

Transcript of  
**Boat Act Advisory Committee Public Hearing**

Date: **October 6, 2011**

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Taken October 6, 2011**

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MEETING OF THE  
MARYLAND BOAT ACT ADVISORY COMMITTEE

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The above-entitled matter came on for hearing on Thursday, October 6th, 2011, commencing at 10:00 a.m., at the Annapolis Elks Club, 2517 Solomons Island Road, Edgewater, Maryland 21037, John Bush, committee chairman, presiding.

COMMITTEE MEMBERS:

- |   |                         |
|---|-------------------------|
| Robin Allison                                 | Coles Marsh, Vice Chair |
| Mick Blackistone                              | Bob McLean              |
| Amy Craig                                     | Edric McSween           |
| Russ Dwyer                                    | Robert Nickel           |
| John Ferman                                   | Christopher Parlin      |
| Thornell T. Jones                             | Ramona Trovata          |
| Steve Kling                                   | Al Simon                |
| Kenneth Kloostra                              | Bob Slaff               |
| Frederick Levitan                             |                         |
| Mike Grant, State Liaison                     |                         |
| Robert Gaudette, Director of Boating Services |                         |

Reported by: Kelly A. Taylor

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

2 THE CHAIRMAN: Good morning, everyone.  
3 I'd like to welcome you to the Maryland Boat Act  
4 Committee meeting. All persons in attendance today  
5 please turn off your cell phones at this time. I  
6 just turned mine off. I would like to --

7 MR. GRANT: John, closer.

8 THE CHAIRMAN: Okay. Now you can hear  
9 me well. Okay. The first thing I said before, the  
10 restrooms are down the hall to your left.

11 The purpose of the committee is to make  
12 recommendations to the secretary on proposed  
13 boating regulations. At this time I would like for  
14 the committee members to introduce themselves, and  
15 I'm going to go into a little bit more information  
16 before we start taking testimony. We're going to  
17 start with the members of the, 21 members of the  
18 board introducing themselves.

19 (Committee members introduce themselves.)

20 THE CHAIRMAN: Now that I have the mic  
21 back, John Bush, I'm the chairman.

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1           I'm going to next have the gentleman  
2           that represents the -- several of them here that  
3           represents the state. Would you introduce yourself  
4           now and your staff?

5           MR. GRANT: Good morning. I'm Mike  
6           Grant, I've been the contact person for all of you  
7           concerning your requests. I see a great turnout, I  
8           hope this is an informative meeting for you all,  
9           and I also want to introduce our director, Bob  
10          Gaudette, director of boating services, my  
11          assistant, Jeannine Moaney, who you also have  
12          contact with, and Louis Wright in hydrographic  
13          operations, he's the gentleman who spends his  
14          entire life on the water and then in an office  
15          pinpointing all these locations and making sure  
16          that all the buoys are supposed to be where they  
17          are. Thank you for coming.

18          THE CHAIRMAN: Members of the committee  
19          are the first group of boaters that you've ever had  
20          an opportunity to hear. We are charged with  
21          representing all of the people who use the waters

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1 of the state of Maryland. The complete state. We  
2 like to represent everyone, sailboaters, the  
3 swimmer, the skier, the fisherman, the waterman,  
4 the kayaker, windsurfer and even the Jet Skier, we  
5 have one down here. We are sensitive to the  
6 environmental health of the waters of the state,  
7 including sometimes the shoreline. We are also  
8 aware of the concerns and privileges of the  
9 waterfront property owners, but we also understand  
10 also that the waters are public and belong to all.  
11 We will not be able to satisfy everyone's complaint  
12 but we will try and be as fair as we can. We  
13 recognize your positions on many different items.

14 We're going to start off with the  
15 hearing, we're going to start off with the Potomac  
16 River and we're going to start off with the person  
17 who represents that area, the officer. Would you  
18 like to make a statement?

19 MR. GRANT: That would be me, sir.

20 THE CHAIRMAN: Make your statement about  
21 the Potomac River.

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1           MR. GRANT: To briefly explain what you  
2 have up on here right now is the area, relatively  
3 self-explanatory, the yellow is the existing area,  
4 it's six knots at all times across the river in  
5 front of their launch ramp. They're requesting an  
6 extension to that in that area. Any questions?

7           THE CHAIRMAN: Would the officer now  
8 like to make a comment about this?

9           OFFICER HARNER: Yes, sir.

10           (Discussion held off the record.)

11           OFFICER HARNER: Good morning. I'm  
12 Officer Ray Harner, Natural Resources Police  
13 assigned to Washington County, where this expanded  
14 area is proposed on the upper Potomac River. I've  
15 been in that area for 27 years and we see no  
16 problem with expanding this area at this time. We  
17 support this wholeheartedly. Thank you.

18           THE CHAIRMAN: Okay, I think we're now  
19 starting with the petitions.

20           MR. MARSH: Is there a spokesman for the  
21 petition? That's here? We would like to have you

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1 go first if you would. Make sure you give your  
2 name. This is being recorded and we want to make  
3 sure we get your name and it's legible for our  
4 reporter to take it down.

5 MR. KIPE: My name is Gary Kipe and I  
6 authored the petition that was signed by 48 people  
7 within the area. We authored the petition for  
8 signature, after about two hours we got 48. It's a  
9 popular initiative, it will help create a safe zone  
10 in this area that is populated by a lot of people  
11 on the water. The water depth in this area is  
12 about four to six feet. The area that they're  
13 showing, the expanded area, there are actually  
14 floating docks that are put in in the spring and  
15 taken out in the fall and people are recreating,  
16 they're enjoying the water close to those docks.  
17 And what we would like to do is limit the speed  
18 limit there to create a safe area for the people in  
19 the water.

20 MR. MARSH: Okay. Is there anything  
21 else that you would like to comment? We have a few

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1 other people that want to speak as well. As long  
2 as they're not redundant of what the spokesman has  
3 said, we don't want to repeat things if we can help  
4 that, so we have William, is that last name  
5 Divelbliss? I'm sorry, excuse me, sir.

6 THE CHAIRMAN: Make sure the mic is on.

7 MR. DIVELBLISS: Yeah, I believe it's  
8 on.

9 MR. GRANT: Close to the mic, excuse me,  
10 you have to be close to the mic in order to be  
11 heard.

12 MR. DIVELBLISS: Okay, my name is  
13 William Divelbliss and I'm a member of the Potomac  
14 Fish and Game Club. At this time we do not own a  
15 place, but I did own a place right on the water and  
16 my family used to do a lot of swimming off the dock  
17 and this would be a very, very good thing to  
18 protect little children who are in and around the  
19 dock because as everybody knows that are watermen  
20 when you get a wave the dock goes up and down and  
21 if you have a child in there, the possibility of



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1 somebody getting hurt, even drowning, especially a  
2 child, so I stand behind this.

3 MR. MARSH: Thank you. I'm going to ask  
4 the questions that any of the committee members  
5 would have after we go through the, those people  
6 that want to speak. How about Marcene?

7 MS. KIPE: I don't know that I have  
8 anything new to say. My name is Marcene Kipe, I do  
9 live along the water. We have many, many children,  
10 like was said, swimming there and it would be very  
11 much safer if the speed limits were limited in that  
12 area, because many people do go by at a very high  
13 rate of speed and speed right close to our docks,  
14 so it is kind of a danger there.

15 MR. MARSH: Thank you.

16 There are some seats for those standing  
17 if you would like to sit down, there's some seats  
18 up here for you if you would like that.

19 Shirley.

20 MS. DIVELBLISS: My name is Shirley  
21 Divelbliss. We have had a place at this river -- I

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1 don't now. It's definitely a safety thing. Boats  
2 travel by there at a very high rate of speed, I  
3 don't think they realize what they can do, so it  
4 definitely would be a safety issue and it's always  
5 that.

6 MR. MARSH: Thank you. Do any of the  
7 committee members have any questions for the  
8 spokesman or the officer?

9 MR. BLACKISTONE: I'd like to know how  
10 wide the river is up there. It doesn't look very  
11 wide at all.

12 MR. KIPE: Lewis, Mr. Wright, do you  
13 have -- you did the survey, do you have that number  
14 available?

15 MR. WRIGHT: It's about 175 yards across  
16 there.

17 MR. KIPE: And we're asking for  
18 one-third of that.

19 MR. GRANT: The existing area is already  
20 one-third, that's nothing new, the width is nothing  
21 new, just the length is new.

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1 MR. BLACKISTONE: I understand that.

2 MR. MARSH: We can go on. Any questions  
3 on this one?

4 MR. MCLEAN: I had a question for the  
5 officer. I understood you to say you were in favor  
6 of this petition; is that correct?

7 OFFICER HARNER: Yes, sir, we are.

8 MR. MCLEAN: Has there been any  
9 incidents in this area in the past couple of years?

10 OFFICER HARNER: In the past couple of  
11 years, I would say yes. Of course it's like a  
12 trooper on the highway, if we're not there, there  
13 are people breaking the speed limit constantly. As  
14 you see, above this area there is a curve in the  
15 river and just above at that curve it begins to  
16 become shoal, the shoal area right above that,  
17 pretty much pictured there in the picture there,  
18 and people are flying down around that curve and  
19 this has created a big problem with boats leaving  
20 their docks, people swimming like it's been  
21 testified to before, and this area is going to be

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1 expanded to try to slow that down as much as  
2 possible. They're still able to bypass it,  
3 two-thirds of the river is still going to be open  
4 to normal speed. If that answers your question.

5 MR. SIMON: Are there any signs up there  
6 in that area for six-knot speed limit, meaning  
7 buoys or signs and responsible for your wake?

8 OFFICER HARNER: Yes, sir, there are.  
9 There are three buoys put out at the beginning of  
10 each boating season and there are three buoys in  
11 that area right now. There are no signs there  
12 however, but buoys do signify the six-knot speed  
13 limit.

14 MR. SIMON: Thank you.

15 MR. MARSH: Any more questions now? I  
16 would like to ask one question if I could from the  
17 officer. Is there any watermen that are up that  
18 travel that area to get out to crab or -- up beyond  
19 where that is?

20 OFFICER HARNER: This is the upper  
21 Potomac River, there are no commercial watermen up

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1     there.

2                   MR. MARSH:  Nothing up there at all?

3                   OFFICER HARNER:  A lot of fish.

4                   MR. MARSH:  No fishermen.  Thanks.

5     Anyone have any more questions?  I don't believe.

6     Thank you for that and we will move along now to

7     Mallows Bay.  If you want to go up to the mic to --

8                   THE CHAIRMAN:  Mike, would you like to  
9     explain the petition here?

10                  MR. GRANT:  The petition request came  
11     from the county, they've just decided to do a boat  
12     ramp over here.  Here we have the existing ghost  
13     fleet, which is across the area as it is and most  
14     people are aware of that, and they just simply  
15     believe that from this area down, encompassing the  
16     whole area, this area going on should be six knots.  
17     We haven't heard comment one way or the other.  I  
18     believe we have a representative from the county  
19     here somewhere.

20                  MR. ROLAND:  Good morning.  I'm Tom  
21     Roland, I'm the chief of parks and I represent the

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1 County Commissioners of Charles County and  
2 obviously we are in favor of a no wake zone in this  
3 area. It's very difficult to tell from this  
4 picture, but there is an extremely small channel  
5 that runs out to the main section outside of the  
6 delineated area. It's a small, I would say  
7 probably six- or eight-foot-wide channel, if you  
8 want to call it that, and at low tide it may be two  
9 to three feet deep. The ghost fleet, which is out  
10 in the main bay area, has fragments of the boat  
11 that is located throughout the bay. If you do not  
12 stay in this channel you can get yourself in a lot  
13 of trouble with your boat and prop, so we want to  
14 try to reduce speeds so that boats can pass at  
15 close proximity. That's one of the reasons that we  
16 are recommending that we do this, is for safety of  
17 our boaters.

18 This project was a cooperative  
19 partnership between Boating Administration, DNR and  
20 the county. It's about a year old, it's a small  
21 facility, it's a single launch, but it is gaining

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1 popularity. We see people coming in, especially to  
2 fish for large mouth bass, which is sort of known  
3 for in this section of the river.

4 In addition, the ghost fleet, if you're  
5 not aware, is the largest ship graveyard in the  
6 northern hemisphere. There's a possible  
7 designation from NOAA that's being considered to  
8 make this a national marine sanctuary, there's only  
9 13 others in the world. When we were having our  
10 public process for the boat ramp one of the  
11 concerns we heard probably most often was what will  
12 boat wave action do to the hulls of these ships,  
13 and our comments were always that we would have a  
14 no wake zone, that we would minimize the further  
15 deterioration of these resources, so that's one of  
16 the things, one of the reasons that we want to do  
17 this.

18 It's also a very popular paddling and  
19 kayak area. It's a multiuse facility and we have  
20 put in a kayak launch in the back of this well-  
21 protected area, and the reason that we would like

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1 to see the no wake zone is just to minimize use  
2 conflict between paddlers and boaters. I would  
3 think from our observations that probably 95  
4 percent of boaters, powerboaters that are coming in  
5 the area are treating it like a no wake zone now  
6 just because of the pieces of hull that you find if  
7 you stay in that channel and they understand the  
8 sensitivity of the bay itself. So I really think  
9 that if the designation was approved that it would  
10 be accepted by the overwhelming majority of our  
11 citizens and people that use our facility. Thanks.

12 MR. MARSH: Thank you. Is there an  
13 officer who patrols that area and would like to  
14 speak to that as well?

15 SGT. RILEY: How're you doing? I'm  
16 Sergeant Riley with the Natural Resources Police,  
17 I'm currently a supervisor in Charles County where  
18 this falls in. I won't speak against it, but I'm  
19 not necessarily here to speak for it either. I  
20 think it's unnecessary at this time, but at the  
21 same time I'm not going to speak against it. And



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1 we have, as far as, so the question doesn't come up  
2 later, as far as complaints in the area, we've had  
3 none this year and there was only like one call in  
4 there the previous year, and we've had no boat  
5 accidents or anything of that nature. Thank you.

6 MR. MARSH: Thank you, sir. Is there  
7 anyone else that would like to speak to that, for  
8 or opposed to it? Any committee members have any  
9 questions before we move on?

10 MR. PARLIN: Yes, I do. I just have a  
11 question for Mike. How wide is that area, how long  
12 is that area?

13 MR. GRANT: I can't speak to that.

14 MR. PARLIN: Okay.

15 MR. GRANT: Maybe the county could.

16 MR. MARSH: Anyone else would like to  
17 speak to that before we move on?

18 THE CHAIRMAN: We have a few more people  
19 coming in. Do you have another comment that you  
20 would like to make, sir?

21 MR. SIRB: To answer that question, it's

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1 about a mile across.

2 THE CHAIRMAN: Repeat that, please.

3 MR. SIRB: To answer your question, from  
4 Sandy Point to the opposite, Liverpool Point, that  
5 area is about one nautical mile.

6 MR. PARLIN: A mile top to bottom, how  
7 about side to side? If you're coming from the ramp  
8 out to open water, I'm just looking for what the  
9 travel distance is heading out.

10 MR. SIRB: Point 4 nautical miles.

11 MR. MARSH: Can you give us your name?

12 MR. SIRB: Certainly, Andy Sirb.

13 MR. MARSH: Thank you very much. Thank  
14 you. Yes.

15 A PARTICIPANT: I just want to make one  
16 point, talking about how wide and long, I  
17 understand the question about how long, but don't  
18 be confused when he says this is a mile long. Your  
19 navigation going out, you're supposed to stay  
20 within six feet going in and out or you may find  
21 yourself in trouble with that going out.

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1           MR. MARSH: Thank you very much. We  
2 have another question then.

3           MR. BLACKISTONE: How much boat use does  
4 this ramp get, and is there any other boat traffic  
5 in there? I'm talking about powerboats or Jet Skis  
6 or the paddlers.

7           MR. ROLAND: We are probably seeing  
8 eight to ten boats a day with recreational anglers  
9 and boaters. We have commercial fisherman, there's  
10 a couple of boats in there daily. Weekends it goes  
11 up, we can have as many as 25 boats maybe all day  
12 long using that. Kayak, we see groups coming in  
13 anywhere from 10. Sometimes -- we had one event  
14 where we had 40, 50 kayaks in that site. One other  
15 thing that this is pretty well known for because of  
16 all the shipwrecks around there is fishing, large  
17 mouth bass fishing, and we have a lot of anglers  
18 that pull up in their bass boats and fish on the  
19 shoreline and they do have a lot of issues with  
20 boats that come in, it's five percent that speed  
21 through the area that are throwing wakes and

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1     disturbing the fishing and push them up on some of  
2     these wrecks, so there is -- the other activity you  
3     asked about would be a lot of fishing in the area.

4             THE CHAIRMAN: Before we go to the next  
5     petition, we had a few members come in a little  
6     late here, we're going to give them an opportunity  
7     to introduce themselves and we're going to pass the  
8     mic down to the end of the table.

9             (Mr. Jones and Mr. Slaff introduce themselves.)

10            THE CHAIRMAN: We have one other  
11     question on the, on the, last one down at the end,  
12     would you like to --

13            MS. ALLISON: I'm Robin Allison and my  
14     question is, because I have gone there about once a  
15     day for five years when I was tugging over there,  
16     the question is what impact is it going to have on  
17     the ghost fleet positive or negative and what is  
18     the expected preservation for the ghost fleet?  
19     Thank you.

20            MR. ROLAND: It is the opinion of Don  
21     Chevette (phonetic), who is a marine archeologist,

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1 that if we do not put in a no wake zone -- he's  
2 actually against public boats in there because he  
3 didn't think that we would have control and speed  
4 limits in place. It is the archeologist's opinion  
5 that further wave action will deteriorate the ghost  
6 fleet. As far as protection, that's one of the  
7 reasons that we're here.

8 THE CHAIRMAN: Go ahead.

9 MR. MARSH: Question, Russ?

10 MR. DWYER: Just a point of  
11 clarification, you're requesting six knots, not no  
12 wake, correct?

13 MR. ROLAND: I'm sorry, yes.

14 MR. DWYER: There's a big difference.

15 MR. ROLAND: I know, I was wrong.

16 MR. DWYER: Okay.

17 THE CHAIRMAN: Everyone hear that  
18 response? You want to repeat? Everyone did not  
19 hear your response.

20 MR. DWYER: Mine? I just wanted to  
21 clarify that it's a six-knot area, not a no wake,

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1 and can I ask one more question? You talked about  
2 no -- wanting to make it a sanctuary. It's going  
3 to be like an oyster sanctuary where there's no  
4 fishing?

