

MEETING OF THE
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Wednesday, October 13, 2010, commencing at 10:00 a.m., at the Talbot County Community Center, 10028 Ocean Gateway, Easton, Maryland 21601, John M. 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 | Dr. William Weintraub |
| Kenneth Kloostra | Ramona Trovata |

- Robert Lunsford, State Liaison
- Robert Gaudette, Director of Boating Services

Reported by: Kelly A. Taylor

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

2 THE CHAIRMAN: Okay, we will come to
3 attention now, please. The meeting is going to
4 start. We're going to first start off by
5 introducing ourselves and telling the people who
6 are here a little bit about the committee. This
7 committee is made up of persons throughout the
8 state of Maryland. Our primary job is to look at,
9 review petitions concerning speeds and things of
10 that nature, any hazards or anything we can do to
11 improve the waterways. One thing to keep in mind
12 as we conduct our hearing, the water is everyone's
13 area of recreation, so we have to recognize that
14 all persons who have interest in the water have an
15 equal voice here.

16 We're going to start off by letting our
17 members introduce themselves, tell you a little bit
18 about them and then we will get started.

19 (Committee members introduce themselves.)

20 THE CHAIRMAN: Now, we're going to start
21 with, looking at our agenda, we have quite a few

1 areas to cover, and you can start off by calling
2 the first one.

3 MR. MARSH: Yeah, we have Elkmore. In
4 support of that Harold Canick, if you'd like to,
5 Harold, if you'd like to stand up and --

6 MR. CANICK: I put my name on the wrong
7 list.

8 MR. MARSH: Oh, you're against it?

9 MR. CANICK: Yes, would you please
10 correct that?

11 MR. MARSH: We can make that correction
12 for you, thank you.

13 (Discussion held off the record.)

14 MR. CANICK: My name is Harold Canick, I
15 live on Elk Neck near the Elk River, I do all my
16 water recreation on the Elk River. I'm a national,
17 watercraft racing national champion, and I'd like
18 to object to this proposal. Okay. Reason being, I
19 spend a lot of time in Elkmore and the issues that
20 are raised seem to be relatively new. Elkmore has
21 tried to enforce a no wake zone and almost

1 everybody complies at Elkmore, there doesn't seem
2 to be as much of a problem as what's proposed at
3 this point. The reason I'd like to object is
4 during the week when nobody is on the river, if a
5 speed limit is imposed it will be at the
6 inconvenience of everybody that boats in the upper
7 Elk. My feeling is that the people that have
8 proposed this are a bit of elitists and they're
9 looking to benefit at everybody else's -- the
10 majority, who couldn't make it because it's
11 Wednesday. And so that's my objection. My
12 objection is not everybody is part of the problem
13 that they're claiming.

14 THE CHAIRMAN: Thank you.

15 MR. MARSH: Any questions? That's fine.

16 THE CHAIRMAN: Does anyone have any
17 questions for him? Okay. All right.

18 MR. MARSH: Thank you. Bob Lunsford,
19 you want to go over -- I kind of missed you on the
20 first go-around. I can't miss you --

21 MR. LUNSFORD: If you guys could

1 tolerate for a couple of seconds we'll throw the
2 slide up and I can go over the petition real quick.
3 Elkmore Community Marina is just behind John's
4 shoulder, it's here, this is this location relative
5 to the Elk River. The C&D Canal comes in about
6 here. The issue as I understand it is from the
7 navigational aids here to this red, to the marker
8 here and then back out, there's a V in the channel
9 and boats come directly at the marina, turn and
10 then start, and then of course boats coming from
11 this direction do the opposite. The concern is
12 that there's several close passes and from personal
13 observation I can tell you that the channel there
14 is very narrow. I would guess it's less than 40
15 yards from the end of the marina until you get into
16 about two and a half feet of water at high tide.
17 So that was the basis for the petition.

18 The requested area would run about 200
19 yards on either side of the end of the community
20 marina pier, it would run from there to shore and
21 it would run from shore out to the far side of the

1 channel to that real shallow water, which
2 legitimately is very shallow. And my understanding
3 is too when the marina was built there was an
4 auxiliary channel on the other side of the river,
5 perhaps in the middle of the river, but over the
6 years that has filled in and now the only way to
7 access the upper Elk from the lower Elk is to run
8 that set of markers which comes very close to the
9 community pier and those of you that have been up
10 there and looked know that that red marker is
11 indeed very close to the community pier.

12 Questions?

13 MR. SIMON: You'd bring the speed limit
14 down further to start?

15 MR. LUNSFORD: Well, we would go about
16 200 yards on this side of the community pier, is
17 the only request.

18 MR. SIMON: Could you bring your pointer
19 over to this chart?

20 MR. LUNSFORD: This one?

21 MR. SIMON: Please.

1 MR. LUNSFORD: Where do you want to go,
2 Al?

3 MR. SIMON: You want to, the proposal is
4 bring the --

5 MR. LUNSFORD: Okay, this is the
6 community pier here where the laser is, and that
7 community pier is represented over here in a larger
8 scale and this is kind of the area we're looking at
9 for a speed limit. It would actually run in this
10 section of the channel and from there to shore.

11 MR. CANICK: I have a question.

12 MR. LUNSFORD: It's up to the chairman.

13 THE CHAIRMAN: Excuse me, you want to be
14 recognized? One second, sir.

15 MR. KLOOSTRA: In looking at the chart
16 it looks like that red number 8 could be moved to
17 the southeast.

18 MR. LUNSFORD: It can't, that chart is
19 1930s data and having been out there I can tell you
20 there's no room east of this buoy.

21 MR. DWYER: Not 17 feet.

1 MR. LUNSFORD: It's not even three feet
2 at high tide.

3 MR. KLOOSTRA: That's been considered?

4 MR. LUNSFORD: Yeah, on my site visits I
5 checked that several times and I left several
6 trails through the mud bed with my lower unit.

7 THE CHAIRMAN: Now, we had the person
8 who testified before you, before you had put up the
9 chart and he wanted to make a quick comment, I'll
10 allow you two minutes to make a comment, sir.

11 MR. CANICK: I'd just like to ask how
12 many safety issues there has been? I believe
13 Elkmore community pier has been there 50 years or
14 so and I'm just wondering how many people have hit
15 the pier or there have been safety issues in those
16 50 years, I just want to know what the basis is of
17 the --

18 THE CHAIRMAN: Excuse me, sir, you
19 cannot get into a conversation with the people that
20 are going to testify.

21 MR. CANICK: I'm sorry.

1 THE CHAIRMAN: You can state your
2 position, we understand your objection to it.

3 MR. CANICK: Okay.

4 THE CHAIRMAN: Looking at the proposal
5 here, you can see it is narrow, and I'm not, I'm
6 neutral, I do not have a bone to pick in this race.

7 MR. CANICK: Understood.

8 THE CHAIRMAN: However, we appreciate
9 your position and it will -- and your position is
10 registered.

11 MR. CANICK: Okay.

12 THE CHAIRMAN: Do you have anything else
13 you'd like to say?

14 MR. CANICK: My position is in the last
15 50 years there hasn't been any safety issues other
16 than people not wanting to be inconvenienced by
17 boat wake. I think that's the real issue here.

18 THE CHAIRMAN: Okay, thank you.

19 MR. MARSH: Okay. In support of it, two
20 Richards, which one wants to go first, either
21 Richard?

1 MR. GUERARD: Good morning. My name is
2 Richard Guerard, I live in Elkmore and I have a
3 home on the water just a little north of the
4 community pier. I have my own pier. And I'm the
5 past president of the Elkmore Improvement
6 Association, which I guess makes me one of the
7 elitists.

8 I have several objections. We wrote a
9 petition to you all explaining all of our concerns.
10 Of course one of the first. Richard Kirshbaum is
11 here, he'd like to address that issue. I'd like to
12 talk a little personally because I have a pier with
13 boats and I've bent two shafts in the seven years
14 that I've been there. I have a deep, deep water
15 boat and it's in shallow water in the Elk River and
16 wakes from inconsiderate boaters has caused my boat
17 to hit bottom and bent the -- well, I lost one
18 propeller and bent one shaft just sitting at the
19 dock. Maybe my boat shouldn't be there, but it is.
20 And I also live there 12 months out of the year and
21 can watch boats day and night, weekdays and

1 weekends, and I know that there's a lot of abuses
2 there. There's also bars at both ends of this area
3 and at night I have seen high speed boats go right
4 by the community. It seems like in the daytime
5 they observe the no wake zone much better than they
6 do at night or during the week when they think
7 there's nobody watching. I happen to see it all
8 the time; I'm retired and I live there. And I've
9 seen many close calls, many close ones. And you
10 folks probably know there's been two very serious
11 incidents on the Elk River already this summer of
12 crashing into a buoy and killing one individual I'm
13 pretty sure, and there was another one in the
14 canal.

15 Again, I see this all the time and if
16 it's not enforced I think someone is going to get
17 hurt. People have been hurt on the, on their boats
18 at the community pier because of wakes and trying
19 to get off and on their boats onto the pier. A lot
20 of the people from Triton Marina, which is just
21 upriver from us, that is where one of the drinking

1 establishments is on weekends. And they exhibit no
2 respect, especially at night when they come by the
3 community.

4 I'm here kind of representing some of
5 the pier owners just upriver, just a hundred yards
6 upriver of the community pier, and we know our
7 boats get rocked all the time, we break lines all
8 the time. You know, it's one thing when you have a
9 little boat, 16- or 18-footer goes flying by, but
10 it's another thing when you have a 30-footer going
11 by or one of those hot boats going by. So I'm very
12 concerned with the safety issues and with the issue
13 of my boat being at my dock.

14 I also have two floats attached to my
15 dock and I've replaced the pipes that hold them in
16 place because of the rocking of the boats. So
17 that, that's where I stand, and again, our
18 dockmaster, who's been in charge of that community
19 dock now for I don't know, 20 years or so, he can
20 express his concerns about the safety. So I thank
21 you for your time.

1 THE CHAIRMAN: Thank you very much.
2 Okay.
3 MR. MARSH: Okay.
4 MR. GAUDETTE: Any questions?
5 MR. MARSH: Any questions for him?
6 THE CHAIRMAN: Any questions from
7 anyone?
8 MR. LUNSFORD: No, okay.
9 MR. GUERARD: Thank you.
10 THE CHAIRMAN: You're next, sir.
11 MR. KIRSHBAUM: Thank you. My name is
12 Richard Kirshbaum, I live in Elkmore, and I've been
13 the dockmaster there for probably 25 years. And
14 I'd like to say that the reason we're here today
15 and not 20 years ago is because of what Mother
16 Nature has done to us. Back 20 years ago, 30 years
17 ago all boaters could avoid our dock, could stay
18 out in the middle of the river and give us plenty
19 of berth so we didn't get rocked. From what Mother
20 Nature has done to us, and I'm going to pass this
21 satellite photo around, I don't know if you all got

1 copies of that or not, but what you see, this dark
2 area here is not the other side of the river, that
3 is the mud flats, and just recently we had a very
4 low tide and that mud flat is out of the water this
5 much (indicating). So boaters don't have a choice
6 today like they do 20, 30 years ago, they can't
7 purposely stay off the end of our dock because when
8 you come in you're going to see the grass, you're
9 going to see the mud, and you are forced to run
10 directly at our dock, make a turn and run to the
11 next set of markers. And that's why we're here
12 today and not 20 years ago and that's probably why
13 over 50 years we haven't had anybody hit the dock,
14 but I can tell you that it is very scary. When we
15 sit out on our dock in the evening or on our boats
16 and you can hear these boats coming at you and you
17 can see their lights and they're coming directly at
18 you, we've had people get up out of their chair,
19 off their boat and run down the dock thinking this
20 fool isn't watching where he's going. We've had
21 scenarios where we've been scared on the end of the

1 dock out there thinking we were going to be hit and
2 it could be only a matter of time, may never
3 happen, but that's why we're here today, because we
4 think we have a severe safety issue.

5 And I can pass this around, and once
6 again, this is not the other side of the river,
7 that is the mud flat.

8 Now, Dick and I went out and we did some
9 soundings off the end of our dock. The deep water
10 is actually under our dock. It used to be, they
11 dredged gravel there back in the '40s and '50s and
12 our pier went right through that gravel hole and we
13 have to use long pilings because of so much mud
14 there, but the soundings we took show that at low
15 tide it's nine feet of water right at the end of
16 our dock and then it goes shallower as it gets
17 toward the channel, so boaters who have been there
18 a long time know that the end of our dock is where
19 the deep water is and nobody -- you can't, you
20 don't have a choice, you can't run out, you can't
21 avoid coming through there, and most boaters are

1 courteous when they see the no wake markers we
2 have, but then again some of them think if they can
3 hug the outside of it they can still blow by and
4 that's what causes our concern, especially at
5 night. Let's see, what didn't I mention, Dick?

6 THE CHAIRMAN: Yeah, we have a question
7 for you, sir.

8 MR. KLOOSTRA: Do you feel the solution
9 is a six-knot speed limit right in front of those
10 docks or can you better --

11 MR. KIRSHBAUM: I've been boating --

12 MR. KLOOSTRA: Excuse me, I'm talking.

13 MR. KIRSHBAUM: Sorry.

14 MR. KLOOSTRA: You've been around the
15 water a long time and you know some boats can go by
16 there at 40 miles an hour and not throw any wake
17 and some boats can go by there at six and wreck
18 everything, so is the speed the solution or not?

19 MR. KIRSHBAUM: The speed, I think the
20 speed is the solution, because there's, as much as
21 you folks try to do all the boating education you

1 can, people sometimes don't understand the
2 philosophy of no wake. They think -- they watch
3 their tack or do whatever and they just plow water,
4 but it seems like what I've seen in other six-mile-
5 an-hour zones, six-knot zones, when they see that
6 six-knot zone they come back on it. I don't know
7 whether they're scared they're going to get a
8 ticket or whatever. I guess the no wake markers
9 have been used in so many places that people think
10 it's so commonplace that it doesn't grab their
11 attention. When they see a six-mile-an-hour zone
12 they think I'm going to get a ticket and they slow
13 up. If it was a perfect world, no wake zone would
14 probably do it for us. But in our particular
15 scenario, because of the closeness of the channel
16 we feel that that's the only way to go at this
17 point.

18 THE CHAIRMAN: Do we have any other
19 questions?

20 A PARTICIPANT: Could I add to what
21 Richard just said?

1 channel was, years ago, 20 years ago, whatever, mud
2 flats filled in, is there -- Bob Gaudette maybe can
3 answer it, is it appropriate to make a request to
4 the Corps of Engineers to dredge what used to be
5 the channel back to what it was?

6 MR. GAUDETTE: We've done dredging
7 projects in the Elk River from time to time, I'm
8 not sure if this is an authorized Corps channel or
9 not, I don't believe it is. However, the
10 difficulty with the Elk River is there's a lot of
11 fine sediments in the Elk River and it's very
12 difficult to hold a channel there for a very long
13 period of time. So I don't anticipate that we
14 would be in the position presently to go ahead and
15 do anything there, but certainly if it comes to the
16 point where it's just nonnavigable it would
17 certainly be looked into by the department.

