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MARYLAND DEPARTMENT OF NATURAL RESOURCES

WEST RIVER PUBLIC MEETING

REQUEST TO EXPAND GROUP BOAT MOORINGS
AT
HARTGE MARINA

* * * * *

The above-entitled matter came on for
public hearing on Thursday, April 29, 2010,
commencing at 6:05 p.m., at the Tawes State Office
Building, Room C-1, Annapolis, Maryland, Robert
Gaudette, Director of Boating Services, presiding.

Reported by: Richard D. Baker, Jr.

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

2 MR. GAUDETTE: For the record today is
3 April 29th, 2010. I'd like to welcome everybody.
4 My name is Robert Gaudette and I'm director of
5 boating services for the Maryland Department of
6 Natural Resources and I'll be the facilitator for
7 this evening's public meeting.

8 At this time if anyone has any cell
9 phones, BlackBerries, PDAs, please turn them off or
10 put them on vibrate. Appreciate that.

11 I'd also like to at this time introduce
12 some members of our state Boat Act Advisory
13 Committee here, if they can just raise their hand.
14 John Bush, who is president, chairman, back in the
15 corner. Robin Allison. John Ferman. There you
16 are. Ken Kloostra and Bob Slaff. The Boat Act
17 Advisory Committee gets involved when we get
18 involved in boating regulations and speed limits,
19 and I asked them to come here today just to get
20 familiarized with the comments that everyone has
21 regarding moorings.

1 The Department of Natural Resources is
2 responsible for overseeing boat moorings for the
3 state of Maryland. Regulations for boat moorings
4 have been adopted by DNR which establish procedures
5 and criteria for the placement of moorings in state
6 waters in order to prevent the placement and use of
7 moorings from interfering with access to and the
8 use of state waters by the general boating public
9 and in order to protect public safety and welfare,
10 commercial fisheries, and recreational interests in
11 the waters of the state.

12 With regard to the topic of today's
13 meeting, a notice of intent was received by the
14 Department of Natural Resources from Hartge Yacht
15 Harbor in the spring of 2010 to increase the
16 existing mooring field located near the entrance to
17 Lerch Creek just south of Chalk Point in the West
18 River by 12 moorings to be located adjacent to and
19 east of the existing mooring field shown on the
20 video display designated by the moorings lettered A
21 through L. I should note I believe that the actual

1 moorings are located where the anchors are, you see
2 the little anchors in the picture.

3 The initial staff recommendation made by
4 the department was to approve this request to
5 register these additional moorings and to mark a
6 permanent navigation channel along the most eastern
7 limit of the expanded mooring field. However,
8 concerns have been raised by the public regarding
9 this recommendation. The purpose of this meeting
10 is to accept public comment on this proposal to
11 assist the department in making a decision
12 regarding this request to expand the existing boat
13 mooring field. We are not here to argue, we're not
14 here to debate, just to accept testimony on the
15 proposal to expand the boat mooring field as
16 requested by Hartge Yacht Harbor.

17 The department will assess the testimony
18 provided at this meeting along with any written
19 comments that the department receives by no later
20 than 12 noon on May 7th at Department of Natural
21 Resources, Boating Services, Tawes State Office

1 Building here at 580 Taylor Avenue, or you can send
2 it to me by e-mail, and you'll have sheets in the
3 back that shows that, and I'll have a display up
4 here in a little while at the end to show my e-mail
5 address, which is bgaudette@drn.state.md.us., or
6 you can fax it to our office at 410-260-8404.

7 The department will make a final
8 decision regarding expansion of the boat mooring
9 field on or about May 16, 2010. All oral testimony
10 this evening is being recorded by a court
11 stenographer and will be available online on the
12 Department of Natural Resources website once it's
13 available. That will be at www.dnr.state.md.us,
14 you'll hit the Boating Services tab, then you'll
15 hit the regulations tab and it will be up there.

16 At this time I'd like to review the
17 ground rules for this evening's meeting. Anyone
18 wishing to speak at this meeting shall use the
19 sign-up sheets in the back of the room prior to
20 testifying. Please note there are forms for those
21 who favor, oppose or are neutral regarding the

1 proposed expansion of the mooring field. Please
2 include your name, address, phone number and e-mail
3 address on the sign-up sheet.

4 At the top of the podium where I'll ask
5 you to come up and speak there is a laser pointer,
6 has a little red button on it if you want to point
7 to anything up here while we're discussing it. No
8 individual will be allowed to testify more than
9 once at this meeting. All people testifying must
10 state their name. The stenographer may also ask
11 you to spell your name.

12 The maximum time allowed for testimony
13 will be three minutes per individual. You may
14 appoint a single person to speak for a group of
15 people provided that you identify who you are
16 representing. In this case the group speaker may
17 have up to five minutes.

18 If you are up there testifying and you
19 have something that someone's already said and you
20 just want to confirm the fact that you agree with
21 what someone said, that's fine, you don't have to

1 go through the whole three minutes but it's just
2 you have an opportunity to go at least three
3 minutes.

4 All testimony shall be directed to me
5 and the court stenographer. All questions or
6 discussions with the speaker will be conducted
7 between me and the speaker.

8 Testimony must be relevant to the topic
9 of today's meeting, expansion of the boat mooring
10 field by Hartge Yacht Harbor. I will not be
11 discussing anything else at this hearing or taking
12 testimony on it.

13 All members of the public will treat
14 each other at this public meeting with respect,
15 which means that this meeting shall be civil and
16 devoid of any personal attacks, including any
17 action such as booing or hissing. Interrupting
18 someone's testimony is strictly prohibited. Any
19 person who disrupts this meeting or does not follow
20 these rules will be removed from the meeting by
21 Natural Resources Police.

