

MINUTES OF THE BOATING ADVISORY COUNCIL MEETING
Department of Natural Resources

October 7, 2009

COUNCIL MEMBERS

Steve Christensen	Absent
Lucy Minahan	Present
Paulette Welch	Present
Pam Berger	Present
Troy Mann	Absent
Guy Taylor	Present

DIVISION OF PARKS AND RECREATION PERSONNEL

Dave Harris	Boating Coordinator
Chris Haller	Assistant Boating Coordinator
Stacy Blake	Boating Executive Secretary
Bruce Hamilton	Deputy Director
Ann Evans	Education Specialist

GUESTS

Steve Luckesen	National Parks Service
Larry Dalton	Utah Division of Wildlife Resources

ITEM 1 – AIS UPDATE

Larry Dalton of DWR gave the Council some background and updated information about the aquatic invasive species. (Presentation attached)

Guy asked about decontamination in a boat engine. Larry answered by running the engine while decontaminating the engine and letting engine get up to temperature will kill the mussels.

Paulette asked about decontaminating trailers. Larry said trailers are usually not in the water long enough for an adult mussel to attach to the trailer but when someone is getting decontaminated they do run water through the cavities of the trailer to rinse anything off.

Pam asked how long it takes a trailer or vessel to have adults attach to it. Larry said it depends on how contaminated the water is. Lake Mead is very heavily infested and leaving an anchor in overnight attracted two mussels to attach to the anchor. Day users really don't have anything to worry about when it comes to adults attaching to their equipment but the villagers can get in the live wells or where any standing water is and that is the problem.

Steve mentioned that Lake Mead boat ramps are closed at night to try to control the transportation of mussels.

Paulette asked when the last time Lake Powell was tested for mussels. Larry said 2007 they took samples from various locations on Powell. In 2007 they did receive a couple of positive hits with the mussels being in Lake Powell but they could not duplicate the positive hits.

Larry said there is not anything that will successfully get rid of the mussels in large open water. It is too expensive to treat large open water. They have treated a couple of smaller lakes but it was very expensive.

Lucy asked if a kayak or canoe that is left out of the water for 7 days in the summer is ok to launch. Larry said yes that is correct.

Guy asked if anti-fouling paints will keep mussels off vessels. Larry said those paints will keep the mussels from attaching to the vessel. There are questions about those paints being environmentally friendly.

Steve asked how many mussels can reproduce in a year. Larry said that one female can produce 1 million eggs in a year. Mussels can breed year round in the right conditions.

Pam asked what we can do to keep these mussels out. Larry said with more money he could do a lot more. Utah does have a good program in place but with more money they could do a lot more.

Washington has a good law and enforcement; Oregon didn't but they do now; California has a good law and enforcement; Nevada doesn't have much going on; Wyoming is doing nothing but they are working with their legislature; Montana has a good law but only a mediocre program; North and South Dakota do not have these mussels and not much of a program; Colorado has a great program; Kansas and Nebraska have a good program; and Texas is still trying to figure out what they are going to do.

Paulette asked if there were any positive things with mussels. Larry said there is nothing positive about mussels other than cleaner water but that brings problems too.

Lucy made the comment that we need to stay on top of the mussel issue. Dave said that he will keep the council updated on the mussel issues.

Pam read in the SCA (Small Craft Advisory) magazine that Idaho has a fee on boating registration for AIS. Dave and Larry have talked about this but Utah believes that the mussel issue is not just a boating issue; it is all water users problem. We would have to increase the boating registration over \$19 to make a difference. There are also funding issues through the legislature to add an additional fee for a specific cause.

ITEM 2 – INTRODUCTIONS

Council introduced them selves and welcomed Guy Taylor to the Council. Guy is the new PWC member of the Council. Tonight is his first meeting.

ITEM 3 – APPROVAL OF MINUTES

Pam saw a typo on page three ‘marin to marine’. With that change Paulette made the motion to approve minutes, Guy made the second, all in favor.

ITEM 4 – CARRYING PASSENGERS FOR HIRE

We do not have a definition for ‘flatwater’. Chris would like to develop and establish a five member committee to develop a definition for flatwater and to address some motorized issues on rivers. Chris suggested the committee to consist of the following people: Steve Christensen (Boating Advisory Council Member), Tim Mertins (commercial outfitter), Kyle Hooker (commercial outfitter), Jennifer Jones (BLM) and Chris will be the facilitator. Chris would like to ask the Council for their approval. All members present agree and gave Chris the go ahead to proceed with the committee.

