

Transcript of  
**Maryland Boat Act Advisory Committee Meeting**

Date: **April 17, 2012**

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**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1	AGENDA	
2		PAGE
3	Call to Order	3
4	2012 Legislative Review	3
5	DNR Boating Services Updates	
6	Member Responsibilities	26
7	Disposition of 2011 Regulatory Requests	55
8	2012 Regulatory Requests	61
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

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

2 THE CHAIRMAN: Let's get started for the  
3 day. We haven't gotten together since Christmas  
4 time and it's been a while since then, so maybe we  
5 can just kind of warm up and reacquaint ourselves  
6 with our group and just go around the table and  
7 have something to say about your wintertime. Some  
8 went to Florida and they were fortunate and had  
9 fun, so kind of give us a little update this winter  
10 since we're not seeing each other since Christmas  
11 time going around the table, take a few minutes.

12 (Members introduce themselves.)

13 THE CHAIRMAN: Okay. Mr. Bob, you're  
14 on.

15 MR. GAUDETTE: Okay. As everyone has  
16 indicated, it was a very stressful session, just  
17 for everybody involved. That was legislators --  
18 obviously the session is still not over,  
19 quote/unquote, I suspect we're going to see a  
20 special session come up to deal with the budget  
21 issues. There's a lot of obviously politicking

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 going on regarding -- what complicated it I think  
2 this year was the gambling issue in Prince George's  
3 County and that obviously delayed things and now  
4 we're looking at potentially a special session if  
5 and when the General Assembly comes up to -- the  
6 leadership gets an agreement together so when they  
7 get back together they can just vote and move on.  
8 In the meantime we have a doomsday budget. The  
9 doomsday budget involves a significant decrease in  
10 state budgets, including 500 PINs, positions that  
11 would be eliminated, so hopefully this whole issue  
12 can be resolved. I know the governor is very  
13 interested in seeing that get resolved; I'm sure  
14 the leadership in the General Assembly wants to see  
15 that get resolved also.

16 But with regard to our particular fee  
17 bill, did not pass, it actually didn't get out of  
18 committee. We actually got it down to a very  
19 reasonable number at the end. I think we started  
20 with getting revenues, additional revenues of just  
21 under \$10 million; our last version got it down to

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 about \$4 million. And it was -- we created some  
2 additional categories and I think had pretty much  
3 the votes I think in the committee to get it  
4 passed, but there was a concern if it got to the  
5 floor and turned into a floor fight that it would  
6 have taken up a lot of time to the end of the  
7 session when everything was getting together with  
8 the budget and the committee decided that it was in  
9 the best interest of everyone to go ahead and  
10 analyze it over the interim.

11 I think that what was interesting that  
12 came, positive that came out of this is, one, we  
13 got a tremendous amount of press out of this about  
14 the program, extraordinary nationwide coverage.  
15 Just to give you a sense of how bad it is in the  
16 nation, California has eliminated their waterway  
17 program, it's gone. And we're in a situation  
18 where, you know, thank goodness we have special  
19 funds to keep it going, because if we were  
20 competing with general funds we could be in the  
21 same position, so we're very fortunate that we have

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 one of the very programs in the nation that has its  
2 own funding source.

3           Probably the biggest issue that came up  
4 during the session regarding our particular fund  
5 was the fact that in the past the fund has been  
6 robbed several times and the money has been  
7 transferred to the general fund and one of the  
8 arguments was why should we increase revenues if  
9 the money is just going to go somewhere else, very  
10 legitimate argument. I think that this  
11 administration has been pretty good in the sense  
12 when they take funds out they make a very good  
13 effort of replacing those funds with bonds, which  
14 is good and that keeps the projects going. That  
15 was a jobs initiative, to keep the jobs going, but  
16 I think that for this to move forward in the future  
17 there's got to be some kind of accommodation made  
18 for a lockbox on this fund. That's probably going  
19 to be an issue for all, I think, special funds in  
20 the whole state, the administration is going to  
21 have to take a close look at that and how they deal

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 with it, and also I think that this committee, you  
2 know, great favor to the Secretary in supporting  
3 that legislation. I wanted to thank Coles for  
4 doing the quick around-the-table kind of e-mail  
5 blast and got everybody's comments in on that  
6 because I sent several little blasts out to people  
7 who had questions on it and they really went well  
8 and it was very effective and the turnaround was  
9 very quick and I believe -- remember we had that  
10 whole issue that came up in the past, I think that  
11 kind of resolved that issue, it shows that it does  
12 work, I'm really happy with that.

13 Right now we're going into a situation,  
14 this year in the capital budget we actually had  
15 about \$2.8 million that we were going in with, we  
16 ended up getting almost \$10 million out of it,  
17 including our federal funds, so it was part of that  
18 whole exercise of letting people know what we  
19 needed and the Senate was very gracious to us and  
20 actually had about \$18 million in our budget  
21 because of the fact that we were broke. So the

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 House cut it all, which is typically what happens,  
2 and then when they went to conference committee  
3 they kind of went in the middle and it ended up we  
4 got our 7.4 million in bonds, 2.6 million in cash  
5 that was going to be put towards a fund swap the  
6 governor had that left the cash so we can go ahead  
7 and put a budget in and then get cash, and we had  
8 about \$600,000 in there from federal funds, so it  
9 ends up being pretty good in dollars. That's just  
10 a onetime fix, that's the problem.

11 So we're facing a situation where we're  
12 pulling in \$15 million in funding, we have \$41  
13 million in needs, so we have a \$25 million gap. So  
14 we were trying to basically close part of that gap,  
15 we ended up permanently not closing any of it, so  
16 we're in a situation down the road where we're  
17 going to have a real problem keeping the channels  
18 dredged, et cetera. During that whole process when  
19 it was going on the Corps of Engineers backed out  
20 of dredging the channels in the state that are  
21 basically recreational boating channels.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MR. SIMON: All cut on channels?

2 MR. GAUDETTE: Yeah, the only ones we're  
3 going to do, Al, is the ones that have a shipping  
4 or heavy commercial interest, so like Wicomico,  
5 they have the barge traffic, they're going to do  
6 that. They have different tiers of, I guess,  
7 importance in their channels and the ones that are  
8 for boating are at the bottom, so Kent Narrows,  
9 Knapps Narrows, all the ones that are involved with  
10 recreational boating, they're not going to fund  
11 them anymore until they find a funds source. The  
12 problem is basically the administration has cut the  
13 money out of the budget and all those channels were  
14 done in the past with congressional adds, basically  
15 adding the money to the budget so a congressman  
16 goes ahead and attaches to the bill, you know,  
17 earmarks, the earmarks are gone, so you can't do  
18 that anymore, so if Rock Hall Creek needs to be  
19 dredged, Steny Hoyer is not in a position to go  
20 ahead and just say we're going to attach it to this  
21 bill and dredge it, attach the money to another

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 bill, so that is now all falling on the state and  
2 local governments. There's 60 of them in the  
3 state. We already had 200 state channels, now we  
4 have 260 in essence state channels and virtually no  
5 dollars to dredge them.

6 The complicating factor of the Corps  
7 channels is the Department of Budget and Management  
8 has indicated to us that we can't use bonds to  
9 dredge the federal channels because they don't last  
10 15 years, so we have to use cash and there's no  
11 cash. So you can get a sense of how it all works,  
12 and all the legislators we talked to, friends and  
13 foe, the whole bit, they all agreed there's a  
14 problem, no one could agree on how to solve it.  
15 They recognized the fact that our registration fees  
16 haven't been increased in 30 years and obviously  
17 they were concerned with the level of what was  
18 being proposed to be raised because, you know, if  
19 you applied, I think the cost of, or the Consumer  
20 Index to it, it was going to raise it like \$50  
21 instead of 25, and it just wasn't going to generate

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 enough money, only a couple of million dollars, and  
2 we're looking to generate 10, 14, 15 million  
3 dollars, that's what we need. So we're in a  
4 situation where during the interim we're probably  
5 going to be having some discussions with leadership  
6 at the State House and the General Assembly and  
7 decide where we're going to go from here.

8           And that's basically where we're at  
9 right now. So hopefully we have enough money this  
10 year, for example, to do Rock Hall as an emergency,  
11 that's actually -- the plans are, specs will be  
12 going out or the bid package will be going out  
13 shortly by Kent County, we'll do a touchup job  
14 there because that's shoaled in pretty bad, as well  
15 as Kent Narrows, we got some federal funds to do  
16 that above our funds to go ahead and do that this  
17 year hopefully, and after that we're done. We're  
18 out of the dredging business.

19           So a lot of this is it's going to end  
20 up -- you know, it's one of those situations where  
21 the outcry is going to be so loud when all of these

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 boats start running aground that eventually someone  
2 is going to do something on it, but hopefully in  
3 the meantime we can -- that really hasn't happened  
4 yet, so we tried to avoid that by being proactive  
5 with it, I think it's going to end up being a  
6 reactive situation but that's the way it goes and  
7 hopefully they can take care of that; otherwise,  
8 those folks who have deeper draft boats are going  
9 to have a problem visiting the real popular areas.  
10 We have Deep Creek Lake that's looking at some  
11 dredging situations too coming up so that's going  
12 to create some issues for them as well.

13           Anyway, that's basically what's happened  
14 there, but again, thanks for all of your help.

15           House Bill 1345, the luxury tax bill,  
16 you heard about that one, that died. That was  
17 going to create a one percent tax for boats,  
18 planes, motorcycles, cars over \$36,000 and there  
19 was an additional amount if it was over 90,000.  
20 That all died. That was a real -- that was a huge  
21 concern for the boating industry and we sort of

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 knew in the background why it was proposed, can't  
2 make that public, but we kind of expected it was  
3 going to go in this direction. But it stayed alive  
4 for a while. But anyway, it ended up not going.

5 MR. BLACKISTONE: Who was the sponsor of  
6 that?

7 MR. GAUDETTE: 1345, Delegates Hixson  
8 and Mizeur, M-I-Z-E-U-R, Montgomery County.

9 MR. SHELLER: Montgomery County, that  
10 was the boating suicide bill.

11 MS. ALLISON: We know how well it worked  
12 last year.

13 MR. SIMON: Do you need help in  
14 Montgomery County?

15 MR. GAUDETTE: No, we're fine, we're in  
16 good shape. Actually the delegations in Montgomery  
17 and Prince George's County were very favorable for  
18 our bill, our particular bill, they were actually  
19 very positive for it and told us to go, go, go, but  
20 we just ran out of time. It's the kind of  
21 situation where you have a lot -- you're behind in

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 the game when we started and then we ended up  
2 getting a lot of momentum and started scoring a lot  
3 of points and it's kind of like you're just diving  
4 for the goal line and the clock runs out. That's  
5 basically what happened to us.

6 Senate Bill 127 passed, that's the  
7 gatherings bill. The marine gatherings bill is  
8 really designed -- it was, it was, the reason that  
9 we got into it was because of bumper bash and some  
10 of those big events that are basically, you know,  
11 someone organizes them, you get a thousand, 800  
12 people that show up, big party, loud music, barges  
13 with stripper poles, the whole enchilada, and ended  
14 up taking like 40 officers to go ahead and do it.  
15 I think it may have been almost -- at some point I  
16 thought I heard there was almost a hundred officers  
17 land and water involved in this including EMTs and  
18 fire. You were involved in it.

19 MR. PARLIN: We were there.

20 MR. GAUDETTE: You were involved in it  
21 I'm sure. But it was, those events are just so

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 taxing on the Natural Resources Police and the  
2 local governments that the thought was there needs  
3 to be some kind of planning associated with these  
4 and some requirements, and it ended up the bill got  
5 amended from I think a hundred or more that gather  
6 and right now we're just starting the stage of  
7 writing the regulations for it, but basically the  
8 idea is if you have a big event, just think of it  
9 as being on land, if you were going to go to City  
10 Dock and have a party or an event, you'd have to  
11 get a permit and show some proof that you could  
12 control it, but when you start meeting with these  
13 folks that were running these events they had no  
14 idea how to run an event of that magnitude.

15           You're basically dealing with situations  
16 where you have -- you know, just picture a giant  
17 crowd of boats in a giant clump and trying to get  
18 to the person in the middle that's having a heart  
19 attack. So the idea is if you have these, not that  
20 you can't have these big events, it's the fact that  
21 you have to control them. So when we had the last

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 one we put buoys all through it so you had the  
2 crisscross buoys so you could actually go in  
3 between the people. There was a bunch of arrests,  
4 there were several people that were arrested that  
5 had outstanding warrants. You had three kids that  
6 were pulled out, a couple of people that were  
7 pulled out drowning by rescue vessels, it was quite  
8 an ordeal.

9 MR. PARLIN: My guy saw a kid go under  
10 in front of him and he went and pulled him out.  
11 Had he not been there, it was --

12 MR. GAUDETTE: He would have drowned.

13 MS. ALLISON: Where was this?

14 MR. PARLIN: Dobbins.

15 MR. GAUDETTE: You had minors coming,  
16 parking their cars and coming and swimming out in  
17 the water and adults serving them alcohol and  
18 people jumping off the top of boats into 30 feet of  
19 water.

20 MR. PARLIN: It was a drunk fest, a big  
21 giant drunk fest.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1                   MR. GAUDETTE: There was a lot of  
2 concern raised by people that have fishing  
3 tournaments, that's not really an issue, people who  
4 have Wednesday night races or frostbite races, it's  
5 not that kind of issue, but it's a situation where  
6 the definition is very specific in its words, in  
7 its intent, and the regulations are going to  
8 actually define this a little more, but  
9 basically -- and everybody that was looking at this  
10 completely forgot about reading the definition, we  
11 had a real problem with people not reading the  
12 first part of it. Marine gatherings means an  
13 intentional congregation of at least, now it's a  
14 hundred vessels, in the waters of the state, that  
15 by its nature, circumstances or location creates  
16 extra or unusual hazards to life and property.

17                   A regatta doesn't do that, a fishing  
18 tournament doesn't do that, so the regulations are  
19 going to be probably more specific on how they're  
20 going to define that and what that means, and  
21 that's going to be, I think, a real help to

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 everybody. There's going to be an application  
2 involved, et cetera, et cetera. The cost of it is  
3 just going to be the cost of Natural Resources  
4 Police assessing it and in most cases, I would say  
5 in 99 percent of the cases people are not going to  
6 need a permit at all, you're probably looking at 10  
7 to 15 permits a year that you're actually going to  
8 see that's necessary. That's our guess right now  
9 according to the Natural Resources Police, but  
10 there will be a big advertisement on this, the bill  
11 becomes effective I think June 1st, I believe, but  
12 don't worry about that because it's required that  
13 you promulgate regulations as part of this bill  
14 June 1st, so you have to have -- you can't  
15 promulgate the regulations until the law comes into  
16 effect and so I anticipate that the department,  
17 they have to decide whether they want to do  
18 emergency regulations or let it go through the  
19 process. If it goes through the normal process, it  
20 might not even happen this summer, I'm not sure.  
21 But I think Colonel Johnson is pretty concerned

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 about it and may want to go ahead and take that  
2 emergency regulation route, but we haven't decided  
3 that. The regulations haven't been written yet, so  
4 anyway.

5 Those regulations will not go through  
6 this group, there will be probably a courtesy sent  
7 to us for comment, but that law has a separate  
8 section just for setting up regulations for that  
9 law. Natural Resources Police will probably be  
10 doing that, but I've asked them to go ahead and  
11 contact us. Obviously I'm going to be involved in  
12 that and Lisa will be involved in that because that  
13 will probably be done before the end of May, and  
14 then go ahead and shoot somebody -- just to get a  
15 sense of if you have, if you see any issues that  
16 would pop out to you as being a problem.

17 MR. NICKEL: What kind of fees are you  
18 asking for this permit?

19 MR. GAUDETTE: Right now it's silent,  
20 but I think what we're going to end up doing, it's  
21 going to be based on -- one person in Natural

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 Resources Police, what's his name, that took Bob's  
2 place?

3 MS. GUITERREZ: Kirkwood.

4 MR. GAUDETTE: Kirkwood, the adjunct,  
5 he's going to go ahead and probably be the one that  
6 reviews it, so an application is going to come in  
7 and he's going to say oh, this doesn't have  
8 anything to do with me at all, that might be 20  
9 bucks, I mean I don't know. The ones that require  
10 a couple of hours it would probably a hundred  
11 dollars or something like that, that's the kind of  
12 range you're looking at. These are for the big  
13 events. The real onus is going to be on people  
14 that do these big events, are they going to have  
15 the security, how are they going to have security,  
16 are they going to hire their own security, they  
17 want to hire off-duty police, et cetera, et cetera,  
18 et cetera. The law kind of indicates that.

19 MR. BLACKISTONE: There's some --

20 MR. GAUDETTE: There's always going to  
21 be exceptions in the law.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1                   MR. BLACKISTONE: Number one, didn't the  
2 organizer of the big one say he wasn't going to do  
3 that, didn't he back out?

4                   MR. GAUDETTE: I know Canal Days.

5                   MR. BLACKISTONE: No, Dobbins Island.

6                   MR. GAUDETTE: Yeah, he said he wasn't,  
7 but we think someone else is going to pick it up.

8                   MR. PARLIN: They're still planning for  
9 it.

10                  MR. GAUDETTE: Right. I was at the  
11 meeting when he said he wasn't going to mess with  
12 it. He realized when he actually got face to face  
13 with some of the community people at some of the  
14 meetings we had, there was a lot of back-door  
15 meetings with committee members, he didn't realize  
16 that, you know, people are going on people's lawns  
17 and urinating all over them, they were knocking on  
18 people's doors asking to use their bathrooms, it  
19 was kind of messy, so the community was actually  
20 stationing people along the shoreline and turning  
21 them back into the water, which is also a problem.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 So, you know, it really needs to be well organized.  
2 That's the issue when you have an event like this  
3 and you don't have any public facility for them to  
4 utilize, you know, for egress, but no, he did  
5 indicate that he was not going to hold it but we  
6 suspect that someone else might do it.

7 MR. BLACKISTONE: If someone else does  
8 do it and you need a hundred marine police officers  
9 for that day, why wouldn't you charge them what it  
10 costs for a hundred police officers to work?

11 MR. GAUDETTE: They may decide that they  
12 hire us. They may decide to hire somebody to do  
13 that, whether it's us, whether it's a private --

14 MR. BLACKISTONE: Why don't you require  
15 it to be you?

16 MR. GAUDETTE: The General Assembly  
17 wasn't comfortable with that. They want the person  
18 to have the option. They may hire, you know,  
19 private firms that do that.

