

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

* * * * *

The above-entitled matter came on for hearing on
Thursday, April 22, 2010, commencing at 10:00 a.m., at the
National Harbor Center, 137 National Plaza, Suite 300, 2nd
Floor, National Harbor, Maryland 20745, John H. Bush,
Committee Chairman, presiding.

COMMITTEE MEMBERS:

- | | |
|---|-----------------------|
| Robin Allison | Coles Marsh |
| Betty Duty | Edrick McSween |
| Russ Dwyer | Chris Parlin |
| John Ferman | Al Simon |
| Kenneth Kloostra | Bob Slaff |
| Frederick Levitan | Ramona Trovato |
| John Marple | Dr. William Weintraub |
| Robert Lunsford, State Liaison | |
| Robert Gaudette, Director of Boating Services | |

Reported by: Janice A. Flack

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

2 MR. BUSH: First of all, I want to welcome
3 everyone. We want to thank Mr. Peterson, again, for allowing
4 us to meet here in this beautiful facility. And I would like
5 to have each one of the members just say a few words about
6 themselves so that everyone here will know who everyone else
7 is again.

8 (Committee member introductions made.)

9 MR. BUSH: Next I would like to introduce and
10 welcome Mr. Peterson, the owner of our great facility that we
11 are sitting in right now. And welcome again.

12 MR. PETERSON: Thank you, thank you, thank you. I
13 have a lot in common with you. We love the water. I have
14 been developing this property over the last 15 years. So I
15 have worked 15 hard years on this; 15 years. Look at what
16 it's done to me. I'm only 42. You don't believe that?

17 Now, we're here for the same reason. I'm here
18 because of that water. You're here because of that water.
19 And what you do as a committee is hugely important to the
20 state and to the region.

21 If you looked at what is the most important asset

1 of the State of Maryland, it would be it's water. Where are
2 the great things in this world, I said, things? Next to the
3 water. Why is New York what New York is? Because it has
4 water on both sides. What is Maryland? It's got water on
5 both sides. Where are your economic engines? Right where
6 the water is. What would Maryland be without Baltimore's
7 Inner Harbor? Look all the way around at what's developed.

8 If you look at America, it's the development. We
9 have got the heartlands to grow wheat. Even the interior
10 cities, where are they? On the water. You go to Chicago,
11 you know, you're not looking at a prairie. You're looking at
12 the Great Lakes. And Buffalo, right down the line.

13 If you go back in history, you will read about it.
14 What did Washington try to do? What did Jefferson try to do?
15 They tried to go West. But how did they go? They went by
16 the rivers and said, how can I widen this? How can I put a
17 canal in, so I can open up the West? Jefferson spent a huge
18 amount of his time, as far as Washington, tramping himself on
19 a horse, looking at, how do I get West? Because we've got
20 this land and we've got to get there. I've read all about
21 that stuff, because I did this development. I went into it.

1 When you look at Washington, you know, Jefferson, Washington,
2 La Fonte, with Banneker, what were they looking at? It was
3 the water.

4 And at that time, the water that you've got
5 jurisdiction over, was more important than the Potomac. The
6 Potomac was a mud flat. The Anacostia is where the depth
7 was. And when you think of this river, as most rivers, the
8 river years ago was the connector. All of the commerce was
9 here. Why? The commerce was on the river, the fishing was
10 in the river, the transportation for people was the river.
11 There were no roads.

12 Well, all of a sudden what happened, along comes
13 the automobile and the river became a divider. And what
14 we're trying to do is change the river from a divider to a
15 connector. This bridge is doing a huge amount.

16 Marylanders and Virginians don't mix that well
17 together; partly because that was the biggest traffic problem
18 on the East Coast. But the other side of it is this. For
19 instance, this water taxi which you'll see coming in and out,
20 it is connecting us to Alexandria. And the mayor over there
21 has been a great guy putting it together. We went with them

1 and hooked up and used the same company and now they welcome
2 us. And they are getting great commerce and business because
3 of the connection of the water taxi. It also connects the
4 people. They are not afraid of each other, because there is
5 a big difference.

6 So we are trying, for instance, to get connection
7 to the airport. We've even got it worked out, if we can,
8 that you can check your bags here, no security, get on the
9 water taxi and you go park there. I put a couple hundred
10 thousand dollars into the studies of doing that. In fact,
11 Mike Gerrico (phonetically) is working on that with me. So
12 fortunately he's with me. Because that's another one. We're
13 a connector to the ballpark. You can get on the river now
14 and get on this boat right here or over at the Gaylord and go
15 to the Nationals' baseball games.

16 One of the reasons I accepted the crazy job of
17 developing this property was that about 20 or 25 years ago, I
18 don't know exactly, they looked at the whole Potomac shore.
19 They said, how are we going to develop it in Maryland? I
20 think Parris Glendening was County Executive at the time.
21 And they said, you know, he was for smart growth, which he

1 has gone on for decades to promote. And I agree with most of
2 it. In this case what they said is, let's take this shore
3 down here and make it - don't develop it. We've got this
4 marina and this and this. But let's go where the
5 infrastructure is. Let's go where there is an interchange.
6 Let's go where people can get easy access to the water.

7 So that's why the Corps took this one-and-a-quarter
8 miles that we have here and said, you can develop this to
9 it's fullest. We encourage the development of it because we
10 want to centralize it here where the infrastructure is. We
11 took on that property and it actually had this permit when we
12 took the property. But I wouldn't have done this deal
13 without the use of the water.

14 What is so important is that you are the protectors
15 of the water. But as the protectors, I also have seen you be
16 very active as, let's use it, not abuse it. So many parks I
17 am afraid of what they do, they try to keep people out,
18 because people screw up parks. Okay. I have been involved
19 big time with parks nationally. A lot of times people say,
20 we don't want people because they screw up the land. I hate
21 that idea. We want people on the water; we want people in

1 the parks.

2 So the use of this water here, for instance, is the
3 key. People come here. But if this didn't have this river,
4 would we get thousands of people coming here each weekend?
5 No. People want access to the water.

6 I have houses at different points because I'm
7 crazy, I am a water nut. I am a water nut. I even got a
8 permit to build a pond in my backyard so I could look at it
9 all of the time 35 years ago. Because I live across the
10 river and I build a pond because I just want to look at the
11 water.

12 My condominium is on the top floor right here.
13 Why? Because I don't want to look at my buildings that I've
14 spent this much money on. I want to look at the water.

15 The key to development is the water and the
16 rightful, proper use of it. And I just think it's great, I
17 love to hear that we've got a committee here who uses the
18 water knowing and not bureaucrats who try to spend and really
19 don't know and understand the water.

20 I have had boats since I grew up in Maine. On
21 where? The water. My son and I have got a boat right across

1 the way. But the use of it, not the abuse of it. And what
2 is great is, as I'm saying to you, is the State of Maryland
3 is as great as it is, not because of you, no, but because of
4 the water. It's the water, the water, the water. We want to
5 look at it, we want to be on it.

6 People come down here. I'm spending tens of
7 millions of dollars to get people up into the property. But
8 as soon as they come here, they park and where do they go?
9 Right down here to the water. Everybody wants the water.
10 And your protecting of it, but making it so it can be used
11 properly is a big responsibility. And I love to see that
12 your group has people that really have been on the water and
13 not just land bound.

14 So welcome to National Harbor. I opened this thing
15 in about the worst economic climate you could possibly pick.
16 Have I made money? No. Have I had fun? Some of the time,
17 the inventive part of it, the visionary part of it has been
18 great. Because when you do a property of this scale and
19 size, you can attract the best talent in the world. And what
20 is the guy's name? So I brought the biggest and the best.
21 What is that guy's name? Stan Extra (phonetically). He's

1 world-wide known for master planning. And we came here and
2 there were trees on the place and everything. And he stood
3 here and looked at it. And he didn't use perfect English.
4 He swore a little bit. And he said, that ain't a detention
5 falls, that's the historic Potomac; the most historic river
6 in the country. He said, that ain't Hoboken. That's the
7 nation's - the world's capitol. And then he gave me a sermon
8 on stewardship. What responsibility you have of taking this
9 property and what are you going to do with it? I said, Stan,
10 what is it? He says, it's a new city on the Potomac. And
11 that's what this really is.

12 When you look at this place now, let's say a book
13 is going to have, oh, 12 chapters. Well, this is about
14 two-and-a-half chapters done. People say, how long will it
15 take to develop this? They never stop. When you take
16 Baltimore, you take Annapolis, it never stops. You keep
17 improving it. More transportation, you know, the Metro is
18 going to come right here.

19 So as we now look at and try to utilize the water
20 facility here, what I have a problem with is it being
21 judiciously used, and how are you going to use it? Who

1 should go here and who should do what? Because we don't want
2 to screw it up. Okay. And we have tried not to.

3 When you look at those piers, those are commercial
4 piers. Those piers cost 38 million dollars. But I don't
5 think they could be any stronger or they could be any better.
6 The guy that put them in said, these are the best I've ever
7 done. And they were the big guys.

8 The people who did all of our interior stuff, you
9 see those guys out working on the street that got screwed up,
10 they are granite. All of the steps and stuff are granite.
11 Because this is Washington's city. This is an extension of
12 Washington. Just luckily Maryland is going to happen to have
13 it, but it's an extension of Washington. The line is right
14 there, the bridge. Part of the bridge is in Washington. So
15 the resource that you oversee, being the waterways of
16 Maryland. You know, you can say its people is the greatest.
17 But the people make the resources and develop it.

18 It's like when Extra said to me, you know, success
19 is the degree to which you meet your potential. So when I
20 look at a real estate project, I say, what is its potential?
21 It's pretty heavy, because you can use that phrase for

1 anything you do. You know, success is the degree to which
2 you meet your potential. That's you as a committee, that's
3 you as a grandfather/father, teacher, whatever. What do you
4 make out of that potential.

5 So as I looked at this thing and we had to open it
6 up with a bang. When you open up something like this, you
7 can't be sort of cuddly and just as an extension of
8 something. We had to open up with what we call critical
9 mass. And because of the economic conditions, it has been a
10 critical financial disaster. And we have suffered through
11 it. And some day my kids and my grand children will see the
12 profit from it, because I sure won't in my lifetime.

13 . But it comes back down to, like I was watching
14 Larry King one night and who is the old guy who ran Viacom?
15 I do business with his daughter because she runs National
16 Amusements, the theaters. Redstone. Sumner Redstone. And I
17 had read his book because he's old and is still involved.
18 And I'm old and stay involved and work all of the time. But
19 I did shoot my age this year in golf.

20 But, anyway, so Sumner, he was on the Larry King
21 Show and Larry said to him, so you're 83 years old and you're

1 still working everyday running Viacom. It's a big, big
2 company. He said, why are you doing it? So he said back to
3 Larry, Larry, you're a multimillionaire. What are you
4 sitting here every night asking questions for? And Larry
5 said, I'm the one that's asking the questions. Answer my
6 question. And he said just one word, accomplishment -
7 accomplishment.

8 So thanks for coming and visiting National Harbor.
9 Feel free to use our facility any time you want. And don't
10 screw up the waterways.

11 Thanks a lot. I enjoyed seeing you.

12 MR. BUSH: Thank you again.

13 (Picture sequence with Bill Peterson.)

14 MR. BUSH: Now we're going to let you top that.

15 MR. LUNSFORD: As far as a motivational speaker,
16 you're going to be disappointed.

17 We have now what I hope is our final list. We have
18 one more area to discuss.

19 MR. BUSH: Just for the new member, identify who
20 you are.

21 MR. LUNSFORD: Oh, I'm sorry. I'm Bob Lunsford.

1 I'm the Staff Rep Liaison for the Maryland Boat Act Advisory
2 Committee. I'm also the Regulations Coordinator for the
3 unit.

