

s m a l l c r a f t a d v i s o r y

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NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS

## Crowded Waterways





Alvin Taylor  
NASBLA President



from the  
**HELM**



THE OFFICIAL PUBLICATION OF THE  
NATIONAL ASSOCIATION OF STATE  
BOATING LAW ADMINISTRATORS

## Waterways Management Takes Cooperation

As we begin a new year, I trust that all had a happy and safe holiday season. This issue of *Small Craft Advisory* focuses on waterways management. Webster defines *management* as the act, art or manner of handling, controlling and directing. We, as boating safety professionals, are responsible for the management of our waterways.

It was only a few years ago that the sole user group conflict was between water skiers and anglers. Now we must represent the needs of multiple boating interests who are using our nations' waterways, from water skiers and anglers, to canoeists, barge pilots, waterfowl hunters and more.

At the height of the "personal watercraft" controversy, a good friend of mine from a state far, far away told me, "Don't worry. They are only a fad and will disappear in two years." Bill, I think you missed that one, but what was not missed was the opportunity for the personal watercraft industry, user groups and waterway managers to explore solutions to the problems/perceived problems facing waterway users at that time with the result being a safer boating environment for all users.

**As more and more people turn to our waterways as their means of recreation, the job of providing a clean and safe boating environment becomes more challenging.**

As more and more people turn to our waterways as their means of recreation, the job of providing a clean and safe boating environment becomes more challenging. We are not only tasked to provide a safe environment, but we must also be concerned with environmental issues that threaten our waters as well as the needs of adjacent property owners. Erosion, pollution, No Wake zones, noise, speed limits, carrying capacity – all buzz words associated with today's boating environment. And how about the new ones: homeland security, port security?

Our education and law enforcement programs are vital to this process, providing awareness and compliance. The National Association of State Boating Law Administrators (NASBLA) has been a leader, recognizing that all should have safe and equal access to our waterways, whether their activity involves fishing, canoeing,

sailing, motorboating or any other use of our waters. Certainly, there will be new challenges, but I am confident that NASBLA and all of our boating partners will rise to the occasion, as we work together as managers of our waterways.

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### ABOUT THE COVER

*With increasing uses of water, the number of people on and around public waterways is increasing, making waterways management a higher priority than even before for boating agencies. Waterways management encompasses a broad spectrum of social policy and environmental issues, from user conflicts, operator behavior and speed to water pollution, noise and aquatic nuisance species. Many of these issues did not exist or were not considered problems a mere 20 years ago. With limited funds and staffing resources, these additional demands are spreading boating safety resources thin.*



## Policy Committees

All policy committees have their charges now and mid-year meetings have been set. Notable committee charges that will be addressed this year include:

- Develop a grant to produce a new set of crashed boats for the accident investigators training seminars program.
- Develop a model act on overpowering motorboats.
- Produce informational material about the National Boating Education Standards, NASBLA - approved boating courses and student certification for distribution to major insurance companies in the United States.
- Develop a NASBLA BUI training program for the states.
- Work with the National Conference of Commissioners on Uniform State Laws (NCCUSL) to facilitate development of a mutually agreeable Uniform State Boat Title Act and to consider a legislative format for a needed Boat Certificate of Title Act.

The committees will meet as follows:

- |                    |  |
|--------------------|--|
| <b>February 22</b> | Numbering & Titling<br>Panama City, FL   |
| <b>March 14</b>    | Law Enforcement<br>Ft. Mitchell, KY  |
| <b>March 15</b>    | Boating Accident Investigation,<br>Reporting & Analysis (BAIRAC)<br>Ft. Mitchell, KY |
| <b>March 16</b>    | Boats & Associated Equipment<br>Ft. Mitchell, KY                                     |
| <b>April 13</b>    | Education<br>Las Vegas, NV   |
| <b>May 2-3</b>     | Waterways Management<br>Portland, OR   |

If you are interested in a complete set of committee charges, they are available on the NASBLA website, [www.nasbla.org](http://www.nasbla.org).

## Annual Conference

NASBLA Annual Conference will be held in Virginia Beach, Va., September 20-24, 2003.

## Grants

NASBLA is working on a number of grants this year. Among them:

- A grant to develop Measures of Effectiveness for State Numbering & Titling programs.
- Futures Forum on Recreational Boating Safety II. This year's forum will be held in the DC area, May 20 - 22, during National Safe Boating Week. The Forum will focus on the future of and factors that will impact recreational boating participation.
- A grant to develop nationally recognized and accepted boating safety testing criteria that address all core elements as presented in NASBLA's National Boating Education Standards.

## Boating Accident Investigation Seminars

NASBLA continues to offer to sworn boating law officers a full slate of Accident Investigator Seminars. Seminars will be held in the following locations:

### LEVEL ONE

- |                |                          |
|----------------|--------------------------|
| February 10-14 | Ft. Worth, Texas         |
| March 17-21    | Vancouver, Washington    |
| April 7-11     | Chicago, Illinois        |
| May 5-9        | Harrisburg, Pennsylvania |

### LEVEL TWO

- |                |                     |
|----------------|---------------------|
| September 8-12 | Lexington, Kentucky |
|----------------|---------------------|

For more seminar information, contact Chris Moore at [chris@nasbla.org](mailto:chris@nasbla.org).

## Boating Law Enforcement Officer of the Year Award

NASBLA and Boston Whaler Commercial & Government Products are pleased to announce that nominations are now being accepted for the 2003 Boating Law Enforcement Officer of the Year Award.

Applications are available online at [www.nasbla.org](http://www.nasbla.org).

To be eligible for NASBLA's annual award, an application must be approved by the nominee's state boating law administrator.

Now in its fourth year, the Officer of the Year Award is presented to deserving recipients at three levels - state, regional and national. The annual selection process starts now, with the distribution of nomination forms, and culminates with the presentation of the national award at the NASBLA annual conference in Virginia Beach on Sept. 24.

By March 10, boating law administrators from each state will select a state-level Boating Law Enforcement Officer of the Year. State winners are automatically eligible for consideration for their respective region's Officer of the Year award.

Each regional association of boating law administrators will choose a regional award winner, making that officer eligible for consideration for the national award.

The Boating Law Enforcement Officer of the Year Award program is open to all commissioned, certified or sworn peace officers authorized by the state to enforce the recreational boating safety laws of that state.

NASBLA extends its appreciation to Boston Whaler Commercial and Government Products as the generous sponsor of the 2003 Officer of the Year Award.

# Safe Boating Campaign Can Help Reflect Nation's Focus on Homeland Security

By Kimberly Hermes

Recreational boaters and their passengers can help with our nation's homeland security initiative by boating safely.

By wearing life jackets, following the rules of navigation, abstaining from drinking alcohol and following other safe boating laws and suggestions, boaters will decrease their needs from state and federal safety forces. This, in turn, will allow those safety officials to direct more of their attention to homeland security issues.

Our nation's focus on homeland security has been incorporated into this year's North American Safe Boating Campaign. The effort to encourage life jacket usage is still in the forefront. Both important concepts have been integrated in the campaign slogan – *Boat Smart. Boat Safe. Wear It.* – and depicted in the campaign logo.

The campaign kicks off with National Safe Boating Week, May 17-23, 2003. Sponsored by the National Safe Boating Council (NSBC), the National Association of State Boating Law Administrators (NASBLA) and the U.S. Coast Guard (USCG), and in cooperation with our neighbors to the north, the Canadian Safe Boating Council and the Canadian Coast Guard, this annual campaign heightens boater awareness just prior to Memorial Day, the unofficial start of boating season.

The goal is for the slogan *Boat Smart. Boat Safe. Wear It.* to emphasize to boaters to wear their life jackets and enjoy boating in a safe manner so there will be a decreased need for safety officials to assist boaters and in turn direct more of their attention to homeland security issues.

The campaign partners encourage boaters to *Boat Smart. Boat Safe. Wear It.* by:

- Wearing a life jacket while boating
- Avoiding alcohol use when operating a boat
- Taking a boating safety class
- Getting boats checked for safety and maintenance concerns
- Being aware of U.S. Coast Guard regulations established since September 11, relating to security zones near U.S. naval vessels.

Resources for use in North American Safe Boating Campaign events will automatically be sent out to most groups and individuals mailing list provided by the parent organization's headquarters or central office. These campaign kits will be received by April 2003.

Another valuable source of information for the safe boating campaign is its website located at

[www.safeboatingcampaign.com](http://www.safeboatingcampaign.com). This site offers additional information, including the latest resources and graphics available for campaign events. Many of these resources are available online before the campaign kits arrive in the mail.

In addition, the National Safe Boating Week proclamation and appreciation certificates will be available only online. The evaluation form



*The North American Safe Boating Campaign continues to emphasize the importance of wearing a life jacket. However, the campaign's theme has been modified to incorporate our nation's focus on homeland security. The theme has been changed from Boat Smart From The Start - Wear Your Life Jacket to Boat Smart. Boat Safe. Wear It.*

*Illustration courtesy the National Safe Boating Council*

will also be posted online. The web posting board is an evaluation tool used by the NSBC and the USCG to determine who is working with the grassroots campaign and to determine the campaign's overall successfulness.

An important service offered on the website is a listing of campaign events scheduled across the nation. Be sure to post all your boating safety events on this site and encourage your local partners to post their events online as well.

This year's campaign will begin with two regional kick-off events – one in New York City and the other at an ocean venue in California. The dates and specific locations will be decided soon. P.C.I. Inc. is the contractor hired by the NSBC to coordinate the events this year. P.C.I. is also handling the campaign's media and marketing components.

The North American Safe Boating Campaign is made possible through a grant from the Aquatic Resources (Wallop-Breaux) Trust Fund, administered by the U.S. Coast Guard. Send any questions or comments about the North American Safe Boating Campaign to [campaign@safeboatingcouncil.org](mailto:campaign@safeboatingcouncil.org).

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## The Dos and Don'ts of Boating Safety

Following these simple dos and don'ts of boating safety will help boaters chart a safe course towards the fun and excitement of recreational boating:

- DO wear a life jacket. Life Jackets. They Float. You Don't.
- DON'T mix alcohol and boating.
- DO observe the nautical rules-of-the-road.
- DON'T stand in a small boat.
- DO check the weather forecast before getting underway.
- DON'T overload your boat.
- DO keep a good lookout.

These suggestions are constant reminders of one very important thing in regards to boating safety: **USE COMMON SENSE!**

The waterways offer an open invitation to all types of boating. Boaters should be aware of the outcome of their actions. Accidents result from a chain of circumstances or behavior which can be easily avoided. Boaters should be encouraged to remember to follow the above boating dos and don'ts and to take a boating safety course. It could save lives.



# Legislative Look into Safe Boating Laws

by Ron Sarver

Legislators in most of the states and territories of the United States are beginning to gather to discuss issues involving all aspects of their constituents' lives. Those in about a dozen states will be looking at laws regarding recreational boating. Following is a listing of some of the upcoming proposals boating law officials are bringing before legislators.

## DELAWARE

House Bill 251: To amend Title 23 of the Delaware Code relating to the operation of a vessel or boat while under the influence of alcohol and/or drugs. The Delaware Supreme Court in *State v. Baker*, Del. Supr., No. 49, 1998, Walsh, J. (Del. 1, 1998) held that Delaware's Driving Under the Influence statute, (Title 21, § 4177), was constitutionally deficient. House Bill 44, signed into law on May 18, 1999, targets only those persons who are behind the wheel with sufficient quantity of alcohol in their bodies to raise their alcohol concentrations to .10 or above within 4 hours. House Bill 251 reflects changes already approved by the Delaware General Assembly by simply updating the BUI statute to maintain consistency with the new DUI law.

