

The Lake Samish Community had been torn apart by this issue, impacting neighborly interactions and even friendships. In turn, I am appalled by the bullying and negative rhetoric that continues to surface.

Feeling they will be targeted, many residents are hesitant to be here and speak out. I have been told to move away from the lake if I don't like boats. Boats are not my issue; my focus is on safety of swimmers and people in non-motorized craft.

Consider Packet #1: In 1954, the county council passed a law requiring boats to stay 300 feet from docks and shoreline on Lake Samish.

Back in 1954, there were no big power boats, yet the effect of wakes was a concern even then. My house was the only one on the south shore of the narrow channel. Now, there are 16 houses.

In the mid-1960s, many boaters openly disregarded the law. Members of the Lake Samish community made presentations before the county council, reporting that conditions were "worse now than ever before." The 300 foot restriction was retained.

Unfortunately, the two leaders of this community effort were shunned by many Lake Samish residents for the remainder of their lives. Both men are now deceased, or I would have them here to testify.

In the early 1990s, the current law was passed making the 300 foot condition uniform on both Lake Whatcom and Lake Samish. But, one person—County Sheriff Larry Mount—decided that 150 feet was ample for Lake Samish, with no change made in the law and no change in enforcement.

I moved to Lake Samish in 1984, had a ski boat and everything was great. But, in the past 5 years, conditions are "worse now than ever before." This is due to four factors:

1. Increased population on the lake
2. Increased number of boats on the lake

FILE UNDER AB 2019 480-4
DATE RECEIVED: 1.14.2020
SUBMITTED BY: Jerry Johnson
 COUNCIL MEETING
EXHIBIT: E COMMITTEE

3. Increased size, power, and wake effects of boats
4. Lack of enforcement

Often, especially on summer weekends, it is not safe for anyone to swim near my dock or to be on paddle board. Too many boaters treat the narrow passage as a raceway, and regularly pass at high speed within 20 feet of my dock.

When I raised the issue of safety in previous testimony, I was criticized because of no evidence that the lake was unsafe. That is, I could not report any accidents involving swimmers and boats. Using misguided logic, one member of the council then concluded that Lake Samish was safe.

Packet #2 represents a ½ hour Internet search for accidents. I limited my focus to the U.S. during the years 2018-2019, and only on boat accidents in designated swimming areas. Unfortunately, a great many swimmers have been maimed by boats, and some died. Prior to those accidents, those lakes were thought safe as well. This packet is evidence that the idea of a lake being “safe” for swimmers is relative and can change quickly.

Now, to Packet #3. In 1978, Whatcom County adopted a self-insurance program, then reduced traffic speeds on county roads from 50 to 35 mph. Many people voiced their disagreements and the law’s impact on their lives.

Despite facing negative comments, the County council stood firm for 2 reasons:

- 1) The lower speed would reduce the number of accidents, thereby reducing the county’s liability.
- 2) The council was concerned about safety issues associated with higher speeds on “smaller, less-traveled roads.”

I ask this Council to do the same. That is, make a decision that reduces the county’s liability and shows a concern for issues of safety.

Thank you for your time and consideration. You are in a difficult position, making a decision that has split a community. But, representing many who

live on the lake and want a safe environment that still allows boaters to recreate in proper areas, I ask you to vote “against” proposal 480 and “for” proposal 600.

Yet, I realize that any vote is meaningless unless the full Lake Samish community is (1) willing to abide by the law, and (2) increased enforcement occurs. Being a fatalist and student of Lake Samish’s history, I believe neither will occur.

NOTICE

NOTICE IS HEREBY GIVEN that on the 3rd day of August, 1954, proper hearing will be held on the following proposed ordinance in the Office of the County Commissioners in the Court House at Bellingham, Washington, at the hour of 10:00 A. M., at which hearing any person may appear to be heard for or against said ordinance, and:

IT IS ORDERED that this ordinance and notice shall be published twice, on the 21st and 28th day of July, 1954, in The Bellingham Herald, a newspaper of general circulation published in Bellingham, Washington, the same being the official newspaper of Whatcom County, Washington, said proposed ordinance to read as follows:

AN ORDINANCE pertaining to the use and operation of motorboats and other power driven water craft on Lake Samish in Whatcom County; and defining offenses and providing penalties for such offenses.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WHATCOM COUNTY, STATE OF WASHINGTON, as follows:

SECTION I. It shall be unlawful for any motorboat or power-driven water craft to be operated while the propeller is engaged, within one-hundred (100) feet of any swimmer, rowboat, canoe, other motorboat or power driven water craft or other water conveyances on Lake Samish in Whatcom County, State of Washington.

SECTION II. It shall be unlawful to operate a motorboat or other power driven water craft in a reckless manner over or upon Lake Samish in this county. For the purpose of this section, to "operate in a reckless manner" shall be construed to mean the operation of a motorboat or other power driven water craft upon such lake in said county in such a manner as to indicate either willful or wanton disregard for the safety of persons or property.

SECTION III. It shall be unlawful to operate any motorboat or other power-driven water craft in a negligent manner over or upon Lake Samish in the County of Whatcom, State of Washington. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a motorboat or other power driven water craft in such a manner as to endanger or be likely to endanger any persons or property or in such a manner as to inconvenience unnecessarily the occupants of other boats or other users of Lake Samish.

SECTION IV. It shall be unlawful for any person to drive, be in actual physical control or operate any motorboat or power driven water craft while under the influence of or affected by the use of intoxicating liquor, or any narcotic drug, over or upon Lake Samish in Whatcom County, State of Washington.

The fact that any person charged with the violation of this section is or has been entitled to use such drugs under the laws of this state shall not be a defense to any charge violating this section.

SECTION V. It shall be unlawful to operate a motorboat or other power driven water craft within three hundred (300) feet of the shore line, floats or docks upon Lake Samish in Whatcom County, State of Washington. PROVIDED, HOWEVER, that the provisions of this section shall not apply to said motorboat or other power driven water craft approaching or leaving the shore line, floats or docks, at which time the speed of said motorboat or other power driven water craft shall not exceed five (5) miles per hour.

