

1 MEETING OF THE
2 MARYLAND BOAT ACT ADVISORY COMMITTEE

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5 The above-entitled matter came on for
6 meeting on Thursday, January 14, 2010, commencing
7 at 10:00 a.m., at the Annapolis Elks Lodge #622,
8 2517 Solomons Island Road, Edgewater, Maryland,
9 John M. Bush, vice chairman, presiding.

10
11 COMMITTEE MEMBERS:

12 Tammy Broll	Kenneth Kloostra
Betty Duty	Frederick Levitan
13 Russ Dwyer	John Marple
John Ferman	Coles Marsh
14 Thornell T. Jones	Christopher Parlin
Steve Kling	Al Simon
15	Ramona Trovata

16
17 Robert Lunsford, State Liaison

18 Robert Gaudette, Director of Boating Services
19
20

21 Reported by: Kelly A. Alford

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

2 MR. BUSH: Good morning, all. We're
3 getting ready to start. We just discovered that
4 we're going to replace the battery in the
5 microphone, but in the meantime I'll be talking and
6 they will get that going in a few minutes.

7 I want to welcome everyone to the
8 meeting this morning. And before we get started I
9 would like us all to take a moment of silence in
10 reference to the catastrophe in Haiti at the
11 moment, so why don't we take a moment of prayer for
12 30 seconds? Thank you.

13 (Moment of silence observed.)

14 MR. BUSH: Thank you very much. We're
15 going to start off this morning, we have a short
16 agenda but we should be covering quite a few items,
17 we're going to start off by getting a report from
18 the nominating committee and I would like to hear
19 that report now, please.

20 MR. KLING: Thank you, Mr. Vice
21 Chairman. Bob Slaff and I were appointed as the

1 nominating committee last summer by then Chairman
2 Jaryzinski. Since Mr. Slaff has been somewhat
3 incapacitated I've enlisted Ken Kloostra's
4 assistance to informally replace Bob on the
5 nominating committee and it's the time of season
6 for the nominating report, so our recommendation is
7 that we elect John Bush to -- we had, by way of
8 background, we had been in a two-year cycle for
9 officers and then we sort of got away from that for
10 a couple reasons, so the recommendation is to go
11 back to that, so the report would recommend John
12 Bush for a term of two years as chair, Coles Marsh
13 for two years as vice chair, and Tammy Broll for
14 two years as officer at large, and I believe none
15 of those people are shocked by that recommendation.
16 I would so move.

17 MR. BUSH: All right, do I have a second
18 on that?

19 MR. DWYER: Second.

20 MR. FERMAN: Second.

21 MR. BUSH: All right, any discussion?

1 Then I'll say that -- is this a unanimous vote on
2 this one?

3 MR. FERMAN: Yes.

4 MR. KLING: Aye.

5 MS. TROVATO: Aye.

6 MR. BUSH: We've got this mike with a
7 new battery. Can you hear me okay? Good, okay.
8 We'd like to say that anyone who is going to be
9 speaking here, because the acoustics are bad, you
10 may have to speak up a little bit so everyone will
11 hear you. So the next thing we're going to do,
12 we're going to get a new business report from our
13 director, Bob Gaudette. He may want to -- he has
14 an armful of papers with him, so this briefing will
15 only last until about 3 p.m. So you can use the
16 mike if you want to.

17 MR. GAUDETTE: All right. I got my
18 legislation file for this year.

19 First of all, happy new year to
20 everybody and certainly looking forward to another
21 productive year with Boat Act. I think we've had a

1 lot of success in the past and I completely expect
2 that we're going to continue to have the success
3 that we've had because of the hard work that
4 everybody does here. I'm going to give a little
5 review of the budget, a little review of the
6 pending legislations from the file and what may be
7 coming. Basically just informational for you, just
8 to kind of keep you up on what's going on, not
9 looking for any action from the committee on it,
10 but I just want to kind of keep you up on the
11 happenings of what's going on.

12 This past year, 2009, was a very
13 difficult budget year for DNR, for everybody in the
14 state, but especially DNR. General funds are
15 short, our special funds were down 50 percent from
16 what they were just three or four years ago, and
17 that's resulted in a very tight budget for the
18 department. It's going to be a major challenge for
19 the General Assembly this upcoming session, \$2
20 million projected deficit. Last year what the
21 impacts were on boating services, we lost 20

1 percent of our staff last year, the largest single
2 chunk that we've ever had at one time. The reason
3 that was is there was many rounds of reductions.
4 Every time the governor got a new revenue estimate
5 it was lower than the one he was previously given,
6 and he had to keep chopping away and one of my
7 strategies was to forestall as much of my cuts as I
8 could during those first couple of rounds hoping
9 that the economy was going to turn and that I
10 wouldn't need to make any cuts. So I kind of got
11 the mother load the last cut and we lost eight
12 positions. Some of those were in the buoy section,
13 some of those were grant people and some were
14 people who do biometric survey work. We're no
15 longer making biometric surveys at boating
16 services, they're all being privatized.

17 So it was a very trying December for us,
18 very stressful, and we're hoping that they won't
19 come back to us again for cuts of that magnitude in
20 the future. I suspect there will be actions taken
21 by the General Assembly on the budget, obviously.

1 They can't add to the budget, but they can
2 certainly take away. If you noticed last night on
3 the Washington news, there was several segments on
4 actually three of the major channels on our
5 icebreakers, and I don't know if you saw that or
6 not, but if you didn't you can go online to Channel
7 11, Channel 13 or Washington Channel 7 and look for
8 the video on icebreaking. There are three very
9 good videos, it was done at Kent Narrows, and what
10 I'm trying to do is give as much exposure for the
11 program as I possibly can. We're doing probably on
12 average one or two major press releases a week on
13 our projects, get the word out that, you know, your
14 boat tax at work is still happening. So I think
15 we're been pretty successful with that and
16 hopefully the statehouse recognizes that.

17 There are several bills that have
18 already been prefiled this year, I'm going to go
19 over those real quickly. There's a Senate Bill 48
20 that was put in by Senator Colburn. The reason I
21 raise this one is because it actually impacts our

1 bailiwick. Senate Bill 14 makes a recommendation
2 for a speed limit in Knapps Narrows by statute, and
3 I talked to Senator Colburn on this and Delegate
4 Haddaway has cross-filed on it, and what it does in
5 essence is creates a minimum wake zone in Kent
6 Narrows. What happened was I received a phone call
7 from a DLS, Department of Legislative Services, a
8 bill drafter on this several months ago, indicating
9 there was a real problem at Kent Narrows with boat
10 wakes. I went ahead and found out who was
11 complaining, went down there and met with the
12 locals, both legal residents and local businesses
13 to see if there was really a true problem or if it
14 was just something that was being manufactured for
15 some reason. After talking with them for a couple
16 of hours, these were very credible people, they
17 have a problem there. One of the problems was the
18 fact that the bridge tender at Kent Narrows was
19 telling people to rush, hurry up.

20 MR. LUNSFORD: Master.

21 MR. GAUDETTE: Excuse me, master, to

1 rush to get the bridge opening, I guess that's a
2 nonscheduled bridge opening, they open on demand,
3 and all of a sudden people were speeding up to 10
4 knots, throwing up three and a half to four foot
5 wakes, a lot of trawler problems. I contacted
6 State Highway and took care of that. That bridge
7 is operated by a private contractor for SHA and
8 they told that person not to do that. If they miss
9 the bridge opening, they miss the bridge opening.

10 The other thing was the signage there
11 wasn't that great, so we've put new signage in,
12 including watch your wake signs, and I've already
13 scheduled this as a study area given the fact that
14 there is a problem there and advertised it as such
15 in the local paper. However, even with all of that
16 the, our local elected official down there decided
17 to go in and put in a bill anyway. The department
18 is not in favor of this bill, we believe it should
19 go through your process, doing the study, getting
20 the comments, having people come in. My gut
21 feeling is that we can address this by some

1 additional buoy work, by potentially moving the
2 speed limit out just a little bit so they can slow
3 down a little faster, take care of the State
4 Highway situation. Knapps Narrows is a little
5 different than Kent Narrows because it's so narrow
6 and it's also bulkheaded pretty heavy on both
7 sides, so you get a lot of wave refraction in
8 there, so you may have a two-foot wave sitting
9 two-foot waves and hitting three- or four-foot
10 waves, pilings snapped down there on water boats,
11 it's pretty significant. So I'm hopeful that we
12 can go ahead and take care of this. Senator
13 Colburn and Haddaway are aware of my concerns and I
14 will be testifying on that, asking them to refrain
15 from this method and utilizing what we currently
16 have on our statute, which allows us to go ahead
17 and go through you to get this set. It creates a
18 bad precedent of, you know, having legislators just
19 willy nilly correct, you know, making corrections
20 to areas and not being consistent with the rest of
21 the state. So anyway, I hope that's good

1 information for you. That's Senate Bill 48.

2 Senate Bill 70 is the DNR vessel noise
3 limitation bill, that's a departmental bill, and
4 that's being heard at the education, health and
5 environmental affairs committee and that bill in
6 part came out of some of the recommendations you
7 made regarding decibel limit changes. What John
8 did on this and the statehouse agreed to was to
9 follow the NASBLA level for decibel levels, which
10 is before 93 at a 90 decibel level, after 93 at an
11 88 decibel level, but it also requires continuous
12 use mufflers. One of the things we did a little
13 different than the Model Noise Act is that if you
14 already have a cutout in your boat, you know,
15 bypass, captain's choice, you don't have to rip it
16 out of your boat, you just have to make it so it
17 doesn't function. That was a concern that John had
18 and I think that is a good decision to leave that
19 in there. As long as they just say that way
20 boaters coming from either a pier or coming from
21 out of state wouldn't be a situation where they

1 have to go ahead and really retrofit their boats.
2 That was also a concern I think at Deep Creek Lake,
3 that if you had no cutouts allowed they might hurt
4 their tourism, and I think that, if they just
5 disable it I believe that will take care of that
6 issue.

7 We already have a letter from NASBLA,
8 National Boating Law Administrators, in support of
9 this. I anticipate we're getting a letter from
10 Deep Creek Lake Community Association in support of
11 this. I had contacted senators and delegates out
12 in western Maryland to let them know we're
13 proceeding on this because Bob is having a meeting
14 with them last -- week after next.

15 MR. LUNSFORD: The 25th.

16 MR. GAUDETTE: And this hearing was
17 going to be before then, so we want to let them
18 know, they very much appreciate the fact that we
19 let them know this was coming and I hope that we
20 can get this passed. We already have the, Mr.
21 Simon's group that put the original petition in,

1 he's going to get some people from Maryland to give
2 some testimony on that, so I think hopefully that
3 will pass. I anticipate some concerns from the
4 Marine Trade Association on this and possibly some
5 boaters, but we're going to try to work out a way
6 that once this bill gets passed, assuming that it
7 does, we get the word out as quick as we can that
8 they need to disable those devices.

