The above-entitled matter came on for
hearing on Thursday, November 4th, 2010, commencing
at 10:08 a.m., at the Annapolis Elks Club, 2517
Solomons Island Road, Annapolis, Maryland, John
Bush, committee chairman, presiding.

COMMITTEE MEMBERS:

Robin Allison  Frederick Levitan
Tammy Broll    John Marple
Amy Craig      Coles Marsh, Vice Chair
Betty Duty     Bob McLean
Russ Dwyer     Edric McSween
John Ferman    Gail Mongan
Thornell T. Jones Christopher Parlin
Steve Kling    Ramona Trovata
Kenneth Kloostra

Robert Lunsford, State Regulations Coordinator
Robert Gaudette, Director of Boating Services

Reported by: Kelly A. Taylor
PROCEEDINGS

MR. BUSH: Good morning, everyone.

Everyone please take your seats.

We're pleased to see everyone here and we're looking forward to hearing your comments concerning petitions which was made to the committee here. The committee is made up of about 20 persons from all over the state of Maryland and the primary purpose is to evaluate the waterways, making them a good as possible for everyone to use, and keep this in mind, that the waterways are for everyone and therefore we try to keep an even hand. We do not have a preconceived notion of what you're talking about, we just listen to you and then we make a decision.

I'm going to have the persons here on the committee to introduce themselves, tell you a little bit about themselves and then we'll get started, so we'll start from my left.

(Committee members introduce themselves.)

MR. BUSH: I'm John Bush and the
1 chairman of the committee. I'd first like to ask
2 everyone to turn off your cell phones if you
3 haven't already done it. Also, we're going to
4 start testimony, we would like everyone to have an
5 opportunity to speak their position. We may have
6 Bob to make a comment before we get testimony, you
7 want to do it that way?
8          MR. LUNSFORD: Sure, I'll just go over
9 what the request was and --
10          MR. BUSH: Yes.
11          MR. LUNSFORD: So which one do you want
12 to start with, Mr. Chairman?
13          MR. BUSH: We're going to go according
14 to the agenda.
15          MR. LUNSFORD: Luce Creek was first?
16          MR. BUSH: Yes.
17          MR. LUNSFORD: Luce Creek is a small
18 creek up off the Severn River. The petitioner was
19 concerned about high speed activity in the creek,
20 the creek has a number of Navy moorings in it. The
21 police report was a recommended no action with
concurrence by the lieutenant up the chain. The erosion control or the erosion survey came in and they did not attribute anything they saw there to -- has little or no apparent impact in terms of shoreline, they're speaking of boat wake there, so that's the departmental report. We did have a number of comments, I think the summary that is on the back page of your package.

MR. BUSH: Okay. Is the officer here yet?

MR. LUNSFORD: The officer for Beards Creek. The police report I have for Luce Creek and he recommended no action.

MR. BUSH: Thank you.

MR. LUNSFORD: There's no officer to report.

MR. MARSH: We have several who want to speak in support of that. Mike Lawlor.

MR. LAWLOR: Yes, sir. I live on Luce Creek --

MR. BUSH: Anyone that wants to speak,
come on up here and get the mike.

(Discussion held off the record.)

MR. LAWLOR: Thank you. I live on Luce Creek. There's a small cove after you come in off of the Severn River and I live on that cove, and I would take exception that the erosion that is caused by boats speeding in and out of the creek does cause additional siltation in our creek and our creek is not that deep a creek. Also, I think that with the short distance of the creek it's really not appropriate for waterskiers and things because it is such a short distance and from the headwaters of the creek out to the Severn, if you're maintaining six knots or less it probably takes you four or five minutes, so it's really not a hardship to waterskiers or anybody that wants to do that, and I do think it's somewhat of a safety hazard since I know my grandchildren and their parents love to go out and swim in the creek and it does bring about a safety hazard. Thank you.
MR. MARSH: Next one is Mr. Lee. Is he here, Mr. Lee?

MR. BUSH: Please address the committee when you're talking, sir.

MR. LEE: Okay. My name's Don Lee, I also live on the creek, just a little deeper in than where Mr. Lawlor does. I agree with what he said, I think erosion is a problem. I'm back in the cove so my particular lot it's not a problem as far as erosion, but right next to me coming out of a little cove erosion is a problem from a house, construction went on over the last few years. Add to it one other point, there are also Naval Academy buoys in this creek and weekends in the summer especially we get a lot of swimmers in there and we do have a restriction of six miles or six knots on weekends, but we also get a lot of swimmers, people tie up to those buoys and kids swim off the boats right in the middle of the creek, so I think the safety, the safety impact of these kids is just, is a real problem in there. We can see the action out
there, you see the boats speeding in and out, I think it is a risk as far as safety is concerned. Thank you.

MR. KLING: Could I ask a question? Could you just explain what's the genesis of this petition, why are we here, what's given rise to this request?

MR. LEE: Why we're here, I think it's a safety issue, one I just spoke of, that's a big issue, and I also take exception to the erosion, not my lot but right next to me, you can actually see it undermined caused by the speeders that go through there in and out.

MR. KLING: You say a safety issue, what's going on that's creating a safety problem? You're not, we're not hearing -- we heard there's a creek.

MR. LEE: When boaters come in, my issue was when boaters come in and tie up at these Naval Academy buoys, that the Naval Academy never uses, but they tie up in there and raft up, there'll be
several boats tied up to the same buoy, and kids swimming and adults off of boats and they're right in the middle of the creek, so when speedboats go through there, that's the safety issue that I have with it.

MR. BUSH: One comment. You said that the Navy never used those buoys. Well, they were put in there for hurricane protection and if there's a real storm they will go in there and they will put their boats there. That's why they're there.

MR. LEE: I understand that, except during Hurricane Isabel they did not use them, they went over to Round Bay and put in new buoys, they did not use them then. The fact is I've never seen, in ten years I've lived there I've never actually seen a Navy boat identified being tied up to those buoys, so.

MR. BUSH: Okay.

MR. MARSH: Next one up is Richard Schoenfeld.
MR. SCHOENFELD: Thank you. I'm Richard Schoenfeld, I live on Luce Creek, I was the petitioner, and let me just reiterate a few of the comments. The creek is about 250 feet across. The Navy mooring balls are scattered throughout the creek. I think Bob Lunsford took some measurements and said that yeah, there's enough room for personal watercraft and skiers to go through there without being within the 100 feet of either the shore or the buoy; however, if there is a boat tied up on there it is essentially impossible, if the boat is more than 20 feet, to be at least a hundred feet from the shore and the tied-up boat. It does create a real safety problem and I've been out there in my kayak and had boats come by at high speed and practically swamp me. You can watch the shoreline as the waves come across and hit the shore and bounce back and you can actually see the silt and mud being washed into the water.

The safety problem is my biggest issue, that there's just a lot of people out there
swimming. Weekends we have a speed limit, it's not an issue. We may think it's an enforcement issue, but I think that most boaters can't judge what's 100 feet from a boat or from the shoreline and when there are people tied up it is less than that. Are there any questions the committee has for me?

Thank you very much.

MR. MARSH: Anyone else want to speak to the issue? We had no one against that.

MR. SCHOENFELD: The Navy was there six weeks ago during the tropical storm that came by, they had their fleet of, I think they're 20-foot sailboats, tied up on the mooring balls.

MR. BUSH: Okay.

MR. MARSH: Is that all the speakers that we have on Luce Creek? Any questions? Anybody else have any questions from the committee? We're going to move on to the next one, which is Clements Creek, and we have -- Bob, would you give us a little --

MR. LUNSFDOR: Do my stick again. I
don't think I need the mike. Again, the shoreline erosion folks visited Clements Creek, they did a site observation. Their conclusion was based on the above-mentioned observations and conditions it has been determined that wakes produced by boats navigating the waterway have no apparent impact in terms of shoreline erosion in Clements Creek. The officer's report recommended in favor of changing it from Saturdays, Sundays and holidays to six knots at all times every day. That was concurred by the district supervisor but not by the area commander, he did not think it was necessary.

Clements Creek is very similar to Luce Creek except for the presence of the community marinas and it is a little larger water body that's in there, but Clements Creek has been brought before the committee before several times. It was also one of the hot button creeks during the Severn River Vessel Management Plan. The comment summary should be on the back of your sheet and I have nothing further to add at this time.
MR. MARSH: Okay, Bob. Thanks. We have several that signed up for support of the petition and the first one is Cynthia Conley.

MS. CONLEY: Hi, I'm Cindy Conley, I live in The Downs, and my husband was supposed to give this presentation, but it's a last minute thing because he got called into a meeting, so I may have to read some of my comments.

The Downs is on peninsula surrounded by two creeks. We're concerned with Clements Creek. My husband and I along with 74 other families belong to a marina on that creek. I have a, we have a signed petition where 66 families are in agreement that we'd like to have the 24/7 speed limit. My husband and I are avid boaters, if you come to our house you'll see that we are bi-boatal.

MR. BUSH: Excuse me, speak to the committee, please.

MS. CONLEY: I'm sorry. We have a sailboat and a powerboat, we have assorted dingies and kayaks and various, you know, watercrafts. We
like to go tubing. In our younger days we went
waterskiing, but basically over the years we've
seen the demeanor of the creek has changed. It
seems that the water quality has gotten a lot
better and there are a lot more people using
smaller crafts, dingies, kayaks, very small
sailboats. There's lots of swimming because
people, it's become a destination, which we wish we
could have kept secret, because a lot of people
come there on the weekends and during the weekdays
now to tie up to the Naval Academy moorings and
private moorings and raft up. So if you go out
there on any nice day any day of the week you'll
see tons of people swimming on blow-up rafts,
little kids, so it's pretty popular place.

We're concerned because when the
waterskiers do come in it's sort of a -- it is a
larger creek than Luce, but it does have a lot of
narrow points on it and so for people to waterski
properly they sort of have to go out to the Severn
anyway and turn around and then come in, and it
comes very close to the marina and all the boats start rocking and it's been sort of dangerous. A couple of times I've actually witnessed elderly people getting unbalanced and falling on their boats, and little kids too, because the boats really do rock when that happens.

So we're just hoping that we can, you know, people can maybe waterski in the Severn. When we go out tubing and et cetera, we just go out further in the big part of the Severn River.

Our rationale is based on the Maryland requirements for recreational vehicles where it states where it has been determined that an area is too populated with boats and/or persons to allow unlimited speed, speed limits of six knots have been established and skiing is not allowed, and we contend that the creek is becoming populated with an adverse amount of traffic, which makes the adoption of this regulation germane to our position.

With regard to waterskiing, it says
except for taking off from shore, a towing boat should stay at least 100 feet from the shore, piers, bridges, people in the water and other passing boats, and due to the traffic on the creek and the width of the creek, that's kind of difficult if not impossible on some occasions for high speed vessels to comply with this regulation.

So in the end, our observations are that the length of creek is reasonably short, making high speed transit unnecessary to reach even the furthest definition, for example the Saefern marina, in a timely manner, so the risk is not worth minimal effort. The length of creek is reasonably short, thereby making its use for waterskiing suboptimal at best. Only the outer half of the creek is typically used for skiing activities, necessitating the towing boats pull skiers well out into the Severn to make a reasonable run before turning around. The obvious deduction is that waterskiing activities are best pursued in the longer stretches of the Severn.
River, and again, we just feel that the risk that
this causes is simply not worth the benefit and
lack of maneuverability of towing vessels even
heightens that risk. Thank you.

MR. MARSH: Any questions?

MR. BUSH: I have one question here. In
reference to the request for all times year round,
what about just having it only during the boating
season when that's where, you know, after the
official boating season for Maryland is finished,
maybe there need not be a speed limit.

MS. CONLEY: Well, giving you my own
opinion, because I don't know the opinions of
others, but your question is quite logical because
as you can see my whole case is based on the
activities in the creek during the boating season.
So we're worried about people's safety, we're
worried about people swimming. You know, I've been
a kayaker out there and on occasion I didn't even
realize, you know, a boat was coming up on me and I
really a couple of times had a couple of close
calls, but if no one is out there using it except one waterskier I can see your point.

MR. BUSH: Okay, thank you.

MR. MARSH: I have a quick question for you. Are there any waterman that use that piece, commercial watermen, crabbers?

MS. CONLEY: I do not, I have never --

some of the --

A PARTICIPANT: Yes, occasionally I see watermen there, yes, not a lot, but occasionally they do come in.

MS. CONLEY: I see, we see a lot of recreational crabbers and people fishing. There's a lot of people rock fishing right now.

A PARTICIPANT: I'm from that creek, I tend to see people coming along the docks and netting crabs rather than working out in the middle of the creek in terms of watermen.

MR. LITTLEFIELD: Run a few trotlines occasionally.

MR. BUSH: Thank you very much.
A PARTICIPANT: You're welcome.

