

Transcript of
Meeting of the Maryland Boat Act Advisory Committee

Date: Thursday, August 31, 2017

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1 MEETING OF THE
2 MARYLAND BOAT ACT ADVISORY COMMITTEE

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5 The above-entitled matter came on for
6 hearing on Thursday, August 31st, 2017, commencing
7 at 10:00 a.m., at Annapolis Elks #622, 2 Pythian
8 Drive, Edgewater, Maryland , Christopher Parlin,
9 committee chairman, presiding.

10
11 COMMITTEE MEMBERS:

12 Frederick Levitan	Jon Sheller
Robert Nickel	Joe Hellner
13 Amy Craig	Coles Marsh
Steve Kling	Robin Allison
14 Ramona Trovata	Al Simon
Debbie Henninger	Bob Lunsford

15
16 Mike Grant, State Liaison

17
18 Reported by: Kelly A. Taylor

19

20

21

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

2 THE CHAIRMAN: Okay. Good morning,
3 we're going to call this meeting to order of the
4 Maryland Boat Act Advisory Committee. I want to
5 remind everybody to make sure that their cell
6 phones are off or on silent. Again, we're being
7 recorded. Lovely Kelly is over there, microphones
8 only, wait to be acknowledged before you speak, and
9 make sure you have a microphone when you speak.

10 All right. With that we're going to
11 introduce the members of the committee.

12 (Committee members introduce themselves.)

13 THE CHAIRMAN: Let's get the meeting
14 started here. I'm sorry, introductions out in the
15 crowd, Mr. Grant and other staff members.

16 (Staff members introduce themselves.)

17 THE CHAIRMAN: Okay. All right,
18 Mr. Grant, 2017 regulation requests.

19 MR. GRANT: Yes, sir. Can you hear me?

20 This is a review of the Riva Bridge
21 speed limit. Currently it's a six knot zone,

1 Saturday, Sunday and state holidays, formerly six
2 knots Saturday, Sunday and holidays -- I'm sorry,
3 six knots all times during the boating season. A
4 request to go back to the six knots Saturday,
5 Sunday and holidays all time during the -- let's
6 start again.

7 THE CHAIRMAN: Yes, please.

8 MR. GRANT: Currently the regulation is
9 six knots Saturday, Sunday and state holidays
10 during boating season, the request is to return to
11 six knots all times during the boating season.

12 This is the area (indicating). The
13 petition came in from the owners of Mike's Crab
14 House, right here (indicating).

15 This is a letter from Mr. Piera, who is
16 with us today, requesting the change back, citing
17 issues with vessels visiting his marina and the
18 inability to stay on the boat, or get on and off
19 the boat.

20 This is a report from the spring from
21 the Lieutenant Brian Rathgeb stating the issues

1 he's received from January 1st, 2013 through
2 current, through the spring of this year. Aside
3 from that, we have heard nothing.

4 I received two phone calls from the
5 citizens asking what the regulation request was,
6 they did not issue any for or against the request.
7 As you can see, 65 names were presented on a
8 petition from Mr. Piera, all in favor of it. And
9 we're in discussions.

10 THE CHAIRMAN: Okay. That's actually --
11 do you want to do the testimony for the request?
12 And when you get up, state your name so Kelly can
13 record it.

14 MR. PIERA: Yes, sir. Hello, my name is
15 Anthony Piera. Thanks for letting me come today.
16 My family has owned Mike's Crab House for 64 years,
17 62 years. We employ about 160 employees. Me and
18 my brothers bought it about 30 years ago. We just
19 found out -- I was wondering last year why the
20 boats were speeding by and we called and they said
21 that the commission had changed to Saturday, Sunday

1 and Monday. All of my customers were
2 complaining -- I could have probably got three
3 thousand signatures all in just one week. I'm
4 pretty much told that you probably won't have a
5 shot, if you don't have gas at your marina and
6 there is a safety concern for the environment.

7 It's affecting my business probably 10
8 percent a week. I don't care if you have a hundred
9 dollar boat or million dollar boat you're not going
10 to park your boat and go in my restaurant and have
11 boats flying by and slamming around. We aren't a
12 marina, we don't rent our slips out anymore,
13 because Saturdays, Sundays and holidays half of our
14 restaurant would be full of our customers and
15 friends, so we got out of our business. Never had
16 a problem. But now with my customers are
17 complaining and I'm losing my customers during the
18 week because the speed limit is gone. It's the
19 same, it doesn't matter if you have a rowboat or a
20 million dollar boat, you're not going to park out
21 there and get slammed. I run a restaurant and I

1 can't sit out there and call the DNR saying today
2 they did this and today they did this and today
3 they did this. You know, I think I should be
4 treated fair like the other restaurants up the road
5 and the other marinas. If we're talking about
6 revenue, I know for a fact I bring more revenue
7 than all three of them together. But I know one
8 person wrote a letter and the commission changed
9 it. My family has asked for it and my customers
10 have asked about it. I'm trying to get it back for
11 the season. I don't want it all year, but it's
12 affecting my restaurant during the week and I'm
13 losing my customers. They're not parking their
14 boats and they're not coming for lunch because
15 their boats are getting slammed. It might be five
16 or six boats a day, I know the South River is not
17 that busy during that week, but it takes one person
18 flying down the river. And now they're flying
19 through the bridge. It's a bridge. Nobody should
20 be going wide open through the bridge at 30 or 25
21 miles an hour through the bridge. I could see if I

1 was in the middle of the river and hey, I'm
2 competing, people, but I'm at the Riva Bridge. I'm
3 asking the board to please give it back like we had
4 it for 30 years. I didn't even know it was gone.
5 I mean I never got a letter. I mean it's affected
6 my family and our business. I know we should have
7 gotten a letter, hey, we're changing the zone out
8 there back then when you wanted to change it. I'm
9 just, I'm asking for to have it back for the
10 season. That's all. I don't want it all year. We
11 would like to have it back the way it was. It has
12 one hundred percent effected my boat business. I
13 just built a quarter of a million dollar dock bar
14 where people come out and drink. I'm not getting
15 it with the boats the same. It's really one
16 hundred percent effecting my business during the
17 week. I'm glad we have it on the weekend, but I
18 think I should be treated fairly like everybody up
19 by the South River Bridge. I know I don't have
20 gas, but we should be treated the same. We're not
21 a marina and do it by revenue. I know I bring more

1 revenue than all three of them to the state of
2 Maryland. I hire more people. Right now I have a
3 staff of 150 people. In the winter it's a hundred.
4 We have been here a long time and been a member of
5 the community. My mom and dad -- my dad started
6 it, and my brother and we all worked there. I'm
7 pretty much begging you to bring it back. It's
8 killing us during the week, it's really one hundred
9 percent effecting us during the week business. We
10 want to be treated fairly as every other marina. I
11 could see if I was in the open water, but I'm by
12 the Riva Bridge. We have people speeding through
13 the bridge, we have the South River crew rowing
14 team, they're going through the bridge and people
15 are speeding by them. It's not safe, it's going to
16 take one person to kill somebody or somebody get
17 thrown off my dock. You know, it's elderly and
18 older people during the week, all it takes is one
19 person trying to get on or off the boat getting
20 hurt. I'm asking you guys to please give it back
21 to us, that's all I'm asking. Thank you so much.

1 THE CHAIRMAN: Thank you so much. Any
2 questions? Mr. Sheller.

3 MR. SHELLER: Which of these docks are
4 we discussing on this?

5 MR. PIERA: All three of them. We own
6 all three. We own both facilities there, there
7 (indicating).

8 MR. SHELLER: When were they built?

9 MR. PIERA: The docks have probably been
10 there -- the little ones have been there 60 years,
11 the two extensions on the end have probably been
12 there 30 years.

13 MR. SHELLER: Have you considered any
14 wave attenuation plan?

15 MR. PIERA: They won't let us put
16 anything out in the river, put up barriers. The
17 state won't go along with that.

18 MR. SHELLER: Your docks are sticking
19 out, how far out?

20 MR. PIERA: Two are probably two hundred
21 feet, one is probably a hundred feet.

1 MR. SHELLER: How deep is the water?

2 MR. PIERA: At the end of pier that's 17
3 feet.

4 MR. SHELLER: Thank you.

5 MR. PIERA: Yes, sir.

6 THE CHAIRMAN: Any questions from the
7 committee?

8 MS. TROVATO: I was just wondering about
9 safety issues. You mentioned that some of your
10 clients have expressed to you that they feel unsafe
11 getting on and off their boats; is that correct?

12 MR. PIERA: Yes, ma'am. Yeah, we've
13 lost -- they're afraid getting off their boat. I
14 know the South River is not busy during the week,
15 but it takes one person with a 50 foot boat to make
16 a wake and they're getting their boats slammed, and
17 we have never had that problem. I noticed during
18 the week our traffic is down. I mean weekends
19 we're flying and doing well, but during the week
20 we've lost business because of it.

21 MR. MARSH: When you -- I did a lot of

1 traveling on the South River -- are you using all
2 of your dock space there for people coming in for
3 lunch or dinner?

4 MR. PIERA: Yeah. We used to have --

5 MR. MARSH: You used to have one slip
6 there --

7 (Simultaneous cross talk.)

8 THE CHAIRMAN: One at a time, please,
9 Kelly is trying to record this.

10 MR. PIERA: I'm sorry, I apologize.

11 We used to have 50 slip holders, we had
12 to get rid of them, you know, we had to say no.

13 All the transients were parking in their slips and
14 they were yelling at us. But Saturday and Sunday

15 we get there in the morning and there is 60 or 70

16 or 80 cars in the lot. We had to get out of that

17 business. We couldn't park boats there anymore

18 because it was affecting the revenue for the

19 restaurant. We only have 180 spots and they were

20 being taken by slip holders and friends. On the

21 weekends, you know, they invite people to the boat

1 and the whole restaurant was full and people are
2 having parties on the boats -- we have a parking
3 problem, that's why we bought Michael's next door.
4 We have a parking problem.

5 MR. MARSH: So you do use most of your
6 pier space there, your slips, for people to come in
7 for the restaurant?

8 MR. PIERA: Yeah, one hundred percent
9 transient. We let people know if you're drinking
10 it's free, you can spend the night. We don't
11 charge by the foot for being there. If you're
12 drinking or tired, we let you stay the night, be
13 gone by the next day, because of the parking
14 situation.

15 MR. MARSH: Thank you.

16 THE CHAIRMAN: I have a question.

17 Actually, I noticed when I visited the
18 area it looked like there was a number of boats
19 there that are permanent or were long term there,
20 how many -- do you have any long term?

