Transcript of Maryland Boat Act Advisory Committee Meeting

Date: Thursday, December 10, 2015

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The above-entitled matter came on for hearing on Thursday, December 10th, 2015, commencing at 10:00 a.m., at Chesapeake Bay Environmental Center, 600 Discovery Lane, Grasonville, Maryland 21638, Ramona Trovato, committee chairperson, presiding. COMMITTEE MEMBERS: Robin Allison Jon Sheller Coles Marsh Amy Craig Coles Marsh Amy Craig Coles Marsh Joe Hellner Thornell T. Jones Christopher Parlin Steve Kling Bob Lunsford John Pepe John Bush Michael B. Grant, Boating Services Reported by: Kelly A. Taylor	2	
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20	18	
	19	Reported by: Kelly A. Taylor
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- 1 PROCEEDINGS
- THE CHAIRPERSON: Let's call this
- 3 meeting to order. What a beautiful location,
- 4 really nice. So let's call the meeting to order.
- 5 I believe we have a lot of -- I think we're only
- 6 missing a couple of people and they should be
- 7 showing up. So does everybody have the agenda?
- 8 Yeah? Here, Joe. So we have a pretty good lineup
- 9 here today of topics to talk about. We're going to
- 10 have the Secretary's decision on the 2015 request
- 11 recommendations for ski course language and work
- 12 that Amy, Anne and subcommittee have been working
- 13 on. The Days Cove regulatory request that Mike
- 14 wants to brief us on, any accident records from
- 15 NRP, I think. I can't remember who asked for it --
- 16 you didn't get that one --
- 17 MR. GRANT: They didn't.
- 18 THE CHAIRPERSON: -- didn't get that
- 19 finished. So we've got to do that at the next
- 20 meeting. I think Robin asked for that.
- 21 MR. GRANT: Yes, she did.



- 1 THE CHAIRPERSON: And then any upcoming
- 2 2016 legislative and then Steve is going to have
- 3 the nominating report, it's now time for a new
- 4 chair and then lunch and after that any old or new
- 5 business that we want to bring up, so I thank all
- 6 of you for coming today and I welcome everyone from
- 7 DNR who came and who put all of this together for
- 8 us. So with that why don't we just introduce
- 9 ourselves and say hello. Bob, would you like to
- 10 start?
- 11 (Members and staff introductions.)
- 12 THE CHAIRPERSON: Mike, could you take
- 13 it away?
- 14 MR. GRANT: Yes, thank you. Thank you
- 15 for you're tenure. Thank you very much, Ramona.
- 16 2015 regulation requests, the secretary
- 17 has signed off on both of them and they're waiting
- 18 in the shoot to go downtown. I think they go
- 19 downtown on Monday or Tuesday; Jeannine, is that
- 20 right?
- MS. MOANEY: Yes.



- 1 MR. GRANT: They are. Okay. That's --
- 2 any questions on that? Okay. And the next step,
- 3 next item.
- 4 MR. LUNSFORD: Ski course.
- 5 THE CHAIRPERSON: Yeah, ski courses.
- 6 Amy and Anne. Amy is going to kind of like tag
- 7 team and Anne is going to come in.
- 8 MS. WILLIAMS: I'm not on the agenda so
- 9 we have successfully redone the regulations. So
- 10 very briefly the regulations are regulated and as
- 11 we started redoing the waterski regulations we
- 12 found that some of our stuff is in 04 and some is
- 13 in 18. When Bob Lunsford told me about definitions
- 14 that I had to update he told me the words and I
- 15 went and found them and some were in 04 some were
- 16 in 18 and luckily --
- 17 THE REPORTER: Please use your
- 18 microphone.
- 19 (Discussion held off the record.)
- 20 MS. WILLIAMS: I'm going to pass around
- 21 a general overview of the regulations that we



- 1 redid. As you all remember we had to redo 18, we
- 2 had to do 18, 24 the Severn River to update the
- 3 coordinates, when we updated the coordinates we
- 4 fell into the waterski regulations that were inside
- 5 of the 24 only; however, we had waterskiing going
- 6 on in the South River so that meant we had to do 24
- 7 Severn River and 25 South River, when we did that
- 8 we also found out we have to do definitions which
- 9 were in 04 and 18, so we had to do all the
- 10 definitions and as we started doing all of that we
- 11 stump held across all sorts of little things that
- 12 had to be highlighted, so if you look at the
- 13 handout for brevity I cut out all of the coordinate
- 14 language that we updated, the first two pages will
- 15 show you that College Creek designated rowing areas
- 16 had to be done, lo and behold we only allowed
- 17 rowing in College Creek and they row all over the
- 18 Severn River so we now modified the regulations so
- 19 it's now legal to do that. We had to cut all out
- 20 of current waterski zones in 24 between put them in
- 21 04 so one of the things that I would like you guys



- 1 to think about in the future is that we should
- 2 create a review of the regulations to determine
- 3 what should stay in 18 and what needs to be in in
- 4 the overview site because we've now created an 04
- 5 section that says special uses because things like
- 6 the waterski cross many river systems and things
- 7 like swimming beaches cross many river systems,
- 8 they shouldn't, you shouldn't have to go find a
- 9 river system and then figure out what you can do
- 10 for some statewide regulations. But for some
- 11 reason some of our regulations fall into these
- 12 little specific areas but everybody thinks that
- 13 they're legally applicable across the other river
- 14 systems and working with Rachel and talking to her
- 15 with the language it's probably not so. So one of
- 16 the things we're hoping to do in the future here so
- 17 to look at those and appropriately put those things
- 18 statewide up in the special use category and things
- 19 that are specific only to a river system in the
- 20 river system categories, so that the public --
- 21 because the governor's now asked us to look at



- 1 regulations and they say we're complicated -- can
- 2 you believe that -- and that the public can't find
- 3 how to follow these things and we're going to try
- 4 to streamline that and put things that are
- 5 statewide in a statewide place and things that are
- 6 specific to a river system put them in place. You
- 7 can put that down. And then the last thing that I
- 8 wanted to say was that the application that we got,
- 9 that we reviewed now that the regulation is moving
- 10 and it will, Jeannine's got it up and it's going as
- 11 we speak the application to review your speed zones
- 12 will come down so if you have been looking at it or
- 13 touching it since it's coming down, I already had
- 14 to change some things because the regulations we
- 15 work under to put that up are all changing but
- 16 because 018 is changing, 01824 is changing, Louis
- 17 and I are building a new backdrop for that and a
- 18 whole new application and by the boating season
- 19 you'll have all of the regulation available and
- 20 will be publicly available for, before the before
- 21 the boating season starts so now we have the



- 1 regulations clear. That's my two points, unless
- 2 Mike put me in another spot in the agenda.
- 3 MR. GRANT: It was just you and Louis
- 4 and Jeannine have been doing over the last month,
- 5 two months, three months, whatever, that's what I
- 6 wanted you to go over.
- 7 MS. WILLIAMS: So Amy, do you want to
- 8 add anything on the waterskiing, how we worked
- 9 together to get it done? I kind of briefly said
- 10 waterskiing.
- 11 MS. CRAIG: I think that covered it in
- 12 many areas. So we went back and forth and added
- 13 the specifics of what a waterski course is so that
- 14 was covered, the boats that are to be used and also
- 15 added I believe the option that the ski club
- 16 president could also designate a boat as acceptable
- 17 in the sticker situation, so I think this would
- 18 make more people happy than not happy, which would
- 19 be a good thing.
- 20 THE CHAIRPERSON: And they improve
- 21 consistency.



- 1 MS. CRAIG: The inconsistency across the
- 2 areas was interesting.
- 3 THE CHAIRPERSON: Inconsistent, but I
- 4 want to thank Anne because she did a fantastic job
- 5 of weeding through all of these little details and
- 6 some words were different and finding all of those
- 7 things and making it cohesive and understandable,
- 8 Thank you, Anne.
- 9 MS. WILLIAMS: Not a problem. On that
- 10 note we now have both definition sections are
- 11 equal, so in 04 you'll find every single word that
- 12 you find in 18's definitions and a lot of it is
- 13 because some of our statewide regulations are in 04
- 14 and some in 18 and half was in one and another one
- 15 was in the other and nobody in the public would be
- 16 able to go back and forth and do that so we
- 17 standardized both of them now and then like I say
- 18 took the section out of South River that was the
- 19 ski area and put it up in the statewide ski area
- 20 control. And in case -- if you can look at the
- 21 brackets are places that I would have stricken out



- 1 and the italics is what we added and I abbreviated
- 2 a bunch of it, that's what the dot, dot, dot, so if
- 3 you go on COMAR you can see the endless list of
- 4 definitions, I showed you it would be a good place,
- 5 because I couldn't see printing 20 pages. Any
- 6 other questions on regulations? Something like
- 7 seven pages of signatures that Mark has signed just
- 8 for these, what we did here, because there was so
- 9 many sections had to be modified and touched.
- 10 He'll get me at lunch.
- 11 MR. LUNSFORD: Just having, just looking
- 12 real quick at these, Anne, you've got that you may
- 13 require a DNR marine gathering permit, you need to
- 14 give the citation for that in the regulation if
- 15 there is one for it because otherwise somebody
- 16 could say I don't know what that is so --
- 17 MS. WILLIAMS: It went through Rachel
- 18 and I guess you didn't catch that, but we're going
- 19 to be going back in, so we're going to --
- 20 MR. LUNSFORD: Make a note of this just
- 21 having done this kind of thing before some of these



- 1 come back and bite you. The word down in 8 where
- 2 it says rescue of the waterskiing should have been
- 3 recovering the waterskier, unless that is something
- 4 that the AWSA has determined is a better term.
- 5 MS. CRAIG: Not that I'm aware.
- 6 MR. LUNSFORD: I have think that
- 7 recovering was the term that should be used.
- 8 MS. WILLIAMS: Anything on the
- 9 waterskiers came from the AWSA website, I don't
- 10 write anything if I have to, I cut and paste, that
- 11 was their standard terms, but we can enhance as
- 12 time goes on.
- 13 MR. LUNSFORD: Just making notes that
- 14 I'll share with you at lunchtime.
- 15 MS. WILLIAMS: Exactly. Anyone else?
- 16 MR. KLING: Yeah, I mean I've got a
- 17 couple of questions about it. There is apostrophes
- 18 and plurals in the wrong places, but why does -- I
- 19 thought marine gathering permit had to have a lot
- 20 of people, I thought the trigger for having a
- 21 marine gathering was a large number of people.