SECTION VI. Any person, firm, corporation, co-partnership, agency or employee thereof who shall violate any section of this Ordinance, with the exception of those portions pertaining to operation of motorboats or power driven water craft in a reckless manner or while under the influence of intoxicating liquor or drugs, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$10, nor more than \$100.

SECTION VII. Any person, firm, corporation, co-partnership, agency or employee thereof, who violates the provisions of this ordinance pertaining to the operation of motorboats or other power driven water craft in a reckless manner or while under the influence of intoxicating liquor, narcotic drugs, or while affected by either, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00, or more than \$250.00.

SECTION VIII. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners of Whatcom County, State of Washington, hereby declares that such ordinance is necessary for the health, welfare and protection of the citizens of this county.

Dated at Bellingham, Washington, this 20th day of July, 1954.

BOARD OF COUNTY COMMISSIONERS OF WHATCOM COUNTY, WASHINGTON
[Seal] E. R. HAYTON,
Chairman.

MARRY GONSER,
Commissioner;
CLAUDE MANLEY,
Commissioner.

ATTEST: WILL D. PRATT,
County Auditor and Ex-officio
Clerk of the Board.
By ELSIE LEWIS,
Deputy.

Power Boat Rules Set by County

Acting on recent complaints by lakeside residents, Whatcom County commissioners started passage of an ordinance regulating use of motorboats on Lake Samish.

They set 3 as date of the required public hearing on the measure, modeled after a Skagit County ordinance. More than a dozen persons had appeared before the board early this month, demanding restrictions "with teeth in them" and complaining conditions on the upper end of the lake are "worse now than ever before."

The proposed ordinance carries the following provisions: No operation of a power boat within 100 feet of any swimmer or any other type of boat on Lake Samish. No operation within 300 feet of the shore, floats or docks, except in leaving and approaching docks and then a maximum speed of 5 miles an hour. Making "reckless" and "negligent" operation of power boats, as well as driving a power boat while under influence of intoxicants, illegal.

All sections of the measure, except that regarding drunken operation would carry a minimum \$10 fine and a maximum of \$100. On the "drunk driving" provision, the minimum fine would be \$50, the maximum \$250.

Hearing Due on Speedboat Law

A proposed county law regulating speedboats on Lake Samish will get a public hearing next Tuesday, the day it is up for passage by the board of county commissioners.

The board on July 20, set the hearing and began publication of the proposed ordinance, modeled after a Skagit County law now in effect for inland waters there.

Generally, the Whatcom County measure would make it unlawful for any power-driven boat to operate within 100 feet of any swimmer or other type of craft on all parts of the lake.

It also sets up definitions of "negligent" and "reckless" operation of power boats and also ordains against driving a power boat while under influence of intoxicants, specifying minimum and maximum fines for violations.

It would make it illegal to operate a power boat within 300 feet of the shore, floats or docks on Lake Samish, except while approaching or leaving the shoreline or docks, when a speed limit of five miles an hour is specified.

The board drew up the ordinance after hearing complaints early this month from upper Lake Samish residents that speed boat conditions were "worse now than ever before."

No Action Taken On Boat Ruling

Whatcom County commissioners, seeming rather reluctant to take the action themselves, Thursday again held up passage of an ordinance regulating speedboats on Lake Samish pending results of a count among lakeshore residents and others Tuesday evening.

The proposed measure drew a room full of proponents and opponents at its scheduled public hearing early this month, the three commissioners deciding to take it under advisement then, continuing the hearing until Tuesday.

But the measure remained unsigned Tuesday. Several Lake Samish persons appeared at the commissioners' office and told the board they intended to meet in the evening to help over and iron out the proposed measure, which would regulate distances speedboats could come to the shore and swimmers and would extend to 5 miles an hour approaching or leaving docks.

Commissioner Chishman E. R. Haxton commented that he felt the fields-fishermen and parties vs. winter skiers—should together and work this thing out. He was done on the firearms ordinance (up for public hearing next Tuesday) he added that the reason "was getting late" and that he felt that instead of a county law, "these people should get the state legislature to act" and come up with a state law on operation of speedboats on all inland lakes.

Questioned as to when the measure would again be considered, the commissioners said they didn't know. A similar controversy over Spanish power boat operation came up several years ago. At that time, factfinders arrived at what was termed a "Lake Samish Safety Code" but no enforceable ordinance was passed. Recently, some residents, specifically around the north side of the lake, told the board that conditions are "worse now than ever before."

Sheriff Stresses Road, Boat Rules

With the approaching summer vacation period and closing of schools, Sheriff William Brewer called attention to the speed limit at Birch Bay resort area, here a 15-mile limit is in effect and which will be rigidly enforced, and the Lake Samish area, where laws regulate the operation of power boats.

An ordinance passed by the county commissioners last September makes very specific the rules governing boat operation on the lake and draws fines of up to \$250 for violators. Some of the lake rules are as follows:

It is unlawful to operate a power-driven craft within 100 feet of any swimmer, rowboat, canoe or other motor boat while the propeller is engaged. Operation of powerboats in a reckless or negligent manner also is cited.

The ordinance further states the illegality of operating a motor-driven craft while under the influence of intoxicants and such craft must stay within 300 feet of the shoreline, floats and docks and at no time at a greater speed than 5 miles an hour when approaching them.

SEEK LAKE RULES

Truxax also asked Lake Whatcom residents present to come up with safety rules similar to those on Lake Samish. One Lake Whatcom resident immediately rose to protest the noise made by boats which had their mufflers removed.

"From 10 feet away, I could call you a Republican and you wouldn't even notice it," the lake resident told the staunch Democrat.

