

Transcript of
Boat Act Advisory Committee

Date: **October 25, 2012**

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**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

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MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Thursday, October 25th, 2012, commencing at 10:03 a.m., at the BPOE, 6222 Pythian Drive, Edgewater, Maryland 21037, Coles Marsh, committee chairman, presiding.

COMMITTEE MEMBERS:

- | | |
|-------------------|--------------------|
| Robin Allison | Frederick Levitan |
| John Bush | Bob McLean |
| Amy Craig | Edric McSween |
| Russ Dwyer | Robert Nickel |
| Thornell T. Jones | Christopher Parlin |
| Steve Kling | John Sheller |
| Kenneth Kloostra | Al Simon |
| | Roberta Trovata |

- Mike Grant, State Liaison
Mark O'Malley, Director of Boating Services
Marianne Dise, Esquire, AAG, Counsel to the Committee

Reported by: Kelly A. Taylor

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

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

2 THE CHAIRMAN: Call our Boat Act
3 Advisory Committee meeting together, and first of
4 all, I would like to introduce myself, I'm Coles
5 Marsh and I'm the chairman of the committee. I'll
6 give everybody else a chance to introduce
7 themselves. We are volunteers that work for the
8 Department of Natural Resources, for the Secretary.
9 Nobody is paid here, we're all volunteers and the
10 Secretary makes a selection of these people that
11 you see on the committee.

12 Before I forget, I want to make sure
13 that you take your electronic devices and silence
14 those little things if you would, please. Nice to
15 have silence from them for a minute. Anybody that
16 doesn't silence them has to speak for five minutes
17 about the, regarding cell phone silencing.

18 I want to have a chance for everybody --
19 just to lay the ground rules a little bit. As
20 you're called upon to speak on the subject there,
21 we're going to give 10 minutes on the Marker 17,

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 because I understand there is a presentation
2 involved in that so I figure about 10 minutes, and
3 anybody that has anything to add to that we'll
4 limit you to two minutes and try not to be as
5 redundant as possible, because I'm sure that the
6 petitioners will go over everything quite well, but
7 if you have anything to add, you can get up to
8 speak, that's for sure.

9 We have your names here and when we
10 start we'll start with the petitioner to get up and
11 make sure that you give us all of the information
12 that you have. So with that I'm going to have,
13 start down with Steve and just go around and have
14 everybody introduce themselves that's on committee.

15 (Introduction of committee and staff members.)

16 THE CHAIRMAN: We have a reporter, this
17 will be recorded, so if you would state your name
18 when you get up to the mic clearly and speak
19 clearly because our reporter loves that and will
20 smile at you and thank you for doing that.

21 MR. GRANT: First of all, let me

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 apologize, I have a cold and if I fumble, I'm not
2 as clear, I'll do my best here.

3 The first petition request is for an
4 area of the South River just inside of Marker 17.
5 The area is a situated between Route 2 bridge here
6 and the Riva bridge up here. The area in question
7 is this blue area, just this area. We have
8 received no comments except for the petitioner for
9 this area with the exception of about a half a
10 dozen that misunderstood the area. I received a
11 bunch of panicked calls thinking that we were, the
12 request was to make it the six knots, very panicked
13 calls, and I explained to people in e-mails and in
14 voice mails no, that was not the case, it is only
15 this area here, it does not effect the channel.
16 It's just a small spit of land, this area right
17 here.

18 The issue, excuse me, pertains to shore
19 erosion on the tip of Edgewater Beach community,
20 community beach area right here. They have a small
21 marina in this area, a small beach, and wave action

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 from the river itself is affecting their land and
2 their vessels. There is shoal that runs from 17
3 right up to this area. The land itself is very
4 low, basically at sea level, and the existing
5 bulkhead is old and it's failing and they have a
6 brand new marina they set up and they're hoping to
7 protect their vessels and their land with some kind
8 of a speed limit. Just in this area in here,
9 they're requesting six knots at all times within
10 the blue area or at least that part of that area
11 right here.

12 We have a speaker today, Mr. Eddie
13 Arrossi, who started this movement to get this
14 regulation in place and he has couple of
15 presentations which you'll view here shortly,
16 Eddie, I'm sorry, I believe you have a report from
17 shore erosion I sent you by e-mail or by fax, I'll
18 give that to you as well, but that's the only
19 report that we have.

20 MR. ARROSSI: Ladies and gentlemen of
21 the committee, Boat Act Advisory Committee, thank

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 you for the opportunity to speak with you today
2 about our concerns regarding the erosion of our
3 shoreline at our community beach and adjacent
4 shores. My name is Eddie Arrossi, I live in
5 Edgewater Beach, and I represent a group of people
6 who live in the critical area along the shores of
7 the South River about the water which runs into the
8 Chesapeake Bay. We want to offer our testimony
9 based on single observations of how mankind is
10 irreverently changing the shape of our land,
11 causing noise pollution, damaging private property
12 and affecting sea life.

13 The waters of the South River are by
14 nature very quiet. Even in the worst times the
15 wakes are never higher than a few inches. The
16 property along the river and its shores are
17 extremely vulnerable to changes. As you will see
18 from the images and testimony I brought with me
19 today, the small adjacent shores are constantly
20 impacted as a result of the wakes brought on by
21 boats once they come to the end of the six miles

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 per hour speed zone passing at full speed at nearly
2 160 feet from our shores. As the waves come into
3 our shore there is no space for the waves to escape
4 and the force of the waves carry away our shoreline
5 and beach.

6 Over the years we have made every effort
7 to protect our shoreline with rocks, grasses and
8 filling the beach with sand. Years ago when our
9 community first made a community shelter we had a
10 huge stretch of beach in front of the shelter.
11 Today that beach is half the size it used to be and
12 getting smaller each and every year. The beach we
13 lost is gone forever, but we feel we can help
14 prevent further loss of land with a change in the
15 speed limit in this portion of the river. We are
16 petitioning for these changes for the good of the
17 environment and to save what is left of our
18 precious land. We are not trying to prevent people
19 from enjoying our waterways, we simply to want to
20 protect our shore and community beach property for
21 future, future generations to enjoy. So Mike, can

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 we go ahead and view the presentation?

2 MR. GRANT: Let's see what happens.

3 (Presentation given.)

4 MR. BARRY: I'm Chris Barry, I'm a
5 licensed engineer in the state of Maryland, I'm an
6 naval architect but primarily been practicing small
7 craft for the last 20 years. I work for an agency
8 that runs small craft, but I don't represent them
9 in this meeting. I have a license in naval
10 architecture in the state of Washington and Canada
11 and in the state of, in the state of California.
12 I've been involved in primarily small craft design,
13 like I said, for the last 20 years. Prior to that
14 I was involved in large ship design and offshore
15 oil systems, during the course of which I spent a
16 fair amount of time working in wave situations
17 particularly in the Arctic.

18 So if we get to the next one, please.

19 Eddie asked me what was going on here -- by the
20 way, I live in the Edgewater Beach community, but
21 I'm about six blocks, four blocks away from the

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 water. I'm not a waterfront property owner,
2 unfortunately I'm not a boater at the moment. The
3 shoemaker's children kind of thing. But what we're
4 getting is we have some wave damage which at least
5 partly is caused by high boat speeds in the channel
6 adjacent to shallow water. There's a phenomenon
7 that anyone that's a boater knows about, the
8 hulling speed situation, 1.34 times the square root
9 of the waterline length in feet. Well, there's
10 another wave number that is associated with water
11 depth, it's a similar priming phenomenon. When
12 you're in shallow water it's the depth of the water
13 that is important, not the length of the boat.

14 So what happens is when you go over
15 critical speed for the water depth it's very much
16 like going over the critical speed for your hull
17 length, you generate a big wave, and so what
18 happens is the wave generated in that channel is
19 very close to shore, comes ashore and going to very
20 shallow water very rapidly and change shape, change
21 length and then become plunging breakers. Breaker

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 on the shoreline, breaker on the beach, their
2 refracting pattern on the peninsula and breakers
3 are then focused into the cove. White waves are
4 just like light, they can be reflected by mirror
5 and they can be refracted by a lens, and this is
6 what's happening is the cove is such that it gets
7 refracted and then with the shoaling they get, it
8 generates plunging waves, which activate, pound on
9 the sand and activate it and then the current
10 carries them out.

11 So the problem is that we've got a
12 shallow -- we've got a deep channel, boats running
13 fast in it, right adjacent to shallow water. Can
14 you go to the next? And it's a little hard to see
15 that, but you can see that this diagram shows the
16 shallow water next to the deep channel, and we've
17 scaled it, but this is, this is basically a problem
18 here, because you have deep channel and shallow
19 water. We've got the deep water here and then it
20 gets very shallow, three or four feet right here.

21 Next, next slide, please. And it's hard

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 to, to do these kind of studies, you know, for a
2 specific geometry, but we basically have some
3 principles and if we look at a study done in Texas
4 about a similar phenomenon, which is exactly where
5 I took these, these are larger ships going faster,
6 but basically the same thing. What happens is at
7 this speed the depth ratio that occurs between four
8 and six knots, the wave, the surge height due to
9 the wave becomes exponentially larger. So if we
10 keep down in this region, which is four or five
11 knots, this region, which is the speed to length,
12 speed to depth ratio of what we're talking about,
13 four to five knots; therefore, our generated wakes
14 that beat on the shore are much smaller than even
15 somewhat larger increase, so if we keep those
16 speeds down, and of course we can have a speed that
17 is dependent on boat length and depth and you could
18 have a little equation on the sign that says I've
19 got you running, but I don't think you want to go
20 there.

21 But like I said, this is a classic study

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 and this is exactly the same problem we have in
2 shore erosion although from larger ships, but
3 basically we're a scale model of the study, smaller
4 channel, smaller ships, closer to shore, run very
5 close and like Eddie say, there isn't time with
6 that, with that 160 feet for the waves generated in
7 the deep channel which then steepen and deepen as
8 they cross into the shallow water and then break
9 and plunge. Okay.

10 So this is the other problem. As the,
11 as the waves from the boats come around the wave is
12 refracted, bent around the shallow water, and
13 focused into the beach, same way the waves the
14 other way are bent by -- this is the refraction
15 around the shallow water part of the tip, at the
16 tip, this is the refraction that we see in the
17 shallow water in this region, they're bent and
18 focused on the beach, and again what happens is
19 because of the geometry of the beach, if the water,
20 if the waves get high enough they become plunging
21 breakers. You saw that on Eddie's video that they

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 were overtopping and plunging rather than spilling.
2 Then that activates the particles of sand and then
3 the current transports them down to somewhere who
4 lives where the waves aren't as fast and so this
5 beach is basically feeding the beach down the road.
6 So that's basically the idea of what's happening.

7 So if we can -- and the problem is not
8 so much even speed, but combination of speed, water
9 depth and distance, so, and that boaters tend to
10 cut through, tend to shortcut this distance,
11 from -- tend to shortcut this channel, go to the,
12 to the most, the most southerly side of the channel
13 when they're going up the, up the channel. So if
14 we can protect that small blue area a little bit
15 further out, then we can get away from where we're
16 very, very close to shallow water and it's also --
17 we don't know for sure what's going on, but these
18 waves also carry sand out of this area and they
19 disturb sea grasses or anything else that's going
20 on here. The wave movement impacts the bottom and
21 transports sediment and transports sand down the

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 river, so it also impacts whatever is on, on the
2 bottom of the area, like sea grass, so anyway,
3 that's what's going on and the simple solution is
4 just to get, make sure that people aren't going
5 quite so fast quite so close.

6 MS. TROVATO: Thank you, Mr. Barry.

7 THE CHAIRMAN: Thank you, sir.

8 MS. TROVATO: Would you like to speak?

9 MR. DEACON: I was actually against it,
10 not for it.

11 THE CHAIRMAN: We're happy to have you
12 speak, sir.

13 MR DEACON: My name is Ronnie Deacon and
14 I'm a homeowner and I live across from that area on
15 Beards Creek, sort of close to Mike's Restaurant,
16 right where the marker is now for six knots in
17 Beards Creek. And I guess when I first heard about
18 this I didn't -- I was one of the people that wrote
19 that didn't understand what the area was. I would
20 think that that would be very confusing to boaters
21 to know where they have to slow up. I think you

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 almost have to build a fence around that area, a
2 fence of buoys around that area, which would be
3 very confusing. I have watched the waves come in,
4 I paid a lot of money to build a big revetment and
5 I have had my beach built up and I planted grass
6 and I think it can be done in these areas. And I
7 notice that Edgewater Beach does have rocks, but
8 they're pretty small and I don't think they're the
9 type that are put in place now. As a matter of
10 fact, I need to get mine larger, they need to be
11 large rocks and stones. What's this for?

12 MR BARRY: If you want to show
13 something.

14 MR DEACON: Okay, okay. And I guess, I
15 think this doesn't end. I mean I think that I
16 could do the same type of petition because I have
17 had huge waves where I live and I just don't
18 understand how this is sort of a very good process
19 to pick and choose small areas to do this in. I
20 remember years ago there was a meeting that I went
21 to, probably ten years ago where everyone in all of

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 the South River got together and talked about this
2 as a joint process, and it's not the way it's
3 working now and we spent a lot of time and effort.
4 If someone has -- I'm not sure this requires a
5 petition for these types of things or whether it's
6 one person writing them, but seems like this
7 problem is not unique to Edgewater Beach. I think
8 it's a problem that anyone has along the river and
9 are we going to make the speed limit along the
10 South River six knots? I don't think we want to do
11 that.

12 So I, I just, I just think it's not a
13 very good policy to come up with these things,
14 these individuals examples, and make a decision
15 that is not fair to everyone else. I mean I don't
16 want large waves where I live, but I also like to
17 ride in my boat and I don't want to go six knots
18 all the time in the South River. I think the
19 solution here might be to do more work to protect
20 the beach, to build a larger revetment than what
21 they have now and bring in sand, and if we protect

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 it, if you have rocks in front of it, because my
2 beach has, has been protected, I don't know if it
3 will last forever, it may have to eventually be
4 replaced, but I think there are solutions.

5 The other thing that I've noticed is
6 that if a wave -- if the boats are still going fast
7 past this marker, what is going to stop them from
8 coming in all the way to shore? Because I have
9 seen waves build up as they move and I don't see
10 why the waves would stop at that fenced in area and
11 then slow up. They're going to go and I don't see
12 why creating that artificial peninsula or whatever
13 it is, that area, that's going to -- it's not
14 really going to help them, I can't imagine that it
15 would, but. That's my comments as a homeowner and
16 watching what happens along the river. Thank you.

17 MS. TROVATO: Sir, could you come up and
18 point out where you live?

19 MR. DEACON: Let me think now, I live
20 right there (indicating), right there.

21 MS. TROVATO: Thank you very much.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. DEACON: Thank you.

2 THE CHAIRMAN: Is that everyone that's
3 going to speak for or against Marker 17? How about
4 the officer, NRP that patrols that area, anybody
5 here patrols that area that would like to have a
6 comment? You can do that as well.

7 OFFICER GARVEY: I'm Officer Brandon
8 Garvey and I frequently patrol the South River. As
9 I understood the petition, just the blue area on
10 the chart would be protected with a added speed
11 zone if you will; is that correct?

12 THE CHAIRMAN: Closer to the mic if you
13 would, please.

14 OFFICER GARVEY: As far as enforcement,
15 like the last gentleman said, enforcing just that
16 particular area, a lot of people could be confused
17 and as I've patrolled I have not seen a lot of
18 people cutting between the marker and the point.
19 I'm not on the river every day, but during the
20 summer months we're there pretty frequently. And I
21 don't see it feasible unless we make it all six

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 knots between the two rivers, that would be the
2 easiest and least complicated way of correcting it,
3 but those are my thoughts that I really had on the
4 matter.

5 THE CHAIRMAN: Thank you for your
6 comments, we appreciate that very much. Are there
7 questions from any of the board members to any of
8 the speakers?

9 MR. KLING: Yeah, I have a question for
10 the naval architect.

11 MS. TROVATO: Mr. Barry.

12 MR. KLING: I think I'm loud enough.
13 You were talking about wave refraction.

14 MR. BARRY: Yeah.

15 MR. KLING: My question simply is what
16 impact if any does the, the structure that the
17 community has, the little bit they have, what
18 impact if any does that have on the refraction,
19 kind of extending the point?

20 MR. BARRY: That's exactly what happens,
21 the refraction goes speeding into that hole, it's

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 coming around the corner and going into, that's
2 where it's refracting into. I mean if it were just
3 solid dirt all the way, if it were a beach from
4 that point, if it were a beach from here down to
5 here and this were all dirt, all land, then there
6 wouldn't be any tendency to refract into the, into
7 the bay, but there wouldn't be any bay. Refraction
8 is mainly caused by the shoaling. It's not just
9 the point of the land itself, but also the shoaling
10 between there and the buoys.

11 MR. KLING: My question is there is a
12 structure there?

13 MR. BARRY: Structure, no, no, the
14 shoaling is primarily caused by this point of land
15 and the shallow extension --

16 MR. KLING: I understand, but just south
17 and east of that point is a structure.

18 MR. BARRY: It's a pier.

19 MR. KLING: But --

20 MR. BARRY: It's very narrow, it has
21 very little effect on waves, longer up the pier --

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. KLING: But does it affect the
2 refraction?

3 MR. BARRY: Not for waves significantly
4 larger than the diameter of the pier pilings. It
5 refracts -- the pier pilings are about that big
6 around so it refracts waves that are in this, maybe
7 one or two lengths, but once you get, once you get
8 a wave that's significantly longer than the object
9 that's going past, the object becomes invisible, so
10 the pilings of the pier are essentially invisible
11 to waves, to waves larger than about a foot and a
12 half or so.

13 MR. KLING: So waves of a foot and a
14 half less would be --

15 MR. BARRY: No, a foot and a half long,
16 those are only one tenth of a foot high.

17 MR. KLING: I see, thank you.

18 MR. JONES: I have one question. That
19 is those waves, why don't they erode the -- the
20 question is the waves that you're talking about,
21 why don't they erode the shallow between the cape

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 and Marker 17?

2 MR. BARRY: Well, they probably are, but
3 they're in the, there probably is some erosion
4 processes and then there's transport processes that
5 feed it from here, so you get some erosion, but
6 we've got transport processes from all of these
7 beaches that are feeding that and hitting the
8 shoal. The key is basically what we've got is a
9 very, very narrow choke point right there between
10 the buoy and the shore, and once we get far enough
11 away the waves as they come ashore get going to
12 shallow water, get steeper and deeper, also
13 dissipate, so at some point or another you're far
14 away enough from the shore that the dissipation of
15 the wave overcomes the other processes.

16 MR. JONES: One other question and that
17 is if the boats are going fast from the Riva bridge
18 and then they slow down, won't they cause erosion
19 from the other direction?

20 MR. BARRY: Again, not so much. The
21 whole point is when a wave goes into shallow water

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 it also gets dissipated, the energy's lost, so
2 there's a trade-off. When you're far enough, if
3 you're in shallow water and far enough away the
4 energy of the wave is lost by the time it gets
5 there. The same process is length and height and
6 steepness, the same process, there's a distant loss
7 of energy. So basically what you're doing is
8 balancing the distance that produces the loss of
9 energy and distance that produces damage when it
10 strikes the shore. So if you're far enough away in
11 shallow water by the time the wave comes to shore
12 it's been dissipated. Here we've got 160 feet, but
13 over here you see the boats are going to presumably
14 run a straight line from that marker to that marker
15 and so if you, when you're out here you can see
16 this distance is small and this distance is here is
17 several times that. So by that time we hope that
18 the, the dissipation against the bottom will
19 overcome the waves and there will be less damage,
20 less damage along here.

21 So you can spend a great deal of money

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 with computers and find out exactly what the answer
2 is, but this is basically the idea is that this is
3 such a very, very short choke point here and by
4 making it much longer the dissipation process is
5 overcoming the waves and the energy is lost by the
6 time, so the key is just keep -- the key is here to
7 move this, if we move this buoy, if we put a speed
8 buoy here, and I understand what the officers are
9 saying because someone wouldn't know the speed buoy
10 covers all this as well, but if we move, if we buoy
11 that off there, then we're just saying basically
12 the answer is don't go fast in shallow water close
13 to a shore, which is basically good advice for most
14 boaters.

15 THE CHAIRMAN: Questions.

16 MS. TROVATO: I have a question. Either
17 to Mr. Arrossi or Mr. Barry, have you considered,
18 has your community considered building revetment or
19 planting grasses or other ways of stabilizing the
20 beach?

21 MR. ARROSSI: What happened, this is

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 basically a beach, so we want to keep the beach as
2 a place, you know, to enjoy. If we plant grasses
3 and we move rocks and build a bulkhead -- by the
4 way, we don't have the money, we just spent all of
5 our savings on a new pier that was completely
6 destroyed so we will lose what we want, what, the
7 actual subject of the community beach. So by the
8 way, probably about eight months ago when DNR
9 started to visiting the place, we, the whole
10 community come together and we, with a bobcat we
11 moved lots of sand from one place to the front of
12 the shelter to create again that space that we were
13 missing. In about 20 days we lost everything, we
14 lost everything, and I have photos that are not in
15 the video, but the bulkhead, the inside, the land
16 part is, we filled with rocks recently, but it's,
17 the wave goes over the barrier and it's washing out
18 everything so, yes, we, we did what you are
19 suggesting, but it's very hard to deal.

20 THE CHAIRMAN: Are there more questions?

21 MR. KLING: For Mr. Barry. Again, I

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 assume from your presentation that you don't have
2 any data on the number or size of waves, any
3 cumulative energy figures, you're just kind of
4 talking theoretically and somewhat anecdotally?

5 MR. BARRY: Anecdotally, yeah,
6 theoretically and anecdotally, yes.

7 MR. KLING: So do you have any data as
8 to the relative impact of -- we had this general
9 statement from Eddie that there are never any big
10 waves, but we've had a lot of northwest winds right
11 here in this nice path on the South River. Do you
12 have any data to compare the wave energy generated
13 by a more northwesterly breeze on the river
14 compared to boat data?

15 MR. BARRY: We are fetch shoaled, we're
16 talking about thousands of feet of fetch. So that
17 puts you in --

18 MR. KLING: That's not answering my
19 question. I'm not, I won't, I won't buy the
20 argument there's no fetch and there's no waves from
21 storms.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. BARRY: I realize that, and yeah,
2 we -- it would be a fetch limited sea state and --
3 but no, I don't, I have not done that, I didn't
4 borrow a wave buoy from someone.

5 MR. KLING: But the process that you're
6 describing and the refraction would be the same
7 from a fetch, from a storm-driven fetch than it
8 would be from wake.

9 MR. BARRY: Yeah, as long as we've got a
10 fetch large enough to generate a wave like those
11 kinds of waves, but we really don't have that kind
12 of fetch. I mean we probably can get that kind of
13 wave in a very rare event, but if we're talking
14 about this, these kinds of fetch distances we're
15 not getting up, we're not getting anywhere close,
16 close to sea state one and we're seeing a sea state
17 two and a half, three, when boats come through
18 there and it's sharply peaked. So, you know, we
19 just don't have enough fetch in this thing and we
20 have a lot of dissipated processes because of shoal
21 water here, so it's possible in a major event we

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 can get enough of that, but what we're going to do
2 if we get a lot of wind here we're going to get
3 extremely strong beach erosion and that will have a
4 lot of loss processes in this region, and the other
5 thing is there is actually a shoaling feature
6 underneath the pier. It's shallow and can't -- if
7 the pier weren't there you still couldn't get on a
8 boat on the shoreline because of the shoaling and
9 there is rocks and so forth more or less underneath
10 the pier. So yeah, I mean you could, you know, on
11 a rare event get a lot of waves there, but again it
12 would be, we get that once, you know, in a blue
13 moon and we get that several times an hour from the
14 other vessels. So the dominant process is probably
15 fairly large boats cutting within 160 feet of that
16 shallow water.

