MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

The above-entitled matter came on for hearing on Thursday, December 1, 2016, commencing at 10:09 a.m. at the Holiday Inn Express, 1020 Kent Narrows Road, Grasonville, MD, Christopher Parlin, committee chairman, presiding.

Committee Members:
Amy Craig           Thornell Jones
Bob Lunsford        Coles Marsh
Russ Dwyer          John Pepe
Deborah Henninger   Steve Kling
Mike Grant, State Committee Liaison
Mark O'Malley, Boating Services

Reported By: Diane Houlihan
MR. PARLIN: Good morning. We'll call the meeting to order for the Boat Act Advisory Committee. All right.

Do the introduction of the members of the Committee. Start over with Mr. Lunsford.

MR. LUNSFORD: Hi. I'm Bob Lunsford. I own two trailer boats. I had Mike's job before Mike had Mike's job. And now I'm on the committee.

MR. DWYER: I'm Russ Dwyer.

MR. MARSH: I'm Coles Marsh, (inaudible) chairman of the committee. And I've done all kinds of boating in my day. Family growing up on Smith's Island, I pulled a few crab pots from time to time.

MS. HENNINGER: Hi, I'm Debbie Henninger. I am up in the Middle River area. I've been boating since I've been like four. My parents got me into it. And I also do waterfront real
estate with Keller Williams and Bob (inaudible). Thanks.

MR. KLING: Good morning. I'm Steve Kling. I live in the Annapolis area. I own, race, use a sailboat, run sailboat races. My wife and I are repairing property owners. On the water a long time.

MR. JONES: Thornell Jones. I live in Annapolis. I do power and sail. Been with the Coast Guard Auxiliary for 25 years.

MR. PEPE: John Pepe. I live in Oxford, Maryland. I'm a marine surveyor by trade and over 200 (inaudible - cell phone ringing) captain's license.

MS. CRAIG: Amy Craig from Upper Marlboro. I'm a competitive water skier and raising some skiers as well and unfortunately wake water. We paddle board as well.

MR. PARLIN: And good morning. I'm Chris Parlin. Retired fire boat captain, retired fire captain, and now a yacht captain. Live in
Centreville, Maryland. Grew up on the Severn River. Do all kinds of boating, kayaking, fishing. Got a Runabout, enjoy with my family. All right.

Real quick. I want to introduce. We got Diane here doing our recording. She's not our normal reporter. So for the folks on the committee, again, we got to be careful with we're using a microphone, introduce yourself when you speak so she can capture your name. And anybody in the audience, if you speak, please make sure you're using the microphone so that she can capture your name. And don't talk over each other.

And just so you know, the bathrooms are out the door and to the right.

Let's do introductions of our audience members and then we'll move forward with the meeting.

MR. O'MALLEY: Good morning. Mark O'Malley. I'm director of boating services at
Maryland DNR.

Mr. Wright: Louis Wright, hydrographic operations.

Ms. Williams: Ann Williams, hydrographic operations.

Officer Bloxom: Officer David Bloxom.

Maryland Natural Resources Police. Currently assigned to Ocean City.

Sergeant Ford: Sergeant Robert Ford, Maryland Natural Resources Police. Supervisor, safety education section.

Officer Gitmars: Frank Gitmars. I'm the commander response service unit and also oversee safety education section.

Captain Johnson: Captain Kelly Johnson. Currently the (inaudible) to the superintendent.

Sergeant Rafter: Sergeant Roy Radford, also National Resources Police obviously. Assigned to Hillsboro, Queen Anne's County.

Major Ingersoll: Major Lloyd Ingersoll.
I'm the executive officer to Colonel Zeigler.

MS. CORDELL: I'm Allison Cordell. I'm the legislative liaison for the Department of Natural Resources.

SENATOR MATHIAS: Good morning, everyone.

I'm Jim Mathias. I have the privilege of being the Maryland state senator from District 38, which is Worcester, Somerset, and the eastern half of the Wicomico County. I appreciate your good work.

MS. MOANEY: And my name is Jeannine Moaney from boating.

MR. PARLIN: All the way in the back there.

OFFICER BROWN: Julie Brown with Natural Resources Police, safety education section.

OFFICER THOMPSON: Candy Thompson, Natural Resources Police, public information officer.

MR. GRANT: Mike Grant, liaison to Boat Act Advisory Committee.

MR. PARLIN: Thank you. Great turnout.
from NRP today. It's nice to see. Obviously because we have a little proposed regulation and some support from them.

Mike, go ahead and take it over.

MR. GRANT: We've rearranged the agenda just moderately. The NRP proposed regulation, negligent or reckless manner/bow riding.

We're going to start with that. And I believe we're going to start with Sergeant Ford or Senator Mathias, would you like to start us out.

MS. CORDELL: I will begin, if that's okay with you guys.

MR. GRANT: Whatever you want to do.

MS. CORDELL: And then I will introduce both.

MR. GRANT: Thank you.

MS. CORDELL: Come back and get the mike.

MR. GRANT: You want that up, Allison?

MS. CORDELL: Sure, that's great. Good morning.
In light of the recent accidents this summer, there has been a number of concerns that have come to the department saying how can we increase safety for our boaters.

We looked at the statute and we looked at our regulations, and we thought that the best way to be able to address this was by looking at negligent manner, which is currently in our regulation.

And it states that a person may not operate or give permission to operate any motorboat or any vessel in a reckless manner to endanger the life, limb, or property of any person, or B, in a negligent manner to endanger the life, limb, or property of any person.

Currently, bow riding is not specified as being illegal. But yet we do consider it to be under negligent manner. But because it's not specified, the public doesn't have the education to know that this is a dangerous act.

I can remember growing up as a child. We
had a little Boston Whaler. And I can remember
there was a rail on the top. And me and my
sister would go up and ride on the bow with our
legs dangling over. And it wasn't until a few
years, I think we were maybe stopped by the NRP
in North Carolina, and my dad was advised that
this was reckless and that this was endangering
us as children.

Now, when we look at what we could do in
statute, there are options there. But we
really feel that the department has the
authority to specify this through our
regulation.

So what we're asking you today is to look
at this language that's provided and give a
recommendation on whether or not you think we
should go forward with specifying the offense
such that riding on the bow, gunwale, or
transom of the vessel underway propelled by
machinery in a position or manner with lower
limbs outside the vessel or otherwise dangerous
would be subject to a citation.

Currently, we have negligent manner as I think it's a $325 fine, which a lot of times the officers, I'll let them speak to this, it's difficult to charge someone with a $325 citation for bow riding. The enforcement is difficult. But I'll let the sergeant speak to this.

So we thought we can talk about the amount of the fine, but currently we're thinking of an $85 fine.

Now I will turn to Sergeant Roy Rafter and let him speak to you from the enforcement side for our National Resource Police.

SERGEANT RAFTER: Good morning, everyone. From a law enforcement side, bow riding is very dangerous. It's also very prolific. The Natural Resources Police officers see it quite frequently.

We do educate the public with the dangers and explain to the public that it is dangerous
and also life threatening. Many, many times 
the public is completely unaware that what 
they're doing is wrong.

By putting the wording into the 
regulation, it would not only make it easier 
for the judges and the prosecutors to 
understand, but it would also make it easier 
for the general public.

I think the most important thing here is 
the preservation of human life and to prevent 
tragedy. And I think that by educating the 
public and by allowing the officers to have the 
means to be able to issue citations or to be 
able to have the wording in there, I think 
would go a long way.

MS. CORDELL: Thank you, Sergeant. Now 
I'll have Senator Mathias speak for the 
constituents.

SENATOR MATHIAS: Thank you, Allison.

Good morning, everyone. My name is Jim 
Mathias. I introduced myself, but I first want
to thank you for what you do and the responsibilities you take to provide us with the maximum, the best safe waterways that we can have.

Just to give you a background, I've lived in Ocean City 45 years. And a member of the fire service, a life member of the fire service. But I was a mayor there for ten years, and very proud of our resort and all that it does. And critically important is the boating around.

And now that I'm a senator, I'm water born all the way around, from Crisfield all the way up to Ocean City and Wicomico County and the like, commercial and recreational vehicles.

Just simply put, as the summer progressed this year, we started to experience a rash of boating accidents. And they were kind of headlines in the paper. And sadly, then we had a tragedy of a young fellow. I think he was nine years old.
And I always been in a legislative capacity, on the city council and then the mayor and all. Before we would pass an ordinance locally or when I got involved up in the general assembly, I always wanted to know how any kind of changes of regulations would affect the people that it's written towards. So I always said my thing was hey, you want to know what's going on in the trench, get in the trench.

And right after that tragedy, my phone rang. And Officer Bloxom and I serve in the fire service together. And completely adherent to the chain of command, he wanted to know if he could talk to him, and I said sure. We talked as firefighters. We didn't talk as outside the realm of his enforcement capacity. And he told me about bow riding. And really to be completely honest with you, I wasn't really that aware of it. I'm not out on the water much. But the minute he brought it
to my attention, I could see, I've been out there with wakes before and other things, I could see the really risk of it. And then really the intensified risk when it came to pontoon boats. You kind of sort of channeled right up the middle and right into the propeller.

And he was one of the first responding officers, and I'll save you all the details. But he explained to me the tragedy and how for years he, and subsequently to our conversation, folks in the industry, people that live on the water and they're out on their decks and all have witnessed this time and time as the gentleman said, prolific, the incidents of this.

So I'm not one that's really big, as I've already said, into regulations and all that. I try to go about this in a practical, pragmatic way. After I had the conversation with David, I have a good relationship with the secretary.
I called the secretary the following day. I said this is where we are, this is how we got there, this is the incidents that have happened. If I pass this onto you, will you move it around your roundtable and see what sense that it makes. And he did that, he began that process.

Subsequently, the boat captains in the area came forward with some other thoughts that they have as well, which I passed onto the secretary.

Again, I want to have that vetted through you, vetted through his leadership and all before we move forward and jump out and do bills or propose regulations.

Bottom line is when they vetted, I met with the colonel and all and his deputy and here we are today.

So I think that this makes -- it articulates this very clearly for the enforcement officers, for the livery operators,
and for the public as to what they can and
cannot do.

I would respectfully ask that you,
whatever your process is, pass this, approve
this, move this onto ALR so that we can look at
this.

This just happened sometime in August I
guess it was, maybe late July. I don't know
the exact date. But here we are four or five
months later, and we find ourselves in a
position. And I've had a number of tragedies
when I served as the mayor of Ocean City and
sadly witnessed some when I was in the fire
service.

And I think our responsibility in a
rational way is to take a tragedy and learn
from it so that that loss of life or severe
injury did not happen in vain.

So here we are, regardless of who made
what decision on that particular day or those
other incidents. Here we are in a position to
make a difference. And by clearly expressing the law so that all parties involved will know what they can and can't do. And ultimately when it becomes the enforcement of our officers that are out doing their job, they have something that they can better enforce and make our waterways safer. So that's how we got here.

I'm hoping that we can do this, that I know it's highly unlikely we're going to prohibit this from ever happening again, but at least this will contribute to it happening much, much, much less frequently.

