Deposition of:
Maryland Boat Act Advisory Committee Meeting

October 21, 2019

In the Matter of:

Boat Act Meeting

Veritext Legal Solutions
800.808.4958 | calendar-dmv@veritext.com
MARYLAND BOAT ACT ADVISORY COMMITTEE

FALL MEETING

OCTOBER 21, 2019; 10:00 a.m.

CRISFIELD PUBLIC LIBRARY, CRISFIELD, MARYLAND

REPORTED BY: DIANE HOULIHAN
TRANSCRIPT OF PROCEEDINGS

MS. CRAIG: Good morning. My name is Amy Craig, and I am chairperson of the Maryland Boat Act Advisory Committee. I would like to call this meeting to order.

Welcome to today's public meeting where we will hear testimony on regulatory request for the Little Annemessex River in Crisfield. During the meeting, we will only address the regulatory request I have listed.

This meeting will be recorded by a court stenographer and available for review on the DNR website within three to four weeks.

Please turn off all cell phones or communications devices or set them to vibrate.

I would like to take a moment to introduce our Committee members.

MR. JONES: Good morning. I'm Thornell Jones from Annapolis, Maryland. I'm representing the Coast Guard Auxiliary. I've been a member for 29 years. I sail and
powerboat.

MR. KLING: Good morning. I'm Steve Kling.

MR. PEPE: Turn it off, Steve.

MR. KLING: I have a magnetic personality. I'm Steve Kling. I live in the Annapolis area.

Yesterday at this time I was cold and wet sailing my boat in the rain.

And I've been boating a long time. My wife and I are riparian property owners.


MR. HELLNER: Hi. I'm Joe Hellner from Anne Arundel County. I'm a former Naval officer trained in safe vessel navigation and operation. I'm a lifetime boater in all types of vessels, both sail and power, and including 30 years here on the Chesapeake Bay and
Maryland waters.

I'm also a past president of several local yachting associations and a member of the United States Forest Department.

MR. MARSH: Good morning. My name is Coles Marsh. And I feel right at home here. The Marsh family is over on Roads Point, all my family. So I kind of feel at home around Crisfield and Roads Point.

Grew up doing a lot of boating and even worked on the water and tonged some oysters when I was growing up and learned that maybe I didn't want to do that for a living.

But yeah. I grew up doing both power and sail and enjoyed it. Glad to be here with you this morning.

MR. PEPE: John Pepe. I'm from Oxford, Maryland. Marine surveyor by trade. Also maintain a 200-ton masters license.

MS. CRAIG: Is that everybody? I'm the chairperson, Amy Craig. I'm from Upper
Marlboro. Family boating, water skiing, tubing, whatever kids want to do to stay at home and hang out with parents. Keep that going as long as possible. Okay.

I would like to take a moment to explain how the Boat Act Advisory Committee public meetings are conducted.

The designated Committee members are a diverse volunteer group of boating enthusiasts who represent every region of the state. Whether you're working aboard a commercial fishing vessel, charter boat, or enjoy paddling, personal watercraft, water skiing, wind surfing, swimming, sailing, fishing, or just cruising, the Boat Act Advisory Committee is knowledgeable and mindful of many safe uses of the state's waters.

The BAAC also is aware of concerns in water access benefits of the state's waterfront property owners, whether they are a sole parcel, a community, or commercially zoned.
The Committee takes their duties seriously with the greatest respect for the Chesapeake Bay and its tributaries and you, the citizens who come before us.

During deliberations, the Committee strives to accommodate the concerns and needs of all citizens who use the state's water.

The Maryland Department of Natural Resources liaison will present the specific regulatory request using PowerPoint exhibiting a nautical chart or overhead view map representing the area to be regulated. A tally of comments for or against the regulatory request will also be kept.

I will ask for testimony in favor of the proposed regulation and then ask for testimony in opposition of the regulation. As a speaker presenting testimony, you shall be limited to comments of three minutes. If speaking for an entire group, such as a community or an organization, you should identify what group
you represent and will be permitted ten minutes of testimony.

Those testifying will be allowed to speak only one time at the hearing. When it is your turn to testify and you happen to share the views of anyone who has testified before you, please briefly state so and take your seat. This will avoid redundancy. For the record, the testimony is all recorded.

If you have any handouts to support your request, please present them to the DNR coordinator when you approach the -- usually we have a podium -- podium so that they can be forwarded to the Committee members.

If you have an electronic presentation on CD, USB, or a thumb drive, please give it to the liaison in advance of your testimony so it can be loaded into the projector. An electronic presentation is not to exceed five minutes.

When presenting testimony, please speak
into the microphone, state your name clearly, and spell it for the court stenographer. When you are testifying, address the Committee and me only. There should no exchange between the person testifying and members of the audience. No one in the audience should address the Committee unless recognized by me.

We will do our very best to give everyone an opportunity to speak. If you disrupt the speaker or the meeting, a DNR officer may escort you from the meeting.

After citizen testimony, I will ask the NRP officers to comment on the proposed regulation. The NRP officers generally have much insight into an area, as well as data on arrests, warnings, accidents to support their comments.

If applicable, a DNR shoreline conservation report will be considered by the Committee.

After hearing all testimony, the Committee
will break for the lunch.

After lunch, the Committee typically goes into deliberations. Unfortunately, due to circumstances beyond our control, the Committee does not have a quorum today. Therefore, we will taking testimony only and will deliberate the regulatory request once all members have received testimony presented today.

We're hopeful to have the regulation request discussed, deliberated, and a recommendation for the secretary within the upcoming scheduled public meetings in October and early November.

If you decide to attend those meetings and wish the regulatory request is acted upon, you are welcome to stay and observe deliberations. However, you may not comment unless called upon by the chairperson. Please check back with the DNR liaison for the meeting date for deliberation on this request.

Following deliberations, the Committee
will vote on a recommendation for each request.

Remember, the Committee charge is to make
recommendations to the secretary. We do not
have the final say over regulatory requests.

The following are possible outcome for the
Committee's deliberations:

The Committee may vote to take no action,
which means we reject the regulatory request
and recommend no change to the waterway. If
the secretary accepts this, then the request
cannot be resubmitted for three years.

We may vote to accept the regulatory
request, or we may vote to accept the
regulatory request but with modifications.

After this, the staff will prepare a
formal presentation of the Committee's
recommendations for the secretary for each
regulatory request. The secretary may accept,
reject, or modify the Committee's
recommendations.

If the request is accepted, the proposed
regulation will continue through the legal process and become law effective during the next boating season. If the secretary modifies the Committee's recommendation, the new proposed regulation will move through the legal process and be accepted or challenged by the petitioner.

The progress of any proposed regulation, one that is approved by the secretary, may be tracked on the DNR boating website under regulations.

The transcript of today's meeting will be posted on the DNR boating website under regulations and under meeting and archives in approximately three to four weeks.

If there are no procedural questions from the audience, I will -- I already had you guys introduce yourself. The first request, the only request.

MR. SIMONSEN: Here we are. I read it earlier. If you would like me to, I can read
it again.