17 So again, it's just, it's a problem of
18 closeness, shallowness, speed and it's not -- it's
19 a classic problem in ship channels, you know,
20 everybody's who's got a ship channel, river, lake,
21 has the same problem as us.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 THE CHAIRMAN: Any more questions? No
2 more questions? Thank you all for your
3 presentation, well done and we appreciate that very
4 much that you took your time to do that and we
5 appreciate that very much. You had a great
6 presentation and thank you so much for that. The
7 process --

8 MR. BARRY: One thing, I happen to be on
9 the public outreach committee at the Naval Academy,
10 if I can help you, let me know, get in contact with
11 me and I'll put you in touch with the right person.

12 THE CHAIRMAN: Thank you, sir, we
13 appreciate that. You're welcome to stay. We have
14 another one -- we have a presentation, you're
15 welcome to stay. After we finish that one, we take
16 a break, the committee will have lunch and after we
17 have lunch we'll come back and we'll discuss that
18 among us and we'll come up with a decision after
19 lunch today and recommendation, because we only
20 recommend to the Secretary, we don't -- it's not --
21 the Secretary has the final say and we recommend --

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. ARROSSI: Yes, just one more thing
2 is that we are not trying, we are not asking to
3 change the speed limit in the wider part of the
4 river, okay, so those who want to waterski or go
5 faster to the next point that is Riva Road,
6 whatever, so we are not asking for that part, so
7 that's wide enough for the wave to dissipate and
8 that's not our problem. It's just in front of
9 the -- our request would be to extend or to move
10 the actual six miles per hour line farther, closer
11 to the point, so that's all.

12 THE CHAIRMAN: Thank you, sir, we
13 appreciate that. We're going to move on to the
14 next one, Mike.

15 MR. GRANT: That's better. The next
16 request is for the area surrounding the Riva
17 bridge, currently the regulation is six knots
18 during the boating season at all times, the request
19 is to just reduce that to Saturday, Sunday and
20 holidays during the boating season, for the speed
21 limit. We have had two opposed, five supporting

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 and of course the petitioner himself. I bring you
2 Bob Lunsford.

3 THE CHAIRMAN: Mr. Lunsford.

4 MR. LUNSFORD: Thank you. Do you need
5 me to repeat my name? For those of you who may not
6 know, I'm Bob Lunsford, for the new committee
7 members, I had Mike's job before Mike was born.

8 Back in the mid to early 1990s, those of
9 you who are veterans of the committee may remember
10 this, there was a river management plan fever in
11 the department and this speed limit was a result of
12 that desire to put, quote, controls on boaters.
13 It -- I did not favor it when I had to write it
14 back in '93 I think, I don't believe there's enough
15 traffic there now to warrant a speed limit during
16 the week. I do believe there's probably enough on
17 weekends to warrant such restrictions, but during
18 the week -- I go over that bridge several times a
19 week now during the week, I don't see any
20 significant traffic that would, I would consider a
21 hazard, and while we were doing Beards Creek

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 several years ago when I was still serving the
2 committee I paid particular attention to that area
3 and I didn't see anything that warranted what I
4 thought would have warranted a speed limit during
5 the week in that area. So given that I'll take
6 questions, and I didn't bring any slides.

7 THE CHAIRMAN: Questions.

8 MR. DEACON: I don't have a question --

9 THE CHAIRMAN: Would you use the mic,
10 sir, our reporter can't hear that and --

11 MR. PARLIN: Address the committee, not
12 the people.

13 THE CHAIRMAN: It's a committee thing,
14 if you have a question.

15 MR DEACON: Yeah, I go over that road a
16 lot and as a matter of fact, every weekday, because
17 I'm retired now, I go under that bridge and I never
18 know -- I think after October 15, I don't believe
19 there is a speed limit under that bridge; is that
20 correct?

21 MR. GRANT: Correct.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. DEACON: Okay. And I've been going
2 fast, but I always slow up when I see another boat
3 and there are boats. I mean I'm not the only
4 person out there on weekdays, and I'm all for not
5 imposing too many speed limits, but I think it's a
6 safety concern. Those pilings are too close there.
7 They're not very far apart. It's a bridge, I don't
8 know what the distance is between them, the
9 pilings, but it's not huge, and I just think it's
10 an accident waiting to happen if you let that speed
11 limit increase all the time, and that's, that's
12 just my opinion for going through that bridge,
13 under that bridge many times. Thank you.

14 THE CHAIRMAN: Thank you, sir.
15 Appreciate that. Anybody else with the NRP,
16 officer that patrols that area want to speak to
17 that? Back again. Speak into the mic again so we
18 can hear you clearly. Thank you, sir.

19 OFFICER GARVEY: I'm in agreement with
20 the last gentlemen, the proximity of the pilings
21 are a lot closer than the Route 2 bridge. I just

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 think it is an accident waiting to happen, there's
2 traffic not as heavy on the weekdays as the weekend
3 and holidays, you have Mike's Crab House right
4 there and it's not as busy during the week either,
5 but you have people docking their boats and all of
6 that stuff is going to start rocking and boats
7 start cruising through under the bridge. Those are
8 the only two points that I really wanted to make.

9 THE CHAIRMAN: Okay, thank you.

10 OFFICER GARVEY: Proximity of the
11 pilings is just too close. There are some big
12 boats that come up with the river, you know.

13 THE CHAIRMAN: Thank you very much,
14 appreciate that. There's some questions here.

15 MR. DWYER: Has anybody hit the bridge
16 in the off season?

17 OFFICER GARVEY: Not to my knowledge.
18 I've only been on the department for a year and a
19 half, so. But we looked into the past two years
20 for any event activity for both of these proposals
21 and there weren't anything received, any accidents.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. LUNSFORD: Just to add to that
2 point, when the speed limit was established there
3 was no history of accidents or reports of accidents
4 in the area, it was put in primarily because Mike's
5 was putting in a 90-plus, 90-slip marina that
6 really doesn't exist today, he's got four boats in
7 there.

8 THE CHAIRMAN: Any other questions?
9 None? Questions for you, Mr. Lunsford? Thank you,
10 Officer, we appreciate your comments on that, for
11 sure. Anything else, Bob, on that, to add or --

12 MR. LUNSFORD: I mean I can song and
13 dance for you perhaps.

14 THE CHAIRMAN: I think that's it, unless
15 someone else has any other questions about that.

16 MR. GRANT: You want to do new/old
17 business before lunch?

18 (Discussion held off the record.)

19 THE CHAIRMAN: Thank you, sir,
20 appreciate you coming.

21 MR. GRANT: This, this is, this goes

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 back to 2006, this pertains to the Deep Creek Lake
2 Policy and Review Board. Back in '06, they had a
3 discussion concerning vessels, their legal limit on
4 the lake was 26 feet for nonpontoon boats; is that
5 correct?

6 MR. NICKEL: Correct.

7 MR. GRANT: And a lot of the new wake
8 boats or pleasure boats were coming through at
9 26.2. The vessel length is described as above deck
10 from the nose to the stern excluding any add ons,
11 so boat had to be 26 feet; if you had a two-foot
12 swim platform that wasn't counted. Now,
13 unfortunately or fortunately a lot of these vessels
14 come in with bolted swim platforms and they're over
15 26 feet. Since that decision of the policy review
16 board to request a change back in '06, a lot of the
17 boats have been sold and are operating on Deep
18 Creek Lake. We've discovered recently that that
19 request had fallen through the cracks, it was never
20 addressed by anybody at DNR, never approved, so
21 most recently at the July 23rd meeting of the

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 policy review board it was brought up again and
2 they were requesting that the Secretary take a look
3 at this, the Secretary of DNR, and he's penned a
4 letter to Mr. David Myerberg, who's the chairman of
5 the policy review board, stating essentially that I
6 understand the decision was made back in '06 and
7 for some reason it -- I'll read it exactly.

8 I understand that boats meeting the
9 above description, speaking of 27 feet in length,
10 have been sold and have been on the lake for the
11 past five years based on the erroneous belief that
12 then DNR Secretary Ron Franks had approved and
13 changed the regulation back in 2006. It is for
14 this reason and this reason only that I approve the
15 proposed change now. So Secretary Griffin has
16 approved the change to 27 feet retroactively.

17 Because of your position with the
18 department you must review anything that's put
19 before the Secretary or before the policy review
20 board because you work together, so we're asking
21 you to approve this as it stands supporting the

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 Secretary's decision, and if that's the case then
2 it'll go through and become regulation.

3 MR. PARLIN: I make a motion to approve
4 the Secretary's recommendation.

5 MR. NICKEL: If anybody wants to ask me
6 some questions.

7 THE CHAIRMAN: There's a second on it --
8 is there a second?

9 MR. NICKEL: By all means --

10 MR. MCLEAN: Here.

11 THE CHAIRMAN: Any discussion?

12 MR. NICKEL: The only thing I'm going to
13 say in the pretense of this is I don't know what
14 the initial regulation, why it was enacted candidly
15 other than some fuddy duddies on the lake, that you
16 control the length of the boat and you control the
17 horsepower and the sound and the noise. It has
18 been there since I've been the general manager of
19 the marina going on ten years this January. Quite
20 candidly, the only reason there's a change because
21 the other marina operator, let's just say was

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 selling boats illegally and really didn't care and
2 then all of a sudden the Department of Natural
3 Resources Police started enacting the length of the
4 vessels and lo and behold, he's probably facing
5 potential lawsuits from customers on the lake
6 because he was selling illegal boats.

7 The crux of the matter is, at least at
8 that meeting because I was not privy to it, I was
9 going to the meeting for a different reason, is
10 that one individual -- it's all based on boat
11 manufacturers. Those of you that do sell boats or
12 have an relationship to it. I've got a 28-foot
13 boat, I'd love to put 30-foot boats on the lake,
14 but I can't because of the rules put in place that
15 I'm not allowed to do that. What's to prevent me
16 as a marina operator to come in and say okay, now,
17 I want to sell 30-foot boats? There has got to be
18 practicality to make this change that was there,
19 other than an individual or a operator that wants
20 to do it.

21 Now, don't get me wrong, I can make more

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 money selling larger boats, it's a Jones kind of
2 lake, everybody wants to one up everybody else.
3 The reason for was changing it and the petition
4 that was presented, I would say that I'm opposed to
5 it at my end of it stepping away from it. It's not
6 like everybody in the community was asking for it,
7 and quite candidly the marina operator realized
8 when I was there, kind of cowered down and hid in
9 the corner because he knew, he or she knew I was
10 going to be like why are you doing this, because I
11 can come in the next meeting and get in front of
12 you folks and I request from the Secretary of the,
13 or Secretary Griffin that I want to sell 30-foot
14 boats, because what's going to limit me from doing
15 that and having you approve that?

16 I think the base has been set, I
17 understand the Secretary's approved it, but I think
18 that ought to be taken into account when you're
19 making your decision and your recommendation.

20 MR. GRANT: And there's something that I
21 would like to add if I may too, I didn't read all

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 of the secretary's letter, but under, just after he
2 said that he's approving it, as lake manager
3 Carolyn Mathews has observed the path -- the
4 disturbing trend on the lake is that bigger is
5 better, bigger docks, bigger PWCs, wider pathways
6 and longer docks in the water. The trend is going
7 in the wrong direction in my opinion. The lake is
8 not getting any larger and nothing else should
9 either, not if we're seriously concerned about the
10 long-term sustainability of the lake.

11 MR. DWYER: It's against the law for you
12 to sell --

13 MR. NICKEL: To operate.

14 MR. DWYER: It would be the buyers
15 beware type of thing.

16 MR. NICKEL: Yes.

17 MR. DWYER: When I was in the ski boat
18 business --

19 MR. NICKEL: You gotta --

20 MR. DWYER: -- boats came from your
21 marina to my marina, I could sell them.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. NICKEL: Obviously if you said Bob,
2 I want to buy a 32-foot from you, I say -- I'll
3 understand. I'll sell it to you, but be aware that
4 you're not allowed to operate on the waters of Deep
5 Creek Lake. And that wasn't happening, but again,
6 it wouldn't prevent me or another marina operator
7 on the lake to request that I want to make it
8 larger because I want to sell larger, and I know
9 Carolyn very well, what's all -- the parameters
10 were set to live within the parameters, there are
11 plenty of boats that are made by every manufacturer
12 out there that fall within the parameters.

13 MS. ALLISON: Isn't it failure of
14 enforcement?

15 MR. NICKEL: No different than the
16 Natural Resource Police throughout the state.
17 There's not enough manpower to do it, they don't
18 have enough time to go and measure every hull that
19 is put in on that lake. It does detract from a lot
20 of sales and tourism because individuals want to
21 bring their boats up and get up on the lake with a

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 28-foot hull and the Department of Natural
2 Resources is standing there, no, no, no, you can't
3 bring it in. It's got a Catch 22, but the law has
4 been in place or the statute has been in place for,
5 I don't know how long we've operated underneath of
6 it.

7 THE CHAIRMAN: Any other questions?

8 MR. SHELLER: The underlying regulation
9 from what year was that?

10 MR. NICKEL: What year?

11 MR. GRANT: '06 was when the request was
12 made, in 2006.

13 MR. SHELLER: Original.

14 MR. NICKEL: Original.

15 MR. DWYER: In the '80s.

16 MR. NICKEL: We had before --

17 MR. SHELLER: Does anyone know the
18 rationale for that original --

19 MR. LUNSFORD: Houseboat.

20 MR. GRANT: Grandfather.

21 MR. LUNSFORD: It was a fear that

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 somebody would put live aboard houseboats on the
2 lake as I recall.

3 MR. SHELLER: Was it arbitrary, 26
4 sounds good and the rest sounds bad?

5 MR. LUNSFORD: It was considered the
6 boat that is trailerable at that time, as I recall.
7 I'm going way back in history.

8 MR. NICKEL: That's obviously changed
9 since then.

10 MR. LUNSFORD: We didn't have 300
11 horsepower hull construction then.

12 MR. NICKEL: I think a lot has to do
13 with the speed on the lake, obviously you can't put
14 so much horsepower in a small boat.

15 MR. SHELLER: And you have this
16 committee, right?

17 MR. NICKEL: Policy review board.

18 MR. SHELLER: These landowners and
19 people --

20 MR. NICKEL: It's a myriad of all
21 people.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MS. DISE: The policy review board is
2 set up by statute and it's a group of ten
3 individuals appointed by the governor and they
4 represent, it's somewhat like this advisory
5 committee in that they represent diverse interests.
6 There's a representatives of property owners
7 associations, of the fishing community, the local
8 senator, state senator, the local delegate, member
9 of the chamber of commerce, member of the county
10 commissioners. I also advise that board. And
11 their function is to advise the Secretary of
12 Natural Resources on all matters affecting the
13 recreational and other uses of the lake and they
14 also have authority over approving recommended
15 regulations, so any regulation dealing with boating
16 on the lake or fee increase, for example, on dock
17 permits, things like that, all those proposed,
18 proposals have to go through the policy review
19 board first and then are forwarded on to the
20 secretary for his final decision, so that's how
21 that works.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MS. TROVATO: Marianne, what do they say
2 about this?

3 MS. DISE: Oh, there was almost no
4 discussion back in July when the matter was brought
5 up to them. They were actually somewhat concerned
6 that their predecessors in 2006 had not forwarded
7 formally recommendation on to Secretary Franks.
8 Ron Franks at the time was Secretary of DNR, and I
9 have the minutes from the 2006 meeting at which the
10 PRB approved that change to the molded platform
11 length of boat up to 27 feet, if anybody's
12 interested in reading them or knowing what went on
13 back in '06.

14 THE CHAIRMAN: So -- it appears to be
15 that was just an oversight that never did get
16 passed up.

17 MS. DISE: Apparently so. In the
18 minutes of the '06 meeting there was no direction
19 from the then chairman of the board as to who was
20 supposed to write the letter and send it on to
21 Secretary Franks and like a lot of things happen,

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 you know, in bureaucracy, when nobody's respons --
2 everybody's responsible, nobody's responsible, so
3 it never got done.

4 THE CHAIRMAN: It was approved.

5 MS. DISE: It was approved and then this
6 year's board in July, as Mike said in July of 2012
7 brought the matter back, it was on their agenda.
8 There were several members I believe of the marina
9 industry who spoke at that meeting and there was
10 not very much discussion of the board. They said,
11 well, you know, these boats are already being sold,
12 the difference is the molded platform versus an
13 add-on platform. We looked at the Coast Guard
14 regulations regarding how you measure length of
15 vessels and the board decided to forward the
16 recommendation on to the Secretary.

17 MS. TROVATO: So the Secretary's
18 position, it's only about the molded platform
19 versus the added on platform or is it any 27-foot
20 boat?

21 MR. GRANT: Any.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. NICKEL: Pretty much the way it's
2 written the LOA of the manufacturers on Deep Creek,
3 what they're saying is as long as the LOA is 27
4 feet -- the way they wanted to add it, it could be
5 26 feet or if it's molded in it's supposed to be
6 27, so I can have a 26-foot LOA boat with a bolt-on
7 swim platform that's two and a half feet long and I
8 have a 28-foot long vessel. They're not counting
9 that. What they want to say if it's a molded-in
10 swim platform it cannot exceed 27 feet. There's
11 different manufacturers, there's manufacturers that
12 mold it on and manufacturers that don't mold it to
13 the hull, that's all it is.

14 MR. SHELLER: There's several different
15 usages of length over all in the marine world and
16 that would have to be defined if it's regulation or
17 you're just adding confusion to the --

18 MR. NICKEL: I agree, I think they're
19 looking at the certificate of origin from the
20 manufacturer or it's Coast Guard or MMA approved,
21 don't hold me to it.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. SHELLER: If you were to get an
2 manufacturer's LOA with a molded-in swim platform
3 the boat would be longer, what about the -- what
4 about the surface length?

5 MR. GRANT: Just so you know on the
6 discussion, and through Marianne's research the
7 Coast Guard description of LOA, length must be
8 measured from end to end over the deck, excluding
9 sheer, meaning a straight line measuring of the
10 overall length from the foremost part of the vessel
11 to the aftermost part of the vessel measured
12 parallel to the centerline. Bowsprits, bumpkins,
13 rudders, motorized outboard motor brackets or
14 similar fittings or attachments are not to be
15 included in the measurement. Length must be stated
16 in feet and in inches. That's the, that's what
17 they're using in the Coast Guard.

18 MR. DWYER: I think that's length
19 overall, they're, like the similar thing would have
20 been to do a waterline measurement whether they're
21 molded in or bolted on --

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. PARLIN: No -- I believe that --

2 MR. DWYER: Simplify things.

3 MR. PARLIN: The boat comes with a LOA,
4 the LOA for this boat is this, and it would make it
5 easy for NRP officer to go back and look up that
6 boat and say the LOA for that boat is this, rather
7 than trying to get into tricky measurements and so.

8 MR. NICKEL: That's the premise of what
9 I wanted to say.

10 MR. BUSH: I think we currently have a
11 motion on the table and I support it, that we go
12 ahead and concur with the actions taken by the
13 Secretary.

14 MR. SIMON: Second.

15 THE CHAIRMAN: I guess we're going to
16 call for a question. All in favor -- do we have
17 questions, Amy?

18 MS. CRAIG: I do have a question. What
19 was the original regulation and why, way back,
20 before the 2006 and how did we get to 27 feet? Is
21 it because boats were sold that exceeded that

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 length and now we're catching up, covering or
2 whatever? I mean who's at fault here? Is it the
3 person that sold the boats and now we're trying to
4 cover their butts and also, is it the PRB's fault
5 for not following through on their issues? But
6 either way the original regulation would still be
7 the enforceable regulation, would it not?

8 MS. DISE: Correct, just like any
9 regulation.

10 MS. CRAIG: So somebody sold boats that
11 were --

12 MS. DISE: Yeah, anytime you want to
13 change a regulation, you know, you're making a
14 change for a reason, and the reason at least from
15 the minutes of the PRB from 2006 is a gentleman
16 representing a marina asked for a boat length
17 exemption to sell boats over 26 feet in length
18 relating to a change in the manufacturing of a boat
19 that they have sold, they the marina, have sold for
20 years that now comes with a molded swim platform
21 which makes the length of the boat 26 feet and

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 several inches as Mike described, so that was the
2 request. At the time apparently the boats were not
3 being sold on the lake, there was a request to
4 allow this particular type of boat, I don't know
5 what type it is, to be sold. The PRB, policy
6 review board, in 2006 said yes, we agree, we're
7 going to forward that recommendation onto the
8 Secretary and then nothing happened and apparently
9 in this -- this is what we were told in 2012, in
10 the belief that the regulation had been amended, at
11 least one marina started selling one or more
12 particular types of boats with this molded platform
13 that went over a couple of inches past 26 feet.
14 The matter was brought back to this year's policy
15 review board and as I mentioned in July the board
16 said well, we want, we want this changed and so
17 we're recommending it to the Secretary.

18 MS. TROVATO: I have a question,
19 Marianne, so Bob raised a good point when he said
20 okay, so this request was made back in 2006 and
21 we're now going to ratify it, but what would

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 preclude somebody from coming in and saying gosh,
2 I'd like to sell 30-foot boats?

3 MS. DISE: Nothing.

4 MS. TROVATO: They can come in anytime
5 they want.

6 MS. DISE: Just like anybody could come
7 here and ask for a speed limit change.

8 MS. TROVATO: But if they sold the
9 30-foot boat they would have issues legally.

10 MS. DISE: The gentleman over here might
11 have a problem with that. As someone mentioned
12 it's not the selling of the boat, because there are
13 other bodies of water up there, there's the Yough
14 River Lake and other places that you can take it
15 too, but on Deep Creek, Deep Creek has its own
16 regulations because of the configuration of the
17 lake. There are lots of shallow areas, there are
18 narrow little coves, and, you know, why the
19 original regulation was put in place, my
20 recollection is the same as Bob's, is that there
21 was a trepidation about houseboats parking

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 themselves on the lake.

2 MR. PARLIN: I would like to comment on,
3 I guess, where I stand now. I made the motion to
4 support the Secretary, Bob. You started explaining
5 a little bit, you know, with the politics behind,
6 it -- let me speak -- but now, kind of looking at
7 it as a whole, this went to a policy review board
8 in 2006, this went to a policy review board, at
9 least was brought back up and they had the chance
10 to kind of change things if they wanted to and they
11 didn't, they moved it forward to the Secretary.

12 MS. DISE: Right.

13 MR. PARLIN: So it's been to two policy
14 review boards. If anybody was opposed to this,
15 that should have been brought back in 2006 and
16 quite possibly at the latest meeting. So -- and I
17 was talking to my neighbor here, Thorny, sorry, and
18 we were talking about, yes, there has been a change
19 over time of how boats are manufactured. In the
20 olden days, remember, swim platform was teak or
21 fiberglass bolted on the back of a boat, and more

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 and more you see boats with these molded swim
2 platforms, which took basically the same boat and
3 made it a foot to two feet longer depending on how
4 they did it.

5 So I guess I still support my, you know,
6 original decision to support the Secretary because
7 boat manufacturing has changed and this has gone
8 through this policy review board two times and what
9 would keep somebody from going back and asking for
10 28 foot, quite possibly the policy review could
11 halt it at that point and that would be their
12 choice and I guess at that point maybe up to us to
13 decide to support that. If it's gone through them,
14 I think we should support it.

15 MR. BUSH: My comment again is that we
16 have a motion on -- why don't we go ahead and vote
17 for that?

18 MR. SHELLER: Vote on it.

19 THE CHAIRMAN: The motion is to accept
20 it approved -- that's the motion.

21 MR. SIMON: Yeah.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 THE CHAIRMAN: All in favor.

2 (Unanimous aye vote.)

