

**Ohio Waterways Safety Council Meeting
ODNR Division of Watercraft
Fountain Square A2
Columbus, Ohio 43229
December 15, 2008**

Council

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

Div. of Watercraft

Pamela Dillon, Chief
Mike Quinn, Deputy Chief
Bill McGarity, Deputy Chief
Deb Green
Janet Wolfinger
Frank Meravy
Phil Miller

Guests

Bob Cumbow, Div. of Parks
Carolyn Towner, BAO
John Bentley, USCG Auxiliary
Dan West, Chief, Div. of Parks
Frank Jennings, USCG
Art Harden, Calibre Engineering
Deputy Director Celebrezze
Director Logan

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

APPROVAL OF MINUTES: Council Chairman Pascoe called for approval of the minutes of the council meeting held on 9/18/08 at the Division of Watercraft, 2045 Morse Road, A2, Columbus, Ohio 43229.

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 today's guests and asked the group to try to stay on schedule.

OPENING STATEMENT – CHIEF DILLON

Chief Dillon also thanked everyone for coming to today's meeting saying the purpose of this Council is to provide advice to the Division of Watercraft on their statutory responsibilities. She then gave an overview of today's agenda and where the Division stands at the end of this fiscal year and the fiscal condition of the Division. Chief Dillon gave a general statement regarding the Governor's statement of the worst case scenario positioning for the state fiscal situation. The media has covered the statement very accurately and we will go further into this during the fiscal update being given by Fiscal Officer Frank Meravy.

2008 Annual Report/2009 Calendar

Chief Dillon passed out copies of the 2008 Annual Report/2009 Calendar. The printed edition will be mailed to all council members. Chief Dillon went over 2008 highlights for the Division of Watercraft.

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Strategic Plan

Chief Dillon announced the 2004 Strategic Plan contained 130 separate objective statements. The Division has completed or institutionalized 115 or 88.5% of those 130 objective statements. Those 15 are being carried over into the current planning process. This will be further discussed later in the agenda.

ODNR Law Enforcement MOU

Chief Dillon passed out copies of the new Ohio Department of Natural Resources, Office of Law Enforcement MOU with the Division of Watercraft. A previous MOU did not include the Division of Wildlife as party to this agreement. She explained that this document allows officers to conduct business on shared lands and waters managed by the Department of Natural Resources. Our officers will continue to patrol waters as usual but will now be in a position to assist if needed off water. The Ohio Revised Code allows us to respond to aid any peace officer within the state.

Other MOU's

We have a working MOU with the state of Kentucky which is working very well. We have attempted to get an MOU with the state of West Virginia on several occasions and continue to pursue in this endeavor. We have an interstate compact with the state of Pennsylvania.

We are also in the processing of updating the federal/state agreement with the U.S. Coast Guard, Ninth District and the Eighth District. We have provided comments to Frank Jennings, U.S. Coast Guard Liaison. We currently have an agreement; the new agreement will just be an updated version.

US Coast Guard Representative

Chief Dillon welcomed John Bentley, a new representative from the U.S. Coast Guard Auxiliary replacing Gary Branstetter.

Mr. Bentley gave a brief summary of his history with the U. S. Coast Guard Auxiliary. He has been with the Auxiliary for the past seventeen (17) years. The past two years he served as rear commodore for this region.

NASBLA 2009 Committee

The National Association of State Boating Law Administrators has announced the following national committee assignments. Participation in these workgroups provides an opportunity for research and participation in these topics on a national level and will keep Ohio's program up-to-date in these important areas. Committee assignments are:

Emily King, PI&E Section Manager
Education & Awareness Committee/
Boating Course Administration Subcommittee

Todd Doncyson, LE/SAR Section Manager
Enforcement & Training Committee/
Training & Certification Subcommittee

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Deb Green, Legislative
Enforcement & Training Committee/
Uniform Boating Laws Subcommittee

