MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Tuesday, December 21st, 2010, commencing at 11:05 a.m., at the Selby Bay Yacht Club,, Edgewater, Maryland, John Bush, committee chairman, presiding.

COMMITTEE MEMBERS:

Frederick Levitan	Coles Marsh, Vice Chair
John Marple	Al Simon
Amy Craig	Ramona Trovata
Betty Duty	
Edric McSween	
Gail Mongan	
Thornell T. Jones	
Steve Kling	
Kenneth Kloostra	

Robert Lunsford, State Liaison

Robert Gaudette, Director of Boating Services

Reported by: Kelly A. Taylor

P R O C E E D I N G S

MR. BUSH: Well, good morning, everyone, and I would like to start off by wishing everyone a pleasant holiday coming up here, and we're glad to do it here, let's see if we can make it on a nice clear day, even though it's a little chilly. I don't know if we -- we're going to go ahead and let people introduce themselves because we have some guest here that may not know people and that will give you an opportunity to know whose here, so we'll start off with you, Al.

(Members introduce themselves.)

MR. BUSH: Well, we're going -- now that we've done that, I live in Annapolis and we're going to start with the first -- as you know, this is not our, we have an abbreviated meeting today; however, it is a meeting officially. And we're going to start off by getting an update on wake boats and noise.

MR. GAUDETTE: Okay. Everyone, we've been doing quite a bit of work with the whole wake

boat situation, I know Steve and Bob Lunsford put together a straw man recommendation for a proposed regulation which I think was at least 800 yards away from any shoreline or structure, and I think if it was an area that had an existing speed limit, that was also a consideration, an area where you couldn't use a wake boat. What I did is I have done quite a bit of research working with a professor at the U.S. Naval Academy, unable to predict that, the decay of boat wakes, and I'm going to go ahead and get into that a little bit and give you a review.

So first I want to say how is wakeboarding different from other water sports. Obviously waterskiers, like Amy, like the least amount of wake they can get off of a boat. Wakeboarders, they want as big a wake as you can get in a boat because they like to jump the wakes and they also like doing tricks and there's something called wake surfing and wake skating. Go ahead. Wakeboarding, which is, as you typically

see it's a board, it's got a set of bindings on it with boots and what they do is they can adjust the wake coming off of that boat, how far that crest comes up behind the boat with a deflector and if you deflect the wave so it's real high, that gets them up higher. If you flatten the wake they go longer. Wake skating is they go right behind the boat. Let's say that Mike here is the stern of the boat, I hold a rope right behind the boat, and wake skating is a board with no bindings on it, it's just like a surfboard, and once it gets in the right spot in the wake they let it go and they can actually surf right behind the boat. That's usually done at around 10 miles an hour. This is usually done around 20, something in that range.

Then there's wake surfing. Wake surfing is like wake skating except in wake surfing you can have a board that does or does not have bindings on it. You can use a regular wakeboard if you want to wake surf, but if you're a true wake skater no bindings. I just want to let you know, because I

had never heard of wake skating ever until a couple of weeks ago. So basically that's what that is all about. I just want to make sure you understand the different types because this is done at a higher speed, these are done at slower speeds, and a lot of times if parents are taking their kids out you'll see parents, let's say my age or a little younger, will do wake surfing because it's only, you're only going about 10 miles an hour, so if you fall you don't get crucified. If you're wakeboarding and you fall, you're going to get a little hurt, so that's usually a younger crowd.

Go ahead. There are two types of wake boats, I'm just going to call them wake boats, they're wakeboarder boats, but they're going to call them wake boats. They're engineered wake boats. Engineered wake boats are boats that are specifically designed to carry water ballast, so they can go ahead and create more ballast on the boat using water, they actually have tanks all through these boats in the front, center, side,

it's all balanced and they're designed specifically to be stable when you fill them with water to create a larger wake. Now, if you don't fill them with water you can just ski like Amy does behind it with virtually no wake at all, it's like a Ski Nautique, but when you fill it with water it sits in the water lower and creates more displacement and you get a bigger wake.

Then you have boats that do not have the tanks built in them. You can modify your boat in two ways. If Amy has -- I'm using you a lot. Amy has a Ski Nautique and she decides she wants to start wakeboarding, you could buy a kit just for her boat, for her model boat, and they'll tell you where to put those tanks, they come like this and they'll tell you exactly where to put them and they're designed so that when she uses her boat it's going to be just as stable as though those tanks were built in that boat.

Then you have people that just buy the tanks separate. You have a Boston Whaler and you

want to make a big wake with it, you put a thousand gallon or a thousand pound -- a couple of hundred gallon tank in the back and you get that displacement, but it's going to be sitting like this because it's not designed for it and it plows through the water and makes the big wake.

Back one. Then you have deflection plates. Remember I told you they change the shape of the wave? This happens to be on a boat that's already engineered for it, but you can also buy a deflection plate on a boat just to put one on. It looks like a trim tab, they put it in the center of the boat, and some are this shape or that shape or they can change the shapes so they can make that wave and have a different crest on it. A lot of times when you buy these bags they'll have that warning, do not add more weight than your boat manufacturer recommends. This really reduces your ability to maneuver as well as increases the risk of capsizing and sinking, so obviously if you put a whole bunch of weight in that boat along with

people you may exceed your capacity plate and even for the capacity plate you're redistributing the weight in that boat dramatically, and we'll talk about that later.

Go ahead. So I wanted to look at what wake boat studies have been completed, and again, working with my friend at the U.S. Naval Academy, remember this study that was done in 1980? That is the most referenced study on the planet that's used all over the world, in Australia, UK, everywhere that does it, this is a reference study. And that was done by a guy named Zabawa, who was a Ph.D. who looked at the roll of boats and shore erosion in Anne Arundel County, boat wakes, and that is one of the studies that the gentleman at University of Maryland -- or the U.S. Naval Academy said was an important study to look at.