Most of those present were boaters who had registered with the Coast Guard under the Bonner Act, and they protested the ordinance as it had been drawn would be a tax on a tax and bring double numbering on the boats.

Hearing Held on Boat Ordinance

The board of county commissioners took the proposed motor boat ordinance restricting power boat operation under advisement at a public hearing held at the court house Tuesday morning.

After an hour of listening to occasionally heated opinions on the ordinance from boat and property owners on both Whatcom and Samish lakes, E. R. Haxton, board chairman, told them the board would take the issue under advisement and expressed his hope that the interested parties would get together and come up with some concrete suggestions.

"It is very unfortunate that this issue had to come before the board," Haxton said. "You could and should have settled this among yourselves to everyone's satisfaction. This way the board has to take action and somebody will get hurt," he added.

Judge John Kellogg, speaking for some residents of Lake Samish, asked the board to regulate speed on the lake "just as you have on the roads around the lake."

Another Samish property owner, took exception to some of Kellogg's remarks on the size of the wake thrown by the motor boats, which Kellogg said endangered smaller boats on the lake. "You're behind the times there, Judge," he said. "Most of the boats these days throw very little wake."

KELLOGG REPLIES

"If obtaining regulations to safeguard life and property on the lake is 'behind the times' then I certainly am," Kellogg replied.

Carl Irish, a property owner at Samish, said that he got "more fed-up with the fishermen throwing their beer bottles in the lake than I do with the water skiers and power boats."

Dan Robbins, a Lake Whatcom resident, speaking for more than 70 residents of the lake, said his group felt that since the grievance started on Lake Samish any ordinance passed should be confined to that lake.

Ed Macklin, who also makes his home at Whatcom, asked what means would be used to enforce the new ordinance if it were passed. He pointed out that there was a lack of funds available for enforcement and the difficulty of convicting any offenders, with which the board agreed.

Frances Barnes, a Samish property owner, summed up the feelings of both property owners and boat operators. "We want regulations that will make the lake safe and sound for everybody, but without curtailing anyone's fun," she said.

Under the proposed ordinance speed within 300 feet of the shoreline is restricted to 5 miles per hour and power boats are not to be allowed within 500 feet of any fisherman. Water skiers would not be permitted north of the bridge crossing Lake Samish. Violation of the ordinance would constitute a misdemeanor. The ordinance could be made applicable to all county lakes.

Speedboating Measure Studied

A public hearing on an ordinance regulating speedboating on Lake Samish boomed for nearly two hours Tuesday at the court house before the County Commissioners took the measure under advisement.

Lined up were the fishermen and parents of young swimmers vs. water skiers.

The former have proposed an ordinance which would require power boats to stay 300 feet from the shoreline, floats and docks and 100 feet from swimmers, except when leaving or returning to shore, when a 5-mile an-hour limit would be placed.

It also would make it a misdemeanor to operate a power boat in a reckless, negligent or drunken manner, but no one objected to those sections.

The water skiing faction argued that to limit their speed to 5 miles an hour when leaving a dock would make it impossible for a skier to get started, and make skiing in the narrows impractical.

PRESENT LAWS CITED

The skier side also said that present state laws govern dangerous operation, and all that is needed is adequate enforcement.

But the other side said their proposed ordinance would make enforcement easier by putting measurable definitions on what is dangerous.

The commissioners were reluctant to get involved in the lake controversy.

"Please," Chairman E. R. Haxton said, "isn't there some way you good folks at Lake Samish can decide this without throwing it in the laps of your county commissioners? It isn't really fair to your county commissioners." **TO 'STUDY PROPOSAL'**

He suggested they take it up with the legislature, but in the end the three commissioners adjourned the hearing to study the proposal.

It appeared likely a compromise making it possible for water skiers to travel fast enough to get started when leaving their own dock would be passed eventually.

#2

Family of Maine swimmer killed by boater plans civil suit after plea deal

by Abigail Curtis, BDN Staff Wednesday, July 31st 2019

WISCASSET, ME (BDN) -- For Alison McKellar, the hardest thing she has ever faced is the sudden loss of her beloved sister, Kristen McKellar, who was fatally injured one year ago by a motorboat when she was swimming in Damariscotta Lake.

She never imagined that her loss and grief would be compounded by a decision made by prosecutors from the Lincoln County District Attorney's office to drop the most serious charges against the person operating the motorboat.

Although Jonathan Roberts, 44, of Waban, Massachusetts, had been charged with manslaughter, reckless operation of a watercraft and operating a watercraft at an imprudent speed, if he meets the terms of a three-year deferred disposition agreement, he will admit only to a civil violation of operating a watercraft at greater than headway speed in a water safety zone. The terms include avoiding violating any laws, performing 100 hours of community service and paying a \$400 fine.

To Alison McKellar, the agreement felt like a bad joke. In an effort to obtain a different outcome another way, her family has hired an attorney to represent them in a civil suit. "If you hit somebody in a water safety zone, you do 100 hours of community service. That is the unmistakable message from the state right now. And I think we're all a little bit less safe because of it," she said Monday afternoon.

A hot day in August

Kristen McKellar, 32, was a dynamo who never wasted a minute, according to her family. She loved animals and was often seen around the midcoast with her rescue squirrel, Paul, perched on her shoulder and her rescue pit bull, Diego, riding on her motorcycle with her. She even taught herself carpentry in order to remodel a house in Belfast, a job that she had been doing on Aug. 2, 2018.

It was a hot day and McKellar decided to go for a swim after work, heading to Jefferson to join a family friend at his camp on Damariscotta Lake. They were in the cool water at 8:45 p.m., after sunset but before full darkness, when the motorboat approached them. The friend told the McKellars later that the boat was close and coming fast. Kristen McKellar pulled off a flipper she was wearing and waved it frantically above her head, and she and her friend were both screaming. After the boat passed in between the two swimmers, the friend swam over to Kristen McKellar to ask if she was OK. She wasn't. She had been struck by Roberts' propeller and likely did not live very long after being hit, Alison McKellar said.