An act to amend Title 23 of the Delaware Code relating to establish .08 as the prohibited blood or breath alcohol concentration for operating or having physical control of a vessel or boat on the waters of the State of Delaware. The Delaware State Police have drafted HB 53, to establish .08 as the prohibited blood and breath alcohol concentration level for driving, operating or having physical control of a motor vehicle in the State of Delaware. The United States Coast Guard filed their final rule in the Federal Register/Vol. 66, No. 7 on Wednesday, January 10, 2001 in order to revise the Federal Blood Alcohol threshold under which a recreational vessel operator would be considered operating while intoxicated. For recreational vessel operators, the final rule lowers the current Federal BAC threshold from .10 BAC to .08 BAC. This change is appropriate due to national boating accident statistics show that alcohol use remains a significant cause of recreational boating deaths. Lowering the BAC level for BUI in Delaware would be consistent with other federal and state agencies promoting public safety while operating a vehicle or a vessel.

*Convenes: January 14, Adjourns: June 30*

## GEORGIA

An amendment to O.C.G.A. 52-7-8, simply exempting Class A (less than 16 feet) vessels from the requirement of having a Type IV (throwable) PFD, was introduced last year but stalled due to controversy with other Department legislation. The amendment will be re-introduced again this year.

Another amendment to be introduced will raise the monetary threshold definition of a boating accident from \$500 to \$2000 (52-7-3 (22)).

*Convenes: January 13, Adjourns: mid-March*

## HAWAII

A bill will be introduced to raise the value of unauthorized vessels impounded by the Department, and abandoned and derelict vessels taken into custody of the Department, that must be sold by public auction; and to provide the owner, operator, or recorded lien holder of abandoned and derelict vessels an opportunity for an administrative hearing to contest the basis for taking custody of the vessel prior to its disposition

A bill will be introduced to remove the prohibition of commercial vessel activities within Ala Wai and Keahi small boat harbors, and clarify that the waiver of fees for the Molokai-Maui ferry applies only to ferry service operations and not to other commercial vessel activities.

A bill will be introduced to (1) clarify the rule-making authority of the Board of Land and Natural Resources to designate areas of ocean waters and navigable streams of the State for limited commercial use; (2) establish permits and fees for the commercial use of these areas and to broaden the basis for assessment of fees for commercial vessels; (3) include the cost of resolving user conflicts and promoting public safety, health, and welfare in or on the ocean waters and navigable streams of the State as a legitimate expenditure from the Boating Special Fund; and (4) ensure that all fees and penalties implemented by rules adopted pursuant to chapter 200, Hawaii Revised Statutes (HRS), are deposited in the Boating Special Fund.

*Convenes: January 15, Adjourns: early May*

## IDAHO

No agency-sponsored legislation planned. A grassroots environmental organization is expected to introduce a bill that would add \$2 to each boat registration to fund a Eurasian Watermilfoil program.

*Convenes: January 6, Adjourns: late March*

## MASSACHUSETTS

A Mandatory Education Bill modeled after NASBLA's Model Act is expected to be introduced.

Another piece of legislation to be introduced would make it illegal under Massachusetts law to broadcast a false SOS in a maritime environment,

A third piece of legislation would make it illegal under state law to operate a vessel within an established Safety & Security zone designated by the USCG. At the moment only federal law applies.

The last two legislative efforts are considered necessary to the Homeland Security efforts in Massachusetts.

## MINNESOTA

A few "technical boating proposals" are expected, but nothing has been formally introduced at this point.

*Convenes: January 7, Adjourns: May 19*

## MISSISSIPPI

The agency is in the process of drafting several bills which will include:

- lowering the boating under the influence blood alcohol concentration level from 0.10% to 0.08% and persons not of legal drinking age to 0.02%
- increasing boat registration fees
- requiring documented vessels to be registered
- require all operators in a boating fatality to be tested for alcohol/drugs
- require every vessel to have lights from sunset to sunrise. The statute now reads "during the hours of darkness" which can cause problems in court.

*Convenes: January 7, Adjourns: April 6*

## MISSOURI

A bill for mandatory education bill, Senate Bill. (SB 1)

*Convenes: January 8, Adjourns: May 30*

## NEVADA

Nevada has submitted a proposed increase in registration and titling fees to the governor's office.

*Convenes: February 3, Adjourns: June 2*

## SOUTH DAKOTA

A bill is expected that will exempt boats rowboats, canoes, kayaks, etc. from the present requirement to display boat numbers. Under the proposal, owners of these vessels can opt to display only their registration decal. Those owners that will operate in other states, where boat numbers are needed, can continue to number their craft.

*Convenes: January 14, Adjourns: late March*

## VIRGINIA

A bill (HB1660) to require life jacket wear by kids has been introduced.

*Convenes: January 8, Adjourns: February 6*

## WASHINGTON

It is expected the Recreational Boating Association of Washington (RBAW) will get a sponsor for an updated version of SB 5687, Mandatory Boat Operator Education, first assigned to Legislative Committee in the 2001 session.

Another piece of legislation that's expected would restrict the spread of aquatic nuisance species (ans) and develop a funding mechanism to help make that happen.

*Convenes: January 13, Adjourns: April 27*

*Source: Boating Law Administrators and the National Conference of State Legislatures*

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# Lewis and Clark Bicentennial Commemo

By Kimberly Hermes

Nearly 200 years ago, Meriwether Lewis and William Clark set out to explore the northwestern section of what is now the United States.

The expedition first began in President Thomas Jefferson's mind at his home, Monticello. In June 1803, President Jefferson wrote to Lewis, his private secretary and a U.S. army captain, instructing the expedition to document the vast, unexplored area of the newly bought Louisiana Purchase and to find the Northwest Passage, an easy water route that would link the Pacific and Atlantic Oceans and open trade with the Orient. Along the way, they were to further scientific knowledge by observing and collecting plant, animal and mineral specimens of the region.

The President authorized Lewis to select a co-commander, and Lewis offered the position to William Clark, an ex-army lieutenant from Kentucky.

To prepare for this unparalleled undertaking, Lewis read from Jefferson's extensive library at Monticello and took botany lessons from the President. He left Washington on July 5, 1803. He picked up arms at the government arsenal at Harpers Ferry.

Lewis also studied with scientists of the American Philosophical Society in Philadelphia, Penn., and began to make the complex logistical preparations necessary for the trip by gathering scientific instruments and medical supplies. He oversaw the construction of his specially-designed 55-foot keelboat in Pittsburgh.

Lewis took to the water near Pittsburgh on Aug. 31, 1803, and floated down the Ohio River. Clark joined him at Clarksville, Indiana, across from Louisville, Ky., in October of that same year.

In December, Clark established "Camp River Dubois" at the confluence of the Mississippi and Missouri rivers, north of St. Louis. While there he recruited and trained the nucleus of their expedition, called the Corps of Discovery. In the meantime, Lewis was in St. Louis, conferring with traders and obtaining maps made by earlier explorers.

Around 50 people traveled with Lewis and Clark into unknown territory. The expedition embarked on their trek near what is now known as Wood River, Ill., in May 1804, reached the Pacific Ocean in November 1805 and returned to Missouri in 1806.

## Commemorating Lewis and Clark's Expedition

On July 3, 2002, President George W. Bush signed a proclamation designating 2003 through 2006 as the Lewis and Clark Bicentennial Commemoration. This commemoration provides an opportunity for Americans to look back, recognize and appreciate the significance of this expedition.

President Bush urges all Americans to learn more about Lewis and Clark and how the expedition changed our nation. The President views this as a time to learn more about our native culture and to learn more about courage and the values that continue to shape our nation today. President Bush also commented that this bicentennial should serve to remind us of our nation's outstanding natural resources.

Today, the Lewis and Clark National Historic Trail is approximately 3,700 miles long and follows the original route as closely as possible given the changes over the years. The historic trail begins in Illinois and passes through portions of Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Montana, Idaho, Oregon and Washington.

In the proclamation, the President asked all Americans "to observe this event with appropriate activities that honor the

achievements of the Lewis and Clark Expedition." Folks plan to do just that.

The Lewis & Clark Trail Heritage Foundation Inc. estimates four to ten million travelers will camp/drive/bike/horseback ride/paddle/walk in the explorers' footsteps, eager to experience this American story firsthand.

American Rivers President Rebecca R. Wodder estimates "25 million Americans will retrace portions of the Lewis and Clark trail during the bicentennial, hoping to experience some of the natural wonder the explorers did."

While it's exciting to know so many Americans are interested in our nation's history, the logistics of accommodating the sharp increase in visitors to the various areas are a bit daunting.

## Boating Safety a Must

Boating safety experts are concerned because many of the commemorative activities will revolve around Lewis and Clark's water route, particularly the Ohio, Mississippi, Missouri and Columbia rivers. This brings into play numerous factors.

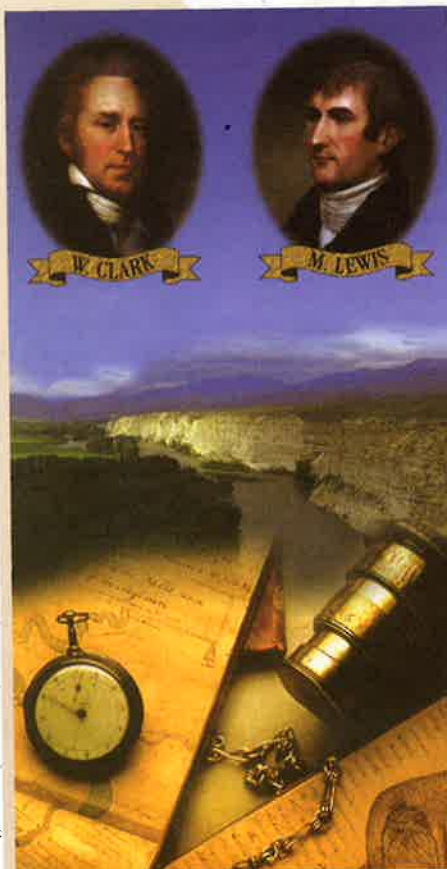
Jeannine Nauss, National Lewis and Clark Bicentennial coordinator for the U.S. Army Corps of Engineers, cites one of the main concerns is the fact that events will be taking place on navigable waterways. This means that in addition to the usual traffic comprised of barges, oceangoing ships, recreational boaters, anglers and many other users, there will be re-enactment parties, tour boats and numerous other spectators using these waterways.

This sets the scene for high concentrations of boaters, which will foster more user conflicts, contribute to congested access points, and, ultimately, increase the possibility of boating accidents.

An early indicator of the potential crowding on waterways was a recent outing of the St. Charles re-enactors. According to Randy Edwards, Iowa's boating law administrator, this group took their pirogues (wooden row boats) out on the river for an afternoon. By the time they returned, they had attracted a spectator fleet of more than 500 boats.

Clearly, some events will become large whether re-enactors plan for crowds or not.

Nauss is particularly concerned with conflicts between recreational boaters and barge traffic. She said, "People don't seem to think when they're around barges. Recreational boaters often underestimate the speed of these vessels."



Images courtesy U.S. Army Corps of Engineers



# ration to Increase Traffic on Waterways

and carelessly cross ahead of them. What boaters need to understand is that it's very difficult to control a large tow when headed downstream in a swift current. In addition, the tow itself blocks the pilot's view ahead and a small boat may be completely hidden by the barges."

Inexperienced boaters are another concern for boating safety officials. Nauss said that these events will draw all types of boaters to the waters, from the highly experienced to the inexperienced.

While some experienced boaters may be very competent on lakes, they may lack the skills needed for boating on navigable rivers. Or perhaps they're knowledgeable about the river systems in their home state but not with the rivers Lewis and Clark navigated. This will put them at a disadvantage because they will lack knowledge of the area such as access points, weather patterns, fueling stops, and so on.

Besides, today's rivers are not like the ones Lewis and Clark encountered. Now there are dams and locks with wide lakes in between. These dangers were discussed during a meeting of the Federal Working Group for the Lewis & Clark Bicentennial Commemoration's Water & Public Safety Subcommittee last June. This group includes representatives from the U.S. Coast Guard, U.S. Coast Guard Auxiliary, U.S. Army Corps of Engineers, U.S. Department of the Interior, National Association of State Boating Law Administrators, Waterways Work! and the National Park Service.

