

Transcript of
Public Hearing

Date: **November 3, 2011**

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**Transcript of Public Hearing
Taken November 3, 2011**

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

2 THE CHAIRMAN: Good morning, everyone.
3 Just so you know, we normally start very timely at
4 10 o'clock. We're waiting on one key member to
5 arrive and there will probably be another two or
6 three members before we get started.

7 (Pause in the proceedings.)

8 THE CHAIRMAN: I've gotten the signal
9 that we can get started right now. First of all, I
10 want to welcome everyone here, all the citizens of
11 Maryland, I think everyone in the state is here
12 today. I am the chairman of the Boat Act
13 Committee. We're made up of 20 persons who are
14 representing all aspects of boating, all -- and
15 they will introduce themselves in a few moments.
16 Before we get started I would like everyone to
17 please turn off your cell phone, I just turned mine
18 off. Everyone, so we -- one person will forget and
19 then we'll get a call.

20 The people we're going to start
21 introducing will start -- before I get started in

**Transcript of Public Hearing
Taken November 3, 2011**

1 that I'm going to say that the board is made up of
2 persons who have a real interest in boating. We
3 have many, many years of experience. Our mission
4 is to make the waterways available for all of the
5 citizens of the state. We try and satisfy all of
6 the petitioners; sometimes we do not, but if we can
7 maintain the waterways open for all persons we
8 think we're doing a good job, and of course
9 considering safety and issues like that. So I'm
10 going to start off on my left with the members
11 introducing themselves and talking a little bit
12 about, you know, just a couple of minutes about
13 their experience, so I'm going to pass the mic down
14 to them.

15 (Members introduce themselves.)

16 THE CHAIRMAN: Thank you all for giving
17 us a little history about yourself. We get a
18 little into the housekeeping, the restrooms are
19 right over there, both the ladies and the
20 gentlemen. The person we are waiting on to show up
21 is here, so we can proceed as scheduled. Also,

**Transcript of Public Hearing
Taken November 3, 2011**

1 we'd like to request that you come to the
2 microphone, it's important that you speak right
3 into it, if not you're going to be this way, so
4 it's important to get right to the mic because
5 they're very directional. We have a stenographer
6 here taking the minutes of the meeting. We're
7 going to schedule something to this effect: We're
8 going have the petitioner to speak first, but
9 before we do that we're going to have Mike Grant to
10 discuss a little bit about Middle River, then we're
11 going to get the persons who are for. All the
12 people who are for will have about three minutes to
13 speak, other than the petitioner, who will have at
14 least ten minutes.

15 Now, we are trying to allow everyone who
16 wishes to speak to have their say. However, if
17 what you're going to say has already been said, you
18 may just want to say that my position is for or
19 against and that will be part of the record, but we
20 want everyone here to feel that they're part of the
21 hearing and we want you to go away as happy as you

**Transcript of Public Hearing
Taken November 3, 2011**

1 can. We know that half of you will be happy and
2 half of you won't. So I'm going to leave from the
3 back door here before the end.

4 Now, the procedure is this: After you,
5 we have heard all the petitions for and against
6 we're going to break for lunch. We will then have
7 what we call an executive session in which the
8 board will discuss what we've heard from the
9 audience. We will then vote on different aspects
10 of the petition. The people who are present are
11 welcome to come back after lunch and can be in the
12 room when we are. It's an open session; however,
13 you will not be able to participate in the
14 discussion of the board but you're welcome to be
15 here so you can hear exactly what, how we do
16 things.

17 The only other thing that I can think of
18 as important is that we want everyone to feel, once
19 more, that you are part of the hearing, that you
20 are part of the petition concerning Middle River
21 and that you have had as much due process as

**Transcript of Public Hearing
Taken November 3, 2011**

1 possible. The board makes a recommendation to the
2 government, the Secretary then makes a decision as
3 to whether or not to accept our position or not.
4 Generally 90 percent of the time they always do,
5 but the final word comes from the government
6 itself, but we are the ones to interface with the
7 public. So with that, without any more, I'll let
8 Mike speak.

9 MR. GRANT: Good morning. Good morning.
10 Again, I'm Mike Grant, I work for the Department of
11 Natural Resources and it seems like we have more
12 friends of the bride than the groom today. Why
13 don't you guys get over here and balance this? I'm
14 the state liaison for the department for the Boat
15 Act Advisory Committee, I'm the one that receives
16 your e-mails and responds to them. With me today
17 is Bob Gaudette, director of boating services, and
18 director of boating access, Lisa Gutierrez, who
19 will be our timer today.

20 Today's discussion is concerning Middle
21 River. The request from the petitioner is six

**Transcript of Public Hearing
Taken November 3, 2011**

1 knots Saturday, Sunday and holidays during the
2 boating season in the main body of Middle River, as
3 noted on the chart there.

4 MR. MARSH: First of all, we'll have,
5 just to let you know that the officer in charge of
6 the patrols in that area will be speaking later,
7 after everyone else for or against has had time to
8 speak. The first one we'd like to have is the
9 petitioner, that's Ed Harwood I think that did the
10 petition. Mr. Harwood, you have ten minutes if
11 you'd like to make a presentation.

12 THE REPORTER: You have to sign in
13 first, sir.

14 MR. HARWOOD: My name is Ed Harwood, I'm
15 the general manager of Bowleys Marina. I'd like to
16 thank the BAAC for holding this meeting today in
17 regard to the petition that we submitted in
18 February. Bowleys Marina has 500 slips and 675
19 members. Today I would like to speak specifically
20 to the marina's concerns. As Mr. Grant just
21 stated, the only change we are seeking is adding

**Transcript of Public Hearing
Taken November 3, 2011**

1 1.4 nautical mile distance to the existing no wake
2 zone. The days and times remain the same,
3 Saturday, Sunday and holidays during the boating
4 season. The difference on 1.4 miles between six
5 knots and 25 knots is ten and a half minutes. So
6 this would add a ten-and-a-half-minute transit time
7 both in and out.

8 Safety of boaters, our primary concerns
9 are safety of the boaters embarking and
10 disembarking their vessels. We've had sailboat
11 masts in our marina in adjoining slips, tips of the
12 mast hit, shrouds stuck together, we've had
13 individuals fall in due to wakes, broken ribs,
14 dislocated shoulders.

15 The other area of concern we have are
16 when we're entering and exiting our fairways, the
17 wakes from outbound vessels essentially funnel into
18 our fairways, you're entering the fairway at a slow
19 speed, the wake gets under your starboard quarter,
20 we've had vessels loose steerage and actually hit
21 the piers.

**Transcript of Public Hearing
Taken November 3, 2011**

1 Fueling operations, we're limited right
2 now to fueling inside our fuel pier due to the
3 excessive wake on the outside. Pump-out
4 operations, we've had wakes -- we have universal
5 pump-out fittings, we have actually had wakes come
6 through, roll boats, fitting comes loose, sprays
7 waste matter on individuals. And again, docking
8 and undocking in close proximity in our narrow
9 fairways.

10 We do not feel that this would affect,
11 adversely affect recreational activities such as
12 waterskiing and wakeboarding. The area that we're
13 requesting is already too congested during the
14 Saturday, Sundays and holidays for most
15 wakeboarders and waterskiing.

16 And then finally, we feel this would add
17 a great deal of safety for smaller vessels,
18 crabbers, we have a great number of crabbers that
19 like to crab off of the piers, neighbors and/or
20 occupants, and I'd just like to thank the committee
21 for your time today.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Thank you, sir. Let's see
2 if we have some questions from the committee for
3 you. Steve.

4 MR. KLING: Thanks, just two questions
5 for you. Over say the last four or five years what
6 has changed in this waterway?

7 MR. HARWOOD: Well, '08 we saw a drastic
8 decrease in boat traffic in general due to fuel
9 cost. We have seen the traffic come back. I have
10 only been at Bowleys for four years, so I, you
11 know, that's as far as back as I can comment. You
12 know, I do feel the traffic has been consistent in
13 '09, '10, and '11, you know, other than, no change
14 so to speak except '08, which was a marked
15 decrease.

16 MR. KLING: Have you as a marina
17 investigated putting any wave-attenuating
18 structures outboard of your fairways?

19 MR. HARWOOD: We have looked at wave
20 attenuation; however, our slips go out one-third
21 across Galloway Creek and per MDE guidelines we can

**Transcript of Public Hearing
Taken November 3, 2011**

1 not encroach any further into the creek.

2 MR. PARLIN: How long has the marina
3 been there?

4 MR. HARWOOD: The marina has been there
5 since the late '70s, or maybe before that, it's
6 become the current corporation in 1984.

7 MR. FERMAN: Were they always a thousand
8 feet piers?

9 MR. HARWOOD: Since '84. I can't speak
10 before that.

11 MR. MARSH: Amy.

12 MS. CRAIG: Do you have any bulkheading
13 or any armament around your piers?

14 MR. HARWOOD: Yes, we actually just
15 underwent a rebuild this year on the -- where
16 Mr. Grant is pointing there on the south wall, that
17 is our A pier, we do have vinyl that goes the
18 length of that pier. We also have vinyl across the
19 T heads to the west. But again, we're, our primary
20 issue are outbound, you know, larger outbound
21 vessels where their wakes come right into the three

**Transcript of Public Hearing
Taken November 3, 2011**

1 fairways that act almost as a funnel and then the
2 wakes spread throughout the marina.

3 MS. CRAIG: Have you placed any buoys
4 out there?

5 MR. HARWOOD: The DNR has, it's
6 currently a speed limit zone and the buoys are
7 probably right along that dotted line right where
8 Mr. Grant's pointing.

9 MR. MARSH: How long have those buoys
10 been there?

11 MR. HARWOOD: I'm not sure, I mean
12 they've been there during my entire time. I
13 believe there was a, possibly back in '97 there was
14 another petition that had been submitted and I
15 think that is maybe when they set that speed limit.

16 MR. MARSH: Any more questions? Thank
17 you, sir. Appreciate that. Next, if there's a
18 group representative that represents a particular
19 group that would like to speak? Association or
20 group that would like to speak. Yes, sir, that
21 would be fine, if you state your name when you get

**Transcript of Public Hearing
Taken November 3, 2011**

1 up there so we can record that. Sir, you're for
2 the petition, I believe.

3 (Discussion held off the record.)

4 MR. FAHRMIER: Good morning, my name is
5 Dave Fahrmier, I'm representing Glenmar Sailing
6 Association. For 65 years Glenmar Sailing has been
7 the largest group on Middle River dedicated to the
8 sport of sailing, and I'm not going to go into a
9 long history, but with origins that date from the
10 sailing employees of the Glenn L. Martin aircraft
11 plant on this river, today we represent over 100
12 sailing families. I speak on behalf of the
13 association. I'm a licensed captain, reside on
14 Middle River and our group is unanimous support for
15 a speed limit on Middle River.

16 Safety is our main concern. Apparently
17 it must be near impossible to gauge the destructive
18 force a displacement hull's wake has at speed, for
19 so many powerboat captains seem content to motor
20 fast and close to smaller and slower craft, whether
21 they be sail or motor driven. Do not these

**Transcript of Public Hearing
Taken November 3, 2011**

1 captains ever look out to see what havoc they
2 cause? Sailors suffer from the effect with
3 sprained wrists, ankles, and are flung about their
4 boats, some have cracked ribs, hit heads and
5 injured shoulders. It just boggles our minds that
6 these, that these things happen and offending
7 skippers wave as they pass seemingly not cognizant
8 of the damage they are about to cause. When
9 sailing to windward the force of the wind is a good
10 equalizer and will usually offset the effects of
11 huge wakes. However, with the usual southeasterly
12 sea breeze Booby's Point becomes a blanket and the
13 area in question is in its lee. It is usual for
14 returning sailors to have already started their
15 motors and furled sail long well before Bowleys
16 Light.

17 See, navigating in and out of Middle
18 River is not a straight shot. Boats need to jog
19 left and then jog right to navigate the space
20 outside of Bowleys Light to Booby Point, which is
21 just outside the river. The space becomes the rub

**Transcript of Public Hearing
Taken November 3, 2011**

1 line and the area that is the most severe and
2 dangerous for boaters. It doesn't matter whether
3 you're coming, going, large and small, sail or
4 powered, everybody wants this direct route between
5 Bowleys light and Booby's Point Light.
6 Fortunately, there are navigable waters on both
7 side so fear of running aground is not a problem,
8 but there is just not enough space to avoid huge
9 wake. When a big wake approaches most sailors know
10 to steer 90 degrees towards the wake and take it
11 almost head on, thus minimizing the effect, and
12 this is not a problem if there's only an occasional
13 passing boat. This is what sailors do. It's
14 something that is part of owning a sailboat. Local
15 sailors call this the Middle River dance, diverting
16 course to minimize the impact of wake. However,
17 Middle River is a busy place and often multiple
18 boats transverse in succession and when we do our
19 dance swearing and yelling is heard, get out of my
20 way because now we're broadside and that makes
21 sense.

**Transcript of Public Hearing
Taken November 3, 2011**

1 So what is the sailor to do traveling at
2 five to six knots when many other boats are passing
3 a short distance away at 20 to 25, throwing big
4 wakes one after another? You can divert course and
5 take the wake head on and risk collision with other
6 fast movers or continue on course and absorb the
7 wake on the beam and risk body injury and heavy
8 discomfort from constant pitching. That constant
9 pitching pitches you 30 degrees one side to the
10 other, which seems like an eternity. This force is
11 an excess of one G that sailors have to endure.
12 Most people wear seat belts when they encounter
13 that type of a force. Compounding the problem,
14 boats pass on both sides at the same time and now
15 you're really in a bad spot. This is not fun, it's
16 not safe, and it is indeed quite serious to the
17 sailing community.

18 Inundation damage is always a problem
19 for the worst occurrences. At least most crews in
20 sailboats have a somewhat heavy keel so the fear of
21 swamping is not critical. However, that may not be

**Transcript of Public Hearing
Taken November 3, 2011**

1 the case for the hundreds of smaller and lighter
2 motor power runabouts that excursion out to Hart-
3 Miller Island, which is a very favorite destination
4 here. I would imagine they suffer quite a bit, but
5 at least they can power away quickly.

6 I've been sailing on Middle River for 40
7 years and the situation has gotten worse, for today
8 there are a lot more boats than there were years
9 ago and they've gotten bigger. Our members feel
10 strongly about this topic and we request that the
11 committee expand the original proposal area to
12 further out to Booby Point and make it 24/7.

13 In closing I'd like to personally
14 acknowledge that there are a few powerboat captains
15 who do not operate in the manner just described.
16 There's some who understand the destructiveness of
17 wake and slow their boats farther out than Bowleys.
18 To those I cheerfully and respectfully wave and
19 doff my cap to them. It is unfortunate however
20 their numbers are few and as such we are forced to
21 discuss the need to control the flow of traffic.

**Transcript of Public Hearing
Taken November 3, 2011**

1 We're all aware and sensitive to the age old and
2 sometimes comical banter between stinkpotters and
3 rag benders. I have many friends who captain
4 powerboats and we kid relentlessly about it and
5 coexist just fine. I respect their need to get
6 there quickly and always watch where I tack to not
7 insist on my right-of-way needlessly. Conversely,
8 they are conscious of their wake and practice safe
9 boating on this exact issue that we're discussing
10 today. There's plenty of room on the bay -- ten
11 seconds -- there's plenty of room on the bay for us
12 both, but getting in and out of the river it is a
13 problem of safety and it's getting worse. If any
14 captain of a powered craft were to ride with me
15 they would be appalled as to how it looks and feels
16 from the bridge of a sailboat. Sailors have not
17 been able to educate our boater brethren on this
18 issue to where they universally adjust their
19 patterns and now it's long past time for government
20 regulation to control the flow of traffic. I thank
21 the committee for my time.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Thank you, sir. Any
2 questions? I have one, sir. Where is Glenmar
3 Sailing?

4 MR. FAHRMIER: We're principally a
5 nonland owned club, we're an association of a
6 hundred sailors principally on Middle River.

7 MR. MARSH: Okay. You don't have a
8 specific spot there?

9 MR. FAHRMIER: We're not a yacht club,
10 we're an association. We meet at other places.

11 MR. MARSH: Let's see if we have any
12 other questions.

13 MS. ALLISON: Just one quick question.
14 The question is could you out where Booby Point and
15 I think you said Bowleys Point is that you consider
16 a real problem?

17 MR. FAHRMIER: Well, Bowleys would be
18 right where it is currently and then Booby Point
19 about where Google is. You have to go out and jog
20 around to get out of the river and that is the most
21 severe spot in our opinion.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Any more questions? Thank
2 you, sir.

3 MR. FAHRMIER: Thank you.

4 MR. MARSH: Next we'll have individuals,
5 but if you agree with either of the presenters you
6 can stand up and say I agree with what they said
7 but I'd like to add, and that's fine, but, you
8 know, limit it that we don't hear the same thing
9 over. If you've got extra things to add, that's
10 fine, so if you're ready for any individuals who
11 would like to speak. We're doing the for so,
12 ma'am, if you'll come up, please.

13 THE CHAIRMAN: You can come up and stand
14 behind her, you'll be the second and third speaker.
15 You have to sign in before you speak. Go ahead,
16 ma'am.

17 MS. JUSTIS: Good morning. My name is
18 Pam Justis, I live in Middle River on Galloway
19 Creek. We have been boaters for years, both power
20 and sail. The problem that -- my husband wanted to
21 be here but he's working because -- that's another

**Transcript of Public Hearing
Taken November 3, 2011**

1 question I have, why the meeting was at 10 in the
2 morning when most people are trying to work, but
3 besides that, the issue that my husband always
4 brings up there is compression in like an hourglass
5 figure there, which is why the waves become so much
6 more intense when boats are coming through there.
7 And not only does it affect the boaters but the
8 shorelines, of which I'm very concerned naturally,
9 get intense waves pressing up against them. I
10 think that's it. I just think that a slower speed
11 limit would help both the boaters out there as Dave
12 said and the shoreline for the, the people who live
13 in Middle River. Thank you.

14 MR. MARSH: Thank you, ma'am, appreciate
15 it. Next, sir, would you sign in, sir?

16 MR. RYBEZYNSKI: Good morning, my name
17 is Paul Rybezynski, I'm a boat owner and operator
18 on Middle River. I agree with everything that has
19 been spoken or talked about to this point, on this
20 topic and agree with the need for six mile an hour
21 speed limit on Middle River. But I do want to just

**Transcript of Public Hearing
Taken November 3, 2011**

1 underscore one point and it was made by the person
2 who is putting forth this suggestion or proposal.
3 The amount of time required by any operator,
4 whether it be sail or power, to transit from the
5 terminus of the current six-mile-an-hour zone to
6 the terminus of the proposed zone is minimal. For
7 those of us that have been on Middle River for many
8 years, Saturdays and Sundays are very, very
9 crowded, and to ask someone to spend an extra ten
10 minutes transiting the river in an effort to
11 promote full use by the entire community as opposed
12 to just those who happen to own larger powerboats
13 is not an imposition and it's not a lot to ask.
14 This is a recreational activity. Those extra ten
15 minutes are ten extra minutes that you will be on
16 the water enjoying yourself. We're not out there
17 making a living, we're out there for recreational
18 purposes and an additional ten minutes to get from
19 the current six-mile-an-hour zone to the end of
20 proposed six-mile-an-hour zone I just don't think
21 it's a lot to ask, so thanks a lot for your time.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Thank you, sir. Sign in,
2 sir, and then state your name. Thank you.

3 (Discussion held off the record.)

4 MR. LASKIN: My name is Jay Laskin, I'm
5 a resident of Baltimore County and I've been
6 boating on Middle River for about 35 years. Since
7 1977 I've had a slip at Bowleys and I just wanted
8 to say this has been a continual problem the whole
9 time that I've been there and I know we've asked
10 for speed limit things before in the past, I think
11 Ed mentioned like 1995 or something like that, and
12 I remember even before that back in the early '80s
13 going down to Annapolis to petition. I don't think
14 people were, the same people were on the board, but
15 there was a board there, to no avail. But by the
16 way, I'm in favor of the speed limit. And I agree
17 pretty much with everything that has been said
18 before. But I wanted to add some personal notes to
19 this.

20 I believe the majority of boaters,
21 sailors, powerboaters and commercial fishermen are

**Transcript of Public Hearing
Taken November 3, 2011**

1 pretty much responsible and courteous, but there
2 are those that disregard the safety of others and
3 for whatever reason, whether it's ignorance or
4 arrogance, but I believe that passing this, this
5 regulation would help our law enforcement people
6 to, you know, protect us better, they will have
7 something to pull people over on. Right now if
8 something happens like that, other than them being
9 held responsible for their wake if there's damage,
10 if you can find the person, even our law
11 enforcement people don't have anything to slow
12 things down to help us. So I think it's important
13 that we do have this.

14 I've asked the DNR if there were some
15 records that we could go back and find out about
16 the incidents and I'm told they don't keep the
17 records, so I want, again, I wanted to ask
18 something, add something personal that happened to
19 me. As was mentioned before, the navigable water
20 is narrow at the entrance as it is in most rivers,
21 but this just compresses everybody. This summer

**Transcript of Public Hearing
Taken November 3, 2011**

1 while I was working on my boat, tied up at the
2 marina, and I've done it as I said for 35 years,
3 something happened and in retrospect I believe it
4 was a wake that came by and rocked the boat and I
5 misstepped and fell down. I broke two ribs, my
6 life flashed in front of me, I was in the water, it
7 was a serious thing. Fortunately, I recovered and
8 was fine. Looking back on it, the only thing I can
9 think of it was a wake that rocked the boat. I had
10 seen this before, I've been in my slip and I've had
11 wind indicators at the top of my mast 40-some-odd
12 feet off of the ground get knocked off because the
13 boats are going like this (gesturing) from wakes on
14 perfectly calm days. I just wanted to add this as
15 a personal testimony, if you will. I've also
16 encountered many times coming in and out of the
17 river -- ten seconds, okay -- many times, just
18 having to take an evasive action and hold on for
19 dear life as wakes came back and forth. I guess my
20 time is up.

21 MR. MARSH: Thank you, sir, appreciate

**Transcript of Public Hearing
Taken November 3, 2011**

1 that. Thank you. Sir, sign in and state your
2 name, appreciate that.

3 THE CHAIRMAN: We're going to ask you
4 once more if you are only repeating what's
5 previously been said, please refrain in that if you
6 can. We still want you to have an opportunity to
7 speak, but we want to hear something new other than
8 what's been said That gives everyone an opportunity
9 to say something. Go ahead.

10 MR. HARVEY: My name is Glenn Harvey and
11 I want to discuss the safety issue. I've been
12 boating on Middle River since I was a teenager,
13 which is now over 40 years, but this past season we
14 were -- I have a 38-foot sailboat with 15,000 pound
15 displacement, and we ran into some large wakes from
16 a large powerboat and it knocked my eight-year-old
17 daughter down, she ended up with bruises on her arm
18 and leg from hitting the side of the cockpit from
19 the larger power of the wakes, and this was after I
20 had slowed down and turned into the waves and
21 warned people on the boat that we were having, you

**Transcript of Public Hearing
Taken November 3, 2011**

1 know, the waves were coming, so, you know, this is
2 a big issue. So, you know, it's pretty sad when
3 people get hurt on the boats like that.

4 The other thing, I had asked when I
5 first arrived if there was an environmental report
6 done or study for this, and one issue with the
7 waves would be, you know, causing damage to the,
8 what you all call the SAVs. You know, the water
9 waves when they wash up along the shoreline
10 increases turbidity in the river, it's going to
11 reduce the growth of the seaweed and all that, so
12 somebody should have looked into that also. So
13 thank you.

14 MR. MARSH: Thank you, sir.

15 MR. HUPPERT: My name is Kurt Huppert, I
16 live at 2508 Holly Beach Road. We're actually --

17 MR. MARSH: Where is that, sir?

18 THE CHAIRMAN: Excuse me, sir, you have
19 to speak into the mic.

20 MR. HUPPERT: Okay.

21 THE CHAIRMAN: Just a moment, sir, you

**Transcript of Public Hearing
Taken November 3, 2011**

1 need to speak into the mic.

2 MR. HUPPERT: You want me to repeat what
3 I already said?

4 THE CHAIRMAN: Yes.

5 MR. HUPPERT: Kurt Huppert, 2508 Holly
6 Beach Road. I'll point to where our house in
7 general is. Right in this area. Waterfront
8 property on Middle River. We have a, we have a
9 great view of this entire, we have a great view of
10 this entire area. I would agree with what's been
11 said here so far. I actually think there's two
12 things that I can add. One is -- and one of the
13 things I heard the panel say was that, you know,
14 part of what you all are concerned about is the
15 opportunity for everyone to enjoy this river and I
16 can tell you that powerboats are the only thing
17 that enjoys this, that section of that river on
18 weekends. You can't sail boats, it's horrendous.
19 We have a Hobie Cat, we have -- I can't tell you
20 how many times we've almost gotten run down by
21 boaters on the Hobie Cat. You won't see any small

**Transcript of Public Hearing
Taken November 3, 2011**

1 sailing vessel, you rarely see a kayak. You cannot
2 cross that river in anything but a substantial
3 powerboat on weekends, and I think that's a big
4 issue because that whole area can't be enjoyed by
5 everybody. I understand the sacrifice, I have a
6 Jet Ski, I have little kids, they love to go out on
7 that thing. I can go right in front of my pier on
8 the weekend and they're going to be upset if it
9 gets changed, but I think the trade-off is we can
10 do it during the week, there's very little traffic
11 during the week. It's unbelievably dramatic the
12 difference in traffic during the week and on the
13 weekend, so there is an opportunity for people to
14 do that. So like I said, there's definitely --
15 we'll have some sacrifices, but I think it's worth
16 it.

17 We also witness water quality change on
18 the weekend, which is also unbelievable. It
19 basically looks like a mud puddle on the weekend.
20 I have relatives, my father and several aunts and
21 uncles who live on the river, some live further

**Transcript of Public Hearing
Taken November 3, 2011**

1 back in, and there's a dramatic difference between
2 water quality where it's six mile an hour and in
3 this area. It is -- we watch, we're up on a hill,
4 about a 25 foot elevation, and we watch 40-, 50-
5 foot powerboats crank up, this is a shallow river,
6 not a deep river like the Severn or some of the
7 other rivers on the bay, we watch these big
8 powerboats crank up and there's mud trails, you can
9 watch them as they go out of the river, and it's
10 just, you know, we have shoreline erosion, we have
11 our boats on a lift -- okay. We have, we get
12 damage to our boats on the lift trying to get on
13 and off. It's very difficult on the weekends, so
14 that I guess sums it up.

