

1

STATE OF MARYLAND

2

DEPARTMENT OF NATURAL RESOURCES

3

PUBLIC HEARING

4

5 IN THE MATTER OF:

6 PROPOSED BOAT SOUND LIMIT

7 REGULATIONS FOR THE NORTHEAST,

8 ELK AND BOHEMIA RIVERS AND

9 THE C & D CANAL

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13 The above-captioned matter came on for hearing on

14 May 24, 2011, commencing at 6:00 p.m. at Elkton High School ,
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15 Elkton, Maryl and, before ROBERT GAUDETTE, Hearing Officer.

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20 Reported by:

21 Penny L. Comeau, Court Reporter

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

2 MR. GAUDETTE: We've got a full house tonight.

3 It's going to be a little warm in here. I'll take my jacket

4 off in a minute. I'd suggest that you do the same if you're
5 wearing one.

6 Welcome, everyone. My name is Robert Guadette.
7 I'm Director of Boating Services for the Maryland Department
8 of Natural Resources, and I will be the Hearing Officer
9 tonight for the proposed DNR boat sound limit regulations
10 for the Northeast, Elk and Bohemia Rivers including all
11 associated tributaries as well as the Maryland portion of
12 the C & D Canal.

13 Okay. Again, this is the hearing for tonight, the
14 proposed boat noise and speed limit regulations for the
15 Northeast, Elk and Bohemia Rivers including all associated
16 tributaries as well as the Maryland portion of the C & D
17 Canal.

18 At this time, I would ask everyone to please turn
19 off your cell phones and other communication devices or

20 switch them to vibrate. If you need to use the restrooms,
21 you go out the door, turn to the left and then, before you

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1 get to the end of the hallway, to the right you will
2 see the restrooms.

3 Before taking your testimony, I have a brief
4 introduction and statement. I would appreciate it if you
5 would listen closely to this introduction and not interrupt
6 me during this statement.

7 The Department of Natural Resources is responsible
8 for overseeing boat regulations for the State of Maryland.

9 There are existing state statutes and regulations that apply
10 to noise levels for boats. Subsection 8-704(h) of the
11 Natural Resources Article provides the legal authority to
12 the Department to establish sound level limits for the
13 operation of pleasure craft. This provision requires the
14 Department to hold a public hearing if proposing to
15 establish sound level limits for boats, that these sound
16 limits be adopted by DNR with the endorsement of the
17 Department of the Environment, and that DNR adopt
18 regulations and enforce these sound level limits in
19 accordance with accepted methods for measuring sound.

20 Subsection 8-725.4 provides detailed noise level
21 limits for vessels along with provisions for exceptions,

1 enforcement and penalties including DNR to adopt
2 regulations and establish noise limitations for enforcement
3 purposes that are in addition to permitted noise levels.

4 The Code of Maryland Regulations Title 8, Subtitle
5 18, Sections 08.18.03.00 through 08.18.03.9999 also
6 include detailed provisions regarding noise level limits for
7 vessels operating in state waters.

8 Subsection 8-704 also includes a provision that
9 establishes an advisory committee on matters pertaining to
10 proposed boating regulations to the Secretary of the
11 Department of Natural Resources. This Citizens committee is
12 adopted -- excuse me -- is appointed by the Secretary of DNR
13 and is established in the Code of Maryland Regulations under

14 Section 08.04.02.01 as the Maryland Boat Act Advisory
15 Committee. The Committee is comprised of 21 members of
16 various backgrounds, knowledge of, and demonstrated interest
17 in the operation and equipage of boats. Several of the
18 members are also waterfront property owners.

19 The existing maximum sound level allowed for
20 vessels operating in Maryland waters is 90 decibels on the A
21 scale. The method used by Maryland to measure noise levels

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1 for boats is a stationary noise test, SAE-J2005.
2 Sound level meters used by DNR must meet the American

3 National Standards Institute standard for sound level
4 meters. The operator of a sound level meter for enforcement
5 purposes must be a NRP officer who is qualified and trained
6 to use sound level meters.

7 If a vessel is equipped with a muffler bypass
8 device, the sound level test must be taken with the device
9 set at the highest producing decibel level. A muffler is
10 defined as an exhaust system installed above or below the
11 water line and a device that is capable of reducing the
12 noise from the engine to levels that meet the noise level
13 limits established by DNR.

14 A person may not operate a vessel on the waters of
15 the state manufactured after January of 1990 that is not
16 equipped with a muffler system which muffles or suppresses
17 engine noise to the established maximum noise limits.

18 In 2008, DNR received a petition from local

19 residents in the Elk River area to amend DNR's boat noise
20 regulations. Four public meetings were held by the Maryland
21 Boat Act Advisory Committee regarding this proposal. The

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1 majority of respondents wanted some action to lower
2 boat noise. It was a decision of DNR at that time to
3 pursue these changes through legislation.

4 In January of 2010, DNR introduced State Senate
5 Bill 70 to lower the sound limit for boats operating in all
6 state waters from 90 to 88 decibels, require a constantly
7 operating and functioning muffler or device that suppresses

8 noise and not allow the use of a device that bypass, reduce
9 or eliminate the effectiveness of a muffler or engine noise
10 suppression system. That legislation was spurred in part by
11 the boat noise complaints received by DNR from this
12 area and Deep Creek Lake. The bill did not pass the
13 Maryland General Assembly.

14 DNR is now pursuing regulations that will address
15 boat noise in locations that receive the highest number of
16 boat noise complaints. These locations include the
17 waterways that are the subject of today's hearing as well as
18 Deep Creek Lake which is scheduled to have a separate
19 hearing in Western Maryland on May 26th.

20 The proposed sound limit regulations are as
21 follows. Go ahead, Lisa. What's being proposed is two

1 changes in the regulations. Under 08.18.03 is
2 the noise level limits; it basically indicates that a
3 person may not operate or give permission to operate a
4 vessel in the waters of the state that emit a maximum noise
5 level exceeding 90 decibels. If you grab that piece of
6 paper, you will see it. It's on the left hand side. I am
7 reading right from it.

8 What we are adding is: On the waters of Deep Creek
9 Lake and from the mouth of the Northeast and Elk Rivers to
10 include all tributaries including the Bohemia River and the
11 C & D Canal, a person may not operate in such a manner to
12 exceed the following noise levels. For engines manufactured

13 before January, '93, the maximum noise level may not exceed
14 90 decibels. For engines manufactured on or after January,
15 '93, the maximum noise levels may not exceed 88 decibels.

16 In the section of the regulations that impact
17 mufflers, .08.18.03.08; a person may not own, operate or
18 give permission to operate on the waters of the state a
19 vessel manufactured after January of 1990 that is not
20 equipped with a muffler or system which muffles or
21 suppresses engine noise to the established limits in

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1 Regulation .03 of this chapter.

2 What we are adding is: On the waters of Deep Creek
3 Lake and from the mouth of the Northeast and Elk River to
4 include all tributaries including the Bohemia River and C &
5 D Canal, a vessel must operate with a continuous muffler or
6 a noise suppression system and may not operate a device that
7 bypasses, reduces or eliminates the effectiveness of a
8 muffler or noise suppression device or system.

9 The areas impacted by these regulations in the
10 northeast portion of the Chesapeake Bay are shown in the
11 following slide. That includes the Northeast River and
12 these -- the point that goes across the Northeast River, the
13 point that goes across the Elk River is what's designed as
14 the mouth of the river right now in the regulation. So, it
15 includes the Northeast River and all the Elk, Bohemia and
16 all tributaries and the C & D Canal to the Maryland line.
17 So, in these areas, you'd have to be working at 88 decibels

18 if you have a vessel that is after January, 1993, and you
19 could not use a bypass device in these areas.

20 There is a reason why 88 decibels was selected
21 by DNR as a maximum sound level for engines manufactured

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1 after January 1st, 1993. First, this sound level is
2 proposed in the Model Act for Motor Boat Noise by the
3 National Association of Boating Law Administrators and has
4 been endorsed by the National Manufacturers Association.
5 This means that the majority of boats should be able to meet
6 the proposed boat sound level requirements.

7 The stationary noise test, SAE-J2005, will continue
8 to be used by DNR. The Department is not considering a
9 pass-by noise test because ambient noise issues due to high
10 bluffs in the area can reduce the reliability of this
11 testing procedure.

12 The Department is not considering grandfathering
13 any vessels as part of these regulations because many of
14 these vessels are the source of the noise complaints
15 received by DNR.

16 You may ask, what is the sound level difference
17 between 90 and 88 decibels? To address this question, I
18 will quickly review how the decibel scale works. The decibel
19 scale is a logarithmic unit, meaning that it's not like a
20 linear percent scale. Every 10 decibel increase in sound is
21 a ten-fold increase. So, an intensity of 20 decibels is not

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1 twice as loud as 10 decibels, but ten times as loud.

2 A sound of 30 decibels is 100 times as loud as 10

3 decibels. The sound of 50 decibels would be 100,000 times

4 as loud which would be ten times ten times ten times ten

5 times ten. So, you can see how a change in 2 decibels can

6 make a difference in the level of sound that you hear. As

7 an example, the average lawn mower produces a decibel level

8 of between 85 to 90 decibels.

9 The Model Act for Motorboat Noise also supports not

10 using a muffler bypass or cut-out device that reduces the

11 effectiveness of any muffler or muffler system on a boat.

12 Although Maryl and requires a muffler or noise suppression
13 system on boat engines manufactured after January 1, 1990,
14 it does not require a continuous muffler or noise
15 suppression system. It is believed that this requirement
16 will greatly reduce engine noise from boats using this area.

17 The purpose of this public hearing is to accept
18 testimony and information from the public regarding these
19 proposed boat noise regulations. You will be providing
20 testimony or information this evening directly to me as the
21 Hearing Officer for this proceedings. I will not debate

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1 with anyone providing testimony. This is not the
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2 purpose of a public hearing. This is your opportunity to
3 let the Department know how you feel about these proposed
4 regulations. I may ask you specific questions to help me
5 understand or clarify your comments or any information
6 provided to me by you at this hearing.

7 During this proceeding, everyone in attendance will
8 treat me, other DNR employees, and all other attendees with
9 the utmost respect and courtesy. This hearing shall be
10 civil and devoid of personal attacks or comments including
11 booing, clapping or derogatory actions of any kind.
12 Interrupting someone's testimony is strictly prohibited.
13 Any person who disrupts this hearing or does not follow
14 these rules shall be escorted from the meeting by the
15 Natural Resources Police.

