

Transcript of
Committee Meeting

Date: August 21, 2013 on Wednesday

Phone: 1-866-337-6778

Fax: 410-268-7006

Email: corbinandhook@corbinandhook.com

Internet: www.corbinandhook.com



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MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for meeting on Tuesday, August 21st, 2013 commencing at 10:00 a.m., at the Kent Island Yacht Club, Chester, Maryland, Coles Marsh, committee chairman, presiding.

COMMITTEE MEMBERS:

- | | |
|--------------------|------------------|
| John Pepe | Kathy B. Smith |
| Edric McSween | Jon Sheller |
| Amy Craig | Bob Lunsford |
| Robert Nickel | Ramona Trovato |
| Christopher Parlin | John Bush |
| Thornell Jones | Debbie Henninger |
| Steve Kling | |

Mike Grant, State Liaison
Mark O' Malley, Director of Boating Services

Reported by: Kelly A. Taylor

1 P R O C E E D I N G S

2 THE CHAIRMAN: Okay, we'll call the
3 meeting to order, Boat Act Advisory Committee.
4 Thank you everybody for coming and showing up
5 today, it's a beautiful day today so to be inside
6 is probably not a treat for some. I know one that
7 would like to be waterskiing on the South River, so
8 as we've done during the past we just go around the
9 room and maybe everybody pretty much knows
10 everybody, we have a couple of new members and just
11 say a little something about your background and
12 what have you and something that was interesting
13 for you this summer since we last were together in
14 April and we'll go around and catch everybody here,
15 so Chris.

16 (Members introduce themselves.)

17 THE CHAIRMAN: We're going to do the
18 regulatory request update. We can do the
19 regulatory pieces that we need to work on.

20 MR. GRANT: All right. As you recall we
21 started out this year with three requests and we're

1 down to two, the gentleman who originally requested
2 the change in Magothy Narrows was inundated with
3 calls and e-mails and threatening letters from his
4 neighbors so he decided to pull out for whatever
5 reason and I think he agreed that it was probably a
6 knee jerk reaction with the incident last year with
7 Delegate Dwyer who has resurfaced again as you
8 know. So that's, that's gone. So that leaves us
9 with two, the one right around the corner from the
10 Magothy is up in Main Creek off the Bodkin. And I
11 think you still can hear me if I sit down here,
12 just to refresh your memory.

13 MR. LUNSFORD: I can't hear you, Mike,
14 you're sitting down.

15 MR. GRANT: Who let him on the
16 committee? And that's where we are, I'll get
17 closer. The area, this area here actually has a
18 speed limit, this area does not, this whole area
19 does (indicating) and all of the way up here and as
20 you see six knots, Saturday and Sunday and holiday
21 and the folks here at Hammock Island and Ventor are

1 requesting six knots all of the time for this short
2 stretch right here, those are the dimensions. At
3 two thousand feet it takes there minutes out of
4 your life to get up out of there at six knots. The
5 few times we're up there we noticed a few small
6 boats going through and we haven't noticed no more
7 than a one foot wave coming through which you all
8 agree is acceptable in a marina, the very few calls
9 that I received complained they're coming too close
10 to the fuel pier at Ventnor, right here
11 (indicating), and then these folks here get slammed
12 because the boats coming full speed and stop here,
13 they get the wake coming in here. It's an older
14 marina, this is 40 plus years old, smaller slips
15 and larger sail boats, this is 60 years old and I,
16 like I said the fuel pier and the pump out is an
17 issue. It's about 50/50 on the calls, it's kind of
18 funny, a lot of people I've talked to I have
19 convinced there's possibly a problem there and they
20 say oh, now that I understand, I can see where
21 that's okay, yeah, I can take three minutes out of

1 my life to go six knots. Other people that live
2 here, own property, have grown up hear say yeah, I
3 understand, I think it's a wonderful idea, but I'm
4 against it because they live on the water, so they
5 can recreate on the water and watch their children
6 and grandchildren recreate in front of house. A
7 lot of the people thought it was the whole trip all
8 of the way up the entire length but of course it's
9 just this area here. One thing we want to keep in
10 mind is this right here at the, not Chester crab,
11 it's a restaurant.

12 MR. PEPE: Pleasure Cove.

13 MR. GRANT: This right here, these
14 buildings right here, these are storage sheds,
15 they're capable of five, stacking five high within
16 and literally you can see it from space, but I mean
17 when we've been by there are large yachts in there,
18 there are 60, 70 foot yachts in there, it's a big
19 facility, they don't have the racks in it yet, I
20 think the fear is that those, when those racks go
21 in they have hundreds and hundreds of boats in

1 there and if they go all go out in the middle of
2 the week we're in trouble so these people are
3 freaking out and they want to nip it in the bud.
4 This is the area again with your depths, et cetera,
5 these are the other areas around Back Creek of
6 course is the same speed limit, here's the area
7 again, this little area down here is also six knots
8 Saturday, Sunday and holiday. This is the view
9 from the fuel pier looking towards Hammock Island
10 over here and then out the bay, this is the view
11 from the gas dock straight across, about 485 feet
12 and what did we determine, that was about halfway
13 across, which piers are not supposed to stick more
14 than a third of the way across from what we
15 understand, but somehow it's been there for 60
16 years. This is from the bottom point of the
17 western most tip of the requested area over to the
18 other point called Graveyard Point STENOMARK, right
19 here (indicating) so this drawing right here was, I
20 made at the request of one of our members who
21 suggested that perhaps if you combine the two

1 areas, the red and the green that's the original
2 request, perhaps if it's cut back to here that has,
3 people can live with that and it cuts it down to
4 two and a half minutes at six knots and that's
5 where that stands right now. Again, very few
6 comments and the people at Hammock Island seem to
7 be a little more adamant about it, because they get
8 slammed pretty hard, generally I haven't had a lot
9 of comments, it's been a very slow season, I
10 wouldn't say I have about 25 comments via phone or
11 e-mail all summer.

12 MR. PEPE: Mike, have you heard anything
13 from the people that live on the northern shore of
14 Main Creek.

15 MR. GRANT: They don't specifically say
16 that, where they are except that they live on the
17 creek -- I'm sorry, I apologize, one gentlemen
18 lives right across here somewhere and that's why he
19 bought so he could recreate in this little cove
20 right here, recreate with his vessels, but he said
21 I'm one of these guys with a 16, 17 footer, I'm not

1 throwing a big wake, I said you're not the problem,
2 it's the guy with the 40 foot Sea Ray pulling
3 tubers that seems to be the problem, and he doesn't
4 want it because he doesn't want to spoil it for
5 himself.

6 THE CHAIRMAN: Mike, has he witnessed a
7 lot of tubers coming by his place that disturb --

8 MR. GRANT: No, he said not really, the
9 comments are coming from the marinas, not from any
10 boaters. Couple of people have said yeah, I have
11 seen people going by not towing somebody, but
12 they're certainly not looking behind them. They
13 may be doing the speed limit, but their boats cast
14 a bigger wake. So this meeting is setup by the
15 way, the public meeting is September 19th, at Downs
16 Park, which is right here (indicating). Actually
17 it's down here, so to get there it's a piece of
18 cake, we're going to send directions out to you, on
19 the 19th at 10 o'clock, public meeting. Any other
20 questions or comments?

21 THE CHAIRMAN: Questions or comments

1 from anybody?

2 MR. LUNSFORD: Question, have you had
3 any comment back about what's coming in on the web
4 site?

5 MR. GRANT: No, no.

6 MR. LUNSFORD: When will you close that
7 comment period, September 1?

8 MR. GRANT: September 15 is the NRP
9 comment period, I'll probably get to that next week
10 ahead of time to compile it.

11 MR. LUNSFORD: We'll have that available
12 on the 19th?

13 MR. GRANT: Yes.

14 MR. SHELLER: Mike.

15 MR. GRANT: Yes.

16 MR. SHELLER: On the revised area.

17 MR. GRANT: Yep.

18 MR. SHELLER: There might be a
19 possibility to go from Split Point to Orchard
20 Point.

21 MR. GRANT: Straight across.

1 MR. SHELLER: Straight across.

2 MR. GRANT: And just so they would be
3 kind of like --

4 MR SHELLER: There is no reference point
5 on that corner, is there? It's just a point of
6 space.

7 MR. GRANT: It's the red 12, isn't it
8 Louis?

9 MR. SHELLER: It's south.

10 MR. WRIGHT: The coordinates are
11 different from the red 12, I think the intent was
12 red 12.

13 MR. GRANT: That's what I thought it was
14 right there.

15 MR. WRIGHT: There is like four or five
16 buoys out there on that line.

17 MR. SHELLER: It's reasonable.
18 Another --

19 MR. PARLIN: What about that going from
20 the red 12 over to the Hammock?

21 MR. GRANT: Over to here, something to

1 consider.

2 MR. SHELLER: I looked at, we looked at
3 the property with Debbie a few days ago, maybe a
4 couple of weeks ago. I do feel sympathy for the
5 Hammocks Marina because they are, they are
6 basically out there in the exposed water, I have
7 less sympathy for the marina because it's a
8 commercial property, it was built years ago and in
9 my opinion a lot of these marinas are getting to
10 the point where they are dated 40, 50 years when
11 there wasn't traffic on the creek. Now the current
12 owners are saying we have this traffic, we need to
13 slow down the customers instead of changing the
14 geography of our marina. A lot of these marinas
15 are going out of date because they no longer fit
16 the boats that are being purchased and operated. A
17 lot of marinas don't have enough electric power,
18 the slips are not long enough, not wide enough and
19 things like that so we're going through in the
20 marina industry we're going through an evolution
21 where the customer base is changing both in age and

1 in demographics and our boat, our boat size and
2 uses changing. So I don't have as much sympathy
3 for people who have gas docks halfway across the
4 creek out in the middle of the open water saying
5 oh, my God, my boaters can't dock, they can't dock
6 and gas up because they're standing in the middle
7 of the creek next to the highway. Newer marinas
8 build wave attenuation and they have a lot of their
9 newer marinas are being designed by actual design
10 and development firms that take into account the
11 geography now. Their gas docks are protected both
12 from boat wakes and also from the weather so that's
13 just a consideration is that are we serving our
14 boating public better by protecting the marinas or
15 by protecting the environment by the opportunity to
16 have access to the water for all of the population?
17 So that's just, that's another, just another
18 perspective on, when you make a decision on, you
19 know, in the three years I've been on the committee
20 here we see a lot of marinas coming in and saying
21 my gas dock is exposed, well, you know, it's not a

1 natural geographic feature that was there that
2 we're trying to protect.

3 MS. HENNINGER: Then we look and we see
4 two and three minutes, what is two even three
5 minutes for safety of others because some people
6 are negligent in certain ways and we can't help
7 that either and we know when the Bayliners came
8 out, look what happened, everybody bought one and
9 it was like, that was dooms day and they didn't
10 have a license, so, you know, I mean it's a good
11 point, it is a great point and some of the marinas
12 need to be updated, but what is two minutes out of
13 our lives to save somebody else life.

