



Deposition of:
Meeting

October 28, 2019

In the Matter of:
Boat Act Meeting

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MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Monday, October 28, 2019 commencing at 10:00 a.m. at the Talbot County Library, 100 West Dover Street, Easton, Maryland, Amy Craig, committee chairperson, presiding.

COMMITTEE MEMBERS:

Ramona Trovato	Joe Hellner
Fred Levitan	Steve Kling
Amy Craig	Thornell Jones
John Sheller	Chris Parlin
Coles Marsh	John Pepe
Russ Dwyer	Bob Lunsford

Mike Simonsen, DNR Boating Stakeholder Coordinator
Jeannine Moaney, DNR Division of Boating Services
Anne Williams, DNR Division of Boating Services
Louis Wright, DNR Hydrographic Operations

Reported by: Barbara J. Prindle

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

2 * * *

3 AMY CRAIG: I would like to call the
4 meeting to order. Good morning. My name is
5 Amy Craig, and I am the chairperson of the
6 Maryland Boat Act Advisory Committee. Welcome
7 to today's public meeting where we will hear
8 testimony on regulatory requests for the
9 following area: Tred Avon River at Dixon
10 Creek.

11 This meeting will be recorded by a court
12 stenographer and available for review on the
13 DNR website within three to four weeks. Please
14 turn off all cellphones or communication
15 devices or set them to vibrate.

16 I would like to ask that the members of
17 the Boat Act Advisory Committee and Department
18 of Natural Resources staff take a brief moment
19 to introduce themselves.

20 STEVE KLING: Good morning. I'm
21 Steve Kling. I'm a sail boater. I live in the

1 Annapolis area. My wife and I are riparian
2 property owners

3 FRED LEVITAN: Fred Levitan, live in
4 Baltimore, Been sailing and boating for 50
5 years. That makes me kind of old but I'm still
6 here.

7 MR. HELLNER: Hi. I'm Joe Hellner from
8 Anne Arundel County and former naval officer
9 trained in safe health cooperation navigation,
10 lifetime boater and operator in all types of
11 vessels and all types of sizes, sail and power,
12 including 30 years here on the Chesapeake and
13 Maryland waters.

14 I'm also a past president of several local
15 boating and yachting associations.

16 RAMONA TROVATO: Good morning. My name is
17 Ramona Trovato. I'm a waterfront property
18 owner in Anne Arundel County. I waterski,
19 kayak, paddle board, canoe, swim, crab. You
20 name it we do it. We love the water.

21 THORNELL JONES: Good morning. I'm

1 Thornell Jones from Annapolis, Maryland. I'm a
2 30-year member of the Coast Guard Auxiliary. I
3 sail, power, and I teach advanced coastal
4 navigation.

5 JOHN SHELLER: Good morning. My name is
6 John Sheller. I'm a retired Naval officer.
7 I've owned marinas in Charles County, Saltzman,
8 Maryland, and Anne Arundel County. I'm
9 currently a waterfront riparian landowner in
10 Deal, Maryland.

11 CHRIS PARLIN: Good morning.
12 Chris Parlin. I grew up on the Severn River
13 outside of Annapolis and now reside in
14 Centreville on the Eastern Shore. I worked for
15 the fire department. I was a fire boat captain
16 and now retired.

17 I'm now a 100-ton licensed master. I'm a
18 yacht captain and actually a couple of my
19 clients are on the Tred Avon River so I know
20 the river well.

21 COLES MARSH: Good morning. Cole's Marsh.

1 I have a place in the Annapolis area. I'm a
2 power boater, sailor, and grew up -- all my
3 relatives were Smith Islanders

4 JOHN PEPE: Good morning. John Pepe. I
5 reside in Oxford, Maryland. I'm a marine
6 surveyor by trade. I maintain a 200-ton
7 master's license.

8 RUSS DWYER: I'm Russ Dwyer. I live in
9 Talbot County. I lived in St. Michael's. I
10 own a waterfront farm and I'm here for the
11 meeting.

12 BOB LUNSFORD: I'm Bob Lunsford. I live
13 in Anne Arundel County, and I keep two boats on
14 trailers, and if it's got a boat ramp I've been
15 there.

16 MIKE SIMONSEN: My name is Mike Simonsen.
17 I'm serviced as liaison for the Boat Act
18 Advisory Committee and also work in concert
19 with Jeannine Moaney in Boating Services for
20 the Department of Natural Resources at the DNR
21 headquarters.

1 JERRY ELMORE: I'm Officer Jerry Elmore
2 from Maryland Natural Resources Police. I'm
3 currently assigned to this area,
4 Talbot/Caroline County, so I'm pretty familiar
5 with the waterway.

6 ANNE WILLIAMS: Anne Williams, Maryland
7 Department of Natural Resources Division of
8 Boating Services.

9 LOUIS WRIGHT: Louis Wright, Department of
10 Natural Resources, hydrographic operations.

11 AMY CRAIG: I'd like to take a moment to
12 explain who we are and what we do. The members
13 of the Boat Act Advisory Committee are a
14 diverse group of boating enthusiasts which
15 represent every region of the state who are
16 collectively familiar with all the various uses
17 of the state's waters.

18 The charge of the committee is to
19 represent all citizens' uses of the waters of
20 the state of Maryland; the sail boater,
21 swimmer, waterskier and kayaker, paddle

1 boarder, wind surfer, personal watercraft users
2 among others.

3 The waters of the state belong to all
4 citizens. We take our duties seriously and
5 with the greatest respect for the Chesapeake
6 Bay and all the waters of the state as well as
7 you the citizens who come before us.

8 During deliberations we strive to
9 accommodate the concerns and needs of all
10 citizens who use the state's waters. As you
11 might expect we often do not succeed in
12 accommodating everyone. At times people are
13 displeased with our recommendations.

14 If it is so that you are one of these
15 people please understand that we have the
16 utmost respect for your views and concerns.
17 However our charge is to serve the needs and
18 safety of all citizens of the state and all of
19 those who use the state's waters.

20 After the DNR liaison presents the
21 regulation request we will call for testimony

1 in favor of the regulation requested. Then we
2 will call for those opposing the regulation
3 request. You will have approximately five
4 minutes to make your presentation.

5 If speaking for an entire group such as a
6 community or an organization you should
7 identify what group you represent and you will
8 be permitted ten minutes of testimony. Those
9 testifying will be allowed to testify only one
10 time at the meeting.

11 When it is your turn to testify and you
12 happen to share the views of anyone who has
13 testified before you please briefly state so
14 and take your seat. This will avoid
15 redundancy. For the record testimony will be
16 recorded.

17 Handouts and electronic media should have
18 been presented to the DNR liaison already. If
19 not please do so now.

20 When presenting testimony please speak
21 into the microphone, state your name clearly,

1 and spell it for the court stenographer. When
2 you are testifying address the committee and
3 chair only.

4 There should be no exchanges between the
5 person testifying and members of the audience.
6 No one in the audience should address the
7 committee unless recognized by the chair. We
8 will do our very best to give everyone an
9 opportunity to speak.

10 Will our DNR voting liaison please present
11 the first regulation?

12 MIKE SIMONSEN: Thank you, Madam Chair.
13 Good morning. Today's proposed regulation
14 request is for -- on the Tred Avon River -
15 Dixon Creek Eastern Branch requesting six knots
16 at all times.

17 The area is in green with the yellow
18 perimeter. That is the area of concern. We
19 have 26 signatures requesting six knots at all
20 times in this area.

21 At the bottom of it, the line going across

1 six knots, there was a survey buoy posted which
2 is a requirement to let everyone know that upon
3 the waters and usage that this area was being
4 surveyed.

5 They also have gone on the water from the
6 water perspective and gone all the way up to
7 the head of the creek in this area to see and
8 get a very good understanding of the area being
9 requested for a regulation change.

10 This is the numerical numbers of the folks
11 that all submitted a petition together
12 requesting six knots at all times. These were
13 the distances between the piers at the
14 beginning down at the bottom of 288 feet.
15 Across the line down at the bottom is where the
16 start is going way up to the head of the creek.

17 Again this doesn't mean that there's
18 shoaling on the sides of the waterways but in
19 the dead center it is navigable a good portion
20 all the way up to the head of the creek.

21 Again this is the area in perspective and

1 that's it. I'll go back to this screen here.

2 AMY CRAIG: Thank you, Mike. Is the
3 petitioner here to speak?

4 JOE HELLNER: Question to the DNR. What's
5 the distance from the line -- six-knot line to
6 the end of the creek? Did DNR ever get a
7 reading on that, how far?

8 MIKE SIMONSEN: No but I can get that
9 information back to you during deliberations.
10 I have a navigation program so I can go ahead
11 give you the entire distance of the -- Dixon
12 Creek is what you're asking?

13 JOE HELLNER: Yes.

14 MIKE SIMONSEN: I do not have that.

15 CHRIS PARLIN: About 1,000 yards.

16 JOE HELLNER: Thank you.

17 AMY CRAIG: Is the petitioner here to
18 speak?

19 JOHN SMITH: Madam Chair, the petitioner
20 is out of town but asked me to speak in his
21 stead.

1 AMY CRAIG: Okay, and your name, sir?

2 JOHN SMITH: John Thomas Smith, J.T.

3 Smith.

4 AMY CRAIG: Okay. State your name.

5 JOHN SMITH: Yes. My name is John Thomas
6 Smith known by my friends and neighbors as
7 J.T. Smith. I live at 7872 Ratcliff Manor
8 Road. It's the property identified as Number 7
9 on the materials prepared and submitted by
10 Mr. Eccleston and I'm here on behalf of all of
11 the Ratcliff Manor -- the eastern side --
12 signatories of the petition.

13 Since members of this committee have
14 expressed their long involvement with the
15 waters of the Chesapeake Bay and its estuaries
16 I should say I have lived part time or full
17 time on Ratcliff Manor since 1945 and first
18 navigated Dixon Creek in a rowboat in about
19 1953 at the age of ten.

20 I have lived on the lot designated Number
21 7 with about 600 feet of shoreline part time or

1 full time for 42 years. So I have a long and
2 continued interest in this particular waterway.
3 I should emphasize what Mr. Eccleston says in
4 his petition and that is in recent years the
5 number of boats and jet skis proceeding at
6 relatively high speed and creating wakes and
7 risks to kayaks and paddle boarders and canoers
8 has increased dramatically.

9 Not only does the high speed navigation of
10 this fork of Dixon Creek present risks. It
11 also, I can testify, has significant erosive
12 force. In fact, I have recently initiated the
13 permitting process to shore up a 100-year-old
14 oak tree on my shoreline that is being -- it's
15 got about a year or two left before its root
16 system is eroded and that, while it's not of
17 interest to this committee, is of interest to
18 me because I've been staring at this oak for
19 the past 42 years and I'm very fond of it and
20 to shore it up is going to cost me a minimum of
21 \$12,000.

1 I should say that the notice buoy that was
2 installed this past spring had a very salutary
3 effect and the number of craft proceeding at
4 speed within my powers of observation declined
5 significantly.

6 So it suggests to me that the neighbors
7 and residents on both sides of the creek are
8 for the most part ready to undertake a new
9 regulatory regime should this committee under
10 DNR decide favorably on the petition.

11 In fact, a camera placed by Mr. Eccleston
12 at the end of his dock -- a hunter's camera --
13 recorded about 15 percent of the boat traffic
14 proceeding at speed and the others at a more
15 deliberate pace.

16 Therefore for these reasons, both safety
17 and avoidance of erosion, I and my neighbors
18 urge this committee to recommend to the
19 secretary of DNR proposal and adoption of the
20 regulation at issue today that would have a
21 full time six-knot speed limit from the

1 location of the current notice buoy to the top
2 of the creek.

3 I would also note that every riparian
4 landowner on the creek except for two to my
5 knowledge have joined in signing this petition,
6 and the two who haven't joined are at the
7 uppermost reach of the east branch of Dixon
8 Creek and they in terms of both safety and
9 erosion factors have the least at stake since
10 they're at the shallow end where the creek
11 terminates, and they do not have boats
12 proceeding at speed adjacent to their riparian
13 holdings.

14 I'm happy to answer any questions but this
15 ends my remarks.

16 AMY CRAIG: Thank you, sir. Any
17 questions from the committee? Mr. Sheller.

18 JOHN SHELLER: Yes. Thank you. The
19 traffic on this creek is local within the
20 creek, people that own property on the creek,
21 or are these boats that are entering and

1 leaving the creek that come from somewhere
2 else?

3 JOHN SMITH: I can say that some of it is
4 local because I can identify some of my
5 neighbors' vessels. Some of it is probably
6 people just exploring, as we all do, the creeks
7 of the Tred Avon.

8 Some of it in the past has been related to
9 a short-term vacation rental across the creek
10 from me but since the posting of the notice
11 buoy the vacation rental, short-termers, have
12 been respecting of the speed limit.

13 In the past there was a lot of traffic
14 related to people down just for the weekend on
15 a short-term rental. That problem seems to
16 have abated. I have some -- I believe but
17 can't testify with factual certainty that some
18 of the traffic that passes my dock at speed
19 relates to one or both of the two
20 non-signatories who are up at the top of the
21 creek.

1 JOHN SHELLER: Sir, you said you were
2 property Number 17?

3 JOHN SMITH: Number 7.

4 JOHN SHELLER: Yes, sir. Just one more
5 question. The type of activity that's
6 currently operating on the creek is boating
7 activity?

8 JOHN SMITH: Currently as of the end of
9 October or just as a matter of course during
10 the boating season?

11 JOHN SHELLER: Yes, sir, during the
12 boating season.

13 JOHN SMITH: Well there are jet skis.
14 There are center console runabouts, outboard.
15 There are paddle boards including my own.
16 There are kayaks, but we're not worried about
17 speeding kayaks and paddle boards.

18 JOHN SHELLER: Yes, sir. Of the powered
19 vessels, the type of activity they're engaged
20 in, are they just transiting or are they skiing
21 with skiers behind them?

1 JOHN SMITH: Blessedly there really isn't
2 room for a ski boat to make a turn after where
3 the asterisks appear on that map and where the
4 notice buoy is.

5 I don't think I've ever seen anybody on
6 skis in the area of concern, but there are
7 boats coming from their dock out to the main
8 stem of the Dixon Creek at Tred Avon or
9 returning, and there are jet skis probably not
10 local to Dixon Creek but out exploring that
11 sometimes come in at speed from the larger
12 water.

13 JOHN SHELLER: Yes, sir. Thank you.

14 AMY CRAIG: Any other questions?

15 Mr. Pepe.

16 JOHN PEPE: I'm just wondering if you
17 could address something that I've been thinking
18 about since I've visited this area. I live
19 just down the river from you. The other
20 branch, the western branch of Dixon Creek, have
21 you talked to people on that branch of the

1 creek?

2 Is there any problems over on that
3 side? My reason for asking is I was wondering
4 why you wouldn't have addressed the entire
5 Dixon Creek.

6 JOHN SMITH: Mr. Pepe, I don't think
7 Mr. Eccleston who initiated this petition and
8 certainly I have not talked to them and whether
9 they have a similar concern I cannot say.
10 Having long navigated personally both the west
11 and east branches of Dixon Creek while it
12 doesn't really show on the map the west branch
13 is a little bit wider for the most part and
14 also a bit longer.

15 But I wouldn't be surprised frankly if we
16 succeed in this petition and the DNR adopts the
17 regulation we propose it may be that the west
18 branch riparian owners find it a good idea, but
19 I've not heard anything from them.

20 JOHN PEPE: That was my reason for asking
21 because I'm sure this is just going to be an

1 issue a year from now in terms if they can't go
2 up in that creek they're going to go up in the
3 next one. That was my reason for asking.

