

Transcript of
Meeting of the Maryland Boat Act Advisory Committee

Date: Thursday, December 01, 2016

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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

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

2

3 MR. PARLIN: Good morning. We'll call the
4 meeting to order for the Boat Act Advisory
5 Committee. All right.

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

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

12 MR. DWYER: I'm Russ Dwyer.

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

18 MS. HENNINGER: Hi, I'm Debbie Henninger.
19 I am up in the Middle River area. I've been
20 boating since I've been like four. My parents
21 got me into it. And I also do waterfront real

1 estate with Keller Williams and Bob

2 (inaudible). Thanks.

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

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

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

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

19 MR. PARLIN: And good morning. I'm Chris
20 Parlin. Retired fire boat captain, retired
21 fire captain, and now a yacht captain. Live in

1 Centreville, Maryland. Grew up on the Severn
2 River. Do all kinds of boating, kayaking,
3 fishing. Got a Runabout, enjoy with my family.
4 All right.

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

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

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

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

1 Maryland DNR.

2 MR. WRIGHT: Louis Wright, hydrographic
3 operations.

4 MS. WILLIAMS: Ann Williams, hydrographic
5 operations.

6 OFFICER BLOXOM: Officer David Bloxom.
7 Maryland Natural Resources Police. Currently
8 assigned to Ocean City.

9 SERGEANT FORD: Sergeant Robert Ford,
10 Maryland Natural Resources Police. Supervisor,
11 safety education section.

12 OFFICER GITMARS: Frank Gitmars. I'm the
13 commander response service unit and also
14 oversee safety education section.

15 CAPTAIN JOHNSON: Captain Kelly Johnson.
16 Currently the (inaudible) to the
17 superintendent.

18 SERGEANT RAFTER: Sergeant Roy Radford,
19 also National Resources Police obviously.
20 Assigned to Hillsboro, Queen Anne's County.

21 MAJOR INGERSON: Major Lloyd Ingerson.

1 I'm the executive officer to Colonel Zeigler.

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

5 SENATOR MATHIAS: Good morning, everyone.
6 I'm Jim Mathias. I have the privilege of being
7 the Maryland state senator from District 38,
8 which is Worcester, Somerset, and the eastern
9 half of the Wicomico County. I appreciate your
10 good work.

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

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

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

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

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

21 MR. PARLIN: Thank you. Great turnout

1 from NRP today. It's nice to see. Obviously
2 because we have a little proposed regulation
3 and some support from them.

4 Mike, go ahead and take it over.

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

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

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

14 MR. GRANT: Whatever you want to do.

15 MS. CORDELL: And then I will introduce
16 both.

17 MR. GRANT: Thank you.

18 MS. CORDELL: Come back and get the mike.

19 MR. GRANT: You want that up, Allison?

20 MS. CORDELL: Sure, that's great. Good
21 morning.

1 In light of the recent accidents this
2 summer, there has been a number of concerns
3 that have come to the department saying how can
4 we increase safety for our boaters.

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

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

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

21 I can remember growing up as a child. We

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

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

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

1 would be subject to a citation.

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

9 So we thought we can talk about the amount
10 of the fine, but currently we're thinking of an
11 \$85 fine.

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

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

20 We do educate the public with the dangers
21 and explain to the public that it is dangerous

1 and also life threatening. Many, many times
2 the public is completely unaware that what
3 they're doing is wrong.

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

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

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

19 SENATOR MATHIAS: Thank you, Allison.

20 Good morning, everyone. My name is Jim
21 Mathias. I introduced myself, but I first want

1 to thank you for what you do and the
2 responsibilities you take to provide us with
3 the maximum, the best safe waterways that we
4 can have.

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

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

16 Just simply put, as the summer progressed
17 this year, we started to experience a rash of
18 boating accidents. And they were kind of
19 headlines in the paper. And sadly, then we had
20 a tragedy of a young fellow. I think he was
21 nine years old.

1 And I always been in a legislative
2 capacity, on the city council and then the
3 mayor and all. Before we would pass an
4 ordinance locally or when I got involved up in
5 the general assembly, I always wanted to know
6 how any kind of changes of regulations would
7 affect the people that it's written towards.
8 So I always said my thing was hey, you want to
9 know what's going on in the trench, get in the
10 trench.

11 And right after that tragedy, my phone
12 rang. And Officer Bloxom and I serve in the
13 fire service together. And completely adherent
14 to the chain of command, he wanted to know if
15 he could talk to him, and I said sure. We
16 talked as firefighters. We didn't talk as
17 outside the realm of his enforcement capacity.

18 And he told me about bow riding. And
19 really to be completely honest with you, I
20 wasn't really that aware of it. I'm not out on
21 the water much. But the minute he brought it

1 to my attention, I could see, I've been out
2 there with wakes before and other things, I
3 could see the really risk of it. And then
4 really the intensified risk when it came to
5 pontoon boats. You kind of sort of channeled
6 right up the middle and right into the
7 propeller.

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

17 So I'm not one that's really big, as I've
18 already said, into regulations and all that. I
19 try to go about this in a practical, pragmatic
20 way. After I had the conversation with David,
21 I have a good relationship with the secretary.

1 I called the secretary the following day. I
2 said this is where we are, this is how we got
3 there, this is the incidents that have
4 happened. If I pass this onto you, will you
5 move it around your roundtable and see what
6 sense that it makes. And he did that, he began
7 that process.

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

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

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

19 So I think that this makes -- it
20 articulates this very clearly for the
21 enforcement officers, for the livery operators,

1 and for the public as to what they can and
2 cannot do.

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

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

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

19 So here we are, regardless of who made
20 what decision on that particular day or those
21 other incidents. Here we are in a position to

1 make a difference. And by clearly expressing
2 the law so that all parties involved will know
3 what they can and can't do. And ultimately
4 when it becomes the enforcement of our officers
5 that are out doing their job, they have
6 something that they can better enforce and make
7 our waterways safer. So that's how we got
8 here.