21 MR. PIERA: We have our two boats and

1 then we have a couple of boats on lifts and I have
2 a couple of friends that are trying to sell their
3 boats, we have a boat that's trying to get sold, so
4 I let the customers leave it there for free trying
5 to sell their boats. So we have about a couple of
6 thousand people on the weekend and we used to be in
7 the marina business. But like I told you, Saturday
8 and Sunday we wake up, there's 60, 70. I have a
9 marina in Pasadena, White Rocks, we're lucky that
10 our restaurant is successful so we don't have to
11 depend on the revenue for our income as well.

12 THE CHAIRMAN: Okay. Anymore questions
13 from the committee?

14 MR. SELLER: Can you give us a little
15 background on the prevailing weather in this area,
16 the direction of wind, the direction of tide, any
17 other factors that affect the docks?

18 MR. PIERA: No. The weather really
19 doesn't affect it. We just replaced our bulkhead.
20 140 thousand dollars to replace that last winter,
21 the winter before. It's not the weather. I'm

1 just -- strictly my issue is a safety issue for our
2 guests getting on and off the boats during the week
3 and it's just effecting the revenue of the
4 restaurant Monday, Tuesday, Wednesday, Thursday,
5 Friday. It's not anything to do with the weather,
6 we just redid the bulkhead there. I mean it was
7 probably 60 years old, we just replaced it. South
8 River Marina replaced it last -- not this winter,
9 the winter before. The weather is not a problem,
10 it's just really a safety concern during the week,
11 that's one hundred percent what it is, and my
12 customers complaining during the week that, you
13 know, the boats are getting slammed around now and,
14 I mean, it's still, customers still don't know --
15 or know now -- why is my boat getting slammed?
16 Well, they changed the rule. I just found out
17 myself a year ago.

18 MR. MARSH: How long ago was it that you
19 had it all week, how many years?

20 MR. PIERA: I believe two years ago and
21 we had it for 30 years, almost 30 years. I

1 remember I was 20 years old and me and my brother
2 John and my brother Pete came to the hearing on
3 Taylor Avenue, the DNR, we had a bunch of meetings
4 there and it was seven or eight tables of people
5 and, you know, the South River Ski Club and all
6 were arguing about it, they when they got it we
7 were all happy and we just found out we lost it.
8 It's been, I believe you guys -- Mr. Grant -- 30
9 years, or over 25?

10 MR. MARSH: Is that right?

11 MR. GRANT: I have minutes from the
12 November 26th, 1991 meeting where committee
13 recommended six knots all time during the boating
14 season only because the boat traffic during the
15 non-boating season was low and did not warrant
16 regulation all year.

17 MR. MARSH: So it had been that way for
18 20 some years?

19 MR. PIERA: Yes, sir.

20 MR. MARSH: Because I remember it being
21 that way. Thank you.

1 THE CHAIRMAN: Anymore questions? Go
2 ahead.

3 MR. HELLNER: As I recall the bridge is
4 six knots all of the time, it's marked that way, if
5 I recall. Correct?

6 MR. PIERA: I have no idea, but now if
7 it is people still speed through it or if they get
8 to it now, if they get to it now, they stop and
9 then the wake gets bigger. Because they're slowing
10 down, now the boats are getting slammed more.

11 MR. HELLNER: My direct observation of
12 the site, and as a boater with a lot of experience,
13 I'm transient up and down the river and I'm coming
14 nowhere near Mike's Crab House, and if I am slowing
15 down I understand your point about maybe creating
16 more wake; however, as a responsible boater I'd
17 certainly slow down and I certainly wouldn't be by
18 Mike's, so I'm understanding therefore that you're
19 getting problems from a lot of your responsible
20 boaters -- the hundred foot stand off is another
21 thing that comes to mind. Nobody should be going

1 anywhere near you and certainly by state regulation
2 not a hundred feet from your piers, so as we all
3 know the small boats they dissipate pretty quickly.
4 So your testimony is that you're having problems
5 with recreational boaters actually running by your
6 piers. I would say, that's just me, not my way I
7 would run a boat because I would never run your
8 piers especially with my bigger boat --

9 MR. PIERA: Yes, sir.

10 MR. HELLNER: -- so what you're telling
11 us is large boats, I don't know, 26 foot plus, are
12 just ripping by Mike's Crab House irresponsibly and
13 illegally?

14 MR. PIERA: They're not close to my
15 pier. I didn't say that. I said they're going,
16 they're in the channel, but they're slowing down or
17 flying by there on weekdays, it's slamming the
18 boats. When I have customers, they're slamming
19 their boats around and I have lost revenue during
20 the week because, I mean, would you want your boat
21 out there getting slammed around?

1 MR. HELLNER: I have been to Mike's a
2 number of times, I usually tie it up in such a
3 fashion that I have no problems. My understanding
4 is you get boxed around, it's a waterfront
5 restaurant, and we're ready for it. However, I can
6 observe also you're in a zone where there is a lot
7 of recreational boat traffic. It appears that you
8 have basically a contained area, it's a constrained
9 river. As a boater, I understand that once the
10 boat traffic is heavy the waters get churned,
11 whether there are boats going by or not, would you
12 say in your observation and experience, you've been
13 there your whole life, that's typical of a lot of
14 boat traffic, even though they're not going by it's
15 choppy because of constant traffic; is that what
16 you see?

17 MR. PIERA: That's not true at all.
18 During the last 20 some years everybody knows it's
19 a boat wake zone. The ripples might be six or
20 seven inches. That's totally different than boats
21 flying by and slamming peoples' boats in the side

1 of the bulkhead. You said you're a responsible
2 boater, that's one person. You might tie it up
3 right in the slip. A lot of people tie up on the
4 end of pier, it's convenient and fast. They tie,
5 they're docked. If you come to my place on the
6 weekend, a lot of people don't know how to park
7 their boats. It takes them 30 or 40 minutes to get
8 in a slip. They park on the side, it's easier to
9 park. It's a show. They park on the side of the
10 pier, and it's so deep the whole pier goes
11 sideways. But the last 20 years, it's been a
12 ripple and I never noticed it until the last --

13 MR. HELLNER: I don't disagree. As a
14 long time boater there is a lot of people out there
15 that could use more boating education and practice.
16 I just want to understand what the nature of the
17 problem is that occurred because of this, the six
18 knot limit got removed during the week, and it's
19 because such boaters are running by the marina --

20 MR. PIERA: One hundred percent --

21 MR. HELLNER: Got it. Yeah. Okay, got

1 it. Thank you.

2 MR. PIERA: I apologize for that. One
3 hundred percent because they're running by the
4 marina, whatever the speed limit is now.

5 MR. HELLNER: You would agree if I ran
6 the normal channel -- this is a fairly large water,
7 I have been there many times -- I don't see how I
8 would even bother Mike's Crab House, even if I was
9 in my large boat.

10 MR. PIERA: I one hundred percent
11 disagree with you, sir. One hundred percent.

12 MR. HELLNER: Thank you. Thank you.

13 THE CHAIRMAN: Mr. Grant, I want a
14 clarification, is there any speed limit at the
15 bridge itself?

16 MR. GRANT: No. There's a separate PWC
17 regulation, six knots all time for the bridge, but
18 that --

19 THE CHAIRMAN: One hundred feet of the
20 structure, that's a PWC, not a regular boat
21 regulation?

1 MR. GRANT: Current regulation is six
2 knots during the boating season, Saturday, Sunday
3 and holidays.

4 THE CHAIRMAN: Correct. No speed limit
5 under the bridge at all during the week?

6 MR. GRANT: Correct.

7 THE CHAIRMAN: I just wanted to clarify
8 that. Robin.

9 MS. ALLISON: I go over that bridge
10 probably three or four times a week and I could see
11 if it was a fairly decent size boat pulling a good
12 wake I could see how that would definitely effect
13 your business. I could see how some of these boats
14 are going to push that kind of wake without
15 question.

16 THE CHAIRMAN: Let's save the comments
17 for deliberation.

18 Anymore questions? Thank you.

19 MR. PIERA: Thank you, sir, so much for
20 having me. Thank you so much. Have a great
21 weekend.

1 THE CHAIRMAN: Thank you.

2 MS. TROVATO: Thank you.

3 MR. PIERA: Thank you very much.

4 MR. GRANT: Do you want to hear from the
5 lieutenant?

6 THE CHAIRMAN: Excuse me?

7 MR. GRANT: Do you want to hear from the
8 NRP?

9 (Discussion held off the record.)

10 LIEUTENANT RATHGEB: Okay. Again, my
11 name is Brian Rathgeb. It's R-A-T-H-G-E-B. I'm in
12 the southern region for the Natural Resources
13 Police.

14 I'm not sure -- was this back in the
15 spring when I sent the e-mail?

16 MR. GRANT: Yes.

17 LIEUTENANT RATHGEB: From January 1,
18 2013 these are the numbers that came through, this
19 is over a four year period, and I think the one big
20 issue right there is that no reportable accidents
21 had occurred in that area right there around the

1 Riva Bridge.

2 We break up the rivers and the bay into
3 different location codes so we can isolate things,
4 and just running the numbers for the location right
5 around the Riva Bridge we have no report of boat
6 accidents around there in the four years.

7 I just reran stats, calls for service,
8 everything again the other day to bring us through
9 just this boating season, just April 15th, 2017
10 until yesterday, and we have -- again, we've
11 received no calls for service for any speeding
12 violations around the Riva Bridge during this
13 summer. In that area only six citations this
14 summer right around that bridge at those locations
15 have been issued and none of those have been for
16 speed. They have been life jackets, registrations,
17 boating safety certificates, but nothing, nothing
18 involving speeding or reportable boat accidents.
19 Again, like I said, no report of boating accidents.
20 There have been a couple of OWI and there was a
21 boat fire in the area, but again, nothing to do

1 with the speed.

2 We're not opposed to a six knots speed
3 zone. I think that, you know, the business owner,
4 you know, has a very valid concern. We're not
5 opposed to it, but again, there are no -- we have
6 not had a significant issue in the area with
7 violators. And I understand that, you know,
8 customers are complaining to the restaurant
9 concerning their boats at the marina but, you know,
10 if we don't get called we don't know about those
11 things and, you know, I can't speak to them. So
12 I'll open it up. Yes, sir.

13 MR. HELLNER: Do you have any
14 information on when the citations were issued? The
15 reason I ask is the thing that's at issue before us
16 is weekends and holidays it's a six knot area, what
17 we're struggling with here is what's the difference
18 during the week? Is there? So that's why I asked
19 about the citations. Do you have any information?