1 Does everybody understand these rules?
2 Okay. At this point I'd like to begin the
3 testimony. What we'll do is we're going to go with
4 those in support first, those who oppose second and
5 those who signed up as neutral third. I will tell
6 you that any actions that are derogatory towards
7 anybody here, to the department, I want him
8 interested in the fact this does not help your
9 credibility if you conduct yourself in that manner.
10 So I'd just like to go ahead and start off with
11 those who support the proposed expansion. I
12 believe the first person we have is Tom Raley. Is
13 Tom here? R-A-L-E-Y? Come on up front and center.
14 You have that pointer up there if you need it.

15 MR. RALEY: Okay, thank you. Thomas
16 Raley, R-A-L-E-Y. For those that can't see, the
17 letters A, B, C and so on to L, the anchors are
18 actually going to sit and rest to the left of those
19 letters. I figured I'd point that out to make it a
20 little bit clearer, and essentially the distance
21 from that first anchor, A, is going to be 250 feet

1 from each dock. The dock that's to the right of it
2 at Chalk Point Marina and the dock that is about
3 northeast of it to Hartge Yacht Harbor. So it's
4 going to be 250 feet that distance and 250 feet
5 that distance.

6 Common-sense-wise, if you look at one of
7 the busiest harbors in the Chesapeake Bay would be
8 Annapolis. For small boats. Of course you've got
9 bigger ships in Baltimore, that's a lot busier and
10 the channel through there is less than 140 feet.

11 That's all I've got to say.

12 MR. GAUDETTE: Thank you very much.

13 Nancy Bray.

14 MS. BRAY: My name is Nancy Bray,
15 B-R-A-Y. I am the general manager at Hartge Yacht
16 Harbor, I'm the vice president on the board of
17 directors for the Marine Trade Association for
18 Maryland.

19 I presume that people might be concerned
20 about the disturbance of what you would call a
21 channel through this area. However --

1 MR. GAUDETTE: You can use the laser,
2 the red button to actually point to it. Is the
3 laser still up there?

4 MS. BRAY: I'm not going to need it.
5 The reason I'm not going to use the laser is
6 because there is no designated channel and I would
7 just like to point that out. Okay?

8 This mooring field has been in place for
9 approximately 50 years of various shapes and sizes,
10 and I've done a bit of research about a lot of
11 mooring fields up and down the east coast and for
12 the geographic area that you see there and at the
13 bottom there's quite a distance between mooring
14 letter L and the other shoreline, that's not shown
15 on this. Is there a way to move that up or is that
16 it?

17 MR. GAUDETTE: I think that's pretty
18 much it.

19 MS. BRAY: Okay. Thomas Raley has more
20 diagrams if you want to see the entire area that's
21 open.

1 This is a reasonable number of moorings
2 for the geographic space that is there based on
3 other areas. And I would like to point out that
4 everybody in this room should be concerned about
5 the health of the marine industry and a mooring
6 offers a boater an economical place to keep their
7 boat, and the health of this industry especially in
8 this state is in jeopardy due to the economic times
9 that we're experiencing. There are a lot of people
10 selling their boats, they're getting out of
11 boating, and anyone who's involved with this
12 industry or has a boat and who'd like to see it
13 stay healthy should consider a mooring as an option
14 for a person to stay in this sport if we are
15 concerned about economics.

16 That's it.

17 MR. GAUDETTE: Thank you very much.

18 Audience Participant: Is it appropriate
19 to ask questions of the speakers?

20 MR. GAUDETTE: No. Questions will be
21 for you, when you get a chance to speak you can go

1 ahead and address that. I think it's -- I'm going
2 to give you the address, I can't read it. 4872
3 Church Lane.

4 Audience Participant: Bob, that's me, I
5 don't want to speak. Thank you.

6 MR. GAUDETTE: Very good. Mary Todd
7 Winchester.

8 MS. WINCHESTER: I'll pass.

9 MR. GAUDETTE: And we got Buzz
10 Winchester.

11 MR. WINCHESTER: I decline.

12 MR. GAUDETTE: Thank you. That's
13 everybody that currently has for support. Who now
14 oppose, first is John Pierce.

15 MR. SKWRAOEURBGS:

16 MR. PIERCE: I decline.

17 MR. GAUDETTE: John Pierce declines.

18 P-I-E-R-C-E, correct?

19 MR. PIERCE: Correct.

20 MR. GAUDETTE: Rob Nilsen. Rob.

21 MR. NILSEN: Good evening. Rob Nilsen,

1 N-I-L-S-E-N.

2 I'm a member of the Shady Oaks Manor
3 community and I am also the contact person for the
4 Johns Creek Waterway Improvement District. I'm
5 opposed to these additional moorings because what
6 is going to happen is what Mr. Raley neglected to
7 say is that yeah, those are nice little anchors
8 there, but unfortunately when you put a boat on a
9 mooring you have an anchor and then you have the
10 scope of the anchor rope if you want to call it
11 that plus the length of the boat. The scantlings
12 that Hartge Yacht Yard uses are approximately ten
13 feet of heavy chain, ten feet of lighter chain, and
14 12 or 15 feet of three-quarter nylon. That gives
15 you 35 feet. You add another 40 foot boat on
16 there, that's 75 feet. So the 250 feet between,
17 you know, the A mark there and Hartge Yacht Harbor
18 and Chalk Point Marina all of a sudden gets a whole
19 lot skinnier.

