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MARYLAND BOAT ACT ADVISORY COMMITTEE

WINTER MEETING

JANUARY 29, 2019, 10:00 a.m.

KENT ISLAND YACHT CLUB, CHESTER, MARYLAND

REPORTED BY: David Corbin, RPR

1 TRANSCRIPT OF PROCEEDINGS

2 JON SHELLER: Morning, ladies and
3 gentlemen. Welcome to the first meeting of
4 2019 for the Boat Act Advisory Committee.
5 Sheller.

6 AMY CRAIG: Good morning. My name is Amy
7 Craig and I'm the chairperson of the Boat Act
8 Advisory Committee. I would like to call this
9 meeting to order. The first meeting of the
10 year we will be briefed on the proposed
11 regulations that have been submitted so far.
12 We will discuss old business and new business
13 coming before the committee. During the
14 meeting we will only address the regulatory
15 requests and other items listed on the agenda.
16 This meeting will be recorded by a court
17 stenographer and available for review on the
18 DNR web site within three to four weeks.
19 Please turn off all cell phones or
20 communication devices or set them to vibrate.
21 If you need an expense form, they are here at

1 the front with me. The rest rooms are out the
2 double doors and to the right. This is all new
3 procedure but we are going to start
4 incorporating this with the meeting in general.
5 I would like to a take a moment to explain how
6 the Boat Act Advisory Committee public meetings
7 are conducted. The designated Boat Act
8 Advisory Committee, or BAAC, members are a
9 diverse volunteer group of boating enthusiasts
10 which represent every region in the state.
11 Whether you are working aboard a commercial
12 fishing vessel, charter boat or enjoy paddling,
13 personal watercraft, waterskiing, windsurfing,
14 swimming, sailing, fishing or just cruising,
15 the BAAC is knowledgeable and mindful of the
16 many safe uses of the state's waters. The BAAC
17 is also aware of the concerns and access water
18 benefits of the state's waterfront property
19 owners, whether they are a sole parcel, a
20 community, or commercially zoned. The BAAC
21 takes their duty seriously and with the

1 greatest respect for the Chesapeake Bay and its
2 tributaries and you the citizens that come
3 before us. The BAAC strives to accommodate the
4 concerns and needs of all citizens who use the
5 state's waters. Let's take a moment and
6 introduce our members and DNR staff. Please be
7 brief because we have a full agenda and want to
8 beat this weather.

9 THORNELL JONES: I'm Thornell Jones. I
10 live in Annapolis. I have a boat on the water.
11 I've been in the boat -- in the Coast Guard
12 Auxiliary for 27 years. And I love the water.

13 JOE HELLNER: Hi, I'm Joe Hellner from the
14 Millersville, Maryland area. I've been a
15 boater most of my life in all types of vessels,
16 from kayaks on up to large motorcraft,
17 sailboats, you name it. Also a formal Naval
18 officer. And I'm also affiliated with various
19 yachting and boating organizations in the
20 state.

21 STEVE KLING: Good morning, I'm Steve

1 Kling. I've lost my voice. I have a sailboat.

2 BOB LUNSFORD: Morning. I'm Bob Lunsford,
3 I'm from Anne Arundel County, I'm a chair bear
4 boater.

5 ROMONA TRAVANO: Hi. I'm Romona Travano,
6 I'm a waterfront property owner, water skier,
7 kayaker and stand-up paddle boater.

8 RUSS DWYER: I'm Russ Dwyer. I'm a
9 retired plumber, retired boat salesman, and now
10 a commercial waterman.

11 JON PEPE: Morning, John Pepe from Oxford.
12 Professional captain and marine surveyor.

13 BOB NICKEL: Bob Nickel from Western
14 Maryland. Ex-Navy myself. Last 16 years
15 running a marina up on Deep Creek Lake.

16 COLES MARSH: Coles Marsh, enjoying a
17 little time in Delaware.

18 JON SHELLER: Jon Sheller, marine
19 surveyor, 35 years of experience on the
20 Chesapeake Bay. Boating all my life.

21 AMY CRAIG: Amy Craig, I'm from Upper

1 Marlboro. And I'm a water skier, kayaker,
2 supper, S-U-P er, and just enjoyment of the
3 water. Okay. First item on the agenda, Al
4 Simon. Mike, do you have anything you want to
5 start with.

6 MIKE GRANT: You wanted to address the --

7 AMY CRAIG: You want --

8 MIKE GRANT: No, go right ahead.

9 AMY CRAIG: As everybody may have gotten
10 the e-mail back in December, Al Simon passed.
11 He's been a member of the Boat Act Advisory
12 Committee for more than my life.

13 MIKE GRANT: Since the beginning.

14 AMY CRAIG: Since the very beginning. I
15 think it would be appropriate for us to somehow
16 take a moment -- a moment of silence for Al.
17 Thank you. Al is already a --

18 MIKE GRANT: Ambassador of the Chesapeake
19 and an Admiral of the Chesapeake.

20 AMY CRAIG: So he's --

21 MIKE GRANT: Kind of covered the basis.

1 AMY CRAIG: Yeah. So is there any
2 suggestions for any other way that we would
3 like to remember Al.

4 JON SHELLER: Just something from the
5 committee here, since he spent so many years on
6 it. Even though he's got these magnificent
7 awards, something from us, from the Governor or
8 from the Secretary of DNR to the family. A
9 letter, a commendation or citation, recognizing
10 his many years of service in addition to that
11 which has already been done. And in the name
12 of BAAC.

13 AMY CRAIG: You good with that, Mike.
14 Mr. Lunsford.

15 BOB LUNSFORD: I would like to -- I don't
16 know if I want to put in the form of motion,
17 but I would like to recommend that the
18 committee ask the Department to perhaps name
19 one of the patrol vessels, an NRP vessel, in
20 honor of Mr. Simon. He had a long and
21 distinguished service and was very often

1 involved with the Natural Resources Police and
2 in their educational program as well as their
3 enforcement issues. So the next time the
4 Department procures a new vessel, it might be
5 appropriate that we ask that that be
6 considered.

7 MIKE GRANT: Got it.

8 AMY CRAIG: Do we need that in a motion?

9 BOB LUNSFORD: I'll make it a motion.

10 RUSS DWYER: Second.

11 AMY CRAIG: Motion by Bob, seconded by
12 Russ. All those in favor.

13 BOARD MEMBERS: Aye.

14 AMY CRAIG: Thank you. Mike, you'll --

15 MIKE GRANT: Got it.

16 AMY CRAIG: Thank you, unanimous.

17 Maynardier controlled ski course update.

18 MIKE GRANT: I think most of you know that
19 Senator Reilly has submitted SB 93 in an
20 attempt to provide fewer skiing hours for the
21 waterskiing club and to make sure the folks in

1 the Maynadier are happy with that result. This
2 is the third attempt. Right now this is kind
3 of a general -- just general description, if
4 you'll switch to the next slide. This is
5 Senate Bill 93. Just go down to the
6 highlighted section, the bold section. May is
7 what they can do in his bill. Number two is
8 what they may not do. So basically only on
9 Monday, Tuesday, Wednesdays and Thursdays
10 between noon and sunset can the ski course be
11 used under his bill. May not operate between
12 March 15th and June 15th on Friday, Saturday
13 and Sunday and state holidays at a speed
14 greater than six miles per hour within 100 feet
15 of each end of the slalom ski course, or when
16 other vessels or people on the water are
17 entering Maynadier Creek, exiting Maynadier
18 Creek, crossing the controlled water ski area,
19 or within 50 feet of the perimeter of the
20 controlled water ski area. That's the
21 proposed. That's the way -- it's starting to

1 go through in the beginning. This is our
2 COMAR. Number four. Remember now, when you
3 all did the change in COMAR, there are three
4 ski courses, they all have the same rules, all
5 the same regulations. Maynadier is no
6 different. Person shall not operate or give
7 permission to operate a vessel for purpose of
8 towing a water skier on the slalom course on
9 Saturday, Sunday and state holidays between
10 noon and sunset during the months of June, July
11 or August. Other than that, you can ski any
12 time you want. And at the bottom this pertains
13 to the stuff in the previous slide concerning
14 what they also can't do. A person may not
15 operate or give permission to operate a vessel
16 across or within the permitted course when the
17 course is in use by a vessel which displays a
18 required sticker and is towing a skier or
19 assisting a fallen skier in the course. They
20 can do that now under Senator Reilly's bill.
21 Next. Ski sticker. All the way down here on

1 Maynadier. Maynadier's only regulation is
2 outside the course of six knots all time. We
3 knew that. Next. Natural resource law. I
4 think Bob, you were around during this, weren't
5 you. Sorry. It basically speaks to all of the
6 Severn River. And some of the stuff is
7 antiquated now. But go on to the next one. A
8 person may not operate from April 15th, 1989 to
9 1980 -- October 1989 in excess of 40 miles per
10 hour, Saturday, Sunday, state holidays and
11 other days sundown to sunrise. That's the
12 whole river but that didn't speak directly to
13 Maynadier. I think they were just trying to
14 put everything into one lump regulation. But
15 that's -- this is where Senator Reilly wants us
16 to go under Natural Resource law, that the
17 speed limits, use of that course is covered by
18 Natural Resource law. It won't change again,
19 as opposed to regulation, which you all have
20 spent a lot of time thinking about since 2013.
21 Almost every year since 2013. Next slide.

1 This is the new as of yesterday. Current
2 regulations. What you agreed to was 84 hours a
3 week essentially. I think we're all aware
4 based on testimony of the ski club that they
5 barely ski five and a half hours a week,
6 period. The proposed compromise, as of
7 yesterday, before 5:00 o'clock last night,
8 Monday through Thursday 10:00 to sunset, about
9 40 hours. Friday, sunrise to noon, six hours.
10 Saturday, no skiing. The ski club would like
11 to push that to maybe a couple three hours on
12 Saturdays. Might give something else up.
13 Sunrise -- Sunday, sunrise to 2:00. Eight
14 hours. No holidays. The ski club has no
15 problem with that, everybody is doing their own
16 thing. No restrictions between September and
17 May. Same idea. About 54 to 57 hours a week.
18 The original regulations were about 34 hours.
19 It went to 84. Fifty-four to 57 is right there
20 in the middle. That's a nice compromise. And
21 this compromise was arranged with Senator

1 Reilly, Peter Evans from the community, and Ed.

2 AMY CRAIG: Maley.

3 MIKE GRANT: Maley from the ski club. So
4 that was working just fine. Evidently last
5 night Senator Reilly rejected the sunset and
6 made it 7:00 o'clock. So it would drop to
7 about 50 hours. Last we heard, the ski club
8 would not make that presentation to the Boat
9 Act until that's discussed more thoroughly. So
10 from what I understand the plan is for the ski
11 club and the community to come up with a
12 compromise, formally present that to you all
13 for acceptance or rejection.

