

Transcript of  
**Maryland Boat Act Advisory Committee**

Date: Thursday, October 22, 2015

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MEETING OF THE  
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Thursday, October 22, 2015, commencing at 10:00.m., at the Princess Royale Hotel, Ocean City, Maryland, Ramona Trovato, committee chairman, presiding.

COMMITTEE MEMBERS:

- |                 |                         |
|-----------------|-------------------------|
| Robin Allison   | Frederick Levitan       |
| Jon Scheller    | Steve Kling             |
| Amy Craig       | Coles Marsh, Vice Chair |
| John Pepe       | Kathy B. Smith          |
| John Bush       | Christopher Parlin      |
| Robert Lunsford | John Scheller           |

Mike Grant, State Liaison

Reported by: David Corbin

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

2 RAMONA TROVATO: I would like to call this  
3 meeting of the Maryland Boat Act Advisory  
4 Committee to order. We appreciate all of you  
5 who have come today to talk to us and let us  
6 know what your thoughts are. And what we  
7 usually do at this meeting is begin with  
8 introductions from our members so that you can  
9 have an understanding of what their experiences  
10 and background are. Then what we're going to  
11 do is move on to talk about the Isle of Wight  
12 Channel/Skimmer Island request. And what we'll  
13 do is invite folks up to the microphone to talk  
14 to the committee. Remember you're talking to  
15 the committee and not anybody else in the room.  
16 Please direct your comments to us. And try and  
17 keep it to five minutes or less if you can. If  
18 you agree with whatever someone has said,  
19 instead of saying it again to us, if you could  
20 just come up and say you agree, we would  
21 appreciate that and I'm sure you all would too.

1 And this whole meeting will be recorded and it  
2 will be made public on the web site. We have a  
3 court reporter here today whom we appreciate  
4 that he came. So please speak into the mic so  
5 we can keep that -- we can get a good record of  
6 what everybody is saying. This committee  
7 represents all the users of the waters of the  
8 State of Maryland. So that's all kinds of  
9 boaters, sailboaters, canoers, kayakers,  
10 swimmers, skiers, fishermen, watermen, jet  
11 skiers. And we also appreciate the needs of  
12 the waterfront homeowners, waterfront land  
13 owners. And a number of us on the committee  
14 are waterfront land owners but we also  
15 recognize that the water belongs to all of us  
16 here in Maryland and we want to make sure  
17 everybody has the pleasure of its use. So I  
18 think I can speak for all of us, we dearly love  
19 the waters of the State of Maryland, the  
20 Chesapeake Bay, coastal bay, Deep Creek Lake,  
21 the whole state, and all of us have spent a

1 lifetime enjoying those waters as has each of  
2 you. When you come up to the mic, please  
3 introduce ourselves and tell us just a smidgen  
4 about you before you tell us what your concerns  
5 are. So before we go right into the regulatory  
6 request, we'll do the introductions. Would you  
7 like to start, Chris.

8 CHRIS PARLIN: Good morning. Chris  
9 Parlin, I'm a resident of Centerville,  
10 Maryland. I'm a licensed 100-ton captain. I  
11 work for my license, I run a private yacht.  
12 Also run pismire vessels in Annapolis. Own  
13 some small boats, little runabout, kayaks.  
14 Loving fishing on the bay, love fishing  
15 offshore. If it's on the water, I love it.

16 AMY CRAIG: Hi, Amy Craig from Upper  
17 Marlboro, Maryland. I do my boating mostly on  
18 the Severn and South River. I had a concussion  
19 over the summer. So I'm a waterskier. My  
20 daughter is now waterskiing, my son is a wake  
21 boarder, we do family boating on the rivers,

1 and paddle boarding as well.

2 COLES MARSH: Morning. My name is Coles  
3 Marsh, I have a home in the Annapolis area.  
4 Grew up on the water, all my family were from  
5 Smith Island, so I pulled a few crab pots in my  
6 day and done a little bit of oyster tonguing.  
7 Past Commodore Chesapeake Bay Yacht Club  
8 Association. And enjoyed being on the water  
9 most all my life.

10 FRED LEVITAN: Fred Levitan. I live in  
11 Timonium. Been boating for 40 years. I'm a  
12 Past Commodore of CBYCA, which is the  
13 Chesapeake Bay Yacht Club Association, and a 30  
14 year member of this committee.

15 JOHN BUSH: Good morning, John Bush. I  
16 live in the Annapolis area. I'm a past captain  
17 in the Coast Guard Auxiliary and an ex sailor.  
18 And chart owner with experience of probably 40  
19 years.

20 BOB LUNSFORD: Good morning, my name is  
21 Bob Lunsford. I live in Harwood, Maryland.

1 I'm basically a trevor boat fisherman. I own a  
2 bass boat and 17-foot center console. If the  
3 place has got a ramp, I've probably visited it.

4 STEVE KLING: Morning. I'm Steve Kling, I  
5 live in the Annapolis area. I'm the one person  
6 here with a sailboat. No, two people here. I  
7 use it, I race it. Racing for a long time.  
8 Been on the water.

9 KATHY BERGEN SMITH: I'm Kathy Bergen  
10 Smith, I'm a photo journalist, I work mainly in  
11 the port of Baltimore. And I have a parker  
12 29-footer run around boat and do a little fish  
13 conservation with it considering no fish have  
14 ever been on my line.

15 ROBIN ALLISON: Robin Allison, 200-ton  
16 master towing vessels, currently retired so I  
17 can feed my sailing habit on my 40-foot  
18 sailboat.

19 JOHN PEPE: John Pepe. I'm an accredited  
20 marine surveyor with Society of Accredited  
21 Marine Surveyors. Maintain a 200-ton master's

1 license. And my wife and I live in Oxford,  
2 Maryland where we also run a small tour boat  
3 business. Lifelong resident of the Chesapeake  
4 Bay.

5 JON SCHELLER: Good morning. I'm Jon  
6 Scheller, a retired Naval officer, and I've  
7 been owning and operating marinas on the  
8 Chesapeake Bay and various areas for over 20  
9 years.

10 RAMONA TROVATO: I'm Ramona Trovato, I  
11 live on the Severn River. I have a bunch of  
12 little boats, power boats, sailboats, kayaks,  
13 canoes, paddle boards. And have been on the  
14 water in the Chesapeake Bay area my whole life.  
15 And now I would like to ask the DNR folks to  
16 introduce themselves. Mark, do you want to  
17 start.

18 MARK O'MALLEY: Sure. Good morning, my  
19 name is Mark O'Malley. I'm the director of  
20 boating services at Maryland Department of  
21 Natural Resources. Thanks for everybody to



1     come out. Thanks for our panel, our commission  
2     rather, to make a trip out here to Ocean City.  
3     Wonderful to get out of Annapolis from time to  
4     time. So good morning.

5             MIKE GRANT: Mike Grant, also boating  
6     services. I work with Mark. I'm regulations  
7     coordinator for the state boating regulations  
8     and liaison to the Boat Act Advisory Committee.

9             ART WINDEMUTH: Good morning, my name is  
10    Lieutenant Art Windemuth, I'm area commander  
11    for the Natural Resources Police, which  
12    encompasses Somerset, Worcester and Wicomico  
13    counties.

14            JEANNINE MOANEY: Jeannine Moaney, boating  
15    services. I work for them.

16            ANN WILLIAMS: Ann Williams, boating  
17    services hydrograph operations. I'm technical  
18    support.

19            LOUIS WRIGHT: Louis Wright, boating  
20    services, hydrographic operations. And I work  
21    for her.

1           DAVE BRINKER: Dave Brinker, from the  
2 wildlife and heritage service, part of DNR that  
3 deals with wildlife issues. Part that I work  
4 is the natural heritage program.

5           RAMONA TROVATO: Thanks. That's great.  
6 So what I would like to do now is, Mike, go  
7 right into the Isle of Wight Channel and  
8 Skimmer Island request.

9           MIKE GRANT: Hello. All right. Good  
10 morning. And this is the one reason we're down  
11 here today. This regulation request started  
12 about a year and a half ago from the folks at  
13 18 Fathoms. I think we have a representation  
14 here. Then it became even more relevant when  
15 we had some calls from our wildlife folks  
16 concerning an endangered species that was  
17 nesting on an island within the regulated zone.  
18 So we decided to look at it even more closely.  
19 And this is the current regulation request.  
20 It's six knot all times during the boating  
21 season, April 15th to October 15th. Main

1 reasons: environmental concerns, wildlife  
2 habitat on Skimmer Island, safety concerns,  
3 congestion in the channel. Lot of drift  
4 fishing, gets very busy there during the height  
5 of the season. And riparian residents  
6 concerned with severe wave action. This is the  
7 area in question. The red zones are current  
8 six knot zones. They've been there for years.  
9 This of course is the Route 50 bridge. The  
10 proposed change is within this area, the green  
11 area, western most point of Harbor Island to a  
12 point just west of Skimmer Island to a western  
13 point of Second Street, six knot zone, and then  
14 back up again. When you break it down, we've  
15 been there in a number of conditions in the  
16 state boat, and it's about .37 miles. Takes  
17 about four and a half minutes from the fuel  
18 pier and about four minutes in the main channel  
19 doing six knots. Now, that's going to vary  
20 some based on the current, the ebb and flow of  
21 the tide, but that's about average. So it's

1 not that big a deal, especially since the  
2 bridge is now on a schedule so you can just  
3 time your day to get there when you need to.  
4 This is just another chart of the same area.  
5 Some pictures from the folks at 18 Fathoms.  
6 You can see it gets pretty crowded out there.  
7 This is a typical weekend at Harbor Island fuel  
8 pier. Gets a little crowded. That's the gist  
9 of it.

10 I believe we have some folks from Harbor  
11 Island -- sorry, from 18 Fathoms who would like  
12 to speak to this. Romona, you have the list.  
13 I don't know what order, but we would like you  
14 to step up here and make a presentation from  
15 here. Again, if the person before you has said  
16 what you believe is the same thing, just stand  
17 up in your seat and say "I concur."

18 RAMONA TROVATO: Okay. So I have a number  
19 of names on here but I have the lead  
20 petitioner. I think we should start there. So  
21 how do you say your last name.

1 DAWN MAUS: Maus.

2 RAMONA TROVATO: Ms. Maus, will you please  
3 come up and...

4 DAWN MAUS: Good morning. Thank you all  
5 for taking the opportunity to listen to our  
6 petition this morning. It's nice to see that  
7 some of you are from Annapolis. I'm from  
8 Annapolis as well, but we spend our summers  
9 here in Ocean City enjoying the water. We are  
10 all boaters, small boats, medium size boats,  
11 and we love the waters here and on the  
12 Chesapeake Bay, so we appreciate it. Back in  
13 August of 2013 we submitted a petition from all  
14 of the residents that are at 18 Fathoms to slow  
15 the boats down there in the area. Currently at  
16 18 Fathoms is a row of townhomes between  
17 Ninth and Tenth Street right on the bay, it's a  
18 bulkheaded area. Halfway in the middle of that  
19 is a warning buoy which often times is  
20 overlooked or not noticed and it doesn't help  
21 to slow down the boats within the area. In the

1 past we've had some "you're responsible for  
2 your wake" buoys installed hoping that would  
3 make a difference to slow the boats down in the  
4 area. That didn't help either. So we're very  
5 happy to be able to not only partner with the  
6 Skimmers Island team but to be able to bring  
7 this to you guys. We have boats that are  
8 docked along the area, we have families that  
9 like to swim in the -- in our area, in our pier  
10 area. We have boats that may be in the water  
11 or boats on lifts. And often times the boats  
12 that go by are going so fast that people in the  
13 water could get slammed on to the piers. There  
14 has been damage to boats, there has been boats  
15 that have gotten submerged because of the large  
16 wakes because they go in, they slam up against  
17 the bulkhead, and then from the bulkhead they  
18 come back in and they will submerge some of the  
19 boats in that area. What we're mostly  
20 concerned is our families. They are the ones  
21 that are the water, they are the ones that are

1 on the piers, they are the one using that area  
2 and we don't want them to be hurt by any of  
3 these wakes. We -- during the time of having  
4 the wake buoys in place, we've called the  
5 Natural Resources Police. They have been  
6 responsive, they have come over, but of course  
7 by the time they get there in most cases the  
8 boats have already gone. There is not a whole  
9 lot they can do because they are not -- they  
10 can only write a citation, it's my  
11 understanding, if there's been an injury or  
12 damage to property and if they can catch the  
13 boater at the proper time. So we haven't been  
14 able to get that and we're hoping the 6-mile  
15 speed limit will now allow them to be able to  
16 enforce that area to leave our families safe.  
17 And so they will be able to write the citations  
18 and the word will get out there are actually  
19 people in the area enjoying the waters. So  
20 that's all that I have to say. Does anyone  
21 have any questions for me.

1           JOHN PEPE:  Yes, ma'am.  I'm just  
2 wondering, the boats that you're having -- that  
3 you feel you're having the most problem with,  
4 are they the big sportfisherman from Harbor  
5 Island or are these the boats transiting north  
6 of there.

7           DAWN MAUS:  It's a little bit of both.  If  
8 you see in the picture, back where the blue  
9 hull boat is, that is where the fuel dock is.  
10 So there is quite a lot of traffic that come  
11 into the area for the fuel dock.  In most cases  
12 it's not boats of that size, it's the medium  
13 sized boats and it's -- surprisingly enough  
14 it's not just tourists, it's some of our  
15 neighbors that there's a boat that's up in  
16 Harbor Island that always takes off and doesn't  
17 care that he's doing it.  Even the Ocean City  
18 fishing -- Ocean City Fire Boat in Harbor  
19 Island, that one takes off pretty fast and gets  
20 to us as well.  So it's -- I think the captains  
21 on the larger boats have a little bit more



1 understanding and little bit more respect for  
2 us. It's sort of the medium sized ones that  
3 don't necessarily care about their neighbors.

4 RAMONA TROVATO: Is it pretty busy there  
5 all summer long.

6 DAWN MAUS: Yes, it is. During the week  
7 it does slow down a bit, but we do have a lot  
8 of the commercial fishing vessels, the flounder  
9 boats, that will be in that area. And they do  
10 go up and down the channel. They aren't  
11 necessarily -- because they are drifting they  
12 are not the ones that are causing these wakes,  
13 but it's the boats that are speeding by to get  
14 to the fuel dock or get away from the fuel  
15 dock, and they do rock those boats as well,  
16 which I think would be rather dangerous. Even  
17 during the week we have just as much traffic  
18 but on the weekends it's crazy.

19 RAMONA TROVATO: Any more questions from  
20 the committee members. Steve.

21 STEVE KLING: Which came first, the houses

1 or the traffic?