4 Just one more question. You live in the
5 area. Could you tell me -- are you familiar
6 with Fort Stokes Lane?

7 JOHN SMITH: I'm sorry?

8 JOHN PEPE: Are you familiar with the road
9 Fort Stokes Lane?

10 JOHN SMITH: Yes. That's -- Ratcliff
11 Manor Road comes from the top right of the
12 map down to the numbered lots. Fort Stokes
13 Lane is the left turn that goes into Lots 16,
14 15, 14, 13, and 12.

15 JOHN PEPE: Are those lots anywhere near
16 Dixon Creek?

17 JOHN SMITH: No but the owners are part of
18 a homeowners association that embraces the lots
19 that are on the Dixon Creek side.

20 JOHN PEPE: Okay. Thank you, very much.

21 AMY CRAIG: Any other questions?

1 JOE HELLNER: Mr. Smith, have you or can
2 you report on any incidents over the years
3 having to do with vessels operating at high
4 speeds on the creek?

5 JOHN SMITH: When you say, Mr. Hellner,
6 incidents of danger or collision or simply
7 incidents of people creating an erosive wake?

8 JOE HELLNER: The former. Not the wake
9 but actual vessel incidents although I'm
10 interested in anything that you've directly
11 observed or can otherwise testify to with
12 regard to the petition.

13 JOHN SMITH: I do not have knowledge of
14 any incident where there's been damage to other
15 boats or upsetting of kayaks or that kind of
16 thing. That's a prospect that we seek to
17 avoid, but I have both in the past summer and
18 in past years seen boats, some of them of some
19 size, going past my dock at excess of 20 knots
20 into a branch of the river -- of the creek
21 that's, as we've heard, less than 100 yards

1 wide.

2 JOE HELLNER: Thank you.

3 AMY CRAIG: Any other questions from the
4 committee? Thank you, sir.

5 JOHN SMITH: Thank you, Madam Chair.

6 AMY CRAIG: Do we have Charlie Bohn?

7 CHARLIE BOHN: I hadn't planned on it.

8 AMY CRAIG: You agree?

9 CHARLIE BOHN: I agree.

10 AMY CRAIG: Mr. Moran, would you like to
11 speak?

12 JEFF MORAN: I believe I am Number 23 on
13 the map. I've lived --

14 AMY CRAIG: Excuse me, sir. Could you
15 please state your name?

16 JEFF MORAN: Jeff Moran, 8113 Leehaven
17 Road, Easton. I believe I'm Number 23 on the
18 map -- I'm 22. I've lived there for about four
19 years and I'm very dismayed at some of the
20 traffic that I've seen coming into the creek
21 and out of the creek at very high speeds.

1 I'm a power boater as well as a kayaker
2 and I am very much for the permanent buoy being
3 placed -- marker. Thank you, very much.

4 AMY CRAIG: Any questions from the
5 committee?

6 RAMONA TROVATO: Mr. Moran, how fast --
7 can you estimate how fast these boats were
8 going?

9 JEFF MORAN: I would concur with the speed
10 that Mr. Smith indicated.

11 RAMONA TROVATO: About 20 knots?

12 JEFF MORAN: Yeah.

13 RAMONA TROVATO: Thank you.

14 AMY CRAIG: Any other questions from the
15 committee?

16 CHRIS PARLIN: Looking at the chart here
17 and the overhead it looks like you're at the
18 narrowest point.

19 JEFF MORAN: Yes.

20 CHRIS PARLIN: Have you seen jet skis
21 going through there at speed?

1 JEFF MORAN: Yes, I have.

2 CHRIS PARLIN: Basically what I'm getting
3 at is that that's 193 feet wide so technically
4 jet skis are breaking the law at that point.

5 AMY CRAIG: Anything else?

6 JOHN SHELLER: If we were to decide that
7 we were not able to implement a speed zone at
8 this time are there any alternative actions
9 that could be taken to make operation of
10 vessels on this limited creek more acceptable,
11 more safe, and more congenial to everyone?

12 MR. MORAN: I would defer to Natural
13 Resources Police to see if they could police
14 the area and see if there were unsafe boating
15 operations.

16 AMY CRAIG: Any other questions from the
17 committee?

18 JOE HELLNER: Mr. Moran, as a property
19 owner about half way up the creek -- and as
20 a -- you've testified that you're a boat
21 operator. Do you -- what if this six-knot

1 limitation was implemented? Would that affect
2 your enjoyment of the water or your ability to
3 get to your property? What's your feeling
4 about that?

5 JEFF MORAN: It would make it much more
6 enjoyable.

7 JOE HELLNER: So the fact that you will
8 have to go slow to the end of the creek does
9 not for you make a difference?

10 JEFF MORAN: No. I think most of the
11 people on the creek do that, abide by going
12 slow as good neighbors.

13 JOE HELLNER: Thank you, sir.

14 AMY CRAIG: Any other questions from the
15 committee? Any other questions? Thank you.
16 We have Mr. Branes. Would you like to speak?

17 WILLIAM BRANES: Yes.

18 AMY CRAIG: Can you state your name,
19 please?

20 WILLIAM BRANES: Good morning. My name is
21 William Branes. I live at 8075 Leehaven Road.

1 I am a boat owner and live next door to
2 Jeff Moran. The only thing I wanted to add is
3 I fully agree with Mr. Smith's testimony.

4 I simply want to add that I've been living
5 at my house there, Number 23, for 22 years now
6 and I used to have a brick structure along my
7 shoreline that maintained my shoreline. In the
8 past five or six years that entire structure
9 has broken down mostly I think because of wake.

10 That structure now is something that I may
11 have to figure out what to do with. I just
12 wanted to emphasize the impact of boats that
13 come through there which I have witnessed over
14 22 years many times, some of them rather large,
15 over, say, 30 feet at one point.

16 I would like to see this implemented
17 simply because this erosion is getting worse
18 and I now have to deal with it. Thank you.

19 AMY CRAIG: Any questions from the
20 committee? Thank you, sir. Michael --
21 something with a C.

1 MICHAEL CONE: I agree.

2 AMY CRAIG: Thank you. Mr. Slocum, would
3 you like to speak?

4 DOUGLAS SLOCOM: Yes.

5 AMY CRAIG: Please state your name for the
6 reporter.

7 DOUGLAS SLOCOM: I'm Douglas Slocum. I
8 live at 27900 Dixon Creek Lane. My lot is
9 Number 3 on the map. I agree with everything
10 that has been said by all of the people that
11 have spoken thus far.

12 I'd also like to add that additional
13 watercraft that go down the creek are
14 fishermen. So we do have commercial fishermen
15 that come down the creek as well. I would add
16 that they always seem to be going very slowly
17 because I think they realize how narrow that
18 creek is.

19 In reference to erosion it's such a narrow
20 creek for the most part that we get very little
21 wave action because of wind. I mean, we can go

1 out in our boats or kayaks -- I'm a kayaker,
2 I'm not a boater -- all the way out past and
3 into the larger body of Dixon Creek and it's
4 virtually almost always really calm.

5 Even with strong winds we don't have a lot
6 of wave action. So all of the erosion we're
7 basically seeing, in my opinion, seems to be
8 from the boat traffic. So that six-knot limit
9 would really help in that case.

10 The other thing I would mention as far as
11 the safety goes is that because of our creek
12 being so narrow, particularly up at that point
13 of 193 feet -- and I'm right on the other side
14 of that.

15 As you come out when something's coming
16 fast and it has to round that point we're right
17 there in a kayak. So that's a safety issue
18 that we are always aware of. Those are my
19 comments.

20 AMY CRAIG: Thank you, sir. Any questions
21 from the committee?

1 RAMONA TROVATO: Has anything changed
2 recently that has precipitated the application
3 for this regulation, or has this been going on
4 for decades?

5 DOUGLAS SLOCOM: We bought approximately
6 almost six years ago and we have spent about
7 half our time coming from the Washington area
8 back and forth and just recently this year we
9 moved here full time. So I can't really
10 can't respond -- you know, specifically.

11 We haven't been here long enough but --
12 you know, it's something being so narrow that
13 you instantly recognize as a problem, and when
14 you see boats coming in and out quickly
15 everything is just rocking and rolling when
16 almost always it's never like that.

17 RAMONA TROVATO: Thank you.

18 AMY CRAIG: Any other questions from the
19 committee?

20 JOE HELLNER: Mr. Slocom, you've already
21 testified you've seen kayaks and other small

1 vessels. Could you elaborate on that a little
2 bit more? I'm trying to get a feel for what
3 the typical use of the creek is during the
4 weekends or week.

5 What type of vessels do you typically see
6 off your property?

7 DOUGLAS SLOCOM: Well they're almost --
8 they're mostly motor boats of different sizes,
9 neighbors of course like was said, and then
10 people exploring for the most part come into
11 the creek just because that's what you do and
12 then the fishermen as well at different times a
13 year.

14 JOE HELLNER: Thank you, sir

15 RAMONA TROVATO: I have another question.

16 AMY CRAIG: Sure.

17 RAMONA TROVATO: So the request is for six
18 knots. Would any other speed meet the
19 needs or only six knots?

20 DOUGLAS SLOCOM: I'm not an expert on the
21 knots so I don't know. I've heard from one of

1 our homeowners on Stokes that is a big boater
2 that depending on the size of the boat six
3 knots is not slow enough.

4 RAMONA TROVATO: Okay.

5 DOUGLAS SLOCOM: Bigger wake. You can
6 make a big wake at six knots in his boat but
7 slower would be better. I leave it up to
8 whoever decided on the six knots that that
9 would be sufficient. If you guys think it
10 would be better to be less --

11 RAMONA TROVATO: Or more? Any
12 consideration about more?

13 DOUGLAS SLOCOM: I don't know.

14 RAMONA TROVATO: Okay. Thank you so much.

15 AMY CRAIG: Other questions?

16 COLES MARSH: When you said the watermen
17 come up is it commercial --

18 DOUGLAS SLOCOM: Yes.

19 COLES MARSH: -- watermen that come up
20 there to do trout lining or what are they doing
21 there? It's the head of a creek. What do you

1 see them doing?

2 DOUGLAS SLOCOM: I've seen them put
3 nets out to catch bait fish I'm guessing. I
4 don't know and then just some others that come
5 in.

6 COLES MARSH: Are they generally pretty
7 respectful of --

8 DOUGLAS SLOCOM: The fishermen seem to be.

9 COLES MARSH: So you have no problem with
10 them at all?

11 DOUGLAS SLOCOM: No, I don't have a
12 problem. It's just additional traffic that
13 I've noticed in the creek.

14 AMY CRAIG: Any other questions from the
15 committee?

16 RUSS DWYER: These problems with these
17 speeding boats, how many times a week is it?
18 Is it 3, 4 or 30 or 40 on the weekend?

19 DOUGLAS SLOCOM: It's not necessarily
20 every week. Let me put it this way. It's
21 occasionally. Numbers, I really can't comment.

1 I haven't been there long enough to tell you
2 the truth.

3 RUSS DWYER: So we're just -- we're only
4 talking a couple of times?

5 DOUGLAS SLOCOM: A couple times what?

6 RUSS DWYER: A weekend at the most when
7 you're there?

8 DOUGLAS SLOCOM: I'd say yes.

9 RUSS DWYER: Thank you.

10 AMY CRAIG: Any other questions from the
11 committee? Thank you, sir. Is there anyone
12 else in support of the regulation that would
13 like to speak that we missed? Yes, sir.

14 MICHAEL CONE: Can I add --

15 AMY CRAIG: State your name, please.

16 MICHAEL CONE: Dr. Michael Cone, C-o-n-e.
17 I'd just like to add that this year we've had a
18 decrease in number of incidents where there was
19 speeding and -- you know, putting two and two
20 together it's the buoy that's out there now.

21 In years past it's not very common but

1 I'll be out there in my backyard and I'll see
2 them -- you know, zipping down and I'll try to
3 catch them but by the time I get down there
4 they're gone.

5 CHRIS PARLIN: Which lot is yours?

6 MICHAEL CONE: Number 2.

7 CHRIS PARLIN: So you're all the way up
8 towards the headwaters?

9 MICHAEL CONE: Yeah. So I'm probably not
10 seeing as much traffic as the people...

11 CHRIS PARLIN: That's what I was getting
12 at. I wanted to ask the questions from
13 somebody from down on the lower part of the
14 creek.

15 MICHAEL CONE: That's all I wanted to add.

16 AMY CRAIG: Ramona?

17 RAMONA TROVATO: Yes. Do the incidents of
18 fast-going boats occur primarily on weekends or
19 weekdays?

20 MICHAEL CONE: I would say so.

21 RAMONA TROVATO: On weekends?

1 MICHAEL CONE: On the weekends.

2 RAMONA TROVATO: Would six knots on
3 Fridays, Saturdays, and Sundays and holidays
4 help, or do you really think six knots at all
5 times?

6 MICHAEL CONE: I think it would be better
7 to do it year round. I would vote -- if I were
8 voting I would do it year round rather than
9 just on weekends because during the summertime
10 people are here for the whole week or two
11 weeks.

12 RAMONA TROVATO: So the boats are
13 primarily speeding during the weekend but you
14 would like six knots at all times year round
15 not even just in the boating season?

16 MICHAEL CONE: Yes.

17 RAMONA TROVATO: Okay and why?

18 MICHAEL CONE: Just that's -- in my mind
19 it keeps people -- who knows that they're going
20 to come down there in the non-boating season?
21 I think it keeps -- like Mr. Smith I've got a

1 big oak tree that's on its last legs -- you
2 know. So I'm concerned about it also.

3 RAMONA TROVATO: Okay. Thanks so much,
4 Dr. Cone.

5 AMY CRAIG: Any other questions?

6 JOE HELLNER: So to clarify your point as
7 I understand what you're saying it's really --
8 and perhaps the other testifiers too -- what
9 you're saying is it's the nature of the
10 waterway itself. In your view it's very
11 narrow, small, restricted.

12 It's not so much the frequency of the
13 people that come down there but if I have a
14 fairly large boat, say, and another fast boat,
15 maybe a couple of kayakers it's your -- and
16 correct me if I'm wrong. I don't want to put
17 words in your mouth. I'm just trying to
18 understand.

19 That's just too much. That really
20 everybody should be slow and respectful because
21 it's too small a space?

1 MICHAEL CONE: It's narrow. It's calm and
2 like other speakers have said -- and I'm not an
3 engineer or anything like that or a
4 nautical-type person but I would think the
5 erosion that I have on my shoreline is probably
6 due to wakes. It's not wakes in the creek.
7 It's very calm down there.

8 Also the narrowness. When you get around
9 that bend like at Number 4 where it narrows up
10 you're -- I have more concerns for my kids and
11 grandkids out in their kayaks on that and
12 somebody comes around that corner. You can't
13 see them until you're up on top of them.

14 JOE HELLNER: Thank you. The other
15 question I have since you're way up the creek
16 as a vessel -- I should ask you. Are you a
17 vessel operator, sir?

18 MICHAEL CONE: No. I just have kayaks.

19 JOE HELLNER: Okay. Thank you.

20 AMY CRAIG: Any other questions from the
21 committee?

1 JOHN SMITH: Madam Chair, I know I was
2 allowed to speak only once. I have some data
3 in response to the question of frequency of
4 boat traffic if that would be helpful to the
5 committee.

6 AMY CRAIG: Sure.

7 JOHN SMITH: Mr. Eccleston as I mentioned
8 earlier put a hunter's camera at the end of his
9 dock, and he had it going for about six weeks
10 in July and August this summer, and he recorded
11 81 boats that would average out to about 15 a
12 week.