MR. MARSH: Thank you. Next Jeff Conley, he's not here.

MS. CONLEY: He's not here.

MR. MARSH: At a meeting. Richard Littlefield.

MR. LITTLEFIELD: Good morning, my name is Richard Littlefield, I want to point out where I live.

MR. BUSH: Excuse me. Speak into the mike.

MR. LITTLEFIELD: I will. I'm Richard Littlefield and that little white spot is probably my house. So we have a view which you can see of a lot of the creek. And we've lived there for 28 years and I was the one that said I do see watermen activity with trotlines and around the docks and so forth. They are there. And I have a chance to see what happens when during the week now a large boats come through, some waterskiing, some just large boats, and making significant wakes, increasing the
danger to the people who are on their boats. I own a boat that is at this marina and I've been down there when these waves have occurred many times and what happens is on this side right here, I guess that's the west side, there's a retaining wall, so the waves come in and actually get amplified by being hit back again, you know what I mean, and so there's an amplification of the waves that are there. So my concern and my wife's concern is one of safety to us getting on and off the boat, you know, loading, unloading and all of that. And we regularly see significant wave action there that we think is dangerous, so we're clearly in favor of the six mile an hour limit all times.

I'm not sure I appreciate the seasonality question that you raised, it's a good thought. I just wonder if people would understand that, you know, now November through April I guess would be, I've not seen that on the bay, does that happen already? Somebody doing that?

MR. MARSH: What's that, sir?
MR. LITTLEFIELD: Are any creeks --

MR. LUNSFORD: Yes.

MR. DWYER: Most creeks.

MR. LITTLEFIELD: What is the time period?

MR. LUNSFORD: April 15 to October 15.

MR. LITTLEFIELD: All right. Thank you.

MR. BUSH: Does anyone have any questions?

MS. DUTY: I spoke with a waterman from the Anne Arundel County Watermen's Association and he wasn't aware -- well, he knew there a fellow trotlining in there, he was not aware -- do any waterman live on the creek?

MR. LITTLEFIELD: I don't know. I don't know where they come from, but I do see them in there.

MS. DUTY: Well, my reason for asking is some of the watermen if they do live on the creek, and I couldn't identify any, but if they were say oystering during the wintertime and they would be
having to be in by a certain time, there is a time
limit on oystering and if they were slowed down
year round could be a problem, so it would be an
idea of maybe just doing something during the
boating season but leaving the winter months open
as the watermen do have to make time limits in
landing their catch. So I -- but not knowing if
anyone lives on the creek, I'm not sure that that
would even affect them. I thought maybe you might
know.

MR. LITTLEFIELD: I don't.

MR. MARSH: Next is Steve Schievelbein.

MR. SCHIEVELBEIN: My name is Steve Schievelbein, I live on the creek, I have a 42-foot
boat, and I'm here to support the changes to the
speed limit to full time six miles an hour all year
long. I think the primary reason is safety. With
increased population we've got increased boaters
and we've got a lot of moorings in there, we've got
two marinas and some of these purpose built wake
boats through come there and they create a wake
about the same size as my boat at like 20 knots and
for me to take my boat through there at 20 knots
would just be incredibly bad for the shoreline and
the safety of anybody in the creek. We have a lot
of kayakers, a lot of boats tied up together, four
and five wide at the Navy moorings and it is a
severe safety issue. But I'd also take exception
to the erosion. There is an incredible amount of
increased erosion that's got to be over and above
the natural rate and it has to be because of boat
wake, and I think for that reason alone you should
keep it all year long. Any questions? Thank you.

MR. MARSH: Thomas Anderson.

MR. ANDERSON: Good morning. My name is
Tom Anderson, I also live on Clements Creek, I'll
try to point that out to you where I live. I live
right at the mouth of the creek, right about here.
I've lived there for just over five years, I'm an
avid boater, we have a 31-foot powerboat and a
smaller 17-footer as well. We have a unique
perspective because we're on the mouth of that
creek so we have the benefit of seeing all boat traffic coming in and we can see down the creek as well. So as you see, we spent our -- we have a screen area and so we spend most of our time in the summertime in the evenings, afternoons out on that screen porch, so we see a lot of the boat traffic coming out of the weekend as well as on the weekdays. So what we see are things that pretty much concern us. We believe there is a safety issue associated with having the higher speed limit. There's substantial kayaking that's gone on in that creek, much more than we've seen over the last two years. We see a lot of small sailboats as well on that creek and a lot of the boaters, as one of our other residents indicated, they come in and raft up essentially, a lot of kids, grownups in the water, and when you're skiing down that creek, it is relatively narrow in certain places, you cannot but be within a hundred foot of those people. In terms of the, what I've seen and what we've experienced living on the creek, we have seen
arrests made of certain skiers who were not acting properly, we have been buzzed by certain skiers if you will coming in and coming up next to us as my family were kayaking one day. They finally left after my wife pulled out her camera and started taking pictures, so it does represent a problem.

In terms of the erosion point, again, I am one of the individuals who suffered about 150-foot hill failure on that creek, and so we are very familiar with what erosion can occur. A number of my neighbors also experienced hill failures. I have seen the cutting in on the shoreline that people don't have protection. I happen to have protection, but other people did not and you can see the undercut.

In terms of the days of the week, it is on, they do require lower speed on the weekends and on holidays, but I can assure you that when people are used to going in that creek at high speed during the week, oftentimes they will forget and they come through that at high rates of speed.
In terms of the watermen that use that
creek, I see a lot of that. A number of watermen
come in. I've never seen any oystering, it's all
crabbing, it's trotlines, and the watermen are not
the issue. They are very respectful, they do not
cause issues, they run in and up, they do their
trotlines and are in and out and are very
respectful of the speed limit. So they're not the
issue.

MS. DUTY: John, I just want to, they
would not be oystering in the creek, but they would
be oystering out in like the bay or the mouth of
the Severn, and so if would be just a matter of
them commuting back and forth. I just wasn't sure
if anyone lived there and kept their boats in the
creek.

MR. SCHIEVELBEIN: I have never seen
one, an oyster boat going in and out.

MS. DUTY: It would be in and out, not
an operation.

MR. SCHIEVELBEIN: I don't believe
there's any.

MS. DUTY: Thank you for the compliment,

I'll let the watermen know.

MR. SCHIEVELBEIN: Please do.

MR. BUSH: Another question.

MR. McLEAN: I didn't have a question

for you, I just wanted to make a brief comment.

Bob, when you made the comment about the NRP, the

officer who made the report is recommending a

seven-day-a-week speed zone; however, in reading

it, the area commander does not concur.

MR. LUNSFORD: Correct. I thought I did

that, I apologize if I didn't.

MR. BUSH: You did. Are you finished,
sir?

MR. SCHIEVELBEIN: Thank you.

MR. MARSH: Is there anyone else to

speak? Yes, sir.

MR. EILENBERG: I was a little late, I

got my directions mixed up.

MR. MARSH: Give us your name if you
MR. EILENBERG: My name's Tom Eilenberg, I live on Clements Creek also and for about ten years now, and we have a good view of the creek and I can see all the watering activities on the creek from the house, and over the past ten years --

MR. BUSH: Turn this way.

MR. EILENBERG: Addressing the wrong crew here. In that time I've seen some very dangerous activities by people towing skiers and primarily wakeboarders. It seems like over the last seven or eight years it's been a hundred percent wakeboarders, I haven't seen waterskiers on the creek, but certainly wakeboarders, and of course these boats are trimmed to produce maximum wake and I've actually seen kayaks swamped. A lot of novice kayakers out there. Of course anyone who's been in a kayak knows the first few times you're out there it's tippycanoe time. And I've seen people grabbing some of the Navy moorings, primarily on weekends to get a head start on the
weekend on a Friday, and the wakeboarders will come in and also the Jet Skiers come in. One person I witnessed was launching their dingy and just emerged from the transom of their boat and was almost clipped by someone traveling over 30 knots in a Jet Ski. These two young men were on Jet Skis that day and they were coming up to the head of the creek doing a few pirouettes and going back out to the mouth of the creek and back and forth and that lasted several hours.

Of course if you actually get a tow boat in there doing that type of activity, you've got a full house. Families pull into the creek, there are kids come out and they're in the water swimming and all of these activities are going on and frankly it's coming too close to the boats, they do come too close to the docks and some responding DNR officers when they're called complaining of these close calls, a couple of them have just said frankly the only way to regulate that kind of activity is a full-time six-knot zone. There's no
way to really force anyone to maintain proper
distance. We've witnessed people comings within 30
feet of our dock, and that's a boat, that's not the
skier, and it's just been the skill of the skier
that's kept them off our dock, and of course that
would be a very bad situation.

It's just the, it's just too dense an
activity. Population has just increased that much
and the numbers of kayaks, small sailboats out
there. One older gentleman now in the Saefern
marina had an old mahogany dingy he fixed up and
I've watched him out there in his boat and he
doesn't have time to get out of the way because
he's operating completely under sail. Once the
boater comes in towing a wakeboard, it's just,
there's just not enough room to maintain a hundred
foot distance once they get one other element in
the creek. If the creek was empty, yes, there's
room for a hundred foot, but boats of course have
to turn around and they seem to always do so at the
head of the creek and of course that creates a huge
wake and always in the same spot, and we have trees
actually falling into the water. Since spring of
2006 we've had five just on our property, and it's
just a dangerous situation. Thank you very much.

MR. BUSH: Questions.

MR. MARSH: Do any of the grandparents
or parents on the creek enjoy their kids being able
to learn to waterski and enjoy that creek where you
live to waterski?

MR. EILENBERG: I would assume so, yes,
because it seems there are only about five or six
groups of wakeboarders that do come up on the creek
and at least a couple of them I believe actually
have their boats on the creek, either at the
Saefern marina or the Clements Creek marina or
perhaps at the Epping Forest marina, and I must say
of all of the groups there is only one consistent
group of wakeboarders that come up the creek there
that are always courteous, but only one.

Sometimes -- of course you have four people in a
boat, they take turns operating the boat, some of
them will be courteous and maintain a proper
distance and you'll get one person behind the wheel
and anything goes. It's very inconsistent.

MR. BUSH: One more question.

MR. KLOOSTRA: So do I understand the
real problem is wakeboarders?

MR. EILENBERG: It's the speeds. People
out in the middle of the creek in slower moving
sailboats especially and in kayaks don't have
actually time to get out of the channel once these
people enter the creek, and we've had as many as
three groups of people towing wakeboards in the
creek at the same time and of course that's a very
dangerous situation. Just add one more element of
one small boat in the creek or somebody on the
mooring and it's a very, very dangerous situation
there.

MR. BUSH: Another question here.

MR. KLING: Along those same lines, I
thought I heard you say that you really weren't
seeing skiers now, that the issue was wakeboarders?
MR. EILENBERG: I haven't seen a skier in eight years.

MR. KLING: The guys at the head of the creek --

A PARTICIPANT: I've seen skiers, I have seen skiers.

MR. KLING: Okay.

MR. BUSH: Just a moment. I'd like to recognize anyone who'd like to speak before they speak. Go ahead, Steve.

MR. KLING: What you would not have a way of being aware of is that we, the a committee has undertaken a regulation that would, without going into details, stop wakeboarding within that creek and other creeks, similar creeks. There are some areas where wakeboarding with large artificial wakes is inappropriate. Would that -- if wakeboarding was not permitted in that creek, would that change the need for a speed limit?

MR. EILENBERG: That would really face part of the problem, but it wouldn't really cure
the problem or eliminate the problem, because the
speeds are the primary issue there.

MR. KLING: Who is generating the speed
but for the wakeboarders?

MR. EILENBERG: Jet Skis, sometimes
people will just head up the creek and do a quick
turnaround at the head of the creek just out of
curiosity or whatever, and they can enter so fast
and leave so fast and sometimes, you know, they
come very, very close to small sailboats and kayaks
and if one were to even want to complain, you don't
have a time to get a serial number, they're gone
that quickly.

MR. MARSH: How about the offseason time
of the year, do you see anybody coming up there
fast in --

MR. EILENBERG: Occasionally.

MR. MARSH: -- the fall and winter?

MR. EILENBERG: Occasionally. These are
primarily -- every now and then you'll see Jet
Skiers in wetsuits and people in small private
boats, little runabouts, doing a quick turnaround.

MR. MARSH: Is that a big issue?

MR. EILENBERG: Not a big issue, it's not a persistent problem where someone is making a circuit continuously, like the people who have tow vessels.

MR. BUSH: Any other questions? Thank you. Excuse me, one more question.

MR. CONLEY: I would like to get up just briefly. I'm Jeff Conley.

MR. MARSH: Oh, your wife -- you can speak if you'd like, thank you, sir.