20 MR. BLACKISTONE: That's like somebody  
21 doing that at Woodstock, look what happened to

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 that.

2 MR. GAUDETTE: There's a lot of concerts  
3 that are held where they hire private entities or  
4 off-duty officers. We left it up to them how they  
5 want to do it. They have to do it, they have to do  
6 it one way or the other, we thought about that.

7 MR. DWYER: What are you going to do if  
8 it's unorganized, just like every weekend at  
9 Dobbin's Island? Just bringing it up.

10 MR. GAUDETTE: A good example would be  
11 Hart Miller Island on a normal weekend, 300 boats,  
12 never had a problem with it, not been a problem.

13 MS. ALLISON: I assume there will be  
14 some kind of language in there that excludes things  
15 like regattas and/or like excludes powerboat races.

16 MR. DWYER: Second page.

17 MR. GAUDETTE: Yeah, there's some stuff  
18 in there already, Coast Guard approved events and  
19 that kind of stuff are fine. The issue I think was  
20 one of the people who testified against it was some  
21 of the races that are not sanctioned by certain

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 groups do not get a Coast Guard permit and they  
2 wanted to know how we were going to deal with them,  
3 and we're basically going to be writing in some  
4 language to deal with some of those issues, but the  
5 powerboat races are all fun, being Coast Guard.

6 MS. TROVATO: How does that work for  
7 Sherwood Forest fireworks events?

8 MR. GAUDETTE: That's not going to be a  
9 problem. Several groups have firework events,  
10 we're going to work that in as not an issue, it  
11 should be fine. Just if you have a buoy, the  
12 normal stuff that everybody else does.

13 Al.

14 MR. SIMON: 10 or 15 years ago I  
15 proposed a memorial service for DNR Police who died  
16 in the line of duty. I sponsored it, the  
17 wreath-laying, the roses down at the memorial,  
18 which was very beautiful, downtown Washington. I  
19 did this, again, as you may or may not know,  
20 because I started out with the Secretary and  
21 passed, finally passed it down to Colonel Johnson.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 I went to see Colonel Johnson and told him about  
2 the memorial service that I put on 10 or 15 years  
3 ago and we'd like to do it again. I would sponsor  
4 it, everything. It kind of -- I said now the  
5 ball's in your lap because we need a few officers  
6 or some of the members of this committee down there  
7 that day when we have the memorial. Whatever  
8 happened, do you know?

9 MR. GAUDETTE: I haven't heard anything  
10 about it, I personally haven't heard anything about  
11 it. I talked to the colonel and briefed him on  
12 what you told me.

13 MR. SIMON: I sat and told him that I  
14 would sponsor it.

15 MR. GAUDETTE: My guess is, Al, right  
16 after session, he's put a lot of time in this  
17 gatherings bill, right after session he took a  
18 couple of weeks off for a break, so I suspect --

19 MR. SIMON: If you want to consider it.

20 MR. GAUDETTE: Oh, yeah.

21 MR. SIMON: Mick and I know the

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 president of that association, National Law  
2 Enforcement Memorial, downtown Washington, I think  
3 it's honoring about 12 officers who died in the  
4 line of duty for DNR Police and it just faded out,  
5 so I just remind you.

6 MR. GAUDETTE: I'll put that back on the  
7 radar screen, no problem.

8 One issue that I'd like to go over, and  
9 let me grab this here, I might ask Marianne to come  
10 up, is the fact that -- this actually came out of  
11 the Deep Creek Lake policy board and I think it's a  
12 good policy for to us have as a board, or as a  
13 committee is a role policy for members. The role  
14 policy is how you conduct yourself in certain  
15 situations, especially that could give at least the  
16 perception of a conflict of interest. And it's  
17 been raised by a couple of members as an issue and  
18 we put together some language that we would like  
19 for you to consider and Marianne can give you a  
20 little more kind of background on that.

21 MS. DISE: Sure. As Bob said when he

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 mentioned to me that there might be an issue or had  
2 been issues raised about perceived or potentially  
3 perceived personal interests coming out of members  
4 at committee meetings, I mentioned that we had at  
5 the Deep Creek Lake Policy and Review Board, which  
6 is a board appointed by the governor created by  
7 statute, and they have to represent, individual  
8 members have to represent different interests, so  
9 it's similar to this board except that they have to  
10 be confirmed by the Senate and appointed by the  
11 governor and so on. Anyway, about a year ago the  
12 chairman came to me and asked, he said we as a  
13 board would like to just have an informal, a policy  
14 that we vote on to govern our own meetings, to  
15 govern ourselves, doesn't have to be a regulation  
16 and it just sort of sets out the sense of the group  
17 as to how we're each individually going to conduct  
18 ourselves regarding board business versus personal  
19 business. So that's where this came out of.

20 MR. GAUDETTE: Right, so number one  
21 basically just tells, the first paragraph just says

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1     what you do and who's on the board. And the second  
2     paragraph under number one basically says that the  
3     members should refrain during the conduct of  
4     committee business from advocating on behalf or  
5     advancement of the position of the individual's  
6     business interest or organization that doesn't  
7     represent the interest of the general boating  
8     public. So let's say if you were a member of XYZ  
9     Yacht Club you can't use your influence in that  
10    yacht club to sway a regulation for your yacht  
11    club. You gotta say I'm not going to vote on this.

12                 Also, members of the Boat Act Advisory  
13    Committee should refrain from using their position  
14    as a member of the committee for personal or  
15    business benefit or gain. You can't attach the  
16    fact that you're a member of the Boat Act Advisory  
17    Committee to your advertisers for your business,  
18    pass out information at public meetings, et cetera,  
19    et cetera, just make it clear that there's a  
20    separation there.

21                 MS. DISE: A lot of this is just sort of

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 general ethics and it, you know, normally would  
2 apply to anybody in a position of being on an  
3 advisory board or commission, but we just thought  
4 it might be good to write it down.

5 MR. SIMON: I have a question on that.  
6 We attended a meeting in Annapolis the EPA put on  
7 for --

8 MR. GAUDETTE: Right.

9 MR. SIMON: A long time ago. When I  
10 registered as you do for hearings I registered as  
11 member of the Boat Act Advisory Committee. Is that  
12 what you're talking about?

13 MR. GAUDETTE: Well, basically you're in  
14 a situation where in the future if you were doing  
15 that and you were representing the committee, you  
16 would want to query everybody to make sure that you  
17 can represent the committee.

18 MS. DISE: You want authorization.

19 MR. GAUDETTE: Otherwise you're just  
20 representing yourself.

21 MR. SIMON: Well, it was an open meeting

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 for EPA.

2 MS. TROVATO: I can't go.

3 MR. SIMON: Conflict of interest.

4 MS. TROVATO: Definitely a conflict.

5 MS. DISE: It would be --

6 MR. SIMON: It happens.

7 MS. DISE: It would be similar to if I  
8 went to an open meeting, I wouldn't be able to -- I  
9 shouldn't write down that I'm with the Attorney  
10 General's Office, because then if I say something  
11 it appears to other people in the meeting or  
12 members of the public as if the Attorney General is  
13 speaking just as if it would appear that the Boat  
14 Act Advisory Committee is speaking through you  
15 unless you have --

16 MR. GAUDETTE: An agreement ahead of  
17 time.

18 MS. DISE: Yeah -- an agreement ahead of  
19 time. That's no problem then, that's the  
20 appearance --

21 MR. GAUDETTE: If you were going to

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 testify, Al, I would clarify my testimony that I'm  
2 representing myself. I'm also a member of the Boat  
3 Act Advisory Committee but I'm not representing  
4 them here.

5 MS. DISE: Yeah.

6 MR. GAUDETTE: I'm representing myself.

7 MR. SIMON: Like that time, probably the  
8 same one that you and I went to about the  
9 discharge.

10 MR. GAUDETTE: Yeah, those, that's  
11 basically, if I'm going to represent the Secretary  
12 of DNR I ask the Secretary of DNR can I say this  
13 and I go ahead and say I'm representing the  
14 Department of Natural Resources; otherwise, I'm  
15 just representing me. Okay, so that's something to  
16 keep in mind.

17 MR. DWYER: How about the vote, when we  
18 vote on an issue? Just like you said the yacht  
19 club in the Miles River that I'm a member of,  
20 should I abstain from voting or --

21 MR. GAUDETTE: I would say if you're a

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 member of the yacht club and it's for that yacht  
2 club, yes.

3 MS. DISE: Oh, you mean particularly for  
4 that yacht club?

5 MR. DWYER: If they want to slow down  
6 the speed limit.

7 MR. GAUDETTE: At your yacht club.

8 MR. DWYER: When we vote here, should I  
9 not vote?

10 MR. GAUDETTE: I would probably not  
11 vote, that way it kind of takes you out of that.

12 MS. TROVATO: How do you clarify that?

13 MS. DISE: Just mention that you're  
14 recusing yourself. Like the Critical Area  
15 Commission, for example, which is another  
16 multi-interest board.

17 MR. DWYER: Can we not talk about it,  
18 stay totally out of it or what?

19 MS. DISE: You can --

20 MR. DWYER: It could be a real issue  
21 that you're, you're there.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1           MR. GAUDETTE: I don't see any problems  
2 with you giving input on it, I think when it comes  
3 to the vote that might be a different situation.

4           MS. DISE: We can talk beforehand if any  
5 of you all have any questions, you're always free  
6 to give me a call and we can just consult.

7           MR. GAUDETTE: Yeah, yeah.

8           MS. DISE: That's free.

9           MS. TROVATO: I have a question. I  
10 understand one very clearly. On two though it says  
11 no, it pretty much says you can't hand out any  
12 written material at all in a meeting.

13           MR. SHELLER: Individually.

14           MR. GAUDETTE: Individually.

15           MS. TROVATO: So like one of our members  
16 brought this in and handed it out, we can't do that  
17 anymore?

18           MR. GAUDETTE: What is it?

19           MS. TROVATO: Safe boating navigation  
20 rules.

21           MR. GAUDETTE: No.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MS. TROVATO: Should this limitation be  
2 only to things that promote your --

3 MR. GAUDETTE: Individual interests.

4 MS. TROVATO: Can we change number two  
5 to say that?

6 MR. GAUDETTE: Yes, that's fine.

7 MS. DISE: Sure, that's a draft for you  
8 to consider.

9 MR. GAUDETTE: Yeah.

10 MS. TROVATO: I think this was a good  
11 thing. I don't know who handed it out, but it was  
12 a good thing, Al.

13 MS. DISE: And the -- to the public.  
14 Again, this came out of a particular issue that we  
15 faced with another board, I faced with another  
16 board who had a member who was handing out  
17 literature that that particular member's private  
18 organization had put together at a meeting of the  
19 board, handing it out to the public, and people  
20 were kind of confused, is this the board or is this  
21 this person, you know, so.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1           MR. GAUDETTE: We really haven't had  
2 much problem with that, but, you know, it could be.  
3 I just want to clarify.

4           MS. TROVATO: It's a good idea to head  
5 it off.

6           MR. PARLIN: Ahead of time.

7           MS. TROVATO: Absolutely.

8           MR. GAUDETTE: Something that you can  
9 mull over, something you want to do a motion on  
10 now, it's up to you, I just wanted to throw it out.

11          MS. DISE: We're also thinking when new  
12 members are appointed it would be a good thing to  
13 put in there, a welcome packet or whatever you all  
14 have for new members.

15          MR. KLOOSTRA: What should we vote on?

16          MR. PARLIN: Should we modify?

17          MR. GAUDETTE: Yeah, just go ahead and  
18 do whatever modification you want to do right now  
19 and do it.

20          MR. SHELLER: Most organizations that I  
21 belong to have an ethics policy.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MS. DISE: This would be it. We like to  
2 keep it short.

3 MS. TROVATO: That's a good thing.

4 MR. GAUDETTE: Personal gain is really  
5 what it is.

6 MS. TROVATO: You're an attorney --

7 MR. LEVITAN: Has there ever been any  
8 problems concerning that, Bob?

9 MR. GAUDETTE: Not specifically, no.

10 MR. LEVITAN: I didn't think so.

11 MR. GAUDETTE: Just to head it off.

12 MR. SHELLER: I have no problem with  
13 that.

14 MS. DISE: For the individual's personal  
15 gain.

16 MR. NICKEL: I'm in the marine business,  
17 hands down, so any kind of rule or regulation would  
18 strongly affect my business.

19 MR. GAUDETTE: Right.

20 MR. NICKEL: And because we understand  
21 that if you don't have the marinas out there to

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 facilitate making the rules and regulations we're  
2 not going to have boating because you need the  
3 infrastructure to promote boating. That's a real  
4 gray area. I've had some trade associations down  
5 here for my support on bills, I'm sure Mick gets it  
6 quite a bit too. Is that something that I should  
7 abstain from, speaking of that luxury tax?

8 MR. GAUDETTE: If it's specific to your  
9 business, it would be something you probably might  
10 want be to careful with.

11 MR. NICKEL: The luxury tax, I pushed  
12 that and it kind of got sweltered, but in all  
13 reality it would have direct reflexion on boating,  
14 whether it was specifically my business or someone  
15 else's business, it has a very strong limitation to  
16 that.

17 MR. BLACKISTONE: That wasn't in here  
18 though.

19 MS. DISE: If you're testifying before  
20 say a senate--

21 MR. NICKEL: I was going to say, ask the

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 committee at that point to draft some type of a  
2 letter, you know, and I saw your e-mail, just as  
3 long as the DNR is not attached, but as far as my  
4 comments, what if I'm down there speaking, just as  
5 long as I don't say I'm from the Boat Act Advisory  
6 Committee?

7 MR. GAUDETTE: Yeah.

8 MS. DISE: That's the whole dynamic of a  
9 multi-interest sport, that's why it's interesting  
10 to work with multi-interest sports, because you're  
11 supposed to have different interests and come to  
12 some kind of a consensus as a group. If everybody  
13 represented the same viewpoint it wouldn't be much  
14 of a board, it wouldn't be much of an advisory  
15 board, so you have to bring in your different  
16 perspectives, but I think the line somewhere needs,  
17 should be drawn where you're advocating your own  
18 personal business interests versus, you know, I'm  
19 representing marinas in general and this would be  
20 bad for the marinas.

21 MS. TROVATO: Some time ago, gosh, it

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 was a couple of years ago now, we talked about the  
2 idea that if a member has a strong advocacy  
3 interest could they recuse, or could they step away  
4 from the table --

5 MR. GAUDETTE: Absolutely.

6 MS. TROVATO: -- and then testify on  
7 behalf of their interest like any citizen of this  
8 state?

9 MS. DISE: Yes, but not as a member of  
10 the Boat Act Advisory Committee.

11 MS. TROVATO: But not as a member of the  
12 Boat Act Advisory Committee and then they couldn't  
13 vote on it?

14 MR. GAUDETTE: That's correct, you  
15 couldn't do that. It could happen.

16 MS. TROVATO: Just to make it clear,  
17 because if Bob wants to testify on something  
18 specific to his --

19 MR. GAUDETTE: I've actually seen that  
20 happen before, I've seen that happen.

21 MS. DISE: Yeah, I've seen that happen

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 too.

2 MS. TROVATO: Could we add that to kind  
3 of our rules of how we operate so we're real clear  
4 that's what we do, so if Bob wants to talk about  
5 something, he's free to do that?

6 MS. DISE: That makes sense.

7 MR. GAUDETTE: Sure, absolutely. Does  
8 that make sense to you, Bob?

9 MR. McLEAN: Yeah.

10 MR. GAUDETTE: Why don't you and I plan  
11 some stuff, some language and shoot it by Marianne  
12 so we can --

13 THE CHAIRMAN: Vote on it the next  
14 meeting.

15 MR. GAUDETTE: -- vote on it next  
16 meeting, and then it will be something that you've  
17 all agreed to.

18 MS. DISE: They put on their other hat.

19 MR. SIMON: Do you want this mailed to  
20 each one of our members?

21 MR. GAUDETTE: Sure, sure, that would be

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 great.

2 THE CHAIRMAN: That's national boating  
3 safety.

4 MS. DISE: Thanks, thanks very much.

5 MR. BLACKISTONE: It's not a matter -- I  
6 had a legislative question when you were still on  
7 legislation.

8 MR. GAUDETTE: Go ahead.

9 MR. BLACKISTONE: I don't know if this  
10 is something for the committee, but Senator Dyson  
11 puts in his bill for more marine police and we  
12 supported it and people supported it and then it  
13 dies, and it's probably a budgetary issue, but.

14 MR. GAUDETTE: Yeah, it is.

15 MR. BLACKISTONE: I think at some point  
16 the industries involved in the bay and boating and  
17 whatever, fishing, we should lean on supporting  
18 this because we need more marine police and we  
19 gotta get them somehow.

20 MR. GAUDETTE: Yeah, it does come  
21 down -- no one has a problem with that, the

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 department doesn't have a problem with that, it  
2 comes down to where the money would come from.

3 MR. BLACKISTONE: Right.

4 MR. GAUDETTE: It's a real tricky thing  
5 and the way it works, and some people don't  
6 recognize how it actually operates in reality, when  
7 you're usually given -- you have a X number of  
8 dollars for the department. When you're given  
9 let's say extra money to do something, they will  
10 take it from somewhere else to make it even up, so  
11 if millions of additional dollars are going to come  
12 in to Natural Resources Police or millions of  
13 additional dollars from the general funds coming in  
14 to boating, more than likely the department's  
15 budget wouldn't go up, it would stay the same and  
16 it would take that money from somewhere else.  
17 That's what generally happens in reality. So that  
18 could be some of the concern that the department  
19 would have, how would that actually work, would  
20 that be an additional forever dedicated amount or  
21 would they start bringing you back down to that

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 number and then yank it out from everybody else?  
2 That's what one of the concerns is, but it's  
3 something important for everybody to know, because  
4 in realty that's often what happens, so that  
5 language has to be drafted in such a way that that  
6 would not happen, you know, so that's certainly I  
7 think some of the concerns, because he puts it in  
8 every year and he's a big advocate for Natural  
9 Resources Police. I don't know if you were there  
10 when they testified on it and said, you know, it's  
11 something that's really important to them, because  
12 you only have, what, a couple of officers per  
13 county during a shift, so it's -- they obviously  
14 can't handle it. So it's a situation where they  
15 certainly need more staff, it's a question of how  
16 they're gonna deal with it from a budget standpoint  
17 and make it so it's not going to cripple the  
18 department.