13 Whether a boat was being counted on its
14 way out and on its way back in I can't tell
15 but -- of those 81 he said about 15 percent
16 were at speed. In fact, he said on a couple of
17 occasions the boat was at a sufficient speed
18 that the camera only caught the wake.

19 AMY CRAIG: Thank you, sir. Anybody have
20 any questions? Is there anyone else in support
21 of the regulation that would like to speak?

1 Please state your name.

2 SHAWN MALIN: My name is Shawn Malin. I
3 am on the Fort Stokes side of this in the same
4 development. Your question about the three
5 days versus the full week, I find that to be as
6 a boater of long term confusing. Either let's
7 make the speed wake in or out.

8 If you have three days people aren't aware
9 enough to know what day it is, what it is and
10 so I would caution using that as an answer.

11 AMY CRAIG: Thank you. Any questions?

12 JOHN PEPE: This is just to answer your
13 question about that. That is something that we
14 use in a lot of areas. It's more of a
15 compromise. It's a totally legal compromise
16 that we use, and it's also up to the boaters to
17 realize where they're running and what the laws
18 are.

19 SHAWN MALIN: I don't disagree with
20 anything you just said. I'm just saying I'm
21 very familiar with Bodkins Creek if you're

1 familiar with that and that narrow channel and
2 the changing speeds, and that has changed over
3 time from a weekend only -- I think it's a
4 full-time one, and I just saw over many years
5 where people just don't know.

6 JOHN PEPE: Well that's not an excuse.

7 SHAWN MALIN: I understand that.

8 JOHN PEPE: If you're boating you
9 should know.

10 SHAWN MALIN: I totally understand that
11 but I think it's sometimes easier to make it
12 very definitive. I'm not sure there's a lot of
13 gain during the week giving people that.

14 JOHN PEPE: Thank you.

15 AMY CRAIG: Anyone else? Thank you, sir.
16 Anyone else to speak for the regulation? Thank
17 you. Moving on to those opposing the
18 regulation. Is there a spokesperson? Please
19 state your name.

20 MARK OLIPHANT: Good morning, everybody.
21 My name's Mark Oliphant. I am the white space

1 between 1 and 2. I've been -- I established
2 residency in Talbot County in 1993. That's a
3 little bit more than 26 years and I've
4 been in the Ratcliff Manor area since 2001.

5 I was the first additional house in the
6 new development on Fort Stokes in Dixon Creek
7 Landing back in 2001. So I haven't been in
8 this community as long as J.T. Smith has
9 obviously but I have seen quite a bit.

10 I'm an avid boater. Over the past few
11 years my kids going off to college haven't
12 boated as much as I did when we were raising
13 them in the community. I've seen quite a lot
14 of change over time.

15 I've seen some neighbors here for the
16 first time I haven't met but lots of friends
17 here. I'm the one, I think, in the center out
18 of maybe two that didn't sign the petition. So
19 I'm happy to have good neighbors that respect
20 my opinion and I respect theirs and we can all
21 walk out as friends after this meeting.

1 I guess -- you know, I'm conflicted in
2 this because -- you know, where I am you can
3 see -- I'm at the very end to the head there.
4 So I don't have the same vantage point that
5 J.T. does or Doug or others that are further
6 down the creek do.

7 What I do see is I don't see a lot of
8 traffic. I don't see the safety issues. I
9 don't see -- I do take erosion and safety
10 seriously. I am looking for some evidence that
11 it's the traffic that's causing the erosion and
12 generally I'm not in favor of regulations where
13 regulations aren't required.

14 I think there's regulations then add
15 additional restrictions on my enjoyment of the
16 creek. So with the limited -- again I have a
17 limited view because I'm -- you know, at the
18 head of the creek there so I don't see the
19 activity that J.T. and Doug and others may that
20 are towards the opening with Tred Avon but --
21 you know, from my vantage point I don't see the

1 safety issues.

2 I don't see -- I haven't seen a dramatic
3 increase in traffic over the years and for
4 those reasons I would be opposed. I would like
5 to see if there's any kind of evidence that the
6 boat traffic is what's causing the erosion. I
7 mean, there's just natural erosion it seems to
8 me that happens -- you know, as time goes by.

9 I have riprap on my shoreline. I know
10 that as my neighbors have moved into the
11 neighborhood they've invested extensively in
12 their own riprap and their own shorelines.
13 Believe me as a homeowner and a boat owner I
14 get that.

15 The erosion that's occurring -- you know,
16 impacts my property as well. So that's an
17 additional investment that I need to make. I
18 know that the trees that are there, that's a
19 really terrible thing, losing a big oak tree.

20 If there's evidence that it's the boat
21 traffic that's causing that I will definitely

1 change my no vote to a yes, but again I just
2 don't see it. I wonder if there's any evidence
3 that says it's the boat traffic that's doing
4 that.

5 I don't see the safety issues. I don't
6 see the traffic there and I know -- my brother
7 has a jet ski. On the occasions he brings that
8 down we like to enjoy the creek. Having the
9 additional restrictions on the waterway -- you
10 know, as somebody that doesn't like regulations
11 that aren't needed that kind of has an impact
12 on me. That's the reason for my vote.

13 AMY CRAIG: Thank you, sir. Any
14 questions?

15 COLES MARSH: I might have missed this.
16 What type vessel do you have and do you go in
17 and out of the creek pretty regularly?

18 MARK OLIPHANT: I do. I have an 18 foot
19 Boston Whaler. As I mentioned my kids are --
20 one's out of college and one's a junior in
21 college now so -- and they haven't been

1 spending the summers here. It's less and less
2 frequent.

3 I think probably this year -- I'm right on
4 the water so I see the traffic but in terms of
5 my use of the creek it was less than a dozen
6 times this year. It was certainly much more
7 frequently when the kids were younger and we
8 were enjoying boating more.

9 COLES MARSH: When you did use it, it
10 was nothing unusual for you to see boaters, a
11 lot more boats, bigger boats?

12 MARK OLIPHANT: This creek again has very
13 little traffic. At the times I've been out in
14 my boat -- and I'm -- you know, just even two
15 or three years ago not 10 or 20 years ago --
16 there's been very little traffic. I don't see
17 a lot of boats coming in.

18 I do -- occasionally I'll have a friend
19 that will come in, come up on our dock and come
20 say hi. I'll look out and see some paddle
21 boarders out there or some kayaks. That's

1 me -- you know, looking out my window at my
2 property.

3 When I'm out on my boat I don't see a lot
4 of traffic in that creek. It's very private.
5 It's very quiet. There's not a whole lot of
6 activity on our creek.

7 COLES MARSH: Thank you, sir.

8 JOE HELLNER: So in the summer -- if I
9 understand your testimony correctly your
10 children when they were younger, you took them
11 out on this creek a lot?

12 MARK OLIPHANT: They had their boater
13 certifications before they had their driver's
14 licenses. They were out in the boat
15 themselves, and I would go out with them. We
16 would go out and we'd go water skiing, knee
17 boarding. Yeah, we would use the boat quite
18 frequently.

19 JOE HELLNER: And why were you not
20 concerned for their safety or your own given
21 the relatively small confines of this creek

1 that boaters going fast were not a problem for
2 you? Why would that be?

3 MARK OLIPHANT: Just because I never saw
4 boaters going fast. There was one neighbor
5 that moved in maybe three or four years ago
6 directly across -- if you could bring up that
7 other slide, please? It looks like it might be
8 17. I don't know. It's right across from 1 to
9 the right of 17.

10 Maybe two, three years ago there was a lot
11 of heavy speeding. This year -- this summer I
12 didn't see that. I think maybe it was because
13 some of our neighbors had talked with him and
14 expressed a concern.

15 I don't know what my neighbors feel about
16 the change in the behavior but it was a
17 dramatic difference that I saw. That boat that
18 had been speeding before I did not see. I
19 don't think I saw them maybe once this year. I
20 wasn't concerned about it because I never
21 perceived it as a problem.

1 We've been out there kayaking with my
2 kids. With family reunions we would have a
3 whole bunch of kayaks out there. I never have
4 had a problem with speeding or turbulence or --
5 it's a quiet creek and not many people are
6 there.

7 JOE HELLNER: Thank you, sir.

8 RAMONA TROVATO: Where did you and your
9 kids waterski?

10 MARK OLIPHANT: Out further beyond the
11 creek where we're talking about here.

12 RAMONA TROVATO: Okay.

13 MARK OLIPHANT: But -- you know, you can
14 elevate and start waterskiing prior to getting
15 out and then -- you know. Of course you can't
16 do any turns in there but as you get further
17 out into the Tred Avon then that's where you do
18 the majority of the waterskiing.

19 RAMONA TROVATO: When you did see boats
20 speeding in there, which sounds relatively
21 rare, how fast were they going? Could you

1 estimate?

2 MARK OLIPHANT: Certainly faster than six
3 knots. I don't -- it's hard for me to judge.
4 I really don't know but just visually at an
5 excessive speed and again it was one boat and
6 it was the neighbor and that neighbor is, like,
7 right across from me.

8 I would see them speeding in to their own
9 dock. I didn't see that at all this year. I'm
10 surmising that maybe it was because our
11 neighbors had talked to them about their
12 concerns and they changed their behavior. I
13 don't know.

14 RAMONA TROVATO: Thank you.

15 AMY CRAIG: Any other questions? Thank
16 you, sir. Any one else to speak against the
17 regulation? No? All right. Thank you all.

18 Can we hear from our Natural Resources
19 Police, please?

20 JERRY ELMORE: Officer Elmore,
21 E-l-m-o-r-e, Natural Resources Police currently

1 assigned to Talbot/Caroline County.

2 Unfortunately I don't get to spend as much time
3 as I would like to up in this creek due to my
4 other obligations but the time I have spent up
5 there and in my observation there's not many
6 people who do travel up that creek.

7 You may get an occasional crabber, fisher.
8 During the wintertime there are commercial
9 activities that occur at the top of that creek,
10 mainly mud shad and white perch. They will
11 gill net up there.

12 I personally have not seen anyone speeding
13 up that creek. My opinion on it though is that
14 creek is too narrow to be speeding up through
15 there at a high rate of speed. That's my
16 personal opinion based on -- when I come up to
17 that creek my common sense tells me that I
18 should come off plane and slow down.

19 It's not just because there's a buoy right
20 there. It's because that's what my common
21 sense is telling me. Anywhere else I would go

1 and I would encounter a creek that narrow I
2 would do the same thing out of respect for
3 people's property, their boats, their floating
4 docks, and to avoid an injury that could
5 possibly happen especially around that turn.

6 If you're flying up through that creek and
7 you make a hard turn right there you could slam
8 right into somebody instantly and it could be a
9 bad day. So basically my opinion on it is it
10 is by far too narrow to be flying through that
11 creek.

12 AMY CRAIG: Any questions from the
13 committee?

14 COLES MARSH: Officer, how many calls have
15 you had in the summers past or when you've been
16 on duty to police that area?

17 JERRY ELMORE: I personally have had none.
18 I did a record search in our system for the
19 past couple years and could not find anything
20 other than one that was hunting related.

21 COLES MARSH: No injuries, no --

1 JERRY ELMORE: Not yet.

2 COLES MARSH: No boat damage from other
3 boaters or anything?

4 JERRY ELMORE: No.

5 COLES MARSH: Thank you, sir.

6 AMY CRAIG: Ramona, do you have a
7 question?

8 RAMONA TROVATO: I do have a question.
9 Officer Elmore, you said that you think this is
10 a creek that no one should speed in. What
11 would you recommend as a speed limit and at
12 what time?

13 JERRY ELMORE: In my opinion based on the
14 traffic that we normally get during the weekend
15 in the Tred Avon that -- the traffic is much
16 higher during the weekend than it would be
17 during the week. So I think the weekend would
18 be more reasonable than during the week.

19 RAMONA TROVATO: So you're thinking six
20 knots Saturdays, Sundays, holidays?

21 JERRY ELMORE: Yes.

1 RAMONA TROVATO: Year round or boating
2 season?

3 JERRY ELMORE: I would say boating season.

4 AMY CRAIG: Any other questions from the
5 committee? Thank you, sir, for your input.

6 JERRY ELMORE: Thank you.

7 AMY CRAIG: Typically we have lunch at
8 this point but we're running ahead of schedule.
9 The committee will go into deliberations.
10 During deliberations you're welcome to stay and
11 observe. However you may not comment unless
12 called upon by the chairperson.

13 Following deliberations the committee will
14 vote on a recommendation for each request.
15 Remember the committee's charge is to make
16 recommendations to the secretary of the DNR.
17 We do not have the final say over a regulatory
18 request.

19 The following are possible outcomes of the
20 committee's deliberations. The committee may
21 vote to take no action which means we reject

1 the regulatory request and recommend no change
2 to the waterway. If the secretary accepts this
3 then the request cannot be resubmitted for
4 three years.

5 Two, we may vote to accept the regulatory
6 request. Three, we may vote to accept the
7 regulatory request but with modifications.
8 Staff will then prepare a formal presentation
9 of the committee's recommendations for the
10 secretary for each regulatory request.

11 The secretary may accept, reject, or
12 modify this committee's recommendation. If the
13 request is accepted the proposed regulation
14 will continue through the legal process and
15 become law effective during the next boating
16 season.

17 If the secretary modifies the committee's
18 recommendation the new proposed regulation will
19 move through the legal process and may be
20 accepted or challenged by the commissioner.
21 The progress of any proposed regulation, one

1 that is approved by the secretary, may be
2 tracked on the DNR boating website under
3 regulations.

4 The transcript of today's meeting will be
5 posted on the DNR website under regulations and
6 under meetings and archives in approximately
7 three to four weeks. So we are going to go
8 into executive session at this point and
9 deliberate the issue of Tred Avon at Dixon
10 Creek.

11 RUSS DWYER: Before we get things rolling
12 I'd like to make a motion that there be no
13 change.

14 COLES MARSH: I second that motion.

15 AMY CRAIG: Discussion? Do we have
16 discussion on the motion of no change?

17 CHRIS PARLIN: I disagree with the motion.
18 I truly believe we need to do something on this
19 creek. We've heard from the officer that he
20 recommends it. Looking at the distances it's a
21 very narrow creek, a lot of boats, the docks

1 there. I believe that at a minimum we should
2 go to six knots Saturdays, Sundays, and
3 holidays.

4 AMY CRAIG: Any other comments?
5 Mr. Sheller.

6 JOHN SHELLER: Looking at the geography of
7 this creek, looking at the regulations for
8 waterskiing, looking at the regulations for
9 personal watercraft the majority of the water
10 in this creek does not qualify for those
11 operations.

12 In addition to that the vessel operators
13 have a general conventional rule of operating
14 safely. I believe that any of the
15 opportunities such as going around a bend at an
16 unreasonable speed is, in fact, a violation of
17 the regulations as currently exist.

18 I'm not inclined to just slap an arbitrary
19 speed limit on an entire creek with no evidence
20 that it is not already under the purview of
21 current COMAR regulations for much of what

1 we've discussed with the exception of corrosion
2 [sic] which is an entirely different subject --
3 erosion.

4 AMY CRAIG: Any other comments? Joe.

5 JOE HELLNER: Yeah. I'm opposed to the
6 motion for similar reasons as has been already
7 stated. In my words and as an experienced
8 vessel operator it's just too small an area to
9 really operate boats -- a small boat alone,
10 yeah -- you know. I can run my little boat up
11 and down it and be safe.

12 But I think the geography point is well
13 stated. This is one of those things where we
14 are trying to serve the state by balancing all
15 the waterway users, and as I've heard the
16 testimony I struggle to see what a regulation
17 on this creek -- what users are losing out.