2 DAWN MAUS: Well, that's a good question.  
3 I do have -- I have a letter here from one of  
4 our original owners. And back in 1972 he wrote  
5 a letter to Mayor Harry Kelly about the boat  
6 traffic and the wakes regarding, I believe it  
7 was called Ship's Cafe back then. I think we  
8 all probably went there at one time. And so  
9 this has been an ongoing issue. I do believe  
10 that it's gotten -- I've only been a home owner  
11 there for about 15 years. We have a lot of the  
12 original owners here. But I do believe as of  
13 recent it's gotten worse because boats are  
14 getting faster and bigger engines and all that  
15 kind of stuff. And there is -- it's just not  
16 as tight of a community because it's such a  
17 large community now.

18 RAMONA TROVATO: Any other questions for  
19 Ms. Maus. Thank you very much.

20 DAWN MAUS: Thank you.

21 RAMONA TROVATO: So I have a long list of

1 folks and I'm going to go down the list and you  
2 all tell me if you would like to come up and  
3 speak or if you agree with what Ms. Maus has  
4 said. Laura Truth.

5 LAURA TRUTH: I'm Laura Truth and I concur  
6 with Dawn. So my husband could not be here,  
7 wrote a letter, and I'm not going to be  
8 redundant. But his family was one of the  
9 original purchasers 50 years ago. So they  
10 still have the one unit and we also have  
11 another unit that we use as our second home.  
12 We live in Severna Park, we've been for most of  
13 our 30 years of marriage been on the Magothy.  
14 For three years we were on the Severn. We have  
15 a 35 Bertrum at home and here we have a 14-foot  
16 Carolina Skiff. And not to repeat everything,  
17 but this was a big deal for the owners of  
18 18 Fathoms. We just had to put in a new  
19 bulkhead on the south side where all the owners  
20 had to contribute. Our group of home owners  
21 spent over 50,000 to replace the bulkhead

1 abutting the public pier. This is the third  
2 bulkhead replacement that we know of. The  
3 previous bulkhead installed in 1989 failed in  
4 just over 20 years. So that was the only thing  
5 I wanted to put in addition to what Dawn said.

6 RAMONA TROVATO: Are you going to leave  
7 the letter with us.

8 LAURA TRUTH: I thought he submitted it.  
9 But here.

10 RAMONA TROVATO: Thank you. And any  
11 questions for Ms. Truth.

12 DAWN MAUS: I apologize, this is all the  
13 letters from the residents.

14 RAMONA TROVATO: Thanks so much.

15 DAWN MAUS: Did you need the signatures  
16 from the original petition.

17 RAMONA TROVATO: I think Mike has got  
18 that. Thank you very much. Mr. Robert Knock.

19 ROBERT KNOCK: I'm here, but I'm not going  
20 to speak, but my daughter would.

21 RAMONA TROVATO: Did she sign up? What's

1 your name?

2 EMILY KNOCK: Emily Knock.

3 RAMONA TROVATO: Emily Knock, come on up.

4 EMILY KNOCK: My name is Emily Knock. I'm  
5 a resident at 402 4th Street which is right on  
6 the bayfront. My parents own the property at  
7 405 Edgewater, which is adjacent to me. And  
8 their house was built in 1930, mine was built  
9 in the 60's. They have been there a long time.  
10 Honestly I can sit there and I can see the  
11 traffic fly by. My house is a single family,  
12 it sits -- it's fairly close to the waterfront,  
13 only five or six feet away from it. I've seen  
14 boats go by so fast that the wake actually  
15 kicks up and the wake hits my house. There is  
16 definitely a need for it. I'm in need of a new  
17 bulkhead currently. It's been cited to me  
18 specifically because of the speed of the boats.  
19 It will affect what materials they have to use  
20 and how they build the bulkhead. And it's  
21 probably going to cost me an additional

1     \$100,000 just because of that. It's definitely  
2     an issue to the property. I also serve on the  
3     Maryland Coastal Bays Advisory Committee. I  
4     know that they are behind the wake zone and  
5     they have been working on efforts to protect  
6     the birds on Skimmer Island. You can  
7     definitely see -- I have a view of it from my  
8     house as well. You can see the waves go right  
9     over it when the boats go by. There is  
10    definitely I believe a need for it.

11           RAMONA TROVATO: Thank you so much. Are  
12    there any questions. Thank you. Carolyn  
13    Kedash.

14           CAROLYN KEDASH: I concur.

15           RAMONA TROVATO: Okay. Thank you. Joe  
16    Delveccio.

17           JOE DELVECCIO: Hello everyone. I  
18    probably don't need the microphone. My father  
19    has been telling me I'm a little loud my whole  
20    life. John Pepe probably doesn't remember me,  
21    I use to recover vessels for Sealing Marine, or

1 Marine Recovery Services, so I had an  
2 opportunity to use Mr. Pepe's services in the  
3 past. I am too, Chris, a licensed Coast Guard  
4 captain. I run a 43-foot vessel out of Harbor  
5 Island. I do have a 43-foot vessel myself. I  
6 also have a 23-foot center console that I keep  
7 at 18 Fathoms. And I also have a 13-foot  
8 little Boston Whaler. So I have been boating  
9 in Isle of Wight since I was about 11 years  
10 old. So that was 40 years ago. So I've seen a  
11 lot of change back there. We are one of the  
12 original -- my uncle anyway, we were on  
13 12th Street at the time of Ship's Cafe Marina,  
14 so I've seen that whole area change, back when  
15 Harbor Island was actually a landing strip,  
16 which is non-riparian around the Harbor Island  
17 there before the houses existed. I've seen  
18 Skimmer Island change a lot. I tell you, the  
19 skimmers just recently came back. They were  
20 gone just like the pelicans for quite some  
21 time. And they have recently returned. Some

1 of the dredging had to stop from the clam  
2 boats, and DNR stopped that. The guys that  
3 came up from Virginia, I've seen that through  
4 the years. Most importantly I've seen boats  
5 swamped. I've had to actually dive on some of  
6 my neighbor boats. I've seen some of my  
7 neighbors terrified to get off their boats.  
8 It's very challenging, we have a heavy current  
9 at times that comes through there. And then  
10 you have all the boat traffic as well as all  
11 the drift fisherman. Between the commercial  
12 fishermen and weekend boaters that are there,  
13 it is very congested. It is nearly impossible  
14 to really run your boat safely through that  
15 area during the summertime. You're not being  
16 safe if you're running over six miles an hour  
17 through there because of the congestion. My  
18 question is is proximity. We have a law for  
19 PWC's that you can only run them within  
20 100 feet of a fixed object at six miles an  
21 hour. And I'm not sure why that doesn't apply



1 to vessels. There is a lot of boats, larger  
2 boats, that do come out of Harbor Island, like  
3 my own, that do throw up significant wakes.  
4 They, you know, say they are in a hurry to get  
5 to the bridge, but the bridge is on call. If  
6 you're in a tournament or going fishing for the  
7 day, that bridge is on call until 9:00 a.m. So  
8 you're gone before 5:00 in the morning. So it  
9 really doesn't have that challenge. Anybody  
10 that uses that, you know, is wrong. I never  
11 believe that. And it's not because I live at  
12 18 Fathoms. I never feel the need to once I  
13 get to the 6-mile an hour can out of Harbor  
14 Island to get up on plane for what, I don't  
15 know, quarter mile at the most. Just doesn't  
16 make any sense. So my fear is I have a child,  
17 we have grandchildren, they play inside of that  
18 area in the water, they get tossed off of their  
19 rafts. If you go back to some of the pictures,  
20 you see all the kids on the pier, they're  
21 fishing, they are getting ready to put one of

1 the rafts in the water. And it's dangerous for  
2 them there because of this. And it's dangerous  
3 to get your boat in and out. You can't back  
4 your boat in because of the backwash from the  
5 wakes that come in the back of the boat and  
6 swamp the boat. That's the boats that have  
7 always been swamped. The wakes hit the  
8 bulkhead, bounce off the bulkhead rise and  
9 swamp the boats. So you have to back your boat  
10 in, but then you have the same problem trying  
11 to back your boat out when it's a heavy traffic  
12 day or time. So it's dangerous. It is  
13 dangerous because of that. So I just wanted to  
14 share my time, like I say, and my resume. So I  
15 know you're probably going to cut me off here.  
16 Been there my whole life and seen a lot of  
17 changes, but the boat traffic is growing  
18 significantly.

19 RAMONA TROVATO: So you would like to see  
20 the six knots.

21 JOE DELVECCIO: Absolutely. I think you

1 could probably understand that.

2 RAMONA TROVATO: Thank you.

3 JOE DELVECCIO: Anybody have any questions  
4 for me.

5 JOHN BUSH: Bush. I have one question.

6 JOE DELVECCIO: Shoot away, John.

7 JOHN BUSH: Thank you. In reference to  
8 the emergency boat that goes in and out, what's  
9 been your experience with that.

10 JOE DELVECCIO: Well, I've never seen them  
11 actually go out with his lights on because he  
12 was in a hurry to go to a fire. But he is  
13 always up on plane as soon as he clears the  
14 6-mile an hour zone. Because it's a rigid hull  
15 inflatable and it's large and has a lot of fire  
16 equipment on it, it plows through the water and  
17 throws up significant wake. So that's part of  
18 the challenge. If, I'm sorry, I think it's  
19 Mike, goes back to the picture when you come  
20 out of Harbor Island. It's like a funnel. The  
21 6-mile an hour marker is just off the fuel dock

1 so they can -- maybe 100 feet or so so you can  
2 come out of the fuel dock and get right up on  
3 plane. And as soon as he passes that, and  
4 there are a couple people that are in Harbor  
5 Island that are very bad about this, it's only  
6 a couple of them, but you have to also  
7 understand it's where the home of the White  
8 Marlin Open is so there is a ton of tourist  
9 traffic going in and out of there. The Judith  
10 M comes in and out of there to take parties,  
11 which Judith M is a large vessel, they take  
12 parties and do fishing trips and those types of  
13 things. A lot of the Chincoteague boat that --  
14 and Assateague boats that take people  
15 sightseeing take them sightseeing in there.  
16 The Reel Inn is in there, which is a bar. It's  
17 a gated community but there's a bar and  
18 restaurant in there so a lot of boat traffic is  
19 coming and going in and out of there  
20 consistently. Not sure if I answered your  
21 question, John, but, yes, that boat does throw

1 up a very large wake. And it's very  
2 frustrating that's happening from someone that  
3 probably should know better.

4 JOHN BUSH: You gave me a paragraph.

5 JOE DELVECCIO: It's more like a book, but  
6 I understand.

7 RAMONA TROVATO: Chris.

8 CHRIS PARLIN: John, thank you for asking  
9 that question. It's on my resume. I just  
10 retired from the Anne Arundel County Fire  
11 Department and I was a fire boat captain. I  
12 was kind of curious myself whether they were  
13 going on emergency calls or whether they're  
14 just going out on a routine basis and putting  
15 her up on plane right there.

16 JOE DELVECCIO: Yup.

17 CHRIS PARLIN: Thank you for that  
18 question.

19 JOE DELVECCIO: Fortunately I've not seen  
20 them go out on a call. So that's a good. And  
21 because of that funnel, it draws people in very

1 close to the pier. And many times they'll come  
2 inside that danger can, which is not very far  
3 off our dock. I seen originally it was a fixed  
4 marker that was knocked down in a hurricane and  
5 it was a red fixed marker there back in the  
6 70's. And that was washed over and then they  
7 had to put a tripod danger marker there that  
8 was washed over again in a hurricane. And now  
9 they have a floating can. I think people  
10 mistake that can, because the markings on the  
11 two are so degraded that it almost looks like  
12 it's a, you know, can like it's a 6-mile an  
13 hour and they think they are past it and they  
14 can speed up. It's also very faded on that  
15 can. So it needs -- maybe something needs to  
16 be done about that as well.

17 RAMONA TROVATO: John, did you have a  
18 question.

19 JOHN PEPE: The safety issues are very  
20 important to us obviously. That aside, I'm  
21 hearing a lot of not repetition but everybody

1 repeating the issues of wake responsibility  
2 type issues, boats being swamped, damage to  
3 property. And maybe this should be addressed  
4 to the Natural Resources Police. Are there  
5 any -- are there any sightings of this, have  
6 there been any citations issued, reports to DNR  
7 that would substantiate the damage and the  
8 sinkings and swampings.

9           JOE DELVECCIO: I guess I would go to the  
10 DNR with the record that they keep. The  
11 challenge that we always run into is they  
12 respond, they're fantastic, the problem is you  
13 have to be literally standing there with your  
14 Ipod in full video to actually see this happen.  
15 And of course that's not the real world. You  
16 can't live on the back of your pier waiting for  
17 an incident to happen. But when we call them,  
18 they respond, they come by, but you have to  
19 have it actually -- they have to see it, they  
20 have to witness it is what we hear and  
21 understand. They may be able to speak to the

1 record of that.

2 RAMONA TROVATO: Thanks so much,  
3 Mr. Delveccio. We are fortunate to have a  
4 Lieutenant from the NRP to speak. And I'll ask  
5 you to come up. Do you want to respond to that  
6 question now.

7 ART WINDEMUTH: What I can say is I don't  
8 have specific statistics about response down  
9 there. I can certainly get that for the  
10 committee and provide that. But after being on  
11 the job for almost 30 years, I can confidently  
12 say one of the most ignored rules of the road,  
13 boating rules of the road, is "you're  
14 responsible for your wake". Whether it's down  
15 here, at Deep Creek Lake, or the Potomac River  
16 or the Chesapeake Bay, that is, you know, is  
17 one of the most ignored rules of the road that  
18 a boater -- that we can come into contact with.  
19 And it happens all over the bay and it's an  
20 educational issue. So it doesn't surprise me  
21 that it happens down here. I know it happens.



1 It's just one of those things. I think you put  
2 it correctly when you say -- you have to be  
3 there all the time and still, you know, our  
4 officers issue that negligent boating citation  
5 or warning, we look at it as educational. But  
6 really the only way to address problem areas is  
7 with a change in the speed zones.

8           JOE DELVECCIO: I concur with that.  
9 Sorry, don't mean to cut you off. I've been  
10 boating my whole life, ever since I could boat.  
11 And I do find that boaters respond to the  
12 6-mile an hour. You see them, they slow down  
13 at the 6-mile an zone. You've got a couple jet  
14 skiers that like to go past it, but for the  
15 most part people are pretty responsible boating  
16 and when they know it's a 6-mile an hour zone.  
17 I think that solves the problem. Thanks for  
18 your time.