14 MS. CRAIG: You're impacting the
15 residential value of those other people.

16 MS. HENNINGER: If we can scoot it
17 back --

18 MS. CRAIG: You're impacting the other
19 people that are within that boundary even with the
20 adjusted line.

21 MS. HENNINGER: Right, I know, we

1 thought about that.

2 MS. CRAIG: Two minutes out of your life
3 is a financial impact on the property owners.

4 MS. HENNINGER: Well, being in real
5 estate financially it's not that way, it doesn't
6 impede them from selling their house of them not
7 being able to waterski in front of house. We do it
8 in Middle River all the time, even on Saturday,
9 Sundays and holidays, I mean if it's all time, who
10 is really coming through the water on non-holidays,
11 so it's not going to -- their real estate isn't
12 going to be worth less because you have a speed
13 limit in front of the house, some people may look
14 at it, yeah, it's not beachfront property, it's bay
15 property, but it's not going to make that much of a
16 difference.

17 MS. TROVATO: I do live on the water and
18 have a ski course in front of my house, I bought
19 the house because the ski course is there, those
20 people bought those houses because they wanted to
21 play in the water in front of their house so it may

1 not impact the value of their house to someone who
2 doesn't care whether they can boat out front or
3 not, but it does impact those people who bought the
4 houses that could particularly play in front of
5 their house.

6 MS. HENNINGER: That was one of the
7 arguments he said that one of the people had, I
8 agree too.

9 MS. TROVATO: And their kids and
10 grandkids.

11 MS. HENNINGER: That's what they said
12 they may not want to be in the boat, they want
13 their kids in front of there and they want to be on
14 their property to see them.

15 MS. TROVATO: I think John makes an
16 excellent point about who are we protecting the
17 waterways for?

18 MR. PARLIN: We go back to the age old
19 problem where we push tubing and waterskiing and
20 boating activities out of this area and push it
21 into another area and therefore the concentration

1 goes in another area and two, three years from now
2 they're here asking for regulation and it becomes
3 this domino effect where we, you know, seem to push
4 this, we push this problem around the creek.

5 MR. SHELLER: The population on these
6 creeks has increased exponentially in some
7 mathematical formula over the last 50 years and so
8 we're dealing with scarce resources now and people
9 who are invested in those resources. I'm just
10 putting that out as a perspective as when you're
11 looking at these questions, you know, think about
12 maybe some of these other things.

13 Another point that Mike brought up was
14 this giant boatel system up the creek. In my
15 experience having operated three boatels with stack
16 storage over the years, 30 some years, it's a
17 graveyard Monday through Thursday, out of a 120
18 boats in one particular building say you might get
19 three or four boats during the week, the
20 concentrations are usually Friday through Monday
21 and not even Monday because everything is back to

1 work, so Friday, Saturday and Sunday is when you
2 get your traffic and another perspective is that
3 out of 120 boats you have about 80 that are static,
4 you wonder why shoes people own these boats which
5 is good for us, but there's only like 40 active
6 boats and out of those the activity on those
7 particular boats varies. Everybody has, buys a
8 boat with the concept of we're going to get out
9 there and use it and for the first summer they use
10 the hell out of it, the second summer you don't see
11 them half of the time and the third summer they
12 forget they have a boat on a lot of boats that are
13 not parked in your backyard, stored, just stored
14 and stacked. I don't know how it is with you.

15 MR. NICKEL: Not large ones, but --

16 MR. SHELLER: In my experience on
17 various points on the bay is when the boats are
18 basically warehoused, they don't get used by
19 people, people's priorities change, you have life
20 crisis and kids going to college and good things
21 happening so I don't know how much the impact will

1 change with more boats on that creek, but I don't
2 know if it would be as large as it potentially
3 sounds.

4 MR. PEPE: It's kind of a specialty
5 storage facility, it's really not a stacking
6 marina, that's probably something that may come
7 down the line several years from now, they store
8 long term big yachts in there, people that aren't
9 going to use their boats for season to season.
10 They may have 150 to 200 boats in that place in the
11 wintertime, but it seems to be right now being
12 utilized as a long term storage facility, it's kind
13 of a nonissue at the present but, you know, that's
14 something that will be addressed when it comes up.
15 You're going to hear, you're probably going to hear
16 from more people in the creek than just the
17 commercial measures.

18 MR. SHELLER: There had been dry land
19 for stacked storage for a number of years, I don't
20 know how much bigger the population is going to be
21 and the storage capacity is going to be. Some of

1 the outside facilities are not being used anymore.

2 THE CHAIRMAN: Mike, have you heard
3 anything from Jerry Everman that owns that Pleasure
4 Cove?

5 MR. GRANT: His dock, marina manager
6 called me and said we don't want this regulation
7 and I said it doesn't affect you, it only effects
8 the people at the beginning of the creek, why do
9 they want it, because people are running along very
10 quickly and he said that happens to me up here and
11 I said that doesn't bother you and he said no, I
12 said okay, thanks.

13 THE CHAIRMAN: Bodkin, have you heard
14 from them?

15 MR. GRANT: Not a word from Bodkin,
16 nope.

17 THE CHAIRMAN: Anymore questions? Any
18 other questions before we move on to the next one?
19 Okay. Thank you. Everybody got that, September
20 19th, downs park, 10 a.m. and Jeannine will send
21 out a notice. Thank you.

1 MR. GRANT: Pines Point Marina. Ocean
2 City, 90 bridge, Ocean Pines in here. This area
3 which we just found out was formerly known as
4 Jenkins Point, it was connected to Ocean Pines back
5 in the day, it has since deteriorated through what
6 they consider to be excessive boat wake. What I'm
7 passing around is from our shoreline folks, it's a
8 history of the shorelines over the years. Anyway,
9 the issue has been vessels traveling between this
10 cut right here, not so much this one, but this one
11 when they are coming down St. Martin River and
12 coming in to get fuel at the Ocean Pines Yacht Club
13 (indicating). Since last year we've installed a
14 second six knot buoy here, there is one all of the
15 way out here at the mark, another one here and
16 here, so this whole area is six knots all time.
17 This is the 1989 view of Jenkins Point, you can see
18 it's just starting to go here. These two islands
19 are just little balls of fur that stick up at low
20 tide, these don't even show anymore and this is the
21 future home of Pines Point Marina (indicating).

1 These are the changes, the purple area, I printed
2 it because it's hard to see that from here but
3 that's 20 years, 1841 to 61 in red and green and
4 you can see this was all cut in, all of these
5 canals and this area and they actually cut in here
6 to make the marina, make Pines Point. This was all
7 filled in, or excavated, I'm sorry, but you can see
8 as early as 1998 they still had, evidently had some
9 connection here but not much. These areas are all
10 six knots, all part of Ocean Pines. Since the new
11 speed buoy was put out here, this looking north,
12 this is the tip of the island and this is the wider
13 point right here, this is a six knot right there
14 and then of course one right here and probably some
15 out here, this has had a great effect, he's getting
16 much fewer people speeding through there now. He
17 really just wants to eliminate motorized vessels
18 and just allow kayaks, sailboards, non-motorized,
19 et cetera, but the vessels have slowed down. He's
20 still getting some right here, here it is again
21 (indicating), looking from their, their marina, he

1 still gets some people coming in and cheat and will
2 run hot up until here and cut down, then come
3 around this area and there is no buoy around here,
4 only one coming up the bay, up the Isle of Wight
5 Bay, and nothing coming down St. Martin, they could
6 probably use a buoy, but they're not having the
7 issues they had admittedly, but they want this
8 obviously to protect, protect their marina, because
9 the storms coming down this way, and of course the
10 turtles and Egret and Pipers and all of the other
11 stuff that live out there. They don't own the
12 land, they do not own the land it, belongs to Ocean
13 Pines. Of course, they have talked to Army Corps,
14 Army Corps is doing dredging projects in the area
15 and according to the gentleman that has put the
16 petition in from Pines Point, they're thrilled to
17 hear there may be a spoil site, they may be able to
18 rebuild that, it's so many years down the road,
19 it's up in the air, even though the speed limit has
20 helped a great deal they want to pursue the request
21 for motorized vessels between the island.

1 MS. HENNINGER: Any word from the
2 homeowner association from Ocean Pines?

3 MR. GRANT: Nope, haven't heard from
4 anyone from Ocean Pines, one from last week and
5 this week asking about it and they were both from
6 Pines Point so that's where that stands, this
7 meeting has not been scheduled, we're shooting for
8 somewhere in Cambridge, hopefully the Cambridge
9 yacht club, they have no trouble coming down for
10 it, rather than dragging all of the way to Ocean
11 City, we're going to try to do it in Cambridge.
12 Any questions?

13 MR. LUNSFORD: Yes. Have you had any
14 success with the shore erosion control group
15 whatever their current --

16 MR. GRANT: This is the success you're
17 looking at, the shore erosion group directed me to
18 their website and printed this. They will not
19 anymore write any kind of an opinion. They will
20 not participate in any kind of a survey that states
21 an opinion concerning boat wake versus natural

1 causes, they said there is no scientific benchmark
2 to do that. The director, I guess it was the
3 director, sit in my office and say we have no way
4 of determining that honestly, so we will no longer
5 comment in that sense, even though they did a
6 wonderful job for South River that was evidently
7 the last time they did it.

8 MR. LUNSFORD: They did a great job on
9 St. Leonard's Creek.

10 MR. GRANT: Yeah.

11 MR. LUNSFORD: That was a departmental
12 procedure that was signed off by the secretary
13 about a hundred years ago and I'm not sure that
14 that needs to be dragged out and dusted off, but in
15 the case where erosion is one of the primary issues
16 for seeking a regulation change it would seem to me
17 that not having benefit of them having a visit,
18 even if the visit is to say we can't make a
19 determination, because there are cases where
20 determinations can be made, but you can't do that
21 sitting in the office, would a letter from the

1 chairman to the secretary perhaps reminding the
2 current secretary this is departmental procedure
3 that was signed off on back in the days of
4 Dr. Brown be appropriate?

5 MR. GRANT: Probably.

6 MR. O'MALLEY: You can certainly ask
7 that question.

8 MR. LUNSFORD: Could I put that in a
9 form of a motion that we ask the chairman to draft
10 a letter to the secretary requesting that the
11 procedure be adhered to or at least if they're
12 going to change it could we get a notification and
13 chance to comment on it?