18 Many times we hear petitions where it's
19 fairly evident that there are a lot of users,
20 large boat users, for example, that need
21 aggressive speed to get to their houses or to

1 businesses up the creek or marinas.

2 This is clearly not one of those cases. I
3 just can't imagine any vessel operator that
4 really sees a need to go fast up this creek,
5 and somehow if we have a six-knot regulation
6 they're being unduly harmed by that kind of a
7 regulation.

8 It's fairly short. We've established it's
9 about 1,000 yards. So even in a small Boston
10 Whaler if I have to go slow to reach the
11 testifier's property around the bend I'm not
12 really impacting my day much to go slow up this
13 creek.

14 So this is one of those odd ones that
15 doesn't generally fall in -- many of the other
16 situations we see. I keep asking myself is
17 there any point to keeping this an unrestricted
18 creek or can we gain some benefit of -- gain
19 some benefit for all the citizens of Maryland,
20 all the possible operators that might be on
21 this creek by this regulation, and when I ask

1 myself that I say yes. I'm balanced.

2 It's better to have some kind of
3 restriction. We had a question where maybe we
4 do this Saturday, Sunday, and holiday which is
5 the most -- during boating season which is the
6 most probable time that we'll see a lot of
7 vessel operators including some that are not --
8 potentially some that are not particularly
9 responsible. They may, in fact, operate at
10 unsafe speeds.

11 The officer testified that he saw -- he
12 felt that this place was -- the geography of
13 this area was too small, and I saw the
14 officer's point immediately. Although he is a
15 responsible operator and all of us here in this
16 room are responsible operators the potential
17 for irresponsible operators is never the less
18 there.

19 Fortunately we've had no incidents, but I
20 can see a scenario where somebody just for the
21 sheer fun of it runs a fairly large boat on a

1 busy weekend up this creek and says I can do
2 that. There's no restrictions here.

3 I don't care if I wake you or if I dump
4 your daughter into the water off her paddle
5 board because there's no restrictions or
6 regulations governing this creek. Yes there
7 are regulations having to do with safe boating
8 practices, et cetera, but I think this is one
9 of those unusual cases where it is justified to
10 do some kind of regulation.

11 We heard testimony that the presence of
12 the buoy alone for consideration of the
13 restriction apparently caused people to think
14 about this place a little bit and slow down in
15 the summer. We can't know for sure the buoys
16 did it but that's a very interesting point that
17 we heard.

18 So all in all I would recommend we
19 consider perhaps a six knot -- at least a six
20 knot Saturday, Sunday, holiday restriction
21 during boating season. Thank you.

1 AMY CRAIG: Do you want to speak?

2 JOHN PEPE: My feeling is that I don't
3 think a regulation should be put on this
4 creek. Admittedly by one of the people that
5 testified there's only 15 boats a week that go
6 up and down this creek. There's not a lot of
7 traffic.

8 There's been no reported incidents,
9 accidents, any reports that have been written
10 with DNR for property destruction. I just
11 don't see a need for another input of a
12 regulation in a creek that is self limiting by
13 its natural confines.

14 It's two feet of water. It's fairly
15 narrow. I just don't see it as a regulated
16 area.

17 AMY CRAIG: Russ.

18 RUSS DWYER: Just from my observation
19 going up in there I've made a motion to
20 not change it. I hate seeing a regulation put
21 in. We have a problem with that in other

1 places where regulation is not really needed
2 for the few boats that are up in there. The
3 boats at their -- the wharfs are all more on
4 this than I saw. I saw no boats tied to the
5 piers.

6 As far as erosion I didn't see any erosion
7 up in there. People that have brick bulkheads
8 or brick walls, that's caused more by erosion
9 than a boat. Like I said, it just has limited
10 number of boats in there. I hate to see
11 regulation be put in there for no reason, for
12 one or two boats a year [sic].

13 AMY CRAIG: Anyone else?

14 COLES MARSH: I would concur with Russ.
15 We took a trip up there and we observed very
16 little erosion if any and the oak trees -- I
17 like oak trees as well but over time -- you
18 know, things happen on the waterway and
19 anywhere with a 50-year-old oak tree.

20 But we saw very little erosion and we did
21 observe that pretty carefully as we rode up the

1 creek. I just concur.

2 AMY CRAIG: Ramona.

3 RAMONA TROVATO: Thank you. So while I
4 generally prefer less regulation over more
5 regulation, and I do think we need to take into
6 clear account what Officer Elmore has said
7 based upon his extensive experience on the
8 water and in this county, and I also think we
9 need to take into account what the majority of
10 the folks who live there have observed.

11 I think that having no action at all is
12 not the right recommendation for our committee
13 but I think the right recommendation would be
14 Saturdays, Sundays, and holidays six knots
15 boating season so that at least during the most
16 boating on this creek the folks who are going
17 slow are protected from the folks who want to
18 go way too fast. Thanks, Amy.

19 AMY CRAIG: Any further discussion on the
20 motion? Okay.

21 JOE HELLNER: One point I forgot to

1 mention in my remarks is analogous -- it was
2 actually mentioned during testimony, Bodkin
3 Creek, but an analogous creek actually -- not
4 so much analogous because Bodkin Creek is a lot
5 larger than this.

6 Yet today the existing regulations are
7 Saturday, Sunday, and holidays six knots. So
8 when we consider the situations -- this
9 situation -- keep in mind a consistent and fair
10 application of these type of regulations across
11 state waters. Thank you.

12 AMY CRAIG: Any further discussion from
13 the committee? Hearing none -- wait.

14 CHRIS PARLIN: I just want to add that
15 given my background on the fire department and
16 running fire boats and whatnot I'm really
17 concerned about that blind bend there and the
18 distance between that pier and the shoreline.

19 If you're saying that personal watercraft
20 are running through there at speed yes, that's
21 a regulation that's already in place. However

1 it makes no difference if it's a personal
2 watercraft or a 16-foot boat. It's just not a
3 safe thing to do.

4 I'd hate to see somebody -- a kid out
5 there on a paddle board or kayak and have a
6 boat come around that turn and encounter them.
7 Also I've got to mention that other than two
8 landowners everybody on the creek is in
9 agreeance that that's what they want on that
10 creek.

11 It's not going to inconvenience many folks
12 to put a regulation in place for the weekend
13 that they don't already agree with.

14 RUSS DWYER: Chris, I don't mean to
15 disagree with you. That's not the homeowners'
16 water. It's state waters.

17 CHRIS PARLIN: I agree with your
18 statement. However it who's coming up in that
19 creek and speeding. We've heard generally the
20 homeowners are not the ones that are running up
21 and down that creek. It's folks coming in on

1 the weekends or rentals or things like that.

2 I think just the fact that people really
3 shouldn't be speeding on that creek and
4 unfortunately we do have a lot of folks that
5 run boats that just don't have common sense.
6 Sometimes you do have to have common sense.

7 AMY CRAIG: Any other discussion? Can we
8 call the question, please? We're going to call
9 the question. The motion is for no change to
10 Trent Avon at Dixon Creek. All those in
11 favor?

12 (Committee members indicating.)

13 AMY CRAIG: Seven in favor. Against?

14 (Committee members indicating.)

15 AMY CRAIG: This is for no change.

16 (Committee members indicating.)

17 AMY CRAIG: Four. Motion carries. No
18 change. Thank you. Moving on to old business.
19 We have Chrisfield. Mike can we bring up some
20 of the information for Chrisfield?

21 MIKE SIMONSEN: Madam Chair, what would

1 you like first?

2 AMY CRAIG: Can you just put up the
3 regulation and what you would normally present
4 for those who missed it?

5 MIKE SIMONSEN: Sure.

6 AMY CRAIG: Mike, can you give us that
7 brief overview like you did before, what we're
8 looking for?

9 MIKE SIMONSEN: Sure. Again this is the
10 little Annemessex River near the Harbor Lights
11 in front of the condominiums in Chrisfield,
12 Maryland requesting six knots at all times.
13 The colored part that you see there was
14 forwarded by the main petitioner Mr. George
15 Pawes.

16 I had sent you folks all his original
17 letter regarding this along with the minutes.
18 I also have four additional copies of the
19 minutes in a three-ring binder form should
20 anybody want to run through this or look
21 through these. I'll bring them over.

1 AMY CRAIG: Has everybody reviewed the
2 minutes from the last meeting or are there any
3 questions for Mike? I'd like to thank Mike for
4 his very lovely presentation of the minutes.
5 In case anybody has not read the minutes from
6 the last meeting you can review them now
7 quickly.

8 MIKE SIMONSEN: It was actually
9 Jeannine Moaney that handled the minutes.

10 AMY CRAIG: Thank you, Jeannine.

11 MIKE SIMONSEN: The yellow perimeter lines
12 that you see here -- and if you go through the
13 minutes you'll notice. I was asked to include
14 this because there's a reference that the top
15 yellow line actually is supposed to be angled
16 to another waypoint on this side leading
17 towards to where it would connect to a line at
18 an angle at a 45. So we drew this line to be
19 going up a little bit higher.

20 Anyway I still kept this with it because I
21 didn't want you to be misled with the minutes

1 when you were reading it about it actually
2 being a little bit further up. We've had a
3 number of -- during the meeting -- and you'll
4 see the number of people that were for this
5 regulation change, primarily the condominium
6 owners themselves that live right here in this
7 area right here, and this is the marina here.

8 As you can see this is the main channel
9 and it's very close to the newer marina that
10 was built after the condominiums were built.
11 Thank you.

12 AMY CRAIG: Okay. Do we have a motion
13 from the committee?

14 RAMONA TROVATO: Can I ask a clarifying
15 question?

16 AMY CRAIG: Sure.

17 RAMONA TROVATO: What area is the
18 regulation requested for, the yellow area, the
19 red area?

20 MIKE SIMONSEN: Yes.

21 RAMONA TROVATO: Yellow?

1 MIKE SIMONSEN: Yes.

2 AMY CRAIG: A little more than yellow.

3 MIKE SIMONSEN: Yes. The upper line would
4 actually be just a little bit more higher than
5 that. It would still be connected to the
6 marina but it would just be -- it would be a
7 just a little bit north.

8 RAMONA TROVATO: I see. Thank you.

9 AMY CRAIG: Any other questions for Mike
10 before we...

11 MR. SIMONSEN: So what it would be is --
12 the point would be about here going down at an
13 angle like that.

14 RAMONA TROVATO: Thank you, Mr. Simonsen.

15 AMY CRAIG: Is everybody clear? Is there
16 a motion from the committee? Mr. Lunsford.

17 MR. LUNSFORD: I'd like to recommend no
18 action.

19 CHRIS PARLIN: I'll second.

20 AMY CRAIG: Discussion? Is there
21 discussion?

1 JOE HELLNER: During the testimony and
2 both in my direct observations of the waterway
3 I just wanted to make some points for the
4 record with regard to the situation. First my
5 direct observation.

6 I saw several vessels operating through
7 this area and, in fact, I took time to stand at
8 the marina which many of us were at the hearing
9 heard about impacts to that marina, the
10 homeowners association and so I was very
11 attentive to the waves that came by, by various
12 types of vessels that were operating at speed
13 including commercial fishermen, and I noted
14 that the wake when it arrived at the marina was
15 relatively minimal.

16 I will say -- I did note the wake came by
17 maybe four or five minutes after a large
18 vessel had passed and did, in fact, toss a
19 number of boats in the marina.

20 I'd also note that quite a few of the
21 boats in that marina which is what we heard a

1 lot of testimony on, the impacts to that, are
2 up on lifts. So just for your consideration.
3 Many of you probably saw the same thing.

4 I think I also want to note that during
5 the testimony we did not hear from folks that
6 were alledgedly affected by the entrance to
7 Somers Cove and the commercial area right next
8 to that entrance.

9 The entire issue seemed to be focused on
10 half of the area that they were proposing which
11 is that fairly narrow area between the marina
12 and the far shore which is unnavigable. It's a
13 fairly narrow area.

14 If any regulation were to be put in at all
15 I would definitely recommend that it be limited
16 to a much smaller area than proposed. However
17 that being said the most compelling thing I
18 heard was asked and answered by the petitioners
19 who said we really need this restriction
20 because it will help the DNR police enforce
21 what they testified was dangerous and harmful

1 aspects of boat operation in that narrow area.

2 However following that we heard from the
3 DNR police whose testimony was this will not
4 help in any way. So hearing that that's
5 probably the thing that tipped it for me, and
6 having said all these things my recommendation
7 would be to not impose a regulation in this
8 area. Thank you.

9 AMY CRAIG: Mr. Parlin.

10 CHRIS PARLIN: I also agree that we should
11 not put a limit in this area. There's a couple
12 things I noted about this area. This is a city
13 that was built on crabbing and watermen working
14 the water, and when folks say that it's
15 dangerous for boats to pass by the marina as
16 close as they do -- unfortunately I think this
17 one goes back to the fact that builders are not
18 the best at deciding when, where, and how to
19 build a marina.

20 You know, somebody built a set of
21 condominiums and said we can increase the value

1 of these condos. We can put a marina out here.
2 They built that marina to the very edge of that
3 channel. That's an active channel and they put
4 very little in place to mitigate the effects of
5 the wake that goes through there.

6 Most of the watermen I saw going -- I even
7 saw a number of watermen going on the outside
8 of that green marker to avoid that marina and
9 to be respectful of that marina. Most of the
10 folks did go slow.

11 Unfortunately there are recreational
12 folks who don't pay quite as much attention.
13 There was a couple commercial folks who went
14 through throwing a little bigger wake than
15 they should. I feel for the folks in that
16 marina. They're getting rocked but that marina
17 is just in the wrong place.

18 We've got Somers Cove Marina sitting
19 basically across the street from them that's
20 nowhere near occupancy -- full occupancy. So
21 if you want a protected body of water to put

1 your boat you've got one right across the
2 street.

3 So unfortunately, like I said, builders
4 are not the best at placing marinas and
5 building them out.

6 AMY CRAIG: Any other comments, questions?

7 JOHN PEPE: I also believe that people
8 who build out in the water have the
9 responsibility to build to the environment, not
10 to change the environment to build to what they
11 build.

12 AMY CRAIG: Joe.

13 JOE HELLNER: I would concur with the two
14 previous comments. My own direct observation
15 of the marina and the waterway -- I thought
16 that -- this is just my unofficial, non-expert
17 opinion -- the wake mitigation by the marina
18 was as Chris said, relatively minimal.

19 When I asked the testifier about it he
20 said well they looked into some riprapping,
21 but I did not see a sense of responsible action

1 by the marina owner to mitigate the wakes that
2 they are seeing, and I should also add there is
3 often a very large fetch from the south, and
4 the day I was there, there was a large fetch
5 from the south and most of the waive action --
6 in fact, 99 percent of it that I observed
7 impacting that area and the marina was from the
8 fetch not necessarily from boats.

9 I also will concur with the other members
10 of the committee that many boaters I saw did,
11 in fact, as a matter of courtesy, proper, and
12 responsible vessel operation slow at the blind
13 corner where the marina exits -- where you can
14 exit the marina and at that narrow area that
15 the petitioners were concerned about.

16 I would also again say nothing is needed
17 here other than the existing regulations
18 governing both safe vessel operation and
19 courtesy behavior by other boaters. Thank you.

20 AMY CRAIG: Any other comments? We're
21 going to close discussion. The motion is for

1 no change to the area at Chrisfield, the Little
2 Annemessex. All those in favor of no change?

3 (Committee members indicating.)

4 AMY CRAIG: That's unanimous. Thank you
5 all. Moving on to new business. Our next
6 meeting is November 7th, Mike, for Middle River
7 and Days Cove?