We are developing a new program with DTS (Department of Technology Services) for captain/guides to be able to test online for their license. We are also in the process of developing new study guides specifically driven towards each endorsement. The new system will have a bank of test questions that the computer will randomly pull so each test will be different.

Paulette asked how many questions per test. Chris answered the Lake/Reservoir test will be 25 questions, the Whitewater/Other River test will be 50 and the Tow Vessel test will be 25.

Applicants wanting to receive a Captain/Guide license will send their application to us via email along with a digital photo. Once we receive all the information, the applicant will receive an email confirming they are ready to take the test. That email will consist of the test center locations and that the applicant will have to make arrangements with that test center to take the test. That email will be sent to us, the applicant and their outfitter. When the applicant goes to the center they will need a photo id and the confirmation email which will have their user name and password.

We are working on a policy manual and an MOU to be worked out with USU extension centers for our testing centers. The idea behind the satellite locations is the State is on a 4 day 10 hour work week and this will give the applicants a better way to get their license around their schedule. We are also working with NAU (Northern Arizona University) and will hopefully get someone in Grand Junction Colorado.

The applicant will go into the test center, the proctor will walk the person over to a computer, the applicant will log in and have forty-five to ninety minutes (depending on

the endorsement) to complete the test. There will be a time remaining feature on the test letting the applicant know how much time they have. Once they have completed the test, there will be a button to submit the test. If any questions are unanswered there will be a screen that comes up to tell the applicant that they forgot to answer number whatever question. The applicant will have to go back and answer that question before they can proceed. Once the applicant hits the submit button it will ask if you are sure you want to submit, yes or no. Once the applicant submits the test they will be told right then whether they passed or failed.

If they passed they will print off a thirty-day temporary license, an email will be sent to the applicant, us, and their outfitter. In that temporary license it will tell the applicant in which areas they missed questions. They will have to sign and date the temporary license. The temporary license will have the person's name and date of birth and their endorsement to make it easier for law enforcement officers. We will then mail the license to them once we get the confirmation they passed.

If they fail the test an email will be sent to the applicant, us and their outfitter that they did not pass the test. The applicant will then have the option to contact us to reschedule to retake the test or they have the option to print a thirty-day temporary boat crew permit. If they want to retest there is a seven day waiting period. If they take the boat crew permit and they only want the crew permit, the applicant would have to contact our office and a crew permit will be mailed to the applicant. If the applicant, at a later date, wants the license, they would have to upgrade their permit to a license and retake the test. If they do not contact us that they have taken the option to receive the permit their temporary permit will expire in thirty days and then they would have to reregister to retake the test. They will have to sign and date the temporary permit. The temporary permit will have the person's name and date of birth and their endorsement to make it easier for law enforcement officers.

A lot of responsibility is being put back on the applicant and their outfitter. We are trying to make everything electronic and more customer service friendly and increase our efficiency and our customer service.

We are hoping to have the testing up and running December 1, 2009.

With the renewals, we are going to have the applicants electronically mail, fax or mail their application to us along with a digital photo. We are putting all the responsibility back on the outfitter verifying the applicant's information.

Currently in the law, R651-206-3(3)(b)(iii) and R651-206-3(5)(b)(iii), it states that a person applying for the first license or permit, it must be done in person at a Division designated location. We would like it to state, to go along with the new system, in a manner accepted by the Division. Applicants will have to show up at a location in person to take the test but to get a permit that can all be done through electronically, fax or mail.

Lucy made the motion to accept the new wording for -206-3(3)(b)(iii) and R651-206-3(5)(b)(iii), Guy made the second, all in favor.

Chris will be attending the UGO, Utah Guides and Outfitters, conference in Moab in December. Chris will be presenting UGO with the same information he gave tonight giving UGO a heads up on the new system so the outfitters will be ready to go once we get the new system in place.

ITEM 5 – ONLINE EDUCATION

We are now online with the education program. We have two providers on our website for the PWC education. The courses are \$34.95 and you do not have to pay for the course until you pass the exam.

Once a person successfully completes the test, they can print out a sixty-day temporary certificate. We get the information of who passed the test every Wednesday and we then send out their permanent cards.