This was received by one of the petitioners, Mr. George Tawes. Was received by U.S. certified mail to our office on April 3, 2019, with his notations on that colored chart.

This area of regulatory concern and why we're here today is in those yellow parallel lines that you can see of the area.

At this time, we can move forward to give testimony for those in favor. And I have a list of the names here that have signed in for that would like to speak.

Can I see a show of hands for the people that are for it that would like to speak?

MS. CRAIG: Can we have the petitioner first?

MR. SIMONSEN: We sure can.

MS. CRAIG: Thank you.

MR. SIMONSEN: What I'd like to ask, again, is if you share the views of a statement that has been from somebody before you, please
just take the podium and let them know that you
agree with what was just said before you just
so we're not taking over redundancy.

I do have a mike running. We have a
couple of members here that have some items
that are taking WiFi (inaudible) have gotten
feedback. But you certainly can have this
podium and listen to the main petitioner,
Mr. George Tawes, first.

MR. TAWES: Well, first of all, I want to
wish everybody good morning.

SPEAKER: Can you state your name?

MR. TAWES: And George Tawes, spelled
T-A-W-E-S.

I want to thank y'all for taking your time
and coming down to conduct this meeting. I had
no idea it was quite so involved or involved
quite so many people. And I appreciate you
being here this morning.

Actually I have notes here that will go
beyond three minutes. I'll try to condense
that.

To give you a little background, I was born and raised and have lived all my life here in Crisfield. I’ve been going on the water since before I was ten years old. I was gill netting commercially when I was 14 years old. I got my first Coast Guard masters license in 1982 and held that until 2016.

I spent my last six working years working for the Vane Brothers on an ocean-going tug as a deck hand.

My primary reason for asking for this regulatory change or the new regulation is the safety of all the boaters who either transit this area, moor in this area, or any way involved in this area.

The area not only includes the main city dock where the mail and freight boats tie. As a matter of fact, all of the mail and freight boat captains signed my petition in favor of this regulation. It also involves the county
dock. And you can see there are two workboats
tied there now. They're frequently loading and
off loading pots or crabs or other equipment.
And if a boat goes up this channel at too great
a speed, they get beat and banged against the
dock.

Also, right in this area is Millburn
Machine Company. They usually have a boat in
there being worked on. And I have, since I
live on this corner of this condo right here,
seen the boats in there take a thorough
thrashing from the wakes of boats coming up and
down this channel.

And of course, in addition to that, we
have the Harbour Light Marina, which has 91
slips. And there are usually 30 to 40 boats in
there.

MR. SIMONSEN: Here's a laser pointer.

MR. TAWES: Thank you.

MR. SIMONSEN: You push that red button
right there.
MR. TAWES: I'm not used to these things, but I appreciate it.

I was looking for my boat, but it's not in there. That's my slip right there. I have a 42-foot Jones boat.

But the problems we are having is a lot of the boats are cutting real close to our bulkhead. And usually the pleasure boats are going at excessive speed. Some of the workboats go by too fast carrying too much sea. And if you're moored here or even inside the marina, you can take a pretty good roll.

Actually, I believe this mark here may be off a little bit. I believe that white buoy is a little further up channel, but it shows it on that color chart.

This area, I've measured it, is a little over four-tenths of a nautical mile. I've run it and timed it at six knots. It takes four minutes and a few odd seconds to cover that distance at six knots. I think six knots is a
safe and reasonable speed.

If you were to go through that same area at 12 knots, you would cut your time transiting in by what, two minutes. Right? If you were to go through that area at 24 knots, you would cut it by three minutes.

So we're not really talking about asking someone to spend half their day trying to get through the area in the interest of safety and in the interest of not beating and banging the boats that are moored along that waterfront and in that marina.

I've been aboard my boat inside the marina cleaning it. And I'm a little wobbly, I admit. But I've had boats go by there that carried so much wake that when it went through our breakwater, it still almost threw me off my feet. And I don't think that's necessary.

I will say that the majority of the commercial boats are being considerate, and the majority of them are keeping their speeds
moderate and their wakes under control.

The speed factor is mainly a pleasure boat thing.

And right off the entrance to our marina, can we put that up there, Mike?

MR. SIMONSEN: Yes, sir.

MR. TAWES: In 2018, I was in a boat with one of the gentlemen right here. We were returning from a fishing trip. We were coming around this corner getting ready to make our turn into the marina here.

A boat came around this point doing between 25 and 30 miles an hour. I happened to lean over our stern and see is coming, and I alerted the man running the boat, Mr. Patey, there's a boat coming up behind fast.

We were about 40 to 50 feet off this bulkhead in preparation to maybe our turn to starboard into the marina. That boat passed between this bulkhead and the starboard side of our boat doing nearly 30 miles an hour.
If Mr. Patey had started to make his starboard turn, we would have been broadsided at 30 miles an hour.

This is the type thing I do not want to see happen.

I want to ask y'all a question. How many in this room, and I want to see a show of hands, have ever been run over by another boat --

MS. CRAIG: You can present testimony, but you can't ask questions.

MR. TAWES: Okay. Well, I would have liked to have seen the hands.

I have been. I've been run overboard, run over by a boat doing 25 miles an hour and knocked overboard. And I don't want to have to go through that experience again, and I don't want any of y'all to have to go through that experience again.

And that is my primary reason for requesting this regulation.
MR. SIMONSEN: Thank you, sir. Thank you.

MS. CRAIG: Okay. Do we have Ronnie Robinson?

MS. ROBINSON: Hi. My name is Ronnie Robinson, R-O-B-I-N-S-O-N.

MS. CRAIG: Sorry. Does anybody on the Committee have any questions for Mr. Tawes?

MR. PEPE: Do you want to ask questions as we go along or wait until all testimony?

MS. CRAIG: Why don't we ask questions after each, after the petitioners so that we can let them leave if they need to.

MR. PEPE: I do have a question. Yeah. Mr. Tawes, I was just wondering, on the north end of this request, by your marina?

MR. TAWES: Yes.

MR. PEPE: How was that location chosen for the end of this six-knot zone?

MR. TAWES: There's an existing white wake caution buoy there now. It's been there for years.
MR. PEPE: Right.

MR. TAWES: And I believe it's a little further north than that red dot. If you look at that color chart, I think you can see it. It's, like I say, it's already in existence. It's been there for years. And there's also been one down here just adjacent. The beacon and buoy number, the marks are numbered incorrectly. This is an old chart. The green beacon in here is number 11, and the day mark in about this area is 11A. And actually the junction beacon there is CH, not CR.

But between 11A and CH, there's an existing white buoy that should mark the upper limit of this regulatory area.

MR. PEPE: My reason for asking that question is because it looks like that the end of that speed zone, if you are coming south, by the time you get to that, the damage has already been created as far as wake going into
that marina.

MR. TAWES: That's true.

MR. PEPE: And that was the reason I was wondering why you didn't ask if you're going to do this, to ask for it to be further out by -- I mean you're talking about 1,000 yards maybe. But it would -- if this is something that's going to be done, that's one of the things that has caught my eye. That's my reason for asking.

