Transcript of

Boat Act Spring Meeting

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MARYLAND BOAT ACT ADVISORY COMMITTEE

SPRING MEETING

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ANNAPOLIS FRIENDS MEETING HOUSE, ANNAPOLIS, MARYLAND

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REPORTED BY: David Corbin, RPR
AMY CRAIG: We're going to call the meeting to order. Chairman Parlin is unable to join us, unfortunately. So I'm going to wing it.

RUSS DWYER: Is that his seat, the open space there.

AMY CRAIG: Yes.

BOB LUNSFORD: Turn it around backwards.

AMY CRAIG: Everybody can pay respects to the open space. Let's see, welcome and introductions. The usual. Want to start, Mr. Pepe. Please remember to use the microphones, speak up and silence your cell phones.


AL SIMON: Al Simon, the old man of the group. Before we started, a lot of you people are not aware of this organization was started
as Taught from Tidewater was the name of the
group. Taught from Tidewater. And the
Governor Tawes. And I pulled this out of my
file. That's when he asked me to serve on the
committee.

COLES MARSH: I'm Coles Marsh. That's pretty good, Al. Have a place in Annapolis.
And enjoy a lot of water and looking forward to
the boating season this year. I'm going to
pass this around. Al, it's hard to recognize
you there. I'll tell you, he's a handsome
fellow. No wonder he did so well in his
business activity and with his lovely wife of,
how many years.

AL SIMON: I'm 94 now.


BOB LUNSFORD: I'm Bob Lunsford. I'm a
trailer boater. I visit many places around the
State and I've been dealing with boating
regulations since the Tidewater administration.

THORNELL JONES: I'm Thornell Jones from
Annapolis. And Coast Guard Auxiliary. Have only been involved in boating for 26 years but it's been good.

FRED LEVITAN: Fred Levitan, Chesapeake Bay Yacht Club Association, Veterans Yacht Club. I've been in this organization almost as long as Al but not quite.

DEBBIE HENNIGER: Debbie Henniger. Debbie Henniger, sorry. I am with Eastern Yacht Club. I'm a realtor. A realtor. And I'm from the Middle River area.

RUSS DWYER: Russ Dwyer. I own a farm in Talbot County. I'm a master plumber. Don't work. Hello. Also a waterman and retired plumber.

MR. NICKEL: Bob Nickel. I'm from Garrett County, Maryland. I manage -- general manager of a marine dealership up on Deep Creek Lake. I do everything with boats, store, work, rent, docks, et cetera, et cetera.

JOE HELLNER: Hi, I'm Joe Hellner from
1 Millersville, Maryland. That's an area up by
2 Severn River and the Magothy River, although I
3 do keep a boat up on the Middle. So I boat up
4 a lot on the Northern Bay. Been a boater most
5 of my life, including over 30 years on the
6 Chesapeake Bay and its waters. Member of
7 numerous boating organizations such as Boat
8 U.S., Power Squadron, yacht clubs, Chesapeake
9 Bay Yacht Club Association, as mentioned by
10 Fred, and I've served on the board both as
11 president on some of those organizations. Plus
12 I'm also a former Naval officer.
13
14 JOHN SHELLER: John Sheller, owner,
15 operator, chief cook and bottle washer for
16 Rockhold Creek Marina in beautiful downtown
17 Deale, Maryland. If you haven't been there,
18 you need to go there.
19
20 AMY CRAIG: Thank you all. Amy Craig,
21 Upper Marlboro resident, water skier and family
22 boater and that sort of thing. Okay. So let's
23 see. Anybody else.
MARK O'MALLEY: Mark O'Malley, the Director of Boating Services. And before I pass the microphone along, I want to introduce a special guest we have with us today, Mr. Bill Anderson, who is the Assistant Secretary for Aquatic Resources and therefore my boss. So if you have great things to tell him about what we do here, by all means, corner him on a coffee break. If you have things you don't like, keep it to yourself.

JOE HELLNER: He throws a great party.

MARK O'MALLEY: So Bill is here and he wants to say a few words to the group. And I welcome his presence. He's the first Assistant Secretary in my four plus years to attend. So I'm very happy he's here. And by all means, I'm not kidding, if you have an opportunity to speak with him at a break or at lunch or something, please take advantage of that.

BILL ANDERSON: Thanks, Mark. And I'll walk to the front so I don't make everybody
creek their necks. As Mark mentioned, Bill Anderson, Assistant Secretary of Aquatic Resources DNR. I'm from Wicomico County, Maryland and I've been a boater since before I could drive a car. Which was unfortunate for my dad who had to pull me and my ski buddies around before I got a drivers license. But I have boated in Seneca Creek, Baltimore, Maryland -- Baltimore County, I'm sorry, Deep Creek Lake, and down in Assawoman and Sinepuxtent Bay for most of my life. I just want to take one minute, not a long presentation, but I just wanted to take a minute to thank you all. Being involved in these committees which, you know, are legislatively directed here in this state, which I think was a very wise decision by the General Assembly, but being involved in these committees is hard work. It pulls you away from other job responsibilities that you have. But on behalf of Mark Belton, our DNR
Secretary, myself and my team, we admire what you're doing, we respect what you're doing, and your feedback and your counsel is critically important to the work that we're doing, whether it be you folks or our Oyster Advisory Commission, our Saltwater Fishing Commission or what have you, everything that you guys do to help us do better in preserving our natural resources and the recreational opportunities in this state are very, very critical. So I just wanted to thank each of you for all your hard work and your dedication to serving DNR and the citizens of Maryland. So thank you very much. And I'll turn the mic now over to my partner in crime, Allison Cordell.

ALLISON CORDELL: Hi. Good to see everyone this morning. Allison Cordell, the legislative director for DNR. And I am on the agenda to give you a legislative update from our 2017 session. But Amy, were you...

AMY CRAIG: Can we just introduce the rest
1 of the people here, get them on the record.

2 ALLISON CORDELL: Sure, sure. Again,

3 Allison Cordell, legislative director.

4 ROBERT FORD: Good morning. Lieutenant

5 Robert Ford, now commander of the safety

6 education unit for Natural Resources Police.

7 And once again this is my third, it's good to

8 be here with our partners.