Tammy Terry, Data Analyst
Engineering, Reporting & Analysis Committee

Rick Barrera, R&T Section Manager
Vessel Identification, Registration & Titling Committee/
Numbering & Titling Subcommittee (Subcommittee Chair)

Pamela Dillon, Chief
Governmental Affairs & Administration Committee
RBS Grants Administration & Program Performance
(Subcommittee Chair)

GENERAL DISCUSSION

Councilman Jack Hern said he met with a southern Ohio marine group last week and talked about the Waterway Safety Fund. He commented that the Division only brought in \$65,000 in fines. This says to the boating public that we are not a ticket-writing happy division. Jack said he is proud of the Division and how the boating public is treated.

FRANK MERAVY – FISCAL

Northern Border Initiative (NBI) & Hurricane Ike Payroll Expense – Chairman Pascoe asked Mr. Meravy if he has an idea of the payroll expenses for these partnerships. Mr. Meravy advised the NBI expenses were about \$105,000 and was reimbursed. He did not have numbers from Hurricane Ike but did advise this is also reimbursable from FEMA.

Chairman Pascoe asked if the Division gets reimbursed for all homeland security involvement. Chief Dillon advised we do not. Situations such as Presidential detail we are not reimbursed for. Items that fall under a federal grant such as NBI we do get reimbursed for.

Projected Income/Expenditure Report - Frank passed out spreadsheets of projected income and expenditures. Frank explained we are tracking along well in payroll expenses. Frank has submitted justification requests for four (4) SUV's and are still waiting for the truck contract to come out. When the contract comes in we will look at how many trucks need to be replaced. Chief Dillon explained with the current fiscal condition the state is in OBM is scrutinizing equipment and truck purchases. Therefore, we may pare back the replacements for now. Frank advised we always try to purchase flex fuel vehicles where possible.

Frank said we received approval to purchase a boat for Maumee Bay through a Federal Homeland Security grant. This vessel cost the division approximately \$75,000 for our 25% match to the grant. The total cost of the vessel is approximately \$280,000. We have also submitted a Port Security Grant request for a vessel for the Ohio River.

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Councilman Hern asked if our participation with Homeland Security reduces our availability to the Ohio boaters. Chief Dillon advised she has scrutinized the grant applications very carefully to make sure we are not obligating our staff to do something above and beyond that would remove us from our core mission driven work. With every document she has reviewed the only thing they are doing is giving us the asset should it be needed. We will continue to conduct our patrol work in any certain area and not obligating ourselves to sit at a port and not be able to be responsive to the boaters.

Councilman Hern further asked why more people are not taking advantage of our Marine Patrol Grants saying the grant is not growing. Deputy Chief Quinn advised we are granting the maximum dollar amount we can give by law. Chief Dillon also advised that many local marine patrols are also participating in federal programs and receiving funding. Chief Dillon said we do provide reports to the Homeland Security with regards to our levels of activity. The NBI grant allows us to put officers in an overtime situation and pays for that overtime.

Chairman Pascoe asked if the capital projects expense for \$1,175,000 is for the proposed Watercraft Field Offices. Frank advised yes and we have a Sandusky office in the proposal for 2010. We are now negotiating for another site to purchase for Ashtabula.

Chairman Pascoe asked about the money allocated as “Emergency” and what this is for. Frank explained this is the first time we have done this and it will be used “just in case” it’s needed. Currently there is no commitment for this money.

Chairman Pascoe asked why the increase in CVA money. Frank explained this is projected money coming in from U. S. Fish and Wildlife for Clean Vessel Act grants.

Councilman Onacila asked why the increase in Boat Access Facilities. Deputy Chief McGarity explained we did not use all the money from FY 08 and rolled it over to FY 09 and will use this if we receive good projects worth funding. We budget \$3.6 million annually for this program.

Frank explained we have approximately \$14.1 million in encumbered funds which are funds we have obligated to projects but not yet spent.

