

ODNR, Division of Watercraft
Waterways Safety Council
2045 Morse Road, A2
Columbus, Ohio 43229
March 6, 2014
10:00 AM

Div. of Watercraft

Gary Obermiller, Chief
Janet Turner
Karen Muench
Tammy Terry
Deb Green
Kemmeth Kirk
Mike Miller, Assist. Chief
Frank Meravy
Rick Barrera
Phil Miller
Bob Gable

Council

Tom Pascoe
Chad Taylor
Doug McLarnan
Gary Branstetter

Guests

Dr. Joseph Sopko, USCG Aux.
Paul Lausch, Scioto Boat Club
George Gilbert

CALL TO ORDER – CHAIRMAN PASCOE

Chairman Pascoe called the meeting to order at 10:00 a.m.

ROLL CALL – CHAIRMAN PASCOE

Ms. Turner called roll and noted that everyone is in attendance and that Council continues to have one vacant seat awaiting approval by the Governor's office. Also noted was that Chad Taylor's term has officially ended and we are awaiting his reappointment or an application from an interested party.

APPROVAL OF MINUTES – CHAIRMAN PASCOE

Chairman Pascoe called for approval of the minutes from the November 13, 2013, meeting held in Columbus, Ohio. Vice Chair Taylor commented on the discussion on page 6 of the minutes regarding the one-year registration is not what he intended to state: *“Additional discussion was held regarding the demonstrator title language. Vice Chairman Taylor specified that if a dealer was able to obtain a demonstrator title they would purchase a registration and put OH numbers on the vessel and allow it to not be transferred. Following discussion, Deb Green reiterated – a one-year registration that cannot be renewed so the boat would have to be titled at the end of that one year. Vice Chairman Taylor added that the demonstrator title would then become a regular title in a licensed dealer's name. This would allow for better consumer protection knowing that the boat was used as a demonstrator boat.”* Ms. Turner, stenographer of the minutes, stated that she agreed that the recording sounded as though Vice Chairman Taylor was caught up in all the discussion going on around him and that she would make that known in the minutes of the present meeting.

Council approved the minutes as prepared.

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OPENING REMARKS – CHAIRMAN TOM PASCOE

Chairman Pascoe welcomed everyone to today's meeting and asked Chief Obermiller to do anything he could to get someone appointed to Council. Chairman Pascoe then turned the meeting over to Chief Gary Obermiller for introductions.

OPENING REMARKS – CHIEF GARY OBERMILLER

Chief Obermiller also welcomed everyone to today's meeting and introduced assistant chief Mike Miller.

Assistant Chief Miller provided a brief bio of his career with the Ohio Department of Natural Resources. He highlighted his career saying he began his career with DNR as Litter Coordinator with the Division of Watercraft, Watercraft Officer and Wildlife Officer and training manager. He said much of his background was in training and was on the Division of Wildlife training team.

Members of Council then introduced themselves to Mr. Miller.

Mr. Lausch, Scioto Boat Club, also introduced himself as an interested boater wanting to learn about the Division of Watercraft.

GENERAL UPDATES - CHIEF OBERMILLER

Chief Obermiller stated he has been busy attending numerous boat shows and meeting with constituents. Chief Obermiller attended the Maritime Conference in Cleveland and recently attended the Ohio Charter Boat Captains Conference in Huron and attended his first NASBLA workshop.

Chief Obermiller advised that he is working very hard assessing and trying to set up the Division for future success.

Mr. Gilbert joined the meeting.

On Monday, March 10th, the Division will hold their division-wide meeting to receive updates from Central Office managers. This meeting will be held at ODOT on W. Broad Street, Columbus, Ohio.

Rules

Chief Obermiller noted that Deb Green is working on a rule package. Representative Becker's legislation for mirror use on towed water sports is still out there and recent legislation introduced for the development of a committee to look at additional funding sources for maritime ports (ODOT Alternative Transportation Fund). We do not have any involvement in this. He noted that the Division of Parks and Recreation will begin rescinding their rules where the Division of

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Watercraft has the same or similar rule. He said it doesn't make sense that Parks has rules where enforcement on the water is concerned since they are not on the water to enforce it. He is also working with the Division of Wildlife with some of their rules.