Notes from the meeting contend, "Even experienced boaters may find themselves in danger. Turbulent currents in and around lock chambers, violent waters below dams, and the deceptively placid areas above spillways can trap the unwary. Underwater wing dams extending from the shore can wreck propellers and cause serious injury to boaters. The unfamiliar procedure for passing through a lock will baffle many boaters, with unpredictable results."

Other dams, particularly along the Upper Missouri River, have no locks and require a

communications; limit the availability of resources such as food and water, fuel, camping sites and facilities such as marinas, ramps and medical centers; and hamper the coverage for emergency response and increase response times.

To make matters worse, the public safety and search and rescue resources range from plentiful to virtually nonexistent along the route. Compounding matters is the fact that local, state and federal jurisdictions overlap in many areas. The Coast Guard is generally associated with water search and rescue elsewhere but has limited assets along the Lewis and Clark route, which will leave emergency response needs to the local and state public agencies. However, public agencies across the nation face problems with budgets, personnel, equipment and communications. The combination of these factors makes it likely that there are significant gaps in emergency response coverage. Even well-equipped emergency response teams may be overwhelmed by the sudden surge in calls for service.

## What Is Being Done to Increase Safety?

At this point, there are lots of unknowns with regards to safeguarding the Lewis and Clark events. There is no way to estimate the size of the crowds various Lewis and Clark events will draw. The level of cooperation and experience will vary widely among boaters, as will the resources available along the route.

With concern for public safety a top priority, public agencies at all levels of government have been and continue to prepare for the onslaught of participants and spectators observing the Lewis and Clark Commemoration.

At the federal level, the National Park Service is creating a traveling display to be featured at signature events during the bicentennial. The U.S. Army Corps of Engineers is producing educational materials, including a 24-page water safety booklet titled *Safe Passage*, a Lewis and Clark special events project safety plan outline, and four TV public service announcements.

Several state natural resource agencies are

## Online Information

Information about Lewis and Clark's expedition and the national bicentennial commemoration abounds on the Internet. A few sites worth checking out are listed below.

[www.lewisandclark200.org](http://www.lewisandclark200.org) – The National Council of the Lewis & Clark Bicentennial

[www.lewisandclark200.gov/](http://www.lewisandclark200.gov/) – U.S. Department of the Interior

[www.nps.gov/jeff/LewisClark2/Welcome.htm](http://www.nps.gov/jeff/LewisClark2/Welcome.htm) – U.S. Department of the Interior, National Park Service, and Jefferson National Expansion Memorial

[www.nps.gov/lecl](http://www.nps.gov/lecl) – Lewis and Clark National Historic Trail

[www.lewis-clark.org](http://www.lewis-clark.org) – Discovering Lewis & Clark™

<http://lcweb.loc.gov/exhibits/treasures/trr001.html> – The Library of Congress

<http://lewisandclarktrail.com/index.html> – LewisAndClarkTrail.com LLC

Water Patrol since that state will host Lewis and Clark events just prior to Iowa.

State agencies are also taking proactive steps in reaching boaters about boating safety. For example, Kansas boating safety instructors are required to present Lewis & Clark safety information in their classes through 2005. And the Oregon State Marine Board has produced a publication featuring both a historic map and current map of the Columbia River along with facilities and access points, safety issues and tourism information. The agency is also using its annual statewide newsletter to send safety messages to all registered boat operators and utilizing its website to post related information.

# Following in Lewis and Clark's Tracks

by Kimberly Hermes

Slogging through quicksand-like mud, dodging submerged obstacles, paddling against intense headwinds, enduring unpredictable weather..... That's just some of what folks will encounter in retracing Lewis and Clark's trail during the nation's bicentennial commemoration of the expedition.

One person who has experienced this firsthand is Dr. David Miller. He's already tackled part of the historic trail and intends to go back for more. Miller, an outdoorsman and highly experienced kayaker, spent the summer of 2002 kayaking the Missouri River between Fort Benton, Mont., and Pierre, S.D. He plans to return to the river and kayak from Pierre to St. Louis this summer.

After experiencing such trials and tribulations, why would he want to continue such an arduous journey? An avid paddlesport enthusiast, Miller enjoys the challenge.

Plus, as a mapmaker and chairman of the Department of Geography at Cortland College in New York, Miller draws on the trek as an academic venture. Miller teaches computer mapping at Cortland's GIS (geographic information system) Lab. One goal for his trip was to work with some images he'd created by combining the 1894 Missouri River Commission maps with contemporary satellite imagery. He figured the best way to test the alignment of his images would be to go out and see the area for himself.

Miller's fieldwork using information gleaned from Lewis's journals will assist efforts to create a "ground-truthed," seamless image of the Missouri River route taken by Lewis and Clark nearly 200 years ago.

Another reason Miller embarked on the trip is that he's writing a guidebook for kayakers and canoeists. In his research, he couldn't find an adequate set of maps geared toward paddlers for the upper Missouri River. With the upcoming Lewis and Clark Commemoration, Miller wants to provide a handbook for those following Lewis and Clark's trail. The handbook should be available this spring.

In planning his voyage, Miller expected the entire trip to take two and a half to three months. The trip turned out to be much more demanding than he'd imagined.

"I've completed many long-distance trips in Canada. The Missouri River was much bigger than I'd thought. I covered 1,200 miles, but it felt like 3,000," said Miller.

Miller's first lesson: "Accept whatever the river presents because it's all you're going to get."



*Dr. David Miller paddled 1,200 miles of the Missouri River last summer. He undertook the journey for both the excitement and the information it would provide. An avid kayaker, Miller serves as chairman of the Department of Geography at Cortland College in New York. Photo submitted.*

Some of the things Miller had to accept were snags, low water, mud flats, swamps, rapids, high winds, crosswinds, lack of suitable camping sites and a wide variety of debris.

Miller says that while most sections of the Missouri River are fine, the remote areas can be "nasty." He cautions that paddlers will encounter low water and mud flats – they must know how to navigate the channels, which will sometimes look like a confusing maze.

As for the mudflats, Miller commented, "You put a foot out on one of those mud flats, and there's no bottom," Miller said. He learned a technique he calls "snowshoeing" – a kind of duck waddle on his knees across the mud, pulling his kayak behind him. He could move about 50 feet in an hour. It was excruciating physical labor.

When he reached open water, conditions were just as harrowing for different reasons.

Winds up to 40 miles per hour pushed up four to six foot waves. These weren't rounded ocean swells; the wind ripped the tops off the waves, and there was no glide, just a rough, tumultuous drop.

There were days he sat on shore, waiting for the wind to calm, nights when a gale bent the toughest tent poles. He learned to set out before dawn.

As an avid paddler, Miller knows the importance of planning well for a trip. "You'll put yourself and others at risk if you fail to plan adequately." Filing a float plan with someone is an absolute must. He advises paddlers to check in whenever possible – at campsites, resorts, marinas, and so on.

Miller met numerous helpful people along the way – anglers, U.S. Army Corps of Engineers employees, marina operators, and so on – who volunteered help. Many of these folks spent time talking to him, invited him into their homes, offered him a hot meal. From these encounters he'd learn about hazards to watch out for, good places to stop – the same sort of information explorers gleaned from such encounters in the ol' days.

It's also very important to carry a weather radio on board. Weather can be highly unpredictable, and along the wide, open lakes there's often a lack of places to pull ashore for shelter.

Another important piece of equipment is a handheld marine radio. Marina operators and anglers on lakes monitor emergency channels. Reception for cellular phones is spotty at best – a signal is usually available only around towns.

Miller's advice is simple: Stick to the river portions and stay off the lake, unless your ability is somewhere near the expert category. Others who want to sample the lake should stick to small bays on nice days.

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# Shoreline Management

by Jeff Decker

Increasing numbers of land developers are buying acres of waterfront property with the intent of building multiple living complexes with water access amenities. Professional state boating law administrators' (BLA) offices are frequently being asked to weigh in on the issues of shoreline management, with boating safety being the main topic of discussion.

On those lakes where the Federal Energy Regulatory Commission (FERC) has statute authority, FERC requests that state agencies comment on building plans prior to final approval of any proposed waterfront construction where recreation, environment or economic issues are potentially impacted. County building codes frequently address only land use issues because, as is often the case, shoreline management plans have not been written or are not a part of the comprehensive plan.

When a guideline is in place, it likely addresses only the physical structures, such as spacing

management plan becomes imperative for every major body of water that has the potential for commercial development.

There are currently 12.8 million registered recreational boaters. If growth in boating parallels the projected population increase, there could potentially be 25.6 million registered boats by the year 2100!

As the states face a severe decline in revenue, there are fewer resources to compile a comprehensive waterway management survey. If there are difficulties with the amount of boat traffic today, what will happen when there are 540 million people living, and boating, in the United States by the year 2100?

State boating safety offices are receiving an increasing number of phone calls and letters from community associations voicing apprehension about proposed construction projects, almost always citing boating safety as their main concern. On the other side of the table is the developer whose main objective is to sell real estate with as many boats slips as possible.

One publication available to assist boating professionals is *A Guide for Multiple Use Waterway Management* produced under a grant from the Aquatic Resources (Wallop-Breaux)

Trust Fund administered by the U.S. Coast Guard. The guide contains information regarding basic planning processes, waterway management techniques and research.

*Editor's note: For more information about "A Guide for Multiple Use Waterway Management," read the article on pages 11-13 in this issue of Small Craft Advisory.*

There certainly is no "one size fits all" solution



Photo by Tim Smalley, MN Department of Natural Resources

civic associations along with comparisons of similar structures, adjoining properties and comparable types of water bodies help to make fundamentally sound and reasonable decisions.

As more boats operate on our waters, it becomes vitally important to have a place at the table with any group working on, or proposing, shoreline management plans. Taking a proactive role allows us to keep open the lines of communication, plan ahead, and serve the public in an informed and timely manner.



courtesy Boat Ed



Photo courtesy U.S. Coast Guard Auxiliary

between docks, how close they can be to adjoining structures, or how far out from shore they can extend (an increasing rule of thumb is not allowing docks to extend more than one-third the distance across a cove).

While much thought is put into reviewing the physical dimensions of the construction, there is rarely much effort expended in determining what impacts the additional docks and boats will have on boating densities and potential

## Law Enforcement Officers – Valuable Commodity in Boating Safety and Homeland Security

By George Stewart, Ed Carter and Charlie Clark

The national trend continues to show a general boating growth pattern in total registered boats. This momentum is expected to continue in the coming years. This is readily understandable when you consider that this priceless natural resource our waterways not only entices boating enthusiasts from their home state but also thousands of boaters from neighboring states and transit boaters using many of the states waterways, especially coastal states. Again, this is understandable when you consider these waterways satisfy the insatiable appetite of sport fishermen, recreational boating enthusiasts and those who desire to leave pressures behind to relax and absorb the tranquility of our waters and beaches.

The other side of the coin is – whether we realize it or not – the ocean and the many navigable waterways that lead to the ocean is a very important part of our lives. In the President's request to Congress to create a new cabinet Department of Homeland Security, he stated "Our nation faces a new and changing threat unlike any we have faced before – the global threat of terrorism. No nation is immune, and all nations must act decisively to protect against this constantly evolving threat."

You can see why it was necessary for the President to ask that the Coast Guard be moved to this new department. Because of our partnership with the Coast Guard on the navigable waterways, you can appreciate our law enforcement officers' involvement in port security as part of homeland security. The sea used to be a barrier that protected maritime nations from attack while at the same time isolated countries from their neighbors. World War II marked the end of this traditional view of the sea.

Our nation's waterways comprise approximately 88,633 miles of coast line,

633,109 miles of rivers and 50,867,840 acres of lakes. The terrain, weather patterns, boat use, access to the waters, etc. on and adjacent to this intricate system of waterways used by recreational boaters require methods used to promote boating safety to vary depending on these known adverse local conditions. Knowledge by state officials of these conditions is most helpful in waterways management and most helpful in submitting the state application for boating safety trust funds for the Coast Guard's consideration.