14 MR. GRANT: We'll get that and the
15 appropriate address.

16 THE CHAIRMAN: Do we have a second?

17 MR. PARLIN: Right here.

18 THE CHAIRMAN: Let's have a discussion
19 on that. Committee members.

20 MR. KLING: I think that the answer
21 we're getting is not acceptable and I realize we

1 may not be in a position to say it's not
2 acceptable, but it's not. I mean we can't do our
3 job and I would just say for the newer members of
4 the committee we have spent a lot of time over a
5 lot of years understanding this issue and I mean
6 Len Casanova who is long gone was the last one to
7 come in and bring us up the date with the state of
8 the art science. We have done some of our own
9 research in years past and we get these people, you
10 know, it's in many cases the mimicry of the bank is
11 eroding and it's all the terrible boat wake and we
12 know the science is there's relatively little
13 relationship between boat wake and shoreline
14 degradation and I mean we can't make reasoned
15 decisions without that input and they don't like to
16 do it. I mean on some level I can appreciate that,
17 on some level that's too bad that's why they get
18 the big bucks. And that's a fight we need to, we
19 need to make and, you know, if it means going up to
20 the secretary, it needs to go up to the secretary
21 because we've got, I mean, you know, I have looked

1 at this, I have my opinion, but you know, St.
2 Leonard's Creek, the guys that don't remember,
3 weren't around for that, it's a unique creek. It's
4 off the Patapsco and it's essentially --

5 MR. LUNSFORD: Patuxent.

6 MR. KLING: Patuxent. One of those
7 letters.

8 MR. LUNSFORD: Starts with a P.

9 MR. GRANT: How soon we forget.

10 MR. KLING: It's got like natural riprap
11 up the whole length of it. There's a layer in the
12 substrate that's essentially rock, it's a
13 conglomerate kind of rock, you ride up the creek we
14 thought it looked like an old bridge, looked like
15 concrete, you go up and it's rock, you know, slopes
16 a little bit, higher on the northwest side than it
17 is on the southeast side, but these people are
18 screaming erosion, erosion and they have natural
19 riprap. They don't -- they still didn't like the
20 answer we had. You know, we had a guy from that
21 creek off of the St. Mary's River.

1 MR. LUNSFORD: Carthagena.

2 MR. KLING: Carthagena Creek, he's
3 indignant. He's got a picture of a bank and it's
4 an eroding bank and he says the Jet Skis are doing
5 this to my cove, my cove, but there is a little
6 beach and there is grass growing out of the little
7 beach and yeah, there's erosion going on and we
8 commented at the time that we were kind of
9 skeptical about the claims and he took umbrage and
10 went to the secretary I think called me an idiot
11 for suggesting there was no relationship, I was the
12 chairman at the time between what he was seeing and
13 boat wake so we need this support to deal
14 responsibly with these kind of complaints. Mr. O'
15 Malley, I say that in part you to, I mean this is,
16 this is not a good answer from the erosion people.

17 MR. O'MALLEY: Agreed.

18 MS. SMITH: I would like to follow up as
19 a question based on the current situation assuming
20 that there is no change from the, these other
21 organizations, we don't get further information,

1 are we directed to not take anecdotal claims into
2 account like in this particular case? Do we just
3 not consider that in making a determination as a
4 committee? If those guys don't come out and give
5 some sort of scientific backup or opinion on it
6 then is it off the table as a discussion point?
7 That's just a question.

8 MR. LUNSFORD: If I could respond to
9 that. In many cases anecdotal evidence is all that
10 the committee has to go on because we can't be
11 there as often as residents where they're there
12 full time, in this case and other cases where
13 erosion is claimed very often you can look and in
14 the case of St. Leonard's it was a classic, we had
15 a well-known, local professor, scientist, Tim
16 Mountford (phonetic), who was claiming it was
17 clearly boat wakes that were causing erosion.
18 After tortious visits with Maryland Geological
19 Survey and shoreline erosion control folks, what
20 happens in the case of southern Maryland, you have
21 a sandy topsoil and then a less permeable layer of

1 usually clay, in this case it was rock, and rain
2 soaks through this topsoil, hits the rocks and then
3 floats horizontally to the bank where it sluffs
4 off, that stuff falls on to the beach and waves
5 wash it and make it look muddy, but the erosion is
6 taking place well above the water line, anecdotal
7 evidence was that it was erosion, but having
8 somebody look at it that understood what the
9 process was we were able to discount the anecdotal
10 evidence and say what you think you're seeing is
11 not what's happening, so when we can get better
12 information than anecdotal information what we
13 ought to try to do is obtain that and when we can't
14 maybe we have to use our best judgment by doing
15 site visits and using the experience, the
16 collective experience of the committee to make a
17 recommendation to the secretary, but when we can
18 get better information we need to request that and
19 like I said the erosion control folks may go out
20 and say we can't tell what's causing this, but the
21 next time it blows northeast and two more feet of

1 that is gone it's going to tell me that it wasn't
2 boat traffic that did it. There's a report, Mike,
3 I don't know if there is still one in the office
4 called The Role of Boat Wake and Shoreline Erosion
5 in Anne Arundel County. Donna, do you have a copy?

6 MS. MORROW: Not here, but I believe we
7 have a copy.

8 MR. LUNSFORD: Years ago I made a copies
9 and passed it out to the committee and this did
10 very rigorous, for the time very rigorous shoreline
11 measurements in the South River and Hurricane David
12 came through and did more erosion in one 14 or 16
13 hour blow than had been done in two summers of boat
14 traffic so yes, we use anecdotal evidence absent
15 other information but when we can get other
16 information, we avail ourself of it.

17 MR. PARLIN: But also in the past what
18 happened is folks are coming in and asking for a
19 speed limit on their, their cove, and say it was a
20 safety problem and whatnot, but then they would get
21 here and say oh, and by the way we have all of this

1 erosion, so we kind of cut that off and said if
2 you're not bringing up erosion in your proposal we
3 don't want to see it be brought up when we don't
4 have a report because that's why we would ask for
5 these reports when we knew they were claiming
6 erosion we could at least get another outside
7 opinion as to what it was, so we kind of stayed
8 that off if they didn't bring up the erosion
9 process in the original process then we tried to
10 kind of take it with a grain of salt.

11 MR. BUSH: Yeah, I would challenge the
12 erosion department as to why they exist because if
13 from what they have just said is we are not going
14 to issue any opinions so why should they make a
15 nickel out of the taxpayer's money? That would be
16 my position, to eliminate them, there is no value.

17 MR. PARLIN: There is some savings.

18 MR. LUNSFORD: Coles, make sure that is
19 in the letter.

20 MR. BUSH: That's my only comment.

21 THE CHAIRMAN: Thank you. Any more

1 comments before we call for questions?

2 MR. SHELLER: What was the boat safety
3 portion of this request?

4 MR. GRANT: Boating safety portion of
5 it?

6 MR. SHELLER: Yeah, on behalf of
7 boating safety and prevention of further erosion.

8 MR. GRANT: Well, because people come
9 tearing through here (indicating) and then
10 intersect with people here, in this small gut right
11 here and then people have been known to run up on
12 the island and then boating safety people are
13 hauling down through here causing wakes and --

14 MR. KLING: So the islands are providing
15 a bit of an evolutionary service.

16 MS. TROVATO: Have there been any
17 accidents?

18 MR. GRANT: Brief comment from NRP was
19 this is not necessary as far as closing that down.

20 MR. SHELLER: You did put a buoy in that
21 cut there?

1 MR. GRANT: Right there.

2 MR. SHELLER: There have been anecdotal
3 reports of that.

4 MR. GRANT: Yeah.

5 MR. SHELLER: Are they helping?

6 MR. GRANT: Yes, George Maynard the
7 gentleman who operates the marina says Mike, I have
8 to admit the buoy system has helped, perhaps
9 another one right here to catch them coming down
10 the St. Martin but yes, it has helped. We still
11 get a couple, but it has helped.

12 MS. HENNINGER: And he talked about his
13 tires hanging off the break, he had to replace them
14 because them every once in a while, they do fly
15 off.

16 MR. GRANT: The tires actually do fly
17 off.

18 MS. HENNINGER: So he replaces them
19 several times a year because the tires do fall off.

20 MR. GRANT: This is an older picture,
21 this corner bulkhead right here, this fixed

1 bulkhead, does now go the whole length, they're
2 protected from Isle of Wight Bay. This area is
3 open and these are all floating.

4 MR. KLING: Mike and Bob, assuming we
5 have never -- I don't recall that we have ever had
6 a regulation that said no powerboats.

7 MR. LUNSFORD: Yes, Severn River Vessel
8 Management Plan is that little creek up at the top
9 of Round Bay.

10 MR. GRANT: Right --

11 MR. LUNSFORD: Place Creek --

12 MR. KLING: But in open water.

13 MR. LUNSFORD: Not in open water, it was
14 confined.

15 MR. KLING: I don't know how you
16 could --

17 MR. PARLIN: Jones Creek.

18 MR. LUNSFORD: They wanted a prohibited
19 except for motorized vessels, so you could launch
20 canoes and kayaks at Jones Creek Park.

21 MR. KLING: I think from a regulatory

1 standpoint --

2 MR. LUNSFORD: Seemed kind of foolish to
3 put a regulatory -- no powerboats in front of a gas
4 dock. I'm sorry that just strikes me as kind of
5 odd.

6 MR. GRANT: You have to row in to get
7 in.

8 MR. PARLIN: I think we can all argue
9 this later, I think let's go back to the question
10 and that was the motion getting the letter sent to
11 address the erosion, lack of erosion report.

12 MR. LUNSFORD: Gotta call for the
13 question.

14 MS. TROVATO: I have one more question,
15 who owns this land and do they want this done?

16 MR. GRANT: It's owned -- and that was
17 my question for Mr. Maynard. I said you can't put
18 a tree on your neighbor's yard because you want
19 shade in your yard and I said who in the hell owns
20 that property right there and he said I don't know
21 and I said you need to find out and finally last

1 week he called and said it belongs to Ocean Pines
2 when it was called Jenkins Point. It's no longer a
3 point, it's two little islands. I'm not familiar
4 with how that works, if it was connected now it's
5 not, do they still own it and you're right, how can
6 he, you know, commit the Army Corps to use it as a
7 spoil site.

8 MS. TROVATO: How could he even ask for
9 relief?

10 MR. GRANT: Regulation.

11 MS. TROVATO: On someone else's
12 property?

13 MR. LUNSFORD: Because it protects his
14 marina.

15 MR. PARLIN: It's the state waters.

16 MS. TROVATO: That gets back to tree
17 example.

18 MR. LUNSFORD: Chris is right, it's
19 state waters.

20 MR. PARLIN: State waters.

21 MS. TROVATO: So some other person can

1 petition the state to do something to my property
2 because it helps their property, that doesn't seem
3 right to me.