9 Just to let you know, Virginia, all
10 states around us except for Delaware do not allow
11 any cutoffs at all in their vessels. So I think
12 the situation occurred that a lot of those folks
13 that had them were coming there because they
14 couldn't go anywhere else. Even New Jersey there's
15 no cutoffs allowed. So we're allowing them, just
16 not functional. So if they decide to go somewhere
17 else they can do that. That's Senate Bill 70.

18 The other one, Senate Bill 92, which is
19 the PFD bill. Now, the reason I raise this with
20 you is Colonel Johnson I believe came in and talked
21 to you about that when we were at Sandy Point.

1 That's where they're going to go ahead and change
2 the age limit for requiring PFDs from 17 to 19.
3 One thing that was not raised at that meeting was
4 the issue regarding safety certificate, a
5 certificate of boating safety education. What it
6 says in here that you have to possess the
7 certificate of boating education, but what they
8 also included is the fact that if you are with
9 another person in a vessel, correct me if I'm wrong
10 on this, if you're in other people in a vessel and
11 one has a certificate and one doesn't, they want to
12 be sure that that person who's in that vessel, at
13 least one of them has a certificate and they're 18
14 years old. The reason for that is that, and this
15 is more of a proactive issue for Natural Resources
16 Police, is if you have two 10-year-olds on a boat
17 and one of them has a certificate and one of them
18 doesn't, that the kid that's 10 years old lets the
19 other kid operate the boat, and basically the
20 concern with NRP is that that level of maturity is
21 not there for that person to supervise someone else

1 that doesn't have a certificate. They apparently
2 had some concern, I talked to Bob Davis on the way
3 in, they've had some concerns with officers that
4 stopped boats, four or five kids on the boat and
5 young kids and there's one person that has a
6 certificate and they're driving wildly in the boat,
7 so that's the reason for that particular item. I
8 see why they're doing it, it's a proactive issue.

9 I asked for if there were any statistics
10 on this, have there been so many accidents, et
11 cetera, no, it's not that situation, they just feel
12 that the concerns being raised by officers who've
13 seen it and what they're doing, they feel that is
14 something that is appropriate to include in the
15 bill. I don't know why you weren't told that by
16 George, it could have been an oversight on George's
17 part, but it wasn't something that was added later,
18 it was already there.

19 MR. KLING: Is it appropriate to discuss
20 this now?

21 MR. GAUDETTE: We can discuss it now, I

1 don't think we're going to take any action on it.

2 MR. KLING: Yeah, we are.

3 MR. GAUDETTE: I think that, you know,
4 it's a departmental bill that's gone through the
5 statehouse, I just wanted to inform you of it.

6 MR. KLING: There will be a motion on
7 the floor to oppose this from this committee, I
8 promise you that, today. I don't know what -- I
9 can't tell you what the vote on that will be, but
10 this doesn't do what it said it was going to do.

11 MR. GAUDETTE: Why is that?

12

13 MR. KLING: Under 16 you gotta have an
14 18-year-old with you. It doesn't say if there are
15 two people on the boat, they both got to have a
16 certificate, it says you can't have a youth sailing
17 program, it says kids under 16 can't, kids under 18
18 can't run a Jet Ski, it's dumb.

19 MR. GAUDETTE: Why is that?

20 MR. KLING: Read it. It says they shall
21 have a person on board.

1 MR. GAUDETTE: If you have a certificate
2 you have a certificate.

3 MR. KLING: It says they shall be under
4 the supervision of a person who is 18 or older.

5 MR. GAUDETTE: Yeah, is this -- I think
6 this is the or situation. Yeah, the, number one,
7 where it says possess a certificate of boating
8 safety education, are you -- there was an issue
9 raised by, actually by several people that there
10 should be an or after that statement.

11 MR. KLING: It's not there.

12 MR. GAUDETTE: That's correct. Well,
13 actually, actually, the bill drafters and the chief
14 counsel for the committee as well as our chief
15 counsel indicated that it actually is there, that
16 when you have an or below it refers as the or
17 above. Now, Marine Trades has raised that same
18 issue. I suspect that if Marine Trades doesn't get
19 a good enough explanation from the committee's
20 counsel on this during the hearing that they will
21 put an amendment to add an or there. That was how

1 it was originally submitted, the bill drafter
2 removed it, because the way it's currently written
3 they say that or is actually there. Because Marine
4 Trade raised a big issue about it when they saw it
5 and actually Marine Trades, Bob Davis was not aware
6 of the fact that when the final bill came out there
7 wasn't an or there because he included an or, but
8 they said you don't need to have an or there,
9 because it's not a colon, it's a semicolon.

10 I'm not a lawyer, I don't understand
11 sometimes how bill drafters come up with this
12 language, but that is the intent, there's supposed
13 to be an or there, but the fact there's an or below
14 it, if that gets any -- in other words, if you
15 decide that you feel that strongly that an or
16 actually be there, you can certainly vote on that.
17 You know, that way you're not going to have a
18 situation come up.

19 MR. KLING: I have a big, I have a big
20 problem with the whole concept.

21 MR. GAUDETTE: The concept of two

1 10-year-olds out there and one supervising another
2 is that the concept that you have a problem with?

3 MR. KLING: Well, I wouldn't frame it
4 that way. I would say a 15- and 16-year-old, 17-
5 and 15-year-old, a 17- and 16-year-old, I have a
6 problem with that.

7 MR. GAUDETTE: Yeah. They decided 18
8 was the age for whatever reason.

9 MR. KLING: They didn't talk to us about
10 that.

11 MR. GAUDETTE: No, it's not statutory.

12 MR. KLING: They came to us and asked
13 our opinion on proposed statutory changes and we
14 gave it.

15 MR. GAUDETTE: That was only for the age
16 change on the PFDs.

17 MR. KLING: I suspect that part of the
18 internal process was that the Boat Act said yes and
19 we didn't.

20 MR. GAUDETTE: I would imagine there
21 could have been some confusion there, because I

1 don't remember George bringing this up at all.

2 MR. KLING: He didn't.

3 MR. GAUDETTE: The only thing I heard
4 was the PFDs, so I was kind of surprised when I saw
5 it.

6 MR. KLING: Why are they putting in
7 here -- you're already required to have your
8 certificate, why is this?

9 MR. GAUDETTE: Because if someone has a
10 certificate, they can allow someone else to operate
11 the boat that doesn't have a certificate, so that's
12 the reason they put this in. So if that actually
13 happens they want to have someone who's older on
14 the boat to supervise the person that's a little
15 more immature. That's how it's been described to
16 me.

17 MR. JONES: So then what they're saying
18 if there's two kids on the boat and they both have
19 a certificate, no problem.

20 MR. GAUDETTE: That's no problem. If
21 they both have certificates, no big deal.

1 MR. KLING: A big brother can't take out
2 a little brother, a big sister can't take out a
3 little brother.

4 MR. GAUDETTE: The way it's set up if
5 you have a 16-year-old sister and she has a
6 certificate, if she takes out that little brother,
7 he can't operate that boat, correct, you have to be
8 18 years old.

9 MR. KLING: No, it says she's in
10 trouble, she can't operate it with her little
11 brother on it.

12 MR. GAUDETTE: Right, they shouldn't be
13 operating the boat. In other words, the little
14 brother is running the boat.

15 MR. KLING: That's not what it says.

16 MR. GAUDETTE: That would be in
17 violation of this statute the way I interpret it.

18 MR. JONES: That's what it says, if
19 you're 16 and you have a certificate you can
20 operate it but you can't let somebody else.

21 MR. GAUDETTE: Right, that's correct.

1 MR. JONES: Unless they have a
2 certificate.

3 MR. GAUDETTE: Correct. One has to be
4 18 and have a certificate, because 18-year-olds
5 have to have a certificate by their birth date.

6 MR. DWYER: That also means that
7 watermen, there's a lot of kids that tend nets and
8 crab, they can't do it.

9 MR. GAUDETTE: The waterman is probably
10 over 18, right?

11 MR. DWYER: No, a lot of kids go out
12 and tend the nets.

13 MR. GAUDETTE: There's watermen 30 or 40
14 years old.

15 MR. DWYER: I'm talking about a waterman
16 that's 13 or 14 years old that tends the nets for
17 his parents.

18 MR. GAUDETTE: You have to have a
19 certificate.

20 MR. DWYER: And can't do it if he's
21 under 16.

1 MR. GAUDETTE: He needs to have a
2 certificate anyway.

3 MS. DUTY: The following person is
4 exempt, that's a person that is operating a vessel
5 in connection with --

6 MR. GAUDETTE: There you go, so.

7 MS. DUTY: We're okay. Except that we,
8 NWA did have -- which I explained to Al when he
9 asked for a letter of reference, and that is that
10 in talking with Larry and with -- I think it's
11 brought before the board, they felt that raising it
12 to 13 was a bit high for the PFD, that he would
13 think it should be maybe 10 or 11, but of course it
14 could be that from their experience the kids learn
15 at a very early age how to handle themselves on a
16 boat. It's rough conditions and stuff, so he felt
17 that was -- but it wasn't big enough of an issue
18 to --

19 MR. GAUDETTE: Right.

20 MS. DUTY: -- you know, present it, it
21 was just -- so we didn't sign on to this and they

1 felt that 13 was a bit older than it should be or
2 could be, so.

3 MR. DWYER: Sailboats and powerboats?

4 MR. GAUDETTE: Yeah, all boats.

5 MR. DWYER: How about like Steve was
6 saying, junior sail program, where there's two
7 10-year-olds in there? I'm talking about the --

8 MR. GAUDETTE: The certificate.

9 MR. DWYER: If they're in a junior sail
10 program, Miles River Yacht Club does this, and
11 they've got probably 20 boats with kids that are 10
12 years old.

13 MR. GAUDETTE: They don't get a
14 certificate?

15 MR. DWYER: No, no.

16 MR. JONES: They start kids out at six
17 years old.

18 MR. DWYER: There's no power.

19 MR. JONES: No power.

20 MR. GAUDETTE: As far as I know there's
21 nothing in the law about any exemptions for that.

1 MR. MARSH: Same thing with Annapolis
2 Sailing School, Severn Sailing.

3 MR. DWYER: That's going to stop their
4 program.

5 MR. MARSH: Because they're all --

6 MR. GAUDETTE: That's a good point.

7 MS. BROLL: If I read this correctly,
8 would Maryland --

9 MR. BUSH: Speak up so everyone can hear
10 you.

11 MS. BROLL: Would Maryland's now be
12 more, well, would Maryland's requirements be more
13 strict than out of state? Because it doesn't
14 appear that they changed under 3 the exceptions,
15 they put that 18.

16 MR. GAUDETTE: Yeah, the only question I
17 asked Bob this morning was is there anyone else who
18 has done this and he says I'm not sure.

19 MS. BROLL: Well, I know that.

20 MR. GAUDETTE: I don't think it is.

21 MS. BROLL: I'm just wondering why, the

1 way it's written, I think they need to have more
2 under the I, but additionally under the, on the
3 other section here, under 3, the following persons
4 are exempt, a person who resides in another state
5 or is visiting, that person then has to be 16 or
6 older and have boating safety, they didn't put the
7 18 over there.