Revenue - Motor Fuel Tax – Frank explained expectations have changed with the decrease in actual revenues so we have taken our expectations down to \$15,550,000 for the balance of this year. Frank explained the difficulty projecting deposits due to how the deposit day falls within the month.

Registration Revenue: Frank explained we have steadily dropped in revenues for the past two years. In 2007, we reported 415,562 registered vessels. So far this year we have registered 410,820. Based on these numbers, Frank projected about a 2% drop in revenues for 2008.

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Projected Budget Scenarios

Spreadsheet labeled “A” is the projected budget at a five percent (5%) reduction for FY2010-11.

	2010	2011
Income	28,994,553	29,744,553
Expenditures	27,170,000	26,920,000
Balance	-1,824,553	-2,824,553

Chief Dillon explained in FY2010-11 we are trying to spend down our balances. We have not had a fee increase in ten (10) years. She explained it’s hard to justify a fee increase when our cash balances are high.

Frank explained administration requested we put together a budget scenario at a ten percent (10) reduction. He then went over the spreadsheet labeled “B” showing this reduction for FY2010-11.

	2010	2011
Income	28,166,430	28,591,430
Expenditures	27,170,000	26,920,000
Balance	-996,430	-1,671,430

DEB GREEN – LEGISLATIVE

SB 267 – Waiting for the Governor’s signature. This will allow law enforcement people to purchase up to five (5) years of non-LE time for retirement.

There was brief discussion regarding staff retirements and buy-outs. Chief Dillon explained the only time the Division of Watercraft would participate in an early buy-out is if we are reducing staff. Chief Dillon said it doesn’t make sense to buy someone out and then fill their position.

Tappan / Seneca Lakes Rezoning issues – We are working with the MWCD regarding zoning issues. Deb has submitted three plans to the public and will meet during public meetings on January 16th and 17th.

BILL MCGARITY – DEPUTY CHIEF

HR Updates

Position Vacancies – Currently have three vacant positions. We are waiting on approval to fill the Southern Region Manager and Springfield Area Supervisor positions. We have submitted recommendations. They were approved by administration but not yet by OBM.

Resource Planning

CBFG – The Department has approved the Division’s recommendation to award \$2.5 million for 13 projects for Cooperative Boating Facility Grants.

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RHEP Grants – The Department has approved the Division’s recommendation to award \$640,000 for RHEP Grants for a project on the Little Miami River and a project for the city of Toledo.

Area Office Update – We are waiting on construction documents for Portsmouth office to go out to bid which should go out in late spring. We are waiting to hear from Parks on input for the office at Catawba State Park. DAS is working with a realtor for the lease at Geneva.

Middle Bass – Plans are to put water in the harbor in March. No plans to build restrooms.

Councilman Jack Hern suggested we conduct a customer survey in the first 90 days at Middle Bass. Bob Cumbow, Division of Parks & Recreation, said this is a possibility. John Onacila suggested including comments on the survey. Bob said 680 funds are applied towards maintenance. Bob also said fee structures are set with local fees and must go through JCARR review. Chairman Pascoe asked when the survey and comments are compiled to please forward the results to the Waterways Safety Council.

Bob advised the Cowan Lake wooden docks project will start this week and will be completed in the spring. This is being paid for out of the 680 fund.

There was discussion about beaching areas for canoes and kayaks. Chief Dillon suggested a locker for consideration. Council will address this with Chief West when he joins the meeting.

Registration & Titling

Deputy Chief McGarity said preliminary reports indicate boat registrations will be down about 5,000 boats from last year.

Hull Identification Numbers (HIN) assigned in 2008 are down about 800 from 2007 and continue to drop about 20% yearly.

Mail renewal notices will be mailed starting January 5, 2009.

Dealer license renewal notices have been mailed.

Accounts Receivable staff has begun balancing agent accounts for the year.

Dock Fee Schedules

Councilman Onacila advised there is no transient dockage available in the Cleveland area. There are some in Toledo and limited in the Huron area. He stated in the state of Michigan you are never more than 25 miles from a harbor of refuge. Chairman Pascoe distributed a list of fees from his area.