4 MR. WRIGHT: It's a waterway.

5 MR. KLING: When the dirt goes below the
6 surface its ceases to be their property.

7 MS. TROVATO: But the islands are still
8 there.

9 MR. KLING: He's not trying to regulate
10 the islands.

11 MS. TROVATO: Well, he kind of is.

12 MR. LUNSFORD: Just the traffic next to
13 them, kind of, technically that's what he's doing.

14 MR. GRANT: He trying to fill the
15 islands in to create a point again.

16 MR. PEPE: Create a natural break water
17 for his property.

18 MR. GRANT: Yes, a natural break.

19 MR. PEPE: You have to keep in mind the
20 boating that's done up in this area, if you're
21 familiar with Ocean City, you're talking about

1 three to four feet of water, this is 90 percent Jet
2 Skis and pontoon boats that at cruise or idle or
3 whatever aren't throwing a wake, you know, there is
4 just no big boating activity in this area at all
5 and any of this erosion, if you, you know, if you
6 just look at the erosion chart that they have got
7 here, this place went away three-quarters before
8 the marina was even built, there was no boating
9 activity.

10 (Discussion held off the record.)

11 MS. TROVATO: Back to the point, I
12 apologize.

13 THE CHAIRMAN: Anymore discussion before
14 we call for the question? No discussion from
15 anybody? Okay, we'll call for the question. Steve,
16 you want to state what it is that we're supposed to
17 do or Bob, you want to state that and call for the
18 question?

19 MR. LUNSFORD: Simply to draft a letter
20 to the secretary on behalf of the committee
21 requesting that the shoreline erosion control

1 procedures that were established years ago that
2 require a site visit and some sort of report even
3 if it's inclusive, but in some cases it may be
4 exclusive, that be adhered to and continued. If
5 it's going to be changed then we get the
6 opportunity to comment on that change.

7 THE CHAIRMAN: Draft it and we'll take a
8 look at it. All in favor of that? Any opposition?
9 Okay. Passed. Bob, you'll draft something up.

10 MR. LUNSFORD: I have your e-mail
11 address.

12 THE CHAIRMAN: Then we'll ask that
13 question, okay.

14 MR. SELLER: Another comment is just
15 most of this, I mean the property belongs to Ocean
16 Pines, it affects Ocean Pines, there is a marina at
17 Ocean Pines, I'm somewhat baffled there is complete
18 silence from the property --

19 MS. HENNINGER: I'll tell you the truth,
20 they don't know. I talked to one of the property
21 owners, they still don't know. I was down there

1 that day I said hey, look, this is what I'm here
2 for, he said huh, and he called me up the next day
3 and he said Debbie, is there any information that
4 we can get, I'm on the HOA and we know nothing of
5 what is going on? So I said he had to call you
6 guys.

7 MR. GRANT: What is this called here,
8 Osprey Point?

9 MS. HENNINGER: Yeah.

10 MR. GRANT: This being an old map this
11 is Osprey Point, these condos here, here we are.

12 MS. HENNINGER: I was right there.

13 MR. GRANT: They're on stilts, they're
14 on stilts. I got one call from this gentleman who
15 said I'm looking at the islands right now and that
16 was the only call I have got from that area.

17 MS. HENNINGER: So I just directed them
18 to you guys, I'm not getting in the middle. If
19 they want to know something they have to know --
20 that's when I went, that was last month, a month
21 and a half ago.

1 MR. SHELLER: It's not our requirement to
2 be proactive.

3 MS. HENNINGER: That's what I'm saying,
4 they knew about it, they just haven't done anything
5 about it yet.

6 MR. LUNSFORD: Probably waiting for a
7 citizen's association meeting.

8 THE CHAIRMAN: Okay. So we're moving
9 right along and get the letter drafted and sent to
10 the secretary and Mark, I think you're up next to
11 give us --

12 MR. GRANT: You want it me to introduce
13 the next thing?

14 MR. O'MALLEY: Sure. Mike is going to
15 show you some pictures and I'm going have a movie.

16 MR. GRANT: Or two or three.

17 MR. O'MALLEY: I don't know how long it
18 is, probably just a few minutes, on the things and
19 they go by various names, Jetpacks and --

20 MR. GRANT: JetLevs and Flyboards.

21 MR. O'MALLEY: Which you have may have

1 seen, I have not seen them until two or three weeks
2 ago when Colonel Johnson from NRP brought it to my
3 attention and somebody made a comment about
4 evolutionary problems or --

5 MR. GRANT: Darwin awards.

6 MR. O'MALLEY: This may fall into
7 Darwinism when you see one of the videos, but
8 nonetheless, apparently there is an operator in
9 Ocean City that has these for rent and there are
10 two versions, they look like sci-fi jetpacks that,
11 if you haven't seen them, with a long tether to a
12 PWC and it uses a jet blast that goes up through
13 the tether and then shoots down and the person is
14 levitated about, I don't know, about 30 feet and
15 then there is another version where inside of PWC
16 there is something that looks like it's about three
17 foot long by maybe two feet wide that drags along
18 with them that provides the jet power so Colonel
19 Johnson asked me, hey, what's your opinion on these
20 and I said I don't have one yet. Let me take it to
21 the Boat Act Advisory Committee and see what your

1 collective opinions are and because there are
2 potential issues. There was an article that made
3 the rounds of all of the major newspapers out of
4 Hawaii where these people have the packs that they
5 drag along, not the PWCs, and they were using them
6 in shallow water and they were picking up material
7 and blasting it against the coral and it was
8 upsetting fish and other things in the environment
9 so Hawaii is in the process of forming some sort of
10 regulations as to where they can operate. Given
11 the fact that apparently there is an operator
12 charging money by the hour -- do you remember what
13 it was, Mike, how much?

14 MR. GRANT: A couple of hundred bucks an
15 hour.

16 MR. NICKEL: Very expensive to buy, so
17 I'm sure it's --

18 MR. SHELLER: 22 thousand dollars.

19 MR. O'MALLEY: They're terrifically
20 expensive, you know, as with all of these new
21 things as it happens, you know, initially it's

1 expensive and then if competition gets in there and
2 the guy down the street has one it's going to drop
3 in price and become more accessible, so I think we
4 collectively need to put our heads together and get
5 ahead of the curve here in terms of A, do we think
6 it's a problem and B, if we think it's a problem,
7 what do we do about it, do we look to put some sort
8 of parameters on it as we did with Jet Skis or are
9 the PWC regs sufficient to be applicable to this
10 craft? When you see them -- apparently it takes
11 some skill to operate these. In the meantime, kind
12 of like sailboarding, Coles, not quite as
13 dangerous.

14 THE CHAIRMAN: No.

15 MR. O'MALLEY: But it takes some
16 practice, but what I can foresee is somebody
17 getting hurt inevitably and then they look for
18 someone to blame, I don't want it to be the state
19 of Maryland. We have been through that enough and
20 I don't want it to happen again but more
21 importantly if we can as a body prevent someone

1 from getting hurt or killed that's ultimately the
2 goal, the secondary goal is that the state doesn't
3 have to write a check to somebody to protect
4 themselves. So anyhow, I want you to take a look
5 at these and we can sort of narrate some of the
6 pictures and things, but there is one video, a
7 homemade one with somebody, maybe a young person's
8 phone and you can hear the young person speaking in
9 the back saying hey, this is really cool, I want to
10 do this and it does look pretty cool, but I don't
11 want to do it. So let's take a look at it Mike.

12 MR. GRANT: This first video is of the
13 product called a Flyboard, JetLev was the original
14 manufacturer. A gentleman in France created these
15 things. The Flyboard was an offshoot and evidently
16 that is in litigation right now, because there was
17 some patent infringement so we don't know if there
18 one is available but they're still out there. So
19 let's see if we can get this thing cranked up.

20 (Video presentation.)

21 MR. GRANT: This is the JetLev, this is

1 the original. Not going to work that way,
2 obviously, so we have to do it this way.
3 Difference here, this -- see the small, like back
4 here, not a Jet Ski, that's just the power. That's
5 a jet pack basically.

6 MR. NICKEL: You've got to be very
7 proficient to get that good, these guys ride for an
8 hour a time, you have to spend an awful lot of
9 money to get good at it, a lot of money.

10 MR. O'MALLEY: When I saw this I kind of
11 wondered why the helicopter, but --

12 MR. GRANT: Because he can.

13 MR. SHELLER: You may need a FAA --

14 MS. SMITH: What was the cruise speed on
15 that?

16 MR. GRANT: 30.

17 MR. LUNSFORD: This thing gets a
18 right-of-way.

19 MR. PEPE: Actually, once he leaves the
20 water he's a sea plane.

21 MR. LUNSFORD: Even though he's towing?

1 MS. SMITH: The operator --

2 MR. PEPE: He's left the water.

3 MR. LUNSFORD: Last time I left the
4 water from a boat I was called a victim.

5 MR. PEPE: That's a future victim right
6 there.

7 MR. GRANT: Anybody need more of this
8 one? Let's go back to the one that's really fun.

9 (Discussion held off the record.)

10 MR. SHELLER: I have a belief if that
11 thing is operating on the water it has to at least
12 meet the requirement of Jet Skis. The operator may
13 be aloft, but the vessel is in the water.

14 MR. LUNSFORD: Is our definition of
15 personal watercraft sufficient enough to catch
16 that?

17 MR. SHELLER: That I don't know, I don't
18 think so.

19 MR. GRANT: These are the Flyboards,
20 they're operated with Jet Skis. This is a scary
21 one.

1 MS. SMITH: Is this the one that they
2 have in Ocean City for rent?

3 MR. GRANT: No.

4 MS. SMITH: Okay.

5 MR. GRANT: That's a JetLev.

6 (Video presentation.)

7 MR. GRANT: There is another one as
8 well.

9 MR. O'MALLEY: Watch what these guys do
10 and watch their heads when they do it.

11 (Video presentation.)

12 MR. GRANT: They're standing on these
13 things, they --

14 THE CHAIRMAN: Wow.

15 MR. GRANT: And they have directionals
16 on their arms.

17 MR. PEPE: I bet that would be a wild
18 ride straight down for about two seconds.

19 MR. GRANT: Here it comes.

20 MR. LUNSFORD: Does it have to go the
21 other way to twist it?

1 MR. GRANT: Evidently it's on a swivel.

2 (Discussion held off the record.)

3 MR. GRANT: Now, they're underwater.

4 MR. LUNSFORD: My ears just popped.

5 MR. PEPE: That's going to work really
6 good in Ocean City in three feet of water.

7 MR. O'MALLEY: Look, this is the part,
8 head first.

9 MR. GRANT: This is what is driving them
10 crazy in Hawaii.

11 MR. O'MALLEY: This is where Darwinism
12 may come in.

13 MR. KLING: I just don't see the
14 problem. It's going to be self-regulating.

15 MR. PEPE: Down Ocean City there is 30
16 people stuck in the bottom like this.

17 MR. LUNSFORD: With huge fountains of
18 water shooting up.

19 MR. WRIGHT: How long is the hose on
20 those things?

21 MR. SELLER: Pretty long, 50 feet

1 maybe --

2 MR. PEPE: You have an unmanned Jet Ski
3 and an idiot in the air 30 feet above it.

4 MR. O'MALLEY: Yep.

5 (Discussion held off the record.)