20 LIEUTENANT RATHGEB: I don't have them
21 broken down, no, no.

1 THE CHAIRMAN: Any other questions?

2 LIEUTENANT RATHGEB: I will point out
3 that I have six citations for four months on the
4 South River around, you know, the Riva Bridge and
5 that's minimal. It's actually stunning to me there
6 were that few, so.

7 THE CHAIRMAN: Any other questions?
8 Mr. Lunsford -- actually, I have one. I know
9 you're the lieutenant for the area, so it's hard
10 for you to get out to every place in the area, are
11 you familiar with the Riva Bridge?

12 LIEUTENANT RATHGEB: Yes, I am.

13 THE CHAIRMAN: What's your opinion --
14 excuse me -- what's your opinion of the, I guess,
15 looking at the clearance under the bridge for small
16 boats running through at speed as far as being a
17 safety factor, do you agree with it, that boats
18 should be running under the bridge at speed?

19 LIEUTENANT RATHGEB: I think if we're
20 removing Mike's Crab House and it's just that
21 situation where it's just the bridge -- and by

1 small boat are we talking about 20 feet and under?

2 THE CHAIRMAN: Any boats. I'm looking
3 at the horizontal clearance under the bridge.

4 LIEUTENANT RATHGEB: I do not
5 particularly have an issue with boats at speed
6 going through that bridge. And again, completely
7 divorced from the Mike's Crab House issue, just
8 that bridge and that size and have a 20 or 24 foot
9 boat going through at speed I don't have an issue.

10 THE CHAIRMAN: I just wanted to look at
11 the full picture. We want to look at all of the
12 factors over there, and that bridge is a negative
13 factor. I was actually surprised how narrow the
14 openings were to the bridge and whether the boats
15 should be running at speed. That was my only
16 concern.

17 LIEUTENANT RATHGEB: Right.

18 THE CHAIRMAN: Thank you. Any other
19 questions? Coles.

20 MR. MARSH: Most people come by there
21 during the week that are running up the river,

1 they're going up and anchor, and it's nice
2 anchorage up there where the ski course is, so
3 during the week most people are just driving up
4 there to anchor and just heading back out in two
5 days or are they just pleasure riding during the
6 week now, the weekends --

7 MR. PIERA: A lot of people pleasure
8 ride and during the week the river's not too busy.
9 On the weekends it's a zoo out there. A lot of
10 people are usually just going to meet people using
11 their boats during the weekend. A lot of people
12 that have boats, they live on the river and they
13 don't use them, so it's not a lot of people during
14 the week going by the bridge. During the weekend,
15 you got the weekend warriors out there. And a lot
16 of people that have boats don't go out on the
17 weekends --

18 THE CHAIRMAN: Coles, Coles, we're
19 talking to the lieutenant right now. Thank you.

20 MR. MARSH: Have you seen increased
21 traffic over the week during the last few years, or

1 people going up there to anchor or just joyride?

2 LIEUTENANT RATHGEB: I would say there
3 is boat traffic all over the bay and the South
4 River is no different than that in the last several
5 years.

6 THE CHAIRMAN: Okay. Anymore questions
7 for the lieutenant? Thank you, lieutenant. Sorry.
8 Mr. Hellner.

9 MR. HELLNER: It was clarified, or the
10 chairman clarified there is a hundred foot standoff
11 for PWCs, my concern therefore, or my concern is
12 what happens when somebody does go by too close to
13 Mike's Crab House, do the police have any authority
14 to react to that or would this come under a
15 reckless boating statute?

16 LIEUTENANT RATHGEB: Again, I assume
17 you're talking about speed?

18 MR. HELLNER: Yes, sir. We call it
19 wake. Let's say the wake at Mike's --

20 LIEUTENANT RATHGEB: Right.

21 MR. HELLNER: Sorry, I'm sorry, I have

1 to put that on the record -- I'm sorry. Yeah, we
2 boaters would say we waked Mike's Crab House or
3 Joe's, all rec boaters run the speed past an
4 establishment like Mike's, what options do the
5 marine police have?

6 LIEUTENANT RATHGEB: I just wanted to
7 make sure I have this straight. Again, obviously
8 on the weekends you have the six knots speed zone,
9 but outside of that is there a reckless or
10 negligent charge? Now, the officer would have to
11 be able to articulate that in a court of law if
12 he's going to charge somebody. What about the
13 action was reckless? What about the action was
14 negligent? And if they have enough that they can
15 articulate that, then that would be the charge, it
16 would be a negligent operation charge. Reckless is
17 reserved for when there is a serious injury
18 sustained because of the accident.

19 MR. HELLNER: Thank you.

20 THE CHAIRMAN: Thank you. Anymore
21 questions? Ramona.

1 MS. TROVATO: So have you heard from
2 anybody that says oh, we're thrilled to death that
3 you got rid of that six knot speed limit, any of
4 the officers?

5 LIEUTENANT RATHGEB: No.

6 MS. TROVATO: Thank you.

7 THE CHAIRMAN: Okay. Anymore questions?
8 Thank you, lieutenant.

9 LIEUTENANT RATHGEB: Thank you.

10 THE CHAIRMAN: Anybody here opposed to
11 the -- nobody here.

12 Because this is our only regulation
13 request, we actually have a fairly short agenda
14 today. We're going to go right into deliberations
15 and handle this request right here, right now, so
16 we can move forward and we'll be wrapped up before
17 lunch today.

18 Okay. Members of the committee, does
19 anybody have a motion? Mr. Lunsford.

20 MR. LUNSFORD: Yeah. My recollection
21 was that before the piers were extended and before

1 about 1991 when that regulation was placed there
2 was no speed limit at the Riva Bridge. When the
3 regulation was placed it was in response to the
4 building of a 92 slip, I believe, marina.

5 MR. PIERA: 50.

6 MR. LUNSFORD: 50. And the regulation
7 was in order to protect that marina. Since the
8 marina doesn't officially exist, since it doesn't
9 have a pumpout station, and no slip rental, then
10 the rationale to put it in the regulation gets kind
11 of weak. I made 17 site visits during the summer,
12 14 of them were normal boating weather and three of
13 them were during an impending thunderstorm and I
14 think that was fair, I've seen no more than four
15 boats tied up on the end of the docks at any given
16 evening and only once did I see a small boat go by
17 at plane. Every other boat I seen, except for some
18 jet ski activity below the bridge, was at six
19 knots, including a NRP that came up the river and
20 came off plane at the sign -- which I thought was
21 interesting -- during the week. So the rationale

1 was to protect the marina with a speed limit and
2 what we've done is we have protected four people on
3 boats that tie up at the T pier that sticks out in
4 the middle of the river.

5 THE CHAIRMAN: Mr. Hellner.

6 MR. HELLNER: I've personally had three
7 site visits to the site during the week, because
8 that's what's at issue, and my site visits again
9 would be during typical boating weather and I
10 observed very little activity. Also, my direct
11 observation -- and no, not much activity at Mike's,
12 and nobody that appeared to be creating wakes.
13 That's only three examples in the 24/7, so I
14 certainly want to make sure that is in the record.
15 So I did directly observe the area three times.
16 The other thing, as a boater I looked at the area
17 itself and the size of the waterway and noted
18 that -- and I think we can get the numbers from the
19 DNR too, if we need to of the direct comparison --
20 but I noted that it was a wider waterway than many
21 waterways that they have similar restrictions

1 Saturday, Sunday and holidays only. I also recall
2 last year that we considered the waterway on the
3 Magothy River that was narrower and again the issue
4 was a series of slips, a marina had a series of
5 slips fairly far out into that particular waterway
6 and again the request was for a 24/7 speed limit.
7 But our assessment, again, observing the boat
8 wakes, where they die down, how far they extend,
9 size of boats that go by, we concluded that there
10 wasn't a reasonable issue with regard to balancing
11 the needs, or rather the rights of recreational
12 boaters to use the waterways versus the business,
13 so I just want to remind the committee members of
14 that when they consider this, is that this is a
15 wider waterway than several other waterways where
16 we did not restrict the speed seven days a week.
17 That said, my other question goes to -- I was not
18 on this committee when the decision was made to
19 change it from 24/7 -- so do we have the record
20 that indicates what the conclusion, why the
21 committee did it, after having, as the gentleman

1 said, 20 plus years of it being 24/7? Why did the
2 committee -- and probably several of us that are
3 sitting here today were here when this decision was
4 made -- so maybe some of my fellow committee
5 members could let us know why it got changed.

6 Thank you.

7 MR. LUNSFORD: In answer to your
8 question, Jon, it's the lack of a marina that never
9 came to fruition. The regulations were based on
10 the presence of a multi-slip marina and it just
11 never happened. So during one of my reviews it
12 became apparent that that regulation was put in
13 place for a reason to protect a facility that
14 didn't exist. When the restaurant had shorter
15 piers and didn't stick out so far, I don't ever
16 remember there being a problem with vessels going
17 by at speed. So it wasn't until they got extended,
18 they're out closer in the channel and a navigable
19 thoroughfare, that it became an issue. But there
20 is no marina.

21 THE CHAIRMAN: Mr. Hellner.

1 MR. HELLNER: Where was this marina that
2 no longer exists that was basis of this?

3 MR. LUNSFORD: 50 slips that were built
4 by Mike's that are unoccupied. I mean there's --

5 MR. HELLNER: I understand. Thank you.

6 THE CHAIRMAN: Okay. I actually, I went
7 by the marina a couple of times and I did note that
8 there were, on a Thursday afternoon there was at
9 least a half a dozen boats tied up at the end of
10 the pier. Actually, one of them was a fairly nice
11 speed boat out at the T head of the pier and I saw
12 about four boats go by during the time period that
13 I was there and interestingly enough just like you
14 said two of the boats actually slowed down, came
15 off of plane at the speed limit markers, and then
16 two of them rode through, but they were small
17 boats, you know, throwing a small wake, but I did
18 notice a movement with the boats out at the end of
19 the pier. So several, several other days I went by
20 there were a couple of boats there and, you know,
21 just one or two boats traveling through the area,

1 but it was interesting, about half of the boats
2 seemed to slow down even though there is not a
3 speed limit there.

4 Okay. Do we have a motion by anybody on
5 the committee on what they would like to do?

6 MS. TROVATO: May I ask a question?

7 THE CHAIRMAN: Go ahead.

8 MS. TROVATO: We have a process anytime
9 we're going to change or implement a new
10 regulation, have we continued to follow that
11 process, have we put out a buoy saying that we're
12 considering a new speed limit or not?