16 At this time, I would like to review the

17 El k&Bohemia Hearing Transcript 5-24-11.PRN.txt
groundrules for this evening's hearing.

18 Anyone wishing to speak at tonight's hearing shall
19 use the sign-up sheets in the back of the room prior to
20 testifying. Please include your name, address, phone number
21 and e-mail address on the sign-up sheet. Those who wish to

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1 speak should check the box on the sign-up sheet.
2 If time permits, those who did not sign up may be able to
3 testify. If time does not allow for this, you may submit
4 written comments to the Department during the open record
5 time period.

6 All oral testimony this evening is being recorded
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7 by a court stenographer. The order of those testifying will
8 be taken as listed on the sign-up sheets. No individual
9 will be allowed to testify more than once at this hearing.
10 If you want to make additional comments after you have
11 testified, they can be submitted in writing to DNR during
12 the open record time period.

13 All people testifying must clearly state their name
14 for the record. The stenographer may also ask you to spell
15 your name. The maximum time allowed for testimony will be
16 three minutes per individual.

17 You may also appoint a single person to speak for a
18 group such as a valid community or association provided that
19 you identify the group you are representing. In this case,
20 the group speaker may have up to ten minutes to testify. I
21 will give you a warning that you are approaching your time

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1 limit.

2 If someone provides testimony that is similar or
3 the same to what you were planning to say, you can simply
4 indicate this to me when it's your time to testify. If you
5 signed up to testify and decided not to do so, just simply
6 stand up when I call your name and say "no testimony" or
7 "pass." All testimony shall be directed only to me and the
8 court stenographer. All questions or discussions will be
9 conducted strictly between me and the speaker testifying.
10 Testimony must be relevant to the topic of tonight's
11 hearing, the proposed boat noise regulations as I have

12 descri bed.

13 The official transcript for this public meeting

14 will be posted in approximately two weeks under the

15 Department of Natural Resources Boating Services website.

16 After completion of this hearing, the record will be held

17 open until June 27th, 2011. Written comments or other

18 supporting documents and information can be sent to the

19 Department by fax to 410-260-8453, by email to

20 mgrant@dnr.state.md.us -- we have all this information, by

21 the way, on the handout that's in the back -- or by U.S.

1 Mail to Mr. Mike Grant, Boating Regulations
2 Coordinator, Maryland Department of Natural Resources
3 Boating Services Unit, Tawes State Office Building, E-4,
4 580 Taylor Avenue, Annapolis, Maryland 21401.

5 In order to be included in the record, written
6 comments must be received by no later than 4:30 p.m. on June
7 27, 2011. The specific DNR web address for the transcript
8 and instructions for where to send written information to
9 DNR is available in the handout in the back of the room.

10 Following this hearing and the open record period,
11 the final proposed regulations will be published in the
12 Maryland Register. Instructions will be provided in the
13 notice on how to submit comments on the proposed final
14 regulation.

15 Does anyone have any procedural questions before I
16 start taking testimony?

17 MR. KING: You went kind of fast on the

18 comparisons.

19 THE REPORTER: Sir, could you state your name,

20 please?

21 MR. KING: My name is Michael King. I am a

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1 tax payer in Cecil County, a citizen of Cecil

2 County, and a boater.

3 THE HEARING OFFICER: The comparisons for --

4 MR. KING: On the comparisons of the noise levels,

5 you were going kind of fast. Did you say that 90

6 decibels is the same as a lawn mower?

7 THE HEARING OFFICER: No, 88 -- 85 to 90 is

8 generally the range for a lawn mower.

9 MR. KING: Okay. So, 90 decibels is just about

10 what a lawn mower is.

11 THE HEARING OFFICER: Just about.

12 MR. KING: Thank you.

13 THE HEARING OFFICER: Anything else?

14 MR. MILNOR: I have a question. My name is

15 Russell Milnor, and I'm a property owner on the Elk River.

16 On the rating of the 90 decibels, is that

17 directly -- the instrument that's used on that, is that

18 directly at the motor or is it at a certain distance?

19 THE HEARING OFFICER: It's the stationary test. .

20 The stationary test is a certified meter, calibrated meter,

21 that's placed approximately three feet from the back of the

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1 stern, about four feet off the water.

2 MR. MILNOR: Thank you.

3 MR. MCCLATCHY: David McClatchy. I'm a property
4 owner on the Elk River.

5 THE REPORTER: Could you spell your last name, sir?

6 MR. MCCLATCHY: M-C-C-L-A-T-C-H-Y.

7 THE REPORTER: Thank you.

8 MR. MCCLATCHY: Can you tell me at what rpms the
9 reading is taken?

10 THE HEARING OFFICER: The reading is taken at idle.

11 MR. MCCLATCHY: Well, isn't that kind of silly?

12 THE HEARING OFFICER: No. It's actually -- it is

13 the national standard test at idle. It actually correlates

14 fairly well to a pass-by test at 75 decibels. The issue is

15 that in your case, because you have a high bluff, you really

16 can't do a pass-by test in this area and have it really be

17 legal in court.

18 MR. MCCLATCHY: Well, may I make a comment to you?

19 THE HEARING OFFICER: If you want to make a comment

20 during your testimony, you can.

21 MR. MCCLATCHY: Okay.

1 MS. STAAS: Sue Staas, S-T-A-A-S, as in

2 Sam, 203 Green Haven which is on the Elk River.

3 My question is: If it's 90 decibels stationary a

4 few feet off the stern of the boat --

5 THE HEARING OFFICER: Correct.

6 MS. STAAS: -- (continuing) what happens to the

7 decibel level when a boat goes, when it's going fast?

8 THE HEARING OFFICER: Well, certainly the

9 decibel level can increase, and it can certainly change

10 in frequency. Certainly, I think that's what you tend

11 to hear with boats going fast. Correct.

12 MS. STAAS: It goes up then?

13 THE HEARING OFFICER: That's correct.

14 MS. STAAS: Thank you.

15 THE HEARING OFFICER: I think we can get started

16 on the testimony.

17 MR. KING: One more question. You said a

18 lawn mower is 85 to 90, and you did the calculation about

19 ten times more for each decibel.

20 THE HEARING OFFICER: Each decibel is ten times

21 as loud, or each ten --

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1 MR. KING: So, some loan mowers are 50

2 times louder --

3 THE HEARING OFFICER: Each ten decibels.

4 MR. KING: -- (continuing) than other lawn mowers?

5 THE HEARING OFFICER: No. It's just a standard.

6 It's just an average lawn mower they use when they do an

7 example.

8 MR. KING: All right. Well, let's say a

9 lawn mower is 85 and another lawn mower is 90.

10 THE HEARING OFFICER: I guess that's possible.

11 MR. KING: Is that 50 times louder than the 85

12 lawn mower?

13 THE HEARING OFFICER: That's pretty much the

14 case. That's correct. Very good.

15 Okay. If we could, let's go ahead and get started

16 on the testimony. Please don't get angry if I butcher your

17 name.

18 You will be coming up right here to the podium.

19 Lisa will have a microphone. That way, everyone can hear

20 what's going on.

21 First is Brian DeMaris.

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1 MR. DEMARIS: Yes.

2 THE HEARING OFFICER: We also have a laser if you
3 want to use it.

4 THE REPORTER: Could you spell your first and last
5 names?

6 MR. DEMARIS: Brian, B-R-I-A-N, DeMaris,
7 D-E-M-A-R-I-S.

8 THE REPORTER: Thank you, sir.

9 MR. DEMARIS: Thank you.

10 I'm a resident of North East. I live on the
11 Northeast River. My comments are that performance boating
12 is a clear piece of the Chesapeake Bay. The regulations
13 will do damage to the sport and the economies that it
14 supports.

15 I bought my boat on the Upper Chesapeake Bay.
16 I paid Maryland sales taxes to use it. I pay Maryland
17 property taxes to use it. I pay Maryland registrations
18 to register it and use it. I buy Maryland fuel to use
19 it, and I should be allowed to use it as is.

20 The wording of the proposed regulations is
21 unnecessarily restrictive in my mind and is biased against

1 certain boating styles. Noise is noise and, if
2 regulated, needs to be regulated by a decibel level, not by
3 pre-defined means of what to muffle or how to muffle it.

4 I bought my boat brand new from a local dealer in
5 2008. The proposed regulations, if approved, would require
6 me to operate my vessel off plain at all times. I must
7 maintain 3200 rpms to get my boat to stay on plain. By the
8 Mercury Marine Operating instructions and the Donzi Marine
9 Operating Instructions, the mufflers are not to be turned on
10 above 2800 rpms. So, in turn, my boat falls off plain, and
11 I must operate on all those rivers where I live off plain.

12 We all listen to a momentary shot of noise from
13 trucks, lawn mowers, planes, hunters' gunfire, motorcycles,
14 sirens, bombs at Aberdeen, drag cars at the drag strip and,

15 yes, a boat going by. The boat going by should not be
16 singled out by a special interest group. The Bay is for
17 everyone.

18 The bottom line is that any regulation that cannot
19 be applied to the entire Chesapeake Bay is clearly biased
20 and discriminatory against certain boating styles and
21 preferences.

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1 The new language in 08.18.03.08 should be
2 removed completely. Set a noise level if necessary but,
3 please, do not tell me how to do it.

4 I made a list of all the complaints, reasons and
5 positions against the new proposed regulations. Every time
6 someone throws something out, I add it to my list. Yet,
7 when it all boils out, the issues seem to me to be this; a
8 group of special interest folks want special regulations to
9 be applied to a special spot in the Bay to accommodate their
10 special wants. That is not fair.

11 THE HEARING OFFICER: Excuse me, Brian. Can
12 you start wrapping it up?

13 MR. DEMARIS: Whatever regulations exist should
14 be tested against a principle of fairness to all of the
15 Bay, all the users of the Bay.

16 Thank you for your time.

17 THE HEARING OFFICER: Brian, thank you very
18 much. Very close to three minutes.

19 Next Sue S-T --

20 MS. STAAS: -- (continuing) A-A-S.

21 THE HEARING OFFICER: That's it. Staas.

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1 MS. STAAS: I am Sue Staas. I am a
2 resident on the Elk River. I love the Elk as much as the
3 boaters, and I like to boat. The only thing I have noticed
4 probably in the last five years is that, when I sit on my
5 balcony on my deck and a boat goes -- one of the loud boats
6 goes by, all conversation goes, and the birds aren't heard.
7 I assume that the reason the noise is so obvious to us on
8 the Elk River is that the Elk is simply not as big as the

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9 Bay. So, the noise reverberates.

10 That's all I have to say, but it does make quite
11 a difference.

12 THE HEARING OFFICER: Thank you. Some of you that
13 I'm going to call didn't check that you wanted to give
14 comments tonight, but I just want to doublecheck just to be
15 sure so I'm going to call your name.