On Monday, Roberts' attorney, Walter McKee of Augusta, called what happened an accident, according to the Village Soup news website. Certain facts about that day, such as Kristen McKellar's death, have a terrible solidity. They cannot be disputed, no matter how much her family and friends wish otherwise. But others are blurrier. They're up for interpretation.

Those include how close to the shore Kristen McKellar and her friend were swimming, a detail that matters because Maine law has delineated a 200-foot "no wake," or water safety zone. Within this zone, it's illegal to operate a watercraft at greater than headway speed. It is also against Maine law to operate a watercraft to endanger any person or property.

Alison McKellar said that immediately after the incident, witnesses said that her sister had been swimming about 150 feet from shore, well within the water safety zone. But after Maine game wardens did a forensic investigation, including a reconstruction, there were uncertainties, according to Irving....

WAREHAM, MA - On August 18, 2019 at approximately 11:46 a.m., Wareham Police received a 9-1-1 call reporting an individual had been struck by a boat while swimming in Bourne Cove. Emergency services were immediately dispatched to the area.

Upon arrival a WDNR Officer located a victim on the shoreline who had sustained extensive injuries from a boat propeller. The WDNR Officer immediately began lifesaving first-aid to control bleeding. Wareham EMS and Fire arrived on scene and stabilized the victim, who was transported to Tobey Hospital.

The operator of the vessel stayed on scene and tended to the victim's injuries until the arrival of first responders. Foul play is not suspected in this incident and it remains under investigation of the Massachusetts Environmental Police....

Lake Norman swimmer has foot amputated after being 'run over' by boat, NC cops say

AUGUST 08, 2019 08:48 AM

Someone swimming in Lake Norman late Wednesday had to have part of his leg amputated after being struck by a boat in the water, according to [the Observer's news partner WBTW](#) and other news outlets.

It happened near a neighborhood on Brick Kiln Way in Iredell County, which is just outside the Trump International Golf Club, the station reported.

The victim's name and age have not been released. Medics found the injured man on a dock behind one of the homes along Brick Kiln Way, and witnesses said he had been "[run over by a speed boat](#)," reported Fox 46. The station said his foot had to be amputated as a result of the accident. The man's injuries were mostly "[to a lower extremity](#)," according to [WSIC News](#). North Carolina Wildlife Resources officials are investigating the case, the station said.

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Woman seriously injured after hit-and-run boat incident on Lake Burton (GA)

A woman was seriously injured when a boat hit her while she was swimming in Rabun County, officials said. The Georgia Department of Natural Resources is investigating the incident as a hit-and-run, spokesman Mark McKinnon said in a statement Tuesday.

The 29-year-old woman, [identified in a CaringBridge post as Kathlyn Pattillo](#), was swimming in Lake Burton behind a home on Kubler Lane on Thursday. A passing boat then hit her, causing injuries to her arm and head, McKinnon said.

Doctors said the injuries were likely caused by a boat propeller, the [CaringBridge post](#) said. The propeller cut through Pattillo's skull and arm, it said.

"From the impact, she must have been knocked out, but when she came to, she managed to tread water," the post said. "While holding her severed arm, she was able to kick her feet and somehow swim (to shore), screaming in pain."

A deck boat in the area heard Pattillo's cries for help, called 911 and rendered aid until an ambulance arrived, McKinnon said.

The woman was flown to Northeast Georgia Medical Center in Gainesville and is expected to make a full recovery, according to the post.

"The doctors cannot believe that she survived the swim in the lake and did not bleed out or drown," the post said. "Everyone says she is lucky to be alive." DNR officials are still trying to find the boat....

Lake Havasu (CA) swimmer dies after being struck by boat propeller

- Today's News-Herald Jun 23, 2019
- A man from Mesa has died after he was hit by a boat propeller while swimming in Lake Havasu. According to the San Bernardino County Sheriff's Department, Ismael Aguilar Ortiz, 26, was enjoying a day on the lake Sunday with four passengers.
- Just before 1 p.m., he jumped into the water to cool off. The boat Ortiz had been driving began to drift away because of high winds and waves. Ortiz began to struggle in the water, so one of the boat passengers placed the boat into reverse to get closer to him. It was still in reverse when the woman left the helm and attempted to assist Ortiz out of the water. He was struck by the boat's moving propeller, and died from his injuries.

No other injuries were reported. Sheriff's officials say alcohol does not appear to be a factor in the accident, but the incident is under investigation....

Christian Wolffer dies in swimming accident, on Jan 2, 2009

Christian Wolffer, the owner of Wolffer Estate vineyard and riding stables in Sagaponack, was killed on New Year's Eve while on vacation, struck by a motorboat while swimming in Paraty (NY)

SWIMMER'S FOOT SEVERED BY BOAT IN NORTH AVENUE BEACH MISHAP

Janan Hanna, Tribune Staff Writer CHICAGO TRIBUNE

A 35-year-old woman swimming in Lake Michigan Sunday had part of her leg severed by a commercial speed boat, Seadog, which struck her near North Avenue Beach, police said. Two witnesses jumped in and pulled the woman, Kathleen Rooney of Chicago, to shore. Chicago Police Marine Unit diver Edward Utterbach found the limb at the bottom of the lake 30 minutes after the accident.

The woman was taken to Northwestern Memorial Hospital, but doctors were unable to reattach the limb, which was severed just above the ankle. "They thought it was too badly mangled," said Sgt. Patrick Mulligan of the Chicago Police Marine Unit. Rooney was in good condition Sunday night, according to a hospital spokesman.

The two boats in the Seadog fleet are among the fastest commercial boats in the nation, traveling at speeds of up to 45 m.p.h. The 70-foot bright yellow and red vessels can carry as many as 149 passengers at a time during 30-minute excursions. There were 30 passengers and two crew members at the time of the accident, police said.