Closing, after I left being the mayor, for ten years, people said what did you miss most about being the mayor. I say those two-hour breakfasts. And they say what do you mean. I go to the same place every morning and eat breakfast. And people, my friends and people that knew that I was able to -- kind of person you can talk to, they would show up. And after
two hours or so, I kind of had a pretty good idea of what was going on around town.

Well, we still do that today in our capacity. I go to the same place and I eat, people come.

So once this incident happened, and I'm not one to rush off and do press releases and all that kind of stuff, that's not been my forte, but the word gets out. As I said, I went through the chain of command.

But the livery operators started reaching out to me and the charter boat guys started reaching out to me and all just to make sure that they were aware of what we were doing.

So my point I'm trying to make is that this has been vetted, it's been vetted within the industry.

The person I learned from was Fish Powell. He was my predecessor as the mayor. He was a boat Captain, fire chief, great mayor. But I'll tell you, he knows the water and all. And
I learned from him how to be rational but get things accomplished.

And as you all know in your communities, the word gets out. The word is out. His daughter lives right in my neighborhood. Suzie. She operates Advance Marina I believe up there at 67th Street. And she and I talk. She's aware of it, as well as other -- talked to the fellow, Rod Cooger and some other folks. So the industry is aware.

I think this is a pragmatic approach.

It's practical, it's clear and concise. And I would appreciate your approval. And I thank you for affording me the opportunity to be here today.

MR. PARLIN: Thank you, Senator.

MS. CORDELL: I just wanted to speak a little bit to the process on this. We are asking that you make a decision and make a recommendation to the department today, if possible.
We have until December 15th to put these regulations through before session. Session begins on January 11th. We don't have the option until January 15th to resubmit to AELR. So we have until the 15th of December, and then we're put on hold until January 15th.

And January 15th, as you can tell, both the senator and delegate from this district are interested in putting forward legislation if we do not move forward with the recommendation to change the regulation.

So I have a letter from Delegate Carozza as well. She was not able to be here with us today, if you could pass these around.

So again, I ask that, if possible, you can make a recommendation to the department today. If not, we can take this back up in January, but it would be helpful, if possible, to have it today.

SPEAKER: I'd appreciate, if you could. I don't mean to blurt in, but if we could in a
practical, rational way do this so when we get back out on the water again come spring, we have a regulation in place. So I really would respectfully request your action today, if possible.

MS. CORDELL: This regulation could go into effect. It's about a 90-day process for us from the submission to AELR. So that's how quickly it could go into effect.

If there was a legislative change, it would not happen until the middle of the summer. Thank you.

MR. PARLIN: Thank you, Allison. Anybody else from NRP, did anybody else want to speak on behalf of this bill?

MR. LUNSFORD: Ordinance.

MR. PARLIN: Ordinance, thank you.

MR. KLING: Regulation.

MR. PARLIN: Got my legal team over here. Kling is a lawyer. So he'll really keep me straight.
Any questions from the members of committee?

MR. PEPE: Yup.

MR. PARLIN: Mr. Pepe.

MR. PEPE: Thank you. The only, not a question, maybe just a clarification on the wording of riding on the bow, which sounds very specific, except for the fact that there's probably a third to half of the boats in this Runabout size range now that are designed specifically as what they call bow riders.

I think a term such as riding on the foredeck or forecabin may put a little bit more teeth into this for NRP because you're talking about an area that's not really approved to be an area where passengers should be.

So I just bring that up as a matter of discussion to the committee.

MR. PARLIN: Okay. And actually want to just clarify while we're talking about this.

So the major change is that highlighted
area under to specify the offense such that.
And that is the major change, riding on the
bow, gunwale, or transom of the vessel underway
propelled by machinery in a position or manner
with lower limbs outside the vessel or
otherwise dangerous.

MS. CORDELL: Yes, it is. And again, this
is a scoping. Yes. So it's just that portion.
And then it does not apply to, and then you can
read the four points underneath that it would
not apply to.

So the only change --

MR. PARLIN: So the only addition this
does not apply to is the very bottom one, a
vessel's crew in the act of anchoring.

Go ahead, Mike.

MR. GRANT: That was only a recommendation
as that exists elsewhere in COMAR and it's not
necessarily part of this. It's up there to
consider, as is number four, that the top half
was delivered through NRP through Allison's
office. The rest of it is all think about it, doesn't have to be part of it.

MS. CORDELL: And we are -- this is scoping. We still have in the public comment period, once it goes to AELR, there is about a 30-day window that then we still take additional public comment, incorporate that into the regulation change before the regulations would become official.

MR. PARLIN: Okay. So I guess in dovetailing with John's thing. I just want to see what your take on this is from NRP.

Riding on the bow, gunwale, or transom of a vessel underway propelled by machinery in a position or manner with lower limbs outside the vessel.

So that kind of differentiates it from a bow rider to somebody sitting on the bow of a vessel so that you can say no, your lower legs were hanging out over the front of the boat?

SPEAKER: Sir, if I might address that.
Yes, that's the intent of it. This gentleman brings up a good point that there are a number of boats that are designed for people to sit forward, but they have seats. And normally in those seats, your lower limbs would not be hanging over. So that's sort of the trigger for this enforcement of this regulation.

We do recognize that there are some instances where people sit on the foredeck where they could slip off and be propelled in the event of a collision. However, we feel this will take care of the bulk of the situations that we run into. It's up to you whether you want to take it further than that. But we think this is a reasonable approach with this language.

MR. DWYER: The one thing I see in this is number three, about the seafood harvesters. Chicken (inaudible) should say recreational crabbers, are going to have a problem with
this. They're not going to be able to trout
line, they're not going to be able to crab --
MR. LUNSFORD: That's already in there,
that's already in the law.
MR. DWYER: It's in there?
MR. LUNSFORD: Yeah.
MR. DWYER: Okay. So we can run them off
the waterway, then.
It's bad wording I think.
MS. HENNINGER: Okay.
MR. PARLIN: I think it's saying it does
not apply to.
MS. CORDELL: Yeah, it doesn't apply --
SPEAKER: They're exempt.
SPEAKER: They're exempt.
MR. DWYER: No. I'm saying -- what I'm
saying, I can do it as a license holder. But a
recreational crabber, the way I'm reading it,
cannot.
MR. LUNSFORD: Because it says for sale.
MR. DWYER: Okay. Got you.
MR. PARLIN: And again, I think the clarification here is they're specifying lower limbs hanging outside of a vessel. So not many people crabbing are going to have their lower limbs. Lower limbs are the legs, not the arms.

MS. CRAIG: What about with your arm hanging out? That's upper.

MR. LUNSFORD: Yeah. Do we want to give any consideration to broadening that so that you can't hang over the bow and look back to see what kind of wake you're cutting or something. I mean do people -- is that ever a problem or am I worrying about something that doesn't exist?

SPEAKER: Personally from what I've seen, that's a good question. Personally from what I've seen, and I think some of the other officers could probably articulate too also, is that the majority of it is people that are sitting on the front with their legs hanging overboard.
And to address a little further about what the gentleman here said about the bow riding boats where you sit inside. As the major said, those are designed so when you sit on the bow or up near the bow, your feet are inside the boat.

If you were to hit a wake, a large wake, and everybody here that's boated before knows that these wakes come from nowhere. You're just riding along and it's pretty and then all of a sudden, boom, there's a wake that occurs. People bounce up out of the seats.

If you are sitting in a boat like that, a vessel designed like that, you're going to be inside the boat. But if you are so dangerously sitting up on the bow where you have legs hanging overboard and you hit a wake or anything could happen, a collision or you even just slam it into neutral real fast, then somebody is going to propel forward. If they're sitting in the boat, that won't happen.
as much as the legs hanging overboard.

But yes, I think the majority we see is with legs hanging overboard.

MR. PARLIN: Thank you. I think I understand. Basically, like you said, you're trying to eliminate the majority of what you see out there as being a dangerous act, and that's people bow riding with legs hanging over the bow of the vessel.

Real quick, the wording on this, it's catching me. The very last sentence or very last couple of words, with lower limbs hanging outside the vessel or otherwise dangerous.

MR. LUNSFORD: Add the word manner.

MR. PARLIN: What's that?

MR. LUNSFORD: Dangerous manner. If I could suggest wordsmithing for that, I would just eliminate the word lower and add the word manner at the end of the sentence so that the proposed reg would read in the position or manner in which limbs outside the vessel --
limbs are outside the vessel or otherwise in a
dangerous manner.

MS. HENNINGER: No.

MR. PARLIN: Go ahead, Officer.

SERGEANT FORD: This is Sergeant Ford.

I've pretty much been on this from the get-go.

And again, just getting back to lower limbs, we
talked about any body part.

Well, how many of us out there going down
maybe in a Jon boat have stuck our hand in the
water. And that's not our intention.

I think we need to leave otherwise
dangerous.

Kent Narrows one summer, almost dark. I'm
looking out saying something is not right. Jon
boat going up through the channel. Not
exceeding six knots at all times. There's a
gentleman hanging on the side, hanging on the
side of the boat. The only thing that caught
my eye was his head.

So I went over, shut the boat down, got
him in there. What the heck are you doing, that's a dangerous manner.

Under this, can I charge him for bow riding, no, absolutely not. His whole body was in the water. But when you put dangerous manner in, all you'd have to do is Your Honor, it says dangerous manner and get the judge, mostly District Court, to agree. Yes, hanging on the side of the boat while you're going up through the Kent Narrows or anywhere is dangerous. It's kind of a no-brainer.

So when I looked at that, it was the same thing, but then I remembered that one incident.

MR. PARLIN: Thank you, okay. So that should read and otherwise dangerous manner.

SPEAKER: Okay.

MR. PARLIN: Mr. Kling.

MR. KLING: I completely support this concept, as I suspect other people do, not meaning to speak for other people.

But this wording or lack of wording
troubles me. I don't think this is ready for prime time.

I mean we're -- the AG is not here. But I don't know how you have one fine for A and then two fines for B. I think you need an A, a B, and a C. This is probably a subset of negligent if you're going to have a different fine. That's just a hunch.

But then we have A, this chapter does not apply to. Well, why isn't that D or two. And then if we look down here, this chapter under A, it gets real redundant. You say a vessel engaged in a professional exhibition. Okay. A regatta. I deal with regattas. That's not a really well defined term. A motorboat race or other boat race. Those are probably regattas.

And then down here we talk about four, we get redundant. Acting as a counterweight on the windward side of a vessel. Well, that's a sailboat.

One of my concerns as we mentioned and we...
talked about this is identifying not giving --
not getting sailboats racing where the crew is
expected to be rail meat and sit over the side
for hours on end being cold and miserable, not
to have those people cited for having their
lower limbs over.

So I mean I would like to see -- I mean it
says a power boat, but then we get into this
redundant stuff. But I would feel safe,
instead of sailboat while racing or practicing
to race instead of a regatta.

I just think we could make this -- and I
realize the 15th. We could do this by the
15th, but I think the language needs work. And
maybe we could approve it in concept and have a
subcommittee to work with people or something.

MS. CORDELL: Sure. We can absolutely
work on the wordsmithing of this document. It
is just a draft. And essentially during that
public comment period, there's going to be more
opportunity to change the wording to how the
committee would see appropriate.