- 1 MS. WILLIAMS: I believe what Rachel was
- 2 trying to direct them to is we don't have a way to
- 3 give you an exception for regulations except
- 4 through that process. And I don't know, I didn't,
- 5 I didn't get to pick that, it was given to me and
- 6 like I said we can revisit it, but that's how it
- 7 came about. I don't write them. You guys -- make
- 8 a recommendation and put it down, Steve, and we'll
- 9 look at it.
- 10 MR. KLING: Didn't the marine gathering
- 11 permit came about to have to deal with that thing
- 12 in the Magothy.
- 13 MS. WILLIAMS: Right, and also with
- 14 officers saying like boat races and anything that
- 15 pools a lot of people together --
- 16 MR. KLING: But any other use -- it's
- 17 two people that want to use the slalom course and
- 18 then they get to get a marine gathering.
- 19 MS. WILLIAMS: That's not what I said, I
- 20 hope.
- 21 MR. LUNSFORD: It depends on what marine



- 1 gathering permit is defined as.
- 2 MR. GRANT: Didn't it pertain to people
- 3 gathering to watch the event?
- 4 MS. CRAIG: Right. If there was
- 5 something other than practice, so if they wanted to
- 6 have an exhibition or a ski show or any kind of a
- 7 tournament or anything like that it would
- 8 require --
- 9 MR. KLING: Then it ought to say
- 10 something like a competition involving a course may
- 11 require a marine gathering permit see section.
- 12 MR. DWYER: There is a problem with
- 13 marine gathering, it takes about three months to
- 14 get that permit, so --
- 15 MR. PARLIN: I think that what Steve is
- 16 saying, I think, I agree with what Steve is saying,
- 17 it should say it may require because the marine
- 18 gathering permit has its only threshold so if 10 of
- 19 us want to get together and watch a little mini
- 20 competition and there is only 10 boat out there
- 21 that doesn't meet the marine gathering permit



- 1 requirements so it should be a may.
- 2 MS. WILLIAMS: But as long as you are
- 3 only practicing you can use it all you want because
- 4 the Army Corps permit that each of the ski courses
- 5 hold says for practice only so they can only use
- 6 the ski course for practice, which is the first
- 7 sentence, the permit -- the ski slalom -- that
- 8 word --
- 9 THE CHAIRPERSON: Slalom.
- 10 MS. WILLIAMS: -- that course shall
- 11 only be used for practice, that's the first thing.
- 12 So if you are using it for practice, you can do
- 13 anything that you want --
- 14 MR. KLING: And shouldn't be there.
- 15 MR. LUNSFORD: It should be a period
- 16 after the and.
- 17 MR. KLING: May require.
- 18 MS. WILLIAMS: And. The words and may
- 19 not be in the final. Rachel is the one that
- 20 reedited and sends the letter to the office to
- 21 Jeannine and where it says and period it says and,



- 1 and it should not. So the word should not be
- 2 there. So any other use, so if you're not
- 3 practicing, if you're going to call a contest, if
- 4 you're going to hold a show, if you're going to
- 5 videotape or anything else because the Army Corps
- 6 and that's who came to us and said they will not,
- 7 you have to go, you have to get another permit, the
- 8 permit for the course from the Army Corps is for
- 9 practice only.
- 10 THE CHAIRPERSON: You can videotape
- 11 someone practicing.
- 12 MS. WILLIAMS: Correct, if you're doing
- 13 a big show yes, you can videotaped, you can do
- 14 anything when you're practicing.
- 15 THE CHAIRPERSON: What this really is
- 16 any use other than practicing on the ski slalom.
- 17 MS. WILLIAMS: That's because --
- 18 MS. MORROW: It should say may.
- 19 MR. KLING: It should say may.
- THE REPORTER: Hey, you guys, you have
- 21 to speak into the microphone so I can get everybody



- 1 down.
- 2 (Discussion held off the record.)
- 3 MS. WILLIAMS: We'll look at that and
- 4 see where it's at.
- 5 MS. CRAIG: Russ, I haven't been around
- 6 this long, but there used to be tournaments on the
- 7 South River and the Army Corps permit is lost or in
- 8 somebody's basement or nobody knows where it is so
- 9 I am wondering if that Army Corps permit does allow
- 10 for competitions?
- 11 MR. DWYER: I thought it used to. I
- 12 mean South River is where all of the tournaments
- 13 went on.
- 14 MS. CRAIG: Right.
- MR. DWYER: I don't know who's got that
- 16 permit.
- 17 MS. CRAIG: Nobody seems to know.
- 18 MR. DWYER: Jimbo -- I can't think of
- 19 his name -- who has the Severn River permits. I
- 20 know who's got those.
- 21 MS. CRAIG: Right. South River seems to



- 1 be lost.
- 2 MR. DWYER: The only thing I see with
- 3 the other permit for having, like I said, it takes
- 4 at least three months, you've got to file the
- 5 paperwork for that permit to have an affair, so, if
- 6 you know, the ski club has decided in --
- 7 MS. CRAIG: There is no --
- 8 MR. DWYER: They're not going to have
- 9 time to get a permit for that.
- 10 MR. HELLNER: I don't know if this is
- 11 pointed out, but the same thing you all are talking
- 12 about seems to apply also to the rowing situation,
- 13 it says all rowing races shall apply for a Maryland
- 14 DNR marine gathering permit so we just affected the
- 15 folks that do rowing races and, again, my
- 16 recommendation would be similar to use the word may
- 17 since a rowing race may not meet the criteria in
- 18 the state law that was passed recently, I guess in
- 19 the last couple of years.
- 20 THE CHAIRPERSON: Does anybody know what
- 21 the marine gathering permit actual regulation says?



- 1 MR. GRANT: I'm trying to get to it.
- 2 Unfortunately, it's not very cooperative.
- 3 MR. HELLNER: My recollection, Madame
- 4 Chairman --
- 5 THE REPORTER: I'm sorry, I can't hear
- 6 you. Please speak into the microphone.
- 7 MR. HELLNER: Mr recollection while make
- 8 verifies is a hundred boats, I think most of us are
- 9 familiar with that.
- 10 MR. DWYER: I'm not sure there is a
- 11 stipulation of boats, because the one I dealt with
- 12 is the docking contest at the Watermen's
- 13 Association at St. Michaels and I called this year
- 14 when I got the information, maybe we should, we've
- 15 had the contest for six years and never had one,
- 16 and when I called the powers to be he said why in
- 17 the hell would you want one now? But you have got
- 18 to have it and it was just one of the questions on
- 19 there is how many people do you think you're going
- 20 to have if you're in an area where there is a
- 21 channel and going to obstruct the boat flow and you



- 1 request whether you want Coast Guard on location or
- 2 not on location, all of the contact people. And
- 3 it's about a two page form you've got to fill out.
- 4 MS. WILLIAMS: If you look on the paper,
- 5 the very first page at the bottom -- okay. If you
- 6 look on the first page at the bottom you go down to
- 7 the sections we cut out in particular Maynadier
- 8 Creek, M, this is what it used to say, this course
- 9 may be used for practice and training only. This
- 10 course may not be used for events approved by the
- 11 Department of Natural Resources or the Coast Guard,
- 12 that was the regulation was in effect that we had
- 13 just taken out and instead of saying that you can't
- 14 do it we're saying that if you want to do something
- 15 other than practice or train you have to apply for
- 16 the permit.
- 17 My understanding is, if the permit, if
- 18 you don't -- you know, when you apply for a permit
- 19 evenly with the Coast Guard if you don't meet the
- 20 maximum of what they want to give you for it they
- 21 give you a letter saying no permit required but



- 1 allow you to do the activities so we apply for a
- 2 Coast Guard permit and they say you're not, you
- 3 don't need restrictive waters or whatever, you get
- 4 a letter saying it's okay, we used to not allow
- 5 anything but training, but sometimes there was a
- 6 little bit more than training going on, so that's
- 7 why the ski group asked for the addition.
- 8 THE CHAIRPERSON: Go ahead, Steve. And
- 9 then I need some information on the gathering.
- 10 MR. KLING: I think we've got to stop
- 11 mixing metaphors here. We're talking about state
- 12 gathering permit and the Corps permit, they're
- 13 completely different things, but the state, the
- 14 marine gathering permit requires likely to attract
- 15 a hundred vessels or more last at least three hours
- 16 or more in duration and the third criteria is
- 17 create an extra or unusual hazard based upon
- 18 consideration of location and create an extra
- 19 hazard to life or property, so that's a pretty high
- 20 bar for a marine permit, so I don't -- marine
- 21 gathering permit --



- 1 MS. WILLIAMS: But, see, so what we had
- 2 done, just so we get it clear, in the old
- 3 regulation everything that was in the Army Corps
- 4 permit was in the regulation so that phrase that I
- 5 read, M, is on the Army Corps permit and was in our
- 6 regulation, which meant they could not do a race.
- 7 MR. KLING: That's fine, that has
- 8 nothing -- the state requirement for marine
- 9 gathering permit and the Corps limitation on the
- 10 use of the course are apples and oranges. The
- 11 state can't untrump the Corps. And so if you meet
- 12 the, if you're going to have a competition and
- 13 you're going to attract a hundred boats maybe you
- 14 need to apply for a marine gathering permit, but
- 15 that is unrelated to restrictions by the Corps and
- 16 in the use of the course.
- 17 MS. WILLIAMS: I don't disagree with
- 18 you, but if the, you want a marine gathering
- 19 permit, are you don't have to get a Army permit, so
- 20 if you want to do a race somewhere, not in a
- 21 waterski slalom course, if you wanted to do a



- 1 boating race somewhere and wanted to do anything,
- 2 you have to have a permit of something --
- 3 MR. KLING: Anne, that has nothing to do
- 4 with this.
- 5 MS. WILLIAMS: You can't do a race on
- 6 the river without a permit. What permit would you
- 7 like for the waterski people to do a race?
- 8 MR. KLING: It's not a marine gathering
- 9 permit.
- MS. CRAIG: It has to be allowed by the
- 11 Corps permit, is that what you're saying?
- 12 MR. JONES: No, he's saying something
- 13 different.
- 14 THE CHAIRPERSON: He's saying the Corps
- 15 permit doesn't allow it, there's not a state permit
- 16 that can provide the permit.
- 17 MS. CRAIG: Right. So in controlled ski
- 18 area, line three, any other use of the slalom
- 19 course may require a DNR marine gathering permit if
- 20 allowed by the Army Corps permit.
- 21 MR. JONES: You don't have to say that.