16 Phil Staas?

17 MR. STAAS: No comment.

18 THE HEARING OFFICER: Tom Payne?

19 MR. PAYNE: No comment.

20 THE HEARING OFFICER: Peter -- is it O'Rourke?

21 MR. O'ROURKE: No comment.

1 THE HEARING OFFICER: Frank -- I think it's

2 Frank -- U-N-G-A-R-T-E-N.

3 MR. UNGARTEN: Ungarten.

4 THE HEARING OFFICER: How do you pronounce that?

5 MR. UNGARTEN: Ungarten.

6 Hi. My name is Frank Ungarten. I am a resident of

7 Harford County and soon-to-be resident of Cecil County on

8 the Elk River. I moved here about a month and a half ago

9 from New Jersey. I've been avid boater most of my life.

10 In signing my contract for my new home, my

11 real estate agent made me aware of the imposing regulations

12 and was concerned that the kind of boat that I have may

13 affect my boating lifestyle.

14 So, with that being said, preparing to spend nearly
15 a half a million dollars on a waterfront home and learning
16 about the new regulations, I need to seriously consider my
17 position and the economic impact that it will have on me
18 personally and to the community by the amount of funds that
19 I'm going to spend while I'm living in this area for the
20 foreseeable future.

21 So what I'd ask would be to remove the new wording

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1 from the regulation and revert back to the old
2 regulation using just sound level regulations. I think
3 that would be fair to all.

4 THE HEARING OFFICER: So, take out the muffler
5 also?

6 MR. UNGARTEN: Correct.

7 THE HEARING OFFICER: All right. Thank you.
8 Ken Simmers?

9 MR. SIMMERS: Yes, sir. Ken Simmers,
10 S-I-M-M-E-R-S. I live in Charlestown Manor, and I'm
11 President of Charlestown Manor Beach Association. It is a
12 group of 125 homeowners. We are very adamant against all
13 the noise that the large boats make.

14 As this lady before me had said, when you are
15 sitting out on your deck, you can't carry on a conversation.
16 If I'm talking this loud, I wouldn't stand a prayer being
17 heard by this gentleman right here (indicating).

18 So, we are definitely in favor of these new boating

19 El k&Bohemi a Heari ng Transcript 5-24-11. PRN. txt
regul ati ons.

20 THE HEARI NG OFFI CER: Thank you.

21 Ni col e Demond, di d you want to speak?

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1 MS. DEMOND: No. I 'm okay.

2 THE HEARI NG OFFI CER: Just doubl echecki ng.

3 Steven Cl owson?

4 MR. CLOWSON: Pass.

5 THE HEARI NG OFFI CER: Okay. El i zabeth Paul ey?

6 MS. PAULEY: I support the proposed boat noise

7 regul ati ons.

8 THE HEARI NG OFFI CER: Okay. Larry Lem -- I can' t
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9 quite get it. L-E-M --

10 MR. LEMASTERS: Lemasters.

11 THE HEARING OFFICER: Yes. Can you spell that

12 for me, please?

13 MR. LEMASTERS: L-E-M-A-S-T-E-R-S. I have

14 been a boater for about 68 years, and I like all kinds

15 of boats, slow boats, fast boats, anything else you can

16 name.

17 We live in a free country, and I think everybody

18 has a right to do what they want to do as long as their

19 freedom doesn't interfere with the rights of other people to

20 enjoy their home.

21 I think there needs to be some kind of

1 regulation, and that probably has to do with the
2 mufflers to keep the noise down to a certain level so the
3 rest of us -- and I like power boats as much as anybody
4 else. I sell them for a living, but I think we need to have
5 some kind of regulations in order to keep things so that
6 everybody else can enjoy their life, too.

7 THE HEARING OFFICER: Thank you.

8 Bill Johnston?

9 MR. JOHNSON: Yes. My name is Bill Johnston. I
10 live in North East, and I am absolutely for this change.

11 The first comment I have is that hearing damage
12 begins at 85 db. That's where it starts being
13 registered. Then we test these at -- the engines at idle

14 sitting at a dock, and then they leave the dock and they go
15 into a cutout, and they're not anywhere near the 90 or the
16 88.

17 So, my strongest contention is that the muffler
18 ordinance should be increased the way it is in this new
19 regulation, and that is because you hear them at the dock
20 and then there are cutouts out there, but then they go down
21 the river in North East and, as one of the previous persons

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1 said, it becomes untenable to hold a conversation
2 anywhere near the water's edge.

3 Thank you.

4 THE HEARING OFFICER: Okay. Thanks.

5 Danny -- I can't quite get it. It starts --

6 the first letter is O-N-N-I, something, something. The

7 phone number ends in 3656.

8 UNIDENTIFIED SPECTATOR: That's me. No comment.

9 THE HEARING OFFICER: Okay. Cynthia Hoffman.

10 MS. HOFFMAN: Hi. I'm Cynthia Hoffman. I'm a

11 resident of the Town of North East, and I live about a block

12 off the Northeast River. As others have said, this small

13 town welcomes and enjoys numerous visitors and boaters. We

14 all share the river. The river flows through our community.

15 There are many types of boats visible, especially through

16 the warmer season.

17 However, I think in recent years the quality of

18 life on or around the river has decreased as the noise level

19 in our environment has significantly increased. The sound
20 caused by the exhaust noise of particular boats, the high
21 performance boats, has increased to such a level that it

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1 makes, as others have said, normal conversation
2 on the docks, on our porches, and even in our homes
3 unable to even hear each other.

4 In addition, on a frequent basis, we are awakened
5 by this thunderous noise even at 10 and 11 at night. The
6 noise of just one of the boats is enough to prohibit
7 conversation and is intolerable.

8 However, even more problematic is that, when you
9 have several boats coming to a destination at once, it is
10 very difficult. The noise is deafening. It's overwhelming
11 our quiet neighborhoods. It's a problem for many who wish
12 to use the river.

13 I, too, like all kinds of boats. I enjoy power
14 boats. I enjoy fast boats. I enjoy sailboats. North East
15 is a place for recreation and a place where people live and
16 work. I encourage the noise limit regulations so that the
17 excessive noise can be minimized and the quality of life can
18 be maximized for everyone that's there.

19 Thank you.

20 THE HEARING OFFICER: Thank you. R, Singley?

21 MR. SINGLEY: I just want to say that I

1 wholeheartedly endorse the proposal.

2 THE HEARING OFFICER: JD Rhawn?

3 MR. RHAWN: Rhawn, R-H-A-W-N.

4 Okay. One of the things is, I am a waterfront
5 owner. So, my house is about 65 feet off the water, and I
6 am hearing about making regulations. My next-door neighbor
7 and his lawn mower -- his lawn mower will overpower any
8 sound I hear from boats going by. All right? Then his
9 weedwacker does. So, Then we got to get to a point that,
10 are you going to start putting regulations on my neighbor
11 cutting his lawn?

12 I also question the authority to change the rules

13 on the C and D and the Elk. It's part of the intercoastal.
14 We have a lot of people that are coming from Pennsylvania
15 and New Jersey going to different restaurants, different
16 places. You're going to be pulling these people coming into
17 our area, spending money. We need the money right now, so I
18 am completely against this.

19 One other thing. In reference to the people that
20 are sitting there saying they don't like the noise, these
21 boats have been here for years. Okay? All the sudden

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1 they don't want to see it. It gets to a point that,

2 if you buy waterfront, you're going to have boats. Okay?

3 If you buy near a railroad, you're going to see

4 trains. You can't change it. If they're getting older

5 and they want their community to get against it, I can't

6 help that. It's waterfront. It's made for boats.

7 THE HEARING OFFICER: Thanks, JD.

8 Kristal Peters?

9 MS. PETERS: Pass.

10 THE HEARING OFFICER: Doug Peters?

11 MR. PETERS: My comment was covered.

12 THE HEARING OFFICERS: Okay. Evelyn Wood?

13 MS. WOOD: I'm Evelyn Wood, and I've lived on the

14 Northeast River for 55 years. Believe me, when we bought

15 our property, there was no noise like I hear today, and my

16 concern is that it appears that it's like a race track on

17 the Northeast River, and I'm assuming probably from Turkey

18 Point to the head of the river. But the boat just doesn't
19 go up to the head of the river and go to dinner or have some
20 drinks or whatever. They just continue up and down for a
21 good hour. It's just like it is continuous.

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1 So, I think something definitely needs to
2 be done because I cannot sit on my deck and have a
3 conversation in the evening when those boats are going up
4 and down the river.

5 Thank you.

6 THE HEARING OFFICER: Thanks, Evelyn.

7 Robert Hodge.

8 MR. HODGE: My points have already been

9 addressed.

10 THE HEARING OFFICER: Okay. Thank you.

11 Wendy Gilbert?

12 MS. GILBERT: No comment.

13 Edward Trainer?

14 MR. TRAINER: Yes. Hi. My name is Edward Trainer.

15 My family owns Anchor Marina on the head of the Northeast

16 River, and the comment that I would like to make is that,

17 in this already depressed economy, if this regulation

18 is passed, it will greatly make our business suffer, I feel,

19 as well as a lot of the businesses in the Town of

20 North East.

21 We have a lot of out-of-town people that come down

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1 in the summertime to use our boat ramp to go to the
2 restaurants in town. They buy fuel from the marinas
3 and, if this is passed, I really think we will suffer from
4 that.

5 Thank you.

6 THE HEARING OFFICER: Thank, Ed.

7 David Finney?

8 MR. FINNEY: David Finney.

9 First of all, I would like to say to Brian, that
10 was an excellent statement. I do disagree with the new
11 proposal. One of the things that keeps coming up is the

12 high performance boats. I do own a high performance boat,
13 and it's one of the things that -- it's kind of like
14 something that you like to do as a hobby. It's kind of like
15 the last frontier where people get to build engines and
16 horsepower, and I would just like to -- I took notice to
17 most of the people against the regulation. No offense, but
18 you are older.

19 (Laughter.)

20 THE HEARING OFFICER: David, speak up here.

21 MR. FINNEY: No offense; but most of you guys grew

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1 up in the '50s, and you guys got to do all the hot

2 rod stuff back then --

3 THE HEARING OFFICER: David --

4 MR. FINNEY: -- (continuing) and we would just

5 like our chance to do it as well.

6 THE HEARING OFFICER: Thanks, David.

7 Again, when you testify, make sure you are

8 facing this way and not addressing the crowd.

9 Is it Michael Purzycki?

10 THE REPORTER: Sir, could you please spell

11 your last name?

12 MR. PURZYCKI: Michael P-U-R-Z-Y-C-K-I. I just

13 came in from the home to speak on behalf of all these --

14 (Laughter.)