MR. TAWES: I personally would be very satisfied to see the northern limit be where that current existing white buoy is. And I think that would provide us adequate protection.

The problem you run into a lot of times is some captains, when they see this buoy coming up, will begin to slow before they get there. I always do when I'm coming into the Crisfield Harbor. I slow before I get to that white buoy. I know it's there, and I know what it
says. And if you're southbound, you should really be doing the same thing.

Now, a lot of people wait until they're past the buoy because they're anxious, whatever, I don't know.

But I can't see the point in going through that area at a fast speed, I'm going to say in excess of six knots, unless you're headed to the emergency room at McCready Hospital with an injured individual.

MS. CRAIG: Any other questions?

MR. HELLNER: Mr. Tawes, why does your petition request for all times, seven days, say as opposed to just more busy times, Saturday, Sunday, and holiday?

MR. TAWES: I have thought about that. But if you change that to now again, here again, off again, the people will have trouble following that. The public will have trouble keeping track I think of when they're supposed to slow down.
I envision that if this regulation is enacted, then the DNR can enforce this. Right now they tell me they cannot enforce wake caution zone. It's merely a suggestion to the boater when he sees that buoy, that he should consider slowing his speed and reduce his wake. But there's nothing they can do. They can't stop someone and say hey, you're going too fast. If you do it again, I'm going to give you a warning. If you do it again, I'm going to give you a ticket.

So there needs to be some teeth there and I think it needs to be consistent, and I think it needs to be year-round.

MR. HELLNER: Thank you, sir.

MS. CRAIG: Anyone else have questions of Mr. Tawes? No. Okay.

MR. KLING: When was this marina constructed?

MR. TAWES: I believe the first building, the center building, was built in '05 and the
marina shortly thereafter. Probably '06. But I'm not positive of that.

I live in the third building. That was the last one constructed. I moved in there in 2014.

MS. CRAIG: Thank you.

MR. HELLNER: One more question for Mr. Tawes. Since we're on the marina, that reminded me of a question I wanted to ask.

Has the marina explored any type of wake attenuation? I know they have the outer wall.

MR. TAWES: Right.

MR. HELLNER: It pretty much lets waves come in. Have they explored the (inaudible) wake attenuation?

MR. TAWES: Nothing beyond what is currently there at this time.

MR. HELLNER: Okay.

MR. TAWES: The chairman of our board is here, if you wanted to ask him anything about it. Mr. Steve Mazzella.
MS. CRAIG: He's on our list. We'll get to him. Thank you.

MR. HELLNER: Thank you, sir.


Ms. Robinson. Thank you. Sorry.

MS. ROBINSON: Ronnie Robinson. I have a sailboat and a boat slip in Harbour Light Marina. Would just like to agree with George's comments. Thank you.

MS. CRAIG: Thank you. Mr. Cunningham.

MR. CUNNINGHAM: Hi. Charles Cunningham.

C-U-N-N-I-N-G-H-A-M. Also have a slip and a powerboat in Harbour Light Marina, unit owner, and fully agree and support Mr. Tawes' comment.

MS. CRAIG: Any questions from our Committee?

Joel, last name.

MR. BRYAN: Joel Bryan. I don't have a boat, but I live in building two.

MS. CRAIG: Can you spell your name for the stenographer?
MR. BRYAN:  Bryan, B-R-Y-A-N, my last name.  First name, Joel, J-O-E-L.

I don't have a boat.  But I live in building two, and I fish out off of the dock and crab.

And these boats come by real close to the dock.  See how wet I can get and why I'm trying to fish.  I am a handicapped person.  And when they come by with that wake so much, like last week, it was extra high tide, you couldn't fish there because you would get wet from the boat coming by.

And they go by a bat out of hell.  Not just -- the watermen go very slow.  But the other boats coming out there go fast in and out.

I don't think they can read because we got signs saying slow wake.  They don't help any. They go twice as fast.  So we have to do something for safety.  And the way they're driving these boats out here is not safety.
MS. CRAIG: Any questions from the Committee? Thank you, sir.

Brian Wetcher.

MR. WETCHER: Brian with an I. Wetcher, W-E-T-C-H-E-R. I also have a place in Harbour Light with a slip and a boat as well.

I agree with everything that Mr. Tawes has said. I also agree that the map, what this is showing is incorrect because the white buoy is -- you wouldn't be able to see it. It will address what you were asking, which was when they're coming south, if they stop here, yeah, the entire C dock gets hammered. So that's incorrect.

I do have something I want to read. I'll paraphrase in the beginning and then I'll fill it in later.

If you must drive, please go slow. Do not create a wake. Waters are remaining high and we are expecting another higher than normal tide around one a.m. Please be respectful of
your neighbors. Thank you in advance for your 
patience and understanding.

This is from Barry Dize, the mayor of 
Crisfield. This has nothing to do with water. 
This is all about the high tide and cars 
driving through the puddles in the road.

A truck or a car with ten-inch tires going 
through some high water does not create nearly 
the wake that a 30 or 40-foot boat with a ten 
or 12-foot beam and a two-foot draft does on 
the water.

So this really is all -- what he's saying 
is all we're really asking for, is respect of 
our neighbors.

I've been out there on my dock, on C dock.

C dock.

MR. SIMONSEN: Here you go, sir. Want to 
take the podium?

MR. WETCHER: Sure. So A dock. I guess I 
don't need to get close if I have a pointer.

That's A dock, that's B dock, this is C dock,
D, E, F.

So what gets the brunt of all this is A dock and C dock. Obviously definitely coming on the southbound, C dock gets hammered.

What was I even talking about?

MR. SIMONSEN: Comparison.

MS. CRAIG: Respectful of your neighbors.

MR. WETCHER: That's right. I was talking about C dock.

I've been out cleaning my boat, doing things on C dock. And some of the -- if it's a smaller powerboat just going fast or definitely if it's one of the bigger boats, obviously they have more draft. So even slow, they still have a wake. But that entire C dock, it shakes. I mean I've been out there days where I've had to widen my stance so I would not lose my balance. And I'm a little bit more stable than George. It does get wobbly.

Like I agree with George. Many of the watermen are really respectful. Coming
northbound, they'll start to gas up right about
here. When they gas up out here, their wake
goes out here. It doesn't affect anything.

Coming in, they'll slow down further up
and then they'll gas up about here, which their
wake doesn't really affect anything here.
Obviously, it can still affect most of this.
Most of them are going wide.

There's many who are purposefully
disrespectful. It's pretty obvious because
when they come by, you hear them making jokes
about the signs, which I made and I installed.
They make jokes about the signs. They come
close.

I actually had a workman working off --
that, that's my boat right there. When I was
getting my lift put in, the workmen were
telling me that there was a boat that would
come by. It actually came by twice. Actually
hammered right -- I mean he was almost touching
a couple of times. And he was laughing because
they're out there on a little barge and trying
to put in our slip. And they almost fell in.

MS. CRAIG: Mr. Wetcher, we need to let
everybody have a chance to speak.

MR. WETCHER: Oh, am I at three?

MS. CRAIG: You're at five.

MR. WETCHER: I ramble. Sorry about that.