9 SPEAKER: And a brand new Lieutenant.

10 Congratulations.

11 MIKE GRANT: Mike Grant, Fisheries and

12 Boating Services liaison to the Boat Act

13 Advisory Committee.

14 JEANNINE MOANEY: Jeannine Moaney, Fishing

15 and Boating Services.

16 LOUIS WRIGHT: Louis Wright, hydrographic

17 operations.

18 RACHEL EISENHOWER: Rachel Eisenhower, I'm

19 with the Attorney General's Office at DNR.

20 ALLISON CORDELL: Back on. Well, we could

21 call it surviving session 2017 because there
was a number of bills that impacted boating
services, but many of them failed. And so I
have a little sheet I'm going to pass around.
So at DNR we -- at DNR we tracked -- there we
go. We tracked over 200 bills. Many of them
were cross files so it wasn't as many as the
197 on my list. But we still had a number of
ones that impacted boating. I wanted to go
through those with you and answer any questions
that you might have. Senate Bill 81 was the
Interstate Boating Violators Compact. This was
Senator Simon Yeres bill. This would allow
Maryland to participate in the Interstate
Boating Violators Compact. Currently the only
offense that we suspend in Maryland is if
you're operating under the influence of
alcohol, we would suspend your operating
privilege. So that is the only reciprocal
charge that we would be involved in if we were
to participate in the Interstate Boating
Violators Compact. Again, this bill failed.
So it's not up for this year. But Senator
Simon Yere brought this bill to us last year
and I know he's keenly interested so this is
something you might want to continue to watch
for next years session. Senate Bill 1147 was
DNR's -- so we had talked about this with the
Boat Act Advisory Commission. We had talked
about the prohibition of riding on the bow,
gunnel or transom. And we had originally
discussed doing this in regulation. And you --
as a group, you were very helpful in providing
specific language that would have allowed the
Department to specify and inform the public of
the current prohibition of bow riding.
Unfortunately counsel came back to us and said
that we needed to have enabling legislation.
It was drafted in a way that was very broad.
And that was concerning to a lot of the public
and I think to, you know, your committee when
you looked at that bill. You said, wait, this
isn't what we talked about when we met in
December and Senator Mathias and Delegate Carozza had spoken to you about that regulation desire. Ultimately this bill also failed. It was discussed, Senator Mathias turned this bill into an educational material requirement for DNR to post signage specifying the danger of bow riding. This went over to judicial proceedings. Judicial proceedings did pass it out. It went back to education, health and environmental affairs and they did not take it up. So the time ran out and the House Bill never had a hearing. So that's what happened with the prohibition on bow riding. Senate Bill 1193. This was the water ski zoned area. This one also failed in the House. It did pass through the Senate. Senator Reilly, you know, has addressed concerns with the Department from the residents in the area and has asked DNR to look at regulations. We would only do so if that was recommended from this body. So I would like for us, you know, we'll revisit this
if needed but your recommendation was, you know -- is what has gone forward through DNR regulation process. Let's move on to Senate Bill 1080. This was the privilege to operate a vessel suspension authority. This was after Senator Simon Yere realized that we didn't have suspension authority at DNR, he drafted another piece of legislation which would allow DNR to suspend your authority to operate a vessel. This bill also failed. House Bill 1253, removal of an abandoned or sunken vessels. This bill did pass. It expands the ability of DNR to remove sunken vessels. Operationally there is very little impact. It does remove the liability for persons on behalf of DNR to remove sunken vessels. So only authorized by the Department to do so could they remove the vessels. Finally our departmental Senate Bill 30, operating while the under the influence of or impaired by alcohol or drugs. This would expand the applicability of OUI laws to include
non-motorized vessels. This one also failed.

At last, House Bill 635, homicide by motor vehicle or vessel while impaired by controlled dangerous substance. This one did pass. So with that, I open it up for questions.

JOE HELLNER: Joe Hellner. And my question is this is a really nice summary, and I'm wondering, can this be shared with folks outside this committee. Because I know there's a number of groups that would love me to make copies of this and pass it out but I want to make sure it's okay.

ALLISON CORDELL: Absolutely. If you don't mind, I'll clean it up a little bit. There is a couple of errors. I see a space between then and prohibited. I would like to clean up a couple and I'll send it out by e-mail this afternoon.

JOE HELLNER: That would be fantastic. My other question pertains to the bow riding. As you noted, it was fairly broad and it -- from a
boater's point of view, and a lot of the boaters I know, scared them into worrying that normal, safe activities at which they are experts would be prohibited under legislation as worded. So going forward -- but, let me say also that they all agree that folks that bow ride -- we have all seen kids riding in terrible places on boats, et cetera, or folks that are outside the railings of pontoon boats, for example, foolish stuff that none of us experienced boaters or safe boaters would ever do. They all -- again. That they all agree that something needs to be done because we don't want to see the horrible accidents that we've seen. So going forward what do we do either as a committee or work with the DNR or as boaters. Because we think there is an answer somewhere that needs to happen to avoid these horrible accidents.

ALLISON CORDELL: Right. So the legislation was written to be broad, to enable
DNR to adopt the regulations that were recommended from the advisory committee. So we did intend in a dangerous manner to encapture only activities that were dangerous. So going at excessive speed, not your normal, you know, recreational activities of maybe hand dipping for crabbing or if you were tying up or mooring. If any of those activities were going, we wouldn't consider that bow riding in a dangerous manner. I think in our -- when they were looking at enforcement of this, it was not going to extend to those normal activities that we all participate in.

JOE HELLNER: So I'm not sure who to ask, but is this better handled by regulation rather than legislation. And if so, would this committee be able to assist with that.

ALLISON CORDELL: There is a number of options that we can look at in how to increase boating safety. So one of the recommendations is to have this campaign against -- you know,
to inform the public about bow riding. And NRP
has a graphic that I believe is going to be
shared with the public here in the next month
for Memorial Day about -- that's got, you know,
has someone sitting on the bow of a boat and
has a mark through it and says how dangerous
this activity is. So we're looking at
publicizing the danger. And then there's a
number of things that might be able to be
changed in regulation or in our agreements with
rental liveries. That was a concern because
the accident that happened in Ocean City was
from, you know, renting a pontoon boat and
perhaps if there was more, you know, safety
education. So there's other ways that we might
be able to address this issue. And we are
still interested in looking at ways to do so.
We will be working with the previous sponsors
and the Commission. Right now, you know, it
was it pretty hot topic and I think we're going
to try to move forward with the education
component and we'll see what comes from that.