13 THE CHAIRMAN: I will let Mike answer
14 that, but I believe yes, both times. Mike?

15 MR. GRANT: Yes.

16 THE CHAIRMAN: Okay. Any motion from
17 anyone on the committee? Mr. Hellner.

18 MR. HELLNER: The issue was raised that
19 would it be possible to do this just in the peak
20 time of the year; is that possible? I guess my
21 question is --

1 MR. GRANT: That is. Boating season is
2 considered peak. That's what we basically set them
3 up from April 15th until October 15th.

4 MR. HELLNER: Okay. Thank you, I
5 understand.

6 THE CHAIRMAN: Okay.

7 MR. LUNSFORD: I make a motion for the
8 committee to recommend no action but that we
9 continue to monitor the situation and if NRP begins
10 to see complaints that we reconsider in less than
11 our three year standing.

12 MS. CRAIG: Second.

13 THE CHAIRMAN: Okay. Amy seconded.
14 Discussion.

15 MR. LUNSFORD: Well, we have taken --
16 there is a public waterway that has regulation
17 imposed and I understand that there is a concern
18 about boats that tie up to that T head, but I have
19 not seen a problem and, again, the Natural Resource
20 Police haven't had -- well, my 14 visits I haven't
21 seen a problem -- Natural Resources Police haven't

1 had any complaints or notices of accidents or
2 injuries, so I think the regulation could be
3 withdrawn without having any a negative impact. It
4 was also two years before anybody had noticed it
5 had been changed, which tells us something about
6 the frequency of traffic through the area. Most of
7 the boats -- my observation -- that do go up and
8 down are residents and they know that they're going
9 by a facility that they need to watch their wake.
10 Those are observations on my part.

11 THE CHAIRMAN: Ramona.

12 MS. TROVATO: So we have nobody that
13 came in -- is this right, Mike, did anybody come in
14 opposed to the six knots regulation? And we have
15 65 people on a petition in favor of a six knots
16 regulation?

17 MR. GRANT: Yes. No and yes, in that
18 regard.

19 MS. TROVATO: Yes. And we have the
20 owner of the waterfront property saying that he's
21 actually losing business because people are afraid

1 for their safety getting on and off the boats?

2 MR. GRANT: As he testified.

3 MS. TROVATO: As he testified. But no
4 reports from people to the marine police or
5 anybody?

6 MR. GRANT: I have not received any
7 reports, and the marine police testified that they
8 had not.

9 MS. TROVATO: I'm inclined -- well, I'm
10 inclined to let them have the six knot speed limit
11 back, but with the direction that Bob's proposal is
12 if we did take a look at this again in say a year,
13 and in that time -- I'm sorry, I forgot your name.

14 MR. PIERA: Piera.

15 MS. TROVATO: -- Mr. Piera either
16 collect more signatures or have an additional
17 report, have people report their safety concerns,
18 it might give the committee more information in
19 making that very good decision. Because, like the
20 rest of this committee, we want the waterways to be
21 useful to as many people as absolutely possible,

1 which is one of the reasons, as I recall, that we
2 eliminated this six knots speed limit here. It
3 wasn't in order to harm anyone. It was, in fact,
4 in order to make the waterway more useful to more
5 people. It would be an unintended consequence of
6 the action of the committee should a safety concern
7 arise that we have already anticipated. I'm
8 sympathetic to this request. I wish we had more
9 data.

10 THE CHAIRMAN: Thank you, Ramona.
11 Robin.

12 MS. ALLISON: While I have Mike Grant
13 here, we have a similar incident that is where I
14 live. I have very nice restaurant, which I
15 frequent greatly, but it caters to motorcycles and
16 they have a great time speeding past my house, and
17 the only way I got any help at all was every time
18 they did it I called the AA County Police and said
19 okay, I got a problem with them again. And after
20 about four or five complaints -- so if we can
21 review and revisit it. I would suggest that every

1 time your customers have a problem with it, you
2 give them a paper with DNR's phone number on it and
3 maybe an officer's phone number and say please call
4 this number and tell them you have got a problem.
5 That way -- because otherwise they wouldn't think
6 to call DNR. I mean it's not, it's not an on the
7 water issue, it's tied up in a slip issue. So
8 anyway, just a thought process. Because as I say,
9 I'm dealing with this on the other end. So thank
10 you.

11 THE CHAIRMAN: Anymore comments? Steve.

12 MR. KLING: I have a question. Does
13 anybody know the vertical height of that bridge? I
14 have been under there a fair amount of time, that's
15 not a high bridge.

16 MS. ALLISON: Not sailboat water under
17 that bridge.

18 THE CHAIRMAN: Horizontal clearance, 50
19 feet. Vertical clearance, 25 feet.

20 MR. KLING: Okay.

21 THE CHAIRMAN: Mr. Hellner.

1 MR. HELLNER: My primary concern --
2 well, first of all, I want to say absolutely I
3 certainly would take Mr. Piera's concerns very
4 seriously, so it's sort of like I would haggle with
5 what was said. But if we can get more direct
6 evidence of issues that affect the public welfare
7 and safety, that would help us in our task a lot.

8 As it stands, I'm inclined to leave the
9 regulation as it stands. And one of my major
10 issues, as I already stated, is it's a fairly wide
11 waterway relative to other waterways that are not
12 restricted during the week. I think absolutely on
13 busy days on the South River it is in fact a zoo
14 all of the way up and down the South River. I have
15 lived the dream, I know what it's like. However,
16 my direct observations during the week -- and I'm
17 not an expert on the South River, I think several
18 folks are more experienced with it than I am during
19 the week -- it seems like the boaters and
20 businesses and shore owners do live fairly
21 comfortably with unrestricted speed limits.

1 The other thing I would like to observe
2 is we have no one else here up river to say hey,
3 give me my speed limit, or rather I'm opposed to
4 the petition because it impedes my position to get
5 on up river to my property.

6 So again, what I'm saying, I think for
7 now I'm saying and I would suggest to my fellow
8 committee members that we leave it as it, which is
9 the weekend and holidays restriction only, but we
10 definitely leave this as an issue to more fully
11 explore. Especially through the help of folks like
12 Mr. Piera, we can establish that there is an
13 overriding issue that would require us to look at
14 the speeds at all times.

15 THE CHAIRMAN: I guess, I want to throw
16 in my own two cents, comment. I had asked the
17 question earlier about the horizontal clearance
18 being 50 feet, so if a boat goes through at exactly
19 the center of the channel, given that your average
20 boat is about eight feet wide, we have about 21
21 feet on either side of that until they hit a bridge

1 abutment, so as a prior NRP boating safety educator
2 and a fire boat captain that one really concerns
3 me, that at some point somebody is going to hit
4 that bridge going through at speed. So I, I would,
5 I was surprised when we removed that regulation and
6 I went and looked at the bridge and went under in
7 my fire boat how tight it is under there, so I'm
8 inclined to put the speed limit back. That's my
9 opinion.

10 (Simultaneous cross talk.)

11 THE CHAIRMAN: I can share my two cents.
12 Any other comments?

13 The motion is to leave it as it is;
14 however, we have the option to revisit it within
15 the three year time period if anything arises that
16 gives us reason to come back to this.

17 MS. HENNINGER: Hi. I just wanted to
18 say after hearing this -- it really makes sense --
19 it looks like it's an accident waiting to happen.
20 Several of you have indicated that the boats don't
21 slow down until they get there and some don't slow

1 down, and if it was there and those people are used
2 to it, it's more than two years out, so if we
3 implement it it shouldn't be a problem in thinking
4 it's still there. We haven't had anyone come in
5 from the upper that was there for 20 years and say
6 they don't want it. So why don't we look the other
7 way, instead of the way we're looking and put it
8 back in?

9 MR. SHELLER: The boat size that we're
10 talking about which make it under the bridge in my
11 opinion are less able to navigate at low speeds
12 than at high speeds. I would much prefer to go
13 through that bridge 20 knots rather than five or
14 six knots particularly in stern drive boats or
15 outboard boats that have very restricted steering
16 control at low speeds.

17 THE CHAIRMAN: Anymore discussion?
18 Deliberation?

19 MS. HENNINGER: But the question is it's
20 already six at the bridge so -- oh, it isn't. I
21 thought it was going through the bridge, but it's

1 open at the bridge?

2 THE CHAIRMAN: Yes.

3 MS. HENNINGER: Oh.

4 THE CHAIRMAN: No speed limit in the
5 area other than Saturday, Sunday and holidays.

6 MR. HELLNER: Question?

7 THE CHAIRMAN: Go ahead.

8 MR. HELLNER: This would be to the DNR.
9 Although Steve here has been whispering in my ear
10 about the difficulties of doing something like
11 this, this is kind of a unique area, and I'm
12 wondering if -- could a six knot zone be
13 established so many hundred feet off of Mike's Crab
14 House, you know, seven days a week during boating
15 season so we allow the travelers up river to
16 proceed at speed and still protect, which is a
17 potential danger, and, plus, more than six knots
18 under the bridge -- I look at the bridge too and
19 I'm not sure, I would have to look at it some more,
20 because I have heard some testimony by fellow
21 boaters, some like it fast, but some prefer to go

1 slow under there. But my question, I'm just asking
2 a question from the DNR, could we do that?

3 MR. GRANT: So to clarify, to clarify
4 your request, you're asking for a six knots zone
5 here, everything center from that is six knots
6 (indicating)?

7 MR. HELLNER: Yes, sir. Yes, sir.

8 THE CHAIRMAN: Mike, we did that and/or
9 it was done in Chestertown to protect a fuel dock,
10 but after visiting the area numerous times it's not
11 boats within that zone, it's boats that are running
12 in that channel and that wake is coming over at the
13 crab house at the piers there. So while we could
14 do it, I don't think that addresses what the
15 concern is. And then also if we were to do a speed
16 limit within an area just outside of the bridge,
17 you now have folks coming off plane in front of the
18 marina throwing, in front of restaurant throwing
19 the wake at the restaurant, so that's just my
20 opinion of what, what -- that wouldn't really solve
21 the problem if that's the way. Mr. Kling.

1 MR. KLING: Yeah, I think that what I
2 was whispering in Joe's ear was to try to carve out
3 a 24/7 notch Saturday, Sunday and holidays limit
4 would be very confusing and difficult to know
5 about. What we did in Chestertown was not -- we
6 did put a bubble around the fuel dock, but it was
7 not within the context of a larger speed zone. We
8 did that little punch out outside of the Trade
9 Winds, not across the river, so we have done the
10 smaller speed zones, but not in the context of a
11 larger one, and I think it would be a nightmare for
12 the department to notate and enforce.