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

14 Closing, after I left being the mayor, for
15 ten years, people said what did you miss most
16 about being the mayor. I say those two-hour
17 breakfasts. And they say what do you mean. I
18 go to the same place every morning and eat
19 breakfast. And people, my friends and people
20 that knew that I was able to -- kind of person
21 you can talk to, they would show up. And after

1 two hours or so, I kind of had a pretty good
2 idea of what was going on around town.

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

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

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

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

18 The person I learned from was Fish Powell.
19 He was my predecessor as the mayor. He was a
20 boat Captain, fire chief, great mayor. But
21 I'll tell you, he knows the water and all. And

1 I learned from him how to be rational but get
2 things accomplished.

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

11 I think this is a pragmatic approach.
12 It's practical, it's clear and concise. And I
13 would appreciate your approval. And I thank
14 you for affording me the opportunity to be here
15 today.

16 MR. PARLIN: Thank you, Senator.

17 MS. CORDELL: I just wanted to speak a
18 little bit to the process on this. We are
19 asking that you make a decision and make a
20 recommendation to the department today, if
21 possible.

1 We have until December 15th to put these
2 regulations through before session. Session
3 begins on January 11th. We don't have the
4 option until January 15th to resubmit to AELR.
5 So we have until the 15th of December, and then
6 we're put on hold until January 15th.

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

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

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

20 SPEAKER: I'd appreciate, if you could. I
21 don't mean to blurt in, but if we could in a

1 practical, rational way do this so when we get
2 back out on the water again come spring, we
3 have a regulation in place. So I really would
4 respectfully request your action today, if
5 possible.

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

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

13 MR. PARLIN: Thank you, Allison.

14 Anybody else from NRP, did anybody else
15 want to speak on behalf of this bill?

16 MR. LUNSFORD: Ordinance.

17 MR. PARLIN: Ordinance, thank you.

18 MR. KLING: Regulation.

19 MR. PARLIN: Got my legal team over here.
20 Kling is a lawyer. So he'll really keep me
21 straight.

1 Any questions from the members of
2 committee?

3 MR. PEPE: Yup.

4 MR. PARLIN: Mr. Pepe.

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

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

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

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

21 So the major change is that highlighted

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

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

12 So the only change --

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

16 Go ahead, Mike.

17 MR. GRANT: That was only a recommendation
18 as that exists elsewhere in COMAR and it's not
19 necessarily part of this. It's up there to
20 consider, as is number four, that the top half
21 was delivered through NRP through Allison's

1 office. The rest of it is all think about it,
2 doesn't have to be part of it.

3 MS. CORDELL: And we are -- this is
4 scoping. We still have in the public comment
5 period, once it goes to AELR, there is about a
6 30-day window that then we still take
7 additional public comment, incorporate that
8 into the regulation change before the
9 regulations would become official.

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

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

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

21 SPEAKER: Sir, if I might address that.

1 Yes, that's the intent of it.

2 This gentleman brings up a good point that
3 there are a number of boats that are designed
4 for people to sit forward, but they have seats.
5 And normally in those seats, your lower limbs
6 would not be hanging over. So that's sort of
7 the trigger for this enforcement of this
8 regulation.

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

18 MR. DWYER: The one thing I see in this is
19 number three, about the seafood harvesters.
20 Chicken (inaudible) should say recreational
21 crabbers, are going to have a problem with

1 this. They're not going to be able to trout
2 line, they're not going to be able to crab --

3 MR. LUNSFORD: That's already in there,
4 that's already in the law.

5 MR. DWYER: It's in there?

6 MR. LUNSFORD: Yeah.

7 MR. DWYER: Okay. So we can run them off
8 the waterway, then.

9 It's bad wording I think.

10 MS. HENNINGER: Okay.

11 MR. PARLIN: I think it's saying it does
12 not apply to.

13 MS. CORDELL: Yeah, it doesn't apply --

14 SPEAKER: They're exempt.

15 SPEAKER: They're exempt.

16 MR. DWYER: No. I'm saying -- what I'm
17 saying, I can do it as a license holder. But a
18 recreational crabber, the way I'm reading it,
19 cannot.

20 MR. LUNSFORD: Because it says for sale.

21 MR. DWYER: Okay. Got you.

1 MR. PARLIN: And again, I think the
2 clarification here is they're specifying lower
3 limbs hanging outside of a vessel. So not many
4 people crabbing are going to have their lower
5 limbs. Lower limbs are the legs, not the arms.

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

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

15 SPEAKER: Personally from what I've seen,
16 that's a good question. Personally from what
17 I've seen, and I think some of the other
18 officers could probably articulate too also, is
19 that the majority of it is people that are
20 sitting on the front with their legs hanging
21 overboard.

1 And to address a little further about what
2 the gentleman here said about the bow riding
3 boats where you sit inside. As the major said,
4 those are designed so when you sit on the bow
5 or up near the bow, your feet are inside the
6 boat.

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

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

1 as much as the legs hanging overboard.

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

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

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

14 MR. LUNSFORD: Add the word manner.

15 MR. PARLIN: What's that?

16 MR. LUNSFORD: Dangerous manner. If I
17 could suggest wordsmithing for that, I would
18 just eliminate the word lower and add the word
19 manner at the end of the sentence so that the
20 proposed reg would read in the position or
21 manner in which limbs outside the vessel --

1 limbs are outside the vessel or otherwise in a
2 dangerous manner.

3 MS. HENNINGER: No.

4 MR. PARLIN: Go ahead, Officer.

5 SERGEANT FORD: This is Sergeant Ford.

6 I've pretty much been on this from the get-go.
7 And again, just getting back to lower limbs, we
8 talked about any body part.

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

12 I think we need to leave otherwise
13 dangerous.

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

21 So I went over, shut the boat down, got

1 him in there. What the heck are you doing,
2 that's a dangerous manner.

