

**Waterways Safety Council Meeting
Division of Watercraft
2045 Morse Road, A2 Conference Room
Columbus, Ohio 43229
July 13, 2011
12:00 noon**

Division of Watercraft	Council	Guests
Rodger Norcross	Tom Pascoe	Art Harden, Calibre Engineering
Bill McGarity	Chad Taylor	Deputy Director Glen Cobb
Janet Turner	Dan Mullens	
Deb Green	John Onacila	
Tammy Terry	Doug McLarnan	
Phil Miller		

CALL TO ORDER: Chairman Pascoe called the meeting to order at approximately 12:05 p.m.

APPROVAL OF MINUTES: Chairman Pascoe called for a motion to approve meeting minutes from the April 25, 2011 meeting and June 13, 2011 special meeting. Councilman McLarnan motioned to approve the meeting minutes and the motion carried.

ROLL CALL: Ms. Turner called for attendance and all council members are present.

OPENING STATEMENT – CHAIRMAN PASCOE: Chairman Pascoe made comment that this Council met with Director Mustine today to discuss various concerns regarding the Waterways Safety Fund.

LEGISLATIVE UPDATE – DEBORAH GREEN:

10 Hp Lakes – Chief Norcross said we are moving forward with the unlimited hp, no wake at state park lakes. Deputy Director Cobb and Director Mustine are in agreement. We have asked Parks to consider several lakes including Cowan, Acton, Wingfoot, and Jackson lakes. Also, the park manager at Harrison Lake is suggesting allowing gas motors on electric only lake because of the new ramp facilities.

There was a public meeting held at Charles Mills recently. Since that meeting, Deb said she has received two comments one suggesting unlimited no wake and the other suggested leaving it at 9.9 hp. Another public meeting is planned in August.

Councilman Taylor talked about the problems with ethanol in fuel and the damage caused to boat motors. He expressed that a boater with a larger motor is safer on the water than a boater with a smaller 9.9 hp. He said 50% of the lakes listed on the ODNR website are restricted access; more if you count the electric only lakes. Vice-Chair Onacila commented that the US Coast Guard is now studying the affects of ethanol and may remove the subsidy.

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There was also discussion about power loading (using power to load and unload). Councilman Taylor expressed that it depends on where you go, some will allow you to do it others will not. Deb said this issue has come up before and informed that power loading is permissible when at the ramp and is not a citable offense.

Draft Omnibus Bill Language – Council was given the opportunity to review the draft changes by email and hardcopy. There was brief discussion on several items:

- Navigable Waters – This was amended to reflect state and federal case law. Deb explained that, “waterways available for navigation after the making of reasonable improvements.” Chairman Pascoe commented that you can’t define “reasonable”. Deb responded that it is commonly used in the Revised Code and is determined on a case-by-case basis by the courts.
- Inflatable watercraft – “Inflatable watercraft propelled by human muscular effort shall be classified as rowboat and shall be registered by length.” There was discussion about how belly boats and inflatable tubes are classified. Deb explained that an exemption specifically for inflatable float tubes is in the draft language removing the requirement for them to be registered. Currently, belly boats must be registered in the state of Ohio.
- Deb suggested we could add the additional Coast Guard definitions such as “airboat” to our list of definitions.
- 1547.05 – Completing a boating course as prerequisite to licensing. There was discussion about the captain license. Chief Norcross said he has spoken with Rick Unger regarding this requirement. Deb talked about the Merchant Mariner credentials.
- 1548.05(A) – Information on inboard engines will be removed from titles. Deb explained that we are one of only a couple of states that capture this information.
- Deb said she has comments about the merchant mariner credentials. One is to remove the survival craft and rescue operators. Other concerns had to do with whether or not the exemption for merchant mariners would apply to rental boats. She explained that the current draft of the exemption would not allow a mariner to rent a powerboat without taking the rental exam. The other concern is that the requirements for Merchant Mariner Credentials do not require any proficiency or knowledge of state laws, only federal and international rules. Chief Norcross said he is working with Rick Unger, President of Lake Erie Charter Boat Association.
- There was discussion about the abandoned boat section 1547.304, removal of abandoned vessel on private property. There was a brief discussion about the possibility of a disgruntled neighbor claiming that they are “adversely affected” by a vessel on nearby property. We may need to reword this section. Councilman Taylor suggested the marina owner should have the right to sell the vessel and not the state of Ohio. Deb explained that the primary focus was to be sure that consumer protection is built into this law. Deb noted that the wording

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was changed from “may” to “shall”. This will require that someone will have to take care of it.

Deb asked for any additional comments to be sent to her by August 1, 2011.

CHIEF RODGER NORCROSS: Chief Norcross said Director Mustine spoke very kindly following council’s meeting with him.

Lake Erie No Discharge –Our application was originally filed in 2004 with the USEPA. The USEPA has asked that we rescind that application and reapply. Administration is supportive and we have sought support from several stakeholders.

Cadet Hiring – Background investigations are being completed and results are being reviewed. Candidates will move forward to psychological exams and then physicals. Chief Norcross explained that we are looking for individuals who are interested in a career and not just a job. We hope to have them on board by October. Cadets will receive in-house training first before they enter OPOTA. Chief Norcross also explained that we will look at options if cadets have a previous OPOTA certification.