Sunday's was not the first accident that a Seadog boat had been involved in since it began cruising in Chicago two years ago. Company officials confirmed that a Canadian woman was rushed off the Seadog to an area hospital during a July cruise because her back was injured after the boat sped over a high wave, said Mike Higgins, one of the owners of Seadog Ventures. And on Oct. 1, the Seadog ran into a moored boat at Navy Pier, causing a gash in the rear of the Spirit of Chicago, but no injuries, according to Higgins.

Witnesses and police said the Seadog boat in Sunday's accident was 60 to 100 feet off the shore when it ran into Rooney. "It struck me as unusual that the boat would be so close," said Steve Free, 37, of Northbrook, who witnessed the accident. "I've never seen it this close."

A Park District ordinance mandates that boats stay 150 feet outside the shore line and 300 feet away from beaches, Mulligan said. Rooney and her husband were swimming off the concrete embankment between Oak Street and North Avenue beaches. Faded painted emblems on the concrete indicate that no swimming is allowed, although residents routinely swim there, Mulligan said. There are no lifeguards on duty after Labor Day. Police and the U.S. Coast Guard are investigating the accident, Mulligan said.

Higgins said the driver of the boat, William Sutterlin, was traveling about 30 miles per hour when the accident occurred. Sutterlin apparently did not know he had struck a swimmer. "He had no idea," Higgins said. "He said that it was the normal cruise route that he takes and that he saw what appeared to be a red balloon in the water. He said he sees balloons out there on a regular basis. It wasn't until he got back to Navy Pier that he learned the situation."

Kelleher noted that about 5 inches of a swimmer's head is visible to boat operators, which is why captains "are always told not to take their eyes off a swimmer once they spot one." Drew Dillworth, 30, of Chicago, one of two witnesses who rescued Rooney after the accident, said he was responding to her cries for help. "I was jogging and I heard someone screaming," said a shivering Dillworth. "I ran in and pulled her to shore. Before I touched her, I asked her, 'Are you all right?' She said she was, and I grabbed her arm and swam in. She was conscious the whole time." Paramedics arrived on the scene almost immediately and treated her for shock before she was taken to the hospital.

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Jet ski accident injures 3 in 'horrifying' scene on Cheatham Lake (TN)

Kelly Fisher, Nashville Tennessean July 31, 2018

Three women were injured at Cheatham Lake on Sunday afternoon when a 34-year-old man lost control of his jet ski, according to the Tennessee Wildlife Resource Agency. The man operating the personal watercraft was later identified as Terry Merritt Jr. of Ashland City, according to a TWRA news release.

At about 12:45 p.m., Merritt, "hit a wake and was thrown from the vessel," according to TWRA spokesman Barry Cross. The jet ski, still running, kept going and hit three women in the swimming area, then ran aground, coming to rest about 60 feet up the beach.

All three women were taken to Vanderbilt University Medical Center. TWRA impounded the jet ski. "After a preliminary investigation officers noted that the steering of the vessel had been altered and that the kill switch was either not employed or not functioning at the time of the accident," Cross stated. "Normally, the kill switch will activate when the driver of a personal water craft or jet ski falls off, killing power to the engine."....

Diver who lost arm after boat ran him over is "critical but stable," mom says

By MARIO ARIZA

SOUTH FLORIDA SUN SENTINEL | NOV 29, 2019 | 9:29 PM

A diver who lost an arm when he was run over by a boat is in "critical condition yet stable," according to a post Friday on his mother's Facebook page. Carter Viss, 25, of Palm Beach, was diving with a group Thursday when he was struck by a boat at around noon, according to the Florida Fish and Wildlife Commission. A good Samaritan recovered the severed arm floating in the water off Palm Beach Island and gave it to the U.S. Coast Guard.

In Leila Viss' Facebook post, she says: "It is with heavy hearts that Chuck and I share the news that our son Carter was struck by a boat while diving just off the coast of West Palm Beach."

...Daniel Stanton, 30, of Palm Beach, was operating a 2008 36-foot Yellowfin vessel, which was heading southbound in the Atlantic Ocean near the Breakers Hotel, the FWC said. After seeing a dive flag and divers in the distance, the boat immediately throttled down, but it struck Viss as it was decelerating, according to FWC.

A 45-foot Coast Guard vessel arrived on the scene after the incident and helped in turning the severed limb over to onshore first responders.

Boat hits and kills swimmer at Pineview Reservoir (OR)

By Randall Jeppesen | Posted - Aug 22nd, 2011

WEBER COUNTY -- An Ogden woman died after a boat hit her while she was swimming in Pineview Reservoir Sunday night.

Esther Fugimoto, 49, was swimming across Spring Creek Cove just after 8 p.m. when she was struck by a motorboat. A man living nearby heard her scream and was able to reach her in a row boat.

The man then made a phone call for help and was able to hang onto the woman until a patrol boat arrived.

Officers in the patrol boat got the woman on board and started CPR before Fugimoto lost consciousness. She died before rescuers could bring her to shore.

Investigators are trying to track down the boat and the person driving it. Officers said they are looking for a blue and white boat that had three people in it. Police aren't sure if the boater even realized he had hit someone.

Sgt. Dave Creager with the Weber County Sheriff's Office said: "It was a boat and not a jet ski. We have some pretty good information on the description of the boat and that's what we are still working on at this time, to identify the boat and locate it."

Police officers set up check points Sunday night, checking all boats as they came in and out of the ramps. The check point will continue through Monday. Residents said they hope someone didn't just hit a person and then take off. Fugimoto swims regularly at the reservoir and has talked to the deputies who patrol the area in the past, said Weber County Sheriff's Lt. Mark Lowther. She was about 200 to 300 feet off-shore near Spring Creek Cove when she was hit, he said.

Mobile swimmer's body found in Lake Pontchartrain (LA) after July 4 accident

Posted Jul 05, 2019 By Howard Koplowitz | hkoplowitz@al.com

The body of a Mobile swimmer was recovered Friday from Lake Pontchartrain after she got in an accident involving a boat on July 4, the Associated Press reported.