19 All police forces, whether you're a  
20 county, a town or a department, are expensive, it's  
21 an expensive operation and it's difficult to find

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 the dollars to support that, especially during  
2 these times. Anyway.

3 THE CHAIRMAN: They did get some money  
4 from the --

5 MR. GAUDETTE: A little from  
6 supplemental.

7 MR. SHELLER: Just, in that same vein,  
8 the DNR has a volunteer officer program too.

9 MR. GAUDETTE: Correct, right.

10 MR. SHELLER: Which I don't hear much  
11 about.

12 MR. GAUDETTE: They're out there quite a  
13 bit, they do a lot of stuff. They do a lot of  
14 stuff.

15 MR. SHELLER: I see them, but I don't  
16 see a whole lot of public --

17 MR. GAUDETTE: Acknowledgment? That's a  
18 good point.

19 MR. SHELLER: -- of public  
20 acknowledgment or awareness or recognition or  
21 recruiting or -- we see them because we're on the

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 water every day.

2 MR. GAUDETTE: Right. I'll make note of  
3 that to the colonel. Maybe they need to get a  
4 little more --

5 MR. SHELLER: Expansion or endorsement  
6 or --

7 MR. BLACKISTONE: Press on it.

8 MR. GAUDETTE: They need some  
9 endorsement of some type. Yeah, I know at all the  
10 shows they're always there, they're the ones that  
11 go for the officers for the shows and they do other  
12 special events. When we did our noise --

13 MR. JONES: They were involved, they did  
14 all --

15 MR. GAUDETTE: They did all they  
16 monitoring for that, they're a pretty active group.

17

18 MR. SHELLER: I don't even know how many  
19 there are.

20 MR. GAUDETTE: There's quite a few of  
21 them that get involved in that. I don't know how

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 many numbers off the top of my head, but it's not a  
2 small number.

3 MR. SHELLER: More than there are DNR  
4 police?

5 MR. GAUDETTE: No, no, no, no, much  
6 smaller, 50, 75.

7 MR. SHELLER: One thing I learned about  
8 the DNR, they're not just sitting around and  
9 patrolling the water, they're doing hunting and --

10 MR. GAUDETTE: They do it all, plus you  
11 have to go to court and prepare cases, there's a  
12 lot to it.

13 MR. SHELLER: One of those hearings we  
14 went to there was only five policemen for the  
15 county, paid, you know, sworn officers.

16 MR. GAUDETTE: Right, that's right.

17 MR. SHELLER: How the county works.

18 MR. GAUDETTE: That's right, Baltimore  
19 County or something like that. Baltimore County  
20 has a pretty active group, I think they came to our  
21 hearings, right, the one in Dundalk? They're a

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 topnotch group, a small group but very good.

2 MR. SHELLER: I don't know if we can do  
3 that.

4 MS. TROVATO: I think they're new in  
5 here.

6 MR. GAUDETTE: I think they've had some  
7 press in there before, the reserve officers. First  
8 thing that came to mind was the Natural Resources  
9 magazine.

10 MS. TROVATO: This is a new magazine.

11 MR. GAUDETTE: It is, it is, especially  
12 that back cover.

13 MS. TROVATO: Awesome.

14 MR. GAUDETTE: The picture was taken by  
15 her husband, Chip Price.

16 MR. BLACKISTONE: Where is this  
17 distributed?

18 MR. GAUDETTE: I know they have them at  
19 DNR throughout the building, you can see it online.

20 MS. GUITERREZ: It's by subscription  
21 also. It's mailed to people all over the state and

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 beyond. It's online in a reduced format, but it's  
2 always free at our regional service centers at DNR  
3 and state parks. It's, what is that, quarterly?

4 MR. GAUDETTE: Right, we're in it almost  
5 every single issue.

6 MS. GUITERREZ: Actually, this issue we  
7 have our clean marina program is featured in there.  
8 Bob has -- if you turn to the page before the last  
9 page -- Bob has a recipe for stuffed shrimp in  
10 there.

11 MR. GAUDETTE: That's right, the  
12 important stuff.

13 MS. GUITERREZ: So, you know, it must be  
14 a slow news month, they picked up on boating.

15 MR. GAUDETTE: We're very active in that  
16 magazine, we've had a lot of articles in it, a lot.

17 MS. GUITERREZ: One note about the  
18 reserve officer program, it's an excellent group of  
19 guys and they are divided regionally through the  
20 state so they do help us with boat shows. Guys  
21 from different regions come and we're actually next

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 to the Coast Guard Auxiliary every year, we share  
2 booth space and, you know, what we're seeing the  
3 problem with the reserve officers is just an aging  
4 population, that just like the active officers, you  
5 know, there are certain age group where we really  
6 had a high number of officers and it's the same for  
7 the reserve officers and we're seeing that  
8 population aging and not being replaced by a  
9 younger generation, so, you know, any effort to  
10 promote I think is a really great idea.

11 MR. GAUDETTE: Great suggestion.

12 MS. ALLISON: If someone wanted to get  
13 involved with the reserve program, how do they do  
14 it?

15 MS. GUITERREZ: Colonel Johnson, you can  
16 contact any Natural Resources --

17 MR. GAUDETTE: Any police officer will  
18 tell you.

19 MS. GUITERREZ: Any active officer or  
20 you can talk to reserve officers who are always,  
21 you know, with us at our boat shows. There's an

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 online DNR web page, you can just Google DNR  
2 Natural Resources Police and it will get you right  
3 to there, and they're always --

4 MR. GAUDETTE: I don't think you can  
5 strap on a gun though, can you?

6 MR. PARLIN: No.

7 MS. GUITERREZ: I have met reserve  
8 officers who their wives became a reserve officer,  
9 that's their thing, they go out as a couple and do  
10 courtesy checks.

11 MR. DWYER: That's because they didn't  
12 trust them.

13 MS. GUITERREZ: It's a, it's a great  
14 thing, so.

15 THE CHAIRMAN: That's an all volunteer  
16 group, strictly volunteer so many hours?

17 MS. GUITERREZ: Right, and they give a  
18 lot of their time, so it's really a great service.

19 MR. JONES: Underlying all of this, need  
20 for more police, the fact that we have reserve  
21 police, probably not enough, is the fact that

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 deaths in Maryland rose to 25.

2 MR. GAUDETTE: Actually that was a big  
3 part of the colonel's testimony this year, this is  
4 the highest we've had in a long time.

5 MR. SIMON: The highest?

6 MR. GAUDETTE: Highest, yeah, it was  
7 really a bad year for deaths.

8 MR. JONES: It's over the average of the  
9 last 16 years.

10 MR. GAUDETTE: Correct, correct. We  
11 don't know exactly why that is, if it's just  
12 because people didn't go out for a while and new  
13 people coming in, it could be a bit of each, but  
14 there was a huge spike this year. Just boating  
15 deaths.

16 MR. JONES: Only one of those had on a  
17 life jacket.

18 THE CHAIRMAN: How many?

19 MR. JONES: 25.

20 MR. GAUDETTE: If you don't wear a life  
21 jacket you're really taking your life in your

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 hands.

2 MR. SHELLER: I think one of the things  
3 about the boating industry is the demographics are  
4 changing radically. People our age getting out of  
5 boating and we have new younger folks getting in  
6 and they're not boating -- you know, these  
7 ballasted boats and wakesurfing and all that other  
8 stuff, kite surfing, these are all new sports that  
9 didn't exist 10 or 15 years ago and it's a new  
10 population on the water, which may be more at risk  
11 than the traditional boating.

12 MR. GAUDETTE: Right. Yeah, Amy said  
13 she's going to take up wakeboarding to get more in  
14 tune.

15 MS. CRAIG: You may be surprised.

16 MR. GAUDETTE: You're absolutely right,  
17 that's certainly one of the hottest new sailing  
18 boats there is. Just drive down 50 and look at  
19 them lined up everywhere.

20 MR. SHELLER: We see in this terms of  
21 sales, you know, marketing.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MR. GAUDETTE: Those boats aren't cheap.

2 MR. SHELLER: No.

3 MR. GAUDETTE: Expensive boats.

4 MR. JONES: The law in Maryland is if  
5 you're born after June 1, 1972 you have to have a  
6 boating education class. So you have to be under  
7 40.

8 MR. GAUDETTE: Right.

9 MR. JONES: Half the deaths were people  
10 over 40.

11 MR. GAUDETTE: Interesting.

12 MR. SIMON: Is that right?

13 MR. JONES: Yes, half the deaths are  
14 people over 40.

15 MR. GAUDETTE: That's interesting.

16 MR. SHELLER: Gas prices.

17 (Discussion held off the record.)

18 MR. GAUDETTE: Just one last  
19 announcement for me, I'm retiring June 1st,  
20 retiring June 1st and I'm -- I've got about 36  
21 years in the system, so with that --

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MR. JONES: It's that time.

2 MR. GAUDETTE: My wife retired in  
3 January, so we're going to be staying home for six  
4 months or so and working on the house and then I  
5 think we're going to be hitting the road and  
6 traveling the country, so.

7 MR. JONES: Good for you.

8 MR. GAUDETTE: Lisa Gutierrez is going  
9 to be acting director in the interim.

10 (Applause.)

11 MR. GAUDETTE: And I'm meeting with the  
12 Secretary on Thursday and having a discussion on  
13 basically where we're going to go as far as  
14 selecting a replacement for me, so I certainly have  
15 enjoyed my years in working with this committee and  
16 all of you. It's been a very pleasurable  
17 experience for me, very rewarding experience, I  
18 have certainly learned a lot from all of you and  
19 I'm certainly going to continue to be a boater for  
20 the rest of my life, canoe, kayak and power, the  
21 whole bit, and I just want to thank everyone for

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 all your cooperation with me over the years. I  
2 think it's been fun, we got a lot done and I just  
3 want to appreciate and thank you for all your help.

4 (Applause.)

5 MR. GRANT: I believe that Jeannine sent  
6 last year's disposition to everybody  
7 electronically, but in case you didn't, I want to  
8 go over them real quickly. We took a while to get  
9 the Secretary to sit down and look at these this  
10 year. Once we did, it was a good discussion on a  
11 couple of points. But most of the proposals he  
12 accepted, Mallows Bay of course, Upper Potomac,  
13 Smoot Cove, the C&D Canal speed limit and vessel  
14 noise were no-brainers, he went with those, as did  
15 he go with both Elk Rivers, St. Thomas, Oyster  
16 Creek, Mill Creek, Severn Narrows, Slaughter Creek  
17 and Middle River. He adopted Rock Creek with your  
18 modification extending Wall Cove out a bit more  
19 into the creek itself. Chester River, long  
20 discussion about the Chester River. Originally you  
21 went with take no action; he decided with staff and

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 discussion to modify that to a reduced speed zone  
2 in front of the marina for a limited time during  
3 the year from May 1st to September 15th, six-knot  
4 zone. We were -- not our normal boating season.  
5 The discussion was around the fact that Rolph's  
6 Wharf, just around the corner, even though they  
7 have a fuel pier they have a six-knot zone. It's  
8 because the channel runs right up past them as it  
9 does in front of Chester River, so it's a short --  
10 it's about 200 yards north of the marina and two  
11 south out to the Queen Anne/Kent line, and that's  
12 only from May 1st to September 15th. The rest of  
13 the year it's normal speed limit.

14           The other issue was Miles River. Your  
15 recommendation was to bring the speed limit from  
16 the harbor out a bit from Miles Point down to the,  
17 I believe where the clam line intercepted the main  
18 harbor, the main channel. He elected to take no  
19 action at all. So it was completely dropped and  
20 that's where that stands. Do you have any  
21 questions on that?

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1           MR. PARLIN: That group had a meeting  
2 with the Secretary.

3           MR. GRANT: Yes, a meeting was called  
4 with Judge North and an attorney, Omer Brown, who  
5 sat with the Secretary and Bob and myself, and they  
6 pleaded their case to no avail, but we don't know  
7 if that's a done deal, but it's certainly done as  
8 far as the state of Maryland, the way that we  
9 operate, because no action was taken. There's no  
10 recourse except for three years from now. We're  
11 sure they'll probably try to again.

12           MR. KLOOSTRA: So it starts the  
13 three-year clock because we did look at it?

14           MR. GAUDETTE: Yes.

15           MR. GRANT: Yes, because it was take no  
16 action, they can take no action through our  
17 process. Now, they may elect to do something else.

18           MS. TROVATO: Could you say again the  
19 decision on the Chester River?

20           MR. GRANT: The Chester River was to  
21 impose a six-knot, from 200 yards north to 200

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 yards south to the Kent/Queen Anne County line May  
2 15 through September 15th. What that does  
3 essentially is allows the crew people from  
4 Washington College to still operate their regattas,  
5 but the rest of the time -- because they run from  
6 the fall through the winter, but not during the  
7 summer.

8 MS. TROVATO: So that's the whole length  
9 of the river?

10 MR. GRANT: No, just Kent/Queen Anne  
11 County line, it's basically to the eastern side of  
12 the channel.

13 MS. TROVATO: Okay.

14 MR. GRANT: There's plenty of deep water  
15 on the Queen Anne County side, so you can still  
16 recreate over there, ski, et cetera, and it's only  
17 200 yards north and south, it's a nice size, and  
18 needless to say they were thrilled.

19 MR. BLACKISTONE: I have a question. We  
20 voted a certain way on the Miles River, for  
21 example.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MR. GRANT: Yes.

2 MR. BLACKISTONE: Leaves this committee  
3 and goes to the Secretary at some point like you  
4 said.

5 MR. GRANT: Correct.

6 MR. BLACKISTONE: So I also gather that  
7 the Secretary can not agree with what --

8 MR. GRANT: You're making a  
9 recommendation to him.

10 MR. BLACKISTONE: We what?

11 MR. GRANT: You're making a  
12 recommendation, you all as a group.

13 MR. BLACKISTONE: He can take it or not?

14 MR. GRANT: Absolutely.

15 MR. BLACKISTONE: So then it means Judge  
16 North and those people can go in and try to sway  
17 the Secretary and try to overturn what the Boat Act  
18 recommended.

19 MR. GRANT: Absolutely. If -- and  
20 because it was take no action they have no  
21 recourse. If the Secretary went with your

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 recommendation, to modify it, they could come back  
2 and ask for a hearing because an action was taken,  
3 albeit not what they liked, they could come back  
4 and ask for a public hearing like we did for St.  
5 Leonard, or if the Secretary adopted it and  
6 somebody else didn't like what happened, that group  
7 with 50 signatures, can call for a public hearing,  
8 so the only place where no one has any recourse  
9 through our system is take no action.

10 MR. GAUDETTE: I think if the Secretary  
11 had a major change to something that was radically  
12 different than what you had proposed he would come  
13 back to you.

14 MR. BLACKISTONE: That's what I was  
15 looking for.

16 MR. GAUDETTE: I thought that's where  
17 you were headed, if it was going to be a radical  
18 change to add something that was much different, I  
19 think he would want to come back to you and get  
20 your opinion on that.

21 MR. GRANT: Yeah, he wouldn't --

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 exactly.

2 MR. BLACKISTONE: That's what I --

3 MR. GAUDETTE: I want that on the  
4 record.

5 MR. BLACKISTONE: Are you speaking for  
6 the Secretary?

7 MR. GAUDETTE: Yes, I am.

8 MR. GRANT: And he also consults NRP.  
9 All right, any other questions on last year? All  
10 right, this year. We have four, four, period,  
11 done. As of the 15th, it's over for this year.  
12 Four have been accepted and that's all, time is  
13 out.

14 MR. KLOOSTRA: I think that's because  
15 you did a good job.

16 MR. GRANT: I will tell you there were  
17 three people that we had long discussions with and  
18 they agreed that perhaps it wasn't the thing to do.

19 MR. KLOOSTRA: Good for you.

20 MR. JONES: Good for you.

21 MR. GRANT: Takes a year.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MR. KLOOSTRA: Thank you.

2 MR. GRANT: Let's see, all right.

3 (Discussion held off the record.)

4 MR. GRANT: All right. First one up  
5 is -- sorry for the light. Can everybody see this  
6 all right? This is South River at Riva Bridge --  
7 on the back side of your agenda, a list of this  
8 year's requests. This comes as a result of your  
9 former leader, Mr. Lunsford, who has nothing better  
10 to do since he finished cleaning out his garage.  
11 What he's requesting is going from all year at six  
12 knots to just weekends during boating season. Same  
13 area, he just wants it to change from all the time  
14 to just weekends. His contention is this was done  
15 because of this marina, at the request of the folks  
16 at this marina right here, which is still empty.

17 MR. McLEAN: Well, there's a reason it's  
18 empty, since you used the word empty, he threw all  
19 of his customers out because he wanted more parking  
20 for his restaurant customers, three cars to a boat  
21 or whatever, so he said I'm not renewing your

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 contract so he has more room for his restaurant  
2 parking.

3 MR. GRANT: That's interesting.

4 MR. McLEAN: It's enterprising. Mike's  
5 owns Paul's too. Is he saying he wants them to run  
6 wide open?

7 MR. GRANT: No, no, no, no, it's six  
8 knots at all time during the boating season.  
9 Mr. Lunsford would like it changed to just Saturday  
10 and Sunday and holiday during the boating season.

11 MR. McLEAN: So on Tuesday afternoon you  
12 could run through it wide open?

13 MR. JONES: I don't like that.

14 MS. CRAIG: Yeah, I don't like that  
15 either.

16 MR. PARLIN: We'll cover that during the  
17 meeting.

18 MR. GRANT: I could have had Bob here,  
19 but -- any other questions on the first one? All  
20 right, staying on the same river, back up here,  
21 here's Riva, here's Route 2, these are all existing

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 regulations in red. This map actually came from  
2 the petitioner, so he did a pretty thorough job.  
3 This is Edgewater Beach, my mother-in-law lives  
4 right there. This area right here --

5 MR. SIMON: Be more specific when you  
6 say Edgewater Beach.

7 MR. GRANT: This is Edgewater Beach  
8 right here.

9 MR. KLOOSTRA: Community.

10 MR. GRANT: The community of Edgewater  
11 Beach, this is Chestnut Hill, the old police  
12 station is right here, Pier 7 -- well, Coconut  
13 Joe's. Dating people, dating, dating.