6 MR. JONES: That's when you have a
7 problem, that thing just keeps driving along.

8 MR. GRANT: Jeez.

9 MR. PEPE: Any of these on the east
10 coast yet?

11 MR. GRANT: Down the ocean.

12 MR. PEPE: They have these down Ocean
13 City?

14 MR. GRANT: JetLev, down the ocean,
15 you'll see a very grainy video hopefully.

16 MR. PARLIN: They were advertising
17 these, there was a guy at the boat show last year
18 riding these, right in Annapolis harbor.

19 MR. GRANT: Let's go to, this is a unit
20 that, they have down the ocean. You're seated
21 evidently, you're, these control your direction

1 with the handles and this is connected to either a
2 Jet Ski or one of those motorized pumps.

3 THE CHAIRMAN: Renting those down there?

4 MR. GRANT: Yep, this next picture,
5 there's a picture of this unit sitting at Odyssea
6 Sports down the ocean. Was it Odyssea?

7 MR. PEPE: Uh-huh.

8 MR. GRANT: For rent, this one right
9 here.

10 MR. SHELLER: At least this guy is
11 wearing a helmet.

12 MR. PEPE: At least we know alcohol
13 sales are going to increase.

14 MR. LUNSFORD: And aspirin.

15 MR. GRANT: This is from Ocean City,
16 it's very small, but it's in a canal, that's all I
17 could tell you.

18 (Discussion held off the record.)

19 MR. O'MALLEY: This is the one with the
20 kids, with the phone.

21 MR. GRANT: The kids, these are 12 year

1 old kids, thank God you can't make out the
2 language.

3 MR. O'MALLEY: He drops the F bomb and
4 then his mom --

5 (Video presentation.)

6 MR. GRANT: You know, that's not a very
7 big area there. This was taken by a retired NRP
8 officer and sent to the colonel.

9 THE CHAIRMAN: Down Ocean City?

10 MR. O'MALLEY: Yep.

11 MR. GRANT: That's most likely the
12 JetLev, not the Flyboard. Yeah, yeah, and dirty.
13 Let's see, I think that's it.

14 MR. O'MALLEY: Mom said please don't use
15 that word and then the kid uses it again, so --

16 MR. GRANT: That's all folks, that's
17 what we've got.

18 MR. O'MALLEY: So anyway, I put that out
19 to you with a question of, you know, in your
20 collective experiences have you seen these, have
21 you heard of them and have you heard of conflicts

1 with boaters because I think we, I think we have a
2 responsibility to get out ahead of it and, you
3 know, we could at the bare minimum apply I think
4 PWC regulations to these but possibly we may want
5 to do more than that based on the safety of the
6 operator. As you saw that one where the people
7 were porpoising with no head protection, you know,
8 in shallow areas over by Ocean City there is going
9 to be problems. Then if you go, if you were to go
10 off shore there is still a potential for problems
11 and conflicts with other vessels so I just put it
12 out there for discussion amongst the members. I'll
13 be happy to hear your opinions and thoughts.

14 MS. SMITH: I have a daughter that lives
15 in Sweden, but she's a competitive kite boarder and
16 they're not the kite racers so she's going yearly
17 and doing tricks and they can go 30 meters
18 apparently and they're flying around and it's
19 self-contained, non-motorized obviously kite and
20 doing these tricks so I guess I would start by
21 asking where, what's the difference maybe, you have

1 a self-contained individual that's operating
2 something like a kiteboard off the water are they
3 subject to personal watercraft rules here in
4 Maryland waters? I know I see people doing it
5 here.

6 MR. O'MALLEY: I don't know.

7 MR. KLING: The kiteboard things, those
8 are sailboats.

9 MS. SMITH: Sailboats, perfect, gotcha,
10 like a sailboat.

11 MR. KLING: Like a wind surfer doing
12 flips. Kiteboarding is replacing sailboarding in
13 the next Olympics.

14 MS. SMITH: This is different than kite,
15 that doesn't give us a starting point.

16 MR. KLING: There is a starting point,
17 we need opinions from the attorney general, I mean
18 John says he thinks these guys are sea planes, I
19 don't. The guys that -- parasailers are not
20 seaplanes, I don't believe, but from a regulatory
21 standpoint we need to know that because then you

1 get all kinds, you have planes, you have FAA
2 regulations.

3 MR. PEPE: You have a hybrid thing going
4 on here, but I think what you're looking at here I
5 don't think these are going to be considered boats
6 in any stretch of the imagination.

7 MR. KLING: I'm saying because I think
8 as a baseline we need to get some serious
9 horsepower defining what we're looking at.

10 MR. PEPE: This is going to be relegated
11 to an amusement park ride and going to have to be
12 done in a designated area, because that could turn
13 into a total horror show.

14 MR. PARLIN: Like you suggested, maybe
15 looking at regulating helmet wear, you're near a
16 marina, pilings and boats and, you know, cracking
17 your skull, besides you have shallow water.

18 MR. KLING: It may be that the they need
19 to be defined as amusements and looked at as a
20 separate category of thing, but --

21 MR. NICKEL: They're out there, I can

1 tell you right now, I'm part of a group and meet
2 with a bunch of other marinas and they have given
3 presentations at these meetings and they're trying
4 to solicit them and most of the people in my group
5 are more landlocked in lakes and that type of
6 thing, but it's coming and it's, like I said, it's
7 an expensive investment so --

8 THE CHAIRMAN: Somebody on Deep Creek
9 will decide that's a great place to do that.

10 MR. NICKEL: Yeah, yeah, there's going
11 to be a lot -- you're completely right, a new toy.
12 I can make a fortune there.

13 MR. SELLER: It requires a considerable
14 amount of skill to develop.

15 MR. NICKEL: Yeah, because oddly enough
16 one of the other owners of the marina was
17 entertaining the idea up on Lake Wallenpaupack up
18 in the Poconos and he went and did it and he said
19 it was not easy so, you know, and in similar
20 regulations on your livery operator's personal
21 watercraft it's very extensive, I think something

1 like that would have to be at a minimum
2 established, but I think best part is get somebody,
3 first the attorney general, to get into it and then
4 the boating safety and Anthony Brown and all of
5 those -- they have to have done something by now.
6 If he's doing it down there there is no doubt in my
7 mind there has been an accident or two or
8 something, videos, whatever it may be, it's got to
9 be established and I think the smart thing is
10 regulatory, you can't do it in three feet of water,
11 you have to be at least a minimum 15, 20 feet of
12 water.

13 MR. PEPE: I would think to rent these
14 things to the public the liability is going to kill
15 this thing before it starts.

16 MR. NICKEL: Candidly, I don't go near
17 Jet Skis and when they said, propositioned me, I
18 said I can't make enough money to cover the rider
19 on it.

20 MS. CRAIG: There is a hundred dollars
21 for 30 minutes in Living Social and there is a deal

1 for Annapolis area, it's not that expensive.

2 MR. PEPE: The rental is a hundred or
3 two hundred dollars an hour is not going to scare
4 people off, but the liability when the people get
5 hurt on these things --

6 MR. NICKEL: If you're not on board and
7 somebody has the investment you're asking for a
8 battle, I know if I had had it and all of a sudden
9 regulations came out there I'm taking you on too
10 from there, because I want to say it was 80 to a
11 hundred thousand dollars for some of these per
12 unit. That's an investment, there's a return.

13 THE CHAIRMAN: That's more of a thrill
14 ride than going up and being shot up at 75 dollars,
15 so a hundred dollars for 30 minutes for a thrill
16 seeker is not a bad price and there are is lot of
17 thrill seekers that would like to try that, tons of
18 them.

19 MR. GRANT: In Hawaii it's 175 for 15
20 minutes.

21 MS. HENNINGER: They have a few down in

1 Key West. When I go down to the boat races they're
2 down there and going around.

3 MS. CRAIG: Myrtle Beach has them too.

4 MR. NICKEL: Maybe that's another thing
5 to see what these other states are doing.

6 MS. HENNINGER: Can you imagine hitting
7 coral? Coming down and boom, and you don't know
8 it's there?

9 MR. NICKEL: What is everybody else
10 doing, you know?

11 (Discussion held off the record.)

12 MR. LUNSFORD: I don't know if I want to
13 put this in the form of a motion, but would it be
14 appropriate to ask Mike to get us more information
15 on are they required to wear helmets, PFDs, do
16 these things have a cutoff switch so if the
17 operator gets disoriented or clobbered they turn
18 off, what is the standard equipment on these
19 things, but I guess how much more information can
20 we get on them that you can ship out to us?

21 MR. GRANT: Absolutely.

1 MR. LUNSFORD: Even from the propaganda
2 that the company provides or the livery operator.

3 THE CHAIRMAN: Some other states.

4 MR. LUNSFORD: Yeah.

5 MR. GRANT: The states that are dealing
6 with it, Florida and Hawaii and all of New Zealand.
7 I can't remember his title, the Marine Safety
8 Operations Director has 86'd these JetLev craft,
9 personal watercraft fitting with a Flyboard device
10 from all waters, all western Australian state
11 waters.

12 MR. LUNSFORD: So eastern Australia.

13 MR. GRANT: They can still party down.

14 MR. PEPE: And they drag race surf
15 boards down there.

16 MR. LUNSFORD: Steve's issue, are they
17 vessels because our definition of vessel is
18 something like anything that can be used as a
19 conveyance in the water and I would like an opinion
20 from one of the attorneys as to whether or not this
21 is a conveyance or as Steve said it's simply an

1 amusement.

2 MR. KLING: You go from point A to point
3 B, you go vertically.

4 MR. LUNSFORD: It's A to B, how long you
5 can keep your balance is how far B is from A.

6 MR. KLING: I think if they have them in
7 Ocean City, a field trip down there would be nice.

8 MS. CRAIG: In Miami they have them.

9 MR. PARLIN: We kind of brought this up
10 with the Kiteboarder and we should look at this as
11 something to come, what paddle boarding has become,
12 what the regulations are on paddle boarding, I see
13 them in Annapolis day in and day out and most
14 people are not wearing a PFD and don't have one on
15 the paddle board; is that a requirement?

16 MS. TROVATO: It is a requirement.

17 MR. GRANT: No.

18 MR. PARLIN: What else is out there?

19 MR. LUNSFORD: Got written up for not
20 having one.

21 MR. GRANT: I didn't know that.

1 MR. PARLIN: New technology, what's
2 around the corner.

3 MR. PEPE: The difference between paddle
4 boards, kiteboards, kayaks, whatever, this thing,
5 this is a highly powered piece of equipment.

6 MR. PARLIN: Without a doubt.

7 MR. PEPE: When this goes bad, it is
8 going to be bad real quick.

9 MR. PARLIN: This is a hybrid and unique
10 thing, we have a lot of stuff come and go and/or
11 come upon us really recently. I don't know if
12 we've taken a close look at everything.