8 MIKE SIMONSEN: Correct.

9 AMY CRAIG: At the Crescent Yacht Club.
10 Hopefully everybody can make it. We have a
11 nominating committee? Steve and Bob, do we
12 have a report from the nominating committee?

13 STEVE KLING: Not today.

14 AMY CRAIG: Hopefully at the next meeting.
15 I would like to bring up -- I have been working
16 with some of the people in Boating Services to
17 create something called the Al Simon Award. I
18 will forward the information around, but it
19 would be for an individual who has contributed
20 to the workings of the Boat Act Advisory
21 Committee to help us do our job in a more

1 informed better way.

2 On that note we don't have that award
3 processed yet. It's in the higher-ups at DNR
4 waiting to see what they think and so on. But
5 on that note we'd like to say Louis Wright is
6 retiring and the Boat Act Advisory Committee is
7 very appreciative of all the work he's done for
8 us.

9 Is there anyone who would like to say
10 anything specific? I know Louis has gone to
11 Days Cove where we have not been able to go,
12 and we appreciate that. Taking life and limb
13 into harm's way. Jeannine, do you have --

14 JEANNINE MOANEY: No.

15 AMY CRAIG: We have a certificate of
16 excellence awarded to Louis Wright for -- this
17 cannot be correct -- 44 years of service to the
18 boating public and to the Boat Act Advisory
19 Committee given on this day, the 28th of
20 October, 2019.

21 (Applause.)

1 AMY CRAIG: Last week he got a rum cake.
2 Hopefully in the future we'll have something
3 very official for you.

4 LOUIS WRIGHT: Thank you.

5 AMY CRAIG: Thank you, Louis. That
6 doesn't do justice to all that you've done for
7 us. I believe that's it for us. Any other
8 business? Can I have a motion to adjourn for
9 lunch?

10 THORNELL JONES: So moved.

11 STEVE KLING: Second.

12 AMY CRAIG: In favor of adjournment and
13 lunch?

14 (Committee members indicating.)

15 AMY CRAIG: Thank you.

16 (Meeting concluded at 11:32 a.m.)

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STATE OF MARYLAND

I Barbara Prindle, a Notary Public in and for the State of Maryland, do hereby certify that the within named, BOAT ACT ADVISORY COMMITTEE, personally appeared before me at the time and place herein set according to law.

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

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 and Notarial Seal this 5th day of November, 2019 at Annapolis, Maryland.



Barbara Prindle, RPR,
Notary Public

My commission expires January 24, 2022.

1	3211 80:13	action 27:21 28:6 53:21 63:11 70:18 75:21 76:5 80:9	al 77:17
1 41:1 47:8	4	actions 24:8	allegedly 72:6
1,000 11:15 58:9	4 32:18 37:9	active 74:3	allowed 8:9 38:2
10 45:15	40 32:18	activities 50:9	alternative 24:8
100 1:7 4:17 13:13 21:21	42 13:1,19	activity 17:5,7,19 42:19 46:6	amy 1:8,13 2:3,5 6:11 11:2,17 12:1 12:4 15:16 18:14 20:21 22:3,6,8,10 22:14 23:4,14 24:5,16 25:14,18 26:19 27:2,5 28:20 29:18 30:16 31:15 32:14 33:10 33:15 34:16 36:5 37:20 38:6,19 39:11 40:15 44:13 49:15 51:12 52:6 53:4,7 55:15 56:4 57:4 61:1,17 62:13 63:2,18,19 64:12 66:7,13,15 66:17 67:2,6 68:1 68:10 69:12,16 70:2,9,15,20 73:9 75:6,12 76:20 77:4,9,14 78:15 79:1,5,12,15
10:00 1:7	44 78:17	add 26:2,4 27:12 27:15 33:14,17 34:15 42:14 64:14 76:2	annexes 67:10 77:2
11:32 79:16	45 68:18	addition 56:12	answered 72:18
12 20:14	5	additional 27:12 32:12 41:5 42:15 43:17 44:9 67:18	anybody 18:5 38:19 67:20 68:5
12,000 13:21	50 3:4 62:19	address 9:2,6 18:17	anyway 68:20
13 20:14	5th 80:11	addressed 19:4	
14 20:14	6	adjacent 15:12	
15 14:13 20:14 38:11,15 61:5	600 12:21	adjourn 79:8	
16 20:13 65:2	7	adjournment 79:12	
17 17:2 47:8,9	7 12:8,21 17:3	admittedly 61:4	
18 44:18	7872 12:7	adoption 14:19	
193 24:3 28:13	7th 77:6	adopts 19:16	
1945 12:17	8	advanced 4:3	
1953 12:19	8075 25:21	advisory 1:2 2:6 2:17 5:18 6:13 77:20 78:6,18 80:3	
1993 41:2	81 38:11,15	affect 25:1	
2	8113 22:16	age 12:19	
2 34:6 41:1	9	aggressive 57:21	
20 21:19 23:11 45:15	99 76:6	ago 29:6 45:15,15 47:5,10	
200 5:6	a	agree 22:8,9 26:3 27:1,9 65:13,17 73:10	
2001 41:4,7	a.m. 1:7 79:16	agreeance 65:9	
2019 1:6 78:20 80:11	abated 16:16	ahead 11:10 53:8	
2022 80:20	abide 25:11	aided 80:6	
22 22:18 26:5,14	ability 25:2		
23 22:12,17 26:5	able 24:7 78:11		
24 80:20	accept 54:5,6,11		
26 9:19 41:3	acceptable 24:10		
27900 27:8	accepted 54:13,20		
28 1:6	accepts 54:2		
288 10:14	accidents 61:9		
28th 78:19	accommodate 7:9		
3	accommodating 7:12		
3 27:9 32:18	account 63:6,9		
30 3:12 4:2 26:15 32:18	accurate 80:7		
	act 1:2 2:6,17 5:17 6:13 77:20 78:6 78:18 80:3		

<p>apparently 60:13 appear 18:3 appeared 80:3 applause 78:21 application 29:2 64:10 appreciate 78:12 appreciative 78:7 approved 55:1 approximately 8:3 29:5 55:6 arbitrary 56:18 archives 55:6 area 2:9 3:1 5:1 6:3 9:17,18,20 10:3,7,8,21 18:6 18:18 20:5 24:14 29:7 41:4 51:16 57:8 59:13 61:16 69:7,17,18,19 71:7 72:7,10,11 72:13,16 73:1,8 73:11,12 76:7,14 77:1 areas 39:14 arrived 71:14 arundel 3:8,18 4:8 5:13 asked 11:20 68:13 72:18 75:19 asking 11:12 19:3 19:20 20:3 58:16 aspects 73:1 assigned 6:3 50:1 association 20:18 71:10 associations 3:15 asterisks 18:3 attention 74:12 attentive 71:11 audience 9:5,6 august 38:10 auxiliary 4:2</p>	<p>available 2:12 average 38:11 avid 41:10 avoid 8:14 21:17 51:4 74:8 avoidance 14:17 avon 2:9 4:19 9:14 16:7 18:8 42:20 48:17 52:15 55:9 66:10 award 77:17 78:2 awarded 78:16 aware 28:18 39:8</p> <p style="text-align: center;">b</p> <p>back 11:1,9 29:8 38:14 41:7 73:17 background 64:15 backyard 34:1 bad 51:9 bait 32:3 balanced 59:1 balancing 57:14 baltimore 3:4 barbara 1:19 80:2 80:13 based 50:16 52:13 63:7 basically 24:2 28:7 51:9 74:19 bay 7:6 12:15 beginning 10:14 behalf 12:10 behavior 47:16 49:12 76:19 believe 16:16 22:12,17 43:13 55:18 56:1,14 75:7 79:7 belong 7:3 bend 37:9 56:15 58:11 64:17 benefit 58:18,19 best 9:8 73:18 75:4</p>	<p>better 31:7,10 35:6 59:2 78:1 beyond 48:10 big 31:1,6 36:1 43:19 bigger 31:5 45:11 74:14 binder 67:19 bit 19:13,14 30:2 41:3,9 60:14 68:19 69:2 70:4,7 blessedly 18:1 blind 64:17 76:12 board 3:19 60:5 65:5 boarder 7:1 boarders 13:7 45:21 boarding 46:17 boards 17:15,17 boat 1:2 2:6,17 4:15 5:14,17 6:13 14:13 18:2 24:20 26:1 28:8 31:2,6 36:14,14 38:4,13 38:17 43:6,13,20 44:3 45:14 46:3 46:14,17 47:17 49:5 52:2 57:9,10 57:20 59:21 62:9 65:2,6 73:1 75:1 77:20 78:6,18 80:3 boated 41:12 boater 2:21 3:10 5:2 6:20 23:1 28:2 31:1 39:6 41:10 46:12 boaters 39:16 45:10 47:1 52:3 76:10,19 boating 1:16,16 1:17 3:4,15 5:19 6:8,14 17:6,10,12</p>	<p>24:14 35:15,20 40:8 45:8 53:1,3 54:15 55:2 59:5 60:7,21 63:15,16 77:16 78:18 boats 5:13 13:5 15:11,21 18:7 21:15,18 23:7 26:12 28:1 29:14 30:8 32:17 34:18 35:12 38:11 45:11 45:11,17 48:19 51:3 55:21 57:9 61:5 62:2,3,4,10 62:12 64:16 66:5 71:19,21 73:15 76:8 bob 1:14 5:12,12 77:11 bodkin 64:2,4 bodkins 39:21 body 28:3 74:21 bohn 22:6,7,9 boston 44:19 58:9 bothers 47:4 bottom 9:21 10:14 10:15 bought 29:5 branch 9:15 15:7 18:20,20,21 19:12 19:18 21:20 branches 19:11 branes 25:16,17 25:20,21 breaking 24:4 brick 26:6 62:7,8 brief 2:18 67:7 briefly 8:13 bring 47:6 66:19 67:21 77:15 brings 44:7 broken 26:9 brother 44:6</p>
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build 73:19 75:8,9 75:10,11 builders 73:17 75:3 building 75:5 built 69:10,10 73:13,20 74:2 bulkheads 62:7 bunch 48:3 buoy 10:1 14:1 15:1 16:11 18:4 23:2 33:20 50:19 60:12 buoys 60:15 business 66:18 77:5 79:8 businesses 58:1 busy 60:1	cellphones 2:14 center 10:19 17:14 41:17 centreville 4:14 certainly 19:8 45:6 49:2 certainty 16:17 certificate 78:15 certifications 46:13 certify 80:2,5,8 cetera 60:8 chair 9:3,7,12 11:19 22:5 38:1 66:21 chairperson 1:9 2:5 53:12 challenged 54:20 change 10:9 41:14 44:1 47:16 54:1 55:13,16 61:20 66:9,15,18 69:5 75:10 77:1,2 changed 29:1 40:2 49:12 changing 40:2 channel 40:1 69:8 74:3,3 charge 6:18 7:17 53:15 charles 4:7 charlie 22:6,7,9 chart 23:16 chesapeake 3:12 7:5 12:15 children 46:10 chris 1:13 4:11,12 11:15 23:16,20 24:2 34:5,7,11 55:17 64:14 65:14 65:17 70:19 73:10 75:18 chrisfield 66:19 66:20 67:11 77:1	citizens 6:19 7:4,7 7:10,18 58:19 city 73:12 clarify 36:6 clarifying 69:14 clear 63:6 70:15 clearly 8:21 58:2 clients 4:19 close 69:9 73:16 76:21 club 77:9 coast 4:2 coastal 4:3 cole's 4:21 coles 1:14 4:21 31:16,19 32:6,9 44:15 45:9 46:7 51:14,21 52:2,5 55:14 62:14 collectively 6:16 college 41:11 44:20,21 collision 21:6 colored 67:13 comar 56:21 come 7:7 16:1 18:11 26:13 27:15 28:15 30:10 31:17 31:19 32:4 35:20 36:13 45:19,19,19 50:16,18 65:6 comes 20:11 37:12 coming 18:7 22:20 28:15 29:7,14 45:17 65:18,21 commencing 1:6 comment 32:21 53:11 comments 28:19 56:4 57:4 75:6,14 76:20 commercial 27:14 31:17 50:8 71:13 72:7 74:13	commission 80:20 commissioner 54:20 committee 1:2,8 1:11 2:6,17 5:18 6:13,18 9:2,7 12:13 13:17 14:9 14:18 15:17 22:4 23:5,15 24:17 25:15 26:20 28:21 29:19 32:15 33:11 37:21 38:5 51:13 53:5,9,13,20 63:12 64:13 66:12 66:14,16 69:13 70:16 76:10 77:3 77:11,12,21 78:6 78:19 79:14 80:3 committee's 53:15 53:20 54:9,12,17 common 33:21 50:17,20 66:5,6 communication 2:14 community 8:6 41:8,13 compelling 72:17 compromise 39:15 39:15 computer 80:6 concern 9:18 18:6 19:9 47:14 concerned 36:2 46:20 47:20 64:17 76:15 concerns 7:9,16 37:10 49:12 concert 5:18 concluded 79:16 concur 23:9 62:14 63:1 75:13 76:9 condominium 69:5
c	c 2:1 26:21 33:16 cake 79:1 call 2:3 7:21 8:2 66:8,8 called 53:12 77:17 calls 51:14 calm 28:4 37:1,7 camera 14:11,12 38:8,18 canoe 3:19 canoers 13:7 captain 4:15,18 care 60:3 carefully 62:21 caries 66:17 caroline 6:4 50:1 case 28:9 68:5 cases 58:2 60:9 catch 32:3 34:3 caught 38:18 caused 60:13 62:8 causing 42:11 43:6,21 caution 39:10		

<p>condominiums 67:11 69:10 73:21 condos 74:1 cone 27:1 33:14 33:16,16 34:6,9 34:15,20 35:1,6 35:16,18 36:4 37:1,18 confines 46:21 61:13 conflicted 42:1 confusing 39:6 congenial 24:11 connect 68:17 connected 70:5 consider 60:19 64:8 consideration 31:12 60:12 72:2 consistent 64:9 console 17:14 continue 54:14 continued 13:2 contributed 77:19 conventional 56:13 cooperation 3:9 coordinator 1:16 copies 67:18 corner 37:12 76:13 correct 36:16 77:8 78:17 correctly 46:9 corrosion 57:1 cost 13:20 counsel 80:8,8 counted 38:13 county 1:7 3:8,18 4:7,8 5:9,13 6:4 41:2 50:1 63:8 couple 4:18 33:4,5 36:15 38:16 51:19 73:11 74:13</p>	<p>course 17:9 30:9 48:15 court 2:11 9:1 courtesy 76:11,19 cove 72:7 74:18 77:7 78:11 crab 3:19 crabber 50:7 crabbing 73:13 craft 14:3 craig 1:8,13 2:3,5 6:11 11:2,17 12:1 12:4 15:16 18:14 20:21 22:3,6,8,10 22:14 23:4,14 24:5,16 25:14,18 26:19 27:2,5 28:20 29:18 30:16 31:15 32:14 33:10 33:15 34:16 36:5 37:20 38:6,19 39:11 40:15 44:13 49:15 51:12 52:6 53:4,7 55:15 56:4 57:4 61:1,17 62:13 63:2,19 64:12 66:7,13,15 66:17 67:2,6 68:1 68:10 69:12,16 70:2,9,15,20 73:9 75:6,12 76:20 77:4,9,14 78:15 79:1,5,12,15 create 77:17 creating 13:6 21:7 creek 2:10 9:15 10:7,16,20 11:6 11:12 12:18 13:10 14:7 15:2,4,8,10 15:19,20,20 16:1 16:9,21 17:6 18:8 18:10,20 19:1,5 19:11 20:2,16,19 21:4,20 22:20,21</p>	<p>24:10,19 25:8,11 27:8,13,15,18,20 28:3,11 30:3,11 31:21 32:13 34:14 37:6,15 39:21 41:6 42:6,16,18 44:8,17 45:5,12 46:4,6,11,21 48:5 48:11 50:3,6,9,13 50:14,17 51:1,6 51:11 52:10 55:10 55:19,21 56:7,10 56:19 57:17 58:1 58:4,13,18,21 60:1,6 61:4,6,12 63:1,16 64:3,3,4 65:8,10,19,21 66:3,10 creeks 16:6 crescent 77:9 current 15:1 56:21 currently 4:9 6:3 17:6,8 49:21 56:17</p>	<p>decided 31:8 deciding 73:18 declined 14:4 decrease 33:18 defer 24:12 definitely 43:21 72:15 definitive 40:12 deliberate 14:15 55:9 deliberations 7:8 11:9 53:9,10,13 53:20 department 2:17 4:15 5:20 6:7,9 64:15 depending 31:2 designated 12:20 destruction 61:10 development 39:4 41:6 devices 2:15 difference 25:9 47:17 65:1 different 30:8,12 57:2 direct 71:2,5 75:14 directly 21:10 47:6 disagree 39:19 55:17 65:15 discussed 57:1 discussion 55:15 55:16 63:19 64:12 66:7 70:20,21 76:21 dismayed 22:19 displeased 7:13 distance 11:5,11 64:18 distances 10:13 55:20</p>
		d	
		<p>d 2:1 damage 21:14 52:2 danger 21:6 dangerous 72:21 73:15 data 38:2 daughter 60:4 day 39:9 51:9 58:12 76:4 78:19 80:11 days 39:5,8 77:7 78:11 dead 10:19 deal 4:10 26:18 decades 29:4 decide 14:10 24:6</p>	