19           RAMONA TROVATO: Thank you so much. Next  
20 on our list is Denise Delveccio Gelva.

21           DENISE DELVECCIO GELVA: I wasn't going to

1 speak, I was going to concur, but, John, your  
2 question has me worried. So we have been  
3 between Tall Street and Tenth Street for some  
4 40 something years. My dad and my brother own  
5 another house, my family owns the middle six  
6 houses of the 18 Fathoms. So as far as  
7 statistics goes, we've been dealing with this  
8 for -- since 1966. And we don't always call.  
9 We -- Dawn has been great about getting us  
10 Mike's information and the telephone number.  
11 But when it's happening, we're not always  
12 calling. We don't always have our cell phone  
13 out on the back deck when we're enjoying family  
14 time and our kids are on the bottom part of the  
15 pier fishing and wakes come flying over top of  
16 them. It is scary for us. And we deal with it  
17 that way. We don't always pick up the phone  
18 and call DNR. We have felt like this has  
19 happened for so many years, what do we do, and  
20 nothing changes. And thank God for Dawn,  
21 because we really are trying to step up more.

1 We're trying to call DNR more. So there are --  
2 I know for myself and my family, we are not  
3 calling all the time. We're yelling at the  
4 boats, slow down, slow down and they are giving  
5 us the finger and still speeding by us. I want  
6 to concur with my brother that as soon as they  
7 see the 6-mile marker at Harbor Island, you  
8 just see whoop, they slow down, the wake is  
9 bigger for those poor people there, but they  
10 really do see that and they really do stop.  
11 But in the same sense, they come out of Harbor  
12 Island, they past the 6-mile marker and, whoom,  
13 they fly past us to the bridge. So statistics,  
14 they aren't going to be there. DNR does call  
15 when we call them, they are great about that.  
16 We're just begging at this point to get another  
17 6-mile marker so that we can save our families  
18 and our bulkhead. And this poor woman who is  
19 100,000, we just spent 50. I can't even  
20 imagine having to spend 100. Thank you guys  
21 for listening. Any questions.

1           RAMONA TROVATO: Any questions. Thank you  
2 very much. I have Tim and Jill Harrington.

3           JIM HARANZA: Hi. I didn't recognize the  
4 last name.

5           RAMONA TROVATO: How should have I have  
6 said it.

7           JIM HARANZA: Hi. My name is Jim Haranza.  
8 We're recent residents at Ocean City moving  
9 from Pennsylvania back in April. We own a  
10 townhouse at 5th and Edgewater, which is  
11 directly across from Skimmer Island. I don't  
12 own a boat, not yet. In fact someone just told  
13 me that you don't park a boat, you dock it.  
14 And so I'm a novice at this. The only  
15 observation, and I can concur with everyone  
16 here, is that I sat out there for our first  
17 summer and I've got to say it was, from a  
18 novice look, it appeared to me like someone was  
19 going to get killed at any possible moment.  
20 And as far as the wake goes, I mean a lot of  
21 times it splashes over our bulkhead. And it's

1 a safety issue not only for the boaters, the  
2 swimmers, and everyone that's been residents  
3 here, but it's also for the wildlife. So  
4 generally I concur with, it's -- something is  
5 going to happen out there. I mean and maybe  
6 these new regulations and slowing the speed  
7 down, knots, will suffice.

8 RAMONA TROVATO: Thank you so much. Any  
9 questions. Did Jill wish to speak.

10 JILL HARENZA: I concur. Haranza. I  
11 didn't recognize the name. Who are these  
12 people.

13 RAMONA TROVATO: Kathy Phillips.

14 KATHY PHILLIPS: Hello, I'm Kathy  
15 Phillips. I am executive director of  
16 Assateague Coastal Trust down here. I'm also  
17 your Assateague Coastkeeper. Most of you from  
18 the Annapolis area are familiar with  
19 Riverkeepers. I'm a Riverkeeper but along the  
20 coast, so I'm a Coastkeeper. I do concur with  
21 everything that you've heard so far. I would

1 like to just make a couple extra points. If  
2 you do decide, and I hope you do decide to zone  
3 this area to a lower speed limit, I think it  
4 would be important to make sure that you have  
5 extra markers or cans close to, it's not  
6 actually Skimmer Island but -- I know you have  
7 it marked as Skimmer Island, but Skimmer Island  
8 is the big U-shaped island down there, and that  
9 other one is part of a sandy shoal. And, yes,  
10 at one time I think it used to be Skimmer  
11 Island, the larger island, which has changed  
12 many times over the years. But as you come  
13 down the eastern side of what you have marked  
14 Skimmer Island up there, right on the east side  
15 of it, especially at high tide there is a  
16 little bit of a channel there that I observe  
17 boats run through there quickly. They are  
18 trying to get past, perhaps slower traffic,  
19 they know that that little channel is there at  
20 high tide. It takes them right next to the  
21 island. It does cause a lot of wake action on

1 the island, even more so than the boats that  
2 are out in the regular channel. So you might  
3 want to make a note to perhaps mark that  
4 specifically. And then I would just like to  
5 note, not asking you to mark it at this time,  
6 but it's something that the committee may have  
7 to keep an eye on and DNR may have to keep an  
8 eye on. Even though I think it would be crazy  
9 for anybody to think they are going to save  
10 time going down the western channel, you may  
11 have to keep an eye out to see if boaters begin  
12 to detour their way down through the western  
13 channel. Which like I said, that pretty much  
14 dictates a six knot zone anyway because of the  
15 shallowness and the trickiness of the little  
16 channel that is there. But you may have to  
17 keep an eye out for it. I just wanted to make  
18 those two points to you. And also, first  
19 opportunity I've ever had to meet the entire  
20 committee, but I have worked with some members  
21 of this committee over the years in keeping jet

1 skis and especially the jet boats out of our  
2 smaller creeks, Herring Creek and Turtle Creek.  
3 And worked with DNR on that issue also. And so  
4 greatly appreciate the efforts you made. And  
5 you've helped supply me in the past with some  
6 special signs that I've been able to give to a  
7 few people to put on the edge of their docks to  
8 slow down the personal watercraft along there,  
9 reminding them of the distance that they have  
10 to stay away from the docks. So anyways, my  
11 opportunity to thank you all. And I'll be  
12 coming back to you for some more of those  
13 signs, also DNR and the committee because there  
14 are some issues up around 32nd Street.

15 RAMONA TROVATO: Thank you. Are there any  
16 questions for Ms. Phillips. Okay. Thanks a  
17 lot. Are there any other folks, citizens, who  
18 wanted to speak who are not signed in and would  
19 like an opportunity. Okay. Then I would like  
20 to ask Mr. Dave Brinker of DNR to come and  
21 address the birds on Skimmer Island.



1           DAVE BRINKER: Thank you for inviting me  
2 up here. I have surveyed colonial nesting  
3 waterbirds in the State of Maryland since 1985.  
4 And for those that aren't familiar with what  
5 those are, thinks like gulls, turns, pelicans,  
6 particularly Black Skimmers. Black Skimmers as  
7 listed endangered in the State of Maryland.  
8 Common turns are in the process of being listed  
9 and by next boating season will be listed as  
10 endangered. Both of those populations have  
11 declined significantly. When I started in  
12 1985, we had 300 pairs of Black Skimmer in the  
13 State of Maryland. The past several summers  
14 the nesting population is less than ten pairs.  
15 The reason that we approached the boating  
16 community with our support for the six knot  
17 limit in this zone is back in the 80's skimmers  
18 nested on that little island. And I was then  
19 with the university, didn't understand  
20 Government as well as I do now, now that I've  
21 been with the State for 26 years, and would

1 watch every time the Skimmers nested on the  
2 little beaches on that island they would get  
3 washed out and their nest fail. At that point  
4 we had 300 pairs. As that area has changed and  
5 the island has moved, Skimmers moved over to  
6 the larger piece to the southwest where they  
7 are far enough away from the channel that boat  
8 wakes were not an issue, it's a large enough  
9 island, it's high enough, they can find safety  
10 and secure places to nest. This past summer  
11 that little remaining population decided to go  
12 back to the island they had been at in the  
13 1980's. And they nest on bare sand. And  
14 there's very little bare sand right there. And  
15 the bare sand that occurs is on the eastern  
16 side of the island where any large wakes during  
17 high tide conditions wash up that. And the  
18 elevation of the sand now is such that during  
19 spring high tides, your monthly high tide  
20 event, when vessels leave the six knot zone  
21 underneath the bridge and go up on plane and go

1 past that island, vessels from what I would say  
2 medium size and larger leave a wake that at  
3 high tide conditions will wash over that beach.  
4 And in July of this year we had sort of this  
5 perfect storm where the high tide event was  
6 about 4th of July. And we had five Skimmer  
7 nests on that little piece of sand. And the  
8 coastal bays program stepped up with this and  
9 we put signs out there trying to educate  
10 boaters that please, watch your wake. Because  
11 it had the potential to wash out all five  
12 nests. Well, there was enough compliance or  
13 enough just plain old luck that four of those  
14 pairs of Skimmers managed to pull off nests.  
15 But it's one of these situations where as long  
16 as there is boat traffic going up and down that  
17 channel on plane speeds, about six knots, there  
18 is a risk to any of the common turns or Black  
19 Skimmers that list on those sandy places. So  
20 we strongly support this speed reduction to six  
21 knots because it will help the turns and

1 Skimmers that nest on that little island make  
2 it through the season. The run-ups aren't as  
3 bad when people just go through there below six  
4 knots.

5 RAMONA TROVATO: Thank you. Are there any  
6 questions.

7 JOHN PEPE: These Skimmers, are they  
8 returning birds every year.

9 DAVE BRINKER: They return every year.  
10 It's been a long term decline. The hard part  
11 of this is they return to different places.  
12 And Skimmers are not very, from a biology  
13 standpoint, aggressive. When something comes  
14 to disturb the colony, they fly off and fly  
15 around. And they take advantage of nesting  
16 with common turns, which are very aggressive.  
17 If someone walks into the colony, the common  
18 turns do the aggression. So Skimmers always  
19 nest with common turns. And the common turns  
20 have been on that little island now for three  
21 years. And it was this year that the Skimmers

1 said we're coming back here because here's a  
2 safe place. And as much as I try to manage  
3 them and get them to go to safe places, I don't  
4 control their brains and they make their own  
5 decisions.

6 RAMONA TROVATO: No, you can not ask  
7 questions.

8 AUDIENCE: I'm not asking a question, I  
9 was going to say --

10 RAMONA TROVATO: No, no, you can't.  
11 Sorry. My apologies. Do any of the other --

12 COLES MARSH: Where else are they nesting  
13 other than just there. Are there other spots  
14 around Assateague or...

15 DAVE BRINKER: No other spots. This year  
16 we had two colonies set up, five pair on this  
17 little island and the other five pair on an  
18 island we refer to as Cape Windsor Island.  
19 It's really an unnamed island. It's right on  
20 the Maryland/Delaware line. About 25 percent  
21 of the island is in Delaware, 75 percent is in

1 Maryland. There were more than five pairs  
2 setting up there early on. And when we came  
3 back to check on them the next time, that  
4 colony had abandoned and was gone. So we would  
5 have had 15 pairs in the state this year if  
6 they would have successfully nested. But they  
7 disappeared, went somewhere else. So all we  
8 have is this little group down here.

9 RAMONA TROVATO: What is the -- what is  
10 the population of these Skimmers like  
11 nationally.

12 DAVE BRINKER: Depends on where you look.  
13 In the Delmarva Peninsula, I'd have to get the  
14 numbers from Virginia, but they have declined  
15 seriously in Virginia as well. I can tell you  
16 that they are declining in the Mid-Atlantic but  
17 I'd have to go look up the numbers to give you  
18 an exact number.

19 RAMONA TROVATO: Thank you. Bob.

20 BOB LUNSFORD: Non-boating question.

21 Dave, is there any signage on the island to

1 prevent trespassing. Could somebody pull up  
2 and picnic there at low tide.

3 DAVE BRINKER: These two islands are  
4 closed annually, they are signed every spring  
5 from April 15th to September 15th. Outside of  
6 that period, they are open to public use. But  
7 because they are probably the two most  
8 important island in the coastal bay system for  
9 colonial nesting waterbirds, they are DNR  
10 properties and we close them to human use  
11 during the summer.

12 RAMONA TROVATO: Any questions from the  
13 committee. That was very helpful. Thank you.  
14 And thank you for your public service.  
15 Lieutenant, would you like to further address  
16 the committee on this.

17 ART WINDEMUTH: All I would like to say,  
18 if anybody has any questions, I'm here. I  
19 don't have any specific information.

20 RAMONA TROVATO: Come on up a second. We  
21 have a couple questions.

1 ART WINDEMUTH: I tried.

2 RAMONA TROVATO: Do you support the six  
3 knot speed zone.

4 ART WINDEMUTH: Yes, I do. I concur with  
5 the feelings that have been expressed here  
6 today. I know 28 years ago when I started, I  
7 started down in Ocean City. And it was a  
8 problem back then. Again, I think it's just --  
9 it's a function of boater education and, with  
10 Ocean City being a transient -- for the most  
11 part, a very transient vacation spot, every  
12 week you get a new group of people. So it's  
13 not -- it's something that it's difficult to  
14 educate people about. But I can say that we  
15 have noticed that since the six knots have been  
16 put in like in the inlet area, for the most  
17 part we get compliance. So I don't have any  
18 reason to believe that if a six knot was  
19 enacted here that we wouldn't get improvement.  
20 Is it going to solve it, no. I mean you're  
21 still going to have the people that jump in the



1 boat, got their first boat, and they don't have  
2 any idea what that white thing in the water is  
3 and they don't really care, they want to get  
4 from point A to point B. But I think generally  
5 it will help the problem.

6 RAMONA TROVATO: Could you say your full  
7 name for the court reporter.

8 ART WINDEMUTH: Lieutenant Art Windemuth  
9 with the Natural Resources Police.

10 RAMONA TROVATO: John.

11 JOHN PEPE: Yes, Lieutenant. And I don't  
12 want to hold you to this, but in that area  
13 between the bridge and Harbor Island over the  
14 past five or six years, have there been, even  
15 in history, have there been any serious  
16 accidents or injuries that you can remember and  
17 that were reportable incidents that would be on  
18 record.

19 ART WINDEMUTH: I can't say to my  
20 knowledge that there has been. Although I  
21 would like to say that I started my career down

1 here at Ocean City, I've been absent for 15  
2 years. I just recently got transferred down  
3 here. I've been here about a year. There has  
4 been a big block of time that the population  
5 has exploded. And to be specific with this  
6 area, I really can't address that.