- 1 MR. KLING: Yeah. I mean, don't -- we
- 2 are just saying we don't know what the South River
- 3 permit says.
- 4 MS. CRAIG: Right, right.
- 5 MR. KLING: Do you really think the
- 6 Corps is going to send somebody down, the Coast
- 7 Guard down, to bust people that are having a race
- 8 on the South River waiving an old permit saying
- 9 you're only allowed to practice.
- 10 MR. PARLIN: I agree with Steve and
- 11 where he's at with this. Like I said you go back
- 12 to the rowing one, it says all rowing races shall
- 13 apply for a marine, DNR marine gathering permit. I
- 14 think we're forcing these folks into a box where
- 15 they may not fit so if you just said may instead of
- 16 shall that puts the onus on the person holding this
- 17 race that DNR could come in and say hey, you have
- 18 150 boats here and you folks are supposed to have a
- 19 marine gathering permit and they can breakup the
- 20 event if it's creating a problem. If you change
- 21 from shall to may it just cleans it up for



- 1 everyone.
- THE CHAIRPERSON: What about just put a
- 3 comma at the end and say as necessary?
- 4 MR. LUNSFORD: You have to give, you
- 5 would have to give the conditions that would, that
- 6 would make it necessary then and that's not where
- 7 you want to go.
- 8 THE CHAIRPERSON: Can you just say see
- 9 marine gathering permit requirement?
- 10 MR. LUNSFORD: Suppose you don't meet
- 11 the bar?
- 12 THE CHAIRPERSON: Then you don't have to
- 13 apply.
- 14 MR. LUNSFORD: I'm okay with that.
- 15 THE CHAIRPERSON: Why don't we just
- 16 refer this to legal, general counsel, state general
- 17 counsel, and say we're concerned.
- 18 Is Rachel here?
- MS. EISENHAUER: Yes, I'm here.
- 20 THE CHAIRPERSON: We're concerned that
- 21 saying that you should apply for Maryland DNR



- 1 marine gathering permit may not be necessary under
- 2 certain circumstances and we're looking right now
- 3 at F, under designated rowing area, but I think it
- 4 also occurs under, also in a controlled ski area,
- 5 under number 3.
- 6 MS. EISENHAUER: When I was reviewing
- 7 these one of the things I was reviewing was just
- 8 the language itself and when you have a must in the
- 9 regulation it can't be must, it has to be shall,
- 10 you have may have and if you have will do you must
- 11 have shall do, that's the, that's how I was doing
- 12 regulations is letting the content of the
- 13 regulation be the subject for this committee and
- 14 for the DNR, so now you have a substantive question
- 15 and I can't answer it off of the top of my head
- 16 right now, I would have to go back and review if
- 17 that's a concern, if necessary change the language
- 18 to make sure, because your concern is that all
- 19 rowing raises may not need this permit so let me go
- 20 back and check that and then, you know, sort out
- 21 the language part then if that's the concern.



- 1 THE CHAIRPERSON: That's the concern and
- 2 also under controlled ski area, number 3, in
- 3 parens, it's on the third, third page at the top.
- 4 MR. PARLIN: Second piece of paper.
- 5 THE CHAIRPERSON: Yeah. Second piece of
- 6 paper, third --
- 7 (Pause for document examination.)
- 8 THE CHAIRPERSON: It says the ski slalom
- 9 course shall only be used for practice any other
- 10 use of the ski slalom will require --
- 11 MS. EISENHAUER: I'm sorry, which one
- 12 was that?
- 13 THE CHAIRPERSON: Number 3, under
- 14 controlled ski area.
- MS. EISENHAUER: Okay. I see a typo too
- 16 in that. Okay. Those two you want me to check on
- 17 to see if it's actually required, if it's not
- 18 required you just need a shall language in there
- 19 that says what it may need. Along those lines.
- THE CHAIRPERSON: Yes.
- 21 MS. EISENHAUER: But legalese.



- 1 THE CHAIRPERSON: Yes, yes. Steve, does
- 2 that meet your need?
- 3 MR. KLING: I'm sorry, I have been --
- 4 THE CHAIRPERSON: So Rachel says she'll
- 5 go and back and look at the requirements of the
- 6 Maryland DNR marine gathering permit and adjust the
- 7 language in these regulations as appropriate
- 8 because if it's not necessary to have it we don't
- 9 want to require it here. So she'll just look at
- 10 the language and sort it out. Russ.
- 11 MR. DWYER: I want to know why we need
- 12 it completely out, the way you're reading from a
- 13 gathering permit every Wednesday night or a
- 14 sailboat race has to have it, that should be common
- 15 knowledge. No?
- 16 THE CHAIRPERSON: So, Amy, were you all
- 17 trying to fix the problem that there was no way to
- 18 have a tournament and this was one option to have a
- 19 tournament?
- 20 MS. CRAIG: No. I think what the
- 21 concern was that we were limiting the usage to just



- 1 practice and training and at all times and that if
- 2 there was an opportunity to have a tournament this
- 3 would not allow for that.
- 4 THE CHAIRPERSON: Okay. So what you're
- 5 trying to get was language that would allow the ski
- 6 courses to host a tournament should that be the
- 7 desire of the people there?
- 8 MS. CRAIG: Right.
- 9 THE CHAIRPERSON: Did you hear that,
- 10 Rachel?
- 11 MS. EISENHAUER: I'm sorry, what? I
- 12 didn't --
- 13 THE CHAIRPERSON: So what the
- 14 subcommittee wanted to was preserve the opportunity
- 15 to have a tournament at these controlled ski areas
- 16 and that there was some way out of it, the only
- 17 practice all of the time.
- 18 MS. EISENHAUER: I think for the first
- 19 one, the language may be able to change fairly
- 20 easily to all rowing in --
- 21 THE REPORTER: I can't hear you when



- 1 you're not talking into the microphone.
- 2 MS. EISENHAUER: I think the first one
- 3 might be fairly easy to correct which on page 1F,
- 4 all rowing races shall apply for a marine DNR
- 5 gathering permit as required or as required by law,
- 6 you know, something along those lines. The second
- 7 line is a typo so we have to fix that and the
- 8 language is a little bit misleading, shall require,
- 9 we may have to change the language a little bit to
- 10 match. Does that make sense, does that satisfy
- 11 you?
- MR. KLING: No.
- 13 THE CHAIRPERSON: Not exactly, because
- 14 what we're looking for is right now all three ski
- 15 courses say practice only and we would like it to
- 16 say there is a way that you can have a tournament
- 17 at these normally practice only ski courses.
- 18 MS. EISENHAUER: Then that's going to
- 19 require a different kind of --
- 20 THE CHAIRPERSON: Fix.
- 21 MS. EISENHAUER: -- fix. Yes. That is



- 1 going to require a different find of fix.
- THE CHAIRPERSON: John, go ahead.
- 3 MR. PEPE: Yeah. Being involved with
- 4 APB, American Powerboat Association, we do the race
- 5 over here at Mog Bay (phonetic), races down in
- 6 Cambridge, basically you apply for a permit through
- 7 the Coast Guard. The Corps really acquiesces to
- 8 the Coast Guard. You apply for a Coast Guard
- 9 permit they come out and setup the course, if it
- 10 meets all the criteria, doesn't interfere with
- 11 navigable waters and main channels they allow to
- 12 you hold it. They issue a permit for a day or
- 13 weekend. You may want to structure your language
- 14 along those lines and just apply for appropriate
- 15 permits.
- 16 THE CHAIRPERSON: So let me ask the
- 17 question.
- 18 MS. WILLIAMS: Could I ask a question
- 19 first?
- THE CHAIRPERSON: The reg says practice
- 21 only and can a Coast Guard reg or a Corps permit



- 1 override a Maryland state regulation that says
- 2 practice and training only.
- 3 MR. PEPE: Well, you have to structure
- 4 the language in such a way that --
- 5 THE CHAIRPERSON: In the reg --
- 6 MR. PEPE: -- in the reg if you want to
- 7 hold a competition or gathering that you have to
- 8 apply for the appropriate permits and through
- 9 whatever agency.
- 10 MS. WILLIAMS: At this point in time the
- 11 Coast Guard used to say often, if you had got a
- 12 Coast Guard permit you could do anything in that
- 13 water and the Coast Guard didn't realize that they
- 14 were given exceptions to speed limits and other
- 15 restrictions and so at least I have been told, I
- 16 haven't seen one yet, the new Coast Guard permit
- 17 says that this does not give you an exception to
- 18 any state regulation so if you have got Coast Guard
- 19 permit and it's marked right and wasn't in a
- 20 channel and they say it's okay to use it but you
- 21 still have to go minimum wake, you wouldn't be



- 1 allowed to do the speed limit regulation which our
- 2 permit allows if you go through the DNR process and
- 3 we have to make sure that the regulation allows
- 4 that type of change and currently it does not.
- 5 MR. KLING: It seems to me we're making
- 6 this a lot more complicated than it needs to be, we
- 7 ought to be able to say the ski courses shall be
- 8 used in accordance with the Coast Guard permit.
- 9 Substantial gathering may require a marine --
- 10 certain events may require a marine gathering
- 11 permit. In terms of the rowing race I can't
- 12 imagine a rowing race -- we've got them over with
- 13 Washington College, we had to deal with, I mean I
- 14 realize this is dealing with in theory College
- 15 Creek but you couldn't get a hundred boats in
- 16 College Creek.
- 17 MR. JONES: That's right.
- 18 MR. KLING: I mean we don't, I'm not
- 19 sure we need it at all except to say that may be as
- 20 a cautionary, certain competitions may trigger the
- 21 need for a marine gathering permit with a citation



- 1 to that regulation. I mean we're, I think we're
- 2 creating a red herring by throwing in a marine
- 3 gathering permit for things that for which it's not
- 4 intended.
- 5 MS. WILLIAMS: I think Rachel said the
- 6 designated rowing area -- it's the intent of the
- 7 Army Corps permit to put the buoys in a ski zone
- 8 that has the red herring as you might say, the
- 9 designated rowing area will be addressed with may,
- 10 but --
- 11 MR. KLING: For the ski course why can't
- 12 we say the ski course will be used in accordance
- 13 with any applicable Coast Guard permit, period.
- 14 MS WILLIAMS: We can.
- MR. KLING: Why would we say more?
- 16 MS. WILLIAMS: The Army permit which the
- 17 Coast Guard would look at says you can only use it
- 18 for practice.
- 19 MR. KLING: How do we know that?
- 20 MS. CRAIG: Read the other ones.
- 21 MR. KLING: So what? I mean what's the