15 MR. MARSH: Thank you, sir, appreciate
16 that.

17 THE CHAIRMAN: Before the other
18 gentleman speaks, I want to say that the petition
19 is for reference to speed only, the environmental
20 issue we will not entertain, the discussion we will
21 not entertain. Go ahead, sir.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. HALLAM: My name is Parker Hallam.
2 I've enjoyed Middle River for the past 40 years, I
3 got into boating when I was about four, about 60
4 years ago. I have also seen results of an accident
5 that occurred on Middle River several years ago. A
6 small slower moving powerboat was in the yard, it
7 was a total wreck from one of those cigarette boats
8 that plowed right through it. A woman was down
9 below, she was injured, fortunately she wasn't
10 killed. I know another incident where a sailboat
11 was rear-ended by a powerboat. The owner of the
12 sailboat had a four-year-old son in the cockpit.
13 Fortunately he was on the opposite side that got
14 hit, if he had been on the side that did get hit,
15 probably would have gotten killed. I also know of
16 another incident with a commercial crabber, before
17 there was any speed limit on the river, was in a
18 hurry to get to his crab pots and he actually ran
19 over a female swimmer and she was instantly killed.
20 So just like we have speed limits on the
21 highway, the roads we drive on, I think we need a

**Transcript of Public Hearing
Taken November 3, 2011**

1 speed limit taken out all the way to Bowleys Light.
2 After all, it's only a ten-minute difference. How
3 much is your life worth? Ten minutes. Raise your
4 hand, anybody want to give up that for ten minutes,
5 risk your life? That's all.

6 MR. MARSH: Thank you, sir, appreciate
7 it.

8 MR. LOELIGER: My name is Bill Loeliger,
9 I'm a waterfront homeowner, I live out on Middle
10 River. Let's see.

11 MR. GRANT: Hit the red button, don't
12 look at it.

13 MR. LOELIGER: So I live right here on
14 the south shore, right in the middle of this area
15 here and so I have, you know, I've witnessed all
16 the boating activity on Middle River for many
17 years. I'm a powerboat owner, I'm a sailboat owner
18 and I have two kayaks. I have experienced all
19 different methods of boating. Our big concern
20 again is safety, and this was, we witnessed --you
21 know, one of our, my wife and I, favorite

**Transcript of Public Hearing
Taken November 3, 2011**

1 activities is to sit out on our deck with
2 binoculars and kind of observe the boating traffic
3 as it goes by, especially in the summer. I've
4 witnessed many near misses, near accidents, very
5 hairy situations, usually due to excessive speed on
6 the river. That point last year was hit home for
7 us when a boat, fortunately we were not home at a
8 time, but the boat traveling at a high rate of
9 speed actually crashed into the end of our pier,
10 took out three pilings right at the end of our
11 pier, completely destroyed. You can imagine how
12 fast the boat must have been going to take out
13 three individual pilings at the end of the pier.
14 Fortunately no one in my family was out there, but
15 it's made me very leery about, you know, the
16 boating activity, you know, on our pier in that
17 area.

18 I'm also concerned about issues of
19 shoreline erosion. I know you said you don't want
20 to worry about environmental issues, but after
21 Hurricane Isabel we spent a lot of money to redo

**Transcript of Public Hearing
Taken November 3, 2011**

1 riprap.

2 THE CHAIRMAN: Excuse me, sir, I stand
3 corrected on that. I was told that it was in the
4 petition but was overlooked, so therefore, you can
5 address the --

6 MR. LOELIGER: I just want to make a
7 quick point. We spent a lot of money to repair our
8 shoreline after Hurricane Isabel eight years ago
9 and in the eight years since that time we've shown
10 evidence of degradation. I can tell you from
11 firsthand experience walking on our pier that in
12 early spring, around March and April, the water
13 where we are is crystal clear, I can see to the
14 bottom, and in early June we start to get a lot of
15 underwater grasses growing around our pier and so
16 forth and by mid-June or early July it's completely
17 gone because of the murkiness of the water and the
18 huge wakes that are rolling in and doing damage to
19 our shoreline in that area. So that's it, thank
20 you very much for the opportunity to speak.

21 MR. MARSH: Question.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. BLACKISTONE: How far out in the
2 river does your pier go?

3 MR. LOELIGER: We have fairly shallow
4 water where I live, so our pier extends about 200
5 feet out. We're right next to Eastern Yacht Club
6 and we're right in this line. You know, a lot of
7 the boats travel a line straight out here, here's
8 the red number 6 mark out in this area, so they
9 travel straight out, but some boats come very close
10 into this area here despite the shallowness of the
11 water and apparently someone traveling in this
12 direction here came right and took out the end of
13 our pier.

14 THE CHAIRMAN: Thank you, sir. We have
15 a person who wishes to ask you a question from the
16 audience. However, we do not allow that, I'm
17 sorry.

18 MRS. LOELIGER: No, no, I was just going
19 to say, you said that you could raise your hand and
20 agree, just add to comments, do you want me to do
21 that or wait in line?

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Are you for?

2 MRS. LOELIGER: That's my husband.

3 THE CHAIRMAN: When you're recognized,
4 you can certainly do that. I thought you wanted to
5 say something.

6 MRS. LOELIGER: No, no, no, I just
7 wanted to add.

8 THE CHAIRMAN: Go right ahead, sir.

9 MR. FRIEDRICHS: Been boating on the
10 Chesapeake for 40 years, been boating on the
11 Chesapeake for 40 years, basically raised my
12 daughter on the boat, she's as good a sailor as
13 anybody in this place, time for grandkids to go
14 ahead and get sailing lessons. I'm loath to do it.
15 I mean I've sustained damage to the boat, masthead,
16 things like that, hulls, everything else people
17 talked about, that's repairable. Lose a grandkid,
18 that's a problem. Thank you.

19 MR. MARSH: Thank you, sir, appreciate
20 that.

21 THE CHAIRMAN: We have one question.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. SIMON: The question is in these
2 incidences that have happened on the river, have
3 DNR been called, any of the officers or any reports
4 made?

5 MR. FRIEDRICHS: From what I've heard, I
6 believe not. There may have been some sporadic
7 ones, but I don't have any personal knowledge of
8 one.

9 MR. MARSH: Thank you, sir. Any other
10 questions? Okay, sir.

11 MR. MOODY: My name is Steve Moody, I
12 live on Middle River, pretty close to Galloway
13 Marina.

14 THE CHAIRMAN: Excuse me, sir, you have
15 to get closer to the mic, please.

16 MR. MOODY: Anyway, we live on one of
17 the busiest rivers on the bay. We have a lot of
18 boats in a very small space, it's a fairly short
19 river and a lot of creeks and tributaries. I'd
20 like to state that I represent Bowleys Quarters
21 Community Association, which is a group of

**Transcript of Public Hearing
Taken November 3, 2011**

1 residents of this area. We discussed this issue
2 back and forth for probably the past year, and in
3 our last membership meeting we had a vote and our
4 membership supported this unanimously minus one
5 member. The issues have been safety, water
6 quality, underwater plant life and the quality of
7 life around and on the river.

8 On a personal note I'd like to say that
9 I have a clear view of the traffic, I watch -- my
10 house looks out on the river all the time. There's
11 a lot of boat traffic out there on the weekends,
12 particularly in the afternoon on Saturdays and
13 Sundays, a lot of traffic goes in and out at high
14 speed to and from Hart-Miller Island and so forth.
15 I tend to see a lot more commercial traffic,
16 crabbers and so forth on weekdays, particularly in
17 the mornings and early afternoon. Weekend boat
18 traffic has become so high it's often very
19 dangerous. Many captains act as if they don't know
20 the rules of road and come out of the river on high
21 speed. If you're in a small boat you must face

**Transcript of Public Hearing
Taken November 3, 2011**

1 large wakes from boats going in all directions.
2 This creates a very choppy mixed sea environment.
3 On many occasions I've been forced to stop for
4 boaters -- by the way I only operate powerboats, I
5 have three. They don't seem to know the rules of
6 the road and they act in a negligent manner. This
7 speed limit change would take care of that. It
8 wouldn't require the police to go monitor speeds
9 per se per boat, it would be obvious when
10 somebody's breaking the rules.

11 I've witnessed situations where large
12 powerboats pass close to or in front of small boats
13 where the occupants have to prepare to take a
14 shower, that includes me. With traffic going up in
15 all directions, it's just too choppy out there.
16 The wakes created on the river hit the shorelines,
17 they're not attenuated very much, and as you know,
18 wakes travel until they meet resistance. They're
19 then reflected back into the river off the riprap
20 or the bulkheads on the shorelines. This creates a
21 wave height deadening effect, particularly in our

**Transcript of Public Hearing
Taken November 3, 2011**

1 area where the shores are generally riprapped or
2 bulkheaded.

3 On weekend nights I often witness boats
4 loaded with people that are traveling at high
5 speed, oblivious to other boats. Many of those,
6 many of these late night speed runs appear to be
7 related to people who are drinking. Again, I felt
8 that I was in danger and this could have all been
9 avoided with a slower speed limit.

10 There are other safety concerns as well.
11 They didn't mention people at their docks trying to
12 get on and off, fueling, maintaining your boat,
13 whatever, boats bounce in all directions when
14 you're at your dock in our area. Another
15 benefit -- and I have trouble isolating the wakes
16 with the environmental effect. I live on the
17 river, I see the grass torn up every weekend, I see
18 how cloudy the river gets by Sunday afternoon and I
19 see how it slowly clears and then starts all over
20 again every weekend. I see grass floating in
21 clumps, it gets ripped out of the bottom in shallow

**Transcript of Public Hearing
Taken November 3, 2011**

1 water where the waves affect it. Another advantage
2 would be that we wouldn't have so much noise on the
3 river. High speed powerboats and large cruisers
4 make a lot more noise when they're traveling at
5 high speed. At idle they will be a complete and
6 different environment for those of us that live on
7 the river. Ten seconds, sorry. The ten-minute
8 change, the ten-minute cost of all of this I think
9 the benefits far outweigh that price. I know some
10 people on the river will be a little more
11 inconvenienced, some more than others depending on
12 where they live, but it is only ten minutes. Thank
13 you.

14 MR. MARSH: Thank you, sir, appreciate
15 that. Ma'am.

16 MRS. LOELIGER: I'm JoAnn Loeliger, I'm
17 actually the wife of Bill Loeliger that spoke and I
18 agree with what he said and what everyone else has
19 said this morning. I just want to add a couple of
20 comments and address your comment as to we did make
21 the police report, we had police investigation, we

**Transcript of Public Hearing
Taken November 3, 2011**

1 got the three pilings that were taken out at the
2 end of our pier. It was a witnessed event,
3 somebody in the yacht club saw it and they actually
4 yelled out to the boater, are you okay, because it
5 was a huge, loud crash, and the gentleman in the
6 boat immediately, you know, heard the woman and
7 took off. They were never able to find the boat,
8 so evidently whether it was, had a hole in it or
9 whatever, he was able to escape or whatever, we
10 never -- we had to pay a lot of money to put the
11 pilings back in.

12 The other comment is the gentleman prior
13 to me mentioned alcohol. That, you know, really
14 that is a consideration in this factor too. We
15 have, I have heard fights on the water between
16 boaters. I have -- you can hear the conversation
17 and there's alcohol involved with that, so you've
18 got high speed and alcohol and the judgment call
19 going along with that. You know, personally I love
20 the water, we moved from the Towson area to be on
21 the water full time where we love the water and we

**Transcript of Public Hearing
Taken November 3, 2011**

1 love boating, but I will not take the helm of the
2 boat, I will not sail the boat comfortably in that
3 area; my husband has to take it until we get away.
4 We have kids, we have a dog, it can't swim, we have
5 guests, they can't swim in the water, I can't swim
6 the dog in the water because the waves will drown
7 the dog, and we have, since the cigarette boats,
8 they come very close to our pier, and it's just not
9 safe. And lastly, just want to mention all of the
10 other rivers have speed limits, we're the only one
11 that doesn't, you know.

12 A PARTICIPANT: Back River.

13 MS. LOELIGER: Anyway, thank you for
14 listening.

15 MR. MARSH: Thank you, ma'am, appreciate
16 that.

17 MR. WILKINS: I'm Skip Wilkens, I'm a
18 licensed captain and I carry a master's license
19 with a sailing and towing endorsement. I grew up
20 on Galloway Creek. I have a 38-foot 38,000-pound
21 sailboat. Because of confluence of traffic and it

**Transcript of Public Hearing
Taken November 3, 2011**

1 creates a funneling effect, the buoys do, and
2 everybody working toward that same funnel all at
3 one time on a Saturday afternoon or a Sunday
4 afternoon after they've been most of the day out on
5 Hart-Miller Island. I don't know if you people are
6 familiar with Hart-Miller. In any case, on a
7 Saturday and Sunday afternoon it is very hazardous
8 out there, boat traffic, wakes in all directions.
9 I would very much like my grandchildren to enjoy
10 boating also. I have also a small powerboat, and I
11 can't use that boat on a Sunday afternoon. I would
12 love to be able to go over to Sue Creek to some of
13 the restaurants over there, but I wouldn't take a
14 small boat across the river, you know, on a
15 Saturday or Sunday afternoon.

16 It's been proposed by the Marine Trade
17 Association that this would adversely economically
18 affect businesses up the river. Again, ten or
19 eleven minutes additional I can't believe will
20 affect people's wish or desire to go up and use the
21 businesses and restaurants up the river. And the

**Transcript of Public Hearing
Taken November 3, 2011**

1 majority of boats that use those businesses are
2 Middle River boats, so they keep their boats there,
3 they're going to go to those businesses neither
4 here nor there. Again, that's all I have to say.
5 Any questions? Thank you for your time.

6 MR. MARSH: Thank you, sir.

7 MR. ROBERTSON: Hello, my name's Allen
8 Robertson, I've been on Bowleys for the last two
9 decades, living on Galloway Creek near where Steve
10 Moody is and I've experienced the same things that
11 he related to you and I'm also an officer of the
12 Bowleys Quarters Community Association and we adopt
13 his comments but I'd like to add a couple of
14 additional things.

15 During the discussions we had the
16 opposition speak to us about the boat trials,
17 because they have marinas way upriver, and they
18 have a long time to get down to this point before
19 they can show their boats to potential buyers and
20 show them what they can do. The problem is if
21 they're during that, during the peak periods,

**Transcript of Public Hearing
Taken November 3, 2011**

1 that's contributing to the problem. What has
2 happened is the speed limit has been put on all the
3 creeks around this area and it's funneled the
4 traffic into this point and that's why all the
5 traffic is concentrated with the high waves at that
6 place. So I'm in favor of the speed limit because
7 of all the issues that they brought out earlier.

8 What I'd also like to mention is that we
9 talk about the boating season, the boating season
10 is quite long and there's a speed limit out on the
11 river right now. There's not a lot of traffic
12 there now on these weekends. I would suggest
13 amending this so that we do it during the peak
14 boating season from May, from May 15th until
15 September 15th. The time before that when people
16 are looking at buying boats for the season, it
17 would open up the chance for them to still have
18 their speed trials and their boating opportunities
19 to see how the boat would handle and it would also
20 open up the river to all the other people who
21 wanted to go a little bit faster. So I'm

**Transcript of Public Hearing
Taken November 3, 2011**

1 suggesting that we eliminate the speed limit prior
2 to May 15th and we eliminate it after September
3 15th, but we extend the speed limit during the time
4 when we have these concerns in this peak period.
5 Any questions? Thank you very much for listening.

6 MR. MARSH: Thank you, sir. Anyone
7 else? Sign in, sir.

8 MR. WALPER: My name's Ron Walper, I
9 live in Galloway Creek, I've been boating since
10 1950. It was a rowboat with low sides, now I'm in
11 a pontoon boat, which is still too small, and I
12 agree with everything that's been said. I only
13 want to say that unfortunately marine --
14 restaurants have been sponsoring from time to time
15 I guess -- what do they call them -- poker runs --
16 and every cigarette boat or whatever they call them
17 have to join in on that and we were coming back
18 from Hart-Miller with our four grandchildren, we
19 got to the mouth of Middle River and I told my son,
20 who's 40, he's not a kid, I said stay clear of the
21 whitewater. I looked up and the whole thing was

**Transcript of Public Hearing
Taken November 3, 2011**

1 whitewater. It was about 20 cigarette boats coming
2 out, we didn't know what was happening, but luckily
3 we were behind the lighthouse or the light at
4 Middle River, so if there they were going to kill
5 us they were going to hit that first.

6 Unfortunately, I'm wider than that, but we luckily
7 survived that first wave, figuring that's it, and
8 then here comes another line of them, and they
9 weren't going 25 if that's what the current speed
10 limit is, they go from six to wide open.

11 So I request that, number one,
12 restaurants don't sponsor things like that, there's
13 not enough marine police to stop about 30 or 40
14 boats coming at wide open. And secondly, I've seen
15 crabbers there, trying to enjoy picking up hand
16 lines, they're leaning over -- I don't know why
17 somebody hasn't drowned before this. Thank you.

18 MR. MARSH: Thank you very much.

19 MS. ALLEN: My name is Sandra Allen and
20 I live on Middle River, I live across from the red
21 green mark that goes into Dark Head Creek. I live

**Transcript of Public Hearing
Taken November 3, 2011**

1 on the other side. And it's a very narrow area
2 there and I've had guests at my pier in good size
3 sailboats get thousand of dollars worth of damage
4 because they get picked up and thrown over onto a
5 piling or something. And I have a 48-foot
6 sailboat, it is 50,000 pounds. I'm not light, I'm
7 a heavy boat. I get tossed around, so in a little
8 boat you're really in trouble.

9 And I have another problem. My slip
10 faces my house. In order to pull into my slip I
11 often have to wait longer than the ten minutes
12 we're discussing because I have to go across that
13 narrow area of Middle River to get into my slip, my
14 house. People yell at me. I mean what am I doing
15 going across the river when they're going up to the
16 restaurants or going wherever they're going? And I
17 have had also a tremendous amount of erosion. When
18 I moved there 21 years ago we had a nice beach in
19 front of our property. Our neighbors around in the
20 little cove just beyond us going downriver, they
21 now have 30 feet of beach they didn't have 20 years

**Transcript of Public Hearing
Taken November 3, 2011**

1 ago. That's it. Thank you.

2 MR. MARSH: Ma'am, could you point to
3 where you are, where you --

4 MS. ALLEN: That's Dark Head, I live on
5 this side.

6 MR. GRANT: Here?

7 MS. ALLEN: No --

8 MR. MARSH: Right up in that cove there.

9 MS. ALLEN: If you're coming downriver
10 from the River Watch, I'm the next little point of
11 land.

12 A PARTICIPANT: Which is already
13 existing six knots during the weekend, correct?

14 MS. ALLEN: Yes, it's already six knots
15 on the weekends.

16 MR. MARSH: Yes, ma'am.

17 MS. ALLEN: They don't all do six knots,
18 and I used to have a sign at the end of my pier
19 that said you're responsible for your wake, because
20 a lot of these boats, they may not be going really
21 fast, but they have a tremendous wake. Okay.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Thank you, ma'am,
2 appreciate that.

3 MR. MITCHELL: Good morning. I'm Tom
4 Mitchell, thank you for this opportunity to speak.
5 I'm a lifelong sailor, I've cruised on sailboats,
6 I've sailed on keelboats, I've sailed dingies, much
7 of this time on Middle River. I want to echo the
8 comments made by Mr. Harwood and Mr. Fahrmier, I
9 agree with everything that they've said,
10 particularly the fact that Mr. Fahrmier pointed out
11 there are some very courteous powerboaters out
12 there and unfortunately not nearly enough in my
13 opinion.

14 My son has his 50-ton license, he's an
15 EMT, a certified sailing instructor, he couldn't be
16 here today, but he asked me to convey his support
17 for this proposal as well.

18 I have had passengers on my vessels
19 suffer personal injury due to heavy powerboat wake.
20 We suffered property damage. We haven't reported
21 this to the DNR because, first of all, if there's

**Transcript of Public Hearing
Taken November 3, 2011**

1 an injury, by the time you've dealt with that the
2 cause of the problem is way out of sight, and
3 second of all, they're traveling so fast that even
4 if you tried to respond right away and find out who
5 they are you're rocking too much or you can't
6 identify them. They're gone. I have kept boats at
7 Galloway Marina, at Bowleys Marina as well as other
8 marinas further up Middle River. I have since
9 moved my boat out of Middle River and one of the
10 primary reasons is the congestion of powerboats and
11 the wake. When I'm out there I'm responsible for
12 the safety of my passengers and my vessel and I
13 find it increasingly difficult to do that with this
14 congestion and the speed. Very fast vessels, I
15 can't get out of their way; I'm a sailboat, I only
16 go six knots.

17 And lastly I want to emphasize what
18 Mrs. Allen just said, everyone is responsible for
19 their own wake. Thank you all who take that
20 responsibility seriously, and for those who don't,
21 please do. Thank you.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Thank you, sir, appreciate
2 that. Thank you.

3 MR. GAJEWSKI: Good morning, my name is
4 Corey Gajewski, I'm a powerboater and local
5 resident. I have medium and large size powerboats.
6 To me the issue is plain and simple; we're talking
7 about maybe approximately 50 days a year, you know,
8 weekends, holidays only, boating season only, not
9 even 365, so 50 days out of 365 is nothing compared
10 to what everybody in the area is going to gain. I
11 have a large powerboat and getting out there is
12 like trying to get on 95 with a Mazda Miata. I
13 mean it's -- people are moving through this area so
14 fast and you can have the biggest boat in the world
15 they're still not looking out for you. You know,
16 it's a bottleneck here. If this was Interstate 95
17 we'd be talking about widening it. But clearly we
18 can't do that here. You know, we're talking about
19 a miniscule amount of time, approximately 50 days a
20 year. I mean this seems like a no-brainer to me,
21 thank you.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. MARSH: Thank you, sir. Is there
2 anyone else that wishes to speak for the proposed
3 regulation? Make sure. Any questions that the
4 committee may have for anyone? We can direct that
5 to a petitioner if you like.

6 MR. SIMON: The only question that I
7 have is when they said they call the police, do
8 they call the local police or they call DNR?

9 MR. MARSH: Answer that, please.

10 MR. LOELIGER: Just to answer the
11 question briefly. I'm Bill Loeliger, the fellow
12 that had the three pilings taken out at the end of
13 our pier. We did in fact call the DNR police, we
14 had a police report filed, we had police out there
15 examining the area and taking paint samples off our
16 pilings that were destroyed. The perpetrators were
17 never located.

18 MR. MARSH: Thank you, sir. Anybody
19 else that wants to speak for? Okay. Is there a
20 spokesperson against? Against the regulation, is
21 there a spokesperson for that? No spokesperson.

**Transcript of Public Hearing
Taken November 3, 2011**

1 Anybody representing a group that is against the
2 regulation, anybody that wants to speak against the
3 regulation? Against the regulation, okay. If you
4 would line up there and do what we did on the for.
5 If you sign in, get in line and you will have your
6 two minutes certainly to speak against the
7 regulation.

8 (Discussion held off the record.)

9 MR. MARSH: If you do live on the river,
10 if you could show us where you live. If you do
11 live on the river, sir.

12 MR. HEPNER: My name is Michael Hepner,
13 I'm a longtime resident of Bowleys Quarters. I
14 live near Miami Beach Park, which is not in this
15 area of regulation. I've been boating on the
16 Middle River for over 60 years and I am opposed to
17 the regulation because it seems, as the chairperson
18 said, we try to accommodate everybody, but it seems
19 now that it's a contest between the sailboaters and
20 the six knots and the powerboaters who may wish to
21 do 15 or 20. Not all boats, motorboats behave the

**Transcript of Public Hearing
Taken November 3, 2011**

1 same way or produce the same wake at 15 to 20
2 knots, and in fact some cruisers at six knots,
3 their stern's going to be down in the water and
4 they will create a bigger wake than if they were up
5 on plane. So we have two issues, we have speed and
6 we have wakes, so what are we deciding this
7 regulation on, wake or speed? Certainly there's
8 already an existing regulation on speed in the
9 river at daytime and lower speed at night. So if
10 we're concerned with speed, then the safety can be
11 improved by lowering the speed limit, but a limit
12 that enables lighter boats to get up on plane and
13 not have the adverse effect on wake by having
14 cruisers with their stern low in the water and
15 creating a bigger wake.

16 So we've got two issues, speed and wake,
17 to decide this on, and speed can be addressed by
18 lowering the present speed but still enabling
19 lighter boats to cruise through there and Jet Skis
20 to cruise through there safely, so thank you.

21 MR. MARSH: Thank you, sir.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. GAFFNEY: My name is --

2 THE CHAIRMAN: One second, sir. We have
3 a long line of people that are opposed, am I
4 correct? And we want everyone to have an
5 opportunity to speak, but if you're repeating what
6 has been said, I'm going to emphasize again, please
7 come up and say you're opposed so we can keep it
8 moving. We want everyone to have an opportunity to
9 speak. Go ahead.

10 MR. GAFFNEY: My name is Neal Gaffney
11 and I've lived on Middle River for 41 years and
12 I've been a commercial crabber for 30. My concern
13 is slowing down in the more exposed mouth of Middle
14 River will create an unsafe condition. With the
15 slowing on a northwest and southeast wind it will
16 be treacherous for boats to get a speed that will
17 maintain control, especially smaller vessels.
18 Sailboats have greater control at lesser speed than
19 powerboats do, their keel is designed, so for a
20 powerboat to maintain control in three- and four-
21 foot seas it can be very dangerous. With added

**Transcript of Public Hearing
Taken November 3, 2011**

1 boats from Galloway Creek and Sue Creek it would
2 disperse before the six knots that are existing,
3 the conditions will worsen at the mouth where they
4 will have to slow down before they enter a widened
5 area. Thank you.