7 RAMONA TROVATO: Thank you. Thank you  
8 very much. Robin, go ahead.

9 ROBIN ALLISON: Everything we've heard  
10 today is very pro six knot. Is there anything  
11 in your opinion that is a reason not to create  
12 the six knot limit.

13 ART WINDEMUTH: Nothing that, you know,  
14 other than the fact that it's going to take  
15 four or five minutes longer for a person to get  
16 from point A to point B. Again, I think an  
17 adjustment for that by planning. I really  
18 don't see a -- any detrimental effects by  
19 placing that there.

20 ROBIN ALLISON: So it would not create a  
21 huge bottleneck of traffic.

1           ART WINDEMUTH: No. That area is being  
2 utilized anyway. That's the main channel. All  
3 we're doing is slowing it down. And they are  
4 going to have to slow down anyway as they  
5 approach the bridge and get on the other side  
6 of the bridge. I really don't see that being  
7 an issue here.

8           ROBIN ALLISON: Thank you very much.  
9 Appreciate.

10          RAMONA TROVATO: Thank you so much. Okay.  
11 So I think we are now done with folks offering  
12 us information and insight into the situation  
13 and we're on to deliberations and  
14 recommendations of the committee. So for this  
15 part you're all welcome to stay but you can't  
16 volunteer information to us, sorry. And we  
17 will go ahead and discuss this recommendation  
18 to go to a six knot zone. Who would like to  
19 start. Chris.

20          CHRIS PARLIN: I make a motion to accept  
21 the recommendation as proposed.

1 COLES MARSH: Second.

2 RAMONA TROVATO: Okay. So the motion has  
3 been made to accept the six knot zone and  
4 seconded. And now we're open for conversation  
5 and deliberation. Any thoughts, anybody.

6 STEVE KLING: I just have a question. How  
7 come we don't have our normal report from NRP.

8 MIKE GRANT: You just got it verbal.

9 STEVE KLING: I know. But we have that  
10 written report because they're useful.

11 RAMONA TROVATO: I guess we will look into  
12 that.

13 MIKE GRANT: Yes, we will.

14 CHRIS PARLIN: I think we all heard a lot  
15 of compelling testimony as to why this is a  
16 good reason. Just kind of -- I think most of  
17 us are in agreement here, probably close to  
18 going straight to a vote. Just want to say,  
19 we've heard from folks, property damage, safety  
20 issues. Obviously the -- sometimes you can't  
21 regulate stupid but we're going to try to. Try

1 to slow the folks down. The common sense isn't  
2 there as we would like it to be. I think there  
3 has been a lot of compelling reasons. And,  
4 again, protecting the nesting shorebirds I  
5 think is an important issue. It was quite an  
6 eye opener that we're that close to losing that  
7 population in that area. I think there is all  
8 good reasons to do it. And other than adding  
9 four minutes to somebody's transit time, that's  
10 not a long time. I've run boats plenty of  
11 times, and with that bridge there, if you got  
12 to add an extra four minutes, add an extra four  
13 minutes. It's not that big of a deal.

14 RAMONA TROVATO: Any further thoughts from  
15 the committee.

16 JOHN BUSH: I have one right here. Back  
17 in my emergency vehicle -- vessel, I would like  
18 to have someone to contact the person that's  
19 responsible for that and advise them that  
20 unless there is a real emergency, do not  
21 accelerate.

1           CHRIS PARLIN: John, I think if we put the  
2 six knot zone, they are going to have to abide  
3 by that. In our department it was made very  
4 clear that we're not exempt from any boating  
5 laws as firemen. Only police vessels and Coast  
6 Guard vessels can be exempt. So if the six  
7 knot zone goes in, they are going to have to  
8 abide by it. Of course if there is a severe  
9 emergency and they have got to push it a  
10 little, I would expect everybody to at least  
11 have a little patience and understand that if  
12 somebody is getting ready to die, you would  
13 want them there as quick as possible.

14           RAMONA TROVATO: Any other discussion.  
15 Thoughts. Are we ready for a vote. All those  
16 in favor of the proposed regulation for a six  
17 knot zone as stated please raise your hand.  
18 That's unanimous. So we'll make a  
19 recommendation -- we will make a recommendation  
20 to the Secretary of DNR that this six knot zone  
21 be instituted. So I want to thank all of you

1 who came today to present your information to  
2 us for your time and your energy and for your  
3 service to your neighbors. So thanks a whole  
4 lot. I'm sure you'll have a wonderful summer  
5 next year. Even better than this one. Mike,  
6 are you ready to go on to the next part of the  
7 agenda. So folks, can you take it outside.  
8 See you all, thank you so much. Thank you so  
9 much, bye-bye. You're welcome to stay for the  
10 rest of the meeting, you just have to be quiet.  
11 Mike, can we -- so we finished the morning  
12 session and what I would like to move on to now  
13 is old business. Mike, if you're ready to  
14 roll.

15 MIKE GRANT: This will be quick and easy.  
16 The jetpack and vessel emergency regulations  
17 went into effect on October 12th after a long  
18 time -- this is been very brief -- won't put it  
19 that way. This started in 2012 when NRP heard  
20 of these things in Ocean City. Became  
21 concerned in 2013. They took videos of this.

1 In 2014 NRP requested a meeting be convened of  
2 a certain group of us from hydro, Ann and Louis  
3 and Director O'Malley, boating services in  
4 general, to take a look at this to how to  
5 address this. We also involved livery  
6 operators. This is all old news to you but I  
7 wanted to go through it. We wanted to involve  
8 them as they were the ones that were really  
9 concerned as much as everybody else because it  
10 could affect their business adversely if Yahoo  
11 midnight jetpack companies came in and didn't  
12 observe any rules and ruined it for everybody.  
13 We didn't want to put them out of business for  
14 the summer. We also wanted to protect the  
15 environment and our citizens of Maryland. So  
16 the first draft went through rather quickly.  
17 We got it by the AG after a number of rewords  
18 going from one document, thinking we could pull  
19 out just one document and cover everything, but  
20 we had to actually get involved and not only  
21 create a brand new jet pack document but bring



1 in the PWC area and to livery operations. And  
2 ultimately after the first emergency went  
3 through in 2014, we had to go back through it  
4 again because Deep Creek Lake had some concerns  
5 after I attended a meeting in January of 2015.  
6 They had some issues, they created an ad hoc  
7 committee. They sent the recommendations to  
8 you all. We included them. Your participation  
9 was throughout this. So the 22nd we presented  
10 it in your spring meeting, the final regulation  
11 request. AELR approved it here July 2nd.  
12 July 7th with the Maryland Register. We  
13 discussed this ad nosium at all the meetings  
14 since 2013. Eventually September 3rd again, we  
15 had another meeting. No public comment in any  
16 of those meetings. Reports from Julie and a  
17 couple of the livery operators that there had  
18 been one accident but it was a non-issue. It  
19 was posted in the Maryland Register on  
20 October 2nd and became final October 12th of  
21 this year. So thank you very much, it's law.

1           RAMONA TROVATO: I want to thank Mike and  
2 DNR for all they did on this.

3           MIKE GRANT: And Ann Williams and Louis,  
4 folks at hydro, they spent sleepless nights  
5 putting this thing together.

6           RAMONA TROVATO: And the attorneys.

7           MIKE GRANT: And the attorneys. Mark  
8 Tolke, God bless him. And Rachel. Mark has  
9 moved on, as you probably heard, to EPA.

10          RAMONA TROVATO: So I want to say what I  
11 think I very much appreciate on this, is that  
12 you brought in the operators of the jet packs  
13 and that we learned a lot about it and the  
14 committee could make a good recommendation to  
15 the Secretary. We really appreciate all the  
16 hard work you've done. With that, unless there  
17 is any questions. I would like to move on to  
18 the COMAR revisions that Ann and Mike and Louis  
19 have been working on. So Ann, you want to come  
20 on up and brief us on the Severn River  
21 Management Plan.

1 ANN WILLIAMS: That's an oxymoron, isn't  
2 it, brief Severn River. I was remiss -- it's  
3 two pages. Give everybody two. I'm Ann  
4 Williams, Maryland Department of Natural  
5 Resources hydrologic services. First, Julie  
6 says she is sorry she is not she but has  
7 management training today. And on your  
8 suggestion of showing off our speed limit maps  
9 as they come up, she has requested that we do a  
10 speaking event at the Boating Water Safety  
11 Summit, the International Boating Water Safety  
12 Summit in March. And we presented a proposal,  
13 hasn't been accepted yet, but I did want to let  
14 you know that your suggestion is being followed  
15 through. We hope to be accepted and then  
16 present at national.

17 RAMONA TROVATO: Great.

18 ANN WILLIAMS: What Mike is handing out is  
19 a brief summary. The Severn River Management  
20 Plan as you all have read and love and know  
21 very well, is very long. Something like 15

1 pages of changes that we will be submitting  
2 through this portion of the update of the  
3 regulation. We started off with the first part  
4 says the Severn River Management Plan, we're  
5 trying to fix the coordinate language. In  
6 addition to that we fixed all the consistency  
7 things that we had met in subcommittee meetings  
8 on. As you may or may not know, some of the  
9 Severn River Management Plan would have night  
10 time first, weekday second, Saturday, Sunday  
11 Holidays, non-boating season all mixed up in  
12 different ways. So we've gone through the  
13 entire management plan and this was an example  
14 of where we moved them so we start off with  
15 Saturday, Sunday, holiday regulations, switch  
16 it, then go to any weekday regulation boating  
17 season, any weeknight boating season, and then  
18 weekday non-boating season and weeknight  
19 non-boating season. They were all mixed up,  
20 they were all scrambled. So we have cleaned  
21 that all up so if you look at the Severn River

1 Management Plan in the future you'll be able to  
2 read it a little better. Part of the things we  
3 found out is we used to have a speed zone  
4 around the bridge when it was under  
5 construction. I don't know what year they  
6 finished the Severn River Bridge, but that  
7 speed zone ended and we kind of had no speed  
8 zone there. So we had speed zone gap, speed  
9 zone. We've now corrected that. A lot of that  
10 reading the regulation, fixing that is going on  
11 and will be submitted. One of the things we  
12 noticed when we did some of the studies with  
13 Ramona driving around is that the rowing teams  
14 are all over the place. However, we only had  
15 one place they were supposed to stay, which was  
16 College Creek. So when a rowing team went  
17 anywhere else, they should have had their life  
18 jackets on. Because our life jacket laws went  
19 anywhere. So we've now corrected that. Inside  
20 of each of the three major sections of  
21 regulation we made at that statement rowing

1 teams are going to show up, so therefore they  
2 are now legal. So we kind of worked on the  
3 College Creek regulation and made a general  
4 College Creek rule. And then specific to  
5 College Creek we made those exceptions if they  
6 weren't in College Creek. The controlled ski  
7 areas. We're going to break that out later and  
8 Amy and I are going to do that together. We'll  
9 skip that for right now. We move the  
10 designated beaches up. What we do with  
11 controlled ski areas, we're going to put them  
12 in their own codification. They are not going  
13 to be inside the Severn River plan. That way  
14 if controlled ski areas broadened throughout  
15 the state, and they are already in the South  
16 River, we're going to have one regulation that  
17 anybody that wants a controlled ski area will  
18 be treated the same way. From meeting with  
19 everybody we realized some of our definitions  
20 were good and some of them were creative, so we  
21 made more creative ones. And you can go

1 through here and see the new ones we suggested  
2 and made. And then the last thing that will be  
3 in the regulation package that will go before  
4 the Secretary is the South River, because we  
5 had to take out the controlled ski area in the  
6 South River and put it up to the statewide ski  
7 area control rules. We had to redo that  
8 section. So we went through and did the  
9 standards again, redid Saturday, Sunday,  
10 holidays, redid the main stem of the South  
11 River also. That's why we have a 15 page  
12 regulation update. It's all written. If we --  
13 when we get through Amy's section here we're  
14 going to bring to you to review the ski section  
15 and get your approval on our subcommittee's  
16 section. If you ratify that, we will send the  
17 package to legal and Rachel will work with us  
18 to legalize the language, don't know if that's  
19 the right word, but make sure I did the right  
20 shalls and commas, so that the intent of our  
21 regulation holds true and she will tighten

1 down. She won't change what we want, she will  
2 just make sure the language follows what our  
3 directions are. So that's where we stand on  
4 the big regulation package. Any questions.

5 RAMONA TROVATO: Go ahead.

6 BOB LUNSFORD: Ann, I'm just looking at  
7 the College Creek redo. And maybe because it's  
8 an abbreviated version, but I don't see in here  
9 where there is a speed limit for me to climb in  
10 one of my boats. Is it someplace else in the  
11 plan that College Creek is six knots or minimum  
12 wake. It does appear?

13 ANN WILLIAMS: College Creek still lives  
14 over the speed limit regulation, but in  
15 addition to it it now has these special things  
16 that the rowing area can't do.

17 BOB LUNSFORD: This pertains just to the  
18 designation of the rowing area.

19 ANN WILLIAMS: Correct.

20 RAMONA TROVATO: Can you explain that to  
21 me about rowing area, you have to be in a



1 designated rowing area.

2 ANN WILLIAMS: Not necessarily. But the  
3 state law requires you have a life jacket. We  
4 had made College Creek a rowing area and we had  
5 rules that they didn't have to have the safety  
6 gear in College Creek. Well, they are all over  
7 the place, so by nature we didn't have anything  
8 that said you could take a boat without a life  
9 jacket anywhere else. So now we have corrected  
10 that. If you're in a rowing skull, you can now  
11 go anywhere and particularly expect to see them  
12 in the Severn.

13 ROBIN ALLISON: How does the Navy feel  
14 about this.

15 ANN WILLIAMS: Obviously they must love it  
16 because they have been doing it.

17 ROBIN ALLISON: They have been wearing  
18 life jackets?

19 ANN WILLIAMS: No, they have doing it  
20 without a regulation.

21 ROBIN ALLISON: That's my question. These

1 are teams training for national competitions,  
2 and my question is are they going to feel  
3 restricted in their movement and speed by the  
4 use of a life jacket.

5 ANN WILLIAMS: No. You read that wrong.  
6 What we did was we gave them permission to  
7 continue the way they have been doing it. We  
8 gave them the regulation that says it's okay.  
9 And there has never been an accident or an  
10 issue. But if there had been an accident, they  
11 would have been in violation for not having a  
12 life jacket.

13 ROBIN ALLISON: I'm sorry, I heard you  
14 wrong.

15 ANN WILLIAMS: Flip that, turn it the  
16 other way.

17 BOB LUNSFORD: The stipulation for the  
18 rowing without a life jacket was it had to be  
19 accompanied by a coach boat. So that if there  
20 was somebody go overboard, the boat broke in  
21 half and fell apart or whatever, there was

1 somebody in a power boat that could facilitate  
2 a rescue. So that's -- and it was confined at  
3 College Creek and now what they have done --  
4 and I assume that same restriction, you have to  
5 be accompanied by a coach boat if you're going  
6 to violate the PFD reg would apply.