18 MR. SIMON: That was a question answered
19 good.

20 MR. KIRSHBAUM: Thank you, we wish that
21 would happen. Actually we wish that the

1 commissioners in our own county would take action
2 to protect --

3 MR. SIMON: Have they gone the right
4 route, meaning starting with Mr. Gaudette?

5 MR. KIRSHBAUM: The dredging that was
6 just mentioned has been very trivial, I'm talking
7 about a channel 50 foot wide, and anybody here
8 who's a powerboater knows a 50 foot wide channel,
9 you have large boats passing each other, it's just
10 not sufficient. Then they dredge it to four feet,
11 which is almost an insult to a majestic river, what
12 it used to be.

13 THE CHAIRMAN: We're not going to
14 address in detail the dredging at this time because
15 we've already been told because of the state
16 budget, et cetera, that no dredging is probably
17 going to take place on any scheduled time. So we
18 have to address only the issue, which is the speed
19 in that area.

20 MR. KIRSHBAUM: Okay.

21 THE CHAIRMAN: Now, you had one more

1 thing you wanted to add, sir, I'll give two
2 minutes.

3 A PARTICIPANT: Yes, I'd just like to
4 address this gentleman's inquiry about speed versus
5 wake.

6 THE CHAIRMAN: Sir, excuse me, believe
7 it or not, we have heard the issues concerning
8 speed versus wake size of boats, slowing down, et
9 cetera, probably for about 30 times. Now, I doubt
10 if you're going to say anything new. However, I'll
11 give you a minute to say it.

12 A PARTICIPANT: That's all I want.

13 THE CHAIRMAN: Go ahead.

14 A PARTICIPANT: And that's the proximity
15 of our -- the community pier is in the channel, in
16 the deep water, so you've got boats that egress our
17 dock and they go right out into the channel, so if
18 somebody's coming by quickly there's a conflict
19 there. There's no red light, so it's not just
20 wake, it is speed.

21 THE CHAIRMAN: Okay.

1 A PARTICIPANT: That's all I wanted to
2 say.

3 THE CHAIRMAN: Thank you, sir. You have
4 a question?

5 MS. BROLL: Yes, sir. How many boats do
6 you have at the marina.

7 MR. KIRSHBAUM: We've got 80 slips, but
8 our, we're only occupied about 75 percent.

9 MS. BROLL: And have the boats that use
10 the marina there, have they suffered damage to them
11 as a result of --

12 MR. KIRSHBAUM: We have had some lines
13 break, we've had one lady that fell, her husband
14 actually chased the boat down by car the next
15 marina up and spoke with him, but there was no
16 official report filed on it.

17 MS. BROLL: I realize this is an
18 opinion, but in your opinion what types of boats,
19 if any, tend to violate the no wake area?

20 MR. KIRSHBAUM: Actually the bigger, the
21 larger boats, above, I should say above 30 feet,

1 they're more cautious. They seem to slow up a lot
2 better. It seems to be the 25-foot boats that see
3 the no wake zone and just want to get through it as
4 fast as they can, so they wind up plowing water.
5 They don't honor the no wake zone like they would
6 honor a six-mile-an-hour zone, because everybody
7 and his brother has a no wake sign out and people
8 just tend to want to ignore it or just sneak
9 through it, especially during the week when they
10 think well, maybe nobody's on their boat. But our,
11 once again, our biggest issue is the evening
12 scenario with the boats, with the lights on the
13 homes, the lights on the dock, trying to navigate
14 that channel at night, and we just had -- we have a
15 bar that's about a one nautical mile away so we
16 have people leaving the bar in the evening and
17 coming directly at our dock and hopefully they make
18 the bend. Thank you.

19 THE CHAIRMAN: Okay. We have one more
20 question, go right ahead.

21 MS. ALLISON: I was just wondering if

1 anybody can elaborate, someone mentioned there was
2 two accidents this year, if anybody has any
3 additional information on how, what and why?

4 MR. KIRSHBAUM: The accidents that
5 occurred were actually in the main part of the Elk
6 River, south of the C&D channel, yeah, it wasn't
7 right off the end of our dock.

8 MS. ALLISON: So it had nothing to do
9 with the area we're talking about?

10 MR. KIRSHBAUM: No, I would say no.

11 MS. ALLISON: Thank you, sir.

12 MR. KIRSHBAUM: You're welcome.

13 MR. MARSH: Do we have any of the
14 officers that patrol that area that would like to
15 say something about it?

16 MR. GAUDETTE: Actually there aren't.
17 However, if you want, you all have a copy of the
18 officer's report, and that was Officer Jerry
19 Henshaw, his recommendation was, which is number 15
20 on that form you have, is basically deny this
21 request. There's not a lot of traffic in the area,

1 there's caution buoys in front of the marina. The
2 vast majority of boats observe slow speed in front
3 of Elkmore. The channel in front of the marina is
4 the only way for large boats to travel the upper
5 Elk and they keep the speeds down. The
6 recreational area is south of the marina due to
7 shallow water and most of the boat traffic stays
8 south of the marina due to shallow water, so that
9 was the officer's recommendation.

10 THE CHAIRMAN: I'd like to ask even
11 though the officer's not here but he probably does
12 not know what's happening in the night, and that's
13 one of the major concerns that was stated here
14 about boats flying by there at night, so that's
15 just something I thought I would mention. Okay.
16 We'll move on if you don't have anything else on
17 this issue. What's the next one?

18 MR. MARSH: Next one is Glen Riddle and
19 we don't have anyone here for that one. Bob, you
20 want to give us a little idea on Glen Riddle?

21 MR. LUNSFORD: Sure. Again, if I could

1 ask the chairman's indulgence, we'll blind you
2 again.

3 Glen Riddle Marina is a --

4 THE CHAIRMAN: Excuse me a second. Now,
5 we can have everyone's attention. Bob, go ahead
6 now.

7 MR. LUNSFORD: Okay, Glen Riddle Marina
8 is a small dug boat basin off Herring Creek, which
9 is off the back bay behind Ocean City. It's
10 approximately a hundred yard wide at its widest and
11 about 200 yards long at its longest. It has a boat
12 ramp and three piers with probably a total of 30
13 slips. Also the bulkhead, the entire bulkhead at
14 one time or another appears to be used for dockage.
15 The problem according to the petitioner is that the
16 condo association that surrounds the boat basin
17 allows rentals by the week. People come down
18 without knowing the rules, launch a boat into the
19 boat basin and because it's very shallow, rather
20 than go at slow speed where they can't get up on
21 plane they tend to go ahead and gun it and run out

1 of the boat basin. So the request is to establish
2 a minimum wake zone within the boat basin and the
3 50-yard channel that leads from the boat basin into
4 Herring Creek.

5 I was there several times this summer, I
6 never saw any boating activity at all, but boats
7 did change places, there were new boats tied up in
8 the dock, new boats on the bulkhead, but at least
9 during the week there seems to be very little
10 boating activity, but again, to me there is no
11 reason for anybody to exceed a very slow speed, an
12 idle speed to get in and out of there and there
13 have been very few calls -- let me check my records
14 real quick.

15 (Pause for document examination.)

16 MR. LUNSFORD: There's been one call of
17 nonsupport, but I note the call of nonsupport was
18 repeated in all of the regulation requests on the
19 website, somebody just got on and objected to
20 everything apparently. So I provide that for what
21 it's worth. I'll answer any questions that I

1 possibly can, but again, I'm not the petitioner.

2 MR. DWYER: My main concern with this
3 thing is minimum wake. We used to save that for a
4 particular endangered species or grass, it
5 wasn't --

6 MR. LUNSFORD: We did, but the reason I
7 suggested minimum wake down here is because it is
8 such an enclosed area, it's very confined, there
9 are boats all the way around and I think at six
10 knots some of the larger boats that I saw tied up
11 in there would actually produce enough of a wake to
12 be an issue, so I thought minimum wake would be
13 appropriate. The officer did state that he thought
14 six knots might be more enforceable.

15 MR. DWYER: We can discuss that.

16 MR. LUNSFORD: Okay.

17 THE CHAIRMAN: That all you have?

18 MR. LUNSFORD: That's all I have if
19 there are no questions.

20 THE CHAIRMAN: I think the officer has
21 something he would like to say. Would you like to

1 say that now?

2 A PARTICIPANT: I'm fine, sir.

3 MR. LUNSFORD: Any questions?

4 THE CHAIRMAN: Okay.

5 MR. MARSH: Bob, you want to do White
6 Haven, give us a little --

7 MR. LUNSFORD: Do you want to start
8 White Haven? I'll start if you want.

9 MR. MARSH: Yeah, you start.

10 (Discussion held off the record.)

11 MR. LUNSFORD: White Haven Ferry is a
12 ferry on the lower Wicomico River. It's also,
13 we're calling it lower ferry in some instances.
14 For years we had a speed limit on either side of
15 the ferry for safety reasons, obvious safety
16 reasons, and for years we've had buoys upstream and
17 downstream with speed limits, saying caution,
18 you're approaching a speed limit, I'm not sure what
19 it was. Due to the buoy reduction plan and the
20 state budget we were forced to remove the buoys.
21 What happens now is boaters who are unfamiliar with

1 the area come up the river at speed and slow down
2 to the six-knot zone. That's been determined that
3 that's actually close enough that it's scaring the
4 ferry operator. I talked to him and he said he's
5 had some close calls. It's disturbing the marina
6 development that's here on shore. So the request
7 is that we move the speed limit out 150 or 175
8 yards back to where the caution buoys were and
9 extend the speed limit. It adds about a minute and
10 a half to the travel time through the area. Again,
11 I've been there several times during the week, I've
12 seen relatively light boat traffic and that that I
13 saw was small boat traffic except one day a tug did
14 go through and he didn't seem to adjust his speed,
15 I guess he was doing about eight knots, I don't
16 think he was going to slow down or speed up or do
17 anything different no matter what the buoys said.

18 THE CHAIRMAN: Any questions for Bob?

19 MR. McLEAN: Bob, how often does the
20 ferry operate?

21 MR. LUNSFORD: It's on demand during the

1 summer months and it's when you pull up and flash
2 your lights the guy comes over and gets you or if
3 he's already there you load up and go. The days
4 that I've been there even during the week it's
5 pretty continuous.

6 Does it carry a school bus?

7 A PARTICIPANT: No, no school bus, up to
8 10,000 pounds.

9 THE CHAIRMAN: Any other questions?

10 MR. KLING: Just by way of
11 clarification, probably worth mentioning, this is
12 not a private ferry, this is part of the state
13 road.

14 MR. LUNSFORD: Good point, Steve.

15 MR. KLING: There's no bridge, there's a
16 state ferry, so it's going back and forth.

17 THE CHAIRMAN: Okay.

18 MR. MCLEAN: Got it.

19 THE CHAIRMAN: So it's an absolute
20 necessity, that's why it's there.

21 MR. LUNSFORD: It's not a for-profit

1 operation either.

2 THE CHAIRMAN: Yeah. All right. Thank
3 you. Now, we've got --

4 MR. MARSH: We have one person in
5 support, Bob.

6 MR. CULVER: Hi, I'm Bob Culver, I live
7 in White Haven and I'm the petitioner for that
8 purpose. As Mr. Lunsford said, actually that ferry
9 runs 365 days a year. It's actually the oldest
10 continuous operating ferry in the United States to
11 this date right now, so we'll do anywheres between,
12 usually on a slow weekday 180 cars, up to maybe 300
13 cars on a weekend. It ties Somerset County with
14 Wicomico County.

15 The problem that we've seen, as Mr.
16 Lunsford said, the markers have been moved in and
17 what happens is with the larger boats, they tend to
18 stay up on plane until they come right down to
19 where it says six mile an hour and then drop it,
20 and that's the problem, they don't realize or they
21 do realize they have a following sea, the following

1 sea will hit the ferry and the operator will go
2 back and forth rocking like this (indicating). We
3 have a marina basin in there, those wakes come in
4 and just kind of reverberate throughout the whole
5 basin, all the boats just rock and shake. I live a
6 little further down and actually I had one boat, a
7 MAKO, 23-foot MAKO was swamped last year because
8 these larger boaters come in from the yacht club
9 and they just don't want to slow down. They come
10 all the way from Crisfield, Solomons, wherever, and
11 they just keep running. They just hate it, but get
12 over.

13 Anyhow, it's one of those things not so
14 much as safety as you had on maybe Elk Creek or
15 something earlier, it's an inconvenience. It's, it
16 is a danger to the ferry because if the ferry ever
17 had one of these -- I run a 63-foot Sea Ray. If I
18 would not let off on my boat until I actually got
19 up to the six mile an hour, I could probably roll a
20 wake overtop that ferry without any problem, and we
21 have several larger boats in the Wicomico River

1 Yacht Club that people shouldn't even be on a boat,
2 but they are, you know. I have a hundred ton
3 master license, towing endorsement. Somehow or
4 another you just think some of these people
5 shouldn't even own a boat, let alone a boat that's
6 50 foot, so it is what it is. So we're just asking
7 that you bring it back. The White Haven Hotel,
8 it's a bed and breakfast there, has been restored,
9 they run eight rooms. As you can see there's a
10 little white dot, which was a cannery pad at one
11 time, that's been removed and there's a new dock
12 put in there and new --

13 THE CHAIRMAN: Excuse me, can you give
14 him a pointer?

15 MR. CULVER: That's been redone now, and
16 they're getting a lot of boat traffic. We were
17 just written up in the Chesapeake Bay Magazine,
18 White Haven is an area of tourist destination, a
19 lot of people coming from the bay area, that type
20 of thing, and that one article has probably brought
21 in maybe 20 nights of stay, three or four of those

1 stays has been from boats, that's been great,
2 that's what we're trying to do. We're not a very
3 big town, we only have 24 people and 15 dogs, but
4 we're very proud of it anyhow. We'd like for you
5 to come and visit but not stay.

6 MR. SIMON: Point it for me, please.

7 MR. CULVER: I'll try. That's the hotel
8 dock. Here's, this right here is the marina basin.
9 Actually these docks are my docks here, which is,
10 was an old railway marine yard and we converted
11 that over, so we're asking to move the -- I think
12 right about here somewhere. Actually we'd like to
13 have the no wake too, because as you know, little
14 boats if they stayed up on plane would be better
15 than actually dropping down because they plow so
16 bad, but, you know, I've always considered no wake
17 is overruling a six mile an hour. That might be
18 rougher for DNR to give you a ticket for that, but
19 many boats that have come through there said I'm
20 only going six knots. Just because you're going
21 six knots does not mean that's how you run through

1 an area like that. So it's tough for us to manage.
2 I mean we've gotten out and tried to signal
3 everybody down, yell at them, that type of thing.
4 We have been very fortunate recently, we have a new
5 DNR officer, and she's here now, so that gave us
6 somebody else that actually could sit in the marina
7 and tag a lot of these people. So I'll be glad to
8 answer any questions you have, but I appreciate
9 your consideration on this.