14 MS. CRAIG: Pier 7 is still there.

15 MR. GRANT: The marina is there, but we  
16 digress. Marker 17, here's the point of land for  
17 Edgewater Beach, it's about 240 feet offshore.  
18 This area, you see the distance to the Riva Bridge,  
19 Riva zone is 2800 feet and the Route 2 zone is 665  
20 feet and across the river is about a thousand, 1100  
21 feet right here. They're requesting a six-knot

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 zone right here at all times, somehow. Their  
2 contention is that they're getting excessive wake  
3 from larger vessels. This shoreline is literally  
4 at sea level. I have pictures, which I didn't  
5 bring, but this, number one, this whole area is  
6 bulkheaded, from here, either stone or wooden or  
7 some way, shape or form. This area right here  
8 there's a brand new pier comes out, it's connected  
9 here to the point and back to the community here.  
10 This is the only area of sandy beach right in here.

11 The bulkhead that runs from this point  
12 all the way around is barely above the water line  
13 so there's a lot of erosion behind it because the  
14 waves come overtop of it.

15 MS. CRAIG: Has the level of the land  
16 changed?

17 MR. GRANT: Has it changed?

18 MS. CRAIG: Yes, was it above sea level  
19 before?

20 MR. GRANT: Well, when I say it's at sea  
21 level, it's probably maybe a foot.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MS. CRAIG: Right. Was it before?

2 MR. GRANT: I don't know. At high tide,  
3 I was walking with a gentleman there's a lot of  
4 debris halfway up this field right here from high  
5 water and that's part of the reason this whole  
6 bulkhead is toast. This is a huge shoal right in  
7 here, it's maybe two feet of water. Local  
8 knowledge of course, they come screaming through  
9 there. Most people run out here, but some people  
10 cut through here. He'd like somehow to create this  
11 six knots at all times within here. I don't know  
12 if that's possible.

13 MR. DWYER: If he's that low the wind  
14 could generate it when he comes over there.

15 MR. GRANT: Absolutely.

16 MS. CRAIG: My point is the level of  
17 land, if it hadn't changed in 50 years --

18 MR. GRANT: Right. But this evidently,  
19 one fellow grew up in Edgewater Beach and he says  
20 this has always been the same, always been a  
21 sandbar going out here, really hasn't changed that

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 much.

2 MR. JONES: What color is the marker?

3 MR. GRANT: 17, and 18 is up here and  
4 there's a beacon up in here.

5 MR. JONES: Really shallow up there.

6 MR. GRANT: What we've done now, I think  
7 we mentioned it last year that hydrographics, Louis  
8 Wright over in hydrographics has been reviewing all  
9 the points for all of our regulations and we're  
10 marking everything exactly where they're supposed  
11 to be. Speed zone, literally, the marker is here  
12 and here, that's where the speed zone is. It's not  
13 before or after, that's where it is. So these  
14 people are worried this is where it is, people are  
15 going to slow down and accelerate right in front of  
16 the beach. But, you know, it's where it is. Same  
17 thing up here, everything is being marked exactly  
18 in the right way.

19 This whole pier that comes out about  
20 here, with the vessels in it it's kind of  
21 protecting this beach. I mean it's -- I can see

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 the rocks, when you're standing out on that point  
2 it looks like the boats are right there in front of  
3 you.

4 MR. BLACKISTONE: Where is a house?

5 MR. GRANT: Right along here. This is  
6 all bulkheaded --

7 MR. McLEAN: The houses are waterfront.

8 MR. GRANT: Ripped, all waterfront  
9 along here and along here.

10 MR. BLACKISTONE: It floods.

11 MR. GRANT: This is community beach area  
12 all the way out around like this.

13 MR. KLOOSTRA: Community public beach.

14 MR. BLACKISTONE: Is it underwater a  
15 lot?

16 MR. GRANT: During high tides I'm sure  
17 it is. During a storm event I'm sure it's way  
18 underwater, and on a good weekend I'm sure with all  
19 the vessels on the South River there's a lot of  
20 wave action there, but the bulkhead is toast, it  
21 needs to be rebuilt.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MR. SIMON: Whose property is it?

2 MR. GRANT: Edgewater Beach Community  
3 Association. So that's number 2. Any other  
4 questions on that one?

5 We move up the bay. Susquehanna at  
6 Havre de Grace, Heron Harbor Marina. Havre de  
7 Grace is a little farther up, Tidewater Marine is  
8 up. I have another slide after this one. There's  
9 an existing speed limit now for this area, it's  
10 about 600 feet off -- here's the lighthouse, by the  
11 way, right in here -- about 600 feet out and about  
12 2100 feet long is the existing speed limit, six  
13 Saturday, Sunday and holiday during the boating  
14 season. This is actually a pier that doesn't show  
15 up on Google, but this is the pier that the  
16 gentleman has his vessel at and he's concerned for  
17 himself and kayakers and small boats, et cetera,  
18 because they go too fast in here, and I said but  
19 sir, this is an existing speed limit, he said they  
20 don't pay attention to it. I said you have NRP  
21 right over here, right around the corner, you

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 should call them. And while I was up there I met  
2 with the gentleman in Bel Air and I sat up here and  
3 watched for a while, some guy came zipping up  
4 through here, out comes NRP. This was a month,  
5 month and a half ago. So I said, Mr. Freeman, you  
6 really have to call NRP, they're right around the  
7 corner. I don't want to bother people. Get your  
8 friends to call. We don't want to make trouble.  
9 Okay, but you have to understand something, we have  
10 an existing speed zone in here that has to be  
11 enforced, it's an enforcement issue, not a question  
12 of a new speed zone. Well, et cetera, et cetera,  
13 so I actually got NRP to call and spoke with him  
14 and we came down to this is what he really wants to  
15 do.

16           The yellow is the existing zone,  
17 Tidewater Marine is up here, Amtrak bridge, Red 18,  
18 Red 2, Big Stone Quarry as you know comes down to  
19 Love Point to Langenfelder's. He wants to shut the  
20 whole river down. He said there will be no  
21 question if we do that. NRP is right here. Right

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 down here in the bottom left-hand corner.

2 MR. KLOOSTRA: And the petitioner is  
3 where that little red circle is?

4 MR. GRANT: That's where he is.

5 MR. DWYER: He didn't want to stir up  
6 any trouble?

7 MR. GRANT: Partly.

8 MR. KLOOSTRA: Shall we save him?

9 MR. GRANT: I tried. I e-mailed him  
10 back and forth, I think Lisa saw one of them.  
11 Evidently, there was a death right up in here just  
12 back inside Tidewater, inside a bulkheaded marina,  
13 in a basin, and his contention was because of undue  
14 wakes the gentleman was thrown off his vessel and  
15 drowned. I spoke with NRP and they said not quite.  
16 The elderly gentleman was pushing his vessel off of  
17 a piling and stretched a bit, went in and was  
18 searching for his wallet and they got him up on  
19 land and he passed on the way to the hospital, so  
20 that wasn't exactly it.

21 His contention is he's been thrown off

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 his own vessel a number of times, damage. We have  
2 no reports, NRP has nothing to back it up, not a  
3 problem one that they've heard about, and I keep  
4 telling people, and I do this at every  
5 conversation, NRP will not respond unless they hear  
6 from you. They can't be everywhere, they're short  
7 of people. The more backup you have as far as  
8 reports, which we need to make a decision, the  
9 better chances you have of getting something  
10 changed, but they have nothing. That's where it  
11 stands. That's an interesting one.

12           The next one is up the Gunpowder. This  
13 is Railroad Creek. I have a larger slide next.  
14 Gunpowder runs up over here, Joppa is a little  
15 higher up over here. This is about a four foot  
16 deep channel that was just recently dredged in this  
17 old community out here, 348 feet wide in between  
18 these two piers. This literally runs right along  
19 people's docks, and it's an old community, it's an  
20 old Baltimore community, small piers, small boats.  
21 This runs a little farther here. This community

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 here and across the street uses this private ramp  
2 over here. There's a little teeny beach, these two  
3 or three homes on stilts right here actually have  
4 short channels that they had to dredge themselves  
5 to get over here to this channel. Everywhere else  
6 it's about two and a half feet. These folks  
7 contend that people come zipping through here right  
8 off their pier and rock their vessels to no end.

9 As we do every year, we sent notice to  
10 all the elected officials in the area and one took  
11 the liberty of adjusting our memo and sending it  
12 out and this person got ahold of it and blew up and  
13 said, you know, we respect the speed limit anyway,  
14 I don't know why we need a speed limit in there. I  
15 wanted to say well, if you respect it, then why  
16 would you mind, but I couldn't say that. We gave  
17 them four signs to post all along here, they're  
18 going to erect. These folks are probably going to  
19 fight it, but that's their request to make this --  
20 first they wanted minimum wake, no wake, don't even  
21 come in here. I said you can't get that, we can go

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 with six knots at all times, request that, and  
2 they're happy to try that.

3 MR. KLOOSTRA: What's the direction to  
4 the bay there?

5 MR. GRANT: In here, coming out --

6 MR. KLOOSTRA: On the previous slide  
7 it's up to the left.

8 MR. GRANT: Yeah, you come on up, come  
9 up from the side here, there's a bridge right here,  
10 Amtrak right here, and Joppa is up in here, so the  
11 bay is right down in here, come down this way.

12 MR. KLOOSTRA: Back it up again, I'm  
13 still confused.

14 MR. GRANT: Well, I can't, it's a solid  
15 picture, I can't. The bay is down in here.

16 MR. DWYER: Go back to the previous  
17 picture.

18 MR. GRANT: Sure. It was over here.

19 MR. KLOOSTRA: This is north and so to  
20 get out of there you got to go to the northwest to  
21 go around the peninsula and come back around.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 MR. GRANT: Right.

2 MR. DWYER: That's why the people want  
3 to complain. No speed limit now?

4 MR. GRANT: No.

5 MR. DWYER: How many reports of  
6 accidents?

7 MR. GRANT: None.

8 MR. KLOOSTRA: No deaths or damage or --

9 MR. NICKEL: Don't want to bother  
10 anybody.

11 MR. SHELLER: This is another dead-end  
12 community only thing?

13 MR. GRANT: Yeah, these folks all along  
14 here, all along the channel that they just had  
15 dredged. Now, I will tell you, and it's the size  
16 of your vessel, and they have some pretty small  
17 T-head slips, I mean, just squeeze your boat in  
18 there and I'm sure they get rocked, even with  
19 probably six knots they get rocked, but they paid  
20 to have the whole things dredged and now these  
21 folks come zipping over here and zipping out

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 according to them.

2 MR. SIMON: Who paid for the dredging?

3 MR. GRANT: They said they had it  
4 dredged.

5 MR. GAUDETTE: Railroad Creek doesn't  
6 ring a bell as one of ours, it could have been a  
7 private community project.

8 MR. GRANT: It's a big community.

9 MR. DWYER: All those boats are low  
10 boats to clear that railroad bridge.

11 MR. GAUDETTE: Exactly correct.

12 MR. GRANT: Right.

13 MR. SHELLER: And that whole length is  
14 about a quarter of a mile or so.

15 MR. GRANT: It's about two and a half  
16 feet on average, so I mean you got nothing the rest  
17 of the time. It's illegal to run a Jet Ski under  
18 18 inches anyway, so that's that.

19 And we're still going to be looking at,  
20 you already approved this last year, the wake-  
21 surfing and the ballast issue, that's going to be

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 proceeding with the proper legal channels. We  
2 expect there might be a hearing for that as  
3 required, as requested. We'll let you know if that  
4 comes up. Other than that that's it. Any other  
5 questions?

6 THE CHAIRMAN: You think you'll be  
7 scheduling those in October?

8 MR. GRANT: That's -- yes, probably.

9 THE CHAIRMAN: Probably October.

10 MR. GRANT: Maybe a little sooner. I  
11 mean, to be honest with you, most of these, I mean  
12 we can go out on the boat as much as you like, I  
13 love that, that's fine, all of you are welcome as  
14 you know. A lot of them are land view, it's that  
15 easy, so we can go either way, whatever you want to  
16 do, we can load up the truck, we can load up the  
17 boat, whatever you want to do. I'll get a schedule  
18 out in the near future, I've got some more signs to  
19 deliver around the bay. A couple of them, of the  
20 requests this year, I've solved by saying would you  
21 please start with a couple of signs and see what

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 happens and we've been successful. Chester  
2 River -- Corsey River is one, and that's four signs  
3 here, and I'm going to take a couple down to  
4 Sparrows Point and someplace else and put them out.

5           Anyway, we're redesigning our website  
6 and we're trying to include under the section that  
7 speaks to requesting a regulation, how to do so, a  
8 little blurb says let's think about this before you  
9 go this route, this is what could happen, these are  
10 the end results, this is how it would affect you  
11 and your neighbors, do you really want to go this  
12 route; is there another way to solve the problem,  
13 is there a regulation existing, is it an  
14 enforcement issue, which we all know is about 90  
15 percent of the time. So we're trying to do that  
16 first, and I know you love these meetings and love  
17 coming to them, but there's some things that maybe  
18 we can avoid by a little more attention to detail.

19           MR. KLOOSTRA: You said four signs,  
20 six-knot signs, no wake signs?

21           MR. GRANT: Caution, you're responsible

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 for your wake.

2 MR. KLOOSTRA: Okay, when you say signs,  
3 that's what you mean.

4 MR. GRANT: That's the only thing that  
5 we can put out without your official  
6 recommendation.

7 MR. PARLIN: What do you have on Crystal  
8 River?

9 MR. GRANT: Caution, you're responsible  
10 for your wake. It's right at the end of Fox Drive.  
11 Coming in, you go right to center, just before that  
12 on the left.

13 MR. DWYER: Gray Fox Run.

14 MR. GRANT: Exactly. He's going to put  
15 it on a heron's nest pole.

16 MR. DWYER: Anderson.

17 MR. GRANT: What is it again?

18 MR. DWYER: Anderson.

19 MR. GRANT: No, Stokey -- Shockley  
20 (phonetic), Shockley.

21 So that's where we stand, folks, and

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 again, the 15th was the cutoff dates for any  
2 request. Unless we hear from the higher ups that  
3 one comes through, we're done. We have four to do  
4 this year.

5 MR. SHELLER: Just one observation, on  
6 wakes, we have in Rock Hole Creek, the creek itself  
7 has, you know, 11 or 12 marine businesses and  
8 marinas and stuff like that, it's a busy  
9 recreational boating harbor and it's a nice  
10 location, but it's landlocked and the creek is only  
11 200 feet wide probably at the widest and there's  
12 boat ramps, but I think a lot of people don't  
13 understand what a wake is, because we have these  
14 signs up that say you're responsible for your wake  
15 and my piers are a hundred feet out to the channel  
16 and the channel runs right off my T-dock,  
17 literally, you know, the dredge came through and we  
18 had to move the boats out of the way so the dredge  
19 could come through, several years ago.

20 MR. DWYER: Sounds like you were  
21 anchored in the channel.

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1                   MR. SHELLER: That's the other side.

2                   MR. GRANT: But we digress.

3                   MR. SHELLER: The point is we see a lot  
4 of people going up and down all the time, they're  
5 not exceeding six knots, but that outboard motor is  
6 two-thirds underwater and the wake is coming up  
7 like that and we don't have the 100-foot standoff  
8 on each side of the creek, even though we're  
9 bulkheaded and stuff like that, and we have the  
10 signs at the end of the pier, you know, you just  
11 get a lot of these angry stares as people are going  
12 down the creek oblivious to the fact that the boats  
13 are going up and down like that. It's just a fact  
14 of life in a lot of places, it's tough, you know, I  
15 don't know the right answer to that.

16                  MR. GRANT: I think it's enforcement. I  
17 think if the word get outs that NRP is handing out  
18 recommendations to people to slow down enough times  
19 I think it will work. It's just getting the  
20 officers there, as we know. For instance, from Key  
21 Bridge to Sandy Point State Park, two officers,

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

1 two, that's all. That's crazy. That's it. So I  
2 mean --

3 MR. NICKEL: What was our recommendation  
4 when we were talking about the wave height and  
5 distance?

6 MR. GRANT: I believe we agreed that one  
7 foot within a marina is acceptable, that seems to  
8 be the standard.

9 MR. NICKEL: What was the distance that  
10 we were gunning for from the shoreline?

11 MR. GRANT: 200 for --

12 MR. GAUDETTE: For wakesurfing it was  
13 200 feet. 200 feet when you're generating a large  
14 wake for wakesurfing activity, no matter what kind  
15 of a boat it is, you generate a four-foot wake at  
16 that point, at 200 feet it will dissipate down to  
17 approximately one foot.

18 MR. GRANT: Any other questions? I'll  
19 be getting a schedule out for trips here in the  
20 near future, but aside from that, may be an earlier  
21 lunch.