7 ANN WILLIAMS: Correct. For anybody. For  
8 anybody. I think there is a couple other  
9 colleges, not just our Naval crews, that are  
10 doing that. But they started showing up all  
11 over the place and the rule really was they had  
12 to stay in College Creek.

13 BOB LUNSFORD: To violate the reg they had  
14 to stay in College Creek.

15 ANN WILLIAMS: Or get a speeding ticket or  
16 life jacket ticket. They could have, nobody  
17 would have. Now we've corrected that. And  
18 mostly because in the event of an accident,  
19 they are right, that's the big thing.

20 RAMONA TROVATO: It sounds like a good  
21 idea given that I've seen them using their

1 boats all the way up where I live.

2 JON SCHELLER: Just as an aside, from 1968  
3 to 1972 I rode from the mouth of the Severn  
4 River to Round Bay and back almost daily for  
5 four years, year round. So...

6 RAMONA TROVATO: Just for fun.

7 JON SCHELLER: Yeah, just for fun.

8 ANN WILLIAMS: Without a life jacket.

9 JON SCHELLER: Without a life jacket.  
10 With a coach boat.

11 RAMONA TROVATO: That's serious stuff.

12 ANN WILLIAMS: And I believe the intent of  
13 the Severn River Management Plan, when it was  
14 conceptualized, it was before Ann, I think the  
15 intent was to create plans like for that every  
16 river system so every river system would have  
17 been a designated rowing team and designated  
18 ski course and all those things would have  
19 fallen into place. That didn't happen. So  
20 everybody has been saying, well, there's a  
21 beach definition in the Severn, but that

1 doesn't mean you can have a beach in the  
2 Magothy. So some of those things have been  
3 looked at kind of differently because the  
4 Magothy plan and Severn had categories. So  
5 putting them up to the level of baywide is not  
6 a bad thing.

7 RAMONA TROVATO: Any other questions.

8 ANN WILLIAMS: So then we move on to the  
9 next one, which you get two nice pages and Amy  
10 will present.

11 AMY CRAIG: Mind if I sit. Okay. So Ann  
12 has put this together. So Ann has put together  
13 a lot of the suggestions and basically making  
14 things stay the same thing for the three  
15 different ski areas. There was a lot of  
16 dis-coordination, let's say. There is a  
17 spreadsheet with the differences. Manidere  
18 Creek and Sunrise Beach were very similar.  
19 South River, the regulation was basically a  
20 paragraph while everything on the Severn was at  
21 least a page of regulations, including decals,

1 special equipment, driver performance  
2 requirements, and what not. So they got very  
3 detailed on the Severn. And I'm not sure what  
4 happened at the South River, but basically it  
5 said there is a ski area and, you know, that's  
6 that, have it. Which I greatly appreciated.  
7 So we went through and came up with the  
8 differences and the similarities and tried to  
9 make it the same all around. And Ann, I'll let  
10 you explain most of it. The permit I think is  
11 the biggest deal that will make it more  
12 cohesive across the areas.

13 ANN WILLIAMS: So we went out and looked  
14 at the ski areas and we determined anybody in  
15 the state should be able to use any of the  
16 three, even though that people own an Army  
17 Corps permit. We have one full Army Corps  
18 permit we've seen. Manidere has some legal  
19 issues and trying to get their fixed. South  
20 River is going to find theirs or help get an  
21 Army Corps permit. What we're going to do as

1 the department, in the past we had lots of  
2 regulations that said exactly what was in the  
3 Army Corps permit. We took out everything, if  
4 it's in your Army Corps permit, why would the  
5 state regulate. So things like when you drop  
6 the buoys and how you do it, the Army Corps is  
7 responsible for the buoys, we're responsible  
8 for the safe activity part. So we took those  
9 things out of our regulation now because each  
10 one of them were different and it didn't make  
11 any sense to try to standardize and have any of  
12 them. So we're going to let the Army Corps  
13 deal with the construction of the zone. So  
14 what we came up with then in the Army Corps  
15 permit for Sunrise Beach, they actually  
16 currently use the old codification number  
17 080416. It's reserved right now, so we're  
18 going to request that we place our controlled  
19 ski area there so that their permit doesn't  
20 have to be changed. And I'm going to kind of  
21 read through it, you guys can follow me, I'm

1 probably not going to read it verbatim because  
2 I've done it too many times and I'll skip  
3 things. I'll give you general concepts. But  
4 what we're hoping to do is present it to you as  
5 the subcommittee's, have you ratify -- modify,  
6 discuss and then hopefully ratify it so we can  
7 send it to legal. As we all know, the whole  
8 thing holding up our digital speed zone thing  
9 is the Severn River Management Plan. We need  
10 to get this through legal and cleaned up so  
11 that the maps match and the inconsistencies  
12 that we found in so many of the maps and regs  
13 is the very last straw to finishing that whole  
14 project. So that's why we hope to get this  
15 ratified in some form today and then move  
16 forward. So the first thing was the State of  
17 Maryland can create controlled ski areas. That  
18 was our first thing. The controlled ski area  
19 has to be in the national standards. We didn't  
20 want people getting creative out there that  
21 whatever the boating safety standards are is



1 what they are were going to follow. Somebody  
2 must apply for and obtain an Army Corps permit.  
3 And the permit holder takes responsibility that  
4 the course is marked as the Army Corps said.  
5 The permit holder also takes the responsibility  
6 to get all Coast Guard permits for their buoys  
7 and markers. The course can be used for  
8 practice and training only and any other use of  
9 the course would require a Maryland Marine  
10 Gathering permit. In their Army Corps permits  
11 they had these things about you can't restrict  
12 people, you can't do it for events and things  
13 because the event process that we already have  
14 would allow you to do that is why we put this  
15 in. So that way if you wanted to do a big,  
16 what is it, race, exhibition or something, you  
17 file and make sure the State knew it and the  
18 State can grant you permission to do exhibition  
19 anywhere, including on your permitted course.  
20 The course may only be used as a ski slalom  
21 course by vessels that display the sticker.

1 And we'll get into the sticker as it has its  
2 own life. The department may during the  
3 boating season mark the area. A person may not  
4 operate or get permission to operate the vessel  
5 for the purpose of towing a water skier on the  
6 skier slalom course on Saturday, Sunday and  
7 holidays between 12:00 noon and sunset during  
8 the month of June, July and August. Which the  
9 committee found was the most heated boating  
10 seasons in the area and that they wouldn't do  
11 it anyway, but that way the old one had lots of  
12 restrictions about when you couldn't do it. We  
13 kept it to what we knew right now wouldn't be  
14 done. As time goes on and boaters have issues  
15 then we can add and subtract from that. A  
16 person may not place or give permission to  
17 place a mooring buoy within 200 feet of the  
18 course. That was in some of them. It should  
19 be in all of them, because then the boat would  
20 swing into, and the boats go around the course  
21 pretty fast, and a moored boat would be

1 dangerous. Only vessels displaying the DNR  
2 sticker may run the course at speeds that  
3 exceed the regulated speed limit for the area.  
4 So each of these areas have a speed limit.  
5 Sunrise is 25 during the day, 35 at night.  
6 Other way around, 35 at night, 20 at night.  
7 One of them. Manidere is six and South River  
8 is six. So that all of the boaters would have  
9 to be doing six knots unless they had a  
10 sticker. And the thing that we found by doing  
11 that drive-through was just amazing for me  
12 because you have this nice course marked out,  
13 and I thought they just kind of stayed in there  
14 and went up and down, but reality they go  
15 through it and then come around like this so  
16 they were breaking the speed limit every time  
17 they shot through it. Because the old  
18 regulation let them go fast inside, but once  
19 they left that last marker they should have  
20 gone to six knots, which is impossible because  
21 the skier hasn't cleared. And so in reality it

1 was very difficult for the skiers to be in  
2 compliance and use the course the way it was  
3 originally written. So it was a real eye  
4 opener watching people use them or watching the  
5 course. Only vessels displaying the sticker  
6 may run the course at speeds. And I think  
7 there is an and there that shouldn't be there  
8 or there's a non missing. I'll look at that at  
9 lunch and let you guys now. I think there is an  
10 and missing. I think the one that's missing,  
11 as I wrote this special for you, is the one  
12 that says nobody can cut across the course.  
13 When it's being in use, people can't cut across  
14 the course. When it's not in use you can go  
15 through the whole area all you want, or when  
16 there is a boat running with a sticker, other  
17 boats can't cut across. I think in your  
18 version I just had to ad lib. Persons may not  
19 operate or give -- oh, see it went to C.  
20 That's what it did. It just pulled it up. The  
21 and is C. In the real regulation it's nine,

1 then C would be the next section. And that's  
2 the sticker. We've had lots of discussions  
3 about who can get a sticker, how to put a  
4 sticker on, which way they go. Currently every  
5 person who has ever had one gets a letter from  
6 Jeannine once a year and they get a new  
7 sticker. They say you want a sticker, you get  
8 a sticker. The first time you got a sticker,  
9 somebody tested your vessel for speeds and did  
10 some looks at it, looked at it and made sure it  
11 fit the standards. And as Bob was saying, I  
12 hear there were some parking lot visits, I hear  
13 there was telephone calls, but nonetheless  
14 people got a sticker that met a certain grade.  
15 What we propose to do is create a new form.  
16 Probably work with the committee, the ski  
17 committee, to write this to make it a little  
18 bit more sense. The things we took out of the,  
19 particularly the Severn River Ski Plan that how  
20 to get a sticker was created, you had to have a  
21 towing piling, you had to have a permanent swim

1 platform above and at least six inches beyond  
2 the propeller or other suitable boarding  
3 device. I don't know what that might be, but  
4 it seem like it's clear as mud until you try  
5 and go see does my rope ladder work, I don't  
6 know. So we're going to try to make it things  
7 that everybody would understand, this is and  
8 this isn't. A mirror placed in such a position  
9 and large enough to observe a skier from the  
10 vessel operating location. Does that mean how  
11 many people on board or what. And I don't do  
12 it, but the way it's worded, there's so much  
13 interpretation on it I just think we need to  
14 clean it up and say this size, this is what  
15 we're looking for. Cleat, mast or other  
16 obstruction which could be capable of fouling a  
17 tow line may not be in the -- may not be aft of  
18 the tow piling. I hear -- I only crab, but I  
19 hear there's probably a cleat on everybody's  
20 boat. Again, it's things that we're not sure  
21 they really mean anything any more. But as a

1 committee, we're going to go through every one  
2 of these and create a form that somebody does a  
3 checkbox so that the person that fills out the  
4 form is what's important in the regulation. In  
5 talking to everybody, we wanted this as open as  
6 possible. So we wanted people to be able to  
7 apply for the forms, but we didn't want  
8 Jeannine and/or a staff member that's never  
9 been on the boat to say this meets -- this boat  
10 meets the merit test, because we're not you.  
11 So what we did was we created four different  
12 categories, I believe, of people. The person  
13 who put in the Army Corps permit obviously is  
14 responsible for those buoys and they know  
15 exactly the width of the boat, the type of boat  
16 that they think should be going through them.  
17 And so if the person that is the signer of the  
18 Army Corps permit asks for a decal from the  
19 department, we accept them as an expert, they  
20 would be able fill out that form, certify the  
21 form is right, and therefore be given a sticker

1 to place on a boat. The Maryland Ski Club  
2 representatives. The ski clubs are the people  
3 that use it, therefore if they in turn had a  
4 ski club person and the president of the ski  
5 club says "yes, I will certify that this is  
6 done", sign on the bottom line, request a  
7 sticker, we will then give that person because  
8 they also know what's going on. I looked up in  
9 the American Waterski Association has its  
10 driver. Say somebody from Florida that's been  
11 driving his whole life and he's got a big  
12 expensive driving certificate already, he comes  
13 up but he doesn't want to belong to one of the  
14 clubs and doesn't know anybody but he wants to  
15 do the course. He sees our regulation, because  
16 of his skill and he shows us that drivers  
17 license, we know that he wouldn't mess up his  
18 license by saying his boat wasn't certified.  
19 So we would accept a request from him. We were  
20 kind of worried that what if you didn't want to  
21 be a club member and you wanted to do this. We



1 asked legal, and I didn't get it from Rachel,  
2 but we asked the last one would be if somebody  
3 in general wanted one that they could actually  
4 request from the Boat Act Advisory Board and  
5 the chairman could then have one of the experts  
6 here fill out and say. And we could have the  
7 advisory board sign on that form also. It's  
8 just advise. She will make sure I'm right on  
9 that.

10 BOB LUNSFORD: One of the things that has  
11 happened is people come in from out of state  
12 and vacation here and they'll bring their boat  
13 with them, and they can't run the course  
14 because they don't have a sticker. But they  
15 had a tournament boat and they got stickers  
16 generally if their boat was in compliance with  
17 the standards.

18 ANN WILLIAMS: Right. So we wanted to  
19 open it up who they could get them from.

20 BOB LUNSFORD: And they had to quickly  
21 turn that around because they are only here for

1 a week or two. So you can't take a week to get  
2 around to inspecting a boat and their vacation  
3 is over and the whole family is mad at you.

4 ANN WILLIAMS: Right. So somewhere in  
5 between those four methods, pretty much anybody  
6 can get somebody that's an expert in this to  
7 fill out that form. And then right now this  
8 current one has a year on it and Jeannine sends  
9 them out yearly. Anybody who has that permit  
10 is going to get a letter with the new form,  
11 because the new one is going to say life of the  
12 boat, unless you modify the boat or sell it.  
13 And so we'll put a sticker on it that way. It  
14 seems silly to keep mailing these out year  
15 after year to the same people.

16 BOB LUNSFORD: Why does it matter if they  
17 sell it.

18 ANN WILLIAMS: Only because we wouldn't  
19 have that person's name on file. If they sell  
20 it to you, you would say, "I already have one"  
21 and Jeannine would change it from me to you in

1 the file that says --

2 BOB LUNSFORD: Sticker is on the boat.

3 ANN WILLIAMS: Right, but we --

4 BOB LUNSFORD: I mean does it really  
5 matter. I mean once the boat is stickered.

6 ANN WILLIAMS: Excellent question and  
7 we can scratch that out.

8 COLES MARSH: I would be the one to fill  
9 out and sign the application and get the  
10 sticker for the boat. When I sold it to you,  
11 you have the sticker and the boat, but I have  
12 the application under my name for whatever  
13 reason.