But actually one person cut the corner and
the boat actually hit the corner right there of
C dock.

So I apologize for going long. I can sit
here and chat all day.

MS. CRAIG: Any questions from the
Committee?

MR. HELLNER: I do one have question. You
mentioned, and several people have, that that
should have been drawn to the white buoy that's
out there, which I think you noted you placed,
you testified --

MR. WETCHER: No. The signs, I made the
signs that say slow.
MR. HELLNER: I stand corrected. The signs. Got it.

Nevertheless, the white buoy is out there. Would you -- is the right side as we're looking at it end of the yellow line correct? Is that -- or Mr. Tawes. You are the petitioner.

Several people have noted what we're looking at is not correct, and I don't want to get the wrong thing in my head.

MR. SIMONSEN: I can also take it down to here.

SPEAKER: The white end should be up here. That's correct.

MR. WETCHER: I can point it out from the other picture probably about where it is, the bigger picture. And you guys can correct me if I'm wrong. But that white marker is probably about there somewhere. Would that be about correct?

MR. TAWES: I think so. It's on the west side of the channel.
SPEAKER: It's past that dock.

MR. WETCHER: Yeah. It's past the end of that. It's somewhere right about here.

MR. HELLMER: So where should the right-hand line, the yellow lines on that should have been drawn where? To the end of C dock --

MR. WETCHER: Probably somewhere about like here.

MR. HELLMER: Okay.

MR. WETCHER: That's -- when I saw this map when I first came in, I was like that doesn't seem quite right. Yeah. It doesn't do any kind of protection for the entire dock right here.

MR. HELLMER: And I would ask the petitioner. Is that correct, what you were asking for is from the end of C dock to the white buoy?

MR. TAWES: Yes, sir, that's correct.

MR. HELLMER: Thank you.
MS. CRAIG: Any other questions of the Committee? Thank you.

MR. PEPE: Amy.

MS. CRAIG: Yes.

MR. PEPE: Just one quick question. You made mention to having workmen out there on the barges doing some work and yourself being put into a dangerous situation.

Has anybody made a complaint to DNR about unsafe boating practices, heavy wakes, damage or anything as far as you know in your marina?

MR. WETCHER: Oh, I know people, I know people mentioned it. I've mentioned things to DNR.

MR. PEPE: Have you ever --

MR. WETCHER: Nothing formal. Just kind of chitchat as far as I wasn't there when the guys doing our lift was doing the work. I don't know if they said anything or not. They just told me yeah, you got some guys that didn't like us being there.
MS. CRAIG: Any other questions from the Committee? Thank you.

Mr. Mazzella, please.


So I've got two different aspects, one as a boat owner and one as a representative of the association.

First, as a boat owner, I own two boats at the marina. One is on the lift and my other one is in the water. The one that's on the lift, I've had numerous incidents where I was lowering or raising the lift and the wakes basically threw the boat pulley off of the lift, raising and lowering. Also, it's very difficult to board and unboard the boat with wakes going through with the lift.

As far as the boat that's in the water, it has sleeping accommodations. I was sleeping one morning, and I was actually rolled out of
bed from a wake from a boat. I don't know which boat it was. That was very unusual, and I never had experienced that before.

I have also witnessed a person who is here, Charlie Bounds, trying to get on his little John boat, a wake went through, and he almost was tossed into the water. And I have sent that to Mr. Mike as far as testimony and promise of this petition.

I agree with George Tawes, Joel, and Brian on everything they said. The signage doesn't appear to work. It seems to be a joke or an instigator for unsafe boating practicing.

We have also -- I fish on the end of that A pier where the channel comes in and have numerously had to hold onto poles in order to wait for the boats to go by and then resume fishing. I've never experienced anything like that before.

As far as the condo association, we did not have a budget for repairs of the marina
until about five or six years ago. Then we had
a major $40,000 assessment to repair our, not
the poles or anything, but the bulkhead and the
boards and everything due to waves and
excessive wakes, shaking and shaking and
shaking. It happens daily, in the morning, in
the evening, all day, all the time whenever a
boat goes by at excessive speed and wakes.

Now, we currently have a budget of $15,000
a year to repair all of this damage every
single year. And that seems to be the
situation with that.

So as far as the board, we are -- as far
as what George was saying, do we need it 24,
seven. For the safety of people going in and
out, probably not. But for the damage to the
marina, yes.

Have we ever looked at other alternatives
to the bulkhead. We have looked at installing
riprap. However, due to the depth of the water
at that area is over 12 feet. And I believe we
have to do 24 feet wide in order to do that,
which would be definitely into the channel. So
the riprap didn't look like a possible solution
on that. But we are to the point now where we
are going to have to do major repairs on this
bulkhead, in this bulkhead here, of the boards
going down, the cross boards and the structure
of the marina.

So that's my testimony.

MS. CRAIG: Any questions? Mr. Parlin.

MR. PARLIN: I was there at the marina a
few weeks ago. And I noticed that A pier has a
lot of sway to it.

Has anybody looked into a different type
of construction for that because it seemed like
the bulkhead at the end of A pier was pretty
sturdy? It wasn't moving at all, but that A
pier was just flexing back and forth --

MR. MAZZELLA: Right now the A pier is
missing at least three or four cross beams.
And that's why it's experiencing that.
In addition, there's a beam that's halfway down holding all of those things. That has to be significantly repaired, and it's not holding anything together right now.

We have a repair order with a local contractor to repair that. We did, after we finished our initial repair, it strengthened everything. So now we are in another disrepair. So we have three things, three cross beams that are currently missing right now.

Yes, sir.

MS. CRAIG: Mr. Marsh,

MR. MARSH: Quick question. How much damage do you see when you have a good Nor'easter come roaring up --

MR. MAZZELLA: A Nor-easter is a different animal. It does sway the marina a little bit, but those are surface waves. They are not deep waves that actually impact the actual docks itself. That surface wave will do a minimal
sway right now because we are missing a lot of
superstructure that is under repair, is
scheduled for repair right now.

The whalers, correct, the whalers.

MR. PARLIN: How did the superstructure
get damaged? Where did you see this happen?

MR. MAZZELLA: The superstructure got
damaged. We noticed that the bolts were
getting loose from the docks constantly shaking
and they let loose. And then we found the
actual boards in our marina. We fished them
out. They're actually on our dock right now.

MR. MARSH: Thank you.

MR. MAZZELLA: We've tried other measures
to secure the nuts with 5,200 and a couple of
other things that the construction company has
recommended, double nutting and all that stuff.
Over time, they still give way.

MR. MARSH: Thank you, sir.

MS. CRAIG: Any other questions from the
Committee?
MR. PEPE: Just a quick question. Your wave attenuation wall, did I read somewhere that it does not contact the bottom?

MR. MAZZELLA: Correct, it does not contact the bottom --

MR. PEPE: It's free-floating wave attenuator?

MR. MAZZELLA: Correct. And that was a regulation to let the turtles and the wildlife go through. That's correct.

MS. CRAIG: Any other questions?

Mr. Kling.

MR. KLING: What I think I heard you say is you're making a distinction between the energy from wake and the energy from storm driven, and you see no damage, no fundamental damage from storm driven.