Go ahead. The other one is this study done by the Corps of Engineers called the Maynord study. What Maynord did and what's interesting, if you remember how a curve works for wakes, as the

boat speeds up your wake increases, right, and then it maxes out at around seven knots in a lot of cases and as you speed up and the boat starts to plane, I'm assuming that's a planing boat, that wake will start decreasing as you speed up, right? What Maynord did is he figured out the equations for that and he calibrated with the Zabawa study because Zabawa has a lot of data. Maynord got Zabawa's data and he looked at semi-planing boats and his formula worked on the backside of the curve, how wakes degrade as you increase speed and how they decay over distance.

Go ahead. So what it was in the Zabawa study, they used a 26-foot Uniflite, they used a 16-foot Whaler, and then this is a wake boat, an engineered wake boat. We went ahead -- and this is what Maynord used as his data. Zabawa took all the measurements off of these boats for wakes and certain distances, he was doing it to determine how much shore erosion there was going to be, but the data can be applied to anything, and then we had

this 23-foot Malibu wake boat that we tested at Sandy Point.

Go ahead. Just click on it. Once. This is a boat at Sandy Point we tested at varying distances, this is a hundred-foot pass, and there was police in the area so we were okay to do it in Sandy Point even though there's a six-knot speed limit. But you can see -- this boat by the way turns on a dime because it's got a skeg in front and a skeg in back, you can literally spin it in a circle. This is a hundred-foot pass, 33 meters, the distance was checked by Bob Lunsford on an electronic distance meter and just gives you an idea, see how that wake crests in that one spot? You can make that move if you adjust that plate.

And just click it right now. All right. So this is the wake you get, right, coming off that boat. He's got six thousand pounds in that boat right now, the boat, the ballast, everything, he's at six thousand, which is about average for these boats. Go ahead, click it again. As you see that

wake's coming in and what we did is we measured the height of that wake at different distances.

Go click on and click off this side.

Okay. The wave height that we used which defines wave height is a distance from the crest to the trough, and the amplitude is basically where that splits to the crest. The true wave height is from the bottom of the trough to the top of the wave height, and the reason some of these are odd numbers is because Bob actually has them on the electronic distance meter, and you go ahead and took different wave heights, we actually measured it with a survey rod, you know, see the top of the peak, bottom of the peak, watch them go by, we actually know how high the wave is and we came up with just some rough measurements, and now, the difference here is that at Sandy Point where those piers are it's a pretty much constant depth of about eight feet, so we're not taking into account a shoaling situation, it's just eight feet. So we know a wave crests at 1.3 times the height of the

wave, when the wave will start to crest, so if you have a one-foot wave coming in, it starts to crest in 1.3 feet of water.

This is when it gets kind of neat. Basically Dr. David Kriebel, professor of ocean engineering at U.S. Naval Academy, got Maynord's model and put it in a spreadsheet so we could manipulate it any way we want, which is really cool. When Zabawa did his study, he did -- I know this is hard to see and I'll get a better picture in a minute -- with a Uniflite Cruiser and Boston Whaler, and he actually figured out what the hull coefficients were for those two boats in order to tie it into a predictable model. The hull, we haven't defined a hull coefficient, it's the way to determine the impact on the shape of a wave, it's a formula like this. He went ahead and put all that together and when we actually looked at the -- when we changed the hull coefficient for our wake boat, which is about 1.25, and we actually ran it at about 17 knots, it falls dead in line with all

these numbers, almost exactly, within a tenth of a foot, in most cases dead on. So that allows us to go ahead and change the weight of the vessel, the hull coefficient, and we can predict how fast those waves decay over a distance very accurately, within a tenth of a foot.

So in this case you start out with about a 2.5 foot wave and it ends up in 50 feet it decays 50 percent. The first 50 feet. After that it decays slower over a distance to the point where you're at 150 feet out to 400 feet it only goes down a couple of tenths of a foot. So what was interesting about the Maynord study, when you look at big ships, when you do wave decay models on big ships, that's displacement of the hull, that's when you're working on the front of the curve because you're just pushing water, but when you're dealing with a planing boat, which is most of our boats are, either deep-V planing boats or regular planing boats or like a Ski Nautique or a Whaler or something like that, you look at the back of the

curve, and what he was able to do was to set those equations up so is that you tune the model with the hull coefficient. If you know the weight of the boat, which is going to give you displacement, you can go ahead and predict wave decay, and what Maynord found was that decay happens very fast with recreational boats as opposed to more of a linear function, this actually decays real fast and flattens out, and again it predicted very well what we have in our model.

Go ahead. So wave heights a hundred feet from the vessel, typical flat bottom boat generates about a foot and a half, foot high boat wake, 17 knots, which equates to a half a foot wave at a hundred feet from the vessel, it's called a sail line. So if you're creating a 1.5-foot wake on a small boat, at a hundred feet away you have a half a foot wave that's going to hit the dock or shoreline.

Go ahead. If you're in a typical midsize V hull, I call midsize V-hull that

Uniflite, which is a 26-foot 10,000-pound kind of boat, generating a 2.5 foot wave height, 17 knots, which equates to about a one foot high wake at a hundred feet using the Maynord model, which we also basically calibrated and tested. Now you get your engineered wake boat. It ends up being exactly the same size as a midsize V-hull, exactly, same wave height. So you basically have a 2.5 foot high wake at the boat, 17 knots, which is 20 miles an hour roughly, which equates to approximately a one foot high wave at a hundred feet. If you slow that boat down to 10 knots, wake surfing, right, your wake goes up to about 1.3 feet for a wake boat. It's not much different. It really wasn't that much different.

Go ahead and click that. Go ahead and hit it. So the questions are, number one, what is an acceptable boat-generated wave height and at what distance? In other words, if we're going to make a decision on wake boats, or any boat as far as the wake height that's acceptable, what is an

acceptable wave height at a certain distance away from the boat? Right now a skier or anyone towing can't be within a hundred feet of an obstruction or I guess another boat or obstruction. So if that's the case and you're towing behind a wake boat a one-foot wave is going to hit that boat if they're staying a hundred feet away if they're using an engineered ballast boat. Is that an acceptable wave height? If you're using normal boats in the area it's probably about half of that, could be about a half a foot, so that's probably why we're getting complaints. And if you add bulkheads into that and you get wave refraction, that one foot could be a two foot. We've seen these videos which looks to be about a two-foot wave, that's what's happening.