8 MR. GAUDETTE: No.

9 MS. BROLL: So one might argue that
10 Maryland would be --

11 MR. GAUDETTE: More strict on their --

12 MS. BROLL: -- on their own residents
13 than they are with people visiting, which if in
14 fact their argument is they see this occurring, I'm
15 sure it would occur with out-of-state residents as
16 well as in-state residents.

17 MR. JONES: I think the sail training
18 programs though are covered under number 5, a
19 person under the age of 16 that operates a vessel
20 in accordance with the subtitle, the sailboats and
21 the training programs --

1 MR. GAUDETTE: There's got to be some
2 way it's currently addressed.

3 MR. KLING: Depends on how big the boat
4 is.

5 MR. JONES: True, but you don't find
6 little kids on a great big boat.

7 MR. GAUDETTE: They've had the sailing
8 programs forever and it hadn't been a issue as far
9 as the certificates for these young kids.

10 MR. MARPLE: Are they going to be
11 introducing the legislation as we see it or are
12 there going to be changes?

13 MR. GAUDETTE: It's in there as we see
14 it right now, prefiled.

15 MR. MARPLE: So what are we talking
16 about?

17 MR. GAUDETTE: I'm just letting you know
18 it's here, I'm letting you know it's here.

19 MR. KLING: They're public hearings.

20 MR. MARPLE: Well --

21 MR. PARLIN: I have an 11-year-old and a

1 13-year-old, I'd like to --

2 MR. GAUDETTE: You may want to start out
3 with just some questions. In other words, what
4 does XYZ mean, you know, for example the sailing
5 schools and how does this address that. I think
6 that's the way I would start it off.

7 MR. KLING: I think there's --

8 MR. GAUDETTE: I'll get back to
9 everybody on that.

10 MR. KLING: I think there's a process
11 issue here too, I feel like we've been hoodwinked a
12 little bit. I feel like George came and said
13 support this and we supported this and now this
14 is --

15 MR. GAUDETTE: I think you got half of
16 what you were supposed to hear. I just think it
17 was an oversight on George's part, I don't think he
18 did it on purpose. I think that certainly -- the
19 reason I raised that is because I only remember the
20 age for the PFDs being talked about and knowing
21 that you supported it, you only supported -- you

1 only learned half of the story. So I just wanted
2 to be sure that you were aware of fact that that
3 additional information was in there. As of this
4 moment we have not sent a support letter to
5 National Resources Police on this bill for you to
6 sign. You had asked us to send, I think in that
7 meeting to send a support letter to the Natural
8 Resources Police for that bill.

9 MR. BUSH: In reference to the PFDs.

10 MR. GAUDETTE: In reference to the PFDs
11 and we never sent that letter, correct, Bob?

12 MR. LUNSFORD: Well, I haven't sent it.

13 MR. GAUDETTE: And obviously, you know,
14 my suggestion would be that that has changed
15 because there's additional information here you
16 didn't know about. And my recommendation to Bob
17 was just to hold that until you were made aware of
18 this. Does that make sense to everybody?

19 MR. MARSH: Clear up some questions.

20 MR. GAUDETTE: Yeah, until you clear up
21 some questions you may have, what impact it has on

1 A, B, C, D, whatever it might be. We can, you can
2 get that information, you can get those questions
3 to me or Bob and we can go ahead and run those
4 through the mill and Natural Resources Police can
5 decide what they want to do as far as addressing
6 their issues if they're not addressed in here
7 already.

8 MR. JONES: So this is considered an
9 emergency bill, when will it come out?

10 MR. GAUDETTE: When will it come up? I
11 believe the hearing date for this is on the 19th of
12 January, 1 o'clock in the senate. But what it
13 does, as soon as it's voted upon by the General
14 Assembly, I believe it kicks in.

15 MR. LUNSFORD: Except for Section 1. If
16 you look at the last two items on the back page of
17 the bill that was supplied, there's a brief kind of
18 explanation of why it's an emergency bill or what
19 that implies.

20 MR. GAUDETTE: Section 4, right?

21 MR. LUNSFORD: 3 and 4.

1 MR. GAUDETTE: 3 and 4.

2 MR. KLING: Yeah, I think the emergency
3 doesn't apply how it's handled by the legislature.

4 MR. LUNSFORD: Just when it becomes
5 effective.

6 MR. KLING: When it becomes effective,
7 assuming it passes.

8 MR. GAUDETTE: That's correct.

9 MR. KLING: I assume the reason to make
10 it an emergency is to have the PFD requirement by
11 the boating season.

12 MR. GAUDETTE: Same thing, right.

13 MR. JONES: Then there's a hearing on
14 it.

15 MR. GAUDETTE: Just like any other bill.

16 MR. JONES: The 19th.

17 MR. KLING: In the senate and then one
18 in the house if it's passed.

19 MR. GAUDETTE: I don't think it's been
20 cross-filed yet. That's about everything I know
21 about this bill.

1 MS. BROLL: Do you know who sponsored
2 it?

3 MR. GAUDETTE: It just goes to the
4 chair. When it's a departmental bill it goes
5 straight to the chair. Does anybody have any
6 questions?

7 MR. KLOOSTRA: So we've agreed we're in
8 support of this bill as it pertains to the age and
9 the PFD?

10 MR. GAUDETTE: Correct.

11 MR. KLOOSTRA: As it pertains to the
12 other issues, we're not in support of it.

13 MR. GAUDETTE: And/or you have some
14 questions that need to be addressed. Like how does
15 it impact the junior sailing programs, et cetera,
16 et cetera, et cetera. It's a legitimate question.

17 MR. MARSH: And we should address those
18 with you and Bob?

19 MR. GAUDETTE: Yeah, send to me or Bob,
20 either one.

21 MR. PARLIN: And whether that or truly

1 pertains from one to two.

2 MR. GAUDETTE: We've gotten several
3 attorneys who told us that that is the case.
4 Seemed strange to me when I saw it, but that's what
5 it translates, the or translates to the statement
6 above.

7 MS. TROVATO: How does it hurt to put
8 the or in?

9 MR. GAUDETTE: It doesn't.

10 MS. TROVATO: Why can't we have the or
11 just for clarification?

12 MR. LUNSFORD: Bill drafter's form.

13 MR. GAUDETTE: Bill drafter's format,
14 and that's basically -- we don't have, yeah, we
15 have limited say on how this verbiage goes in. We
16 tell them what we want it to say and they write it
17 the way they feel should be the format. NTAM
18 raised the issue of the or very loudly and Bob
19 Davis raised the issue of the or and ran it all of
20 the way up the ladder to the committee counsel.

21 MS. TROVATO: You said we can send

1 questions, can we send questions as a committee?

2 So it sounds like there's three questions we have.

3 MR. GAUDETTE: Yeah, I would, I would do
4 that.

5 MS. TROVATO: Yeah, I'd like to do that.

6 MR. GAUDETTE: I think that would be
7 good thing for you to do. Since you haven't seen
8 it until now, I think that if you have any
9 questions you should raise them.

10 MS. TROVATO: It seems like we have
11 three questions. One is the or between one and two
12 on page 3, one is the issue that Tammy raised about
13 why are we treating out-of-staters different than
14 in-staters, and then the last one is what about the
15 sailing programs.

16 MR. GAUDETTE: Right, so you want to go
17 ahead and --

18 MS. TROVATO: I'd like -- yeah.

19 MR. GAUDETTE: Good question, good
20 questions.

21 MS. BROLL: I think the sailing programs

1 may be covered under the commercial activities.

2 MR. GAUDETTE: Really?

3 MS. DUTY: Or the Federal Boat Safety
4 Act.

5 MS. BROLL: I apologize because I can't
6 remember, and I certainly can't speak from that,
7 but it seemed like to me the sailing programs,
8 because there is actually, it's an organized
9 activity, usually with associations and there's
10 usually a monetary --

11 MR. GAUDETTE: Charge.

12 MS. BROLL: -- a monetary charge for the
13 programs, the responsibility would fall on, just
14 like a Jet Ski renter, somebody that rents Jet
15 Skis, it would fall on, if it's a yacht club or
16 whoever, and there may be, they may be exempt from
17 that because of that commercial clause, but I don't
18 know that for a fact, but wouldn't it be accurate,
19 Bob, to say that at this point since the bill is
20 downtown and been filed and there's a hearing on it
21 that the only way to make changes on it would be to

1 offer amendments?

2 MR. GAUDETTE: Yes, it would have to be
3 amended at this point.

4 MS. BROLL: Is the suggestion that the
5 committee would make comment to DNR?

6 MR. GAUDETTE: Yes, I would suggest you
7 make comments to DNR and that could be raised to
8 Natural Resources Police, say here's some questions
9 that have come up because this is the first time
10 they've seen this and how are they being addressed
11 in this bill. If they're not being addressed we
12 have a --

13 MS. DUTY: I think you need a senator
14 behind you to help you out there, because if it's
15 something that DNR wants DNR is going to get it,
16 they're going to override. You need a couple of
17 senators.

18 MR. GAUDETTE: I think at this point
19 you're raising issues of -- I think this is just
20 raising the issues.

21 MS. BROLL: Yeah, would they be, would

1 DNR, whoever's bill it is --

2 MR. GAUDETTE: DNR bill.

3 MS. BROLL: -- be willing to offer the
4 amendment.

5 MR. GAUDETTE: I think you'd have to see
6 what your questions are first.

7 MS. BROLL: Right, but before you got
8 to --

9 MR. GAUDETTE: I think if you just go
10 ahead and say we oppose the bill and not say why
11 it's going to be meaningless. I think you want to
12 ask a question, you know, we think there's A, B, C,
13 D is an issue or A, B, I think that's a legitimate
14 question you should ask.

15 MR. DWYER: Am I misunderstanding this,
16 a 14-year-old cannot get in a boat and ride across
17 the creek by himself?

18 MR. GAUDETTE: Not unless he has a
19 certificate, that's the case right now.

20 MR. DWYER: If he has a certificate he's
21 fine.

1 MR. GAUDETTE: Yeah, absolutely.

2 MR. PARLIN: I believe the sailing
3 school issue, I think Thorny hit the nail on the
4 head when it says, you know, a vessel that is
5 required to be numbered. Sailboats are not
6 required to be numbered until they're about 26
7 feet.

8 MR. KLING: That's not true, that's not
9 true.

10 MR. PARLIN: Or if they have an engine.
11 No, we both teach the course and in the course
12 certain -- you don't need to be registered until
13 you have a motor on that vessel.

14 MR. KLING: Registered, that's a state
15 function.

16 MR. PARLIN: No, numbered.

17 MR. KLING: That's a manufacturer's
18 thing on the back.

19 MR. JONES: No, no, no.

20 MR. KLING: Yeah, yeah, yeah, that's
21 where you're wrong.

1 MR. PARLIN: They're talking about the
2 Maryland numbering system, a federal numbering
3 system.

4 MR. KLOOSTRA: In accordance with the
5 federal Safety Act.

6 MR. PARLIN: I think --

7 MR. KLING: 16 and a half feet is where
8 that switches for unpowered boats, I'm not sure
9 about that.

10 MR. PARLIN: I think you're going to
11 find the sailing schools are covered because their
12 vessels are not required to be --

13 MR. KLING: It's nothing to do with the
14 fact that they're not motorized. It may be that
15 they're under 16 and a half feet, when you go from
16 Class A to Class 1 there's a --

17 MR. JONES: Correct.

18 MS. TROVATO: We are asking a question
19 that other people can research, we don't have to
20 know the answer.

21 MR. GAUDETTE: No, you just ask the

1 question and -- exactly, exactly.