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

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

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

16 SPEAKER: Okay.

17 MR. PARLIN: Mr. Kling.

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

21 But this wording or lack of wording

1 troubles me. I don't think this is ready for
2 prime time.

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

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

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

21 One of my concerns as we mentioned and we

1 talked about this is identifying not giving --
2 not getting sailboats racing where the crew is
3 expected to be rail meat and sit over the side
4 for hours on end being cold and miserable, not
5 to have those people cited for having their
6 lower limbs over.

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

12 I just think we could make this -- and I
13 realize the 15th. We could do this by the
14 15th, but I think the language needs work. And
15 maybe we could approve it in concept and have a
16 subcommittee to work with people or something.

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

1 committee would see appropriate.

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

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

10 MR. GRANT: That exists elsewhere in
11 COMAR.

12 MS. CORDELL: It exists elsewhere in
13 COMAR.

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

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

21 MR. GRANT: A is already in language in

1 COMAR, four is not.

2 MS. CORDELL: But four is not.

3 MR. GRANT: One through three exists
4 verbatim.

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

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

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

17 And I guess I sort of direct this to John.
18 Might this be more helpful if it said bow
19 riding, gunwale, transom. Wait a minute.
20 Lower limbs outside of the sheer of the vessel
21 instead of just of the vessel, would that be a

1 better, a clearer definition?

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

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

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

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

18 But I do agree with what Steve said.
19 After reading through this, there's a lot of
20 redundancy, especially in section two, a vessel
21 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.

1 When I talked to Ron Hath with the
2 permits, he said that if someone told them they
3 were going to be bow riding, he'd tell them no.
4 He said so if you're putting this in that
5 you're automatically saying you're having a
6 boat race and everybody in the boat race and
7 everybody participating around the boat race,
8 because that's part of their permit, is allowed
9 to bow ride, he thinks that you should reword
10 this. He thinks that this is too generous and
11 that he would not know it when he was doing the
12 permit. So therefore, you would now be
13 allowing something during a boat race that you
14 wouldn't allow any other time of the year. So
15 he thinks that the wording, approved -- and
16 it's all over COMAR.

17 When we ran into it with jet packs and
18 they didn't like it there, either. But they
19 would prefer it to say an approved department
20 when requested may be exempt when requested,
21 not automatically done.

1 And he said because he would not know all
2 of our laws, all the nuances and, therefore, be
3 approving something that he didn't know.

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

11 MR. PARLIN: Go ahead, Mike.

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

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

19 The other ones I think should all be
20 considered either removed or changed or put in
21 if requested.

1 Because I think it wasn't clear at the top
2 bow riding did not include sailboats. And I
3 think four's intent was to say while riding on
4 a sailboat.

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

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

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

17 MS. WILLIAMS: Right.

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

21 But I have seen in Ego Alley in Annapolis,

1 I've seen a boat come through with kids
2 standing on the swim platform of the boat.

3 So yeah, I do believe we need to allow for
4 all positions of the boat because they were
5 outside of the vessel right next to the
6 outboard motor. Could very easily fall into
7 that.

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

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

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

19 MR. LUNSFORD: Second.

20 MR. MARSH: I will second that.

21 MR. PARLIN: Okay. So we have a motion by

1 Russ Dwyer to approve the concept of this
2 regulation of trying to limit or eliminate bow
3 riding and other dangerous activities or riding
4 in other dangerous manners. And seconded by
5 Bob Lunsford.

6 Discussion.

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

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

21 MR. PARLIN: I believe the problem is in

1 both areas, in the general public but also in
2 the livery operations.

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

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

13 This is just an example of posters. Well,
14 I don't want to turn it around. This is a
15 poster that talks about the law for operating
16 motorized vessel. This is about what you will
17 see at a rental location. And we're going to
18 keep it as simple as the big no symbol, the
19 circle with the line through it, and a little
20 stick figure on the front of a bow of a boat.
21 So it basically says don't sit here. So those

1 posters will be around at the livery
2 operations.

3 The Maryland basic boating courses in the
4 classroom and online will also have all that
5 information.

6 MR. PARLIN: Thank you, Julie.

7 OFFICER BROWN: You're welcome.

8 MR. PARLIN: Coles.

9 MR. MARSH: Thank you. Just I think the
10 wordsmithing might cover this one. But I
11 (inaudible) a couple of times in Annapolis for
12 some boat owners for the Wednesday night races.

13 And when you're coming in, a lot of times
14 you're dousing your sails and you're starting
15 the engine putting on into the dock facility.
16 And I mean I've seen it. I didn't do it, but
17 I've seen a bowsman that's on the bow. Once he
18 douses his sail, he may choose to sit down and
19 hang his limbs over the side of a machinery
20 powered vessel at the time.

21 So that's a little bit of clarification on

1 that because I'm sure you've seen it. I mean
2 if you douse a sail, you got (inaudible) of
3 crew on board, you might choose to sit down on
4 the bow of the vessel and hang your limbs over
5 the side of the rail.

6 So just a point of clarification where
7 that might come up for sure in those
8 conditions, you know, with sailboat racing.

9 Just a thought from the people on the
10 water that enforce these regulations.

11 MR. PARLIN: Steve, go ahead.

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

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

20 MR. LUNSFORD: Do I hear a volunteer?

21 MR. KLING: One.

1 MR. PARLIN: Bob.

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

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

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

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

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

15 More discussion. Okay.

16 Coles, did you have --

17 MR. MARSH: I'd just like to have a
18 comment from DNR because you're on the water to
19 enforce these proposed regulations. And I
20 100 percent agree that they're negligent, the
21 intent.

1 But just a thought from you as to what I
2 just mentioned, the sailboat racing coming in
3 and dousing the sails and sitting on the bow
4 limbs hanging over powered by machinery at this
5 point in time. So just a thought. Is there
6 something we need to clarify on that?

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

11 MS. CRAIG: Paddle board.

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

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

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

1 the prop.

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

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

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

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

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

19 And specifically number four down there,
20 we could probably trim that down to include
21 while sailing or something similar to that.