The other one is do we allow water ballast tanks or bags in boats unless they're designed for that boat? In other words, she gets her Ski Nautique, she puts the bags in it, it's all predesigned, it's a package about $1600 and they

give you the bags and tell you how to hook them in and place them, they're actually molded to the front of the boat, so it fits in a spot and everything, it won't move around or shift. Do we want to get into the business of people putting a hot water heater in the back of their boat or they're getting one of these tanks and sticking them in the back of the boat and they just throw it in there and use it and they're riding around like this, right, with the bow up or whatever, is that something we want to get involved in in regulating? It's not so much a more dangerous situation than an engineered boat or engineered system that goes in a boat. So it kind of raises some issues as to how you want to deal with that particular issue, because that was raised to John when the gentleman went and saw John and actually showed the pictures, the boats were riding around like this in the Severn, you know, bow high, guy standing up like this to look over the bow, he can't see anything, and that is definitely a safety issue that could be

a problem because these boats that are engineered run about 60 to 80 thousand dollars, they're pretty expensive. They're also the hottest selling boat in the state right now for new boats, they're the hottest selling boat in new boats other than powerboats, not sailboats, powerboats, and their equipment is about 10 to 1 to skiing right now, so it's very popular. It's just a growing segment of the boating public, the crowd is into it.

So those are the two questions that we need to be answered before we move anywhere further on how to regulate this activity, and quite frankly I think that we probably want to just think about that and our next meeting we have in the spring have a lengthy discussion on it. I will tell you -- hit it one more time. Go back. I will tell you that in a marina, the design standard for a marina for somebody putting a boat in a marina is a one-foot wave. If you can keep your waves down, a foot or less, that's considered an acceptable size wave in a marina where you dock your boat. That's

a design standard. So we're talking about a hundred feet away from a dock with a wake boat and you get a one-foot wave hitting someone's dock, that would be the maximum height wave that you would get in a marina. It's interesting. That's very interesting. But that doesn't take into account someone who obviously comes in, if they're 50 feet from that, whole different deal, if they're cutting close, now you got almost a two-foot wave smashing into that boat, which could be the case, this is assuming they're following the rules, which is a big assumption. It's an interesting situation.

Go ahead and exit out. Just escape that entirely. I'm going to show you this model a little closer. All right, this is the model -- let me have a seat real quick. This is the model and how it looks so it's cleaner. This is -- you can get, like say for example, let's say you want that Whaler, you change your hull coefficient. Bob, what does your Whaler weigh? Hey, Bob, what does

your Boston Whaler weigh?

MR. LUNSFORD: Something like 7200.

MR. GAUDETTE: Say seven thousand. This will predict pretty much what Bob's boat would create in wake if he's going, you know, 16, 18, 20 knots, and these distances are distances away from the sail line. So it's kind of interesting to see if he was only going eight knots he could be throwing a three-and-a-half-foot wave because he's just going like this, you know. But as he speeds up and starts to plane, these are all formulas under here, you did get -- that's just one of the formulas, this thing is just full of formulas because it's all based on this model and you go down here it all plots out. It plots out from the wave height for each distance and if you actually put the cursor on here, you can say if I'm a hundred feet away and I'm at 20 knots I'm throwing a wave of .8 feet. But you can see how fast it degrades from zero, at 10 feet away from the boat he's at 2.1 feet at 20 knots. So really drops

fast, it decays much faster than I thought it did. And whatever we decide to do, this will give also a lot of validity that whatever recommendations we make it's based on science as opposed to kind of taking a guess as to what we think is the best thing to do.

This one over here does the wave height versus boat speed and the distances are plotted here. So you can see basically starting at 10 feet, at basically 150 feet -- well, let's see, let's go here. This is at 300 feet away, I'm throwing a .6 wake, .6-foot high wake if I'm going just under 15 knots. Isn't that cool? So we can go ahead and what we'll do is as time goes on we'll test more and more boats and we can look at -- I can't do displacement on the hulls on this model, it doesn't work, but different types of planing boats we can set up a little database of what the actual coefficients are for the hulls, which is one of the things we put in, and we can get an idea of what kind of boats are in your area? Well, we got

a lot of ski boats, or we got a lot of MAKOs or something like that, we can actually just plug the number in and we know about what those boats weigh when they are fully loaded or if they have two or three people on board, and we can predict within a tenth or two of a foot what those wave heights are and they show you how they decay over distances. That's pretty slick.

MR. KLOOSTRA: Would this also -- I have a 26-foot Albemarle, deep-V hull, and the way that I understood this formula is that my boat is just as destructive or just as wave height --

MR. GAUDETTE: As a wake boat.

MR. KLOOSTRA: -- as a wake boat that they went through all that money to put in.

MR. GAUDETTE: It actually comes very close to being a deep-V hull, but obviously that boat -- if you look at the bottom of a wake boat, you do have a V in the front but it's a pancake in the back, it just flattens right out, so once it gets up on plane, you know, it makes a lot of

difference. All they're doing is sinking it more in the water and in the front of the boat, which is really interesting, you got the, you know, you got your rudder in the back, there's a big skeg right in the front of the boat so when he turns that thing it goes whoop, I mean it literally -- does yours have that? It just turns on a dime. We were surprised at that, how well it handled for as much weight as you're moving around, and all of those tanks in these new boats are all computerized. The screen comes up and shows you all the tanks and how much they're full and keeps the boat stable. It's kind of neat how they do it, I was impressed with the boat.

MR. KLOOSTRA: But they didn't become a real bastard out here in the left field with wake boats, they're very similar to a lot of boats that we're already familiar with.