14 AMY CRAIG: Any discussion from the
15 committee.

16 MIKE GRANT: Please use the microphones.

17 JOE HELLNER: Mike, I just want to make
18 sure I followed your explanation. You said the
19 compromise would be presented to us so we could
20 enact this by regulation? Is that what I heard
21 you say?

1 MIKE GRANT: If you agree to it.

2 JOE HELLNER: Yes, if we agree to it.

3 MIKE GRANT: The caveat is nothing will
4 happen until after legislature.

5 JOE HELLNER: Yes, sir.

6 MIKE GRANT: So this is going to have to
7 be an agreement between the ski club and
8 community and Senator Reilly by handshake until
9 after legislature. Then we can proceed with a
10 regulation change. If the secretary agrees
11 with the proposal, which basically means Boat
12 Act says, okay, let's go with this, Secretary,
13 whoever, we recommend the adjustment to the
14 current regulation, period. And that person
15 either accepts it or rejects it.

16 JOE HELLNER: So I want to make sure
17 everyone here is clear, and certainly me, that
18 is Reilly okay with this? No.

19 MIKE GRANT: Not right now.

20 JOE HELLNER: No, not the details of the
21 compromise, but...

1 MIKE GRANT: Number one, he's in
2 legislature, he understands they can't do
3 anything now. Can't even put emergency
4 regulation through. Nothing can happen until
5 April 8th, something like that.

6 JOE HELLNER: Okay. So he understands
7 that part of it, which there is a moratorium
8 while the legislature is in session. So my
9 concerns, as a member of the committee, and I
10 think all of us want to make sure we're not
11 spinning our wheels here, that the primary
12 legislative advocate for this situation, this
13 resolution, however you want to characterize
14 it, is willing to work with the DNR and this
15 committee to enact -- assuming an agreement is
16 reached between the skiers and the home owners,
17 to go ahead and enact this by regulation
18 through the normal processes of this committee.

19 MIKE GRANT: My understanding, and only
20 through every source we've been getting, is
21 that he's asked for a compromise. If the two

1 groups can come to a compromise, and he's still
2 okay with the compromise, that could proceed
3 without going to Natural Resources law.

4 JOE HELLNER: Okay.

5 MIKE GRANT: That's as of 10:15.

6 JON SHELLER: Does that mean he would
7 withdraw his bill?

8 MIKE GRANT: Possibly.

9 JOE HELLNER: To add something. I am
10 aware that the Anne Arundel County delegation
11 is going to vote on --

12 MIKE GRANT: Friday.

13 JOE HELLNER: -- their position on his
14 bill as of Friday. That would suggest that
15 there's a sense of urgency here to get this
16 resolved.

17 MIKE GRANT: They are just voting to back
18 it. I mean nothing can go anywhere until the
19 Senate hears it next Tuesday, then the House
20 has to see it. And the Senate may say this is
21 okay but we have changes we would like to

1 recommend, and then it has to go back to
2 committee. Then it goes to the House.

3 JOE HELLNER: Yes, sir, I'm aware of the
4 normal bill process. But knowing how these
5 things actually occur in the legislature, the
6 real agreement seems to be occurring about
7 right now, maybe by the time the committee
8 hearing on February 5th happens. It would be
9 ideal for testifiers, and I don't know what DNR
10 plans are, to indicate, hey, we got the
11 handshake agreement. And maybe if that is the
12 case, Reilly would simply, assuming he's
13 satisfied, withdraw the bill and let this
14 process continue. Again, I'm speculating.
15 That's why I'm asking you.

16 MIKE GRANT: DNR is not getting anything.
17 It's what you're going to get from the two
18 parties. And if you decide to move that
19 forward, you can make that recommendation. I
20 honestly don't know how well that's going to
21 work. We have -- our Secretary situation is in

1 flux. It's not at the top of everybody's list.
2 So I don't know how fast things can work. I
3 honestly don't.

4 JOE HELLNER: Yes, sir. Okay. I think I
5 understand the situation.

6 MIKE GRANT: Sorry I couldn't be more --

7 JOE HELLNER: No, no. I think the key
8 element here is the primary driver of this,
9 which is Senator Reilly. And as a member of
10 the committee, if he's comfortable, I
11 certainly, at least just for my opinion, I
12 don't know what the other members think, but
13 would be more than happy to receive a joint
14 petition from both sides if they can come to
15 some kind of agreement.

16 MIKE GRANT: And we don't have to make
17 that ovation, that's going to be up to them.

18 JOE HELLNER: Yes, sir, we're not in the
19 debate here as to what the hours might
20 ultimately be. We expressed our opinion on it
21 formally through our normal process.

1 MIKE GRANT: And you are supported by the
2 Office of the Secretary and by the Office of
3 the Governor.

4 JOE HELLNER: Again, to clarify one last
5 point, the DNR would support what we would look
6 at as an accelerated process to get this in
7 place after the legislation session --

8 MIKE GRANT: There's no accelerated
9 process. It will go through the process
10 however fast that goes.

11 JOE HELLNER: So would it be in place in
12 time for the boating season.

13 MIKE GRANT: Not necessarily.

14 JOE HELLNER: Knowing Reilly, having
15 talked to him, he wants some kind of certainty
16 and he also wants it fast, which he will get
17 through his legislation.

18 COLES MARSH: No, he won't.

19 JOE HELLNER: Okay. I'm going to hand the
20 mic over, I heard a no, he won't.

21 MIKE GRANT: He only has so much control.

1 STEVE KLING: Legislation doesn't go into
2 effect immediately. October 1.

3 JOE HELLNER: In responding to Steve,
4 we've all seen July 1st enactments too.

5 MIKE GRANT: From the previous year.

6 JOE HELLNER: Sorry, I stand corrected.
7 That's all I have, Mike. I'll give it back to
8 the chairman. Chairwoman.

9 AMY CRAIG: Anybody else have any comments
10 on this issue. Any other comments.
11 Mr. Anderson, I would be interested in knowing
12 what your thoughts of a letter of information
13 expressing our issues before the hearing on
14 February 5th.

15 BILL ANDERSON: Has one been proposed,
16 Mike. Mike?

17 MIKE GRANT: Yup.

18 BILL ANDERSON: Has one been proposed.

19 MIKE GRANT: No. Not to my knowledge.
20 Has anybody proposed? No.

21 BILL ANDERSON: Are you proposing it now.

1 AMY CRAIG: I am proposing that we send a
2 letter of information expressing our issues and
3 our role.

4 BILL ANDERSON: We will begin drafting
5 that as soon as the meeting is over.

6 MIKE GRANT: That's the basis of it, Bill.

7 BILL ANDERSON: That's fair. Work with
8 the Legislative Affairs Office to draft it as
9 a -- in the proper format.

10 MIKE GRANT: Done.

11 AMY CRAIG: Thank you, sir.

12 BILL ANDERSON: The bottom line here,
13 guys, and I know we're swirling around, there
14 is a process to establish legislation, there is
15 a process to establish regulation. We can't
16 accelerate it, we can't change it, it is what
17 it is. Neither of them will likely be in place
18 for this boating season. So it's a handshake
19 for this boating season. If you all see a
20 compromise that you believe is appropriate for
21 this committee, commission, to endorse, we'll

1 take it up through the regular process. No
2 regulation begins to move until after the
3 legislative session is over, which is the first
4 week of April, and it normally takes, Dave,
5 what, about six months, regulations.

6 MIKE SIMONSEN: Ninety to 120 days. If
7 it's run through the system pretty quickly.

8 MIKE GRANT: If we take our normal
9 process, it takes an entire boating season and
10 then some. At this point this is an adjustment
11 to the regulation. I would imagine a little
12 time could be shaved off.

13 BILL ANDERSON: It still has to go through
14 public comment. It still has that time period.
15 You can't change that because the legislatures
16 said we can't do anything during the
17 legislative session. That's their rules, not
18 ours. The legislatures have told us the
19 process has to be established to create a
20 regulation, including public comment. That's
21 their rules, not ours. We have to follow the

1 law. And I know you guys are following the
2 law. So far you guys have followed every rule
3 and procedure to get us to where we are now.
4 And we are where we're supposed to be based on
5 the process. If there is a change, it also has
6 to follow the process. This next season will
7 be a handshake if somebody decides to do that.
8 I can't see personally any other way to get
9 there.

10 MIKE GRANT: But maybe Steve or my
11 predecessor Mr. Lunsford can clarify this. I
12 imagine even as minor a change as we're making
13 to this it would probably have to go back
14 through the public process with a notice buoy
15 and a summer of comment.

16 BOB LUNSFORD: That would be my
17 understanding.

18 MIKE GRANT: So it would be the earliest
19 would be spring of 2020 before --

20 BOB LUNSFORD: Boating season 2020. If it
21 went through the entire normal process with

1 public notice, buoy.

2 MIKE GRANT: Making a major change.

3 BOB LUNSFORD: It's a change to a
4 regulation that's substantial enough that I
5 think the Department would have to go through
6 the entire process.

7 AMY CRAIG: Any other comments.

8 Mr. Hellner.

9 JOE HELLNER: I see an exception to this
10 under what we determine or the DNR determines
11 an emergency. So that seems to suggest under
12 the law the DNR has the power, or the executive
13 branch has the power to speed it up.

14 MIKE GRANT: I think you have to define
15 emergency more than just a couple people aren't
16 happy with something.

17 JOE HELLNER: Oh, yes, sir. This is --
18 without a doubt this is within the political
19 process, not the logical, fact based,
20 regulatory process. I fully appreciate that.
21 Hence my question comes not from logic as long

1 as we stay within the law, but the fact that
2 the political process, the DNR may, on that
3 side of the fence, decide. The other thing I
4 wanted to ask is so there would be no point,
5 since the back -- this committee has been
6 through this fairly heavily over the last
7 several years, that we pretty much know --
8 we're in a political compromise situation if
9 two parties can come to something that
10 everybody can come away with feeling they got
11 fairly treated. So the back has nothing to
12 look into here. That said, can we vote on it
13 in the spring rather than the fall and our part
14 of it is done and at least that's on the record
15 saying that's okay with the compromise,
16 assuming we are.

17 MIKE GRANT: No. In my opinion, no.

18 Based on what Bob said, I'm sure Steve would
19 back me up as well, is because we're making a
20 major change to the current regulation. The
21 same way we did it the last time and we had to

1 have a public meeting, which you may recall
2 about three hours worth of testimony.

3 JOE HELLNER: Yes, sir, I follow you.

4 MIKE GRANT: We have to receive comment
5 through the summer, through the boating season,
6 and in the fall we have another meeting and
7 then in the fall we say, okay, here's the
8 compromise, hear the public, and then the
9 spring of 2020 it may become law.