13 THE CHAIRMAN: I agree. Anymore
14 comments?

15 MR. SHELLER: If the bridge were not
16 there and there was a three hundred feet pier out
17 in the navigable waters, would we be talking about
18 this? A private pier?

19 THE CHAIRMAN: Thank you. Good
20 question. Any other comments?

21 We'll call the question. So the motion

1 was no action, but leave it open if anything should
2 arise within the three year time period and we will
3 revisit this if needed.

4 MR. LUNSFORD: Right.

5 THE CHAIRMAN: All in favor. Hands up.
6 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 in favor. All
7 opposed to? Three opposed. Okay. No change for
8 now but the option is there to revisit it if
9 needed. Thank you. Mr. Grant.

10 MR. GRANT: Clarification on the as
11 needed clause that will come from the concerned
12 boaters on the river and Mr. Piera if he witnesses
13 and maybe reports it and we get NRP the reports
14 that says that and we can do this again.

15 THE CHAIRMAN: Yes. Okay. Thank you.
16 Thank you, sir.

17 MR. PIERA: Thank you, very much. Have
18 a good weekend.

19 THE CHAIRMAN: Mr. Grant, Maynadier
20 update.

21 MR. GRANT: I would like to waive my

1 time in favor of Mr. Anderson who has an
2 appointment I believe around noon and has to shoot
3 out of here and we would like to let him talk to
4 us.

5 THE CHAIRMAN: Absolutely.

6 Mr. Anderson, welcome.

7 MR. ANDERSON: Well, thanks. Thank you,
8 sir, Mike, I appreciate you for pushing me ahead in
9 order and I'm trying to stay as long as I can, but
10 thank you. Anyway, we have an hour -- I don't know
11 how long you're going to talk about Maynadier, but
12 anyway, a very short message to you all.

13 Again, as I mentioned in the last
14 meeting, I want like to thank you, each and every
15 one of you for service on this committee. The
16 commission structure that's been setup in the state
17 of Maryland is incredibly valuable for DNR to do
18 it's operation, but I know you guys do this on a
19 volunteer basis. Many of you run businesses and if
20 you're not doing your business, you're losing
21 money, so it's an incredible contribution and

1 effort that you put in. So I want to thank you for
2 that again.

3 My only comment for the day is you all
4 have heard of course by now, or if you haven't, our
5 former boating director, Boating Services director
6 Mark O'Malley has resigned. Mark -- excuse me --
7 has accepted a job with the federal government in
8 the Department of Transportation in the Marine
9 Maritime Administration, a pretty significant job I
10 believe in terms of homeland security and other
11 important matters for the United States. So his
12 talents are really needed there. I'm glad that
13 he's the person that they picked. A loss for us of
14 course.

15 In the interim, until we decide what
16 we're going to do, we don't know what we're going
17 to do, and we don't know how we're going to long
18 term continue to run Boating Services, but in the
19 interim Mike, of course, will continue to manage
20 this process and take care of the issues at Tawes.
21 Our hydrographics team and our boat captains that

1 spend their time on the water is an amazing group
2 of folks who know exactly what they are supposed to
3 do, so I have no issues with that going forward.

4 Summers Cove Marina has a great new
5 team, some new additions to an already great team,
6 and they're doing some great things. Boating is
7 very stable and Boating Services is going forward
8 and as soon as we decide how we're going to move
9 out in the next couple of months we will, of
10 course, advise you.

11 That was my only issue that I wanted to
12 advise you all on at the meeting this morning. So
13 thank you for your time, I appreciate it.

14 (Applause.)

15 THE CHAIRMAN: Thank you, Mr. Anderson.
16 Mr. Grant, back to you. Maynadier.

17 MR. GRANT: We received a request,
18 numerous requests from a riparian owner in
19 Maynadier concerning the existing ski course and
20 the fact that it was misaligned and that the skiers
21 were exceeding the area six knots. Mark O'Malley

1 agreed, as well as Rich Kitney from Army Corps, to
2 revisit the area, as well as have the skiers take
3 us out in the boat and put on a demonstration, the
4 riparian owner and other riparian owner join us for
5 the day. What it came down to was an Army Corps
6 issue. Army Corps decided where it would be and
7 the skiers were to mark it. They did mark it.
8 Army Corps then had to approve that location based
9 on the position of the buoys that the ski club
10 placed.

11 Right now it's still in deliberation.
12 It is not an issue for us. The skiers are as far
13 as we're concerned operating properly within the
14 parameters we've provided for them and every time
15 the gentleman calls me back or sends me an e-mail,
16 I direct him back to the Army Corps. As far as I
17 know the Army Corps is on this. They will be
18 making a final decision. What that is, I have no
19 idea, but it's on them. And that's where it stands
20 right now.

21 THE CHAIRMAN: Mr. Hellner.

1 MR. HELLNER: Question just to make sure
2 I understand the report. What's with the Army
3 Corps? These are markings that were directed by
4 the Army Corps to the ski club to establish, so the
5 Army is still deciding whether the markings the ski
6 club placed are what they wanted?

7 MR. GRANT: As part of the Army Corps
8 permit the ski club is required to identify
9 correctly the location that was approved for the
10 ski course to exist in, and this is primarily to
11 give to NOAA for the map to let -- or for charting.
12 So if you come in here, you know there is an active
13 ski course in there. The ski club was slow in
14 getting those buoys in. They finally got them in.
15 When they submitted the request for the change in
16 the orientation of the course they used a 1992 topo
17 map from the original request and, of course, it's
18 hardly scientific because the width of the pen mark
19 was probably 50 feet. So when the buoys were
20 placed, the landowner said this is not right, it
21 has to be according to this, and there is a 50 foot

1 variance -- and I'm just picking that number -- so
2 the skiers set it with GPS and the person is not
3 happy with it. He feels that not only is it
4 mispositioned, it's too long, they're still
5 exceeding their speed outside of the course. And
6 right now Army Corps is using that information,
7 they're going back in. And how this is going to
8 side, how this is going to turn out, we don't
9 know, but the ski club insist they need 1,970 feet
10 in length in which to exist. If they put it -- if
11 the course area is reduced to the size that the
12 riparian owner feels it should be based on the topo
13 map, it won't be 1,970 feet. But that's the only
14 issue at this point and it's the Army Corps issue,
15 not ours.

16 MR. HELLNER: Thank you, Mike.

17 MR. GRANT: Sure.

18 MR. KLING: So Mike, what I think you're
19 saying is the club is seeking a reorientation of
20 the course?

21 MR. GRANT: That had been done. That's

1 where it is right now. As you recall, that course
2 was 12 to 6, now it's 1 to 5, 1 to 7.

3 MR. KLING: They're looking to reorient
4 the course. What is before the board has nothing
5 do with our use?

6 MR. GRANT: Yep. Just letting you know
7 this is going on because you need to know.

8 MR. KLING: And the issue is driven
9 primarily by one individual?

10 MR. GRANT: One very determined
11 individual, and another person at the south end of
12 the course. The one is at the north end of the
13 course and the other is at the south end of the
14 course.

15 THE CHAIRMAN: Okay. Actually, while
16 you're talking about Maynadier, we'll get an update
17 from Ramona and the group on, and Mr. Hellner, on
18 the site visit.

19 MR. GRANT: I understand some concerned
20 citizens you're going to take, not Boat Act
21 members, but concerned citizens; is that correct?

1 THE CHAIRMAN: Yes, that's correct.

2 MR. HELLNER: I have been in dialogue

3 with state Senator Edward Reilly, who as many of

4 the committee members know sponsored a bill in this

5 year's legislative session in the spring, which

6 restricted the hours of this -- correct me if I'm

7 misstating -- that the DNR ultimately established

8 for the ski club, ski club and skiers pushed back

9 hard in a lot of great, what I thought was great

10 testimony. I attended the hearings as an

11 interested citizen who happens to be a constituent

12 of Senator Reilly, I also felt that the bill was in

13 error, that the senator did not and does not fully

14 appreciate this is a responsibly run ski course and

15 the hours help our fellow citizens maximize their

16 ability and to help the citizens enjoy this course

17 safely and without disturbance to fellow neighbors.

18 Some may disagree with that. In the course of that

19 dialogue, I offered to the senator to arrange a

20 trip, just a boat trip essentially. We didn't talk

21 about the ski course initially. In dialogue with

1 the senator over the summer he indicated that he
2 would love to see the skiers actually doing their
3 skiing, have the ski course in operation. I
4 dialogued with some members of the ski course and
5 the members of the committee, the bottom line is,
6 yeah, the ski club would love to have the senator
7 come out and observe them in action so they can
8 fully and directly understand.

9 We're not doing that as official
10 representatives of this committee or the DNR, we're
11 simply -- I happen to be a constituent, I believe
12 that Ramona is a constituent, and the Trovatos have
13 kindly offered to use one of their vessels to take
14 the senator out. So we're meeting at Ramona's on
15 September 12th to take the senator and three
16 additional guests out for a ride on the Severn
17 River, and we're happy to answer any questions he
18 may have about the river and recreational boating
19 or about the ski course at this time. Amy, who is
20 much more of an expert than probably any of us here
21 on the ski course and how it operates, is able to

1 go with us on September 12th. This is in the
2 afternoon, around 1-ish or so. I think we're going
3 to establish the final details when we get together
4 after the meeting.

5 So this is where we stand. We recognize
6 this is probably -- this is the best format to do
7 it. That we should not involve the state or DNR in
8 any way. He obviously is a representative of the
9 state and private citizens and he's well aware that
10 several of us are on the committee and has been
11 very complimentary to me in the e-mails about the
12 work of this committee, he understands it, and this
13 is friendly let's get out on the water and show you
14 what we're talking about and develop a better
15 relationship with the senator to have good, two-way
16 dialogue about this course.

17 THE CHAIRMAN: Thank you. Anything else
18 on Maynadier Creek? Any questions, any comments?
19 Thank you. Louis Wright, you're up. Poplar Island
20 project expansion.

21 MR. WRIGHT: In my other role, piece of

1 my job, another piece of my job, I work for
2 Fisheries and Shellfish. We had a request this
3 summer to survey a piece of --

4 THE REPORTER: Louis, I'm sorry, I can't
5 hear you. Please use the microphone.

6 (Discussion held off the record.)

7 MR. WRIGHT: In the other piece of my
8 job working for Fisheries and Shellfish we had a
9 request in the early part of the June or early
10 July --

11 THE REPORTER: I am sorry, Louis, please
12 speak into the microphone. I can't understand you.

13 (Discussion held off the record.)