MR. GAUDETTE: That's right, in essence the end result is very much the same.

MS. TROVATO: Although the difference is

typically your boat you pass through.

MR. GAUDETTE: Yes, these go around and around. So really the key is the area you're in, if it's got a lot of hard surfaces, okay, a lot of bulkheads, you're going to get a lot of refracting waves coming back off those bulkheads and all of a sudden your one-foot wave becomes a two-foot wave, as opposed to half-a-foot wave you're coming through and going around and around, line up for a one-foot wave. Now, those areas have a lot of empty shoreline, like just grass along the shoreline, that's not going to be an issue.

MS. CRAIG: So we're going to regulate the boat, not the shoreline, but the shoreline has just as much of an impact on the waves.

MR. GAUDETTE: Correct, so basically if you have a one-foot wave coming in the shoreline it's going to crest at 1.3 feet.

MS. CRAIG: But if it hits a bulkhead?

MR. GAUDETTE: If it hits a bulkhead it reflects back it will have a two-foot wave, so the

question is are you going to do this by waterway, are you going to do this by type of vessel, are you going to do this -- are you going to focus on the boats that are the homemade variant, the big tank in the back that's not stable? That's a safety issue.

MS. CRAIG: You put people in the boat you make that also, so it's not necessarily an item in the boat that could be dangerous, it could be too many people in the boat.

MR. GAUDETTE: Well, not necessarily, because if you have a bag sitting back there with a thousand pounds weight in it and that's going woosh, woosh in its bag, it's shifting back and forth and you're sitting like this in the water, you're not riding the boat on the part of the hull you really should be. You know, it's different than -- because a wake boat, a wake boat will handle, that one we looked at, 15 passengers in addition to the water. But if you're in a situation where you're modifying a boat, where it

makes it unstable whether there's people on it or not.

MS. CRAIG: You can modify it with the people which I've seen done where they put all the people on one side.

MR. GAUDETTE: On one side and make that --

MS. CRAIG: Which would make an unsafe boat.

MR. GAUDETTE: Right, but there's nothing that we can do about that. You know, I'm just saying these are ideas we want to throw around.

MS. TROVATO: Amy raises a good point about the idea of hard surfaces. I know we've been trying to go, and I don't know what the regulations require, to have more --

MR. GAUDETTE: Basically the first, the first option is a soft shoreline. If the energy is too great for a soft shoreline, then they like stone. It's, bulkheading's the last case scenario

now.

MS. TROVATO: I've seen just in the little piece of the Severn I'm on tons of parts --

MR. GAUDETTE: Whole bunch of them.

MS. TROVATO: And it is contributing to the --

MR. GAUDETTE: Oh, absolutely.

MS. TROVATO: But the county or the state is trying to push to the soft?

MR. GAUDETTE: They have actually made that basically part of the regulation, that the first option now is to look at going with a non-hard surface, and the first is grasses, second would be a little offshore breakwater with grasses and then a full blown revetment, which is stone revetment because the energy is too high, and then finally the bulkhead. I mean some situations don't lend themselves to any of those just the bulkhead, if I'm putting in a public boat ramp and I'm going to have watermen backing up to it, that needs to be a bulkhead to unload. But if it's a person's

property or something like that, you try to make it absorb the energy as much as you can as opposed to reflecting it, because that creates all types of problems.

MR. KLOOSTRA: I'm thinking in terms of a boat with a capacity plate in it, 13-foot Boston Whaler, capacity for three people.

MR. GAUDETTE: Right.

MR. KLOOSTRA: Now, if you add a thousand or two thousand pounds of water, does that readjust their capacity or can they still --

MR. GAUDETTE: That would take away from the capacity plate. That basically -- that would account for the additional weight, people to people, so if I'm just Joe Blow who doesn't know what I'm doing and, or Jo Gal and I don't know what I'm doing, you know, basically if I go ahead and throw that weight in there, let's say a bunch of kids, I throw that weight in there and I still have the people on board that I normally would have, then you're going to exceed your capacity.

MR. SIMON: Who's going to regulate that?

MR. GAUDETTE: Who would enforce it?

MR. SIMON: Enforce it.

MR. GAUDETTE: Our friends at Natural Resources Police.

MR. LUNSFORD: You notice they're not here.

MR. GAUDETTE: Which is a whole 'nuther issue, no doubt about it. But I know that John wants to address the issue somehow and the biggest complaint that came in was the boat that's riding around like this (indicating), which is going to create the biggest wake and creates, you know, those -- when you put these tanks that are designed in a Ski Nautique they're not going to move around, they're not going to shift, they're going to be placed not all in the back. They flatten the boat instead of doing this (indicating). Most of the kids that put these in that we've seen or heard about stick it all in the stern and that's why you

have this warning up there when you buy it that says if you buy it make sure you know what you're doing, you're going to sink your boat. I don't know how many people are out there that are using the tanks, just the ad hocs. There's a lot of people with the engineered boats, whole bunch of them.

MR. SIMON: Will that make a difference in the regulation or a standard if manufacturers put in this boat is designed for four people?

MR. GAUDETTE: Well, they do it by weight I believe, capacity is measured by weight.

MR. SIMON: No.

MR. GAUDETTE: And/or people or weight, right. Because it goes by the engine weight and everything else, horsepower.

MR. SIMON: Then what we're saying here, this is a change in the performance of the vessel.

MR. GAUDETTE: This could be a change in the performance, maneuverability of that vessel if those aren't put in the right place and engineered

right, instead of riding on that hull like this, Al, I'm going to be riding on that --

MR. SIMON: Do these kids -- kids, people, kids.

MS. CRAIG: Thank you, Al.

MR. SIMON: Do they, are they aware of this?