6 MR. MARSH: Thank you, sir.

7 MR. WEINMAN: My name is Michael
8 Weinman. Although I don't really represent a
9 formal group, there are many of us that are marina
10 owners with marinas further up the river. Several
11 people will speak and address different issues
12 today. The only one I'm prepared to discuss right
13 now is Bowleys itself. I'm a partner in Chesapeake
14 Yachting Center located at the head of Frog Mortar
15 Creek that flows into Middle River. This is a
16 facility with 200 slips, 200 racks and ground
17 storage for more than a hundred boats. It is equal
18 to the size of Bowleys.

19 Everybody's giving their bona fides,
20 I'll give mine. I've been boating continuously
21 from the '50s pretty much everywhere, from Nova

**Transcript of Public Hearing
Taken November 3, 2011**

1 Scotia, Bermuda, Galapagos, Grenada and the east
2 coast. I was astounded when it was announced that
3 a marina was to be built at the Bowleys location.
4 It is located in an entirely inappropriate place
5 for a marina and it is totally exposed to wind and
6 waves. Frankly, I'm amazed that it's still there.

7 For Bowleys to bring this speed limit
8 request is unfair to the other prudent marina
9 owners. To try to solve a problem that is uniquely
10 Bowleys is a serious financial detriment of all
11 other marina owners. I don't feel the speed limit
12 request can possibly help Bowleys but will
13 seriously hurt other marinas on Middle River. I
14 strongly urge you to reject this ill-founded,
15 unfair, economically harmful request. Many of our
16 boaters have told us they will leave our marina if
17 this limit is imposed. This committee appears
18 imminently qualified to reject this onerous speed
19 limit. Thank you.

20 MR. MARSH: Thank you, sir.

21 MR. PALMER: I'm Bob Palmer, owner and

**Transcript of Public Hearing
Taken November 3, 2011**

1 operator of Tradewinds Marina for the last 29,
2 almost 29 years. I live in Bowleys Quarters at the
3 marina itself, so I'm seeing a lot of things going
4 on over time. But this particular issue as is set
5 forth in the letter that the Bowleys Condo Marina
6 sent to you all, it's clearly they're saying it's
7 to help them because it talks about egress into and
8 out of their fairways. There is already a six knot
9 limit in front of those fairways, so I think we're
10 going to find that some of the rocking and rolling
11 that they've been experiencing is not really that
12 related to boat traffic as it is to wind and the
13 other kinds of things that's going on. But you can
14 go through the whole list of what they put as their
15 primary and secondary concerns and they really
16 don't have that much to do with the operating of
17 boats on the river as they try to either boat on
18 the river itself or use the river as a conduit to
19 get out to the bay.

20 There are 46 other water-dependent
21 facilities north of -- or not north of, but above

**Transcript of Public Hearing
Taken November 3, 2011**

1 the current speed limit right now and they all
2 happen to be on creeks that already have six-knot
3 limits. But the reason they usually have the
4 six-knot limit is they're not more than two or
5 three hundred feet wide as far as the channel or
6 the usable waterway. Whereas when we get to the
7 end of Middle River, we've got anywhere from 15 to
8 two thousand feet, so it's not the same requirement
9 for a speed limit as there are up on the narrower
10 creeks. But there are four boat dealers that are
11 above this current speed limit and there are six
12 boat brokers that do have to use the waterways to
13 sell and demonstrate their boats and there's quite
14 a bit of time already being consumed.

15 We personally try, Tradewinds try not to
16 do demos on the weekends just because it takes too
17 much of our time as well as the customer's time,
18 because you have to -- and this ten-minute
19 extension that people have been talking about I
20 don't think is really verified. I haven't
21 personally run it yet, but it's more than that, it

**Transcript of Public Hearing
Taken November 3, 2011**

1 depends on what speed you're going and all of that,
2 so a lot of variables in there.

3 But the other thing that is upstream is
4 a two-lane launch ramp that the county built to
5 give the general public more access to the bay and
6 that would be shut way down and they just put this
7 in about two to three years ago on what was called
8 Strawberry Point -- and I'll just try to hurry it
9 up here. But the launch ramp is a big item in
10 addition to the other 26 marinas that are up there
11 and there's probably 4,000, pardon me, 3,000 plus
12 or minus boats at marinas upstream and probably a
13 thousand plus or minus residential piers and so all
14 of those ought to be taken into consideration as to
15 what is the trade-off to help one marine facility
16 not spend some money that they should do to help
17 with their rocking and rolling. As I have seen it
18 down there, it's very bad. But anyway, if there's
19 any questions I'll be around later, but thank you.

20 MR. MARSH: Thank you, sir. Any
21 questions, do you have a question? We have a

**Transcript of Public Hearing
Taken November 3, 2011**

1 question from our committee of you, sir.

2 MS. TROVATO: Can you tell me what the
3 time of travel would be from Tradewinds Marina to
4 the mouth of the Middle River at six knots?

5 MR. PALMER: Well, it would be close to
6 maybe 40 minutes.

7 A PARTICIPANT: 50 minutes.

8 A PARTICIPANT: No way.

9 MR. PALMER: Well, it takes almost 20
10 minutes to get to the current speed limit and then
11 you've got to add whatever you're going to add to
12 that. I mean you have to subtract whatever speed
13 we're going now to get out there, but at six knots
14 you're going to still take a lot more time than you
15 did before.

16 MS. TROVATO: Thank you.

17 MR. PALMER: And the other thing I'd
18 like to just comment if I could for one second, as
19 far as boater operating safety we have a three-year
20 record from the DNR police and there are no boat
21 accidents that they have down there and hopefully

**Transcript of Public Hearing
Taken November 3, 2011**

1 they have that in your files that you've got, but I
2 know the marine police will talk later about the
3 issues that they've got.

4 MR. MARSH: Thank you, sir.

5 MR. BAUMGART: Good morning, my name is
6 Eric Baumgart, I'm a fourth generation lifelong
7 resident of Long Beach Estates and I live on Frog
8 Mortar Creek. My concern is, number one, I
9 represent all of those that are against it that had
10 to work today and could not make this meeting
11 during work hours. I think that's a very large
12 number. My major concern is there are already
13 regulations in place and education typically cures
14 off woes if the regulations that are in place are
15 enforced. The major issue of wake control, that
16 will be knocked out just by making sure you're in
17 control of your vessel. There is a requirement
18 that you have to have a Maryland state boater
19 safety operation license if you're born after July
20 1st, 1972. I challenge if that rule is enforced on
21 a consistent basis. There's a lot of people that

**Transcript of Public Hearing
Taken November 3, 2011**

1 purchase vessels, I know a lot of marinas that sell
2 vessels are reputable, they encourage their
3 customers to get the license, but when you're
4 buying the boat off of Craigslist or the paper,
5 that guy is just happy to get rid of it, he doesn't
6 care who's buying it, so there's a lot of --
7 unfortunately people are uneducated and don't
8 respect the water. One of my primary focuses is I
9 have a 12-year-old son, he turned 12 on June 18,
10 the following week he was enrolled in a boater
11 safety class at the volunteer fire department. We
12 respect the waters and ask that everyone else does
13 around it. We feel that would create harmony among
14 all boaters. Thank you.

15 MR. MARSH: If you have something to add
16 to that, that would be great.

17 MR. PORTER: Good morning, I'm Ray
18 Porter, owner and manager of Porter's Seneca
19 Marina. We are not located in Middle River, we are
20 on Seneca Creek, so we're not affected specifically
21 by this regulation. I'm the current president of

**Transcript of Public Hearing
Taken November 3, 2011**

1 the Baltimore County Marine Trades Association.
2 Baltimore County or more specifically Middle River
3 has only recently began to merge as a waterfront
4 destination around the bay and not just a place for
5 people to keep their boats. A six-mile-per-hour
6 speed limit if enacted would cause boaters to leave
7 Middle River to find alternative places to keep
8 their boats so they would not be burdened with an
9 additional 40 minutes to an already time restricted
10 schedule.

11 This speed limit would be catastrophic
12 to the local economy, not only to the marinas,
13 restaurants and boat repair facilities that are
14 located directly on the river, but also to the many
15 local businesses located along the major land
16 routes to the marinas which supports Baltimore
17 County. With these things in mind I urge the Boat
18 Act Advisory Committee not to pass this regulation.
19 Thank you.

20 MR. MARSH: Thank you, sir.

21 MR. MISKOWITZ: Good morning, my name is

**Transcript of Public Hearing
Taken November 3, 2011**

1 Wayne Miskowitz, my family owned and operated the
2 Maryland Marina for 65 years. It's at the Frog
3 Mortar Creek. We are a mix of facilities with sail
4 and powerboats, we also have a restaurant on site.
5 We -- I'm also current a board member and past
6 president of the Marine Trade Association of
7 Baltimore County, but I'm actually wearing a
8 different hat here today. I am vice president of
9 administration of the Chesapeake Gateway Chamber of
10 Commerce, who on September 22nd sent a letter to
11 Mike Grant in opposition to the proposed speed
12 limit and the major concern is beyond essentially
13 the businesses that are directly on the waterfront
14 our members would be such as the in-shore
15 restaurants, the gas stations, convenience stores
16 and all of that, would be negatively impacted by
17 reduced traffic to the boating area which is most
18 likely to occur with increase in -- or decrease in
19 the speed limit.

20 I do have a copy of the letter from Dale
21 Adams, our president, if anyone -- if it's not in

**Transcript of Public Hearing
Taken November 3, 2011**

1 your package I have copies of that.

2 MR. MARSH: Thank you, sir. Could you
3 point out with a pointer where your marina is for
4 the committee?

5 MR. MISKOWITZ: We are -- no, actually
6 we're a little further up. We're behind the R in
7 during.

8 MR. MARSH: Thank you, sir. Thank you.
9 Next, sir.

10 MR. SULLIVAN: Hi, everybody. My name
11 is Mark Sullivan, I'm from the River Watch
12 Restaurant. My major concern is the amount of time
13 that would take to get to the River Watch and the
14 other restaurants that are in the area. They said
15 it would be an extra ten minutes, I think it's more
16 like 20 going 35 miles an hour. So you're talking
17 about 40 minutes in and then 40 minutes back to go
18 to a restaurant. Our other major concern is that
19 the marina business would probably drop 25 to 50
20 percent. Money-wise, you know, the amount of money
21 that we would probably lose, each restaurant that

**Transcript of Public Hearing
Taken November 3, 2011**

1 includes, there's four of them in the area, is
2 probably about a hundred thousand dollars each in
3 business. It's a lot. And if it does go through,
4 it's going have a major impact on all the
5 restaurants in the area and including the marinas.
6 So I, I would truly hope that you want consider
7 that also. And that's about it, thank you.

8 MR. MARSH: Point out where the River
9 Watch is if you would. There's a pointer right
10 there behind you, sir.

11 (Discussion held off the record.)

12 A PARTICIPANT: Right there, about
13 there.

14 A PARTICIPANT: It's up off the screen.
15 It's actually up on Hopkins Creek, off to the left
16 from there.

17 MR. MARSH: All right, sir, thank you.
18 We have a question for you, sir. That's fine.

19 MR. BLACKISTONE: In our book you can
20 identify where all of the marinas are.

21 MR. MARSH: Thank you, sir.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. HOUCK: Good morning, my name is
2 Gary Houck and I'm the owner of Carson's Creekside
3 Restaurant, which is off of Dark Head Creek, which
4 comes right off of Middle River. I live in the
5 area, I also live in Seneca Creek, so I have a
6 house on the water and I have a restaurant on the
7 water, not the smartest guy in the world; however,
8 we bought this restaurant with the intentions of,
9 you know, making a living out of it. And it's been
10 seven years ago and I based my decisions based on
11 how many boats were in the area, how many marinas
12 were in the area and based on the income in the
13 area. If you take a look at the income in this
14 area, it really can't support our restaurant, but
15 if you take a look at the boats in the area and the
16 marinas in the area and the population in the
17 summertime with a different income level, it
18 certainly supports our restaurant.

19 70 percent of my business and 70 percent
20 of my business plan was built off boating business.
21 If I lose 10 percent of that, I'm probably going to

**Transcript of Public Hearing
Taken November 3, 2011**

1 lose about \$150,000 a year. We don't participate
2 in poker runs, we don't participate in dingy runs,
3 anything that's promoting drinking and being on the
4 water. We have a family restaurant first. I focus
5 on the food and that's what I want to do. And I
6 really appreciate and thank many of the customers
7 here in Middle River, a lot them are from Bowleys
8 Quarters Marina, but we do a lot of business with
9 all the other marinas in the area as well and it's
10 our point of survival, it's our livelihood and we
11 need this to stay as it is. As Mark said, the
12 distance to get down there's going to double for us
13 and we're going to lose people in the marinas,
14 we're going to lose customers around here by
15 Hart-Miller when they want to come down and get
16 something to eat. It's going to take them too
17 long. I appreciate you hearing me out and hope you
18 keep our business in mind.

19 MR. MARSH: Thank you, sir. Ma'am.

20 MS. HENNINGER: Good morning, I'm Debbie
21 Henninger, I am on the board with the Marine Trade

**Transcript of Public Hearing
Taken November 3, 2011**

1 Association for Baltimore County. I have also been
2 a boater for over 45 years, I have been on the
3 water, my parent raised me on the water, and I am a
4 Realtor with Keller Williams Realty. Recently I
5 have been, because of the decline in the housing, I
6 have been showing a lot of buyers houses, and this
7 discussion did come up. I asked them what would be
8 their feeling, their feeling is they wouldn't want
9 to buy a house in the back of the cove, so that
10 would create a problem. If we did go in and, you
11 know, put the speed limit in it's an extra 20
12 minutes, traveling time especially in the heat
13 would be a lot of time to get out. The next
14 question is what, would I have a way to run here,
15 where would my kids go? Now they're forced to go
16 out in the bay area, which is kind of scary. So we
17 have promoted this area as a family oriented area.
18 The park, other than Wilson Point, the park right
19 there was just created by Baltimore County, it's a
20 great park, but who is going to put their boat in
21 there anymore if they have to go through the first

**Transcript of Public Hearing
Taken November 3, 2011**

1 speed limit, now through the extended speed limit,
2 they're going to go around the corner, so that just
3 wasted county dollars. That's mostly, it's just --
4 you know, I have buyers come up from Virginia and
5 they're really looking at Middle River, they love
6 it, they think it's great, family oriented. They
7 can put the lifts in, they can put the Waverunners
8 in, they can do what they want during the week.
9 The weekends they understand, you know, people are
10 coming from all over. So I just wanted to ask if
11 you guys would give that consideration.

12 Obviously it's a trickling effect. If I
13 can't sell the homes in the back of the river, it's
14 going to have a trickling to the front of the
15 river. Right now we have approximately, on the MLS
16 right here, if you guys want that, as of yesterday
17 we had about 2946 homes in the area, in the 21220
18 and 21221 ZIP code. We have a lot of homes, so I
19 just wondered if you guys, you know, would
20 consider, you know, that as a trickling effect.
21 Also, I don't want to see the housing community go

**Transcript of Public Hearing
Taken November 3, 2011**

1 down.

2 MR. MARSH: Thank you, ma'am, appreciate
3 that. Sir.

4 MR. SCHNEIDER: Good morning, thank you
5 all for being here today, and nice to see Adele
6 Madona (phonetic) here. Thank you for coming.
7 What are the effects of this speed limit? The
8 number one hardship will be on families that only
9 have time to boat on weekends. No longer will they
10 trailer their boat to Middle River. The new ramp
11 on Wilson Point Road that was paid for with
12 waterway improvements funds hosted over 3600
13 boaters this year. These boaters will have to idle
14 for almost an hour to get to the waters that they
15 can ski or tube in. If it's rough from the wind
16 blowing they will not be able to use their boat and
17 will have to return to their trailer, another hour,
18 and go home.

19 Waterfront property owners, imagine the
20 weekend arrives and your whole family is coming
21 home for the weekend of fun on the water but to

**Transcript of Public Hearing
Taken November 3, 2011**

1 their surprise they cannot boat around the house
2 because they have to idle to the bay to have fun.
3 Soon the family no longer gets together at the
4 shore home because the waterway cannot be use for
5 fun. Might as well sell the place.

6 What the people who are in favor of this
7 speed limit have not been told or do not understand
8 is what the economic devastation will be. Boat
9 dealers on the Middle River, new and used, and I'm
10 one of them, will stop selling boats as no
11 prospective customer will want to take a three-hour
12 test drive. This will take up their whole day when
13 you include commuting time from the home. Middle
14 River boat dealers have added an average of
15 \$1,644,075 in excise tax revenue the past four
16 years through the Waterway Improvement Fund. The
17 implementation of this speed limit request will
18 greatly reduce the amount of tax added to this fund
19 at a time when the fund is nearly broke.

20 I put together a counter proposal
21 against the speed limit and delivered to Bob

**Transcript of Public Hearing
Taken November 3, 2011**

1 Gaudette over 1200 signatures from all over the
2 area, not just one location. I have received over
3 300 phone calls from slipholders at various marinas
4 asking what is going on. Once they are told the
5 response -- once they're told what's going on their
6 response is we're going to leave Middle River.
7 With a large exodus of boats pulling out of
8 marinas, jobs will be lost, impacting many families
9 and adding to unemployment rolls of the state.
10 Some of these marinas today are treading water and
11 nearing bankruptcy. If slips are lost service is
12 lost and these businesses will be gone.

13 If a proper breakwater were built at
14 Bowleys we would not be here today. It's Mother
15 Nature and her winds that are causing Bowleys'
16 problems, not boaters. The entire business
17 environment of the Middle River area as well as
18 recreational boating will be destroyed by a few
19 greedy people if you pass this request. Do not
20 kill the Middle River environment just to please a
21 few people who cannot appreciate their life and are

**Transcript of Public Hearing
Taken November 3, 2011**

1 unwilling to invest in what it takes to help their
2 own customers. Thank you.

3 MR. MARSH: Thank you, sir.

4 MS. TROVATO: Are there waterskiers or
5 tubers in this area on the weekends?

6 MR. SCHNEIDER: There is only one place
7 that they can ski and that's out where you see the
8 arrow right now, every other place has been taken
9 from them.

10 MS. TROVATO: And given the traffic that
11 has been described on the river, how do they remain
12 safe waterskiing and tubing out there?

13 MR. SCHNEIDER: What I have seen is that
14 they hang to the sides out of the main traffic area
15 and they cope with the waves that are out there.

16 MS. TROVATO: Thank you.

17 MR. SCHNEIDER: Thank you.

18 MR. MARSH: Thank you, sir. Next.

19 MR. ROSENBURGER: Good morning, I thank
20 you all for being here. Sorry. Good morning, I
21 thank you all for being here, I see a lot of old

**Transcript of Public Hearing
Taken November 3, 2011**

1 familiar faces. Morning again, Bob. Bob, good
2 morning.

3 MR. SLAFF: Morning.

4 MR. ROSENBURGER: Before I read my brief
5 statement I want to say this estimate of ten
6 minutes additional run time is bogus. If you run
7 the math it's 20 minutes.

8 A PARTICIPANT: What is the -- do you
9 have --

10 MR. MARSH: Not from the floor, we'll
11 ask that question.

12 MR. ROSENBURGER: If I may, the obvious
13 problem with Bowleys Marina is simply location,
14 location, location. The marina location was poorly
15 chosen from the beginning. It is located at the
16 mouth of Middle River facing the prevailing
17 westerly winds, it encounters the full effect
18 coming down the river directly into its open
19 entryways, a straight run of over three and a half
20 miles. It also is exposed to the southeast which
21 hits Bowleys on the side. That is an unobstructed

**Transcript of Public Hearing
Taken November 3, 2011**

1 fetch across the bay of nine miles. Exposure to
2 these long natural runs of wind and open water far
3 exceed man's ability to create calm by manipulating
4 speed limits. Most marinas located in exposed
5 locations are designed with substantial seawalls
6 and deflecting walls across any open entry points.
7 Bowleys would be well advised to focus their
8 efforts on building a deflecting wall and shoring
9 up their seawalls. A question that might be asked
10 of Mr. Harwood is how rough does it get in the
11 winter when little or no boat traffic exists?

12 In closing, I would like to ask why
13 should all of the other upstream marinas,
14 restaurants and shoreline residents be controlled
15 by Bowleys and their bad choice of location?
16 Currently it takes our slip customers 25 minutes
17 from our location to the edge of the six-mile
18 limit. Moving the speed limit as proposed would
19 double that time. The marinas on Middle River are
20 competing with marinas all over the bay.
21 Additional speed limits will cause economic

**Transcript of Public Hearing
Taken November 3, 2011**

1 hardship and loss of business. Business is tough
2 enough these days, we sure don't need further
3 restrictions.

4 I'm sorry, I forgot to introduce myself,
5 I'm Gary Rosenburger. I own Cutter Marine Yacht
6 Basin on Middle River. I'm one of the founders and
7 the first president of the Marine Trade
8 Association. Thank you.

9 MR. MARSH: Thank you, sir.

10 MS. RILEY: Hi, I'm Jeanne Riley from
11 Riley's Marina. I'm probably the farthest one up
12 Middle River, I'm almost at the headwaters at the
13 Middle River Bridge. It takes my customers a long
14 time to get out to the open bay. I agree with
15 everything that's been said but, you know, we've
16 all watched it decline and we've been there since
17 1955 and we have never had any problems and I don't
18 think there has been that many accidents. People
19 just do not have common sense anymore. You can't
20 instill it. Thank you.

21 MR. MARSH: Thank you, ma'am.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. CAVOLO: My name is Chuck Cavolo.
2 I'm a resident of and a homeowner on Middle River.
3 I also obviously am a boater, I'm a member of
4 Eastern Yacht Club, but I'm not representing them.
5 And I just wanted to come here, after 27 years that
6 I've lived on the river, I don't see the need for
7 this additional speed limit. And I want to ditto
8 everything else that everybody said, particularly
9 ditto my house is taking a big enough hit in
10 property values without restricting this most
11 attractive feature, water. I do want to compliment
12 Mr. Harwood and Bowleys, I know when I got out of
13 high school and became a salesman for Victor
14 Business Machines many, many years ago, the first
15 thing they taught me was minimize the objection.
16 Well, let's minimize it down to ten and a half
17 minutes. That ten-and-a-half-minute minimize has
18 come up at almost every conversation. The real
19 fact is that what that ten and a half minutes is
20 going to do is it's going to -- every boater going
21 outside the river, who nobody has talked about yet,

**Transcript of Public Hearing
Taken November 3, 2011**

1 are going to say why do I want to go up Middle
2 River, there's a speed limit all the way from the
3 light on up. I'm not going up to Carson's, I'm not
4 going up to River Watch, I'll go somewhere else to
5 get something to eat. I don't want to put my boat
6 in the marinas up there because it takes too long
7 to get up there. That's the real fact of what that
8 ten and a half minutes is going to do.

9 And as far as safety, it seems really
10 important to talk about safety. No one has shown
11 one solid fact that says this is going to produce
12 anything safer than what we got. It is not going
13 to happen.

14 Finally, I think it's important to talk
15 about grandchildren, I got 16 and I'm going to take
16 them up and down this river with this, if the speed
17 limit is not there, just like I do now. Thank you
18 for your time.

19 MR. MARSH: Thank you, sir.

20 MR. FICKUS: Good morning. My name is
21 Dan Fickus and I oppose this petition the way it's

**Transcript of Public Hearing
Taken November 3, 2011**

1 currently written. I believe this petition should
2 be amended to six mile an hour seven days a week
3 during the peak boating season. The reason I say
4 that, I'll explain. I retired from the Baltimore
5 City Police Marine Division, I worked there seven
6 years. Baltimore City has a six-mile-an-hour speed
7 limit starting at Fort McHenry and it's almost
8 equal distance from Fort McHenry into the Inner
9 Harbor as it would be coming into Middle River.
10 That six-mile-an-hour speed limit over the seven
11 years that I was a police officer, I only handled
12 one accident and that was somebody that hit a
13 police boat. The six-mile-an-hour speed limit has
14 reduced, pretty much completely reduced any kind of
15 accident property damage in Baltimore City.

16 I'm also amazed, I hold a master's
17 license, been boating for 50 years, 30 of these
18 years in Middle River. There's been a lot of talk
19 about economic impact. Baltimore City, the marinas
20 are thriving and the restaurants are thriving.
21 Just remember, lower speed, less accidents, less

**Transcript of Public Hearing
Taken November 3, 2011**

1 property damage, less personal injury, thank you.

2 MR. MARSH: Thank you, sir.

3 MR. BROOKSHIRE: My name is Brandon
4 Brookshire, I live on the water in Bowleys Quarters
5 right by Tradewinds. Currently to the six-mile-an-
6 hour mark there is now takes me about 25 minutes.
7 It will take an additional 15 to 20 minutes, I
8 don't know, I don't agree with the ten and a half
9 minute estimate. I've been out there on the
10 weekend crabbing in 12-foot aluminum boats with a
11 six horsepower mini Cuda engine and I haven't had
12 problems. If you don't want your boat to rock,
13 stay in a reservoir. I mean, you know, it's
14 boating, your boat is going to rock and there's
15 waves and you might get wet, you're in the water.

16 I would also like to thank you the
17 people that are opposed for their class today.
18 I've noticed that after everyone is done speaking
19 there's been outbursts from the people that are for
20 this six-mile-an-hour mark. I kind of -- I've
21 heard some people say about they can't see the

**Transcript of Public Hearing
Taken November 3, 2011**

1 water, they can't see the water come July. We've
2 also had record breaking rain this year, that might
3 be part of the reason why you can't see the water.
4 The water has got a little darker. We haven't seen
5 any facts, everybody is just making statements and
6 saying, you know, this happened and that happened,
7 but there's no police reports. Let's stick to the
8 facts and, you know, make a good decision and keep
9 the property values up and make it, you know, the
10 best boating experience for everyone. Thank you.

11 MR. MARSH: Thank you, sir.

12 MR. HOOS: Good morning, my name is Mark
13 Hoos, I'm the owner and operator of Marlin Dockside
14 Grill, waterfront restaurant on Middle River. Also
15 owner operator of Norman Creek Marina, one of
16 busiest fuel docks on Middle River. I have a
17 hundred-ton master with a tow endorsement, I also
18 hold a TFL with the Watermen's Association. I
19 definitely agree with Gary and Mark, you know, on
20 the devastation on the waterfront restaurants.
21 Probably 75, 80 percent of our business is done

**Transcript of Public Hearing
Taken November 3, 2011**

1 between May and September, so it's definitely going
2 to be devastation. From the marina facility, from
3 fueling, I mean absolutely, it's going to be
4 devastation. You know, it's going to be a long,
5 long idle up into the marina, also it's going to
6 affect the ecology of the marinas in Middle River.
7 Most people come up, we do a lot of pump-outs,
8 that's human nature. Human nature people don't
9 want to be burdened by time, they still got to come
10 up and do their pump-outs, there's a lot of factors
11 involved in there.