10 JOE HELLNER: So the potential for new
11 information as brought by the public, and they
12 need an opportunity -- I understand they need
13 an opportunity, therefore our opinion may
14 change or our position may change based on what
15 the public tells us after the hearing and
16 public comment process. Thank you.

17 BILL ANDERSON: Mike, a point of
18 information for the group. Keep hearing this
19 emergency regulation stuff. DNR can not on its
20 own push through an emergency regulation.
21 We can propose one, but there is a group of

1 legislatures who decide whether a regulation is
2 profound enough or the urgency is enough to
3 create emergency. I've been here for two and a
4 half years and I've seen one. And that was to
5 put us in compliance with an agreement through
6 a federal compact. Atlantic States Marine
7 Fisheries Commission. That was the only time.
8 And man was that a fight to get them to agree
9 to that one just to stay within the federal
10 compliance rule. Okay. Whether they decide to
11 do that or not is their decision but it's not
12 our decision. The likelihood, in my mind, is
13 zero that they would consider this to be an
14 emergency. Because you have a longstanding
15 rule that has been in place through the
16 process. I can't imagine this -- I could be
17 long, but I can't imagine this would make it
18 through the wickets.

19 ROMONA TRAVANO: So as a volunteer on this
20 committee with more than 50 years experience on
21 the Chesapeake Bay, in a group of people with

1 hundreds of years of experience on the bay, its
2 enjoyment, its economic value to the state, as
3 a waterfront home owner, I have to say how much
4 I appreciate DNR supporting the committee,
5 accepting our recommendations, doing their best
6 to enact those recommendations. And I look
7 forward to whatever the next set of actions and
8 decisions are based on additional input from
9 the citizens. And I just want to thank DNR for
10 the opportunity to offer comments and advice
11 and for their support in accepting those.

12 AMY CRAIG: Any other comments.

13 THORNELL JONES: I do have a question.
14 That is if we -- DNR has a letter, how is that
15 going to be used and when in the process.

16 BILL ANDERSON: Depends on how the process
17 goes. We'll send the letter up for
18 consideration by our legislative affairs group.
19 That's their channel. We're operations side,
20 they are legislative side. We'll draft it, let
21 them review it. Normally they are just

1 transmitted up. It's nothing fancy about it,
2 it's just transmitted to them. If and when
3 there is testimony on the bill, we'll consider
4 what might or may not be appropriate for us to
5 do beyond the letter of information. The
6 letter of information is going to stand on its
7 own.

8 AMY CRAIG: Thank you very much. Any
9 other comments or discussion. Yes, sir.

10 MIKE GRANT: Question, again, for Bill
11 too. Anne Arundel County is going to be
12 looking at this on Friday. Do they need to
13 have it up there by Friday.

14 BILL ANDERSON: Anne Arundel County is not
15 the committee.

16 MIKE GRANT: Right. Got it.

17 AMY CRAIG: Can we endeavor to have it by
18 the February 5th hearing date?

19 BILL ANDERSON: That we can do. Mike, you
20 got to push it through the process.

21 MIKE GRANT: Yeah, I'll work it with Amy.

1 AMY CRAIG: Thank you. All right. Any
2 other discussion or we're going to move
3 forward. Well done. 2018 regulation requests,
4 Secretary's decision. Mike.

5 MIKE GRANT: Just in case you haven't
6 heard, the Secretary agreed with your
7 recommendations on both issues and they are
8 both take no action.

9 AMY CRAIG: 2019 regulation requests.

10 MIKE GRANT: It's back. We received a
11 letter from the folks in the bass fishing
12 community. They would like us to reconsider
13 our decision to make Days Cove and Little
14 Gunpowder six knots all time and make it 35
15 knots. And also this little pond right in
16 here, this is evidently broken through now,
17 they would like to get in here as well. I went
18 through the transcript from that meeting. And
19 as you recall, NRP's issue with this had a
20 great deal to do with safety and reaction time.
21 Because, next slide, that whole area in red is

1 all six knots now and that was basically on
2 points of land where the best line was. Down
3 at the bottom, that long rectangle, of course
4 is Amtrak bridge. That's six knots all the
5 time. In order to make it all inclusive, that
6 lower line of the big section was drawn from
7 the point of the access up to the marina --
8 what's it called again.

9 BOB LUNSFORD: Days Cove.

10 MIKE GRANT: No, not Days Cove. On the
11 far right-hand side.

12 JON PEPE: There's a Marine Max.

13 MIKE GRANT: Marine Max. On the
14 right-hand side. Just to the left of that is
15 the canal, the small canal right here. And
16 then this is little Gunpowder here. And here's
17 an access road. They want all of this to be
18 35. Of course those charts with little X's
19 mean there is little stuff there. And this is
20 an official description of what foul is as
21 opposed to you hunters. An area of numerous

1 unidentified dangers to navigation which are
2 not individually located. A couple of them.

3 BOB LUNSFORD: More than that.

4 MIKE GRANT: That's the problem. More
5 than that. Ran out of surface. But we also
6 had a school up in Days Cove, a lot of
7 kayaking, lot of paddle boarding. Now that
8 they jumped through this other little area here
9 it's all about the fishing and it's all about
10 going 35 miles an hour so they don't hit the
11 bottom going 35 miles an hour and losing a
12 prop. It's kind of an oxymoron thing. Anyway,
13 so that's the request. Next, Mike. The second
14 request is from Crisfield. Little Annemessex
15 at Harbor Light Condominiums. They are
16 requesting a no wake zone. Summers Cove Marina
17 down at the bottom right. The red is the
18 channel, the yellow area is the request for six
19 knot all time. They want no wake. I'm just
20 putting it out there. I told them it would be
21 a tough one to get. The complaint is that

1 their rip-rap and the marina at the top center
2 is suffering greatly from boat wakes when they
3 come out of the marina, which is in the bottom
4 left area right up in here. This is the exit
5 right up in here, as opposed to on the other
6 side. When they are coming out, people are
7 shooting up and down from there and it gets
8 dangerous. Currently they have a crew boat
9 going out to Smith Island which drags a ton of
10 water. They will be gone soon enough. That's
11 the request for that one. There is another
12 view of it. And there is another view of it.
13 So for now those are the only two that we have.
14 Actually I'm expecting a petition for this one.
15 It hasn't come in yet. It will be coming in.
16 Had a few other calls but they were already
17 covered by current regulations which people
18 didn't know about so that we're just down to
19 two at this point. Joe.

20 JOE HELLNER: Just to make sure again for
21 clarification. What is the current limits.

1 What does the regulation say now.

2 MIKE GRANT: Where.

3 JOE HELLNER: In the -- near Summers Cove
4 area. You outlined an area.

5 MIKE GRANT: There is no regulation in
6 there right now.

7 JOE HELLNER: No regulation. And the area
8 you outlined is what the petition would
9 address.

10 MIKE GRANT: Correct.

11 JOE HELLNER: And they seek -- just to
12 make sure I didn't mishear it, what are they
13 seeking?

14 MIKE GRANT: No wake.

15 JOE HELLNER: No wake.

16 MIKE GRANT: They are asking for no wake.

17 JOE HELLNER: All times.

18 MIKE GRANT: All times.

19 MIKE SIMONSEN: That's inside, Joe, inside
20 that yellow paragon. That's the area of
21 concern for the limitation.

1 JOE HELLNER: Inside the yellow paragon.

2 MIKE GRANT: Yes.

3 JOE HELLNER: And the red lines are simply
4 to show the existing channel.

5 MIKE GRANT: Correct.

6 JOE HELLNER: Thank you.

7 AMY CRAIG: Any other comments.

8 Questions. Thank you, Mike. Well, the agenda
9 says lunch.

10 MIKE GRANT: No. Soup is not hot.

11 AMY CRAIG: So moving forward.

12 BOB LUNSFORD: If I can not use the mic if
13 you can hear me. The Days Cove -- the Days
14 Cove proposal, or request, they are asking that
15 the six knot be lifted in that entire area,
16 including those two small canals that have got
17 all the paddle craft in them.

18 MIKE GRANT: Keep going. So --

19 BOB LUNSFORD: Having been on a site visit
20 there, I find that amazing.

21 MIKE GRANT: As you recall, this is the

1 Foster branch and up to Joppatown. This is six
2 knots all the time down to here, purple. Here
3 is the canal that originally was wide open.
4 Runs up to here, gets even skinnier, you get
5 past here and you break through what's left of
6 a chain linked fence to get into the quarry.
7 Well, we were fortunate enough to have one of
8 the bass people take Bob and I out on a quick
9 trip. And we got up through there, we putted
10 along and we got out to here. And this opens
11 up quite a bit more. But it's still -- the
12 line of site is terrible. So as you recall, if
13 you see the transcript, Louis was in charge of
14 suggesting an area to set this thing up. And
15 this is what we determined because we told him
16 to make his best decision on it. And he did.
17 This is the best he could do. This is the
18 line. So everything up here. Because of the
19 Days kids camp, and in here this is just as bad
20 as this, even though it's a beautiful area for
21 kayaking and et cetera, they want this lifted

1 and they want this lifted. They didn't really
2 speak to this but we know that this is broken
3 through now and they can get into here. But
4 day camp, kayakers, paddle boarders, canoers,
5 et cetera. And of course up in through here
6 you can run as high as you want. I couldn't
7 get through there with a Boat Act boat. I had
8 the prop out of the water. Somehow they can
9 make it 35, 40 miles an hour and not get hurt.

10 ROMONA TRAVANO: If you go to the next
11 slide with the big red. They want to lift the
12 six knots at all times inside that polygon?