The Division of Parks is developing pilot programs for designated swim zones at some State park lakes. They will draft their rules for a July effective date.

This swim zone changes will not affect Army Corps of Engineer (ACOE) lakes. Councilman Branstetter commented that this will cause some confusion for boaters. There was much discussion about various options and concerns with state-owned water and Corp-owned waters. Councilman Branstetter talked about his experience with the US Coast Guard Auxiliary and patrolling Army Corp lakes. He said at Caesars Creek, enforcement of swim zones rules was a high priority. He said they printed out hundreds of swim zone designated area maps and handed them out to every boater they found swimming in a restricted area. Vice Chairman Taylor agreed but that he hears from the boaters is that there are not enough designated swim zone areas. Council expressed their thanks to the Division of Watercraft for trying to move this along.

Vice Chair Taylor inquired as to why it takes so long for rules to be changed. Chief Obermiller explained that previously each division was responsible for their own rules. Now, all rule packages now go through the department's legal office for review prior to filing. They will make sure all 5-year reviews are done and that all rules are of common sense and not over-reaching.

Chief Obermiller is meeting with Cowan Lake Sailing Association this afternoon to talk about a pilot program to change horsepower limits to unlimited horsepower at idle speed at Cowan, A. W. Marion and Acton lakes. This will go into our rule package to go into effect this year by July. There was discussion about bass club events and Chief Obermiller said if the rule is not in effect in time for their event, he has the authority to grant a waiver for horsepower limits for their event.

Mad River Designation Study

Chief Obermiller informed Council that the Department will not move forward with designation of the Mad River as a scenic river at this time as there is not a lot of support for the designation.

Clean Marina Program

Chief Obermiller talked about increasing our involvement with the Ohio Sea Grant program and what we can do to partner with them to make it a statewide initiative. The Muskingum Watershed is also interested in this partnership as well.

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DIVISION REORGANIZATION – ASSISTANT CHIEF MIKE MILLER

Reorganization

Assistant Chief Miller explained that he is evaluating officer coverage around the state and making sure officers are busy year-around. Assistant Chief Miller expressed that he will push education from our officers. He talked about the ice rescue program that the Division used to do. At this time, he has asked field offices to develop a constituency list with all the boat clubs and contacts in their areas. He would like to see officers make contact with these clubs during the winter months with a goal of making sure every club knows what we are doing as an agency.

Assistant Chief Miller explained that discussion has begun regarding fees for education programs to determine if fees are a hindrance to the public. Assistant Chief Miller said we are also looking into other partnerships with other divisions. The goal is to increase our presence and obtain a balance between law enforcement and education. Councilman Branstetter expressed that the ice rescue and swift water rescue trainings are missed by fire departments.

Assistant Chief Miller talked about the NASBLA Officer Water Survival training saying we will host this training to other enforcement agencies. He stressed that he is looking into other ways to increase our presence.

Councilman Branstetter suggested that a representative attend a meeting with the Ohio Fire Chiefs Executive Board meeting and get input from the executive board to obtain support or other ideas.

CENTRAL OFFICE UPDATES – DEPUTY CHIEF KAREN MUENCH

- Boating Education and Enforcement section has been renamed to Boating Education and Information.
- Ready, Set, Wear It events are scheduled for Saturday, May 17, 2014. There are eight parks committed to helping with this project. We are also working with Cabelas in Columbus. Their regional marketing group wants to get information out to all of their stores in the nation.
- The kayak pond is scheduled for some improvements prior to the State Fair. We are replacing the pond liner; and, while it's drained, an irrigation system will be installed. New sails will be added for shade. The observation deck will be sanded down and resealed. A new launching and retrieving deck will be installed.
- PWC Simulator – A proposal for a PWC Simulator will go before the Controlling Board on March 24th. We have been working with In-Motion for the PWC simulator project. Yamaha donated the hull for this project. The simulator will sit in a 23-foot trailer and will have mist and wind. A marketing plan is being developed. We are looking for sponsors. Officer Valerie Cox is leading this project.