12 As far as from the sailboats and the
13 other powerboats in the river that get rocked, I
14 understand that. The problem is most of our
15 boaters, by running the fuel dock, 50 percent of
16 them can't get into the fuel dock, that's the
17 problem. It's the education with a lot of the
18 boaters, not all of them, because a lot of them, so
19 really you're trying to put a Band-Aid on the
20 situation. It's the education factor, and I know
21 we're not here to discuss that, but it's going to

**Transcript of Public Hearing
Taken November 3, 2011**

1 be total devastation from a waterfront restaurant,
2 from a waterfront marine facility, so I'm against
3 it. Thank you.

4 MR. MARSH: Thank you, sir. We have a
5 question for you, sir.

6 THE CHAIRMAN: Come back to the mic,
7 please.

8 MR. BLACKISTONE: Do you know how many
9 commercial watermen work the river?

10 MR. HOOS: Out of the total Middle River
11 area, I'm going to say you probably have, licenses,
12 I'd say probably have 50, probably have actively,
13 probably 25 active watermen going out of Middle
14 River.

15 MR. BLACKISTONE: Thank you.

16 MS. ALLISON: I'm sorry, sir, besides
17 your fuel dock and Bowleys, how many other fuel
18 docks on Frog Mortar and the tributaries right in
19 and around Middle River?

20 MR. HOOS: As far as how many fuel docks
21 on Middle River?

**Transcript of Public Hearing
Taken November 3, 2011**

1 MS. ALLISON: Or immediately adjacent.

2 MR. HOOS: Immediately adjacent I'm
3 going to say probably one, two, maybe five to six.

4 MS. ALLISON: In the confines of the
5 Middle River area?

6 MR. HOOS: You probably have five to six
7 and two of them are actively at the mouth, all the
8 rest of them are up in the river. As far as the
9 pump-out facilities, that's a big part of it, you
10 know, pumping the waste out. If you're going to
11 bottleneck people from coming into the river,
12 unfortunately are they going to wait to pump their
13 waste out? Us as humans, you know, are very
14 impatient.

15 MS. ALLISON: Thank you very much.

16 MR. MARSH: Anything else?

17 MR. HIGH: Good morning, Jim High with
18 the Baltimore Boating Center located on Sue Creek
19 in Middle River. I believe we have an unforeseen
20 safety issue as far as changing the speed limit
21 goes. Sue Creek has facilities right in this area

**Transcript of Public Hearing
Taken November 3, 2011**

1 right there, I'm under the six, Sue Haven Yacht
2 Club is the K and Baltimore Yacht Club, I'm a
3 little nervous, yep, that's right, we have Sue
4 Island Dock Bar, we have the Sue Island Marina, we
5 have the Holly Neck marina, we have a lot of boats
6 on Sue Creek. On weekends we can have 75 to a
7 hundred boats ramping up and, you know -- boats,
8 I've merged on the Middle River somewhere between
9 500 and a thousand times successfully only losing a
10 small outboard once, and I was upset at that. All
11 these boats getting up on plane at the same exact
12 time isn't going to help the sailboat problem you
13 have when you do the dance, it's just going to make
14 one place where everybody has to get up on plane at
15 once, and you've got a lot more boats that are
16 going to cause a problem.

17 In addition, that many more boats have
18 to come off of plane and everybody knows that when
19 you bring a boat off plane it doesn't go straight,
20 it goes to the side, so you just have a lot more
21 boats coming off plane coming back in.

**Transcript of Public Hearing
Taken November 3, 2011**

1 In addition, over here somewhere by the
2 snack concession I would say we have Hart-Miller
3 Island and the vast majority of boats leaving
4 Middle River from Sue Creek, Norman Creek, Hopkins
5 Creek, Dark Head Creek, Frog Mortar Creek and
6 Middle River all head towards the island, so
7 everybody getting up on plane at the same exact
8 time and going to the same exact spot is probably
9 going to cause what I would call an unforeseen
10 safety that nobody can really protect. I think
11 it's a problem. Thank you very much.

12 MR. MARSH: Thank you, sir. Questions?

13 MR. DUFFY: Good morning. I'm
14 representing, I'm reporting here for the Marco
15 Hunting and Fishing Club on Stansbury Creek. I
16 don't have a recommendation from them, I'm just
17 here to report. I do have my own opinion. I fish
18 for bass and strippers in Middle River. Because of
19 the restrictive speed limits currently in force I
20 prefer to do so during the week because I'm retired
21 now, but when I did work the current speed limits

**Transcript of Public Hearing
Taken November 3, 2011**

1 as they are were very restrictive. It takes me 20
2 minutes to get from Stansbury Creek to the current
3 speed limit and it would take probably halfway
4 between what they say and what we say, which is
5 probably 15 more minutes, and it burns a lot of
6 gas. And that's why I'm personally opposed to it.

7 MR. MARSH: Thank you, sir. Do we have
8 his name?

9 (Discussion held off the record.)

10 MR. MARSH: Thank you, sir. Is there
11 anyone else that would like to speak opposed to the
12 regulation before we have the officer that patrols
13 that area give us his thoughts on that? Make sure,
14 is there anyone else that would like to speak
15 opposed to that? Okay. Can we have the officer
16 that patrols that area? If you come up, please.

17 CPL. SCHULTE: I'm Corporal Max Schulte
18 of the Maryland Natural Resources Police. With me
19 also is Sergeant --

20 THE CHAIRMAN: Excuse me, sir, get close
21 to the mic or bring it up to you, everyone wants to

**Transcript of Public Hearing
Taken November 3, 2011**

1 hear what you have to say.

2 CPL. SCHULTE: I'm Corporal Max Schulte
3 of the Maryland Natural Resources Police assigned
4 to Baltimore County, specifically Middle River of
5 Baltimore County waters. Also present is Sergeant
6 Wayne Lloyd. Sergeant Lloyd is the supervisor in
7 charge of the Baltimore County Marine Police
8 operations for Baltimore County waters. I've been
9 a member of the Natural Resources Police for 15
10 years, prior to that I was retired as a sergeant
11 from the Maryland State Police after 26 years.
12 This is my 40th year of law enforcement in dealing
13 with the public.

14 In regards to the -- presently our
15 manpower for Baltimore County and Baltimore City
16 waters, which would be, come under the direction of
17 central region of our district, we have four
18 officers and a sergeant. We just received that
19 sergeant approximately two weeks ago. Now, as a
20 result of that our average manpower, we have one
21 man working a day shift, one man working a late

**Transcript of Public Hearing
Taken November 3, 2011**

1 shift and that's with four men. Our sergeant,
2 although he's just been assigned, is not normally
3 on patrol with us during that daytime, they're more
4 of an administrative position. So this means that
5 when I'm on patrol and if I'm working a day shift I
6 not only have Middle River to be concerned about, I
7 have Seneca Creek, I have all Baltimore County
8 waters which lie within Chesapeake Bay. Also that
9 includes the Patapsco River and its tributaries on
10 the Baltimore County side and up into Baltimore
11 City. We're short-handed. That would be the
12 understatement of the year.

13 Baltimore County is not in a whole lot
14 better position. They're responsible for all
15 Baltimore County waters. In addition to Sergeant
16 Lloyd he has four people working for them and
17 that's to try to cover 24 hours. Very often when,
18 if an incident occurs we're called back in to go
19 out and respond.

20 We have had no regular complaints
21 related to speed in Middle River. From time to

**Transcript of Public Hearing
Taken November 3, 2011**

1 time as complaints are received, this is usually on
2 Saturdays, Sundays or holidays when the six-knot
3 limits are in effect, when received these
4 complaints are acted on in a prompt manner by our
5 agency and also by the Baltimore County Marine
6 Police. When I completed the speed limit proposal
7 survey, I hope that all of you people have a copy
8 of that, there's a question would the petitioner's
9 request require additional NRP officers or
10 Baltimore County Marine officers? It would require
11 additional manpower for the increased enforcement
12 responsibility and at this time that manpower is
13 simply not available.

14 My duties do not only include
15 enforcement of boating safety regulations, they
16 include the enforcement of fishery regulations,
17 both salt and fin fish as well as enforcement of
18 the commercial fisheries regulations, including fin
19 fish, crabs, oysters. At this time of the year,
20 waterfowl season, it also includes the enforcement
21 of game laws related to the water.

**Transcript of Public Hearing
Taken November 3, 2011**

1 We have had no boating accidents in
2 Middle River specifically related to speed during
3 this current boating season or last boating season.
4 I have been assigned to the Middle River area for
5 approximately two and a half years now. Prior to
6 that I was assigned to our criminal enforcement, or
7 criminal investigation division. The citizens of
8 Maryland and the residents of Middle River we feel
9 are well protected and their concerns are
10 appropriately addressed regarding boating safety in
11 Middle River by our agency and by the Baltimore
12 County Police.

13 With regards to the proposed speed
14 limit, I do not feel that it is necessary. There
15 is currently a 35-mile-per-hour daytime speed limit
16 and a 25-per-hour nighttime speed limit in Middle
17 River during the boating season. If this was -- I
18 do feel that it would be appropriate, as opposed to
19 just being during boating season, that this speed
20 limit be increased to a year-round boating speed
21 limit. I can't think of anything else that I have

**Transcript of Public Hearing
Taken November 3, 2011**

1 to offer to the panel that would be appropriate at
2 this time. If you have any questions.

3 THE CHAIRMAN: We have one question for
4 you, sir.

5 MR. SHELLER: Yes, thank you. I'm
6 trying to get a handle on the big boat versus small
7 boat discussion that we've heard today about big
8 boats make big wakes and then there's big boats
9 make big wakes anyway, so is there some data on
10 these big boats that we're talking about? We've
11 heard 65 feet, other people are saying less.

12 CPL. SCHULTE: The larger displacement
13 that a vessel has, as far as its tonnage, the more
14 water it's going to push. As opposed to the speed
15 limit regulation, I feel that education is the way
16 to address this matter in the future. Education,
17 boating safety and education is mandatory in the
18 state of Maryland for people born after July of
19 1972. Does it hurt to take a refresher course
20 after, for people that maybe have not even had it?
21 Absolutely not. The more education that we all get

**Transcript of Public Hearing
Taken November 3, 2011**

1 the safer the river system will be. I believe you
2 saw the decrease in large boating traffic on the
3 river, and this has been steady for the past
4 several summers with the increased fuel costs.
5 Unfortunately many people address large wakes. In
6 COMAR, which is a Code of Maryland Regulations,
7 there is no specific regulation that affects a no
8 wake zone. These signs when you have a no wake
9 zone, which are printed, they're basically not
10 worth the metal that they're painted on because
11 there's no specific regulation that says you cannot
12 make an excessive wake. The speed regulations,
13 they're on the books and they are enforced
14 strictly. The, the regulations, the only possible
15 violation you would have, if a wake causes damage
16 that person is civilly liable and responsible for
17 any damage that occurs. There's no specific
18 citation that I can issue a person for large wake
19 alone, it would come under negligent operation, and
20 generally to charge somebody with negligent
21 operation you need more than one single violation

**Transcript of Public Hearing
Taken November 3, 2011**

1 to charge, make somebody, charge them with a
2 negligent violation charge and receive a conviction
3 in court.

4 MR. MARSH: One we have down here and
5 Bob.

6 MR. McLEAN: One quick question, I think
7 you may have just answered it, in your two and a
8 half years of assignment in Middle River you have
9 seen a decrease in boating traffic?

10 CPL. SCHULTE: Whether there's a
11 decrease, I don't know whether there's a decrease,
12 but there has been no increase, that's a better way
13 to put it.

14 MR. McLEAN: Relatively stable.

15 CPL. SCHULTE: It's relatively stable,
16 you've probably seen a larger increase among small
17 boats because the people are leaving the big boats
18 at the pier and using the smaller runabouts.

19 MR. BLACKISTONE: We've got a report of
20 the warnings that you all have given.

21 A PARTICIPANT: Speak up, please.

**Transcript of Public Hearing
Taken November 3, 2011**

1 MR. BLACKISTONE: Oh, okay. We have a
2 report of the warnings that you all have given in
3 the past year and there's 176 warnings for
4 exceeding the speed limit of six knots, so that
5 would be above the proposed area, right?

6 CPL. SCHULTE: Those would be within the
7 six-knot limits on Saturday, Sundays and holidays
8 or whenever that six-knot would be in effect at all
9 times.

10 MR. BLACKISTONE: All times, right.
11 Just a general question: How come these are all
12 warnings and not citations?

13 CPL. SCHULTE: Okay. As I say, I've
14 been in law enforcement for many, many years, if
15 you would look at the ratio of my citations as
16 compared to the number of warnings that I issue,
17 and I probably issue a very large number of those
18 warnings, I'm sure there's a great number of people
19 in here that have had contact with me one time or
20 another, whether it was positive or negative. My
21 job as a law enforcement officer is not only to

**Transcript of Public Hearing
Taken November 3, 2011**

1 enforce the law, which I do, and I feel I do it
2 rather stringently, but it's also to educate people
3 and keep them safe. If I feel as though a written
4 warning is the appropriate course to follow and
5 that it will achieve the necessary behavior that I
6 would like to elicit from this person, I will issue
7 that person a written warning. If I feel that
8 though a written warning is not going to have the
9 desired affect on this person's behavior I will
10 issue him a citation and he can make a donation to
11 the state treasury.

12 MR. MARSH: Any more questions? Any
13 other questions? Thank you, sir, appreciate that.
14 Sergeant.

15 SGT. LLOYD: How you doing? I'm
16 Sergeant Wayne Lloyd of the Baltimore County Police
17 Marine Unit. I've been assigned to the marine
18 unit, which is located in Middle River at Martin
19 State Airport, since 1997. I'm also on the dive
20 team for the police department and I'm also a safe
21 boater instructor for the state of Maryland and I

**Transcript of Public Hearing
Taken November 3, 2011**

1 work with Ann Rogers, you know, with different
2 things with the safe boating education program.

3 The thing I was going to discuss here
4 was there was an interest in what Baltimore County
5 enforcement and actions have been in Middle River.
6 We patrol Middle River along with the U.S. Coast
7 Guard, Maryland Natural Resources Police and
8 ourselves, so it's three primary agencies. The
9 Coast Guard does not normally respond to calls for
10 service there, but they will patrol the waters and
11 they will do safety violations, speed violations
12 and stuff like that, but normally if a call comes
13 in the call will be referred to DNR or Baltimore
14 County. And it's not consistent, I mean if people
15 live in Baltimore County or Baltimore City, you
16 know, usually if you call a police department you
17 will get that police department. If you live in
18 Harford County or Carroll County, sometimes you
19 might get a sheriff, sometimes you might get a
20 trooper, and that's the way it is on the water.
21 The water is not like land-based patrol, it's not

**Transcript of Public Hearing
Taken November 3, 2011**

1 covered 24/7 by Maryland Natural Resource Police or
2 Baltimore County Police. It's not covered 24/7 by
3 the Coast Guard.

4 Looking back over our records for the
5 past year, this is for our entire enforcement for
6 Baltimore County, we've had 35 marine citations
7 issued --

8 THE REPORTER: I'm sorry, I need a break
9 now.

10 (The reporter left the room. In her
11 absence proceedings continued and there is a gap in
12 transcription.)

13 MR. BLACKISTONE: The patrols, I guess
14 you or NRP or somebody, are roughly four hours, the
15 frequency four hours a day?

16 SGT. LLOYD: It would vary depending on
17 the time of year, and weekends, the weekends it
18 definitely increases. Now, any patrolling from us
19 and from the officer down -- Baltimore County
20 leases the office from the state of Maryland at the
21 airport there and then we provide space to Maryland

**Transcript of Public Hearing
Taken November 3, 2011**

1 NRP to keep their officers and boats there also.
2 But the jumpoff point for all patrols is right
3 there. You know, all patrolling leaves right there
4 to go up to whether it's the Gunpowder or to Back
5 River, Bear Creek, you know, anyplace else in the
6 county, so our officers are constantly transiting
7 that area, you know, and the numbers would be
8 probably a lot higher than four hours a day,
9 especially on weekends, you know.

10 MR. BLACKISTONE: Okay.

11 MR. LEVITAN: Sergeant and corporal, the
12 proponents of the proposed speed limit seem to
13 think that the area between Booby Point and Bowleys
14 Quarters was kind of a jam-up point. Do you find
15 that that's true?

16 SGT. LLOYD: It's very heavy traffic. I
17 mean from the speed limit, you're leaving the river
18 when you first leave the six-knot limit on
19 weekends, all the way out, it is heavy traffic, you
20 know, people going, you know, to various
21 destinations and people coming in, it is a high

**Transcript of Public Hearing
Taken November 3, 2011**

1 traffic area, but it's just not up at Booby Point,
2 it's even as you get further out and then as you
3 come in, you know.

4 MR. LEVITAN: Do you think it would help
5 if there was a speed limit just in that area, so
6 maybe a quarter of a mile?

7 SGT. LLOYD: Honestly, the current
8 system does work, okay? It's -- I mean trying to
9 compare, trying to understand, it's a lot of
10 traffic, a lot of boats that go through there, but
11 in my 14 years I've been there, people have learned
12 to operate, get through the area and have learned
13 to adjust, you know, to the heavy traffic. It's
14 not, you know, your typical boating area, you know,
15 but there's a volume of traffic that people get in
16 and of course with the waves there is a certain
17 amount of bouncing around, but the number of boats
18 that use the area and the very little complaints we
19 have, they seem to get by without, you know, too
20 much difficulty.

21 MR. LEVITAN: Thank you, you've answered

**Transcript of Public Hearing
Taken November 3, 2011**

1 my question.

2 THE CHAIRMAN: Either one of you have
3 anything to add?

4 CPL. SCHULTE: I could go to
5 Mr. Blackistone's comment about the four hours per
6 day. Mr. Blackistone, when I did that report, that
7 was my own personal amount of patrol hours on
8 average, that was not the total number between
9 their agency and ours. That's the average number
10 of days or the average number of hours that I spent
11 on that water each day and I would like it to be
12 more than that, but I have other duties I have to
13 tend to as far as we're responsible for about 99
14 percent of our own boat maintenance, so I'm working
15 on our boats, paperwork, and other calls that are
16 related to other matters that I'm required to
17 respond to. That's where that four hours came
18 from.

19 SGT. LLOYD: One thing I could add, the
20 Middle River area in the state of Maryland,
21 probably along with the Inner Harbor, maybe Ocean

**Transcript of Public Hearing
Taken November 3, 2011**

1 City inlets, is probably some of the highest
2 patrolled area in the state of Maryland. With the
3 limited marine law enforcement it does have a lot
4 of law enforcement presence down there.

5 MR. MARSH: One question for you, I'm
6 sorry, does the Coast Guard have a pretty good
7 presence there as well, patrol?

8 SGT. LLOYD. They do, especially on
9 weekends in the summertime, you will see them come
10 up and they will patrol frequently and make stops
11 checking for OWIs and speeders and safety
12 violations.

13 THE CHAIRMAN: On behalf of the Boat Act
14 Committee I would like to thank everyone for
15 coming. We enjoyed listening to you and we're now
16 going to adjourn this portion. You are welcome to
17 come back after lunch and you can sit in on the
18 executive session in which we will discuss the
19 issues and we will vote on some of the motions
20 based on the outcome of the hearing. So thank you
21 very much again. We stand adjourned.

**Transcript of Public Hearing
Taken November 3, 2011**

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(Hearing adjourned 12:20 p.m.)

**Transcript of Public Hearing
Taken November 3, 2011**

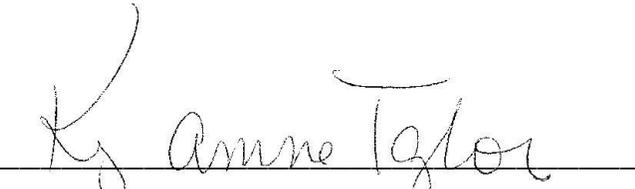
1 STATE OF MARYLAND
COUNTY OF BALTIMORE

2

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

7

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Kelly A. Taylor, Notary Public

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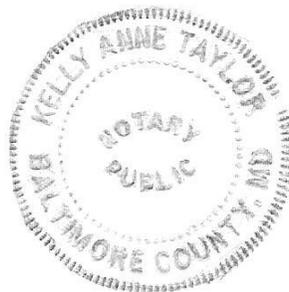
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**Transcript of Public Hearing
Taken November 3, 2011**

| | | | | | |
|------------------------|------------------------|-----------------------|----------------------|----------------------|----------------------|
| A | 28:12 35:20 | affect 9:10,11 | aluminum | 43:15 51:2 | 11:13 |
| ability 79:3 | 36:7 41:19 | 21:7 41:1 | 84:10 | 53:1 71:6,17 | arrive 2:5 |
| able 5:13 | 45:13 63:11 | 44:18,20 | amazed 59:6 | 74:2 76:21 | arrived 27:5 |
| 18:17 42:7,9 | 63:11 65:15 | 86:6 100:9 | 83:16 | 100:13 | arrives 74:20 |
| 44:12 74:16 | 105:3,19 | foregoing | amended 83:2 | approaches | arrogance |
| above-entitled | added 57:21 | 108:5 | amending | 15:9 | 24:4 |
| 1:6 | 75:14,18 | afternoon | 46:13 | appropriate | arrow 77:8 |
| absence | adding 7:21 | 38:12,17 | amount 22:3 | 95:18 96:1 | asked 23:9 |
| 102:11 | 76:9 | 40:18 44:3,4 | 49:17 53:19 | 100:4 | 24:14 27:4 |
| absolutely | addition 62:10 | 44:7,11,15 | 68:12,20 | appropriately | 51:16 72:7 |
| 86:3 96:21 | 89:17 90:1 | age 18:1 | 75:18 | 95:10 | 79:9 |
| absorb 16:6 | 93:15 | agencies 101:8 | 104:17 | approximat... | asking 76:4 |
| accept 6:3 | additional | agency 94:5 | 105:7 | 53:7,19 | aspects 2:14 |
| access 6:18 | 22:18 44:19 | 95:11 105:9 | Amy 1:15 | 73:15 92:19 | 5:9 |
| 62:5 | 45:14 66:9 | ago 17:9 31:4 | 11:11 | 95:5 | assigned 92:3 |
| accident 31:4 | 78:6 79:21 | 31:5 34:8 | and/or 9:19 | April 34:12 | 93:2 95:4,6 |
| 83:12,15 | 81:7 84:7 | 49:18 50:1 | ankles 14:3 | area 7:6 8:15 | 100:17 |
| accidents 33:4 | 94:9,11 | 62:7 70:10 | Ann 101:1 | 9:12 14:13 | assignment |
| 63:21 80:18 | address 34:5 | 81:14 92:19 | Annapolis | 15:1 17:11 | 98:8 |
| 83:21 95:1 | 41:20 58:11 | agree 20:5,6 | 23:13 | 28:7,10 29:4 | association |
| accommodate | 96:16 97:5 | 21:18,20 | announced | 30:3 32:14 | 12:19 13:6 |
| 55:18 | addressed | 23:16 28:10 | 59:2 | 33:17 34:19 | 13:13 19:5 |
| accurate | 56:17 95:10 | 35:20 41:18 | answer 54:9 | 35:8,10 38:1 | 19:10 37:21 |
| 108:6 | Adele 74:5 | 47:12 51:9 | 54:10 | 40:1,14 | 44:17 45:12 |
| achieve 100:5 | adjacent 88:1 | 80:14 84:8 | answered 98:7 | 42:20 43:3 | 66:1 67:6 |
| acknowledge | 88:2 | 85:19 | 104:21 | 46:3 49:1,13 | 72:1 80:8 |
| 17:14 | adjoining 8:11 | aground 15:7 | anybody 32:4 | 53:10,13 | 85:18 |
| act 1:1 2:12 | adjourn | ahead 20:15 | 36:13 54:18 | 54:15 55:15 | astounded |
| 6:15 12:1 | 106:16 | 26:9 30:21 | 55:1,2 | 58:5 67:17 | 59:2 |
| 38:19 39:6 | adjourned | 36:8,14 57:9 | anymore | 68:14 69:1,5 | attenuated |
| 66:18 | 106:21 | aircraft 13:10 | 72:21 80:19 | 70:5,11,12 | 39:17 |
| 106:13 | 107:1 | airport 100:19 | anyplace | 70:13,14,15 | attenuation |
| acted 94:4 | adjust 18:18 | 102:21 | 103:5 | 70:16 71:9 | 10:20 |
| action 25:18 | 104:13 | Al 1:17 | anyway 37:16 | 72:16,17,17 | attractive |
| actions 101:5 | administrati... | alcohol 42:13 | 43:13 62:18 | 73:17 76:2 | 81:11 |
| active 87:13 | 67:9 | 42:17,18 | 96:9 | 76:17 77:5 | audience 5:9 |
| actively 87:12 | administrati... | Allen 45:7 | appalled | 77:14 87:11 | 35:16 |
| 88:7 | 93:4 | 48:19,19 | 18:15 | 88:5,21 | aunts 29:20 |
| activities 9:11 | adopt 45:12 | 50:4,7,9,14 | apparently | 91:13,16 | avail 23:15 |
| 33:1 | advantage | 50:17 52:18 | 13:16 35:11 | 95:4 99:5 | available 3:4 |
| activity 22:14 | 41:1 | Allison 1:14 | appear 40:6 | 103:7,13 | 94:13 |
| 32:16 33:16 | adverse 56:13 | 19:13 87:16 | appears 59:17 | 104:1,5,12 | average 75:14 |
| Adams 67:21 | adversely 9:11 | 88:1,4,15 | appreciate | 104:14,18 | 92:20 105:8 |
| add 8:6 9:16 | 44:17 | allow 4:15 | 12:17 21:14 | 105:20 | 105:9,10 |
| 20:7,9 23:18 | advised 79:7 | 35:16 | 25:21 26:2 | 106:2 | avoid 15:8 |
| 24:18 25:14 | Advisory 1:1 | alternative | 30:15 32:6 | arm 26:17 | avoided 40:9 |
| | 6:15 66:18 | 66:7 | 36:19 41:14 | armament | aware 18:1 |