20 Also, there is a deep section of the
21 creek if you want to call it that and it runs from

1 approximately here all the way up through here.
2 I've lived in the Shady Oaks community for over 20
3 years. These moorings here have had a tendency to
4 migrate east for some reason. Probably because the
5 water is deeper here than it is here and much of
6 this area over here is much shallower. When we
7 take our boat out, my boat is a 30-foot sailboat,
8 it draws five and a half feet. On a high pressure
9 northwest wind day if I have to go around these
10 boats my keel drags in the mud.

11 There is some Code of Maryland
12 Regulations that address those kind of situations
13 and if you bear with me here I'd like to read them
14 to you.

15 This is COMAR number 08.04.13.01
16 number -- or actually paragraph A I believe it is.
17 These regulations are promulgated to establish
18 procedures and criteria for the placement of
19 moorings in the waters of the state in order to
20 prevent the placement and use of moorings from
21 interfering with access to and use of the water of

1 the state by the general public and in order to
2 protect public safety and welfare, commercial
3 fisheries, and recreational interests in the waters
4 of the state.

5 This is COMAR, same titles, COMAR
6 08.04.13.02 paragraph B. Moorings may not be
7 placed in such a position that the arch of the
8 swinging extends into a marked or unmarked channel,
9 including navigational main channels as designated
10 by the U.S. Coast Guard or in a manner which
11 interferes with the operation or of access through
12 any bridge.

13 MR. GAUDETTE: What does your boat draw?

14 MR. NILSEN: Five and a half feet. Like
15 I said before, I was out there and did some spot
16 soundings and it gets very shallow through here and
17 even more shallow right here. What I would like to
18 propose to the DNR is a channel that would be, that
19 runs approximately through here. That is the
20 deepest area of that particular cove, bay, whatever
21 you'd like to call it. That's all I have.

1 MR. GAUDETTE: Okay, thank you.

2 Rob Nilsen.

3 MR. NILSEN: That's me.

4 MR. GAUDETTE: Sorry, my fault.

5 James Granahan.

6 MR. GRANAHAN: Granahan,

7 G-R-A-N-A-H-A-N. I've lived in Shady Oaks for
8 about 38 years now and I really do use the water.
9 I've been fishing five times this year for
10 rockfish. When I went out last Thursday, terrible
11 fog, and it was really hard hovering along where
12 the proposed new moorings would be. I took
13 pictures the other day after it came in and of
14 course to me it looks like, these aren't quite
15 right, looks like they're going over further on the
16 pictures that I took from what is proposed on this
17 map. And also, off of Chalk Point Marina there,
18 there's also a mooring out there that really
19 restricts the waterway going through there. And I
20 do a lot of crabbing, and boy, this cuts down
21 recreational crabbing, but I'm really opposed

1 totally to this. I can't understand why you would
2 even consider it because it just really messes up
3 navigation. I don't see any advantage at all. I
4 mean I can see money, but still, it's really
5 putting a lot of people out that really use this
6 water.

7 And another thing, in the summertime
8 people moor right where it says West River there at
9 night and you come up the next morning and you have
10 a hard enough time getting through anyway, so
11 further restrictions are just terrible with the
12 mooring spots. And I'd like to submit these
13 pictures that I took and it kind of shows the
14 mooring over at Chalk Point Road and it just to me,
15 I don't know, are these markings true to form right
16 here?

17 MR. GAUDETTE: The markings are what was
18 presented to the department as to where they would
19 be located.

20 MR. GRANAHAN: Are they just
21 superimposed there? The pictures I took, can I

1 submit these to you?

2 MR. GAUDETTE: Sure can. Exhibit A.

3 (Exhibit A marked.)

4 MR. GRANAHAN: Like this one here, it
5 shows the following way out. Sorry about that.

6 MR. GAUDETTE: Gotcha. Okay, we'll put
7 that right on there.

8 MR. GRANAHAN: I hope there's no
9 consideration given.

10 MR. GAUDETTE: James, thanks a lot.

11 Okay. Davis Craven.

12 MR. CRAVEN: Yes. C-R-A-V-E-N. I'm
13 opposed to the configuration that's shown here. It
14 lacks -- in other words, in building this, there
15 really needs -- you missed part of the picture down
16 here to show the connection between --

17 MR. GAUDETTE: Go ahead and use the
18 laser pointer so I can follow you.

19 MR. CRAVEN: Between the area here where
20 the last channel marker is and down in here there's
21 a channel that people have paid money and

1 encumbered their properties to create and it's
2 missing in this.

3 MR. GAUDETTE: Let me go ahead and just
4 put another display up that might help everybody
5 here a little bit.

6 (Pause in the proceedings.)

7 MR. GAUDETTE: This is going to show
8 both a nav chart and this, that might help you a
9 little bit.

10 MR. CRAVEN: Somehow it misses -- the
11 channel begins sort of down in here. But in any
12 event, this area has sort of crept out over the
13 years. And it seems to me that the deepest part of
14 the area from the part of the top of the picture --

15 MR. GAUDETTE: Hold on one second. I
16 think I have one that shows the entire area.

17 (Pause in the proceedings.)

18 MR. GAUDETTE: I'm going to leave it
19 with the original one.

20 MR. CRAVEN: That's okay. Without
21 seeing any soundings here, it seems to me that the

1 access through this area for boats should be in the
2 deepest area so that if these are on top of the
3 deepest area they should be either moved over here
4 or shouldn't be permitted. I mean the first thing
5 to me that would happen would be to establish where
6 the channel is. And there's the natural deepest
7 part of water. The deepest part of the water ought
8 to be for the navigation and the mooring ought to
9 be off to the side of it. I don't believe this
10 shows it well enough for me to be neutral or in
11 favor of it without any more information than
12 what's shown here. Unfortunately there are no
13 federal, there's no charts that show that.

