

STATE OF MINNESOTA
Department of Natural Resources

Proposed Amendments to
The Rules Governing
Personal Flotation Devices
Minn. Rule § 6110.1200, Subp.3

Statement of
Need and
Reasonableness

Introduction

The Department of Natural Resources (DNR) is proposing to amend the personal flotation device (PFD or life preserver) carriage requirements for watercraft found in Minnesota Rules, parts 6110.1200, subpart 3. The proposed amendments will bring Minnesota Rules in compliance with Federal law¹, which requires that state boating equipment regulations conform to United States Coast Guard requirements. The proposed amendments are a reasonable and necessary means to conform Minnesota's rules on personal flotation device rules with the Federal requirements, as well as those of the adjoining states. The proposed amendments parallel the new changes in the Federal requirements² and will eliminate the Type IV buoyant cushion (*see Attachment A for a description of PFD Types*) as a primary lifesaving device, and require wearable PFDs on all craft regardless of size. The proposed amendments also incorporate the long-standing Federal requirement of carrying at least one additional Type IV (buoyant cushion or ring buoy) aboard all craft 16 feet or greater in length, except for canoes and kayaks. The effective date of the proposed amendments is May 1, 1996.

Authority To Adopt Rules

The Commissioner of Natural Resources is given the authority to adopt rules for personal flotation devices under M.S. §§ 86B.211(6) and 86B.501, subdivision 1.

The Current Requirements

Under the provisions of Minnesota Rules, parts 6110.1200, subpart 3, all boats, regardless of size, are required to be equipped with a U.S. Coast Guard approved PFD for each person on board. The device may selected from any of the five types, including the throwable Type IV (buoyant cushion). The only exception to this rule is a statutory requirement for wearing Coast Guard approved Type I, II, III or V PFD's on all personal

¹ Title 46 USC 4306

² Code of Federal Regulations - 33 CFR 175 & 181 and 46 CFR 160.

watercraft (Jet Skis, Wet Bikes, Sea Doos etc.) found in M.S. § 86B.313, Sub. 1(1) which was enacted in 1991.

Need for the Proposed Rule Changes

The changes to the existing rules are being proposed for the following reasons:

- The Coast Guard issued a final rule in 1993 that changes the Federal requirements for lifesaving devices on boats less than 16 feet in length and all canoes and kayaks. This change was brought about by a 1992 comprehensive review of all recreational boating regulations by the Coast Guard's Boating Safety Advisory Council (BSAC). The BSAC consists of members from the public, the states and the boating industry. BSAC assessed the change in designs and uses of recreational craft since PFD rules were first issued in 1973 or last amended, and decided that some of the Federal requirements and exemptions were no longer valid. It was determined that wearable PFD's be adopted as the standard for all watercraft, since they have the potential to save additional lives.

- The proposed amendments would also bring Minnesota into compliance with the existing Federal regulations requiring that at least one Type IV throwable personal flotation device be aboard boats 16 feet or more in length, except for canoes and kayaks. This requirement has already been adopted by most states, including all five states adjacent to Minnesota. The proposed amendments requiring at least one Type IV personal flotation device on watercraft over 16 feet (except canoes and kayaks) are reasonable and necessary to comply with Federal requirements and eliminate confusion over the PFD requirements on both inland and interstate joint-jurisdictional waters.

- The proposed changes bring Minnesota Rules in compliance with Minnesota Statutes § 86B.313, Subd. 1, which was created by Laws of Minnesota 1991, Chapter 225, to require personal watercraft riders to wear a Type I, II, III or V type of PFD. It is reasonable and necessary to amend the rules to conform to current Minnesota law.

This change in Federal regulations impacts Minnesota in two respects. First, the change will affect many of the major water bodies in Minnesota, since they are considered as joint-jurisdictional and are subject to United States Coast Guard requirements. Examples of waters subject to Federal jurisdiction are:

- RIVERS - parts or all of the Mississippi, St. Croix, Minnesota, Rainy, Red & St. Louis,
- LAKES - Superior, Lake of the Woods, Rainy, Namakan, Saganaga,

Vermillion, Leech, Cass, Winnibigoshish, Pokegama, Bemidji, Gull & Whitefish Chains, Big Stone, Traverse and Big Sandy.