13 MR. JONES: We need to be out in front
14 of this before people invest a lot of money in it.

15 THE CHAIRMAN: We need to know what
16 we're up against in regulations.

17 MR. JONES: That means fast.

18 MR. NICKEL: What, has anybody had any
19 discussion with NRP and Julie Brown and that whole
20 group what they're doing with them, they have to be
21 meeting some livery operator's license, I know I

1 that I have to have everything signed and crossed.

2 MR. O'MALLEY: I don't know, Bob.

3 MR. NICKEL: That's the first thing.

4 MR. O'MALLEY: That's a great place to
5 start, Colonel Johnson brought that video to me,
6 courtesy of his retired officer out in OC so we've
7 not talked to Julie so we'll start there. This is
8 all great information. We were not aware they're
9 in Key West or Myrtle Beach, we knew Hawaii of
10 course, so we'll, we will get the official Coast
11 Guard definition of this vessel versus aircraft and
12 what have you and then we'll contact our
13 counterparts in these other locations and see what
14 they're doing and we'll circulate that around,
15 shoot it out to all of you.

16 THE CHAIRMAN: Any further discussion?

17 MR. GRANT: This is from the Marine
18 Enforcement Division, Florida Fish and Wildlife
19 Conservation Commission. The question is are these
20 considered vessels? Yes, the vessel system is
21 considered to be a vessel by both U.S. Coast Guard

1 and Florida law therefore all titling, navigation
2 and boating safety laws apply.

3 MR. LUNSFORD: We need some new laws,
4 just some extras.

5 MR. GRANT: Safety equipment and
6 carriage requirements, yes, both types must comply
7 with general requirements for vessels, the PWC
8 based boat unit, that's the one with the PWC as
9 opposed to just dragging a pump behind it, that
10 must have, you know, PFD wear, hours of operations
11 and no one under 14 years of age operating. Nav
12 rules, yes. Exempt from having a hull
13 identification number, no. Other state boating
14 laws apply to them, yes, rental companies,
15 insurance, et cetera, et cetera, so I will get this
16 out to everybody as well but this is authorized by
17 the U.S. Coast Guard grant of exemption CGB10-0009
18 which I'm sure you're familiar with.

19 MR. O'MALLEY: Yes, intimately.

20 THE CHAIRMAN: I figure we get that
21 circulated around and start to be proactive on

1 that.

2 MR. LUNSFORD: A suggestion since we've
3 expressed some concern and it looks like we may
4 want to take some action that it may be appropriate
5 to put a comment up on the boating website that the
6 department has seen some concerns so if someone is
7 considering make being an investment in one of
8 these rascals, give them a heads up that oh, crud,
9 it may not work or talk to the department and see
10 what's coming down the road before I make the
11 investment, the website may be an appropriate place
12 to put it in big letters.

13 MR. GRANT: Our website or NRP?

14 MR. LUNSFORD: Yes.

15 MR. GRANT: Got it.

16 MR. LUNSFORD: If Julie's got a livery
17 website or a newsletter in particular something off
18 of her mailing list to livery operators to let them
19 know.

20 THE CHAIRMAN: That's a good point,
21 Mike, she is coming in five minutes.

1 MR. GRANT: She's coming in five
2 minutes.

3 MR. O'MALLEY: We'll have everything we
4 need. I appreciate your input on that subject and
5 we have a number of good idea to move forward on
6 and then we'll circulate anything that we find
7 we'll circulate out to you. Thank you.

8 THE CHAIRMAN: I think the next on the
9 agenda is Dave, he hasn't arrived.

10 MR. O'MALLEY: Dave will be here at
11 11:30.

12 MR. GRANT: It's 11:30.

13 MR. O'MALLEY: He'll be here shortly.

14 (Discussion held off the record.)

15 MR. O'MALLEY: What I would like to do,
16 Coles, if that's all right, I'll introduce him and
17 then for his benefit, I hate to make you do this
18 again, if you do that introductory bit again, maybe
19 a shorter verse.

20 (Discussion held off the record.)

21 MR. GRANT: For those of you who have

1 been chomping at the bit to go out to site visits
2 next week I have a trip scheduled with Mr. Bush to
3 travel to Ocean Pines down in Ocean City, if
4 anybody else would like to join me on the 28th
5 please let me know. I would also be available on
6 the 27th and 29th if we get enough people and then
7 the following month, September the 4th, 5th and 6th
8 and 10th through the 13th I would be available for
9 trips by land or by vessel up to Bodkin or Main
10 Creek. By vessel it's three hours but by truck
11 it's a couple of hours, so if that fits your
12 schedule let me know. You have my e-mail address
13 and let me know when you're available, please.

14 THE CHAIRMAN: Dave has arrived.

15 MR. O'MALLEY: Arrived and departed
16 again.

17 (Discussion held off the record.)

18 MR. O'MALLEY: Before I introduce Dave
19 Goshorn I want to circle back to our initial
20 introductions and re-introduce Donna Morrow who is
21 our new supervisor for Clean Waterways, Facilities

1 and Regulation and her first step was she changed
2 the name of her division, so talk about initiative
3 right out of the gate she said I'm changing the
4 name so what used to be -- what was it
5 Facilities --

6 MS. MORROW: Facilities and Access.

7 MR. O'MALLEY: It's now the Clean
8 Waterways, Facilities and Regulations Division and
9 Donna oversees Mike and Jeannine and a number of
10 other folks at the office and has been in boating
11 for how long now?

12 MS. MORROW: 15 years.

13 MR. O'MALLEY: I'm very pleased to have
14 her step up into the position that Lisa Gutierrez
15 used to be been in, Lisa has transferred down to
16 Chesapeake and Coastal Services so Donna has
17 stepped up into that position. Now, for those of
18 you who know the state system we have a lot
19 paperwork to do to get her grade and salary to
20 reflect her new responsibilities but right now
21 she's pulled it on her shoulders and is running

1 with it at her current position so we're going to
2 get that rectified hopefully in state parlance
3 soon.

4 Anyhow, so now we have the pleasure of
5 having our New Assistant Secretary for Aquatics the
6 position Frank Dawson used to have before he was
7 elevated to deputy secretary and our new boss and
8 my new boss, be very nice to him, is Dave Goshorn
9 and I'm going to embarrass him by giving a little
10 bit of his background, a native of Towson,
11 Maryland -- you know, it's kind of funny, going to
12 divert, coming from the Coast Guard, you know,
13 after 30 years where no one is from where you are,
14 right, you're in Maryland, nobody is from Maryland
15 except some of the folks that figure out the
16 assignment system and they love the Chesapeake Bay
17 and stay here for a long time, but generally when I
18 was stationed in Miami, no one is from Miami. It's
19 a unique thing and pleasant to be a resident of
20 Maryland and having all of you be from Maryland, it
21 may seem not odd to you, to me it's very unusual,

1 but it's nice. You all know the area so well and
2 are accustomed to everything that happens here, at
3 any rate Dave is from Towson, Maryland, received
4 his bachelors from Bucknell and Ph.D., so we're in
5 the presence of high intellect today, Ph.D. in
6 marine biology from the University of Delaware in
7 1989, did a whole bunch of really fun sounding
8 things, I won't tell you all, I'll leave that for
9 Dave to tell you all of the fun things he did, came
10 to DNR in 1992, '95 moved into Resource Assessment
11 Services in '03 was named the Director of Resource
12 Assessment Service and in 2007 he became the
13 Director of newly formed Office for Sustainable
14 Future and then most recently in May of this year
15 was promoted into the Assistant Secretary for
16 Aquatic Resources and he does a whole lot of things
17 in that as you can imagine, but the most important
18 being managing boating related issues. All of the
19 other stuff that Chesapeake and Coastal Services
20 and Fisheries do, you can't do that without a boat,
21 that's what I tell my colleagues all of the time,

1 you can't do it without a boat so we are there for
2 by proxy the most important section of Aquatic
3 Resource Division, right?

4 MR. PARLIN: Right.

5 MR. O'MALLEY: Dave is married and has
6 three sons so his nickname is Fred MacMurray, I'm
7 showing my age, three sons, a set of twins, right,
8 yeah, so 14 year old, Ben and set of twins, Alex
9 and Chris and they live nearby me in Arnold,
10 Maryland so very pleased to have Dave come out and
11 speak you to briefly today. What we're going to
12 have them do is go around and give you brief
13 introductions of who they are, who they represent
14 and a little bit of background. So you -- I'm
15 going to tell him, he's been at DNR for 20 years,
16 we have former DNR people here. I have been here a
17 year, I'm still learning.

18 (Discussion held off the record.)

19 (Members reintroduce themselves.)

20 MR. GOSHORN: Thank you with the
21 exception of a couple of that I already know, I'll

1 forget all of these names, but hopefully you'll
2 bear with me, I don't have a big long speech
3 prepared, I was actually working at home this
4 morning, I was going to put some thoughts together
5 as to what to say, but my son had -- he goes back
6 to school on Monday and has this massive math
7 packet he was supposed to have done all summer
8 long, he's panicking about now so I spent the time
9 helping him so I didn't have time to think of some
10 kind of eloquent, insightful remarks but I'll do
11 the best that I can.

12 As Mark said I'm not new to the
13 department, but I'm new to this position, since
14 sometime around the middle of May, and when
15 Secretary Gill asked me to take on this position he
16 said, I guess in part trying to sell me on the
17 idea, he said, you know, this shouldn't be a big
18 lift for you because the groups you're responsible
19 for you're familiar with. And my response back to
20 him was well, that's pretty, that's mostly true,
21 but at the time there were four groups that I was

1 responsible for and since we've added a small fifth
2 group, but of the four there is Fisheries which is
3 where I started at DNR so I'm familiar with
4 Fisheries, there is Resource Assessment Service
5 which is the group that does all of the bay and
6 stream monitoring which I used to run for five or
7 six years, so I'm familiar with them, there is what
8 we call Chesapeake and Coastal Services which does
9 the bay restoration work which in my previous job I
10 worked with on almost a daily basis, I'm very
11 familiar with them and there is this group called
12 Boating, I said, I assume they have something to do
13 with boats but that was about the extent of my
14 knowledge and his response back to me was well,
15 then you'll be fine because boating is not a
16 problem child as far as groups in the department
17 go, they, he said they know what they're doing,
18 they have a great staff and I'm not saying this
19 because a bunch of them are here, I'm just quoting
20 him, and they do a very good job, he says not that
21 they don't have issues, from time to time like any

1 group does that's part of their job, but you're not
2 going to have to worry about boating so I believed
3 him and I said okay, and it's proven to the true.
4 I still, my learning curve on boating issues is
5 steep, but I'm getting there, Mark and his folks
6 have been doing their best to educate me which is a
7 big challenge but I'm learning and I have to say in
8 complete honesty that I learn that you do more than
9 just boats and I'm continually impressed with not
10 only the breadth of what Boating Services does, but
11 the quality of the work and I've been at this for
12 however many months, but to rank -- this is not a
13 criticism of the other groups -- but to rank the
14 issues and problems that I have had to deal with in
15 other groups compared to boating there is no
16 comparison. As far as this group is comprised,
17 Mark gave me the handbook and I was impressed,
18 yesterday I was going through it and learn about
19 who you are and what you do, I was really
20 dumbfounded and impressed with two things. One is
21 that you have a handbook which I worked with a lot