### Let's Focus on Our Boating Safety Goal Magnify Our Boating Safety Accomplishments

The states have an excellent working relationship with the Coast Guard in striving to reach our the National Association of State Boating Law Administrator's goal of safe and enjoyable boating for all who use our nation's waterways. We feel the states have assumed a major share of what is logically and statutorily a federal-state responsibility. The states have shown credibility, consistency and resourcefulness to reach the boating public. Helpful in this endeavor has been the financial assistance from the Wallop-Breaux Trust funds. We think this is indeed in keeping with the user pays – user benefits philosophy, thus not costing the general tax payer one cent.

As our readers know by now, the Congress in their lame duck session in November 2002 passed the Homeland Security Bill which established a Homeland Security Department. Admiral Thomas Collins, Commandant of the U.S. Coast Guard, early on wanted to dispel

any thoughts of separation of the Coast Guard and the states in our boating safety efforts with the Coast Guard's move to Homeland Security. Admiral Collins stated that the plan was to move the Coast Guard to Homeland Security in its entirety and that entirety included the states' boating safety program and the Coast Guard's partnership with the states.

The states' boating safety personnel are the eyes and ears on our nation's waterways and are trained to work in concert with the Coast Guard. Testimonial of the states' contribution to port security was our patrol officers working with the Coast Guard in Boston Harbor and other ports following the 9-11 events. Of utmost importance in carrying out the states' responsibility to boating safety and homeland security will be adequate funding to get the job done. We are optimistic that this worked out in the Wallop-Breaux funding when the Transportation Equity Act for the 21st Century (TEA-21) is reauthorized in FY 2003 and included in port security and homeland security.

On the plus side: The number of annual fatalities in the United States has dropped from 1,750 deaths in 1973 to 695 deaths in 2001. This is especially commendable since the total number of boats has increased about 8 million in this time frame, and since 1972 when the program began, the Coast Guard estimates that over 29,000 lives have been saved.

On the negative side: Boating fatalities are second only to highway fatalities, and boating safety is still on the national transportation safety board's "Most Wanted for Safety Improvement" list.

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### Support for **50/50** Split Grows

- American Canoe Association
- American Council of Marine Associations
- American Sailing Association
- American Waterways Operators
- Boston Whaler
- Brunswick Corporation
- California Boating Safety Officers Association
- Coast Guard Auxiliary Association
- International Association of Marine Investigators

The National Association of State Boating Law Administrators (NASBLA) and the National Boating Safety Advisory Council (BSAC) continue building bridges in preparation of the 2003 reauthorization of the Aquatic Resources (Wallop-Breaux) Trust Fund. The organizations are attempting to acquire a 50/50 split of the federal fuel tax attributable to motorboat fuel between the Boating Safety and Sport Fish Restoration accounts. The list of organizations supporting the 50/50 split continues to grow.

- Marine Retailers Association of America
- Mercury Marine
- National Association of Independent Insurers
- National Boating Federation
- National Recreational Boating Safety Coalition
- National Safe Boating Council
- National Sheriffs' Association
- National Water Safety Congress
- Personal Watercraft Industry Association
- Professional Paddlesports Association
- Sea Ray Boats
- SOS Incorporated
- Stearns Inc.
- United States Power Squadrons
- U.S. Sailing Association

Organizations in blue are the most recent to join the list of supporters.



# Committee Focuses on Challenges of Waterways Management

by Kimberly Hermes

In the early days of our nation, people boated on waterways mainly for transportation or fishing. Nowadays, people are involved in numerous water-based activities ranging from hunting and fishing to water-skiing, pleasure boating, sunbathing and swimming to transporting cargo, to canoeing and water-water rafting – the list continues.

Naturally, with increasing uses of water, the number of people on and around public waterways is increasing. Additionally, the composition of the resident population along waterways is changing. Where those living on the water often made a living from or recreated on the water, many now choose water locations to seek solitude or view wildlife. Because of the mixed uses, in addition to traditional boating law enforcement, boating agencies are increasingly involved in boating safety responsibilities and waterways management matters.

Waterways management encompasses a broad spectrum of social policy and environmental issues, from user conflicts, operator behavior and speed to water pollution, noise and aquatic nuisance species. Many of these issues did not exist or were not considered problems a mere 20 years ago. With limited funds and staffing resources, these additional demands are spreading boating safety resources thin.

Money that states receive through the Aquatic Resources (Wallop-Breaux) Trust Fund's Boat Safety Account goes toward various boating safety programs. With waterways management matters expanding states' responsibilities, the Wallop-Breaux dollars are not going as far as they once did.

Boating safety officials are hoping to obtain a more equitable share of the motorboat fuel tax and sustainable funding for the national Recreational Boating Safety program with the reauthorization of Wallop-Breaux, which is slated for this year.

In response to the emergence and encroachment of environmental management issues and social policy actions on recreational boating safety, the National Association of State



*With increasing uses of water, the number of people on and around public waterways is increasing. Because of the mixed uses, in addition to traditional boating law enforcement, boating agencies are increasingly involved in boating safety responsibilities and waterways management matters. Photo courtesy U.S. Coast Guard Auxiliary*

Environmental Council of the States, Kawasaki, the Brunswick Group, National Marine Manufacturers Association, the Personal Watercraft Industry Association and Bombardier.

This committee's mission is to improve the quality of recreational boating experience by bringing information and recommendations on environmental, social and waterways management issues to NASBLA.

With the increasing population, evolution of watercraft and the expanding popularity and availability of recreational opportunities, there are now more users who vary widely in their interests, attitudes, skills and experience. Considering that the amount of surface water remains relatively static, these factors are significant contributors to waterways management issues. Concisely, more users mean more conflicts.

One of the first charges the Waterways Management Committee undertook was to determine the most common social issues

resolve most waterways management issues. Other popular techniques include cooperation with local police departments for patrols, speed restrictions, meetings with stakeholders and informational meetings.

Another important charge undertaken by the Waterways Management Committee has been to oversee the production of the second edition of the *Guide to Multiple-Use Waterways Management*. This guide is in its final stages. (Editor's note: For a review of the waterways management guide, turn to p. 12.)

The committee also investigates the causal factors, response and outcome of national "hot topics" regarding environmental and social issues, for example the recent controversy regarding banning personal watercraft from national parks.

The hope is that, by gathering representatives of various boating-related groups, NASBLA and its partners will be able to assist the states and the Coast Guard in meeting head-on the assorted challenges associated with waterways

# Updated Multiple Use Waterway Management Guide Available Soon

*"...[The waterway is] filled with the equivalent of bicycles, rollerbladers, trucks, cars, buses. As it gets busier and busier, that's going to present a real challenge to public safety..."*

*Owner of a water taxi service in a New York Times article on overcrowding in New York Harbor*

*"Boaters and shore residents need to recognize that there are limits to growth and the time when a boater could go anywhere and do anything on the water has passed. There are just too many of us doing our thing on the water. What's happening on the water is similar to what happened in the West 100 years ago — the fencing of the range! Government at every level is reacting to conflicting and competing uses by imposing regulations that serve as "fences" in coastal waters.... The only way that competing users can enjoy boating is through cooperation. Sailboaters, power-boaters, jet skiers, fishermen, all have to learn how to accommodate each other..."*

*Dr. Gustavo Antonini, University of Florida professor emeritus commenting on the state's boating future*

Among the quotes opening the second edition of *A Guide to Multiple Use Waterway Management*, these two capture just some of the challenges faced by those charged with managing the countless activities on our nation's rivers, streams, lakes, ponds, reservoirs, canals, bays, coastal waters, and harbor and port areas.

Prepared by Dr. Deborah A. Gona of Gona & Associates, a consulting firm based in Lexington, Ky., and drawing upon the input from many boating and waterway management professionals, the second edition of the *Guide* takes a look at the trends, factors, opportunities and even stumbling points involved in managing multiple use public waterways today.

Employing an easy-to-follow format and layperson's terms, this user-friendly guide is a tool for resource managers, planners and other stakeholders who are trying to make sense of an evolving body of knowledge about multiple use issues and conflicts and the methods and processes for coming to terms with them.

And while the hallmark of the first edition was a six-step planning process that could be

adapted by users in developing responsible multiple use waterway management plans, at the core of the update is a set of "lessons worth learning" when it comes to formulating viable multiple use strategies, plans and solutions.

By design, the second edition — representing a partnering effort between the National Water Safety Congress and National Association of State Boating Law Administrators — is intended as a vehicle to inform and to promote the ongoing learning and exchanges about waterway planning, management and regulation, and the outcomes of these efforts.

*A Guide to Multiple Use Waterway Management*, second edition will be available in print during the first quarter of 2003, and then posted online at [www.nasbla.org](http://www.nasbla.org) and [www.watersafetycongress.org](http://www.watersafetycongress.org). The publication also will be the subject of a presentation at the 2003 International Boating and Water Safety Summit in Las Vegas, Nevada.

The essay that appears here was adapted from excerpts of the second edition.

## A Fresh Look at Multiple Use Waterway Management

by Dr. Deborah A. Gona

The nation's public waterways, our valuable, finite resources that often serve multiple purposes, conjure up multiple images — from exhilarating recreational hubs to productive workplaces; from tranquil, satisfying refuges to corridors for commercial or military activity.

Depending on point of view, preference, need or most recent experience, they also can conjure up images of being crowded, competitive, intolerant and sometimes-inaccessible spaces.

Today, the critical resource management challenges often go beyond tending to the safety, care, enjoyment and efficiency of the waters to mediating the not-always compatible interests of those who take pleasure from them, live nearby, make their living, study or otherwise rely on access to them.

Public waterways are bound to have more than one source of potential conflict. Different users and behaviors. Different advocates. New watercraft. New water contact activities. Changes in access points. Shifting priorities. Adjacent activities. Policies and political structures that inadvertently contribute to clashes. The list goes on.

For resource managers and planners, then, the thought of having to wade through all of those factors, arguments and assorted information to craft logical responses to multiple use challenges can be overwhelming. So much so

that shortcuts to planning and decision-making might seem attractive options, at least at first.

But there are consequences to not setting clear management objectives upfront and to not gathering solid information and scientific data, developing credible processes, becoming familiar with relevant trends and human behaviors, weighing alternatives, applying appropriate strategies and techniques, and then measuring to see whether those management objectives are achieved.

Without those steps, even the most well-intentioned efforts at the outset may not have very satisfying outcomes in the long run.

### The "new realities" of multiple use waterway management

When *A Guide to Multiple Use Waterway Management* was released in 1996 by the National Water Safety Congress (NWSC), the product represented a collaborative effort to introduce helpful ideas, tools and planning methods for what it rightfully described as the "increasingly complex field" of waterway management, and particularly, multiple use management for recreational purposes.

Six years later, the NWSC and the National Association of State Boating Law Administrators partnered to take on a second edition, a fresh look at what was happening in this "increasingly complex field." And after

months of research and various forums that gleaned the insights of boating and water safety specialists, waterway managers, academic researchers and other professionals representing a range of perspectives from the recreational, commercial, military and environmental arenas, at least one thing became clear.

"Increasingly complex" might have been a bit of an understatement.

Just as in other aspects of life, things have become more complicated in the realm of multiple use waterways and in the problem-identification, problem-solving and decision-making associated with them.

A few years ago, during a listening session conducted by the U.S. Army Corps of Engineers on what role federal agencies should play in America's water resource issues, one of the participants said, "... balance the needs of various recreation types, and find suitable multiple-use management solutions."

That challenge could have been directed to any number of agencies, at other levels, in other venues around the country. But depending on who issued the challenge, their experiences, and which bodies of water were in question, what they meant by balance, needs, suitable, even solutions likely would have been different.