Additional, a large majority of the watercraft registered in Minnesota are either watercraft less than 16 feet in length, or canoes and kayaks.

- Since the five adjacent states are in the process of adopting, or have already adopted regulations echoing the Federal requirements, the proposed amendments will bring Minnesota's PFD rules into conformance with those from the five adjacent states and Canada, and are a reasonable and necessary method to eliminate confusion over the PFD requirements on joint-jurisdictional waters. State and Federal requirements would be the same among Minnesota, Wisconsin, Iowa, North Dakota, South Dakota and Michigan. The State of Wisconsin, as an example, held a series of three hearings on changes to their requirements for flotation devices on watercraft less than 16 feet during the week of January 16-20, 1995. There were no objections to the proposed rules at any of the hearings.

- The rule amendments also facilitate a Memorandum of Understanding signed in May of 1994 by the Chairs of the Minnesota-Wisconsin Boundary Commission as well as the Secretary of the Wisconsin DNR and the Commissioner of the Minnesota DNR. This Memorandum of Understanding was an attempt to make the boating, fishing and water surface use rules consistent on the boundary waters between the two states. The proposed rule amendments are a reasonable and necessary method to implement the policy behind this Document. *The Memorandum of Understanding can be found on attachment B.*

- Most importantly - PFD's reduce boating deaths. The Coast Guard has estimated that 80 percent of the nation's boating deaths could have been prevented if the victims would have been wearing a lifesaving device. While this amendment would not require wearing PFD's, it would make wearable devices readily accessible to every person aboard a watercraft, thus increasing their chances of use.

Cost

The cost for wearable PFD's can vary depending on the type and style. A guide to the types of personal flotation devices can be found in *Attachment A* (Standards for personal flotation devices are set by the Coast Guard in 46 CFR Part 160, Federal carriage requirements may be found in 33 CFR Part 175 and Federal manufacturing requirements can be found in 33 CFR Part 181). Many boaters already carry life jackets on board their craft and there are reports of lives saved every year through their use. The Coast Guard estimates 60 percent of those persons using boats less than 16 feet in length already have wearable PFD's. It is assumed that in larger craft this percentage would be higher.

A check of newspaper advertising made during the spring and summer of 1994 indicated that Type II PFD's were \$3.97 and up and Type III PFD's were available for \$9.96 and up. Type IV throwable devices (buoyant cushions) were priced from \$7.99.

Discussion of Public Response

A "Notice of Intent to Solicit Outside Opinion" was published in the *State Register* on August 8, 1994. This notice was also mailed to persons registered with the Department of Natural Resources to receive notice of rulemaking. In addition, a news release was published by the DNR on August 26, 1994 (*See Attachment C*). In order to further inform the public and seek additional input, individual letters were also sent to the following organizations on August 22, 1994:

Minnesota Lakes Assn.	Minnesota Sportfishing Congress
Minnesota Bass Federation	American Water Ski Assn.
Minnesota State Sheriffs' Assn.	Minnesota Resort Assn.
Minnesota Campground Owner's Assn.	Lake Mtn. Conservation District
Ely Outfitter's Assn.	North Central Marine Assn.
Grand Marais-	National Marine Mfgs. Assn.
Gunflint Trail Outfitter's Assn.	Minnesota Canoe Assn.

The DNR received only one telephone inquiry requesting more information from the Notice itself. There were three phone responses and four written responses from the letters mailed to groups. Nine telephone and 14 written comments were received in response to the news release. In addition, interviews were conducted with WLXK radio in Forest Lake, WQPM radio in Princeton, a Bemidji radio station and with Radio City News Network. An interview was also held with the outdoor editor for the St. Paul Pioneer Press.