**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

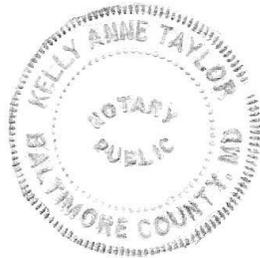
1 STATE OF MARYLAND  
COUNTY OF BALTIMORE

2

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

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*Ky Anne Taylor*

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Kelly A. Taylor, Notary Public

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## Transcript of Maryland Boat Act Advisory Committee Meeting Taken April 17, 2012

<b>A</b>	42:13,20	82:6	<b>anticipate</b> 18:16	<b>aside</b> 82:20	65:9 71:10
<b>AAG</b> 1:19	<b>adds</b> 9:14	<b>agreement</b> 4:6	<b>anybody</b> 29:2	<b>asked</b> 19:10	71:12 72:2
<b>able</b> 30:8	<b>adjourned</b> 83:16	30:16,18	75:10 83:1,8	27:12	74:12,16,21
<b>above-entitled</b> 1:5	<b>adjunct</b> 20:4	<b>aground</b> 12:1	83:13	<b>asking</b> 19:18	<b>backed</b> 8:19
<b>absolutely</b> 35:7 39:5	<b>adjusting</b> 73:11	<b>ahead</b> 5:9 8:6	<b>anymore</b> 9:11	21:18	<b>background</b> 13:1 26:20
40:7 52:16	<b>administrati...</b> 6:11,20 9:12	9:16,20	9:18 33:17	<b>Assembly</b> 4:5	<b>backup</b> 72:7
59:14,19	<b>adopted</b> 55:17	11:16 14:14	<b>anyway</b> 12:13	4:14 11:6	<b>back-door</b> 21:14
66:15	60:5	19:1,10,14	13:4 19:4	22:16	<b>assessing</b> 18:4
<b>abstain</b> 31:20	<b>adults</b> 16:17	20:5 30:16	27:11 44:2	<b>associated</b> 15:3	<b>bad</b> 5:15
37:7	<b>advancement</b> 28:5	30:18 31:13	73:13 76:18	<b>association</b> 26:1 69:3	11:14 38:20
<b>accelerate</b> 67:15	<b>advertisement</b> 18:10	35:6,17 41:8	78:5	<b>associations</b> 37:4	51:7
<b>acceptable</b> 82:7	<b>advertisers</b> 28:17	<b>ahold</b> 73:12	<b>appear</b> 30:13	<b>assume</b> 23:13	<b>ballast</b> 76:21
<b>accepted</b> 55:12 61:12	<b>advisory</b> 1:1	<b>Air</b> 70:2	<b>appearance</b> 30:20	<b>attach</b> 9:20,21	<b>ballasted</b> 52:7
<b>accidents</b> 75:6	28:12,16	<b>AI</b> 9:3 24:13	<b>appears</b> 30:11	28:15	<b>ball's</b> 25:5
<b>accommoda...</b> 6:17	29:3,11	25:15 31:1	<b>Applause</b> 54:10 55:4	<b>attached</b> 38:3	<b>Baltimore</b> 46:18,19
<b>accurate</b> 84:6	30:14 31:3	34:12	<b>application</b> 18:1 20:6	<b>attaches</b> 9:16	72:20 84:1,4
<b>acknowledg...</b> 44:17,20	38:5,14	<b>albeit</b> 60:3	<b>applied</b> 10:19	<b>attack</b> 15:19	<b>barely</b> 65:12
<b>Act</b> 1:1 28:12	39:10,12	<b>alcohol</b> 16:17	<b>apply</b> 29:2	<b>attended</b> 29:6	<b>barge</b> 9:5
28:16 29:11	<b>advocacy</b> 39:2	<b>alive</b> 13:3	<b>appointed</b> 27:6,10	<b>attention</b> 69:20 78:18	<b>barges</b> 14:12
30:14 31:3	<b>advocate</b> 43:8	<b>Allison</b> 1:12	35:12	<b>attorney</b> 30:9	<b>based</b> 19:21
38:5 39:10	<b>advocating</b> 28:4 38:17	13:11 16:13	<b>appreciate</b> 55:3	30:12 36:6	<b>bash</b> 14:9
39:12 59:17	<b>affect</b> 36:18	23:13 49:12	<b>approved</b> 23:18 76:20	57:4	<b>basically</b> 8:14
<b>acting</b> 1:18	78:10	<b>allows</b> 58:3	<b>approval</b> 57:4	<b>authorization</b> 29:18	8:21 9:12,14
54:9	<b>aforegoing</b> 84:5	<b>Alvin</b> 1:15	<b>approximat...</b> 82:17	<b>Auxiliary</b> 49:1	11:8 12:13
<b>action</b> 55:21	<b>afternoon</b> 63:11	27:6,10	<b>April</b> 1:6	<b>avail</b> 57:6	14:5,10 15:7
56:19 57:9	<b>age</b> 49:5 52:4	35:12	<b>area</b> 32:14	<b>average</b> 51:8	15:15 17:9
57:16,16	<b>agenda</b> 2:1	<b>amended</b> 15:5	37:4 62:13	76:16	24:3 27:21
59:20 60:2,9	62:7	<b>amount</b> 5:13	64:4,18 65:5	<b>avoid</b> 12:4	28:2 29:13
68:20	<b>aging</b> 49:3,8	12:19 42:20	65:7,10	78:18	31:11 54:13
<b>active</b> 45:16	<b>ago</b> 24:14 25:3	<b>Amtrak</b> 70:17	68:11 69:9	<b>awareness</b> 44:20	58:11
46:20 48:15	27:11 29:9	74:10	73:10	<b>Awesome</b> 47:13	<b>basin</b> 71:13
49:4,19	38:21 39:1	<b>Amy</b> 1:15	<b>areas</b> 12:9	<b>a.m</b> 1:7 83:16	<b>bathrooms</b> 21:18
<b>activity</b> 82:14	52:9 70:5	52:12	<b>argument</b> 6:10		<b>bay</b> 41:16
<b>add</b> 40:2	80:19	<b>analyze</b> 5:10	<b>arguments</b> 6:8	<b>B</b>	55:12 69:5
60:18 83:2	<b>agree</b> 10:14	<b>anchored</b> 80:21	<b>around-the-...</b> 7:4	<b>back</b> 4:7 21:3	74:4,11,15
<b>adding</b> 9:15	59:7	<b>Anderson</b> 79:16,18	<b>arrested</b> 16:4	21:21 26:6	77:19
<b>additional</b> 4:20 5:2	<b>agreed</b> 10:13	<b>and/or</b> 23:15	<b>arrests</b> 16:3	42:21 47:12	<b>beach</b> 64:3,6,7
12:19 42:11	40:17 61:18	<b>angry</b> 81:11	<b>articles</b> 48:16	60:1,3,13,19	64:11,17
		<b>Annapolis</b> 1:7		62:7 63:20	65:10 66:19
		1:8 29:6			67:16,21
		<b>Anne</b> 58:1,10			68:11,13
		58:15			69:2 73:2
		<b>Anne/Kent</b> 56:11			<b>beacon</b> 67:4
		<b>announcem...</b> 53:19			<b>beautiful</b>
		<b>answer</b> 81:15			

## Transcript of Maryland Boat Act Advisory Committee Meeting Taken April 17, 2012

24:18	<b>blast</b> 7:5	63:18	28:4,6,15,17	70:12,12	<b>clarify</b> 31:1
<b>behalf</b> 28:4	<b>blasts</b> 7:6	<b>Bob's</b> 20:1	36:16,18	<b>chairman</b> 1:9	32:12 35:3
39:7	<b>blew</b> 73:12	<b>bonds</b> 6:13 8:4	37:9,14,15	3:2,13 27:12	<b>class</b> 53:6
<b>Bel</b> 70:2	<b>blurb</b> 78:8	10:8	38:18	40:13 41:2	<b>clean</b> 48:7
<b>believe</b> 7:9	<b>board</b> 26:11	<b>booth</b> 49:2	<b>businesses</b>	44:3 50:15	<b>cleaning</b> 62:10
18:11 55:5	26:12 27:5,6	<b>born</b> 53:5	80:7	51:18 77:6,9	<b>clear</b> 28:19
56:17 82:6	27:9,13,18	<b>bother</b> 70:7	<b>busy</b> 80:8	83:1,6,8,13	39:16 40:3
<b>bell</b> 76:6	28:1 29:3	75:9		<b>chances</b> 72:9	76:10
<b>belong</b> 35:21	32:16 34:15	<b>bottom</b> 9:8	<b>C</b>	<b>change</b> 34:4	<b>clearly</b> 33:10
<b>benefit</b> 28:15	34:16,19,20	71:1	<b>C</b> 3:1	60:11,18	<b>clock</b> 14:4
<b>best</b> 5:9	38:14,15	<b>brand</b> 65:8	<b>California</b>	62:13	57:13
<b>better</b> 62:9	<b>boat</b> 1:1 28:12	<b>break</b> 25:18	5:16	<b>changed</b> 63:9	<b>close</b> 6:21 8:14
72:9	28:16 29:11	<b>bridge</b> 62:6	<b>call</b> 2:3 33:6	65:16,17	83:4,5
<b>beyond</b> 48:1	30:13 31:2	64:18 70:17	60:7 70:1,6	66:17,21	<b>closing</b> 8:15
<b>bid</b> 11:12	38:5 39:10	74:9 76:10	70:8,13	72:10	<b>club</b> 28:9,10
<b>big</b> 14:10,12	39:12 48:20	81:21	<b>called</b> 57:3	<b>changing</b> 52:4	28:11 31:19
15:8,20	49:21 59:17	<b>briefed</b> 25:11	<b>Canal</b> 21:4	<b>channel</b> 56:8	32:1,2,4,7
16:20 18:10	62:20 75:17	<b>bring</b> 38:15	55:13	56:18 58:12	<b>clump</b> 15:17
20:12,14	77:12,17	56:15 65:5	<b>canoe</b> 54:20	72:16 73:5	<b>Coast</b> 23:18
21:2 43:8	80:12 82:15	<b>bringing</b> 23:9	<b>capital</b> 7:14	75:14 80:15	24:1,5 49:1
51:2 70:18	<b>boater</b> 54:19	42:21	<b>care</b> 12:7	80:16,21	<b>Coconut</b> 64:12
76:8	<b>boating</b> 1:18	<b>broke</b> 7:21	<b>careful</b> 37:10	<b>channels</b> 8:17	<b>Coles</b> 1:8 7:3
<b>biggest</b> 6:3	1:18 2:5	<b>brought</b> 33:16	<b>cars</b> 12:18	8:20,21 9:1	<b>College</b> 58:4
<b>bill</b> 4:17 9:16	8:21 9:8,10	<b>Brown</b> 57:4	16:16 62:20	9:7,13 10:3	<b>colonel</b> 18:21
9:21 10:1	12:21 13:10	<b>bucks</b> 20:9	<b>case</b> 55:7 57:6	10:4,7,9	24:21 25:1
12:15,15	28:7 33:19	<b>budget</b> 3:20	<b>cases</b> 18:4,5	73:4 77:1	25:11 45:3
13:10,18,18	37:2,3,13	4:8,9 5:8	46:11	<b>charge</b> 22:9	49:15
14:6,7,7	41:2,16	7:14,20 8:7	<b>cash</b> 8:4,6,7	<b>cheap</b> 53:1	<b>colonel's</b> 51:3
15:4 18:10	42:14 48:14	9:13,15 10:7	10:10,11	<b>checks</b> 50:10	<b>color</b> 67:2
18:13 25:17	51:14 52:3,5	42:15 43:16	<b>categories</b> 5:2	<b>Chester</b> 55:19	<b>come</b> 3:20
41:11	52:6,11 53:6	<b>budgetary</b>	<b>Caution</b> 78:21	55:20 56:9	20:6 26:9
<b>bills</b> 37:5	56:4 62:12	41:13	79:9	57:19,20	38:11 41:20
<b>bit</b> 10:13 37:6	63:8,10	<b>budgets</b> 4:10	<b>center</b> 79:11	78:1	42:2,11
44:13 51:13	69:13 80:9	<b>building</b> 47:19	<b>centers</b> 48:2	<b>Chestnut</b>	48:21 60:1,3
54:21 55:18	83:11	<b>bulkhead</b>	<b>certain</b> 23:21	64:11	60:12,19
56:16 71:17	<b>boats</b> 12:1,8	65:11 66:6	26:14 49:5	<b>Chip</b> 47:15	65:14 66:8
<b>Blackistone</b>	12:17 15:17	68:20	58:20	<b>Christmas</b> 3:3	73:7,21 74:8
1:12 13:5	16:18 23:11	<b>bulkheaded</b>	<b>certainly</b> 43:6	3:10	74:8,11,21
20:19 21:1,5	52:7,18 53:1	65:6 68:6	43:15 52:17	<b>Christopher</b>	75:21 80:19
22:7,14,20	53:3 68:2	71:12 81:9	54:14,18,19	1:14	<b>comes</b> 4:5
37:17 41:5,9	69:17 72:20	<b>bumper</b> 14:9	57:7	<b>circle</b> 71:3	18:15 33:2
41:15 42:3	76:9,10	<b>bunch</b> 16:3	<b>certify</b> 84:5	<b>circumstances</b>	42:2 62:8
45:7 47:16	80:18 81:12	<b>buoy</b> 24:11	<b>cetera</b> 8:18	17:15	65:8 66:14
58:19 59:2,6	<b>Bob</b> 1:12 3:13	<b>buoys</b> 16:1,2	18:2,2 20:17	<b>citizen</b> 39:7	67:19 70:4
59:10,13,15	26:21 36:8	<b>Bush</b> 1:13	20:17,18	<b>City</b> 15:9	70:18 77:4
60:14 61:2,5	39:17 40:4,8	<b>business</b> 11:18	28:18,19	83:11	80:3
68:4,10,14	48:8,9 57:5	27:18,19	58:16 69:17	<b>clam</b> 56:17	<b>comfortable</b>

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

<b>coming</b> 12:11 16:15,16 27:3 42:13 51:13 74:5 78:17 79:11 81:6	10:17 18:21 69:16 <b>concerning</b> 36:8 <b>concerns</b> 43:2 43:7 <b>concerts</b> 23:2 <b>conduct</b> 26:14 27:17 28:3 <b>conference</b> 8:2 <b>confirmed</b> 27:10 <b>conflict</b> 26:16 30:3,4 <b>confused</b> 34:20 74:13 <b>congregation</b> 17:13 <b>congressional</b> 9:14 <b>congressman</b> 9:15 <b>connected</b> 65:8 <b>consensus</b> 38:12 <b>consider</b> 25:19 26:19 34:8 <b>consult</b> 33:6 <b>consults</b> 61:8 <b>Consumer</b> 10:19 <b>contact</b> 19:11 49:16 <b>contend</b> 73:7 <b>contention</b> 62:14 65:2 71:13,21 <b>continue</b> 54:19 <b>contract</b> 63:1 <b>control</b> 15:12 15:21 <b>conversation</b> 72:5 <b>cooperation</b> 55:1	<b>corner</b> 56:6 69:21 70:7 71:1 <b>Corps</b> 8:19 10:6 <b>correct</b> 39:14 44:9 51:10 51:10 59:5 76:11 <b>Corsey</b> 78:2 <b>cost</b> 10:19 18:2,3 <b>costs</b> 22:10 <b>country</b> 54:6 <b>county</b> 4:3 11:13 13:8,9 13:14,17 43:13,20 46:15,17,19 46:19 58:1 58:11,15 84:1,4 <b>couple</b> 11:1 16:6 20:10 25:18 26:17 39:1 43:12 50:9 55:11 77:19,21 78:3 <b>course</b> 55:12 66:8 <b>court</b> 46:11 <b>courtesy</b> 19:6 50:10 <b>Cove</b> 55:13,18 <b>cover</b> 47:12 63:16 <b>coverage</b> 5:14 <b>Craig</b> 1:15 52:15 63:14 64:14 65:15 65:18 66:1 66:16 <b>crazy</b> 82:1 <b>create</b> 12:12 12:17 66:10 <b>created</b> 5:1	27:6 <b>creates</b> 17:15 <b>creek</b> 9:18 12:10 26:11 27:5 55:16 55:16,16,17 55:19 72:13 76:5 80:6,6 80:10 81:8 81:12 <b>crew</b> 58:3 <b>cripple</b> 43:17 <b>crisscross</b> 16:2 <b>Critical</b> 32:14 <b>crowd</b> 15:17 <b>Crystal</b> 79:7 <b>customers</b> 62:19,20 <b>cut</b> 8:1 9:1,12 66:10 <b>cutoff</b> 80:1 <b>C&amp;D</b> 55:13	18:17 22:11 22:12 <b>decided</b> 5:8 19:2 55:21 <b>decision</b> 57:19 72:8 <b>decrease</b> 4:9 <b>dedicated</b> 42:20 <b>deep</b> 12:10 26:11 27:5 58:14 72:16 <b>deeper</b> 12:8 <b>define</b> 17:8,20 <b>Definitely</b> 30:4 <b>definition</b> 17:6 17:10 <b>delayed</b> 4:3 <b>Delegates</b> 13:7 <b>delegations</b> 13:16 <b>deliver</b> 77:19 <b>demographics</b> 52:3 <b>department</b> 10:7 18:16 31:14 42:1,8 42:18 43:18 43:20 <b>department's</b> 42:14 <b>designed</b> 14:8 <b>detail</b> 78:18 <b>died</b> 12:16,20 24:15 26:3 <b>dies</b> 41:13 <b>different</b> 9:6 27:8 33:3 38:11,15 48:21 60:12 60:18 <b>difficult</b> 43:21 <b>digress</b> 64:16 81:2 <b>direct</b> 37:13 <b>direction</b> 13:3	74:3 <b>director</b> 1:18 1:18 54:9 <b>discharge</b> 31:9 <b>discussion</b> 53:17 54:12 55:10,20 56:1,5 62:3 83:7 <b>discussions</b> 11:5 61:17 <b>Dise</b> 1:19 26:21 28:21 29:18 30:5,7 30:18 31:5 32:3,13,19 33:4,8 34:7 34:13 35:11 36:1,14 37:19 38:8 39:9,21 40:6 40:18 41:4 <b>disposition</b> 2:7 55:6 <b>dissipate</b> 82:16 <b>distance</b> 64:18 82:5,9 <b>distributed</b> 47:17 <b>divided</b> 48:19 <b>diving</b> 14:3 <b>DNR</b> 2:5 24:15 26:4 31:12,12 38:3 44:8 46:3,8 47:19 48:2 50:1,1 <b>Dobbins</b> 16:14 21:5 <b>Dobbin's</b> 23:9 <b>Dock</b> 15:10 83:11 <b>docks</b> 72:19 <b>doing</b> 7:4 19:10,20 22:21 29:14
			<b>D</b>		
			<b>D</b> 3:1 <b>damage</b> 72:1 75:8 <b>dates</b> 80:1 <b>dating</b> 64:13 64:13,13 <b>day</b> 3:3 22:9 25:7 45:1 <b>Days</b> 21:4 <b>de</b> 69:6,6 <b>dead-end</b> 75:11 <b>deal</b> 3:20 6:21 24:2,4 43:16 57:7 <b>dealing</b> 15:15 <b>death</b> 71:11 83:12 <b>deaths</b> 51:1,7 51:15 53:9 53:13 75:8 <b>debris</b> 66:4 <b>decide</b> 11:7		