The specific the riding on the bow to otherwise dangerous. This does come from a regulation in the Delaware code. So that's where this was mostly taken from, that portion.

And then Mike might be able to speak a little bit more on how it does not apply to standard. Some of the standard language the chapters does not apply.

MR. GRANT: That exists elsewhere in COMAR.

MS. CORDELL: It exists elsewhere in COMAR.

MR. GRANT: And I just threw it up there for conversation, as number four is up for conversation. I just want to bring up some things that may not have been considered or just as a topic of discussion.

MS. CORDELL: So one through three is already in regulation language?

MR. GRANT: A is already in language in
COMAR, four is not.

MS. CORDELL: But four is not.

MR. GRANT: One through three exists verbatim.

MS. CORDELL: That was copied from that area. So that's a little bit why it's got an A one, two, three. It's not exactly how we would want it to be in regulation.

MR. KLING: And I appreciate that, and that's encouraging.

Again, I'm not obviously in a position to speak for other people, but I'm not comfortable saying yeah, we approve the concept and go play with the words. I'd like some committee involvement between now and the 15th in scripting the final words.

And I guess I sort of direct this to John. Might this be more helpful if it said bow riding, gunwale, transom. Wait a minute. Lower limbs outside of the sheer of the vessel instead of just of the vessel, would that be a
better, a clearer definition?

MR. PEPE: It would be a clearer
definition to people who doesn't understand
boats, but not to the public in general.

MR. KLING: But from a technical
standpoint when the officers -- we get it. We
can define terms for courts. I'm just
explaining that that might be a more precise
delineation of what we're talking about.

MR. PEPE: My only reason for bringing
that up was I thought that defining the area of
the boat as the foredeck and not -- taking the
bow riding out of the equation would help the
DNR maybe put more teeth into this.

But they're comfortable with the wording
and the fact that limbs outside the bow section
of the boat, I'm fine with that.

But I do agree with what Steve said.

After reading through this, there's a lot of
redundancy, especially in section two, a vessel
engaged in exhibition. And then E, a
1 tournament or exhibition. A tournament,
2 exhibition, or a demonstration is all the same
3 thing.
4 A regatta, he's involved in sailboats.
5 I've been involved in many powerboat regattas.
6 A regatta is a regatta. It's a sanctioned
7 Coast Guard event that we put on. It really
8 wouldn't have to be defined specifically as
9 motorboats or sailboats.
10 I do agree with Steve that some of this
11 language could be tightened up just to make it
12 more specific and easy to understand.
13 MR. PARLIN: Ann.
14 MS. WILLIAMS: My concern with the
15 approved department or US Coast Guard activity
16 listed below.
17 When we worked with the jet packs, the
18 Coast Guard permit does not allow any exception
19 to DNR laws. So what you're trying to say, I
20 believe, is if requested on a permit, not
21 blanket if you get a permit.
When I talked to Ron Hath with the permits, he said that if someone told them they were going to be bow riding, he'd tell them no. He said so if you're putting this in that you're automatically saying you're having a boat race and everybody in the boat race and everybody participating around the boat race, because that's part of their permit, is allowed to bow ride, he thinks that you should reword this. He thinks that this is too generous and that he would not know it when he was doing the permit. So therefore, you would now be allowing something during a boat race that you wouldn't allow any other time of the year. So he thinks that the wording, approved -- and it's all over COMAR.

When we ran into it with jet packs and they didn't like it there, either. But they would prefer it to say an approved department when requested may be exempt when requested, not automatically done.
And he said because he would not know all of our laws, all the nuances and, therefore, be approving something that he didn't know.

And also, on their permit it actually says we do not give you permission to break any state laws. He says so it's like an oxymoron. We tell you you can't break any laws, but the state says you can. And he said that we should refrain from that unless it's specifically requested.

MR. PARLIN: Go ahead, Mike.

MR. GRANT: Does A have to be there at all? There's a whole section that (inaudible) exist at all in this regulation.

MS. WILLIAMS: Back on that one. I think the reason, the power of A was the first one, for public safety vessels, and the last one, sailboats.

The other ones I think should all be considered either removed or changed or put in if requested.
Because I think it wasn't clear at the top bow riding did not include sailboats. And I think four's intent was to say while riding on a sailboat.

So I think that the first that, if you were reaching over and your feet are over to rescue somebody, obviously you’re not bow riding, you're rescuing somebody. It's a duh, but that one should stay.

And then the last one, which was trying the word sailboating in my opinion.

MR. PARLIN: Add sailboating and other activities where I believe anchoring and things like that where you should be allowed to maneuver around the vessel freely at that point.

MS. WILLIAMS: Right.

MR. PARLIN: And going back to the riding on the bow, I know we're getting (inaudible) because that is the majority of the thing.

But I have seen in Ego Alley in Annapolis,
I've seen a boat come through with kids standing on the swim platform of the boat. So yeah, I do believe we need to allow for all positions of the boat because they were outside of the vessel right next to the outboard motor. Could very easily fall into that.

So from what I understand, you're looking for our blessing to move this forward. There obviously needs to be a little more work on the wording.

Does anybody else on the committee have anymore questions, comments? Do we want to make a motion?

MR. DWYER: I'd like to make a motion that we accept the concept. I'll make a motion we accept the concept of this regulation with some future wording changes.

MR. LUNS福德: Second.

MR. MARSH: I will second that.

MR. PARLIN: Okay. So we have a motion by
Russ Dwyer to approve the concept of this regulation of trying to limit or eliminate bow riding and other dangerous activities or riding in other dangerous manners. And seconded by Bob Lunsford.

Discussion.

MR. LUNSFORD: Just one quick point. And that's that if the department does continue and promulgate this regulation, that we provide to the livery operations maybe a laminated eight and a half by 11 that says bow riding is dangerous and illegal that they can post on their bulletin boards since I believe what I've been hearing is that many of the livery operations seem to be where the problem is, it's not the people who grew up on the water that know better.

So I would just suggest that we make that widely known, and that's one mechanism to do it.

MR. PARLIN: I believe the problem is in
both areas, in the general public but also in
the livery operations.

Julie, what are you doing to coordinate
with the livery operations around the state on
this?

OFFICER BROWN: Julie Brown with safety ed
section. In regards to the liveries or the
rental operations, I will be working directly
with them to make sure that they are aware of
the new regulations for bow riding and some of
the changes that we're also proposing for the
rental folks.

This is just an example of posters. Well,
I don't want to turn it around. This is a
poster that talks about the law for operating
motorized vessel. This is about what you will
see at a rental location. And we're going to
keep it as simple as the big no symbol, the
circle with the line through it, and a little
stick figure on the front of a bow of a boat.
So it basically says don't sit here. So those
1 posters will be around at the livery operations.
2
3 The Maryland basic boating courses in the classroom and online will also have all that information.
4
5 MR. PARLIN: Thank you, Julie.
6
7 OFFICER BROWN: You're welcome.
8
9 MR. PARLIN: Coles.
10
11 MR. MARSH: Thank you. Just I think the wordsmithing might cover this one. But I (inaudible) a couple of times in Annapolis for some boat owners for the Wednesday night races. And when you're coming in, a lot of times you're dousing your sails and you're starting the engine putting on into the dock facility. And I mean I've seen it. I didn't do it, but I've seen a bowsman that's on the bow. Once he douses his sail, he may choose to sit down and hang his limbs over the side of a machinery powered vessel at the time. So that's a little bit of clarification on
that because I'm sure you've seen it. I mean if you douse a sail, you got (inaudible) of crew on board, you might choose to sit down on the bow of the vessel and hang your limbs over the side of the rail. So just a point of clarification where that might come up for sure in those conditions, you know, with sailboat racing. Just a thought from the people on the water that enforce these regulations.

MR. PARLIN: Steve, go ahead.

MR. KLING: Yeah. As presented, I'm not -- I can't support this motion because it's just to me too vague on how we get from point A to point B.

I would support we approve the concept, the goal of having language by December 15th with a subcommittee of this committee to work with staff to develop acceptable language.

MR. LUNSFORD: Do I hear a volunteer?

MR. KLING: One.
MR. PARLIN: Bob.

MR. LUNSFORD: I'm going to be gone for the next week. So no.

MR. PARLIN: So do you want to modify the amendment to allow for the subcommittee to be involved with, I'm sorry, the motion?

MR. DWYER: I will. I'm not in total agreement with that. We've got too many parties here trying to get this thing right. I think it's not going to happen as well.

But I will amend it. No, I'm not going to amend it. I'm going to leave it as is.

MR. PARLIN: So the motion stays as originally stated.

More discussion. Okay.

Coles, did you have --

MR. MARSH: I'd just like to have a comment from DNR because you're on the water to enforce these proposed regulations. And I 100 percent agree that they're negligent, the intent.
1. But just a thought from you as to what I just mentioned, the sailboat racing coming in and dousing the sails and sitting on the bow limbs hanging over powered by machinery at this point in time. So just a thought. Is there something we need to clarify on that?

2. So if you're patrolling and you see me doing that, are you going to pull me over and say you've got limbs hanging over, you're under power?

3. MS. CRAIG: Paddle board.

4. MR. MARSH: I just want to make it easy for you all when you go before a judge that says well.

5. SPEAKER: Are you finished, sir? If I can respond to that.

6. The point here is that the vessel is under power. And regardless of whether it's a sailboat or any other type of boat, if someone slips off the bow, you cannot stop that vessel fast enough to keep them from being struck by
the prop.

So in the scenario that you present, yes, we would probably make a vessel stop there.

MR. PARLIN: Okay. Actually, I have a couple of questions before we call on the motion.

I'd like to go through each of the folks from NRP that are involved with this. And after hearing our concerns, are you still good with the wording or do you believe we need to do a little bit of work on this before December 15th?

So go one by one and see after hearing what we had to say where do you stand.

SPEAKER: Just my thoughts here after listening to the comments. I do feel that some of A is redundant. Probably could use some cleaning up there.

And specifically number four down there, we could probably trim that down to include while sailing or something similar to that.
We've already said it only applies to vessels under propulsion. So I think we could probably either eliminate or clean that up, make it much more simple.

Our goal here is to make this as simple as possible so that everybody understands exactly what the dangers are here to prevent future tragedy. So I think the less complicated we make it, the better. The fewer exceptions that we can list and just make it succinct as possible.

MR. PARLIN: Thank you. Sergeant Rafter.

SERGEANT RAFTER: Anything that I would say would just be echoing what the major said. I think a lot of the modifications that were recommended by your group are definitely -- would definitely be helpful. As the major said, some of them are redundant.

And the main purpose of this whole thing is, as we stated in the opening, is to prevent tragedy. So anything that we can do to keep it
simple, educate the public. And the simpler it is, the easier it is for the public to understand. I think once we start including a lot of other things, it starts getting so convoluted that people lose what you're trying to do here.

SERGEANT FORD: Sergeant Ford, safety education section. We don't normally take two-hour breakfasts, but this is something that we continually think.

I direct your attention to A. It would be a little simpler in my perspective here, and this has already been done, leave number one in, basically same wording.

Then we would go to number two, which would basically be a vessel in the act of anchoring, mooring, or making fast to a dock or another vessel, period.