A summary of the comments received is as follows:

- 6 letters and 2 phone calls were against requiring wearable PFD's on boats or had an objection to the throwable device requirement on boats 16 feet or longer;
- 3 callers and 4 letters supported some change in the rules other than that proposed or were confused by a newspaper article, one caller requested that an exception be made in the use of wearable devices for certain watercraft used by lifeguards and;
- 6 letters and 3 callers supported the change or had no objection to it.

The Department reviewed both the written and verbal comments. On November 9, 1994, a Department official met with representatives of the American and Minnesota Water Ski Associations, both of which had objected to the requirement for a throwable PFD on

boats 16 feet or longer. After this meeting, a letter was sent to the Coast Guard at the Water Ski Associations' request, asking the reason for the throwable device requirement on these craft. A copy of the reply letter from the Coast Guard and the "Notice of Proposed Rulemaking" on that specific rule was sent to both of these individuals.

Review of The Proposed Rules (Minnesota Rules, part 6110.1200, subpart 3)

A. General PFD requirement (*page 1, lines 11-21*):

Although duck boats are not considered watercraft under Minnesota Statutes § 86B.001, Subd. 18, they are now included in the PFD requirements found at Minnesota Statutes § 86B.501. which was amended by Laws of Minnesota 1988, Chapter 677, to include duck boats. Since the rules have not been amended subsequent to this change by the Legislature, it is reasonable and necessary to amend this portion of Minnesota Rules to conform with current Minnesota law.

This section requires that all watercraft carry a U.S. Coast Guard approved wearable PFD for each person on board, and in addition (with the exception of canoes and kayaks) requires at least one Type IV throwable device to be on board each craft 16 feet or more in length. When effective, this will bring Minnesota's PFD requirements in line with those of the Coast Guard, as well as those of surrounding states. It also provides for a minor exemption to the carriage of wearable devices for non-motorized craft used in marked swimming areas (as defined by Minnesota Rules) by lifeguards. This exemption was requested by the beach supervisor for Ramsey County, who indicated that: 1) these craft are used in limited and protected areas (generally less than five feet of water), 2) that wearable PFD's would never be used, since the occupant of the craft needs to enter the water to retrieve swimmers in distress and may have to submerge to do so, 3) that Coast Guard approved throwable devices are carried on board and 4) there is very little likelihood of the lifeguard craft being hit by another craft, since they operate in marked swim areas which are off limits to motorized craft. For the foregoing reasons, the Department determined that the exception was reasonable and necessary to the function of lifeguards in marked swimming areas, and thereby included the exclusion in the proposed rules.

B. Use of U.S. Coast Guard Approved Type V Devices (*page 1, lines 22-29*)

The first amendment to subpart 3 (B) (*line 22 of the proposed amendments*) is a technical correction. It is reasonable and necessary to insert the "U.S." before Coast Guard for clarification.

The second amendment to subpart 3 (B) (*lines 23-24 of the proposed amendments*) replaces the listed options or types of PFDs that the Type V devices can be carried in lieu of, and substitutes the word "any" instead of listing all four

types. Type V devices are generally approved for specific and restricted uses. For example, some are approved for whitewater rafting, some as work vests and some have to be worn to be approved. *Attachment A contains examples of PFDs.*

The third amendment to subpart 3 (B) (*lines 26-29 of the proposed amendment*) adds a stipulation that the Type V PFD must meet the requirements for the watercraft - ie. if the Type V device is equivalent to a Type III device and it would be labeled as such by the manufacturer, it cannot be substituted for a buoyant cushion.

C. Towing Persons (*page 1, lines 30-35*) - Technical correction specifying a wearable PFD (Type I, II or III) be either carried in the towing watercraft or worn by the skier. This matches the requirement for all other watercraft.

D. Sets Forth PFD Specifications (*page 2, lines 1-26*) - This language is essentially the same as the federal regulations and is being amended to comply with the new requirements:

The changes to part (4) requires the devices to be readily accessible or worn, with some exceptions:

The first exception is that which brings the rule into compliance with M.S. § 86B.313, Subd. 1(1), which requires personal watercraft riders to wear a Type I, II, III or V PFD. This is the first opportunity to amend the rule to bring the language into line with the statutes, since they were amended. States are given the authority under 33 CFR § 175.5 to require that PFD's be worn on personal watercraft. It is reasonable and necessary to incorporate this change into the amendments.