5 MR. ROLAND: That was our, one of our  
6 number one concerns, Boating Administration's  
7 concern, DNR, everybody when we first heard of this  
8 sanctuary, so we went down to Senator Cardin's  
9 office to talk about the project and that was the  
10 first thing that all of us asked, and this will not  
11 eliminate fishing, recreational access, paddling  
12 over the area, there aren't any restrictions  
13 whatsoever. But it allows us to get federal  
14 funding, a visitor center to interpret the natural  
15 resources and cultural resources of the area, no  
16 restrictions.

17 MR. DWYER: Thank you.

18 MR. MARSH: Any more questions from the  
19 committee? We're going to move on if there are no  
20 other persons that want to speak to that. John, go  
21 ahead, next one is St. Thomas Creek. And if you'd

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1 like to, Mike.

2 MR. GRANT: St. Thomas Creek is a little  
3 creek off of the Patuxent, it has a very small  
4 entrance as you can see up on the right here. You  
5 can see it from there, there is a very narrow  
6 channel coming in right about here, under three  
7 feet in many places. I'm going to pass around  
8 these pictures to the committee. They were part of  
9 the original package, they show the issues that  
10 they're having. These pictures were taken in the  
11 spring. They're requesting six knots at all times  
12 during the boating season. You heard that, during  
13 the boating season. Yeah, okay. As a result of  
14 the online, phone call and written, we have had --  
15 we have 42 people on the petition. On the website  
16 we received one for or against. Phone calls  
17 received three, four, five against and e-mails  
18 neither. As far as comments, what I have done is I  
19 have a culmination of all of the comments across  
20 the board and rather than reading all of them I  
21 went through, if I have five or six that said the

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1 same thing, I brought that down to that.

2           Against, mainly used by residents that  
3 control their own vessel speed and there is no need  
4 for it, and it's an ideal spot for skiing and John  
5 Glenn once skied there. And for, six-knot zone,  
6 wildlife is adversely affected, it's very dangerous  
7 for nonpower vessel activity. Cigar boats, I  
8 believe that means cigarette boats, are way too  
9 large for the creek. Shore erosion is, as many of  
10 us see, an issue, and there are too many Jet Skis,  
11 too fast, too close to other structure and vessels  
12 and people recreating in the creek. That's  
13 basically it.

14           MR. MARSH: Thank you, Mike. Is the  
15 officer here that covers that area? Would you like  
16 to --

17           OFFICER DITMARS: Sergeant Frank  
18 Ditmars, I'm a supervisor in Calvert County. The  
19 officer that actually did the survey, Corporal  
20 Cronker (phonetic), could not be here today. I'm  
21 familiar with the area, I have worked there for



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1 seven years and I kind of know where you're coming  
2 from. Some of the comments that were made, if you  
3 look at the mouth of the creek, the comment was  
4 that made about it being two or three feet there, I  
5 can verify that. The patrol boats, we actually  
6 have to slow down to an idle and turn the motor  
7 off. So that tends to limit the boat size coming  
8 through. The officer patrols that area probably  
9 three hours a week, and he says that between one  
10 and ten boats a week went through the creek. 90  
11 percent of the activity that we're seeing in there  
12 are crabbers and as you well know, they're --

13 THE CHAIRMAN: Excuse me, Officer. The  
14 stenographer can't get every word you're saying, so  
15 if you'll keep the mic over to you, she'll get what  
16 you're saying.

17 OFFICER DITMARS: Going back to 2008,  
18 there were 13 violations noted in the creek. Three  
19 citations were issued and 10 warnings. Of those 13  
20 pieces of paper, nothing dealt with speed, reckless  
21 operation or anything like that. Mostly

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1 registration problems, crabbing violations and  
2 others. Also, I pulled complaints that had come in  
3 for that area back to 1994 and 29 complaints going  
4 back 17 years. Of those 29, six actually dealt  
5 with speed and reckless operation. 2001 there was  
6 one speed complaint, 2007 there were two complaints  
7 on a Saturday and Sunday for reckless and negligent  
8 operation. That was dealt with by the officer who  
9 did the survey, and he advised it was the same  
10 person, it was a young kid, 15, 16 years old and he  
11 was being dealt with at that time. Now, 2011,  
12 right after the survey started, right after this  
13 action was initiated, three complaints came in for  
14 reckless and negligent operation, and that was in  
15 June and July, so we had three complaints this  
16 summer. All by the time the officer got to the  
17 location the subject was gone, there was no action  
18 taken against them.

19 As you can see, going back 17 years, 29  
20 complaints in the creek is really next to nothing  
21 compared to what we deal with. The officer writes

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1 in here that he does not support adding the speed  
2 limit, it's unnecessary for the activity of the  
3 creek. With no public boat ramps, there is one  
4 community ramp up on the headwater, that's very  
5 little activity. No public access, shallow water  
6 at the entrance to the creek which severely limits  
7 the boat size. He has been assigned to the area  
8 and provides frequent patrols and has observed very  
9 little or no activity in that area when he goes  
10 through, and he says that most of what he deals  
11 with is crabbing. Not to say there isn't Jet Skis  
12 in there, but it doesn't seem like that creek is  
13 the problem. By the time the officer gets there,  
14 the subject has left the area.

15 Like I said, he's observed one to 10  
16 boats a week that he sees in there and he actually  
17 patrols about three hours a week when he's in that  
18 area. The officer has been on the job for 14 years  
19 and has worked that area for 14 years -- actually  
20 been on for 30 years, worked that area for 14  
21 years, so he's very familiar with the activity on

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1 the river. He's a very conscientious officer and  
2 does a lot of patrolling in that area.

3 Like I said, we don't feel it's  
4 necessary to put a speed zone in there. Looking at  
5 the activity that we have and the actions that  
6 we've had to take, more government regulations for  
7 no reason is not necessarily a good thing. If  
8 there is any other activity in that creek, I'm here  
9 for questions if anybody has them or concerns.

10 MR. MARSH: Thank you. Is there a  
11 spokesman for that that would like to get up and  
12 speak first and then anybody after that speaks  
13 then. If you'll keep the redundance down.

14 MS. BALUSS: Thank you, we're not going  
15 to do that.

16 Can you hear me? My name is Mary  
17 Baluss, B-A-L-U-S-S, and I'm speaking for the  
18 petitioners in this case. I'm a boater, power and  
19 sail, and kayaks and Jet -- not Jet Skis, but skis,  
20 and I tube my kids around that area, but the points  
21 that have been made that are important as you look

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1 at the creek is that it is long and narrow, all the  
2 arms are narrow, and it's very difficult to operate  
3 a boat at speed there without being pretty close to  
4 one bank or the other. From my dock to the dock  
5 across the way it's about probably 200 feet, 250  
6 feet. We swim off those docks, crabbers standing  
7 up in their boats use their trotlines. It's true  
8 that they're idling while they're checking the  
9 lines, but I'll tell you they push it to get back  
10 to the front side of the line.

11 So the other aspect of this creek that's  
12 really important to understand is that the banks  
13 are very steep. I'm about 50 feet above the water  
14 there where Mr. Grant is pointing, it's almost  
15 vertical. If you can see the pictures that we  
16 passed around, we can see that all over the creek  
17 there are incidents where the bank has been  
18 undercut and trees, rocks, sand have slid into the  
19 bay. Now, I understand that boat wake is not the  
20 sole cause of this erosion, but I want to point out  
21 two things. One is that we don't have much bench,

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1 and secondly, after Irene, after Isabel, Ernesto,  
2 we didn't have increased erosion. Our erosion has  
3 been steady and has been increasing fairly  
4 dramatically. We're seeing more rapid boats, and  
5 what the boats do is they come into the creek and  
6 we have a 45-foot boat that's resident on the  
7 creek, it's not strictly speaking accurate to say  
8 that only small boats can come in. They have to  
9 come in slowly, but they don't stay slow, and so  
10 what happens is people go into the creek and they  
11 gun it up to the end and then they see that, some  
12 of them who haven't been there before see that  
13 there is really no extension and they make a fast  
14 U-turn close to the banks and gun themselves back  
15 out.

16 Now, the waterskiers and the tubers who  
17 do like it, John Glenn must have loved it and he  
18 went on to great things, but he hasn't come back to  
19 our creek to waterski. They go around and around  
20 in the wider part and what that does is create a  
21 really bad bathtub effect, and the Jet Skis who

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1     come and jump each other's wake are right up close  
2     to the bank as well. We know that they're supposed  
3     to stay off the banks, but if they stayed off the  
4     banks the regulated amount they wouldn't be in the  
5     creek. If I'm swimming and a boat comes through,  
6     I'm in danger, my children are in danger, and there  
7     are other people who use it, kayakers. When a  
8     cigarette boat or whatever they are, cigar boat  
9     comes in at last Friday night at least 50 miles an  
10    hour, a kayaker is in danger. With dusk, the thing  
11    was going so fast, we couldn't call -- well, we did  
12    call the river police, but we couldn't identify the  
13    boater because we can't see them.

14                 I'm going to pass out to the committee  
15    some pictures that were taken on the creek this  
16    summer and I want to make a point or two about  
17    them. These are pictures of people going too fast  
18    on the creek. And you can't run down to the dock  
19    every time, but we did on some of these and the  
20    gentleman who took them, Mr. Kelsey, is here. One  
21    of the pictures that I particularly want you to

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1 see, there's a picture of a boat going fast, and  
2 then you'll see two pictures that were taken  
3 immediately after that boat passed. Mr. Kelsey  
4 stayed on his dock and these pictures show first  
5 the wave from the boat hitting the bank, you can  
6 see that, and secondly the turbidity that was  
7 stirred up -- you'll have to see the package -- the  
8 turbidity that was stirred up in the water by that  
9 wake.

10 THE CHAIRMAN: Do you have one for the  
11 committee? Hand it to me first, ma'am.

12 MS. BALUSS: I'm sorry.

13 THE CHAIRMAN: Go ahead.

14 MS. BALUSS: In those pictures you'll  
15 also see the Osprey nest that's being used as a  
16 turning pylon.

17 We respect the needs of boaters. We are  
18 boaters, we're crabbers, we have a watermen who  
19 signed this petition, we have a captain, licensed  
20 captain who signed the petition, you know, and we  
21 respect the committee's interest in protecting the



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1 waters for boat users to boat. We believe,  
2 however, that with a huge river right outside of  
3 the creek, the boaters who want to go fast are not  
4 going to be harmed at all. We through our  
5 convenience remain in the river, it's not far, it  
6 doesn't take you very long at six knots to get out,  
7 and we have some other folks here who would like to  
8 speak, but that is the essence of our concern. It  
9 is not solely safety. Erosion in some  
10 circumstances with steep banks with narrow  
11 entrances is caused by boat waves. Thank you.

12 MR. MARSH: Thank you. The next --

13 MR. GRANT: We did get a report from  
14 Maryland Geological Survey from Jeffrey Halka, it  
15 should be in your packet. If you have not received  
16 a copy of it, I'll share that with you all.

17 MR. MARSH: The next speaker we would  
18 like to have is Ms. Morris. State your name,  
19 please.

20 MS. KAUFMANN: Hello, my name is  
21 Jeanette Kaufmann, I live on St. Thomas Creek. I'm

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1 a Jet Skier as well as a crabber and motorboater,  
2 and I can really appreciate that we can boat on our  
3 creek and I certainly don't want to take that away,  
4 but I certainly support the speed limit and I just  
5 want to tell you that, to ask you not to be swayed  
6 by the few numbers of complaints that you heard  
7 called in. It would never ever occur to me to call  
8 DNR when there's a speeder on that creek. It would  
9 take them forever to get there, and even though I  
10 have a wonderful view of the water at all times, I  
11 have never seen the DNR boat on our creek, so I was  
12 really surprised to hear that they've spent a  
13 significant amount of time there, but again, I've  
14 never called. What I do is go down and get in my  
15 creek and start paddling and I go near the  
16 powerboat, kind of forcing them to slow down, and I  
17 think that's the method that many of us use, so  
18 again, I could have called many times but I didn't  
19 and so I hope that won't hurt us in an effort to  
20 get a speed limit.

21 MR. MARSH: Thank you. Ken Morris?

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1 MR. MORRIS: I don't have anything to  
2 add that wouldn't be redundant, other than --

3 THE CHAIRMAN: Stand up, sir.

4 MR. MARSH: So you can identify yourself  
5 to we make sure you get you on the record, sir.

6 THE CHAIRMAN: Your name.

7 MR. MORRIS: Ken Morris. We live on  
8 Whiskey Creek Road and we do not have waterfront,  
9 but we have deeded access to the creek and we do  
10 keep a small boat at a private residence on the  
11 creek, and we do the same thing, I would have not  
12 thought to call in thinking that the response time  
13 would be, you know, inadequate. Number two on that  
14 is that because the cell phone is relatively  
15 limited in that area, you're in a hole with a lot  
16 of trees around, sometimes you can't even get a  
17 signal down there. So if you want to call with a  
18 cell phone it's a little bit difficult. So that's  
19 the only thing I might add other than the  
20 distinction there would be that I am not on the  
21 water but I have water access, and I observed that

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1 from our small boat. Thank you.

2 MR. MARSH: Thank you, sir. David  
3 Kelsey.

4 MR. KELSEY: Yeah, my name is David  
5 Kelsey, I live on the creek and I spend, as many of  
6 the members there, like many of the members I had  
7 a -- I let it lapse about two years ago -- I had a  
8 license for a dockman since 1967 up until just  
9 recently, I've had boats from six feet to 90 feet,  
10 I have lived on a boat and I have sailed and moved,  
11 been around the water for many, many years, not  
12 just in the Chesapeake Bay, but in all kinds of  
13 places. One of the things that I learned a long  
14 time ago was that there are, there is appropriate  
15 things to do with boats in terms of speed and  
16 behavior and there are inappropriate things. And  
17 many years ago it seemed like most people  
18 understood and knew what they were. However, as  
19 things have gone along it seems more and more  
20 people are not abiding by that practicality.

21 In terms of the number of complaints

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1 that you heard or have been mentioned, like  
2 everyone else when Mr. Grant came down and talked  
3 to us about this he said well, you should call in  
4 and make complaints. Well, prior to that nobody  
5 called and made complaints because the response  
6 even if they came it wouldn't make any difference  
7 because the people were gone, so it was just a  
8 matter of causing a lot of inconvenience if you  
9 called and complained. So those numbers are kind  
10 of misleading.

11 Now, some of the other things which are  
12 interesting, in the packet of pictures which was  
13 passed around -- I'm sorry, I guess I didn't know  
14 we were going to be high tech, I would have brought  
15 them and put them up on the screen. What you see  
16 there I believe are three days in which I was able  
17 to get down to the docks and take some pictures,  
18 just three days. I don't stand around on the dock  
19 waiting to take pictures of everybody that comes  
20 in. So the first set of pictures which you see is  
21 a group of Jet Skiers who were in the creek and

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1 they left. In fact, the first time they were there  
2 I didn't take pictures, but I heard them come back,  
3 so I said okay, let me go down and take some  
4 pictures. What you see in those pictures is these  
5 folks tearing around past the docks and actually  
6 doing very, very dangerous things. If you look at  
7 them, they're jumping each other's wakes in a very  
8 small area and it's classically unsafe. It's one  
9 of the things that anybody who does Jet Ski is  
10 going to tell you not to do, get in a small area  
11 and start jumping wakes with docks and things of  
12 that nature.

13           The other thing that you'll see is an  
14 Osprey sitting on top of a piling, which is one of  
15 the pilings I dedicated to the Osprey after it got  
16 hit by one of these boats. The Jet Skiers are  
17 turning around past that thing and the ospreys are  
18 complaining bitterly.

19           Now, the other thing is as you go down  
20 and look through those pictures you're going to see  
21 one boat which I believe is yellowish in color and

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1 you'll see that that's a pretty big boat, cigar,  
2 cigarette, take your choice, but he's going pretty  
3 fast. In fact, I can tell you this, the boat that  
4 proceeded him was going so fast I couldn't get down  
5 on the dock in time to take a picture. If you  
6 think about this boat when it came through the  
7 entrance to the creek, he simply opened the  
8 throttle and went all the way to the very end of  
9 the creek where they were having a party and  
10 fireworks that night and did all kind of things,  
11 but he was probably making 50, 60, maybe even 70  
12 miles an hour by the time he got to the end of the  
13 creek. The yellow boat that you see was following  
14 him and interestingly enough when they looked over  
15 and saw me on the dock taking pictures you can  
16 guess what happened, slowed right down.

17 In terms of erosion and how all of this  
18 affects the creek, as it's been mentioned the size  
19 of the creek is very small and consequently except  
20 for an area near the mouth of the creek, wind and  
21 wake erosion due to wind has little effect. I was

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1 down on the dock in Ernesto and the water was over  
2 the dock and I can tell you that the waves on my  
3 dock were smaller than the wakes from the boats.  
4 So subsequently there is erosion due to the boats.  
5 And what you find is that you expect some erosion  
6 no matter what and we do everything that we can to  
7 avoid it, and so subsequently if we keep the speed  
8 of the boats down in the creek we can reduce the  
9 erosion. We're not going to eliminate it. That's  
10 plain and simple.

11 The one thing I want to emphasize to  
12 everybody -- and by the way, I know almost every  
13 single creek on the Patuxent River, I worked with  
14 the Patuxent Sojourner for ten years and I've been  
15 up just about every single creek on the river and I  
16 can say that I would welcome, and everybody on the  
17 river welcomes people into their creek, we have no  
18 objections to people coming into the creek, but it  
19 would be silly even if we tried, because it doesn't  
20 wash. So we're very happy to have people come in.  
21 We just want everybody to be and act in an



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1 appropriate fashion and in this case --

2 THE CHAIRMAN: Thank you very much, sir.  
3 We appreciate what you're saying, we hear what you  
4 say. We do however want to give everyone here an  
5 opportunity to speak. So we're going to request  
6 that you try and limit yourself to not more than  
7 five minutes on the issues and everyone here would  
8 be happy so that we can get through everybody. You  
9 have two more things that you want to say?