MR. CONLEY: Thank you for your indulgence. My wife already has been up and she made a few comments, but I'd just like to say to the committee I happen to have a boat that's right on the edge of our community marina, right on the waterway, Clements Creek, I'm there probably five out of seven days between the months of April and October, so I spend a lot of time whenever I can observing the creek. My observation is that there
are absolutely waterskiers. They do not stay, you know, outside the hundred-foot barrier and we try to, you know, live symbiotically with them and we'll do this or we'll just give them little signs like that. You know, we understand they're pursuing their water sports, but I would say that the people that we, I normally see there are not very cooperative, they could care less really. And so that is one aspect of it.

Also, this year DNR did pull a group of waterskiers over, they were out of the community that is on Clements Creek and they were cited for drunkenness while waterskiing, Officer Scarborough from DNR, that happened this year, so obviously that does not paint a picture for all people that are waterskiing on the creek, but what it does go to show is this risk factor, and I believe it's all about risks. It's not that we're trying to say we don't want people pursuing water sports of various types on the creek. It's all about risk management in my mind, and as people have already said in the
17 years I've lived in the community, The Downs, there's been a very significant increase in people that are using the waterway in that particular creek as people have already said, so the population aspect has gone up, and as I look at the regulations, the Maryland regulations, that is a significant key point as far as speeds on waterways; what's the population, what's the usage of the creek by a vast majority of different people using it. So that is really my whole point, I think that's the main point about risk management, and everybody should be able to use the creek and I believe waterskiers, wakeboarders and Jet Skiers really should have the ability to pursue their sport. I just think if they could move a couple of hundred yards out into the edges of the river that's a much better place for them to do that and the people that are pursuing the slower, more, you know, water sports would not be in danger. Thank you very much.

MR. BUSH: Any other questions? I have
one quick question. Do you think it would still
work if this was only during the boating season?

        MR. CONLEY: I think that would be a
good compromise because, like I said, I'm still
down there even during the bad months, not as
often, and obviously you do not see the
proliferation of different types of people with
different types of activities from say November
through April, you know. That would be a
compromise I would say, yes, if that's what you're
asking.

        MR. BUSH: Yes, that's what I'm asking, thank you.

        MR. CONLEY: Thank you, sir.

        MR. MARSH: Anybody else that would like
to speak to that?

        MR. EILENBERG: If I may just add
something to what I had spoken about earlier as far
as the courteousness of the people coming in and
towing boats, some are very courteous, I have asked
them if they would just maintain proper distance
from the docks and keeping a sharp eye out for smaller boats in the water, and of course they're very courteous and comply with that. Some will just flip me the bird and tell me where to go, and some actually will drop their bathing suits on subsequent runs and stick their bare behind out at me, and sometimes in the evening, I'll come down to the dock next morning and one of my lines would be off the boat and one time even my power cord was yanked, just completely yanked sideways, and it arced and shut the power off inside the boat, but that's, that's not, that's the minority that would do something like that of course. But there is no regulating civility and the only way to control the situation I believe obviously is full time speed limit. Thank you.

MR. BUSH: Thank you, sir.

MR. MARSH: Thank you. Anyone else?

Okay, Bob, we're moving along to Broadwater Creek.

MR. LUNSFORD: Broadwater Creek is a creek on the bay front of Anne Arundel County. It
was dredged beginning in October of 2009. The petition was submitted and cited that dredging and the corresponding increase in traffic by -- and I'm going to read this -- from resident -- nonresident recreational boaters and waverunners. Most of the activity is high speed and creates safety concerns and issues for our community. The officer recommended, and I will read the two-sentence recommendation, it says there are people on the creek that make their living on the water and need to get their boats in and out of the creek and as I stated earlier there are times that to do so you need to be on top with the engine raised. Therefore I recommend the speed limit stays as it is.

On at least one of my visits I did run into a waterman who was working the mouth of the creek, working a set of pots, it was a very low tide day and if I hadn't been able to follow him into the creek through the dredged channel I don't know if I'd have been able to get into it. So the
mouth of the creek has already started to shoal and
I couldn't, I can't speak for how deep the channel
remains inside the two main tributaries, the two
main arms of the creek. Thank you.

MR. BUSH: Thank you.

MR. MARSH: There are two petitioners in
support of that. Joe.

MR. SEGRETI: My name's Joe Segreti, I
live on the creek. I worked with some of the
folks, didn't play a big role, in helping getting
the creek dredged. Paul Redding couldn't be here
and asked me to attend, and what the gentleman just
said is true, Broadwater Creek is shallow at the
mouth, and what I want to show you is, I think a
matrix solution would work. It does shoal up out
here, but the name of Broadwater Creek implies it's
broad everywhere, it's not, it's very narrow back
in here and very shallow. So the name of that
creek should Broad, Narrow and Shallow Creek. And
the problem that we have is, you know, we spent 50
years to get the creek dredged, millions of
dollars, took two years, just about every resident on the creek spent another ten thousand or a hundred thousand dollars to get a spur dredged off the main spur to their pier, and the problem that we have is, there's actually three reasons why we want a six-knot speed limit up in the creek. I concur that we probably don't need it here because you do have to get up on plane sometimes to get out of there, and this is my only personal opinion, I'm not speaking for the people that live on either side here, but I have a boat too and I need to get up on plane sometimes to get out of here. Where we need the six-knot speed limit is back up in here, and it's, in fact by law it is a six-knot speed limit.

MR. BUSH: You can talk in a normal voice and --

MR. SEGRETI: I'm sorry, I'm loud, I know. Can you hear me?

MR. BUSH: Yes, sir.

MR. SEGRETI: I'm sorry. The problem is
back where we live up in the fingers of the creek
where it is very narrow, might be 150 feet across
where I live, there's a 40-foot channel and the
channel is four feet deep. Outside the channel
it's, it could be anywhere from 18 to 12 inches
deep. And by law from what I've read if you're
within a hundred feet of a structure and you're
within shallow water, 18 inches deep, you can't go
faster than six knots. So all I'm asking is for
the law to be enforced, and I see as no different
on my residential street there's a 25 mile an hour
speed limit sign because children play out there
and I would like that enforced on there, because
what we have -- there's three reasons I think we
need this up in the creek.

It's a safety issue. I have three
kayaks, my daughter kayaks, my neighbor kayaks, we
have canoes, small sailboats, there's people out
there trotlining and on the weekends and on
summertime days people come roaring up in these
fingers 40, 50 miles an hour on Jet Skis. I've
seen so many close calls, I've called the DNR, my neighbors have called the DNR, that's why the officer was out there looking in the first place, because we're seeing these close calls out there. So these people should not be going that fast in water that shallow, that close to piers. It's just, they're already breaking the law and all we want is a sign that says hey, this is a law, if you're on a Jet Ski, you can't look down and go oh, jeez, I'm in a foot of water, okay?

The other reason is, the second reason is to preserve the channel. I have a degree in geology and I know a little bit about hydraulics and sedimentation and I can walk out there in the morning and the water will be relatively clear and after the Jet Skiers come in there and start doing donuts and high speed passes up and down the creek the water starts to turn to chocolate milk and because it's so shallow up in the headwaters of the creek and they extend for hundreds of yards in each of those three fingers, the sedimentation rains
like fine silk, and that's another thing, our creek
has a silt bottom, it's not sand, so when these
people come in there with these Jet Skis that are
angled down and they're in 18 inches of water,
they're blasting up the sediment and it turns into
chocolate milk and you can go out there and just
see, it just covers everything. And in shore water
the underwater plants get covered and then they
die.

So there's plenty of room to go fast, if
you want to go fast out in the mouth of the creek
or out in the bay, you can go as fast as you want,
but up in there, it's delicate, it's an
environmental issue and they shouldn't be doing it.
When they cross the channels, they're out there
doing donuts, and if you go from, you know, a
channel this deep, you step over to the side and
it's this deep, it just blows it back in the
channel. So it's a safety issue, it's preserving
the channels and the environmental issues, silt
covering everything.
So I think a compromise would be in order to put six -- a sign up inside in the channels where they should be doing it and then out in front where if the watermen need to get out they can.

MR. BUSH: Okay, thank you. Is there any question for the gentleman, any questions from anyone? Thank you, sir.

MR. MARSH: Next is Audrey MacWilliams, I know you've been waiting.

MS. MACWILLIAMS: Thank you. I just wanted to tell you that I've lived on the creek for 57 years. When I moved there there were very few people and population has increased with people living on the creek and also ones that come in the creek, and back when my boys were growing up we had a sailboat, we had a small cabin cruiser, we had many, many types of small boats, kayaks were not so popular back in those days, but now it's a whole new world --

MR. BUSH: Excuse me, if you'd move up.
MS. MACWILLIAMS: I'm sorry. I started to say now it's a whole new world from what I knew and had my children grow up in, but my grandchildren grew up there and the safety factor now is really, really bad. The Jet Skiers come in, I live almost up to the head of the creek so they come up and make their circle, and now that we've paid all this money to get, and the county has paid the money to get the creek dredged and all of us have paid eight or ten thousand dollars to put a spur in, they come in, and like Joe said, you can see the mud turn up so you know that they're getting it up out of the bottom. We don't have a sand bottom. If you walk out off of my pier you're going to end up in mud almost to your knees and if we get a very strong west wind coming down the creek we don't have any water at all, I mean it just goes out in the bay.

So I urge and request that you please put some six mile an hour, I don't know how you put them up, or whatever you want to do, put them there
where the people will see them when they get inside
the creek, not in the bay as they started, but when
they get back in the creek. And I live up almost
to the very end, and it's very really dangerous.

My grandchildren are growing up and last month,
thank God, I became a great grandmother and I want
those two twins to be able to swim and float around
on an innertube out in front of my place with some
sense of safety for the people that are taking care
of it. Thank you very much.

MR. BUSH: Thank you. Any questions
from anyone?

MR. MARSH: The next one up and against
the petition is Daniel Buckingham.

MR. BUCKINGHAM: Thank you. Hi, I'm
Daniel Buckingham. My family are, well, for me
it's lifelong, but my family's been there on
Broadwater Creek since the early '70s and we're
boaters there, I'm a lifelong boater, that's where
I learned to boat, was on Broadwater Creek and
learned to ski, learned to do all these kinds of
thing, and I have a young daughter and making

Broadwater Creek a no wake zone would effectively
eliminate me doing the same thing for my kids that
my grandparents did for me. We have small boats,
we have a small sailboat, we have kayaks, we've got
a little aluminum boat. You know, the creek is not
depth enough to use large boats. You know, if
you're going to use a boat in the creek it's going
to be a small outboard boat. And that's where we
do our majority of our recreational boating there
since we have a house right on the creek, and I'd
hate to see that get ruined for us.

I don't think a six-knot zone is the
answer. I think some of the problems that I'm
hearing from the petitioners were, it sounds like
it's mainly the Jet Skiers, and that's not so much
a need for a six-knot zone as just enforcement of
the basic rules of the road that need to be
followed. Like I said, I've boated on the creek
for years and I'm very respectful of, you know, the
other people that live on the creek.
The other aspect of that is getting out of the creek. As one of the gentlemen said, you can't get out of the creek unless you're on plane, in or out, even at high tide, even with the channel that's been put in, a couple of good storms and the channel's pretty much gone getting out of the creek, so that was, in my opinion it was probably money wasted by the state and by the county because it keeps shoaling in and it's going to keep shoaling in. You get a couple of good nor'easters and the channel's basically gone. There is at least one waterman that depends on getting in and out of the creek, he's a lifelong resident there, and I know from conversations with him he was not in support of the six-knot zone.

MR. BUSH: You said he was not in favor of it?

MR. BUCKINGHAM: No, because he has the same issue, he can't get in and out of the creek, if it was a six-knot zone he'd be pretty much stuck. It's so shallow that you can't get in and
out even, he's got a Carolina Skiff, or boats like
that, you can't get out even if you put the engine
up at a tilt so that the propeller is basically out
of the water, you still can't get in and out.

I would also like to say as far as boat
traffic, like I said, I've been boating there for
30 years now, I maybe don't look that old but I am,
and there's probably maybe the same amount or maybe
even less traffic than there was when I was
younger, maybe 20, 25 years ago. I think there's
more Jet Skiers, you know, those types of boats
just weren't prevalent back there, but I'd say the
number of boats is probably not as many that I see,
and I spend a lot of time sitting down the dock
watching the boats, but I think it's more the Jet
Skis and the boats like that and the way they're
used that may be the issue. Broadwater, I don't
see where it's silted, you know, as far as the
depth of the creek, it's stayed basically pretty
consistent over the years that I've been in there;
I know the creek pretty well, I can tell you where
all the holes and the shallow parts are. I kind of
know it like the back of my hand after being in
there so many years, but -- so.

MR. BUSH: Well, thank you very much.

We have a few questions.

MR. McLEAN: Where do you live over
there?