MR. MAZZELLA: Correct, correct. Those are surface waves, not the deep waves that are causing the damage.

MS. CRAIG: Mr. Hellner, do you still have
a question?

MR. HELLMER: Yeah. The wall was
mentioned, which reminded me, why are there
gaps in the wall?

It seems like when I observed your marina
and I saw various boats go by, and also I saw a
fairly large (inaudible) from the south that
particular day, the waves were just rolling
right through like the wall didn't exist. Is
there a reason it was designed that way?

MR. MAZZELLA: I don't know the reason why
it was designed that way. There's less than an
inch or inch gap between each of the whalers.
I don't know if that's the industry standard or
not, but that's how it was designed.

MR. HELLMER: Thank you.

MR. MAZZELLA: You're welcome.

MS. CRAIG: Any other questions? Thank
you.

Randy Patey. Please spell your name.

MR. PATEY: My name is Randy Patey,

And I just wanted to reiterate what everybody has said is very correct. And I was the one driving the boat when Mr. Tawes and me was coming in.

I've been boating for 40 years. That's one of the scariest incidents I have ever been in. We almost got broadsided by a boat running 30 miles an hour.

But the question you was asking. I think the sea wall with those gaps, and I'm no engineer or nothing, but were probably put in to let the stuff out, like your grasses. Instead of washing into the marina, can escape and out of your marina.

But I'm on A pier, which you all have pointed out. But I'm on A pier, which you all know it's like a snake. When we get the winds down there, I've only been there like two, two and a half years. But I've been on the Eastern Shore my whole life.
James Island blocks a lot of it. You get the little wave, but it's not like a swell with a boat. You'll get some rough seas and rough water coming in there, but it's nothing like a wake of a boat. Because (inaudible) is breaking it. Crisfield breaks it. The boats is what really, you just get such a high wake.

I have the video on my phone. I'm not going to waste it and show it to you. But we just had these really high tides this last week. A pier actually was under water. You couldn't get to your boat.

I was walking down checking my boat and the ropes. It was kind of scary and spooky. I had a couple of boats go by. I mean it was like an Ocean City wave coming across the whole dock because they didn't even slow down with the high, high tides. Just blow through there. And it was like an Ocean City wave coming across the whole pier. Everything was just rocking in there. We get a lot of high tides.
I want to thank Brian for what he did with the signs and stuff, but nobody is paying no attention. He put a huge red sign, please slow down, you're responsible for your wake and stuff out there. Nobody pays no attention to that.

And I don't think DNR waste their time because nothing is going to be done, you know.

So I just, I agree with what everybody is saying here.


I really don't have a whole lot to say other than times change. Prior to the condos, I'm sure that that waterway was a free runway for everyone to go through.

But now there's a condo there. There's people that live in there. It's just like a city that doesn't have a traffic light. As the
town grows, you need to have some kind of 
restrictions and/or laws, slow people down, 
stop them, what have you not.

And now that we got all these boats in 
there, the amount of damage it's caused to our 
decks, our piers, our people's safety and so 
forth. I just think it's that time now, before 
someone does get hurt. It's just like an 
intersection where too many accidents happen. 
Now we just step in and say okay, now we need 
to put it up. Well, let's do that before that 
occurs, before someone tragically gets injured 
and/or another issue occurs.

A lot of money is sitting out there 
amongst those boats. I'm sure you all have 
them. You put yourselves in our situation, 
would you want a boat to come that close to 
your unit, your boat, and/or destroy your 
personal property?

I'm sure that -- and I hate to even say 
this. But to take our boats and take it down
to where possibly those other boats are moored
at and go through those speeds that these guys
are coming through around our area, I'm sure
the situation would be totally turned around.
Would they like that? I'm sure they wouldn't.
But I agree with what everyone has said
also.

MS. CRAIG: Thank you. Any questions from
the Committee? Okay.

I believe it's Jerry Brown, Jenny.

SPEAKER: She left.


I am a unit owner as well. And everybody
here touched on a lot of points that are all
touching on points that we want to agree
on today.

I'm also in the third building out on the
corner. And a couple of times a year at night
you'll see boats on plane running right around
the whole perimeter of our marina with no
lights on or anything like that. So just
general principle, safety is basically what I'm
after here. Thank you.

MS. CRAIG: Thank you. Any questions from
the Committee? Okay. Thank you.

Does anybody have anything different they
want to say that's on the rest of my list? I
have David Lloyd, Victoria Lloyd. Are we all
concurring?

MS. SHEA: I would just like to address a
question for Mr. Hellner? Not a question, but
something he asked.

MS. CRAIG: Please stand up. State your
name.

MS. SHEA: My name is Cathy Shea, S-H-E-A.
And I live in building three.

And Mr. Hellner had asked a question,
someone, about the time of the speed zone, why
don't we just -- I think it was you.

MR. HELLNER: Yes, ma'am, I did.

MS. SHEA: Yes. About why don't we just
do it at certain times. I thought about that, too. But I'm also in building three, and I sit out late at night, especially in the summer, and all hours of the night.

We do have people that whiz by there very quickly close to the pier without lights, as the gentleman just said.

So I think doing it just certain hours, although I thought that that might be feasible, probably wouldn't work because, again, you have people boating all times.

And my husband and I, we have a boat at Harbour Light and we would often go out and leave at three in the morning. And we certainly don't need to be broadsided by someone with no lights. I know that's not the issue. But speeding as well. So if they were slow, at least you would have a chance to hear them. That's all.

Other than that, I agree with everything everybody said.
MS. CRAIG: Any questions from the Committee?

MR. HELLMER: May I ask a follow-up question. I heard something from several of the testifiers. I think I'm hearing from you. So I want to clarify this.

It sounds like you're saying, but I want to hear what you would say, is that where you live is almost attracting folks to misbehave because what you guys have reported to us is improper boat operation that shouldn't be doing it. But over and over again, I'm hearing people running by us at night, laughing at us, etc.

What do you have to say with regard to that?

MS. SHEA: Well, I've been there since 2009. And the issue with people speeding hasn't really changed that terribly much. It's always been there.

But recently I will say that, yes.
Because our building is directly almost on the water, we can hear the conversations. I guess some of the boaters don't realize that their voice is traveling that far.

But since this DNR proposal and hearing has been on schedule, yes, some of them have been a little obnoxious and said some pretty crude and harsh things about the condo people. We take it with a grain and salt. But when they -- a lot of them will say those things and they don't speed up. But then some are giving it a little bit of boost on the throttle to see if they can't make some wake and kind of -- I guess it's -- it is what it is.

It's unfortunate. It hasn't made anybody feel any safer. That's for sure.

MR. HELLMER: Thank you, ma'am.

MS. SHEA: You're welcome.

MS. CRAIG: Any other questions? Let's see, any -- yes, ma'am.

MS. CHELTON: I'd like to say something.
MS. CRAIG: Can you state your name, please?


I was born and raised, like George, in Crisfield and left probably when I was 40 years old.