Chief Dillon advised we published in our BOW plan that we have 1,559 transient docks that have been identified in seven (7) counties on Lake Erie that are open to the public. We have

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identified transient marinas in Conneaut, Ashtabula, Geneva-on-the-Lake, Fairport Harbor, Mentor, Cleveland, Avon Lake, Lorain, Vermillion, Huron, Sandusky, Port Clinton, the Island and Toledo. Councilman Onacila explained these are only available if they have not been rented out for the year.

Dredge Program Update – Bob Cumbow, Division of Parks & Recreation

Bob gave an update on dredge projects.

- Completed the Geneva Marina dredge project at \$3.04 per cubic yard. Cost estimates for next season came in at \$177,000 or \$8.35 per cubic yard.
- Ongoing work with the Corp of Engineers for Wildwood Marina in Cleveland. If the sand is clean it can be used for beach nourishment.
- East Harbor Dredge – We were denied a permit from Corps of Engineers to do the Middle Harbor restoration unit to relocate the material from East Harbor. We have filed an appeal. Bob said they have an agreement with a local farmer to use his land. They will run a pipe under Rt. 163 to the field. Once they have the permits they can begin the relocation of the dredge material. Dredging will begin in 2010. The cost for this project will come out of the Waterways Safety Fund.

MIKE QUINN – DEPUTY CHIEF

Deputy Chief Quinn passed around a copy of the new Vessel Safety Decal.

Fatality Update – Included in council's packets is a Fatal Accident Summary. Deputy Chief Quinn mentioned comparing 2007 to 2008, the statistics are nearly the same with the exception of the ages.

LE/SAR is preparing for their annual in-service training for all law enforcement personnel. This will be held in January.

Sandusky Marine Patrol will not apply next year due to funding. Hamilton County Sheriff's Office also will not apply next year.

Public Information & Education reports 2009 Education Grant have been approved. We will fund thirty-four (34) approved projects for a total of \$365,400. Three applications were not approved.

The kayak pond that was temporarily installed last year at the State Fair will become a permanent event.

The Portsmouth Field Office is on track for bids to go out in March. We have applied for a Coast Guard Port Security Grant for the Ohio River.

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Central Region is working with the Columbus Zoo and the U.S. Coast Guard. There will be a new sternwheeler on the River at the Columbus Zoo to give rides.

There was brief discussion regarding some the past accidents. Councilwoman Swain asked about the Maumee rowing shell accident. Chief Dillon advised they have a federal exemption from carrying life jackets in the boat.

Chief Dillon advised the Corps of Engineers in the Pittsburgh District implemented mandatory life jacket wear on Corps lakes. This includes Berlin Lake in Ohio. We do not have the authority to enforce this because it is a federal regulation and we do not have the same in our ORC.

Chairman Pascoe asked about the potential lack of law enforcement for the Sandusky area if the City of Sandusky does not participate with the Marine Patrol. Deputy Chief Quinn advised that Sandusky Watercraft staff will continue to patrol as usual.

Councilman Hern asked about the lower number of OBEC courses taught by the Auxiliary and Power Squadrons in 2008. Deputy Chief Quinn said many courses were scheduled and then cancelled due to lack of participation. Chief Dillon mentioned the on-line course numbers are much higher this year.

CHIEF DAN WEST – DIVISION OF PARKS & RECREATION

Chief West said he is spending \$200,000 for an economic development study for a marina at Caesar Creek Lake. Caesar Creek Lake is a full service public facility with boating, fishing, launch ramps, camping, etc. but does not have a marina. The study included the feasibility for a 150 slip marina, concession building, fuel dock and a two lane launch ramp. Four sites were studied. The price that came back for the proposed project was over \$9 million. The consultant was asked to go back to look at site #3 (Wellman area) to see if it could be done at a lesser cost. The plan is due back by February/March 2009.