MR. BUSH: You want to --

MR. BUCKINGHAM: Let's see if I can --

my hand shakes so bad. You see the little square
box on the map to the right of where it says
Broadwater Creek, right there, just below on the
south side of the creek.

MR. McLEAN: So you're near the mouth?

MR. BUCKINGHAM: Closer to the mouth,
yes.

MR. McLEAN: Okay, so I'd like to get
your reaction, I'm just thinking of different ideas
and alternatives and I have reached a conclusion
and I'm not sure if the other members of the
committee have reached a conclusion, what if the
speed limit was just on the various inlets and not on the main part of Broadwater Creek?

MR. BUCKINGHAM: That may work. Up farther in the little fingers -- when I was a kid and I learned to waterski we would go up, you know, in the fingers and we would take off and that's where I learned to waterski. There was more traffic out -- there were channel markers out in the other part of the creek. It's a little deeper back there so you can actually take off with waterskiers where you just can't do that out in the main part of the creek. It gets a lot rougher out on the main part of the creek. If the wind shifts, you know, either out of the north or the northeast we get whitecaps at the dock. It's just not practical for that, or even using the little aluminum boats or that kind of thing.

MR. BUSH: One more question.

MS. DUTY: Maybe you can tell me, the waterman that you talked to, where does he live, do you have a name?
MR. BUCKINGHAM: Eddie Howell. He lives on the same side of the creek, about four houses farther up the creek, so he's a little further up. If you see where that one point of land sticks out, he's basically straight next to that on the south side of the creek. Yeah, come over just this way, he's right there. And that's where he comes in and out with his commercial boat.

MR. BUSH: Do we have any other questions?

MR. MARSH: Does he run a trotline up there in the creek or does he go out?

MR. BUCKINGHAM: Some people do trotlines in the creek. Eddie I think does mostly crabbing basically, running in and out of the bay.

MS. DUTY: He's a potter.

MR. BUCKINGHAM: Yeah, he's a potter for the most part, but you do see people with trotlines up in the finger part of the creek and even out in the main part of the creek.

MR. BUSH: One more question.
MR. MARSH: In those fingers, I didn't get a chance to visit the site, in those fingers, the depth in the center of that, what's the average depth in the center of the fingers where the skiing is?

MR. BUCKINGHAM: As far as outside the channel, it's probably, you know, up by our place you might get 12, 18 inches of water, back there you might get maybe six, eight, 10 more inches, enough that in a smaller outboard boat like we have, you can get it on plane without, you know, blowing a bunch of Rototillers.

MR. BUSH: Thank you, sir. At this time if there is anyone that would like to take a five-minute break for relief, you can do that now. If not we're going to continue with the hearing. So we will continue.

MR. MARSH: Okay, Bob, next Carr's Creek.

MR. LUNSFORD: Carr's Creek is the next creek down the bay front from Broadwater Creek.
Again, it's a similar circumstances that was recently dredged. Carr's Creek, personal experience, once you come in past about where that arrow is on the diagonal on the picture there, that's pretty much it for as far as I can go with the big Whaler. The rest of the creek was shallow and I was there at medium tide and at a high tide and I found it extremity difficult to navigate within the creek.

The officer's recommendation was, number one, leave the speed limit the way it is or, number two, redredge the creek. I do not have an erosion report. The creek is, the channel is relatively narrow to get in. I had scheduling snafus with the erosion control people, we did not get out and do that particular one, my apologies, and that's all of the information I've got from that one.

MR. MARSH: Thank you, Bob. Petitioners in support of that. Thomas Melton.

MR. MELTON: Good morning. I live at 1091 Broadwater Point Road. Not very good with
maps I think, but anyway, we live on one side of
the creek and well, first off, I've got 28
signatures of property owners down there that would
like to have a speed limit. And I don't know who
I'm supposed to give it to.

MR. LUNSFORD: The chairman.

MR. BUSH: Right here.

MR. MELTON: Oh, okay. We got a couple
of problems down there. Number one, erosion, and
number two, speed and safety. Now, I live on a
spur there of Carr's Creek and I can't get out on a
90, I'm coming out on about a 45 or so and there's
an island, you cannot see to get into the main
channel until you're kind of in the channel. Now,
we got -- to start with, we really didn't have much
of a creek until it was dredged this last year, and
our traffic is picking back up. At one time there
was commercial fishermen that lived back in there
and then it silted in and it was nearly impossible
to get in and out of there for years. Now that
they've spent $2 million and got a four-foot dredge
up through it, which is 40 foot wide, now, those boats coming in and out of there, I don't know much about erosion, but common sense, because that was muck in there, dredged down four feet below tide, but a 40-foot channel, those wakes have got to cause erosion and no way around that, and you can see it, you can see the wake. That's number one.

Number two, you got Jet Skiers coming in there like you can't believe at times. So someone's going to get hurt because it's a very narrow channel, it's long, and if you don't know where you're going you still are going to get stuck in the mud. So that's basically, these signatures and all, that's where we feel, number one, we feel safety, and number two, erosion. It took us 50 years to get it, I've lived there 26, 27 years and I owned the place seven years before that, and I even saw more erosion in there before it was dredged. But anyway, that's our concern, and I'm not speaking for everybody way up the creek, but I certainly would like to see a speed limit and the
truth of the matter is I thought on a 40-foot channel the speed limit was six miles an hour. I don't know the law, that's just what I always heard, that may not be right. But anyway, I certainly do thank you for the consideration and sure would like to get a speed limit. Basically for that and the erosion, thank you.

MR. BUSH: Any questions for him? Thank you, sir.

MR. MARSH: Next is Susan Williams.

MS. WILLIAMS: Hi, I'm Susan Williams at 1095 Broadwater Creek Road. I live and my dock is at a junction where one spur, see that first triangly point, yeah, right there, okay, where I live right up at the junction, so the main, the main channel goes back into Deale Beach, past me and then the spur comes up past my dock. Right now I can't launch my kayak from my property, I launch from the next one down. That is hidden behind a large marsh area. When we put our kayaks in we have to get out into the main channel before we can
be seen by anybody coming down that channel from Deale Beach. It's scary.

I'm also hearing impaired. I don't wear my hearing aids when I go out in that creek because I don't want to spend $4,000 to get them all wet. So I may not hear a boat coming down that creek. Now, I will say in an unofficial survey 50 percent of the boaters that come down that creek are going slow, I wave, I give them the thumbs up, that's great. Another 50 percent are going so fast they don't even see me out there. So my main issue is safety.

The other thing is the erosion. As Mr. Melton said, I just paid $10,000 to be able to get to my property on the water. When it's low tide the part that was not dredged is mud. It's one of the reasons I have to go to the next property over to take my kayak out. The house that I have right now my father bought in 1979 and he had three docks and a boat ramp, none of which were usable until we dredged this past February. So I
really do support the speed limit. Thank you very much for your consideration.

MR. BUSH: Any questions?

MR. MARSH: Anybody else that's in support of Carr's Creek?

MR. BUSH: Take a break now before we go to the next one.

MR. MARSH: We're not finished Carr's Creek, we've got against. John Mauck, against the Carr's Creek.

MR. MAUCK: How you all doing today? I'm not very good at this but I'm going to give it my best. I've lived on this creek for 39 years, I have a commercial crab license, I go in and out of that creek every day but Monday. When they dredged this creek, your map, I really can't show what really happened, but when they dredged it they only dredged 10 houses out of 35, not counting Broadwater Point, which in my opinion is already on the bay, so they have the waves breaking in on them anyway.
There's very little traffic on this creek. You can sit out there for hours and never see anybody. Every once in a while there's a Jet Ski, and I go in and out every day like I said on plane, but I don't go fast, the boat only goes 22 miles an hour wide open. You talk about the Jet Skis, there's already a law in place to stop the Jet Skis from going in and out of the main channel because it's around a hundred feet wide plus or minus. Back in the main part of the creek it's three hundred feet wide, which a Jet Ski can go there, but I think Fourth of July I watched, I don't think I saw one Jet Ski in there.

I learned to waterski on this creek. We did not really waterski a lot, but we used it for a place to practice, to learn. I taught my children to waterski on this creek with a small Carolina Skiff with small motors on it. I hope, depending on what this board comes up with, that I can teach my grandchildren to ski on this creek. I guess I'm done.
MR. BUSH: Any questions for the
gentleman? One question.

MR. MARSH: Where do you live on the
creek?

MR. MAUCK: All the way down at the end.

MR. LUNSFORD: Back right.

MR. MAUCK: See where the little corner,
of the step is? Opposite that step. And there's
another waterman that lives all the way down.

MR. MARSH: You pot or --

MR. MAUCK: Yes, crab pots.

MR. MARSH: Anybody else?

MR. BUSH: Thank you, sir.

MR. MARSH: Thank you. Carol Reed.

MS. REED: I also have a petition from
23 people that live on Carr's Creek all the way
down and all the way back up, not on the mouth of
it. The majority of the people live in the creek,
not out on the front. So I was wondering, here's
the petition, on the 28 signatures they just had,
were those people that live on the creek or off on
the land without the creek? Most of these
signatures are people that live there and have
lived there for years. We've been there 39 years,
we raised our boys there, they learned to ski,
crab, every kind of activity that you can do on the
water, they loved it. We did not have Jet Skis.
We had them a couple of years ago just for a very
short time, but very little use on it. Again,
there's such little activity on Carr's Creek
itself, you can sit there day after day sometimes
and not see any boats, any kind of waterways. We
do do a fair amount of crabbing, but we have never
experienced to any degree any safety features or
problems or other boats coming in. Our creek is so
shallow, again, 18 inches, at high tide might be a
couple of feet, very rarely though. And we get no
traffic from people that live somewhere else that
come into our creek because they can't -- now that
we have a channel coming in only to the community
pier, not for the majority of the creek. It's just
for the entrance for the first community pier. The
majority of us live beyond that. The channel
doesn't do any good to us if we can't get up on a
little bit of plane3 to get to that channel because
we live back at the very end of the creek also.

It's just -- my husband grew up the
South River so he's been on the water fishing and
crabbing, he's a first mate for chartering and
everything, so he's very familiar with the water.

Even with the installation of public sewage we got
very minimum amount of new homes that were built on
the water. The majority of the homes there have
been there many, many years. Children have come
and gone and grown, grandchildren too. So it's
just, it's just hardly any activity at all.

Anybody that sees a Jet Skier, they're not all the
time, it's once in a while, and that would have to
be out there on the front, I agree with that, but
if you're more than, closer than a hundred feet you
should call DNR and report it.

We don't feel it warrants a speed limit.

It would curtail -- not that we go much faster than
six miles an hour, but it would curtail anybody trying to get in and out of the creek on a plane. And again, back -- that's one or two people. There's so few people that use that creek that would warrant any kind of a speed limit. It's a fun creek to crab, do little minnow fishing with the grandkids, we have kayaks, canoes. My husband's powerboat we don't have at our dock because of the mud and his new engine, he doesn't want that mud in there so he trailers it. We did get a sailboat that came in, but it just puts the keel way up, the centerboard, and floats out to the channel to get out. So the activity is just so minimum we just can't figure -- we're very much against the speed limit going in there because it would curtail what little activity there is. Like I said, we don't get outsiders like many of the other creeks have coming in because they have deep water. We get no outsiders anxious to come into our creek because they're going to get stuck, and many times we have to get out the boat and step in
the mud and go and push the boat to get it out, you
know, of grounding. So we really are not in favor
of six mile an hour speed limit. We cannot see in
any way how it affects anybody other than maybe the
people out on the front, but they really have no
association with all of us that live all around it.
My signatures are the people that live all around
the outskirts of the creek. One or two are water
view, they use the creek, the rest are waterfront
property, owning up to three hundred feet of water.
We have no reports of anybody
complaining about erosion. We don't get that much
activity for any erosion. Anyhow, I appreciate
your consideration and I hope we can keep our creek
the way it's always been. Thank you very much.
MR. BUSH: Thank you.
MR. MARSH: Brian Clark.
MR. CLARK: Hello, my name is Brian Clark. I've been living on the creek for 33 years,
I was born and raised on it. My grandparents moved
there in 1954, my dad moved in in 1965 and I bought
my house in 1999. I've spent years crabbing, I started crabbing when I was 14 years old, I got my first boat when I was 18. I learned how to use a boat on that creek because my parents were out front and if I could only go six miles an hour I probably wouldn't have been boating that much because it wouldn't have been that fun.

You know, a four horsepower on a little aluminum boat, your wake is probably this big, and you ride back and forth, back and forth, get in and out crabbing and stuff, and as I got older, I got my commercial crabbing license when I was 14, I still hold it, it's a CB3, and that's what I did all through the summer, I would crab and all through when I was in high school and it was a really good summer job. If it weren't for the fact that I could be on plane I probably wouldn't have had a job.