- 1 problem, why can't we just say --
- THE CHAIRPERSON: So I think the so what
- 3 is on the Sunrise Beach and the Maynadier it says
- 4 practice only and I don't know if, if the state
- 5 regulation could allow it to be a tournament or not
- 6 if the Corps permit says practice only.
- 7 MR. PARLIN: I have a good question,
- 8 wasn't the intent to make this a standardized,
- 9 excuse me, a standardized regulation so that let's
- 10 say somebody decides to build a practice and
- 11 competition ski course on the Chester River that it
- 12 falls under these definitions so if their permit
- 13 allows for a tournaments and whatnot and it does
- 14 not restrict them then this regulation would cover
- 15 it and if it had that caveat that may require a
- 16 marine gathering permit or get rid it of that, you
- 17 know -- is that correct, Anne, is that -- or even
- 18 Amy -- that this is supposed to be a standardized
- 19 reg to apply to others?
- 20 MS. CRAIG: Correct, that was the intent
- 21 was to make it applicable to any area that may



- 1 become a ski zone or controlled ski area.
- THE CHAIRPERSON: Joe. Robin and then
- 3 Joe.
- 4 MS. ALLISON: Thanks. My question is do
- 5 we know why the Army Corps initially said this is a
- 6 practice course only, is there not a reason to go
- 7 back to the Corps and say can this not be a
- 8 practice and competition course?
- 9 MS. CRAIG: Go ahead, Mike.
- 10 MR. GRANT: Could it have been the
- 11 community push back for having extra vessels and
- 12 people in the area specifically Maynadier.
- 13 MS. CRAIG: Possibly. I don't know.
- 14 MS. ALLISON: I'm just wondering if it
- 15 would be worth talking to the Corps and saying if
- 16 it couldn't be changed in the Corps permit as
- 17 opposed to trying to create a whole another
- 18 regulation and level of bureaucracy that people
- 19 have to jump through in order to have a
- 20 competition.
- 21 MS. CRAIG: I believe the whole Severn



- 1 River, Sunrise and Maynadier came about with the
- 2 management plan so --
- 3 MS. ALLISON: I was around for that
- 4 one --
- 5 MS. CRAIG: I wasn't, so maybe you and
- 6 Russ can answer that.
- 7 MS. ALLISON: -- but I don't recall
- 8 any, I recall the request for the, permitting the
- 9 course but I don't remember hearing any follow-up
- 10 at that time on -- and somebody else may -- on why
- 11 they were set as a practice only course. I didn't
- 12 think that had been the intent at that time.
- MS. CRAIG: Bob knows.
- 14 MR. LUNSFORD: So I don't get in
- 15 trouble, I have the mic. That was done
- 16 specifically so that because the community push
- 17 back and to placate Senator Kad (phonetic) at the
- 18 time that thought that ski events were monopolizing
- 19 certain sections on the river. One of the issues
- 20 that nobody may or may not remember is that the
- 21 Severn River vessel management plan or the



- 1 definitions for the controlled ski areas predated
- 2 the South River management plan for by a couple of
- 3 years so there was a rush to get something on the
- 4 books, on the regulations so that the skiing could
- 5 continue -- Charlie Hunter and crew, Chip Hunter,
- 6 and wanting to go to the Olympics as a slalom skier
- 7 so they could continue to practice on the Severn
- 8 and there was little thought given to how that
- 9 would impact a statewide regulation, because these
- 10 were the only two that we were dealing with at the
- 11 time. So it was a really focused effort to get
- 12 them back in operation and allow them to operate
- 13 and when the South River management plan came about
- 14 it got kind of tacked on and pieced in but it, it
- 15 did have some different requirements. For
- 16 instance, I think that is still allowed the jump
- 17 and events to be held.
- 18 MS. CRAIG: Yeah, very little
- 19 requirement.
- 20 MR. LUNSFORD: There was no community up
- 21 there that was impacted and objected at all so



- 1 that's how we got where we are and why they don't
- 2 match up precisely anymore is they were done at
- 3 different times and there were different kind of
- 4 purposes. The South River course was mainly put in
- 5 to protect the ski interests in that upper South
- 6 River area so that they had some assurance that
- 7 should they want to they can put in a jump and hold
- 8 their courses and they could schedule things in
- 9 advance in the way of events and hold them up
- 10 there.
- 11 THE CHAIRPERSON: Okay. So then back to
- 12 Steve's recommendation do we just take out the
- 13 language all together that says the ski courses are
- 14 for practice and training purpose and just say they
- 15 have to follow the Coast Guard permit?
- 16 MR. LUNSFORD: You can do that in South
- 17 River. I don't believe you can getaway with it in
- 18 Maynadier Creek.
- 19 (Simultaneous talking.)
- 20 THE REPORTER: Please use the
- 21 microphone. I can only take down one person



- 1 talking at a time. Thank you.
- 2 MR. LUNSFORD: Well, you can take out
- 3 the language practice only, but I don't think that
- 4 the community would appreciate having an event in
- 5 Maynadier Creek that drew additional boats.
- 6 THE CHAIRPERSON: So would the
- 7 overarching part of the regulation is silent on it
- 8 and only the Maynadier Creek one says practice and
- 9 training only. Well, no, we said in each one of
- 10 the -- I thought the idea was the overarching one
- 11 was going to be as general as possible and then the
- 12 specifics one would get as specific as they had to
- 13 be to allow the course to stay there, so we would
- 14 say the overarching one is we don't say practice
- 15 and training only anywhere, but in the specific
- 16 Maynadier Creek one then we are specific if that's
- 17 the only way to keep the ski course.
- 18 MR. LUNSFORD: Yeah, but one of the
- 19 goals was the subcommittee, Amy, was to make an
- 20 overall regulation and not have all of these
- 21 subsets of rules and violate the KISS principle all



- 1 of the way down the line every time there was a ski
- 2 course.
- MS. CRAIG: Do you know, Richard Kibbey
- 4 (phonetic), where he stands on Maynadier and if
- 5 it's specified in the Army Corps permit for
- 6 practice only?
- 7 MR. GRANT: No. No, I don't know. I
- 8 haven't spoken to Rich since we saw him at the
- 9 meeting at Ramona's house.
- 10 MS. CRAIG: The current debate going on
- 11 in Maynadier is specifically with the ski club, the
- 12 residents, and the Army Corps permits at this time.
- 13 MR. GRANT: It was specifically with one
- 14 resident who was very boisterous in the propensity
- 15 for the ski club to continue to not place it, the
- 16 course, where it belonged based on the original
- 17 permit.
- 18 MS. CRAIG: So as the state committee
- 19 we're only concerned that they maintain the
- 20 requirements for the Army Corps permit. So if the
- 21 Army Corps permit would specifically say for



- 1 practice and training only it's covered.
- 2 MR. GRANT: I don't know.
- MS. CRAIG: But if we take that out, if
- 4 we take practice and training out of the state
- 5 regulation so that it's wide open for any ski area
- 6 in this state and we put the onus on the Army Corps
- 7 permit to say for practice and training only then
- 8 that takes us out of this whole mess.
- 9 MR. GRANT: Well, my question and I'm
- 10 not, I'm not putting you on the spot, didn't the
- 11 practice and training come from Army Corps?
- 12 MS. WILLIAMS: It's also current, it's
- 13 current regulations, not in South River, but in
- 14 both the Severn River one and it was in that
- 15 current regulation. The big concern would be is
- 16 that the onus then would be that the Natural
- 17 Resources Police would have to have the Army Corps
- 18 permit if they did a race or something because the
- 19 violation would occur there so, yes, you could take
- 20 it out and say what the permit is, but the state is
- 21 going to honor the permit verbatim, you would never



- 1 be able to change it. You would never be able to
- 2 do a race if the Army Corps permit said practice
- 3 only.
- 4 MR. GRANT: So my question was does the
- 5 Army Corps permit say practice only? Is that from
- 6 the Army Corps or just reflecting what we feel?
- 7 MS. WILLIAMS: Yes. I wasn't here then,
- 8 but I believe the way the permit went was the
- 9 permit was written and the Severn River management
- 10 plan took all of the clauses in the permit and put
- 11 in regulation because what we do as a subcommittee
- 12 was look at the permit and took out of those things
- 13 that the Army Corps was controlling and the first
- 14 thing the regulation says is that you have to
- 15 follow the Army Corps permit, so the Army Corps
- 16 permit says you can practice only, we were trying
- 17 to say as a state to say that we're recognize this
- 18 is for practice only, if you want to do something
- 19 else you have to apply for something else because
- 20 your Army Corps permit for that area of water as it
- 21 stands own allows you to practice. If you want to



- 1 do something different you can't lean on the Army
- 2 Corps permit, you have to have a different permit
- 3 in your hand that says I want to do this and that's
- 4 why we were trying to put a clause in to give you a
- 5 place that you can go and get a permit to do
- 6 something else, but you can practice all you want
- 7 there with your Army Corps permit.
- 8 THE CHAIRPERSON: Bob.
- 9 MR. LUNSFORD: One of the things I think
- 10 I heard Mr. Kibbey say when we had the meeting with
- 11 him at Ramona's house was the Army Corps only
- 12 wanted to be involved with the placement of the
- 13 buoys, not with the use of the course, and he was
- 14 desperately trying to remove the Corps from being
- 15 in the position of writing conditions into the
- 16 permit about the use of the course. He wanted to
- 17 be involved in the placement of the buoys and
- 18 alignment of the course and making sure that they
- 19 were safely and in compliance with the regs. He
- 20 didn't want to say we've got a speed limit. He
- 21 didn't want to say we've got practice only, he



- 1 wanted to eliminate the Corps and get the Corps out
- 2 of that position as I remember.
- 3 MR. GRANT: I think that's correct. I
- 4 think that's, that's one of the comments he had
- 5 that day was that is it where it's supposed to be
- 6 and it's also blocked off by the ski club for use
- 7 other than them.
- 8 MS. WILLIAMS: And you're totally
- 9 correct. However, Sunrise Beach's permit would
- 10 have to be redone if they ever wanted to do
- 11 anything because it's still in theirs and if you
- 12 find South River and what's ever is in, they have
- 13 to reapply as Maynadier is struggling through right
- 14 now to get an Army Corps permit that removes those
- 15 conditions because he's looking at everything that
- 16 he can to remove it from the Maynadier but he's
- 17 getting push back from the community, so you're
- 18 right if both of those communities wants to apply
- 19 for a new permit.
- THE CHAIRPERSON: Steve.
- 21 MR. KLING: Why can't we just say,