14 MR. GAUDETTE: A quick question for you.
15 Do you ever notice people navigating through a
16 mooring field?

17 MR. CRAVEN: Yeah, sure. You do it, but
18 like when the fellow was talking about when it's
19 foggy, I mean you really would want to stay out of
20 there. We go through there simply to take a look
21 at the boats. But I just think it's not a good

1 idea to start doing that because it just seems to
2 sort of sneak across, not that someone is trying to
3 sneak illegally, but things happen and pretty soon,
4 you know, you're having to navigate through the
5 shallower water.

6 MR. GAUDETTE: Okay, thank you.

7 MR. CRAVEN: Thank you.

8 MR. GAUDETTE: Norman Hazard.

9 MR. HAZARD: I decline to say anything.

10 MR. GAUDETTE: Brady Christian.

11 MR. CHRISTIAN: I'm also a member of
12 Shady Oaks Manor. It seems that the tendency is
13 for the outside boats that moor up to those
14 moorings usually tend to be the larger of the boats
15 as opposed to this field. My assumption is,
16 because as Tom illustrated, it's deeper through
17 here. That being said, with the 35 foot of lead
18 that goes to the mooring ball, the bigger boats
19 have a tendency to run their, I'm going to call it
20 a tether line, I'm not exactly sure, but to the
21 mooring ball about 20 feet. That already puts them

1 I was actually a Boy Scout at and we learned to
2 sail. On the weekends people tend to come down and
3 anchor and moor up for the weekend and relax.
4 Well, that alone, it was hard -- I don't remember
5 these boats growing up, much less if we put these
6 out here. The recreational value of this river
7 back here is just diminishing.

8 Aside -- there was no justice given from
9 Hartge as to what value aside from financial gain
10 these moorings are going to bring to the community.

11 MR. GAUDETTE: Can I ask you a quick
12 question? What types of activities occur in that
13 area during the week?

14 MR. CHRISTIAN: Jet skis, sailing. A
15 lot of, the majority of the church camp goes on the
16 weekends with the sailing and you're talking about
17 the smaller sailboats. You learn how to sail at
18 this said church camp. If you're going to restrict
19 more and more you're just taking away the
20 activities of the children where I grew up and we
21 were able to do so. During the course of the week

1 during the summer you'd have week-long camps and
2 the West River church camp has these activities all
3 summer long.

4 MR. GAUDETTE: All right, Brady, thanks.
5 Mark Steinlin.

6 MR. STEINLEIN: Steinlein,
7 S-T-E-I-N-L-E-I-N. I'd just like to say I was born
8 and raised in Galesville and I know everybody
9 there. I used to work at Hartge Yacht Yard, I
10 consider everybody in that family as friends, and I
11 really hate to be, you know, opposed, but my
12 problem is, as was stated before, when you put down
13 an anchor you gotta swing a circle around that
14 anchor and you end up taking up almost an acre to
15 do that for one boat. And so that water's public.
16 How much of a public waterway has gotta be given
17 over for private enterprise? I understand the
18 exigencies of business and all like that, I
19 sympathize, but also there is the issue of people
20 sailing in there and people coming in there all the
21 time to anchor up on the weekends. You got

1 watermen that can't set a trotline anymore because
2 of the swing of those boats. It's growing all the
3 time and at some point, I know we're not here to
4 address it, but there's an issue with the moorings
5 off the county pier too. But the whole thing, you
6 know, I think we should, everybody should look
7 really close at it and while there's not a marked
8 channel through there, there is what is known in
9 navigation circles as an established fairway that
10 everybody uses.

11 I am a licensed captain on tugboats,
12 I've been in this business all my life and when you
13 have an established fairway what you're doing there
14 is you are infringing on it.

15 MR. GAUDETTE: Thank you very much.

16 Mr. Gardner.

17 MR. GARDNER: Pass.

18 MR. GAUDETTE: Blake Wintermute.

19 BLAKE WINTERMUTE: Wintermute. I'd like
20 to point out that I use this channel paramount, I
21 sail, I boat, and if they put these things here

1 it's just going to be jeopardizing -- say if it was
2 foggy like you were going in. The deepest part of
3 this water is through the moorings that are already
4 there. And if it's foggy or it's dark you can't
5 see. You could hit it, you could damage your own
6 boat, you could jeopardize your lives. And I like
7 to think of the channel as -- there's a channel
8 marker more down here. I like to think of the
9 channel from here up to the next channel marker
10 here, and that is the deepest part of the channel
11 and if they put these here, then I mean it's just
12 going to -- I mean the church camp has people going
13 out. Galesville has lots of kids who go out in
14 boats. There are a few kids in Shady Oaks and I
15 think there are 13 houses in our neighborhood that
16 have docks and have boats on them. They go out
17 through here all the time. If these moorings are
18 here people with sailboats like Rob, lots of people
19 have sailboats and we have a sailboat, Raven, she
20 won't be able to get through that mud. No way. If
21 they put these moorings here we won't, nobody will

1 be able to -- it will be very hard to navigate
2 through there without hitting someone or running
3 aground and getting stuck.

4 MR. GAUDETTE: Doug Water-something.

5 DOUG WINTERMUTE: That's Doug
6 Wintermute.

7 MR. GAUDETTE: I can read his
8 handwriting, I can't read yours.

9 DOUG WINTERMUTE: I should just pass, he
10 said it all.

11 We have a mooring down about in here and
12 I'm concerned that as the swing of the moorings L,
13 K and J, if there's a decent swing on them it's
14 going to create problems for us and it's going to
15 create problems for us and egress back and forth to
16 the docks we also use.