4 We need to talk about Rock Creek, which has come in
5 late. But this is the stack of folders (indicating). Last
6 year we had five or six. This year we have 16 areas to do,
7 and all of the normal issues that the committee has dealt
8 with before, except for a couple. The one that I can point
9 out from here is the repeal of the six knot limit that runs
10 from the Woodrow Wilson Bridge, 200 yards south. It was to
11 facilitate the construction. Now that the construction is
12 over, we can pull that off. Nobody seems to have objected to
13 it yet. And, Mr. McSween, where there are double buoys out
14 there, one of those is a Notice to Boaters buoy, that's about
15 the fifth pylon out, that has my phone number on it and
16 people are encouraged to call in and voice their opinions
17 about the proposed regulatory change.

18 DR. WEINTRAUB: Has anybody called in yet?

19 MR. LUNSFORD: Not about this one. But Beard's
20 Creek, Cuckold Creek, St. Leonard's Creek, Frog Mortar Creek
21 and Bear Creek have been active. And what it tells me is

1 that people have started boating. And the gas prices are
2 reasonable or at least stable. And I think the number of
3 speed limit petitions we have this year is a reflection of
4 last year's stable and low gas prices.

5 I can real briefly go over them. But I'm not sure
6 we need to at this point.

7 The two new ones that have come in since the last
8 meeting or some of the notable ones that have come in since
9 the last meeting, Lower Ferry on the Wicomico River at White
10 Haven has a speed limit currently in place surrounding the
11 Ferry. It's about 100 yards upstream and downstream. In
12 previous years we've had a marker buoy - a warning buoy that
13 you were approaching a speed limit about 100 yards outside of
14 the speed limit zone. And boats automatically slowed down
15 when they got to that warning buoy. Because of the budget
16 cuts and the cuts to the buoy list, that warning buoy got
17 eliminated and now boats don't slow down until they get to
18 the six knots, to the actual speed zone, which is adjacent to
19 a marina. And, of course, as they come off plane and get
20 back up on plane, they roll their worst wakes into the
21 marina. So that one will be one that we can visit by land.

1 The property owner has given us permission to drive down his
2 driveway and out onto his little lot and you can pretty much
3 see the whole thing from land. So that's one we probably
4 won't have to do a boat visit on.

5 Luce Creek and Clement's Creek will probably be
6 boat visits and they have to be weekday evening visits for
7 the most part, because they have Saturdays, Sundays, holidays
8 speed limits.

9 St. Leonard's Creek has come in. Their petition
10 reads that they want a six-knot limit on Fridays, Saturdays,
11 Sundays and holidays during the boating season for boats
12 exceeding 23 feet, which would be unique in the state. But
13 they think it addresses their issues and still allows the
14 maximum recreational use.

15 Cuckold Creek is pretty much the same issue. The
16 activity has increased to the point where the riparian owners
17 think it's now impacting on their riparian rights.

18 Frog Mortar Creek I think we went over last time.
19 The FAA requirement that they control the space off of the
20 end of the runway. And my solution was to establish a
21 prohibited zone. Several people have called in and when

1 they've understood the issue, have said they don't have a
2 problem with it. One gentleman apparently had been through
3 this process before with Martin State Airport and said the
4 last time they tried to do this, they pretty much closed the
5 creek and left a real small channel. I said, well, I'm
6 taking the opposite course. We're going to take the minimum
7 amount of water space we can. He's going to look at it and,
8 if necessary, we will go up there with a range finder and get
9 with the airport folks and find out what the minimum
10 prohibited zone would have to be in order to comply with the
11 FAA requirements and look at how much navigable thoroughfare
12 that leaves in Frog Mortar Creek. My opinion is it's
13 probably going to leave plenty. But we may have to verify
14 that in the field.

15 Glen Riddle Marina on Herring Creek down in Ocean
16 City is another quick site visit by land. Ramona, you have
17 been there. It's a boat basin. And apparently people
18 misbehave in there for whatever reason.

19 MR. DWYER: Why was Ramona there?

20 MR. LUNSFORD: She was doing her due diligence on a
21 site visit.

1 MS. TROVATO: Right. I was not misbehaving.

2 MR. LUNSFORD: Knapps Narrows, we have had an issue
3 with Knapps Narrows. We hope it's been addressed by talking
4 to the bridge tender. But there is a six-knot limit on
5 Knapps Narrows and it appears as though it's often ignored
6 and the boats come through there at a much greater speed and
7 roll just a hell of a wake through Knapps Narrows Marina, in
8 particular, and, I guess, Bob, ones on the Bayside?

9 MR. GAUDETTE: Yes. What's happening is they have
10 a problem there with the contractual bridge tender with the
11 State Highway Administration, who was telling boats to hurry
12 up and catch the bridge. They were throwing at least
13 three-foot wakes up against the boats and they were snapping
14 pylons, people were getting thrown out of boats, the whole
15 bit. We're hoping that, along with additional signage and
16 hopefully an increased NRP presence there, it's going to go
17 ahead and help alleviate that problem. I'm going to be
18 watching it this summer.

19 I'll go over my legislative review. There was
20 legislation in here to legislate that change, which I had
21 reversed during the General Assembly, so we could do it. And

1 I would prefer not to see speed limits legislated, but simply
2 I think it's going to come down to enforcement of the fact
3 that this bridge tender is telling people to hurry up. But
4 we're going to need to obviously let's get them on the VHF.
5 Because you know, as you go through the Narrows, it's hard on
6 both sides. So once you get a three-foot wake going, it
7 starts reverberating back and forth. You could have a
8 forward path foot wake in there. But you actually had
9 breaking waves over the little bulkheads and stuff. So it
10 gets pretty bad. It appears to be recreational traffic more
11 than commercial.

12 MR. MARPLE: You will have to speak to the bridge
13 tender.

14 MR. GAUDETTE: Oh, they actually sent a letter to
15 the Secretary and the bridge tender has been contacted.

16 MR. LUNSFORD: He's been scolded.

17 MR. GAUDETTE: So I think hopefully that will take
18 care of the issue and we won't have anymore problems. But I
19 know the police have had less of a presence there than they
20 have had in the past. They used to keep a police boat right
21 there next to the bridge and if they see that, you know, the

1 NRP sign, they will slow down. Now that boat is gone. They
2 have reassigned it somewhere else. So we need to get
3 something back there. We need to get one of those blow-up
4 boats, you know, or one of those cardboard silhouettes.

5 But we obviously need to take care of that because
6 that is a very heavily travelled area. It's like Kent
7 Narrows.

8 MS. DUTY: Is that on the demand?

9 MR. DWYER: It's on the demand.

10 MR. GAUDETTE: It's on demand, yes. What happened
11 is, one time it was the most active drawbridge in the
12 country.

13 MR. DWYER: I think it still is. Bob, my work boat
14 is on the Narrows and I'm the first boat starboard to the
15 Narrows.

16 MR. GAUDETTE: Are you in Dogwood?

17 MR. DWYER: No, no, Dogwood is actually around.
18 I'm in Severn Marine. But I'm the first boat out or closest
19 to the Narrows. I don't have a problem. I mean, I
20 personally have not seen a problem there.

21 MR. GAUDETTE: Yes, I think what's happened is the

1 people near the bridge, I think they are really charging
2 through that bridge and once you go through, they are getting
3 some really big wakes in there. I've got a funny feeling
4 that's the problem. Hopefully that takes care of it.

5 MR. LUNSFORD: I'll go over the last couple of
6 these and then we'll talk about some other ones.

7 Bear Creek off of the Patapsco River, the Sparrows
8 Point Yacht Club has come in and requested a six-knot from
9 the current limit down by the peninsula bridge up to Weiss
10 Avenue.

11 Beard Creek on South River has asked to go from
12 Saturdays, Sundays and holidays to an at all times/all year
13 and to rotate the line out to cover more water.

14 Broadwater and Carrs Creek are two creeks on the
15 Anne Arundel County shores of the bay front. They don't
16 connect to any river. They have just been dredged and the
17 concern with the people who put in all of the time and the
18 effort to get the money and get the dredging done, they are
19 concerned the high-speed traffic will simply increase the
20 slump of those channels. They are relatively narrow, very
21 confined and there is some expression of concern. I have not

1 had any calls on Broadwater, but several of the people in the
2 back of Carrs Creek, where apparently it's wider and
3 naturally deeper and there's some recreational activities
4 back in there, have called in and said, huh? They said, we
5 don't mind doing six knots out in the channel where it's
6 dredged and narrow, but back in here, leave us alone. So
7 that's going to require a site visit and some adjustment.

8 We did Clement's, Luce and Cuckold.

9 Deale Island, a big thoroughfare. There is a
10 problem with the ramp. It has just been approved down there
11 and there is a lot more ramp traffic being generated. People
12 that aren't familiar with the area, they come in and they
13 launch at the ramp and they come around the corner and they
14 point towards to the bay and they get up on plane. The
15 problem is, there are several work boats that are tied up to
16 side two in there, because they've never had a problem
17 before. It's about a 200-yard area that they are looking at
18 for a possible speed limit.

19 The Little Magothy. The Little Magothy has three
20 separate speed zones on it. There is one at the entrance
21 channel, which is bulkheaded on both sides. There is one

1 that's a six knot Saturdays, Sundays and holidays in the
2 Upper Magothy. And then there is a minimum wake zone all the
3 way at the headwaters of the Little Magothy. This speed
4 limit will be for the Upper Magothy Saturdays, Sundays and
5 holidays, and the proposal is to move that line about 200
6 yards north to another narrow point. There is a point there
7 that's only about 250 feet wide, so you can get one boat
8 legally through it pulling a skier. They have room to turn
9 around and then come back out. But the traffic pattern has
10 gotten, according to the petitioners, the traffic pattern has
11 gotten to the point now where it's excessive and they just
12 want the traffic moved out. I have had several calls on that
13 one of skiers.

14 MR. DWYER: Excessive is in the eyes of the
15 beholder.

16 MS. TROVATO: Exactly right.

17 MR. LUNSFORD: Marley Creek and Furnace Creek that
18 form Curtis Creek, we have had a request there to look at
19 making that go six knots at all times. In that area right
20 now it's Saturdays, Sundays and holidays for both of those
21 creeks. There is a marina up there that we can do some site

1 observations. But, again, I think some of that may require
2 some visits by boat.

3 We have the Rock Creek/Maryland Yacht Club
4 situation that I would like to -

5 MR. BUSH: Before you get to that, are you going to
6 set up a schedule for the visits so that other members can
7 know when to contact you and so you have someone who would be
8 available?

9 MR. LUNSFORD: I have been trying to do it the
10 other way, where when members have free time, if they will
11 give me a day's notice, I'll make every effort to get out.
12 But what I'll do is, I'll put up a sham, a strawman's
13 schedule and e-mail it to everybody of some of the times I
14 want to go out.

15 I know, Fred, you've volunteered to do the Sparrows
16 Point Yacht Club up on Bear Creek. I know it's going to cost
17 me a dinner, but that's okay.

18 But a lot of these are going to be observational.
19 I am surprised at how many weekday observations are going to
20 be necessary. Last year and in the past years, most of that
21 complaints came in, people said the traffic was worse on

1 weekends. Well, I think we've reached that critical mass now
2 where people now go out in the afternoons and go out in their
3 boats.

4 MR. DWYER: Well, they can't go fast on the
5 weekends.

6 MR. LUNSFORD: Yes, you can't go anywhere on
7 weekends.

8 So, yes, if the committee would like that, I can
9 certainly put up a sham schedule and make it weather
10 dependent and all of that kind stuff with the caveats.

11 DR. WEINTRAUB: Yes, do that.

12 MR. BUSH: I think that would be a good idea. I
13 think no one objects to it if you do that, then.

14 MR. LUNSFORD: That would be periodically updated,
15 by the way, as to cancellations if nobody goes or if there
16 are weather issues and stuff. So check your e-mails.