2 MR. BUSH: My quick comment here is that
3 you do have to have a registration number on a
4 dingy if you put a motor on it regardless of its
5 length, so there's an -- and you have what we call
6 sailing dingies, dingies, you know, that you can
7 sail and so a lot of questions here that's not
8 being answered.

9 MR. GAUDETTE: So the basic question
10 would be the sailing schools, what other one?

11 MS. DUTY: Out of state.

12 MR. GAUDETTE: Doesn't apply out of
13 state, just in state.

14 MS. DUTY: And the or.

15 MR. KLOOSTRA: What constitutes a
16 numbered vessel?

17 MR. GAUDETTE: What constitutes a
18 numbered vessel? Are you getting all this down?
19 It's all going down, that's perfect. We actually,
20 we're going to have to act on this faster than
21 we're going to get that transcript back, so I'll

1 make sure we get it all down. So Jeanine, are you
2 getting this down?

3 MR. BUSH: You have to determine what is
4 the number, what does that mean?

5 MR. GAUDETTE: Yeah, what does the
6 number mean in the statute. What about just the
7 concept of a 10-year-old supervising another
8 10-year-old if that 10-year-old has a certificate
9 and the other one doesn't, or a group of kids, only
10 one has a certificate and the rest of them don't?

11 MR. PARLIN: I guess my question is is
12 this really a problem out there? Because, one, I
13 don't think that people know you can do that.

14 MR. GAUDETTE: There's been some
15 instances apparently with some officers out there
16 where they've seen this happening and that's the
17 reason that was raised.

18 MR. PARLIN: And the 10-year-old was
19 smart enough to pull the card out and go well, I
20 have one and I'm supervising this one?

21 MR. GAUDETTE: They ask who has the

1 card, and they were really young. The 18, why 18,
2 I can't answer that question.

3 MR. DWYER: And that's just to supervise
4 if I understand. Two 10-year-olds, the 10-year-old
5 that has a certificate, he's operating the vessel.

6 MR. GAUDETTE: He's fine.

7 MR. DWYER: We're fine.

8 MR. JONES: If they both have a
9 certificate --

10 MR. GAUDETTE: Then they're both fine.

11 MR. DWYER: Fine.

12 MS. TROVATO: The law now allows anybody
13 who has a certificate to oversee the driving of
14 anybody who does not have one?

15 MR. GAUDETTE: That's my understanding.

16 MR. JONES: They don't know that.

17 MR. PARLIN: I don't teach that.

18 MR. GAUDETTE: Exactly. I didn't even
19 know that was possible, yeah, quite frankly.

20 MS. TROVATO: Why can't we just say you
21 can't operate a vessel unless you have a

1 certificate or you were born before July 1, 1976?

2 MR. PARLIN: You know, just like me and
3 my son, where does --

4 MS. TROVATO: Right, you're right.

5 MR. PARLIN: Where do we draw the line,
6 so.

7 MR. JONES: I think this law is good.

8 MS. TROVATO: I think -- I don't know
9 why you need 18, why can't we have 16?

10 MR. MARSH: So do we need to send a
11 letter?

12 MR. GAUDETTE: No, I think we have the
13 questions. If there's anyone that has anything
14 else, send it right to Bob or myself and we're
15 going to shoot this right away today to Natural
16 Resources Police about these questions.

17 Okay. Does anybody else have any other
18 questions? Good enough.

19 MR. KLING: Does it make any sense to
20 step on toes for the committee to take a position
21 on the Knapps Narrows stuff?

1 MR. GAUDETTE: I was going to simply
2 inform them, and I've already written the bill
3 report, that there is an existing process in place
4 specifically for this and why that's not a good
5 idea to do what they're doing. It's going to be
6 basically, when I testify in this, that's an
7 election year, so you're going to see all kinds of
8 bills coming in because it's an election year, I'm
9 going to say I know, this is a well-intentioned
10 bill, that's how I'm going to start it off, and say
11 however, there is a process already in place to
12 take care of this that provides consistency
13 statewide and it's reviewed by a lot of people who
14 know a lot more about boating sometimes, I should
15 say all the times, than some legislators, and we've
16 already met down there with them, we were very
17 proactive meeting with them, we've taken some steps
18 already, we're going to be studying it and that we
19 think that it's not appropriate to legislate speed
20 limits. Is that accurate?

21 MR. JONES: Yes.

1 MR. KLING: Yeah, I think the other step
2 is this is an enforcement issue, not a
3 regulatory --

4 MR. GAUDETTE: It could end up being
5 that. In other words --

6 MR. KLING: It already is a speed limit.

7 MR. GAUDETTE: Six-knot speed limit.

8 MR. KLING: That issue is that that
9 six-knot, you said you've investigated it, there is
10 a problem, and the problem is that the existing
11 speed limit is being exceeded in part because of
12 the admonitions of the bridge operator. We've
13 attempted to control that and as need be will
14 increase enforcement activity in the creek.

15 MR. GAUDETTE: That's already been done,
16 yeah. It may ends up being -- but what I want to
17 see, Steve, is that if they're not slowing down
18 fast, if they're coming in and kind of slowly
19 slowing down, I may end up bumping out those
20 markers a little bit and would be part of the
21 regulatory process.

1 MR. KLING: On the bay side you almost
2 have to.

3 MR. GAUDETTE: I just know they're
4 getting some real big waves in there and some of
5 the folks that have gone by, when people tell them
6 to slow down they're going 10 knots, the people on
7 the shore, the people got fed up with it and they
8 contacted their local elected officials and the
9 elected officials didn't contact me until they
10 decided what they wanted to do for whatever reason.
11 So I informed them about it, I informed them about
12 it before they filed the bills, they decided to
13 file the bills anyway, that's politics.

14 MR. KLOOSTRA: Would it do any good or
15 would it be appropriate for me to talk to Addie and
16 Rich about this?

17 MR. GAUDETTE: You certainly can.

18 MR. KLOOSTRA: They can withdraw it
19 themselves.

20 MR. GAUDETTE: Certainly can. I asked
21 them to.

1 MR. KLOOSTRA: You asked them to?

2 MR. GAUDETTE: Yes. Again, it's an
3 election year, you're going to see bills like this
4 coming up. I think I can give this to the
5 committee that this is not the way we do this,
6 especially since we have a statute on the books
7 already for us to do this, we do it all the time,
8 this is what we do.

9 MS. TROVATO: Bob, what could you do
10 immediately without going through this process, all
11 those things you already told us?

12 MR. GAUDETTE: They're all done, we've
13 already done them, and I haven't had any complaints
14 since. It may be something we look at, it's not a
15 problem anymore. We go to business people and say
16 it's all taken care of, enforcement is better.
17 They used to have a patrol boat down there right in
18 the narrows next to the bridge, it's gone, you
19 know, they reassigned that person somewhere else.
20 I got a feeling that's going to be, that and the
21 guy in the bridge is going it be our biggest

1 problem. We'll probably put a couple more markers
2 out there, that's it. Okay. That's all.

3 MR. BUSH: That's all.

4 MR. GAUDETTE: Thank you very much. I
5 appreciate your comments on that because I felt
6 that you needed to know all that, with --

7 MR. SIMON: One question, the first item
8 you talked about, icebreakers.

9 MR. GAUDETTE: Right.

10 MR. SIMON: This committee was in on the
11 recommendation to buy airboats.

12 MR. GAUDETTE: Yeah, I think that's all
13 over with.

14 MR. SIMON: Because they were specified
15 a certain area, meaning Rock Hall and the watermen.

16 MR. GAUDETTE: Right.

17 MR. SIMON: Is that gone?

18 MR. GAUDETTE: That's gone, the airboat
19 thing is gone, they're not doing that, they found
20 it wasn't very effective, Al.

21 MR. SIMON: I just remember because at

1 National Harbor two days ago I recommended to the
2 dockmaster to call DNR and get the airboat in there
3 specifically to get on top and --

4 MR. GAUDETTE: They sold that airboat
5 years ago because they found it wasn't very
6 effective. It was very hard to maintain and
7 operate, and they got rid of that several years
8 ago, Al. It just didn't have the pressure, it
9 takes a big airboat to create enough pressure, so
10 more than likely they'll some other method.

11 MR. BUSH: Because of my electric
12 personality I've restored the battery in there, so
13 it's working now. Again. Okay. Now, we're
14 running ahead of schedule quite a bit and so we
15 need to probably fill in a few things or we may
16 even move ahead so that actually when we have lunch
17 we can actually almost finish up our meeting. Does
18 anyone object to moving ahead?

19 MR. DWYER: Before eating? No, sir.

20 MR. BUSH: Well, good. In that case,
21 we're going to go ahead now and let Bob come up

1 here and talk a little bit and we'll be ahead of
2 schedule and hopefully after we've had lunch we can
3 probably leave.

4 MR. SIMON: One question, on the,
5 changing the age limit on PFDs from the age of 13,
6 where does that stand?

7 MR. BUSH: Well, we approved that. You
8 weren't here, but they came here and they discussed
9 the issue and asked for our approval and we
10 approved that. You want to know what the approval
11 was, you want to know what the approval was for
12 that?

13 MR. SIMON: Yeah. I've been getting a
14 lot of flack from the state of Virginia because
15 they're against it, and I said well, that doesn't
16 involve you, it involves Maryland waters, and Bob,
17 does it affect us in any way?

18 MR. LUNSFORD: What was the question
19 again, Al? I'm sorry.

20 MR. SIMON: The bill on changing the age
21 limit on PFDs, the only flack that I got from

1 outside of Maryland was Virginia people were
2 against us, it doesn't affect what they do, but
3 they didn't want it because they were afraid it
4 would roll over into Virginia on that age limit.

5 MR. LUNSFORD: My understanding and I
6 think what the colonel related at the meeting was
7 that most states have already gone to that either
8 12 and under or under 13 wording for the wearing of
9 PFDs for juveniles, so that seems to be becoming,
10 if not now it soon will be the national standard
11 and Virginia may or may not, you know, go along
12 with that, that herd, but that's my understanding,
13 that that's becoming the national standard.

14 MR. SIMON: Coles, maybe you can answer
15 a question, I understand that the petition in favor
16 of it, the only organization that was against it
17 was Solomons Island Yacht Club.

18 MR. MARSH: Was against it you said?

19 MR. SIMON: Yes. It hindered their kids
20 swimming in the water around the yacht clubs, we're
21 talking about the boats, they were the only ones

1 that, that comments were opposing it.