17 MR. GAUDETTE: How much water is your
18 mooring in do you think?

19 DOUG WINTERMUTE: Our mooring at high
20 water is in about seven and a half feet and we're
21 down in here. But when the wind blows out of the

1 northwest I can be sitting in the mud and that's
2 the problem and we have more northwesterly winds, a
3 lot of water blows out of the creek here and out of
4 the bay and it's very shallow. As everybody said
5 before, the actual channel probably runs right
6 about down in here and it's just encroaching on
7 decent access for everybody that lives in the Shady
8 Oaks area south of the line down here.

9 I guess the other concern is the A
10 through L, is that proposed, that was given by --

11 MR. GAUDETTE: That's what's being
12 requested for the additional moorings.

13 DOUG WINTERMUTE: So those positions,
14 they've created this.

15 MR. GAUDETTE: That's the request they
16 made, that's correct.

17 DOUG WINTERMUTE: That's the request
18 they made. It just seems extraordinarily
19 inconvenient for everybody else. It will create a
20 difficult problem for everybody south of the line,
21 everybody that lives in Shady Oaks and I hope the

1 DNR denies the request.

2 MR. GAUDETTE: Thank you.

3 Almost like the same name twice, is it
4 Christina Christian?

5 MS. CHRISTIAN: I pass.

6 MR. GAUDETTE: Peter Bell or Ball.

7 MR. BELL: Bell. I'd just like to say
8 I'm not in favor of adding moorings. When I looked
9 at the charts that I have in this area, this whole
10 area is listed as a general anchorage. And right
11 now there's just not a whole lot of room left to
12 anchor in and I just don't see any real need to
13 take up any more space. There's a channel that
14 runs along the harbor here. There's very shallow
15 water along the shoreline here and it gets shallow
16 in this area as well. So for people that are
17 coming in that are reading their charts as a
18 general anchorage and come back in there, there's
19 not a whole lot of room for them to anchor. That's
20 all I have to say.

21 MR. GAUDETTE: Okay, Peter, thanks.

1 George Luongo?

2 MR. LUONGO: Yes, sir. L-U-O-N-G-O. I
3 just feel this expansion will open up a Pandora's
4 box. It's a public waterway and one should not
5 monopolize the waterways. Commercial fishermen
6 need it for trotlining, eeling and gill netting.
7 You've already lost considerable oyster bottom, we
8 need to maintain the rest of our bottom. It's also
9 a hazard to recreational crabbers. I pay slip rent
10 year round. \$200,000 boats can't afford to get a
11 slip. That's all.

12 MR. GAUDETTE: Okay, George.

13 Bob Evans down on the farm.

14 MR. EVANS: Bob Evans down on the water.
15 Thank you very much for letting me speak here
16 today. I'm Bob Evans, the president of the Anne
17 Arundel County Watermen's Association, and I'm the
18 second vice president of the Maryland Watermen's
19 Association and I'm here representing not only Anne
20 Arundel County watermen but watermen from all over
21 the state, and I want to talk to you about

1 harvestable waters.

2 It's getting to be a problem all over
3 the state, not only in West River or Annapolis or
4 Anne Arundel County but all over the state with the
5 mooring buoys. With the economic times it's
6 becoming much more popular. The watermen's
7 association is opposed to it, not because we're
8 opposed to boats. We are opposed to harvestable
9 waters. Now, you take this area here from time to
10 time is very productive for crabbing, gill net
11 fishing, eeling, and every time you put a mooring
12 buoy someplace that's a lot of territory that we
13 lose, and we can't afford to lose any more
14 territory. We're struggling. And we have just as
15 much right to work that water as they do to put a
16 boat there. And actually I believe that there's
17 going to be legislation next year put in to do
18 something about the problem with the mooring buoys.
19 So the watermen having nothing against the boats or
20 anybody that has it, we just need the areas to
21 work. Thank you very much.

1 MR. GAUDETTE: Thank you.

2 John Martini.

3 MR. MARTINI: My name's John Martini and
4 I purchased Shady Oaks Marina in January of this
5 year. And I've actually been boating on the West
6 River since 1971 when my father purchased it from
7 the Gunther family. And so there's no question in
8 my mind that there's a natural channel that runs
9 through there, runs through here. I've been
10 boating there as a boy and adult for the better
11 part of 40 years, maybe it's more than that. But,
12 you know. So we as boaters feel, sailors feel like
13 there's a distinct channel there and we surely
14 would like to know from DNR's perspective what they
15 think about it. As I said, I basically leveraged
16 and took everything I owned to buy Shady Oaks
17 Marina and right now it's a struggle to make it go
18 because of the economy, number one, and because the
19 people that owned it prior to that did some
20 different things.

21 But the point is, is that we're trying

1 to generate business to fill the marina and to
2 have, anybody have to navigate around these
3 sailboats is going to be a big problem for my
4 livelihood as well as it's only going to cause
5 conflict. In a day and age that we should probably
6 not be looking at something that's excessive, I
7 mean just look at that, that's excessive. I mean
8 you're definitely crowding the whole waterway
9 there. And, you know, it should be looked at a lot
10 longer and harder than it has been to have this
11 meeting at the end of it and we're scrambling to
12 try to figure out if we should or shouldn't. I'm
13 not so much not in favor of it if it didn't impact
14 the channel, but I truly believe it does. If it
15 didn't, then it wouldn't be such a big deal because
16 we can take a little bit more time and go around
17 it. But I'm pretty much convinced that it does, it
18 impacts me, my livelihood and the livelihood of a
19 lot of people in this room.