17 MR. BUSH: Of course let us know what you want us
18 to do.

19 MR. LUNSFORD: We had one that came in, what, last
20 Friday. They faxed it in from Maryland Yacht Club. Maryland
21 Yacht Club is on Rock Creek. Rock Creek was done in 2008.

1 So the regulation that the committee recommended was put in
2 place in 2009. Maryland Yacht Club was absent, and I do this
3 just to point out that they had a chance to come in and
4 participate and didn't. So if the committee really is
5 adamant, we can put it on the list. It would violate our
6 normal three-year policy and it makes Number 17 and I would
7 tell you that they are way down on the list on the number of
8 site visits they are going to get and reviews, at least from
9 me.

10 MR. SIMON: You have been there many times, haven't
11 you?

12 MR. LUNSFORD: Yes.

13 MR. DWYER: Do you want to clear that up now?

14 MR. LUNSFORD: I hope so.

15 MR. DWYER: I would like to make a motion that we
16 send them a letter and say that we don't accept this -

17 MR. LUNSFORD: Well, rather than that, can you
18 amend that and say, we would like to do you next year. Put
19 you on the schedule for 2011 and we have a couple of -

20 MR. DWYER: That's my motion.

21 MR. MARSH: And I just talked to them yesterday, a

1 couple of people there, is there a no-wake marker or a six
2 knot when you enter in, just right in front of Maryland Yacht
3 Club? It's very narrow.

4 MR. LUNSFORD: There should be, very near to the
5 mouth of where Maryland Yacht Club is, there should be a six
6 knot Saturdays, Sundays and holidays and it may be Saturdays,
7 Sundays and holidays during boating season.

8 One of the things that I can do without any
9 regulatory action is provide them with a couple of, Caution,
10 You're Responsible for Your Wake buoys, and a couple of
11 signs. But traditionally they have done little or no good.

12 As I understand from talking to the gentleman who
13 called me, Mr. Fisherman, it wasn't the recreational ski
14 traffic that he was concerned about. It was larger boats
15 coming into the river. So it's not the people that were
16 adamantly opposed to any restriction that wanted to water ski
17 there during the weekdays. These seemed to be larger boats
18 is what he described to me this time.

19 MR. MARSH: I think from what I'm hearing from them
20 anyway is when they enter there, it's very narrow, and they
21 will come off plane, you know, right there. And, of course,

1 their fuel dock is just around the corner in that little
2 narrow channel and that would create a little bit of a wake
3 there. So maybe a sign, I think. I don't think they want to
4 change any big thing. I think they just want to make a sign,
5 something to help out maybe to tell boaters, you're
6 responsible for your wake.

7 MR. LEVITAN: There is also a problem with boats
8 coming out of Fairview Marina, that are going out, it comes
9 around and they go around the point to get out of Rock Creek.
10 And when they get part way up and pretty much in front of
11 Maryland Yacht Club, they open the boat up and they start
12 throwing a wake that's really bad. I have been down there a
13 number of times when it's happened and it rocks an awful lot
14 of boats there. And at the fuel dock, which is right there,
15 it's exposed right at that point, those boats are rocking
16 when they are getting fuel and I think it presents a
17 dangerous situation.

18 MR. DWYER: I just think, and I'm not disagreeing
19 there is not a problem, but I think we're setting up a bad
20 precedent by taking on something that we usually wait three
21 years for.

1 MR. MARSH: I second that motion there. Is that an
2 easy thing for the possible wakes?

3 MR. LUNSFORD: Yes, that's a no-brainer.

4 MR. MARSH: Why don't we do that and just put it
5 off until next year. I mean I think that might help out.
6 We're saying, hey, you're responsible for your wake and
7 whatever this means.

8 MR. LEVITAN: I would put one on either side of
9 that point.

10 MR. LUNSFORD: I was going to drop one in front of
11 the fuel docks and then I'll put the other one - I mean, I
12 get what you were called about.

13 MR. MARSH: Yes, they may be happy with that. Just
14 something -

15 MR. LUNSFORD: I don't think they will be happy
16 with that. They want a six-knot limit.

17 MR. MARSH: I don't know. I don't think we need to
18 review that for a while.

19 MR. BUSH: I'm suggesting that we go along with
20 putting out the buoys. However, still send them a letter and
21 say that we will take this up in 2011.

1 MR. DWYER: That was my motion.

2 MR. BUSH: And I think that's the way to go. Does
3 anyone object to that?

4 (All nos.)

5 MR. MARSH: So I think they would be happy with
6 that. Fine.

7 MR. DWYER: One off the list.

8 MR. LUNSFORD: We're back to 16. Thank you.

9 MR. MARSH: Those signs, I think, will possibly
10 help out.

11 MR. LUNSFORD: It won't hurt. We'll get a couple
12 of buoys and a couple of signs and they can put the signs up
13 wherever they deem necessary and whatever pylons they have
14 access to. I know there is one that nobody was sure who
15 owned the pylon sitting out on that point.

16 MR. MARSH: Right in front of the little pavilion
17 there.

18 MR. LUNSFORD: Yes. And apparently for years there
19 was a sign there and that got moved. I will also double
20 check and make sure that the buoy for the beginning of the
21 six-knot zone is on station.

1 MR. MARSH: Yes, that might be good.

2 MR. LUNSFORD: And see whether or not, perhaps it
3 got pulled in and not replaced. Some of the buoys that were
4 real close to being on station and then the guys looked and
5 said, okay, that's where it's supposed to be. And, you know,
6 they may have been drifted by the ice or not. But we can
7 check that.

8 MR. KLOOSTRA: Did you call for a motion?

9 MR. LUNSFORD: Oh, we had a consensus.

10 MR. BUSH: We already had it and there was no
11 objection. So therefore he said we would go ahead.

12 MR. LUNSFORD: We're there.

13 MR. BUSH: You are making the fact that because of
14 the economy that there is a restriction on putting out some
15 buoys that had been put out before; is that correct?

16 MR. LUNSFORD: Yes, sir.

17 MR. BUSH: I have been thinking about it, and this
18 is only a personal viewpoint here, that if it's important to
19 an area to do that, very important, why not ask them, whoever
20 the petitioner is, that they may have to pay for the services
21 of getting that thing put out. In other words, what do you

1 think about it, I know it's changing things a little bit, but
2 it will help the state's economy, the budget primarily, by
3 having people to assist with the additional costs of doing
4 things we normally can't do because of the budget.

5 MR. GAUDETTE: Actually it may kind of be heading
6 in that direction a little bit. As a result of the - in our
7 case, it's a result of decreased boat sales. We have less
8 money. We have eliminated 800 of our buoys and markers.
9 Prior it was about 3,000. We're cutting back 800. We had to
10 eliminate one of the crews. In total, we had about a 20
11 percent reduction in staff as a result of the budget
12 reductions in Boating Services. Which is not inconsistent
13 with a lot of other groups in the department. We've taken
14 our share and, as a result of that, we have set up a whole
15 prior system for markers, both regulatory, navigation and
16 other miscellaneous ones we have. Miscellaneous would be
17 like swim areas and that type of thing. We mark a lot of
18 swim areas that are not regulated.

19 One of the ways we're trying to address this is by
20 thinning out the number of markers. We're not trying to
21 eliminate all of the markers in a regulated area. We're just

1 thinning them out. And we've met with National Resources
2 Police. They understand what we're doing. And we're kind of
3 seeing how this all works out. We'll tweak it as it goes,
4 basically, depending upon the areas.

5 But swim areas is an example. The areas that we
6 had marked as swim areas historically, there's quite a few of
7 them, and they are not regulated. There are only a couple of
8 them in the Severn I think that are regulated. We're going
9 to wait because we don't have local contacts from them
10 anymore because those are local communities, they all change
11 and we're just not going to put them out. And they are going
12 to call and say, where are our markers? What we're going to
13 do this first time around is we're going to say, well, if
14 we've marked you before, we're going to give you the buoys
15 and then you go ahead and put them out, is the main thing
16 from here on out. So we're kind of heading sort of in that
17 direction.

18 MR. DWYER: That sounds screwy.

19 MR. PARLIN: I was thinking the same thing. That's
20 great, we're going to put them around -

21 MR. GAUDETTE: We don't give them the big buoys.

1 We give them the little ones we call the munchkins. And that
2 way they can go ahead and basically take care of it
3 themselves. It's not really hitting them hard saying, we're
4 just not going to do it anymore. We're going to kind of meet
5 you half way. You take care of it.

6 MR. DWYER: But are you going to give them a
7 guideline of how far out they can do it?

8 MR. GAUDETTE: Oh, we'll probably give them some
9 guidance, yes, because they have to be all permitted and
10 everything else. We'll probably just follow the same permits
11 that we had and tell them where they have to put them.

12 I think that you're going to see that coming around
13 where, you know, if they want more markers because the way
14 this is going to work now is, we're setting up a process
15 where if Fisheries comes to me and says, I need an extra 20
16 buoys. I'm going to say, okay, give me the list of those 20
17 that were eliminated. Because what's happened is, when I
18 first started in DNR, what, 27 years ago, we had probably 800
19 buoys. And then over the years it just creeps. You know, I
20 would like to have a buoy here, I would like to have a buoy
21 there.

1 Virtually probably any of the buoys in the state
2 are required by law or regulation that we have out and they
3 just sort of grew. The police wanted them, this person
4 wanted them, et cetera. Even on state lines where we used to
5 have just a big row of buoys, we're now going to go ahead and
6 spread them out and putting in just a couple of big ones,
7 much larger ones, and just spreading them out so that
8 everyone can see them and understand where they are.

9 But the less markers we have, the less time we have
10 to handle them, the less we have to paint, the less we have
11 to make weights for, you know, and chain and all of that
12 stuff.

13 So far it's going okay. It's going to be getting
14 real bumpy here as the boaters go out and say, where is my
15 buoy? They will say that, where is my buoy? And in some
16 cases we'll say, you know - or we get a lot of calls from
17 buoys that are off station because of the ice. We're getting
18 lots of calls on that. So I think you may hear some
19 complaints. Just basically if you do, as the committee, let
20 them know we're under a pretty significant crunch here on the
21 budget. We're doing the best we can with it. We're trying

1 to take care of those that are the most critical right now.
2 Obviously our navigation ones are very important, to make
3 sure people are in safe water. Those hot spots that we have
4 regulations are a high priority. But we are definitely going
5 to be leaning towards, in the future, I think, some
6 participation by communities in getting these buoys taken
7 care of. I see that definitely going to happen.

8 MR. SIMON: You're promoting getting the buoys.
9 Many years ago when Roy Rafter (phonetically) was around, he
10 gave me permission to use Matapeake facilities to get these
11 Slow, Responsible for Your Wake signs. I called the Power
12 Squadron, the Coast Guard Auxiliary, CGYCA, and we had a
13 rendezvous at Matapeake. We bought a truckload of
14 four-by-eights, up on plywood, and I brought it over to
15 Matapeake and on a certain Saturday we had set up a
16 production line where the men would cut the four-by-eights in
17 half and making them to four-by-fours, and then we went over
18 to the tables and the kids were involved, of course, they
19 painted the signs and then in the next phase we would get the
20 decals on it, Slow, You're Responsible for Your Wake. This
21 was participation, it was free, no charge, from the state.

1 So only throw this out for what it's worth. If you
2 all want to have a rendezvous or a party and, you know, it
3 could be a part of that picnic like we had there. It was a
4 hot August day and we brought in some buckets of lemonade and
5 poured a bottle of Vodka in each one of them. We had a
6 wonderful time. Everybody had a wonderful time.