13 MIKE GRANT: No. This is the current
14 zone. They want to lift it here and here.

15 ROMONA TRAVANO: Thanks.

16 MIKE GRANT: This will all remain six up
17 into here and of course all up in here and
18 here.

19 AMY CRAIG: Mr. Pepe.

20 JON PEPE: Mike, do you know what the
21 status is of the Joppatown Marina.

1 MIKE GRANT: I think it's closed.

2 JON PEPE: They were closed. It's been
3 closed about two years now.

4 MIKE GRANT: Yeah. It was Marine Max,
5 right.

6 JON PEPE: Yeah.

7 AMY CRAIG: Any other questions for Mike.
8 Okay. Thank you, Mike. Will be looking
9 forward to some site visits.

10 MIKE GRANT: Yeah.

11 AMY CRAIG: Okay. Public meeting
12 protocol.

13 MIKE GRANT: Policy. You want to go down
14 to -- keep going. Isn't there a protocol sheet
15 there.

16 AMY CRAIG: We have a sheet but not in the
17 power point.

18 MIKE GRANT: And I didn't do that because
19 it wouldn't collapse well enough.

20 AMY CRAIG: All right. After the October
21 meeting, Mike and I discussed putting together

1 a presentation to run during the beginning part
2 of the meeting, prior to the actual beginning
3 of the meeting, so that the public would be
4 aware of the restraints on their testimony, the
5 limited time to speak and that sort of thing.
6 Mike also forwards these things to the
7 petitioners so that they are aware. But this
8 is what we have got so far in a draft edition
9 if it works for everybody. And I would like to
10 hear your comments. So the DNR liaison will
11 present the regulatory request as Mike has done
12 with a tally of the comments for and against
13 the regulatory request. Testimony in favor of
14 the proposed regulation will be called and then
15 testimony in opposition. It goes on to the
16 requirements or limitations. Three minutes for
17 individuals, ten minutes for the petitioner or
18 representing a group. It let's the public know
19 how they should proceed with identifying
20 themselves, any handouts they may have,
21 electronic presentations and the limits on

1 those. Also little brief on what is required
2 for the stenographer as to speak into the
3 microphone, state your name and address.
4 Protocol for not handing out things directly to
5 the committee, going through Mike. Not
6 addressing the committee directly. Don't
7 disrupt the speakers or the NRP officer may
8 escort you from the meeting. Being a little
9 Draconian there but trying to keep order. And
10 testimony, shoreline conservation report, if
11 applicable. And then basically a summary of
12 how the meeting will go. And the procedures
13 which I read this morning in the beginning
14 about who we are and what we do and where we
15 come from basically. Where to get your status
16 of your regulation request. And basically
17 old/new business and how we adjourn the meeting
18 and et cetera. Thought this might be helpful
19 to have running at the beginning of the meeting
20 so that everybody is aware and hopefully we'll
21 expedite the process.

1 MIKE GRANT: And I will make sure even
2 though I've had the conversation with any one
3 of the petitioners, specifically the lead
4 petitioner for the public meetings, as far as
5 how much time they may have, et cetera, et
6 cetera. That this will go out to them and they
7 can share with their constituents before the
8 meeting.

9 AMY CRAIG: Any comments.

10 ROMONA TRAVANO: I have a couple of
11 questions. So in the presenting testimony
12 section, so individuals get three minutes
13 unless they have an electronic presentation,
14 then they get five is kind of what this says.
15 Is that what we want to do or everybody gets
16 three or everybody gets five.

17 MIKE GRANT: I think the thought was --
18 let's just go back to the meeting we had in
19 South River last year. If there is a lead
20 petitioner who is speaking for the group, that
21 person should have time to present a video or

1 whatever.

2 ROMONA TRAVANO: I agree completely.

3 MIKE GRANT: And if anybody has anything
4 to add after that, three minutes. If the next
5 person says the same thing, just say I agree
6 and move on so we don't have redundancy.

7 ROMONA TRAVANO: So if you look at the
8 first bullet, it's three minutes. If you look
9 at the second bullet, it's ten minutes. And if
10 you look at the last bullet, it's five minutes.
11 I'm just asking -- let me make it as a
12 recommendation. I think we should be
13 consistent. You get three minutes for
14 individuals with or without electronic
15 presentation, or five minutes with or without
16 electronic presentation. I would just make it
17 consistent.

18 MIKE GRANT: Make it what?

19 ROMONA TRAVANO: Consistent.

20 MIKE GRANT: You thinking three or five.

21 ROMONA TRAVANO: I would go to five.

1 MIKE GRANT: Comments limited to five
2 minutes for individuals.

3 ROMONA TRAVANO: Yeah, with or without
4 electronic presentation.

5 MIKE GRANT: Got you.

6 ROMONA TRAVANO: Then you go down to the
7 one where you say, "when you are testifying,
8 address the committee and me." Are you me?

9 MIKE GRANT: Chair person. Got it.

10 ROMONA TRAVANO: And then where is the
11 part about when we get to ask questions. Is
12 that not in this section. And how do we do
13 that procedure. Sorry.

14 AMY CRAIG: Steve lost his voice today.
15 So basically the thought for this was that it
16 would be for the public, for their information,
17 the protocol, so that they understand how the
18 process works. Do you want us to just add in
19 there answer -- if called upon, answer
20 questions from the committee.

21 ROMONA TRAVANO: Roam. I'll speak very

1 loudly. My only concern is when we seem to get
2 in a lot of trouble is when the committee asks
3 a question of someone who has spoken to us and
4 then everybody who is attending wants to give
5 us an answer. So I would get clear about who
6 can answer and who we can ask questions of.
7 That's all I suggest.

8 AMY CRAIG: Okay. Do you have any
9 comments on that, Mike, how to word that.

10 BOB LUNSFORD: You need a bullet.

11 AMY CRAIG: Yeah, we need another bullet
12 about only --

13 MIKE GRANT: The committee may ask a
14 question of a particular individual or
15 individuals and only that individual may
16 respond.

17 ROMONA TRAVANO: Perfect.

18 MIKE GRANT: Read that back, Bob.

19 AMY CRAIG: Did you get that.

20 JON PEPE: That's already spelled out in
21 your second bullet anywhere. Persons

1 testifying and members of the audience
2 conversing. That's really at the behest of the
3 chair person to control that. You can put in
4 as many as bullets as you want. If someone
5 starts testifying outside of the podium, you
6 just tell them I'm speaking to the person
7 that's testifying.

8 AMY CRAIG: Right. Any other comments.

9 STEVE KLING: I don't know if this will
10 work. Sorry. I think ten minutes is too
11 short. I think you say the lead. What we
12 found in the past, if we let the lead person
13 go -- now the last guy was going on forever and
14 you did a good job cutting him off. He was out
15 of control. And we could say we suggest your
16 limit your comments to X, maybe 15 not ten. I
17 don't care that much.

18 MIKE GRANT: Fifteen.

19 STEVE KLING: If we let the lead person go
20 completely, that tends to take --

21 AMY CRAIG: Cover everything.

1 STEVE KLING: It reduces. I think in the
2 past we found we didn't need the three minute
3 limit or five minute limit for other people
4 because we get the gist of the thing. And I
5 would put that bullet first.

6 BOB LUNSFORD: I agree with you. My
7 suggestion would be to add language that says
8 you're limited to ten minutes or three minutes
9 or five minutes unless other arrangements have
10 been made with the DNR liaison and chairman.
11 That way if somebody comes in and says I've got
12 a presentation that takes me 12 minutes to get
13 through all my slides, but the rest of my
14 community is going -- is just going to say I
15 agree and there's not going to be a lot of
16 additional testimony, we can put up with that.
17 But I think that gives us the opportunity not
18 to be held by something we may not see coming
19 up. Just give them the opportunity to say,
20 okay, unless otherwise -- unless arrangements
21 have been made.

1 MIKE GRANT: That was part of the reason
2 for doing this and being able to mail it to the
3 lead petitioner before the meeting, here's the
4 process and here's what you can expect. If you
5 need more than 15 minutes, please let me know.
6 And if not, why can't you keep it to 15
7 minutes. We can just see so many demasted
8 boats and half sunk boats and broken pilings.

9 ROMONA TRAVANO: I don't have any issues
10 at all with making it for 15 minutes for
11 somebody presenting from a whole community.
12 That seems reasonable to me. The other thing I
13 would consider changing in here is instead of
14 giving the handouts when you approach the
15 podium, I would ask to arrive in advance of the
16 meeting, in advance of the opening of the
17 meeting, and share their materials at that time
18 as well as any thumb drive or whatever other
19 electronic presentation they want to make.
20 It's very hard on the folks running the meeting
21 to, at the moment they are approaching the

1 presentation, to tee everything up quickly. I
2 would just ask folks to arrive in advance of
3 the meeting, provide their handouts, provide
4 their electronic presentations just to make
5 sure you have them, that you're clear on what
6 they want to do with them, and then the
7 committee -- the meeting can move very smoothly
8 along.

9 AMY CRAIG: Okay. I think those are all
10 very good recommendations and we'll work at
11 putting those in. Any other comments on this
12 one. Okay. We're just moving right along.
13 Old business, Mike.

14 MIKE GRANT: Do you want to go over that.

15 AMY CRAIG: We might as well. Deep Creek
16 Lake policy and review board.

17 MIKE GRANT: No.

18 AMY CRAIG: No. Oh, you want to move to
19 committee --

20 MIKE GRANT: While we're talking about
21 meetings.

1 AMY CRAIG: Okay. Hang on a second while
2 I find that piece of paper.

3 MIKE GRANT: It's up there.

4 AMY CRAIG: Okay. We're also talking
5 about reviewing --

6 MIKE GRANT: Question.

7 ROMONA TRAVANO: I need to say one thing.
8 I have to commend the Chair and Mike for
9 putting this together. I think this is a great
10 idea to make it clear to us and everybody who
11 is coming.

12 MIKE GRANT: It's all Amy's fault.

13 AMY CRAIG: Fault.

14 ROMONA TRAVANO: Well done.

15 AMY CRAIG: Thank you. Okay. In that
16 same vein then, committee member
17 responsibilities. We thought that we should
18 have a little refresher on that sort of thing.
19 Number one, be respectful of the public. I
20 would like to say, you know, I've been on the
21 committee for quite a while now and we all hear

1 the same thing, generally not a lot of new
2 information coming from the petitioners. We
3 need to take that information from them and
4 consider it with a fresh mind as if we have
5 never heard it before. The people who come
6 before us are taking time out of their busy
7 schedule and we need to appreciate that as
8 well. So please be open minded when you hear
9 the same thing for the umpteenth time. Turn
10 off your cell phone or leave it in the car,
11 please. There is a reminder at the beginning
12 of the meeting as well that will be on the
13 power points. Don't assume, ask questions.
14 Again, it's back to the you heard it a thousand
15 times but this might be something different.
16 The creek may be different, the body of water,
17 there might be different circumstances that we
18 can't assume that we know about. Put the
19 pressure on the speaker to back up their
20 position. This is very important. They are
21 making a case, we're not. Can you tell us why

1 you feel this is an appropriate action, what's
2 the problem, how can it be solved. Please ask
3 them how it can be solved. What will make them
4 happy, what will solve this issue for them.
5 Committee meetings are for a specific purpose,
6 to discuss boating issues before the committee
7 and to be abreast of legislation affecting the
8 boaters and people using the waters of the
9 state. Other business should be kept to before
10 or after the meeting for informal discussions
11 among members. Please be well versed in the
12 decision making criteria which Mike has
13 included. Any questions on that one. There is
14 the criteria. This was passed around quite a
15 few years ago but it's worth putting your eyes
16 on again to review. And please, you know, keep
17 it in your binder so you have it available for
18 meetings and we can refer back to that so our
19 questions are meaningful and educated. Any
20 questions or comments on this, edits,
21 additions.