1 We've already said it only applies to vessels
2 under propulsion. So I think we could probably
3 either eliminate or clean that up, make it much
4 more simple.

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

12 MR. PARLIN: Thank you. Sergeant Rafter.

13 SERGEANT RAFTER: Anything that I would
14 say would just be echoing what the major said.

15 I think a lot of the modifications that
16 were recommended by your group are
17 definitely -- would definitely be helpful. As
18 the major said, some of them are redundant.

19 And the main purpose of this whole thing
20 is, as we stated in the opening, is to prevent
21 tragedy. So anything that we can do to keep it

1 simple, educate the public. And the simpler it
2 is, the easier it is for the public to
3 understand. I think once we start including a
4 lot of other things, it starts getting so
5 convoluted that people lose what you're trying
6 to do here.

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

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

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

19 And the third exemption would be number
20 three, a vessel under power of sail or for
21 paddles, period.

1 And I believe I have this in writing. So
2 if -- I might have a copy if you want to pass
3 this around. To me, it would make it a lot
4 clearer, but also with safety education, we
5 train. Our people are trained. They do
6 in-service training. And when this actually
7 comes in a reg, it would be followed with a
8 training bulletin saying here, here is what
9 we're looking at. We are not looking at a
10 sailboat that's coming in or even somebody
11 standing on the back of the vessel. What we're
12 looking at is to save lives and prevent another
13 tragedy from like that happened last August in
14 Ocean City. That's what our people are looking
15 for.

16 And I dare say it because we have over 200
17 people out there, that most of the 200 people
18 that I've run into have a lot of common sense.
19 And they may stop you and say that's not good
20 practice and check other things and get on
21 because I have stopped every vessel I've saw

1 bow riding, and I can't remember other than
2 anybody get a warning. And the only reason
3 they got a warning is because maybe they didn't
4 agree or got mouthy and so here it is.

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

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

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

17 I was the first officer on the scene when
18 this young man died. That's not the first time
19 I've been on the scene where somebody has come
20 off the front of a boat and been run over and
21 the prop has eat them up. Two other times last

1 year I saw the same thing. Summer before that
2 I had one who was struck in the head, fell off
3 the front of a boat.

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

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

14 And that's the intent behind this because
15 stopping people and saying hey, you can't do
16 that isn't working. So now, if we've got a
17 little bit of teeth behind it, maybe we can go
18 ahead and start enforcing the law in a more
19 fair manner with a more reasonable fine that
20 explains to the judges and the prosecutors
21 exactly what they did.

1 I've seen cases where people were charged,
2 and I actually heard the judge say nobody got
3 hurt, no harm, no fowl, what did he do wrong.
4 This will tell the judge exactly what he did
5 wrong and this is the regulation.

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

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

18 MR. PARLIN: Thank you. Steve.

19 MR. KLING: Let me say I think, Sergeant,
20 this language is good. I think this clarifies
21 it. I have questions, not to muddy the waters,

1 but there are -- I see kids on the bow pulpit
2 of a sailboat hanging out.

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

6 MR. DWYER: Tough question.

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

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

16 Yes. We don't want anybody getting hurt.
17 But in my tenure with Natural Resources Police,
18 and I spent the first 15 years with the Park
19 Service, so I'm not as well rounded on the
20 water as Sergeant Rafter here. But yes, it
21 does concern us how many people are we losing

1 because they're cut in half by a keel.

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

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

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

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

18 MR. PARLIN: Thank you.

19 SERGEANT RAFTER: And just to clarify one
20 other thing, I do love two-hour breakfasts, but
21 I had to say that I don't participate in them

1 because of my major and my commander.

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

6 MR. PARLIN: Thank you, Sergeant.

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

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

15 So yeah, I do think it needs to be better
16 defined. And like you said, be able to write a
17 ticket and not feel like you're going to go
18 into court and have to defend a \$500 fine or
19 \$400 fine or whatever, that it's a little more
20 in the realm of a regular ticket.

21 So I appreciate what everyone is trying to

1 do. And I'd like to move this thing forward.

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

4 So any more discussion on the motion?

5 MR. DWYER: My motion is still the same.

6 MR. PARLIN: And the motion was?

7 MR. DWYER: You're trying me now.

8 MR. PARLIN: To accept the concept.

9 MR. DWYER: The concept with some changes.

10 MR. PARLIN: Okay. All in favor --

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

12 MR. PARLIN: I asked for any comment.

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

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

19 MR. KLING: No. It's an amendment. I
20 offer an amendment. Now, it can fail for lack
21 of a second.

1 MS. CRAIG: I'll second.

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

6 MR. DWYER: I don't have a problem
7 accepting that. I'll amend my motion. You
8 guys win. But it's still the wording.

9 There's going to be other things that I
10 feel is going to be changed on this when it's
11 done.

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

16 MR. DWYER: I just want to make sure.

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

20 MR. DWYER: I just want to make sure that
21 the proper wording is there, that we're not

1 dead set on the wording that's there now.

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

5 MR. DWYER: I thought that's what my
6 motion was, but okay.

7 MR. PARLIN: All in favor say aye.

8 THE COMMITTEE: Aye.

9 MR. PARLIN: All opposed? Motion carries.
10 Mr. Grant. Go ahead.

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

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

21 MS. HENNINGER: Don't forget Amy's piece

1 of cake.

2 SENATOR MATHIAS: Thank you. Most
3 important thing, Merry Christmas, Happy
4 Holidays, and Happy, Healthy, Safe New Year.
5 And I thank you for your service.

6 SPEAKER: Thank you for your service.

7 MR. PARLIN: Mr. Grant.

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

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

15 MR. GRANT: Thank you.

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

20 OFFICER BLOXOM: Thank you.

21 MR. GRANT: Thanks, Senator. Appreciate

1 it.