15 MR. PURZYCKI: Okay, Sonny. Well, you know, I got

16 here and first I said, well, let me just write my comments

17 and I said: Hell, you've been bitching about this for ten
18 years. You ought to get up here and say something. So, I
19 wanted to do this.

20 First of all, I am a boater. Right out in front of
21 my house I got my 29-foot Cobalt sitting there. I love

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1 boating. I know everybody does. I would say that
2 the only difference between boaters is the size of their
3 boat. Everybody loves to be on the water, but I have to
4 tell you; anybody who thinks we're talking about lawn mowers
5 has just got to come sit on my front lawn. I mean -- and

6 the funny thing is I will get visitors come by --

7 THE HEARING OFFICER: Michael --

8 MR. PURZYCKI: I'm sorry. I get visitors that come

9 by and they'll say: Whoa, that one is loud. And I'll say:

10 No, it's not. That's nothing. So, you know, it's a matter

11 of degree.

12 I don't want to be telling these guys that they

13 can't use their boats out there, but I have to tell you that

14 nobody can sit there and listen to them go by and say that

15 that is an acceptable amount of noise. All you have to do

16 is think about it being on the street. Suppose it went down

17 the street. Well, everybody would be raising cane. But

18 somehow, because it's on the water, we say: Well, I guess

19 it's okay. Actually, it's not. It's even worse. That

20 sound just flies across the water. So it is just rough.

21 Randalia -- 1339 Randalia, where I live, is only

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1 300 yards from the mouth of the canal. It's just
2 such a heavy traffic place and, if it were just five loud
3 boats, you'd say: The heck with it. But, you know, it's
4 people who have got Captain Skull who don't use it, plus
5 it's performance guys. I don't know what you do with the
6 guys who spend all that money on these boats. I am
7 sympathetic to that. If there was a way to fix it, I would
8 be happy to do it.

9 This isn't about the law. The law basically
10 exists. We'd be thrilled with 90 decibels. You already got

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11 a 90 decibel law. We would do back flips if we had the 90

12 decibel standard. The problem is enforcement.

13 My understanding is the Department has had one

14 citation issued in four years, and their problem is

15 enforcing the existing law. So, the law has been there

16 forever. They just have had an enforcement problem.

17 So, you know, if there was an easier way to do

18 this, I'd be all for it; but if not, we've just get to

19 support the regulation; and I commend the Department for

20 picking up the ball on this.

21 THE HEARING OFFICER: Thank you.

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1 Robert A-U-E-R-S?

2 MR. AUBERS: Is that Aubers?

3 THE HEARING OFFICER: Probably.

4 MR. AUBERS: No comment. I'll write to you.

5 THE HEARING OFFICER: Okay. Thank you.

6 Karl Dorman? Karl Dorman?

7 (No response.)

8 THE HEARING OFFICER: Anthony Savarese?

9 MR. SAVARESE: No comment.

10 THE HEARING OFFICER: Again you didn't check that

11 you wanted to testify. I'm just doublechecking to see

12 whether you changed your mind.

13 MR. SAVARESE: No. I'm not going to comment --

14 THE REPORTER: I'm sorry. I can't hear you, sir.

15 MR. SAVARESE: No, but I don't support this change

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in the regul ati ons.

17 THE HEARING OFFICER: Is it DeMarco? Last

18 four di gi ts of your number are 7390.

19 MR. DEMARCO: Yes. Vi ctor DeMarco.

20 THE HEARING OFFICER: How do you say your first

21 name?

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1 MR. DEMARCO: Vi ctor.

2 THE HEARING OFFICER: Oh, Vi ctor. I'm sorry.

3 MR. DEMARCO: I just want to go on the record and

4 say I'm agai nst thi s proposal .

5 Number two, I'm one of the guys that supports and I
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6 host a poker run out of Chesapeake City, so I guess I'm the
7 blame for a group of folks that go up the river once a year
8 and make a lot of noise.

9 This whole situation brings a lot of money to
10 everybody involved. As Edward said, Brian DeMaris -- I
11 support everything he said. I couldn't have said it better.

12 There's people coming to our runs once a year
13 across the border from the tri-state area. They are coming
14 down to spend a lot of money, fuel, food, supporting his
15 restaurant, et cetera, et cetera.

16 As far as the exhaust cut-off goes, I am in the
17 marine business. An exhaust cut-off system, yeah, it would
18 probably generate revenue for myself because everybody would
19 spend money to put mufflers on. I'm a boater. I don't
20 support it.

21

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1 the last frontier. That's what it is out there.

2 The people that are complaining about it, basically they're

3 old school; but there's a lot of noise out there keeping the

4 birds and bees and everything away. It's not just the

5 boats. With that said --

6 UNKNOWN SPECTATOR: Once a year, Victor.

7 THE HEARING OFFICER: No comments. No comments.

8 MR. DEMARCO: With that said, even if you install

9 the exhaust systems, I believe at the end of the day

10 everyone's still going to have something to say about it. I

11 think it's going to cut it down, but it's not going to stop
12 the complaining. I just wanted to put that on record.

13 Thank you.

14 THE HEARING OFFICER: Okay, Victor. Thank you.

15 B. Charles? The last four digits of the number
16 is 34 --

17 MR. CHARLES: No comment.

18 THE HEARING OFFICER: James Moore?

19 MR. MOORE: No comment at this time.

20 THE HEARING OFFICER: Cathryn Pedrick.

21 MS. PEDRICK: No comment.

1 THE HEARING OFFICER: Michael King?

2 MR. KING: Good evening. My name is Michael King.

3 I am a marine mechanic and a boater, a taxpayer of Cecil
4 County, and I oppose the regulations just for the mere fact
5 that it is against the basic freedoms of the country.

6 Besides that, it would cost between ten to \$20,000
7 to outfit these boats with mufflers and, once you ticket one
8 of these guys, they're not going to come back. As bad as
9 commerce is and the tourism that should be in Cecil County,
10 it never gets a chance through regulations and taxes and
11 fees; and our marina is trying to open up a restaurant right
12 now and what we have to do is jump through a hoop of real
13 fire to get a restaurant open. That's just to start the
14 business. That's not guaranteeing it's going to be
15 successful. So, with the economic woes on the marine

16 industry, I think it's one more nail in the coffin in Cecil
17 County tourism.

18 Not only that, but I think that the DNR has
19 lost sight of their mission of protecting the fisheries
20 and the animals and everything else and not the group
21 of special interest people who are lucky enough to hear

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1 these boats from where they live. The only thing I
2 hear from Cherry Hill, is every night Sunday through
3 Wednesday they they move freight through Cherry Hill. I
4 live in a nice neighborhood and I pay a lot of taxes, maybe

5 the same amount of taxes that some of these people pay;
6 and what I hear is a train that shakes my windows and
7 wakes me up. I know that's commerce and so I put up with
8 it, and I think everybody else should, too.

9 Thank you for your time.

10 THE HEARING OFFICER: Michael, where's your
11 marina located?

12 MR. KING: Harbor North Marina, Chesapeake City.
13 We are directly affected by the noise regulations. We
14 don't have boats that make a lot of noise there, but
15 I support the marine industry; and anybody that's trying
16 to make a living in Cecil County, they need every break
17 they can get.

18 Thank you.

19 THE HEARING OFFICER: Thank you, Michael.

20 Sally Benvegno?

21 MS. BENEVEGNO: No comment, but I oppose the

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1 regulati on.

2 THE HEARING OFFICER: George -- George B.

3 MR. BENEVEGNO: Benvegno. I do have one questi on.

4 THE REPORTER: Could you come forward, sir.

5 Would you state your name and spell it, please?

6 MR. BENEVEGNO: George Benvegno, B-E-N-V-E-G-N-O.

7 THE REPORTER: Thank you.

8 MR. BENEVEGO: I do have one questi on. Have we

9 exerci sed good sound sci enti fi c methodol ogy to determi ne and

10 enforce the proposal? I keep hearing loud, but what is

11 loud? So, have there been --

12 THE HEARING OFFICER: Actually, the National Marine

13 Manufacturers Association has done an incredible amount of

14 evaluation of boat noise and, when they came up with the

15 Model Boat Noise Act, in cooperation with the National

16 Boating Law Administrators, they actually agreed on this

17 level. That's how they came up with this particular level.

18 MR. BENVEGNA: But have there been sound studies in

19 the proposed affected areas?

20 THE HEARING OFFICER: No, there have not.

21 MR. BENVEGNA: Okay. Thank you.

1 THE HEARING OFFICER: Brian Robinson?

2 MR. ROBINSON: My name is Brian Robinson.

3 I don't live in Maryland. I don't pay taxes in Maryland,

4 but I do boat in Maryland. We usually put it in the

5 Sassafras, run up to Chesapeake Inn, have dinner. I

6 don't know how much money -- and it's been a load -- that

7 we've spent at Chesapeake Inn. It's a lot of money.

8 I enjoy boating highly, and I just think this is

9 wrong. It's one of the last things we can do. I pay my

10 taxes. I get up and go to work every morning. If I want to

11 go out on a Sunday afternoon and blast around with my big

12 black Chevy, I think I should be allowed to do that.

13 THE HEARING OFFICER: What kind of boat do you

14 have, Brian?

15 MR. ROBINSON: A Wellcraft Nova.

16 THE HEARING OFFICER: Okay.

17 Raymond Gilboyne?

18 MR. GILBOYNE: No comment.

19 THE HEARING EXAMINER: Okay. Thank you.

20 Penny Peterson?

21 MS. PETERSON: No comment, but I support Brian

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1 DeMarius' comments.

2 THE HEARING OFFICER: Okay.

3 Matthew Trainer?

4 MR. TRAINER: No comment.

5 THE HEARING EXAMINER: I guess it's either Dan or
6 Don Mills.

7 MR. MILLS: No comment.

8 THE HEARING OFFICER: Carol Leonard?

9 MS. LEONARD: No comment.

10 THE HEARING OFFICER: Larry Leonard?

11 MR. LEONARD: No comment.

12 THE HEARING OFFICER: Turner Madden. Is it Madden?

13 MR. MADDEN: Yeah. I agree with the proposed
14 changes, and I'll submit written comments to you.

15 THE HEARING OFFICER: Okay. Thank you.

16 B, and it starts with a T --

17 MR. TUOHEY: Tuohey?

18 THE HEARING OFFICER: Yes. That's it. Can you
19 spell that for me?

20 MR. TUOHEY: T-U-O-H-E-Y.

21 THE HEARING OFFICER: Brian?

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1 MR. TUOHEY: Brian, B-R-I-A-N. I live
2 down in Earlville about a block off of the Bohemia River.
3 I am an avid boater. My boat is loud, maybe not as loud
4 as others, but it is loud.
5 I understand what everybody is talking about here.
6 It gets to them. I wake up. I live in Southern Ag during
7 goose season, gunfire pellets hitting my house. I don't
8 complain. I deal with it. I would move if I didn't like

9 it. I love it. I see the birds flying. I love hearing the
10 boats. We all got to get along, but I agree with everything
11 that was said here about the boaters. We support the
12 economy. I put the boat in. I pay to put the boat in. I
13 buy gas here. I want things to stay the same.