**Transcript of Public Hearing
Taken November 3, 2011**

| | | | | | |
|---------------------|----------------------|------------------------|----------------------|-----------------------|----------------------|
| a.m 1:8 | 29:19 36:11 | 88:9 96:6,7 | 66:13,17 | boats 9:6 14:4 | 53:16 88:11 |
| | 97:9 | 96:8,8,9,10 | 72:20 74:9 | 14:18 15:18 | bottom 34:14 |
| B | Basin 80:6 | 98:17 | 74:10,16 | 16:2,14 17:8 | 40:21 |
| BAAC 7:16 | basis 64:21 | bigger 17:9 | 75:1,8,14 | 17:17 21:6 | bought 70:8 |
| back 5:3,11 | bass 90:18 | 56:4,15 | 79:11 82:5 | 25:13 27:3 | bounce 40:13 |
| 10:9,11 | Baumgart | biggest 53:14 | 83:13 84:12 | 28:18 30:11 | bouncing |
| 12:13 23:12 | 64:5,6 | Bill 32:8 41:17 | 84:14 89:19 | 30:12 31:7 | 104:17 |
| 24:15 25:8 | bay 18:10,11 | 54:11 | 96:6,7 | 35:7,9 37:18 | Bowleys 1:8,9 |
| 25:19 30:1 | 30:7 37:17 | binoculars | 105:14 | 39:1,12 40:3 | 1:9 7:15,18 |
| 38:2 39:19 | 60:19 62:5 | 33:2 | 106:13 | 40:5,13 43:7 | 10:10 14:15 |
| 42:11 43:12 | 66:4 72:16 | bit 3:11 4:10 | boater 18:17 | 45:1,2,2,19 | 14:20 15:5 |
| 47:17 68:17 | 75:2 79:1,20 | 17:4 46:21 | 42:4 63:19 | 46:16 48:1 | 17:17 19:15 |
| 72:9 73:13 | 80:14 93:8 | 61:14 | 64:18 65:10 | 48:14 50:20 | 19:17 23:7 |
| 87:6 89:21 | beach 27:16 | Blackistone | 72:2 81:3,20 | 52:6 55:21 | 32:1 37:20 |
| 93:18 102:4 | 28:6 49:18 | 1:14,18 35:1 | 100:21 | 56:12,19 | 45:8,12 52:7 |
| 103:4 | 49:21 55:14 | 69:19 87:8 | boaters 8:8,9 | 57:16 58:1 | 55:13 58:13 |
| 106:17 | 64:7 | 87:15 98:19 | 15:2 20:19 | 58:17 60:17 | 58:18 59:3,7 |
| bad 16:15 | beam 16:7 | 99:1,10 | 21:7,11 | 61:13 62:12 | 59:10,12 |
| 62:18 79:15 | Bear 103:5 | 102:13 | 23:20 28:21 | 66:5,8 70:11 | 60:2,5 71:7 |
| balance 6:13 | began 66:3 | 103:10 | 39:4 42:16 | 70:15 75:10 | 76:14,15 |
| Baltimore | beginning | 105:6 | 59:16 65:14 | 76:7 84:10 | 78:13,21 |
| 23:5 66:1,2 | 78:15 | Blackistone's | 66:6 74:13 | 89:5,7,7,11 | 79:7,15 |
| 66:16 67:7 | behalf 13:12 | 105:5 | 74:13 76:16 | 89:15,17,21 | 81:12 84:4 |
| 72:1,19 83:4 | 106:13 | blanket 14:12 | 86:15,18 | 90:3 96:8,8 | 87:17 |
| 83:6,15,19 | behave 55:21 | blowing 74:16 | boating 1:20 | 96:10 98:17 | 103:13 |
| 88:18 89:2 | behavior | board 3:1 5:8 | 2:14 3:2 | 98:17 103:1 | Brandon 84:3 |
| 92:4,5,7,8 | 100:5,9 | 5:14 6:1 | 6:17,18 7:2 | 104:10,17 | break 5:6 |
| 92:15,15 | believe 12:13 | 23:14,15 | 8:3 18:9 | 105:15 | 102:8 |
| 93:7,10,10 | 13:2 23:20 | 67:5 71:21 | 23:6 26:12 | Bob 1:16 6:17 | breaking |
| 93:13,15 | 24:4 25:3 | boat 1:1 2:12 | 31:3 32:16 | 59:21 75:21 | 39:10 85:2 |
| 94:5,10 | 37:6 44:19 | 6:14 10:8 | 32:19 33:2 | 78:1,1 98:5 | breakwater |
| 95:11 | 83:1 88:19 | 15:13 21:17 | 33:16 36:9 | body 7:2 16:7 | 76:13 |
| 100:16 | 97:1 | 25:1,4,9 | 36:10 43:1 | boggles 14:5 | breeze 14:12 |
| 101:4,13,15 | belts 16:12 | 26:21 33:7,8 | 44:10 46:9,9 | bogus 78:6 | brethren |
| 101:15 | benders 18:3 | 33:12 36:12 | 46:14,18 | bona 58:19 | 18:17 |
| 102:2,6,19 | benefit 40:15 | 36:15 38:11 | 47:9 53:8 | Booby 14:20 | bride 6:12 |
| 108:1,4 | benefits 41:9 | 38:17,21 | 55:15 58:20 | 17:12 19:14 | bridge 18:16 |
| Band-Aid | Bermuda 59:1 | 39:9 40:12 | 67:17 70:20 | 19:18 | 80:13 |
| 86:19 | best 85:10 | 42:6,7 43:2 | 76:18 83:3 | 103:13 | brief 78:4 |
| bankruptcy | better 24:6 | 43:2 44:8,11 | 83:17 84:14 | 104:1 | briefly 54:11 |
| 76:11 | 93:14 98:12 | 44:14 45:16 | 85:10 88:18 | Booby's 14:12 | bring 59:7 |
| banter 18:2 | beyond 49:20 | 46:19 47:11 | 94:15 95:1,3 | 15:5 | 89:19 91:21 |
| Bar 89:4 | 67:12 | 47:16 49:7,8 | 95:3,10,17 | book 69:19 | brings 21:4 |
| based 70:10 | big 15:9 16:3 | 52:9 53:14 | 95:19,20 | books 97:13 | broadside |
| 70:10,12 | 27:2 29:3 | 60:12,17 | 96:17 97:2 | born 64:19 | 15:20 |
| 106:20 | 30:7 32:19 | 61:10,12 | 98:9 101:2 | 96:18 | broke 25:5 |
| basically | 62:9 81:9 | 63:20 65:4 | 104:14 | bottleneck | 75:19 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|------------------------|------------------------|-----------------------|------------------------|----------------------|----------------------|
| broken 8:13 | 54:8,13 90:9 | 2:2,8,12 | citation 97:18 | 20:13 35:9 | 66:18 68:4 |
| brokers 61:12 | 101:12,13 | 3:16 20:13 | 100:10 | 38:20 43:8 | 106:14 |
| Brookshire | 101:16 | 26:3 27:18 | citations 99:12 | 57:7 71:15 | common |
| 84:3,4 | called 37:3 | 27:21 28:4 | 99:15 102:6 | 72:7 73:4 | 80:19 |
| brought 46:7 | 62:7 93:18 | 30:17 34:2 | citizens 2:10 | 81:5,18 85:1 | community |
| bruises 26:17 | calls 76:3 | 35:14 36:3,8 | 3:5 95:7 | 86:7,9 87:6 | 16:17 22:11 |
| building 79:8 | 101:9 | 36:21 37:14 | City 83:5,6,15 | 89:18 91:16 | 37:21 45:12 |
| built 59:3 62:4 | 105:15 | 57:2 87:6 | 83:19 92:15 | 92:16 97:19 | 73:21 |
| 70:20 76:13 | calm 25:14 | 91:20 96:3 | 93:11 | 99:11 104:3 | commuting |
| bulkheaded | 79:3 | 105:2 | 101:15 | 106:9,17 | 75:13 |
| 40:2 | cap 17:19 | 106:13 | 106:1 | comes 6:5 9:6 | compare |
| bulkheading | captain 13:13 | chairperson | civilly 97:16 | 48:8 70:4 | 104:9 |
| 11:12 | 18:3,14 | 55:17 | class 65:11 | 101:12 | compared |
| bulkheads | 43:18 | challenge | 84:17 | comfortably | 53:9 99:16 |
| 39:20 | captains 13:19 | 64:20 | clear 34:13 | 43:2 | competing |
| buoys 12:3,6,9 | 14:1 17:14 | Chamber 67:9 | 38:9 47:20 | comical 18:2 | 79:20 |
| 44:1 | 38:19 | chance 46:17 | clearly 53:17 | coming 15:3 | complaints |
| burdened 66:8 | care 39:7 65:6 | change 7:21 | 60:6 | 21:6 25:16 | 93:20 94:1,4 |
| 86:9 | Carroll | 10:13 29:17 | clears 40:19 | 27:1 47:17 | 104:18 |
| burns 91:5 | 101:18 | 39:7 41:8 | close 9:8 13:20 | 48:1,14 50:9 | complete 41:5 |
| Bush 1:10 | carry 43:18 | changed 10:6 | 35:9 37:12 | 73:10 74:6 | completed |
| busiest 37:17 | Carson's 70:2 | 29:9 | 39:12 43:8 | 74:20 78:18 | 94:6 |
| 85:16 | 82:3 | changing | 63:5 91:20 | 83:9 88:11 | completely |
| business 68:19 | case 17:1 44:6 | 88:20 | closer 37:15 | 89:21,21 | 33:11 34:16 |
| 69:3 70:19 | Cat 28:19,21 | channel 61:5 | closing 17:13 | 103:21 | 83:14 |
| 70:20,20 | catastrophic | charge 7:5 | 79:12 | 106:15 | compliment |
| 71:8,18 | 66:11 | 92:7 97:20 | cloudy 40:18 | commencing | 81:11 |
| 76:16 80:1,1 | cause 14:2,8 | 98:1,1,2 | club 19:5,9 | 1:7 | Compoundi... |
| 81:14 85:21 | 52:2 66:6 | chart 7:3 | 35:5 42:3 | comment | 16:13 |
| businesses | 79:21 89:16 | checking | 81:4 89:2,2 | 10:11 41:20 | compresses |
| 44:18,21 | 90:9 | 106:11 | 90:15 | 42:12 63:18 | 24:21 |
| 45:1,3 66:15 | causes 97:15 | cheerfully | clumps 40:21 | 105:5 | compression |
| 67:13 76:12 | causing 27:7 | 17:18 | coast 59:2 | comments | 21:4 |
| busy 15:17 | 76:15 | Chesapeake | 101:6,9 | 35:20 41:20 | concentrated |
| button 32:11 | Cavolo 81:1,1 | 36:10,11 | 102:3 106:6 | 45:13 51:8 | 46:5 |
| buy 72:9 | cell 2:17 | 58:13 67:9 | cockpit 26:18 | Commerce | concern 8:15 |
| buyers 45:19 | Center 58:14 | 93:8 | 31:12 | 67:10 | 13:16 32:19 |
| 72:6 73:4 | 88:18 | choice 79:15 | code 73:18 | commercial | 57:12 64:8 |
| buying 46:16 | central 92:17 | choppy 39:2 | 97:6 | 23:21 31:16 | 64:12 67:12 |
| 65:4,6 | certain 104:16 | 39:15 | coexist 18:5 | 38:15 57:12 | 68:12,18 |
| C | certainly 36:4 | chosen 78:15 | cognizant 14:7 | 87:9 94:18 | concerned |
| C 2:1 | 55:6 56:7 | Christopher | Coles 1:14 | committee 1:1 | 21:8 28:14 |
| call 2:19 5:7 | 70:18 | 1:16 | collision 16:5 | 1:10,13 2:13 | 33:18 56:10 |
| 15:15 27:8 | certified 51:15 | Chuck 81:1 | COMAR 97:6 | 6:15 9:20 | 93:6 |
| 42:18 47:15 | certify 108:5 | cigarette 31:7 | come 4:1 5:11 | 10:2 17:11 | concerning |
| 47:16 54:7,8 | chair 1:14 | 43:7 47:16 | 9:5 10:9 | 18:21 54:4 | 5:20 6:20 |
| | chairman 1:10 | 48:1 | 11:21 20:12 | 59:17 63:1 | concerns 7:20 |

**Transcript of Public Hearing
Taken November 3, 2011**

| | | | | | |
|-----------------------|-----------------------|------------------------|-----------------------|-----------------------|-----------------------|
| 8:8 40:10 | 18:20 57:17 | 41:19 45:13 | 43:20 44:12 | 61:17 | dealt 52:1 |
| 47:4 60:15 | 57:18,20 | course 3:8 | 45:9 47:9 | Cutter 80:5 | dear 25:19 |
| 95:9 | 64:15,17 | 15:16 16:4,6 | 48:21 58:1,1 | | Debbie 71:20 |
| concession | controlled | 96:19 100:4 | 58:15 64:8 | D | decades 45:9 |
| 90:2 | 79:14 | 104:16 | 65:20 67:3 | D 2:1 | decide 56:17 |
| condition | convenience | court 98:3 | 69:15 70:3,5 | Dale 67:20 | deciding 56:6 |
| 57:14 | 67:15 | courteous | 85:15 88:18 | damage 14:8 | decision 6:2 |
| conditions | conversation | 24:1 51:11 | 88:21 89:6 | 16:18 24:9 | 85:8 |
| 58:3 | 42:16 81:18 | cove 49:20 | 90:4,4,5,5,5 | 27:7 30:12 | decisions |
| Condo 60:5 | Conversely | 50:8 72:9 | 90:15 91:2 | 34:18 36:15 | 70:10 |
| conduit 60:18 | 18:7 | cover 93:17 | 93:7 103:5 | 49:3 51:20 | deck 33:1 |
| confines 88:4 | convey 51:16 | covered 102:1 | creeks 37:19 | 83:15 84:1 | decline 72:5 |
| confluence | conviction | 102:2 | 46:3 61:2,10 | 97:15,17 | 80:16 |
| 43:21 | 98:2 | CPL 91:17 | Creekside | Dan 82:21 | decrease 10:8 |
| congested | cope 77:15 | 92:2 96:12 | 70:2 | dance 15:15 | 10:15 67:18 |
| 9:13 | copies 68:1 | 98:10,15 | crews 16:19 | 15:19 89:13 | 97:2 98:9,11 |
| congestion | copy 67:20 | 99:6,13 | criminal 95:6 | danger 40:8 | 98:11 |
| 52:10,14 | 94:7 | 105:4 | 95:7 | dangerous | dedicated 13:7 |
| conscious 18:8 | Corey 53:4 | crab 9:19 | critical 16:21 | 15:2 38:19 | deep 30:6 |
| consider 19:15 | corner 73:2 | 31:18 | cross 29:2 | 57:21 | definitely |
| 69:6 73:20 | corporal | crabber 31:16 | crowded 22:9 | Dark 48:21 | 29:14 85:19 |
| consideration | 91:17 92:2 | 57:12 | cruise 56:19 | 50:4 70:3 | 86:1 102:18 |
| 42:14 62:14 | 103:11 | crabbers 9:18 | 56:20 | 90:5 | deflecting |
| 73:11 | corporation | 9:18 38:16 | cruised 51:5 | darker 85:4 | 79:6,8 |
| considering | 11:6 | 48:15 | cruisers 41:3 | data 96:9 | degradation |
| 3:9 | correct 50:13 | crabbing | 56:2,14 | date 13:9 | 34:10 |
| consistent | 57:4 | 84:10 | crystal 34:13 | daughter | degrees 15:10 |
| 10:12 64:21 | corrected 34:3 | crabs 94:19 | Cuda 84:11 | 26:17 36:12 | 16:9 |
| 101:14 | cost 10:9 41:8 | cracked 14:4 | cures 64:13 | Dave 13:5 | delivered |
| constant 16:8 | costs 97:4 | craft 13:20 | current 11:6 | 21:11 | 75:21 |
| 16:8 | counter 75:20 | 18:14 | 22:5,19 48:9 | day 44:4 75:12 | demonstrate |
| constantly | county 23:5 | Craig 1:15 | 61:1,11 | 92:21 93:5 | 61:13 |
| 103:6 | 62:4 66:1,2 | 11:12 12:3 | 63:10 65:21 | 102:15 | demos 61:16 |
| consumed | 66:17 67:7 | Craigslist 65:4 | 67:5 90:21 | 103:8 105:6 | department |
| 61:14 | 72:1,19 73:3 | crank 30:5,8 | 91:2 95:3 | 105:11 | 1:9 6:10,14 |
| contact 99:19 | 92:4,5,7,8 | crash 42:5 | 104:7 | days 8:2 25:14 | 65:11 |
| content 13:19 | 92:15 93:7 | crashed 33:9 | currently 12:6 | 53:7,9,19 | 100:20 |
| contest 55:19 | 93:10,13,15 | create 56:4 | 19:18 79:16 | 80:2 83:2 | 101:16,17 |
| continual 23:8 | 94:5,10 | 57:14 65:13 | 83:1 84:5 | 105:10 | depending |
| continue 16:6 | 95:12 | 72:10 79:3 | 90:19 95:15 | daytime 56:9 | 41:11 |
| continued | 100:16 | created 39:16 | customer | 93:3 95:15 | 102:16 |
| 102:11 | 101:4,14,15 | 72:19 | 75:11 | deadening | depends 62:1 |
| continuously | 101:18,18 | creates 39:2 | customers | 39:21 | described |
| 58:20 | 102:2,6,19 | 39:20 44:1 | 65:3 71:6,14 | deal 9:17 | 17:15 77:11 |
| contributing | 103:6 108:1 | creating 56:15 | 77:2 79:16 | dealers 61:10 | designed |
| 46:1 | 108:4 | creek 10:21 | 80:13 | 75:9,14 | 57:19 79:5 |
| control 17:21 | couple 3:12 | 11:1 20:19 | customer's | dealing 92:12 | desire 44:20 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|------------------------|-----------------------|-----------------------|------------------------|-----------------------|------------------------|
| desired 100:9 | 26:11 58:12 | 85:13 | echo 51:7 | enables 56:12 | entirely 59:4 |
| despite 35:10 | 86:21 101:3 | doff 17:19 | ecology 86:6 | enabling | entrance |
| destination | 106:18 | dog 43:4,6,7 | economic 75:8 | 56:18 | 24:20 |
| 17:3 66:4 | discussed 38:1 | doing 3:8 | 79:21 83:19 | enacted 66:6 | entry 79:6 |
| destinations | discussing | 20:11 34:18 | economically | encounter | entryways |
| 103:21 | 18:9 49:12 | 49:14 | 44:17 59:15 | 16:12 | 78:19 |
| destroyed | discussion | 100:15 | economy | encountered | environment |
| 33:11 54:16 | 5:14 6:20 | dollars 49:3 | 66:12 | 25:16 | 39:2 41:6 |
| 76:18 | 13:3 23:3 | 69:2 73:3 | Ed 7:9,14 | encounters | 76:17,20 |
| destructive | 30:20 55:8 | donation | 23:11 | 78:17 | environmen... |
| 13:17 | 69:11 72:7 | 100:10 | edge 79:17 | encourage | 27:5 30:19 |
| destructiven... | 91:9 96:7 | door 5:3 | Edric 1:15 | 65:2 | 33:20 40:16 |
| 17:16 | discussions | dotted 12:7 | educate 18:17 | encroach 11:1 | equal 58:17 |
| detriment | 45:15 | double 71:12 | 100:2 | ended 26:17 | 83:8 |
| 59:10 | disembarking | 79:19 | education | endorsement | equalizer |
| devastation | 8:10 | downriver | 64:13 86:17 | 43:19 85:17 | 14:10 |
| 75:8 85:20 | dislocated | 49:20 50:9 | 86:20 96:15 | endure 16:11 | Eric 64:6 |
| 86:2,4 87:1 | 8:14 | dramatic | 96:16,17,21 | enforce 100:1 | erosion 30:10 |
| difference 8:4 | disperse 58:2 | 29:11 30:1 | 101:2 | enforced | 33:19 49:17 |
| 29:12 30:1 | displacement | drastic 10:7 | effect 4:7 14:2 | 64:15,20 | escape 42:9 |
| 32:2 | 13:18 26:15 | drinking 40:7 | 15:11 39:21 | 97:13 | especially 33:3 |
| different 5:9 | 96:12 | 71:3 | 40:16 44:1 | enforcement | 57:17 72:12 |
| 32:19 41:6 | disregard 24:2 | drive 31:21 | 56:13 73:12 | 24:5,11 | 103:9 106:8 |
| 58:11 67:8 | distance 8:1 | 75:12 | 73:20 78:17 | 92:12 94:11 | essentially |
| 70:17 101:1 | 16:3 71:12 | driven 13:21 | 94:3 99:8 | 94:15,16,17 | 8:17 67:12 |
| difficult 30:13 | 83:8 | drop 68:19 | effects 14:10 | 94:20 95:6 | Estates 64:7 |
| 52:13 | district 92:17 | drown 43:6 | 74:7 | 99:14,21 | estimate 78:5 |
| difficulty | ditto 81:7,9 | drowned | effort 22:10 | 101:5 102:5 | 84:9 |
| 104:20 | dive 100:19 | 48:17 | efforts 79:8 | 106:3,4 | eternity 16:10 |
| dingies 51:6 | divert 16:4 | due 5:21 8:13 | egress 60:7 | engine 84:11 | evasive 25:18 |
| dingy 71:2 | diverting | 9:2 10:8 | eight 34:8,9 | enjoy 28:15 | event 42:2 |
| direct 15:4 | 15:15 | 33:5 51:19 | eight-year-old | 44:9 48:15 | everybody |
| 54:4 | division 83:5 | DUFFY 90:13 | 26:16 | enjoyed 29:4 | 15:4 24:21 |
| direction | 95:7 | duties 94:14 | either 20:5 | 31:2 106:15 | 29:5 44:2 |
| 35:12 92:16 | DNR 12:5 | 105:12 | 60:17 105:2 | enjoying | 53:10 55:18 |
| directional 4:5 | 24:14 37:3 | Dwyer 1:15 | elevation 30:4 | 22:16 | 68:10 81:8 |
| directions | 51:21 54:8 | | eleven 44:19 | enjoys 28:17 | 85:5 89:14 |
| 39:1,15 | 54:13 63:20 | E | elicit 100:6 | enrolled 65:10 | 89:18 90:7 |
| 40:13 44:8 | 101:13 | E 2:1,1 | eliminate 47:1 | enter 58:4 | Everybody's |
| directly 66:14 | dock 40:14 | earlier 46:7 | 47:2 | entering 8:16 | 58:19 |
| 67:13 78:18 | 86:15,16 | early 23:12 | embarking | 8:18 | evidence |
| director 1:20 | 87:17 89:4 | 34:12,14,16 | 8:9 | entertain | 34:10 |
| 6:17,18 | docking 9:7 | 38:17 | emphasize | 30:20,21 | evidently 42:8 |
| discomfort | docks 40:11 | east 59:1 | 52:17 57:6 | entire 12:12 | exact 18:9 |
| 16:8 | 85:16 87:18 | Eastern 35:5 | employees | 22:11 28:9 | 89:11 90:7,8 |
| discuss 4:10 | 87:20 | 81:4 | 13:10 | 28:10 76:16 | exactly 5:15 |
| 5:8 17:21 | Dockside | eat 71:16 82:5 | EMT 51:15 | 102:5 | examining |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|-----------------------|-------------------------|------------------------|------------------------|----------------------|-----------------------|
| 54:15 | facilities 60:21 | 33:12 50:21 | 42:7 52:4,13 | 39:3 72:15 | 87:17,20 |
| exceed 79:3 | 66:13 67:3 | 52:3,14 | 60:10 66:7 | forget 2:18 | 97:4 |
| exceeding | 88:9,21 | 53:14 | 103:14 | forgot 80:4 | fueling 9:1,2 |
| 99:4 | facility 58:16 | faster 46:21 | fine 12:21 | formal 58:9 | 40:12 86:3 |
| excess 16:11 | 62:15 86:2 | father 29:20 | 18:5 20:7,10 | Fort 83:7,8 | full 22:11 |
| excessive 9:3 | 87:2 | favor 23:16 | 25:8 69:18 | forth 22:2 | 42:21 78:17 |
| 33:5 97:12 | facing 78:16 | 46:6 75:6 | fire 1:8 65:11 | 25:19 34:16 | fun 16:15 |
| excise 75:15 | fact 51:10 | favorite 17:3 | first 2:9 4:8 | 38:2,14,16 | 74:21 75:2,5 |
| excursion 17:2 | 54:13 56:2 | 32:21 | 7:4,8,13 | 60:5 | fund 75:16,18 |
| Excuse 27:18 | 81:19 82:7 | fear 15:7 | 27:5 48:5,7 | fortunately | 75:19 |
| 34:2 37:14 | 82:11 | 16:20 | 51:21 71:4 | 15:6 25:7 | funds 74:12 |
| 91:20 | factor 42:14 | feature 81:11 | 72:21 80:7 | 31:9,13 33:7 | funnel 8:17 |
| executive 5:7 | 86:20 | February 7:18 | 81:14 | 33:14 | 12:1 44:2 |
| 106:18 | factors 86:10 | feel 4:20 5:18 | 103:18 | founders 80:6 | funneled 46:3 |
| existing 8:1 | facts 85:5,8 | 9:10,16 | firsthand | four 10:5,10 | funneling 44:1 |
| 50:13 56:8 | Fahrmier 13:4 | 10:12 17:9 | 34:11 | 31:3 47:18 | furled 14:15 |
| 58:2 | 13:5 19:4,9 | 59:11 65:13 | fish 90:17 | 57:20 61:10 | further 11:1 |
| exists 79:11 | 19:17 20:3 | 95:8,14,18 | 94:17,19 | 69:1 75:15 | 17:12 29:21 |
| exiting 8:16 | 51:8,10 | 96:15 100:1 | fisheries 94:18 | 92:17 93:1 | 52:8 58:10 |
| exodus 76:7 | fairly 35:3 | 100:3,7 | fishermen | 93:16 | 68:6 80:2 |
| expand 17:11 | 37:18 | feeling 72:8,8 | 23:21 | 102:14,15 | 104:2 |
| experience 3:3 | fairway 8:18 | feels 18:15 | fishery 94:16 | 103:8 105:5 | future 96:16 |
| 3:13 34:11 | fairways 8:16 | feet 11:8 25:12 | Fishing 90:15 | 105:17 | |
| 85:10 | 8:18 9:9 | 35:5 49:21 | fitting 9:6 | fourth 64:6 | G |
| experienced | 10:18 12:1 | 61:5,8 96:11 | fittings 9:5 | four-year-old | G 2:1 16:11 |
| 32:18 45:10 | 60:8,9 | fell 25:5 | five 10:5 16:2 | 31:12 | Gaffney 57:1 |
| experiencing | fall 8:13 | fellow 54:11 | 88:3,6 | Frankly 59:6 | 57:10,10 |
| 60:11 | familiar 44:6 | felt 40:7 | flashed 25:6 | Frederick | gain 53:10 |
| explain 83:4 | 78:1 | female 31:19 | floating 40:20 | 1:17 | Gajewski 53:3 |
| exposed 57:13 | families 13:12 | Ferman 1:16 | floor 78:10 | frequency | 53:4 |
| 59:5 78:20 | 74:8 76:8 | 1:18 11:7 | flow 17:21 | 102:15 | Galapagos |
| 79:4 | family 33:14 | fetch 79:1 | 18:20 | frequently | 59:1 |
| Exposure 79:1 | 67:1 71:4 | Fickus 82:20 | flows 58:15 | 106:10 | Galloway |
| extend 47:3 | 72:17 73:6 | 82:21 | flung 14:3 | FRIEDRIC... | 10:21 20:18 |
| extended 73:1 | 74:20 75:3 | fides 58:19 | focus 71:4 | 36:9 37:5 | 37:12 43:20 |
| extends 35:4 | far 10:11 | figh 42:15 | 79:7 | friends 6:12 | 45:9 47:9 |
| extension | 28:11 35:1 | figure 21:5 | focuses 65:8 | 18:3 | 52:7 58:1 |
| 61:19 | 41:9 61:5 | figuring 48:7 | follow 100:4 | Frog 58:14 | game 94:21 |
| extra 20:9 | 63:19 79:2 | filed 54:14 | following | 64:7 67:2 | gap 102:11 |
| 22:9,14,15 | 82:9 86:12 | files 64:1 | 65:10 | 87:18 90:5 | Gary 70:2 |
| 68:15 72:11 | 87:20 88:8 | fin 94:17,18 | food 71:5 | front 25:6 | 80:5 85:19 |
| e-mails 6:16 | 88:20 96:13 | final 6:5 | foot 30:4,5 | 29:7 39:12 | gas 67:15 91:6 |
| | 105:13 | finally 9:16 | 57:21 | 49:19 60:9 | Gateway 67:9 |
| F | farther 17:17 | 82:14 | force 13:18 | 73:14 | Gaudette 1:20 |
| face 38:21 | fartherest | financial | 14:9 16:10 | fuel 9:2 10:8 | 6:17 76:1 |
| faces 49:10 | 80:11 | 59:10 | 16:13 90:19 | 85:16 86:15 | gauge 13:17 |
| 78:1 | fast 13:20 16:6 | find 24:10,15 | forced 17:20 | 86:16 87:17 | general 7:15 |