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

46:9	80:20 83:4	<b>endorsement</b>	<b>everybody's</b>	<b>faced</b> 34:15,15	<b>finished</b> 62:10
<b>dollars</b> 8:9	<b>dynamic</b> 38:8	45:5,9	7:5	<b>facilitate</b> 37:1	<b>fire</b> 14:18
10:5 11:1,3	<b>Dyson</b> 41:10	<b>ends</b> 8:9	<b>evidently</b>	<b>facility</b> 22:3	<b>firework</b> 24:9
20:11 42:8		<b>enforced</b>	66:18 71:11	<b>facing</b> 8:11	<b>fireworks</b> 24:7
42:11,13	<b>E</b>	70:11	<b>exactly</b> 51:11	<b>fact</b> 6:5 7:21	<b>firms</b> 22:19
44:1	<b>E</b> 1:19 3:1,1	<b>enforcement</b>	61:1 67:10	10:15 15:20	<b>first</b> 17:12
<b>doomsday</b> 4:8	<b>earlier</b> 82:20	26:2 70:11	67:17 71:20	26:10 28:16	27:21 47:7
4:9	<b>earmarks</b> 9:17	78:14 81:16	76:11 79:14	50:20,21	62:4 63:19
<b>doors</b> 21:18	9:17	<b>Engineers</b>	<b>example</b> 11:10	56:5 81:12	73:20 78:16
<b>downtown</b>	<b>eastern</b> 58:11	8:19	23:10 32:15	81:13	<b>fishing</b> 17:2
24:18 26:2	<b>easy</b> 77:15	<b>enjoyed</b> 54:15	58:21	<b>factor</b> 10:6	17:17 41:17
<b>draft</b> 12:8	<b>Edgewater</b>	<b>enterprising</b>	<b>exceeding</b>	<b>faded</b> 26:4	<b>five</b> 46:14
34:7 38:1	64:3,6,7,10	63:4	81:5	<b>fall</b> 58:6	<b>fix</b> 8:10
<b>drafted</b> 43:5	64:17 66:19	<b>entities</b> 23:3	<b>excellent</b>	<b>falling</b> 10:1	<b>floods</b> 68:10
<b>drawn</b> 38:17	69:2	<b>EPA</b> 29:6 30:1	48:18	<b>far</b> 38:3 54:13	<b>floor</b> 5:5,5
<b>dredge</b> 9:21	<b>Edric</b> 1:13	<b>erect</b> 73:18	<b>exceptions</b>	57:8 72:7	<b>Florida</b> 3:8
10:5,9 73:4	<b>education</b>	<b>erosion</b> 65:13	20:21	<b>farther</b> 69:7	<b>foe</b> 10:13
80:17,18	53:6	<b>especially</b>	<b>excessive</b> 65:2	72:21	<b>folks</b> 12:8
<b>dredged</b> 8:18	<b>effect</b> 18:16	26:15 44:1	<b>excludes</b> 23:14	<b>fast</b> 69:18	15:13 52:5
9:19 72:16	<b>effective</b> 7:8	47:11	23:15	<b>favor</b> 7:2	62:15 73:6
75:15,20	18:11	<b>Esquire</b> 1:19	<b>exercise</b> 7:18	<b>favorable</b>	73:18 75:13
76:4	<b>effort</b> 6:13	<b>essence</b> 10:4	<b>exist</b> 52:9	13:17	75:21 79:21
<b>dredging</b> 8:20	49:9	<b>essentially</b>	<b>existing</b> 63:21	<b>featured</b> 48:7	<b>foot</b> 65:21
11:18 12:11	<b>egress</b> 22:4	58:3	69:9,12,19	<b>federal</b> 7:17	72:15 82:7
76:2	<b>either</b> 63:15	<b>et</b> 8:18 18:2,2	70:10,16	8:8 10:9	82:17
<b>drive</b> 52:18	65:6 77:15	20:17,17,18	78:13	11:15	<b>forces</b> 43:19
79:10	<b>elderly</b> 71:16	28:18,19	<b>Expansion</b>	<b>fee</b> 4:16	<b>Forest</b> 24:7
<b>dropped</b> 56:19	<b>elect</b> 57:17	58:16 69:17	45:5	<b>fees</b> 10:15	<b>forever</b> 42:20
<b>drowned</b>	<b>elected</b> 56:18	70:12,12	<b>expect</b> 77:2	19:17	<b>forgot</b> 17:10
16:12 71:15	73:10	<b>ethics</b> 29:1	<b>expected</b> 13:2	<b>feet</b> 16:18	<b>form</b> 65:7
<b>drowning</b>	<b>electronically</b>	35:21	<b>expensive</b>	64:17,19,20	<b>format</b> 48:1
16:7	55:7	<b>event</b> 15:8,10	43:20,21	64:21 66:7	<b>former</b> 62:9
<b>drunk</b> 16:20	<b>eliminated</b>	15:14 22:2	53:3	69:10,11,12	<b>forth</b> 71:10
16:21	4:11 5:16	68:17	<b>experience</b>	72:17 73:6	<b>fortunate</b> 3:8
<b>Dubois</b> 1:8	<b>Elk</b> 55:15	<b>events</b> 14:10	54:17,17	76:16 80:11	5:21
<b>Dundalk</b>	<b>else's</b> 37:15	14:21 15:13	<b>extending</b>	80:15 82:13	<b>forward</b> 6:16
46:21	<b>emergency</b>	15:20 20:13	55:18	82:13,16	83:3
<b>duty</b> 24:16	11:10 18:18	20:14 23:18	<b>extra</b> 17:16	<b>fellow</b> 66:19	<b>four</b> 61:10,10
26:4	19:2	24:7,9 45:12	42:9	<b>fest</b> 16:20,21	61:12 72:15
<b>Dwyer</b> 1:13	<b>empty</b> 62:16	<b>eventually</b>	<b>extraordinary</b>	<b>field</b> 66:4	73:17 78:2
23:7,16	62:18,18	12:1	5:14	<b>fight</b> 5:5 73:19	78:19 80:3
31:17 32:5,8	<b>EMTs</b> 14:17	<b>everybody</b>	<b>e-mail</b> 7:4	<b>finally</b> 24:21	<b>four-foot</b>
32:17,20	<b>enchilada</b>	3:17 17:9	38:2	<b>find</b> 9:11	82:15
50:11 66:13	14:13	18:1 24:12	<b>e-mailed</b> 71:9	43:21	<b>Fox</b> 79:10,13
71:5 74:16	<b>ended</b> 7:16 8:3	29:16 38:12		<b>fine</b> 13:15	<b>Frederick</b>
75:2,5 76:9	8:15 13:4	43:1,3 55:6	<b>F</b>	23:19 24:11	1:12
79:13,16,18	14:1,13 15:4	62:5	<b>face</b> 21:12,12	34:6 77:13	<b>free</b> 33:5,8

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

40:5 48:2	22:16 23:2	<b>generate</b>	18:19 59:3	69:15	47:1,1 48:18
<b>Freeman</b> 70:5	23:10,17	10:21 11:2	<b>going</b> 3:11,19	<b>gosh</b> 38:21	49:5 50:16
<b>friends</b> 1:7	24:8 25:9,15	66:14 82:15	4:1 5:19 6:9	<b>gotta</b> 28:11	57:1 59:12
10:12 70:8	25:20 26:6	<b>generating</b>	6:14,15,18	41:19	60:6 83:2
<b>front</b> 16:10	27:20 29:8	82:13	6:20 7:13,15	<b>gotten</b> 3:3	<b>groups</b> 24:1,9
56:2,9 67:15	29:13,19	<b>generation</b>	8:5,17,19	<b>govern</b> 27:14	<b>Guard</b> 23:18
68:2	30:16,21	49:9	9:3,5,10,20	27:15	24:1,5 49:1
<b>frostbite</b> 17:4	31:6,10,21	<b>gentleman</b>	10:20,21	<b>governments</b>	<b>guess</b> 9:6 18:8
<b>fuel</b> 56:7	32:7,10 33:1	66:3 69:16	11:5,7,12,12	10:2 15:2	25:15
<b>fun</b> 3:9 24:5	33:7,14,18	70:2 71:14	11:19,21	<b>governor</b> 4:12	<b>Guitarrez</b>
55:2	33:21 34:3,6	71:16	12:2,5,8,11	8:6 27:6,11	1:18 20:3
<b>fund</b> 6:4,5,7	34:9 35:1,8	<b>George's</b> 4:2	12:17 13:3,4	<b>grab</b> 26:9	47:20 48:6
6:18 8:5	35:17 36:4,9	13:17	15:9 17:7,19	<b>Grace</b> 69:6,7	48:13,17
9:10	36:11,19	<b>getting</b> 4:20	17:20,21	<b>gracious</b> 7:19	49:15,19
<b>funding</b> 6:2	37:8 38:7	5:7 7:16	18:1,3,5,7	<b>Grant</b> 1:17	50:7,13,17
8:12	39:5,14,19	14:2 52:4,5	19:11,20,21	55:5 57:3,15	<b>gun</b> 50:5
<b>funds</b> 5:19,20	40:7,10,15	65:2 72:9	20:5,6,7,13	57:20 58:10	<b>gunning</b> 82:10
6:12,13,19	40:21 41:8	81:19 82:19	20:14,15,16	58:14 59:1,5	<b>Gunpowder</b>
7:17 8:8	41:14,20	<b>giant</b> 15:16,17	20:20 21:2,7	59:8,11,14	72:12,14
9:11 11:15	42:4 44:5,9	16:21	21:11,16	59:19 60:21	<b>Gutierrez</b>
11:16 42:13	44:12,17	<b>give</b> 3:9 5:15	22:5 23:7	61:8,16,21	54:8
<b>future</b> 6:16	45:2,8,15,20	26:15,19	24:2,3,8,10	62:2,4 63:3	<b>guy</b> 16:9 70:3
29:14 77:18	46:5,10,16	33:6 50:17	27:17 28:11	63:7,18 64:7	<b>guys</b> 48:19,20
82:20	46:18 47:6	<b>given</b> 42:7,8	30:21 31:11	64:10,15	
	47:11,14,18	<b>giving</b> 33:2	37:2,21	65:17,20	<b>H</b>
<b>G</b>	48:4,11,15	<b>go</b> 3:6 5:9 6:9	42:11 43:17	66:2,15,18	<b>half</b> 53:9,13
<b>G</b> 3:1	49:11,17	8:6 9:19	52:13 54:3,5	67:3,6 68:5	70:5 73:6
<b>gain</b> 28:15	50:4 51:2,6	11:7,16 13:3	54:8,13,19	68:8,11,16	76:15
36:4,15	51:10,20	13:19,19,19	60:17 62:11	69:2 71:4,7	<b>halfway</b> 66:4
<b>gambling</b> 4:2	52:12,16	14:14 15:9	66:21 67:15	71:9 74:5,8	<b>Hall</b> 9:18
<b>game</b> 14:1	53:1,3,8,11	16:2,9 18:18	73:18,18	74:14,18	11:10
<b>gap</b> 8:13,14	53:15,18	19:1,5,10,14	76:19,21	75:1,4,7,13	<b>hand</b> 33:11
<b>garage</b> 62:10	54:2,8,11	20:5 26:8	78:3 79:14	76:3,8,12,15	<b>handed</b> 33:16
<b>Gas</b> 53:16	57:14 60:10	30:2 31:13	81:4,11,13	77:8,10	34:11
<b>gather</b> 15:5	60:16 61:3,7	35:17 41:8	<b>gonna</b> 43:16	78:21 79:4,9	<b>handing</b> 34:16
59:6	76:5,11	42:15 45:11	<b>good</b> 6:11,12	79:14,17,19	34:19 81:17
<b>gatherings</b>	82:12	46:11 50:9	6:14 8:9	81:2,16 82:6	<b>handle</b> 43:14
14:7,7 17:12	<b>general</b> 4:5,14	51:12 54:13	13:16 23:10	82:11,18	<b>hands</b> 36:17
25:17	5:20 6:7	55:8,15	26:12 29:4	<b>gray</b> 37:4	52:1
<b>Gaudette</b> 1:18	11:6 22:16	59:16 69:18	34:10,12	79:13	<b>happen</b> 18:20
3:15 9:2	28:7 29:1	73:21 74:16	35:4,12 36:3	<b>great</b> 7:2 41:1	39:15,20,20
13:7,15	30:12 38:19	74:20,21	44:18 47:1	49:10,11	39:21 43:6
14:20 16:12	42:13	77:12,15	54:7 55:10	50:13,18	78:9
16:15 17:1	<b>generally</b>	78:9,11	61:15,19,20	<b>grew</b> 66:19	<b>happened</b>
19:19 20:4	42:17	79:11 83:5	68:18	<b>group</b> 3:6 19:6	12:3,13 14:5
20:20 21:4,6	<b>General's</b>	<b>goal</b> 14:4	<b>goodness</b> 5:18	27:16 38:12	22:21 25:8
21:10 22:11	30:10	<b>goes</b> 9:16 12:6	<b>Google</b> 50:1	45:16 46:20	60:6

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

<b>happens</b> 8:1 30:6 42:17 43:4 78:1	<b>hitting</b> 54:5 <b>Hixson</b> 13:7 <b>hold</b> 22:5 <b>Hole</b> 80:6 <b>holiday</b> 63:10 69:13 <b>home</b> 54:3 <b>homes</b> 73:3 <b>honest</b> 77:11 <b>honoring</b> 26:3 <b>hopefully</b> 4:11 11:9,17 12:2 12:7 <b>hospital</b> 71:19 <b>hottest</b> 52:17 <b>hours</b> 20:10 50:16 <b>house</b> 1:8 8:1 11:6 12:15 54:4 68:4 <b>houses</b> 68:7 <b>Hoyer</b> 9:19 <b>huge</b> 12:20 51:14 66:6 <b>hundred</b> 14:16 15:5 17:14 20:10 22:8,10 80:15 <b>hunting</b> 46:9 <b>husband</b> 47:15 <b>hydrograph...</b> 67:7,8	<b>include</b> 78:6 <b>including</b> 4:10 7:17 14:17 <b>increase</b> 6:8 <b>increased</b> 10:16 <b>Index</b> 10:20 <b>indicate</b> 22:5 <b>indicated</b> 3:16 10:8 84:6 <b>indicates</b> 20:18 <b>individual</b> 27:7 34:3 <b>individually</b> 27:17 33:13 33:14 <b>individual's</b> 28:5 36:14 <b>industries</b> 41:16 <b>industry</b> 12:21 52:3 <b>influence</b> 28:9 <b>informal</b> 27:13 <b>information</b> 28:18 <b>infrastructure</b> 37:3 <b>initiative</b> 6:15 <b>input</b> 33:2 <b>inside</b> 71:12 71:12 <b>instance</b> 81:20 <b>intent</b> 17:7 <b>intentional</b> 17:13 <b>intercepted</b> 56:17 <b>interest</b> 5:9 9:4 26:16 28:6,7 30:3 39:3,7 <b>interested</b> 4:13 <b>interesting</b>	5:11 38:9 53:11,15 63:3 72:11 <b>interests</b> 27:3 27:8 34:3 38:11,18 <b>interim</b> 5:10 11:4 54:9 <b>introduce</b> 3:12 <b>involved</b> 3:17 9:9 14:17,18 14:20 18:2 19:11,12 41:16 45:13 45:21 49:13 <b>involves</b> 4:9 <b>Island</b> 21:5 23:9,11 <b>issue</b> 4:2,11 6:3,19 7:10 7:11 17:3,5 22:2 23:19 24:10 26:8 26:17 27:1 31:18 32:20 34:14 41:13 48:5,6 56:14 70:11 76:21 78:14 <b>issues</b> 3:21 12:12 19:15 24:4 27:2	<b>Jon</b> 1:14 <b>Jones</b> 1:14 45:13 50:19 51:8,16,19 53:4,9,13 54:1,7 61:20 63:13 67:2,5 83:10 <b>Joppa</b> 72:14 74:10 <b>Judge</b> 57:4 59:15 <b>jumping</b> 16:18 <b>June</b> 18:11,14 53:5,19,20	37:12 38:12 40:2 67:20 82:14 <b>Kirkwood</b> 20:3,4 <b>kite</b> 52:8 <b>Kloostra</b> 1:14 35:15 57:12 61:14,19 62:1 64:9 68:13 71:2,8 74:3,6,12,19 75:8 78:19 79:2 <b>Knapps</b> 9:9 <b>knew</b> 13:1 <b>knocking</b> 21:17 <b>knots</b> 62:12 63:8 66:11 74:1 75:19 81:5 <b>know</b> 4:12 5:18 7:2,18 9:16 10:18 11:20 13:11 14:10 15:16 20:9 21:4,16 22:1,4,18 24:2,19 25:8 25:21 29:1 34:11,21 35:2 38:2,18 41:9 43:3,6 43:9,10 45:9 45:18,21 46:15 47:2 47:18 48:13 49:2,5,9,21 51:11 52:6 52:21 57:6 66:2,11 67:16 70:18 73:13,14 77:3,14 78:14,16 80:7,17
<b>heard</b> 12:16 14:16 25:9 25:10 72:3 <b>hearing</b> 1:6 60:2,4,7 77:2 <b>hearings</b> 29:10 46:13 46:21 <b>heart</b> 15:18 <b>heavy</b> 9:4 <b>height</b> 82:4 <b>held</b> 23:3 53:17 62:3 83:7 <b>help</b> 12:14 13:13 17:21 48:20 55:3 <b>Heron</b> 69:6 <b>heron's</b> 79:15 <b>high</b> 49:6 66:2 66:4 68:16 <b>higher</b> 72:15 80:2 <b>highest</b> 51:4,5 51:6 <b>Hill</b> 64:11 <b>hire</b> 20:16,17 22:12,12,18 23:3	<b>I</b> <b>idea</b> 15:8,14 15:19 35:4 39:2 49:10 <b>illegal</b> 76:17 <b>importance</b> 9:7 <b>important</b> 43:3,11 48:12 <b>impose</b> 57:21 <b>inches</b> 76:18	<b>J</b> <b>jacket</b> 51:17 51:21 <b>January</b> 54:3 <b>Jeannine</b> 55:5 <b>Jet</b> 76:17 <b>job</b> 11:13 61:15 64:2 <b>jobs</b> 6:15,15 <b>Joe's</b> 64:13 <b>John</b> 1:13 <b>Johnson</b> 18:21 24:21 25:1 49:15	<b>K</b> <b>kayak</b> 54:20 <b>kayakers</b> 69:17 <b>keep</b> 5:19 6:15 31:16 36:2 72:3 <b>keeping</b> 8:17 <b>keeps</b> 6:14 <b>Kelly</b> 1:21 84:3,9 <b>Kenneth</b> 1:14 <b>Kent</b> 9:8 11:13,15 <b>Kent/Queen</b> 58:1,10 <b>Key</b> 81:20 <b>kickoff</b> 83:11 <b>kid</b> 16:9 <b>kids</b> 16:5 <b>kind</b> 3:5,9 6:17 7:4,11 8:3 13:2,20 14:3 15:3 17:5 19:17 20:11,18 21:19 23:14 23:19 25:4 26:20 32:11 34:20 36:17		