7 MR. DWYER: That's how you got all of the kids out
8 there, too.

9 MR. SIMONS: And those signs went all over the
10 State of Maryland.

11 MR. GAUDETTE: We occasionally put out signs for
12 people or give them signs to put out.

13 MR. PARLIN: That's to say, we moved to
14 transitioning from buoys to signs where you would have them.

15 MR. GAUDETTE: We're looking at every possibility.
16 We're looking at every single possibility. We're getting
17 away from fixed markers. They are too expensive. They are
18 too much of a hazard when they fall over and we can't get to
19 them. It's mainly floaters and signs. It's been a lot of
20 signs, too. We have a lot of Health Department signs we put
21 out. So it's quite an undertaking.

1 MS. ALLISON: Bob, how are we dealing with people
2 who are constant violators of the no-wake policy? There are
3 usually only five percent that are bad apples that make most
4 of the wakes anyway. So if we've got a big, No Wake sign up,
5 Watch Your Wake, You're Responsible For Your Wake signs, how
6 are we enforcing that and how are we coming down on these
7 people that are the violators?

8 MR. GAUDETTE: What happens is, the complaints come
9 in from the public. NRP will focus on an area if there is an
10 issue. Obviously if they get a number of the boat, they will
11 contact them.

12 MS. ALLISON: Or a picture?

13 MR. GAUDETTE: Or a picture. If they can identify
14 the boat, they will go visit them. Obviously NRP is spread
15 thin. But, generally speaking, they go to the squeaky wheel
16 first. They go ahead and take care of it.

17 MS. ALLISON: But if there is damage that is done,
18 is there a fine for it or -

19 MR. GAUDETTE: I don't believe or I don't know of a
20 case where someone has actually - well, if the department has
21 taken someone and prosecuted them for a particular damage, it

1 usually ends up being a civil suit with two people. Unless
2 it's a speed zone. If it's a marked speed zone, then
3 obviously they get a citation.

4 But, generally speaking, Bob, do you know of any
5 locations where they have had someone who has damaged
6 something from a wake and they've actually gone to court?

7 MR. LUNSFORD: Yep, St. Leonard's Creek. Jay
8 Heberly (phonetically), the guy that was the petitioner last
9 year who wanted to come in late and piggyback. Some of you
10 may remember, he wanted to piggyback on the speed limit
11 review up at the Narrows, up above Vera's. He is now the
12 petitioner of records for the current speed limit request
13 down on the lower St. Leonard's.

14 MR. GAUDETTE: He's the one who has a video?

15 MR. LUNSFORD: He's the guy that sent in the video
16 that some of you may have seen. He had damage to his boat.
17 He identified the operator. He followed the operator up to
18 Vera's. He confronted the guy. The guy admitted he had come
19 up the creek at X number of knots, whatever it was, and there
20 was a court settlement that he can't tell me what it was.

21 MR. GAUDETTE: How about that.

1 MS. ALLISON: A wake policy seems to make so much
2 more sense than the speed limit, where it's possible, but it
3 has to have teeth. If it doesn't have teeth, nobody is going
4 to pay attention to it.

5 MR. LEVITAN: One of the basis is that the people
6 who are being bothered, they have to call in to the Natural
7 Resources Police. If they don't do that, then the whole
8 thing just does not work.

9 MR. GAUDETTE: Yes, they need to call in.

10 MR. LUNSFORD: Can I make a comment on that? A lot
11 of the officers, when they go to interview people that have
12 called in, will give the individuals their card and say, here
13 is my number. Call me when there is a problem. I would
14 recommend you not do that. I would recommend you to tell
15 your constituents not to do that. They should call the
16 24-hour Natural Resources Police Communication Center in
17 Annapolis. That goes into a whole different food chain that
18 the commanders then see and you're much more likely, rather
19 than having some private trying to schedule his time on Creek
20 X, to have the captain say, there has been 15 complaints on
21 Creek X. You need to be there.

1 MR. GAUDETTE: I think that's 260-8888.

2 MR. LUNSFORD: There is an 800 number that's a 620
3 number.

4 MR. GAUDETTE: That's right.

5 MS. ALLISON: And what would happen if you put a
6 phone number on the sign saying, if you see a violator, call?

7 MR. LUNSFORD: Well, perhaps that number would
8 change and then we would have to redo all of the signs. We
9 tried that one time.

10 MR. LEVITAN: If you see boat that is going too
11 quick and nothing really happens, then it's no harm, no foul.
12 But it really moves the burden of proof to the person who
13 gets his boat damaged to go through the legal process to get
14 recourse, than to get NRP out there to say, hey, you were
15 going too fast. And so they don't have any teeth. You're
16 right, Robin, and there probably isn't going to be any teeth.
17 The six knots or the three knots or whatever, they have got
18 teeth.

19 MS. ALLISON: Yep.

20 MR. BUSH: Did you get your question answered?

21 MS. ALLISON: It sort of answered my question. But

1 what I see is, living in areas that have speed limits, I
2 mean, a dingy will leave absolutely no wake as it goes
3 through at 10 or 15 knots and gets a ticket and it's creating
4 no violation; whereas, a 35-foot power boat, a trawler hull
5 power boat goes through at six and it throws everything
6 everywhere. I mean, you've got to regulate all boats in one
7 way and it's probably the only way to do it. But it seems to
8 me there might be another solution. I just don't know what
9 it might be.

10 MR. LUNSFORD: If you come up with it, let me know.

11 MR. MARPLE: I know the committee recommends where
12 buoys go. But the department, how do they determine where a
13 buoy goes?

14 MR. LUNSFORD: I will tell you how I do it now. I
15 can't speak for the rest of the Hydrographic Operations
16 Section. But when I get a request, for instance, from
17 Maryland Yacht Club, when I go up and drop in buoys, I will
18 try to put them one close to, but not in, the normal
19 navigable thoroughfare, close to the channel. I won't put
20 them in a channel because I don't want anybody to run into
21 the darn thing. And I will try to put them where they are

1 most obvious and they are obvious what they are trying to
2 address.

3 I then have to take a GPS reading on it and give
4 that to Hydro. They then have to send that to the Coast
5 Guard. That's one of the problems with having private
6 individuals doing the maintenance of the buoys is, they are
7 going to put them out and may not be as accurate.

8 But I don't have to worry about being accurate
9 because when I put one over, like when I put out this Notice
10 to Motorist buoy out here (indicating), I didn't have to be
11 on station, because I could click wherever I put it. I
12 didn't have to put it back where I wanted it.

13 The guys that do Hydrographic Operations, that do
14 buoys for a living, have a list of coordinates and when they
15 go out and dump a buoy, they dump it on that coordinate,
16 which is much more difficult than what I do.

17 MR. MARPLE: Do you do it where you think they
18 should go or do you do it where the complainant is?

19 MR. LUNSFORD: I do it where there is a complaint
20 and then I put it at that site, at the complainant's site
21 where I think it should go. But, yes, we don't put them out

1 just without somebody calling in and saying, hey, I have got
2 to have it.

3 MR. GAUDETTE: Those buoys go right on the line.
4 Whatever that longitude and latitude line is, whatever those
5 points are -

6 MR. LUNSFORD: Yes, Chris has got it by points.

7 MR. GAUDETTE: Yes, because obviously if someone is
8 inside or outside of that area, they have to be able to
9 defend it in court, so they have to put it on the line. Now,
10 as far as where on that line, typically not in a navigable
11 channel, and they will make sure it's adequately marked
12 enough so that if someone goes in that area. If it's a real
13 wide area, they may put one over here, one over there, and
14 one in the middle.

15 MR. LUNSFORD: I think there are four on this line
16 across the river. There used to be six.

17 MR. BUSH: Anything else? Do you have anything
18 else?

19 MR. LUNSFORD: I have some New Business that I
20 don't know if you want to do it now or if you want to go into
21 Legislative Updates and then New Business as New Business.

1 MR. GAUDETTE: I'll wait.

2 MR. LUNSFORD: Okay. Galesville. We've had an
3 issue come up at Galesville. Some of you may be familiar
4 with Archie Yachts, what used to be Archie Yacht Yards is now
5 Archie Yacht Haven -

6 MS. ALLISON: Harbor.

7 MR. LUNSFORD: Harbor. Excuse me. And I'll do
8 that again, Robin, so correct me every time I do it.

9 MS. ALLISON: Okay.

10 MR. LUNSFORD: - at the mouth of Lerch Creek.
11 There was a breakup of the business there that had gone on
12 for years. As a result of that, there was an amended - there
13 was a proposed amendment to the group mooring registration
14 that would have added 12 more mooring buoys to that mooring
15 field. There has been some objection or some concern
16 expressed by members of the public that that would make the
17 mooring field objectionably large and difficult to navigate
18 around and it caused problems with navigation in shallow
19 water.

20 As a result, there are many conflicting stories
21 about what the impact of that was going to be. We're going

1 to hold a public meeting next Thursday night at Tawes. I
2 think I had sent everybody an invite. You are welcome to
3 come. Bob is going to serve as our Hearing Officer and we're
4 going to let the public come in and see if there is something
5 we've missed in the recommendation that I made which was to
6 allow those 12 moorings to go in and then to confine the
7 mooring field by putting in channel markers and defining a
8 channel from the existing - wherever that new existing
9 outside line is on the mooring field. So that would
10 essentially put an end to further encroachment into the West
11 River of mooring buoys.

12 At the same time, we've had an issue come up in
13 Tenthouse Creek, which is the creek that makes up the
14 opposite side of the Galesville peninsula. A similar
15 situation, there is moorings going. Smith Brothers, a
16 dredging company, a barge company has a business operation
17 back in there and there is at least one mooring now, that
18 they are concerned that if a boat was hanging on it, they
19 might have trouble getting by it. We're going to go down and
20 meet with them next Wednesday and probably impose controls on
21 that mooring area by, again, establishing some channel

1 markers in the area that would allow Smith Brothers to
2 continue to get in and out of their dock.

3 So you all are welcome to come to that, listen to
4 the proceedings and then we can seek your wisdom when we're
5 done. Al?

6 MR. SIMON: Didn't we do this before in that area?

7 MR. LUNSFORD: Yes, but that was the Galesville
8 community pier that we did that V.J. came to at the firehouse
9 over on Kent Island. That was a same little town. It's
10 amazing how a little town with 50 houses has got three
11 mooring areas that we're having to deal with.

12 But, yes, we did it, but that was a different
13 mooring field, different mooring area than the two we're
14 going to probably end up talking about on Thursday night, a
15 week from now.

16 MR. BUSH: My question on this one is, this seems
17 to be out of the normal way of doing business?

18 MR. LUNSFORD: Yes.

19 MR. BUSH: And why is it that we are having a
20 special hearing for these people and we're not having it for
21 anyone else who picks up the phone and calls you and says, I

1 would like to change something?

2 MR. LUNSFORD: This is the first time I've had an
3 official request for a public meeting on an issue like this.

4 MR. GAUDETTE: It's a very high concentration of
5 moorings. Are you familiar with the area?

6 MR. BUSH: Yes.

7 MR. GAUDETTE: It's a very high concentration of
8 moorings in the area. And the mooring field is getting
9 larger and larger and pushing more and more towards shallower
10 water. The regulations indicate that the mooring field
11 really cannot impact safe navigation in the area and we're
12 going to basically accept comments. What it is is it's a
13 fact-finding meeting. It's not going to be a discussion
14 where we're going to be getting into the case, it's not going
15 to be a discussion where we're going to get into a decision
16 making at that site. I just want to get information from
17 everybody of what is the impact of this mooring field
18 expanding is going to be on the general boating public in
19 that area. So I can make a determination with Bob and
20 probably or possibly even with the Secretary on what the
21 future of this site should be. Because it is definitely

1 expanding quite a bit. And Robin is very familiar with the
2 area.