Lacy Patrick, 20, was swimming in the lake near New Orleans on Thursday night when she was hit by a boat and disappeared into the water, authorities told the AP. Her body was found about 7 a.m. Friday near Northshore Beach in Slidell, Louisiana. The St. Tammany Parish Coroner's Office is to determine Patrick's official cause of death, with an autopsy scheduled for Monday, the AP reported.

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Swimming Accidents

Swimming Accident in Georgia

Many people like to take Lanier and the other lakes in and around Georgia to swim, kayak, paddleboard, or just boat the lake. Every year, however, dozens of them suffer injuries in accidents that involve passing boats or jet skis. These kayaking, paddleboarding, and swimming accidents in Georgia can be severe or even fatal if the boat or jet ski operator's actions caused the accident, you may file a claim for compensation.

What types of injuries occur on Georgia lakes?

A boat or jet ski versus summer incident can lead to serious or fatal injuries for the swimmer, child or child.

- Fractures
- Traumatic brain injuries
- Spinal cord injuries
- Amputations
- Severe lacerations

Because of the nature of an accident that occurs in water, if a boat strikes a swimmer or someone in the water or otherwise, the swimmer is in danger of drowning.

Whom can I hold liable in my kayaking, paddleboarding, or swimming accident?

Depending on the specifics of your case, you may be able to hold the boat operator, boat owner, or boat rental company liable. Boat owners and operators have a responsibility to use caution and follow safety protocols while operating a boat or riding a jet ski. This includes being aware of swimmers and taking precautions to avoid injuring them. If the operator does not exercise reasonable care and actions led to your accident and subsequent injuries, you may be able to hold them liable for your injuries. If a rental company knowingly rented to a boat to an inexperienced or intoxicated driver, the company may also be partially at-fault in your accident. In cases where a defect caused the accident, the manufacturer of the boat may be responsible for the accident and resulting injuries.

What do I have to do to prove negligence?

In order to prove negligence in Georgia, you must meet a number of criteria. This includes proving:

- There is a law or rule that boat operators have a duty of care to others in the water.
- The boat operator acted in a way that breached this obligation (i.e. he was negligent).
- The boat operator's negligent action caused your accident and injuries.
- You suffered damages (e.g. medical bills, lost wages).

The screenshot shows a website for 'The Law Offices of Propper Shared'. The page title is 'Common Jet Ski and Sea Doo Accidents in Miami'. The main content area includes a paragraph about Miami being a great place for boats and jet skis, followed by a section titled 'Types of Jet Ski Accidents' which lists 'Driving Too Fast' and 'Failing to Follow Instructions'. On the right side, there is a 'GET YOUR FREE CONSULTATION' form with fields for Name, Email, Phone Number, and Message. Below the form are two buttons: 'GET HELP TODAY' and 'MEET PROPPER SHARED'. The website footer includes a search bar and a date '12/18/2019'.

JW

**4. ORDINANCE 87 27
AMENDING
WHATCOM COUNTY
CODE TITLE 10 TO ES-
T A B L I S H A
SPEEDLIMIT OF 35
MILES PER HOUR ON
ALL COUNTY ROADS
EXCEPT WHERE OTH-
ERWISE POSTED**

This ordinance reads as follows:

NOW, THEREFORE, BE IT ORDAINED that the speed limit for all county roads within the unincorporated areas of Whatcom County, be established as follows:

35 miles per hour, unless otherwise posted.

NOW, THEREFORE BE IT FURTHER ORDAINED that Exhibit A is incorporated by reference into this ordinance as if fully set forth herein, and the speed limits listed in Exhibit A for the named roads are established as the legal

letters

Better idea

I have an even better idea to cut the possibility of a lawsuit against the county. Rather than reduce the speed limit to 35 mph, why don't we make vehicles on county roads illegal. This has a long list of advantages:

1. Fewer lawsuits.
2. Cleaner air.
3. Abundance of walking trails.
4. A return to the good old days.
5. More exercise and better health.
6. Cheaper transportation, nothing beats walking.

7. Reduction of noise pollution.
8. A return to a slower way of life.
9. Fewer injuries.
10. No drunk drivers.

I'm sure most of you can add to the list of advantages.

Gayle Luedke
7963 Woodland Road
Ferndale

roads set at 50 or 55 mph, it is aggravating to get behind a slowpoke. I drive the Mount Baker Highway every day. Frequently a slow car builds up a train of five or six vehicles behind it, traveling 40 in a 55 mph zone. During one of these leisurely drives I composed this ditty:

You may think this drive is fun;

I would like to get it done.
So since the limit's 55,
Please go that speed or pull
aside!

With recollections of Burma
Shave.

Daniel M. Warner
3854 Squaticum Lake Road

Full speed ahead

There has been some talk about speed limits on county roads being changed or differently signed. I have a comment only indirectly related.

For those of us who drive

May 13, 1987

March 10, 1987

Speed limit drops on county roads

By RAMONA REEVES
of the Herald staff

Whatcom County motorists have until July 1 to learn which county roads require a lighter touch on the gas pedal.

A 35 mph limit will be the general rule on county roads, except where a higher limit is posted, the Whatcom County Council decided Thursday.

Two county residents spoke against the change during the meeting. A public hearing on the issue already had taken place at the April 23 council meeting.

Councilman Dan Warner said some people are unhappy about the change, but that's "the price we pay" for the many lawsuits filed against the county in the last 10 to 15 years.

The county opted this year to insure itself against liabilities. "Two good-

sized claims and we'd be wiped out," he said.

Since all unposted areas are assumed to be 35 mph under the law, the county is protected from liability if an accident occurs in an unmarked area and the vehicle is traveling faster than that.

Councilman Don Hansey proposed the law take effect July 1 so people have time to get educated as to which roads are affected.