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- Partnering with the Women in the Outdoors - We have been asked to conduct the Close Quarter Boat Handling Course, power boating, launching and retrieving, trailering, and canoe and kayaking at this event. This years' event will be at Burr Oak; the date has not yet been set.
- Urban Boating Outreach – We will partner with Columbus Parks & Rec. to get youth involved in paddling activities.
- New Web Design – The Office of Communications has developed a new web design.
- We are also working with the Office of Communication with our media plan. We were successful in obtaining advertisements to cover the cost of printing for the Boat Ops Guide.

LAW ENFORCEMENT/SEARCH AND RESCUE – DEPUTY CHIEF KAREN MUENCH

- Marine patrol grants have been scored. We received 25 applications. Recommendations have been sent to the Director's office for approval.
- We received a Port Security Grant to replace some boat motors.
- Staff from our Sandusky office conducted three (3) NASBLA BUI training programs to other agencies; marine patrols, police departments, Wildlife officers and Parks officers. In all, 45 officers received the free training.
- Yesterday, the department initiated minimum training standards for emergency response for the dams in Ohio. ODNR owns 116 dams.
- Law enforcement training will be conducted regionally this year.
- Staff provided our instruction skills course to 11 Watercraft officers, 1 Park officer and 1 Wildlife officer. This course teaches how to write and teach a lesson plan.
- River Rescue Refresher Training will be held in April.
- MARCS updates are under development. We are also looking at hand-held phone devices.

With regards to a new reporting system, Assistant Chief Miller informed council that all of DNR will use a shared system. Currently, each division uses their own reporting forms for accidents and incidents. Tammy Terry will be our representative in the development of the database. Officers will continue to use their MCT's along with a new hand-held device. The new system is expected to roll out in August.

FISCAL – FRANK MERAVY

Mr. Meravy provided handouts for Council to review the current budgeted revenue and expenditures.

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Waterways Safety Fund (7086):

FY14 Budget	
Expenditure Totals:	\$32,064,541
Revenue Totals:	\$29,697,984
Waterways Safety Fund (7086) Balance:	\$ -2,784,125

Mr. Meravy explained that we will request additional spending authority from the Controlling Board for the BIG project and other projects that are reimbursable from US Fish & Wildlife Service.

Scenic Rivers Program Fiscal Update:

Fund 4U60 Cash Activity:		Fund 7086 Expenditures:	
Beginning Cash 7/1/2013	\$214,305	Payroll Expenses	\$228,365
Revenue (License Plates)	\$29,173	Other Expenses	0
Revenue (Grants, Other)	\$11,850		
Revenue (Fund Interest)	\$148		
REALM Payroll Charge*	\$2,925		
Maintenance & Equipment Exp.	\$63,520		
Ending Cash 12/31/13:	\$189,031	Total	\$228,365

2nd Quarter YTD Expenditures: \$294,810
 Annual Budget: \$650,000

*Mr. Meravy explained that we are now billed for a portion of REALM's payroll for their staff working on Scenic River projects.

HR UPDATES – DEPUTY CHIEF RICK BARRERA

- Jackie Davis, Watercraft Records Specialist 2, retired January 31, 2014. We will seek permission to refill this position.
- John Wolary, SW Ohio Assistant Scenic River Manager, retired February 28, 2014. We will seek permission to refill this position.
- Sandusky Watercraft Officer Maurice Irish resigned to accept a position with Wildlife.
- Garlin Calloway, Inventory Control Specialist, resigned to accept a position with Franklin County.
- Brittany Kessler, Administrative Professional 1, Springfield Field Office, has taken a new position in Wildlife.
- New hires include: Mike Miller, Assistant Chief; Craig Watson, Springfield Account Clerk; interns in Maumee Bay and Sandusky; Emilee Fraizer, Storekeeper; and Lori Wolf, Account Clerk 3.

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- We are looking to post for an Education Specialist in the Cleveland office.

As Assistant Chief Miller mentioned, we are evaluating our officer needs statewide.