3 THE CHAIRMAN: I think we're good, did
4 you get a count? All opposed?

5 MR. GRANT: Three.

6 THE CHAIRMAN: We're good to go.

7 MS. TROVATO: Did you abstain? One
8 abstain.

9 MR. GRANT: Who abstained?

10 THE CHAIRMAN: Bob.

11 MR. GRANT: Bob abstained.

12 MR. PARLIN: Good choice.

13 MR. GRANT: Marianne is here and we want
14 to put the member conduct policy to bed today. We
15 requested comments, I received a couple. John, I
16 think we're going to need some clarification on a
17 comment that you made so we can discuss that.

18 MR. SHELLER: It wasn't me and I wasn't
19 there and I didn't see a thing.

20 MR. GRANT: You sent me something --

21 MS. DISE: Mike, do you want to --

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. GRANT: Do you want to come up here
2 and you can do it? This first comment is from
3 Mr. Kling and Chris. No member of the Boat Act
4 Advisory Committee shall represent any position on
5 any issue as the position of the Boat Act unless
6 that position has affirmatively been adopted by
7 Boat Act. Any member of the Boat Act Committee who
8 communicates in any form where his or her Boat Act
9 membership is apparent shall make clear that the
10 opinions expressed are those of the individual and
11 not the views of Boat Act.

12 MS. DISE: And as Mike said, that was a
13 comment received from Mr. Kling and Mr. Parlin,
14 that would be an addition to the draft policy
15 that -- I don't know how long it's been -- several
16 meetings ago, was distributed. And then there was
17 another comment.

18 MR. GRANT: This is John. My comment
19 only is that paragraph 2, paragraph 2 --

20 THE CHAIRMAN: I think that's this one.

21 MR. GRANT: Okay. Appears to be so

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 encompassing that it could be construed to apply to
2 many things we discussed in our meeting
3 deliberations. I would suggest that maybe the
4 scope be narrowed to say that committee members
5 must declare to the committee if they are parties
6 of the first part in any particular item to be
7 discussed and voted upon by the committee, such as
8 a property owner on a shoreline with a measure
9 before the committee, can they vote on the issue?
10 I feel yes, they should be able to vote, but not
11 solicit individual members. Those are the two
12 comments we received. There were a couple of more
13 that said fine, go with it, but those are the
14 pending changes.

15 THE CHAIRMAN: You want to read that to
16 us and maybe we understand the additions, but if
17 you read that to us, so we all --

18 MS. DISE: Read the policy, the draft?

19 THE CHAIRMAN: That would be great.
20 That would help.

21 MS. DISE: I'm reading from the draft of

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 August 16 which was most likely the last meeting of
2 this committee. And the draft policy says roles of
3 members of Boat Act Advisory Committee. The
4 purpose of the committee is to make recommendations
5 to the Secretary of Natural Resources on proposed
6 boating regulations. Members of the committee
7 include boaters, representatives of boating
8 associations and representatives of water use
9 organizations appointed by the Secretary of Natural
10 Resources. Each member brings to the BAAC a
11 particular knowledge or experience in boating-
12 related matters. It is the policy of the BAAC that
13 committee members should refrain during the conduct
14 of committee business from advocating on behalf of
15 or advancing the position of the member's
16 individual business interests or the interest of an
17 organization which does not represent the public to
18 which the member may belong in his or her
19 individual capacity. Members of the BAAC should
20 refrain from using their position as a member for
21 personal or business benefit or gain.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 Paragraph 2 says it is the policy of the
2 BAAC that no individual committee member may
3 distribute or cause the distribution of any
4 document or written material to the public at the
5 BAAC meetings within the meeting room that houses
6 the meeting. Any handouts to the public on behalf
7 of the BAAC will be provided by the committee
8 itself as part of the committee meeting. Handouts
9 provided by other organizations or individuals must
10 be offered outside of the meeting room.

11 So that's the policy, proposed policy
12 that you all looked at back in May I think and then
13 again in August. I can read the comments again if
14 you prefer I do that.

15 THE CHAIRMAN: Possibly be added into
16 that.

17 MS. DISE: The potential addition is
18 such. No member of the BAAC shall represent any
19 position on any issue as the position of the BAAC
20 unless that position has affirmatively been adopted
21 by the BAAC. Any member of the committee who

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 communicates in any forum where his or her
2 committee membership is apparent shall make clear
3 that the opinions expressed are those of the
4 individual and not the views of the BAAC.

5 THE CHAIRMAN: That would be added in?

6 MS. DISE: Correct.

7 THE CHAIRMAN: Any questions?

8 MR. SELLER: I don't know if -- I'm
9 looking at the actual structure of the thing, my
10 paragraph 2 was the second paragraph, not paragraph
11 number 2.

12 MS. DISE: Oh, okay.

13 MR. SELLER: My comment was on the
14 second paragraph in what would be the roles of the
15 member paragraph. I think it's, I think it's the
16 duty of the members to add things because that's
17 why we brought this experience, but there is a --
18 you know what I'm saying?

19 MS. DISE: I do, I do.

20 MR. SELLER: If we can't advocate for
21 things, why are we here?

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MS. DISE: That's for you all to discuss
2 and decide what you want to do with the draft
3 policy. It's a draft with a capital D, and as we,
4 as you all discussed at last meeting, at the August
5 meeting, you were going to think about it and
6 propose potential revisions, changes, whatever you
7 want to do and these are the two that, that we got
8 and so it's, it's certainly totally up to you, it's
9 not my policy, so.

10 MR. GRANT: I would just remind you of
11 Betty Duty's position for the watermen's
12 association. I mean she was a very strong
13 proponent of that when she was a member, I think
14 that's what John is talking about, that she
15 supported the watermen's association diligently
16 when she was on the committee.

17 MR. SIMON: What do we need now,
18 approval from the board --

19 THE CHAIRMAN: Discussion right now, Al,
20 there's discussion right now. Hold on, Steve.

21 MR. DWYER: I guess I have the same

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 concern that John does about it, it doesn't even
2 say about not voting, it says participating. You
3 know, we had the things with the Miles River Yacht
4 Club, I'm a member, I had to stay out of that.

5 MR. KLING: Doesn't say that, doesn't
6 even come close to saying that.

7 MR. DWYER: I think it has.

8 THE CHAIRMAN: John, comment.

9 MR. BUSH: I think the confusion here is
10 that when you -- the confusion is you do not say
11 anything outside of the committee. You can, in
12 discussion in the committee you can discuss
13 anything you want to, you can advocate anything you
14 want to basically to us. However, unless it's
15 voted on by the committee you do not have the
16 authority, you will be in violation to go outside
17 of the committee and discuss it with anyone else.

18 MR. PARLIN: That was for the addition,
19 but it -- this says during conduct of business.

20 MR. DWYER: Right here.

21 MR. BUSH: I think that should be

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 eliminated.

2 MR. JONES: Right.

3 THE CHAIRMAN: Steve.

4 MR. KLING: Yeah, this, I -- we are here
5 because we have expertise, we are not -- we're in
6 the business and we're, that's why we're here. We
7 don't want a bunch of people that don't know boats,
8 don't know the water, don't have experience. If
9 you have experience on a body of water that's
10 important.

11 Consider a situation, let's just say you
12 sold boats that were noisy, you sold loud boats and
13 we were looking at a regulation to reduce the noise
14 limit of boats. You should not participate or vote
15 in that decision because that's your business
16 interest. You're not bringing your expertise as a
17 boater to the table, you're bringing your personal
18 pecuniary interest. That's what this talks about.
19 I think it's appropriate and I think we've kind of
20 always been there. This doesn't say because you
21 happen to be a member of the Miles River Yacht Club

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 and we're talking about the waters off the Miles
2 River Yacht Club you shouldn't speak, it doesn't
3 say that at all.

4 MR. DWYER: I think it does.

5 MR. KLING: It doesn't. I mean ask the
6 lawyer.

7 MR. NICKEL: You're saying in that
8 situation the people that have personal interest
9 should abstain in that or in open forum --

10 MR. KLING: Where they have a personal
11 business interest they should not participate in
12 the process.

13 MR. LEVITAN: We should be here for the
14 good of the boating public, not as individuals.

15 MR. NICKEL: You are going to get issues
16 that arise, obviously this last issue that's why I
17 abstained, it's going to happen.

18 MS. TROVATO: I have thought that's why
19 we have these different interests, to put present
20 them, not to refrain.

21 MR. NICKEL: In open forum and then when

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 it comes to the final vote, you step back --

2 MR. DWYER: Personal and business --

3 THE CHAIRMAN: Hold on, we have so many
4 fires --

5 MR. KLING: You're right, except there's
6 some times when you gotta be quiet, that's all I
7 mean it's a direct business interest and it's your
8 personal business interest rather than your larger
9 expertise, that's an issue.

10 MS. TROVATO: Let's go back to your
11 noise issue and let's say we have a person who was
12 selling noisy boats on the committee, wouldn't we
13 want to hear their perspective on the noisy boats
14 as we're deliberating about what recommendations we
15 want to make?

16 MR. KLING: Maybe. We might want to ask
17 them about their factual knowledge about noisy
18 boats, but if their personal livelihood, if --
19 that's redundant. If their livelihood is tied up
20 in the regulations, then their personal interest --
21 we have expertise, but we're not here representing

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 ourselves, we're here representing the public based
2 on our expertise, and when the personal monetary
3 interest trumps the broader knowledge then you
4 should step back, and I think we talked about Jet
5 Skis and Bob McLean has been really, really careful
6 to step back -- you know, maybe you can comment on
7 that, Bob, because I know you've been quiet and I
8 think you've drawn that distinction in your mind --

9 THE CHAIRMAN: Chris and then you.

10 MR. PARLIN: I may have an easy solution
11 to this, look at the very last line of that
12 paragraph. I think we struck everything before
13 that and that adds all the confusion as to what to
14 do and what, go to that very last line, keep that
15 last line that says members of the Boat Act
16 Advisory Committee should refrain from using their
17 position as a member of the committee for personal
18 and business benefit or gain, leave it at that, and
19 I think that goes to the point that if, you know,
20 it's going to affect his business or his business
21 or, you know, his business, then that's when they

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 should abstain, but otherwise I think they should
2 be able to at least speak on behalf of the
3 industry, industry as a whole.

4 MR. SHELLER: I would agree with that,
5 the last sentence is all I agree with.

6 THE CHAIRMAN: Just a minute. Bob.

7 MR. MCLEAN: Before we adopt this thing,
8 anybody want to buy a boat or Jet Ski?

9 (Discussion held off the record.)

10 MR. MCLEAN: You do have to be a little
11 careful, just like Steve says, and I've tried to be
12 careful in this committee and we have two issues
13 which I am tangentially involved in to vote on this
14 afternoon on the South River and I have a business
15 and I'm there seven days a week on the South River
16 and I have some comments that I would make and
17 people can vote accordingly. I think a lot of it
18 has to do -- as a government we can put words in
19 there to try to get every single little I dotted
20 and T crossed but a lot has to do with the
21 individual ethics.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 THE CHAIRMAN: Okay. Who's next?

2 MS. CRAIG: Is it too much to ask
3 specifically if we put in there financial gain?

4 MR. DWYER: Personal is --

5 MR. NICKEL: Personal is better, it
6 could be shore erosion, something comes up in front
7 of your house --

8 MS. ALLISON: I was thinking about an
9 incident many years ago in the early '90s when I
10 was on this committee originally --

11 (Discussion held off the record.)

12 MS. ALLISON: I was just having a walk
13 down memory lane when Danny Jarzynski was on the
14 committee and we were trying to regulate sound and
15 speed and he was the president of the Chesapeake
16 Bay Power Boat Association at the time, but his
17 information was invaluable about what you could do
18 to quiet them down, what mufflers were available.
19 I mean he ran a loud boat, but it was still within
20 the legal limits. So part of what we're doing here
21 is bringing that expertise even if occasionally it

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 is a conflict and then we do refrain from the vote,
2 but I think our information is important.

3 THE CHAIRMAN: Russ.

4 MR. DWYER: I don't need a mic --

5 MR. GRANT: Yes, yes.

6 MR. DWYER: I totally agree and I was
7 involved back then too with the waterski business
8 and I supplied the boats at Horn Point for noise
9 and all of that, and this to me told me to stay out
10 of this, sit back here in the corner, when you
11 could give expertise. It is scary to me, this
12 whole thing, the second paragraph, especially about
13 the personal. If you want to do the business
14 effect or monetary effect I can see that, but not
15 personal.

16 THE CHAIRMAN: Anybody else with
17 comments that you want to give? No more comments?
18 Marianne, you'd like for us to -- would you want to
19 run that draft as some things been added?

20 MR. PARLIN: I think we need to come to
21 an agreement with what we're adding on.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 THE CHAIRMAN: Everybody is in
2 agreement.

3 MR. PARLIN: What we're adding and what
4 we're taking away.

5 MS. TROVATO: I want to make a motion.

6 MR. GRANT: How do you want to proceed?

7 MS. TROVATO: I'd like to make a motion.
8 I'd like to make a motion that we add Steve Kling's
9 language to this. I make a motion that we take out
10 paragraph two, not number 2, but the second
11 paragraph on the page, the entire first sentence
12 and leave only the last sentence. We let
13 everything stand otherwise and that's what we adopt
14 as the policy of the Boat Act Advisory Committee.

15 MR. GRANT: What do you want to remove
16 now?

17 MS. TROVATO: I want to remove the
18 sentence that goes as follows: It is the policy of
19 the Boat Act Advisory Committee that committee
20 members should refrain during the conduct of
21 committee business from advocating on behalf of or

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 advancing the position of the member's individual
2 business interests or an organization that does not
3 represent the interest of the general public to
4 which the member may belong in his or her
5 individual capacity. I would like to delete that,
6 keep the next sentence, add Steve Kling's paragraph
7 or couple of sentences, keep the rest, what's on
8 the page and call that our policy.

9 MR. GRANT: Okay. So you're adding no
10 member of the Boat Act shall represent any position
11 on any issue as the position of boating unless that
12 position has affirmatively been adopted by Boat
13 Act. Any member of the Boat Act who communicates
14 in any forum where his or her Boat Act membership
15 is apparent shall make clear that the opinions
16 expressed are those of the individual and not the
17 views of Boat Act.

18 MS. TROVATO: Yes.

19 MR. GRANT: That's what you want in?

20 MR. PARLIN: I second it.

21 MR. DWYER. Perfect.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 THE CHAIRMAN: Now, we've had some
2 discussion, any more discussion before we take a
3 vote?

4 MR. DWYER: The personal thing still
5 bothers me in the second, the --

6 MR. SHELLER: The bottom sentence.

7 MR. GRANT: Members of the Boat Act
8 should refrain from using their position as a
9 member of the committee for personal or business
10 benefit or gain. You want to eliminate that, you'd
11 like to eliminate personal?

12 MR. DWYER: I think the personal part,
13 yep, that's it. Maybe I'm reading it wrong or
14 understanding it wrong, to --

15 MS. TROVATO: What are you thinking?

16 MR. DWYER: I'm a commercial crabber and
17 I'm out there crabbing, any of these rulings are
18 going to affect me personally.

19 MR. SHELLER: That's your business.

20 MR. DWYER: What if I'm fishing?

21 MS. CRAIG: I want to ski on the South

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 River, only the ski boats that are the color of
2 mine and everything, does that mean -- what if I
3 advocate for that or something that would eliminate
4 a whole lot of other people, only ski boats can be
5 out on the water from 5 a.m. until 11:30 p.m.?

6 MS. TROVATO: That's a great river.

7 MS. CRAIG: And I convince all of you
8 people to go along, that's personal gain.

9 MR. KLING: That would be fine, because
10 that's representing the interest of the waterski
11 community. You're not making -- it's not going to
12 put money in your pocket by selling because you're
13 the only one that's got big boats.

14 MS. CRAIG: It's financial --

15 MR. KLING: No, it's not. That's
16 personal financial, not business financial.

17 MS. CRAIG: It's a personal gain then.

18 MR. KLING: Then put in personal
19 financial gain. I -- ask our lawyer, but I would
20 not define that as personal gain. Feeling better
21 about yourself is not quantifying personal gain.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MS. ALLISON: You got all those boats
2 off the water.

3 MS. DISE: Personal financial works.

4 MR. KLING: Personal financial.

5 MR. GRANT: Russ, personal financial
6 work?

7 MR. DWYER: Yeah, that would to me.

8 MR. GRANT: If we insert financial
9 you're all right with that?

10 MR. DWYER: Let me give another
11 explanation, you just had the yacht club, I was
12 opposed to them having the speed limit there, so
13 that would have taken me out of the picture. I
14 couldn't have explained to you all what I thought
15 was really going on there, two or three people that
16 wanted a speed limit and 700 did not want it, you
17 know --

18 THE CHAIRMAN: John. You have a
19 question, John?

20 MR. BUSH: I concur with the fact that
21 you have only financial personal gain, if those two

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 are run together then you abstain from being
2 involved, but only in a case like that.

3 MR. NICKEL: I have to agree.

4 THE CHAIRMAN: Do we have a motion and a
5 second?

6 MS. TROVATO: Personal or financial?

7 MR. GRANT: Just to clarify, the last,
8 the last sentence in, under that -- the last
9 sentence under number one now states, members of
10 the Boat Act should refrain from using their
11 position as a member of the committee for personal
12 financial, is that personal comma financial or
13 personal financial?

14 MR. PARLIN: Personal financial.

15 MR. GRANT: Or business benefit or gain.

16 MS. TROVATO: Yes.

17 MR. DWYER: I'm okay with that.

18 THE CHAIRMAN: You want to amend that?

19 MR. KLING: We accepted that amendment.

20 MS. TROVATO: I amend that motion.

21 THE CHAIRMAN: Everybody happy with

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 that, no more discussion?

2 MR. KLOOSTRA: I want to vote.

3 THE CHAIRMAN: Go ahead, we're happy.

4 Go ahead, all in favor of that as we have amended

5 it.

6 (Unanimous aye votes.)

7 THE CHAIRMAN: Opposed.

8 MR. BUSH: One abstention.

9 MR. SHELLER: No.

10 THE CHAIRMAN: All in favor.

11 MR. BUSH: All in favor.

12 THE CHAIRMAN: No opposed?

13 MR. GRANT: Okay. We'll get this out to
14 you so you can make sure it's right.

15 THE CHAIRMAN: Good.

16 MS. TROVATO: Thank you. Marianne,
17 thank you.

18 THE CHAIRMAN: Thank you for your time
19 and effort. We hope to see you again, not just
20 because you came for the policy piece, but visit us
21 often. Okay, we're going to go for lunch.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. GRANT: Unless you want to jump into
2 new business or you want to wait until afterwards?

3 MR. NICKEL: I wanted to do new
4 business, candidly.

5 THE CHAIRMAN: Okay.

6 MR. NICKEL: The issue that arose on the
7 no wakes --

8 MR. BUSH: Say that again.

9 MR. GRANT: I'll give you the
10 microphone.

11 MR. NICKEL: I wanted to bring up the --
12 back in, I'll start from the beginning, my very
13 first meeting here, which was in April of 2011,
14 there was a presentation about the wave effect from
15 wake surfing, et cetera, that was out there and we
16 had a discussion on the distance that would be
17 appropriate to adopt. That's the last I heard, at
18 least within this committee on that, there was no
19 discussion, nothing was presented at least from the
20 public sector on that and my question is this,
21 there was a public session, when was that?

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. GRANT: August 20 --

2 MR. NICKEL: And I guess it was
3 something that the state was presenting or trying
4 to get adopted?

5 MR. GRANT: It was a public hearing.

6 MR. NICKEL: I want some clarification
7 on is is that something that should have been
8 presented in front of the Boat Act Advisory
9 Committee and you got --

10 MR. GRANT: It was.

11 MR. NICKEL: That was the date, it was
12 that date?

13 MR. GRANT: Uh-huh.

14 MS. DISE: Mike, you're talking about
15 the public hearing.

16 MR. GRANT: Public hearing -- before
17 that, it was presented to you all on April, the
18 April something meeting, 2011.

19 MR. NICKEL: Okay. I just, it did -- I
20 don't think we -- I don't remember taking a vote,
21 maybe I'm wrong on it, and got everybody's opinion

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 on this and --

2 MR. GRANT: I don't have the record in
3 front of me.

4 MR. NICKEL: The point being there might
5 have been some recommendations and obviously this
6 is not what we just discussed on personal financial
7 gain, but the concern is that it is out there and
8 probably going to get approved and obviously
9 representing my business or, and/or my belief in
10 the safety factor up on Deep Creek Lake I think
11 it's going to be extremely detrimental to the
12 safety of the lake. And with that being said I
13 want some clarification, is this something that we
14 can make a recommendation to the state or should I
15 speak on my own behalf on that?

16 MR. GRANT: Well, it's currently posted
17 in the Maryland Register, it goes into effect
18 Monday.

19 MR. NICKEL: Okay.

20 MS. MOANEY: Final.

21 MR. NICKEL: It is final. I guess my

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 question is this: How come we weren't at the
2 public hearing or is this I just don't know the
3 whole procedure still?

4 MR. GRANT: The public hearing is not a
5 Boat Act hearing, it's a state hearing that allows
6 the public to voice their opinion on the proposed
7 regulation.

8 MR. NICKEL: And then again, you're
9 stating back in April of 2011 this was brought in
10 front of this board.

11 MR. GRANT: The public meeting at the
12 Friends Meeting House in Annapolis represented by
13 Bob and --

14 MR. LUNSFORD. Clarify that.

15 MR. GRANT: Bob Gaudette.

16 MR. LUNSFORD. Thank you.

17 MR. GRANT: And it had been discussed.

18 MR. NICKEL: I don't know how you all
19 feel on this, whether your recollection may be --
20 it caught my by great surprise especially since I'm
21 on this board and boom, it hits and as the lake

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 manager I have the policy review board saying
2 what's the heck's going on here and lowly me, my
3 very first meeting, not really knowing what the
4 heck is going on and then it gets approved, and the
5 grave concern is it is the largest fresh water lake
6 in the state of Maryland and as you heard in here
7 prior, there is a lot of coves, little niches,
8 there's only one main channel of the lake that
9 there is and if you're going to drive all the wake
10 surfing out there we're creating an absolute
11 nightmare and safety hazard, which our role is to
12 create safe boating and make safe regulations on
13 it. Maybe I'm making a motion that we make a
14 statement to the Secretary that we amend it. If
15 it's going into effect on Monday, I don't think we
16 have a choice.

17 Mike, my concern is I know what it's
18 like up there and the lack of public knowledge, I
19 know it was posted on a website, but I saw nothing
20 in the papers up in the Deep Creek area that brings
21 our citizens to this.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MS. DISE: Well, if I might.

2 THE CHAIRMAN: Take a mic, please.

3 MR. DWYER: It's going to affect him
4 financially --

5 MR. NICKEL: I can't say that on that.
6 It's, it's still going to hurt, but my main concern
7 of it is the public safety. I rent a hundred boats
8 on any given weekend day, I know how those
9 individuals ride. I can preach, I can teach, I can
10 do whatever I want. You got an individual behind a
11 big wakeboard boat going 11 to 12 miles an hour, he
12 falls off and here comes four guys right behind him
13 gonna run him right over. That's my main concern,
14 is the safety of the boating particularly on Deep
15 Creek Lake. I know there's other areas that we
16 govern by the 200 is plenty good, but I'm concerned
17 with the body of water on Deep Creek Lake,
18 candidly.

19 THE CHAIRMAN: Marianne, do you have
20 something to comment on?

21 MS. DISE: Well, I just wanted to, just

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 to let, let the committee know that, let the
2 committee know that if you all discussed this back
3 in April of 2011, I wasn't here then, at least not
4 advising you. It took about a year for that
5 proposal to make its way into the Maryland
6 Register, which is the legal way that regulations
7 get enacted in the state of Maryland. Maryland
8 Register is a statewide document. The proposal was
9 posted on the boating website, on the DNR website,
10 it was then published in the Maryland Register as a
11 proposal, it has to go through the -- before it
12 even gets to the Register it has to go through a
13 committee of the General Assembly called the AELR
14 committee, Administrative Executive Legislative
15 Review. It's a bunch of senators and delegates who
16 look at every regulation proposed.