But I know that the Governor is very interested in making sure that this educational material is included in our activities going forward.

BOB LUNSFORD: Thank you.

JOHN SHELLER: One question. On the boat renewal tags, who is responsible for putting those little inserts into the mailing when you get your notice to re-register your boat.

ALLISON CORDELL: So that's going to be coming from licensing and registration services at DNR. And we are -- our renewal system, we're working to go to an online renewal. We have -- we have an existing work group with motor vehicles to help facilitate the process of boat renewal and trailer registration. So this is a project that we're moving forward on.

Now, the decals themselves, that does come from licensing and registration. And could you tell me a little bit more about what the issue was so I can report back to the team.
JOHN SHELLER: Generally there are public notices in the physical paper mailing that say watch out for zebra muscles and other items of interest to the entire going population. I would think this safety issue might be something that could be well positioned in there that would go out to all registered boaters when they renew.

ALLISON CORDELL: Sure. Great. That's a wonderful idea. It's something I'll share with licensing and registration and our boating team and Office of the Secretary and see what we can do to increase awareness.

BILL ANDERSON: Allison, if there are specific recommendations coming from this committee on the part of that flyer insert, I think we have something directly to give to the licensing folks to consider. So please, direct requests would be helpful.

ALLISON CORDELL: Sure. And Amy, I'm not sure exactly of how the process goes with
recommendations.

AMY CRAIG: John, would you like to make a
motion that we include a slip about bow riding
in the registration renewal.

JOHN SHELLER: I would propose a motion
that we discuss it, and if it passes, that we
pursue the educational material that would be
in such a report, such an insert.

AMY CRAIG: Second.

JOHN PEPE: Second.

AMY CRAIG: Discussion.

BOB LUNSFORD: I can speak loud enough
without a mic but I'll hold it up to my face to
make it look good. One of the issues that
comes up with licensing and that they are very
sensitive about is the increased cost of
putting a number of informational leaflets,
sheets, in their mailings. So whatever we do,
we may want to think about something that's
less than a half a page so that things like
zebra muscles we can split the cost with other
units within the department, or boating safety education can split the cost with other units in the department. I think it's a worthwhile idea. My only thought would be is that registered boaters would each get a copy, but the accident that happened was from a rental operation where there was an out of state boater who wouldn't have seen the information anyway. So we need to make sure that whatever we suggest, or whatever boating safety education comes up with suggests, that it's blowupable to a poster size that can be put in the boat livery operations or given to them so they can post it if they want to.

JOHN SHELLER: I actually agree with that. And you remember the safe kayaking posters that we saw last year or something, I believe. I would leave it to boating safety to come up with onsite as well as other notices that are open -- that are available to the public in addition to this. Such as -- such as on the
web site as well, the DNR web site.

AMY CRAIG: Any other discussion. Okay.

Do we want to amend the motion that we encourage boating services to -- boating education to put forth some sort of information regarding bow riding.

JOHN SHELLER: I would amend my motion to have the committee recommend that this education be pursued.

AMY CRAIG: Second.

FRED LEVITAN: Second.

AMY CRAIG: All in favor.

COMMITTEE MEMBERS: Aye.

AMY CRAIG: So moved. Any other suggestions or discussion regarding the legislation update. I have a question.

ALLISON CORDELL: Yes.

AMY CRAIG: On 1193, do you want us to pursue that in any way with Senator Reilly in moving forward so as to avoid this situation.

ALLISON CORDELL: For next year.
AMY CRAIG: Yes.

ALLISON CORDELL: Right. Well, I don't know if Mark and Mike might be able to speak to their conversation with Senator Reilly. I know that they discussed regulation changes. I know that Senator Reilly came back with an amendment that would expand the hours but not as significant as we had hoped on behalf of the committee. And so, you know, I think that's kind of where -- how -- where are you willing to meet Senator Reilly or those concerned stakeholders on, you know, reducing the hours. And that's a discussion that perhaps, you know, if you feel strongly about where you are this year, then, you know, I wouldn't recommend necessarily going forward with that negotiation, but if that's something you want to pursue, then of course by all means still a decision to make.

JOE HELLNER: Technology. Here we go. I should note, and I was going to talk to you
later about this, Amy, that in my dialogue with Senator Reilly on the Manadere Creek situation, he sort of implied, yeah, I'm going to get out in the summer and go look at this creek. Of course I responded with "hey, I know a lot of boaters that would love to take you, Senator." So he came back with call my office after June 1st and we'll set up something. Obviously I had you in mind, and Romona, who is not here today, so I was going to talk to Romona about it. But hopefully that will help. I think all of us getting to know the Senator, or those of us that have an interest in that area. I happen to be one of his constituents, as does Romona. And I think you also live in his district.

AMY CRAIG: No.

JOHN SHELLER: Romona and I are definitely his constituents. We think that would be very constructive to take the Senator out. Or at least I believe it would be, and I would hope
the committee would agree, but it doesn't hurt any of the processes in place with DNR. I did talk to Mike Grant about it, he thought it was a good idea, so we'll include Mike on any trip we take. So does that sound good to you, I guess would be my question.

ALLISON CORDELL: Absolutely. Absolutely.

More outreach from the committee is always welcomed.

JOE HELLNER: Thank you.

AMY CRAIG: Anything else on legislative session recap. All right. Moving forward.

Regulation request. Mr. Grant.

MIKE GRANT: Just a quick recap of 2016. I'm sure you all know everything went through in 2016. There were no changes to any of the regulations that we proposed, any of the amendments. The administrative changes we made, everything is fine, the South River Controlled Ski Course, we changed that from our original recommendation, which was six knots
all time to only watch your wake when somebody
is using the course that's displaying a ski
sticker. If there is somebody in the course,
an authorized vessel, you must observed a no
wake zone. If there is nobody in the course
you can free ski all you want. That's one
thing we had a problem with and that's why that
was successful. That's all I have to say about
2016. Now I'm sure you're excited to hear
what's going on in 2017. The Riva Bridge, six
knot zone. The request is to return to the
original regulation. That's the same area.
The people at Mike's Crab House would like it
returned to six knots all time. It's currently
six knots Saturday, Sunday and holidays during
the boating season. No change in the zone
itself. This is a letter from Mike and Anthony
Piera at Mike's, "we the undersigned owners,
customers and local citizens are concerned of
the speed limit allowed for boaters in the Riva
Bridge area. The law currently states that
boaters are restricted to the six knots on Saturday, Sunday and holidays during the boating season. We are urging that the six knots be implemented Monday through Sunday during the boating season. We believe that the current speed allowed during the week is a danger to our customers at Mike's Bar and Crab House." There were 65 names on that petition. Some of the names came from Silver Spring, most of them were local. But I suspect that it was passed around the restaurant every once in a while.