There was much discussion about the funding possibilities and partnerships to fund this project. Councilman Hern said the Warren County Economic Development Board and the Port Authority has an interest in this development. Chief West said this is a very good alternative to funding but he has not been contacted by the Port Authority. Councilman Hern said one of the supporters for Caesar Creek is the president of a local bank and Jack said he would gladly take some information to him and the Port Authority. Chief West said once we have a good plan we would be very comfortable sharing that information. Chief West said they have done many public/private partnerships in the past as Ohio has the authority in the law.

Other Discussion with Chief West:

Chairman Pascoe asked Chief West to explain what an MRR is. Chief West explained this is Maintenance, Repair & Renovation account which is built into some concession operations to ensure they put a portion of their profits back into the operation. Chief West explained they are

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hoping to make Middle Bass Island a self-sustaining operation. Comparability Studies are done for all marinas.

Chief West said his Division has to take more and more revenue dollars and put them towards operating expenses to be able to run a state park system. The Division of Parks & Recreation has endured \$16 million in cuts over the past eight (8) years. He said he would like to guarantee all the funds put into an MRR at Middle Bass would go into the docks but he cannot do that. He said another possibility would be a concession bid and take a portion of these funds to be put back into the docks. The problem with this is that it could cause the price to go too high and no one would be able to afford to dock.

Parks Study Committee: Chief West said this is a legislative enacted committee to try to identify other funding sources to sustain park services. They will report their findings on February 28, 2009.

A second group, called the Ohio Natural Resources Stakeholders Group, has been meeting for the past four years. They will have a summit in February to talk about the same issues and try to come up with a funding source for the Division of Parks & Recreation, Soil & Water Conservation, Forestry and Natural Areas & Preserves.

A third is working quietly with the governor's office and legislature through the budget process to try to come up with some other way to manage the Division of Parks & Recreation. Chief West said they have over \$2 billion in infrastructure and the largest concession in cottages, resorts, and marinas.

Canoe Beaching at Middle Bass: Councilwoman Ann Swain directed her concern to Chief West about having a place to beach a canoe or kayak at Middle Bass. She suggested a locking trailering system for them to secure their boat to. Chief West agreed this is a good idea and something to look at.

Her other concern is that the state park system is charging so much less than the private sector for marina services. Chief West said there are increases this year. She stressed the state has to become more competitive. Chief West agreed but hears the opposite from other groups. He says they conduct comparability studies but will need the support of this council when he goes into public hearings to change the fees. Councilman Hern stated if there is a waiting list at a marina then you know you're not charging enough.

Chief West expressed that this council asked many very good questions and appreciates the feedback. He encouraged council to feel free to send him emails.

Council thanked Chief West for attending today.

CHIEF DILLON

Chief Dillon welcomed Art Harden from Caesar Creek Council who is joining the meeting this afternoon.

Strategic Plan

Deb Green passed out copies of the Strategic Plan that was published in 2004. Chief Dillon explained that the Division of Watercraft has completed or institutionalized 88.5% of the 115 Initiatives that were identified. Some have been completed, some have been put into our grant programs, our evaluation processes, our work units, and positions with position descriptions whose responsibility it is to cover these objectives. Chief Dillon went over the previously identified objectives that have been completed and those that have not. With those objections identified and completed they are now the way we do business. Those that have not been completed or institutionalized will be carried over to the new strategic plan.

Deb Green explained the previously identified fifteen objections that have not been completed or institutionalized along with some new priorities and some new items that have identified by stakeholders during the ten public meetings held earlier in this year, the customer satisfaction survey and an internal staff survey will be addressed. The desired outcomes have been drafted from the list of priorities.

The Guidance Committee will meet to set up focus groups. These focus group meetings will be comprised of internal and external people. They will be charged with refining the outcomes and drafting priority statements. They will also be charged with developing goals or objectives. With that will come measurements of how can we measure the effectiveness of what we are doing. They will then recommend a series of strategies.