14 MR. WRIGHT: There was a number of
15 articles in the Talbot County paper about watermen
16 and recreational boaters striking submerged objects
17 around Poplar Island and I had occasion to go down
18 there, and I was working for Fisheries and I knew
19 of a rock pile that had been placed when they first
20 started the Poplar Island project and it was
21 somewhere in this area here (indicating). They had

1 placed it as a fishery and never buoyed it. But
2 apparently what they have done is they have now
3 gone, they're moving on to an expansion of Poplar
4 Island, which is this outline here (indicating),
5 and the area of construction I was concerned about
6 apparently has been removed; however, what they're
7 constructing is going to be fairly large area.
8 This section here, though, the little, curvy piece
9 with the lines in it (indicating), is going to be
10 sort of I guess a marsh area and the Corps
11 apparently had discussions with Fisheries Services
12 about what that area is going to be. I believe
13 it's supposed to be -- they call it an open water
14 abatement in the plan. I was fairly able to locate
15 a drawing of what they had in mind in a 2005
16 report. This has obviously been going on for some
17 time, but their final report is 2005 and they just
18 started construction now. But eventually this
19 whole area outlined in red (indicating), will
20 probably become like the rest of Poplar Island.
21 If you want to jump to that other slide.

1 MR. GRANT: Yes, I do.

2 MR. WRIGHT: Now, that's a zoom out
3 view. This is Kent Point area, Tilghman Point,
4 Tilghman is down here (indicating). What I sort of
5 wanted to let you all know about is with that
6 structure being there we can sort of say there is
7 going to be a potential for an interesting effect
8 with the tide. Because that right now tide coming
9 in, the permanent structures around Poplar Island
10 go up and to the side and what's likely to happen
11 with this thing in place is the current is going to
12 tend to bounce up that way, and then on low tide as
13 the tide comes down out of here it's going to tend
14 to catch water and force it through the Poplar
15 Island area, and it's likely there's going to be
16 increased tidewaters in terms of current speeds and
17 people may or may not be aware of that. So people
18 may be surprised at this. Whether it's going to
19 cause a problem for people at the shorelines, I
20 don't know. I don't see a major problem from that
21 per se, but it's going to be different for us. It

1 really has potential, you know -- like it doesn't
2 effect boating operations directly, but with this,
3 with the potential for changing the tidal flow, how
4 Shellfish identifies oyster patterns and things
5 like that, things are not going to be like they
6 were in the past. But I thought you all should be
7 aware of that in case people start, you know,
8 reporting problems or issues. The contractor is
9 supposedly placing lighted buoys around this
10 construction area (indicating). When I was there
11 in June, it had little yellow buoys with flags but
12 no lights on them so, you know -- there is a lot of
13 equipment there, but it's not, you know, exactly
14 where they put rocks and things like that. There
15 is a little bit of that cleared, so it's, you know,
16 it is an active construction zone.

17 MR. GRANT: Yeah. If I might jump in.
18 We got a call, the governor's office called us
19 about three weeks or a month ago concerned with
20 citizens reporting that that area was not marked.
21 And what they did in the beginning is they put out

1 a dozen, dozen and a half buoys around this area
2 (indicating), but they have only put five lighted
3 ones across from Lowes Wharf. So if you're coming
4 in this way (indicating) you may be hit and the we
5 called them, and the Army Corps met with the
6 contractor and saw the errors in their ways, and
7 they're going to put in lighted buoys all of the
8 way around. They should be installed in the next
9 week or so.

10 THE CHAIRMAN: Thank you for the update.
11 Anything else, any questions?

12 MR. KLING: Could I make a motion that
13 Mike organize a tour for us?

14 MR. WRIGHT: I believe they actually
15 will do that for us. You have to sign up for them.

16 MR. GRANT: Yes, they will.

17 THE CHAIRMAN: Mike, you want to look at
18 putting one together for the committee? Thank you
19 Louis.

20 (Discussion held off the record.)

21 THE CHAIRMAN: Hold on, I'm sorry. My

1 fault. Ms. Allison.

2 MS. ALLISON: Hey, Louis, I gotta quick
3 question for you -- or actually two. Does that
4 area impact the channel behind Poplar at all?

5 MR. WRIGHT: Not as far as I know. What
6 they basically designed all of that area around is
7 the natural, the legal, natural oyster bars so
8 they -- which tend to -- they're there and they
9 tried to stay 50 to a 150 feet away from them,
10 which again the oyster bars are outside of the
11 shallow water. There is deeper parts. So where
12 they have the bars, you know, sounds
13 counterintuitive in the deeper areas, the shallow
14 water's closer into shore --

15 MS. ALLISON: How does what's proposed
16 effect Jefferson Island?

17 MR. WRIGHT: Basically goes around it.
18 It's inside of that, inside of that little harbor.

19 MS. ALLISON: In that little area there.
20 So Jefferson or Coaches Island are not impacted?

21 MR. WRIGHT: Yeah, as far as I know. I

1 haven't seen -- what I got I had to go through the
2 Internet in order to find -- the Corps doesn't have
3 it on the website as to what we're getting ready to
4 do. It took some searching to find out what
5 they -- and like I said it was 2005 -- so that was
6 a final version and it must have been in the
7 process for probably 10 years before that.

8 MS. ALLISON: Yeah, I know it's been
9 going on for quite a long time.

10 I would like to second us going out and
11 looking at it. I think it would be good for us.
12 Thanks.

13 THE CHAIRMAN: Thank you, Louis.

14 Up next, Julie Brown.

15 MR. LUNSFORD: You have a motion on the
16 floor, Mr. Chairman, a motion and a second.

17 (Discussion held off the record.)

18 THE CHAIRMAN: Okay. Mr. Grant already
19 said he's going do it for us, but the motion was to
20 have a site visit and seconded. All in favor.

21 (Vote taken.)

1 THE CHAIRMAN: Opposed to? Thank you.
2 Very good. Thank you for holding my feet to the
3 fire, Mr. Lunsford.

4 Julie, jet ski Julie, Julie of all
5 things NRP.

6 MS. BROWN: All things. Yes, thank you
7 very much. That was a very welcoming introduction.
8 Old nicknames stay forever, right?

9 Basically, I want to pass this around
10 just to add a little lightheartedness to a topic
11 that can be very daunting, and that's boating
12 safety and keeping all of our boaters in Maryland
13 and all across, you know, the tristate area --
14 which we're all real close together, close-knit
15 group -- and so I'm just going to start this here
16 and pass it around and have a lighthearted laugh.

17 But the thing I wanted to talk to you
18 about a little bit is our efforts in regards to the
19 bow riding campaign that was suggested after the
20 legislature last year and with this still being a
21 part of negligent operation, meaning bow riding is

1 under negligent operation, we decided to go to a
2 campaign which would focus on educating the boaters
3 of Maryland about the importance of not riding on
4 the bow or hanging by parts at any point off a
5 moving, motorized boat. So the slogan we came up
6 with, obviously as you see so proudly displayed
7 here today, is the Ride Inside Program. And it was
8 a logo that was taken from the United States Coast
9 Guard, they had used this and some other
10 documentation for rental boat safety, and we
11 thought that this would be a perfect example of
12 what the information is that we want to get across
13 to people. It tells you exactly what we don't want
14 you to do.

15 Now, Chris over here is giggling because
16 he should have brought his picture of what another
17 state decided to use for their picture. Let's say
18 I am glad that we went with our little stick figure
19 person. So what Ann is showing you here is some,
20 are some pictures of the locations in which the
21 posters that we created with this logo -- and I

1 believe there is some actual posters over there for
2 Bob to take back and also the pictures of the ten
3 banners, which there is one displayed here on the
4 front of your table -- there are 10 of the Ride
5 Inside banners across the state. This one we're
6 hoping will go up in the Bass Pro Shop, which is at
7 Arundel Mills Mall, and we're hoping that we can
8 convince the gentleman there at Bass Tracker boats
9 and all of that to display that there. We have it
10 at two locations in Ocean City, one at the Coast
11 Guard station, and one at the new public boat ramp
12 on, is it 65th Street, I believe, in Ocean City.

13 As Ann goes through the pictures, that
14 one that you just saw was at Marshall Hall. So I
15 tried to get as broad a spectrum of the state of
16 Maryland with the message as I could. Now, mind
17 you, we have a lot of marinas and a lot of places
18 to get to.

19 This right here, anybody want to shout
20 out if they know where that is? Special prize.

21 THE CHAIRMAN: Hart-Miller.

1 MS. BROWN: Very good. You get the
2 special prize. I'm glad you guessed it. I don't
3 know what it is yet.

4 THE CHAIRMAN: Hart-Miller.

5 MS. BROWN: Hart-Miller Island.

6 THE CHAIRMAN: Not to interrupt, but I'm
7 passing the picture of the one from Pennsylvania,
8 the one that I sent you. You'll see the difference
9 between the stick figure and the picture --

10 MS. BROWN: Just some differences in
11 campaign ideologies and marketing tactics.

12 So this is a Hart-Miller Island picture
13 and they've get a lot, obviously a lot of traffic
14 there at Hart-Miller. And this is at Port Tobacco,
15 and the Ride Inside sticker or sign, which is
16 there.

17 I don't know -- Liberty Marina, which is
18 right around the corner from here, they have the
19 poster at their fuel dock and I went by yesterday
20 to look at that and Scott who runs that marina
21 there said he gets a lot of, lot of people talking

1 about it and looking at it, so I think that's good.

2 And this one, I know that is Cecil-- I
3 thought it was Severn -- Smallwood Park.

4 (Simultaneous cross talk.)

5 MS. BROWN: Very good. And this is one
6 of our reserve officers, I wish she had put a her
7 happy face on, but she was very diligent in getting
8 the signs up for me, along with many other reserve
9 officers. And the hands in helping getting these
10 up were the reason why the message has gotten
11 spread.

12 So we have a lot, lot of more to do with
13 it. We are right know -- I can hopefully say as of
14 today all of those, almost 95 percent of all of the
15 pontoon rental boats in the state -- that means
16 Ocean City to Deep Creek Lake now, thanks to Bob
17 Nickel -- this sticker will be on every pontoon
18 rental boat if I can help it by the end of next
19 year. So right now all of the pontoon rentals in
20 Ocean City I know have these. So this gets the
21 message out and we're hoping -- thankfully, as far

1 as I know, in regards to bow riding incidents the
2 closest one that we have had, which technically
3 wasn't bow riding, it was -- along with bow
4 riding -- standing in a moving boat is just as bad.
5 A group of individuals on a rental boat in Ocean
6 City partying on board of pontoon boat going along
7 the waves in Ocean City -- as we all know it's very
8 crowded -- so one of the guests in the boat bounced
9 out of the boat and she hence got her leg hit by
10 the prop. So that is really the closest one that
11 we've had to any of those type of incidents. And
12 then to boot -- let's knock on wood, just do it --
13 we're right now, in regards to fatalities for
14 boating we're at seven. So I don't want to say
15 even one is a good number, but we're doing better
16 this year. So far we've still got a little more
17 time left in the season obviously, but hopefully
18 the word is getting out there to get the boaters
19 educated and keeping our fatalities at a low level.