BOB LUNSFORD: Did it smell like Old Bay.

MIKE GRANT: This is a report from Lieutenant Brian Rafka. It's big enough for you all to read. Basically there have been no reports to speak of for accidents and no calls at all from the crab house or the folks in the area. So there have been no issues.

JOHN PEPE: Mike, would it be safe to assume that there has also been no reports from
the citizens that live on the other side of the bridge that have piers.

MIKE GRANT: That's -- that's what he's saying, NRP has received nothing. He went through the CAD from 2013 when we implemented the new change, and they have heard from no one. So there's been no issues. It's only the folks at Mike's. I did get a call too after April 15th last year from I believe the owner, I think Anthony must be the son. Anyway, so I think his dad called and he was pretty animated. Was unaware it had been changed, was unaware that it was going to be changed and wanted it to be changed back. And I explained the process, and that is why we're looking at it this year. Any questions? Yants Creek data point correction. This is informational only. This is going to be an administrative change. Mother nature deemed it appropriate to take away the land at the Yants S, that yellow pin right there. That was the original data point
for the six knot zone going into Yants Creek.

We identified a point -- thank you Louis --

south right where the red pin is. Relocate

that southern point down there and the people

in the creek seemed very happy with it. Again,

that will be an administrative change.

JOHN SHELLER: Where is Yants Creek.

MIKE GRANT: Yants Creek is on the Severn


North side. Below Benfield.

JOHN SHELLER: I probably used to row past

that.

MIKE GRANT: Any questions. Thank you.

AMY CRAIG: Before we move on, I want to

thank Allison, I was negligent in doing that,

for doing that hard work in the legislative

season and this lovely wrap-up, we appreciate

so much. Can we have our boating accident

report.

ROBERT FORD: Lieutenant. Good morning,

again, Lieutenant Robert Ford, safety education
section. Before I go on to the accidents, your motion that you voted on, I didn't want to jump into it and commend you for doing that, but almost all the things you talked about that was in the motion, it's already been done. I've got a couple sheets and we've been working, and we always work with the livery operations statewide, and I think Mr. Nickel is one on Deep Creek Lake and we were out there two weeks ago to some snow, Garrett County snow. But it's something we're always looking at. However, there are different layers. And what I have here is some sheets that we have redone and the icon is here. The liveries have it, but we do not want the press getting a hold of this. Because we're actually having a press release and we fear if they get a hold of this now, they won't need to come and talk to us. And we want other information to be shared. So I'm going to pass two sets of these around, one to each side. You're more than welcome.
Again, the bow riding is nothing new. We have regulation, and actually the negligent operation -- negligent operation and reckless operation is in both statute and in regulation. And when we came in December we talked about it. It's in one of those gray areas and depending who is sitting behind the bench in District Court is how they take it and their interpretation of it. So that would just clear that. So I have been working and I want to thank Allison, because I know her head spins when I go in there, and when I leave there it's probably spinning a little more. Because maybe some of the hard thing is getting our point across as to what we want. And when you're dealing with multiple disciplines, we also have bills in there that deal with apprentice hunter education, different things, which is also my shop there. So thank you, Allison, here publicly, that you do a great job and I know sometimes I confuse things just when I show up
and give my point of view. What I have here is the 2016 Natural Resources recreational statistics. We will go ahead and go through this with my assistant. And for whatever reason on my computer it's great, but it bleeds over. So actually we have in the State of Maryland, 2016, over 170,000, almost 171,000, registered vessels over almost seven to 800 miles of shoreline. And here's the stats. It's a beautiful skylight here, kind of bleeds some of this out. 2016 reportable boat accidents, we had 163. And you can see from 2013 we're climbing a little bit. So when we get together, everybody hopefully knows Julie Brown, my sole boating person who you should feel bad for because right now she is in St. Petersburg, Florida at the International Boating and Water Safety Summit, however I had to go to Deep Creek Lake this week for hunter education. So somebody had to do it, so Julie and the Captain stepped up to go. And then
here's numbers of reportable accidents. You can see injury and fatalities. You can see, even though we're going up, our fatalities as far as for reportable boating accidents, roughly about the same. But we have fluctuations. I'm not real big on statistics, so some of this I look at it and you'll see one that I've really scratched my head and I couldn't figure out. Here's the top five. Top five causes for boating accidents in 2016. And the number one was wake, which is not something that I would have -- you know, would have popped in my mind. Speeding, you know, when I have a call or talking to the reporter or legislature. But you can see wake, and then obviously excessive speed. That would have been my number one. And proper lookout. And alcohol related. It's no different. And then number ten was we just had a serious one over the weekend with the ignition of fuel vapor. Very dangerous for those large motor boat
operations that you know that you have to be
really careful at fuel docks. It's another
thing as far as we're looking at education.
Not everybody has these different types of
vessels, but when you switch or you're fueling
around one, or go up to a fuel dock, you have
to be aware what's going on.

JOHN PEPE: John Pepe. Mike, could you
back up that -- that one right there. I would
have thought looking at this, just something I
noticed, that the correlation between the
economy and the boating accidents because
things get better. That makes sense over the
past three years. We were right in the midst
of a terrible slump in 2010. Can you explain
why there is so many accidents or is there any
correlation.