And the third exemption would be number three, a vessel under power of sail or for paddles, period.
And I believe I have this in writing. So if -- I might have a copy if you want to pass this around. To me, it would make it a lot clearer, but also with safety education, we train. Our people are trained. They do in-service training. And when this actually comes in a reg, it would be followed with a training bulletin saying here, here is what we're looking at. We are not looking at a sailboat that's coming in or even somebody standing on the back of the vessel. What we're looking at is to save lives and prevent another tragedy from like that happened last August in Ocean City. That's what our people are looking for.

And I dare say it because we have over 200 people out there, that most of the 200 people that I've run into have a lot of common sense. And they may stop you and say that's not good practice and check other things and get on because I have stopped every vessel I've saw
bow riding, and I can't remember other than anybody get a warning. And the only reason they got a warning is because maybe they didn't agree or got mouthy and so here it is.

But we've had these cases taken to court. Like when you said different fines. If you look up COMAR, 08, 18, 01, 05, A, reckless manner is a $450 fine, negligent is a 320. I don't know how they figured it out.

We certainly have, C, riding on the bow, 85. So that's how it is defined in COMAR. I also have a book put together that's in writing. Thank you.

OFFICER BLOXOM: Again, I'm Officer Bloxom. I work in Ocean City. In the summer, I'm out there pretty much 40 hours a week.

I was the first officer on the scene when this young man died. That's not the first time I've been on the scene where somebody has come off the front of a boat and been run over and the prop has eat them up. Two other times last
year I saw the same thing. Summer before that I had one who was struck in the head, fell off the front of a boat.

Right now, the way it's set up under the negligent operation, it's a $325 fine. I'm going to be honest with you, I don't want to go out and write everybody I see out there a $325 fine.

After this young man died, I initially started the paperwork to get this going because the officers that I talked to afterwards all said hey, if it was a more reasonable fine, I'd write them all day long.

And that's the intent behind this because stopping people and saying hey, you can't do that isn't working. So now, if we've got a little bit of teeth behind it, maybe we can go ahead and start enforcing the law in a more fair manner with a more reasonable fine that explains to the judges and the prosecutors exactly what they did.
I've seen cases where people were charged, and I actually heard the judge say nobody got hurt, no harm, no fowl, what did he do wrong. This will tell the judge exactly what he did wrong and this is the regulation.

We need something. What we're looking for today is, my impression, this is the first time I've ever been here, is not for you to approve the wording, but just to approve the concept that hey, yeah, we need to do something and we support you in doing something.

I don't know what happens from here. Do we come back before you. I don't know, that's above me. I'm just a guy out on the water. But I think what we're looking for today is just for as a council we say hey, yeah, we need this and we support NRP. Thank you.

MR. PARLIN: Thank you. Steve.

MR. KLING: Let me say I think, Sergeant, this language is good. I think this clarifies it. I have questions, not to muddy the waters,
but there are -- I see kids on the bow pulpit
of a sailboat hanging out.

Now, there's not an engine to chop them
up. But if they fall off, they're going to get
crunched. Do you care about that?

MR. DWYER: Tough question.

MR. KLING: Seriously. There's one
(inaudible) West River where they have a sheep
dog that hangs out on the bow pulpit.

SERGEANT FORD: I care about this. And
the reason that Ms. Williams did that language,
and I remember in October. If you remember in
October, that's the meeting that went, the room
was full and I know you had a lot on your
plate. But I heard you about sailing.

Yes. We don't want anybody getting hurt.

But in my tenure with Natural Resources Police,
and I spent the first 15 years with the Park
Service, so I'm not as well rounded on the
water as Sergeant Rafter here. But yes, it
does concern us how many people are we losing
because they're cut in half by a keel.

And I believe it was you that said that normally you hang lines off in case somebody falls off. I wasn't aware of that.

But I can only go from my experience is, I echo Officer Bloxom here. We're trying to save lives. That's not what -- yes. Believe it, everyone in this room cares about it because if you had to do a notification or go down there, and even Officer Bloxom, the sad thing is that boat was cleaned up and sent out for the next rental when it went back. And it's a tragedy.

MR. KLING: I think your changes I think are great. I think they're fine.

SERGEANT RAFTER: They were from Ann Williams. You sent them to us, but I don't know what version you have.

MR. PARLIN: Thank you.

SERGEANT RAFTER: And just to clarify one other thing, I do love two-hour breakfasts, but I had to say that I don't participate in them
because of my major and my commander.

But the nice thing is I'm downstairs. Ann Williams, Louis is upstairs. And I can tell you that I go up and I've bent her ear a lot of times. So thank you.

MR. PARLIN: Thank you, Sergeant.

I'm going to wrap up my own opinions and share with everybody. I believe everybody is here trying to prevent that next tragedy.

I've been there. I've responded to calls where people have been hit by propellers, and it's an ugly scene. It's my pet peeve out on the water when I see a boat go by with three kids hanging off the bow of the boat.

So yeah, I do think it needs to be better defined. And like you said, be able to write a ticket and not feel like you're going to go into court and have to defend a $500 fine or $400 fine or whatever, that it's a little more in the realm of a regular ticket.

So I appreciate what everyone is trying to
do. And I'd like to move this thing forward.

They're asking for us to approve the concept of getting this into the regulation.

So any more discussion on the motion?

MR. DWYER: My motion is still the same.

MR. PARLIN: And the motion was?

MR. DWYER: You're trying me now.

MR. PARLIN: To accept the concept.

MR. DWYER: The concept with some changes.

MR. PARLIN: Okay. All in favor --

MR. KLING: Whoa, whoa, whoa, whoa, whoa.

MR. PARLIN: I asked for any comment.

MR. KLING: Yeah. I'd like to offer an amendment to approve the concept and recommend adoption of the language provided by Sergeant Ford.

MR. DWYER: Mr. Attorney, don't we have to vote on my motion first?

MR. KLING: No. It's an amendment. I offer an amendment. Now, it can fail for lack of a second.
MS. CRAIG: I'll second.

MR. PARLIN: Okay. Mr. Kling has added an amendment to accept the concept with the wording from Sergeant Ford and Ann Williams and seconded by --

MR. DWYER: I don't have a problem accepting that. I'll amend my motion. You guys win. But it's still the wording. There's going to be other things that I feel is going to be changed on this when it's done.

MR. PARLIN: And it will go through its proper process. And that's the idea. It's going to move forward. It's going to go through the proper process.

MR. DWYER: I just want to make sure.

MR. PARLIN: Everybody is going to be involved, everybody is going to get their hands on this.

MR. DWYER: I just want to make sure that the proper wording is there, that we're not
dead set on the wording that's there now.

MR. PARLIN: Correct. It's the concept, and again, putting it in process and letting it run its course.

MR. Dwyer: I thought that's what my motion was, but okay.

MR. PARLIN: All in favor say aye.

THE COMMITTEE: Aye.

MR. PARLIN: All opposed? Motion carries.

Mr. Grant. Go ahead.

SENATOR MATHIAS: I just want to thank everyone that's been involved. I do appreciate it, the practical approaches that you take and how you cooperate with each other.

And on behalf of the citizens, the boaters, making the waterways safer, I'm very grateful. And you guys can count on me. I'm going to head on up to Annapolis. I'm going to get a cup of coffee. And I don't have two-hour lunches, you know.

MS. HENNINGER: Don't forget Amy's piece
SENATOR MATHIAS: Thank you. Most important thing, Merry Christmas, Happy Holidays, and Happy, Healthy, Safe New Year. And I thank you for your service.

SPEAKER: Thank you for your service.

MR. PARLIN: Mr. Grant.

MR. GRANT: May I recommend that the committee allow staff to get together and formalize the language presented by Sergeant Ford and Ann Williams and then disseminate it electronically to the committee for approval?

MR. PARLIN: That's sounds like a wonderful idea. Thank you.

MR. GRANT: Thank you. All right, thank you, everyone, for your input and assistance on this one and cooperation. Didn't think it was going to be so hard, did you. We're thorough.

OFFICER BLOXOM: Thank you.

MR. GRANT: Thanks, Senator. Appreciate
SPEAKER: Appreciate it.

SPEAKER: Thank you, thank you very much.

MS. HENNINGER: Thank you.

SPEAKER: Thank you.


MR. PARLIN: Just allowing them to head out so we're less distractions. All right.

MR. GRANT: We all back?

MR. PARLIN: Next.

MR. GRANT: Next, the 2016 regulation requests and the secretary's decision. He has signed off on everything with a slight hold on Manodeer. He's expecting a letter from one of the citizens, one of the main petitioners. He should have gotten it last week. It hasn't arrived to my knowledge. And if he doesn't get it soon, he's just going to let it fly. So as far as we're concerned, everything that you all recommended will proceed as recommended.
MR. PARLIN: Great, thank you.

Off the record.

(Discussion held off the record.)

MR. PARLIN: All right. So next. Upper South River ski area.

MR. GRANT: Upper South River. This came about through testimony at the last, at the October meeting where some of the skiers said you've taken away our ability to just recreational ski in the upper South River. And I believe that in our effort to simplify things, this is what happened.

It's now six knots. It should not be. So what we suggested is this current language here. That's the same as Sunrise Beach.

It's 35, 20. And there's a ski course that exists in there. And I think as most skiers have admitted, Mona specifically said we ski until mid morning and then the boats come through and on weekends we don't ski at all because it's just too crazy.
So upper South River will be free ski and not in the control course unless you have a decal.

MS. CRAIG: Okay. So the way it was prior to all the changes was that it was -- there was a specific time for skiing I believe. And then it was in addition to the specific times, six knots while the ski course was in use.

And the ski club is good with that and they're excited about that part.

But this says you can go 20 or 35 even if the ski course is in use.

MR. GRANT: Correct.

MS. CRAIG: So that was the issue.

MR. GRANT: But it's the same situation as Sunrise. In other words, the two courses now are identical in regulation.

MR. LUNSFORD: The way it is now is six knots. Mike, it would be similar to Manodeer.

MR. GRANT: No. Sunrise, as I recall.

MR. LUNSFORD: But Manodeer has six
1 knots --
2 MR. GRANT: All the time.
3 MR. LUNSFORD: And what South River was
4 was six knots all the time. So it was similar
5 to Manodeer.
6 MR. GRANT: Yeah.
7 MR. LUNSFORD: And not Sunrise. And I
8 think that was --
9 MS. CRAIG: Right. I think that's where
10 we're trying to go. Instead of Sunrise, which
11 is in the middle of the pathway basically, you
12 can't ski there if boats are going by.
13 The way it had been is if the boats slowed
14 down while the ski course was in use, you could
15 still continue to ski. If a boat goes by at 35
16 or 20, you're going to stop.
17 MR. GRANT: In the controlled ski course?
18 MS. CRAIG: Correct. Because yeah.
19 There's -- as much as we like to talk about
20 wakes, there's not enough space for it to not
21 impact the skiers.
MR. GRANT: Isn't there more space in upper South River than there is in Sunrise Beach? I mean the breadth of the waterway?

MS. CRAIG: True. But that doesn't stop anybody from going right next to the course and creating the issue, which is -- that would be the middle of the river, it would be next to the course.