17 Once it makes it past them it goes to
18 the Maryland Register. This one went in the
19 Register on August 24. It notified the public what
20 the proposal was, the exact language, gave an
21 address for comments, the comment period was one

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 month up through September 24, 2012. There was a
2 public hearing scheduled, Mike and I were there and
3 not too many other people showed up.

4 MR. GRANT: Nobody.

5 MS. DISE: We did receive some written
6 comments. Now, whether everybody in the state knew
7 about it I can't say, it was publicized the way the
8 law requires it to be publicized and once the
9 public comment period ended it was sent in to the
10 Maryland Register for final publication when,
11 Jeannine, a week or two ago?

12 MR. GRANT: 19th.

13 MS. DISE: Right, the 19th and it
14 becomes effective ten days after that final
15 publication, which is Monday, so that's the legal
16 process, that's basically all I can tell you.

17 THE CHAIRMAN: Steve, your comment.

18 MR. KLING: Just a little bit of
19 background and, Bob, I think some of this was
20 before you got here.

21 MR. NICKEL: Probably.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. KLING: We had a bunch of requests
2 for speed limits on narrow bodies of water
3 generated largely by wakeboarding and repetitive
4 wakeboarding. So we said let's try to be
5 proactive, instead of looking at these things on a
6 case-by-case basis, which were only generated
7 largely because of this one activity, let's see if
8 we can for a change look at a more global solution
9 and Bob and I spent a day with a laser range finder
10 out looking at what we said maybe we can regulate
11 it by the width of a body of water that you can't
12 be doing this activity. And there was a trial
13 balloon on that.

14 We then got a lot more data on wave
15 dissipation and came to the conclusion that it
16 really, it wasn't a problem with wakeboarding but
17 that where there was a problem was wake surfing,
18 which is a very much more limited activity and the
19 regulation addresses only wake surfing because it's
20 slower with bigger waves, and we got all the data
21 on dissipation. So that was the position we took

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 and we wrestled with it for at least a year,
2 probably more, and had a lot of good scientific
3 data. So that's how we got -- so it's not
4 wakeboarding that's being chased, it's wake
5 surfing, and my comment will be if that's
6 inappropriate for Deep Creek Lake, maybe it is,
7 because we didn't go out there and look at that.
8 Besides, in the fall there's time for the Deep
9 Creek Lake Policy Review Board to come back and say
10 time out, that regulation doesn't work for us,
11 let's look at that and tweak it for Deep Creek
12 Lake.

13 MR. GRANT: And just so you know, the
14 lake manager did contact the policy review board
15 and ask for comment and received no comment.

16 MR. NICKEL: When was that, though?

17 MR. GRANT: Just before it went to --
18 that was within the comment period, within that
19 month period.

20 THE CHAIRMAN: We have another question
21 from Thorny.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. JONES: You know, I didn't know that
2 much about wakeboarding, I don't think that we have
3 anybody here --

4 MR. GRANT: Microphone, please.

5 MR. JONES: I didn't know that much
6 about wakeboarding. I want to talk about wake-
7 boarding.

8 MR. GRANT: That's not what we're
9 talking about.

10 MS. CRAIG: Finish your thought.

11 MR. JONES: Can I talk about it?

12 MR. KLOOSTRA: You can talk about
13 anything you want.

14 MR. JONES: I was talking to a neighbor
15 recently and he said oh, man, wakeboarding is
16 great, let me tell you, I get my boat up like that
17 and I can get a good four-foot wave going and then,
18 you know, he was doing it in a place we talked
19 about recently, which is the Little Magothy. Can
20 you imagine a four-foot wave in the Little Magothy?

21 MR. GRANT: Why are you looking at me?

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. JONES: Anybody, I mean anybody, you
2 know --

3 MR. BUSH: What's the question?

4 MR. JONES: Pardon me?

5 THE CHAIRMAN: What's the point?

6 MR. PARLIN: It has nothing to do with
7 this.

8 MR. JONES: It doesn't, you don't think
9 so, I'll drop it.

10 MR. GRANT: It doesn't address
11 wakeboarding.

12 MR. JONES: How do you do wake surfing?

13 MR. PARLIN: Surfboard.

14 MR. JONES: Behind it?

15 MR. KLING: No rope.

16 MR. PARLIN: It's wake surfing, like the
17 difference between waterskiing and wakeboarding.

18 MS. TROVATO: I think Thorny is saying
19 we should consider wakeboarding recommendations to
20 the Secretary for controls as well. At the time
21 that me and Amy were looking into many of the

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 details related to wakeboarding and surfing they
2 looked into all the stuff about wakeboarding as
3 well, and they also looked at the rate of
4 dissipation of the waves based upon the height of
5 the wave and it was something like one foot for
6 every hundred feet of dissipation, and it turned
7 out was unless you have some enormous wave by the
8 time it hits the shore it's mostly gone, and that's
9 why it got limited to wake surfing and not
10 wakeboarding. Even a four-foot wake at 400 feet
11 will be gone, at 200 feet it's going to be a small
12 wave.

13 MR. JONES: True.

14 THE CHAIRMAN: Any other questions? You
15 brought this up and thank you for that.

16 MR. NICKEL: I guess the main reason I
17 brought it up -- maybe I'm not understanding the
18 process and how this is presented to us whether, A,
19 it's Joe Bag of Donuts coming in here with this
20 recommendation I want to move a buoy out ten feet
21 versus the state and it's the same communication

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 process being used for the state as it is every
2 average Joe citizen, and forgive me for not looking
3 back on the minutes, maybe that was approached on
4 that, and silly me, I know how it all works,
5 everybody's -- it's posted out there. I know you
6 can't communicate to everybody, I guess it was
7 frustrating especially when I got scolded up on the
8 lake for not giving privy to, that's my fault,
9 that's all. I'm just more concerned with the
10 communication process of this board itself. Maybe
11 it was voted on, maybe we gave a recommendation on
12 it, I remember voicing my concern in that very
13 first meeting that it's going to cause some type of
14 a safety issue within the lake and that's all I
15 remember hearing, and maybe that's all I wanted to
16 hear, so I just wanted to make some comment on it
17 that how does the state -- when it's a state issue
18 that's being brought to our attention versus the
19 average Joe citizen, is it treated the same?

20 MR. GRANT: Yes.

21 MR. KLOOSTRA: Do I understand that that

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 regulation happened and it's passed and it's to
2 your chagrin that you didn't have input into it and
3 today you're saying that which happened is now
4 causing a lot of safety problems?

5 MR. NICKEL: It has potential to, yes,
6 and silly me for not knowing and silly every
7 citizen on Deep Creek --

8 MR. KLOOSTRA: I would suggest that you
9 get together with Bob and restart it over.

10 MR. NICKEL: That's what we're going to
11 have to do, yes.

12 MR. KLING: I would just offer some
13 comment on this, all the things work the same way.
14 Almost all the things that we do and receive come
15 from the public, and occasionally an issue comes
16 from the committee. This was one of those, not
17 from the state, but from the committee, and
18 occasionally an initiative comes from the state and
19 we deal with them all the same way.

20 MR. NICKEL: Okay.

21 MS. CRAIG: We didn't really think

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 intently about Deep Creek when doing this, so maybe
2 they do need a separate regulation.

3 MR. NICKEL: I guess maybe I'd come to
4 you and present that on this is where I step
5 outside this realm of this committee and come with
6 policy review board to present that.

7 MR. GRANT: And I'm still not a hundred
8 percent on the Deep Creek slash Boat Act, policy
9 review board slash Boat Act. I know we both
10 intertwine, perhaps the policy review board can
11 suggest their own change to the regulation to
12 affect Deep Creek only and the same process that a
13 citizen could use, the policy review board could
14 possibly petition Boat Act to look into this to
15 exempt them or ---

16 MS. DISE: No, no, no.

17 MR. GRANT: I stand corrected.

18 MS. DISE: The policy review board would
19 recommend to the Secretary a change, a new
20 regulation, a change in the regulation, whatever
21 they want to do as far as it relates to Deep Creek

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 Lake. The PRB has the statutory responsibility to
2 recommend to the Secretary, just like they did with
3 the length of the boats, that you just looked at,
4 and then the Secretary would say thumbs up or
5 thumbs down. Yes, I agree; no, I don't agree, and
6 then if it related to boating it would come to you.

7 THE CHAIRMAN: Okay. That's it.

8 MR. NICKEL: So you're pretty much
9 you're telling me --

10 MR. GRANT: I'm sorry?

11 MR. NICKEL: This is stepping outside of
12 the committee for personal financial gain,
13 whatever, that I should address this policy review
14 board if there is some issues that they have to
15 present something to the Secretary --

16 MR. BUSH: Use the mic so we can all
17 hear you.

18 MR. NICKEL: I just want to clarify
19 this, my position on this has nothing do with the
20 Boat Act Advisory Committee, you're recommending
21 that the policy review board draft something to

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 Secretary Griffin recommending -- not you, you're
2 just saying that's the way to do it, I understand.

3 MR. GRANT: Exactly.

4 MR. NICKEL: I'm just trying to
5 understand the process because I'm supposed to
6 address a few people when I come back, so -- okay.

7 MS. TROVATO: Could I ask question?

8 MR. GRANT: Question.

9 MS. TROVATO: The public notice for wake
10 surfing and ballast, when you all sent that out,
11 did you send it to all of us?

12 MR. GRANT: No.

13 MS. CRAIG: Could you?

14 MS. TROVATO: I'm just wondering if it
15 has something to do with the things we're working
16 on.

17 MR. GRANT: It was my understanding from
18 the, from my review of the August -- April meeting
19 when Bob presented this to you, this is 2011, you
20 all agreed with it and proceeded forward and Bob
21 wanted it implemented by a certain date and that's

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 why we pushed it through.

2 MS. TROVATO: I'm cool with that and I
3 agree with that. What I'm asking is that in order
4 that nobody kind of gets blindsided, is there -- I
5 don't know what the workload would be on you.

6 MR. GRANT: It's not a workload, it's
7 fine.

8 MS. TROVATO: When something comes up
9 for public comment that you can just send out a
10 notice to the whole -- that we've been working on,
11 send out notice to the board to just let them know
12 it's out there for public comment.

13 MR. GRANT: I'm --

14 MS. TROVATO: Or do you all do that?

15 MR. GRANT: Yes, what --

16 MR. GUTIERREZ: You know what, actually
17 there is a policy at DNR that now any kind of
18 public meeting and regulations, action, must be
19 posted to the web within three days, whatever
20 action that you have.

21 MS. TROVATO: I'm cool with that. I'm

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 just asking could you do one other thing and just
2 send an e-mail saying it's on the web and go find
3 it, or actually send it to us to remind us.

4 MR. GRANT: Check the web, this is up.

5 THE CHAIRMAN: That's a good policy,
6 that way you can --

7 MR. NICKEL: If I wasn't on this board,
8 I wouldn't have gotten an e-mail anyway, it's
9 public knowledge and people need to be aggressive.

10 MR. LEVITAN: Like the dinosaurs that
11 don't have computers.

12 MS. TROVATO: Go to the library.

13 THE CHAIRMAN: We're going to take a
14 break for lunch and come back after we break for
15 lunch and we'll go into executive session and
16 discuss the presentations that we had today. And
17 what time is it?

18 MR. GRANT: I have just about 12.

19 THE CHAIRMAN: Back about 12:30.

20 (Luncheon break.)

21 THE CHAIRMAN: Okay, let's get back to

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 work. We need to -- we can bring that up. Okay,
2 we're going to, first of all we're going to talk
3 about -- thank you for coming with us and joining
4 us for lunch, glad you're with us this afternoon.

5 We're going to move along to number 17
6 first. So do you want to state what it is that we
7 have there to deal with on that number 17? They
8 want a speed limit. Mike, do you want to give us a
9 little rundown on that again?

10 MR. GRANT: I'm working on it.

11 THE CHAIRMAN: Pull it back up and make
12 sure that everybody is on the same page.

13 MR. GRANT: Hold on. All right. Once
14 again, well, it's kind of self-explanatory, the
15 petitioner is requesting a blue area establishing a
16 six knot zone at all times. As he has it described
17 he would like to go out into the channel some to
18 establish this zone and farther around the point
19 all the way down to the current six knot zone on
20 the right at the South River bridge. This here, he
21 would like to join up right here.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 He originally wanted a no wake zone, I
2 said that won't work, but you can ask for the six
3 and that's, that's what he's asking for. I don't
4 know if Lewis, do you have any comments on marking
5 this that you would like to share with anybody?

6 MR. WRIGHT: Biggest problem is how --
7 anything out there is in the middle of the channel
8 and that's going to be a real problem with the
9 Coast Guard. I mean the ideal thing would be in
10 some ways have the channel marker over there and
11 pull all those boats off of that point somewhere,
12 but that's a 58 marker, you're not going to move
13 it.

14 MR. GRANT: Did everybody get that?

15 MS. TROVATO: Yeah.

16 THE CHAIRMAN: I thought maybe we'd do a
17 motion.

18 MR. KLING: Yeah, that's why my hand is
19 up.

20 THE CHAIRMAN: Okay, Steve. Go ahead.

21 MR. KLING: I offer the motion to

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 recommend no action.

2 MR. DWYER: Second.

3 THE CHAIRMAN: Motion and a second. Now
4 we have some discussion. Bob.

5 MR. MCLEAN: Okay. I declare my
6 interest. I have a business right down there at
7 the South River bridge, right behind Yellow Fin,
8 you want to point -- I don't know if I need this,
9 give me -- I don't care about that, that's where my
10 business -- I'll talk loud. Where the green dot is
11 where my business is, yeah, right there.

12 Neither one of these applications,
13 either Bob Lunsford's application down by the
14 bridge or this application will affect me. What I
15 can say is I'm there seven days a week, literally
16 10 to 12 hours a day seven days a week, and I see
17 the boat traffic, I see what's going on out there.
18 I've been there for 20 years. In my opinion and
19 this action in particular there has been some
20 recent changes, not much has changed, general
21 traffic is still smaller boats going in and out of

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 there, some of them fast, some of them a little too
2 close, not many of them. There are some bigger
3 yachts that are now moored on Beards Creek and come
4 out of Beards Creek and pass that underneath the
5 South River bridge and go out. There's some 45-
6 and 50-footers that come out there and they push a
7 lot of water even when they're going slow. If
8 they're up on speed, in the speed zone, the light
9 blue area of the speed zone between Mike's and the
10 requested area, they come out of there at speed and
11 then they slow down, they're pushing an enormous
12 amount of water, three or four or five of them, not
13 a lot.

14 Most of the other traffic -- the other
15 change has been the Jet Skis. They don't get a
16 wake, they're a navigational hazard, that's a
17 different issue. It's the half or dozen or so
18 boats that mainly operate on weekends, but also
19 some days during the week that are pushing a change
20 in the wakes, but that's it, nothing else has
21 changed, zero has changed and I've been there for

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 20 years.

2 THE CHAIRMAN: Steve.

3 MR. KLING: These guys were really
4 earnest and I appreciate their concern, but I, I
5 just --

6 THE CHAIRMAN: Use the mic.

7 MR. KLING: These guys were really
8 earnest and we had the naval architect, but it was
9 theoretical and I think, I mean I think this
10 erosion report we got is like the best one ever,
11 and I just don't think the science supports their
12 concern, and I mean we know from all the other
13 science we've gotten that the storm generated, you
14 know -- a few boat wakes, even if they're four or
15 five big boats, that's nothing compared to a 12-
16 hour storm, I mean nothing, and I think the science
17 doesn't support what they're telling us very
18 clearly emotionally, and I didn't hear anything
19 from Mr. Barry that really sold me on the science,
20 and you look at the chart and, you know, there's
21 not a lot of erosion going on.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 requesting a reduced speed time from at all times
2 during the boating season to just Saturday, Sunday
3 and holidays.

4 THE CHAIRMAN: Okay.

5 MR. DWYER: I make a motion that we go
6 with the change.

7 THE CHAIRMAN: Go with the change.

8 MR. SIMON: I didn't hear it.

9 THE CHAIRMAN: Keep that mic coming down
10 so we can make sure that everybody hears.

11 MR. DWYER: I make the motion that we go
12 with the petitioner's change.

13 MS. TROVATO: Second.

14 MR. BUSH: I concur.

15 THE CHAIRMAN: Discussion.

16 MR. MCLEAN: Again, I'm down there all
17 the time, that speed limit was put in when Mike's
18 was building his piers --

19 THE CHAIRMAN: Mic down there.

20 MR. MCLEAN. There has been a lot of
21 changes -- there has been a lot of changes since

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 then. Mike built the piers and the marina was full
2 and now he threw the boats out of the marina on
3 purpose, the reason is because there is no parking
4 and the boaters come down and take up his parking
5 and he can't sell beer or crabs. He threw the
6 marina people out. There's like four, five or six
7 that stay in there that are his personal buddies
8 and he lets them keep the boats there.

9 The other thing is that Mike's has
10 gotten ten times busier. He bought Paul's
11 restaurant next door and he's doing extra parking.
12 There's a lot of boaters and Jet Skiers that go in
13 there and park there and ingress and egress from
14 the main channel into there. Second huge change is
15 the Jet Skis have proliferated the area. Mine are
16 directed -- by the way, mine are directed to go out
17 of the river, the boats are directed to go out of
18 the river, they're not supposed to transverse this
19 area in here, they do sometimes, but by and large
20 they go out. They're directed to go out. The ones
21 that I allow with permission to stay is if they're

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 local. If Amy came done and rented a boat and
2 she's local, she can stay in that area. Jet Skis
3 have a very high closing rate, they love to go
4 through there, they love to go through the bridge.
5 If this application request by Bobs Lunsford, hi,
6 Bob, goes through I think there is -- I understand
7 you're saying weekdays, I think there is a good
8 probability for accidents, particularly with the
9 Jet Skis that come through very fast and they're
10 operated by young people who have no -- is this
11 allowed on the record -- no freaking clue about the
12 hazards they're causing or about to cause.

13 MR. KLING: I just have a question,
14 would the Jet Skis not be restrained to six knots
15 by virtue of a hundred-foot rule when they get to
16 the bridge?

17 MR. MCLEAN: They don't, they don't, ask
18 the officers, ask these guys, they don't.

19 MR. KLING: It's job security for the
20 officers.

21 MR. MCLEAN: Until you get somebody

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 T-boned, I think it's very dangerous, I would not
2 make the change during the boating season.

3 MR. KLING: If the change is made for
4 Jet Skis the speed limit would not change.

5 MR. MCLEAN: In theory, correct. But if
6 they see other people going through there at 35
7 they're going to go, they don't care, they will go
8 within 20 feet of each other. Ask him, he knows.

9 THE CHAIRMAN: Okay. More discussion?
10 No more discussion. There is a motion.

11 MR. DWYER: Mine was to leave it.

12 THE CHAIRMAN: As is.

13 MR. DWYER: No, to change it.

14 THE CHAIRMAN: As per the request of
15 Mr. Lunsford, the petitioner.

16 MR. MCLEAN. Of the past leader.

17 THE CHAIRMAN: No more discussion.

18 MS. CRAIG: So it was brought up that
19 Mike's originally had this as a marina but now only
20 six or so slips are continuously occupied?

21 MR. MCLEAN: That's correct.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MS. CRAIG: When we were talking about
2 the area in front of Cantler's we did not consider
3 their ingress/egress there as being permitted, we
4 did not take that as a special circumstances, we
5 said it is what it is and we didn't enact a speed
6 limit then.

7 MR. BUSH: There's no bridge there.

8 MS. CRAIG: I agree with the bridge, I'm
9 just saying I don't think we should make any
10 decision based on what's going on at Mike's
11 restaurant.

12 MR. BUSH: Okay.

13 THE CHAIRMAN: Chris.

14 MR. PARLIN: I'll make one more comment
15 and I yield to the older members of the committee,
16 I mean being around longer, yeah, and actually
17 Mr. Lunsford alluded to it earlier, wasn't this
18 zone put in under duress? I don't believe that the
19 committee originally wanted to put this zone in,
20 but due to the current leadership back then this
21 was, this was put in? Anybody comment on that, do

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 you remember?

2 MR. DWYER: My girlfriend did.

3 Ms. Grander -- I didn't say that.

4 MS. TROVATO: I'm not saying anything.

5 THE CHAIRMAN: Not saying anything.

6 Amy?

7 MS. CRAIG: What were the reasons for
8 the size or shape of it, was it because of
9 Mike's --

10 MR. DWYER: Mike's.

11 MS. CRAIG: -- proposed marina?

12 MR. DWYER: Yeah.

13 MS. ALLISON: I go over that bridge at
14 least six times a week if not more, and during the
15 week there is just, if there's one or two boats out
16 on the river up there it's a lot, and basically the
17 marina is, if there's four boats in it it's a lot
18 so I can't see a real reason to have that speed
19 zone there.

20 THE CHAIRMAN: Any other comments?

21 MR. DWYER: I'll just say one more thing

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 that concerns the people of the boats hitting the
2 pilings. We're not saying that boats can -- most
3 of them aren't going to do 60 miles an hour, they
4 might be doing 15 or 20 going through there too.

5 THE CHAIRMAN: Amy.

6 MS. CRAIG: Can we gauge the committee
7 on what the major concerns are about getting rid of
8 these speed zones at this point, is it primarily
9 the safety of going under the bridge?

10 THE CHAIRMAN: State that again so
11 everybody can hear you. Let me give you a mic
12 there. I want to make sure that everybody hears
13 it.

14 MS. CRAIG: If you are not in favor of
15 the proposed motion of getting rid of this six knot
16 speed limit during the boating season at the Riva
17 bridge, is the primary reason the danger involved
18 with going under the bridge at a high rate of
19 speed?

20 MR. MCLEAN: That's my reason, I, the
21 close -- let me -- before I answer your question

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 directly, the officer can speak to this too. The
2 Jet Skis in this area and throughout the past area,
3 back down towards the ski course or going out the
4 South River, yes, the speed limit is 35, Steve,
5 they don't do 35, they do 45, 55, 65, and what --
6 the officers have a hard job, I understand that.
7 They don't get pulled over for doing 45, they get
8 pulled over if they get too close to each other, to
9 a boat, a pier or whatever, and acting like idiots
10 out there. That's when he pulls them over,
11 properly so. Those Jet Ski will go through there
12 wide open 55 to 65 miles an hour, it's going to
13 happen.

14 MR. SIMON: They're doing it now?

15 MR. MCLEAN: Yeah, they are doing it
16 now, exactly. I think it's, to answer your
17 question directly, yes, I think it's a safety issue
18 concerning with the bridge and closing rates and
19 young people that are on there. I have several of
20 my employees that live on Beards Creek and Broad
21 Creek, they have small boats and their parents have

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 boats that they let them use, they don't go through
2 there at speed, 55, whatever.

3 MS. ALLISON: There out to be a law
4 against that.

5 MR. MCLEAN: That's why the speed limit
6 is there.

7 MS. ALLISON: I mean they're already
8 exceeding it though.

9 MR. MCLEAN: Yeah.

10 MR. LEVITAN: It's basically an
11 enforcement issue.

12 MS. ALLISON: Yeah.

13 MR. SIMON: You have to have officers
14 out almost 24 hours. They're close by, but they're
15 doing it all the time.

16 THE CHAIRMAN: The officers' reports
17 were that there should be a speed zone through
18 there because of, and we heard that, because of
19 safety issues going through there and it's very
20 narrow, I tried to have --

21 OFFICER GARVEY: I wish I had measured

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 the proximity of the pilings, but I had not. If
2 you're on a Jet Ski, you have big boats going
3 through there too, it was like one accident to
4 realize, oh, there should be a speed zone, that's
5 it.