**Transcript of Public Hearing
Taken November 3, 2011**

| | | | | | |
|----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 10:8 28:7 | goes 11:17 | 70:1 71:20 | growth 27:11 | hardship 74:8 | heavy 16:7,20 |
| 62:5 99:11 | 33:3 38:13 | 74:4 77:19 | Guard 101:7,9 | 80:1 | 49:7 51:19 |
| generally 6:4 | 48:21 88:21 | 77:20 78:1 | 102:3 106:6 | Harford | 103:16,19 |
| 40:1 97:20 | 89:20 | 82:20 85:8 | guess 25:19 | 101:18 | 104:13 |
| generation | going 2:20 3:1 | 85:12 88:17 | 30:14 47:15 | harmful 59:15 | height 39:21 |
| 64:6 | 3:10,13 4:3 | 90:13 106:6 | 102:13 | harmony | held 13:3 23:3 |
| gentleman | 4:7,8,9,11 | Google 19:19 | guests 43:5 | 65:13 | 24:9 55:8 |
| 30:18 42:5 | 4:17 5:2,6 | gotten 2:8 | 49:2 | Hart 17:2 | 69:11 91:9 |
| 42:12 | 13:8 15:3 | 17:7,9 28:20 | guidelines | Hart-Miller | Hello 45:7 |
| gentlemen | 23:13 25:13 | 31:15 | 10:21 | 38:14 44:5,6 | helm 43:1 |
| 3:20 | 26:3 27:10 | government | Gunpowder | 47:18 71:15 | help 21:11 |
| gesturing | 29:8 33:12 | 6:2,5 18:19 | 103:4 | 90:2 | 24:5,12 |
| 25:13 | 35:18 39:1 | grandchildren | Gutierrez | Harvey 26:10 | 59:12 60:7 |
| getting 18:12 | 39:14 42:19 | 44:9 47:18 | 6:18 | 26:10 | 62:15,16 |
| 18:13 53:11 | 45:3 48:4,5 | 82:15 | guy 65:5 70:7 | Harwood 7:9 | 77:1 89:12 |
| 89:11 90:7 | 48:9 49:15 | grandkid | guys 6:13 | 7:10,14,14 | 104:4 |
| give 32:4 | 49:15,16,16 | 36:17 | 73:11,16,19 | 10:7,19 11:4 | Henninger |
| 58:20 62:5 | 49:20 50:20 | grandkids | | 11:9,14 12:5 | 71:20,21 |
| 73:11 91:13 | 53:10 56:3 | 36:13 | H | 12:11 51:8 | Hepner 55:12 |
| given 77:10 | 57:6 60:3,10 | Grant 1:19 | hairly 33:5 | 79:10 81:12 | 55:12 |
| 98:20 99:2 | 60:13 62:1 | 4:9 6:9,10 | half 5:1,2 8:5 | hat 67:8 | Hi 68:10 80:10 |
| gives 26:8 | 63:11,13,14 | 7:20 11:16 | 78:19 81:16 | Haven 89:1 | high 33:8 |
| giving 3:16 | 68:16 69:4 | 32:11 50:6 | 81:19 82:8 | havoc 14:1 | 38:13,18,20 |
| 58:19 | 70:21 71:12 | 67:11 | 84:8 95:5 | hazardous | 40:4 41:3,5 |
| Glenmar 13:5 | 71:13,14,16 | Grant's 12:8 | 98:8 | 44:7 | 42:18 46:5 |
| 13:6 19:2 | 72:20 73:2 | grass 40:17,20 | halfway 91:3 | head 15:11 | 81:13 88:17 |
| Glenn 13:10 | 73:14 76:4,5 | grasses 34:15 | Hallam 31:1,1 | 16:5 48:21 | 88:17 |
| 26:10 | 76:6 81:20 | great 9:17,18 | hand 32:4 | 50:4 58:14 | 103:21 |
| go 4:21 10:20 | 81:20,20 | 28:9,9 65:16 | 35:19 48:15 | 70:3 90:5,6 | higher 103:8 |
| 13:8 19:19 | 82:1,3,4,8 | 72:20 73:6 | handle 46:19 | heads 11:19 | highest 106:1 |
| 20:15 24:15 | 82:11,12,15 | 99:18 | 96:6 | 14:4 | highway |
| 26:9 29:6,7 | 84:14 86:1,3 | greater 57:18 | handled 83:11 | headwaters | 31:21 |
| 30:9,21 35:2 | 86:4,5,21 | greatly 75:18 | hang 77:14 | 80:12 | hill 30:3 |
| 36:8,13 39:8 | 87:11,13 | greedy 76:19 | happen 14:6 | hear 5:15 20:8 | history 3:17 |
| 44:12,20 | 88:3,10,12 | green 48:21 | 22:12 61:2 | 26:7 42:16 | 13:9 |
| 45:3 46:21 | 89:12,13,16 | Grenada 59:1 | 82:13 | 92:1 | hit 8:12,20 |
| 48:10 49:12 | 90:8,9 96:14 | grew 43:19 | happened | heard 5:5,8 | 14:4 31:14 |
| 52:16 57:9 | 100:8 101:3 | Grill 85:14 | 24:18 25:3 | 15:19 28:13 | 31:14 32:11 |
| 60:14 68:17 | 103:20 | groom 6:12 | 37:2 46:2 | 37:5 42:6,15 | 33:6 39:16 |
| 69:3 72:10 | 106:16 | ground 25:12 | 85:6,6 | 84:21 96:7 | 48:5 81:9 |
| 72:15,15,21 | good 2:2 3:8 | 58:16 | happening | 96:11 | 83:12 |
| 73:2,21 | 6:9,9 13:4 | group 12:18 | 48:2 | hearing 1:7 | hits 78:21 |
| 74:18 82:1,4 | 14:9 20:17 | 12:19,20 | happens 24:8 | 4:21 5:19 | hitting 26:18 |
| 89:19 93:18 | 21:16 36:12 | 13:7,14 | happy 4:21 | 71:17 | Hobie 28:19 |
| 103:4 | 49:2 51:3 | 37:21 55:1 | 5:1 65:5 | 106:20 | 28:21 |
| 104:10 | 53:3 64:5 | 58:9 | Harbor 83:9 | 107:1 | hold 25:18 |
| 105:4 | 65:17 66:21 | growing 34:15 | 105:21 | heat 72:12 | 83:16 85:18 |

**Transcript of Public Hearing
Taken November 3, 2011**

| | | | | | |
|-----------------------|------------------------|-----------------------|-----------------------|------------------------|------------------------|
| holding 7:16 | housekeeping | impact 15:16 | increases | investigated | Jon 1:17 |
| hole 42:8 | 3:18 | 69:4 83:19 | 27:10 | 10:17 | Jones 1:16 |
| holidays 7:1 | houses 72:6 | impacted | 102:18 | investigation | judgment |
| 8:3 9:14 | housing 72:5 | 67:16 | increasingly | 41:21 95:7 | 42:18 |
| 53:8 94:2 | 73:21 | impacting | 52:13 | involved 42:17 | July 34:16 |
| 99:7 | huge 14:11 | 76:8 | indicated | 86:11 | 64:19 85:1 |
| Holly 27:16 | 15:8 34:18 | implementa... | 108:6 | in-shore 67:14 | 96:18 |
| 28:5 89:5 | 42:5 | 75:17 | indicators | Isabel 33:21 | jumpoff 103:2 |
| home 33:6,7 | hulls 36:16 | important 4:2 | 25:11 | 34:8 | June 34:14 |
| 74:18,21 | hull's 13:18 | 4:4 5:18 | individual | island 17:3 | 65:9 |
| 75:4,13 | human 86:8,8 | 24:12 82:10 | 33:13 | 38:14 44:5 | Justis 20:17 |
| homeowner | humans 88:13 | 82:14 | individuals | 89:4,4 90:3 | 20:18 |
| 32:9 81:2 | hundred 19:6 | imposed 59:17 | 8:13 9:7 | 90:6 | |
| homes 73:13 | 58:17 61:5 | imposition | 20:4,10 | isolating 40:15 | K |
| 73:17,18 | 69:2 89:7 | 22:13 | injured 14:5 | issue 11:20 | K 89:2 |
| Honestly | hundreds 17:1 | impossible | 31:9 | 18:9,18 21:3 | kayak 29:1 |
| 104:7 | hundred-ton | 13:17 | injury 16:7 | 26:11 27:2,6 | kayaks 32:18 |
| Hoos 85:12,13 | 85:17 | improved | 51:19 52:1 | 29:4 30:20 | keel 16:20 |
| 87:10,20 | Hunting 90:15 | 56:11 | 84:1 | 38:1 53:6 | 57:19 |
| 88:2,6 | Huppert | Improvement | inlets 106:1 | 60:4 64:15 | keelboats 51:6 |
| hope 69:6 | 27:15,15,20 | 75:16 | Inner 83:8 | 88:20 97:18 | keep 24:16 |
| 71:17 94:7 | 28:2,5,5 | improveme... | 105:21 | 99:16,17 | 45:2 57:7 |
| hopefully | Hurricane | 74:12 | inpatient | 100:6,10 | 66:5,7 71:18 |
| 63:21 | 33:21 34:8 | inappropriate | 88:14 | issued 102:7 | 85:8 100:3 |
| Hopkins 69:15 | hurry 31:18 | 59:4 | inside 9:2 | issues 3:9 | 103:1 |
| 90:4 | 62:8 | incidences | insist 18:7 | 33:18,20 | Keller 72:4 |
| horrendous | hurt 27:3 | 37:2 | instantly | 38:5 46:7 | Kelly 1:21 |
| 28:18 | 59:13 96:19 | incident 31:10 | 31:19 | 56:5,16 | 108:3,9 |
| horsepower | husband | 31:16 93:18 | instill 80:20 | 58:11 64:3 | kept 52:6 |
| 84:11 | 20:20 21:3 | incidents | instructor | 106:19 | key 2:4 |
| hosted 74:12 | 36:2 43:3 | 24:16 | 51:15 | item 62:9 | kid 18:4 47:20 |
| Houck 70:1,2 | I | include 75:13 | 100:21 | J | kids 29:6 43:4 |
| hour 21:20 | identify 52:6 | 94:14,16 | intense 21:6,9 | jam-up | 72:15 |
| 30:2 68:16 | 69:20 | includes 39:14 | intentions | 103:14 | kill 48:4 76:20 |
| 74:14,17 | idle 41:5 74:13 | 69:1 93:9 | 70:8 | Jay 23:4 | killed 31:10 |
| 83:2 84:6 | 75:2 86:5 | 94:20 | interest 3:2 | Jeanne 80:10 | 31:15,19 |
| hourglass 21:4 | ignorance | including 69:5 | 101:4 | Jet 29:6 56:19 | kind 33:2 |
| hours 64:11 | 24:3 | 94:18 | interface 6:6 | Jim 88:17 | 72:16 83:14 |
| 93:17 | ill-founded | income 70:12 | Interstate | JoAnn 41:16 | 84:20 |
| 102:14,15 | 59:14 | 70:13,17 | 53:16 | job 3:8 99:21 | 103:14 |
| 103:8 105:5 | imagine 17:4 | inconvenien... | introduce 2:15 | jobs 76:8 | kinds 60:13 |
| 105:7,10,17 | 33:11 74:19 | 41:11 | 3:15 80:4 | jog 14:18,19 | Kling 1:17 |
| house 28:6 | immediately | increase 67:18 | introducing | 19:19 | 10:4,16 |
| 38:10 49:10 | 42:6 88:1,2 | 98:12,16 | 2:21 3:11 | John 1:10,16 | knocked 25:12 |
| 49:14 70:6 | imminently | increased | Inundation | 1:18 | 26:16 64:16 |
| 72:9 75:1 | 59:18 | 94:11 95:20 | 16:18 | join 47:17 | knot 60:8 |
| 81:9 | | 97:4 | invest 77:1 | | knots 7:1 8:5,5 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
| 16:2 50:13 | land 50:11 | 67:10,20 | 67:19 72:11 | 60:2 64:7 | longer 49:11 |
| 50:14,17 | 66:15 | let's 10:1 | 73:1,1 74:7 | 70:4,5 84:4 | 74:9 75:3 |
| 52:16 55:20 | land-based | 19:11 32:10 | 75:7,17,21 | 101:15,17 | longtime |
| 56:2,2 58:2 | 101:21 | 81:16 85:7 | 79:18,18 | lived 57:11 | 55:13 |
| 63:4,13 99:4 | large 15:3 | level 70:17 | 81:7 82:2,17 | 81:6 | look 14:1 |
| know 2:3 3:12 | 26:15,16 | Levitan 1:17 | 83:7,10,13 | livelihood | 32:12 70:13 |
| 5:1 7:5 | 39:1,11 41:3 | 103:11 | 88:20 91:3 | 71:10 | 70:15 99:15 |
| 10:11,12,13 | 53:5,11 | 104:4,21 | 94:6 95:14 | living 22:17 | looked 10:19 |
| 11:20 15:9 | 64:11 76:7 | liable 97:16 | 95:15,16,20 | 45:9 70:9 | 27:12 47:21 |
| 20:8 23:9 | 97:2,5,18 | liaison 1:19 | 95:21 96:15 | Lloyd 92:6,6 | looking 25:8 |
| 24:6 27:1,1 | 99:17 | 6:14 | 99:4 103:12 | 93:16 | 46:16 53:15 |
| 27:2,7,8 | larger 11:20 | license 43:18 | 103:17,18 | 100:15,16 | 73:5 102:4 |
| 28:13 30:10 | 22:12 26:19 | 51:14 64:19 | 104:5 | 102:16 | looks 18:15 |
| 31:10,15 | 96:12 98:16 | 65:3 83:17 | limited 9:1 | 103:16 | 29:19 38:10 |
| 32:15,21 | largest 13:7 | licensed 13:13 | 106:3 | 104:7 | loose 8:20 9:6 |
| 33:15,16,19 | Laskin 23:4,4 | 43:18 | limits 31:20 | 105:19 | lose 36:17 |
| 35:6 38:19 | lastly 43:9 | licenses 87:11 | 43:10 61:3 | 106:8 | 68:21 70:21 |
| 39:5,17 41:9 | 52:17 | lie 93:8 | 79:4,21 | loaded 40:4 | 71:1,13,14 |
| 42:6,13,19 | late 11:5 40:6 | life 25:6,19 | 90:19,21 | loath 36:14 | losing 89:9 |
| 43:11 44:5 | 92:21 | 32:3,5 38:6 | 94:3 99:7 | local 15:14 | loss 80:1 |
| 44:14 48:2 | launch 62:4,9 | 38:7 76:21 | line 12:7 15:1 | 53:4 54:8 | lost 76:8,11,12 |
| 48:16 53:7 | law 24:5,10 | lifelong 51:5 | 35:6,7,21 | 66:12,15 | lot 17:8 22:13 |
| 53:15,18 | 92:12 99:14 | 64:6 | 48:8 55:4,5 | located 54:17 | 22:21,21 |
| 64:2 65:1 | 99:21 100:1 | lift 30:11,12 | 57:3 | 58:14 59:4 | 33:21 34:7 |
| 68:20 70:9 | 106:3,4 | lifts 73:7 | lines 48:16 | 65:19 66:14 | 34:14 35:6 |
| 72:11 73:4,9 | laws 94:21 | light 14:16,20 | Lisa 6:18 | 66:15 78:15 | 37:17,19 |
| 73:19,20 | leaning 48:16 | 15:5,5 32:1 | list 60:14 | 79:4 88:18 | 38:11,13,15 |
| 80:15 81:12 | learned | 48:3 49:6 | listening 43:14 | 100:18 | 41:4 42:10 |
| 84:8,13 85:6 | 104:11,12 | 82:3 | 47:5 106:15 | location 59:3 | 46:11 50:20 |
| 85:8,9,19 | leases 102:20 | lighter 17:1 | little 3:11,17 | 76:2 78:13 | 60:3 62:2 |
| 86:4,20 87:8 | leave 5:2 | 56:12,19 | 3:18 4:10 | 78:14,14,14 | 63:14 64:21 |
| 88:10,13 | 59:16 66:6 | lighthouse | 29:6,10 | 79:15,17 | 65:1,6 69:3 |
| 89:7 98:11 | 76:6 103:18 | 48:3 | 41:10 46:21 | locations 79:5 | 71:7,8 72:6 |
| 101:1,16 | leaves 103:3 | limit 12:6,15 | 49:7,20 | Loeliger 32:8 | 72:13 73:18 |
| 103:3,5,7,9 | leaving 90:3 | 13:15 20:8 | 50:10 68:6 | 32:8,13 34:6 | 77:21 83:18 |
| 103:20,20 | 98:17 | 21:11,21 | 79:11 85:4 | 35:3,18 36:2 | 86:7,10,17 |
| 104:3,13,14 | 103:17 | 23:10,16 | 89:3 104:18 | 36:6 41:16 | 86:18 89:5 |
| 104:14,19 | lee 14:13 | 31:17 32:1 | live 20:18 | 41:16,17 | 89:15,20 |
| knowledge | leery 33:15 | 39:7 40:9 | 21:12 27:16 | 43:13 54:10 | 91:5 93:13 |
| 37:7 | left 3:10 14:19 | 46:2,6,10 | 29:21,21 | 54:11 | 103:8 104:9 |
| knows 89:18 | 69:15 | 47:1,3 48:10 | 32:9,13 35:4 | long 11:2 12:9 | 104:10 |
| Kurt 27:15 | 102:10 | 56:11,11 | 37:12,16 | 13:9 14:15 | 106:3 |
| 28:5 | leg 26:18 | 59:7,11,17 | 40:16 41:6 | 18:19 45:18 | loud 42:5 |
| | length 11:18 | 59:19 60:9 | 41:12 47:9 | 46:10 57:3 | love 29:6 |
| L | lesser 57:18 | 61:1,4,9,11 | 48:20,20,21 | 64:7 71:17 | 42:19,21 |
| L 13:10 | lessons 36:14 | 63:10 66:6 | 50:4 55:9,10 | 79:2 80:13 | 43:1 44:12 |
| ladies 3:19 | letter 60:5 | 66:11 67:12 | 55:11,14 | 82:6 86:4,5 | 73:5 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|-----------------------------------|---|--|---|-----------------------------------|---|
| low 47:10 56:14 | marina 7:15 7:18 8:11 | 19:11 20:1,4 21:14 23:1 | 36:15 | mention 40:11 43:9 46:8 | 81:2 82:1 83:9,18 |
| lower 56:9 83:21 | 10:16 11:2,4 12:2 25:2 | 25:21 27:14 27:17 30:15 | masts 8:11 | mentioned 23:11 24:19 | 85:14,16 86:6 87:10 |
| lowering 56:11,18 | 37:13 52:7,7 58:9 59:3,5 | 32:6 34:21 36:1,19 37:9 | math 78:7 | 42:13 | 87:13,19,21 88:5,19 89:8 |
| luckily 48:2,6 | 59:8,11,16 60:1,3,5 | 41:14 43:15 45:6 47:6 | matter 1:6 9:7 15:2 96:16 | merge 66:3 | 90:4,6,18 92:4 93:6,21 |
| lunch 5:6,11 106:17 | 63:3 65:19 67:2 68:3,19 | 48:18 50:2,8 50:16 51:1 | 105:16 | merged 89:8 | 95:2,4,8,11 95:16 98:8 |
| M | 71:8 78:13 78:14 80:11 | 53:1 54:1,9 54:18 55:9 | Max 91:17 92:2 | metal 97:10 | 100:18 101:5,6 |
| Machines 81:14 | 85:15 86:2,5 89:4,5 | 56:21 58:6 59:20 62:20 | Mazda 53:12 | methods 32:19 | 105:20 mid-June |