Provision (c) adds the definition of "immediately available." The definition in the proposed rule amendments is the same one used by the Coast Guard and other states. This change requires that the Type IV throwable device to be "available" to throw to a person in the water in case of an emergency. This is a reasonable and necessary amendment, since it allows for an immediate response to someone who is in trouble in the water.

EFFECTIVE DATE (*page 2, lines 29-30*) - Provides for an effective date of May 1, 1996 to allow for an effective information campaign and to give persons time to acquire the new PFD's. This is a reasonable and necessary period of time to allow boat owners to purchase the required devices, and especially important to the resort, campground and outfitting industry in the state.

Decision Process

After a review of the comments received, the Department has determined that:

1. Overall objections to the rule amendments proposed in the "Notice of Intent to Solicit Outside Opinion" were minimal and were balanced by those individuals or groups who had no objection or were in favor of the changes.
2. Two specific objections were voiced on the carriage requirement for the Type IV throwable device required on board craft 16 feet or longer. The reasoning behind this requirement is that it is a requirement by the Coast Guard and by the vast majority of the states (including all five adjacent to Minnesota) for many years. If we are to come into compliance with the federal standards, eliminate the confusion on carriage requirements and match the PFD requirements of our neighboring states, it is reasonable and necessary to adopt this requirement as proposed.
3. The request for an exemption for small craft used by lifeguards was considered in light of the reasoning presented. It appears that the reasoning is sound and the effect would be very minimal. Since these craft: 1) are operated inside marked swim areas, 2) carry other rescue equipment (including Coast Guard approved Type IV devices), and 3) since their occupant(s) need to enter and dive below the surface of the water as part of their job duties, we will attempt to grant this exemption.
4. There was one request that resorts not be responsible for providing wearable PFD's. This requirement is not covered in rule, but in statute (M.S. § 86B.501, Subd. 2). In addition, the DNR made presentations in October 1994 to the Minnesota Resort Association and in March 1995 to the Minnesota Campground Owner's Association. This situation was not brought up as a problem at either of those meetings.
5. The Department is attempting to give boat and business owners as much advance notice as possible.
6. The change and the minimal cost to the public outweigh any disadvantages in amending the rules.

Therefore it the rule amendment proposal, as set forth in the "Notice of Intent to Solicit Outside Opinion," with the one minor exception noted, is necessary and the most reasonable way to proceed. This would insure that: 1) Minnesota complies with federal regulations, 2) that we are consistent with the surrounding states and 3) that we are

making wearable PFD's more accessible and available, thus increasing the potential that they would be worn more often. Hopefully this change will bring about an even lower boating fatality rate in the years to come.

Impact on Local Public Bodies, Agricultural Lands and Small Businesses

Expenditures of Public Money by Local Public Bodies. Minnesota Statutes § 14.11, subdivision 1, requires the DNR to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. The proposed rule amendment will have minimal impact on local public bodies. The financial impact will not exceed the minimum threshold level in this section for all local public bodies in the state in either year of the two years following adoption.

Impact on Agricultural Lands. Minnesota Statutes § 14.11, subdivision 2, requires the that if the rule would have direct and adverse effect on agricultural lands in the state, the DNR shall comply with specified additional requirements. The proposed rule amendments will not impact agricultural lands in the state.

Small Business Considerations. Minnesota Statutes § 14.115, subdivision 4, requires that the notice of rulemaking include a statement of this proposed rule amendment on small business. The rules may have some minimal affect on small businesses, such as 1) resorts, outfitters and others who rent watercraft and 2) marinas, marine dealers and other retailers who sell personal flotation devices. The opinion of many of these groups was solicited in August of 1994 and there was very little negative response from them. The impact of the rule amendments on these businesses will be lessened with the May 1, 1996 effective date. Some of these businesses are also in the process of coming into compliance with the identical federal regulation which affects bodies of water subject to jurisdiction by the U.S. Coast Guard.