20

21 So if anybody has any questions for me I

1 would be more than happy to --

2 THE CHAIRMAN: Mr. Hellner.

3 MR. HELLNER: How do we get more? I'm
4 involved in various yacht club groups and
5 associations and I would love to see it and I think
6 most of the yacht clubs and marinas I know would
7 agree, they would love to have this up on their
8 piers or in the clubhouse or something along those
9 lines. My question is how do we get more, how does
10 somebody get more?

11 MS. BROWN: Well, it would be through
12 our shop, safety education section. I would
13 coordinate with our Lieutenant Robert Ford and
14 check through our budget. But our goal is to do
15 exactly that, get this information out to as many
16 marinas, where wherever people would like to post
17 them, as possible. So that would be through our
18 shop, and we are already planning on doing another
19 order of those posters. So I would definitely be
20 more than happy to coordinate that effort with you.

21 MR. HELLNER: Thank you.

1 THE CHAIRMAN: Mr. Levitan.

2 MR. LEVITAN: I would suggest that you
3 try and get this information to the yacht clubs.
4 There is a lot of yacht clubs out there, a lot of
5 boaters out there, and I'm not sure that they get
6 this type of information.

7 And actually, I can get you a book
8 listing all of the yacht clubs in the area.
9 Actually, in the couple of the state area, if you
10 would like, to send them directly to the yacht
11 clubs.

12 MS. BROWN: Absolutely, Fred, that's the
13 kind of resource I need in this type of venue here
14 today, so getting that would be wonderful.

15 Thankfully, now that the Reserve Officer
16 Program is under our section I have a few more
17 bodies than just myself to be able to help
18 disseminate that information, so hopefully we can
19 get that out there to all of the organizations.

20 THE CHAIRMAN: Mr. Hellner.

21 MR. HELLNER: Have you been in contact

1 with the Marine Trades Association of Maryland?

2 They would probably be happy to help you get this
3 out.

4 MS. BROWN: That's another one too.

5 MR. HELLNER: That's a suggestion --

6 MS. HENNINGER: With us --

7 MS. BROWN: It's actually -- this, this
8 is -- the campaign here was kind of a preliminary
9 phase campaign to see how it went over, and by your
10 response here today it seems to be very obvious
11 that it is something we need to continue and
12 therefore we will put the push on the effort to
13 make sure that we reach the yacht clubs and we
14 reach the Marine Trades for the best bang for the
15 buck with getting the word out. That's the key to
16 it.

17 So now that we know we're pretty happy
18 with the campaign, what it looks like, what the
19 message is, then we're going to go running for it.
20 So I appreciate all of your assistance in helping
21 to get that word out.

1 MS. HENNINGER: Do you have material in
2 your truck right now?

3 MS. BROWN: We're pretty much down to
4 the last -- I just handed out the last in regard to
5 the signage and stickers, as well. So we're going
6 to have to do another round of reprint and I will
7 make sure that you all will be my first point of
8 contact in regards to the reprinting of the next
9 round.

10 MS. HENNINGER: Don't forget the boat
11 show in Annapolis. So you'll be there?

12 MS. BROWN: Yes. We will be at the boat
13 show.

14 THE CHAIRMAN: I've got a question
15 mainly because they were trying to pass through the
16 legislature this past year and there was a push
17 from your division to do a separate, stand alone
18 bow riding regulation, are you going to try to do
19 this first as a safety education outreach and then
20 see what the numbers are and then revisit this or
21 is this something that we should continue to

1 follow-up on?

2 MS. BROWN: I believe this campaign
3 should be a continual one, even if we do revisit,
4 to make this is its own bow riding law for the
5 legislature. But right now in regards to whether
6 or not we're revisiting the legislature this year,
7 I have not spoken directly to our lieutenant in
8 regards to what his plans are for that. So but, in
9 regards to this campaign, I am all for continuing
10 it no matter what, spreading the message.

11 THE CHAIRMAN: Absolutely, we all agree
12 with that. The question for the committee is do we
13 grab ahold of the regulation before it gets
14 hijacked again and goes through something we don't
15 want it to go through?

16 MS. BROWN: I'll defer that one to Mike
17 Grant.

18 MR. GRANT: What?

19 MS. BROWN: Whether or not we're
20 revisiting the option to bring the bow riding into
21 its own like we did last year, separate from

1 negligent operation.

2 MR. GRANT: It hasn't been brought up
3 yet.

4 MS. BROWN: Hasn't been discussed. So I
5 haven't talked to Lieutenant Ford so I can
6 obviously ask him what his thoughts are in regards
7 to that.

8 THE CHAIRMAN: Thank you. Mr. Kling.

9 MR. KLING: On this point and,
10 Mr. Secretary (sic), clarification, we worked kind
11 of an emergency with NRP for language for
12 regulation, that never got implemented? Question
13 mark.

14 MS. BROWN: Never got implemented.

15 MR. KLING: Superceded by the
16 legislative effort?

17 MS. BROWN: Yes.

18 MR. KLING: The legislative effort made
19 a laughing stock of the state of Maryland
20 nationwide in sailing because the concept was fine,
21 you are all for it. But the, I would say, naive

1 language of the proposed legislation we --

2 MS. BROWN: Unfortunately, there were
3 changes made that were unknown and that happened.

4 Yes, we do understand that, so --

5 MR. KLING: You can get -- because I was
6 in regular communication with Mark O'Malley at that
7 time and he's saying, you know, hold off the dogs
8 and we held off the dogs from the sailing
9 community, but that would have been a pretty ugly
10 scene. I mean not out of any, you know, disconcert
11 with the program, but with the attempted execution.

12 MS. BROWN: Absolutely.

13 THE CHAIRMAN: Thank you, Julie. Looks
14 like a wonderful program and hopefully this will
15 start solving the program.

16 MS. BROWN: I hope so too. I thank you
17 all for your help and your time and you all have a
18 great day. I hope you enjoyed -- where is my
19 little cartoon that was going around -- a little
20 lightheartedness in the grand scheme of things.

21 THE CHAIRMAN: We're going to skip lunch

1 and get this finished up.

2 Mr. Grant, you're going to be up again,
3 2017 regulation requests.

4 MR. GRANT: We did that.

5 (Discussion held off the record.)

6 THE CHAIRMAN: My fault, we did that.
7 I'm sorry. 2018 regulation requests, any in?

8 MR. GRANT: No, that is correct.

9 THE CHAIRMAN: I'm sorry, I'm sorry. I
10 thought we were revisiting old business. Moving
11 forward.

12 (Discussion held off the record.)

13 MR. KLING: I would just ask is there a
14 reason -- and there may well be departmentally --
15 we should not revisit or rerecommend our, the
16 anti-bow riding language we proposed? Is there a
17 reason not to -- and this would be a hire up the
18 food chain question -- but is there a reason for us
19 not to be proactive and say, you know, legislative
20 community -- obviously whatever they want to do --
21 but we recommend, we like this idea?

1 THE CHAIRMAN: Well, that was kind of my
2 idea, we head it off at the pass and, you know, let
3 our committee, with the large number of experts
4 that we have here, draft the regulation that is
5 specific to bow riding, solve the problems that NRP
6 wants, and that is a definition of exactly what bow
7 riding is and allows them to put a fine attached
8 directly to that, you know, that regulation.

9 MR. GRANT: As an independent committee
10 you all can do what you want, and that's as far as
11 departmental support. You're making a
12 recommendation to the secretary, so if you would
13 like to move forward, the language that I recall
14 that we came up with last year or you all came up
15 with last year was pretty darn good. Why don't we
16 dust it off and bring it out again?

17 MS. BROWN: We revisited. It was good
18 at some point and somehow there was some changes
19 that had come about, but it could be revisited. We
20 do still have it, we still have that wording, and
21 like Mike said that would be something that you all

1 could revisit. And the main reason for that, I'm
2 sure you all understand, is that bow riding right
3 now is under negligent operation, which is a very
4 hefty fine, and if no one gets severely injured
5 when the officers go to court for it it ends up
6 being thrown out. So you all understand the whole
7 concept of how that one works.

8 THE CHAIRMAN: Mr. Grant.

9 MR. GRANT: Perhaps you would consider
10 as part of your report to the secretary concerning
11 today's regulation decision, recommendation you add
12 that to see if we can get the ball rolling again.

13 THE CHAIRMAN: Well, I'm in agreement.
14 I would like to get it rolling again. I don't want
15 to jump on it and say let's push it through without
16 revisiting and looking at the wording and see if we
17 can clean it up. We kind of rushed to get that
18 wording in there and get it as close to correct as
19 we could. I would like to revisit that and bring
20 it back to the committee and let's polish it up
21 some and run it through and be proactive and get it

1 through through our committee rather than have it
2 go to the legislature.

3 MR. GRANT: Right. How about if we
4 leave it out of the recommendation for the
5 secretary and I'll get the language you all agreed
6 upon back out to you, you all can wordsmith it, do
7 it electronically, and then at the October meeting
8 that will give us a good amount of time and then
9 deliver the recommendations to the secretary.

10 THE CHAIRMAN: That would be great, that
11 would be wonderful. Thank you.

12 MR. KLING: We can notify --

13 MR. GRANT: We will certainly involve
14 NRP.

15 THE CHAIRMAN: I would agree, I'd like
16 to see this move forward and --

17 MS. BROWN: It's not an easy task as you
18 recall from prior, so coming together as a group to
19 write the wording to match it would be great.

20 MR. GRANT: Would you like to present
21 that as a motion for the record? I'm asking.

1 THE CHAIRMAN: Steve.

2 MR. KLING: Sure. I move that the
3 committee proceed to formally revisit the whole bow
4 riding issue at the next available meeting.