2 MR. MARSH: I didn't hear that, that
3 they were opposed to that.

4 MR. SIMON: But right now as it stands
5 it's been adopted, Bob?

6 MR. LUNSFORD: The bill has been
7 introduced but it has that extra provisions in it
8 about the certificate that we just discussed and
9 the committee has questions and before I write a
10 letter to the chairman or for the committee
11 signature we need to have those questions answered,
12 so we're in limbo. We've got the four questions
13 that we'll send to Natural Resource Police and when
14 we get their response we'll share them with the
15 committee, we'll do an e-mail, fun mail poll and
16 see what the committee's wishes are, whether they
17 want to voice some support or what, so.

18 What I'd like to start off with is
19 Martin State Airport up on Frog Mortar Creek off of
20 Middle River contacted me in November, it seems
21 that they've gotten an order a while ago from the

1 FAA about their instrument approach on one of their
2 runways that butts into Frog Mortar Creek, I have a
3 diagram of that circulating now, I have one up here
4 at the front table. I apologize I didn't bring
5 more. The issue is that an FAA inspector was on
6 site and saw a boat with a sailboat mast that
7 extended into the flight path of the takeoff and
8 landing off of what I believe is runway 33 from
9 looking at that diagram, and he closed or made them
10 turn off their instrument landing capability at
11 Martin State Airport. They can now only use that
12 one runway when they have sufficient light and
13 sufficient visibility to do a visual approach.

14 That severely limits -- apparently, my
15 understanding is that's one of the big runways at
16 Martin State Airport, that limits their operation,
17 and they were in a quandary what to do. They
18 finally contacted me in November, the airport
19 manager, Al Pollard, I had a meeting with them in
20 the middle of December and informed them that we
21 could develop a prohibited zone for boats off the

1 shoreline in the vicinity of the end of that
2 runway, and that's the diagram you see circulating.
3 We would straighten it out and buoy it and they
4 would put signs on the shore telling people they
5 couldn't enter that prohibited area and that would
6 be for all boats, because I don't want to say for
7 boats with masts exceeding some height.

8 So they're waiting for a letter back
9 from the FAA to indicate to them how urgently they
10 need to proceed with this. Right now we're in the
11 normal regulatory process, we're going to review it
12 this summer, we'll put out the buoy, take public
13 comment and bring it back to you next fall like we
14 normally would, but if the FAA comes back and says
15 gee, in that restricted area you can turn your
16 landing capability back on, they may request an
17 emergency regulation. So I wanted you to know and
18 get your feeling on whether or not you would have
19 an objection to Martin State Airport limiting
20 access to the shoreline, the eight-foot contour in
21 Frog Mortar Creek if that allows them to come back

1 to full operational capability at the airport.

2 MR. SIMON: Have you had discussions as
3 far as other airports like Lee Field or anywhere
4 else?

5 MR. LUNSFORD: I haven't been contacted
6 by anyone.

7 MR. DWYER: Bay Bridge.

8 MR. LUNSFORD: I've been run off the end
9 of the runway at Quantico, Quantico Creek off the
10 Potomac while fishing. The bay safety officer, who
11 I just happened to know from my previous stint in
12 boating, actually called me the next day because he
13 used to have me down as the boating coordinator and
14 he had watched that incident, watched me get run
15 off on video by the MP. It was kind of unique, but
16 they do have the capability, and I informed the
17 guys at Martin State Airport, they can go to the
18 Coast Guard and have a marine safety zone
19 established that would prohibit vessels within that
20 area, so Aberdeen has a restricted area around it,
21 several military bases when it's required have

1 restricted areas, but I don't know of any other
2 airports other than the field at Quantico.

3 MR. JONES: That airport has high
4 function jets, right?

5 MR. LUNSFORD: I'm sure.

6 MR. MARSH: Yeah, they do.

7 MR. DWYER: Why don't you want to say
8 sailboats?

9 MR. BUSH: Because of the mast.

10 MR. DWYER: Why don't you want to
11 specify no sailboats in the restricted area if
12 people want to fish --

13 MR. LUNSFORD: Because if somebody comes
14 and has outriggers and anchors for the night.

15 MR. DWYER: What's this 60 feet we're
16 talking about?

17 MR. LUNSFORD: That was out of the
18 eight-foot contour and has to do with the
19 elevation, but as you get closer to the shore it
20 gets progressively shorter, and rather than try to
21 put up a sign that says no sailboats, which is

1 discriminatory and I'm not sure we can do, I'm
2 going to suggest a prohibited zone for all boats in
3 that area. They're looking at doing things like
4 talking to the Coast Guard and the marine safety
5 office about driving through pilings and hanging
6 the cables 60 feet off the water. Well, I can see
7 a guy coming a little low on his flight path and
8 tripping over -- but, any way, they're desperate to
9 get their landing capability turned back on and
10 they were tickled to death there was a remedy.

11 MR. MARPLE: Why doesn't the Coast Guard
12 restrict that area?

13 MR. LUNSFORD: The Coast Guard clearly
14 could, but the indication I got from the meeting
15 was they never thought to ask the Coast Guard to do
16 that.

17 MR. MARPLE: Tell them to ask them.

18 MR. LUNSFORD: They're a state agency,
19 they have to work through us rather than through
20 the feds.

21 MR. JONES: It's not federal waters, is

1 it?

2 MR. LUNSFORD: I'd like some, some feel
3 from the committee as to whether or not they're
4 going to oppose.

5 MS. BROLL: Before we oppose I had a
6 question. I'm sorry.

7 MS. DUTY: Oppose it.

8 MS. BROLL: Before we do what we're
9 doing, I had a question. I'm sorry, I'm a little
10 slow today, but what is the height above --

11 MR. BUSH: Excuse me. We want to hear
12 what's going on. Go ahead.

13 MS. BROLL: At what height does the
14 restriction, restricted air space begin for the
15 purposes of IFR?

16 MR. LUNSFORD: I can't tell you. I can
17 tell you that there is a zoning ordinance in
18 Baltimore County for that marina that's directly
19 across, and it's marked on there, that specifies
20 that there can be no sailboats with masts greater
21 than 33 feet off the water. That's apparently

1 ignored, but that is on the books and they had a
2 copy of that at the meeting I attended. The marina
3 owner apparently thumbed his nose at that and there
4 are several sailboats the airport folks believe
5 exceed that 33 feet.

6 MR. KLOOSTRA: The material that we've
7 got says the requested restriction would extend
8 less than a quarter mile of the width the creek and
9 would include a minimum amount of water exceeding
10 eight feet.

11 MR. LUNSFORD: The eight-foot contour is
12 on the, is shown on the chart.

13 MR. KLOOSTRA: Okay.

14 MR. LUNSFORD: And they didn't believe
15 and I didn't believe that they needed to impinge on
16 that eight-foot, into that eight-foot contour.
17 What it says is there's plenty of channel depth
18 beyond that for anybody to get through and for
19 boats to pass each other without bumping into each
20 other.

21 MR. KLING: Just a rule of thumb with

1 sailboats, if it's just kind of a big clunky
2 cruising sailboat the mast is going to be roughly
3 the length of hull, give or take a couple of feet.
4 If it's a racing boat it's going to be 1.25 to 1.5
5 times as big.

6 MR. LUNSFORD: There are boats
7 apparently that exceed or that cause concern to the
8 FAA as regards to these approaches and takeoffs.

9 MR. KLING: 30-foot boat, if you've got
10 a 30-foot boat with a 30-foot mast, it's going to
11 be five feet off the water to start with.

12 MR. LUNSFORD: Apparently there's some
13 very tall boats up the creek and I have not gone
14 up -- my intention when the ice breaks up is to put
15 overboard at the new ramp and cruise Frog Mortar
16 Creek and take some boat numbers on some of the
17 larger boats, have them run by NRP, get the make
18 and model and see if I can tell by that what the
19 standard mast height would be, but all I can tell
20 you is they have a concern and they FAA has a
21 concern and we're trying to help them address it.

1 MR. KLING: My point is if there are
2 sailboats in there chances are most of them, the
3 masts on most of them are bigger than 30 feet.

4 MS. TROVATO: Having heard the briefing
5 and looked at the charts, I don't see why we don't
6 support that. It's not that much area that you're
7 not able to put the boat in and the National Guard
8 can bring their jets in the airport and they can
9 have instrument landings, it sounds like the right
10 thing to do.

11 MR. LUNSFORD: Is that a motion?

12 MS. TROVATO: Yes.

13 MR. LEVITAN: As I recall, having been
14 up there a number of years ago but fairly often,
15 this isn't a tremendously highly used area as far
16 as boating is concerned, there's generally a
17 minimal amount of boats in there.

18 MR. LUNSFORD: They built two marinas up
19 the head of that creek within the last four or five
20 years.

21 MR. LEVITAN: Really.

1 MR. LUNSFORD: If you look at it on
2 Google Earth there's a large, larger than back in
3 my first stint in boating when we were doing the
4 Sue Creek mess and the Middle River mess, there are
5 a number of new -- Thorny, was it you that went
6 with me to Middle River? I'd call that reasonably
7 well populated up Frog Mortar when we went up,
8 wouldn't you?

9 MR. GAUDETTE: Yeah.

10 MR. LUNSFORD: We went up with the
11 previously chairman and it seemed to me there were
12 plenty of boats up there, and they're new
13 facilities, but there's no lack of boating traffic
14 now.

15 MR. LEVITAN: Okay.

16 MS. DUTY: That age thing again, Fred.

17 MR. LUNSFORD: But we have a motion.

18 MR. MARSH: I would second the motion
19 and say we move forward. If we don't do it the
20 Coast Guard is going to do it anyway, so we might
21 as well be proactive.

1 MR. BUSH: And we ask a show of hands of
2 those who oppose.

3 (Show of hands.)

4 MR. LUNSFORD: That's an easier list.

5 MR. BUSH: Okay. Those in favor are the
6 majority and therefore it is carried and that's
7 going to be it.

8 MR. LUNSFORD: Thank you. Just to be
9 clear, what we've just discussed is the possibility
10 of an emergency regulation. We are still, my
11 intention is, absent guidance from the FAA to
12 Martin State Airport to me, we'll still proceed
13 with a normal summer review and bring it back
14 before the committee with public comment and public
15 input in the fall.

16 MR. DWYER: For this area.

17 MR. LUNSFORD: For this area, right.
18 We're not done with this, this is just a sense of
19 the committee's feeling. In case I have to do an
20 emergency I won't have to poll everybody like I did
21 when I did Kent Narrows.

1 MS. DUTY: The reason I decided to go
2 with not approving it is because I'm not sure if
3 there's commercial activity in that area and I
4 haven't talked to anyone, so I don't want to, you
5 know.

6 MR. LUNSFORD: I understand.

7 MS. DUTY: Yeah, until I find out if
8 that's going to be impede any of our boats.

9 MR. LUNSFORD: I don't believe it will,
10 but I have limited knowledge, so I won't --

11 MS. DUTY: Yeah, or Russ says make it
12 sailboats only where it doesn't affect the
13 powerboats or watermen's boats, because there could
14 be some soft crab pots, you know.