<p>diverse 6:14 division 1:16,17 6:7 dixon 2:9 9:15 11:11 12:18 13:10 15:7 18:8,10,20 19:5,11 20:16,19 27:8 28:3 41:6 55:9 66:10 dnr 1:16,16,17,17 2:13 5:20 7:20 8:18 9:10 11:4,6 14:10,19 19:16 53:16 55:2,5 61:10 72:20 73:3 78:3 dock 14:12 16:18 18:7 21:19 38:9 45:19 49:9 docks 51:4 55:21 doing 31:20 32:1 44:3 door 26:1 doug 42:5,19 douglas 27:4,7,7 29:5 30:7,20 31:5 31:13,18 32:2,8 32:11,19 33:5,8 dover 1:8 dozen 45:5 dr 33:16 36:4 dramatic 43:2 47:17 dramatically 13:8 drew 68:18 driver's 46:13 due 37:6 50:3 dump 60:3 duties 7:4 duty 51:16 dwyer 1:14 5:8,8 32:16 33:3,6,9 55:11 61:18 65:14</p>	<p style="text-align: center;">e</p> <p>e 2:1,1 33:16 49:21,21 earlier 38:8 easier 40:11 east 15:7 19:11 eastern 4:14 9:15 12:11 easton 1:8 22:17 eccleston 12:10 13:3 14:11 19:7 38:7 edge 74:2 effect 14:3 effective 54:15 effects 74:4 either 39:6 elaborate 30:1 electronic 8:17 elevate 48:14 elmore 6:1,1 49:20 49:20 51:17 52:1 52:4,9,13,21 53:3 53:6 63:6 embraces 20:18 emphasize 13:3 26:12 employee 80:8 encounter 51:1 65:6 ends 15:15 enforce 72:20 engaged 17:19 engineer 37:3 enjoy 44:8 enjoyable 25:6 enjoying 45:8 enjoyment 25:2 42:15 entering 15:21 enthusiasts 6:14 entire 8:5 11:11 19:4 26:8 56:19 72:9</p>	<p>entirely 57:2 entitled 1:5 entrance 72:6,8 environment 75:9 75:10 eroded 13:16 erosion 14:17 15:9 26:17 27:19 28:6 37:5 42:9,11 43:6 43:7,15 57:3 62:6 62:6,8,16,20 erosive 13:11 21:7 especially 51:5 established 41:1 58:8 estimate 23:7 49:1 estuaries 12:15 et 60:8 everybody 36:20 40:20 65:8 68:1 70:15 77:10 evidence 42:10 43:5,20 44:2 56:19 evident 57:19 example 57:20 excellence 78:16 exception 57:1 excess 21:19 excessive 49:5 exchanges 9:4 excuse 22:14 40:6 executive 55:8 exist 56:17 existing 64:6 76:17 exit 76:14 exits 76:13 expect 7:11 experience 63:7 experienced 57:7 expert 30:20 75:16</p>	<p>expires 80:20 explain 6:12 exploring 16:6 18:10 30:10 expressed 12:14 47:14 extensive 63:7 extensively 43:11</p> <p style="text-align: center;">f</p> <p>fact 13:12 14:11 25:7 38:16 56:16 59:9 66:2 71:7,18 73:17 76:6,11 factors 15:9 factual 16:17 fair 64:9 fairly 36:14 57:19 58:8 59:21 61:14 72:11,13 fall 58:15 familiar 6:4,16 20:5,8 39:21 40:1 family 48:2 far 11:7 27:11 28:10 51:10 62:6 72:12 farm 5:10 fast 23:6,7 28:16 34:18 36:14 47:1 47:4 48:21 58:4 63:18 faster 49:2 favor 8:1 42:12 66:11,13 77:2 79:12 favorably 14:10 feel 30:2 47:15 74:15 feeling 25:3 61:2 feet 10:14 12:21 24:3 26:15 28:13 61:14 felt 59:12</p>
--	--	---	---

fetch 76:3,4,8	fred 1:12 3:3,3	61:5 63:18 68:12	harmed 58:6
figure 26:11	frequency 36:12	74:10 78:11	harmful 72:21
final 53:17	38:3	goes 20:13 28:11	hate 61:20 62:10
find 19:18 39:5	frequent 45:2	43:8 73:17 74:5	65:4
51:19	frequently 45:7	going 9:21 10:16	head 10:7,16,20
fire 4:15,15 64:15	46:18	13:20 19:21 20:2	31:21 42:3,18
64:16	fridays 35:3	21:19 23:8,21	headquarters
first 9:11 12:17	friend 45:18	25:11 27:16 29:3	5:21
41:5,16 67:1 71:4	friends 12:6 41:16	34:18 35:19 38:9	headwaters 34:8
fish 32:3	41:21	41:11 47:1,4	health 3:9
fisher 50:7	front 67:11	48:21 55:7 56:15	hear 2:7 49:18
fishermen 27:14	full 12:16 13:1	61:19 63:16 65:11	57:18 72:5
27:14 30:12 32:8	14:21 29:9 39:5	66:8 68:19 70:12	heard 19:19 21:21
71:13	40:4 74:20	74:6,7 76:21	30:21 55:19 57:15
five 8:3 26:8 71:17	fully 26:3	good 2:4,20 3:16	60:11,17 65:19
floating 51:3	fun 59:21	3:21 4:5,11,21 5:4	71:9,21 72:18
flying 51:6,10	further 42:5 48:10	9:13 10:8,19	73:2
focused 72:9	48:16 63:19 64:12	19:18 25:12,20	hearing 1:6 64:13
folks 10:10 63:10	69:2 80:5,8	40:20 41:19	71:8 73:4
63:16,17 65:11,21	future 79:2	governing 60:6	heavy 47:11
66:4 67:16 72:5	g	76:18	hellner 1:12 3:7,7
73:14 74:10,12,13	g 2:1	grandkids 37:11	11:4,13,16 21:1,5
74:15	gain 40:13 58:18	greatest 7:5	21:8 22:2 24:18
following 2:9	58:18	green 9:17 74:8	25:7,13 29:20
53:13,19 73:2	general 56:13	grew 4:12 5:2	30:14 36:6 37:14
fond 13:19	generally 32:6	group 6:14 8:5,7	37:19 46:8,19
foot 44:18 65:2	42:12 58:15 63:4	guard 4:2	48:7 57:5 63:21
force 13:12	65:19	guess 42:1	71:1 75:13
forgot 63:21	geography 56:6	guessing 32:3	help 28:9 35:4
fork 13:10	57:12 59:12	guys 31:9	72:20 73:4 77:21
form 67:19	george 67:14	h	helpful 38:4
formal 54:8	getting 24:2 26:17	half 24:19 29:7	hi 3:7 45:20
former 3:8 21:8	34:11 48:14 74:16	72:10	high 13:6,9 21:3
fort 20:6,9,12 39:3	gill 50:11	hand 80:10	22:21 50:15
41:6	give 9:8 11:11	handled 68:9	higher 52:16
forth 29:8	67:6	handouts 8:17	68:19 70:4 78:3
fortunately 59:19	given 46:20 64:15	happen 8:12 51:5	holdings 15:13
forward 77:18	78:19	62:18	holiday 59:4 60:20
forwarded 67:14	giving 40:13	happens 43:8	holidays 35:3
four 2:13 22:18	go 11:1,10 20:1,2	happy 15:14 41:19	52:20 56:3 63:14
47:5 55:7 66:17	25:8 27:13,21	harbor 67:10	64:7
67:18 71:17	44:16 46:15,16,16	hard 49:3 51:7	homeowner 43:13
frankly 19:15	50:21 53:9 55:7	harm's 78:13	homeowners
	56:2 58:4,10,12		20:18 31:1 65:15

65:20 71:10 hopefully 77:10 77:14 79:2 house 26:5 41:5 houses 57:21 hunter's 14:12 38:8 hunting 51:20 hydrographic 1:17 6:10	individual 77:19 information 11:9 66:20 77:18 informed 78:1 initiated 13:12 19:7 injuries 51:21 injury 51:4 input 53:5 61:11 installed 14:2 instantly 29:13 51:8 interest 13:2,17 13:17 interested 21:10 80:9 interesting 60:16 introduce 2:19 invested 43:11 investment 43:17 involvement 12:14 irresponsible 59:17 islanders 5:3 issue 14:20 20:1 28:17 55:9 72:9 issues 42:8 43:1 44:5	job 77:21 joe 1:12 3:7 11:4 11:13,16 21:1,8 22:2 24:18 25:7 25:13 29:20 30:14 36:6 37:14,19 46:8,19 48:7 57:4 57:5 63:21 71:1 75:12,13 john 1:13,14 4:5,6 5:4,4 11:19 12:2,2 12:5,5 15:18 16:3 17:1,3,4,8,11,13 17:18 18:1,13,16 19:6,20 20:7,8,10 20:15,17,20 21:5 21:13 22:5 24:6 38:1,7 39:12 40:6 40:8,14 56:6 61:2 75:7 joined 15:5,6 jones 1:13 3:21 4:1 79:10 judge 49:3 july 38:10 junior 44:20 justice 79:6 justified 60:9	kept 68:20 kid 65:4 kids 37:10 41:11 44:19 45:7 48:2,9 kind 3:5 21:15 43:5 44:11 58:6 59:2 60:10 cling 1:12 2:20,21 77:13 79:11 knee 46:16 knot 11:5 14:21 24:21 28:8 58:5 60:19,20 knots 9:15,19 10:1 10:12 21:19 23:11 30:18,19,21 31:3 31:6,8 35:2,4,14 49:3 52:20 56:2 63:14 64:7 67:12 know 4:19 10:2 29:10,12 30:21 31:13 32:4 33:19 34:2 36:2 38:1 39:9 40:5,9 42:1,2 42:17,21 43:8,9 43:15,18 44:6,10 45:14 46:1 47:8 47:15 48:13,15 49:4,13 57:10 60:15 62:18 73:20 78:10 knowledge 15:5 21:13 known 12:6 knows 35:19
i	j	k	l
idea 19:18 identified 12:8 identify 8:7 16:4 imagine 58:3 immediately 59:14 impact 26:12 44:11 impacting 58:12 76:7 impacts 43:16 71:9 72:1 implement 24:7 implemented 25:1 26:16 impose 73:7 incident 21:14 incidents 21:2,6,7 21:9 33:18 34:17 59:19 61:8 inclined 56:18 include 68:13 including 3:12 17:15 59:7 71:13 inconvenience 65:11 increase 43:3 73:21 increased 13:8 indicated 23:10 indicating 66:12 66:14,16 77:3 79:14	j 1:19 j.t. 12:2,7 41:8 42:5,19 january 80:20 jeannine 1:16 5:19 68:9,10 78:13,14 jeff 22:12,16,16 23:9,12,19 24:1 25:5,10 26:2 jerry 6:1,1 49:20 51:17 52:1,4,13 52:21 53:3,6 jet 13:5 17:13 18:9 23:20 24:4 44:7	kayak 3:19 28:17 65:5 kayaker 6:21 23:1 28:1 kayakers 36:15 kayaking 48:1 kayaks 13:7 17:16 17:17 21:15 28:1 29:21 37:11,18 45:21 48:3 keep 5:13 58:16 64:9 keeping 58:17 keeps 35:19,21	l 49:21 landing 41:7 landowner 4:9 15:4 landowners 65:8 lane 20:6,9,13 27:8

large 26:14 36:14 57:20 59:21 71:17 76:3,4	little 19:13 27:20 30:1 41:3 45:13 45:16 57:10 60:14 62:16,20 67:10 68:19 69:2 70:2,4 70:7 74:4,14 77:1	lunsford 1:14 5:12 5:12 70:16,17	5:5 6:2,6,20 58:19 67:12 80:1,2,11
larger 18:11 28:3 64:5	live 2:21 3:3 5:8 5:12 12:7 18:18 20:4 25:21 26:1 27:8 63:10 69:6	m	master 4:17
law 24:4 54:15 80:4	lived 5:9 12:16,20 22:13,18	m 49:21	master's 5:7
laws 39:17	living 26:4	madam 9:12 11:19 22:5 38:1 66:21	materials 12:9
leading 68:16	local 3:14 15:19 16:4 18:10	main 18:7 67:14 69:8	matter 1:5 17:9 76:11 80:6
leave 31:7	location 15:1	maintain 5:6	mean 10:17 27:21 43:7 65:14
leaving 16:1	long 12:14 13:1 19:10 29:11 33:1 39:6 41:8	maintained 26:7	means 53:21 80:6
leehaven 22:16 25:21	longer 19:14	majority 48:18 56:9 63:9	media 8:17
left 13:15 20:13	look 45:20 67:20	malin 39:2,2,19 40:7,10	meet 30:18
legal 39:15 54:14 54:19	looking 23:16 42:10 46:1 55:20 56:6,7,8 67:8	manner 80:7	meeting 1:1 2:4,7 2:11 5:11 8:10 41:21 55:4 68:2,6 69:3 77:6,14 79:16 80:5
legs 36:1	looks 23:17 47:7	manor 12:7,11,17 20:11 41:4	meetings 55:6
letter 67:17	losing 43:19 57:17	map 18:3 19:12 20:12 22:13,18 27:9	member 4:2
levitan 1:12 3:3,3	lot 12:20 16:13 27:8 28:5 34:5 39:14 40:12 41:13 42:7 45:11,17 46:3,5,11 47:10 55:21 57:19 59:6 61:6 64:4 66:4 72:1	marina 69:7,9 70:6 71:8,9,14,19 71:21 72:11 73:15 73:19 74:1,2,8,9 74:16,16,18 75:15 75:17 76:1,7,13 76:14	members 1:11 2:16 6:12 9:5 12:13 66:12,14,16 76:9 77:3 79:14
liaison 5:17 7:20 8:18 9:10	lots 20:12,13,15 20:18 41:16	marinas 4:7 58:1 75:4	mention 28:10 64:1 65:7
library 1:7	louis 1:17 6:9,9 78:5,10,16 79:4,5	marine 5:5	mentioned 38:7 44:19 64:2
license 5:7	love 3:20	mark 40:20,21 44:18 45:12 46:12 47:3 48:10,13 49:2	met 41:16
licensed 4:17	lovely 68:4	marker 23:3 74:8	michael 26:20 27:1 33:14,16,16 34:6,9,15,20 35:1 35:6,16,18 37:1 37:18
licenses 46:14	lower 34:13	marsh 1:14 4:21 4:21 31:16,19 32:6,9 44:15 45:9 46:7 51:14,21 52:2,5 55:14 62:14	michael's 5:9
life 78:12	lunch 53:7 79:9,13	maryland 1:2,8 2:6 3:13 4:1,8,10	microphone 8:21
lifetime 3:10			middle 77:6
lifts 72:2			mike 1:16 5:16,16 9:12 11:2,8,14 66:19,21 67:5,6,9 68:3,3,8,11 69:20 70:1,3,9 77:6,8
lights 67:10			mind 35:18 64:9
limb 78:12			minimal 71:15 75:18
limit 14:21 16:12 28:8 52:11 56:19 73:11			
limitation 25:1			
limited 24:10 42:16,17 62:9 72:15			
limiting 61:12			
line 9:21 10:15 11:5,5 68:15,17 68:18 70:3			
lines 68:11			
lining 31:20			