14 Thank you.

15 THE HEARING OFFICER: Thank you very much.

16 P -- it looks like L-E-M-M --

17 MS. LEMMERMAN: Lemmerman.

18 THE HEARING OFFICER: Yes. Can you spell your
19 last name for me, please?

20 MS. LEMMERMAN: L-E-M-M-E-R-M-A-N.

21 THE REPORTER: What is your first name, ma'am?

1 MS. LEMMERMAN: Patty.

2 THE REPORTER: Thank you.

3 MS. LEMMERMAN: I live on the Northeast River.

4 I didn't grow up in the '50s; close, but not quite.

5 (Laughter.)

6 MS. LEMMERMAN: I want to say that there are other
7 businesses besides the marine business in this area. I,
8 too, have a business which is tied to the real estate
9 business more or less, and the boat noise affects my
10 business adversely.

11 I am in favor of the ordinance. Ninety decibels is
12 fine. It would be fine for me. Enforcement seems to be the
13 issue and, if a muffler system is the only way to enforce

14 it, then so be it.

15 Thank you.

16 THE HEARING OFFICER: Thank you.

17 Bill and Hilda Hynes, H-Y-N-E-S?

18 MR. HYNES: No comment. I plan to follow up.

19 THE HEARING OFFICER: Okay. Thank you. That

20 goes for Bill, too.

21 MS. HYNES: Yes.

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1 THE HEARING OFFICER: Okay.

2 (Laughter.)

3

4 one there.

5 Paul T-R-A --

6 MR. TRAPANI: Trapani?

7 THE HEARING OFFICER: Trapani, yes.

8 THE REPORTER: Could you spell your last name, sir?

9 MR. TRAPANI: T-R-A-P-A-N-I.

10 My name is Paul Trapani. I'm the owner of Harbor

11 North Marina which is on the C and D Canal. I am here on

12 behalf of the 300 boating families who unanimously oppose

13 this regulation.

14 We are not looking for a repeal of the 90 decibel

15 limit, but we are concerned, if my math is correct, that a

16 reduction of 95 percent is rather dramatic and is

17 unattainable. Also, if that is, in fact, correct, it would

18 also seem to me that several of the tugboats would no longer

19 be allowed to pass through the Canal.

20 I have lived on the waterfront for 15 years without

21 any significant adverse effect from boat noise. I actually

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1 enjoy the total boating experience, including the

2 sounds. It's similar to NASCAR. NASCAR with electric cars

3 would seem to lose a little bit of its flavor.

4 The facts are that about one in five American

5 families own boats. A relatively insignificant number are

6 fortunate enough to own waterfront homes and, of those, the

7 majority of those would oppose this legislation.

8 There are times when you do hear the noise, mostly
9 on weekends and certainly huge minorities of times, but
10 there are other factors to consider. One factor to consider
11 is the environment itself. The vessels just charging
12 through the water, of course, is a significant impact on the
13 water itself versus into the air. The decrease in fuel
14 economy is significant. So, these are areas that, if you
15 are gaining, what are you gaining versus what are you
16 losing. I just find -- I have no objection to the 90
17 decibels, but the 88 seems unrealistic.

18 Thank you.

19 THE HEARING OFFICER: Thank you, Paul.

20 David --

21 MR. MCCLATCHY: McClatchy?

1 THE HEARING OFFICER: Yes.

2 MR. MCCLATCHY: Sorry about the handwriting.

3 THE REPORTER: Sir, could you spell your last

4 name?

5 MR. MCCLATCHY: M-C-C-L-A-T-C-H-Y.

6 I am a life-long resident of Cecil County, first as

7 a child and now as a permanent resident. I want to say

8 something about the decibel and how you test it.

9 I'm an old guy, but I was a hot rodder; fifty Olds,

10 3 carbs, blower, 90 in second gear.

11 (Laughter.)

12 MR. MCCLATCHY: So I understand where you're coming

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13 from. Right now, I drive a Porsche 911, and I can tell you
14 at idle you won't get anything. I hit the gas and it'll
15 blow your head off. So, testing -- I'm against the testing.
16 Testing standing still four feet off the water, that's
17 preposterous.

18 Second of all, there has been an increase in noise.
19 I first lived here in 1928. The noise between 1928 and now
20 is absurd. I live on the Elk River approximately due north
21 of Hollywood Beach. My house is 35 feet off the water and I

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1 concur with everybody else that says: You can't
2 hear yourself talk.

3 Secondly, we are not asking you guys not to boat,
4 not to spend money, not to go fast. All we're asking you to
5 do is do it quietly when you're on the Elk River and the
6 Northeast River. The Elk River is very special. It's a
7 small river. It is surrounded mainly by high hills, and the
8 noise just reverberates off the high hills.

9 I operate two outboard boats, 225 and 200, and they
10 are both noisy. I think this regulation is absolutely
11 necessary, absolutely necessary. You guys can go -- you
12 don't have to go slow. You can go fast, just don't make a
13 lot of noise, especially when you're in the Elk River. It's
14 the only place on the Bay -- and I'm up and down the Bay.
15 I've raced sailboats up and down the Bay for my whole life.
16 It is the only place on the Bay that is this narrow and this
17 heavily populated.

18 Once you get past Turkey Point, the houses are few
19 and far between, the hills are low, and there are very few
20 homes. You get down there and make all the noise you want.
21 In our river, keep it down. I ask you; keep it down. It's

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1 not necessary.

2 THE HEARING OFFICER: Thank you, David.

3 Mark D-A-Z-E-V-E-D-O.

4 MR. D'AZEVEDO: D'Azevedo. I strongly oppose.

5 THE HEARING EXAMINER: David Kline or Daniel Kline.

6 Excuse me.

7 MR. KLINE: No comment.

8 THE HEARING EXAMINER: Sara Skorak?

9 MS. SKORAK: I'll write my comments in, but I
10 do agree with Brian and Victor and all them. I do oppose.

11 THE HEARING OFFICER: Gotcha. Thank you.

12 Ronald Holmes?

13 MR. HOLMES: Good evening. I'm Ronald Holmes, and
14 I have lived on the Northeast River for 40 years, and I am
15 also a boater and I live about 65, 70 feet off the Northeast
16 River.

17 We have heard a lot about birds and bees and lawn
18 mowers and weed whackers and so forth and so on. I have
19 been there for 40 years and, like the first person said, I
20 have been paying my taxes. I am a boat owner. I've paid my
21 insurance and my taxes on the boat as well as my property

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1 taxes.

2 Aberdeen. Can we stop Aberdeen from hammering?

3 Huh? Aberdeen was there when I moved there. These go-fast

4 boats were not, and I am strongly in favor of this

5 regulation and, if you can't enforce 90 decibels, how in the

6 world are you ever going to enforce 88 decibels?

7 There was no citations written last year for 90 decibels.

8 That's it.

9 THE HEARING OFFICER: Okay. Thank you.

10 Sam -- it starts with a C, the last name.

11 MR. CATTLETT: (phonetic) I'm okay. Pass.

12 THE HEARING EXAMINER: John Luloff?

13 MR. LOLOFF: I'll write in, but I am opposed to
14 this.

15 THE HEARING OFFICER: Woody Jackson. I recognize
16 that name.

17 MR. JACKSON: I'm Woody Jackson, Jackson Marine
18 Sales.

19 A couple of key points. I think it's an
20 enforcement thing, and I don't think it's a big deal to go
21 from 90 to 88, but I support and condone what DeMarius here

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1 says, that I think we have to be careful how we are

2 going to suppress this noise on these engines that we do not
3 create engine problems. So, I think that is going to take
4 a little further study.

5 THE HEARING OFFICER: Thank you.

6 Ted Link?

7 MR. LINK: No comment.

8 THE HEARING OFFICER: Paul -- it looks like

9 P-E-T-S-C-H-E-L-T.

10 MR. PETSCHULT: Petschelt.

11 THE HEARING OFFICER: Yes. How do you pronounce

12 that?

13 MR. PETSCHULT: Petschelt.

14 THE HEARING OFFICER: Thanks.

15 MR. PETSCHULT: First of all, I would like to say I

16 oppose this regulation.

17 Two, I have been avid boater on the Chesapeake my
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18 whole life, and I'm one of the guys that people are not too
19 happy with the noise.

20 My boat along with some other boaters on here,
21 there isn't a muffler system out there that it would bring

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1 it down to this level. So, what you are trying to
2 tell us is that, if we have to meet these levels, we
3 have to go by your rules.

4 These boats, you know, are made this way, you know,
5 and, if people have the money to pay for them and afford
6 them and to use them, you know, now you want to stop that.

7 Fifty years ago, they didn't have these boats.

8 They didn't have these kind of boats on the river. So, yes,

9 people did not hear this noise. So, what? Are we supposed

10 to go back to 1950s? No.

11 I think that this is only limited -- you know, with

12 boating, it's in the summer.

13 Myself, I was out about four times last year.

14 So, it was only four days that people had to hear me go

15 by. I know some other people go back and forth more often;

16 but, you know, I think it is something that those

17 regulations are going to have to do some more investigating

18 in order to control this because, you know, they are not

19 going to be able to stop it.

20 Even if I was able to put a muffler on my boat at

21 idle speed and get it into that vessel, as soon as I give it

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1 gas, it's way over that. I would just like to say
2 that they need to go back to the drawing board on this.

3 THE HEARING OFFICER: Thanks, Paul.

4 Robert Lewis?

5 MR. LEWIS: Here. It's L-E-W-I-S.

6 For the record, I oppose these changes to the law.

7 Several people have stated that it's interrupted their
8 quality of life. Well, they are interrupting our quality of
9 life if these laws are passed.

10 I feel it is a minimal time of the year and a
11 minimal time of the week. I like to boat during the middle

12 of the week when there is nobody out there, and it's plenty
13 quiet. The economic impact, I certainly hope, will be
14 studied. I agree whole-heartedly it's not just these
15 locations on the water that will be affected. A lot of
16 these people are coming in on trailers, coming down to visit
17 their friends and go out on their boats, and they are
18 spending money at the other places, not just the marinas.

19 There is the mechanical issue. That's certainly
20 valid. Many of these boats, even as stock as can be out of
21 the factory, cannot be muffled appropriately and safely

1 without consideration of engine damage. I fail to
2 see how it is a constant noise.