MR. GAUDETTE: I would say that the average person that buys the tank online, it's as much weight as they think their boat can handle, and they fill it up and set it in the back of a stern and do their thing. That's my guess. Now, whether they -- now, you're not going to know -- now, a regulation could say if you put a tank in your boat you must put a Magic Marker or mark clearly what the weight of that is when it's full, like X number of gallons, or put the number of gallons in, we know what the weight will be, so if an officer pulls up and sees it, say it's going to be 300 gallons that weighs X number of weight, looks at the capacity plate and sees the number of

people on board and says you exceed your capacity, but that doesn't address the maneuverability issue, which is a real problem when you're driving around like that. Now, if they put those bags properly in the boat, two on the side, one in the back, all even, I don't care, same as an engineered boat. But a lot of them don't do that.

MR. MARSH: So Bob, they buy kits for --

MR. GAUDETTE: You can buy a kit for a specific type of boat.

MR. MARSH: For a specific type of boat.

MR. GAUDETTE: Yeah, and the ones that make the kits are the people that have the ski boats, you know, regular ski boats and -- do you have a tower on your boat?

MS. CRAIG: No.

MR. GAUDETTE: Another thing you can buy is the tower, you can buy tower kit. The tower is what goes on top of that boat so that when the person jumps high in the air that rope is kind of even with them and doesn't catch that water. You

know, Amy is out there skiing, Amy is out there skiing and she's doing her slalom course, she's holding that rope up, she's got a pylon so it's not hitting the water. But if you're doing all this jumping and flipping and all that, you have to have that pretty high up and it makes it a lot easier for these guys and gals to do the tricks and stuff.

But it is interesting that a new tool exists that we can go ahead and predict these wave heights. To my knowledge that is the only spreadsheet in the world right now that has the Maynord, you know, model hooked into it. It was just nice that the professor went ahead and did that for me. He spent a whole day with me just going over it, so if I have questions I can call him. He's very interested in as we get test results, you know, actually going out and testing boats, how it all -- it's not a panacea, it's not perfect, but two tenths of a foot is pretty damn close for me. Right in my test it was within a tenth of a foot the whole way, so that was

interesting. When they were out running around the middle of the cove I was curious how close it was going to be and it was dead on the money, so it's kind of neat.

MR. KLOOSTRA: Great.

MR. MARSH: Good tool to have.

MR. GAUDETTE: So the next meeting we have is later in the spring.

MR. LUNSFORD: April.

MR. GAUDETTE: We're going to go ahead and kind of get into this in great detail, and I just wanted to kind of give you a sense of what's going on. Amy, I know you have something in your mind, I can tell, and everybody else -- I have to talk to NRP and how we also feel with the enforcement issue of it and what they can live with and can't live with. They had an issue when we met with them earlier about how to deal with what's probable cause for a ballast boat. Well, to me probable cause is if you're riding around like this and there's one person in the boat, they're going

to have something in that boat, there's something that's making that boat ride like that, and just go and take a look and if they do we can put a regulation that says you have to mark it, if we just do that, just force them to mark on there how many gallons is there in it, we don't know when we look at it how many gallons are in the bag. The bag is full, we go ahead and say you're exceeding your plate or not. It's something to think about. Does anyone have any more comments on that issue?

MR. KLING: It seems that the, this data shows that the 800 yards is too wide.

MR. GAUDETTE: Too wide, correct, so the question is what wave height is acceptable.

MR. KLING: When you plugged in the numbers for Bob's boat at seven knots you were pushing four feet and as we worked at it originally we were looking at -- what we're trying do is regulate conduct but we were getting at it through the equipment. What this data shows is that it's really conduct and the equipment may not be the way

to get at the conduct, which is Bob's boat going seven or eight knots for a wake surfer which would be -- you know.

MR. GAUDETTE: The wake surfer is the one that's the problem. Just going ahead and buzzing around isn't much of a problem, it's the wake surfing and that's apparently growing quite a bit in popularity for --

MR. KLING: I can't imagine how they're going to wakeboard, but they are.

MR. GAUDETTE: Yeah, yeah. Basically the same as the deep-V boat running around that area, you know.

MR. KLING: But with -- you know, I mean as Ken was saying, he can make his boat do that, but he doesn't do that, because it's wasting fuel.

MR. GAUDETTE: Right, this is an actual condoned activity by the industry and the sport, to do wake surfing and wake skating.

MS. CRAIG: But when I pull my kids behind the boat on their little ski skimmer, you

know, we go really slow also and I don't think I'm doing anything --

MR. GAUDETTE: No, no, you're not throwing --

MS. CRAIG: Yes, I am.

MR. GAUDETTE: You don't have the ballast that those other boats have.

MS. CRAIG: By the speed.

MR. GAUDETTE: Okay, let's see.

MR. KLING: The hull.

MS. CRAIG: Right, but even if I had Ken's boat I could do, I could pull my kids behind Ken's boat, I could pull my kids behind a 35-foot cabin cruiser at 10 miles an hour and make a horrendous wake.

MR. GAUDETTE: At 10 miles an hour you're throwing a 2.7-foot wake, but --

MR. KLING: Her coefficient --

MR. GAUDETTE: Her weight changes.

MR. KLING: But she's going to have a lower drag coefficient.

MS. CRAIG: I'm not the only one pulling kids behind a boat.

MR. GAUDETTE: Remember the coefficient is adjusted by the Troy number as you go through different speeds. Basically you're about four thousand pounds, probably close to that. Not you, your boat, and if you're a coefficient similar to that other wake boat you're probably pretty close to that wake boat, you're probably throwing at 10 knots 2.7 and then at a hundred feet you're at one foot.

MR. KLOOSTRA: Which is acceptable.

MR. GAUDETTE: It's acceptable to the marina. Interesting, huh?

MR. MARSH: Very interesting.

MR. GAUDETTE: So you're not that bad. That boat, the displacement if you had the ballast in it would throw a foot higher wake at 10 knots.

MR. MARSH: At a hundred feet?

MR. GAUDETTE: No, at the vessel, at the vessel itself, right.

MR. MARSH: Be about the same at a hundred feet.

