

APPROVED MINUTES - BOATING ADVISORY COUNCIL

Tuesday, March 14, 2023

2:00-4:00 PM

This meeting was held in-person and online.

<i>Join the meeting in-person:</i>	<i>Join the meeting virtually:</i>
Utah Department of Natural Resources 1594 W North Temple Auditorium Salt Lake City, UT 84116	Google Meet Video Conference link was provided in the meeting notice as well as the YouTube 'LIVE' stream: https://youtube.com/live/b7C26Wd6xcl

To watch or listen to the committee,

CLICK HERE: <https://www.youtube.com/watch?v=b7C26Wd6xcl>

2:00 pm

ACTION

1. Welcome

1.1 Call to Order

At 2:01 PM, Vice Chair Brett Olsen called the meeting to order.

1.2 Attendance and Introductions

At 2:02 PM, Vice Chair Brett Olsen called attendance.

Attending in-person:

- Lana Visser
- Vice Chair Olsen
- Robert Peat
- Craig Walker
- Ty Hunter (Division of Outdoor Recreation staff)
- Jason Curry (Division of Outdoor Recreation staff)
- Steve Bullock (Division of Outdoor Recreation staff)

- Shane Stroud (Assistant Attorney General)

Attending virtually:

- George Sommer
- Austin Isbell (Division of Outdoor Recreation staff)
- India Nielsen Barfuss (Division of Outdoor Recreation staff)

Excused:

- Richard Walsh, who has stepped down as chair and saline representative
- Bill Mason, who is the motorboat representative

Absent:

- Trent Hickman
- Jason Taylor

At 2:03 PM, Vice Chair Olsen declares a quorum.

1.3 Approval of Agenda

Vice Chair Olsen calls for a motion to approve the agenda

Robert Peat makes a motion to approve the agenda

Lana Visser seconds the motion.

All in attendance vote aye to approve the agenda.

Agenda approved unanimously.

1.4 Approval of March 8, 2022 draft minutes

Vice Chair Olsen calls for a motion to approve the minutes of the March 8, 2022 meeting

Robert Peat makes a motion to approve the minutes of the March 8, 2022 meeting.

Lana Visser seconds the motion.

Staff explain how to properly turn on the microphones.

All in attendance vote aye to approve the minutes of the March 8, 2022 meeting.

Meeting Minutes approved unanimously.

1.5 Public comments welcome at this time

At 2:04 PM, Vice Chair Olsen calls for public comment.

No public comments are made.

INFORMATION

At 2:04 PM, Vice Chair Olsen yields the time to Ty Hunter, Boating Program Manager, for information and updates.

- There have been a lot of changes, including the legislative separation of State Parks and Recreation, and the renaming of the Division of Recreation to the Division of Outdoor Recreation and the Boating Program.
- The Boating Advisory Council is still standing; there is a sunset in statute for next year; looking for the sunset to be removed during the 2024 session.

2. Welcome and Introduce Director Jason Curry

- At 2:06 PM, Ty turns the time over to the new Director, Jason Curry.
- Director Curry thanks the members of the Council for their time serving on the Council. Boating is a big deal in Utah and the popularity is only going to go up.
- Ty will talk about some of the updates from the legislative session.
- Director Curry says he appreciates the group and is looking forward to full membership again.

2.1 Boating Program & Division of Outdoor Recreation Status/Updates

- At 2:07 PM, Ty gives an overview of the agenda and then updates on the Boating Program, including changes to staff and Council Secretary.
- With the new Division being created, the DOR has been able to stand up a small law enforcement team. Ty introduces the DOR Chief of Law Enforcement, Steve Bullock.
- Chief Bullock explains when the Division of Outdoor Recreation was created, the former DOR Director, Pitt Grewe, made an agreement with State Parks to take the rangers who were primarily funded with Boating and OHV dollars from State Parks to Outdoor Recreation. DOR Rangers are located in Lake Powell, Moab, Cedar City, Weber County, Wasatch Back, and DOR has approval to hire an additional in recreational hotspots - Lake Powell, Flaming Gorge, West Desert/Tooele, Southern Utah, and another in Moab. The focus of DOR's law enforcement is boating and OHV law enforcement safety and education. State Parks rangers are still helping with boating and OHV safety and education within the Parks.
- Ty explained that a Lieutenant on the DOR law enforcement team will be helping Carrying Passengers for Hire, including visits and inspections.

