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## Who controls the river?

*By Luke E. Saladin  
Post staff reporter*

Early last summer, reckless boaters driving large pleasure boats began making waves and a lot of loud, thunderous commotion on the Ohio River near Jamee Klausing's home on Eastern Avenue.

In the year since, she has contacted several local and state agencies, but she still isn't sure which agency on the river is responsible for enforcing ORC 1547.31, a section of Ohio law regulating noise from powerboats.

"It was as if the left hand didn't know what the right hand was doing," said Klausing. "We are still trying to get someone down here to address the problem."

So who does control the Ohio River? In a general sense, it's everybody, but much depends on what type of service you're seeking.

One thing is sure: In most cases, it's not the U.S. Coast Guard.

While the Ohio River is technically located in the commonwealth of Kentucky, three agencies that have law enforcement/arrest powers and perform some type of water patrols on the Ohio River are the Kentucky Department of Fish and Wildlife, the Ohio Department of Natural Resources Division of Watercraft and the Hamilton County Sheriff's Department.

They write tickets, perform boat inspections and arrest criminals on the river.

At least six fire districts -- Cincinnati, plus Wilder, Silver Grove, Dayton, Covington and Ludlow in Kentucky -- provide emergency medical services by boat when there is an injury or potential drowning on the river. Another city -- Newport -- is thinking about adding its own boat.

Two volunteer organizations -- Boone County Water Rescue and Campbell County Water Rescue -- assist in rescues and recovery of bodies from the river.

Law enforcement officials say it would cost too much to create one agency solely for the purpose of patrolling the river, especially since the river only gets busy during the summer and special events.

Those same officials stress that with all the law enforcement agencies chipping in, the stretch of the Ohio through Cincinnati

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and Northern Kentucky is as safe as any river in the country.

"The cooperation with all of us on the Ohio River has been tremendous over the years," said Steve Barnett, spokesman for the Hamilton County Sheriff's Department. "We'd love to have one agency taking care of everything on the river, but by pooling our resources we have the next best thing."

Law enforcement agencies have become increasingly creative in addressing safety on the river, said Ed Burk, director of emergency management for Kenton County.

During a large event such as Riverfest, Burk said, Boone County Water Rescue or one of the emergency medical service boats might add a police officer to its crew, giving the patrol the ability to enforce state laws and write tickets.

"If we get a 911 call concerning a problem on the river, we are coordinated enough to get the agency that is needed out there quickly," Burk said. "We have lots of options, and that is a good thing."

Many people think that the pleasure-boat traffic on the river is policed and patrolled by the Coast Guard.

But contrary to popular belief, the U.S. Coast Guard does not conduct regular patrols along the Ohio River anymore, although they do have law enforcement capabilities.

That's because after the Sept. 11 terrorist attacks in 2001, the federal government decided to redirect Coast Guard resources to provide added homeland security, which includes guarding locks, dams and bridges.

Lt. Steve Garcia, a spokesman, said the Coast Guard still conducts random patrols in tandem with local law enforcement, but its main order of business is to ensure commercial vessels comply with state and local law, not to police general boating safety.

"For the last two years, we've been in the process of redirecting our mission," Garcia said. "If we see a law being broken on the river or someone needs help, of course we're going to do something about it, but in general we're leaving boating safety to the local law enforcement."

Those with marine radios may still use channel 16 to report an emergency to the Coast Guard, which will then forward the information.

Multi-jurisdictional law enforcement along waterways isn't unique to this area, according to John Johnson, who is deputy director of the Lexington, Ky.-based National Association of State Boating Law Administrators, which represents boating authorities in all 50 states.

In fact, such arrangements are quite common these days.

"Unless the area is extremely affluent, resources for boating safety and law enforcement are always very, very scarce," Johnson said. "It's a big challenge, but local law enforcement

has been successful."

That was apparent just a few months ago when Boone County considered doing away with the Boone County Water Rescue units as part of sweeping budget cuts. The county complained that while the unit rescues boaters and recovers bodies all over Northern Kentucky, a majority of the funding was paid by Boone County.

The unit was retained, but its budget was cut from \$217,132 to \$85,000 by eliminating all paid positions.

Dale Appel, director of Boone County Water Rescue, said given the financial circumstances the region is lucky to have so many agencies patrolling the Ohio River.

"I don't think there is such a thing as too many agencies on the river," Appel said. "Money is always going to be an issue, so the more we have the better as far as I (am) concerned."

The method appears to be working. A study recently completed by boating law administrators found that nationally boating deaths have decreased from about 1,750 people annually in the early 1970s to a current average of about 700 a year today.

But while the multi-jurisdictional approach to boating safety appears to work regarding emergencies, it isn't quite as good at dealing with the smaller incidents, such as Klausing's noise problem.

That is likely because patrols on the river are often limited to peak hours during summer weekends and special events, boating officials say, making it difficult for law enforcement to catch people in the act of breaking the law.

Klausing wants help with the Hamilton County Sheriff's Department and is compiling a list of signatures from her neighbors echoing her complaint.

She plans to present the signatures, along with a report to all law-enforcement agencies along the river in both Kentucky and Ohio, later this year.

"Our complaint isn't about the speed of the boats. We are concerned about the noise that is clearly in violation of the law," Klausing said.

"All that we want is for the law to be enforced."

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