I've been a condo owner for 12 years. And there is a lack of respect for the condo owners. I think the people of Crisfield were very upset when the condos were initially built. They said we were taking their view away, we were taking their parking spaces away to look at the sunsets, blah, blah, blah.

And I think the situation with respect is a big, has a big piece in this.

We try to respect the watermen. We -- this is what Crisfield is all about. We were built -- my grandfather was a packing house owner. And this is what Crisfield is all about, was the watermen. We respect them. And
all we're asking for is a little bit of respect
in return.

So I agree with everything that everybody
has said, and hopefully we can come to some
agreement that will be feasible for everyone.

Thank you.

MS. CRAIG: Any questions from the
Committee? Thank you, ma'am.

So David and Victoria Lloyd, either of you
would like to speak? No.

George Ann Wingrove.

MS. WINGROVE: That's me. (Inaudible.)

MS. CRAIG: Thank you. And Sam Shea.

MR. SHEA: My name is Sam Shea, S-H-E-A.

I was walking down on the pier three slots down
from George Tawes. My son and I took a starter
out. It's a New England boat with flat sides
like that table. Mistakenly he set the starter
on the flat side and that's the last I saw of
the starter. Boat came by, boom, bomb, starter
in the Bay.
That kind of thing is possible when the
wakes are what they are.

Thank you.

MS. CRAIG: Any questions from the
Committee? Thank you, all.

I'm going to ask for testimony in
opposition to the request. I believe this is
Carson. Mr. or Mrs. Carson.

SPEAKER: He just left.

MS. CRAIG: Okay. And I have another one.

I can't really -- all the Carsons have left?

There's multiple Carsons. Okay.


Would you like to speak?

MR. EVANS: I mean yeah.

MR. SIMONSEN: Here you go, sir.

MR. EVANS: Kim Evans, E-V-A-N-S. I don't
agree with it. I mean I understand what
they're saying. There's some people that don't
respect it, but most do. And why punish
everybody for what some few do.
Because they like to, my kids they like to ski and do their tubing and stuff like that up by there. But they keep off to the side.

And don't really know what to say. I mean I don't agree with it. I don't like it. I stayed there, crabbed every weekend. I watched what happens there. Yeah, you get a small swell in there, but no more than a (inaudible) would do.

I mean I don't know. That's pretty much all I got to say.

MS. CRAIG: Any questions from the Committee? Okay. Thank you, sir.

Anyone who would like to speak in opposition? All right. Thank you.

MR. EVANS: And just one more thing. It was a little convenient to have this on a Monday instead of times when other people could be here that don't agree with it.

MS. CRAIG: Thank you, sir.

MR. PEPE: Amy, one question for
Mr. Evans.

Mr. Evans, do you work the water? Do you work the water in town?

MS. CRAIG: Mr. Evans.

MR. EVANS: Yes.

MR. PEPE: Are you a waterman?

MR. EVANS: I was. I worked the water. I grew up on Smith Island.

MR. PEPE: Can you give me an overview of how this is affecting the commercial docks downtown? Because I thought I would have really like to have heard from somebody that was a commercial man that uses that dock on a regular basis.

Can you give me any input?

MR. EVANS: Which dock? You're talking about the depot?

MR. PEPE: Yeah, the depot.

MR. EVANS: The county dock?

MR. PEPE: Yeah.

MR. EVANS: A lot of the big boats, they
slow down there because of the mail boats and
different ones that dock at the county dock,
unload and offload. I'm not saying there's not
some that don't. I can't say there's not. But
for the most part, they respect it and go slow.
The big boats.

Now, the smaller boat, yeah, they go by
there. I'm not saying some of them don't cut
it close, which, look, I got a smaller boat. I
stay as far to that side as I can stay so the
wake will get smaller as it gets over there,
according to the tide. If the tide is high, I
cut that marsh right and go behind the green
buoy just to keep away.

Like I say, of course, it would affect the
people there at the dock if the big boats come
fast in there, it will. But most don't.

MR. PEPE: Thank you.

MS. CRAIG: Any other questions?

Mr. Marsh.

MR. MARSH: Mr. Evans, I know you didn't
have anybody here that works on the water, is a waterman.

Have you talked with them and get a sense for how they feel about that?

MR. EVANS: They don't like it, either. But I like say, most of the watermen, they go slow by there. They do. Because they know the big boats are going to carry the big sea.

But the smaller boats, I don't think it's fair to them. You only have certain areas to be able to tube or water ski or whatever. And that's the nicest, safest spot is up through there all up inside that.

If it's breezy out, if it's blowing some, you can't have fun surfing or I mean skiing or tubing. That's the best place for them to do it.

MR. MARSH: Sure.

MS. CRAIG: Any other questions? Joe.

MR. HELLNER: Mr. Evans, or perhaps somebody else in the room that could address
this. Mike, if you could flip back to the
screen that you just had up.

I also have questions about the
commercial, more commercial end of this
approach. And I'm wondering where you see the
line drawn on the south side, how would the
commercial guys feel about being slowed down at
that point?

MR. EVANS: Well, they do it anyway.

MR. HELLNER: Right.

MR. EVANS: A matter of respect.

MR. HELLNER: As a matter of courtesy.

MR. EVANS: Right.

MR. HELLNER: Which I frequently do as a
boat operator, too. Why they don't have speed
limits. I agree there's an issue of courtesy.

But I'm just looking for any insight into
since we're considering the petition that chose
the line drawn where it is, is there anybody,
either yourself as a former waterman, or
somebody else in the audience that can give us
some information on that slowdown?

What I'm hearing from you is that's the
standard slowdown we do anyway as a matter of
courtesy in there.

MR. EVANS: Right.

MR. HELLLNER: Would that be your --

MR. EVANS: . That line is right on the
north end. It's out farther. Like I say, the
watermen, they slow down before it anyway.
Like I say, I can't guaranty they all do. If
they slow down soon enough, I don't know. But
for the most part, they do.

MR. HELLLNER: Thank you.

MR. EVANS: Yeah. I've actually seen a
few that cuts the things too close. I agree
with that. But for a certain few idiots,
everybody shouldn't have to pay.

MS. CRAIG: Any other questions from the
Committee?

MR. MARSH: I just have one general
question. Maybe Mr. Tawes or Mr. Evans, either
one.

If you looked at the summertime when it's obviously the boating season, and of course, the watermen are out most of the time anyway, but summertime, potting, what have you. If you had I saw 50 to 100 boats in the petition coming through concerned about. If you had to look at those, let's say it's 100 boats, coming through. Out of those, the watermen would have what, 30 out of 100 that come through with watermen boats, as opposed to pleasure boats. Close to that 30-foot (inaudible) going up to James Island or that 45-foot boat going up.

I'm trying to get a sense of how many small 18-foot boats go by and he's whizzing on by. If he doesn't come close to your dock --

MR. TAWES: You're talking about percentages?

MR. MARSH: Yeah. Some sense of the big boat that draws the bigger wake. And we're hearing that the watermen have a great deal of
respect, generally speaking.

MR. TAWES: Generally speaking, they do.

Naturally, there are always a few.

MR. MARSH: But the small boat, the 16 or 18-foot. If he's going by --

MR. TAWES: We see probably I would guess.