Uniform Update – Chief Norcross showed a new uniform shirt that will be worn by officers. This uniform will be their daily uniform. Officers are permitted to wear shorts. These shirts are made in the United States and the vendor is in Dayton, Ohio. We are also looking at new shoes with non-marking soles. Chief Norcross explained that the department is looking at this as well.

Caesar Creek Marina – This project is now moving forward. Phil Miller has put together a department team. Four million dollars has been moved from the Recreation Marine Loan Program to the Waterways Safety Fund. Phil Miller explained he will work with the Army Corps of Engineers (ACOE) to make sure they are comfortable with the public/private relationship. He said we have done this before. Chief Norcross said he will make this a priority project. The consultant is Johnson, Johnson and Roy from Madison, Wisconsin.

There was some discussion about the ACOE and their mandatory life jacket wear and if that would be an issue. Deputy Director Cobb said in working with the ACOE on another project, the life jacket mandatory wear issue has not been brought up.

Councilman Mclarnan expressed a public meeting should be set up as soon as possible to inform the locals in the Caesar Creek area of what’s going on and that the marina is moving forward. Many feel they’ve lost their marina.

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Power Boating Courses – PI&E staff are completing the curriculum. The public has expressed the desire for this type of course and Chief Norcross expressed it will help to retain power boating customers. The first course should be ready by early fall.

Inflatable PFD's – We have switched to a hydrostatic PFD made by Mustang for all officers.

Port Security Grants – Several grants have been applied for and they are now 100% reimbursable. We have several aging boats to replace and need a large vehicle to tow the larger boat in Scioto County. We were advised that there is some left over monies from the 2008 grant so we applied for four FLIR devices which will assist with search and rescue.

NASBLA Boat Tactical Course – Chief Norcross explained this is a national standard and the Division of Watercraft will be the forerunner in this training. All our officers will be taught this standard. Grants were applied for to cover the costs of the courses. Our officers will become instructors to teach future courses.

FISCAL – FRANK MERAVY: Frank went over the income and expenditures.

- Frank noted we received about \$250,000 more in motor fuel tax revenue than expected.
- Registration revenue was also good.
- Because of budget cuts in FY12 and 13, we have scaled back on equipment expenditures.
- Frank noted that we did not have a capital bill in the last biennium.
- Payroll is higher in FY11 because of a 27th pay period moved from FY12 to FY11.
- Equipment purchases were higher than originally budgeted because of a Homeland Security Boat that was purchased through a grant of which 75% was reimbursed.
- \$4 million was transferred from the Recreation Marine Loan Program to the Waterways Safety Fund and is ready for the project to begin.
- Chief Norcross explained that we are working with a grant through the Recreational Boating and Fishing Foundation. This covered a mailing to power boaters with lapsed registrations to try to encourage them to register their vessel. We do not have numbers from that mailing yet.

There was discussion about the increase to the Waterways Improvement Fund. The Division had agreed to purchase new dredge equipment to replace aging equipment. Deputy Director Cobb said the aging equipment may be useful if the private sector is interested in purchasing it.

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Waterways Safety Fund

FY 12 Budget / Est.:

Expenditure Totals:	\$30,975,819
Revenue Totals:	25,772,814

Waterways Safety Fund (7086) Balance as of 6/30/0211	\$20,639,117
WSC Commitments Encumbered	7,945,169
Remaining 2011 Unencumbered Commitments	7,247,000
Projected Additional Revenue for FY2011	4,595,324
Actual 7086 WSF Balance	\$10,042,272
FY2012 Projected Unencumbered Cash Balance	\$ 4,839,267
FY 2013 Projected Unencumbered Cash Balance	\$ 2,395,601

Chief Norcross expressed his concern over our cash balance due to the budget. At this time he is not filling the Southern Region Manager's position and will only fill future critical positions as they along.

Vice-Chairman Onacila talked about administration costs, such as travel, being reimbursed on grants. Chief Norcross said we will look into it. Frank commented that we do recoup some printing costs through grants.

Scenic Rivers Program Fiscal Update:

Fund 4U60 Cash Activity:

Beginning Cash 7/1/2010	\$153,777
Ending Cash 6/30/2011	\$208,311

Fund 4U60 and 7086 Expenditures YTD:

Payroll	\$553,699
Maint./Other	\$ 45,771
Total	\$599,470

Versus FY2010	\$636,384	(-5.8%)
Annual Budget	\$650,000	(-7.8%)

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Frank advised that since Scenic River expenditures have decreased we are going to purchase some new vehicles because many Scenic River vehicles are in bad shape. If we can't purchase new we will trade out where possible.

DEPUTY CHIEF BILL MCGARITY

Promotions - Recent promotions include:

- Carl Vance, Scioto County Area Supervisor
- Rich McCullough, Investigator (Cleveland)
- Ryan Trout, Investigator (Alum Creek)

Bill explained we will try to backfill the positions vacated by McCullough and Trout.

We received permission to post for Rodger's deputy chief's position and are waiting for permission to post Bill's deputy chief's position.