## Transcript of Maryland Boat Act Advisory Committee Meeting Taken April 17, 2012

81:10,14,15 81:20 <b>knowledge</b> 66:8	<b>legitimate</b> 6:10 <b>length</b> 58:8 76:13 <b>Leonard</b> 60:5 <b>letter</b> 38:2 <b>letting</b> 7:18 <b>let's</b> 3:2 28:8 42:9 62:2 78:8 83:4 <b>level</b> 10:17 65:4,15,18 65:21 66:16 <b>Levitan</b> 1:12 36:7,10 <b>Liaison</b> 1:17 <b>liberty</b> 73:11 <b>life</b> 17:16 51:17,20,21 54:20 81:14 <b>light</b> 62:5 <b>lighthouse</b> 69:10 <b>liked</b> 60:3 <b>limit</b> 32:6 55:13 56:13 56:15 69:9 69:12,19 73:13,14 75:3 <b>limitation</b> 34:1 37:15 <b>limited</b> 56:2 <b>line</b> 14:4 24:16 26:4 38:16 56:11,17 58:1,11 65:12 <b>lined</b> 52:19 <b>Lisa</b> 1:18 19:12 54:8 71:10 <b>list</b> 62:7 <b>literally</b> 65:3 67:11 72:18 80:17 <b>literature</b>	34:17 <b>little</b> 3:9 7:6 17:8 26:20 44:5 45:4 69:7 71:3 72:14,21 73:2 77:10 78:8,18 <b>lives</b> 64:3 <b>load</b> 77:16,16 <b>local</b> 10:2 15:2 66:7 <b>location</b> 17:15 80:10 <b>lockbox</b> 6:18 <b>long</b> 29:9 38:3 38:5 51:4 55:19 61:17 69:12 <b>look</b> 6:21 22:21 52:18 55:9 57:13 <b>looking</b> 4:4 11:2 12:10 17:9 18:6 20:12 60:15 76:19 <b>looks</b> 68:2 <b>lot</b> 3:21 5:6 11:19 13:21 14:2,2 17:1 21:14 23:2 25:16 28:21 44:13,13,16 46:12 48:16 48:16 50:18 54:18 55:2 65:13 66:3 68:15,19 77:14 80:12 81:3,11,14 <b>loud</b> 11:21 14:12 <b>Louis</b> 67:7 <b>love</b> 70:19 77:13 78:16 78:16	<b>low</b> 66:13 76:9 <b>lunch</b> 82:21 83:5 <b>Lunsford</b> 62:9 63:9 <b>luxury</b> 12:15 37:7,11	<b>M</b>	<b>magazine</b> 47:9 47:10 48:16 <b>magnitude</b> 15:14 <b>mailed</b> 40:19 47:21 <b>main</b> 56:17,18 <b>major</b> 60:11 <b>making</b> 37:1 59:8,11 <b>Mallows</b> 55:12 <b>Management</b> 10:7 <b>map</b> 64:1 <b>Marianne</b> 1:19 26:9,19 40:11 <b>marina</b> 48:7 56:2,10 62:15,16 64:15 69:6 71:12 82:7 <b>marinas</b> 36:21 38:19,20 80:8 <b>marine</b> 14:7 17:12 22:8 36:16 41:11 41:18 69:7 70:17 80:7 <b>marked</b> 67:17 <b>marker</b> 64:16 67:2,11 <b>marketing</b> 52:21 <b>marking</b> 67:10 <b>Marsh</b> 1:9	<b>Maryland</b> 1:1 1:8 51:1 53:4 57:8 84:1,4 <b>material</b> 33:12 <b>matter</b> 1:5 41:5 82:14 <b>McLean</b> 1:12 40:9 62:17 63:4,11 68:7 <b>McSween</b> 1:13 <b>mean</b> 20:9 32:3 67:21 75:17 76:16 77:11,11 79:3 82:2 <b>means</b> 17:12 17:20 59:15 <b>meeting</b> 1:1,7 15:12 21:11 29:6,21 30:8 30:11 33:12 34:18 40:14 40:16 54:11 57:1,3 63:17 83:4,5,15 <b>meetings</b> 21:14,15 27:4,14 28:18 78:16 <b>member</b> 2:6 28:8,14,16 29:11 31:2 31:19 32:1 34:16 39:2,9 39:11 <b>members</b> 1:11 3:12 21:15 25:6 26:13 26:17 27:3,8 28:3,12 30:12 33:15 35:12,14 40:20 <b>member's</b> 34:17 <b>memo</b> 73:11	<b>memorial</b> 24:15,17 25:2,7 26:2 <b>mention</b> 32:13 <b>mentioned</b> 27:1,4 67:7 <b>mess</b> 21:11 <b>messy</b> 21:19 <b>met</b> 50:7 70:1 <b>Mick</b> 1:12 25:21 37:5 <b>middle</b> 8:3 15:18 55:17 <b>Mike</b> 1:17 <b>Mike's</b> 63:4 <b>mile</b> 76:14 <b>Miles</b> 31:19 56:14,16 58:20 <b>Mill</b> 55:16 <b>Miller</b> 23:11 <b>million</b> 4:21 5:1 7:15,16 7:20 8:4,4 8:12,13,13 11:1,2 <b>millions</b> 42:11 42:12 <b>mind</b> 31:16 47:8 73:16 <b>minimum</b> 73:20 <b>minors</b> 16:15 <b>minutes</b> 3:11 <b>Mizeur</b> 13:8 <b>modification</b> 35:18 55:18 <b>modify</b> 35:16 56:1 60:1 <b>momentum</b> 14:2 <b>money</b> 6:6,9 9:13,15,21 11:1,9 42:2 42:9,16 44:3 <b>monitoring</b> 45:16
--	---	--	---	----------	--	---	--

## Transcript of Maryland Boat Act Advisory Committee Meeting Taken April 17, 2012

<b>Montgomery</b> 13:8,9,14,16	22:8 25:5 37:2 41:18	<b>NRP</b> 61:8 69:20 70:4,6	31:15 58:13 70:9 79:2	<b>package</b> 11:12 <b>packet</b> 35:13	23:20 30:11 34:19 41:12
<b>month</b> 48:14 70:4,5	43:15 45:3,8 50:19 72:8	70:13,21 71:15 72:2,5	<b>old</b> 64:11 72:17,19,20	<b>page</b> 2:2 23:16 48:8,9 50:1	42:5 47:21 51:12,13
<b>months</b> 54:4	73:14 83:12	81:17	<b>Omer</b> 57:4	<b>paid</b> 46:15 75:19 76:2	52:4 53:9,14 58:3 59:16
<b>mother-in-l...</b> 64:3	<b>needed</b> 7:19 <b>needless</b> 58:18	<b>number</b> 4:19 21:1 27:20	<b>Once</b> 55:10 <b>ones</b> 9:2,3,7,9	<b>paragraph</b> 27:21 28:2	61:17 64:13 66:9,9 67:14
<b>motion</b> 35:9	<b>needs</b> 8:13 9:18 15:2	28:2 34:4 42:7 43:1	20:9 45:10 <b>onetime</b> 8:10	<b>Park</b> 81:21	67:14 70:7 72:4,7 73:7
<b>motor</b> 81:5	22:1 38:16 68:21	46:2 49:6 65:5 69:3	<b>online</b> 47:19 48:1 50:1	<b>parking</b> 16:16 62:19 63:2	75:2 80:12 81:4,11,18
<b>motorcycles</b> 12:18	<b>neighbors</b> 78:11	72:1	<b>onus</b> 20:13	<b>parks</b> 48:3	81:4,11,18
<b>move</b> 4:7 6:16 69:5 80:18	<b>nest</b> 79:15 <b>never</b> 23:12	<b>numbers</b> 46:1	<b>open</b> 29:21 30:8 63:6,12	<b>Parlin</b> 1:14 14:19 16:9	<b>people's</b> 21:16 21:18 72:19
83:3	<b>new</b> 35:11,14 47:4,10	<hr/> <b>O</b> <hr/>	<b>operate</b> 40:3 57:9 58:4	16:14,20 21:8 35:6,16	<b>perceived</b> 27:2 27:3
<b>mull</b> 35:9	51:12 52:5,8 52:9,17 65:8	<b>O</b> 3:1	<b>operates</b> 42:6 <b>operation</b> 43:21	50:6 57:1 63:16 79:7	<b>percent</b> 12:17 18:5 78:15
<b>multi-interest</b> 32:16 38:9	70:12	<b>observation</b> 80:5	<b>opinion</b> 60:20 <b>option</b> 22:18	<b>part</b> 7:17 8:14 17:12 18:13	<b>perception</b> 26:16
38:10	<b>news</b> 48:14 <b>nice</b> 58:17	<b>obviously</b> 3:18 3:21 4:3	<b>ordeal</b> 16:8 <b>Order</b> 2:3	51:3 66:5 63:16 79:7	26:16
<b>music</b> 14:12	80:9	10:16 19:11 43:13	<b>organization</b> 28:6 34:18	<b>particular</b> 4:16 6:4	<b>period</b> 61:10
<b>M-I-Z-E-U-R</b> 13:8	<b>Nickel</b> 1:13 19:17 36:16	<b>October</b> 77:7 77:9	<b>organizations</b> 35:20	13:18 34:14 34:17	<b>permanently</b> 8:15
<hr/> <b>N</b> <hr/>	36:20 37:11 37:21 75:9	<b>Office</b> 30:10 <b>officer</b> 44:8	22:1 <b>organized</b> 22:1	34:17 <b>particularly</b> 32:3	<b>permit</b> 15:11 18:6 19:18
<b>N</b> 3:1	82:3,9	<b>officers</b> 14:14 14:16 22:8	<b>organizer</b> 21:2 <b>organizes</b> 14:11	32:3 <b>partly</b> 71:7	24:1 <b>permits</b> 18:7
<b>name</b> 20:1	<b>night</b> 17:4 <b>noise</b> 45:12	48:18 49:17 49:19 50:8	<b>Originally</b> 55:20	<b>party</b> 14:12 15:10	<b>person</b> 15:18 19:21 22:17
<b>Narrows</b> 9:8,9 11:15 55:16	55:14	22:10 23:4 25:5 26:3	<b>organizer</b> 21:2 <b>organizes</b> 14:11	<b>pass</b> 4:17 28:18	34:21 73:12 <b>personal</b> 27:3
<b>nation</b> 5:16 6:1	<b>normal</b> 18:19 23:11 24:12	43:12 45:11 46:15 47:7	<b>outboard</b> 81:5 <b>outcry</b> 11:21	<b>passed</b> 5:4 14:6 24:21	27:18 28:14 36:4,14
<b>national</b> 26:1 41:2	56:4,13	49:3,4,6,7 49:20 50:8	<b>outs</b> 81:17 <b>outstanding</b> 16:5	24:21 71:19 <b>patrolling</b> 46:9	38:18 <b>personally</b> 25:10
<b>nationwide</b> 5:14	<b>normally</b> 29:1 <b>north</b> 56:10	81:20,21 <b>official</b> 79:5	<b>outstanding</b> 16:5	<b>Paul's</b> 63:5 <b>pay</b> 69:20	<b>perspectives</b> 38:16
<b>Natural</b> 15:1 18:3,9 19:9	57:4,21 58:17 59:16	<b>officials</b> 73:10 <b>offshore</b> 64:17	<b>overtop</b> 65:14 <b>overturn</b> 59:17	<b>peninsula</b> 74:21	<b>petitioner</b> 64:2 71:2
19:21 31:14 42:12 43:8	74:19	<b>off-duty</b> 20:17 23:4	<b>owns</b> 63:5 <b>Oyster</b> 55:15	<b>people</b> 7:6,18 14:12 16:3,4	<b>phonetic</b> 79:20
47:8 49:16 50:2	<b>notary</b> 84:3,9 <b>note</b> 45:2	<b>oh</b> 20:7 25:20 32:3	<hr/> <b>P</b> <hr/>	16:6,18 17:2 17:3,11 18:5	<b>pick</b> 21:7 <b>picked</b> 48:14
<b>nature</b> 17:15	48:17	<b>Okay</b> 3:13,15	<b>P</b> 3:1	20:13 21:13 21:16,20	<b>picture</b> 15:16 47:14 74:15
<b>navigation</b> 33:19	<b>notice</b> 73:9 <b>no-brainers</b> 55:14				74:17
<b>near</b> 77:18 82:20					
<b>necessary</b> 18:8 <b>need</b> 11:3 13:13 18:6					



## Transcript of Maryland Boat Act Advisory Committee Meeting Taken April 17, 2012

<b>regard</b> 4:16	73:19 74:1	4:20 6:8	55:17,19,20	<b>sailing</b> 52:17	<b>see</b> 3:19 4:14
<b>regarding</b> 4:1	80:2	<b>Review</b> 2:4	56:9,14	<b>sales</b> 52:21	18:8 19:15
6:4 27:18	<b>requested</b>	27:5	57:19,20	<b>sanctioned</b>	25:1 33:1
<b>regatta</b> 17:17	77:3	<b>reviewing</b>	58:9,20 62:6	23:21	44:15,16,21
<b>regattas</b> 23:15	<b>requesting</b>	67:8	63:20 64:20	<b>sandbar</b> 66:21	47:19 52:20
58:4	62:11 64:21	<b>reviews</b> 20:6	68:19 70:20	<b>sandy</b> 65:10	62:2,5 64:18
<b>regional</b> 48:2	78:7	<b>revolved</b> 4:12	78:2,2 79:8	81:21	67:21 77:21
<b>regionally</b>	<b>requests</b> 2:7,8	<b>rewarding</b>	<b>Rivers</b> 55:15	<b>sat</b> 25:13 57:5	81:3 83:14
48:19	62:8 77:20	54:17	<b>road</b> 1:8 8:16	70:2	<b>seeing</b> 3:10
<b>regions</b> 48:21	<b>require</b> 20:9	<b>right</b> 7:13	54:5	<b>Saturday</b> 63:9	4:13 49:2,7
<b>registered</b>	22:14	11:9 15:6	<b>robbed</b> 6:6	69:13	<b>seen</b> 39:19,20
29:10,10	<b>required</b>	18:8 19:19	<b>Robert</b> 1:13	<b>save</b> 71:8	39:21
<b>registration</b>	18:12 77:3	21:10 25:15	1:18	<b>saw</b> 16:9 38:2	<b>selecting</b>
10:15	<b>requirements</b>	25:17 27:20	<b>Robin</b> 1:12	71:10	54:14
<b>regulation</b>	15:4	29:8 35:18	<b>rock</b> 9:18	<b>saying</b> 63:5	<b>senate</b> 7:19
19:2 27:15	<b>rescue</b> 16:7	36:19 42:3	11:10 55:17	77:20	14:6 27:10
28:10 36:17	<b>reserve</b> 47:7	44:9 45:2	73:8 80:6	<b>says</b> 27:21	37:20
78:7,13	48:18 49:3,7	46:16,16,18	<b>rocked</b> 75:18	28:2 33:10	<b>Senator</b> 41:10
<b>regulations</b>	49:13,20	46:21 48:4	75:19	33:11 66:19	<b>sending</b> 73:11
15:7 17:7,18	50:7,8,20	48:11 50:2	<b>rocks</b> 68:1	78:8	<b>sense</b> 5:15
18:13,15,18	<b>resolved</b> 4:13	50:17 52:12	<b>role</b> 26:13,13	<b>schedule</b>	6:11 10:11
19:3,5,8	4:15 7:11	52:16 53:8	<b>Rolph's</b> 56:5	77:17 82:19	19:15 27:16
37:1 64:1	<b>Resources</b>	53:12 56:8	<b>room</b> 63:1	<b>scheduling</b>	40:6,8
67:9	15:1 18:3,9	61:9,10 62:2	<b>rose</b> 51:1	77:7	<b>sent</b> 7:6 19:6
<b>Regulatory</b>	19:9 20:1	62:4,6,16	<b>roses</b> 24:17	<b>scoring</b> 14:2	55:5 73:9
2:7,8	31:14 42:12	63:20 64:4,4	<b>route</b> 19:2	<b>screaming</b>	<b>separate</b> 19:7
<b>remember</b> 7:9	43:9 47:8	64:8,12,21	63:21 64:19	66:8	<b>separation</b>
<b>remind</b> 26:5	49:16 50:2	65:1,7,10	78:9,12	<b>screen</b> 26:7	28:20
<b>renewing</b>	<b>respect</b> 73:13	66:1,4,6,18	<b>rule</b> 36:17	<b>sea</b> 65:4,18,20	<b>September</b>
62:21	73:15	67:15,18	<b>rules</b> 33:20	<b>searching</b>	56:3,12 58:2
<b>replaced</b> 49:8	<b>respond</b> 72:5	68:2,5 69:11	37:1 40:3	71:18	<b>service</b> 24:15
<b>replacement</b>	<b>Responsibili...</b>	69:21,21	<b>run</b> 15:14 58:5	<b>season</b> 56:4	25:2 48:2
54:14	2:6	70:6,21,21	63:5,12 66:9	62:12 63:8	50:18
<b>replacing</b> 6:13	<b>responsible</b>	71:11 72:18	76:17 79:13	63:10 69:14	<b>Services</b> 1:18
<b>Reported</b> 1:21	78:21 79:9	73:3,7 74:9	<b>running</b> 12:1	83:11	1:19 2:5
<b>reports</b> 72:2,8	80:14	74:10,11	15:13	<b>second</b> 23:16	<b>servicing</b> 16:17
75:5	<b>rest</b> 54:20	75:1 76:12	<b>runs</b> 14:4 56:8	28:1	<b>session</b> 3:16
<b>represent</b> 27:7	56:12 58:5	79:10,11	65:11 72:14	<b>Secretary</b> 7:2	3:18,20 4:4
27:8 28:7	76:16	80:16 81:15	72:18,21	24:20 31:11	5:7 6:4
29:17 31:11	<b>restaurant</b>	<b>ring</b> 76:6	80:16	31:12 54:12	25:16,17
<b>represented</b>	62:20 63:1	<b>Ripped</b>	<b>Russ</b> 1:13	55:9 57:2,5	<b>sets</b> 27:16
38:13	<b>result</b> 62:8	68:8	<hr/> <b>S</b> <hr/>	59:3,7,17,21	<b>setting</b> 19:8
<b>representing</b>	<b>results</b> 78:10	<b>risk</b> 52:10	<b>S</b> 3:1	60:5,10 61:6	<b>Severn</b> 55:16
29:15,20	<b>retired</b> 54:2	<b>Riva</b> 62:6	<b>safe</b> 33:19	<b>section</b> 19:8	<b>shallow</b> 67:5
31:2,3,6,13	53:20	63:21 64:18	83:11	78:6	<b>shape</b> 13:16
31:15 38:19	<b>revenues</b> 4:20	64:19	<b>safety</b> 41:3	<b>security</b> 20:15	65:7
<b>request</b> 62:15		<b>river</b> 31:19		20:15,16	<b>share</b> 49:1