I live at the very head of the creek, my house is at the very, very tip right there. My dad lives on the other side, a little further to the
mouth, but on the north side of the creek we have 75 percent of the property between my father, my grandmother and Mr. Mauck and there's two other houses, so that whole north side of the creek, we pretty much own all the land and we've never had a problem with erosion and everything else.

My cousins and my friends, we'd all come over and go skiing in front of my grandmother's house and the parents would sit there and watch us. That's where we learned to ski; it was a good place to ski because it wasn't very rough. You didn't have very many boats at all. You went over to like the West River there's boats everywhere, it was kind of dangerous and it was hard to learn how to ski, especially when you're eight or nine years old, so when I saw the fact that they had the speed limit sign, like proposed speed limit, it made my heart drop because I was thinking I have nieces and I plan on having kids soon too, and I want to be able to teach them how to ski and I want to let them ride around in front of the house and sit
there and watch them. I don't want to send them
out to the bay or say hey, you gotta go four miles
an hour, they'd be like we're done with this,
they've got Nintendos, you know. We didn't have
that kind of stuff.

So I still apparently hold my license
and they only dredged to about where that arrow is,
to the community ramp, so we have to get from way
back there all the way out, and people say it's
like a safety issue or anything else, it's really
not a blind reach, it's kind of hard coming in and
out. There's very, very little traffic, nobody's
in there swimming, and when you're coming out it's
a straight shot out to the bay once you get there,
so if someone was pulling out or whatever, you can
see them. It's not like people are doing 70,
they're doing 20, if they're on plane, and that's
just to stay on top of the water. So, you know, so
it's just very little wake, we're not talking about
cabin cruisers or four-foot wake. We're talking
about aluminum boats, they're small, 15-foot
Carolina Skiffs fiberglass boats, stuff like that.
I don't think it's a safety issue, I don't think
it's an issue with the dredging and if it weren't
for the fact that I could be on a plane, I probably
wouldn't have gone out. I'm still an avid
fisherman, I still hold my license, I still do some
crabbing when I work at nights and it would be
detrimental if we lost -- if you turned to six
miles an hour. I appreciate it, thanks.

MR. BUSH: Any questions for him?

MR. MARSH: Anybody else want to speak
to the issue of Carr's Creek before we move on?

Yes, sir.

MR. MAUCK: Could I speak again? I just
wants to clarify a couple of things.

MR. MARSH: Fine, briefly.

MR. MAUCK: This is basically the model
of the dredging in the creek. They're exactly
right back up in Carr's Creek, that's not the
problem and I'm sure there's no erosion in there.

Our problem is getting there. The channel, as you
can see, here's where all the erosion and the problem is down here, it's not that, yeah, it's not back up in here. Here's what we're trying to get the petition for, is in here. What happens back here, it's flat and shallow, it doesn't really matter, I'm sure there's no erosion back in there because they don't have anyplace to go, but, you know, we've got a 40-foot channel, you can see how narrow it is, and it's going to fill in. I spent $11,000 digging out around the dock and I want to be able to get in and out.

MR. BUSH: Yes, sir.

MR. MAUCK: Okay.

MR. BUSH: Excuse me, sir, we're not having back and forth at this time. We listened to your position, we listened to his position and we're not going to have any conference going back and forth. But thank you very much for your comment, sir.

MR. MARSH: Thank you, we appreciate your comments. If you didn't sign up to speak,
then, you know, if you need to, we don't have anybody else signed up to speak for or against. Does anyone else want to speak that has not spoken on Carr's? What's your name, sir?

MR. MAUCK: John Mauck, his son. Thank you. Now, I grew up there, and I have property on both sides and I learned how to waterski there as well, and the area he's talking about where the channel goes out to the bay there's new grass on both sides and I think if there was erosion there wouldn't be grass, there would be mud up in it. I don't do the environmental stuff, but I haven't seen any erosion. That's all I wanted to say.

MR. MARSH: Okay.

MR. BUSH: There was one question back there, did you have a question you wished to ask?

A PARTICIPANT: I just -- there is mud in the area.

MR. BUSH: Oh, okay, all right.

MR. MARSH: Okay, we're moving on.

Beards Creek. Bob?
MR. LUNSFORD: Beards Creek is a tributary of the South River. The petition --
Beards Creek is currently six knots Saturdays, Sundays and holidays during boating season with a 35-knot daytime, 20-knot nighttime speed limit during the boating season and there is a six-knot minimum wake up at the upper end of the creek. The current petition requests that the current line which runs across here remain anchored on this point and be swung in a more northerly area across here, so there would be a larger area to be included under the six knots. The petition is for six knots at all times year round.

The erosion control report came in and again based on the above mentioned observations the condition has been determined that wakes produced by boats navigating the waterway have no apparent impact on shoreline erosion on Beards Creek. The officer is here to present his recommendation if you want to --

MR. MARSH: Yes, please come up.
CPL. MACKALL: Hello. I apologize, I'm a little under the weather. My name's Corporal Don Mackall and I'm stationed at the South River. For Beards Creek, there's no real issue there as far as I can see. There's very minimal if any erosion whatsoever. As far as the weekend, at the mouth of the creek where the line is now on the weekends just beyond that going into the river with the small circle there, we have a small group of people that will waterski, things like that, we have several Jet Skis in the area. Once a while -- the area is patrolled heavily. Every now and then we'll have somebody slip through, you know, Jet Skis going up the creek itself, but other than that there's no real issue. I think it should stay the way it is. Thank you.

MR. MARSH: Thank you. We have petitioners in support of that. Ms. Clifford.

MS. CLIFFORD: Good morning. I'd like to relinquish my position first to Gary Jobson, who has another appointment, so Gary will testify and
then I.

MR. MARSH: Okay, Gary.

MR. JOBSON: Good morning, thank you very much. Clearly these are serious issues that you're considering. Let me just say thank you very much for doing it. And as I'm sure you're aware, lots of people throughout the United States follow closely what happens here on the Chesapeake and Annapolis being such a prominent boating place. My role here is I'm president of U.S. Sailing. U.S. Sailing is a national governing body of the sport of sailing and I've spent my whole life on the water and I own a 31-foot race boat and a 42-foot race boat and I've had a series of powerboats and I live up on Spa Creek.

This is an important issue because our waterways are getting increasingly crowded all the time, boats are getting faster, and yet we see a proliferation of small boats like kayaks, canoes, small sailboats, eight high schools with sailing programs that are on the water. Safety is
paramount to the water, something that the Power Squadron, Coast Guard, Coast Guard Auxiliary, us at U.S. Sailing work hard at and speed does make a difference. At high speed things happen quickly and there is visibility problems and we have had lots of accidents here in the Chesapeake. This problem is only going to increase as our waterways get more crowded.

The environment, there's lots of arguments about global warming and erosion, but the fact is the waters are rising on the east coast of the United States and erosion is a big problem and the higher waves you have things will happen and erosion does take place. There's also a noise issue, which affects the quality of life.

So my suggestion, because I can tell with the questions you're asking looking for a compromise, designated areas for skiers is appropriate. Wakeboarding is dangerous, particularly with boats trying to make bigger waves for the wakeboarding, it seems to me that should be
out, so I hope you'll consider that. And then
finally, something for your committee to think
about is education. Education is everything, and
when you have boaters that don't act properly,
they're not educated properly, and that is
something that all of us have to do. It takes
courage to change things, and I encourage to act
wisely, think hard, listen to everybody and act
appropriately, because the actions you take do
affect everybody but these problems are going to
increase as the months and years go by, so I would
try to make the action for six knots at this time
in as many places as you can and designate specific
areas for the skiers and we'll all be a lot better
off. Thank you very much.

MR. BUSH: Thank you. Any questions?
MR. SIMON: Six knots during boating
season or all times?

MR. JOBSON: I would do six knots all
the time. I think it just becomes easy to patrol,
understand, people use it, and if you go six knots
it's not going to change your ability to go crabbing, you're still in a boat, still getting to move out there. It takes a little longer, but it's safer and more environmentally sound.

MR. SIMON: Thank you, sir.

MR. MARSH: Do you know, I'm sure someone is going to speak to that, are there crabbers up there? I don't know if they're commercial.

MR. JOBSON: We'll let them, somebody that lives there tell you that.

MR. MARSH: Thank you.

MR. JOBSON: Thank you.

MS. CLIFFORD: Thank you. Good morning, I'm Tara Clifford and literally the point person for the Beards Creek petition. I've lived at Cedar Point since 1978 and that's on the northeast intersection of the South River and Beards Creek, South Shore, up there. During these 32 years when I've lived there I've installed riprap twice to help protect the shoreline. Grass shrimp, which we
used to seine for for bait, no longer is there.
Instead I pick up debris and plastic water bottles
that have washed ashore. I was legendary the past
15 years for swimming in the creek with my purple
bathing cap. That was to highlight myself. I
don't do it any longer because of the speeding Jet
Skiers.

Each of you has a historical to present
visual and it displays the increase in population,
both residences and marinas, since 1963. The boats
now are larger and they create wakes that resemble
waves at the ocean. Since 1993 thanks to DNR there
has been a sign on my boathouse posting the speed
limit. This year at my request DNR provided an
additional two and they say six-knot speed, no
skiing on Saturday, Sunday or holidays. At my own
expense I also had a large sign made identical to
the one at Annapolis Landing Marina up the creek
and it says slow down, you're responsible for your
own wake. There are only three official postings
of speeds on Beards Creek and they are relatively
small, the letters are small. They are buoys, on a
can in a buoy and then one sign on a pier. And
that is indicated again on the visual that each you
has.

Unfortunately boaters seem indifferent
and they're not penalized for ignoring the rules.
Beards Creek has become a high usage area for
boats, Jet Skiers and motorboats, they're out all
the time in droves speeding too close to other
boats and to my shoreline, jumping in and out of
other's wakes. Perhaps people have called DNR and
the corporal to report, but the boats are gone by
the time the marine police are there. When they go
barreling by on a weekend, Saturday or Sunday
during boating season and I'm out there on my dock
or deck yelling slow down, I get the same reaction
that some of the others have reported earlier.
It's not very pleasant. About five years ago a
reckless operator from not in this area in a rental
boat lost control and came careening into my pier,
sheared off part of the piling and narrowly missed
the boat docked at my pier in which a father and
young son were aboard. I still shutter thinking
about that and the ramifications.

According to the 2008 report by the
Maryland Natural Resources Police on recreational
boating accidents, most reported accidents occur on
Saturday and Sundays. I'm sure that's familiar to
you. DNR Sergeant Windemuth said in 2009 there
were nine boating-related violations in Beards
Creek. Eight of these occurred on a Saturday. And
I do ask you to recall Francis Ford Coppola's son
Gian, whose untimely death was in 1986 due to a
speedboat accident.

The lesson is speed kills. Larger boats
come up from one of the newer marinas on the creek
and in anticipation of getting out into the South
River they open up just as they hit my boathouse.
Similarly, when these boats are returning back to
the marinas they round my point from the South
River and don't throttle back until after they've
passed the boathouse. I wince when I see them, and
I can from my house, because I know the waves soon will be pounding my shore, flooding my yard, which is vanishing, and the wake causes my tenant's boat not just to rock and roll but to hit the dock and has done damage.

The regulations governing the speed on Beards Creek were established years ago when there was less population, the boats were different size and the boating traffic far less. I believe Bob Lunsford can attest to this in terms of Beards Creek because he shared with me that he learned to waterski there. For reasons of safety, preserving the shoreline and the health of the creeks for the future, I request that you recognize the peril of keeping business as usual and recommend to DNR Secretary Griffin, one, to change the existing speed limit in the lower portion of Beards Creek to six knots maximum at all times, and to add additional signage and larger size buoys with larger print to alert boaters of the speed limits.

I thank you for your consideration. I
also want to compliment Bob McLean, who operates SunTime Rentals. I went to his website and saw he has something called cruising suggestions and he directs them out towards Londontown Public House and to the bay and to Annapolis. Unfortunately all too often they rent and come right to Beards Creek. But thank you for trying.

MR. BUSH: I'd like to request that as the other people begin to give their testimony, try not to repeat what the other person has said. We do want everyone to have their say, but repetition doesn't change anything and we'd like to move on because we have a lots of people who would like to testify.

MR. MARSH: We have Lesa.

MS. MCLAUGHLIN: Thank you. My name is Lesa McLaughlin and I live at 350 Berkshire Drive, which is at the end of Berkshire Drive with a community marina that comes out to the point of Beards Creek just across from the airport. Ms. Clifford -- right? -- is a tough act to follow.
I'm in a hundred percent agreement with what she has to say. My husband and I have been boating for 30-some years and my main motivation for boating is waterskiing and wakeboarding. And I don't do it on Beards Creek because I think it's too dangerous and too fast and too narrow, especially at the point where it comes up -- yeah, is it on? No. Okay, here's the airport, it narrows across right in here, there's a little point that sticks out, many, many waterskiers during the week, many wakeboarders during the week and there's just not enough room for them to pass. We go elsewhere outside of our community to waterski and wakeboard, further up the South and out in the designated waterski areas.