6 THE CHAIRMAN: Very close on that bridge
7 are those pilings over there, if you're going
8 through there 20, 30 miles an hour and you hit
9 wakes from another boat that's coming, it's very
10 close. I went through there an awful lot, I lived
11 on the river and I know that area very well. My
12 fault, you put people going through there, even
13 though it's three boats in a week you're opening
14 yourself up for -- Amy, you go through there a lot.

15 MS. CRAIG: I do. My suggestion is we
16 shorten that speed zone because we're obviously
17 encompassing an area that we anticipated there
18 would be a problem. They have taken that away
19 since there's no longer a marina there, so if we
20 shorten the speed zone we would decrease that. The
21 amount of time from the bridge, from marina to

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 bridge, the speed zone toward Route 2 is
2 ridiculously long and not necessary obviously
3 because there's no boats in the marina. So if we
4 shortened it so it's even on each side that would
5 slow you down, get you back up, but it's excessive
6 on that side.

7 THE CHAIRMAN: Discussions, comment
8 about that?

9 MR. DWYER: I don't want to change my
10 motion.

11 THE CHAIRMAN: You don't want to change
12 it? Russ?

13 MR. DWYER: No, leave it as it is, and
14 prior, I don't remember when that was enacted, were
15 there any accidents prior when this got put in,
16 that was one of the big discussions, before it got
17 enacted?

18 MR. JONES: If this was enacted in 1980,
19 there were no PWCs. This is a different discussion
20 than they had then and 30 knots is going like 60
21 feet a second so, you know, in a few seconds they

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 would be out without recognizing somebody's coming
2 through the bridge could be a problem.

3 THE CHAIRMAN: Amy.

4 MS. CRAIG: A few seconds on one side is
5 okay, but not on the other.

6 MR. JONES: I'm sorry, I didn't address
7 your question about could we make it smaller, I
8 think it probably could be made smaller.

9 THE CHAIRMAN: Any more discussion?
10 Call for question. Everybody in favor of the
11 petitioner's request? You want to read that, Mike.

12 MR. GRANT: Change from six knots at all
13 times during the boating season to just Saturday,
14 Sunday and holidays during the boating season. All
15 in favor of the petitioner's request raise your
16 hand.

17 (Show of hands.)

18 THE CHAIRMAN: All opposed to the
19 petitioner's request raise your hand.

20 (Show of hands.).

21 MR. GRANT: Seven to five is what I

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 counted.

2 THE CHAIRMAN: Seven for.

3 MR. GRANT: Five against.

4 THE CHAIRMAN: Motion carried.

5 MS. DISE: The rest of them abstaining?

6 MR. GRANT: The rest abstain.

7 THE CHAIRMAN: Yeah, the change as

8 approved.

9 MR. GRANT: You want to do that again?

10 MS. TROVATO: Who abstained?

11 MR. GRANT: I didn't --

12 MR. NICKEL: No, I was --

13 MS. TROVATO: Would you like to count

14 again?

15 MR. GRANT: Yes.

16 THE CHAIRMAN: All in favor, in favor

17 raise your hand.

18 (Show of hands.)

19 MR. GRANT: 1, 2, 3, 4, 5, 6, 7, 8, 9.

20 THE CHAIRMAN: All opposed raise your

21 hand.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 (Show of hands.)

2 MR. GRANT: 1, 2, 3, 4, 5, 6.

3 THE CHAIRMAN: Any abstentions? No.

4 Motion carried. To make the change as per the
5 petitioner's request, Mr. Lunsford. Okay, Steve.

6 MR. KLING: I have a request of
7 Mr. Grant.

8 MR. GRANT: Yes.

9 MR. KLING: Are you going to make a
10 recommendation contrary to ours on the first
11 matter?

12 MR. GRANT: On Edgewater Beach? Not
13 yet, no.

14 THE CHAIRMAN: Good answer.

15 MR. GRANT: I had no plans to --

16 MR. KLING: The reason, you presented
17 that saying these are their problems, the wake is
18 eroding their beach and hurting their boats, I
19 mean.

20 MR. GRANT: Presenting the facts,
21 waves --

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. KLING: That's why I asked that,
2 because I, my characterization would be you're
3 presenting their view of the facts. You, it
4 sounded like an advocate.

5 MR. GRANT: I was paraphrasing their
6 letter, I was not speaking on their behalf.

7 MR. KLING: That's what prompted me.

8 MR. GRANT: I apologize if I gave you
9 that misunderstanding.

10 MR. KLING: I'd just maybe request that
11 you say their view is -- I don't think it matters a
12 big deal, that's what prompted that question,
13 because it sounded like you were --

14 MR. GRANT: Uh-huh.

15 MR. KLING: -- agreeing with them.

16 MR. GRANT: Nope.

17 THE CHAIRMAN: Anything else, anything
18 else being brought before the committee before we
19 adjourn? Old business, any new business, we've
20 tackled that.

21 MS. ALLISON: I'm just curious, we have

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 two board members that apparently are missing that
2 you and I chatted about at lunch, which is Mick
3 Blackistone and Bob Slaff, and I was just curious
4 if was there any update or reports on them?

5 MR. GRANT: Mick has resigned, I think
6 you all knew that.

7 THE CHAIRMAN: Yes.

8 MR. GRANT: He was moving to Florida.

9 THE CHAIRMAN: Okay.

10 MS. ALLISON: Okay.

11 MR. GRANT: And I have not heard a thing
12 about Mr. Slaff.

13 MR. SIMON: I wanted to hear about Bob.

14 MR. KLING: I believe his health does
15 not allow him to attend.

16 THE CHAIRMAN: So we're kind of looking
17 for replacement. The doc is gone for sure, Bob
18 Slaff possibly gone for sure. Any other comments?
19 Mark, we ask you to make a few comments to us if
20 you would please, before we adjourn, if you would
21 like to. If you wouldn't, that's fine.

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 MR. O'MALLEY: This is very short, since
2 this is a time of adjournment, sorry I was late, we
3 had a leadership council meeting back in Tawes
4 Building. But thank you for your service here
5 today in trying to keep our water safe in
6 conjunction with NRP, so I appreciate your efforts
7 and your diligence and listening to these proposals
8 and giving us your best judgment to move forward,
9 so again, thank you for your time and good to see
10 you again. A little bit different weather than the
11 last time we were together.

12 MR. PARLIN: You kind of settled in your
13 job a little bit now, any focus, any direction that
14 things are heading or hot topics or --

15 MR. O'MALLEY: Hot topics -- internal,
16 money and personnel, but that, that's any business,
17 any organization, right, so we are, we are on the
18 verge of conducting a study for the boating
19 industry for factors regarding the boating industry
20 and factors subsequent to that that then would
21 affect the Waterways Improvement Fund. Should

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 have -- well, we should engage that today and
2 hopefully, well, the requirement is they deliver by
3 the first of February, so that, that's exciting for
4 us and the bureaucracy that's exciting, kind of
5 scary, and otherwise, you know, a good wind-down to
6 the boating season, it seemed like it went very
7 well and the boat shows are now over and the report
8 was that those went very well and had pretty decent
9 weather for those, so winding down the boat season
10 and unfortunately thought we were going to get some
11 hurricane season without any storms. Keep your eye
12 on the news and television for that, because it
13 looks like at this point hopefully we'll just get
14 some rain maybe Sunday, Monday, into Tuesday, but
15 with a cold front coming through they just on the
16 radio called this, you know how we had Snowmageddon
17 a couple of years ago, they're calling this now
18 Frankenstorm. So who knows. But that's really it,
19 we'll keep you posted and we have another one next
20 week.

21 MR. GRANT: Next Thursday at Bush River

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 Yacht Club up in Abingdon, same time, same channel,
2 hope you all can make it.

3 (Discussion held off the record.)

4 MR. O'MALLEY: Thanks again, good to see
5 you all.

6 THE CHAIRMAN: Officers, thank you for
7 coming today. We appreciate you being here, thank
8 you very much. Thank you, Jeannine, for getting
9 the lunch together and thank you for the staff for
10 being here today.

11 MR. SIMON: He said something about the
12 Waterway Improvement Fund, I'm just proud to have a
13 picture. I was with the, at the White House being
14 presented for the Waterway Improvement Funds \$125
15 million.

16 THE CHAIRMAN: Circulate that around, we
17 would all like to see that. Any other comments
18 before we go? We're adjourned, see you next
19 Thursday.

20 (Proceedings adjourned at 1:03 p.m.)

21 *****

**Transcript of Boat Act Advisory Committee
Taken October 25, 2012**

1 STATE OF MARYLAND
COUNTY OF BALTIMORE

2

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

7

8



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Kelly A. Taylor, Notary Public

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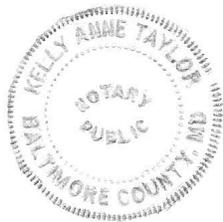
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Transcript of Boat Act Advisory Committee
Taken October 25, 2012

A	Act 1:1 2:2	32:11 84:21	59:14 71:21	Allison 1:11	26:18
AAG 1:18	5:21 57:3,5	89:10 94:13	AELR 84:13	42:13 69:8	anticipated
Abingdon	57:7,7,8,11	95:6 115:6	affect 21:1	69:12 75:1	113:17
122:1	59:3 67:15	addressed	67:20 73:18	109:13	anybody
able 58:10	71:14,19	36:20	83:3 93:12	112:3,7,12	2:15 3:3
68:2	72:10,13,13	addresses	100:14	118:21	18:4 33:15
aboard 44:1	72:14,17	86:19	103:17	119:10	34:15 36:20
above-entit...	73:7 76:10	adds 67:13	120:21	allow 52:4	38:5 53:6
1:4	79:8 81:5	add-on 47:13	affirmatively	105:21	54:14 68:8
absolute	93:8,9,14	adjacent 6:3	57:6 60:20	119:15	70:16 88:3
82:10	94:20	6:19 9:6	72:12	allowed	89:1,1 99:5
abstain 56:7	acting 111:9	10:13	aforegoing	39:15 42:4	103:5,10
56:8 65:9	action 4:21	adjourn	123:5	106:11	108:21
68:1 76:1	96:18,20	118:19	aftermost	allows 81:5	anybody's
103:15	100:1,19	119:20	49:11	alluded	46:11
116:6	actions 50:12	adjourned	afternoon	108:17	anytime
abstained	activate 10:8	122:18,20	68:14 98:4	amend 76:18	51:12 53:4
56:9,11	10:9	adjournme...	agency 8:7	76:20 82:14	anyway 14:2
65:17	activates	120:2	agenda 47:7	amended	97:8
116:10	13:2	Administr...	aggressive	52:10 77:4	apart 33:7
abstaining	activity	84:14	97:9	amendment	apologize 4:1
116:5	34:20 86:7	adopt 68:7	ago 7:8 15:20	76:19	118:8
abstention	86:12,18	71:13 78:17	15:21 25:8	amount 8:16	apparent
77:8	actual 25:7	adopted 57:6	32:1 57:16	101:12	57:9 61:2
abstentions	30:10 61:9	60:20 72:12	69:9 85:11	113:21	72:15
117:3	add 3:3,7	79:4	121:17	Amy 1:12	apparently
Academy	35:1,11	advancing	agree 48:18	50:17 89:21	46:17 52:2
29:9	36:10 40:21	59:15 72:1	52:6 68:4,5	106:1 109:6	52:8 119:1
accept 55:19	48:4 61:16	advice 24:13	70:6 76:3	110:5	appears
accepted	71:8 72:6	advise 45:10	94:5,5 96:3	113:14	46:14 57:21
76:19	added 18:10	45:11	103:6 108:8	115:3	application
accident	47:19 60:15	advising 84:4	agreed 95:20	and/or 80:9	100:13,14
33:10 34:1	61:5 70:19	advisory 1:1	agreeing	anecdotally	106:5
113:3	adding 48:17	2:3 5:21	118:15	26:4,5,6	applications
accidents	70:21 71:3	45:4 57:4	agreement	Annapolis	100:12
34:21 35:3	72:9	59:3 67:16	33:19 70:21	81:12	apply 58:1
35:3 106:8	addition	71:14,19	71:2	answer 24:1	appointed
114:15	57:14 60:17	79:8 94:20	ahead 8:1	24:12	45:3 59:9
account	63:18	advocate	50:12 55:16	110:21	appreciate
40:18	additions	61:20 63:13	77:3,4	111:16	19:6 29:3,5
accurate	58:16	74:3 118:4	99:20	117:14	29:13 30:13
123:6	address	advocating	Al 1:14 62:19	answering	33:15 34:14

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

35:10,20	30:16 32:2	attention	97:19,21	basis 86:6	76:15
102:4 120:6	32:5 33:16	32:2 91:18	98:11	bay 6:8 20:7	bent 12:12
122:7	35:4 82:20	attenuation	108:20	20:7 69:16	12:14,17
approached	98:15 101:9	103:4	111:3 114:5	beach 4:19	best 4:2
91:3	101:10	August 59:1	120:3	4:20,21 6:3	102:10
appropriate	105:15,19	60:13 62:4	background	6:5 7:5,8,10	120:8
64:19 78:17	106:2 108:2	79:1 84:19	85:19	7:11,12,20	better 30:15
approval	111:2,2	95:18	bad 44:4	8:20 10:1	41:5 69:5
62:18	113:11,17	authority	Bag 90:19	12:13,18,19	74:20
approve	areas 15:6,19	45:14 63:16	balancing	13:5,5 15:5	Betty 62:11
37:14,21	53:17 83:15	available	23:8	15:7 16:7	beware 41:15
38:3 40:15	argument	69:18	ballast 95:10	16:20 17:2	big 9:17 15:4
approved	26:20	average 91:2	balloon	20:3,4	21:5 26:9
36:20 37:12	arose 78:6	91:19	86:13	24:20 25:1	34:11 74:13
37:16 40:17	Arrossi 5:13	aware 42:3	Baltimore	25:1,7 28:3	83:11
46:10 47:4	5:20 6:4	awful 113:10	123:1,4	117:12,18	102:15
47:5 48:20	24:17,21	aye 56:2 77:6	barrier 25:17	beaches 22:7	113:2
55:20 80:8	30:1	a.m 1:6 74:5	Barry 8:4,4	Beards 14:15	114:16
82:4 116:8	artificial		14:6 15:12	14:17 31:21	118:12
approving	17:12	B	19:11,14,20	101:3,4	bigger 41:4,5
41:2 45:14	ashore 9:19	BAAC 59:10	20:13,18,20	111:20	41:5 86:20
April 78:13	22:11	59:12,19	21:3,15	beat 11:14	101:2
79:17,18	asked 8:19	60:2,5,7,18	22:2,20	bed 56:14	Biggest 99:6
81:9 84:3	51:16 118:1	60:19,21	24:17 25:21	beer 105:5	bit 2:19
95:18	asking 30:2,6	61:4	26:5,15	beginning	13:14 19:17
arbitrary	37:20 40:6	back 29:17	27:1,9 29:8	78:12	54:5 85:18
44:3	55:9 96:3	31:8,14	102:19	behalf 59:14	120:10,13
architect 8:6	97:1 99:3	33:17 36:1	base 40:16	60:6 68:2	Blackstone
19:10 102:8	Assembly	36:2,16	based 6:9	71:21 80:15	119:3
architecture	84:13	37:6,13	37:11 39:10	118:6	blindsided
8:10	associated	44:7 46:4	67:1 90:4	behold 39:4	96:4
Arctic 8:17	9:10	46:13 47:7	108:10	belief 37:11	blocks 8:21
area 4:4,5,6	association	50:5,19	basically 5:4	52:10 80:9	8:21
4:7,7,9,10	62:12,15	52:14,20	10:17 11:2	believe 5:16	blue 4:7 5:10
4:15,16,20	69:16	54:9,15,21	11:6 12:3	31:14,16	13:14 18:9
4:21 5:3,8	associations	55:9 60:12	13:5,6 22:8	32:18 47:8	28:12 98:15
5:10,10 6:6	45:7 59:8	66:1,10	23:7 24:2	50:1 108:18	101:9
13:14,18	assume 26:1	67:4,6 70:7	24:11,13	119:14	board 19:7
14:2,14,19	attachments	70:10 78:12	25:1 55:2	belong 59:18	36:2,16
15:1,2	49:14	81:9 84:2	63:14 85:16	72:4	37:1,5,20
17:10,13	attend	87:9 91:3	109:16	benefit 59:21	44:17 45:1
18:4,5,9,16	119:15	95:6 97:14	112:10	67:18 73:10	45:10,19

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

46:19 47:6	100:17	66:12,13,18	borrow 27:4	42:21 43:3	bureaucracy
47:10,15	102:14	70:8 74:1,4	bothers 73:5	78:11 98:1	47:1 121:4
52:6,15,15	106:1 111:9	74:13 75:1	bottom 13:20	bringing	Bush 1:11
54:7,8 55:8	113:9 121:7	83:7 94:3	14:2 23:18	64:16,17	50:10 55:15
62:18 81:10	121:9	99:11	73:6	69:21	63:9,21
81:21 82:1	boater 9:2,7	100:21	bought	brings 59:10	75:20 77:8
87:9,14	64:17	101:18	105:10	82:20	77:11 78:8
91:10 93:6	boaters 13:9	102:15	Bowsprits	Broad	89:3 94:16
93:9,10,13	14:20 24:14	105:2,8,17	49:12	111:20	104:14
93:18 94:14	31:12 59:7	109:15,17	BPOE 1:6	broader 67:3	108:7,12
94:21 96:11	105:4,12	110:1,2	brackets	brought 6:18	121:21
97:7 119:1	boating 1:17	111:21	49:13	6:20 37:1	busier
boarding	30:18,20	112:1 113:2	brand 5:6	46:4 47:7	105:10
88:7	45:15 59:6	113:13	Brandon	52:14 54:9	business
boards 54:14	59:7,11	114:3	18:7	54:15 61:17	35:17 41:18
boat 1:1 2:2	65:14 72:11	117:18	break 12:8	81:9 90:15	59:14,16,21
5:21 9:5,13	82:12 83:14	Bob 1:11	29:16 97:14	90:17 91:18	63:19 64:6
11:17 16:17	84:9 94:6	31:2,6	97:14,20	107:18	64:15 65:11
26:14 28:8	104:2 107:2	35:11 42:1	breaker 9:21	118:18	66:2,7,8
33:2 36:11	110:16	52:19 54:4	10:1	buddies	67:18,20,20
38:16 39:10	115:13,14	56:10,11	breakers	105:7	67:21 68:14
39:13 41:17	120:18,19	67:5,7 68:6	9:21 10:2	build 15:1,4	70:7,13
44:6,14	121:6	81:13,15	12:21	16:20 17:9	71:21 72:2
46:11 47:20	boats 6:21	85:19 86:9	breeze 26:13	25:3	73:9,19
48:6 49:3	10:12 12:11	92:9 95:19	bridge 4:5,6	building	74:16 76:15
50:3,4,6,6	17:6 22:17	95:20 100:4	22:17 30:17	24:18	78:2,4 80:9
51:16,18,21	23:13 27:17	100:13	31:18 32:17	104:18	100:6,10,11
52:4 53:9	28:15 33:3	103:15	32:19 33:7	120:4	118:19,19
53:12 54:21	34:5,6,12	106:6 119:3	33:12,13,21	built 15:5	120:16
55:2,7 57:3	35:6 36:4,8	119:13,17	34:7,15	105:1	busy 34:4
57:5,7,7,8	36:8,17	bobcat 25:10	98:20 100:7	bulkhead 5:5	butts 51:4
57:11 59:3	37:8 39:1,6	Bobs 106:5	100:14	25:3,15	buy 26:19
67:15 68:8	39:11,13,17	Bob's 53:20	101:5 106:4	bumpkins	42:2 68:8
69:16,19	40:1,14	bodies 53:13	106:16	49:12	buyers 41:14
71:14,19	41:20 42:11	86:2	108:7,8	bunch 4:11	
72:10,12,13	42:21 47:11	body 64:9	109:13	64:7 84:15	C
72:14,17	50:21 51:3	83:17 86:11	110:9,17,18	86:1	C 2:1
73:7 76:10	51:10,17	bolted 36:14	111:18	buoy 22:10	California
79:8 81:5	52:2,12	49:21 54:21	113:6,21	24:7,8,9,10	8:11
83:11 88:16	53:2 54:19	bolt-on 48:6	114:1 115:2	27:4 90:20	call 2:2 50:16
93:8,9,14	55:1 64:7	boom 81:21	bring 16:21	buoys 15:2	72:8 103:10
94:20	64:12,12,14	born 31:7	31:1 32:6	20:10	115:10

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

called 2:20 84:13 121:16	cell 2:17	87:20 89:5	105:14	choke 22:9 24:3	28:18
calling 121:17	centerline 49:12	90:14 94:7	107:2,3,4	choose 15:19	closer 12:4 18:12 30:10
calls 4:11,13	certain 95:21	97:5,13,19	107:13	Chris 8:4	33:21
Canada 8:10	certainly 62:8	97:21 98:11	114:9,11	57:3 67:9	closing 106:3 111:18
candidly 38:14,20 40:7 78:4 83:18	certificate 48:19	99:16,20	115:12	108:13	club 63:4 64:21 65:2
Cantler's 108:2	certify 123:5	100:3 102:2	116:7 117:4	Christopher 1:13	75:11 122:1
capacity 59:19 72:5	cetera 78:15	102:6 103:5	changed 37:13 44:8	Circulate 122:16	clue 106:11
cape 21:21	chagrin 92:2	103:9,14,19	52:16 55:7	circumstan... 108:4	Coast 47:13 48:20 49:7
capital 62:3	chairman 1:8 2:2,5 3:16	104:4,7,9	100:20	citizen 91:2 91:19 92:7	49:17 99:9
care 39:1 100:9 107:7	14:7,11	104:15,19	101:21,21	93:13	cold 4:1 121:15
careful 67:5 68:11,12	18:2,12	107:9,12,14	changes 6:17 7:16 58:14	citizens 82:21	Coles 1:7 2:4
Carolyn 41:3 42:9	19:5 24:15	108:13	62:6 100:20	clarification 56:16 79:6	color 74:1
carried 116:4 117:4	25:20 29:1	109:5,20	104:21,21	80:13	combination 13:8
carries 10:10	29:12 30:12	110:5,10	channel 4:15 9:5,18	clarify 76:7 81:14 94:18	come 6:21 7:2 12:11
carry 7:4 13:18	31:3 32:7,9	112:16	10:12,16,18	classic 11:21 28:19	15:3 16:13
case 4:14 38:1 76:2	32:13 33:14	113:6 114:7	12:4,7	clear 4:2 57:9 61:2	17:17 22:11
case-by-case 86:6	34:9,13	114:11	13:11,12,13	72:15	25:10 27:17
Catch 43:3	35:8,14,19	115:3,9,18	28:20 82:8	clearly 3:18 3:19 33:18	29:17,18
catching 51:1	37:4 38:7	116:2,4,7	98:17 99:7	102:18	34:12 36:14
caught 81:20	38:11 43:7	116:16,20	99:10	close 9:19 12:5 13:16	39:16 40:11
cause 22:18 60:3 91:13 106:12	46:14,19	117:3,14	105:14	14:5,15	53:4,6 57:1
caused 9:5 20:8,14	47:4 50:15	118:17	122:1	24:12 27:15	63:6 70:20
causing 6:11 92:4 106:12	55:19 56:1	119:7,9,16	channels 28:19	27:16 33:6	81:1 87:9
	56:3,6,10	122:6,16	characteriz... 118:2	34:11 63:6	92:14 93:3
	57:20 58:15	chamber 45:9	chart 18:10 102:20	101:2	93:5 94:6
	58:19 60:15	chance 2:6 2:18 54:9	chased 87:4	110:21	95:6 97:14
	61:5,7	change 7:14 9:20,20	chatted 119:2	111:8	101:3,6,10
	62:19 63:8	30:3 36:16	Check 97:4	112:14	105:4 106:9
	64:3 66:3	37:15,16	Chesapeake 6:8 69:15	113:6,10	comes 9:19 23:11 50:3
	67:9 68:6	38:20 39:18	children 9:3	closeness	51:20 66:1
	69:1 70:3	46:10 51:13	choice 55:12 56:12 82:16		69:6 83:12
	69:1 70:3	51:14,18			92:15,18
	70:16 71:1	53:7 54:10			96:8
	73:1 75:18	54:18 86:8			coming 17:8
	76:4,18,21	93:11,19,20			
	77:3,7,10	101:15,19			
	77:12,15,18	103:11,19			
	78:5 83:2	104:6,7,12			
	83:19 85:17				