- 1 having listened to this, in item three, I realize
- 2 we're trying to write as general a regulation as we
- 3 can, but why can't we say in three the slalom ski
- 4 course is at Maynadier Creek and Sunrise Beach are
- 5 for practice and training only, period.
- 6 MR. JONES: That's right.
- 7 THE CHAIRPERSON: I thought we were
- 8 trying to make it the possibility exist that you
- 9 could have a tournament at least at Sunrise Beach.
- 10 MS. ALLISON: Yes.
- 11 THE CHAIRPERSON: Both preferably, but
- 12 at least at Sunrise Beach.
- 13 MR. KLING: Say then Maynadier Creek
- 14 just for practice and training, period.
- 15 MR. JONES: That solves it.
- 16 THE CHAIRPERSON: Bob.
- 17 MR. LUNSFORD: The unique situation at
- 18 Maynadier is that it's in a six knots zone, so that
- 19 doesn't apply to the other courses that we
- 20 currently know exist, and I think there are
- 21 probably more than we're talking about here. But



- 1 the exception for Maynadier for boats to exceed the
- 2 six knots limit that otherwise exists is they have
- 3 to be stickered and used in the course and that
- 4 doesn't apply in Sunrise Beach and I don't think it
- 5 applies up for South River, I think when the course
- 6 isn't in use you can do whatever you want up there
- 7 as far as speed goes, so let's not shoot ourselves
- 8 in the foot and make a restriction for any place
- 9 that doesn't need it and Maynadier needs a specific
- 10 set of conditions because otherwise we run up
- 11 against the six knots limit so you have to make an
- 12 exception for Maynadier that you may have to make
- 13 anywhere else.
- 14 MR. GRANT: Didn't we determine that
- 15 even if you had a sticker if you were outside of
- 16 the parameters of the ski course you were in
- 17 violation?
- 18 THE CHAIRPERSON: You had to do six
- 19 knots.
- MR. GRANT: Six knots, so if you come
- 21 off your turn and drop you have to do six knots to



- 1 get up unless you shoot the course again, so even a
- 2 sticker does not relieve you from the existing six
- 3 knots zone outside of the course, correct?
- 4 MS. WILLIAMS: Okay, currently the way
- 5 the regulation is written when you clear those last
- 6 balls which are what are on your Army Corps permit
- 7 the current regulation states that you must follow
- 8 the existing speed limit and after going there and
- 9 watching that there is no way that anyone could do
- 10 it. The boat clears the buoys so then the boat has
- 11 to do six knots but the person in the water is
- 12 going to fall over and hit something and the person
- 13 in the water has to clear the buoys because the
- 14 permitted course if you, look at the Army Corps
- 15 permit are the buoys, there is no buffer or place
- 16 you can drive around it, the new regulation doesn't
- 17 say that at all. The new regulation says that
- 18 because you are waterskiing can, do you not follow
- 19 the permit, the speed limit at all, the new
- 20 regulation says that you can now go six knots all
- 21 of the way around the course and back in and do



- 1 whatever you need to do to waterski properly so the
- 2 new regulation took that out because they were not
- 3 acting that way because it's impossible to run the
- 4 course the way the law was written. So we fixed
- 5 that. So right now if you have a permit and you're
- 6 practicing, because that's the way it's written,
- 7 you can, you do not have to follow the speed limit
- 8 but the current regulation today as its written is
- 9 not written that way and so we had to fix that,
- 10 they had to stop at the end of buoys and that
- 11 was --
- 12 THE CHAIRPERSON: That was a good fix.
- MS. WILLIAMS: Right, it was a necessary
- 14 fix. Bob, you have that look.
- 15 THE CHAIRPERSON: Bob, go ahead.
- 16 MR. LUNSFORD: Having a memory is a
- 17 terrible thing. Anne, I can't find that in the
- 18 current regulation. It says permittees may not
- 19 operate or give permission to operate a vessel at a
- 20 speed greater than six knots to a person on ski,
- 21 aquaplane or similar device unless the vessel



- 1 displays an inspection decal issue by the
- 2 department. It doesn't say you can't turn around
- 3 and pick up an injured skier at speed, that's not
- 4 what that says to me. It says if you have a
- 5 sticker you can goof off in Maynadier Creek.
- 6 MR. GRANT: That speaks to the, to the
- 7 ski course area, the area that the ski course is
- 8 allowed to set up in, not the whole, not the whole
- 9 creek.
- 10 MR. LUNSFORD: We marked the whole creek
- 11 essentially as a controlled ski area in the
- 12 definition there at the very beginning where we
- 13 marked what Maynadier Creek was and we said within
- 14 Maynadier Creek there is a ski course and within
- 15 Maynadier Creek within the controlled ski course
- 16 here are the regs that you have to abide by.
- 17 MR. GRANT: Right.
- 18 MR. LUNSFORD: It doesn't say you have
- 19 turn around and pick up a skier if you drop that
- 20 skier halfway through the course, it doesn't say
- 21 that you can exceed six knots to get back to them.



- 1 MR. GRANT: As long as you're in the
- 2 parameters of the ski course area. There is an
- 3 area, if I understand it correctly, where the ski
- 4 course may exist and then there is the ski source,
- 5 if you're within the area where the ski course
- 6 exists you can do anything that you want. If you
- 7 venture outside of that rectangle the six knots
- 8 applies for all of Maynadier. That's the way I
- 9 understand it.
- 10 MR. LUNSFORD: You have to look at -- if
- 11 you look at A, okay, it says the department may
- 12 designate a controlled ski area at Maynadier Creek
- 13 and then we define Maynadier Creek and then it says
- 14 the area shall encompass a ski course and then you
- 15 go back and talk about within the controlled ski
- 16 area here's what you can and can't do, and the
- 17 whole of Maynadier Creek is part of the controlled
- 18 ski area.
- 19 MR. GRANT: Right.
- 20 MR. LUNSFORD: It doesn't say in the
- 21 course only.



- 1 MR. GRANT: Well, the department may
- 2 designate a controlled ski area, a rectangle within
- 3 the waters of Maynadier Creek.
- 4 MR. LUNSFORD: If you look at those
- 5 coordinates that's the mouth of the Maynadier,
- 6 that's the whole creek. If you drew the line.
- 7 MR. GRANT: Doesn't that designate
- 8 Maynadier as a course?
- 9 MR. LUNSFORD: It designates all of the
- 10 Maynadier Creek as a controlled ski area, it does
- 11 not designate the course within there.
- 12 MR. GRANT: Wouldn't there be far more
- 13 coordinates that designate Maynadier Creek?
- 14 MR. LUNSFORD: No, it's a dead end
- 15 creek. You only need is only two points. You've
- 16 been in it.
- 17 THE CHAIRPERSON: Let's hold off for a
- 18 second. I'm confused about the language that we're
- 19 talking about plus we switched topics from
- 20 practice --
- 21 MR. LUNSFORD: I apologize.



- 1 THE CHAIRPERSON: Before we take up this
- 2 topic I would like to finish on what we would like
- 3 to recommend on the topic of practice and the
- 4 ability to actually some day have a tournament
- 5 maybe somewhere. So what is the recommendation on
- 6 that? Steve, you suggested that we just take out
- 7 the language that says the ski slalom course shall
- 8 only be used for practice.
- 9 MR. KLING: I did and I heard Bob's
- 10 point that there was public pressure at least from
- 11 Maynadier Creek to limit what was going on there.
- 12 Doesn't affect my life. If the ski community can
- 13 live with not having a big gathering on Maynadier
- 14 Creek it's easy enough to avoid that hassle.
- 15 MR. PARLIN: So going back to my point
- 16 before was let's look forward, let's look forward
- 17 if somebody wants to set up a ski course in Chester
- 18 River and allow whatever the permit that you get.
- 19 If they can get a permit from the Army Corps that
- 20 says that's a permanent ski course and they're
- 21 going to hold their permitted ski tournament up



- 1 here and they are going to bring in dollars to the
- 2 state so we're limiting them by saying practice
- 3 only. It shouldn't say by what the permit allows.
- 4 So if the permit in Maynadier and Sunrise Beach
- 5 restricts those courses to practice only then we
- 6 shouldn't be here trying to change that. If they
- 7 want to go and get another permit which allows them
- 8 to do a tournament then let them get the permit and
- 9 if the Army Corps permit allows that then again the
- 10 Army Corps permit covers it, not a state reg that
- 11 pigeonholes every ski course into a practice course
- 12 only.
- 13 MR. KLING: I think we're in the Corps
- 14 permit business because we're putting more in the
- 15 water. Someone -- we had the powerboat race in
- 16 Kent Narrows, that's unrelated to the Corps permit,
- 17 that's a Coast Guard issue. Someone could come to
- 18 the state and the Coast Guard and get permission to
- 19 run a major waterski championship tournament
- 20 virtually anywhere unrelated to the designated ski
- 21 areas and it would require, probably, it might well



- 1 require a marine gathering permit which I assume
- 2 Kent Narrows does and it would require Coast Guard
- 3 approval so I think that's a different issue than
- 4 what, you know, what we're saying is here are going
- 5 to be a bunch of buoys in the water that anybody
- 6 with the proper boat can go and use anytime except
- 7 in the afternoon, those to me are apples and
- 8 oranges.
- 9 MR. GRANT: I think that marine
- 10 gathering exclude races and regattas. But is a ski
- 11 tournament a race?
- MR. KLING: Okay.
- MR. DWYER: No, it's not a race.
- MR. GRANT: So I mean --
- 15 THE CHAIRPERSON: So are we then
- 16 suggesting as this committee that we simply remove
- 17 the language that says the ski slalom course --
- 18 well, the ski slalom course shall be only, shall
- 19 only be used for practice --
- 20 (Simultaneous discussion.)
- 21 THE REPORTER: I'm sorry, I can only



- 1 take one person talking at a time. Also, please,
- 2 you have to use your microphone.
- 3 (Discussion held off the record.)
- 4 THE CHAIRPERSON: Just a minute, let me
- 5 call on you, please. Is that where we got to? Is
- 6 that we want to say that ski slalom course shall
- 7 only be used for practice or remove that or only
- 8 say Maynadier shall be used exclusively for
- 9 practice? Take it away, Joe.
- 10 MR. HELLNER: I move that any language
- 11 in these regulations referring to practice only be
- 12 removed.
- 13 THE CHAIRPERSON: Is there a second?
- 14 MR. DWYER: I'll second it.
- 15 THE CHAIRPERSON: Russ seconds it. Any
- 16 discussion on that? Bob.
- 17 (Discussion held off the record.)
- 18 MR. LUNSFORD: Could we amend the motion
- 19 to say except for the existing course in Maynadier
- 20 Creek?
- 21 MR. HELLNER: No objection to that.