The change won't signal a sharp increase in traffic tickets, County Sheriff's Deputy Doug Gill said.

He told the council he doesn't have the staff to set up speed traps or spend any more time on traffic control. He said areas are covered based on citizen complaints and the accident count.

Councilmen Will Roehl and Bob Muenscher voted against the change.

"I don't like a law that makes crooks

out of honest people," Muenscher said, then suggested the council label specific roads as 35 mph instead of using this "broad brush" approach.

Roehl suggested using the \$12,000 it will cost to post new signs for warning signs at hazardous points.

About 200 new speed limit signs, costing about \$12,000, will be placed at newly-affected areas, and at the start of all roads leading into the county.

Even though he said he'll be "the biggest violator out there," Councilman Jim Hawley supported the law because he said it allows for change in the future.

The county only surveyed main arterials for safe speeds, leaving the access roads at 35 mph.

Hawley said if residents think a 35 mph road is safe at 50 mph, they can approach the council to ask for a change.

May 8, 1987

Council wants another hearing on speed limit

By RAMONA REEVES
of the Herald staff

A public hearing on Whatcom County's proposed 35 mph speed limit was extended Thursday night after a discussion that was as bumpy as some of the rural roads it would cover.

The council passed the ordinance, then requested it to give the public more time to study the change. The hearing will continue at the May 7 meeting.

Only two people spoke against the law, but the opposition was enough to cause council member Corky Johnson twice to submit, then withdraw, motions to pass the ordinance. Other council members also were indecisive.

"This is the third council meeting in which the idea ... has been discussed," said council member Dan Warner. "I think the public has been aware, and I think it would be to our advantage to move along."

"Sometimes people get really upset about things: how fast they drive is one of them," council member Will Roehl said. "If we have to go out of our way to help the public I think we should."

"We've had enough publicity," council member Bob Muenscher said. "If there really were a lot of irate people, they would have come (to the meeting). I think it's time for us to act."

Johnson proposed publishing a color-coded copy of a county map that would show new speed limits

on county roads, and the ordinance if it were adopted.

The council voted in favor of the motion, with Roehl the only one opposing it.

Earlier the council rejected a motion by Roehl to publish the map and list of affected county roads, and to consider the ordinance at the next meeting. Ultimately they followed that course.

The two speakers opposing the change were Janet Maricle, who lives on East Smith Road, and Forrest Stremler of Lynden Ready-Mix.

"I don't want to be forced to break the law in order to meet my time schedule," said Maricle, who said she spends a lot of driving time on county roads. "The money spent on new signs ought to go to improving roads."

Although officials cite safety as one reason for the new speed limit, Maricle said she would feel less safe under the new law.

"People get annoyed (when you drive slowly)," she said. "They might decide to try and pass when they normally wouldn't."

Johnson said he stopped by several coffee shops to test public opinion on the issue, and received only positive comments about the change.

"I talked with some truck drivers who said (the proposal) is the best thing we ever did," he said.

Stremler said he opposed the limit. He asked the council how much it would cost to post the new

(Continued on Page 4B)

limit, and whether the county would be liable if a non-county resident went too fast on an unposted road and had a wreck.

Most unposted county roads in the state are 50 mph, he said. "It's a standard rule."

The council didn't know what it would cost to post new signs. County Engineer Ed Henken said it would cost less than \$10,000.

Johnson said Whatcom would not be the first county to impose a standard speed limit lower than 50 mph. Snohomish and Skamania counties have a 35 mph limit, and Pierce County has a 25 mph limit.

Stremler said he would encourage other truckers to attend the next council meeting to oppose the lower speed.

"There are others who oppose it ... they weren't willing (to speak here)," he said. "As soon as they got some tickets (the council) would hear something."

"There won't be a sudden influx of sheriff's deputies (on the roads)," said Warner.

April 17, 1987

Speed limit County asks drivers to follow its new 35-mile-per-hour limit

By BOB PARTLOW
Of the Herald Staff

The Whatcom County commissioners put a 35-miles-per-hour speed limit on all county roads Monday, but were told the only way it will work is if drivers voluntarily obey it.

The limit was proposed by county Engineer Ed Henken to save about \$1.6 million in road repairs, and will last until Henken thinks it should be lifted — late June at the earliest.

But Henken, and Martin Baker of the Sheriff's Office, told the commissioners that voluntary cooperation by drivers is needed, since there is not enough manpower to enforce the speed limit.

Henken said there are about 165 miles of cracked roads in the county out of about 1,000 total miles of road.

The roads are cracked because of two long freezing periods followed by thawing, Henken said. Some roads will have to be rebuilt with a hot asphalt mix, while others can be repaired in a less-costly manner, he said.

If the speed limit is not changed, road damage would be about \$2.7 million, Henken said. The total county road budget is about \$5 million.

Even with the reduced speed limit, damage will come to about \$1.1 million, the county engineer said. But the county will save almost \$1.6 million in repairs by lowering the limit, he told the commissioners.

Vehicle safety, especially for cars, would be improved, Henken said. He noted

an accident last week in Bellingham caused when a driver swerved to avoid a pothole.

Claims against the county for broken windshields, ruined tires and front end alignments also would be reduced, as would be repair bills to damaged vehicles which hit chuckholes, the county engineer said.

He commented that people will not like the limit and that it will be difficult to enforce.

Gene Moses of the Prosecuting Attorney's Office told the commissioners the move is legal, although, he said, he is "uncomfortable" with a blanket reduction on all roads.

Commissioner Corky Johnson expressed the same concern. Since the limit couldn't be enforced anyway, he said, he would suggest lowering the limit to 40 miles per hour for trucks and leaving the limit at 50 mph for cars.

That would make a difficult enforcement problem even more difficult, Henken said. The Sheriff's Office has only one traffic officer, and even with more emphasis by other deputies, few people would be caught, Baker said.