3 MR. KLOOSTRA: So we're going to be out of the loop
4 on this?

5 MR. GAUDETTE: Yes. This is basically going to be
6 an administrative decision. It would be nice for you to be
7 there to see it because moorings is becoming a pretty big
8 issue in Anne Arundel County. I'm getting routine calls
9 about people wanting to put in individual moorings. Bob
10 pretty much deals with the group moorings. And because of
11 the economy, I think that we're seeing an increase of them.
12 And I have a concern that, you know, safe navigation can be
13 impacted by these.

14 MS. ALLISON: Not only navigation of the area, but
15 I brought a letter to Bob from the someone working on the
16 water in the area basically saying, you're constricting our
17 ability to make a living by allowing these moorings. That's
18 a short version of that and they will probably be there
19 Thursday evening. Because they are entitled to use the
20 water. They are not the general public, but they certainly
21 have been working on the water for hundreds of years as it is

1 an existing company, Smith Brothers, and that has been a
2 company there for hundreds of years, essentially. I mean,
3 these moorings are impacting everybody in some fashion or
4 another adversely is a good way to say it. But it's more
5 than a one-decision situation. There needs to be some real
6 guidelines to this one. Such as who is entitled to the
7 water, where a sea of oyster beds are, where reef land is.
8 These are worries. I mean, do they own or are they leasing,
9 what moorings do they need to be put in on. And we just
10 don't know.

11 MR. GAUDETTE: The nice thing for me doing it is I
12 have no relation, professional or otherwise, with anybody in
13 that creek. So I'm fairly impartial. I don't know the
14 Archie's, I don't know any of the owners of the other
15 marinas. I don't know them, so I think I can make the right
16 decision on this and run up the ladder. Because obviously
17 someone is going to be unhappy, either the person needing the
18 moorings or if we do approve it, the people who are using the
19 area. But certainly the mooring field comprises a
20 significant portion of that waterway.

21 MR. BUSH: You're suggesting we have a

1 representative at your meeting for this?

2 MR. GAUDETTE: I would like for you to hear it.

3 Because I think this is going to be an emerging issue and I
4 am not sure if it is going to require changes in regulation
5 down the road. But I would like you to be familiar with it,
6 because we're not creating any regulations out of this, as
7 far as I know, unless the Secretary comes back and says, you
8 know, this could be a real problem. We need to put a little
9 more regulation in. Well, obviously, you're get involved in
10 it.

11 But it's going to be a - it's a sticky wicket, when
12 you're getting involved in individual moorings and group
13 moorings. Group moorings is often communities or businesses.
14 And individual moorings is obviously a right to be able to
15 put in a mooring in the waters of the United States. So it's
16 going to be an interesting dilemma to deal with.

17 We're working extensively with Kent County. I'm
18 meeting with the Kent County's Public Landing's Board next
19 week because they are going to be establishing a county plan
20 for moorings. They already have an existing mooring plan.
21 But we determined that that plan was not legal because it

1 only allows people who are waterfront property owners to be
2 able to get a permit to put a mooring in the county. And
3 it's been that way for 20 years. It got approved by the best
4 in the old days. And even though it was approved at that
5 time, we wanted to have the ability so that if someone other
6 than a Kent County resident could put in a mooring, so we're
7 going to be putting some moorings around their public
8 landings. You have to have a place to come in. You can't
9 trespass, et cetera.

10 So we're nailing that down and then we're going to
11 use probably that as a standard for hopefully the other
12 jurisdictions that want to get involved in moorings. But we
13 would provide a general guideline or general requirements and
14 then the local governments can hopefully start picking these
15 up. Because a lot of these end up being community disputes
16 or personality disputes or my neighbor has got one here and I
17 don't want it there. And I don't think the state should be
18 in the business of doing that. I think the local governments
19 should.

20 So that may require some changes down the road in
21 the statute and regulations. And I think that ultimately

1 it's going to head in that direction.

2 Anne Arundel County has been reluctant to get
3 involved in matters pertaining to their waterways, boating
4 access, moorings, et cetera. And I think that ultimately
5 it's going to go in the direction of local governments
6 getting involved in it. Virginia Clagett has got an interest
7 in this, Delegate Clagett, and not necessarily that angle, if
8 having the local governments do it, but she's interested in
9 the mooring issue, specifically in West River. She's got
10 involved in it and I can certainly see why.

11 MR. BUSH: There will be a meeting next week?

12 MR. GAUDETTE: Yes.

13 MR. LUNSFORD: It will be at 6 o'clock at Tawes.

14 It will be in Room C-1, the conference room off of the lobby.

15 MR. BUSH: And I guess I will be there and I have a
16 feeling that other people will be there.

17 MS. ALLISON: I will definitely be there.

18 MR. BUSH: We'll just be there as spectators for
19 that.

20 MR. GAUDETTE: I should introduce you. I think
21 people need to know that this is an interest and what we do.

1 I am certainly going to explain what the purpose is, that
2 this is basically a fact-finding meeting, that these concerns
3 have been raised and we're going to incorporate all of this
4 information into the decision on these additional moorings.

5 The real focus at this point is the additional
6 moorings that are being proposed. And I just really think
7 it's important that you be there to hear this issue because
8 this is kind of a hot spot that's going to really highlight
9 what these issues are because we're going to legislate the
10 moorings in the state in the next few years.

11 MR. DWYER: I kind of agree with a lot of stuff.
12 But I think it's a state issue with a moorings. I think
13 we're opening up a basket of worms here. It's no different
14 than you being able to take your car and park it on a public
15 highway and leave it. I mean, people might have a right to
16 have the state saying it, because it's a state waterway. But
17 it's also impeding the other use of this waterway by letting
18 that boat lay there and never going out to it.

19 MR. GAUDETTE: Right. Right. And I think what the
20 deal is, what we're talking about doing is really
21 establishing some very tight state guidelines. Because if I

1 get involved in doing it, I'm going to have a million and a
2 half or two million dollar fiscal note associated with it.
3 And I know that's never going to fly. With local
4 governments, now, I could start charging for moorings, which
5 will be real popular. And local governments may have to
6 charge for moorings to cover their costs.

7 MR. MARPLE: They do.

8 MR. GAUDETTE: And some do, but, you know, it's -
9 or a permit fee. There are several towns that are about to
10 get into the mooring business, like Annapolis.

11 MR. DWYER: Well, we had, I know, a couple of years
12 ago, we monitored the Yacht Club at Longhaul Creek.

13 MR. GAUDETTE: Right.

14 MR. DWYER: But we had a real problem there because
15 the members - one of the members started telling everybody he
16 could get an individual mooring. Well, we had 30 moorings
17 down in that little creek. And I crab in there and it
18 stopped me from crabbing, plus it really clogged that whole
19 waterway up. But it was dead then. And we had to take the
20 initiative to say, if you were a member of the yacht club,
21 you could not have a mooring. And, you know, they made them

1 take them out.

2 MR. GAUDETTE: It's a real interesting issue that I
3 think the state and also the local governments are going to
4 be involved in that deal with it. Bob just smiled.

5 MR. LUNSFORD: Part of the complications with
6 dealing with moorings, the way the state has the authority to
7 regulate moorings, is through what used to be called the
8 Nationwide General Permit from the Army Corps of Engineers.
9 It's now called the - it's got another name now. But
10 essentially our authority flows from the Coastal Management
11 Act through that state-wide general permit. Technically MDE
12 should be involved in moorings, but they have refused to
13 entertain applications for moorings unless somebody drives a
14 piling. If you're anchoring a float, with a chain or a cable
15 between the two, they send it back to you and say, you know,
16 no permit necessary.

17 They also have made the assumption that they do
18 that with all moorings, including commercial moorings, which
19 are not part of the state-wide general permit. The
20 state-wide general permit says you can place a single
21 recreational mooring without a permit. It doesn't say you

1 can place a commercial moorings without a permit.

2 But if you are a commercial operation and you send
3 in a request for permit from MDE on the joint permit
4 application with the Army Corps of Engineers, they send it
5 back to you. So it's a Catch 22, even the number of people
6 that I know that have tried to obtain a permit, if they were
7 commercial, they had it sent back to them.

8 So MDE essentially is dumping it back on us and I
9 think this is just the first instance where we're going to
10 have an issue with moorings being conflicting with other
11 waterway users.

12 I know that Archie changed the location of some of
13 their moorings partly, what they told me was, because they
14 learned to tie trotlines down one edge, down the edge next to
15 Slagell's (phonetically) property.

16 So, yes, there are going to be people that - there
17 are going to be conflicts, as Robin pointed out this morning,
18 there is no easy way where an individual can go and get a
19 chart to see if he's going to - if this proposed moorings is
20 on a leased ground, which is a violation, or even on an old
21 plotted oyster bar. And I would suggest that if we were to

1 sit down with an NOB, a Natural Oyster Bar Chart, and a
2 Leased Ground Chart, and then look at where the moorings
3 were, that there is a lot of places where the moorings are in
4 violation and nobody knows.

5 In some cases I would bet you the watermen who
6 leased the ground, don't even know that the mooring is in
7 violation.

8 DR. WEINTRAUB: So a lot of these permits go back
9 some years?

10 MR. LUNSFORD: The group mooring registrations that
11 are in the file go back to the early '60s to mid '60s. Some
12 of them have been undated and others, for some of the
13 community associations, the community associations have
14 either combined with others or have dissolved. I don't have
15 a clue who the contact person is.

16 Also I have looked at at least two cases where in
17 coves off of the Severn River and creeks off of the Severn
18 River, two community associations have group mooring
19 registrations that overlap and which is not illegal provided
20 they don't interfere with each other. But imagine the
21 enforcement headache that that's going to be if we ever

1 decide we want individual licenses, permits, some sort of fee
2 collection mechanism to figure out who owns what out there.

3 MR. GAUDETTE: But what other states have done, you
4 know, up in the northeast, in Maine, they have established
5 you can only put group moorings in certain areas, period.
6 They go do a master plan and say, these are the only areas
7 you can put group moorings, period. And it has resolved a
8 lot of these issues.

9 MR. DWYER: No individual moorings?

10 MR. GAUDETTE: They have individual moorings, but
11 big group moorings. Or they will have areas that would say,
12 if you have an individual mooring, you have this general
13 area. So they actually do both. Yes, they do both. And
14 actually, that's another thing we're going to be doing in
15 Kent County. We're going to be establishing an individual
16 mooring area.

17 MR. DWYER: How come most of the boats that have
18 deep moorings have big sticks coming up out of them?

19 MR. GAUDETTE: Some do.

20 MR. MARSH: It's an economy of scale.

21 MR. SLAFF: You also have here, I live in Epping

1 Forest, you have the great honor to worry about the gate to
2 let you in, so that you could not trespass on weekends and
3 things.

4 MR. LUNSFORD: We could combine them.

5 MR. BUSH: What I hear is that there is a heck of a
6 lot of gray area.

7 MR. SLAFF: Oh, boy.

8 MR. GAUDETTE: Yes.

9 MR. BUSH: And that what you're going to do, I'll
10 come to the hearing and sit in the back near the door so I
11 can get out. And then listen to what is going on. But I'm
12 just wondering if you're not opening up a can of worms where
13 there is no way out, even though in the process of things you
14 want, I want to try to see what I can do. Because if you
15 have - I don't know how many people will be in the room there
16 probably for some results.

17 MR. GAUDETTE: Well, they are going to find that
18 typically in a public meeting, you don't get results. You
19 basically get information and the information I'm going to
20 indicate is that we do regulate, you know, there are
21 regulations for this, dah, dah, dah, dah. And if someone has

1 raised concerns about the expansion of this particular
2 mooring field, we're here to accept comments because we
3 understand people have a lot of concerns. After which, after
4 a certain amount of time, I will go ahead and tell them that
5 I will be coming out with a decision on this.

6 I think it's a good way to do it, too, because this
7 is a unique area as far as the number of moorings and the
8 concentrations that we're talking about. I mean, we have a
9 mooring field that is covering about half of an entire
10 waterway, in the deep water of the waterway. So you're
11 forcing everybody to go into the shallow area. Now, that may
12 or may not be an issue, whether you have competing uses.
13 There are a lot of things there I think we need to address.