The eleven (11) groupings are:

1. Public Access and Facilities Safety
2. Waterways Management
3. Boating Education and Skill Development
4. Watercraft Operator Laws
5. Alcohol Enforcement
6. Partnerships
7. Fiscal Solvency & Waterway Safety Funding
8. Watercraft Information System Upgrade
9. Titling
10. Communications & Fixed Assets
11. Internal Law Enforcement Personnel Issues

Chief Dillon advised council that we would like to have their participation in one or more of these focus group meetings.

Open Discussion:

Pay Compression Issues: Deb Green explained this deals with the pay level for officers verses specialists verses investigators. The pay level's used to be 9, 10 and 11. A few years ago the FOP changed the officer's level to 10 which put them at the same level with specialists. Chief Dillon explained the need to have a defined career ladder.

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Scenic River License Plate: Council asked questions about the Scenic River license plate fund. Deb explained the Scenic River's plate is in competition with all the other plates and the same revenue is not guaranteed each year. Chief Dillon explained we are advertising the Scenic River's plate in our mail renewal notices. This did not cost the division any additional money to do this. Deb explained when you establish a license plate program it has to fund a specific conservation or education program. In order to get a license plate you have to guarantee the sale of at least 1000 plates.

Marine Patrol: Councilman Onacila asked if marine patrol partners are dropping out due to the lack of being able to reach the 25% match in funding, would it be more economical for us to reduce the match to 10% than to require our officers to put in more patrol hours. Chief Dillon advised this is something to look at.

East 55th Marina: Council asked if there was any update on this marina. Chief Dillon advised the department has a meeting with a Port Authority representative on Friday. The Port has presented a concept to the department. The department has a lot of questions about this location.

HOUSEKEEPING – JANET WOLFINGER

Council was given a list of 2009 events around the state. Council agreed to hold the first quarter meeting of the Waterways Safety Council on Wednesday, March 18th at the Cleveland Field Office or the Cleveland Sport, Travel and Outdoor Show. **At this meeting Council will vote for the next chair and vice-chair for this Council.** Janet will make the arrangements and forward them to Council.

Chairman Pascoe recognized that Director Logan and Deputy Director Celebrezze have joined the meeting.

DIRECTOR LOGAN & DEPUTY DIRECTOR CELEBREZZE

Scenic Rivers

Chief Dillon passed out copies of a letter to Director Logan by the BAO following their October 21st meeting and what their recommendations were, along with Director Logan's response that the department will continue to pursue the transfer of the Scenic Rivers program to the Division of Watercraft.

Director Logan

Director Logan thanked council for inviting him to join today's meeting. He acknowledged Chief Dillon's comments regarding the correspondence between the BAO and himself. He has advised that the department will continue to pursue the plan to submit legislation to transfer the Scenic Rivers program to the Division of Watercraft.

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The state is facing economic hardships and the department is looking for ways to further explore partnerships to continue offering programs. He said he is confident that, collectively, as users of natural resources, we can find ways to do that. He would like to have this council's support regardless of what other entities they may or may not belong to. It would mean so much to our legislature that we agree that this is in the best interest of Ohio.

Councilman Jack Hern asked why this transfer is in the best interest to the Division of Watercraft. He said with revenues down the division will be faced with cuts of their own and will now be charged with supporting other programs.

Director Logan said he feels it will help strengthen the partnerships we already have but may not be explored in all ways possible. He said the scenic rivers could be great rally points for local communities to say they have something special and it needs to be protected.

Councilman Onacila said his concern is about owning land and said he does not want us to end up like Parks; broke. He said he feels the cost of owning the land is too much.

Chairman Pascoe advised that the Division of Watercraft is already tasked with providing access to waterways per our mission.

Councilwoman Swain said owning land near the scenic rivers will keep development along the rivers from occurring.

Director Logan responded saying our economy is directly tied to the healthiness of our air, water and soil. The more connections points we have to people understanding that is more likely you are to have different land use planning. Land use planning is one of the greatest threats to our tributaries that lead to one of our two great bodies of water.