Why? There is no single answer, but instead an unusual combination of trends and happenings at work, among them, the

- increasing, more intensive and new uses of public waters;
- continuing evolution in the kinds and combinations of watercraft and water contact activities;
- relatively static surface acreage of the public waters;
- rapid development of commercial and residential activities along shorelines;
- enhanced visibility and prominence of environmental issues; and
- increasing interest in the impacts associated with watercraft, water contact and shoreline development activities.

When you toss in other critical elements, such as the

- dramatic demographic and societal changes, and the everyday lifestyle and leisure time changes showing up in outdoor recreation;
- wider variations in water users' and craft operators' experience, skill levels, education, interests and even consideration and

not only continuously learn and adapt to new knowledge, information and circumstances but also pay attention to seemingly obvious, yet sometimes overlooked, fundamentals.

The second edition of *A Guide to Multiple Use Waterway Management* takes a closer look at 10 of those "things to consider" on the way to developing viable, credible and defensible multiple use strategies, plans and resolutions. They are summarized here.

**Slide out of crisis mode, start looking ahead ... and be prepared to work with what you discover.**

In the world of multiple use waterways, management plans and studies might not be initiated until someone notices that the uses or traffic or quality or conflict are somehow "different" than before. By the time complaints and concerns are raised, there is not much left to do but react.

And it might be hard to take everyone's eyes off of the current aggravations and get them to envision the future experience they want to

methods and events used to bring folks from outside of immediate management and planning circles into some aspects of deliberations, reviews, decision making and monitoring.

Meaningful and clear processes that do not overshadow the reasons for doing them can be devised. Some require more commitment than others. All involve waterway "stakeholders" who have good reason to care about decisions made regarding the public waterways. They are the folks, organized groups and agencies you hope will help create successful outcomes. Or at least not deliberately sidetrack a process or outcomes that other stakeholders strongly support.

Why all this talk of process? For a variety of reasons, the process used to arrive at a waterway decision, management action, plan, program or some other kind of activity is becoming part of the resolution.

There is not much tolerance nowadays for decision making behind closed doors, with little regard for what anybody outside thinks.

There also is little tolerance for spending time on endless discussions and processes that do not have a clear intent or objectives.

**Set out management intent and objectives.**

Key to creating a transparent process is determining and saying upfront what you want to accomplish – and not just what you want to accomplish by the end of a meeting.

Make your objectives meaningful and measurable, not clichés and generalities. Develop them with stakeholder input and clear understanding of their preferences. Develop them with some understanding of the tradeoffs. And develop them with a commitment to systematic collection of data and information about what happens on the waterway.

**Plan with the region or system in mind, if possible.**

Thinking that a planning effort you undertake or a management decision you make will not affect somebody or someplace else could be a miscalculation.

Whether a limit, expansion or some other change, the execution of even well-intended decisions made in the absence of broader thinking, consultation, maybe even formal coordination, could produce some unintended



Photo courtesy U.S. Coast Guard

- understanding of other user groups;
- varied attitudes and social perspectives about recreation, water resources and the environment in general; and the
- increasingly strident involvement of citizens, stakeholders and various interest groups in public management and policy decisions; and mix them up, you get
- heightened concerns about the safety and capacities of the public waters;
- a jumble of water user needs and values that may be tough to untangle;

create for users or the context in which they want the waterway to operate. Any "planning" that does take place, then, may not have a broad enough framework to guide decisions about problems or opportunities that come up later on.

But visioning, setting goals and objectives, and then planning and devising management strategies to achieve them can – and does – happen, even under less-than-ideal circumstances. Often, it takes a "champion"

actually yield opportunities to reduce multiple use conflicts, promote safety and balance user opportunities.

**Map out and peel through the layers of jurisdiction, existing regulations and policies.** Waterways can cross a number of jurisdictional boundaries. Local, state and federal authorities often overlap, and one waterway may encompass resources or specific uses that are managed by different agencies.

Resource managers, planners and regulators of a multiple use waterway, then, have to pay close attention to the multiple layers of jurisdiction over the waterway and shorelines, and to the increasingly complex federal, state and local regulatory and policy frameworks that are very likely to affect any management plans, decisions and actions.

**Take time to sort through and define your problems before you start to look at alternatives.**

When it comes to multiple use waterways, the problems might not be very clear-cut. Often at their core, as researchers have noted, are interconnected, changing mixes of activities, water conditions, user behaviors, attitudes and other, equally hard-to-separate factors and impacts.

That complexity, though, is not likely to discourage water users, property owners, concerned citizens, or even resource managers, planners and regulators from offering hearty, vocal and quick pronouncements as to how to solve the problem.

But for lack of a more precise definition of what is happening that people do not like, and as critical, why it is happening, solution-finding exercises can fail, maybe even create unanticipated problems.

Sometimes, just taking the time to separate out the problem from the behaviors that are exacerbating it, or even, some experts argue, "reframing" a problem – deliberately examining it from different perspectives – can target what really needs to be solved.

So, knowing what the problem is before deciding on the solution might sound pretty

the multiple factors that will be important to a decision.

But, as resource experts have described, it is possible to make that complex decision-making for multiple use waterways more manageable and defensible by using explicit decision criteria that factor in anything from the degree to which a potential decision is supported by science to how the decision would affect the integrity of the recreational experience or the environment.

Adopted early on with the help of waterway stakeholders, criteria like these can help make the decision process more open, credible and trackable. They might even force study of the possible "residual impacts" of management decisions – for instance, economic or revenue fallout or benefits associated with decisions to limit, alter or enhance waterway uses or development.

**Pay attention to perceptions and science, at different times and for different reasons.**

As some resource managers have discovered, it is hard to effectively and consistently explain complex policies if they were shaped largely by individual judgment, attitudes or perceptions of problems and issues.

So, taken in that context of making decisions based on perceptions and personally held attitudes or values instead of replicable scientific evidence and valid data, it is easy to see why "perception" might have picked up a not-so-favorable connotation in recent years.

But, in reality, understanding the varying perceptions of affected parties can help shape the approaches needed to effectively gather information, solicit participation, structure communications and implement decisions.

Equipped with knowledge and understanding of what is behind those perceptions, resource managers and planners can be in a better position to increase tolerance and reduce some of the conflict – maybe through education or awareness programs, information and experience sharing between groups, or other strategies that acknowledge and make good use of those perceptions.

ever before to find, pull, share and use data and information from sources near and far so that they can offer input, raise issues, make arguments, suggest causal links and question decisions.

Not all of the information will be "good" and not all of it will be applicable, but it will be tempting to use anyway because it is available and seems credible, particularly when it has been repeated enough times in enough places.

While there is no shortage of what passes for data and information, the breadth, detail, specificity and reliability of what you really need as a planner or manager may not be at your fingertips. And some have found out the hard way that the data and analyses from many major, and otherwise solid, state and national level studies were never intended nor designed to feed into local decision-making.

That means sorting through the data with a discriminating eye, acknowledging what is useful, working within their limits, and dismissing or accepting them as warranted.

**Understand and learn from others' experiences, issues and methods, but work and act within your unique framework and situation.**

The second edition of the *Guide* references and relies on hundreds of waterways-related studies that have been conducted by a range of interest groups, research and academic institutions, government agencies and other organizations. Representing different jurisdictions, perspectives, and issues, conflicts and management concepts and approaches, they are valuable for their examples, insights and their findings.

But resource managers and planners have to remember that there can be huge differences between a national experience and a local experience, between different regions of the country or a state, and between sites. Even variations in regulatory settings, policies and definitions can cause confusion in interpreting or translating them from one jurisdiction to another.

So, become well-informed about the bigger picture of multiple use waterway management.





## U.S. Supreme Court Decides – Boaters CAN Sue Manufacturer Over Prop Guard

The U.S. Supreme Court ruled on December 3 in the case *Sprietsma vs. Mercury Marine* that the Federal Boat Safety Act does not protect marine manufacturers from being sued in state court, a decision that may mean more lawsuits over boating accidents.

Under this ruling, marine manufacturers also now may have to satisfy the safety standards in all 50 states, rather than the one set of federal safety standards they now meet.

In the *Sprietsma* case, Mrs. *Sprietsma* accidentally fell overboard after the boat in which she was riding turned, and was struck by the propeller, suffering fatal injuries. Mr. *Sprietsma* claimed that the Mercury Marine outboard motor was unreasonably dangerous because it did not include a propeller guard. The Coast Guard has concluded that, to date, the evidence is unclear regarding the possible benefits and inherent dangers of propeller guards, and has not mandated propeller guards on recreational boats.

Two issues were at stake with the case, according to Tom Mielke, corporate communications director for Mercury Marine.

"One is, should people have the right to sue when there is already a federal regulation in place that says a prop guard is not required," said Mielke. "The other issue is of prop feasibility and the safety of prop guards."

"The reason they are not required by the Federal Boat Safety Act is that there are serious issues, including negatively impacting boat steering and potentially causing worse injuries than a standard propeller," said Mielke.

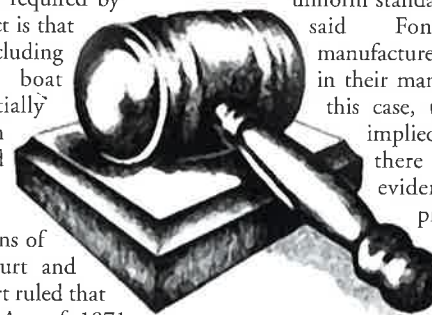
In overturning the decisions of the Illinois Supreme Court and two lower courts, the Court ruled that the Federal Boat Safety Act of 1971, which maintains consistent, national safety standards (as set by the U.S. Coast Guard), does not preempt state tort law.

"We're disappointed with the ruling," said Monita W. Fontaine, NMMA Vice President of Government Relations. "We believe there is clear and necessary federal preemption of boating safety regulations by the Coast Guard, as the lower courts found. I fear this may lead

to a patchwork of inconsistent regulations in multiple jurisdictions, with safety standards being set by juries rather than safety experts."

"The Coast Guard is charged by Congress to set uniform standards that protect boaters," said Fontaine, "and boat manufacturers rely on those standards in their manufacturing processes. In this case, the Coast Guard set an implied standard by determining there was insufficient safety evidence to justify promulgating a regulation regarding propeller guards."

The Court did not find Brunswick Corporation, parent company of the defendant, Mercury Marine, to be liable for the incident that led to this case; this ruling allows the case to move forward in the Illinois state court. The Court also did not comment on the appropriateness of propeller guards.



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## Coast Guard Life Jacket Rule Now in Effect

*Rule Intended to Minimize Drownings Among Children Under 13*

The U.S. Coast Guard's life jacket rule went into effect Dec. 23, 2002. In support of the ongoing efforts of the states and Coast Guard to improve boating safety, the Coast Guard requires that all children under 13 years of age wear Coast Guard approved life jackets, while aboard recreational vessels underway, except when the children are below decks or in an enclosed cabin.

This rule was created to address the problem of childhood drownings while boating. Between 1995 and 2001, 210 children under the age of 13 died while boating. Drowning was the cause in 121 of these deaths. Most of these fatalities could have been prevented if the child had been

Evans, chief of the U.S. Coast Guard's Boating Safety Office in Washington, D.C. "Children customarily wear protective gear when rollerblading, skateboarding and bicycling, and similar precautions are in order on the water. The life jacket rule was proposed to make sure that there is a life jacket rule in all states."

Penalties for a boat operator who fails to have all children under the age of 13 wear a life jacket are similar to those for failing to have life jackets on board. Penalties may be assessed up to a maximum of \$1,100 for each violation.

The U.S. Coast Guard published the Interim Rule June 24, 2002, in the Federal Register, and in cooperation with states, conducted an education and public awareness phase that ran July 1-Dec. 31, 2002. States with no current regulation for life jacket wear by children include Colorado, Guam, Hawaii, Indiana, Iowa, Minnesota, the Northern Mariana Islands, New Mexico, North Carolina, Virgin Islands, Virginia, Wisconsin and Wyoming.