MR. GAUDETTE: It's not that much difference because it decays so fast. If I could, we got 10 minutes left -- go ahead. Okay. I'm going to give you like two minutes to go over the -- hold on a second here. I want to show you what we're doing with -- let me click through this real fast here because I can't start this in the middle of it, for some reason it won't let me. I just want to show you what we're doing with noise regulations.

Our friends from the northeast part of the bay, Mr. Simon went to see Delegate Rudolph and asked that they go ahead and go change the law again for noise regulations. I talked with John Griffin and our legal staff and they said we can deal with this through regulation. And what we're going to do is we want to propose a noise limitation of 88 decibels, continuous use of a muffler in the North East River, the Elk and

Bohemia and the Maryland portion of the C&D Canal. That along with Deep Creek Lake account for 50 percent of all of noise complaints in the state. What this allows, though, once someone gets into the open part of the bay in that area, they can go ahead and do whatever they want to do. They can use their cutoffs, whatever they want.

MR. SIMON: Show me on the chart where they can use it, what you're saying.

MR. GAUDETTE: So anywhere in the bay, outside here. See, the problem we have here is that because of those high bluffs we're getting a lot of wake, and same thing at Deep Creek Lake, you're getting a lot of refraction of waves, you know, sound waves. When you're running a boat at high speed and you're using your cutoff, it just magnifies the sound a lot.

MR. KLING: If we're going to deal with science, you're not getting sound refraction at Deep Creek Lake, you're getting absorption into the trees.

MR. GAUDETTE: Well, when you look at the study, you're still getting a situation there -- I understand what you're saying, but you're getting --

MR. KLING: Like acoustic tile only better.

MR. GAUDETTE: You're getting some echo waves back. It's not as bad as it is here. This is really bad up here.

MR. KLING: I don't dispute that.

MR. GAUDETTE: The largest number of complaints in the whole state is Deep Creek Lake by far; they got the largest number of complaints of noise anywhere. Number two is this area. Actually the North East River isn't as bad as the Elk and the Bohemia and the C&D Canal area, but these are the areas that account for most of them. I talked to Delegate Rudolph, he's fine with that. I still have to call George Edwards and Beitzel to be sure they're okay with the Deep Creek Lake. They were okay with the legislation so they should be fine

with this.

MR. SIMON: What are they asking for here?

MR. GAUDETTE: They're asking for 88 decibels instead of 90, to reduce it from 90 to 88, which is two decibels; you have to use your muffler all the time, you can't use your cutout device.

MR. MARPLE: That's not Deep Creek.

MR. GAUDETTE: It would be the same thing if we go with this, same thing. The legislation last year was 88 decibels and you had to disable. We're not going to go ahead and make a mess with disabling, you can't use it, we'll have to see how Natural Resources Police deal with it.

MR. MARPLE: That's going to be tough, as far as Deep Creek Lake there's no organization that complained unless it was --

MR. GAUDETTE: Homeowners association actually sent a letter last year.

MR. MARPLE: Oh, they did.

MR. GAUDETTE: Oh, yeah, they sent a

formal letter recommending this, and I also talked to the dealer out there -- what's his name, boat dealer out there?

MR. MARPLE: Which one, Bob Nichols?

MR. MARSH: The one we visited when we were up there.

MR. GAUDETTE: Yeah. I can't remember his name, they were also support of it. I was surprised.

MR. BUSH: When we had a hearing up there we only had one person show up.

MR. GAUDETTE: Yeah, yeah. So someone may have written a letter, but people weren't that much concerned, they didn't show up for the hearing and we went all the way up there.

MR. KLING: There were way more of us than them.

MR. GAUDETTE: Anyway, that's where we're at. Does anybody see any issues with that?

MR. KLING: Yeah, I got an issue. The rest of us are going to have to suffer.

MR. GAUDETTE: That's true.
MR. KLING: Regulation should be statewide.
MR. GAUDETTE: The number of complaints is very small around the state.
MR. KLING: What you're doing is pushing the button and calling up and whining, that's bad public policy.
MR. GAUDETTE: They're not getting many complaints at all.
MR. KLING: It's bad public policy where you have to bitch to get a problem taken care of.
MR. GAUDETTE: We're focusing on -- we're not --
MR. KLING: That's bad public policy.
MR. GAUDETTE: It's not going to happen.
MR. KLING: If you do it by regulation, why not?
MR. GAUDETTE: I think we run into the same problem we did with the -- basically the hydroplane people do not believe, are absolutely

insistent that we will try to force them to muffler their vessels for their events. They're the ones that killed it last time. Believe it or not, that's how it happened. It wasn't the performance boats they were having the problem with, it was the hydroplane racing that actually stopped it.

MR. KLING: But they're specifically exempted.

MR. GAUDETTE: Exactly, exactly, no, you're absolutely right, and they did not believe that we would keep them exempt. Honest, that's the reality of it. And that's what killed the bill last year, that one item killed the bill. So if we go to these areas and do it, then it has nothing to do with that, that's not even going to be an issue and the people who -- because it barely got through environmental matters committee. We talked to the folks that were against it in environmental matters, they were fine with this, this can happen. I can indicate that there's some people on the committee that feel it should be statewide, I can

tell the secretary that, but I think his focus is on taking care of the bad areas right now, if it turns up being expanded down the road --

MR. BUSH: One more question and then -- Thorny, go ahead.

MR. JONES: I understand what you're saying, but I would like to at least say this, every sailboater out there that wants a nice quiet sail has to suffer just like the people on the shore.

MR. GAUDETTE: I didn't quite get that.

MR. JONES: Noise, everybody who wants to be out on the water in quiet has to suffer like the people on the shore whenever it comes along.

MR. GAUDETTE: Wherever you are, correct, I understand, I understand. Bob, did you have something for upcoming regulations?