RESOURCE PLANNING SECTION UPDATES – PHIL MILLER

- Presently, there are 25 projects in construction or design stages.
- 14 Cooperative Boating Facility Grant projects underway.
- Caesars Creek Marina project is moving forward. Water was lowered for an archeological survey which revealed no findings. The 404 permit is expected by July. Construction is expected late this year and through 2015 with a target completion by the boating season 2016.
- There are two RHEP projects:
 - Lake Erie
 - City of Cincinnati, pending a BIG grant approval for the Smale Transient Marina.
- Phil Miller and Chief Obermiller will make presentations about dredging at Rocky River.

Councilman McLarnan inquired what the cost per cubic yard for dredge material is. Phil Miller explained that he would estimate a range between \$8 to \$25 per yard; with an average of \$12 per yard.

- There are six in-house projects funding through our operational budget through the Emergency Boating Access program. This will be a big component to meeting our MBE target of 15% before the end of June.
- BIG P projects include: Cleveland's North Coast Transient Marina project; Village of Put-in-Bay; and Schrock's Marina at West Harbor.
- We have four (4) CVA projects and hope to add seven (7) more soon.
- Phil explained the new Boating Access Interactive web site. We are working with OIT for phase two to be able to add photographs and documents.

REGISTRATION & TITLING – KEM KIRK

Lockbox	1/1/13 through 3/6/13 = 30,028	16-26 foot vessels:	12,805=\$48.00
	1/1/14 through 3/6/14 = 26,063	16-26 foot vessel:	11,210=\$48.00
	Down 3,965 from 2013	Down 1,595 from 2013	
E-Renewal	1/1/13 through 3/6/13 = 11,228	16-26 foot vessels	4,801=\$48.00
	1/1/14 through 3/6/14 = 11,391	16-26 foot vessels	4,838=\$48.00

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Up 163 from 2013

Up 37 from 2013

- Registrations for 26-foot vessels are down and hand-paddled are up.
- We will participate in the RBFF project again this year.

SCENIC RIVER PROGRAM - BOB GABLE

Paddle Ohio Initiative – Bob Gable explained that we have developed this initiative to promote paddling on state scenic rivers and water trails. Participants will submit the information about their trip and upon completion they would receive a pin. If an individual goes beyond the four (4) trips and completes twenty (20) segments of the scenic rivers and water trails will receive a master paddler award. We are still working through the project and design should be completed by Monday. Ideally, we would like a different pin for each year. Kick off will be Sunday, June 22, 2014, and all four (4) events will kick off at the same time. These events will be conducted on the Sandusky Scenic River, Grand Scenic River, Kokosing Scenic River & Water Trail and Stillwater Scenic River & Water Trail. The Paddle Ohio website will be developed and will have links to the events and access points.

Mad River Scenic River Designation – Bob Gable explained that there was not enough support for designation.

LEGISLATION - DEB GREEN

Rule Changes – Deb Green informed council that there are seven rule packages pending, plus one, Scenic River Advisory Council rules, that is under review. Our seven packages are:

- Elimination of the Recreation Marine Loan program
- Three no-change packages
- New and revised state park rules
- Revised Wildlife rules
- Some federal navigation rules

As Chief Obermiller mentioned, State Parks will no longer have Watercraft operating rules.

We have three (3) temporary new rules that are in development. These are:

- Horsepower changes for Acton, Cowan and A.W. Marion lakes. They will all sunset on October 31, 2015. An open house has been set for A.W. Marion on March 21st.

We are also working on rules for federal compliance. We are working on incorporating standardized federal definitions for registrations and boat accident reporting. This federal rule is in place now but we have until 2017 to comply.

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Two Notice of Proposed Rule Making (NPRM) – One NPRM is for PFD language and the elimination of type codes. We have put together some language and the Coast Guard has reviewed our language. The second, still in the comment period, is in regards to federal preemption. This could have significant impact on how we operate in the state including whether we can have our own accident reporting system, inland navigation rules, using Coast Guard credentials, definitions, etc. We are working on comments for this.

On the state level, ski mirror legislation has been introduced but not yet passed. Fine revenue legislation has been introduced and may move forward. This rule will mandate fines established through rules to go to GRF.