2.2 Legislative session update on boating specific legislation

At 2:13 PM, Ty started giving an overview of boating related legislation from the 2023 General Session.

[HB299 \(4th Substitute\) Boating Amendments](#) (effective January 1, 2024). Diverts 50% of the uniform fee on vessels <31 feet to fund the Utah Boating Grant; provides for the administration of the Grant by the Division of Outdoor Recreation; this is similar to the OHV Recreation Grant. It will likely be \$9m annually.

- This is very similar to what the Off-Highway Vehicle grant did. This could move in about \$1.9m annually to grant out; the Boating Advisory Council will make suggestions on the grants and approve the awards.
 - At the next meeting, the Council will discuss the rule(s) that will govern what the selection process will be for this boating grant.
 - DOR will be recodifying 26 or 27 Administrative Rules to put them under Outdoor Recreation instead of Parks. Ty clarifies that if conversation on this subject occur via email, the Council should be careful around requirements of the Open and Public Meetings Act.
 - HB299 also clarifies that an individual *may* sit on a backward-facing stern seat of a v-drive vessel while an individual is behind the vessel if:
 - (A) the vessel is a v-drive vessel with the propeller underneath the vessel;
 - (B) the individual sitting in the seat is 16 years old or older;
 - (C) the vessel is operating at less than 15 miles per hour; and
 - (D) the vessel's engine is built on or after July 1, 2017, or the vessel has installed a surf pipe or other extended exhaust system that puts exhaust in the water while under power
- Ty gives additional context about the bill.

At 2:18 PM, Ty called attention to [S.B. 2](#) New Fiscal Year Supplemental Appropriations Act, which gives funding for a Boating & Off-Highway Vehicle Education Specialist. The Division of Outdoor Recreation will be diverting \$50,000 from the Boating Restricted Fund and \$50,000 from the OHV Restricted Fund to pay for that position.

At 2:18 PM, Ty gives an overview of [SB112 \(2nd Substitute\) Aquatic Invasive Species Amendments](#) by Senator Sandall (Effective July 1, 2023)

- Clarifies that the AIS fee is separate from the registration process. - This makes Utah in compliance with the federal code of regulations.
- Creates a decal to be displayed before launching and operating on the waters of the State.
- Residents and Non-residents must take the AIS education course
 - Discussion occurred among the Boating Advisory Council about the timing of this course and they believe it will be an annual education course
- Resident fee will be \$20 and the non-resident fee will be \$25 and can be paid online or at the time of registration with an opt-in process.
 - A council member asked for clarification on the opt-in process and Ty answered about penalties at the time of launching while noting there is more work to be done.
 - Ty explained that this is a bifurcation of fees to be in compliance with federal code; registration can only be contingent upon state and local taxes, tilting, and insurance.
- The fee is showing to be \$10 more than what it had been for the residents; that fee. Ty states DOR has agreed to lower the State registration fee by \$10 to create a revenue neutral bill and there will be no additional cost to the boater; there are conversations about a multi-tiered state registration fee.
 - Robert Peat has a clarifying question about nonresidents paying a decon fees(s)
 - Craig Walker answers: the only decon fees he's aware of are for transient moored boats being transported long distances
 - Robert Peat comments complex boats are being forced to another location for the decon and clarified his question is will the sticker put people under a false pretense they won't have to pay for decon
 - Craig Walker clarifies this bill does not deal with that, only your ability to launch.
 - Vice Chair Olsen asks if this will be within a calendar year or with registration timelines (i.e., 365 days from the date of purchase). Ty believes it is a calendar year, Craig isn't sure. Director Curry steps up to the microphone to clarify what the law says: The Division [of Wildlife Services] shall collect the AIS fee imposed and in cooperation with the Division of Outdoor Recreation and in conjunction with the registration process, i.e., 365 days from the date of purchase.