3 The frequency of the passing boat is more so
4 on the weekend, but it is not a constant. I spend as much
5 time on the water as possible, on the dock or on the boat.

6 Once again, I am opposed to these changes, and I
7 hope further study will be done to make sure that this is
8 resolved in the best fashion.

9 THE HEARING OFFICER: Thanks, Robert.

10 Sarah Detmer?

11 MS. DETMER: It's Sarah with an H, and D-E-T-M-E-R.

12 I want to thank you for inviting us to comment on
13 your proposed noise limits. I live a couple of blocks from
14 Woody Jackson. So I am under the shadow of some ability for
15 criticism, and I welcome that. Thank you, Woody.

16 Those of us who live near the water or enjoy

17 boating on the water welcome the opportunity to explain how
18 disruptive and unsafe the loud boats are. They are
19 cigarette boats in particular that seem to intrusive and
20 offensive to those of us who complain about it.

21 On any one summer afternoon, I cannot talk on the

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1 phone or to any guest in my living room even with
2 all the windows closed because of the excessive decibel
3 levels and unreasonable speed these boats seem to enjoy
4 creating. With such an intrusion, it is very annoying, and
5 it is not just inconvenience that I want to talk about. It

6 is also the health and safety issues that these boats
7 currently create.

8 It is well known that consistently high and
9 repetitive decibel levels lead to loss of hearing at any
10 age. In addition to hearing loss, there has been an
11 increase in loss of life to other boaters because of
12 excessive speed of boats. Just recently, a kayaker was run
13 over by a fast boat and then drowned while his wife looked
14 on aghast.

15 Such is the danger for our young people in kayaks
16 and in canoes on the Northeast River. We want a safer
17 waterway so we may all enjoy our rivers and the Bay.

18 On our highways we have at least some reasonable
19 limit on speed and on mufflers to silence motors. We have
20 industrial regulations to keep workers from going deaf from
21 dangerous decibel levels. Why should our waterways not be

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1 required to meet safer standards as well, and why
2 should they not be enforceable?

3 I applaud the proposed noise regulations. I have
4 learned a great deal here tonight about how inconvenient and
5 maybe difficult that might be. I would only ask that we do
6 our very best so that we can, in fact, let all kinds of
7 boaters enjoy the Bay, both fast boats as well as sailboats
8 and kayakers and canoers as well.

9 Thank you for inviting us to speak. I appreciate
10 that. I will give you a copy of my comments.

11 (Exhibit 1 was marked.)

12 THE HEARING OFFICER: Harvey Renshaw?

13 MR. RENSRAW: No comment.

14 THE HEARING OFFICER: Shawn Mac, something.

15 MR. MCGEE: No. I'm opposed. My comments have

16 been covered.

17 THE HEARING OFFICER: Okay. Thanks.

18 Russell Milnor? Is there a Russell? The number

19 ends in 9598.

20 (No response.)

21 THE HEARING OFFICE: Chris Charles.

1 MR. CHARLES: I oppose.

2 THE HEARING OFFICER: Brian Johnson. The number
3 ends in 0298?

4 MR. CHARLES: He opposes, too.

5 (Laughter.)

6 THE HEARING OFFICER: P. Connell?

7 MR. CONNELL: Yes. I oppose and comments have
8 been submitted.

9 THE HEARING OFFICER: Thank you.

10 Steve O -- Orpeneck (phonetic)?

11 MR. ORPENECK: No comment.

12 THE HEARING OFFICER: Claudia Ferguson?

13 MS. FERGUSON: I support the proposal.

14 THE HEARING OFFICER: David Ferguson.

15 MR. FERGUSON: Me, too.

16 THE HEARING OFFICER: Jeff Jennings?

17 MR. JENNINGS: Yes, I would like to speak.

18 My name is Jeff Jennings. I am a resident of North

19 East, Maryland. I have been boating on the Bay for 33

20 years.

21 I do take exception to some statements that were

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1 made that said these performance boats have not

2 been around because I bought my first from Anchor Boats in

3 1978, and it was louder than anything I have heard on the

4 water since then. All right.

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people do. I would remind people in here that two years ago when a boat burned to the water just south of Woody Jackson's place, as the cruisers went by, it was performance boaters who came and rescued the people.

More than anything, I have seen performance boaters tow other boaters and sailboaters who have broken down.

They are the most giving people I've ever met in my life.

Over the last year, I have organized and run a number of charity events and I've raised over \$70,000 for local charities because of the people in this room with performance boats. If this law is enacted, I seriously doubt if I will continue to do that, at least out of North East. I'll take my business and probably go to Bailey Creek.

I would say that this law or this proposed law is

21 clearly discriminatory, and I believe that discrimination is

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1 illegal.

2 That's all I have to say.

3 THE HEARING OFFICER: Thank you, Jeff.

4 Stacy Kerns?

5 MS. KERNS: I oppose.

6 THE HEARING OFFICER: Jamie Wheatley?

7 MS. WHEATLEY: I oppose.

8 THE HEARING OFFICER: The next one is going to

9 be tough here. It starts with a J and the last name with a

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10 W.; ends in 2910, the telephone number.

11 MR. WARD: I write poorer now.

12 (Laughter.)

13 MR. WARD: Always have, always will. My name is
14 John Ward, W-A-R-D. I live on the headwaters of the Bay,
15 near the mouth of the Canal. I have been there for eight
16 years. One Sunday morning while at breakfast on my deck, I
17 heard him leave Chesapeake City some six miles away. He
18 blew past my house spewing out 80 db of noise pollution. I
19 could still hear him as he passed Turkey Point six miles
20 away.

21 At 75 db, human conversation is nearly impossible.

1 I am 2,400 feet from the channel and, had I been
2 75 feet from the channel, the sound level pressure would
3 have been some hundred db. Continued exposure or sustained
4 exposure to 95 db will cause hearing loss. I'm 80. I want
5 to keep my hearing.

6 THE HEARING OFFICER: Thank you.

7 Is it Mike Mangini, Jr.?

8 MR. MANGINI: I'm opposed. I'll write in.

9 THE HEARING EXAMINER: All right. Thanks.

10 Laura McCann?

11 THE REPORTER: Ma'ma, could you please spell

12 your last name?

13 MS. MCCANN: Sure. M-C-C-A-N-N.

14 We have been affiliated with Cecil County about 15,

15 16, 17 years now both in the boating community and the
16 economic community paying taxes and participating at the
17 local restaurants and as property owners, and we have owned
18 property both on the water and off the water. Even though
19 we were a half mile off the water, we could hear the boats
20 pretty loudly.

21 So, despite my having also spent thousands at

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1 marinas, I am a strong proponent for anything that
2 will bring down the noise and think mufflers will help.

3 All in all, I agree that we shouldn't have our
4 conversations disrupted on our porches and down at our docks

5 and things like that, but I would like to take the metaphor
6 of the public waterway and the public road a little farther.
7 Just like we have public roads, we have noise limits; if
8 there were trucks going up and down the roads in congested
9 areas with decibel levels similar to what occurs on the
10 waterways, it would strictly be prohibited. There's noise
11 ordinances. I've looked them up.

12 Similarly, in congested areas the speed limit
13 drops. So, if you are driving through downtown Elkton,
14 you drive 30, you drive 25 and, when you get up near Fair
15 Hill and when you get down on Route 213 below Chesapeake
16 City, sure, it bounces to 50 or 55. Frankly, I think that's
17 very analogous with the Chesapeake Bay being open water, but
18 the Northeast River, the Elk River, the Bohemia, the C & D
19 Canal, certainly having the speed limit restrictions and,

20 El k&Bohemi a Hearing Transcript 5-24-11.PRN.txt
therefore, noi se restri cti ons.

21 I would also like to point out that a number of the

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1 people that are testi fyi ng here have talked about
2 how they have little impact, but some number of them are up
3 by the C & D Canal where it's a no-wake zone and the speed
4 limit is, therefore, arti fi ci al ly controlled because of
5 those restrictions; so that for them to impose it doesn't
6 bother me when you're sitting at the mouth at the C & D
7 Canal where you can't have a wake anyhow is kind of an
8 arti fi ci al contrivance.

9 I'm sure that years ago there was concern that

10 speed limits of 55 or 65 or 75 or whatever state you were in
11 for cars would impact the choice of cars there. The last I
12 looked, there were still Corvettes, there were still
13 Mustangs, there are still BMWs, there are still Porsches
14 and, yes, they may comply with the speed limits when they're
15 in town. But when they're not in town, they can go ahead
16 and use their big-ass engines and have some fun. That
17 pretty much covers what I would like to say.

18 Again, as both a property owner and a boater --
19 and, yes, we have a sailboat, so we refer to boaters
20 sometimes as stinkpotters, but it's not a very well kept
21 secret. I would strongly advocate -- I did have one other

1 thing. My husband happens to work for Dupont, and
2 he works for the group that worked with Mercruiser.
3 So, one night I went out to dinner with the President of the
4 Mercruiser and we had a spirited go-around about the noise
5 because it was an issue at that point, and I went home and
6 looked at it, and the home state of Mercruiser, which was
7 either Minnesota or Wisconsin, had these noise ordinances in
8 place.

9 Thank you.

10 THE HEARING OFFICER: Paul Merrick?

11 THE REPORTER: Could you spell your last name?

12 MR. MERRICK: M-E-R-R-I-C-K.

13 THE REPORTER: Thank you.

14 MR. MERRICK: Good evening. I presently own a home

15 on the Northeast River. I am an avid boater as well. I
16 strongly am in favor of Brian DeMaris' comments. I just
17 wanted to kind of reiterate a couple of things.

18 First of all, I moved here from New Jersey for my
19 boating activity simply because of the type of activity that
20 takes place in the Chesapeake Bay, and I guess along with
21 all the other comments, one thing that I really need to

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1 understand is, we are choking off the intercoastal
2 waterway. Are we going to be the Gestapo at the Delaware
3 line like a DUI checkpoint and at the head of the Elk River

4 or the base of the Elk River as more or less, you know, the
5 Gestapo and, from my point of view, when I was boating from
6 New Jersey, several of us came down here on regular occasion
7 to boat in the Chesapeake Bay to use the facilities here.

8 So, I guess from that point alone, we really have
9 to consider what message we're sending to all the other
10 boating communities along the coast. This is not just this
11 little piece of waterway. This is the intercoastal
12 waterway. That's from Maine to Florida.

13 So, if we feel we can impose something that isn't
14 imposed anywhere else on the intercoastal way that I know
15 of, then good luck and good luck bringing tourism into our
16 community.

17 I guess the only other comment that I had is, I
18 guess, all of my friends are in the boating industries, and
19 I see the impact that the economy has had. This would be

20 devastating, not to mention the cost to us boaters in terms
21 of what it would take to bring the equipment in to follow

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1 these rules.