1 BOB NICKEL: I think they are very well
2 done and needed.

3 ROMONA TRAVANO: Very well done.

4 MIKE GRANT: And it's a great segway, you
5 know why, that's what they are doing at Deep
6 Creek Lake.

7 AMY CRAIG: Perfect. Next on our agenda,
8 old business, Deep Creek review. Wait,
9 Mr. Kling.

10 STEVE KLING: I just would add I think it
11 would be appropriate to add, maybe say be well
12 versed in the decision criteria. Maybe a C or
13 B down, do your home work. Be well versed --

14 AMY CRAIG: Before the meeting.

15 STEVE KLING: Before the meeting
16 understand what we're talking about. We had
17 the situations when we've embarrassed ourselves
18 with a question. Do your home work, understand
19 what we're doing before we do it, and then pay
20 attention. Because the two things that have
21 been embarrassed us is when committee members

1 have asked dopey questions that were unrelated.
2 Were they just not paying attention or when
3 someone -- we've discussed something three
4 times and someone goes, whoa, what about what.

5 MIKE GRANT: I think that goes back to
6 what the thing that Amy created was the process
7 for a public meeting, the steps we go through,
8 how we're receiving regulation, how I present
9 it to you. Hopefully I get enough information
10 to you before the meeting so you can sit on it
11 and when you get there you know what's coming,
12 it's not going to be blindsided and know what
13 the regs are for that area now, what they are
14 requesting. Don't go back to another meeting
15 we had five years ago and say we treated it
16 differently. It's a different request, it's a
17 different river body, it's a different
18 situation. All that stuff. Everybody is
19 different and it's -- I'm probably speaking out
20 of turn, but I've witnessed times when people
21 have -- they are already upset having to come

1 during the day because they work. They would
2 rather come at night. We do it during the day.
3 Then they come and they aren't heard. Humans
4 like to be heard.

5 AMY CRAIG: Back to that fresh mind
6 thought. We may be revisiting this creek for
7 the fifth time but things may have changed.
8 Circumstances in the creek may have changed, et
9 cetera. Please be open minded. Back to Steve.

10 STEVE KLING: I apologize for inflicting
11 my voice or my lack of voice on you. Just
12 remember our position has been when an area is
13 coming back, after their three year, our first
14 question is what's changed.

15 JOE HELLNER: I would just like to add, I
16 strongly agree with Steve's comments and Mike's
17 comments as well. To add my two cents, the
18 DNR, Mike and the DNR, do a really great job of
19 sending out read-ahead materials to all of us.
20 And so I agree with the point that it is our
21 obligation to go ahead and look at those

1 read-ahead materials, send Mike an e-mail if
2 you don't understand what he just sent you or
3 what we're expected to do at the next meeting.
4 Mike knows I ask him questions all the time
5 about all kinds of different things, because I
6 think that's our obligation so that when we
7 come to these meetings or do anything in
8 support of the DNR as members of this committee
9 we know ahead of time what we're doing and
10 we're in the right swim lanes, we're supporting
11 the law, we're supporting the DNR. We know
12 what we're doing. Thanks.

13 AMY CRAIG: Mr. Lunsford.

14 BOB LUNSFORD: I hate to back up, but a
15 thought struck me. On presenting testimony.
16 When people come in and present testimony, on
17 occasion we have had them bring up issues that
18 were not part of our review process at all.
19 And I think that those issues should not be
20 allowed in testimony. Erosion is the one that
21 often comes up. We weren't asked to review it,

1 we didn't ask the DNR or shoreline erosion
2 control folks to go out and look at it, and
3 then they come in and say the reason we want
4 this speed limit is because we have terrible
5 erosion on our beach point. If we haven't had
6 the opportunity to review that, that condition,
7 that information, we shouldn't be asked to have
8 that entered into the record and have it asked
9 for consideration as part of the testimony. I
10 knew there was something about that that was
11 missing.

12 MIKE GRANT: If it's not in the official
13 request in the letter that I receive, we don't
14 got to look at it.

15 AMY CRAIG: Thank you. That was a good
16 catch.

17 ROMONA TRAVANO: So did you address at
18 all, and I'm sorry, I haven't read it all, the
19 open meetings act and all the members taking
20 that class.

21 AMY CRAIG: We have not addressed that

1 class. Is that part of new member orientation.

2 MIKE GRANT: I've always asked that the
3 chair, vice chair and upcoming chair take a
4 look at it because it's absolutely necessary
5 what we can and can not discuss. We don't have
6 executive sessions, we're always public, open
7 to the public and we're always recording.

8 AMY CRAIG: Should we put that in the
9 committee member responsibilities then.

10 MIKE GRANT: I think it would be a good
11 idea if everybody took the course. It's not a
12 big deal, it's online. You get a nice
13 certificate suitable for framing. It gives you
14 some idea what's permissible. There are
15 fourteen reasons to go into executive session,
16 none of them really play because they are going
17 to find away around claiming if you do and
18 you're not supposed to. Remember -- just take
19 it and see what it has to say. It's relatively
20 painless.

21 AMY CRAIG: Relatively.

1 MIKE GRANT: And I'll send up the link to
2 that.

3 AMY CRAIG: Thank you. And do we want to
4 add something in here on site visits and
5 encouraging everybody. That's part of do your
6 home work and don't be blindsided aspect.

7 MIKE GRANT: Yeah. This year -- two tough
8 ones so far. The one up at Days Cove is going
9 to be an issue because we can't get everybody's
10 in Bob's bass boat. So we're going to make
11 numerous trips or have to figure something else
12 out. The other one is Crisfield, which is a
13 five hour round trip for folks in this neck of
14 the woods, and farther for other people, like
15 Deep Creek Lake. Fortunately we now have
16 access to a stretch van over at Mattapeake we
17 could probably borrow and the boat will hook up
18 to it. And drag about ten people down to
19 Crisfield one day, take half out, bring them
20 back, take half out, bring them back and then
21 drive back. But it's -- please make these

1 trips if you can. It really is necessary. I
2 mean I can do up the pretty maps and charts,
3 but until you get your eyes on it, it's really
4 totally different. Especially Days Cove. Bob
5 and I got out there, we were flabbergasted. As
6 a matter of fact play that video.

7 MIKE SIMONSEN: Where did you have it,
8 Mike.

9 MIKE GRANT: The desktop. Anyway, it does
10 make a difference and it gives us a lot more
11 credibility than saying I just saw it on Mike's
12 pretty map. Should be right here on the
13 middle. We can't use the audio.

14 (Video being played.)

15 MIKE GRANT: It's funny how much this
16 looks like that canal.

17 MIKE SIMONSEN: So now, this gentleman has
18 a Go Pro on his hat, right. So everything that
19 you're seeing is a panoramic of what he's
20 looking at. So he's starting to hear
21 something. And here she comes.

1 BOB LUNSFORD: Mike, that's how you
2 usually drive.

3 MIKE SIMONSEN: When he looks behind him,
4 this is a straight line slew, there is no
5 dogleg in it, what you think that appears.
6 He's in sort of a straight shot that sort of
7 has a dogleg coming up. Now he's looking,
8 there is the stern of the boat right there.
9 He's turned his head basically 180 degrees.
10 This is coming up right alongside of him. And
11 he's planing so you know he's doing a good 35
12 or better. I found this example to share with
13 Mike a couple days ago, committee members, just
14 to say this could possibly be something very
15 coincidental up in the area of what we're
16 talking about.

17 BOB LUNSFORD: Did he go back to fishing.
18 He was ready to make a cast.

19 AMY CRAIG: Thank you for sharing.

20 MIKE SIMONSEN: But it's a realistic
21 perspective.

1 AMY CRAIG: Do we have any other comments
2 on committee member responsibilities. I think
3 we got a good start and we'll add some of
4 these, out of all of these additions. Old
5 business now, Mike.

6 MIKE GRANT: Well, that was the Deep Creek
7 Lake and just went over that. They're going to
8 use the same protocol that you all use down
9 here. So if they followed that when they sent
10 something down after they have reviewed it, we
11 should know that they have, you know, used the
12 same criteria that we did, you did.

13 AMY CRAIG: Thank you. New business. We
14 have already kind of discussed Al Simon and the
15 suggestion that an NRP enforcement vessel be
16 named after him. Committee vacancies. Did we
17 lose --

18 MIKE GRANT: As most of you know, the law
19 says that -- reg says there may be as many 21
20 members. We haven't had 21 members for a
21 while. And I think the consensus back in the

1 office is that 21 is a big number, and we can
2 do with a whole lot less. So it's been
3 dwindling and unfortunately, most recently, Al.
4 To the best of my knowledge we have still not
5 heard anything from John Bush. So we're down
6 to like 12 members, 13 members currently. We
7 have, thanks to a bunch of you, received a
8 number of requests to join your honored ranks.
9 We have not reviewed them yet. Bill wants to
10 wait until after the new Secretary and possibly
11 legislature. Because now, after they are
12 reviewed by us and by the Secretary, they go to
13 the State House. State House may have some
14 people in mind. Our contention is that we need
15 to be a little bit more diverse in specifically
16 what groups you represent, represent skiers,
17 you got riparian owners, got yacht clubs, boat
18 sales, surveyors. We don't have any stand-up
19 paddle boarders specifically. We don't --
20 yeah, but she can't wear all those hats. She
21 is a skier. So we want to spread that out a

1 little bit and that comes from the top. So
2 that's what we're going to do. I think we're
3 probably going to keep it 14 max. Yes, ma'am.

4 ROMONA TRAVANO: What categories do you
5 need. What are you looking for?

6 MIKE GRANT: Paddle sports. Charter
7 fishing possibly. We have a waterman. We have
8 this young man here is representing watermen.
9 I can't off the top of my head remember.
10 PWC -- well, we have.

11 AMY CRAIG: Livery.

12 MIKE GRANT: Livery. But somebody coastal
13 bays as far as territorials. We have nobody
14 from coastal bays representing that group of
15 folks down there. I'll get a better list out
16 to you. But we have about, I think, four now
17 that have made a request to be reviewed.

18 BOB LUNSFORD: It's been pointed out by my
19 learned colleague that an odd number for the
20 committee would be appropriate so we don't --
21 not that we have ever had a tie vote.

1 MIKE GRANT: Got it.

2 ROMONA TRAVANO: Mike, I have a question
3 as well. Steve, you have mentioned we don't
4 have a lot of sailors on the committee.

5 MIKE GRANT: Actually you've got Coles.
6 You've got Steve.

7 JOE HELLNER: I'm a sailor too. I just do
8 both.

9 MIKE GRANT: You're a transvesselite.

10 JOE HELLNER: Yeah, transvesselite. So my
11 question, Mike, hearing the comment about the
12 odd number, is 15 okay. Can we recommend a
13 number to you.

14 MIKE GRANT: No. You can. It's 15, and
15 14 show up, then it's an even number. So at
16 least -- I guess you want to start with that.

17 JOE HELLNER: Yes, sir. At least we build
18 it in. And if there is a level of interest and
19 it's a really hot issue, hopefully everybody
20 shows up. But at least we have a mechanism we
21 could be at an odd number and therefore not a

1 tie.