10 MR. KELSEY: No, I'm going to stop, I  
11 know when to stop.

12 THE CHAIRMAN: Okay. Thank you, sir.  
13 You made your point. Any questions from anyone  
14 here? Go ahead.

15 MR. MARSH: And then we'll get some  
16 questions after we have -- do you want to, Marta,  
17 would you --

18 MS. KELSEY: My name's Marta Kelsey, I  
19 live on the creek. I wanted to point out that in  
20 that packet of pictures there is also boat activity  
21 on St. Thomas Creek and this is just, we sort of

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1 kept a log, obviously this is not all of the boats  
2 that were going too fast, but I will say one thing,  
3 I made a number of calls to DNR complaining about  
4 boats that were going too fast and I was told  
5 repeatedly if there is no speed limit on the creek  
6 we can't do anything and that's what I got from  
7 them. And I asked them to report it anyway, I  
8 don't know whether they did or not. Thank you.

9 MR. MARSH: Thank you very much. I have  
10 one more, Sigrid Morris, anything else?

11 MS. MORRIS: I just -- I agree with  
12 everything that everybody said.

13 MR. MARSH: Fine. Committee members,  
14 any questions for anyone? Mike.

15 MR. GRANT: I just want to say, it was  
16 brought up on the other creeks on the river, in  
17 COMAR Patuxent River south shore, Cuckold, Lewis,  
18 Mill, Town and Sandy Cove all have 6.9, or six  
19 knots during the boating season, at least, all the  
20 other creeks on the south shore --

21 MR. MARSH: All six knots --

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1 MR. GRANT: Six knots.

2 MR. MARSH: -- weekends and holidays.

3 Questions?

4 MR. BLACKISTONE: I have a question of  
5 the residents, you said it was about 200 feet wide.

6 MR. KELSEY: I think in the original  
7 packet we sent in a picture from Google Earth and  
8 it measured across, I don't know what it said, 300  
9 yards across.

10 MR. BLACKISTONE: 300 yards or feet?

11 MR. KELSEY: About a football field  
12 across -- wait a minute, no, no, no. 300 feet, a  
13 football field across.

14 MR. BLACKISTONE: What about the length?

15 MR. KELSEY: About a mile long, it's  
16 almost exactly a mile from one end to the other.

17 MS. BALUSS: If I can clarify, I was  
18 talking -- I live at the narrow point, I was  
19 talking dock to dock, so that people who are coming  
20 through and who have an obligation to limit their  
21 speed when they're off docks, they really need to,

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1 they just don't.

2 MR. MARSH: Are there any other  
3 questions from the committee?

4 MR. KLING: Yeah, tell me why I  
5 shouldn't regard this petition as people who live  
6 on the creek wanting to exclude others from the  
7 creek except the way you want them in there.

8 MS. KAUFMANN: I think -- I'll --

9 MR. KLING: That's the impression I'm  
10 forming.

11 MR. MARSH: Mic, please. Thank you.

12 MS. KAUFMANN: I think one thing that I  
13 might tell you is we have a community boat ramp and  
14 we took the cable and lock system from that about  
15 five years ago and it's no longer for our  
16 community, we've invited all the people that live  
17 on Vista Road, Solomons Road, that's an open use  
18 now and many of the people that use that ramp do  
19 not live in that area or don't live right in the  
20 area that was included in the original ramp.

21 MR. KLING: But I'm forming the

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1 impression that you want people to come in only on  
2 your terms. Excuse me, you're talking about  
3 speeders when nobody -- the implication being that  
4 someone is behaving improperly when in fact, as DNR  
5 pointed out, they're doing what they are entitled  
6 to do. We have pictures of people tubing and Jet  
7 Skiing that to me are appropriate family boating  
8 activities, so why should I not have the sense, I'm  
9 not speaking for anybody else in the committee,  
10 that you want to -- you don't mind people coming  
11 in, but you only want them coming in the way that  
12 you want them to.

13 MS. KAUFMANN: I can only speak for  
14 myself. I suppose it is true --

15 THE CHAIRMAN: Speak right into the mic  
16 so that everyone can hear you.

17 MS. KAUFMANN: I'm only speaking for  
18 myself right now, I can say that I don't want  
19 people being disrespectful of the water and  
20 speeding right up against the shoreline because the  
21 undercutting is very significant and the slump from

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1     that undercutting is very significant. So it is  
2     true that I would hope that the people who use it  
3     would not go high speeds right along the edge or  
4     cause huge wakes and a lot more erosion.

5             THE CHAIRMAN: Thank you.

6             MR. MARSH: Thank you.

7             THE CHAIRMAN: One more question.

8             MR. BLACKISTONE: The trotliners, are  
9     they commercial or residential, just --

10            THE OFFICER: I can answer that, sir, if  
11     you want.

12            A PARTICIPANT: I can.

13            THE CHAIRMAN: Just a second, sir, just  
14     a moment, please. You'd like to make a comment,  
15     officer?

16            THE OFFICER: Yeah. You're addressing  
17     the commercial or recreational, more times than not  
18     it's a commercial crabber that's in there, a local  
19     that sets a line up the middle, but you do get  
20     recreational in there as well. It's multi-use.

21            A PARTICIPANT: I'm going to dispute

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1 that because one person who unfortunately couldn't  
2 come today is a waterman, he crabs in that creek  
3 and most of the crabbers in there are recreational.  
4 He crabs in the creek, but most of them are  
5 recreational and they're not there for --

6 MR. MARSH: Thank you, sir. Any  
7 questions?

8 MS. CRAIG: Why would you propose a 35  
9 mile an hour speed limit first if your concern is  
10 the speeders and not the recreations -- or not? It  
11 seems to me that you want to eliminate any  
12 recreation that's over six knots.

13 MS. BALUSS: Our sense is that 35 is too  
14 much for the narrow parts of the creek and we can't  
15 really envision how you can vary the speed limit as  
16 you look at that, those little arms. The only  
17 really wide part is right after you get in, after  
18 that it's very narrow. I think there are  
19 recreational uses and lots of them that can be made  
20 at a lower speed, but we don't think that the 25,  
21 35 really works, would work for us.

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1 MR. MARSH: Thank you. Any other  
2 questions?

3 MR. BLACKISTONE: What about --

4 THE CHAIRMAN: Speak up so everyone can  
5 hear you.

6 MR. BLACKISTONE: What about weekend and  
7 holidays instead of all times? I mean I'm really  
8 confused here with --

9 MR. PARLIN: Mike, you said it was?

10 MR. GRANT: The original request was at  
11 all times, and when we met they decided it would be  
12 acceptable to do Saturday, Sunday and holidays  
13 during the boating season.

14 A PARTICIPANT: I have to answer that  
15 and say we discussed it, I didn't think that the  
16 group actually made a decision on that. Just --

17 THE CHAIRMAN: Go ahead.

18 A PARTICIPANT: May I continue? One of  
19 the things that I want to do is make sure that  
20 everybody understands we welcome people into our  
21 creek, that's not an issue here, and in terms of



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1 what you indicated, I think that would be, that  
2 would be an acceptable compromise. My own  
3 experience is this: They may shoot me for saying  
4 this and I'm going to say it, that is when people  
5 see a speed limit they don't read whether it's  
6 Monday, Tuesday, Wednesday, Thursday or Friday or  
7 Saturday or Sunday, and they probably slow down, so  
8 it would probably work just as well during the week  
9 as during the weekend.

10 MR. MARSH: Thank you. Anybody here to  
11 speak in opposition to that? I'm wanting to make  
12 sure that everybody has a chance. Any other  
13 committee member questions? If not, thank you very  
14 much for coming. And just, just a note, you're  
15 welcome to stay through the rest of this, you're  
16 welcome to stay after lunch, when we have lunch,  
17 then you're welcome to stay, but you can't ask any  
18 questions at that point, the hearing is already  
19 done, so you're welcome to stay or go.

20 Next one we've got is Rock Creek. Mike,  
21 you're on.

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1 MR. GRANT: Currently --

2 MR. MARSH: Thank you for coming.

3 THE CHAIRMAN: One second, Mike.

4 (Pause in the proceedings.)

5 MR. GRANT: Currently the area of Rock  
6 Creek, upper Rock Creek area and Wall Cove is six  
7 knots at all time during boating season. This area  
8 right here, lower Rock Creek starting around the  
9 point of Maryland Yacht Club, is six knots Saturday  
10 and Sunday during the boating season. They're  
11 requesting six knots at all times in this area  
12 right here. The Maryland Yacht Club is right here,  
13 they're concerned with people fueling up and wake  
14 issues, people within the marina having issues,  
15 wakes, you know, on their vessels. That is their  
16 request.

17 Rock Creek had the petition, 37 people  
18 in favor of this, and I believe a great deal of  
19 them are from the yacht club. On the web we  
20 received four people in support of it, one against.  
21 Zero calls for, one against. E-mails one for, zero

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1 against. Concerning some of the e-mails I  
2 received, against are safe environment for all  
3 families to recreate, requiring residents to pay  
4 taxes to enjoy the creeks benefits and would extend  
5 the time of the people coming in the creek to reach  
6 the restaurants up the creek. And there's a new, I  
7 believe it's -- what is it -- Mike's Crab House  
8 right here, right here, so that could be an issue  
9 for some people. For, there are too many boats in  
10 the evening, they're too fast and too close in this  
11 area, it disrupts vessels in the marina to enjoy  
12 the water and there's a great deal of problems  
13 fueling up here. That's what I have.

14 MR. MARSH: Thank you. Is the officer  
15 here that patrols that area? Would you please  
16 speak to that?

17 OFFICER WILSON: Officer Wilson --

18 MR. MARSH: Speak close to the mic,  
19 please.

20 OFFICER WILSON: Officer Wilson, Natural  
21 Resources Police. It's our position to support

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1     this proposal. Throughout the summer we had five  
2     complaints that were called in just for speeding,  
3     but the issue that we really run into is when  
4     you're out on patrol with the number of boats that  
5     you speak to out there they complain about not only  
6     speeding but mostly the wakes that are created by  
7     larger vessels. There's three different marinas  
8     that are in the area, a fuel dock, it's a pretty  
9     large area, but it's, at the same time it's  
10    circular also, so the wakes just kind of bounce  
11    back and forth. I would propose it just be during  
12    the boating season. I believe the proposal was at  
13    all times throughout the year, but everything else  
14    is boating season in there. That would essentially  
15    make the entire creek six knots at all times, so  
16    it's our position up there to support this.

17                   MR. MARSH: Just one minute. Any  
18    questions for the officer while we've got you up  
19    here?

20                   THE CHAIRMAN: Yes, questions.

21                   MR. SIMON: I don't have a question for

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1 him, but it seems to me that we had this before,  
2 the six knots.

3 OFFICER WILSON: It was a couple of  
4 years ago I believe.

5 MR. SIMON: We're going back a few  
6 years, I thought this came before the committee and  
7 we voted on it.

8 MS. TROVATO: I think every three years.

9 MR. MARSH: We'll give you a chance to  
10 answer that, thank you. Thank you very much. How  
11 about the spokesman for that? Bill Fishbein.  
12 Thank you.

13 MR. FISHBEIN: Good morning. First, I  
14 want to thank the committee for having us. I will  
15 answer his question. There was a hearing as he  
16 mentioned, I think about three years ago, but no  
17 one in Maryland Yacht Club, whether was error of  
18 the current manager or just not enough public  
19 knowledge, not pointing fingers, we were never  
20 notified or aware of the complaint or we would have  
21 taken action at that point. He is correct three

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1 years ago when I originally called in I was told  
2 that you only hear things every three years and we  
3 had to wait.

4 THE CHAIRMAN: I'd like for you to  
5 identify yourself.

6 MR. FISHBEIN: Yeah, I'm sorry. My name  
7 is Bill Fishbein. I am the second year commodore  
8 at Maryland Yacht Club, for at least only three  
9 more weeks, been a while there. I'm also going to  
10 tell the committee that I will have some basic  
11 statements. I have a number of other members of  
12 the club that are with me, they are much more  
13 nautical than I. When we talk about distance and  
14 speeds and various other things, I'll defer to  
15 them. Again, I am the commodore, I have three  
16 children, I've been at the Maryland Yacht Club for  
17 eight years and I've been boating the local creeks  
18 for about 15.

19 As the officer said, we do have three to  
20 four marinas in a very congested, narrow area there  
21 in that small creek. The biggest concern is safety

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1 with our fuel dock. We're the only public fuel  
2 dock, there's one way back at the Pasadena  
3 boatyard, but we are the main fuel in the creek.  
4 We try to keep our community relations real well by  
5 offering a fuel membership to the local people to  
6 try to get the local people to save a little fuel  
7 money. We get a lot of rocking at that fuel dock,  
8 we get a lot of safety complaints from our staff  
9 calling us and telling us about issues, and  
10 unfortunately DNR is a limited group of people and  
11 can't be there 24/7 as we would hope.

12 We also within our club have a number of  
13 people with children, we have one person with a  
14 handicapped child that has trouble getting on and  
15 off their boat with wakes coming through. We've  
16 had damage to boats, members and staff. As I said  
17 prior to the hearing, there it used to be six knots  
18 all the time. Even if you go all the way to the  
19 back of the creek, I have a good friend that I ride  
20 on his boat, it's only 15 minutes after I go  
21 through there to go to the very back. We're also

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1 concerned about the new crab house that's opening.  
2 Crab houses are great places, great business, hope  
3 we'll get more fuel, but they're usually go fast  
4 boats and a lot more traffic.

5           There's also a new commercial boat in  
6 there from the Old Anchor Inn that is a charter,  
7 like a mini Bay Lady, that was not there three  
8 years ago that goes in and out of the creek.

9           Basically our petition I have here was  
10 45 people. He said 37, which is close enough.  
11 I'll leave the rest of the nautical stuff, but the  
12 closing statement to the committee would be what is  
13 the difference of a wake Monday through Friday or  
14 during off season? A wake on a weekend or a week  
15 at any time is going to do the same amount of  
16 damage and cause the same amount of nuisance, and  
17 with that I'll defer to some of the other people  
18 that can give more nautical information. Thank  
19 you.

20           MR. MARSH: Thank you. Alan, is it  
21 Alan?



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1 MR. SIRB: Mind if I speak out of order?

2 MR. MARSH: Pardon me?

3 MR. SIRB: Do you mind if I speak out of  
4 order?

5 MR. MARSH: Go ahead and make sure you  
6 state your name.

7 MR. SIRB: Certainly. Andy Sirb,  
8 retired Coast Guard, also a hundred ton master, I  
9 live at Maryland Yacht Club and am the basin  
10 director there. A little bit of background, most  
11 of it coming from a safety standpoint, not only  
12 people coming on and off boats as Bill has said  
13 before, but also fueling as well, as an  
14 environmental standpoint. When you have boats  
15 rocking around in a fuel dock, you're much more  
16 likely to have a fuel spill. We have containment  
17 systems set up there and we do occasionally have to  
18 contain spills sometimes from rocking around,  
19 sometimes just from boaters not knowing what  
20 they're doing. But being able to slow them down  
21 would restrict the wake.

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1           The way, excuse me, the way it hooks in  
2     there tends to track the wakes and that, you know,  
3     as you said before it's sort of a round basin  
4     there, so the wakes wash around quite a bit. From  
5     the beginning up to the end there is four-tenths of  
6     a nautical mile there additional, which would be  
7     the additional speed area, so it really won't  
8     increase your transit to and from the crab house or  
9     in and out of the creek by three to four minutes.

10           THE CHAIRMAN: Is that all?

11           MR. SIRB: That's all I have, thank you.

12           MR. MARSH: Thank you. Alan, you're  
13     next. Thank you.

14           MR. KARPAS: Thank you for having us.  
15     I'm Alan Karpas, I hold a master's license with  
16     sail and tow endorsements. I'm a vessel safety  
17     examiner and also a DNR boating safety instructor.  
18     The point I want to make is there's two areas here,  
19     right in here and right in here, which are very,  
20     very popular anchorage areas. Rock Creek is an  
21     exceptional hurricane hole, it's well-protected

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1 from the north and from the northeast, so during  
2 any storms a lot of people come in, or even during  
3 the normal boating season they come in to drop  
4 their anchor there, and as you can see the wide  
5 area during the week is just, the wakes coming in  
6 from the high speed boats just rock those boats at  
7 anchor and it becomes a very dangerous area. The  
8 same for this area back here, the wakes come in,  
9 and that's the point I wanted to make. Thank you  
10 very much.

11 MR. MARSH: Thank you, Alan. Paul?

12 MR. MERMELSTEIN: My name is Paul  
13 Mermelstein, I'm a member of the Maryland Yacht  
14 Club, I'm a DNR certified instructor for the  
15 Maryland state boating course and Coast Guard  
16 certified safety instructor.

17 MR. MARSH: Speak up louder if you  
18 could.

19 MR. MERMELSTEIN: The only point I want  
20 to make is coming in from the Patapsco River and  
21 going out, this is a very busy area and so if you

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1     come in and want to make a turn from any one of  
2     these marinas, you have people coming out at 25, 30  
3     knots, it's very difficult unless you want to put  
4     stop signs up there and speed lights. It's a very  
5     difficult area at times and I would think it's not  
6     just weekends and holidays.

7                   MR. MARSH: Thank you, Paul. David.

8                   MR. DERBY: Good morning. I'm David  
9     Derby, I'm a member of the Maryland Yacht Club, and  
10    I don't need a pointer, but my vessel was for nine  
11    years at the fuel dock at the end and I can tell  
12    you countless stories of how I rocked and rolled  
13    when people come through not paying attention to  
14    wake zones. The issue is twofold, not only the  
15    safety of the boats, but as you're going faster up  
16    the creek you've gotta have some erosion issues and  
17    the people that live on that creek have spent a lot  
18    of money to make their houses comfortable for them  
19    and they have boats sometimes on the pier,  
20    sometimes on the lift, and if you get a boat like  
21    mine that's 50 feet long that throws out a wake

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1 that you can surfboard on, you don't want that  
2 happening in there very often. It's very dangerous  
3 and very foolish. If we all had common sense we  
4 wouldn't be standing here and talking. That should  
5 be a six-knot zone all the time.

6 MR. MARSH: Thank you, sir. Kenneth.

7 MR. TACKA: I'm Kenneth Tacka, I live on  
8 Rock Creek and I'm against it, primarily for the  
9 regulation aspect of it. I watch over here, I  
10 rarely see a safety issue at all. If I see a  
11 safety issue it's usually unmarked Boogies that are  
12 coming in there at nighttime and also the pier that  
13 juts out from the Maryland Yacht Club, but I rarely  
14 see boats over there actually getting fuel during  
15 the week. It is very busy on weekends, which is  
16 already six knots anyway, so I'm against it.