2 SPEAKER: Appreciate it.

3 SPEAKER: Thank you, thank you very much.

4 MS. HENNINGER: Thank you.

5 SPEAKER: Thank you.

6 MR. GRANT: Need a break? Does anybody
7 need a break? Okay.

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

10 MR. GRANT: We all back?

11 MR. PARLIN: Next.

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

1 MR. PARLIN: Great, thank you.

2 Off the record.

3 (Discussion held off the record.)

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

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

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

16 It's 35, 20. And there's a ski course
17 that exists in there. And I think as most
18 skiers have admitted, Mona specifically said we
19 ski until mid morning and then the boats come
20 through and on weekends we don't ski at all
21 because it's just too crazy.

1 So upper South River will be free ski and
2 not in the control course unless you have a
3 decal.

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

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

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

13 MR. GRANT: Correct.

14 MS. CRAIG: So that was the issue.

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

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

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

21 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.

1 MR. GRANT: Isn't there more space in
2 upper South River than there is in Sunrise
3 Beach? I mean the breadth of the waterway?

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

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

16 They said that that was so vague that they
17 wouldn't enforce it. That we needed to give it
18 a definable time. And you'd either have to
19 have a flag up saying we're water skiing so the
20 NRP could say everybody knows up around that
21 bend they're going to be water skiing, this

1 whole section is six knots. Because it's a big
2 section, it's not just by your course.

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

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

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

18 MS. CRAIG: Right. But if --

19 MS. WILLIAMS: So you have to limit your
20 water ski area to have a six knot around it.
21 You'll have to come up with some boundaries of

1 what six knot is the whole area. And blanket
2 when you're in use is too vague. You'd have to
3 identify in use somehow. And that would have
4 to be done.

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

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

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

11 MS. CRAIG: Right.

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

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

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

19 MS. CRAIG: I guess if we could make that
20 ski area larger so that there is an area where
21 the waves can wash out. That's the main issue.

1 Because if you go up and down tubing beside the
2 course, you can't ski.

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

7 MS. CRAIG: Specific hours.

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

10 MS. CRAIG: That was the when in use.

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

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

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

17 MS. WILLIAMS: The question came from the
18 officers is if the boat is up at the headwaters
19 lining up and you as a boater are down here,
20 can you see that boat lining up to know that
21 you've got to slow down to six knots. When you

1 leave the last speed zone, will you be visibly
2 aware then clear if there's other boats in the
3 area that that one is stickered and it's going
4 to be doing that course. And when that boat is
5 in sticker doing it, that means nobody else can
6 water ski because that whole area is now six
7 knots. So nobody else can water ski when
8 you're water skiing.

9 MS. CRAIG: Right.

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

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

19 MS. CRAIG: Right.

20 MR. KLING: But it seems to me we can find
21 a compromise that lets --

1 MS. CRAIG: NRP.

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

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

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

17 MR. JONES: When it's in use.

18 MS. CRAIG: Right.

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

21 MS. CRAIG: Right.

1 MR. MARSH: Amy, what is the questions
2 that the ski club has that is your concern?
3 You're the skier. What is it that you really
4 need, that you need, the ski club?

5 MR. JONES: No wake.

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

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

12 MS. CRAIG: Yes.

13 MR. GRANT: Which --

14 MS. CRAIG: We tried to remove.

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

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

20 MR. GRANT: May I recommend that we give
21 it a summer to try it?

1 MS. CRAIG: Yeah, I think that's a good
2 idea.

3 MR. JONES: Try what?

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

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

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

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

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

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

21 MS. CRAIG: Not down there.

1 MS. WILLIAMS: Not down there.

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

7 MR. JONES: That work for you?

8 MS. CRAIG: Okay. So.

9 MR. DWYER: Don't give up.

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

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

16 MS. CRAIG: Right.

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

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

21 MR. GRANT: No.

1 MS. CRAIG: Right. So you can still buzz
2 back and forth.

3 MR. GRANT: Right.

4 MS. CRAIG: Which is making it unuseful.

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

7 MS. CRAIG: Only on Saturdays, Sundays,
8 and holiday I would expect.

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

11 MS. CRAIG: Not early in the morning.

12 MR. JONES: During the week.

13 MS. CRAIG: Right. During the week in the
14 evenings, it would happen, not in the mornings.

15 But I'm not exactly good with leaving that
16 for the year to see what happens.

17 MR. GRANT: Okay.

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

21 MR. PARLIN: Go ahead, Ann.

1 MS. WILLIAMS: I think it's already --
2 this wording has already gone really far. It's
3 in the package that director, Mark (inaudible)
4 has already signed.

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

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

1 MR. GRANT: Yeah.

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

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

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

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

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

16 MR. GRANT: Sure.

17 MR. LUNSFORD: Amy, if you would encourage
18 the people that want to use the course, because
19 they can call in and leave a message on Mike's
20 voice mail, they don't have to talk to Mike,
21 they don't have to go out of their way.

1 Everybody carries their cell phone on board
2 their boat now. Everybody's got a waterproof
3 pouch.

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

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

13 MR. PARLIN: John.

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

21 MR. GRANT: Ski course in use, please

1 watch your wake?

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

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

6 MR. PEPE: To let other people know.

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

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

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

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

21 MR. LUNSFORD: Should have already been

1 one there.

2 MS. CRAIG: There was something similar to
3 that.

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

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

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

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

18 MS. CRAIG: Right.

19 MR. LUNSFORD: But there's a buoy.

20 MR. DWYER: Does it say stickered boats?

21 MS. CRAIG: No. Well, it was intended to

1 this coming season I believe because that was
2 on the other one.

3 MR. DWYER: That could be a problem, too.
4 That everybody thinks that's a ski course for
5 anybody, recreational or whoever go use it.

6 MS. CRAIG: Right.

7 MR. PARLIN: John.

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

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

1 they're there.

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

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

8 But then also, the other thing is, my
9 other comment, we heard the folks at the last
10 meeting that were -- we basically told them we
11 heard what they said. They weren't happy with
12 what we did with the blanket regulation that
13 pushed them out of this area. And said we
14 would come back and do something to allieve
15 (sp.) that problem.