| Madona 74:6 | marinas 45:17 52:8 58:10 | 64:4 65:15 66:20 68:2,8 | ma'am 20:12 20:16 21:14 | Miami 55:14 | 34:16 Mike 1:19 4:9 |
| main 7:2 13:16 77:14 | 59:13 62:10 62:12 65:1 | 69:8,17,21 71:19 74:2 | 41:15 43:15 50:2,16 51:1 | Miata 53:12 | 6:8,10 67:11 mile 8:1 21:20 |
| maintain 3:7 57:17,20 | 66:12,16 69:5,20 | 77:3,18 78:10 80:9 | 71:19 74:2 80:21 | Mic 3:13 4:4 27:19 28:1 | 30:2 83:2 104:6 |
| maintaining 40:12 | 70:11,16 71:9,13 76:3 | 80:21 82:19 84:2 85:11 | McHenry 83:7 83:8 | 37:15 87:6 91:21 | microphone 4:2 |
| maintenance 105:14 | 76:8,10 79:4 79:13,19,20 | 87:4 88:16 90:12 91:7 | McLean 1:14 98:6,14 | Michael 55:12 58:7 | miles 8:4 68:16 78:20 |
| major 64:12 64:15 66:15 | 82:6 83:19 86:6 | 91:10 98:4 100:12 | McSween 1:15 103:17 | Mick 1:14,18 | 79:1 Miller 17:3 |
| 67:12 68:12 68:18 69:4 | marina's 7:20 marine 44:16 | 106:5 Martin 13:10 100:18 | MDE 10:21 mean 12:11 | microphone 4:2 | mind 66:17 71:18 |
| majority 23:20 45:1 | 47:13 48:13 62:15 64:2 | Maryland 1:1 1:10 2:11 | 36:15 49:14 53:13,20 | middle 1:3 4:10 5:20 | minds 14:5 mine 2:17 |
| 90:3 | 66:1 67:6 71:21 80:5,7 | 64:18 67:2 91:18 92:3 | 63:12 84:13 86:3 101:14 | 6:20 7:2 13:7,14,15 | 58:20 mini 84:11 |
| making 22:17 64:16 70:9 | 83:5 87:2 92:7 94:5,10 | 92:11 95:8 96:18 97:6 | 103:17 104:8 | 14:17 15:15 15:17 17:6 | minimal 22:6 minimize |
| 85:5 | 100:17,17 102:6 106:3 | 100:21 101:7 102:1 | means 93:4 medium 53:5 | 19:6 20:18 21:13,18,21 | 15:16 81:15 81:16,17 |
| man 92:21,21 | mark 35:8 48:21 68:11 | 102:20,21 105:20 | meet 19:10 39:18 | 22:7 23:6 26:12 28:8 | minimizing 15:11 |
| manager 7:15 65:18 | 71:11 84:6 84:20 85:12 | 106:2 108:1 108:4 | meeting 1:1 4:6 7:16 | 31:2,5 32:9 32:14,16 | miniscule 53:19 |
| mandatory 96:17 | 85:19 marked 10:14 | mast 8:12 25:11 | 21:1 38:3 64:10 | 37:12 45:2 47:19 48:4 | minus 38:4 62:12,13 |
| manipulating 79:3 | Marlin 85:13 Marsh 1:14 | 102:20,21 105:20 | member 2:4 38:5 67:5 | 48:20 49:13 51:7 52:8,9 | minute 84:9 minutes 3:12 |
| manner 17:15 39:6 94:4 | 7:4 10:1 11:11 12:9 | 106:2 108:1 108:4 | 81:3 92:9 members 1:13 | 55:16 57:11 57:13 58:15 | 4:6,12,14 7:10 8:5 |
| manpower 92:15,20 | 11:11 12:9 12:16 19:1,7 | master 85:17 master's 43:18 | 64:10 member 2:4 | 59:13 61:7 63:4 65:19 | 22:10,15,15 22:18 32:3,4 |
| 94:11,12 | | 83:16 | members 1:13 2:6 3:10,15 | 66:2,7 70:4 71:7 73:5 | 41:12 44:19 |
| man's 79:3 | | masthead | 7:19 17:9 67:14 | 74:10 75:9 75:13 76:6 | |
| March 34:12 | | | membership 38:3,4 | 76:17,20 78:16 79:19 | |
| Marco 90:14 | | | men 93:1 | 80:6,12,13 | |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 49:11 55:6 | 64:8 67:3 | narrower 61:9 | 74:5 | obvious 39:9 | open 3:7 5:12 |
| 63:6,7,10 | 87:18 90:5 | natural 6:11 | Nickel 1:15 | 78:12 | 46:17,20 |
| 66:9 68:15 | Mother 76:14 | 79:2 91:18 | night 40:6 | obviously | 48:10,14 |
| 68:17,17 | motions | 92:3,9 101:7 | 56:9 | 73:12 81:3 | 78:18 79:2,6 |
| 72:12 78:6,7 | 106:19 | 102:1 | nights 40:3 | occasional | 80:14 |
| 79:16 81:17 | motor 13:19 | naturally 21:8 | nighttime | 15:12 | operate 17:15 |
| 81:19 82:8 | 13:21 17:2 | nature 76:15 | 95:16 | occasions 39:3 | 39:4 104:12 |
| 84:6,7 91:2 | motorboats | 86:8,8 | nine 79:1 | occupants | operated 67:1 |
| 91:5 | 55:21 | nautical 8:1 | noise 41:2,4 | 9:20 39:13 | operating |
| Miskowitz | motors 14:15 | navigable 15:6 | nonland 19:5 | occur 67:18 | 60:16 63:19 |
| 66:21 67:1 | mouth 47:19 | 24:19 | normally 2:3 | occurred 31:5 | operation |
| 68:5 | 57:13 58:3 | navigate 14:19 | 93:2 101:9 | occurrences | 64:19 97:19 |
| misses 33:4 | 63:4 78:16 | navigating | 101:12 | 16:19 | 97:21 |
| mission 3:3 | 88:7 | 14:17 | Norman 85:15 | occurs 93:18 | operations 9:1 |
| misstepped | moved 42:20 | Neal 57:10 | 90:4 | 97:17 | 9:4 92:8 |
| 25:5 | 49:18 52:9 | near 13:17 | north 60:21 | Ocean 105:21 | operator |
| Mitchell 51:3 | movers 16:6 | 33:4,4 45:9 | 60:21 | offending 14:6 | 21:17 22:3 |
| 51:4 | moving 31:6 | 55:14 | northwest | offer 96:1 | 60:1 85:13 |
| mix 67:3 | 53:13 57:8 | nearing 76:11 | 57:15 | office 102:20 | 85:15 |
| mixed 39:2 | 79:18 | nearly 51:12 | Notary 108:3 | officer 7:5 | opinion 19:21 |
| MLS 73:15 | mud 29:19 | 75:19 | 108:9 | 45:11 83:11 | 51:13 90:17 |
| moment 27:21 | 30:8 | necessary | note 38:8 | 91:12,15 | opportunities |
| moments 2:15 | multiple 15:17 | 95:14 100:5 | noted 7:3 | 99:21 | 46:18 |
| money 33:21 | murkiness | Neck 89:5 | notes 23:18 | 102:19 | opportunity |
| 34:7 42:10 | 34:17 | need 14:18 | noticed 84:18 | officers 37:3 | 26:6,8 28:15 |
| 62:16 68:20 | N | 17:21 18:5 | Nova 58:21 | 92:18 94:9 | 29:13 34:20 |
| Money-wise | N 2:1 | 21:20 28:1 | November 1:7 | 94:10 103:1 | 51:4 57:5,8 |
| 68:20 | name 7:14 | 31:21 71:11 | no-brainer | 103:6 | oppose 82:21 |
| monitor 39:8 | 12:21 13:4 | 80:2 81:6 | 53:20 | offset 14:10 | opposed 22:11 |
| Moody 37:11 | 20:17 21:16 | 97:21 102:8 | NRP 94:9 | Oh 99:1 | 55:16 57:3,7 |
| 37:11,16 | 23:2,4 26:2 | needlessly | 102:14 | okay 19:7 | 84:17 91:6 |
| 45:10 | 26:10 27:15 | 18:7 | 103:1 | 25:17 27:20 | 91:11,15 |
| morning 2:2 | 31:1 32:8 | negative 99:20 | number 9:18 | 30:11 37:10 | 95:18 96:14 |
| 6:9,9 13:4 | 37:11 48:19 | negatively | 35:8 48:11 | 42:4 50:21 | opposite 31:13 |
| 20:17 21:2 | 53:3 55:12 | 67:16 | 64:8,12 74:8 | 54:19 55:3 | opposition |
| 21:16 41:19 | 57:1,10 58:7 | negligent 39:6 | 99:16,17,18 | 91:15 99:1 | 45:16 67:11 |
| 51:3 53:3 | 64:5 66:21 | 97:19,20 | 104:17 | 99:13 | order 49:10 |
| 64:5 65:17 | 68:10 70:1 | 98:2 | 105:8,9,10 | 103:10 | oriented 72:17 |
| 66:21 70:1 | 81:1 82:20 | neighbors | numbers | 104:8 | 73:6 |
| 71:20 74:4 | 84:3 85:12 | 9:19 49:19 | 17:20 103:7 | old 18:1 77:21 | original 17:11 |
| 77:19,20 | 91:8 | neither 45:3 | O | once 5:18 26:4 | origins 13:9 |
| 78:1,2,3 | name's 45:7 | nervous 89:3 | O 2:1 | 76:4,5 89:10 | ought 62:14 |
| 82:20 85:12 | 47:8 | never 42:7,10 | objection | 89:15 | outboard |
| 88:17 90:13 | narrow 9:8 | 54:17 80:17 | 81:15 | onerous 59:18 | 10:18 89:10 |
| mornings | 24:20 49:1 | new 26:7 | oblivious 40:5 | ones 6:6 37:7 | outbound |
| 38:17 | 49:13 | 74:10 75:9 | observe 33:2 | one-third | 8:17 11:20 |
| Mortar 58:14 | | nice 49:18 | | 10:20 | 11:20 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|--|--|--|--|---|--|
| outbursts 84:19 | part 4:19,20 5:19,20 | 4:12 5:10 16:12 21:2 | 84:1 105:7 | 36:13 46:6 59:4 64:13 | 41:21,21 48:13 54:7,8 |
| outcome 106:20 | 15:14 28:14 85:3 88:9 | 21:12 23:14 23:14 24:5,7 | personally 17:13 42:19 | 64:14 66:4 75:5 77:6,8 | 54:13,14,14 63:20 64:2 |
| outside 9:3 14:20,21 81:21 | PARTICIP... 43:12 50:12 63:7,8 69:12 | 24:11 26:21 27:3 29:13 | 61:15,21 91:6 | 89:14 placed 12:3 | 83:5,11,13 85:7 91:18 |
| outweigh 41:9 | 69:14 78:8 98:21 | 36:16 40:4,7 40:11 41:10 | persons 2:13 3:2,7 4:11 | places 19:10 66:7 | 92:3,7,9,11 94:6 95:12 |
| overlooked 34:4 | participate 5:13 71:1,2 | 44:5 46:15 46:20 49:14 | person's 100:9 petition 5:10 | plain 53:6 plan 70:20 | 100:16,20 101:7,16,17 |
| OWIs 106:11 | particular 12:18 60:4 | 53:13 57:3 58:11 61:19 | 5:20 7:10,17 12:14 13:2 | plane 56:5,12 89:11,14,18 | 102:1,2 pontoon 47:11 |
| owned 19:5 67:1 | particularly 38:12,16 39:21 51:10 | 64:21 65:7 66:5 71:13 | 23:13 30:18 34:4 82:21 | 89:19,21 90:7 | poorly 78:14 population 70:16 |
| owner 21:17 31:11 32:17 32:17 59:21 65:18 70:2 85:13,15 | partner 58:13 pass 3:13 14:7 16:14 39:12 | 73:9 75:6 76:19,21 | 83:1 petitioner 4:8 | plant 13:11 38:6 | Porter 65:17 65:18 |
| owners 58:10 59:9,11 74:19 | passengers 51:18 52:12 passing 15:13 16:2 24:4 | 80:18 84:17 84:19,21 | 7:9 54:5 petitioners 3:6 | please 2:17 20:12 26:5 | Porter's 65:18 portion 106:16 |
| owning 15:14 | patapsco 93:9 patrol 93:3,5 101:6,10,21 | 86:7,8 88:11 93:16 94:7 | petitioner's 94:8 petitions 5:5 | 37:15 52:21 54:9 57:6 | position 4:18 6:3 93:4,14 |
| oysters 94:19 | passengers 51:18 52:12 passing 15:13 16:2 24:4 | 96:11,18,20 97:5 98:17 | phone 2:17 76:3 phonetic 74:6 | 76:20 87:7 91:16 98:21 | positive 99:20 possible 6:1 97:14 |
| o'clock 2:4 | Patapsco 93:9 patrol 93:3,5 101:6,10,21 | 99:18 100:2 101:14 103:20,21 | picked 49:4 picking 48:15 pier 9:2 11:17 | plenty 18:10 18:11 plowed 31:8 | possibly 12:13 59:12 potential 45:19 |
| P | Patapsco 93:9 patrol 93:3,5 101:6,10,21 | 104:11,15 people's 44:20 percent 6:4 | 11:18 29:7 33:9,11,13 33:16 34:11 | plus 62:11,13 point 14:12,20 15:5 17:12 | possibly 12:13 59:12 potential 45:19 |
| P 2:1 package 68:1 paid 74:11 paint 54:15 painted 97:10 Palmer 59:21 59:21 63:5,9 63:17 | patrol 93:3,5 101:6,10,21 105:7 106:7 106:10 patrolled 106:2 patrolling 102:18 103:3 | 68:20 70:19 70:19,21 85:21 86:15 105:14 perfectly 25:14 period 47:4 | 34:15 35:2,4 35:13 42:2 43:8 49:2 50:18 54:13 98:18 piers 8:21 9:19 11:8,13 62:13 | 19:14,15,18 21:19 22:1 28:6 33:6 34:7 45:18 46:4 50:2,10 62:8 68:3 69:8 71:10 72:18 74:11 103:2,13,14 104:1 | position 4:18 6:3 93:4,14 positive 99:20 possible 6:1 97:14 possibly 12:13 59:12 potential 45:19 |
| Pam 20:18 panel 28:13 96:1 paper 65:4 paperwork 105:15 pardon 62:11 parent 72:3 park 55:14 72:18,18,20 Parker 31:1 Parlin 1:16 11:2 | patrolling 102:18 103:3 patrols 7:6 91:12,16 102:13 103:2 patterns 18:19 Paul 21:17 Pause 2:7 pay 42:10 peak 45:21 46:13 47:4 83:3 people 2:20 | 105:14 perfectly 25:14 period 47:4 periods 45:21 perpetrators 54:16 person 2:18 3:20 22:1 24:10 35:15 97:16,18 100:6,7 personal 23:18 24:18 25:15 37:7 38:8 51:19 | 50:18 54:13 98:18 piers 8:21 9:19 11:8,13 62:13 piling 49:5 pilings 33:10 33:13 42:1 42:11 54:12 54:16 itches 16:9 pitching 16:8 16:9 place 15:17 | 69:8 71:10 72:18 74:11 103:2,13,14 104:1 pointed 51:10 pointer 68:3 69:9 pointing 11:16 12:8 points 79:6 poker 47:15 71:2 police 39:8 | possibly 12:13 59:12 potential 45:19 pots 31:18 pound 26:14 pounds 49:6 power 17:2,5 20:19 22:4 26:19 powerboat 13:19 17:14 26:16 29:3 31:6,11 32:17 44:10 51:19 53:11 57:20 powerboater 53:4 powerboaters 23:21 51:11 55:20 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|--|--|--|--|---|--|
| powerboats 18:4 22:12 28:16 30:5,8 39:4,12 41:3 52:10 53:5 57:19 67:4 86:13 | 95:5 probably 2:5 12:7 31:15 38:2 62:11 62:12 68:19 68:21 69:2 70:21 80:11 85:21 87:11 87:12,12,13 88:3,6 90:8 91:3,5 98:16 99:17 103:8 105:21 106:1 | 74:19 81:10 83:15 84:1 85:9 proponents 103:12 proposal 17:11 22:2 51:17 75:20 94:6 proposed 22:6 22:20 44:16 54:2 67:11 79:18 95:13 99:5 103:12 prospective 75:11 protect 24:6 90:10 protected 95:9 provide 102:21 proximity 9:8 prudent 59:8 public 6:7 62:5 92:13 108:3,9 puddle 29:19 pull 24:7 49:10 pulling 76:7 pump 88:12 pumping 88:10 pump-out 9:3 9:5 88:9 pump-outs 86:7,10 purchase 65:1 purposes 22:18 push 96:14 put 42:10 46:2 60:14 62:6 72:11,20 73:7,7 75:20 82:5 86:19 98:13 | putting 10:17 22:2 p.m 107:1 <hr/> Q <hr/> qualified 59:18 quality 29:17 30:2 38:6,6 quarter 8:19 104:6 Quarters 1:8,9 1:10 37:20 45:12 55:13 60:2 71:8 84:4 103:14 question 14:13 19:13,14 21:1 34:21 35:15 36:21 37:1 54:6,11 62:21 63:1 69:18 72:14 78:11 79:9 87:5 94:8 96:3 98:6 99:11 105:1 106:5 questions 10:2 10:4 12:16 19:2,12 20:1 37:10 45:5 47:5 54:3 62:19,21 90:12 96:2 100:12,13 quick 19:13 34:7 98:6 quickly 17:5 18:6 quite 16:16 17:4 46:10 61:13 <hr/> R <hr/> R 2:1 68:6 racks 58:16 | rag 18:3 rain 85:2 raise 32:3 35:19 raised 36:11 72:3 Ramona 1:18 ramp 62:4,9 74:10 ramping 89:7 ran 26:15 31:18 rarely 29:1 rate 33:8 ratio 99:15 Ray 65:17 read 78:4 ready 20:10 real 3:2 19:16 81:18 82:7 really 16:15 42:13 49:8 50:20 58:8 60:11,15 61:20 70:14 71:6 73:5 82:9 86:19 90:10 Realtor 72:4 Realty 72:4 rear-ended 31:11 reason 24:3 61:3 83:3 85:3 reasons 52:10 rebuild 11:15 receive 98:2 received 76:2 92:18 94:1,3 receives 6:15 recognized 36:3 recommend... 6:1 90:16 record 4:19 13:1,3 23:3 | 55:8 63:20 69:11 85:2 91:9 records 24:15 24:17 102:4 recovered 25:7 recreational 9:11 22:14 22:17 76:18 red 32:11 35:8 48:20 redo 33:21 reduce 27:11 75:18 reduced 67:17 83:14,14 reference 30:19 referred 101:13 reflected 39:19 refrain 26:5 refresher 96:19 regard 7:17 regarding 95:10 regards 92:14 95:13 region 92:17 regular 93:20 regulation 18:20 24:5 54:3,20 55:2 55:3,3,7,15 55:17 56:7,8 65:21 66:18 91:12 96:15 97:7,11 regulations 64:13,14 94:15,16,18 97:6,12,14 reject 59:14 59:18 |
|--|--|--|--|---|--|