14 Also I think we need to educate the Secretary a
15 little bit on these issues. It's just that the challenge is
16 coming. The storm clouds are coming. It's just we need to -
17 I think this is one that I think that I would have a
18 legitimate concern if I was there, with the size of the field
19 that is already there and having to expand it further. But
20 that doesn't necessarily mean I'm not going to approve these
21 12 requests for moorings. But I certainly want to understand

1 what the impact would be if the department does approve it.

2 MR. DWYER: Well, Archie is going to gain money
3 from those 12.

4 MR. GAUDETTE: Absolutely.

5 MR. DWYER: From the state. Really, the state is
6 almost giving him the money.

7 MR. LUNSFORD: Yes. We don't charge for that.

8 MR. DWYER: Right.

9 MR. PARLIN: But the state doesn't charge for them.
10 One, it seems like a source of income and your allowing
11 people that have waterfront property without paying for that.

12 MS. ALLISON: Just one question. What is the
13 justification for the request for the initial 12 moorings?

14 MR. LUNSFORD: That's a business decision that I
15 didn't ask for. Does that answer your question?

16 MR. GAUDETTE: I would imagine they'll answer that
17 question. Basically at this meeting no one is going to be
18 able to talk to anybody else. They will only be able to talk
19 to me. They can only talk to me. So if they want to make a
20 comment, they are going to make it to me. And this is
21 saying, you're on your own. And I will have the right to ask

1 them questions. So certainly I'm going to have some idea
2 what I want to ask. And they are going to be basically
3 common-sense questions. You know, why do you need them?

4 MS. ALLISON: So you will have 60 or 70 of them?

5 MR. GAUDETTE: Yes. How many moorings do you have
6 now, dah, dah, dah. And I think it's -

7 MR. GAUDETTE: You know the answers.

8 MR. BUSH: Are you going to have a stenographer
9 there on Thursday?

10 MR. GAUDETTE: Yes, we are. Yes, absolutely I want
11 to have those, when I would do mine.

12 MR. BUSH: Well, do you have anymore questions?
13 There will be some of us there at the meeting. What is the
14 date and time of the meeting again?

15 MR. LUNSFORD: It's in your packets. It's Thursday
16 that 29th at 6:00, in the C-1 Conference Room, in the Tawes
17 State Office Building. It's right in the lobby.

18 MR. BUSH: Are you finished now?

19 MR. LUNSFORD: I'm done. Yes, sir.

20 MR. BUSH: Would you like to go on with the
21 Legislative Updates?

1 MR. GAUDETTE: Okay. Legislation. This was a very
2 busy legislative session; an election year. Well over -
3 probably approaching 3,000 legislative bills were proposed
4 this year, at least 2,500. And because of that, there was a
5 lot of hearings we had to attend, a lot of issues with
6 boating. And I'm going to go over some of the highlights
7 that we had this year.

8 Senate Bill 92, which was the one with the life
9 vests. That passed. That's where a child under the age of
10 13 is required to wear a personal floatation device while the
11 boat is underway. And another part to that Bill, that was
12 the one that actually we had quite a bit of discussion on it,
13 if I recall, regarding if someone is on a boat, a kid is on a
14 boat under a certain age, who has to be on the boat with them
15 and they need to be certified. And the way that ended up,
16 basically it said if a person who is under the age of 16 who
17 operates a vessel, a numbered vessel. Remember, because we
18 had that discussion about little dingys and sailboats and
19 stuff, so a numbered vessel does include those.

20 And of course the sub-title, must possess a
21 Certificate of Boating Safety Education. Also, "if operating

1 a vessel under 11 feet, they need to be supervised by someone
2 who has a Boating Safety Education Certificate", no age
3 requirement. They just have to have a certificate. "Or if
4 operating a vessel 11 feet in length or over, the supervisor
5 has to be at least 18 years old with a certificate. Or be
6 under the supervision of a person who was born before July 1,
7 '72, is aboard the vessel." So someone who was born before
8 that.

9 So I think it was Senator Harris who put in the
10 first one about the boats under 11 feet; so someone that's
11 got a dingy or something like that. And then we had the
12 other one, I think it was already - it just defined the
13 length, under 11 feet and over 11 feet. That passed.

14 I know, Al, I think you had a lot of letters that
15 came in in support of that. That was very helpful. I think
16 it passed just before the end of session. So that is law.
17 That last part that I read to you takes effect October 1st,
18 2010, but the life jacket is in effect immediately.

19 MS. ALLISON: Define supervision?

20 MR. GAUDETTE: Supervision means that if you're on
21 the boat, you're physically on the boat with them, and you're

1 watching them.

2 MS. ALLISON: How can do you that when you have
3 AYZ, all of the sailing schools teaching kids to sail on
4 little tiny boats and they -

5 MR. GAUDETTE: Well, little tiny boats are
6 un-numbered boats and that's fine. Yes, that came up last
7 year.

8 MS. ALLISON: Not supervision then. Somebody in a
9 dingy?

10 MR. GAUDETTE: If you're in a dingy or a sailboat,
11 you're under an exemption from this. It's only numbered
12 vessels.

13 MR. DWYER: The water is shallower there.

14 MR. GAUDETTE: I'm sorry?

15 MR. DWYER: I think the water is shallower there.

16 MR. GAUDETTE: Yes.

17 MR. PARLIN: Go back to the 13. On any vessel?

18 MR. GAUDETTE: Yes. No, numbered - no, that's any
19 vessel, I think.

20 MR. PARLIN: Under 13?

21 MR. GAUDETTE: Under 13 and the boat is under way.

1 You're teaching the class, right?

2 MR. PARLIN: Yes.

3 MR. GAUDETTE: And that's any vessel, I believe.

4 MR. MARSH: Any vessel, numbered or not?

5 MR. GAUDETTE: I think that's any. It doesn't say.

6 MR. MARSH: How about in the cabin?

7 MR. GAUDETTE: In the cabin, if it's under way and

8 if a police officer boards the boat and you don't have a -

9 will, it does not say if it's in the cabin.

10 MR. PARLIN: Yes, see, all of the other laws used

11 to have the exemption of an enclosed cabin.

12 MR. GAUDETTE: It does not say that.

13 MR. MARSH: Down below, they need a life jacket as

14 well if boarded.

15 MR. SIMON: It may not mean much now, but he just

16 said life jackets, in there it says life jackets. In 1960 or

17 thereabouts when I was on the Coast Guard Safety Council,

18 there was a suit filed against the Coast Guard on the wearing

19 of life jackets. I don't know if it means anything or just

20 forget about it -

21 MR. GAUDETTE: They have it defined as, "Personal

1 flotation device means Type 1, Type 2, Type 3, 4, 5", they
2 actually define it.

3 MR. SIMON: Okay. That answers it.

4 MR. GAUDETTE: Right. But they define it here. It
5 doesn't say anything about - oh, hold it. "A child that's
6 below deck or in an enclosed cabin." If that's the case,
7 you're right. That didn't change. Yes, it's in there. That
8 did not change.

9 MR. MARSH: Down below you're good.

10 MR. GAUDETTE: Yes. You're okay. You're okay
11 unless you're on top. Is that okay for that one?

12 MR. MARSH: Yes.

13 MR. GAUDETTE: Sorry about that. My fault. Thanks
14 for mentioning that.

15 Senate Bill 475, operating a vessel while under the
16 influence or impaired by alcohol or drugs. If an officer
17 feels that or believes, has reasonable belief that you are
18 under the influence of alcohol or drugs, he can stop you and
19 ask you for a test. If you do not take the test or refuse to
20 take the test, you can prevent the person from operating a
21 vessel in the waters for a period of one year.

1 Now, if you are in an accident and you refuse to
2 take the test, basically they have to read you one of these
3 deals, like the Miranda, where they advise you and you can be
4 sanctioned in court if you don't take this test. And I think
5 they also break down the kind of test, whether it's a
6 Breathalyzer test, a blood test. Of course if you have been
7 in an accident, they actually break that down.

8 So we felt that was a pretty important one.
9 Actually, if you're in an accident, you're required to take a
10 test. If you don't, I would imagine you have other issues.
11 But it's one specimen of the person's blood to determine the
12 alcohol concentrations. You can take both. And then there
13 are a bunch of other legal references under the number there.
14 But I think that a real positive thing.

15 Past abandoned vessels. It used to be that if
16 someone put a boat on your dock and cut the numbers off and
17 left it there on a private dock, you had to leave it there
18 for 90 days. You could not touch it. If you touched that
19 boat and you let it loose and someone hits it, you're liable
20 for it, believe it or not. It does happen.

21 DR. WEINTRAUB: That could be the whole summer.

1 MR. GAUDETTE: That's the whole summer, exactly.

2 That was the argument.

3 Now, if it's on a private dock, they separated out
4 the law a little bit. If it's on a private dock, if a boat
5 washes up on your shore, you can't touch it for 30 days.
6 After 30 days, you can apply for title to get rid of the
7 boat.

8 Actually, that was not an easy bill to get passed.
9 Because there were some arguments that, well, what if a
10 person is in Europe and their boat broke loose? Well, if
11 they are in Europe and they have got a nice enough boat that
12 broke loose and somehow comes on your dock, they should have
13 someone who knows what's going on.

14 Obviously, if you go get the title to the boat, you
15 have to not only send a registered letter, if you know who it
16 is, you've got to put an ad in the paper, too, that describes
17 the boat, where it's at, dah, dah, dah. And if you don't get
18 it out in 30 days, I'm going to take it over.

19 So, anyway, that passed.

20 There is a very simple one, a regulation for hire
21 to water carriers. This basically switched the onus onto the

1 department from another agency, that if someone like a tour
2 boat, if they are required to have insurance, they have to be
3 registered with the Department of Natural Resources. There
4 is no fee involved. It's just a formality.

5 Those are all the ones that passed.

6 The ones that failed, to start off with, is the
7 Knapps Narrows bills by Delegates Haddaway and Eckardt and
8 then the Senate bill for Colburn. That was one where they
9 were going to basically put in some kind of hybrid minimum
10 wake zone. And I convinced the committees that we already
11 had the authority, the law to regulate this. And they bought
12 off on it. And the two sponsors withdrew their bill, because
13 they knew they weren't going to pass.

14 The disappointment one for me was Senate Bill 70.
15 That was the Boat Noise Bill. The Boat Noise Bill passed the
16 House, it passed the Senate. The votes were 133 to 5 in
17 favor in the third reader in the House. It was, I think, the
18 Senate, it was only two or three people in the Senate that
19 voted against it. But Colburn put a special order on the
20 bill and held it so it could not go to final vote on the
21 floor after conference committee. So it failed.

1 Who do you think was the opposition on this bill?

2 It's wasn't performance boats either. It was hydroplane
3 operators. Hydroplane operators thought that the purpose of
4 this bill was to put them out of business in Maryland.

5 MR. LUNSFORD: All 10 of them.

6 MR. GAUDETTE: Oh, no, no, they are significant.
7 It's like Thunder on the Narrows, the Cambridge races. That
8 was the group that put the biggest opposition to it. Because
9 if you look at the old, if you Google the Boating Regulations
10 in Maryland, you will find a newspaper article when we
11 originally did the boat regs for noise, and the group that
12 opposed it then was the race boat operators. Because in some
13 states they have put restrictions on them and put them out of
14 business. Although most have an exemption.

15 So we indicated to everybody that they have an
16 exemption. It's been on the books for like almost 20 years.
17 But some felt that, well, some new secretary could come in
18 and just say, we don't want them here anymore.

19 Now, ultimately, I don't know why, Senator Colburn
20 put a special order on it. I don't know. I haven't talked
21 to him about it. It should have been - we literally probably

1 missed this bill passing by 10 minutes. It was in the file.