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

<b>Sheller</b> 1:14 13:9 33:13 35:20 36:12 44:7,10,15 44:19 45:5 45:18 46:3,7 46:13,17 47:2 52:2,20 53:2,16 75:11 76:13 80:5 81:1,3	<b>similar</b> 27:9 30:7 <b>Simon</b> 1:15 9:1 13:13 24:14 25:13 25:19,21 29:5,9,21 30:3,6 31:7 40:19 51:5 53:12 64:5 69:1 76:2	<b>smaller</b> 46:6 <b>Smoot</b> 55:13 <b>solid</b> 74:14 <b>solve</b> 10:14 78:12 <b>solved</b> 77:20 <b>somebody</b> 19:14 22:12 22:20 60:6 <b>someplace</b> 78:4 <b>sooner</b> 77:10 <b>sorry</b> 62:5 <b>sort</b> 12:21 27:16 28:21 <b>Sounds</b> 80:20 <b>source</b> 6:2 9:11 <b>south</b> 56:11 58:1,17 62:6 68:19 <b>space</b> 49:2 <b>Sparrows</b> 78:4 <b>speaking</b> 30:13,14 37:7 38:4 61:5 <b>speaks</b> 78:7 <b>special</b> 3:20 4:4 5:18 6:19 45:12 <b>specific</b> 17:6 17:19 37:8 39:18 64:5 <b>specifically</b> 36:9 37:14 <b>specs</b> 11:11 <b>speed</b> 32:6 55:13 56:1 56:13,15 67:11,12 69:9,12,19 70:10,12 73:13,14 75:3 <b>spike</b> 51:14 <b>spoke</b> 70:13	71:15 <b>sponsor</b> 13:5 25:3,14 <b>sponsored</b> 24:16 <b>sport</b> 38:9 <b>sports</b> 38:10 52:8 <b>squeeze</b> 75:17 <b>St</b> 55:15 60:4 <b>staff</b> 43:15 55:21 <b>stage</b> 15:6 <b>stand</b> 79:21 <b>standard</b> 82:8 <b>standing</b> 68:1 <b>standoff</b> 81:7 <b>standpoint</b> 43:16 <b>stands</b> 56:20 72:11 <b>stares</b> 81:11 <b>start</b> 12:1 15:12 42:21 77:21 <b>started</b> 3:2 4:19 14:1,2 24:20 <b>starting</b> 15:6 <b>starts</b> 57:12 <b>state</b> 1:17 4:10 6:20 8:20 10:1,3,3,4 11:6 17:14 39:8 47:21 48:3,20 57:8 81:21 84:1,4 <b>station</b> 64:12 <b>stationing</b> 21:20 <b>statute</b> 27:7 <b>stay</b> 32:18 42:15 <b>stayed</b> 13:3 <b>staying</b> 54:3 63:20 <b>Steny</b> 9:19	<b>step</b> 39:3 <b>stilts</b> 73:3 <b>stir</b> 71:5 <b>Stokey</b> 79:19 <b>stone</b> 65:6 70:18 <b>storm</b> 68:17 <b>strap</b> 50:5 <b>street</b> 73:1 <b>stressful</b> 3:16 <b>stretched</b> 71:17 <b>strictly</b> 50:16 <b>stripper</b> 14:13 <b>strong</b> 37:15 39:2 <b>strongly</b> 36:18 <b>stuff</b> 23:17,19 24:12 40:11 44:13,14 48:12 52:8 80:8 81:9 <b>stuffed</b> 48:9 <b>subscription</b> 47:20 <b>successful</b> 78:1 <b>suggestion</b> 49:11 <b>suicide</b> 13:10 <b>summer</b> 18:20 58:7 <b>Sunday</b> 63:10 69:13 <b>supplemental</b> 44:6 <b>support</b> 37:5 44:1 <b>supported</b> 41:12,12 <b>supporting</b> 7:2 41:17 <b>supposed</b> 38:11 67:10 <b>sure</b> 4:13 14:21 18:20 26:21 29:16	34:7 37:5 40:7,21,21 57:11 68:16 68:17,18 74:18 75:18 <b>surfing</b> 52:8 76:21 <b>surprised</b> 52:15 <b>suspect</b> 3:19 22:6 25:18 <b>Susquehanna</b> 69:5 <b>swap</b> 8:5 <b>sway</b> 28:10 59:16 <b>sweltered</b> 37:12 <b>swimming</b> 16:16 <b>sworn</b> 46:15 <b>system</b> 53:21 60:9
					<b>T</b>
					<b>T</b> 1:14 <b>table</b> 3:6,11 39:4 <b>take</b> 3:11 6:12 6:21 12:7 19:1 42:10 42:16 52:13 55:21 56:18 57:15,16 59:13,20 60:9 78:3 <b>taken</b> 5:6 47:14 57:9 60:2 <b>takes</b> 32:11 61:21 <b>talk</b> 32:17 33:4 40:4 49:20 <b>talked</b> 10:12 25:11 39:1 <b>talking</b> 29:12

## Transcript of Maryland Boat Act Advisory Committee Meeting Taken April 17, 2012

82:4	43:7 46:20	<b>times</b> 6:6 44:2	<b>true</b> 84:5	<b>use</b> 10:8,10	80:6
<b>tax</b> 12:15,17	47:4,6 49:10	65:1 66:11	<b>trust</b> 50:12	21:18 28:9	<b>wakesurfing</b>
37:7,11	50:4 52:2	72:1 74:1	<b>try</b> 57:11	<b>uses</b> 73:1	52:7 82:12
<b>taxing</b> 15:1	54:5 55:2	81:18	59:16,17	<b>usually</b> 42:7	82:14
<b>Taylor</b> 1:21	60:10,19	<b>toast</b> 66:6	74:2	<b>utilize</b> 22:4	<b>walking</b> 66:3
84:3,9	61:14 67:6	68:20	<b>trying</b> 8:14	<hr/> <b>V</b> <hr/>	<b>Wall</b> 55:18
<b>teeny</b> 73:2	71:10 77:6	<b>told</b> 13:19	15:17 78:6	<b>vein</b> 44:7	<b>wallet</b> 71:18
<b>tell</b> 49:18	78:8 80:12	25:1,12,13	78:15	<b>version</b> 4:21	<b>want</b> 18:17
61:16 75:15	81:16,17,19	<b>top</b> 16:18 46:1	<b>Tuesday</b> 1:6	<b>versus</b> 27:18	19:1 20:17
<b>telling</b> 72:4	<b>thinking</b> 35:11	<b>topnotch</b> 47:1	63:11	38:18	22:17 23:5
<b>tells</b> 27:21	<b>Thomas</b> 55:15	<b>totally</b> 32:18	<b>tune</b> 52:14	<b>vessel</b> 55:13	25:19 29:16
<b>terms</b> 52:20	<b>Thornell</b> 1:14	<b>touchup</b> 11:13	<b>turn</b> 48:8	69:16 71:14	29:18 32:5
<b>testified</b> 23:20	<b>thorough</b> 64:2	<b>tough</b> 81:14	<b>turnaround</b>	71:16 72:1	35:3,9,18
43:10	<b>thought</b> 14:16	<b>tournament</b>	7:8	75:16	37:10 40:19
<b>testify</b> 31:1	15:2 23:6	17:18	<b>turned</b> 5:5	<b>vessels</b> 16:7	54:21 55:3,7
39:6,17	29:3 60:16	<b>tournaments</b>	<b>turning</b> 21:20	17:14 65:3	60:19 61:3
<b>testifying</b>	<b>thousand</b>	17:3	<b>two</b> 33:10 34:4	67:20 68:19	70:7,8 71:5
37:19	14:11 64:20	<b>town</b> 43:20	56:10 66:7	73:8	75:2,9 77:15
<b>testimony</b>	<b>three</b> 16:5	<b>trade</b> 37:4	72:18 73:2,6	<b>view</b> 77:14	77:17 78:11
31:1 51:3	57:10 61:17	<b>traditional</b>	76:15 81:21	<b>viewpoint</b>	<b>wanted</b> 7:3
<b>thank</b> 5:18 7:3	62:20 73:3	52:11	82:1	38:13	24:2 35:10
54:21 55:3	<b>three-year</b>	<b>traffic</b> 9:5	<b>two-thirds</b>	<b>virtually</b> 10:4	49:12 62:19
62:1 83:13	57:13	<b>transcript</b>	81:6	<b>visiting</b> 12:9	73:15,20
<b>thanks</b> 12:14	<b>threw</b> 62:18	84:6	<b>type</b> 38:1 45:9	<b>volunteer</b> 44:8	<b>wants</b> 4:14
41:4,4	<b>thrilled</b> 58:18	<b>transferred</b>	<b>typically</b> 8:1	50:15,16	39:17 40:4
<b>thing</b> 34:11,12	<b>throw</b> 35:10	6:7	<b>T-dock</b> 80:16	<b>vote</b> 4:7 27:14	62:13 63:5
35:12 36:3	<b>thrown</b> 71:14	<b>traveling</b> 54:6	<b>T-head</b> 75:17	28:11 31:17	70:14,19
42:4 46:7	71:21	<b>tremendous</b>	<hr/> <b>U</b> <hr/>	31:18 32:8,9	<b>warm</b> 3:5
47:8 50:9,14	<b>Thursday</b>	5:13	<b>Underlying</b>	32:11 33:3	<b>warrants</b> 16:5
61:18 67:17	54:12	<b>tricky</b> 42:4	50:19	35:15 39:13	<b>Washington</b>
75:12 79:4	<b>tide</b> 66:2	<b>tried</b> 12:4 71:9	<b>understand</b>	40:13,15	24:18 26:2
<b>things</b> 4:3	<b>tides</b> 68:16	<b>trips</b> 82:19	33:10 36:20	<b>voted</b> 58:20	58:4
23:14 34:2	<b>Tidewater</b>	<b>trouble</b> 70:8	70:9 80:13	<b>votes</b> 5:3	<b>wasn't</b> 10:21
52:2 75:20	69:7 70:17	71:6	<b>underwater</b>	<b>voting</b> 31:20	21:2,6,11
78:17	71:12	<b>Trovata</b> 1:15	68:14,18	<hr/> <b>W</b> <hr/>	22:17 37:17
<b>think</b> 4:1,19	<b>tiers</b> 9:6	<b>TROVATO</b>	81:6	<b>wake</b> 65:2	61:18 71:20
5:2,3,11	<b>time</b> 3:4,11	24:6 30:2,4	<b>undue</b> 71:13	73:20,20	<b>watched</b> 70:3
6:10,16,19	5:6 13:20	32:12 33:9	<b>unorganized</b>	76:20 78:20	<b>water</b> 14:17
7:1,10 10:19	25:16 29:9	33:15,19	23:8	79:1,10	16:17,19
12:5 14:15	30:17,19	34:1,4,10	<b>unusual</b> 17:16	80:13,14	21:21 45:1
15:5,8 17:21	31:7 35:6	35:4,7 36:3	<b>update</b> 3:9	81:6 82:14	46:9 52:10
18:11,21	38:21 50:18	36:6 38:21	<b>Updates</b> 2:5	82:15	58:14 65:12
19:20 21:7	51:4 54:1	39:6,11,16	<b>Upper</b> 55:12	<b>wakeboardi...</b>	66:5,7
23:19 26:2	56:2 58:5	40:2 47:4,10	<b>ups</b> 80:2	52:13	<b>waterfront</b>
26:11 33:2	61:12 62:13	47:13 57:18	<b>urinating</b>	<b>wakes</b> 71:14	68:7,8
34:10 36:10	63:8 76:17	58:8,13	21:17		<b>waters</b> 17:14
38:16 41:15	78:15 81:4	<b>truck</b> 77:16			<b>waterway</b>

**Transcript of Maryland Boat Act Advisory Committee Meeting  
Taken April 17, 2012**

5:16	54:5,13	24:3	<b>yellow</b> 70:16	58:2	<b>500</b> 4:10
<b>wave</b> 68:20	57:10 67:9	<b>written</b> 19:3	<b>younger</b> 49:9	<b>15th</b> 56:3,12	<b>55</b> 2:7
82:4	76:19 78:5,6	33:12	52:5	58:2 61:11	
<b>waves</b> 65:14	78:15 80:3			80:1	<b>6</b>
<b>way</b> 12:6 23:6	81:8 83:10	<b>X</b>	<b>Z</b>	<b>16</b> 51:9	<b>60</b> 10:2
32:11 42:5	<b>we've</b> 48:16	<b>X</b> 42:7	<b>zipping</b> 70:3	<b>17</b> 64:16 67:3	<b>600</b> 69:10,11
43:5 57:8	51:4 67:6	<b>XYZ</b> 28:8	73:7 75:21	<b>17th</b> 1:6	<b>61</b> 2:8
58:20 65:7	78:1		75:21	<b>18</b> 67:3 70:17	<b>665</b> 64:19
65:12 67:18	<b>Wharf</b> 56:6	<b>Y</b>	<b>zone</b> 56:1,4,7	76:18	
68:12,17	<b>Wicomico</b> 9:4	<b>yacht</b> 28:9,10	64:19,19	<b>1972</b> 53:5	<b>7</b>
69:11 71:19	<b>wide</b> 63:6,12	28:10 31:18	65:1 67:11		7 64:12,14
74:11 77:15	72:17 80:11	32:1,1,4,7	67:12 70:10	<b>2</b>	7.4 8:4
78:12 80:18	<b>widest</b> 80:11	<b>yank</b> 43:1	70:12,16	<b>2</b> 63:21 64:19	75 46:6
<b>wear</b> 51:20	<b>wife</b> 54:2	<b>yards</b> 56:10		69:3 70:18	
<b>web</b> 50:1	<b>wind</b> 66:13	57:21 58:1	<b>\$</b>	<b>2.6</b> 8:4	<b>8</b>
<b>website</b> 78:5	<b>winter</b> 3:9	58:17	<b>\$10</b> 4:21 7:16	<b>20</b> 20:8	<b>800</b> 14:11
<b>Wednesday</b>	58:6	<b>yeah</b> 9:2 21:6	<b>\$15</b> 8:12	<b>200</b> 10:3 56:10	
17:4	<b>wintertime</b>	23:17 25:20	<b>\$18</b> 7:20	57:21,21	<b>9</b>
<b>weekend</b> 23:8	3:7	30:18 31:5	<b>\$2.8</b> 7:15	58:17 80:11	<b>90</b> 78:14
23:11 68:18	<b>wives</b> 50:8	31:10 33:7,7	<b>\$25</b> 8:13	82:11,13,13	<b>90,000</b> 12:19
<b>weekends</b>	<b>wooden</b> 65:6	34:9 35:17	<b>\$36,000</b> 12:18	82:16	<b>99</b> 18:5
62:12,14	<b>Woodstock</b>	38:7 39:21	<b>\$4</b> 5:1	<b>2011</b> 2:7	
<b>weeks</b> 25:18	22:21	40:9 41:14	<b>\$41</b> 8:12	<b>2012</b> 1:6 2:4,8	
<b>welcome</b>	<b>word</b> 62:18	41:20 45:9	<b>\$50</b> 10:20	<b>2100</b> 69:12	
35:13 77:13	81:17	51:6 52:12	<b>\$600,000</b> 8:8	<b>240</b> 64:17	
<b>went</b> 3:8 7:7	<b>words</b> 17:6	60:21 63:14		<b>25</b> 10:21 51:1	
8:2,3 16:10	<b>work</b> 7:12	74:8 75:13	<b>1</b>	51:19	
25:1 30:8	22:10 24:6	<b>year</b> 4:2 7:14	<b>1</b> 53:5	<b>26</b> 2:6	
31:8 46:14	24:10 38:10	11:10,17	<b>1st</b> 18:11,14	<b>26th</b> 83:10	
55:14,21	42:19 81:19	13:12 18:7	53:19,20	<b>260</b> 10:4	
59:21 71:17	<b>worked</b> 13:11	27:11 43:8	56:3,12	<b>2800</b> 64:19	
<b>we'll</b> 11:13	<b>working</b> 54:4	49:1 51:3,7	<b>10</b> 11:2 18:6		
63:16 77:3	54:15	51:14 55:10	24:14 25:2	<b>3</b>	
<b>we're</b> 3:10,19	<b>works</b> 10:11	56:3,13 61:9	52:9	<b>3</b> 2:3,4	
4:4 5:17,21	42:5 46:17	61:10,11,21	<b>10:00</b> 1:7	<b>30</b> 10:16 16:18	
7:13 8:11,11	<b>worried</b> 67:14	62:11 67:7	<b>100-foot</b> 81:7	<b>300</b> 23:11	
8:16,16 9:2	<b>worry</b> 18:12	73:9 76:20	<b>11</b> 80:7	<b>348</b> 72:17	
9:20 11:2,3	<b>wouldn't</b> 22:9	77:20 80:4	<b>11:30</b> 83:16	<b>351</b> 1:8	
11:4,7,8,17	30:8 38:13	<b>years</b> 10:10,16	<b>1100</b> 64:20	<b>36</b> 53:20	
11:17 13:15	38:14 42:15	24:14 25:2	<b>12</b> 26:3 80:7		
13:15 15:6	60:21	39:1 51:9	<b>127</b> 14:6	<b>4</b>	
19:20 24:3	<b>wreath-laying</b>	52:9 53:21	<b>1345</b> 12:15	<b>40</b> 14:14 53:7	
24:10 27:17	24:17	54:15 55:1	13:7	53:10,14	
35:11 37:1	<b>Wright</b> 67:8	57:10 66:17	<b>14</b> 11:2		
40:3 44:21	<b>write</b> 29:4	80:19	<b>15</b> 10:10 11:2	<b>5</b>	
48:4,15,21	30:9	<b>year's</b> 55:6	18:7 24:14	<b>50</b> 46:6 52:18	
49:2,7 54:3	<b>writing</b> 15:7	62:8	25:2 52:9	60:7 66:17	