10 THE CHAIRMAN: Do you have any
11 questions?

12 MR. SIMON: Can we change the wording
13 from no wake to minimum wake, would it make any
14 difference?

15 MR. KLING: That's ridiculous, that's
16 exactly --

17 THE CHAIRMAN: What's your comment? I'd
18 like to have a comment from the officer in that
19 area.

20 OFFICER MATTSON: I'm Officer Mattson, I
21 just got transferred to Wicomico County I guess in

1 January and I was assigned this extension, the
2 speed zone survey, and I came all through the
3 summer and they actually let me tie up right inside
4 of their marina, sometimes I would let them see the
5 boat and sometimes I wouldn't just to see how that
6 would affect whether people would slow down and it
7 seemed like it didn't even matter if I was there or
8 not, some of them just plowed right through. I
9 would talk to Lee or one of the other ferry
10 operators, we talk on Channel 13, and he'd say I
11 got a guy coming, Jess, I don't think I can get
12 across to the other side in time, I'm going to try
13 to drop the cable, and they would genuinely be
14 scared, they would be really worried, and there
15 were two times this summer that a boat actually
16 plowed through and I guess Lee couldn't drop the
17 cable in time and their lower unit got hit, and
18 that's just something else to think about. And
19 there have been instances where I've gotten a call
20 from the ferry operators, somebody is on plane
21 overtop the cable and they're towing a tuber with

1 that cable right there. You know, that's awful.
2 So just for the safety of the ferry and the
3 travelers themselves, I would recommend the
4 extension, and then for the property owners and the
5 people that, you know, always have their vessels
6 moored right to the marina or, you know, enjoy the
7 bulkhead or their docks that are right along to the
8 left side if you look at where the ferry is.

9 THE CHAIRMAN: If you could use the
10 pointer that would be very helpful.

11 MR. GAUDETTE: You want me to blow this
12 up a little bigger?

13 OFFICER MATTSON: If you could.

14 (Discussion held off the record.)

15 OFFICER MATTSON: That's good. Okay,
16 where am I? There's the hotel and that's their new
17 dock, and I talked to -- I think her name is Kathy?

18 MR. CULVER: Cindy.

19 OFFICER MATTSON: I worked with Cindy
20 before on a different case and she was very excited
21 about having a new dock because she said now they

1 would get the vessel travelers and they weren't
2 worried about their, the people that were visiting
3 overnight getting waked to death or somebody
4 getting hurt, so that would be good I guess for
5 White Haven's economy, and then I would tuck in --
6 right over here there's a large sailboat and then
7 an opening into the marina basin, and I would sit
8 here and people would just blow right through, I
9 guess heading out towards middle ground, and the
10 ferry operator, if he's here, he's stuck on this
11 cable and he can't accelerate or avoid a collision,
12 so he usually just tries to stop where he is and
13 drop that cable. But if nothing else, I would
14 encourage the extension just for that ferry
15 operator and the safety of the travelers, and I'd
16 say other than that, maybe I probably made, I got
17 15, just about 15 tickets for speed zone violations
18 and then multiple warnings if people would just be
19 pushing it, but you could tell if I wasn't there
20 they would have kept on going, so I warn them, but
21 there are several times even with me sitting there

1 they'd just blow right by me, so.

2 THE CHAIRMAN: You would feel
3 comfortable with the proposed change?

4 OFFICER MATTSON: Oh, yes, I definitely
5 would, and I think it will really cut down on the
6 concerns and the calls that -- I mean in the summer
7 it would be at least twice a day I'd get a call
8 from not only the ferry operators but sometimes
9 people that lived right in White Haven or passing
10 vessels that would be scared. I think it would
11 really cut down on the amount of calls and times
12 we'd have to spend sitting there, so.

13 MR. KLING: Are you at all concerned if
14 we expand this that you would have trouble making
15 your quota?

16 OFFICER MATTSON: Maybe a little
17 concerned. No, I'm just kidding, I'm not.

18 THE CHAIRMAN: Don't answer that.

19 (Discussion held off the record.)

20 THE CHAIRMAN: Well, thank you very
21 much. Anyone else have any questions for that

1 person, for the officer? Okay. We can move on.

2 MR. MARSH: Big Thoroughfare, Bob,
3 there's nobody here in support or against.

4 MR. LUNSFORD: Me again, sorry, John.
5 The petition actually came in from the state boat,
6 the Miss Kay, which ties up at the old Deale Island
7 oyster hatchery which is right there. There's been
8 an improvement to a boat ramp --

9 THE CHAIRMAN: Just a second, we want
10 everyone to hear what you're saying. Gentlemen --
11 okay, go right ahead.

12 MR. LUNSFORD: Okay, the Miss Kay ties
13 up here and there's been boat ramp improvement
14 here. The request is, because of the increased
15 traffic from the boat ramp, from the newly
16 renovated boat ramp, this area here was seeing
17 boats come in and out at high speed. That was
18 never a problem until the boat ramp got replaced,
19 or renovated. The proposal would be to extend the
20 six-knot limit from the end of the breakwater at
21 the mouth of Big Thoroughfare up to the bridge and

1 then up Scotts Cove to this marina. I talked to
2 one of the guys in the marina, I don't know if he
3 was the owner or manager or senior slipholder, but
4 when I asked him what he thought about the
5 appropriateness of a six-knot limit in the marina
6 basin and within this creek, he said if anyone
7 comes in here more than six knots they'd only do it
8 once because we'd kill them. So the problem may be
9 taken care of in Scotts Cove. The main problem may
10 be, and again, I've been there during the week and
11 even gone to this one once or twice on the weekend,
12 I never saw much boat traffic. I understand there
13 is some during duck season and during the early
14 trophy season there's some boats out of here, but
15 it doesn't look like it gets a lot of boat traffic
16 to me. Again, the area is relatively small, of
17 concern, it's essentially a couple of hundred yards
18 from the end of the breakwater around to the jetty
19 and these boats that are in Scotts Cove and going
20 to the marina already attempt to do six knots or
21 minimum wake or at least go slow enough that they

1 don't bother anybody.

2 THE CHAIRMAN: Any questions?

3 MR. MCLEAN: You said extend the six
4 mile an hour?

5 MR. LUNSFORD: If I did, sorry, I meant
6 create.

7 MR. MCLEAN: There is none now.

8 MR. LUNSFORD: There is no speed limit
9 there now.

10 THE CHAIRMAN: Any other questions for
11 Bob?

12 MS. ALLISON: If we table this for right
13 now could they bring it up next year?

14 MR. LUNSFORD: If you table it, yes. If
15 you recommend denial, no.

16 THE CHAIRMAN: Excuse me, I don't think
17 that's an appropriate question at this time.

18 MS. ALLISON: Okay, I'll ask later.

19 MR. LUNSFORD: All right, John.

20 THE CHAIRMAN: Anything else you'd like
21 to add?

1 MR. LUNSFORD: Not me.

2 MR. DWYER: No officer's report?

3 MR. LUNSFORD: If there's not one in
4 your package.

5 MR. DWYER: I don't have one in my
6 package.

7 MR. LUNSFORD: No, no officer's report.
8 They were going to show, officers. Anybody want to
9 talk about it now? The officer was scheduled to
10 show rather than submit a report and he's not here.

11 MS. DUTY: John, since there's no report
12 here, I did talk to Denny Webster who is I think
13 president of the Somerset County Watermen's
14 Association and he was very familiar with this area
15 and he said they were in favor of a speed limit
16 being put in because with the boats traveling as
17 fast as they are they're really coming a bit close
18 and a little fast to the crabbers particularly down
19 that area.

20 MR. LUNSFORD: There's also a packing,
21 an old packing house right below the Deale Island

1 hatchery, there's a seafood business here that
2 seems to be some unloading activity. I wasn't
3 there during oyster season so I couldn't tell you,
4 and there was several crabbers operating out of the
5 Scotts Cove Marina.

6 MS. DUTY: Yeah, Denny said they would
7 look forward to that as a good thing because they
8 feel at times threatened when, you know, when they
9 are trying to pull, you know, pull their equipment
10 in or fish or whatever, you know, they gotta like
11 stop and catch themselves, so they cannot fall in,
12 or fall in their fish net or something.

13 THE CHAIRMAN: Excuse me, Betty. We
14 want everyone to be focused on what you're saying
15 and if you'd like to make a comment.

16 MS. DUTY: He wasn't listening.

17 MR. KLING: I was listening.

18 THE CHAIRMAN: They were listening with
19 a second ear.

20 MS. DUTY: That's fine.

21 THE CHAIRMAN: We want to make sure that

1 everyone hears what you have to say.

2 MS. DUTY: That's fine.

3 THE CHAIRMAN: Okay, fine. Does anyone
4 have any questions for Bob? You said there's no
5 comment from the officer.

6 MR. LUNSFORD: I don't have anything
7 from the officer.

8 THE CHAIRMAN: Okay, all right. Okay.

9 MR. MARSH: Knapps Narrows.

10 THE CHAIRMAN: Now, before you -- Bob is
11 going to take that up.

12 MR. LUNSFORD: Bob Gaudette is going to.

13 THE CHAIRMAN: You're on now.

14 MR. GAUDETTE: Okay. Knapps Narrows,
15 back in November of 2009 I was contacted by several
16 business owners regarding wake issues in Knapps
17 Narrows. Most of you probably or many of you have
18 been through Knapps Narrows at one time or the
19 other. A lot of the walls along the, both sides of
20 narrows are hard walls, they're bulkheads, and if a
21 boat does speed through the narrows you can get a

1 pretty good size wake through there. You have a
2 lot of wave refraction, which creates, you know,
3 large waves. And I met with them and indicated
4 that as a result of their discussions with me that
5 we would study this. As you recall, last session
6 Senator Colburn and Delegate Haddaway put in
7 legislation to create what is in essence a minimum
8 wake zone in this area. It's currently a six-knot
9 all times from beginning to end.

10 What we found as a result of meeting
11 with the business owners as well as discussions I
12 had with the elected officials, one obvious problem
13 there was the fact that the bridge operator at that
14 time was asking boaters to speed up, and in January
15 of 2010 I got confirmation from State Highway
16 Administration that that problem was resolved. I
17 went to this location on three weekends at peak
18 times and did several observations in addition, you
19 know, to your officer's report that shows that he
20 was there on 13 occasions, and I'm just going to
21 show you a quick video of what my typical

1 observations were, and I think as I discuss this
2 further what you're going to find is that -- this
3 is a compilation of different times. These are
4 outer markers. What I found was that most of the
5 boats, whether they were pleasure or whether they
6 were work boats, were pretty much following the
7 markers. I'm there totally, quote/unquote
8 undercover, I'm dressed normally. This is a
9 telephoto lense in many cases, they have no idea
10 what I'm doing there or who I am, they think I'm a
11 tourist.

12 This is typically what I was seeing
13 during the majority of time when I was there. I
14 probably saw about a hundred boats pass at
15 different times when I was there. Work boats
16 coming through. What you can see is that
17 everything is fairly well marked. One of the
18 things that we did after we got the complaints from
19 the business owners, I had our hydrographic
20 operations group do an analysis of all the
21 different markers we had out there and they added

1 additional buoys on both sides and replaced one of
2 the signs. The bridge is obviously well marked,
3 there's six-knot markers over it everywhere and I
4 think they put in several additional watch your
5 wake signs as well.

6 I think the issue you have here, because
7 I only saw really one speeding boat the entire time
8 I was there, it was a Jet Ski going through, is
9 that you're having some sporadic individuals coming
10 through at certain times that are creating some
11 wakes. Let me find my little red button here. I
12 know we had some complaints in this area, that's
13 around the Tilghman Inn I believe. Some of the
14 owners I met with were next to the bridge and along
15 this area and they've had some issues. I
16 interviewed a lot of people in this area where they
17 have boats. These folks didn't have an issue with
18 boat wakes, but when I met with the business owners
19 originally they had issues again in those areas.

20 The officer recommended denying the
21 request and making it a minimum wake zone because

1 he didn't find, and he was there apparently during
2 the day and during the night, and didn't find any
3 issues with respect to that. However, you're going
4 to get some testimony here from someone who
5 supports this that might be able to tell you some
6 additional information on what they have. But
7 basically my observations during the time that I
8 was there was that for the most part everybody was
9 abiding by the six-knot speed limit. I didn't see
10 any excessive wakes at that time. Anybody have any
11 questions?

12 MR. SIMON: How many officers do they
13 have in there?

14 MR. GAUDETTE: I think it's a couple
15 that periodically go in there, Al. I have got a
16 copy of the report I believe.

17 MR. PARLIN: The officer's report shows.

18 MR. GAUDETTE: He's got the dates and
19 times he was in there --

20 MR. LUNSFORD: Bob, she's here.

21 (Discussion held off the record.)

1 MR. GAUDETTE: If you want to go ahead
2 and make a comment, go ahead. Come on up.

3 CORPORAL CANTWELL: I'm Corporal Maryann
4 Cantwell, I work in Talbot County, I'm familiar
5 with the Knapps Narrows area. The officers that
6 work in the county agree with Corporal Rafter, we
7 do not believe that speed is a problem in that
8 area. Corporal Rafter was there, he noted the
9 times or the dates. Corporal Campbell and I have
10 also patrolled in that area on weekends, we have
11 not incurred any speed zone violations when we were
12 there. Also another problem that was not brought
13 up is the rate of the current that goes through the
14 narrows. That also causes a problem and that is,
15 you know, nature; that's nothing we can control.
16 But the officers, there are three of us that work
17 in the county, and we do not believe there is a
18 problem with this. Thank you.

19 THE CHAIRMAN: Wait, I have a question
20 for you.

21 CORPORAL CANTWELL: Yes, sir.

1 THE CHAIRMAN: You mention there is not
2 an issue of the speed, what about the issue of a
3 wake?

4 CORPORAL CANTWELL: With the way the
5 current goes through the narrows sometimes it's
6 impossible not to push some sort of a wake. It's a
7 very, very swift current.