minimum 13:20 56:1	12:4,5 22:15 25:18,20 27:5 33:15 39:1,2 40:19	41:19 43:10 47:13 47:15 49:11	75:14
minutes 8:4,8 67:17,19 68:2,4,5 68:9,13,21 71:17	name's 40:21	net 50:11	observations 71:2
misled 68:21	named 80:3	nets 32:3	observe 53:11 62:21
missed 33:13 44:15 67:4	narrow 27:17,19 28:12 29:12 36:11	never 29:16 47:3 47:20 48:3 59:17	observed 21:11 62:15 63:10 76:6
mitigate 74:4 76:1	37:1 40:1 50:14	new 14:8 41:6 54:18 77:5	obviously 41:9
mitigation 75:17	51:1,10 55:21	newer 69:9	occasional 50:7
moaney 1:16 5:19 68:9 78:14	61:15 72:11,13 73:1 76:14	nominating 77:11 77:12	occasionally 32:21 45:18
modifications 54:7	narrowest 23:18	non 16:20 35:20 75:16	occasions 38:17 44:7
modifies 54:17	narrowness 37:8	normally 52:14 67:3	occupancy 74:20 74:20
modify 54:12	narrows 37:9	north 70:7	occur 34:18 50:9
moment 2:18 6:11	natural 2:18 5:20 6:2,7,10 24:12	notarial 80:10	occurring 43:15
monday 1:6	43:7 49:18,21 61:13	notary 80:2,14	october 1:6 17:9 78:20
moran 22:10,12 22:16,16 23:6,9 23:12,19 24:1,12 24:18 25:5,10 26:2	nature 36:9	note 15:3 71:16,20 72:4 78:2,5	odd 58:14
morning 2:4,20 3:16,21 4:5,11,21 5:4 9:13 25:20 40:20	nautical 37:4	noted 71:13 73:12	officer 3:8 4:6 6:1 49:20 51:14 52:9 55:19 59:11 63:6
motion 55:12,14 55:16,17 57:6 61:19 63:20 66:9 66:17 69:12 70:16 76:21 79:8	naval 3:8 4:6	notes 80:6	officer's 59:14
motor 30:8	navigable 10:19	notice 14:1 15:1 16:10 18:4 68:13	official 79:3
mouth 36:17	navigated 12:18 19:10	noticed 32:13	okay 12:1,4 20:20 31:4,14 35:17 36:3 37:19 48:12 63:20 69:12
move 54:19	navigation 3:9 4:4 11:10 13:9	november 77:6 80:11	old 3:5 13:13 62:19 66:18
moved 29:9 43:10 47:5 79:10	near 20:15 67:10 74:20	number 12:8,20 13:5 14:3 17:2,3 22:12,17 26:5 27:9 33:18 34:6 37:9 62:10 69:3,4 71:19 74:7	oliphant 40:20,21 44:18 45:12 46:12 47:3 48:10,13 49:2
moving 40:17 66:18 77:5	necessarily 32:19 76:8	numbered 20:12	once 38:2 47:19
mud 50:10	need 43:17 55:18 57:20 58:4 61:11 63:5,9 72:19	numbers 10:10 32:21	one's 44:20,20
n	needed 44:11 62:1 76:16	numerical 10:10	ones 58:14 65:20
n 2:1 33:16	needs 7:9,17 30:19	o	opening 42:20
name 2:4 3:16,20 4:5 5:16 8:21 12:1	neighbor 47:4 49:6,6	o 2:1 33:16 49:21	operate 57:9 59:9
	neighborhood 43:11	oak 13:14,18 36:1 43:19 62:16,17,19	operating 17:6 21:3 56:13 71:6 71:12
	neighbors 12:6 14:6,17 16:5 25:12 30:9 41:15	obligations 50:4	operation 24:9 73:1 76:12,18
		observation 14:4 50:5 61:18 71:5	

<p>operations 1:17 6:10 24:15 56:11</p> <p>operator 3:10 24:21 37:17 57:8 58:3 59:15</p> <p>operators 56:12 58:20 59:7,16,17</p> <p>opinion 28:7 41:20 50:13,16 51:9 52:13 75:17</p> <p>opportunities 56:15</p> <p>opportunity 9:9</p> <p>opposed 43:4 57:5</p> <p>opposing 8:2 40:17</p> <p>order 2:4</p> <p>organization 8:6</p> <p>original 67:16</p> <p>outboard 17:14</p> <p>outcome 80:9</p> <p>outcomes 53:19</p> <p>outside 4:13 74:7</p> <p>overhead 23:17</p> <p>overview 67:7</p> <p>owned 4:7</p> <p>owner 3:18 24:19 26:1 43:13 76:1</p> <p>owners 3:2 19:18 20:17 69:6</p> <p>oxford 5:5</p>	<p>part 12:16,21 14:8 19:13 20:17 27:20 30:10 34:13 67:13</p> <p>particular 13:2</p> <p>particularly 28:12 59:8</p> <p>parties 80:8,9</p> <p>pass 73:15</p> <p>passed 71:18</p> <p>passes 16:18</p> <p>pawes 67:15</p> <p>pay 74:12</p> <p>people 7:12,15 15:20 16:6,14 18:21 21:7 25:11 27:10 30:10 34:10 35:10,19 36:13 39:8 40:5,13 48:5 50:6 60:13 61:4 62:7 66:2 69:4 75:7 77:16</p> <p>people's 51:3</p> <p>pepe 1:14 5:4,4 18:15,16 19:6,20 20:8,15,20 39:12 40:6,8,14 61:2 75:7</p> <p>perceived 47:21</p> <p>percent 14:13 38:15 76:6</p> <p>perch 50:10</p> <p>perimeter 9:18 68:11</p> <p>permanent 23:2</p> <p>permitted 8:8</p> <p>permitting 13:13</p> <p>person 9:5 37:4</p> <p>personal 7:1 50:16 56:9 64:19 65:1</p> <p>personally 19:10 50:12 51:17 80:3</p> <p>perspective 10:6 10:21</p>	<p>petition 10:11 12:12 13:4 14:10 15:5 19:7,16 21:12 41:18</p> <p>petitioner 11:3,17 11:19 67:14</p> <p>petitioners 72:18 76:15</p> <p>petitions 57:18</p> <p>pier 64:18</p> <p>piers 10:13 62:5</p> <p>place 5:1 59:12 60:14 64:21 65:12 74:4,17 80:3</p> <p>placed 14:11 23:3</p> <p>places 62:1</p> <p>placing 75:4</p> <p>plane 50:18</p> <p>planned 22:7</p> <p>please 2:13 7:15 8:13,19,20 9:10 22:15 25:19 27:5 33:15 39:1 40:18 47:7 49:19 66:8</p> <p>point 23:18 24:4 26:15 28:12,16 36:6 42:4,21 53:8 55:8 57:12 58:17 59:14 60:16 63:21 70:12</p> <p>points 71:3</p> <p>police 6:2 24:13 24:13 49:19,21 51:16 72:20 73:3</p> <p>portion 10:19</p> <p>possible 53:19 58:20</p> <p>possibly 51:5</p> <p>posted 10:1 55:5</p> <p>posting 16:10</p> <p>potential 59:16</p> <p>potentially 59:8</p> <p>power 3:11 4:3 5:2 23:1</p>	<p>powered 17:18</p> <p>powers 14:4</p> <p>practices 60:8</p> <p>precipitated 29:2</p> <p>prefer 63:4</p> <p>prepare 54:8</p> <p>prepared 12:9</p> <p>presence 60:11</p> <p>present 9:10 13:10 67:3</p> <p>presentation 8:4 54:8 68:4</p> <p>presented 8:18</p> <p>presenting 8:20</p> <p>presents 7:20</p> <p>president 3:14</p> <p>presiding 1:9</p> <p>pretty 6:4 32:6 44:17 62:21</p> <p>previous 75:14</p> <p>primarily 34:18 35:13 69:5</p> <p>prindle 1:19 80:2 80:13</p> <p>printed 80:6</p> <p>prior 48:14</p> <p>private 46:4</p> <p>probable 59:6</p> <p>probably 16:5 18:9 34:9 37:5 45:3 72:3 73:5</p> <p>problem 16:15 29:13 32:9,12 47:1,21 48:4 61:21</p> <p>problems 19:2 32:16</p> <p>proceeding 13:5 14:3,14 15:12</p> <p>process 13:13 54:14,19</p> <p>processed 78:3</p> <p>program 11:10</p>
p			
<p>p 2:1</p> <p>pace 14:15</p> <p>paddle 3:19 6:21 13:7 17:15,17 45:20 60:4 65:5</p> <p>parlin 1:13 4:11 4:12 11:15 23:16 23:20 24:2 34:5,7 34:11 55:17 64:14 65:17 70:19 73:9 73:10</p>			

progress 54:21	quite 41:9,13	63:12,13 73:6	relates 16:19
proper 76:11	46:17 71:20 74:12	recommendations	relatively 13:6
property 3:2,17	r	7:13 53:16 54:9	46:21 48:20 71:15
12:8 15:20 17:2	r 2:1 49:21	recommends	75:18
24:18 25:3 30:6	raising 41:12	55:20	relatives 5:3
43:16 46:2 51:3	ramona 1:12 3:16	record 8:15 51:18	remarks 15:15
58:11 61:10	3:17 23:6,11,13	71:4	64:1
proposal 14:19	29:1,17 30:15,17	recorded 2:11	remember 53:15
propose 19:17	31:4,11,14 34:16	8:16 14:13 38:10	rental 16:9,11,15
proposed 9:13	34:17,21 35:2,12	80:5	rentals 66:1
54:13,18,21 72:16	35:17 36:3 48:8	recreational 74:11	report 21:2 77:12
proposing 72:10	48:12,19 49:14	red 69:19	reported 1:19
prospect 21:16	52:6,8,19 53:1	redundancy 8:15	61:8
protected 63:17	63:2,3 69:14,17	reference 27:19	reporter 27:6
74:21	69:21 70:8,14	68:14	reports 61:9
public 2:7 78:18	ramp 5:14	regard 21:12 71:4	represent 6:15,19
80:2,14	rare 48:21	regarding 67:17	8:7
purview 56:20	ratcliff 12:7,11,17	regime 14:9	request 7:21 8:3
put 32:2,20 36:16	20:10 41:4	region 6:15	9:14 30:17 53:14
38:8 61:3,20	rate 50:15	regularly 44:17	53:18 54:1,3,6,7
62:11 65:12 67:2	reach 15:7 58:10	regulated 61:15	54:10,13
72:14 73:11 74:1	read 68:5	regulation 7:21	requested 8:1 10:9
74:3,21	reading 11:7 69:1	8:1,2 9:11,13 10:9	69:18
putting 33:19	ready 14:8	14:20 19:17 29:3	requesting 9:15
q	realize 27:17	33:12 38:21 40:16	9:19 10:12 67:12
qualify 56:10	39:17	40:18 49:17 54:13	requests 2:8
question 11:4 17:5	really 18:1 19:12	54:18,21 57:16	required 42:13
20:4 30:15 37:15	28:4,9 29:9 32:21	58:5,7,21 60:10	requirement 10:2
38:3 39:4,13 52:7	35:4 36:7,19	61:3,12,20 62:1	reside 4:13 5:5
52:8 59:3 66:8,9	43:19 49:4 57:9	62:11 63:4,5	residency 41:2
69:15	58:4,12 62:1	64:21 65:12 67:3	residents 14:7
questions 15:14	64:16 66:2 72:19	69:5,18 72:14	resources 2:18
15:17 18:14 20:21	reason 19:3,20	73:7	5:20 6:2,7,10
22:3 23:4,14	20:3 44:12 62:11	regulations 42:12	24:13 49:18,21
24:16 25:14,15	reasonable 52:18	42:13,14 44:10	respect 7:5,16
26:19 28:20 29:18	reasons 14:16	55:3,5 56:7,8,17	41:19,20 51:2
31:15 32:14 33:10	43:4 57:6	56:21 60:6,7 64:6	respectful 32:7
34:12 36:5 37:20	recognize 29:13	64:10 76:17	36:20 74:9
38:20 39:11 44:14	recognized 9:7	regulatory 2:8	respecting 16:12
49:15 51:12 53:4	recommend 14:18	14:9 53:17 54:1,5	respond 29:10
68:3 70:9 75:6	52:11 54:1 60:18	54:7,10	response 38:3
quickly 29:14 68:7	70:17 72:15	reject 53:21 54:11	responsibility
quiet 46:5 48:5	recommendation	related 16:8,14	75:9
	53:14 54:12,18	51:20 80:9	