- 1 MR. LUNSFORD: If you did that then I'm
- 2 fine with the motion; otherwise, I see a problem
- 3 with the folks of Maynadier objecting so with that
- 4 I'll suggest that amendment. If it's acceptable,
- 5 I'm fine.
- 6 MR. HELLNER: I accept the amendment.
- 7 THE CHAIRPERSON: Any further discussion
- 8 on this? Rachel, do you want to say anything about
- 9 this? Microphone, please. All the way up.
- 10 MS. EISENHAUER: My only concern and
- 11 this is mine only is that I prefer, I would prefer
- 12 the motion to be that you send it back for language
- 13 that would be in accordance with those kind of
- 14 issues because we may be able to structure it so --
- 15 THE REPORTER: Please speak into your
- 16 microphone, I can't hear you.
- 17 MS. EISENHAUER: Let me back up. My
- 18 understanding of the purpose of these regulations
- 19 was to have it more of a general regulation for all
- 20 of the type of ski areas and not keep putting out
- 21 this exception and that exception and there may be



- 1 a way that that one sentence can be written so it
- 2 goes to what your intent is as well as allows for
- 3 no limitation that it's written as now, so it might
- 4 be nice if the motion was more, a little bit
- 5 general as in not taking out all reference to
- 6 practice only but instead to be in accordance with
- 7 the ideas behind that, shouldn't just be limited to
- 8 practice but should be written in a way that would
- 9 allow for the course to be used for other uses.
- 10 Does that make sense? I don't know, I'm afraid the
- 11 motion as stated is directing us that we have to do
- 12 it this way and we may be able to fix it without
- 13 having to do it that way, that's what --
- 14 MR. HELLNER: I understand where counsel
- 15 is trying to go with it, I'm not sure I can come up
- 16 quickly with the word she seeks either, but I
- 17 believe that, Madame Chair, is the spirit of my
- 18 motion. It's basically I think as a committee
- 19 we're saying is we're okay with folks using the
- 20 waterway this way. We are the advisors to the
- 21 state, provided they can get the proper permit,



- 1 which is not us, but we are also trying to create
- 2 regulations to properly inform the citizens that
- 3 are understandable but do not otherwise create a
- 4 regulation that does not, that does not exist in
- 5 the state. So in other words, let's not make up
- 6 law here and I don't think we're advising DNR to
- 7 say let's not allow tournaments, I think we're
- 8 trying to find ways to allow tournaments. All that
- 9 said -- I'm not sure how I can word it, but let me
- 10 give it a try, the motion would read that
- 11 references to the nature and the use of the course
- 12 shall be removed unless, unless other -- that's
- 13 where we get stuck -- unless specific, specific --
- 14 MS. CRAIG: Exceptions.
- 15 MR. HELLNER: Go ahead, Madame Chairman.
- 16 THE CHAIRPERSON: I think what Rachel is
- 17 looking for is more intent than the language, I
- 18 think the intent that she's asking for is what
- 19 we've all been talking about which is to make the
- 20 use as open as possible, not limited to practice
- 21 only if we can avoid that limitation and ensure the



- 1 widest use of the waters of the state of Maryland
- 2 by the people who live here and love to use the
- 3 waters. So Steve, you're always good at motions,
- 4 have you got us one?
- 5 MR. LUNSFORD: You need to withdraw, you
- 6 have one on the table.
- 7 MR. HELLNER: I withdraw my motion.
- 8 MR. KLING: I was just playing with I
- 9 think what we're getting to is the sense that the
- 10 committee as, is we would like to see minimum
- 11 regulation of designated ski areas with the
- 12 understanding that Maynadier Creek maybe limited to
- 13 practice and training only and then allow counsel
- 14 to --
- MS. EISENHAUER: Work with the language.
- 16 MR. KLING: -- work with the language.
- 17 THE CHAIRPERSON: Okay. Do you want to
- 18 make it a motion?
- 19 MR. KLING: I just did.
- 20 THE CHAIRPERSON: Okay.
- 21 MR. HELLNER: I second it.



- 1 THE CHAIRPERSON: Wait a minute, let's
- 2 get it, minimum regulation of regulated ski areas.
- 3 MR. KLING: With the understanding that
- 4 Maynadier Creek may be limited to practice and
- 5 training only.
- 6 MS. ALLISON: Operative term may.
- 7 THE CHAIRPERSON: Steve, say it again,
- 8 please.
- 9 MR. KLING: It is sense of the committee
- 10 that we seek minimum regulation of designated ski
- 11 courses with the understanding that Maynadier Creek
- 12 may be limited to training and practice only.
- MR. HELLNER: I'll second that.
- MS. EISENHAUER: I mean I think, yeah,
- 15 what I was going to say is when I go back it look
- 16 at the regs and when we really sit down what my
- 17 sense from this committee is that we have a creek
- 18 that we're concerned about, but what that we also
- 19 want to make sure that we're not limiting the use
- 20 by the regulations and that may be as simple as
- 21 changing one of the shalls to a may, but I'm not



- 1 certain. I really need to go back and look at
- 2 them. Does that capture what the committee would
- 3 like?
- 4 THE CHAIRPERSON: Yeah. Let me get to
- 5 the vote, I think that captures it.
- 6 MS. EISENHAUER: I just want to make
- 7 sure I understand when we come back but when we
- 8 come back, if we haven't done what you wanted, do we
- 9 have another motion and say --
- 10 MR. HELLNER: Madame Chairman, if I
- 11 could, Steve, I'm going to tweak your words a
- 12 little, because I think when you said regulation I
- 13 think then that gets back into all of the other
- 14 things we worry about, speed limits and size and
- 15 such, so I want to modify your motion to say it's
- 16 the sense of the committee that minimum usage
- 17 restrictions -- what did you say, the other part --
- 18 be removed or --
- 19 MR. KLING: The sense of what -- what I
- 20 was saying is minimum --
- 21 MR. HELLNER: I wanted to try to get in



- 1 on usage, that's what we're focused on, a
- 2 tournament, a practice whatever, that we minimize
- 3 usage restrictions with the understanding that
- 4 Maynadier, that additional limitations may be in
- 5 effect on Maynadier Creek.
- 6 MR. KLING: I don't -- I have small R
- 7 regulation, if you want to say usage restrictions
- 8 to me it's the same thing, I don't care.
- 9 (Discussion held off the record.)
- 10 THE CHAIRPERSON: John, get a mic,
- 11 please, so you can be heard.
- 12 MR. PEPE: That language restriction is
- 13 already there under M, spelled out very
- 14 specifically.
- MS. WILLIAMS: That's gone, that's
- 16 bracketed out. That's what you're cutting out.
- 17 MR. PEPE: Okay.
- 18 THE WITNESS: Then we talk about the
- 19 italics on the next page.
- MR. PEPE: Yes, okay.
- 21 THE CHAIRPERSON: So Joe suggested some



- 1 additional language. We have from Steve it's the
- 2 sense of committee to seek minimum regulation of
- 3 regulated ski areas with the understanding that
- 4 Maynadier may be additional.
- 5 MR. KLING: I have no problem with
- 6 stating minimum use restriction in terms of
- 7 regulation.
- 8 THE CHAIRPERSON: So all we're trying do
- 9 is make sure that Rachel has something to hang her
- 10 hat on. Which language works better for you or
- 11 does it matter?
- 12 MS. EISENHAUER: I think I'm okay now, I
- 13 think I understand what you want, I just didn't
- 14 want it to be a motion to be so restrictive we had
- 15 to write it a certain way and had to eliminate what
- 16 it says, I understand what's your intent. We're
- 17 all on the same page with that.
- 18 THE CHAIRPERSON: So I just added, so we
- 19 have the sense of committee is to seek minimum,
- 20 minimum.
- 21 MR. KLING: Use restriction.



- 1 THE CHAIRPERSON: Minimum use
- 2 restriction, okay, got it, of designated ski areas
- 3 understanding, with the understanding that
- 4 Maynadier may require additional restrictions. Is
- 5 that, is that the motion?
- 6 MR. HELLNER: I didn't --
- 7 THE CHAIRPERSON: Was Maynadier, did you
- 8 get a specific as saying training and practice or
- 9 did you just say --
- 10 MR. KLING: May.
- 11 THE CHAIRPERSON: Maynadier may require
- 12 additional regulations or what?
- 13 MS. CRAIG: Limitations.
- 14 MR. KLING: We may need to restrict
- 15 Maynadier to training and practice.
- 16 THE CHAIRPERSON: Got it. Okay. All
- 17 right. So here's what I got, let me know if it's
- 18 right. The sense of the committee is to seek
- 19 minimum use restrictions of designated ski areas
- 20 with the understanding that Maynadier may need to
- 21 be restricted to training and practice.



- 1 MR. HELLNER: Works for me.
- THE CHAIRPERSON: Okay. Okay. More
- 3 discussion?
- 4 MS. ALLISON: Second.
- 5 THE CHAIRPERSON: Second, okay. Can I
- 6 have a vote, show of hands in favor of this?
- 7 (Show of hands.)
- THE CHAIRPERSON: Great, unanimous.
- 9 That was a good, hard conversation. Anything else?
- 10 Russ.
- 11 MR. DWYER: This is for Amy, I have been
- 12 sitting here for an hour and I remember who's got
- 13 the permit for South River. It was Bob Morris.
- 14 No?
- MS. CRAIG: Don't say Bob. He can't
- 16 find it.
- 17 MR. DWYER: That's who had it.
- 18 MR. LUNSFORD: I thought he gave it to
- 19 Tom.
- MR. DWYER: We're going back 30 years
- 21 here.