MS. WILLIAMS: The issue when the oldest regulation, when it said when in use. When I asked the NRP, I said how do you enforce it. They said they can't. It was a non-enforceable regulation. Because when is in use, when you're water skiing, when you're loading up, when you're going by.

They said that that was so vague that they wouldn't enforce it. That we needed to give it a definable time. And you'd either have to have a flag up saying we're water skiing so the NRP could say everybody knows up around that bend they're going to be water skiing, this
whole section is six knots. Because it's a big section, it's not just by your course.

Or we have to make a bigger box around your course. And then say inside of this box you can't go six knots. But that's a huge body of water.

When we made it six knots like Manodeer, we prevented normal water skiing. It's big enough that normal water skiing can go alongside it. Manodeer does not have that issue. They cannot do any other water skiing inside of Manodeer. So that's why six knots is appropriate there.

But when we took away the ability for other people not stickered to do water skiing, they then went into other areas that caused other problems.

MS. CRAIG: Right. But if --

MS. WILLIAMS: So you have to limit your water ski area to have a six knot around it.

You'll have to come up with some boundaries of
what six knot is the whole area. And blanket when you're in use is too vague. You'd have to identify in use somehow. And that would have to be done.

MR. GRANT: My question is when you ski in the morning generally or late in the evening, is there any other traffic at that time?

MS. CRAIG: Definitely not in the morning, but in the evening, you get.

MR. GRANT: I guess it's a balance thing.

MS. CRAIG: Right.

MR. GRANT: The recreational part, and speak to Ann's comment with forcing them up other --

MS. CRAIG: I totally agree with that part. Everybody agrees with that part.

MR. GRANT: This was kind of a compromise and we were hoping that you would be okay.

MS. CRAIG: I guess if we could make that ski area larger so that there is an area where the waves can wash out. That's the main issue.
Because if you go up and down tubing beside the
course, you can't ski.

MR. KLING: Couldn't -- to address the
concern that the officers had about
unenforceable, could we better define when the
ski course is in use to say when?

MS. CRAIG: Specific hours.

MR. KLING: Or -- well, if you're not
there and somebody wants --

MS. CRAIG: That was the when in use.

MR. KLING: Right. But could we not say
six knots when a certified skier --

MS. CRAIG: Skier on the water, yeah. A
decaled boat --

MR. KLING: -- boat is in or around the
course.

MS. WILLIAMS: The question came from the
officers is if the boat is up at the headwaters
lining up and you as a boater are down here,
can you see that boat lining up to know that
you've got to slow down to six knots. When you
leave the last speed zone, will you be visibly
aware then clear if there's other boats in the
area that that one is stickered and it's going
to be doing that course. And when that boat is
in sticker doing it, that means nobody else can
water ski because that whole area is now six
knots. So nobody else can water ski when
you're water skiing.

MS. CRAIG: Right.

MR. KLING: Okay. But we're trying --
okay. And maybe the ultimate solution -- if
we're trying to work with this, I understand we
had a problem, we were screwing people. Excuse
me, we were denying people the use of water to
which they should have access. Watch my
language.

But trying to fix this now, maybe we can
fiddle with it more and do it later.

MS. CRAIG: Right.

MR. KLING: But it seems to me we can find
a compromise that lets --
MS. CRAIG: NRP.

MR. KLING: In this kind of situation, is NRP likely to write the guy a ticket or are they going to say hey, slow down. They're going to say I didn't know. Slow down while they're using the course.

MS. WILLIAMS: Well, they're never going to be there. So it becomes not enforceable. So then it becomes that the guys water skiing call and say come do something. And the NRP says it's not enforceable. So it ends up making everybody angry and nothing gets done. And that's why they want it worded so it could be enforceable.

MR. KLING: I'm trying to suggest language that might encourage them.

MR. JONES: When it's in use.

MS. CRAIG: Right.

MR. KLING: What I'm getting at is better defining in use.

MS. CRAIG: Right.
MR. MARSH: Amy, what is the questions that the ski club has that is your concern?

You're the skier. What is it that you really need, that you need, the ski club?

MR. JONES: No wake.

MS. CRAIG: Exactly, no wake. No wake while the ski course is in use. But while the ski course is not in use, which is the majority of the day, that other activity can occur.

MR. GRANT: So we're essentially putting hours back on it.

MS. CRAIG: Yes.

MR. GRANT: Which --

MS. CRAIG: We tried to remove.

MR. GRANT: -- we removed for specific reasons. We're trying to get more... 

MS. CRAIG: So while in use was the catchall kind of. So maybe it takes a flag, flags.

MR. GRANT: May I recommend that we give it a summer to try it?
MS. CRAIG: Yeah, I think that's a good idea.

MR. JONES: Try what?

MR. GRANT: As this sits right here. Let this run its course through a season and see what the ski club has to say.

MS. WILLIAMS: Amy, could you ask the ski club to then record times they couldn't use it that they went out and there was just so much boat activity, they were ready, and too many people doing 25, 30?

MS. CRAIG: That would be Saturday, Sunday, holidays I would expect.

MS. WILLIAMS: But again, previously you weren't allowed to do it Saturday, Sunday, holidays, right?

MS. CRAIG: No. We could ski on the course anytime.

MS. WILLIAMS: I thought you had limited times when it was six knots.

MS. CRAIG: Not down there.
MS. WILLIAMS: Not down there.

MR. GRANT: So may I just qualify. This will go through as is written here now. You will study it next summer as the ski club. And then next fall we can address it again to see if it needs any changes?

MR. JONES: That work for you?

MS. CRAIG: Okay. So.

MR. DWYER: Don't give up.

MS. CRAIG: Yeah. I would say that's kind of taking away the progress that we've made. Yeah. We're going from one to the other. We're allowing access, we're taking it away.

MR. GRANT: Now it's open to the general public all the time and to you all the time.

MS. CRAIG: Right.

MR. GRANT: With the exception of the course, they can ski anywhere they want.

MS. CRAIG: But it doesn't say that you need to slow down if the course is in use.

MR. GRANT: No.
MS. CRAIG: Right. So you can still buzz back and forth.

MR. GRANT: Right.

MS. CRAIG: Which is making it useless.

MR. GRANT: And my comment is will that happen that often?

MS. CRAIG: Only on Saturdays, Sundays, and holidays I would expect.

MR. GRANT: Okay. Early in the morning and late in the afternoon?

MS. CRAIG: Not early in the morning.

MR. JONES: During the week.

MS. CRAIG: Right. During the week in the evenings, it would happen, not in the mornings. But I'm not exactly good with leaving that for the year to see what happens.

MR. GRANT: Okay.

MS. CRAIG: Is there a possibility of working out a subcommittee yet again to discuss what to do here?

MR. PARLIN: Go ahead, Ann.
MS. WILLIAMS: I think it's already -- this wording has already gone really far. It's in the package that director, Mark (inaudible) has already signed.

That's why Mike is asking that if you would try it for a year to give us some statistics, it would be real easy then to go back to Mark and say this is -- the reason it changed is because we pushed those boats up into those headwaters. The reason we're going to this new wording with this very specific thing to give more activity is because this boating community had this weakness with it.

To just say that we know there will be, I mean I don't know that even the director would then say so you know. So it works at Sunrise and it doesn't work here, why. So to giving those facts I think would be the fair way to go through it because those other boaters did last year with the six knots all time and clearly made their point that...
MR. GRANT: Yeah.

MS. WILLIAMS: They were pushed out of that area.

MR. GRANT: And a subcommittee, we form it now, we're just going to be discussing the what ifs as opposed to what happened.

Next spring, or the August meeting or, if necessary, a special meeting. We can say okay, your group comes, says this is crazy, we can't do this, we need to change this now.

If we try to develop a plan now, it's just going to be on this could possibly happen.

MR. LUNSFORD: If I could make a suggestion. One of the buoys with your phone number be dropped up there.

MR. GRANT: Sure.

MR. LUNSFORD: Amy, if you would encourage the people that want to use the course, because they can call in and leave a message on Mike's voice mail, they don't have to talk to Mike, they don't have to go out of their way.
Everybody carries their cell phone on board their boat now. Everybody's got a waterproof pouch.

Just call and leave a voice mail and say Mike, it's 6:30 Monday morning and there's a tuber running around back and forth up here. I've got a stickered boat and I can't use the course, I'm Joe Blow and hang up.

And I used to use that a lot when I was in your position, Mike. My voice mail and have people call in and register. And it saves them from having to do an e-mail or a letter.

MR. PARLIN: John.

MR. PEPE: Would it fly in the face of any of our regulations if the ski club or the ones that use this ski area, I personally don't have a dog in the fight, but if you had guys had a marker buoy or two marker buoys that said ski course in use that you put out when you were using it, is that a viable concept?

MR. GRANT: Ski course in use, please
watch your wake?

MR. PEPE: That you guys can put out and take in when --

MS. CRAIG: And the purpose of that was to let the NRP know that it was --

MR. PEPE: To let other people know.

MR. GRANT: Let other people know ski course in use, please watch your wake. Or please watch your wake when ski course in use.

MS. CRAIG: I don't think that will work.

MR. LUNSFORD: It won't work because somebody will drop the buoy and forget to pick it up. And then you're going to have a buoy out that says ski course in use and nobody is going to be there and the NRP isn't going to know who to call to say you left your buoy out.

MR. GRANT: I'm not speaking to a new regulation. I'm suggesting that maybe we get a humpty out there or two that says when ski course in use, please watch your wake.

MR. LUNSFORD: Should have already been
one there.

MS. CRAIG: There was something similar to that.

MR. LUNSFORD: There was one there 100 years ago.

MS. WILLIAMS: The Buoy Reduction Act got rid of those 100-year-old buoys. So they're not there. It just says ski course now. It does not say anything else. It just says ski course.

MR. LUNSFORD: Well, if the buoy is still there, the extra stenciling on it doesn't cost anything basically.

MS. WILLIAMS: But it just says ski course. So if you wanted it worded ski course, when in use, minimum wake, we can do that. But it's one buoy that says ski course.

MS. CRAIG: Right.

MR. LUNSFORD: But there's a buoy.

MR. DWYER: Does it say stickered boats?

MS. CRAIG: No. Well, it was intended to
this coming season I believe because that was on the other one.

MR. DWYER: That could be a problem, too.

That everybody thinks that's a ski course for anybody, recreational or whoever go use it.

MS. CRAIG: Right.

MR. PARLIN: John.

MR. PEPE: Well, and I appreciate what Bob Lunsford said about the fact that these folks won't pull the buoy in. But it seems like we're spending an inordinate amount of time trying to limit a large body of water for a very small group of people, which flies in the face of what I thought this committee was supposed to be doing.

That being said, they should have the responsibility if this is a big concern to them, to put out these two buoys and pull them in when they're not using the course. I don't see that as being a big restrictive thing on this ski club that wants this area to use when
they're there.

MR. PARLIN: Real quick, I got a couple of comments.

One, that means every skier who uses the area has to have these buoys or access to these buoys to put them out and then either store them somewhere or take them home.

But then also, the other thing is, my other comment, we heard the folks at the last meeting that were -- we basically told them we heard what they said. They weren't happy with what we did with the blanket regulation that pushed them out of this area. And said we would come back and do something to alleviate that problem.