14 BOB LUNSFORD: So why does the department  
15 care. They come out and they look at the boat  
16 and they say you got a sticker, the boat is  
17 fine.

18 ANN WILLIAMS: I guess because he promised  
19 that he wouldn't modify or change it. You now  
20 have it, you put that weight on it that we  
21 don't want you to do.

1           BOB LUNSFORD:  So you can sanction me at  
2           some point.

3           ANN WILLIAMS:  Right.  So we can take it  
4           away from you because you break the rules  
5           later.  I believe it's merely coming in and  
6           saying I already have a sanctioned boat, I boat  
7           it, Jeannine changes it from Ann to Bob and now  
8           you sign the form.

9           BOB LUNSFORD:  So if I modified it, you  
10          promised you wouldn't, and I hadn't made such a  
11          promise.

12          ANN WILLIAMS:  But, again, that's up for  
13          you guys because it's -- it will be your  
14          recommendation to send to us.  So...

15          RAMONA TROVATO:  We've got questions, Ann.

16          STEVE KLING:  Is this -- I think you said  
17          this is going -- you're not quite done and then  
18          it's going to go to legal.

19          ANN WILLIAMS:  Well, I'm done.  You're  
20          going to make your recommendations.  If it's  
21          sound in the way you want it, we're going to

1 make changes that you recommend.

2 STEVE KLING: Modified to me -- I mean  
3 it's too broad. I would think we would limit  
4 it to the performance characteristics of the  
5 boat.

6 ANN WILLIAMS: Excellent suggestion.

7 STEVE KLING: Changing the electronics is  
8 modifying the boat.

9 ANN WILLIAMS: Putting a new GPS on it.

10 STEVE KLING: I guess I'm looking at who  
11 can have a sticker, and I came down to number  
12 five, Director of Department of Natural  
13 Resources may designate a staff member who may  
14 request ski stickers. I assume they mean  
15 secretary. Director of Boating Services or the  
16 Secretary of DNR.

17 ANN WILLIAMS: The secretary could.

18 RAMONA TROVATO: So change director to  
19 secretary.

20 STEVE KLING: May designate a staff member  
21 who may request or who may issue.

1 ANN WILLIAMS: Jeannine still issues them.  
2 The request is fill out that form. On the form  
3 it's going to say that I, the requester, says  
4 this boat. So, for example, the performance  
5 standard, there is a performance standard in  
6 the old regulation on the permit which you're  
7 not looking at that said the boat was tested on  
8 the course and the boat can maneuver the  
9 course. I don't know if that's necessary but  
10 there's probably a width -- there is something  
11 you're looking for on the performance.

12 STEVE KLING: As I read D, I don't see  
13 where me, as John Q ski boat owner, could come  
14 up and request a permit.

15 ANN WILLIAMS: Well, they can but they  
16 have to go through one of these doorways. John  
17 **Q Public would have to have an expert to tell**  
18 **Jeannine that that boat met. She doesn't feel**  
19 **comfortable making the decision that these**  
20 **boats somebody brings to her meets the**  
21 **standards that the community wants.**

1 STEVE KLING: Okay. But this is going to  
2 be in COMAR.

3 ANN WILLIAMS: Correct.

4 STEVE KLING: And if I'm John Q water  
5 skier, or the guy coming in from out of state,  
6 I don't see where this to me --

7 ANN WILLIAMS: What we're going to  
8 hopefully have is a web page.

9 RAMONA TROVATO: Wait a minute. I think  
10 it's number five. Take a second and read  
11 number five. It might not be exactly right.

12 STEVE KLING: Well, that's -- number five  
13 to me is not clear. A staff member who may  
14 request. Request of whom.

15 ANN WILLIAMS: Of Jeannine.

16 RAMONA TROVATO: Wait. So when you read  
17 this it sounds like DNR can request a sticker.

18 MIKE GRANT: Should it be issue instead of  
19 request.

20 STEVE KLING: That was my first question,  
21 should it...

1 ANN WILLIAMS: I guess the intent, and you  
2 guys are going to help me fix that, was that no  
3 one should expect they can call Jeannine to get  
4 that sticker. To get that sticker, you would  
5 call -- DNR will have a place to call. And  
6 it's always that kind of thing that if our  
7 secretary says I want that sticker on a boat,  
8 it's going to go. We wanted it that the public  
9 did it first. That the public -- the boating  
10 community reviews the boat, does the  
11 performance standard, makes a request, fills  
12 out the form, sends it to Jeannine and says "I  
13 certify that that boat is good." Then Jeannine  
14 sends it to Romana, or whoever certified it,  
15 and Ramona then affixes it to a boat so it  
16 doesn't get on a different boat. Because if I  
17 mail it to you, you could stick it on the  
18 different. So the person that tested it, so  
19 that's why that one --

20 RAMONA TROVATO: I don't think we're  
21 disagreeing with the idea, we're just confused



1 by the language.

2 ANN WILLIAMS: And hopefully Rachel --

3 RACHEL: I haven't looked at the language  
4 yet, only the concept.

5 ANN WILLIAMS: Like I say, if the concept  
6 is okay, then someone in DNR could do it. And  
7 then Rachel will make the language...

8 STEVE KLING: I think five is maybe the  
9 most important thing, or as important.

10 RAMONA TROVATO: I agree. This is where  
11 John Q Public can do it and you don't have  
12 these other requirements.

13 ANN WILLIAMS: I think our concept was  
14 just the opposite. If you called us up first,  
15 we're going to say go to a ski club. We're  
16 going to try to get the community to do it  
17 first. This was more the clubs -- the clubs  
18 start shutting down that are not an AWA member,  
19 but I still want to do it, I moved into the  
20 area, what do you mean that there are no active  
21 clubs, how do I get on this and who is the old

1     guy that signed the Army Corps permit, he's  
2     done. So we didn't want to have this that as  
3     time evolved that you couldn't get one from  
4     DNR. We wanted you to use the other ones  
5     first.

6             STEVE KLING: Okay. I apologize for that.  
7     Like number two, you said the Maryland Waterski  
8     Club presidents may request DNR stickers. So  
9     what you mean there is not personally but for  
10    club members.

11            ANN WILLIAMS: For anyone they choose,  
12    right. That they certify that form. That  
13    these forms are available and those doorways  
14    can fill out the form, but they are the ones  
15    who sign. And on the form it's going to say "I  
16    certify that this vessel meets the boating  
17    standards." Because right now it's Jeannine  
18    that's supposed to certify that and Jeannine  
19    says that --

20            STEVE KLING: So I think what this  
21    probably, not to do the AG's job, but it's

1 probably going to have to go from may request  
2 to may certify a vessel. That's making more  
3 sense.

4 RAMONA TROVATO: So the way this works is  
5 if you want a ski sticker, you need an expert,  
6 you want some expert to say yes, this boat  
7 meets the basic requirements.

8 ANN WILLIAMS: Yes.

9 STEVE KLING: You're trying to outsource  
10 the boat inspection.

11 RAMONA TROVATO: Yes.

12 ANN WILLIAMS: Good words. We're trying  
13 to give it to the local level as much as  
14 possible.

15 AMY CRAIG: People that know.

16 KATHY BERGEN SMITH: I would ask, was  
17 there discussion about like what if I went and  
18 purchased a boat, what -- are there -- like the  
19 dealers, would they be able to issue the  
20 stickers, or no. If I go to the Ski Nautique  
21 dealer in Edgewater and ask him, hey, here's my

1 check and he could say, oh -- just like when  
2 you get your car tagged and titled.

3 AMY CRAIG: That's not a bad suggestion at  
4 all.

5 KATHY BERGEN SMITH: That would definitely  
6 meet the criteria, his vessels. I don't know.

7 ANN WILLIAMS: Again, we wanted it to be  
8 as open as possible, but we wanted that  
9 criteria met.

10 KATHY BERGEN SMITH: Again, John Q public  
11 water skier guy with a checkbook and then that  
12 guy could just drive off.

13 ANN WILLIAMS: With a sticker.

14 RAMONA TROVATO: Great point. I don't  
15 know, let me get Louis to comment and then get  
16 back to your question. Go ahead, Louis.

17 LOUIS WRIGHT: Part of the reason for  
18 driving it down to the local level was we're  
19 not experts on the ski area and so they may  
20 have -- I mean there is an AWSA standard, but  
21 whatever the width is. If AWSA decides to

1 change width or length or whatever, the  
2 changes, whatever the boat goes through, the  
3 permit holder and the ski people are going to  
4 know about that far before we will. And like  
5 with the boat dealers, not that we're saying  
6 no, but it's one of those things that the local  
7 level that's actually using it or has the  
8 permit for, you know, would know and should  
9 know any specific characteristics that would be  
10 applicable to that course. Because it may be  
11 that the Army Corps puts different restrictions  
12 on every course and that may effect what boat  
13 can go through there. We don't know that.

14 RAMONA TROVATO: Okay. Thanks. John.

15 JOHN PEPE: In the survey industry, we  
16 consider that what they call a qualified body  
17 or a qualified member. Not a staff member.  
18 And I think Steve, to get to your point,  
19 doesn't have to be a staff member of DNR, just  
20 a qualified member that understands the rules  
21 and regulations of the American Water Ski

1 Association that could be a designee for the  
2 department.

3 RAMONA TROVATO: That's an interesting way  
4 of approaching it. So instead of having these  
5 categories, you would say a qualified, what  
6 were your words.

7 JOHN PEPE: It's semantics. They call it  
8 a qualified body, which would be a member that  
9 understands the rules and regulations  
10 intimately, or a qualified member.

11 RAMONA TROVATO: And then these folks on  
12 this list would be qualifying members or a  
13 qualifying body.

14 STEVE KLING: I think what they have done,  
15 I was saying -- the way it reads to me was you  
16 can request it personally. But what you're  
17 really saying is, and I think this gets to  
18 this, it's being to some extent specific about  
19 who the qualified people are. And I think, as  
20 I read request, what it really means is certify  
21 a boat as eligible.

1 JOHN PEPE: Right.

2 ANN WILLIAMS: The thing with the list was  
3 we were afraid that over time it might become  
4 an elite test and only the high end boats,  
5 whatever B1 -- the AWSA lists, but that smaller  
6 boats and older Boston Whalers still can run  
7 the course and still meet the local standards  
8 but may not ever meet competition level  
9 standards. We were afraid that over time those  
10 two might get too far apart.

11 AMY CRAIG: So there were two lists on  
12 AWSA. One is a competition tow boat and one is  
13 an authorized tow boat. So there is a  
14 difference there. So it actually confused me  
15 when I looked it up. These are authorized for  
16 use in competition, but these are regulated ski  
17 boats you could still use. But Jeannine  
18 wouldn't know which list to use. And that  
19 could throw out a ton of people by using only  
20 the competition regulated ski boats.

21 BOB LUNSFORD: You don't think that the

1 authorized, as opposed to competition, boats  
2 would have met the qualifications at all, they  
3 would have failed at some point. And what I'm  
4 trying to do is say, okay, if there is two  
5 lists, and even if there is two lists if you  
6 look up a boat on one of those lists --

7 AMY CRAIG: Right, it qualifies.

8 BOB LUNSFORD: DNR could issue a sticker  
9 and say, okay, it met these minimum  
10 qualifications. That takes some of the burden  
11 off John Q Public who comes in from New York,  
12 has an afternoon he wants to go skiing that  
13 evening with his family, he can come by the  
14 department and say I have an XYZ Towmaster.  
15 And Jeannine or Mike can --

16 ANN WILLIAMS: As far as I'm concerned,  
17 that would be fine, but it's the modification  
18 of a vessel that -- after that. There is  
19 something that people --

20 AMY CRAIG: Remember the balance bags we  
21 talked about.



1           BOB LUNSFORD: You have to, when you apply  
2 for the sticker, you have to certify that you  
3 do not have those types of modifications. But  
4 I'm just trying to make it easy on John Q  
5 Public who comes in and says "I need a sticker,  
6 I need it this afternoon because I got kids  
7 sitting in the trailer." So here's the boat on  
8 the list, I've got a Towmaster, and it's a 2010  
9 and Jeannine or Mike or you could say, "sign  
10 this paper that says it's as it came from the  
11 manufacturer and performance standards and go  
12 about your merry way."

13           STEVE KLING: Now that brings up a  
14 question. Suppose I have a Ski Nautique and  
15 it's legitimate. And then I go to Bob Nickel  
16 and I buy the bladders to stick in the boat to  
17 make it a wake board boat.

18           BOB LUNSFORD: Same way, but go ahead.

19           STEVE KLING: Now I have that in the boat  
20 but I want to use it on the water ski without  
21 any water in the bladder. Why is that a

1 problem.

2 AMY CRAIG: That shouldn't be a problem.

3 STEVE KLING: But I modified the boat.

4 COLES MARSH: That shouldn't be a problem.

5 STEVE KLING: That's -- because half the  
6 people just put the garbage cans full of water  
7 on the back.

8 MIKE GRANT: Permanently modified for  
9 another use.

10 RAMONA TROVATO: It's modified but it's  
11 not permanent because you can put water in or  
12 take water out.

13 ANN WILLIAMS: I guess the question there  
14 would be running the course with a modified.  
15 Like when you went and inspected it, the person  
16 that certified that it met the standard would  
17 say I didn't see the trash can, good, put the  
18 sticker on, just like you said. Then you put  
19 the trash cans in or the bladders in but  
20 they're empty so you're still on the course and  
21 that's fine. You fill them up but you forgot

1 to drain them and you start doing the course  
2 and Amy sees that you're pushing a wake that's  
3 too much. She calls NRP up and says that boat  
4 is not meeting standards, they will come take  
5 your sticker, because you ran the course with  
6 the bladders filled. And I think that's all  
7 we're trying to say is if you do it you will  
8 lose your sticker. If you modify it and you're  
9 not running it that way, nobody is ever going  
10 to call and say "I think that boat has trash  
11 cans." I think that's the issue. I think it's  
12 if you're breaking the law we will take the  
13 sticker away. But you can put them in all you  
14 want.

15 MIKE GRANT: Can we say something like  
16 boats that are permanently modified for another  
17 use may not operate on the course in that --

18 ANN WILLIAMS: I think what we will  
19 probably --

20 RAMONA TROVATO: Wait, wait, no, you can  
21 say that. Because if you permanently modify

1 the boat by putting bladders in, you can run  
2 with the bladders full or not full. So even if  
3 you say permanently modified, you can't run the  
4 course, won't work.

5 ANN WILLIAMS: So we will try to find a  
6 way to word it that says running with the  
7 modification versus modifying. So that if you  
8 run the course with certain modifications, your  
9 sticker could be removed.