Witnesses

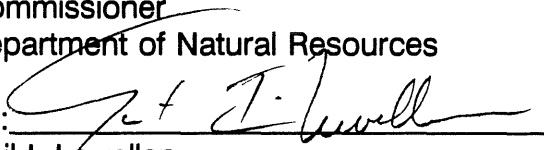
The primary person testifying at the public hearing will be Kim A. Elverum, Boat and Water Safety Coordinator for the Minnesota Department of Natural Resources. If necessary, other personnel from the Department may attend and testify.

Conclusion

Based on the foregoing, the Department's proposed amendments to the rules are both necessary and reasonable.

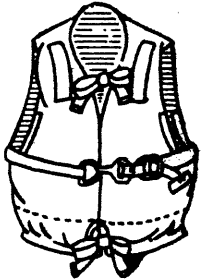
Rodney W. Sando
Commissioner
Department of Natural Resources

4/13/95
Date

By: 
Gail I. Lewellan
Assistant Commissioner of
Human Resources and Legal Affairs

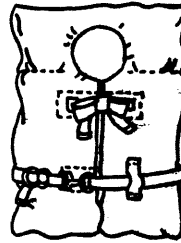
U.S. Coast Guard Approved Personal Flotation Device Types

TYPE I Offshore Lifejacket



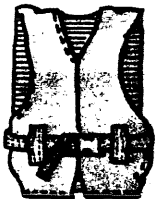
This PFD is designed for extended survival in rough, open water. It usually will turn an unconscious person face-up and has 22 pounds of buoyancy. This is the best PFD to keep you afloat in remote regions where rescue may be slow in coming.

TYPE II Near Shore Life Vest



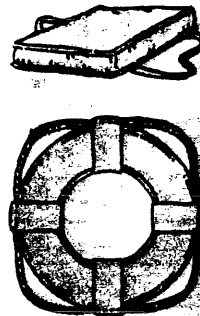
This "classic" PFD comes in several sizes for adults and children and is for calm inland water where there is chance of fast rescue. It is less bulky and less expensive than a Type I, and many turn an unconscious person face-up in the water.

TYPE III Flotation Aid



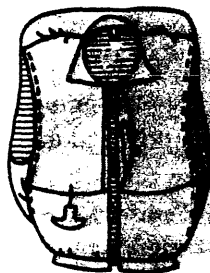
These lifejackets are generally considered the most comfortable, with styles for different boating activities and sports. They are for use in calm water where there is good chance of fast rescue since they will generally not turn an unconscious person face-up. Flotation aids come in many sizes and styles.

TYPE IV Throwable Device



These are designed to be thrown to a person in the water. Throwable devices include boat cushions, ring buoys, and horseshoe buoys. They are not designed to be worn and should be supplemented by a wearable PFD. It is important to keep these devices immediately available for emergencies, and they should not be used for small children, non-swimmers, or unconscious people.

TYPE V Special Use Device



Special use PFDs include work vests, deck suits, and hybrids for restricted use. Hybrid vests contain some internal buoyancy and are inflatable to provide additional flotation.

MEMORANDUM OF AGREEMENT
MINNESOTA AND WISCONSIN BOUNDARY RIVERS
FISH, RECREATIONAL BOATING AND WATER SURFACE REGULATION
RULE CONSISTENCY AND ENFORCEMENT EFFECTIVENESS
TASK FORCE

THIS AGREEMENT, made between the Department of Natural Resources of the State of Minnesota, the Department of Natural Resources of the State of Wisconsin, and the Minnesota-Wisconsin Boundary Area Commission,

WITNESSETH:

WHEREAS, the State of Minnesota, in Chapter 807, Laws of 1965, and the State of Wisconsin, in Chapter 274, Laws of 1965, enacted the Minnesota-Wisconsin Boundary Area Compact; and

WHEREAS, in said Interstate Compact, the two states solemnly agreed to cooperate with one another on, among other things, measures for controlling air and water pollution, maintaining water quality, and controlling water use; and