8 THE CHAIRMAN: Yeah, I've been there
9 many times myself, so I agree with you. Is that
10 all you have here?

11 CORPORAL CANTWELL: Yes.

12 THE CHAIRMAN: Any questions, any other
13 questions for her? Okay, thank you very much.

14 CORPORAL CANTWELL: Thank you.

15 THE CHAIRMAN: We have one person I
16 believe who would like to support the --

17 MR. FLUHARTY: My name is Douglas
18 Fluharty, I'm 62 years old and I've lived in
19 Tilghman all my life, I grew up in this boatyard
20 right there, used to be Fluharty's Boatyard, it's
21 now Severn Marine Services. I moor my own personal

1 vessel across the narrows from the boatyard and I
2 spend a lot of time aboard my boat and I'm the one
3 that initiated this petition, and my observance has
4 been the boats coming through the narrows for the
5 most part abide by the six-mile-an-hour rule. As
6 the officer indicated, we do have a current
7 condition there and the current changes direction
8 with each tide. On flood tide the current flows
9 from the river through to the bay, on ebbtide it
10 reverses, and if you have an ebbtide with a
11 northwest wind behind it, you might have a six,
12 seven, eight knot current flowing through there,
13 and we get boats coming in, they slow down to the
14 six mile an hour as indicated by their GPS or
15 speedometer and they're actually doing 11 or 12
16 knots through the water, not six knots across the
17 bottom. And they're pulling a huge wake and it
18 reverberates through the narrows because we're
19 bulkhead on all sides, and I'll yell at some of
20 these people when they go by to slow down and they
21 say we're only doing six. I say well, look behind

1 you and see what you're pulling behind you. And I
2 think at this time in the course of things the
3 six-mile-an-hour rule is not working, we need to
4 get the emphasis off the speed limit and get it
5 onto wake management.

6 Like I said I've lived there all my
7 life; I've got a U.S. Coast Guard license to carry
8 passengers for hire; I've got a U.S. Coast Guard
9 license, third marine engineer, steam vessels; I've
10 worked as a commercial fisherman; I've spent my
11 entire life on the water and I know this passage
12 can be navigated without creating an undue amount
13 of wake. We have vessels come through there from
14 kayaks to a hundred foot mega yachts and, you know,
15 most of them can go through there and create a
16 reasonable wake under any condition. It's just
17 the, the novices or the inconsiderates that come
18 through there and they're creating a problem. So
19 if we can delete the six-mile-an-hour rule and
20 initiate a minimum wake or check your speed, reduce
21 wake, you know, anything that goes to get the

1 emphasize off the speed, I think it would be
2 beneficial.

3 THE CHAIRMAN: I have a comment. I can
4 understand maybe we can add, and I don't know if
5 you, if it's been done or not about watching your
6 wake, but I don't think taking the six-mile-an-hour
7 sign down is going to help you at all, that's going
8 to create a lot of problems.

9 MR. FLUHARTY: You're probably right,
10 that's another set of situations, but there needs
11 to be more emphasis placed on wake management.

12 THE CHAIRMAN: All right.

13 MR. FLUHARTY: And to date, I don't
14 think people even read these little signs saying
15 you're responsible for your wake, they're more
16 concerned about getting to that bridge before it
17 closes.

18 THE CHAIRMAN: Yes, okay. Does anyone
19 have any questions?

20 MR. KLING: Just, your description of, a
21 couple of us have been going through your

1 description of events, and I'm thinking yes, if a
2 guy's going with the current, if he's going six
3 knots, he may well be going 11 knots over the
4 bottom, but in that configuration --

5 MR. FLUHARTY: He's going with it.

6 MR. KLING: -- he's not creating a
7 significant wake. You gotta flip it around the
8 other way, it's when he pushing against the
9 current --

10 MR. FLUHARTY: Maybe I was confused, but
11 that is correct. If he's going with the current
12 he's not a problem, if he's going against the
13 current he's making six knots across the bottom but
14 12 knots through the water perhaps.

15 MR. KLING: No, if he's going against --

16 MR. FLUHARTY: His GPS is going to tell
17 him he's going so fast across the land, not across
18 the water.

19 MR. JONES: He's going to be going
20 faster on the GPS than he is on --

21 MR. KLING: Right, but --

1 THE CHAIRMAN: Wait a second now. We
2 don't want to get -- gentlemen, let's be recognized
3 before we start speaking. Now, have you finished
4 what you'd like to say? And then we'll go to you.

5 MR. KLING: We agree that the guy going
6 with the current is not a problem.

7 MR. FLUHARTY: Yes, unless he's being
8 abusive.

9 MR. KLING: Right, but a guy going six
10 knots with a five-knot current, he's going 11 knots
11 over the bottom but he's not throwing a wake, so if
12 we flip that around and if somebody is going six
13 knots on the speedometer --

14 MR. FLUHARTY: On the speedometer is one
15 thing.

16 MR. KLING: -- against a five-knot
17 current, they need to do that, they might even need
18 to go seven.

19 MR. FLUHARTY: They may.

20 MR. KLING: To get through, and that's
21 going to be the situation that's going to create a

1 wake.

2 MR. FLUHARTY: Well, the issue is that
3 each vessel has a different wake characteristic at
4 any given speed.

5 MR. KLING: But -- a given boat, sure,
6 but if we have a guy doing six knots on the GPS,
7 six knots over the bottom, he is on the speedometer
8 doing 10, 11, 12, and that's potentially a problem,
9 but that can become an enforcement issue.

10 MR. FLUHARTY: Well, that's the other
11 issue, there is no regular presence of DNR in the
12 Knapps Narrows.

13 MR. KLING: I'm just commenting, I don't
14 want to get in a debate. One of the issues we
15 encounter frequently are things that are really
16 enforcement issues that people want to approach
17 with a new regulation and what we try to do is work
18 with the officers to change the enforcement profile
19 as opposed to create new regulations. Just
20 philosophically.

21 THE CHAIRMAN: Okay. We have one more

1 comment. Al.

2 MR. SIMON: Wouldn't it help if we
3 eliminate the six-knot and put up there minimum
4 wake on both ends?

5 MR. KLING: Executive session.

6 DR. WEINTRAUB: People disagree what is
7 a minimum wake.

8 THE CHAIRMAN: Gentlemen, we'll discuss
9 that issue later. Your comment there. Do we have
10 any other questions for the speaker? Thank you
11 very much.

12 MR. FLUHARTY: Thank you.

13 MR. SIMON: On this report here, Roy
14 Rafter, Jr., is he here?

15 THE CHAIRMAN: No. Excuse me, Bob. Do
16 you have a few things to say?

17 (Discussion held off the record.)

18 MR. GAUDETTE: I have to leave a little
19 early today.

20 THE CHAIRMAN: Bob has to leave a early
21 today, so he's going to give us an update and

1 education right now.

2 MR. GAUDETTE: Yeah. There's been some
3 question raised by some members regarding the,
4 which you may have heard about, the new discharge,
5 general discharge permit that's going to be in
6 effect for marinas and other facilities that
7 service vessels. This is basically part of the
8 national pollutant discharge elimination system.
9 It's a program or requirement the EPA has that the
10 states periodically review their discharge permits
11 for marine facilities and bring them up to
12 standards for eliminating or reducing as much
13 discharge as possible going into the bay waters or
14 state waters from marine facilities that do service
15 on vessels. Currently MDE is in the process of
16 reevaluating that, and there's something in the
17 Maryland Register on it.

18 What I wanted to make clear to everyone
19 here is that our office has been working with the
20 Marine Trades Association and others regarding this
21 for several months. The initial proposal made by

1 Maryland Department of the Environment was that
2 there will be no discharge from any marine facility
3 for any work completed, period. Marine Trades
4 Association --

5 MR. SIMON: Repeat that again.

6 MR. GAUDETTE: Al, if someone is
7 cleaning a boat at a marina, let's say you bring
8 your boat and get it hulled and then clean the
9 bottom, no water or discharge would be allowed to
10 leave that marina as a result of cleaning your
11 boat, so you have to collect all that water and
12 then discharge it in a different way, but not
13 overboard. So what they did is the -- they had
14 public meetings this summer, they went ahead and
15 came up with a compromise that we believe and
16 Marine Trades Association believes is very
17 reasonable.

18 It's going to be a little different for
19 marinas to deal with, it is going to require some
20 testing of your, of the materials when you clean
21 boats, et cetera, cleaning bottoms, but it allows

1 it to be phased in in essence so you have up to
2 four years to meet the EPA requirements. You start
3 testing right away, they're going to monitor that
4 testing to see exactly how it works and how close
5 it's coming to the EPA standards and then within
6 four years you have to meet that standard or the
7 EPA can go ahead and make modifications to this
8 permit.

9 For the average boat owner, they're
10 asking the average boat owner to be more conscious
11 of gray water discharges in marinas. They don't
12 want you to wash clothes in your boat if you don't
13 have to and discharge water. If you're washing
14 your boat they want you to use low phosphate
15 materials, you know, et cetera, reasonable things I
16 think that every boat owner should do, and for the
17 most part -- I think Marine Trades contacted all of
18 their members, we contacted and gave them our list
19 of all the marinas, 600 marina facilities, I think
20 it's going to be an adjustment period for marinas
21 in getting used to this new process. Certainly I

1 would say that some of this has to do with the new
2 emphasize on cleaning the bay, that's both at the
3 state and federal level, but the department is very
4 satisfied as well as Marine Trades that they came
5 up with a plan that won't put marinas out of
6 business, that won't cost recreational boaters an
7 arm and a leg to get their boat cleaned.

8 It is going to require that divers get
9 some education on cleaning bottoms, you know, et
10 cetera, which is all good stuff. And again, it
11 only is in -- it only applies to facilities that
12 are like, that would be licensed under this permit.
13 So boatyards, marinas that do work, et cetera. So
14 we feel that this is going to be good for the bay,
15 we feel that ultimately it's going to be good for
16 the industry because it's going to make them --
17 obviously, I think for the most part industry is
18 very conscientious now, many of the members of
19 industry are part of our Clean Marina Program and
20 the Clean Marina Program is working hand in hand
21 with the MDE in this entire process.

1 So I know there's a lot of concern out
2 there both by boaters and by marinas on how this is
3 actually going to shake out because it's so, a lot
4 of this stuff is new for them. But I believe MDE
5 is in a state of mind that they want to be as
6 cooperative as possible to not hurt the industry
7 because the industry is already hurting now, but at
8 the same time meet their obligations to create as
9 positive a situation and create clean water in the
10 bay as we can get because that's what we all want,
11 we want that too.

12 THE CHAIRMAN: Before you have to get,
13 go, would you like to make a quick comment about
14 the issue of the airport letter?

15 MR. GAUDETTE: Oh, okay. Couple things
16 on the airport, that's Frog Mortar Creek. We have
17 sent in the request for the emergency -- it's going
18 through the department right now -- for the
19 emergency regulation to create a prohibited area
20 which will allow the FAA to permit the airport to
21 start this ILS, instrument landing system, going

1 again. I drafted a letter to the MAA, Maryland
2 Aviation Administration. They're going to
3 incorporate into a letter, either it's going to be
4 signed by the Secretary of the Department of
5 Transportation or the Secretary of Transportation
6 and John Griffin, they haven't decided how they're
7 going to do that yet. That's going to go to the
8 FAA to ask consideration that boats that do not
9 have masts be able to use that area. I think we
10 have a very good argument, there are places where
11 they've allowed this. They done it in places where
12 they have put an extensive fine on this, like
13 \$10,000 if you're caught in this area with a masted
14 boat, in other parts of the country.

15 We have several benefits. We have
16 obviously an NRP facility right next door at
17 Strawberry Point, right on the actual property of
18 the airport, as well as and -- that's used by NRP
19 as well as Baltimore County Marine Police units.

20 We are also going to ask for an
21 extensive fine. The marina operators in the area,

1 and that's the Baltimore Marine Trades, met with
2 MAA and indicated that they are going to take steps
3 for their members or for their slipholders to sign
4 basically an agreement that if they violate this
5 area and they have a masted vessel, they will lose
6 their slip privileges in that marina. And we also
7 are going to mark a channel in that area to try to
8 keep larger boats just naturally away from it if
9 they're not familiar with the area at all. It's
10 going to be marked, if this get approved, it will
11 be marked prohibited for masted vessels, something
12 of that nature, and then we have a channel market
13 on the other side. If the people have larger boats
14 they naturally want to go where the deeper water
15 is. So the MAA is confident that we've given
16 everything to them that we possibly can to make a
17 convincing argument to the FAA to make this happen.

18 It's hard to say what the FAA is going
19 to do. The FAA is generally very conservative.
20 However, I do think they do have areas where
21 they've done this in the past around the country

1 and I think we have a pretty solid argument to
2 accuracy the concerns of this committee as well as
3 the FAA.

4 THE CHAIRMAN: Thank you. Any questions
5 for Bob?

6 MR. SIMON: Two questions. Does this
7 affect the marine sanitation devices that are on
8 vessels today as far as discharge is concerned?

9 MR. GAUDETTE: No, no., no. Discharges?
10 What do you mean by that?

11 MR. DWYER: Heads, heads.

12 MR. KLOOSTRA: The MDE thing you were
13 talking about earlier.

14 MR. GAUDETTE: Oh. No, that was a
15 previous conversation, Al. I'll get you that, that
16 was a previous, we're talking about the airport at
17 Frog Mortar Creek. I don't know if you were at the
18 meeting or not.

19 MS. DUTY: He was not.

20 MR. GAUDETTE: I don't know if you were
21 at the meeting. What happened, Al, is the FAA told

1 Martin State Airport that they could not operate
2 their instrument landing system that controls the
3 glide slope of airplanes going into that airport
4 because they saw a boat with a high mast that would
5 interfere with that glide slope. So they want
6 boats out of there. So we're saying, we discussed
7 at the last meeting, okay, we're going to keep the
8 boats with the masts out of area, but what about
9 the boats that don't have masts, why can't they
10 still use the area. So we're trying to ask the FAA
11 to make an exception, so that's what that process
12 is about.

13 The other things that you were talking
14 about in the heads, the discharge permit would
15 prefer that if you have like a type 2 or type 1, it
16 would prefer that you not use that necessarily
17 inside of a marina while you're docked if possible.
18 But they're not prohibiting it. They're trying to
19 discourage overboarding in areas. It's not a no
20 discharge zone, that's different. So you can still
21 use your head, but you would just use it hopefully

1 less frequently.

2 MR. SIMON: I called Ruritan to see if
3 there was an upgrade from our last conversation
4 about this and there isn't any.

5 MR. GAUDETTE: No, no, there isn't yet.
6 They're working on a lot of stuff, they are working
7 on things.

8 THE CHAIRMAN: One more question.

9 MR. DWYER: Back to the discharge, you
10 said at marinas and boatyards, just service
11 marinas, not --

12 MR. GAUDETTE: Well, if you don't
13 service boats you can sign a form that says you
14 don't and you don't have to get a permit. There is
15 a form.

16 MR. DWYER: Like a yacht club.

17 MR. GAUDETTE: Yeah, if you don't
18 service boats you should be fine, there's a form
19 you can say like you're a yacht club.

20 MR. DWYER: What kind of testing, they
21 test the water, the bottom?

1 MR. GAUDETTE: They're testing water and
2 what's coming off the boat, copper, there's a whole
3 list.

4 MR. DWYER: Where are they testing that
5 at?

6 MR. GAUDETTE: Right on site. For grab
7 samples right in the water, yep, so if you're
8 spraying off a boat or you're scraping a boat, you
9 do a grab sample and send it off to a place --

10 MR. DWYER: The top of the water or down
11 the bottom or both or all of the above?

12 MR. GAUDETTE: All of the above, just a
13 grab sample. There's a spec in there that says how
14 you're supposed to take these samples and what labs
15 are approved to test them, et cetera, but I don't
16 know the details of that, that level.