10 MIKE GRANT: Modified performance.

11 ANN WILLIAMS: And run the course. But  
12 we'll work on that.

13 AMY CRAIG: I'll check with AWSA  
14 regulations as well about what is qualified and  
15 what would be thrown out in regard to  
16 modification. A lot of the competition boats  
17 now still have the bladder to make them dual.  
18 Dual performance, more amenable to families.

19 RAMONA TROVATO: Right.

20 JON SCHELLER: Enlighten me, I'm not a  
21 water skier. What is the purpose of the

1 sticker? Is it certifying a physical attribute  
2 of the boat. Are you certifying a vessel or  
3 are you certifying a vessel to use a course  
4 because you got -- I mean the more you talk,  
5 the more confusing it gets as to what your goal  
6 is.

7 BOB LUNSFORD: Because I was here for the  
8 history, I think Rob and Fred and I maybe the  
9 only ones. The original intent of requiring  
10 the sticker was to disallow boats that didn't  
11 meet certain performance requirements from  
12 operating on the course. And in particular  
13 Manidere Creek, where there was short lead  
14 times and the boat has to make pretty sharp  
15 turns at either end. It was simply to ensure  
16 that the boats that used that course and were  
17 exempted from the six knot speed limit, or  
18 other speed limits in the area, were quiet and  
19 could safely maneuver the course. So it was  
20 kind of a certification of the boat capability.  
21 But the downfall of that is you get an idiot

1 kid driving that doesn't know how to turn the  
2 boat or something, but we decided we couldn't  
3 go there because it got too complicated. But  
4 the original intent was to simply certify the  
5 boat was capable of certain performance  
6 standards and noise standards, and that  
7 included weight measurements, you know, safety  
8 equipment, the ski pylon, the rear-view mirror.

9 JON SCHELLER: So you have a basic  
10 physical standard, is that right.

11 BOB LUNSFORD: Correct.

12 JON SCHELLER: And how long is this good  
13 for.

14 BOB LUNSFORD: The boat is, once it's  
15 stickered according to the new regs, it was  
16 stickered for life. Originally it was done  
17 annually, considering people would move in and  
18 out, they might modify the boat for whatever  
19 reason. But the original intent was if your  
20 boat met the requirements and you got a  
21 sticker, you didn't have to come in and get it

1 inspected annually, you would just get  
2 reissued.

3 JON SCHELLER: Then logically you could  
4 not do any modifications to it because you are  
5 no longer certifying it. In other words -- all  
6 you're doing is taking a snapshot.

7 BOB LUNSFORD: Correct. That's all you  
8 can do. If somebody were to put bladders in a  
9 boat, for instance, and not engage them, not  
10 have water in them, the boat would still meet  
11 all the performance requirements it had to be  
12 to get the sticker issued. But there are many  
13 boats that are in common use that people think  
14 they are ski boats, a 22-foot bow rider, that  
15 aren't capable of using -- aren't capable  
16 tracking down the courses and pulling the skier  
17 and keeping the rear end of the boat between  
18 the buoys, because a skier pulls them all over  
19 the place.

20 JON SCHELLER: Is there an operator's  
21 permit as well.

1 BOB LUNSFORD: No.

2 MIKE GRANT: That's a good point.

3 JON SCHELLER: Who is legally liable for  
4 all the skiing.

5 BOB LUNSFORD: The boat operator.

6 JON SCHELLER: If you certify the boat,  
7 then the State becomes liable.

8 BOB LUNSFORD: We certify the boat. A  
9 dealer can certify my car at 200 miles an hour,  
10 that doesn't mean it's legal for me to drive  
11 that fast.

12 STEVE KLING: Liable for what. I mean  
13 liable for what.

14 JON SCHELLER: Death, injury, personal  
15 property damage.

16 BOB LUNSFORD: That's a failure of the  
17 operator not a failure of the equipment  
18 usually.

19 ANN WILLIAMS: This would be a performance  
20 certificate.

21 JON SCHELLER: If you certified that boat



1 and then the guy does modify it --

2 BOB LUNSFORD: He's violated his condition  
3 of having a permit.

4 JON SCHELLER: Not according to you right  
5 now, he can modify it.

6 BOB LUNSFORD: If you used it in the --  
7 with the modification in effect.

8 MIKE GRANT: All we're trying to do is  
9 protect the integrity of the ski course of  
10 people using it. We don't issue driver  
11 licenses for people that buy 100-mile an hour  
12 Cobalt. Any Joe Bag of Donuts can go buy one  
13 and go crash into a pole. The same thing, you  
14 couldn't request an operator permit or license  
15 for the ski boat. Anybody can buy a ski boat  
16 who has 70 grand or so.

17 RAMONA TROVATO: You know, some of this is  
18 to protect the ski course itself. If you're  
19 driving one of these smaller boats and you have  
20 a good skier on the back and they cut out to  
21 those buoys on the outside edge, and you can

1 clip off the boat and it's just gone. Nobody  
2 got hurt, the boat didn't get hurt. Maybe a  
3 ding on the prop, but part of this is to  
4 project the ski course from getting torn up.

5 ANN WILLIAMS: Technically the ski courses  
6 are an Army Corps permit. It's kind of like a  
7 pier. And the Army Corps said that they have  
8 to be open because of the nature of that, but  
9 it could have been very restrictive and said  
10 only Sunrise Beach can use that because they  
11 own the Army Corps permit. And we didn't want  
12 that, we wanted them to be able to use them as  
13 much as possible so the difference would be to  
14 standardize this equipment so you're not  
15 injuring somebody's else assets.

16 JON SCHELLER: Just do an analogy for a  
17 moment. Supposing that we were certifying race  
18 car tracks and they were privately owned or  
19 they were Government owned, there would be  
20 operator permits required to get on the course.

21 RAMONA TROVATO: You probably just signed

1 your life away like you do when you get on a  
2 zip line.

3 ANN WILLIAMS: There is a boater safety  
4 course.

5 BOB LUNSFORD: Don't go there.

6 STEVE KLING: I don't think that's a  
7 useful analogy at all. We're not certifying.

8 JON SCHELLER: So why do you care what  
9 boat goes over it.

10 RAMONA TROVATO: Because the boat belongs  
11 to private people. The buoy doesn't belong to  
12 the State.

13 STEVE KLING: This is my layman's  
14 understanding. The Ski -- the whole idea of a  
15 water ski boat is as little wake as possible.  
16 To track straight and has no wake. What you  
17 want to prevent is the guy with the 28-foot IO  
18 plowing a big wake dragging their kids through  
19 the course and disrupting the area and creating  
20 inappropriate conditions in a confined space.  
21 So you're going to let somebody go fast in a

1 flat boat in a confined space --

2 JON SCHELLER: You've listed all these  
3 associations, and it sounds like you consider  
4 them to be subject matter experts and they are  
5 going to be inspecting the boat.

6 ANN WILLIAMS: Yes.

7 JON SCHELLER: So.

8 ANN WILLIAMS: For that performance  
9 standard, for the ability to go through that  
10 course. And see, most of them maintain, own  
11 and take care of the course, they know -- when  
12 a new boat comes out, if that one will throw  
13 too big of a wake, that one is fine, it won't  
14 take my buoys out. In essence to protect their  
15 markings. Because we're not marking it, we're  
16 not ever going to be marking them.

17 AMY CRAIG: Amy. Steve is correct, there  
18 are just certain boats that would tear up the  
19 course, and that's what happens every 4th of  
20 the July. You know, the wallies come out and  
21 they don't know what they are doing and take

1 their tubes through there and all the buoys are  
2 gone. And personally in the South River, once  
3 the buoy is gone and you can't easily discern  
4 where that buoy was, it takes a lot of time to  
5 find the sub-buoy and the anchors. So it's a  
6 lengthy process.

7 JON SCHELLER: These courses are private  
8 property; is that right.

9 MIKE GRANT: The equipment is.

10 JON SCHELLER: Well, the course -- the  
11 hardware for the course is private property.

12 AMY CRAIG: Yes. It would be like a  
13 mooring buoy I guess except there is just a  
14 whole lot of them.

15 JON SCHELLER: And so someone -- some  
16 organization has created that course.

17 AMY CRAIG: Correct.

18 JON SCHELLER: And they got a permit to be  
19 there. How do they control access to the  
20 course.

21 AMY CRAIG: With the decal at this point.

1     Otherwise there is no way of controlling  
2     access.

3             JON SCHELLER:   And so --

4             ANN WILLIAMS:   And Manidere has an open --

5             JON SCHELLER:   Is it open --

6             RAMONA TROVATO:  Anybody with a decal.  
7     Whether they belong to the people who own the  
8     course buoys or not.

9             AMY CRAIG:    So this would allow me as a  
10    South River Ski Club member to go up to  
11    Manidere Creek and use their course as well if  
12    I used it properly and had the proper  
13    equipment.

14            RAMONA TROVATO:  John, and then Mike.

15            JOHN PEPE:    I'm playing devil's advocate  
16    here as a surveyor.  I mean boats are different  
17    designs for different uses.  Why is this thing  
18    getting so convoluted.  Why can't it just say  
19    boat designed for a specific design and use as  
20    a ski boat.

21            RAMONA TROVATO:  We started out thinking

1 that because that would be the easiest thing to  
2 do. But then Amy and I were talking and we're  
3 finding out to buy a new Ski Nautique is around  
4 \$70,000, which would mean if you say you can  
5 only use a ski boat specifically designed for  
6 this purpose, a lot of people are never going  
7 to be able to go waterskiing on that ski  
8 course. So we would like it broader so more  
9 people can use it, and at the same time without  
10 tearing the course up.

11 JOHN PEPE: Here again now you're talking  
12 about putting a qualifying body or qualifying  
13 inspector to inspect every single boat, which  
14 means you have to go out and look at wake,  
15 you're going to have to look at the turning  
16 capability of the boat, towing capability of  
17 the boat. All of these different things. If  
18 this boat was designed specifically as a ski  
19 boat, it could be a 1960 Chris Craft, could be  
20 a 1960 Creft Craft, up to the \$80,000.

21 ANN WILLIAMS: I think what Bob said,

1 which is what we're going to add, if you're on  
2 this list without any modifications, it's going  
3 to be easier. So we'll put that at the top and  
4 see what the list is. But if you're not on  
5 that list and, I don't know the boats, but  
6 let's say you have a small Boston Whaler that  
7 has an adequate motor on it that didn't make  
8 the grade because they also say what they can  
9 do for competitions but I just want to be able  
10 to do it, you should still be able to go  
11 somewhere and say can my boat, not on your good  
12 list, can my boat do the course. And these  
13 clubs want to be able to let them in. They  
14 want to be able to let boats not on the list,  
15 have the performance that way, in. And so  
16 that's what this is going to be. So we're  
17 going to put the better list at the top so if  
18 you're one -- and the problem is I don't think  
19 we can use that list. We have to put the words  
20 on that list. We can't say go see the AWA  
21 list, we have to literally take that list and



1 put it in --

2 RAMONA TROVATO: How do you keep it  
3 up-to-date.

4 ANN WILLIAMS: Right. That's where it  
5 comes into the other. And so we put in what's  
6 there today and then we say if you're not on  
7 here, then you have to do this. The reason is  
8 that we have to have copies across the state  
9 and they have to be...

10 JOHN PEPE: Here again, you've got a very  
11 specific body, American Water Ski Association,  
12 I'm sure is a very qualified body that runs all  
13 these competitions and they set these courses  
14 and they set all these parameters. Now you're  
15 running head long into, oh, we want to let  
16 people that don't have qualified boats as ski  
17 boats to come in here and use the course. You  
18 can't have it both ways.

19 ANN WILLIAMS: But I'm not the permit  
20 holder. The permit holders run it first off.

21 JON SCHELLER: Why could you not have it

1 both ways.

2 ANN WILLIAMS: The permit holders want it  
3 to be open, the permit holders wanted to open  
4 it, and their Army Corps permit says to be as  
5 open as possible. So what we're trying to do  
6 is allow that. And I think we're probably  
7 discussing a mute point, that probably 99.9  
8 percent of every boat is going to be in that  
9 list that Amy is going to share with us and  
10 we're going to put it down. And the one that's  
11 not, that if they think that they qualify. And  
12 the big one is probably the new jet skis are  
13 coming out with capability of pulling a water  
14 skier. How many people think a jet ski is the  
15 same, what kind of wake does a jet ski do. So  
16 they are going to want to ask and then these  
17 groups are going to want to be able to say not  
18 this model but maybe a future model.

19 JON SCHELLER: Then why aren't they the  
20 designators for this then, why aren't they the  
21 inspectors.

1 ANN WILLIAMS: They are, the clubs.

2 JON SCHELLER: So they should be -- every  
3 single boat that goes for this qualification  
4 and this sticker should go through one of those  
5 clubs. Let them be responsible for it. And  
6 it's a shame if somebody comes up from Florida  
7 with a Boston Whaler that can't go skiing  
8 tomorrow morning at 10:00 o'clock, but you  
9 either have to have a qualified person on the  
10 staff to do this or you have to let the group  
11 that runs these courses do it.

12 RAMONA TROVATO: Mike.

13 MIKE GRANT: At the last meeting Russ  
14 Dwyer handed me a sheet, and Russ is probably  
15 at the beginning of all this, that basically  
16 showed a course that the vessel had to travel  
17 in order to get the sticker. Now, there is two  
18 things involved, is the boat capable to take  
19 the course and is the driver able to make the  
20 boat take the course. There were no lists of  
21 any Mastercraft or Ski Nautique or anything.

1 If the vessel can do this, then you could be on  
2 the course. Then all of a sudden all these  
3 other little -- the mirrors and the  
4 co-piloting and all this stuff was added  
5 somehow. Was it part of that, I don't know,  
6 I'm asking.

7 BOB LUNSFORD: Yeah, it was. That diagram  
8 that showed that maneuvering course that the  
9 boat had to do and speeds associated with  
10 going -- doing an arch and doing a figure  
11 eight, as I remember, had to maintain a certain  
12 speed, that diagram was from the American Water  
13 Ski Association. And that's their performance  
14 standard along with a noise standard and wake  
15 standard that the boats have to meet before  
16 they're competition or authorized tow boats.  
17 My question that comes up is what if a  
18 competing organization other than the American  
19 Water Ski Association pops up and they have a  
20 different list. Do we accept either or.

21 JON SCHELLER: Who is the permit holder

1 for the course.

2 AMY CRAIG: The person who put in the Army  
3 Corps of Engineer request.

4 BOB LUNSFORD: Generally an individual.

5 JON SCHELLER: I would suggest that that  
6 person is the operator/owner of the permit, it  
7 should be their responsibility as a person, a  
8 corporation, a foundation, a club, the permit  
9 holder should have the sole and exclusive  
10 ability to request a water ski permit for that  
11 course.