MR. MARSH: Just trying to get a feel.

MR. TAWES: I would guess, if you had to break it down into a percentage, 20, 20 percent to 25 percent watermen.

Now, we're speaking of summertime.

MR. MARSH: Yeah. When you really get the most traffic.

MR. TAWES: And the majority would be on weekends and the majority would be smaller pleasure boats. And they're the ones, not all of them, but they are the ones who generally speed.

So there are like two different factors here. One is speed, the other is wake. The wake is more of a factor, of course, with the
larger boats. With a deeper draft, they're pulling the bigger sea.

The smaller boats, the main problem with them is the speed factor. They're not carrying as much weight. They're lighter, they're going across the surface.

But it's, you know, both problems are caused by speed basically.

And the watermen, I can't figure them out. I know most of them. When I see their boats go by, I know who they are and I know the names of their boats. They used to be my customers.

And one day they'll go by slow, the next day they'll go by like their tail is on fire. I don't understand that.

Or they'll go from -- they'll go from HD Evans & Son over here where they're buying bait or putting out crabs, all the way around to about here at a reasonable speed. And there, they'll shoot it to her the rest of the way.

And generally speaking, they don't slow down
until they're past the white buoy coming this way. Most of them.

It varies from day to day. I saw a guy go by the other day carrying excessive -- going at excessive speed, carrying excessive wake.

Waterman who I know. And I said something to a fellow who was next to me. I said now, that's just not like him to do that I don't think. They said oh, I bet it's his son running her today. That's why. The younger boy doesn't have the same care and respect that the father does.

So but the problem is DNR needs some way to regulate this.

Right now I've spoken to them on numerous occasions. They say George, we can't do anything. There's a wake caution buoy down here, there's a wake caution buoy up there. If we were to stop them, all we could do is say you really should watch your wake. But they won't do it. They won't stop them. They won't
say anything to them. They will not make any
effort to enforce this until there's some way
that they can say, maybe I guess with a speed
gun, hey, you're going eight knots, you're only
allowed six, you get a warning today. Do it
tomorrow, you get a ticket.

There's no teeth in what's there now.
There's no way to enforce it. You're just
begging people to be courteous. And I hate to
say it, but the people of today are a lot less
courteous than the people of years past.
And there needs to be a way to enforce
this, and that's the only way it can be done.
That's why I requested this.

MS. CRAIG: Joe.

MR. HELLMER: What would you say -- let's
say this regulation is implemented. How would
the commercial operators view it, in your view,
the watermen that have to transit this area
here? How would you --

MR. TAWES: They're --
MR. HELLMER: Sorry we didn't hear
directly from any of them today. But since
based on your background, you're probably well
qualified to speak to it.

MR. TAWES: Yeah. I've done a little bit
of commercial fishing. But I would say their
normal mindset is they don't like any
regulation of any kind, period. Be it catch,
speed, you name it. They're adverse to any
type of regulations, generally speaking.

But they're not inconsiderate normally.
Like I say, the majority of the workboats that
come by our area, come by at a reasonable
speed. Some of them may speed up too soon.
Some of them may slow down too late. They may
go through one day at a reasonable speed, and
the next day at a fast speed.

But until DNR has something concrete that
they can use as a tool to regulate this,
nothing is going to change.

MS. CRAIG: Thank you, sir.
MR. HELLNER: Thank you, sir.

MS. CRAIG: Coles, did you have a question?

MR. MARSH: I think. Yeah. I still had that -- so we're saying 20 percent out of 100 roughly are workboats, 25 percent.

MR. TAWES: That varies from day to day.

MR. MARSH: I'm trying to get a sense of, then, how many are like the 16, 18-footers that are going out fishing or running out or pulling the tube or whatever? Another 25 percent roughly, 30 percent?

I mean small boats. 16-footer, 18-footer. Boston Whaler. I mean if he's going through there at 15 knots, it's more of a safety than it is pushing a wake.

MR. TAWES: That's correct, sir. They're two different things, but they're all controlled by the speed.

I would say during the warmer weather, fishing season, the majority of the boats are
pleasure boats.

MR. MARSH: Sixteen to 18-footers going fishing or tubing?

MR. TAWES: Yes. I'd say from 16 to 25 feet.

MR. MARSH: How many of the 30 or 40-footer cabin cruiser, (inaudible), that's coming through there? Is there a lot of those? Because I haven't seen a lot of those going up in there. There's nothing to do.

MR. TAWES: No. There aren't as many of those. There are a few up at the townhouses, at the entrance to the boat harbor, and there are one or two larger pleasure boats in the little boat harbor. And some of those are bad violaters, any type of respect.

MS. CRAIG: Okay. Thank you.

MR. MARSH: Thank you, Mr. Tawes.

MS. CRAIG: Do we have anybody else that wishes to speak against the request? Okay.

Thank you.
I did see an NRP officer, two of them, back here. Would you like to give your report?

OFFICER BRIMER: We can.

MS. CRAIG: Thank you.

OFFICER BRIMER: I am Troy Brimer. That's T-R-O-Y B-R-I-M-E-R. I'm the sergeant supervisor of Somerset County.

In my opinion, I personally do not see a need for this here.

Some of the things that I've heard people comment on are no lights at night. Speed zone is not going to address that. There's already regulations for that. I'm going to set this down.

I've been assigned to the area for ten years. Corporal Howard has been on longer than I have in the area. Neither one of us can account for any accidents reported in that area. If there was a problem with accidents, I could say yes, we need to do something.

I haven't received any reports of damage.
I don't know if people are just getting it fixed on their own and not letting us, making us aware that damage is being done to these boats.

Everything I heard is almost damage or rocking. And to me, I mean I understand your situation, but that was one situation. And I don't necessarily think a six-knot speed zone is going to permanently eliminate --

MS. CRAIG: Could you please address the Committee?

OFFICER BRIMER: The one situation that Mr. Tawes stated about the boat cutting him close, I'm not necessarily think -- a six-knot zone should address that.

But I mean, you go down to Ocean City any weekend of the summer, you're going to see some of that in a six-knot speed zone, too.

And to create a six-knot speed zone based on one or two situations, I mean I'm just -- and if we're going to do it to protect their
property, then we're going to need to create a lot more six-knot speed zones throughout the state, in my opinion.

I understand that it's got to be frustrating to have the property there and that you are experiencing you say the heavy wake in the area. But it sounds like to me there could be improvements in the structure that they have there before creating a six-knot speed zone.

I don't know if you have any questions.

MS. CRAIG: Coles.

MR. MARSH: How often in the summer months when it's busy, do you have -- when your officers, people in the area, most all the time that would --

OFFICER BRIMER: I have five officers for the whole county. Any given day I may have -- there's days like, some days I have one officer on a day shift giving other officers days off, training.

We have the whole county, not just
Crisfield. We got Tangiers Sound, we got James Island Park, we got lands, docking. We get there the best we can, but it's a small chunk of what we're responsible for.

MR. MARSH: But you're here fairly often?

OFFICER BRIMER: Me, myself, unfortunately not --

MR. MARSH: I mean one of your officers is here fairly often?