2.3 Open Public Meeting Training and resolution introduction

At 2:28 PM, Ty turns the time back to Vice Chair Olsen who turns the time over to Shane Stroud, Assistant Attorney General, to talk about Open and Public Meeting training and resolution

- Shane presents a training on the Open and Public Meetings Act. Shane's slides can be found [at this link](#). The law requires this Council to be trained annually.
- The law generally requires four things: proper noticing of meetings, the ability for public to attend, transacting business in an open and transparent manner, and good record keeping.
- Shane provides OPMA annual training to the Boating Advisory Council, including information on: a quorum, closing a meeting and how to comply: if there's a quorum present and action will be taken, it likely is considered a meeting and must be properly agenda-ed, If you are holding an electronic meeting, consult your electronic meeting policy (which will be discussed today), Ensure proper noticing requirements and make sure to include all items of business and all action items. If an item isn't on the agenda, you can discuss it but you cannot take action / vote on it. You must keep an audio or audio/video recording of the meeting and keep minutes. You must keep copies of all materials introduced. The biggest way to run afoul of the law is taking action during a non-properly noticed meeting. Take votes by roll call whenever holding an electronic meeting. Don't conduct business at social gatherings or site visits. You do not have to allow disruptive behavior.
- Vice Chair Olsen asks a clarifying question about conducting votes. Shane uses the question to segue into the Council's electronic meeting draft resolution and what the resolution states.
 - At 2:44 PM, in answer to the Vice Chair's question, Shane states unless the vote is unanimous, you must take the vote by roll call (and it is generally best practice)

ACTION

3. Electronic Meeting Resolution

At 2:46 PM Vice Chair Olsen calls for a motion to adopt the electronic meeting resolution. Robert Peat makes a motion to adopt the electronic meeting resolution; Lana Visser seconds the motion.

All in attendance vote aye to adopt the electronic meeting resolution.

3.1 Review of Boating Access Grant Applications

At 2:47 PM, Vice Chair Olsen moves to item 3.1 on the agenda and turns the time to Craig Walker, Assistant Wildlife Program Chief, to review Boating Access Grant Applications. • Craig explains the proposal for a public-facing boating app: Craig's predecessor had goals to take inventory of boating infrastructure statewide but wasn't able to due to other duties. The hope with this would be to allocate a portion of annual budget to operation and maintenance of existing facilities. The Division of Wildlife Resources uses a software company to track boats departing from infested waters and this company is now on state contract; the company has put together a proposal to create a database that would inventory existing boating infrastructure and put infrastructure on a maintenance schedule, as well as a public-facing app so people could plan their boating trips based on amenities available. A long-term goal would also have the app dovetail with the watercraft inspection database and emulate the Fish Utah application currently used by the Division of Wildlife Resources. Craig said it would be expensive upfront but believes it would be a worthy investment. • Vice Chair Olsen asks if there was an estimate on participation or dollar amount per user. Craig answers that they surveyed anglers and Fish Utah as a model, the Fish Utah app is the number one way users get information planning a trip and deciding where to go.

- Vice Chair Olsen follows up about what would be done to ensure the participation with the app is worth the dollar per user cost. Craig answered it will be an outreach effort and since boating registration is done at one type of location, Division of Motor Vehicles, there should be partnership with DMV for targeted outreach.

3.2 Big Sand Wash Reservoir Road and Parking Improvements ([link](#))

At 2:54 PM, Craig Walker discusses item 3.2 Big Sand Wash Reservoir Road and Parking Improvements.

- Craig explains some background on boater project applicants he's been working with. Craig has emphasized the group is prioritizing investing in maintenance of facilities and pausing on actual new construction projects, though design and engineering. This Big Sand Wash proposal includes construction, therefore, Craig

suggests keeping the construction of this proposal on hold for this year to be fair to other applicants. Craig discussed this with the Big Sand Wash applicant and she is comfortable with this.

At 2:57 PM, Vice Chair Olsen calls for action on the agenda item.

George Sommer makes a motion to approve the application.

Vice Chair Olsen asks if there was discussion to the motion. Robert Peat asks a clarifying question which Craig Walker answered.