As Chief Norcross mentioned, we are not filling the southern region manager's position. We also have an account clerk and secretary in the Scioto County office retiring as well. We are working to get these positions filled.

We are working on permanent officer transfers before we bring on the cadets. We will then know where all the vacancies are to offer to cadets.

Ashtabula Office – We are purchasing a new building that is about a mile from the existing Coast Guard building. The owner accepted our offer of \$100,000. We have just under \$400,000 to renovate the building. The Coast Guard building is a safety concern and would cost far too much to renovate.

Catawba Island Office – Chief Norcross explained we are near ready to go to bid and will hopefully have the notice to proceed by November. The new building will be at the former state park. This will house both Parks and Watercraft employees. This will be built with capital funds that are already encumbered. Frank said this will put money for rent back into the operating fund.

VICE CHAIRMAN JOHN ONACILA

East 55th Street Marina – The discussion continues about the lack of maintenance at these docks. "A" and "D" docks are badly in need of repair at an estimated cost of a quarter of a million each. Vice Chairman Onacila expressed that the Division of Parks and Recreation should be responsible to use some of their income from dock rental for dock repair and the Division of Watercraft should not be funding these repair and replacement projects. John said the report provided by the Division of Park is incorrect and that they should be receiving an estimated \$600,000 for dock rental and another \$250,000-

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\$300,000 for concessions. There are complaints about the handicap showers and ladies restrooms being out of order for the past two years and the boaters are ready to call in the board of health about this facility. John expressed it would be terrible if the boaters went to the press with this.

DEPUTY DIRECTOR COBB

Deputy Director Cobb said he felt this morning's meeting with Director Mustine was a very good meeting and that he has a very good understanding of the issues council presented.

With respect to Cleveland, this is a discussion that he and Chief Norcross have already had. They recognize the situation in Cleveland is a problem. He said they are looking at options. Deputy Director Cobb acknowledged that Parks has been cut over \$21 million in the past ten years. However, the Director's response is to take a different look and see what a private partnership can do. He also reassured council that they are looking at the dredging program. Deputy Director Cobb said that Parks has been reinvesting money into docks and marinas in other parts of the state and looks at the Cleveland issue as a lack of prioritization.

Chief Norcross expressed that these areas need to be made into a destination location. There should be something for everyone to do not just dock your boat. Deputy Director Cobb agreed saying they plan to meet with Watercraft and Wildlife to talk about making Middle Bass Island a destination location with facilities, entertainment, etc.

Deputy Director Cobb also talked about the horsepower limits at state parks saying he is receptive and will help where he can but wants to make sure we handle the sailing clubs carefully. He said he has studied the horsepower limits in all other 49 states along with customer comments from surveys. He said this is why Burr Oak was used as a pilot project and will use this success.

Deb Green asked about removing the jet drive limit at Burr Oak. Deputy Director Cobb said originally it was intended to make it a quiet boating experience at this lake but we can look at removing this limit.

Deputy Director Cobb congratulated Deputy Chief McGarity on his retirement.

CHIEF RODGER NORCROSS

Fatalities – Council was provided a list of accidents and fatalities that have occurred this boating season. Chief Norcross talked about the most recent fatality.

OUI Enforcement – Officers have been very successful with alcohol enforcement.

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DATA ANALYST - TAMMY TERRY

Trimble Units – Through a USCG grant, and in conjunction with a monitoring charge for NASBLA's ERAC Committee, the Division of Watercraft has acquired these units for use on a geospatial study of recreational boating accidents in the Sandusky Bay area.

Similar efforts are underway in the Tampa Bay area of Florida. Parallel with this study, efforts are being made to begin a pilot project to allow officers to capture vessel safety check, citation, and warning information using these units as well. Portable printers are also being made available through this grant which may allow officers to print out the vessel safety check (VSC) while they are with the boater and can provide it to the boater. Data overhead would be eliminated as these Trimble units can directly dump the data into a centralized database when the officers are back in the office, and warning and citation information could be shared with the radio room as well to allow on-water prior violation searches. In order to expand the effort, Ottawa County Sheriff's office has also been provided with these units for use in the project.

COUNCILMAN DOUG MCLARNAN

Councilman Mclarnan talked about airboats again. He said he was on the Walhounding River and encountered an airboat that was so quiet they didn't know it was there until they were upon it.

HOUSEKEEPING - JANET TURNER

Council discussed meeting with locals at Grand Lake St. Mary's as they discussed with Director Mustine.


Councilman Mclarnan motioned to have a special meeting at Grand Lake St. Mary's and seconded by Vice Chairman Onacila. The motion passed and council set this meeting for August 9, 2011. Councilman Onacila said he will assist with coordinating.

Council agreed that the fourth quarter meeting would be set for November 15, 2011 at Fountain Square. Janet will send details as we get closer to that date.

ADJOURNMENT

This meeting was adjourned at 3:30 p.m.


J. Thomas Pascoe, Chairman Date 11/15/11
Waterways Safety Council


Rodger M. Norcross, Chief Date 11/21/11
Ohio Department of Natural Resources
Division of Watercraft