So I think we do need to head in a direction of opening that area back up for these folks to be able to use.

MS. CRAIG: If it's a possibility that these buoys that say when in use or ski course in use are left actually in the body of the ski
course, which would limit people from using it
and tearing it up in the first place, is that a
possibility?

MR. GRANT: You can't stop somebody from
driving through that area of the water, whether
it's in use or not. I mean they can't ski
through it, but they can travel through it.

MS. CRAIG: Okay. But if those buoys that
said ski course in use were anchored within the
course.

MR. GRANT: That's what I just said.

Yeah, you're blocking the course.

MS. CRAIG: The course is buoys. So if
you just added two more additional ones that
stayed there and then moved out when the ski
course was in use --

MR. GRANT: So the ski club would move
them out?

MS. CRAIG: Right. So if you're using the
course, you pick up the buoy and you put it at
the entrance area to that. No?
MR. GRANT: I don't know.

MS. WILLIAMS: I won't think you want to be pulling out buoys with your pretty boats, first off.

MS. CRAIG: Definitely not those buoys. I don't want anything to do with that.

MS. WILLIAMS: Right. Because they have those huge anchors.

MS. CRAIG: Right.

MS. WILLIAMS: So I don't think you want that unless it's a buoy you guys are making yourself. Right?

MS. CRAIG: Right, which would be a possibility.

The other option would be to state the regulation as six knots when an authorized decaled ski boat is using the controlled ski area in the vicinity or preparing to use the ski area.

MS. WILLIAMS: But again, Louis has got --

MS. CRAIG: I know.
MS. WILLIAMS: It's a huge area. And people can't see you is what the NRP said. Then they have to slow down when they leave that last zone. They have to slow down before they get up to you.

MS. CRAIG: I agree.

MS. WILLIAMS: They don't know you're there.

MS. CRAIG: I agree. But where the ski area buoys are now, if you --

MS. WILLIAMS: -- smaller area, is that what you're saying?

MS. CRAIG: It could be a smaller area, absolutely.

MS. WILLIAMS: That's one of the solutions, which we could make a smaller puzzle piece that says this is the ski area, not that whole section, and then make that ski area six knots.

MS. CRAIG: So currently the ski area is from shoreline to shoreline.
MR. GRANT: Yeah.

MS. WILLIAMS: Yeah.

MS. CRAIG: If we went from the middle of the river to the --

MR. MARSH: Northern line.

MS. CRAIG: Northern? Northern line.

MS. WILLIAMS: Well, we could work it out.

But if that would suffice --

MS. CRAIG: I think that --

MS. WILLIAMS: -- if we made a smaller area inside of that zone, we could make the whole zone 25 35. Inside of that area, make a set special section that said six knots because they would never be water skiing over there because in its all in the things over there because you got all your buoys, you got all your things over there anyway.

And then our other regulation that we had would work, right? I mean that's what you're saying is in that area, that's not where they're going to water ski. No? I don't go up
there. Bob is shaking his head.

MR. JONES: Amy, do you ski in both directions?

MS. CRAIG: Yes.

MR. KLING: Just one comment to John.

Yes, I understand your point. And I generally agree we don't like to take away water. But there are only three designated ski courses in the entire state. So I think we're serving a population in an effective way.

Just on a process comment to my good friend Russ. This is what happens when we approve things in concept and don't deal with specific language because now we hear gee, we really can't change it because it's already up the food chain.

MR. GRANT: We can pull it.

MR. KLING: I know, but the words matter.

MS. CRAIG: The words matter, right.

MR. PARLIN: Very good point.

MS. WILLIAMS: I think we should just make
a smaller ski area.

SPEAKER: That's not going to work.

MS. CRAIG: I think it needs a lot more discussion.

MR. LUNSFORD: It needs a site visit is what it needs.

MR. DWYER: There isn't much water (inaudible) talking about on the other side, right, Amy? You're taking your boat and going to the other side?

MS. CRAIG: Oh, you mean on the other side --

MR. DWYER: Across from the ski course. I don't think you have any other boats running over there. There's no water. It looks like --

MS. CRAIG: Oh, there's plenty, yeah. Oh, you mean on the inside?

MR. LUNSFORD: Yeah. Or on the south shore.

MS. WILLIAMS: I have a question. Where
were they skiing, then?

MR. DWYER: On the north side.

MR. LUNSFORD: Where there's water.

MS. WILLIAMS: -- alongside of the ski course?

MS. HENNINGER: So isn't there a blowup buoy that you guys can actually just put out, just kind of blows up, big white like they put out sometimes?

MR. GRANT: Racing buoy.

MS. HENNINGER: Yeah, racing buoy. Why can't you take the racing buoy and put them out?

MR. PARLIN: Again, every skier who uses that course would have to have one and the anchor that goes with it.

MS. CRAIG: If you can't leave it on there.

MR. DWYER: Drop it in the middle of the course. No one else would use it.

MR. PARLIN: What are you working on
there, Mike?

MR. GRANT: I'm trying to get Google Earth up.

MR. PARLIN: You're trying to pull up that area?

MR. GRANT: Yes, sir.

MR. PARLIN: Okay. Thank you.

MR. GRANT: I'm trying to get Google up.

MS. WILLIAMS: I couldn't get it on mine, either.

SPEAKER: The Holiday Inn Express doesn't have WIFI?

MR. GRANT: No, it does. I'm hooked up.

MS. WILLIAMS: Maybe it's just all of us are hitting it.

MR. LUNSFORD: Off the record.

(Discussion held off the record.)

MR. PARLIN: Mr. Lunsford.

MR. LUNSFORD: I'm going to make a motion that we table further discussion on this until we get some more information on what the Army
Corps of Engineers' permit encompasses. And maybe even say that we need to leave it as is for the year with several site visits during various times a day, which may mean the department has to make an arrangement for us to get our boats over someplace.

MR. PARLIN: Okay. So you're saying table our altering this, but we still need to move forward with approving this because it's already gone up and the only way to have it in place for this season is to approve this.

MR. GRANT: If we pull this, then it reverts to what brought up the argument at the October meeting. If we let it go through, then it's in existence for next season. And I would imagine that if the committee recommends an emergency put in to a make a change to it, in the summer we could do that.

MS. CRAIG: I would suggest that we leave it as it currently is, not with this language, under the assumption that the NRP is not
enforcing it in any way because they don't have any way to -- yes.

MS. WILLIAMS: The NRP couldn't enforce the previous one. The current one is six knots all times. And they can enforce that. And they are and that's why they moved all their water skiing into places nobody wants them water skiing.

So the current regulation is six knots all times and you get an exception to do your water skiing if you're stickered.

The proposed one is 25 35. And what Mike is proposing is that you let this go through. We quickly look at it -- because the early part of the season you won't have a lot of other boating thing. In that time frame, write an emergency regulation to fix what you're talking about so that come boating season when you do get boating activity, you'll --

MS. CRAIG: Here is what I suggest: We leave it as is. We don't do this because
that's a step in the wrong direction, which we
don't need to take. We leave it as is, revisit
it in the spring with site visits, make the
emergency regulation then so that we're not
undoing, doing, undoing multiple times.

MR. GRANT: So we're not reacting to the
conversation we heard at the October meeting?

MS. CRAIG: We are. We are just not --
this is the first time this has come up. So it
needs to be vetted back and forth because it's
not what the ski club was asking for, which
they're more than happy to share the space and
that sort of thing. That was not their
intention, to control the whole area.

But I think this is just adding something
that's extra superfluous, unneeded, when we can
stay as is with the intent of fixing it.

MR. GRANT: So your request is for us to
pull this so it does not go through, leave it
as it is now, which means six knot all time
unless you're stickered in the course?
1  MS. CRAIG: Right. With the intent of
2  visiting this and making an emergency
3  regulation in the spring. No?
4  MR. LUNSFORD: Just visit it. If we have
5  to do a regulation, we'll do it for next
6  season.
7  MS. CRAIG: Okay.
8  MS. WILLIAMS: So that means another whole
9  year of pushing water skiers into the creeks
10  where they all complained.
11  MR. LUNSFORD: Yup.
12  MR. GRANT: And no one can ski in that
13  area unless they're a stickered boat in the
14  course?
15  MR. JONES: Correct.
16  MR. PARLIN: And we sat at the October
17  meeting telling these folks that we realize
18  what we had done and we heard what they said.
19  And now we're not going to do anything is what
20  you're saying?
21  MR. KLING: I think that's irresponsible.
MS. CRAIG: Is there a motion?

MR. PARLIN: There is no motion yet.

MS. CRAIG: Is there another suggestion?

MR. PARLIN: Mr. Lunsford.

MR. LUNSFORD: Well, as Steve pointed out, there are three ski courses. And this one may or may not even exist yet. I've still got a question about the permit.

But we recognized when we did this back in the dark ages, those of us who were around, that we actually were providing a space similar, more similar to Manodeer than it was to Sunrise, where competitive water skiers could practice and know that if they got up at 6:30 in the morning and shot up there, that the course would be available to them to practice and they wouldn't run into a herd of Boy Scouts tubing back and forth.

So it was a conscious decision 30 years ago when we did this.

MR. DWYER: Close to it.
MR. LUNSFORD: That we knew that was going
to be a consequence, we knew we were reserving
the water for a particular user group. And we
recognized it and we said yeah, but they don't
have any other place to go.

So that was kind of how we ended up with
six knots except when you were using the
course. It was to specifically provide for
that recreational activity that can't occur if
other people are doing other activities at high
speed because it interferes with -- the wakes
interfere with the practice, the use of the
course.

MR. PARLIN: Steve.

MR. KLING: My only comment is I
understand where Amy is coming from.
I think we created a problem last year
inadvertently and it seems to me at some
consequence. It affects a fair number of
people. I think we ought to fix it.

MR. PARLIN: And I'll reply to your
1 comment is that years ago, back in the dark
2 ages, you allowed for this activity but you did
3 it in a way that still allowed other activities
to occur.
4
5 But what we have since done is shut down
6 those other activities. And the public has
7 spoken and told us well, wait a minute, you
8 took away this area for skiing and tubing. So
9 we kind of agreed that hey, we need to go back
10 and look at this.
11
12 MS. CRAIG: I think we all agree about
13 that part. It's just two wrongs don't make a
14 right. This isn't fixing the situation.
15
16 MR. LUNSFORD: It may be the correction is
17 as simple as looking at where we have the lines
drawn and adjusting.
18
19 MS. CRAIG: The lines.
20
21 MR. LUNSFORD: The lines so that when
22 somebody is using the course, you can see them
23 from wherever the line is.
24
25 MS. CRAIG: Right.
MR. LUNSFORD: If the NRP is telling Ann that when a patrol boat pulls up there, that they can't reasonably be expected to see if somebody is using the course, then maybe the line just needs to be closer.

But it's not -- and Amy, forgive me if I'm wrong, it's not that the boats coming up to the line are a problem. It's those that are transversing, that are going next to the course.

MS. CRAIG: Correct.

MR. LUNSFORD: Running parallel to the course that are the problem.