17 MR. DWYER: Okay.

18 THE CHAIRMAN: Anything else you would
19 like to add or --

20 MS. BROLL: I just wanted to make one
21 comment and follow up on that. I have had occasion

1 to deal with MDE on this general permit and for
2 instance in Talbot County where we lease slips, if
3 we allow our lessees to clean boats, fiberglass
4 work, paint and all, we are required to get this
5 general discharge permit. There is an exception
6 for local government with the fee schedule;
7 however, they would be required to do that. So in
8 yacht clubs or marinas, if you do not a lease
9 agreement with your slipholders that says you may
10 not, you know, perform these types of maintenance
11 operations on your vessels, then you as the marina
12 operator, in this case Talbot County, would in fact
13 be required to get that permit.

14 MR. GAUDETTE: That's a good point, and
15 actually they include in the new permit
16 recommendations of what kind of language you should
17 put in your agreements, so from a yacht club
18 standpoint I would look at this -- I can send
19 everybody an e-mail, but I do have electronic
20 copies of the full permit and the fax sheet that
21 can tell you what's going on, I'll leave these

1 here, and I'll e-mail everybody also.

2 MR. SIMON: Could I have a copy?

3 MR. GAUDETTE: Sure, Al, I made one just
4 for you.

5 THE CHAIRMAN: Anything else? Because
6 Bob has to leave early.

7 MR. GAUDETTE: Thank you.

8 MR. SIMON: Bob, is there anything that
9 I can do to help you with EPA or Marine Trades?

10 MR. GAUDETTE: Sure, sure, okay.

11 MR. SIMON: I got time on my hands.

12 MR. GAUDETTE: All right, okay, no
13 problem.

14 THE CHAIRMAN: Thank you very much, Bob.

15 MR. SIMON: Bob, who's the president of
16 Marine Trades Association?

17 MR. GAUDETTE: The executive director is
18 Susan --

19 MS. ALLISON: Zellers.

20 MR. GAUDETTE: She's the best person to
21 get ahold of.

1 THE CHAIRMAN: All right. Next one is
2 Woodrow Wilson Bridge and, Bob, you've got that
3 one.

4 MR. LUNSFORD: I'm both the petitioner
5 and the explainer in this case. Currently on the
6 Potomac River at the Woodrow Wilson Bridge there is
7 a six-knot speed limit that extends downriver from
8 the bridge about 100 yards. I think it's probably
9 this graphic here that's easiest to see.

10 DR. WEINTRAUB: Is that the old Woodrow
11 Wilson Bridge or the new?

12 MR. LUNSFORD: It extends 200 yards down
13 from the old bridge, I'm not sure what the upstream
14 line is because all I have is latitude and
15 longitudes. In reviewing the regulations, which is
16 something I do when I'm bored, I saw that the
17 justification for this regulation was the
18 construction that was taking place on the new
19 I-95/495 bridge. Since that construction is
20 complete it seemed an appropriate time to look at
21 pulling this regulation off the books since it no

1 longer serves its intended purpose. The officer is
2 here and he may have some additional comments on
3 that. But this is an attempt by me to clean up a
4 regulation that's expired.

5 We got a grand total of four comments,
6 three in support and one not supporting the
7 proposal to repeal the regulation. Four comments
8 is not what I call a great public response. There
9 has been a buoy on site and it's essentially
10 generated no interest.

11 THE CHAIRMAN: Any questions for Bob on
12 this?

13 MR. LUNSFORD: Thank you.

14 THE CHAIRMAN: Thank you on that.

15 MR. LUNSFORD: The officer is here.

16 THE CHAIRMAN: Yes, we would like the
17 officer to -- do you have any comments that you
18 would like to give?

19 NRP OFFICER: I'm in favor of leaving
20 that yellow box where it is and also extending it
21 probably 50 yards north of the new bridge.

1 THE CHAIRMAN: Speak a little louder,
2 please.

3 NRP OFFICER: Not a problem, sir. That
4 ain't gonna work. I'd rather leave the yellow box
5 where it is for the speed zone and extend it 50
6 yards above the bridge. At the old bridge we had a
7 speed zone going underneath the bridge. That speed
8 zone was always there. The only difference was we
9 didn't have the channel that traverses the bridge
10 now, it runs parallel, and we also have water
11 taxis, we have people who fish there, and beyond
12 that yellow box there's a mud flat on the south
13 side, right at the yellow box there's a mud flat,
14 so if you come under that bridge flying, you have
15 13 feet of the water on the south side of the
16 bridge and then you have mud flats.

17 So as I said, in the old days that mud
18 flat went all the way up underneath the bridge, the
19 only channel was on the Virginia side, which is
20 where that marker is. We also could traverse in
21 the old days on the western side, right there. We

1 had a lot of bass boats that go into the spoils to
2 do fishing and we had a speed zone over there on
3 both sides of the bridge. You also have to
4 remember, let's go back to the Virginia side, that
5 D.C. starts right at that corner and it goes in a
6 diagonal line and divides Oxon Cove in half and
7 goes up beyond that 695 side, around in there.
8 D.C.'s a square sitting on a point.

9 So hopefully now that we have water
10 taxis traversing parallel to the bridge and more
11 boating, more boating traffic going underneath the
12 bridge, I would like to keep the six-knot speed
13 zone in that yellow box and 50 yards north of the
14 new bridge. The only problem is in the regulation
15 book everything is designed or stated to fit the
16 old bridge and then we had a temporary regulation
17 for the construction site of the new bridge. Now
18 we need regulation for the new bridge itself.

19 THE CHAIRMAN: Any questions for the
20 officer? Yes.

21 MR. DWYER: How fast do the taxis go?

1 Do they run faster than six knots, is it going to
2 affect them?

3 NRP OFFICER: They're very large,
4 maximum for them is them is probably 10. They're
5 pigs, they're real slow, but they do draw wake, and
6 the biggest deal I think with them is they have to
7 maintain headway to maintain steering, so if we
8 give them six knots they should be fine. But I
9 don't want the water taxi coming under this way and
10 someone coming south from D.C. T-boning, that's an
11 issue. Someone had a question over here.

12 MR. KLING: Yeah, so your testimony is
13 before the bridge construction there was regulation
14 in this area.

15 NRP OFFICER: That's correct, on the
16 new -- on the old bridge, the older Woodrow Wilson
17 Bridge.

18 MR. KLING: Could we ask the petitioner
19 if he was aware of that?

20 MR. LUNSFORD: No.

21 MR. PARLIN: No, you weren't aware or

1 no, we can't ask you that?

2 MR. KLING: Thank you.

3 THE CHAIRMAN: To summarize what you
4 just said, you are now proposing that we have this
5 area here to be extended something like that; is
6 that correct?

7 NRP OFFICER: That's correct. If you --
8 the biggest issue is on the Maryland side north of
9 the bridge. We have, right now we have a six-knot
10 speed zone buoy sitting there before you go into
11 the spoils area. If you start moving west north of
12 the bridge it's mud flats, so they're not going to
13 be flying down there. Once you get into D.C.
14 that's all mud flats, so to protect the guys
15 fishing around the bridge and, you know, people
16 moving back and forth through the bridge, just have
17 it 50 yards north and that yellow box, what is that
18 Jones Point, straight across, parallel to the
19 bridge.

20 THE CHAIRMAN: Any, any other questions?

21 MR. MARSH: How much more distance is

1 that going to add from what the old bridge had at
2 six knots when you now incorporate the old bridge
3 with the new bridge?

4 NRP OFFICER: None. You mean as a speed
5 zone?

6 MR. MARSH: As a speed zone.

7 NRP OFFICER: None. What happened was
8 the old bridge on the Virginia side was moved 50 to
9 75 yards south, but on the Maryland side it pretty
10 much stayed the same, so it's --

11 MR. MARSH: About the same as the old.

12 NRP OFFICER: To put in the eastbound,
13 sorry, the westbound section of the new bridge they
14 had to tear the old bridge abutments out first, so
15 that section on the Maryland side is pretty much
16 where the old bridge was sitting.

17 MR. KLOOSTRA: So the channel we're
18 talking about is the 10 percent of that rectangle
19 to the west, that's really where the channel is and
20 where the draw is.

21 NRP OFFICER: You can see the green

1 water, the black water and then you have the green
2 water, that's the mud flats, and on the other side,
3 go to the Maryland side, you see where that black
4 water is, you can traverse up enough to get into
5 that spoils area right here. You can't go all the
6 way up, you have to go in the spoils area, and the
7 bassers do their fishing there.

8 MR. KLOOSTRA: So it's really on both
9 edges of bridge.

10 NRP OFFICER: On the north side, but on
11 the south side they dredged out that out so you
12 have a 13-foot channel. Ten years it will be mad
13 flats again.

14 THE CHAIRMAN: One more question, go
15 ahead.

16 MR. PARLIN: All right, so your
17 statement was to increase it 50 yards north of the
18 bridge.

19 NRP OFFICER: That's correct.

20 MR. PARLIN: And is it your intention to
21 keep it 50 yards south the bridge also or a larger

1 area?

2 NRP OFFICER: No, it's going to go from
3 Jones Point parallel on the bridge. What's that,
4 between a hundred and 200 yards. What that does is
5 when the center span, well, the span that raises on
6 the bridge, on the Virginia side that's the deepest
7 water and that's where boats really move to get to
8 D.C., and on the D.C. side, as I said, if they try
9 to go anyplace else to get to D.C. they're going to
10 be in the mud flats when they head north of that
11 bridge, so they're going to go through that
12 channel. So I want them to slow down, actually
13 it's right where the six-knot speed zone markers
14 are now.

15 MR. MARSH: So you're in favor of
16 keeping it the same as it is now because that was a
17 temporary?

18 NRP OFFICER: That's correct.

19 MR. MARSH: Just to keep it the same.

20 NRP OFFICER: And add 50 yards on the
21 north.

1 MR. MARSH: And adding on.

2 NRP OFFICER: We have the buoy on the 50
3 yard, but I don't know if it's in the regulation, I
4 haven't seen it. We put the buoys on there.

5 THE CHAIRMAN: Bob, do you have a
6 comment to add?

7 MR. LUNSFORD: I'll just add this to the
8 conversation at this point. Many of the phone
9 calls -- excuse me, I'm going to show them how bad
10 I shake. Many of the phone calls I got were from
11 people that were interested in a six-knot limit in
12 the spoils area, which is this cove here. This
13 didn't seem to generate any interest one way or the
14 other, people seemed ambivalent about it, and I
15 told several of the callers that if they wanted a
16 six-knot limit in the spoils and in particular in
17 the spoils interest they should drop a petition and
18 get it in to me and I haven't seen or heard any
19 follow-up on that, but I had many, many, many times
20 the number of conversations with people concerned
21 about the spoils and the entrance into the spoils

1 than I did on the Woodrow Wilson Bridge repeal at
2 all, and I'll also suggest, I'll have to seek the
3 advice of an attorney if we're going to extend this
4 50 yards upstream from the current limit because
5 that would be a regulation change that we have not
6 advertised or received comment on. So maybe
7 another year if we do that. We would actually be
8 changing a regulation and adding to the area, and
9 that's not what we had out in public notice.

10 A PARTICIPANT: Okay.

11 MS. TROVATO: Is there an old
12 regulation?

13 MR. LUNSFORD: There is a regulation
14 that says 200 yards basically.

15 MS. TROVATO: Not the construction one,
16 he said there was an old regulation.

17 NRP OFFICER: For the old Woodrow Wilson
18 Bridge.

19 MS. TROVATO: Has that been repealed?

20 MR. LUNSFORD: That got repealed when
21 the construction went through. I didn't make that

1 clear, yeah, that got preempted by the
2 construction, which is now 12 years old.

3 MS. ALLISON: Could that be returned to?

4 THE CHAIRMAN: Excuse me, please. You
5 make your comment and then, Al, you make your
6 comment. One second, I want to hear what she has
7 to say first.

8 MS. ALLISON: I just asked if we could
9 go back to the original speed limits where they
10 were originally posted at the old bridge?

11 MR. LUNSFORD: I'd have to look because
12 the new bridge and the old bridge aren't exactly in
13 the same place and the latitudes and longitudes
14 have changed. Certainly I think we could do that
15 administratively if that's the committee's, you
16 know, if that's the go ahead, but if we extend or
17 make it larger, more extensive, my guess is there
18 is an issue with public notice and the attorneys
19 may not say we followed our own rules.

20 MR. SIMON: You see 295? If you call me
21 I'll take you to lunch. I'm one mile up the water,

1 that's my office. One mile up the road.

2 THE CHAIRMAN: Do we have any more
3 questions for the officers? Thank you very much.
4 You have another comment?

5 NRP OFFICER: I think the lack of phone
6 calls is because the buoys are there now. So you
7 already, it appears that there's a speed zone there
8 now, but we don't have a regulation to enforce that
9 speed zone that's there now, so we have buoys on
10 both sides of the bridge.

11 THE CHAIRMAN: Stating six knots.

12 NRP OFFICER: Six knots.

13 THE CHAIRMAN: Okay, all right.

14 MR. MARSH: One more comment for you,
15 would that satisfy the situation, to leave it as it
16 is now with the temporary speed limit and make
17 that --

18 NRP OFFICER: When you say --

19 MR. MARSH: Instead of adding anything
20 that may create an issue, to leave it as it is now,
21 which you have a speed limit there now existing on

1 the new bridge.

2 NRP OFFICER: Yes, that would be fine.

3 MR. MARSH: I mean instead of going back
4 to the public hearing and all that kind of thing.

5 NRP OFFICER: When you say as it is now.

6 MR. MARSH: As it is now.

7 NRP OFFICER: The yellow box.

8 MR. MARSH: The yellow box, you have a
9 speed limit there now?

10 NRP OFFICER: That's correct, you can
11 leave that there now and that would suffice and
12 if --

13 THE CHAIRMAN: And you're suggesting on
14 the other side there are buoys there now.

15 NRP OFFICER: That's correct.

16 THE CHAIRMAN: And therefore hopefully
17 if we reinstate or by not changing what is existing
18 on those buoys, then we'd satisfy you, correct?

19 NRP OFFICER: Satisfy me? I'm not
20 running this show. But what, let me explain what
21 happens. You have bassers in the spoils fishing,

1 and they come out and they run top and they come
2 down, they hit the six-knot speed zone buoy, they
3 slow down, they come underneath the bridge until
4 they get out of the box, the yellow box and then
5 they continue on. That's what I want to see.
6 That's what I would like to see, I'm sorry.

7 THE CHAIRMAN: All right. Any more
8 questions? Okay. Thank you very much, Officer.

9 NRP OFFICER: Thank you.

10 THE CHAIRMAN: I think we may have
11 covered everything we had to this morning and we
12 still have some time before I think lunch is going
13 to arrive for us, so we might, Bob, would you like
14 to make some other comments?