Councilman Hern voiced his concern that the monies coming to the Division of Watercraft from fuel tax, registrations, etc. continue to decline and taking on other programs will impact the division's finances forcing the need to find ways to cut or reduce. He argued that the only thing a canoe or kayak has in common with a boater is that they both float with totally different interests.

Chief Dillon commented on the economic contribution of paddlesports. Chief Dillon referenced a report from the Outdoor Industry Foundation from fall 2006. It looked at non-motorized outdoor recreation. Nationally, in federal sales taxes, paddling contributes \$4.8 billion and fishing contributes \$4.1 billion based on this report. This report shows paddling has a \$36 billion impact in this country. Chief Dillon expressed our role is to serve all boaters in the state of Ohio. We know that paddling is the largest growing class of boating in the state of Ohio. She said she believes it is our responsibility in the Division of Watercraft to position ourselves to serve our boating population. We are not driving this switch from motorized to non-motorized, but this is our constituents and she views this as a very modest amount of money to capture that future economic resource and manage it on behalf of the non-motorized boater in the state of Ohio and reap the benefit for all boaters in the state of Ohio. These waterways and the riparian corridors filter sediment so we don't need to dredge it downstream. This also helps protect the fishing

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opportunities in Lake Erie and the Ohio River. Scenic Rivers comprise 65% of the watershed that empties into Lake Erie.

There were questions about the ten percent (10%) funding cap for the Scenic Rivers program. Director Logan explained this number was used to be consistent with other programs. Deb Green explained the actual language says “not to exceed” ten percent of the funds accruing to the Waterways Safety Fund. Our grant programs are capped at ten percent and run around three percent.

Councilwoman Swain asked about funds to purchase land. Director Logan said we would use other sources of money for land acquisition.

Councilwoman Swain asked if this cap of ten percent has to be included. Council was advised it is within their right to make a recommendation to lower the cap.

Councilman Onacila again voiced his opposition to owning land.

Deputy Director Celebrezze advised that most of the land is currently and will continue to be managed by local municipalities with very passive use. Some of the other land is used as conservation easements or buffer to ensure the water going into this scenic river is of good quality. Land management practices helps with stream quality monitoring to ensure the water quality for aquatic life. Stream quality monitoring is done mostly by volunteers.

This was argued that this should be the EPA’s responsibility not the Division of Watercraft. Deputy Director Celebrezze agreed many of the protocols used were developed by the EPA. However the Department has a reputation that is easier for the schools to partner with.

Chairman Pascoe said we are experience a two percent (2%) drop annually in boat registrations, investment income is down, fuel tax revenue is down, and only forty percent (40%) of the entire Waterways Safety Fund is uncommitted. As chairman of this committee, he and this council are tasked as an advisory council for maintaining the solvency of the Waterways Safety Fund, protecting the livelihood of our 180 employees with payroll, benefits and training. He asked if there is a more exact number proposed for funding the program. Chief Dillon advised \$650,000 has been budgeted for FY’s 10 and 11 which is \$550,000 from the Waterways Safety Fund, or 3% of the annual revenue. Chairman Pascoe said he is fearful that this program could drain too much funding from the Waterways Safety Fund.

Director Logan agreed with the concern of reduced gas tax revenues with the increase use of electric vehicles then asked who might be those persons using electric vehicles; persons concerned about water quality, the people who would enjoy an experience on a designated scenic river. It is a growing market of boating and to say no to them because they don’t have a motor doesn’t make sense. We could be missing the potential to greatly increase our numbers with these constituents.

Mr. Pascoe said his concern is not about the canoeing population but his and council’s responsibility to advise the chief on the best way to maintain the viability of the division and the

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solvency of the Waterways Safety Fund. Director Logan agreed that this is council's charge. He said he is suggesting, to meet this charge, they need to think bigger and broader than just what we have been serving since 1991 when the division didn't have money. He said they need to think about what is a growing segment of boating and invite that segment into the Division of Watercraft program mission.