Lana Visser seconds the motion.

There is additional council discussion about the motion and application. Shane adds technical suggestions for the motion to be made.

George Sommer makes a substitute motion to table this project until next year.

Robert seconds the motion.

All in attendance vote aye to approve table this project until next year.

Shane and Vice Chair Olsen note the motion passes unanimously.

3.3 Istonish Application Development ([link](#))

At 3:00 PM, Vice Chair Olsen calls for a motion to move item 3.3 Istonish Application Development.

Lana Visser makes a motion to move item 3.3

George Sommer seconds the motion

All in attendance vote aye to move this project.

Craig Walker speaks to the project and adds additional information to the discussion that occurred with item 3.1. The cost sharing for this project would be similar to the watercraft inspection database. It would be used by multiple states as a way for states to take stock of infrastructure inventory, boating infrastructure, manage boating access, and provide a trip planning tool. The cost would be shared by all partnering states and the cost incrementally declines.

3.4 Member Term Review and New Leadership Nominations and Voting

At 3:03 PM, Vice Chair Olsen moves to item 3.4 and turns the time over to Ty Hunter. •
With staff resignations explained earlier in the meeting, some record keeping regarding

terms has been lost and Ty is turning to records kept as part of the Open and Public Meetings Act. Ty is missing start dates for George, Lana, or Brett Olsen. Ty is reaching out to members to ask if they want to extend their terms. If they do, Ty takes that information and/or recommendation to Director Curry who will advise the Outdoor Adventure Commission on the decision.

- Ty mentions the council is missing a chair and has a vice chair acting as chair. Ty mentions he would prefer that the Boating Advisory Council, rather than the Boating Program, call the meetings and reminds the council the types of decisions and awarding coming up. Ty suggests quarterly meetings instead of annual.
- Ty and Shane discuss uses allowed by the Utah Boating Grant (HB299): Subject to appropriation, money in the Utah Boating Grant Account may be used for: a) construction, repair, and replacement of a publicly owned boating facility, including a boat ramp, courtesy dock, or parking lot; (b) resource protection of waterway shorelines to prevent or minimize erosion created by vessel wave action; (c) drought access mitigation; (d) alternative access development for non-motorized vessels to decrease conflicts, congestion, and safety concerns on existing motorboat access ramps; (e) search and rescue equipment; and (f) the payment of the administrative costs of the Division of Outdoor Recreation in administering a grant under this section
- Craig asks if there is interpretation as to what “drought access mitigation” means. Ty answers: accessibility, such as chasing water with ramps. Craig expressed concerns. • Ty also explains who could apply for the grant per the bill and Shane clarifies the four types of eligible entities: a water conservancy district, a state agency, a county, or a municipality. Craig mentioned this emulates Wildlife Services’ fish restoration dollars.
- Ty voices a question from Chief Bullock about the amount DOR expects in the fund: \$1.9m annually. Craig and Ty explain how grants can be matched with other grants. The Utah Boating Grant will begin in 2024. The Division of Outdoor Recreation will look at what is already occurring with the Off-Highway Vehicle Grant for a foundation of rules and administration.

At 3:18 PM, Vice Chair Olsen opens up discussion about a potential new Chair and Vice Chair.

- Robert asks if more seats should be filled prior to selecting leadership (chair and vice chair). George agrees and wants information from Ty about which seats are up, who needs to be replaced, and these conversations/decisions can be made at the next meeting.
- Shane makes a technical recommendation of what the motion should be based on

the discussion of the committee.

At 3:21 PM, Vice Chair Olsen calls for a motion on the leadership of the council

Robert Peat makes a motion to keep Brett Olsen in the role of Acting Chair.

George Sommer seconds the motion.

All in attendance vote aye to keep Brett Olsen in the role of Acting Chair.

The motion passes unanimously.

4:00 pm

ACTION

4. ADJOURNMENT

At 3:22 PM, Vice Chair Olsen calls for a motion to adjourn.

Robert Peat makes a motion to adjourn.

Lana Visser seconds the motion.

All in attendance vote aye to adjourn.

The motion passes unanimously.