17 THE CHAIRMAN: Could you tell us where  
18 you live?

19 MR. TACKA: I live two doors down from  
20 the Anchor Inn. I don't know if it's on there.

21 THE CHAIRMAN: Pointer.

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1           MR. TACKA: Does anybody have a pointer  
2 for where the Anchor Inn is?

3           A PARTICIPANT: Right there.

4           MR. TACKA: Right on the other side of  
5 the Anchor Inn, right down there.

6           THE CHAIRMAN: You're down there.

7           MR. TACKA: Yeah.

8           THE CHAIRMAN: The only reason I asked  
9 you that is because it would be a little  
10 impractical for you to say that you've ever seen  
11 any wake up there where the boats are at the Yacht  
12 Club as they come in.

13          MR. TACKA: Right, I get fuel there as  
14 well.

15          THE CHAIRMAN: And you never had an  
16 issue?

17          MR. TACKA: Never had a problem, no, and  
18 I don't know, how many, how many --

19          THE CHAIRMAN: You can't --

20          MR. TACKA: I can't ask them a question,  
21 I was just curious as to how much fueling goes on

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1     there.

2                   THE CHAIRMAN:   You'll have to do that on  
3     your own.

4                   MR. TACKA:    Thank you.

5                   MR. MARSH:   Officer Wilson, you were up  
6     before, so I got you on list again if you'd like to  
7     make another comment.  I have another officer on  
8     here too.  Is there another one that would like to  
9     speak to that?

10                  OFFICER WILSON:  No comment.

11                  MR. MARSH:    Fine.  Jim Gorman.

12                  MR. GORMAN:  Thank you for having us  
13     here this morning.  I'm Jim Gorman and I'm the  
14     commodore of the Maryland Yacht Club.  I have my  
15     50-ton license, master's and I'm also with the  
16     Power Squadron, past commander, current District 5  
17     lieutenant.  I just say this because my boating, I  
18     had reasonable safety in the back of my mind all  
19     the time and I hope, I hope we don't wait until a  
20     tragedy happens before we do something.  It, it is  
21     dangerous having the larger boats come in, we have

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1 a nice wide opening, we have many large boats in  
2 our basin and they tend to come in there fast for  
3 the posted speed. It only takes four minutes to  
4 get from one end of the cove to the other, the main  
5 cove, at six knots, so as far as a time thing that  
6 it takes too long to get from one point to another,  
7 four minutes isn't that long when we're talking  
8 about possible safety of people, and we do have  
9 many live-aboards now at Maryland Yacht Club so  
10 it's not just a weekend activity that they're  
11 there. They're there full time. So one other  
12 thing, I think the new restaurant opens, we're  
13 looking forward to that, I think we'll get more and  
14 bigger boats coming in there to use that  
15 restaurant, so I hope you consider this and go with  
16 the six-mile limit.

17 By the way, as far as recreation, when I  
18 was younger I loved to waterski and all that, I  
19 just haven't seen that used for recreation. The  
20 water is suspect, the quality of the water, we're  
21 working on that. We promoted the oyster, we were a



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1 distribution point for the oyster spats, so we're  
2 trying to work on cleaning that up, but right now  
3 the water is suspect. There's a huge cove, it is  
4 more open but a huge cove right outside of the  
5 entrance that I have seen waterskiers on that and  
6 many, many Jet Skiers. Thank you.

7 MR. MARSH: Thank you. Raymond Hill.  
8 Signed up is Raymond --

9 A PARTICIPANT: He's going to speak  
10 first.

11 MR. MARSH: How about Martin?

12 A PARTICIPANT: That's me. Bill, I'm  
13 going to give you all the business you want. You  
14 change it to two dollars a gallon and I'm going to  
15 come and buy gas all day long and agree with you on  
16 this limit. Now, could you help me point? Okay.  
17 I live right to the left -- thanks. I live --

18 MR. MARSH: Speak into the mic if you  
19 would.

20 A PARTICIPANT: Yes, I live right here  
21 to the left of this marina. And I've been there

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1 since 2006 and I'm not sure why everybody keeps  
2 saying there's a lot of traffic in this creek.  
3 There's a lot of traffic in this creek during the  
4 week -- weekend, but there's not a lot of traffic  
5 in the week on here. And I estimate based on 15  
6 boats being at this marina, there's probably  
7 between a thousand and 1500 boats on that creek.  
8 That's a lot of boats. A lot of the boats that are  
9 in that I see there are sailboats. There's  
10 motorboats, but most activity I see on the week is  
11 Wednesday when the sailboats go out to the regatta.  
12 I'm there 24/7 watching, I'm on my pier all the  
13 time, I'm outside all the time, I just don't see a  
14 lot of boat traffic during the week. The -- I have  
15 a 28-foot boat, a 19-foot boat and a sailboat. I  
16 have never once powered up my 28-foot boat in that  
17 creek, never once in four years that I've owned it,  
18 because just with, just in respect for putting up  
19 wake, it's not, I don't think it's right to power  
20 up a 28-foot boat in there. However, I don't want  
21 to go all the way out to the Patapsco River, and I

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1 say all the way, it's only five or so minutes to  
2 get out there, I don't want to have to go outside  
3 of Rock Creek with my Jet Ski to be able to take my  
4 grandkids on a Jet Ski ride.

5 So, you know, I'm opposed to this, of  
6 changing it. I think there's regulations in place  
7 now that control it. If the Maryland Yacht Club  
8 wants to ask for more area to protect theirs,  
9 that's fine. But I think it's, I think it's set up  
10 correctly now based on the amount of boat traffic I  
11 see in that creek during the week. That's all I  
12 have to say.

13 MR. MARSH: Thank you, appreciate that.  
14 Is there anyone else that would like to speak on or  
15 against the petition, if you would? I just called  
16 for Raymond.

17 MR. HILL: I'm Raymond Hill, I've been  
18 there longest, probably 25 years, I have never had  
19 any damage done to any of my waterfront in any way  
20 from any boat. I don't know where they are coming  
21 from for opposition but there is no damage, there's

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1 no boaters hardly. You know, they're docked and we  
2 have sailboats, there is three yards that have  
3 sailboats in them, very minimal.

4 THE CHAIRMAN: Would you like to show us  
5 where you live, please?

6 MR. HILL: Sure.

7 A PARTICIPANT: He lives to the left of  
8 me.

9 MR. HILL: I'm, yeah, right there beside  
10 Martin, and it's very, very minimal recreation,  
11 which we pay large taxes for recreation out on our  
12 waterfront, not to sit on our boat at the pier. We  
13 use the waterfront, that's what we bought it for.  
14 But if you close it down what do we got? A parking  
15 lot.

16 THE CHAIRMAN: Just a second, sir.  
17 Excuse me. Board, board, we can hear your voices,  
18 we can hear you talking. So we want to stay  
19 focused here. Thank you. Go ahead now, sir.

20 MR. HILL: Okay. Like I said, they want  
21 to put a bigger buffer zone over by the Maryland

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1 Yacht Club, that's fine, I understand that. I  
2 don't see shutting down the creek.

3 MR. MARSH: Would you give us your name,  
4 please, sir? I'm not sure I got that.

5 MR. HILL: My name's Ray Hill.

6 MR. MARSH: I'm sorry, you didn't get up  
7 when I called your name, I apologize for that. We  
8 got you recorded.

9 MR. HILL: That's all I have to say.

10 MR. MARSH: Thank you, sir.

11 MR. HILL: I don't think the traffic in  
12 the creek warrants a six mile an hour.

13 MR. MARSH: Thank you, sir, appreciate  
14 that. Any questions from any of the committee  
15 members? Hold on just one minute, I think there's  
16 some questions. Ramona.

17 MS. TROVATO: My question is have there  
18 been any insurance claims for damage to boats as a  
19 result of wake action?

20 MR. MARSH: Anybody like to answer that?

21 A PARTICIPANT: Not that I'm aware of.

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1 MS. TROVATO: Thank you.

2 MR. MARSH: Any other questions?

3 MS. CRAIG: Can you point out where the  
4 gas stop is located?

5 A PARTICIPANT: He's got it right there.

6 MS. CRAIG: What's the approximate  
7 length of your piers?

8 A PARTICIPANT: Piers are approximately  
9 150 yards, a hundred yards.

10 THE CHAIRMAN: You mean over 300 feet  
11 long?

12 A PARTICIPANT: That's correct.

13 MR. MARSH: Any other --

14 MR. LEVITAN: I would like to concur  
15 with the people at Maryland Yacht Club. I'm  
16 through there a number of times and a couple of  
17 those times I have really had a problem with wake  
18 coming in. Fortunately, once or twice I wasn't at  
19 the, I wasn't fueling but I was waiting to come in  
20 and fuel and to be honest with you, I also have  
21 kept my boat at White Rocks Marina right directly

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1 across the way. I'm a little surprised that there  
2 aren't any people from White Rocks Marina  
3 protesting the speed limits.

4 MR. MARSH: Thank you, Fred. Yes, sir,  
5 you had another comment, thank you.

6 MR. KARPAS: I just wanted to, Alan  
7 Karpas, I just wanted to point out to those that  
8 are not familiar with the area, in the upper  
9 right-hand corner off the creek is Fort Smallwood  
10 county park and they have a boat launch and  
11 personal watercraft that come out of there quite a  
12 bit. The creek up at that point becomes quite wide  
13 and then goes out to the Patapsco River so there's  
14 quite a bit of high speed traffic up in that area,  
15 which is fine, it's where it should be, a lot of  
16 room, a lot of fun, play, plenty of places for  
17 people to go. All we're asking for is for that  
18 small area which has been pointed out, it's only  
19 four minutes to get from one area to the other and  
20 then it becomes wide open and they can have all the  
21 fun they want to on their water, personal

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1 watercraft.

2 MR. MARSH: Thank you, sir. Bill, one  
3 more and then we'll be done.

4 MR. FISHBEIN: Yeah, I just wanted to  
5 make one follow-up statement. I know one of the  
6 two gentlemen, I would have to say those two  
7 gentlemen, most of the boaters weren't as courteous  
8 that would go through the creek as they are, and  
9 the other thing I want to make very clear to the  
10 committee, originally when we did the investigation  
11 we were going to ask for all of Rock Creek, which  
12 is what they asked, if we want to go back to, and  
13 we decided to try to work with the community, we  
14 were only concerned about Wall Cove, withdrew  
15 asking for the entire creek, so I just want that on  
16 the record.

17 MR. MARSH: Thank you. Anyone else that  
18 would like to speak before we move on? Any  
19 questions from the committee? Thank you, you're  
20 welcome to stay as I said before. Anybody here  
21 after your testimony, you're welcome to stay. We



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1 will break for lunch after we've finished and then  
2 at that point in time the committee will go into  
3 the discussions and deliberations and at that point  
4 there will be no speaking from the floor for the  
5 petitioners, so you're welcome to stay and thank  
6 you very much.

7 THE CHAIRMAN: I want to add one thing  
8 to that, is that whenever we go into executive  
9 session the board will be talking among themselves,  
10 you will be able to observe that and we normally  
11 vote right after that and you can hear and  
12 understand, you may be aware of the vote. The  
13 process is that after we vote on an issue, either  
14 pro or con, it's forwarded to the Secretary and the  
15 Secretary has a final vote as to whether or not it  
16 becomes a regulation. Just so you know that, okay.

17 MR. MARSH: Thank you.

18 A PARTICIPANT: I have a question with  
19 respect to the process. Once you make your  
20 decision, and say, you know, whoever is here does  
21 not agree with that, is there an appeal process?

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1           MR. MARSH: Not at this point. Mike, do  
2 you mind speaking to that? Not at this point.

3           MR. GRANT: If we have a petition  
4 submitted by no less than 50 citizens, then it will  
5 go back to a public hearing.

6           A PARTICIPANT: Okay, good, thank you.

7           MR. GRANT: Not a meeting, but a public  
8 hearing, and the format is a little different.

9           A PARTICIPANT: Thank you.

10          MR. MARSH: We only as a committee take  
11 the information that you're providing us, we  
12 provide our comments, our suggestions only to the  
13 Secretary and then from that point, you know, if it  
14 is contentious and needs to be appealed, that can  
15 happen. So we don't -- we're not the final people  
16 in there, but we do hear as a group of people only.  
17 Thank you very much. From that, Mike, Oyster  
18 Creek.

19          MR. GRANT: This is Oyster Creek, just  
20 south of Hillsmere and south of Annapolis. It  
21 currently has a small entrance channel right here,

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1 bulkhead on both sides that goes out into the bay.  
2 That channel is currently six knots at all time,  
3 there is no speed limit within the creek. The  
4 petitioners are requesting six knots at all times  
5 within the creek here so 14 people submitted  
6 requests for this by petition. On the website, we  
7 received six for, 10 against, and I received four  
8 calls for and six against, and e-mails of six for  
9 and seven against. In the comments that I received  
10 against the petition, they restrict children from  
11 water sports in a safe environment and the ability  
12 of parents to observe their activities, there is no  
13 need, boaters are respectful, it's not a heavily  
14 traveled creek, there is no evidence of need, a  
15 safe place for tubing, skiing, et cetera, and  
16 people with issues should call and report dangerous  
17 activity to the Department of Natural Resources  
18 Police. The people for this request, it disrupts  
19 vegetation and the environment, waterskiers are  
20 noisy and the waves disrupt the marina, it's a  
21 dangerous area for nonskiers, it's a personal

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1 watercraft race strip, it would prevent water  
2 erosion and accidents.

3 MR. MARSH: Thank you, Mike. Is the  
4 officer that patrols that area, would you come up  
5 for a moment?

6 CPL. TUSTIN: Hello, I'm Corporal  
7 Tustin, I'm actually filling in for Corporal Maple  
8 (phonetic) who --

9 MR. MARSH: Speak a little closer.

10 CPL. TUSTIN: Corporal Tustin, I'm  
11 actually filling in for Corporal Maple that could  
12 not be here for the speed limit proposal. We are  
13 recommending that the area be six knots at all  
14 times. There was a public concern about safety and  
15 erosion in the area, and looking at it over two  
16 boating seasons, we've only had two complaints.  
17 One was for a sunken vessel. There's been no  
18 complaints about PFCs or boating complaints in that  
19 area or accidents. So that's about it.

20 MR. MARSH: Thank you very much.

21 THE CHAIRMAN: Wait just a minute,

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1 ma'am. I understand you to say that you are in  
2 favor of the six knots at all times?

3 CPL. TUSTIN: Yes.

4 THE CHAIRMAN: Even though there have  
5 been very few complaints; is that correct?

6 CPL. TUSTIN: Yes.

7 THE CHAIRMAN: I just wanted to make  
8 sure that everyone -- question over here.

9 MR. BLACKISTONE: Well, actually the  
10 report says, the recommendation is the area could  
11 be made.

12 CPL. TUSTIN: Yes.

13 MR. BLACKISTONE: Doesn't say should,  
14 could be.

15 CPL. TUSTIN: Could be either way.

16 THE CHAIRMAN: Should be or could be.  
17 Thank you.

18 MR. MARSH: Thank you.

19 MR. DWYER: I just have one more  
20 question for the officer. You said no accidents or  
21 no citations, why would you recommend that there be

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1 a six-knot limit if there's no problems?

2 CPL. TUSTIN: Public concerns in the  
3 area.

4 MR. MARSH: Any other questions for the  
5 officer? Okay. Thank you. Merle.

6 MS. BOWSER: My name is Merle Bowser,  
7 I'm a resident of Venice Beach, which is on the top  
8 part of that map. I live about approximately the  
9 middle of the creek. I am speaking in favor of a  
10 six-mile limit. The side of the creek is lined  
11 with piers, many with boats, rowboats, cabin  
12 cruisers to sailboats on both sides, it is  
13 insufficient to support powerboating whose wakes  
14 erode the shoreline and rock the beaches where  
15 boats dock there. In some lots the wakes wash over  
16 the shallow stone and bulkhead breakwaters and onto  
17 the side of the lawns on the sides of the creek.

18 The marshy areas at the end of the  
19 creek, that would be on the left-hand side, are  
20 home to turtles and other wildlife. This of course  
21 is disturbed by boats moving at high speed. There

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1 are a lot of crabs in Oyster Creek, which makes it  
2 a very nice place for crabbing either from the  
3 piers or the boats. The entrance to the creek is a  
4 channel approximately 20 feet wide, around 50 feet  
5 long and it is insufficient for two cruisers to  
6 pass at the same time.

7           The fourth point is that the creek has  
8 become an attractive destination, I mean really  
9 attractive destination, for Jet Skiers and  
10 waterskiers in the Chesapeake Bay who do not live  
11 around the creek. We happen to be one of the few  
12 calm areas without a speed limit, and the creek is  
13 very calm. Sometimes we have more than one Jet  
14 Skier using the creek at the same time and many Jet  
15 Skiers who are, people who are skiing there run  
16 closer than a hundred feet from the docks and the  
17 piers. It's very hard not to.

18           The creek is fairly shallow,  
19 approximately three to four feet at the end of the  
20 piers and about six to seven feet in the middle.  
21 The fast boat traffic stirs up sediment on both

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1 sides of the creek, muddying the waters, disturbing  
2 the crabs and fish and oysters within it, which I  
3 might add are plentiful if they're not disturbed.  
4 Some visiting boats leak gasoline from their boats  
5 into the creek and the gasoline floats to shore and  
6 affects the quality of the water and the shoreline.  
7 Wave action from the boats traveling at higher  
8 speeds disturbs the waterline and erodes the  
9 property adjacent to the creek. I have seen that  
10 very close to the property, very close to --

11 THE CHAIRMAN: I'm sorry to interrupt  
12 you. In your petition do you not address erosion;  
13 therefore, we will not take testimony concerning  
14 erosion.

15 MS. BOWSER: All right. Just saying.  
16 The noise of powerboats and Jet Skiers is nearly  
17 continuous from late morning to late afternoon in  
18 warm weather. Thank you. There is one other  
19 person who wanted to address this.

20 THE CHAIRMAN: We'll call that person.

21 MR. MARSH: William Jenkins. Thank you,



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1 ma'am.