WHEREAS, the Minnesota-Wisconsin Boundary Area Commission created under said Interstate Compact is empowered to assist in coordinating the studies, conservation efforts and planning undertaken by the departments, agencies or municipalities of the states of Minnesota and Wisconsin; and

WHEREAS, the Departments of Natural Resources of the states of Minnesota and Wisconsin, and the Minnesota-Wisconsin Boundary Area Commission, in a joint meeting on January 14, 1994 in La Crosse, Wisconsin, agreed by consensus to work together to resolve, to the extent possible, differences in water surface use laws and fishing laws on the Mississippi and St. Croix Rivers, and other boundary waters where they form the common boundary of the two states; and

WHEREAS, the Departments of Natural Resources of the states of Minnesota and Wisconsin, and the Minnesota-Wisconsin Boundary Area Commission, in the aforementioned meeting, also developed a common "working agenda" to review existing water surface and boating laws, federal/state/local law enforcement coordination needs, fishing laws, and control of exotic species, and recommended appropriate changes; and

WHEREAS, the Minnesota-Wisconsin Boundary Area Commission, at its February 10, 1994 regular public meeting, adopted a work program giving high Commission priority to assisting its sponsor-states in the resolution of the issues listed in said working agenda;

NOW, THEREFORE, in consideration of the aforementioned Acts and mutual agreements hereinafter contained, the parties do agree as follows:

I. An Interstate Fishing and Water Surface Use Rules and Enforcement Task Force shall be formed to bring together periodically the parties necessary to conduct studies and develop recommendations to enhance or modify existing laws, rules, regulations, policies or operating procedures, related to water surface use, recreational boating, fishing and control of exotic species on the Mississippi and St. Croix Rivers where they form the border between the States party to this agreement.

II. The membership of the task force shall consist of two appointed representatives from the Department of Natural Resources of the State of Minnesota, two from the Department of Natural Resources of the State of Wisconsin, and two Commissioners (one from each state) from the Minnesota-Wisconsin Boundary Area Commission.

III. The Task Force may, from time to time, request participation, coordination and assistance from others, such as representatives of federal agencies, other state departments or personnel, local law enforcement officials, or representatives of resource users groups, to effectively complete its objectives.

IV. The Minnesota-Wisconsin Boundary Area Commission shall act as a facilitator of the task force, within the funds and staff resources available to it.

V. Consistent with its Compact, the Minnesota-Wisconsin Boundary Area Commission may request donations or appropriations, or fees for service, from the federal government, any party state, or from any department, agency or municipality thereof, or from any institution, person, firm or corporation, in furtherance of the objectives provided for in this agreement.

VI. The objectives of the Task Force shall be:

A. To formulate recommendations to the respective state legislatures regarding amendments to existing laws or new laws to minimize differences in laws between the party states as they apply to the Mississippi and St. Croix Rivers where they form the boundaries of the states.

B. To formulate recommendations for amendments to existing departmental regulations or new rules to minimize differences in rules and regulations of the Minnesota and Wisconsin Departments of Natural Resources as they apply to the Mississippi and St. Croix Rivers and other boundary waters where they form the boundaries of the states.

C. To formulate recommendations for changes in state or departmental policies and funding needs necessary to provide for adequate interpretation, administration and enforcement of laws and rules as they apply to the Mississippi and St. Croix Rivers and other boundary waters where they form the boundaries of the states.

MEMORANDUM OF AGREEMENT

Page 3

D. To formulate recommendations which would enhance existing strategies or suggest new strategies for effective and efficient interstate and interagency coordination in the administration and enforcement of laws or programs regulating water surface use, boating, fishing and control of exotic species.

E. To formulate recommendations which would enhance existing strategies or suggest new strategies for effective information and education programs related to these objectives, among the parties to this agreement as well as others, such as federal agencies, regional agencies, local units of governments, stakeholders, and resource users.

F. To act as a forum for local government and public involvement in the implementation of these objectives.

G. To periodically report to the parties of this agreement, and others, about progress made toward accomplishment of these objectives and the advisability of continuation or termination of this agreement.