Chief Dillon advised in response to the lack of contributions by canoes and kayaks to the motor fuel tax, we have included in the proposed legislative language, a \$5.00 conservation assessment fee for all non-powered boats. Also, the Scenic Rivers license plate revenue fund will transfer with the program. The \$5.00 conservation assessment fee for every non-powered boat will provide \$350,000 each year and more as registrations increase and the license plate fund generates \$80,000. These funds will offset the \$650,000 needed to fund the program.

Director Logan spoke about the predictions with Ohio's economy and the forecast of decrease in wages earned by the private citizens of Ohio until 2010. He also spoke about how the economy is affecting everyone. However, he believes we'll get through this and one of the things that make this country great is the ability to access our natural resources and a greater understanding of how everything is connected to everything else.

Councilman Onacila said he likes the proposal made by the BAO. Deb Green advised their proposal has been deemed illegal by the IG's office, saying we have to be able to control the money and how it's spent. We cannot give them money and let them spend it.

Carolyn Towner said she believes BAO's intention was for legislative language to be drafted to implement the funding changes.

Director Logan advised legislation will be introduced in early February, therefore, if council wishes to make a recommendation they should do it before their March 18, 2009 meeting.

Director Logan thanked Council Members for welcoming him and dismissed himself from the meeting so that Council could talk more freely amongst themselves.

Vice-Chair Harf said she her objections to the BAO proposal is that it takes the faith out of the chief and the department to run the program properly. She said she believes they should support the program and talk about the funding.

Chief Dillon displayed a map that shows the scenic rivers and the departmental owned land. Chief Dillon also advised council that she reviewed the past ten years of council meeting minutes, saying time and time again this council gave advice and direction on direct program oversight. There was also discussion about Middle Bass that this council wanted the division to own the marina along with Caesar Creek Marina.

Chairman Pascoe proposed to put a motion on the floor.

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After significant discussion on the topic, Councilman Jack Hern made a motion as follows:

Waterways Safety Council advises the Chief recommend to the Director and Governor that the Scenic Rivers program be transferred from the Division of Natural Areas and Preserves to the Division of Watercraft, and a cap of four percent (4%) from the Waterways Safety Fund be placed on any funding providing to the Scenic River program.

Motion was seconded by Councilwoman Ann Swain and discussion followed.

Discussion:

Various wording considerations were discussed.

Councilman Onacila disagreed and would prefer three percent and that land should not be included. Deb Green said the land will be included as part of the management of the waterways. It does not mean we have to take the lead role in the management of that land. Deb advised we have the authority now to purchase land and without it we could not have developed the marina at Middle Bass or land for access ramps.

There was discussion about a possible three percent (3%) cap.

Vice-Chairwoman Harf disagreed saying it doesn't matter how much the cap is; this council is micro-managing the department and division.

Councilman John Onacila asked to amend the motion as follows:

Waterways Safety Council advises the Chief recommend to the Director and Governor that the Scenic Rivers program be transferred from the Division of Natural Areas and Preserves to the Division of Watercraft, and a cap of three percent (3%) from the Waterways Safety Fund be placed on any funding providing to the Scenic River program.

There was no second to this motion therefore the motion to amend fails.

The following motion was made with corrected wording from the original motion made by Councilman Jack Hern:

Waterways Safety Council advises the Chief recommend to the Director and Governor that the Scenic Rivers program be transferred from the Division of Natural Areas and Preserves to the Division of Watercraft, and that

A cap of not to exceed four percent (4%) of all monies accruing to fund be provided for the funding of the Scenic River program from the Waterways Safety Fund.

The motion carried and was approved unanimously by Council Members.

APPROVED MEETING MINUTES

Meeting adjourned.

J. Thomas Pascoe, Chairman Date
Ohio Waterways Safety Council

Pamela S. Dillon, Chief Date
Ohio Department of Natural Resources
Division of Watercraft