2 MR. JENKINS: Good afternoon, how is  
3 everybody? Thank you for your time. I live on the  
4 Oyster Harbor side of Oyster Creek, been there for  
5 17 years. I've had powerboats all my life, grown  
6 up on the water, sailed all over the world. The  
7 reason I moved to this community was to raise my  
8 children to enjoy waterfront activities. The  
9 biggest boat that I've seen on that creek at high  
10 speeds is a 17- to 20-foot Whaler. There are no  
11 big boats that zoom around that harbor at high  
12 speeds towing things for tubing or waterskiing.  
13 Because the water is shallow, four feet deep on an  
14 average, you're talking Boston Whalers. The kids  
15 have had a ball growing up and have been for 50  
16 years learning how to run boats, take care of boats  
17 and be safe on water.

18 My thoughts are this came up about a  
19 bunch of years ago, I think nine or ten, somebody  
20 said let's try to put a speed limit in. It's not  
21 necessary. Oyster Creek, Fishing Creek, Lake

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1 Ogleton are all pretty much on par with not having  
2 speed limit and all the communities respect that.  
3 Thank you for your time, appreciated it.

4 MR. MARSH: Thank you.

5 THE CHAIRMAN: Excuse me, sir. You want  
6 to make a comment on what he said?

7 MR. HUGHTON: No, I'd like to make a  
8 comment on Oyster Creek.

9 MR. MARSH: All right, sir. Would you  
10 come up and state your name for us? Thank you.

11 MR. HUGHTON: My name is William Hughton  
12 (phonetic) and I actually boat on Lake Ogleton,  
13 which is two creeks over, and I have waterskied on  
14 Oyster Creek a number of times. There are so few  
15 places left that are reasonably calm to waterski in  
16 that I would vote strongly that they do not  
17 restrict this creek. There's no way to get large  
18 ocean racers in this creek. The waterskiers and  
19 Sea-Doos and Jet Skiers are restricted as it is and  
20 there has been no evidence of accidents such that  
21 would cause me to believe this creek should be

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1 closed to waterskiers.

2 MR. MARSH: Thank you, sir. Thank you.  
3 Any questions from the committee members?

4 THE CHAIRMAN: Wait, another man here.

5 MR. MARSH: Just a minute.

6 THE CHAIRMAN: Go ahead.

7 MR. MARSH: Yes, sir.

8 MR. NELSON: Good morning. My name is  
9 Jack Nelson and I'm a resident of Venice Beach and  
10 my family has been there since the early '50s,  
11 we're approaching 60 years on the creeks, Venice  
12 Beach and Highland Beach. In addition to that I  
13 was a member of the Chesapeake Bay Program Citizens  
14 Advisory Committee and that committee is sponsored  
15 by EPA and is mandated to oversee the EPA program  
16 to clean up the bay, and I was a member of that for  
17 19 years as a volunteer, so I can appreciate your  
18 time and what you're doing today. I have sat  
19 through many meetings such as we're doing today.

20 I have a couple of comments. One, I  
21 guess I'd like to start out by countering some of

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1 the things that have been said. The size of boats  
2 in the creek, that's actually not true that the  
3 largest powerboat we see on the creek is 17 feet.  
4 That's far from true, there are 30-footers, we have  
5 a 28-footer --

6 A PARTICIPANT: Excuse me, I meant at  
7 speed, not --

8 MR. NELSON: If I can finish.

9 MR. MARSH: Let him finish.

10 THE CHAIRMAN: No one can speak unless  
11 I'm recognizing you.

12 A PARTICIPANT: I'm sorry.

13 THE CHAIRMAN: If you have a comment  
14 after he finishes, I'll recognize you.

15 A PARTICIPANT: Understood.

16 MR. NELSON: First of all, if you have a  
17 pointer I can indicate where my wife and I live.  
18 We live toward the mouth of the creek, exactly  
19 where that pointer is. Yeah, our house is right  
20 there. So we're --

21 MR. GRANT: I can point to creeks too.

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1                   MR. NELSON: Our house overlooks the  
2 creek so I see the boats coming in and out of the  
3 creek all the time. I see all types of boats  
4 speeding, not only the Jet Skis, but the large  
5 boats, there are some large boats that come in and  
6 run up the creek and love to come through the  
7 channel with no wake, get to the mouth of the creek  
8 and then boom, hit that throttle and they lay as  
9 fast as they can down to the end of the creek.  
10 This boat is probably, I would say 26, 27 feet  
11 long. I don't know about this gentleman, what he's  
12 seen, but that's far from what I've seen.

13                   Let me get back to what I really wanted  
14 to say. We have seen many changes in this creek  
15 over 60 years, ecological changes and changes as  
16 far as use. When I was a kid I used to spend hours  
17 and hours waterskiing on this creek, but at that  
18 time the creek was more ecologically balanced. We  
19 had grasses, the kind of fish that we had, the  
20 snakes and turtles, all of this, it was very  
21 different from what we see today. When you go to

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1 this creek today, it's almost barren. There are no  
2 grasses, we do have crabs, they're surviving, but  
3 you don't see the diversity that you used to see at  
4 one time. Blackwalnut Creek, which is on the other  
5 side by the way, which is not bulkheaded and is a  
6 no wake creek, all you see are paddlers and  
7 sailboats, small sailboats in that creek. They  
8 have much more diversity, they still have the  
9 grasses, it's much more ecologically balanced like  
10 it was years ago.

11 My point is the impact that we're having  
12 is sediment and in this day we're all concerned  
13 about TMDL and one of the measurements of TMDL --

14 THE CHAIRMAN: Excuse me, sir.

15 MR. NELSON: Am I running out of time?

16 THE CHAIRMAN: No, you're addressing an  
17 issue that was not --

18 MR. NELSON: No, I believe that someone  
19 mentioned --

20 THE CHAIRMAN: No, we have a copy of it  
21 right here and we'll be glad for you to see it and

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1 you really have to kind of -- you can comment on  
2 the petition, but you cannot get off of the issue  
3 which we're addressing. The other issues that  
4 you're bringing up have not been investigated and  
5 that's going farther --

6 MR. NELSON: Well, okay. I wish Officer  
7 Maple I believe his name was who I spoke to when he  
8 came to the creek were here to testify himself  
9 rather than someone else, because the sediment was  
10 one of the concerns that he was going to be  
11 testifying on. Someone asked why would you  
12 recommend that the speed limit be changed, that was  
13 a major part of his recommendation, was the  
14 sediment issue, and that was not I don't think  
15 brought across by the testimony that the officer  
16 that was testifying to when she spoke.

17 THE CHAIRMAN: Okay. I mean I  
18 appreciate your position; however --

19 MR. NELSON: Okay. Well, I'm not sure  
20 what I can say because I haven't seen the petition,  
21 I didn't realize that I was limited to that, but I

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1 would like to comment on one other thing and that  
2 addresses what one of the previous speakers spoke  
3 to and that is that it's one of the few spots left  
4 to waterski. That's one of the reasons why we  
5 would like to have it changed. What's happened,  
6 it's become like a magnet, so like on Sunday  
7 mornings, my wife in our bedroom, which is on the  
8 front side on the creek, 8 o'clock in the morning,  
9 it's like Jet Skis, and we're not talking about  
10 one, sometimes one, two, three, four, five and then  
11 they come in with these large Jet Skis, there are  
12 three people on them, so it's really a huge impact  
13 within the community. It's been a huge change for  
14 this tiny little creek. It's a very small creek as  
15 you can see, it's not like some of the previous  
16 creeks that were shown, this is a tiny creek, and  
17 we, we just, you know, it's time, it's time for the  
18 change. The creek has changed, the use has  
19 changed, it's time for this change to come.

20 THE CHAIRMAN: I want to make a  
21 correction, I first said that the part about the



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1 grass issue and things were not part of the  
2 petition; however, it is part of the petition and I  
3 stand corrected. And of course what you said will  
4 be considered.

5 MR. NELSON: Okay. Right. If I can  
6 just say one final thing. In the spring when you  
7 look at the creek, and actually I have some  
8 pictures here -- I didn't realize the committee was  
9 so large, I only made one and one. I would like to  
10 submit them for the record. The bottom two  
11 pictures here show on a Sunday morning when I walk  
12 out to the edge of my pier and look down to the  
13 creek, you can actually see the water, you can see  
14 the bottom, the bottom is clear, but on a Sunday  
15 when we have a lot of boating activity and a lot of  
16 Jet Ski activity, by the afternoon when you walk up  
17 along the shoreline what you see is all this ripped  
18 up sediment, because what happens is when the waves  
19 come in they slap against the shore and that creek  
20 has a muddy bottom and what's happening is it's  
21 ripping up all this sediment, and as these

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1 photographs show you can see the sediment actually  
2 being ripped up along the shoreline. It is a very  
3 major concern. And I would like to submit these  
4 for the record.

5 THE CHAIRMAN: Thank you.

6 MR. MARSH: Thank you, sir. Any  
7 questions from the committee members?

8 MS. TROVATO: I have a question.

9 MR. MARSH: Down here and then we'll get  
10 you.

11 MR. BLACKISTONE: I have a question. On  
12 the chart it has oyster.

13 MR. NELSON: Yes.

14 MR. BLACKISTONE: Is that an oyster bar  
15 there that's circled?

16 MR. NELSON: I'm sorry, I can't answer  
17 that.

18 MR. BLACKISTONE: Anybody know? Any  
19 commercial watermen working that creek?

20 MR. NELSON: No. Oh, no, I can't say  
21 that. There are trotlines that come in there,

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1 whether they're commercial or not, I think they're  
2 recreational, but I'm not sure.

3 MR. BLACKISTONE: Okay. My final  
4 question is again your petition says, not yours,  
5 but whoever's, the Venice Beach petition says it's  
6 a very small body of water. How long, how wide?

7 MR. NELSON: The officer that came  
8 out -- again, I'm sorry that officer is not here to  
9 testify -- took those measurements. When I spoke  
10 with him he was in the process of taking those  
11 measurements so I know DNR has that, it could be  
12 supplied for the record.

13 MR. MARSH: And --

14 A PARTICIPANT: Rough guess, sir, about  
15 seven to eight hundred yards long and about three  
16 hundred yards wide, rough.

17 MR. MARSH: Thank you. Any other  
18 questions?

19 THE CHAIRMAN: Do you have a question,  
20 sir?

21 A PARTICIPANT: I have an electronic

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1 chart program if you'd like to look at that later.

2 MR. MARSH: Thank you. Ramona.

3 MS. TROVATO: My question was answered,  
4 thank you.

5 MR. MARSH: Any other questions from any  
6 of the committee members? Anybody else that wants  
7 to say anything, to testify for or against? Okay,  
8 thank you very much for coming, we do appreciate  
9 it. Thank you.

10 The next one is Mill Creek. Let Mike  
11 describe it first and then you can speak, Officer.

12 MR. GRANT: Mill Creek is just east of  
13 Annapolis, Annapolis being on this side over here.  
14 Cantler's restaurant is right here for the locals.  
15 The request -- the current speed limit in here  
16 Saturday, Sunday and holidays, six knots. The  
17 request is to extend that all the way down to here  
18 adding this area right here, and there's a small  
19 shoal here, they'd like a shoal marker and no wake  
20 zone here. Currently everything up in the creek  
21 six knots at all times, there's a large shoal

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1 coming off right about here that forces traffic  
2 over and around here. And as far as input, I had  
3 two names on the petition, the gentleman right in  
4 this area here is the petitioner. We had 21 people  
5 for, 16 against; calls 10 for, four against.  
6 E-mails, one for and five against. As far as  
7 comments, against, it's wide and deep enough to  
8 handle the traffic and activities, it's one of the  
9 few bodies of water left for skiing and  
10 wakeboarding and there is very little mid-week  
11 traffic and newcomers should have not moved to the  
12 water. For the regulation, there are too many  
13 boats that are too large and too fast, there's a  
14 hassle to anchor vessels, it's a hassle to anchor  
15 vessels, and others are coming too close and too  
16 fast to them, wake boats are an issue, operators  
17 are ignoring established speed limits, disrupts  
18 fishing and people fishing, there's reckless  
19 pilotage, shore erosion and increased sediment,  
20 damage to vessels in slips and personal watercraft  
21 too close, too close to one another and other

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1 structures.

2 MR. MARSH: Thank you. Officer, would  
3 like to speak to that petition?

4 OFFICER MARKERT: I'm Officer Markert, I  
5 work the area. In regards to the petition, in the  
6 way that I read it and the information that I  
7 received, it was just for the Martins Cove area of  
8 Mill Creek they're requesting, the restriction is  
9 necessary to promote safety within the waterway,  
10 and I went back and researched the past two years,  
11 the complaints that we have received have been in  
12 regards to people towing without spotters,  
13 hazardous navigation in the terms of pilings that  
14 are sunk there. One sunken vessel, a report for  
15 lost property and a flare sighting. There is  
16 nothing to indicate to me there's any concern about  
17 safety or speed.

18 I'd also like to point out there is no  
19 such regulation as a no wake zone. I don't think  
20 this is the proper forum to be requesting a  
21 separate type of speed zone. The only speed zone

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1 that you could request, which I think the  
2 petitioner means, is a minimum wake. If you have  
3 no wake you can't put a boat through. Every boat  
4 makes a wake and every boater knows they're  
5 responsible for their own wake. I feel that's  
6 unnecessary, and it's quite a niche spot there.  
7 The way that you see the mouth of the, of that  
8 Martins Cove goes, right there, that is quite a  
9 small area inside of a very small creek. A shoal  
10 marker may do well, but again, no wake zone is not  
11 a proper terminology and I don't believe a minimum  
12 wake zone is needed in that area. There's already  
13 through Martins Cove a six-knot zone for holidays,  
14 Saturdays and Sundays all times of the year.

15 In terms of requesting for a six-knot  
16 zone all times during, it's basically Mill Creek  
17 proper is what you're referring to there, I don't  
18 oppose that. There's a lot of traffic there,  
19 there's a lot of crabbing during the recreational  
20 crabbing season; a lot of trotlines go through, a  
21 lot of families go through there. Those guys do

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1 happen to get waked a lot, I see that on the  
2 weekends, not so much during the weekdays though.

3           The worst part of that creek is actually  
4 the entrance channel. If you're familiar with  
5 that, it snakes around, I don't understand why  
6 that's not a six-knot zone at all times or even a  
7 minimum wake zone, although that's not being  
8 requested there so I guess we can't bring that up.  
9 But that's all I've got to say about that.

10           MR. MARSH: Thank you.

11           THE CHAIRMAN: I've been in that area  
12 about 10 or 15 times this season so I know every  
13 foot of that area. There is a restriction I  
14 believe in reference to that, the snake channel, it  
15 is six knots.

16           OFFICER MARKERT : It's still six knots  
17 for the --

18           THE CHAIRMAN: For that small section.

19           OFFICER MARKERT: Right, just for that  
20 section.

21           THE CHAIRMAN: Okay.



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1                   OFFICER MARKERT: But even going, before  
2 you even come into there and once you get out of  
3 there, that restriction is not there, so in essence  
4 you're coming around and then coming back around  
5 that day marker and then it's just open season from  
6 there, and it's just, it's almost, at nighttime  
7 especially I mean it's quite blinding trying to get  
8 in there and those markers aren't even lit at  
9 night.

10                   THE CHAIRMAN: It's tough in the daytime  
11 when there's another boat coming out exceeding the  
12 speed also.

13                   OFFICER MARKERT: Right, and there's  
14 also a lot of sailboat activity that comes in and  
15 out of there and they're very large, and again,  
16 it's hard to see around. It's quite a narrow  
17 channel. That's another day.

18                   MR. MARSH: Thank you, appreciate that.  
19 The petitioner, spokesperson, that would like to  
20 speak. Yes, sir.

21                   MR. PARKER: Donald Parker. May I just

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1 see what you guys have to look at on this? Because  
2 I have something that may be useful, a photograph.

3 THE CHAIRMAN: Sir, I hate to keep  
4 saying this, but if you have something to say to  
5 the committee, I would appreciate if you address me  
6 first. I make that decision as to what --

7 MR. PARKER: Sure. One of the items  
8 that you have to consider there is a very poor  
9 third and fourth generation Xeroxed copy of a photo  
10 that I already submitted. So I provided a much  
11 better version of that and it will probably be  
12 useful for you.

13 MR. MARSH: Thank you, sir.

14 THE CHAIRMAN: I appreciate you doing  
15 that; however --

16 MR. PARKER: Ask you first.

17 THE CHAIRMAN: That's it.

18 MR. PARKER: Gotcha.

19 THE CHAIRMAN: All right. Let's go on.

20 MR. PARKER: My name is Donald Parker,  
21 I've lived near that minimum wake zone requested

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1 area for 32 years. I'm also a Coast Guard  
2 Auxiliary qualified coxswain, aids to navigation  
3 verifier and boat crew academy mentor, so I know a  
4 little bit about this. I just passed out a drawing  
5 that shows where the three dozen petitioners who  
6 have signed are physically located, and they're  
7 along this shoreline like so, and virtually the  
8 entire lower peninsula from Forest Beach Road and  
9 this entire shoreline here. So with all this  
10 adaptation on this Google Earth overlay it's hard  
11 to see that here's a shoreline and here's a  
12 shoreline and there's a sandbar that sticks out and  
13 after big boats go through that S-channel they are  
14 at speed now and they come in to this confluence of  
15 Mill Creek and Martins Cove and then they stop  
16 because they're generally going to Cantler's to gas  
17 up or some such thing. And so we have 40-, 50-foot  
18 boats displacing tons and tons that just stop, so  
19 you see how much sense it makes that all these  
20 people on these docks, the entire peninsula and  
21 over here, of course they're the ones who are upset

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1 about this. They get hit with tons of water  
2 constantly.

3 Now, there's a sandbar here. I point  
4 out in my letter -- and by the way, I was supported  
5 on this petition by Jeff Halpern, who submitted a  
6 separate letter to Bob Lunsford along with mine,  
7 who raised environmental concerns as one of the  
8 issues, and I hope that letter wasn't lost.

9 Things we're complaining about and  
10 requesting relief from have gotten worse over the  
11 past 10 or 15 years. Part one, the six-knot marker  
12 that's currently in place used to be back here.  
13 The people Bob Lunsford put me in touch with who  
14 actually deploy the buoys say no, no, no, no,  
15 that's not the case, but I'm telling you, 32 years  
16 I know they were back here and so do my  
17 co-supporters that have been there many years. As  
18 they migrated this way that's exacerbated our  
19 problem because people don't want to slow down  
20 until they see a six-knot marker and so those tons  
21 of water move closer. Where the six-knot marker is

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1 back here and the boats stop, there is that whole  
2 little basin in here available for the water, the  
3 wakes, to dissipate before they hit us. Okay?