2 MIKE GRANT: Got it.

3 JOE HELLNER: My recommendation is 15.

4 AMY CRAIG: Anybody else. Comments.

5 ROMONA TRAVANO: I have one. I agree 20

6 people is a lot on a committee. 14 or 15

7 sounds like a great idea. So I really support

8 the Department's thoughts on that.

9 MIKE GRANT: Thank you, Romona.

10 JOE HELLNER: One last beat of the dead

11 horse is that a reason for as much as 15 is

12 there's always somebody is out of town, at a

13 wedding, et cetera, and the people -- my

14 comment to the Department is if we go too low,

15 then we don't have any margin and now -- the

16 potential is you get a relatively small group

17 that doesn't represent Maryland's diversity in

18 the waterfront communities. So this gives us a

19 little bit of depth for those kind of

20 situations.

21 MIKE GRANT: I'll continue, if you

1 approve, send out that doodle poll. And I try
2 to get 12 to 15 dates and we pick the top two
3 or three dates you can attend and we go with
4 the one.

5 AMY CRAIG: I think you're making all the
6 efforts to get everybody here.

7 MIKE GRANT: Thank you.

8 AMY CRAIG: Thank you for doing that.

9 JON SHELLER: I would like that limousine.

10 AMY CRAIG: If you could get us here, that
11 would be helpful. Legislative update.

12 MIKE GRANT: I'm going to sneak up on Dave
13 Blazer and ask him if he can give us just a
14 brief what's going on as far as fisheries,
15 legislative stuff. We know that Maynadier is
16 our only thing specifically, but Dave, if you
17 would. Dave is director of Fisheries.

18 DAVE BLAZER: Hi everybody. So a couple
19 things. One of the reasons Bill had to leave
20 is we have a bill on Manowar Shoals today.
21 There is a bill, HB-1 and HB-40 calls for a

1 prohibition on the dredging of Manowar Shoals,
2 you know, just north of the Bay Bridge. That
3 issue has been around for many, many years, and
4 the legislature has these two bills and the
5 hearing is today at 2:00 o'clock. So Bill had
6 to leave. He'll be providing information on
7 that today. There is going to be a lot of
8 oyster bills that are -- we have heard that
9 there is many in the hopper. In fact one of
10 them just came out this morning to codify the
11 five big restoration tributaries, the five
12 oyster sanctuaries that are here, Harris Creek,
13 Tred Avon, Little Choptank, Manoekin and St.
14 Mary's. Just came out this morning. The bill
15 is not even up on the web site yet. So that
16 will be coming forward. A lot of other smaller
17 oyster bill things that we anticipate, have not
18 heard. You talked about the waterskiing, the
19 boating thing this morning a little bit. There
20 is one other bill that might be of interest to
21 this group. You talked about the regulatory

1 process. You all have a distinct and unique
2 regulatory process. The 90 to 120 days is when
3 we start to put it in the Maryland register.
4 You as a Boat Act Advisory Committee have the
5 public comment and people come before you all.
6 There is a bill -- one of the things that we do
7 in fisheries, we call it scoping. So we take
8 some time before we actually propose a
9 regulation and scope ideas. So like we have a
10 tidal fishing, sport fishing advisory on the
11 fishing side that can come up to us and say,
12 hey, we think you should have a regulation that
13 says X, Y, Z. We'll take that from our
14 advisory committee or the Atlantic States
15 Marine Fisheries Commission or Maryland
16 Waterman's Association or CBF or all those
17 other groups and they say, hey, we think this
18 will be a good regulation. We will scope it.
19 We will put it out there as an idea or concept.
20 It has no legal bind, it's just, hey, we think
21 this is an idea, what do you think. And we'll

1 put that out on the web site, run it by a lot
2 of our advisory committees. So we have been
3 doing that for several years on the fish side
4 of the house. There is a bill in the
5 legislature to codify that so that every state
6 agency would scope their regulations before
7 they make a regulatory proposal. We had found
8 that in fisheries, when I was here 20 years
9 ago, we would have to propose a regulation and
10 then if you wanted to change the text of that
11 regulation you had to repropose it. Or
12 withdraw, repropose. Which you add another 90
13 to 100 days. This way if we scope it and get
14 some ideas and talk through it with the public
15 before we make a proposal, we wouldn't have to
16 repropose things as we go through. So we've
17 been doing it for a long time, other state
18 agencies are kind of interested in that
19 process, so we -- they are starting to pick
20 that up. And it's been useful to us. I don't
21 know what's going to transpire with that. But

1 that's one of the things. And I don't know if
2 that would really change the uniqueness of the
3 way the Boat Act Committee goes forward. The
4 last thing that I'll mention as far as I know
5 on the legislative side of things is budget.
6 Our budget was publicly announced last week, a
7 week ago. Our budget in the fishing and
8 boating services is pretty flat lined. We
9 didn't get an increase. Our decrease was maybe
10 a little bit on the oyster side of things
11 because some of the federal dollars that we get
12 for oysters we don't know if we're going to get
13 those in the near future. But as far as all of
14 our revenues generated from waterway
15 improvement, commercial fishing license,
16 recreational fishing license, our general
17 funds, are pretty much status quo. They are
18 not going down, they are not going up. That's
19 our budget within our unit is basically the
20 same. And the department overall I think is
21 basically no increases, no decreases either.

1 So we're not -- we didn't see a whole lot of
2 change in the proposed budget. Again, that
3 budget, that's for FY 2020 that would go into
4 effect July 1st. It needs to be approved by
5 the legislature over the next, I guess there is
6 70 days now, 75 days left. And we'll know what
7 that will be in April as it goes forward. So
8 that's kind of our highlights from the fishing
9 and boating services. I know the rest of the
10 department there is a lot of forestry bills but
11 I don't pay attention to those. Anybody have
12 any questions or anything that you've heard.

13 RUSS DWYER: What's happening with the
14 sanctuaries.

15 DAVE BLAZER: Well, the bill that came out
16 this morning, I can just tell you what it says
17 in the synopsis, it's from Speaker Bush, it
18 says to set the boundaries for those five
19 sanctuaries that there can be no harvest, no
20 taking or using any of the oysters that are
21 there, that they are to rebuild. Again, I

1 haven't seen the text of the bill but that's
2 basically what it says. We have 51 sanctuaries
3 across the state but it's targeting the five
4 big sanctuaries that are part of the bay
5 agreement that we've been going through.

6 THORNELL JONES: You used to talk about
7 the waterway improvement budget. Is there any
8 news on that.

9 DAVE BLAZER: It hasn't changed. I don't
10 see -- you know, with our reorganization of the
11 fishing and boating services, some of the
12 waterway improvement goes over to Chesapeake
13 and Coastal Services and some of it comes over
14 to us where we've got this unit and
15 hydrographics and some others. There is no
16 change in what the revenue is or the
17 expenditures. It's been pretty constant as
18 we've gone through. We can get you more detail
19 if you're interested.

20 AMY CRAIG: Joe.

21 JOE HELLNER: I attended a presentation on

1 Sunday by a group that told me something I
2 certainly didn't know, which is the state needs
3 oyster shells, apparently, and that the state
4 has had to pay because they can't get enough of
5 them for the seeding. Seeding. I thought that
6 was the right word, for seeding the new oysters
7 that they attach to something so they can put
8 them out there on the reefs. That's correct.

9 DAVE BLAZER: There is a need for
10 substrate for shell. You know, that's part of
11 the reason for the Manowar, the dredging up of
12 it, the shell that's there, the Manowar shells.
13 When oysters are harvested, you take those
14 shells out of the bay, of the tributary, they
15 go to a restaurant, they go to a shucking
16 house. Those shells are then, you know, thrown
17 away or whatever. But there is a recycling
18 program where we try to recapture all of those
19 shells and then put them back in the water, you
20 know, to kind of finish the cycle. We don't
21 get all of them back, but there is a need to,

1 because we don't have -- one of the things
2 that's been identified in the recent oyster
3 stock assessment is there is not enough
4 habitat, there is not enough shell on the
5 bottom. So when oysters reproduce, the spat
6 have to have something hard to attach to and
7 shell is the natural thing. Imagine
8 historically you got a big oyster bar, oyster
9 rock, you got shell all over the place, the
10 oyster spat will attach to it and it will grow
11 and proliferate. Well, those oyster bars have
12 kind of deteriorated over time. We need to
13 kind of replenish those. In the sanctuaries we
14 have used alternative substrate, rock, gravel,
15 granite, so forth, because any hard surface
16 will do. We have used those. But if you use
17 granite the size of a duck pin bowling ball,
18 which is what we used in Harris Creek, it's
19 kind of hard to harvest. You can't get your
20 tongues down, you're not going to be able to
21 pull up that little cannon ball. So we need to

1 figure out can we get a source of shell. We go
2 to New Jersey and buy clamshell, but that's not
3 as good because it breaks apart a lot. Are
4 there other alternative substrates. Then when
5 we do sell our oysters and they go to
6 restaurants, how do we get them to reclaim.
7 The other problem is that one of the largest
8 shucking houses on the bay is in Virginia. So
9 we send all of our oysters down to Virginia and
10 then we have to buy the shell back because it's
11 a commodity now.

12 JOE HELLNER: My follow-up question is
13 then it's good for us to -- those of us
14 associated with various boaters, organizations,
15 et cetera, get the word out that don't -- up
16 until Sunday I thought when the shells are done
17 in an oyster -- bull and oyster roast, chuck
18 them into the dumpster and that's it.
19 Apparently it's better to collect them. And
20 does the DNR have information on their web
21 site, can we try to find groups that collect

1 the shells. And then can they somehow funnel
2 them to the right fisheries.

3 DAVE BLAZER: Excellent. Oyster recovery
4 partnership has a program. One of their
5 subsidiaries is the Shell Recycling Alliance.
6 They will help get those oyster shells back to
7 where they need to be. So the oyster recovery
8 partnership would be the connection there. The
9 department has some information there. The
10 other thing too, and there is one bill since
11 we're talking about it, there are tax credits
12 available for like restaurants to get a tax
13 credit if they sell or give their oyster shells
14 back. They can get, right now it's a 500 tax
15 credit. The bill in the legislature is to
16 increase that to \$1,500 a year to get a tax
17 credit for recycling the oyster shells. So,
18 yes.

19 THORNELL JONES: So as everything is
20 changing, there are some industries in this
21 state that actually use oyster shells for their

1 business. Do they pay for them.

2 DAVE BLAZER: I'm not sure. I would much
3 rather have them come back into the bay.

4 THORNELL JONES: No, no, they actually use
5 them, so they are not coming back.

6 DAVE BLAZER: So like aquaculture.
7 Aquaculture will buy some of the oysters
8 because they are doing the same thing. You
9 know, not only do we want to put that shell
10 down on the bottom but we can also send it to
11 Horn Point and some of the other aquaculture
12 growers to put spat on those shell and they
13 will buy it. Again, it's a commodity now for
14 businesses to try and jump in and pay for that.
15 The state is competing against them.