5 MR. HELLNER: Second.

6 THE CHAIRMAN: Seconded. Any
7 discussion?

8 MS. ALLISON: I have a question for
9 Steve.

10 THE CHAIRMAN: Microphone, please.

11 MS. ALLISON: Am I to assume that the
12 problem with the legislative language last year had
13 to do with sailboats and people --

14 MR. KLING: No, not at all. It was
15 language as I -- the initial language in the
16 legislature, as I recall, I think was written by
17 nonboaters and it said you can't hang your legs
18 over the side of a boat, any part of your boat.

19 MS. ALLISON: Yeah. That definitely
20 would throw the sailing community into a tailspin.

21 MR. KLING: There are some boats

1 designed that cannot be sailed without body parts
2 hanging over the side.

3 MS. ALLISON: Exactly, and you can't put
4 up a spinnaker without dealing with that. A number
5 of good reasons to have boating people write that
6 legislation.

7 MR. KLING: We're going to have this 110
8 thousand boat world championship and that's going
9 to have a positive impact --

10 MR. GRANT: As I recall the last
11 iteration solved that problem, so I think -- I will
12 dig that out.

13 THE CHAIRMAN: It did do an amendment to
14 it, but I think it was a knee jerk and very quick
15 amendment. Again, it wasn't, it wasn't the
16 language that we had come up with in our committee.
17 It started off as a totally different animal and
18 then it was amended to try to address all of our
19 concerns, but it still needed just a little bit of
20 polishing from there. So I believe it's --

21 MR. KLING: My recollection is we came

1 to the meeting, NRP was there and the woman who was
2 the legislative person, I think she still is, for
3 the department was there and they had language, and
4 I think Ann may have been involved in some of that
5 language, drafting and adding it to the reckless,
6 negligent, there is going to be the third step of
7 bow riding, and it made a lot of sense and I think
8 we came up at the meeting or shortly afterwards
9 with decent language, and from our standpoint that
10 would be I think the way to go from a regulatory
11 standpoint in the legislature and obviously they
12 win.

13 THE CHAIRMAN: But if we can get it
14 through and be proactive to address it and say we
15 have gotten it taken care of, I think the major
16 part of the issue disappears along with Julie's
17 efforts to reach out for the education to show that
18 we're on top of this.

19 So the motion and the second to revisit
20 this at our October meeting, all in favor?

21 (Vote taken.)

1 THE CHAIRMAN: All opposed? Okay,
2 unanimous. Anymore old business? Any new
3 business?

4 MR. HELLNER: Earlier today we heard
5 testimony relating in and around, relating to the
6 water in and around the Riva Bridge. And
7 regardless of Mike's Crab House, my observation of
8 that area is the bridge may be a concern in that I
9 heard different opinions, some people would prefer
10 to run it slow, some are fine with going fast. My
11 personal view of that bridge is I prefer not to run
12 it fast, so that I don't know if maybe the
13 committee should -- so my question to the committee
14 is should we take a closer, we in conjunction with
15 the DNR, take a closer look? The testimony by the
16 DNR was hey, we don't have any problems, but it's
17 also pretty clear that if, as somebody mentioned if
18 somebody smashed into the bridge and then all of a
19 sudden everybody is up in arms saying why didn't we
20 have a speed limit around that bridge --

21 MR. SELLER: There is testimony in the

1 record that --

2 MR. HELLNER: I just heard from Jon that
3 we do, I heard testimony that we do not, there
4 is --

5 MR. SHELLER: Six miles --

6 (Simultaneous cross talk.)

7 MR. HELLNER: I thought it was Saturday,
8 Sunday and holidays --

9 MR. NICKELS: The rule says --

10 (Simultaneous cross talk.)

11 THE REPORTER: Everyone cannot talk at
12 the same time. Please use the microphone.

13 MR. GRANT: One voice.

14 (Discussion held off the record.)

15 MR. NICKEL: The rule says -- and this
16 happens a lot up at the lake -- jet skis, personal
17 watercraft, whatever you want to call them, have to
18 go six knots or less under the bridge, whereas any
19 other power vessel can go through at full speed.
20 The only regulation you see is the weekend only.
21 It's not limited to Friday.

1 MR. SHELLER: Correct.

2 MR. HELLNER: So I would like to
3 propose -- but I'm not sure if this is in order or
4 not -- is that we -- I'll look at Mike too for
5 advice -- do we move to continue to investigate or
6 seek information about the bridge itself and
7 whether there should be a speed limit or do we just
8 simply respond to the citizen's petition? I don't
9 want us to go beyond our purview.

10 THE CHAIRMAN: Mr. Lunsford.

11 MR. LUNSFORD: I hate to disagree, but I
12 will. Given the number of vessels, the types of
13 vessels, and the skill level of the various
14 operators, it's up to the operator to assume some
15 responsibility for getting themselves through
16 without hitting the bridge. If you can't do it at
17 speed, then slow down. If you can't do it slow,
18 you need to maintain full speed.

19 But for us to attempt to regulate the
20 entire suite of boating skills and vessels, I think
21 that's a can of worms that you don't want to get

1 into. I think the rest of the committee would try
2 to see to some --

3 MR. HELLNER: I understand the comment,
4 and I personally am okay with them leaving the
5 bridge without the assistance of a regulation. So
6 I have no further comment on it.

7 THE CHAIRMAN: Mr. Kling.

8 MR. KLING: I would just say there are a
9 lot of bridges in the state, we're only looking at
10 this one because Mike came, and we have our
11 comprehensive review of regulations and I think
12 picking up and starting to look at all of the
13 bridges -- the logic to look at this one would be
14 logic to look at all the bridges in the state.

15 THE CHAIRMAN: I agree. I started going
16 through my charts to figure out how many bridges we
17 would have to look at. I agree, let's not open
18 this can of worms.

19 Okay. Any other new business?

20 Mr. Hellner.

21 MR. HELLNER: At the risk of beating a

1 dead horse at this bridge, earlier when we were
2 looking at the Mike's Crab House situation I raised
3 the issue of width of the waterway and as a
4 suggestion to the DNR when we look at this stuff is
5 perhaps we should have those figures available to
6 us.

7 The other thing too as I understand from
8 Steve there is a -- well, before I get to the
9 second point. The first point I would add is we
10 otherwise run the risk of being inconsistent,
11 because I cited the example of the Magothy River
12 issue last time, and the Magothy is restricted and
13 Mike's waterway is twice as wide, we're going to
14 start getting folks in here saying you guys are not
15 consistent with your own positions, so I would say
16 that we need to be attentive to the width of the
17 waterway and what we feel is a safe, is a balance
18 of the safe waterway as opposed to the petition as
19 framed.

20 The second point I want to make is there
21 was a study done, as I understand from Steve, Naval

1 Academy did it, having to do with boat wake
2 dissipation. It seems having that handy some way,
3 either we have copies of it or it's referenced for
4 us at DNR, regarding how long it really takes for a
5 boat wake, various boats at various speeds, to
6 dissipate could really get this out of the motion
7 or opinion, discussions, that we have with
8 petitioners and into more objective studies.

9 I think we did very well with the
10 studies having to do with water, beach erosion and
11 I think this is something that would be good for us
12 in the future.

13 THE CHAIRMAN: Okay, thank you. And I,
14 I think one of the -- obviously, the reason the
15 committee is here is every area is unique,
16 placement of the channel, width of the channel,
17 piers, bridges, every area is unique, so it's hard
18 to say we're going to put a cookie-cutter here.
19 That's why we're here and deliberate and do site
20 visits, that's why site visits are so important for
21 everybody to go, so when we sit in front of our

1 constituents we can speak from personal experience
2 and observations. Mr. Hellner.

3 MR. HELLNER: In case I said Magothy
4 River, I meant Middle. Anytime I said -- M trips
5 me up -- but for the record, I meant Middle River.
6 Sorry, not Magothy.

7 MS. TROVATO: Chris, I agree completely
8 with you, that every situation is unique, and I
9 agree with Joe there has to be some consistency,
10 and I think we apply that consistency on a regular
11 basis but it's good of him to remind us and good of
12 you to remind us that every situation is unique and
13 we need to apply good judgment at all times.

14 THE CHAIRMAN: Thank you. Mr. Kling.

15 MR. KLING: Not to belabor the point,
16 but just two years ago, a year and a half ago, Ann,
17 we did the, we had a subcommittee and we looked
18 at -- Bob, you were in it -- we looked at all of
19 the state and all of the regulations that we had in
20 place and the idea is not to come running with 27
21 things looking at exactly this issue, look at

1 consistency and also change circumstance, and the
2 idea is when a body of water comes up we have with
3 Ann things flagged that we may want to recommend
4 changes to and the idea is when we get to a
5 particular body of water to look at the,
6 proactively look at what we've done as a
7 subcommittee and say okay, let's look at changing
8 this regulation or that regulation. So we, we're
9 trying to do exactly that.

10 Also what we found when we looked at the
11 regulations was, by and large, as well, we are
12 pretty consistent. And I'm just saying for Joe,
13 the committee, and this is an individual thing, but
14 collectively most of the individuals here, we have
15 not been particularly sympathetic to people who
16 build a marina in a body of water and come in and
17 say oh, essentially take the water away from the
18 public. I need the protection for the boats in my
19 marina.

20 THE CHAIRMAN: Anymore comments? Anyone
21 else?

1 MR. LUNSFORD: I have a question for you
2 later.

3 MR. GRANT: Fine.

4 THE CHAIRMAN: Okay. Motion to adjourn.

5 MR. MARSH: Motion.

6 MS. ALLISON: Second.

7 THE CHAIRMAN: Everybody in favor?

8 MS. TROVATO: Yes, aye.

9 THE CHAIRMAN: We're adjourned.

10 (Hearing adjourned at 11:52 a.m.)

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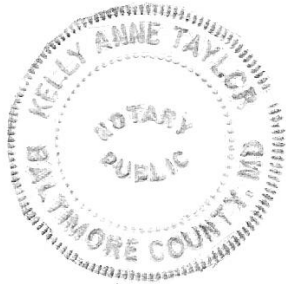
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STATE OF MARYLAND
COUNTY OF BALTIMORE

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



A handwritten signature in cursive script that reads "Kelly Anne Taylor".

Kelly A. Taylor, Notary Public

MARYLAND BOAT ACT ADVISORY COMMITTEE

Transcript of Meeting of the Maryland Boat Act Advisory Committee taken August 31, 2017 Index: 1..Army

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MARYLAND BOAT ACT ADVISORY COMMITTEE

Transcript of Meeting of the Maryland Boat Act Advisory Committee taken August 15, 2017

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MARYLAND BOAT ACT ADVISORY COMMITTEE

Transcript of Meeting of the Maryland Boat Act Advisory Committee taken August 31, 2017: large..money

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