4           You'll notice in that handout I sent  
5 around that this sandbar is exposed during winter  
6 tides or abnormally low tides even during the  
7 season. What that causes is that all of the boats  
8 that are docked on the end of the peninsula here,  
9 when a big wake comes and hits this sandbar and  
10 starts breaking, turns into a breaking wave, our  
11 boats actually hit the bottom as they rock.  
12 There's a picture of my 42-foot 22,000-pound  
13 sailboat that takes a lot to get that thing rocking  
14 and rolling out of control, where it hit my finger  
15 pier and broke a huge piece of it, the rub rail off  
16 the side of the boat. I also, because my property  
17 is too narrow to legally support a piling, not a  
18 boat lift, I keep the same Sunstream floatlift  
19 there that's used by law enforcement agencies and  
20 Coast Guard for the RB25s, and now that these  
21 markers have moved back this way, a boat came in

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1 about four months ago, did a U-turn at 20 knots and  
2 broke the walls on that Sunstream floatlift.

3 You were holding your fingers up, John.

4 THE CHAIRMAN: Two minutes.

5 MR. PARKER: Two minutes. So in essence  
6 we've got three problems. We've got damage, safety  
7 and we've got environmental problems which Jeff  
8 would like to talk to. As far as safety and the  
9 reason why we're requesting a minimum wake zone is  
10 because there's a gas dock here and there is a heck  
11 of a lot of gas traffic to Cantler's gas dock. We  
12 think it's kind of no-brainer that a gas dock  
13 should be a minimum wake zone, and given the  
14 problems I just described with the sandbar one  
15 should swing an arc for this minimum wake zone from  
16 just this side of the gas dock around to and  
17 include this marina. Seems pretty sensible.

18 We would like the six-knot markings to  
19 be 24/7, 12 months of the year because even outside  
20 of the boating season we have very, very large  
21 watermen coming in from Rock Hall and places like

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1     that delivering crabs to Cantler's and gassing and  
2     those 40-foot big watermen boats throw a lot of  
3     water and bounce around the sandbar. I think  
4     that's about it.

5                   THE CHAIRMAN: Thank you.

6                   MR. MARSH: Thank you. Bill, is it Bill  
7     Siwak? Is he here? How about Nathan --

8                   MR. MARSH: Thank you.

9                   MR. SIWAK: Good morning. My name is  
10    Bill Siwak. I guess the last -- that's between you  
11    and -- anyway, I'm here, I didn't get an e-mail in  
12    time, but I'm here in opposition to the petition to  
13    change the six-mile-an-hour zone, but before I  
14    start on that, one of the things that I wanted to  
15    correct, and I've lived on this creek for 28 years  
16    and I've been on Rock Creek for 20 years in a  
17    community where we have waterfront access, we have  
18    piers, we have a boat ramp, I ran the marina down  
19    there for a number of years, so I spent a fair  
20    amount of time on the water and around it.

21                   THE CHAIRMAN: Could you show us where

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1 you live, sir?

2 MR. SIWAK: It's not on there, it's the  
3 upper end. They didn't show you the creek going up  
4 further.

5 THE CHAIRMAN: I've been all the way up  
6 there, yes.

7 MR. SIWAK: So I live -- if you might  
8 recall, further up the creek there's several  
9 marinas and they had petitioned --

10 THE CHAIRMAN: Very narrow.

11 MR. SIWAK: Well, not very narrow, it's  
12 narrower than that, but they petitioned for a no  
13 wake zone and they have some buoy markers out  
14 there, so you go past those, we're in that area.

15 There is a dogleg sandbar there, a  
16 sandbar comes out and you take a dogleg, and from  
17 that marker on that whole area is only six miles an  
18 hour on Saturday, Sunday and holidays, it's not  
19 full time, up from there. The officer that talked  
20 about it, she can correct me if she knows  
21 otherwise, but the shoal mark starts just before



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1 Cantler's, east of Cantler's. As also stated, when  
2 you come into the, come into the channel, that's,  
3 that's got a marker for Saturday, Sunday and  
4 holidays six mile an hour. And then as also told,  
5 you have Martin Creek and Burley Creek, which is  
6 off of Mill Creek, and has a six-mile-an-hour  
7 limit.

8           So what I'm telling you here is on the  
9 backside, okay, so this narrow channel here, what  
10 you have is in my opinion a McMansion Creek that  
11 I've see in the last decade where people have come  
12 in and bought up the small cottages, torn them down  
13 and built themselves a mansion and put a pier out  
14 there and bring in a 40-foot boat, and they really,  
15 you know, they really don't want to see a lot of  
16 traffic in their front yard. Cantler's, which is  
17 known for its restaurant, I don't think is known  
18 for its gas dock. It does have a gas dock and in  
19 the years that I've lived there, you know, I might  
20 see one or two boats a week buying fuel there,  
21 maybe the crabbers in the morning that are going to

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1 Martins Cove to buy fuel there, but it's not a  
2 favorable, a favored fuel dock by any means.

3           And what I've also observed is that  
4 those people coming in the creek, if they see the  
5 six-mile-an-hour marker they are usually respectful  
6 and slow down going through that narrow section as  
7 well. There are always a few hot doggers and  
8 there's going to be waterskiers on weekdays that go  
9 through that narrow and go out into the upper part,  
10 make a turn and come back down through the channel  
11 and go out to the wider section of creek, which is  
12 not shown on there.

13           So in consideration of all these things  
14 I see there's no need to change the speed limit to  
15 a full time zone. I don't see any need to move  
16 this down towards Martin Cove because Martins Cove  
17 has a six-mile-an-hour speed limit and there are  
18 boats sitting there, of course, but they may be  
19 boats that are too big for their slip, I don't  
20 know, I didn't investigate that. I don't know if  
21 the DNR has done that as well. But I am definitely

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1    opposed to changing the situation as it is today to  
2    cap the speed limit just east of Cantler's on  
3    Saturday, Sunday and holidays and not moving it  
4    south or east of Martins Cove because I believe  
5    that area is one of the few areas that are open for  
6    waterskiers, recreational boaters, and you go  
7    beyond six mile an hour and go tubing or whatever  
8    that may be.

9                    So -- let's see if I have -- the other  
10   thing I wanted to mention, we do have sort of a  
11   museum on there. I think it was Isabel was the big  
12   hurricane that flooded and anybody that goes up the  
13   creek will notice a sailboat sitting on the pier  
14   and you can see some of the boats there never  
15   moved, so they're just tied there as sort of --

16                   THE CHAIRMAN: Anchor.

17                   MR. SIWAK: Just lying at anchor sitting  
18   on top of the pier, waiting for the next hurricane  
19   to float the boat. It's never happened, but you do  
20   see boats that are tied up that never move. You  
21   get all kinds, but the situation has been where the

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1 McMansions come in and people don't want to see  
2 recreational traffic in front of their boats,  
3 that's it, but I'm opposed to it. Thank you.

4 THE CHAIRMAN: Thank you, sir.

5 MR. MARSH: Thank you for your concern.  
6 Question?

7 MR. DWYER: Point of clarification, the  
8 wide area in the green, is that, is that existing  
9 as our paper says six knots at all times?

10 MR. SIWAK: No, it is not.

11 MR. GRANT: That's incorrect, that's  
12 incorrect. Saturday, Sunday and holidays, my  
13 mistake.

14 MR. DWYER: Thank you.

15 THE CHAIRMAN: Wait. You have, do you  
16 have a question, sir?

17 MR. MARSH: No question, just  
18 clarification.

19 THE CHAIRMAN: I'm trying to -- just one  
20 moment. Do you have a question?

21 A PARTICIPANT: No.

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1                   THE CHAIRMAN: All right. Okay. Do you  
2 have a question? Now, go ahead.

3                   MR. BLACKISTONE: Mr. Parker, in your  
4 handout that went by you had a list of all the  
5 people that live -- now, so did I understand from  
6 that that the Cantler family and Cantler's  
7 restaurant support this whole thing?

8                   MR. PARKER: It's tremendously  
9 significant because of course Cantler's are deadly  
10 opposed to six knots on the creek 24/7 for the  
11 entire creek. They agree that the channel, you  
12 know, that S-channel should be six knots all the  
13 time. They also agree that six knots from the  
14 extension of -- that lower section of hash lines  
15 back to the next shoal, they agree with that. All  
16 of these are watermen and the restaurant  
17 themselves, the restaurant got concerned when one  
18 of their kids that works the gas dock almost got  
19 his leg chopped off as a boater was fueling. His  
20 gunnel came too close to the piling and fortunately  
21 forced the kid's leg in front of the piling rather

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1 than against it. It's a very dangerous situation  
2 to have wakeboarders. This isn't like 20 years ago  
3 --

4 MR. BLACKISTONE: Hold on, this is a yes  
5 or no answer.

6 MR. PARKER: Yes, they support it.

7 MR. BLACKISTONE: They all support all  
8 the changes?

9 MR. PARKER: Roger that. And I, I have  
10 their signatures saying so.

11 MR. BLACKISTONE: The second --

12 MR. GRANT: This petition just came in  
13 today, the front page is by Cantler's.

14 MR. BLACKISTONE: The second question, I  
15 saw there's a boatyard and a marina.

16 MR. PARKER: Two boatyards.

17 MR. BLACKISTONE: Two boatyards, they  
18 both signed the petition?

19 MR. PARKER: Absolutely.

20 THE CHAIRMAN: Okay. One moment. Do  
21 you have a question?

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1 MS. TROVATO: He answered it.

2 THE CHAIRMAN: Who has a question?

3 MS. TROVATO: I asked if the Cantlers  
4 signed the petitions and they say yes.

5 MR. PARKER: Yes, Jimmy, Dan, Eric,  
6 Carroll and Louis.

7 THE CHAIRMAN: All right.

8 MR. MARSH: Thank you. We have another.

9 A PARTICIPANT: I have a question. They  
10 signed the petition today, yes?

11 MR. GRANT: I don't know. No date on  
12 the petition.

13 A PARTICIPANT: You said you just got  
14 in.

15 MR. GRANT: That's correct.

16 MR. MARSH: It wasn't in our package,  
17 sir. We'll pass that around and look at it.

18 THE CHAIRMAN: Excuse me, sir, just a  
19 moment, just a moment. In reference to your  
20 challenging the petition, we make that decision,  
21 and we appreciate your concern about this.

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1                   Now, there's another question here for  
2 someone and back here? Do you have, do you wish to  
3 say something, sir?

4                   MR. MARSH: State your name, sir.

5                   MR. COHEN: My name is Ed Cohen, and  
6 I've brought people in and out of Cantler's, I'm a  
7 captain too, and you do have a problem that there  
8 are waves being generated in front of the  
9 restaurant that cause disruption, but I do have a  
10 special question for each and every one of you all,  
11 is that if I'm not mistaken what I heard in this  
12 petition is that there are wakeboard boats  
13 operating. These boats purposely, deliberately  
14 make a big wave, and I'd like to know what you're  
15 going to do about it?

16                  MR. MARSH: Thank you, sir.

17                  THE CHAIRMAN: That issue is not part of  
18 this petition, and therefore, unfortunately I'm not  
19 going to make a comment on that at the moment. Did  
20 you have something that you want to add?

21                  MR. MARSH: He's the same one.



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1                   MR. HALPERN: I didn't fill out the  
2 form, I didn't see that I had to sign in. My name  
3 is Jeff Halpern, H-A-L-P-E-R-N, I live at 2219  
4 Mulberry Hill Road.

5                   THE CHAIRMAN: Speak into the mic.

6                   MR. HALPERN: 2219 Mulberry Hill Road  
7 right on the creek, I have lived there for a little  
8 over 10 years now, and I'm also one of the joint  
9 filers of the petition, I wrote one of the original  
10 letters on this. Those of us who have lived on the  
11 creek and watched the creek, almost universally,  
12 almost everybody on the creek there has supported  
13 this motion. It's not -- I understand that there  
14 may be people on either end of the creek that are  
15 unhappy with us, but for our concern, we've been  
16 watching this situation occur. We're not opposed  
17 to waterskiing, there's a large basin to the,  
18 further to the, I guess that's southeast of us and  
19 there's waterskiing there. That's an ideal place  
20 for waterskiing, there's room to turn without  
21 creating a wake. However, within the cove we've

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1 watched a real change.

2 I have a scientific method. When I  
3 first moved in there and looked at my dock lines,  
4 they'd been there for five years and then it went  
5 down to two years and now I'm replacing every year.  
6 The wave action has definitely increased within the  
7 cove, it's measurable.

8 The other thing that's a measurable  
9 guide, when we had Isabel it laid a brown layer of  
10 sediment across the bottom of the cove. That  
11 sediment disappeared, and I was curious whether it  
12 was there or not, and so the following winter I  
13 went out there and I dug a hole and there it was  
14 about a half an inch below the surface. At this  
15 point when you measure below the surface it's down  
16 about four or five inches, meaning there's enough  
17 sediment in the cove to bury that brown layer four  
18 or five inches, and this is an ongoing situation.

19 The comment that I made, I was talking  
20 about sediment in the creek. Now, a lot of creeks  
21 the whole creek is riprapped, that would not be a

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1     terribly significant issue, but in this case a lot  
2     of us are using vegetative stabilization. When I  
3     moved in the creek there was grass on the bottom of  
4     the creek and that served as part of our vegetative  
5     stabilization of the banks. That grass has been  
6     killed off. You can walk out now almost to my boat  
7     at low tide in the winter and the grass is gone.

8             THE CHAIRMAN: Thank you, sir. Not just  
9     your creek, but it's many areas of the bay, so  
10    you're aware of that, many areas of the bay. From  
11    this, from this sort of -- if we can stay focused,  
12    now, you have one more point to make, whatever you  
13    wish to add.

14            MR. HALPERN: Okay. But my point is  
15    there was grass there when I moved in and in the  
16    10-year period of time it's gone away and no amount  
17    of replanting seems to restabilize it. And this is  
18    really where we have the sandbar in the area that's  
19    being marked. Also, this statement, as far as I  
20    know, Martins Cove is not a six-mile-an-hour speed  
21    limit. There's a marker on the south point that

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1 says six knots but there's no, no other marker and  
2 it's not observed by everyone that goes in there.  
3 Most of us that live on the creek do shut down the  
4 throttles. I think these markers are highly  
5 effective; I've watched the boats roar up to them  
6 and then shut down the throttles right at it, I  
7 think it works. If we can get the speed markers in  
8 there, the creek will be protected. And that's my  
9 four points. Thank you very much.

10 MR. MARSH: Thank you very much,  
11 appreciate that. Anyone else that wishes to speak?  
12 Yes, sir, state your name, sir.

13 MR. TOPJIAN: My name is --

14 (Discussion held off the record.)

15 MR. TOPJIAN: I'm sorry, my name is  
16 Nishan Topjian, I live at 3468 Forest Beach Road,  
17 which is at the point of the peninsula we're  
18 talking about, right in between the Cantler's  
19 restaurant and the other Cantler marinas. Very  
20 briefly, as I'm sure some of the questions about  
21 size and impact we're talking about, about 40, 45

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1 people are in support of the immediate vicinity of  
2 this location and very few, less than a handful,  
3 are opposed to this. Basically what we're asking  
4 is to remove the existing marker at a hundred yards  
5 seaward, that's really all we're asking to do. The  
6 existing marker which is just in front of the  
7 sandbar that my neighbor Mr. Parker has and which  
8 abuts the Cantler's restaurant, because of those  
9 boats slowing down, the tons of water they bring  
10 does not seem to make the improvements or the  
11 necessary safety results that we all want. We're  
12 asking if we could move that a hundred yards south  
13 or towards the bay so the boats will slow down  
14 earlier and have lots of room and the problem will  
15 go away and that's really it, a hundred yards. And  
16 the vast majority of the homeowners and the boaters  
17 and the slip owners, including the marina owners,  
18 the Cantlers, the restaurant, and everybody that's  
19 in support of it, everybody that signed the  
20 petition that we submitted, and very few people are  
21 opposed to it. We're not trying to limit skiing.

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1 There is skiing area up and down this little, very  
2 narrow area. A hundred yards, that's all we're  
3 asking, at all times.

4 THE CHAIRMAN: Thank you very much.

5 MR. MARSH: Anyone else that wishes to  
6 speak?

7 THE CHAIRMAN: Any questions from the  
8 board?

9 MR. MARSH: Go ahead.

10 MR. KLING: This is for Mr. Parker or  
11 for Jeff. Assuming we move this line, recommend  
12 moving the line a hundred yards, whatever that  
13 distance is, why don't we -- why doesn't that set  
14 us up next year or the year after for the boats  
15 that live -- you're telling us there's a wave surge  
16 when people come down off of plane. Why aren't you  
17 just pushing that problem further down the creek  
18 and why won't that lead to somebody coming back,  
19 the guys down at the bottom?

20 MR. HALPERN: Well, it's much wider up  
21 there.

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1                   MR. KLING:     It's not, it's not much  
2 wider.

3                   MR. HALPERN:   Steve, there is a large,  
4 very large basin that occurs that when you get to  
5 the markers and before you get to the spot.

6                   MR. KLING:     You're not there. I mean  
7 we're looking at the chart and you've got a much  
8 wider area because you have Martins Cove up there.  
9 You're going to be putting the line at a narrower  
10 point where there's less dissipation of the waves,  
11 so why isn't that just going to push the problem  
12 down the creek?

13                  MR. HALPERN:   Where we would like the  
14 marker to be --

15                  MR. KLING:     I understand where you want  
16 it to be.

17                  MR. HALPERN:   When I plotted out where  
18 that was, it was about 60, 70 feet south of the  
19 southern sandbar. That's not quite where it is on  
20 the chart, but that's roughly it. What happens,  
21 you have some places that's maybe a half a mile

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1 wide and there is a cove that absorbs a lot of the  
2 impact and a lot of boats turn there and go back  
3 out, they don't go into the cove on plane or with  
4 skiers, and then you get to the narrow spot at  
5 Cantler's. So we're not, we're pushing it to an  
6 area that's wide enough to absorb those wakes and  
7 not --

8 MR. KLING: Pushing to a narrower area.

9 MR. HALPERN: Mr. Kling, we're not  
10 arguing that the marker should be placed at some  
11 specific point. If you think it should be 25 yards  
12 or 50 yards one way or other to prevent the kind of  
13 problem you're describing, so be it. We're just  
14 saying where it is now clearly causes us to get hit  
15 hard.