15 MR. LUNSFORD: You're right, I don't
16 know enough to say that. I don't believe so.

17 MS. DUTY: Yeah, I have no clue.

18 MR. BUSH: Just for clarification so we
19 all understand, what they call the ILS system,
20 instrument landing system, in the airplane you have
21 a glide path indicator and whenever visibility is

1 poor and sometimes at night, based on the weather,
2 you will switch that on and you can come in at a
3 certain angle to that path which is predetermined
4 electronically, and that's what we're talking about
5 here and therefore if the visibility is bad, foggy,
6 rainy, whatever, the plane is on that instrument
7 landing slope and if anything is in its way he's
8 going to hit it, and so that what we're talking
9 about here. And it's fairly simple, and therefore
10 that's why I support the restrictions there so that
11 the airfield has the ability to operate in what
12 they call the ILS or the instrument landing
13 conditions, which is poor visibility, weather,
14 sometimes at night, and that's what we're talking
15 about here, and we don't want to restrict that
16 airport from being able to do that; otherwise, in
17 those times no airplane could come in.

18 MR. LUNSFORD: To that runway.

19 MR. DWYER: The reason I opposed it is
20 because it restricted all boating and it's the
21 masts that are a problem.

1 MR. MARPLE: Yeah.

2 MR. LUNSFORD: I mean we may be able to
3 work with them on that, but in case something, in
4 case the FAA comes back and tells them they need to
5 do something right away I'll proceed, but it will
6 come back before the committee, and before any
7 legislation is passed, Betty, that will give you
8 the time that you need, and Russ, your concerns,
9 I'll talk with the airport staff and enforcement
10 folks to see what we can do. We'll make it the
11 minimum restriction that we can possibly make it in
12 order to provide for that glide path safety. I
13 can't think of a few things worse than being hit by
14 a plane while it's in flight other than falling out
15 of it.

16 We do have a long list of areas for
17 review for 2010. I'm going to go over them briefly
18 and quickly. For those of you that might have an
19 interest to going to one or more of these, I've
20 talked to our chairman about forming subcommittees,
21 Jeanine's got a sign-up sheet, I'm going to ask

1 everybody that if there's an area on here that you
2 would like to visit with me, I'd love to have you
3 and we'll go and look at these areas, and these are
4 what I have so far. I expect more.

5 I'll start off at the top of my list,
6 we've got an area down a big thoroughfare. What
7 has happened is they've revamped the ramp down at
8 Deale Island, boats now launch at the ramp and they
9 go through that couple of hundred yards of big
10 thoroughfare and out the channel at varying speeds,
11 very often coming up on plane and off of plane next
12 to the fishery's vessel, Miss Kay, an oyster
13 research vessel. They're taking a beating up
14 against the bulkhead. It's not the local guys over
15 in Scotts Cove that tend to do six knots, it seems
16 to be the transient traffic off the ramp that they
17 have the issue with. I told the captain we would
18 look at it.

19 North Point Creek, I've been told, a guy
20 called me and said he had a petition ready to mail,
21 checked my address, I have not received that.

1 That's up off the Old Bay Road, it's very similar
2 to the one I heard when we reviewed Jones Creek,
3 one or two guys now have selected it as their
4 favorite waterski spot and it's high speed traffic
5 and it's a place to waterski.

6 We have a request for Beards Creek.
7 Beards Creek currently has a six-knot limit
8 Saturday and Sunday and holidays. They would like
9 that now extended to at all times.

10 There's a speed limit at the Woodrow
11 Wilson Bridge on the Potomac River that extends 200
12 yards downstream of the old span that's been
13 removed. That restriction was in place to
14 facilitate construction. Since the construction is
15 complete I'd like to repeal that. Doesn't seem to
16 be any need to keep it on the books. I like
17 repealing stuff like that.

18 We have a request from Lower St.
19 Leonards Creek. Many of you went with me to Upper
20 St. Leonards Creek, you may remember there was a
21 guy named Jay Herberle who wanted to piggyback onto

1 the Upper St. Leonards Creek petition his concerns
2 down on Lower St. Leonards Creek. This is that
3 same section that Herberle was interested in.
4 Again, it seems to be boats going up to the White
5 Sands Restaurant. They're not doing necessarily
6 excessive speed, what they're doing is slowing down
7 to 10 or 12 knots and in a 28-foot Sea Ray or a
8 30-foot Scarab you don't make a worst wave, and the
9 residents there, at least on the St. Leonards shore
10 side, are taking a beating. Al, you have a friend
11 that mentioned they were taking a beating, so now
12 we have a petition we're going to do the review on
13 that.

14 We had a request in for Cuckold Creek
15 and Nats Creek over on the St. Mary's County side
16 of the lower Patuxent River. I shared with many of
17 you a letter that we got from Mr. Dennis Banks,
18 he's requesting a five-mile-an-hour limit, I'm
19 going to try to talk him into a six-knot limit. He
20 wants it at all times. Apparently he's a canoeist
21 and he finds the creek unusable for his

1 recreational purposes because other people are
2 using his creek, the creek.

3 Clements Creek on the Severn River, we
4 have a request to change that from six knots
5 Saturdays, Sundays and holidays to all times. Luce
6 Creek pretty much the same thing, it has one of
7 those six-knots Saturdays, Sundays and holidays, 26
8 knots at night, 30 knots during the day during the
9 week during the boating season and something else
10 during the nonboating season. Luce and Clements
11 Creek are very similar in their petition in their
12 request.

13 Can I go off the record for a second?

14 (Discussion held off the record.)

15 MR. LUNSFORD: Back on. Okay.

16 Broadwater Creek is a newly dredged creek on the
17 Anne Arundel County shoreline of Chesapeake Bay. I
18 think the citizens association down there's just
19 trying to be proactive; they're afraid that
20 increased boat traffic and increased boat speed in
21 the newly dredged channel will cause it to slump

1 and they'll have to dredge it again shortly, and
2 there are now other people that can visit the
3 creek, they can get in and out.

4 Bear Creek on the Patapsco River, we
5 have a request from the Sparrows Point Yacht Club,
6 it's similar to some of the things we hear other
7 times, the creek has larger boats and has more
8 boats, it has additional traffic and the boats go
9 by the yacht club and cause significant wave action
10 and there have been claims of damage, although I
11 have not run through the CAD system to see what's
12 been reported.

13 Marley Creek and Furnace Creek, again we
14 have a request for six knots for Furnace Creek, a
15 delegate called and asked if they would piggyback
16 Marley Creek since they're adjacent to the each
17 other and they form Curtis Creek. I gotta go in
18 that way anyway, I figured what the heck, we'd see,
19 put a buoy out and collect public comment on both
20 of those.

21 MS. TROVATO: How many people -- is

1 there only one petitioner or multiple?

2 MR. LUNSFORD: In most cases it's one.
3 I've got the file, I didn't bring the whole files,
4 but many of these are one and I'm following to the
5 letter this year what Julia told us at the crab
6 feast where a person may petition the department.

7 MS. TROVATO: Yeah, because Marley Creek
8 is a nice place to waterski, I mean if you're
9 willing to touch the water.

10 MR. LUNSFORD: That was on the record.
11 We have a request in from a place called
12 Glen Riddle Marina, it's on Herring Creek down by
13 Ocean City, it's the last creek you go over before
14 you get there. Glen Riddle is a dug marina basin
15 that was essentially dug out of tidal wetlands, and
16 it's about, you remember, you were there with,
17 what, two hundred yards long and a hundred yards
18 wide maybe.

19 MS. TROVATO: Yes.

20 MR. LUNSFORD: And they have a boat ramp
21 there and the story that we were given is there are

1 people within the community association who bought
2 their condos and rent them out, they give a key to
3 the people they rent them to and the people launch
4 their boat and go out of the marina at seven,
5 eight, nine knots, within the marina basin, just
6 caused all kinds of problems. We talked originally
7 about a six-knot zone, but now Joe Campioni has
8 come back and said he thinks a minimum wake zone
9 for that marina basin makes the most sense because
10 that would slow people down. To me that's -- you
11 shouldn't be doing more than six knots in there to
12 begin with, you're in a confined bulkheaded marina
13 basin.

14 MS. TROVATO: It's more like a pond
15 surrounded by condos and bulkheads, yeah.

16 MR. LUNSFORD: I went over Martin State
17 Airport with everybody. We have a request on the
18 Little Magothy to move the existing -- there's two
19 speeds limits on the Little Magothy; there's one on
20 the narrow dredged bulkheaded entrance channel and
21 then the Little Magothy opens up into an area

1 that's commonly used by waterskiers, then it comes
2 back to a narrower area that has a six-knot speed
3 zone. Apparently there's an awful lot of
4 encroachment by high speed recreational boaters,
5 users, in that open area within the speed limit
6 area and the request is that we move the line a
7 hundred or so yards further north to prevent that
8 encroachment and the resulting wave/wake impact on
9 that narrow section.

10 MS. TROVATO: This is another excellent
11 waterskiing area.

12 MR. LUNSFORD: Apparently. But that's,
13 the individual just wanted us to move where we
14 placed our buoys and signs and that will require
15 regulatory change, which is why it's before the
16 committee. And then you've already been briefed on
17 Knapps and Narrows.

18 MR. KLING: Bob, should we just consider
19 a regulation for enjoying the water, can we just do
20 that and save a lot of this piddly little stuff?

21 MR. LUNSFORD: Is that a motion?

1 MR. KLING: More like a conceptual
2 thing.

3 MR. LUNSFORD: One more. I got one more
4 item of business. I've been chastised by -- I've
5 been chastised because apparently I do not have
6 these on file for members of the committee that I
7 take out on the boat with me. It's a volunteer
8 form that says you can't sue us if I wreck the
9 boat.

10 MR. KLING: Actually no, it says just
11 the opposite.

12 MR. DWYER: State.

13 MR. LUNSFORD: You can't sue me, but I'm
14 supposed to have one of these for everybody. If
15 you've got them and you want to John Hancock them
16 or give them back to me, or even taking you out in
17 a car I'm supposed to have them. I thought as
18 members of the committee and commissions, you, that
19 was automatically on file, but apparently --

20 MS. TROVATO: You want it signed and
21 turned in right now?

1 MR. LUNSFORD: You can.

2 MS. TROVATO: Say yes, Bob.

3 MR. LUNSFORD: Yes, please.

4 MS. DUTY: It doesn't say anything about
5 reimbursement for travel.

6 MR. LUNSFORD: That's in a reg.

7 MS. DUTY: Oh, it is?

8 MR. LUNSFORD: Yeah, that's separate.
9 This would be also for if you wanted to bring your
10 niece, nephew, son, daughter, husband, any other
11 guest that might want to come along with us on
12 these site visits -- and by the way, everybody is
13 welcome as long as we can fit them on the boat --
14 they have to have one too.

15 MR. PARLIN: Speaking of site visits, I
16 know you say just let you know and we'll go, but
17 when you arrange a site visit with a couple of
18 people and you know you're going somewhere, could
19 you throw it out to the group? I don't know what
20 I'm doing Monday, but if you and Ken decided you're
21 going to go look at an area, throw it out to us,

1 because I'll go hey, you know what, since you guys
2 are going, I'll come with you.