But commissioners Larry McIntyre and Conrad Thompson said the money needs to be saved, and they outvoted Johnson 2-1 to establish the 35-miles-per-hour limit.

It will take two or three days to put up approximately 50 signs needed to put the new limit in effect, Henken said.

The limit will end when all or most of the roads are repaired, probably not until the end of June, the engineer said.

February 27, 1979

Self-insurance program has saved county \$700,000

By JOHN STARK
Of the Herald Staff

Whatcom County's self-insurance program has saved more than \$700,000 in premium expenses since it began in 1978, according to County Prosecutor Dave McEachran.

When annual premiums jumped \$70,000 in 1977, county commissioners briefly considered running county government without insurance, McEachran said. Instead, McEachran and Brian Griffin, the county's insurance broker, came up with the self-insurance system. Under the system, each county department is assessed a contribution to the self-insurance fund, based on the number of claims filed

against that department. Small claims are paid out of the fund, while insurance policies with high deductibles continue to provide coverage on bigger losses.

During the first year of the program, McEachran said, premium costs dropped from \$230,000 to \$140,000.

The self-insurance program has attracted attention recently as the result of the dispute between McEachran and the Whatcom County Council over litigation that could put a \$584,000 bite on that fund, which now contains about \$1 million.

The \$584,000 is the amount the county would owe former Planning Department employee Florence Nichols unless the 1982 verdict of a Skagit County Superior Court jury is overturned. Nichols, who was fired

from her job and later reinstated, alleged that harassment and intimidation on the job made her ill and forced her to quit.

The county is seeking to have the judgment reversed on appeal, and is also locked in federal court combat with Forum Insurance Co. of Chicago, which allegedly informed the county 11 days before the Nichols trial that its policy did not cover the Nichols case.

McEachran drew the council's ire by hiring an out-of-town law firm to handle the Forum case. Council members Mary Kay Becker and Craig Cole contend the prosecutor violated county ordinances by failing to seek proposals from other law firms, and by failing to submit the hiring to the council for approval. McEachran replies that state law gives him the authority to act as he did.

McEachran provided information on the self-insurance program partially in response to accusations from Cole. The councilman sent McEachran a memo charging that the outcome of the Nichols case and the possible "gap" in insurance coverage called the performance of McEachran's office into question.

McEachran said the self-insurance program and the way it is administered has helped the county save on both premiums and claims. He said he expects the lawsuit against Forum to prove that no gap in insurance coverage existed.

Gene Moses, McEachran's chief civil deputy, visits the scene of serious acci-

dents on county roads to supervise the taking of photographs and the gathering of other evidence that could be used to deter possibly spurious claims against the county based on road conditions or signs, McEachran said.

The self-insurance system gives county department heads more incentive to be careful than under the old system, according to McEachran.

When the county had "first dollar" coverage, Moses said, county department heads would just send claims off to the insurance company for payment.

Now, "we function just like an insurance company," McEachran said, and department heads know that claims against their department this year will affect the size of the assessment they must pay into the self-insurance fund the following year.

McEachran contends that the county's record on claims paid is "fantastic," ranging from a high of \$152,576 in 1980 to just \$4,798 last year.

But despite that record, premium costs for 1985 more than doubled compared to the previous year. In 1984, the cost was \$94,742, but this year the county is paying \$238,752.

June 10, 1985

Speed limit drops on county roads

Beginning this month, motorists will have to pay closer attention to how fast they travel on Whatcom County roads.

Unless otherwise posted, the speed limit now is 35 mph. The previous unposted limit was 50 mph.

The traffic fine for doing 50 mph in a 35 mph zone is \$64, Sheriff Larry Mount said.

The County Council adopted the speed change because of liability insurance risks and concern about the safety of smaller, less-traveled roads, Mount said.

People will have to watch where they're driving, he said. For example, if a 35-mph stretch of road is later posted to allow 50 mph, a motorist turning off the road onto another one will have to drop back to 35 mph unless another speed sign indicates otherwise.

Generally, 35-mph speed limit signs will appear only where a smaller road intersects a major road, he said. There won't be any 35-mph signs from one small road to another.

Risky business

Whatcom County's plan to lower the speed limit on county roads to 35 mph unless otherwise posted might seem inconvenient to some people, but it could save money. Citizens owe it to themselves to cooperate when the lower speed limit goes into effect July 1.

At present, the speed limit on county roads is 50 mph unless otherwise posted. Even so, speed limits already are lower on stretches of roads such as Northwest Road, Birch Bay Drive, Marine Drive and Ferndale Road. When the lower speed limit goes into effect, speeds of 40 mph, 45 mph and 50 mph still will be allowed in some areas. It will be up to drivers to notice signs and observe posted speed limits.

The Whatcom County Council opted to lower the speed limit to reduce its liability risk. If an accident occurs in an area where no speed limit is posted, the county is protected from liability if the vehicle was traveling faster than the general speed limit. At 35 mph, the county is lowering the speed at which it is willing to risk liability.

A majority on the County Council voted to lower the speed limit as a precaution. Whatcom County has decided to forgo annual liability insurance premiums of more than \$300,000 a year and insure itself, instead.

Self-insurance is risky business. It takes time for a settlement fund to accrue. Even then, a catastrophe can be more expensive than local governments are prepared to deal with. But \$300,000 a year is a lot of money — especially when most claims against Whatcom County are \$150,000, which is less than the deductible covered by the limited insurance even \$300,000 affords.

Self-insurance can be even riskier if citizens don't cooperate.

In this instance, that means come July 1 people will have to drive 35 mph instead of 50 mph unless the speed is otherwise posted.

Those who complain that slower speeds will be inconvenient are reminded that it takes about two and a half minutes longer to drive 10 miles at 35 mph than at 50 mph. That's not much of an inconvenience.

Remember, Whatcom County officials aren't trying to save their money, they're trying to save our money. The least we can do is cooperate.

July 2, 1987

May 13, 1987