ROBERT FORD: No, not -- again, it's the
boating usually when the fuel prices go up, we
have less. But that's, you know, on some of
them again, I'll show you the slide that and
look at. When we look at overall, if you look at the numbers, and again 2016, I believe it says 12, we actually last year had 17 fatalities. But as far as reportable boat accidents, there is 12. But if you look over at 2013, where we had actually 110 reportable boat accidents, out of those 110, we had 13. So if you look and say your accidents are up, if you look at boating fatalities, we're down one. So roughly the same. Again, we look at -- a reportable boating accident is okay, it's going to happen, the same as, you know, I went to Deep Creek Lake and my wife struck a deer the night I was up there, $4,400 worth of damage. That's her third one. The last three vehicles, you know, it's like -- then she says things happen in three. I'm thinking I hope it doesn't happen again because then I've got two more. From my shop, you know, and I'll talk a little bit more about the accident that happened last year. Okay, I know the
accidents, I'm really focused more on -- not
that I'm not focused on the accidents, but the
injuries and especially the fatalities.
Believe it or not, Colonel Zigler, every time
there is a fatality he calls me, "what can we
do better." The statistics are actually
compiled in our coms center through the bar
report from the United States Coast Guard.
Some of it I understand, some of it is a little
gray, but I don't actually compile that where I
do for the hunter education. But it's a little
more complicated and it actually goes through
the coms center because of required Coast Guard
reporting. Right there you'll see our boating
fatalities. Last year, 2016, we had 17. So 17
fatalities. 2015 was a relatively high year.
Two weeks ago on Good Friday, the Friday before
Easter, we had a Commanders meeting and it was
actually the Secretary's retreat. And the
Secretary Belton focused as one of his
objectives to get that number down. To get
that number down. So it's another thing that we're looking at. But, again, 17 deaths in my opinion are 17 too many. One is one too many. Go ahead, Mike.

THORNELL JONES: Couple slides back -- thank you. Couple of slides back, the top -- that one. The top cause of accidents was wakes. Does that have anything to do with the increase in paddle boats.

ROBERT FORD: I do not believe that it does. I don't know -- have the breakdown on the vessels. When you're looking into that, you're looking into reportable vessel accident is $2,000 worth of damage. From working in the field a number of years, a lot of it's caused by the larger displacement vessels. They throttle down to go through the zones, and when they throttle down they actually throw a bigger wake than if up on plane. And when that wake comes into the marina, that causes a lot. So just from my standpoint, that's what I'm
thinking that happens. Not necessary a paddle.

A paddle, unless it's an injury, if a paddle board gets thrown out, there is probably no damage to the paddle board unless it's a reportable injury, which in a lot of cases is not. But I would say that that vessel wake is due to more property damage than actually physical damage, although you could get...

THORNELL JONES: I understand. But I also remember the people in my yacht club talking about how the paddle boarders in the water, like in Annapolis harbor, really causing difficulties with people getting in and out.

ROBERT FORD: That's correct. If you go through, I will address that because that was a campaign that we did last year. So we will hold that. Again, accidents by month. And it's no surprise, our three biggest months are June, July and August when the number of boats are out there. The neat thing about the Natural Resources Police, none of the boats get
winterized. We're out there pretty much all 12 months of the year. But as expected, that -- and again July, holiday, July 4th holiday, so, you know, it's really no different. But you'll notice in January, February, March we do have reportable boating accidents, and the majority of those are involved commercial vessels. And here's the one that perplexed me because obviously by day the week, Friday, Saturday and Sunday. What I couldn't figure out was Wednesday. I actually went back to 2015, and in 2015 Wednesday was actually the lowest day.

So I looked at that and when Major called me this morning, I said, you know what, I think I'm going to blame it on the Wednesday sailboat races. He said, please don't do that, you'll make someone mad. So I won't. When you go there, sometimes they will say can we look at this further. And even with the hunting accidents aside, sometimes that would take somebody studying for a doctorate degree,
because you would have to go and have to interview and get it. One thing about sometimes the people when they have it, if they are embarrassed, they are going to give us as little information as possible. We're not looking at everyone makes mistake, what I'm looking at and when I talk to somebody is let's make it better, do you want this to repeat itself. And 100 percent they say no. That's why I need the information. As long as I don't put a name with it, we should be good. That's what perplexes me was Wednesday. And when I started looking into it, and I just showed Mike Wednesday in 2015 was the least number of accidents. But it's no surprise, Friday, Saturday and Sunday. And then accidents by time of day. So obviously 12:00 noon to going on 3:00 o'clock is high, and then from 3:00 to actually 6:00. And then the number from 6:00. But in my experience, even with a lot of bars and different things, most of the people are
out of there, they are trying to get home or
get back to their creek by sunset. You can see
the time is basically from 12:00 noon to 12:00
midnight, although other times of day we do
have accidents.

Actual property damage. You know, you're
looking at a very substantial amount. I guess
as far as insurance and everything else goes,
so a lot of money for property damage
accidents. Which is another reason why it's
studied and why we have the information out
there that we do. And this is just a little
bit of that goes in with here, our enforcement
information. So that's the -- you know, as far
as enforcement for the reportable accidents,
total, you know, OWI, OUI cases and alcohol
related accidents and accidents that result in
injury, accidents resulting in fatality.

Again, a lot of our things, you know, impaired
boating. You're talking about drugs or
impaired by alcohol. It's the same on the
water as it is on there, even though open container is a civil violation. If a trooper happens to see you have an open container in the car where in the water it's okay. You know, most people expect that somebody is going to have an open container of alcohol. But there is no difference. This over skipper, I'm sure Ms. Brown down there at the International Boating and Water Safety Summit, it's from everybody in the United States. Some of the Canadian provinces. Alcohol still remains big and we're still, you know, pushing alcohol and we do the alcohol monitoring patrols and target different areas, especially with different contests and all that the bars and the establishments have.

And this is citations. And you can see in 2016 our citations go up. And a lot of that is due to the Colonel that, you know, we have at the time but also U.S. Coast Guard, there is different pushes, certain weekends a year
everybody in the country is going to go out there and do it. So a lot of the resources that went into that 264 may have been specialized resources where, okay, they are going to hit Kent Narrows this weekend. So we try to get everybody on duty in the evening, however that doesn't always work out because we're a force that is very short. We don't have the numbers that the Maryland State Police do, so we at least need somebody during the day but they actually pull resources, especially on the weekends, Friday and Saturday nights.