3 MR. LUNSFORD: I certainly can. I often
4 go -- I make a phone call from somebody on Monday,
5 boy, you should see what happened here this
6 weekend, my boat took a beating, and this happened
7 up in Valentine Creek. I went out and jumped on
8 the boat Monday morning and ran up to Valentine
9 Creek trying to find the boat that was damaged
10 based on the description and the guy's, the address
11 that he gave me.

12 MR. PARLIN: I'm off on Monday, so
13 that's perfect, let me know.

14 MS. TROVATO: Bob, if you just do the
15 e-mail thing, that's cool, because I'll jump on
16 whenever.

17 MR. LUNSFORD: Okay. We do have a
18 limit, I think the boat, the new boat comfortably
19 holds four and me, so don't anybody ever feel
20 rejected because I'm happy to do it twice. The new
21 boat is in by the way for those of you who missed

1 it, we have a new survey boat. Other than she
2 draws a tad bit more water than the old boat, she's
3 a little more thrilling to tow, she's a nice boat
4 and everybody is hopefully going to get to come out
5 on her with me. 21-foot Justice, a Brunswick
6 Whaler with a T top and 150 four-stroke Merc on it,
7 the trailer is about 40 feet long.

8 MR. BUSH: Bob, I'd like to make a
9 suggestion that everyone sign the sheet and pass it
10 on to him now and then this part will be taken care
11 of and he won't have to be thinking about this in
12 the future. It's in your packet, the form, and you
13 can sign it and pass them up here and that will all
14 be taken care.

15 MR. LUNSFORD: Thank you for your time.

16 MR. GAUDETTE: One minor additional item
17 for legislation you may see come up, remember I
18 talked about the no discharge zone legislation,
19 that may appear, private bill. That's where there
20 may be a bill coming in to make the entire bay a no
21 discharge zone. That means if you have a type 1 or

1 type 2 MSD you wouldn't be able to discharge in the
2 bay waters. It may come, it may not, I just want
3 you to know it's out there, we'll let you know when
4 it comes up.

5 MR. PARLIN: Mr. Lunsford, did we hear
6 anything --

7 MR. SIMON: Scientific experiments have
8 been made on this discharge. I guess what I'm -- I
9 serve on the marine division of Underwriters
10 Laboratories, we have all the information as far as
11 pollution and discharge from vessels. Do you want
12 to or just stand by --

13 MR. GAUDETTE: Stand by.

14 MR. BUSH: Okay. Go ahead.

15 MS. TROVATO: We were talking today
16 about some folks who signed the petition because
17 they're concerned about the wakeboarders in their
18 creek and a couple of meetings ago, maybe several
19 meetings ago, we said we thought we would follow up
20 and talk some more about wakeboarding and the boats
21 that have the ballast tanks and pump in lots of

1 water and if there was anything we wanted to make a
2 recommendation about. I don't know where we are
3 still on that or if we want to do it, I just
4 thought I'd bring it up since that's the issue. I
5 really would hate to see lots of creeks closed down
6 for waterskiing when what they're really concerned
7 about is the giant wakes that the wakeboarders are
8 throwing up, and I mean I think the wakeboarders
9 ought to have a place where they can do their thing
10 too, but I'd hate to see all waterskiers eliminated
11 from many of these creeks. The best waterskiing is
12 in those creeks.

13 MR. BUSH: Well, currently we only have
14 one case like that, but Bob will make another
15 comment.

16 MR. LUNSFORD: I think it's two cases
17 this year, Luce and Clements, that seem to be very
18 similar.

19 MR. DWYER: I agree with Ramona, I've
20 raised this point before, this is an evolving use
21 of the water, it didn't happen 15 years ago, and

1 then we see the big 55-gallon drums full of water
2 and the purpose for the boats and at some point we
3 had this problem in very real terms with Lake
4 Ogleton that we dealt with a couple of years ago
5 and at some point doing that, creating the wakes in
6 a confined space, I think it's just irresponsible
7 and that's --

8 MR. KLING: I do think you're going to
9 need to find some way to address that other than on
10 a case-by-case basis.

11 MR. DWYER: Steve, I think we need to do
12 it on a case by case. We're not talking about
13 hundreds of these ballast type boats, we're
14 probably talking, like on the Severn River, three
15 or four of the ballast-type boats. You're talking
16 about a \$50,000 boat, 18-foot boat, and you can
17 create the same wake with a little more effort just
18 speedwise because you're squatting the boat and
19 creating this wake. I just hate to see us
20 legislate or try to pass restrictions when we don't
21 really need them. Let's not create a monster where

1 we don't have to yet.

2 MS. TROVATO: I waterski all the time in
3 the Severn River and I'm above the narrows and
4 there are usually at least three wakeboard boats
5 with the ballast up there almost any weekend and
6 many weekdays. They make it very difficult for
7 just regular waterskiers, slalom skiers, trick
8 skiers and anybody in a small boat, and not that I
9 don't want them to have an opportunity somewhere,
10 it's just I would rather not do it on a
11 case-by-case basis. We may come out and say well,
12 you know, they have every right to be out there as
13 everybody else, but I'd rather do it in sort of a
14 broad way, and we may not even come up with a
15 recommendation, just study the situation, but I'm
16 concerned for all the other users.

17 One other thing that's really
18 interesting with the wakeboarders is not only are
19 the boats \$60,000 boats, and we saw them when we
20 were at Deep Creek Lake, they were beautiful, but
21 they also have the loudest stereo systems I have

1 ever heard. I mean they have giant Bose speakers
2 up on the arch up there and boy, can they crank out
3 some music, whoa, but that's a whole noise issue,
4 you know.

5 MR. DWYER: I think we're back fighting
6 the same thing as gun control, not so much the
7 product as it is the user.

8 MR. BUSH: Well, I think we can wait
9 until it gets around to the actual hearing on this
10 issue and not try to resolve it right now, because
11 right now is inappropriate and we're not going to
12 reach a decision. Even though everything you said
13 is well taken and everyone has heard it. Any
14 comments on that? Do you have anything else you'd
15 like to add?

16 MR. LUNSFORD: Just remember there's a
17 sign-up sheet for the various areas in particular,
18 if you have one you want to go visit, make sure you
19 get what you need at lunchtime and sign off. Make
20 sure I can read your name.

21 MR. PARLIN: Well, one more question.

1 Have you heard any more from Mr. Thieme (phonetic)
2 on the illegal to tow people on a tube in a
3 six-knot zone?

4 MR. LUNSFORD: No, after I exchanged an
5 e-mail with him I did find with Lieutenant Vernon's
6 help where it says specifically in the definition
7 of six knots that you can't pull somebody at six
8 knots or less on a tube. I haven't heard anything
9 back from him. I -- that to me would be something
10 that would fall to the committee to make a
11 recommendation to the department if they think that
12 needs to be changed.

13 MR. PARLIN: That was my thing, I was
14 kind of going to give him the opportunity to bring
15 it, but if not I think we do need to look into
16 this. I think, like you said, one of those archaic
17 ones got in there and back then nobody thought
18 about the implications that it means now.

19 MR. LUNSFORD: Okay, let me, if I can,
20 Mr. Chairman, let me go over what Chris is talking
21 about. An individual on Severn River was cited or

1 at least given a verbal warning from Natural
2 Resource Police officer, he had been in one of the
3 creeks that has a six-knot limit and he was pulling
4 kids, grandkids or whatever on a tube without
5 exceeding six knots and the officer told him that
6 was illegal. The guy thought that was stupid,
7 you've got a creek that doesn't have a lot of high
8 speed traffic, it's the perfect place to pull
9 somebody at a slow speed. If they fall off it's no
10 big deal, you turn around and go back and get them
11 and don't get run over. He didn't understand what
12 the officer's grounds were for giving him that
13 warning. I had to look through several definitions
14 and finally I found out it's in the definition of
15 six knots. It says a vessel may not exceed the
16 speed of six knots and may not tow a person on a
17 tube, aquaplane or other similar device, something
18 like that.

19 What Mr. Parlin is suggesting is that
20 perhaps the committee wants, may I want to review
21 that language. It is in the regulation and it can

1 be changed if the committee recommends and the
2 Secretary agrees to change it. We haven't heard
3 from Natural Resource Police, but if you want that
4 to be an agenda item for the next meeting let me
5 know.

6 MR. BUSH: I think it should be.

7 MR. MARSH: I do too.

8 MS. TROVATO: One question for Bob, if
9 you separate those two, then that means every time
10 you want to have no towing in a six-knot zone you
11 have to specifically put that in.

12 MR. BUSH: No, no.

13 MR. LUNSFORD: No, my thought was, and I
14 hadn't thought about doing that, was we would
15 simply remove that language, that prohibition from
16 the definition of six knots.

17 MR. DWYER: Make it legal for somebody
18 to do that? I disagree with that.

19 MS. TROVATO: I do too.

20 MR. LUNSFORD: We're going to discuss
21 it.

1 MR. KLOOSTRA: That's why we have to
2 discuss it.

3 MR. LUNSFORD: That's what we're here
4 for.

5 MR. BUSH: Anyone have any other
6 comments on that issue?

7 MS. DUTY: I have something about
8 another issue.

9 MR. BUSH: Go ahead.

10 MS. DUTY: I'm looking at this, and I
11 was waiting for new business to come up, but I
12 realized that new business was under the first
13 session and not now.

14 MR. BUSH: Okay.

15 MS. DUTY: My concerns were that -- I
16 know that Bob Slaff represents charter boat people
17 and there was an issue with the planer boards that
18 came up that sort of got me in a little bit of hot
19 water, which I was able to get out of without too
20 much trouble because people trust me, but my
21 thought on it was that if Bob's going to be sort of

1 waylaid that it really is sort of important that
2 someone closer to the charter boat industry
3 actually have a voice here and probably would have
4 eliminated that whole issue that we had with the
5 planer boards, because I don't believe that the
6 charter people actually had someone here voicing
7 their opinion on that. So it was just a thought
8 that I had that possibly if Bob's not going to be
9 able to continue and the charter people really
10 don't have a voice at this point.

11 MR. BUSH: Well, in regard to that, I
12 understand that Bob I think went back in the
13 hospital.

14 MS. DUTY: Oh, really?

15 MR. BUSH: Is that correct? I thought
16 that someone told me.

17 MR. LUNSFORD: He went back in last
18 Friday but was out Tuesday.

19 MR. BUSH: Day before yesterday.

20 MR. LUNSFORD: Day before yesterday.

21 MR. BUSH: He was unable to come today.

1 So if --

2 MR. KLING: I understood what Betty
3 said, the issue with representation of charter boat
4 captains is fine, I think it's appropriate,
5 something to consider. I would say that having
6 been one of the two people that met with sportfish
7 people and dealt with some of the charter captains,
8 those guys are nuts on the subject and I don't
9 think having one of them here would change -- we
10 said that off the record.

11 MS. DUTY: And this can be on or off,
12 knowing so many of the charter captains up and down
13 the bay, of course working with commercial
14 watermen, not all of them -- maybe we should have
15 this off the record.