**Transcript of Public Hearing
Taken November 3, 2011**

| | | | | | |
|--|---|--|---|--|---|
| related 40:7 45:11 60:12 93:21 94:21 95:2 105:16 | 59:12,15 75:17 76:19 94:9 requesting 9:13 require 39:8 94:9,10 required 22:3 105:16 requirement 61:8 64:17 reservoir 84:13 reside 13:13 resident 23:5 53:5 55:13 64:7 81:2 residential 62:13 residents 38:1 79:14 95:8 resistance 39:18 Resource 102:1 Resources 6:11 91:18 92:3,9 101:7 respect 18:5 65:8,12 respectfully 17:18 respond 52:4 93:19 101:9 105:17 responds 6:16 response 76:5 76:6 responsibility 52:20 94:12 responsible 24:1,9 50:19 52:11,18 93:14 97:16 105:13 rest 88:8 restaurant | 67:4 68:12 68:18,21 70:3,6,8,14 70:18 71:4 85:14 87:1 restaurants 44:13,21 47:14 48:12 49:16 66:13 67:15 68:14 69:5 79:14 83:20 85:20 restricted 66:9 restricting 81:10 restrictions 80:3 restrictive 90:19 91:1 restrooms 3:18 result 92:20 results 31:4 retired 83:4 90:20 92:10 retrospect 25:3 return 74:17 returning 14:14 revenue 75:15 ribs 8:13 14:4 25:5 rid 65:5 ride 18:14 right 2:9 3:19 4:2,4 9:1 11:21 12:7,7 14:19 19:18 24:7 28:7 29:7 31:8 32:13,14 33:10 35:5,6 35:12 36:8 46:11 50:8 52:4 58:12 61:1 69:9,12 | 69:17 70:4 72:18 73:15 73:16 77:8 84:5 87:18 88:21 89:1,3 99:5,10 103:2,3 right-of-way 18:7 Riley 80:10,10 Riley's 80:11 ripped 40:21 riprap 34:1 39:19 ripped 40:1 risk 16:5,7 32:5 river 1:3 4:10 5:20 6:21 7:2 13:7,11 13:14,15 14:18,21 15:15,17 17:6 18:12 19:6,20 20:18 21:13 21:18,21 22:7,10 23:6 25:17 26:12 27:10 28:8 28:15,17 29:2,21 30:5 30:6,9 31:2 31:5,17 32:10,16 33:6 35:2 37:2,12,19 38:7,10,20 39:16,19 40:17,18 41:3,7,10 43:12 44:14 44:18,21 45:2 46:11 46:20 47:19 48:4,20 | 49:13,15 50:10 51:7 52:8,9 55:9 55:11,16 56:9 57:11 57:14 58:10 58:15 59:13 60:17,18,18 61:7 63:4 65:19 66:2,7 66:14 68:11 68:13 69:8 70:4 71:7 73:5,13,15 74:10 75:9 75:14 76:6 76:17,20 77:11 78:16 78:18 79:19 80:6,12,13 81:2,6,21 82:2,4,16 83:9,18 85:14,16 86:6,13 87:9 87:10,14,19 87:21 88:5,8 88:11,19 89:8 90:4,6 90:18 92:4 93:6,9,21 95:2,4,8,11 95:17 97:1,3 98:8 100:18 101:5,6 103:5,17 105:20 rivers 24:20 30:7 37:17 43:10 road 1:9 27:16 28:6 38:20 39:6 74:11 roads 31:21 Robert 1:14 1:15,20 Robertson | 45:7,8 Robin 1:14 rock 84:12,14 rocked 25:4,9 86:13 rocking 52:5 60:10 62:17 Rogers 101:1 roll 9:6 rolling 34:18 60:10 62:17 rolls 76:9 Ron 47:8 room 5:12 18:10,11 102:10 Rosenburger 77:19 78:4 78:12 80:5 rough 74:15 79:10 roughly 102:14 route 15:4 routes 66:16 rowboat 47:10 rub 14:21 rule 64:20 rules 38:20 39:5,10 run 28:20 61:21 72:14 78:6,6,19 runabouts 17:2 98:18 running 15:7 86:15 runs 40:6 47:15 71:2,2 79:2 Russ 1:15 Rybezynski 21:16,17 |
| | | | | | S |
| | | | | | S 2:1 sacrifice 29:5 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|--------------------------------|---------------------------|---------------------------------------|---------------------------|-----------------------|-------------------------|
| sacrifices 29:15 | 29:1 36:14 43:19 51:15 | season 7:2 8:4 26:13 46:9,9 | 80:19 | 21:12 27:9 | single 97:21 |
| sad 27:2 | sailor 16:1 | 46:14,16 | sensitive 18:1 | 30:10 33:19 | sir 7:13 10:1 |
| safe 16:16 18:8 43:9 | 36:12 51:5 | 53:8 83:3 | sent 60:6 67:10 | 34:8,19 79:14 | 12:17,20 13:1 19:1,2 |
| 77:12 100:3 | sailors 14:2,14 | 94:20 95:3,3 | September | shorelines | 20:2 21:15 |
| 100:20 | 15:9,13,15 | 95:17,19 | 46:15 47:2 | 21:8 39:16 | 21:15 23:1,2 |
| 101:2 | 16:11 18:16 | seat 16:12 | 67:10 86:1 | 39:20 | 25:21 26:1 |
| safely 56:20 | 19:6 23:21 | seawalls 79:5 | sergeant 91:19 | shores 40:1 | 27:14,17,18 |
| safer 82:12 | salesman | 79:9 | 92:5,6,10,18 | shoring 79:8 | 27:21 30:15 |
| 97:1 | 81:13 | seaweed 27:11 | 92:19 93:1 | short 16:3 | 30:21 32:6 |
| safety 3:9 8:8 | salt 94:17 | second 20:14 | 93:15 | 37:18 | 34:2 35:14 |
| 8:9 9:17 | samples 54:15 | 52:3 57:2 | 100:14,16 | short-handed | 36:8,19 37:9 |
| 13:16 18:13 | Sandra 48:19 | 63:18 | 103:11 | 93:11 | 37:10,14 |
| 24:2 26:11 | satisfy 3:5 | secondary | serious 16:16 | shot 14:18 | 41:14 45:6 |
| 32:20 38:5 | Saturday 7:1 | 60:15 | 25:7 59:10 | shoulders 8:14 | 47:6,7 53:1 |
| 40:10 52:12 | 8:3 9:14 | secondly | seriously | 14:5 | 54:1,18 |
| 56:10 63:19 | 44:3,7,15 | 48:14 | 52:20 59:13 | show 3:20 | 55:11 56:21 |
| 64:19 65:11 | 99:7 | seconds 18:11 | service 76:11 | 45:19,20 | 57:2 58:6 |
| 82:9,10 | Saturdays | 25:17 41:7 | 101:10 | 55:10 | 59:20 62:20 |
| 88:20 90:10 | 22:8 38:12 | Secretary 6:2 | services 1:20 | shower 39:14 | 63:1 64:4 |
| 94:15 95:10 | 94:2 | section 28:17 | 6:17 | showing 72:6 | 66:20 68:2,8 |
| 96:17 | SAVs 27:8 | see 10:1 14:1 | session 5:7,12 | shown 34:9 | 68:9 69:10 |
| 101:11 | saw 10:7 42:3 | 14:17 19:11 | 106:18 | 82:10 | 69:17,18,21 |
| 106:11 | 97:2 | 28:21 29:1 | set 12:15 60:4 | shrouds 8:12 | 71:19 74:3 |
| sail 13:21 | saying 60:6 | 32:10 34:13 | seven 70:10 | shut 62:6 | 77:3,18 80:9 |
| 14:15 15:3 | 85:6 96:11 | 38:15 40:17 | 83:2,5,10 | side 15:7 16:9 | 82:19 84:2 |
| 20:20 22:4 | says 82:11 | 40:17,19,20 | severe 15:1 | 26:18 31:13 | 85:11 87:4,5 |
| 28:18 43:2 | 97:11 | 46:19 73:21 | 19:21 | 31:14 49:1 | 87:16 90:12 |
| 67:3 | scary 72:16 | 74:5 77:7,21 | Severn 30:6 | 50:5 78:21 | 91:7,10,20 |
| sailboat 8:10 | schedule 4:7 | 81:6 84:21 | SGT 100:15 | 89:20 93:10 | 96:4 100:13 |
| 15:14 18:16 | 66:10 | 85:1,3 106:9 | 102:16 | sides 16:14 | sit 33:1 106:17 |
| 26:14 31:10 | scheduled | seeing 60:3 | 103:16 | 47:10 77:14 | site 67:4 |
| 31:12 32:17 | 3:21 | seeking 7:21 | 104:7 | sight 52:2 | situation 17:7 |
| 43:21 49:6 | SCHNEIDER | seemingly | 105:19 | sign 7:12 | 86:20 |
| 52:15 89:12 | 74:4 77:6,13 | 14:7 | 106:8 | 20:15 21:15 | situations 33:5 |
| sailboaters | 77:17 | seen 10:9 | shallow 30:5 | 23:1 26:1 | 39:11 |
| 55:19 | school 81:13 | 25:10 31:4 | 35:3 40:21 | 47:7 50:18 | six 6:21 8:4 |
| sailboats | Schulte 91:17 | 48:14 62:17 | shallowness | 55:5 | 16:2 21:20 |
| 16:20 49:3 | 91:17 92:2,2 | 77:13 85:4 | 35:10 | signal 2:8 | 30:2 48:10 |
| 51:5 57:18 | 96:12 98:10 | 98:9,16 | Sheller 1:17 | signatures | 50:13,14,17 |
| 86:12 | 98:15 99:6 | sell 61:13 65:1 | 96:5 | 76:1 | 52:16 55:20 |
| sailed 51:6,6 | 99:13 105:4 | 73:13 75:5 | sheriff 101:19 | signs 97:8 | 56:2 58:2 |
| sailing 13:5,6 | Scotia 59:1 | selling 75:10 | shift 92:21 | Simon 1:17 | 60:8 61:11 |
| 13:8,10,12 | screen 69:14 | Seneca 65:18 | 93:1,5 | 37:1 54:6 | 63:4,13 83:2 |
| 14:9 16:17 | se 39:9 | 65:20 70:5 | shore 32:14 | simple 53:6 | 84:11 88:3,6 |
| 17:6 19:3 | sea 14:12 39:2 | 93:7 | 75:4 | simply 78:13 | 89:1 99:4 |
| | seas 57:21 | sense 15:21 | shoreline | 94:13 | six-knot 61:2 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|------------------------|-----------------------|----------------------|------------------------|-----------------------|-----------------------|
| 61:4 94:2 | 57:17 98:18 | speaks 30:18 | 106:11 | 108:4 | 29:2 79:5 |
| 99:7,8 | smartest 70:7 | specific 19:8 | speeds 39:8 | stated 7:21 | subtract 63:12 |
| 103:18 | snack 90:2 | 97:7,11,17 | spend 22:9 | statement | successfully |
| six-mile 79:17 | solid 82:11 | specifically | 62:16 | 78:5 | 89:9 |
| six-mile-an | solve 59:9 | 7:19 65:20 | spent 33:21 | statements | succession |
| 84:5 | somebody | 66:2 92:4 | 34:7 105:10 | 85:5 | 15:18 |
| six-mile-an-... | 27:12 42:3 | 95:2 | spoke 41:17 | stations 67:15 | Sue 44:12 58:1 |
| 22:5,19,20 | 48:17 83:12 | speed 8:19 | spoken 21:19 | stay 47:20 | 88:18,21 |
| 83:6,10,13 | 97:20 98:1 | 12:6,15 | spokesperson | 71:11 84:13 | 89:1,3,4,6 |
| 84:20 | 102:14 | 13:15,18 | 54:20,21,21 | steady 97:3 | 90:4 |
| six-mile-per... | somebody's | 21:10,21 | sponsor 48:12 | steer 15:10 | suffer 14:2 |
| 66:5 | 39:10 | 23:10,16 | sponsoring | steerage 8:20 | 17:4 51:19 |
| size 49:2 53:5 | somewhat | 30:19 31:17 | 47:14 | stenographer | suffered 51:20 |
| 58:18 | 16:20 | 31:20 32:1 | sporadic 37:6 | 4:5 | suggest 46:12 |
| ski 29:6 74:15 | son 31:12 | 33:5,9 38:14 | sport 13:8 | stern 56:14 | suggesting |
| 77:7 | 47:19 51:14 | 38:21 39:7 | spot 16:15 | stern's 56:3 | 47:1 |
| Skip 43:17 | 65:9 | 40:5,6,9 | 19:8,21 90:8 | Steve 1:17 | suggestion |
| skippers 14:7 | Soon 75:3 | 41:3,5 42:18 | sprained 14:3 | 10:3 37:11 | 22:2 |
| Skis 56:19 | sorry 35:17 | 43:10 46:2,6 | sprays 9:6 | 45:9 | Sullivan 68:10 |
| Slaff 1:16 78:3 | 41:7 77:20 | 46:10,18 | spread 12:2 | stick 85:7 | 68:11 |
| slip 23:7 25:10 | 80:4 87:16 | 47:1,3 48:9 | spring 34:12 | stinkpotters | summer 24:21 |
| 49:9,10,13 | 102:8 106:6 | 52:14 56:5,7 | stable 98:14 | 18:2 | 33:3 |
| 79:16 | south 11:16 | 56:8,9,10,11 | 98:15 | stop 39:3 | summers 97:4 |
| slipholders | 32:14 | 56:16,17,18 | stand 20:6,13 | 48:13 75:10 | summertime |
| 76:3 | southeast | 57:16,18 | 34:2 106:21 | stops 106:10 | 70:17 106:9 |
| slips 7:18 8:11 | 57:15 78:20 | 59:7,11,18 | Stansbury | storage 58:17 | sums 30:14 |
| 10:20 58:16 | southeasterly | 61:1,9,11 | 90:15 91:2 | stores 67:15 | Sunday 7:1 |
| 76:11 | 14:11 | 62:1 63:10 | starboard | straight 14:18 | 8:3 40:18 |
| slow 8:18 | space 14:19,21 | 63:12 66:6 | 8:19 | 35:7,9 78:19 | 44:3,7,11,15 |
| 17:17 24:11 | 15:8 37:18 | 66:11 67:11 | start 2:3,20,21 | 89:19 | Sundays 9:14 |
| 58:4 | 102:21 | 67:19 72:11 | 3:10 34:14 | Strawberry | 22:8 38:13 |
| slowed 26:20 | speak 4:2,8,13 | 73:1,1 74:7 | started 2:6,9 | 62:8 | 94:2 99:7 |
| slower 13:20 | 4:16 6:8 7:8 | 75:7,17,21 | 2:16,21 | strictly 97:14 | supervisor |
| 21:10 31:6 | 7:19 10:14 | 79:4,18,21 | 14:14 | stringently | 92:6 |
| 40:9 | 11:9 12:19 | 81:7 82:2,16 | starting 83:7 | 100:2 | support 13:14 |
| slowing 57:13 | 12:20 13:12 | 83:6,10,13 | starts 40:19 | strippers | 51:16 70:14 |
| 57:15 | 20:11,15 | 83:21 88:20 | state 1:19 2:11 | 90:18 | supported |
| slowly 40:19 | 26:7 27:19 | 90:19,21 | 3:5 6:14 | strongly 17:10 | 38:4 |
| small 15:3 | 28:1 34:20 | 91:3 93:21 | 12:21 23:2 | 59:14 | supports |
| 28:21 31:6 | 45:16 51:4 | 94:6 95:2,13 | 26:1 37:20 | structures | 66:16 70:18 |
| 37:18 38:21 | 54:2,19 55:2 | 95:15,16,19 | 64:18 76:9 | 10:18 | sure 12:11 |
| 39:12 44:10 | 55:6 57:5,9 | 95:20 96:14 | 92:11 96:18 | stuck 8:12 | 54:3 64:16 |
| 44:14 47:11 | 58:11 91:11 | 97:12 99:4 | 100:11,19 | study 27:6 | 80:2 91:13 |
| 89:10 96:6 | 91:14 98:21 | 101:11 | 100:21 | stuff 101:12 | 99:18 |
| 98:16 | speaker 20:14 | 103:12,17 | 102:20 | submitted | surprise 75:1 |
| smaller 9:17 | speaking 7:6 | 104:5 | 105:20 | 7:17 12:14 | survey 94:7 |
| 13:20 17:1 | 84:18 | speeders | 106:2 108:1 | substantial | survival 71:10 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|-----------------------|
| survived 48:7 | Taylor 1:21 | 52:21 53:1,2 | 22:20 23:10 | 46:15 47:3 | tough 80:1 |
| sustained | 108:3,9 | 53:21 54:1 | 23:13 24:12 | 47:14,14 | tow 85:17 |
| 36:15 | team 100:20 | 54:18 56:20 | 25:9 28:11 | 51:7 52:1 | towing 43:19 |
| swamping | teenager | 56:21 58:5,6 | 29:3,9,15 | 53:19 60:4 | Towson 42:20 |
| 16:21 | 26:12 | 59:19,20 | 31:21 41:8 | 61:14,17,17 | Trade 44:16 |
| swearing | tell 28:16,19 | 62:19,20 | 60:9 61:20 | 63:3,14 66:9 | 67:6 71:21 |
| 15:19 | 34:10 63:2 | 63:16 64:4 | 64:11 68:15 | 68:12 72:12 | 80:7 |
| swim 43:4,5,5 | ten 4:14 7:10 | 65:14 66:19 | 73:6 80:18 | 72:13 74:9 | Trades 66:1 |
| swimmer | 8:5 18:10 | 66:20 68:2,8 | 82:14 90:10 | 75:13,19 | Tradewinds |
| 31:19 | 22:9,14,15 | 68:8 69:7,17 | 95:21 98:6 | 78:6 79:19 | 60:1 61:15 |
| system 97:1 | 22:18 25:17 | 69:21 71:6 | 103:13 | 80:14 82:18 | 63:3 84:5 |
| 104:8 | 32:3,4 41:7 | 71:19 74:2,4 | 104:4 | 86:9 89:12 | trade-off 29:9 |
| T | 41:12 44:18 | 74:6 77:2,3 | third 20:14 | 90:8 93:21 | 62:15 |
| T 1:16 11:19 | 49:11 68:15 | 77:16,17,18 | Thornell 1:16 | 94:1,12,19 | traffic 10:8,9 |
| tack 18:6 | 78:5 81:16 | 77:19,21 | thought 36:4 | 96:2 99:19 | 10:12 17:21 |
| take 15:10 | 81:19 82:8 | 80:8,9,20,21 | thoughts | 102:17 | 18:20 29:10 |
| 16:5 25:18 | 84:8 | 82:17,19 | 91:13 | timely 2:3 | 29:12 33:2 |
| 33:12 39:7 | tend 38:15 | 84:1,2,16 | thousand 11:7 | timer 6:19 | 38:9,11,13 |
| 39:13 43:1,3 | 105:13 | 85:10,11 | 49:3 61:8 | times 8:2 | 38:15,18 |
| 44:13 52:19 | ten-and-a-h... | 87:3,4,15 | 62:13 69:2 | 25:16,17 | 39:14 43:21 |
| 63:14 68:13 | 8:6 81:17 | 88:15 90:11 | 89:9 | 28:20 89:9 | 44:8 46:4,5 |
| 70:13,15 | ten-minute | 90:12 91:7 | three 2:6 4:12 | 99:9,10 | 46:11 60:12 |
| 71:16 75:11 | 32:2 41:7,8 | 91:10 96:5 | 11:21 33:10 | tips 8:11 | 67:17 77:10 |
| 75:12 82:15 | 61:18 | 100:13 | 33:13 39:5 | today 2:12 | 77:14 79:11 |
| 84:7 91:3 | terminus 22:5 | 104:21 | 42:1 54:12 | 6:12,16,19 | 97:2 98:9 |
| 96:19 | 22:6 | 106:14,20 | 57:20 61:5 | 7:16,19 9:21 | 103:16,19 |
| taken 32:1 | test 75:12 | thanks 10:4 | 62:7 78:19 | 13:11 17:7 | 104:1,10,13 |
| 42:1 54:12 | testimony | 22:21 | 101:8 | 18:10 51:16 | 104:15 |
| 62:14 77:8 | 25:15 | thing 5:17 | three-hour | 58:12 64:10 | trailer 74:10 |
| takes 61:16 | TFL 85:18 | 20:8 25:7,8 | 75:11 | 67:8 74:5 | 74:17 |
| 63:9 77:1 | thank 3:16 | 27:4 28:16 | three-year | 76:10,14 | trails 30:8 |
| 79:16 80:13 | 7:16 9:20 | 29:7 47:21 | 63:19 | 84:17 96:7 | transcript |
| 82:6 84:6 | 10:1 12:16 | 62:3 63:17 | thriving 83:20 | Today's 6:20 | 108:6 |
| 91:1 | 18:20 19:1 | 81:15 101:3 | 83:20 | told 24:16 | transcription |
| talk 46:9 64:2 | 20:1,3 21:13 | 105:19 | throwing 16:3 | 34:3 47:19 | 102:12 |
| 82:10,14 | 21:14 23:1,2 | things 5:16 | thrown 49:4 | 59:16 75:7 | transit 8:6 |
| 83:18 | 25:21 26:1 | 14:6 20:9 | Thursday 1:7 | 76:4,5 | 22:4 |
| talked 21:19 | 27:13,14 | 23:10 24:12 | tied 25:1 | Tom 51:3 | transiting |
| 36:17 81:21 | 30:15 32:6 | 28:12,13 | time 6:4 7:7 | tonnage 96:13 | 22:10 103:6 |
| talking 3:11 | 34:19 35:14 | 36:16 45:10 | 8:6 9:21 | top 25:11 | transverse |
| 53:6,17,18 | 36:18,19 | 45:14 48:12 | 12:12 16:14 | topic 17:10 | 15:18 |
| 61:19 68:16 | 37:9 41:12 | 60:3,13 | 18:19,21 | 21:20 | travel 35:7,9 |
| 96:10 | 41:14 43:13 | 66:17 101:2 | 22:3,21 23:9 | torn 40:17 | 39:18 63:3 |
| talks 60:7 | 43:15 45:5,6 | think 2:11 3:8 | 25:20 33:8 | tossed 49:7 | traveling 16:1 |
| taught 81:15 | 47:5,6 48:17 | 5:17 7:9 | 34:9 36:13 | total 31:7 87:1 | 33:8 35:11 |
| tax 75:15,18 | 48:18 50:1 | 12:15 19:15 | 38:10 42:21 | 87:10 105:8 | 40:4 41:4 |
| | 51:1,4 52:19 | 21:10,10 | 44:3 45:5,18 | totally 59:5 | 52:3 72:12 |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|---|------------------------------------|-------------------------------------|--|--|---|
| treacherous 57:16 | 61:4,8 62:7 88:3,7 92:19 | universal 9:4 | 38:9 | walking 34:11 | water 22:16 |
| treading 76:10 | 95:5 98:7 | universally 18:18 | vinyl 11:17,18 | wall 11:16 | 24:19 25:6 |
| treasury 100:11 | two-lane 62:4 | unobstructed 78:21 | violation 97:15,21 98:2 | 79:8 | 27:8 29:17 |
| tremendous 49:17 50:21 | type 16:13 | unsafe 57:14 | violations 101:11,11 106:12 | walls 79:6 | 30:2 34:12 |
| trials 45:16 46:18 | typical 104:14 | unwilling 77:1 | Virginia 73:4 | Walper 47:8,8 | 34:17 35:4 |
| tributaries 37:19 87:18 93:9 | typically 64:13 | upriver 45:17 | volume 104:15 | want 2:10 | 35:11 38:5 |
| trickling 73:12,14,20 | U | upset 29:8 89:10 | volunteer 1:8 65:11 | 4:18,20,21 5:18 21:21 | 41:1 42:15 |
| tried 52:4 | unanimous 13:14 | upstream 62:3 62:12 79:13 | vote 5:9 38:3 106:19 | 24:17 26:6,7 26:11 28:2 | 42:20,21,21 |
| trooper 101:20 | unanimously 38:4 | urge 59:14 66:17 | wait 35:21 49:11 88:12 | 30:18 32:4 33:19 34:6 | 43:5,6 56:3 |
| trouble 40:15 49:8 | unbelievable 29:18 | usable 61:6 | waiting 2:4 3:20 | 35:20 41:19 43:9 47:13 | 56:14 65:8 |
| Trovata 1:18 | unbelievably 29:11 | use 22:11 44:11,20 | wake 8:1,19 9:3 13:18 | 43:9 47:13 51:7 52:17 | 70:6,7 71:4 |
| TROVATO 63:2,16 77:4 | uncles 29:21 | usual 14:11,13 | wait 35:21 49:11 88:12 | 51:7 52:17 57:4,8 69:6 | 72:3,3 74:21 |
| 77:10,16 | underscore 22:1 | usually 14:10 33:5 61:3 | waiting 2:4 3:20 | 57:4,8 69:6 71:5,15 72:8 | 76:10 79:2 |
| true 103:15 108:5 | understand 17:16 29:5 | 94:1 101:16 | wake 8:1,19 9:3 13:18 | 71:5,15 72:8 73:8,16,21 | 81:11 84:4 |
| truly 69:6 | 73:9 75:7 | U.S 101:6 | 15:9,9,10,16 16:5,7 17:17 | 73:8,16,21 75:11 78:5 | 84:15 85:1,1 |
| try 3:5 55:18 59:9 60:17 | 86:14 104:9 | | 18:8 24:9 25:4,9 50:19 | 81:7,11 82:1 82:5 84:12 | 85:3,4 94:21 |
| 61:15,15 | understate... 93:12 | V | 50:21 51:19 52:11,19 | 82:5 84:12 86:9 | 96:14 |
| 62:8 93:17 | underwater 34:15 38:6 | values 81:10 85:9 | 56:1,4,7,13 56:15,16 | wanted 20:20 23:7,18 | 101:20,21 |
| trying 4:15 21:2 30:12 | underwent 11:15 | variables 62:2 103:20 | 64:15 97:8,8 97:12,15,18 | 24:17 25:14 36:4,7 46:21 | 105:11 |
| 40:11 48:15 | undocking 9:8 | various 76:3 103:20 | wakeboarders 9:15 | 36:4,7 46:21 73:10 81:5 | waterfowl 94:20 |
| 53:12 86:19 | uneducated 65:7 | vary 102:16 | 50:21 51:19 52:11,19 | 73:10 81:5 86:9 | waterfront 28:7 32:9 |
| 96:6 104:8,9 | unemploy... 76:9 | vast 90:3 | 56:1,4,7,13 56:15,16 | wants 15:4 54:19 55:2 | 66:3 67:13 |
| tube 74:15 | unfair 59:8,15 | verified 61:20 | 64:15 97:8,8 97:12,15,18 | 91:21 | 74:19 85:14 |
| tubers 77:5 | unforeseen 88:19 90:9 | versus 96:6 | wakeboardi... 9:12 | warned 26:21 | 85:20 87:1,2 |
| tubing 77:12 | unfortunate 17:19 | vessel 29:1 52:12 64:17 | wakes 8:13,17 9:4,5 11:21 | warning 100:4 100:7,8 | watermen 87:9,13 |
| turbidity 27:10 | unfortunately 47:13 48:6 | vessels 8:10,17 8:20 9:17 | 12:2 14:11 16:4 25:13 | warnings 98:20 99:2,3 99:12,16,18 | Watermen's 85:18 |
| turn 2:17 | 51:12 65:7 | 11:21 51:18 52:14 57:17 | 25:19 26:15 26:19 34:18 | wash 27:9 | waters 15:6 65:12 74:14 |
| turned 2:17 26:20 65:9 | 88:12 97:5 | 65:1,2 | 39:1,16,18 40:15 44:8 | wasn't 31:9 | 92:5,8,16 |
| two 2:5 10:4 25:5 28:11 | uniquely 59:9 | vice 1:14 67:8 | 56:6 96:8,9 97:5 | waste 9:7 88:10,13 | 93:8,15 |
| 32:18 45:8 | unit 100:17,18 | Victor 81:13 | | wasted 73:3 | 101:10 |
| 55:6 56:5,16 | | view 28:9,9 | | watch 18:6 30:3,4,7,9 38:9 50:10 | waterskiers 77:4 |
| | | | | 68:11,13 69:9 82:4 | waterskiing 9:12,15 77:12 |
| | | | | watched 80:16 | waterway 10:6 61:6 74:12 75:4 75:16 |
| | | | | | waterways 3:4 3:7 61:12 |
| | | | | | water-depen... |

Transcript of Public Hearing Taken November 3, 2011

| | | | | | |
|-----------------------|-----------------------|----------------------|-----------------------|-----------------------|-----------------------|
| 60:20 | 77:5 89:6 | 47:21 48:1 | 25:1 44:2 | 60:2 62:7 | 14 104:11 |
| wave 10:19 | 102:17,17 | wide 48:10,14 | 92:21,21 | 67:2 70:10 | 15 55:21 56:1 |
| 14:7 17:18 | 103:9,19 | 61:5 | 93:5,16 | 72:2 75:16 | 61:7 84:7 |
| 39:21 48:7 | 106:9 | widened 58:4 | 105:14 | 81:5,14 83:6 | 91:5 92:9 |
| Waverunners | weeks 92:19 | widening | world 53:14 | 83:11,17,18 | 15th 46:14,15 |
| 73:7 | Weinman | 53:17 | 70:7 | 92:10,11 | 47:2,3 |
| waves 21:5,9 | 58:7,8 | wider 48:6 | worry 33:20 | 95:5 98:8 | 15,000 26:14 |
| 26:20 27:1,7 | welcome 2:10 | wife 32:21 | worse 17:7 | 99:14 | 16 82:15 |
| 27:9 41:1 | 5:11,14 | 41:17 | 18:13 | 104:11 | 176 99:3 |
| 43:6 46:5 | 106:16 | Wilkins 43:17 | worsen 58:3 | year-round | 18 65:9 |
| 59:6 77:15 | weren't 48:9 | WILKINS | worst 16:19 | 95:20 | 1950 47:10 |
| 84:15 | west 11:19 | 43:17 | worth 29:15 | yell 49:14 | 1955 80:17 |
| 104:16 | westerly 78:17 | Williams 72:4 | 32:3 49:3 | yelled 42:4 | 1972 64:20 |
| wave-attenu... | wet 84:15 | Wilson 72:18 | 97:10 | yelling 15:19 | 96:19 |
| 10:17 | we'll 2:19 7:4 | 74:11 | wouldn't 39:8 | yep 89:3 | 1977 23:7 |
| way 4:3 15:20 | 20:4 29:15 | wind 14:9 | 41:2 44:13 | yesterday | 1984 11:6 |
| 23:16 32:1 | 78:10 | 25:11 57:15 | 72:8 | 73:16 | 1995 23:11 |
| 39:4 45:17 | we're 2:4,13 | 59:5 60:12 | wreck 31:7 | | 1997 100:19 |
| 52:2,15 56:1 | 2:20 3:8 4:6 | 74:15 79:2 | wrists 14:3 | Z | |
| 62:6 63:8 | 4:7,9,10 5:6 | winds 76:15 | written 83:1 | ZIP 73:18 | 2 |
| 72:14 82:2 | 8:16 9:1,12 | 78:17 | 100:3,7,8 | zone 8:2 12:6 | 20 2:13 16:3 |
| 82:21 96:15 | 11:19 15:20 | windward | | 22:5,6,19,20 | 48:1 49:21 |
| 98:12 | 18:1,9 19:4 | 14:9 | Y | 97:8,9 | 55:21 56:1 |
| 101:20 | 19:5,9,10 | winter 79:11 | yacht 19:9 | | 63:9 68:16 |
| 103:19 | 20:11 22:16 | wish 44:20 | 35:5 42:3 | \$ | 72:11 78:7 |
| Wayne 67:1 | 22:17 26:3 | 55:20 | 80:5 81:4 | \$1,644,075 | 84:7 91:1 |
| 92:6 100:16 | 27:16 30:3 | wishes 4:16 | 89:1,2 | 75:15 | 200 35:4 58:16 |
| wear 16:12 | 35:5,6 43:10 | 35:15 54:2 | Yachting | \$150,000 71:1 | 58:16 |
| wearing 67:7 | 49:12 53:6 | witness 29:17 | 58:14 | | 2011 1:7 |
| week 29:10,11 | 53:18 56:10 | 40:3 | yard 31:6 | 0 | 21 49:18 |
| 29:12 65:10 | 60:9 63:13 | witnessed | year 11:15 | 08 10:7,14 | 21220 73:17 |
| 73:8 83:2 | 65:20 68:6,6 | 32:15,20 | 33:6 38:2 | 09 10:13 | 21221 73:18 |
| 90:20 | 71:13,14 | 33:4 39:11 | 53:7,20 71:1 | | 22nd 67:10 |
| weekdays | 76:6 86:21 | 42:2 | 74:13 85:2 | 1 | 24 93:17 |
| 38:16 | 93:11,18 | woes 64:14 | 92:12 93:12 | 1st 64:20 | 24/7 17:12 |
| weekend 29:8 | 96:10 | woman 31:8 | 94:19 99:3 | 1.4 8:1,4 | 102:1,2 |
| 29:13,18,19 | 105:13 | 42:6 | 102:5,17 | 10 2:4 10:13 | 25 8:5 16:3 |
| 38:17 40:3 | 106:15 | wondered | years 3:3 10:5 | 21:1 70:21 | 30:4 48:9 |
| 40:17,20 | we've 5:8 8:10 | 73:19 | 10:10 13:6 | 10:01 1:8 | 68:19 79:16 |
| 50:13 74:20 | 8:12,20 9:4 | word 6:5 | 17:7,8 20:19 | 100 13:11 | 84:6 87:13 |
| 74:21 84:10 | 23:9 28:20 | work 6:10 | 22:8 23:6 | 11 10:13 | 25-per-hour |
| weekends | 34:9 56:16 | 21:2 64:10 | 25:2 26:13 | 12 65:9 | 95:16 |
| 28:18 29:3 | 61:7 80:15 | 64:11 87:9 | 31:2,4,5 | 12-foot 84:10 | 2508 27:16 |
| 30:13 38:11 | 80:16 85:1 | 90:21 101:1 | 32:17 34:8,9 | 12-year-old | 28:5 |
| 46:12 50:15 | 96:7,10 | 104:8 | 36:10,11 | 65:9 | 26 62:10 92:11 |
| 53:8 61:16 | 98:19 102:6 | worked 83:5 | 49:18,21 | 12:20 107:1 | 27 81:5 |
| 73:9 74:9 | whitewater | working 20:21 | 55:16 57:11 | 1200 76:1 | 29 60:1,2 |

**Transcript of Public Hearing
Taken November 3, 2011**

| | | | | | |
|-----------------|---------------|--|--|--|--|
| 2946 73:17 | 6 35:8 | | | | |
| <u>3</u> | 60 31:3 55:16 | | | | |
| 3rd 1:7 | 65 13:6 67:2 | | | | |
| 3,000 62:11 | 96:11 | | | | |
| 30 16:9 48:13 | 675 7:18 | | | | |
| 49:21 57:12 | <u>7</u> | | | | |
| 83:17 | 70 70:19,19 | | | | |
| 300 76:3 | 70s 11:5 | | | | |
| 35 23:6 25:2 | 75 85:21 89:6 | | | | |
| 68:16 102:6 | <u>8</u> | | | | |
| 35-mile-per-... | 80 85:21 | | | | |
| 95:15 | 80s 23:12 | | | | |
| 3600 74:12 | 84 11:9 | | | | |
| 365 53:9,9 | <u>9</u> | | | | |
| 38,000-pound | 90 6:4 15:10 | | | | |
| 43:20 | 900 1:9 | | | | |
| 38-foot 26:14 | 95 53:12,16 | | | | |
| 43:20 | 97 12:13 | | | | |
| <u>4</u> | 99 105:13 | | | | |
| 4,000 62:11 | | | | | |
| 40 17:6 26:13 | | | | | |
| 30:4 31:2 | | | | | |
| 36:10,11 | | | | | |
| 47:20 48:13 | | | | | |
| 63:6 66:9 | | | | | |
| 68:17,17 | | | | | |
| 40th 92:12 | | | | | |
| 40-some-odd | | | | | |
| 25:11 | | | | | |
| 41 57:11 | | | | | |
| 45 72:2 | | | | | |
| 46 60:20 | | | | | |
| 48-foot 49:5 | | | | | |
| <u>5</u> | | | | | |
| 50 30:4 53:7,9 | | | | | |
| 53:19 63:7 | | | | | |
| 68:19 83:17 | | | | | |
| 86:15 87:12 | | | | | |
| 50s 58:21 | | | | | |
| 50,000 49:6 | | | | | |
| 50-ton 51:14 | | | | | |
| 500 7:18 89:9 | | | | | |
| <u>6</u> | | | | | |