16 MR. MARSH: We got the message. Any  
17 other questions?

18 MS. TROVATO: Okay. So I think  
19 Mr. Parker said early on that the six-knot marker  
20 used to be southward from where it is and I wanted  
21 to ask the officer and Mike Grant what happened.



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1           MR. GRANT: As far as I know this marker  
2 is where it's supposed to be based on our  
3 information.

4           MR. PARKER: And it didn't move in one  
5 fell swoop. Over 20 years every season it moves a  
6 little bit, it just gets closer and closer to  
7 Cantler's.

8           MR. GRANT: According to hydrographic  
9 records that's exactly where it's supposed to be.

10          MS. TROVATO: Thank you. Thank you.

11          THE CHAIRMAN: Okay. Yeah.

12          MR. MARSH: Any more questions from the  
13 committee?

14          THE CHAIRMAN: We have one more, Coles.

15          MR. MARSH: Yeah. Thank you very much  
16 for coming, we appreciate that, and we're going to  
17 move along. Thank you again for coming.

18                   (Discussion held off the record.)

19          THE CHAIRMAN: We're running a little  
20 behind schedule, we want everyone to have an  
21 opportunity to speak, so let's take the last one

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1     now.

2                   MR. MARSH: We're going to do Severn  
3     Narrows. And Mike.

4                   MR. GRANT: Severn Narrows, all the way  
5     at the top of the Severn River. Currently the  
6     entire river is 35/20 with the exception of this  
7     area right here, which is currently six knots  
8     Saturday, Sunday and holidays, and then during the  
9     weekdays 35/20. The Sunrise Beach area, this is a  
10    ski area up here, there's a large bay up here with  
11    more recreation. They're requesting again for six  
12    knots Saturday, Sunday and holidays for this length  
13    and in this cove here. This line actually comes  
14    out to here, it's a little bit too far, but the  
15    line comes something like this.

16                  A PARTICIPANT: The request is all year,  
17    not just Saturday and Sunday.

18                  MR. GRANT: Right --

19                  A PARTICIPANT: That's current, that's  
20    current.

21                  MR. GRANT: It's already Saturday and

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1 Sunday, right. At all times, requesting at all  
2 times, I stand corrected. All right. So Severn  
3 Narrows, petition is 15 signatures. Website three  
4 for, 27 against; calls one for, two against;  
5 e-mails seven for, 14 against.

6 A PARTICIPANT: What was that first  
7 number again, please?

8 MR. GRANT: Which one?

9 A PARTICIPANT: The first number you  
10 said about e-mails?

11 MR. GRANT: E-mails seven for and 14  
12 against.

13 A PARTICIPANT: Petition is 50 total?

14 MR. GRANT: 50 for total.

15 A PARTICIPANT: 50 for.

16 MR. GRANT: 50 for. Severn Narrows  
17 against, traffic has declined, no longer necessary.  
18 I will tell you that I received an e-mail from the  
19 original petitioner, who said that he had requested  
20 to pull his name from the petition, no longer feels  
21 that it's necessary because traffic has declined

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1 and no longer necessary. Saturday, Sunday and  
2 holidays works fine. Access to the bay, not the  
3 river, would be hindered. It's an established safe  
4 area for families to enjoy the water and there is  
5 very little traffic, boat wakes have helped deposit  
6 sand on the beach, it hinders access to the ski  
7 waters, and creates enforcement of established  
8 regulations. For the petition, it's a hazard for  
9 nonpowered vessels, kayaks, small boats, standup  
10 paddlers, canoes, et cetera, visibility is an issue  
11 at dusk and dawn, there's too many Jet Skis too  
12 close to piers and other structures, shoreline  
13 erosion and too many wake boats.

14 MR. MARSH: Thank you. The officer that  
15 patrols that area, would you -- let's hear your  
16 thoughts.

17 OFFICER HUNT: How is everyone? I'm  
18 Officer Hunt, I'm assigned to that portion of Anne  
19 Arundel County in the Severn River. At this point  
20 in time it's my opinion and the opinion of my  
21 fellow patrol officers that patrol that area that

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1 the current regulations that are in place are,  
2 we're satisfied with. I pulled some complaints we  
3 got from April 15th until September 18th and the  
4 Natural Resource Police Communication Center logged  
5 four complaints. All four complaints were from the  
6 same person and they referenced speeding vessels  
7 and vessels causing wakes. On some of these dates  
8 the complaints were called in, the current  
9 regulations that are in effect, the six-knot, is on  
10 the weekends and holidays, these complaints were  
11 called in on weekdays. During the entire year this  
12 year, boating season this year, up to this date  
13 there have been no citations issued in that area  
14 for anything. It's pretty self-regulated in our  
15 opinion.

16 MR. MARSH: Thank you. Any questions  
17 for the officer? Thank you very much, appreciate  
18 you coming in.

19 OFFICER HUNT: Thank you.

20 MR. MARSH: Would the petitioner or the  
21 spokesperson come forward and speak? We have quite

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1 a number of people on the list to speak, so we ask  
2 you if you would probably not be redundant. If you  
3 have something else to add we would like that. So  
4 what's your name, sir?

5 MR. BIEDENKAPP: I'm Gary Biedenkapp and  
6 I live at 695 Shore Road in Carrolton Manor.

7 THE CHAIRMAN: Spell your name.

8 MR. BIEDENKAPP: B-I-E-D-E-N-K-A-P-P.

9 MR. MARSH: Thank you.

10 MR. BIEDENKAPP: Yes. The person that  
11 originally put the petition in, Jimmy Craig, who is  
12 not here today, did pull out of being involved in  
13 this, so he and I kind of spearheaded it, so I have  
14 to couple of things that I had to say. There may  
15 not have been complaints to the DNR, but there are  
16 lots of people that go up and down the river.  
17 There are, there are waterskiers in the mornings  
18 that come through there that really enjoy that and  
19 they're one at a time and it's very nice for them.  
20 There are times later in the day when wakeboarders  
21 come through there, it's a narrow area because it's

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1 called the narrows, that these people come close to  
2 the piers, they come close to each other, there's  
3 hardly enough room for them to cross each other,  
4 and I do agree that the people that waterski in the  
5 morning and in hours when it's quieter, it will be  
6 a change for them, but for the safety of the other  
7 people that are out there I do think it should be  
8 changed to six all the time.

9           There are other places to waterski. And  
10 it is a safety issue, there have been deaths in  
11 there, the pier was hit three times, so it is a, it  
12 is a safety issue. And not everybody is as  
13 courteous as some of those waterskiers that come  
14 through there one at a time.

15           MR. MARSH: Thank you. We have other  
16 people that would like to speak, but we understand  
17 that there's some concerns there, so we just --  
18 Burt, yeah.

19           A PARTICIPANT: I don't want to yell  
20 into this thing. I'm here to talk for some of the  
21 residents of Ben Oaks. My family has lived about

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1 two miles up from the narrows at the end, but we're  
2 two miles upstream from this area of the narrows.  
3 My family and I have lived in the area -- the other  
4 way. You're right, it's turned, that's my fault,  
5 you're correct. My family and I have lived in the  
6 area almost 50 years, I grew up on the water here,  
7 boating since I was early teens, very familiar with  
8 this area. For those of you that don't know Ben  
9 Oaks, we've got about nine acres on the water that  
10 we own collectively, we have 2,000 feet of  
11 waterfront that we have as a community. We're a  
12 very big boating community, and I mean anything  
13 from sailboats, powerboats, kayaks, very familiar  
14 with six-mile-an-hour-zones, we have one in the  
15 cove that we have our community pier. It is just  
16 like the narrows, currently it's on Saturdays,  
17 Sundays and holidays. We occasionally will get  
18 people that don't abide by the law as I'm sure  
19 happened here, so we're aware of all of this.

20 We are vehemently opposed to this. I  
21 have a petition with me and this was just the other



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1 day at a community party I asked if some people  
2 would like to sign, I've got 53 names I'd like to  
3 submit right now that are opposed to this being  
4 changed. I don't know who I present this to.

5 (Document tendered.)

6 THE CHAIRMAN: Thank you.

7 A PARTICIPANT: Thank you. I know that  
8 if I spent more time on this -- I was asked late  
9 even to be involved, one of the people that had  
10 been involved early is now across the ocean with,  
11 he's in service for our country so I kind of had to  
12 step in, so I apologize, I'm kind of late to the  
13 party so to speak.

14 One of the things is we do believe the  
15 laws now totally take care of the problem. During  
16 the week there's very few people going through  
17 there trafficking. We really believe from where we  
18 live and there's, it's Indian Creek Marina is up by  
19 us, a lot of us enjoy going out to Round Bay and on  
20 to Annapolis to crab, fish, let alone recreation,  
21 and this would impede, you know, us getting through

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1     there.  Those of us who are boaters, we understand  
2     controlling our wake and we do so.  There's always  
3     going to be people that do not do what they're  
4     supposed to, and we understand that, but I don't  
5     think this legislation is going to stop that.

6                     It's also a very safe area as the  
7     gentlemen mentioned before to have skiers, children  
8     on tubes that go straight through there, you know,  
9     during the week and it's a safe area and you stay  
10    away from piers, there's plenty of room in there.  
11    We also think honestly it might actually cause some  
12    damage to the values of our property that are up  
13    the river from this because we do access larger  
14    areas of the water going through there and that is  
15    definitely going to slow our process during times.  
16    Five in the morning I'm going to a crabbing spot,  
17    there's no reason I can't be doing 10, 15, maybe 20  
18    knots through there if I'm not putting up a lot of  
19    wake.

20                    I also have, one of our other neighbors  
21    I know has some other points that he'd like to

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1 make. Appreciate your time, thank you very much.

2 MR. MARSH: Thank you very much.

3 Anybody else in opposition to this petition that  
4 would like to speak? Yes, sir.

5 MR. MCNUTT: I think I'm next on the  
6 list, but you want to --

7 MR. MARSH: If it's anything different  
8 than what's been presented. If you have another  
9 point we'd love to hear that.

10 MR. MCNUTT: I'm Todd McNutt and I live  
11 in Ben Oaks, I've been here for six years and put  
12 about 150 hours on my boat this year already, so I  
13 go through the narrows quite a bit. I think the  
14 main points I'd like to add beyond what Burt  
15 already pointed out is that there are very few --  
16 there's only one significant commercial pier, that  
17 is upstream from there, that's in Indian Landing.  
18 It's not large, no gas docks, not a lot of activity  
19 from that, and secondly, in 30-plus years there's  
20 been no significant residential development on that  
21 creek, there hasn't been that many added piers or

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1 anything, so nothing has changed in 30 years. And  
2 then lastly I would like to point out that this  
3 zone here is very bidirection, there's not a lot of  
4 cross traffic and people flying back and forth in  
5 many different directions. It's very easy, you  
6 know, everybody kind of knows it's a runway and  
7 it's a bidirection thoroughfare and it's very safe  
8 and visible, there are no blind turns or shoals,  
9 it's easy to navigate through there, plenty of  
10 visibility. I believe it's safe and these signs  
11 are a hugely unnecessary restriction on all of us  
12 that live upriver. It's almost a mile long, you  
13 know, if you take an added 10 minutes to go through  
14 there at six knots, and as an avid fisherman and  
15 crabber that goes out on the weekend, I think  
16 that's an excessive amount of time for us.

17 MR. MARSH: Thank you, sir, appreciate  
18 that. Anybody else in opposition?

19 THE CHAIRMAN: Get to you next.

20 MR. MARSH: Make sure we get everyone.

21 THE CHAIRMAN: I want to add one more

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1 thing. We want everyone -- we want everyone to  
2 have an opportunity to speak, but we do not wish to  
3 hear the same repetitive thing that's just been  
4 said. If you, if you agree with what's been said,  
5 you can say I agree with that, your name and it's  
6 on the record, or you can go for something new that  
7 you wish to add. You certainly have an opportunity  
8 to add it.

9 MS. PETERSON: I'm Barbara Peterson, I  
10 live very close to the narrows back above the Anne  
11 Arundel County waterski course, and I kayak in the  
12 narrows a lot on both weekdays and weekends, and  
13 during the week there are very few boats in that  
14 channel, primarily they are the waterskiers coming  
15 up to use the course and those people know their  
16 rules, they have quiet boats and they behave, I  
17 don't feel threatened in there, and I think also  
18 the entire Severn River had an exhaustive process  
19 of setting limits from the beginning to the top.  
20 This was done in a very systematic, careful and  
21 thoughtful way and I think ad hoc changing it here

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1 and there is not justified by any behavior that I  
2 have seen on the river. Thank you.

3 MR. MARSH: Thank you very much.

4 Anybody else that would like to speak in  
5 opposition? Yes, sir. If you have something else  
6 to add.

7 MR. WALKER: Yeah, Ken Walker, I live  
8 just to the west of that, right, right about there.  
9 I represent the Severn River Waterski Club. The  
10 rest of the people, there are about 45 family  
11 members, families for waterskiing --

12 THE CHAIRMAN: Are you for or against?

13 MR. WALKER: We are absolutely against  
14 that.

15 THE CHAIRMAN: Okay, we wanted to hear  
16 that.

17 MR. WALKER: Yeah. We do use the  
18 course, as was mentioned, we all know the rules on  
19 how to use the course and we do ski in there, we  
20 frequently --

21 MR. MARSH: Speak up a little bit.

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1           MR. WALKER: We frequently go by either  
2 going further out into the cove or coming down  
3 through the narrows. If there's any wind at all  
4 the narrows is the perfect place to ski because  
5 it's a nice area to ski in and is protected.  
6 Further out in either direction there's issues.  
7 During the week I ski about three days a week and  
8 in the mornings and every once in a while in the  
9 evenings. We go through there all the time to get  
10 to the other ski course that we maintain down in  
11 the upper creek. If we see another boater out  
12 there as we're traveling one way or the other,  
13 it's, it's rare. On weekends there's definitely a  
14 lot of traffic through there, and I agree this is  
15 not necessary. But during the week, you just don't  
16 see any reason for it.

17           THE CHAIRMAN: Thank you very much.

18           MR. MARSH: Thank you very much. Anyone  
19 else that would like to add something?

20           A PARTICIPANT: Actually I have nothing  
21 new to add.

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1 A PARTICIPANT: I do.

2 MR. MARSH: On the record.

3 THE CHAIRMAN: You can just say you --

4 MR. MARSH: Say your name and --

5 A PARTICIPANT: Tom Perflug (phonetic)  
6 and I live above the river next to Ben Oaks and I  
7 think the previous gentlemen captured all the ideas  
8 that I had.

9 MR. MARSH: Thank you. You're opposed  
10 to it?

11 A PARTICIPANT: Yeah.

12 MR. MARSH: State your name.

13 A PARTICIPANT: Steven Coral (phonetic),  
14 and I live in the middle of the narrows. I have  
15 two properties there on the beach and I  
16 respectfully respect your concern, the petitioners'  
17 concern, but I think the main issue is wake, not  
18 speed. There's boats that, 35-foot powerboats that  
19 go through there pushing water that are not on  
20 plane, they make tremendous wakes, they do that on  
21 the weekend with the six-mile-an-hour limit as



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1 well, they're doing 10 knots. That's a law  
2 enforcement issue, it has nothing to do with during  
3 the week. It occurs during the week too, but the  
4 six-mile-an-hour limit has not prevented it during  
5 the weekend and I think that's the main issue. I  
6 have no erosion on my beach, never from waves, only  
7 from storms.

8 The issue about the pier being hit,  
9 that -- you gotta be an idiot to hit a pier. I  
10 mean a speed limit is not going to control that and  
11 on Interstate 95 instead of having a  
12 60-miles-an-hour limit, it should be six knots.

13 MR. MARSH: Thank you, sir. Anybody  
14 else have any opposition that would want to add  
15 something new? Yes, get on the microphone, please.

16 MR. BEAKERS: Hi, folks. I'm in  
17 opposition. My name is Tom Beakers and I'm with  
18 the waterski club. Hi, Russ. I met Russ several  
19 years ago. I moved down to this area in '93 when I  
20 first started waterskiing in the ski club and I'd  
21 just like to share a little bit of my experience,

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1 and it has to do with family values.

2 A lot of the time I spent with my sons,  
3 who are very good citizens of the country, one is  
4 in the Air Force and he's done very well for  
5 himself and went to college, but the time that I  
6 spent with my sons during the evening, after  
7 school, to go through those narrows and let them  
8 waterski and learn the value of water sports and  
9 teach them the right things was absolutely a great  
10 value for them. It got time for me to spend with  
11 my kids that I would have not been able to do if  
12 that waterway was shut down, because if you push  
13 everybody out towards the ski course there you wind  
14 up even in the evenings with more boat traffic and  
15 then it's not a good, safe situation when this  
16 happens, and that happens on the weekends. As you  
17 know, there has been some terrible things that  
18 happened on the weekends where there was a death in  
19 July several years ago. That's when boat traffic  
20 was up in that area, so I just want to say that I'm  
21 absolutely opposed. There is safety -- you have to

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1 teach people as well as, you know, like he said,  
2 you gotta be an idiot to hit the pier. So thank  
3 you very much for your time.

4 MR. MARSH: Thank you very much. There  
5 was a gentleman over here and I will recognize you,  
6 sir.

7 A PARTICIPANT: I live on the narrows, I  
8 live right there originally in the narrow part and  
9 then I moved around. I want to make sure you  
10 understand that rip there is probably under 200  
11 yards, we're talking about a very narrow area, and  
12 in fact I don't think you can have two boats pass  
13 each other and not violate the law, be a hundred  
14 feet from both sides, both piers and a hundred feet  
15 between each one, I don't think that two boats can  
16 pass each other.

17 30 years ago, 25 years ago, 20 years  
18 ago, even 15 years ago, I skied in there. It's a  
19 great ski area, I agree it's a great ski area, but  
20 you guys aren't there during the week, you're not  
21 there when the wakeboarders are running up and down

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1 and passing each other within 25, 30 feet of the  
2 pier. You're not there when you see the kind of  
3 damage that goes on there, and we did lose a life  
4 there about 10, 11 years ago, and when you're  
5 coming up north, especially in the spring and fall  
6 the sun is coming down, you can't see. I stopped  
7 skiing there ten years ago because you can't see a  
8 person in the water. You can't see a swimmer, you  
9 can't see a fallen skier. So we're here for  
10 safety.