MR. LUNSFORD: I was just going to -- the committee years ago before I came back voted on a change for the Middle River, mouth of Middle River to change it from Saturday, Sundays and

holidays year round to Saturday, Sundays and holidays during the boating season only, and the petitioner was one of the boat dealers up there who in the winter wanted to go out and demonstrate his boat. Part of this petition was to include Frog Mortar Creek and several of the members of that committee desire to make Frog Mortar Creek and Middle River Saturdays and Sundays and holidays during the boating season only. The problem was when the regulation got drafted. I'm going to change that and at the next the boating season, at the end of this boating season on October 15 Frog Mortar will be Saturday, Sundays and holidays, there wouldn't be any speed limits, so the guy can get out. And the rationale that was given by the committee members, the ones that I talked to that remember doing it, was there is no more traffic on Frog Mortar Creek on a winter weekend than there is on a summer weekday. So I'm just, that got worked out of the regulation package a couple of years ago and I just wanted the committee to know I'm going

to stick it back in and fix that.

MR. BUSH: Is that all you have?

MR. LUNSFORD: Yes.

MR. BUSH: We're running now on schedule, we have lunch scheduled now in about four minutes; is that correct?

MR. LUNSFORD: Still setting up, give us a few minutes to mill around.

MR. GAUDETTE: How many regulations have we had come in so far for next year?

MR. LUNSFORD: I have I think 14 possibles, but I have nine that's confirmed or 10 confirmed, and the reason I say that is because people have called in and said how do I do this and I give them the process and absolutely I have a petition, but they have until the 15th of April until I cut it off. But I already have petitions on eight or nine areas and a couple more that I strongly expect will come in, and then last year if it was the pattern, people go on the website and send stuff in without even calling first, and we

had five or six last year that popped up at the last minute, I suspect that will happen again.

MR. MARSH: Where are we with St. Leonard's? You know, give also little briefing on that.

MR. LUNSFORD: St. Leonard's has been submitted as the committee recommended, the petitioners have sent a letter to the Secretary indicating that they don't think the committee gave them a fair shake in their recommendation and when this comes in there is a log letter, since we're going to write them back and tell them that the committee sat through it politely, including a video, which is out of the ordinary, and the recommendation based on the degree of experience among the committee members is, is consistent with safe boating practices.

MS. TROVATO: What about Beards Creek?

MR. LUNSFORD: The petitioners on Beards Creek appealed the committee's decision and the letter has been drafted to go back to the

petitioner. In particular her concern was erosion. Her erosion rates have been compared by the erosion management folks with a couple of other areas and she's losing about 1.6 feet a year, which is about what everybody on the bayfront loses, and there's nothing extraordinary being eroded. That indicates it's coming from erosion, it's just natural erosion.

MR. SIMON: That was my question.

MR. LUNSFORD: Actually it's a little on the low end of what the average bay erosion rate is for shorelines, yes.

MR. KLING: Bob, a couple or three things. I asked Bob where the petition was and he said there was no petition. Well, a couple of years ago we were sandbagged by people filing a petition and coming in and screaming erosion, erosion, and so we said we're not going to let them present that evidence if they haven't put it in their petition so we can then investigate. If we don't get petitions we can't do that. So can we

require -- we'll start a process if somebody sends in a letter, send it back and say they got to fill out a petition.

MR. LUNSFORD: No.

MR. KLING: Why not?

MR. LUNSFORD: Attorney General said one person.

MR. KLING: That's fine.

MR. LUNSFORD: I go interview them, but if erosion is not brought up, I don't do the survey.

MR. GAUDETTE: You want something in writing.

MR. KLING: We have a petition sheet, I don't care how many people sign it, I want the thing filled out so we know what the issue is, we pin them down ahead of time as to what their issue is.

MR. LUNSFORD: The committee can do that, I can't. I have to take their request to process them. The committee can --

MR. GAUDETTE: I know what you're saying, you're basically saying that --

MR. KLING: We want them to fill out the form.

MR. GAUDETTE: Fill out something that basically requires them, if they're not going to do a petition with multiple people, requires that you must fill out this minimum information.

MR. KLING: There is a petition form, we've used a form for years.

MR. GAUDETTE: Right.

MR. KLING: And it doesn't -- and fine, we don't need 25 signatures, the Attorney General said one, but we can say we will not process your thing unless you fill out this form.

MR. GAUDETTE: We'll look into it.

MR. LUNSFORD: Again, the committee can do that, they can send me a letter if you want -- the reason I don't do that is because I don't want, when I go to interview these people, I don't bring up erosion, I say are there other issues and if

they don't bring it up --

MR. KLING: The form doesn't say are there environmental issues, the form says what are your issues.

MR. LUNSFORD: And I replaced that with the interview.

MS. CRAIG: Leave it up to them to fill it.

MR. LUNSFORD: Because if they don't identify in their request for a review there is no visit by the shoreline erosion control people.

MR. KLING: We don't have, when we're holding a hearing we don't have the ability -- we're going on your interview, we don't have the ability to go I'm sorry, we're not going to consider that evidence, it's not in your petition.

MR. LUNSFORD: You want a backup.

MR. GAUDETTE: Yeah, he wants a backup, we can do that.

MR. LUNSFORD: No problem.

MR. BUSH: Required to have a copy of

whatever the original petition is, if anything is not in there then we don't address it.

MR. KLING: We're not getting that, and I don't know that it's come up, I don't know that it came up this year, but it's sure going to come up again when somebody comes in and sandbags us.

MR. BUSH: Yeah.

MR. LUNSFORD: We can address that.

MR. GAUDETTE: Okay.

MR. BUSH: Ready for lunch yet?

(Discussion held off the record.)

MR. LUNSFORD: Do you want to do presentations for the committee members that are attending for the last time?

MR. BUSH: Bob, you'll let us know when it's ready.

MR. LUNSFORD: I'll wave when it's ready.

MR. BUSH: All right.

(Discussion held off the record.)

(Ms. Trovato and Mr. McSween introduce

themselves.)