And the boating related citations, OWI, OUI, 264. Insufficient number of PFD's on the vessel. So around 600. Operating without proper running lights, 113. Registration not in possession, 135. And operating the vessel without boating safety certificate, 134. With the certificate, it must be in your possession. So that's a lot of times, most of them get a warning, but what that told me was the demeanor
of the people that were getting those
citations. A lot of it has to do with are you
going to be cooperative or, okay, here's your
coupon. So the types of vessels involved, and
obviously the open motor boat, 34 percent of
the time, cabin motor boat 21 percent of the
time, but also we can relate to cabin motor
boat accidents directly to the fueling when we
have that is going to be on the cabin style
motor boats. Personal water draft is actually
19 percent, which I'm very happy to see. On
different years when it was up, we've done a
lot of education, and the rental liveries have
been fantastic in working with us to keep this
number down. Pontoon boats, 7 percent.
Sailboats, about 12. And all other vessels,
which would be your paddle craft, canoes,
kayaks and your paddle boards.

Just a little bit to address the situation
with the paddle boards. Recently the Coast
Guard has just come out, it's only been within
the last couple months, that in vessel situations the paddle boards have the right-of-way. And may not necessarily agree with that, but one of the things that we ran into was a livery renting paddle boards out of Annapolis. And they would go, I don't know a better word for it, but I'll call it Tai Chai. They were all out in the middle with their paddle boards and doing exercises. And when that two or three ton vessel is trying to come in there and he's trying to get them all out and I guess he's giving hand signals and everybody that's rented these things "he's a nice Captain, he's waiving to us", it caused problems. So what we did, as soon as we were finding out from that, and we were finding out from a lot of boaters very quickly from our communication center. So Ms. Brown went down there and she gave material, you know, basically to the livery that was renting these out saying yes, these are boats, these are
boats, and you must obey the law. One of the
things, you know, the channel is shared but we
tried to do an educational component. Even
last year when the Blue Angels flew, we took
our two jet skis and we put Ms. Brown and
reserve officers there with thousands of copies
of materials. And they went and made contact
with as many vessels as they could that were
out there watching the Blue Angels for this
campaign. In my opinion it was wonderful,
although I don't have the numbers. But that
was directly related to there. I'm sure we're
going to get some complaints, but it was just
awareness. Getting somebody like, yes, when
you go out here you're a vessel even with the
PFD's. If you're on a surf board in a beach
area, you don't need it. You paddle that surf
board outside of the beach area, it's now a
vessel and you need to have your PFD. Again,
not a lot of deaths PFD on a paddle board but
it's something we need to be proactive. Just
like with the jet skis and the liveries, I've been five years, we have a very good relationship with the liveries. Even we just met last week with the liveries in Ocean City and they contact us, what can we do for this -- you know, this young man that died, nine years old, last year in Ocean City, what can we do better. So you will see a campaign coming out, everything in the works, but this is nothing we've done now. We started working on this in August and started making the push but obviously now in January is not a good time to get this stuff out, we want to get it out during the boating season. Anyone else have any questions. Thank you. And thank you, Mike. Mike actually saw this presentation. I was down at the Kent Island Yacht Club, but they weren't listening to me, they wanted to hear about the trophy rockfish season. But I presented it and hopefully somebody took a little of the safety points away and we will
have at least a few less accidents during the season.

DEBBIE HENNIGER: I'm Debbie Henniger. We have a Baltimore County boat safety day coming up.

ROBERT FORD: We'll be there.

DEBBIE HENNIGER: Good. That's what I was going to ask you, maybe you could do something like this.

SPEAKER: Is that with Baltimore County marinas.

ROBERT FORD: Yes, we have it, and believe it or not I have my own VMS sign. What a VMS sign is, the things that State Highways put on the road for their. They will not allow me to put it on a State Highway due to their regulations with any other message than a boating -- a vehicle message, State Highways. But I went around, and you'll see that sign. And that sign will be a week before. How can you tell it's a Bob Ford sign instead of a
state sign, mine is green. Everybody else's is orange. Thank you for bringing that up. That's a big day. I think it's the second annual. We were there. Does everyone know who are mascot is. Because it's not PFD Panda any more. When I came in five years ago I said "what does a panda bear have to do with Maryland." So we changed it to Splash, the Water Safety Dog. Hopefully you all know that it's Splash. I had a choice of Splash's fur, whether light or dark. I went with dark because my mom always said wear something dark, you can't see the dirt. However Splash sometimes comes off as a bear. I was actually able to go down, and the first time ever, the Natural Resources Police Safety Education Unit was in the St. Patricks Day Parade in Washington D.C. And the banners on the side of my boat said "Be a Saint, always wear your life jacket." The bad thing was as I'm going down, I got the windows open, everybody else is
walking, I'm driving, I hear "oh, look at the bear, look at the bear." I'm yelling, "it's not a bear." And then somebody says "it's McGruff the Crime Dog." Well, it's Splash the Water Safety Dog, it's a Chesapeake Bay Retriever. So we get the message out there. And when Julie is in the costume, she is not good, she is great. She is great. So hopefully that will go. But thank you for bringing that up.

DEBBIE HENNIGER: So if anybody can join. What the days is going to be, it's really exciting, the Coast Guard to Baltimore Police Officers, helicopter, everything. Last year we didn't get enough material out, but we believe this year will be bigger.

ROBERT FORD: In Bolley's Quarters -- a lot of the fireman in Bolley's Quarters are also boating education instructors. So it will be a great day. Thank you for bringing that up.
1  JOE HELLNER:  What was the location again.
2  ROBERT FORD:  Wilson Point Park.  Is it
3   close to Bolley's Quarters.
4  DEBBIE HENNIGER:  It's behind the airport,
5   Glenn L. Martin, all the way in the back of the
6   creek.
7  ROBERT FORD:  Hopefully the green sign
8   will be somewhere on a major route, but we're
9   tip-toeing around State Highway where we put
10  that thing out.
11  DEBBIE HENNIGER:  It's the Baltimore
12   County ramp right there at Wilson Point Park.
13  ROBERT FORD:  Thank you.
14  AMY CRAIG:  Thank you, Lieutenant Ford.
15  Mike, I guess we want to move on to old
16  business since we're running through this.  Is
17  there any old business to discuss.  Going once,
19  Mike is looking for Jeannine.
20  BOB LUNSFORD:  I'll do my speech now.  I
21  don't really need it.  This mainly relates to
the Senate Bill 1193, the Manadere Creek bill.