11 I know it's an inconvenience for people  
12 from Ben Oaks who want to get to the bay, but the  
13 fact is sometimes you have to give up. I hate  
14 seeing this lost as a ski area because I ski and I  
15 love it, but we have more boats, bigger boats,  
16 faster boats and we have wakeboarders. We didn't  
17 have wakeboarders 15 years ago. If they were just  
18 skiing I would say okay, no changes.

19 So I just want to be on the record that  
20 we spoke, we lost a lot of our supporters because  
21 of the time, but I think you'll find at least the

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1 homeowners that live there that have to witness the  
2 kind of danger that goes on there are certainly in  
3 support of this petition. Thank you very much.

4 THE CHAIRMAN: Just a moment, someone  
5 over here wanted to say something.

6 A PARTICIPANT: I would.

7 THE CHAIRMAN: Just a moment now, I'm  
8 trying to get people in order, so if you, if you  
9 put your hand up before -- this may not be the time  
10 to do it -- your hand has been up, you want to say  
11 something and then I'll get to you and then I'll  
12 get to you and that's it, I think that's going to  
13 be it.

14 A PARTICIPANT: I have a video that I'd  
15 like to show.

16 MR. MARSH: We'll get to you.

17 THE CHAIRMAN: Excuse me, you have a  
18 video you'd like to show?

19 A PARTICIPANT: Yes, I have a video that  
20 I would like to show.

21 MR. MARSH: Fine, you want to show that

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1 video?

2                   A PARTICIPANT: I have it on my iPad,  
3 this gentleman can't access so I have it on my  
4 iPad.

5                   MR. WILSON: I'm Jim Wilson and I'm  
6 adamantly opposed to this regulation. I've been  
7 skiing on the river for a long time. I'm currently  
8 the treasurer of the ski club, but I've been skiing  
9 on the river since the early '70s and the traffic  
10 during the week is almost negligible. You go  
11 through there and we rarely see anyone during the  
12 week time, especially during the day, and, you  
13 know, so the weekends, I understand, we don't even  
14 ski on the weekend, it's a ski club, because if  
15 there's any wake at all we don't go out, and during  
16 the week we go through there if it's windy, so I  
17 just wanted to put that on the record.

18                   MR. MARSH: Thank you very much. I  
19 think we're --

20                   THE CHAIRMAN: We have this gentleman  
21 here and then we have, we have one there and then

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1 we have a lady that's going to show us the video.

2 MR. MARSH: These are in favor of the  
3 petition, correct, in favor?

4 A PARTICIPANT: Of the six knots.

5 MR. MARSH: We want to make sure that we  
6 keep three to five minutes for the presentation.

7 MR. COHEN: My name is Ed Cohen, I live  
8 right in the middle of the narrows and I've lived  
9 there for over 15 years. I've always lived on the  
10 Chesapeake Bay, I work on the Chesapeake Bay, I  
11 work with big ships is my real job and I'm also a  
12 licensed captain. My boat on the river has been  
13 affected, the waves are so big that it broke a  
14 chock. DNR did not record this. Okay, I'm just  
15 telling you right now. I'm also going to tell you  
16 this is the third time that residents have been  
17 before this group that I know of and there have  
18 been a number of deaths. This is about safety.  
19 And what has been happening is there has been an  
20 increase in boats, particularly in the evening.  
21 There is an Internet site that's telling people to

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1     come to the Severn River Narrows and run their  
2     wakeboard boats. A wakeboard boat operates faster  
3     than six knots. It has a water tank or a vane or a  
4     tower and it is purposely, deliberately making a  
5     wave. Some of these boats don't come from the  
6     area.

7                   THE CHAIRMAN: Sir, some of, some of  
8     what you're saying is true and some is not.

9                   MR. COHEN: What isn't true?

10                  THE CHAIRMAN: Well, you said -- we'll  
11     discuss it later, but go ahead.

12                  MR. COHEN: This is about safety. There  
13     is no, there's nothing to control the number of  
14     boats. The wakeboard boat is not a waterski boat,  
15     it doesn't come into the waterski course. The  
16     waterski course, I've been skiing this. The Severn  
17     River people, they have a sign that says no wake.  
18     What the Office of Homeland Security says, if you  
19     want to control wakes you can have a speed zone and  
20     that's what the residents are asking for, is  
21     they're asking for a speed zone. I have pictures



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1 of the pier that's been hit three times. I also  
2 have a picture which was submitted to DNR, I  
3 actually asked for the name of the owner and I was  
4 told that I couldn't. The boat was operating at  
5 nighttime and it was beach surfing and it was  
6 making big waves, it had fat people hanging off the  
7 back of the boat, it had running lights on and it  
8 did not have a tow. I actually contacted the  
9 Governor's Office, the letter went to Mr. John  
10 directly, I personally wanted to contact the  
11 person, DNR would not come up and see this type of  
12 behavior.

13 I think you need to know and understand  
14 that wakeboarding is different than waterskiing. A  
15 wakeboard boat has fins on the bottom of the boat.

16 THE CHAIRMAN: We're familiar with that  
17 type of boat.

18 MR. COHEN: So the only thing that we  
19 can ask for the residents that live north of marker  
20 13 that are opposed, the value of that property is  
21 over \$75 million, the waves cause shoreline

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1 erosion, the numbers of the boats cause safety  
2 problems --

3 THE CHAIRMAN: Thank you.

4 MR. MARSH: Thank you.

5 THE CHAIRMAN: Now, we have one person  
6 here and then we have a movie and then I think  
7 that's going to hopefully get everyone that wants  
8 to speak.

9 MR. MARSH: You're in favor, sir.

10 A PARTICIPANT: I am against.

11 MR. MARSH: Against, okay.

12 MR. GIST: I am against the legislation.  
13 I'm Ronnie Gist (phonetic), I'm a longtime boater  
14 on the Severn, I waterski with the ski club. All  
15 the people at the table are in opposition, I just  
16 wanted to make sure that my name got on the record  
17 as opposition. We didn't know if we needed to come  
18 up to do that or not, that's all. I have nothing  
19 else to say.

20 MR. MARSH: That's fine, we like to get  
21 you on the record, sir. Thank you, appreciate

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1     that.  And we can get this movie up -- yes, sir --  
2     something else to add?

3                   MR. KUTUN:  I'm opposed, yes.  My name  
4     is William Kutun, I've been waterskiing on the  
5     Severn River since 1977, and I'm vehemently opposed  
6     to this.  Again, waterskiing and all water sports  
7     are, have been restricted and I don't see that as a  
8     positive thing.  Talking about law enforcement,  
9     that's another issue.

10                   MR. MARSH:  Thank you, sir.  You're  
11     opposed, you would like to get on the record?

12                   MR. HOPKINS:  Yes, I would just like to  
13     get on the record, I'm Dwight Hopkins and I'm also  
14     with the ski club.  One thing I'd like to mention  
15     is that boating inherently is dangerous.  Living is  
16     dangerous, taking a bath is dangerous, so I think  
17     everything has already been stated pretty much, but  
18     if you're worried about safety that much maybe you  
19     should live in a cocoon.  I don't know.  Thank you.

20

21                   MR. MARSH:  Thank you, sir.  I just

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1 want --

2 THE CHAIRMAN: Now we're going -- wait,  
3 excuse me -- we've got to go to the young lady here  
4 next.

5 MS. GAINES: Thank you.

6 MR. MARSH: We'll get you.

7 MS. GAINES: My name is Sue Gaines, I  
8 live in Carrolton Manor and I live on the narrows  
9 and it's probably the most narrowest part of the  
10 narrows and I have a video --

11 THE CHAIRMAN: Excuse me, are you for or  
12 against?

13 MS. GAINES: I'm for the six miles an  
14 hour year long, and actually I want to say thank  
15 you for you all in the ski club that respect our  
16 waterways, because you do. That narrow portion,  
17 you all do. My issue is not with the people that  
18 do respect it, my issue is with those that don't  
19 and, you know, it's, excuse me for saying, I live  
20 there on the narrows, most of the people that are  
21 against this do not, and they just want to pass

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1 through. I live on it, so I see it every day. I  
2 work out of my home and I see it every day. So I  
3 have a video that I want to show. Unfortunately  
4 it's on my iPad. And the reason I went out to my  
5 pier to take this is because a wakeboarder had just  
6 come by, somebody had fallen off their wakeboard  
7 and they took a 180 about 20 feet from my pier. So  
8 I came out to watch him doing it again, but what I  
9 caught was another boat coming down and almost  
10 hitting the guy that was in the water. So that's  
11 what I wanted to show. Unfortunately it's small,  
12 so I can do it twice or just walk by.

13 THE CHAIRMAN: No objection, you can  
14 walk by and show it to the board, towards that end.

15 MR. MARSH: Start down there and that  
16 will be fine.

17 MR. KLING: The other end doesn't pay  
18 attention.

19 MS. GAINES: The skier that's down is  
20 down here and here's a boat coming through. Here's  
21 the boat coming through, and the boater, the

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1 boaters with the guy in the water, they're yelling  
2 at him to slow down. He starts to slow down, this  
3 is my pier right here, and he starts to slow down  
4 and what you can't see is he's actually right here.  
5 Had they not yelled at him he would have gotten hit  
6 because he was right smack in the middle of the  
7 river. This is what we see every day. Every day,  
8 not just -- I mean we don't just see it on  
9 weekends, but it's every day, so I can send this to  
10 you if you need it.

11 THE CHAIRMAN: Yeah, do that, yes.

12 MS. GAINES: Do you have an e-mail  
13 address?

14 THE CHAIRMAN: Somebody over here.

15 MS. GAINES: Do you all want to see it?

16 MS. TROVATO: Sure, I want to see it.

17 MS. GAINES: This is way back from that  
18 very small boat.

19 MR. MARSH: Sir, I'll get to you.

20 MS. GAINES: And you can see the boats  
21 rocking. Let me start in from the beginning.

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1 Here's the boat coming, the guy's in the water  
2 already, and here, down here, and they're yelling  
3 at him to slow down and he finally starts to slow  
4 down and this is where I -- and he's out here in  
5 the water and then I'm taking the video when he  
6 took off, so you can actually see him take off,  
7 he's going slower now and then you can see how  
8 close he was when he saw me pick up. It's really  
9 hard to see, it's very hard to see it, you can't  
10 see him, but he was taking off.

11 THE CHAIRMAN: We are --

12 MR. MARSH: I'd like to see that too.

13 THE CHAIRMAN: We will take your word  
14 for the fact that there was a near miss and near  
15 fatal possibility, which does occur unfortunately,  
16 and I'm familiar with that area because I've been  
17 through it about 20 times and it is, to me it's  
18 narrow, I have a trawler, but, that's, you know,  
19 neither here nor there. I'm neutral in these.

20 (Discussion held off the record.)

21 MR. BLACKISTONE: I need a clarification

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1 here on safety. How many accidents have happened  
2 in the narrows, does the police officer know or  
3 anybody know?

4 THE OFFICER: I'm sorry, what was your  
5 question?

6 MR. BLACKISTONE: How many accidents?

7 THE OFFICER: I've only been on the  
8 river for two boating seasons, okay, I had my  
9 communication center pull the report for me for  
10 this year. This year there were no accidents,  
11 there was no cases of negligent operation, there  
12 were no indications of operating while under the  
13 influence in that area.

14 MR. DWYER: I would like -- would you  
15 show us where you live? You're pretty much on the  
16 narrows part, right? How much damage have you had  
17 to your property?

18 A PARTICIPANT: It's not about damage,  
19 it's about safety.

20 A PARTICIPANT: As the one lady said,  
21 narrowest point, I'm somewhere in here. I'm on the



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1 other side of the tracks as everybody else, but --  
2 I have a beach, a nice sandy beach and two  
3 properties, and I have, you know, no erosion from  
4 traffic.

5 A PARTICIPANT: Was it a safety issue or  
6 an erosion issue?

7 THE CHAIRMAN: Well -- excuse me.

8 MR. MARSH: Hold on.

9 THE CHAIRMAN: Don't answer.

10 A PARTICIPANT: I'm sorry. I thought it  
11 was a safety issue.

12 THE CHAIRMAN: We do not debate in here,  
13 we hear testimony period. Now --

14 MR. MARSH: Yes, sir.

15 THE CHAIRMAN: -- I will recognize you  
16 to make a question, but I'm going to hear this  
17 gentleman here and I'm going to then hear your one  
18 question and I'll hear one from you and then we'll  
19 break for lunch. All right.

20 A PARTICIPANT: Just very quickly, I  
21 mean it seems to me most of the arguments are about

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1 waterskiers and the needs of waterskiers and things  
2 like that. I'd like to say I do not ski, I rarely  
3 ski at all, and if I do it's somebody else's boat,  
4 not mine, and really it's about our ability to  
5 commute to Annapolis and other things in the  
6 evening, and it's a huge burden on us, so I don't  
7 want it to be about waterskiing and what the  
8 waterskiers want. I'm a fisherman. Thank you.

9 MR. MARSH: Thank you.

10 THE CHAIRMAN: Now, we have one question  
11 from the board, which I will let them ask the  
12 question and then we will let you make your last  
13 comment and that will be it. Go ahead.

14 MS. TROVATO: So my question to the  
15 folks who would like to make this six knots at all  
16 times is your issue safety, are any of you  
17 waterskiers, are any of you out there doing this or  
18 is this just something that you're looking at from  
19 above and saying oh, my goodness, those people  
20 shouldn't be taking those risks? I'd like to  
21 understand.

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1           A PARTICIPANT: I've waterskied before  
2           and we're not, we're not talking about the  
3           waterskiing course up here or up the river, we're  
4           not talking about that. What we're talking about  
5           is safety inside the narrows.

6           MS. TROVATO: And my question to you is  
7           are you trying to regulate other people's safety  
8           from looking down on them from your homes --

9           A PARTICIPANT: No.

10          MS. TROVATO: -- as you're looking down  
11          and saying gosh, they're so close, they could get  
12          hurt, oh my goodness, we should not let them do  
13          that anymore?

14          A PARTICIPANT: There is nothing to  
15          prevent a big Sunseeker from coming through the  
16          narrows and making a big wave. The only thing we  
17          can do is ask for six knots, any boat of any size  
18          can come up through there at pretty much any speed  
19          up to 35 during the day, unlimited displacement and  
20          unlimited horsepower. There's nothing in the Code  
21          of Maryland Regulations that prohibits the amount

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1 of installed horsepower --

2 A PARTICIPANT: Then it's a wake issue,  
3 not a speed limit.

4 A PARTICIPANT: It's combined. Is this  
5 your boat?

6 A PARTICIPANT: I can't see that far,  
7 but I don't -- I do six knots.

8 THE CHAIRMAN: Excuse me, sir.

9 A PARTICIPANT: I waterski and I support  
10 the Severn River people who waterski on the course.

11 MS. TROVATO: My question for you is it  
12 safety for whom?

13 A PARTICIPANT: Safety for everybody.

14 A PARTICIPANT: For everybody.

15 A PARTICIPANT: For the skiers, for the  
16 homeowners, for people getting on and off the  
17 boats. We're up there sometimes with wakeboarders  
18 coming in there next to a pier and we're trying to  
19 take our boat in and out, we can't even get out, we  
20 have to hang on it and it bangs against the  
21 pilings.

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1 MS. TROVATO: Interestingly --

2 THE CHAIRMAN: Just a moment, just a  
3 moment. We are not debating here this afternoon.  
4 Now, you asked a question, the question has gotta  
5 be yes or no coming from over there, one person,  
6 and then we're going to go to the next question  
7 from the board.

8 A PARTICIPANT: Somebody answer that yes  
9 or no.

10 A PARTICIPANT: No, we're not trying to,  
11 we're not trying to tell people how to be safe from  
12 themselves.

13 THE CHAIRMAN: Thank you very much.  
14 Now, next question down here.

15 MS. CRAIG: Mike Grant.

16 MR. GRANT: Yes.

17 MS. CRAIG: When I was on the boat with  
18 you for this trip, we shot the distance at the  
19 narrowest point and my notes say it was 170 yards  
20 wide.

21 MR. GRANT: Approximately, yes.

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1           MS. CRAIG: Thank you, sir. And the  
2 current regulations for distance from shore for  
3 towing a skier?

4           MR. GRANT: A hundred from the  
5 structure.

6           MS. TROVATO: A hundred feet.

7           MR. GRANT: Right, right.

8           MS. ALLISON: We talked about safety and  
9 I have heard a number of times now that one dock  
10 has been hit three times and a report was not filed  
11 on that incident and I am curious where the dock  
12 was.

13           A PARTICIPANT: It was actually what I  
14 wanted to clarify --

15           THE CHAIRMAN: Excuse me, sir. Are you  
16 addressing the question to --

17           MS. ALLISON: I'm addressing the  
18 question to anyone that can answer it.

19           THE CHAIRMAN: I'm trying to give  
20 everyone a fair opportunity to speak, but I would  
21 say one thing, it's now 1 o'clock just about and I

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1 hate to just break off the meeting, but we are way  
2 over time now.

3 A PARTICIPANT: That hit was over ten,  
4 like ten years ago.

5 MS. ALLISON: Nothing recent?

6 A PARTICIPANT: No, no. It was alcohol  
7 involved.

8 MS. ALLISON: Thank you.

9 A PARTICIPANT: In the middle of the  
10 night.

11 THE CHAIRMAN: Not hearing any more  
12 comments from the floor I am going to adjourn the  
13 meeting.

14 (Hearing adjourned at 12:57 a.m.)

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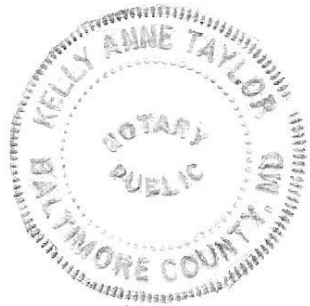
1 STATE OF MARYLAND  
COUNTY OF BALTIMORE

2

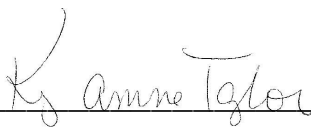
3 I, Kelly A. Taylor, a Notary Public in  
4 and for the State of Maryland, County of Baltimore,  
5 do hereby certify that the foregoing is a true and  
6 accurate transcript of the proceedings indicated.

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Kelly A. Taylor, Notary Public

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