleveland Port Authority. Phil Miller advised there has been no additional movement except that the overall proposal is years out. Mr. Onacila said constituents from the 55th Street Marina want to know what's happening. Deputy Chief McGarity said we have staff from the Cleveland office attending the Port Authority meetings and has advised there are no new changes.

ADJOURNMENT

Motion to adjourn was made by Vice-Chair Jane Harf, seconded by Councilman Jack Hern, and approved by a quorum of the Council.

The meeting adjourned at approximately 3:45 p.m. Council met outside for pictures.