MS. WILLIAMS: Just one minor correction. One minor correction that it was that the user of the boat could not know that they were water skiing. It wasn't that NRP couldn't figure it out. The guy coming up leaves at 25 35, has to go to six knots because up there somebody is gearing up to water ski --

MR. LUNSFORD: Maybe up there is too far
away.

MS. WILLIAMS: -- and that's what the
public said, is I couldn't tell they were water
skiing, so therefore, how do I know. That was
the question, just for clarity.

MS. CRAIG: Right.

MR. PARLIN: John.

MR. PEPE: I would like to make a motion
that we accept this as written with the
condition that in early spring we do site
visits, do some investigation into whether, as
Bob said, whether this course still exists, and
then with the possibility of adopting an
emergency amendment.

MR. JONES: Is the course there?

MS. CRAIG: Yeah, but not now.

MR. PARLIN: Motion is made. Is there a
second anybody?

MR. LUNSFORD: I don't like the emergency
regs in the middle of boating season.

John, I'll second your motion if you'll
take out the reference to the emergency reg and
just make it that we look at a permanent reg at
the end of the boating season after we collect
information.

MR. MARSH: I'll go along with that.

MR. LUNSFORD: Because emergency regs are
just in the middle of boating season very
confusing to the boating public. So if you'll
amend it.

MR. PEPE: I'll amend my motion then to
take out the emergency reg.

MR. LUNSFORD: And I'll second.

MR. PARLIN: So your motion is to adopt
this and study it first thing next year and
look at doing another more permanent
regulation?

MR. PEPE: Correct.

MR. PARLIN: Seconded by Mr. Lunsford.

MR. LUNSFORD: Second.

MR. PARLIN: Thank you. Steve.

MR. KLING: Question. I understand this
is working its work through the process. Mike said it could be pulled.

Is there an alternative of pulling it today, giving us a month or two months to work on it, and either redefine -- I mean can we fix the problem we created and still not mess with the water skiers and still have something in effect for the boating season?

MR. GRANT: Yes. We have to get any regulation submitted by the 15th of December or we have to wait until January 15th. So we could pull this and submit it in January. It just means it would be April 15th versus March 15th becoming effective.

SPEAKER: It's longer that than.

MS. WILLIAMS: It's longer than January. Because they don't take any during session.

MR. GRANT: Right.

MS. WILLIAMS: And they close it down. For regulation changes, they won't take changes during session.
MS. CORDELL: Our whole -- Lisa is the regulation coordinator in my staff. She has -- it's from just one month that we can submit regulations. They don't like for us to submit regulations while legislative session is going because they could be affecting whatever legislative documents, whatever comes from that, they're saying well, maybe that can change what you will decide to do in regulation. But we still have the option to.

MR. GRANT: So if we do it before the 15th, it will become effective by March 15th. If we wait until January 15th submitting it, it would become effective as April 15th. It's just a month difference. It would still be before boating season.

MR. PARLIN: Are we guaranteed it would go through by April or could it be pushed --

MR. GRANT: A couple of days here or there, but we're still talking about before summer.
MS. CORDELL: It's specific dates that each -- so it might not be April 15th is the day. It might be April 17th is the day. And then effectual date would then be -- it depends on exactly when that cutoff. I have the calendar.

MR. GRANT: It would still be pre-boating season.

MS. WILLIAMS: Right, right.

MR. GRANT: I mean early boating season.


MR. PEPE: Here again, how are we going to do site visits on this place in February?

MR. KLING: Why do we need site visits?

MR. PEPE: I'd like to see where this course is. I've never been there. I have no idea what the layout is.

They're talking about shallow water on one side of the course, navigable water on the other. I have no idea. I have no concept of what this looks like and I'd like to see it.
MS. CRAIG: It's navigable on side both sides. But southern side you're saying is more wide open.

I'm sure we can get a Google Earth picture going with that. The actual buoys are not in the water right now because they take them out. Nobody wants to get in the water when it's freezing cold. But there are like markers there.

MR. PARLIN: So obviously we can't do good site visits from December to January, and we're not going to be able to get this thing done by January 15th.

My question is we had an original regulation when the ski club was in use. And I understand that it's hard for NRP to enforce it. But what if we went back to that? And then it kind of puts it back on the folks in the ski club that if you're being impeded by somebody who is out there tubing, you can go over to them and say hey, just so you know, the
regulation is while we're using the ski course, you now have a six knot speed limit. Could we go back to that regulation rather than removing the six knot altogether?

MS. CRAIG: I think that the ski club would be more than happy going back to that. Everybody has a laminated copy of the regulation in their boat to share with other boaters who may or may not be aware.

And I think the suggest is if you have a problem, report it to NRP, to Mike. And I think that's the best option because that way we're just going back, which was the preference for the ski club and I believe for the other water sports activities going on there.

MR. PARLIN: I think if we said we're going back to where it was, where everybody was living with this regulation before, I don't care if NRP says it's hard to enforce. It still puts it back to where it was before.

Everybody was happy. The skiers can go over if
they have somebody who is tubing in the area
and bothering them, they can go over there and
hand them the regulation.

If the tuber decides to stay, they can
then call NRP. And if NRP shows up and this
person is still tubing, then they can enforce
it because the folks from the ski club can say
we handed them a copy of the regulation, they
know what the rule is, they now know that they
are breaking the law. And now it gives that
officer the teeth he needs.

You know what, again, a lot of this stuff
goes back to enforcement. The fact that NRP is
spread so thin that they can't be everywhere
every time. So I think the easiest thing is
not go with this one, not go with what we just
had, but go back to what we originally had in
that area. That's my two cents.

Next. Russ.

MR. DWYER: I agree with both of you.

Because what you're doing is taking this course
1 and putting it in the same thing as Sunrise.
2 And there's not that many people use Sunrise
3 because you can't use it because all the wakes
4 going.
5 And I think if we pass this, that the
6 tubers are going to say hey, man, we can go up
7 there anytime now. So if you had one boat
8 before, you're going to have ten boats waiting
9 to go through and keep it busy. That's why
10 it's a good ski course area, it's protected.
11 MR. GRANT: We can just pull this one.
12 And then after the legislative session, submit
13 one to go back to what it was.
14 MR. PARLIN: Ann.
15 MS. WILLIAMS: So you want no speed limit
16 there? Because prior to this, you had no speed
17 limit at all. All you had was six knots when
18 somebody is stickered using the sticker course.
19 And then I'm just questioning, I'm just
20 asking for clarity. Is that what you want?
21 MR. PARLIN: The South River has a 35 25
1 for the full river.
2           MS. WILLIAMS: No, no, no. Every piece
3           has a thing --
4           MR. GRANT: The main body except for
5           around the bridges.
6           MS. WILLIAMS: Prior to --
7           MR. LUNSFORD: This is the main part of
8           the river.
9           SPEAKER: Yeah, this is the main part of
10          the river.
11          MR. LUNSFORD: This is still under that
12          reg.
13          MR. GRANT: 35 20.
14          MS. WILLIAMS: Go read your regs. I did
15          them by coordinate language when we fixed them.
16          There is no puzzle piece for that water
17          ski area that covers it. We didn't have two
18          regulations on it, one saying the whole river
19          says one thing and then six knots.
20          It's now all little puzzle pieces. And
21          that puzzle piece is called the water ski area.
And it was six knots yesterday. If you put this in, it will be 25 35. If you take it out, it will be nothing. It will have no speed limit.

And that's I'm all asking. Do you want no speed limit there?

MR. PARLIN: I understand what you're saying. Because I was under the impression that that was part of the South River and that was part of the 35 20 or 25, which one is it? 35 20?

MS. WILLIAMS: I said them backwards. 35 during the day, 25.

MR. PARLIN: I thought that section, because it was the South River, was covered under the 35 20.

So if it's not, then I'm okay keeping the 35 20, allowing that to extend along with all the rest of the South River into that area while the ski course is not in use.

But back to the original reg, the original
reg was that while the ski course is in use, this area does have a six knot speed zone.

SPEAKER: Right.

MR. PARLIN: And everybody in that area has been living with this for years, and we've never heard anything from it.

MS. WILLIAMS: So now what you want to add to the current one that's gone up and been up the rank, the one phrase six knots while in use and we'll use stickered -- use the language that it said so everybody knows what that means.

MR. PARLIN: That's what I would like, but there's currently a motion on the floor.

MS. WILLIAMS: That's the discussion now. But I wanted to clarify that if you pulled it down, you had no speed limit.

MR. PARLIN: That's fine. I think we were all under the impression that it was South River.

MS. WILLIAMS: Right.
MR. GRANT: Up here, before it gets to A and B, the last sentence, except when ski course is in use.

MS. WILLIAMS: By authorized, decaled, right.

MR. GRANT: Decaled.

MS. WILLIAMS: It would probably say where C, this area may have controlled ski course.

MR. GRANT: And when in use.

MS. WILLIAMS: When in use, speed limit is six knots. You would put it at C because you're already telling the ski course go read all the ski course laws. Then you change the speed limit from 25 to 35 when in use.

But we'll work with the legal to get it in the right place and the right -- so that it has the right precedence because you got to make sure --

MR. GRANT: Does that cover it?

MS. CRAIG: I think that --

MR. DWYER: Decaled boats.
1 MR. GRANT: Decaled or certified.
2 MS. CRAIG: Right. Decaled was the --
3 MR. GRANT: Decaled is the word?
4 MS. CRAIG: I believe so.
5 MR. GRANT: I think we changed it.
6 MR. PARLIN: So let's go back to the
7 original motion, John. Are you okay amending
8 the motion?
9 MR. PEPE: I'll pull my motion at this
10 point.
11 MR. PARLIN: Okay. Thank you. Would
12 anybody like to make a motion or should it come
13 from me?
14 MR. DWYER: Come from you.
15 MR. PARLIN: Okay. Make a motion to alter
16 the wording and the intent of this regulation
17 to limit the speed in this area to six knots
18 while the ski course is in use by approved.
19 MS. WILLIAMS: Decaled.
20 MR. PARLIN: Decaled vessels.
21 MR. GRANT: Got you. Done.
MR. MARSH: Second on that.

MR. PARLIN: Coles Marsh, second.

Discussion. Okay. All in favor, signify by saying aye.

THE COMMITTEE: Aye.

MR. PARLIN: All opposed. None heard.

It's unanimous. Thank you.

MR. LUNSFORD: Mike, what is 01?

MR. GRANT: What is 01 that's not up here?

MR. LUNSFORD: Yeah.

SPEAKER: That's the definition of what the South River is, the coordinates at the mouth.

MR. LUNSFORD: Thank you.

MR. PARLIN: Okay.

MS. CORDELL: Do you mind if I clarify what I mentioned on the regulations?

MR. PARLIN: Yes. Go ahead.

MS. CORDELL: The dates. Lisa just got back to me. She said that we would not be able to -- it would not be until February 13th that
we can resubmit. And she gave me the calendar.
And the calendar shows the next date after February 15th that we can submit is February 24th, because we'll miss that Friday, February 10th, deadline. So it would be February 24th, not to go into effect until, let's see, June 5th.