<p>responsible 59:9 59:15,16 75:21 76:12</p> <p>restricted 36:11</p> <p>restriction 59:3 60:13,20 72:19</p> <p>restrictions 42:15 44:9 60:2,5</p> <p>resubmitted 54:3</p> <p>retired 4:6,16</p> <p>retiring 78:6</p> <p>returning 18:9</p> <p>reunions 48:2</p> <p>review 2:12 68:6</p> <p>reviewed 68:1</p> <p>right 20:11 28:13 28:16 45:3 47:8,9 49:7,17 50:19 51:7,8 63:12,13 69:6,7 72:7 75:1</p> <p>ring 67:19</p> <p>riparian 3:1 4:9 15:3,12 19:18</p> <p>riprap 43:9,12</p> <p>riprapping 75:20</p> <p>risks 13:7,10</p> <p>river 2:9 4:12,19 4:20 9:14 18:19 21:20 67:10 77:6</p> <p>road 12:8 20:8,11 22:17 25:21</p> <p>rocked 74:16</p> <p>rocking 29:15</p> <p>rode 62:21</p> <p>rolling 29:15 55:11</p> <p>room 18:2 59:16</p> <p>root 13:15</p> <p>round 28:16 35:7 35:8,14 53:1</p> <p>rowboat 12:18</p> <p>rpr 80:13</p> <p>rule 56:13</p>	<p>rum 79:1</p> <p>run 57:10 66:5 67:20</p> <p>runabouts 17:14</p> <p>running 39:17 53:8 64:16,20 65:20</p> <p>runs 59:21</p> <p>russ 1:14 5:8,8 32:16 33:3,6,9 55:11 61:17,18 62:14 65:14</p> <p style="text-align: center;">s</p> <p>s 2:1</p> <p>safe 3:9 24:11 57:11 60:7 65:3 76:18</p> <p>safely 56:14</p> <p>safety 7:18 14:16 15:8 28:11,17 42:8,9 43:1 44:5 46:20</p> <p>sail 2:21 3:11 4:3 6:20</p> <p>sailing 3:4</p> <p>sailor 5:2</p> <p>saltzman 4:7</p> <p>salutary 14:2</p> <p>saturday 59:4 60:20 64:7</p> <p>saturdays 35:3 52:20 56:2 63:14</p> <p>saw 40:4 47:3,17 47:19 59:11,13 62:4,4,20 71:6 72:3 74:6,7 76:10</p> <p>saying 36:7,9 39:20 64:19</p> <p>says 13:3 44:3 60:1</p> <p>scenario 59:20</p> <p>schedule 53:8</p> <p>screen 11:1</p>	<p>seal 80:10</p> <p>search 51:18</p> <p>season 17:10,12 35:15,20 53:2,3 54:16 59:5 60:21 63:15</p> <p>seat 8:14</p> <p>second 55:14 70:19 79:11</p> <p>secretary 14:19 53:16 54:2,10,11 54:17 55:1</p> <p>see 10:7 24:13,14 26:16 29:14 30:5 32:1 34:1 37:13 42:3,7,7,8,9,18,21 43:2,5 44:2,5,6 45:4,10,16,20 46:3 47:12,18 48:19 49:8,9 57:16 58:16 59:6 59:20 61:11,15 62:6,10 65:4 67:13 68:12 69:4 69:8 70:8 75:21 78:4</p> <p>seeing 28:7 34:10 61:20 76:2</p> <p>seek 21:16</p> <p>seen 18:5 21:18 22:20 23:20 29:21 32:2 41:9,13,15 43:2 50:12</p> <p>sees 58:4</p> <p>self 61:12</p> <p>sense 50:17,21 66:5,6 75:21</p> <p>sent 67:16</p> <p>seriously 7:4 42:10</p> <p>serve 7:17 57:14</p> <p>service 78:17</p> <p>serviced 5:17</p>	<p>services 1:16,17 5:19 6:8 77:16</p> <p>session 55:8</p> <p>set 2:15 73:20 80:4</p> <p>seven 66:13</p> <p>severn 4:12</p> <p>shad 50:10</p> <p>shallow 15:10</p> <p>share 8:12</p> <p>shawn 39:2,2,19 40:7,10</p> <p>sheer 59:21</p> <p>sheller 1:13 4:5,6 15:17,18 17:1,4 17:11,18 18:13 24:6 56:5,6</p> <p>shoaling 10:18</p> <p>shore 4:14 13:13 13:20 72:12</p> <p>shoreline 12:21 13:14 26:7,7 37:5 43:9 64:18</p> <p>shorelines 43:12</p> <p>short 16:9,11,15 58:8</p> <p>show 19:12</p> <p>sic 57:2 62:12</p> <p>side 12:11 19:3 20:19 28:13 39:3 68:16</p> <p>sides 10:18 14:7</p> <p>sign 41:18</p> <p>signatories 12:12 16:20</p> <p>signature 80:13</p> <p>signatures 9:19</p> <p>significant 13:11</p> <p>significantly 14:5</p> <p>signing 15:5</p> <p>similar 19:9 57:6</p> <p>simon 77:17</p> <p>simonsen 1:16 5:16,16 9:12 11:8</p>
---	--	---	---

<p>11:14 66:21 67:5 67:9 68:8,11 69:20 70:1,3,11 70:14 77:8 simply 21:6 26:4 26:17 sir 12:1 15:16 17:1 17:4,11,18 18:13 22:4,14 25:13 26:20 28:20 30:14 33:11,13 37:17 38:19 40:15 44:13 46:7 48:7 49:16 52:5 53:5 sitting 74:18 situation 64:9 71:4 situations 58:16 64:8 six 9:15,19 10:1,12 11:5 14:21 24:21 26:8 28:8 29:6 30:17,19 31:2,6,8 35:2,4,14 38:9 49:2 52:19 56:2 58:5 60:19,19 63:14 64:7 67:12 size 21:19 31:2 sizes 3:11 30:8 ski 18:2 44:7 skiers 17:21 skiing 17:20 46:16 skis 13:5 17:13 18:6,9 23:20 24:4 slam 51:7 slap 56:18 slide 47:7 slocom 27:2,4,7,7 29:5,20 30:7,20 31:5,13,18 32:2,8 32:11,19 33:5,8 slow 25:8,12 31:3 36:20 50:18 58:10 58:12 60:14 63:17</p>	<p>74:10 76:12 slower 31:7 slowly 27:16 small 29:21 36:11 36:21 46:21 57:8 57:9 58:9 59:13 smaller 72:16 smith 5:3 11:19 12:2,2,3,5,6,7 16:3 17:3,8,13 18:1 19:6 20:7,10 20:17 21:1,5,13 22:5 23:10 35:21 38:1,7 41:8 smith's 26:3 somebody 34:13 37:12 44:10 51:8 59:20 65:4 73:20 somers 72:7 74:18 something's 28:15 sorry 20:7 sounds 48:20 south 76:3,5 space 36:21 40:21 speak 8:20 9:9 11:3,18,20 22:11 25:16 27:3 33:13 38:2,21 40:16 49:16 61:1 speakers 37:2 speaking 8:5 specific 78:10 specifically 29:10 speed 13:6,9 14:4 14:14,21 15:12 16:12,18 18:11 23:9,21 24:7 30:18 38:16,17 39:7 49:5 50:15 52:10,11 56:16,19 57:21 64:20 71:12 speeding 17:17 32:17 33:19 35:13 47:11,18 48:4,20</p>	<p>49:8 50:12,14 65:19 66:3 speeds 21:4 22:21 40:2 59:10 spell 9:1 spend 50:2 spending 45:1 spent 29:6 50:4 spoken 27:11 spokesperson 40:18 spring 14:2 st 5:9 staff 2:18 54:8 stake 15:9 stakeholder 1:16 stand 71:7 staring 13:18 start 10:16 48:14 state 6:15,20 7:3,6 7:18 8:13,21 12:4 22:15 25:18 27:5 33:15 39:1 40:19 57:14 64:11 65:16 80:1,2 state's 6:17 7:10 7:19 stated 57:7,13 statement 65:18 stay 53:10 stead 11:21 stem 18:8 stenographer 2:12 9:1 stenographic 80:6 stenographically 80:5 steve 1:12 2:20,21 77:11,13 79:11 stokes 20:6,9,12 31:1 39:3 41:6 street 1:8 74:19 75:2</p>	<p>strive 7:8 strong 28:5 structure 26:6,8 26:10 struggle 57:16 subject 57:2 submitted 10:11 12:9 succeed 7:11 19:16 sufficient 31:9 38:17 suggests 14:6 summer 21:17 38:10 46:8 47:11 60:15 summers 45:1 51:15 summertime 35:9 sunday 59:4 60:20 64:7 sundays 35:3 52:20 56:2 63:14 support 33:12 38:20 supposed 68:15 sure 19:21 30:16 38:6 40:12 60:15 67:5,9 69:16 surfer 7:1 surmising 49:10 surprised 19:15 survey 10:1 surveyed 10:4 surveyor 5:6 swim 3:19 swimmer 6:21 system 13:16 51:18</p>
t			
<p>take 2:18 6:11 7:4 8:14 42:9 53:21 63:5,9</p>			

taken 24:9	46:7 48:7 49:14	times 7:12 9:16,20	trout 31:20
talbot 1:7 5:9 6:4	49:15,17 52:5	10:12 26:14 30:12	trovato 1:12 3:16
41:2 50:1	53:5,6 60:21 63:3	32:17 33:4,5 35:5	3:17 23:6,11,13
talked 18:21 19:8	64:11 66:18 68:3	35:14 45:6,13	29:1,17 30:15,17
47:13 49:11	68:10 69:11 70:8	57:18 67:12	31:4,11,14 34:17
talking 33:4 48:11	70:14 73:8 76:19	tipped 73:5	34:21 35:2,12,17
teach 4:3	77:4 79:4,5,15	today 14:20 64:6	36:3 48:8,12,19
technically 24:3	thanks 36:3 63:18	77:13	49:14 52:8,19
tell 20:5 33:1	theirs 41:20	today's 2:7 9:13	53:1 63:3 69:14
38:14	thing 21:16 26:2	55:4	69:17,21 70:8,14
telling 50:21	28:10 43:19 51:2	ton 4:17 5:6	true 80:7
tells 50:17	65:3 72:3,17 73:5	top 15:1 16:20	truly 55:18
ten 8:8 12:19	things 55:11 57:13	20:11 37:13 50:9	truth 33:2
term 16:9,15 39:6	62:18 66:1 73:6	68:14	try 34:2
termers 16:11	73:12	toss 71:18	trying 30:2 36:17
terminates 15:11	think 18:5 19:6	totally 39:15	57:14
terms 15:8 20:1	25:10 26:9 27:17	40:10	turbulence 48:4
45:4	31:9 35:4,6,21	town 11:20	turn 2:14 8:11
terrible 43:19	37:4 40:3,11	tracked 55:2	18:2 20:13 51:5,7
testified 8:13	41:17 42:14 45:3	trade 5:6	65:6
24:20 29:21 59:11	47:12,19 52:9,17	traffic 14:13 15:19	turns 48:16
61:5 72:21	57:12 60:8,13	16:13,18 22:20	two 5:13 13:15
testifier 75:19	61:3 63:5,8,11,13	28:8 32:12 34:10	15:4,6 16:19
testifier's 58:11	66:2 72:4 73:16	38:4 42:8,11 43:3	33:19,19 35:10
testifiers 36:8	78:4	43:6,21 44:3,6	41:18 45:14 47:10
testify 8:9,11	thinking 18:17	45:4,13,16 46:4	54:5 61:14 62:12
13:11 16:17 21:11	52:19	52:14,15 61:7	65:7 75:13
testifying 8:9 9:2	thomas 12:2,5	trailers 5:14	type 17:5,19 30:5
9:5	thornell 1:13 3:21	trained 3:9	37:4 44:16 64:10
testimony 2:8 7:21	4:1 79:10	transcribed 80:5	types 3:10,11
8:8,15,20 26:3	thought 75:15	transcript 55:4	71:12
46:9 57:16 60:11	three 2:13 39:4,8	transcription 80:6	typical 30:3
64:2 71:1 72:1,5	45:15 47:5,10	transiting 17:20	typically 30:5 53:7
73:3	54:4,6 55:7 67:19	travel 50:6	
thank 9:12 11:2	throwing 74:14	tred 2:9 4:19 9:14	u
11:16 15:16,18	tied 62:4	16:7 18:8 42:20	unanimous 77:4
18:13 20:20 22:2	time 8:10 12:16,17	48:17 52:15 55:9	understand 7:15
22:4,5 23:3,13	12:21 13:1 14:21	tree 13:14 36:1	36:7,18 40:7,10
25:13,15 26:18,20	24:8 29:7,9 34:3	43:19 62:19	46:9
27:2 28:20 29:17	40:3,4 41:14,16	trees 43:18 62:16	understanding
30:14 31:14 33:9	43:8 50:2,4 52:12	62:17	10:8
33:11 37:14,19	59:6 62:17 71:7	trent 66:10	undertake 14:8
38:19 39:11 40:14	80:3	trip 62:15	unduly 58:6
40:15,16 44:13			unfortunately
			50:2 66:4 73:16

74:11 75:3 unnavigable 72:12 unofficial 75:16 unreasonable 56:16 unrestricted 58:17 unsafe 24:14 59:10 unusual 45:10 60:9 upper 70:3 uppermost 15:7 ups 78:3 upsetting 21:15 urge 14:18 usage 10:3 use 7:10,19 30:3 39:14,16 45:5,9 46:17 users 7:1 57:15,17 57:19,20 uses 6:16,19 utmost 7:16	visited 18:18 visually 49:4 vote 35:7 44:1,12 53:14,21 54:5,6 voting 9:10 35:8	waterskiing 48:14 48:18 56:8 waterway 6:5 13:2 36:10 44:9 54:2 57:15 62:18 71:2 75:15 waterways 10:18 wave 27:21 28:6 waves 71:11 way 10:6,16,20 24:19 28:2 32:20 34:7 37:15 38:14 38:14 63:18 73:4 78:1,13 80:9 waypoint 68:16 we've 21:21 33:17 48:1 55:19 57:1 58:8 59:19 65:19 69:2 74:18 website 2:13 55:2 55:5 week 30:4 32:17 32:20 35:10 38:12 39:5 40:13 52:17 52:18 61:5 79:1 weekdays 34:19 weekend 16:14 32:18 33:6 35:13 40:3 52:14,16,17 60:1 65:12 weekends 30:4 34:18,21 35:1,9 66:1 weeks 2:13 35:11 38:9 55:7 welcome 2:6 53:10 went 74:13 west 1:7 19:10,12 19:17 western 18:20 whaler 44:19 58:10 wharfs 62:3	whatnot 64:16 white 40:21 50:10 wide 22:1 24:3 wider 19:13 wife 3:1 william 25:17,20 25:21 williams 1:17 6:6 6:6 wind 7:1 27:21 window 46:1 winds 28:5 wintertime 50:8 witness 80:10 witnessed 26:13 wonder 44:2 wondering 18:16 19:3 words 36:17 57:7 work 5:18 78:7 worked 4:14 working 73:13 77:15 workings 77:20 worried 17:16 worse 26:17 wright 1:17 6:9,9 78:5,16 79:4 written 61:9 wrong 36:16 74:17
v	w	y	
vacation 16:9,11 value 73:21 vantage 42:4,21 various 6:16 71:11 versus 39:5 vessel 21:9 37:16 37:17 44:16 56:12 57:8 58:3 59:7 71:18 76:12,18 vessels 3:11 16:5 17:19 21:3 24:10 30:1,5 71:6,12 vibrate 2:15 view 36:10 42:17 views 7:16 8:12 violation 56:16 virtually 28:4	wait 64:13 waiting 78:4 waive 76:5 wake 21:7,8 26:9 31:5,6 38:18 39:7 60:3 71:14,16 74:5,14 75:17 wakes 13:6 37:6,6 76:1 walk 41:21 walls 62:8 want 26:4 36:16 61:1 63:17 64:14 65:9 67:20 68:21 72:4 74:21 wanted 26:2,12 34:12,15 71:3 washington 29:7 water 3:20 10:5,6 18:12 25:2 45:4 46:16 56:9 60:4 61:14 63:8 65:16 73:14 74:21 75:8 watercraft 7:1 27:13 56:9 64:19 65:2 waterfront 3:17 4:9 5:10 watermen 31:16 31:19 73:13 74:6 74:7 waters 3:13 6:17 6:19 7:3,6,10,19 10:3 12:15 64:11 65:16 waterski 3:18 48:9 waterskier 6:21	yacht 4:18 77:9 yachting 3:15 yards 11:15 21:21 58:9 yeah 23:12 34:9 46:17 57:5,10 year 4:2 13:13,15 20:1 29:8 30:13 33:17 35:7,8,14 45:3,6 47:11,19 49:9 53:1 62:12 62:19	

[years - zone]

Page 16

years 3:5,12 13:1 13:4,19 21:2,18 22:19 26:5,8,14 29:6 33:21 40:4 41:3,11 43:3 45:15,15 47:5,10 51:19 54:4 78:17 yellow 9:17 68:11 68:15 69:18,21 70:2 younger 45:7 46:10
z
zipping 34:2 zone 24:7