12 RAMONA TROVATO: What if that guy says the  
13 only way I'm going to let somebody have a  
14 permit is if they are a member of my club and  
15 pay my dues.

16 JON SCHELLER: They own the permit.

17 STEVE KLING: But the permit, the Corps  
18 doesn't let them do that.

19 BOB LUNSFORD: It's a recreational -- use  
20 for recreational use is what used to be the old  
21 term for slalom courses and they weren't

1 allowed to restrict.

2 ANN WILLIAMS: They weren't. Because they  
3 own the buoy, not the water in between it. So  
4 putting that ownership on them kind of breaks  
5 their Army Corps permit. Because they are not  
6 allowed to in essence solely the use the water  
7 around there. We helped them with this, we  
8 understand you invest that kind of money and  
9 time on the buoys so we're going to help you  
10 with the sticker boat, that they are the ones  
11 that meet the standard that can fit through the  
12 slalom space.

13 COLES MARSH: That could get very sticky  
14 if you start saying, president of the  
15 waterskiing club, you have to see the president  
16 of the waterski club and make sure you qualify  
17 all of the things to use this course. All of a  
18 sudden I'm the president of the waterski club  
19 and here comes John along, and I say "I know  
20 John from way back, I don't particularly like  
21 John, so I'm not going to authorize John to use

1 the course." Well, in a sense it's public  
2 waters. We're just using it as a designated  
3 purpose. When you row a shell, you row in the  
4 shell on all of our waters. You're waterskiing  
5 on all of our waters, you just have a  
6 designated use for that particular piece of  
7 water. So I think that's a bad idea if you're  
8 going to have a president of a club --

9 BOB LUNSFORD: Be the only.

10 COLES MARSH: Be the only authorization  
11 person.

12 RAMONA TROVATO: Robin.

13 ROBIN ALLISON: The same thing applies to  
14 a dealer who sells new ski boats I would think.  
15 That if a person who already owns one goes to  
16 the dealer to have his certified or her  
17 certified, that the dealer says "gee, you know,  
18 you just don't quite make the qualifications,  
19 you're going to need a new boat."

20 BOB LUNSFORD: Got a barnacle on your  
21 bottom.

1           RAMONA TROVATO: So what we're going to do  
2 is let Amy make the final comment before lunch,  
3 break for lunch and then we're going to finish  
4 this conversation and go on to new business.

5           AMY CRAIG: My point was being with the  
6 South River Army Corps permit, which is lost at  
7 the moment. The person who requested the  
8 permit is now 85, he has prostate cancer and  
9 otherwise not skiing any more. So this is the  
10 problem that we have that the permit was  
11 requested and authorized in 1982, I believe.  
12 So finding it and keeping it going with -- is a  
13 little bit difficult to maintain. So that guy  
14 is not going to know, he hasn't been on the  
15 water all year, who has an authorized boat and  
16 what not. It's an option to leave in here but  
17 it has proven to be a rather difficult one to  
18 keep track of. Additionally, the Severn River  
19 person who requested that permit years ago is  
20 no longer skiing there. We've got a transient  
21 area too where you may be here for ten, 15



1 years or gone in five. So that's a difficult  
2 one to nail down.

3 RAMONA TROVATO: So we're going to take a  
4 break, go to lunch. Mike is going to tell us  
5 where we're having lunch. Let's shoot to get  
6 back here at ten after 1:00. Earlier if you  
7 can.

8 (Off the record colloquy.)

9 RAMONA TROVATO: Let's get started. Ann,  
10 where are you.

11 ANN WILLIAMS: So we're going to wrap up  
12 with our discussion. First part of the  
13 controlled ski area regulation we're going  
14 to -- I already looked over and everybody kind  
15 of had agreement, the language that we're  
16 talking about in all the language, legal is  
17 going to make sure we're legally correct, on  
18 the DNR sticker. So we have decided to add a  
19 list approved boats, create a method that  
20 either through the person who has the Army  
21 Corps permit, ski club and/or the American

1 Water Ski Association licensed drivers, or the  
2 Boat Act Advisory Board and/or the Secretary of  
3 Department of Natural Resources, could fill out  
4 the form and thus certify that a vessel meets  
5 the requirements set forth to run the course.  
6 And then DNR would then issue the sticker.  
7 We're going to work on all that language and  
8 what we want is a concept vote that everybody  
9 agrees that we still want to be able to give a  
10 sticker to some type of vessel that allows them  
11 to break the speed limits in these speed zones.  
12 That's the bottom line.

13 RAMONA TROVATO: Steve has got language.

14 STEVE KLING: To move that the committee  
15 endorse a concept of authorizing -- have the  
16 Department authorize knowledgeable interested  
17 parties to certify boats as appropriate for  
18 operation in a designated ski course and the  
19 committee look forward to approving specific  
20 language implementing this concept.

21 ANN WILLIAMS: That's what you're going to

1 vote on, what Steve just said.

2 RAMONA TROVATO: Is that your motion.

3 BOB LUNSFORD: Second.

4 RAMONA TROVATO: All those in favor.

5 Unanimously carried. Thank you all very much.

6 Excellent job.

7 ANN WILLIAMS: If we had that an hour ago  
8 we could have been done.

9 RAMONA TROVATO: Always good to know these  
10 things. Now we're on to, I think -- is there  
11 any more old business before we move on to new  
12 business. Mike is going to talk about Frog  
13 Mortar.

14 MIKE GRANT: Very briefly.

15 STEVE KLING: We've already done Frog  
16 Mortar several sometimes.

17 MIKE GRANT: Steve, I know you're going to  
18 want to see this.

19 BOB LUNSFORD: The gift that keeps on  
20 giving.

21 MIKE GRANT: A petition came through a

1 Mark Wilson back on August 28 requesting that  
2 we do something about six knots all time in  
3 front of their marina. Currently it's  
4 Saturday, Sunday, holiday. Their concerns is  
5 the amount of wake damage they are getting.  
6 And in addition MDE is working with this water  
7 treatment plant to possibly extend out here a  
8 little bit more and crush this area down even  
9 more than it is right now, bringing the boats  
10 even closer to their marina. And as you'll  
11 notice, this is approximately, but this is the  
12 channel which runs through the tip of their  
13 marina here and here. So vessels stay in the  
14 channel, doing what they are supposed to do,  
15 but they are too close. So I said "so you  
16 built a marina out into the channel 11 years  
17 ago and you want us to change the speed limit."  
18 That's not the point. As you wish. So I told  
19 him I would be happy to present it to this  
20 esteemed body.

21 RAMONA TROVATO: Steve.

1           STEVE KLING: We did this proposal, I mean  
2 five years ago, and it's amazing that that  
3 marina was permitted, because it seems to go  
4 way more than a third of the way out. It's a  
5 big floating dock and they have got it -- there  
6 is a clubhouse and that little bridge takes  
7 people out there and there are a lot of nice  
8 big boats. And the problem is right upstream,  
9 yeah, there's like a bunch of performance boats  
10 up there and a dealer.

11           MIKE GRANT: What's the dealer. He was  
12 involved big with Martin State Airport.

13           BOB LUNSFORD: I don't know. He was  
14 leaving.

15           STEVE KLING: And there were only about  
16 three or four boats that were basically coming  
17 by giving them the finger, in some cases coming  
18 as close as they could.

19           MIKE GRANT: But staying in the channel.

20           STEVE KLING: But then there were  
21 conversations with the marina owners upstream

1 to make their people behave better. And it  
2 went away for five years.

3 RAMONA TROVATO: I mean that dock is out  
4 there. Is that what it was permitted for.

5 MIKE GRANT: I left a long message with  
6 the gentleman at MDE concerning it without  
7 specifically saying that they perhaps may have  
8 overstepped the distance. I have not heard  
9 back from him.

10 FRED LEVITAN: You won't.

11 COLES MARSH: Because he probably did.

12 JON SCHELLER: The allowable intrusion  
13 into the river or the creek from either shore,  
14 that is controlled by the County, is it not.  
15 Each County.

16 MIKE GRANT: I think it's the Corps. You  
17 can not extend more than one-third across the  
18 area of the width of the creek at any point.

19 JON SCHELLER: In our County it's only  
20 25 percent.

21 BOB LUNSFORD: You can be more restrictive

1 but you can't be less.

2 JON SCHELLER: Okay. I know in Calvert  
3 County you can go out one-third of the way, in  
4 Anne Arundel you can only go out 25 percent the  
5 way.

6 MIKE GRANT: I know Queen Anne is  
7 one-third.

8 JON SCHELLER: As a marina owner I have no  
9 sympathy for somebody who built something in  
10 the middle of the creek and then complains  
11 about the traffic. Because if they had built  
12 it to handle the environment, they wouldn't be  
13 having these problems.

14 MIKE GRANT: I took some liberties and  
15 kind of expressed that to him as to how that  
16 might be taken in front of the committee.

17 STEVE KLING: And what is not obvious from  
18 the picture is that one of the reasons,  
19 probably the primary reason, it's so far out is  
20 that there's mooring on both sides of the  
21 floating dock. There are two lines of boats.

1 There is a center -- center floating dock and  
2 slips on both sides.

3 MIKE GRANT: And this dock right here,  
4 this one starts right here and this one goes --  
5 comes out about another 25 feet and starts up.  
6 So they went right into the channel.

7 JON SCHELLER: Theoretically they can't --

8 ROBIN ALLISON: It's not Ed Harker or  
9 Virginia, is it.

10 STEVE KLING: No.

11 MIKE GRANT: No, I don't think so.

12 ROBIN ALLISON: Kidding. Kidding.

13 MIKE GRANT: That's all I have for 2016.

14 RAMONA TROVATO: So far. Thank you for  
15 the briefing. Okay. So the next item is not  
16 on your agenda but we have to -- Steve reminded  
17 me and he's absolutely right. We need a  
18 nominating committee and Steve has volunteered  
19 to be the nominating committee chair, because  
20 my two years are up this year. So there's  
21 someone knew going to be up at bat next year.



1 Do we have to make a motion or do I just  
2 appoint. Steve is appointed to chair of the  
3 nominating committee and he will find people.

4 BOB LUNSFORD: He will draft.

5 RAMONA TROVATO: People to be on his  
6 committee. If there is volunteers, let Steve  
7 know. Okay. Next meeting. There is a meeting  
8 next week, October 29.

9 MIKE GRANT: It's in Joppa, at the Harford  
10 County public library. I don't have the  
11 address in front of me, but you have sent the  
12 address out. Yes.

13 BOB LUNSFORD: Would you send it again,  
14 please.

15 MIKE GRANT: You can't record that look,  
16 can you.

17 JON SCHELLER: I thought I was the only  
18 one that couldn't find his way.

19 CHRIS PARLIN: 655 Town Center Drive.

20 RAMONA TROVATO: In Joppa.

21 JON SCHELLER: To discuss which one.

1 MIKE GRANT: This one is for the gunpowder  
2 canal and Little Gunpowder Falls channel, a  
3 speed zone needs to be established.

4 RAMONA TROVATO: And Sandy Point.

5 MIKE GRANT: Pardon me.

6 RAMONA TROVATO: Was there any on Sandy  
7 Point.

8 MIKE GRANT: Oh, yes, of course. Which  
9 has also gone to reg as of October 12.

10 RAMONA TROVATO: It's done.

11 MIKE GRANT: Done. So that -- we can  
12 knock that off the calendar. Only one thing to  
13 discuss.

14 RAMONA TROVATO: So is there any other new  
15 business.

16 ROBIN ALLISON: I have two questions.  
17 First we had talked last meeting about standup  
18 paddle boards and regulations and I was  
19 wondering if there was any update on that.

20 MIKE GRANT: Where did Mark go.

21 RAMONA TROVATO: What was the second one.

1           ROBIN ALLISON: The second one was there  
2 were, I believe, 19 deaths in the State of  
3 Maryland boat related this year. Is there any  
4 chance we can get a report from DNR about why,  
5 where, how and what we can do if anything.

6           RAMONA TROVATO: Boat related deaths. Can  
7 we get a report at the next meeting about that,  
8 Mike.

9           ROBIN ALLISON: Not next, the one after  
10 that, gives him more time. And the same thing  
11 with standup paddle boards. What -- are we  
12 issuing any regulations or anything on those.

13          MIKE GRANT: Mark could speak to that.  
14 It's being handled currently, I believe, by  
15 Natural Resources Police and a committee to see  
16 how to deal with it. It's more of an  
17 educational thing at this point. We don't  
18 believe we will be involved.

19          CHRIS PARLIN: I believe from the last  
20 meeting it was more just a discussion about  
21 what was starting to take place in the

1 industry, where things are going. The issues  
2 that came up downtown with all the users groups  
3 getting concerned with the use down there. And  
4 Julie was -- from boating education was at that  
5 meeting in Annapolis and she heard the message  
6 loud and clear that there needs to be a focused  
7 effort on the education side of this. So  
8 whether it be we get the stores that are  
9 selling them to make people realize they are  
10 operating a vessel and not just a floating  
11 piece of exercise equipment, and getting out to  
12 the livery operators and starting to open the  
13 line of communication with them. I think we  
14 all agree that let's keep it out of the Boat  
15 Act, let's not try to regulate this stuff and  
16 let's see if we can correct it through the  
17 education side before it comes to us.

18 COLES MARSH: I think Mark mentioned the  
19 fact it is Coast Guard regulated as a vessel.  
20 It already is that.

21 RAMONA TROVATO: Okay. Any other new

1 business. Anybody want to make a motion to  
2 adjourn.

3 BOB LUNSFORD: Sure.

4 RAMONA TROVATO: Anybody want to second.

5 COLES MARSH: Second.

6 RAMONA TROVATO: Did you say seconded.

7 COLES MARSH: Yeah, seconded.

8 RAMONA TROVATO: We're adjourned  
9 everybody.

10 (Meeting concluded at 1:28 p.m.)

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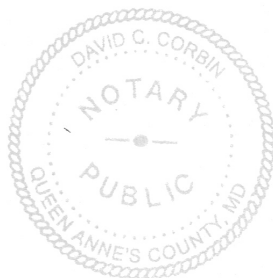
I, David Corbin, a Notary Public in and for the State of Maryland, do hereby certify that the within named, MARYLAND BOAT ACT ADVISORY COMMITTEE, personally appeared before me at the time and place herein set according to law, was interrogated by counsel.

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

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

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

AS WITNESS my hand and Notarial Seal this 27th day of October, 2015, at Centerville, Maryland



A handwritten signature in cursive script that reads "David C. Corbin".

David C. Corbin  
Notary Public

My commission expires January 6, 2016

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