MR. PARLIN: Okay. But as we just altered it, it will go in by December 15th?
MS. CORDELL: Yes.
MR. PARLIN: Great. Thank you.
MR. DWYER: Have it for next season.
MR. PARLIN: Thank you very much.
Moving forward, next.
MR. GRANT: Let me go back. Lunch. Or old business, new business.
MR. DWYER: Let's do that, keep going.
MR. PARLIN: Yeah. Let's press on. We can finish this up. It shouldn't take too much longer. Okay.
MR. GRANT: Any old business?
MR. PARLIN: Any old business? None.

Okay.

New business. New business is one of mine.

In the past, when we had areas, when the Boat Act Advisory Committee had areas where they didn't feel that they wanted to put a full speed limit on an area, they would put out a buoy that said originally caution, you are responsible for your wake. Correct, Bob?

MR. LUNSFORD: That was one of the options, yeah.

MR. PARLIN: Okay. So recently I've had an exchange with some folks as I traveled through an area at speed where it was appropriate to do at the time because there was no boats, no kayakers, no fishermen, no swimmers, no risker of doing any damage in my little 20-foot Runabout.

I had guys call me out and say there's a speed limit in this area. I said no, there's
not. I said that buoy says you need to go slow.

So somewhere, somehow somebody in hydro or whatever decided to change the wording on these buoys because as I got from an e-mail was well, we want to slow people down in these areas so we figured we would use the word slow.

Well, I don't think the intent is for us to slow people down in the area. It's to get them to pay attention to their wake and pay attention to whether it's appropriate to be at speed or to be going slow in that area based on their vessel and all the activities that are happening in the area.

So I had another ex-committee member point this out to me. The one on the left is going into St. Michael's. It says slow, responsible for your wake. And then, of course, this other one. Slow, you are responsible for your wake.

I feel that these give the impression that they are official State buoys that the State of
Maryland and NRP is saying you need to go slow.
While we know it's not an enforcement statement
or enforceable rule or reg, it's implying that
you have to go slow through this area.

So I would like to see these buoys go back
to the wording of caution, you're responsible
for your wake. It tells people that hey, pay
attention and here is why.

MR. LUNSFORD: Is that a motion?

MS. HENNINGER: Can't you just take slow
off?

MR. PARLIN: We can make it a motion. But
I've noticed this change. And again, I'm
not -- hydro, I appreciate all the hard work
they do and all these buoys that they have to
letter and put out there and get on station and
maintain and everything else. But I don't like
the fact that they've changed the wording on
this.

MS. HENNINGER: Why do you need caution?

Why can't you just take off slow?
MR. PARLIN: Either way. The original intent that came from the Boat Act, and Bob, you probably got most of the history here, or Russ or Steve, some folks who have been around for a while. Originally when these came out, it came from the recommendation of the committee and it came from the recommendation of the committee to say caution, you're responsible for your wake. Correct? Steve?

MR. KLING: Yes. I would agree. I mean when you and I talked about this, what concerned me is someone making a decision we want to slow them down.

The process by law is that and we exist because of concern way back when the Coast Guard got out of regulating the details of state waters, that people not familiar with boating would be making decisions. We exist as the buffer. So that's our job.

I mean if somebody decides people should be slowing down, the process is not to change
buoys, but to come to us and say we need to
look at this body of water.

So I don't know who they is. I'm sure
they are well intentioned. But I think they
are overstepping, with all the best intentions.
You can't -- I would -- well, those are my
thoughts.

MR. PARLIN: Thank you, Steve.

MR. MARSH: I suspect I'm a little bit of
a devil's advocate on that because I mean I
boated around. I don't know that -- I mean I
don't know that I'd be aware when I came in and
it said caution or slow that it would not tell
me that as a boater or somebody who just
started boating that there is a warning that
you need to either slow down your boat or
caution, this is a no-wake zone.

I don't know that the wording would mean
anything to me because it already tells me
slow. It didn't say caution, which meant
caution, okay, I cannot go slow, I can go
medium slow. So it really doesn't tell me much other than this would say slow, which to me means you don't go medium fast, you go slow. Caution doesn't do anything except say guess what, you're coming into a zone area that you shouldn't have any wake.

So I'm not sure the language -- I mean to me as a boater wouldn't make a whole lot of difference.

MR. PARLIN: I think my point is as somebody who has been boating for years and licensed captain and add it up, I have the ability as a prudent boater to make a decision whether I can or cannot go fast in an area, whether it's appropriate to.

I think saying slow, people grab a hold of that and say well, you're telling me that in this area I have to go slow. So when I go buzzing through an area, now I've got people flagging me down telling me I did something wrong. It's not right.
So I believe getting rid of that term slow, I think it does a lot. I think the caution buoys as we've put them out before have gotten people to slow down and think about.

And the area I'm talking about that I run is up the Corsica River from the Centreville Wharf, the town wharf. They have a town wharf and county wharf and a boat ramp there. It's a very shallow area running out towards the main body of the river. There are piers all down the right-hand side. Most of the boats on those piers are on lifts. Sometimes there's kayakers in the area, sometimes there's people fishing, sometimes there's kids in canoes, sometimes there's a boat or two in the water at a pier. I would never go by fast on any of those.

But on a day when there are no boats in the water on that side and there are no kids and whatever, it's perfectly appropriate for me to come in from a day of being out on the water.
at five o'clock in the evening and zip straight through that area, pull right up to my slip, back in, and be done.

And again, the committee at some point in time looked at that area and said no, we're not going to put a speed limit there. But let's put one of these buoys out there.

And it does slow down people down. And so I see a lot of people putt in and out of there, and I putt in and out of there when it's appropriate.

So my point is it's the wording. Caution says hey, pay attention.

Russ.

MR. DWYER: I think the wording is important. Slow, people are going to see that, read it. If I took my boat and went to a slow mode, I used to come out of the Naval Academy. The scald guys used to come over all the time, tell me slow it down. I'd back it off plain and I'm throwing four times the wake that I was
when I was going plain.

So I think the word caution gets your

attention better than slow.

MR. PARLIN: John.

MR. PEPE: I agree with what everybody is

saying here. The word slow is indeterminate.

Slow means a lot of different things to a lot

of different boats. And really it's not based

on anything. I think the word caution or

warning is appropriate.

MR. MARSH: I'd go along with that.

MR. PARLIN: Well, I think my point is

let's go back to what it was. Somebody changed

it. We had it as caution before. So I believe

we should have hydro change the wording back to

cautions, you're responsible for your wake.

MR. LUNSFORD: Are they still part of

boating?

MR. O'MALLEY: That's about it.

MR. PARLIN: John.

MR. PEPE: Just a question. How many of
these buoys have been remarked?

MR. PARLIN: I don't know. I know the one on the left is going into St. Michael's and the one on the right is going up the headwaters of the Corsica River. So I don't know how many others are out there and how many have been changed.

MR. GRANT: So is the committee making a recommendation?

MR. PARLIN: Let's make a motion, then. Shall we?

MR. LUNSFORD: I'll make a motion that the buoys instead of -- the word slow be removed off those buoys and the word caution -- be replaced with the word caution.

MR. DWYER: I'll second it.

MR. PARLIN: Thank you, Russ.

Any more discussion? All in favor.

THE COMMITTEE: Aye.

MR. PARLIN: All opposed?

MR. DWYER: You can't vote.
MR. O'MALLEY: I just -- I don't mean to interrupt your vote. Have you voted? You're good?

MR. PARLIN: We'll finish then. All opposed? None heard. Passing.

Go ahead, sorry.

MR. O'MALLEY: We can change the wording as these buoys are serviced. Not going to go out and change them all now. But as they're serviced, they can be changed.

MR. DWYER: Why don't you give us some stickers to put on them.

MR. LUNSFORD: Yeah, we'll take care of it.

MR. PARLIN: So if that buoy doesn't get serviced for five years.

MS. WILLIAMS: They're serviced every year. Sometime in the year, they're all checked and serviced, but --

MR. PARLIN: (Inaudible).

THE WITNESS: Well, checked would mean if
they went out and it was totally clean and
there was no bird poop, you could read it and
all that, they wouldn't pull it. But that's
slim to none.

They all get pulled in. They check their
chains, they check their weights. And so
they'll be repainted. But as Louis said, we
have four crews that paint buoys. But we'll
let them know, but it's not as easy as you
think when they have stencils on their boats.

And as you can see how it fits real nice
the word slow. Caution now wraps around the
front of it. So I know you guys say but that's
a boat crew issue. It's going to be a while.

Don't expect them to be done in one season is
where I am going.

MR. PARLIN: -- pay for their mistake.

They made the decision to change this without
coming to us because it's less letters.

MS. WILLIAMS: That's not why they made
the decision.
MR. PARLIN: I know. But that's one of them.

MR. LUNSFORD: They used to have the stencils that say caution.

MS. WILLIAMS: Used to say watch your wake. Remember? Turn around and look at it.

MR. LUNSFORD: That was the sign.

MS. WILLIAMS: No. That's all of them.

SPEAKER: The buoys too.

MS. WILLIAMS: Was watch your wake.

MS. HENNINGER: Caution is seven letters.

You're not going to see the word caution.

MR. DWYER: You'll know what it is by what you can see.

MS. HENNINGER: You're going to see an A-U.

MS. WILLIAMS: And I'm going to tell you now. We can write anything on here. That buoy makes people slow down.

MR. GRANT: Yeah.

MS. WILLIAMS: Just the buoy does.
So taking the word off is not going to change their behavior.

MR. PARLIN: It's going to change a few things. It's going to change me being called out by people to tell me I should be going slow. It gives me the ability to say no.

MR. KLING: If you can't take the heat, give up the job.

MS. WILLIAMS: You need to tell them there's no speed limit here.

MR. PARLIN: I have.

MS. WILLIAMS: Look at your app, yeah.

MR. PARLIN: Moving forward.

MR. O'MALLEY: What I'm saying, Mr. Chairman, is we're not going to go, start a special effort to do this. They'll do it as they're serviced.

MR. PARLIN: I understand.

MR. O'MALLEY: Okay.

MR. PARLIN: As long as we're not sitting here five years from now going hey, that buoy
going into St. Michael's.

MR. GRANT: Might be five years.

MR. LUNSFORD: If we have bad ice, it won't get done next year anyway.

MR. DWYER: I make a motion we adjourn.

MR. GRANT: Any other new business?

MR. PARLIN: Any other new business?

All right, Russ.

MR. DWYER: You guys keep on changing my motions.

MS. CRAIG: Second.

MR. PARLIN: Amy second. All in favor.

THE COMMITTEE: Aye.

(Time Ended: 12:10 p.m.)
STATE OF MARYLAND

I, Diane Houlihan, a Notary Public in and for the State of Maryland, County of Anne Arundel, do hereby certify that the within named, Maryland Boat Act Advisory Committee Meeting, personally appeared before me at the time and place herein set according to law, was interrogated by counsel.

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

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

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

AS WITNESS my hand Notorial Seal this 7th day of December, 2016, at Grasonville, MD.

Diane Houlihan
Notary Public

My commission expires September 16, 2017
MARYLAND BOAT ACT ADVISORY COMMITTEE
Transcript of Meeting of the Maryland Boat Act Advisory Committee taken December 10, 2018

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