2 MR. BUSH: When you use the term special order -

3 MR. GAUDETTE: Special order means that when it
4 went to conference committee, because there were a couple of
5 amendments, Senator Pipkin put an amendment on it and said
6 that, "it was mandatory for Natural Resources Police to issue
7 a warning for the first offense by law, regardless of the
8 egregious nature of the infraction". So, for example, if NRP
9 stopped a boat and, let's say, they tested him and he was
10 going 110 decibels, no mufflers, nothing. He was already in
11 violation of the original law. You have got to write him a
12 warning. If he's a repeat violator from a previous, you have
13 to write him a warning. We could not live with that. So we
14 got it taken out in the House. That made a difference.

15 Then Delegate Haddaway wanted an exception to be
16 allowed by the department. If anyone asked for an exception
17 for any reason, a blank exception, we were okay with that,
18 because we're planning on giving any exceptions anyway,
19 unless there was something really unusual that we didn't see
20 about or understand.

21 When it got to conference committee in the Senate,

1 the conference committee was fine with all of these changes.
2 It was all great. But Colburn, who special ordered the bill,
3 to see the changes that the conference committee had made,
4 because he wanted us to see that, and the result was that it
5 never got back on the calendar in time to make the final cut.
6 Because if you listen to the end of the General Assembly
7 session, the last half hour was all, you know, my cousin is
8 in the gallery, you know, my boyfriend is in the gallery and,
9 you know, it's a lot of ceremonial things. So it never got
10 back to getting onto the calendar to the extent that probably
11 the President of the Senate would want it to. It's a lot of
12 that kind of stuff.

13 So we never got it to. It was very disappointing.
14 No one testified against the bill, nobody. What it did allow
15 me to do was, I did a tremendous amount of research in the
16 last minute on how they apply the codes in other states.
17 Because, remember, we had a decibel limit and we had
18 continuous muffler.

19 In California they have been dealing with this for
20 years. They have developed silencer tips that will have zero
21 impact on engine performance even in the 1,500 to 2,000

1 horsepower range, that will meet or exceed the decibel limits
2 that we set. And they've really got it down to a science.
3 As a matter of fact, most of the larger performance boats I
4 was looking at are coming standard now with these silencer
5 tips. We've actually got log-in letters coming into the
6 Governor saying, hey, I put these silencer tips on my boats.
7 I already meet your regulations. And the response I wrote
8 back was, then you're fine. If you shove it under the water
9 or you shove it out the back, if both of your muffler systems
10 meet the silence requirements, you can use your switch. I
11 don't care, as long as they both meet the level.

12 So it's unfortunate it didn't happen. Mr. Simon,
13 as we all know Mr. Simon was very disappointed as were all of
14 the other people that came in and testified.

15 MR. SIMON: It's the upper Bay.

16 MR. GAUDETTE: It's the upper Bay. But remember we
17 also had a letter that came in from Deep Creek Lake very much
18 in support of it. And the Senators out there, Edwards and
19 Beitzel, was very much in support of this. The dealers there
20 were in support of this. And the person who wrote the
21 letter, I think it's the head of their community association,

1 owned a Cobalt with a bypass switch and was very much in
2 support of not allowing that switch unless you have these
3 pieces that meet the noise standard.

4 So I think, I'm not sure exactly what's going to
5 happen with this in the future, I think right now Mr. Simon
6 is gearing up with his folks to make sure that the
7 legislators know this is a problem this summer. They, you
8 know, still have this problem.

9 I did get some pretty disturbing comments from
10 people who just happened to be at these hearings. It had
11 nothing to do with this at all. These are like other state
12 employees, other people testifying on other bills, that came
13 up to me, and this is where I could use your help and they
14 can go to you, and these were boaters. These weren't the
15 property owners. Boaters saying, I'm out there fishing, you
16 know, down near Solomons, out in the Bay or at the mouth of
17 the river and I hear these guys coming. I hear them on their
18 VHF say, hey, let's go by this guy and blow his ears out. I
19 heard that from a dozen people at least. That is not only
20 hurting the boating industry, but it's hurting their type of
21 boat. Because I think if these boats were quieter and the

1 image wasn't, you know, of that nature, I think more people
2 would be inclined to buy those boats, which would be great
3 for me and as far as the economy goes in the boating
4 industry.

5 But I think that there is a lot of negative
6 feelings out there for these individuals. And I am not
7 saying all boats do this. But these individuals that are
8 really abusing this and creating this problem are - you know,
9 I don't know the next time this comes through what these
10 people are going to want, you know, as far as asking for
11 these noise regulations. , But it's probably going to come in
12 this time from a legislator, not from the Department.
13 Because I think the legislators are going to have to be
14 sponsoring it. Delegate Sossi, by the way, was very much
15 supporting it, because that is his area, in the north part of
16 the Bay.

17 The Eastern Shore side, there was a delegate that
18 had an issue with it, because of the fear that it was going
19 to hurt the industry. I assured him that that was not the
20 case. But it didn't change his vote, but it still got
21 through the committee.

1 So we just barely missed this one. This was
2 probably the biggest disappointment for all of the bills in
3 the department that failed, because this came right to the
4 wire. We just didn't make it.

5 Hand-launched vessels statewide passed. This was
6 one where if you have a kayak or a canoe, you would be forced
7 to pay a fee, which would then go to a fund, probably the
8 Waterway Improvement Fund or some fund like that, to be able
9 to use any boat ramp facility in the State of Maryland,
10 whether it was state owned or locally owned. It died a
11 pretty quick death because most places in the state don't
12 charge for hand-launched boats. I think there may be some
13 more discussion with this in the future years. It wasn't
14 real expensive. It was like 15 bucks. But the Maryland
15 Association of Counties got pretty upset about it because the
16 ones that do charge are going to lose money on it. So that
17 didn't go.

18 No discharge zone. Remember that one, the no
19 discharge zone bill? This was the top priority for the
20 Attorney General Gansler. It was heavily opposed, somewhat
21 by some recreational folks, but primarily by commercial

1 vessels, tugboat operators. They actually brought in
2 lobbyist from out of state who stayed for a week to lobby
3 against this bill. The department did favor it. This would
4 have basically made the entire Bay a no-discharge zone and it
5 was going to have a phase-in period. The process to go
6 through this takes about a year and a half for the EPA before
7 they even accept the application. It did not have a fiscal
8 note with it. They were going to use in-house staff to go
9 ahead and do the analysis for it. But it got quite - I think
10 legislators were very reluctant, given the concerns of the
11 number of people who had concerns with it as far as its
12 impact on jobs and the economy.

13 There are some tugs out there that are really old
14 that are still used in the Bay that would require an
15 extension retrofit from the different devices that they have
16 on their boats as far as holding tanks, et cetera. The cost
17 involved, the time it would take to put it in the yard and
18 get it straight. When that would happen, the sequence.
19 There is just a lot of unknowns.

20 There were four boat issues, cruise liners. Some
21 of them that stay longer in the Bay for stay overs or if

1 something that happens to the boat and they may have to stay
2 an extra week, what are they going to do out in the bay for a
3 commercial vessel. Where are you going to bring a tug, you
4 know, a 100-foot tug to get a pump out in the Bay?

5 MS. ALLISON: Actually, that's not in a big issue.

6 MR. GAUDETTE: Well, no, as far as having the
7 capacity to handle it. But in different parts, they want to
8 be able to handle different parts of the Bay. So Solomons,
9 the northern part of the Bay, you know, probably up to like
10 Chesapeake City and other areas, something like that, in the
11 canal.

12 But, anyway, there are just a lot of unknowns. And
13 because of that, it didn't happen. I don't know if it's
14 going to come back next year or not. But certainly at this
15 point in time I think we're done with this bill.

16 MR. SIMON: This is on the approved type, the 1s,
17 2s and 3s?

18 MR. GAUDETTE: Actually, it was interesting because
19 the manufacturers came and there is a whole new generation.
20 Well, the issue with the - the whole reason that they have an
21 issue with the Type 1s and Type 2s is because they treat

1 bacteria but they don't take out nitrogen phosphorus. The
2 new ones do. There are new ones coming out that use enzymes,
3 a brand new generation of them that they have indicated will
4 exceed, far exceed, that's what they are claiming, the
5 typical treatment plan.

6 I mean the argument was, why should we get rid of
7 the use of a system - their argument was, yes, you can
8 collect the material, the sewage, but you have so many
9 overflows in the Bay from sewage treatment plants and list
10 stations, that we're better just doing it the way we do it.
11 And I think some legislators bought that and agreed with that
12 because of the compelling arguments by the industry was that
13 these things do a pretty good job for the most part. So that
14 was interesting.

15 That's it for Legislation.

16 If you guys make sure you check out the new edition
17 of the Natural Resource's Magazine. This is the Mallows Bay.
18 We have a picture on the front. We're building a new boating
19 facility there and if you go into the center of the magazine
20 and look at the article on all of the major facilities that
21 we're building. The new boating access facilities. We have

1 several. We just finished one in Elk River Park, Mallows
2 Bay, the Watermen's Marina, they are well underway. And
3 Queen Anne's County. As well as a whole list of other
4 projects that we're doing.

5 Just to let everybody know that even despite the
6 poor economy, we have about \$40 million worth of projects out
7 there that were working in right now. So it's actually a
8 pretty decent article. I brought some copies if you wanted
9 to look at that today. That's about it from our standpoint.

10 The budget in the Department, we actually did, I
11 think, pretty well this year.

12 Operating budget-wise, I suspect there will be some
13 minor reductions; nothing dramatic. They didn't come after
14 us like we thought they would, actually.

15 The capital budget, \$3.9 million or our \$6 million
16 project list, they took the cash and they converted it to
17 bonds, which is fine. We still can spend it just like normal
18 cash. That's how the Governor dealt with the budget this
19 year. He took all of the cash that was out there and
20 converted it to bonds on the capital side. It was actually
21 pretty clever. And was able to avoid making, you know,

1 massive reductions in the operating budgets, which I am
2 overseeing now, you know, in local governments. I knew it
3 was going to eventually get down to the local level, but it's
4 really starting to flow down to the local level now. You see
5 what's happening in Annapolis. You see what's happening in a
6 lot of the counties. You're seeing what we've been going
7 through for two years, three years, they are now starting to
8 deal with.

9 The outlook for the 2012 budget is still fairly
10 bleak. They are still looking at multi billion dollar
11 shortfalls.

12 From the boating industry standpoint, we have not
13 yet seen - we have not yet hit bottom in tax revenues for
14 boat sales. It's still going down. Last year we were 50
15 percent down from the two years prior. We're approaching 60
16 percent down right now on obtainment.

17 Small boats are selling good. Big boats are
18 selling good. You know, Al's size boat, they're selling
19 fine. It's that sector between \$150,000 and \$500,000 that
20 died. It's just completely gone flat. And that was a pretty
21 big segment of our dollars. So I think as people get more

1 comfortable knowing that they are not going to lose their job
2 or their financial situation is a little more stable,
3 hopefully they will be - because you can buy those boats.
4 You can get some deals on boats right now in that category.
5 I mean serious deals. But until I think people are
6 comfortable with that and knowing that the gas prices have
7 sort of stabilized, I hope that that's going to pick up in
8 the spring. If it doesn't, I'm not sure what we're going to
9 be able to do for Capital Projects and Operating Budgets in
10 the future. I just don't know. It's a little bit unknown.

11 But it has been a very interesting, it was a
12 challenging session, it's been a very challenging budget for
13 the past couple of years. I still think the Department is
14 committed to a Boating Services group. I don't get any sense
15 that that's going to change. That's how we lost Boating
16 Administration last time, because of budget issues.