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

20:1 35:20	2:3,5,11	compare	48:17 63:9	count 56:4	115:4
36:8 53:1	3:14,15	26:12	63:10 67:13	116:13	create 25:12
90:19 98:3	5:21,21	compared	conjunction	counted	82:12
104:9 113:9	29:9,16	26:14	120:6	36:12 116:1	creating
115:1	31:6,9 32:2	102:15	consider	counting	17:12 82:10
121:15	32:11,13	completely	31:20 64:11	48:8	Creek 14:15
122:7	44:16 45:5	25:5	89:19 108:2	county 45:9	14:17 31:21
comma 76:12	57:4,7 58:4	complicated	considered	123:1,4	36:1,18
commencing	58:5,7,9	19:2	24:17,18	couple 5:14	42:5 48:2
1:5	59:2,3,4,6	computers	44:5	52:13 56:15	53:15,15
comment	59:13,14	24:1 97:11	constantly	58:12 72:7	80:10 82:20
18:6 54:2	60:2,7,8,21	concern 33:6	6:19	121:17	83:15,17
55:15 56:17	61:2 62:16	63:1 80:7	construction	course 8:15	87:6,9,11
57:2,13,17	63:11,12,15	82:5,17	44:11	11:16 31:1	92:7 93:1,8
57:18 61:13	63:17 66:12	83:6,13	construed	111:3	93:12,21
63:8 67:6	67:16,17	91:12 102:4	58:1	cove 10:3,6	101:3,4
83:20 84:21	68:12 69:10	102:12	contact 29:10	cover 51:4	111:20,21
85:9,17	69:14 71:14	concerned	87:14	covering	critical 6:6
87:5,15,15	71:19,19,21	41:9 46:5	continuously	51:1	9:15,16
87:18 91:16	73:9 76:11	83:16 91:9	107:20	covers 24:10	cross 12:8
92:13 96:9	78:18 79:9	concerning	contrary	coves 53:18	crossed
96:12	84:1,2,13	36:3 111:18	117:10	82:7	68:20
108:14,21	84:14 92:16	concerns 6:2	control 38:16	covered 40:8	cruising 34:7
114:7	92:17 93:5	110:1,7	38:16	Crab 34:3	crux 39:7
comments	94:12,20	conclusion	controls	crabber	cumulative
4:8 17:15	108:15,19	86:15	31:12 89:20	73:16	26:3
19:6 35:10	110:6	concur 50:12	convince	crabbing	curious
56:15 58:12	118:18	75:20	74:7	73:17	118:21
60:13 68:16	communic...	104:14	cool 96:2,21	crabs 105:5	119:3
70:17,17	91:6	conduct	corner 20:1	cracks 36:19	current 10:9
84:21 85:6	communic...	56:14 59:13	40:9 70:10	craft 8:7,8,12	13:3 98:19
99:4 109:20	57:8 61:1	63:19 71:20	correct 18:11	Craig 1:12	108:20
119:18,19	72:13	conducting	32:20,21	50:18 51:10	currently
122:17	communic...	120:18	36:5,6 51:8	69:2 73:21	30:17 50:10
commerce	90:21 91:10	configurati...	61:6 107:5	74:7,14,17	80:16
45:9	community	53:16	107:21	88:10 92:21	customers
commercial	4:19,20 6:3	conflict 70:1	corrected	95:13	39:5
73:16	7:9,9,20	confused	93:17	107:18	cut 13:10
commissio...	8:20 19:17	18:16	correcting	108:1,8	cutting 18:18
45:10	24:18 25:7	confusing	19:2	109:7,11	28:15
committee	25:10 40:6	14:20 15:3	council 120:3	110:6,14	
1:1,7,10,18	45:7 74:11	confusion	Counsel 1:18	113:15	<hr/> D <hr/>

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

D 2:1 62:3	16:14 29:18	11:17	97:10	46:17 47:5	DNR 25:8
damage 9:4	36:15 37:6	depending	direct 66:7	51:8,12	36:20 37:3
23:9,19,20	38:1 40:19	55:3	directed	53:3,6,10	37:12 46:8
damaging	45:20 55:6	depth 9:11	105:16,16	54:12 56:21	84:9 96:17
6:11	64:15	9:12,15	105:17,20	57:12 58:18	doc 119:17
dance 35:13	108:10	11:7,12,17	direction	58:21 60:17	dock 45:16
danger	deck 36:9	13:9	22:19 41:7	61:6,12,19	docking 34:5
110:17	49:8	described	46:18	62:1 75:3	docks 41:5,6
dangerous	declare 58:5	36:9 52:1	120:13	79:14 83:1	document
107:1	100:5	98:16	directly	83:21 85:5	60:4 84:8
Danny 69:13	decrease	describing	103:17	85:13 93:16	doing 3:20
data 26:2,7	113:20	27:6	111:1,17	93:18 116:5	23:7 31:21
26:12,14	deep 10:12	description	Director 1:17	dissipate	40:10,14
86:14,20	10:16,18,19	37:9 49:7	dirt 20:3,5	22:13 30:7	69:20 86:12
87:3	12:7 36:1	design 8:12	discovered	dissipated	88:18 93:1
date 79:11,12	36:17 42:4	8:14	36:18	23:1,12	105:11
95:21	48:2 53:15	desire 31:12	discuss 29:17	27:20	110:4 111:7
David 37:4	53:15 80:10	destroyed	56:17 62:1	dissipation	111:14,15
day 18:19	82:20 83:14	25:6	63:12,17	22:14 23:18	112:15
83:8 86:9	83:17 87:6	details 90:1	97:16	24:4 86:15	dominant
100:16	87:8,11	detract 42:19	discussed	86:21 90:4	28:14
days 25:13	92:7 93:1,8	detrimental	58:2,7 62:4	90:6	Donuts 90:19
54:20 68:15	93:12,21	80:11	80:6 81:17	distance 13:9	door 105:11
85:14 96:19	deepen 12:7	devices 2:13	84:2	13:10 23:8	dot 100:10
100:15,16	deeper 22:12	diagram	discussion	23:9,16,16	dotted 68:19
101:19	define 74:20	10:15	35:18 36:3	33:8 78:16	dozen 4:10
Deacon 14:9	defined	diameter	38:11 46:4	distances	101:17
14:13,13	48:16	21:4	47:10 49:6	27:14	draft 57:14
15:14 17:19	delegate 45:8	difference	62:19,20	distant 23:6	58:18,21
18:1 32:8	delegates	47:12 89:17	63:12 68:9	distinction	59:2 62:2,3
32:15 33:1	84:15	different	69:11 73:2	67:8	70:19 94:21
deal 23:21	delete 72:5	39:9 42:15	73:2 77:1	distribute	drawn 67:8
25:19 92:19	deliberating	48:11,14	78:16,19	60:3	drive 1:6
98:7 118:12	66:14	65:19	100:4	distributed	82:9
dealing	deliberations	101:17	104:15	57:16	drop 89:9
45:15	58:3	114:19	107:9,10,17	distribution	duddies
decent 121:8	deliver 121:2	120:10	114:19	60:3	38:15
decide 55:13	department	diligence	115:9 122:3	disturb	due 11:8
62:2	2:8 31:11	120:7	discussions	13:19	108:20
decided	34:18 37:18	diligently	114:7,16	disturbing	duress
47:15	39:2 43:1	62:15	Dise 1:18	41:4	108:18
decision	dependent	dinosaurs	45:1 46:3	diverse 45:5	duty 61:16

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

Duty's 62:11	117:12	enforcement	98:15	excuse 4:18	F
Dwyer 1:12	Edric 1:12	18:14 42:14	et 78:15	executive	facing 39:4
34:15 41:11	effect 4:15	112:11	ethics 68:21	84:14 97:15	fact 15:10
41:14,17,20	20:21 70:14	enforcing	event 27:13	exempt 93:15	32:16 75:20
43:15 49:18	70:14 78:14	18:15	27:21 28:11	exemption	factor 80:10
50:2 62:21	80:17 82:15	engage 121:1	34:20	51:17	factors
63:7,20	effective	engineer 8:5	eventually	exist 35:6	120:19,20
65:4 66:2	85:14	enjoy 7:21	17:3	existing 5:4	facts 117:20
69:4 70:4,6	effort 7:6	25:2	everybody	experience	118:3
72:21 73:4	16:3 77:19	enjoying	2:6,18 3:14	59:11 61:17	factual 66:17
73:12,16,20	efforts 120:6	7:19	40:2,2,6	64:8,9	failing 5:5
75:7,10	egress 105:13	enormous	71:1 76:21	expertise	failure 42:13
76:17 83:3	eight 25:8	90:7 101:11	85:6 91:6	64:5,16	fair 8:16
100:2 104:5	either 24:16	entire 71:11	98:12 99:14	66:9,21	16:15
104:11	34:4 41:9	environment	103:10	67:2 69:21	fairly 28:15
107:11,13	51:6 100:13	7:17	104:10	70:11	fall 42:12
109:2,10,12	electronic	equation	110:11,12	explained	87:8
109:21	2:13	11:18	115:10	4:13 75:14	fallen 36:19
114:9,13	eliminate	erode 21:19	everybody's	explaining	falls 83:12
	73:10,11	21:21	28:20 47:2	54:4	far 18:14
E	74:3	eroding	79:21 91:5	explanation	22:10,13
E 2:1,1	eliminated	117:18	exact 84:20	75:11	23:2,3,10
earlier	64:1	erosion 4:19	exactly 11:4	exponentia...	33:7 93:21
108:17	emotionally	5:17 6:2	12:1 19:20	11:9	farther 30:10
early 31:8	102:18	12:2 22:3,5	24:1 37:7	expressed	98:18
69:9	employees	22:18 28:3	95:3 111:16	57:10 61:3	fast 10:13
earnest 102:4	111:20	69:6 102:10	example	72:16	13:4 14:5
102:8	enact 108:5	102:21	45:16	extend 30:9	17:6 22:17
easiest 19:2	enacted	erroneous	examples	extending	24:12 33:2
east 20:17	38:14 84:7	37:11	16:14	19:19	101:1 106:9
easy 50:5	114:14,17	escape 7:3	exceed 48:10	extension	faster 11:5
67:10	114:18	especially	exceeded	20:15	30:5
Eddie 5:12	enacting 39:3	70:12 81:20	50:21	extra 105:11	fault 51:2,4
5:16 6:4	encompass...	91:7	exceeding	extremely	91:8 113:12
8:19 12:5	58:1 113:17	Esquire 1:18	112:8	6:17 28:3	favor 31:13
26:9 103:2	ended 85:9	essentially	exception 4:9	80:11	50:16 56:1
Eddie's	energy 23:4	21:10 37:5	excessive	eye 121:11	77:4,10,11
12:21	23:7,9 24:5	establish	114:5	eyewitness	103:11
Edgewater	26:3,12	98:18	exciting	103:18	110:14
1:7 4:19	energy's 23:1	established	121:3,4	e-mail 5:17	115:10,15
6:5 8:20	enforceable	35:2	excluding	97:2,8	116:16,16
15:7 16:7	51:7	establishing	36:10 49:8	e-mails 4:13	fax 5:17

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

fear 43:21	45:20 66:1	Florida	109:17	gain 59:21	girlfriend
feasible	80:20,21	119:8	four-foot	67:18 69:3	109:2
18:21	85:10,14	focus 120:13	88:17,20	73:10 74:8	give 2:6,21
feature 28:5	financial	focused 10:3	90:10	74:17,19,20	3:11 5:18
February	69:3 74:14	12:13,18	Frankenst...	74:21 75:21	70:11,17
121:3	74:16,16,19	folks 40:12	121:18	76:15 80:7	75:10 78:9
fee 45:16	75:3,4,5,8	following	Franks 37:12	94:12	98:8 100:9
feed 22:5	75:21 76:6	51:5	46:7,8,21	Garvey 18:7	110:11
feeding 13:5	76:12,12,13	follows 71:18	freaking	18:8,14	given 8:3
22:7	76:14 80:6	foot 21:11,13	106:11	33:19 34:10	32:5 83:8
feel 7:13	94:12	21:15,16	Frederick	34:17	giving 91:8
58:10 81:19	financially	55:3,10	1:11	112:21	120:8
Feeling 74:20	83:4	90:5	frequently	Gaudette	glad 98:4
feet 7:2 9:9	find 24:1	force 7:4	18:8,20	81:15	global 86:8
10:20 12:6	97:2	foremost	fresh 82:5	gauge 110:6	go 3:6,13 8:1
23:12 26:16	finder 86:9	49:10	Friends	general 26:8	9:14 10:14
28:15 36:4	fine 58:13	forever 7:13	81:12	38:18 72:3	11:19 13:11
36:11,15	74:9 96:7	17:3	front 7:10	84:13	16:17 17:11
37:9,16	119:21	forget 2:12	17:1 25:11	100:20	24:12 30:4
46:11 48:4	finish 29:15	forgive 91:2	30:8 40:11	generate	31:18 32:15
48:5,7,10	88:10	form 57:8	69:6 79:8	9:17 27:10	32:17 38:2
49:16 50:20	fires 66:4	formally	80:3 81:10	generated	42:18 45:18
51:17,21	first 2:3 3:21	46:7	108:2	9:18 11:13	50:5,11
52:13 55:3	4:3 7:9	forth 28:9	121:15	12:6 26:12	55:16 56:6
90:6,10,11	14:17 45:19	fortunately	frustrating	86:3,6	58:13 63:16
90:20 107:8	57:2 58:6	36:13	91:7	102:13	66:10 67:14
114:21	71:11 78:13	forum 61:1	fuddy 38:15	generates	74:8 77:3,4
fence 15:1,2	82:3 91:13	65:9,21	full 7:1 105:1	10:8	77:21 84:11
fenced 17:10	98:2,6	72:14	fumble 4:1	generations	84:12 87:7
fetch 26:15	117:10	forward	function	7:21	97:2,12,15
26:16,20	121:3	47:15 52:7	45:11	gentleman	98:17 99:20
27:2,7,7,10	fishing 45:7	54:11 95:20	Fund 120:21	18:15 51:15	101:5 104:5
27:12,14,19	73:20	120:8	122:12	53:10 103:1	104:7,11
fever 31:10	fittings 49:14	forwarded	Funds	gentlemen	105:12,16
fiberglass	five 2:16	45:19 46:6	122:14	5:20 33:20	105:17,20
54:21	11:10,13	four 8:21	further 7:14	geometry	105:20
figure 3:2	30:21 37:11	10:20 11:7	13:15	11:2 12:19	106:3,4
figures 26:3	101:12	11:10,13	future 7:21	getting 7:12	107:7,7
filled 25:16	102:15	35:6 83:12	7:21	9:4 27:15	109:13
filling 7:8	105:6	101:12		27:15 41:8	111:11
Fin 100:7	115:21	102:14	G	110:7,15	112:1
final 29:21	116:3	105:6	G 2:1	122:8	113:14

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

122:18	108:10	43:11,20	13:19 24:19	hands 103:13	112:18
goes 19:21	110:3,4,9	47:21 49:5	25:2	115:17,20	119:11
22:21 25:17	110:18	56:5,9,11	grave 82:5	116:18	hearing 1:5
35:21 67:19	111:3,12	56:13,20	great 23:21	117:1	79:5,15,16
71:18 80:17	112:19	57:1,18,21	29:5 58:19	happen 29:8	81:2,4,5,5
84:17 106:6	113:2,7,12	62:10 70:5	74:6 81:20	33:10 34:1	85:2 91:15
going 2:21	114:20	71:6,15	88:16	46:21 64:21	hears 104:10
3:12 8:19	117:9	72:9,19	green 100:10	65:17	110:12
9:16,19	121:10	73:7 75:5,8	Griffin 37:15	111:13	heavy 34:2
11:5 13:13	gonna 83:13	76:7,15	40:13 95:1	happened	heck 82:4
13:17,19	good 7:16	77:13 78:1	ground 2:19	24:21 52:8	heck's 82:2
14:3,4 16:9	15:18 16:13	78:9 79:1,5	group 6:5	92:1,3	height 11:8
17:6,7,11	24:13 44:4	79:10,13,16	45:2	happening	23:5 90:4
17:13,14	52:19 56:3	80:2,16	Guard 47:13	10:6 13:6	held 35:18
18:3 20:1	56:6,12	81:4,11,15	48:20 49:7	42:5	68:9 69:11
21:9 22:11	65:14 77:15	81:17 85:4	49:17 99:9	happens 8:2	122:3
22:17 23:13	83:16 87:2	85:12 87:13	guess 14:17	9:14,18	help 7:13
28:1,2	88:17 97:5	87:17 88:4	15:14 50:15	11:6 12:18	17:14 29:10
30:13 33:1	106:7	88:8,21	54:3 55:5	17:16 19:20	58:20
33:12 34:6	117:14	89:10 91:20	55:12 62:21	happy 14:11	hi 106:5
38:12,19	120:9 121:5	93:7,17	79:2 80:21	76:21 77:3	hid 40:8
39:9 40:10	122:4	94:10 95:3	90:16 91:6	hard 10:14	high 9:5
40:14 41:6	gosh 53:1	95:8,12,17	93:3	10:21 25:19	12:20 21:16
44:7 50:15	gotta 41:19	96:6,13,15	GUTIERR...	111:6	106:3
52:7,21	66:6	97:4,18	96:16	hazard 31:21	110:18
55:9 56:16	gotten 97:8	98:10,13	guys 83:12	82:11	higher 6:15
62:5 65:15	102:13	99:14	102:3,7	101:16	history 35:3
65:17 67:20	105:10	103:21	106:18	hazards	44:7
73:18 74:11	govern 83:16	115:12,21		106:12	hit 34:15
75:15 77:21	government	116:3,6,9	H	heading	113:8
80:8,11	68:18	116:11,15	half 4:9 7:11	120:14	hits 81:21
82:2,4,9,15	governor	116:19	21:12,14,15	health	90:8
83:3,6,11	45:3	117:2,7,8	27:17 34:19	119:14	hitting 22:7
88:17 90:11	Grander	117:12,15	48:7 101:17	hear 32:10	110:1
91:13 92:10	109:3	117:20	halt 55:11	33:18 66:13	hold 48:21
97:13 98:2	Grandfather	118:5,8,14	hand 99:18	91:16 94:17	62:20 66:3
98:2,5 99:8	43:20	118:16	103:12,15	102:18	98:13
99:12	Grant 1:16	119:5,8,11	103:16	104:8	hole 19:21
100:17,21	3:21 8:2	121:21	115:16,19	110:11	holidays
101:7	30:15 32:21	grass 14:2	116:17,21	119:13	30:20 34:3
102:21	35:16,21	15:5	handouts	heard 14:17	104:3
107:6,7	36:7 40:20	grasses 7:7	60:6,8	78:17 82:6	115:14

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

homeowner 14:14 17:15	hurricane 121:11	11:15 33:11 45:16	74:10 100:6	January 38:19	jump 78:1
hope 23:17 77:19 122:2	hurt 83:6	indicated 123:6	interested 46:12	Jarzynski 69:13	K
hopefully 121:2,13	hurting 117:18	indicating 17:20	interests 45:5 59:16 65:19 72:2	Jeannine 85:11 122:8	keep 11:10 11:15 24:6 25:1 55:9 67:14 72:6 72:7 104:9 105:8 120:5 121:11,19
hoping 5:6	I	individual 39:10,19 57:10 58:11 59:16,19 60:2 61:4 68:21 72:1 72:5,16 83:10	internal 120:15	Jet 67:4 68:8 101:15 105:12,15 106:2,9,14 107:4 111:2 111:11 113:2	Kelly 1:20 123:3,9
Horn 70:8	idea 13:6 24:2	59:16,19 60:2 61:4 68:21 72:1 72:5,16 83:10	intertwine 93:10	107:4 111:2 111:11 113:2	Kenneth 1:14
horsepower 38:17 44:11 44:14	ideal 99:9	60:2 61:4 68:21 72:1 72:5,16 83:10	introduce 2:4 2:6 3:14	106:2,9,14 107:4 111:2 111:11 113:2	key 22:8 24:6 24:6
hot 120:14 120:15	idiots 111:9	65:14 83:9	Introduction 3:15	job 31:7 106:19 111:6 120:13	kind 5:7 9:3 11:1 19:19 26:3 27:11 27:12 40:1 40:8 54:6 54:10 64:19 96:4,17 98:14 119:16 120:12 121:4
hour 7:1 28:13 30:10 83:11 102:16 110:3 111:12 113:8	illegal 39:6	industry 47:9 68:3,3 120:19,19	involved 3:2 8:12,14 68:13 70:7 76:2 110:17	Joe 90:19 91:2,19	98:14 119:16 120:12 121:4
hours 100:16 112:14	illegally 39:1	information 3:11 69:17 70:2	invisible 21:9 21:10	John 1:11,13 56:15 57:18 62:14 63:1 63:8 75:18 75:19	98:14 119:16 120:12 121:4
house 34:3 69:7 81:12 122:13	images 6:18	ingress 105:13	irreverently 6:10	John 1:11,13 56:15 57:18 62:14 63:1 63:8 75:18 75:19	98:14 119:16 120:12 121:4
Houseboat 43:19	imagine 17:14 88:20	ingress/egr... 108:3	issue 4:18 57:5 58:9 60:19 65:16 66:9,11 72:11 78:6 91:14,17 92:15 101:17 111:17 112:11	join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
houseboats 44:1 53:21	impacts 13:20 14:1	initial 38:14	issues 51:5 53:9 65:15 68:12 94:14 112:19	join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
houses 60:5	implemented 95:21	initiative 92:18	item 58:6	join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
huge 7:10 15:17 33:9 105:14	important 9:13 64:10 70:2	input 92:2	it'll 38:2	join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
hull 9:16 42:18 43:1 44:11 48:13	imposing 33:5	insert 75:8		join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
hulling 9:8	improvement 120:21 122:12,14	inside 4:4 25:15		join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
hundred 83:7 90:6 93:7	inches 6:15 49:16 52:1 52:13	intently 93:1		join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
hundred-f... 106:15	incident 69:9	interest 59:16 64:16 64:18 65:8 65:11 66:7 66:8,20 67:3 72:3		join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
	include 59:7			join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
	included 49:15			join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
	increase			join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4
			J	join 98:21 joining 98:3 joint 16:2 Jones 1:13 21:18 22:16 40:1 64:2 88:1,5,11 88:14 89:1 89:4,8,12 89:14 90:13 103:6 114:18 115:6	98:14 119:16 120:12 121:4