16 (Discussion held off the record.)

17 MR. BUSH: Go right ahead.

18 MR. KLOOSTRA: I'm a licensed charter
19 boat captain with a resident fishing guide license,
20 so I am a charter captain already.

21 MR. LUNSFORD: Are you a member of the

1 association?

2 MR. KLING: Are you a member of the
3 association?

4 MR. KLOOSTRA: No.

5 MS. DUTY: If you were, then --

6 MR. KLOOSTRA: That's information.

7 MS. TROVATO: I have a question. I
8 didn't realize Bob represented the charter boat
9 folks. Are there -- would it be possible to have
10 an alternate for Bob until he's ready to come back
11 to the committee?

12 MR. LUNSFORD: There's no provision for
13 that in the current regulations. We certainly
14 could invite a representative from the charter
15 boats association should we have an issue we think
16 they may contribute to, but their vote wouldn't
17 count. They could certainly participate in the
18 discussions since it's a public, open meeting but
19 they would not be allowed to vote. That's, that's
20 doable now without any change in the committee
21 makeup.

1 MR. BUSH: I'm suggesting that we wait
2 until at least the next meeting and if we still
3 have an issue with the representation of the
4 charter captains, then we really address it and
5 some people may have some ideas on how to do that.
6 I think one of the specifications is that person
7 has to be a member of the charter boaters
8 association; is that correct?

9 MS. DUTY: I would think so.

10 MR. BUSH: Is that what you said?

11 MS. DUTY: I would assume.

12 MR. MARSH: That would be --

13 MR. BUSH: If you happen to join the
14 association, then that would take care of this
15 issue. If you decide to do that.

16 MS. DUTY: You want us to take up a
17 collection?

18 MR. DWYER: Betty, you just said watch
19 what you say.

20 MR. BUSH: Do we have anything else
21 anyone would like to talk about? We have about

1 three or four minutes yet to talk. The food looks
2 like it's already laid out for us, the lunch.

3 MR. DWYER: I make a motion we adjourn.

4 MR. BUSH: I think we'll adjourn for
5 lunch. We will come back and discuss a few other
6 items, which are going to be short. Not hearing
7 any negatives, we adjourn for lunch.

8 (Luncheon recess.)

9 MR. BUSH: We're going to reconvene in
10 five minutes, so if anyone wants to do anything,
11 this is your five minutes area.

12 (Discussion held off the record.)

13 MR. BUSH: If I can have your attention,
14 please, we're going to get started again. I have
15 some good news for you. We have the answers to the
16 questions that came up concerning that bill that
17 was pending in reference to authorization of
18 persons that are authorized to operate the boat.
19 Would you like to make your comment, sir?

20 MR. GAUDETTE: Sure. I talked to Bob
21 Davis and here's the answers to the questions. I'm

1 the messenger here. The question regarding the
2 residents, why are out-of-state residents not
3 required to have the 18-year-old limit, the answer
4 was that the instances they've observed with this
5 concern of in essence a child overseeing another
6 child has primarily been in-state people that they
7 have come across. Out-of-staters do not have a
8 certificate because it's a 60-day temporary thing
9 in the law, so they felt that the most important
10 that they get is the in-staters.

11 Second thing, the or, he has the same
12 concern you guys have on the or, and the or
13 statement, again he's gone through the attorneys,
14 we'll see -- I suspect if it's not answered
15 sufficiently for Marine Trades they will probably
16 put in an amendment, that's my guess, put an or in
17 if it's required or not required.

18 The whole issue with yacht clubs, if
19 it's a nonpowered vessel it doesn't apply, this
20 only applies to powered vessels.

21 MS. TROVATO: Does it say that?

1 MR. GAUDETTE: It's in another
2 definition, I don't think it shows up here, what
3 constitutes a numbered vessel, powered vessels,
4 okay. So an example is if you have a powered dingy
5 on a boat, you have a 16-year-old sister bringing
6 in a 10-year-old brother, they're both on a dingy,
7 the sister has a certificate, she can only operate
8 the boat. Okay. And obviously if the little kid
9 is going to operate the boat he has to be at least
10 18 years old. Nothing with canoes, that has
11 nothing to do with it, it's only power vessels. So
12 that's the answer to some of the questions.

13 While I have everybody's attention.

14 MS. TROVATO: Before we get off the
15 subject, can we make a comment?

16 MR. GAUDETTE: I can only bring comments
17 back to them, yeah. What's your comment?

18 MS. TROVATO: My comment is why can't we
19 have the or just to be clear that it's an and?

20 MR. GAUDETTE: I will absolutely let
21 everybody know that you want an or.

1 MS. TROVATO: Okay. And then the other
2 thing is I think everybody should be treated to the
3 same level of safety.

4 MR. GAUDETTE: Right, I raised that
5 exactly with him a little while ago. If they see
6 it as an emerging issue they will do it.

7 MR. LEVITAN: Just for clarification.

8 MR. GAUDETTE: No out-of-staters.

9 MS. TROVATO: Why don't treat everybody
10 the same?

11 MR. GAUDETTE: Temporary, only here for
12 60 days.

13 MS. TROVATO: So we don't care if they
14 die, we only care if Marylanders --

15 MR. GAUDETTE: Okay. Real quick, please
16 go to our website, and if you write this down,
17 www.dnr.state.md.us/fisheries/oysters, there's a
18 news release there that shows about the DNR to hold
19 open houses on state oyster proposals.

20 Tom O'Connell with Fisheries wanted me
21 to be sure you were aware of this whole oyster

1 issue, the fact that you can certainly -- wants you
2 to be aware of what the department is planning on
3 doing with regard to this whole oyster issue, and
4 Betty, you may want to comment on that, but
5 basically it outlines what the proposed plan is
6 going to be. He wanted to be sure that you pass
7 what concerns any boater may have with this as far
8 as operating a boat.

9 My discussions with Tom is that he feels
10 that as far as obstructions to boaters, the only
11 thing he sees that could be potential obstructions
12 would be any floating structures that would hold
13 oysters. However, he feels that the other areas
14 are being leased there's not going to a whole lot
15 of obstructions for boaters if they're on the
16 bottom, if it's bottom oystering, as opposed to
17 aquaculture. If they're floating in areas it
18 obviously has to be marked and well displayed so
19 you don't run into that at night especially. There
20 are some areas that we have reviewed internally
21 where we said well, you put this here, how are you

1 going to deal with this group, there is a lot of
2 boaters coming out and you just can't block the
3 creek off, so we are working on them on general
4 navigation in the area. Bob is getting comments on
5 that also, but generally speaking they want to be
6 sure that you look at this website.

7 MS. TROVATO: Would you say that again,
8 please?

9 MR. GAUDETTE: It was the standard
10 www.dnr.state.md.us/fisheries/oysters. That's it.

11 MR. BUSH: Thank you. What we like to
12 do next here is we're going to talk about the next
13 meeting date, and Al was instrumental in arranging
14 for us to go to this next site for the meeting and
15 he's going to give you a little bit of insight as
16 to what's available there.

17 MR. SIMON: I'm going to -- I think a
18 notice went out, notation we may be having the next
19 meeting in April. I think Bob sent a notice out.
20 But in any event, it's been brought before this
21 body as to whether you wanted it or not. It's

1 National Harbor, National Harbor right off the
2 beltway, 495, just before you go over the Woodrow
3 Wilson Bridge, big complex on your left. The
4 facility is very overwhelming. We have a nice
5 conference room overlooking the water. I told them
6 tentatively 25 members of the committee, but I
7 don't know what we'll be projecting for a hearing
8 as to whether we're going to have a large group,
9 but it's your decision whether you want it, would
10 like it there. It's convenient, there are five
11 hotels right there for those who want to come in
12 overnight with the spouses. There's a -- it's a
13 small town atmosphere, shops and boutiques and that
14 sort of thing for the women if they come to go out
15 shopping while the men are in the meeting.
16 Basically that's it.

17 MS. TROVATO: I'm ready to shop.

18 MR. SIMON: The hotels I believe will
19 honor state --

20 MR. GAUDETTE: Government rate.

21 MR. SIMON: Government rates, and I

1 don't know what they are, but it's a beautiful
2 complex and I think you would be pleased with the
3 facilities that we're going to have. The only
4 question is luncheon, and I didn't ask them, I was
5 with them yesterday, whether they will have it
6 catered into this conference room or whether we
7 want to break like we did down at Solomons Island
8 and we went to Stoney's and I think we made
9 arrangements for everybody to go in past a certain
10 table or whatnot. That can be decided later on.
11 Or whether you just want to go across the street
12 for luncheon. So it's tentative. I got it locked
13 up. If this is what you want, I'll make -- it's
14 locked up now, the conference room and the
15 facility. That's National Harbor in PG County,
16 it's the end of 495 beltway going towards Virginia
17 before you go over the bridge, it's all that
18 complex on the left.

19 MR. KLOOSTRA: April what?

20 MR. SIMON: Third Thursday.

21 MR. BUSH: April 22nd I believe, April

1 the 22nd is the date.

2 MR. SIMON: Got a calendar?

3 MR. GAUDETTE: The 22nd.

4 MR. SIMON: Third Thursday in April.

5 MR. FERMAN: Parking --

6 MR. BUSH: Does anyone object to the
7 meeting there next -- on April the 22nd, the next
8 meeting? I understand there's not going to be any
9 testimony taken from the public that day, it's just
10 going to be a meeting somewhat similar to what we
11 had today except probably a little more extensive
12 with a little more detail because we're coming up
13 to some of the hearings after that. So I --

14 MR. SIMON: I would recommend, it's a
15 recommendation, in the past years we've had people
16 from DNR like Bess Crandall would give us
17 statistics on number of boats in the state and
18 boating accidents, maybe DNR police would have some
19 comments on it. Up to what the budget is.

20 MR. BUSH: We're going to work on that
21 and see if we can't bring that into the next

1 meeting.

2 MR. SIMON: Okay.

3 MR. BUSH: The date once more is April
4 22nd, which really is the March meeting, for your
5 information it's a Thursday, it's going to be at
6 the Harbor Center I think.

7 MR. SIMON: National Harbor.

8 MR. BUSH: You can't miss it. As you
9 approach the bridge, if you're coming from this
10 direction going towards, on 495 or 295 you're going
11 to see this big monster on your left.

12 MR. SIMON: Big billboards over the
13 highway saying National Harbor, follow the signs.

14 MR. BUSH: We'll be giving instructions
15 out for that date so everyone will know how to get
16 there from different directions.

17 MR. KLING: My only comment if you moved
18 it a week earlier I could be there and it would be
19 on my birthday.

20 MR. BUSH: Well.

21 (Discussion held off the record.)

1 list of the sites we're going to be looking at,
2 she has all those there so anyone who didn't get
3 one can pick them up there.

4 Now, do we have anything else that we
5 have not covered? Hearing no comment, we are
6 adjourned. Once more, thanks for coming, we look
7 forward to the next meeting on the 22nd of April.

8 (Proceedings adjourned 12:48 p.m.)

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1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

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

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9 Kelly A. Alford, Notary Public

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