And as far as erosion goes, I have to say that there are several points out on Beards Creek where there's been hill failure, part -- there's a point, let's see, I guess there's Hardesty Creek right in there -- is that where Hardesty Creek is, Ms. Clifford? -- maybe a little closer out. Anyway, there's a point that the
hill's falling and it's receding and receding and receding, and it has done quite a bit in the five years that I've lived there. The cove at our marina is also eroding. So for me and many people in my community it's really a safety issue between wakeboarders, waterskiing, high speed boats, many people swimming in the creek. Many people anchor out there. There's just not enough room for all the activity, and I'd like to reiterate that the whole idea of it being a residential area, you know, we don't drive 50 miles an hour on a residential street, we shouldn't be going 20 or 30 miles an hour in our residential creek. Thank you.

MR. BUSH: Thank you. Any questions?

Thank you.

MR. MARSH: Thank you. Ilona?

MR. WILLIAMS: She had to leave, I'm next one down, Steve. Steve Williams. Thank you for allowing me to speak, thank you for having this hearing. Primarily I don't have a big issue with the boat speeds, I do have a big issue with the
wakeboarding, because they do in fact wakeboard up beyond the curve beyond Lee Airport and turn around at the head of that water. The erosion that the lady was mentioning before me is right at the point arrow, there's --

MR. BUSH: If you would move that just a little bit away from your mouth -- that's perfect.

MR. WILLIAMS: The white arrow, there is a road -- there's a cliff hill right across from our house and it is eroding, oh, two trees a year, three trees a year, and all along that same shoal which is called Hardesty Cove or something there's at least two trees that have fallen into the cove in the past, I don't know, past four years. So I don't know what the definition of erosion is, but it exists on Beards Creek. Our property is protected by riprap and before Isabel we never had water over the riprap. Since Isabel at least four times a year or maybe more we have water well over six, eight inches over the riprap and that in itself is eroding our property back into the
neighbor's. Thank you.

MR. BUSH: Any questions for him?

MR. MARSH: Where is your property?

Give us an idea of that.

MR. WILLIAMS: The white arrow.

(Discussion held off the record.)

MR. WILLIAMS: Right there.

MR. MARSH: Right there.

MR. WILLIAMS: Used to have a 33-feet sailboat.

MR. BUSH: Thank you.

MR. MARSH: Thank you, sir.

MR. BUSH: Any other questions?

MR. MARSH: John Clifford.

MR. CLIFFORD: Good morning. I'm John Clifford, Coast Guard certified captain and my family owns the house right on Cedar Point. I taught my son how to ski, how to boat and kayak right there, but recently I've noticed just boat traffic and speed has gone up exponentially. I don't kayak there much anymore because of just the
amount of volume and speed and people that don't
look for small boats. We've had many, many close
calls, our pier's been damaged, sheared off a
piling, I mean it's, it's something. But I
definitely agree with my stepmom that there needs
to be lower than six miles an hour at all times.

MR. MARSH: Could you point out where
you live?

MR. CLIFFORD: Right on the point.

MR. MARSH: That's you right there?

MR. CLIFFORD: The whole point.

MR. BUSH: Whole point. Thank you. Any
other questions?

MR. MARSH: Do you have a question?

A PARTICIPANT: Actually a few remarks.

MR. BUSH: Did you sign up?

MR. MARSH: Did you sign up?

A PARTICIPANT: No, I'm sorry.

MR. MARSH: At the end we'll ask for
whoever hasn't signed up.

MR. BUSH: You've got an opportunity to
MR. MARSH: Diana Muller is the South Riverkeeper.

MS. MULLER: Good morning. My name is Diana Muller, I'm the South Riverkeeper for the South River Federation, which Coles just got off of our board from, so I patrol the whole river and unfortunately I do not see the Department of Natural Resources Police out there as often as I am and we are -- you guys need a sign-up sheet for politically neutral. I'm not for or against it because since I am out there all the time and I monitor water quality at 22 stations, sometimes I need to go at 20 miles an hour and I would not get any of my work done at six miles an hour. I grew up in the Pacific Northwest, hard core fishing, so I grew up as a commercial water girl, knowing how to run a boat by age six. I grew up the old-fashioned way; we didn't have a depth finder, and if you run a wood boat aground in the Pacific Northwest you're going to die. Out here it's a
different story. When people run aground out here, and I see it often, it's on a sandbar. However, I'm seeing more and more safety concerns, so I want to speak about the safety and the health.

Beards Creek is a Tier II waterway because it's impaired for bacteria. Most people don't know that. Unfortunately, Maryland Department of the Environment does not tell people this. I am working on comments on the Watershed Flotation Plan, I found this out myself, so if people are swimming all the time in the summer and it's raining like this, you should not be swimming out there 48 hours after a rainfall. But I see it all the time. My kids want to swim after a heavy rainstorm. In Beards Creek we see, especially me since I'm out there, have been hit, almost hit three times by Jet Skiers, and unfortunately it's not the speed limit, these people are going to speed anyway, the same with out in the street. I live on a road where it's 25 miles an hour, people are doing 50. These people are going to go 50 no
matter what. We need better enforcement on the weekend when no one's around watching them and we need better education.

As I sat here all morning watching this, I'm really rethinking the boating education in our state, period. People of my age, people any time after 1972 can go and get a boater's license. I've sat in, working on my captain's license, watching people in their 50s and 60s, never been on water before in their life, they go out and buy a big boat, they get a Jet Ski, and they're hauling, excuse my language, they're hauling --- everywhere and they don't care. They hit almost the markers out there near Mike's Crab House, off of Beards Points there's a giant spit that's not marked, I tried to save a midshipman's boat that he ran aground there, several boats hit that sand spit and somebody's going to hit it hard enough and the tubers are going to go flying forward and severely injure themselves. So the spits are not marked appropriately, and again it's education. Education
and enforcement is the biggest thing, so really,
again, I sit here and listen to people, people are
going to speed no matter what, they don't care.
There's a lot of drinking and beating, so we need
better enforcement and better education.

MR. BUSH: Any questions for her? Thank you.

MR. MARSH: Jules, Jules here?

J-U-L-E-S? Bob C-L-O-P-P.

MR. CLOPP: Thank you for giving me the
time here to speak this shortly. We live on Beards
Creek and we're on the first corner of Beards
Creek. One thing about the structure of Beards
Creek that did not come up is that it narrows at
that neck probably a couple of hundred yards and
the issue we have is wakes. I've seen wakes come
in there at three feet or more, and I keep a boat
in private water, I cannot get on or off my boat,
until it's quiet. I've been injured and my boat
has been injured. Those wakes have to be affecting
every boat that's moored there. We have a one- or
two-foot tide. As the tide comes up you need to be pretty secure. You get a three- or four-foot swell that comes this there from the larger boats, your boat broaches and will hit piling no matter how you tie it. You have to keep them secure. I will not use a kayak in that creek because of the speeds, there’s definitely a safety concern.

Now my rights to use the water have been affected and I have a problem with that. What it really is is people’s lack of concern for other people. When I grew up on the water since I was yea high, we slowed down, we didn't make wakes. People today don't care. They go out in their 30-ton boat, thousand horsepower and run it around 23, 24 hundred rpms and throw a wake that's monstrous, regardless of what that sign says. And we have a lack of enforcement or limited enforcement because we just don't have the manpower to keep watch. The weekend is good, weekdays it's just as bad. That's one problem.

Another problem, erosion, if anybody has
visited my property, I have undercropping. The
house next to me I would say probably less than 15
years will not be there. Part of that problem is
weather, the other part is wave action. As I said,
you get a three- or four-foot wave that's larger
than any wave I've ever seen in any storm, it's
more of a hurricane look. So we are seeing effects
of erosion.

The net of it is I'd like to see six
miles an hour at all times. I think if we limit
the amount of traffic and just limit it to the
boating season the number of boats that will pass
through this point, which is about two or three
hundred yards wide, will greatly be reduced and
definitely will limit some of the problems. Thank
you.

MR. BUSH: Any questions for the
gentleman?

MR. MARSH: Can you point out where you
live?

MR. CLOPP: Sure. Here's where they
were mentioning a large area for skiing, we're
right hire on this point. The skiing out of this
area probably would not affect us at all, but when
you get to this narrowing down here with a high
speed boat and come straight down the middle at
times, but when you start throwing a wake and all
these areas are washed out and there's a marina on
this side and marinas down in here. The ones that
are causing it are the marinas down here where they
stop their boat, these are people and neighbors
that are causing your problem. These aren't
necessarily people that come in from rental. These
are neighbors, people that should know, total
disregard for what damage is being done.

MR. BUSH: Any questions?
MR. MARSH: Clem Knox.

MS. KNOX: Hello. My name is Clementine Knox and I live just a few houses down the river,
or up the river from Ms. Clifford, and I'll just be
brief because we do not have a powerboat. My
husband and I live there with our two small
daughters, we have kayaks and a canoe, which we got last year, and we've been during the week or on the weekends coming out into the mouth, not to the river, but just beyond that point. The waves come in and it's just feeling way too dangerous to even get the boat with the children or ourselves. There's the wakes, I think it's so wide right there that people sort of disregard that that's the start of a creek, so those wakes come in, and again, the speed of the boats tend to disregard -- some of them are courteous as always and some don't, but as far as being kayaker I would definitely go for the year round six mile per hour limit.

We're considering getting a speedboat. We'd love to teach our kids to waterski and I see no reason why we have to do it on the creek when we can just go right around the corner to the river and it's just going to get more crowded. So that's my position. Thank you.

MR. BUSH: Any questions? One question.

MR. MARSH: Are there some commercial
watermen that live up there?

MS. CLIFFORD: I think there is one because I hear the boat coming down slowly in the morning about 5 or 5:30, but there are crab pots that commercial crabbers come in for.

MR. MARSH: Thank you. Is there anyone else in support that would like to speak before we move on?

A PARTICIPANT: As far as Beards Creek, as far as your commercial activity --

MR. MARSH: Stand up.

A PARTICIPANT: As far as commercial activity, the crab line is at the mouth of the river so there's no crab pots beyond that as far as commercial activities. Recreational, your homeowners, they have two pots each, you have some trotlining there in the area. As far as any speed zone, anywhere in the state boats don't shut down until they hit that line, so if you live at the point or the mouth of the creek you're going to get slammed no matter what. That's just something to
keep in mind.

MR. BUSH: Thank you.

MR. MARSH: Thank you. We're moving on now to those against. That would be Joseph Keller.

MR. KELLER: Thank you for letting me speak. I've been boating my entire life. My father built a 35-foot trimaran planning to sail around the world. In reality he had family obligations and whatnot. So I've been on the water my entire life. I actually lived in a different part of Maryland before I moved to Edgewater. I specifically moved to Edgewater to ski on the South River. Myself and a half dozen other people barefoot waterski on the South River and when the water is calm and there's not too much traffic we will go to the ski course at the head of the South River, but most of the time during the week either the wind or other boating activities prohibits that. You get a four-foot roller it's going to give you a good tumble, so we try to find the calmest water that we can and that's always been
Beards Creek. I've been using that for more than ten years now. We had a hearing about five years ago with the same issue. Boating traffic hasn't changed that I can see.

I do have a problem with that type of activity that we've heard repeatedly where people don't pay attention to other boaters, they come too fast, the Jet Skiers in particular. It's really frustrating in a ski course to see people just flying right in there when they know that someone shouldn't be coming in. They give they're burghers, they've lived there longer than you, something like that, which I've never quite understood. Anyway, I would like to see the limits stay the way that they are.

MR. BUSH: Thank you. Any questions for the gentleman? Thank you.

MR. MARSH: Geoffrey Newman.

MR. NEWMAN: Hello, my name is Geoffrey Newman and I grew up in Withernsea on Beards Creek and we used to -- I learned to waterski on Beards
Creek. It's a very safe and remote area, I think it would be a real shame to not allow us to ski there anymore. Currently I live in Edgewater Beach just east, north and east, I believe that's correct, of the area we're talking about and there's a considerable amount of waterskiers in that area and Jet Skiers as well. And I haven't seen any erosion on our neighborhood front whatsoever and I have seen a lot of the grass shrimp. Someone said they were disappearing, I haven't seen any signs of that. And I would love to have my two children be able to learn out to ski on the Beards Creek, I think that's an excellent area for families to be. That's all I have to say, thank you.

MR. BUSH: Any questions for the gentleman?

MR. PARLIN: Where do you live?

MR. NEWMAN: I would say Withernsea is back up in here.

MR. BUSH: Any other questions?
MR. MARSH: Ron Deacon.

MR. ROH: My name's Tom Roh, I'm Ron's next-door neighbor and he had to leave so he requested that I take his place.