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

89:15 92:12	61:8,18	45:16 52:3	leader	112:10	120:10,13
99:18,21	63:3 64:7,8	53:14,17	107:16	Lewis 99:4	live 6:4,6
102:3,7	67:6,7,19	54:1 80:10	leadership	Liaison 1:16	8:20 14:14
106:13,19	67:21 75:17	80:12 81:21	108:20	library 97:12	15:17 16:16
107:3 117:6	81:2,18	82:5,8	120:3	license 8:9	17:18,19
117:9,16	82:17,19	83:15,17	leave 67:18	licensed 8:5	42:10 44:1
118:1,7,10	83:8,15	87:6,9,12	71:12	life 6:12	111:20
118:15	84:1,2	87:14 91:8	107:11	light 10:4	lived 113:10
119:14	87:13 88:1	91:14 94:1	114:13	101:8	livelihood
Kling's 71:8	88:1,5,18	land 4:16 5:1	leaving	limit 3:4 5:8	66:18,19
72:6	89:2 91:4,5	5:3,7 6:10	103:11	7:15 16:9	lives 13:4
Kloostra	93:9 96:5	7:14,18	left 7:17	30:3,21	lo 39:4
1:14 77:2	96:11,16	20:5,9,14	legal 36:3	31:11,15	LOA 48:2,3
88:12 91:21	99:4 100:8	25:15	69:20 84:6	32:4,19	48:6 49:2,7
92:8	102:12,14	landowners	85:15	33:11 35:2	50:3,4,6
knew 40:9,9	102:20	44:18	legally 53:9	36:3 40:14	local 45:7,8
85:6 119:6	113:11	lane 69:13	Legislative	53:7 64:14	106:1,2
knot 98:16	114:21	language	84:14	75:12,16	long 21:15
98:19	121:5,16	71:9 84:20	length 9:9,13	98:8 104:17	27:9 43:5
110:15	knowing	large 8:14	9:17,21	107:4 108:6	48:3,7,8
knots 4:12	46:12 82:3	15:11 16:16	11:11,17	110:16	57:15 114:2
5:9 11:8,11	92:6	27:10 28:15	23:5 36:9	111:4 112:5	longer 20:21
11:13 14:16	knowledge	105:19	37:9 38:16	limited 27:2	21:8 24:4
16:10,17	34:17 59:11	largely 86:3	39:3 46:11	86:18 90:9	41:6 49:3
19:1 30:17	66:17 67:3	86:7	47:14 48:15	limits 33:5	55:3 108:16
106:14	82:18 97:9	larger 11:5,9	49:4,7,10	69:20 86:2	113:19
114:20	knows 9:7	11:15 12:2	49:15,18	line 23:14	long-term
115:12	107:8	15:10 16:20	51:1,16,17	30:10 49:9	41:10
know 11:1	121:18	21:4,11	51:21 94:3	67:11,14,15	look 11:3
13:17 14:21		40:1 41:8	lengths 21:7	listening	37:2 50:5
17:2 24:9	L	42:8,8 66:8	lens 10:5	120:7	67:11 84:16
25:2 27:18	lack 82:18	largest 82:5	letter 37:4	literally	86:8 87:7
28:10,12,19	Ladies 5:20	laser 86:9	41:1 46:20	100:15	87:11 93:14
29:10 31:6	lake 28:20	late 120:2	118:6	little 2:14,19	102:20
32:18 33:8	36:1,4,18	latest 54:16	let's 8:2	10:14 11:18	looked 34:19
34:12 38:13	37:10 38:15	law 41:11	38:21 64:11	13:14 19:17	47:13 60:12
42:8 43:5	39:5,13	43:3 85:8	66:10,11	20:21 53:18	90:2,3 94:3
43:17 47:1	40:2 41:2,4	112:3	86:4,7	54:5 68:10	looking
47:11 49:5	41:7,10	lawsuits 39:5	87:11 97:21	68:19 82:7	48:19 54:6
51:13 52:4	42:5,7,19	lawyer 65:6	level 5:4	85:18 88:19	61:9 64:13
53:18 54:5	42:21 44:2	74:19	Levitan 1:11	88:20 98:9	86:5,10
55:5 57:15	44:13 45:13	lay 2:19	65:13 97:10	101:1	88:21 89:21

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

91:2 119:16	97:20	48:11,11,12	84:18 85:10	measure	47:8 58:4
looks 121:13	Lunsford	manufactu...	123:1,4	42:18 47:14	58:11 59:3
lose 25:6	31:2,3,4,6	49:2	material 60:4	58:8	59:6,13,19
loss 7:14 23:6	35:1,9,12	manufactu...	Mathews	measured	61:16 67:15
23:8 28:4	43:19,21	51:18 55:7	41:3	49:8,11	71:20 73:7
lost 7:13 23:1	44:5,10	Marianne	matter 1:4	112:21	76:9 108:15
23:4 24:5	81:14,16	1:18 46:1	15:9 19:4	measur...	119:1
25:13,14	106:5	52:19 56:13	32:16 39:7	49:15,20	membership
lot 15:4 16:3	107:15	70:18 77:16	46:4 47:7	measur...	57:9 61:2
18:16,17	108:17	83:19	52:14	50:7	72:14
26:10 27:20	117:5	Marianne's	117:11	measuring	member's
28:2,4,11	Lunsford's	49:6	matters	49:9	59:15 72:1
32:16 33:21	100:13	marina 4:21	45:12 59:12	meeting 1:1	memory
36:7,13,16		5:6 35:5	118:11	2:3 8:9	69:13
42:19 44:12	M	38:19,21	McLean 1:11	15:20 36:21	mentioned
46:21 68:17	Magothy	39:16 40:7	38:10 67:5	37:8 39:8,9	52:15 53:11
68:20 74:4	88:19,20	41:21,21	68:7,10	40:11 46:9	mic 3:18
82:7 86:14	mails 4:14	42:6 47:8	100:5	46:18 47:9	18:12 32:9
87:2 92:4	main 82:8	51:16,19	103:16	54:16 58:2	33:17 70:4
101:7,13	83:6,13	52:11 105:1	104:16,20	59:1 60:5,6	83:2 94:16
102:21	90:16	105:2,6	106:17,21	60:8,10	102:6 104:9
104:20,21	105:14	107:19	107:5,16,21	62:4,5	104:19
105:12	major 27:21	109:11,17	110:20	78:13 79:18	110:11
109:16,17	110:7	113:19,21	111:15	81:11,12	Mick 119:2,5
113:10,14	making 24:4	114:3	112:5,9	82:3 91:13	microphone
lots 25:11	40:19 51:13	marine 48:15	McSween	95:18 96:18	78:10 88:4
53:17	74:11 82:13	Mark 1:17	1:12	120:3	mid 31:8
loud 19:12	man 88:15	119:19	mean 15:15	meetings	middle 99:7
64:12 69:19	management	marker 2:21	16:15 20:2	57:16 60:5	Mike 1:16
100:10	31:10	4:4 14:16	27:12 28:10	member 45:8	7:21 30:14
love 39:13	manager	17:7 18:3	33:3 35:12	45:9 56:14	31:7 47:6
106:3,4	38:18 41:2	18:18 22:1	51:2 62:12	57:3,7	52:1 56:21
loves 3:19	82:1 87:14	23:14,14	65:5 66:7	59:10,18,20	57:12 79:14
low 5:4	mankind 6:9	99:10,12	69:19 74:2	60:2,18,21	82:17 85:2
lowly 82:2	manpower	marking	89:1 99:9	61:15 62:13	98:8 103:20
lunch 29:16	42:17	99:4	102:9,12,16	63:4 64:21	105:1
29:17,19	manufactu...	Marsh 1:7	108:16	67:17 72:4	115:11
35:17 77:21	54:19	2:5	112:7	72:10,13	Mike's 14:15
97:14,15	manufactu...	Maryland	117:19	73:9 76:11	31:7 34:3
98:4 119:2	42:11 48:20	1:1,7 8:5	meaning	members	35:4 101:9
122:9	manufactu...	80:17 82:6	49:9	1:10 3:15	104:17
Luncheon	39:11 48:2	84:5,7,7,10	means 38:9	19:7 31:7	105:9

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

107:19	moment 9:2	54:11	98:1 100:8	116:12	42:1 44:8
108:10	Monday	movement	neighbor	nightmare	44:13 65:16
109:9,10	80:18 82:15	5:13 13:20	54:17 88:14	82:11	80:5,8
miles 6:21	85:15	moving	Neither	nobody's	113:16
30:10 63:3	121:14	103:20	100:12	47:1,2	114:2
64:21 65:1	monetary	119:8	never 6:15	noise 6:11	occasionally
83:11 110:3	67:2 70:14	mufflers	26:9 32:17	38:17 64:13	69:21 92:15
111:12	money 15:4	69:18	36:19,20	66:11 70:8	92:18
113:8	23:21 25:4	Myerberg	46:15 47:3	noisy 64:12	occupied
million	40:1 74:12	37:4	new 5:6 25:5	66:12,13,17	107:20
122:15	103:3	myriad 44:20	31:6 36:7	nonpontoon	occurs 11:7
mind 67:8	120:16	N	78:2,3	36:4	October 1:5
mine 15:10	month 85:1	N 2:1	93:19 103:3	Nope 118:16	32:18
74:2 105:15	87:19	name 3:17	118:19	northwest	offer 6:8
105:16	months	6:4 14:13	news 121:12	26:10	92:12 99:21
107:11	18:20 25:8	31:5	new/old	northweste...	offered 60:10
minute 2:15	moon 28:13	names 3:9	35:16	26:13	officer 18:4,7
68:6	moored	narrow	nice 2:14	nose 36:10	18:7,14
minutes 2:16	101:3	20:20 22:9	26:11	Notary 123:3	33:16,19
2:21 3:2,4	motion 38:3	53:18 86:2	niches 82:7	123:9	34:10,17
46:9,18	50:11 54:3	112:20	Nickel 1:12	notice 15:7	35:10 50:5
51:15 91:3	55:16,19,20	narrowed	36:6 38:5,9	95:9 96:10	111:1
mirror 10:4	71:5,7,8,9	58:4	38:12 41:13	96:11	112:21
missing	76:4,20	Natural 2:8	41:16,19	noticed 17:5	officers 24:8
25:13 119:1	82:13 99:17	39:2 42:16	42:1,15	notified	106:18,20
misunderst...	99:21 100:3	43:1 45:12	43:10,14,16	84:19	111:6
118:9	103:4,19	59:5,9	44:8,12,17	NRP 18:4	112:13,16
misunderst...	104:5,11	nature 6:14	44:20 48:1	33:15 50:5	122:6
4:10	107:10	naval 8:6,9	48:18 50:8	120:6	offshore 8:14
MMA 48:20	110:15	19:10 29:9	65:7,15,21	number 9:10	oh 46:3 61:12
MOANEY	114:10	102:8	69:5 76:3	26:2 61:11	88:15 103:2
80:20	116:4 117:4	navigational	78:3,6,11	71:10 76:9	113:4
model 12:3	motor 49:13	101:16	79:2,6,11	98:5,7	oil 8:15
mold 48:12	motorized	nearly 7:1	79:19 80:4	O	okay 12:9
48:12	49:13	necessary	80:19,21	O 2:1	15:14,14
molded	move 17:9	114:2	81:8,18	object 21:8,9	30:4 33:1
46:10 47:12	24:7,7,10	need 15:10	83:5 85:21	observations	34:9 39:16
47:18 48:5	25:3 30:9	15:10 31:4	87:16 90:16	6:9	52:20 57:21
49:21 51:20	30:13 90:20	56:16 62:17	92:5,10,20	observed	61:12 69:1
52:12 55:1	98:5 99:12	70:4,20	93:3 94:8	41:3	72:9 76:17
molded-in	120:8	93:2 97:9	94:11,18	obviously	77:13,21
48:9 49:2	moved 25:11		95:4 97:7		78:5 79:19

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

80:19 92:20	opportunity	46:15	50:1,3 54:2	patrols 18:4	personal
94:7 95:6	6:1	overtopping	54:13 56:12	18:5 33:16	59:21 64:17
97:21 98:1	opposed	13:1	57:13 63:18	pattern 10:2	65:8,10
99:20 100:5	30:21 40:4	owner 9:1	67:10 70:20	Paul's 105:10	66:2,8,18
103:20	54:14 56:4	58:8	71:3 72:20	peaked 27:18	66:20 67:2
104:4 107:9	75:12 77:7	owners 45:6	76:14 89:6	pecuniary	67:17 69:4
108:12	77:12	O'Malley	89:13,16	64:18	69:5 70:13
115:5 117:5	103:14	1:17 120:1	108:14	pending	70:15 73:4
119:9,10	115:18	120:15	120:12	58:14	73:9,11,12
old 5:5	116:20	122:4	part 5:10	peninsula	74:8,16,17
118:19	order 96:3		12:15 25:16	10:2 17:12	74:18,20,21
olden 54:20	organization	P	30:3,6	penned 37:3	75:3,4,5,21
older 108:15	59:17 72:2	P 2:1	49:10,11	people 2:10	76:6,11,12
once 6:21	120:17	page 71:11	58:6 60:8	4:13 6:5	76:13,14
21:7,7	organizati...	72:8 98:12	69:20 73:12	7:18 14:4	80:6 94:12
22:10 28:12	59:9 60:9	paid 2:9 15:4	participate	14:18 18:16	105:7
84:17 85:8	origin 48:19	32:2	64:14 65:11	18:18 32:12	personally
98:13	original	panicked	participating	34:5 44:19	73:18
ones 105:20	43:13,14,18	4:11,12	63:2	44:21 64:7	personnel
ons 36:10	50:19 51:6	papers 82:20	particles	65:8 68:17	120:16
open 65:9,21	53:19 55:6	paragraph	13:2	74:4,8	perspective
111:12	originally	57:19,19	particular	75:15 85:3	66:13
opening	69:10 99:1	60:1 61:10	18:16 32:2	95:6 97:9	pertains 4:18
113:13	107:19	61:10,10,14	52:4,12	105:6	36:1
operate	108:19	61:15 67:12	58:6 59:11	106:10	petition 4:3
41:13 42:4	ought 40:18	70:12 71:10	100:19	107:6 110:1	15:16 16:5
101:18	outboard	71:11 72:6	particularly	111:19	18:9 40:3
operated	49:13	parallel	8:17 83:14	113:12	93:14
43:5 106:10	outreach	49:12	106:8	percent 93:8	petitioner
operating	29:9	parameters	parties 58:5	Perfect 72:21	3:10 4:8
36:17	outside 60:10	42:9,10,12	partly 9:5	period 84:21	31:1 98:15
operator	63:11,16	paraphrasi...	pass 101:4	85:9 87:18	107:15
38:21 39:16	93:5 94:11	118:5	passed 46:16	87:19	petitioners
39:19 40:7	overall 49:10	Pardon 89:4	92:1 103:19	permission	3:6
42:6	49:19	parents	passing 7:1	105:21	petitioner's
opinion	overcome	111:21	path 26:11	permits	104:12
33:12 41:7	23:19	park 105:13	41:3	45:17	115:11,15
79:21 81:6	overcomes	parking	pathways	permitted	115:19
100:18	22:15	53:21 105:3	41:5	108:3	117:5
opinions	overcoming	105:4,11	patrol 18:8	person 16:6	petitioning
57:10 61:3	24:5	Parlin 1:13	patrolled	29:11 33:4	7:16
72:15	oversight	32:11 38:3	18:17	51:3 66:11	phenomenon

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

9:6,11 11:4	18:13 83:2	82:1 87:9	PRB's 51:4	35:4 110:8	123:6
phone 2:17	88:4 119:20	87:14 93:6	preach 83:9	primary	process
photos 25:14	pleasure 36:8	93:8,10,13	precious 7:18	110:17	15:18 16:2
pick 15:19	plenty 42:11	93:18 94:13	preclude	priming 9:11	23:5,6 24:4
picture 75:13	83:16	94:21 96:17	53:1	principles	27:5 28:14
122:13	plunge 12:9	97:5	predecessors	11:3	29:7 65:12
piece 77:20	plunging	politics 54:5	46:6	prior 8:13	85:16 90:18
pier 20:18,21	9:21 10:8	pollution	prefer 60:14	82:7 114:14	91:1,10
21:4,5,10	12:20 13:1	6:11	premise 50:8	114:15	93:12 95:5
25:5 28:6,7	pocket 74:12	portion 7:15	present	private 6:11	processes
28:10 103:3	point 17:18	position	65:19 93:4	privy 39:8	22:4,4,6,15
111:9	18:18 19:19	37:17 47:18	93:6 94:15	91:8	27:20 28:4
piers 104:18	20:4,9,14	57:4,5,6	presentation	proactive	produces
105:1	20:17 22:9	59:15,20	3:1 8:1,3	86:5	23:8,9
pilings 21:4,5	22:13,21	60:19,19,20	26:1 29:3,6	probability	proliferated
21:10 33:6	24:3 30:5	62:11 67:17	29:14 78:14	106:8	105:15
33:9,20	30:11 35:2	72:1,10,11	presentatio...	probably	prompted
34:11 110:2	52:19 55:11	72:12 73:8	5:15 97:16	15:21 22:2	118:7,12
113:1,7	55:12 67:19	76:11 86:21	presented	22:3 25:8	properly
place 5:14	70:8 80:4	94:19 103:8	40:4 78:19	27:12 28:14	111:11
15:9 25:2,9	89:5 98:18	possible 3:5	79:8,17	31:16 39:4	property
25:11 39:14	99:11 100:8	27:21	90:18 95:19	80:8 85:21	6:11,16
43:4,4	110:8	possibly	117:16	87:2 115:8	7:20 9:1
53:19 88:18	121:13	54:16 55:10	122:14	problem	45:6 58:8
places 53:14	points 34:8	60:15 93:14	presenting	10:11,17	proponent
plan 31:10	Police 39:3	119:18	79:3 117:20	12:1,10	62:13
plans 117:15	42:16	posted 80:16	118:3	13:7 16:7,8	proposal
plant 25:2	policy 16:13	82:19 84:9	president	28:17,19,21	84:5,8,11
planted 15:5	36:2,15	91:5 96:19	69:15	30:8 53:11	84:20
planting	37:1,5,19	121:19	presiding 1:8	86:16,17	proposals
24:19	44:17 45:1	potential	presumably	99:6,8	34:20 45:18
platform	45:18 52:5	39:5 60:17	23:13	113:18	120:7
36:12 46:10	52:14 54:7	62:6 92:5	pretense	115:2	propose 62:6
47:12,13,18	54:8,13	pound 10:8	38:13	problems	proposed
47:19 48:7	55:8,10	Power 69:16	pretty 15:8	92:4 117:17	37:15 45:17
48:10 49:2	56:14 57:14	practicality	18:20 48:1	procedure	59:5 60:11
51:20 52:12	58:18 59:2	39:18	94:8 121:8	81:3	81:6 84:16
54:20	59:12 60:1	practicing	prevent 7:14	proceed 71:6	109:11
platforms	60:11,11	8:6	7:18 39:15	proceeded	110:15
36:14 55:2	62:3,9	PRB 46:10	42:6	95:20	protect 5:7
please 2:14	71:14,18	51:15 52:5	primarily 8:6	proceedings	7:7,20
8:18 10:21	72:8 77:20	94:1	8:12 20:14	122:20	13:14 16:19

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

16:21	29:11 31:12	19:7 24:15	58:17,18	recommend	12:14,16
protected	35:4 37:18	25:20 29:1	60:13	29:20,21	19:13,18,21
17:2 18:10	39:13,14	29:2 32:6,7	115:11	93:19 94:2	20:7 21:2
proud	42:19 44:1	34:14 35:8	reading	100:1	27:6
122:12	44:13 53:19	35:9,15	46:12 58:21	recommen...	refracts 21:5
provided	56:14 65:19	38:6 43:7	73:13	29:19 38:4	21:6
60:7,9	68:18 69:3	50:17 61:7	real 99:8	40:19 46:7	refrain 59:13
proximity	74:12,18	90:14	109:18	47:16 52:7	59:20 65:20
33:20 34:10	104:17	quiet 6:14	realize 27:1	80:14 90:20	67:16 70:1
113:1	108:18,19	66:6 67:7	113:4	91:11	71:20 73:8
public 29:9	108:21	69:18	realized 40:7	117:10	76:10
59:17 60:4	113:12	quite 3:6	really 17:14	recommen...	regarding
60:6 65:14	114:15	14:5,5	19:3 27:11	59:4 66:14	2:17 6:2
67:1 72:3	puts 26:17	38:19 40:7	34:8 35:6	80:5 89:19	47:14
78:20,21	putting 35:5	54:16 55:10	39:1 67:5,5	recommen...	120:19
79:5,15,16	PWCs 41:5	quote 31:12	75:15 82:3	45:14	region 11:10
81:2,4,6,11	114:19	R	86:16 92:21	recommen...	11:11 12:17
82:18 83:7	Pythian 1:6	R 2:1	102:3,7,19	52:17 94:20	28:4
84:19 85:2	p.m 74:5	radio 121:16	121:18	95:1	Register
85:9 92:15	122:20	rain 121:14	realm 93:5	record 35:18	80:17 84:6
95:9 96:9	Q	raise 103:11	reason 37:7	68:9 69:11	84:8,10,12
96:12,18	quantifying	103:15	37:14,14	80:2 106:11	84:18,19
97:9 123:3	74:21	115:15,19	38:20 39:9	122:3	85:10
123:9	question 4:6	116:17,20	40:3 51:14	recorded	regulate
publication	19:9,15	raised 52:19	51:14 90:16	3:17	69:14 86:10
85:10,15	20:11 21:18	103:16	105:3	recreational	regulation
publicized	21:20 22:16	ran 69:19	109:18	45:13	5:14 30:17
85:7,8	24:16 26:19	range 86:9	110:17,20	reduce 30:19	37:13 38:2
published	32:8,14	rapidly 9:20	117:16	64:13	38:14 43:8
84:10	50:16,18	rare 27:13	reasons	reduced	45:15 48:16
pull 98:11	52:18 75:19	28:11	109:7	104:1	50:19 51:6
99:11	78:20 81:1	rate 90:3	recall 44:2,6	redundant	51:7,9,13
pulled 111:7	87:20 89:3	106:3	receive 85:5	3:5 66:19	52:10 53:19
111:8	95:7,8	110:18	92:14	reflected	64:13 81:7
pulls 111:10	103:10	rates 111:18	received 4:8	10:4	84:16 86:19
purpose 59:4	106:13	ratify 52:21	4:10 34:21	refract 20:6	87:10 92:1
105:3	110:21	ratio 11:7,12	56:15 57:13	refracted	93:2,11,20
push 101:6	111:17	rational	58:12 87:15	10:5,7	93:20
pushed 96:1	115:7,10	43:18	recognizing	12:12	regulations
pushing	118:12	read 37:7	115:1	refracting	45:15 47:14
101:11,19	questions	40:21 58:15	recollection	10:2 20:2	53:16 59:6
put 15:9 24:7			53:20 81:19	refraction	66:20 82:12