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

19 MS. CRAIG: If it's a possibility that
20 these buoys that say when in use or ski course
21 in use are left actually in the body of the ski

1 course, which would limit people from using it
2 and tearing it up in the first place, is that a
3 possibility?

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

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

11 MR. GRANT: That's what I just said.
12 Yeah, you're blocking the course.

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

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

19 MS. CRAIG: Right. So if you're using the
20 course, you pick up the buoy and you put it at
21 the entrance area to that. No?

1 MR. GRANT: I don't know.

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

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

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

9 MS. CRAIG: Right.

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

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

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

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

21 MS. CRAIG: I know.

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

6 MS. CRAIG: I agree.

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

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

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

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

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

20 MS. CRAIG: So currently the ski area is
21 from shoreline to shoreline.

1 MR. GRANT: Yeah.

2 MS. WILLIAMS: Yeah.

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

5 MR. MARSH: Northern line.

6 MS. CRAIG: Northern? Northern line.

7 MS. WILLIAMS: Well, we could work it out.
8 But if that would suffice --

9 MS. CRAIG: I think that --

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

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

1 there. Bob is shaking his head.

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

4 MS. CRAIG: Yes.

5 MR. KLING: Just one comment to John.
6 Yes, I understand your point. And I generally
7 agree we don't like to take away water. But
8 there are only three designated ski courses in
9 the entire state. So I think we're serving a
10 population in an effective way.

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

17 MR. GRANT: We can pull it.

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

19 MS. CRAIG: The words matter, right.

20 MR. PARLIN: Very good point.

21 MS. WILLIAMS: I think we should just make

1 a smaller ski area.

2 SPEAKER: That's not going to work.

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

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

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

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

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

17 MS. CRAIG: Oh, there's plenty, yeah.

18 Oh, you mean on the inside?

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

21 MS. WILLIAMS: I have a question. Where

1 were they skiing, then?

2 MR. DWYER: On the north side.

3 MR. LUNSFORD: Where there's water.

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

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

10 MR. GRANT: Racing buoy.

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

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

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

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

21 MR. PARLIN: What are you working on

1 there, Mike?

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

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

6 MR. GRANT: Yes, sir.

7 MR. PARLIN: Okay. Thank you.

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

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

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

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

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

16 MR. LUNSFORD: Off the record.

17 (Discussion held off the record.)

18 MR. PARLIN: Mr. Lunsford.

19 MR. LUNSFORD: I'm going to make a motion
20 that we table further discussion on this until
21 we get some more information on what the Army

1 Corps of Engineers' permit encompasses. And
2 maybe even say that we need to leave it as is
3 for the year with several site visits during
4 various times a day, which may mean the
5 department has to make an arrangement for us to
6 get our boats over someplace.

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

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

19 MS. CRAIG: I would suggest that we leave
20 it as it currently is, not with this language,
21 under the assumption that the NRP is not

1 enforcing it in any way because they don't have
2 any way to -- yes.

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

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

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

20 MS. CRAIG: Here is what I suggest: We
21 leave it as is. We don't do this because

1 that's a step in the wrong direction, which we
2 don't need to take. We leave it as is, revisit
3 it in the spring with site visits, make the
4 emergency regulation then so that we're not
5 undoing, doing, undoing multiple times.

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

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

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

18 MR. GRANT: So your request is for us to
19 pull this so it does not go through, leave it
20 as it is now, which means six knot all time
21 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.

1 MS. CRAIG: Is there a motion?

2 MR. PARLIN: There is no motion yet.

3 MS. CRAIG: Is there another suggestion?

4 MR. PARLIN: Mr. Lunsford.

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

9 But we recognized when we did this back in
10 the dark ages, those of us who were around,
11 that we actually were providing a space
12 similar, more similar to Manodeer than it was
13 to Sunrise, where competitive water skiers
14 could practice and know that if they got up at
15 6:30 in the morning and shot up there, that the
16 course would be available to them to practice
17 and they wouldn't run into a herd of Boy Scouts
18 tubing back and forth.

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

21 MR. DWYER: Close to it.

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

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

14 MR. PARLIN: Steve.

15 MR. KLING: My only comment is I
16 understand where Amy is coming from.

17 I think we created a problem last year
18 inadvertently and it seems to me at some
19 consequence. It affects a fair number of
20 people. I think we ought to fix it.

21 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
4 to occur.

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 MS. CRAIG: I think we all agree about
12 that part. It's just two wrongs don't make a
13 right. This isn't fixing the situation.

14 MR. LUNSFORD: It may be the correction is
15 as simple as looking at where we have the lines
16 drawn and adjusting.

17 MS. CRAIG: The lines.

18 MR. LUNSFORD: The lines so that when
19 somebody is using the course, you can see them
20 from wherever the line is.

21 MS. CRAIG: Right.

1 MR. LUNSFORD: If the NRP is telling Ann
2 that when a patrol boat pulls up there, that
3 they can't reasonably be expected to see if
4 somebody is using the course, then maybe the
5 line just needs to be closer.

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

11 MS. CRAIG: Correct.

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

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

21 MR. LUNSFORD: Maybe up there is too far

1 away.

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

6 MS. CRAIG: Right.

7 MR. PARLIN: John.

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

15 MR. JONES: Is the course there?

16 MS. CRAIG: Yeah, but not now.

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

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

21 John, I'll second your motion if you'll

1 take out the reference to the emergency reg and
2 just make it that we look at a permanent reg at
3 the end of the boating season after we collect
4 information.

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

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

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

12 MR. LUNSFORD: And I'll second.

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

17 MR. PEPE: Correct.

18 MR. PARLIN: Seconded by Mr. Lunsford.

19 MR. LUNSFORD: Second.

20 MR. PARLIN: Thank you. Steve.

21 MR. KLING: Question. I understand this

1 is working its work through the process. Mike
2 said it could be pulled.