15 MR. LUNSFORD: I can do a little song
16 and dance. We did receive another petition
17 yesterday for a speed, I don't know where it came
18 from, but it's for Slaughter Creek in Dorchester
19 County, surrounding the Taylors Island Marina from
20 the bridge that goes across Taylors Island. I
21 forgot, is that Route 16? From Route 16 to about

1 200 yards below the bridge. Al Simon presented me
2 with another possible petition on the Rhodes River
3 today. That brings us up to seven and I think
4 we're going to kind of cut the speed limit reviews
5 off at ten for next summer. Anybody that comes in
6 after that, unless they have some dire situation
7 we're going to have to defer them to the following
8 year because the number of hearings that we're
9 having to go through this fall, it seems excessive
10 to ask a volunteer committee to show up this many
11 days for public hearings. This is more than most
12 other committees which meet maybe once a month on a
13 regular basis in the evening do. So while the
14 department appreciates your efforts, I think we're
15 going to try to cut down on the number of both site
16 visits that are being asked of you and the number
17 of hearings that we have next fall, and I'm open to
18 comment on that, if anybody wants to say ten is not
19 a sufficient number or any discussion we want to
20 have off the record would be fine.

21 THE CHAIRMAN: We have one comment here.

1 MR. KLING: You can just pay us more.

2 MR. LUNSFORD: I can double your pay,
3 Steve, but that's the best I can do.

4 MR. MCLEAN: Twice as many donuts.

5 MR. LUNSFORD: The problem with that is
6 I have to invite you to twice as many meetings,
7 it's this vicious circle thing we have.

8 THE CHAIRMAN: Do you have anything else
9 to add?

10 MR. LUNSFORD: No. We still have some
11 site visits, several of you have indicated that
12 you're interested in site visits down to the lower
13 Patuxent River, in particular I think St. Leonard's
14 and Cuckold Creek are going to be highly contested
15 and highly emotional, and those of you that have
16 been through before have seen that. I would
17 suggest that probably the rest of the week is shot,
18 they're talking about rain tomorrow and Friday.
19 The big boat is back at the dealer with a trailer
20 issue. So it will be the middle of next week
21 before we can schedule trips in the big boat, but

1 if anybody wants to put up with the smaller whaler,
2 which we used to strap Ramona in with a cutoff
3 switch -- she had to stand behind me, I don't know
4 if she's in the boat or not -- it is doable, so we
5 can start scheduling those, and for the most part
6 if the boat is unavailable those areas are pretty
7 observable from various vantage points on land and
8 we can do car tours and probably see about 85 or 90
9 percent of the areas that's going to be under
10 discussion. And I'll get with you, you know, with
11 the people that are interested at lunchtime. Edric
12 and Bob McLean and Ramona expressed interest.

13 MR. KLING: Having been down and looked
14 at both of those, it's very instructive to see the
15 two bodies of water. I think the petitions come
16 into very clear focus when you look at them.

17 MR. LUNSFORD: It gives you a different
18 impression than what the petitioners may leave you
19 with when they make their appeal or approach.

20 Jeannine is checking on lunch now, guys, so --

21 MR. KLOOSTRA: At Slaughter Creek, do

1 you not know who the petitioner is?

2 MR. LUNSFORD: I do, I just didn't bring
3 his name with me today. It's the marina owner
4 there at Taylors Island. I figured you put him up
5 to it.

6 MR. KLOOSTRA: No.

7 THE CHAIRMAN: Okay. Is that all you
8 have right now?

9 MR. LUNSFORD: Yes, sir.

10 THE CHAIRMAN: What we're going to do
11 now then is we're going to break -- we're still
12 waiting on lunch to arrive; is that correct, Bob?

13 (Discussion held off the record.)

14 THE CHAIRMAN: What we're going do is
15 we're going to break until 12:45, which gives
16 everyone to time to stretch their legs and go for a
17 walk, it's a beautiful day, and have your lunch and
18 we'll reconvene at 12:45, hopefully the food will
19 be here before 12.

20 (Discussion held off the record.)

21 (Luncheon recess.)

1 THE CHAIRMAN: We're going to reconvene.
2 Everyone take their seats, please.

3 (Discussion held off the record.)

4 THE CHAIRMAN: We'll make it easier for
5 you. Bob is going to give you just a few words on
6 the petition and maybe flash up here if you need a
7 picture for what we're talking about before we
8 discuss hopefully and make a decision on the
9 petition. Are you ready now?

10 MR. LUNSFORD: Yes. If you would
11 indulge me, on the last page of the packet everyone
12 got, it's been pointed out that we didn't label
13 those columns very well and I'll take a real quick
14 second to explain what it is. Underneath the
15 column on the left, this is the very last page
16 where you have three columns that says totals, the
17 very left-hand column is what we got in the way of
18 a petition. Most of you see that there was no
19 official petition with countable numbers. In some
20 cases it came in as a letter, in some cases it came
21 in as a phone call. I know that Knapps Narrows for

1 instance came in as a letter to Bob Gaudette with
2 the support of Senator Colburn that we reviewed.
3 Woodrow Wilson Bridge is one that I ginned up on my
4 own doing a review. White Haven was just the
5 gentleman that was here representing the community,
6 but there were no official petitions. In the case
7 of Elkmore there was a petition. The other two
8 columns are totals from other inputs that the
9 public has available through the website, through
10 e-mail and through phone calls. So that's what
11 those totals are and I apologize for that being
12 confusing, we'll get better titles on those columns
13 for the next meeting because we'll have larger
14 numbers on all of those.

15 So now what I'll do is I'll go through
16 the petitions, I'll just start one, start with Glen
17 Riddle. Okay, now that Brother Bulb has warmed up,
18 again, the petition is from the homeowners
19 association representative, he may be their marina
20 manager, he's a resident of the Glen Riddle
21 community that surrounds it. His main problem,

1 when I suggested to him that since these are
2 slipholders in the marina, that all he had to do
3 was get the homeowners association to pass a rule
4 that says anybody causes damage you lose your slip
5 privileges, he explained it is people launching
6 boats off the boat ramp there that either don't
7 know any better or know they're there for a
8 relatively short period of time and therefore don't
9 feel obliged to be real courteous.

10 The reason I suggested minimum wake
11 instead of six knots as I said earlier was that the
12 area is relatively -- it's very short to get from
13 anyplace in the marina out into Herring Creek where
14 you can go ahead and put it up on plane.

15 Questions.

16 MR. JONES: How old is this marina?

17 MR. LUNSFORD: A matter of a couple of
18 years, it was a dug marina.

19 MR. JONES: You look on the right,
20 that's the land.

21 MR. LUNSFORD: How they got permission

1 from the Corps to do that is beyond me.

2 MR. KLOOSTRA: Almost like their private
3 swimming pool, about an acre or two.

4 MR. MARSH: That's the one with condos
5 around it, just to the right of Sharkey's
6 Restaurant there or --

7 MR. LUNSFORD: No, this is back off 50 a
8 little further. You have to go down Man of War
9 Shoals Road, you have to turn going towards Ocean
10 City, back down a quarter of a mile.

11 MR. MARPLE: Is that what it is, two
12 acres?

13 MR. LUNSFORD: It may be that big. Ken
14 says it's two acres, he's been there.

15 MR. KLOOSTRA: One to two, it's not very
16 big, and it looks like it's something that they dug
17 out for themselves and it's kind of hard to
18 empathize with them to have a cop in there to
19 regulate something. You know, they can, they can
20 put, they can put a sign on the ramp on their own,
21 but it almost seems a waste of our time.

1 THE CHAIRMAN: Gentlemen and ladies, we
2 would like you to wait until you get recognized by
3 the chair to speak so we can maintain the
4 conversation.

5 MR. KLING: Point of order, are you, are
6 we doing a written review of each one or this is it
7 now?

8 THE CHAIRMAN: We're just doing one at a
9 time.

10 MR. KLING: So we're on this now.

11 THE CHAIRMAN: That is correct, yes.

12 MR. KLING: Okay, then I will just offer
13 a motion that we implement for purposes of
14 discussion a six-knot speed limit in the requested
15 area.

16 THE CHAIRMAN: Question on it.

17 MS. TROVATO: I thought it was a --

18 MR. KLOOSTRA: Looking for a second.

19 MS. ALLISON: No, I had a question.

20 MS. TROVATO: I have a question.

21 MR. KLING: There is a second.

1 MS. TROVATO: I thought the petition was
2 a minimum wake zone, not six-knot.

3 MR. LUNSFORD: That was my suggestion.

4 MS. TROVATO: Okay, got it.

5 MS. ALLISON: That's what I was trying
6 to get clarification.

7 THE CHAIRMAN: Excuse me, you have to be
8 recognized by the chair before you speak and I
9 promise to be diplomatic and democratic, so will
10 you please say something?

11 MR. DWYER: Yeah, that's why I raised my
12 hand.

13 THE CHAIRMAN: Okay. Go ahead.

14 MR. DWYER: I have a problem with
15 minimum wake, no wake. As long as I've been on
16 this board, I don't know that we've ever
17 implemented that where there wasn't a endangered
18 species or --I think we're opening a basket of
19 worms up here for other areas with minimum wakes,
20 that's my personal feeling.

21 THE CHAIRMAN: Yes.

1 MR. KLING: Just to answer Ramona's
2 question, I'm in favor of the motion and I find the
3 discussion goes better if we start with a motion
4 and have a frame of reference for discussion. My
5 first reaction was identical to ken's, why are
6 these people bothering us. I went down there and
7 there was no boats and their own place and then I
8 sort of thought about it why would anybody go
9 faster than six knots in here, and I agree with
10 Russ that we have kept minimum wake/no wake for
11 environmentally sensitive areas. I happen to
12 believe that you put up a six-knot sign, say no
13 wake, people kind of go what does that mean, it's
14 about ineffective, and you're responsible for your
15 wake, I don't anticipate -- if the people are being
16 stupid and you put up a sign saying don't be
17 stupid, that's essentially what the thing would do,
18 I wouldn't see NRP would have any resources in
19 there on any kind of basis and it's just not an
20 area that you ought to go more than six knots, so
21 that's my --

1 MR. SIMON: Is that a motion?

2 MR. KLING: It's been a motion and been
3 seconded.

4 MS. TROVATO: Yeah.

5 MR. KLING: So Ramona, to answer your
6 question, yeah, that's what Bob recommended and Bob
7 was being dumb.

8 MR. LUNSFORD: That's why we got a
9 committee.

10 THE CHAIRMAN: Well, strike that from
11 the minutes.

12 MR. KLING: Bob, Bob was not on his body
13 scan at that time.

14 THE CHAIRMAN: You are out of order.
15 Yes.

16 MS. ALLISON: I'm not sure whether this
17 is an appropriate time to ask this with a motion on
18 the floor, I would like to have clarified for
19 myself what the difference is and what the penalty
20 or the fines are for no wake, minimum wake, watch
21 your wake, you're responsible for your wake?

1 MR. LUNSFORD: Can I respond to that?
2 We do have a definition for minimum wake in
3 regulation and it's that speed no greater than that
4 speed necessary to maintain steerage given
5 prevailing wind and sea conditions. So that is the
6 only definable minimum wake/no wake thing. So
7 minimum wake is no speed greater had necessary to
8 maintain steering, the next level is six knots.
9 There's nothing in between.

10 MS. ALLISON: And what is the penalty
11 for --

12 MR. LUNSFORD: They're the same, they're
13 50 bucks and, you know, for the first offense.

14 DR. WEINTRAUB: That's cheap.

15 THE CHAIRMAN: We have a motion, we have
16 a second, do we have -- ready for a vote? No?

17 MR. DWYER: We're not going to have any
18 more discussion, nobody else?

19 MR. JONES: That's up to you.

20 MR. DWYER: I'd like to have just a
21 little more info. I didn't go to the site and I'd

1 like to hear just a little bit more. Steve, you
2 made the motion to put it in, what is your feeling?

3 MR. KLING: Just as I described, my
4 initial reaction was the same as Ken's, like why
5 should we police this thing for these people
6 because it's just a little hole, it's got little
7 piers and condos, but on the other hand it's not a
8 place that anybody with a brain should go at any
9 speed, so.

10 THE CHAIRMAN: Yes, Bob.

11 MR. LUNSFORD: Mr. Chairman, Ramona, let
12 me add, in conversation last year in this room with
13 Sergeant Lay, he was the one that sent the
14 petitioner to me originally, Joe Campanili
15 (phonetic) had called him and voiced a concern
16 about people exceeding, you know, creating large
17 wakes within the marina with their speeds and
18 Sergeant Lay had told him there was nothing
19 enforceable in the marina and if we had wanted to
20 have an enforcement guy to show up to do anything,
21 they had to have a six-knot speed limit, a

1 regulated area. I personally think that if
2 somebody's in there in that confined an area
3 creating a large wake, that a Natural Resources
4 Police officer could have written a reckless and
5 negligent ticket, it's that small, that was the
6 reason we're here.

7 MS. TROVATO: I have been there, it's so
8 tiny you can't believe it, and the guy, Campanili,
9 I went down with Bob and checked it out, he said
10 they even have Jet Skis that come in there zooming
11 around each other in this teeny little confined
12 space with all these piers sticking out and all
13 these boats everywhere and there's just -- it's not
14 a safe place to be speeding around at all.

15 DR. WEINTRAUB: I'll never go there.

16 MS. TROVATO: It's great if you have a
17 townhouse.

18 THE CHAIRMAN: Thank you. Yes.

19 MR. McLEAN: In terms of Jet Skis,
20 they're not allowed to go over six miles an hour
21 within a hundred feet of anyone. If they're going

1 seven miles per hour within a hundred feet of a
2 pier or a piling or a marina, whatever, they're
3 illegal. That's -- the NRP can enforce that, you
4 don't need a six-mile-an-hour zone to fix that.

5 MS. TROVATO: Right.

6 THE CHAIRMAN: Are we now complete the
7 discussion?

8 DR. WEINTRAUB: Yes.

9 THE CHAIRMAN: Let's go now with the
10 motion. You want to repeat the motion?

11 MR. KLING: That we implement, we
12 recommend the location of a six-knot limit in the
13 petitioned area, subject to the petition.

14 THE CHAIRMAN: Okay. Already been
15 seconded.

16 MR. KLOOSTRA: Call the question.

17 THE CHAIRMAN: Go for the vote. All in
18 favor say aye.

19 (Aye votes cast.)

20 THE CHAIRMAN: All those opposed please
21 raise your hand.

1 (Show of hands.)