2 I am strongly opposed.

3 THE HEARING OFFICER: Thank you.

4 Joey Rutter?

5 MS. RUTTER: I am opposed, and I am going to

6 send in written information.

7 THE HEARING OFFICER: Gotcha. Thank you. Corey?

8 MR. RUTTER: I support everything that

9 Brian DeMaris and Paul Merrick said.

10 THE HEARING OFFICER: Gotcha.

11 Dale Simpkins?

12 MR. SIMPKINS: I oppose and will follow up

13 with written comments.

14 THE HEARING OFFICER: Courtney M?

15 MS. MANGINI: (phonetic) I'm opposed.

16 THE HEARING OFFICER: And there is one here that

17 I just can't tell what it is. Let me think. It looks

18 like there is an M in the last name.

19 MR. MANGINI: Mangini. I'm opposed and I agree

20 with Brian DeMaris and Paul Merrick.

21 THE HEARING OFFICER: Curt Kerns?

1 MR. KERNS: I oppose.

2 THE HEARING OFFICER: Ray Wheatley.

3 MR. WHEATLEY: I oppose and support Brian DeMaris.

4 THE HEARING OFFICER: Gotcha. G. Richard Price.

5 MR. PRICE: Hi. I am Richard Price. I live in
6 Charlestown. I'm a boater, got a motorboat and sailboat,
7 and I like the experience all in all.

8 I don't want to take much time, but my background
9 is in acoustics --

10 UNIDENTIFIED SPECTATOR: We can't hear you.

11 MR. PRICE: My background is in acoustics, so I
12 could comment that the two db change from a psychological
13 standpoint is next to nothing. A decibel is the sound a

14 subject can just hear if he is listening carefully, a change
15 in the decibel. A change of two decibels is twice that.
16 It's nothing from an acoustic standpoint as far as the
17 noise. So that part of your regulation -- I am in favor of
18 the regulation, but that part really isn't going to get you
19 anywhere.

20 I think the problem here is essentially that the
21 question we need to address, is it necessary to have a

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1 connection between noise and boats and speed; and
2 the answer is no. You can have a boat that goes fast and

3 doesn't make a lot of noise. There is not a necessary
4 connection between the two. We used to have jet planes in
5 the '50s that had a big imprint and made everybody unhappy.
6 We now have powerful jet engines and a tiny footprint. It's
7 a question of engineering and the will to do it.

8 If you want to -- I admit that the refitting of
9 mufflers to boats is probably going to be expensive. That's
10 too bad, but the question that you have to face, I think, is
11 one of enforcement. Sound levels don't do it. The muffler
12 thing does do it. If you wish to enforce something, then
13 that's clearly the right route to go.

14 The question also is -- listen to what is being
15 said. Noise as it's defined in regulations generally in the
16 world is an unwanted sound. So, if you like the sound of
17 your engine, it's not noise. If you like your kind of
18 music, it's not noise. If somebody doesn't like boat

19 engines and he doesn't like your kind of music, it's noise,
20 you see. It's just a question of whether you like it or
21 not. That's just the way it is. That's the true definition

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1 of noise.

2 It is also true that the world understands that,
3 when the noise starts to interfere with what is going on in
4 your home, it's too loud. You're just making too much of
5 it, and that's what you are hearing here people saying
6 tonight. They don't mind when -- but the regulation is
7 about 65 dba at your property line.

8 So, it's entirely interpretable and makes sense as
9 to what's going on, but I think that you are moving in the
10 right direction with the right kind of regulation. The
11 muffler is probably the way to go, and I say to the boaters:
12 Look, if you want speed, you can have it. You don't have to
13 give up boating and speed. It's just the noise.

14 THE HEARING OFFICER: Thank you, Richard.

15 G-I-A-N-M-A-R-C-O --

16 MR. MARTUSCELLI: It's G-I-A-N-M-A-R-C-O,
17 Martuscelli, M-A-R-T-U-S-C-E-L-L-I.

18 I am the owner of the Chesapeake Inn in Chesapeake
19 City, Maryland. I see a lot of familiar faces in here that
20 frequent my restaurant. I am not going to say what
21 everybody else has said. I only have a couple of minutes.

1 I'm going to write you a letter as well but, for
2 those who don't know, I had a noise issue with band music at
3 my restaurant, and I was in a similar room a couple of years
4 ago dealing with the same type of complaints on both sides,
5 and the issue we had there just like here, I think, an
6 enforcement issue; and, once the Town of Chesapeake City
7 decided to try to enforce noise regulations onto the
8 businesses in Chesapeake City, we had to become compliant,
9 however way we did it. We weren't forced to, I guess you'd
10 say, muffle our music; we just had to figure out a way to
11 not make our dbs go to a certain level; and I will be honest
12 with you. In dealing with a lot of my adversaries in

13 Chesapeake City, if you don't like the music, you don't like
14 the music. You're going to complain. If it's 90 dbs or 85
15 dbs or 80 dbs, okay, that's not going to change.

16 By any of these boaters putting mufflers on their
17 boats, let me tell you -- in two years, you're going to be
18 in the same room complaining about the mufflers. I think
19 your issue here is really keeping the law the way it is and
20 enforcing that and then seeing if there really is an issue.

21 When we in the past couple of years have enforced

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1 the Town ordinance in Chesapeake City, it has come

2 -- I have had videos and whatnot showing my restaurant not
3 even playing music, and I'm still getting complaints. So,
4 the complaints are still going to be there.

5 So, I think as a group, instead of changing the law
6 right now, I think you should do a better job of enforcing
7 it and then determine if there really is an issue.

8 To give you an example; in the small Town of
9 Chesapeake City, we have about 750 residents and there's a
10 documented five complainers. Those five complainers are the
11 voice that everyone hears. The other 700 residents aren't
12 saying anything because they are fine with it and it is not
13 noise to them.

14 Just like the one gentleman just said here; if you
15 like what music I am playing on a particular night, then
16 it's not noise. But the next night, it's noise. I think a
17 lot of people are sick of hearing the boats but, to some,

18 the boat noise is fine.

19 So, I think your issue here is really to enforce

20 what you have first and then determine if there really is a

21 problem.

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1 THE HEARING OFFICER: Thank you.

2 Eugene Keel ey, K-E-E-L-E-Y?

3 (No audible response.)

4 THE HEARING OFFICER: Bob Powell?

5 MR. POWELL: Opposed.

6 THE HEARING OFFICER: Linda Eckman?

Elk&Bohemia Hearing Transcript 5-24-11.PRN.txt
7 MS. ECKMAN: I support the proposal.

8 THE HEARING OFFICER: Lester Eckman.

9 MR. ECKMAN: I might as well get up here with the
10 old folks for a second.

11 (Laughter.)

12 MR. ECKMAN: I have been boating for 68 years on
13 the Chesapeake and I remember when they had the little boat
14 races off of Hansen's Point, they shut the whole river down
15 while they raced. There were no boats going up and down.
16 Now, we are racing on a daily basis. I think the speed
17 limit is the way it's going to end up eventually. I don't
18 like the idea of it, but people don't use common sense and
19 they don't care whether they like the noise they're making
20 or not. That's what it amounts to.

21 I don't think it is necessary to make the obnoxious

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1 sounds, and you people that say that you don't hear
2 it, you are just not sitting where we are.

3 As far as the inland waterway goes, I have gone
4 from Maine to Florida many times, and I don't think there
5 is anyplace in the inland waterway where you're going to
6 have a noise level like you have on the Northeast River.
7 Mostly it's seven mile an hour, ten mile an hour speed
8 limits for a large portion of the inland waterway.

9 So, that's all I have to say. Thank you.

10 THE HEARING OFFICER: Thank you, Lester.

11 Mike Magnini?

Elk&Bohemia Hearing Transcript 5-24-11.PRN.txt
12 MR. MAGNINI: I oppose.

13 THE HEARING OFFICER: Mary Keel ey, K-E-E-L-E-Y?

14 (No audibl e response.)

15 THE HEARING EXAMINER: Robert Bartram?

16 MR. BARTRAM: I strongly oppose the changes.

17 THE HEARING OFFICER: Patrick Castagna?

18 MR. CASTAGNA: Castagna. I support the regulati on.

19 THE HEARING OFFICER: John Swai n?

20 MR. SWAIN: Oppose.

21 THE HEARING OFFICER: Li sa Si mon?

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1 MS. SIMON: I'll pass.
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2 THE HEARING EXAMINER: Jim Simon?

3 MR. SIMON: Pass.

4 THE HEARING OFFICER: Kenneth Garner?

5 MR. GARNER: No comment.

6 THE HEARING OFFICER: William Poole?

7 MR. POOLE: I grew up on the Elk River in the
8 1950s, lived in various places around the country and
9 have come back home. I strongly favor the proposal, and
10 I would like to make a few comments in addition to the
11 submission I sent you by e-mail.

12 A number of people have talked about the economic
13 impact. The economic impact is very hard to gauge because a
14 noise can degrade property values. The net of all that, we
15 haven't had a study. We don't know what it is, and I
16 believe that you should disregard that aspect of it.

17 Noise at this level is absolutely unacceptable in a
18 suburban area. The powerboat people here whose boats make a
19 lot of noise would find it incredibly objectionable if this
20 level of noise was coming down the street in front of their
21 house or behind the house in the narrow areas of these

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1 rivers. It's almost as if it's the street right
2 behind you. That's essentially what it is. It's pretty
3 close.

4 I think it is unfortunate that those of
5 us here -- obviously, everybody here loves the rivers,
6 loves the Bay. There ought to be some way to have a

7 reasonable compromise.

8 I live in Piney Creek Cove just to the west of --
9 the tip of Old Field Point, and I haven't done a calculation
10 but I would guess that these boats at half throttle could
11 get down to Turkey Point in five minutes or something like
12 that, and I would have no objection to there being an open
13 area down there that they could go wide open and then we
14 could all live together.

15 What I observe frequently is boats going back and
16 forth, back and forth, back and forth. Why don't they just
17 go forth --

18 (Laughter.)

19 MR. POOLE: -- (continuing) down to the open water
20 and then back to the marina. That is my suggestion.

21 Thank you.

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1 THE HEARING OFFICER: Thank you.

2 Suzanne C-H-I-N-N-I-C-I.

3 MS. CHINNICI: Chinnici.

4 THE HEARING OFFICER: Yes.

5 MS. CHINNICI: I am for the proposal, and I

6 would like to make a comment.