MR. MARSH: What was your name again?

MR. ROH: Thomas Roh, R-O-H. Ron and I are property owners on the creek, we are just out beyond the six-knot buoy across the point on the opposite side out here at the, you know, across from Mike's Crab House on the Riva Road side there, okay. So we, you know, skiing out there in the mouth, in the bowl out here is fine early in the morning, but, you know, I think everyone here is aware that there are inherent risks in all water activities, okay, and so skiers for their enjoyment and safety are going to seek out calm, protected waters. Beards Creek is one of the few places on the river that offers that. The controlled ski course up at the headwaters is the other premier place, those are the two premier places on the upper part of the river that offer safe skiing, and
safety is a relative thing here. We promote the
use of the, leaving the six-knot limit as it is,
gives a balance of use in the area. Again, there
are risks for everyone for all water activities and
I think everybody who goes on the water accepts
those risks to, you know, to varying degrees, so we
still promote the continued use of Beards Creek as
it is and to shut it down, you know, on a full-time
basis would force skiing into more a constricted
area and increase the safety hazard for skiers and
other boaters alike because of forcing a
concentration into a still more limited area, so
not to reiterate the other things, but that's part
of the focus that needs to be considered. Thank
you.

MR. MARSH: Questions?

MR. BUSH: Thank you, sir. Ron Simon.

MR. SIMON: Kevin Simon. Thanks for
listening to me. I live at 2996 Valley View Road
in Cape St. John, and anyway, it's just right
across, right after, just above the 2700, 2700
feet, and I waterski all the time. I grew up on Almshouse Creek, my whole family did. They used to call my boat the Queen Mary because I would go out every morning and go crabbing and, you know, I would go out five or six times a day in my little boat and when I brought it back in from crabbing I would get my little ski boat out and a couple of my buddies and we would get up on skis and we didn't have a boat that was quite fast enough to ski so we'd have to, you know, turn a lot to stay up on skis. And my boys now, here it is 31 years later, I have 12- and 13-year-old boys, one has taken the safety course, the other one has too but hasn't passed the test yet, and safety is number one, you know, to my family and stuff like that, and I live on the water so I see the marine police out there a lot, they patrol the river. All the time I see boats that are going up and down the South River breaking the law, and those are, those are law breakers, but the most, the majority of boaters, say skiers that go early in the morning to go
waterskiing up in the creek or that would, you know, have lunch, you know, during the week, those people, those people are people that are law-abiding boaters and they're not -- there's not a lot of accidents up in that river. I don't think that there's any, and I just think it would be a shame to tell my boys instead of going up into the creek to waterski where I can keep an eye on them to go out there and waterski with the big boats on the South River. Where else would we waterski? I think it would be far, far more dangerous for me to be driving a boat and my son to fall off waterskis and have to turn around quick because there's a cabin cruiser right behind him.

So my vote is to stay with the speed limit on the weekends, and actually I wish that wasn't the case, but during the week certainly there's not a lot of traffic on Beards Creek and boaters during the week are very cooperative and so I would ask that you guys would consider keeping everything the same.
MR. BUSH: Any questions for the gentleman? Thank you.

MR. MARSH: Thank you. Charles.

MR. KLEINRICHERT: Kleinrichert.

MR. MARSH: I like that name. I didn't want to mess it up.

MR. KLEINRICHERT: Thank you. My name is Charles Kleinrichert and I live at 121 Edgewater Drive, which is just around the entrance of Beards Creek. It's called Spring Lake where we are. I have two boys; I selected my property almost 20 years ago based on the ability to ski on the South River. Being able to be an avid skier has been an important part of my life and I've always wanted that to be part of my children's life growing up. Being able to teach them to use a boat and get their license was one of the most important things to me as their recreation growing up. Even though they got their boating license at a young age I would not let them go out on the South River, I regulated them onto Beards Creek, a safe area,
areas where I knew there would be no high speed boats traveling, and yet I know they wouldn't be out of danger. They've been skiing there and I've been skiing there for years. We also kayak, we use rowing shells, canoes, never had an issue, and when they did regulate it for weekends I understood, but now we're going to compromise it to the point of not being able to use it, what's next? Are we going to shut down the rest of the river and have to go to the bay? That's the problem that we're seeing right now. I'm strongly opposing it and I think that we really need to look at educating the boat traffic that's on the river. That's really what it's about, education. You can't regulate politeness and courtesy on these boaters out there, but we really need to see more education, we've really got to regulate it as far as what people are doing.

And as far as the accident that happened on the river, on Beards Creek, I actually saw that happen, and it was a rental boat, I helped one of
the people who had fallen from the boat and I saw what happened. They weren't deep into Beards Creek, they were turning and they lost control, they weren't educated, they did not have the proper training to operate a boat, and accidents happen and it just goes to show that we really just have to educate people. Look at the people driving cars and what's happening with them. You're putting young people on the road, you can't regulate them outside of having a license, you have to educate them, and that's what happens with the boater. We've really got to get a little more strict about who operates boats and how they operate them and the penalties have to be severe, but to try to close down areas because people aren't happy with what's going on with the people that are operating the watercrafts, I'm opposed to that and, you know, making a big investment in waterfront property I think is something that everybody looks to do, but they don't want to be regulated away.

We're right there up against Lee
Airport, people are talking about trying to close
Lee Airport because they don't like the airplanes
flying overheard because they're afraid it's a
safety hazard. Why did they buy a home there?
It's the same thing with the people that are upset
with the way the waterways are. If I'm not happy
because the waves are washing in and eroding my
property, I shouldn't have bought a waterfront
home. It's going to cost me to maintain that.

Anyway, I'm strongly opposed to it and
I'm, you know, in favor of getting tighter
regulations and educating the people out there and
getting better water safety.

MR. MARSH: Any questions?
MR. BUSH: Any questions for the
gentleman? Thank you.
MR. MARSH: Anyone else wish to speak
that has not had the opportunity to speak? Come up
and give us your name so you're on the record.
MS. SHUGARMAN: Hi, thanks for this
opportunity. My name is Megan Shugarman and we
live on Broad Creek, which is just opposite of Beards Creek.

MR. BUSH: Excuse me, she's trying to take down your name.

MS. SHUGARMAN: Megan Shugarman, S-H-U-G-A-R-M-A-N. We've lived there for about ten years, my husband and I have been waterskiing for about four years, so my remarks are really just specific to the rights of waterskiers. We're members of South River Waterskier group and we value our close relationship with DNR and waterskiers are some of the safest and most educated boaters on the waters. I'm not here to talk about the Jet Skiers and the wakeboarders, I think we'll share a lot of the mutual concerns about some of the things --

THE CHAIRMAN: Excuse me, would you just slow down a little bit?

MS. SHUGARMAN: Sorry. I'm trying to pick up my son from school too.

MR. BUSH: We want to understand what
you're saying.

MS. SHUGARMAN: Sure, thank you, but just to put it in context, I mean Beards Creek already has a no wake zone on the weekends and holidays, the highest volume days, so you're really just looking at, just putting it in context here, is that the weekdays where there's less traffic and hopefully less of rental boaters and people coming in from Bethesda and Arlington who would be less likely to know what the regulations would be. A 19- to 20-foot ski boat at 30 miles per hour is going to throw less wake than at six miles per hour and serious skiers --

MR. BUSH: Excuse me again, just slow it down.

MR. BUSH: We want to have a speed break.

MS. SHUGARMAN: Sorry.

MR. BUSH: Okay.

MS. SHUGARMAN: We find that the skiing
there, right now there are really only two places
on the whole river, South River where the ski
course is or parts of Beards Creek. And if you're
taking that right away from any waterskier you're
going to drive people up toward the channel and I
think you'll have more safety issues like the
tragedy, last tragic accident of last summer where
someone was run over in the Severn because they
were out in the channel. So I'm just really
asking, as a waterfront property owner myself, we
knew that there was going to be water traffic and
also some risks and some nuisances, but that's sort
of the beauty and the gift of being by the water to
be able to enjoy these things, and I'd like to set
the context of the waterskiers having a very, very
low rate, you don't find drinking, you find
waterskiers take their children to the Coast Guard
safety school, they get their licenses about age 8,
whenever they're able to. So I would like to kind
of put it in context that there's very few places
for waterskiers to go, to make them available and
to urge you do that. Thanks.

MR. BUSH: Thanks.

MR. MARSH: She even moves fast and
talks fast, don't get in her way.

Is there anyone else who has not spoken
about Beards Creek that wishes to speak? That has
not spoken. What's your name and if you could
state for her --

MS. GLENDENNING: It's Prudence
Glendenning and I live on Beards Creek at 113 Park
Avenue, right next to --

MR. MARSH: Take the mike, there you go,
and you can point out where you live and push that
red button.

MS. GLENDENNING: I'd just like to speak
in favor of changing the regulation. But just to
reiterate that we do have a ski course on the South
River and I can understand that you want to have a
safe place and we would encourage that you use that
South River ski course.

MR. MARSH: Thank you.
MR. BUSH: Any other questions? Okay.

Thank you. Thank you everyone who has testified so far. We are currently going to break for lunch. After lunch we will come back into session. You are welcome to come back when we start to deliberate the issues that we've discussed so far; however, you will not have an opportunity to address the issue, but there will be an opportunity to observe what we do. We're going to take a break now, we're probably going to come back at, I think 1 o'clock. Does that work out okay for everyone?

And so -- one second, please.

A PARTICIPANT: One question for you, in your deliberations will you make decisions today?

Thank you. And thank you for your time.

MR. BUSH: We're adjourning until 1.

(Luncheon recess.)

MR. BUSH: We're going to start as soon as everyone gets in their seat. As soon as we get your attention we will start again.

Thank you very much. In order to
accommodate one of our members that has an
obligation we're going to take Beards Creek up
first in our deliberation. So did he have --

MR. DWYER: I would make a motion that
we take no action on Beards Creek.

MR. McLEAN: Second.

MR. BUSH: We have a motion and then we
have a second. Discussion, any discussion on that?

MR. KLING: I have a question, Bob.

MR. LUNSFORD: Sir.

MR. KLING: The motion with Beards Creek
is direct no change. I just, what would be the
implications of swinging the existing weekend line,
is there any?

MR. LUNSFORD: It would be less area for
recreational activity on the weekends, but I don't,
I don't know what the practical -- I don't know
anything particular about that area that --

MS. CRAIG: I think her issue has a lot
to do with the traffic in the main part of the
water anyway and changing that won't make that much
of a difference.

MR. KLING: I understand, but part of the petition is to swing the line also.

MR. McLEAN: On the north side, or the west side.

MR. KLING: Yeah.

MR. McLEAN: That will not affect her, her line is stable.

MR. LUNSFORD: The current line runs across this way. The request is to swing it from here up to this point.

MR. McLEAN: That would affect her also.

MR. SIMON: Moving further out?

MR. LUNSFORD: Correct, move the, what would be the kind of north side line.

MR. McLEAN: The west or north side.

MR. BUSH: The chair recognizes --

MR. McLEAN: Thank you. I am there all the time, my business is right there on the number two bridge as you can see from the photo, and I don't know what time of year that is, but you can
see a corner of my business there, so I'm very familiar with that area. Swinging the line, what she's getting is a lot of the wakes that go up and down the South River. Yeah, there's probably a few that comes out of Beards Creek, but mostly it is the wakes on the South River that roll in or boats coming into Beards Creek. Just like the officer said, they get right to the buoy before they slow down, they're going to get those wakes. To swing the line is not going to help her. There's a sandbar up on there as you go out to the South River, people don't go close to that shoreline, they have to swing down into the mouth of the creek to go into the creek. And for the record, it wasn't my rental boat that hit her pier. I went up and asked the officer, I don't know anything about it. I said I don't know anything about it.

MR. DWYER: I'd just like to say that's one of the biggest ski areas on the South River and if we close that down you're just going to cram up the other little creeks that are left.
MR. PARLIN: I agree, I went there on site visits and one of the times I went there there was some kids in a 14-foot Boston Whaler and they were knee boarding, you know. That just shows that the water is being used actively by kids in the area and like a lot of these other creeks we get, we shut that down, we're pushing them out to somewhere else and making it unsafe somewhere else. So I think there's a lot of good water in there, you know, and unfortunately, like we heard, a lot of people are breaking the speed limit even on the weekends so shutting it down during the weekday isn't going to solve that problem, so I'm in support.

MR. McLEAN: I just wanted to note for the record the information that Bob Lunsford gave us on the petition from the voice mail on the website, 40 were in support of it and 73 were against the petition.

MR. SIMON: 40 were what?

MR. McLEAN: In support of the petition
and 73 were against the petition.

MR. SIMON: The petition was --

MR. McLEAN: Seven days a week.

MR. BUSH: Any more discussion? Call for the question. All in favor.