When the State was delegated the authority to regulate boating back in the 50's and therefore collect registration fees, the major concern -- one of the major concerns among boating groups was that delegates and legislators would listen to various waterfront and home owner and -- waterfront communities and waterfront home owners and would pass legislation that restricted the use of the water to benefit simply those individual waterfront communities and waterfront owners. And the result of that was the formation of this committee by legislation to provide advice and opinion on the wise use of the waters. And the bill that was -- that was introduced is exactly why this committee was formed. I already heard rumors from Calvert County that had this bill passed we would next have a bill introduced on Saint Leonard's Creek causing a speed limit. And the snowball effect of that is anybody that boats
over the entire state would be just a hodge podge of regulations that don't make any sense. So I would encourage everybody, and Joe, I depend on you, to meet with your delegates, make sure that the regulations that we recommend are justifiable and make some sort of sense. And, Joe, I'll volunteer to take Senator Reilly out in one of my boats any time he wants to go. But this is something that should raise the concern of every boating group in the state, that a delegate or legislator wants to come in and regulate state waters to benefit his constituents only. And I think it was a very bad move and I'm a little disappointed that the executive branch of government didn't come back and tell the legislative branch of government that maybe that was a little bit of an overreach. But my civics class didn't include that in 12th grade so I'm not sure what kind of ground I'm standing on there. But that's all I wanted to
say is that this was very concerning and this
is why we were formed.

JOE HELLNER: Bob, in response to your
comment. I'll make sure that you're in --
you're informed with any dialogue I have with
the Senator. As well as Amy. I've got -- and
make sure Romona is in. I'll also contact
Mike. If it's of interest -- if he determines
that the whole committee should know. But I'll
go ahead and run point with this, with Senator
Reilly and keep Mike and you guys informed.
I'm sure we'll come up with a great outing on
the water that hopefully will make the Senator
understand these issues better.

AMY CRAIG: On that note. Having attended
the hearing, I was kind of shocked and appalled
that -- well, first of all we were at the end
of the day so most of the Senators had left. A
lot of testimony, written testimony, was
submitted, and they really did not seem to hear
the points. So I was drastically concerned
that when things get to that level that our influence is completely muted. And it was very disheartening I must say. Sorry. I forced my daughter into testifying as her own little civics lesson, and she did very well but she was also a bit frustrated that the Senators weren't there to hear the testimony. It was impactful on many levels.

JOE HELLNER: Amy, to maybe restore your faith slightly in our legislators. Because this seemed to be one of those County courtesy things where the County -- you're familiar with how, "Oh, it's just Anne Arundel County, whatever, we'll pass it because it's a courtesy to our peers over in that County and they will do us the favor in Calvert later." Which is really a lousy way to do legislation in my opinion. Naturally when that happened I said, okay, it's going to the House, let me start contacting the Anne Arundel County delegates. And I did get a nice note back from Delegate
Sobb, who said, yeah, we're hearing from you guys, a lot. And his note basically said, boy, there is a lot more to this than I realize and I just want to tell you I don't think the bill is going anywhere, it's just going to die in the House Rules Committee. So that made me feel a little better that the House delegates did hear our cries and took them seriously.

AMY CRAIG: I want to thank Joe for chasing that down as well with his representatives. Okay. Mike, anything.

Mr. Pepe.

JOHN PEPE: Yes. I just would like to make a comment or ask the NRP officer on State Bill 1147 since it failed, and we had approved it subject to wordsmithing, that we never saw the rewording that was done before this bill was presented. Are you planning on pursuing this bill again next year.

ROBERT FORD: The Manadere Creek.

JOHN PEPE: No, bow riding.
ROBERT FORD: Bow riding. Just wanted to make sure. When I left the meeting in December, I was under the impression that this was going to be done in the regulatory process. About the end of January I found out that it had never made it to the regulatory process. And I went through my chain of command. I was not invited, I was not asked to come to any hearings. So all of this went on behind there and with my stance, unless the department is for it, I can't give an opinion either way. I am very adamant that the bow riding should go on. Even though it exists, it's not very clear. And from my perspective, either -- obviously if it goes into statute from an enforcement standpoint it holds a lot more weight than a regulation. But even a regulation, I would be happy. So, yes, no one from the Natural Resources Police, and especially safety ed, is giving up on the bow riding. We're going to do a lot more. After
the death of that young man, which is tragic, tragic. Never want it to happen again, didn't want it to happen that time obviously. But the Captain, the Lieutenant and my, as a Sergeant, we went down to Ocean City and visited with livery operations. You understand that the contract that I have with them is not for them leasing boats, the contract that the State has with them only allows them to rent a vessel to someone that does not have a boating certificate. If someone gets on that vessel who was born before 1972, it's an exemption. They do not need to have any information whatsoever. So we started -- we made different regs, but unfortunately when you have different layers, we had proposed to move forward to actually testing the boat rentals. But it's like what authority do you have to give everyone a test. So through the advice of the Attorney General, it's like, okay, look at this. Because obviously when we move forward
with this, we want to have, for lack of a better word, all of our ducks in a row. And, again, the liveries that we visited in Ocean City, everyone was on board. And one of the things that we do, and I know Mr. Nickel is a little bit unique, but some of these locations in Ocean City, you know, there is somebody that, okay, I'm a sophomore in college and now I'm renting somebody a boat today. And so it's educating them and getting them up. What we even do in Ocean City is kind of unique, because you can't take out a PWC without a guide. So we do guide training. Yes, we're interested in working with Allison and the Department to pursue this and to move on. Again, just to clarify, and it's hard even with the legislature, this regulation against this already exists. All we're trying to do is clarify it because of this horrific thing that happened, and like "we didn't know, we didn't no, we couldn't see the person." We don't want
it to happen again. Every one of our officers, if someone is on that vessel with limbs hanging out, I'm not talking about dipping crabs, that's something we see every day, I'm talking about riding on the bow with the feet hanging off, they immediately stop and they deal with it. But if a judge is not willing to pursue it, you're going to keep bringing these tickets into him and your credibility is going to be lost in that court. So they do the best they can. And our officers in Ocean City were the ones that came to me within two days and said we need to do something. And that's when Senator Mathias came in and Delegate Carozza. I can tell you right now they have been excellent. We met with both of them and they are also supportive. But, yes, we support it.