1 of advisory committees and never encountered one
2 that had a handbook that, you know, explained why
3 you exist, your history, what you're supposed to do
4 and not supposed to do, how you function, all of
5 that kind of stuff and maybe you ignore it, I don't
6 know, but it's impressive to have a handbook
7 because many of the other groups I have worked with
8 have no such thing and everybody has a different
9 thing in their head as to what they're supposed to
10 be doing, which doesn't help, but more importantly
11 again assuming you actually do what it says that
12 you do in your handbook you actually seem to
13 provide advice, I have worked with again in my
14 other roles a lot of advisory committees which
15 shall go unnamed at the moment, but to call them
16 advisory committees is really a misnomer. I mean
17 they spend a lot of time complaining, that's not to
18 suggest that if you think we're doing something
19 wrong we don't want your constructive criticism,
20 that's part of your job, but other committees I
21 have worked with spend a lot of time complaining

1 and very little time providing advice which again
2 based on your work, your handbook at least seems to
3 be that's what you really do and assuming that's
4 what you do I compliment you on that and look
5 forward to working with a group that has handbook
6 so that I can look at it from time to time. So
7 anyway, that, I just thank you for having me here
8 today, this is much nicer than being in the office,
9 I wish I could stay longer, I have to leave by 1
10 because I have to get back for another meeting but
11 I'm glad to be here. I look forwarding to meeting
12 with you guys and working with you guys and if
13 there is ever anything that you need from me, don't
14 hesitate. I don't have my contact information, but
15 Mark knows how to reach me, feel free to give me a
16 call or send me an e-mail so okay, thank you.

17 MR. O'MALLEY: Any questions for Dave,
18 don't let him off easy, don't let him come over for
19 crabs and burgers.

20 THE CHAIRMAN: Go ahead, Steve.

21 MR. KLING: Not to complain, but --

1 MR. LUNSFORD: You had to open the door.

2 MR. KLING: -- we might need your help,
3 we had a discussion earlier, in your aquatic
4 universe are the shoreline erosion people under
5 your thumb?

6 MR. GOSHORN: Yes.

7 MR. KLING: Great.

8 MR. GOSHORN: I don't know if they're
9 under my thumb, but --

10 MR. KLING: The short version is we
11 often get regulatory requests where the driving
12 force is, one of the driving forces is erosion,
13 shoreline erosion usually from boat wake. We've
14 over the years invested a whole lot of time and
15 energy in understanding that's rarely the case, but
16 we also don't like to just say that's not the case,
17 and we have historically had support from the
18 shoreline erosion people and occasionally
19 geological survey assessing waterways and opining
20 on what's going on, we find that important to doing
21 a proper job in advising you and advising the

1 secretary and giving the citizens a fair hearing,
2 we're now getting told by -- according to Bob we
3 understand historically there is a departmental
4 policy that says they're supposed to do that for
5 us, and they're now refusing --

6 MR. GOSHORN: To evaluate --

7 MR. KLING: Now, they're telling us no,
8 we won't do it and we don't like that. It's
9 important, it's important to us that they do it.

10 MR. GOSHORN: Well, of course, that's
11 the sort of thing I need you to bring to my
12 attention, I will mention -- the guy that's in
13 charge of that group, Matt Fleming, is on vacation
14 so that will give me something to talk to him about
15 when he returns from vacation, so I would ask Mark
16 to remind me of that and I'll talk to Matt when he
17 gets back. The other point is I mentioned sort of
18 in passing that I was responsible for four groups,
19 we've since formed a fifth group whose name is
20 Integrated Policy and Review. I won't give you the
21 gory details of what they do, but part of what

1 they're supposed to do when it comes to permitting
2 or regulatory issues to make sure that the
3 department has a consistent policy that's being
4 followed because there is a lot of, the term policy
5 is very loosely used. We do have sort of official
6 policies, but there is also sort of habits which
7 sometimes people refer to as policy and so it's
8 part of this group's job to make sure that we have
9 a consistent policy and what we do and don't do and
10 why we do and don't do it, so if that's not formal
11 or not being followed that will be something I can
12 ask that group to look into.

13 MR. LUNSFORD: That policy was signed
14 off on when I first started in boating back in '80
15 something under Paul Muscat and Verna Harrison ran
16 it up the Choptank and got Doc Brown to sign off on
17 it, so someplace there is a written procedure for
18 reviewing one of these requests in there it says if
19 there is an erosion issue somebody other than the
20 boating regulation coordinator who in my case was a
21 biologist instead of a geologist would take a look

1 at it and may or may not be able to render an
2 opinion, but in some cases it's very clear that
3 boat wakes are not the primary cause of erosion and
4 that was the kind of thing.

5 MR. GOSHORN: Somebody needs to look
6 into that.

7 MR. KLING: And apparently they have
8 said to Mike they can't do it so they won't do it.

9 MR. GRANT: There is no scientific
10 benchmark for that type of a study, although they
11 did a wonderful job in the last two years.

12 MR. GOSHORN: But they did something in
13 the past it sounds like?

14 MR. KLING: For years, yes.

15 MR. PARLIN: Specifically we're looking
16 at an area this season, this fall, in Ocean City,
17 Ocean Pines where that's a significant issue and we
18 wanted something back on that and we're not sure if
19 we're going to get that.

20 MR. GOSHORN: The other issue, Bob, what
21 I'm guessing happened as you probably know, we have

1 all of these formal policies that get signed and
2 stuck in a file and people leave and new people
3 come in and they have no clue this thing exists so
4 that's why it's good to bring these things up, so
5 I'll look -- I mean in theory it's stored, someone
6 stored that somewhere. Do you have a copy, let me
7 know; otherwise, I'll look for it and then I'll
8 follow up with Matt.

9 MS. TROVATO: Thank you.

10 MR. LUNSFORD: We'll hold on the letter
11 until we get the report back.

12 MR. GOSHORN: Just remind me, Mark, at
13 our regular meeting.

14 MR. O'MALLEY: Because they will remind
15 me again. Yeah, we'll take care of that. Anything
16 else for Dave? All right, thank you. We are so
17 fortunate to have Julie Brown with us, before that,
18 she usually has a bigger intro than this, I have to
19 go back to Amy's cake because without a utensil
20 it's virtually gone so Dave, you're new to this
21 group, don't get between them and the crabs.

1 (Discussion held off the record.)

2 MR. O'MALLEY: Now, Julie is here, we
3 were using your name earlier and talking with these
4 JetLevs and things, but before we get into that,
5 this is a testament to Julie's skill as an
6 instructor, she took Sandy, myself, Mike and six,
7 and Brenda, thank you very much, Brenda and Julie
8 took nine of us out and taught us how to drive Jet
9 Skis.

10 MS. BROWN: That was a testament right
11 there.

12 MR. LUNSFORD: You brought them back.

13 MS. BROWN: I did.

14 MS. HENNINGER: In tow.

15 MR. O'MALLEY: No one was hurt and the
16 Jet Skis were not broken, so what an instructor is
17 she.

18 MS. BROWN: Thank you very much.

19 MR. O'MALLEY: We're going to put Julie
20 on the spot without any forewarning to tell us what
21 NRP or what boating safety is thinking about on

1 these JetLev and what is the other name for them,
2 Mike?

3 MS. BROWN: Jetovator, JetLev. What was
4 the other one?

5 MR. O'MALLEY: Darth Vader.

6 MS. TROVATO: Flyboard.

7 MR. O'MALLEY: So what have you thought
8 about this?

9 MS. BROWN: Well, I just want to
10 apologize for being late, you know, I really did
11 mean to be here at the beginning of meeting and --
12 not really, so we come to say hi and have crabs and
13 we appreciate you having us and Tiffany Palminteri
14 who is our administrative person and Brenda Kibler
15 is now one of our boating education coordinators,
16 so yea, we have an addition to our family which is
17 a wonderful thing, we did have a ball with Mark and
18 the crew and they did a wonderful job on the
19 personal watercraft and taking a stab at running
20 those things. In regard to what you guys were
21 talking about the JetLev, the Jetovators, the

1 Flyboard. Wow, who has seen them?

2 MS MORROW: We just saw the videos.

3 MS. BROWN: If you want to have some
4 fun, go home and go on your computer and pull up
5 Flyboard.com and sit there and go, it's really,
6 it's very shocking to see this thing. Basically
7 they're all three a little bit different from each
8 other, but the Flyboard looks like a snowboard, you
9 know, where you strap your feet on top of the board
10 and get in these big boots and there is a huge tube
11 that connects to the back of the personal
12 watercraft jet pump that's 30 feet long and
13 basically when the PWC is started that's the fuel
14 for the JetLev to go up in the air so basically the
15 water's pressurizing up under your feet and
16 allowing you to go up in the air, well, you can
17 only imagine once you get up in the air with just
18 water pressurizing yourself where you're going to
19 go, most of the time you're going to go whoa, whoa,
20 whoa and go down, but the whole point of the
21 Flyboard is to do, that it's called porpoising so

1 what they do is they get up high and then porpoise
2 and they're having fun, you can go 30 feet under
3 the water with these thing. Who's been to Ocean
4 City, who's ever found 30 foot in the back bay of
5 Ocean City? If you have, raise your hand, because
6 I know I have never seen 30 foot in the back bay of
7 Ocean City, so they were bringing them into Ocean
8 City thinking about renting them and all I can
9 think we're going to have call after call with
10 broken necks and bones and the whole nine yards,
11 one good thing is people aren't personally
12 purchasing these products, they start at 50, 60, 70
13 thousand dollars, because they're, they're just,
14 you know, so pricey right now and so they're
15 renting them, they're buying them. The other one
16 is called the JetLev and it's a backpack type of
17 thing and you put it on with handles and the tube
18 is connected to the personal watercraft, the
19 personal watercraft basically becomes a dummy,
20 there is nobody on there, there doesn't need to be
21 anyone on the personal watercraft. As they're

1 flying around the personal watercraft is going
2 behind them like a little dog, they have the
3 controls to go faster, slowing, up, down, dive,
4 whatever they want to do, the Jetovator is more of
5 a box that looks like a little vacuum cleaner, like
6 a modified PWC, you can't sit on this thing, there
7 is no place to sit on the personal watercraft,
8 that's the one that throws us a little bit because
9 when I called the Coast Guard what they're
10 designating these things as is personal watercraft,
11 that's where they're designating them. Mind you we
12 have issues with well, they go up, so how do we
13 tabulate six knots at that point, they're within a
14 hundred foot of -- it's very odd in how we're going
15 to actually approach it so the officers are, the
16 higher ups have been talking about it back and
17 forth, the officers in Ocean City have seen them
18 pretty much all over the place. If you have ever
19 been to a place call Macky's, there's a restaurant
20 on the bay and it's tucked in a little bit, I was
21 sitting there having dinner and in comes, you know,

1 we're waiting for the song from Space Odyssey, da
2 da, da, this guy comes in and is flying along and
3 there is all of these boats and there is the condos
4 over here, the channel, and he's just in there, you
5 know, 30 foot in the air going along and all I
6 could think of was wow, what the heck do we do with
7 that thing? So that is something we're looking at
8 heavily figuring out where to go and what to do
9 with it but as of right now the Coast Guard is
10 approaching it as a personal watercraft, so the box
11 has to be registered and inked as a personal
12 watercraft so at that point we have to go from
13 there to figure out how we're going to handle them,
14 thankfully the public aren't buying them and
15 basically getting out there and going around with
16 them right now.