- 1 MS. CRAIG: I think we went down the
- 2 trail.
- 3 MR. DWYER: Waste of energy?
- 4 THE CHAIRPERSON: Is there any further
- 5 discussion on ski course language and Severn River
- 6 COMAR restrictions, folks? Amy, go ahead.
- 7 MS. WILLIAMS: Okay. Bob's concern
- 8 about the decal allowing somebody who is not
- 9 practicing or running a race to do anything he
- 10 wants is correct Rachel and I are going to look at
- 11 it and correct that error because what we currently
- 12 did was lifted the boundaries of this ski zone from
- 13 inside of the buoys to the entire waterski, the
- 14 speed limit boundary and in the case of Sunrise
- 15 Beach there is, the complete boundary is where you
- 16 can waterski so that way you can turn around and do
- 17 what you need to and Maynadier is the entire, I
- 18 mean the speed limit creek area they can turn
- 19 around, so we are going to correct that error
- 20 because he's correct if you aren't waterskiing and
- 21 had a sticker on and you could act like an idiot



- 1 and get yourself in trouble so we're going to word
- 2 that you have to be in the act of waterskiing. In
- 3 the act of waterskiing because you could be outside
- 4 of the course and turning around but if you're in
- 5 the act of waterskiing --
- 6 MS. CRAIG: Using the course.
- 7 MS. WILLIAMS: -- using the course and
- 8 Rachel is going to make it legal, but your concern
- 9 about that has been, is correct.
- 10 THE CHAIRPERSON: The other thing --
- 11 MS. WILLIAMS: Will be noted and
- 12 addressed.
- 13 THE CHAIRPERSON: Okay. Anymore on ski
- 14 course? So may I just say many thanks to Amy,
- 15 Anne, the subcommittee and everyone who worked on
- 16 it. You all did a great job making this better.
- 17 (Applause.)
- 18 MS. CRAIG: 99.9 percent of the thanks
- 19 going to Anne.
- 20 THE CHAIRPERSON: Amy, I think you did a
- 21 great job leading this and with your in-depth



- 1 knowledge of the skiing and ski courses and
- 2 competitions I think this has been useful and I
- 3 think it's why this committee exist is to have
- 4 people who are citizens and are knowledgeable to
- 5 help give good advice.
- 6 So are you ready for Days Cove
- 7 regulatory request?
- 8 MR. GRANT: Days Cove, I contacted both
- 9 Baltimore County Department of Education and the
- 10 Maryland Park Service and suggested that they may
- 11 want to consider looking at their, that small pond
- 12 off of Days Cove because of the influx of fishermen
- 13 getting in there these days and they all said they
- 14 would and they all didn't, so I have heard nothing.
- 15 And this was immediately after our last meeting I
- 16 phoned around in speaking to different people and
- 17 finally got to the woman in charge of the education
- 18 part and the gentleman at the state park who both
- 19 said they had to speak to somebody else. That's
- 20 where it sits.
- 21 THE CHAIRPERSON: Okay. All right.



- 1 Accident report.
- 2 MR. GRANT: I made the request of NRP
- 3 for the report, spoke to someone to get a
- 4 clarification on what we requested, sent a couple
- 5 of back up requests and we didn't get anything.
- 6 THE CHAIRPERSON: So I'm sure that Robin
- 7 and the rest of us would really like to see that.
- 8 MS. ALLISON: This is the second year we
- 9 have made this request and not been followed-up on.
- 10 THE CHAIRPERSON: So can we ask you
- 11 elevate this to whatever level is sufficient in DNR
- 12 to get the report?
- 13 MR. GRANT: I did that three days ago
- 14 and I didn't hear anything back, so I will try
- 15 again and send that electronically.
- 16 THE CHAIRPERSON: Would you like the
- 17 chair to write a letter to the secretary requesting
- 18 information?
- 19 MR. GRANT: Not yet, no. I'll knock on
- 20 doors.
- THE CHAIRPERSON: Okay, thanks.



- 1 Mark, are you going to talk to us about
- 2 2016 legislation?
- 3 MR. O'MALLEY: Sure. This is going to
- 4 be very, very short because I talked to the
- 5 legislative director and there have not been any
- 6 bills put forward yet but the rumor mill is it's
- 7 going to be a very light year or a very heavy year
- 8 for bills, which is more likely. Those affecting
- 9 boating, there's only one that I'm aware of and I'm
- 10 not even aware of it, there is one that I'm 99, to
- 11 use Amy's description, 99.9 percent sure will occur
- 12 which will be the vessel excise tax cap. It's due
- 13 to sunset this year which means the cap will be
- 14 removed. I'm very, very confident that the
- 15 industry will put in a bill to keep the cap in
- 16 place permanently. The task force of which you
- 17 members are also members of this committee
- 18 discussed that a great length. Personally I wanted
- 19 sunset to continue for a few more years because
- 20 then you'll get, it will force legislative action.
- 21 If you get, if you do away with the sunset nothing



- 1 is going to ever happen again until somebody has
- 2 enough backing and strength to put a bill through.
- 3 So that's right now the only one that I suspect
- 4 will go in. I have not heard from our NRP
- 5 colleagues in terms of any bills that may be put
- 6 forth so that's as far as I know; however, Donna
- 7 and I are going to legislative session this
- 8 afternoon at 1:30. If we get anymore we'll send it
- 9 out, but I think we're not going to know anything
- 10 until the second week of January.
- 11 THE CHAIRPERSON: Okay. Any questions
- 12 for Mark? Thanks a lot. So then we're on to
- 13 nominating committee reports. Steve.
- 14 MR. KLING: The report of the nominating
- 15 committee which comprised myself, Mr. Lunsford and
- 16 Mr. Levitan, we went with the Ks and the Ls.
- 17 MR. LUNSFORD: Centralized.
- 18 MR. KLING: We would recommend to the
- 19 committee Christopher Parlin as chair, Amy Craig as
- 20 vice chair and Thornell Jones as officer at large.
- 21 THE CHAIRPERSON: Do you need a second?



- 1 MR. KLING: You don't need a second for
- 2 a report that comes from the committee.
- 3 THE CHAIRPERSON: So then good, all we
- 4 need is a vote.
- 5 MR. KLING: Or nominations from the
- 6 floor.
- 7 THE CHAIRPERSON: Any nominations from
- 8 the floor?
- 9 MR. DWYER: I move the nomination be
- 10 closed.
- 11 MR. LUNSFORD: Second.
- 12 THE CHAIRPERSON: Okay. Then any
- 13 discussion? Okay, let's take a vote. All of those
- 14 in favor of the recommendations for the nominating
- 15 committee?
- 16 (Show of hands.)
- 17 THE CHAIRPERSON: That's unanimous. So
- 18 congratulations to Chris, Amy and Thorny. I look
- 19 forward to the next two years under your
- 20 leadership.
- 21 So shall we look at old or new business



- 1 first. Is there any old business that we need to
- 2 cover, folks? Any new business?
- 3 (Discussion held off the record.)
- 4 MR. WRIGHT: What has transpired in over
- 5 the last about a year and a half we who in boating
- 6 do a lot of regulation work for fisheries and
- 7 writing languages like with boating speed limits,
- 8 most of their regulations now are by coordinate.
- 9 Sometimes they give us enough time to do the job
- 10 properly, other times it's like we needed it
- 11 yesterday and they get what they get. Well, this
- 12 is what they got. There was a case in the oyster
- 13 sanctuaries that the watermen love so much and they
- 14 requested a line to go over to Tilghman over to
- 15 Change Point (phonetic), well, when we did that we
- 16 did not have time to do a survey to actually locate
- 17 where the area was, so we had to go with what our
- 18 charted position for Change Point was, it went into
- 19 regulation, it is in the regulation that way now,
- 20 but the way it was order worded it went up and came
- 21 down along the shore to a point, well, this



- 1 particular coordinate said in the regulation does
- 2 not fall where the shoreline actually is now, which
- 3 is where the red is. There was a court case, the
- 4 defense attorney said, oh, they don't match, your
- 5 regular is defective. So then defendant was found
- 6 not guilty. In an attempt at that fix this problem
- 7 because fisheries -- we have a lot of coordinates
- 8 in our, in the boating regulations -- fisheries has
- 9 far more than that and to fix all of them would be
- 10 a mammoth task and by the time we finished it would
- 11 be time to start over so what we came up with was a
- 12 set of I quess we want to call rubric or
- 13 interpretive regulations and they have already gone
- 14 through the regulation process with fisheries and
- 15 there is a section in there general regulations
- 16 that if a coordinate doesn't match with what the
- 17 real world is or what you see down here -- this is
- 18 the regulation text -- this is what you're supposed
- 19 to do in term of the interpreting for courts and
- 20 for the police and for the public. So in this
- 21 particular case this coordinate doesn't match the



- 1 text which says it goes to the shore, the two don't
- 2 match, what do we do? Well, what this says connect
- 3 it to the shortest distance. So we have six of
- 4 these regulations. What we probably should do is
- 5 since we have all of the coordinates in our
- 6 regulations is basically take the same text that we
- 7 have made for fisheries and gone through the
- 8 regulation process but insert it into the boating
- 9 regulations. Fisheries attempted to do this on a
- 10 department wide basis and it created a firestorm on
- 11 the e-mail system because, A, 99 percent of the
- 12 people that were responding didn't a have a clue
- 13 what it was about. Some of them were trying to
- 14 apply it to land survey situations. Fisheries just
- 15 gave up and just applied it to their regulations,
- 16 and so we figure that since we have a lot of
- 17 regulations have the same problem ours are
- 18 generally better because ours have been surveyed
- 19 more recently, we have gone out and located them
- 20 physically, but there is always a chance that they
- 21 don't match up and in one case, in the last case



- 1 I'll get to eventually, we do have that situation
- 2 because we intentionally wrote the regulation that
- 3 way.
- 4 If you want to go to the next one.
- 5 Here, it's some of these are just whether -- the
- 6 first one was there was a shoreline description
- 7 that didn't match. Here you have a point that what
- 8 do we do here and so again shortest distance
- 9 (indicating).
- Next one. Again, we have, this is the
- 11 sanctuary, this PowerPoint was made up for
- 12 presentation to the police and so they could figure
- 13 out what we're talking about, basically if it's
- 14 done this point to point to point you win.
- 15 In other words, you enforce the coordinates. You
- 16 have the same point to point to point and it's just
- 17 kind of a long stretch of them same type of thing,
- 18 it's just a long.
- 19 MR. GRANT: Choptank.
- 20 MR. WRIGHT: What's this one? Yeah, the
- 21 statement. Again, you try to make it so the



- 1 coordinates win because that's what is there.
- 2 People don't like them but it's about the only
- 3 fixed thing that we have. You can go by points
- 4 meaning they have the issue of having to follow,
- 5 have the line moved back and the police don't like
- 6 it and fisheries doesn't really like it. Fisheries
- 7 tries to live in a world where they can cookie
- 8 cutter the world into pieces for their purposes and
- 9 they can calculate exact acreages and so we have to
- 10 kind of live with that.
- And go on to the next one. This is the
- 12 situation that we have in the boating regulations.
- 13 Here the coordinates are on shoal and basically
- 14 here, this particular case, they go back to the, to
- 15 the, where there a shoreline is. We have a similar
- 16 situation up in western Maryland where you have the
- 17 safety zones for the dams and we were able to
- 18 survey where the dams were back when NRP had the
- 19 helicopter, but to actually get the coordinate
- 20 points for the shoreline or the buffer upstream
- 21 trying to get in there with a boat was not