7 THE HEARING OFFICER: Would you come up, please?

8 MS. CHINNICI: I have a couple of questions, too.

9 THE REPORTER: Please state your name and spell
10 your last name.

11 MS. CHINNICI: Susan Chinnici, C-H-I-N-N-I-C-I. We
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12 have truckers and cars that probably don't make as much
13 noise as the boats do on the river, on the Northeast River,
14 and they have mufflers. Now, why can't boats have mufflers
15 without a lot of fuss and a lot of expense? If you can do
16 it for the general populous in cities and in suburbs where
17 all motor vehicles have mufflers to cut down the noise, why
18 is this such a problem for the boating world?

19 My daughter is a certified interpreter for the
20 deaf. She was shooting for going for this proposal because
21 she claps her hands when people have loud, loud motors such

1 as we have on the river or extremely loud music.

2 She's like: Oh, good. There's another future customer

3 for me. She does make a good point.

4 There's a certain amount of noise levels that are

5 harmful and, if we have rules for the highways and byways of

6 the United States and we should have mufflers to control the

7 noise, what is the big deal that we shouldn't have this

8 proposed regulation to, if I'm using the right word, abate

9 the risk of going deaf and being subject to this kind of

10 torture because we don't have it on the highways.

11 If you drive around with a car and you have a

12 faulty muffler, you can be pulled over and told to get it

13 fixed or you can be fined as well. So I am for this

14 proposal. I've been boating for 28 years. I'll tell you; I

15 can't talk to my company down at the Northeast River when

16 I'm down on my boat when these huge cigarette boats go by.

17 Occasionally, there will be a cigarette boat that isn't
18 noisy, and I think: Well, gosh, they must have a muffler.

19 So, I think let's get on the stick and get this
20 --remedy it, and I want to know: Is this meeting with these
21 comments going to produce any kind of an effect? Do we get

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1 to vote on this, or is this the beginning of solving
2 the problem with the high noise levels?

3 THE HEARING OFFICER: This is basically a means for
4 the Department to gain comment on a regulation that we
5 would be proposing. So, all this information will be

6 taken into account, and I will go ahead and provide that
7 information to the Secretary of the Department of Natural
8 Resources who will make the final determination whether to
9 proceed with the regulation.

10 MS. CHINNICI: Okay. Good. Thank you. That was
11 one of my top questions. Thank you.

12 THE HEARING OFFICER: Thank you.

13 Joan Landan?

14 MR. LANDAN: No comment at this time.

15 THE HEARING OFFICER: It's not Joan.

16 MR. LANDAN: John. I don't write very well.

17 THE HEARING OFFICER: Lyle Dillon?

18 MR. DILLON: I'm sorry. I came in a little
19 late. So, I didn't hear what the actual proposal was so I
20 am going on what I heard in the newspaper.

21 I live right down on the Elk River on the west side

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1 Looking out over the confluence of the Elk and the
2 Bohemia Rivers. The amount of noise that comes from the
3 boats that go up and down the river is just incredible. It
4 is window rattling. As a matter of fact, we had a situation
5 last fall on an early football game where we couldn't
6 actually hear the football game with the windows shut
7 because of the noise of the boats. They zoom up and down
8 the river, seemingly taking a great deal of pleasure from
9 the noise they make.

10 One of the reasons I think that may be is the first

11 time I experienced this was actually on the Canal when we
12 first moved up from Montgomery County about eight years ago.
13 We were on the Canal in our very quiet outboard motorboat
14 which has a four-cycle engine, and up next to us pulled a
15 boat making an incredible amount of noise. We looked up.
16 It was a boat with beautiful colors on the side and
17 inside were two smiling people with ear muffs on matching
18 the same colors as the boat. These are people that
19 obviously couldn't stand the sound, but had no problem
20 communicating it to others.

21 I wonder how many of the boaters in this room

1 ride with ear muffs. I don't know. Would you

2 admit it? How many? These people certainly did.

3 I have a really hard time imagining that making

4 this noise is really that enjoyable to people. I saw

5 something in the paper where a gentleman said he liked the

6 noise. I like the noise of various different kinds of

7 music. I do not go out in the middle of the river and

8 broadcast them as loud decibels so that everybody in the

9 nearby area can hear the music that I particularly like.

10 No. I put it on an ipod and put my earplugs in so I can

11 hear it.

12 My suggestion is that people that really

13 enjoy the sounds of loud engines, put it on an ipod, put

14 your earphones in and listen to it.

15 So, my basic concern is that I think you really

16 have a basic consideration situation here. It's very
17 interesting as we watch the boats go by. We'll see one boat
18 go by, maybe a 30-foot boat brightly colored one going at a
19 high speed making noise that is just unbearable, and right
20 behind it will be a boat that looks very similar, colored
21 very much the same way that we can't hear.

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1 I know it is possible. I know that people
2 that have, I think, responsibility are operating quiet boats
3 like we do. We have two boats in our household, and I think
4 this could be. Maybe it can't happen tomorrow. Maybe some

5 of the folks in here will have some difficulties. Maybe
6 they are going to have to spend a little money quieting down
7 their boats. It seems to me a very simple solution to a
8 problem that is, I think, basically rudeness, basically
9 trying to impose other people's standards on themselves.

10 THE HEARING OFFICER: Lyle, if you could wrap
11 it up.

12 MR. DILLON: I am done.

13 THE HEARING OFFICER: Thank you very much.

14 Larry Kline.

15 MR. KLINE: Opposed.

16 THE HEARING OFFICER: Okay. That is the
17 list of everyone who pre-signed. We have a couple
18 of minutes. Is there anybody who has not testified who
19 wants to testify, who has not testified so far?

20 Yes, sir?

21 MR. KLINE: I just have a question.

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1 THE HEARING OFFICER: Come on up.

2 MR. KLINE: Daniel Kline, K-L I N E. I just have a
3 question about the actual enforcement of the law, not by the
4 officers; but I know that the law says it's going to not
5 exceed 90 decibels. I guess it comes down to -- you have
6 said how you plan on enforcing that. That's really
7 the key. If it is inherently fair, that 90 decibels, you
8 know -- weighted at the dock is inherently fair to cut down
9 on the noise out on the river. I guess what this says is

10 that the Department will promulgate rules and regulations, I

11 suppose; correct?

12 THE HEARING OFFICER: Correct.

13 MR. KLINE: Based on the law passing?

14 THE HEARING OFFICER: The law is -- there is

15 already a law on the books.

16 MR. KLINE: So, the law that's going to be

17 promulgated or proposed is the one at the dock, because

18 I wasn't clear on that.

19 THE HEARING OFFICER: Yeah. There's a law

20 that's already in existence. The law allows us to

21 create regulations. So, we are basically creating

1 regulati ons.

2 MR. KLINE: And how you plan on doing that

3 proposal is what you said --

4 THE HEARING OFFICER: It is that proposal right

5 here. So, basically what would happen is, that proposal ,

6 if it went forth, would go in the Maryland Register as a

7 proposed State regulati on and then, again, it would be open

8 for public comment. The process takes about 45 days.

9 MR. KLINE: Where will the proposal be of how you

10 are going to enforce the regulati on?

11 THE HEARING OFFICER: The enforcement is the

12 same enforcement that is currently in the law and the

13 regulati ons. It's exactly the same enforcement. It's

14 the same test, the same test, the same exact test they

15 have now.

16 MR. KLINE: Okay. I guess, then, why is it

17 being proposed?

18 THE HEARING OFFICER: Because the Department wants

19 to both reduce the decibel level but also, in these areas

20 where we get the majority of our complaints, to use a

21 continuous muffler as opposed to using a bypass. That's the

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1 reason for it.

2 MR. KLINE: Thank you.

3 MR. WILLEY: I am Jason Willey and I oppose.

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4 THE HEARING OFFICER: Jason --

5 MR. WILLEY: Willey, W-I-L-L-E-Y.

6 THE HEARING OFFICER: Do we have anyone else?

7 Going once --

8 MR. MOORE: I got one comment.

9 THE HEARING OFFICER: Okay.

10 MR. MOORE: I know we're not supposed to ask anyone

11 here, but my question is actually going to go directly to

12 someone --

13 THE HEARING OFFICER: No, no. You cannot do that

14 here.

15 MR. MOORE: I need an opinion.

16 THE HEARING OFFICER: You can't do that here.

17 MR. MOORE: I can't ask him how long it takes to

18 get down the river?

19 THE HEARING OFFICER: No, you can't. You can

20 only talk to me. You can put it in the record. First, we
21 need a name.

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1 MR. MOORE: James Moore.

2 THE HEARING OFFICER: M-O-O-R-E?

3 MR. MOORE: Yes.

4 THE HEARING OFFICER: Okay.

5 MR. MOORE: The biggest complaint I hear here is

6 how you cannot hear a conversation to a football game. I

7 know most of these guys. It does not take them that long to

8 get from the Naughty Goose to the end of the river.

9 However, if it doesn't take them 15 or 20 minutes, how can
10 they be in front of your house for that long that you can't
11 hear through an entire conversation or through a sports game
12 or whatever may be happening?

13 These guys are only in front of your house for 20
14 or 30 seconds at a time. It is not a long time that they
15 are there. You know, they are passing by and stuff like
16 that.

17 THE HEARING OFFICER: All right. Thanks, James.

18 MR. MOORE: Thank you.

19 THE HEARING OFFICER: Do we have anyone else?

20 UNIDENTIFIED SPECTATOR: Am I allowed to respond
21 to that?

1 THE HEARING OFFICER: No.

2 (Laughter.)

3 THE HEARING OFFICER: Have you spoken yet? You
4 have already spoken; correct?

5 UNIDENTIFIED SPECTATOR: Yes.

6 THE HEARING OFFICER: You can send me a written
7 comment.

8 Is that it? Okay.

9 Certainly, I want to thank everyone for your
10 comments. Everybody was very courteous, very orderly.

11 This meeting hereby stands closed for oral
12 testimony. Again, you have until June 27th to submit
13 further comments to the Department. Thank you very much for

14 Elk&Bohemia Hearing Transcript 5-24-11.PRN.txt
your testimony. Enjoy your summer and have a safe trip

15 home.

16 (The meeting was adjourned at 7:45 p.m.)

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CERTIFICATE OF NOTARY PUBLIC

2

3 STATE OF MARYLAND;

4 COUNTY OF HARFORD, to wit:

5 I, Penny L. Comeau, a court reporter/Notary Public

6 in and for the State of Maryland, County of Harford, do

7 hereby certify that the within proceedings were recorded

8 stenographically by me and the foregoing is a true and
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9 accurate transcript of the proceedings.

10 I further certify I have no interest in the outcome

11 of these proceedings.

12

13 As witness my Hand and Notarial Seal this 6th day

14 of June, 2011, in Bel Air, Maryland.

15

16

17

Penny L. Comeau, Notary Public

18

19 My commission expires 4-21-12.

20

21

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