17 If you go to our website, we're making a big new
18 website for Boating Services. You have your own tab now for
19 Regulations. You have elevated yourself to a tag, which
20 means you're right up there with the big boys now. You will
21 soon have all of our regulations on a map on line. Actually

1 several maps. Actually it's an enormous number of maps that
2 are being finished up right now by Hydrographic Operations.
3 It will be able to show you generally where everything is at.
4 You can go and click on the waterways and everything else.
5 That's coming up here very shortly. It took a lot of effort
6 to do that.

7 I changed the format of listing of all of the
8 members. I am no longer at the top of the group. I am at
9 the bottom of the group. So basically all of the members of
10 the Committee go first. John is on top. It goes all of the
11 way down. We're just down there at the bottom, with support
12 staff. I know that was a concern of someone's here. I heard
13 from a couple of you on this in the past.

14 We are also redoing the entire Boating Guide. Do
15 you remember the Boating Guide? You go into the counties and
16 you click on the counties and you can see it, because we're
17 upgrading all of those. It's going to be much more accurate.
18 It will include more information. If you click on a site and
19 there is construction going on, it's going to say, facility
20 closed because of construction. So it's going to have a lot
21 of features like that. So we're trying to really make it

1 more customer friendly.

2 But that should all be wrapped up this summer.

3 Actually we're trying to get it wrapped up by the boating
4 season.

5 MR. LEVITAN: I heard that Kent Narrows channel is
6 starting to silt in.

7 MR. GAUDETTE: Yes, I got a call in. Supposedly
8 it's around Marker Number 5 on the north side. I've already
9 contacted Bob Lauma (phonetically). Bob Lauma is in charge
10 of that project for the Corps. He's going to go ahead and do
11 another conditions survey. The last survey was done a year
12 ago and he showed eight feet all of the way around the
13 marker. So we can't figure out what the problem is.

14 But we already have a disposal site identified in
15 the - if you're heading out of the Narrows to the north, if
16 you look to the left, that's the county park, there is a big
17 cove in there and that's already been identified as a site
18 for putting the sand. So it's right next door, which should
19 make it easy for the Corps. I doubt that the Corps has any
20 money budgeted for it.

21 But, no, I actually got a call from the bridge

1 tender. I went and met the bridge tender. I said, look, if
2 you ever hear of any problems on the VHF, just call me. So
3 he went ahead and called me and said, you know, Bob, I have
4 got this problem. I got all of these calls from around this
5 marker. So I called the Corps right away. They are going to
6 go out and check it out and if that's an issue, and if they
7 have to move the marker temporarily, they will call the Coast
8 Guard and bring them in there. Yes, it's definitely
9 something.

10 Have you heard anything on the south side?

11 MR. LEVITAN: No.

12 MR. GAUDETTE: So the north side is the problem.

13 It runs about a million to a million and a half to go ahead
14 and dredge it.

15 MR. LEVITAN: We'll have a problem getting it done.

16 MR. GAUDETTE: Well, I had it funded last time.

17 MR. LEVITAN: I know. I know.

18 MR. GAUDETTE: Now there is no money to do that at
19 the state level.

20 MR. LEVITAN: That's why we can't let it happen
21 again, if we can do anything about it.

1 MR. GAUDETTE: Exactly. We have some pretty
2 influential Congressman, I think, that should be able to get
3 some money, if we need to. Actually a couple of them.

4 That's all.

5 MR. BUSH: That's perfect.

6 MR. GAUDETTE: I was watching the clock as I was
7 going and it just worked our perfect.

8 MR. BUSH: Then I think we should all break for
9 lunch.

10 (Luncheon Recess.)

11 MR. BUSH: First of all, lunch was very nice. We
12 want to thank the persons who are responsible for that, as
13 usual.

14 MS. TROVATO: Jeannine.

15 (Applause.)

16 MR. BUSH: It's a lot of work that goes into this.
17 We want to look at any Old Business. Does anyone
18 have any Old Business to bring up?

19 MR. MARPLE: Yes. What's happening with the planer
20 boards?

21 MR. GAUDETTE: We sent out a letter of comment.

1 Planer boards, if you recall, we all recall what happened
2 with the planer boards with the Tidal Fish and the Fisheries
3 Group. What's happening is Fisheries is sending out a
4 guidance document to the charter boat operators on how they
5 should be dealing with planer boards.

6 One issue that came up is that, if you recall,
7 charter boat operators felt that if they are operating planer
8 boards, it's the responsibility of other boaters to get out
9 of their way. That is incorrect. The Coast Guide said, no,
10 you've got to get out of their way. And they've also
11 included guidance as far as the general use of their planer
12 boards. I don't think they are getting specific on widths as
13 much as they are, just be conscientious that there are other
14 boats around and to keep it to the minimum, and keep it to
15 the minimum as far as length, et cetera, et cetera.

16 I have seen a bunch of planer boards going across
17 the Bay Bridge in the last week and a half. I didn't see
18 anybody that had - and they are all charter boats. I didn't
19 see anybody that had one more than twice the length of the
20 boat. Because I was right over top of them and I could just
21 kind of go (indicating), right. And they looked like they

1 were fine. They were all fluorescent in color and they had
2 the little flags on them.

3 DR. WEINTRAUB: What happens if you cut one of
4 their lines?

5 MR. GAUDETTE: If you cut one of their lines, you
6 cut one of their lines.

7 DR. WEINTRAUB: No penalty?

8 MR. GAUDETTE: No.

9 MR. KLOOSTRA: A planer board is part of your
10 vessel.

11 MR. GAUDETTE: It's part of the vessel. And that's
12 the reason the Coast Guard made that decision or that
13 comment. It goes back to them. So this document is out now.
14 If for some reason, if it continues to be a problem, then
15 Fisheries will probably go back and we will have some
16 discussions on our regulations. We're going to see how this
17 works this summer. But I just know that when I went across
18 the Bay this time last year, I saw much longer lines than I
19 have this year.

20 MR. DWYER: It depends on how fast you go, Bob.
21 The lines aren't any shorter, but the faster you go, those

1 boards come out.

2 MR. GAUDETTE: Right. These were out more than 45
3 degrees, but they weren't incredibly long. They just - you
4 know, I saw four or five people out there at one time doing
5 it and they were all about the same length. I was just happy
6 at the fact that they were marked well. They were really
7 marked well. You could not miss these coming across the
8 water. It's really obvious. And that's something I didn't
9 see last time.

10 MR. BUSH: Anything else for Old Business? Okay.
11 New Business. We're going to talk about our next meeting, if
12 there is no New Business.

13 I think the next is going to be the crab feast and
14 the question was where we would have it. And a suggestion
15 was made, if possible, if we could have it in a place where
16 we would have it screened in so we won't be eating any flies,
17 because I can't deal well with that. We're going to look
18 into that possibility. Anyway, that seems to be it.

19 While we're waiting for Bob to come back in so we
20 can get the date and everything, I would like to mention one
21 thing for everyone to consider. We should always consider

1 that when we have people in testifying that, quote, "they are
2 our customers". That we have to be careful to not get too
3 personally involved with our reaction to what they say, even
4 though you may want to do it. Because we don't want -
5 generally the public feels somewhat intimidated to start with
6 by coming before a Board of, quote, "experts". We want them
7 to feel at ease and we want to be sure that when they leave
8 us that they feel that they've had a fair opportunity to
9 express themselves, that we heard what they had to say and
10 that we are not upset with them personally. And so everyone
11 has to be aware of that all of the time when you're talking
12 to people. I always say, if you talk to people like you want
13 to be talked to, you would never make a mistake.

14 So that is my only comment, as I like to make sure
15 that the Committee keeps that in mind. And if you do that,
16 you will never make a mistake talking to people.

17 Now, we need Bob to set the next meeting.

18 MS. MOANEY: We can do the meeting date now. It
19 will have to be on 12th or the 19th of August.

20 MR. DWYER: We don't need Bob, really.

21 MS. MOANEY: No, we don't. The 12th or the 19th of

1 August.

2 MR. BUSH: The 12th or the 19th?

3 MS. MOANEY: Yes, sir.

4 MR. BUSH: Well, we can do this, everyone make a
5 notation of those dates and we will wait to hear from you on
6 confirming the date. How is that?

7 MS. MOANEY: Or you can let me know now and I can
8 start finding out where it can be.

9 MR. BUSH: Does anyone have a problem with the
10 19th?

11 (Aye votes.)

12 MS. MOANEY: Okay. It's the 19th and I'll let you
13 know where.

14 MR. BUSH: Now, does anyone have anything else they
15 want to add?

16 MR. SIMON: Do you have the dates for August and
17 December, the dates for the rest of the year?

18 MS. MOANEY: Not yet, sir. We will let you know
19 that in August, because we have to meet for the Regulations
20 Hearings. So August, okay.

21 MR. SIMON: Off the record.

1 MR. BUSH: Off the record. Go ahead.

2 (Discussion off the record.)

3 MR. GAUDETTE: We should try to do whatever we can
4 to keep these as day trips, not overnights because the
5 budget is so tight. It may not be looked upon that well, you
6 know, as these are tough economic times. I mean, it's a
7 great idea, Al, I just think that the times aren't right for
8 that right now. If everybody agrees with that.

9 (Discussion off the record.)

10 MR. BUSH: Do I hear any other official comments?

11 MR. DWYER: I would say Jeannine is doing as good a
12 job as Bob.

13 MR. BUSH: That's on the record.

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

15 MR. BUSH: I am going to wait for Bob to come back
16 in the room. Okay. Welcome back, Bob.

17 MR. LUNSFORD: I had to speak with that captain
18 while I was here to save me a trip over here.

19 MR. BUSH: We were getting ready to adjourn, but I
20 did not want to adjourn until you returned.

21 MR. LUNSFORD: Thank you. But that was not

1 necessary.

2 MR. BUSH: We were coming up with the date of
3 August 19th for the next meeting. That was agreed upon by
4 all present and we wanted to know if you have any additional
5 comments? We know you will let us know where the meeting
6 will be probably, obviously way before that date. Any other
7 comments?

8 MR. LUNSFORD: One thing to think about, and I
9 don't want to delay anybody's departure, but how many public
10 hearings we might need to do 16 speed limit requests?

11 DR. WEINTRAUB: Well, we can do three or four at,
12 one hearing.

13 MR. LUNSFORD: Four is the most we have ever done.

14 MR. BUSH: I think that three should be the
15 maximum. Four kind of overwhelms you, I think.

16 MR. PARLIN: Well, also, I think we need to look at
17 the complexity of them and what the possible turnout is going
18 to be. Some of them are probably going to be pretty simple.

19 MR. FERMAN: Three or four seems to generate a lot
20 of activity.

21 MR. LUNSFORD: There are already several that are

1 generating quite - more activity than I would have expected.

2 DR. WEINTRAUB: We don't know ahead of time how
3 long they are going to talk or how many people?

4 MR. LUNSFORD: Well, the chairman can set a limit.
5 But I have got the guidance I need to start my planning.

6 MR. BUSH: Bill, I'll take care of that. Okay.
7 Anything else?

8 MR. LUNSFORD: No, sir. Thank you.

9 MR. GAUDETTE: For the record, I would like to
10 thank Al, that's who got Mr. Peterson here.

11 (Applause.)

12 MR. BUSH: We are adjourned. Thank you for coming.

13 (Proceedings adjourned at 12:30 p.m.)

14 *****

15

16

17

18

19

20

21

1 STATE OF MARYLAND

COUNTY OF ANNE ARUNDEL

2 I, Janice A. Flack, a Notary Public in and for the
3 State of Maryland, County of Anne Arundel, do hereby certify
4 that the foregoing is a true and accurate transcript of the
5 proceedings indicated.

6 AS WITNESS my hand and notarial seal, this 30th day
7 of APRIL, 2010, Annapolis, Maryland.

8

9

Janice A. Flack, Notary Public

10

11

12

13

14

15

16

17

18

19

20

21