VII. This agreement as to the Department of Natural Resources of the State of Minnesota and the Department of Natural Resources of the State of Wisconsin and the Minnesota-Wisconsin Boundary Area Commission shall not be construed to create any relationship between these three parties, which one or more of the parties are unable to enter into because of the absence of specific constitutional or legislative authority.

VIII. This agreement shall be in effect when executed by the Commissioner of the Department of Natural Resources of the State of Minnesota, the Secretary of the Department of Natural Resources of the State of Wisconsin, and the Chair and Vice Chair of the Minnesota-Wisconsin Boundary Area Commission.

STATE OF MINNESOTA

by [Signature]
Commissioner, Department of
Natural Resources
date 5/10/94

STATE OF WISCONSIN

by [Signature]
Secretary, Department of
Natural Resources
date 5/10/94

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION

by [Signature]
Chair
date 5/5/94

by [Signature]
Vice Chair
date 5/5/94

DNR NEWS - FOR IMMEDIATE RELEASE

For more information contact Kim Elverum, DNR Boat and Water Safety, (612) 296-0905

DNR seeks comments on personal flotation device rule change

The Minnesota Department of Natural Resources is seeking public comments regarding proposed changes in the requirements for personal flotation devices (PFDs or life preservers). The changes are being proposed for several reasons:

- The Coast Guard has issued a final rule that changes the federal requirements for lifesaving devices;
- Minnesota's regulations need to be the same as those of the five bordering states;
- PFDs reduce boating deaths. The Coast Guard estimates that 80 percent of the nation's boating deaths could have been prevented if the victims would have been wearing a life jacket.

According to Kim Elverum, boat and water safety coordinator for the DNR, "The effect of the proposed change would be elimination of the boat cushion as a primary lifesaving device on boats."

The proposed changes to the state rules would require that:

- On boats less than 16 feet long and all canoes and kayaks, one Coast Guard approved wearable device would need to be carried for each person on board;
- On boats 16 feet or more in length, one Coast Guard approved wearable device would need to be carried for each person on board and, in addition, one throwable device (such as a boat cushion or ring buoy) would need to be carried on board each craft.

The Minnesota DNR wants to make the changes as soon as possible, according to Elverum, but also wants to allow for public input prior to rule drafting. "We don't want to put an undue burden on boat owners and businesses that rent watercraft," Elverum said. "We are currently looking at an effective date of May 1, 1996, but federal regulations would allow the change as early as May 1, 1995."

Persons who boat on waters subject to Coast Guard jurisdiction will be covered by the above changes on the earlier date, since the federal rule will go into effect then. Examples of waters where the federal regulation can be enforced are: Lake Superior, the Lower St. Croix River, the Mississippi River from Minneapolis downstream, the Minnesota River downstream from Shakopee, Leech Lake, Lake Winnibigoshish, Namakan and Rainy lakes, and Lake of the Woods.

-MORE-

This proposed change would not require the wearing of PFDs, but would require them to be on board and readily accessible, with the idea that they would be worn more often. Life jacket wear will remain mandatory, however, on personal watercraft (Jet Skis or water scooters); this was enacted into law several years ago.

The cost for new life jackets can vary depending on the type and style. "Many boaters already have them on board their craft and we see reports of the lives they save every year," Elverum said. A check this summer showed prices for the two most common wearable PFDs were \$3.97 and up for the Type II vest, and \$9.96 and up for the Type III device. Both types are available in sizes for adults and children.

Persons who wish to make comments on the proposed PFD rule changes may send them to the Boat and Water Safety Section, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4046. The comment deadline is Sept. 16. Those who may have questions on PFDs or any other aspect of boating safety may call the DNR at 296-3336 in the Twin Cities metro area, or call toll free in Minnesota 1-800-766-6000.

-30-



NEWS RELEASE

From the Minnesota
DEPARTMENT OF NATURAL RESOURCES
500 Lafayette Road
St. Paul, MN 55155-4046

First Class
U.S. Postage
PAID
Permit No. 171
St. Paul, MN