Recreation

# U.S. Boat Registrations Grew by 94,000 in 2001

The number of recreational boats registered in the United States in 2001 was 12.9 million, according to the U.S. Coast Guard, an increase of 94,000, or 0.7 percent from the previous year, the National Marine Manufacturers Association (NMMA) reported.

The National Marine Manufacturers Association (NMMA) estimates indicate that 541,000 new boats were sold at retail in 2001, and that there are nearly 17 million boats owned across the U.S.

There are many small, non-powered craft that are not required to be registered by the states or simply not registered by owners, which includes large categories such as canoes (121,000 in 2001) and utility boats (approximately 49,000 in 2001). This accounts for most of the disparity between the USCG reported registration figure and NMMA's estimate on the number of owned boats.

## State Rankings

The top 20 states for registered boats recorded almost 75 percent of the total amount in the entire country, accounting for 9.6 million boats. The top ten states for boat registrations account for 51 percent of registered boats at 6.6 million.

Michigan retains its title as the top boating state in the country, with more than 1,000,000 recreational boats registered in 2001. Virginia rounds out the top 20, reclaiming its position after falling to 21st in 2000. The only other change in the top 20 is Tennessee, falling two spaces to number 19, which moves Alabama and Washington up to 17 and 18, respectively.

"Between 2000 and 2001, many states changed their boat registration systems and moved responsibility for tracking to other state departments," said NMMA statistics manager Jim Petru. "Tracking in the future will be more accurate, as NMMA will be working closer with the U.S. Coast Guard, NASBLA

[National Association of State Boating Law Administrators], and the various reporting agencies."

Alaska and New Mexico witnessed the largest changes in boat registrations in 2001.

Total boats registered in Alaska increased 41 percent. Alaska's Division of Motor Vehicles attributes this dramatic change to the fact that the state took over registrations from the U.S. Coast Guard in 2001. This received a lot of media attention, prompting more boaters to register their vehicles.



Alaska boaters also were required to register non-mechanically-propelled boats for the first time.

New Mexico's improved registration eliminated errors in the old system, leading to a 49 percent decrease in registered boats. A representative with New Mexico's State Parks Division explained that previous years' registrations reflected all boats ever registered in their database. The registration numbers are now correct, and the Parks Division reported it is unable to compile corrected statistics for prior years.

## Regional Rankings

No changes were noted in regional rankings, with the Eastern North Central region (Illinois, Indiana, Michigan, Ohio, Wisconsin) holding on to the No. 1 spot with 2.6 million boats,

accounting for one out of every five boats registered in the country, according to NMMA.

The South Atlantic region (Delaware, District of Columbia, Florida, Georgia, Maryland, North and South Carolina, Virginia and West Virginia) follows closely with 2.5 million registered boats, NMMA reported.

Four regions experienced significant increases in registrations during 2001 and two showed declines in the number of boats registered.

## Regions with increases:

- Pacific (AK, CA, HI, OR, WA) – up 4.8 percent
- South Atlantic (DE, DC, FL, GA, MD, NC, SC) – up 2.6 percent
- New England (CT, ME, MA, NH, RI, VT) – up 2.4 percent
- Western South Central (AR, LA, OK, TX) – up 1.8 percent

## Regions with decreases:

- Mountain (AZ, CO, ID, MT, NV, NM, UT, WY) – down 6.2 percent
- Middle Atlantic (NJ, NY, PA) – down 3.2 percent

Boat registration statistics are compiled by individual states. The federal government uses these stats to allocate Aquatic Resources Trust Fund dollars among the states each year. NMMA uses the registration data to develop its estimates on annual state dollar sales of new boats, motors, trailers and marine accessories.

The 2001 U.S. Recreational Boat Registration Statistics report can be ordered by contacting the NMMA fulfillment department at 312.946.6200. The cost is \$60 for NMMA members; \$150 for nonmembers.

For more information on the report, contact Petru at 312.946.6202; [jpetru@nmma.org](mailto:jpetru@nmma.org).

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Following is a look at the top 20 states for registered boats in 2001.



# Safety Guide Offers Boating Tips For Sportsmen

In an effort to increase safety among sportsmen who boat, the Sportsman's Forum has produced Boating Tips for Hunters and Anglers, a 37-page guide offering tons of safety tips for sportsmen.

Topics include choosing a comfortable life jacket that works with sporting gear, avoiding hypothermia, trailering tips, anchoring basics and more. Topics can be reprinted in local newsletters, magazines or on websites. Information and images are available royalty-free. For convenience, this file is available for download as an Adobe portable document format (.pdf) file at [www.boatus.com/foundation/Sportsman/index.htm](http://www.boatus.com/foundation/Sportsman/index.htm).

In researching boating fatalities among sportsmen, officials with the BoatU.S. Foundation for Boating Safety & Clean Water found that anglers and hunters who use boats in the pursuit of their sport often do not consider themselves to be boaters—they see the boat as simply a means for reaching fishing holes or hunting grounds.

In addition, these sportsmen tend not to read boating magazines, belong to boating groups, shop at boat dealerships/stores and, in many instances, don't have boats that need to be registered—these are all traditional ways of reaching boaters with boating safety information. Many sportsmen use remote waterways at odd hours and in virtually all

weather conditions (waterfowl hunters in particular).

Because of these and other related reasons, it has historically been very difficult to reach anglers and hunters with traditional boating

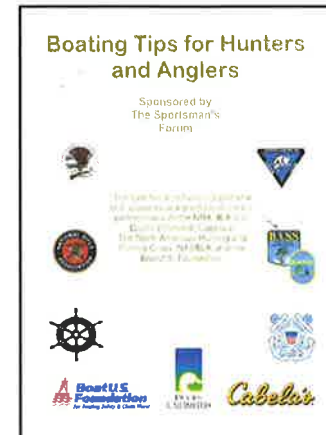


Image courtesy BoatU.S.

*The BoatU.S. Foundation, a long-time leader in boating safety education and research, assembled a handful of powerful national partners representing anglers, waterfowl hunters, outdoors retailers and state boating safety organizations. National Rifle Association, the Bass Anglers Sportsman Society, Ducks Unlimited, Cabela's, Responsive Management, the North American Hunting and Fishing Clubs, the National Association of State Boating Law Administrators and the BoatU.S. Foundation came together to become the Sportsman's Forum.*

this goal, the Sportsman's Forum was established. Created in 1999 through a Coast Guard grant, the Forum consists of various organizations that are well-suited to bringing boating safety messages to hunters and anglers who use boats.

In addition to this guide, over the past four years, the Sportsman's Forum has conducted two focus groups to gauge the attitudes of sportsmen toward boating safety, filmed public service messages for ESPN, conducted educational presentations, and spent a quarter of a million dollars toward targeting advertising and outdoor sports sponsorship.

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## Marine Safety Foundation Studies Boating Accidents

The largest single source of risk in recreational boating is human error. Yet most of the behavioral shortcomings which lead to recreational boating accidents do not appear in the statistical summaries presently employed in the analysis of risk. Inability to identify these shortcomings hampers the ability to address them in boating safety efforts.

In an effort to identify possible priorities and directions for boating safety programs, the Marine Safety Foundation contracted with Dr. A. James McKnight, president of Transportation Research Associates, to conduct a study of human-error causes in boating

three-year period. The narratives of accident investigation reports, available through the computerized national Boating Accident Report Database (BARD), were a primary source of human-error information.

As principal investigator, McKnight has found that boating accidents resulting from human-

**The largest single source of risk in recreational boating is human error. A study has found that boating accidents resulting from human-error causes vary by boat type.**

A prototype human-error coding system, which is an outgrowth out of this effort and could become a permanent part of BARD, is presently undergoing trial in six states.

This work is being supported by a multi-year grant to the Marine Safety Foundation from the Aquatic Resources (Wallop-Breaux) Trust Fund administered by the U.S. Coast Guard.

McKnight's report is posted on the Marine Safety Foundation website at [www.marinesafety.org](http://www.marinesafety.org). Additional information can also be obtained from B. W. (Tom) Thompson, Marine Safety Foundation, 5050 Industrial

# Pennsylvania Waterways Conservation Officers Receive Grant Funding

Pennsylvania Fish and Boat Commission's Bureau of Law Enforcement received a \$20,000 grant for boating-under-the-influence enforcement tools with the support of the Pennsylvania DUI Association, Mothers Against Drunk Driving, the Pennsylvania Department of Transportation and several other related organizations.

The bureau's director, Thomas J. Kamerzel, said this funding would provide 36 pre-arrest breath-testing devices and 12 handheld video cameras to some of the 80 waterways conservation officers who are statutorily responsible for enforcing public safety on the commonwealth's extensive waterways system including operating a watercraft while under the influence of alcoholic beverage and/or controlled substances.

Because the Commission, unlike most other state agencies, receives no funding from the General Assembly and operates primarily on the revenue generated from the sales of fishing licenses, trout stamps, boat registrations and other related permits, this grant funding provides the waterways conservation officers with law enforcement equipment essential to their job. Only about half of the officers will now have a pre-arrest breath-testing device that most land-based police officers have been issued for a long time to aid in the DUI enforcement.

As the waterways conservation officers are gradually issued pre-arrest breath testing devices and more frequent training in the

detection, apprehension and prosecution of impaired watercraft operators, the number of BUI arrests increase. Waterways conservation officers and their deputies made almost 80 BUI arrests this past boating season, which is only about four or five months of the year.

Operating a watercraft while impaired by alcoholic beverages and controlled substance, like DUI, is a criminal offense in Pennsylvania with convictions resulting in fines up to \$7,500, a mandatory prison term, and the loss of boating privileges for a least one year. Repeat offenders are subject to more severe fines and prison terms.



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## New Sites needed for BoatU.S. Foundation Life Jacket Loaner Program

Now through February 21, 2003, the BoatU.S. Foundation for Boating Safety & Clean Water is looking for new outlets to become lending sites for its free Life Jacket Loaner Program. The program loans out children's life jackets to boaters – from readily accessible sites such as marinas, launch ramps and other waterfront businesses – who have a temporary need for a life jacket for the day or weekend. Funding for the program comes from BoatU.S. member donations.

Presently, more than 300 clubs and businesses participate as Life Jacket Loaner Program sites. The loaner life jackets come in kits of 12

jackets, and include signage and an easy-to-use sign-out sheet to track usage. Three sizes are included for kids up to 90 pounds.

"Our Life Jacket Loaner Program sites have loaned out life jackets over 50,000 times since the program began in 1997," said Ruth Wood, executive director of the BoatU.S. Foundation. "That number will only increase as new U.S. Coast Guard (USCG) interim rule takes effect in 15 states currently without child life jacket laws."

Effective Dec. 23, 2002, the new rule requires children in those states under age 13 on boats

underway to wear a U.S. Coast Guard approved life jacket that fits. Life jacket laws in the other 35 states remain unchanged. For more information on the laws in your state and to download an application to become a Life Jacket Loaner Program site, please visit [www.boatus.com](http://www.boatus.com).

The BoatU.S. Foundation for Boating Safety & Clean Water is a non-profit organization of BoatU.S. – the nation's largest recreational boating association with over 535,000 members.

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## Teens Get Life Jackets for Boating Safety, Environmental Education Programs

Last fall, hundreds of teenagers who took part in boating safety and clean water educational programs across the country received new life jackets thanks to the BoatU.S. Foundation for Boating Safety & Clean Water.

Through the pilot program Teens Afloat, organizations such as Boy Scouts, 4-H, and other non-profit community groups were able to purchase teen-sized life jackets at \$5 each – two-thirds off the usual retail of \$15 – for use with their on-the-water programs. Thirty-five organizations in 20 states were selected to participate. Groups also received activity guides on boating safety and clean water.

"The groups we selected to participate each fill an important role in their community by



Photo courtesy Mustang Survival

teaching safe boating or environmental stewardship," said Ruth Wood, executive director of the BoatU.S. Foundation. "A goal of the program is to help these groups do both."