MR. DWYER: Of the motion.

(Show of hands.)


Thank you.

We're going to go to Luce Creek next.

Luce Creek. Do I have a motion on it?

MR. MARPLE: Which one?

MR. BUSH: First one. Luce. L-U-C-E.

MR. DWYER: I make a motion that there be no change on Luce Creek.

MS. CRAIG: Second.

MR. BUSH: We have a second. Any questions?

MR. MARPLE: On Luce Creek I wanted to ask Bob Lunsford how wide that channel was, and also what that 800 feet for ballast boats is going
MR. LUNSFORD: Ballast boat doesn't apply in this case. When I went into Luce Creek and used the range finder, I went from the Navy moorings, and there are several of them, I think there's a half a dozen or so up the creek, and I was getting readings of 225, 235, 212 from the mooring buoy to the shoreline or to the nearest pier. Shooting the other way sometimes I'd get a little greater distance, a little less distance, but the Navy did put the mooring pile pretty much down the middle of the creek and in order to ski in there you have to ski pretty much down a narrow thoroughfare between the, whatever the shoreline obstruction is, be it pier or shoreline, and those Navy moorings in several places. The 800 feet, we're not there yet.

MR. KLOOSTRA: Those moorings without a boat on them, are they an obstruction, you have to stay a hundred feet away from them?

MR. LUNSFORD: Uh-huh. And you wouldn't
want to hit one anyway.

MR. KLOOSTRA: I know.

MR. LUNSFORD: Yeah, you're supposed to stay away from piers, pilings, stuff on the water.

MR. MARPLE: Why the 800 feet?

MR. LUNSFORD: We haven't done that yet.

We're not there yet.

MR. DWYER: That's Steve's.

MR. KLING: And that wouldn't be relevant anyway because it's already controlled on this creek.

MR. LUNSFORD: Right, because it's already got a six-knot Saturdays, Sundays and holidays. It's automatic.

MR. BUSH: Yes.

MS. ALLISON: By definition, and I'm a little confused on this, is because of where the mooring balls are and the narrowness of this creek, and this applies to Clements also, isn't a skier or wakeboarder in violation of being too close to anything just by --
MR. LUNSFORD: No, they can't be closer than a hundred feet and the measurements I was getting were 212.

MS. ALLISON: From the mooring ball to the shore?

MR. LUNSFORD: Or the pier, whatever the nearest thing was. So you could, if you split the distance down the middle, but again, I imagine most skiers tend to disregard that because the mooring pile is so small, or they could get on the other side of it. If you kind of weaved in and out of the things, you could have more room by going the opposite side as you went down the creek.

MS. ALLISON: Technically they're legal to be there?

MR. LUNSFORD: Yes, the skiing is a legal activity technically during the week.

MR. Dwyer: Just for clarification, it's the boat, not the skier, that has to stay a hundred feet, center line of the boat, so the boat could be a hundred feet, if you have a 75-foot tow line, the
skier can be within 25 feet of that obstruction.

MR. KLOOSTRA: Really?

MR. LUNSFORD: Yes.

MR. DWYER: The boat, not the skier, because when you barefoot ski you use a longer tow line, you gotta use a hundred-foot tow line, not a 75-foot tow line.

MR. KLOOSTRA: So the hundred foot applies to the boat, not to the person.

MR. DWYER: Correct, the boat line.

MR. BUSH: Thank you for that information. Now, any more discussion? Any more discussion? Call for the question.

MR. KLOOSTRA: Let's repeat the motion.

MR. DWYER: No change.

MR. LUNSFORD: No action.

MR. KLOOSTRA: Okay.

MR. BUSH: Okay. Those in favor of the motion.

(Show of hands.)

MR. BUSH: Those opposed to the motion?
Okay. Now, we know there will be no change.

We're going next door to Clements Creek.

MR. DWYER: I make a motion we do no change.

MR. KLOOSTRA: We're on a roll.

MS. CRAIG: I second it.

MR. BUSH: Call for the question.

MR. LUNSFORD: You have to have some discussion.

MR. BUSH: Discussion. Yes, sir.

MR. DWYER: I guess the same reasons as the other one, but it kind of brings back old memories for some of us that sat on this board, I wasn't even on the board then, but I testified a lot at the Severn River Management Plan and we tried to set -- what was tried, this board tried to set up then was equal areas for equal things like some these people were saying, that there are plenty of creeks for kayaking and sailboating and a lot of time and money and effort going into to do the Severn River management and I think it's worked
pretty good up until now.

   MS. ALLISON: I'd just like to point out that on Clements Creek the officer's recommendation was to change it to Saturday, Sundays, holidays to six knots every day and the district supervisor and that their supervisor concurred.

   MR. BUSH: No, they did not concur.

   MS. ALLISON: Recommendation -- oh, I'm sorry.

   MR. DWYER: Did not.

   MR. JONES: Does anyone know why?

   MS. CRAIG: Do you know anything about that?

   MR. LUNSFORD: I called Lieutenant Vernon to just ask him for a comment on why he didn't concur with his officer's recommendation. He pointed out that there had been three complaints, if you look it up at item number 11, there had been three complaints called in to the officer, he didn't think that warranted a change. He also has a concern that if high speed activity
on that creek were closed down, waterskiing in particular, tubing, that we simply would force that activity out into areas that are already heavily used and that it would create a less safe situation for everybody involved, so that was his rationale for not concurring.

MS. TROVATO: What were the complaints? Did they get tickets for these complaints?

MR. LUNSFORD: I don't know, I didn't --

MR. KLING: Mr. Chairman, Bob and I did the site visit here. Was Amy --

MS. CRAIG: Yeah.

MR. KLING: This is actually, relative, compared to Luce Creek this is pretty wide, and I don't think that skiing would be a big problem. That's why I asked the one gentleman about the wakeboarding problem. I mean this would be sort of a prime area that the induced wakes would be inappropriate and it seemed that was a lot of the concern, not the entire concern, but a lot of the concern of the some of the petitioners and
supporters, so we may be solving the main problem in another way later on.

MR. BUSH: Yes, go ahead.

MS. TROVATO: I agree with Steve. I live on the Severn, I bop around all the time, on weekdays there is nobody out there. I mean I'm out there almost by myself all the time. You might see two other boats on the entire river, so, you know, while you might need this on Saturdays, Sundays and holidays, which is what it already is, I surely don't see a need for it on weekdays.

MR. PARLIN: Mr. Chair?

MR. BUSH: Yes.

MR. PARLIN: I would like to back to what Steve said also, that we keep hearing the same thing over and over again about wakeboard boats being a real problem, and I'm hoping, don't want to put the cart before the horse, but I'm hoping that we can solve that problem in another way and that will help alleviate the problems in a number of areas.
MR. JONES: I have a question, where do people do barefoot skiing?

MR. DWYER: Where do they?

MR. JONES: Yeah.

MR. DWYER: Could I answer his question?

Dead calm water. You can't have any --

MS. CRAIG: Do you barefoot?

MR. DWYER: I used to, I did. I'll tell you where to ski is the narrows, Severn River narrows is the main place to ski, through the narrows. And you're talking about --

MS. CRAIG: As long as it's straight and you have the distance, because you go faster for barefoot so you need longer distance.

MR. JONES: Where do you do it?

MS. CRAIG: Beards Creek is where I do it. We're not discussing that now.

MR. LUNS福德: We already did that.

MS. CRAIG: We already did that.

MR. JONES: Do you --

MS. CRAIG: It would be an acceptable
area, absolutely.

MR. BUSH: Let's not get too much in between the two of you. Have you finished? Anyone else have anything to add? Okay. Are we ready now for, for a call? Call for -- the motion now?

MR. MARSH: Make no change.

MR. DWYER: No change.

MR. BUSH: All those in favor.

(Show of hands.)

MR. BUSH: Those opposed. Okay. No change in the position of Clements Creek.

Now we go to Broadwater. Do we have a motion on Broadwater?

MR. FERMAN: I make a motion there be no change.

MR. LUNSFORD: You want to second it?

MR. DWYER: I'll second it.

MR. BUSH: Okay.

MR. KLOOSTRA: So if I understand this correctly, the petition is for the entire Broadwater Creek to have this speed limit in, and
there was some discussion from some of the folks that up in the real shallow water it didn't make any sense, but at the mouth it did seem to make some sense that you might want to put a speed limit in, or was it --

MR. LUNSFORD: That's Carr's Creek.

MR. FERMAN: The other way around.

MR. KLOOSTRA: You had to be up on plane to get out.

MS. CRAIG: Yes.

MR. BUSH: Is that clear to everyone?

MS. DUTY: John?

MR. BUSH: Yes.

MS. DUTY: I think this is one that we had talked about with some of the watermen needing to be able to get out and be on plane, so I think that we need to very strongly look at that. These fellows make their living so they can't, you know, not be able to get out to go to work just because of the limit.

MR. BUSH: We're taking that into
consideration.

MS. DUTY: Right, yes.

MR. BUSH: You want to restate your --

MR. FERMAN: No change.

MR. KLOOSTRA: Made an amendment to the

motion.

MR. LUNSFORD: Why? No, we're fine.

MR. BUSH: Not necessarily.

MS. DUTY: There is no change.

MR. BUSH: Hold on.

MS. DUTY: Don't confuse me.

MR. BUSH: The motion was for no change,
you seconded the motion.

MR. DWYER: Yes.

MR. BUSH: We've had a little discussion
on that. And --

MR. DWYER: I just sympathize with some
of the people that live there and have lived there
a long while that use the creek for the kids and
recreation, that's why I seconded the motion.

MR. BUSH: Okay. Any more discussion?
Hearing none, can we call for the question? Okay, all in favor. No change.

(Show of hands.)

MR. BUSH: Any of those opposed?

Now we go to Carr's Creek. Do we have a motion for Carr's Creek?

MR. FERMAN: No change.

MR. DWYER: Second.

MR. BUSH: Yes, go ahead.

MS. DUTY: Once again we need to be aware of the watermen being able to get in and out and so we'd like to keep them being able to move around without being stuck in the creek, so.

MR. BUSH: So your position is no change.

MS. DUTY: No change.

MR. DWYER: I'd just like to say I agree with that motion too, that it seems like it's a creek that's only used by the residents and a lot of the residents took the time to come here and say that they want to keep it that way.
MR. SIMON: What was the motion?

MR. Dwyer: No change.

MR. BUSH: Yes.

MR. SIMON: Who made the motion?

MR. BUSH: John did.

MS. TROVATO: I just want to point out again on the totals that Bob put together that for Carr's Creek 25 are not in support of the petition and only one is in support of the petition.

MR. LUNS福德: You had a petition presented today.

MS. TROVATO: Other?

MR. LUNS福德: Yeah, one.

MS. TROVATO: How many were on that?

MR. Dwyer: 28, 23 --

MS. TROVATO: In favor of the petition?

MR. LUNS福德: In favor of the regulation.

MR. Dwyer: For the regulation.

MR. BUSH: Do you have anything else to add? Anyone else have anything else to add to
this? Hearing none, we will call the, in favor of
the proposal.

            MR. KLOOSTRA: No change.

            MR. BUSH: Motion of no change.

            (Show of hands.)

            MR. BUSH: Opposed? That's the end of
that. I think that was all.

            (Discussion held off the record.)

            MR. LUNSFORD: I just had a general
comment. When I read those erosion control reports
from our erosion control division, they're looking
specifically at shoreline erosion in a very narrow
zone along the shoreline and they're not
indicating, or not needing to indicate, and perhaps
I've been remiss not saying this before, that
there's not erosion taking place on those creeks at
sea level, it's simply they don't see the cause of
that being wakes generated by boats. Generally
what you find in southern Maryland, some of you
heard the speech, you get sandy topsoil, you have a
clay layer, the rainwater percolates down through
the sandy topsoil, hits that less permeable layer
and it tends to supersaturate the toe of the bluff
at sea level. That sloughs off and the waves and
wakes carry that away, making it look like they
were the cause, but very often they're not. And
that's why we have specific site visits, I try to
do site visits for each one.

MR. BUSH: Yes.

MR. DWYER: I'd like to thank you, I was
going to bring it up later, but for the newer
members on the board, we hear the erosion thing
every meeting and we asked a while back to have
specific engineers go out --

MR. LUNSFORD: Site visits, and they're
geologists.

MR. DWYER: -- to make sure that's not
wave-generated erosion.

MR. SIMON: Same thing, we've had
discussions many, many times here on that and it's
not the boaters that's doing the erosion as it was
the weather.
MR. LUNSFORD: That was all I had to --

MR. BUSH: We've finished with our business for today. Does anyone have anything else they'd like to add? Okay.

(Discussion held off the record.)

(Proceedings adjourned at 1:27 p.m.)

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STATE OF MARYLAND  
COUNTY OF BALTIMORE

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

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Kelly A. Taylor, Notary Public