17 THE CHAIRMAN: Right now.

18 MS. BROWN: Right now. There is two,
19 one at 145th Street and one right next to Seacrets,
20 so you have time to go to Seacrets and have a few
21 drinks and then rent the jet. The one good thing I

1 can say in talking to the gentleman that rents a
2 Seacrets, he's got a very long laundry list of what
3 you can and can't do with this thing so they have
4 to wear a full helmet, face covering helmet, the
5 whole nine yards, they have to have someone on
6 board of the personal watercraft, even though
7 they're not operating the thing, they only allow
8 them to go so high, the guy on the personal
9 watercraft is the one designating how high they go
10 with the jet pump so there is a lot of rules that
11 he's putting on them to regulate.

12 MR. GRANT: Anyway you can get us copies
13 of the restrictions?

14 MS. BROWN: When they come out.

15 MR. GRANT: The internal rules that they
16 are using at --

17 MS. BROWN: I can get that from roon
18 croak kier, anybody interested in going down to
19 Ocean City to do a little demo, you can mark me,
20 me, me, I'm all for that, but, you know, we're
21 probably at some point Brenda and I are going to go

1 down and check out the operations and see how they
2 are actually handling it, but the operation on
3 145th Street goes little willy-nilly, they came to
4 Macky's obviously to be seen, they wanted visual
5 right there at the beachfront, but that's the gist
6 with those newest of the new and actually real
7 quick add one more newest of the new, we have been
8 talking about -- how many of you have seen the
9 newest kid's life jackets called the Puddle Jumper?
10 I should have brought a picture. If you pull them
11 up on the Internet, they're Puddle Jumper life
12 jackets, they're made by Stearns and a couple of
13 other companies, they're Coast Guard approved for
14 30 to 45 pounds, here's the dilemma, they're not
15 approved for kids under the age of four in boating
16 situations because in boating kids under the age of
17 four must wear a specific life jacket in Maryland
18 that has the headrest and handle and crouch strap.
19 This Puddle is a modified water wing that connects
20 to a little body piece like that and goes to the
21 other arm and around the back, doesn't keep your

1 head up, doesn't do any of that, doesn't have a
2 strap or crotch strap so for boating purposes they
3 are illegal for a child under the age of four to
4 wear, but they're great. What parents are using
5 them mainly for is swimming pools, at the beach,
6 those kind of situations they are great for that,
7 but they're Coast Guard approved so we have to get
8 that word out to the boaters.

9 MR. PEPE: What are they rated at?

10 MS. BROWN: Type 3, actually Tiffany's
11 son has one and they're great for the pool and they
12 seem to be the latest and greatest craze, all of
13 the parents are scarfing up on them, but in regards
14 to boating we have to be very aware of that. I
15 thinking that's it. Anybody have any concerns,
16 concerns?

17 MR. O'MALLEY: Thanks, Julie.

18 MS. BROWN: Thank you for having us.

19 THE CHAIRMAN: It looks like it's time
20 for us to have lunch, go ahead and finish up and
21 wrap it up.

1 MS. TROVATO: Do it.

2 THE CHAIRMAN: In the old business
3 category that we have, one thing that I would like
4 to mention in the old business is that I think that
5 three of us were charged with getting our
6 certificates in the training session on conducting
7 the meeting properly and open meeting deal, Chris
8 has and I have mine and you have yours too.

9 MS. TROVATO: I have mine.

10 THE CHAIRMAN: I think we ought to give
11 them to somebody. Jeannine are you the keeper of
12 the certificates?

13 MS. MOANEY: I'll be glad to take them
14 for her.

15 (Discussion held off the record.)

16 MS. TROVATO: Bob, did you do it too?

17 MR. LUNSFORD: I did. Mike has a copy
18 of mine.

19 THE CHAIRMAN: We have four of us that
20 are trained on open meeting, mark that off our list
21 of things to get done. New business or anymore old

1 business? New business.

2 MR. KLING: New or old, where is Mike?

3 (Discussion held off the record.)

4 MR. KLING: It's the issue of some of us
5 have kicked around the form that people fill out
6 when they want a regulation we used to have a
7 really nice comprehensive form that gave us a lot
8 of information --

9 MR. GRANT: I'm sorry.

10 MR. KLING: Mike, yeah, you changed the
11 form on us, the petitioner's form, we used to have
12 a form that gave us a lot of information, now we
13 have like a name.

14 MR. GRANT: I merely added the, I think
15 I just cleaned it up, I could have, I don't
16 remember -- they have instructions to add a brief
17 explanation, if they need more room put it on the
18 back.

19 MR. KLING: We used to have a form that
20 gave us a lot more information.

21 MR. LUNSFORD: A chart.

1 MR. GRANT: That's still required as far
2 as I know.

3 MR. LUNSFORD: Not shared with the
4 committee.

5 MR. KLING: We're not getting it, it's
6 minimal to what we used to --

7 MR. GRANT: You want to see the actual
8 submission?

9 MR. LUNSFORD: Pretty much.

10 MR. KLING: Yeah, we would like to see
11 the old form, I'm speaking for me, but --

12 MS. TROVATO: Is that the whole package
13 there, Mike?

14 MR. GRANT: This is what I received from
15 Ventnor Yacht Club and then the petition form says
16 what do you want and then it starts petition.

17 MR. KLING: Yeah, they used to give us a
18 whole lot of information.

19 MR. GRANT: I don't remember seeing
20 them.

21 MR. LUNSFORD: There is some old copies

1 around, either Jeannine or I'll find one.

2 MR. KLING: If we go back to that form,
3 that would be more helpful.

4 MS. TROVATO: It's always helpful.

5 MR. LUNSFORD: You do an interview and I
6 used to have a eight questions and I would dance
7 around the environmental unless it was a really an
8 issue.

9 MR. GRANT: Unless it was environmental.

10 MR. LUNSFORD: I asked was the traffic
11 worse in the summer, was it work boats or
12 commercial related, but I think I still have that
13 one in one of my journals at home and I would be
14 happy to share that with you.

15 MR. GRANT: I would love to see it. I
16 generally ask why are you asking for this, I ask
17 are you your neighbors on board with this, that
18 kind of stuff, so they really think about it, the
19 long term, unintended consequences and a lot of
20 times they say oh, no, I don't want to do that, I
21 want to be able to waterski in front of my house,

1 but nobody else can.

2 THE CHAIRMAN: Let's get that extra
3 piece of information on the form.

4 MR. KLING: Yeah, I think.

5 MR. GRANT: I will get the form from Bob
6 and we'll put it back out for next year.

7 MR. LUNSFORD: It was shared with the
8 committee, the public stuff that went up on the
9 website and the public notice stuff was purposely
10 pared down, but the committee always got the full
11 information, the results of your interview, you
12 know, the answers to the questions.

13 MR. GRANT: That's news to me, but I'll
14 be happy to do that.

15 MR. LUNSFORD: We were trying to get
16 there, I left too soon.

17 THE CHAIRMAN: Circulate so we get it.

18 MS. TROVATO: Steve put together a nice
19 list of questions for the public hearing, would you
20 share that again because I lost that and that was
21 helpful for us in conversations.

1 MR. KLING: That's not in the manual?

2 MS. TROVATO: I thought -- I can't find
3 it, I would like to find it.

4 MR. KLING: It should be in the manual.

5 THE CHAIRMAN: Do you have any
6 questions? We put that under old business, any new
7 business? Any new business? Dates for the next
8 meeting? We already have September 19th, everybody
9 got that down, we're going to Downs Park and we'll
10 be doing Bodkin Creek.

11 MR. GRANT: Correct.

12 THE CHAIRMAN: And you will send a
13 notice out for the next meeting which will probably
14 be at Cambridge Yacht Club.

15 MR. GRANT: Hopefully early October.

16 THE CHAIRMAN: In October.

17 MR. GRANT: Yep.

18 THE CHAIRMAN: Anything else for the
19 good of the committee?

20 MS. TROVATO: Let me say something, I
21 really appreciate the support that we get from Mike

1 and Jeannine in particular because I get a lot of
2 stuff in my e-mail and it keeps me up to speed and
3 I just wanted to say thank you for that.

4 MR. GRANT: You're welcome.

5 (Applause.)

6 THE CHAIRMAN: That being said we're
7 going to adjourn.

8 MR. KLING: Make an appointment --

9 THE CHAIRMAN: I'm sorry, I need to make
10 an appointment for nominating committee chair and I
11 have asked Steve to do that, would you agree to do
12 that, Steve?

13 MR. KLING: Yes.

14 THE CHAIRMAN: He will be the nominating
15 committee chair. Anything else? Adjourned.

16 (Meeting adjourned at 12:11 p.m.)

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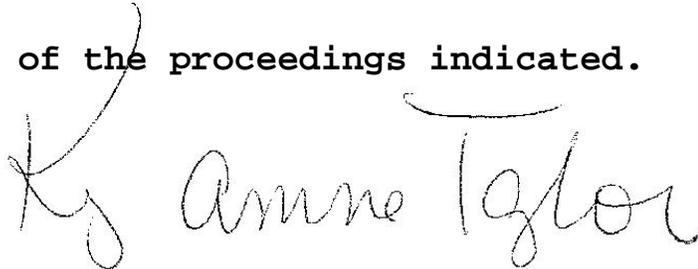
1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

3

4 I, Kelly A. Taylor, a Notary Public in
5 and for the State of Maryland, County of Baltimore,
6 do hereby certify that the foregoing is a true and
7 accurate transcript of the proceedings indicated.

8

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Kelly A. Taylor, Notary Public

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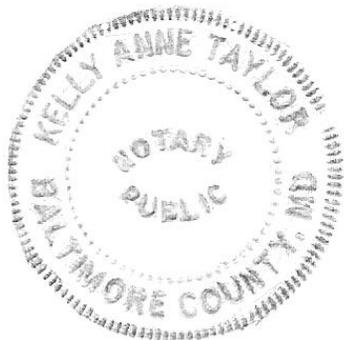
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