16 THORNELL JONES: So there are actually
17 businesses that grind the shells up and use
18 them.

19 DAVE BLAZER: I don't know if --

20 THORNELL JONES: They do.

21 JON PEPE: They use them in home

1 restoration. A lot of the chimneys on the
2 Eastern Shore and the mortar joints were done
3 with oyster shells back in the day.

4 DAVE BLAZER: I think historically there
5 was, but then there was a law to prohibit that.
6 You can't use them for driveways any more and
7 all that kind of stuff. But I'm not sure of
8 any industries that do that now.

9 AMY CRAIG: Mr. Pepe.

10 JON PEPE: My question, could you expand a
11 little bit on this HB-1, HB-40 bill for the
12 moratorium. Is that to allow the dredging of
13 the old oyster bed.

14 DAVE BLAZER: It's to prohibit dredging of
15 the shell, to do it.

16 JON PEPE: Prohibited.

17 DAVE BLAZER: Yes.

18 JON PEPE: Why did they -- I guess my
19 question is if they need so much shell to redo
20 these beds, because I grew up here on Kent
21 Island, and Langenfelder used to have a dredge

1 sitting on those bars dredging thousands of
2 yards of old prehistoric shell for just this
3 purpose. Why was it stopped.

4 DAVE BLAZER: There is a big debate about
5 fish habitat. These oyster bars, if they are
6 allowed to build and develop over time, it's a
7 good rock fish habitat for where people go
8 fishing. We'll have to pay attention at
9 2:00 o'clock because I'm sure CBF and CCA,
10 there is going to be a pretty interesting
11 debate this afternoon in the House committee as
12 to the pros and cons of all of that.

13 AMY CRAIG: Russ.

14 RUSS DWYER: There's just a lot of
15 controversy about the whole thing about taking
16 those shells. Those shells, like you said,
17 have been taken for years and years and they
18 are sitting there now. And you all are saying
19 that the rock fish habitat is great up there.
20 Talk to any of the watermen, fishing party
21 boats out of Rock Hall, and they will tell you

1 the only thing you catch up there is perch.
2 But beside that, the rock situation versus the
3 shells, for the spat to grab a hold of, big
4 problem with that. The watermen have a big
5 problem with that. They were supposed to be
6 the size, as he said, of a bowling ball. Some
7 of the rocks are bigger than inboard engines.
8 In fact they had to go back to Harris Creek.
9 The boats coming out of Harris Creek were
10 hitting them. They were supposed to be within
11 five feet, I think, of mean low tide. Well,
12 they come up out of the water at low tide. So
13 we had to pay them to put those rocks in and
14 then go back and try to level those rocks back
15 out. So there is a lot of controversy going on
16 right now about the oyster business. And I
17 hope I can help you all with that stuff.

18 AMY CRAIG: Well summarized. Any other
19 questions.

20 JOE HELLNER: I got a fisheries questions.

21 DAVE BLAZER: I came to a boat meeting to

1 talk about fish.

2 JOE HELLNER: So not pertaining to
3 necessarily legislation, but what I hear
4 probably just about every summer on the
5 waterfront is I can't see the crab pot floats.
6 I know Mike has pointed us to the regulations
7 that says there is an obligation if you have a
8 flow for a trap to make it visible. But we all
9 know, having been out there, a lot of them are
10 painted dark. And today is a perfect day, you
11 look at how choppy the water is and how kind of
12 dark and gray it is. It's really hard to see
13 them and avoid them before it's too late, which
14 no boater wants to run over a line or a pot
15 line, and certainly we don't want ghost pots or
16 anyone to -- or the watermen to lose their
17 catch. So is there any thought in regulation,
18 in the department, about maybe working with the
19 watermen. I think I see a man with an answer.
20 I'll pass that.

21 RUSS DWYER: I just want to tell you a

1 dark buoy is easier to see in the water.

2 That's why the watermen use dark buoys.

3 Believe it or not.

4 BOB LUNSFORD: Black is better than gray.

5 RUSS DWYER: Easier to see. The other
6 reason you don't see as many now, most of the
7 potters have gone to trot lining. They'll put
8 a buoy on one end, buoy on the other end, the
9 pots are all submerged on the bottom of one
10 line in between them. Which helps those guys.
11 You're talking 30 bucks a pop every time a
12 sailboat, Steve, snags on to one and drags it
13 50 miles down the bay.

14 AMY CRAIG: Mr. Kling.

15 STEVE KLING: I would just point out if
16 you're in a sailboat, they are actually easy to
17 see and easy to avoid. If you want to save
18 pots, just cut back on power boating.

19 DAVE BLAZER: And with that I'll take my
20 seat.

21 JOE HELLNER: One last comment, because

1 the feedback has been really valuable, because
2 I can kind of carry it back to the waterfront.
3 What they tell me when I say you can see black
4 better, is they are not going to press the I
5 believe button, they are going to see, if they
6 are black, I can't see them in my fast power
7 boat. And they are looking for something else.
8 What I would suggest, not I would suggest, what
9 I heard talked about is we can really see the
10 ones that have the little stick in the flag.
11 And the stick in the flag to my opinion doesn't
12 look like it would add a lot of cost to the
13 watermen. Is there any discussion. I know the
14 watermen don't want their pots to be dragged or
15 lines to be cut. Is there a way the boaters
16 and the watermen can get to some kind of
17 consensus. Nobody is trying to make them spend
18 a ton of money they don't have. I guess my
19 question is to my fellow committee members.

20 RUSS DWYER: I'll gladly bring it up. Can
21 I say one more thing. While back on the oyster

1 thing. The aquatic part of the waterman,
2 aquaculture, they are now leasing what used to
3 be -- you used to lease just bottom. Now there
4 is a words, Louis, help me out, what --
5 thermal. Water column lease. And I'm sure a
6 lot of these people in here don't know what
7 that is. But that's from the bottom all the
8 way to the top. And they are leasing 5 acres
9 or 15 acres. And you can't do nothing else in
10 that area where they have leased that bottom.
11 So that should be something that should be
12 before this committee too.

13 AMY CRAIG: Thank you, Russ. We'll look
14 into getting more information about that.

15 BOB LUNSFORD: Site visit.

16 MIKE SIMONSEN: Madam Chair, I just want
17 to share with the committee members here real
18 quick, if you look at this Google mappage
19 overview you can see where Kent Narrows is and
20 what not. This is to stack on what Director
21 Blazer was talking about. When you're talking

1 about programs and what not, as we zoom up on
2 this, this is right here in Grasonville, all of
3 that white are oyster shells. There is a
4 loader that's kept there and it's used for --
5 it's -- it's a collaboration of the restaurants
6 and others that are keeping shells just here
7 for different types of programs and what not.
8 DNR has a small hand in it to where we're using
9 some of the shells here to help facilitate some
10 of the aquaculture businesses down around Piney
11 Point where the shells are actually distributed
12 down there, trucked down there, bagged and then
13 sold so everything is closely monitored. And
14 it's been a beneficial unit of DNR. But,
15 again, when you're talking about a work in
16 progress that doesn't get a lot of attention
17 and people don't know, this is where it's at.
18 You can see how much oyster shell is there.
19 That's all oyster shell.

20 JON SHELLER: Where do they primarily come
21 over.

1 MIKE SIMONSEN: All over.

2 JON SHELLER: Restaurants.

3 MIKE SIMONSEN: Even some out of state.

4 JON SHELLER: Even out of state.

5 MIKE SIMONSEN: What I understand. Again,
6 it's right in our back yard. I wanted to share
7 that with all of you.

8 AMY CRAIG: Thank you.

9 ATTORNEY 5:

10 LOUIS WRIGHT: If anybody wants to see a
11 picture of some of the lease sites with water
12 columns and stuff, I have pictures here.

13 AMY CRAIG: Everybody hear that? Would
14 you like Louis's comment on water columns.
15 Would you like to comment.

16 LOUIS WRIGHT: I just have them. We
17 actually do the surveying for fisheries for the
18 aquaculture sites so we get to see lots of
19 them. But I've got some pictures here, they
20 are different flavors. Of course there is the
21 traditional bottom lease, there is a water

1 column lease, there's cage leases, which some
2 of them are used for like the bottom foot,
3 two feet of the water column. There is some
4 that have stuff on the surface, basically it
5 restricts navigation going across. Even the
6 old fashioned bottom leases, depending on where
7 you are, you may get a whole field of stakes
8 out there that look like trying to -- navigate
9 your way through them can be daunting in some
10 places. But when they go through departmental
11 review, Anne and I actually see a lot of these
12 applications. So we try to do -- mitigate as
13 much as possible in terms of bottom leases
14 we're not as concerned about because they tend
15 to be like the bottom and a couple of inches of
16 shell on top. The cage leases and the floating
17 water column, they come to us as water column
18 so we have to assume it's going to be
19 everything down. We try to keep them in the
20 blue area of the chart as we tell people
21 because that's where the Coast Guard expects to

1 find obstructions and where, you know, usually
2 in the chart you would expect to find
3 obstructions. And if possible, putting in
4 input to try to keep them -- we had one
5 instance over in the South River where it was
6 an applicant wanted to put in a cage lease and
7 it was going to go over top a shoal. It had
8 like four, and we suggested that they move the
9 site one side of the shoal or the other so that
10 you would hit the shoal before you hit the
11 cages, which they did relocate that. But it's
12 sometimes they talk to us or they accept our
13 comments, sometimes they don't. It depends on
14 what other factors are going on too. But I've
15 got some pictures of some of these if you want
16 to look at them at some point.

17 AMY CRAIG: Mr. Pepe.

18 JON PEPE: Louis, on a water column lease,
19 is this -- this area is protected. Nobody else
20 is allowed to use it as far as like for taking
21 fish or any type of anything out of the area.

1 Just like a piece of farm land.

2 LOUIS WRIGHT: You have exclusive use of
3 that water column for shellfish. So for
4 example if it's a cage lease, which is
5 considered by the Corps and MDE and DNR as
6 being a water column lease, it's because it's
7 up off the bottom. Even though it's a
8 relatively small amount, you could
9 theoretically have a trot line over top it.
10 The problem is it's going to be more difficult,
11 but it's not prohibited.

12 JON PEPE: But it's not for taking fin
13 fish or nets or things like that.

14 LOUIS WRIGHT: No.

15 AMY CRAIG: Thornell.

16 ANNE: As a matter of fact boaters,
17 kayakers get into the aquaculture leases, and
18 so it is open for all activity. There is
19 nothing restricting anyone at all from going
20 into those aquaculture leases. So if you could
21 fish, you could, if you could crab, you could.