20 MR. GAUDETTE: Now, you mainly have
21 motorboats in Shady Oaks.

1 MR. MARTINI: Yes.

2 MR. GAUDETTE: Do they go through the
3 mooring field or do they tend to go around it?

4 MR. MARTINI: We try to go around it.
5 It's kind of hard to weave your way through it.
6 You go around if you can. If you go through it you
7 end up, you know, a little bit at odds with the
8 people that are there and ducking and they're
9 giving you the high hard one and you're looking at
10 them, and I don't want it to be uncomfortable for
11 the customers coming in and out of there. That's
12 one selfish reason. The other one is I want my
13 kids to grow up on the water and be able to work
14 their way and sail and fish and crab in that area
15 without having, you know, it totally clogged up
16 with moorings.

17 MR. GAUDETTE: Okay, John, great. Thank
18 you.

19 J.R. Gross.

20 MR. GROSS: Good evening. I appreciate
21 you giving me this opportunity to speak here. I'm

1 here in two capacities, one I'm a commercial
2 waterman, I live on South Creek, and the other one
3 I operate a pile driver rig. And this is the
4 channel. I operate about a 60 by 25 foot wide rig.
5 I just went up to Plantation Boulevard to do a pier
6 there, and to tow a rig in here, a pile driver in
7 here is almost impossible and it would definitely
8 be impossible if you put more moorings here. Lord
9 forbid one of these boats in here would sink and I
10 would have to come in there and try to get it up
11 with that rig because it's impossible.

12 As a commercial fisherman we trotline in
13 this channel, eight years ago a sailboat anchored
14 here 2 o'clock in the morning and I struck it. So
15 \$10,000 out of my pocket that I had to pay for this
16 sailboat that was anchored here. So that's another
17 problem.

18 This shore here, I mean you can see this
19 was a very good area for us to trotline. You can't
20 trotline that now because as you work that line in
21 the course of the day it sweeps out. Well, there

1 you go, you're sweeping into this boat here. I
2 can't even get up here. I can't get in here with
3 that rig. I can't get that rig up to here, so all
4 these people up here can't get any work done. I'm
5 not saying they can't because people have smaller
6 rigs than I, but you get it blowing 10 or 15 miles
7 an hour and trying to navigate this is ridiculous,
8 you know. As far as I'm concerned, I was looking
9 for it to be reduced, the mooring field, and not
10 increased. That's all I have to say. I do oppose
11 it.

12 MR. GAUDETTE: Thank you.

13 P.D. somebody. Can't read it. 3831
14 Shady Oaks Road.

15 MR. LANGELIER: I just pretty much --
16 Langelier, L-A-N-G-E-L-I-E-R. I've lived here
17 since 1995, and again, there's very little room and
18 I don't think anybody has even said anything about
19 the boats that the church camp moor outside of
20 their area as well. So I mean there's little room
21 to get through there as it is, and as I think a few

1 people have expressed earlier, once you drop the
2 mooring and then the length of your pennant and the
3 length of your boat and the swing, it really, given
4 the direction of the wind, can really hamper your
5 getting in and out. So again I'm totally opposed
6 to it and hope you all see it the right way.

7 MR. GAUDETTE: Okay, thank you.

8 Marcie.

9 MS. LANGELIER: Same last name,
10 L-A-N-G-E-L-I-E-R. And I'm also, Paul and I are
11 both residents of Shady Oaks Manor and I just have
12 a few things I want to say. One is some of the
13 stuff that I do professionally is safety assessment
14 for naval aviation and in my line of work what we
15 call this is increasing your exposure to a risk.
16 That's the way I look at it. Once you increase
17 your exposure to a risk your likelihood of that
18 incident happening goes up. And what I see is
19 increasing our exposure to a risk, especially as
20 Blake was talking about, when you're in a kayak,
21 which I have experienced going out in a kayak, it's

1 scary. You have to go in and out and you can't
2 tell when someone can see you or not as it is. I
3 think this is definitely a navigational hazard to
4 add more moorings. It's very hard to navigate
5 already at night in the fog and other conditions
6 and it's making that more hazardous.

7 I'd also like to see the data that was
8 mentioned earlier from the Hartges that would tell
9 us why this geographic area is, any other
10 geographic area on the east coast or anywhere else
11 is relevant to the specifics that we're talking
12 about, this West River area and the surrounding
13 creeks. I don't understand how that is an argument
14 at all. It's a specific area unlike other areas
15 that can be compared to it. I also don't
16 understand why, if there's less boaters in this
17 economic time, why we need to have more moorings.
18 Just does not make sense to me. It's not logical.
19 And I don't know how having more moorings is a
20 positive let alone the environmental impact.

21 MR. GAUDETTE: Thanks. That's the end

1 of our initial opposed list. Now we have the
2 neutral list, and a lot of people that signed up
3 for the neutral list didn't quite know what the
4 proposal was, so they may give a neutral position
5 or they may give opposed or they may give support.
6 If you're going to say something different than
7 neutral, let us know when you come up. Jeff Smith.

8 MR. SMITH: I'll pass.

9 MR. GAUDETTE: Bob Gallagher.

10 MR. GALLAGHER: Bob Gallagher,
11 G-A-L-L-A-G-H-E-R. I live in Shady Side and I'm
12 with the West-Rhodes Riverkeeper organization.
13 Hartge Yacht Harbor has legitimate, important
14 economic interests in expanding its business. The
15 watermen have a legitimate economic interest in
16 protecting the harvestable bottom. You've heard
17 from a large number of people in the community
18 about their interests that are impacted by this.
19 Whatever you decide, whether to grant the
20 permission or deny it, someone's interests are
21 going to be disappointed and that doesn't have to

1 be the case. And we're only having this discussion
2 because Hartge's applied for permission to do this.