2 THE CHAIRMAN: The ayes have it.

3 MS. ALLISON: Did you do a count?

4 THE CHAIRMAN: Yes, I did.

5 MS. ALLISON: What was the count?

6 MR. LUNSFORD: I have seven opposed and
7 the other 13 that are present I assume voted for
8 it, so 7 to 13.

9 THE CHAIRMAN: Okay. Let's go to the
10 next issue.

11 MR. LUNSFORD: I don't know what to say
12 about Big Thoroughfare. Again, we were petitioned
13 by the captain of the Miss Kay that ties up at the
14 old Deale Island oyster hatchery, which is the
15 point below the arrow on the photograph. He ties
16 up to the bulkhead because the state is too cheap
17 to put him in a pier, and his concern was that the
18 boats putting in at the newly refurbished ramp
19 right about where Mike's got the pointer there,
20 come around that corner and line up on open water
21 and then take off and it causes him problems

1 loading and unloading. When I talked to the marina
2 owner up in Scotts Cove, which is this area, he
3 does not have a problem at the marina site. He
4 assumed that everybody with a brain would do six
5 knots or less or they would incur his wrath. So
6 basically if all the boats that use this creek and
7 the marina area are already going six knots, we're
8 talking about a relatively limited area here. I
9 don't know why the captain didn't show today, he
10 was given notice, they're probably in the middle of
11 the fall oyster sampling and he couldn't, I have
12 not seen enough both traffic down there to express
13 an opinion one way or the other.

14 MR. SIMON: Who put the boat ramp in?

15 MR. LUNSFORD: The state.

16 THE CHAIRMAN: Anything to add, Bob?

17 MR. LUNSFORD: No, sir.

18 THE CHAIRMAN: Okay. Do we have a, any
19 discussion before we make a motion?

20 MR. KLING: Other way around.

21 THE CHAIRMAN: A motion and then a

1 discussion. Do you have a motion?

2 MR. KLING: I move that we implement the
3 regulation as requested.

4 DR. WEINTRAUB: Second.

5 MR. KLING: Purpose for the discussion?

6 THE CHAIRMAN: Any discussion?

7 MR. KLING: I don't feel strongly about
8 this but we needed a motion to get the thing going
9 so there is a motion.

10 MR. DWYER: Is there a speed limit
11 inside the bridge? There isn't.

12 MR. LUNSFORD: It's self-regulating.

13 MR. DWYER: Right.

14 MS. DUTY: John, as I said earlier, I
15 spoke with Denny Webster, the president of Somerset
16 County Watermen's Association, he is much in favor
17 of this, he thinks it's needed.

18 THE CHAIRMAN: Okay. We have had -- we
19 can go now for a vote I believe. Those in favor of
20 implementing the new speed limit, please raise your
21 hand.

1 (Show of hands.)

2 THE CHAIRMAN: Those opposed. It's
3 unanimous, that's been passed. Go to the next one.

4 MR. LUNSFORD: Scribbling notes here.

5 THE CHAIRMAN: We're moving too fast for
6 you, I know.

7 MR. LUNSFORD: Elmore, again this is an
8 area where a marina facility has been built into a
9 public waterway adjacent to a channel. Ordinarily,
10 personally I don't have much sympathy for these
11 kinds of requests, but in this case, given that
12 when they built the marina the navigable channel
13 was much further offshore and given the way the
14 channel currently lines up with them at the point
15 of a V here if you will, I'm sure that boats at
16 night that are running the markers use the lights
17 of their marina as an aiming point once they come
18 through the sets of buoys and I'm sure it does
19 become quite a safety issue there. Haven't
20 observed it, but having run it in the small whaler
21 several times, especially when you're coming from

1 downriver, the marina is the easiest landmark to
2 pick out and you know the buoy is only 50 yards off
3 the end of the marina slips at the most, so it
4 becomes a convenient navigation aid is the marina.

5 DR. WEINTRAUB: Head right for the
6 marina and hope you don't run into it.

7 MR. LUNSFORD: Pretty much.

8 THE CHAIRMAN: Yes. Do you have a
9 question?

10 MR. DWYER: I was going to make a
11 motion.

12 THE CHAIRMAN: Make the motion.

13 MR. DWYER: I'd like to make a motion
14 that we do no change in the regulation, and I'm
15 going by that by the officer's, officer's report
16 about there is no speed problem there.

17 MR. KLING: Second. You need a second
18 before you have a discussion.

19 THE CHAIRMAN: Okay, you second it and
20 we have a question now on this.

21 MR. KLOOSTRA: I'll second if it needs

1 to be seconded.

2 MS. DUTY: I don't have a question, I
3 just had a comment, is that what you're asking for?
4 You want to hear what I have to say, John? Okay.
5 Thank you.

6 THE CHAIRMAN: Yes, yes, we'll hear what
7 you have to say.

8 MS. DUTY: I spoke with Steve Lay, who
9 is a waterman and businessman up that way, he says
10 he does not see a need for all year. He does
11 realize that there's a problem. He thinks maybe if
12 we did anything it would be reasonable to think of
13 doing summer season, which I assume, is that
14 Memorial Day to Labor Day?

15 MR. LUNSFORD: April 15th to October
16 15th is what's defined as boating season in our
17 regulations.

18 MS. DUTY: Okay, he said particularly
19 during the recreational boating season, he felt
20 that maybe if we could just, you know, sort of do
21 it for that particular time, and I guess that would

1 follow in Saturday, Sunday, holidays in boating
2 season, or he said even every day he could see it
3 being appropriate.

4 THE CHAIRMAN: Do you have a motion on
5 that?

6 MR. LUNSFORD: You got a motion on the
7 floor.

8 MS. DUTY: I was just discussing. I
9 wasn't making a motion, I was just relaying
10 information.

11 THE CHAIRMAN: All right. Yes.

12 MS. BROLL: I did visit the site with
13 Bob and I think that the people that are there in
14 that marina have a genuine issue and a genuine
15 problem that was preexisting -- that was created
16 after the marina was put in. I don't, if it were
17 me I'd probably say that all times six-knot because
18 I don't know that you can differentiate between
19 weekends or holidays just because of the scenario.
20 Many of the landowners have lifts on their pier but
21 this marina does not. Obviously, and I think the

1 gentlemen told me they have between 70 and 80 boats
2 in the marina. Now, the only thing I would say is
3 that I could see in a couple of years maybe some
4 other people north or south, probably north, coming
5 in and wanting an extension of that, but I felt as
6 though because the shift of this channel was so
7 close to that marina, I think it's a genuine issue
8 that they have.

9 THE CHAIRMAN: One moment. Yes.

10 MR. KLING: Tammy, you -- I understand
11 seven days a week as opposed to weekends and
12 holidays, do you have a sense of boating season
13 versus year round?

14 MS. BROLL: Well, the officer mentioned
15 I think boating season and holidays and weekends
16 there was more traffic. You know, if we were -- I
17 guess I don't have experience up there to know, you
18 know, when the boating traffic occurs, so I guess
19 we should probably lean check more on what the
20 officer's telling us. But I really think that they
21 need to have something there, when they have a

1 hundred to three hundred boats, you know, using it
2 on a holiday weekend or in the summertime like
3 that, there's not a lot of distance between the end
4 of that marina and that channel where people are
5 legally navigating, so, you know, I think we need
6 to take a look.

7 THE CHAIRMAN: We appreciate your
8 consideration and I think everyone heard exactly.
9 You got a quick comment?

10 MS. TROVATO: Yes. May I speak?

11 THE CHAIRMAN: Yes.

12 MS. TROVATO: Thank you. I have to say
13 I went up with Bob as well and I observed the same
14 thing that Tammy did and I recommend that we need
15 something there for the safety of the folks at the
16 marina. It is so close it's hard to believe.

17 MR. KLOOSTRA: So the first witness or
18 testimony came from somebody who lives upstream of
19 this and had a fast boat and didn't like the idea
20 at all, at least that's what I understood. And so
21 if we enact a weekend and holidays we're going to

1 help the guys where they're really busy and we'll
2 still let this guy get out as fast as he needs to
3 go if he's not, you know, damaging any property.
4 So I would recommend we consider the nights and
5 weekends, I mean weekends and holidays.

6 THE CHAIRMAN: Excuse me, she was ahead
7 of you and then you. Go ahead. Go ahead, Betty.

8 MS. DUTY: Oh, okay. You have to call
9 us by name.

10 THE CHAIRMAN: Ms. Betty.

11 MS. DUTY: As I said, Steve, we had
12 quite a long conversation and he says that all
13 times is just not necessary. And that was his
14 position, was that we take a look at it during the
15 boating season and if not the whole boating season,
16 at least the Saturday, Sundays and holidays, which
17 is where the bulk of the traffic is. He said it's
18 not that heavy during the week, but still, I mean
19 it's moderate, but definitely all year long is
20 really not necessary.

21 THE CHAIRMAN: Okay.

1 MS. TROVATO: The gentleman who had the
2 high performance boat and said he didn't want to
3 slow down, we're talking about a 400-yard length,
4 200 yards above and below the marina. This is a
5 very short span that won't take him very long to
6 traverse at six knots, so I don't think this is a
7 hardship on that gentleman.

8 MR. KLING: I'd like to offer an
9 amendment to the motion that we recommend a speed
10 limit as requested Saturday, Sunday and holidays
11 during boating season.

12 DR. WEINTRAUB: Second.

13 MS. ALLISON: Second.

14 MR. MARSH: Second.

15 THE CHAIRMAN: Any questions? Do you
16 have a question on this?

17 MR. JONES: No, I'd like to speak to it.
18 Listening to the discussion of people who went
19 there, it seems to me that these people have a
20 hardship not due to anything that they did.

21 THE CHAIRMAN: Okay.

1 MR. JONES: Therefore it seems to me
2 that the limit ought to be all time.

3 THE CHAIRMAN: Well, we have a motion.

4 MR. JONES: I'm speaking against the
5 motion.

6 THE CHAIRMAN: Yes.

7 MR. MARPLE: I'd like Mr. Kling to tell
8 me why he doesn't think it needs to be there all
9 the time.

10 MR. KLING: I tend to be, despite having
11 moved twice for regulation today, I tend to be not
12 quite as minimalist as Russ, but on the less
13 regulation is the better side of the spectrum, and
14 it just seemed to me that the bars, he mentioned a
15 problem in the evening and the problem with the
16 bars and that strikes me as a weekend problem
17 probably, and I am sympathetic to the notion that
18 it's a problem not caused by themselves, and it
19 seems to me, just a philosophical thing, that
20 minimal regulation is better than more and we start
21 with this and if they need more they will come

1 back.

2 MR. MARPLE: Makes a little bit of
3 sense.

4 THE CHAIRMAN: All right. We heard your
5 comment, Thornell.

6 MR. JONES: I would add that, you know,
7 they can come back three years from now.

8 THE CHAIRMAN: Okay. Well -- we
9 understand that. But let's go with the amended
10 motion that we have now. Do we have a second on
11 that I think already?

12 DR. WEINTRAUB: Second.

13 THE CHAIRMAN: I think we can go ahead
14 and vote for it then. All in favor. During the
15 boating season Saturday, Sunday and holidays. All
16 in favor, please. Yeah, all in favor, yeah, that's
17 it.

18 (Show of hands.)

19 THE CHAIRMAN: Those opposed.

20 (Show of hands.)

21 THE CHAIRMAN: The amendment passes,

1 which is going to be a restriction during the
2 boating season restricting to six knots in the
3 restricted, closed area here.

4 MR. LUNSFORD: Saturday, Sunday and
5 holidays, okay.

6 MR. KLING: Now to vote on the motion as
7 amended.

8 THE CHAIRMAN: Yes.

9 MR. DWYER: Back to rule of order, my
10 motion -- if we're going to do things by the rules,
11 we ought to. My motion was to do nothing, so that
12 motion was voted down, am I not correct?

13 MR. KLING: No, it was amended.

14 MR. FERMAN: He has to agree to it.

15 MR. KLING: No, he doesn't, absolutely
16 not.

17 (Discussion held off the record.)

18 THE CHAIRMAN: We have a conflict
19 between the experts on the rules; is that correct?

20 MR. DWYER: Doesn't matter to me.

21 THE CHAIRMAN: If it really doesn't

1 matter, then why don't we just go with the motion
2 on the amendment and we have had a second on that
3 and we can vote on that particular issue and move
4 forward one way or the other.

5 MS. DUTY: We just did.

6 MR. KLING: Now you vote on the motion
7 as amended.

8 THE CHAIRMAN: We just did.

9 MR. KLING: No. We voted on the
10 amendment. Now you have to vote on the motion.
11 Trust me, you got to vote again.

12 MS. ALLISON: Somebody repeat it.

13 THE CHAIRMAN: We're going to -- just a
14 moment. I have a little book here, I bought a book
15 after the last meeting. What we're going to do is
16 we're now going to vote on the original motion and
17 then have to --

18 MR. KLING: No, the original motion no
19 longer exists, it's been amended.

20 THE CHAIRMAN: Well.

21 MR. KLING: So now your vote is on the

1 motion as amended.

2 THE CHAIRMAN: Okay.

3 MR. KLING: Then we're done.

4 THE CHAIRMAN: And I thought we had done

5 that.

6 MR. KLING: No, we voted on the

7 amendment.

8 THE CHAIRMAN: Okay.

9 MR. DWYER: Who's on first?

10 THE CHAIRMAN: We're going to vote on

11 the motion as amended and that happens to be

12 restricted six knots during the boating season and

13 holidays.

14 MR. LUNSFORD: Saturdays, Sundays and

15 holidays during the boating season.

16 THE CHAIRMAN: Correct.

17 MR. KLING: Yes.

18 THE CHAIRMAN: That's where we are for a

19 vote. Shall we now vote on that? Those in favor

20 please raise your hand.

21 (Show of hands.)

1 THE CHAIRMAN: Okay. Those opposed.

2 (Show of hands.)

3 THE CHAIRMAN: I think the amendment is
4 passed.

5 MR. KLING: Motion.

6 THE CHAIRMAN: Motion. Well, the
7 amended motion is passed, how's that? Okay. All
8 right.

9 MR. LUNSFORD: Knapps Narrows, again
10 this is one that Bob Gaudette did the interview, I
11 visited the site several times, I never saw a
12 violation or an issue, but you've heard the
13 argument.

14 MR. PARLIN: I make a motion we make no
15 change to this area.

16 MR. KLING: Second.

17 MS. BROLL: Third.

18 THE CHAIRMAN: Question?

19 MR. DWYER: I just like to say I keep my
20 boat in the spring of the year right across from
21 Mr. Fluharty at the old Fluharty Marina, I'm the

1 first boat in, I don't get any damage or any
2 problem.

3 THE CHAIRMAN: So you are in favor of
4 the motion.

5 MR. DWYER: Of the motion, yes, as
6 expressed.

7 THE CHAIRMAN: Any other comments?

8 MS. DUTY: Can I comment?

9 THE CHAIRMAN: Yes.

10 MS. DUTY: I spoke to Russell Dietz, RDS
11 Seafood, I guess it's north of the bridge, right
12 above the bridge, and he says that he would be, if
13 it was reduced only being like maybe one knot or
14 something because if they come through there too
15 slow in the summertime particularly on holidays and
16 weekends it would just bog up the traffic, because
17 he said there's a lot of boats come in through
18 there and he would prefer to see no change but if
19 you reduced it you could be looking at an
20 enforcement problem with too many boats in an area
21 at a time, especially speeding up or slowing down,

1 depending on where the bridge is, and he too
2 mentioned that I guess in the recent past the
3 boaters were encouraged to speed up through there
4 to get through the bridge.