Omnibus Rule Package – Deb Green noted that she provided this package to council.

Other packages include, federal compliance and technical revisions; towed watersports and special events; general omnibus updates and penalties.

Presently, there is no law for scenic river donations to be deposited into the Scenic River fund. Technically, all monies received by this division should be going into the Waterway Safety Fund. If a donation is made payable to the director, he can direct it to go into any account he chooses.

Inspection Checkpoint Rules – Due to the Boaters Freedom Act we need to develop Inspection Checkpoint Rules. If we engage the vehicle it is considered a stop. If an officer is approached they can conduct the vessel safety inspection. Assistant Chief Miller said we are checking with our legal office about offering a coupon to use at a camp store for approaching an officer to get a vessel safety inspection. On the water, the officer must have reasonable cause to stop a vessel; they cannot stop for a safety inspection.

Councilman Branstetter said his auxiliary unit coordinated with Pizza Hut for free pizza coupons with a successful safety inspection. This was a very successful campaign.

Assistant Chief Miller advised that officers will be going to constituent clubs, groups and marinas to get the word out. If a marina will allow it we could advertise free safety inspections for anyone who wants one.

Demonstrator Title – Deb Green advised that a workgroup was formed to research options for changes to the dealer license rules to include vessels for demonstration.

Vice Chairman Taylor advised that he met with Southern Ohio Marine Trade Association. He said dealers in Southern Ohio would support a demonstrator title but the manufacturer agreement states that if there is any type of state title to a vessel created that vessel will then become a used.

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There was much discussion about demonstrator titles in other states and that they are very costly and restrictive. Vice Chairman Taylor offered that Southern Ohio dealers have commented that making the law restrictive will cause dealers to find ways to circumvent the law. After additional discussion, Vice Chairman Taylor suggested finding an alternative definition for demonstration.

Deb Green advised that language in the Omnibus Bill more clearly defines the dealer's use of vessels for demonstration.

There was additional discussion about who can become a boat dealer. Vice Chairman Taylor said, currently, there are no restrictions; anyone can buy the \$50 dealer's license, buy a boat which they won't pay sales tax on, and not register it. He suggested that the Division look into some other possible identification for actual dealers.

Chief Obermiller suggested that the Division address this within the industry and get their reaction.

OPEN DISCUSSION

E-15 Fuel – Councilman Branstetter expressed that E-15 fuel is going to be a reality and this fuel will have a negative impact on safety and the industry of over \$6 billion in Ohio. Councilman Branstetter suggested that this council put language together about the affects this fuel will have. Chairman Pascoe asked Councilman Branstetter to draft language to present at the next meeting.

Communication – Councilman Doug McLarnan commented that it appears that the department is getting better about communication.

Marine Patrol Boats – Councilman Branstetter asked what happens to old marine patrol boats saying that the auxiliary units could use them if they become available. Deb Green advised that they are loaned back out unless they are not suitable to use which then will go to state salvage.

Vice Chairman Taylor advised that he did reapply for his seat on council but has not yet received word on his appointment. Chairman Pascoe thanked him for his service.

HOUSEKEEPING – JANET TURNER

Election of Officers – Councilman McLarnan motioned to nominate Tom Pascoe to remain chairman of this council. The motion was seconded and passed unanimously.

Nominations were called to elect a vice chairman. Councilman McLarnan motioned to table this until there is a minimum of four persons on council. The motion was seconded and passed unanimously.

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Council suggested that the next meeting to be Wednesday, June 11, 2014, at the Division of Watercraft's East Fork Field Office. More information will be forwarded to details are made.

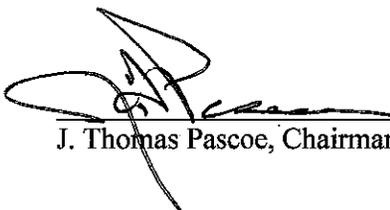
ADJOURNMENT

Council adjourned at 1:51 p.m.



Gary J. Obermiller, Chief
Division of Watercraft

6/10/14
Date



J. Thomas Pascoe, Chairman

6/11/14
Date