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

9 MR. GRANT: Yes. We have to get any
10 regulation submitted by the 15th of December or
11 we have to wait until January 15th.

12 So we could pull this and submit it in
13 January. It just means it would be April 15th
14 versus March 15th becoming effective.

15 SPEAKER: It's longer than that.

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

18 MR. GRANT: Right.

19 MS. WILLIAMS: And they close it down.
20 For regulation changes, they won't take changes
21 during session.

1 MS. CORDELL: Our whole -- Lisa is the
2 regulation coordinator in my staff. She has --
3 it's from just one month that we can submit
4 regulations. They don't like for us to submit
5 regulations while legislative session is going
6 because they could be affecting whatever
7 legislative documents, whatever comes from
8 that, they're saying well, maybe that can
9 change what you will decide to do in
10 regulation. But we still have the option to.

11 MR. GRANT: So if we do it before the
12 15th, it will become effective by March 15th.
13 If we wait until January 15th submitting it, it
14 would become effective as April 15th. It's
15 just a month difference. It would still be
16 before boating season.

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

19 MR. GRANT: A couple of days here or
20 there, but we're still talking about before
21 summer.

1 MS. CORDELL: It's specific dates that
2 each -- so it might not be April 15th is the
3 day. It might be April 17th is the day. And
4 then effectual date would then be -- it depends
5 on exactly when that cutoff. I have the
6 calendar.

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

9 MS. WILLIAMS: Right, right.

10 MR. GRANT: I mean early boating season.

11 MR. PARLIN: Understand. John.

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

14 MR. KLING: Why do we need site visits?

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

18 They're talking about shallow water on one
19 side of the course, navigable water on the
20 other. I have no idea. I have no concept of
21 what this looks like and I'd like to see it.

1 MS. CRAIG: It's navigable on side both
2 sides. But southern side you're saying is more
3 wide open.

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

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

14 My question is we had an original
15 regulation when the ski club was in use. And I
16 understand that it's hard for NRP to enforce
17 it. But what if we went back to that? And
18 then it kind of puts it back on the folks in
19 the ski club that if you're being impeded by
20 somebody who is out there tubing, you can go
21 over to them and say hey, just so you know, the

1 regulation is while we're using the ski course,
2 you now have a six knot speed limit.

3 Could we go back to that regulation rather
4 than removing the six knot altogether?

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

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

16 MR. PARLIN: I think if we said we're
17 going back to where it was, where everybody was
18 living with this regulation before, I don't
19 care if NRP says it's hard to enforce. It
20 still puts it back to where it was before.
21 Everybody was happy. The skiers can go over if

1 they have somebody who is tubing in the area
2 and bothering them, they can go over there and
3 hand them the regulation.

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

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

19 Next. Russ.

20 MR. DWYER: I agree with both of you.
21 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.

1 And it was six knots yesterday. If you put
2 this in, it will be 25 35. If you take it out,
3 it will be nothing. It will have no speed
4 limit.

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

7 MR. PARLIN: I understand what you're
8 saying. Because I was under the impression
9 that that was part of the South River and that
10 was part of the 35 20 or 25, which one is it?
11 35 20?

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

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

17 So if it's not, then I'm okay keeping the
18 35 20, allowing that to extend along with all
19 the rest of the South River into that area
20 while the ski course is not in use.

21 But back to the original reg, the original

1 reg was that while the ski course is in use,
2 this area does have a six knot speed zone.

3 SPEAKER: Right.

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

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

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

15 MS. WILLIAMS: That's the discussion now.

16 But I wanted to clarify that if you pulled
17 it down, you had no speed limit.

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

21 MS. WILLIAMS: Right.

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

4 MS. WILLIAMS: By authorized, decaled,
5 right.

6 MR. GRANT: Decaled.

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

9 MR. GRANT: And when in use.

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

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

19 MR. GRANT: Does that cover it?

20 MS. CRAIG: I think that --

21 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.

1 MR. MARSH: Second on that.

2 MR. PARLIN: Coles Marsh, second.

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

5 THE COMMITTEE: Aye.

6 MR. PARLIN: All opposed. None heard.

7 It's unanimous. Thank you.

8 MR. LUNSFORD: Mike, what is 01?

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

10 MR. LUNSFORD: Yeah.

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

14 MR. LUNSFORD: Thank you.

15 MR. PARLIN: Okay.

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

18 MR. PARLIN: Yes. Go ahead.

19 MS. CORDELL: The dates. Lisa just got
20 back to me. She said that we would not be able
21 to -- it would not be until February 13th that

1 we can resubmit. And she gave me the calendar.
2 And the calendar shows the next date after
3 February 15th that we can submit is
4 February 24th, because we'll miss that Friday,
5 February 10th, deadline. So it would be
6 February 24th, not to go into effect until,
7 let's see, June 5th.

8 MR. PARLIN: Okay. But as we just altered
9 it, it will go in by December 15th?

10 MS. CORDELL: Yes.

11 MR. PARLIN: Great. Thank you.

12 MR. DWYER: Have it for next season.

13 MR. PARLIN: Thank you very much.

14 Moving forward, next.

15 MR. GRANT: Let me go back. Lunch. Or
16 old business, new business.

17 MR. DWYER: Let's do that, keep going.

18 MR. PARLIN: Yeah. Let's press on. We
19 can finish this up. It shouldn't take too much
20 longer. Okay.

21 MR. GRANT: Any old business?

1 MR. PARLIN: Any old business? None.

2 Okay.

3 New business. New business is one of
4 mine.

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

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

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

20 I had guys call me out and say there's a
21 speed limit in this area. I said no, there's

1 not. I said that buoy says you need to go
2 slow.

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

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

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

20 I feel that these give the impression that
21 they are official State buoys that the State of

1 Maryland and NRP is saying you need to go slow.
2 While we know it's not an enforcement statement
3 or enforceable rule or reg, it's implying that
4 you have to go slow through this area.