There are two letters also sent; one congratulating the student for completing the course and the other letter is sent to the parent. That letter just reminds them of their responsibility as a parent with their children operating PWCs and wording from the old waiver is in that letter. Also in the parent letter it is encouraging the parents to take the online course as well.

We have already had about 20 students take this course and we are only four weeks into having the course online.

The course is fun and interactive. The course has a time limit per page so the student cannot just buzz through the course. A student is required to spend at least three hours on the course. The courses have practice tests to help the students with the final test. A student does not pay until they successfully pass the test.

The course providers do keep track of what chapters and information students are having problems with.

ITEM 6 – EQUIPMENT REQUIREMENTS FOR VESSELS OVER 65'

There are equipment issues that have come up lately. Steve Luckesen is here tonight to talk about vessels over 65 feet on Lake Powell. There is nothing in the law about vessels over 65 feet. There are about 150 vessels in Utah that are over 65 feet. To be able to inspect a vessel over 65 feet there is nothing backing us up on what we are inspecting for. Dave's main concern of needing to be reviewed is the Type IV life jacket, fire extinguishers, sound producing device and bailing device requirements.

With these requirements, the Council will be able to pass an administrative rule regulating equipment requirements. Dave would like to get a working group/committee

together to look at these requirements and come up some recommendations after researching commercial vessels and other states. Steve, Paulette, Pam, Guy and Dave would like to participate on this working group/committee. They will start working on this and bring information to the next meeting in January.

ITEM 7 – EQUIPMENT EXCEPTIONS

In rule R651-219-7 Equipment Exemptions, there are a couple of issues. Dave would like to propose adding a few items to this rule. Stand up paddle craft is a new sport that has come to Utah and technically they are vessels and are required to carry certain safety equipment. Float tubes are another sport that is not exempt from the safety equipment requirements.

Dave handed out a draft of rule changes he would like the Council to review. This is just a draft form and does not expect a change tonight.

R651-219-7(1) has ‘and Section R651-225-4 prohibiting riding on exterior surfaces’ needs to be taken out since the rule R-651-225-4 was moved to statute about ten years ago.

R651-219-7(2) has reference to R651-215-11 which changed in rule to R651-215-9 but the correction was never made in the law and rules.

R651-219-7(5) is a draft that is up for review of the Council. This is a concern of Dave’s that he has had for quite some time and he would like the Council to review this. The Council would like to review and discuss this at the next meeting.

ITEM 8 – BAC MEMBER TRANSFERS

At the June State Parks Board meeting it was passed for the Boating Advisory Council to become a nine-person council.

Since there are two members absent tonight, Dave would like to wait until everyone is in attendance to discuss the transfers.

Pam would like the Council to look over the new positions and decide what they would be interested in and discuss this at the next meeting in January.

ITEM 9 – NEW BUSINESS

State Parks has a web person that has access to the State Parks website and can modify it at any time. That person approached Dave and asked him if the Boating Advisory Council would like their own web page. The State Parks Board has a web page and it just lists the members and what they represent. Paulette and Guy believe this is a good idea. It is up to the Council what information is posted. Pam is concerned about people having her personal email. Stacy brought up that we can have a state email created like

usprbac@utah.gov and emails sent to that email could be forwarded to the correct member.

The Boating Advisory Council meeting minutes and agenda are posted on the State Parks website currently which would probably be moved to the Advisory page if we get one set up.

Guy made the motion to create a Boating Advisory Council web page, Paulette made a second, all in favor, no one opposed.

The Council asked the State Parks staff to create a safety equipment checklist. Dave handed out the checklist that Chris Haller and John Good created. In the next printing of the boating highlights, the checklist will be a pop out that someone can tear it out and use it.

Guy asked about the proof of insurance on board a vessel. A lot of people insure their vessels through their home owners insurance. The only thing an owner needs on board is something from the insurance company showing the policy number, policy holder, and vessel information stating it is insured.

The motorboat access grant projects need to be prioritized like we have done in the past. These projects need to be prioritized sometime between November 16 and November 27, 2009. The Council would like to tentatively set that meeting for November 18 at 3:30 pm.

This year so far we have had eleven boating fatalities. We only had four last year and the average is six a year. Most fatalities this year were drownings. Two-thirds of the drownings were on rivers and on non motorized vessels. We had four people drown with life jackets on rivers.