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

84:6 96:18	60:18 72:3	43:2 45:12	62:6	105:17,18	Russ 1:12
related 59:12	72:10	59:5,10	rid 110:7,15	109:16	70:3 75:5
90:1 94:6	representa...	respons 47:1	ride 16:17	111:4	114:12
relates 93:21	45:6 59:7,8	responsibil...	83:9	113:11	
relating	represented	94:1	ridiculously	121:21	<hr/> S <hr/>
51:18	81:12	responsible	114:2	rivers 19:1	S 2:1
relationship	representing	47:2,2	right 4:16,20	road 13:5	safe 82:12,12
39:12	51:16 66:21	rest 44:4	5:3,11	30:5 32:15	120:5
relative 26:8	67:1 74:10	72:7 116:5	10:13,20	Robert 1:12	safety 33:6
remember	80:9	116:6	14:16 17:20	Roberta 1:14	80:10,12
15:20 31:9	request 4:3	restart 92:9	17:20 22:9	Robin 1:11	82:11 83:7
54:20 79:20	4:12 30:9	restaurant	26:10 29:11	rocking 34:6	83:14 91:14
91:12,15	30:16,18	14:15	34:3 44:16	rocks 7:7	92:4 110:9
109:1	36:16,19	105:11	54:12 62:19	15:7,11	111:17
114:14	40:12 42:7	108:11	62:20 63:20	17:1 25:3	112:19
remind 62:10	43:11 52:2	restrained	64:2 66:5	25:16 28:9	sales 42:20
97:3	52:3,20	106:14	75:9 77:14	role 82:11	sand 7:8 10:9
remove	106:5	restrictions	83:12,13	roles 59:2	13:2,18,21
71:15,17	107:14	31:17	85:13 98:13	61:14	16:21 25:11
rent 83:7	115:11,15	result 6:20	98:20,21	Ron 37:12	Saturday
rented 106:1	115:19	31:11	100:6,7,11	46:8	30:19 104:2
repeat 31:5	117:5,6	retired 32:17	103:9	Ronnie 14:13	115:13
repetitive	118:10	retroactively	120:17	room 60:5,10	save 7:17
86:3	requested	37:16	Riva 4:6	root 9:8	savings 25:5
replaced	56:15	revetment	22:17 30:5	rope 89:15	saw 12:21
17:4	101:10	15:4 16:20	30:16	Route 4:5	82:19
replacement	requesting	24:18	110:16	33:21 114:1	saying 24:9
119:17	5:9 37:2	review 36:2	river 4:4 5:1	rudders	24:11 48:3
report 5:16	98:15 104:1	36:15 37:1	6:7,13,16	49:13	53:1 61:18
5:19 102:10	requests 86:1	37:5,18,19	7:15 14:1	rule 106:15	63:6 65:7
121:7	requirement	44:17 45:1	16:1,8,10	rules 2:19	82:1 89:18
Reported	121:2	45:18 52:6	16:18 17:16	39:14	92:3 95:2
1:20	requires 16:4	52:15 54:7	18:8,19	rulings 73:17	97:2 106:7
reporter 3:16	85:8	54:8,14	26:11,13	run 12:4	108:9 109:4
3:19 32:10	research	55:8,10	28:20 30:4	23:14 70:19	109:5 110:2
reports 35:3	49:6	82:1 84:15	31:10 34:12	76:1 83:13	117:17
103:18	resigned	87:9,14	53:14 63:3	rundown	says 11:18
112:16	119:5	93:6,9,10	64:21 65:2	98:9	59:2 60:1
119:4	Resource	93:13,18	68:14,15	running	63:2,19
represent 6:5	42:16	94:13,21	74:1,6	10:12 11:19	67:15 68:11
8:8 45:4,5	Resources	95:18	98:20 100:7	runs 5:2 6:7	scale 12:3
57:4 59:17	2:8 39:3	revisions	101:5	8:8	scaled 10:17

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

scary 70:11 121:5	46:8,21 47:16 50:13	41:21 42:3 42:8 51:17	shallow 9:6 9:12,20	shore 4:18 5:17 7:3,20	silly 91:4 92:6,6
scheduled 85:2	52:8,17 54:4,11	53:2 105:5 selling 39:1,6	10:12,13,16 10:18,20	9:19 11:14 12:2,4 17:8	similar 9:11 11:4 49:14
science 102:11,13 102:16,19 103:7,8	55:6 59:5,9 82:14 89:20 93:19 94:2 94:4,15	40:1 52:11 53:12 66:12 74:12	12:8,12,15 12:17 13:16 20:15 21:21 22:12,21	22:10,14 23:10,11 24:13 69:6 90:8	49:19 Simon 1:14 50:14 55:21 62:17 104:8
scientific 87:2	95:1 secretary's 38:1,4	45:8 senators 84:15	23:3,11 24:12 28:6 28:16 53:17	shoreline 6:3 7:4,7 10:1 28:8 58:8	111:14 112:13 119:13 122:11
scolded 91:7	40:17 41:1 47:17	send 46:20 95:11 96:9	shallowness 28:18	shores 6:4,6 6:16,19 7:2	simple 14:3
scope 58:4	sector 78:20	96:11 97:2 97:3	shape 6:10 9:20 109:8	short 24:3 120:1	Simplify 50:2
sea 5:4 6:12 13:19 14:2 27:2,16,16	security 106:19	sent 5:17 56:20 85:9	share 99:5 sharply 27:18	shortcut 13:10,11 shorten 113:16,20	simply 7:19 19:15 single 6:9 68:19
season 30:18 30:20 34:16 104:2 107:2 110:16 115:13,14 121:6,9,11	sediment 13:21 see 2:11 6:17 8:2 10:14 10:15 12:16	95:10 sentence 68:5 71:11,12,18 72:6 73:6 76:8,9	sheer 49:9 Sheller 1:13 43:8,13,17 44:3,15,18 48:14 49:1 55:18 56:18 61:8,13,20 68:4 73:6 73:19 77:9	shortly 5:15 show 15:12 103:13 115:17,20 116:18 117:1	sir 14:7,12 17:17 29:12 30:12 32:10 33:14,18 35:19
second 38:7 38:8 50:14 61:10,14 70:12 71:10 72:20 73:5 76:5 100:2 100:3 103:21 104:13 105:14 114:21	17:9,11 18:21 21:17 23:13,15 31:19 32:3 33:2 55:1 56:19 70:14 77:19 86:7 100:16,17 107:6 109:18 120:9 122:4 122:17,18	sentences 72:7 separate 93:2 September 85:1 seriously 41:9 service 120:4 Services 1:17 serving 32:1 session 78:21 97:15 set 5:6 40:16 42:10 45:2	shelter 7:9 7:10 25:12 ship 8:14 28:19,20 ships 11:5 12:2,4 shoal 5:2 22:8 27:20 shoaled 26:15 shoaling 10:7 20:8,9,14 28:5,8 shoemaker's 9:3	show 15:12 103:13 115:17,20 116:18 117:1 showed 85:3 shows 10:15 121:7 side 13:12 114:4,6 115:4 sign 11:18 significant 31:20 significantly 21:3,8 silence 2:13 2:15,16 silencing 2:17	sit 70:10 situated 4:5 situation 9:8 64:11 65:8 situations 8:16 six 4:12 5:9 6:21 8:21 11:8 14:16 16:10,17 18:21 30:10 30:17 98:16 98:19 99:2 105:6 106:14 107:20 109:14 110:15
seconds 114:21 115:4	seeing 27:16 seen 17:9 18:17	settled 120:12 seven 68:15 100:15,16 115:21 116:2			
secretary 2:8 2:10 29:20 29:21 37:2 37:3,12,15 37:19 40:12 40:13 45:11 45:20 46:7	selection 2:10 self-explan... 98:14 sell 39:11,17 40:13 41:12				

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

115:12	37:10 47:11	southerly	111:4 112:2	98:6 110:10	straight
size 7:11 26:2	50:21 51:3	13:12	112:5,17	123:1,4	23:14 49:9
109:8	51:10,19,19	space 7:3	113:4,16,20	stated 49:15	stretch 7:10
ski 41:17	52:3,5 53:8	25:12	114:1	statement	strikes 23:10
68:8 73:21	64:12,12	speak 2:16	speeding	26:9 82:14	strong 28:3
74:1,4	102:19	2:20 3:8,18	19:21	states 76:9	62:12
111:3,11	solicit 58:11	6:1 14:8,12	speeds 9:5	statewide	struck 67:12
113:2	solid 20:3	18:3 33:16	11:16	84:8	structure
Skiers	solution 14:3	33:17 54:6	spend 23:21	stating 37:5	19:16 20:12
105:12	16:19 67:10	65:2 68:2	spent 8:15	81:9	20:13,17
Skis 67:5	86:8	80:15 111:1	16:3 25:4	statute 43:4	61:9
101:15	solutions	speaker 5:12	86:9 103:2	45:2	studies 11:1
105:15	17:4	speakers	spilling 13:1	statutory	study 11:3,21
106:2,9,14	somebody	19:8	spit 4:16	94:1	12:3 120:18
107:4 111:2	44:1 51:10	speaking	spoke 47:9	stay 29:13,15	stuff 34:6
Slaff 119:3	53:1 55:9	37:9 118:6	square 9:8	63:4 70:9	90:2
119:12,18	106:21	special 108:4	stabilizing	105:7,21	subject 2:20
slash 93:8,9	somebody's	specific 11:2	24:19	106:2	25:7
slide 10:21	115:1	specifically	staff 3:15	steepen 12:7	subsequent
slides 32:6	somewhat	69:3	122:9	steeper 22:12	120:20
slips 107:20	11:15 26:4	speed 5:8 7:1	stand 54:3	steepness	sudden 39:2
slow 14:21	45:4 46:5	7:1,15 9:8	71:13 93:17	23:6	suggest 58:3
17:11 22:18	song 35:12	9:15,16	standing	step 66:1	92:8 93:11
33:2 101:7	sorry 5:16	11:7,11,12	43:2	67:4,6 93:4	suggesting
101:11	54:17 94:10	11:16 13:8	stands 37:21	stepping	25:19
114:5	115:6 120:2	13:8 16:9	start 3:10,10	40:5 94:11	suggestion
slower 86:20	sort 14:15	18:10 24:7	3:13 34:6,7	stern 36:10	113:15
small 4:16,20	15:18	24:9 28:18	78:12	Steve 1:13	summer
4:21 6:19	sound 38:17	30:3,20	started 5:13	3:13 62:20	18:20
8:6,8,12	69:14	31:11,15	25:9 39:3	64:3 68:11	Sunday
13:14 15:8	sounded	32:4,19	52:11 54:4	71:8 72:6	30:19 104:2
15:19 23:16	118:4,13	33:5,10	state 1:16	85:17 99:20	115:14
44:14 90:11	sounds 44:4	35:2 44:13	3:17 8:5,10	102:2 111:4	121:14
111:21	44:4	53:7 69:15	8:11,11	117:5	supplied
smaller 7:12	south 4:4 6:7	75:12,16	27:2,16,16	stones 15:11	70:8
11:14 12:3	6:13 16:1	86:2 98:8	42:16 45:8	stop 17:7,10	support
12:4 100:21	16:10,18	101:8,8,9	79:3 80:14	storm 102:13	50:11 54:4
115:7,8	18:8 20:16	101:10	81:5 82:6	102:16	55:5,6,13
smile 3:20	26:11 68:14	104:1,17	84:7 85:6	storms 26:21	55:14
Snowmage...	68:15 73:21	107:4 108:5	90:21 91:1	121:11	102:17
121:16	98:20 100:7	109:18	91:17,17	storm-driv...	supported
sold 36:17	101:5 111:4	110:8,16,19	92:17,18	27:7	62:15

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

supporting	64:17	105:10	109:21	106:7 107:1	52:2 54:19
30:21 37:21	tackled	tend 13:9,10	119:11	108:9	69:16 77:18
supports	118:20	13:11	things 2:14	111:16,17	87:8,10
102:11	take 2:13	tendency	16:5,13	115:8	89:20 90:8
103:8	29:15 32:5	20:6	45:17 46:21	118:11	97:17 104:1
supposed	37:2 53:14	tenth 21:16	50:2 54:10	119:5	104:17
46:20 48:5	71:9 73:2	testimony	58:2 61:16	thinking	112:15
95:5 105:18	83:2 97:13	6:8,18	61:21 63:3	4:11 69:8	113:21
sure 2:12 3:5	105:4 108:4	Texas 11:3	70:19 86:5	73:15	120:2,9,11
3:8,11	taken 40:18	thank 3:20	92:13,14	Thornell	122:1
13:17 14:4	50:12 75:13	5:21 14:6,7	95:15	1:13	times 5:9
16:4 35:11	113:18	17:16,21	120:14	Thorny	6:14 9:8
77:14 98:12	talk 88:6,11	18:1 19:5	think 11:19	54:17 87:21	23:17 28:13
104:10	88:12 98:2	21:17 29:2	14:20,21	89:18	30:18 31:18
110:12	100:10	29:6,12	15:6,8,15	thought 32:4	33:13 55:8
119:17,18	talked 16:1	30:12 31:4	15:15 16:7	65:18 75:14	66:6 98:16
surface 49:4	67:4 88:18	33:13,14,18	16:10,12,18	88:10 99:16	104:1
Surfboard	talking 11:12	34:9,13	17:4,19	121:10	105:10
89:13	19:13 21:20	35:9,19	19:12 31:14	thoughts	109:14
surfing 78:15	26:4,16	77:16,17,18	32:18 33:5	19:3	115:13
82:10 86:17	27:13 54:17	81:16 90:15	33:9 34:1	thousands	tip 4:19
86:19 87:5	54:18 62:14	98:3 103:9	35:14 40:16	26:16	12:15,16
89:12,16	65:1 79:14	120:4,9	40:17 44:12	three 10:20	today 5:12
90:1,9	88:9,14	122:6,7,8,9	48:18 49:18	27:17 56:5	6:1,19 7:11
95:10	108:1	Thanks	50:10 55:14	75:15 96:19	29:19 35:6
surge 11:8	talks 64:18	122:4	56:3,16	101:12	56:14 92:3
surprise	tangentially	theoretical	57:20 60:12	113:13	97:16 120:5
81:20	68:13	102:9	61:15,15	threw 105:2	121:1 122:7
surrounding	Tawes 120:3	theoretically	62:5,13	105:5	122:10
30:16	Taylor 1:20	26:4,6	63:7,9,21	thumbs 94:4	told 52:9
sustainabil...	123:3,9	theory 107:5	64:19,19	94:5	70:9
41:10	teach 83:9	thing 9:3	65:4 67:4,8	Thursday	topics 120:14
swim 36:12	teak 54:20	11:6 17:5	67:12,19	1:5 121:21	120:15
36:14 48:7	television	27:19 28:5	68:1,17	122:19	totally 62:8
48:10 49:2	121:12	29:8 30:1	70:2,20	tied 66:19	70:6
51:20 54:20	tell 85:16	32:13 38:12	73:12 79:20	time 8:16	touch 29:11
55:1	88:16	41:15 49:19	80:10 82:15	12:5 16:3	tourism
systems 8:15	telling 94:9	56:19 61:9	85:19 88:2	16:18 23:4	42:20
	102:17	68:7 70:12	89:8,18	23:11,17	trade-off
T	ten 15:21	73:4 97:1	92:21 102:9	24:6 29:4	23:2
T 1:13 68:20	38:19 45:2	99:9 103:1	102:9,11,16	33:11 42:18	traffic 31:15
table 50:11	85:14 90:20	105:9	103:2 106:6	44:6 46:8	31:20 34:2

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

100:17,21	123:5	underneath	view 5:15 8:1	83:11	110:12
101:14	trumps 67:3	28:6,9 43:5	118:3,11	wakeboard...	114:9,11
trailerable	try 3:4 68:19	101:4	views 57:11	86:3,4,16	115:11
44:6	86:4	understand	61:4 72:17	87:4 88:2,6	116:9
transcript	trying 7:18	3:1 14:19	violation	88:15 89:11	wanted 34:8
123:6	30:2 50:7	15:18 20:16	63:16	89:17,19	48:4 50:9
transport	51:3 69:14	24:8 37:6,8	virtue 106:15	90:1,2,10	54:10 75:16
22:4,6	79:3 95:4	40:17 42:3	visit 77:20	wakes 6:15	78:3,11
transports	120:5	58:16 91:21	visiting 25:9	6:20 11:13	83:21 91:15
13:3,21,21	Tuesday	95:2,5	voice 4:14	78:7 101:20	91:16 95:21
transverse	121:14	106:6 111:6	81:6	102:14	99:1 108:19
105:18	turned 90:6	understan...	voicing 91:12	113:9	119:13
treated 91:19	tweak 87:11	73:14 90:17	volunteers	walk 69:12	wants 38:5
trend 41:4,6	two 3:4 19:1	95:17	2:7,9	want 2:12,18	39:19 40:2
trepidation	21:7 27:17	understood	vote 55:16,18	6:8 7:19	warrant
53:21	30:21 34:8	18:9	56:2 58:9	11:19 15:12	31:15,17
trial 86:12	34:19 48:7	unfortunat...	58:10 64:14	16:10,16,17	warranted
tricky 50:7	54:13 55:3	9:2 36:13	66:1 68:13	25:1,6 30:4	32:3,4
tried 68:11	55:8 58:11	121:10	68:17 70:1	33:16 35:16	washing
112:20	62:7 68:12	unique 16:7	73:3 77:2	39:17 40:13	25:17
Trovata 1:14	71:10 75:15	update 119:4	79:20	42:2,7,8,20	Washington
TROVATO	75:21 85:11	usages 48:15	voted 58:7	48:9 51:12	8:10
14:6,8	109:15	use 32:9 59:8	63:15 91:11	52:16,16	wasn't 36:12
17:17,21	119:1	93:13 94:16	votes 77:6	53:5 56:13	42:5 56:18
19:11 24:16	two-foot	102:6 112:1	voting 63:2	56:21 57:1	56:18 84:3
46:1 47:17	36:11	uses 45:13	vulnerable	58:15 62:2	86:16 97:7
52:18 53:4	type 15:9,16		6:17	62:7 63:13	108:17
53:8 56:7	41:15 52:4	V		63:14 64:7	watched 15:3
65:18 66:10	52:5 91:13	verge 120:18	W	66:13,15,16	watching
71:5,7,17	types 16:5	versus 47:12	wait 78:2	68:8 70:13	17:16
72:18 73:15	52:12	47:19 90:21	waiting	70:17,18	water 6:7 9:1
74:6 76:6	T-boned	91:18	33:10 34:1	71:5,6,15	9:6,10,12
76:16,20	107:1	vessel 36:9	wake 27:8	71:17 72:19	9:12,15,20
77:16 89:18		48:8 49:10	36:7 78:15	73:10,21	10:13,16,19
95:7,9,14	U	49:11	82:9 86:17	75:16 76:18	10:19 12:8
96:2,8,14	Uh-huh	vessels 5:2,7	86:19 87:4	77:2 78:1,2	12:12,15,17
96:21 97:12	79:13	28:14 36:3	88:6 89:12	79:6 80:13	12:19 13:8
99:15	118:14	36:13 39:4	89:16 90:9	83:10 88:6	13:16 22:12
104:13	Unanimous	47:15	90:10 95:9	88:13 90:20	22:21 23:3
109:4	56:2 77:6	veterans 31:9	99:1 101:16	93:21 94:18	23:11 24:12
116:10,13	underlying	video 12:21	117:17	98:6,8,8	27:21 28:16
true 90:13	43:8	25:15	wakeboard	100:8	41:6 53:13

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

59:8 64:8,9	13:4,18	121:20	71:3,4 77:3	96:10 98:10	year 7:12
74:5 75:2	15:3,17	weekday	77:21 82:10	workload	34:18 43:9
82:5 83:17	16:16 17:9	32:16	88:8 92:10	96:5,6	43:10 84:4
86:2,11	17:10 20:21	weekdays	95:15 97:13	works 45:21	87:1
101:7,12	21:3,6,11	33:4 34:2	98:2,2,5	75:3 91:4	years 7:6,8
120:5	21:11,13,19	106:7	110:2	world 48:15	8:7,13
waterfront	21:20 22:11	weekend	113:16	worst 6:14	15:20,21
9:1	23:19 24:5	34:2 83:8	119:16	wouldn't	32:1 34:19
waterline 9:9	26:2,10,20	weekends	122:18	20:6,7 24:9	37:11 38:19
49:20	27:11 28:11	31:17	we've 10:11	42:6 66:12	51:20 69:9
watermen's	86:20 90:4	101:18	10:12,16,19	97:8 119:21	100:18
62:11,15	117:21	welcome	22:6,8	wrestled 87:1	102:1
waters 6:13	way 8:20	29:13,15	23:12 26:10	WRIGHT	121:17
42:4 65:1	12:13,14	went 15:20	27:9 36:18	99:6	year's 47:6
waterski	16:2 17:8	46:12 52:13	43:5 64:19	write 31:13	52:14
30:4 70:7	19:2 20:3	54:7,8	73:1 96:10	46:20	Yellow 100:7
74:10	25:4,8 44:7	84:18 87:17	102:13	writing 16:6	yep 73:13
waterskiing	48:1,4	113:10	118:19	written 48:2	yield 108:15
89:17	50:19 51:6	121:6,8	White 10:3	60:4 85:5	Yough 53:13
Waterway	84:5,6 85:7	weren't 28:7	122:13	wrong 39:21	young
122:12,14	92:13,19	34:21 81:1	wide 30:7	41:7 73:13	106:10
waterways	95:2 97:6	we'll 3:3,10	111:12	73:14 79:21	111:19
7:19 120:21	98:19	29:17,17,18	wider 30:3	wrote 14:18	
wave 4:21	105:16	77:13 97:15	41:5		Z
8:16 9:4,10	ways 24:19	121:13,19	width 86:11	Y	zero 101:21
9:17,18	99:10	we're 2:9,21	wind 28:2	yacht 63:3	zone 7:1
11:8,9	weather	9:3 11:12	winding	64:21 65:2	18:11 98:16
12:11 13:20	120:10	12:3 13:15	121:9	75:11 122:1	98:18,19
17:6 19:13	121:9	14:11 18:20	winds 26:10	yachts 101:3	99:1 101:8
21:8 22:15	web 96:19	24:11 26:15	wind-down	yeah 19:9,14	101:9
22:21 23:4	97:2,4	27:13,14,15	121:5	26:5 27:1,9	108:18,19
23:11 25:17	website	27:16 28:1	wish 112:21	28:10 32:15	109:19
26:12 27:4	82:19 84:9	28:2 30:13	wondering	51:12 55:21	112:17
27:10,13	84:9	37:20 41:9	95:14	64:4 75:7	113:4,16,20
30:7 78:14	week 31:16	50:15 51:1	words 68:18	99:15,18	114:1
86:14 88:17	31:18,19,19	51:3 52:6	work 2:7 8:7	100:11	zones 110:8
88:20 90:5	32:5 34:4	52:17,21	16:19 37:20	103:2	
90:7,12	68:15 85:11	56:3,6,16	75:6 87:10	108:16	\$
103:3	100:15,16	64:5,6,6	92:13 98:1	109:12	\$125 122:14
waves 7:2,3,4	101:19	65:1 66:14	99:2	111:15	
10:3,8 12:6	109:14,15	66:21 67:1	working 8:16	112:9,12	0
12:11,13,20	113:13	69:20 70:21	16:3 95:15	116:7	06 36:2,16
					37:6 43:11

Transcript of Boat Act Advisory Committee
Taken October 25, 2012

46:13,18	200 83:16	300 44:10			
<hr/>	90:11	32-foot 42:2			
1	2006 36:1	35 107:6			
1 116:19	37:13 43:12	111:4,5			
117:2	46:6,9	<hr/>			
1.34 9:8	50:20 51:15	4			
1:03 122:20	52:6,20	4 116:19			
10 2:21 3:2	54:8,15	117:2			
100:16	2011 78:13	400 90:10			
10:03 1:6	79:18 81:9	45 101:5			
11 83:11	84:3 95:19	111:5,7			
11:30 74:5	2012 1:5 47:6	<hr/>			
12 83:11	52:9 85:1	5			
97:18	21037 1:7	5 74:5 116:19			
100:16	22 43:3	117:2			
102:15	23rd 36:21	50-footers			
12:30 97:19	24 84:19 85:1	101:6			
15 32:18	112:14	55 111:5,12			
110:4	25th 1:5	112:2			
16 59:1	26 36:4,11,15	58 99:12			
160 7:2 12:6	44:3 48:5	<hr/>			
23:12 28:15	51:17,21	6			
17 2:21 4:4	52:13	6 116:19			
5:2 18:3	26-foot 48:6	117:2			
22:1 98:5,7	26.2 36:9	60 110:3			
19th 85:12	27 37:9,16	114:20			
85:13	46:11 48:3	6222 1:6			
1980 114:18	48:6,10	65 111:5,12			
1990s 31:8	50:20	<hr/>			
<hr/>	27-foot 47:19	7 116:19			
2	28 55:10	700 75:16			
2 4:5 33:21	28-foot 39:12	<hr/>			
57:19,19	43:1 48:8	8			
60:1 61:10	<hr/>	8 116:19			
61:11 71:10	3	80s 43:15			
114:1	3 116:19	<hr/>			
116:19	117:2	9			
117:2	30 113:8	9 116:19			
20 8:7,13	114:20	90s 69:9			
25:13 79:1	30-foot 39:13	90-plus 35:5			
100:18	39:17 40:13	90-slip 35:5			
102:1 107:8	53:2,9	93 31:14			
110:4 113:8					