- 1 something that was high on my list of things to do
- 2 so what we did we basically determined what
- 3 orientation of the dam was, figure an offset with
- 4 the proper distance and extend the line a half a
- 5 mile to the shore and so there is a line that runs
- 6 across the river and in this case wherever it hits
- 7 the shoreline that's where you enforce it. I mean
- 8 we have in that particular case it was important to
- 9 safety, we couldn't go there, you may have other
- 10 cases where there is, you know, have a property
- 11 owner or say a military base where you can't get
- 12 access to the shoreline, so we do this occasionally
- 13 so it's in this group of things, but we've come up
- 14 with six of these that we think will cover most of
- 15 the cases. I am sure we'll find something later on
- 16 to add to it but eventually it probably wouldn't be
- 17 able to even start the process with the regulation
- 18 until somewhere after session. What we would like
- 19 to do is eventually put these in probably our
- 20 general section just like fisheries did so they're
- 21 there if somebody has a question about how to



- 1 interpret this line because I took my GPS and it
- 2 was two feet offshore and that line doesn't match
- 3 up so your line is wrong. It's, you know, we're
- 4 covered. There is a rule that says do this.
- 5 MR. BUSH: I have quick question. You
- 6 have one example there of a curved line, I wonder
- 7 how was that determined? Right there.
- 8 MR. WRIGHT: Yes. This one? What it
- 9 actually is when fisheries gave us -- most of these
- 10 have to deal with sanctuaries -- what they call the
- 11 megasanctuaries -- when they gave us the task to
- 12 come up with these coordinates for their
- 13 regulations what they sent us was basically an 8
- 14 and a half by 11 sheet of paper with all of these
- 15 little yellow spots on it to cover the entire bay
- 16 and so we had to figure out what on earth they were
- 17 talking about. It took a while, and they needed it
- 18 yesterday, so what we actually came up with was
- 19 this particular window is down to Todd's Point down
- 20 here and come out this is the county line to Talbot
- 21 and Dorchester County and goes up in the Choptank



- 1 area and it's a curvy line that was actually set by
- 2 the court case in the Court of Appeals what are the
- 3 boundaries of the counties in the rivers, they made
- 4 a decision, the charts actually had been altered in
- 5 some cases because of it, but this is the result of
- 6 that particular court decision and so rather than
- 7 have five thousand coordinates we attempted to
- 8 segment it so that it followed as best we could
- 9 with the general flow of the boundary but limited.
- 10 It's more coordinates than this, I mean it's -- but
- 11 it, that particular case it's a county line and
- 12 that's what they showed and that's what they wanted
- 13 so, you know, I don't know that they realized it
- 14 was going to come out like that, but that's it, you
- 15 know. Any other questions?
- 16 THE CHAIRPERSON: Looks like a good
- 17 solution to a sticky problem.
- 18 MR. WRIGHT: Well, it was something that
- 19 sort of popped up, we could see it was going to
- 20 possibly happen, it was unfortunately in a court
- 21 case and, you know, trying to explain to the judge



- 1 that, you know, the intent was there and he wasn't
- 2 going to buy it so we had to, we had to live with
- 3 what we got, but, you know, we were able to come up
- 4 with this rubric, if you want to call it that, to
- 5 hopefully fix it. Only took fisheries a year and a
- 6 half to get it into regulation, but they move
- 7 slowly.
- 8 THE CHAIRPERSON: That's great. Thank
- 9 you for briefing us on this, that's very helpful.
- 10 Any questions for Louis? Is there any other new
- 11 business? Bob.
- 12 MR. LUNSFORD: Just do we need, do we
- 13 need a motion so that Louis can proceed with
- 14 amending the general reg that reflects that if the
- 15 line ends out in the middle the water and takes the
- 16 closest point to the nearest shoreline? Do we need
- 17 a motion to that, Louis, or are you going do that
- 18 without us? It's fine, it's an administrative
- 19 change as far as I'm concerned.
- 20 MR. WRIGHT: We can either way. I think
- 21 the AELR likes to see that we do something like



- 1 that which is discussed at a public meeting, we
- 2 haven't had a hearing like you had for speed
- 3 limits, but it's like, you know, I think they like
- 4 to see that it comes from, you know, there has been
- 5 more talk than just popping in my head than let's
- 6 do it.
- 7 MR. LUNSFORD: I would like to propose
- 8 such a motion that we indicate the committee's in
- 9 favor of adopting language such that was shown on
- 10 slide one when a line ends in a point that's not on
- 11 shore that the closest point of shore becomes the
- 12 end of line.
- 13 MS. CRAIG: Second.
- 14 THE CHAIRPERSON: Any discussions? Can
- 15 I see a vote from the committee, all of those in
- 16 favor?
- 17 (Show of hands.)
- 18 THE CHAIRPERSON: That is carried
- 19 unanimously. Thank you, Bob. Thank you, Louis.
- Is in any other new business? Robin.
- 21 MS. ALLISON: I'm not sure if this is



- 1 new or old business --
- THE REPORTER: Please use your
- 3 microphone.
- 4 MS. ALLISON: I'm not sure whether this
- 5 is old or new business, but we were supposed to be
- 6 seeing some regulations or general requirements for
- 7 stand up paddleboards and I haven't seen or heard
- 8 anything of late and I'm just wondering if -- also
- 9 I would like to make a request one more time about
- 10 having frequent reports from the Natural Resources
- 11 Police about accidents because how are we going to
- 12 have guidance about where we should and shouldn't
- 13 have speed limits unless we have reports on what's
- 14 happening there. So those two things are on my
- 15 mind.
- 16 THE CHAIRPERSON: So stand up
- 17 paddleboards I thought the direction we were going
- 18 on that it was going to be safety education and not
- 19 additional regulation.
- 20 MR. PARLIN: Yeah. If I can dovetail to
- 21 what she said, we turned it back over to Julie to



- 1 say take this and run with it, take it down to
- 2 boating safety education side, get the word out
- 3 there to work with the manufacturers to try to get
- 4 them to help with this also, but I think it's going
- 5 to be a process so, again, we wanted to punt it out
- 6 of our field and try not to regulate unless it
- 7 absolutely becomes necessary.
- 8 MS. ALLISON: I was just curious if we
- 9 were going to have a report on how that he was
- 10 coming.
- 11 MR. PARLIN: Well, we can check with
- 12 Julie. I'm sure it's going to take a little time
- 13 to get out there.
- 14 Also, I do know, I want to comment on
- 15 the NRP 2015 accident report, they usually do
- 16 yearly reports so it's probably one of the reasons
- 17 why we're having some trouble is usually they do
- 18 kind of a wrap-up at the end of year saying this is
- 19 everything that happened. I don't know.
- 20 MR. GRANT: I believe it's about a year
- 21 behind normally and what I was getting from my



- 1 first conversation with the person who called that
- 2 said what do you want and I explained we would like
- 3 a report based on the accident, where, what, how,
- 4 why, you know, fatalities, alcohol involved, the
- 5 whole gamut. Well, he said the report that they
- 6 get doesn't spell it that way, it's a whole bunch
- 7 of information. I said can you garner that
- 8 information from that report. He said I will try.
- 9 And that's the way it was left.
- 10 THE CHAIRPERSON: Thorny.
- MR. JONES: Well, the Coast Guard report
- 12 usually comes out in March so it's likely they
- 13 won't have their input until the end of January.
- 14 THE CHAIRPERSON: So, Mike, for future,
- 15 the next meeting, why don't we see if we can get a
- 16 report from Julie on what she's doing with stand up
- 17 paddleboards or what the plans are for what she's
- 18 going to do about safety education on stand up
- 19 paddleboards and then maybe we can ask the NRP, you
- 20 can find somebody there to brief us. If they can't
- 21 give us 2015 give us 2014 and tell us when they can



- 1 give us 2015. Okay?
- 2 MR. GRANT: Yes.
- 3 THE CHAIRPERSON: Okay. And then so
- 4 when we get the NRP person who comes to brief us on
- 5 either 2014 and/or 2015 accident reports maybe at
- 6 that time we can ask them on what kind of a
- 7 frequency we can get updates, so if it's quarterly
- 8 or biannually, whatever it is, whatever they do, so
- 9 we don't overburden them, but we also are
- 10 knowledgeable. Can we add that to the next meeting
- 11 agenda, Mike?
- 12 MR. GRANT: I'm sorry?
- 13 THE CHAIRPERSON: Yes is a good answer.
- MR. GRANT: Yes.
- 15 THE CHAIRPERSON: Thank you. Any other
- 16 old or new business? So I just want to wrap up the
- 17 meeting then by saying, first of all, many thanks
- 18 to Chris and Amy who have served in leadership
- 19 roles while I was the chair and thanks to the
- 20 subcommittee chairs, we've had a number, for all of
- 21 their hard work and all of the members that come, I



- 1 know it's a long ride for a lot of you and it's
- 2 time away from work for everybody pretty much and I
- 3 want to thank you for that and the support that you
- 4 have given me as I have served as chair. I want to
- 5 thank the state of Maryland staff, the counsel and
- 6 DNR staff, they are the epitomy of what public
- 7 servants should be, they focus on what the state
- 8 and citizens need and try to make it easy for all
- 9 of us to enjoy and use the waterways of the state
- 10 safely. So many thanks to all of you and as a
- 11 matter of fact I would ask the committee to give
- 12 the state folks a hand.
- 13 (Applause.)
- 14 THE CHAIRPERSON: And then finally, I
- 15 want to say that, well, two things, one is that
- 16 boating map is awesome and whatever way that
- 17 Maryland can publicize that and get it out there as
- 18 a, they get into the final and up for use I think I
- 19 would recommend that. And finally I just want to
- 20 wish Chris and Amy and Thorny all of the best as
- 21 they serve in the leadership in the coming two



1	years. So with that I ask for a motion to adjourn
2	the meeting.
3	MR. PARLIN: Motion to adjourn.
4	THE CHAIRPERSON: Second.
5	MR. LUNSFORD: Second.
6	THE CHAIRPERSON: Those in favor?
7	(Show of hands.)
8	(Hearing adjourned at 11:45 a.m.)
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1	STATE OF MARYLAND COUNTY OF BALTIMORE
2	
3	I, Kelly A. Taylor, a Notary Public in
4	and for the State of Maryland, County of Baltimore,
5	do hereby certify that the aforegoing is a true and
6	accurate transcript of the proceedings indicated.
7	ANNE TALINA
8	Ry Umne 19101
9	Kelly A. Taylor, Notary Public
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