1 They only have the shellfish portion that you
2 can't. You can't play with their cages, you
3 can't take out of their cages. But we had lots
4 of kayakers talk about that, getting inside of
5 the structures. And so they are not prohibited
6 in any way.

7 RUSS DWYER: You can't trot line.

8 ANNE: If you could trot line, you can,
9 but you can't because it gets hung up. Right.
10 But you can't trot line through a pound net,
11 you can't trot line through a fight net. So
12 it's another dear type, but if you could, there
13 is nothing legally preventing you from doing
14 it.

15 AMY CRAIG: Any other questions. Boating
16 safety, Mike.

17 MIKE GRANT: Introducing the Julie
18 Brown/Thornell Jones regulation effective this
19 boating season. Anyone who joins Michael or
20 myself on the good ship Boat Act will wear a
21 PFD like Julie has on right now. We'll supply

1 them. If you have your own, that would be
2 appreciated, but we'll have them on the vessel.
3 We won't have the big thick things any more.
4 But we're going to ask you, since we're going
5 to walk the walk, we're going to talk the talk.
6 And I appreciate everybody participating. If
7 not, you'll be waiving from the docks. Thank
8 you.

9 AMY CRAIG: I think that's a great idea.
10 Thank you for pushing that through. Joe.

11 JOE HELLNER: All of you that have been
12 around or knew Al Simon for a long time,
13 correct me if I'm wrong, but my recollection,
14 since we brought up the PFD's, the first time I
15 ever met Al Simon was probably 20 years ago at
16 various meetings of different organizations and
17 every time Al came with a prototype for an
18 inflatable PFD. And made the pitch really
19 hard. I certainly was convinced. At that time
20 the Coast Guard did not certify that to be a --
21 well, there was no Coast Guard certification at

1 that time. I want for the record to give Al
2 Simon credit for the PFD's that we'll be
3 wearing on the DNR vessels for our site surveys
4 and that we wear typically on our own vessels.
5 Great credit that now being the norm. I can
6 now go to a marine store and pick up an
7 inflatable for a reasonable price and know it
8 is Coast Guard certified for use given
9 specifically under the regulations governing it
10 and feel confident about that. And I for one,
11 every time I look at one of those things, I
12 think about Al Simon and I want for the record
13 to give him credit for helping us today be able
14 to have those PFD's, inflatable PFD's.

15 AMY CRAIG: Well said. Thank you. Any
16 other committee topics.

17 MIKE SIMONSEN: While we're still on
18 safety, Madam. I just want to share with you,
19 with that type of PFD, the requirement of what
20 you have to have aboard, whatever type of
21 vessel you have, it's required to have a

1 personal floatation device, that has to be on
2 you and be worn in order to count for what your
3 vessel is to be fitted with per the regulation
4 of the Coast Guard and for DNR. Again, you
5 need to have it on.

6 JULIE BROWN: This is the part I do not
7 like. There is a small caveat to that. I can
8 speak loud enough, so my mother says. There is
9 a small caveat to what Mike just said now.
10 Unfortunately. It has been for the longest
11 time that this life jacket as an inflatable has
12 to be worn to count. Unfortunately, because
13 the rating of the jackets now are type three,
14 they have come out with rating the inflatables
15 as a type three life jacket, which does not
16 have to be worn. So what we're telling people
17 is if you're wearing an inflatable jacket, you
18 need to read the Coast Guard approval label to
19 see what kind it's rated as. It could be rated
20 as a type five, which is a specific use jacket,
21 which this looks like a special use jacket.

1 However, they are rating them now as type
2 three. And if it's a type three, it just has
3 to be right there.

4 MIKE SIMONSEN: Julie, is that recent.

5 JULIE BROWN: No. It's recent for us, we
6 didn't really realize it until we went to one
7 of the international -- well, the International
8 Boating and Water Safety Summit several years
9 ago. And we try not to make it really terribly
10 front and center, but what we talk to people
11 about is the fact when they buy an inflatable,
12 please read the Coast Guard approval label. It
13 became a very big issue last year at the Water
14 Safety Summit and everybody was going back and
15 forth on it. But if the Coast Guard rated it
16 as type three, and mind you there is another
17 caveat, the types are going away, if you
18 haven't heard that already. So the Coast Guard
19 is moving forward in the process of
20 streamlining the life jackets for North
21 America. So it encompasses Canada. Instead of

1 having Canadian approved Coast Guard equipment,
2 it will now be universal. But that's coming
3 down the line.

4 THORNELL JONES: Those are good words,
5 Julie. But we know that 80 percent of the
6 people who drown in boating don't have on a
7 life jacket. We really ought to be helping
8 people to understand wear a life jacket.

9 JULIE BROWN: Period. That's exactly
10 right, Thornell. And I appreciate the fact
11 that you are going to enact that in your
12 operations out on the water as the Boat Act.
13 If anyone needs supplies, let me know.

14 AMY CRAIG: Thank you, Julie.

15 JULIE BROWN: You're welcome.

16 AMY CRAIG: Mike, anything else on boating
17 safety.

18 MIKE SIMONSEN: Other than the fact that
19 what committee Jones brought up, we have had 17
20 facilities this year alone and those were all
21 the result of not wearing a life jacket. For

1 2018. So, again, when we're aboard our Boat
2 Act Advisory Committee vessel, everybody will
3 be wearing a life jacket so it's really not
4 going to be a non-issue. And when you're in
5 the water trying to survive with a life jacket
6 on, you're never going to think about what you
7 paid for that life saving device at the time
8 you're trying to survive.

9 AMY CRAIG: Good point.

10 COLES MARSH: You say 17 could have been
11 presented possibly.

12 MIKE SIMONSEN: Yeah. There was one that
13 had a life jacket that didn't properly
14 function. Sixteen for sure without having life
15 jackets on in 2018, sir.

16 AMY CRAIG: Thank you. Mike, anything
17 else on boating safety.

18 MIKE GRANT: No.

19 AMY CRAIG: Committee topics. Next
20 meeting date.

21 MIKE GRANT: No other committee topics.

1 AMY CRAIG: I think we really --

2 JOE HELLNER: Just in the dumb question
3 category, or just clarification how this works
4 we were looking at the SB 93 earlier and there
5 is some elements in it that one would argue are
6 within the normal nautical rules of the road.
7 We do all that stuff anyway. In fact we're
8 obligated as vessel operators from paddle
9 boarders on up to cruise ship drivers, we're
10 all obligated to obey those rules of the road.
11 So my question is does the DNR look at this --
12 when legislation -- it doesn't have to be
13 SB-93, any kind of thing where the legislatures
14 are somewhat redundant in putting things in
15 that boaters are already obligated to do.

16 MIKE GRANT: Like what.

17 BOB LUNSFORD: Unless a legislature asks
18 you to, no.

19 JOE HELLNER: It's not -- the department,
20 if rules of the road are put in any bill, I
21 mean it's not -- the department doesn't

1 necessarily see that as an issue. Because I
2 didn't want --

3 MIKE GRANT: The rules of the road are the
4 rules of the road. That's U.S. Coast Guard.

5 JOE HELLNER: If they are redundant and
6 they want to put it in a bill, no issue.

7 MIKE GRANT: I can't speak to that. Bob
8 can.

9 BOB LUNSFORD: Well, I'm looking at 93 now
10 and there is an example, I think, of what
11 you're talking about. It talks about doing no
12 greater than six miles per hour. Speed on the
13 water is governed by knots.

14 JOE HELLNER: Right.

15 BOB LUNSFORD: Six miles per hour I think
16 is less than the 7.2 miles per hour, which six
17 knots is. So now you have an enforcement issue
18 because some legislature didn't have enough
19 boating knowledge to use the correct
20 terminology when he drafted his bill. But the
21 department isn't asked to help legislatures

1 draft very often. When they are asked to help,
2 you don't get things like six miles an hour in
3 a bill.

4 JOE HELLNER: So to use -- to respond or
5 to add to that, to using SB 93 as an example.
6 Vessel operators are obligated to stay out of
7 each others way, even with -- regarding
8 nautical rule right-of-ways. So we get this
9 entering the creek the skiers can't operate
10 their boats. Well, under the nautical rules of
11 the road, neither one -- if the skiers are
12 there, then I've got to stop as the guy driving
13 into the creek. If I'm driving into the creek,
14 the skier has got to.

15 MIKE GRANT: I think that speaks to the
16 controlled ski area, not the existing
17 regulation within the creek. The controlled
18 ski area has its own unique set of regulations.
19 So if there is a controlled ski area, that
20 would supercede anything else.

21 THORNELL JONES: That's not what it says.

1 MIKE GRANT: I know. That's why this is a
2 screwy thing. Thanks, Thornell.

3 JOE HELLNER: Thank you, Mike.

4 AMY CRAIG: I think we pointed out some of
5 the deficiencies in SB 93. Any other committee
6 topics or toppings. No. Next meeting date.

7 MIKE GRANT: Sine Die is the 8th of April.
8 End of legislature. I would assume you would
9 want to have the next meeting after that, maybe
10 sometime the week of the 15th, 22nd or 29th.
11 I'll send out a doodle poll unless you have a
12 specific date you all want.

13 AMY CRAIG: I think a doodle poll is the
14 most efficient.

15 MIKE GRANT: Anybody definitely not
16 available these dates. Where are you guying.

17 STEVE KLING: Big Sky.

18 AMY CRAIG: Easter Break is like the
19 20th through the 28th.

20 MIKE GRANT: So nine, ten, 11, 12 or 16,
21 17, 18, 19.

1 STEVE KLING: That's Big Sky.

2 AMY CRAIG: So the week of the eighth I
3 think is...

4 MIKE GRANT: We can move it to May if you
5 want. We take regulation requests through the
6 15th. So as of the 16th I'm still going to be
7 getting stuff. That puts us into Big Sky,
8 Easter Break. We can go into the first week of
9 May.

10 AMY CRAIG: Or the very end of April,
11 29th, 30th week.

12 MIKE GRANT: Okay. Possibly. Probably
13 30, 1, 2, 3. Mondays are usually not a good
14 day. Got it.

15 AMY CRAIG: All good. Thank you, Mike.
16 Any other.

17 BOB LUNSFORD: Make a motion we adjourn.

18 AMY CRAIG: Do I hear a second.

19 JOE HELLNER: Second.

20 AMY CRAIG: So moved. Here we go.

21 (Meeting concluded at 11:50 a.m.)

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STATE OF MARYLAND

I, David Corbin, a Notary Public in and for the State of Maryland, do hereby certify that the within named, MARYLAND BOAT ACT ADVISORY COMMITTEE, personally appeared before me at the time and place herein.

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

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

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

AS WITNESS my hand and Notarial Seal this 4th day of February, 2019, at Centerville, Maryland



David C. Corbin
Notary Public

My commission expires November 19, 2019

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