5 THE CHAIRMAN: Well, that's been
6 addressed.

7 MS. DUTY: I realize, but I wasn't sure,
8 he must not be quite aware of that yet, but I'll
9 let him know that, but he did say that was part of
10 the problem.

11 THE CHAIRMAN: Well, we would find on
12 that it's no longer, we don't think it's a problem
13 any longer.

14 MS. DUTY: He was referring to that is a
15 problem.

16 THE CHAIRMAN: All right. Can we now go
17 ahead and vote on a motion?

18 MS. DUTY: Which is not to do anything?

19 THE CHAIRMAN: Okay. Do we have a show
20 of hands in favor of no change?

21 (Show of hands.)

1 THE CHAIRMAN: I think that seems to be
2 unanimous vote and we'll go to the next one.

3 MR. KLING: Point of order,
4 Mr. Chairman, on this, is there maybe with Betty's
5 contacts or Bob's that we monitor -- the fact that
6 the state told the bridge tender to cut it out
7 doesn't convince me that the bridge tender is going
8 to listen.

9 MR. LUNSFORD: He's a contractor, he
10 better listen.

11 MR. KLING: If we can monitor, Russ,
12 people on there, it would be nice to know if, get
13 feedback if in fact the bridge tender was
14 misbehaving.

15 MR. DWYER: He didn't do it to the end
16 of summer, he used to do it, but he --

17 MR. SIMON: When are you going to start
18 monitoring? Now is a waste of time.

19 THE CHAIRMAN: We're not going to
20 monitor, the feedback here is --

21 MR. KLING: If it has --

1 THE CHAIRMAN: -- he does not do that
2 any longer, okay.

3 MR. KLING: Excuse me, never mind.

4 THE CHAIRMAN: Thank you. Okay. We
5 move on to the next one here, the Woodrow Wilson
6 Bridge.

7 MR. McLEAN: I would like to make a
8 motion.

9 THE CHAIRMAN: Motion here.

10 MR. McLEAN: I would like to make a
11 motion that the temporary speed limit buoys that
12 the officer discussed in our public session be made
13 permanent.

14 DR. WEINTRAUB: Second.

15 THE CHAIRMAN: Yes, Bob.

16 MR. LUNSFORD: Just a point of order, I
17 would have to locate those, because I believe there
18 are buoys now above the bridge which essentially
19 are not in regulation.

20 MR. McLEAN: He said that.

21 MR. LUNSFORD: We have not put that out

1 for public notice nor have we allowed the public to
2 look at it, I don't know if the attorneys can allow
3 me to do that.

4 MR. JONES: We can still recommend it.

5 MR. LUNSFORD: My suggestion is if
6 that's the committee's sense, that you recommend no
7 action, we leave the damn buoys there and they
8 don't have any enforcement authority, but if they
9 work for him, why change it?

10 MR. PARLIN: I think it would be better
11 if we stay on the legal side of things and say no
12 change.

13 MR. SIMON: There are three
14 jurisdictions in this area we're talking about,
15 Virginia, Maryland, and the District, D.C., do we
16 have to get involved with them at all?

17 THE CHAIRMAN: I don't think so, no.

18 MS. DUTY: The river belongs to
19 Maryland.

20 MR. LUNSFORD: All of the area under --

21 THE CHAIRMAN: One moment, please, one

1 moment, we're going to let everyone speak. Bob,
2 what do you want to say?

3 MR. LUNSFORD: To address Mr. Simon's
4 comment, all of the area under consideration is
5 within Maryland's jurisdiction. The line that runs
6 from there -- this actually is in Virginia, but it
7 doesn't have a six-knot limit that we enforce
8 because it's in Virginia, but all that we're
9 talking about is this stretch over to the Virginia
10 line, what's currently in regulation that was put
11 in for the bridge construction. So nothing extends
12 into Virginia or the District waters in this
13 regulation in any of the regulations that we've
14 done.

15 THE CHAIRMAN: But is it true that on
16 the other side up here there are two buoys
17 currently in place, but so far have been not in
18 regulation, am I correct?

19 MR. LUNSFORD: That's my understanding,
20 I haven't seen them.

21 THE CHAIRMAN: Okay. Yes.

1 MR. KLING: I'm trying to get back in
2 Russ' good graces. I intend to vote against this
3 because I don't think we put up a speed limit
4 around the Bay Bridge and this is a whole lot more
5 like the Bay Bridge. We don't put up speed limits
6 around bridges as a rule, we put up speed limits in
7 confined areas and this has got a few big pilings,
8 if you hit them, shame on you.

9 MR. SIMON: The concern here is not --

10 THE CHAIRMAN: You and then the young
11 lady.

12 MR. SIMON: The traffic is these water
13 taxis shuttling from National Harbor, just north
14 from there going on up through the bridge and over
15 the other side and unloading at that dock, at city
16 dock.

17 THE CHAIRMAN: Yes.

18 MR. SIMON: That's the reason for a
19 speed limit.

20 THE CHAIRMAN: No, no. The original
21 speed limit was put in due to the construction of

1 the new bridge. When the new bridge was activated
2 the zone up here, which has current buoys on them,
3 that area technically does not exist any longer
4 even though the buoys are still in place. Am I
5 right, Bob?

6 MR. LUNSFORD: That's pretty much it,
7 yeah.

8 THE CHAIRMAN: That's where we are. You
9 have a quick question?

10 MS. ALLISON: Actually I have a real
11 quick statement. Number one, I do think that the
12 speed limit should definitely remain in place.
13 There's a choke area on that whole upper Potomac
14 area, everything funnels, whether it's tour boats
15 going to Mount Vernon, whether it's tugboats going
16 up the river, everything chokes right there. If
17 you have crossing water taxi problems it's just
18 asking for a problem. There were, before there was
19 a bridge, the new bridge was there, there was
20 another six-knot limit there. I think that should
21 be reinspected, if we need to use what's there now,

1 let's use it, but there should be definitely a
2 speed limit there.

3 THE CHAIRMAN: Wait, okay, one moment,
4 Al.

5 MS. TROVATO: I support having a
6 six-knot limit here. I wanted to ask Bob, you said
7 there might be a way to administratively reinstate
8 the old speed limit?

9 MR. LUNSFORD: Again, I can look at that
10 to see of, now that the justification for the
11 current configuration has expired, the bridge isn't
12 under construction anymore, to see if the old one
13 is, can still be just revalidated if you will. And
14 I may or may not be able to do that, depending on
15 what mood the Attorney General's Office folks are
16 in as to whether or not they consider that a new
17 expansive speed limit area. This committee does
18 have the authority and is obligated to recommend
19 modifications to petitions whenever they think it's
20 in the best interest of the boating public. So
21 certainly we can recommend that and I can go back

1 and make the argument with the attorneys.

2 THE CHAIRMAN: Okay, we have two more
3 comments and then we'll cut off comment. You first
4 and then Al.

5 MR. McLEAN: Very quickly, I understood
6 the officer to say that because of the mud flats
7 like Robin was saying, it does funnel into that one
8 particular area and he strongly recommended to keep
9 the existing speed limits. He's out there every
10 day, we're not, so I'm going by what he's
11 observing.

12 THE CHAIRMAN: Al, did you have
13 something that you wanted to say?

14 MR. SIMON: The city of Alexandria is
15 proposing a whole new waterfront right there, right
16 where we're talking about speed limits.

17 MR. LUNSFORD: That would be in
18 Virginia, we wouldn't have --

19 MR. SIMON: They want to slow the boats
20 up during construction of this new waterfront
21 facility.

1 THE CHAIRMAN: Well, I heard what you're
2 saying, but that's proposed, I don't think we're
3 not going to act on a proposed construction area.

4 MR. SIMON: It is not just proposed, it
5 is doing the survey now.

6 THE CHAIRMAN: Last one, last comment,
7 go ahead.

8 MR. PARLIN: I've got two different ways
9 I think we can go on this and one would be to not
10 do anything and let us figure out what we can
11 legally do and come back to this next year and
12 leave that in place, because the officer said it's
13 working right now, it's satisfying what they need,
14 but I do think that what Mr. Lunsford said, we have
15 the ability and in the past altered petitions in
16 the best interest of, you know, what we feel is
17 right, I would think that we would be safe in doing
18 that right here, right now, in that there has been
19 very little input on this, there is no interest in
20 this from the public, but yet the officer in the
21 area felt it was the best thing to do and I think

1 if we feel it's the best thing to do as a committee
2 we'll be okay.

3 THE CHAIRMAN: One more comment.

4 MS. BROLL: I've heard that before, but
5 I did want to make one more comment. My only
6 caution would be in doing something like that is I
7 think that since it's public knowledge at least
8 here, I think there may be some liability assumed
9 if in fact we were to leave the buoys out there
10 knowing that there is no regulatory, no ability to
11 enforce from a regulatory standpoint.

12 MR. PARLIN: I'm not addressing the one
13 north of the bridge, I'm saying leave the area that
14 was there, because the area still exists until we
15 take that area away. I'm saying leave that area,
16 those other buoys in place, I have nothing to do
17 with that, but I'm saying leave that area as that
18 would be one option here, just leave that because
19 he said it's working.

20 THE CHAIRMAN: We have the message from
21 you.

1 MR. PARLIN: I was answering her
2 statement, sorry.

3 THE CHAIRMAN: Do we have a motion on
4 where you want to go with this? Do you have a
5 motion?

6 MR. LUNSFORD: Who did the motion?

7 MR. McLEAN: I did the original motion
8 and I said the temporary buoys that are north and
9 south of the bridge be made permanent.

10 DR. WEINTRAUB: Second.

11 MR. SIMON: Second that.

12 THE CHAIRMAN: Well, we can vote on
13 the --

14 MR. JONES: I move the question.

15 THE CHAIRMAN: You have to vote.

16 MR. KLING: You don't want to do that.

17 THE CHAIRMAN: Now, we also have --

18 DR. WEINTRAUB: Call the question.

19 THE CHAIRMAN: We have an amendment to
20 the original motion.

21 MR. PARLIN: Not yet.

1 THE CHAIRMAN: But I guess, do we not
2 vote on the amendment at this time?

3 MR. KLING: You don't have an amendment.

4 THE CHAIRMAN: No, no, I mean vote on
5 the original motion?

6 MR. JONES: Yes.

7 THE CHAIRMAN: Do we have a second on
8 that?

9 DR. WEINTRAUB: I seconded.

10 MR. KLOOSTRA: Repeat the motion so we
11 all know what to vote on.

12 THE CHAIRMAN: You want to repeat that.

13 MR. LUNSFORD: I'm going to put it in
14 simpler terms. Mr. McLean has suggested that we
15 leave the temporary buoys in place, I suggest that
16 the committee suggest no action, which would mean
17 we don't do anything up there, we leave it exactly
18 as it is now.

19 MR. McLEAN: I agree with the way you
20 restated it, you're an artist.

21 MR. PARLIN: I'd like to amend the

1 motion that we make no change.

2 MR. McLEAN: I accept it.

3 DR. WEINTRAUB: Second that.

4 MR. JONES: When you say that do you
5 mean leave the buoys above the --

6 MR. PARLIN: That's not my job,
7 that's --

8 MR. JONES: Is that what you mean?

9 MR. LUNSFORD: That would be the result.

10 MR. PARLIN: Change nothing to the
11 regulation.

12 THE CHAIRMAN: Excuse me, that's not
13 part of the --

14 MR. JONES: I need to understand what
15 I'm going to vote on.

16 THE CHAIRMAN: You're voting on no
17 change to the yellow area. The yellow area is the
18 current regulation, the portion up here, even
19 though there are buoys there, not regulated.
20 You're not voting on that part of it.

21 MR. LUNSFORD: No change.

1 THE CHAIRMAN: Maintaining the yellow
2 zone as is, no change. Now, if the, I guess if the
3 state, if you decide that you wish to look into the
4 issue of the buoys which are, I guess it's east of
5 the bridge, then you will get back to us; is that
6 the way you want to do this?

7 MR. LUNSFORD: If we need to do
8 something, what will happen is -- off the record if
9 I could.

10 (Discussion held off the record.)

11 THE CHAIRMAN: Does anyone object to
12 what Bob was just saying?

13 MR. LUNSFORD: Back on.

14 MS. ALLISON: Can we second what you
15 just said?

16 THE CHAIRMAN: All in favor.

17 (Show of hands.)

18 THE CHAIRMAN: Those opposed to.

19 (Show of hands.)

20 THE CHAIRMAN: The motion has been
21 passed that we take no action on the current

1 pictured area and that Bob is going to discuss this
2 with his legal department, et cetera, and determine
3 if the two buoys which are east of the bridge can
4 be made permanent; am I correct?

5 MR. LUNSFORD: Can be made official.

6 THE CHAIRMAN: Okay.

7 MR. LUNSFORD: We have White Haven
8 still.

9 MR. McLEAN: Ferry.

10 MR. LUNSFORD: Again, the petition came
11 in from the petitioner that was here. As he
12 explained it the buoy reduction that the state had
13 to undertake, there were buoys as far down as this
14 area and as far up as here that warned people that
15 they were approaching a speed limit and the ferry,
16 I'm not sure what it said, it was a warning there
17 was a controlled area ahead. Those buoys had to be
18 removed as part of the buoy reduction plan, we
19 couldn't afford to keep those four or six buoys in
20 place. The existing speed limit is pretty much
21 where these lines are now, and what happens is

1 boaters who are unfamiliar with the area tend to
2 run up to the speed limit line and then back off
3 and as a consequence of that they are now too close
4 to the ferry for comfort, they cause the ferry
5 operator that I talked to great discomfort, I don't
6 think I talked to the primary one, and they also
7 cause a great deal of concern for the marina
8 operator and the new bed and breakfast pier over
9 here. The channel does run very close on this side
10 by the way, this is a relatively shallow area and
11 all the boat traffic I observed was within 75 or a
12 hundred yards of this shoreline. So everybody
13 comes up this way across the river, I guess they
14 tend to move out as they come across the ferry
15 cable, but it's simply a matter of moving the buoys
16 in regulation out to where the warning buoys used
17 to be, which everybody thought was the regulated
18 area.

19 MR. DWYER: I make a motion that we
20 approve the proposal to extend the buoys out to
21 the, where the existing buoys used to be.

1 MR. McLEAN: Second.

2 DR. WEINTRAUB: Second.

3 THE CHAIRMAN: Question on that?

4 Hearing none, we can move for a vote. Those in

5 favor.

6 (Show of hands.)

7 THE CHAIRMAN: Unanimous.

8 MR. LUNSFORD: Thank you, Mr. Chairman.

9 THE CHAIRMAN: And that covers our
10 meeting, am I correct?

11 (Hearing adjourned at 1:22 p.m.)

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1 STATE OF MARYLAND
2 COUNTY OF BALTIMORE

2

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

7

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9 Kelly A. Taylor, Notary Public

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