The BoatU.S. Foundation administered the program and awarded 1,000 life jackets with the financial support of the Brunswick Public Foundation.

The BoatU.S. Foundation for Boating Safety & Clean Water is a non-profit organization of BoatU.S., the nation's largest recreational boating association with over 535,000 members.

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# Boating Safety in Limelight

Across the nation, boating safety officials, politicians and others continue the push for safer waters.

## Arizona targets intoxicated boaters

Last summer, Arizona's legal blood-alcohol level dropped from 0.10 to 0.08 and enforcement increased as Arizona Game and Fish officers, National Park Service officers and local sheriff's police patrolled waterways to reduce the instances of boaters operating a vessel under the influence.

Coordinating the efforts in small groups, and with their Utah counterparts, law enforcement officials spread out across Lake Powell summer to crack down on violations of a whole range of boating regulations, from speeding and vehicle registrations to improper life vests and flotation devices.

"Our point was not to give people a hard time out there," said Lt. Ron Anderson of the sheriff's police. "We tried to limit the time of contact with individuals and not detain them any longer than necessary. We wanted to make sure everyone was enjoying themselves in a safe and responsible manner."

In one five-hour sweep of the lake, 139 boaters were stopped, with only 10 citations issued, and none for operating under the influence (OUI), said Anderson.

"Anytime we don't have to arrest anyone for OUI, that's a good thing," added Anderson. "That means people are out there enjoying themselves and acting responsibly."

## Arkansas Bill Addresses Boat Safety

Arkansas' boaters would be required to use kill switches if their boats have them, according to a bill filed by Rep. Shirley Borhauer, R-Bella Vista.

State lawmakers began filing bills and resolutions Nov. 15 in anticipation of the upcoming regular session that begins Jan. 13.

A similar bill was included in an overall boating safety bill during the 2001 legislative session, but it failed in the Senate.

"This is a pretty simple bill," Borhauer said after

attached to the motor operator's clothing using a cord. When the person falls, the switch is pulled and the engine stops.

Borhauer said she filed the bill because of fatal boating accidents on Lake Bella Vista where the victims fell from their boats and were then struck by the water craft, which kept running.

She said she would be surprised if people oppose her proposed law.

"If you don't own a boat, why do you care about this bill?" she asked. "If you do own a boat, don't you want to be safe?"

## California Passes Boating Safety Bill

Beginning January 1, 2003, persons in California convicted of any vessel moving violation are required to pass a boating safety course. Under previous law, convictions for reckless and negligent operation, violating

Across the nation, boating safety officials, politicians and others continue the push for safer waters.

personal watercraft law, and violating the federal rules of the road were omitted from the safety course requirement.

The new requirement results from AB 2005 (Nakano), a bill sponsored by the California Department of Boating and Waterways and passed by the legislature and signed by Governor Davis.

"Targeting persons convicted of boating law violations educates those most in need of boating safety knowledge," said Raynor Tsuneyoshi, director of the Department of Boating and Waterways.

AB 2005 makes the nighttime-prohibition hours for personal watercraft operation the same as for water skiing – sunset to sunrise – instead of one-half hour after sunset to one-half hour before sunrise.

"Existing law was confusing for boaters and law enforcement officers alike, so we changed it to

## Pennsylvania Enacts Boater Education Bill

Pennsylvania Governor Mark Schweiker signed Senate Bill 463, which expands the commonwealth's mandatory boating safety education program.

Sponsored by Sen. Richard Kasunic (D-Fayette), the bill requires the Pennsylvania Fish and Boat Commission to establish a mandatory boater safety education program for boaters born on or before January 1, 1982.

It provides that persons born on or after Jan. 1, 1982 shall not operate certain motorboats on Pennsylvania waters without first obtaining a boating safety education certificate.

The bill passed the Senate by a 48-1 vote and the House by a 170-24 vote and was signed by the governor on Dec. 9.

The bill contains an effective date provision, which specifies it takes effect 60 days after enactment, meaning the new requirements will be effective for the 2003 boating season in Pennsylvania.

Senate Bill 463 represents a major step forward in seeking to ensure that operators of motorboats have completed a basic boating safety course and have a sound familiarity with the rules of the road of boating and safe boating practices.

According to Peter A. Colangelo, Executive Director of the Pennsylvania Fish and Boat Commission, "The actions of the General Assembly in approving Senate Bill 463, which provides for a new mandatory boating education program, means that our waterways will be safer and our boaters better informed. I want to give special thanks to Senator Rich Kasunic for his hard work on this bill. Senator Kasunic has introduced similar legislation at least three times before but it never won final approval by both houses of the General Assembly. But Senator Kasunic just would not give up his efforts to improve boating education in Pennsylvania. With the help of Senator Ed Helfrick and leaders of the House and Senate, this time the bill passed. Senator Kasunic has launched us toward to goal of expanded boating safety education in Pennsylvania," Colangelo concluded.

## New American Canoe Association Executive Director Takes the Helm

Pamela Dillon, an avid paddlesports enthusiast, has joined the American Canoe Association (ACA), as the organization's executive director.

This move follows 27 years with the Ohio Department of Natural Resources Division of Watercraft (ODNR), where she served as deputy director since 1996.

During her tenure with the Division of Watercraft, Dillon helped develop the Ohio River Rescue Training program, the first state-sponsored training program of its kind in the United States.

From 1990 through 1993, Dillon served as the project director for the ACA to develop and implement the National Livery Safety System. With her leadership, the ACA produced this project under a grant by the U.S. Coast Guard and in partnership with the Professional Paddlesports Association, formerly the National Association of Canoe Liveries and Outfitters (NACLO). In November 1993, she received the ACA Commodore's award in recognition of this work.

"As a professional boating program administrator and boating educator, I am thrilled to serve as executive director of the American Canoe Association," Dillon stated. "I have been affiliated with the ACA for many years as a volunteer and I look forward to merging my professional skills and experience with my passion for paddlesports."



*Pam Dillon, former Ohio Department of Natural Resources Division of Watercraft deputy chief, has joined the American Canoe Association's professional staff as the association's executive director. An avid paddlesports enthusiast, Dillon has been affiliated with the ACA for many years as a volunteer and looks forward to merging her professional skills and experience with her passion for paddlesports.*

*Photo courtesy American Canoe Association*

As executive director, Dillon will strive to realize the ACA's vision to be the undisputed national leader in paddlesport promotion, advocacy, information and instruction. She will ensure that the ACA continues to be responsive to the ever-changing face of paddlesport.

Further, she will foster an organization in which the members actively participate in its success.

Dillon added, "ACA's former executive director, Jeff Yeager, worked with the Board of Directors, ACA membership, stakeholder and partner organizations, and the incredible ACA staff to build a strong foundation for future ACA growth and relevance. I feel privileged to take the helm of this 122-year-young organization to help steer the course for continued and future success."

In addition to her award from the ACA, Dillon has received national recognition for her work from the National Safe Boating Council, the National Association of State Boating Law Administrators, the U.S. Coast Guard, the National Water Safety Congress, the National Association of Canoe Liveries and Outfitters (now the Professional Paddlesports Association), and the United States Power Squadrons. She has also received a number of state awards.

Dillon's most recent award honors her success in leading the ODNR Division of Watercraft officers in providing a record number of on-water boat patrol hours and a record number of drunk boating arrests. For these accomplishments she was presented with the department's 2002 Administrator of the Year Award.

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## Muldoon Honored with NASBLA President's Award



*Newly elected NASBLA President Alvin Taylor presents NBSAC Chairman James Muldoon with one of the Taylor's Special Awards. Muldoon was selected to receive the award by NASBLA's Immediate Past President Steve Hall for his dedication to boating safety and his work in acquiring equitable funding for boating safety programs.*

*Staff photo*

Each year, the president of the National Association of State Boating Law Administrators (NASBLA) may single out individuals for their contributions to organization and boating safety and honor them with the NASBLA President's Special Award.

In 2002, NASBLA President Steve Hall selected Jim Muldoon, chairman of the U.S. Coast Guard's National Boating Safety Advisory Council (NBSAC), member of the U.S. Sailing Association and member of the American League of Anglers and Boaters (ALAB), to receive one of these esteemed awards.

Muldoon has been a champion of boating safety, both as chairman of NBSAC and as a member of ALAB. In addition, he has worked tirelessly in support of full funding and reauthorization of the Aquatic Resources (Wallop-Breaux) Trust Fund. As chair of BSAC since 1998, Muldoon has done an outstanding job in keeping the Council on task to make boating safer and more enjoyable through their important advice to the Coast Guard.

*(Editor's note: For information about other awards that were presented during NASBLA's annual conference, see "NASBLA Conference Held in Cleveland" in the November/December 2002 Small Craft Advisory.)*

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## Mississippi Officers Recognized for Outstanding Service

Mississippi Department of Marine Resources Executive Director William Walker recognized three state marine patrol officers with awards for Outstanding Community Service.

The three officers – Walter J. Chataginer Sr., Kyle Wilkerson and Jack Ewing Jr. – put themselves at considerable risk to secure a shrimp vessel that had been blown into power line towers near the old D'Iberville bridge on Biloxi's Back Bay during Tropical Storm Isidore, averting a disastrous situation that may have resulted in a power blackout throughout Biloxi.

The State Marine Patrol responded to the call for assistance at 8:30 a.m., Sept. 26, 2002. A 68-foot shrimp boat, the Donny Boy, which had grounded the day before between the old D'Iberville bridge and the I-110 bridge on Biloxi's Back Bay, had been pushed across the channel overnight by the strong winds of Tropical Storm Isidore and was pressing against the power line towers and their supporting cables. The power lines at this location, each carrying 110,000 volts of electricity, feed the city of Biloxi.

Despite 40-mph wind gusts, the officers successfully secured the shrimp boat to the concrete support structure to keep it from ramming the power line towers. Because of the size and weight of the vessel, Mississippi Power Company brought a tugboat to remove the vessel the next morning. Had the boat brought down the power line towers, it would have caused a power blackout for Biloxi residents south of the Bay and resulted in burned properties and possibly loss of lives.



(ABOVE) The Mississippi Department of Marine Resources presents awards to three state marine patrol officers for their efforts during Tropical Storm Isidore. From left, Walter J. Chataginer Sr., DMR Executive Director William Walker, Jack Ewing Jr. and Kyle Wilkerson.

*Photos courtesy Mississippi Department of Marine Resources*

(RIGHT) During Tropical Storm Isidore, marine patrol officers Walter J. Chataginer Sr., Kyle Wilkerson and Jack Ewing Jr. work to secure the Donny Boy and prevent it from bringing down a pair of power line towers in Biloxi's Back Bay.



## Alabama Teenager Receives Coast Guard Silver Lifesaving Metal

Lukas Clinton Dunkin, a University of North Alabama sophomore, was awarded the Silver Lifesaving Medal by the U.S. Coast Guard for heroic action for saving the life of a local angler.

Dunkin was awarded the medal at a campus ceremony on November 11, 2002.

Dunkin, 19, of Lawrenceburg, Tenn., is a college student at UNA majoring in management. On October 26, 2001, he was fishing alone from a 16-foot aluminum fishing boat below Wheeler Dam on the Tennessee

Newman showed no signs of life and was pale and floating motionless in a facedown position. Struggling against the stormy river conditions, Dunkin was able to get Mr. Justice into his boat and skillfully made way to Safety Harbor, where he rendered first aid until paramedics took the victim to the hospital.

The Silver Lifesaving Medal citation, signed September 4th, 2002 by Admiral Thomas H. Collins, commandant of the U.S. Coast Guard, is the second highest award a civilian can receive for acts of heroic deeds or risk of life.





By Commodore Warren E. McAdams  
USCGAUX, National Directorate Commodore for Recreational Boating Safety



## Waterways Management – Omnibus Issue

The term waterways management may be used to describe many areas of focus for government agencies and the public. And, it is not just the boating portion of the public that has interests in this area. People that have an interest in water and waterways from a variety of viewpoints may be active in advancing concerns or representing particular points of view.