OFFICER BRIMER: Yeah. We get on the boat as much as we can.

Now, in that general area, we transit through there. But I mean we don't designate patrol just focusing on that area.

MS. CRAIG: Any other questions from the Committee?

MR. PARLIN: Yeah. When we were here a few weeks ago, they were doing enforcement, checking crab size, catches, whatnot on one of the docks there.

Have you folks heard any complaints on the
commercial side, on that commercial part of the zone that's -- talking about for wakes or anything like that?

OFFICER BRIMER: I haven't, no, received any.

MS. CRAIG: Questions?

Have there been any reports of injuries?

OFFICER BRIMER: No. The one comment said that we won't do anything about it, but I would like to address that.

Under our current policy, we cannot just stop a boat for any reason and tell them hey, be considerate. Our policy states right now currently that a vessel has to be either in violation of a law, which there currently is no law there against that, engaged in commercial or recreational activity in order for us to make a stop on a vessel.

MR. PARLIN: When you say activity, you mean like fishing, crabbing?

OFFICER BRIMER: Fishing, crabbing, yes.
Anything that would require a license.

I just wanted to address that because it almost said that the comment was said that we're not doing --

MR. PARLIN: Basically you're saying you need probable cause?

OFFICER BRIMER: Yes. As our policy currently states.

Unless, we do have certain guidelines that we just started where we can -- we did do one one weekend this summer in this area where we set up a checkpoint and stopped every boat that come through.

But other than that, yes, we need probable cause to stop a vessel.

MS. CRAIG: Joe.

MR. HELLNER: We heard several testifiers tell us that boats were not respecting the 100-foot standoff. (Inaudible.)

OFFICER BRIMER: That only applies to personal watercraft.
MR. HELLMER: Sorry. I stand corrected.

Never mind.

OFFICER BRIMER: I mean as far as if there's a safety concern, a vessel is coming out of the marina, I think a navigational (inaudible) signal could alert any boats that they're coming out of that area, as opposed to people fishing on the dock and having to reel in their fishing lines.

You go to Matapeake any day of the week. I mean I don't think the boaters should have to be made to slow down because someone is fishing in the same area.

MS. CRAIG: Any other questions?

In your experience in the area, we know that it's limited and you're not there every day, but could you answer possibly the makeup of the vessels going around; pleasure boat versus commercial, that sort of thing?

OFFICER BRIMER: It depends on the time of the year and the day of the week.
This time of year, obviously the recreational activity is dwindling down, with exception to your rock fishing and now you got some waterfowl hunters that may go by there. But as you get into the winter, it's going to be mostly commercial oysterman transiting that area.

And in the summertime, it is majority recreational and majority of it is on the weekend for the most part.


Well, this is typically where we break for lunch.

Is there another NRP officer here? Yeah. Sorry. Do you have any other testimony to address the Committee?

NRP OFFICER: No, ma'am.

MS. CRAIG: This is where we typically break for lunch. We thank you for -- I'm sorry, sir.
MR. WETCHER: I don't know if I'm allowed
to have a question for you guys to possibly ask
those guys, since I'm not allowed to talk to
those guys.

MS. CRAIG: You can't ask us questions.
You can't feed us questions.

MR. WETCHER: Actually Joe brought it up,
because I was concerned and maybe I got almost
the answer, but I wasn't really following it.

What is the --

MS. CRAIG: Can you state your name again?

MR. WETCHER: Brian Wetcher with an I and
W-E-T-C-H-E-R.

You brought up the question of distance,
and he answered it that only -- that it's
100-foot, is only personal watercraft.

Is that correct? So there is no distance
being from any kind of a dock that any type of
a --

MS. CRAIG: Can the NRP officer address
this?
MR. PARLIN: I can answer it as a basic boat instructor. No, there is no distance.

MR. WETCHER: Really?

MR. PARLIN: Correct. Personal watercraft only.

MR. WETCHER: Personal watercraft, that's it.

MR. PARLIN: They have set distances from fixed objects; piers, other boats in the water, things like that.

MR. WETCHER: So you can be two feet off someone's dock and just go as fast as you want?

SPEAKER: That's where common sense comes in.

MS. CRAIG: And safety.

MR. WETCHER: I understand.

MR. JONES: Just a minute.

MS. CRAIG: Excuse me. Officer. Ask Chris or the officer? Can the officer please stand for another question from the Committee? Thank you. I'm
1 sorry.

2 Go ahead, Joe.

3 MR. HELLNER: The question was raised by

4 Mr. Wetcher.

5 MR. WETCHER: Wetcher.

6 MR. HELLNER: Wetcher.

7 MR. WETCHER: It's just like Fletcher with

8 a W.

9 MR. HELLNER: He cited what I would

10 characterize as reckless operation of a vessel.

11 Do you have -- how would you address what

12 Mr. Wetcher raised as far as we've heard

13 several testifiers running close to the pier,

14 close to other boats, etc.

15 How would you address that as --

16 OFFICER BRIMER: That could be addressed

17 as either reckless or negligent operation

18 based -- of course, we would have to observe

19 that.

20 And that's another thing about this. If

21 this did become a six-knot speed zone, sounds
like the majority -- if we're not there, we're
not going to be able to address the violations
of the six-knot speed zone. And any damage
that would occur from the wakes, would be
handled civilly out of our hands if we're not
there to see it.

MR. HELLNER: Would you say that that same
answer would apply if, for example, my boat was
tide to a slip at the marina and somebody ran
three feet away from me at high speed, an
officer would have to be present before any
action?

OFFICER BRIMER: Yes.

MR. HELLNER: Could be taken to address
that?

OFFICER BRIMER: Yes.

MR. HELLNER: Thank you. Just wanted to
understand that.

MS. CRAIG: Any other questions from the
Committee? Okay. Thank you.

I'd like to thank everybody who came and
took time out of their day to provide

testimony.

As I said, we do not have a quorum today.
So we will not be going into deliberations and
making any recommendations at this meeting.
You can check back with the DNR liaison about
when we will hopefully have the transcript to
spread to the rest of our members to make a
decision.

So we are going to move onto our other
business, but if you would like to leave at
this time, you're more than welcome.

We'll have five-minute bathroom break.

How about that?

(Public Testimony Ended: 11:17 a.m.)
STATE OF MARYLAND

I, Diane Houlihan, a Notary Public in and for the State of Maryland, County of Anne Arundel, do hereby certify that the within named, Maryland Boat Act Advisory Committee Meeting, personally appeared before me at the time and place herein set according to law, was interrogated by counsel.

I further certify that the examination was recorded stenographically by me and then transcribed from my stenographic notes to the within printed matter by means of computer-assisted transcription in a true and accurate manner.

I further certify that the stipulations contained herein were entered into by counsel in my presence.

I further certify that I am not of counsel to any of the parties, not an employee of counsel, nor related to any of the parties, nor in any way interested in the outcome of this action.

AS WITNESS my hand Notarial Seal this 22nd day of October, 2019, at Crisfield, MD.

Diane Houlihan
Notary Public

My commission expires September 16, 2021