COLES MARSH: Quick question for you. The fly boards and the jet packs, anything updated on that that's caused any concern in Ocean City primarily where they fly around.
ROBERT FORD: The jets. Is everyone familiar with what they are? When those things came out, it was like a nightmare, what do we do with those. They are actually a vessel and we have regulations on them. The good thing about it, most of the liveries that have them, they are still in their infancy. I expect you'll see more. One of the things was distance. And we've actually, you know -- we stay -- there's a gentleman down there that does professional exhibits, and we had to go back to him at least once because he's saying "no, I stay 100 feet" and we've got film of him about 20 feet off the deck of one of these bars doing it. So, yes, that's a concern. But another one, again, technology changes quicker than I do. Licensing sent me a video. It's a pod, looks like a jet ski. It's a ski platform but it's unmanned. So the person on the ski, it's a tow rope and it has a T handle. The T handle has all these controls. So I'm looking
at this thing and it's a single unit manned by itself. So you ski all by yourself. Is this legal, somebody wants to license one of these. And I went back and I was like, wow, where do I start with this. The best thing is the ski regulations are not in regulation, they are in statute. So I go look, it says a spotter. The spotter has to be on the vessel towing it. Can't be in a separate vessel. I said, no, they're illegal, because you can't have a spotter. If you don't have a spotter, it's in the statute, that was quick. But I expect to see the next layer of the jet levs. But so far we haven't had that many concerns other than people calling us, but no accidents per se. But we'll keep an eye on it but I'm ready for the next technology. It's coming. Our technology changes quicker than we do. And if you've ever seen me in the morning, especially on a Monday trying to get that computer up in and running, you'd probably not think I'm the
1  man for the job.

2  AMY CRAIG:  Thornell.

3  THORNELL JONES:  Given the Lieutenant's testimony about the courts not taking a proper response to incidents of bow riding, I think that we ought to spend some time trying to come up with proper wording for legislation to pass on.

4  AMY CRAIG:  Motion.

5  THORNELL JONES:  So I would move that we do that.

6  AMY CRAIG:  Is there a second.

7  JOE HELLNER:  I'll second it.

8  AMY CRAIG:  All in favor.  Nays.  No nays.  Okay.  So then we'll move forward in helping DNR and NRP come to some regulatory language that makes it more clear, what we will be acceptable and unacceptable for bow riding.

9  BOB LUNSFORD:  I nominate Clint.

10 AMY CRAIG:  Anything else from you, Mike.

11 MIKE GRANT:  I have nothing.
AMY CRAIG: Anybody.

RUSS DWYER: I make a motion we adjourn.

AMY CRAIG: Second.

COLES MARSH: Second.

AMY CRAIG: All in favor. Wait, do we need to discuss next meeting.

MIKE GRANT: I've been sending it as a doodle poll recently rather than trying to decide now and checking your calendars. So if that's okay, I'll continue to do that.

AMY CRAIG: All in favor of doodle.

JOE HELLNER: Doodle is good.

AMY CRAIG: Thank you, Mike. We are adjourned.

(Meeting concluded at 11:13 a.m.)
STATE OF MARYLAND

I, David Corbin, a Notary Public in and for the State of Maryland, do hereby certify that the within named, MARYLAND BOAT ACE ADVISORY COMMITTEE, personally appeared before me at the time and place herein set according to law, was interrogated by counsel.

I further certify that the examination was recorded stenographically by me and then transcribed from my stenographic notes to the within printed matter by means of computer-assisted transcription in a true and accurate manner.

I further certify that the stipulations contained herein were entered into by counsel in my presence.

I further certify that I am not of counsel to any of the parties, not an employee of counsel, nor related to any of the parties, nor in any way interested in the outcome of this action.

AS WITNESS my hand and Notarial Seal this 10th day of May, 2017, at Centerville, Maryland

David C. Corbin
Notary Public

My commission expires November 19, 2019
partner 8:14
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12:8,15 13:12
14:4,11 30:20
52:9 55:14
passed 27:11
52:18
passes 20:6
past 29:11 34:14
Patricks 49:17
patrols 42:13
peers 55:15
people 9:1 26:13
29:4 38:10,13
40:3,21 42:5,44:1
Pepe 20:10
27:20 34:8,56:12,
13:21
percent 40:9
44:5,6,11,15
perplexed 39:8
perplexes 40:12
person 32:15
Personal 44:10
persons 13:15
perspective 57:14
pertains 14:20
Petersburg 32:17
petition 27:8
PFD 46:19,20
49:5
PFD’s 43:14
46:16
physical 19:2
38:8
piece 13:8
Piera 26:18
piers 28:2
pin 28:20 29:3
place 25:2
places 15:8
plane 37:19
planning 56:18
podge 53:2
point 15:1 28:17,
21 29:2,4 31:14
32:1 51:2,12
54:10
points 47:21
54:21
Police 9:6 38:21
43:9 49:16 50:13
57:19
pontoon 15:9
17:13 44:15
popped 33:13
population 19:4
positioned 19:6
possession 43:17,19
post 12:6 21:14
poster 21:12
posters 21:16
Power 5:8
presence 6:14
presentation 7:13 47:16
presented 47:20 56:18
preserving 8:8
president 5:11
press 30:15,16
pretty 17:20
28:11 39:1
previous 17:18
prices 34:19
privilege 10:18
privy 13:4
proactive 46:21
problem 26:7
problems 45:15
proceedings 12:8
process 13:3
18:15 19:21 28:15,
57:4,6
processes 25:2
prohibited 14:16 15:4
prohibition 11:8,14 12:13
project 18:17
proper 33:17
43:16
property 38:7
41:6,9
propose 20:5
proposed 25:17
58:16
provide 52:14
providing 11:11
provinces 42:11
public 11:13,18
17:1,3 19:1 21:20
publicizing 17:8
publicly 31:20
pull 7:6 43:11
pulls 7:19
pursue 20:7
22:19 23:18
pursued 22:9
pursuing 56:18
push 47:11
pushes 42:21
pushing 42:12
put 21:12 22:5
putting 18:7
20:17
Quarters 50:17,
18 51:3
question 14:7,
20 18:6 22:16
25:6
questions 10:9
14:5 28:16 29:13
47:15
quick 25:14
quickly 45:17
races 39:16
Rachel 9:18
Rafka 27:15
railings 15:9
raise 53:10
ramp 51:12
ran 12:11 45:4
re-register 18:9
read 27:16
real 33:6
realize 56:3
realized 13:6
reason 32:5
41:10
recap 25:12,14
received 28:4
Recently 44:20
reciprocal 10:18
reckless 31:3
recommend 22:8 23:15 53:6