3 There are a lot of moorings going in
4 down there every week without anyone applying for
5 permission that are interfering with the interests
6 you've heard about, interfering with the efforts of
7 the watermen to harvest crabs and fish.

8 West-Rhodes Riverkeeper has asked DNR in
9 the past consistent with DNR's authority under the
10 law to establish a regime for regulating moorings,
11 where they would be, how many there can be, and you
12 turned us down. We asked you again to establish a
13 regime that where you could delegate it to
14 nonprofit groups like us and you turned us down.
15 You sent us to the county and the county said they
16 talked to you and you told them you weren't
17 interested in delegating to the county. I don't
18 know if that's true or not, but I know that you
19 turned us down. I think that's an idea that you
20 ought to reconsider, because these interests that
21 you've heard about can be accommodated in a

1 rational regulatory scheme for moorings and we
2 won't have to go through this again. So I ask you
3 to reconsider that decision.

4 MR. GAUDETTE: Thanks, Bob. Kathy
5 Gillis.

6 MS. GILLIS: Pass.

7 MR. GAUDETTE: Charles Gibbs.

8 MR. GIBBS: I'll pass.

9 MR. GAUDETTE: Donna Schlegel? Donna.

10 MS. SCHLEGEL: Yes. S-C-H-L-E-G-E L.

11 Thank you for including all of us here
12 tonight, appreciate the opportunity.

13 I recently did a fairly good sounding of
14 Shady Oaks and the mooring fields primarily in the
15 area that I felt was impeding on Shady Oaks and
16 they, they're accustomed to having six and a half
17 feet at mean low water access in and out of their
18 channel, and what I did find was the lower moorings
19 in the mooring field were just about that or
20 slightly less than six and a half feet. It would
21 be the bottom four to five moorings. And the

1 additional two that are proposed would place those
2 moorings in even shallower water, so that would be
3 a difficult access for Shady Oaks.

4 I'm the managing partner of Chalk Point
5 Marine, a very small marina over on the peninsula.
6 When I received permits ten years ago to rebuild
7 the facility, the piers actually extended further
8 westward than they, than what you see now. I was
9 restricted to only constructing out to that, to
10 those Ts because there was a designated channel
11 that was determined by our engineers, the tech
12 group, and the county. I do have a copy here so I
13 would be more than happy to leave that with you.

14 MR. GAUDETTE: Exhibit B.

15 (Exhibit B marked.)

16 MS. SCHLEGEL: Just recently I placed a
17 temporary mooring to show where the 100-foot
18 setback is. The 100-foot setback designates the
19 eastern side of the channel, so according to the
20 county, and I realize that DNR has precedence over
21 the county as far as determining where the channels

1 lie, the county had determined that the designated
2 channel east side was 100 feet off the Ts. If the
3 channel is moved over, then it does encroach more
4 so on the eastern side, onto the Chalk Point side,
5 and it would be not impossible but the egress would
6 be affected.

7 MR. GAUDETTE: Okay. Genevieve Johnson.

8 MS. JOHNSON: I decline.

9 MR. GAUDETTE: Okay. Alex Schlegel.

10 MR. SCHLEGEL: That's S-C-H-L-E-G-E-L.
11 My wife just spoke. We own Chalk Point Marine and
12 the length of this T head right here is about 100
13 feet long, so that 100-foot setback you can see is
14 about in there. Right in this area is a shoal. If
15 you have a six-foot draft boat you have to go out
16 to about that spot to clear it. And also if you
17 have a sailboat you can usually see it coming but
18 if you have a powerboat and you're coming out
19 through here a guy going by the channel can't see
20 you coming out and the guy in here can't see the
21 guy coming by. So the channel shouldn't run in too

1 close to avoid collisions.

2 I used to run Hartge Yacht Yard and you
3 had to watch it as you're coming out these,
4 watching the traffic going by. It's something to
5 consider in the whole scheme of things here.

6 Down here at the church camp, the guys
7 that are sailing there, usually they're during the
8 week, they're learning to sail and they need all
9 the room they can get. They kind of struggle
10 getting back and forth. On the other hand, West
11 River is a great place to have a boat. The people
12 that come from all over contribute to the economy
13 in a great way. They spend money on restaurants,
14 gas stations, benefit many ways, plus they get to
15 be on the water. It's a good experience for them,
16 good experience for their kids. So there's lots of
17 reasons to have moorings somewhere to give people
18 access to the water, but we also would like to work
19 with the watermen and everyone else who has an
20 interest there.

21 MR. GAUDETTE: Okay, thank you very

1 much.

2 Mark Cross.

3 MR. CROSS: I pass.

4 MR. GAUDETTE: Mike Lofton.

5 MR. LOFTON: L-O-F-T-O-N. I'm a
6 customer of Mr. Martini, I have the smallest boat
7 in his marina, by far the smallest boat. I've been
8 at Shady Oaks for about 20 years and I'm an old
9 retired guy and I fish, I love it. I go through
10 here probably a hundred, hundred fifty times a year
11 in a lot of different conditions and I think John
12 really said it well, common sense, look at this,
13 this is a commercial facility. This will be
14 privatizing the public waterways. All you have to
15 do is look at it. The general public user is going
16 to be forced over, probably not be able to function
17 at all, the kids at the church camp, the crabbers,
18 the recreational fisherman. I'm a customer of Mr.
19 Evans. I'm not nearly as good a fisherman as he is
20 so I go to his place pretty often. It's amazing to
21 me that the public waterway is already so

1 commercialized, that it would even be more so. I
2 think you need to consider that.