Waterways management may refer to methods of providing navigation safety among large transportation vessels. It may also include concerns about how to safely provide for the mix of recreational boats and large commercial carriers in the same areas. Nowadays, waterways management includes homeland security concerns such as naval vessel security zones, bridge security and nuclear plant security.

Waterways management may include protection of aquatic species such as manatees and migratory waterfowl. On the flip side of that concern is the growing problem associated with the control of invasive species, introduced into our waters from around the world. Dredging to maintain navigation or improve waterfront properties creates many problems. Digging in areas that are contaminated or using contaminated fill must be managed.

Fishing, both commercial and recreational, creates a whole listing of concerns. Various species must be monitored to prevent serious depletion. Spawning areas and seasons often are identified and controlled. Practices that have deleterious impacts on species other than those being fished sometimes require control and regulation.

Both recreational boaters and commercial transporters may have environmental impacts. Marinas may get involved in controlling overboard discharges and providing pumpout stations. Commercial shippers may have impacts associated with bilge water discharge and other types of spills or discharges.

Cruise ships and coastal or inland excursion vessels create waste management scenarios that require definition and management. With technology advances and people's growing interest in outdoor recreation, the mix of pleasure craft is becoming more complex. From canoes and kayaks to performance boats and personal watercraft there is a wide range of speed and maneuverability. Waterways management involves more than I have listed thus far but let me move on.

Anyone involved in the pursuit of recreational boating safety may be interested or work in one

or more of the areas mentioned above. However, some areas should receive proactive involvement for recreational boaters.

Harbor safety committees are growing in popularity. While some have existed for years, the pressures on crowded waterways are causing commercial interests in particular to form groups that seek to regulate and control pleasure boats. While the concerns are legitimate, harbor safety committees should include representatives from the recreational boating community. If not, rules may be put in place that will push various groups into conflict situations or competition for legislative remedies.

State or regional recreational boating councils are strong in some areas and have enormous potential. While they may be formed initially to address recreational boating safety issues, the councils can also branch out into environmental work or other areas as they mature and evolve.

While the concerns are many, the key is make use of proactive groups to address conflicts and concerns in a cooperative fashion. The alternatives to cooperation are unlikely to truly benefit any group using our waterways.

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## National Marina Day Gains Further Support

National Marina Day continues to gain support, as seven of last year's event sponsors and one new sponsor have joined ValvTect Petroleum Products in pledging sponsorship of the 2003 program.

Produced by the Marina Operators Association of America (MOAA), National Marina Day is an annual nationwide celebration of America's marinas. National Marina Day will be observed on Aug. 9, 2003.

Premier Materials Technology is the first new sponsor of National Marina Day 2003, and joins renewing sponsors ValvTect Petroleum Products, Atlantic Meeco Inc., Universal Insurance Services, EZ Dock Inc., EMP Industries, Onyx-Mansfield Energy Services, Mainas International and Bellingham Marine Industries.

"MOAA is grateful to these companies for their generous sponsorship of the second National

Marina Day," commented MOAA Executive Director James L. Frye. "Through their support of the National Marina Day program in 2003, these companies are continuing their tradition of supporting marina operators and owners by underwriting efforts to educate the citizens of waterfront communities as to the important role marinas play as gateways to boating and as stewards of the environment."

MOAA will officially kick off the 2003 NMD campaign in March with a one-page bulletin inserted into that month's edition of MOAA Messages elaborating on the 2003 NMD themes and offering suggestions on how member marinas can join in the NMD celebrations. More in-depth materials will follow in the months leading up to the event.

Over the next few weeks, MOAA will be soliciting for National Marina Day 2003 sponsors. State associations and companies interested in sponsoring National Marina Day

should contact MOAA Manager of Communications Stephen Wakefield by calling 202.721.1622 or e-mailing [swakefield@nmma.org](mailto:swakefield@nmma.org).

MOAA represents a diverse membership of over 850 marinas, boatyards, yacht clubs and public/private moorage basins, and suppliers of equipment and services to this industry across the United States.

MOAA members provide tens of thousands of recreational boaters each year the wide variety of goods and services, ranging from fuel and oil sales to boat repairs and food and lodging, that allow recreational boating to continue to grow in popularity.

For more information about the organization, visit the Marina Operators Association of America website at [www.moaa.com](http://www.moaa.com).

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*Capt. Scott Evans  
Chief Office of Boating Safety*



## Waterways Mangement Involves Varied Issues

Our nation's waterways are constantly facing new challenges. Factors including increased use of our ports and waterways by commercial vessels, both foreign and domestic, the advent of high-speed ferries, and an increasing recreational boating population raise issues such as user conflicts, environmental impact and homeland security concerns. The impact of these issues reaches beyond our waterways to affect virtually everyone in this country.

The Coast Guard's Office of Waterways Management is working on an initiative to involve all stakeholders in issues related to the Marine Transportation System (MTS). As part of that effort, a Recreational Boater Engagement Workshop was held to obtain input from many of the major players in the recreational boating world. The sponsors were overwhelmed by the knowledge and experience of the attendees and extremely pleased with the quality feedback that was provided. The Waterways Management folks already knew that they would like to have the boaters' input on MTS issues, but the workshop showed them just how very much they need the input and support of the recreational boaters.

One of the action items resulting from the workshop was to get the recreational boating community more involved with Harbor Safety Committees (HSC). To date, there are approximately 100 Harbor Safety Committees around the country, most located in major port cities. These committees are either federally mandated, state mandated, or locally organized. The committees are supposed to encompass those that have a stake in the local port, including shipping interests, environmental groups and the recreational boater.

While not by design, most of these committees have been dominated by the commercial vessel and facilities operators. This is due in large part to the lack of participation by the recreational boating community, who in some instances may not even be aware of the existence or

learned to establish future subcommittees throughout the nation. We envision these subcommittees to be made up of members from organizations such as the U.S. Coast Guard Auxiliary, United States Power Squadrons, the National Boating Federation (and members from local yacht clubs and marinas), the National Safe Boating Council, marine dealers, and anyone else with an interest in the boaters' issues in a particular port area. This group will then designate representatives to carry the issues to the HSC.

We have also discovered that there are some cases where states may be involved in HSCs but may not be including their boating law administrators (BLAs). We strongly urge the BLAs to actively participate on HSCs, and possibly even on the Recreational Boating Subcommittees. The influence an HSC has on decisions involving multiple-use waterways is substantial.

Homeland security is yet another important issue that needs to be addressed. Our waterways are a vital part of the country, and they must be protected. The Coast Guard or any single state alone cannot accomplish this job. Even with our combined efforts, effective protection of our waterways must include the active participation of the boating public. We must reach out to them, educate them on what to look for and how to report suspicious activities, and – most important – listen to them. Americans are always ready and willing to protect their homeland, but often they must be invited to participate so as not to feel they are interfering with government efforts.

Most often people tend to boat where they live, and as such they are somewhat familiar with the characteristics of the waters on which they boat. An event about to commence may entice boaters into unfamiliar waters. This is the Lewis and Clark Bicentennial Commemoration, which kicks off on January 18, 2003, and will run for four consecutive years. We believe that large numbers of people

waterways. We want to preclude the possibility of a tug and barge rounding a corner and unexpectedly encountering a large flotilla of small recreational craft (many of which will be operating in an unfamiliar area under unfamiliar conditions).

From a waterways management perspective, all events associated with the Lewis and Clark Bicentennial that are to take place either on or adjacent to the water may require permitting from either the Coast Guard or the state. Permitting is not just an exercise in multi-form governmental bureaucracy; it actually starts a process to notify all concerned parties on what is going to take place, what safeguards are in place, and who is responsible. It essentially opens a communications channel to help prevent unpleasant surprises, as well as providing an appropriate response plan should things go wrong.

Please encourage event planners to submit applications for permits for all activities on or near the water. Even if they don't think they meet the criteria for requiring a permit, tell them to submit an application anyway. It is better to submit an application and have the issuing authority decide it is not needed than to not submit an application and find out too late that one was indeed required. Failure to be appropriately permitted can result in fines and even closure of the event.

With marine trade expected to nearly triple in the next 20 years, port infrastructures aging and undersized, ships increasing in size and speed, and a conservative estimate of a 65 percent growth in recreational boaters to more than 130 million by the year 2020, our waterways are more important to us than ever before. They are also threatened more now than ever before because of growth and associated environmental impacts, as well as the very real security threat to our homeland.

We face many challenges and some hard choices, but if our waterways are to survive we

# 2003 RECREATIONAL BOATING SAFETY CALENDAR

## FEBRUARY

**10 - 14**  
NASBLA  
National Boating Accident Investigators'  
Level One Training  
Dallas, Texas  
859.225.9487

**22**  
NASBLA Numbering & Titling  
Committee Meeting  
Panama City, Florida  
859.225.9487

**23 - 27**  
International Association of  
Marine Investigators  
Annual Meeting  
Panama City, Florida  
978.392.9292

## MARCH

**14**  
NASBLA Law Enforcement  
Committee Meeting  
Cincinnati/Northern Kentucky  
859.225.9487

**15**  
NASBLA BAIRAC  
Committee Meeting  
Cincinnati/Northern Kentucky  
859.225.9487

## MARCH CONTINUED

**16**  
NASBLA Boats & Associated Equipment  
Committee Meeting  
Cincinnati/Northern Kentucky  
859.225.9487

**17 - 21**  
NASBLA  
National Boating Accident Investigators'  
Level One Training  
Vancouver, Washington  
859.225.9487

**29 - April 3**  
Southern States Boating  
Law Administrators Association  
Annual Conference  
Mobile, Alabama  
334.353.2628

## APRIL

**7 - 11**  
NASBLA  
National Boating Accident  
Investigators'  
Level One Training  
Chicago, Illinois  
859.225.9487

**12**  
NASBLA Education  
Committee Meeting  
Las Vegas, Nevada  
859.225.9487

**13 - 16**  
International Boating &  
Water Safety Summit  
Las Vegas, Nevada  
740.666.3009

**26 - 30**  
National Boating Safety Advisory Council  
Meeting  
New Orleans, Louisiana  
202.267.0950

## MAY

**2 - 3**  
NASBLA Waterways Management  
Committee Meeting  
Portland, Oregon  
859.225.9487

**4 - 7**  
Western States Boating Administrators  
Association  
Annual Conference  
Portland, Oregon  
503.373.1405

**5 - 9**  
NASBLA  
National Boating Accident Investigators'  
Level One Training  
Harrisburg, Pennsylvania  
859.225.9487

**7 - 11**  
U.S. Power Squadrons  
Spring Governing Board Meeting  
New Orleans, Louisiana  
888.367.8777

**17 - 23**  
National Safe Boating Week  
740.666.3009

## JUNE

**8 - 11**  
Northern Association  
of Boating Administrators  
Annual Conference  
Bar Harbor, Maine  
207.287.2766

**14 - 17**  
Personal Flotation Device  
Manufacturers Association  
Annual Meeting  
St. Petersburg Beach, Florida  
312.946.6280

## SEPTEMBER

**3 - 7**  
U.S. Power Squadrons  
Fall Governing Board Meeting  
Reno, Nevada  
888.367.8777

**20 - 24**  
NASBLA  
Annual Conference  
Virginia Beach, Virginia  
859.225.9487

### Following is the editorial calendar for Small Craft Advisory:

Issue	Focus	Submissions due
Mar/Apr 2003	Needs Assessment	December 18, 2002
May/Jun 2003	Environment	February 19, 2003
Jul/Aug 2003	Personal Watercraft	April 23, 2003
Sept/Oct 2003	Education	June 18, 2003
Nov/Dec 2003	Boating Law Enforcement Officers	August 20, 2003

*NASBLA welcomes information about boating-related conferences that would appeal to a national audience. Please e-mail information to [editor@nasbla.org](mailto:editor@nasbla.org).*



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