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

9 MR. LUNSFORD: Is that a motion?

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

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

20 MS. HENNINGER: Why do you need caution?
21 Why can't you just take off slow?

1 MR. PARLIN: Either way. The original
2 intent that came from the Boat Act, and Bob,
3 you probably got most of the history here, or
4 Russ or Steve, some folks who have been around
5 for a while. Originally when these came out,
6 it came from the recommendation of the
7 committee and it came from the recommendation
8 of the committee to say caution, you're
9 responsible for your wake. Correct? Steve?

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

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

20 I mean if somebody decides people should
21 be slowing down, the process is not to change

1 buoys, but to come to us and say we need to
2 look at this body of water.

3 So I don't know who they is. I'm sure
4 they are well intentioned. But I think they
5 are overstepping, with all the best intentions.

6 You can't -- I would -- well, those are my
7 thoughts.

8 MR. PARLIN: Thank you, Steve.

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

18 I don't know that the wording would mean
19 anything to me because it already tells me
20 slow. It didn't say caution, which meant
21 caution, okay, I cannot go slow, I can go

1 medium slow. So it really doesn't tell me much
2 other than this would say slow, which to me
3 means you don't go medium fast, you go slow.
4 Caution doesn't do anything except say guess
5 what, you're coming into a zone area that you
6 shouldn't have any wake.

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

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

16 I think saying slow, people grab a hold of
17 that and say well, you're telling me that in
18 this area I have to go slow. So when I go
19 buzzing through an area, now I've got people
20 flagging me down telling me I did something
21 wrong. It's not right.

1 So I believe getting rid of that term
2 slow, I think it does a lot. I think the
3 caution buoys as we've put them out before have
4 gotten people to slow down and think about.

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

18 But on a day when there are no boats in
19 the water on that side and there are no kids
20 and whatever, it's perfectly appropriate for me
21 to come in from a day of being out on the water

1 at five o'clock in the evening and zip straight
2 through that area, pull right up to my slip,
3 back in, and be done.

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

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

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

14 Russ.

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

1 when I was going plain.

2 So I think the word caution gets your
3 attention better than slow.

4 MR. PARLIN: John.

5 MR. PEPE: I agree with what everybody is
6 saying here. The word slow is indeterminate.
7 Slow means a lot of different things to a lot
8 of different boats. And really it's not based
9 on anything. I think the word caution or
10 warning is appropriate.

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

12 MR. PARLIN: Well, I think my point is
13 let's go back to what it was. Somebody changed
14 it. We had it as caution before. So I believe
15 we should have hydro change the wording back to
16 caution, you're responsible for your wake.

17 MR. LUNSFORD: Are they still part of
18 boating?

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

20 MR. PARLIN: John.

21 MR. PEPE: Just a question. How many of

1 these buoys have been remarked?

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

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

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

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

16 MR. DWYER: I'll second it.

17 MR. PARLIN: Thank you, Russ.

18 Any more discussion? All in favor.

19 THE COMMITTEE: Aye.

20 MR. PARLIN: All opposed?

21 MR. DWYER: You can't vote.

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

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

6 Go ahead, sorry.

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

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

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

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

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

20 MR. PARLIN: (Inaudible).

21 THE WITNESS: Well, checked would mean if

1 they went out and it was totally clean and
2 there was no bird poop, you could read it and
3 all that, they wouldn't pull it. But that's
4 slim to none.

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

11 And as you can see how it fits real nice
12 the word slow. Caution now wraps around the
13 front of it. So I know you guys say but that's
14 a boat crew issue. It's going to be a while.
15 Don't expect them to be done in one season is
16 where I am going.

17 MR. PARLIN: -- pay for their mistake.
18 They made the decision to change this without
19 coming to us because it's less letters.

20 MS. WILLIAMS: That's not why they made
21 the decision.

1 MR. PARLIN: I know. But that's one of
2 them.

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

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

7 MR. LUNSFORD: That was the sign.

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

9 SPEAKER: The buoys too.

10 MS. WILLIAMS: Was watch your wake.

11 MS. HENNINGER: Caution is seven letters.
12 You're not going to see the word caution.

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

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

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

20 MR. GRANT: Yeah.

21 MS. WILLIAMS: Just the buoy does.

1 So taking the word off is not going to
2 change their behavior.

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

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

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

11 MR. PARLIN: I have.

12 MS. WILLIAMS: Look at your app, yeah.

13 MR. PARLIN: Moving forward.

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

18 MR. PARLIN: I understand.

19 MR. O'MALLEY: Okay.

20 MR. PARLIN: As long as we're not sitting
21 here five years from now going hey, that buoy

1 going into St. Michael's.

2 MR. GRANT: Might be five years.

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

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

6 MR. GRANT: Any other new business?

7 MR. PARLIN: Any other new business?

8 All right, Russ.

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

11 MS. CRAIG: Second.

12 MR. PARLIN: Amy second. All in favor.

13 THE COMMITTEE: Aye.

14 (Time Ended: 12:10 p.m.)

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STATE OF MARYLAND

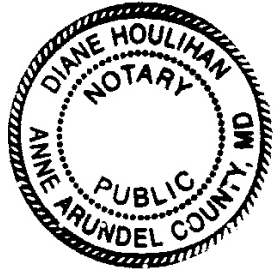
I, Diane Houlihan, a Notary Public in and for the State of Maryland, County of Anne Arundel, do hereby certify that the within named, Maryland Boat Act Advisory Committee Meeting, personally appeared before me at the time and place herein set according to law, was interrogated by counsel.

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.



A handwritten signature in cursive script that reads 'Diane Houlihan'.

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 16, 2015

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MARYLAND BOAT ACT ADVISORY COMMITTEE

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MARYLAND BOAT ACT ADVISORY COMMITTEE

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MARYLAND BOAT ACT ADVISORY COMMITTEE

Transcript of Meeting of the Maryland Boat Act Advisory Committee taken December 01, 2016: win..zone

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