3 The adequacy of shoreside facilities, I
4 haven't heard any discussion about that, I can't
5 find any reference, whether or not there's parking,
6 bathrooms, all those kinds of things that would
7 support yet more use out there. I know there's at
8 least one live-aboard out there all the time. I'm
9 not sure how that would work here.

10 The transient boater issue is a real
11 significant one because many of those people do not
12 run anchor lights at night and occasionally I'll
13 get caught in bad weather and I'm coming in in the
14 dark, I'm coming in in the rain, and it's very
15 difficult to come through as is, and you really
16 have to watch for the transients and you just
17 create more congestion, there's more hazard. It
18 seems a poor choice to me.

19 I moved from neutral to opposed by the
20 way, as I listened and learned here this evening.
21 The comparison to Annapolis, I think it's apt. In

1 Annapolis you can't sail around in little boats in
2 the harbor area, you can't crab, you can't
3 waterski, you can't do any of those things it's
4 become so commercialized and this really would I
5 think be the breaking point that would convert this
6 to a purely commercial facility and limit the
7 general public's use.

8 And as to the economics, the idea of
9 adding supply into a market that is already glutted
10 with excess supply makes little economic sense.
11 It's sort of how we got to where we are in housing
12 and I think for the state to do things to induce
13 further supply is just going to hurt existing
14 operators that are competing for a small and sadly
15 shrinking market. I think you enable some others
16 and I think Mr. Martini would be particularly
17 handicapped trying to compete with this, blocking
18 the channel and offering more supply in this
19 market. Those are my comments. Thank you.

20 MR. GAUDETTE: Thank you, Mike. Amelia
21 Whitman.

1 MS. WHITMAN: I pass.

2 MR. GAUDETTE: Elsie Whitman.

3 MS. WHITMAN: I pass.

4 MR. GAUDETTE: Don Fegley.

5 MR. FEGLEY: Pass.

6 MR. GAUDETTE: That is everyone I have
7 currently signed up. Is there anyone else at this
8 point in time that would want to be on one of these
9 lists that is not who would like to testify?

10 MR. JOHNSON: Yes, I didn't sign up. My
11 name is Clarence Johnson.

12 MR. GAUDETTE: Are you opposed, neutral?

13 MR. JOHNSON: I'm opposed. I'm opposed
14 to the new moorings. I'm a member of Shady Oaks,
15 been here for 41 years. When I moved down here you
16 could look from the point -- where is the
17 pointer? -- you could look from here clean on out
18 the river at a clear shot. There was none of these
19 moorings here, there was a few sailboats here.

20 MR. GAUDETTE: Clarence, when was that?

21 MR. JOHNSON: Probably about 30 years

1 ago. You could look from here straight out, look
2 clean out the river. There was no problem
3 whatsoever, no sailboats or anything. There were a
4 few right in here and that was about it. Right now
5 there's about 75 moorings out there, there's 262
6 boat slips at the marina not counting what's
7 underneath the shed. There's probably 30 or 40
8 under there. So you're looking at almost 500 boat
9 slips out there. I don't see how 2 percent or so
10 is going to help them in their economy as far as
11 doing that when they're taking away from the marina
12 that's up in here, you're taking away from all the
13 communities around the area getting out of the
14 river. In the summertime this area right here is
15 just full of sailboats that transient. They like
16 to come up here and anchor for a week. You come up
17 here at night, it's very dangerous, you can't get
18 in through here without going through the
19 sailboats. There's no designated channel anywhere
20 in through here that's marked. Its like a big, I
21 don't know, free-for-all in there. It's very

1 dangerous.

2 Like I say, I know one gentleman, a
3 commercial crabber, two years ago hit one of them
4 in here because he couldn't turn his boat around.
5 The commercial crabbers come in here 4, 5 o'clock
6 in the morning, they go in there to set their
7 trotlines, all of a sudden whammo, you got a half a
8 dozen boats on your line. What are they going to
9 do, turn around and take the trotline back up?
10 That's a joke. I run a trotline, but I'm just a --
11 I only need a couple dozen crabs for myself, and
12 there's people crab here, they crab along here,
13 they crab up and down through here, they crab in
14 this creek here and it's just, I can't understand
15 why you're going to put a half a dozen or a dozen
16 more buoys in here to just let somebody else have a
17 little bit more economy and take away from
18 everybody else in the community. Thanks very much.

19 MR. GAUDETTE: Thanks, Clarence. Is
20 that it? Okay. Again, the record's going to
21 remain open for written comments. Now, obviously

1 if someone indicated something that you don't agree
2 with and you want to send some written comments in,
3 that's fine. The more information the better.
4 Again, it's until noon on May 7th and about a week
5 later I'll be going ahead and making a
6 determination. I've asked the stenographer to try
7 and get a transcript available within a week, which
8 I'll post online. And I certainly appreciate
9 everybody's comments, those both in favor, opposed,
10 and those who just gave general comments. The
11 department takes the matters regarding stewardship
12 of the waterways very seriously. I think that this
13 information has been very helpful to me, and again,
14 I appreciate all your cooperation and your patience
15 listening to everybody speak and your excellent
16 demeanor tonight during this meeting. And with
17 that I will consider the meeting closed. Thank you
18 very much.

19 (Hearing concluded at 7:08 p.m.)

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1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

3

4 I, Richard D. Baker, Jr., a Notary
5 Public in and for the State of Maryland, County of
6 Baltimore, do hereby certify that the foregoing is
7 a true and accurate transcript of the proceedings
8 indicated.

9

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11 Richard D. Baker, Jr., Notary Public

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