MR. GAUDETTE: Basically we have several folks that are, this will be their last meeting. We have Betty Duty and we got Gail, Johnny Marple and Bill Weintraub. Certainly on behalf of Governor O'Malley and Secretary Griffin I would like to thank all of you for, everyone here obviously for your service. This has been a busy year and it sounds like it's going to sound busy for a long time. There is more and more interest in what this committee does by the boating public and by the property owners and all of you played an important part in that and certainly these people that I'm going to be coming up here and giving these plaques to have been cornerstones in this whole effort for many, many years and we would like to go ahead and recognize them by giving them a nice plaque. And we'll start with Madam D, come on up.

(Applause.)

MR. GAUDETTE: Certainly Betty has

represented the Watermen's Association very well over the years. When did you come on board?

MS. DUTY: Years ago.

MR. GAUDETTE: And I think she's been very active when something comes up contacting the watermen and members of the association, letting them know is this a problem or is this area going to be an issue, and as Bob has indicated, if any of you own AT&T stock, it's going to go down because she's no longer with this group. So let me go ahead and read this to you. Betty Duty, in recognition and appreciation of your decades of service to the boaters and the public --

MS. DUTY: Decades.

MR. GAUDETTE: -- decades, to the boaters and public of Maryland, the Maryland Boat Act Advisory Committee would like to award you this commemorative plaque, and your dedication and experience have been a valuable asset. Through the Boat Act Advisory Committee, Maryland waterways have been made safer and more useful for all user

groups. Thank you very much.

(Applause.)

MS. DUTY: Well, I will introduce my sweetheart for 23 years, this is Walter, and of course, having worked for the Watermen's Association I actually worked for him, since he's a waterman and Walter is just coming off the water this year at 83 so he's retiring about the same time I am, which is good. Although he doesn't call it retiring, he just says I'm just not working anymore. And as they say with people, some people appreciate you coming in and others appreciate you going out, and I'm sure there's some of those, it works both ways I'm sure, so thank you very much, it's been a pleasure.

MR. GAUDETTE: Thank you.

(Applause.)

MS. DUTY: Well, sometimes. Sometimes. Sometimes not so much.

MR. GAUDETTE: Gail, come on up. Congratulations, you've been a great providing

service for us. Gail basically has been instrumental in participating with the Potomac River Safety Committee and he's always been the go-to guy for our inland issues, and as Bob indicated to me he says he's probably the only person that knows where Darvin Bend and McCoy's Ferry are located in the Potomac, but again, Gail, basically we want to recognize you, to appreciate you for your decades of service to the boating public of Maryland and the department would like to award you with this commemorative plaque, and again, just like Betty, your dedication and knowledge and vast experience have been a real valuable asset going to the department with the Boat Act Advisory Committee, and again, your efforts have played an important part in making the waterways safer for all user groups, so congratulations.

(Applause.)

MR. GAUDETTE: Great. Anything you want to say, Gail?

MR. MONGAN: Well, it's been a real enlightening pleasure to be on this committee. When I was asked by Pete to be on the committee I said I would consider it and I think I have been pretty faithful, I only missed a few meetings, and we were very instrumental in getting speed limits in on boat ramps on the Potomac River and we had a big problem trying to identify the water levels where boating was not safe. So we come up with a color coding marking on the boat ramps, I think that helped a lot of people.

MR. GAUDETTE: Sure did.

MR. MONGAN: One year we had 30 drownings on the Potomac.

MR. GAUDETTE: Wow.

MR. MONGAN: And working with the power squadron and trying to educate the people.

MR. GAUDETTE: Good, thank you so much, Gail.

(Applause.)

MR. GAUDETTE: John Marple, come up

here, John.

(Applause.)

MR. GAUDETTE: Deep Creek representative and has kept us out of trouble at Deep Creek Lake for years and helped us work with the folks out there. Certainly, your dedication of coming this far for all these meetings is phenomenal. He leaves at dark and gets home at dark, and you know, it's really important to us to have a representative out there and so we certainly hope we can get another representative out there. So please, keep that in mind. And again, when did you come on board?

MR. MARPLE: About five years ago.

MR. GAUDETTE: Five years ago.

MR. LUNSFORD: Two, two, six years.

MR. MARPLE: Oh, six years.

MR. GAUDETTE: Well, that's good, and we certainly appreciate all the effort you put in. This is a very time-consuming and important job, and again, basically as indicated we appreciate

your years of service, doesn't say decades, it says years of service, and we really do appreciate, you know, your efforts in helping us really coordinate with the folks at Deep Creek Lake and that's obviously a very, very important waterway for the state of Maryland, very big economic engine out there in western Maryland and certainly all of your experience that you brought here has certainly helped again in helping to ensure the safety of all of those that use the waters of the state, including Deep Creek Lake. So again, congratulations.

(Applause.)

MR. GAUDETTE: Super. Feel free.

MR. MARPLE: Thank you. Boy, you really made me sound good, didn't he?

MR. LUNSFORD: A lot of work.

MR. MARPLE: I enjoyed meeting with the people on the committee, they have all been real nice except Bob Lunsford, and thank you.

(Applause.)

MR. GAUDETTE: Sure. Yeah, Bill is not here. As part of further diversifying the committee also the Secretary wanted to create another slot and we appreciate Bill's time on the committee, certainly he's our eyes and ears in the Severn River and been very important to us in kind of keeping us in touch with what's happening there. But he certainly wanted me to, you know, tell everybody here that he did appreciate working with all of you, and again, you know, everyone that works on this committee, including Bill, was an important, contributing member and I just wanted to thank him for all his dedicated service that he's done in helping promote safe use of the waters in Maryland and I just want to thank all of you again for the great job you've done and the Secretary really appreciates it. He knows it's a lot of work, a lot of work even more so than many committees that we have in the department. Yours is very busy when you have to go out to meetings and site visits and a lot of the other committees

don't have to do that, and again, thank you very much, I hope you have a great holiday season and enjoy your lunch. Thank you.

(Applause.)

(Hearing adjourned 12:23 p.m.)

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STATE OF MARYLAND

COUNTY OF BALTIMORE

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

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Kelly A. Taylor, Notary Public